THE FOURTH PLATOON

Police Deployment: General Considerations and Particular Problems in New York City

The police have a number of functions and objectives. They deter crime by patrolling in areas where crime is likely to occur. They enforce the law by apprehending persons who have committed crimes. Their presence reassures ordinary citizens about the safety of public places. They provide emergency services before fire departments, ambulances or doctors can be summoned. And they respond to an extraordinary array of requests for non-crime-related aid.

Police performance of these functions and achievement of these various objectives is influenced by many factors beyond the police department's direct control. Constitutional prohibitions circumscribe their methods of patrol and investigation. Discrimination, poverty, and other societal inequalities make crime a relatively profitable and interesting occupation for many people. Some "honest citizens" unpredictably resort to violence under stress. Others refuse to give policemen full cooperation, often because of racial tensions or the fear of reprisal. Competing claims on public resources set limits on police budgets, and determine the scale of police operations.

These larger factors obviously have a substantial effect on crime rates. Nevertheless, it is widely believed that the deployment of the police also has significant effect upon the success with which the police can achieve their objectives. If police are more frequently in the right place at the right time with the appropriate skills and equipment, more crimes will be prevented, more criminals apprehended, and more citizens reassured. Consequently, decisions about police deployment are thought to be important short-run policy instruments for increasing the efficiency of the police.

"Deployment" may be defined in several ways. A broad definition would include the distribution of the police force with respect to time and place, method of patrol (in cars, on foot, etc.), equipment, skills, responsibilities, and personal characteristics such as age, race, educational attainment, degree of aggressiveness, attitude toward the community, etc. A narrower and more commonly used definition of deployment

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includes the distribution of police with respect to time and location only, with some note taken of the method of patrol and the distribution of skills and equipment.

The question raised by the narrow definition of deployment, i.e., how best to distribute a given police force and its equipment across time and space, has been given explicit analytic attention for many years. O.W. Wilson's pioneering article, "Distribution of Police Patrol Forces," appeared in 1941.[1] This article identified a variety of "police hazards," or situations in which there was a need for police service. "Hazards" included serious crimes, less serious crimes, arrests, accidents, and requests for service. Wilson proposed that a record be kept of the occurrence of these hazards in specific places at specific times, that the hazards be weighted according to the community's perception of the relative importance of the different kinds of hazards, and that the weighted sum of hazards then be used to indicate the demand for police services in specific locations at specific times. Given such an estimate of demand, geographic posts can be designed and work hours scheduled so that the patrol force is distributed evenly over the demand for police services. If there are more "hazards" at night, more police should be assigned to work at night; if there are more hazards in a specific area, the sectors or beats in that area should be smaller than in other areas.

Taking Wilson's insight as a point of departure, analysts have produced a number of plans to distribute patrol forces more efficiently. For example, the RAND-NYC Institute has produced a detailed outline for deployment of radio patrol cars in New York City.[2] But most police departments continue to deploy their men according to more traditional methods, without explicit analysis of "need," and with little interest in civilian analysts' proposals for achieving efficiencies.

This case concerns the attempts of the New York City Mayor's Office to achieve limited efficiencies by modifying certain deployment practices in the New York City Police Department. Specifically, the case documents the mayor's efforts to mount an additional--"the fourth"--platoon and the police department's resistance to those efforts.

Deployment in New York City: 1969*

In 1969, the daily responsibility for deploying the patrol force rested with the New York City Police Department's Operations Division, who discharged this responsibility in a consciously mechanical way.

Geographical deployment. The city was divided into 7 boroughs, 17 divisions, 79 precincts and about 800 sectors. (A sector is the area patrolled by a single police car.) Although sector and post boundaries were supposed to be re-evaluated by Operations every five years, the

*All information pertaining to the organization, procedures, and personnel of the NYPD refers to the department as it existed in 1969. A number of changes have taken place since then.

re-evaluation criteria, devised by the Planning Division, were rarely used. Sectors were altered only when the department received a large number of cars or when precinct boundaries changed; such changes as did occur required the approval of the borough and division commanders affected. And precinct boundaries were relatively stable. (Occasionally, extensive construction caused a shift; for example, precinct boundaries were altered by the construction of Co-op City in the Bronx and the erection of the World Trade Center in Manhattan.) Otherwise, the patrol patterns were changed only by the installation of new foot posts by the Precinct Commanders.

There were roughly 26,000 men at the appropriate rank to patrol New York City's sectors and posts. Of these, roughly 17,000 were assigned to the Patrol Bureau (this number does not include the Safety-Emergency Division). About 3,400 of these were available for patrol duty on each of the three shifts (the remainder would be taking their 2 days off per week, out sick, on vacation, or on special assignment). The 3,400 men per shift were typically used in the following way: (1) about 1,300 men were assigned to radio patrol cars; (2) about 900 had clerical jobs; (3) 620-720 men walked foot posts; (5) the remainder operated special vehicles, guarded prisoners in hospitals, and so forth.

The number of men assigned to each precinct was fairly stable over time. Men were seldom moved from precinct to precinct in response to increases or decreases in an area's "hazard rating." This adherence to traditional "quotas" was based in part upon the unchanging nature of the Department's sector boundaries. Each precinct had an average of 10 sectors; each precinct was allotted enough patrolmen to cover at least the majority of its sectors on each shift. Each precinct had a standard number of clerical and "guard" positions. The number of foot posts manned was the most flexible feature of the deployment system, but even many of the foot posts (e.g., embassies) were always covered.

When the Department graduated new recruits, some were simply allocated to precincts to replace men who had retired, left the force, etc. If there were more new recruits than were needed to counteract normal attrition, these were supposedly deployed on the basis of the hazard system. However, Operations did not rely strictly on hazard totals to allocate even these. "We also take a look at the precinct's record of radio run backlogs," stated Lieutenant John Reilly. The hazard totals and radio backlogs were combined to give some crude guidance as to which precincts "need" the patrolmen the most. "We don't really sit down and figure it out mathematically, " stated Lt. Reilly. Thus, the majority of patrolmen were deployed according to no rational criteria; a minority were allocated according to an extremely crude criterion.

The impact of the minority who were "rationally" deployed was decreased by several factors. Since the number of sectors remained constant, all of these men were assigned to foot patrol; none were given radio cars.*

*Radio car vacancies would first go to the precincts' more senior foot patrolmen.

Since foot patrolmen cannot substitute for patrol cars in responding to radio alarms, they have no appreciable effect on radio-run backlogs. Secondly, the men were not selected from the ranks of experienced patrolmen. Rather, they were recent graduates of the police academy. Thus, lack of experience further decreased the marginal contribution of the minority that were "rationally" deployed.

Temporal deployment. In May, 1969, the New York Police Department (NYPD) received 47% of its calls for help in violent or potentially violent situations between the hours of 6:00 P.M. and 2:00 A.M. During those hours only 35% of the patrol force was available for service. This appeared to be a grossly inefficient and inequitable use of police resources.

The police management contended that constraints on manpower deployment imposed by New York State's "three platoon" law forced this inefficiency.[3] The law, passed in 1911 with later amendments, required that patrol forces be divided into three platoons (three 8-hour shifts a day), that patrolmen work no more than five 8-hour shifts per week, and that patrolmen change shifts at least once a month. During 50 years of usage, the law had been applied more rigidly. Each precinct's patrolmen were divided into 20 squads of equal size, five of which were on duty on each of three shifts. The five squads on duty made up a "platoon." (The five squads "unused" each day were taking their two days per week off.) The platoons rotated into a new shift each week. Consequently, at each hour of the day there were the same number of patrolmen on duty.

The police management also argued that they had been hampered in developing new manpower allocation systems by a lack of information. The Planning and Operations Divisions were forced to rely on Uniform Form 3 for a record of activities at the precinct level. This form was simply a statistical compilation of "complaints received, arrests made, summonses served, aided and accident cases reported"; these compilations provided the figures on which the Department based its standard crime reports.

Other information was available to Planning and Operations, but not in readily usable form. For instance, patrolmen were required to account in their memo books for the time spent on patrol, and (in theory) desk officers in station houses recorded the entire activity of the precinct on the precinct "blotter." However, this information was used only by immediate supervisors to check on patrol and station house activity and was too diffuse and bulky to be easily compiled and used for general reference. Information other than that provided by Uniform Form 3 had to be gathered in a special survey by the Planning Division. The Department was planning to install a new communications system that would computerize and record the dispatching process. However, this Special Police Radio Inquiry Network (SPRINT)*

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*The SPRINT computer, when operational, would record on tape the time of a request for service, the location of the incident, the type of service required, the nature of the incident, a description of any suspects, and the time and nature of the disposition of the complaint. Except in the relatively rare instances when police intervene without a call for service, the SPRINT system would provide a centralized record of precinct and sector activity. This record would be especially useful because it would clearly indicate response times and radio run backlogs. However, some police analysts feared the SPRINT system would retard a redesign of deployment patterns since the existing precincts and sectors were being programmed into the SPRINT computer and the entire program would have to be revised if patrol patterns were revised.

did not become operational until late 1969.[4]

In sum, in 1969, the deployment of New York City's patrol force failed to approximate even crude and narrow standards of efficiency. The Department seemed to be locked into a specific deployment pattern by (1) fixed geographic commands, (2) an automatic procedure of allocating patrolmen among these geographical areas in certain numbers and in certain types of patrol, and (3) a pattern of shifts dictated by law.

Lindsay Proposes a "Fourth Platoon"

In late 1968, Mayor John Lindsay decided to mount a major attack against inefficient deployment in the NYPD. As an initial step, he proposed creating a "fourth platoon" to serve from 6:00 P.M. to 2:00 A.M. The platoon would include one-fourth of the Department's available patrolmen. It would redress the imbalance between the time at which most crimes occurred and the time at which most patrolmen were on the streets. Fourth platoon personnel would be drawn from patrolmen serving on other shifts. Although this proposal was targeted most directly on the deployment of the men with respect to time, Lindsay and his staff hoped that this would be the start of a more thorough-going effort to increase the efficiency of police deployment. According to the Mayor, implementation of this proposal would improve police services at no increase in cost by increasing the "productivity" of the police force.

To create a fourth platoon, two steps were necessary: first, repeal or amendment of the 1911 three-platoon law; second, assignment of patrolmen to an additional night shift. Both steps were strongly resisted by the patrolmen's union, by many rank and file policemen, and by some higher level officers in the Police Department as well.

The Players: From the NYPD to Mayor Lindsay*

New York Police Department

The New York Police Department (NYPD) is the largest law enforcement agency in the United States and the largest municipal police department in the world. In 1969, the force consisted of more than 32,000 persons. The Department's annual budget exceeded $464 million, of which approximately $350 million was allocated for salaries and wages.[5]

Exhibit 1 identifies the various ranks in the Police Department in 1969, the approximate number of people at each, and the salary for each rank.[6]

*See Appendix A for abbreviated summary of individual players.

Exhibit 1

Ranks and Salaries of Police Department Personnel, 1969

1.	Patrolmen/Patrolwomen	25,217	4th Grade	$ 9,499
			3rd Grade	9,720
			2nd Grade	10,271
			1st Grade	10,950
	Patrolmen Special Assignment	71		11,339
	Detectives	1,734	3rd Grade	11,738-12,593
		780	2nd Grade	12,774-14,235
		283	1st Grade	14,949-16,425
2.	Sergeants	2,030		12,774-14,235
	Sergeants Special Assignment	22		14,149-16,425
	Sergeants (Supervisor of Detectives)	95		14,149-16,425
3.	Lieutenants	895		14,949-16,425
	Lieutenants (Commander of Detectives)	74		16,349-18,381
	Lieutenants (Special Assignment)	16		16,349-18,381
4.	Captain	278		18,053-22,289
5.	Deputy Inspector	75		18,956-23,404
6.	Inspector	43		19,903-24,575
7.	Deputy Chief Inspector	22		21,089-26,050
8.	Assistant Chief Inspector	14		22,574-37,894
9.	Chief of Detectives	1		29,268
	Chief of Staff	1		29,268
	Chief of Planning	1		29,268
	Supervising Assistant Chief Inspector	1		29,268
10.	Chief Inspector	1		36,902

All positions up to and including the rank of Captain are Civil Service positions, filled on the basis of a competitive examination. All appointments above the rank of Captain are made by the Commissioner.

Because the Department is a paramilitary organization, it operates under an explicit chain of command. Men of higher rank direct men of lower rank, and the men of lower rank have an obligation to obey. The chain of command is weakened somewhat by specialization and differentiation within the organization. For example, a high-ranking officer may be reluctant to give orders to a lower-ranking officer relative to the latter's area of special competence. But the Department is organized in a much more explicitly hierarchical pattern than are most organizations.

Exhibit 2 is a simplified organizational chart which identifies the major functional units and the ranks of the officers at the head of the various units. The Commissioner and the Chief Inspector are the most prominent officials in the Department. The First Deputy Commissioner and the Chief of Detectives are highly respected and may wield considerable influence. The Supervising Assistant Chief Inspector is another major figure. As head of the Internal Investigations Unit, he can cause trouble for almost anyone. (Some policemen consider him to be the most important man on the Commissioner's staff.)

