

Robert Jackall

STREET STORIES

THE WORLD OF
POLICE DETECTIVES

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ROBERT JACKALL

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*For my students at Williams College
With great appreciation and affection*

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I

IN THE FIELD

The call came into the Midtown North squad at 2340 hours on October 17, 1991, just as detectives were packing it in for the night.¹ The evening before, some kids had done a stickup of a twenty-four-hour delicatessen at 55th Street and Lexington Avenue. The deli's owner was an Arab man, accompanied that night by another sandwichmaker, a man who had his own shop in Brooklyn. The robbery went bad. The kids shot and seriously wounded the deli owner and killed his companion. Then they fled in a van. The deli owner said that three Hispanic boys had done the robbery, but his descriptions were vague. A couple of leads had not panned out. A local derelict named "Moose" claimed to have seen the whole show; but after extensive interviews, squad members discounted his story as the fabrication of someone looking for a handout from cops.* A truck driver dropping off early editions of the morning papers at a

* Moose is a pseudonym. Throughout this book, pseudonymous names are placed in quotation marks at their first usage.

newsstand saw a van screeching away heading west on 55th Street, but he was unable to get the plate number.

All the detectives were out of the squad room, so I answered the phone. The caller, sighing and weeping, plunged immediately into his story, the words pouring out one on top of the other. It was "Harry," from Brooklyn, who had read in the newspaper about the death of the sandwichmaker. Harry, who had bought his lunch from this man for years, had overheard one of his employees talking about the murder, a boy named "Ramon," who was like a son to Harry, and sometimes babysat his children. When questioned, Ramon had told Harry that he had heard "Apples" talking about the stickup. Apples had been shot and wounded in the left arm by one of the two men in the deli. He checked into Wyckoff Hospital in Brooklyn, claiming that black robbers had mugged him. Apples also said that two other boys had gone into the deli with him. Another had stayed in the van, a vehicle that Apples had "borrowed" the previous Friday night from his workplace, an auto-leasing shop in Manhattan. Harry was calling Midtown North to ask if the police wanted to find and question Ramon.

Detectives George Delgrosso, Alex Renow, Robert Chung, and Pete Panuccio drifted back through the squad room on their way home, only to find themselves tumbled into a long night of interviewing Harry and searching for Ramon. The detectives caught up with Ramon the next day, and he quickly named the whole crew. Apples, Roberto, and "Sonny" had gone into the deli; "Dexter" had stayed in the van. Detectives found Dexter first, accompanied by a beautiful girl. When the detectives asked Dexter if she was his girlfriend, he said: "Who, her? Hell no, I just fuck her." Dexter led detectives to Apples and Roberto. Both admitted their participation in the robbery and put the gun in the hands of Sonny.

A day later, after getting a warrant to search 16-year-old Sonny's apartment, detectives found a financial statement from Beth Israel Hospital in Manhattan and tracked him down there. He was visiting his mother, who had just given birth to another son. Sonny at first denied that he was in fact Sonny; then he denied any knowledge of the crime. Then he said he had thrown the gun off the Williamsburg Bridge. In the end, Sonny confessed to the shooting, arguing that the two Arabs had started all the trouble by pulling a gun instead of allowing themselves to be robbed peacefully. Sonny had his 7-year-old nephew deliver his 9-millimeter weapon to police in a brown paper bag.

A random crossing of lives leads to the overhearing of a conversation that prompts an anguished call to the police. Detectives track down a witness who heard his friends bragging about a robbery. The witness names the culprits. The youths admit their participation in the crime and give up the shooter. The shooter confesses. Suddenly savagery committed in the dead of night becomes illuminated.

The Warrant Squad of Central Robbery, headed by Detective Sergeant Dennis Boodle, routinely crashed apartments all over the city at 0500 hours every morning, searching for long-time absconders from multiple bench warrants. Hitting locations at such early hours raised the likelihood of catching wanted criminals, who are invariably night people, but did little to endear squad members to the families or neighbors of their quarries. The work carried dangers, even when the warrants were for misdemeanors; many sections of the city resembled armed camps. Some absconders managed to beat the system for years, by learning how police think and then planning dodges and evasions accordingly.

As 1991 was coming to a close, with many wily absconders still in the wind, warrant squad detectives decided to think like criminals. They came up with Operation Jackpot. They rented a large office on the second floor of the Port Authority bus terminal at Eighth Avenue and 42nd Street and blocked out the floor-to-ceiling windows with blue paper. At the door, they erected a huge sign reading Casino Club. They sent out letters to the fifty most wanted absconders in the city, informing them that they had won \$50 and a free round-trip bus excursion to Atlantic City to go gaming. The winners were invited to come to the Casino Club on December 20 to collect their money. All winners who appeared were also included automatically in a grand drawing for a Sony television.

On the appointed day, Detective Vinnie Valerio donned a tuxedo, slicked back his jet-black hair, and waved a huge cigar while effusively greeting people who came to or passed by the Casino Club. Detective Tony Gonzalez wore a Santa Claus outfit complete with white beard. He rang a huge bell so vigorously throughout the afternoon and early evening that it eventually caused blisters on his hand. Inside the room, Detective Stacy Weiss acted as the receptionist, checking winners in as they arrived. Behind her, Detectives Imani Booker and Debbie Lawless, posing as secretaries, pounded away on ancient police department manual typewriters. Christmas carols, featuring "I'll Be Home for Christmas," played in the background.

After Detective Weiss checked the letter that a winner gave her, she motioned to Detective Sergeant Boodle, who congratulated the winner and then quietly consulted the manila folder that contained mug shots, arrest records, and warrants. Sure that he had an absconder in hand, the sergeant escorted the winner to the "cashier's office" in a back room to receive his reward. (When

one winner asked Detective Weiss about the Sony television, she responded: "Oh, well, that's for the grand jury. Uh, I mean, the grand drawing.")

The waiting area in the main room contained several chairs. Companions who accompanied the winners lounged there while waiting for their friends to collect their money. Lieutenant John Walsh and several other detectives, an Associated Press reporter, and I, all posing as winners waiting for the bus to leave for Atlantic City, chatted amiably about inconsequential trifles, engaging one another and winners' companions in discussions about the weather, the recent renovations of the Port Authority building, the lack of reading materials in the waiting room, the vagaries of the free bus schedule, and the kinds of gambling one could do in Atlantic City. Several photographers from local newspapers snapped pictures of the winners, claiming they were for promotional purposes. The air of normalcy in the waiting room gulled other winners entering the Casino Club.

At one point, two men came into the club to claim winnings. A young man with a decorated fade haircut slapped his companion on the back and said: "Well, Mr. Jones, get your \$50 there, and I'll see you outside. I got to go out cuz this here cigarette smoke is botherin me." Boodle quickly realized that the man about to leave was the wanted culprit. Two detectives quietly escorted him to the cashier's office, while Boodle told his bewildered friend to go home.

Inside the cashier's office, detectives, supervised by Detective Sergeant Ed Keitel and later accompanied by the Associated Press reporter and myself, waited to arrest, search, and handcuff the winners, who were then hustled out a back door to a paddy wagon. Most of the winners were incredulous at being duped, and chagrined to have been made into suckers. One said: "You

mean there ain't no trip? This whole thing a fake? This here a hoax?" Another said: "Do I still get my \$50?" Some were mildly indignant: "Well, you coulda come to my house and I'da come wit you."

One woman, a search of whose person revealed seven bottles of crack, was downright outraged by the police deception. When the Associated Press journalist asked her if she had been surprised by the operation, she lashed out: "What do you think this is? Get the fuck outta here, you silly bitch. What country is this? Is this South Africa? Is this Nazi Germany? What country is this? You all are the worst mothafuckas on the face of the earth. I hate you fuckin mothafuckas—all you police, scientists, and whatever the fuck you is—you is the lowest scum and slime on the face o the earth. What the fuck is you waiting for? Who is your president these days? Who is the fag? What is your president's name, or prime minister, or prime rib roast mothafucka, whatever the fuck he is. How does you get out of this country? How does you go to another world? Why don't you arrest each other? If you think you ain't gonna get slammed by everything out there that all of us is, you got another think comin."

But such outbursts just enlivened the festive atmosphere at the Casino Club. Detectives delighted in the reversal of roles. The ethos of the street is to get over on others, to make saps out of marks and exult in their humiliation, to outwit and thus defy authorities. The Casino Club sting allowed detectives to play on the larceny in the hearts of criminals, which led to their undoing. Reporter, photographers, and fieldworker became active participants in the deception, as the price of admission to watch detectives get over on those who make a living by getting over.

Detective John Bourges of the 34th squad faced a puzzle. Beginning in January 1992, detectives in the precinct had caught an unusually large number of violent crimes, including several murders of extreme brutality. The spree started with a wild nightclub shooting by a major drug dealer. Then a kid was shot twice in the head and run over with a car for good measure. Several seemingly random drive-by assaults and other wanton shootings followed in short order. One trail of blood led back to the apartment of the mother of a key suspect. A pitched gun battle in the middle of a busy street left 9-millimeter shells so thick that detectives had to kick them out of the way to avoid tripping. A restaurant where drug dealers congregated was fire-bombed, and several wild car chases compounded the mayhem in the streets.

Bourges had caught a few of these cases. In his investigations, the names of some key local players repeatedly surfaced. Curious about how far that pattern extended, he collected files from scattered cases caught by different squad detectives, all involving street violence, guns, or drugs. He discovered that the same players appeared again and again in a whole skein of incidents, sometimes as suspected assailants, sometimes as victims. He made up a large wall chart, with pictures, case outlines, and known links among the players. It was a brilliant first attempt to make sense of seeming chaos, and an electrifying moment for a fieldworker trying to understand criminal investigators' ways of knowing.

Working with Detectives Garry Dugan of the Manhattan North Homicide Squad and Mark Tebbens of the 40th squad in the South Bronx, Bourges learned that an unsolved highway

murder of a college kid in the 30th precinct was linked to the crowd of suspects. So was a murder in Brooklyn and a notorious quadruple homicide in the Bronx. The seemingly wanton violence in the 34th turned out to be part of a three-borough-wide street war between rival factions of the same gang of drug dealers, along with a sideshow war between one of these factions and an insurgent crew trying to muscle in on business.

In an unprecedented development, the district attorneys of New York, Kings, and Bronx counties agreed to consolidate their cases under a previously untested 1979 state conspiracy statute and to try the case in Manhattan. I sat on the bench with Justice Leslie Crocker Snyder during much of the joint trial of nine members of the Wild Cowboys gang—a unique opportunity to see a case from initial violence on the streets all the way through the tangle of the legal system.

These episodes were three among many defining moments during my long fieldwork with New York City police detectives. I began with a set of questions about the nature of public investigations into events that have crucial social consequences: How do officials charged with important investigations determine “truth”? What are the structure, social psychology, ways of knowing, and occupational ethics of official investigative work? Such work is critical to the functioning of any highly organized society, and an enormous amount of it gets done in the United States. The 9/11 Commission examined the plots that hatched the atrocities of September 11, 2001, and the institutional failures of different U.S. agencies that contributed to the terrorists’ success. Congressional committees probe scandals in the financial and pharmaceutical industries, in the White

House, or in Congress itself. Federal Aviation Agency investigators conduct exhaustive studies in the wake of every airplane crash, to determine who or what was to blame. New York City water-main inspectors unearth whole streets whenever a pipe bursts to ascertain the cause of the break. And police detectives investigate crime, particularly violent crime.

In all of these instances, investigators try to establish particular “truths” on the basis of which “responsibility” for actions can be assigned. Different occupational groups develop their own ways of determining what constitutes truth in their worlds and, consequently, what institutional structures or what particular persons are going to be blamed or rewarded for specific actions. So this book, as part of a larger intellectual project, examines the institutional and organizational contexts in which crucial decisions about what constitutes the truth of matters are made;² and, in the paradigmatic case of detectives who seek to discover who did what to whom, it asks how such truth gets transformed into public proof in the judicial system.

I began fieldwork with the NYPD in September 1991 at a temporary Midtown North stationhouse on 42nd Street near Tenth Avenue. Midtown North, the sprawling, variegated 18th precinct, is a cross-section of both high and low New York City, and my time there introduced me in a bracing way to the world of urban policing. Police make the city safe for everyday gullibility, foolishness, high-spiritedness, and anonymity—for respectable deals, romantic liaisons, and the lawful and unlawful pursuit of tawdriness. Early on, I spent days accompanying a uniformed police officer on his beat at the western edge of the city’s old “Tenderloin” district, seeing through his eyes the shifting intricacies and intrigues of street players and coming slowly to understand how dedicated uniformed cops thwart crimes every day through

sheer cunning and detailed street knowledge.³ But when robberies, homicides, and other acts of violence shatter this protective shield, uniformed officers call in detectives to interview witnesses, interrogate suspects, and piece together the story behind the yellow tape guarding the crime scene.

In broad daylight and into the wee hours of nights, I followed the four-days-on-two-days-off schedule of one of the Midtown North detective squad's three teams.⁴ I accompanied detectives as they knocked on doors in tidy apartment houses and flophouses alike to glean knowledge about crimes. I watched them investigate "legitimate" fronts that provided markets for the spoils of robberies, or laundered cash, or screened insurance scams. And I rode with them as they delivered prisoners to Central Booking's holding cells and sat with them watching the Manhattan Criminal Court's all-night sessions, the famous lobster shifts that, during those years, arraigned hundreds of criminals each night, seven nights a week, in rapid-fire succession.⁵

A couple of months later I started fieldwork with the Central Robbery squad of the New York City Transit Police (NYCTP), then a separate authority from the NYPD. Located in the New York State Parole Office building on 40th Street between Eighth and Ninth avenues, Central Robbery caught all robberies on the trains and buses in the five boroughs. The squad was divided into teams that focused on warrants, token booth holdups, gun robberies, and violence "in the hole" by youth gangs. Squad members regularly went to the several transit districts in each borough to pick up suspects detained by local uniformed cops. Robberies by youth gangs took detectives into high schools throughout the city to interview victims and to apprehend suspects, who, with their attorneys, jammed the squad room and its adjoining offices.

The transit police taught me all the routines and details of police procedure, indeed all the basics of detective work. I learned how detectives control crime scenes and canvass the surrounding area. I observed detectives interviewing witnesses, recording statements, establishing the identities of suspects, and interrogating them. I watched scores of lineups, peopled with suspects and “fillers” whom I had seen recruited from the nearby Port Authority terminal. I accompanied detectives as they got witnesses to court, shaped and managed “cases,” and assisted prosecutors in constructing trial strategies. Rich stories about criminal investigations, impossibly complicated to my ears at the time, were the regular stuff of detectives’ conversations. I worked steadily with all the Central Robbery teams until early January 1992 and continued to associate with the transit police through the authority’s merger with the NYPD in April 1995.

In early January 1992 I began working with the three teams in the NYPD’s 34th precinct detective squad. At that time, the precinct extended from 155th Street to the Spuyten Duyvil at the upper tip of Manhattan, and from the Hudson to the Harlem rivers. It was the NYPD’s largest geographical precinct, its busiest, and its bloodiest. I continued this fieldwork daily through the summer of 1993 and then twice a week during the following academic year, with continuing contact for years afterward. Squad bosses and detectives gave me full access to all phases of the squad’s work, even as they attempted to make their own sense of the strange fieldworker in their midst.

Unlike journalists, police buffs, fiction writers, criminal psychologists, forensic anthropologists, or movie and television script writers, I came to work with detectives day after day, night after night, for several years, in order to understand the structure and meaning of their work. I learned the intricacies of detectives’ cases as well as they did. Eventually, the police created a

new role in their world to explain to themselves what I was doing there: I became known as “the Professor.” The tag stuck and was quickly adopted by police throughout the city. The police called me the Professor even in my presence, and the Professor became a character in many of detectives’ new stories.

I was the outside observer admitted to the theatre-in-the-round drama of their occupational world. The Professor also became, along with everyone else in this workaday setting, the butt of the constant gags, rough banter, and gotchas that punctuate squad work. Once I was handed an “evidence box” that contained a facsimile of a still-twitching bloody hand. I was also expected to participate in fooling other detectives and uniformed cops. In one duping, I extolled the Malaysian beauties who graced a former vice-squad detective’s photo album of memorable prostitutes. The Professor’s seemingly innocent appreciation of female charms helped the detective gull visiting officers into unwitting expressions of sexual attraction to these men posing as women, much to the entire squad’s raucous merriment. One of my own gags was sending the squad a color photograph of myself locked behind the bars of an Alcatraz cell. This portrait of the Professor hung in the 34th squad room for years.

My long fieldwork with the police took me in several different and unexpected directions. At the beginning, to capture the rhythm of various squads’ work, I followed ongoing cases from the time detectives took them on complaints through their final or semifinal dispositions. With the 34th squad, this included an analysis of all one hundred murder cases that the squad caught in 1992. During slack periods, I also reviewed the squads’ files of old cases that detectives singled out as being particularly interesting. Usually, but not always, detectives targeted homicide cases or violent subway robberies, some of which included arson.

All the while, I interviewed detectives and had countless informal conversations with them about their work.

I always began these talks with the specific cases at hand, either new or old. I wanted to learn detectives' habits of mind and how and why they attached significance to specific details of their investigations. These interviews and conversations invariably led detectives to tell me stories about other cases they had caught and handled. Detectives' occupational consciousness is much more narrative than analytical. They organize the multiple realities they confront in their work through stories—stories that nearly burst with complicated details. Whenever files on cases were available, I asked detectives to retrieve the paper. Once I had read the dossiers, mastered the recorded details, and got the central plot reasonably straight, I reinterviewed detectives about their investigations, trying to get behind the official written versions of events. The extraordinarily detailed character of detectives' work, along with their distinctive narrative organization of it, made my work with them singular in my own field experiences.

At detectives' urging, I accompanied them downtown to 100 Centre Street for their consultations on cases with assistant district attorneys, and eventually for their testimony at hearings and trials. Through detectives' good offices, I met prosecutors in all six trial bureaus at the District Attorney of New York (DANY). I eventually extended my fieldwork to include prosecutorial work.

Beginning in the summer of 1992 and throughout much of the following spring, I spent one day each week in the Early Case Assessment Bureau (ECAB) with junior assistant district attorneys (ADAs) from Trial Bureau 50. Always supervised by bosses, often by the legendary chief of the bureau, Assistant District At-

torney Warren Murray, the ADAs assessed cases and prepared specific accusatory instruments, depending on their interviews with uniformed police and detectives and, frequently, with victims and accused culprits of crimes. These instruments also assumed narrative form, as ADAs anticipated presentations to judges or possibly juries.

Occasionally, the grinding routine of ECAB interviews generated electrifying sparks. One day, while I watched, a rookie assistant interviewed a young man from the lower reaches of the 30th precinct about his second armed robbery arrest. Faced with long prison time and hoping for more lenient treatment, the suspect described in detail several street hits in his neighborhood that he had eye-witnessed, all committed, he said, by the same tall, lanky, hooded assassin, a man whom he knew well. The story of the rookie's unexpected bonanza of information made her a star among her fellow ADAs on duty that day. District attorneys, like detectives, revel in stories that place them at the center of action.

Events in the 34th precinct led me in another unanticipated direction: to detectives' investigation of violence emerging out of the drug trade. By the early 1990s Washington Heights had become the city's hub for wholesale distribution of Colombian cocaine. It was also a retail bazaar for coke, crack, and heroin buyers from throughout the city and upstate New York, as well as New Jersey, Delaware, Maryland, and Virginia to the south and Connecticut, Massachusetts, and Rhode Island to the north. Drug dealers in Washington Heights regularly sent vast sums of money to the Dominican Republic, often in ingeniously illegal ways. They also laundered drug riches through the purchase of various restaurants, bodegas, beauty parlors, travel agencies, *casas de cambio*, car repair shops, and car dealerships. These high-cash-flow "legitimate" fronts washed dirty money, while often providing comfortable hangout spaces for gang members.⁶

Washington Heights exploded in fiery riots in July 1992 after Police Officer Michael O'Keefe, a member of the precinct's aggressive anticrime unit, Local Motion, shot and killed Kiko Garcia in a desperate struggle over a gun. Massive demonstrations besieged the stationhouse. Cars were overturned and buckets of cement were thrown from rooftops at firemen and cops, as angry crowds demanded O'Keefe's head. American-flag-burning demagoguery both from local Dominican politicians and from city-wide technicians in moral outrage focused media attention on the protests. Mayor David N. Dinkins rushed to comfort Garcia's family and then had the city pay for his funeral in the Dominican Republic.

When the detectives discovered videotapes demonstrating incontrovertibly that Garcia was a drug dealer, they argued convincingly that the riot had been largely orchestrated by other drug dealers. Narcotics traffickers were, and remain, savvy in manipulating the long-term political and cultural alliance between elites and criminals—an alliance brokered by voracious media reflexively drawn to dramatic images of racial and ethnic confrontation—in order to bring aggressive cops to an enforcement standstill. A thorough investigation by DANY exonerated PO O'Keefe that September, and the small army of police on duty in the 34th precinct forestalled further threatened civil unrest.⁷ But seeing the riots first-hand in the company of the police, I realized that any study of New York City police detectives, particularly in Washington Heights, had to examine drug-related violence. And it had to take a square look at how criminal investigators see New York City's quasi-tribal politics.⁸

Throughout my fieldwork, I systematically collected detectives' stories, and stories within stories, trying to un-

derstand the internal logic of each tale and how one tale led to another. The first book that resulted from this work was *Wild Cowboys: Urban Marauders & the Forces of Order*—a kaleidoscopic set of interconnected stories aimed at capturing the narrative-rich consciousness of detectives and prosecutors as they investigated related outbreaks of violence in Manhattan, the Bronx, and Brooklyn in the early 1990s.⁹ To reflect investigators' always-incomplete-at-any-moment understandings as they try to unravel a bewildering skein of events, I wrote the book as a "broken narrative." Like detective work itself, it starts at the bloody end of these seemingly discrete, disparate stories and moves back in time and space to their common beginnings, through all the fits, starts, confusions, dead ends, and sudden put-it-all-together insights that characterize criminal investigation.

Detectives' distinctive ways of knowing, their moral rules-in-use, and the meaning they assign to their work are all embedded in and emerge from the endless stories they tell. *Street Stories* takes readers once again into detectives' world, with tales about the way New York City police detectives investigate violent crimes in an unruly metropolis. The more complicated the case, the more intricate the story. The longer detectives work, the more stories they tell, and retell, and the more these stories trigger their own and colleagues' memories of more stories. Detectives' stories include their assessments of the stories told by others—by witnesses, culprits, and fellow detectives. They lay bare detectives' occupational consciousness—their self-images, assumptions, investigative techniques and craft, moral judgments, and attitudes toward all the players in their world. Detectives' stories reveal their aspirations, sensibilities, hopes, resentments, and fears. Their stories also illuminate dark corners of modern society.

No single book can possibly capture the full range of big-city criminal investigations, especially in New York City at the peak of violent crime in the city's history. But the stories presented here, together with three analytical essays, describe the typical encounters and intricacies of detectives' work, then and now. The book's stories detail both the routine and the bizarre crimes that detectives encounter, and introduce the range of criminals that detectives regularly meet in the course of their investigations. They dwell on the sharp moral conflicts detectives must negotiate and the sometimes strange byways of legal procedures, and they show how chance case assignments can affect career opportunities in the police hierarchy. These street stories convey detectives' sense of responsibility for their cases, while exploring some of the social and psychological consequences of lives spent investigating mayhem within a bureaucratized framework.

To do their job, investigators must piece together fragments of information to discover who committed relatively opaque criminal acts. In rare cases, detectives find fingerprints or other traces of identity at crime scenes that lead them to suspects. But usually they work with knowledge picked up off the street—some of it self-serving, some downright false, some right on the money. They analyze relationships between known criminals and their associates to map out networks of culprits or follow a chain of linked incidents. They search the vast web of municipal, state, federal, and private bureaucracies for information, carefully cultivating reliable and trustworthy sources. Detectives look for people, sometimes for months, sometimes for years, peering behind masked identities and legitimate façades, following wormholes through shadowy underworlds to find those who witnessed, knew about, or committed crimes.

Above all, detectives talk to people. They unpack the com-

mon-sense worlds of criminals, the unspoken assumptions, and the intricate associations of the street. They assess the plausibility of the stories they hear from witnesses and informants and the credibility of those stories in courts of law. With the wiles and snares of hunters, they interrogate suspects, seeking to bring their prey to the moment when the need to confess crimes outweighs the dangers of self-betrayal. When they succeed in gaining self-betrayal—through cajoling, feigned friendships, surrogate paternal concern, intimidation, or simple human empathy—they then betray their subjects to a relentlessly impersonal and thoroughly bureaucratized criminal justice system.

As public officials, detectives labor in the interstices of procedure-driven, semi-military police organizations, district attorney offices, and courts, a world of splintered jurisdictions and scattered information, intense competition for prestige, vying hierarchies, and arcane, hair-splitting distinctions. These bureaucratic behemoths fracture authority and knowledge and make absurdity the constant bedfellow of rationality. Within this milieu, detectives labor to transform their hard-won street understanding into convincing public proof that fixes responsibility for crime.

The knowledge that detectives gain emerges, as often as not, out of deception and a willingness to bypass or bend procedures. These methods pit them against the necessarily upright public self-images and rhetorics of the organizations in which they must make cases. Both official and self-appointed watchdogs persistently scrutinize the way detectives work. The roguishness of police detectives often breaks the gear-grinding institutional gridlock of the criminal justice system, even as it makes detectives and their behavior constantly subject to attack.

As representatives of established social authority, detectives become lightning rods in American society's tempests over au-

thority and its proper uses. Police guard a social order that they had little hand in forming. Even when they give voice to the plight of victims who can no longer speak for themselves, or rush into ugliness and danger from which others flee, their efforts become subject to an endless, concerted public acrimony over what kind of social order shall prevail. Their beleaguering helps shape a remarkable occupational solidarity that binds them one to another.

2

LOOKING FOR SHORTY

Detective Sergeant Ed Keitel wanted Shorty. For weeks, a one-man crime wave had terrorized passengers on the 1 and 9 trains in northern Manhattan. The robber stuck a gun in people's faces while taking their jewelry or money. The scores of victims who complained to the New York City Transit Police all described their assailant as a light-skinned Hispanic man of slender build, about five feet six inches tall, with a distinctively sallow, pock-marked face and close-cropped hair. Most victims said he robbed alone, but some put an accomplice with him. Some of these described his companion as a strung-out white woman in a cap who looked like a boy, others as a nondescript but clearly worse-for-wear black man.

At 2000 hours on November 12, 1991, Jeff Aiello, the bear-like senior detective of the Central Robbery Squad, returned to the squad's 40th Street headquarters between Eighth and Ninth avenues. The windowless, stiflingly hot first-floor complex was leased from New York State Parole, which occupied the rest of the yellow-brick building. Aiello shouted with exultation—he

had “Tyre” in tow, a raggedy man collared for a mugging by city police and picked up by Aiello at Central Booking downtown.

Tyre was looking to trade. He said he had robbed three times with a small, skinny guy named Shorty on the 1 and 9 lines, along with a skinny white girl named “Anna,” who knew how to get cash for credit cards. Shorty, Tyre said, had a funny-looking face with marks all over it. He always got on the train at 191st Street and Saint Nicholas Avenue and either rode uptown to 225th Street or downtown to 157th Street, robbing on his way. Sometimes he robbed again on his way home to 191st Street, where, just east of Saint Nicholas Avenue, he frequented two drug spots, one to cop crack, the other to smoke it. Tyre said that Shorty also haunted another drug spot at 175th Street between Audubon and Saint Nicholas avenues. After wolfing down a bag of burgers purchased by Aiello, Tyre announced that he was ready to take the cops to Shorty’s uptown hideout.

Detective Sergeant Keitel was a fresh face in the Detective Division. After a few years on uniformed patrol, he had spent many years in plainclothes chasing sophisticated out-of-town pickpockets who come into the city to work its sprawling underground world. Keitel ordered six detectives to saddle up. A laconic Lucky Strike chain-smoker, he retained vivid memories of jungle combat in Vietnam, as well as a moment in the transit police’s cramped underground office beneath Times Square when an arrested culprit, just frisked by another officer, suddenly pointed a loaded gun in his face. Keitel insisted that all Central Robbery detectives wear bullet-proof vests. In a van with tinted windows, Tyre, cuffed in the backseat, and Keitel, along with Detectives Aiello, Zeke Lopez, Carl Nuñez, Jimmy Nuciforo, Ed Vreeland, Detective Sergeant John Dove, and myself, took a

ride up to the wild and wooly 34th precinct, looking for Shorty. Two other detectives followed in a car.

Tyre guided the cops to Fairview Avenue, a steep, crescent-shaped, canyon-like hill, sloping downward from Saint Nicholas Avenue to Broadway. Halfway down Fairview, Tyre pointed out a vacant lot tucked between seven-story buildings on the south side of the street. The lot ran uphill into inky opaqueness. Next to the high stone wall at the back of the lot, Tyre said, stood three shacks. Shorty's crib was in the middle. The outline of an electrical transformer peeked above the buildings. When the detectives slid open the van's doors, the steady hum of high voltage current filled the 2200-hours dark night. Led by Keitel, the detectives stormed the sharply graded lot. They discovered couches and beds in the three well-appointed shacks. Hotplates, televisions, and videotape recorders tapped electricity from the transformer, which supplied a subway station located on the far side of the stone wall.

Meanwhile, Tyre sat cuffed in the van with me. When I asked him why he was giving up Shorty, he snorted derisively. Then he blurted out: "Fuckin Shorty's the fuckin scum o the fuckin earth." It turned out that Shorty had crossed Tyre. Once when they went to a friend's house to smoke crack, Tyre had unknowingly dropped his bag of drugs, only to have Shorty pocket it. Then Shorty began robbing other crack smokers—social misbehavior that caused the owners of the 191st Street crack house to prohibit him from entering their establishment. Tyre explained the rules at issue: "Shit roll downhill, man, and Shorty, he shit on his own peoples. You can rob all the peoples you wants on the trains, but you don't rob the peoples you smokes crack wit." But then Shorty really stepped over the line. In their last job together, while Tyre and Shorty were robbing people on a subway

platform, an old man, scared out of his wits, had a heart attack and collapsed, half of his body on the platform, and half sticking out over the track. Tyre said: "Ain't no way to treat old peoples. I gots a granddaddy too. Wooden want him treated like at."

The detectives returned to the van, panting from the exertion of the trip down the sheer hill, swearing loudly as they scraped excrement from the soles of their shoes. In tow was a small, slender woman, eyes darting, dirty face twitching, who said her name was "Alice." But no Shorty. Keitel ordered Alice into the car with two detectives. Then Keitel got into the van and asked Tyre about the girl. Tyre said that he knew her as Anna. He went on to say that Shorty, a man of fixed habits, could only be in a few other places. So Keitel ordered the detectives in the car to wait on Fairview Avenue with Alice, who had agreed to identify Shorty when he returned. Everybody else piled back into the van and headed down to 191st Street and Saint Nicholas Avenue, Shorty's home base. Detectives Lopez and Nuñez posted themselves inside the train station. All the others, including myself, sat in the van on the east side of Saint Nicholas, waiting for Shorty.

The sidewalks pulsed with near-midnight energy on that unseasonably warm late-fall night: surging crowds, boys in baggy pants and baseball hats hitting on leather-jacketed, bangled girls wearing blazing magenta lipstick and bright red shoes, all moving to the deafening throb of merengue music blasting from bodegas and gigantic speakers in the open trunks of BMWs. Money and drugs changed hands in plain view up and down the block. Tyre knew all the players. Spotting his girlfriend talking to just about everybody, he said that he hoped she was asking his whereabouts. Tyre then mentioned to detectives that Shorty might be carrying a fake gun. Detective Aiello responded that, if

Shorty went for the gun, the police would treat it as a real weapon, regardless. Better a dead Shorty, Aiello said, than a wife living off his life insurance policy, dancing her nights away with some NYPD bozo named "Ricardo" and saying "Jeff was such a nice guy."

Aiello spotted a huge hulking man strolling down the teeming street who reminded him of a ghost from his past. He mused about the incident. He was policing a train when a similarly gigantic man, dead drunk, boarded, leaned over a woman, and began fondling her breasts. Aiello immediately grabbed the man's right arm, ordering him to unhand the woman. The man casually swung his right arm back, as if he were swatting a fly, and went back to work on the now-hysterical passenger. Heels over head, Aiello rolled backward like a bowling ball, banging into the train's shelf-seats as he went. Leaping to his feet, he raced toward the man, nightstick held high. He hit the assailant on the shoulder with such force that he broke his stick in two. The baton's end piece cracked the reinforced glass of the train window. Unfazed, the man turned and charged Aiello, wrestling him to the ground in a mighty bear hug, squeezing his life-breath away, until the train reached the next station and five uniformed officers, alerted by the conductor, piled in and rescued Aiello.

No Shorty. After an hour's surveillance, Keitel ordered the van to pick up Lopez and Nuñez from the train station and then directed the whole team to return to Fairview Avenue. There, in order to conceal Tyre's new role as informant, the detectives told Alice they had just nabbed Tyre on the street. A few detectives remained on Fairview to wait for Shorty. The van, with both Alice and Tyre in the backseat, slowly cruised the drug spots on 191st Street, as well as all the other tangled streets in the area, dipping down to the 175th Street hangout. No Shorty anywhere. After

another hour, Keitel radioed the unit on Fairview to call it a night. As the van turned left on Broadway at 191st Street to head downtown, both Tyre and Alice simultaneously yelled: "There's Shorty!" They pointed to a man standing at a phone booth on the west side of Broadway, smoking a cigarette.

The driver, Detective Vreeland, made a precipitous U-turn on Broadway and then halted the van. Aiello, Dove, and Lopez clambered out, raced across Broadway, seized the slightly built man on the phone, slapped his smoke to the ground, and cuffed him. But when the detectives brought the man across Broadway to the van, both Alice and Tyre said it wasn't Shorty; he was too dark. The detectives released the man and got back into the van. Aiello asked Alice how she could mistake someone else for the man she was sleeping with. But Alice shrugged and said that the man had looked like Shorty in the dim light. A few minutes later one of the detectives cracked: "Well, we sure scared the shit outta that fuckin' guy. Maybe we shoulda said: 'Pardon us, sir, but here's your aromatic cigarette back.'"

At headquarters, I watched Aiello and Lopez interrogate Alice. She confessed to doing two robberies with Shorty. The first, she said, happened totally by chance. Shorty had asked her if she wanted to blast. She readily agreed, and they ducked into a nearby building to light up their crack pipes. As an old lady entered her first-floor apartment in the building, Shorty yanked her bag right off her shoulder, throwing her violently to the floor. The bag contained a large number of credit cards that Alice admitted selling later. But, Alice said, she protested to Shorty at the time: "Are you outta you fuckin' mind? This lady's gotta be 110 years old." She added that Shorty regularly victimized another old lady every time she got her welfare check.

The second robbery happened downstairs. Shorty and she had

planned to stage an argument on a 1 or 9 train. Shorty was supposed to jostle a victim and grab his wallet. But then before they got on the train, Shorty stuck a gun in some guy's face right at the token booth and got exactly one dollar. Alice said she jumped the turnstile in disgust and walked away. But Shorty followed her onto the platform, admonishing her to be careful because she could get arrested for fare-beating. Alice gave no specifics for any of these crimes. Only the incident on the train platform fell within NYCTP jurisdiction. But detectives possessed no paperwork on such a robbery and therefore had no case. No complainants, no formalized complaints, no crime, even though Alice confessed to crimes. That night, Keitel put Alice in two lineups for other cases where complainants pointed to a robber matching Shorty's description and working with a female accomplice. But they got no hits, and so they cut Alice loose in time for an early breakfast.

The next night, Detective Jimmy Nuciforo and Detective Sergeant John Dove went to Shorty's shack twice, first at 1800 hours, then later at 2130 hours. No Shorty. But the detectives did find a man named "Jamaica" at Shorty's shack. Jamaica said that Shorty knew the police were looking for him, so he was making himself scarce. The detectives then hit the crack houses on 191st and 175th streets, causing customers to scatter, racing down fire escapes or over rooftops. The owners of both establishments expressed great dismay at the police visits, but they directed their anger principally against Shorty for provoking the unwanted attention. One owner mentioned a jewelry shop on Audubon Avenue that, he said, fenced gold from all the local robbers. Maybe Shorty went there.

The next afternoon, Keitel and two of his men visited the jeweler and described Shorty to him. The jeweler denied knowing

anyone who matched the description. So Keitel reminded him how the world works: either the jeweler phoned the transit police immediately the next time he saw Shorty or he could expect the police to shut down his fence and put him in jail for receiving stolen goods.

Robbery has always constituted the main crime in the New York City subway system.¹ Indeed, robbery, major crimes emerging out of robberies, or mayhem often accompanied by robbery have catalyzed key decisions about policing underground. The public outcry at the early-morning robbery-murder on May 14, 1936, of 54-year-old Edgar L. Eckert, an executive of the Rogers Peet clothing company, prompted Mayor Fiorello H. LaGuardia to create the official position of Special Patrolman (Railroad) to police the subway.² Eckert had been working late at the Rogers Peet 35th Street and Broadway store to clear a basement flooded by a sudden storm. He was manually strangled in a mezzanine men's room of the Eighth Avenue and 42nd Street Independent Subway station for his gold pocket watch and company medallion.

The city's Board of Transportation employed the initial twenty-one patrolmen essentially as private guards, supervised by a police captain from the NYPD. More transit officers were added gradually over the years, with officers taken from the city's regular police list and assigned to the subways. In 1947 the transit patrolmen received peace officer status. In 1953 they were designated police officers with full police powers and obligations within the City of New York—the same year that New York State established the New York City Transit Authority. In 1955 the New York City Transit Police Department was established as

a separate police authority, though its officers were not granted full police powers for all of New York State until 1964. By that time, the NYCTP boasted about 900 officers.

A series of subway assaults in 1964, almost all with strong racial overtones, paved the way for major increases in the number of transit police officers. Some assaults emerged directly out of robberies. On May 31, 1964, twenty black youths robbed and terrorized IND elevated train passengers in Bensonhurst, Brooklyn. The same day, five black youths stabbed a white 17-year-old on the IND train for refusing to hand over \$10 and play his radio for his assailants. On July 17 roving bands of black teenagers beat and robbed two white men in different incidents on upper-Manhattan IND and IRT trains. Other assaults had no ostensible motive except perhaps forcing others into submission. For example, on May 31 four young men wielding a meat cleaver intimidated a motorman and passengers on two BMT trains near Prospect Park in Brooklyn. And on July 26 two young black men were arrested in the IND 4th Street station for terrorizing fellow passengers.

Civil rights leaders, including Dr. Martin Luther King Jr., urged public understanding of the problems facing Negroes. Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People, argued that such violence by blacks was caused by "the deprivations of slum life" and by the "bitterness and frustration which all Negroes feel at the continued denial of equal opportunity everywhere and at the unpunished beatings and killings of Negroes . . . in the Deep South." Other black leaders excoriated the mainstream press for reporting "delinquency" by blacks when there was plenty of unreported violence committed by gangs of white youths. Almost all these leaders insisted that adding more police was no answer

at all to the violence committed by some black youths. Nonetheless, public clamor about safety on the subways, spearheaded by a June 1 editorial in the *New York Times* arguing that “the basic danger in this city is the existing peril to the life and property of peaceful citizens,” led Mayor Robert Wagner to increase the size of the transit police force to 1,077 officers by early July 1964.

Harlem streets exploded in late-summer riots beginning the night of July 16, sparked by NYPD Lieutenant Thomas Gilligan’s shooting of 15-year-old James Powell, who, the officer said, confronted him with a knife after Gilligan tried to break up a neighborhood dispute.³ Riots engulfed Harlem and Bedford-Stuyvesant for six nights. In the fall, the boiling cauldron of racial unrest spilled downstairs. On October 23 gangs of black high school students rioted on subway platforms in both Harlem and Brooklyn, terrorizing train passengers. On November 1 roving bands of black youths jostled and robbed passengers on Manhattan’s IRT line. Vandalism increased throughout the system, and the subways—“everybody’s second neighborhood”—were increasingly seen as a hostile and menacing milieu. In early February 1965 the Transit Authority reported that violent subway crimes had increased by more than 50 percent in the previous two years.

Then, on March 12, 1965, a racially-tinged robbery-homicide catalyzed growing public fears about safety in the subways and prompted a major increase in the transit police force. Just before midnight, three black youths boarded the Manhattan-bound A train on the IND line at Broadway-East New York in Bedford-Stuyvesant, Brooklyn, and started harassing all the passengers in the car. In particular, they hit on three young black girls, who ignored their advances. The youths began intimidating other passengers, demanding money and cigarettes. They prodded 17-year-

old Andrew Alfred Mormile, who had been dozing. Mormile woke up and tried to walk to the next car. The youths blocked his path. A shoving match ensued. One of the youths drew a knife and lunged at Mormile, stabbing him first in the face and then in the back of his neck. Mormile fell to the floor, bleeding profusely, his death observed by other passengers too paralyzed by fear to intervene. The youths fled the train at the Nostrand Avenue station. They were later apprehended and convicted with the testimony of the three girls.

Motivated by sensational media coverage of this event, amidst a rising tide of subway violence, Mayor Wagner promised to post an armed police officer on every train and every platform—some 465+ stations—between 2000 and 0400 hours. To keep this promise, he increased the ranks of the transit police by 700, bringing the force to over 2,720 men and women by the end of 1965.

A new kind of robbery plagued the subways in the early 1970s. Partly in response to the nearly ceaseless wild-west banditry of city buses, the Transit Authority instituted an exact fare policy for surface transportation in September 1969. Almost immediately, robbers went downstairs and began to rob subway token booths in record numbers. Between April 1970 and April 1971 there were 771 booth robberies. Crazy drug addicts, looking for quick cash, carried out the great majority of these haphazard affairs. But organized professional crews of four men—the drop (gunman), the bagman who collected the loot, the lookout who watched for police, and the wheelman who drove the getaway car—committed many booth robberies. Crew members split the take proportionally, based on street perceptions of the relative danger, legal liability, and nerve required for each task.

A booth robbery could net as much as \$5,000 cash and an

equal amount in subway tokens that could be sold to bodegas at a 30 percent discount. Bodega owners resold the tokens at full price “for the convenience of customers.” The transit police instituted stakeout teams that lay in wait in darkened stations for booth robbers to strike. Shootouts occurred regularly. If a transit police officer apprehended a robber, he received one vacation day for meritorious service; if he shot a robber, he received two days vacation. The Transit Authority’s policy reflected the contemporary public attitude toward police shootings and the regrettable consequences of banditry.

After the early 1970s flurry, the number of booth robberies dwindled, eventually declining to about 100–150 a year into the early 1990s. Token-booth clerks with inside knowledge of the system or romantic relationships with robbers, or both, set up some of these robberies. One clerk joined with a motorman and other accomplices to rob more than a million dollars from token booths between 1970 and 1976. More typically, token-booth robbery crews made marauding, Jesse James-style raids on easy-target stations.

One group called the Black Hoods robbed more than sixty token booths in their home territory of the South Bronx between October and December 1974, netting, however, only about \$1,000 a job because they took only the cash on the counter and ignored the valuable boxes of tokens in the booths. Similarly, in late 1991 a drug dealer named Jake from 118th Street and Lenox Avenue needed cash in a hurry because he owed his supplier a lot of money. Armed with Uzis, Jake and his crew carjacked women drivers, used the stolen vehicles in token-booth robberies, and then sold the getaway cars to one of the many chop shops on White Plains Road in the Bronx. Jake and his crew also took only cash, ignoring the tokens.

When transit police detectives finally ran Jake to ground, they openly admired his cool toughness, his refusal to speak with them beyond polite niceties, and especially his unwillingness to rat out his companions—qualities that carry a premium in the detectives' own world. Although detectives were happy to have Jake in custody, they nevertheless despised the accomplice who gave him up. But Jake's public persona collapsed when he was nailed in a lineup. Facing an eight-to-ten-year stretch because of his previous convictions as a robber, Jake hanged himself on Rikers Island.

In the early 1990s the famous and much more professional "Macdougall" gang, whose members trained for robbing booths by lugging weighted bags up and down stairs, robbed eight Brooklyn stations in less than two months. According to Detective Billy Courtney (famous for poster-size photos of "the ideal lineup": a refrigerator, a sheep, a fat lady, and a lone subway robber), "Kevin Macdougall," a family man and a gentleman crook, ran his crew like a detective squad boss. Displaying unfailing politeness to the detectives who arrested him, Macdougall, though an armed robber, did not use violence wantonly. Indeed, he pistol-whipped and expelled a crew member who had shot a token-booth clerk in a robbery gone bad. Macdougall exhibited shrewdness and careful planning as well. He rigged a rope ladder from the roof of his apartment building, giving himself a ready back-door escape if needed. He always targeted subway stations where one could see the street and the tracks at the same time. Macdougall's underlings, however ("Dillinger," "Machine Gun Kelly," and "Baby Face Nelson"), gained reputations as wild men. Baby Face was also a rat. He betrayed Macdougall and the others to the police for a \$5,000 reward, before going out and robbing a token booth all on his own.

The J-line gang plundered stations up and down the J line in Brooklyn. “Rasheem,” the gang’s lookout, had helped rob the token booth at the Norwood Street station on February 5, 1989. Arrested and convicted of that robbery, Rasheem spent two years in Sing Sing before being sent to a medium-security prison in Pennsylvania. The first day there, he walked off and went back to the city, where he hooked up with some associates. On October 2, 1991, he returned to the Norwood Street station. When the token-booth clerk—the same clerk Rasheem had robbed in 1989—re-entered the booth after a break, Rasheem put a gun to his head, pushed into the booth, and seized cash and two boxes of tokens.

With the proceeds from that job, Rasheem bought some cocaine in “weight.” He took it to the Carolinas, where he sold the coke at the normal out-of-New-York four-to-one markup. With the profit from that venture, he bought guns and returned to New York, where he sold the guns at a five-to-one markup and used that profit to buy more weight. When he returned to the Carolinas, police arrested him for drug-dealing and sent him back to New York on an escaped prisoner warrant, based on a photo-array identification by the Norwood Street token-booth clerk.

Jeff Aiello and Billy Courtney greeted Rasheem like a long-lost brother, in a display of fellow-street-warrior camaraderie that included bear hugs and high fives. Aiello laughed that during one year he had spent more time with Rasheem than he had with his wife. The huge, easy-going, straight-talking Rasheem bantered with the cops and with me. “Whatchoo wanna know, Professor? You wants to know why I does what I do? Professor, does you have any idea what my share was when we was ridin high on the J line? Just my share, Professor? I was making \$8,000 a week. And

I could fuck at will. Why should I take a straight job? That wooden make no sense at all.”

Professional robbers like himself lived large, the way life was supposed to be lived, Rasheem said. In addition to investing his money in his drug business, he had gold-and-diamond rings for every finger, gold chains—herringbones, Gucci links, and Bismarks—real gold (“You wear fake, everybody know it and talk bout you”), gold sleeves for all of his teeth (“Just like th rappers, man”), a wardrobe filled with Polo clothes, leather jackets, and shearling coats, several BMWs and Mercedes Benzes, and more fur coats for his wife than he could count. And he drank only “Moat” (Moët-Chandon) champagne for breakfast, lunch, and dinner, and in great quantity before any robbery. Rasheem held to strict pricing standards, insisting that he never accepted less than \$850 for a box of 1,000 subway tokens, worth, in 1991, \$1,150 face value. Only someone who was desperate, he argued, accepted less than that because there were any number of “legitimate” bodegas ready to pay top dollar for stolen tokens.

After his discourse on the merits of robbery as a career choice, Rasheem asked Courtney and Aiello for a favor. “Fellas, I been straight wit you and I wants some help. I wants to go back to Sing Sing.” Both of the detectives expressed surprise that Rasheem wanted to return to the fearsome maximum-security prison. “Man, you can buy anything you wants on the yard at Sing Sing. It like being on the street in New York, same prices. Sides, there a little girl Correction officer at Sing Sing who like to take the young boys up to the infirmary at night for \$100 a ride. I lookin forward to gettin some of that again.”

Although guns predominate as booth robbers’ tools of choice, some use other weapons to persuade clerks to open their doors, particularly after the Transit Authority bullet-proofed a hun-

dred of its older stations. Railroad clerks Oscar Williams in 1977 and Regina Reicherter and Venezia Pendergast together in 1979 were burned alive when robbers squirted liquid petroleum into their booths and then casually tossed in lighted matches. Railroad clerk Harry Kaufman suffered the same fate in November 1995. All of these clerks suffered grievously before dying from severe burns. Several others over the years have endured serious burns and narrowly escaped death.

Members of the famous Mankowitz gang, headed by Brian Mankowitz from Middle Village, Queens, preferred to use pickaxes for their ten 1987 token-booth robberies, smashing and shattering the Plexiglas booths while promising to do similar work on clerks' heads unless available cash and tokens were handed over. Police say that one clerk dropped dead of a heart attack when he saw the gang coming down the stairs toward his booth carrying their farm implements. No one could or would identify the members of Mankowitz's crew. The gang was finally stopped by Police Officer Vinnie Valerio, a powerfully built man shaped like an egg atop tiny, extremely nimble feet that regularly danced him to the front line of officers ready to crash into apartments after armed suspects ("Professor, when we go through that door, stay behind me cause I want you to write that fuckin book"). Valerio shot and paralyzed Brian Mankowitz in the middle of a robbery at the Elderts Lane station on the J line on December 7, 1987, after surprising the pickaxe king from his hidden stakeout.

With nearly two-thirds of the transit police force deployed every night, daylight hours became more attractive to subway criminals. In 1973 daytime subway robberies and larcenies exploded, mostly purse and jewelry snatchings. So did the number of assaults, rapes, and brawls. Some of this statistical bulge in

daytime crime came about because officers fudged their arrest times, under administrative pressure to show decreases in nighttime crime. The falsification of records led to a major scandal. But the subways had, in fact, become more menacing during business hours. Police expressed particular concern about youths who were committing an increasing number of crimes in the afternoon and early evening hours. By 1974 two-thirds of all felonies were committed between 1200 and 2000 hours. This led to a sharp redeployment of transit police officers, now 3,600 strong, to daylight hours.

The department also carried out significant “anticrime” operations using undercover plainclothes officers to catch criminals in the act. On the time-honored police premise that criminals cause crime, police posed as drunks or out-of-town rubes, among many other guises, to lure criminals into robbery or grand larceny. Critics savaged the decoy program from the start, arguing that police were “making crime” instead of preventing crime. The NYPD countered that the decoy program did indeed prevent crime by locking up inveterate predators.

The late 1960s and early 1970s brought New York City and the nation the Black Liberation Army (BLA), an offshoot of the Black Panther Party for Self-Defense. The BLA aimed to free all “Afrikan” people from racist oppression. To do so, several of its members attacked police officers.⁴ On June 5, 1973, transit PO Sidney L. Thompson tried to arrest a fare-beater at the 174th Street and Southern Boulevard elevated IRT station in the Bronx. The fare evader’s companion shot Thompson fourteen times. Thompson managed to shoot the man he had originally stopped in the throat and left ankle. Detectives arrested that man, Victor Cumberbatch, at the Bronx Lebanon Hospital and later apprehended Thompson’s killer, Robert Hayes aka Seth Ben Yssac

Ben Ysrael, and another man after a shootout in a BLA apartment.⁵

Despite what the *New York Times* on January 21, 1976, called “rising terrorism” in the transit system—fears prompted by marauding youth gangs sometimes wielding shotguns, sometimes clubs and knives, who held subway cars at bay and occasionally hijacked buses—New York City’s 1975 fiscal crisis caused dramatic cuts in the transit police force, along with every other city agency. Through attrition, hiring freezes, and outright layoffs, the city reduced the force to 2,600 officers, a level maintained until 1979.

The period was notable for several one-man crime waves. An 18-year-old who had been arrested fifty times beginning at the age of nine specialized in riding between cars and, as trains left stations, snatching purses or chains from women standing on platforms, occasionally yanking people to the ground and dislocating shoulders. This muscular would-be-boxer worked the Lexington Avenue line at Grand Central Station and the Seventh Avenue Line at Times Square, taxiing between the two terminals for convenience. He was said to be personally responsible for 15 percent of subway crime in the late months of 1976, credit that should probably be shared with several other young men to whom he had taught his peculiar craft.

On September 29, 1977, police finally caught a 16-year-old girl and 17-year-old boy for robbing forty women on the trains within six weeks. Police apprehended a man for burglarizing Anne Picyk’s apartment on July 8, 1978, after snatching her purse in the subway to get her address and keys and then throwing her off the platform into the path of an oncoming train, which she miraculously dodged. The youth confessed to three similar incidents in the previous month in which all the victims, unlike the

lucky Picyk, had been seriously harmed. The famous Willie Bosket killed two men in the subway in separate incidents in March 1978. After a five-year prison sentence for the two murders, Bosket continued an active criminal career. Arrested again in the early 1980s, he claimed to have stabbed 25 people while doing over 200 robberies and, overall, more than 2,000 crimes. While in prison, he set his cell on fire several times and attacked his keepers nine times.⁶ The transit police used such cases to argue strenuously that relatively few culprits were responsible for the vast majority of subway crimes.

The chaos downstairs began to peak in early 1979 with rashes of extraordinary violence. Youths regularly rampaged through subways late at night after leaving discotheques. The occupation of token-booth clerk was considered extremely dangerous, not only because of the fiery deaths of Reicherter and Pendergast but because, in addition to normal shootings, several clerks were head-bashed or stabbed (or both) by robbers. Subway passenger Reilly Ford was burned to death, and in a separate incident down-and-outer Michael Starkman was set afire on a Brooklyn-bound train on March 1, 1979. Several passengers were nearly thrown off platforms, and on February 25 Good Samaritan Yong S. Sou was hurled to his death in front of an onrushing train by a mentally ill patient who used his newfound freedom under New York's deinstitutionalization program to menace subway passengers in Greenwich Village. In the moments before his death, Yong Sou had tried to dissuade the young man from pestering another passenger.

The incident presaged a flood of down-and-outers, derelicts, and mentally ill who poured into the shelter of the subway system in the early 1980s. Dignified as "the homeless" by their advocates, they panhandled aggressively, under an umbrella of court

edicts declaring their activities an expression of constitutionally protected free speech. With the city still strapped for cash, Mayor Edward Koch did not increase the number of transit police officers. Instead, he ordered a massive reorganization of the department, redeployment of existing personnel, and overtime work for all officers. For a good part of 1979 transit police officers worked twelve hours a day to combat crime in the subways and allay public fears about the safety of the system. For a time, city police officers were assigned to the subways to aid the transit police.

In 1980 crime in the subways soared more than 70 percent over 1979. Gold-chain snatching abounded, and the police discovered an entire network of jewelry stores that routinely fenced, and sometimes melted down, the stolen items, often selling the precious metal back to the thieves as jewelry or gleaming tooth-sleeves. One robber roamed Queens subways slashing riders with a meat cleaver; another seriously wounded Alexander Hudson at Brooklyn's Botanical Garden station with a bow and arrow. Throughout the system, marauders with guns, knives, and link-chain whips terrorized riders. And everywhere in the city, subway cars displayed graffiti—usually crude (Teddy-bear love Teddy-ette 4-ever), sometimes grotesque, inventive, playful images or self-portraits, including cartoon figures in riotous color, some in three dimensions, some with legends (“We will all just fade away”; “The children of tomorrow can’t love this world if we the people of today destroy its beauty before they even see it”; “How can we destroy and kill ourselves while our killers stand alive and waiting . . . STOP THE BOMB”). The displays usually had tags (street names like Taki 183, Cornbread, Cool Earl, Lee, Samo, T-Kid, Mad and Seen [the Partners in Crime], Dust, Json, Kase, Dondi, Vulcan, and Futura), “writers” searching to “get up” on

steel-canvas trains to display their prowess and defiance to the world. Throughout the 1970s city officials, invoking middle-class fears of the seeming visual chaos underground, had unsuccessfully waged war on the audacious subway graffiti artists, who risked life and limb to enter subway lay-up yards in the dead of night to vie with their peers all across town. Emerging artistic elites in downtown Soho adopted the youngsters as avant-garde heroes who seized public spaces for self-expression. But even after spending millions of dollars on police overtime and on train clean-up, the MTA's rolling stock continued to display fantastic and sometimes compelling images from worlds apart. The repainting of trains merely provided fresh canvases for these budding artists and writers. The MTA solved the problem only in 1989 when the city began to buy easily washable stainless steel trains. Graffiti receded dramatically in the subway, but it remains a major problem on New York streets.⁷

Violent crime in the subways, as well as vandalism costing more than \$30,000 a month in broken train windows, continued to surge throughout 1981. Mayor Ed Koch increased the number of transit police officers by 850 in 1982, bringing the force to 3,343, close to its pre-fiscal crisis strength. Over the next three years, physical conditions in the subways continued to deteriorate, generating great public outcry, media lament, and alarm among city officials. But reported crime downstairs, including robberies, leveled out. This period was marked, however, by two sensational incidents, each of which became symbolic flash-points in the city's ongoing racial tensions for years to come.

On September 15, 1983, Michael Stewart, a black 25-year-old graffiti writer, was arrested in the Union Square station in a melee with several transit police officers, all white. He died thirteen hours later in Bellevue Hospital. His death was variously attri-

buted to acute intoxication (his blood alcohol level was .22, compared with a New York standard of .10 for legal intoxication), blunt force trauma, cardiac arrest, and asphyxia. Three transit police officers were tried for criminally negligent homicide, to wit, beating Stewart to death. Three others were tried for perjury. All were acquitted, amidst strident accusations about rampant racist police brutality against blacks. Stewart became a patron saint of the emerging hip-hop movement, his death immortalized in a painting by Jean-Michel Basquiat that portrayed cartoon-like white police officers beating a black Christ figure.⁸ To this day, denizens of the hip-hop world as well as many artistic elites refer to Stewart's death as a murder.

Then on December 22, 1984, Bernhard Goetz, a white man, shot four black youths who, he claimed, were trying to rob him in the subway. A jury acquitted Goetz of several charges of attempted murder, assault with a deadly weapon, and one charge of reckless endangerment. He was found guilty only of possession of an illegal handgun.⁹ Years later a Bronx jury found him liable in a civil trial for permanently paralyzing one of the four youths.

Violence associated with the burgeoning drug trade, particularly in crack, first hit New York City streets in 1985 and then spread throughout the nation the following year. Major subway crimes rose precipitously, causing the city to increase the transit police to 3,800 officers. A year later, in November 1987, the department cited the strength of its force as the reason for an 8.7 percent decrease in major crimes. But conditions continued to worsen downstairs. Drove of homeless drifters, many mentally ill or crack-addicted, made subway trains, platforms, and even tunnels their homes. Aggressive panhandlers stalked the trains, demanding money from cowed passengers. The Appellate Term

of the New York State Supreme Court, much to the delight of advocates for the homeless, ruled on March 12, 1987, that a statute outlawing loitering in transit centers was unconstitutionally vague, thus prohibiting police, for the time being, from clearing public spaces. The New York State Court of Appeals later reversed the Appellate Term's ruling, but the floodgates had been opened.

Late at night, the Eighth Avenue Port Authority Terminal, Grand Central Station, Pennsylvania Station, and stations throughout the subway system became night-of-the-living-dead bivouacs. Tents and makeshift sleeping bags littered the floor, and squalor was everywhere, as undressed or half-dressed men wandered aimlessly through public spaces now claimed as their own. Their dull eyes brightened only when detectives, with the promise of a quick five or ten bucks that might make the recipients the next robbery victims, scoured for lineup fill-ins, eliciting alternate responses ("I looks black but, honest to God, Officer, I passes for Spanish"; or "You outta you fuckin mind you think I gonna stand in a fuckin lineup so's you can pin a fuckin robbery on me"). Trains all over the city became rolling sleeping cars, as the drugged or drunken made six-foot-long benches into beds and filled the air with the bouquet of the streets. Brazen fare-beaters leapt over turnstiles ("How come I should pay to ride this shitty system?"), while thieves sucked tokens out of stuffed-up slots or, in plain view of terrified clerks in their booths, "popped" token boxes to steal gray canvas bags bulging with the morning rush-hour's take.

The disorder downstairs exacerbated the anxiety of middle-class riders and caused grossly exaggerated estimates of the prevalence of subway crime. The transit police found themselves battling on two fronts: against criminals themselves and against plummeting public confidence in the safety of the trains that

carried over three million passengers every day. Only in May 1989 did MTA chairman Richard Kiley announce that the transit police would begin enforcing rules against aggressive begging on trains or platforms and sleeping on train seats. But then advocates for the homeless took the matter to federal court; and on January 26, 1990, federal judge Leonard B. Sand voided the MTA's no-begging policy, ruling that poor people have a constitutional right to beg under the First Amendment.

Only after four months of chaos, during which increasingly intimidating and threatening panhandlers read excerpts of Sand's decision from printed cards to subway passengers before accosting them for money, did federal Court of Appeals judge Francis X. Altimari, speaking for a 2-1 majority, overrule Sand's decision, saying that subway begging had become "nothing less than assault." The legal wrangling paralyzed effective enforcement of ancient anti-loitering and anti-begging laws until November 1990, when the United States Supreme Court let stand the decision by the Court of Appeals.

In the meantime, the transit police efforts to control violent predators ran into serious trouble. Members of the elite decoy squad were once again posing as inebriated, and then arresting culprits when they snatched chains or jack-rolled seeming drunks for their wallets. Accusations past and current about "dubious" arrests by the squad, especially arrests of black and Hispanic citizens—including accusations of frame-ups, "aggressive enticement," and planting evidence in order to meet quotas for collars—led bosses to disband the unit in early December 1987. The issue was: When does legitimate undercover work cross the line into entrapment? That same month, arrests plummeted by nearly 38 percent as all officers hunkered down under the media maelstrom provoked by the allegations.

Later, Robert M. Morgenthau, the district attorney of New

York, dismissed allegations of false arrests brought against the decoy squad for want of sufficient credible evidence. Morgenthau's office then became the target of accusations of burying evidence of abuse.¹⁰ Federal prosecutors pursued the case and eventually won convictions against two transit officers for violating the civil rights of eight black, Hispanic, or Asian men by arresting them falsely for sex-abuse claims brought by white women complainants. This was perhaps the first use of what became a pattern of federal prosecution of police officers in response to well-orchestrated choruses of civil rights advocates. The decoy unit began operations again under strict new guidelines in March 1991.

In 1988 subway crime rose by 10 percent, with robberies soaring by 21 percent—sharp annual increases that extended, with monthly fluctuations, throughout the next several years. Freelance gunmen like Shorty did most of these robberies. Reports of gun robberies averaged between 1,500 and 2,000 a year, with an estimated 4:1 ratio of actual incidents to reports. Token booths once again became principal targets. Horrific, widely publicized crimes made riders more apprehensive than ever. On June 4, 1988, railroad clerk Mona Pierre was roasted alive by a man who poured flammable liquid into her Halsey Street-Wyckoff Avenue Station token booth in Bushwick, Brooklyn, and then lit her up when she refused his demands for money. Copy-cat robbers assaulted three more token booths with flammable liquid within the next week, almost killing railroad clerk James Madden in one attack.

Nearly a year later, on March 15, 1989, at 0050 hours at the old rickety wooden train station at Intervale and Westchester avenues in the Bronx's 41st precinct, just as the uptown train pulled into the station and passengers streamed onto the platform,

three young men and one woman approached the token booth of the railroad clerk, a 48-year-old woman, and pushed a note through the small token window that said “Give us the case [of tokens] or we gonna burn you down.” The clerk tried to push the note back when she heard one of the robbers yell: “Let’s burn the bitch.” At that point, the four splashed a liquid on the booth and set it on fire. The clerk dashed out and escaped, but the whole wooden train station burned to the ground in a spectacular conflagration. Exhaustive work by Detectives John Cornicello and Jeremiah Lyons resulted in the arrests of four suspects and eventual guilty pleas.¹¹

Robberies by groups of youths—a perennial subway problem since the 1960s—became rampant in the late 1980s as teenagers born to postwar baby boomers and 1960s-era immigrants peaked in numbers. The transit police called robberies committed by five or more youths acting in concert “multiple perpetrator robberies” or, more colloquially, wolfpack robberies. Subway wolfpack robberies reached their zenith in 1990 and 1991, with a thousand incidents in each of these back-to-back years with the typical estimated ratio of unreported to reported incidents of 4:1.¹² By early 1990 the threat to other youths alone had become so severe that School Chancellor Joseph Fernandez asked for special police-patrolled subway cars to escort youngsters to and from schools, particularly in Brooklyn. The transit police, by then the sixth largest police authority in the nation at 4,000 strong and under the new leadership of William Bratton from the Boston Police Department, initiated the Central Robbery Squad (CROB). It was the brainchild of roly-poly, mustashioed Detective Lieutenant Jack Maple (always clad in bright suspenders and bow tie, complete with spectator shoes and black bowler) and his whip, Detective Sergeant Tommy Burke, a Brooklyn boy,

whose remarkable articulateness suggests the quality of a Bishop Loughlin Memorial High School education in the early 1960s. In addition to gun and booth robberies, Central Robbery focused on wolfpacks, adopting a policy of never closing a case until all robbers in an incident were arrested. This organizational stance was a source of great pride to the transit police and distinguished the force from its hated "Big Brother," the New York City Police Department.¹³ The privately stated policy of the transit police was to make the subways so inhospitable to crime that criminals would choose to commit their depredations upstairs.

At 2100 hours on November 15, 1991, Detective Jeff Aiello called Detective Sergeant Keitel at CROB headquarters and asked him to come to the Bronx to aid in an apprehension. Aiello had caught a wolfpack robbery that had occurred earlier in the evening on the platform of the East 180th Street station. A gang had attacked and robbed three 17-year-olds, taking about \$100 in cash in addition to jewelry. One victim, who was black, had a gold chain snatched. The robbers beat him into unconsciousness and then kicked him in the ribs while he was down and out. They seized a gold watch with diamonds from another victim, also black. The assailants then knocked him off the platform and onto the tracks. The third victim, who was Hispanic, managed to smack one of his assailants before the gang ran off.

The victims reported the incident at the Transit Authority's District 12 at East 180th Street and Morris Park Avenue in the 48th police precinct. The transit police immediately drove the badly beaten victim to the hospital for treatment. Then a plain-clothes anticrime cop accompanied the other two kids on an escort around the immediate neighborhood in a van with dark-

tinted windows. In a local chicken shack, the pair spotted the assailant whom the Hispanic victim had smacked. The cop arrested the culprit, 19-year-old “Tiko,” and brought him back to District 12, along with the two complainants.

Aiello arrived and began to interview Tiko, telling him that, if he chose to take the full weight of the robbery and assault charges, Aiello intended to bury him. Tiko crumbled fast and gave up his whole group, telling Aiello that the gang hailed from the Melrose section of the Bronx, usually going north to rob where they were less likely to be recognized. Aiello pressed for more detailed information. Tiko then mentioned that one of the ringleaders often parked his black Mustang in front of the neighborhood video store on Tinton Avenue near East 163rd Street.

Keitel, accompanied by Detectives Zeke Lopez, Roger Fanti, and myself, arrived at District 12. Keitel and Aiello discussed the available options. The police could have Tiko show them exactly where the gang hung out and identify the participants in the robbery/assault. This approach required lineups back at the district. Or the police could take the complainants out on an escort, identify the culprits right in the street, and go straight to arrest. Because it was already midnight, the detectives decided on the latter course. Just as everyone headed for the street, the anticrime cops brought the badly beaten victim back to his friends, much the worse for wear and practically immobile with bandages around his fractured ribs. However, the victim leapt at the chance to pile into the van to accompany his two friends and the rest of us in hunting for his assailants.

The police van drove up and down the streets of the Melrose neighborhood for almost three hours with no luck. Suddenly, the three complainants yelled that the three kids entering a

candy store were among their assailants. The detectives parked the van and waited. But the suspects lingered in the store, playing a video game. So Aiello and Keitel accompanied the complainants into the store. But these were different kids wandering the streets at 0300 hours.

A few minutes later, the complainants spotted another youth in a yellow sweatshirt who, they said, resembled one of the gang. But a closer inspection eliminated him as well. Detective Lopez drove repeatedly past the video store on Tinton Avenue, but there was no black Mustang in sight. Around the corner on East 163rd Street, a large group of youngsters clustered in front of a bodega. Keitel told Lopez to drive slowly. A complainant insisted that one of several young men in front of the store, this one wearing a green sweatshirt and a green hat with a pompom on top and sucking on a lollipop, was part of the gang. Lopez stopped the van. Detectives Aiello and Fanti jumped out, grabbed the suspect, and brought him close to the van's tinted glass. Aiello asked: "Is this one of the guys?" The complainant said yes; but his two companions waffled. Aiello asked the complainant who had made the identification: "How sure are you?" He said: "Seven out ten shots." Aiello responded that that wasn't sure enough and let the pompom kid go. Another complainant announced repeatedly that he was keen on finding a short guy with curly hair and also a heavyset guy with dreadlocks and a wispy peach-fuzz goatee.

The van kept circling the neighborhood, with the cops looking into the chicken shacks, the candy stores, and arcades. Children, large and small, were everywhere at 0330 hours, in bare, ruined shells of once-grand buildings or on empty moon-surface lots. But no good suspects. Getting restive, Keitel ordered the van back to the district. On the way, Lopez drove past the video

store one last time. Now a black Mustang was parked in front. Lopez circled the area quickly and parked a block away from the Mustang on Tinton Avenue and East 161st Street, but with a clear view of the video store and car. Keitel ran the Mustang's plate; it came back to a girl with a nearby address. So the police sat in the van and waited. Their vehicle immediately became an object of great curiosity. Although the street was pitch dark, the scene was lively. Teenagers alternately made out with each other on a nearby tenement stoop or kidded around on the sidewalk, making sure to come close to the van to try to peer inside; elders hung out of sixth-floor windows staring steadily at the van; passersby made obvious detours to scout the van. But no one went near the Mustang.

Suddenly, the complainant who had been hospitalized spotted another teenager wearing a green University of Miami jersey walking down Tinton Avenue toward the van, on the opposite side of the street, his back to the Mustang and video store. The complainant yelled: "Boom. That's it. I forgot completely. One of em was wearin a Canes jersey and I think that's him." Aiello and Keitel pressed him to be sure. The suspect had an angelic face and seemed much younger than the complainants' earlier descriptions of their assailants. But the complainant insisted that the boy in the Canes jersey was one of the gang. By this time, the would-be Hurricane had turned right at the corner of East 161st Street and was walking west, away from the van. To follow him across East 161st Street meant losing sight of the Mustang on Tinton. Keitel made the decision to go after him, and the van lumbered slowly down the street, tailing the quarry.

The suspect headed toward the door of a ramshackle building on the northeast corner of Trinity Avenue and East 161st Street. Deafening music blared from the ground floor of the building,

one of the many unlicensed social clubs in the area. The detectives quickly leapt out of the van and grabbed the suspect before he could enter the building. They brought him to the van and asked the complainants if he was one of the gang. Two complainants immediately said yes; the third, the kid who had been knocked onto the tracks, was hesitant. But Keitel ordered angel-face cuffed and put into the van. Keitel then told Detective Fanti, standing at the door of the social club, to demand that everyone come out slowly into the street.

Fanti held the club door open and ordered everybody out. One by one, teenagers straggled out of the club. With shouts, the complainants identified a young man wearing a baseball hat. When Aiello and Lopez brought him over to the van, he looked startled when he saw the complainants' faces through the open windows. The complainants taunted him as the detectives cuffed him. Then another youngster in a green jersey walked right past the van, pulling up his sleeve and ostentatiously showing a gold watch with diamonds on his wrist. The complainant who had lost his watch screamed: "That's my watch." Aiello grabbed the kid and cuffed him. More youngsters drifted out of the club; the police grabbed all of them and showed each to the complainants. The complainants identified one more assailant, whom the police also cuffed.

Suddenly, the scene exploded. An irate crowd poured out of nearby buildings into the street and swirled around the van, bad-mouthing the cops, while both berating and yelling encouragement to the youngsters being arrested. Within a few seconds, hundreds of neighborhood people filled the entire street. Aiello put a 10-18 over the radio (police officer needs assistance). The crowd grew and became more vociferous: homegirls and homeboys in baggy pants and sweat shirts shouted obscenities in

street-rap rhythm, chests puffed out, hands chopping air; old men with rheumy eyes yelled and spit at the “goddam DTs” (detectives); early-thirties mothers of the teenagers under arrest screamed at the police not to take their sons away. All the detectives by this time had drawn their weapons. The street had become a tinder box.

Fanti put a 10-13 (police officer in distress) over the radio, upgrading Aiello’s original call. Just then a heavyset man with dreadlocks sauntered out of the club with a huge pit bull on a leash. He walked through the milling crowd heading east on East 161st Street, virtually unnoticed, except by the complainants. The boy who had been kicked began to scream: “That’s the guy. That’s the guy who kicked me.” Keitel yelled to Aiello to arrest him. Aiello hurried down the street and, with his gun trained on the pit bull, cuffed the man at the corner of Tinton Avenue. The crowd pressed forward, drawing tighter and tighter circles around the arresting officers. Suddenly wailing sirens, at first distant, then rushing closer, broke the tension. The cavalry arrived, complete with paddy wagon and several police cars, a full six minutes after Aiello’s first call for help, ninety seconds after Fanti’s upgrade.

With Keitel shouting orders, uniformed officers from the 40th precinct took the four teenagers already arrested into custody for delivery to Transit’s District 12. On the ride back to the station, Keitel yelled at everyone, but especially at Aiello, for not wearing a vest. “I don’t care if you don’t arrest any of these mutts, but I want you to come home alive at the end of the day. That situation needed just one spark. One spark. I don’t want to have to say this again.”

Back at District 12, an old black man came into the house, his eyes blackened, his face and head battered and cut. He told

Aiello and Lopez that he had heard on the street that the DTs had locked up a heavy-set kid with dreads. He said the same guy had robbed him and beaten him earlier that night in front of the social club at East 161st Street and Trinity Avenue. The detectives told the old man that, if he could identify his assailant in a lineup, they would be glad to charge him with another robbery. The old man cordially thanked the police but said that he planned to shoot the boy himself.

Youngsters who participate in wolfpack robberies think of themselves as part of a “posse,” the name borrowed from the fearsome Jamaican gangsters who, Uzis at the ready, roamed Edgecombe Avenue in upper Manhattan in the mid-1980s. The Jamaicans in turn borrowed the term from the western movie shoot-em-ups that gangster wannabes watch by the hour. But in a symbolic inversion, Jamaican posses and those who adopted the name prided themselves on being outlaws, instead of newly deputized assistants to lawmen. Youthful posses still roamed the subways in 2004, though in fewer numbers than in earlier years. Typically, they beat up their peers. But they also threaten other “vics” or “herbs” with box cutters, knives, screwdrivers, clubs, or claw hammers, all for leather, Eight-Ball, or Starter jackets, baseball hats, gold chains, earrings (often ripped right from the victim’s ear lobes), flashy watches, or sneakers that are standard-issue attire for many teenagers in the city. Posses also go after the occasional big score—a “print” (a visible wad of money) in the pocket of some hapless rube who, when approached by the posse’s scout to see if he is “Five-O” (an undercover cop), makes the fatal mistake of betraying the startled eye-darting fear that invites aggression.