However, only a few of the officers represented in Exhibit 2 were potentially involved in the effort to deploy a fourth platoon. The most important potential participants included the following offices and individuals:

Commissioner: Howard Leary
Chief Inspector: (until Spring, 1969) Sanford Garelik; (subsequently) George McManus
Chief of Patrol: Harold Tyler
Planning Division: Cornelius Behan, Chief
Operations Division: Daniel Cortenay, Chief
Patrol Bureau: Borough, Division, and Precinct Commanders

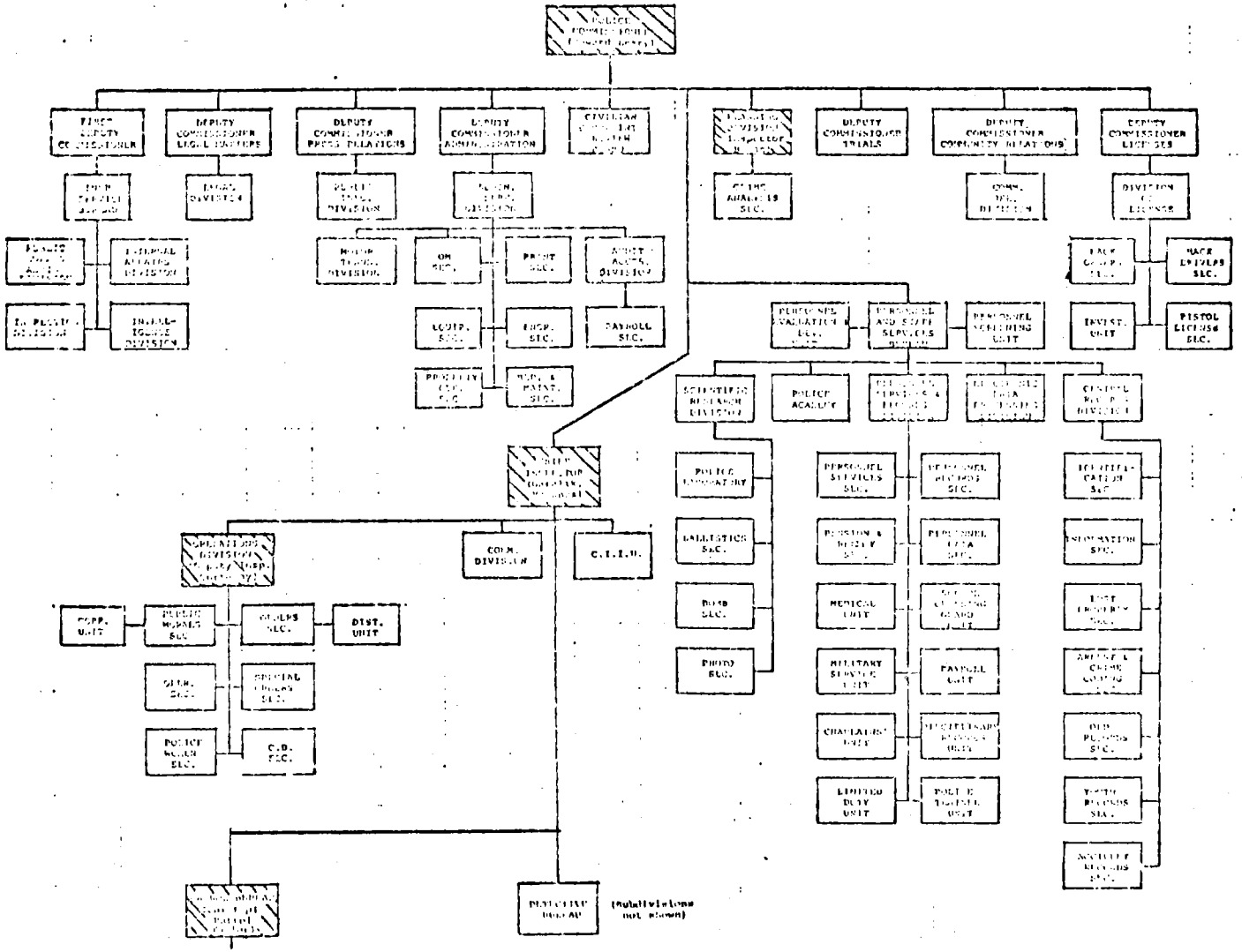
It is necessary to examine each of these offices and individuals in greater detail in order to have a clearer notion of the resources which they could bring to bear in support of or in opposition to the fourth platoon.

Commissioner

The Police Commissioner is "the chief executive officer of the police force." He has "cognizance and control of the government, administration, disposition and discipline of the Department." He is, further, "chargeable with and responsible for the execution of all laws and the rules and regulations of the Department."[7] The Commissioner is appointed by the Mayor for a term of five years. He can be removed by the Mayor only "for cause" and after a public hearing. The Commissioner is assisted by seven Deputy Commissioners and the Planning Division.

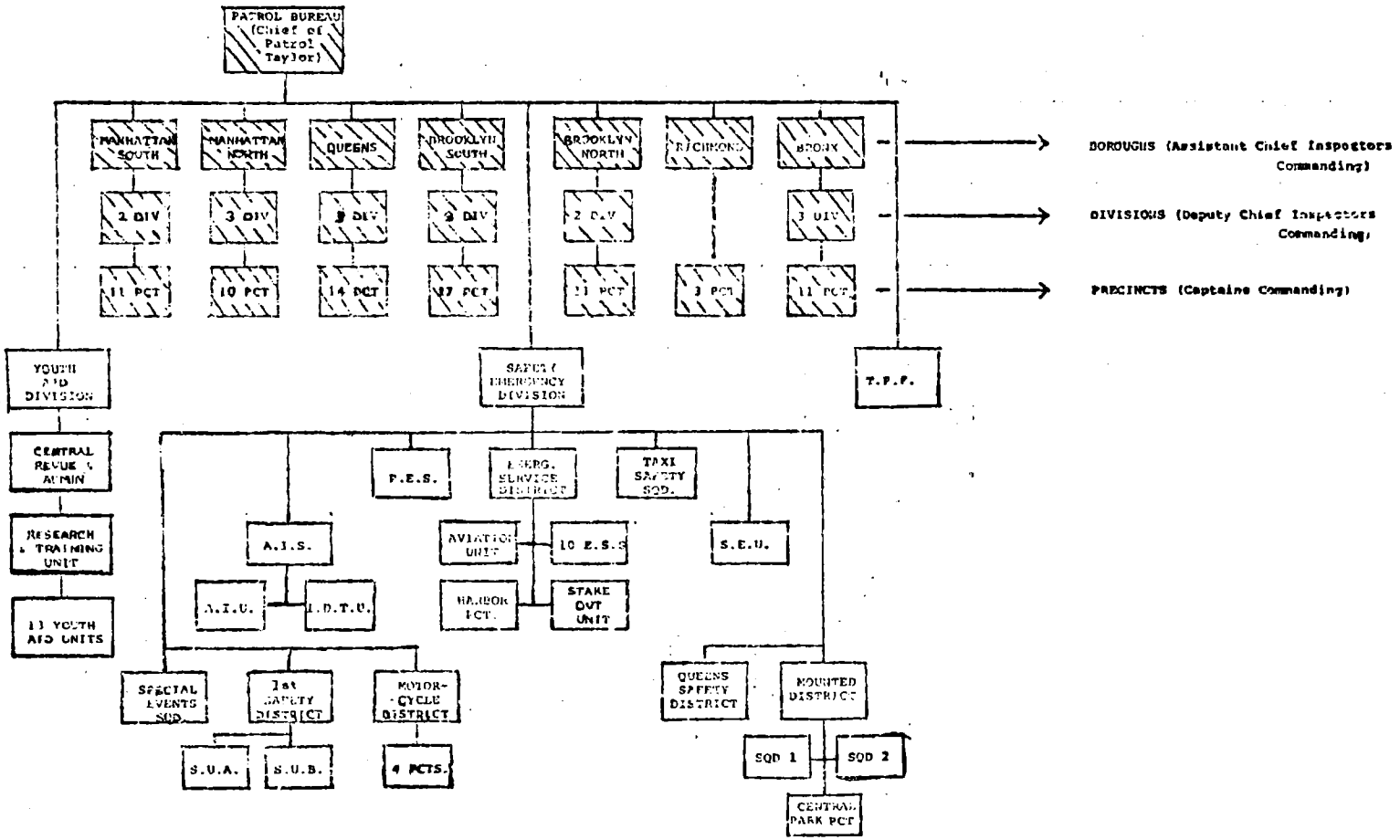
Howard Leary served as Commissioner of the Police Department from March, 1966, through September, 1970. He had risen through the ranks of the Philadelphia Police Department to become its Commissioner. Lindsay hired him to replace a Commissioner who was unable to tolerate the

Exhibit 2: Simplified Organization Chart of NYPD, 1969*



*Shading indicates those units directly involved in the redeployment effort.

Exhibit 2 (continued)



Civilian Complaint Review board. (Leary was reportedly not among the Mayor's first fifteen choices for the post--none of whom would accept the Board.) Initially, Leary faced a hostile Department. He was an outsider, a "carpet-bagger," who was replacing a popular Commissioner. He appeared to favor the hated Review Board. He was too short to be a policeman in New York City, and his relatively mild-mannered appearance was the antithesis of the "tough cop image" traditionally favored by the Department.[8]

Leary dispelled much of this hostility, however, by overtures to the Department's "old guard," by quietly getting down to the business of administration, and by the tact with which he played the role of middleman between the Mayor and the force. He assiduously avoided becoming too partisan in the various conflicts between the liberal Mayor and the conservative police union. When New York's Civilian Complaint Review Board was challenged by the PBA in a referendum, Leary campaigned for the Board--but so belatedly and cautiously that the PBA was convinced that the Commissioner was on their side.

Leary, a taciturn, somewhat remote figure, prided himself on running a patient, controlled department. He said of one conflict with the patrolmen's union:[9]

> If a guy says something stupid, you don't immediately respond. You let him over-extend himself, and people begin to see how insane his position is. Then when you respond, you come back with better material. You are not mad, and your attack is not personal. Too often, when one responds too quickly, the attack is too personal and lacks objectivity.

As an executive, he spent most of his time watching what his subordinates were doing. He was not a forceful or particularly innovative administrator, although he did not discourage innovation on the part of his subordinates. In general, Leary gave subordinates great leeway and chose to make demands only upon those to whom he was close. At the same time, he was noted in the Department as a Commissioner who was concerned with what was happening on the street. Few Commissioners had been as directly concerned with patrol operations. (This concern may have been due, in part, to a competitive relationship with his Chief Inspector Sanford Garelik. The Chief Inspector's Office normally would take charge of innovations in patrol operations.)

Leary's working relationship with his subordinates seemed to conform to a mechanical, close-to-the-vest pattern. When he wished to accomplish something himself or when the Mayor asked him to start a project within the Department, generally he would not use his large staff resources but would work on the project quietly, consulting only those officers who were directly concerned with the innovation. Leary's relations with Mayor John Lindsay were distant, sometimes suspicious, but usually cordial. However, Leary disappointed the Mayor's Office when he failed to force patrol improvements--such as widespread use of one-man patrol cars and "scooter patrol"--over the opposition of a hostile patrolmen's union which claimed that both were hazardous.

The Mayor's assistants, accustomed to the Mayor's flamboyance, could not understand Leary's reticence and his inability to use press conferences or public orders. "He simply didn't help us much," said one aide. Leary, on the other hand, disliked the pressure he was constantly receiving from the Mayor's Office. He claimed the Mayor's men failed to understand the complexities and pressures of police work. After his retirement in 1970, he was to say:

> The young fellows around the Mayor had no experience in police work . . . They were not a positive benefit to the Department, and there was a lot of antagonism. It was principally the manner in which they conducted themselves, not what they did. They gave people the impression they ran the Department.

Leary was as interested in increasing or maintaining the size of his force as he was in flexible deployment. He was to say about the proposed fourth platoon:

> There is one caveat you always must remember about the fourth platoon: it requires manpower to do it. The implementation of a fourth platoon without a corresponding increase in the size of the force would very definitely deplete the other two shifts. You just can't have one without the other.

Leary seemed to believe that the main thing was to keep every car filled and as many posts occupied as possible. In his view, the primary means of increasing police effectiveness was to increase the size of the patrol force. In 1968, sources within the Department began leaking stories to the press that 5,000 more men were needed to make the city safe. When Lindsay responded with 3,700 recruits, Leary seemed pleased. But in subsequent months the Commissioner spoke to others of the Mayor's error in not budgeting for more new policemen during an election year. (Lindsay did promise to hire more policemen if re-elected.)

Chief Inspector

On paper, the Chief Inspector appears to have great influence over manpower changes. He is the highest ranking uniformed officer in the Department and reports directly to the Commissioner. He is also the immediate supervisor of the Patrol Bureau and the Operations Division. Consequently, his position could have been the cutting edge of the redeployment effort. However, in 1969 the Chief Inspector's Office displayed a somewhat lower profile than was usual. Sanford Garelik had been effectively isolated by Leary when Garelik's political and Departmental ambitions began to threaten Leary's control of the Department. Garelik retired. His replacement, George McManus, did not intend to repeat Garelik's mistakes. Moreover, McManus suffered a heart attack in the summer of '69 and was "out of action" for a time as a result.

Chief of Patrol

The Chief of Patrol was responsible for supervising all patrolmen and also all field commanders (borough, division and precinct). Consequently, he was in a position to notice any shifts in deployment, to exert pressure to bring such shifts about, and to catch any flak that such shifts might generate. However, Harold Tyler--the Chief of Patrol in 1969--was in fact of minor importance to the fourth platoon, despite his formal position as immediate supervisor of the field commanders. In practice, Tyler functioned primarily as a trouble shooter for the Chief Inspector (often on matters not concerned with the day-to-day supervision of patrol). Moreover, Tyler had been known within the Department as "Garelik's man"; the retirement of his mentor may have influenced his behavior.

The Planning Division

The Planning Division is a staff unit under the Police Commissioner According to the manual, it must:

> Conduct research and studies and make recommendations relative to present and future plant, equipment and personnel needs of the Department.
>
> Conduct research and studies and make recommendations relating to organization and management, policies, and procedures of the Department.
>
> Stimulate, coordinate and evaluate the planning programs of all department commands, offices and units.
>
> Administer the form control and records retention program of the Department.
>
> Review the Department rules, orders and procedures and recommend amendments thereto.

The Division also coordinates the Department's use of Federal funds and the Department's contracts with outside consultants--e.g., RAND, Vera Institute of Justice, etc.

The 105-man Division is broken down into sections. The Crime Analysis Section is responsible for processing and documenting the Department's crime information; a Planning-Programming-Budgeting unit focuses on critical Department issues (especially "Mayoral Priorities"); a Management Audit Section examines personnel and information flow within the Department; and a Data Systems Section seeks to consolidate the use of data processing within the Department.

Although the sections of the Division are organized around Department-wide problems or subjects, members of the sections retain areas of expertise (such as patrol, detective, or traffic) which reflect the organization of the Department.

Members of the Planning Division are uniformed officers, varying in rank from Patrolman to Inspector. Although the Division is more loosely governed than a patrol precinct, the chain of command still operates within the Planning units. In fact, patrolmen, sergeants, lieutenants and captains under the Planning Division have exactly the same job description as their counterparts in Patrol. Patrolmen are assigned to the unit on the basis of their educational achievement and some observed "aptitude" for analytic thinking. There is disagreement about the desirability of this assignment among members of the police force: it has the advantage of being regular, leisurely desk work, and the disadvantage of not being active enough to earn the respect of those members of the Department who value tough assignments.

In 1969, Planning typically handled a project in the following way: (1) A problem was brought to Planning's attention through the Commissioner's Office or through the literature of the profession. (2) Planning devised a survey and gathered data to establish the nature of the problem in New York. (3) On the basis of the survey, Planning developed a series of alternative approaches to the problem and presented the alternatives to the Commissioner. (4) The Commissioner directed the Chief Inspector to have the appropriate division cooperate with Planning to test one or more of the alternatives; a sample precinct was selected as the test site; and new approaches were implemented and studied in that precinct for at least a year. (5) If the project were successful, the Commissioner would order it to be implemented citywide; however, implementation might be slowly staged in order to permit Planning to study the varying impact in different areas of the city. As one former precinct commander complained, "what could be done in several months takes these guys several years."

Prior to 1963, Planning and Operations were in the same bureau. They were separated that year to encourage Planning to do more innovative and theoretical work and to be less tied to the operational exigencies of the Department. The evolution of the Division from an adjunct of Operations to an evaluator of crucial Department issues was due, in part, to the increased reliance of Commissioners on the bureau as a private source of professional information.

This development, although increasing the impact of the Planning Division on the upper echelons of the Department, lessened Planning's impact on the line units of the Department. In addition, some operating units viewed Planning as a tool of the Mayor's Office. Planning now considered itself a bureau for <u>testing</u> new concepts only; it made no attempt to supervise or monitor the implementation of the projects it initiated. Implementation was left to Operations (and the Chief Inspector's Office). This practice caused some pain among the more innovative officers in the Department. As one said, "They are always testing, never doing. The men in the field think of these guys as men sitting on their tail all day and playing with figures."

The quality of Planning's work was also questioned by some civilian planners. One Bureau of the Budget coordinator commented, "They are still cops you know. They have their limitations." Bureau of the Budget personnel were particularly critical of the Planning Division's role as a staff arm of the Commissioner's Office and claimed that some of the Division's

potential for creative work was lost on the subservient relationship. RAND, which had a difficult relationship with the Planning Division, attributed some of its difficulties to the possibility that "many of the analytic skills needed to administer new procedures are relatively new and are not possessed by the persons who have finally worked themselves up to reasonably high positions in the agencies."[10] Another RAND study recommended that all departments hire civilian planners to insure that new innovations were not resisted.[11]

The Chief of the Planning Division in 1969 was Inspector Cornelius Behan, a middle-aged Irish Catholic, who was atrractive, studious, mild-mannered, ambitious and surprisingly cagey. Behan, as an Inspector, held a post normally filled by an Assistant Chief Inspector and, for a low-ranking officer, had exceptional access to the Commissioner. David Burnham of the New York Times rated him as the third most powerful officer on the Commissioner's staff.[12] While in charge of Planning, Behan was enrolled as a candidate for a Master's Degree at John Jay College of Criminal Justice. RAND analysts claimed that his surface affability hid an alert political mind and that he was more concerned with administrative realities than with academic insight.

The Operations Division

The Operations Division is a staff arm of the Chief Inspector's Office. Rather than a policy setting body, Operations is consciously mechanical. Its functions include:[13]

- monitoring demonstrations, disturbances, etc.
- general manpower and resource allocation among the Department's geographic units.
- definition of sector (radio car routes), post (foot beats) and precinct boundaries.

Manpower allocation changes in 1969 were supervised directly by Daniel Cortenay and his staff. Cortenay, like Behan, was a man of relatively low rank--Deputy Inspector--in a surprisingly high position. Middle-aged, tall, and heavy-set, Cortenay looked like a well-groomed Irish police chief.

In the late 1960's, most of the Division's creative energy and attention has been devoted to becoming increasingly professional in planning and monitoring demonstrations. The symbol and heart of this function is Operations Command, a computerized, neon-lit "James Bond" room in the middle of Headquarters.

Accustomed to and primarily interested in the particularized planning needed to control demonstrations, Cortenay and his division were not used to dealing with long-range, preventive patrol concepts. For day-to-day manpower decisions, the Division relied on traditional duty charts to automatically distribute the men.

The Patrol Bureau

The Patrol Bureau is broken down into geographically defined commands. In order of scale, these commands are borough commands (7), division commands (17), and precinct commands (79). The responsibilities and interests of the commands at the different levels are so different that each merits special discussion.

Borough Commanders. The borough commanders are normally Assistant Chief Inspectors. Consequently, they are among the highest ranking officers in the Department. A borough commander is responsible "for the enforcement of all gambling and other laws, ordinances, and the provision of the Administrative Code coming within the jurisdiction of the Police Department."[14] He is assisted by a supervisory staff, clerical personnel, a plainclothes squad and a warrant squad.

Formally, the borough commanders have complete control over the deployment of patrol and plainclothes personnel within their command. Consequently, both Planning and Operations are obliged to consult with and gain the approval of the borough commander for any new program which they wish to implement in his command.

In practice, the borough commanders are likely to be somewhat distant from day-to-day precinct operations. Just how distant is largely a function of personality; some commanders meet with their precinct and division heads as often as once a week, while others are more lax.

All borough commanders do have one important connection with low-level operations, however, through the patrol inspectors or "shoo-flies" who are dispatched from borough (or sometimes division) commands. These men operate in plainclothes and are primarily concerned with the enforcement of departmental regulations concerning methods of patrol, dress, conduct, etc., but they also (at least in theory) report corruption and other criminal offenses when discovered, and are universally disliked by all patrolmen and many precinct officers. The extent to which shoo-flies can be used by borough commanders to "discipline" division and precinct commanders is unclear.

The borough commander also plays an important role in the promotion of precinct officers in his command. Borough commanders are powerful officers in the Department's hierarchy and their opinions are rarely ignored by the men (e.g., Chief of Patrol, Chief of Detectives, Chief Inspector) who make promotional "recommendations" to the Commissioner. The Commissioner, in turn, rarely if ever ignores such "recommendations" when they concern promotions at the precinct and division levels.

Division Commanders. The division commanders have formal responsibilities and resources similar to those of borough commanders, but on a smaller scale. However, in practice, the division commanders tend to be principally concerned with three different activities: the enforcement of gambling, vice, and alcoholic beverage laws and regulations; the processing of routine allegations of misconduct by the members of the precinct commands; and, most importantly, the supervision of the patrol function. The Division Commander is directly responsible for the efficiency of patrol operations in

his command. He may temporarily switch cars from one precinct to another "when necessary to fill vacancies and to maintain an equitable distribution of cars."[15] He may also reallocate manpower to handle unusual problems or situations (unless the division's resources are clearly inadequate for the job).

Since division commanders are always out-ranked by borough commanders, they traditionally follow the borough commanders' orders. Taking the initiative on some program of their own is rarely rewarded. The division commander rivals not only other division commanders but also the commander who preceded him; his crime "statistics" must compare favorably with those of past commanders.

Division commands were established to serve as intermediaries between the boroughs and the precincts. Consequently, they were designed to include a manageable number of precincts (approximately three to five per division), just as precincts were designed to include a manageable number of sectors (eight to ten per precinct). However, as communication and coordination methods have improved, some officers have voiced the opinion that divisions have outlived their usefulness.

Precinct Commanders. The precinct commander, who normally holds the rank of captain, is formally responsible for the supervision of patrols within his precinct. He has complete authority "to exact the proper performance of police duty from, and to supervise, subordinate members of the force."[16] The commander is in charge of discipline, filling the patrol cars, manning the posts, caring for Department equipment and assigning his men to duty charts. Moreover, he has the authority to propose changes in the size of sectors and install new posts.

This extensive formal authority is rarely utilized by the precinct commander. Generally, he restricts his influence over deployment to dividing his men into squads, setting meal breaks, and determining vacation periods. Once the squads are established, the captain simply enforces the 20-squad chart. "The process is quite automatic really," said an operations officer. "Usually the captain has two clerical patrolmen sit down and write in names. Then the chart is posted." In addition, the captain is slightly constrained in the deployment of men geographically. Department policy dictates that all cars be filled before men are assigned to foot patrol, and the captain must give preference to "senior members" of the patrol force in assigning the more desirable sectors and posts. The direct supervision of patrols is carried out by the lieutenants and sergeants.

Lieutenants. Each precinct has four lieutenants who act as desk officers. The desk officer supervises activity within the station house when the captain is not on duty and is then responsible for all precinct patrol activities. The desk officer records in the blotter the activities of the precinct and transmits orders to sergeants and patrolmen. In case of emergency, the lieutenant desk officer communicates information to borough command. Lieutenants who do not act as desk officers serve on patrol; they have general supervisory authority over the activities of all sergeants and patrolmen. The desk officer's position is considered, within the Department, to be exceptionally tedious and to bear little relationship to patrol activity. Some police commanders suggest that the position

of lieutenant fails to train potential captains for patrol leadership and that, as an alternative, lieutenants should do the operational planning for the precinct. As computerized communication replaces traditional police records the blotter has begun to disappear, and more lieutenants may now return to the street or serve new roles. However, in 1969, the lieutenant in New York City was still a desk officer who exercised little power in setting the hours or location of patrol; usually he simply checked the names of members of the Department as they reported to him either for or from duty.

Sergeants. Sergeants act as the actual supervisors of patrol operations. One or two sergeants patrol in radio cars during each shift. Precincts have between 12 and 20 sergeants, all of whom rotate on approximately the same schedule as patrolmen. Sergeants supervise both foot and car patrol and are supposed to "visit" posts and sectors at regular intervals to insure that the patrolmen are on duty. The sergeant is also supposed to answer as many radio calls as possible and to assist his patrolmen in servicing those calls.

The quality of patrol is quite dependent on the supervision of the sergeants. If the sergeants do not keep track of their men or if they communicate with them only at predictable intervals, the men are more likely to take too long servicing calls or not be available for calls at all, except when they anticipate the sergeant will be looking for them. In the opinion of some police officials, the quality of sergeants' work should be improved. Many sergeants, especially those freshly promoted, have been criticized for being "patrolmen with three stripes"--that is, for placing more emphasis on getting along with their men than on keeping those men well-supervised. In general, the sergeants themselves have not been closely supervised since most lieutenants (sergeants' immediate superiors) have traditionally held desk jobs. More recently, some effort is being made to increase the authority of the sergeants and to supervise their work more closely.

Patrolmen. The duties of patrolmen include preventive patrol (walking a beat, covering a sector in a patrol car), answering calls for service, and processing arrestees. In certain cases, patrolmen also secure evidence and engage in preliminary crime investigations. (In other instances, this work is the responsibility of detectives.) Despite their varied duties, it seems clear that patrolmen spend a vast majority of their time just being seen; a six-month survey of the 20th Precinct in New York City indicated that 65% of a patrolman's time is spent on preventive patrol, while only 15% is spent answering calls for service.[17] Footmen spend almost all their time on preventive patrol; a survey has indicated that besides public service functions, such as giving directions and information, footmen do little besides walk.[18] In 1969, most footmen were equipped with small walkie-talkies which kept them in touch with precinct command.

An attempt has been made to supplement the lack of direct supervision of footmen by closely regulating their activities. The Rules and Procedures[19] provide that patrolmen shall:

a. Ordinarily patrol to the left

b. Not patrol in cars or other conveyance except when so assigned

c. Be constantly alert, observing everything that takes place within his sight or hearing

d. Not hold conversation with anyone except in the discharge of duty

e. Familiarize himself with the location of fire alarm and police signal boxes and public telephones on his post

f. Immediately report to the desk officer any crime, accident, or anything of a dangerous character or likely to occasion public inconvenience or anything irregular or offensive

g. Become acquainted by sight with all persons living, frequenting or doing business on his post

h. Learn the time of closing of business places, where lights are ordinarily left burning at night, and the location of safes and valuable merchandise in such premises

i. Be particular to note the time all persons of known bad character frequent his post

j. At night, frequently examine all doors, low windows, areaways, area gates and gratings of buildings on his post

k. Investigate all suspicious circumstances, such as automobiles standing on his post with motors running or passing without lights over his post, persons tampering with automobiles, persons passing late at night with bundles or persons loitering about or acting suspiciously.

Although some of these rules have been severely criticized for their rigidity and are often broken (e.g., the prohibition of conversation not in the line of duty), all such rules can be enforced by superior officers and infractions noted by department investigators. In addition, all patrolmen (whether on foot or in cars) must record in their memo pads the manner in which they spend their time on duty, including notation of all meal breaks, description of all services rendered, and time on preventive patrol. Those failing to properly record activities may be subject to disciplinary action.

Radio cars, in contrast to footmen, can respond quickly to any calls for assistance. Radio cars almost always include two men, a driver and a recorder who is in charge of the radio and the memo pad. Usually a patrolman is a driver for four hours and then a recorder for four hours. Radio cars patrol sectors which average 10 square blocks in size, and respond to calls within that sector. They may be called to aid another sector if there is a radio-run backlog. While radio cars also spend their largest amount of time on preventive patrol, they spend far more time than footmen responding to service calls.

Contrary to the impression given by the Department's regulations that a patrolman's life is tightly defined, a patrolman's work is exceedingly free and unsupervised. The patrolman makes major decisions on his own each time he responds to a call or notes (or ignores) a discrepancy on his beat. And there is some indication that, after an initial inspection of his post or sector, the patrolman has wide discretion in how he operates. One patrolman may concentrate on narcotics offenders, another on vice, another on gambling. (On the midnight to 8:00 A.M. shift, some patrolmen are suspected of sleeping in stores or in their patrol cars.)

Patrolmen generally prefer to ride in cars because they get more "action," because they are likely to have a steady partner and steady area of assignment, and because cars are warmer in winter and cooler in summer. (However, with the increase in racial tension and recent flurry of sniper attacks on police, some men are beginning to prefer inactive assignments.) Not surprisingly, most patrolmen prefer to work during the day. (Some of the men who work two jobs as well as some bachelors who enjoy free days prefer the night shift.) Under certain circumstances, patrolmen's preferences can make a difference in the shift, sector, or precinct to which they are assigned. A patrolman registers disgruntlement with his assignment directly with his supervisors. (This is considered by the PBA to be a "working" problem rather than a labor problem, unless the assignment has been used as a disciplinary action.) Transfers are arranged by the precinct captain and are rarely denied if the patrolman has good reason for requesting transfer. Good reasons include personal duties, special activities, etc., but not simply personal preferences.