Many robberies by youth posses become male initiation rites (“I beat the shit out th kid because, if I dint, Rafael ud call me a pussy on the street”; or “I not wanna hit the kid but just wanna fit in, I just wanna not get called a faggot or that I a girl”).¹⁴ Youths who get enticed into such rites resist giving up their comrades when apprehended, because the whole point of such crimes is making friends. The organizers of these rituals, however, routinely betray others to save themselves. Other wolfpack robberies bind youths to one another by attacking rival gangs or by punishing fake claims to gang membership. Thus on May 10, 1991, “Basher,” “Killer John,” and “Lunatic,” all claiming to be members of the Decepticons’ Lost Boys legion from Crown Heights, ran into a teenager on the subway who claimed falsely to belong to the gang while on the shuttle train at Prospect Park in Brooklyn.¹⁵ Lunatic told the story in his own hand:

“Me and ‘Carlos’ was coming back from the park got on the train at Caton Ave met some Decepts on strain. This boy said he a Decepts Killer John call us. He said he was a Decepts we said are you a decepts he said yes we ask what leand [legion]. He don’t no so we start hit him Killer John slice he than we though hem off the train. I was not the gay that cut hem. I was punching hem and kick once I was Carlos and Killer John ‘Fangreen’ Basher and ‘Rob’ I wasn’t the one that went in his picket. I didn’t get or see any money one of the guy had it the money [quotation marks added].”

Incessant struggles over honor and street reputation produce other wolfpack robberies. Street youths who can claim little distinction in the established arenas of American society make respect and disrespect the main framework of their lives. In New York City in the late 1980s and early 1990s, the trains became an important milieu where black and Hispanic youths, in particu-

lar, tested each other's mettle. Of the 1,002 reported youth-posse subway robberies in 1990—handwritten into Central Robbery's huge bound ledger by officers who recorded victims' reports of the time, place, and circumstances of the assaults on them, along with their descriptions of the assailants—exactly two descriptions by victims pointed to assailants who were not black or Hispanic, and these two descriptions were ambiguous.¹⁶ Many robberies were precipitated by insults or the smallest slights, real or imagined: fearful glances, baleful looks, careless words. Other robberies were inflicted precisely to humiliate perceived adversaries and to bolster reputations or self-images.

Growing up in a city that mainlines on celebrity and fame, youths who feel obscure often seize whatever is at hand to dance, if only briefly, in the bright lights. The enormously popular dance clubs of Manhattan from the 1970s through the 1990s, both legal and illegal, drew not only glittering social elites but youths from worlds apart, dressed to the nines, claiming glory through vibrant good looks, dancing or musical skills, or chic dress. Notorious uptown drug dealers regularly frequented the downtown club scene. And subway robberies often financed club excursions. On September 1, 1990, for instance, while two youths kept lookout for the police, six boys surrounded the Watkins family from Provo, Utah, who were in town for the U.S. Open tennis tournament and were waiting for an E train at the Seventh Avenue and 53rd Street station. The youths lacked Roseland Dance Center's \$15 cover fee. So one boy slashed the father's pocket and stole his wallet, with \$200 and credit cards. When the mother tried to intervene, she was punched in the face and kicked while on the ground. When 22-year-old Brian Watkins reacted to protect his mother, Yul Gary Morales stabbed him once with a chrome-plated butterfly knife. Brian continued to pursue

Morales but collapsed near the turnstiles. As he lay bleeding to death in his brother's arms, with his father murmuring a last Mormon blessing over him, Brian's assailants used the family's money to go dancing a block away. After the gang was apprehended and discovered to be members of a group named FTS (Flushing Top Society), dedicated to subway graffiti and disco dancing, Morales's street mates back in Queens painted a mural in tribute to their now-famous homeboy, known on the street as Rocstar.

Youth posse robberies often resemble wanton, senseless melees. For instance, in a handwritten statement one robber described an attack on the 3 train at Saratoga Avenue in Brooklyn on October 23, 1991: "We was all going train station myself 'Randy' 'Sean' 'Opie' 'Forever' we saw a kid on the train Then Randy start punch the kid punch the kid in the back then Forever punch the kid in the Face. Opie kick the did [kid] off the train sutter. Then we all walk throw the train and saw anther kid Randy punch kid in face start kick he. I punch the kid in the face Than people I don't know start hitting the boy. A girl pick up the boy thing [quotation marks added]." Violence, not words, expresses marauders' most important self-images, even as they shrewdly attempt to use words to insist that they only engage in assault, not in far-more-harshly-punished robbery.

Sometimes youth posses attack adults for real or imagined insults, affairs that are often racially tinged but always fraught with the tension and thrill of dominating others. In a handwritten statement, a culprit described an incident on the Q train on May 13, 1991: "We first was going to the beach after school. So we when down to the beach. And we when to chach the Q train to go to the beach And . . . the train was stoping Avery 2 memets and we was gething sick of that so we when to the next wagon

and my the kid saind the man in that chear look at him so some of the gays wen to the man and they stared we him sain bad words to him and meacking him flinch. So the gay gat up and stud stio [still] and looking at every bady so he tall black kid snoftem [socked or knocked? him] first and so “Jeimy” noftem agan. And to more gays snoftem. And I pod my hands in his face and when against the door I her every Bady sain Kill the white man Kill the white man sad Kill the White man one time and I stop and every Body keep on sain et I when to seat whi my Frean ‘Eduardo’ the train stop and the man when out the train to more minutes the Cup came in . . . [quotation marks added].”

For all their amateur air, subway wolfpacks provide their members with essential experience, at least for those who decide to pursue criminal careers. Wolfpacks provide a social arena for participants to test and display their “balls” in confronting another person, seizing property by force, and sometimes beating the victim wantonly and savagely to show that they are “down” with each other. Occasionally, wolfpack robbers engage in opportunistic sexual assaults on female robbery victims. In such a context, participants often dare one another to act wildly. For instance, on November 14, 1991, four boys—“Zombie,” “Two-Z,” “J-Boy,” and “Harley”—approached a man on the downtown 5 train between 96th and 86th streets. The other boys dared Zombie to hurt the intended victim. Zombie pulled out his gun, pointed it at the victim’s head, and pulled the trigger three times.

Two-Z described the scene: “At 12 noon in the afternoon I met Zombie at the corner store on 169 Washington Avenue and just chilled out until 6:00 That’s when we all met up . . . Then we were 6 deep we started walking and we planned to go this girl named ‘Sissy’s’ house so we got on the train We rode the two train from Prospect Ave to 149 Grand Concourse and caught the

5 train and everybody dared Zombie to pick a herb or take the dare so the Zombie said yeah OK then he pulled out the gun and clicked it three but the bullet didn't come out so he put the gun away and hit the man on time stopped then hit him again that's when the man started to bleed he pulled out a napkin to wipe his blood and then he got up Harley pulled him back down and kicked him in the mouth [quotation marks added]."

A reputation for wildness and for wanton cruelty shields one from others' encroachments. Few people wish to risk their lives to confront someone whose whole manner devalues life. But among those who wish to move on in the occupation of robber—encouraged, police argue, by youthful experiences of seeing little connection between action and consequences—wildness is not held in high esteem. At levels beyond the wolfpack, robbery is a relatively rationalized operation; like most occupations in modern society, it places a premium on control and self-control. Consequently, some career robbers become habituated to the subway because they favor a closed moving environment where victims have nowhere to go.¹⁷ Such habituation extends to choice of victims. Subway robbers, working individually or in pairs, routinely target victims from particular ethnic backgrounds. Black robbers prefer new immigrants, easily spotted by their cultural uncertainty. Mexican and Chinese immigrants are special favorites because they possess slighter physical builds, and many, robbers know, are illegal aliens who are unlikely to complain to the police about being victimized. In addition, black robbers think that Chinese immigrants cannot identify them in lineups because "All we niggas look alike to da Chinks." Other robbers track what cops call the "wounded buffaloes" of the street—the feeble or the old. Many rob only elderly women, or women shepherding children. Whatever their choice of vic-

tims, robbers typically employ thoroughly rehearsed, indeed ritualized, methods of operation, as well as formulaic verbal commands that signal and frame a robbery: “Up gainst the wall, muthafucka!” “Do you know what time it is?” “This is a stickup; hand it over.” “Everybody be cool; this here a robbery.”

Dedicated robbers take pride in their work. Detective Sergeant Tommy Burke once conducted a lineup that included a suspect photo-identified by a witness along with five fillers. After her first look, the witness told Burke that she thought the person who robbed her was number 3, but she wasn’t sure. She asked Burke if all those in the lineup could say what the actual robber had said when announcing the robbery and, with some embarrassment, she whispered the formula to Burke. Burke gave the order. Filler number 1 said in a mild voice: “Yo, muthafuckas, this is a stickup.” Filler number 2 said in a meek voice: “Yo, muthafuckas, this is a stickup.” The third person in the lineup, indeed the actual suspect, strode up to the microphone, stuck out his arms, and said: “YO, MUTHAFUCKAS, THIS IS A STICKUP!” He then turned around and, with a condescending look, indicated to the other guys that his was the right way to announce a robbery.

If robbers are successful in their trade, and especially if they are able to develop the “hardness” essential for occupational longevity, they stick to tried-and-true routines for many years. Among those who do robbery for a living, hardness becomes the most highly prized occupational virtue.¹⁸ Hardness means, above all, a mental toughness and the ability to project such a thoroughgoing ruthlessness that victims become compliant and nonresistant, enabling robbers to control completely the peculiar social interaction called robbery. Such control of the situation prevents robberies from “going bad.” Robberies that do go

bad are usually thought to be caused by a victim's resistance to the robber, which creates a situation that is "out of control," typically producing an escalation of violence.

One learns such managerial skills only through experience. Because of constant practice as evinced in robbery rates, Brooklyn robbers are generally considered "harder" than those from other New York boroughs. A prosecutor tells the sad tale of a Brooklyn robber who had teamed up with a Manhattan robber to do subway work. One robbery went bad when the Manhattan robber lost control of the situation and then shot the victim. "The worst mistake I ever made in my life," the Brooklyn robber told the prosecutor, "was teamin with that New York nigga." Indeed, the general aphorism among Brooklyn robbers in comparing themselves with those from their sister borough is: "New York niggas, they be soft; Brooklyn niggas, we be haaaard!"

The police finally nabbed Shorty. On November 18, 1991, he visited his fence to sell some gold. The jeweler did his civic duty and called the detectives at his local Transit District 3. Shorty turned out to be a predicate felon already convicted of two previous felonies, including shooting at two police officers in the 10th precinct. After twelve lineups at Central Robbery (with eight positive identifications) and four lineups at Transit District 3 (with three positive IDs), Shorty was housed on Rikers Island awaiting further proceedings on his case. The transit police obtained an order to produce Shorty from Rikers for twenty-one more lineups at Central Robbery on December 4, 1991. The event was intended to be signal, with brass from up and down the transit police hierarchy in attendance, as well as media representatives. Even in the world of subway robbers (who tell de-

tectives that they do between 30 and 35 robberies for every one in which they are caught), Shorty was a prodigiously prolific robber.

On the morning that a prisoner faces a legal proceeding, the Correction Department begins processing orders to produce prisoners for court at 0200 hours and puts its charges on buses heading for the city four hours later. Prisoners destined for Manhattan are taken to Central Booking, where they are held on the twelfth floor of the new Tombs building adjacent to 100 Centre Street, the location of Manhattan's criminal courts, until the detectives in one or another command fetch them and accompany them to their appointments. After the legal proceedings, prisoners are returned to Central Booking and remanded to the custody of Correction, which transports them back to Rikers.

Detective Jeremiah Lyons from the NYCTP's Major Case Squad was to pick up Shorty from Central Booking and deliver him to Detective Aiello for transport uptown to Central Robbery along with "Morgan," Shorty's accomplice in three robberies. Lyons called Detective Sergeant Keitel at 0900 hours to check in and reconfirm plans. Lyons was at Central Booking waiting on Correction officials, always slow and deliberate in their work. Most of the complainants had gathered at Central Robbery by mid-morning. Shorty's Legal Aid lawyer showed up a little later. The transit police brass drifted in late in the morning and chit-chatted with the Central Robbery detectives. Detective Aiello went downtown at 1100 hours to meet Detective Lyons in order to fetch Shorty.

At 1300 hours, Aiello returned with Morgan in tow, but no Shorty. According to Correction, Shorty had not yet arrived at Central Booking. Detective Lyons, a vital, personable, and excitable man, was, according to Aiello, beside himself. Lyons had

confronted the Correction officer at Central Booking, but to no effect because nobody knew where Shorty was.

Things began to get tense at Central Robbery. But everyone made allowance for the usual mishaps that occur in transporting prisoners. Prisoners use any number of scams to avoid being produced, including declaring that they are sick and need to go to the infirmary. Detective Sergeant Keitel called the Rikers infirmary. No Shorty. Next, because buses dispatched from Rikers Island make several stops distributing prisoners to different jurisdictions, each of which requires transfer of custody, Keitel called Correction at Rikers and had them review each transfer for all the buses dispatched that day. But Shorty appeared on no Correction roster for any bus at any stop heading off the island.

The detectives waiting at Central Robbery began to chat about the regular lawsuits that prisoners institute against all law enforcement officials and the timidity of judges in cases that inevitably draw the attention of the New York media. Everybody acknowledged that the prisoners run Rikers Island, especially when regular city budget crises force a slowdown. Moreover, who could blame Shorty? Detectives readily noted that, if they themselves had already been identified in eleven lineups, they would do everything possible to dodge twenty-one more complainants. And everybody noted the grim irony of Shorty's elusiveness both on the streets and in the system.

No Shorty. The awkwardness of the situation increased by the minute. In the meantime, detectives from Transit District 3, who had collared Shorty and Mason on the tip from the jeweler, arrived at Central Robbery and asked: "Where the hell is Shorty?" Keitel made several more calls to Rikers. The Correction officer at Rikers insisted that his log showed that Shorty had left the building. That was all he knew. He assumed that Shorty had

boarded the bus and was safely delivered to the Correction facility at Central Booking. Maybe, the Correction officer suggested, Shorty just was not answering to roll call at Central Booking. Did the detective receiving Shorty at Central Booking know him? Keitel ordered Aiello to go back downtown with a mug shot of Shorty for Lyons. With the photograph, Lyons went up and down the entire holding pen looking for Shorty among the dozens of prisoners waiting for processing. No Shorty.

Where was Shorty? The afternoon wore on. Shorty's lawyer announced that he wasn't staying after 5 P.M. Detectives wondered if the lawyer had known that Shorty planned to stiff them. All the transit police bosses sat in solemn assembly in Lieutenant John Walsh's office, the awkward silence broken only occasionally with caustic remarks. Lineups seemed less and less likely with each passing minute unless, one boss quipped, the police arrested the complainants. Bosses dispatched Detectives Don Mounts and Vinnie Valerio to test the mood of the complainants. The detectives reported that, although all the complainants were burning mad, sixteen of them remained so angry at being robbed on the subway that they were willing to stay until Shorty showed up. The detectives sent out for food and drinks for all the remaining complainants and made special arrangements for some, including transporting a singer to walk his dog and then to attend a long-sought audition.

Correction finally found Shorty at 1645 hours. He had never left Rikers Island. Instead, he had spent the day sitting quietly in the yard after refusing to get on the early morning bus. Whoever had drawn up the order to produce him had neglected to check the box allowing Correction to use necessary force.¹⁹

3

WHEN THE BALL FELL

Detective George Delgrosso had almost nothing when he reported to the Midtown North squad at 0800 hours on January 1, 1987. No case taken by Nightwatch. No police paperwork. No established crime scene. No ambulance reports. No hospital reports. Times Square and all the midtown watering holes had hosted several hundred thousand New Year's Eve merrymakers the night before, and the usual drunkenness, disorderly conduct, pick-pocketing, muggings, assaults with deadly weapons, and fisticuffs had kept two thousand police officers and all the hospital emergency rooms on the island busy until dawn. Detective Delgrosso had only 71-year-old Jean Casse of Toulouse, France, retired insurance broker, father of three children, grandfather of five, in St. Luke's-Roosevelt Hospital, along with his distraught wife, Renée, a retired physician who spoke no English. Jean Casse lay near death with a broken skull and brain contusions, fractures of the thyroid cartilage and the cervical spine, and multiple contusions on his head, face, and neck.

Midtown North, the sprawling 18th precinct of the New York

City Police Department, extends at its southern end from the Hudson River and 43rd Street to Eighth Avenue, then from 45th Street and Eighth Avenue to Lexington Avenue, all bordered on the north by 59th Street. The precinct jumps with action every day. Well-organized rings of high-class prostitutes roam the Sixth Avenue hotel corridor looking for midwestern businessmen flashing Rolexes ("I can spot a John a block away"), whom they French-kiss with atropine-smeared lipstick to immobilize them and turn them into easy pickings. Con men offer a checking service (with stamped receipts) at Saint Patrick's Cathedral for tourists' valuable cameras and video equipment ("No photography is allowed in the house of God"), while fake priests persuade naïve young girls to relieve the devilish pressure in their saintly loins so they can continue God's work without distraction.

Jewelers on 47th Street between Fifth and Sixth avenues provide a market for the diamond rings, gold necklaces, and earrings snatched from terrified subway passengers by young robbers, who prefer payment in recycled gold bangles, ear studs, or tooth sleeves. They also make a market for diamonds or jewelry taken by more seasoned robbers who track traveling diamond dealers and seize their leather bags stuffed with six-figure merchandise. African immigrants stake out the square in front of the Plaza Hotel at 59th Street and Fifth Avenue, their tables laden with fake seventeen-jewel watches that tempt long lines of honest citizens looking for too-good-to-pass-up deals. Taxis swerve across Fifth Avenue in reverse to pick up dressy fares, sometimes hitting jaywalking pedestrians. Other taxi drivers refuse to leave midtown's bright lights to take fares to the dark corners of the city, even menacing the occasional intrepid passenger who insists on his inalienable right to be taken to High-

bridge or Coney Island. Insouciant messengers and fitness-minded bankers alike barrel through red lights on bicycles, scattering pedestrians like tenpins.

In an Eighth Avenue salad bar, a homeless drunk helps himself to fresh spinach with his bare, bloody hands after killing his drinking buddy in a blind stupor. Gypsy fortunetellers dazzle tourists from the hinterlands with flashes of bosom and promises of future furtive delights, all the while making wallets vanish with expert sleight-of-hand. At the southeast corner of Eighth Avenue and 42nd Street, the Lost Tribes of Israel, dressed in full biblical regalia and quoting prophecies from the Holy Book, promise salvation for all peoples of color, while hurling racial slurs at passersby condemned by their pale skin to eternal damnation and hell-fire.¹

Just across the street, young men and women, boys and girls from all over the country disembark Greyhound buses and pour out of the Port Authority terminal into the bright lights of the Deuce, seeking thrills in smack, crack, blow, speed, smoke, or crank, and in gay bars or porn theaters along Eighth Avenue. Street honeys, mostly girls from uptown, ply their trade on Eighth Avenue as well, while stud hustlers (“I always be the fucker; never the fuckee”) prowl the streets and bars for rough-trade seekers, whom cops often find trussed and robbed, sometimes killed, in the flophouses that crowd the western end of the precinct. Flophouse owners, fearful of the strength of the predators under their roofs, regularly scorn willowy or short female officers dispatched to quiet disturbances, demanding policemen who can solve problems quickly by knocking heads (“I wants fuckin *men* po-lice!”). And bands of young robbers from Brooklyn (“Manhattan make it, Brooklyn take it”) prowl midtown corridors, looking for just-paid city workers, theatergoers, shoppers,

thrill seekers, or gawking tourists whom they can corner, punch senseless in “strong-arm robberies,” and relieve of their money.

Delgrosso knew a lot about Brooklyn robbers. In the 1970s, after a stint on foot patrol in Brooklyn’s 94th precinct, he worked in the Neighborhood Stabilization Unit on Muggers’ Row between Ocean Parkway and Prospect Park in the 70th precinct, catching hundreds of street and push-in robberies, muggings, and store heists, once getting stabbed in the back by the brother of a boy he was arresting in the midst of a melee. Later, he did anticrime work in Brooklyn’s 75th precinct in East New York, always one of the city’s busiest and most violent precincts, and then in that precinct’s task force on youth gangs.

After a tour ghosting buy-and-bust narcotics operations on Manhattan’s Lower East Side, Delgrosso was promoted to the detective squad of Midtown North’s D team in December 1985. He worked with Robert Chung, who made his bones by infiltrating Chinese tongs; Alex Renow, a career Midtown North veteran, first in uniform and then in the squad, a sage observer of the human comedy that police see unfold every day; Pete Castillo, who brought several years of federal task force work to the squad; and Pete Panuccio, another veteran of the “People’s Republic of Brooklyn” and something of a specialist in its colorful and telling street language (“Man’s heart done seized up and the parimutuels had to jump-start it”).²

During Delgrosso’s first year in the squad, he worked on several homicides caught by other detectives. When Jean Casse died from his injuries at 1030 hours on New Year’s Day, 1987, Delgrosso had caught his first homicide.

At 1100 hours, with the help of Sergeant Frederick Sachs of the 17th precinct, a police interpreter, Delgrosso got the

original story from Renée Casse at the Plaza 50 Hotel on East 50th Street. Mrs. Casse told Sachs and Delgrosso that she and her husband had never visited New York before. They had arrived on December 27, 1986, with seven other French men and women, for a sightseeing and shopping trip. On New Year's Eve, the entire group went to the New York City Ballet's evening production of *The Nutcracker* at Lincoln Center, which ended at 10 P.M. They ate a late dinner at Scarlatti's restaurant on East 52nd Street near Madison Avenue and then returned to their rooms at the Plaza 50 to change shoes and drop off shopping bags before heading to Times Square to ring in the New Year. But the Casses had trouble keeping up with the younger members of the tour group. They suddenly found themselves alone on a very crowded street. As bells began to ring, people started shouting and singing and the crowd pressed around them. Renée told Jean that it was midnight and they should return to the hotel, but Jean insisted on continuing to Times Square. Renée had her arm on Jean's, when suddenly she found herself losing her balance. She fell down and hurt herself. She got up quickly but, to her horror, saw Jean prostrate on the sidewalk, bleeding from the nose and the mouth. A man was kneeling on Jean, holding him around his neck and smashing his head on the sidewalk near a large flowerpot in front of a restaurant. Renée threw herself on the assailant, pulling him by his hair and ears. The man took Jean's wallet, which contained about \$500 in one-hundred-dollar bills, and then fled east on 52nd Street.

At 1300 hours, Delgrosso and Sachs took Mrs. Casse and an American friend of the Casse family to 52nd Street. Mrs. Casse pointed out the scene of the assault, just under the awning of Ben Benson's steak house, a well-known New York City restaurant, at 123 West 52nd Street. But Ben Benson's, indeed the whole street, was dark on New Year's Day, the quietest Thursday of

1987. Delgrosso ordered uniformed officers to cordon off the area in front of the steak house.

After returning Mrs. Casse to her hotel, Delgrosso went to St. Luke's-Roosevelt Hospital, where he tracked down one member of the ambulance crew, Patrick Powers, an emergency medical technician from Saint Clare's Hospital, a West-side sister institution. Powers said that he and his partner, Michael Vaughn, whose day job was teaching biology in public school, were stationed on Seventh Avenue at 53rd Street on New Year's Eve. At midnight, from their truck, they watched the ball fall. Suddenly, they received an emergency call for a man shot in the head on 52nd Street between Seventh and Sixth avenues, right around the corner from them. Despite the wall-to-wall crowd, it took only a minute for the EMTs to drive down Seventh Avenue and then east on 52nd Street. All intersections were cordoned off, and blue police barricades stopped all other traffic. Police officers cut a slot through the surging crowd for the ambulance.

On 52nd Street, jammed with milling pedestrians and more than a dozen police officers, two uniformed cops directed them to the north side of the street, halfway down the block to Ben Benson's steak house. The technicians found a heavy-set gentleman with a gray beard lying on his back, his feet pointed toward the street. The man breathed rapidly and, with each breath, blood spurted profusely from his nose. He also bled from his right ear. His pulse was eighty-four, his skin moisture normal, his skin temperature cool, his color pale. Powers and his partner shone a flashlight into the man's pupils but got no flicker in return. Police officers swung a huge potted plant out of their way so that the technicians could turn the man on his left side and clear his airways. That was when Powers and Vaughn saw matted blood on the back of the man's head, though they were un-

sure of its source. The technicians stayed at the scene for about three minutes and then raced the victim to St. Luke's-Roosevelt Hospital, the nearest medical facility, where they left him with nurses in the trauma room of the emergency ward.

Delgrosso went from the hospital back to the Midtown North station house and combed through the log of radio calls that police had received the night before. The log gave him the sector that handled the call. However, before going off duty, the sector cops had done no paperwork that might provide more details of the assault. Delgrosso then contacted the Department of Transportation and found some traffic cops and meter maids who were on duty in the Times Square area on New Year's Eve. But none of them had seen the assault on Casse. At 1450 hours he returned to 52nd Street with Detective William Schachtel and other members of the Crime Scene Unit. The unit took photographs of the entry to Ben Benson's, particularly the still-visible bloodstain on the sidewalk and the tilted potted plant. Back at the house, Detective Alex Renow suggested that Delgrosso check with Central Booking to see if anyone had been arrested in the Times Square area with C-notes (one-hundred-dollar bills) on his person. Delgrosso took a ride downtown to Central Booking at 100 Centre Street and reviewed all the arrests for robbery in the Times Square area on New Year's Eve, about fifteen in all, but officers had confiscated no C-notes from those arrested on New Year's Eve or morning. Calls to Central Booking in Brooklyn and Queens also produced nothing.

When Ben Benson's opened the next day, Delgrosso found three witnesses to the assault. James Head, known as Mike, had been working tables near the front windows of the steak house. Suddenly, around midnight, Head saw twenty or thirty black kids creating havoc in the street, pushing and knocking around

several pedestrians. Head told the *maitre d'* to lock the restaurant's door. Then he saw, as if in slow motion, an elderly man falling down, straight down, right on his head with a thump, just between the two large planters underneath the awning that stretched from the restaurant's front door to the curb. The man was wearing a camel-hair overcoat. His feet were pointed toward the street. Head and the *maitre d'* raced outside and screamed at the three or four kids surrounding the old man, one of whom straddled the man from his knees to his thighs as he went through his pockets. While another waiter brought out tablecloths to cover the victim and keep him warm, Head went back inside the restaurant and called 911, claiming, in order to get a quicker response, that a man had been shot.

The *maitre d'* echoed Head's account, as did Richard Farrar, another waiter who had been upstairs changing his clothes. Farrar looked out of the upstairs windows and saw about two dozen black kids running in circles on the street. To his right, he saw several kids surround a girl in a white fur coat and grab something from her. To his left, he saw three kids push someone to the ground; he could see the victim's legs from the window, but his view was partially obscured by the sidewalk awning. Farrar went downstairs and joined the *maitre d'* and Head.

After the EMS team removed the victim from the street, restaurant employees doused the pool of blood that had gathered on the sidewalk with buckets of water and detergent. Police officers on the street did not tell them to stop. Delgrosso asked the steak-house manager for a list of all his employees as well as credit card slips for all the restaurant's late-evening New Year's Eve customers in order to locate other potential witnesses. But the manager could produce only two credit card slips for the entire evening, claiming that all the other customers had paid in cash.

Back at the station house, Delgrosso found PO Robert Giannetta, one of the officers who had responded to Head's call about shots being fired. Giannetta said that he had just come on duty at 2330 hours and was sitting in a radio car with his partner, PO Dan Danaher, on Broadway at 54th Street facing south when the 911 call came across the air at 0005 hours, just after the ball fell. The officers drove to 52nd Street and found a man lying on the ground with a sheet over his body. A female police officer and three plainclothes police officers, one of whom was Sergeant Sheerin, were huddled around the prostrate victim, along with the victim's wife and a restaurant employee. The three plainclothes officers left the street heading east. When the EMS team arrived, Giannetta helped turn the large man over and then place him in the ambulance. To do so, he had to move a barrel that served as a planter. Giannetta said that he did not safeguard the scene.

Delgrosso immediately tracked down the plainclothes assignments for New Year's Eve. Sergeant Sheerin had headed a detail from 2330 to 0800 hours, policing the area from 44th to 66th streets, from the Hudson River to Lexington Avenue. Sheerin supervised two officers, one of whom was Michael Bachety. Bachety told Delgrosso that Sheerin's team had parked their unmarked car at 55th Street and Seventh Avenue because it was too congested to drive. The officers walked down to 50th Street on Seventh Avenue, where they watched the ball fall. As the officers walked back uptown to their car, a large group of black youths thronged past them, heading north up Seventh Avenue, then turning east on 52nd Street. The plainclothes team followed them, staying about six feet behind the youths on the south side of 52nd Street. Suddenly the youths broke into a run.

Across the street, the officers saw a man lying on the sidewalk,

with a woman kneeling next to him. The man lay perpendicular to the street, his feet ten feet from the curb, his head a little to the west of a restaurant's awning. After radioing for a sector car and a "bus" (an ambulance), Bachety and Sheerin ran east on 52nd Street to see if they could catch up to the youths they had been following. But they found no trace of the youngsters. When Bachety and Sheerin returned to the crime scene, the ambulance was just pulling away. The next morning, after learning that Casse had died, Bachety went to the Medical Examiner's Office at Bellevue Hospital, where he identified Casse's body, number 87-18.

Several New York dailies ran articles on Casse's murder on January 2, 1987. Though replete with inaccuracies, the articles prompted a couple to come forward that day to relate to Delgrosso what they had seen on 52nd Street on New Year's Eve. "Bob Brown," who used to work in New York City in one of the big financial houses, had flown back from Los Angeles to spend New Year's with his friend, "Janet Yost." Brown gave a detailed statement. He said that he and Yost had had dinner on New Year's Eve and then went to a party at NBC studios on Sixth Avenue near 50th Street. Afterward, the couple strolled up Sixth Avenue and then decided to walk over to Seventh Avenue to see the ball fall. They turned west on 52nd because the police had not cordoned off that street. As they walked along the north side, they saw a group of kids running toward them, yelling and screaming, striking anyone in their path. Brown saw the kids hit two men. Brown and Yost were surrounded two or three times by youths shouting at them and menacing them, but they were not hit.

Suddenly, to his right, Brown saw a young woman in a white coat being chased under the overhang of a building on the north

side of the street and knocked to the pavement. Immediately, Brown turned Yost around and headed east with Yost on his right. To his left, only twenty-five feet away and just a few seconds after he had seen the assault on the young woman in the white coat, Brown saw a tall, husky young man strike an elderly man with his right fist with great force. The man's feet went straight out from under him and his head hit the pavement with a ghastly crack. Brown said that the assailant then jumped two steps to his left, exhibiting enormous excitement. Brown could not see the assailant's face because his back was turned. Brown kept moving, but he looked back and saw someone on top of the old man, while the "hitter" was sprinting toward Sixth Avenue. Brown added that all the kids involved in the assaults were black. They kept yelling: "Just the whites!" Yost heard them saying: "Get the whites!" She caught only a glimpse of the assailant. She described him as tall and skinny, with a close-cropped Afro, and wearing a light gray jacket.

By this time, Delgrosso had a complete scenario of what happened to Jean Casse and his wife. The incident had all the earmarks of one of the Brooklyn-style strong-arm robberies that plagued midtown Manhattan during the 1980s. But he had as yet no accurate description of the assailants and no further leads.

The first break came in the early afternoon of January 3. PO Michael Paccione of the Midtown North robbery squad interviewed a young man from Brooklyn arrested with three accomplices for a strong-arm robbery on January 2 in front of 56 West 47th Street. Robbery squad officers prowling the streets in an unmarked car had actually eye-witnessed the as-

sault. Paccione asked the young robber if he knew about a robbery/murder in Times Square on New Year's Eve. The boy said that on Thursday, January 2, while at the Albee Square Mall on Fulton Street in Brooklyn, he had asked an acquaintance if he was going uptown to "get paid"—Brooklyn robbers' phrase for their "work."³ The acquaintance said: "No, I think I caught a body when the ball fell." Paccione pressed for a name, but the boy said he knew this man only as Smokey. He added that James Walker, one of the people with whom he himself had been colared, might know more because Walker had been with him when Smokey made the remark.

Paccione immediately called Delgrosso. Delgrosso tracked down James Walker, who was also still in custody. Walker had been around the block, chalking up arrests for robbery, attempted robbery, chain snatching, and assault. Walker claimed that he had had been at home on New Year's Eve until after the ball fell. Then, at around 1:30 A.M., he went into Manhattan and ended up at the Latin Quarter on Broadway and 48th Street, where he saw Smokey.⁴ Walker knew Smokey from the Albee Square Mall, a meeting place for Brooklyn robbers who go to Manhattan on Thursdays and Fridays to get paid. There, he said, they exchange gossip, street lore, and stories with one another and boast about their exploits. They also choose up three- or four-man robber bands on the criterion of perceived criminal prowess. They then carve up Manhattan, assigning specific locales to specific bands, in order to reduce competition and avoid unwanted police attention.

Walker knew Smokey by that name and by another street handle, Catfish. Walker said that Smokey stood over six feet tall and weighed about 230 pounds. He acknowledged that Smokey had said he "caught a body when the ball fell." Delgrosso pressed

him for the meaning of that phrase. And Walker said that Smokey thought he had killed someone at midnight on New Year's Eve.

Delgrosso took Walker to several police units that housed collections of photographs of assailants, including the 75th precinct's robbery unit and anticrime unit, Brooklyn's CATCH unit, the New York City Transit Police robbery squad, and ending up at the Manhattan CATCH unit, then housed in the 20th precinct on West 82nd Street.⁵ Walker looked through scores of photographs but found none of the young man he knew as Smokey. He did find pictures of several of Smokey's associates, however, including Jerry Sanders aka Drak and David Warren aka Young. Delgrosso took down both names, writing a note for his file that Drak's typical *modus operandi* (as recorded in police notes that accompanied his picture) was to rob on the streets and then duck into a subway to escape apprehension. Walker told Delgrosso that David Warren, in particular, hung out with Smokey at the Albee Square Mall and that he had seen Warren at the Latin Quarter on New Year's Eve with Smokey.

Delgrosso pulled Warren's sheet and discovered that he had been arrested for strong-arm robbery a few months before in the Midtown South precinct with another Brooklyn teenager named "Chico." After PO John Bane had retrieved Chico from his house, Delgrosso grilled him about Warren. Chico admitted being arrested with Warren in September. Chico said that Warren lived in the Pink Houses in East New York, Delgrosso's old stomping grounds. Chico acknowledged knowing Smokey as well, though he did not know his real name. Smokey also lived in the Pink Houses on Crescent Street. Chico could not give an exact address, but Smokey could always be found in the Albee Square Mall on Thursdays, Chico said. It was payday for city

workers, and Smokey would be putting together a team to go uptown to rob.

Delgrosso needed Smokey's real name and exact address. So he ordered James Walker to telephone David Warren and find out how to reach Smokey. Walker did as he was told, and the unsuspecting Warren provided Walker with Smokey's phone number. Delgrosso did a reverse search, which came up with an address on Crescent Street.

Sergeant Wally Zeins led a team of cops and detectives to Brooklyn to find Smokey, accompanied by James Walker in a van with dark-tinted windows. The unit camped outside the address on Crescent Street and waited. At 2000 hours a hulking young man came out of the house, accompanied by a girl. Warren immediately identified the person as Smokey. Smokey and the girl started walking toward the Linden Boulevard area. The police car followed the couple closely for a few blocks, and then the detectives jumped out and surrounded the pair. A detective told Smokey to get against the fence to be tossed. Sergeant Zeins asked him to come to the local station house, which he agreed to do. Smokey's girlfriend later claimed that the cops had put guns to Smokey's head and back. To protect Walker's identity, POs Maloney and Crowley responded to Zeins's call and took Smokey to the 75th precinct station house in a separate vehicle. The police did not arrest or handcuff Smokey. Smokey called his father from the station house and told him to come down. Smokey turned out to be 19-year-old Eric Smokes.

Delgrosso interviewed Smokey at a desk in the 75th precinct squad room beginning around 2230 hours. Delgrosso told Smokey that he was investigating numerous assaults and robberies in the Times Square area on New Year's Eve. Del-

grosso asked to take Smokey's picture, explaining that he intended to show the photo to witnesses to an assault. If he were identified, Delgrosso explained, Smokey might be in trouble. Smokey agreed to be photographed. After using the Polaroid camera, Delgrosso settled into the interview. Where, Delgrosso asked, was Smokey on New Year's Eve? Smokey said that he went to see the movie *Heartbreak Kid* with some friends. Delgrosso expressed disbelief that Smokey had been at the movies on the biggest night of the year. Smokey hemmed and hawed a bit. Then he said that he had mixed the nights up and that, actually, he had gone to Manhattan at about 9:30 or 10:00 P.M. with some friends for the New Year's bash. He said that he was with David Warren and others, including a boy named "Ned Davis." He claimed that he took the F train, walked up Sixth Avenue, and ran into some other kids from Brooklyn, eventually ending up at 47th Street and Broadway, near the Latin Quarter.

Delgrosso asked Smokey where he was when the ball fell. Smokey replied that he thought he was at 47th Street and Broadway. From there, he and his friends walked downtown toward Madison Square Garden at 34th Street and Seventh Avenue. Delgrosso asked Smokey if he had gone any further uptown than 47th Street, but Smokey insisted he had not. Delgrosso asked if Smokey had seen any robberies while he was walking around. Smokey denied seeing any, although he said there was a lot of craziness in midtown that night. Smokey did say he had seen a fight and a shooting at 39th Street and Seventh Avenue around 12:45 A.M. Smokey claimed that he went back to Brooklyn with the same friends at about 2:30 A.M.

Smokes's father arrived during the interview. Although Smokes was old enough to be interviewed without having a parent present, Delgrosso allowed Smokey's father to remain.

The cat-and-mouse interview continued. Delgrosso men-

tioned that some kids had robbed an old man, who had died several hours later, but Smokey denied knowledge of any such incident. He asked if Smokey knew anybody who had made a good score on New Year's Eve. Smokey said he knew no one who got lucky that night. Delgrosso showed Smokey some photographs that he had brought with him from the CATCH unit. Smokey picked David Warren's picture out of the bunch and gave Delgrosso Warren's address. Delgrosso then asked Smokey if he hung out at the Albee Square Mall on Fulton Street. Smokey said that he went to the mall from time to time. Delgrosso told Smokey that the police heard that Smokey had said that he could not go to Manhattan because he caught a body when the ball fell. Smokey indignantly denied making any such statement and demanded to know who had lied to the police about him. Delgrosso continued: Had Smokey punched anyone that night in Times Square? Smokey denied it. Delgrosso asked if anybody in the group accompanying Smokey in Times Square had done a robbery on New Year's Eve. Smokey said no.

At midnight, leaving Smokey in the squad room with his father, Delgrosso went to David Warren's house on Linden Boulevard in another city housing project. Warren's mother was upset to have the police visit her home at midnight. But after Delgrosso showed David's picture to her and told her that the police were investigating assaults in Times Square on New Year's Eve, she fetched David from a neighbor's apartment down the hall. David acted sullen and withdrawn. But he acknowledged that he had been in Times Square on New Year's Eve with Eric Smokes, Ned Davis, and some other friends. Warren's mother asked if Delgrosso wanted to talk with Ned Davis, in whose apartment David had just been. When Ned arrived, Delgrosso spoke to him privately. But Davis denied being in Times Square on New Year's

Eve. When Delgrosso pressed him with the statements of both Smokey and Warren, Davis reiterated his protests vehemently and said that he had been home watching television with his parents.

Delgrosso asked Warren to come with him to the station house, and both Warren and his mother acceded to that request. Delgrosso tossed David for a weapon before they got on the elevator but did not handcuff him. When they reached the 75th precinct station house, Delgrosso put Warren in an interrogation room in the robbery unit. Smokey was still in the squad room down the hall. The two young men could not see each other.

Delgrosso went over Warren's statement with him in detail. David said that he had gone to Manhattan with some friends on New Year's Eve, got off the train at 42nd Street at Sixth Avenue, and walked up Sixth Avenue and then over to Broadway at 48th Street, near the Latin Quarter. When the ball fell, he and his friends were in that area, Warren said. Then they walked downtown to Madison Square Garden at 34th Street. Warren said that he had seen a lot of pushing and shoving but no robberies. Warren insisted that he had never gone above 48th Street. Delgrosso asked Warren if he had seen Smokey hit anyone that night, but Warren denied that he had.

At this point, Delgrosso lied to Warren. He told Warren that Smokey had admitted hitting somebody on New Year's Eve. He asked Warren if he had seen Smokey hit an old man. Warren said no, but then he said that he had indeed seen Smokey hit somebody, but it was a young man, not an old man, and the assault occurred, Warren said, at 41st Street and Sixth Avenue sometime after the ball fell. Warren insisted that neither Smokey nor he had taken any property from the man Smokey hit, an emphasis

that told Delgrosso that Warren was well aware of the legal distinction between simple assault and robbery. Instead, David said, a young Hispanic man named “José” whom they had met at the Latin Quarter had taken property from this victim.

Delgrosso went back to the squad room and confronted Smokey with Warren’s statement about the assault at 41st Street and Sixth Avenue. Smokey admitted the assault. But then he too insisted that he had not taken any property from the man he struck. Instead, he said, someone named José from Ninth Avenue and 50th Street took the man’s wallet. Delgrosso pointed out to Smokey that, under the law, hitting someone so that someone else can pick his pocket is considered robbery. But with a notion of responsibility characteristic of the street—one is responsible only for actions that one directly and personally performs—Smokey insisted that he had not robbed anyone.

Delgrosso returned to the robbery interrogation room and continued his interview with Warren. He told David that the police knew all about the robber shape-ups at the Albee Square Mall on Fulton Street, suggesting that Smokey acted as a ring-leader in organizing robber crews to go to Manhattan. Warren, who had only the one previous arrest with Chico for robbery, admitted that Smokey and he had gone into Manhattan about a dozen times since the summer and that he had seen Smokey hit people. But, working with the same notion of responsibility asserted by Smokey, he insisted that he had never seen Smokey take property, and he denied any personal responsibility for robbery of any sort. He also stuck to his story about New Year’s Eve, arguing that he and Smokey had never been above 48th Street. Delgrosso warned David that he and Smokey stood to be arrested if any witnesses to New Year’s Eve robberies in Manhattan picked their photographs out of photo arrays. With that, at

around 0130 hours, Delgrosso drove Warren back to the projects, dropping him off a block from his house because David did not want neighbors to see him getting out of a readily identifiable police vehicle.

In the meantime, Smokey told Sergeant Zeins, who was sitting with him and his father in the squad room, that he just remembered that a homeboy named “EZ” was counting C-notes the day after New Year’s. According to Smokey, EZ had said that he “did a poppy.” Zeins reported the information to Delgrosso, who laughed when he heard that Smokey had miraculously remembered such a vital piece of information. But he went to Smokey and asked him for help in finding EZ. Smokey said that EZ hung out at the Albee Square Mall. Smokey then left the station house with his father at 0200 hours on January 4, a free man. But Delgrosso now had his picture, along with the Polaroid shot he had taken of Warren at the station house, to show to the witnesses of Casse’s murder.

Before leaving Brooklyn, Delgrosso roused Ned Davis out of bed in the early hours of January 4 and went over his story. Davis now sleepily acknowledged that he had in fact been in Times Square on New Year’s Eve. He said that he, Smokey, David Warren, and another kid had arrived at 42nd Street in Manhattan between 11 and 11:30 P.M. They walked around the Times Square area with several friends until midnight. When the ball fell, they were, he said, at 44th Street and Broadway. Then they walked downtown to Madison Square Garden. The atmosphere was tense. Cops with radios watched them steadily and followed them. They walked uptown to the Latin Quarter at 48th Street and Broadway and checked to see if they had the requisite \$25 per person for admission. But they were short. So he and David Warren went back to Brooklyn together. He admitted lying to

Delgrosso earlier, pointing out that he usually lied to the police until he had a clear idea of what they wanted. Delgrosso sensed that Davis was lying now, but he could not shake his story.

Delgrosso also talked again with James Walker. He insisted on his own alibi for the early hours of the New Year but now acknowledged that he himself had gone to Manhattan many times with Smokey and Warren to rob. Smokey always played the strong-arm puncher. Walker and Warren went through the felled victims' pockets. If anyone pursued them, Smokey punched them out too. Walker admitted that he had robbed with Smokey and Warren at least a dozen times in this manner, probably many more, but they were never caught. After robbing, the crew often went to the Latin Quarter, where they met lots of girls from the projects in Brooklyn. Walker also said that he knew EZ, and that EZ was still robbing people in Manhattan. Delgrosso became convinced that he had two of the right players in Smokes and Warren. But what police think they know and what they can prove in court are often two different things.

The witnesses to the assault on Jean Casse could not give Delgrosso the proof he needed. Renée Casse could identify neither Smokes nor Warren. Things had happened too quickly, and Mrs. Casse, in a state of panic and shock, had never seen the hitter in the first place. Mike Head, the waiter from Ben Benson's steak house, could not pick Smokes or Warren out of a photo array. It had been chaotic in the street, and Head had never seen the hitter's face. He had only gotten a glance at the back of the man rummaging Casse's pockets. Janet Yost's description of the hitter as tall and skinny did not fit Smokey—big, strapping, and muscular. And Bob Brown had seen the face of neither the hitter nor the man on top of Casse. Delgrosso could not make a case with these witnesses.

Over the following few days, Delgrosso continued working the Albee Square Mall connection. He reviewed scores of arrest reports for New Year's Eve robberies committed by wolfpacks from various Brooklyn projects. Most of these assaults had occurred in midtown and Upper East Side precincts, but a few took place further uptown. One New Year's Eve wolfpack robbery caught Delgrosso's eye, a rip-off with a hammer in the 25th precinct in East Harlem about an hour after the Casse assault. Police charged "Charles Dawson" from the Fort Greene projects as one of the assailants in that robbery. Delgrosso added Dawson's picture and those of Dawson's associates to his pile of photographs to show witnesses.

Delgrosso got his second break late on January 7. He received a call from a detective in Brooklyn's 88th precinct who was dating a woman from the Fort Greene projects. The detective said the woman had discovered a press clipping on the Casse murder in her 16-year-old son's room. When she asked him about it, her son told her that he and his friends had seen the murder. He was with some homeboys from the Fort Greene projects, he said, when he saw the body on the ground; they all fled when a man came out of a restaurant toward them. The boy's mother, fearful of asking for more details, suggested that he call the police with this information. Instead, her son went to his grandmother's house because his nana would hide him from the police. The woman told her detective boyfriend that her son's name was "Michael Edwards."

Detective Jimmy Kennedy of the Midtown North squad picked up Michael Edwards at his grandmother's house at midnight on January 8 and brought him to Midtown North for

questioning, telling him only that the police wished to speak to him about something that had happened on New Year's Eve. At the station house, Kennedy revealed the real reason for the discussion. Shocked that the police were questioning him, Michael at first denied all knowledge of the murder. They discussed his friends. Michael said that he hung out with his cousins, "Bill Johnson" and "Bobby Johnson." He admitted that he regularly went to the Albee Square Mall. Kennedy checked Michael's record and found that he had been arrested in 1986 with Bobby Johnson for criminal mischief—bending bars in a subway station—but the case was later dropped. Bill Johnson, a big, husky young man, had only a misdemeanor arrest for fare-beating on his record.

Kennedy asked where Michael and his friends had been on New Year's Eve. Michael said that he, Bill and Bobby Johnson, "Shawn Green," and two other kids from the Fort Greene projects had gone into Manhattan around 10 P.M. They wandered around Times Square until the ball fell and then went back to Brooklyn. Kennedy said that Michael knew more than he was disclosing. Kennedy suggested the possibility of Michael going to jail for withholding evidence. But that threat did not faze Michael. Kennedy said that kids go to Albee Square Mall to team up for robberies in Manhattan. Michael said that he went to the mall to shop. Kennedy pointed out that Bill Johnson certainly fit several witnesses' descriptions of Casse's assailant. The detective said that he was going to get photographs of Michael and all his friends and show them to other witnesses to see if they put Michael and his crowd on the set.

Kennedy's last remark seemed to trigger apprehensiveness in Michael. At 0345 hours, Michael gave Kennedy the following story: He and his friends were at 50th Street and Seventh Avenue

when the ball fell. They did, in fact, wander over to 52nd Street, heading east, following crowds of kids from Brooklyn. They formed a line on the north side of the street, Bill Johnson leading, Michael five feet behind him, and Bobby Johnson five feet behind Michael. They had been on 52nd Street for no more than thirty seconds when, suddenly, just to their left, Michael said he saw a lady getting mugged. The boys kept walking. Then, again to his left, from a distance of fifteen to twenty feet, Michael said that he saw an old man fall like he had been hit. The man fell right in front of Ben Benson's steak house. Michael also saw an old lady in a fur coat at the scene.

Kennedy pressed him on what else he saw. Michael said that a guy named Smokey, whom he knew from the Albee Square Mall, was walking east toward Sixth Avenue after the man fell. And he saw another guy, whom he recognized from the mall, bend at the waist, lean over the man on the sidewalk, and go through his pockets. Michael said that he, Bill, and Bobby kept walking east on 52nd Street, went around the corner, saw other people whom he did not know, and then returned to 52nd Street. The ambulance had just arrived and the street was crowded with police. Then he and his friends went back to Brooklyn. When Kennedy showed Michael photographs, he picked out Smokey as the hitter and David Warren as the person rummaging through the pockets of the man on the sidewalk.

The detectives kept Michael in the house while they raced back to the Fort Greene projects to pick up the Johnson brothers and Shawn Green at 0500 hours. The three boys made extremely reluctant witnesses. Shawn Green, himself tall and husky, admitted to being in Times Square on New Year's Eve, and he even admitted being on 52nd Street right after the ball fell, but he claimed to have seen nothing. The detectives pressed

him, but Green did not budge from his story. At 0600 hours, Kennedy and Delgrosso interviewed 19-year-old Bill Johnson, whose arrest for jumping a subway turnstile turned out to be complicated by his persistent failure to show up in court on that minor offense, resulting in the issuance of two bench warrants for contempt of court. Bill admitted being in Times Square with his brother, Bobby, and with Michael Edwards. But he insisted that that he had done nothing wrong and that he wanted nothing whatsoever to do with a police investigation.

The detectives confronted him with Michael Edwards's statements about the assault on Jean Casse on 52nd Street, but Bill remained adamantly silent. Then, the detectives pointed out to Bill how closely he resembled the descriptions by witnesses of the man who slugged Casse on 52nd Street. They suggested that they might charge him with the homicide unless he aided them in identifying those responsible. Bill agreed to talk, but only because he felt that it was entirely possible the cops might charge him. He pointed out that the police officers who had followed the Brooklyn boys on 52nd Street started smacking the black kids, not any white people. He had no expectations of fairness from the police. He said that he did not want to stay at the station house any longer. But Kennedy and Delgrosso insisted that he give a statement.

So Bill admitted seeing the old man getting hit on 52nd Street from a distance of eight to ten feet away. His brother, Bobby, was with him. The hitter was a big guy, he said, who swung with his right, perhaps his left, hand and then crossed the street. Bill said that he saw other kids going through the man's pockets; one of them jumped up with his fists closed and ran east on 52nd Street. Bill recognized both the hitter and the kid who went through the victim's pockets. He knew them from the Albee

Square Mall in downtown Brooklyn on Fulton Street. The hitter was named Smokey. Bill did not know the other one's name, but he knew his face. The detectives showed him photographs, and Bill picked out David Warren.

Sixteen-year-old Bobby Johnson initially told the investigators that he had no idea who hit the old man. But when the detectives pointed out that his brother, Bill, had put Bobby at the scene and that Bill's size made him a likely suspect on the basis of other witnesses' descriptions of the hitter, Bobby told them what he saw. Once the crowd of Brooklyn kids reached 52nd Street, Bobby saw a young woman to his left get pushed against a wall and robbed by four or five kids. He saw an old man leave a restaurant that had an awning. The old man was, he said, standing under the awning facing the street with his back toward the restaurant. A Brooklyn guy named Smokey, or Catfish, whom Bobby knew from playing basketball in the schoolyard at 46th Street and Clermont Avenue, hit the man with a roundhouse swing of his right hand. The man fell backward with his face up. Smokey walked away immediately, off the sidewalk into the roadway, heading east on 52nd Street. Four or five other guys, one of them kneeling over the man, went through his pockets and then ran when a man came out of the restaurant. All the while, Bobby was only about twenty feet from the action. When the detectives showed Bobby the photographs, he picked out David Warren as the person kneeling over Jean Casse.

Detectives and paddy wagons headed over to Brooklyn not only to get the prime suspects but also to pick up other boys from the projects who might have been involved. At the formal lineups the afternoon of January 8, Michael Edwards, Bill and Bobby Johnson, and Shawn Green (who agreed to look at the lineups despite his adamant denials of having seen anything on

52nd Street on New Year's Eve) all picked Eric Smokes and David Warren. The Johnson brothers and Shawn Green also picked out Charles Dawson, who, they said, was one of several youths surrounding Casse after Smokey hit him. Smokes, Warren, and Dawson were charged with felony murder. The charges against Dawson were later dropped because the office of the District Attorney of New York (DANY) decided that the Johnson brothers' testimony placing Dawson at the crime scene was insufficient evidence to tie him to the actual assault and robbery of Casse. DANY also discounted Shawn Green's lineup identifications of Warren, Smokes, and Dawson because Green's earlier denials of seeing anything on 52nd Street undercut the credibility of his testimony. Dawson was later convicted of felony murder arising out of yet another robbery in Brooklyn.

After arresting and charging Smokes, Warren, and Dawson, the police found another young Brooklyn man in jail on robbery charges who admitted witnessing the assault and robbery of Casse. "Corky Jones" had gone to Franklin Lane high school with Smokey and had known him for several years. He also knew David Warren by the name Young God. Jones had gone to Times Square on New Year's Eve, had ended up on 52nd Street, and had seen Smokey hit the old man in the face. He then saw Warren going through the man's pockets. He claimed that Smokey actually took the man's wallet and then both Smokey and Warren fled east on 52nd Street, before cutting through a passageway between blocks to head uptown. Jones, who had a considerable record of his own for chain snatching, robbery, and possession of burglary tools, was terrified of Smokey's wrath against himself, his wife, and young daughter if he testified to what he had seen. On Rikers Island, Smokes had told Jones that if Jones testified against him, Jones was going to get "persecuted."

In eight days, Delgrosso's investigation had gone from nothing to arrests and indictments. At trial before Justice Richard A. Scott of the New York State Supreme Court, Pamela Jordan, the defense attorney for David Warren, and John Avazino, who represented Eric Smokes, argued that the remarkable dispatch with which the case came together suggested the insufficiency of the evidence against their clients. The attorneys argued that Delgrosso had fallen into the honey pot when James Walker was arrested for robbery. Walker, in their view a walking definition of reasonable doubt, had led Delgrosso, falsely, to Eric Smokes and David Warren. From that point on, the defense argued, Delgrosso developed tunnel vision on the case.

Moreover, the defense attorneys argued that Delgrosso and the other detectives working the case had intimidated and deceived Michael Edwards and Bill and Bobby Johnson into betraying Smokey and Warren to the police under threat of getting pinned with the robbery-murder themselves. Here, Avazino stated, one sees "the true conduct of the police." He railed against the detectives' deception of one witness after another, pitting them against each other and against the two defendants. It was no accident, both attorneys argued, that Edwards and the Johnson brothers eventually had to be arrested as material witnesses and coerced to testify against their clients at trial. The detectives' and prosecutors' reliance on the likes of James Walker and Corky Jones, known predators, revealed not only the weakness of the state's arguments but also the corruption at the heart of a criminal justice system that gives breaks to felons to make cases against boys who were guilty of nothing more than high-spiritedness on a traditional night of celebration. Further,

one of the people's two civilian witnesses, Janet Yost, saw a tall, skinny kid assaulting the old man, a description that certainly did not fit the burly Eric Smokes.

Assistant District Attorney Michael Goldstein, who worked the case with ADA Susan Axelrod, argued that one takes witnesses where one finds them. Michael Edwards, Bill and Bobby Johnson, and Corky Jones all knew Smokey and Warren, all were on 52nd Street on New Year's Eve right after the ball fell, and all, however reluctantly, named Smokes as the hitter and Warren as the robber the night that Jean Casse was punched senseless and killed. James Walker, Smokey's and Warren's companion in a dozen robberies, directly heard Smokey admit killing someone when the ball fell. Walker was allowed to plead guilty to a felony with probation in exchange for his testimony, a regrettable exigency that, for better or worse, is the way the criminal justice system works.

The discrepancies among witnesses were typical of any criminal case and were not, in any event, substantial, Goldstein argued. The defense attorneys wanted things both ways. When the evidence from different witnesses against their clients coincided, they claimed collusion between witnesses to frame their clients. When different witnesses gave slightly different accounts of a situation, the attorneys claimed vast exculpatory gaps. Finally, Smokes's threats against the witnesses were reason enough, Goldstein argued, for Edwards, the Johnson brothers, and Jones to fear retaliation against themselves or their families so greatly that they had to be coerced to testify.

In the end, a jury convicted Smokes and Warren of the murder and robbery of Jean Casse. Warren was sentenced to fifteen years to life imprisonment. Smokes, sentenced to twenty-five years to life imprisonment, was enraged at the verdict and shouted out a long string of statements protesting his innocence. "They can

kill me right here man, but I ain't do it . . . I didn't even do this. I don't want to hear that bullshit any more. I didn't do this shit . . . These mothafuckas lie, none of them seen shit. They all seen what that lady seen, she didn't see me do it. I didn't kill anybody . . . I told you they would convict me on this shit. They just mad because [I] knocked somebody, they don't have nothin, nothin I did, I didn't do this . . . I didn't do this. You know I was going to be convicted of it, you unnerstan, they want somebody, they didn't even see me. I tell them this. These dudes stand up and lie, this justice system is so unbalanced . . . This is all bullshit. Be good for what? I am finished. I am finished, man.”⁶

As it happens, Eric Smokes received a bachelor's degree in behavioral science from Mercy College at Sing Sing Correctional Facility on June 2, 2004.⁷

Instead of an exercise in tunnel vision, Delgrosso's investigative work on the Casse homicide was so thorough that it aided the investigation of the robbery and murder of John Gelin a year later on June 15, 1988, at 1118 Sixth Avenue. A young man approached Gelin underneath some scaffolding on the east side of Sixth Avenue near 50th Street. The assailant attacked from behind, hitting Gelin in the head with his fists. Gelin died of his injuries five days later. His assailant ripped a considerable wad of money and a gold bracelet from Gelin's pocket and fled south on Sixth Avenue. An engineer's helper who worked on Sixth Avenue saw the assault and chased the culprit down the east side of Sixth Avenue, then down the subway stairs at the southeast corner of 47th Street and Sixth Avenue, then westbound underneath Sixth Avenue to the set of stairs leading up to the street on the southwest corner of 47th and Sixth. At the top of the stairs, the assailant paused and kicked his pursuer. But the culprit left behind an Atlanta Braves baseball cap, with its distinctive “A.”

The week that Gelin was assaulted, Midtown North had a slew

of robbery complaints, many of them strong-arm jobs committed by kids from Brooklyn who shaped up at the Albee Square Mall. Some of the robbers claimed membership in the Decepticons. Going with what he had, Detective Harry Bridgwood developed a huge list of the Decepticons, every one of whom had been arrested at one time or another, a great many for robbery. The focus on the Decepticons proved to be a blind alley. But as Bridgwood pounded the streets looking and listening for any news of young robbers who had recently made a big score in the city, he heard the street name "Drak." In squad-room talk, Delgrosso told Bridgwood to go through the Casse file because he remembered that the name Drak had surfaced in his investigation. Bridgwood not only found Drak's name but Delgrosso's note about Drak's predilection for ducking underground when in flight. Drak turned out to be a prototypically troubled young man from Brooklyn, and a member of the A Team from East New York, with arrests for robbery, assault, possession of a deadly weapon, thievery, and violent opposition to arrest. The engineer's helper, who had witnessed the assault on Gelin and had pursued and nearly caught Drak, identified him immediately. To Delgrosso's great satisfaction, the helper's testimony at trial sent another Brooklyn strong-arm robber down for the count.

4

THE GIRL IN THE PARK

The squawk came into the 34th precinct squad room at 1202 hours on Friday, March 27, 1992. Two female joggers had discovered a woman's body in Fort Tryon Park, the densely wooded urban retreat at the north end of the precinct where the Cloisters, with its stunning collection of medieval art, stands. The apparent cause of death of the unidentified woman, the radio run stated, was a gunshot wound. The squad began its usual banter, always coarse when cases have dump-job dead-end earmarks. One detective cracked that the dead woman had probably also been jogging and had run into a branch with a protruding bullet.

Detective Tony Imperato caught the case. Imperato, a barrel-chested, darkly handsome man, grew up in the streets of the Bronx. From as early as he can remember, he had wanted to be a cop. When he first applied for the job in the mid-1970s, at the height of New York City's fiscal crisis, the list for the police department was closed. He became a correction officer for a time—dreaded work pervaded by the fear that one's charges will shat-

ter their cages and wreak their fury on their keepers. Imperato finally got the call to join the NYPD in 1981. After the usual stint in patrol, followed by work in the Narcotics Division in his old boyhood stomping grounds, he became a detective in the 34th squad in 1989.

In 1992 the 34th precinct extended from 155th Street to the upper tip of Manhattan, Hudson River to Harlem River, making it the largest geographical precinct in the city. In October 1994 the NYPD split the old 34th precinct in two, creating the 33rd precinct from 155th Street to 178th Street, river to river, while the 34th precinct retained jurisdiction from 178th Street to the Spuyten Duyvil. But in 1992 the old 34th precinct, along with the 28th precinct in Harlem, the 75th precinct in Brooklyn's East New York, and the 40th precinct in the Mott Haven section of the Bronx, was a "shithouse," one of the most crime-plagued precincts in the city. It was the prototype of what cops call "killing grounds," areas of the metropolis marked by disproportionately high numbers of homicides, armed robberies, and other violent crimes. Most of the crime in the old 34th precinct emerged out of Washington Heights, between 155th and 207th streets, the residential and cultural gathering grounds for hundreds of thousands of immigrants from the Dominican Republic.

Dominican immigrants—like immigrants of other ethnic groups—work hard, strive to achieve a respectable place in American society, and abide by the law for the most part. But some Dominicans choose to live outside the law, either as illegal residents or as active participants in a range of criminal activities, often both. The few Dominicans engaged in crime consumed almost all the efforts of the old 34th precinct squad detectives. Further, most victims of crime in the precinct were also Dominicans. The drug trade accounted for the vast percentage of vio-

lence in Washington Heights in the late 1980s and early 1990s. Beginning in the early 1980s, the area became the principal wholesale and retail distribution point for Colombia-produced cocaine smuggled into John F. Kennedy International Airport. Dominican immigrants acted as the principal retailers of Colombian coke as far north as Toronto and as far south as South Carolina.¹

Imperato partnered with Detective Bobby Small, a chain-smoking, tough-as-nails former army sergeant who joined the cops right after returning from Vietnam. Small's colorful language reflected his Hell's Kitchen boyhood, where he grew up with the famous Irish thugs known as the Westies and learned the street smarts that served him well later in policing the 34th precinct.² On one sweltering day, after catching an old lady dead on arrival and a young man's carefully premeditated shotgun suicide, Small received a call from Patrol asking the squad to respond to 181st Street and Saint Nicholas Avenue. A chaotic scene greeted Small, Detective Eddie Cruz, and myself when we arrived. A large truck had jumped the curb and smashed into the window of an electronic equipment store. Videocassette recorders and televisions hung out the window. A yellow crime scene tape and fifteen uniformed officers separated 400 youths from the enticing gadgets.

A uniformed sergeant smoked nervously, pacing back and forth. Small approached the sergeant and asked why she had called the squad. Just then, a large, belligerent man pushed his way through the crowd of youths, demanding the release of his truck. The sergeant turned away and continued to puff on her cigarette. Small asked the man if the truck was his. The man said that he did indeed own the truck and that it was a refrigerated vehicle carrying perishable food that would quickly spoil if the

truck remained inoperable. Small asked who had been driving the truck. The man responded that someone he hired had been driving, but when Small asked who that person was, the man responded: “¡Yo no se!”

Small laughed and asked the man if he expected the police to believe that he had hired someone he didn’t know to drive his truck. But the man responded: “¡Yo no se!” Just then, a uniformed officer came up and whispered to Small that the truck had cut the legs off an elderly woman, who had been rushed to Harlem Hospital. Small again pressed for the name of the driver. Again, the owner proclaimed: “¡Yo no se!” Small immediately impounded the truck and ordered it parked in the sunniest part of the police parking lot at the station house until the owner produced the driver. Late that afternoon, the truck’s owner came into the station holding a man named “José” by the scruff of the neck, declaring him responsible for the accident. The incident confirmed Small’s cardinal belief about policing: in a world of radically opposed ideas about how things should work, only the energetic assertion of legitimate authority brings about a reasonable public order.

So just after noon on March 27, 1992, after the usual groans about missing lunch, several squad members rode up to Fort Tryon Park in separate cars. The park’s narrow, tangled roads made for heavy going in the clunky Chevrolet squad car driven by Imperato. Finally, after several wrong turns in the thickness of the park’s woods, Imperato and Small, accompanied by myself, spotted a uniformed officer who pointed up a steep footpath that led, he said, to the crime scene. Imperato parked the car, and we three men hoofed up the incline. At the top of the hill, an open field spread out. Across the field, to the right, was a set of stone stairs that led from the street down to the park. In the middle of the field stood a modernistic sculpture shaped like

an oversized tuning fork; to the left, under trees, was a pagoda. Still further left, hidden from view, another set of stairs headed down to a path that led toward Broadway. The other squad detectives had already arrived at the field and were waiting for Imperato. Uniformed officers from the Emergency Service Unit were also on the scene.

A low wire mesh fence bordered the field at the top of the hill. A young light-skinned Hispanic woman, probably Puerto Rican, lay slumped with her back against the fence, facing down the hill. She had been shot in the face. Stippling marks—pinpoint skin abrasions caused by gunpowder from a gun fired at a distance of less than eighteen inches—scarred the left side of her face. A spent 9-millimeter shell nestled undisturbed in a nearby bed of old plane-tree leaves. The detectives tried to reconstruct the scene. Clearly, detectives said, the woman's killer had held the gun near her face with his right hand and fired. The shell ejected from the gun over his right arm, landing behind him to the right.

The woman was dressed in black fishnet stockings, a purple minidress, a short, tatty brown-cloth jacket, and new pumps with black chiffon bows. She had a ring on each hand and a watch on her right wrist. A gold post took the place of her right front tooth. Her garish makeup did not disguise or improve her unusual facial features. Detectives placed her at the margins of the oldest profession.

When the woman had fallen against the fence, her right leg had gone beneath her left, catching her purse between her legs. The detectives could not retrieve any identification it might contain without disturbing her body, and so they had to wait until the Crime Scene Unit and the technicians from the Medical Examiner's Office arrived and did their work.

In the meantime, Detective Imperato took Polaroid pictures

of the victim's face to show around the street. Detective Small interviewed the joggers, two Puerto Rican girls, "Eliza" and "Jean," both in their early twenties. They said that they had left Eliza's house a mile or so away at 11 A.M. and reached the park at about 11:30 A.M. They entered from Margaret Corbin Drive, went past the tuning fork monument, and came down the circular path. Before entering the park, they had checked the open field carefully, as they always did, to make sure that no one was around. The only people they saw were a young couple with a tourist book looking at the monument. Once in the park, they noticed something brown propped up against the fence, perhaps a cardboard box. But as they came around the bend, they realized it was a street person, perhaps sleeping. Then they stopped, came closer, and saw blood dripping from the person's face. They screamed and ran out of the park down to Broadway to the nearest alarm box, where they put in the call to the police. When that call got no response, they crossed the street and called 911 from a bodega phone. The Emergency Service Unit arrived shortly afterward. They told Small that they knew nothing else.

Curious onlookers, mostly young Dominican men, had already clustered in the pagoda at the edge of the park. Detective Small and I went over to talk with them. One man wondered aloud if the murder had anything to do with the nightly devil worship rites in the pagoda, always held by candlelight. Another young man laughed uproariously and asked if the speaker was so ignorant that he knew nothing at all about *santería*.³ Detective Joe Montuori stood at the edge of the crime scene, smoking. Montuori is a former Brooklyn street kid, a Bishop Loughlin Memorial High School graduate who trained with the American Institute of Banking to become a loan officer. A drinking buddy persuaded him to take the test for the police department, on

which he scored high. But he faced another hurdle: the NYPD's five-foot, eight-inch height requirement mandatory in the 1960s. So Montuori had himself stretched by a chiropractor and transported on his back in a hearse to the police physical exam. While most of his boyhood friends ended up either dead from heroin overdoses or in prison, Montuori became the legendary veteran of hundreds of murder investigations in the 34th precinct. He noted the complete absence of the media at this crime scene. "No one gives a fuck about this place," he said.

The Crime Scene Unit arrived, headed by Detective Chris Fortune. She cleared everyone out of the way and took extensive photographs of the scene with her Nikon camera. She then drew a detailed map of the surrounding area. The detectives chatted with the uniformed officers about local "pross" operations, but none of the cops had seen the dead woman before. Detective Fortune gently chided her male colleagues for some derogatory remarks about prostitutes. "It's just a job, guys." The men shifted uneasily, not used to being reprimanded by a woman, let alone by a striking red-haired colleague. The technicians from the Medical Examiner's Office arrived at 1300 hours and took the woman's body temperature rectally. The thermometer registered 97 degrees. Bodies cool at a rate of 1-2 degrees an hour, depending on the surrounding air temperature; the day was mild. The technicians officially pronounced the woman dead, fixing the time of death at 1130 hours, just about when the two girls said they had entered the park to jog.

Detective Imperato finally retrieved the dead woman's purse. In it, he found several pieces of identification, mostly cheap facsimiles with various names. He also found a work release card from Correction that named her as Yvette Tirado, with an address in the 43rd precinct in the Bronx. Several Bronx phone

numbers were scrawled on an index card, with no names attached to the numbers. Just then, a high-ranking boss arrived and discovered footprints near the woman's body. He ordered photographs of the prints to be taken because he knew of a murder that had been solved the previous year through footprints. But one of the uniformed cops pointed out that the Emergency Service Unit had been stomping around the body in that area and that the footprints were probably theirs, an observation that prompted several head-turned guffaws.

On the ride back to the house, Detectives Imperato and Small wondered aloud how a Puerto Rican prostitute from the 43rd precinct had ended up over in the largely Dominican 34th. Homegirls, like homeboys, don't usually wander far from their blocks, and Puerto Ricans and Dominicans stay out of each other's yards. Back at the house, Imperato made the requisite notifications to the police hierarchy and then called Correction. The Correction officer told Imperato that Yvette Tirado had a record as a petty thief, occasional armed robber, drug addict, and prostitute. A quick check of her sheet revealed a long list of arrests for grand larceny, forgery, robbery, and drug possession dating back to 1985. She had just been given work release from upstate after serving several months in prison for holding small amounts of cocaine and possessing burglary tools.

Imperato took down her address in the Bronx and the Bronx phone number of her nearest relative, her sister, whose name was listed as "Mercedes." But when Imperato called Mercedes's number, the woman who answered denied that she was Mercedes or that anyone there went by that name. Imperato called all of the numbers on the index card that he had found in Tirado's purse.

He got no response at any of them until the last call, when he finally reached a woman who said that her name was "Maria Gonzalez." Maria denied knowing anyone named Mercedes. However, she said, her own sister's name was Yvette Tirado. Imperato told her that Yvette had been hurt and asked her to come to the station house. Gonzalez became upset and said that she herself had broken ribs, but that she would come to Manhattan as soon as she could.

At 1645 hours Maria Gonzalez arrived with another woman, who gave her name as "Alicia Serrano." Maria, who walked only with great difficulty because of her heavily bandaged ribs, told Imperato that Alicia was also related to Yvette. Imperato, accompanied by Detective Gennaro Giorgio and myself, took both women into the larger of the squad's two private interview rooms. The women were apprehensive. As gently as possible, the detectives informed them that Yvette had been hurt badly. The women demanded to know her condition. The detectives glanced at each other and then told the women that Yvette was dead.

Maria Gonzalez began weeping and wailing. She embraced Alicia, screaming at the top of her voice: "My sister is dead! My sister is dead!" She fell to the floor, thrashing her body around the room, uttering mournful cries, while Alicia and the detectives tried to comfort her. After a minute, she composed herself, sat up, and in a calm voice asked the detectives how it happened. The detectives told her that Yvette had been discovered in Fort Tryon Park and that she had been shot to death. Gonzalez paused, and then asked what Yvette was wearing. The detectives described her attire. Gonzalez pressed for more physical particulars. When the detectives mentioned the gold post in Yvette's mouth, the two women looked at each other and asked to see a

picture of the dead woman. Reluctantly, the detectives showed them the Polaroid photos that Imperato had taken in the park.

Suddenly, the women jumped up and hugged each other, with Gonzalez exclaiming: "My sister is alive! My sister is alive!" Gonzalez explained that the photograph did not picture her sister, whose name was also Yvette, but instead her sister's good friend, Yvette Tirado. Her own sister, Gonzalez said, regularly used Yvette Tirado's name as one of many aliases and, like the dead woman, was known by different names to different people. The detectives, their eyes used to the shadowlace of street identities, scarcely blinked. The women quickly said that they could take the detectives to the street that the dead woman frequented and could, in fact, introduce the police to the dead woman's real sister, Mercedes.

At 1745 hours Detectives Imperato and Small, accompanied by myself, took Gonzalez and Serrano to Manor and Watson avenues in the 43rd precinct, one of the hubs of the drug trade in the South Bronx. Gonzalez said that she could find Mercedes on the street there. During the ride over the Cross Bronx Expressway, Gonzalez lamented about Yvette, her own sister, who, she said, spent all her time on the street going with men, doing anything to get drugs. She hoped that Yvette Tirado's death might bring her own sister to her senses. As the squad car approached Manor and Watson, both women announced that they did not want to be seen in a police car. Imperato dropped the women off two blocks away from the intersection to look for Yvette Tirado's sister. Detective Small admonished them not to reveal anything about Tirado's death. Gonzalez and Serrano ran down the street in search of Mercedes.

The detectives pulled the squad car up to the corner of Manor and Watson and awaited their return. They surveyed the street

scene. Eight uniformed police officers strolled the block, which was thronged with hundreds of people. The area's famed open-air drug market, only one of many throughout the city during the mayoralty of David N. Dinkins, was in full swing, with transactions taking place only a few feet from the officers. The drug dealers all knew that uniformed officers were forbidden to make drug arrests, a task restricted to special narcotics units as a presumed shield against corruption, or, as many police officers thought at the time, a policy enacted by the Dinkins administration to keep arrests down in largely black and Hispanic areas of the city, the core of the mayor's constituency. Still, the dealers practiced a symbolic furtiveness to prevent open confrontations with the cops.

Three uniformed officers, POs Robert Johnson, Carlos Perez, and Christopher Weston, made the squad car, strolled over, leaned in the window, and asked the detectives what brought them to such an idyllic spot in the Bronx. Detective Small showed them the Polaroid photo of Yvette Tirado. Suddenly, previously scattered sparks of knowledge combusted, as all three officers spontaneously shouted bits of information: "I know her, she's out here all the time"; "That must be the woman snatched off the street this morning"; "There was a robbery at a crack house last night and this must be connected." The cops said that one of the guys involved in the snatch was on the street only a few minutes before. In fact, one of the cops had just "disconned" him (issued him a summons for disorderly conduct). His street name was "MuscleMan."

The officers also said that word on the street was that a black man had witnessed the snatch and had then been severely beaten by the kidnappers. One cop said that the kidnappers had told the black man: "You'll never see that girl again." But an-

other cop said: “No, no, he told his own mother: you’ll never see that girl again.” The cops then dispersed, one to find the witness, the other two to find MuscleMan. A quarter of an hour later, the cops returned. The witness was not around, but the two officers had MuscleMan in tow. The detectives put the burly teenager into the back seat of the squad car.