Permanent precinct transfers can be achieved through a Uniform Form (U.F.) 57 or a U.F. 49. U.F. 57's are direct applications to the Chief Inspector for transfer; they are generally granted if the patrolman's motivation is compelling and if the Chief Inspector believes he can easily replace the patrolman with a recruit or transfer. U.F. 49's or "mutuals" are a pair of applications from patrolmen in different precincts requesting to switch places; these requests are infrequent and rarely denied. (The Patrolmen's Benevolent Association (PBA) assists patrolmen in obtaining mutuals by advertising desired changes in its newspaper.) A patrolman may request to work a permanent shift, but prior to 1969, he had to apply directly to the Chief Inspector and had to state a compelling reason for doing so. If a patrolman does not work a permanent shift or if he does not apply for transfer, he works when he is assigned, and his hours are set by his squad number in the 20-squad chart.

Nearly all patrolmen are quite concerned with getting along with their fellow patrolmen and their supervisors. They also seek to avoid formal or informal punishment, especially if they are actively seeking promotion. Formal punishment (e.g., arrest, suspension, departmental charges, trial, or a reprimand on the record) results from offenses such as taking bribes, assault, losing a gun, being AWOL, and occasionally for improper patrolling or lateness. Informal punishments--tough assignments, refusal of requests for days off--may result from poor performance, uniform discrepancies, or lateness. Although formal disciplinary actions are on the rise, informal punishment, whenever possible, is preferred by all concerned. Ironically, an active, aggressive patrolman "gets in trouble" more than does his passive counterpart. The active cop is more likely to be involved in complaints concerning an arrest, to be late for (or miss) a court appearance, or to mishandle evidence.

Most formal disciplinary action does not originate with officers in the "offending" precinct. There is a code among policemen that forbids "squealing" on brother officers, although there is some indication that this code does not include narcotics corruption. In any case, about 80% of formal charges registered against NYC policemen come from non-precinct officers (either staff investigators from Headquarters or the borough shoo-flies). Informal rewards are rarer than informal punishments. Formal rewards, such as citations or badges, are actively sought by ambitious patrolmen. These rewards count well toward some promotions.

Patrolmen's Benevolent Association

The Patrolmen's Benevolent Association (PBA) is an increasingly powerful economic and political representative of New York's 25,000 patrolmen. The Association served earlier in the century as a fraternal organization of policemen. However, the fraternal purpose gradually became less important. By 1969, the PBA functioned primarily as a labor union (e.g., handling specific grievances, negotiating contracts, administering pension funds, and the like). It also represented patrolmen in a variety of political activities (for example, lobbying in Albany and New York City for benefits for policemen and helping to elect "friends of civil service employees").

The structure of the PBA is similar to that of an industrial union. Seven officers represent the entire union: the president, 5 vice presidents and a sergeant-at-arms. Men are elected to these offices by votes of the entire membership. In addition, each precinct and special police unit elects one delegate for every 50 patrolmen or fraction thereof. "The delegate is similar to a shop steward, but we never call him that," commented a PBA official. The delegates handle all labor grievances which are raised in the local unit and try to settle them immediately with the precinct captain or unit supervisor.

If the dispute can not be resolved at the patrol level, it is referred to the borough trustees or to financial secretaries who try to negotiate with the division or borough commanders. These trustees and financial secretaries are also elected by the entire membership and serve as the Executive Committee of the union with the elected officers. The trustees and financial secretaries ostensibly remain members of the patrol force. They receive special clerical assignments, however, which allow them to work full time on their union jobs. Moreover, they keep in constant contact with the

union's central offices through an electronic receiver, or "bleeper"; if a job action threatens or if a meeting of the Executive Committee has been called, the secretaries and trustees are called, or "bleeped," and immediately telephone the union offices. Union officials allege that the various levels of the union check one another. According to PBA Public Relations Director Howard Morse:

> We have a system which runs almost entirely on accountability. The officers reach their own decisions but have to clear them with the Executive Committee each week. And the Executive Committee must explain itself to the Delegate Assembly each month. We have our back benchers. So we can't make any major mistakes. We usually keep pretty close track of what is going on and don't make too many wrong decisions.

The union is financially strong. Each member contributes $60 a year. (The PBA collected more than $1,600,000 in 1968.)[20] In addition, the union's Health and Welfare Fund, which provides benefits such as life and health insurance to members and which is supported largely by the City, has an income of nearly $3 million yearly.[21] PBA investments are valued in the millions.[22]

In January, 1969, most officers in the PBA had been in office for over ten years. Under their leadership and inspiration, the union's functions had been expanded from that of bargaining agent to that of the political voice of the patrolmen. The leaders included: Vice President Joseph Coronado, a colorful and personable man who was popular with the patrolmen and who also had close contact with many officers in Headquarters; Vice President John Kiernan, the forthright director of the PBA's lobbying group in Albany (who was to become President of the union in the summer of 1969); and President John J. Cassese, who was assisted by Public Relations Director Norman Frank.

Cassese, who was 45, had earned a reputation as one of the nation's most effective civil service spokesmen. A heavy man, standing 6'2", he was, according to the New York Times, the "tough cop epitomized."[23] A high police official described him as a "trade union leader doing what comes naturally." In addition to his duties as President, Cassese was a Patrolman First Class, assigned to a nominal desk job and collecting a patrolman's salary of $10,000. Unlike other patrolmen, however, Cassese received a $10,000 expense allowance and sat in an air-conditioned office on the 25th floor of a building overlooking City Hall.

Despite his tough public image, Cassese's associates assert that the PBA President was conciliatory, rather than militant. They claim that his inclination in all disputes was to negotiate, rather than to confront. What upset Cassese about Mayor John Lindsay was the Mayor's inability to talk to the union leader, man-to-man. Others contend, however, that Cassese became militant after 1965, not so much to upstage the Mayor as to keep step with his own constituency which was becoming increasingly young and vociferous.

For whatever reason, Cassese and his union had become a pervasive political force in police affairs under the Lindsay administration. When the Mayor appointed a majority of civilians to the Police Review Board in 1966, Cassese went to court and secured a referendum to contest the Mayor's appointments. The referendum campaign was exceptionally bitter, typified by the frequent use of the word "extremist" by both supporters and opponents of the Board.[24] The PBA scored an overwhelming victory at the polls, and the Civilian Complaint Review Board lost its "civilians."*

In 1966, when the Commissioner attempted to deploy large numbers of one-man patrol cars to help redistribute radio car patrol, Cassese threatened a job action and had the use of one-man cars curtailed. Similarly, Cassese limited the use of scooters in the Department by claiming they were unsafe and by threatening job disruptions. Charging "political interference" with police work, Cassese had even threatened to issue his own guidelines for police behavior in riot situations--guidelines which, he implied, might countermand orders the Commissioner had issued or the Mayor had inspired.[25]

In his rise to power, Cassese had been aided by his Public Relations Director Norman Frank. Frank, head of the investment firm of Norman Frank and Associates, administered the union's Health and Welfare Fund. During the Civilian Complaint Review Board controversy, he took over the PBA's public relations. Frank inspired anti-Review Board TV shorts showing a small girl intimidated by a mugger in a subway entrance, and circulated posters showing police with their hands cuffed. He was widely considered by the Department and by City Hall personnel to be the "brains" behind the PBA's rise to political prominence. Some people were actually frightened by his ability to manipulate and restrain the normally clumsy and uncalculating Cassese. One patrolman called him "Cassese's Svengali."

While Frank's craftiness aided Cassese's public relations, his financial wizardry finally ended Cassese's long reign. In March, 1969, a dissident faction of the PBA demanded an accounting of the union's Legal Assistance Fund, for which special dues had been exacted from the members. The accounting revealed a number of irregularities in PBA finances; including the fact that Frank had paid himself and several top PBA officers large salaries as trustees of the Health and Welfare Fund. Frank had also charged unusually high fees as the fund's investment counsellor and broker. The Manhattan District Attorney began to investigate in April. No indictments were issued, but Cassese resigned in May, 1969, and Frank announced in June that he had severed all ties with the PBA.

Prior to this scandal, Cassese and his group had been able to maintain reliable control over the union's membership. Cassese had never had difficulty in being elected. Indeed, he often ran unopposed. He had won the 1968 election against an older policeman with John Birch Society connections

*That is, it lost the members who were not on the Department's payroll. The review board was then made up of individuals who were not uniformed policemen but who were paid by the Department and whose position could be compared to that of assistants to a deputy commissioner.

by 8,000 votes out of 18,000 cast. Rival factions existed in the union, but had difficulty in establishing City-wide support. The Law Enforcement Group (LEG) had organized to mobilize community support for policemen following several incidents of sniping against policemen and insults to the police by Black Panthers appearing in important criminal cases. They had never seriously organized to oppose the union leadership, however. Indeed, they had no organization outside of Brooklyn. A second organized faction, the Traffic Squad Benevolent Association (TSBA), seemed to be making a more serious effort to oppose Cassese and Frank. It was they who had requested the audit which revealed the mismanagement of union funds. In addition, the TSBA sought to attract members by offering free legal services to patrolmen. Although the TSBA's successes had been limited in the past, the financial scandal surrounding the PBA leadership made their threat more serious. At the very least, the "Cassese faction" expected strong opposition in a future election.

What made this threat particularly grave was that a large proportion of the patrol force was young. These new officers were learning to adjust to the loneliness and uncertainty of their jobs when the union leadership was racked by scandal. Younger patrolmen were not automatically loyal to the PBA and the old guard was afraid of the potentially disruptive effect of these new men in future PBA elections. One officer in the Department said:

> . . . these new guys are just like the guys on the campuses. You do anything they don't like, and they holler. They're always willing to protest about anything. They're really concerned about getting more money, but they're not afraid to talk politics either.

A survey of these young patrolmen indicated that they were less intelligent, were less educated, and came from less skilled backgrounds than previous recruits. The average IQ of recruits dipped below 100.00 in 1968 and stayed there.[26] The percentage of recruits whose fathers' occupations were classified as "unskilled" rose from 10% in 1959 to about 50% in 1963.[27] And the percentage of new recruits with high school diplomas had been decreasing since 1966.[28] The purported militance and unpredictability of these young recruits were wild cards which could completely upset the former leadership's control of the union.

Thus, threatened by financial scandal, the existence of potentially powerful rival factions, and a new constituency, the PBA leadership was anxious to avoid further embarassment--and to take the "right" stands on issues of importance to the members.

The Mayor's Office

The Mayor's contacts with the Police Department and his power to force changes in Department procedures appear to have been quite limited. He depended primarily on the Bureau of the Budget and a few members of his own staff to improvise and implement policy programs.

The Bureau of the Budget develops the City budget and works as the program planning unit of the Mayor's Office. The Bureau's work is largely handled by coordinators for the various departments. There are usually one or two coordinators for the police. In early 1969, Charles Bleiberg, a

young lawyer, became police coordinator. He was assisted in February, 1969, by Philip Hahn, a lawyer on leave from a local firm. The ability of these coordinators to act as a quality control on police manpower deployment was limited. The coordinators had to develop not only the general policy budget but also evaluate new programs the Mayor wished to sponsor within the 32,000-man department. In 1969, for instance, the promotion of sergeants to attain a better supervisor/patrolman ratio was a high priority that required an analysis by BOB. Even if there had been no such competing interests, deployment would have been too large a problem for the BOB staff to evaluate. "A re-evaluation of deployment methods would be a major task," remarked Carol Girstl who took over from Bleiberg in 1970. "We threaten to do it every now and then. And the Planning people get upset. It really is something they ought to be doing."

One of the Mayor's own assistants, Jay Kriegel, specialized in liaison with the Police Department. He had helped author a law enforcement report to the mayor-elect and after Lindsay took over had been instrumental in altering some police practices. He had also developed the Mayor's position on one-man cars and scooter patrols and had helped promote the SPRINT system.

Originally from Brooklyn, Kriegel graduated from Midwood High School, Amherst, and Harvard Law School, where he was an editor of the Law Review. He moved directly from Harvard into the Mayor's campaign and, in the first year of the Lindsay administration, was appointed a Mayor's Assistant. Kriegel was known as an exceptionally diligent worker and became one of the Mayor's most trusted advisors, especially in the law enforcement field. But the Mayor's Assistant looked, in the words of a PBA official, "like a 12-year-old kid," and his personal mannerisms were sometimes offensive. Self-important and abrupt, he had difficulty dealing with Leary who described Kriegel as "pushy" and "stupid." Very involved in the campaign to save the Civilian Review Board and often a target of Cassese's charges of political interference, Kriegel maintained no personal contact with PBA officials.

Peter Goldmark, the director of the program-planning unit of the Bureau of the Budget in 1968, began to work as an Assistant to the Mayor in April, 1969. Starting in August, 1968, when he helped develop the Mayor's response to the PBA's threatened guidelines for civil disturbances, Goldmark became Kriegel's associate in dealing with the police. Approximately the same age as Kriegel, Goldmark lacked previous experience in law enforcement. (After graduating from Harvard in 1962, Goldmark had worked for OEO until his arrival in N.Y.C.) More personable and patient than Kriegel, Goldmark was able to relate better to Leary, who graded him "all right."

Prior to becoming Mayor, Lindsay had garnered a reputation in the House of Representatives as a progressive and a civil libertarian. Upon taking office, he and his assistants decided that trust in the Police Department, especially by minority groups and those traditionally abused by the police, had to be improved and that the police, as an organization, needed to become more professional and efficient. The Lindsay administration embarked on a series of efforts to "improve" the NYPD--efforts which created crisis after

crisis in Mayoral relations with the Police Department and the PBA.

The Mayor's first attempt at reform--the Civilian Review Board--ended in unqualified defeat. The PBA forced a referendum on the issue and in the ensuing election, civilians were swept from the Review Board in a landslide. Lindsay next tried to make the police more responsive to communities by assigning his aides to act as liaison between community groups and police commanders. However, in communicating with police during civil disorders, these aides, by their own admission, became too visible. They appeared in what Cassese termed "hippie clothes" at the front of anti-draft demonstrations. The PBA, claiming "political interference" with police work, demanded the resignation of the aides, and eventually the aides assumed a lower profile, though they retained important roles.

Lindsay's efforts to improve police efficiency fared no better. As noted above, attempts to deploy one-man patrol cars and to promote scooter patrols were blunted by union resistance. Both projects had been advanced by the Mayor's aides who believed cars could be used more effectively and that scooters could make footmen more responsive. However, the PBA was opposed to both plans since they would result in more officers patrolling individually instead of in pairs. During a period of increasing sniper attacks on policemen, the Union argued this was an unjustified risk. When the PBA threatened a job action, Leary (and the Mayor's Office) backed down.

This record suggests that Lindsay was ineffective in his dealings with the PBA. One should note, however, that in a confrontation with the PBA, the Mayor's Office possessed considerable resources. The city's Legal Department, headed by Corporation Counsel J. Lee Rankin (former U.S. Solicitor General), could operate as a staff arm of the Mayor's Office. The Mayor's Press Department was sophisticated in public relations work. The Mayor had extensive contacts with newspaper reporters and editorial boards. Lindsay also maintained a lobbying office in Albany headed by the City's Legislative Representative Anthony Savarese. Furthermore the Mayor, through endorsement of certain candidates, had some support among the liberal representatives in the state capital. Lindsay could not be certain of victory, but at least he had weapons with which to fight.

Deploying The Fourth Platoon*

Amending the 1911 "Three-Platoon Law"

The "Three-Platoon Law" of 1911[29] and its administrative applications served as the initial constraint on the allocation of patrol manpower. Passed as a progressive labor law to limit policemen's working hours to 8-hour days, the law had given rise to a rigid system of deploying patrolmen. It appeared to constrain the deployment of the police in the following ways:

1. There must be three shifts and no more than three shifts.

2. Each shift must be one period of eight consecutive hours within every 24 hours except during emergencies.

*See Appendix B for an abbreviated chronology of events.

3. The total hours worked by each patrolman must not exceed 40 per week (except during emergencies).

4. It may have implied that each shift must be of equal size.

5. It seemed to require that the shifts rotate once a week.*

6. It seemed to fix the starting times for shifts at midnight, 8 A.M. and 4 P.M.*

To conform to the law, the Department set most patrolmen's schedules in accordance with the 20-squad Chart, as illustrated by Exhibit 3. The chart insured that there were always 5 squads (less than 20 patrolmen per squad) on each platoon,** that the weekly tour was not longer than 40 hours, or five 8-hour shifts.

In 1961, Commissioner Michael Murphy had tried to liberate himself from the constraints of the "three-platoon law." General Order No. 17 (dated April 17, 1961) promulgated a new duty chart which sought "to provide additional patrol coverage during evening hours when maximum police hazards exist." The order created a fourth platoon (a 6 P.M. to 2 A.M. shift) and established a series of shifts and swing-shifts which, at times, required men to work six consecutive 8-hour days and 10 non-consecutive hours within the same 24-hour period (8 hours of one shift, a 14-hour swing, and then two hours of another shift). The Commissioner sought to justify the order by claiming that the patrolmen's hours "averaged" 40 hours per week. The Patrolmen's union successfully enjoined the enforcement of the order. The court, in ordering Commissioner Murphy to rescind the order, said that the Act expressly forbade both a fourth platoon and "averaging."[30]

This rebuff seemed to establish the 20-squad chart as the only deployment strategy available to the department. By 1969, however, some alternatives to the 20-squad chart had been established. These alternatives, approved by the patrolmen's union, included:

The Tactical Patrol Force and the Borough Patrol Forces. The Department's two special patrol forces work a steady shift from 6 P.M. to 2 A.M. Both forces are elite, voluntary units composed entirely of patrolmen who are deployed in high crime areas at high crime hours. The Tactical Patrol Force

*Although the law itself contains no reference to these requirements, the practices of weekly rotation and set starting times began with the law's enforcement and had continued ever since. They were closely identified in the minds of many policemen with the 1911 law.

**This was not always true on the midnight to 8 A.M. shift. See Exhibit 4, p. 36, for explanation of the workings of the duty charts.

Exhibit 3

20 - Squad Deployment Chart*

1973 SCHEDULE OF DUTY FOR PATROLMEN											1973	TOUR OF DUTY			DAY ON CHART
JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV	DEC	0001 TO 0800 HRS. SQUAD	0800 TO 1600 HRS. SQUAD	1600 TO 2400 HRS. SQUAD	
2 - 22	(11)	3 - 23	12	2 - 22	11	1 - (21)	10 - 30	19	9 - 29	(18)	8 - 23	(1) 2-3-4-5	8-9-10-11-12	15-16-17-18-19	1
3 - 23	12	4 - (24)	13	3 - 23	12	2 - (22)	11 - 31	20	10 - 30	19	9 - (29)	(2) 3-4-5-6	9-10-11-12-13	16-17-18-19-20	2
4 - 24	13	5 - (25)	(14)	4 - 24	13	3 - 23	(12)	1 - 21	11 - 31	20	10 - (30)	(3) 4-5-6-7	10-11-12-13-14	17-18-19-20-1	3
5 - 25	14	6 - 26	(15)	5 - 25	14	4 - 24	13	2 - (22)	12	1 - 21	11 - 31	(4) 5-6-7-8	11-12-13-14-15	18-19-20-1-2	4
6 - 26	15	7 - 27	16	6 - (26)	15	5 - 25	14	3 - (23)	(13)	2 - 22	12	(5) 6-7-8-9	12-13-14-15-16	19-20-1-2-3	5
7 - 27	16	8 - 28	17	7 - (27)	(16)	6 - 26	15	4 - 24	(14)	3 - 23	13	(6) 7-8-9-10	13-14-15-16-17	20-1-2-3-4	6
8 - 28	(17)	9 - 29	18	8 - 28	(17)	7 - 27	16	5 - 25	15	4 - (24)	14	(7) 8-9-10-11	14-15-16-17-18	1-2-3-4-5	7
9 - 29	(18)	10 - 30	19	9 - 29	18	8 - (28)	17	6 - 26	16	5 - 25	(15)	(8) 9-10-11-12	15-16-17-18-19	2-3-4-5-6	8
10 - 30	19	11 - (31)	20	10 - 30	19	9 - (29)	(18)	7 - 27	17	6 - 26	(16)	(9) 10-11-12-13	16-17-18-19-20	3-4-5-6-7	9
11 - 31	20	12	1 - (21)	11 - 31	20	10 - 30	(19)	8 - 28	18	7 - 27	17	(10) 11-12-13-14	17-18-19-20-1	4-5-6-7-8	10
12	1 - 21	13	2 - (22)	(12)	1 - 21	11 - 31	20	9 - (29)	19	8 - 28	18	(11) 12-13-14-15	18-19-20-1-2	5-6-7-8-9	11
13	2 - 22	14	3 - 23	(13)	2 - 22	12	1 - 21	10 - 30	(20)	9 - 29	19	(12) 13-14-15-16	19-20-1-2-3	6-7-8-9-10	12
14	3 - 23	15	4 - 24	14	3 - (23)	13	2 - 22	11	1 - (21)	10 - 30	20	(13) 14-15-16-17	20-1-2-3-4	7-8-9-10-11	13
15	4 - (24)	16	5 - 25	15	4 - (24)	(14)	3 - 23	12	2 - 22	(11)	1 - 21	(14) 15-16-17-18	1-2-3-4-5	8-9-10-11-12	14
16	5 - (25)	(17)	6 - 26	16	5 - 25	(15)	4 - 24	13	3 - 23	12	2 - (22)	(15) 16-17-18-19	2-3-4-5-6	9-10-11-12-13	15
17	6 - 26	(18)	7 - 27	17	6 - 26	16	5 - (25)	14	4 - 24	13	3 - (23)	(16) 17-18-19-20	3-4-5-6-7	10-11-12-13-14	16
18	7 - 27	19	8 - (28)	18	7 - 27	17	6 - (26)	(15)	5 - 25	14	4 - 24	(17) 18-19-20-1	4-5-6-7-8	11-12-13-14-15	17
19	8 - 28	20	9 - (29)	(19)	8 - 28	18	7 - 27	(16)	6 - 26	15	5 - 25	(18) 19-20-1-2	5-6-7-8-9	12-13-14-15-16	18
(20)	9	1 - 21	10 - 30	(20)	9 - 29	19	8 - 28	17	7 - (27)	16	6 - 26	(19) 20-1-2-3	6-7-8-9-10	13-14-15-16-17	19
1 - 21	(19)	2 - 22	11	1 - 21	10 - (30)	20	9 - 29	18	8 - (28)	(17)	7 - 27	(20) 1-2-3-4	7-8-9-10-11	14-15-16-17-18	20

○ AROUND SQUAD NUMBER INDICATES EXCUSAL EXCEPT WHEN IT CORRESPONDS WITH ○ AROUND DATE

○ INDICATES SATURDAYS & SUNDAYS

*The example given is for 1973, but a similar chart was used in 1969. As is apparent from the chart, the process of squad assignment was completely mechanical. A clerical patrolman in each precinct simply followed the chart, which had been prepared at headquarters, and posted the names of squad members in appropriate places on the precinct's duty roster.

(TPF) is deployed directly by the Chief Inspector's Office at Headquarters, while the Borough Patrol Forces are stationed in each of the seven borough commands and are deployed by the Borough Commanders. The Borough and Tactical Patrol Forces total a little less than 2,000 men. Both forces are used by the Department as strike forces or shock troops. They are transported as a unit by bus when needed to quell disturbances. When no emergency exists, they are divided into three groups and deployed on saturation patrol in selected precincts close to potential trouble spots. The patrol forces are largely composed of foot patrolmen.

Voluntary Steady Shifts. About 155 patrolmen were voluntarily working steady shifts in local precincts in 1969. Instead of rotating tours with the rest of the force, these men worked permanently on a single eight-hour shift. Most of these men worked evenings and supplemented the normal manpower allocation in the following way:

	Day 1st Platoon	Evening 2nd Platoon	Night 3rd Platoon
1st Week	A Squad	B Squad & Volunteers	C Squad
2nd Week	C Squad	A Squad & Volunteers	B Squad
3rd Week	B Squad	C Squad & Volunteers	A Squad

While the Department encouraged participation in the Tactical Patrol Force and the Borough Patrol Forces, Department procedures discouraged patrolmen from requesting permanent tours. Patrolmen wishing to transfer to steady tours had to apply directly to Headquarters and had to specify special reasons why they should be removed from the regular rotation. Voluntary shifts were never tested against the 1911 Act. They may have been in violation of that section of the Act which required tours to be changed at least once a month. The shifts provided the patrolmen with an alternative working schedule.

Unfortunately, neither of these alternatives could achieve the objectives of the fourth platoon. The Police Department management was suspicious of voluntary shifts. "Volunteers can always unvolunteer," stated Leary, expressing his view that the Department would lose control over deployment if it depended on the voluntary choices of individual police officers. The Tactical and Borough Patrol forces seemed too specialized and too small to have the general impact on the "police presence" that was anticipated as a result of the fourth platoon. Consequently, it seemed clear that the deployment of the fourth platoon would require either the repeal or amendment of the 1911 Law.

Support for Repeal. Those who supported such repeal received an unexpected boost when, on December 16, 1968, the New York Times ran a front-page story by reporter David Burnham, charging:[31]

> Night after night, in obscure corners all over New York, policemen on foot and policemen in patrol cars disappear into their coops.

Burnham reported that numerous policemen were sleeping during the midnight to 8:00 A.M. shift. The Times ran pictures of police asleep in the cars to demonstrate the point. The "cooping" scandal placed Leary and the patrol units on the defensive. Leary responded with a 15-page personal memo to the Mayor, including complete investigations of all of Burnham's charges, many of which were justified. The onus of the scandal, however, ultimately fell on the three-platoon system. Burnham's original article made a strong case for reallocation of manpower by asking, "Are there an unnecessary number of men on duty between 2:00 and 7:00 A.M.?"[32] The PBA was so intimidated by the scandal that they charged Lindsay gave Burnham the story in order to help repeal the three-platoon act. This does not seem to have been the case because Burnham said the Times would not pay him to cover the story and disapproved of the emphasis of the article on the need for redistributing manpower. Kriegel admitted, however, that the story helped the Mayor's cause; "Burnham demonstrated that the fourth platoon argument could be understood publicly. It had a symbolic effect. Cooping showed us our arguments could be widely understood."

Under these favorable circumstances, a bill giving the Police Commissioner broad discretion in manpower allocation was introduced. The bill read:

> In the City of New York, the Police Commissioner shall promulgate duty charts for members of the police force which distribute the available police force according to the relative need for its services. This need shall be measured by the incidence of police hazard and criminal activity or other similar factor or factors.

PBA reaction was predictably negative. Union leaders claimed the bill went beyond the fourth platoon issue and gave the Commissioner broad, arbitrary power over work schedules. But 1969 was an election year, and crime was a major election issue. Businessmen--for example, the president of General Electric--began to use their public relations resources and prestige to support the Mayor's bill. The Mayor also inspired a strong string of supporting editorials which poured out of New York City in early March, and met personally with many editorial writers. Press Secretary Harry O'Donnell and Mayoral Assistant Kriegel conferred with others, providing papers with arguments and statistics to press Albany into action. The New York Times, in an editorial entitled "Crime's Allies in Albany," charged that the old law:[33]

> . . . gives the PBA so many layers of protection that it has made the head of that organization more powerful than the Police Commissioner in determining how much flexibility the City can apply in using the best paid police force in the world.

Even the Daily News, normally partisan to the PBA, came out in favor of Lindsay's act.

Kriegel characterized the effect of the public relations campaign as overpowering. The businessmen'sand the editorial support, he says, "proved we had made the fourth platoon an issue. Once it was a public issue we were in good shape." In short, public support routed the PBA lobby, since no legislator could afford to be "Crime's Ally" in an election year. Morse recalls, "People voting for Lindsay and against him fell all over each other voting for his law." With passage of the act in March the way was clear for the Commissioner to exercise greater control over the deployment of the police. Presumably this would mean more efficient distribution of patrolmen across time and space.

Precisely how the Commissioner would use his new discretion in deploying the police was the subject of a high-level meeting at Gracie Mansion in April of 1969.

The RAND Plan. RAND had been studying the Department's manpower deployment methods since the outset of its contract with the City in January, 1967. The Mayor's Office and the Bureau of the Budget, which together with the Police Department employed RAND, had urged the Research institute to determine new, more efficient means of allocating the 3,700 recruits who entered the Department in 1968 and 1969.

For a series of reasons--including an unfamiliarity with police procedures and an unwillingness on the part of the Department to alter its methods while the 1911 Act was still binding--RAND's investigations had not changed any rules or procedures regarding manpower distribution by the spring of 1969. RAND had developed several models, but the Department had not used them. Instead, the Department deployed the recruits in the traditional manner: first, filling all the cars; second, deploying the remaining men according to the hazard plan, with some reference to radio-run backlogs. Peter Goldmark, director of the program planning unit of BOB, called a meeting at Gracie Mansion in early April, to consider the RAND models. He was convinced that the unsystematic deployment of the recruits had proven to be "one of the administration's biggest wastes."