Just then Gonzalez and Serrano returned, followed by a strikingly beautiful full-figured blond who announced herself as Yvette Tirado’s sister, Mercedes. Several young men followed Mercedes, but kept their distance from the squad car. Imperato told her she needed to come to the 34th precinct to help her sister. Mercedes stood in the street, hands on her hips, looking skeptically at the police. Detective Imperato repeated: “Your sister needs your help.” Mercedes said that she would find her own way to Manhattan. She left with a flourish, trailed by the coterie of young men. Detective Imperato drove back to Manhattan with MuscleMan sitting nervously in the back seat, kept company by Detective Small. During the ride, MuscleMan asked the detectives: “What’s this about?” Imperato responded: “If you’ve done nothin wrong, you got nothin to worry about. Have you done anything wrong, MuscleMan?” MuscleMan didn’t respond.

The detectives arrived back at the station house at 1850 hours, the same time as Mercedes and her entourage, consisting of her other sister, “Gladys,” her brother “Enrique,” and her tall, gangly boyfriend with an infant in his arms. Detective Imperato assigned Detective Pete Moro to interview MuscleMan. Moro, once in a platoon that was pinned down for four days by enemy fire—only one of many harrowing Vietnam wartime experiences he rarely mentions—joined the police department in 1980 and went straight from the police academy to the street wars of the South Bronx. He later served there in the Narcotics Division. He came

to the 34th squad in 1988, where he quickly developed a reputation for self-effacing patience in interrogations and careful, methodical investigative work. MuscleMan gave Moro a series of alibis for the entire day of the abduction, and all of them seemed to check out.

Moro surveyed other information about MuscleMan. He had been arrested eleven times for holding narcotics with intent to sell, and once for robbery. He seemed to be one of the principals in a major drug operation near Manor and Watson avenues, one that was well-known to the Street Narcotic Enforcement Unit (SNEU) at the 43rd precinct. Detectives noted with marked disfavor that MuscleMan, whatever his toughness on the street, mewed and whined in custody. The detectives suspected that MuscleMan had guilty knowledge about the abduction; but with nothing specific on him, they cut him loose.

Detective Imperato, with Detective Giorgio and myself, went into the sergeant's office off the main floor of the squad room, where Mercedes sat with her retinue. When Imperato broke the news about Yvette's death, pandemonium broke out in the tiny room. Mercedes swept the sergeant's desk clean of all belongings and threw herself on the floor in a fit of hysterical anguish, thrashing, kicking, and rending her garments. Her brother, sister, and boyfriend, along with Detective Giorgio, tried to restrain her, but their efforts only provoked further displays of grief and attempts to destroy fixtures in the sergeant's office. Detective Imperato stood at the edge of the room, arms folded, looking impassively and unblinkingly at the tumultuous scene.

Gradually things quieted down, and to confirm the identification Imperato showed Mercedes and Enrique the Polaroid photo of Yvette in death. Mercedes, who became calm just as quickly as she had exploded, mumbled: "I'll bet it was those two moth-

fuckas she was with.” Giorgio immediately asked her whom she meant, but Mercedes clammed up. The detectives asked if Yvette went with men for money, but Mercedes vehemently denied it, saying that Yvette would rather jerk (rob) them. Besides, she said, Yvette had a wife, “Martha.” In response to queries about whether Yvette owned a brown beige coat, Mercedes said that she and Yvette had traded coats the night before, with Mercedes loaning Yvette her own long black leather coat. Mercedes then said that she had heard on the street that Yvette had been robbed of the leather coat. Mercedes suddenly directed her brother to find out from the police how to recover Yvette’s body, and she abruptly left the squad room with dramatic flair. A few smitten detectives talked a lot about Mercedes in the next several days.

PO Carlos Perez of the 43rd called Imperato at 2030 hours. He said that the cops had been unable to find the black man who had witnessed the abduction. However, a routine SNEU sweep had netted one of the street dealers from the drug operation at Manor and Watson who, Perez said, had information about the homicide. The police had arrested the dealer on the street that day for felony possession of twenty-six jumbo vials of crack stuck to a skein of tape. He had tried to ditch the skein under a car when he saw the plainclothes SNEU cops coming down the street, but he was too late. Later, the cops pulled people out of the holding pen, one at a time, and asked: “Something happened on the street today. Do you know anything about it?” When they came to the street dealer, he asked immediately: “Is the girl dead?” Imperato, Small, and I raced back to the Bronx, reaching the 43rd precinct station house at 2100 hours.

The jammed-up street dealer, going by the name of “Tennessee,” was a 39-year-old man whose prolonged crack use made him look 65. Tennessee readily admitted that he pitched crack on the street, taking most of his \$40-an-hour wages in trade (one \$10 bottle for every fifty-bottle “bundle” sold, four bundles per hour on average). Detectives Imperato and Small, observed by myself, first interviewed Tennessee in the SNEU office on the first floor of the station house, where cops crowded into the room. Tennessee told his story in a low, mumbling voice, but forthrightly and with great observational detail, focusing only on actions and words, taking the police step-by-step into his world.

At the start of his story, he said that he had seen “Cuba” leave the street driving the car that abducted the woman, who had been bound and gagged. He saw Cuba return to the street about two hours later and clean some debris out of his car, putting what looked like cloth, twigs, and branches into a trashcan on the corner of Manor and Watson in front of the street’s hamburger joint. The detectives immediately interrupted the interview to talk with 43rd precinct cops about getting that trashcan back without attracting any attention, although everyone acknowledged that after nearly twelve hours there was slim hope of finding anything worthwhile. The SNEU lieutenant called a friend in the Sanitation Department and explained that if the police went to pick up the trashcan everybody would be in the wind. The lieutenant’s Sanitation Department friend agreed to make a night run through the area, pick up the can, and deliver it to the station house. Detective Imperato asked the cops to take Tennessee back upstairs to the squad room, where he could

go over Tennessee's story in greater detail and take a written statement.

In the hall, the SNEU cops briefed Detectives Imperato and Small on the local drug-trade scene. The SNEU cops had been after the guys in the drug operation near Manor and Watson for a long time. The key local players, they said, were "MuscleMan," Cuba, Midnight, "Fatso," and Johnny, all of whom were managers for the drug spot. The cops were delighted that "these guys now have a body on them." The owners of the business were "Tony" and "Frankie," apparently brothers, both of whom hailed from Audubon Avenue around 170th Street in the 34th precinct. They produced jumbo red-topped bottles of crack that sold for \$10 in the Bronx. All the regular pitchers, like Tennessee, were crack-heads.

The dead woman was well known to the department as a crack-head and sometime prostitute. At 0940 hours on Friday morning, she had made a 61 (a formal complaint) to PO Jones on the street about being robbed of her coat by Midnight. Later, a black man told other police officers about a girl being snatched and shoved into a car. The black man had witnessed the kidnapping and then been beaten by the same bunch. Only when those cops saw the detectives from the 34th precinct show up on their street with pictures of a murdered woman had everything suddenly come together. Imperato mentioned that he had had to cut MuscleMan loose. He asked the SNEU cops to arrest him again soon.

After pulling Tennessee's sheet, Detective Imperato went upstairs to begin taking his statement, accompanied by Small and myself. Tennessee already had three felony arrests for sale of narcotics, four for possession. He faced big time for his arrest that day with felony weight. Imperato had him repeat his statement

several times. Each statement produced more details and slightly different nuances of meaning. Finally, Imperato committed the statement he elicited from Tennessee to writing and had Tennessee sign it—standard police procedure when interviewing witnesses to major crimes.

Imperato's style of interviewing typifies that of a great many detectives. Imperato always pushed hard, giving no quarter, respite, or rewards. He held everything said in suspension, waiting to see if it merited credence. He distinguished between mopes and mutts, both street types that he grew up with and knew well. When he interviewed mopes, he offered them tough choices, threatening to place the entire weight of crimes on them, bringing them to the point where they were ready to give up things easily, the distinguishing mark of a mope. Even when they lied, mopes wanted to be accommodating. ("At's the best troof I can come up wit, Officer.") But as soon as mopes yielded and showed signs of weakness, it was time to push back ferociously, offering no concession, satisfaction, or approval, increasing the pressure on them to the breaking point. Mutts were harder, cockier, tougher, more self-assured, fully aware that the police could never be their friends, that the game between them and detectives was always deadly serious. Their very demeanor announced an emotional remoteness behind an impenetrable shell. They lied to police on principle, even about simple matters.

Tennessee turned out to be a mope. He said that he was at the crack house on Manor Avenue in the third floor apartment on or about 11 P.M. on March 26, 1992. Yvie (Yvette) and a girl named "Missy," as well as several male drug dealers, were also there, along with a scar-faced woman named "Mariana." Yvie and Missy kept eyeing Mariana. Tennessee, recognizing a robbery in the making, motioned to Mariana, took her into the bathroom,

and explained the situation. Mariana asked Tennessee to get her out of the apartment safely. But suddenly Yvie burst into the bathroom and stood between Tennessee and Mariana. Tennessee told Yvie to let Mariana alone. Then a man named “Jack” came into the bathroom and told Tennessee to mind his own business. Yvie pulled a knife on Mariana, and at that point, Tennessee said, he left the bathroom and went to the living room. Tennessee saw Mariana leave the apartment. Yvie and Missy followed her but returned in about five minutes. Yvie offered Tennessee five dollars so that he could buy some crack. Tennessee refused, telling her he had his own crack. Shortly after that, Yvie and Missy left the apartment again and this time did not return.

Later on, Tennessee said, he heard a heavy knock on the door and thought it was the police. As he raced toward the fire escape in the kitchen, the front door to the apartment opened. Tennessee ducked into the bathroom and locked the door. He heard Cuba’s voice saying: “Who done it?” And then he heard Cuba smack someone, demanding information from her. Cuba tried the bathroom door. When he discovered it was locked, he demanded that it be opened or he would break it down. Tennessee opened the door and faced Cuba. Mariana was at Cuba’s side. Cuba asked Mariana if Tennessee had robbed her. Mariana said no. In fact, she said, Tennessee had tried to help her. Two girls whom she didn’t know had done the robbery, Mariana insisted. Cuba then made the rounds of all the patrons of the crack house. Eventually, one of the crack-heads gave up Yvie and Missy as the robbers.

Tennessee said that the next morning at about 8:30 A.M. he saw Yvie and Missy walking down Watson Avenue toward Manor Avenue. Suddenly, Cuba and Midnight accosted the girls and took both of them into a building on Manor Avenue. A short

time passed and then Tennessee saw Cuba leaving the building carrying Yvie's black leather coat; Midnight was carrying a brown jacket. The two girls followed them out of the building. Cuba and Midnight left the block. Tennessee saw two uniformed police officers standing at Manor and Watson avenues. He saw Yvie approach them. She talked with one of the police officers. Tennessee assumed that she gave him information about the leather coat being taken. He guessed that she also gave information about the drug house on Manor Avenue because he saw her point to the building. The police officers wrote something down and then left the area.

Later that morning Tennessee saw Cuba, Midnight, and Johnny forcibly take a struggling Yvie down the front steps of the drug house on Manor Avenue and put her inside Cuba's sky-blue Caddy. Midnight rode in the back and Cuba drove. Johnny remained on the street. After a while, Tennessee saw Cuba's car parked on Manor Avenue. Cuba got out of the car and opened the rear passenger side door. He threw a multicolored piece of cloth and another object that looked like a piece of wire or a twig into the trashcan on the corner. Cuba then returned to his car and drove away.

Tennessee worried aloud that he had to have some document that he could show people back on the street, some piece of paper to prove that he had been arrested but then was sentenced to time served, or some such thing. Otherwise, he said, the people on the street would figure he had talked to the police. Imperato and Small mused briefly about Tennessee's odd faith in the credibility of official documents in a world far removed from procedural niceties.

While Imperato was taking yet another iteration of Tennessee's statement, Detective Small and I went downstairs to the

SNEU office. Sanitation had just returned with the trashcan. Officers and bosses crowded into the tiny office to watch Small fish through the can. He found a few small bags of garbage, paper plates, and Big Mac containers. But he also found a long wool dark blue scarf, with red and yellow stripes at one end. And there were some pieces of brown packaging tape. One piece was small and circular, appropriate for binding a person's hands. Had this been used to bind Yvette's hands? The other piece of tape was larger, broken, and matted with human hair. Had this been placed around Yvette's head as a gag?

The police officers who were jammed into the room marveled at their luck. Rarely do the stories of street-murder witnesses get corroborated with forensic evidence. Small brought the objects upstairs to show to Tennessee, and Tennessee identified them as those that he had seen Cuba put into the can. The detectives then put Tennessee into the squad-room holding cage and went out on the street with the SNEU to do surveillance on the Manor Avenue house in order to grab Midnight, Cuba, and Johnny.

Surveillance is grueling, tedious work, paced entirely by others' comings and goings. Over several long hours, amidst the usual rough banter of men together in the middle of the night, the SNEU cops briefed the detectives and me on drug operations on Manor Avenue. First, the cops said, a woman controlled the heroin trade on the street. Indeed, she headed a major heroin distribution network in the Bronx. Although the cops had arrested her many times, they could never make anything stick because, like many dealers at her level, she never traveled armed nor did she ever directly handle the dope.

Second, the street crack dealers receive their bundles of fifty bottles from their managers on a long skein held together with a

piece of broad scotch tape. When they make a sale, they cut as many bottles as they need from the skein with a razor. They have to work so fast to keep up with the trade that they inevitably cut their hands with the razor, and they put them in the exterior pockets of their hooded sweatshirts to stanch the blood flow.

Third, the heroin dealers receive their bundles bound with rubber bands, ten packages of dope to a bundle. As they open a bundle to sell packets, they keep the rubber bands on their thumbs as a way of accounting. When the cops roust either group, the first thing they look at is dealers' hands. Crack dealers' hands are always sliced up; heroin dealers always have rubber bands on their thumbs.

Fourth, despite constant complaints about the quality of the crack in jumbo red tops, it still seemed a good buy at \$10 a big bottle, compared to the regular-sized green tops around the corner for \$5. The cops pointed out that this particular drug operation, relatively small potatoes compared with others in the Bronx, netted about \$25,000 every weeknight, week in and week out, and on weekends the total take was about \$125,000.

The long night dragged on. At 0230 hours, a boss radioed Imperato and Small and ordered the detectives back to the 34th precinct station house, much to their frustration. Precinct commanders are judged by how well they keep overtime costs down, even more than by their troops'adroitness in solving crimes. The SNEU cops continued the surveillance.

"Midnight" came back to the street later that night. The SNEU cops scooped him at 0400 hours and transported him to the 34th squad holding cell. Imperato was notified at home, and he arrived at the squad at 0830 hours to inter-

view Midnight. Showing him the death picture of Yvette Tirado, Imperato told Midnight that a witness tied him to the girl's murder. Midnight had one chance, and one chance only, to get out in front of things. Otherwise, Imperato swore to Midnight that he would bury him.

Midnight, a 22-year-old Dominican, oversaw street sales at the Manor Avenue drug house. His version of events confirmed the broad outlines of Tennessee's story but with some crucial differences. Midnight said that a customer named "Mariah" complained that she had been robbed by two women in front of the crack house he managed. She lost two rings, a hair clip, and \$90. Midnight did some detective work of his own, and, through street informants, identified the two robbers, a Spanish woman and a black woman. Along with Cuba, Midnight confronted the two women and demanded that they pay back the \$90. The drug house could not afford to get a reputation as unsafe for its customers.

Midnight told the Spanish girl that she had to sell the leather coat she was wearing to recover the \$90. The girl refused, arguing that the coat belonged to her sister. But Midnight insisted. The Spanish girl left in a huff and returned shortly with the \$90, which Midnight tucked away to give back to Mariah. Later, Midnight looked out the window of the crack house and saw the same Spanish woman speaking with police officers at the corner of Manor and Watson. He also saw one of his own employees, Miguel, walk past the woman and police officers. Then Miguel came up to the apartment and excitedly told Midnight that the girl was talking to the police not only about being robbed of her coat but about the drug spot and the stash apartment.

Midnight was troubled. He had to act. He waited until the cops left the street and then he went downstairs and, accompa-

nied by Miguel, confronted the Spanish woman. He told her in no uncertain terms that what she had done was wrong. He had not robbed her. Instead, he had only made her pay for her own robbery of one of his customers. Besides, what did she think she was doing, identifying him to the police or talking to police about the location of the crack house and stash apartment? It's simply not right to tell police such things, Midnight explained. The girl denied giving the police an accurate description of Midnight or telling them about the drug house. She then stormed off into an apartment on the ground floor of the crack house building.

Miguel, Midnight said, had listened to the whole exchange. He told Midnight: "Somethin got to be done; we got to kill her." Midnight said that he told Miguel: "I ain't killing nobody. You got to kill the girl." Midnight said that Miguel took charge. First, Miguel went to get Johnny and told him to go into the apartment and get the girl out. Then Miguel told Cuba to get the car. Then Miguel went upstairs to an apartment and got the 9-millimeter gun. And then Miguel came down and went into the ground floor apartment where Johnny and the girl were.

Midnight said that he stayed in the lobby. He saw Johnny and Miguel drag the girl out of the apartment, her hands bound with beige tape. Miguel held the woman while Johnny put more tape around her mouth. Miguel and Johnny forced the girl into the back seat of the four-door Caddy that Cuba was driving. Miguel sat in back with the girl. Midnight rode in the front passenger seat, while Cuba drove. Johnny stayed on the street.

They took the Cross Bronx Expressway to Manhattan, all the way to the Henry Hudson Parkway, where they headed downtown, getting off at 158th Street. But no sooner had they left the highway than Miguel told Cuba to go back uptown to Fort

Tryon Park in Washington Heights, a remote place with lots of murders and overworked cops—in short, a good place for one more dumped body to get lost in the shuffle. Once at the park, Cuba drove around the museum and took the road that led toward the highway. Miguel told Cuba to stop the car just before the arch in the middle of the street. Miguel forced the girl out of the car and across the street, walking with her toward the three-foot wall that bordered the park.

Midnight got out of the car and went to the wall and looked down into the park. Midnight said that he watched Miguel and the girl walk down the path and then up some stairs until they were briefly out of Midnight's view. He walked up Broadway toward the museum to keep them in sight. Meanwhile, Cuba had turned the car around and driven to the parking lot, opposite the museum.

Midnight saw Miguel pull the gun out of his waistband. The girl slumped to the ground near a fence and raised her hands in front of her face. Miguel fired a shot into the air. Then he stepped toward the girl, stood directly over her, and pointed the gun at her head. He shot her twice. Miguel then walked around the edge of the grassy circle, went back down the stairs, and headed up the path to the road. Midnight said that he and Miguel piled into the car, and Cuba drove back to Manor and Watson avenues, where the three split up. Miguel later told Midnight that he had stashed the gun.

Detectives didn't accept Midnight's story at face value. They noted his studied effort to present himself as a passive participant in the scene, one who simply followed Miguel's lead, a typical strategy of those interrogated about serious crime. And if Miguel, who was not mentioned at all in Tennessee's account, had in fact shot the woman, detectives knew that Midnight

didn't see himself as responsible in any way. But, under the guise of getting suspects to tell their side of the story, detectives can usually elicit exculpating tales, like Midnight's, that in the eyes of the law are actually confessions.

Apprehension is an essential part of investigation. After talking with Midnight, the detectives' primary task became to find the other players in order to interrogate them. Detectives Imperato, Small, and Montuori took Midnight in the surveillance van and went over to Manor and Watson avenues, looking for Johnny, Miguel, and Cuba. They parked on Manor Avenue in front of a fire hydrant. Meter maids gave them three parking tickets during the long morning's wait. When each player appeared on the street, first Miguel, then Johnny, and then Cuba, Midnight identified him through the van's tinted glass, and the detectives radioed Detective John Bourges, who was waiting at the 43rd station house. Bourges dispatched plain-clothes cops in an unmarked police car, who swooped down on the street, arrested each culprit, and took him to the 34th precinct. By mid-afternoon everybody was there, sitting in separate rooms.

Detective Imperato prefaced the interviews by reminding each player of the intersection between the law of the street and that of the criminal justice system. Both worlds run on hard calculations of self-interest. Friendship and loyalty mean nothing. Personal survival means everything. The only issue is: does one betray others or does one get betrayed?

Johnny, a 21-year-old Puerto Rican man, wrote out his statement in English. Johnny used most of the strategies afforded by the common law's insistence on intention as an essential part of

crime. First, he portrayed himself as an unwitting participant in an event that he misunderstood. "Friday morning I came down from my girls house. I went to the game room to play some machines. But the machines was shut of so I went into the sotre [store] and bought a pack of Newports and I was talkin to the owner and I over here the guys talkin about same thing they were up set because this girl had did some thing a[nd] I went out side to mind my own business I so I was waitin for my girl in the corner to come down with her baby to go around. So they told me that they was going to scare that girl I seen her around the area. Ive heard that she liked me too. So I said your crazy she is a drug user so they said we gonna scare her like evyone else lets bug out I said allright just to scare her ok. they said ok."

By stressing the disparity between his own intentions and what he thought were the intentions and eventual actions of the rest of the crew, Johnny exculpated himself and set the stage to inculcate his friends: "so they were takin [talkin] to her in the first flor so I came in the apartment we all start to take [talk] to her they were saying why did you do that that wasnt right. they said your were only to scare her for she wasnt have to do it do it again just like we do to all the drug users. its just a fake they said so I said ok lets scare her. & they said put the tape on her hands. so I put tape on her hands and mouth laughin at the time they take her out to put her in the car. When they put her in the car I went up to the car and closed it I [illegible] down in the car window and the all left."

Johnny suggests to Imperato that his nonchalance about the whole affair points to his true state of mind: "so I went back to the corner to wait for my girl to come down. later on me and some friend went to the movies I didn't bother to ask what happen because he was with his girl when we got back I saw Mid-

night and I asked him yo what happend to this girl he said yo we scared the shit out her. She got out the car and ran off she wont do that again. so I said cool I see you whenever. I left to my friends house with friends and girls. We [illegible] night at his house I came back to the block. I didn't see anyon around so I went into the game room to play street fighter."

Finally, Johnny asserts his shock at Yvette's fate, an expression of moral revulsion that proclaims his own innocence, even as he betrays his friends: "& a friend of mine came in and said yo I herad that they took Midnight in this morning I said why she told me for some murder. I said that what stop playing with me ok she yo for reel they take him in I kepted playing my kids game I was saying to my self oh my god the didn't no it cant be true they said it was going to be a joke just to scare her. My friend came and told me yo John they just took Miguel I said why she told me I don't know. So I when to find out what happen when the cop car pulled up and hand cuffed me. So when I was takin [talkin] to the Detective he told me why I was her for and it kind of shooked me because for me it was just a joke to scare her the girl that I set the tape her name Evette and the other peopl in the car was Miguel, Midnight, and Cuba."

Miguel, a 16-year-old Guatemalan boy, told a different story than either Midnight or Johnny. Miguel said that he worked as a lookout for drug dealers. That Friday morning, he had seen a Spanish girl talking with three uniformed police officers at the corner of Manor and Watson avenues. He went looking for Midnight, the manager of the drug spot on the street, and found him in the second-floor hallway of the building. Miguel asked Midnight why he was hiding upstairs instead of being out on the street. Midnight told him that the Spanish girl had robbed a customer of \$90 and two rings and, as payback, Cuba and he

had taken her leather coat. Midnight said he wanted no beef with the police who, he had heard, were on the street.

Miguel went back to the street. Another man approached him and told him that he had overheard the girl telling the police about the drug apartments on Manor Avenue. Miguel hung out in the local bodega until he saw Midnight come outside. He asked Midnight if he knew about the girl giving up the drug apartments to the police. Midnight said yes. Midnight told him that he had just spoken to the girl in the first-floor apartment of the drug building.

Cuba arrived in a sky-blue Cadillac. In the building's lobby, Cuba, Midnight, and Miguel talked about what they should do with the girl. Just then Johnny came into the lobby. Midnight told Johnny to go talk with the girl and cool her out so she wouldn't leave. Johnny was told that the girl was going to get hit for what she told the police. Cuba said that she should be shot or killed, but Miguel could not remember which. Johnny went into the apartment, followed by Miguel, Midnight, and Cuba. They asked the Spanish girl what she told the police. She insisted that all she told the police was that she wanted her jacket back. But Miguel confronted her about what she was heard telling the police. The girl remained silent. Miguel asked her why she told the police. The girl did not respond.

Cuba gave Johnny the tape to tie the girl's hands. Miguel, Midnight, and Cuba held the girl while Johnny tied her hands. Midnight told Johnny also to put tape around her mouth. Cuba left the apartment first, unlocked the car, and scouted the street. Then Miguel and Johnny dragged the girl out of the building and put her into the back seat of the car; she resisted every step of the way. Midnight followed, bringing her jacket, shoes, and purse. Miguel sat in back with the girl. Midnight sat in the front passenger seat. Cuba drove.

They went first to 158th Street and Henry Hudson Parkway. They had intended to drive to the lighthouse under the George Washington Bridge, but the roadway was blocked. Besides, they noticed two Parks Department employees. So they drove north on the Henry Hudson Parkway to Fort Tryon Park. They circled the museum and then headed back toward the highway. Cuba stopped just before the tunnel. Midnight told Miguel to take the girl out of the car, saying that he would catch up with them. When Midnight caught up, the three walked down the path into the park, staying to the right. The path led them to some stairs. They walked up the stairs and stopped at the top by the fence. Midnight told Miguel to grab the girl and hold her because he was going to shoot her. But Miguel said: "Are you outta you fuckin mind? You gonna shoot *me!*" Then the girl threw herself to the ground and covered her face with her arms.

Midnight wanted to shoot the girl in the forehead, so he pointed the gun at her. But he didn't fire. Miguel said that he told Midnight: "Gimme the gun!" Midnight handed him the gun and Miguel shot the girl in the head. Miguel saw the girl's head nod; blood came out her nose and mouth. But she was still moving. So Miguel pointed the gun at her again and fired, hitting her in the face. Midnight took the gun from Miguel. Midnight cleared it by ejecting two bullets, which he told Miguel to pick up. Then they walked back to the road and met up with Cuba. They all drove back to Manor and Watson avenues. Miguel last saw the gun in the glove box of the Cadillac. He threw the two bullet-shells down a sewer at Manor and Watson. Midnight drove away in his red Mitsubishi Conquest. Cuba drove away in his blue Caddy. Miguel went to his girlfriend's house and told her what had happened.

Miguel recounted his story with boyish animation and pride. Both to the detectives, and later on videotape to the district at-

torneys, he spoke with particular forcefulness about how he seized the gun from Midnight's hesitant hands and acted decisively to shoot the woman. Such initiative and nerve are virtues widely admired on the street. Detectives had no reason to doubt that Miguel was indeed the shooter of the bunch. But who was the man who had told Miguel that he had overheard Yvette telling the police about the drug apartments on Manor Avenue? And why had Tennessee not mentioned Miguel in his version of events? Could it have been Tennessee himself who had betrayed Yvette to Miguel and thus to her fate?

Cuba, a 23-year-old Cuban man, gave a still different story. Early Friday morning, around 7:30 A.M., Cuba said he was driving a friend's 1983 Cadillac at Manor and Watson avenues when Midnight came over and said he needed to borrow the car because he wanted to go out with a girl. Just then, Cuba said, Miguel walked over and started talking to Midnight. They told Cuba to wait right there, and they went into the drug-spot building on Manor Avenue. About twenty minutes later Miguel and Midnight came out of the building holding a girl by her arms; Johnny was next to them. They all seemed to be pushing the girl. Midnight told Cuba to start the car. The girl got into the back with Miguel. Midnight got into the front seat with Cuba. Midnight told Cuba to drive to Manhattan. During the trip, Miguel talked to the girl. Then, Cuba said, in the rear-view mirror he saw the girl give Miguel a blowjob.

At one point, Cuba said, he drove under a highway. Midnight told him to stop, but then both Miguel and Midnight told him it was too light there. They told Cuba to get back on the highway. Then, Cuba said, when they got up to Fort Tryon Park, they told him to make a turn into the park and keep driving. Finally, Cuba was told to stop. Miguel and Midnight took the girl out of

the car and told Cuba to park the car. Then, Cuba said, Miguel and Midnight took the girl down some stairs. About fifteen minutes later, they returned without the girl. They were walking fast. Cuba asked what happened to the girl. Miguel and Midnight said they were going to fuck the girl, but she ran away. Both of them got into the car with serious looks on their faces. Cuba was told to drive back to the Bronx, where he dropped Midnight and Miguel off at Manor and Watson avenues.

Cuba said that he then went home. Later that night, he heard from people on the street that Midnight and Miguel killed a girl, using his car. But when Cuba saw Miguel and Midnight the same night, they said it was not true. Then, on Saturday morning, Cuba heard on the street that Midnight had been busted for murder. Cuba ran into Miguel and told him that news. Miguel told Cuba that he had shot the girl because she talks too much. Cuba said that he told Miguel: "You should not have killed that girl."

The detectives viewed Cuba's determinedly exculpatory account as skeptically as they had Midnight's, particularly in light of Tennessee's and Miguel's accounts of Cuba's role in Yvette's abduction. Two weeks later, Imperato tracked down the young black man who had witnessed the abduction and had then been beaten up. That witness told Imperato that he had seen Cuba come out of the building, look both ways, and then give a high-sign to others, who then dragged a struggling woman out of the building to Cuba's car. Still, detectives chose to believe wholeheartedly Cuba's description of Miguel's back-seat sexual assault of the woman on her way to her death. And they had Miguel's confession to the actual shooting.

In the meantime, a woman named "Carmela" marched into the 34th precinct station house and boldly demanded the return

of her Cadillac, which, she claimed, had been stolen. She produced two keys to the car used in Yvette Tirado's kidnapping as proof of her ownership. Imperato asked her if she knew or had ever heard of Midnight, Miguel, Johnny, or Cuba, or several other of the players on Manor Avenue where she lived. But Carmela denied any knowledge of the people that Imperato named. She just wanted her car back. Imperato informed her that her vehicle was now evidence in a kidnapping/murder case and she could forget about seeing it for at least a year. Carmela stormed out of the squad room.

Imperato and Small argued strongly to DANY that this case should go to trial. The heinousness of the crime and the evidence against the defendants demanded it. At pretrial hearings the sitting New York State Supreme Court justice, when she saw the videotaped statements of Johnny, Midnight, and Cuba, and particularly that of the flushed, bright-eyed Miguel, declared the murder an "execution." Moreover, another eyewitness had come forward, though reluctantly. He had been having sex with another man in the woods immediately adjacent to the murder scene and had actually seen the shooting. At the hearings, when the state produced Tennessee, arrested for yet another drug violation, the resolve of the defendants' lawyers crumbled.

The defense attorneys had planned to take advantage of New York State's prohibition on using evidence obtained from one codefendant against another codefendant without independent corroboration. But Tennessee put Cuba, Midnight, and Johnny on the set of the kidnapping, and Miguel proudly boasted of the murder itself. Tennessee's failure to mention Miguel's participation in the abduction, possibly because he himself had betrayed Yvette to Miguel, became moot. The lawyers nearly climbed over one another to reach the bench to arrange pleas. All the defen-

dants pleaded guilty to felony murder. Midnight, Johnny, and Miguel received fifteen years in prison. Cuba received twelve years.

At the start of the police investigation, Yvette Tirado's death was a prototypical "uptown murder." It represented one of hundreds of crimes that cops call "public service homicides," where victims' ways of life and habits of mind help fashion their own deaths, where today's witness is tomorrow's assailant and yet another tomorrow's victim. And Detective Imperato noted the circle of street justice in this case: a robbery provokes a retaliatory robbery, which led to contact with the police, which prompts fatal sanction. Still, the terrifying circumstances of the woman's death, underscored by Cuba's account of Miguel's sexual assault on her when she was completely helpless, transformed Yvette into an honorary innocent victim. Any derogatory comments about her ceased the moment that Detective Imperato came out of the interview room and told his brother officers what Cuba had said. Yvette Tirado became known, once and for all, as "the girl in the park."

5

SQUAD WORK

During a typical four-day tour of duty between 1991 and 1993, a Central Robbery squad detective of the New York City Transit Police might catch one armed robbery by a single assailant specializing in sticking up subway riders for cash. In addition, he might catch two or three multiple perpetrator robberies by five or more youths working together to appropriate new sneakers, earrings, Eight-Ball jackets, or other in-vogue accoutrements. In each of these years, specialized units within Central Robbery handled roughly 160 cases of token booth robberies, while the Warrant Squad spent the wee hours of the morning searching all five boroughs for the hundreds of wayward souls who had ignored Desk Appearance Tickets (also known as “Disappearance Tickets”). The transit police’s Major Case squad, based at the Metropolitan Transit Authority offices on Jay Street in Brooklyn, handled murders, rapes, and sexual abuse cases in the subways and buses throughout the city.

During a typical four-day tour of duty in that same period, a Midtown North squad detective of the New York Police Depart-

ment might catch two complaints of assaults by rough-trade preying on men with uncontrollable sexual desires; several complaints by tourists relieved of their money and dignity by flim-flam artists who construct too-good-to-be-true deals that never fail to reel in suckers; a complaint from a local bar of extortion by men the size of taxi cabs, armed to the teeth, and speaking in raspy voices; a DOA (dead on the detective's arrival) in one of several Eighth Avenue flophouses; and a slashing outside one of the trendy clubs that dot the precinct. He might also catch three or four homicides a year, ranging from the stomping-to-death of a sushi chef for casting a longing glance at an attractive Italian girl, to a 45th Street dump-job of a heavily insured upstate cross-dresser done in by his wife and her lover.

During a typical four-day tour in the upper reaches of Manhattan, an NYPD 34th precinct squad detective might catch two aggravated gun assaults; an armed extortion of a bodega owner balking at his creditor-controlled installation of illegal slot-machines in his store; a complaint about a knife-wielding derelict; a shake-down of a bookie running the illegal Dominican lottery; a jumper off the George Washington Bridge; a report of a caveman living in the Ice-Age-old mica caves of Inwood Hill Park; and a drug-related homicide.

Throughout the city, rapes and other kinds of sexual abuse, sexual abuse of children, trafficking in women, drug possession, drug sales, and even robberies and burglaries, although initially reported to the Midtown North and 34th precinct squads, were usually handed over to specialized NYPD units located either at the precincts or, more often, in other organizational wings of the sprawling department that then numbered more than 30,000 officers—by far the largest police force in the world.

Detectives in all of these units constantly scrambled to keep

up with their caseloads. For instance, the eighteen squad detectives catching cases in the 34th precinct, who were organized into three teams of six, each received about 300 complaints per year in the 1991–1993 period, far in excess of those handled by detectives in sleepier precincts. Of such complaints, each squad detective “took” between 200 and 250 cases a year, that is, he or she decided to investigate those complaints. In addition to the eighteen “catching” squad detectives, four senior detectives on the precinct’s homicide team assisted junior colleagues in investigations of murder cases. The squad also housed three senior detectives “on a steal” from the Manhattan North Homicide Squad (MNHS), a specialized unit whose members assist detectives in precincts north of 59th Street in investigating recent and old homicides. Other members of MNHS regularly visited the squad as well.¹ The pace of complaints and cases taken in transit’s Central Robbery unit and in the Midtown North precinct was only slightly slower than that in uptown Manhattan.

Against such a frenetic pace, in the open-but-confined, metal-desk-cluttered forums of squad rooms, detectives then as now talk constantly about the Job. The Job is, first, to investigate and establish responsibility for crimes and thus help contain the forces of disorder. Second, the Job is to negotiate the sprawling interconnected bureaucracies of the criminal justice system and the concomitant thicket of rules, regulations, and laws that impede the investigation of crimes. These two aspects of detectives’ work clash constantly. Investigating crime means successfully working the streets, but that task requires habits of mind and practices that are completely different from those instituted, valued, and rewarded in police bureaucracies and in the legal system.

What are the organizational frameworks of detective work? Squad detectives work cases. Cases are bureaucratic entities—official representations of real-life incidents that prompt complaints. The bureaucratization begins with the complaint itself. Uniformed officers on the street, or complaint-desk officers at the station house, “take” complaints from complainants. The basic rule in New York City is “No complainant, no crime.” The NYPD does not accept third-party complaints except in the case of a death. When that happens, the first uniformed officer on the scene becomes the complainant, standing in for the deceased person. The officer at the complaint desk gives each complaint that she receives (from uniformed officers or directly from complainants themselves who come into the precinct) a number on a UF (uniformed force) 61 form in the sequential order in which she receives them. She writes up a terse account of the complaint and sends it forward to the uniformed desk sergeant for disposal. The desk sergeant reviews all complaints, decides which ones require an investigation by the precinct detective unit (PDU), marks a time on them, and forwards them upstairs to the squad room.²

Squad detectives work a four-two schedule—four days on duty, two days off duty. The first two days of a tour are from 1600 hours until midnight, followed by a turnaround beginning at 0800 hours until 1600 hours for the next two days, followed by a swing of two days off. The schedule thus moves through the days of a calendar week, to compensate for the weekly rhythm of crime, typically heavier on weekends and sparser in the beginnings of weeks. Detectives catch cases according to schedules constructed by each team in a squad. Typically, a detective is re-

sponsible for whatever cases the desk sergeant sends to the PDU during his team-assigned catching hours, say, from 1600 hours to 1800 hours. Homicides are the exception to the normal catching order because each detective in a team catches murders in a sequential batting order. When a detective catches a homicide, he goes “off the chart,” that is, he catches no other cases for four days so that he can investigate the murder while, presumably, leads are hot.

Once a detective takes a case on a complaint, detective bosses, first sergeants and then lieutenants, review the case several times at intervals of seven, thirty, and sixty days. Each case must be “closed,” though only those that are “cleared” by arrest or by exceptional clearance (discussed below) count as hits in the detective’s batting average. All other case closures count as outs, with the exception of those later determined to have been inappropriately assigned to the squad; these so-called walks don’t count either way. A detective’s batting average is just one ingredient—though an important ingredient—in promotion reviews. Once caught, a case belongs to a detective until it is resolved one way or another. In investigations of homicides, which have no statute of limitations, this produces at least formal investigative continuity, sometimes over long periods of time, and ensures the chain of custody of whatever evidence is obtained in an investigation.

The catching system generates a proprietary sense about cases. This is reflected in detectives’ use of the possessive adjective in referring to victims or incidents: “*my* girl in the park” or “*Bobby’s* shooting on 160th” (where Bobby is the detective who caught the case, not the victim or the suspect). Rarely are detectives removed from cases once they catch them. Occasionally bosses, to assuage the anxiety of being dependent on subordinates’ work when outcomes are uncertain, break the catching or-

der and assign certain cases to experienced detectives, but for the most part this happens only when the crimes involved are sure to draw media attention. When detectives die, retire, or get transferred to other jurisdictions, other squad detectives inherit their cases and become responsible for them. Practically speaking, though, this applies only to unsolved major crimes because bosses insist on the closure of all other outstanding complaints.

The division of every squad into three teams, each with its own time chart planned a year in advance, creates obvious barriers to squad-shared knowledge. Only the few squads whose teams regularly meet with one another to discuss ongoing cases see the larger patterns in criminal activity within their precinct. But even within teams themselves, the catching system, with its allocation to individuals of responsibility to resolve cases, unintentionally fragments knowledge about cases. Consider the instance of two detectives who had served as uniformed partners together, who had each saved the other's life on different occasions in the middle of wild melees, who had worked on the same squad team for years together, their desks next to each other. During the frantically busy year of 1992, one detective interviewed a man as a witness to a homicide and then sent the witness on his way. Meanwhile, his teammate was looking all over Washington Heights for the exact same man as the known gunman in a celebrated triple murder. The detectives discovered the mixup only by accident.³ Such incidents spur momentary impulses for reform, specifically calls for thorough communication of the details of all cases in a squad.

The catching system's fragmentation of knowledge can and often does produce a bailiwick mentality—a narrow focus on resolving one's own cases, without attention paid to colleagues' work or to the larger problems facing a precinct, let alone the city as a whole. This bailiwick mentality, typical of large organi-

zations in general, characterizes all police authorities in New York City. Before the New York City Transit Police merged with the NYPD in April 1995, its avowed aim was to drive all crime out of the subways, off the buses, and into the streets. Even today, the Metro-North police work mainly to keep the Westchester County and Connecticut-bound commuter trains and Grand Central Station crime-free. The Amtrak Police labor to make Pennsylvania Station safe. NYPD precinct commanders try to force crime out of their own jurisdictions and into other precincts or boroughs. And the privately stated aim of top NYPD bosses is to run all criminal activity out of New York City and into New Jersey and Connecticut.

Crime itself will always be with us, police say, because some human beings enjoy transgression and, in some cases, evil. In detective squad rooms or, for that matter, in the entire police department, one finds few believers in the inherent goodness of humankind, or in social explanations for criminal violence, or in the perfectibility of human society. The important thing, depending on one's rank and level of organizational accountability, is to make one's own watch, one's beat, one's tour, one's precinct, one's borough, or one's whole city inhospitable to crime and criminals.

But the exigencies of investigating crimes limit and penalize too much self-absorption. Detective work depends on teamwork coordinated by the detective who catches a particular case. No one detective alone can conduct even the mandated, let alone innovative, steps in, say, a homicide investigation. The time-consuming tasks include canvassing apartment buildings, streets, family members, and known haunts of victims and suspects alike; combing motor vehicle registrations, telephone and credit card records; and arranging for ballistics comparisons or, more rarely, fingerprint analysis. Each detective has to rely on his team

members, who trade their time for the expectation of similar help when they catch cases that require such assistance. Of course, detectives who do not cooperate with their colleagues on their cases can expect no cooperation on their own. For better or worse, squad work is teamwork.⁴

When teammates shirk the reciprocal arrangements of teamwork, they become the butts of fiercely barbed humor. A detective on one team was thought to be so notorious a slacker that, when she tripped and fell one day in the squad room and was transported to the hospital for a claimed injury to her back, her teammates set up a crime scene, complete with yellow tape, and then wrote up a complaint charging a large paper clip found on the squad-room floor with the crime of assaulting a police officer.

The catching system and the proprietary sense about cases that it generates shape subtle norms of team etiquette, particularly for how partners should behave. A good partner does not give unsolicited advice to the lead detective in a case. He pitches in willingly to help when asked, going out readily with his partner even when he is busy with other matters. If requested to do so, he promptly writes up reports on the investigation and adds them to the case file. He keeps quiet during interviews when his partner has assumed the lead. A detective who adheres to these norms can expect the same unassuming cooperation from his partner when he is working his own case. Those who do not conform to this etiquette find themselves working alone.

At the same time, a few senior detectives, usually those in the borough-wide homicide units, sometimes subvert the catching system by stealing juicy cases from the junior precinct squad detectives they are supposed to be aiding. This happens with the silent blessing of assistant district attorneys, who want seasoned witnesses in the courtroom for high-profile prosecutions. Such

outright theft always causes profound resentment, as does more routine appropriation of credit—in casual squad-car conversation, bar talk, or rare public appearances—for solving others' cases.

Although bureaucratic incentives and occupational group norms generally ensure detectives' attention to their cases, who catches a case actually does matter. Ability, drive, and dedication to duty are always inequitably distributed in large organizations, and the police force is no exception. Some detectives mean well but are incompetent, unable to winnow the wheat from the chaff in an investigation. Some detectives are just lazy, a phenomenon that plagues all big organizations, perhaps especially civil service bureaucracies dogged by the near impossibility of firing people for cause. Some detectives actively dodge work by surreptitiously altering the desk sergeant's marked times on UF 61s, thus dumping difficult complaints onto their colleagues. Other detectives go through the motions of an investigation, even on homicide cases, producing impeccably orderly case-file folders that are, however, empty of all real information.

Detectives acknowledge that the catching system creates a roulette that enables some culprits to get away with serious crimes, including murder. But shirkers are the exceptions. Most detectives work at their cases, major and minor, faithfully and assiduously, some even spending money out of their own pockets to pry information from informants. The highest occupational virtue in detectives' world is dogged persistence.

Detectives talk constantly about their bosses because bosses shape their work in decisive ways. The New York

City Police Department may be one of the last workplaces in the United States where the use of formal titles—sergeant, lieutenant, captain, or the colloquial title “boss”—is expected and observed.

Every detective squad has at least one, sometimes two detective sergeants. In addition, most have a detective lieutenant; only a few squads are supervised by sergeants. Because there are only twelve detective captains in the whole city, each responsible for large geographical areas and several precincts, most squad detectives know their captains only from a distance. Even more distant are the top police brass, the inspectors and chiefs who turn out of One Police Plaza downtown.

All promotion to the civil service ranks of sergeant, lieutenant, and captain—the commanders of police officers on the street—proceeds “up the blue,” that is, through the uniformed ranks on the basis of standardized written examinations. Most detective commanders rise through the uniformed ranks and get assigned to the detective bureau without any experience as detectives. A working detective who takes and passes the sergeant’s examination and gets called off the waiting list when a position opens has to go back “into the bag” (uniform) for at least a year, with no guarantee that he will ever be invited back into the detective bureau as a supervisor. If he is in fact invited back into the bureau as a detective sergeant and he then takes and passes the lieutenant’s examination, he has to return to uniform once again, with no guarantee of ever making it back into the bureau. In short, the dominant ethos of the police department emerges out of the semimilitary world of the uniformed forces.

The people who become detectives’ bosses enforce police department rules and procedures covering virtually every conceivable situation that officers of every rank face, and they place

a premium on officers' mastery of these sanctioned skills, behavior, and knowledge. Detectives regularly find themselves supervised by bosses who are skeptical, suspicious, or downright afraid of detectives' ability to do street work, a skill that requires bending rules and subverting procedures in order to obtain the information necessary to make cases. Detectives return the suspicion, especially in the case of commanders who excel in test-taking but are thought not to have "made their bones" on the streets. In addition, many policewomen in the New York City Police Department retreat from the streets to take desk jobs as soon as possible after leaving the police academy. They also far exceed their brother officers in test-taking skills, besides being the beneficiaries of relentless affirmative action pressures for more women in higher ranks.

From the viewpoint of street warhorses, "house mice"—both male and female—increasingly govern the police department. Typically, the less street experience such superiors have, the more they insist that their subordinates adhere closely to established procedures. These rules proliferate in response to every crisis, as bosses scramble to close loopholes in existing regulations. In such a world, cops or detectives who aggressively pursue criminals or who, for that matter, demonstrate initiative beyond standard operating procedures become liabilities to ambitious bosses. Indeed, some detectives claim that bosses worry far more about detectives' possible violations of procedures than they do about crime. Some young cops just coming on the Job, and indeed some young detectives just promoted to the squad, take "Don't get involved" as their motto, for fear of being hammered by bosses who insist on rules for the sake of rules.

Bosses' allocation of overtime frequently makes or breaks cases. Even when detectives are in hot pursuit of a murder sus-

pect, they need their precinct boss's approval to work longer than an eight-hour tour of duty on any given day, at time-and-a-half pay. Bosses in the high-crime, low-profile areas of the Bronx, Brooklyn, or Queens generally extend overtime as needed to solve serious violent crimes. But in Manhattan completely different rules apply, and these reveal the NYPD's organizational premiums.

Top police bosses in Manhattan—inspectors and chiefs—know that sooner or later a high-profile case will jam them up. A serious assault in Central Park, statistically the safest police precinct in the city, or a bold robbery or murder in the Midtown North precinct, a shopping mecca visited by millions of tourists a year, will immediately command worldwide media attention and place top police bosses under intense scrutiny. Top bosses in turn force that pressure down the line to precinct squad commanders, who demand that detectives work around the clock if necessary to produce sound-bite-sized stories out of the inevitably messy tangles of crimes and criminal investigations. Such cases simply have to be solved, and solved promptly, at almost any cost, to preserve the credibility of the police department and, more important, the careers of top bosses. Those bosses reward precinct squad commanders in the darker corners of Manhattan who, whatever the carnage in their own jurisdictions, can keep their detectives' overtime down, against the inevitable rainy days that threaten important publics' perceptions of order in the bright lights and of the competency of top bosses. Detectives in the killing grounds of Washington Heights or Harlem find their work subordinated to the exigencies of top bosses' careers—an organizational practice that sanctions callous attitudes toward crime victims in the low-profile corners of the city.

But even as they strive to keep down overtime costs and get

their charges to adhere to regulations, bosses need detectives who know how to spend time on some cases and not on others because case management is taken as a key index of their own administrative prowess. No matter how rule-oriented precinct bosses might be by temperament, they have to compromise rules in order to get their own work done, even if only by turning a blind eye toward detectives' legerdemain. The busier the house, the more bosses value those detectives who know how to get rid of cases.

For instance, in spring 1992 neighbors in a Washington Heights building heard two brothers tangling in a terrible fight. One brother left but returned shortly afterward. The brothers' fight resumed, moving into the building's corridor, where one of them got shot in the chest with a .22 caliber gun. Police later found the weapon on the pavement outside the building. The brother who was not wounded reported the incident to the police, saying that while he and his brother were arguing a robber rushed into the building and shot his brother. Detectives visited the wounded brother in the hospital. He claimed that he was completely drunk and the next thing he knew he had been shot. The detectives pointed out that numerous witnesses had heard the wounded man wrangling with his brother and asked if it was, in fact, his brother who had shot him and then thrown the gun outside. At that point, the victim asked them not to investigate the case any further. Despite the violence of the incident, always dangerous to the maintenance of public order, the detectives closed the case immediately, laughing about "two no-good mutts in a family quarrel," pointing out that some of their colleagues, who confuse police work with social work, might have interviewed everyone in the family and written a book on the moribund case.

Bosses come to depend on such cut-to-the-chase practicality. They are especially happy when presented with an opportunity to get rid of several cases simultaneously through the administrative mechanism known as the exceptional clearance (EC). Under police department rules, a detective can take an exceptional clearance if and only if police have enough evidence to arrest a suspect and know where the suspect is but, for reasons beyond the detective's control, such as the suspect's death or his taking refuge in a country that does not extradite wanted criminals, the arrest cannot be effected. In practice, police apply the mechanism only to the most serious violent crimes, such as homicides, rapes, and robberies. An exceptional clearance simultaneously closes a case, relieves bosses of the necessity of further review, eliminates paperwork, and gives the equivalent of an arrest (a "hit") to the officer handling the case and to his boss. Moreover, should a culprit be extradited or new evidence be adduced involving others in a crime that has been cleared to one person, police can reopen the case.

But the procedure has a dark side. One boss relied heavily on a detective to EC opaque homicides through the magic of statements by Spanish-speaking informants whom no other detective had ever met. And in the late 1980s and early 1990s, uptown Manhattan hosted a number of badmen involved in skeins of wild drug-related violence. "Guerrero" settled scores with his drug-business rivals and disloyal associates alike by approaching them openly on the street, backed up by gunmen in a livery cab behind him, and then drawing on his prey in Old West fashion, leaving them to die in the streets as an object lesson for anyone else who might challenge him. When someone beat Guerrero to the draw on a Caribbean island paradise, and his death was confirmed, detectives attributed several homicides to him, to their

bosses' great jubilation. No one looked too closely at the details of those cases. As long as witnesses mentioned the name Guerrero as being at or near murder scenes, detectives took exceptional clearances. All useful bureaucratic mechanisms create invitations to abuse.

Sooner or later, even the most rule-oriented boss gets jammed up by the vagaries of the street and turns to a detective to "make a case come out right." This usually occurs when police officers are likely to be accused of wrongdoing for decisions they made in the heat of action on the streets. This does not mean that bosses encourage detectives to falsify the facts of incidents. But it does mean that bosses sometimes strongly suggest that detectives who catch such difficult cases give prominence in their written reports to those facts, observations, and interpretations that bolster rather than undercut fellow officers' explanations of events in order to guard against the possibility of inevitable later inquiries going south.

But some police bosses live by the book and demand that everyone else does so as well. The foibles of such upright souls become fodder for detectives' stories. Detectives tell the story about the boss who became obsessed with missing equipment and demanded an immediate accounting for anything misplaced. One day the boss passed a detective's desk and noticed that she had not put the squad's Nikon camera back into the property room. The boss took the camera off the detective's desk and hid it in his own. When the detective returned, she panicked at the camera's disappearance. To cover the loss, she went out immediately and bought a new camera out of her own pocket and put that camera into the property room as if it were the squad's equipment. Two days later, the boss casually asked the detective where the squad's camera was. The detective went to

the property room, retrieved the camera she had bought, and showed it to her boss. At that, the boss took the original camera out of his desk and asked what it was. The dumbfounded detective was summarily flopped back into uniform.

An Internal Affairs Bureau field associate observed a top-grade detective taking a drink while on duty, and he informed the squad's lieutenant of the crime. The lieutenant grilled the squad's sergeant for his opinion on the detective's character. The sergeant said that the detective in question was a man of great integrity and valor whom he had known for twenty years. While one couldn't condone his taking a drink on duty, one had to measure it against an impeccable two-decade record. The lieutenant flopped both the sergeant and the detective back into uniform.

Some bosses obsessively assert their authority, earning themselves the scathing ridicule that detectives reserve for the self-important. Detectives laugh about the squad boss who upbraided another detective visiting the squad for using the phone without the boss's permission, and about the inspector who ordered a full-scale investigation, complete with an all-but-useless fingerprint dusting by the Crime Scene Unit, of his departmental car stolen right in front of the station house and recovered a few blocks away, in all likelihood joy-ridden by local youths who found the keys the inspector had left in the ignition. Transit detectives howl at the boss who ordered his sergeant to call in a handwriting analyst to root out the culprits who disrupted a Christmas party. Some detectives had covered the plaque of the "detective of the month" trophy with a paper sticker containing the names of detectives whose work they thought demonstrably better than the detectives singled out by bosses for praise. After a confrontation between the boss and ringleader (who was identi-

fied by his peculiar scrawl), the boss banished the detective to Coney Island, as far from the detective's home as one could get and still remain in New York City.

Bosses who seize center stage at crime scenes, stomping on potential evidence and barking officious orders to detectives about how to conduct a proper investigation, always become the objects of squad-room laughter. Bosses who don't or won't temper the normal brusqueness of police department supervision with good humor and understanding open themselves up to especially barbed humor. Detectives in one squad kidnapped their boss's beloved plant, on which he lavished more attention than he paid his human charges. They mailed the plant back to the boss leaf by leaf, once accompanied by a photograph of the plant with a gun to its stalk.

Detectives think that bosses who don't seek out the hard-earned knowledge of street veterans and consequently blunder into a public relations disaster deserve any embarrassment that comes their way. No detective who worked in northern Manhattan has forgotten the foolhardiness of Police Commissioner Lee Brown's 1992 unannounced good-will tour of West 160th Street to herald his Community Policing Initiative. A videotape of the visit featured Commissioner Brown unwittingly shaking hands with local drug dealers and hitmen posing as law-abiding residents, and thereby becoming fodder for street lore—"Get over on the commissioner, man, ain't nothin' to get over on the precinct po-lice."

Finally, bosses whose rigid adherence to regulations makes their squads forgo simple human pleasures come in for special criticism. One fabled day in February 1992, several members of the 34th squad and I were leaving court in downtown Manhattan when we encountered a crestfallen man on the down elevator

who was carrying a huge package redolent of garlic and seafood. Detective Joel Potter suggested that from the delicious smell of the package the man should be going up instead of down. The man turned out to be a confidential informant for the district attorney squad. He told the detectives that his wife had made thirty pounds of shrimp scampi and rice for the squad, but the boss would not allow his men to accept it for fear of violating Knapp Commission regulations. Potter suggested that the men and women of the hard-working 34th squad were worthy beneficiaries of the DA squad's loss and would in the bargain be grateful for his wife's cooking. So that evening the 34th squad and the Professor enjoyed the fattest, most luscious shrimp in anyone's memory, as the Saga of the Shrimp Scampi and the Bonehead Boss spread like wildfire across the city's station houses.

More serious issues arise when struggles over who controls an investigation become obstacles to solving a case. Early Saturday morning, December 28, 1991, Sergeant Keith Levine of the Communications Division was heading home following an evening spent with two fellow musicians, both civilians. As the three friends drove east on 57th Street from Ninth Avenue at 0217 hours, Levine looked out the back-seat window of the large black car and saw a man dipping a card into an automated teller machine in the lobby of Manufacturer's Hanover Bank. Another man stood beside him, gun in hand. The gunman then pistol-whipped the victim, crossed the street in front of the car occupied by Levine and his friends, and quickly headed west toward Ninth Avenue on the north side of 57th Street.

Levine apologized to his friends but said that he had to act.

He told them to stay in the car, which by this point had made a U-turn on 57th Street. With his off-duty pistol drawn, Levine jumped out of the vehicle and walked quickly behind the robber. A quarter of the block toward Ninth Avenue, in front of the Pasta Roma Italian restaurant at 315 West 57th Street, Levine announced himself as a police officer. The robber turned quickly and fired at least two shots. Sergeant Levine was hit twice, in the chest and stomach. The gunman immediately headed south, crossing 57th Street and then cutting through a driveway between buildings toward 56th Street. Sergeant Levine died at Bellevue Hospital an hour later. A check of his 38-caliber weapon revealed that he had fired one round.

The police response to the crime was massive. Levine had worked for a year in Midtown North before being posted downtown, and he was liked by all the cops in his old command. The robbery victim had fled, never to show up. But, remarkably, a homeless man named “Charlie” who lived in the Manufacturer’s Hanover branch where the robbery occurred came forward to tell the police that a man he knew as Jay had done the robbery. His unsolicited testimony was bolstered by a match of his rolled palm prints to latent prints found on a garbage can in the bank’s foyer, as well as by surveillance videos that confirmed him as a habitual door-opener-for-money at the bank. Jay, Charlie said, hung out uptown on 116th Street. Detectives’ canvasses of the midtown area produced information that a couple of girls had acted as lookouts during the robbery, and one of them had worn a white coat.

Charlie later identified Jay from inside a police surveillance van on 116th Street manned by Detectives Harry Bridgwood and Danny Rizzo. In that surveillance, Charlie had taken his time, pointed out and named several players on the street, and called

the alarm only when he saw the man he knew as Jay heading toward the subway. The police apprehended him in the subway station. Jay turned out to be Christopher Lewis, a miscreant with more than thirty arrests, most for petty crimes such as fare-beating and sucking tokens out of subway tollgates. Lewis said that he had been at Rockefeller Center in the early morning of December 28, sucking tokens out of the toll gates in the Sixth Avenue-47th-50th streets subway station. He then sold the tokens, as was his practice, to a Metropolitan Transit Authority clerk for 50 or 75 cents. The clerk resold them, he assumed, for the going price of \$1.15.

Lewis remembered a man in a brown uniform who watched him sucking the tokens and subsequently selling them to the clerk. Police later found a brown-uniformed security guard at Rockefeller Center who corroborated Lewis's story, placing him at Rockefeller Center about an hour before Levine's murder. Lewis went on to say that he had walked north and then west a few blocks, stopping at a McDonald's on the southeast corner of 56th Street and Eighth Avenue for a bite, and then heading up Eighth Avenue, on his way to 72nd Street and Broadway, where he met friends. He put himself at the scene of the robbery at the time it occurred, but he insisted that he had nothing to do with it or with any subsequent shooting.

When Lewis was put in lineups, several witnesses identified him, though with varying degrees of certainty. The witnesses included Levine's two musician companions and also two lawyers who had seen a man running past them in the driveway between 57th and 56th streets as they were exiting a taxi. One of these lawyers had served as an assistant district attorney in Brooklyn. Lewis was charged by the police and then indicted by the grand jury with the murder of a police officer. The *New York Daily News*

ran a front-page story on the arrest and indictment, including a picture of Lewis.

But there were other culprits and a weapon still out there. Detectives continued the hunt on 116th Street. At a local coffee shop that served as a hangout for street denizens, the detectives heard about a young woman named “Yvonne,” who regularly wore a white coat and fit midtown street witnesses’ description of one of the girls who had acted as lookouts for the robbery at the ATM. When the police found Yvonne, she turned out to be a crack-head who couldn’t remember where she had been early that Saturday morning. She didn’t think that she had done the crime, but she admitted that she knew Jay from the street. She said that Jay was also known as Black.

Then Yvonne confessed to the crime. Who else could it have been, she asked? All the detectives seemed sure Jay had done it, and she often hung out with Jay on the street. And if the detectives thought she had done the robbery with Jay, well, then she must have done it. Yvonne’s statements were rambling, circular, incoherent, and confused. Eventually, she implicated another woman named “Sharon.” The police picked up Sharon on Yvonne’s identification. Both women were indicted by the grand jury for the murder of Sergeant Levine. Most detectives in the Midtown North squad and the next-door robbery team were delighted at the prompt resolution of the case. The Sergeants’ Benevolent Association gave a plaque to the Midtown North squad for solving the murder of one of their own.

But several Midtown North detectives, especially Robert Chung and Harry Bridgwood, who worked the case from the beginning, as well as George Delgrosso, Artie Swenson, Pete Panuccio, and Detective Sergeant Al Regenhard, were deeply skeptical about Christopher Lewis’s guilt. Lewis wasn’t known for the

kind of violence that robbery entails. Even though his jailers downtown found rap lyrics in his cell about the killing of Sergeant Levine, Lewis seemed an unlikely cop killer. Bridgwood, a 23-year veteran who had taken hundreds of statements and confessions over the years, felt deeply uneasy with Lewis's interviews, based on the sixth sense that only long street experience produces. Lewis expressed surprise where Bridgwood expected a calculated dodge. He seemed calm where Bridgwood expected edgy anxiety. His story about being at Rockefeller Center sucking tokens an hour before the shooting checked out. And his description of his daily routine—express train from Harlem down to 72nd Street or Times Square, over to Rock Center to suck tokens, back to the West Side to catch the train uptown—made perfect sense for a West Harlem street guy. His presence at 57th Street and Eighth Avenue when the robbery occurred might have been just an unfortunate coincidence.

Further, neither Bridgwood nor Chung thought that the identifications of Lewis in the lineups were especially strong. Certainly none were unequivocal. Moreover, Yvonne and Sharon lived in their own little world. Sharon told police that she and Yvonne had been lovers but then Yvonne had rejected her. Why would Yvonne name her, Sharon asked, unless she had had a change of heart and wanted to set up a love nest in prison where they could get three squares a day and live together? Police wondered if these two women were actually robbers or two hapless souls seeking refuge from their harsh lives on the streets.

In the initial canvass in midtown right after Levine's slaying, Detectives Danny Rizzo and Artie Swenson, following tried-and-true robbery-investigation practices, had tracked the shooter's escape path to see if he had discarded anything in flight. Rizzo and Swenson found a blue jacket hanging over a wire outside

the basement window of an apartment four feet below street level on 56th Street. The jacket had clearly been tossed over the six-foot fence that guarded the sidewalk cutout and basement windows.

The jacket's zipper was damaged and there was a hole in one of its collars. It contained a package of Kool cigarettes in one pocket and a matchbook with a phone number in the other, along with two subway tokens. The phone number came back to an apartment in the Bronx off the Major Deegan Expressway. When Detectives Delgrosso, Swenson, Panuccio, and Sergeant Regenhard went to the address, they found a woman in her sixties who worked as a cleaning lady at a television studio near where Sergeant Levine had been shot. The woman became upset at first because she assumed that the police were there about her job. The detectives assured her that she was not in any trouble. They then asked her about the jacket, but she denied having ever seen it. When told that it had contained a matchbook with her phone number, she said that it must belong to one of her two sons. She gave the police an address on 129th Street in Manhattan, one block east of the Park Avenue elevated train tracks. She said both of her sons lived there. The apartment had been hers, she said, but her sons turned it into a crack haven.

When the detectives got to the apartment, they found broken windows, unlocked doors, and no lights. One of the woman's sons, "Alexander," was there, but his obvious disorientation from substance abuse convinced the detectives that he knew nothing about the robbery-murder. When quizzed about the jacket, Alexander said that he thought it belonged to his brother, Butch McBryde, but he didn't know where Butch was. The detectives cajoled Alexander, demanding that he contact them when Butch got in touch.

Back at the station house, Delgrosso ran both brothers through the computer and discovered that Butch had a misdemeanor warrant, enough to hold him if the police tracked him down. Delgrosso visited the 129th Street apartment a half dozen times in the next couple of weeks, sometimes with Pete Panuccio, sometimes with Artie Swenson. Twice they found Alexander there, along with several crack addicts, whom the police chased out of the apartment. The police vowed to return night after night until they found Butch. Detectives Chung and Bridgwood also visited the apartment several times, but without finding Butch.

In the meantime, a struggle for control of the investigation had broken out, pitting Assistant District Attorney Elizabeth Lederer against a boss in the police department, but also several Midtown North detectives against a boss. Lederer, who became famous for her prosecution of five teenagers accused of assaulting the Central Park Jogger in two sensational trials in 1990, had worked closely with Chung, Bridgwood, Delgrosso, Rizzo, and other detectives from the first night of the Levine case.⁵ As the detectives' doubts about Lewis's guilt deepened and as the intense social pressures and expectations detectives feel when investigating the murder of a police officer increased, they pushed the department, with Lederer's strong encouragement, for license to pursue full time the other leads they were developing.

But the case against Lewis, though circumstantial, was strong, with identifications from solid citizens as well as street people and confessions from two presumed participants. Although the police department never spares resources to catch cop killers, it seemed at the time as though Levine's killer was already locked up. And the number of complaints requiring investigation pouring into the always busy Midtown North squad had not abated.

Furthermore, police officers, not the district attorney's office, run the police department and its investigations, and in all bureaucracies some bosses don't appreciate talented, strong-willed subordinates, especially those who speak their minds.

An impasse developed. It focused on the kinds of questions that plague all organizations during crises: Who gets blamed, both within the police department and in the public eye, if Lewis turns out not to be the killer? Who gets departmental and public credit for finding the true culprit? How do the police find the right guy, but also get other ongoing work done? Finally, and most important, who is boss? Some detectives debated in the locker room whether they might have to end up going uptown on their own time to continue working the case. But this was dangerous because, without formal authorization, officers might bear individual liability should something go awry. In the end, after a memorable clash with a boss over these issues, Lederer went downtown to One Police Plaza and got a chief's authorization for Detectives Chung and Bridgwood, though not for other detectives, to go off the charts completely to do whatever was necessary to resolve the ambiguities in the Levine case.

A week later, Detective Panuccio was delivering a prisoner to Central Booking at 100 Centre Street. As he passed the bullpen, a prisoner called his name. It turned out to be Alexander, locked up for fare-beating in the subway. Alexander told Panuccio that Butch had showed up at the apartment. Further, he said, a guy named Black often came to the 129th Street apartment, sometimes with a girl, to meet with Butch. Black had a gun. Alexander told Panuccio that he had overheard the trio talking about the ATM robbery and the cop shooting. They said that the cops had locked up the wrong guy. When Panuccio showed Alexander a picture of Christopher Lewis and noted that Lewis was called

Black, Alexander said that he knew Lewis from the street, but the Black he meant was a different guy. Panuccio called Delgrosso immediately, who told Robert Chung of his partner's finding. With this information, Chung got Lederer to apply for a warrant to hit the apartment and arrest Butch. The detectives enlisted Alexander, newly released from jail, to alert them to Butch's presence in the house.

But when Alexander went into his building on his assigned mission, he disappeared, evidently through a rear exit, and the plan unraveled. The police waited. Days went by. No Alexander. No Butch. Just before the warrant's expiration ten days later, the detectives hit the apartment. With Emergency Service Unit support surrounding the block, they found and arrested Butch McBryde. After he was thrown to the floor, secured, and cuffed—all proper procedures when executing an arrest warrant and a search for a weapon—he looked up at Harry Bridgwood and said: "I'll tell you what happened." He quickly blurted out key details of the robbery at 57th Street and Eighth Avenue on December 28, 1991. And the tale that he told seemed like an alternate reality to the case already made against Christopher Lewis.

Butch admitted being at 57th Street and Eighth Avenue early Saturday morning, December 28, 1991, along with Irving Crumb, known as Everett, and with two girls, one named Michelle, who wore a white coat, and the other "Sally." With them was a man whom Butch knew as Black, to whom Butch had loaned his blue zippered jacket because of the cold weather. While Michelle, Sally, and Everett kept watch outside, Butch went into the ATM with Black, confronted a customer who spoke a foreign language, and robbed him. But, Butch insisted, Black had the gun, a silver 38-caliber with a six-inch barrel and black handle. It was Black who had been chased by the white guy along 57th

Street. Butch knew nothing about the shooting of the cop. When shown a photograph of Christopher Lewis, Butch said that he didn't know him. He also claimed that he didn't know Black's real name.

On January 22, 1992, detectives found Michelle, who confirmed Butch's story and named Black as one Michael Alston. Alston had gotten out of prison just a month before Levine's murder after serving time for his second conviction for homicide. All told, Alston had served barely ten years for two homicides. He was nowhere to be found. Michelle also told the police that she and Alston had sold the gun used in the ATM robbery to a nearby drug house for forty bottles of crack. One of the owners of the drug establishment told Bridgwood and Chung that, after buying the weapon, he hid it wrapped in two cheese-doodle bags in a garbage can near his building. He took the gun out at night to play with it. Just two evenings before the detectives approached him, he discovered the gun was missing from the can when he went to retrieve it. He assumed that Sanitation had picked up the gun when it collected the garbage.

The detectives immediately contacted Sanitation and ended up spreading out a couple of tons of the vicinity's recent domestic garbage on the 125th Street pier to look for the gun. No luck. It turned out that the drug dealer had been stashing the gun in a wire trash basket on the street—a refuse depot subject to different schedules than Sanitation's runs for domestic garbage. And Sanitation had already hauled that load of trash to the Staten Island landfill. The detectives had missed the gun by no more than two days. But a gunpowder residue check of Michelle's kerchief, in which she claimed she kept the gun before she and Alston sold it, came back positive.

On April 16, 1992, after an exhaustive search, the detectives

finally found Michael Alston, who admitted shooting Sergeant Levine. Although Alston was much bigger than Christopher Lewis, the pair looked alike. Alston said that the policeman's bullet had indeed hit the zipper of the borrowed jacket he was wearing and then made a hole in the collar, causing him to abandon it. When Bridgwood asked him what was in the jacket, Alston replied: "Cigarettes, matches, *anna cupla* tokens," the kind of telling detail that convinces detectives they have the right guy. Christopher Lewis, Yvonne, and Sharon were released with apologies on May 6, 1992. Alston pleaded guilty to murder, Butch and Michelle to attempted murder, and Everett to attempted robbery.⁶

Detective Artie Swenson was transferred to another command. On the basis of superlative homicide clearance records, Detectives Delgrosso and Panuccio made contracts to transfer to the Manhattan South Homicide Squad, but their move to that prestigious unit was blocked, forcing the two detectives, after a year of waiting, to relocate to other precinct commands. At least one boss outran any mistakes made in the Levine case to climb high in the ranks of the NYPD.

The detective bureau itself, beginning in the late 1980s, has created internal obstacles to the development of the habits of mind that make for effective criminal investigation. Most important, recruitment to the bureau has become thoroughly routinized, lowering the overall quality of talent of those who enter the bureau. Detective work used to be organized as an apprentice system. Detectives are simply uniformed patrolmen on special assignment. They used to be plucked from the uniformed ranks on the basis of demonstrated initiative, organi-

zational know-how, and investigative potential, as assessed by other detectives or by department bosses. Police officers had to demonstrate investigative abilities to superiors, who then became their advocates for promotion to the bureau.

For instance, PO Kenny Ryan of the Midtown North precinct pounded his beat from 45th Street to 47th Street, from Eighth Avenue to the Hudson River, for years. Ryan used the discretionary power of policing gingerly and humanely, but also practically, given the formidable process involved in collaring someone. A collar takes a cop off his beat for an entire day, leaving the street to those who would be wayward. Instead, Ryan became a fixture on his beat, drawing bright lines for acceptable and unacceptable behavior, giving all the players fair warning of the consequences of crossing those lines. He accumulated extraordinarily detailed ethnographic knowledge of the ways of the street and thumbnail biographies of all its players—the dazed shadow-boxers, the rough trade, the drug dealers, and especially the working girls, the street’s bellwethers. He got to know all the girls on his beat, learning all of their names, real and fake, the names of their men, even the names of their children, learning as well their particular habits, predilections, and fears. Ryan always treated the girls squarely, and in return they told him about the predators in their midst. He passed that information on to detectives, helping them break scores of cases. They, in return, became his champions, urging his promotion to the squad because in their estimate he was worth ten cops. Ryan eventually made the detective bureau.⁷

But now the path to the coveted detective’s gold shield is for the most part governed by union contract. Many young officers are automatically made detectives after serving eighteen months in buy-and-bust undercover narcotics operations—work that de-

mands nerves of steel, remarkable physical courage, and street smarts, but no demonstration of investigative promise. The total number of officers with detective rank in the NYPD ballooned in the last years of the twentieth century, reaching 6,900 detectives in the department by January 2000. Only about 3,000 of these were in precinct squads, affiliated robbery units, or transit districts specializing in subway crime whose jurisdictions overlapped precincts. The rest were in highly specialized units of one sort or another, such as narcotics, borough-wide homicide units, crime scene analysis, ballistics, or criminal identification.

Experienced detectives have no mechanisms to transmit their knowledge of how to conduct street investigations to the green juniors pouring into the bureau, except for occasional, thoroughly standardized courses in general criminal investigation or more specialized courses in homicide investigation. But most young detectives find such courses irrelevant and boring, and many view the senior men teaching them as “hair bags,” out-of-touch old-timers intent on talking about their personal triumphs. To be sure, some senior detectives do adopt favored juniors and school them carefully in investigative techniques. These ties can be personally powerful and organizationally effective, but they produce resentment among detectives not selected for such exclusive mentoring. The endless storytelling in precinct squad rooms serves to disseminate some occupational lore in a more widespread and equitable fashion, especially about the subterfuges of criminal investigation. But as older detectives retire, they take with them vast, almost entirely untapped reservoirs of accumulated knowledge and experience.

The increased bureaucratization of the detective bureau has undercut any lingering notion that detectives might have of a necessary connection between ability, hard work, and promo-

tion. Hooks—that is, family ties, patronage relationships, sexual liaisons, or other personal connections—have always been extremely important in the NYPD, reaching back to the days when the department was Tammany Hall’s graft collector, discipline enforcer, and sometime fall guy.⁸ No one gets choice assignments without what cops call a “contract,” a reciprocal tradeoff of personal favors at high levels of the organization. And no one gets to make contracts unless he is part of interlocking elite social circles, with years of experience on the Job and a track record of reciprocating favors. No one becomes the beneficiary of contracts unless key people see him as a future player in those same social circles. The more elite the police unit at issue, the more complicated the contract because one must give or call in favors from more people. Thus, units such as the prestigious Aviation Unit, from which even the most experienced pilots are regularly excluded, or the Auto Crime division, a sure-fire ticket to lucrative insurance investigation after retirement, become essentially the property of cliques of social intimates who establish criteria for entry that only a chosen few can meet.

Contracts become particularly important in the detective bureau when promotion is at issue. Proven ability in solving cases has always been a *sine qua non* of moving up the steep hierarchy of the three grades within the detective bureau, though not always a sufficient reason. Of the 5,939 detectives in the New York City Police Department in September 2004, 661 were second-grade and 197 were first-grade. All the rest were third-grade detectives, whose annual base salaries ranged between \$57,943 and \$61,670. Second-grade salaries ranged between \$66,414 and \$69,300; and first-grade detectives earned between \$75,524 and \$79,547 per year.⁹

Some of the best and most seasoned detectives in the depart-

ment, many in local precinct squads, languish their whole careers in third-grade status, overworked, undervalued, and poorly paid, while promotions to “grade” go to relatively inexperienced detectives brought by administrative fiat into the bureau and lucky enough to land in choice details where grade is a perquisite or in specialized squads with powerful bosses who have the clout to get their own charges promoted. Even spectacular success in solving high-profile crimes, once the pathway to first-grade status, no longer guarantees detectives anything except the envy of colleagues and bosses who themselves long for the bright lights that New York’s ravenous media shine briefly on detectives who crack big cases.

The perceived exigencies and subsequent practice of detectives’ work regularly clash with official rules, both administrative and legal. Take, for instance, the issue of informants. All detectives rely on informants for information. They therefore spend a lot of time developing and maintaining the intricate social relationships with informants, actual or potential, that enable them to elicit secret knowledge. Some informants see cops as father figures to whom they can divulge the wickedness all around them. Others barter information in exchange for investigators’ turning a blind eye to their own criminal activities. Still others want an immediate payoff for information, in the form of money or bags of drugs left behind after a raid they help arrange. Still other informants want the police to protect them by locking up their enemies. Although informants are used most extensively in the netherworld of narcotics investigations, virtually all criminal investigations come to a standstill without informants of some sort.

The police department, acting on the insistence of the district attorney and the courts, requires detectives to register those informants whom they use regularly. Officially, this allows a detective to go before a magistrate by himself, without his witness, in order to obtain a warrant. It also avoids the real possibility of false accusations and manipulation of the criminal justice system by criminals. But detectives argue that, like most procedures, informant registration first and foremost protects bosses if things go wrong. Those with the deepest knowledge of criminal activity are the least likely to submit to official registration. The rule leaves detectives with the tricky problem of finding a way to utilize the most detailed and arguably the most reliable information they get from the street.

And sometimes police must protect informants even at the cost of big arrests. One detective tells the story about receiving a call from an “anonymous” informant, when he worked in narcotics, telling him that three dealers were leaving a particular building at that very moment. The detective and his partner rushed to the building, arrested the dealers, and seized 800 crack bottles, a bag of uncut cocaine, and several hundred dollars. But in court the judge threw out the arrests and suppressed the evidence of the seized drugs because, he argued, the “anonymous” call was insufficient cause for the police to stop and search the men. As it happens, the “anonymous” informant was the brother of one of the three dealers, a man whom the detective knew well. He gave up his brother against the inevitable day when the “weight” apartment would become the target of merciless robbers. The detective told the court the literal truth but could not testify to the whole truth, that is, his personal knowledge of the dealer’s brother, for fear of injuring innocent people.

Detectives’ relationships with informants are dangerous and complicated in other ways. If an informant on one case casually

provides information about yet another case, and the detective pursues those leads without following carefully prescribed procedures, he runs the risk of being considered overzealous by bosses. The informant who gives a detective good information one day might betray him to the Internal Affairs Bureau or the district attorney's office the very next day if it is made worth the informant's while. Indeed, the police department often uses known informants for integrity tests. An informant might call a detective with an important piece of news about a case, but then mention that cops stole drugs from dealers while making an arrest. If the detective fails to report the latter allegation, whether he thinks it is true or not, he runs the risk of a visit from Internal Affairs. However tempting the regularly offered promises of sexual delights, one sleeps with prostitutes, always good informants, only at the risk of immediate betrayal, and one trusts junkies, reliably in the thick of things, only if one also believes in tooth fairies.

The Internal Affairs Bureau lays traps for police officers to enforce adherence to standard administrative procedures—the basis, in the IAB's view, of the legitimacy of policing. Thus, a lieutenant who was one precinct's integrity control officer received a complaint from a civilian who told him that cops had roughed up his son. The lieutenant spent the better part of an hour with the man, sympathizing with him and assuring him that his complaint would be addressed swiftly and justly. The following day IAB notified the lieutenant that he had violated procedures by talking in such a way with the complainant. Instead, IAB said, the lieutenant should have given the complainant a Civilian Complaint Review Board form and sent him on his way. In this view of police work, human kindness has no place in the station house.

Detectives in Internal Affairs face their own organizational ex-

igencies. Once they open an investigation of a police officer or detective, they have to close it, just as squad detectives have to close their cases. This imperative sometimes produces perverse results. For instance, Detective Joseph Montuori recalls an incident during his investigation of a death by autoerotic asphyxiation. The parents had been so shocked at finding their dead son in feminine garb that they had redressed him and placed him in bed. Because the young man had died of strangulation, Montuori called the Crime Scene Unit. When CSU arrived, its detectives took photographs and dusted the boy's room. Eventually the parents acknowledged their alteration of the scene, and Montuori ruled the death accidental.

A few days later, however, the boy's mother called Montuori to report that her son's watch was missing; it had been on his dresser, she said. Montuori immediately checked the CSU photographs and, sure enough, there was a picture of the boy's watch on his dresser. Only police officers and the parents had been in the room. Montuori called IAB to report that a watch had been stolen by one of the police at the scene. IAB took the case and interviewed all the officers who had responded to the scene but had no success in uncovering the culprit. Montuori then received a call from the investigating IAB detective informing him that IAB was charging Montuori himself with the theft and asking him if he wanted to make a deal. Montuori pointed out that it was he who had initially reported the incident. Only when Montuori threatened to see the matter all the way through departmental trial, if necessary, did IAB drop the charges.

As the despised "Rat Squad," IAB has always had trouble attracting talented investigators, and the bureau developed a reputation for conducting poor investigations. Finally, in the mid-1990s, the NYPD instituted a policy of forcing top investigators into a two-year IAB stint in return for a free choice in their next

assignment. Requiring premier investigators to serve a tour with IAB helped diminish police officers' antagonism toward the bureau, if not toward the idea itself of policing the police.

In the legal arena proper, attorneys and courts place a great premium on written documentation of the investigation of criminal events, an important procedural safeguard both to obtain evidence considered reliable by courts and to guard against false accusation, arrest, and prosecution. Precisely because of this emphasis, detectives know that everything they record in writing will be subjected to extensive public interpretation and reinterpretation. But every major investigation takes detectives down blind alleys. The street yields its secrets grudgingly. Some men and women crawl out of the woodwork to confess to crimes, but more often they accuse their neighbors or relatives. Young women employ precise legal formulas to accuse their parents of abuse in order to gain emancipation from restrictive traditional authority. Spouses file complaints of child abuse or sexual abuse against their mates when a divorce is imminent in order to have a legal record for leverage in custody hearings. Criminals offer information to jam up business rivals or nail enemies as payback for still other crimes. Informants provide seemingly reliable information that turns out to be triple or quadruple hearsay. Hot lines opened in major cases invariably elicit fantastic stories describing sins and crimes, whether real or imagined, that have never been reported to the police. Even an open-and-shut case goes through many twists and turns before its telling in court, and "final" adjudication rarely closes a major case permanently.

As detectives see it, their specific goal in, say, a murder investigation is to identify a suspect on the basis of available evidence and produce a coherent, compelling narrative, including a demonstration of the suspect's means, opportunity, and plausible

motive linking him or her to the crime, a story that permits no alternate readings. Thus, detectives commit to writing as little as possible about their ongoing investigations until they know the final shape of their narratives, in order to minimize later alternative exegeses of their work. This practice, and others like it, make rule-oriented police bosses, courts, and defense attorneys deeply suspicious of detectives' work methods.

Prosecutors also have their doubts. They tussle endlessly with detectives in the course of the joint occupational struggle to transform street knowledge into legal proof. For instance, detectives argue that prosecutors' constant search for a smoking gun stems from their fear of circumstantial cases that rely on detectives' intuition about criminals and their ways of thinking. Moreover, many prosecutors, whose work demands a public face of truthfulness and propriety, worry about their dependence on an occupational group that relies on deception as a tool-in-trade.

A few prosecutors take haughty and scornful stances toward all police officers—sentiments that can destroy even important cases. For instance, Detective John Bourges caught the June 12, 1991, case of an off-duty police officer who was roused at 2130 hours by the superintendent of his building with the news that a culprit was burglarizing the officer's car on the street. The policeman went out and ended up confronting a drug dealer borrowing a tire to replace a flat on his own identical-make automobile. The cop showed his shield and identified himself, whereupon the thief pulled out a gun and fired at the officer. The cop returned fire, hitting the thief once. The thief fled on foot, pursued by uniformed cops who had responded to a 911 call placed by the building superintendent. The officers found the thief's bloody shirt, but not the culprit, and called the Crime Scene Unit to recover it.

Later, one of the officers who had given chase was waiting in the area for a ride back to the station house when suddenly he spotted the thief crawling out of bushes where he had been hiding. Once again the chase was on, and the officer finally tackled the thief as he was breaking into an apartment window after going up a fire escape. The next morning, a resident of that building found a weapon under his own vehicle and handed it over to the police. The culprit had just been released from Attica after serving a term for attempted murder.

Bourges did a warranted search of the thief's apartment, which yielded some drugs, a photograph of the thief's girlfriend posing with money and a gun, and a .38-caliber bullet, which a ballistics test later determined had been ejected from the gun found under the car at the scene of the culprit's apprehension. The police-officer complainant identified the culprit in a lineup. The culprit gave a statement to Bourges arguing that the police officer who had originally confronted him in the street had not identified himself. Moreover, the thief argued, it had been his "partner," whose name he claimed not to know, who carried the gun during the attempted tire theft and who fired at the cop. The cop had meant to shoot at his partner, not at him, and it was his own bad luck that the cop was such a terrible shot.

Whom should a prosecutor believe? As it happened, the prosecutor who caught the case considered the police a "morally stunted occupational class," as he once told me—a deficiency he attributed to police officers' constant proximity to street violence. Such an attitude makes trust and subsequent decisive action difficult. As Bourges and other officers saw it, the prosecutor simply did not believe the police officers' accounts and therefore did not press the case. Indeed, although Bourges and other officers (including two auxiliary cops, two police officers

who had responded to the scene, two housing detectives, the police complainant himself, and crime scene detectives, as well as witnesses from the complainant's building) went to court constantly, whenever requested, the prosecutor's lack of aggressiveness enabled the defense to stall the case again and again by asking for and gaining continuances. Months went by. Finally, one day the prosecutor asked for a continuance, the people's first such request. The defense claimed to be outraged by the delay and demanded that the judge dismiss the case under the right-to-a-speedy-trial rule. To police officers' bewilderment and chagrin, the judge did indeed throw out the case, and the culprit walked.¹⁰

The prosecutor saw the matter completely differently. From his perspective, the case against the accused was ambiguous and indeed compromised by the question of whether the complainant off-duty police officer might have been inebriated at the time of the original altercation. In his view, he made every effort to bring the case to a closure acceptable to the police officers, but the case was victimized by the unaccountable procedural vagaries of the court system.

Most prosecutors, despite their suspicions that cops bend the rules and despite the discomfort this generates for officers of the court, accept the moral trade-offs inherent in working hand-in-glove with detectives, and they reject sanctimoniousness among their colleagues or former colleagues.¹¹ For the most part, they resolve their tensions by adopting a knowing-and-not-knowing stance toward the ambiguities of detective work ("I don't wanna know what happens at the station house").

The moral ambiguity of detectives' work clashes with the necessity of courts to project a public image of upright-

ness, essential for the legitimacy of the judiciary. Courts claim to be impartial institutional arenas in American society whose purpose is to establish truth and fix responsibility for crime.¹² Both claims are increasingly problematic within a social order marked by epistemological wars that pit all against all and one rife with remarkable excuses and justifications to escape or mitigate responsibility.¹³ Criminal investigators work with a minimalist concept of truth, that is, they seek to ascertain who committed specific actions defined as crimes. If they uncover a motive during the course of that search, it helps convince themselves and others that they have, in fact, ascertained who committed those crimes. But the basic quest for knowledge about who committed specific actions is always primary and encounters many obstacles.

Criminal violence is a relatively hidden human activity. Gaining even bits and pieces of knowledge about it requires painstaking work. Few people actually see criminal violence first-hand, and only rarely are criminal investigators among them. Most violent acts have few witnesses: the culprits themselves, their now-violated or dead victims, civilian witnesses usually so terrorized or confused that their perceptions are jumbled or limited, neighborhood residents, some of whom are civilians too frightened to come forward, some of whom are the indirect beneficiaries of criminal activities, and some of whom are themselves criminals who reveal information only when they can trade it for their own advantage.

Moreover, when witnesses are themselves criminals, one sees in stark relief the central dilemma of criminal investigation. One of the street witnesses to the infamous 1991 quadruple murder in the Bronx's 40th precinct gave Detective Mark Tebbens a vivid eyewitness account and key identifications of two of the several shooters. But he was useless in court because he made his living

riding the trains in an ankle-length leather coat beneath which he carried a sawed-off shotgun to encourage people to part with their money.¹⁴

Further, criminal violence proceeds from a social world that has its own peculiar ethos, that is, its own rationality, institutional logic, and moral rules-in-use. Many career criminals, drug-traffickers foremost among them, see violence as a standard-issue occupational tool. With one's rivals, the kill-or-be-killed rules of warfare obtain. With the employees of associates, such as couriers carrying narcotics or money, the rules of predatory opportunity apply because robberies and murders of others' underlings can be blamed on the regrettable chaos of the streets. With witnesses to crimes, the rules of expediency sometimes dictate a dead-men-tell-no-tales prudence. With informers, the rule of "snitches get stitches" simultaneously punishes informers and cautions would-be informers. With one's peers, and their women, the rule of respect reigns supreme, and the smallest slights, wayward glances, infringements on personal space, or untoward words, whether real or imagined, often provoke murderous responses.

Such a world places a premium on daring and cruelty. Only those whose reputations inspire dread get ahead and simultaneously fend off trespass. Violent criminals almost always boast about their crimes to one another in order to boost their reputations ("A murder ain't a murder until you talk bout it on the street"), a habit that gives still other criminals rich material to trade for their own advantage when betrayal time comes around. The world of the streets makes for minds uncluttered with the burdens of middle-class existence. Street players have vast tracks of time to watch other people, discern their strengths and weaknesses, and measure opportunities for predation. Even to talk

with criminals, let alone to understand their worlds, detectives must temporarily set aside their own moral frameworks and grasp criminals' habits of mind and moral rules-in-use from the inside out. Such chameleon-like ability at moral alternation makes those judges and prosecutors who become moralizers (one of the many hazards of their own professions) deeply uneasy.

Investigators gather information from witnesses and transform some of it into sworn testimony. In the process, investigators continually assess the credibility of men and women who tell them stories and the plausibility of the stories they tell. How trustworthy is this witness? How will a jury appraise his or her character? What incentive does this witness have for telling this story instead of another one? Is the story consistent with other information gathered independently? Does the story ring with the logic of the streets, however improbable its twists and turns? Criminal investigators expect people to lie to them. This expectation puts a premium on tough-minded skepticism, often bordering on cynicism, an occupational virtue having less to do with temperament than practicality.

At trial, prosecutors regularly call on detectives to "put in" cases. When forensic evidence is available and useful, crime scene detectives describe the collection and analysis of fingerprints, blood samples, semen, hair, carpet fibers, footprints, or other traces that criminals left behind. Far more typically, they troll various bureaucratic nets to track the suspect's movements and tie him to the time and place of the crime at issue. The nets include vast police records of summonses, arrests, or jail time, but also multiple public records documenting lawsuits and insurance policies, as well as the use of passports, telephones (both land lines and cell phones), subway fare cards, EZ passes, auto-

mated teller machines, credit cards, computer networks, and banks. Detectives describe the typical procedures and results of witness identification through photo arrays and lineups. They frame the testimony of civilian witnesses who will be introduced later in the trial, or they introduce statements by accused criminals. These include admissions about foreknowledge of a crime, outright confessions, or even exculpatory statements that, with requisite contradictory circumstantial evidence, can undercut a suspect's credibility. But the key issue, always contested, is how did the detective obtain information from civilian witnesses or statements from accused criminals? More often than not, to defense attorneys' delight, prosecutors' chagrin, and judges' skepticism, the answer is through deception or subterfuge of one kind or another.

Detectives regularly use ruses of all sorts to outfox both civilian witnesses and criminals. Civilians refuse to cooperate with investigators for many reasons. Kinship ties command primal loyalty in many communities, whatever the depredations of one's relatives. In some minority groups, racial or ethnic solidarity far outweighs any adherence to universalistic criteria. Sometimes civilians are beneficiaries of the river of cash that big-time criminals, particularly drug traffickers, send flowing through a community; so are car dealerships, automobile-repair shops, night clubs, restaurants, jewelry stores, travel agencies, and bodegas. Sometimes civilians are simply scared stiff. They know the merciless retaliation of street violence and they know that the legal system, which for the most part requires policing to be reactive not preventive, affords little protection against it. And many civilians want no part of the vilification of their own characters that testimony in criminal matters always invites.

Joe Montuori talks about his worst experience with a witness,

one that haunts him to this day: “We had a dump-job in Fort Tryon Park and we got nowhere with the case. Several years later, we hear from the FBI in Baltimore that they had an informant who not only witnessed the murder but who could tell us the name of another witness to it. Apparently the dead guy had ripped off a Baltimore gang for \$60,000. So the boys come up from Baltimore lookin for this guy, they find him, kidnap him, and put him into a van. He had been hangin out with two people, the guy who became the FBI informant and a girl. To save their own lives, they’re both ordered to shoot into the thief’s body, after the gang has already killed him. They torture the girl with an electric drill to get her to do this.”

“We go to trial with these two witnesses. I had my doubts about the guy’s credibility. He’s an ex-Baltimore cop turned mutt. And at trial he breaks down and cries on the stand and the jury thinks it’s an act. But the girl has no criminal record whatsoever. And, independently, she gives us the exact same story, almost verbatim, of events leading up to the thief’s death. Eventually, it all gets down to her. She didn’t want to testify. I spent hours and hours tryin to convince her that this was the right thing to do. But she says: ‘No, I’m gonna get killed.’ But I finally convinced her. We became friends and she had faith in what I was tellin her that everything was gonna be okay. I get her to court and she had to get up and identify these mutts one at a time. She gets through two identifications and breaks down on the stand. The judge orders a five minute break to let her regain her composure. She runs out into the corridor outside the courtroom where I’m havin a cigarette. She asks me for a smoke, she’s shakin and cryin. I put my arm around her and tell her: ‘Everything’s gonna be okay. They can’t hurt you.’”

“Just then the defense attorney, a big-money guy, comes out

into the corridor, sees this little huddle, with my arm around the girl. Back in court, he begins to rant and rave that I was tellin her who to pick out, that I was feedin her information about the crime, that it was all a setup. So even though she identifies the other three guys, now her credibility is in jeopardy. The jury acquits all five defendants, all big-time drug dealers. And I'm left with a witness who's scared to death and won't believe ever again anything I tell her."

The reluctance or fear on the part of civilian witnesses to testify against violent criminals represents a danger to democratic institutions just as ominous as systematic police brutality. Unchecked criminal violence leads just as surely as state violence to a society of bystanders. The care, protection, and encouragement of witnesses constitute a major part of investigators' work. Detectives fashion arguments to persuade witnesses of the necessity of civic duty, even though they themselves have often ceased to believe in it. They simultaneously cajole and subtly threaten witnesses on the edge of criminal activity. They assure civilians that their testimony will bring about convictions and therefore protection against retaliation, knowing full well the crap-shoot unpredictability of the criminal justice system.

The apprehension of criminals is itself a crucial part of criminal investigation because the unraveling of who committed specific actions defined as crimes often depends on criminals' own statements to police, even if those descriptions are not entirely accurate. Detectives coax, wheedle, insult, frighten, bully, and tease information from suspects. If a detective can elicit an admission from a suspect that he was "down for the robbery, but not for the shooting," the detective can then nail the suspect for felony murder.

Or to obtain a confession, detectives often feign more knowl-

edge than they have, suggesting the availability of witnesses even when none exist. They hint at possible betrayal from accomplices, even when this is unlikely, making suspects choose between betraying or being betrayed. They conjure up images of accomplices fondling suspects' girlfriends while suspects themselves languish in prison. Or they sow doubt in suspects' minds about possible residues of hard forensic evidence, even when there is none to be had. To elicit a denial of some crucial fact in the face of firm evidence to the contrary, thus establishing *mens rea* or "consciousness of guilt," detectives engage criminals in long meandering seemingly off-the-trail conversations that they have planted with traps.

Detectives help those criminals who are willing to talk to them construct self-serving accounts for their crimes ("You gotta give em an out"). These enable criminals to sustain and project valued self-images even while confessing depredations to men in suits and ties or, later, making requisite plea statements in the alien legal world. Detective Robert Chung's 1988 work with "Roberto Rodriguez" provides a classic case of the construction of a justification for murder.

Roberto had just gotten out of jail and was staying in the small, squalid apartment of two men, "Aristos" and "Joseph," both heavy drug users who had been lovers for fifteen years. One day Joseph had to go to court, and when he returned Aristos was not at home. Roberto told Joseph that Aristos had gone out to score drugs. When Aristos did not return, Joseph became alarmed and went to the Midtown North precinct to file a missing person's report. Aristos's family, profoundly worried by their son's disappearance, came to New York and stayed in the apartment for three days. In the meantime, Roberto supplied both coke and heroin to Joseph, and the two began to sleep together.

A persistent smell began to pervade the apartment. Joseph cleaned the apartment several times to get rid of the odor, but to no avail. Finally, the smell became overpowering, and Aristos's body was discovered under the only bed in the apartment, the same bed on which Joseph and Roberto had been bouncing around. Aristos, whose body was wrapped carefully in black plastic garbage bags, had been stabbed repeatedly with a large knife.

In his interview with Chung, Roberto gave bits and pieces of events during his time at the apartment but did not speak about the stabbing itself. Finally, Roberto admitted having sex with Aristos. From his time in the Midtown North precinct, home to hustlers from all over the country, Chung knew well that male Hispanic hustlers' street code for homosexual sex is always to penetrate, never be penetrated. One can thus preserve a self-image as macho and heterosexual. Chung gave Roberto his out: "Look, I can see how it happened. I mean I wouldn't want to take it up the ass either with all this AIDS stuff going around." Roberto leapt out of his chair yelling: "That's it! That's it! He tried to grab me! He wanted to fuck *me*! I ain't no faggot!" In court, Roberto pleaded guilty to stabbing Aristos, claiming that he had no idea what came over him and that he had acted out of fear that Aristos meant him harm. The public-record versions of a great many crimes are highly sanitized in a similar fashion.

When investigators flip criminals to turn on their accomplices, they engage in the profound moral quandary commonly called a "deal with the devil." How many concessions can one make, say, to an admitted murderer in return for information against other murderers? Moreover, how will a jury assess the credibility of a criminal who has been given material inducements for his version of events? Police investigators, perhaps because they see the results of horrific violence first-hand, vehe-

mently oppose deals with the devil. But prosecutors, who must grapple in open court with the irrationalities and vagaries of a legal system where witnesses recant regularly and sometimes disappear altogether, where the credibility of cops' testimony is weakened by recurring police scandals, and where judges sometimes unmake well-made cases with procedural rulings, see such deals as the necessary price that virtue pays to vice in order to achieve any justice at all.

But some prosecutors take perfectly well-made cases, sometimes even for vicious crimes, and knock down charges, accepting pleas to lesser offenses even when culprits more than deserve to be prosecuted to the full extent of the law. Whether motivated by fear of losing in court, or stage fright, or the desire to maintain collegial relationships with defense attorneys against the day when they enter private practice, or orders from bosses under political pressures, or the sheer burden of impossibly heavy work loads, or victims' lack of moral standing, virtually all prosecutors are haunted by the ghosts of nonprosecutions—past and worry that today's plea bargain may turn out to be tomorrow's crazed killer.

Detectives establish emotional relationships with some criminals, particularly with youths who have had no prolonged interaction of any sort with adults before being taken into custody. Even with hardened criminals, detectives occasionally joke around about the absurdities of the underworld or the legal system, or the idiosyncrasies of particular judges, all sources of endless wonderment. But in the end, detectives betray suspects—all of them—to a thoroughly impersonal criminal justice system, violating all the normal expectations of social relationships. In private, detectives occasionally rue their role in such betrayal, or question the larger meaning of a system built on betrayal.

(“We’re really in trouble. What kinda society is it where a kid gives up everything that matters to him for the price of a bucket o’ chicken?”) But in public at least they are unapologetic about the moral ambiguity of their work.

They argue that all criminals are thoroughly deceptive anyway (“They all lie all the time”). And they assert that the fantastically bureaucratized system in which they labor would collapse of its own weight if they did not bend procedures or circumvent them entirely. Deception grounds whatever truth detectives can hope to attain, and they delight in the discomfort that such an anomalous role causes for those whose need for the appearance of moral probity outweighs any sense of justice.

The legal system’s dependence on the morally ambiguous role of criminal investigators confers no privileges on detectives themselves, however. When it comes to formal proceedings, the watchword in detectives’ world is: “It’s always the detective who’s on trial.”

6

STREET WORK

To investigate crime, detectives must master the logic of the street, in particular the ways, wiles, habits of mind, moral rules-in-use, indeed the entire life-worlds of criminals. They try to achieve this understanding by telling and retelling stories that present both the wildly improbable ins-and-outs as well as the humdrum routines of life on the street.

Detectives' stories draw from their experiences in uniform or in plainclothes anticrime duty as well from their investigative work. A major theme of their tales is the unpredictability of New York City streets. Detective Angel Morales recalls the day he was driving a patrol car alone through Central Park when a young woman hailed him, claiming in a foreign accent that she was lost. Her destination was the Museum of Natural History at 79th Street and Central Park West, but she had gotten turned around and was on the east side of the park. Morales told the pretty Amsterdamer that he was heading west and invited her to hop in the rear seat for the ride across the park. Stopped at a traffic signal in the park, Morales turned around to chat with

the woman. When he turned back to resume driving, a man stood in front of the car wearing only a woman's long pink nylon slip, a gray jacket, and a woman's hat.

The man had his arms folded and stared fixedly at Morales. Then the man walked toward the rear of the car on the driver's side, giving Morales a wide-eyed look as he passed, ending up with his back to the police car. Ignoring the traffic signal, Morales steadily watched the man in his rearview mirror when, suddenly, the man spun around facing the car, simultaneously pulled a gun, and, holding the weapon in both hands, went into a firing crouch. Morales immediately yelled for the young woman to dive to the floor, as he swerved the car to his right, braked, and leapt out of his seat. Morales drew his own weapon, shouted at the man to drop the gun. But the man seemed to be in his own world and held his battle-ready stance.

Not a day passes that Detective Morales doesn't thank the Lord for his good eyesight. He thought he saw something red in the barrel of the man's gun, and so he held his fire, again commanding the man to drop the weapon. When the man did so, as a prelude to meekly surrendering, the gun turned out to be a black plastic toy. The young woman crawled out of the police car, thanked Morales profusely for the ride, but said that she had decided to walk.

Things are never as they seem. Right beneath the surface of seemingly placid social life are ticking time bombs, and one must be ever alert to their detonation. Detective Morales recalls another time that he had landed a choice detail in Central Park on a lovely summer day. "I'm just arrivin at my post at 0830 hours near 59th Street and Fifth Avenue, and had turned into the walkway that takes me into the Zoo area, when a young man comes runnin toward me. The weather's warm, but this guy has

on a long-sleeve shirt and a tie and he's carryin his coat, prolly walking through the park on his way to work on the East Side. He's badly scratched, and his right sleeve is torn and hangin only by a thread with all the rest bunched up down by his wrist. He looks panicky and I'm immediately suspicious because of his appearance. He tells me that he's been attacked by someone in the park. So I go with him to find the attacker when suddenly he says: 'There she is.' I look up and see a middle-aged lady, reasonably well dressed in dark conservative clothes, who's walkin toward us with her hands folded inside a lightweight coat."

"Now I'm even more suspicious of the complainant once I see this here supposed attacker. So I go forward to talk to the woman while tryin to keep an eye on the man so that he won't be behind me unobserved. Suddenly the woman leaps forward toward me with both hands raised, barin huge long nails and tryin to rake my face! I'm lucky to grab both of her wrists at the same time and we begin a wild kinda dance. She's extremely strong and for several minutes I can't overcome her. Meantime, she's tryin to kick me in the balls. Finally, I get my foot behind her and manage to trip her. I fall on top of her still holdin both hands. By this time, she's tryin to bite my face and is kickin even more ferociously. A crowd gathers around us and, finally, a construction worker asks me if he can help. Between the two of us, I manage to get the woman cuffed. I look around, the complainant's gone, some of the people in the crowd are yellin police brutality, and askin how come the cop had to throw this poor woman to the ground. *See, you never know what you got.*"

Even when officers know street players personally, the streets can explode in a heartbeat. Detective Joe Montuori talks about the time he was working in plainclothes in Brooklyn right after the 1968 assassination of Martin Luther King, Jr.: "I was tight

with a bunch of kids in the neighborhood and I considered many of them my friends. But right after King got shot, my partner and I are in the middle of a group of these kids tryin to talk them out goin on a rampage and one kid says: 'We can't trust these guys. Let's get these guys.' So my partner and I turn around and start to walk right outta the circle and all the kids, including the kids I know well, begin to pelt us with stones. My partner gets hit in the head and I end up draggin him to safety behind the uniformed lines."

Part of detectives' experience of unpredictability on the streets stems from the nearly superhuman strength of many of its denizens. Detective Gennaro Giorgio recalls a typical encounter: "There was this ham and egg place at 71st Street and Broadway that had a direct line to the 20th precinct because the owner was so good to cops. Anything happens, he calls, and cars are there immediately. One day, this great big guy comes in, eats, and refuses to pay. The owner calls the cops and several cars arrive right away. Then the call becomes a 10-13 [police officer in distress], and by the time I get to the joint, there's eight cops bouncin off this guy, and he's pickin up cops and throwing 'em halfway across the room. We pile in and finally by sheer weight of numbers we subdue him on the floor and he says: 'Okay, that's enough.' He had been in Dannemora for twelve years, four in solitary. Had gotten beat with aluminum bats covered in rubber up there. So this was a short workout for him."

Apprehension situations, in particular, often provoke wild behavior that detectives remember for the rest of their lives. Detective Montuori recalls going with two other detectives to a suspect's apartment to arrest him. "I go in first and peek around the corner and see a shadow. Suddenly, a machete comes whistlin so close that it whispers my cheek as I pull away. Then the

guy we want comes chargin out the apartment with the machete raised high and begins chasin me. One of my partners is huddled against a corner and shoots the guy as he runs past him and down the stairs after me. I keep goin down, turning around on the landings to shoot the guy, while my two partners are shooting at him from above. But the guy keep comin after me. Finally, after three flights of stairs, he stops, with six bullets in him."

The expectation of violence is an integral part of street players' life-worlds. When violence does in fact occur, even searing pain seems to be experienced as routine, thus mitigating trauma that others find catastrophic. Detectives never cease to wonder at the physical and psychic resilience that life on the streets seems to confer on its habitués. In the summer of 1991 Detective Austin Muldoon went to Columbia Presbyterian Hospital to see an elderly overweight woman reported by police officers to have been stabbed a dozen times. When Muldoon found the woman sitting alone on a gurney in the crash room, she had a twelve-inch kitchen knife jammed all the way through her throat, presumably left in place by doctors until they could prepare her for surgery. Muldoon asked her what happened. The woman said: "Whatchoo mean?" Muldoon said: "Well, you might not be aware of it, but there's a knife sticking clean through your throat." The woman answered as if Muldoon had reminded her of something, pointed at the knife, and said: "What? This? This ain't no thang."

There was also "Ramon," who had been badly wounded in his left side, the bullet ripping up muscle tissue and barely missing his kidney and spleen. On August 17, 1992, Detectives Bobby Small and Tony Imperato, accompanied by myself, went to Columbia Presbyterian Hospital to talk with the victim. Ramon

told the officers a story they had heard hundreds of times in the 34th precinct—that he was walking down Broadway minding his own business when some guy he had never seen before shot him. Ramon then told the doctors that he was checking out. The doctors pleaded with him to remain in the hospital because, they told him, he faced the great danger of peritonitis if his wound was not properly treated. But with blood already seeping through his bandages, Ramon stood up, wrapped a sheet around his naked body, signed a release form, and walked slowly but upright out of the crash room. Doctors, nurses, police officers, and I watched with mouths agape. Later, Small learned from Ramon’s mother’s boyfriend that Ramon had been asleep on a couch in a drug apartment on Academy Street when robbers ripped it off and casually shot the young man on their way out.

For months in that same year a photograph hung in the 34th squad room to remind everyone of the events of May 13. At 1600 hours the squad responded to a shooting at 174th Street and Audubon Avenue, in front of a known drug-sale location. Blood splattered the sidewalk, spent shells littered the gutter, and crowds in a gala mood surrounded and gaped at the roped-off crime scene. The first uniformed officer on the scene told detectives that he had found the victim on the sidewalk, shot several times, twice in the head. He was “likely” and had been rushed to Columbia Presbyterian Hospital. Detectives Marta Rosario and Danny Medina stayed to secure the scene, while Detectives Pete Moro and Billy Siemer, accompanied by myself, hurried over to the hospital’s crash room.

Though it was already jammed with uniformed officers, other detectives, and doctors, the room was hushed, indeed somber. Tubes protruded from the comatose victim’s nose, mouth, and

body. Blood soaked through the heavy bandages on his skull. Detective Moro asked the attending doctors about the victim's chances. The doctors said that few victims survive wounds as serious as this young man's. Moro then asked the doctors' permission to take a photograph of the victim to show around the street. When they agreed, Moro nudged closer to the victim's bed and asked the nurse changing the dressing on one of the victim's wounds to move briefly so that he could take a picture.

No sooner had Moro said "picture" than the victim sat bolt upright, pulled the tubes off his face, mugged for Moro's camera, and then reached for the nurse's derrière. Although his body resembled Swiss cheese, the shots to his head had apparently splintered and circled instead of penetrating his skull. The young man gave his name as "David Limón," and he chatted amiably with Moro and Siemer for a moment, while claiming that he had no idea who might have shot him. The name, of course, turned out to be fake, and two days later when Moro returned to the hospital to see David Limón, he had already checked out and was nowhere to be found.

Despite the unpredictability of the streets, most stories told by detectives in northern Manhattan and the city's other killing grounds focus on the regularities of criminal occupations and the violence that emerges out of criminal trades. Detectives tell scores of stories about robbers who repeatedly follow the same routine in plying their trade, even using the same exact words each time they rob. A veteran robbery detective talks about a case that came to colleagues in his old squad: "There was this new pattern there that the guys in robbery hadn't seen. A tall guy in a ankle-length leather coat kicks in the door of a

saloon, pulls out a sawed-off, and yells: 'All right, muthafuckas, up against the wall! This here's a robbery!' When they couldn't catch up with the guy, they went to one of the old retired guys, Sullivan, and told him about the MO and, right away, Sullivan says: 'That's "Joe Brown." That's what he does.' So they pull Joe Brown's sheet and it turns out he's in prison, so it can't be him, they think. But they call Correction and find out that Joe Brown is on work release every weekend. They check the robbery dates and, sure enough, every robbery is on a Saturday night."

"So they go visit Joe Brown in prison after he returns from a weekend leave and put the robberies on him. And Joe Brown says: 'How'd you figure it was me?' And the detectives told him that they had talked to Sullivan. And Joe Brown says: 'Oh yeah, ole Sullivan. He locked me up ten years ago. How's he doin?'" Then the detectives asked Joe Brown how come he was still doin the same thing that he was doin when Sullivan locked him up, makin it easy to figure out it was him. And Joe Brown looks at them and says: 'Hey, this is what I do.'"

Detectives' success in solving crimes depends on criminals' habituation to routine. But the constant repetitiousness of much criminal occupational behavior leads some detectives to admire criminals who exhibit ingenuity, enterprise, or a spark of creativity in their efforts. Typically, however, such sentiments are reserved for scam artists, who, instead of physical violence, use their wits to gull victims or find and manipulate glitches in bureaucratic systems to enrich themselves.

Detectives tell myriad tales of extreme violence as a tool-in-trade: drug dealers hog-tied, gagged, and head-shot; a face pushed into red-hot electric-stove burners; creditors, rivals, and partners assassinated. Even marginal players are tortured for information. In spring 1992, for example, uniformed officers brought a dazed young drug dealer to the squad room with

a steel bit protruding from his skull. Robbers had used an electric drill to persuade him to reveal the location of his boss's stash.

Hitmen and the workings, vicissitudes, and logic of their trade figure prominently in detectives' stories. Detective Mark Tebbens talks about one of the many spin-off cases that his Wild Cowboys investigation revealed: "Blanco' and 'Moreno' were partners in the drug trade, but they began to get on each other's nerves and suspicious of each other. One day they both end up shoppin in the same clothing store. And they come round a rack of coats and see one another and both fall to the floor and pull their guns, pointin at each other. They don't shoot, but each takes out a contract on the other. Now the contract that Moreno takes out on Blanco gets sublet, twice, each middle-man taking a cut, and ends up over to Cypress Avenue in the Bronx. So three of the boys there hop on their motorcycles and head off to Bushwick in Brooklyn to kill Blanco at this car garage that he manages."

"Well, they burst into the garage and there are four guys there and the killers don't know which one is Blanco. They hadn't checked. So they kill everybody. Thing is, none of these four guys there were Blanco and now Blanco's raised up and knows that there's a hit out on him. And Moreno's nose is out of joint and he complains that he spent his money and didn't get what he wanted. So the word goes down the line again and the three killers say they'll fix it because they don't want to be known as fuck-ups, so they get a picture of Blanco, follow him from Washington Heights down to Bushwick, and whack him there. And everybody's happy except Blanco."

In the 34th precinct, many tales point to the complicated betrayals and bloody struggles for power typical of drug organizations. Such tales bristle with thickets of names that confuse and

bewilder most outsiders. But detectives navigate such terrain easily, because fixing identities in a world where everyone has multiple, documented aliases constitutes the heart of criminal investigation. Here is Detective Garry Dugan's recounting of such internecine strife, based on information from a hitman named "StreetSweeper," after StreetSweeper himself was arrested for two murders in Queens and for plotting to kill an ace detective in Brooklyn who had unraveled a drug operation: "'Bingo' owned Blue Tops [a crack operation]. He gets into trouble with the police and has to go to the DR [Dominican Republic]. He leaves his business with his brother 'Bongo.' Bongo comes back from the DR, but Bongo refuses to give him his business back. By then, Bongo's got a strong security force, anchored by a guy named 'Big Joe.' But then Bongo gets into trouble with the police and *he* flees to the DR, leaving all his spots with Big Joe and his managers. But Big Joe's unhappy because he's sending Bongo close to \$35,000 a week in the DR, while he's only getting \$1,000 for himself."

"In the meantime, Bingo sees his chance and approaches Big Joe and offers him a contract to kill Bongo for \$40,000. Big Joe refuses at first. Bongo comes back from DR and meets with his security force. Big Joe tells Bongo that he wants a bigger cut, so Bongo gives him a [drug] spot and they agree. Big Joe distrusts Bongo because he gave up the spot too easily and thinks that Bongo will send someone to kill him. In the meantime, Bingo renews the contract on Bongo and now Big Joe accepts. He tries to kill Bongo in New York, but can't find him. Bongo has fled again to the DR. Big Joe sends 'Louie Louie' to the DR to kill Bongo. But Louie Louie can't get the job done, so Big Joe sends a guy named 'Ace.' Together with Louie Louie, Ace tracks Bongo down at his girlfriend's house and kills him and, with Louie Louie,

returns to the States via Puerto Rico. In the meantime, Big Joe makes his move and takes over all the spots in the operation, indicating to his men that if Bingo makes any trouble he'll kill him too."

"One day in early 1992, Big Joe goes over to Washington Heights to kill 'Swordfish,' a paid killer, cuz he's got an ongoing beef with him. He's accompanied by Louie Louie, 'CatnMouse,' and two other guys. They stake out the restaurant on 183rd Street where Swordfish hangs out, and get themselves some food from another restaurant in the meantime. They're joined by a blond girl who often spends time with Louie Louie. Louie Louie decides that he wants to take care of some other business, namely collecting ten grand from a guy for yet another murder that he did in the DR. So he goes into a nearby building to find this guy. The blond girlfriend worries aloud that Louie Louie needs backup. Big Joe motions to CatnMouse to follow Louie Louie and back him up. But by this time, unbeknownst to Big Joe or CatnMouse, Louie Louie has pulled up his hood. CatnMouse thinks that Louie Louie is Swordfish, the guy that they are there to kill in the first place, so he shoots Louie Louie. Everybody races into the building at that point."

"Big Joe is furious with CatnMouse for shooting Louie Louie, his good friend, so he shoots CatnMouse twice, once in the chest and once in the leg. The building empties with a lot of other shooters shooting and then the cops arrive. In the middle of all of this, Bingo takes over the drug spots. Later, Ace gets killed by 'Brillo' and a guy named 'Pato' because Ace had gotten fresh with Brillo's wife. They dump Ace's body in Queens. Pato used to be Big Joe's driver whenever they did a hit. But then Big Joe and Brillo kidnap Pato and kill him because they find out he was working for Bingo, spying on Big Joe."

Dugan salts the story with skepticism because his source, StreetSweeper, has carefully removed himself from the action. Stories from other informants have StreetSweeper himself killing CatnMouse at Bingo's orders, and later killing Pato. Moreover, if Bongo's assassins were in fact Louie Louie and Ace, then the three Dominican policemen who were arrested and convicted for taking the job on hire were framed. But the story rings with authority because it recounts chaotic wildness coupled with the nonchalant, routine use of lethal violence, both typical for Dominican drug organizations between 1985 and 1993.

Indeed, the boldness of criminals in the 34th precinct became legendary. On January 11, 1992, a man named "Chamorro" came to the station house at 0400 hours demanding to see Detective Eddie Cruz. Cruz had locked up Chamorro for smashing "Chi-Chi" in the head with an aluminum baseball bat in December 1990. But Chamorro, who admitted the assault, pleaded self-defense, claiming that ChiChi set his German Shepherd on him and he feared for his safety. Cruz had several witnesses who placed the dog attack several hours before Chamorro's assault on ChiChi. Chamorro eventually beat the charge with testimony from fourteen street mates who backed up his story of the timing of the dog's attack. Detectives at the station house became apprehensive as Chamorro restlessly paced the floor demanding to see the cop who had arrested him. When they finally searched Chamorro, they found a Tech 9-millimeter pistol with 40 rounds of ammunition.

And, in July 1992, at the high point of the riots that shook the precinct that summer, a group of homeboys poured gasoline down the hill of 183rd Street leading directly to the station house and set it on fire, destroying several cars parked on the hill and bringing flames right to the doorsteps of the house.¹ Shortly af-

terward, much to everyone's mixed outrage and merriment, even the quartermaster of the NYPD refused to have needed clerical supplies delivered to the 34th precinct, on the grounds that the wildness of Washington Heights criminals made routine police business unsafe.

In a world where violence is the first resort to settle problems, witnesses holding season tickets to the mayhem on the streets sometimes have trouble keeping things straight themselves. Detective Gilbert Ortiz, assisted by Detective Joe Montuori, caught the homicide of one Pete from the Bronx in early January 1992. Pete and "Buster" made their living sticking up drug dealers. One of their victims was "Romero," the boss of a drug ring remarkable even among drug rings for its internecine strife, double-crossing, skimming of funds, and trading information to other drug dealers, and even to the police. Romero complained about the robbery to a hitman named "StickMan," telling StickMan that he wanted Buster dead. StickMan told Romero that he would kill Buster for \$3,000, and Romero agreed. But then StickMan got into an altercation with Pete in a drug apartment in front of several witnesses. The fight spilled out to the street, and StickMan shot Pete. He ordered Pete thrown into a car. Two girls who had witnessed the shooting on the street decided to go along with StickMan for the ride. StickMan carted Pete to Washington Heights, criminals' favorite dumping ground for corpses. On the way to Manhattan, Pete, despite his serious wounds, began talking, so StickMan shot him again to finish the job. StickMan then demanded \$3,000 from Romero because he had gotten rid of half of the robbery team plaguing his operation, but Romero gave StickMan only \$1,000 because he had especially wanted Buster, not Pete, dead.

In the course of the investigation into Pete's death, Montuori

interviewed the two girls. They began going over the circumstances of a shooting in a car that they had witnessed, but nothing fit what Montuori and Ortiz had already learned from other witnesses about Pete's death. The girls were talking about still another shooting that was news to the police. It turns out that StickMan had felt slighted by Romero's refusal to pay him the \$3,000, but he concealed his anger. He persuaded Romero to take a ride with him along with the same two girls. During the ride, StickMan turned around from the driver's seat in the car and shot Romero for not paying him what he considered his due. Montuori, Ortiz, and the two girls had a good laugh together after they sorted out the mix-up.

Detectives often laugh with certain kinds of criminals, usually those self-conscious enough to tell stories that comment simultaneously on the overlapping absurdities of their respective worlds. Here is one gunman's tale about his trip back to the Dominican Republic, at a time when the exchange rate was one American dollar to fourteen Dominican pesos: "I hadda get outta New York so I took my girl and flew to the island. Because a the flight, I hadn't brought a weapon so when we get to Santo Domingo, I feel kinda naked. So I ask around where can I get a gun, and the second guy I ask offers me a nice Beretta with some ammo for Five-Hundred American. So I buy it and I feel better, cept now I start to worry what if I get picked up with a gun down here and no permit, because I don't got no lawyer on the island. So I see this guy in military uniform with a lot of medals on him and I axe him do I need a permit to carry a gun down here. And he says a permit'll cost you Twenty-Five American. So I say okay, and he motions to an old lady on the street with a grocery bag. She comes over and he tears a strip of paper offa her bag and writes me out a permit with my name on it and signs it Colonel something."

“So now I got a gun and a permit and it’s hot and we’re thirsty so we go to a bar. It’s late afternoon and the bar’s packed with people. I order two beers and the bartender tells me that’s Eighty-Four. And I’m shocked at the price, eighty-four dollars for two beers! And I know he’s trying to take advantage of me cuz he sees I’m a Dominican-York. So I pull out the Beretta and stick it in his face. And all of a sudden everybody in the place pulls out a gun and dives to the floor pointin at me and at each other. And everybody stays like that, not movin, like freeze-frame, then the bartender runs into the middle of the floor, with his hands above his head, yellin: ‘¡Pesos! ¡Pesos!’”

Detectives tell and retell such stories with gusto because of the resonance with their own sense of futility in controlling guns, of being burdened with procedures in a world of exigency that mocks legal niceties, of the corruption of law enforcement in the homelands of many immigrants to New York and the consequent delegitimation of police everywhere, and of the fundamentally different sets of norms, expectations, and taken-for-granted behavior in the underworld.

In their musings about how criminals view the world, detectives also tell tales of vindictive domestic violence, such as the case of the young woman who threw lye mixed with liquid chocolate on her lover’s face. She was considerably surprised when detectives asked why she had used the chocolate. “Chocolate make the lye stick better!” she said. She then proceeded to give the police a detailed recipe on how to mix the right proportions of chocolate and lye in order to inflict maximum damage to a man’s face.

There are countless tales of men assaulting women, though one man’s moralizing tale about a friend suggests that chivalry of a sort is not entirely dead. (“I mean, it okay that he shot her cuz these bitches need to be taught a lesson. But you don’t

shoot a woman *in the face*.”) Such stories underline detectives’ regular entry into social worlds that run on unconventional moral premises and rules-in-use. A few detectives, working-class intellectuals such as Joe Montuori, become fascinated with the kaleidoscopic view of multiple moralities that their work affords and are delighted when they come across criminals with whom they can dispassionately talk trade.

Finally, detectives tell stories of the codes of honor and respect on the streets, and the fatalistic bravado that they often trigger: “A guy gets chased by the cops for sellin dope and he tosses his gun in an alley before the cops catch him. He tells his younger brother where the gun is and the kid goes and gets it. The same day, the piece-of-shit heroin dealer who runs the operation starts slappin around a woman in the middle of the street. The woman’s the mother of one of the kid’s friends. So the kid tells the dealer that ain’t no way to treat a lady, and he pulls out the gun. The dealer starts walkin toward him and says: ‘You wanna shoot me? Go ahead and shoot me. You wanna shoot me? Go ahead and shoot me.’ He says it three times. So the kid shoots him and he dies in the street.”

Detectives’ narrative forays into the workings of the criminal mind are unvarnished by disclaimers and sentimentality. Here is a story about amateurs trying to break into the big time: “Didja ever hear the story of the Apple Dumplin Gang? ‘Manuel’ and ‘Ricky,’ two Spanish kids, decide they wanna be big-time taxi robbers. So they hail a livery cab and get in the back seat. Manuel pulls a gun and Ricky announces the stickup. The driver snaps on the automatic door lock, starts drivin like mad, and they end up in front of the precinct station house. They have to shoot their way outta the car. They figure they made a mistake gettin in the car in the first place.”

“So, next time, they both come up to the driver’s side of a livery. They wanna show the driver they’re serious, so Manuel shoots him in the leg, and Ricky announces the robbery. The driver steps on the gas and squeals down the street, leavin the kids standing there. Manuel shoots after the car and shatters the rear window. They figure they fucked up by not surroundin the cab.”

“So, next time, Manuel comes up on the passenger side of a livery, and Ricky on the driver’s side. It’s hot outside and the car’s windows are open. Manuel sticks the gun in the passenger window, Ricky announces the stickup, and Manuel tries to shoot the driver. But he misses and ends up shootin Ricky, right in the chest. The driver takes off, leavin Ricky on the ground and Manuel standin there. Manuel goes over to Ricky. Ricky says to Manuel: ‘Yo! You shot me, Manuel! You shot me!’ And then he dies. And that’s the story of the Apple Dumplin Gang.”

Others might lament such violence as senseless or tragic, but to detectives it makes perfect sense that the streets treat bumbling ineptitude mercilessly. In their view, stupidity turns all tragedy into parody.

Squad-room horseplay mirrors street work. Horseplay breaks the routine of listening to essentially similar complaints and especially suspects’ endless recitation of almost-identical excuses and justifications, improbable explanations, and outright lies. Especially deadening are complaints by victims who then refuse to press charges. Some detectives amuse themselves by playing jokes on suspects when the cases against them are clearly moribund because of complainants’ unwillingness to testify.

For example, detectives told one suspect that they were putting him into a lineup and that he could choose any number he wished. The suspect picked number five and then was put in a room completely alone, with the number five perched on his lap. After a while the detectives then came into the room and told the young man that the complainant had picked number five from the lineup. Bewildered, the young man responded: "Is this the way you always do it?"

Detectives told another suspect that they were going to subject his fanciful story to the station house's new lie detector machine. They sat the young man in front of a photocopier, which they had rigged in advance, and then revisited his account of the incident. Every time the suspect completed a sentence, the detectives punched the start button of the photocopier, and out popped a sheet with the word "Lie" on it.

Detectives told yet another suspect who was thought to have been involved in a shooting that the station house now had sophisticated methods to determine at a glance whether someone had fired a shot. One detective then put on a pair of sunglasses and, after carefully adjusting them to make sure that no harmful rays assaulted his own eyes, examined the suspect's hands under a common fluorescent lamp. He declared that the suspect's hands did indeed reveal telltale traces of paraffin.

Horseplay sometimes celebrates the occupational lore and experiences that bind detectives to one another. In spring 1992 a ring began running an unusual scam in the 34th precinct. A man hailed a gypsy cab and directed the driver to the precinct station. Upon arrival, the passenger announced that he was a police officer and needed the keys to the car for official police business. He ordered the cabbie out of the vehicle and then drove it to a nearby gas station, where a woman sold the car to

customers for \$200. She even signed the sales slips with the name "Angela Y. Davis," a classy touch that amused old-timers who remembered the nationwide womanhunt for the real Ms. Davis when she was a celebrated fugitive.² Detectives brought a man and a woman whom they suspected of being part of the ring into the station house and placed them in the large interview room. The man had bought one of the vehicles from the woman, but it was unclear whether he knew the car was stolen. And so the detectives waited and watched the pair through the one-way window-mirror.

The man and woman quarreled briefly. The man remained alert, wary, and anxious, pacing the floor of the room all the while. But the woman slumped down on one of the benches and fell into a deep sleep. After removing the man from the interview room, the detectives gathered and held a mock court session as the woman slumbered. Several held their left hands over their hearts, right hands raised high, as they addressed an imaginary judge: "Your Honor, case closed. Observe the sleep of the guilty." The phrase describes behavior readily observable in the pokey of every station house in the city. Outlaw veterans of the criminal justice system seem to know almost instinctively when the two-way con game that typifies most police-criminal interaction is up. They know when the police know they are guilty as charged, and this shared knowledge allows them to drop whatever pretense is necessary for maintaining the game. With the tension and anxiety of uncertain fates relieved, they promptly drift off to slumberland.

Squad members direct most of their horseplay toward their own colleagues, and most of the time it takes the form of "gotchas." In perpetrating a "gotcha," squad members poke fun at their comrades' idiosyncrasies, making their targets rueful vic-

tims of their own foibles. For instance, one detective regularly kept six sexual liaisons going at the same time. He calculated that more than six women on the string made scheduling too complicated, but less than six might give some of his girlfriends the wrong idea about his availability. His colleagues persuaded a refined, cultivated, college-educated comrade who can talk like the street at a moment's notice to call the philanderer and impersonate an enraged Puerto Rican husband, promising dire revenge against the detective for seducing his wife. The swordsman spent the rest of the day on the phone calling all his women, trying to discern whose husband knew of their romance.

Gotchas beget retaliatory gotchas. Detective Gennaro Giorgio, a much celebrated detective who loves the spotlight and thrives in it, had written a letter to *60 Minutes*, protesting what he felt was a prototypically hostile liberal attitude toward the dilemmas of police officers in one of its weekly shows. Not long afterward, Giorgio received a call from a man who said that he was a producer of the show and that he wanted to interview Giorgio at home. He told Giorgio that the program would call the deputy commissioner of public information to obtain permission, a routine task, he claimed, for *60 Minutes*, and then he would call Giorgio back promptly. After receiving the call, Giorgio exulted in the opportunity to confront the mighty program. But when the man did not call back, Giorgio realized that he had been duped.

Suspicion fell on police administrative assistant Marina Amiaga, the squad's beloved godmother, because in retrospect Giorgio realized that she had seemed overly solicitous while he was waiting for the producer's call. Giorgio plotted his revenge. Amiaga had just received an inquiry about her state income tax return, and so Giorgio, in cahoots with Lieutenant Joseph

Reznick, sent a letter to Amiaga's home, instructing her to call a "Mr. McGeever" at a local Internal Revenue Office about a serious problem on her federal tax return. Amiaga went into a panic, worrying that she faced a time-consuming audit. But then Detective Tony Imperato, who, as it turned out, had been Amiaga's accomplice in the *60 Minutes* plot against Giorgio, "gave up" the trick to Amiaga, earning the label of "cheese eater" (rat) for tipping off his co-conspirator.

This betrayal prompted Giorgio to plot against Imperato. The following Saturday, Imperato interviewed a culprit in the detective sergeant's office because all other space had been taken up with the interviews of suspected accomplices in a murder. When Imperato reported again for duty on Monday, the detective sergeant told him that a weapon was missing from his desk and had been found on the culprit's person down at Central Booking. Imperato protested vehemently that he had searched the culprit twice before dispatching him downtown. The sergeant told Imperato that his shield was on the line, but then weakly (in the opinion of the squad) gave the game away by cracking a smile.

When the occasion presents itself, detectives regularly play jokes on the desk sergeants, in retaliation for sergeants' sending them so many troublesome complainants. One day a desk sergeant forwarded a phone complaint to the Midtown North squad from a woman who demanded the arrest of another woman who, the complainant said, was beaming subtle sexual messages urging her to Sapphic delights. Detective Pete Panuccio told the distressed woman that for some unexplained reason she was on the wrong frequency and all she needed was a head tuner to adjust the signals she was receiving. Luckily, Panuccio said, the station house had just such a specialist on staff. With

that, he switched her call back to the desk sergeant, telling the complainant to ask for the chief head tuner.

Detectives' intramural sport suggests their own internalized appreciation of criminals' transgressiveness, as well as their respect for those criminals who adhere to a code of silence. The diversions also mimic the cat-and-mouse games of criminal investigative work, a mix of skill, cunning, deception, lies, and bluffs. Most importantly, the rough banter in the squad room during downtime welds detectives to one another against those moments on the street when lives hang in the balance.

The emotional meaning of detectives' work depends on their construction of the moral status of victims. Suicides—numerous in the 34th precinct because men and women drive halfway across the country to jump off the George Washington Bridge (jumpers west of the Mississippi usually drive to the Golden Gate Bridge)—are often regarded with a level of scorn that those who work constantly with death by violence reserve for people who throw away life. (“What degree of difficulty was the dive?”) Detectives resent the painful work of informing suicides' next-of-kin, not least because relatives of suicides almost always deny reality and insist that police open homicide investigations.

Other kinds of violence afford finer distinctions. Detectives shed few tears over the serious injuries or deaths of known robbers, drug dealers, or hitmen because detectives see physical catastrophes or sudden demise as inextricably linked to such violence-prone trades. Indeed, they take grim satisfaction in “street justice,” most of which is administered by other criminals. Rapists get raped in prison. Drug dealers kill robbers.

Robbers kill drug dealers. Robbers kill other robbers and drug dealers kill other drug dealers. From the police standpoint, the perfect “public service homicide” is a drug-sale apartment with a dead drug dealer and a dead robber, each with the murder weapon that killed the other in his hand. Such occurrences were fairly common in the 34th precinct between 1987 and 1993. Many police in especially bloody neighborhoods come to see their mission as the geographical containment of violence so that criminals mostly kill each other and the larger public remains unaware of the carnage.

The sense of fair reckoning that detectives attach to such cases—and their judgment that the world is a better place because of it—contrasts sharply with the lack of proportionality between acts and consequences typical of the world of legal niceties in which detectives must work. Over time, however, any satisfaction detectives feel when the streets mete out just deserts is outweighed by the drudgery of cleaning up other people’s messes. Moreover, detectives cannot encourage street justice. Indeed, they are sworn to actively discourage it, though this often brings results that are unsatisfactory to everyone.

For instance, Detective Kevin Walla caught a shooting of a young woman, the consort of “Cholo,” a well-known drug dealer in his precinct. The woman’s body was shot through with ten bullets, leaving her conscious but barely alive. When detectives talked to Cholo, he told them that he had heard from eyewitnesses, who had no intention of coming forward, that “Mingo,” his archrival, had shot his woman to get at him. Cholo added that he intended to take care of Mingo in his own way. But Detective Walla, assisted by Detective Joe Montuori, cautioned Cholo that street vengeance could only lead to more trouble and that Cholo had to trust the legal system instead of the streets to

do justice. Cholo told the detectives: "Look, I'm in the game, and I know you don't think much of me because of that, but I love this woman, she's my life."

So the detectives went to the hospital with a photo array that included Mingo's picture. They found the woman somewhat improved. Even though she was unable to speak because of tubes in her trachea, she picked Mingo's photo out of the array with eye blinks at the detectives' direction and identified him as her assailant. Walla and Montuori took her identification to the district attorney and were just about to go into the grand jury to obtain an indictment against Mingo when the squad called to notify them that the woman had died.

The assistant district attorney asked Walla and Montuori if they had obtained a "dying declaration" from the victim. The detectives told the ADA that they had not because at the time of their visit to the hospital the woman was not dying. Indeed, they did not mention the possibility of death to her for fear of precipitating a crisis that might lead to her death. But under state law, without a formal dying declaration, the woman's identification of Mingo was hearsay, leaving the ADA with no choice but to drop all plans to go to the grand jury. When Walla and Montuori informed Cholo that Mingo could not be prosecuted because of this legal technicality, Cholo asked in disgust, "What kinda system you guys got here?"

Detectives regularly use criminals' casual and often gratuitous violence, or the threat of it, to aid their own investigations. For instance, two detectives driving around the 34th precinct spotted a wanted suspect who had fired shots at a crowd, seriously injuring several bystanders, and then, while being chased by street cops, had thrown his still-loaded automatic weapon into a baby carriage holding an infant. The detectives jumped out of

their cars and chased the culprit on foot. He ducked into a building with several drug apartments. By the time the detectives got into the building, the gunman was nowhere to be found. They did, however, run into a well-known drug dealer who operated one of the drug-spots in the building. The detectives informed the dealer that because the building was harboring a marauder, he and all the other local dealers could expect to be shut down that day. After walking back to their squad car and then driving back to the building, the detectives found the gunman lying on the sidewalk, beaten to a pulp, one arm with a compound fracture and the other out of joint.

Often, just reminding players of the shoot-first-ask-questions-later rules of the street encourages a change of heart. One way that detectives help improve a hard guy's memory is to suggest that they will "put a jacket on him"—that is, tell his street associates that he snitched—unless he actually does provide them with needed information.

Detectives' sense of the moral status of victims greatly affects their investigations. On January 31, 1992, a young black man was found dead at the rear of a notorious drug-sale building controlled by Dominicans on 162nd Street. There were no bullet wounds on his body, and it seemed that he had died from a fall. Detectives debated briefly whether he had simply slipped while trying to "step over" from the fire-escape ladder to a window sill in order to burglarize one of the many drug apartments in the building or whether he had been thrown from the window of one of those apartments after a failed burglary or robbery attempt, a common-enough punishment for luckless predators on drug dealers. Scores of young Dominican men crowded both sides of the decrepit building, mocking the dead young man as well as the cops, screaming obscenities that some uniformed of-

ficers returned in kind. But in the absence of any ballistics evidence and in the face of the *jyo-no-se!* stonewalling typical of Washington Heights, the case was effectively closed “before he hit the fuckin ground.”

Another detective uptown caught a no-witnesses, few-clues case of a DOA. A man had gone over the ledge of a short cliff. A bag of burglary tools was found next to his body, and his sheet revealed that he had indeed made his living this way. Because there had been a series of reported car burglaries in the same area, it seemed most likely that the man had been caught in the act of jimmying someone’s vehicle and had been thrown off the precipice. The detective who caught the case asked the victim’s mother whether her son had been depressed of late and, when she said that her son often felt down and out, the detective wrote up the death as an apparent suicide due to mental anguish.

Detectives take particular satisfaction when victims of crime mete out street justice. Bronx detectives found a young man floating beneath the Whitestone Bridge almost naked. A fingerprint match revealed several arrests for robbery. A check for local robberies yielded a series of stickups by a two-man team who preyed on couples parked in a nearby lovers’ lane. Calls to local hospitals produced another young man shot in his backside. He confessed that he and the deceased had been robbing young lovers when, suddenly, one of their victims pulled a gun, shot him, and sent both robbers scurrying across the Whitestone Bridge. But a high wind caused his partner to lose his balance and plunge into the waters far below. The force of the fall stripped off his clothes. One detective quipped, “There *is* a God, and He was workin in the Bronx that night.”

When 34th precinct detectives responded to a just-robbed

grocery store, they found the robber lying on the floor, shot in his rear end by the grocery owner as he was making his getaway. They laughed uproariously, even though medical technicians told them that the young man's bladder, spleen, and liver were all badly damaged. In another case, a robber pushed his way into an elderly couple's apartment, seized the old woman, put a gun to her head, and demanded money and jewelry. Her granddaughter fled to the back of the apartment and told her grandfather about the intruder, whereupon the old man grabbed his shotgun and raced into the living room. Just as his wife broke away from the robber's grasp, the old man blew the robber's head clean off. When detectives arrived on the scene, they asked the old man if it had been hard for him to shoot the robber. "Hell, no," he said, endearing himself to the squad forever, "it was just like shootin a big buck."

In December 1992 the 34th squad received a call about a shooting at a bank on Dyckman Street in the upper end of the precinct. The victim was reported as "likely" (though he survived), and the shooter was in hand at the scene. When the squad and I arrived, the uniformed police officers were cracking jokes and laughing loudly, while standing over the bullet-torn, bleeding body of the victim. The shooter, who was not in custody, was chatting amiably with the officers. Handing over his gun and his carry-permit, he explained that he owned a local business and had tailed his employee, who was carrying \$30,000 cash receipts for deposit at the bank. As the employee started to enter the bank, the "victim" tried to rob him at gunpoint. The businessman said that he came up behind the robber, told him to stop, and then, when the robber turned around with a gun pointed at the owner, shot the robber in the shoulder. The "victim" turned out to be a career robber wanted for several similar heists. The

detectives took the shooter back to the station house to record his statement and then congratulated him for his good citizenship.

Detectives almost always become quite emotionally involved in cases with innocent victims—those who are not engaged in illegal occupations or other activities that court violence and who therefore are thought to suffer through no fault of their own. Such cases raise the problem of theodicy, the justice of God, in sharp, unforgettable ways. The February 2, 1986, discovery in Fort Tryon Park of the body of 9-year-old Bertha Acquaah, battered, stripped, and then baked in an oven by her stepmother because she resented the tiny girl's attachment to her father, stirred head-shaking sadness among detectives for years. On March 3, 1991, a drug-gang hitman accidentally shot and killed 13-year-old Leideza Rivera as she happened to step in front of his intended target at a chicken shack in the Bronx. The incident provoked detectives' profound indignation, wrath, and determination to nail the shooter, a hope that was never fulfilled.

Urban marauders wantonly murdered a college student, David Cargill, for sport on a city highway on May 19, 1991, after a minor traffic incident. His death fueled exhaustive investigative efforts and eventually a conviction.³ A boyfriend's battering murder of 2-year-old colic-afflicted Kenya McPherson on September 7, 1992, provoked detectives' icy rage against him and the girl's mother, who was on the street copping marijuana during the assault. After discovering her child near death, she slipped down to the local bodega to get a beer to sip with her smoke before calling the ambulance. The February 8, 1991, wanton stabbing to death of a hard-working, much-beloved building doorman, Willie Lantigua, provoked such unrestrained grief among the building's residents, both adults and children, that detectives were unexpectedly moved by his death.

The still unsolved murder of an unidentified 4-year-old girl, sexually violated, tied up, stuffed into a picnic cooler, and abandoned at a construction site near the Spuyten Duyvil in sizzling 1991 July heat triggered deep paternal grief among squad members and a formal adoption and burial of the child, christened Baby Hope by the men. It also set in motion a meticulous cataloging of all missing children throughout the nation and the tracking of child abusers, pedophiles, and pornographers. The Smithsonian Institution reconstructed the murdered child's face from studies of her skull. After the sketch was publicized far and wide, detectives investigated hundreds of hotline phone calls with dead-end leads, conducted countless interviews with community residents, psychics, and distraught onlookers alike, but all, to detectives' frustration and despair, to no avail.

On January 30, 1992, a homeless man's discovery of the weathered skeleton of a 5-month-old fetus in the "salt mines" near the Hudson River triggered rueful silence among the officers and detectives called to the scene, as they wondered if the baby had taken a full breath on its own outside the womb, New York State's post-*Roe v. Wade* legal definition of human life, and therefore of civil rights. Even after the medical examiner's office declared the fetus to be a discarded fossil, probably from the Museum of the American Indian formerly located at Broadway and 155th Street, a mournful air hung over the squad as detectives pondered the long-ago fate of Baby No Hope.

The case spurred Detective Montuori to rummage through the 1986 files to retrieve the case of Baby Jane, a 30-week-old fetus whose mother was stabbed twice in her abdomen by her vodka-bloated boyfriend on August 22, even as the mother's two older children beat the boyfriend with a baseball bat. The knife stabbed Baby Jane in her right thigh and then severed the mother's umbilical cord. Baby Jane died instantly, much to the

mother's hysterical grief. Montuori wanted to charge the boyfriend with homicide. But, although the medical examiner conceded that the fetus could have survived outside the womb, the district attorney, citing New York's legal definition of when human life begins, allowed no charge on the fetus's death. But to Montuori and all his colleagues, this was not just a fetus but a baby that they had named. The district attorney did allow a charge of assault against the mother, but even that fell apart when the mother testified to the grand jury that she had fallen on the knife. Asked about the case after charges were dismissed against her boyfriend, she said that she could always have another child but she might not get another boyfriend.⁴

A pint-sized 10-year-old Ecuadorian complainant galvanized the whole 34th precinct squad room in mid-1992 with his crisp description of how he fended off a would-be abductor, sending detectives pell-mell to squad cars to scour the precinct with photocopies of the boy's hand drawing of the predator's face. And the 1988 murder of PO Michael Buczek, detectives' brother officer, while interrupting a drug-house robbery prompted fierce rage that spurred an international manhunt and a lingering grief that lasted for more than a decade.

Detectives make even career criminals into honorary innocent victims if they have died a particularly cruel or vicious death. A drug-dealer tortured to reveal the location of drugs or money before being executed, or a prostitute raped before being killed, invariably prompts detectives to express moral revulsion. Innocent victims, whether real or honorary, allow detectives to assert publicly their most valued self-images: defenders of the innocent and avengers of the social order, self-images that are difficult to assert or maintain in the dark and forbidding world of drug-related homicides where "everyone is guilty."

Detectives' stories also provide detectives with a self-dramatizing venue to display their skills, experiences, and self-images to one another in a striking way. Detective Gennaro Giorgio tells the story of his warning to "Zorro," one of three assailants of Columbia University law professor Wolfgang Friedmann, stabbed to death in a 1972 Amsterdam Avenue mugging because he refused to part with an heirloom watch that he had brought from Nazi Europe. Giorgio got Zorro to roll over on his accomplices for reduced time. But in prison Zorro regretted his betrayal and, after pumping iron and bulking up, put out threats on Giorgio's life. Giorgio tracked Zorro's release, followed him to his Manhattan residence, and told him that, if Giorgio ever so much as saw his sorry face again, he was a dead man.

Detective Joe Montuori talks about the day that he and a partner were returning to the house via the West Side Highway when Montuori spotted a man walking and jumping nimbly on the catwalks atop the eastern tower of the George Washington Bridge. Just about that time the radio squawked to the Emergency Service Unit about a possible suicide on the structure. Because they were on the spot, Montuori and his partner stopped their car and hopped on the iron-mesh elevator to ascend to the top of the bridge's tower. The howling winds that rattled the elevator cage terrified Montuori's partner and prevented both detectives from enjoying the sweeping panoramic view of the Palisades, New York's canyons, and the roadway beneath them. When they reached the top, they shouted over the wind to the young man to come down. But he refused, saying he might get in trouble. Montuori kept insisting, and finally the youth acqui-

esced. Once the cops had him safely cuffed in the cage, he told Montuori that he had felt lonely of late and simply wanted a quiet place to eat his lunch.

Detectives place a premium on knowing how and when to act decisively in the midst of chaos. Detective John Bourges tells about a fabled day when he, Pete Moro, and Tim Muldoon handled a wild shooting spree that resulted in a double homicide and four seriously wounded victims, a drug-related homicide, and another gun assault, all within a span of a few hours.

Finally, detectives see themselves, and present themselves to each other, as men and women unafraid of confronting and immersing themselves in the ugly underside of modern society, a world from which most people turn away, although in private detectives sometimes rue the emotional costs of such immersion. They pride themselves on their mastery of the sometimes extraordinary and often bewildering details of street life and on their ability to slip easily in and out of the peculiar moral frameworks of street players. Law enforcement is dirty, difficult, sometimes dangerous work, always poorly paid. The search for glory fuels more investigations than material rewards.

Everyone worth his salt wants to go after dangerous criminals because such cases present arenas in which investigators can demonstrate their prowess to their peers and to the world. With important exceptions, detectives exult in the danger of their work, in the heart-pumping excitement that only physical risk, the chase, and mortal combat afford. Detective Bobby Small describes the thrill of confronting and arresting armed robbers, men at the top of the criminal prestige hierarchy, honored even by police for their nerve. Detective Mark Tebbens recounts his intensive search for Platano, the most feared and elusive hitman and getaway wheelman in New York City. For years Detective

John Bourges prominently displayed on his desk a famous quotation from Hemingway: “There is no hunting like the hunting of man and those who have hunted armed men long enough and liked it, never really care for anything else thereafter”—a sentiment that aptly characterizes the best investigators.

7

WAITING FOR CHOCOLÁTE

The case looked like a ground ball. The uniformed cops had been sharp, especially in finding the parking summons in the apartment. Nightwatch had done a good job. A typical late-1980s Washington Heights story. Two wannabe-big-time dealers from Connecticut come to 160th Street in the dead of night to buy coke for resale back home. Wrong place, wrong time, wrong guy. Bang, bang. So, at 0800 hours on October 4, 1988, as he began his tour, Detective Austin Francis Muldoon III, known to everyone as Tim, had two teenage kids likely to die in Harlem Hospital, but miraculously he also had several possible witnesses.

Detective Muldoon reviewed the Nightwatch reports. PO Wilfredo Ocasio and his partner had received a radio run at 0445 hours directing them to 552 West 160th Street, where shots had been fired. There, in the rear of the first-floor hallway, outside apartment 3, the cops found two youngsters lying face down on the floor, their hands tied behind their backs with lengths of curtain material, both bleeding profusely from their heads. Two

live rounds, both .22 caliber, and two spent cartridges, one .25 caliber and the other .22 caliber, were scattered in the hallway. After calling for buses to carry the two boys to the hospital and notifying the 34th precinct patrol supervisor of the assault, Ocasio entered apartment 3, the door to which was open.

The apartment contained four rooms and a bath, with the hallway running the length of the filthy, sparsely furnished apartment. One bedroom held a double bed, a television, and a bicycle. Another bedroom contained only a low table with several pictures of saints, adorned with dollar bills, surrounded by scores of lighted votive candles—a typical *santería* shrine favored by Dominican drug dealers. On a glass table in the living room stood a scale, with a box of aluminum foil next to it. On the kitchen sink Ocasio found a traffic summons issued to a New York-registered blue Audi for being double-parked on West 175th Street. Ocasio put the car's description and license plate number over the radio, asking any police officers who spotted the vehicle to detain its occupants for questioning.

When the Nightwatch team arrived at Harlem Hospital, the surgical resident on duty told the detectives that the young men, both still unidentified, were in extremely critical condition, with intracranial bullet wounds. The doctor held out little hope for their recovery. Unable to speak with the victims, the Nightwatch detectives went to 552 West 160th Street, arriving at 0645 hours. There they found a young man named "Nathaniel" hanging around the building where the shootings happened.

Nathaniel told the detectives that he and several other friends had taken two cars down from Connecticut to visit people at 170th Street and see New York. Then, Nathaniel said, two boys in the group, Warren and Paco, had gone off in one car with another boy, "Jimmy," saying that they would return in a few

minutes. But an hour later Jimmy returned alone and said that Warren and Paco had disappeared. So Nathaniel, Jimmy, and a woman companion went to look for them. When they spotted the police cars on West 160th Street, Nathaniel looked into the hallway of the building where all the commotion was and saw a sneaker belonging to his friend Warren. He stayed on West 160th Street while the others went to the hospital to find out what had happened to their friends.

The Nightwatch team radioed other officers at the hospital asking that the rest of the kids from Connecticut be rounded up and taken to the station house. With minor variations, the whole crew corroborated Nathaniel's story. They also gave the police enough information to identify the victims: 16-year-old Warren Hodge and 19-year-old John Irizary aka Paco, both of New London, Connecticut.

In the meantime, the radio alert on the blue Audi paid off. Patrol officers spotted the car at 164th Street and Amsterdam Avenue at 0700 hours. The driver, a 23-year-old man named "César," had a woman with him—a waitress named "Oriana," he said, who had just finished her shift. He was giving her a ride home. Everything about César announced him as a street player. In any event, he had to explain to detectives how the traffic summons got into apartment 3 at 552 West 160th Street. So the cops hauled him and Oriana back to the station house.

After reading the reports, Muldoon visited the crime scene to get the lay of the land. West 160th Street had long been a drug supermarket in the most drug-saturated precinct in New York City. Male crack-heads stumbled down the block, desperately trying to hold themselves together as pitchers for one of the dozens of dealers headquartered on the street. Crack-whores trolled for trade, offering heavenly delights in exchange for a five-dollar

blast. Muldoon strolled the street and talked with a precinct old-timer, "Mighty Joe Young," a huge man completely addicted to crack who lived in a cardboard box on the block. Mighty Joe Young acknowledged seeing a commotion in the early morning, but he was in such a fog that Muldoon discounted him as a possible witness. Muldoon went into the building where the shootings occurred, walked through the apartment, and then returned to the station house to have a quick go at César.

César gave a more elaborate version of his story about picking up Oriana, a story that she corroborated in a separate statement. But César also acknowledged that he had been in apartment 3 earlier that night. He said that, "before the shooting," he had noticed a heavy-set black man with a white female in the hallway outside the apartment. César "got the feeling" that the man was a "runner"—someone who steered customers to drug dealers—and that he was waiting for a dealer named Chocolâte.¹ César said that, "at the time of the shooting," he did not see these two people in the area. Muldoon ordered Oriana released and César detained as a possible participant in the shooting. He immediately returned to West 160th Street to look for the man named Chocolâte and his associates.