RAND was not represented at the meeting which included personnel from the Mayor's Office, the Bureau of the Budget, and the Police Department Planning Division Chief. Behan presented a completed RAND plan.

Behan and Leary seemed to wish to discredit the plan. "We were hood-winked," declared RAND analyst Edelman, who had drafted the RAND plan. As soon as Behan had introduced the RAND plan, he described a modified hazard formula which he personally had drafted. He then compared the two plans and implied that RAND's plan was only a minor improvement on the post hazard system. "It was all confused," commented Charles Bleiberg of the Bureau of the Budget. "There were the 29 RAND variables. And the 20 police variables. As soon as you get that many alternatives involved, you can't discuss anything." RAND officials stated that the Bureau of the Budget and the Mayor's Office seemed to be interested in further testing the model, but could not convince the Department to try it. The meeting lasted late into the night, but nothing was decided.

According to RAND analysts, within a month after that meeting, Leary had decided to terminate the RAND contract. The Commissioner was apparently convinced that RAND could not help the Department in a practical fashion and that the research institute was primarily interested in being paid to study the police. RAND could do little to change the Commissioner's mind. The Mayor's Office was preoccupied with the primary campaign. The amount of leverage which the Bureau of the Budget could bring to bear was in question. Consequently, at the critical time, RAND was effectively excluded from participation in the effort to deploy the fourth platoon.

With RAND absent, Planning Division personnel were left to deploy the fourth platoon as they saw fit. At that time, they had several plans for rational deployment available to them, including the RAND plan and Behan's modified hazard plan. In the end, however, the Planning Division used none of the new formulae. "The Planners seemed interested in the RAND plan," RAND analyst Jan Chaiken recalled, "but it was too late by that time. They had all had the jitters about doing anything new with RAND," Leary had instructed them not to do anything which might suggest the contract might be renewed.

Pressure to Deploy the Fourth Platoon

Despite the absence of agreement about a plan for deploying the police force, the Mayor's Office insisted on using the new law (the "Murphy bill") as soon as possible. Having proclaimed the bill a necessity in Albany and having advertised the need for additional manpower between 6 P.M. and 2 A.M., the Mayor was anxious to deploy a fourth platoon. Any delay would have been embarrassing. The Mayor's Office wanted additional police on the streets prior to the June primary. Consequently, Lindsay instructed the Commissioner in early April to field a fourth platoon as soon as possible.

The PBA, however, had not given up. Shortly after the bill passed, Cassese received a memo from his attorneys, Phillips, Nizer, Benjamin, Krim & Ballon, which stated that the Murphy bill was unconstitutional and could be defeated in court. Cassese went immediately to court. "We had to fight the fourth platoon right to the end," he said. "It was the only way we could preserve the morale of the men."

On April 8, the City and Leary were served with a temporary restraining order enjoining them from enforcing the law and ordering them to show cause why the law should not be permanently enjoined. The PBA brief contended that the union contract with the City, in the form of a memorandum of agreement submitted in evidence, necessarily contained the terms of the 1911 Act: i.e., no more than three platoons, etc. The PBA stated that the City was about to violate these terms and should be enjoined from so doing. Secondly, the brief contended that the deprivation caused to New York policemen under the new legislation was an "unreasonable and discriminatory" violation of the equal protection clause of the Fourteenth Amendment. The City was temporarily stymied. For 20 days following the issuance of the restraining order, Leary could not assign men to new rotations.

The Planning Division and the patrol commanders, however, began to set up charts for a fourth platoon. Prior to the restraining order, Leary had sent an order to all division commanders, asking them to assess how they would use a fourth platoon if they received one. The order requested that the division commanders state how many sectors were unfilled during all tours, how many posts were not covered during all tours, and how many unused cars were available throughout the division.

It is uncertain who chose to proceed with the fourth platoon through division commands rather than borough commands or precinct commands. "The original intent was to implement it on a City-wide basis," said Captain Stanley Hoffman of the Planning Division, "but we decided to do it in a piece-meal fashion to allow for administrative control, study and evaluation." Planning wanted to implement by stages in order to "study" the impact of the additional men on different areas of the City. This being the case, the Department may have wished to give the appearance of City-wide implementation by placing the fourth platoon in as many boroughs as possible as quickly as possible, instead of limiting the immediate effect to one or two boroughs. At the same time, the Department may have wished to involve the precinct commanders, who were directly responsible for the number of unused cars, uncovered sectors and vacant posts, in the implementation stages, rather than depending entirely on the borough and division commanders.

While the division commands were responding to Leary's order, Planning devised a new duty chart to increase manpower from 6 P.M. to 2 A.M. This chart reportedly called for an increase in the number of squads from 20 to 26, for an increase in the number of men per squad from 8-10* to 28, and for four squads to be on duty each day on each of the four platoons. This chart was remarkable for two main reasons:

(1) it was postulated on a hugh increase in patrol quotas, and was, in effect, impossible to implement at present manpower levels;

(2) it resulted in relatively more men being "off duty" each day than did the old chart. On the 20-squad chart, 25% of the force was absent each day. On the 26-squad chart, 38% of the force was absent each day.

Under this chart, the fourth platoon would have become part of the normal rotation.

The possibility of involuntary changes in work-schedules left Cassese boxed in between aroused union members and city officials. Some of the patrolmen were discussing possible job actions. After the legislative rout

*The NYPD officially stated that each squad on the 20-squad chart had less than 20 members. But if one divides the 3,400 patrolmen who patrolled an average shift by 79 precincts, each precinct had approximately 43 men per shift. Since five squads (on the 20-squad chart) were "on" each day, each squad contained about 8 people. These figures are only average, but they do indicate the scale of precinct operations.

in Albany, Cassese was uncertain of his ability to keep his men in line. "The PBA administration could have fallen on the issue," said PBA Public Relations Director Morse. "Feeling was that high." Moreover, Cassese was advised about this time that the Manhattan District Attorney's Office was investigating the Health and Welfare Fund and that criminal indictments might soon occur. Norman Frank, the director of the fund, had already retired. Cassese, who said he had been planning to retire since February (when, coincidentally, the Traffic Squad Benevolent Association had opened its investigation), did not want to quit while the fourth platoon controversy remained unsettled. The PBA might delay implementation of the fourth platoon by appealing any adverse court judgment, but Cassese believed that the higher court would probably affirm such a ruling. He wanted the issue settled quickly.

His back to the wall, Cassese did two things. While the injunction was in effect and the case was being argued, he distributed questionnaires to the rank and file asking them to recommend a union response should there be unfavorable action by the courts and the Commissioner. Then, knowing that the Mayor and the Commissioner shared his fears about an uncontrollable job action, he and PBA Vice-President Joseph Coronado visited Leary and asked that the City soften its stand.

"They came into my office looking for a way to save themselves," said Leary. "They asked if we wouldn't try using volunteers." Although Leary did not tell Cassese at the time, the Commissioner was willing to let Cassese staff the fourth shift with volunteers. "There was no reason to be mighty about it", said the former Police Commissioner. "If they are successful finding the volunteers, I've accomplished what I want. I've never gloated over my successes. We had a constant working relationship, and you had to keep them around."

To put the matter more bluntly, Leary had probably become aware of how great a disruption of the normal routine the fourth platoon (as envisioned by Planning) would constitute. The squad charts would have to be changed and squads would have to be broken up and reconstituted. (This was sure to cause resentment, because a man's seniority in his squad determined the preference he got in choosing vacation days, etc.) In short, every man in the precinct would be affected. Under these conditions, an attempt to deploy the fourth platoon might have caused the more militant members of the PBA to instigate a job action and possibly even to take over the union.

The use of volunteers, on the other hand, solved several problems for Leary. The men could work a steady tour (which had an attraction for some patrolmen), and could be kept "separate" from the regular rotation. Thus the 20-squad chart could still be used (with smaller squads, due to the absence of the volunteers). Moreover, the "fourth platoon chart" could be constructed to give the volunteers some extra time off as an added incentive to work the new shift. Nevertheless, Leary did not tell Cassese that the Department would accept volunteers. The Commissioner simply promised to arrange a meeting with the Mayor.

Like Leary, the Mayor was willing to compromise. In the middle of a primary campaign where "law and order" was the major issue, Lindsay did not want a police job action or a take-over of the PBA by a group of

militants. He also wanted to deploy the fourth platoon as quickly as possible. Corporation Counsel J. Lee Rankin advised the Mayor that appeals from the PBA case might require three to four months to adjudicate. Rankin says, "This was unacceptable in an election year. We couldn't see the effects of the platoon before November. The voluntary solution became a little more acceptable because it got the fourth platoon done as soon as possible." According to Peter Goldmark, however, the Mayor decided not to compromise at all until he found out "how boxed in Cassese really was."

With the court injunction due to expire the next day, Cassese met with Lindsay, Leary, Kriegel and Goldmark in Gracie Mansion the evening of April 27. Cassese demanded that the City suspend the fourth platoon. According to Cassese:

> I told them I was the President of the union and had to carry out the will of the majority of my men. I told them in this case I didn't know where the majority would take me. The temper of my men was real high.

Lindsay seems to have met Cassese head-on. He told the union leader the City would defy any further restraining orders, deploy the fourth platoon, and fight the PBA in court.

In the midst of the bargaining session, Goldmark said he turned to Cassese and suggested the use of volunteers. "His face lit up like a Christmas tree," reported the aide, who also admitted, "that is one of the most unprofessional things I've ever done." According to Goldmark, this was the first mention of volunteers made that evening. Cassese, however, contended that he was after volunteers the whole time, and Lindsay knew it. And Rankin suggested that Lindsay played tough in order to make Cassese think the City was doing the union a favor by eventually compromising over the volunteers. No commitments were made that evening. Cassese left Gracie Mansion still uncertain whether he would secure the compromise which the Mayor's aide had apparently offered.

On the afternoon of April 28, the day the injunction ended, Leary called Cassese into Headquarters and told him he had five days to deliver a sufficient number* of volunteers in every precinct in the Seventh Division of the Bronx. Leary and Lindsay had agreed that morning to let Cassese try to find the men. The PBA leadership felt victorious. "Everyone got what he wanted," said Morse. "They got their platoon and we got our volunteers." Cassese said the decision to compromise simply proved that he was right all along in demanding volunteers. The Mayor's Office contended that Cassese would not personally have delivered the volunteers unless the

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*Exactly how many constituted a sufficient number is unclear. The fourth platoon eventually (City-wide) consisted of roughly 1,000 men. About 600 were volunteers. Since 8 divisions eventually had fourth platoons, this would be about 75 volunteers per division on the average. The Bronx fourth would have had somewhat fewer than this, since half the openings were filled with new recruits.

Department had the power to implement a mandatory fourth platoon. "The key to getting the volunteers," said Goldmark, "was getting the law passed."

Cassese succeeded in producing a sufficient number of men in the Bronx in only three days--with Leary's help. The Commissioner filled half the openings with recruits who had recently graduated from the Police Academy. The union leader had allowed the Commissioner to use the powers of the new law on probationary patrolmen. This reduced Cassese's obligation to three squads. The Commissioner aided Cassese further by allowing him to secure volunteers from any division within the Bronx Borough Command. All Bronx patrolmen were allowed immediate transfer into the Seventh Division if they wished to serve on the fourth platoon. PBA representatives were allowed to address the men at every roll call to explain the advantages of permanent tours. Coronado personally appeared at almost every precinct station in the Bronx.

Finally, Leary did everything he could to make the fourth platoon particularly attractive to his patrolmen: he guaranteed that all available radio cars would be used on the tour, and promulgated a duty chart for this shift which gave each volunteer approximately 12 extra paid days off each year. (For a more detailed explanation of the workings of this duty chart, see Exhibit 4.) The PBA lured volunteers by promising them an additional $521.25 a year due to the five percent wage differential for night work. The union failed to explain to the men that patrolmen on the three-shift rotation would receive two-thirds of this amount by working two of their three shifts from 4 P.M. to 8 A.M.--the supposedly night hours. The PBA, in its solicitations, also emphasized that if a division did not produce enough volunteers, a mandatory four-platoon chart would be instituted. Thus, the full resources of the PBA and the Police Department were mobilized to gain a sufficient number of volunteers to staff the fourth platoon.

On May 1, Justice Edward T. McCaffrey of the Supreme Court of New York declared that the City had legal authority to proceed in implementing the fourth platoon.[34] McCaffrey stated that he could not find in the memorandum of agreement between the union and the City any reference to contract terms limiting deployment to three platoons, nor did he find that the duty charts submitted in connection with the fourth platoon would result in a work day of more than 8 hours or a work week of more than 40 hours. He further stated that the PBA's claim of capricious deprivation of equal protection was groundless because, as the 1911 Act indicated by the words "including the City of New York," New York City patrolmen "stand in peculiar and different situations or classifications" from the other patrolmen throughout the state. McCaffrey even indicated that the Department had a responsibility to deploy the fourth platoon when he stated ". . . governmental functions and responsibilities cannot be surrendered by contract where police power and public safety and welfare are involved."