Chocolâte was nowhere to be found. But in the meantime, a stocky 26-year-old black man named "Pirate," who fit César's description of the runner, had walked into the 30th precinct station house and told detectives that something had happened on 160th Street and he had been there. Detectives called Muldoon, who asked that Pirate be transported to the 34th squad. There, Pirate acknowledged to Muldoon that he worked on the street and knew Chocolâte. Pirate had recently served time for strong-arm robbery and possession of stolen property. He lived in a building on upper Riverside Drive that police knew to be a non-

eycomb of robbers. Pirate's own family, including his father and several of his brothers, were well-known predators who preyed on anyone intrepid enough to stroll Riverside Drive at night.

Pirate gave Muldoon the following statement, written out by Muldoon and signed by Pirate. The specificity of the account attests to Pirate's actual observation of the events but also exhibits a skilled detective's extraction of information from a witness: "On the morning of October 4, 1988, at approximately 4 A.M., I saw two males approaching me on West 160th Street from the direction of Amsterdam. I recognized these two males because I had dealt with them on the previous Saturday night when I took them to a location where they had purchased a half-ounce of cocaine. When they saw me, they asked if I could get them the same thing as I had on Saturday. I took them to a location, but it was closed. We then went to 552 West 160th Street where we saw two male Hispanics standing in front. I knew both of these males from the street. One I knew by the street name of Chocollate (male Dominican, 20s, 5 feet, 9 inches tall, slim, clean-shaven, dark skin, scar on left cheek, short afro, often wears a white hat with a black band). The other male I have also seen many times but did not know him by name (male Dominican, light skin, 20s, 5 feet, 7 inches tall, skinny, goatee, often wears a stone-washed jacket). We told them what we wanted and they took us into apartment 3 at 552 West 160th Street."

"Once inside the apartment, they began to frisk the two buyers. The shorter one [buyer] said in English that his friend was 'strapped.' When this got no response, he repeated it in Spanish. This alarmed the two sellers. The shorter buyer then took a small automatic pistol from the front of the pants of the taller buyer and handed it to seller #2. At this time, all five of us proceeded into the living room. The buyers were saying that they

had the gun strictly for their own protection and that they had no intention of ripping anyone off. About this time, a female entered the apartment with some groceries (#3 female, Spanish, light-skinned, 20s, 5 feet tall, slim, white jacket, aqua blue pants). I believe this woman does the cooking and cleaning at this apartment in return for drugs. After this female entered, #2 gave the buyers' gun to Chicoláte and then left the apartment."

"After several minutes, the buyers became nervous, but Chicoláte told them to relax and that his partner was going to return with the drugs. When #2 returned, he was in the company of three other Hispanics, all of whom are known to me from the neighborhood. [Here Pirate described three men, one of whom was armed.] #4 was holding what appeared to be a 9-millimeter automatic. When I saw this, I began to say that the two guys were all right, and that I had dealt with them before. Chicoláte began to ask questions in Spanish that [one of the men] translated into English, and then translated back into Spanish. The questioning dealt with the reason why the two buyers had a gun."

"At this time, Chicoláte left the room and [then] returned with gold and brown cloth that #2 used to tie the hands of the shorter buyer and #5 used to tie the hands of the taller buyer. I said these guys were not rip-off guys. At this time, the girl [#3] offered to go to the apartment where the buyers had gone on Saturday, but then I remembered that apartment was closed. The buyers were then asked if they had any money on them and when they said that they did, #2 removed it from the short one's pocket and placed it on the table. There appeared to be several hundred dollars. Chicoláte and #6 then went into the back room where they spoke in Spanish. I went there and told them that the two guys were okay. But Chicoláte waved the small au-

tomatic in my face and told me to shut up. #5 then left the apartment and I was told to leave as well. #5 was standing on the stoop looking around. I told him that the two guys were okay, but he told me to mind my own business. I then went home. Later that morning, I saw a police car on the block. I asked someone what happened and he told me that the two guys had been found in the hallway and that they had been shot. I was also told that the female crack-head had stolen the jewelry off the short buyer after he had been left in the hallway.”

Muldoon took Pirate to the 26th precinct station house to view photographs of people in the narcotics trade. Pirate picked out a photograph of the man identified in his earlier statement as the #2 seller, Chocolâte’s aide, arrested on September 8, 1988. The man had given the police the name “Daniel” and an address in Weehawken, New Jersey, which of course turned out to be bogus. Pirate could make no further identifications, and he was released. Muldoon put out a wanted card on “Daniel.” But he still had only verbal descriptions of Chocolâte and the girl, who had presumably witnessed the slaughter.

Muldoon went back to the station house and confronted César. Muldoon told César that the traffic summons put him on the set. That, coupled with César’s outstanding record as a citizen, gave the police every reason to believe that he was involved in the shootings. César then gave Muldoon a different story than the one he had told earlier. He told Muldoon that he had been sitting in his car with his brother’s girlfriend in front of 552 West 160th Street at about 4:30 A.M. the morning of October 4. There he saw seven other people whom he knew only by sight, not by name, hanging around the building. Suddenly, Chocolâte came out of the building and told the whole group that two guys were trying to hold him up, that he had disarmed them,

and “that he knew what he had to do.” César said that he told Chocoláte to think about it and not do anything stupid. But Chocoláte said that he was tired of getting held up and that he was taking the robbers up to the roof. Then Chocoláte went back into the building and into apartment #3, the door to which was directly visible from the street because the building had no front door.

A short while later, Chocoláte came out of the apartment holding a gun to a short man’s head. César said that he yelled “Po-lice!” to bluff Chocoláte, but the bluff failed. Chocoláte tried to push the short man up the stairs toward the roof, but the man did not budge. So Chocoláte shot him right in the hallway. César said that he grabbed his brother’s girlfriend and fled. As they were running, he heard a second shot. He then went over to Broadway and drove a waitress home, had a few beers with her at a local bar, and was then grabbed by the police as he was driving yet another waitress home. César provided only a vague description of Chocoláte and reiterated that he knew the other street players on West 160th Street only by sight and in passing.

Muldoon had heard stories like César’s a hundred times in his near-year with the 34th squad, stories in which casual, routine, taken-for-granted violence and the havoc it wreaks are far less important than the fundamental things of life such as drinking, selling dope, and chasing women. Muldoon knew that the interview was over and that as soon as César left the station house he would be in the wind. Still, César’s story corroborated Pirate’s account of the shootings. Muldoon had an impressionistic image of the morning’s events on West 160th Street.

The next day, October 5, 1988, another witness added some touches to that picture. A man named “Pepe,” accompanied by a friend, walked into the station house and told Detectives Louie

Bauza and Muldoon that he heard that César had implicated him in the shooting and he wanted to set the record straight. He acknowledged being at 552 West 160th Street in the early morning hours of October 4. He had gone there, he said, to visit a girl who lived in an upstairs apartment. As he entered the building, he saw several men near apartment 3 on the first floor. One of them had his head down and his hands behind his back. Chocoláte was pointing a black gun at another man.

Pepe said that he told Chocoláte to “leave those people alone.” He went upstairs to fetch his girlfriend, but she told him to wait downstairs. He retreated down the steps and saw only the man with his hands behind his back. As Pepe headed toward the building’s front door, he heard a shot, followed quickly by another shot. He fled toward Broadway and took a cab home. The police thought Pepe’s story about visiting a girl extremely unlikely. Indeed, detectives had information that Pepe was running his own drug-spot in the same building. Still, they did not suspect Pepe in the assault on the two Connecticut youngsters because everything pointed to Chocoláte.

A week later, on October 12, 1994, Warren Hodge died at Harlem Hospital without ever regaining consciousness. The staff, reflecting the hospital’s long-standing animosity to the NYPD, did not notify the police. Instead, the 34th squad received a courtesy call from the Medical Examiner’s Office the following day with the news. On October 13 Muldoon reclassified the case as a homicide and went to Harlem Hospital to see if he could speak with the surviving victim, John Irizary, still listed in serious condition. The shot to his head had passed through his skull from right to left, leaving a metal fragment behind in his brain. Paralysis on his left side made his left arm and lower left leg and foot

useless, and he suffered from unpredictable seizures. But Irizary had vivid memories of the early morning of October 4 and readily relayed them to Muldoon.

Irizary said that he had come down to New York from Connecticut with several other people in two cars, stopping to party on the way, snorting heroin and smoking some crack. He carried a .25 caliber automatic pistol. His good friend, Warren Hodge, a 6-foot 4-inch 16-year-old kid, was unarmed. When they reached Manhattan, Irizary, Warren, and Jimmy went to West 160th Street to buy three ounces of cocaine with \$900 that Irizary was carrying. Irizary and Warren got out of the car to make the buy. Warren asked for the gun and Irizary gave it to him; Warren stuck the pistol into his waistband.

The street was packed with people, including several runners looking to guide customers to drug apartments. Irizary and Warren saw a runner whom they recognized from previous transactions. Without speaking a word, they followed him into an apartment on the first floor of a building. A man whom Irizary assumed to be the watchdog of the spot answered the door. He asked Irizary in Spanish: "Do you have a gun?" Irizary, who is bilingual, told the guard in Spanish that he did not. The watchdog then frisked Irizary. He then turned to Warren and asked him in Spanish if he had a gun. Warren did not speak Spanish at all, but he seemed to understand the question. He responded in English: "I got a gat," a common street-slang term for gun. The guard then frisked Warren. When he discovered the automatic in Warren's waistband, he excitedly exclaimed in Spanish: "He has a gun! He has a gun!" All the while he was yelling toward the back of the apartment.

The watchdog seized the gun from Warren's waist. Irizary im-

mediately yelled at him in Spanish: "He told you that he has a gun! He just finished telling you!" But the watchdog said that, no, the big guy had told him no such thing. Irizary became aware of another man in the adjacent room covering them with a weapon. The guard went to the back of the apartment and came out with a dark-skinned man and a young Spanish woman, who called the dark-skinned man "Chocoláte." Chocoláte had the pistol found on Warren in his hand. The guard told Chocoláte that the big guy had had the gun. Irizary tried to explain the linguistic mixup to Chocoláte, but Chocoláte was uninterested in hearing the story. He sat both boys down at opposite ends of the room and asked Irizary what was going on.

Irizary tried again to explain the situation, arguing that they had just come to buy drugs. Chocoláte asked to see their money. Irizary pulled out \$900 and put it on the table. Chocoláte looked at the money, then at Irizary. Irizary began to panic. He told Chocoláte that he and his friend wanted no problems, to keep the money and the gun, or sell them the coke, but just let them walk out of the apartment in one piece. Chocoláte said no, and told the bodyguard to retrieve something from the other room. In a few minutes, the guard came back with cloth and, at Chocoláte's orders, tied the boys up, first Irizary, then Warren. Warren kept asking what was going on, but Chocoláte silenced him by pointing the .25-caliber automatic at him. Irizary told Warren: "They gonna kill us, man, we gonna die." He saw Warren beginning to weep silently. In the middle of this, the runner fled the apartment.

Chocoláte stood both boys up and walked them outside the apartment, with one hand on Irizary's bound hands, and the other wielding the gun. The guard followed, forcing Warren in front of him. Irizary's knees began to tremble and he felt weak

all over. Chocoláte tried to force Irizary into the garbage-filled alleyway off the hallway. Irizary knew that if he went into the alley, Chocoláte would empty the automatic into him. He refused to go there. Chocoláte, holding the automatic at Irizary's right temple, said that he would kill him immediately if he did not go into the alleyway. And Irizary said: "Well, you gonna have to kill me right here." The next thing he heard was a shot and the woman screaming in Spanish: "Chocoláte, no! Stop!" Irizary fell to the floor, the woman still screaming at Chocoláte to stop, and he heard another shot. His friend Warren fell on top of him.

Muldoon showed Irizary two photo arrays put together from police files on the players from West 160th Street. Irizary picked out photographs of two people, one of a local hanger-on from the street and the other of "Daniel," Chocoláte's watchdog. He did not pick out a photograph of César. And Irizary did not see Chocoláte's face in either photo array. Nor could he provide anything more than a basic description of the woman he thought to be Chocoláte's girlfriend. Muldoon still had no idea who Chocoláte was.

The break came a week later. On October 18, 1988, PO Michael Buczek and his partner tried to stop three men fleeing from a drug robbery on West 161st Street. In an ensuing struggle, Buczek was shot and killed.² In the massive police investigation that followed, detectives across the city pulled in all their informants, demanding to know who had shot their brother officer. Two detectives interviewed an informant named "Ivan" who reported that a robbery gang preying on drug dealers had killed Buczek. The detectives took Ivan to Manhattan's CATCH Unit in the 20th precinct and had him review hundreds of photographs of street players in the low 160s, looking for faces of either robbers or their victims familiar to him.

Serendipitously, Ivan picked out a photograph of one Orlando Rodriguez aka Garis Abreu along with several other monikers. Ivan said that this guy had done the shootings of the two kids at 552 West 160th Street a couple of weeks earlier. The detectives investigating the Buczek murder immediately notified Muldoon. Muldoon made up a new photo array with Orlando Rodriguez's picture in it and presented it to Irizary, who was still in Harlem Hospital, on October 21, 1988. Irizary sat bolt upright in bed, pointed at the #6 photo in the array, and said: "That's Chocólate. That's the guy who shot Warren and me."

The identification of culprits underpins all criminal investigation. Muldoon pulled Orlando Rodriguez's sheet. Chocólate had a fairly typical record for a West 160th Street drug dealer: an October 1986 narcotics sale arrest; a May 1987 gun arrest; and a June 1987 violent assault arrest. Chocólate had served only minimal time for these crimes, even though he had been on probation since his first offense. The murder of Hodge and the assault on Irizary fit what the police knew about Chocólate well.

But where was Chocólate? Identifying culprits is one thing. Catching them is another. Early street rumors had it that Chocólate had fled the United States for the Dominican Republic. Muldoon put in a wanted card on Chocólate and hunkered down for a long wait. Lists of wanted suspects comprise an integral part of the bureaucratic nets that aid investigators. An officer looking for a suspect sends a bulletin with all particulars to the wanted desk. If the wanted suspect gets caught in another net in New York City, and if the arresting officer in that case faithfully calls the wanted desk, as required, then the suspect's card will "drop," and the officer originally putting out the wanted notice will be notified. The system is designed for local use only, so arrests outside New York City will not produce a hit.

The premises of the system are that criminals break laws regularly and that sooner or later their own actions and habits of mind will lead them into legal entanglements, most often in the local area where they practice their trades. But the success of the system depends on officers' care in filing reports and making notifications and on the ability of the police to act quickly enough to make apprehensions before courts free suspects on bail.³

In 1989 the 34th squad heard a rumor that Chocoláte was locked up in Puerto Rico for assault. But when the squad checked, Chocoláte was not in custody on the island. Even as he shouldered his 250-cases-per-year workload, including a couple of dozen other homicides in northern Manhattan, Muldoon checked regularly to see if Chocoláte's wanted card had dropped. And he kept searching for the woman in Chocoláte's apartment who had implored the dealer not to shoot Hodge and Irizary.

After graduating from college, Tim Muldoon had followed his grandfather's and father's footsteps in becoming a cop. The New York City Police Department was not hiring in February 1979, so Muldoon joined the Nyack, New York, police force and became close friends with two brother officers, one black and one white, PO Waverly "Chipper" Brown and Sergeant Edward O'Grady. Both were later slain in the infamous Brinks robbery of October 20, 1981, conducted by black radicals and white Weather Underground terrorists seeking to finance the Republic of New Afrika.⁴ Muldoon joined the NYPD in November 1979. While a cop, he completed two years of law school.

Muldoon served in uniform in the Bronx's 46th precinct until 1985, amusing himself by confiscating and bringing home to his little brother brass knuckles, serrated spring knives, and nun-

chakus from the denizens of the precinct, playthings that prepared his brother for his own subsequent police career. Guns, of course, went downtown. Muldoon partnered for much of his time in the 46th with PO Pete Moro. Muldoon and Moro shared many close calls, but none closer than the day they found themselves surrounded by a hostile mob after both officers had responded to a domestic dispute. The man of the house, already on the street by the time Muldoon and Moro got to the scene, refused to come with the officers and made threatening gestures toward them. Muldoon tapped the man with his stick to get his attention. The man went crazy, burst past the officers, and began running down the street.

Moro jumped on the man's back and Muldoon grabbed him around the waist, while the man determinedly plodded down the block. A full fifty yards later, the man attacked Moro with his teeth and lacerated his chest right through his uniform. Suddenly, a crowd circled the melee. Someone in the crowd tried to grab Muldoon's radio, but he held onto it and got off a 10-13 call. Central responded slowly because Muldoon sounded so calm. Meanwhile, the crowd began to chant: "Get their guns." Both officers found themselves simultaneously held and pummeled while tightly gripping their weapons as several hands grabbed at their holsters. The partners managed to fight off and scatter their assailants, with the assistance of responding officers. Later, Muldoon became friends with the domestic disputant, and whenever he drove by the stoop, the man, reconciled with his wife and holding a new baby, heartily waved to him.

Muldoon was assigned to the narcotics division in 1985, working in the 34th precinct, which was just then emerging as the drug gateway for the entire Eastern Seaboard. He earned his gold shield in 1987. In January 1988 he joined the 34th detective

squad, serving on the same team as his old friend Pete Moro. Muldoon's irrepressible good humor, beaming from his stout figure and broadcast in his booming voice, quickly made him a welcome figure in the squad, even as his wide reading habits, his love of poetry (which led him to Seamus Heaney long before the Irish poet became a Nobel Laureate), and his devotion to Lou Reed's and John Cage's music set him apart.

New York City police detectives always attract attention in public gatherings, but Muldoon's engaging persona attracted more than most. Men and women gravitate to an authority figure who radiates bonhomie, and sometimes marginal characters see such a personality as holding the answers to life's riddles. Once, when Muldoon caught a hit-and-run case, he left his business card with the man who reported the incident. For years after that encounter, the man regularly came to the station house with a stack of papers neatly tied up in a bundle, everything from old telephone and electric bills to newspaper clippings on a wide variety of subjects. He always left the package with police administrative assistant Marina Amiaga, saying: "These are for Detective Muldoon."

Muldoon's boyish open face and ready smile also invited sometimes remarkable confessions. At 1700 hours on Monday, August 5, 1991, two men and a woman came to the 34th station house to report that their close friend, "Sara Long," was missing. One of them had had dinner with Sara the previous Thursday evening, parting with her at 10:30 P.M. But Sara didn't go to work on Friday, nor did she call in. They called Sara's roommate, Julian Cowell, on Friday. Cowell told them that Sara had returned on Thursday night at 11:00 P.M. He said that he had heard her take a shower on Friday morning and leave the apartment at her customary hour of 6:30 A.M. The three friends

looked for her over the weekend, even visiting her apartment and speaking with Cowell in person. Then Sara didn't report for work on Monday. Sara's mother and brother-in-law, alarmed by behavior totally uncharacteristic for her, flew into New York from California.

Missing persons occupy a low priority in squad work. Detectives know from long experience that even the most unlikely people declare timeout from life's complicated games and go missing, sometimes for inexplicable reasons. Indeed, in New York City, a fantastic aggregation of functionally interconnected but discrete little worlds, hundreds of people take such timeouts every day by walking out of their normal worlds and into other ones. Most are found only when they want to be found. One day, for instance, the squad took a call from a distraught mother in Hackensack, New Jersey. Her grown daughter, "Lisa," had left home early that morning to take a bus to Manhattan for her special nurse's training course at Columbia Presbyterian Medical Center. But at 11 A.M. Lisa's supervisor phoned the mother asking where Lisa was. The mother panicked because, she insisted, Lisa was emotionally stable, drug-free, completely responsible, orderly, and always on time. Going missing was simply unlike her. Lisa's supervisor at CPMC gave detectives the same account of Lisa's character and also stated that there was nothing particularly stressful about Lisa's training. Because of these characterizations, detectives from both the NYPD and the Hackensack Police Department spent the better part of the day searching high and low for Lisa. Late in the day, Lisa's CPMC supervisor called the squad to announce that Lisa had been found. She had taken ill, his story went, and had spent the day at a friend's apartment on 94th Street. She had not thought to call anyone. Detectives dismissed this fable out of hand as they

mused about the thousands of dollars of public monies spent searching for Lisa.

Muldoon listened to Sara Long's friends with a skepticism born of such incidents. Nonetheless, because of the reported alarm of Sara's relatives, Muldoon called Julian Cowell while Sara's friends waited in the squad room. Cowell repeated the same sequence of events that Sara's friends had related to Muldoon. Then Muldoon asked Cowell if he had heard any conversation in the apartment between the time Sara returned home at night and left for work the next morning. Cowell hesitated, and then said no. Muldoon asked him if that was an honest answer. Cowell said that he did not know how to answer Muldoon's question. Muldoon said that he could answer yes or no. Cowell hesitated again, before answering yes.

The oddness of the conversation made Muldoon uneasy. Was Cowell's social awkwardness just a personal quirk, or was it a signal of inner turmoil? Muldoon called the Missing Persons Unit of the NYPD to see if they had received any notification about Long. Then he called all the hospitals in upper Manhattan to see if she had been injured, and he called Correction to see if she had been arrested. He called Missing Persons again to make doubly sure that it had no reports, because Missing Persons is famous for missing persons. No word of Sara anywhere.

Muldoon asked Detective Joe Montuori to accompany him to Sara's apartment on Hillside Avenue in the Inwood section of upper Manhattan. After the detectives were buzzed into the building by Julian Cowell, they noticed a faint odor in the lobby, but the smell dissipated as they traveled to the third floor on the elevator. Cowell, an engaging 23-year-old computer programmer, admitted them to the large apartment he shared with Sara Long. The detectives asked Cowell about the odor in the building,

which was slightly stronger in his and Sara's apartment, and Cowell said that he had not cleaned Sara's cat-litter box as he should have in the prevailing ugly August weather. After asking and receiving Cowell's permission, the detectives searched Long's room thoroughly. In addition to the faint odor, they noticed a strong smell of pine disinfectant. But Cowell seemed completely cooperative and reasonable. The apartment was generally neat and orderly. The detectives left the apartment and went to the basement and discerned no odor. Moreover, there was no longer any smell in the lobby.

Muldoon and Montuori headed toward the squad car. Suddenly they stopped and looked at each other. Muldoon told Montuori: "Joe, you taught me to trust my instincts. I don't know about cat shit. But I do know about dead bodies. Something's wrong. Let's go back." They headed back to the building and up to Cowell's apartment. Again, Cowell was completely cooperative. The detectives asked Cowell for permission to look at his room and he agreed. Cowell apologized for the messiness of his relatively tidy space. In the corner of the room stood a large black duffel bag which, when Montuori tried to lift it, was quite heavy. Montuori asked Cowell what the duffel contained. Cowell responded that it held wet towels that needed washing. Cowell excused himself and went to the kitchen for a glass of water and then returned to his bedroom.

Montuori asked if he could look inside the duffel and Cowell agreed. Montuori dragged the duffel to the middle of the room, unzipped it, and found a green plastic garbage bag inside the duffel. He reached his hand inside the bag and felt something wet and squishy. When he withdrew his hand, it was covered with a reddish brown substance. Cowell said that he didn't know what that was, that it shouldn't be there. Muldoon noticed that

Cowell had begun sweating profusely. Montuori said nothing, but went to the kitchen, washed his hands, retrieved a butter knife, and came back to the bedroom. Using the knife, Montuori continued to open the garbage bag and a terrible odor flooded the room. He turned and asked Cowell: "What's in the bag?" And Cowell blurted out: "It's her body. The rest of her is in the garbage in the basement."

While Montuori supervised the Crime Scene Unit's work and Detective John Bourges rescued Sara Long's limbs from the garbage that had already been carted outdoors, carefully labeling and reassembling the pieces of her once beautiful body, Muldoon, joined by Detective Joel Potter, took Julian Cowell's statement back at the station house. Cowell spoke with great equanimity and directness. Muldoon and Potter listened patiently to him for hours, without revulsion or judgment, as Cowell methodically explained his version of events. Muldoon wrote it down.

Cowell told the detectives that he and Sara had lived together as roommates for two years.⁵ That Friday morning, Cowell said, he took a shower at 6 A.M. after a long, sweaty night of computer programming in the 100 degree heat. Sara knocked on the bathroom door and asked Cowell to hurry it along. But Cowell tarried a while to wash his hair. Sara barged in. As Cowell covered himself with a towel, Sara demanded that he get out of the bathroom, and then stormed out, slamming the door.

Cowell told the detectives that that he finished drying off and then left the bathroom, but encountered Sara just outside his bedroom. She lunged at him with a black-handled kitchen knife

and slashed his face. Cowell stepped back and the towel dropped from around him. She was poised to lunge again. Crying out “Sara, don’t!” Cowell ran into his bedroom and shut the door. He pleaded with her: “Sara, what’s the matter? Why are you doing this?” No answer. “If you don’t answer me, I’ll call the police,” Cowell said. But in trying to make an emergency call, he mistakenly dialed 199, the hotline in his native Jamaica. Then he heard the other phone extension being taken off its hook.

Cowell said that he crept out of the bedroom and down the hall, all the while saying: “Sara, calm down. What’s the matter?” As he turned the corner, he saw Sara at her desk, phone turned upside down, still holding the knife in her right hand, and muttering. She stalked him and then lunged again. Cowell dodged Sara’s thrust, grabbed her knife arm as she missed, and then throttled her neck with his left arm. The pair fought for the knife, still clutched by Sara. The knife slowly turned toward Sara and, still in her own hand, stabbed her at least twice. She went limp and Cowell held her up by her midsection. Suddenly, she came to life and struck at him again. Cowell pushed her knife hand toward her throat and she stabbed herself there. As she fell to the floor, Cowell wrenched the knife out of her neck. Sara cried out: “There, now you have done it!” and lay still.

Cowell pondered calling the police but feared that no one would believe he had acted in self-defense. As he sat dazed on the floor, the phone rang. On the answering machine, he heard “Marlene,” Sara’s close friend and boss. Sara was late for work, and Sara was never late for anything. Was everything okay?

Cowell wanted Detectives Muldoon and Potter to understand the difficult situation he faced. His apartment was now a bloody mess. What if Sara’s blood dripped downstairs? How was he going to get rid of her body? And how was he going to explain her disappearance?

He had to clean up the blood first, so he changed into jeans. He put old newspapers down on the floor to soak up the liquid and wiped the apartment's entry with a shirt so that the blood wouldn't seep under the front door into the public hallway. He used a sponge mop to absorb the rest of the blood. Then he stuffed Sara's body into a green duffel bag and dragged her to the bathroom, where he put her into the bath tub. He continued to clean, first the floor, then the walls, then the furniture. The phone rang. It was Marlene again, and she sounded more concerned than she had been before. He returned to his cleaning. He put some rugs and clothing into the clothes washing machine, but the machine began to bang so loudly that he feared it might attract attention. He took all the rugs out of the machine and threw away those that seemed hopelessly stained.

The phone kept ringing. All calls for Sara. "Kirk," Marlene's husband, called several times and said that he was coming over to the apartment. Cowell began to panic. He had cleaned well, but what about Sara's body? He had to get rid of her body. He remembered images of Buddhists burning themselves in Vietnam. He'd burn her body, and all traces of her would disappear. So he placed newspapers all around and over Sara's body, still clothed in her nightgown, and lit the paper. Acrid smoke filled the bathroom, then the whole apartment, and began pouring out the open windows. The doorbell buzzed loudly. Cowell quickly changed his clothes and looked out his front door's peephole. One of his neighbors stood in the hallway looking toward his apartment. Cowell opened the door and told her that he had left a pot on the stove. Only a minute later, the building superintendent banged at his door, and Cowell repeated his story about a cooking mishap.

At this point, Cowell told Muldoon and Potter, he realized that burning Sara's body with newspapers wasn't going to work.

So he stuffed her back into his green duffel bag and dragged her body into his bedroom. He started to clean the bathroom. He heard a loud knock at his door, followed by Kirk's voice asking: "Sara, are you in there?" Then Cowell heard keys in the lock, so he opened the door. Kirk was accompanied by a friend. Kirk asked about Sara. Cowell replied that he had heard Sara shower that morning and then leave for work. Kirk and his friend had beers and then left. Cowell went back to cleaning.

The phone rang again. Marlene told Cowell that Kirk might return. Cowell stopped cleaning and deferred getting rid of Sara's body. He didn't want Kirk walking in on him while he was doing either. The phone rang again. "Mark" was calling from California. He was flying to New York the very next day and said that Sara had invited him to stay at her apartment. The phone rang again, and again, and again. Sara had a lot of friends who wondered where she was. One of her friends was "Bob," who told Cowell that he'd be over the next day, after he met Mark coming in from California.

Cowell dozed off. He awakened at 7:00 A.M. on Saturday morning and went to a nearby bodega, where he bought aerosol spray and a bottle of disinfectant. At home, he sprayed the apartment and mopped the floors with the disinfectant. He decided to burn Sara's body again, so he dragged the duffel bag back into the bathroom and dumped her into the tub. He searched his apartment for flammable non-smoky liquids. He settled on a spray can of cleaning oil. But that smelled horribly when he lit it. So he thought of rubbing alcohol. He went back to the bodega and bought four bottles of rubbing alcohol and a can of scented alcohol. He tested the concoction on his kitchen counter, but he could only raise a weak flame. Then he remembered that the Buddhist monks in Vietnam had used gasoline to burn

themselves. If he used gasoline on Sara, Cowell thought, he'd have nothing left but an easily disposable skeleton.

Cowell went back to the bodega, bought a gallon bottle of Great Bear water, returned to his apartment and emptied the water, and then, with the container, went back out again to a nearby gas station to buy gas. But the station attendant required him to purchase a regular gasoline can in order to buy gas. Back at the apartment, Cowell experimented with the gasoline to see how effective it would be. He poured gasoline on Sara's head and lit it. The flame flashed down her body where gas had dripped and then back up toward her head, and, to his shock and distress, almost burned Cowell. Billowing, thick, sooty smoke filled the bathroom. Cowell opened a window and released the smoke, a bit at a time. He repeated the procedure three more times, but the smoke nearly overwhelmed him. He put Sara's now charred body back into the green duffel bag and dragged it back to his bedroom, along with the remainder of the gasoline. He tried cleaning the bathroom, but it was a complete mess.

Exhausted, Cowell started watching a police movie when he heard a knock on the door. It was Bob, with his wife and two boys in tow, accompanied by Mark. The wife and kids settled in to watch television with Cowell, while Bob and Mark went to look at an apartment. When they returned, Bob was aghast at the state of the bathroom. Cowell explained that a female friend had accidentally lit the day's newspaper with her cigarette while using the toilet. After Bob left with his family, Cowell and Mark spent the rest of the evening chit-chatting and taking more phone calls from Sara's friends.

On Sunday morning, Bob and Mark went back out apartment hunting once again. Cowell hurried over to a supermarket and bought some more air freshener, but on his way home he ran

into an old boyfriend of Sara's who was hunting the neighborhood for her. Cowell dashed upstairs and sprayed the apartment with the pine-scented spray. Then he invited Sara's friend into the apartment and chatted with him for a while.

Cowell told Muldoon and Potter that he realized that he had to do something. He began to think of chopping up Sara's body and disposing of it in pieces. When Bob and Mark returned from house hunting, Cowell joined them in a thorough search of the neighborhood looking for Sara. Then, after Bob and Mark went off separately on other business, Cowell went to a hardware store and bought a power saw. He dragged the green duffel bag back into the bathroom and once again put Sara's body in the bathtub. The saw made a loud whirring noise. He tried to cut off Sara's head with the saw, but he couldn't cut through the neck bone. So he then took a hammer and metal ruler and tried to hammer the ruler through the bone. No luck. He took a large kitchen knife to the task, with no effect. Finally, the saw worked and he severed Sara's head from her body and put it in a trash bag. Cowell paused in his story and asked Muldoon and Potter if they had ever cut a head off a body. When the detectives said that they hadn't, Cowell said that it turned out to be hard work, much harder than people might think.

Cowell continued his tale. He told the detectives that he first sawed off Sara's left arm followed by her right arm, and placed them in trash bags. Then he sawed off her legs below the knees. But her body remained in too large a piece, so he sawed off what remained of her legs at the thighs. He stuffed these parts into trash bags and stashed the bags in his bedroom. He put Sara's torso in a blue suitcase, which he placed at the head of his bed.

Mark returned and made small talk with Cowell. Cowell occasionally jumped up and checked on matters in his bedroom and

sprayed more air freshener. The odor kept getting worse. The suitcase was leaking blood. Cowell mopped up the blood with some cloths and placed the suitcase on its side, used more air freshener, and plopped down in the living room with Mark for the rest of the evening. He began to feel sick and developed a fever.

On Monday morning, Cowell and Mark drove downtown to a breakfast diner in the West 80s. Then Mark dropped Cowell off at the Deuce, where he bought two black duffel bags and returned home on the train. He bought more ammonia and disinfectant at the bodega. Cowell was alarmed to find Mark already back at the apartment, but he retreated to his bedroom and scrubbed it thoroughly. His fever got worse. Then Mark left on his apartment hunt. Cowell doubled up the trash bags that contained Sara's body parts and stuffed them with cardboard and papers to give them a natural appearance. He did a trial run with regular trash. Although he saw two men in the building, he decided that he had to act. He took two bags with body parts downstairs and placed them randomly in the basement, followed by another trip with one bag of body parts and one bag of blood-stained papers and cardboard.

Cowell was feeling sicker by the minute. Mark returned in midafternoon and got him some aspirin to break his fever. Then Marlene and "Michael" arrived. All three were walking around the apartment. Someone said: "It stinks," and started looking for the odor's source. Someone decided it was the cat litter that hadn't been changed in the brutally hot weather. Marlene and Michael went out to buy fresh litter. After they returned, all three went to the police station to report Sara missing. Cowell jumped up, sprayed the apartment with air freshener, and started cleaning the bathroom again.

Suddenly, Detective Muldoon called. Cowell found the conversation awkward, strained, and nerve-wracking. Then Marlene, Michael, and Mark returned from the station house on their way out to have dinner and to pick up Sara's mother and brother-in-law at the airport. Cowell had some uninterrupted time to finish the job. The suitcase had leaked badly. He took Sara's torso out of the suitcase and stuffed it into one of the new black duffel bags freshly lined with a green plastic bag. He rinsed out the suitcase in the tub with hot water. The smell of blood and decaying flesh permeated the apartment. He cleaned the tub, the floors leading to the bathroom, and the floor in his bedroom.

Suddenly Cowell heard the downstairs buzzer ring. He didn't answer. It buzzed again. He stopped cleaning and ran through the apartment spraying again. He answered the door through the intercom system. It was Detectives Muldoon and Montuori.

The detectives entered Cowell's apartment. They asked him about the smell. Cowell blamed the cat. When the detectives left, Cowell quickly resumed spraying the apartment. But the buzzer rang again. Muldoon and Montuori asked Cowell if they could look around the apartment. Cowell agreed. Montuori asked if the closed room belonged to Cowell. Cowell acknowledged that it did. Montuori asked if he and Muldoon could look inside. Cowell agreed, even as he realized that "it was coming down now. It was almost over." Montuori saw the duffel bag. He asked: "What's this?" Cowell said it was clothing. Montuori opened the duffel bag, revealing the green plastic trash bag. He asked again: "What's this?" And then, Cowell said, he told the detectives that it was Sara's body and the rest of her was in the basement.

The multiple knife wounds on Sara Long's body and the defensive wounds on her hands and forearms gave the lie to Cowell's version of events. But over the nearly seven hours that the

confession took, Muldoon did not confront Cowell with the discrepancy because his confession of his deeds was legally quite sufficient. Muldoon allowed the young man a story that he could live with, listening patiently and sympathetically to the theatrical yet clinical, self-dramatizing, self-pitying account of the dilemmas that Long's body presented for him, offered entirely without fear and without remorse. When the detectives asked if he had done anything like this before, he responded indignantly: "No! I hate violence!" Joel Potter tried briefly to explore possible motivations for the psychopathic savagery of Cowell's actions, but Cowell steadfastly stuck to the story that he had told Muldoon.

Muldoon and Montuori worried endlessly about how a judge might rule on the issue of when custody of Cowell began and when, therefore, they were required to read him his *Miranda* rights before asking any further questions. Did custody begin after Cowell blurted out his deed at the apartment? Or did custody begin earlier when Montuori asked Cowell what was in the black duffel bag? Or did custody begin still earlier when the detectives asked if they could enter Cowell's closed room on their second trip back to the apartment? Could a defense lawyer successfully argue that Montuori knew that Long's body was in the bag, that Cowell knew that Montuori knew, that Cowell was in custody at that point, and Montuori was obliged to read Cowell his rights?

Neither suspect's nor policeman's subjective state of mind determines when custody begins and when *Miranda* warnings must be read. The legal test is "what a reasonable man, innocent of any crime, would have thought if he had been in the

defendant's position."⁶ But this definition leaves ample room for contradictory opinions and rulings. On May 16, 1980, Montuori helped investigate a case in which the timing of reading *Miranda* rights became crucial. A couple reported a shooting in Fort Tryon Park to Detective Harry Hildebrandt at the 34th precinct. They had seen a white female with blond hair wearing a white dress and carrying a large black bag fleeing the scene of the shooting. Hildebrandt found Vincent Eckes dead on a park bench, shot once in the head and once in the chest.

Detectives Richie Serpa and Montuori found two .38 caliber cartridges near the bench, one spent, the other live. Their canvass of the park turned up four other witnesses who provided them with essentially the same story that the original two witnesses had told Detective Hildebrandt. About two hours later, Mary Ann Balint appeared at the station house in everyday street clothes. She carried no bag or purse. Balint claimed to Detective Serpa that she had been sitting with her fiancé on the park bench when a black man leapt out of the shrubbery, a blaring radio in one hand and a gun in the other, said not a word, and then shot her fiancé twice before fleeing. Balint said that she was terribly upset by the incident. She ran home, changed out of her nurse's uniform, and took her dog for a walk before coming to the station house to report the shooting.

Serpa was unhappy with her story. But he had seen people in shock do bizarre things. Besides, Balint said that she could identify the man who had shot her fiancé. So Serpa had her look through the mug books of known black male criminals in the area. In the meantime, Montuori and Hildebrandt were dispatched to Balint's apartment to verify her address, to speak with her mother, with whom she lived, and to check out her story. Balint's mother corroborated her daughter's version of

when she had come home, changed, and left for the station house. Montuori asked about the clothes that Mary Ann had been wearing. Balint's mother described them and readily produced them; Mary Ann's white nurse's uniform and shoes had bloodstains on them, and this also fit Mary Ann's story.

As the detectives were about to leave, Montuori spotted a black handbag on the dining room table. He asked the mother if that was the bag that Mary Ann had been carrying earlier that day. The mother said that she and her daughter actually shared the use of that bag and that it contained personal articles belonging to each of them. Both Montuori and Hildebrandt found this odd. They had never known two women, let alone a mother and a daughter, to share a bag. Montuori asked if he and Hildebrandt could examine the contents of the mother-daughter handbag. The mother agreed and, after removing some "women's things," emptied the purse onto a white sweater on the table. The contents consisted of entirely ordinary items: lipstick, comb, hairpins, and coin pouch. But the purse also contained a live .38 caliber round.

Montuori immediately called Detective Serpa and told him about the live round. Serpa asked Balint about the .38 caliber round in her purse. She responded casually that her purse had been open. One of the robber's rounds must have popped into it, she said, an explanation that Serpa found barely plausible. An automatic weapon with a jammed breech could eject a live round, and detectives had discovered one live round at the crime scene. But what was the likelihood of yet another live round ending up in Balint's purse? She kept looking through the photo books and, over the course of about an hour, offered other possible explanations for how the bullet found its way to her handbag. Finally, she told Serpa that she doubted that the police had

actually found a bullet. Serpa told her that her mother had seen the detectives recover the round and suggested that she call her mother to confirm this.

Mary Ann did call her mother, speaking in a language Serpa didn't recognize. After the call, with Serpa asking her "What now?" Mary Ann said: "I'll tell you what happened. I did it, but first I want to see my mother." Serpa tried to read her *Miranda* rights at that point, but she insisted on seeing her mother first. After conversing with her mother privately, and then hearing her rights read, Balint made a full confession both to Serpa and to an assistant district attorney in a later videotaped statement. She also led the detectives to the waste basket into which she had dropped the murder weapon while fleeing.

Balint pleaded guilty to first-degree manslaughter but promptly appealed her conviction. She argued that she had not been given her *Miranda* warnings in a timely fashion and that her initial admission and all subsequent statements had therefore to be suppressed, along with the gun that was discovered in a search premised on her confession. And, with her mother now agreeing, she claimed that the purse belonged to her alone and that her mother could not give the police permission to search it without a warrant. The live bullet, as well as the gun, must also be suppressed. The Appellate Division of the New York State Supreme Court agreed with her and overturned her conviction. In a concurring opinion, one justice went so far as to assert that "police testimony invites doubt as to its trustworthiness and bears significant indicia of having been carefully tailored to meet a perceived constitutional requirement." The court ordered a new trial. But now prosecutors didn't have the bullet, the gun, or Balint's statements, and they had one judge proclaiming that the police account was mendacious. All they had was Vincent

Eckes's dead body. Mary Ann Balint was released from prison. For years, Montuori regularly ran into her at a diner on West 181st Street.⁷

Cowell's case ended up before Justice Harold J. Rothwax, who ruled Cowell's spontaneous statement at the apartment and his confession at the station house admissible.⁸ In January 1993 Cowell's attorney was delighted to be offered a fifteen-year plea by the assistant district attorney, much to Detectives Muldoon's, Montuori's, and Potter's surprise and chagrin. Cowell's counsel also filed notice of appeal late that same month. In 1997, never having acted on his state appeal, Cowell filed a *habeas corpus* petition with federal court in Manhattan arguing that he had had ineffective counsel, had entered an involuntary plea not aware of its consequences, and had been denied his right to a state appeal of his conviction, a petition eventually dismissed by the federal court because Cowell had not exhausted his state remedies.

This precipitated a flurry of motions by Cowell in state court over the next several years, alleging inadequate representation at the time of his plea.⁹ All of these motions were denied. Then in 2004 Cowell reiterated his earlier claims and argued as well that the spontaneous statement he made in his apartment as Detective Montuori searched through his duffel bag was the product of a custodial interrogation without the benefit of *Miranda* warnings. And because the detectives had not read Cowell his rights at that point, Cowell argued, not only should that statement be thrown out but also, as fruit of a poisoned tree, Cowell's subsequent full confession to Detectives Muldoon and Potter and all forensic evidence, including Sara's body and body parts, Cowell's cleaning equipment, and the condition of the bathroom and other areas of the apartment, should be suppressed by the court. In short, Cowell argued for a reversal of his con-

viction, the vacating of his plea, the suppression of all statements and physical evidence, and the dismissal of the indictment against him. One of the cases Cowell cited in his favor was the court's ruling in favor of Mary Ann Balint.

In fall 2004 the Appellate Division of the New York State Supreme Court finally dismissed all of Cowell's claims, ruling that the detectives had acted entirely lawfully in their inquiry into Sara Long's disappearance. Moreover, the court asserted, that "even if we were to find the initial inculpatory statement to be inadmissible, we would find that defendant's subsequent oral, written, and videotaped statements, provided after *Miranda* warnings, were sufficiently attenuated from the initial statement to be admissible."¹⁰

On November 24, 1990, Chocoláte fell into the net. He was arrested on a weapons charge in the Bronx. When Muldoon received notification that Chocoláte was in jail, he immediately telephoned an assistant district attorney on a Sunday night, telling him that he had four witnesses to Chocoláte's murder of Warren Hodge, three of whom were for the moment in jail. But the assistant district attorney insisted on waiting until Monday, too long a delay to keep up with the Bronx's alacrity in releasing violent felons back into the community. Chocoláte was released on bail in the early afternoon just as Muldoon discovered that his fourth witness, John Irizary, now said that he was unable to identify Chocoláte as his assailant. Without the victim's identification, Muldoon's case was weak unless he could get an out-of-custody statement from Chocoláte that tied him to the shootings. Muldoon called in all his markers with his informants until he discovered Chocoláte's hiding place and

eventually his car on the street. Muldoon sat on Chokoláte's car for hours waiting for him to return to it. But then he received notification from the 34th precinct that further overtime was denied, and he had to call off the hunt.

Then, Chokoláte shot two men in a bar in the Bronx, one of whom nearly died. Police officers apprehended him after a wild chase down the Grand Concourse in the 46th precinct, Muldoon's old beat. In custody, Chokoláte refused to speak with the police, and Muldoon's three briefly jailed witnesses were already in the wind. With no witnesses, he had no case. But at least Chokoláte was off the street for a while.

Muldoon had another drug-related homicide at 552 West 160th Street that made him uneasy about his pursuit of Chokoláte. On October 11, 1989, a young woman named Rita Bellamy from Brooklyn went there with her boyfriend to score drugs. Rita went upstairs to make the buy, while her boyfriend waited downstairs. Rita ended up strangled and thrown out of a third-floor window to her death. The boyfriend fled the scene. At first, it seemed that the dealers in the drug apartment had demanded sex from Rita in exchange for drugs. When she resisted, the story went, they killed her. But later, Muldoon interviewed a man named "Antonio" who said he feared for his life and was willing to talk. Antonio claimed that Ivan, who dealt out of 552 West 160th Street, had shot him. Muldoon remembered that it was a man named Ivan who had identified Chokoláte as Orlando Rodriguez to detectives investigating the murder of PO Michael Buczek. Antonio's connection of Ivan to Chokoláte's building closed that circle.

Antonio said that "Arames," with another man named "Gordo" standing nearby, told Antonio that he and Gordo had killed the girl. But Antonio later recanted his testimony. Mul-

doon knew, from still other cases, that Gordo was a psychopath, who sold beat (fake) dope to boot. He made Gordo for Rita Bellamy's killer but, with Antonio's defection, had no way to prove it. Years later, it turned out that the early story of sexual assault was wrong. Gordo had simply sold Rita beat dope, and when she came back to squawk, the crew had its customer relations department choke her and throw her out the window.

Muldoon waited and hoped that someone who had a falling out with Gordo would give him up in return for a favor from the police. Sure enough, Detective Joel Potter got a statement from an arrestee that Gordo had done Rita's murder; indeed, the informant said that Gordo intended to rob the girl of her money all the while. But then the informant got out of jail on bail and disappeared. Following Potter's lead, Muldoon kept working the case, looking at all the West 160th Street players. Eventually, the name "Samson" came up, who turned out to be Antonio's brother. Samson also gave up Gordo for Rita's murder. Gordo, in the meantime, was on trial for yet another murder. He was acquitted for lack of convincing evidence, and Muldoon arrested him for Rita's murder just as he walked out of the courtroom, thinking he was a free man.

Gordo went crazy at being sent back to jail to await trial for Rita Bellamy's death. But Samson and another witness that Muldoon produced fled to the Dominican Republic, and before long Gordo was back on West 160th Street selling beat dope. Muldoon consoled himself with the thought that sooner or later street justice would accomplish what the courts failed to do, and in a far more fearsome manner. But then Gordo went north to Newburgh, New York, with a crew to rob a bodega owner on his way to the bank. The crew members were caught near the scene, and Gordo, who was found hiding in a tree, was convicted and sentenced to ten years in prison for armed robbery.

In the opaque world of drug-related homicides, the central problem is always the witnesses. Over the years, Muldoon kept trying to put the case against Chocólate together. But he either could not find witnesses, or, as in Irizarý's case, the witnesses could no longer make necessary identifications. Even when he did locate witnesses, Muldoon faced the fundamental paradox of all criminal investigation: those with the deepest knowledge of criminal activity are usually criminals themselves, or they live, by choice, in criminal environments, making their perceptions and judgments suspect to people outside those social circles.

Furthermore, in New York City's highly compartmentalized and competitive law-enforcement world, one cannot always count on cooperation from other police units in finding witnesses and working cases. While Chocólate was safely in jail and Muldoon was looking for witnesses uptown, DANY's Homicide Investigation Unit was quietly investigating the case on its own. At the time, HIU had much greater resources at its disposal than the average squad detective. Specifically, it could pull people out of jail or prison at will and interview them for information without the always-present restrictions of overtime and cost that frustrate many investigations at the squad level. Moreover, it could offer inducements to uniformed and undercover officers to bring interesting cases to HIU instead of to precinct detectives.

Unbeknownst to Muldoon, the Puerto Rican woman who was with Chocólate at the time of the shootings had wandered into the 34th precinct on January 27, 1992. She wanted to talk about the events of early October 1988 on West 160th Street. Two undercover officers took her downtown to HIU instead of upstairs to Muldoon. "Chica" was a crack addict who had momentarily awakened from her drug-induced haze. She told HIU investigators a story similar to the ones that Muldoon had gathered from

witnesses earlier, except that, she said, Pepe, the man who had voluntarily come into the police station to say that he was visiting a girl in the building when he happened on the murder-assault in progress, was actually talking to Chocoláte immediately before Chocoláte began to get excited and ordered the two customers tied up. At that time, Chica said, Pepe fled.

Moreover, she said that after Chocoláte shot the shorter Hispanic man, Chocoláte's worker shot the tall young black man. Chica insisted that she had pleaded with Chocoláte not to harm these customers, but he did not listen. Later, on June 30, 1992, HIU investigators pulled the runner, Pirate, out of one of his many stints at Rikers Island and interviewed him. Pirate told the investigators essentially the same story that he had told Muldoon earlier. The HIU investigators did not notify Muldoon about their interest in Chocoláte. When Muldoon learned about their surreptitious work, he was furious, all the more so when he discovered from street sources that Chica had returned to the twilight world of homelessness and crack addiction. Some street rumors had her dead, her head buried in a city park, though no one knew which park. Other street people warned Muldoon that, when and if he ever found her, he would find her brain fried beyond repair. But at least Muldoon now had her identified.

Finally, in 1996, Muldoon got transferred to the Manhattan North Homicide Unit, later led by his old 34th squad boss, Joseph Reznick, now an NYPD inspector. Muldoon finally had the time to make one last run at Chocoláte. Muldoon beat the bushes on West 160th Street and came up with César, who still hung out on the block and who, years before, had claimed to see Chocoláte shoot Irizary and to have heard a second shot as he fled down the street. Muldoon also found Pirate, the runner,

who had witnessed the shootings. Between 1989 and 1996, Pirate had been arrested for robbery, including a violent assault on a bystander; criminal possession of a loaded firearm; fare-beating in the subway; violent assault with intent to cause serious injury with a firearm; and possession of narcotics with intent to sell. But with these two witnesses and the cooperation of a new prosecution unit investigating old homicides at DANY, Muldoon was able to get an indictment on Orlando Rodriguez aka Chocoláte for the murder of Warren Hodge and the attempted murder of John Irizarry.

Moreover, Muldoon located the owner of the spot that Chocoláte managed, who admitted that Chocoláte had told him about the shootings right after the event. Muldoon began to put the case together with ADAs Steven Saracco and Stacey Mitchell.¹¹ But there are many slips between arraignment and trial. Pirate, the runner, disappeared, and the spot owner refused to testify. Once again the case against Chocoláte was in jeopardy.

Muldoon doggedly went back to West 160th Street to search for witnesses. He got some help from the system's bureaucratic net. On April 27, 1997, Chica had tried to sell crack cocaine to an undercover officer in the Bronx and landed in jail on felony charges. Chica had stopped using drugs five months earlier and, despite brushes with the law that her new occupation provoked, was trying to put her life back together. Chica told Muldoon the following story.

Two or three days before the shootings, she had been sitting on the second-floor landing of 552 West 160th Street. Pepe came into the drug building with a customer, a Spanish man about 5 feet, 10 inches tall. Chica said that Pepe sold drugs out of apartment 8 in the same building. Chica saw something bulging in the customer's jacket and she warned Pepe that the man might

have a gun. Just as she said this, the man did indeed draw a weapon. Pepe and he struggled ferociously for possession of it. The man fled the building and jumped into an automobile with Connecticut plates.

A couple of nights later, Chica said that she woke up around 3:30 A.M. and went to West 160th Street to score some dope. She ran into Chocoláte, for whom she regularly ran customers and translated English into Spanish during drug sales. Chocoláte asked her nicely to come into his sale apartment to sample some drugs. She went without hesitation because she had often done this for Chocoláte. But when they arrived at Chocoláte's sale apartment, Chocoláte put a gun to Chica's head. He demanded to know what had happened to his kilo of cocaine. Chica had no idea of what he meant and pushed the gun away. But Chocoláte said: "I'm not playin." Chica begged for a quick death. She heard the gun click. Then one of Chocoláte's workers, pushing the gun away from Chica's head, told Chocoláte that she had nothing to do with the theft. Someone else had snuck in and burglarized (plundered with stealth) Chocoláte's apartment, getting away with a kilo of cocaine. But no robbery (seizure of property from a person by force) had occurred. Chocoláte was in a rage because he had to answer for the loss of the cocaine to his own boss. He had no idea who had stolen his drugs, but he suspected his sometime workers or local street players, people who knew of his operation and who could observe his comings and goings.

Chica was now terrified and tried to leave the apartment. Chocoláte picked up an aluminum baseball bat and smashed her in the hip, hurting her badly. As she spun around from the force of the blow, she saw in an adjacent bedroom a woman friend of hers, also a crack addict, bound to a chair, bleeding profusely and screaming in agony. Chocoláte had carved the

woman's back up with a broken windowpane, demanding to know what she knew about his missing kilo. Chica hobbled out of the apartment and down to the street when, suddenly, she saw a friend of hers, Pirate, a runner who often brought customers to Chocoláte. The runner had two kids with him, one tall and black, the other short and Spanish. They were heading into 552 West 160th Street. Just then, Chocoláte and his helper came out on the stoop and Chocoláte asked Chica to come back into the apartment to translate for him. Chica was hesitant but she did limp back.

Chocoláte and his worker led the way into the apartment, followed by the runner and the two customers. Chica brought up the rear. As she usually did, Chica told the kids to stand to the side to be frisked. Chocoláte's helper frisked the tall black kid first, then started on the short Spanish one. The latter, Chica said, told her in Spanish that he had a gun, but too late, because the helper had already seized it from him. The helper became agitated and ordered everyone into the living room, where Chocoláte was. Just then Pepe came into the room and talked to Chocoláte. By this time, Chocoláte had a gun pointed at the two kids and he was yelling in Spanish that they came from Connecticut to rob him, just like the guy a few nights before who tried to rob Pepe, and that he was going to "kill the two muthafuckas."

Chica told Muldoon that she tried to defend the two boys, pleading with Chocoláte not to hurt them, but Chocoláte had no ears that night. He told Chica to shut up. At Chocoláte's orders, the helper tied the boys' hands behind their backs. Chocoláte then ordered everyone out of the apartment. The runner left in a hurry, with Chica right behind him. But Chica stayed in the building, on the landing of the stairs. Chocoláte came out of the apartment with a gun to the short Hispanic man's head. Chica

screamed that these boys had nothing to do with the attempted robbery of a couple of nights before and that they couldn't possibly have done the burglary of Chocoláte's apartment. But Chocoláte told her to shut up. Then Chocoláte pulled the trigger. Chica said that Chocoláte's face was angry. She saw the Hispanic man fall to the floor. Chica screamed: "Oh, my God!" She heard Chocoláte order that the other man be shot too. She turned away and heard another shot. When she looked back, the young black man was also on the floor.

Just then, "Angie," another woman friend of hers, came into the building and asked what happened. Almost immediately afterward, uniformed police arrived at the building, discovered the bodies, and asked Angie what was wrong with Chica, who was screaming. Angie told the cops that she and Chica had had a fight with their boyfriends. The police told both women to get out of the building. Both Angie and Chica fled immediately and went to an abandoned building nearby, where Chica wept while Angie comforted her.

Because Irizary could no longer make a positive identification of his assailant and because other witnesses had disappeared, refused to testify, or were so compromised by their own criminal involvement, Chica became the linchpin of the case against Chocoláte. Of course, there were loose ends. Muldoon still had no idea who Chocoláte's helper was. At the very least, that man was guilty of felony murder, if not the actual murder of Warren Hodge. And why had Chocoláte insisted on going through with the shootings despite vehement protests by a regular translator, a regular runner, and an upstairs business associate that the two victims were in no way connected with the attempted robbery in the building a couple of days earlier? Everyone knew that Chocoláte's kilo had been snatched in a burglary, not a robbery.

Was the assault on the two boys just Chocoláte's statement to his boss that he knew how to protect his spot? And what about the discrepancies between Irizary's and Chica's versions of events, specifically whether it was Irizary or Warren Hodge who had the gun when confronted by the drug dealers? Muldoon figured that Irizary, who had admitted bringing a .25-caliber weapon with him from Connecticut, put the gun on his friend at the showdown to avoid more trouble with the police.

But with Irizary's testimony about the circumstances of the night he was shot and Chica's testimony nailing Chocoláte for the shooting, Chocoláte was convicted of murder and attempted murder and sentenced to 37 years in prison. His accomplice was never apprehended.

The long time-span of the case enabled Muldoon to see transitions in street players' lives that are usually not visible to police, or are often overlooked by them. César got married, had two children, and became a taxi-cab mechanic. When Muldoon last spoke with him, he had stayed out of trouble for years. Chica, despite her brushes with the law, seemed to be on the road to complete recovery from crack addiction. Muldoon was most impressed with the self-transformation of the crack addict known as Mighty Joe Young, the giant who used to live in a cardboard box on West 160th Street. Muldoon thought there was an off chance that Mighty Joe Young might remember something about the night of October 4, 1988, but he held little hope of finding him. Street rumors about the man's fate abounded. He had been murdered; he had died of AIDS; he had moved to the Carolinas; he had become rich; he was serving a life sentence somewhere.

Eventually Muldoon did find Mighty Joe Young, although it was the unrecognizable former Mighty Joe Young who recog-

nized Muldoon. In 1990 Mighty Joe Young had turned his whole life around. He stopped using crack, got married, became the father to two stepsons, found steady work, and maintained an apartment in a Bronx working-class neighborhood. Although he readily admitted his past, he looked back on his days as the wild man of West 160th Street as if he were viewing a movie about a strange man in another world.

8

TRACING THE PAST

Detective Edward Dermody of the 5th Homicide Zone arrived at 611 West 204th Street, apartment 5 on the second floor, at 1830 hours on March 5, 1974.¹ Mrs. Guadalupe Diaz, a 55-year-old widowed Dominican immigrant, lay dead on her bedroom floor, nearly perpendicular to her bed, disrobed from the waist down. Her hands were tied in front of her with white plastic clothesline. She had been sexually assaulted. Five small, superficial puncture wounds surrounded her right upper eyelid in a circle. Three superficial wounds marked her left upper eyelid. She had evidently been threatened with a sharp instrument, or perhaps struck by a pointed ring on the hand of her assailant, but these minor wounds had not caused her death. A brown electrical extension cord was wrapped twice around her neck, and the bones there were crushed from the ligature.

Mrs. Diaz held her lower denture in her right hand. A pocket-book was found emptied on the bed. A heavy odor of cigarette smoke filled the tiny room, and the ashtray on the kitchen table was glutted with Salem cigarette butts. A radio sat on a small ta-

ble in the bedroom. In front of the radio, a half-filled bottle of brandy stood next to a used brandy glass, along with a pointed kitchen carving knife engraved with the legend "The Miracle Worker." Household records were strewn on the floor. In the adjacent living room, the window leading to the fire escape was open, as was the iron gate that protected it. The gate had been forced. But the gate's padlock was unlocked, undamaged, still in good working order, and sitting on the window sill. The kitchen was undisturbed and everything seemed in its place, except for a small drinking glass left out on the counter next to the refrigerator.

Dermody, a nearly two-decade veteran of the police department with twelve years as a detective, notified the city-wide Crime Scene Unit then turning out of the Police Academy on East 20th Street in Manhattan. Then he interviewed Rafael Diaz, who had discovered his mother's body. Rafael lived at 613 West 204th Street in a second-floor apartment directly across the courtyard from his mother's apartment. His apartment, in fact, mirrored hers. From his kitchen window he could see directly into his mother's kitchen, the first large room that one reaches after walking down a fifteen-foot corridor from the front door and past the small bathroom. Rafael told Dermody that his mother was a woman of extremely regular and tidy habits. She was a churchgoer who did not smoke or drink. After being widowed, she devoted herself to her children and grandchildren.

Like many Dominican immigrant women, she worked as a seamstress, sewing dolls at the Alexander Doll Company factory in West Harlem on West 131st Street from early in the morning until shortly after 4:30 P.M. Then she took the train home, usually reaching her apartment around 5:30. To signal that she had arrived safely, she always went to her kitchen window and waved

to her son across the courtyard. He played with his daughter in his own kitchen every day after returning from work. Rafael regularly gave his mother time to wash up, then, using his own key, entered her apartment and had coffee with her in her kitchen around 6:15 P.M. That evening, Rafael told Dermody, he and his mother followed their daily routine exactly. But he knew right away that something was wrong when he went to her apartment because her front door was chained from the inside, something that had never occurred in all his years of evening visits to her.

The CSU team arrived at 2150 hours, headed up by Detectives Edward Meagher and Stephen Colangelo, veterans of crime-lab and crime-scene work. Meagher and Colangelo took thirty photographs of the crime scene, especially Mrs. Diaz's body but also every nook and cranny of her apartment. Using black powder on light surfaces and white powder on dark surfaces, they dusted the windows, the sofa, the walls, closets, bureau and tables, bottles, glasses, the refrigerator, the radio, and various other objects in the apartment for latent fingerprints—the invisible residues of perspiration from the sweat pores on the friction ridges of fingers and thumbs. The powder revealed ten partial prints, which CSU photographed and then lifted with transparent tape, affixing each print to a contrasting-color card.

Two prints came from the center lower frame of the inside of the living room's left window, which had provided entry to the apartment. One came from a wall adjacent to the same window. Two came from the carving knife found in Mrs. Diaz's bedroom, one on each side of the blade. One came from the side of the small drinking glass found on the countertop of the kitchen

cabinet next to the refrigerator. And four came from the sides of the brandy glass found on the small bedroom table in front of the radio. Meagher and Colangelo labeled each print and marked it with the Crime Scene Unit run number, the date, and the location where it was discovered in the apartment. They then signed all the lifted prints. They also gathered up the papers strewn on the floor of Mrs. Diaz's bedroom and, together with the ten lifts, sent everything back to the Crime Scene Unit, where they had to write a report to accompany the materials before transmitting them to the Latent Print Unit of the police department.

Beginning that evening and in the days following the murder, Dermody and other detectives repeatedly canvassed all the residents at 611 West 204th Street and in all the buildings adjacent to it to see if anyone had noticed suspicious persons in the area on the evening of March 5. But no one said they had. The detectives went to Mrs. Diaz's wake and talked with everyone who attended, seeking to learn more about the woman's habits and routines. They met Mrs. Diaz's three other grown children besides Rafael—another son and two daughters—and tried to comfort them in their shock and grief. They learned that Mrs. Diaz had raised all four children alone because her husband had died only a year after they immigrated to New York in 1961. The detectives also visited the Alexander Doll Company and interviewed Mrs. Diaz's coworkers and checked her locker for any leads. They noted that she had punched out at 1647 hours on March 5, corroborating Rafael's description of her adherence to routine.

Dermody checked police records for similar sex crimes committed in Washington Heights in recent years, on the assumption that sexual predators almost always repeat their crimes as if following a script. Two crimes in particular caught his eye. About three months before Mrs. Diaz's murder, and in the same

vicinity, an intruder had pushed his way into an apartment, tied up a 58-year old Hispanic child-care provider, stripped her, and knocked her out. But when detectives re-interviewed the victim of that crime, she claimed not to have suffered sexual assault. Further, her assailant had menaced her with a gun, not a knife. Nonetheless, the detectives proceeded with a side-by-side comparison of this victim's associations and habits with those of Mrs. Diaz, checking for similarities in their places of shopping, banking, entertainment, and churchgoing, or for overlapping social circles in their choices of doctors and friends. But the two women lived in different social worlds.

The second assault had occurred in Mrs. Diaz's building a year before. A handyman who worked and lived there, and was presumably known to her, had violently raped a woman in her apartment on March 1, 1973. But the police had arrested the handyman on his victim's identification the same day as the assault. Because strange things regularly happen in the criminal justice system, Dermody checked with the Department of Correction to verify the handyman's whereabouts when Mrs. Diaz was assaulted. But the handyman had been incarcerated since his arrest. No other sexual crimes in Washington Heights matched the assault on Mrs. Diaz.

Rafael Diaz called Dermody on March 20, 1974, to report a conversation with a close friend of his mother's. Mrs. Diaz had told her friend that she had been harassed several times in the summer of 1973 near the subway station at 207th Street and Tenth Avenue by a man who came out of a nearby bar and made advances toward her. But when the detectives interviewed the woman, she could provide no further details of the incidents, nor any description of the man who had reportedly bothered Mrs. Diaz.

The fingerprint analysis came back from the Latent Print

Unit. There were no usable fingerprints on any of the papers on Mrs. Diaz's floor. The ten lifts from other items in the apartment had been manually compared with the fingerprints of known sex criminals in uptown Manhattan and the Bronx and with those of all known push-in robbers and burglars in the area, but there were no matches.

Dermody and other detectives regularly returned to West 204th Street to complete their canvass of residents at 611 and adjacent buildings. On March 23, 1974, Dermody finally caught up with "Nikki Sterling," who lived on the first floor of 611 West 204th Street, directly below Mrs. Diaz's apartment. Sterling said that she had heard about the homicide but had no information that could help the detectives' investigation. But something about her manner gave Dermody pause. Sterling seemed nervous and evasive. Pressing her, Dermody queried her about friends who used her apartment. Sterling said that "Robert Tucker" and "Larry Tucker" were among the visitors to her apartment, and she provided Dermody with their addresses. On March 29, Dermody talked with Larry Tucker. He claimed that Nikki Sterling was his girlfriend and that he had been with Nikki at her apartment at 6:30 P.M. on March 5. He had heard about Mrs. Diaz's murder, but, he said, he knew nothing about it. He readily gave his fingerprints for comparison. Two weeks later, the Latent Print Unit reported that there was no match.

Over the course of the entire next year, in response to Dermody's submission of over a hundred additional sets of fingerprints, including those of Robert Tucker, the Latent Print Unit found no matches. Mrs. Diaz's killer had disappeared into the night, leaving only traces of his identity behind him and a family shattered and bewildered by grief.

The fingerprints at Mrs. Diaz's apartment were unusual. Despite remarkable advances in forensic techniques, which have generated an enormous following in popular culture, local police investigating violent crimes rarely find such clear forensic traces of identity. Precinct squad detectives address the vast majority of cases they catch by searching the far-reaching bureaucratic nets that freeze-frame suspects' movements, and sometimes actions, and allow police to pinpoint their whereabouts and associations at particular times. But most especially, detectives talk to people, witnesses, informants, and criminals themselves, continually assessing their credibility and the plausibility of the stories they tell. When it comes down to identifying culprits of particular crimes, they rely for the most part on witness identifications.

The most important kind of witnesses are those who incriminate culprits on the basis of their own direct observations of crimes being committed or on the basis of statements that culprits make to them. In both cases, police first try to match witnesses' recollections with the officers' own records of people who have already committed crimes. It is an axiom of police work that criminals commit most crimes and that a small, hard core of criminals commit the vast majority of crimes, grossly disproportionate to their numbers. The police force's extensive photographic records of criminals are the key tool in this identification process.

The photograph records of the New York City Police Department began in 1858 with a 450-ambrotype rogues' gallery that cops studied to learn the faces of their adversaries. In the late nineteenth century, the legendary first chief of the Detective Bu-

reau, Thomas F. Byrnes, a formidable force in the city until he ran afoul of the Presbyterian Reverend Charles H. Parkhurst and the latter's Society for the Prevention of Crime, compiled a fantastic collection of photographs of every well-known criminal east of the Mississippi and had his men memorize their visages.² Most of these arch enemies of the public order were con men, forgery artists, and counterfeiterers. If they were spotted by Byrnes's detectives below an imaginary line near the Wall Street financial district, they were summarily arrested and jailed on sight.³

During the twentieth century, the NYPD's photograph collection grew exponentially as mug shots were taken of everyone arrested, whether for misdemeanor or felony crimes. The sheer vastness of the collection soon posed enormous problems of classification. Each of New York City's five boroughs has its own centralized CATCH unit, housing photographs of everyone arrested in a particular borough, going back decades, catalogued by general descriptions and by types of crime. To the trained eye, the "oracle numbers" reproduced on the bottom of each criminal's photograph provide at a glance the person's race, sex, age, height, weight, and the crime for which he or she was arrested. This ancient system still exists, with hard copies of photographs of all persons arrested in each borough going back nearly forty years. To get some sense of the scale of such an enterprise, consider that, in Manhattan alone, there are more than 100,000 arrests each year.

Beginning in the early 1990s, the New York City Transit Police Department began using photo-imaging technology, starting with a database of 13,000 felons who had been arrested in the citywide transit system. After the NYCTP merged with the NYPD in 1995, under the aegis of former chief of transit police William Bratton, the NYPD adopted the new technology and be-

gan slowly transforming its vast photographic files into computerized images. Now detectives sit with complainants or witnesses in front of a computer and type in their descriptions of culprits. Ready-made photo arrays of possible suspects appear on the monitor. As of 2002, photographs of all culprits arrested since 1994 had been scanned electronically for storage in the database, with more added each year. The old hard-copy photograph files still serve as the primary identification files for those who committed crimes prior to 1994.

Visual identifications of criminals are still extremely important in everyday police work, although eyewitness identification itself has come under intellectual, governmental, and judicial scrutiny.⁴ Moreover, given the long delays between arrests and trials due to the overcrowding of the criminal justice system, some accused culprits change their external appearances dramatically by “bulking up” on three squares a day, along with heavy weight-lifting regimes. Newly fat faces and muscular torsos make some witness identifications falter in court.

But what does one do when there are no witnesses to a crime, or when the only witness was the victim, who is dead? How does one begin to track and then identify the assailant?

Fingerprints were first used in a systematic way to identify people for administrative, not law-enforcement, purposes. Consider the practical problems faced by the likes of colonial authorities in sprawling, multiracial, multilingual 1850s British India. These authorities turned to fingerprints as they tried to winnow fraudulent claims by imposters to government pensions.⁵ Or consider how industrialization, political upheavals, the collapse of estates, and urbanization shattered the routines of village life, exponentially increased migration and social mobility, and unraveled the community ties that made face-to-face

recognition of others commonplace. Immigration officials in the United States and Argentina adopted fingerprinting to control certain types of undesirable aliens. In New York City, police and magistrates used fingerprints to identify, register, and regulate habitual offenders such as prostitutes, vagrants, mashers, degenerates, and other miscreants at the periphery of the social order.⁶

The ease of collecting fingerprints created a staggering demand for a storage and retrieval index that allowed comparison of prints. Modern fingerprint classification systems went through a stop-and-start-again development. Francis Galton, a sometime eugenicist, divided all fingerprints into “arches,” “loops,” and “whorls” and provided the foundation for most later indexing schemes. A British-India colonial administrator, Edward Henry, added a fourth pattern, called “composites.” Henry also numbered the fingers and focused attention on differing ridge characteristics as the distinguishing marks of fingerprints. Later, Scotland Yard instituted a national standard of sixteen “matching points” of such ridge characteristics for identification through fingerprints. Around the same time, Juan Vucetich in Argentina developed a sophisticated version of Galton’s system.

Competition between originators of classification systems, and their emulators, was often fierce. Different countries, indeed whole geographical regions, made fateful commitments to one or another classification system. In the United States, the patchwork of jurisdictions led to myriad choices, sometimes producing incompatible systems in adjacent bailiwicks. Moreover, unlike Britain, the United States did not adopt a fixed, cross-jurisdictional national standard of matching points to establish identity.⁷

The use of fingerprints for criminal investigation, specifically to link suspects to crime scenes, had a somewhat more sporadic development. In the mid-1850s Detective John Maloy of the Albany, New York, constabulary convicted a burglar who had left a bloody thumbprint on a piece of paper in a building he had illegally entered; Maloy was able to match the crime-scene print to an inked print of the culprit's thumb. In 1897 the Indian police charged an ex-servant with the burglary and murder of his former master, a tea-garden manager who had been found stabbed to death in his home. A bloody fingerprint found at the scene matched one of the ex-servant's inked prints taken when he was apprehended as a suspect in another crime. The magistrates hearing the case refused to convict the ex-servant of murder but did convict him of burglary on the basis of the crime-scene print.

Late-nineteenth-century European experiments demonstrated the possibility of lifting invisible (latent) prints from certain surfaces and later comparing them to inked prints. In both Europe and the United States, the early 1900s brought several successful prosecutions utilizing matches between latent and inked prints.⁸ One of the most famous occurred in New York City in 1908, when Sergeant Joseph Faurot of the New York City Police Department, already celebrated for gaining a confession two years earlier from a master burglar after identifying him through his fingerprints, tracked down a suspect in the murder of a young woman using latent prints left behind at the crime scene. When Faurot confronted the suspect with the fingerprint evidence, he confessed to assaulting the girl while in a drunken rage.⁹

Each success further legitimated the use of fingerprints as crucial evidence in linking suspects to crime scenes. Indeed, early on, fingerprint examiners—the interpretive experts who eluci-

dated fingerprint “matches” to judges and juries—claimed that, barring gross disfigurement, fingerprints are permanent and, moreover, that no two fingerprints are identical. These experts argued that every finger of every human being bears a papillary ridge arrangement that begins to form between the third and fourth fetal month. Barring accidental or surgical removal of those ridges or of the finger itself, the ridge arrangements on each finger stay with a person for life, providing a unique identifying mark.

Examiners classify fingerprints into three general groups of patterns—arches, loops, and whorls, each with several subcategories. In comparing fingerprints, examiners look at three basic ridge characteristics. The first is called a bifurcation, a ridge that runs along as a single line and then separates into two lines. The second is called an ending ridge, which runs along but then abruptly stops. The third is either a dot without direction or a short ridge. In addition, examiners study the relationships of these friction-ridge characteristics to one another to determine whether the ridge characteristics occupy the same relative position in the impressions being compared. Examiners seek to ascertain as many points of similarity as possible. Identifications are made by successfully comparing the number and similarity of these characteristics. The United States Federal Bureau of Investigation has made positive identifications with as few as seven points of similarity, although typically American prosecutors seek many more in order to convince juries.

Over the course of the twentieth century, courts in the common law countries came to accept examiners’ claims that fingerprints are permanent and that no two fingerprints matched as a matter of practical, though not absolute, infallibility. Here, one makes a presumption of truth based on fingerprint experts’ long

experience without successful rebuttal to their claim that each and every fingerprint is unique. This position was forcefully argued by a Scottish judge in 1933:

The value of finger-print evidence depends on the reliance which can be placed on the result of expert investigation and experience—in an immense number of cases, examined over a very extended period of years—to the effect that identity is never found to exist between the skin ridges on two different persons' fingers. This is what leads the experts to claim infallibility for the finger-mark method. I deprecate the use of the word "infallibility" in this connexion at all. What the experts obviously mean is, not absolute, but practical infallibility—that is to say, a presumption of truth, the reliability of which may be accepted, not because it is irrebuttable in its own nature, but because long and extensive experience is shown to provide no instance in which it has ever been successfully rebutted. All proof depends at bottom on presumption; even the evidence of two credible and uncontradicted witnesses who speak to the same occurrence is *probatio probata* [conclusive evidence] not because it is impossible that they should both be mistaken, but because of the high presumption that what two credible witnesses say happened in their presence actually did happen.¹⁰

But fingerprint experts themselves actually asserted a somewhat stronger claim. Examiners from both local police and federal authorities regularly argued in court and in print that their training, methods, and experience enabled them to discern the uniqueness of every print with which they were confronted, making their work more of a scientific enterprise than an inter-

pretive technical craft.¹¹ Only the most skeptical critics of fingerprint evidence dispute identifications ascertained by matching ten inked or “rolled” prints with a previously obtained set of ten inked prints. The crucial issue is, instead, the scientific validity of matching latent prints lifted from crime scenes, which are usually partial and often smudged, against sets of inked prints taken by police from suspects in custody. The process that examiners typically use to do such investigation consists of four steps called the ACE-V procedure: observation and *analysis* of distinct patterns of a latent print; *comparison* of those latent print patterns with those of an inked print; *evaluation* of the compared patterns to determine whether or not the latent and inked prints were made by the same person; and *verification* of one’s work by another examiner who repeats the same process to verify, or not, the initial examiner’s finding.

On May 9, 1991, Detective Edwin Cruz received a call from Detective Thomas Montero of the Latent Print Unit. Beginning in January 1990, the New York City Police Department had begun using a statewide automated fingerprint identification system (SAFIS), originally developed by the Federal Bureau of Investigation in the late 1970s and adopted gradually by several states in the 1980s and early 1990s. SAFIS photographs latent prints presented to it and then electronically searches its own database for prints with matching friction ridge characteristics. Doing work with lightning speed that previously took untold man-hours, SAFIS compares thousands of already stored prints per second, presenting detectives with possible matches. Detectives then pull the records of suspects matched by the automated system and do manual verification checks. Montero

told Cruz that the Latent Print Unit had been submitting usable fingerprint evidence from old homicide cases to SAFIS to see if any matches were discovered. SAFIS had identified three possible suspects in the homicide of Guadalupe Diaz.

The manual examination narrowed the possibilities to one suspect, 36-year-old Herman Nathaniel Myers, who was 19 years old at the time of Mrs. Diaz's murder. New York City police had first arrested and fingerprinted Myers on May 14, 1975, in the Bronx for grand larceny auto, almost fourteen months after the Diaz murder. He had later been arrested in both Manhattan and the Bronx for burglary, possession of burglar tools, and possession of stolen property. A nationwide records search revealed that Myers was currently residing in North Charleston, South Carolina, where he had also had encounters with the law. Montero told Cruz that there were six initial matches: one match of a print of Myers's No. 3 finger (right middle finger) to the latent print lifted from one side of the brandy glass found on the small bedroom table in front of the radio in Guadalupe Diaz's apartment; two matches of prints from Myers's No. 1 (right thumb) finger and one match from Meyers's No. 6 (left thumb) finger to latent prints taken from the other side of the same glass; and two matches of a print of Myers's No. 6 finger (left thumb) to the latent prints found on the inside of the lower frame of the left living room window.¹² Montero told Cruz that his squad was still working on making other possible matches. Cruz immediately took the case to the squad commander, Lieutenant Joseph Reznick. Without hesitation, Reznick assigned the unusual case to Detective Gennaro Giorgio, the legendary homicide detective and the Big Daddy of the 34th precinct squad.

The son of Italian immigrants, Giorgio grew up on Bleeker Street in Little Italy in an apartment right above Zito's Bak-

ery. After exploring an acting career on the basis of his rugged good looks, personal magnetism, and remarkable facial expressiveness, he joined the New York City Police Department in 1959 at the age of twenty-six and spent six and a half years in uniform on foot patrol in the 20th precinct on Manhattan's West Side. In those days, the department selected police officers to join the Detective Bureau on the grounds of demonstrated potential to become good investigators. In 1966, an incident that electrified the precinct gave Giorgio an opportunity to show his stuff.

A huge intruder had surprised a young woman by climbing across a board placed between buildings and entering her tenth-floor apartment through her bathroom. He raped her while threatening to butcher her baby with a large knife that he brought with him. After he finished, the intruder started to leave the apartment, but then pulled down his pants and demanded another go-around. The victim went crazy and fought the intruder fiercely. He stabbed the woman twenty-six times, but she miraculously survived.

The precinct detectives worked night and day on the case and, with a police artist, managed to get a composite drawing of the assailant from the woman. They printed up poster-size copies of the drawing for distribution throughout the neighborhood. Detective Frank Leo brought a bunch of the posters for distribution on Giorgio's beat. Giorgio took one look and told Leo that he knew the assailant, and that if the posters hit the street the culprit would be in the wind. He pleaded with Detective Leo to give him two days to find the rapist and bring him in. After conferring with his squad's commander, Leo reluctantly agreed.

No luck on the first day. But late in the second day, with time running out, Giorgio spotted the suspect sitting on a stoop. Giorgio got out of his radio car, sauntered up to the man, and

struck up a conversation. After shooting the breeze for several minutes, Giorgio mentioned casually to the man that someone had dropped his name in connection with several robberies in the precinct. Would he be willing to come down to the station house and straighten things out? The man readily agreed, and Giorgio and his partner drove the man to the detective squad. The detectives promptly took him to the hospital, where the rape victim was wheeled out in a chair, bandaged head to foot. She immediately identified the man as her assailant. The squad locked him up. The very next day, the chief of detectives summoned Giorgio to his palatial office at police headquarters, then located at 240 Centre Street, congratulated him on his street savvy, cunning, wiliness, and ability to con criminals, and invited him to don the coveted gold shield.

After a five-year stint with the 26th precinct detective squad, Giorgio worked as a detective specializing in homicide investigations, first in the Fifth Homicide Zone from 1972 to 1979, then in the Manhattan North and Manhattan South Task Forces, and finally in the Homicide Team of the 34th precinct, all the while gaining a reputation as one of the premier interrogators in the New York City Police Department and a great mentor, often surrogate father, to young detectives.

On May 10, 1991, Giorgio called the North Charleston police department to inquire about Herman Myers. Detective Eurzin Douzart told Giorgio that Herman Myers was well known to the police there. Over the years, they had arrested him for domestic violence, possession of drug paraphernalia, and other offenses. Myers had just served four months of a one-year sentence and was currently performing community service. Giorgio asked Douzart to make sure that none of the North Charleston police raised Myers up by approaching him or, worse, detaining him.

Giorgio then contacted Assistant District Attorney Warren Murray, chief of the sixty-attorney Trial Bureau 50 of DANY. Murray, a former United States marine famed for running his bureau like a combat platoon, all the while inspiring profound loyalty in his well-trained young assistants, tries few cases because of his supervisory duties. But Murray wanted this unusual case not only because of its challenges but because Murray's most valued self-image as a prosecutor is identical to that of the best detectives. Murray's motto, preached regularly to his charges, is: "No truth, no justice." Murray thought that cracking Mrs. Diaz's murder could send a powerful message to the Dominican community in crime-ridden but generally uncooperative Washington Heights. The two men met a few days later to review the old case file and plot strategy.

Giorgio told Murray about two cases he had worked where fingerprints had proved crucial in eliciting statements. When Giorgio was with the Manhattan South Homicide Task Force, he and Detective Juan Medina, his suave, always impeccably dressed long-time partner, investigated the murder of 38-year-old Patrick Kehn, a tax and investment attorney with Shearman & Sterling on Wall Street. On September 26, 1981, Kehn was walking with his girlfriend on the promenade by the East River at Franklin D. Roosevelt Drive and East 10th Street in the 9th precinct. Three kids, one armed with a bat, another with a knife, surrounded the couple and pushed them onto a bench. Kehn and his companion readily handed over a watch, a gold chain, and his wallet with \$100 in cash. The teenagers took the watch, chain, and the cash but discarded the wallet at the scene. One assailant then told Kehn: "I don't like your face." The boy with the bat slammed Kehn, and then the culprit with the knife stabbed him in the chest and abdomen. Kehn died on the spot in front

of his companion, who became hysterical and unable to provide any useful descriptions of the assailants.

The case went down the usual blind alleys. A fireman had been jogging on the East River promenade ten minutes before the assault on Kehn and had been approached by a group of kids looking to rob him. The fireman dispersed the wolfpack and reported the incident to detectives at the 9th precinct, noting that he could identify at least one member of this crew. Precinct detectives showed the fireman their profiles of wolfpack robbers in the area and, with his photo-array identification, arrested a young man with a long list of robberies on his resumé. He was indicted for the Kehn murder. When Giorgio interviewed this suspect, he admitted the aborted assault on the fireman and admitted yet another robbery and what turned out to be a minor stabbing on Avenue D the same day as the assault on Kehn. But he denied any involvement whatsoever in the Kehn robbery-murder.

Despite pressure from the police department to close the Kehn murder with this suspect, Giorgio asked the forensic experts exactly what their search of Kehn's wallet had revealed. And it turned out that they had found one fingerprint on one of Kehn's credit cards that did not match Kehn's prints, nor the prints of the suspect in custody, nor those of any of that suspect's usual cronies. The indictment against the original suspect was later dropped, thanks largely to Giorgio's efforts. At that point, an informant came into the 9th precinct and told detectives that he had heard on the street that Leapo had killed Kehn. Giorgio and Medina checked every record available but could find no one nicknamed Leapo anywhere. But then another detective remembered a street kid named Leopoldo, which was close. The Latent Print Unit ran the lift from Kehn's credit card

against the prints of several men named Leopoldo, and the match came back to Leopoldo Siao-pao, a 19-year-old karate expert with a long record of robberies.

When Giorgio and Medina caught up with Leopoldo in Brooklyn late on October 22, 1981, he acknowledged that people called him Leapo, but he denied any involvement in the assault on Kehn. When Giorgio said that he had evidence that put Leopoldo at the crime scene, Leopoldo smirked, thinking, he later said, that Giorgio meant that Kehn's girlfriend, a hopeless witness, had identified him. But Giorgio showed Leopoldo his memo book with his notation about the fingerprint match. Giorgio told him: "That is evidence." Leopoldo believed him and eventually admitted that he had stabbed Kehn. Still later, after the detectives pointed out the inequity of Leopoldo taking the weight of the charges alone while his comrades partied, he gave up the bat wielder who had started the assault, as well as the other accomplice. The batsman turned out to be the same informant who had given the police the name Leapo in the first place. Leopoldo's recognition of the persuasive power of fingerprint evidence prompted his confession and, in the end, his betrayal of his associates.

The second case was similar. Kathleen Williams, a 30-year-old vice president for a large bank, had just arrived in New York City on a business trip on September 22, 1982. Thirty minutes after she checked into the Waldorf-Astoria hotel, she was found dead, stabbed in the throat, in a stairwell on the 19th floor. She had apparently used the wrong elevator bank to reach her assigned room. When she couldn't find her room on the floor, she had either decided to descend the stairs back to the lobby, instead of using the elevator, or she had been forced into the stairwell by an assailant.

The police found one witness who had seen the woman in the hallway with what he described as a short, Mexican-looking man. Detectives had this witness view more than five hundred photos of employees, as well as watch all employees coming in and out of the hotel for more than twenty-four hours. But the witness became totally burned out and could make no identifications at all. Giorgio had come into the case late and had not been to the original crime scene. The physical evidence had yielded nothing, but Giorgio decided to look it over again. Ms. Williams had six cards in her purse with her name on them. In the upper right-hand corner of one of them, Giorgio thought he noticed a mark, and it turned out to be a latent thumbprint. The Latent Print Unit compared the lift from the card with everyone in the files who even remotely fit the witness's description of a short Mexican-looking man, more than two thousand possibilities in all, but their search yielded no matches.

As Giorgio and Juan Medina were leaving the hotel after another day of investigation, they saw two uniformed police officers near the lobby candy shop. The store had just been robbed. The clerk gave a description of a tall and husky Hispanic robber, about 6 feet, 3 inches tall, between 250 and 260 pounds. Giorgio called the Manhattan Robbery squad and asked the detectives there for lists of robberies in the midtown area, with a special focus on hotels. It turned out that there had been thirty-six robberies in the midtown area in smoke shops, candy stores, and clothing stores, many of which were connected with hotels. The victims were always women, either a woman working alone or two women working at night.

Giorgio and Medina had the Latent Print Unit run the thumbprint found on Williams's card against prints from the robbery squad's voluminous list of robbers who worked Man-

hattan. No match. But when the unit ran the latent thumbprint against the prints of the borough's known burglars, it was able to match the latent thumbprint to an inked thumbprint of one Juan Robles, 21 years old, 6 feet, 4 inches tall, weighing 245 pounds. Working with a photo-array containing Robles's mug shot, Giorgio and Medina identified Robles as the culprit in twenty-nine of the thirty-six midtown-Manhattan robberies. Evidently, Robles had graduated from burglary to robbery.

When Giorgio and Medina searched for Robles, they discovered that their quarry had other problems. He was out on bail, charged with burglary and attempted murder for entering the apartment of a former girlfriend and then firing a shot at her new suitor. New York State court rulings of the time dictated that detectives could not interview Robles about the hotel robberies or Williams's murder without an attorney present because Robles already had an attorney for the pending, albeit unrelated, case. So the detectives bided their time. Indeed, Giorgio posed as a probation officer in order to monitor Robles's guilty plea to a knocked-down version of the burglary and attempted murder charges in return for ninety days at Rikers Island.

The day that Robles left Rikers Island, Giorgio, Medina, John Johnston, and several other detectives waited across the bridge for him. Giorgio stayed hidden in a car and told the other detectives to go straight up to Robles and cuff him as soon as he walked out of jail. When they did this, Robles, as expected, went berserk. Giorgio then magically appeared and asked the other detectives why they had cuffed Robles. He ordered them to release Robles. Robles fell for Giorgio's con and quickly focused all his attention on Giorgio, asking him why he had been picked up. Giorgio told Robles that he was a suspect in several robberies and took him over to the 13th precinct to interview him.

During the interview, Giorgio never mentioned the homicide of Kathleen Williams. Instead, he went over all the robberies in the area, asking Robles if he had ever been in midtown hotels. Giorgio mentioned the Plaza and Robles allowed that he had been there once for a drink. When asked about the Sheraton, Robles said that he had stayed there once. When Giorgio asked about the Waldorf-Astoria, Robles said that he had heard of it but he had never been there. Giorgio went on to other hotels, the Hyatt, the Regency, coming back again to the Waldorf-Astoria. Again, Robles said that he had heard of it but had never been there.

Giorgio sensed that the interview was approaching that fleeting moment when a suspect's need to share his guilt with another person outweighs the dangers of self-betrayal. All Giorgio had to do was give Robles an out. So Giorgio said to Robles: "Juan, I've never met you before today. I don't particularly like you. But I also don't dislike you. I'm just doing my job. But you've lied to me here. I've got a fingerprint that puts you at the Waldorf-Astoria. Something may have happened at the Waldorf-Astoria. Sometimes a guy goes somewhere with no intention of hurting anyone and something happens." And Robles blurted out: "I didn't mean to hurt that lady" as a prelude to a full confession.

But the problem with the case at hand, Giorgio and Murray agreed, was that Herman Nathaniel Myers was no longer a young man, like Leopoldo Siao-pao or Juan Robles. Myers had been around the block too many times to be conned so easily. Eighteen years of silence made it unlikely that Myers would blurt out his guilt in order to cleanse his soul for murdering Mrs. Diaz. Giorgio and Murray mused about the case. In and of itself, the fingerprint evidence inside Mrs. Diaz's apartment was

insufficient to convict Myers. He could offer any number of reasons for the presence of his prints there. Myers might, perhaps, argue that he and Mrs. Diaz were friends or even secret lovers who met at her home. Or he might argue that his job took him into her apartment. Or he might admit that he had entered her apartment illegally but claim he had left before she came home from work and knew nothing about any harm done to her.

Rapists rarely acknowledge their depredations. What Giorgio and Murray needed from Myers was statements that removed plausible excuses or reasonable justifications for his presence in Mrs. Diaz's apartment—statements that so contradicted the evidence of the fingerprints that they demonstrated “consciousness of guilt” to a jury. But the logistics of getting any statements at all were tricky. What strategy should Giorgio use to get Myers to talk with him in the first place? Under what cover should Giorgio conduct the conversation? At what point should Myers be read his rights? When should a New York court issue a warrant for Myers's arrest, a move that confers an absolute right to an attorney whether or not a suspect waives his right to have an attorney present during an interrogation with a police officer? In short, the groundwork of truth here, in the minimalist sense of establishing who raped and killed Mrs. Diaz, would have to be deception.

Giorgio needed to learn more about Mrs. Diaz in order to lay a snare for Myers. Working with Detective Louie Bauza, a barrel-chested young man whose buoyant, sunny disposition brightens even dark days, Giorgio tracked down Mrs. Diaz's four children, two sons and two daughters. On May 21, 1991, Giorgio and Bauza talked at length with the Diaz family.

Giorgio showed Mrs. Diaz's children a picture of Herman Myers; all stated that they neither knew nor recognized him. He asked them whether their mother smoked, drank, or had any boy-friends. Mrs. Diaz's children laughed sadly and told Giorgio and Bauza about their mother. She was an old-fashioned lady, they said. She had never smoked in her life. Neither did she drink, although she kept a bottle of liquor on hand for her sons' visits. She worked hard at her sewing job, all day, every day. She went to church three or four times a week, where she saw other older women who were her friends. She lived for her children and grandchildren. Her sons and daughters used to kid her about dating. They told her that she was still an attractive woman and they suggested that she see some men. But, her children said, Mrs. Diaz told them that she was too old for that sort of thing. She was content with her life as it was, whatever its difficulties.

Mrs. Diaz's children said that their mother's apartment building had had several robberies and such violence terrified her. Still, Mrs. Diaz did not trust banks. Despite her children's urgings, she kept money at home, as well as the jewelry that they all regularly gave her as presents. As a compromise, she always kept the gate guarding the fire-escape window in her apartment closed and locked, with the window itself firmly shut. They said that it was clear to them that the gate had been forced open. They were puzzled that some of Giorgio's questions suggested that he was pursuing the possibility that their mother had invited her assailant into her house. But Giorgio reassured them that he was just examining the situation from every angle in order to catch their mother's assailant.

Back at the station house, Giorgio made further preparations for his coming meeting with Herman Myers. At his request, the Diaz children had given him a photograph of Mrs. Diaz taken

shortly before her death. Giorgio paired this with four other shots of Latinas, all about Mrs. Diaz's age. He also randomly selected two photographs of a criminal from the 34th precinct's mug books. He packaged these with the fingerprint report from the Latent Print Unit and with Dermody's investigative reports in the squad's brown manila folder marked Homicide/Rape. In the next several days, he conferred frequently with ADA Warren Murray, who drew up a felony complaint on Myers but did not docket it. Giorgio gave the complaint to Detective Bauza. Bauza was to take the complaint to a New York State Supreme Court justice for authorization and legal transformation into an arrest warrant once Giorgio contacted him from South Carolina. Giorgio also called the detective squad in North Charleston and asked them to invite Myers into the station for questioning on May 30, 1991. Myers was, Giorgio insisted to the South Carolina detectives, to be allowed to come in voluntarily.

Giorgio finally met Myers at 0900 hours on May 30, 1991. Myers had driven to the station house in North Charleston in his sister's car at the request of investigators Alphonso Scott and James Smalls, who had visited Myers earlier that morning. Giorgio, accompanied by Detective Angel Morales from the 34th squad, greeted Myers at the door. Myers stood 5 feet, 10 inches tall and weighed about 160 pounds. He had shrewd, quick eyes and a hard, calculating look. When Giorgio informed Myers that he and Morales were from New York City, Myers refused to shake their hands. Instead, he asked the detectives: "What's this all about?"

Giorgio began to spin the web. He told Myers that a man had named him as an accomplice in several burglaries in New York and that the detectives wanted to talk to Myers about those crimes. Giorgio showed Myers the photographs that he had ran-

domly selected from the precinct's mug books, identifying the man in the photographs as "Leroy Jones." Myers said that he knew no one named Leroy Jones, that he did not know the person depicted in the two photographs, and that he had not even been to New York in several years. He paused for a few moments, and then he agreed to speak with the detectives.

Giorgio told Myers that because of the burglary accusations he had to advise him of his rights. After the reading, Myers waived his rights and agreed to answer Giorgio's questions without an attorney present. Giorgio once again mentioned the several burglaries in New York City in which Myers had supposedly been implicated by Leroy Jones. In connection with those crimes, Giorgio showed Myers the five photographs of Latinas that he had prepared, including a picture of Mrs. Diaz in life. Giorgio said that these women had been present in their apartments when the burglaries took place and that the burglars had tied them up. Myers said: "These are Latino women." Giorgio acknowledged that they were Latinas and asked Myers if he knew or recognized any of the women depicted in the five photographs. Myers declared emphatically that he did not. Giorgio asked him to view the photographs again. Again, Myers denied knowing or ever seeing any of the women. Giorgio asked Myers to initial the back of each photograph to acknowledge his statement.

Giorgio then asked Myers about his several arrests for burglary in New York between 1980 and 1983. Myers deflected the query, saying that he "scrapped" for a living, picking up metal objects on the streets and selling them to junkyards. He stressed that he never went inside apartments either by invitation or on his own to retrieve metal. Giorgio asked Myers in what parts of New York City he plied his trade. Myers said pointedly that he

never went above 190th Street in Manhattan to do scrapping because there were no metals on the street in that part of uptown. Myers did admit that he was quite familiar with the area around 190th Street and Audubon Avenue since he used to hang out at George Washington High School.

Giorgio locked Myers into his story. He again asked Myers if he had any friends or relatives above 190th Street. Myers said that he remembered a boyhood friend whose family lived on 190th Street between Saint Nicholas and Audubon avenues. But Myers said again that he had never visited or entered any houses above 190th Street. Indeed, Myers said, the only time he had ever been above 190th Street was when he attended P.S. 52 at Academy Street and Vermilyea Avenue as a youngster. At that point, Giorgio wrote a statement incorporating all the elements of Myers's story. Myers, Giorgio, and Morales signed it. The investigators then took a break and got Myers some coffee. The three men chitchatted informally for a while. Giorgio noted that Myers smoked Salem cigarettes.

Giorgio resumed the interview. He showed Myers a copy of Detective Thomas Montero's fingerprint report identifying the fingerprints on the brandy glass and on the lower window frame in Guadalupe Diaz's apartment at 611 West 204th Street as belonging to Herman Nathaniel Myers. Myers insisted that he knew nothing whatsoever about a burglary in that location. He went on to insist that he had never been at 611 West 204th Street. He said that he did not know, nor had he ever known, Guadalupe Diaz. When asked again, Myers repeated that he had never been at 611 West 204th Street. Again, all three men signed this statement.

Giorgio left Myers with Detective Morales in the interview room and telephoned Warren Murray. The two men reviewed the

status of the interrogation and Giorgio informed Murray about South Carolina's simple extradition procedure, which required only a suspect's waiver, not an appearance before a magistrate. But when Giorgio returned to the interview room, Myers suddenly said: "I thought you said this was about a burglary. How come the brown folder says Homicide/Rape?" Morales shrugged apologetically at Giorgio. Apparently, right after Giorgio had left the interview room, Myers had reached across the table and yanked the folder toward himself in order to read the writing on its cover.

Giorgio acknowledged that he was investigating a homicide/rape case that had probably started as a burglary. He suggested to Myers that perhaps he was only in Mrs. Diaz's apartment for the burglary and that an accomplice had committed the homicide and rape. Myers said: "Write that down." Giorgio noted that, if this indeed had occurred, he had to have the name of the accomplice. Myers said nothing. Giorgio wrote out the scenario as he had described it, complete with Myers's statement, but Myers refused to sign it.

The conversation meandered on as Giorgio continued to construct plausible accounts for Myers, hoping to find one that Myers might embrace. He suggested that sometimes burglaries get out of hand and unintentionally escalate into murder. But Myers did not respond. Giorgio then said that if Myers told the whole truth about the crime, the district attorney could extend him some consideration. Myers responded that judges impose sentences, not district attorneys. But then Myers said: "If there's one thing a person doesn't want to go to jail for it's R.A.P.E. [spelling the word out]. The inmates treat you different. Maybe I could go into protective custody." Giorgio pressed the advantage. He suggested that someone might be charged with bur-

glary, homicide, and rape, but plead guilty to homicide to cover all the charges so that when he went to prison his “jacket” would only read “homicide.” And Myers said: “You can do that?” Myers said that he would think over what Giorgio had said about possible consideration from a district attorney.

But then Myers shook his head and said that he could not explain how his fingerprints got into Mrs. Diaz’s apartment. Indeed, he said, the police had obviously made a mistake because they could not be his fingerprints. A bit later, he said nonchalantly that he thought that his sister, “Carol Blake,” lived in an apartment located north of 190th Street at one time. Abruptly, Myers asked if he could leave the station house and come back the next day to finish up the interview. But Giorgio said that they had to finish. Giorgio left the interview room again, called Louie Bauza in New York, and told him to take the already-drawn-up felony complaint before a judge. Bauza faxed the subsequently authorized arrest warrant back to Giorgio within a half hour.

Giorgio reentered the interview room and said that he wanted Myers to return to New York City with him the following day. Myers asked who would pay for such a trip? Giorgio produced a one-way ticket to LaGuardia Airport and placed Myers under arrest for the murder of Guadalupe Diaz. ADA Warren Murray presented *People v. Myers* before a grand jury on June 3, 1991. The same day, the grand jury returned a true bill indicting Myers of both murder and felony murder in the death of Mrs. Diaz.

Giorgio immediately began preparations for trial. He called Edward Dermody and informed him about Myers’s arrest. Dermody, who had retired from the NYPD in 1976 haunted

by Guadalupe Diaz's savage death and frustrated by his dead-end investigation into it, was delighted to hear the news and expressed his eagerness to help in trial preparations in any way possible. Then, out of the blue, Dermody asked Giorgio: "What about Nikki Sterling? Was she involved? I've always had a funny feeling about that girl." Giorgio told Dermody that he intended to look into Sterling.

A few days later, Herman Myers called Giorgio from Rikers Island. Giorgio asked Myers if he had rethought their discussion about getting consideration from the district attorney in return for telling the truth. But Myers said that he had no idea what Giorgio was talking about. He simply wanted to make sure that one of his family members had stopped by to pick up a coat and books that he had left in the North Charleston police station house when he was arrested. Giorgio asked him whether he knew a woman by the name of Nikki Sterling. Myers paused and admitted that he did. Giorgio pointed out that Sterling used to live in the apartment directly below Guadalupe Diaz's apartment at 611 West 204th Street. Myers said nothing. But later in the conversation he said that Nikki Sterling was, at one time, his girlfriend.

On June 14, 1991, Giorgio, together with Detective Tim Muldoon, tracked down Nikki Sterling, who was now working in the research division of a major corporation. Sterling warily agreed to talk with the two detectives in the company of one of her supervisors. Giorgio showed Sterling a photograph and asked if she knew the man depicted by it. Sterling said that she recognized him but could not remember his name. Giorgio informed her that the photograph was a likeness of Herman Myers, who was under arrest for the murder of a woman who lived directly above Sterling at 611 West 204th Street. Sterling said that Her-

man's sister, Carol Blake, lived at 613 West 204th Street. Carol had a key to Sterling's apartment. When Sterling stayed overnight in the Bronx with her boyfriend, Larry Tucker, Carol looked after her cats. Sterling recalled returning home after spending one night in the Bronx and finding her apartment dirty and her cats starving. She said that it was possible that Herman came to her apartment with Carol.

When Giorgio asked if Herman had ever been Sterling's boyfriend, Sterling vehemently denied any relationship of the sort. Giorgio wrote out Sterling's statement and she signed it. But then, as Sterling's supervisor went to photocopy Sterling's signed statement at Giorgio's request, Sterling grabbed it from her hands and tore her signature off the bottom of the legal-sized page. At that point, Sterling became indignant and belligerent and demanded to be left alone. Giorgio and Muldoon looked at one another in amazement, and Giorgio determined to check out her story.

Giorgio tracked down Carol Blake, Herman Myers's sister, in South Carolina. Blake's memory of events cast doubt on Sterling's story. Blake asserted that she had been good friends with Nikki Sterling and visited Nikki's house quite often to take care of her cats. She said that her brother Herman took at least five trips with her to Sterling's apartment to feed the cats. She remembered that Nikki's apartment was always stuffy and needed air. So she and her brother opened the window onto the fire escape. On those occasions, Herman sat on the windowsill with one leg in the apartment and the other on the fire escape. Blake also remembered visiting Nikki's apartment with her brother when Nikki was home. On those occasions, Nikki and Herman sat on the fire escape together and played music. Carol remembered that Herman had told her one day that he and Nikki were lovers.

She also stated that she, Nikki, and Herman were smoking a lot of pot in those days. Giorgio judged from her appearance and demeanor that Blake still used drugs, making her a poor witness at trial. Still, her acknowledgment that she and Myers had together visited the building where Mrs. Diaz lived, not once but several times, further undercut Myers's story. Giorgio also reluctantly came to the conclusion that he had no grounds for proceeding against Nikki Sterling because the law does not prohibit citizens from concealing their knowledge of heinous crimes. She became one of the many loose ends of police work.

In the meantime, Herman Myers became further entangled in the web of his own denials. Detective Angel Morales had fingerprinted Myers on May 31, 1991, when he and Giorgio brought Myers back to New York City in custody. Morales also printed Myers's palms, routine procedure in major cases, and sent all the prints to the Latent Print Unit for further comparison of Myers's prints against those found in Diaz's apartment. On June 17, 1991, Detective Montero issued a report matching Myers's left palm to the latent palm print lifted from one side of the blade of the knife found in Mrs. Diaz's bedroom, and Myers's No. 10 finger (left little finger) to the fingerprint lifted from the other side of the knife's blade. Now eight prints put Myers in Mrs. Diaz's apartment. His denials of ever knowing her or of ever being above 190th Street negated possible legitimate explanations of the traces of his presence in her apartment. To Giorgio and Murray, at least, Myers's denial, set against compelling evidence to the contrary, strongly indicated a consciousness of guilt.

In the end, *People v. Myers* came down to the fingerprints, to Myers's denials to Giorgio, and to ADA Warren Murray's skill in arguing a case based on circumstantial evidence. At trial, Rafael Diaz described the years-long regularity of his and his mother's nightly routine and how the evening of her murder was no dif-

ferent from any other of hundreds of nights, thus narrowing the timeframe of the attack on her to less than 45 minutes. Mr. Diaz also testified to his mother's personal habits, particularly her abstinence from tobacco and alcohol. Then retired Detective Edward Meagher, formerly with the NYPD's Crime Scene Unit, flew in from his new home in a far western state to testify about his and his partner's work at Mrs. Diaz's apartment on March 5, 1974. He described in detail the discovery, collection, and preservation of the several latent prints in the apartment, clearly establishing the chain of custody of the fingerprint evidence over the years.

Detective Ronald Alongis from the Latent Print Unit testified about the uniqueness of fingerprints, even those of identical twins and those from different fingers of the same person. He stressed the "scientific" character of fingerprint analysis. He described the automated SAFIS system and its selection of Herman Myers as a possible culprit in the Diaz homicide. Murray then had Alongis focus on the Latent Print Unit's manual comparison of Herman Myers's inked prints against the latent prints found at the Diaz crime scene. To illustrate his unit's work, Alongis used a large blow-up of the inked print of Herman Myers's No. 3 finger (right middle finger) and a blow-up of the latent No. 3 finger print lifted from one side of the brandy glass in Mrs. Diaz's bedroom. He pointed out twelve points of comparison between the inked and latent prints that, he argued, matched exactly. He stressed that there were many more "matching points" but that he had stopped counting at twenty and plotted only a dozen for courtroom illustration. He concluded that, based on his expert analysis, eight latent prints found at the Diaz homicide scene matched corresponding inked prints of Herman Myers.¹³

Detective Gennaro Giorgio, dressed to the nines and with his customary aplomb, testified about his cat-and-mouse interviews and conversations with Herman Myers. Giorgio's rules for interrogation are simple and straightforward.

- Know the case from beginning to end, down to the smallest detail. Specific knowledge is the key to successful interrogation.
- Listen patiently to suspects. Never confront them in an accusatory way.
- At first, write nothing, taking in everything a suspect says without challenge. Then go back over the suspect's statement, writing it out carefully.
- Read it back to the suspect and have him sign it. Lock suspects into their statements, whether true or false.
- Then key in on inconsistencies in the statements or on aspects of the statements one knows independently to be false.
- Make careful notes of casual conversations with suspects. Sometimes suspects blurt out damning statements spontaneously at off-guard moments.
- Observe the suspect's demeanor carefully during the interview, especially when he is telling known lies. Make a mental note of any behavioral patterns that regularly accompany the known lies, such as facial tics, hand rubbing, head touching, turning away, licking lips, or displays of anger.
- Point out the lies without, at first, letting the suspect know how one knows he is lying. Ask the suspect why he is lying.
- Then point out some piece of actual evidence that contra-

dicts his story. Insistently but quietly demand an explanation for the discrepancy. If none is forthcoming, move on to the next discrepancy.

- If one has no tangible evidence on hand, use dodges, ruses, or tricks to elicit statements from suspects.
- At a certain point, offer the suspect an out—a plausible explanation, justification, or excuse for his depredation, suppressing all personal moral revulsion and clearly indicating that one understands and indeed empathizes with such a motive or account.

In short, let suspects convict themselves with their own words. Denials of guilt are as useful legally as admissions or confessions if one has independent evidence to undermine the denials and thus the suspect's credibility before a jury. By the time Giorgio had finished speaking with Herman Myers, Myers had become entangled in a web of actual dark deeds, denials, half-truths, and bold lies.

Nevertheless, the case against Myers was based largely on circumstantial rather than direct evidence. The law makes no distinction between direct evidence (such as eyewitness testimony, physical evidence, or admissions or confessions by suspects) and circumstantial evidence (which requires a disinterested observer to make a logical inference from facts and circumstances surrounding an event). But as all New York prosecutors and defense attorneys know, it is no easy task to get a jury drawn from the city's vastly contrasting social strata to agree on what constitutes a proper and legitimate inference even from compelling circumstantial details. Prosecutors and judges use homey analogies to describe the nature of circumstantial evidence and how one draws conclusions from it.

In prosecuting Herman Myers, for instance, ADA Warren Murray argued: "Suppose it were important to prove whether or not it had been raining. Assume a witness testified it was cloudy, but that it wasn't raining. The witness continued to testify that he walked into a store for several minutes [on] some business, and when he emerged onto the sidewalk, he saw that the pavement was wet, that small puddles had formed, and that several passersby on the sidewalk had what appeared to be water splotches on their clothing. [The witness] adds that it was not raining when he came out of the store. Based on that testimony, you can reasonably conclude that it had rained while the witness was in the store."

"In making [such] a determination based on circumstantial evidence, you must do two things. First, you must apply the usual tests of credibility to determine whether or not the witness told the truth about what [he] saw and heard. If you accept all or part of [his] testimony as truthful, then you must perform a second function. You must use your powers of reasoning and logic to determine whether those facts, which you accept as truthful, support the inference at issue [that it was raining while the witness was in the store]."

In *People v. Myers*, Murray went on to argue, if one believed Rafael Diaz's portrait of his mother and of his brief glimpse of her as she waved to him from her kitchen on her final evening, retired Detective Edward Meagher's testimony about the gathering and preservation of the latent fingerprint evidence in Mrs. Diaz's apartment, Detective Ronald Alongis's testimony about the science of fingerprinting in general and the matches between the latent prints found in Mrs. Diaz's apartment, Detective Genaro Giorgio's account of Herman Myers's several statements, particularly his denials of ever seeing Mrs. Diaz or of ever being

north of 190th Street in Manhattan, but also Myers's later casual statements faithfully recorded by Giorgio, then, logically, one could, indeed one had to, infer that Herman Myers was in Mrs. Diaz's apartment on March 5, 1974, for no good purpose. He actually murdered her or, at the very least, participated in her murder.

The trial jury agreed and, on October 15, 1992, convicted Herman Myers of both murder and felony murder. Myers appealed, citing error in connection with the SAFIS system and with the expert testimony on the fingerprint issue presented at trial. The Appellate Division rejected Myers's arguments and upheld his life sentence. The justices went out of their way to remark that Myers's arrest for the brutal murder of Mrs. Diaz after seventeen years "is a testimonial to the unrelenting perseverance of the New York City Police Department."¹⁴

Not long after Herman Myers's conviction, fingerprint examiners' claims to the scientific validity of their craft came under serious assault. First, actual and alleged evidence-planting by police undercut public confidence in the objective character of "evidence."¹⁵ Second, tests sponsored by the International Association for Identification in 1995 demonstrated disturbing variability in fingerprint examiners' judgments on whether sample prints match.¹⁶ Third, British examiners dropped their sixteen-point standard in January 2001, thus conceding that matching fingerprints depends not on a fixed set of measures universally applicable in all cases but on the interpretive skill of examiners in comparing prints. Fourth, nineteenth-century models of science have foundered on the rocks of the social constructionists' insistence that all knowledge is arbitrary,

including knowledge derived through scientific procedures.¹⁷ Fifth, the 1993 *Daubert v. Merrell Dow Pharmaceuticals, Inc.* decision by the United States Supreme Court revised the rule governing the admissibility of expert scientific testimony, thereby subjecting the admissibility of fingerprint evidence to multiple court challenges.¹⁸

In *Daubert*, the Supreme Court rejected a practice that most courts had followed for over half a century—namely, admitting expert scientific opinion only if it was based on a scientific technique that was “generally accepted” as reliable within the relevant field of scientific expertise.¹⁹ The Supreme Court held that, in determining the admissibility of testimony by scientific experts, a trial court may consider among other unspecified factors: (1) whether the “theory or technique” is one that “can be (and has been) tested”; (2) whether “the theory or technique has been subjected to peer review and publication”; (3) “the known or potential rate of error [of the technique] and the existence and maintenance of standards controlling the technique’s operation”; and (4) the extent of the acceptance of the technique within the relevant “scientific community.”²⁰ In 1999, in *Kumho Tire Co., Ltd. v. Carmichael*, the Court held that the *Daubert* rule applies not only to scientific testimony but to all expert testimony, including that relating to technical knowledge.²¹

Between 1999 and 2001 fingerprint evidence survived fourteen separate court challenges under these new standards.²² In every case, the courts denied demands by the defense (or the plaintiff in one case) to exclude fingerprint evidence and testimony. In two cases (*United States v. Mitchell* and *State of Georgia v. McGee*) the courts took judicial notice of the uniqueness and permanence of human friction ridges.²³ In *McGee* the court concluded “that despite numerous legal challenges in state and federal

courts, the courts have held that fingerprint identification has reached a scientific stage of verifiable certainty” and that “fingerprint identification is reliable evidence.”

Then, on January 7, 2002, the Federal District Court for the Eastern District of Pennsylvania found that the “evaluation” stage of the ACE-V procedure for fingerprint examination is inherently subjective and did not meet the *Daubert* standard for scientific or technical knowledge. Judge Louis H. Pollak took judicial notice of the uniqueness and permanence of fingerprints but ordered that fingerprint experts could provide only “descriptive” and not “judgmental” accounts of their analysis of prints in court. In short, they could not declare in court that, in their opinion, a latent print found at a crime scene *matched* an inked print taken in custody.

The defense bar rejoiced amid predictions that Judge Pollak’s decision sounded the death knell for fingerprinting, the premier forensic investigative technique of the twentieth century. Indeed, the decision prompted several other challenges to fingerprint evidence. Observers also predicted that the decision would affect other forensic techniques such as ballistics, hair and fiber comparisons, and handwriting analysis. Some famous defense attorneys, such as Peter Neufeld and Barry Scheck, opined that only after the National Institute of Justice funded exhaustive academic studies of the “verification and validation” of fingerprint identification should it be admissible in court.²⁴

But the United States Justice Department asked the Court to reconsider the decision. On March 13, 2002, after hearing live witnesses in his own courtroom, Judge Pollak reversed his prior decision and allowed the government to present FBI fingerprint examiners as witnesses at trial and to make evaluative judgments based on their analysis of the prints at issue.²⁵ The court stated

that fingerprinting is a “technical discipline” instead of a science but that *Daubert* does not require expert testimony to be scientific testimony. Exhaustive studies should indeed be conducted to establish more firmly the “verification and validation” of the technical discipline of fingerprinting. However, to postpone judicial use of a forensic device that helps separate goats from sheep until knowledge is absolutely conclusive—an impossibility, by definition, in scientific matters—“would be to make the best the enemy of the good.”²⁶

9

A DEATH IN THE FIELD

The junction of Chauncey Street and Central Avenue exploded in pandemonium in the warm early evening of Friday, September 21, 1984. Police radio cars, red and blue lights flashing, flooded the area. Scores of uniformed police from the 83rd precinct roamed the streets, trying to find anyone who might talk to them about what had happened. But most neighborhood residents stayed indoors, peering at the wild scene from behind drawn shades. The eleven New York City Transit Police officers in the search party, their work done, clustered to one side of the scene, joined by several transit police detectives. Several of the men wept openly. New York City Police Department Commissioner Benjamin Ward, accompanied by New York City Mayor Ed Koch and an entourage of white-shirted top police brass, waded through the ragged six-foot-high horseweeds in the vacant lot below the Conrail lines that abut the Most Holy Trinity Cemetery, demanding explanations from NYCTP Commissioner James Meehan.¹ Members of the print and broadcast news media had already caught wind of the event on their police scan-

ners and had begun to descend on Brooklyn's Bushwick section, adjacent to East New York.

Vincent Carrera of the NYCTP's Major Case Bureau's squad 12, known as the Hollywood Squares because of their flamboyant, unceremonious raucousness, stood ashen-faced amidst the tall weeds, his Falstaff-like figure shrunken, his booming voice muted, his magnetic personal intensity stilled. Detective Thomas Burke, one of Carrera's partners, pointed out the pair of handcuffs at the feet of the body, as well as the distinctive three-inch-long safety pin that fastened the leather case containing PO Irma Lozada's shield to her purse. Burke said: "Vinnie, look, she's got her cuffs out." Carrera flipped the leather case on the purse so that Lozada's shield 4721 showed clearly. Both detectives also noted that Lozada's 38-caliber standard-issue five-shot revolver was missing.

Carrera spotted flashes coming from the roof of the stark, gray-cement cemetery administration building at 675 Central Avenue at the edge of the lot. Gesticulating wildly, he ordered several of the uniformed cops to climb the fire escape and grab the photographer. The cops clambered up the rickety old iron ladder and apprehended the newsman. Carrera ordered the cops to throw down the newsman's camera. When the camera crashed to the ground, Carrera smashed what was left after its two-story fall. Carrera then ordered the cops to throw the man down too. When the officers hesitated, Carrera yelled even louder: "Throw him down! I want him on the ground. I want other photographers to take his picture when he's lying dead. And I want his wife to see him like that in the paper tomorrow." But the cops brought the trembling newsman down the fire escape. The newsman apologized. Carrera acknowledged that he had destroyed the camera and film, but the newsman, happy to be in one piece,

made a quick exit without complaint. The news media later pegged Carrera as the wildest man on the scene, but one of Carrera's many mottos was: "Sometimes you gotta get wild."

Carrera grabbed his boss, Detective Sergeant Louie Cosentino, the sergeant's sergeant, a man, in Tommy Burke's words, "from the warrior class . . . who thought he could control anything by the force of his own personality." Years later, on October 2, 1994, Cosentino was left for dead on a Brooklyn street, savagely beaten by nine unruly youths when he tried to quiet them, an attack that he miraculously survived. Because all catching orders go out the window in a cop killing, Carrera asked Cosentino who was catching this case. Cosentino said: "You're the big fuckin hero, you do it."

Part of Carrera did not want the case. The trail was already as cold as the young woman's body. Even minutes after a homicide, witnesses go home, talk with friends or family, and decide not to get involved. Were this case left unsolved, Carrera knew that his eight-year career as a detective, indeed his twenty-year career as a police officer, would be finished. But in his heart of hearts, Carrera did want the case because of his rage at what the murderer had done, and because all detectives worth their salt want big cases, whatever their risks. He turned back to his fallen 5 foot 6 inch, 120-pound sister officer, curled into a fetal position on her left side, her blue-and-white-striped white polo jersey soaking up the pool of blood that streamed from the gunshot wound on the left side of her face and the lethal bullet crater in the back of her head, and he said: "Sweetheart, I never met you, but, by Jesus Christ, I'm gonna find out who did this to you if it's the last thing I ever do."

Vincent Carrera had always wanted to be a police detective, ever since he witnessed the authority that the “bulls” exercised over his bookie grandfather, even in the Joey Gallo-controlled Red Hook section of south Brooklyn where he grew up. While working at a supermarket on Knickerbocker Avenue in the 83rd precinct, he regularly needed police protection to make his twice-a-day receipt deliveries to the bank. One day, PO Joe Picciano, who was driving him to the bank, asked Carrera: “Whatcha gonna do with your life, kid? Gonna be a stock boy all your life? Here’s an application to become a cop. Fill it out and send it in.” Carrera took Picciano’s advice and sent in the application. Just a few years later, on February 15, 1971, Carrera rushed up to the 41st precinct in the Bronx, the notorious Fort Apache, to console the widow of Detective Joe Picciano, killed in the line of duty while fingerprinting a prisoner who grabbed Picciano’s weapon and shot him to death.

Carrera eventually got the call from the transit police in 1965, and for two years he led his district in arrests and the issuance of summonses. In 1967 he began a campaign for promotion to the detective division. But one of his supervisors urged that he not be promoted to detective because “Officer Carrera takes every incident that happens on his post as a personal affront.” Carrera considered the remark to be the highest compliment a cop could get because, he said, he tried to treat every victim of a crime as if the victim were his own mother. All of his requests to become a detective went unheeded. Instead, in 1969 Carrera was assigned to the Booth Robbery squad, a stakeout team that interrupted in-progress robberies of token booth clerks, a crime that scourged the transit system throughout the 1970s. Carrera

and his partners hid in tiny bathrooms or on the floors of clerks' booths or in porters' closets until, on planted radios, they heard the magic words: "Yo, this here a stickup." Then the officers raced out of hiding, guns drawn, ordering the culprits to freeze.

Carrera made several arrests during attempted token-booth robberies, receiving an extra vacation day for each arrest. He also shot two robbers in pitched gun battles underground, receiving commendations and two vacation days for each robber successfully shot. Later, he was assigned to the decoy squad, where, disguised as a Hasidim, thought by robbers to be easy prey, he tempted more than 1,450 muggers in just a few years to rip him off, all the while observed by brother officers ready to move in and make arrests.

Carrera finally made the detective squad in early 1978. He caught his first homicide in 1979, and the lessons that he learned from it served him for his entire career. The victim was a man going to work on a Friday afternoon in early September, carrying three bottles of wine and some snacks to celebrate his twenty-fifth year on his job with his office mates. The man was shot twice in the chest on the northbound platform of the Shepherd Avenue train station in the 75th precinct. The victim had no wallet when he was found, and there were no eyewitnesses to the murder itself. But a hardware store owner, who had worked on his street for twenty years, did come forward to say that he had seen two young men running past his store near Shepherd Avenue on Friday afternoon.

On Monday Carrera led a whole contingent of detectives from the NYPD's Brooklyn North Homicide squad and the transit detective division to canvass stores on Shepherd Avenue as well as passengers exiting the northbound train. On the platform, Carrera decided on the spot, much to the surprise of other de-

tectives, to stop every passenger, not just a random sample of them, to make inquiries about what they might have seen on Friday afternoon. Two boys lingered behind the crowd after one train pulled away from the station. In exchange for the promise of a reward, they said that they had overheard two other boys at a numbers joint bragging that they had made some money by ripping off a guy in a train station.

With these witnesses' help, Carrera, together with Detective Artie Christiani, the NYPD police detective with whom he worked the case, grabbed "Smith," one of the two suspected assailants. Christiani immediately recognized Smith because he had interviewed him only the Monday before the Friday slaying while Smith was in custody for yet another robbery. But a New York State Criminal Court judge had set Smith free on Wednesday two hours before the legal deadline for obtaining an indictment against him, and just half an hour before the grand jury's indictment was issued. The public uproar over the judge's decision and the murder that followed in its wake eventually led to a lengthening of the time allowed for district attorneys to obtain indictments after arrests.

Smith immediately admitted being "down for the robbery," but he put the gun in "Jones's" hands. When the detectives nabbed Jones that night, they took him back to the station house and confronted him with Smith's statement. Jones laughed at the detectives, insisting that they had nothing and that Smith would never give him up. Carrera went to the room where Smith was being held and made a tape-recording of Smith betraying his friend. When they played the tape to Jones, he became furious and turned on Smith, insisting that it was, in fact, Smith who had shot the man at the Shepherd Avenue station after both of them had done the robbery. Of course, Jones saw

himself as being in the clear for the shooting. Carrera became a life-long believer in the investigative value of tape recorders.

Carrera asked immediately where Irma Lozada's partner was, and police officers pointed over to a radio car. In the back seat sat PO Nat Giambalvo, weeping openly, bleeding from his mouth. Lozada had been a lovely, engaging, outgoing young woman, and an enthusiastic, dedicated officer, well-liked by all her colleagues during her three years with the force. Her death enraged her fellow officers. Giambalvo told Carrera that two cops who were especially close to Lozada had tuned him up—that is, thrashed him—at the crime scene because he, a 42-year-old, nineteen-year transit police department veteran, had been Lozada's partner for her first six weeks in the plainclothes anticrime unit, and veterans were supposed to take care of rookies. Carrera said to Giambalvo: "Nat, I got one question for you. Did you kill her? If you tell me that you had been in some kinda shooting and that it's possible that your friendly fire coulda killed her, then we stop all questioning and you talk to your attorney. Nat, did anything like that happen?" Giambalvo, a well-regarded street cop, said: "I did not kill her." Carrera responded: "Fine, then I don't wanna hear nothin about no attorney. I want to know what the fuck happened."

Giambalvo told Carrera the following story. He and Irma Lozada, whom everyone knew as Fran, had begun their plainclothes duty at noon that Friday, patrolling the trains in East New York, looking out for chain- and purse-snatchers. After a few hours of work, Fran asked Giambalvo to accompany her to a shoe store in Bushwick to buy a new pair of sneakers. Fran's purchase took only a few minutes, but Giambalvo grouched about

her carrying the bag with her old shoes while they had work to do. Fran noted that they were due for a meal back at Transit District 33 at 2493 East Fulton Street at 1600 hours. She said she could leave the bag in her locker before they went back on duty.

At about 1545 hours the two officers boarded a southbound LL train heading toward East New York where the district office was located. They took seats in the middle of the train. At the Wilson Avenue station, Giambalvo got up and stuck his head out of the door, peering up and down the platform, a routine he had performed thousands of times over the years, usually without incident. Just as the train doors were closing, he saw a young man wearing a short-sleeved gray tee-shirt, blue jeans, and sneakers get out of the train hunched over, his back to Giambalvo. The man ran alongside the train and, as the doors closed, reached in with his right hand and came out with a yellow metal chain.

Giambalvo shouted to his partner: "Fran, chain snatch!!" Then he yelled "Police!!" to the conductor, who was operating the train from the same car. Giambalvo forced the train doors back open and ran after the thief. The young man bolted down one set of stairs in the elevated Wilson Avenue station. Giambalvo rushed down the other. But before Giambalvo reached the bottom of the stairs and ran into the mezzanine where the entrance turnstiles were, he heard a loud boom from the heavy wooden doors at the bottom of the stairwell, and then another loud boom from the wooden doors at the station's entrance. He jumped over the turnstiles, raced past the railroad clerk's token booth on his left, and hurried out the door, straight ahead to Moffat Street, which crosses Wilson Avenue at a right angle. But the thief was nowhere to be seen.

Across the street, on the south side of Wilson Avenue, Giam-

balvo, well known in the area as a cop after years of street work, saw two women sitting on the stoop of the first house on the south side of Wilson Avenue up from Moffat. He gestured toward them with open palms. One of the women pointed to her left, to Giambalvo's right, and then made a jumping motion with her hand. From years of experience, Giambalvo knew immediately how the thief had fled. He raced half a block to his right to the playground adjacent to the Audrey Johnson Day Care Center, heading north on Moffat Street toward Knickerbocker Avenue. Two groups of children were in the playground, shepherded by a young woman. Talking over the five-foot-high wall separating the center's property from the sidewalk, Giambalvo identified himself to the young woman as a police officer and asked her if she had seen a man jump over the wall. She said she had and that the youth had run through the playground, heading toward the Conrail tracks up the hill beyond the back fence.

Giambalvo then told Carrera that he glanced back and saw Lozada just reaching the corner of Wilson Avenue and Moffat Street. She had gotten stuck in the train. Only because the conductor saw her hand reaching out did he reopen the doors, allowing her to follow her partner. Giambalvo quickly explained the situation to her, telling her that, scores of times, he had been in chases exactly like this at the Wilson Avenue station. He told her that they had to split up. She should go down Moffat Street toward Central Avenue, then left on Central toward Chauncey Street where there was a vacant lot. The chain snatchers usually jumped over the wall of the day care center, then through a hole in the back fence, up to the Conrail train tracks. Sometimes they hid in one of six huge manholes alongside the Conrail tracks if they were being pursued. But in any case they usually came

out down the hill into the vacant lot at Central and Chauncey. Giambalvo gave Fran the only radio between them, telling her to radio Central for assistance. The last he saw of her, she was running south on Moffat Street, radio in one hand, shoe bag in the other.

Giambalvo then went north, back to the day care center, jumped over the fence, raced across the playground, through the hole in the fence, and up the hill to the Conrail train tracks. He ran along the tracks until he reached the back of the Wilson Avenue subway station, looking all the while with his flashlight into the work-station manholes that lined the tracks, perfect hide-outs for those on the run. Behind the station, Giambalvo told Carrera, a path juts off the tracks to the right heading along the edge of a jungle-like ditch, roamed by wild dogs and dotted with abandoned cars. Ten minutes later, Giambalvo climbed over a large mound of dirt and reached the vacant lot behind the cemetery administration building at Central Avenue and Chauncey Street. Nothing but tall horseweeds. No Fran.

Giambalvo was worried. He went around the building and then began walking west on Central Avenue. But he saw children riding their bikes, men and women sitting on stoops, listening to radios, and drinking beer. Nothing seemed out of the ordinary. He reached the corner of Central Avenue and Moffat Street. People were everywhere; nobody paid him any attention; nothing seemed amiss. When something happens on the street, people invariably disperse, avoiding any interaction with someone who is obviously a cop. Giambalvo breathed a sigh of relief, assured of Fran's safety.

Still, he walked quickly north on Moffat Street back to the Wilson Avenue train station. There, he asked the female railroad clerk if she had seen his partner, a white Spanish female with

blond hair. The clerk said that she had seen a woman running out of the station right after he had but not seen her since then. At that moment Giambalvo spotted PO Thomas Birmingham, who had just come on patrol in the station's mezzanine. At 1610 hours, Giambalvo explained the situation to Birmingham and borrowed his radio. First, Giambalvo called Central and told the operator on duty that he could not find his partner. Then he tried to reach Lozada himself. "Shield 472I, Shield 472I, come in 472I." "Fran, where are you?" But he received no response. He called headquarters back to make sure that Central had asked cops in radio cars in the area if they had seen Lozada or if Lozada was in one of their cars. After a minute, Central responded that the inquiries had been made, but the responses were negative. Central began broadcasting over the transit police's two-frequency radio system: "Shield 472I, come in to Operations. Operations to Shield 472I, come in Shield 472I," transmissions that became burned into the memories of cops all across the city.

Giambalvo tried to reconstruct the situation. Perhaps Fran had missed the chain snatcher and thought that they were to meet back at District 33 for their meal. She needed, after all, to drop off her old shoes. Giambalvo gave Birmingham back his radio and hopped the southbound train to East New York, arriving at 1635 hours. At the station, he saw PO Michael Wasser, who originally had been scheduled to work with him and Lozada that day. He asked Wasser if he had seen Fran. But Wasser had not. He also ran into PO Gerry Howard, who asked "Where's Fran?" Giambalvo, now visibly upset, explained the situation. Then Giambalvo walked over to District 33, about five minutes away from the East New York train station. He reported the crisis to the desk officer and the executive officer on duty. Then he telephoned Central asking if Central had heard anything from

PO Lozada. Central now reported that a female officer was en route to District 33. Giambalvo sagged with relief. But when he inquired again a few minutes later, it turned out that the cop had been taken to the 83rd precinct. In any event, it was not Fran.

The desk lieutenant then told Giambalvo to take a marked car and do a search. Together with POs Wasser and Howard, who by that time had returned to the district, Giambalvo headed toward the Wilson Avenue station at about 1730 hours. There, three uniformed transit police officers joined them. While all the other officers scattered to different points, including different stations up and down the LL subway line, to question anyone they could find about the whereabouts of PO Lozada, Giambalvo retraced his steps the opposite way, heading south on Moffat Street, east on Central Avenue to Chauncey Street, through the high horseweeds in the vacant lot, over the mound of dirt, back along the path at the ditch's edge in the jungle, up onto the Conrail train tracks, and back along the tracks. No Fran anywhere. By now, it was past 1830 hours. More uniformed transit police officers arrived to join the search. Giambalvo was beginning to panic.

PO Theodore Shelto found her at 1900 hours. Shelto had gone through the vacant lot once, then up onto the Conrail train tracks back to the Wilson Avenue train station, then back toward Central Avenue through the jungle and its overhead foliage, and along the path next to the deep gully. He came again into the deep-weeded portion of the lot that he had already tramped through several times. That's when he saw her brand-new white sneakers, her blue-and-white jersey and jeans, and her bullet-shattered face. Several other officers had been searching in that same area, but they too had missed her body because of the horseweeds.

Giambalvo told Carrera that he had no idea how Fran got

killed. All he knew was what he had told Carrera, and that his partner was dead, and that his own career as a street police officer was finished, no matter how things turned out, because other cops would always see him as the guy who lost his partner.

While Carrera was talking to Giambalvo, the scene had gotten even wilder at Chauncey and Central. Carrera had called for Father John King, S.J., chaplain to the transit police. Father King, who was reached by radio at a social event on a boat on the Hudson River, arrived in Brooklyn by police department helicopter. He knelt on the ground beside Irma Lozada and administered the last rites to her lifeless body, crossing her eyes, ears, lips, nostrils, hands, and feet with the sacred oil, murmuring the ancient words—*per istam sanctam unctionem et suam piissimam misericordiam, indulgeat tibi Dominus quidquid deliquisti*—conveying her pardon for all the sins she had committed. Then he beseeched the Lord for her safe passage into the company of the blessed.²

The news media had arrived in full force, with lighting trucks flooding the now dusky street. Reporters were hammering the police bosses with questions, even though no one had any answers. Police officers were circulating all kinds of views, many of which originated from NYPD Commissioner Benjamin Ward's open arguments with NYCTP Commissioner James Meehan right in the field. Why did Giambalvo split up with his partner in a dangerous take-down situation? Why didn't both officers go to Central and Chauncey and just wait for the thief? No petty collar is worth risking an officer's life. The first rule of policing is to come home at the end of the day. Even assuming that they had to split up, why in God's name did Giambalvo

send a rookie female cop to handle the confrontation with the thief?

Further, how could Giambalvo not have heard the shots that killed his partner if, in fact, he had been in the area searching for a chain snatcher? Maybe Lozada had gone shopping, and Giambalvo had gone gallivanting, or drinking, or both. Was Giambalvo making up a cock-and-bull story to cover up his own dereliction of duty? And what kind of two-bit equipment were transit police officers using? There had been plenty of reports of radio failures in the past few years. Maybe the girl cop would still be alive if the Metropolitan Transit Authority spent some money to equip officers properly.

The arguments captured the long-standing acrimony between the city police and the transit police: the NYPD, lumbering organizational goliath, proud to the point of arrogance, condescending toward the NYCTP, tunnel moles who spend their lives underground; the NYCTP, the “force on the move,” innovative, aggressive, contemptuous of the NYPD’s stodgy, hidebound methodologies, deeply resentful of Big Brother. Meehan argued back to Ward that the transit police, unlike the NYPD, patrolled alone in the subways. The transit police had no prohibition on single-person policing or apprehension. Therefore, splitting up did not carry the same taboo as it did with the city police. But Ward wanted to hear nothing about differing departmental practices. At the moment, what mattered was that the transit police had handed him, the mayor, and the city the worst possible nightmare: a policewoman killed in the line of duty.

Events of a few days later suggest the remarkable blame-time, finger-pointing tensions of the early evening of September 21. After a microphone-grabbing press conference that saw Ward and Meehan excoriate each other, much to the media’s delight, Ward

took drastic action. Intent on destroying Meehan's version of events and validating his own fixed view that Giambalvo was never in the crime-scene area, Ward ordered sixty "field associates"—officers in precincts who secretly provide information on their comrades to the Internal Affairs Bureau—to report to Chauncey Street and Central Avenue. The order created a sensation in the police department, and scores of police officers from all over the city came to Chauncey and Central to see the unmasking of the "fuckin rodents" who spy on their fellow cops.

At the scene, after the Emergency Service Unit had chopped down all the tall horseweeds nearly to the ground, Ward had thirty field associates posted at fifteen-foot intervals from the spot where Lozada was shot, up the hill to the Conrail tracks, and all the way back to the Wilson Avenue station. Then the ballistics unit fired a 38-caliber pistol just like Lozada's into a safe box. When Ward asked every officer who had heard the shot to raise his hand, officers all the way back to the Wilson Avenue station put their hands in the air. Ward then ordered the experiment repeated with another thirty field associates, with the same result. Choosing to ignore the sound-baffling effects of the six-foot-high horseweeds the day that Lozada was killed, Ward and many of his top brass became more convinced than ever that Giambalvo had not been at the scene.

On the night of the murder, several different officers reported these swirling disagreements to Carrera as the detective in charge. He had to test Giambalvo's story before he could proceed with the investigation. Carrera went back to the train station and interviewed the railroad clerk, Joan Cheatham. She told him that at 3:50 P.M. she heard a loud boom that caused her to look up. She saw a young man between eighteen and twenty years old, 5 feet, 11 inches tall, slim build, racing through her station. He

jumped over the turnstiles and then rushed through the second set of doors and out of the station, then turned right on Moffat Street. Then, she said, she saw a man in a red-checkered shirt running through the station. The man paused a moment in front of her token booth, and she pointed out to the street. The man raced out of the station and turned right.

A moment later, she said, a young woman wearing blue jeans, a white polo shirt with blue stripes, and brand-new white sneakers came running out of the station. The woman ran up to her booth and turned the knob. Then she waved at the clerk and rushed out of the front door. The man in the checkered shirt returned to the front of the station and talked with the woman. Then both, she said, ran to the right, a detail that contradicted part of Giambalvo's story; but this is the kind of discrepancy that detectives expect to hear from different witnesses. One person's life-or-death detail is an insignificant moment in another person's day.

Then Cheatham told Carrera that the man in the checkered shirt returned about fifteen minutes later, out of breath. She asked if he had caught the guy. He said no. She said the man went into the train station and came out with a uniformed police officer. Both came up to her booth and asked to use her telephone. The man with a checkered shirt identified himself as a police officer and asked if she had seen a young woman running after him. Cheatham told him that she had. He asked if she had seen the woman since that time, but Cheatham said no.

Carrera went out to Wilson Avenue, which by then was teeming with people from the neighborhood as well as radio cars from the 83rd precinct and Transit District 33. He promptly found the two women sitting on the stoop of the first house on the south side of Wilson Avenue.³ He took them inside the Wil-

son Avenue subway station, away from the prying eyes of the street, and talked to them. They insisted they had done nothing wrong, and Carrera assured them that they were not in trouble of any sort. They claimed that they had seen nothing whatsoever. Carrera pushed back, saying that a police officer claimed that he had seen them. Had they seen the cop? And when? They demanded not to be involved publicly. But Carrera told them that he had a cop killing on his hands and there was no way to promise them that. The two women had, of course, heard that a cop had been killed but were surprised to learn that it had anything to do with that afternoon's events. They told Carrera the following story.

They were waiting on the stoop for their daughters to come home on the school bus. They heard the door to the train station open with a boom, and then a slim-built young man wearing a gray or blue tank top, with a close-cropped haircut parted on the left side, raced out of the station and made a right turn on Moffat Street, heading toward the day care center. They insisted that they could not identify the young man. Then, they said, they saw a man dressed in a red-checkered shirt run out of the station. He motioned to them and they pointed to their left, his right, in the direction of the person fleeing. Suddenly, a young woman carrying a bag on her shoulder and a shopping bag joined him. They assumed that she was the victim of a robbery. Then the man pointed toward Central Avenue and the young woman raced in that direction while the man headed toward the day care center. The two women were dumbfounded to learn that the person they assumed was the robbery victim was in fact the dead cop.

From Carrera's perspective, Giambalvo was in the clear, whatever error of judgment the officer might have made in splitting

up from a rookie partner. The railroad clerk and the two women from Wilson Avenue had corroborated his story in independent ways. When Carrera returned briefly to the crime scene, he informed Chief Meehan that there was no reason to doubt Giambalvo, adding kerosene to the already raging fire between Meehan and Ward. Meehan told Carrera that, on Carrera's assurance, he would back Giambalvo against Ward's tirades and accusations, but he warned Carrera that he better not be backing a ghost.

By then, with dark rapidly falling, radio cars from the 83rd, the 81st, the 75th, and the 79th precincts cordoned off a three-block-square crime scene, the largest in New York City history to that date. Cops sat all night in their cars to prevent anyone from entering the area and to tell local residents within the crime scene to stay in their houses. They were waiting for daylight when they could search the entire area for Lozada's gun, her shoe bag, and any evidence that might point to what had happened.

Carrera returned to the 83rd precinct station house at 179 Wilson Avenue, where he was greeted by Lieutenant Nicholas DeLouise, commander of the detective squad. DeLouise introduced Carrera to Detective Gaspar Cardi, who caught the case for the city police. Carrera remembered seeing Cardi at the crime scene, which, as it happens, Cardi had reached late because an earlier investigation had taken him to Queens. The two detectives shook hands and quietly promised each other not to allow their respective bosses' or organizations' animosity, or the news media circus, all of which had by then moved from the crime scene to the station house, to derail their investigation. Carrera briefed Cardi on his corroboration of Giambalvo's story and suggested that they focus their investigation on known chain

snatchers in the area. Cardi agreed, but noted that Bushwick was notorious for larceny and robbery and that even such a focus meant scores of possible suspects.

In the meantime, DeLouise mentioned to Carrera that a female police officer wished to speak with him. But so did the news media, chiefs, captains, lieutenants, and other bosses from both police organizations, as well as transit and city detectives from commands all over the city waiting to be told what to do to investigate the death of one of their own. Adding to the clamor, an attractive young woman clad in a short skirt and halter top repeatedly called out to Carrera as he stormed around the station house barking orders. Hours passed as Carrera and Cardi made assignments and fended off demands. At one point, Commissioner Meehan grabbed Carrera and asked him what he had. When Carrera told him nothing, Meehan told him to get something in a hurry because his own career was on the line. DeLouise again asked Carrera to speak with the female police officer. And, finally, precisely because he had nothing and because the investigation was stymied at least until daylight when Crime Scene could begin its search of the area again, Carrera agreed to see her. The officer turned out to be the pretty girl in the scanty civilian clothes.

PO Deborah Barker had grown up in Bushwick, right on Mof-fat Street. She told Carrera and Cardi that an old friend from the neighborhood had approached her earlier that evening. Although her friend hated the police and had no direct knowledge of the cop slaying, he wanted Barker to know that it was likely that one of only three people did the crime. Carrera and Cardi immediately went with Barker to speak with her friend, who had been waiting for hours in the basement room used for detaining youths. The man was wary and hostile with the detectives. He

asked about reward money should his information lead to the cop killer. Carrera said that Cop Shot, a private organization that works in conjunction with the Policeman's Benevolent Association, offers a \$10,000 reward for information leading to arrests in shootings of officers. The man then told the detectives that three local guys did practically all the chain snatches and most of the robberies in the neighborhood and especially at the Wilson Street train station. Their street names were Kilo, Skeeter, and Jeter. Cardi went back to the squad room, sorted through the squad's nickname file, and came up with the three names, with photographs and addresses to boot. All three had records for larceny or robbery. He showed the photographs to the witness, who immediately verified that the photographs were indeed pictures of Kilo, Skeeter, and Jeter.

At midnight, Detectives Carrera and Cardi went back to the squad room, now packed with bosses from both of their jobs. They described what Barker's witness had told them and proposed picking up all three men immediately. But the bosses thought of scores of serious reasons for not doing so. The bosses worried particularly about judicial rulings then in effect in New York State that undercut long-assumed police prerogatives to enter homes even when invited to do so. And they worried about then-extant rulings that required suspects' attorneys in unrelated cases to be present during any police questioning. The debates among the bosses went on for more than two hours without being resolved. Finally, at 0200 hours, all the bosses left. And Carrera, Cardi, Cosentino, and Burke began the hunt.

The detectives first went to the address that they had for Skeeter, but it turned out to be Skeeter's girlfriend's

mother's address. The mother sent the police to her daughter's house a few blocks away. When the police arrived there, both the girlfriend and Skeeter were home. The girlfriend readily told the detectives that she had been watching television around 4 P.M. the previous afternoon when Jeter knocked on her door asking for Skeeter, who was out. She said that Jeter, who was sweating and looked like he had just been running, showed her a chain and told her: "Skeeter shoulda been with me cuz I just ripped a chain off from the train station."

Skeeter then joined the conversation. He told the detectives that his girlfriend had mentioned her previous afternoon's conversation with Jeter to him. Later, he said, they watched the late-night news together. When they heard that there was a big reward for a cop killer, Skeeter and his girlfriend talked about dropping a dime on Jeter because the money looked so good.

Just at that moment, Kilo dropped by to see Skeeter and was dismayed to find his friend's house filled with police officers. The detectives took Kilo and Skeeter back to the 83rd precinct station house in separate cars and placed them in separate interview rooms.

The detectives spoke first to Kilo. Kilo had just gotten out of prison and was built like a tank. But when Carrera told him that he might go down for murder one—for killing a police officer—Kilo burst into tears, a hint of how fearsome New York State prisons are even to those who know them well. Kilo protested vehemently that he had done nothing wrong, had not been with anyone who did something wrong, and wanted nothing to do with the investigation into the killing. He refused to speak further with the officers.

But the interrogation of Skeeter went differently. Skeeter denied doing anything himself but said that, if the detectives gave

him the advertised reward, he would tell them what he knew. After the requisite exchange of assurances, Skeeter said that Jeter had come to his house at 3 P.M. the previous afternoon and told Skeeter that it was his birthday and he wanted to make some money to celebrate. Skeeter told Jeter for the one-hundredth time that he did not like to rob on Fridays because an arrest meant a weekend in jail. So Jeter went off on his own to do a chain snatch. Later, when Skeeter heard on television that a late afternoon chain snatch had turned into a cop killing, and because his girlfriend had told him about Jeter's 4 P.M. visit to their apartment, Skeeter knew that Jeter had killed the cop.

Skeeter later vehemently denied making these statements to the police. Indeed, he claimed that a detective offered him \$10,000 to put the murder on Jeter, an offer that he steadfastly refused because Jeter was his best friend.

But for the moment Skeeter and his girlfriend had provided detectives with evidence of a chain snatch by Jeter. Backed up by uniformed officers, the detectives hit Jeter's house at 0245 hours. His mother told the police that her son was at his girlfriend's apartment only a few blocks away. When the detectives arrived there at 0300 hours, the girlfriend opened the door and, from the six-month-old mug shot that he had in his hand, Carrera recognized Darryl Jeter sitting quietly in the living room. Carrera said that he wanted to talk with Jeter about anything that he might have seen or heard about the previous afternoon's events. Jeter agreed to come back to the station house.

When they got there, Carrera and Cardi ran into the boss of the homicide division of the Kings County District Attorney's office, accompanied by a young, black-mustachioed man wearing horn-rimmed glasses. Carrera thought that he was Groucho Marx reincarnated. But the boss introduced him to the detec-

tives as Assistant District Attorney Eric Seidel, that night's riding prosecutor. The detectives quickly briefed Seidel about their interviews with Kilo and Skeeter and told him that they were about to interview the prime suspect in Lozada's murder. Seidel told the detectives that he was sticking around the station house and to let him know when they wanted him to enter the case. Beginning at 0330 hours, after reading Jeter his *Miranda* warnings and gaining his assent to being interviewed without a lawyer present, the detectives asked Jeter to reconstruct his entire day. Jeter told them the following story.

He said that he had slept at his mother's apartment on Thursday night. He got up at 6 A.M., showered, dressed, and went out to meet his friend Kilo, who needed to go to the unemployment office in Manhattan's Chelsea area. Jeter said that he and Kilo stayed at the unemployment office a good part of the morning. Then they went to Washington Square Park, where they hung out for a few hours. They returned to Brooklyn around 1:30 P.M., and Kilo went to his house to drop off the papers from the unemployment office. In the meantime, Jeter ran into Skeeter, who had been hired to rummage through some garbage to find registration papers stolen from the automobile of the local liquor-store owner. Jeter joked around with Skeeter for a while when, suddenly, he spotted his girlfriend talking with a guy whom he disliked. He became angry at his girlfriend but decided not to confront her at that time.

Friday was Jeter's birthday and he wanted to get some money to celebrate. He suggested to Skeeter that they rob someone. But Skeeter said no precisely because it was Friday and he did not want to risk getting jammed up for the weekend. So, Jeter said, he too decided to skip chain-snatching for the day. Instead, he went to his sister's house, where he usually lived, and stayed in his room all day. Around 7 P.M. he went uptown to the city with

his girlfriend, saw three movies in a Times Square movie house, played some games in a street arcade on the Deuce, and then accompanied his girlfriend back to her home. Shortly after they arrived at the girl's house, the police came and brought him to the station. Jeter concluded his statement by admitting that he had been at the Wilson Avenue train station on Friday. He said that he had done an earlier chain snatch of a piece that he thought had a diamond in it. He showed it to a knowledgeable friend who hung out at the station and knew what chains were worth. But the friend told him to "get that mothafuckin thing outta my face," which meant that the diamond was fake. So, Jeter said, he tossed the chain up onto the roof of the train station.

Carrera and Cardi settled in for a long night. They asked Jeter to tell the story again from the beginning. Jeter reiterated the same sequence of events. Then he told the story again, and again, and yet again, for more than three and a half hours, using almost exactly the same words to tell his tale. In the meantime, the detectives had uniformed officers search the roof of the Wilson Avenue train station, but there was no chain to be found there. When they confronted Jeter with this discrepancy, Jeter said that he may not have thrown the chain on the roof after all.

By 0800 hours the interview had not moved an inch beyond its start. Carrera, Cardi, and Jeter drooped with weariness. Carrera sat directly opposite Jeter, his head cradled in his hands. As soon as Jeter finished a telling of the story, Carrera told him to tell it again from the beginning. Cardi, leaning his chair back against a locker, listened to Jeter's droning repetitions of his story with his eyes closed. The detectives had studiously avoided any reference to Lozada's murder, fearing that if they directed the interview to that end, Jeter would immediately shut down and demand an attorney.

After yet another retelling of his story, and yet another com-

mand from Carrera to retell it once more from the beginning, Jeter suddenly asked: "About the lady?" Carrera and Cardi became immediately alert. Carrera said: "Yes, Darryl, tell us about the lady. That's what we want to hear." Jeter said: "Well, you din't tell me you wanna hear about the lady." He paused and then said: "I see the lady get killed, ya know, but I ain't kill her."

Then Jeter told the detectives the following story. He said that he had, in fact, snatched a chain from a man riding the train at the Wilson Avenue station. As he fled the station, he saw that he was being chased by a plainclothes cop in a red-or orange-checked shirt. He ran out of the station and then jumped over the wall of the day care center, ran through the playground, and up the hill to the freight lines. He went along the freights trying to fix the snapped chain as he walked. Finally, he reached the top of the hill, overlooking the vacant lot at Central Avenue and Chauncey Street. He sat on the edge of the hill, where he kept working at fixing the chain. Then, he said, he saw a lady come into the vacant lot. A neighborhood friend of his, "Gerald," was also in the lot. The lady said that she was looking for a dog that had gotten lost in the tall weeds. Gerald began helping her look for it.