The Fourth Platoon in the Field

The day of the court decision, three days after the court injunction ended and PBA started searching for volunteers, every precinct in the Seventh Division of the Bronx deployed a fourth platoon. The volunteers rotated,

Exhibit 4

The Fourth Platoon and the Duty Charts

The fourth platoon was deployed according to a "33-squad chart," which was actually two separate charts: (1) the old 20-squad chart which deployed the majority of the department's patrolmen (who rotated into a different tour of duty each week as they had always done), and (2) a 13-squad chart which deployed the fourth platoon on a steady tour of duty from 6 P.M. to 2 A.M. The thirteen-squad chart was developed in order to deploy a constant number of the steady tour on a schedule which called for the men to work four days, have two days off, work five days, have two days off, etc. Following this chart, nine squads were on duty each night; four were off duty:

	Squads on Duty (for example)	Squads Off
Day #1	1,4,5,6,7,8,11,12,13	2,3,9,10
2	1,2,5,6,7,8,9,12,13	3,4,10,11
3	1,2,3,6,7,8,9,10,13	4,5,11,12
4	1,2,3,4,7,8,9,10,11	5,6,12,13
5	2,3,4,5,8,9,10,11,12	6,7,13,1
6	3,4,5,6,9,10,11,12,13	1,2,7,8
7	1,4,5,6,7,10,11,12,13	2,3,8,9
8	1,2,5,6,7,8,11,12,13	3,4,9,10
9	1,2,3,6,7,8,9,12,13	4,5,10,11
10	1,2,3,4,7,8,9,10,13	5,6,11,12
11	1,2,3,4,5,8,9,10,11	6,7,12,13
12	2,3,4,5,6,9,10,11,12	13,1,7,8
13	3,4,5,6,7,10,11,12,13	1,2,8,9
14	1,4,5,6,7,8,11,12,13	2,3,9,10
15	1,2,5,6,7,8,9,12,13	3,4,10,11
16	1,2,3,6,7,8,9,10,13	4,5,11,12

This schedule did result in extra days off for the volunteers (about 12 extra days per year). But patrolmen who worked the fourth platoon no longer had the three-day "weekends" which were part of the 20-squad chart. These three-day "weekends" were made possible by the scheduling of four, rather than five squads on the midnight to 8 A.M. shift on weekdays (on weekends five squads worked the 12 to 8 tour). For example, squad #1 on the sample 20-squad chart did not have to report for duty as "scheduled" on January 2 or 22, March 23, April 12, May 2 or 22, June 11, August 10 or 30, September 19, October 9 or 29, or December 28. This gave the men on squad #1 thirteen three-day "weekends". Whether most patrolmen would prefer about 12 extra "days off" per year (on the fourth platoon) or the three-day weekends is not clear.

as Leary had advertised, five days on, two days off, four days on, two days off, five days on, etc.

The deployment of the fourth platoon was left up to the Operations Division and Patrol Bureau of the Department. The PBA's role was limited to securing volunteers in the divisions specified by Operations. The Mayor's Office was absorbed with the campaign and could not monitor the Department's activities. "Normally we would have checked up on what they were doing," said Kriegel, "but that requires the time of somebody who can understand the duty charts. Goldmark or I would have done it before, but we were too busy that summer." The fourth platoon became, in the words of a Bureau of the Budget coordinator, "an internal police thing."

Allowing the fourth platoon to become "an internal police thing" implied that the deployment of the fourth platoon would diverge significantly from the Mayor's hopes and expectations.

Slow Pace of Deployment

The Mayor's Office had hoped for a quick deployment of the fourth platoon. Planning insisted that the deployment had to be accomplished slowly. They argued that the Police Department needed time to calculate how many cars and men would have to be transferred from divisions without a fourth platoon to divisions with a fourth platoon. (There is evidence that few such transfers actually took place, other than the transfers of men who volunteered for the fourth platoon.) Further, they argued that the deployment should be evaluated as it proceeded to see if it was effective. Although it was difficult to determine whether or not these arguments were well-founded, it was clear that the Department would vigorously oppose any effort to force the pace. Kriegel recalled that the police were "very, very emphatic that they wanted to proceed slowly, division by division." Consequently, the Mayor's Office bowed to Planning's insistence.

What happened during the time gained by the slow pace of deployment? Did it really take so long to calculate and achieve the necessary transfers of men and equipment? Was any evaluation accomplished?

The evidence is clear that Planning took two full weeks to calculate and service the transfers of men and equipment for each division. They used the following procedure: at least two weeks before a division received a fourth platoon, Cortenay of Operations would hold a meeting with the borough commander, the division commander, and the precinct commanders within the chosen division to discuss the division's response to the order issued by the Commissioner in early April. In that meeting, Operations would arrange for all sectors in the division to be patrolled by radio cars during the hours 6 P.M. to 2 A.M. and for all cars in the division to be filled. Occasionally, achieving these objectives required the transfer of cars from other divisions to the division that was fielding the fourth platoon. This decreased the resources of the other divisions, but brought the precincts in the fourth platoon division up to quota. (Apparently a number of divisions had more cars than they had men to fill them; it seems likely that these unused cars were the ones transferred. The 16th division in Queens, for example, had a large number of cars "left over" from the abortive one-man car experiments of several years before.

These cars were used to motorize a large number of fourth platoon volunteers.) It does seem clear that a tighter schedule could have been developed and enforced. As Assistant Chief Inspector Sydney Cooper, borough commander of the Bronx, explained, "We pick a target date. That's how we work around here. That allows us a more leisurely laying out of personnel changes. We could have done it in a day, if they had asked us to."

The evidence is also clear on the efforts to "evaluate" the fourth platoon. Aside from providing the Commissioner's Office and the Mayor's Office with regular monthly crime statistics highlighting the fourth platoon divisions, Planning did not participate in any evaluation of the steady tours during the two weeks following implementation. The two weeks were used by Operations to respond to the complaints from the precinct and division commanders. Cortenay recalled:

> We didn't have too much of a problem. Some areas did not have enough people. These problems always occurred in hours other than 6 to 2. They didn't have enough officers to fill the cars.

Some of these complaints came from divisions which had lost men (who volunteered) and cars to the fourth platoon. In a few cases, men and cars from other divisions were transferred into the deprived division to meet the complaints.

In fourth platoon divisions, Cortenay's aim was always the same: to provide each fourth platoon precinct with as many cars as there were sectors during the 6 P.M. to 2 A.M. shift, and to provide those precincts with enough men to fill their cars. Operations was apparently more interested in encouraging the commands to accept the fourth platoon (and, perhaps in winning favorable publicity for the Police Department) than it was in determining the real effectiveness of the new deployment strategy.

Assignment of Fourth Platoon to Foot Posts

The Planning Division had intended the fourth platoon to be used entirely on foot patrol. To some extent, this intention was dictated by the resources of the Department. The Patrol Bureau did not have enough cars to distribute among 1,000 additional patrolmen between 6 P.M. and 2 A.M. The intention also conformed to the Department's perception of what the public wanted. Leary said, "The people cry for footmen. The fourth platoon was intended to ease people's fear as much as possible. You can't measure a fear index, but you know people like to see the man on the beat." As Captain Hoffman in Planning stated:

> Footmen are real public relations. People want them. They want to know the name of the man. It's been well received in the community.

Consequently, footmen became Department policy even though footmen are relatively inefficient in responding to radio call alarms.

The Planning Division's intent was compromised, however, by the desires of the volunteers and the precinct commanders. To attract men to the fourth platoon and to encourage precinct commanders to utilize the

new manpower, Operations allowed the local commanders to use the fourth platoon "as necessary" and provided as many additional cars as possible. Leary recalled, "The men just didn't like walking foot patrol. You always have that give and take." Moreover, most precinct commanders used fourth platoon personnel to cover vacancies, sick calls and vacations which depleted men from the regular platoons. Consequently, no one knows what proportion of the fourth platoon actually worked foot patrol; the estimates vary from 50 to 70%.[36]

The various assignments given men on fourth platoon deprived the steady tour of an identity of its own. One sergeant stated:

> They never know where they'll be. Sometimes they're on foot, which they don't like. They shift in and out of cars. Sometimes they have their own cars. Sometimes they use cars from another shift. It has really become a bastard shift.

Assignment of Fourth Platoon to Marginal Beats and Sectors

The Department never considered changing the shape of its sectors or posts to accommodate the additional manpower from the fourth platoon. The additional patrolmen were to be used in vacant foot posts or uncovered sectors. Uncovered sectors were usually the least active sectors in each precinct--the areas which the precinct commanders cover last. The foot posts chosen were often in highly "visible" locations, where the addition of a policeman would be noted by the public. Planning and Operations made no attempt to estimate the impact of stationing men in these positions on incidence of crime, apprehension rates, or response time. Covered sectors with exceptionally high hazard ratings might have needed the additional men more than the areas which received them. But precinct commanders installed men in vacant, geographically determined posts and sectors.

Precincts that had fourth platoons were able to cover all sectors. This did not mean, however, that the men were concentrated where they were "needed." Cortenay admitted this method of deployment limited the effect of the fourth platoon on arrest rates. "The fourth," he said, "fills in at the margin, not at the central crime areas. The chance of making an arrest is less on the fourth platoon."

It is interesting to note that when the department received additional cars in 1967, some sectors were changed to equalize the number of calls per sector and the hazard ratings in different sectors. In 1969, when the Department received 1,000 additional men during high crime hours, no attempt was made to change patrol patterns.

The Divisions in Which the Fourth Platoon Was First Deployed Were Selected on No Consistent Basis

The department could have used its hazard formula to choose the divisions which needed additional manpower during high crime hours the most. By early May, the Department could have used RAND's plan to determine what proportion of the fourth platoon was needed in each of the divisions. But just as the Department had determined the manpower level by counting the number of vacant sectors and posts, Operations selected

divisions by reference to the Department's vague conception of "need." Cortenay said:

> They were chosen on the basis of need. The Seventh Division in the Bronx was the busiest. The 16th in the Queens has relatively the fewest patrolmen. The rest are all pretty busy.

Cortenay claimed that he selected the divisions himself and that he referred somewhat to hazard ratings and radio-run backlogs in making his choices. Goldmark claimed the Mayor's Office influenced Cortenay's choices as well. The Mayor's Assistant said:

> Kriegel and I chose those divisions where we'd have the most political impact. We made sure we would have at least one in every borough, outside of Richmond.

Goldmark said he sent Cortenay a list of the Mayor's preferences, but Cortenay claimed he made the final decision. The 16th Division, which was the second division in the City to receive the steady tour, seemed to have been given an especially high priority by the Mayor's aides. (People in this area were angry at the Mayor for recent failures of the Sanitation Department to remove snow accumulation from their streets.)

Lack of Independent Supervision

The volunteers in the fourth platoon were supervised by third platoon sergeants from 6 P.M. to midnight, and by first platoon sergeants from midnight to 2 A.M. Since these sergeants--already overworked--were taking on an additional workload, they had little incentive or opportunity to become personally familiar with the volunteers. In addition, they did not appear at roll call with the fourth platoon or sign out with it, which further reduced potential interaction between supervisors and the volunteers. One Bronx Precinct Commander said of the volunteers, "They felt a bit left out. They lost contact. There was no working relationship with the precinct." Captain Hoffman of Planning stated, "One of the first things we realized in the early performance of the fourth platoon was that we would need supervisors. But that was almost impossible due to manpower shortage."

New York City in 1969 had approximately 1 sergeant to every 12 or 13 patrolmen. The ratio was far below the 1 to 8 ratio recommended by police administrators and the Kerner Commission. Commissioner Leary said that transferring sergeants from the regular shifts was not desirable because of the limited number of sergeants. Such a transfer might not have been the best solution in any case since, as Leary noted:

> As soon as you create a unit, you get yourself a desk, a typewriter and an assistant. That seemed silly, when you have a regular tour and a fourth platoon at the same time.

Leary insisted the regular supervisors could run an effective fourth platoon. He said that the fourth platoon's poor arrest rates and its lack of supervision were "human failure, which is inexcusable. You have to lean on some sergeant or lieutenant."

Leary's view that the supervision of the fourth platoon should be subordinated to normal operations became Department policy on November 26, 1969, when 163 sergeants were promoted. None of the sergeants were assigned by Headquarters to serve on the fourth platoon, although sergeants were subsequently allowed to transfer to the permanent shift if they wished to volunteer.

Some of the commanders were not satisfied with this voluntary solution. Bronx Borough Commander Cooper, noted as one of the most aggressive commanders on the force, immediately assigned several of his new sergeants to supervise fourth platoon footmen. Further, Cooper placed a lieutenant in charge of the Seventh Division fourth platoon. The lieutenant monitored the arrest records of the footmen to insure that they were effectively stationed within their precincts. The arrest rates of the Bronx immediately responded. Further, Cooper reported "the fourth platoon has become almost an elite little force. I can use the threat to throw men off it as a creditable disciplinary action."

Some other divisions compensated for the lack of supervisors by scheduling the voluntary shift from 4 P.M. to midnight. This allowed the fourth platoon's patrolmen to report to the same supervisors during their entire shift. But most of the divisions did not change hours and did not assign sergeants or lieutenants to the fourth platoon.

Limited Deployment Effort

In the middle of August, Leary told Lindsay that no more than 8 of the 17 divisions would receive the fourth platoon. The Commissioner said the Department needed approximately 2,000 more men to deploy the voluntary shift City-wide. He declared that the Department could not even continue the current deployment without dangerously depleting the forces available for the regular tours. Goldmark said the Mayor's Office was shocked. With the election in November, the Mayor did not want to stop deploying additional patrolmen in August. "The Department," said Goldmark, "just did it. It never occurred to us it would happen that way." Kriegel said the Mayor's Office, in the midst of the campaign, could not take the time to evaluate the Department's deployment methods:

> To dispute their figures is very difficult. It takes lots of time and effort, and we didn't have the time then. It also takes people who know what they are doing. I couldn't do it. Peter couldn't do it. The Mayor would have liked to sit in on the final agreement, and he obviously couldn't do it.

The Mayor's Office tried to encourage the Department to continue deployment, but Leary resisted. "I told them they were ignorant," said the Commissioner, "for not increasing the hiring quota during an election year. They're stupid. I told them that to their faces." Although the Department's claim seemed suspect, no one was in a position to challenge the

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Department's cry for manpower. On August 25, the 15th Division in Manhattan deployed the last fourth platoon.

Advertised Outcomes and Full Deployment

Mayor Lindsay proclaimed on September 9, 1969, that "a dramatic reduction in night-time crime" had occurred due to the activities of the fourth platoon. He said reported crime had decreased 25% in the 16th Division in Queens, that violent crime in that division had decreased 17% and that purse snatchings had decreased by 28%.[37] On September 16, the Mayor addressed a graduating class at the Police Academy and said that the July, 1969, crime rate had dropped 2.7% compared to the July, 1968, crime rate.[38] The Mayor attributed this difference to the fourth platoon. (Democratic City Council President Francis X. Smith attributed the difference to rain.)[39]

Lindsay's campaign literature stressed improved police services. One paper, entitled "Mayor John V. Lindsay: The Record: Crime," began with the topic, "More Police on the Streets" and said the fourth platoon had doubled protection during high crime hours. A four-page campaign leaflet described "The Police Department's Fourth Platoon" as "the most significant reform of the Lindsay administration," claiming that the new bill saved the Department from spending $75 million for police "assigned to patrol at the wrong hours." The leaflet went on to say, "Under the new fourth platoon system with no new cost to the taxpayers, police protection is dramatically increased." The document also said that "a lot of patrolmen like the new fourth platoon," as evidenced by the 600 who had volunteered. The fourth platoon had become, as one of Senator Goodman's aides said, "a way for liberals to cry law and order."