Suddenly, the lady pulled out a gun. She and Gerald got into a fight. Jeter said he heard the lady say: "Don't shoot." He heard Gerald say: "I'm tired of you all fuckin with me all the time." Then, Jeter said, he saw Gerald shoot the lady. Jeter told the detectives: "When he shot her, I ran. I din't want to stay there. I ran down the hill, through the bushes and up over a fire-escape ladder on the house next to the vacant lot, onto the roof." On the way up the ladder, he said he heard the lady say: "You don't have

to do this.” Then he heard a second shot. Jeter said that he saw a woman in the top floor apartment as he climbed the ladder. He went to the roof, looked over its edge into Central Avenue to make sure that nobody was looking, then descended though the building and went home.

Carrera watched Jeter closely throughout this statement. Jeter took deep breaths and kept swallowing deeply, licking his lips, visibly nervous. Detectives interpret such demeanor as evidence of internal turmoil. Carrera recognized Jeter’s story as a confession in the making, but Jeter was still not ready to give it up. He pressed Jeter. “Darryl, Darryl, listen to me. Darryl, you’re telling me somethin about what somebody else did. Darryl, you gotta tell the truth before God. If the lady got killed, and you killed her, you gotta talk, Darryl.”

At the same time, Carrera sensed that, in this case, because of the length of the interrogation, he and Cardi needed more than the typical statement, traditionally written out by detectives and signed by a suspect, or written out by the suspect himself. He thought back to his first homicide at the Shepherd Avenue train station and his use of a tape recorder to ensnare one of the culprits. Privately, he suggested to Cardi that they tape-record Jeter’s statement. Cardi was hesitant. A tape-recorded statement could indeed be invaluable, but it could also kill the case. Did the detectives want to marry themselves to whatever Jeter might say on tape? Written statements always provide detectives with more flexibility. But in the end Cardi agreed that a tape-recorded statement made by the suspect would be more powerful evidence in court in such an important case than detectives’ handwritten summaries of the suspect’s statements.

Shortly before 0900 hours, with church bells ringing out the time shortly after the tape began, the detectives tape-recorded a

statement by Darryl Jeter. In that statement, in almost exactly the same words that he had used earlier, Jeter reiterated his story about being a witness to Gerald's shooting of the lady in the vacant field. But he added an epilogue to the story. Jeter said that Gerald threw the gun down in the field after shooting the lady. Jeter picked it up and took it with him. After Jeter finished his statement, and the tape-recorder was turned off, Carrera asked Jeter if he knew where the gun was. Jeter looked at Carrera, started to tremble, his lips moving without words. Carrera repeated the question, telling Darryl to let it go, to let it out. Jeter said that if he were allowed to make a phone call, he could have the gun at the station house in ten minutes. But the detectives said that they wanted to go and get the gun themselves. Jeter said that he would lead them to it.

Cosentino, Carrera, Cardi, and Detective John Medina piled into a squad car with Jeter, whom they handcuffed. Jeter directed the police to a debris-filled vacant lot at Central and Putnam avenues. He told the detectives that he had flipped the gun into the lot as he ran past it on his way home. While Detective Medina sat in the car with Jeter, Cosentino, Carrera, and Cardi searched every square inch of the one-hundred-foot-square lot for more than a half hour, lifting up the old furniture strewn everywhere, kicking through the bags of garbage, piles of human and animal excrement, dead cats and dogs, looking under every rock and behind every bush. No gun.

Carrera, Cardi, and Cosentino confronted Jeter. No one, they said, could have found a gun in that lot and brought it to the station house in ten minutes. Even three detectives had had no luck. There was no gun in that lot, they told Jeter. Cosentino and Carrera both climbed into the back seat, with Jeter in the middle. Angrily, Carrera demanded to know where Jeter had hidden

the gun. Jeter told Cardi to get back in the car, and he directed the police to his brother-in-law's house on Woodbine Street. The gun was there, he said, under a heavy night table in his bedroom.

After gaining entry to the building, Cosentino, Carrera, and Cardi, with Jeter's brother-in-law's permission and cooperation, retrieved PO Irma Lozada's weapon from under the night table in Jeter's bedroom. Two of the gun's five rounds had been fired. The detectives drove to Central Avenue and Chauncey Street where the Crime Scene Unit had erected a temporary headquarters. They delivered the gun to the unit's lieutenant, who demanded to know just what the detectives thought they doing. Crime Scene had the absolute prerogative to retrieve evidence, he pointed out angrily. Moreover, Crime Scene should have photographed the weapon where it was found before moving it. With the lieutenant fuming about the lost opportunity for his unit to recover the weapon that had killed a cop, Carrera left the gun to be vouchered.

Back at the 83rd precinct station house, Carrera confronted Jeter again. Carrera pointed out that, earlier that morning, he had told the detectives that he had run away and gone up the fire-escape ladder after the first shot. And while he was on the ladder, he heard the second shot before fleeing through the building. But then in another statement, he told the detectives that he picked up the gun in the field. What had actually happened? How did he get the gun? Jeter began swallowing hard again and sweating profusely. Carrera urged him to let it out. And, with the tape recorder running once again, Jeter told the following story.

"Okay, me and Gerald we met up around 3:00 o'clock, somewhere around there, and we was goin on a train to get some jewelry. My job was to snatch the jewelry. His job was to make sure

nobody come behind. So when the train pulled up at Wilson Avenue train station, the doors opened, that's when I got up to fake like I was goin out, but as the doors were closing that's when I snatched the chain. I ran down the stairs and I was headin out the train station and I was almost out and I looked back and I see this man in red. So I ran around the Audrey Johnson Day Care Center and jumped over their wall and went through the gate in the wall on the side of the building to go up on the freight. As I got up on the freight, I looked down on the street to see whether or not anybody was behind me. There wasn't nobody behind me. So I ran just so I could get past the train station, get in back of the train station. As I passed the back that's where I started lookin at the chain and everything and I fixed it. After I fixed it I put it around my neck and while I had it on my neck I started walkin towards Central Avenue."

"As I got to Central Avenue I noticed that I heard some sound on it. I heard some sound, two people talkin. So I looked and there was a white lady and there was Gerald. So they was talkin about a dog. You know, the dog . . . was lost . . . And you know she told Gerald that the dog had passed her, so when he turned around she pulled out her gun and she told Gerald, 'Don't move.' He turned around and that's how an argument started, you know, tellin him what's going on, this, that and the other. He was just speakin in general to defend himself. So they got into a scuffle and everything and the gun was away from her and I picked it up and I told her not to move. I had the gun and everything off the floor. So I went to hand Gerald the gun but he wouldn't take it unless he had something on his hands. So Gerald put his nylon over his hand and he took the gun. But I didn't know he was going to shoot her. I was just tryin to make time for myself."

"Then you know one shot rang out and it hit her. I seen the

blood on her face. And Gerald told me if we gonna go down, we gonna go down together, and he gave me the gun. I fired in her direction. I wasn't meanin to hit her. I don't still know whether I hit her or not and I just ran after I fired. I ran and I hit the fire escape. And I went up through the fire escape. As I was goin up a lady looked out the window and she looked me directly in my face. So I just kept on goin straight on up the fire escape and got on the roof. I looked down Central Avenue to see if anybody was down there. There wasn't. So I came back and went down the stairs of the building, inside of the building, and I went out through the front. I came out through the front and just ran straight all the way down to my house on Woodbine."

The detectives pressed for more details. Jeter said that he had sold the snatched chain to the SweetTooth Man for \$70. He was going to split the money with Gerald, but he did not see Gerald the rest of the day, so he spent it that night on his girlfriend. The detectives began tape-recording this second statement at 1125 hours, ending at 1140 hours. On the two taped statements, Carrera called Jeter "Gerald" a total of eleven times. Each time, Jeter corrected Carrera, reminding him that he was Darryl. The detectives asked Jeter if he had given them permission to enter his bedroom at his sister's house to search for Lozada's weapon in order to render any possible issues of domain moot. Jeter acknowledged that he had given them permission.

The detectives conferred privately about Jeter's statement and went over the sequence and the relative seriousness of PO Lozada's wounds. One bullet, surely the first to strike her, had entered her left cheek from a distance of about 18 inches, causing stippling marks on her cheek. The bullet exited behind her left ear. The impact of this shot caused Lozada to collapse on her left side with her face to the ground. The medical technicians at

the crime scene guessed that this wound by itself would have caused Lozada to bleed to death in great pain over a period of several hours, had she remained undiscovered. But the second bullet was fired into the back of Lozada's head with the gun pressed against her skull. The bullet exited through her mouth. The shot left gunpowder residues deep inside her, and, in the technicians' view, killed her instantly. For practical and legal purposes, the second shot was the death-dealing blow.

At 1145 hours, the detectives resumed the tape-recording. Specifically, Cardi asked Jeter some pointed questions about the sequence of the shots:

Cardi: I am asking you, Darryl, that the statement you had made prior of you firing the second shot, are you sure of that?

Jeter: I'm absolutely sure.

Cardi: You fired what shot?

Jeter: The second one.

Cardi: There isn't any doubt in your mind?

Jeter: There isn't any.

Cardi: Gerald fired the first shot and then handed you the gun and said what?

Jeter: We gonna go down, we gonna go down together.

Cardi: And then you took the gun . . .

Jeter: I fired in the direction of the tall grass.

Later, Cardi asked Jeter if he were willing to speak with a district attorney and make the same statement. But at that point Jeter stopped talking and asked for his lawyer.

Who was Gerald? Cops at the 83rd knew a local boy named Gerald whom neighborhood robbers regularly blamed

for their depredations. Gerald was mentally retarded, the cops said, and would admit to the crucifixion of St. Peter as long as he was provided with the necessary details during questioning. Did he actually have anything to do with the murder, or had Jeter acted alone and was now trying to pin it on Gerald?

Other detectives found Gerald and brought him back to the station. When Carrera and Cardi met Gerald and saw how impaired he was, they doubted that this young man was involved in the murder at all. Indeed, they wondered if the police had brought in the right person. So they brought Gerald to the room where they were holding Jeter and asked Gerald if he knew Jeter. Suddenly, Jeter jumped out of his seat and said: "I can't do this to him." Jeter then blurted out a third statement to the detectives, one that they could not tape, nor have Jeter sign when they later wrote it down, because he had requested an attorney at the end of his second taped statement.

In this third and last statement, Jeter told the detectives that he had ripped a chain off someone's neck in the Wilson Avenue LL train station. Gerald was supposed to be a lookout. He said that he ran out of the station and saw that he was being followed by a white male in an orange shirt. He made a right turn, jumped over the day care center wall, and went up to the Con-rail tracks. He ran down the tracks toward Central Avenue. He looked behind him but no one was chasing him. He started walking while fixing the lock on the chain and then put the chain around his neck. When he reached the vacant lot, he saw a lady standing in the lot. She told him that she had lost her dog and asked him to help look for it. He turned around and heard the woman say: "Freeze, don't move." She had a gun in her hand.

Jeter advanced on her, grappled with her, and they both fell to the ground tussling. Jeter said that he grabbed the gun away

from her and shot her in the face. He saw blood on her face as he started to get up. She rolled over on her side and he shot her once in the back of the head. He put the gun in his pocket and ran to the rear of the building adjacent to the vacant lot. He saw Gerald entering the lot as he fled. He climbed up the fire-escape ladder. A woman came to a rear window and looked him straight in the face. On the roof, he waited a few minutes but did not see anybody in the street. He went down the building's inside stairs to Central Avenue and then fled home.

Following the lead in Jeter's third statement, Carrera and Cardi went back to 669 Central Avenue, the brownstone apartment building that bordered the field where PO Lozada had been murdered. They went to the third floor apartment on the field side of the building and interviewed the woman who lived there, "Hally Moore." The detectives asked Ms. Moore if she had seen someone running up the fire-escape ladder the previous afternoon. When Ms. Moore reluctantly admitted that she had, the detectives pressed her for a time of day. Ms. Moore said that she watched a soap opera faithfully every day, one that began at 4 P.M. Just prior to the start of her favorite program, she heard a noise out in the field. Then the opening music of her show came on. She heard a second noise. She went to the kitchen window that faces onto the fire-escape ladder. A young man came up the ladder, looked her in the face, and told her: "Get the fuck inside." She closed the window and then heard tramping on the roof of her building. She settled down to watch her soap opera, determined not to get involved in anything. The detectives thought that Moore's statement was valuable. Her memory of the opening music of her favorite soap opera fixed the time of the incident, a time that corresponded closely with Giambalvo's account.

But when the detectives brought Ms. Moore to the station house to view a lineup with Jeter in it, she did not pick anyone out as the person she had seen on her fire-escape ladder. The detectives were profoundly disappointed at her inability, or unwillingness, to identify Jeter, and they felt the ground of their case shift underneath them. However, while Moore was being driven home by other detectives, her five-year-old daughter asked her out loud why she had lied to the police. Ms. Moore began to cry, was brought back to the station house, and this time picked out Jeter as the person she had seen on the fire escape on the afternoon of September 21.

Ms. Moore's later open-court testimony differed in some details from the story that she told Carrera and Cardi on September 22. She said that, after returning home from work, she was in the kitchen making a sandwich in anticipation of her soap opera. She heard a noise in the field adjacent to her building, went to her back window, and yelled at whoever was in the field to get out of there. Someone yelled back at her to "mind your mothafuckin business." She went to the front window and saw nobody. Then she went back to her kitchen, looked out the window, and saw two people in the back yard. A white female was on the ground and a male stood hovering over her as the opening music of the soap opera started. She thought that the man and woman might have been having sex because this occurred regularly in the field. She saw the left profile of the man standing over the female from a distance of about thirty yards. She said that she had deliberately not identified anyone in the first lineup because of fear of retaliation.

While Carrera and Cardi were on Central Avenue, the Crime Scene unit informed them that PO Lozada's radio and her bag with her old shoes had been discovered in the back yard of 196

Moffat Street, an easy throw from the roof of 669 Central Avenue. Further, two other detectives had paid a visit to the Sweet-Tooth Man's store and confiscated a chain from him that he said he had bought from Darryl Jeter on Friday. However, the Sweet-Tooth Man claimed that he bought the chain from Darryl between 8 A.M. and noon. Later, the SweetTooth Man admitted lying to the investigators. He eventually testified that Jeter and his girlfriend had come to his store in the late afternoon of September 21. The SweetTooth Man said that he bought the chain from Jeter for \$30. He steadfastly denied that he was a fence.

All the police brass were dumbfounded and delighted that Carrera and Cardi had, in less than 24 hours after the crime, not only arrested a culprit for PO Lozada's murder but had gotten several statements from him. ADA Eric Seidel and his bosses were initially unhappy at the procedural irregularity of tape-recording two of Jeter's statements. Seidel worried that defense attorneys could seize on this marked departure from detectives' normal practices to claim that the police had singled Jeter out in some kind of prejudicial way. But since the detectives had used a tape recorder, Seidel wished that they had been able to tape Jeter's third statement before he asked for an attorney.⁴ Later, Seidel called as a witness an expert in voice spectrographic analysis who offered her opinion in court that the voice on the tapes was indeed that of Darryl Jeter. Jeter's lawyers had originally hired the same expert to prove that the voice on the tapes was not Jeter's but fired her when her report was not to their liking.⁵ Whatever the complexities and ambiguities, Seidel had Jeter's two taped statements themselves, including Jeter's admission of the chain-snatching, the detectives' account of

Jeter's third statement, the SweetTooth Man's admission of buying the chain from Jeter, Moore's eyewitness testimony putting Jeter in the raggedy field next to her house, and the murder weapon found in Jeter's bedroom.

But the case became still more complicated when the medical examiner's official report on PO Lozada came back. The autopsy confirmed the sequence and seriousness of the two gunshot wounds that she had suffered. But it also revealed trace amounts of opiates and cocaine in the officer's bile and urine that pointed either to the ingestion of codeine in cough medicine or, more likely, to low-level narcotics use. Her brother officers knew Fran as a desirable, happy-go-lucky party girl in addition to being a dedicated, enthusiastic rookie cop. If she had been using illegal drugs in violation of strict rules and been discovered through the department's random drug-testing program, she stood to forfeit her police job. Such a scenario had nothing whatsoever to do with her murder. But Seidel, Carrera, Cardi, and everyone else connected with the case knew that it could be made to seem so. Seidel imagined vigorous defense claims that Lozada had been killed in a drug deal gone bad, while her partner, Nat Giambalvo, was off drinking, or worse. The criminal justice system is one of several institutional crossroads in American society where fantastic claims are regularly made and often honored.

Moreover, the report of Lozada's drug use escalated the open fighting between the bosses of the NYPD and the transit police. Police Commissioner Benjamin Ward blasted PO Nat Giambalvo not only for "poor judgment" but for "violat[ing] clear-cut rules of the department." Ward argued that Giambalvo had failed to search adequately the area where he had separated from PO Lozada and that he seriously erred by waiting an hour and a half

to notify his own superiors and the city police department that his partner was missing. Commissioner Ward also excoriated the transit police, even as scores of pundits in New York papers criticized the mayor's office and anyone else who could plausibly be blamed for the radios carried underground by transit officers. But a thorough analysis revealed that at no time had PO Lozada radioed Central or anyone else for assistance, as PO Giambalvo had instructed her to do when the officers split up. Nor had Lozada responded to the scores of calls Central had made to her, all recorded: "Shield 472I, come in to Operations. Operations to Shield 472I, come in Shield 472I."

At one point, Ward's hostility to the transit police went so far that he ordered the chief of the Internal Affairs Bureau to summon Cardi and Carrera to his office and demand all of the detectives' investigative reports. Carrera, who was keeping the file because Lozada had been a fellow transit police officer, adamantly refused, arguing that the file contained the names of confidential informants and that IAB would blow the case to pursue its own agenda. The chief was beside himself with anger and astonishment that a detective would refuse his direct order, and he threatened to flop Carrera back into uniform unless he complied. When Carrera pointed out that he and Cardi were trying to make a cop-killing case, in the eyes of police officers the most important kind of case, the chief responded that his principal concern was to please the police commissioner.

Public debate about the homicide quickly assumed the war-like tones that mark most discussion about anything to do with policing and criminal justice in New York City. For instance, Mayor Ed Koch wrote an op-ed piece for the *New York Times* on September 29, 1984, describing his own first-hand experience at the gruesome crime scene, saying that it was an awful place to

die. He recounted the suspect's previous repeated criminal record and noted that he was on parole when the crime occurred. He called for the reinstatement of the death penalty in New York State. Later, Koch said in reference to the deeply flawed parole system: "Our system of justice doesn't work." A few days later (October 8, 1984) a *Times* reader lambasted the mayor for his callousness, arguing that if Bushwick was an awful place to die, it must be an even worse place to live. The answer is not greater punishment, the writer argued, but a commitment to remedy the general injustice and inequity of American society that causes violence, a finger-pointing account for criminal depredations that has enduring contemporary resonance.

Still other pundits indulged in standard I-told-you-so hectoring about the dire consequences of police not following proper procedures. Female police officers, as well as civilian feminist advocates, argued that PO Lozada's gender had nothing whatsoever to do with her death, a position vigorously maintained even though Lozada faced a parolee desperate not to be rearrested, who towered over her by seven inches and outweighed her by fifty pounds. In this view, Lozada's death stood for the dangers faced by all police, not just those faced by policewomen.⁶

Jeter's 1985 trial was racially charged, a replay of long-held, bitter resentments felt by black Americans against the police and a rehearsal of arguments for trials to follow. Richard W. Foard III represented Jeter, funded by the International Committee against Racism. Foard argued that Darryl Jeter was never in the vacant lot, that he was the victim of a police frameup to conceal police corruption, police wrong-doing, and a bungled investigation. In this view, there had never been a chain snatching nor a hot pursuit of a thief. Indeed, as Seidel had antici-

pated, the death of Irma Lozada was, Mr. Foard suggested, an execution due to a drug deal gone bad. The person who was interrogated on the two tapes was not Darryl Jeter but Gerald, as shown by Carrera's repeated use of the name "Gerald" during one of the taped interrogations.⁷ The police felt, according to Foard, that in such a big case they could not get a conviction on Gerald because of his mental impairment, so they pinned the crime on Darryl Jeter. Mr. Foard also argued that this cover-up by the police was "racially motivated," typical of a legal system that is "racist to the core."

Jeter's story at trial carefully matched the scenario that Foard proposed to the court and, outside the courtroom, to the news media who gathered in great numbers to follow the trial.⁸ As he had said in earlier statements, Jeter described getting up, accompanying Kilo to the unemployment office, and running into Skeeter, who was rummaging through garbage to find the liquor store owner's stolen documents. But in this telling, the story changed from all previous statements. In this version, Skeeter eventually "left out" and Kilo returned. Jeter went with Kilo to the latter's girlfriend's apartment, where Jeter and the girlfriend smoked some reefer. After a while, Jeter left the apartment and walked around the neighborhood. Suddenly, at Central Avenue and Decatur Street, Gerald ran around the corner completely out of breath. Gerald told Jeter that he had just done a stickup and the police were right behind him. They talked for about thirty or forty seconds. Jeter said that he told Gerald: "Yo, you want me to take the gun and I'll put it up in my house till tomorrow." Gerald agreed and gave Jeter the gun in a skinny paper bag.

Jeter said that he went back to his sister's house, went to some lengths to avoid encountering her children, and hid the gun un-

der a heavy night table. Later, his brother-in-law, at his mother's request, gave him twenty dollars because it was his birthday. He went out and walked around the neighborhood with his brother-in-law, bought another joint, and smoked it. He ended up at the SweetTooth Man's store. While he was playing a video game in the store's game room, his girlfriend came into the store. They played the game together for a while and then Jeter walked her home, reaching there at 7 P.M. They had agreed to go uptown that evening, but the girlfriend needed some time to get ready. So Jeter told her to be ready by 8 P.M.

In the meantime, Jeter walked around the neighborhood and ran into Skeeter and an acquaintance whose name he could not remember. They all smoked some reefer, and Skeeter told Jeter that the police had found a police officer's body in the train station and that detectives were going up and down Wilson Avenue talking to everyone about the murder. Jeter said that he had better get off Wilson Avenue because he was on parole and smoking marijuana. Then he "tricked" Skeeter and the acquaintance into walking him back to his girlfriend's house at 7:45 P.M. But his girlfriend still was not ready to go out, so Jeter fed his daughter. Finally, at 8 P.M. Jeter and his girlfriend went uptown, saw three movies in a Times Square theater, and then came back to Brooklyn around 3 A.M. As they were walking back to his girlfriend's house, they saw police radio cars on the block and detectives hustling Skeeter into a squad car.

Soon after they reached the girlfriend's house, police banged at the back door to her apartment. One detective entered the apartment and stood on Jeter's feet so he could not move. Then, he said, uniformed cops handcuffed and beat him, all the while yelling at him about killing the lady cop. Jeter said that at the station house he was kept in a pen in the squad room for almost

an hour and then grilled by several detectives for hours about what he had done that day. He told them, he argued, exactly what he had done, except that he did not initially tell them about hiding Gerald's gun. Eventually, he did tell them about hiding the gun for Gerald. The detectives, he said, took him for a ride to the vacant lot at Central Avenue and Chauncey Street and then brought him back to the station house. The detectives took Jeter into another room and brought him face to face with Gerald, but the two did not speak. The police then confiscated Jeter's sneakers and his tank top and put him in a lineup.

Jeter steadfastly denied snatching a chain on Friday September 21, 1984, or even discussing snatching a chain with Skeeter. He denied selling a chain to the SweetTooth Man. He denied shooting the woman in the field. He denied taking the police to his brother-in-law's and sister's house, although he said that he did provide the exact location of the gun there. And he denied giving any taped statements, or indeed any inculpatory statements whatsoever, to the police. Jeter's attorney brought several witnesses into court, including Darryl's sister, brother-in-law, and Skeeter, who, in varying ways, provided alibis that supported Jeter's in-court story. Moreover, the defense produced a 12-year old boy, "Robert," who claimed to be an eyewitness to the events and who described a mysterious man named "Sherrod," presumably a drug dealer, who, Robert said, struck the lady cop with a stick and then fled. Robert also stated that he had seen Sherrod with the same cop on other occasions, implying clandestine transactions. Seidel treated the youngster gently even as he discredited his story.

Darryl Jeter was convicted of murdering PO Lozada by a jury of six men and six women, black and white. He

was also convicted of felony murder and of criminal possession of a weapon. At sentencing on June 20, 1985, Justice Thaddeus Owens denied Mr. Foard's motion to set aside the jury's verdict as incompatible with the weight of the evidence. ADA Seidel noted that Jeter's probation report listed eight arrests for crimes committed as a juvenile. The Juvenile Court records in 1981, according to Seidel, described Jeter as "beyond parental control and supervision" and as "a danger to the community." His adult record listed five crimes for robbery, grand larceny, and assault. The Probation Report described Jeter as "an exceedingly dangerous individual." Seidel pointed out that the report also noted that many of Jeter's crimes were committed against women.

Justice Owens sentenced Jeter to serve concurrent terms for the two murder convictions and a consecutive term for the weapons possession charge, a total of thirty-two and a half years. Jeter's conviction was upheld on appeal, though the higher court ordered that Jeter serve the sentence for the weapons possession charge concurrently with those for the murder convictions. At the sentencing, the courtroom broke into chaos, with representatives from the International Committee against Racism and the Progressive Labor Party shouting that the whole trial had been a racist frameup and displaying placards denouncing the entire criminal justice system. In the midst of the melee, Vinnie Carrera said to a television news reporter: "Irma Lozada, rest in peace."⁹

Five thousand police officers from the New York metropolitan area and from as far away as Buffalo had turned out for the inspector's funeral given to Irma Lozada on September 26, 1984, at the Holy Name Church at 96th Street and Amsterdam Avenue in Manhattan. Police Commissioner Benjamin Ward was conspicuous by his absence. As the Emerald-Irish War Pipe Band's bagpipes wailed "Amazing Grace" and muffled drums thudded

slowly on the dreary, overcast day, police officers in starched blue uniforms and white gloves, standing five deep, saluted as the hearse carrying Fran, their fellow officer, sister, daughter, and friend rode up Amsterdam Avenue. Many wept openly. Father John King, S.J., the priest who had anointed the young woman as she lay dead in the field, told her grieving brothers and sisters that “No words, no wisdom will ever wipe away the pain of grief. But we can see how she came from God’s hands and how she now returns to God’s hands.”

A great many officers remain haunted to this day by the terrible dilemma that Fran Lozada confronted when she suddenly came face-to-face with her assailant among the tall weeds of the vacant lot at Central Avenue and Chauncey Street on September 21, 1984. Jeter’s own statements pieced together describe what happened. Fran’s ruse of looking for a dog gave her the chance to get her gun and handcuffs out of her purse and to display her shield. But when she ordered Jeter to freeze, he advanced on her, wrestled her to the ground where he disarmed her, and then shot her in the face. Gravely but not fatally wounded, Fran begged for her life. While exclaiming his hostility toward police for regularly interfering with his own life and work, Jeter shot her in the back of the head and then fled. Given the size of her opponent, Lozada’s only chance of surviving the encounter was to shoot Jeter straightaway when he disregarded her orders and moved on her. But shooting an unarmed man, then and now, means the end of a police career. The split-second hesitation made PO Irma Lozada the first, but sadly not the last, police-woman killed in the line of duty in New York City history.¹⁰

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THE LONG ARM OF THE JOB

Detectives' shuttle between the streets and the courts, between the investigation of bloody mayhem and its rationalized processing, makes them outsiders of a sort in the vast apparatus of the criminal justice system, alert to its inconsistencies and irrationalities. But detectives are also police, agents of the state, symbols of authority, ultimate insiders with privileged access to hidden social arenas and forbidden knowledge. They become objects of fear, anger, and resentment. This double-sided role shapes the meanings of detectives' work, their images of the world, and their own self-images.

Detectives' work-world teems with highly rationalized agencies. The gigantic New York City Police Department, which since 1995 has included the housing and transit police, is splintered into 76 separate precinct commands, more than 60 specialist divisions, and an untold number of secret units. Another dozen police authorities also flourish in the city, ranging from the Metro-North Police to the Amtrak Police to the Port Authority Police, each with specialized jurisdictions. Every federal law en-

forcement agency—Federal Bureau of Investigation, the Drug Enforcement Administration, Alcohol, Tobacco, and Firearms, the United States Marshals Service, the United States Postal Service, and the several law-enforcement wings of the former Immigration and Naturalization Services, now taken over by U.S. Immigration and Customs Enforcement of the Department of Homeland Security (DHS)—has major operations in the city. The DHS, created in the aftermath of September 11, 2001, also has other extensive divisions operating in the city.¹ The city has five different district attorney jurisdictions, one for each borough of the metropolis, with each elected district attorney connected to a separate branch of the New York State Supreme Court. The city also has two federal prosecutor jurisdictions connected to federal courts, one in the Southern District in Manhattan and the other in the Eastern District in Brooklyn. Detectives come to see their investigative work as regularly subordinated to the exigencies of competition among and within this tangle of agencies and organizations.

Given the city's huge, constantly shifting population, its premier presence in the nation's financial, business, cultural, and intellectual arenas, its role as a gateway for legal and illegal immigrants, its vast criminal underworld mirroring the complexity of its upperworld, and its narcotics-trafficking and market-making in every kind of illegal goods, New York demands organized vigilance by police and prosecutors. But police and prosecutors also need crime. The more vicious the crime, the more innocent the victims, the better the opportunities to demonstrate prowess to bosses, peers, and larger publics. In such a world, detailed knowledge means power, and jurisdiction brings opportunities for garnering prestige, at least for certain kinds of cases.

The competition between the NYPD and federal police agen-

cies for control of important cases is legendary. Detectives regularly savage federal agencies for their bloated budgets, their agents' lack of grounded understanding of how the city works, and especially agents' unwillingness to share information about criminal groups. But also within the NYPD itself, some detective squads regularly hide important information from other units. Sometimes even detectives in the same squad hold back informants who might help their colleagues' cases if sharing informants might jeopardize their own big cases. Borough-wide homicide squads steal good cases from precinct detectives, and bosses regularly appropriate credit for their subordinates' hard-slogging work on the streets.

District attorney offices evince equally sharp competition. DANY has six main trial bureaus. In a weekly rotation that advances through the days of the week, each bureau, for one 24-hour day a week, catches all complaints brought by police officers to DANY's Early Case Assessment Bureau (ECAB) at 100 Centre Street. But police officers and detectives, with prosecutors' collaboration, often hold cases until they get the bureau—and sometimes the specific prosecutor—they want. Even after a bureau, and an individual prosecutor within a bureau, catches a case through ECAB, the case can be stolen by bosses, by more experienced prosecutors, or by specialized bureaus such as the Sex Crimes Bureau, which claims, and gets, special jurisdiction over all high-profile rape cases in Manhattan. Historically, little love has been lost among the district attorneys of New York, Kings, Bronx, Queens, and Richmond counties, each of whom shapes his office to suit his own style, meet his own political agenda, and respond to the peculiarities of his constituency. Each has, and fosters in his subordinates, a bailiwick mentality that jealously guards big cases when crimes cross jurisdictional bound-

aries. Only interrelated crimes that pose marked threats to public safety prompt inter-jurisdictional cooperation.²

Federal authorities regularly steal cases from state prosecutors and investigators. For example, Assistant District Attorney Dan M. Rather, chief of the Gun Trafficking Unit at DANY, together with Detectives Ray Brennan, John Capers, Jim Killen, and other criminal investigators, labored long and hard to build a case against the Preacher Crew, headed by Clarence Heatley aka Preacher. The Preacher Crew was a Harlem-based drug and extortion ring with cult-like overtones, responsible, the state investigators thought, for at least forty murders over ten years. The crew's typical *modus operandi* was to pick up murder contracts in the drug trade for the standard fee of \$5,000 per murder, fulfill the contracts, but then turn on those who took out the contracts, whom they identified as weak for relying on outsiders for their "wet work." The Preacher Crew then extorted fees from these hapless dealers for use of the street corners where they plied their trade. If the dealers did not listen to reason, the Preacher Crew killed them and took over their spots. Such killings were usually brutal, sometimes preceded by torture and sexual humiliation through ritual sodomy.

Just as Rather and his investigators were on the verge of securing indictments against the entire crew, FBI agents and federal prosecutors from the Southern District of New York swooped in and placed the case under federal jurisdiction. Ignoring intricacies of the case that involved murders in Georgia as well as New York, the federal prosecutors offered a plea to Heatley, arguably the worst of the lot, in order to turn him against his chief lieutenant, John Cuff, a former housing police officer, and several other key players in the ring, all subsequently arraigned in death penalty cases.³ The federal intervention brought the state inves-

tigation to a grinding halt. The needs of large organizations and of individuals' careers within them regularly trump the hard work on the streets that is essential for public safety.

Detectives are prototypical men and women of action, but they work in a world of intricate procedures that curb their efforts to identify, find, and apprehend criminals. Criminal law consists in part of elaborate rules of conduct constructed over time to check state and police power. In order to resolve disputes, fix liability, or determine guilt, these procedures are interpreted and applied by judges, who themselves are trained as lawyers, in response to arguments from still other lawyers. In this sense, the law as an institution resembles the self-enclosure of other intellectual milieux. At any given moment, the law means what a particular judge says it means. The outcome of any legal process, and therefore of detectives' work on the streets, is always hostage to the vagaries of jurisdiction, judicial perceptions, whims, ideologies, or even the time of day.

From detectives' standpoint, legal procedures provide deep thickets in which suspects and seasoned criminals alike can hide. Detectives see criminals' entire recorded criminal histories, and they spend a great deal of down time with suspects, talking for hours on end. The judgments they form about a suspect's responsibility for specific crimes often emerge out of their assessments of the subject's character. The reliability of these assessments vary, of course, and sometimes even the best detectives are dead wrong. Partly to guard against such errors of judgment, the law deliberately ignores individuals' criminal histories and allows no consideration at trial of suspects' moral characters as discerned by state officials. The law insists that people be tried and judged for each separate individual criminal action with which they are charged, a bedrock assumption of the common-

law notion of responsibility. Prosecutors are not allowed to mention previous crimes in front of a jury, even if these crimes are related to one another, unless there is a direct “narrative” relationship between a previous, even uncharged, crime and the particular crime at issue, and then only when the prosecutor can successfully argue the connection to a judge who knows the law. Unless detectives find a prosecutor willing to press a complicated case against a known criminal on marginal evidence (“He’s guilty of *something*”), they regularly face the tension between their own moral certainty about someone’s responsibility for a crime and their inability to fix guilt legally.

Sometimes legal procedures overturn detectives’ work completely. In cases that depend wholly on eyewitness testimony, there obviously can be no cases if witnesses will not or cannot testify. Moreover, when the state is unable to produce witnesses, the rule is to grant bail pending trial, or even dismiss the charges outright. For instance, a drug-gang member named Pasqualito, arrested in late 1989 in the Bronx’s 40th precinct by Detective Mark Tebbens for a double homicide committed the same year, was released on bail pending trial because the Bronx DA’s office could not produce the witnesses to that shooting. While out on bail, Pasqualito went to Brooklyn with Lenny Sepulveda, the gang’s leader, and shot in the face, but did not kill, one of the eyewitnesses to a notorious 1991 Bronx quadruple homicide. On the wounded witness’s testimony, detectives arrested Pasqualito for that assault. But although he was on bail for the double homicide, and although the Brooklyn assault aimed to silence a witness to a quadruple homicide, Pasqualito was released on \$25,000 bail that he posted in five minutes.

The Brooklyn night court district attorney and judge may not have known about the pending trial for the double homicide. In

any event, given Pasqualito's bail on the double-homicide charge in lieu of available witnesses, the Brooklyn court could not hold him for that as yet legally unproved offense. Further, Pasqualito was not accused of participating in the quadruple homicide. Therefore the Brooklyn assault, though an attack on a witness to a slaughter, was seen and treated as just another serious assault, not as part of a pattern of gang criminal activity. Even Pasqualito was surprised when he received bail. By the grace of the system, he went on to commit several other violent crimes, including at least one murder, before he was finally captured, convicted of several crimes, and incarcerated.⁴ From detectives' standpoint, the rationality of the law and the rational bureaucracy of the criminal justice system often produce irrationality.

Clever criminals understand and exploit the fragmentation of knowledge that inevitably flows from the bureaucratization of the system. In a world constructed of discrete "cases," the smart criminal follows required procedures to dispose of minor offenses that might trigger unwanted warrants, knowing that police, prosecutors, and courts alike are focused on their particular work tasks and are unlikely to connect a minor case to more serious crimes. Thus, Lenny Sepulveda, who was wanted by the police for murder, strode into Manhattan Criminal Court with his lawyer to "get rid of a gun case," counting on an overburdened clerk and judge not to check pending warrants for his arrest. He was apprehended only because Terry Quinn, DANY's supervising rackets investigator, anticipated such boldness.

Because criminal investigation depends on identification, the construction and maintenance of false identities comprise an industry in criminal underworlds. Most self-respecting drug dealers have multiple identities ready at hand, complete with validating documents. For about \$400, one can buy an identity kit in

New York City that includes a social security number, pay stubs to demonstrate employment, letters of recommendation from previous employers, and tax records. With these phony documents one can get a welfare benefits card that provides a legitimate governmental validation of a fictitious identity. One can then not only enjoy monthly electronic deposits from the city's overwhelmed welfare apparatus but also use one's identity as a welfare recipient to obtain a driver's license, the de facto identity card of the United States. Some crime groups take identity creation to high levels. For example, the ferocious Jamaican posses that for years terrorized Edgecomb Avenue in the 30th precinct brought in "rude boys" from Kingston to assume the already fake identities of their young predecessors whose incompetence or bad luck had caused them to be "jointed," that is, chopped into manageable pieces and scattered throughout the metropolis.

Until around the turn of the millennium, there was no coordination of criminal records even between neighboring states. Therefore, an actual arrest in one state jurisdiction did not guarantee that someone could be identified in another state. Fingerprint identification depended entirely on the care of the officer taking the original set of inked prints, and on the care of other officers, or civilian examiners, in submitting fresh prints to computers and then manually comparing new to old prints. Digital photo-imaging technology, which can take fingerprints or, since April 2003, whole palm prints and transmit them electronically for comparison, has begun to aid law enforcement officers in identifying criminals. The terrorist attacks of September 11, 2001, initiated a national debate on the legitimacy of various identification techniques and spurred federal agencies to begin the tediously slow process of integrating separate databases to

help detect and apprehend terrorists. When new techniques are adopted and databases meshed, police will use them to pursue run-of-the-mill criminals, although such efforts will be vigorously opposed by the defense bar and civil libertarians.⁵

In late 2003 the NYPD became the first police department in the United States to gain access to Interpol's heavily encrypted I-24/7 identification system, which makes criminal suspects' fingerprints, passports, photographs, and entire criminal records immediately available to police.⁶ However, the general rule is that all such rational attempts adopted by individual detectives or by the criminal justice system as a whole to monitor, identify, apprehend, and control criminals merely serve as starting points for new forms of deception designed to thwart law enforcement and threaten public safety. Detectives see their work as never done.

Detectives' work regularly takes them behind respectable public faces, where they glimpse messy, sometimes tumultuous, sometimes sad, sometimes ironic, sometimes tragic, sometimes comic, sometimes despairing, sometimes vice-filled private lives. Detectives in the 34th precinct find that a homicide victim who always dressed immaculately in public and led a perfectly orderly, punctual, dutiful professional life as a schoolteacher, complemented by regular church-going, lived in an apartment thigh-deep in literally tons of trash, papers, magazines, old mail, advertisements, garbage, and rubble systematically collected over a period of years.⁷ They encounter a widely acclaimed feminist professor regularly battered by her I-can't-give-him-up boyfriend. They meet an elderly couple bound together in a suicide pact. One day the old man wakes up from his

afternoon snooze and runs into the kitchen yelling “It’s time!” He attacks his surprised wife with a knife, cuts her throat, and then slits his own wrists. But they both survive, and the woman refuses to press charges, arguing gently: “I don’t mind dyin, but I just don’t want him sneakin up on me.”

Detectives from the 34th squad find a heart-attack victim in his apartment, called to his maker while coupling with his white Samoyed, found crushed beneath him (“Oh well, at least it was a female dog”). They discover a solitary pleasure-seeker impaled on a giant wooden phallus. They watch as a man walks into the squad room clad only in his undershorts, claiming that he and a friend were just having a quiet conversation in his parked car when a robber reached through the window and snatched their clothes. They come across otherwise respectable professionals toying with narcotics or slavishly addicted to them. While investigating the murder of a man dressed up in women’s clothes, they uncover a genteel “butterfly society” of established professional men who cross-dress for Friday evening cocktails. They encounter black professional men leading double lives on the DL—the Down Low, a hypermasculine world where latent violence tinges sexuality—and white professional men stoned blind on crystal meth (methamphetamine) to fuel serial conquests in gay bathhouses and clubs.⁸ They meet celebrities mired in uncontrollable, compulsive desires, some hungering to be tied up, sand-papered, and whipped by a dominatrix, others longing to humiliate and violate, and still others who, satiated with the pleasures that fame and money can buy, delight in brushing their wings against the flame of the raw and coarse vitality of criminals in New York’s vibrant downtown club scene, one small piece of what detectives see as the elbow-rubbing alliance between American society’s elites and its outlaws. To detectives, the

world is never as it seems. Beneath bright, tailored appearances lurk dark secrets.

Sometimes businesses are out-and-out fronts for criminal commerce, such as the famous chicken shack in the Bronx that, until its break-up by police and prosecutors in 1995, sold surplus Soviet AK-47s along with fried drumsticks. Even famous, respectable Wall Street financial houses are used as drug-money laundries by wily crooks who understand the profound vulnerabilities of highly bureaucratized systems.⁹

Detectives regularly cross paths with professionals who flirt with collaboration with criminals. Protected by a high-minded occupational ideology sanctioned by law, criminal defense attorneys are regularly afforded blind-eye professional courtesy by prosecutors and judges alike. As self-styled advocates for the persecuted, they maintain a publicly respectable distance from the depredations of their clients, even as they feed off the rich bottom land of criminal profits, sometimes delivered to them in paper bags filled with cash. While they invent fantastic fictions to protect their clients, sometimes suborning perjury in the process, they excoriate the police in court for procedural infractions and especially for the ruses they use to obtain statements, admissions, or confessions, morally equating such deceptions with bloody murder.¹⁰ Plaintiffs' attorneys, working on contingency fees, file lawsuits against police officers and against the city and state of New York which, however frivolous, require inordinate amounts of time and money to resolve.

An imprisoned drug dealer serving time in prison sues former narcotics officers and the NYPD for loss of occupation and income, arguing that his yearly earnings slipped from \$250,000 a year to \$30 a month because of his arrest and conviction for narcotics trafficking. A young man fleeing from a just-completed

subway robbery pivots to face two officers, points a pistol at them, which turns out to be a starter pistol, is shot by the police, and sustains severe internal injuries. He successfully sues the police and the city for unjustified use of force. Detective Joe Montuori receives a call from an old lady who tells him that a valuable antique brooch is missing from her apartment. She is convinced that the postman took it from her hall table when delivering a package because he is the only person besides herself who has been in the apartment. Montuori interviews the postman, who denies the theft. Then, the old lady calls Montuori to tell him that she has, miraculously, found the brooch. Montuori informs the postman, who promptly sues him and the city for mental anguish and humiliation.¹¹

Plaintiffs' lawyers, in league with community activists and using accusations of racism to distract compliant judges and gullible juries from their clients' depredations, bring lawsuits against authors and publishers who have the nerve to point out the ugly realities of the drug trade and the moral confusion of a political and legal system that cannot decide what kind of public order it wants. Many politicians, protected by the knowing-and-not-knowing stance now firmly instituted as an excuse in our society, pander to whoever can commandeer the apparatus of advocacy and, perhaps, make substantial contributions to campaign chests. Prominent Washington Heights politicians frequent a restaurant that doubles as a drug-dealers' hangout, one politician even mugging for the camera alongside a notorious violent criminal.¹²

These journeys behind respectable public façades stir prurient interests in some detectives, but profound class resentments in most. Police officers come overwhelmingly from the working class. They are the sons and daughters of policemen, firemen,

craftsmen, laborers, bus and truck drivers, and factory and service workers of every sort. They see themselves and their brother and sister officers constantly being blamed for the sorry outcomes of miserable social conditions they had no hand in fashioning, states of affairs that indeed were created, and are now sustained, by elites of far higher social station than they. As detectives see it, the principal critics of the police are members, allies, or servants of those same elites, the very people who benefit most from the order that police maintain but who, far removed from the savagery of the streets, can indulge in the indignation that simultaneously guards and announces a cherished sense of moral probity.

As visible symbols of authority, detectives and other police find themselves regularly opposed and excoriated by intellectuals of various sorts. Of these, journalists exert the greatest day-to-day influence on police work. Many journalists see their work as a vocation to “comfort the afflicted and afflict the comfortable.”¹³ They frequently romanticize community activists, uncritically taking their word that police use “excessive force” in attempting to curb the violent crime that disproportionately afflicts black and Hispanic residential areas of the city. Since its founding in 1851, the *New York Times* has been the principal crusader against police brutality and corruption in New York, as part of the larger political struggle between key city elites and emerging ethnic groups over what kind of order should prevail and who controls crucial municipal bureaucracies such as the police.¹⁴

As it happens, the police have given the *Times* plenty of material to work with over the years. NYPD officers as well as officers in departments across the country do at times use excessive force and abuse their authority in other ways. In Northern Manhat-

tan, one detective carried a sledge hammer in the trunk of his car, using it to destroy the apartments of culprits who ran from him on the street. The very mention of “Jason,” the street handle of one notorious uptown “murderer” of a cop, turned many culprits’ and law-abiding citizens’ knees to jelly.

Some officers use their authority to hunt for sexual favors. Bystanders, witnesses, victims, their relatives, associates of criminals, and occasionally even culprits themselves become sexual prey for cops who pride themselves on being great ladies’ men. In Washington Heights, with its multiple cross-cutting kinship and social network ties typical of the city’s Hispanic areas, coupled with its entrenched Latino code of honor, one sows one’s seed always at the risk of reaping whirlwinds. One officer started a torrid affair with a lovely woman connected to major neighborhood drug dealers. In time, the tensions of her divided loyalties proved too draining. She seized her police lover’s gun and committed suicide. Every police officer who seeks sexual solace with a Latina and then breaks it off can expect a civilian complaint to be filed, on principle.

Some officers cross the line into thievery. Usually, thefts are petty, as when corpses wearing \$100 sneakers at crime scenes show up barefooted at the city morgue—the kind of expropriation of property that police equate with firemen’s “liberation” of stock in fire-damaged stores (“Whadda find if you look inside a fireman’s coat? Big fuckin pockets”). But the drug trade multiplies opportunities for theft and enlarges the stakes.

On a rainy night in September 1992, two Colombian drug couriers were murdered in their automobile in uptown Manhattan. Citing the ugly weather, the police garage refused to tow the vehicle back to the station house for examination. Two detectives responded to the crime scene. One drove the blood-drenched ve-

hicle to the house. The other returned in the squad car. In the dead of night, only the two detectives and a uniformed desk sergeant were awake in the house. A routine search of the death car's trunk in the station house garage revealed \$70,000 in cash, according to the later statement of one detective, who admitted stealing about \$23,000 and who accused the two other officers of splitting the balance. The matter came to light only by coincidence. A female colleague, visiting a male strip club thought that a nude dancer resembled that detective, so she photographed the dancer in all his glory. She left the photo and a note on the detective's desk the next morning, saying: "I know what you've been UP to!!" The detective panicked and gave up the theft to his union representative and to the Internal Affairs Bureau.¹⁵

Police officers sometimes organize themselves into rings or crews and cross the line into robbery. They "boom" known drug apartments, seize guns, narcotics, and money, hand over enough of the take to ensure prison time for the drug dealers, and then tuck away the rest of the proceeds for themselves. The river of cash flowing through the drug trade invites waywardness, venality, and the coarse brutality that police are sworn to eradicate.¹⁶

In recent years the *New York Times* has seemed to cling to its self-chosen vocation as indignant scourge of the police even when overwhelming evidence favors the police's version of events. In 1998 the *Times* ran a retrospective story on the aftermath of the early-1990s drug wars in Washington Heights, the bloodiest precinct in the city, state, and nation during that period.¹⁷ The *Times* pointed to long-standing tensions between police and the Dominican immigrant community that dominates the area. It attributed these tensions, in part, to "a police officer's fatal shooting of an unarmed man in 1992" and to "the April 1997 death of Kevin Cedeno, shot in the back by an officer

who was named ‘cop of the month’ by his colleagues soon after.” The article quoted a community activist: “At least the drug dealers are not here to hurt you—they’re here to make a profit.” The *Times* article provided no further details on the shootings and failed to mention other well-documented versions of both events that contrasted sharply with what it chose to report.

As it happens, DANY led exhaustive grand jury investigations into both shootings to determine whether criminal charges should be brought against the officers involved, issuing reports readily available to the public and to the *New York Times*. Based on a great deal of evidence presented to the grand jury in the first case, including a taped police radio transmission that recorded the hand-to-hand, life-threatening combat between Kiko Garcia and PO Michael O’Keefe on the night of July 3, 1992, the grand jury determined that O’Keefe was justified in shooting Garcia, who resisted being disarmed of his .38-caliber revolver, recovered at the scene and later subjected to exhaustive traces on its history. Garcia turned out to be a local, small-time drug dealer. The grand jury investigation turned up a homemade videotape of Garcia and others in the street juggling bags that they themselves said contained cocaine. The tape had been seized by police in a warranted search of Garcia’s boss’s drug location on March 25, 1992.

Another grand jury exonerated PO Anthony Pellegrini in Kevin Cedeno’s death of April 6, 1997. In its report of that investigation, DANY noted that, in the 0330 darkness on Amsterdam Avenue between 163rd and 164th streets, Officer Pellegrini’s partner, PO Michael Garcia (no relation to Kiko), mistook the fleeing Cedeno’s two-foot-long machete with black metal blade and black handle for a sawed-off shotgun. Cedeno had retrieved the machete from the nearby apartment of a close friend because,

after attending a party, he and his friends had had an altercation on the street with a group of Hispanic youths near 162nd Street and Amsterdam. After getting the weapon, according to DANY's report, "Cedeno was visibly agitated, and though witnesses differ with respect to some details of his behavior, it is clear that he pulled out and brandished the machete at least once, and that he announced that he wanted to 'cut somebody.' Witnesses describe him as pacing. One states that when he and one of his antagonists began to argue, Cedeno started to pull the machete on him, and would have done so had the witness himself not intervened."

All the while, the street crowd grew in size and volubility, with some throwing bottles at rival factions. A woman alerted two plainclothes police officers in the 163rd subway station of the brewing street violence. These transit division officers radioed two uniformed transit officers upstairs in a radio car. These officers responded to the scene. Cedeno fled from the approaching officers at the urging of at least three companions because he was illegally armed while on parole for the armed robbery of a 57-year-old man. Around the same time, a local resident on 162nd Street called 911 with a "shots fired" report. Central quickly relayed that emergency call to the 33rd precinct, along with the dispatcher's warning that there was a "large dispute" in the street involving a knife.

Two uniformed officers responded to the scene. Pellegrini and Garcia, accompanied by two rookies just out of the police academy, also answered the dispatcher's call. By the time all of these police officers reached the scene, Cedeno was running up the east side of Amsterdam away from the direction of the reported gunfire. From the way he was holding the machete close to his body, it appeared that he was clutching a firearm. Garcia yelled:

“Oh, shit, Tony, he’s got a gun.” Pellegrini got out of the radio car and repeatedly ordered Cedenó to drop his weapon. He fired a single shot only when Cedenó, who had his back to the officers, dropped his shoulder, began to turn, and appeared to be swinging the object in his hands to point it toward Pellegrini, with García all the while shouting that the man was armed.

That Pellegrini’s shot hit Cedenó in the lower back was the object of close scrutiny by the grand jury, but the jury determined that the location of the fatal shot was a function of the street positioning of the actors. The grand jury based its findings on the testimony of thirty-six witnesses, including, as DANY’s report said, no fewer than ten civilian witnesses “almost all friendly to Cedenó.” Cedenó’s autopsy revealed a .14 blood alcohol level (at the time, the New York standard for legal intoxication was .10), which, along with his evident agitation because of the earlier street altercation, seems to have slowed his responses considerably.

The kind of willingness to act decisively in the midst of perceived danger that Pellegrini displayed is celebrated by urban police officers as an occupational necessity and virtue. But in Washington Heights, and in many other quarters as well, the grand juries’ findings and DANY’s reports of them were dismissed outright as official propaganda covering up police brutality. In failing even to mention the existence of these detailed public records, which, in the O’Keefe case at least, another *Times* staffer had accurately reported almost six years earlier, and in recycling community sentiments as though they were settled facts, the editors and reporter of the *Times* countenanced and bolstered those perceptions.¹⁸

Whatever their own predilections for wish-news (a story so good that journalists wish it were true) or however much they

are under the thumbs of their editors to write from certain angles, journalists have the opportunity to confront and interpret actual social reality. Journalists do their best work when they eyewitness and report extreme situations, such as war, terrorism, epidemics, mob violence, or catastrophic accidents, calamities with intrinsic drama that place a premium on physical courage and clearheaded narrative reportage.

Some intellectuals seem principally guided by ideological and moral commitments. Even when they are engaged in important work such as understanding the marginal phenomenon of false confessions, the troubling anomaly of increasing incarceration during periods of declining crime, or conflicting claims about the role of aggressive policing to control disorder amidst the stratification of all advanced industrial societies, they devote themselves with single-minded enthusiasm to ideological advocacy. Much of this advocacy is directed against police, the front-line soldiers in taking statements from criminals or suspects and arresting those involved in or accused of crimes.¹⁹ These intellectuals demonstrate themselves as men and women in permanent opposition to authority of any sort, simultaneously asserting claims to rebelliousness and probity. Police regularly bear the brunt of the indignation that marks their discourse.

Other intellectuals find the moral ambiguities of criminal investigation troubling but nonetheless fascinating. An April 16-17, 1993, symposium at Williams College brought together judges, prosecutors, and detectives from both the transit and city police with professors from several colleges to discuss the crisis of the criminal justice system.²⁰ The moral anomalies of

detectives' work framed the discussions. The exchange between these two occupational communities, both committed to the search for truth, often resembled a meeting in the Tower of Babel. Sometimes the dialogue became barbed, and at other times both groups found the conversation hilarious.

The conference started with graphic presentations of violent crimes in the hole and on the streets. The transit detectives showed a surveillance video that caught the terror of a feeble 63-year-old man trapped in the subway beneath a housing project in Brooklyn as he was stalked, toyed with, thrown down a set of stairs, stomped, and finally hit on the head several times with a gun by a cluster of seven youths, all of whom turned out to live directly upstairs. They also spoke about numbingly routine visits to parentless homes to pick up suspects, and hostile receptions from beleaguered grandmothers. The 34th precinct detectives talked about drug-related violence in uptown Manhattan, including their encounters with ravenous pit-bull watch dogs in drug-sale buildings, with victims who were tortured for information about drug stashes, and with the bodies of slain couriers, customers, robbers, dealers, or informants. They noted the typical refusal of Washington Heights residents to cooperate with the police and the vast sums of drug money laundered annually to the Dominican Republic through beauty parlors, *casas de cambio*, restaurants, and car garages. Both the transit and city police pointed out criminals' callousness, wanton disregard for others, and the increasing racial polarization of New York City. Their presentations evinced the dry, matter-of-fact manner of men whose work makes surprise a stranger.

At this point in the symposium, Detective Gennaro Giorgio gave a lengthy presentation of his investigation into the February 14, 1990, murder of Selma Fabisch at 20 Magaw Place in the

upper end of the 34th precinct, once known as “Frankfurt-on-the-Hudson” because of its large community of German Jews, many of them escapees from Nazi Europe. Mrs. Fabisch’s building’s superintendent discovered the 84-year-old woman in her pajamas and robe, soaking wet in an empty bathtub, with a wet towel over her face. Detectives Jack Collich and Giorgio arrived at the scene at 1950 hours and quickly determined that Mrs. Fabisch had been tortured. Certain rooms of her apartment were in disarray with papers strewn everywhere, though the rest of the apartment was orderly. Medical technicians estimated the time of her death to be between 0600 and 0800 hours.

A canvass of the building turned up a witness who had seen a young man in front of Mrs. Fabisch’s apartment at 0730 hours. Family members told detectives that Mrs. Fabisch had recently employed a health-care attendant through a local community council to care for her ailing husband, who eventually died on January 30, 1990. A call to the director of the community council revealed that the council had sent a man named Reginald Petty to Mrs. Fabisch in early January. Mrs. Fabisch’s phone book listed the name Reginald Petty with a Brooklyn phone number. A search of criminal records determined that Petty had a record of seven arrests between 1982 and 1984, including arrests for assault, robbery, reckless endangerment, and attempted murder. But he had successfully pleaded all charges down and had served little prison time.

The phone number came back to Petty’s girlfriend, “Sassy White.” When the police interviewed Sassy, she said that Reggie had told her that he had given a ride to his friend, “Joe,” who wanted to go to Manhattan. Reggie went to see Mrs. Fabisch, Sassy said, to apologize for using her bankcard several times. According to Sassy, Reggie went up to Mrs. Fabisch’s apartment,

spoke to her, and she gave him three dollars. He returned to the car where Joe was waiting, but then Joe went upstairs to Mrs. Fabisch's apartment. When he returned, Joe told Reggie that he had tied Mrs. Fabisch up and put her in the bathtub. Joe then gave Reggie several bankbooks recording certificates of deposit, which, Reggie told Sassy, he still had in his possession.

The detectives quickly traced Selma Fabisch's bank accounts back to a local branch office of Citibank. There, a bank officer said that a few weeks earlier a young man had tried to cash a \$3,000 check on Mrs. Fabisch's account, a transaction that the bank refused. When the detectives asked the bank officer to view a photo array, she picked out Reggie Petty as the man who had tried to cash the check. A survey of Mrs. Fabisch's ATM card with Apple Bank revealed several transactions, all of which had been videotaped. The man using the ATM card was Reggie Petty. In the meantime, a search of traffic summonses on Magaw Place yielded two tickets that were written at 0542 hours in the early morning of February 14, 1990, to a car owned by Reginald Petty for double-parking in front of 15 Magaw Place.

Detectives Giorgio and Collich went to Brooklyn looking for Petty but found his brother instead. Petty's brother asked suspiciously what the police wanted with Reggie. Giorgio gave the brother a card with the 34th squad's phone number on it, but otherwise blank. On the card, Giorgio wrote BANK SQUAD in bold letters. Giorgio said that he needed to talk with Reggie to clear up some issues about checks. He assured Petty's brother that there was no rush on the matter. A few days later Petty did call Giorgio, who asked if Petty could stop by the 34th precinct to talk about the checks. Petty said that he was busy with work, a typical testing of the waters to see how anxious the police were to see him. Giorgio told him that he was also quite busy, that

there was no rush, and that the matter was minor. Petty agreed to come to the station house in a few days. When Petty came, Giorgio greeted him casually, got him some coffee, and asked him to wait a few minutes while he finished up some other work on bank matters.

By the time the interviews with Petty began at 1100 hours on February 20, 1990, Petty was relaxed and ready to help Giorgio clear up the matter of the checks. Petty said that, when he worked for Mrs. Fabisch in January, he accompanied her to the bank several times to cash checks in order to buy groceries. He claimed that she gave him her ATM card and its code to withdraw money for her. He acknowledged keeping the card overnight and using it for himself, withdrawing a total of \$400. He said that he owed a lot of money to loan sharks. Indeed, he felt that his life was in danger because he had been shot at only the month before. He said that he had not gone into Manhattan since mid-January. He agreed to take a lie detector test to verify his story. During that test, he was asked if he had killed Mrs. Fabisch. He emphatically denied doing so. The polygraph expert determined that Petty was lying.

When Petty was told that he had failed the polygraph, Giorgio immediately read him the *Miranda* warnings. He then said to Detectives Giorgio and Collich: "What if I was with her, and then left, and another person killed her?" He said that he could be a witness, because his friend, Joe, had killed Mrs. Fabisch. When the detectives asked Petty for an explanation, he gave another version of the story that Sassy White had reported. He said that he, accompanied by Joe, had gone to see Mrs. Fabisch. He had asked her for fifty dollars to help him out, but she gave him only three dollars. He returned to the car where Joe was waiting. Then Joe asked the number of Mrs. Fabisch's apartment and marched

into the building. Reggie insisted that he had no idea what Joe was going to do. When Joe returned, he told Reggie that he had tied up the woman and thrown her in the tub. Reggie told the detectives that he did not want to get involved, but Joe had given him Fabisch's bankbooks, which he had kept in a safe at his father's house in Brooklyn.

The detectives interviewed Reggie again at 2350 hours. Reggie told the same story as before, but in much more elaborate detail. He said that it was 10:30 A.M. on February 14 when he went with Joe to Magaw Place. He had coffee and toast with Mrs. Fabisch in her kitchen and discussed her husband's death before asking her for a loan of fifty dollars. But now he said that he left Joe in upper Manhattan and drove back to Brooklyn. Later, Reggie reiterated, Joe gave him Fabisch's bankbooks and financial materials, and these were still in the safe.

Armed with a search warrant, the detectives went to Brooklyn and retrieved Mrs. Fabisch's bankbooks and other financial documents from the safe in Petty's father's apartment. When they returned, they placed Petty under arrest for the murder of Mrs. Fabisch and advised him once again of his rights. At 0320 hours on February 21, 1990, Giorgio and Collich interviewed Reggie yet again. Giorgio pointed out some discrepancies between things that Reggie had said, specifically that he had visited Mrs. Fabisch in mid-morning, and known facts, such as the early morning time of the traffic summons and the medical technicians' estimated time of Mrs. Fabisch's death. Giorgio also noted that certain of Reggie's statements just did not ring true. Did Reggie have anything else to say?

Then Reggie said that he and Joe had discussed robbing Mrs. Fabisch of her bankbooks and financial statements late in January. On February 14, Reggie and Joe went uptown to Magaw

Place. After spending time with Mrs. Fabisch, Reggie said that he left the door unlocked on his way out of her apartment. He said that he met Joe on the stairs, and Joe went into Fabisch's apartment. An hour later, Reggie said, he returned to the apartment and found Mrs. Fabisch in the water-filled bathtub with tape on her wrists, ankles, and mouth. Reggie claimed that he removed the tape and threw it near the toilet. Mrs. Fabisch was unconscious but alive. Joe stayed in the apartment, but Reggie went back to the car and discovered two traffic summonses on the vehicle. Reggie said that he drove Joe to Brooklyn, attended to some business, and then went back to Joe's apartment, where Joe had several financial documents from Mrs. Fabisch's apartment spread out on the table. Joe told Reggie to get some ready cash from the financial materials. Then Reggie took everything and put it in the safe in his father's apartment.

Reggie made the same statement, now videotaped, to the district attorney, who validated Giorgio's arrest of Reggie. The next day, Giorgio and Collich tracked down Joe, who turned out to be one "Joe Farmer." Joe said that on February 14, 1990, Reggie had approached him with financial documents, some of which were in German, asking his help in moving funds from Fabisch's accounts to his own. Reggie explained that he kept encountering a security block. Joe said that Reggie offered him twenty, and then fifty percent of the take, if he could bypass the security block and successfully transfer the funds. Joe admitted that he had looked into moving the funds but could find no way past the security block, so he turned down Reggie's proposition. Joe said that one of Reggie's schemes involved Joe's girlfriend, "Arielle," and that the police should check with her.

When the police interviewed Arielle, she said that she remembered February 14 well, because it was Valentine's Day. She had

arisen early to go look for work. She had had a fight with Joe the night before, so she sneaked into his bedroom at 7:30 A.M. and left a Valentine's Day card on his bed where he was sleeping soundly. Arielle recalled seeing Reggie later that afternoon. But she saw no papers or bankbooks that day, or later that same week. She did recall seeing Reggie in Joe's apartment several weeks earlier and noticed that Reggie had several bank receipts in his possession at that time.

Further investigation could not shake Joe's alibi. At the very least, Reggie was guilty of felony murder on the basis of his own statements. The case went to trial. The jury did not believe Reggie's accounts and found him guilty of Mrs. Fabisch's murder. The judge sentenced him to life imprisonment.

Giorgio presented the case against the backdrop of the grisly crime scene photographs of Mrs. Fabisch, bound and tortured in her bathtub. He focused in particular on the trickery that he had used to lure Petty into the squad room and his meandering interviews that led Petty to contradict himself several times and to admit his intention to participate in the robbery of Mrs. Fabisch, a crime that resulted in her murder. Thus Petty essentially confessed to felony murder. Later, Giorgio described the case of Herman Myers and the murder of Guadalupe Diaz. He focused in particular on how, under the guise of investigating a series of burglaries, he mouse-trapped Myers into saying that he never went above 190th Street in Manhattan, a statement contradicted by the eight latent fingerprints Myers had left behind in Mrs. Diaz's apartment on West 204th Street.

The professors at the conference were appalled at the violence that the detectives described, particularly its heedless, extravagant viciousness.²¹ They were fascinated by detectives' immersion in a world where such violence is routine. But they quickly

pointed out that the criminals in the detectives' stories did exhibit some values—they sent money back to the Dominican Republic to support their families there; they bragged about the success they achieved in America to appreciative audiences, suggesting dense layers of community organization that the police didn't acknowledge; they took their young children out to the streets to see bodies riddled with bullets, clearly, one professor argued, giving parental warnings to the youngsters to be careful. The prosecutors and judges on the panel were taken aback by the professors' insistence on value systems among criminals, in the morally relativistic sense that the professors meant. But the police readily acknowledged that many criminals whom they encountered were indeed religious people, at least in a superstitious sense. They cited the *santería* shrines festooned with saints' pictures, burning candles, and dollar bills that police regularly find in drug-sale apartments in Washington Heights. A judge then recalled pre-sentencing statements made by several drug dealers convicted of multiple murders, who told the court that God, at least, loved them and knew that they had done nothing wrong. The professors argued that such evidence suggests that New York City serves as criminals' workplace, a world of rational calculation and occupationally specific moralities that provides the criminals with the wherewithal to pursue family lives closely resembling those of other people. The panelists pointed out that the same people who were shipping drug money to their families in the Dominican Republic were also building lavish mansions on the island for themselves.

Several professors then honed in on detectives' use of subterfuge in investigations, focusing on the cases of Reginald Petty and Herman Myers. They noted that the detectives' interactions with criminals, as detectives described them, resembled con-

games, with criminals trying to outwit the police and police trying to trick criminals into foolish admissions or contradictory statements. “The way you’re describing the relations between police and . . . perpetrators is almost as a game. The police play the game and the perpetrators play the game.” The police accepted the characterization, with the proviso that the game was serious. “The bad guys, I’ve found, they wanna talk because they wanna convince you they didn’t do somethin. A bad guy doesn’t wanna say I’m not talkin to you, screw you, you want me, come and get me, because he’s thinkin: ‘I’ll con him. I’ll convince him I was never there and I’m gone. I’m home free and I cooperated.’ So should *we* be con men? Yes. Should we be good liars? Not to our wives, but to the bad guys? Absolutely.”

One professor pressed Detective Giorgio on his interrogation of Herman Myers, whose exculpatory statements, contradicted by latent fingerprint evidence, convinced the jury of his guilt.

Professor: So, in a sense, your evidence was actually that he lied to you?

Giorgio: Yes.

Professor: So, you’re lying to him, but when he lies to you . . .

Giorgio: I’m lyin to him to get him to talk.

Professor: Okay, well, maybe he’s lying to you because he has a different point. He never had the obligation to tell you the truth. Given he is not under arrest, given that he hasn’t even been told what he is under suspicion of committing, why shouldn’t he lie? . . . His lying is already set up by a set of lies, so why shouldn’t he lie? Under what legal obligation does he have to tell you the truth, when to his knowledge he is not a suspect? That is, I could lie to you till I’m blue in the face . . . I always lie to the police and I had two parents and a dog and played baseball. It’s the entry [of

lying] into the court of law as evidence . . . that is distressing. Aren't you counting on this person's lack of education and his lack of . . .

Giorgio: Sure, why not? I'm dealin with a felon. Are you tellin me I can't con him? Are you tellin me I shouldn't con him? Are you tellin me I shouldn't lie to him? Are you tellin me to play by the rules in every way? Get off that line.

Professor: I think if the context is one of subterfuge . . . against the alleged perp [that] is to me just kind of unfair . . . If I were not white and I were not educated, my relationships [with the police] would be much more problematic. I would be more likely to have a rap sheet. I mean you pick up a rap sheet as a consequence of decisions to arrest, prosecute, convict, and then the rap sheet in turn becomes further evidence in court if the defendant testifies. So . . . what constitutes evidence in a system in which, first of all, there is an understanding . . . that everybody is lying and cheating and trying to be clever and, secondly, that the system is unfair in the first place because it is racist and because it is class conscious . . . I believe I live in a racist country.

Giorgio pointed to the macabre picture of Mrs. Fabisch in death and asked: "What about her?" But another professor intervened, arguing that the question went beyond fairness to any particular person such as Reginald Petty or Herman Myers. At issue was the fairness of the system as a whole. Giorgio continued: "But I pick suspects for a reason. I don't pick them out of thin air. I can't seem to get through to you that if we have to use trickery or deception to try and get to the truth, I'm gonna try whatever it takes without breakin the law, every skill, every trick, every lie that I possess. If I think the guy's a killer, and [in both the Petty and Myers cases] I'm lookin at guys who were killers,

I'm gonna use it." At this point another professor, echoing many academics' settled beliefs in the asymmetrical relationship between police and criminals—powerful versus powerless; good upbringings versus deprivation; establishment versus underdog—suggested that all custodial interrogations are ipso facto coercive. The detectives' advantages and skill were such, he thought, that they could get anyone, even anyone in that conference room, to admit to anything, even to crimes they hadn't thought of, let alone committed. The use of subterfuge by the police strengthened their already dominant hand.

Then another professor addressed the panel: "What strikes me is how sophisticated the notions of interpretation are that inform the work you all do. I don't find anything extraordinary or out of line about these kinds of strategies. To the contrary, it seems to me like what you have done and what you do is to deploy strategies that we use all the time in social interactions with extraordinary sophistication. What's remarkable is . . . the hermeneutical . . . skill it seems to take in employing those strategies in ways that I think are quite remarkable. A person becomes a kind of text that doesn't want to be read and so one has to devise various kinds of strategies to allow one to read them." Other professors immediately chimed in: "What's interesting is that they have to be read and reread. It isn't simply one reading, it's a number of different readings." The rereadings, they added, happen in the multiple layers of checks, balances, and appeals in the criminal justice system.

Panel members were startled by the notion that persons were "texts" to be read and reread. Thinking of countless violent crime scenes he had visited and the sour stench of interrogation rooms, one detective later said, "Blood and sweat smell different than ink." Police, prosecutors, and judges alike were flummoxed by the word "hermeneutical" and inquired what it meant. A

professor explained that hermeneutics comes from the Greek *hermeneuein*: to expound, interpret, translate, and explain. *Hermeneus*, the noun, means herald, interpreter, or expounder. Both, he noted, are derived from the name of Hermes, the son of Zeus and Maia. Hermes was the herald and messenger of the gods, and also the god of science, eloquence, trickery, and theft. Hermeneutics, the professor concluded, is the science (perhaps the art?) of interpretation.

Panel members reacted uncertainly to this exegesis. One professor elaborated: "From my point of view, the whole system is rhetorical. The whole system involves different levels of persuasion, all the way from the detectives' discussion of a kind of game plan and gathering evidence to the final place the whole legal system ends up, which is in the jury box where you are trying to persuade these people." One of the judges queried the use of the word "rhetorical." The professor continued: "What it means is that the trial is aimed at persuasion and . . . that kind of persuasion is not simply going to be a function of assessing evidence rationally." Another professor ventured: "One of the things involved here is how people construct narratives. [So] police figure out [what's happened] by whatever means they have and they construct a plausible narrative, which can be used by the District Attorney, and can be used by the next level up . . . [And] defendants . . . learn how they [can] possibly construct narratives . . . to get them off . . . If there is a strong narrative which gets across to the jury then that is going to be believed. And even the physical evidence that convinces you because you've been trained to use it in a certain way by the rules of the game in court is not going to convince anybody. So what one has—whether you realize it or not—you've been using hermeneutics in talking about narratives. The narratives of deception against people."

A panelist asked again for an explanation of “hermanonics.” Several professors fairly shouted in unison: “Hermeneutics!!” A detective then asked: “Who was Herman then?”

After the ensuing uproar abated, another professor said: “Where I see the two worlds clashing . . . is around precisely these notions we’ve been talking about: of truth; [the idea that] lying is okay in the service of the truth; [of] fact, evidence, and reality. And many of us in this room spend a lot of time thinking about how those notions are not as simple as they often appear to be in the trenches. How notions of fact, of what counts, are inextricably bound up with—I’ve got to use the word—hermeneutics, frameworks of interpretation that are established. What counts as evidence in one culture and in one situation may not count as evidence in another culture and another situation. So, there are complicated codes that operate here. When there is all this talk about getting to fact, all that to our ears, I mean, we spend our lives thinking about how problematic that is.”

A panelist suggested that the sharp differences in perspective between the detectives, prosecutors, and judges, on one hand, and the professors, on the other, stemmed from the age-old conflict between the theoretical and the practical, between men and women immersed in abstract ideas and those in the hurly-burly of affairs, where one must make decisions that affect the lives, fortunes, and freedom of others. But several professors rejected this distinction. One said: “I want to take issue with your opposition between the theoretical and the real . . . I can’t think that it is an unreal thing for any citizen to want to speculate about the nature of justice in our society or to speculate about the nature of lying or truth.”

Finally, a professor tried to pull together several strands of the conversation. He said: “When we use terms like narrative or story or rhetoric, we’re not saying narrative opposed to truth.

We're not saying rhetoric as opposed to common sense or interpretation as opposed to reality. What we're saying is that everyone is involved in this. Everyone in the system is involved in particular ways of constructing cases so as to make them as persuasive as possible to the particular audiences they have to address. And whether it's Detective Giorgio making a case to Warren Murray so that Warren can make his case in front of Judge Lowe, you're engaged in a process of presenting the truth as you see it in a way that's going to be persuasive. And . . . different kinds of techniques are involved in every step of the way. Different kinds of standards are used for evaluating those stories each step of the way. And what we're trying to figure out is how you guys go about constructing those stories and interpreting those stories. We're not saying that you are departing from the truth. We're not saying that there is no common sense involved. What we're saying is that it's a hermeneutic process."

In the end, the professors had explained to their own satisfaction the work of detectives. Their appraisals of the crucial importance of interpretive and story-telling skills in the detectives' world were on the mark. But, for their own part, the members of the panel wondered if the professors understood that, while words are deeds, deeds are also deeds, and that violent criminal deeds, in particular, shatter the moral and social order and must be righted. And the exigencies of righting wrong often clash with illusions of virtue.

The panelists memorialized the conference by instituting "The Hermeneutics Lunch," held annually for years at Forlini's Restaurant near the criminal courts building in Manhattan. The lunch provided an occasion to discuss the wonders of differing occupational rules-in-use; the rule of proportionality in evaluating means and ends, action and consequences; and the contrasting interpretive stances that work experiences produce.

The dreams that haunt detectives' nights reveal somber inner-worlds. One detective dreams of drawing his gun in combat, a defining moment in every policeman's life, but the barrel turns around and points back at himself. Another dreams of pulling the trigger in a lethal struggle, but his gun will not fire. Yet another dreams of shooting his gun at a deadly assailant, but the bullets go off in wild, aimless trajectories. And yet another dreams of making an arrest when, suddenly, out of nowhere, a gun appears magically in the culprit's hands.