Given the credit and credibility on the crime issue that he was getting from the fourth platoon, Lindsay did not want to stop deploying additional policemen during evening hours. At the same time, he did not have the money to fulfill Leary's request and hire 2,000 patrolmen. The Police Department presented an alternative. Cortenay recalled:

> We recognized that the fourth platoon was successful where it stood. But with no increase in the quota forthcoming the only way to fatten it up was overtime.

On September 12, Lindsay and Leary announced in City Hall that 500 patrolmen would be able to work an evening overtime shift each day. Republican Mayoral candidate John Marchi denounced the overtime shift as being "politically motivated," but Leary in a prepared statement ridiculed Marchi's criticism. The Commissioner said his rebuttal was his first "public politics statement" in his 29 years as a policeman.[40] Under the overtime program, the fourth platoon was to be implemented in the high-crime precincts in the nine divisions which had not yet received a steady tour. Patrolmen who were on a swing shift or who were scheduled for days off would sign up at Division Commands to work during the evening. The 500 men per night were paid time and a half. The entire project cost $200,000 per week. Where the money came from is uncertain. Some apparently came from monies already budgeted for police overtime. Bureau of the Budget Coordinator Bleiberg and Chief of Operations Cortenay suggested that some funds

were drawn from the slush in a purposely over-allocated item for snow removal.

The Mayor's Office assigned the law enforcement coordinators in the Bureau of the Budget to analyze the impact of the increased manpower on city crime rates. The study, released on October 24, two weeks before the election, purported to find that "enough general correlation exists to make it clear that the reduction in crime is first of all due to the City's success in increasing police manpower during the high crime hours."[41] Directed by BOB Coordinator Al Appleton, the study largely compared the decrease in city crime rates (from a 46% growth rate in 1968 to a 3.3% growth rate in 1969) with the increase in patrol force (40% in 1969). The analysis was crude, and the conclusions were not as decisive as proclaimed. Although the report amply demonstrated the decrease in the crime rate--and especially a decrease in deterrable crimes, such as robbery--Appleton neglected to note that crime rates decreased nationwide that year. Also, the report failed to account for the dramatic decreases in the crime rate during February and April 1969, when the police did not have the additional evening manpower.

The report did illustrate that arrests--a measure of patrol activity--had increased, but could make few correlations between the areas with increased arrests and the areas which had a fourth platoon. Appleton did note that the fourth platoon had "been less effective in increasing manpower than expected."[42] He said that 40% of the increase in evening patrol manpower was due to increase in roster strength (transfers and new recruits) and that 60% was due to the fourth platoon. The increase in roster strength accounted for a majority of the increase in the Bronx where the fourth platoon was first implemented.[43] But Appleton did not attempt to evaluate the manner in which the police allocated manpower in order to understand why the roster strength had grown.[44] The report concluded:

> It would have been extremely satisfying to find some straightforward quantifiable correlations between patrol level and crime rate. On the basis of available data, these are not available. This should in no way, however, be taken to imply that there is no evidence of the successful impact of the City's program of increasing patrol or that such a program has been a waste of effort.

The crime statistics in the Appleton report were used extensively by the Mayor in the closing weeks of the campaign.

After the election, the Bureau of the Budget wished to terminate the overtime shifts as soon as possible. (The overtime had mounted up to about 5 million dollars.)[45] Leary objected. The Commissioner, who seemed to enjoy giving his men a chance to earn some extra money, stated, "I told them they don't know politics. I told them an action like that was blatantly stupid and obvious. I said they should let the overtime peter out over the rest of the year." The Commissioner insisted that the objections of political

interference in the Department from other politicians and the patrolmen would injure the Mayor politically and that the objections would not be as dramatic if the overtime shift were slowly phased out.

But the Mayor's Office still wished to end the overtime before January. Kriegel and Leary compromised. The Department had asked the Bureau of the Budget in June for permission to promote more sergeants, and the request was still pending. Kriegel told Leary that the sergeants could be promoted, but the overtime had to go. Leary agreed and on November 26, less than a month after the election, the Department promoted 163 patrolmen to the rank of sergeant and terminated the overtime program. The fourth platoon remained only in the original eight divisions.

Deterioration of the Fourth Platoon

The Department and the Mayor continued to use the fourth platoon in public relations. On June 2, 1970, Commissioner Leary sent a letter to one of the attorneys who had aided the Department in the case against the PBA. The letter summarized the effect of the fourth platoon in the Bronx during its first year of operation. Leary wrote that arrests in the Seventh Division during evening hours had increased by 48.8%, felony arrests for all hours had increased 31.2% and misdemeanor arrests had increased 66.5% for all hours. He reported that complaints of purse snatchings had decreased 16.4% and complaints of felonious assault had decreased 34.6%. Leary failed to explain, as Appleton had explained, that of all the fourth platoon divisions, the Seventh Division had received the greatest roster strength. It was the closest to saturation patrol of all the divisions in the City.

WCBS-TV, repeating Leary's figures in an editorial, stated on June 23:

> It appears then that the Fourth Platoon is proving itself. Adapting police work schedules to the hours of peak crime load can pay off in safer streets, more arrests. . . . We urge the Mayor and the Police Commissioner to bring the benefits of the Fourth Platoon to all parts of the City.

But Leary was still insistent that the Department needed more men before a full fourth platoon could be deployed. In his letter to the attorney, the Commissioner said that the "required manpower" was 1,600 patrolmen--considerably less than his estimate of 8,000 men from the summer before. The Planning Division, in its annual report to the Police Commissioner in June, 1970, set the required number of additional men at about 1,300. After one month, the Department apparently needed 300 fewer men. The Mayor's Office and the Bureau of the Budget continued to resist Leary's requests. The Bureau of the Budget was not convinced that additional men were needed. Director Hayes said:

> If you accept the assumption that you must permit the Police Department the same manpower level and that the fourth platoon should continue the way it has functioned, then you accept the 2,000 men. But those are mighty assumptions.

Kriegel promised that the Mayor's Office would closely examine the manner in which the Department had chosen to deploy the fourth platoon, and BOB personnel talked of a complete re-evaluation of police deployment methods, including an examination of the hazard formula and the Department's methods of selecting sectors.

Meanwhile, the effectiveness and morale of the fourth platoon were deteriorating. Planning Division personnel claimed the arrest figures for the entire fourth platoon were turning out to be poor, regardless of the arrest figures in the Bronx. One Planning captain said, "They're all out there, but we might as well have dead bodies on the streets." Even in the Bronx, the arrest and crime statistics for 1970 were trailing those of 1969. Borough Commander Cooper commented, "You just can't count on anything in this job. Everything changes. We're doing just what we did last year, but it doesn't taste so good now." Part of this deterioration seems to have been due to the increase in crime nationwide. The coincidence of the deployment of the fourth platoon and a lapse in the national crime rate in 1969 did not last into 1970.

Perhaps most damaging to the fourth platoon, the volunteers and recruits were increasingly displeased with the steady tours. Some of the volunteers, having completed courses or finished a moonlighting job, wished to return to the regular rotations where they could have closer supervision and steadier assignments. Since the men were technically volunteers, the Chief Inspector's Office had to grant many of these requests for transfer. The recruits who were originally assigned to the steady tour wanted to transfer to the three-platoon rotation in order to secure steady assignments and partners, and regular patrol cars. Few of the married men on the fourth platoon wished to remain in a steady 6 P.M. to 2 A.M. schedule because they could not see their children after school or their wives who worked. Moreover, after February 1970, the Department graduated no new recruits from the Police Academy. Consequently, few of the transfers from the fourth platoon have been replaced. The Operations Division claimed in April 1971, that there are still over 1,000 men on the fourth platoon. However, one Precinct Commander stated at the time, "Most commanders I know are just letting the platoon go to seed. No one really wants to be on it."

FOOTNOTES

1. Wilson, Orland W., "Distribution of Police Patrol Forces," (pamphlet), Publication No. 74, Public Administration Service, Chicago, Illinois, 1941, 27 pp.

2. For example, see Richard C. Larson, "Response of New York City Police Patrol Cars," RAND publication R-673, 1971.

3. Law of New York 1911, Chapter 360, Sections 1-7, p. 829.

4. N.Y.P.D. Department Magazine, Spring 3100, November 1969 issue, p. 12.

5. N.Y.P.D. Annual Report (1969), p. 28.

6. Figures computed by Timothy Bates from N.Y.P.D. "Police Facts," (1970) pp. 4-5, 8-9; and N.Y.P.D. Rules and Procedures, p. 255.

7. New York City Charter, Ch. 18, S 434 (a-b).

8. William J. Bopp, The Police Rebellion (Springfield, Ill: C. C. Thomas), 1971, p. 121.

9. N.Y.P.D. Rules and Procedures, General Order 3, S.1963.

10. Joel Edelman, "Police Resource Allocation Methodology," NYC-RAND memo, p. 7 (Spring, 1969).

11. James S. Kakalik and Sorrel Wildhorn, "Aids to Decision-Making in Police Patrol," RAND (Feb. 1971),p. 43.

12. "Leary's Five," by David Burnham, New York Times, November 10, 1970, p. 49:1.

13. N.Y.P.D. Rules and Procedures, 1/119.0.

14. N.Y.P.D. Rules and Procedures, 1/22.0.

15. N.Y.P.D. Rules and Procedures, General Order 46, S.1962.

16. N.Y.P.D. Rules and Procedures, 1/16.1.

17. N.Y.P.D. and LEAA Police Training and Performance Study, 1969, p. 36.

18. Ibid., p. 38.

19. N.Y.P.D. Rules and Procedures, 3/46.0.

20. New York Times, May 25, 1969; 83:4 [hereinafter cited as NYT].

21. Ibid., 83:4; and NYT, 10/9/69; 51:1.

22. NYT, 10/9/69; 51:1.

23. NYT, 8/14/68; p. 47.

24. For a complete account of the PBA's battle with the Mayor over the Civilian Review Board, see Bopp, op. cit., pp. 114-133.

25. Ibid., pp. 57-58.

26. Training and Performance Study, op. cit., p. 77.

27. Ibid., p. 89.

28. Ibid., p. 96.

29. Laws of New York 1911, Chapter 260, Sections 1-7 (p. 829).

30. Matter of Shilt, New York Law Journal (Supreme Court N.Y.C.), August 18, 1961, p. 3.

31. NYT, 12/16/68; p. 54.

32. Ibid., p. 54.

33. NYT, 3/17/69; 38:1.

34. PBA v. City of New York, 299 N.Y.S. 2d 986 (1969).

35. Ibid.

36. Ibid., Table XXII.

37. NYT, 9/10/69; 2:5.

38. NYT, 9/16/69; 50:2.

39. Ibid.

40. NYT, 9/12/69; 32:4.

41. Appleton, op. cit., summary.

42. Ibid., "Patrol Strength in High Crime Hours," p. 5.

43. Ibid., p. 4.

44. Ibid., "Correlation of Patrol Increases and Crime Changes," pp. 2-3.

45. NYT, 12/6/69, 1:7.

APPENDIX A

Cast of Characters

BEHAN, Cornelius	Inspector; in charge of NYPD Planning Division
CASSESE, John	President of PBA 1958-69; "tough cop"
CORONADO, Joseph	Vice-President of PBA
CORTENAY, Daniel	Deputy Inspector; head of NYPD Operations Division
FRANK, Norman	"Cassese's Svengali," PBA Public Relations Director, PBA investment counselor, administered PBA Health and Welfare Fund until March, 1969
GARELIK, Sanford	Chief Inspector, NYPD; retired in early 1969 to run successfully for City Council President
GOLDMARK, Peter	Director of Bureau of Budget Program Planning Unit until April, 1968; then staff assistant to Mayor Lindsay
HAYES, Frederick	Director, Bureau of Budget, NYC
KIERNAN, Edward	Vice-President of PBA; became President in June, 1969
KRIEGEL, Jay	Mayor's staff assistant; worked with NYPD
LEARY, Howard	Police Commissioner, NYPD
LEG	Law Enforcement Group; young, reactionary, possibly racist policemen
McMANUS, George	Succeeded Garelik as Chief Inspector
MORSE, Howard	PBA Public Relations officer
NYPD	New York Police Department
PBA	Patrolmen's Benevolent Association, represents 28,000 men, opposed the fourth platoon
TSBA	Traffic Squad Benevolent Association; "young turks," militant members of PBA
WILSON, O.W.	First developed "hazard" concept

APPENDIX B

Chronology

1911	New York State passes 3-platoon law, required three eight-hour shifts, patrolmen change shifts at least once a month
1941	O.W. Wilson introduces "hazard" concept
1961	A New York judge declares a 48-hour tour instituted by the NYC Police Commissioner illegal
1962	The first "Fourth Platoon" bill submitted to the New York State legislature for consideration
1963	NYPD supposedly begins manpower allocation based on a modified hazard formula
1966	Leary becomes Commissioner
	PBA leads campaign that rejects the Civilian Complaint Review Board
	PBA severely limits the use of one-man cars and scooter patrols
1967	Last change in sector definitions when the NYPD receives new patrol cars
1968	Attempt to deploy more one-man patrol cars fails when PBA threatens a job action
	New York Times runs story on cooping (December 16)
	Leary, Behan, Cortenay, Lindsay, Kriegal, Hayes, Goldmark meet; agree legislation needed for a Fourth Platoon
March, 1969	TSBA requests audit of PBA Legal Assistance fund
	New York State legislature passes "Fourth Platoon" bill
April, 1969	Lindsay instructs Leary to field fourth platoon as soon as possible
	Financial scandal surrounds PBA leadership
	PBA leaders and City officials compromise on a volunteer fourth platoon plan while court injunction on redeployment is in effect

APPENDIX B (continued)

May 1, 1969	Supreme Court of New York upholds the legality of the fourth platoon--denies PBA appeal
	First fourth platoon deployed in the Seventh Division of the Bronx
June, 1969	Cassese resigns as President of the PBA; Frank resigns as PBA Public Relations Director; Kiernan steps up
August, 1969	Leary tells Lindsay that only 8 out of 17 divisions will receive the fourth platoon
	Last fourth platoon deployed
September, 1969	Leary and Lindsay announce "overtime" program for high-crime precincts without fourth platoons
November, 1969	Mayor Lindsay re-elected
	Overtime program ended; fourth platoons remain in 8 divisions only
	Lindsay announces promotion of 163 sergeants