One detective dreams of his prisoner escaping from custody during transport, precipitating a grueling Internal Affairs investigation. Another dreams of losing a prisoner, like Shorty, in the labyrinths of the criminal justice system. Another dreams of getting trapped in a prison revolt when delivering a prisoner and being subjected to humiliation, torture, and death. And yet another dreams of getting busted on a minor beef and getting housed at Rikers Island, lying awake all night in a dormitory with fifty inmates, terrified, as daylight gradually begins to break and light streams slowly through the high caged windows, and the prisoners begin to stir with the new day, all the while knowing that it's only a matter of time until the inmates discover the new man in their midst, recognize him as police, and come after him.

Another detective dreams of being demeaned in the courtroom by a defense attorney who is skilled in making detectives, and indeed all police, into villains. Another dreams of losing a big case and having to tell witnesses to whom he has promised safety that a feared predator is back on the streets. Another dreams of acting bravely and decisively in the midst of danger,

only to end up being pilloried and prosecuted. And yet another dreams of being part of a defeated army in retreat, struggling to hold tattered standards high, even as enemy shells explode and splinter in his path.

Detectives' work carries other burdens. Detectives know that their regular interactions with criminals coarsen their views of human nature and create a general suspiciousness of others' actions and motives. They recognize that their constant encounters with the results of predatory violence numb them and, indeed, sometimes horrify them. They cannot openly reveal such sentiments to their fellow officers. The whole construction of the police world depends on maintaining the appearance of a rugged emotional distance, especially from the most emotion-laden and draining experiences of their work. Only the murder of a completely innocent victim, such as a child or a fellow officer killed in the line of duty, allows police to reveal to their brothers and sisters forlorn patches at the centers of their souls. Detectives try to compartmentalize their work from their families, hiding from those they love the commonplace savageries that they encounter on duty.

But the Job has a long arm. Its rhythms, its language, its images, its ugliness, its secrecy, its corrosive cynicism, its systematic demeaning of even the best officers reach under tightly closed doors and shape the relationships between husbands and wives, or between lovers, or between detectives and their children, sometimes subtly threatening, sometimes eroding the delicate frameworks that sustain intimacy and trust.

In the end, detectives live in a world of their own, one from which they exclude outsiders who have not shared their experiences. Detectives work together, eat and drink together, attend each other's children's marriages, and mourn with each other at

funerals. Alcoholism becomes an occupational hazard for some. Every year a few police officers, including detectives, “eat their guns,” a sobering reminder of the fragility of this seemingly robust world. Some detectives, dedicated men and women with vast street experience and profound understanding of how to work the interstices of interlocking bureaucracies, cannot imagine anything more satisfying than criminal investigation. But the great majority of detectives long for the day when they mark twenty years on the Job and, with a generous pension, can leave it behind forever.

Yet even their parting reminds detectives of their functionary status. When detectives put in their retirement papers and hand in their gold shields, the coveted symbols of occupational identity, their shield numbers as dear to them as their own names, clerks at One Police Plaza toss the tin into an overcrowded bin and tell officers who have spent their lives trying, often in vain, to keep the city safe: “Have a great life.” The Job does nothing to retain its best detectives or to harness their knowledge and experiences for a new generation of investigators. Retirement rackets, amidst corny jokes, sendups of personal idiosyncrasies of partners, exchanges of gag gifts, memories of hard times, dangerous times, and good times, Frank Sinatra music, and heartfelt embraces, always have an undertone of resentment against the organizational behemoth in which detectives have spent the best years of their lives, directed in particular at the casual shrugging off of hard-won occupational wisdom.

Leaving the Job behind is not easy. Detective work can be exhilarating. Criminal investigation poses intriguing intellectual puzzles of agency, motive, and strategy. In trying to piece those puzzles together, detectives have the license to cross the checkerboard of little worlds that comprise modern society. The best de-

tectives can place themselves easily on the level of any person of any social station. This access to social strata high and low fosters cosmopolitan habits of mind and conversational abilities rare in men and women of the working class, even as their necessary assertion of authority makes them intriguing companions in social gatherings. Their storytelling skills always shine there, especially when they talk about the truth-is-stranger-than-fiction lore of the underworld, an undeniably fascinating arena of action, vice, lust, greed, aggression, and violence. Among themselves, in a society dominated by an apparatus of advocacy that reduces social reality to varnished black-and-white caricatures, the company of colleagues who know the realities behind the public fictions, who see the world in unfiltered, riotous color, and who feel completely unburdened by the cautions, disclaimers, qualifications, and outright lies that mark all public discourse is profoundly comforting.

And when detectives make cases, they have the singular satisfaction of knowing that, often through their dogged persistence alone, they take violent predators off the streets and, at least for a time, help ensure public safety, a bedrock condition of any democratic social order. Detectives share a remarkable sense of occupational solidarity that binds them one to another, and to other police officers, in a brotherhood of secret knowledge, duty, risk, and, sometimes, death.

NOTES

I. In the Field

1. Police use military time, which proceeds on a 24-hour clock. 2340 hours, spoken as “twenty-three forty hours,” is 11:40 P.M.; 0500 hours, spoken “oh five hundred hours,” is 5 A.M.
2. This line of thinking forms part of a long-term examination of the social, institutional, cultural, moral, and epistemological foundations of modern American society, seen through ethnographic studies of paradigmatic occupations and professions. This larger project has explored issues such as how bureaucracy shapes moral consciousness through a study of corporate managers’ occupational rules-in-use and how the distinctive habits of mind of interpretive experts that mark the mighty apparatus of advocacy have migrated into every nook and cranny of modern social structure. See Robert Jackall, *Workers in a Labyrinth* (Montclair, NJ: Allenheld, Osmun, & Co., 1978); *Moral Mazes: The World of Corporate Managers* (New York: Oxford University Press, 1988); Robert Jackall, ed., *Propaganda* (New York: New York University Press, 1995); and, with Janice M. Hirota, *Image Makers: Advertising, Public Relations, and the Ethos of Advocacy* (Chicago: University of Chicago Press, 2000).

3. The phrase comes from NYPD Captain Alexander “Clubber” Williams. When he was transferred in 1876 from an outer borough precinct to midtown, where brothels and gambling flourished under police protection, Williams said: “I’ve been having chuck steak since I’ve been on the force and now I’m going to have a bit of tenderloin.” The Tenderloin originally extended from about 23rd Street to the upper 30s, from Madison Square to between Seventh and Eighth Avenues. As theatres, nightclubs, and bordellos moved uptown, so did the Tenderloin, eventually incorporating the entire area of Times Square, that is, Seventh Avenue and Broadway between 42nd and 53rd streets, east to Fifth Avenue, west to Eighth Avenue.
4. To prepare for the work with detectives, I attended two extensive training sessions for detectives in the New York Police Department’s Homicide Investigation Course during the summers of 1989 and 1990, as well as a great many social functions for detectives and other police officers. I also took a lengthy Criminal Investigation Course with “white-shield” (rookie) detectives of the New York City Transit Police in summer 1991 and yet another Homicide Investigation Course with senior transit police detectives in November 1991.
5. The New York court system instituted the lobster shift in 1982 as crime rates in the city and arrests by the police outpaced the courts’ abilities to process criminals during daylight hours. The lobster shift ended, for the time being, in April 2003 with the precipitous decline in crimes and arrests that followed September 11, 2001. My thanks to Detective Sergeant Brian McCabe for introducing me to the wonderland of the night arraignment court.
6. See, for instance, New York City Police Department, Drug Enforcement Task Force, “Dominican Narco-Traffickers: Emerging Dominican Semi-Organized Crime,” February 18, 1992; United States House of Representatives, Hearing before the Select Committee on Narcotics Abuse and Control, 103rd Congress, First Session, “Dominican Drug Trafficking,” March 24, 1993; United States Department of Justice, National Drug Intelligence Center, “The Dominican Threat: A Strategic Assessment of Dominican Drug Trafficking,” June 1997; Drug Enforcement Administration, DEA Briefing Book, “Traffickers

from the Dominican Republic,” July 1, 2000. To become familiar with the intricacies of money laundering, I attended two conferences conducted by a private organization that offers compliance symposia for the financial industry. I interviewed experts on money laundering in New York City and in Washington, DC, some working for the American Banking Association and others with the United States Treasury. The interviews followed a systematic review of all available congressional hearings on the subject.

7. For more on these events, see Chapter 10.
8. In fall 1992 I began an examination of all drug-related homicides committed in the 34th precinct beginning in 1987, the year that homicides in the jurisdiction began to soar. This work continued through the summer of 1994, with ongoing updates as various cases closed. The work consisted of a systematic review of the case files of all of the 638 homicides committed in the precinct during 1987–1993 and determined, using conservative criteria developed independently from those used by police, that 379 (59 percent) of these murders were drug-related, a percentage that police and prosecutors both considered too low. I interviewed the catching detectives about their investigations for all but a few of the 379 homicides determined to be drug-related.
9. Cambridge: Harvard University Press, 1997.

2. *Looking for Shorty*

1. I base this broad outline of the intertwined history of robbery on the subway and the growth of the New York City Transit Police Department on a systematic analysis of news articles appearing in the *New York Times* from 1936 to 1995 and on scores of interviews with police officers and detectives in the New York City Transit Police. The outline is also indebted to a brief, unpublished history of the Transit Police by Al O’Leary, Metropolitan Transit Authority spokesman, and to Jan M. Chaiken, Michael W. Lawless, and Keith A. Stevenson, *The Impact of Police Activity on Crime: Robberies on the New York City Subway System* (Santa Monica: Rand Corporation, 1974).

2. The privately-owned Independent (IND) subway hired six unarmed New York State Police in November 1933 to safeguard passengers and property on its lines. Two years later the IND added “station supervisors” with powers of arrest, but only on IND lines.
3. See Fred C. Shapiro and James W. Sullivan, *Race Riots, New York 1964* (New York: Crowell, 1964). After an extensive investigation into the incident, Lieutenant Gilligan was exonerated of any wrongdoing.
4. On May 19, 1971, POs Nicholas Binetti and Thomas Curry, assigned to guard District Attorney Frank Hogan’s residence, were lured into a short high-speed chase down Riverside Drive by occupants of a blue Maverick automobile. When the officers pulled alongside the Maverick at 106th Street in the 24th precinct, devastating machine-gun fire from the vehicle blasted their patrol car. Although critically wounded, neither officer died. Two days later, materials delivered to both WLIB radio station and to the *New York Times* claimed responsibility for the assault on behalf of the Black Liberation Army.

On May 21, 1971, POs Joseph A. Piagentini and Waverly M. Jones responded to an unfounded domestic assault call at the Colonial Park Apartments built on the site of the old Polo Grounds in the 32nd precinct. As the officers started to return to their cars, several assailants attacked them from behind, shooting PO Jones four times, killing him instantly. PO Piagentini took thirteen bullets, many from his own weapon, and died on the way to Harlem Hospital. Herman Bell, Anthony Bottom, and Albert Washington, all members of the Black Liberation Army, were eventually convicted of the murders.

On January 27, 1972, at least three assailants assassinated POs Gregory Foster and Rocco Laurie at 11th Street and Avenue B in the 9th precinct. Foster was shot eight times, Laurie six, all from behind. Foster died instantly, Laurie the next morning on the operating table. The police received a message the next day from the George Jackson Squad of the Black Liberation Army, claiming responsibility for the shootings and announcing the start of a spring offensive. Police

in St. Louis, Missouri, ended up in a shootout after a routine stop of a van, which turned out to be a mobile arsenal. In the vehicle was Laurie's 38-caliber Smith & Wesson service revolver. Ronald Carter died in that shootout, apparently killed accidentally by his partner, who was tried, but acquitted, for the murders of Foster and Laurie. The van itself had been rented by Joanne Chesimard aka Assata Shakur, one among eleven people linked to the assaults on POs Binetti and Curry and later convicted of the murder of New Jersey State Trooper Werner Foerster. Chesimard escaped from prison in 1979 and is now living in Cuba. The Foster-Laurie case remains open and active.

5. "Reputed Black Army Member Guilty in Police Murder," *New York Times*, March 29, 1974.
6. See Fox Butterfield, *All God's Children: The Bosket Family and the American Tradition of Violence* (New York: Alfred A. Knopf, 1995).
7. For a contemporary account of the graffiti wars, see Caryl S. Stern and Robert W. Stock, "Graffiti: The Plague Years," *New York Times*, October 19, 1980 (thanks to Sarah R. Hack). See also the accounts entirely sympathetic to the graffiti artists: Craig Castleman, *Getting Up: Subway Graffiti in New York* (Cambridge: MIT Press, 1982), and the film by Tony Silver, *Style Wars* (New York: Public Arts Films, 1983). See also the hagiographic film *Basquiat* by Julian Schnabel (Burbank, CA: Miramax, 1997), celebrating the art and short life of one of the most talented subway artists, Jean-Michel Basquiat.

In June and July 2001 the 35th annual Smithsonian Folklife Festival made New York City its main theme and brought to the Washington Mall members of Tats Cru, a South Bronx graffiti organization founded by former subway writers now charging \$18 to \$30 a square foot for commissioned work. The aging writers expressed themselves with a mural on a specially erected wall. For recent advocacy of graffiti artistry as "perhaps the most important art movement of the late 20th century," see Joseph Austin, *Taking the Train: How Graffiti Art Became an Urban Crisis in New York City* (New York: Columbia University Press, 2002). Austin lectures New Yorkers for

their provincialism in curbing graffiti artists even as the city's anarchy was attracting foreign writers whose countries' authorities forbade the destruction of public property in the name of art. See also the on-line history of the graffiti movement in New York City <http://www.atl49st.com/history.html>.

One's abhorrence of or support for graffiti is a touchstone in America's on-going culture wars. For polar opposite views, see Colin Moynihan, "A Stirring Icon That Shook Things Up at 20," *New York Times*, April 29, 2002, a panegyric to Peter Missing, whose symbol of an upside-down martini glass, which originated as a protest against drunk-driving checkpoints, has graced walls, phone booths, sidewalks, glass doors, and other surfaces throughout the city for two decades, contrasted with Heather MacDonald, "Graffiti Is Metastasizing Again in New York, and Guess Who's Applauding?" *New York Sun*, July 17, 2002. See also Ivor L. Miller, *Aerosol Kingdom: Subway Painters of New York City* (Jackson: University of Mississippi Press, 2002), a paean to the subway painters, one that locates their rebellion in grievous class tensions emerging out of the devastation of contiguous communities in the South Bronx, home to many of the key subway writers.

The Mayor's Anti-Graffiti Task Force, a coalition of nearly a score of city agencies, was established by Executive Order 24 in 1995. The task force has removed several million square feet of graffiti from thousands of sites in all five boroughs. The Vandal Squad of the Transit Division of the NYPD makes hundreds of arrests each year for graffiti writing. See Craig McGuire, "Graffiti 2004," *Gotham Gazette*, January 12, 2004. <http://www.gothamgazette.com/article/feature-commentary/20040112/202/832>. But the battle over the significance of graffiti continues. The mid-2004 arrest and trial of James De La Vega for painting a fish leaping between a bowl and a glass on a brick wall in the South Bronx resurrected the 1980s debates about graffiti as art or vandalism. "Free De La Vega" shirts appeared all over the city; one of De La Vega's pieces fetched \$2,500 at an auction; and Soho shopkeepers hired street artists to festoon

- West Broadway with edgy pictures. See Michelle Garcia, “N.Y. Artist’s Brush with the Law,” *Washington Post*, June 7, 2004.
8. *Untitled* (Defacement) 1984, date frequently given as 1983.
 9. For an insider’s account of the Bernhard Goetz trial, see Mark Lesly (with Charles Shuttleworth), *Subway Gunman: A Juror’s Account of the Bernhard Goetz Trial* (Latham, NY: British American Publishers, 1988), esp. 97–123 and 137–156, which recount eyewitnesses’ testimony of Goetz’s shooting and Goetz’s original videotaped statement to New Hampshire police, to whom he surrendered. For a legal analysis of New York’s law on self-defense, see George P. Fletcher, *A Crime of Self-Defense: Bernhard Goetz and the Law on Trial* (New York: Free Press, 1988). For one account of the cultural and political significance of the Goetz case during a period of rapidly rising predatory crime and middle-class fear of crime, see Lillian Rubin, *Quiet Rage: Bernie Goetz in a Time of Madness* (Berkeley: University of California Press, 1988).
 10. See Richard Emery, “The Even Sadder New York Police Saga,” *New York Times*, December 12, 1987. Emery cites a report done for the New York City Transit Police’s Internal Affairs Bureau in 1984. He says the report documents DANY’s acceptance of guilty pleas from defendants caught by police in decoy stings even where their supposed victims told prosecutors that no crime had happened.
 11. The advent of the MetroCard in New York City beginning in 1994 and its widespread adoption by subway users in the following few years made subway “token” booths much less desirable robbery targets. But the universal adoption of the MetroCard and the elimination of the subway token in May 2003 has generated other opportunities for crime. Now a “swiper” bends a MetroCard a certain way, swipes it through a turnstile three times in rapid succession, and ends up with a credit for \$2. Or “swipers” purchase multiple unlimited ride cards (each card mandates an eighteen-minute wait before reuse in a given station), sabotage the MetroCard dispensing machines in a station with paper or other implements, and then sell individual rides to frustrated strap-hangers for the normal \$2 fare, making hundreds of dollars before beleaguered MTA repairmen ar-

rive to fix the damage. On any given day in early 2004, between a third and a half of the 1,600+ MetroCard dispensing machines in the city were out of commission, due mostly to tampering. See Michael Luo, “Subway Headache: MetroCard Devices Often Need Repairs,” *New York Times*, February 3, 2004.

12. Transit police detectives attributed the low rate of reporting crime to widespread public perceptions of the inefficiency and especially the arbitrary unfairness of the criminal justice system at least in New York City, where one’s fate depends on the vagaries of the application of sometimes radically different standards by police, prosecutors, and judges in the city’s several different jurisdictions.
13. The NYPD often closes cases, including many homicides, after a first arrest is made or an exceptional clearance is taken (in an exceptional clearance, the detective has enough to arrest and knows where the culprit is, but for some reason beyond his control is unable to effect the arrest). Upon taking office in January 1994, Mayor Rudolph Giuliani appointed William Bratton as commissioner of the New York City Police Department. Bratton quickly appointed Maple as his right-hand man. A year later, in April 1995, Bratton and Maple led the merger of the New York City Transit Police into the New York City Police Department. Bratton and his men initiated a great many changes in policing in New York during Bratton’s three years as commissioner, including instituting zero-tolerance policing, with the privately stated aim of driving all crime in New York City into New Jersey and Connecticut.

Crime rates in each and every precinct were carefully monitored through a computerized CompStat system, and individual commanders were held accountable for spikes in crime in their jurisdictions. By pinpointing criminal activity with some exactitude, CompStat certainly helped commanders make rational decisions about deployment of officers and aided greatly in making targeted areas of the city, and to some extent the entire city, inhospitable to crime. Perversely, the CompStat system probably accelerated the premature closing of cases committed by multiple culprits with a single arrest,

long the practice in the NYPD. I observed the CompStat session on November 3, 1995.

Both Bratton and Maple published popular books on their widely acclaimed success in reducing crime in New York City. See William Bratton (with Peter Knobler), *Turnaround: How America's Top Cop Reversed the Crime Epidemic* (New York: Random House, 1998). Bratton was named chief of the Los Angeles Police Department in fall 2002, largely on the strength of his claim to success in New York. See also Jack Maple (with Chris Mitchell), *The Crime Fighter: Putting the Bad Guys Out of Business* (New York: Doubleday, 1999). For a fictional account of Maple's transit-police career and life before his rise to fame, see Michael Daly, *Under Ground* (Boston: Little, Brown and Co., 1995).

14. All quotes in this section are from interviews with subway robbers in transit-police custody or from robbers' handwritten statements in transit-police case files.
15. The Decepticons, a street gang that gained notoriety in the late 1980s in New York City, in considerable disproportion to its actual numbers, mostly for targeting other youngsters as they left school, continued a long New York City tradition of youthful street gangs dating back at least to the mid-nineteenth century. See, for instance, Herbert Asbury, *The Gangs of New York: An Informal History of the Underworld* (New York: Knopf, 1928); Harrison E. Salisbury, *The Shook-up Generation* (New York: Harper & Row, 1958); Ira Henry Freeman, *Out of the Burning* (New York: Crown Publishers, 1960); New York City Youth Board, *Reaching the Fighting Gang* (New York, 1960); Lewis Yablonsky, *The Violent Gang* (New York: Macmillan, 1962); New York State Legislature, Assembly, Committee on Cities, Subcommittee on the Family Court, *The Resurgence of Youth Gangs in New York City* (Albany, 1974); Gary Hoenig, *Reaper: The Story of a Gang Leader* (Indianapolis: Bobbs-Merrill, 1975); Betty Lee Sung, *Gangs in New York's Chinatown* (New York: Office of Child Development, Department of Health, Education, and Welfare, City College, City University of New York, 1977); Anne Campbell, *The Girls in the Gang: A Report from New York City* (Oxford: Basil Blackwell, 1984); T. J. English, *Born to Kill:*

America's Most Notorious Vietnamese Gang, and the Changing Face of Organized Crime (New York: Morrow, 1995); Ko-lin Chin, *Chinatown Gangs: Extortion, Enterprise, and Ethnicity* (New York: Oxford University Press, 1996); Eric Schneider, *Vampires, Dragons, and Egyptian Kings: Gangs in Postwar New York* (Princeton: Princeton University Press, 1999); Douglas Century, *Street Kingdom: Five Years Inside the Franklin Street Posse* (New York: Warner Books, 1999); and Bruce Davidson, *Brooklyn Gang* (Santa Fe: Twin Palms, 1998). For some fictional treatments, see James DeJongh, *City Cool: A Ritual of Belonging* (New York: Random House, 1978); Richard Wright, *Rite of Passage* (New York: Harper-Collins Publishers, 1994); Phillip Baker, *Blood Posse* (New York: St. Martin's Griffin, 1995); and Hubert Selby, Jr., *The Willow Tree* (New York: Marion Boyars, 1998). In 1997 New York City experienced a sudden upsurge in the membership of the Crips and the Bloods, famous Los Angeles gangs that had migrated east. Police attributed more than 135 random initiation-rite slashings to these gangs, many of which happened in the subways.

16. The statement is based on a careful examination of all 1,002 descriptions of assailants by victims in Central Robbery's 1990 logbook for multiple-perpetrator-robbery complaints. When queried, Central Robbery squad members, who in 1991 were 65 percent black and Hispanic, saw nothing whatsoever surprising about the overwhelmingly one-sided cast of victims' descriptions of their assailants. Black detectives in particular, such as Detectives Kelvin Miles, Billy Carter, Sonny Archer, and Zack Jackson, all superior investigators who regularly get called Uncle Toms by black culprits and vilified mercilessly by them in other ways, simply accept the racial composition of subway predators and distance themselves as much as possible from the black culprits whom they arrest. However, despite such widespread, shared understanding about which groups are most likely to commit subway robberies, it is fatal to a police officer's career if one turns overwhelmingly empirical evidence into a voiced assumption about the race or ethnicity of the culprits of the very next case that one catches.

17. According to victims' descriptions of their assailants, older subway robbers are also overwhelmingly black and Hispanic. Victims do, however, describe their assailants as white in about 10 percent of reported subway robberies committed by individuals.
18. Jack Katz, *Seductions of Crime: Moral and Sensual Attractions in Doing Evil* (New York: Basic Books, 1988), is the best treatment of robbers' occupational virtue of "hardness." See, in particular, "Doing Stickup."
19. Ten out of the sixteen complainants who stayed at CROB for lineups positively identified Shorty as the man who had robbed them, bringing the total of positive identifications to twenty-one. To detectives' astonishment, Shorty was offered and readily took a ten-year guilty plea to armed robbery.

3. *When the Ball Fell*

1. This sect declares, according to one of its regular street preachers, that "the so-called white Jews are not the true biblical Jews. They are imposters. The true Hebrew Israelites are those whose fathers are of Indian and Negro descent throughout North, Central, and South America. The only real Jews are the Negroes brought to North America in slavery." Thus, the Lost Tribes of Israel, in hierarchical order of importance, are: Negroes, West Indians, Haitians, Dominicans, Guatemalans, Panamanians, Cubans, North American Indians, Seminole Indians, Argentineans and Chileans, Mexicans, and, finally, Puerto Ricans.
2. Here are some other common Brooklyn street phrases collected during fieldwork. Some are criminal argot; some sendups of standard nomenclature; others verselike word play; others transvaluations of technical terms from another world; others dialectlike, metaphor-rich approximations of standard usage, in which street experience trumps standard usage; and several others, particularly the medical terms, simply phonological errors that suggest the state of the public schools in New York City. My thanks to Michael Erard for his linguistic advice on these phrases.

Phrase	Meaning
Acting in concrete	Acting in concert
Athletic flips with conversions	Epileptic fit with convulsions
Colossal bag	Colostomy
Diabolic	Diabetic
Electrocution school	Electrician school
Get indicated	Get indicted
Getting paid	Doing robberies
Fireballs in eucharist	Fibrosis of the uterus
Leg Iron Street	Legion Street
Lincoln Townhouse	Lincoln Town Car
Mongo Merry Street	Montgomery Street
Monogrammed headache	Migraine headache
Onions	Bunions
Persecuted	Prosecuted
Provoked	Revoked
Roaches of the liver	Cirrhosis of the liver
Singing merry Jesus	Spinal meningitis
Smoke insulation	Smoke inhalation
Statue of liberties	Statute of limitations
Streeticide	Outdoors homicide
Subway farez	Savoir faire
Throwing asparagus	Casting aspersions
Veranda rights	<i>Miranda</i> rights
Very closed veins	Varicose veins
Virginia	Vagina

3. See Mercer Sullivan, *"Getting Paid": Youth Crime and Work in the Inner City* (Ithaca: Cornell University Press, 1989).
4. The old Latin Quarter, the famed nightclub on Broadway at its junction with Seventh Avenue between 47th and 48th streets, opened in 1942 and catered to a demimonde of international playboys, Hollywood actors, big-name performers, and celebrities of every variety

who jammed the club nightly to see, and later mingle with, its glamorous feathered showgirls. The new Latin Quarter opened in 1984 at 200 West 48th Street near Broadway. The club catered to mostly black and Hispanic youngsters from all five boroughs and specialized in hip-hop music. It developed a reputation for dance-floor fisticuffs and on-the-street melees, including at least two drive-by shootings in 1987 aimed at youngsters who had just left the club.

5. There are centralized CATCH units in each of New York City's five boroughs. Each CATCH unit houses photographs of everyone arrested in that particular borough, going back decades. For further notes on this ancient system, see Chapter 8.
6. *People v. Eric Smokes and David Warren*, 00249/87, transcript pp. 1545–1546. My thanks to ADA Susan Axelrod of the Appeals Bureau of DANY and to Warren Murray, Chief of Trial Bureau 50, for allowing me to work with Ms. Alexrod's copy of the trial transcript.
7. Marcela Rojas, "A Day of Pride at Sing Sing: 20 Beat the Odds to Get Degrees," *Journal News*, June 3, 2004. The Mercy College program at Sing Sing is made possible through Hudson Link for Higher Education in Prison. My thanks to Carol Hagglund of Hudson Link for her assistance.

4. *The Girl in the Park*

1. Many Dominican community activists and politicians claim that references to Dominican involvement in the drug trade are racist. As it happens, the journalistic, governmental, and scholarly literature documenting Dominican involvement in narcotics trafficking is vast. See, for instance, Clifford Kraus and Larry Rohter, "Dominicans Allow Drugs Easy Sailing," *New York Times*, May 10, 1998, and "Dominican Drug Traffickers Tighten Grip on the Northeast," *New York Times*, May 11, 1998; United States Department of Justice, National Drug Intelligence Center, *The Dominican Threat: A Strategic Assessment of Dominican Drug Trafficking* (Washington, DC, 1997); "Dominican Drug Trafficking," Hearing before the Select Committee on Nar-

cotics Abuse and Control, House of Representatives, 103rd Congress, March 24, 1993; New York City Police Department, Drug Enforcement Task Force, “Dominican Narco-Traffickers: Emerging Dominican Semi-Organized Crime,” February 18, 1992; Joseph Michael Rogers, “Political Economy of Caribbean Drug Trafficking: The Case of the Dominican Republic” (Ph.D. Diss., Florida Atlantic University, 1999); and Robert Jackall, *Wild Cowboys: Urban Marauders & the Forces of Order* (Cambridge: Harvard University Press, 1997).

2. For an account of the Westies, see T. J. English, *The Westies: Inside the Hell’s Kitchen Irish Mob* (New York: Putnam, 1990). According to several detectives who grew up in Hell’s Kitchen, the Westies kept some deceased rivals’ penises pickled in jars on bar shelves for reminiscing about good old days over rounds of Jameson’s whiskey. They also tried (to no avail, because of a lack of body oils) to use dismembered frozen hands to plant fingerprints on murder weapons.
3. *Santería* is an Afro-Caribbean syncretistic religion that melds ancient Yoruba gods with Catholic saints. It is widely, and variously, practiced in the Caribbean immigrant communities of New York. Washington Heights is dotted with botánicas, specialty shops where *santería* devotees and *brujos* (priests, but with the connotation of magical skills) can purchase literature, oils, statues of saints, herbs, and other paraphernalia necessary for the religion’s rituals. The rituals include animal sacrifice. See, for instance, Miguel F. Santiago, *Dancing with the Saints* (Puerto Rico: Inter American University Press, 1993); George Brandon, *Santería from Africa to the New World: The Dead Sell Memories* (Bloomington: Indiana University Press, 1993); and Migene Gonzalez-Wippler, *Santería, the Religion: A Legacy of Faith, Rites, and Magic* (New York: Harmony Books, 1989).

5. Squad Work

- I. The Manhattan South Homicide Squad (MSHS) assists detectives in precincts south of 59th Street. Similar homicide units work the Bronx, Queens, Brooklyn, and Staten Island, assisting precinct detectives in murder investigations.

2. Formerly, the desk officers were lieutenants. The old-time desk lieutenant was the master of his station house. Nobody came or went without his notice and permission. Everything that happened in the precinct was logged into his huge police blotter, which constituted the official record of reported crime and police response for his precinct. Moreover, the old-time lieutenant's ferocious protectiveness toward his men was legendary. Detective Matty Fallon tells the story of a rookie cop dragging a street person before such a desk lieutenant in Brooklyn to have the lieutenant validate his arrest. The lieutenant asked the rookie if the culprit had been searched. The rookie said that he hadn't yet done so. The lieutenant asked the culprit: "Do you have anything in your pockets that might endanger this officer?" The culprit replied no. The rookie proceeded to search the culprit's pockets and, lo and behold, came up with three unguarded spikes (uncapped needles). The desk lieutenant picked up his blotter and smashed the culprit over the head, knocking him out cold, and then ordered him transported to the detoxification unit to be stripped and searched. Desk lieutenants were replaced by sergeants in the late 1960s. Despite occasional vestigial traces of an expansive exercise of the desk officer role, the relentless bureaucratization of the Job has turned most current desk sergeants into clerks.
3. The latter detective eventually apprehended the gunman, who was convicted of the triple murder at trial.
4. This system inevitably produces low-level obfuscation to which district attorneys and courts usually turn a blind eye. When Detectives "White," "Black," and "Brown" all aid Detective "Green" on a homicide investigation, they usually provide Detective Green with verbal investigative reports of much, though not all, necessary work in the investigation. Unless Detective Green specifically asks for written reports on certain aspects of the investigation, he usually passes off work reported to him as his own in official reports in order to save his bosses the necessity of authorizing endless, often needless, hours of court time later.
5. See Robert Jackall and Janice M. Hirota, *Image Makers: Advertising, Public Relations, and the Ethos of Advocacy* (Chicago: University of Chi-

cago Press, 2000), 179–182, for an account of the Central Park Jogger case. Two sensational trials sent five youngsters to prison for the assault on the jogger, on the basis of their videotaped statements admitting the crime. More than a decade later, Matias Reyes, who was not previously charged in the case and who was serving time for raping and murdering a pregnant woman in 1991, came forward to confess his own (solitary, he claimed) attack on the woman investment banker. DNA evidence found at the crime scene in 1989 did in fact conclusively link Reyes to the attack on the jogger.

Reyes's admission and the newly reevaluated DNA evidence precipitated a massive reinvestigation of the case by DANY. On December 5, 2002, that office, in *Affirmation in Response to Motion to Vacate Judgment of Conviction*, Indictment No. 4762/89, asked the court to vacate the convictions of the five men for the assault on the jogger as well as their convictions for other assaults committed in Central Park on the same night, in light of the probable effect that the new evidence would have had in the original trials. On December 19, 2002, State Supreme Court Justice Charles J. Tejada did indeed vacate the convictions. A great deal of the highly racialized public debate surrounding the reevaluation of the case centered on whether police detectives had coerced the convicted youngsters' statements. At least two pieces of city and state legislation were submitted by Harlem-based politicians demanding the videotaping of all interaction between police and felony suspects from the moment custody begins.

On January 27, 2003, the NYPD released a *Central Park Jogger Panel Report* prepared by two prominent New York City attorneys and the police department commissioner of legal affairs. That report argued that the five youngsters convicted in 1990 had "most likely" participated in the beating and rape of the jogger. The panel said: "We adopt the view that the most likely scenario for the events of April 19, 1989 was that the defendants came upon the jogger and subjected her to the same kind of attack, albeit with sexual overtones, that they inflicted upon other victims in the park that night. Perhaps at-

tracted to the scene by the jogger's screams, Reyes either joined in the attack as it was ending or waited until the defendants had moved on to their next victims before descending upon her himself, raping her and inflicting upon her the brutal injuries that almost caused her death. On this theory of the facts, there is no reason to believe that the defendants were prompted into making erroneous statements." A spokesman for DANY promptly disputed the police panel's interpretation.

6. The NYPD's Mounted Unit named one of its horses Keith Levine in honor of Sergeant Levine. Keith Levine, a 15-hand bay gelding, served the department and the city from 1992 to 2002. He was ridden for almost that entire period by Police Officer Joseph L. Perno, who had served on patrol in Midtown North when Sergeant Levine was murdered and who originally suggested naming the horse for his slain brother officer.
7. I spent the entire day of October 21, 1991, and parts of several other days during the same month on the street with PO Ryan.
8. See, for example, the famous case of Lieutenant Charles Becker, the head of the notorious Strong Arm squad in 1912 that kept gambling establishments faithful to their obligated tithes to Tammany Hall. Herman Rosenthal, a petty gambler who kicked against Becker's discipline, gave an account of the Tammany graft system enforced by the police department to journalist Herbert Bayard Swope of the *New York World*. Rosenthal was gunned down shortly afterward by four hitmen. The Manhattan district attorney, Charles Whitman, assisted greatly by Swope, who regularly printed releases of presumably secret grand jury testimony leaked to him by Whitman's office, blamed Becker for setting up Rosenthal's murder. And Becker was in fact convicted in two trials (the first trial was overturned by the Appellate Division for procedural irregularities by the trial judge) and executed, as were the four gunmen.

Although there is every reason to believe that Becker wanted Rosenthal dead, the evidence against the lieutenant for actually plotting the murder was thin indeed. In all likelihood, the murder was

arranged by the very men who became the chief witnesses against Becker in order to protect Tammany Hall's big stake in gambling, a cash-cow bonanza overseen by Big Tim Sullivan. See Andy Logan, *Against the Evidence: The Becker-Rosenthal Affair* (New York: McCall, 1971); Henry H. Klein, *Sacrificed: The Story of Police Lieutenant Charles Becker* (New York: Isaac Goldman, 1927); and Jonathan Root, *One Night in July: The True Story of the Rosenthal-Becker Murder Case* (New York: Coward-McCann, 1961).

9. This hierarchical *structure* persists over time. In November 2002, for instance, the NYPD had 6,726 detectives, of which 681 were second-grade detectives and 211 were first-grade, with all the rest at third-grade. As in all years since 1995, the 5,939 detectives in September 2004 include those in the Transit Bureau and the Housing Bureau. Of this number, 5,203 were male and 736 were female. My thanks to Sam Katz of the New York City Detectives' Endowment Association for providing these figures.
10. For a particularly egregious example of similar judicial capriciousness, see Judge M. Langhorne Keith's dismissal of the murder indictment against John Muhammad for his wanton sniper murder of FBI analyst Linda Franklin in Falls Church, Virginia, in 2002. On January 6, 2004, a Fairfax county police detective sent a facsimile followed by a teletype to a jail in Manassas, Virginia, where Mr. Muhammad was being held, as a "detainer," an order to hold Muhammad for trial. Normally, a detainer simply expresses the interest of one jurisdiction in a prisoner being held by another jurisdiction to prevent an unwarranted release from custody. On May 27, 2004, after the Fairfax police department completed its own investigation, a Fairfax detective personally served Muhammad with an arrest warrant. On October 1, 2004, Judge Keith dismissed charges against Muhammad, saying that the January 6 detainer amounted to an arrest and that his "statutory right to a speedy trial was violated." See Thomas Crampton, "One Murder Charge Dismissed in a Sniper Attack in Virginia," *New York Times*, October 2, 2004.
11. For what most prosecutors consider an especially obnoxious exam-

ple of such moralistic self-righteousness, see David Heilbroner, *Rough Justice: Days and Nights of a Young D.A.* (New York: Pantheon, 1990).

12. The impartiality of the courts, in New York City at least, is a subject of constant dispute. In New York State, justices are both elected and appointed to the New York State Supreme Court, the state's trial court for felonies and major civil matters. As the *New York Times* ("New York's Farcical Judicial Elections," November 2, 2002, editorial) points out, scarce spots on the ballot "within a generally mediocre pool of candidates" are the property of "lucrative [Democratic Party] clubhouse patronage." In New York City, the main route to the Supreme Court bench is through mayoral appointment to the Criminal Court, which adjudicates misdemeanors and petty civil matters. "Acting" Supreme Court justices are then typically appointed from the ranks of Criminal Court judges, for terms that last fourteen years. Thus, the quality of most judges elected or appointed to the bench, with the greatest effect on the everyday life of New Yorkers, is seen by all the main players in the criminal justice system—police, prosecutors, defense attorneys, and judges themselves—to be wholly dependent on New York City's quasi-tribal politics. As Jeffrey A. Segal and Harold J. Spaeth argue convincingly about the United States Supreme Court in *The Supreme Court and the Attitudinal Model* (Cambridge: Cambridge University Press, 1993), so in the New York courts do judges' ideologies regularly seem to trump dispassionate adherence to judicial norms.

Moreover, the 2002–2003 revelations about corruption on the Brooklyn bench—judges soliciting fees from attorneys for favorable rulings in civil cases, administrative judges assigning particular cases to political-clubhouse cronies on the bench, and other judges turning a blind eye to their colleagues' involvement in bribery—fueled more debate about the state of the New York bench. For preliminary accounts, see William Glaberson and William K. Rashbaum, "Indictment of a Brooklyn Judge Provides Details of Seemingly Routine Corruption," *New York Times*, January 25, 2002; William K. Rashbaum,

“Another Brooklyn Judge Said To Be Reassigned,” *New York Times*, February 23, 2002; and Andy Newman, “Judge in Corruption Plans a Guilty Plea, Court Papers Say,” *New York Times*, July 2, 2002. For an analysis of the judicial patronage system in the Bronx and the incestuous relationships it inevitably produces between judges and lawyers who appear before them, see Clifford J. Levy, Kevin Flynn, Leslie Eaton, and Andy Newman, “A Bronx Judiciary Awash in Patronage, All Legal,” *New York Times*, January 3, 2003. A similar system obtains in Manhattan. Despite their highly selective character, the annual reports of the New York State Commission on Judicial Conduct, which reviews the 1,000+ formal complaints made against New York judges every year, make lively reading. See www.scjc.state.ny.us.

13. For a sustained treatment of the social roots of the epistemological Hobbesianism that marks all public discourse in American society, see Jackall and Hirota, *Image Makers*, esp. 207–228. For excellent historical and institutional treatments of the transformation of the notion of responsibility in American society, see James L. Nolan, Jr., *The Therapeutic State: Justifying Government at Century's End* (New York: New York University Press, 1998), and *Reinventing Justice: The American Drug Court Movement* (Princeton: Princeton University Press, 2001).
14. See Robert Jackall, *Wild Cowboys: Urban Marauders & the Forces of Order* (Cambridge: Harvard University Press, 1997), 4–32.

6. Street Work

1. See Robert Jackall, *Wild Cowboys: Urban Marauders & the Forces of Order* (Cambridge: Harvard University Press, 1997), 270–284.
2. In 1970 Angela Yvonne Davis was accused of murder and kidnapping in what prosecutors argued was a conspiracy to free the Soledad Brothers, three black inmates of Soledad prison in California, themselves accused of murdering a white prison guard there. The most famous of the three was writer, revolutionary, and convicted armed robber George Jackson. According to the state indictment as reported in the *New York Times*, November 12, 1970, police discovered

that the guns used in an armed takeover and hostage-taking in the Hall of Justice in San Rafael, Marin County, California, on August 7, 1970, led by George Jackson's younger brother, Jonathan, had been purchased by Davis and were registered to her. At one point during the seizure of the hostages, according to some accounts, Jonathan Jackson had demanded the release of the Soledad Brothers. Prosecutors argued that Ms. Davis and Jonathan Jackson had been observed in each other's company several times in the days before the raid on the courthouse. The hostage-taking produced a wild shootout outside the courthouse in which Judge Harold J. Haley, one of five hostages taken, had his head blown off with a single-barrel sawed-off Spanish shotgun owned, according to the indictment, by Ms. Davis. Jonathan Jackson, along with James McClain, a San Quentin inmate on trial for assaulting a guard with a knife, and William Christmas, a fellow San Quentin inmate present to testify on McClain's behalf, were killed by police. Ruchell Magee, another San Quentin inmate in the courtroom to testify for McClain, was gravely wounded in the chest. Gary W. Thomas, the prosecuting attorney, was paralyzed for life. Three women jurors taken as hostages escaped alive.

After a nationwide hunt, during which Ms. Davis received succor from supporters across the country, she and a companion were apprehended by FBI agents in a Howard Johnson Motor Lodge on Eighth Avenue at 51st Street. The trial became a prototype of politicized legal proceedings involving black defendants in the following thirty years, and a paradigm of how to mobilize public opinion through racially-tinged propaganda to thwart the procedural rationality of the criminal justice system. Davis was acquitted of all charges, most specifically that she supplied the weapons used in the courthouse raid to Jonathan Jackson. She did not explain with any specificity why she fled California the day after the catastrophe and remained a fugitive for more than two months.

In 1995 Ms. Davis was appointed to a Presidential Chair in the university system that had fired her decades before for her Communist Party activities. She teaches in the History of Consciousness program at the University of California, Santa Cruz. She is a featured

speaker at universities across the country on the abolition of prisons, on feminism, and on the plight of oppressed peoples everywhere. In October 2003 Professor Davis accepted the City of Paris's award of citizenship to Wesley Cook aka Mumia Abu-Jamal, who was unable to attend the ceremony because he is imprisoned for life after being convicted for the December 9, 1981, murder of Philadelphia Police Officer Danny Faulkner.

3. See Jackall, *Wild Cowboys*, 34–58, esp. 46–47.
4. More than thirty states have statutes that, in various ways, recognize unborn children who are victims of violent crime as members of the human family. However, New York State has contradictory statutes on this issue. The killing of an “unborn child” after twenty-four weeks of pregnancy constitutes a homicide (N.Y. Penal Law 125.00). However, a “person” is defined as “a human being who has been born and is alive” (N.Y. Penal Law 125.05). Versions of an Unborn Victims of Violence Act passed the United States House of Representatives in 1999 and again in 2001 but were not acted upon by the United States Senate. In January 2004 essentially the same act (H.R. 1997) was again passed by the House. In March 2004 the Senate (S. 1019) passed its version of the same bill. The law allows federal authorities to prosecute a culprit for injury or death sustained by a pregnant woman's unborn child, if inflicted in the course of committing any of the already-defined 68 federal crimes of violence against the woman herself. The long-run implications for “fetal rights” of the United States Supreme Court's refusal to reconsider the conviction of a woman found guilty of the homicide of her nearly-full-term still-born daughter because of her cocaine use during pregnancy are as yet unclear. See *State v. McKnight*, 576 S.E.2d 168 (S.C. 2003), cert. denied, *Regina D. McKnight v. South Carolina*, 124 S. Ct. 101 (U.S. 2003).

7. *Waiting for Chocolâte*

1. Street “runners,” sometimes called “steerers,” do not themselves hold drugs for sale but instead direct customers to drug dealers who

typically ply their trade in sale apartments off the streets. Runners take a commission on sales, either in cash or in kind. In some operations, they are expected to screen or vouch for customers to the dealers, but no respectable dealer relies solely on such assurances. The instituted occupational role of runner only marginally insulates dealers from the main hazards of their trade: undercover police and especially robbers.

2. Robert Jackall, *Wild Cowboys: Urban Marauders & the Forces of Order* (Cambridge: Harvard University Press, 1997), 60–100.
3. By 2001 the labor-saving wanted card system had changed into a labor-intensive program. By then, every time a detective filed a wanted card he had to create a folder detailing his weekly routine checks into a standardized list of search items. Wanted card units were created and disbanded, depending on manpower needs.
4. For accounts of the Brinks robbery, see John Castellucci, *The Big Dance: The Untold Story of Weatherman Kathy Boudin and the Terrorist Family That Committed the Brinks Robbery Murders* (New York: Dodd Mead, 1986), and Susan Braudy, *Family Circle: The Boudins and the Aristocracy of the Left* (New York: Alfred A. Knopf, 2003).
5. This account follows closely Cowell's statement to Detectives Austin Francis Muldoon and Joel Potter taken in the 34th precinct on August 5–6, 1991, written down by Detective Muldoon and signed by Julian Cowell and the two detectives. I also viewed Cowell's videotaped statement taken the next day by an assistant district attorney. These two statements differ only in minor details.
6. *People v. Yuki*, 25 N.Y.2d 585 at page 589. See also *Hicks v. United States*, 382 F.2d 158.
7. *People v. Balint*, 92 A.D.2d 348; 460 N.Y.S.2d 563; 1983 N.Y. App. Div.
8. See Harold J. Rothwax, *Guilty: The Collapse of the Criminal Justice System* (New York: Warner Books, 1997). Rothwax's anecdotal polemic against the system that he served for more than a quarter of a century, both as a defense attorney and a judge, particularly against the system's elevation of procedural over substantive justice, elicited both lavish praise and extreme condemnation. Rothwax's main point—that criminal proceedings should aim to discover “truth,” in

the sense of who committed specific illegal actions, instead of being the juggling of legal “filters” designed to keep relevant information from juries—was deemed to be a radical idea.

9. On December 7, 1999, Cowell made a motion to vacate his conviction on the grounds that his trial counsel “coerced him into pleading guilty by threatening to withdraw from the case on the eve of trial if appellant did not plead guilty.” Cowell further alleged that his attorney had promised that he wouldn’t serve more than ten years of his sentence. The New York State Supreme Court denied Cowell’s motion and the Appellate Division denied his application to appeal. Cowell filed two other motions with the same claims and received the same results.
10. *People v. Cowell*, 782 N.Y.S.2d 458 (1st Dept. 2004). See also Defendant-Appellant’s Brief and Respondent’s Brief. My thanks to ADAs Marc Frazier Scholl and Meredith Boylan of DANY for their assistance in locating the Appellate Division materials.
11. My thanks to ADAs Steve Saracco and Stacey Mitchell of DANY for providing me with access to their copy of the original trial transcript of *People v. Rodriguez*, 281 A.D.2d 375 (1st Dept. 2001).

8. *Tracing the Past*

1. In one of its endless reorganizations, the NYPD created “homicide zones” in the early 1970s, each with its own homicide squad. Manhattan had five such zones. Homicide squad detectives caught cases in their own zones. Sometimes the Manhattan Homicide Task Force assisted zone detectives in their investigations. The 5th Homicide Zone extended from 86th Street and the Hudson River to 165th Street and the Harlem River, and then from 165th Street to the upper tip of Manhattan, from river to river. The 5th Homicide Zone squad turned out of the 24th precinct in 1973, and then moved to the 26th precinct in 1974.
2. Parkhurst, an 1866 graduate of Amherst College, led a crusade against police graft and tolerance of debauchery and vice, especially

- in lower Manhattan's infamous Five Corners area. Parkhurst's moral outrage was the prelude to the Lexow Committee, the first great inquisition into police corruption in the city. See Charles W. Gardner, *The Doctor and the Devil, or Midnight Adventures of Dr. Parkhurst* (New York: Gardner & Co., 1894). See Gabriel Chin, *New York City Police Corruption Commissions, 1894–1994*, vol. 1 (Buffalo: W. S. Hein, 1997).
3. Thomas F. Byrnes, *Professional Criminals of America* (New York: Cassell & Co. Ltd., 1886).
 4. There is a vast and growing literature on eyewitness identification and its purported problems, emanating mostly from experimental psychologists. Perhaps the leading figure in the field is Professor Gary L. Wells of Iowa State University. For a state-of-the-art overview of this area of inquiry and a comprehensive bibliography, see Gary L. Wells and Elizabeth A. Olson, "Eyewitness Identification," *Annual Review of Psychology* 2002. Wells aided the United States Department of Justice, National Institute for Justice, in formulating the guidelines in *Eyewitness Evidence: A Guide for Law Enforcement* (Washington, DC: Government Printing Office, 1999), developed in response to the DNA-technology overturning of the convictions of more than sixty prisoners in the 1990s, most of whom had been incarcerated on the basis of eyewitness evidence. These rules are still being revised. Now sequential-photo identifications are replacing photo arrays; sequential lineups are replacing panel lineups; and soon all identification procedures will be double-blind to prevent even the accusation of police influence on witnesses. Joining Wells in efforts with the Justice Department and local police are other important scholars in this area, including Roy S. Malpass. See, for example, G. L. Wells, R. S. Malpass, R. C. L. Lindsay, R. P. Fisher, J. W. Turtle, and S. M. Fulero, "From the Lab to the Police Station: A Successful Application of Eyewitness Research," *American Psychologist* 55, no. 6 (2000): 581–598.
 5. Simon A. Cole, *Suspect Identities: A History of Fingerprinting and Criminal Identification* (Cambridge: Harvard University Press, 2001). Cole's book argues that the colonial origins of using fingerprints for identi-

fication have tainted all subsequent uses by authorities, a colorful interpretation that one need not accept to appreciate the solid research presented in his volume. See my review of Cole's book in "Tales Told by Loops, Whorls, and Ridges," *Science* 293 (2001): 1771–1772. Some of the material in this section was originally published in the *Science* review and is used again in different form with the permission of the AAAS.

6. All the while, another identification technique competed with fingerprinting for ascendancy. Anthropometry, invented by Alphonse Bertillon, mandated detailed measurements of skulls, feet, and other body parts, reduced to highly standardized *portraits parlés*, which purportedly enabled authorities to ascertain identities. Anthropometric measurements, sometimes in conjunction with fingerprinting, continued in use well into the twentieth century. Eventually fingerprinting came to be seen as a convenient and efficient alternative to the cumbersome *Bertillonage* system.
7. Cole, *Suspect Identities*, 73–88 in particular.
8. Ibid., 88–89, 168–189. See also the lively, first-hand account of the history of fingerprints and their use as evidence in the United Kingdom and its colonies by Gerald Lambourne, *The Fingerprint Story* (London: Harrap, 1984).
9. See Colin Beavan, *Fingerprints: The Origins of Crime Detection and the Murder Case that Launched Forensic Science* (New York: Hyperion, 2001).
10. *Hamilton v. H.M. Advocate*, Court of Justiciary, Scotland, October 19, 1933. Opinion of Lord Justice-General Clyde. My thanks to Yuki A. Hirose of Frankfurt Kurnit Klein & Selz, PC, for help in locating this decision.
11. See United States Navy Department, Bureau of Navigation, *Fingerprint Evidence* (Washington, DC: Government Printing Office, 1922); United States Department of Justice, Federal Bureau of Investigation, *The Science of Fingerprints: Classification and Uses* (Washington, DC: Government Printing Office, 1984). For an example of testimony by a fingerprint examiner the scientific basis of which was challenged by the court, see *United States v. Parks*, Central District of Cali-

- fornia, CR-91–358-JSL, testimony of fingerprint examiner Diane Castro, transcript, 585–607, cited in Cole, *Suspect Identities*, 272–273.
12. The finger numbering begins with the right thumb (No. 1) to the right little finger (No. 5), then to the left thumb (No. 6) to the left little finger (No. 10).
 13. *People v. Myers*, 150–177.
 14. *People v. Myers, Appellant*, Supreme Court of New York, Appellate Division, First Department, 220 A.D. 2d 272; 632 N.Y.S. 2d 111; 1995 N.Y. App. Div. Lexis 10052. The Appellate Division’s opinion also stated: “The expert testimony regarding the institution and mechanics of the Statewide Automated Fingerprint System did not constitute improper bolstering, but rather was properly admitted to explain why the police apprehended defendant after a lapse of seventeen years . . . Nor was there any error in admitting the testimony of the expert witness that based upon the number of comparison points and the quality of the latent fingerprints taken from the crime scene, the witness had no doubt that the fingerprints in question were those of the defendant.”
 15. An evidence-planting scandal with profound impact on police throughout New York State involved several members of the New York State Troopers in 1992, five of whom were eventually convicted. See “Former State Trooper Explains Ways That He Fabricated Evidence,” *New York Times*, April 16, 1993; “Ex-Trooper Gets Prison for Faking Evidence,” *New York Times*, June 12, 1993; and “Police Investigation Supervisor Admits Faking Fingerprints,” *New York Times*, July 30, 1993. The most famous alleged evidence-planting occurred in the O. J. Simpson trial, where Simpson’s attorneys successfully accused the Los Angeles police department of planting evidence against their client.
 16. Simon Cole, *Suspect Identities*, 281. Cole notes that only 44 percent of 156 examiners who took an “external proficiency” test conducted by the Collaborative Testing Service under the aegis of the International Association for Identification made no mistakes at all in matching prints. Twenty-two percent of those tested wrongly re-

ported as positive matches fingerprints from completely different people.

17. *The Sokal Hoax: The Sham That Shook the Academy* (Lincoln: University of Nebraska Press, 2000), by the editors of *Lingua Franca*, graphically illustrates the profound differences between those who adhere to an epistemology based on empirical realities and those for whom all knowledge is either projected onto the world or spun in such a way as to make it unverifiable.
18. 509 U.S. 579 (1993). For a survey of the significance of *Daubert* and its offspring, see www.daubertontheweb.com.
19. The origin of the “general acceptance” test was *Frye v. United States*, 293 F. 1013, 1014 (App. D.C. 1923).
20. 509 U.S. 579 at 593–594.
21. *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999).
22. In the federal courts, the issue has been the admissibility of fingerprint evidence under Federal Rule of Evidence 702 in light of the *Daubert* decision as modified by *Kumho*. In the state courts, the issue has been the admissibility of fingerprint evidence under particular state criminal procedures, usually but not always controlled by *Daubert/Kumho*. For a complete list of citations from 1999–2001, see *United States v. Llera-Plaza*, Cr. No. 98–362–10, 11, 12, U.S. District Court, Eastern District of Pennsylvania, *Government’s Combined Motion in Limine to Admit Latent Print Evidence and Response to Defendant Acosta’s Motion to Preclude the Introduction of Latent Fingerprint Evidence*, Appendix B, “Court Challenges to Fingerprint Evidence.” My thanks to Richard Manieri of the United States Attorney’s office of the Eastern District of Pennsylvania for providing me with the briefs submitted by AUSAs Thomas R. Perricone and Paul A. Sarmousakis on behalf of United States Attorney Michael L. Levy. My special thanks to Duffy Graham for his help on the legal issues discussed in this chapter.
23. *United States v. Mitchell*, Cr. No. 96–407, Eastern District of Pennsylvania, and *State of Georgia v. McGee*, Indictment No. 99–CR–277, Superior Court of Carroll County, Georgia.

24. “Will Fingerprinting Stand Up in Court?” *New York Times*, March 9, 2002, A15.
25. See *United States v. Llera-Plaza*, Eastern District of Pennsylvania, decisions of January 7, 2002, and March 13, 2002. The opinions are available on the Web at: <http://www.paed.uscourts.gov/documents/opinions/02Doo46P.pdf> and <http://www.paed.uscourts.gov/documents/opinions/02Dor82P.pdf>. Judge Pollak’s decisions were widely reported in the press.
26. *U.S. v. Llera-Plaza*, March 13, 2002, 24. For case citations since Judge Pollak’s January 7, 2002, decision, see “Legal Challenges to Fingerprints,” http://onin.com/fp/daubert_links. In particular, see *U.S. v. Mitchell*, 2004 WL 908359 (3rd Cir. April 29, 2004). The public perception of the reliability of fingerprint identification experts suffered grievously from the bungled case of Brandon Mayfield of Portland, Oregon. Three FBI fingerprint experts identified a partial latent fingerprint found on a bag of explosive detonators near the site of the Al Qaeda terrorist attack in Madrid, Spain, on March 11, 2004, as belonging to Mr. Mayfield, a Muslim convert and once a defense attorney for a Muslim radical in a domestic matter. The FBI experts stated that there were fifteen matching points between Mayfield’s print and the latent print discovered at the crime scene. Spanish authorities initially cited eight matching points, but they later retreated completely and said that the latent print belonged to one Ouhmane Daoud, an Algerian. FBI experts admitted the misidentification, and the Oregon district court released Mayfield with apologies. See Jennifer Mnookin, “The Achilles’ Heel of Fingerprints,” *Washington Post*, May 29, 2004.

Government officials claimed that they had reason to suspect Mayfield once the mismatched fingerprints brought him to the FBI’s attention. According to briefs signed by the government, warranted searches of Mayfield’s home, office, and safe deposit box revealed that Mayfield had accessed on his computer: airplane schedules to Madrid; “a website apparently sponsored by the Spanish national passenger rail system—the target of the March 11, 2004,

bombings”; and “virulently anti-Semitic articles . . . which appeared to blame Jewish people for various world problems.” See *Reply Memorandum in Support of Motion to Amend Order Requiring Destruction of Seized Items* (Misc. No. 04-MC-9071) filed by United States Attorney Karin Immergut and her assistants in the United States District Court in the District of Oregon on September 13, 2004. The United States filed the motion with a request to the court that it be sealed; but in opposing the motion Mayfield’s attorneys also opposed the request for sealing, and the court unsealed the memorandum.

The Mayfield mismatch of fingerprints colored other stories as well. Benjamin Weiser of the *New York Times* wrote an excellent article about the Kafkaesque case of Rene Ramon Sanchez, who was arrested several times for the crimes of one Leo Rosario because police department clerks mixed up Sanchez’s fingerprints, taken after a 1995 traffic violation, with those of Rosario, arrested the night before on a drug charge. Although the two men bore no physical resemblance whatsoever to each other, the clerical mistake repeatedly made Sanchez into Rosario in the eyes of the criminal justice system whenever Sanchez was stopped by police because Rosario’s prints popped up and were taken as a more valid form of identification than photographs. As it happens, Rosario’s occupation led him into a lot of trouble, which became trouble for Sanchez.

When Mr. Weiser wrote his article, in which he cites the Mayfield case, his editors titled the piece “Can Prints Lie? Yes, Man Finds to His Dismay,” *New York Times*, May 31, 2004. But the point was not the misidentification of prints, as in the Mayfield case, but a cautionary tale about the consequences of a simple misfiling in a vast bureaucracy.

9. *A Death in the Field*

- i. Horsetweed (*Conyza canadensis*), also known as mare’s tail, is a composite, semicosmopolitan weed of the aster family. Horsetweed bears

- yellowish flowers and, with its great hardiness, range, and genetic plasticity, often grows to eight-to-ten-foot heights.
2. Translation: “Through this holy oil, and through the great goodness of His mercy, may the Lord pardon thee whatever sins thou hast committed.”
 3. On August 25, 1997, during a walkthrough reconstruction of PO Lozada’s murder in Bushwick, Detective Vincent Carrera and I encountered one of the same two women sitting on the same stoop, along with her daughter. The other woman witness was long dead.
 4. Compare the hesitancy about tape-recording suspects’ statements in 1984 with demands for universal tape-recording of all encounters between criminal investigators and suspects fifteen years later. See, for instance, Jim Dwyer, “Cornered Minds, False Confessions,” *New York Times*, December 9, 2001.
 5. Jeter’s attorneys later contended that Justice Thaddeus Owens, the New York State Supreme Court judge who presided over Jeter’s trial, erred in admitting expert testimony on voice spectrographic analysis without a preliminary hearing on its scientific status and reliability. New York lower courts had previously split on the reliability of such evidence, and there had been no ruling on the issue by higher courts. The Court of Appeals of New York agreed with this claim, but called the admission of that expert testimony a harmless error in light of the other evidence against Jeter, including the two statements that Carrera and Cardi had taped. *People of the State of New York, Respondent v. Darryl Jeter, Appellant*, Court of Appeals of New York, 80 N.Y.2d 818; 600 N.E.2d 214, June 11, 1992.
 6. *New York Times*, September 29, 1984.
 7. While cross-examining Detective Carrera, however, Mr. Foard called his own client “Gerald.” Carrera quickly pointed out that Foard had made the mistake while fully alert instead of at the end of a grueling night of work.
 8. Indeed, when word of the findings of trace amounts of opiates and cocaine in PO Lozada’s bile and urine was leaked to the press, Justice Thaddeus Owens immediately forbade counsel on both sides to

speak to the media. When Foard did give interviews to broadcast journalists after the order, Justice Owens found him in summary contempt of court. None other than William Kunstler, the dean of radical defense attorneys, represented Foard in this dispute. The Appellate Division, Second Department of the Supreme Court of New York, later reversed the contempt order. For details, see *People of the State of New York, Plaintiff, v. Darryl Jeter, Defendant, Richard Foard 3d, Appellant; Thaddeus E. Owens, as Justice of the Supreme Court, Kings County, Respondent*. 116 A.D. 2d 558; 497 N.Y.S.2d 414, January 13, 1986.

9. Vincent Carrera died on May 7, 2004, of natural causes. A friend sang Frank Sinatra's "My Way" at his funeral mass, and his daughter's husband played "Call to the Post" on the trumpet, a tribute to Carrera's avid interest in horse racing.
10. On September 11, 2001, NYPD Police Officer Moira Smith of the 13th precinct, formerly of the New York City Transit Police, and Captain Kathy Mazza of the Port Authority of New York and New Jersey Police died in the line of duty while helping civilians escape from the collapsing twin towers of the World Trade Center.

10. *The Long Arm of the Job*

1. INS had four law-enforcement divisions—Border Patrol, Investigations, Inspections, and Detention and Removal. ICE combines the U.S. Customs Office of Investigations, the INS Investigations and Detention and Removal divisions, the Federal Protective Service, and the Federal Air Marshals Service.
2. See Robert Jackall, *Wild Cowboys: Urban Marauders & the Forces of Order* (Cambridge: Harvard University Press, 1997), for the only example up to 2004 in New York City of such interborough cooperation. In *People v. Rincon*, DANY's Homicide Investigation Unit, borrowing investigators and prosecutors from Bronx and Kings counties, put together a tri-borough investigation and prosecution of members of a drug gang responsible for narcotics and arms trafficking, murder, and mayhem throughout the city.
3. See *United States v. Heatley*, SDNY SII 96 Cr. 515, which documents

some, but by no means all, of the crew's crimes. Heatley pleaded guilty to thirteen murders, conspiracy to commit murder, robbery, extortion, and other crimes on February 5, 1999, in the U.S. District Court in Manhattan. Before the final deal with Heatley was reached, the federal prosecutors refused to accept Heatley's initial "proffer" (the so-called Queen for a Day arrangement whereby defendants reveal to prosecutors crimes done by others to which they will testify even as they review their own criminal histories) on the grounds that they already had the same information from other sources. But in the end, the prosecutors closed the deal with Heatley in order to hammer Cuff. John Cuff pleaded guilty to ten murders and other crimes on March 22, 1999.

4. See Jackall, *Wild Cowboys*, for the complete story of the double and quadruple homicides and for a sketch of Pasqualito's criminal career.
5. On the issue of identification, see Shaila K. Dawan, "Elementary, Watson: Scan a Palm, Find a Clue," *New York Times*, November 21, 2003. By the end of 2003, the NYPD's computerized palm print database contained more than 100,000 palm prints.

Just as local police have begun using tools developed for the national "war on terror" for their own purposes, so too have district attorneys begun to use post-9/11 state anti-terror laws to prosecute street criminals. On May 13, 2004, Robert T. Johnson, district attorney of the Bronx, announced a 70-page indictment (2210/2004) against Edgar Morales aka Puebla and seventeen other members of "The St. James Gang" for conspiracy to "intimidate or coerce a civilian population," pursuant to New York State's Anti-Terrorism Statute (NYS Penal Law 490) enacted on September 17, 2001. The indictment names "numerous acts of violence and destructive behavior" that furthered the conspiracy. My thanks to Assistant District Attorney Edward Friedenthal for providing me with the indictment.

6. See Daryl Khan, "NYPD To Have Access to Interpol Data," *Newsday*, November 19, 2003.
7. Similar cases of obsessive hoarding come to light from time to time. See, for instance, Robert D. McFadden, "Bronx Man Rescued from

His Own Paper Prison,” *New York Times*, December 30, 2003. But normally hoarders, such as the famous Collyer brothers, who saved over 180 tons of newspapers, magazines, and trash in their Harlem apartment, stay reclusive. See Franz Lidz, “The Paper Chase,” *New York Times*, October 26, 2003. The 34th precinct homicide victim lived a full, outwardly normal professional, middle-class life. Her murder remains a mystery.

8. Benoit Denizet-Lewis, “Double Lives on the Down Low,” *New York Times Magazine*, August 3, 2003; Andrew Jacobs, “The Beast in the Bathhouse,” *New York Times*, January 12, 2004. See also Frank Owen, “No Man Is a Crystal Meth User to Himself,” *New York Times*, August 29, 2004.
9. See, for instance, *United States v. Madrid*, Southern District of New York, 01 CR 21 and S4 02 CR 416. The indictment in the latter case alleges that Consuelo Marquez, then an employee of Lehman Brothers, created fronts, shell companies, and offshore accounts all over the world that funneled wire transfers and checks to launder millions of dollars of drug money for Mario Ernesto Villanueva Madrid, a former Mexican state governor, and his son Luis Ernesto Villanueva Tenorio. After lawyers hired by Lehman Brothers persuaded United States attorneys that Marquez had simply outwitted her superiors with fake documents, the indictment did not accuse the firm of criminal activity. See Bill Berkeley, “A Glimpse into a Recess of International Finance,” *New York Times* November 12, 2002. My thanks to Richard Sullivan, Assistant United States Attorney, Southern District of New York, for providing me with the indictments and *United States v. Madrid*, *Government’s Memorandum of Law in Opposition to the Pre-Trial Motions of Defendant Consuelo Marquez*. Marquez pleaded guilty to one count of bank and wire fraud and fifteen counts of wire fraud. United States Attorney, Southern District of New York, “Former Lehman Brothers Broker Pleads Guilty to Bank and Wire Fraud Charges,” Public Information Office release, September 8, 2004. As of late September 2004, Marquez still faced trial for “laundering millions of dollars in narcotics proceeds through Lehman accounts.”

10. Every once in a while outright criminal activities of members of the defense bar come to public attention. See, for instance, the case of Pat V. Stiso aka Gabriella, whose offices were in the Bronx, who pleaded guilty in the Southern District of New York to obstruction of justice and conspiracy to distribute heroin. Prosecutors argued that Stiso was the “house counsel” to the Maisonet drug gang from the Hunts Point section of the Bronx. In his allocution, Stiso acknowledged that he received money from gang members in his offices, knowing that the money was the “proceeds of narcotics activity,” “for the purposes of preserving and concealing these funds to further the conspiracy.” Stiso also acknowledged making false statements to one court and a false bail application to another court, using still other monies that he knew were the “proceeds of narcotics activity” to procure property that could be posted as security for his client. Stiso also admitted divulging information that he knew he was specifically prohibited from disclosing. On questioning from the judge, the prosecutors pointed out that this last offense was very serious indeed. Stiso provided Francisco Maisonet, the boss of the drug gang, the name of the government witness who had secretly testified against Maisonet. *United States v. Pat Stiso*, S5 CR 817, August 12, 1998. My thanks to Richard Sullivan, Assistant United States Attorney, Southern District of New York, for providing me with a copy of the plea proceedings.
11. Several attorneys general of different states made political hay out of *pro se* prisoner lawsuits in the 1990s, most notably Dennis C. Vacco of New York, who published during his term at least three Top Ten lists of frivolous inmate claims. Vacco’s 1998 list had the story of a young man who sued New York State for \$15 million for forcing him into a life of crime by denying him a driver’s license after he failed to respond to several traffic tickets, and the story of another young man, in prison for burglary, who, because the commissary sold him a box of stale Pop Tarts, sued the state for \$35,000 for mental anguish, pain, and suffering and a new box of the taste treats. “News from Attorney General Dennis C. Vacco,” *The Capitol*, Albany, New York, September 10, 1998. Vacco was pressing for state legislation to penalize

New York State prisoners who filed such meritless suits. In 1996 the United States Congress had passed the Prison Litigation Reform Act, which sharply restricted federal prisoners' access to federal courts. See Margo Schlanger, "Inmate Litigation," *Harvard Law Review* 116 (April 2003), for a review of federal inmate claims before and after that legislation. Schlanger argues that the federal legislation has thwarted even constitutionally meritorious claims. She also notes the propagandistic use of egregious claims by attorneys general.

12. The photograph was discovered by Detectives Garry Dugan and John Bourges in the criminal's mother's apartment while the detectives were investigating a shooting.
13. This well-known phrase, now a motto of journalists everywhere, seems to have originated with Finley Peter Dunne's *Observations by Mr. Dooley* (New York: R. H. Russell, 1906), 240. "Th' newspaper does ivrything f'r us. It runs th' polis foorce an' th' banks, commands th' milishy, conthrols th' ligislachure, baptizes th' young, marries th' foolish, comforts th' afflicted, afflicts th' comfortable, buries th' dead an' roasts thim afterthward."
14. The history of police corruption in New York City and investigations into it is extensive. The Knapp Commission Report on Police Corruption (1972), the landmark descendant of the Lexow Committee Report (1895), the Curran Commission Report (1913), the Seabury Investigation Report (1932), and the Hefland Investigation Report (1955) noted not only the prototypical form of police corruption, that is, the graft normally associated with any bureaucracy whose officials have authority to enforce or not to enforce regulations, but also warned of the growing corrupting influence of narcotics money on police officers. Major organizational reforms followed the Knapp Commission's report, including the institution of separate narcotics units to do narcotics investigations and arrests. The Mollen Commission Report (1994), instituted by the Dinkins administration, documents the startling extent to which the Knapp Commission's warning about narcotics-money-induced corruption had become re-

ality. The Giuliani administration instituted a zero-tolerance policing strategy that allowed uniformed police to make narcotics arrests. For an overview of the history of police corruption in New York City and the many efforts to reform it, see Gabriel J. Chin, *New York City Police Corruption Investigation Commissions, 1894–1994* (Buffalo, NY: W. S. Hein, 1997), 6 vols.

The stratification of police organizations by talent and especially by hard work resembles that of all large organizations, particularly that of other large civil-service municipal bureaucracies. In my estimate, based on wide comparative study of and experience in different bureaucracies, including corporations and the academy, about 20 percent of the employees of most large organizations have retired while still on the job. Excepting favoritism in its various forms (the universal plague of all bureaucracies), moral entrepreneurs' continual focus on certain types of police corruption—perjury, extortion, and especially excessive or unwarranted use of force, inexcusable crimes but committed by a relatively small percentage of officers—causes them to miss the most widespread form of police corruption, namely, laziness.

15. The officer who accused his fellows did, in fact, surrender what was left of “his share” of the money, about \$18,000. But, despite extensive searches by the Internal Affairs Bureau, no trace of money was ever found on his fellow officers' properties. Both were acquitted in departmental trials, and the district attorney declined to prosecute them. Both retired from the department. The detective who made the accusations remains on the force, though in a different precinct.
16. See, for instance, Shaila K. Dewan and William K. Rashbaum, “Arrests Jolt the Police, but Some See a Pattern,” *New York Times*, December 14, 2003, and William K. Rashbaum, “Stolen Drug Money Is Found in Investigation of Detectives,” *New York Times*, December 30, 2003. But it is also the case that drug dealers, when busted, routinely claim that police have stolen money from them, knowing that such accusations will cast doubt on the validity of their arrests. Jamaican and Dominican drug dealers in particular understand that the

blame-the-police-first intricacies of police and judicial bureaucracies always help obscure their own crimes.

17. See Jackall, *Wild Cowboys*, 65–73, for a detailed treatment of drug-related violence in Washington Heights during this period.
18. See David M. Halbfinger, “In Washington Heights, Drug War Survivors Reclaim Their Stoops,” *New York Times*, May 18, 1998. A later edition of this article was entitled “Where Fear Lingers: A Special Report. A Neighborhood Gives Peace a Wary Look.” The DANY reports, as is practice, are in letter form from DANY to the commissioner of the NYPD. See Robert M. Morgenthau, district attorney of New York, to Raymond W. Kelly, acting police commissioner, September 10, 1992. See also Robert M. Morgenthau to Howard Safir, commissioner, July 1, 1997. Both are available from the Office of Public Information of the District Attorney of New York. The *New York Times* did not print a letter to the editor pointing out the reporter’s oversight of these public reports. The earlier report in the *Times* was Robert D. MacFadden, “In Police Shooting, a Preponderance of Evidence Indicated Self-Defense,” *New York Times*, September 12, 1992. Part of the account given here of these important police shootings was published in a different form in Robert Jackall, “What Kind of Order?” *Criminal Justice Ethics*, Summer/Fall 2003, 54–67, and is reprinted here with the permission of the editors of *Criminal Justice Ethics*.
19. On false confessions, see, for example, Richard J. Ofshe and Richard A. Leo, “The Decision to Confess Falsely: Rational Choice and Irrational Action,” *Denver University Law Review* 74, no. 4 (December 1997), and “The Consequences of False Confessions: Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation,” *Journal of Criminal Law and Criminology* 88 (1998), 429–496. Both Ofshe and Leo regularly serve as expert witnesses on the issue of “police coercion” of confessions.

On the issue of the relationship between aggressive policing and civil order, see Bernard E. Harcourt, *Illusion of Order: The False Promises of Broken-Windows Policing* (Cambridge: Harvard University Press, 2001); David Garland, *The Culture of Control: Crime and Social Order in*

- Contemporary Society* (Chicago: University of Chicago Press, 2001); Loïc Wacquant, *Les Prisons de la Misère* (Paris: Raisons D'Agir Éditions, 1999); Jackall, "What Kind of Order?," 54–67. On prison reform, see Marc Maurer, *Americans behind Bars: U.S. and International Rates of Incarceration* (Washington, DC: The Sentencing Project, 1995), and Jenni Gainsborough and Marc Maurer, *Diminishing Returns: Crime and Incarceration in the 1990s* (Washington, DC: The Sentencing Project, 2000), for examples of advocacy scholarship.
20. Participants included: New York Supreme Court Justices Richard B. Lowe III and Leslie Crocker Snyder; Assistant District Attorneys Linda Fairstein and Warren Murray; Detectives Louie Bauza, Genaro Giorgio, and Joseph Montuori from the NYPD; Detective Sergeant Edward Keitel and Detective Jeremiah Lyons from the New York City Transit Police Department; and John Miller, then a news reporter for a New York television station. About fifty professors took part in the meetings. The conference was sponsored by the Oakley Center for the Humanities and Social Sciences. My thanks to Professor Jean-Bernard Bucky, then director of the Center, for sponsoring and funding the event, and to Rosemary Lane, assistant to the director, for her invaluable help in organizing it.
21. All quotes here are drawn verbatim from the taped and transcribed proceedings of the three two-hour sessions of the 1993 conference. The transcript runs 221 double-spaced typed pages. In addition to sharply condensing the material, I have taken the liberty of editing and reordering it for clarity.

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