

Compare and contrast the mollen commission and the knapp commission essay sample

[Law](#)



Braziller (1972) says that when the NYPD was established in 1844, it experienced immediate problems with extortion and other corruption activities. Consequently, the NYPD has experience scandals approximately every 20 years (The Knapp Commission Report, pp 61-64). This has prompted the formation of investigative commissions, which include the Mollen Commission, and the Knapp Commission. The aim of this paper is to bring out the striking comparison and contrast between the Mollen commission and the Knapp commission.

The Mollen Commission

The Mollen commission is formally known as The City Of New York Commission To Investigate Allegations Of Police Commission And The Anti-Corruption Procedures Of Police Department. It was named after former judge Milton Mollen who was appointed in July 1992 by then New York City mayor D. N. Dinkins to investigate corruption in the New York City police department. Milton was vested with the mandate and prerogative to do three things: 1 . To examine and investigate the nature and extent of corruption in the department. 2. To evaluate the department's procedures for preventing and detecting corruption and 3. To make appropriate recommendations for changes and improvements to the procedures.

After exactly two years from appointment, The Mollen Commission (MC) released a report on its findings. The conclusion of Mollen's report captures summarizes the findings: Today's corruption is not the corruption of Knapp commission days. Corruption then was largely accommodation of criminals and police officers giving and taking bribes, buying and selling protection.

The commission went on to state that corruption of the Knapp commission days was in its essence consensual. The report sums up everything by saying the findings reveal a drastic change in form of corruption; the early 90's corruption was characterized by brutality, theft, abuse of authority and active criminality. According to the MC, corruption had gone a notch higher and was more serious and rampant. The retired judge Milton mollen exposed police officers with corruption both petty and gross. MC also established that illegal drug trade had been added to the pot.

Amazed at the nature and extent of corruption, the MC recommended that NYPD could not police itself and therefore needed the creation of a permanent outside watchdog body with the power to oversee New York Police Department's (NYPD) own internal affairs. The Mollen commission believed that the creation of an independent commission to monitor the corruption activities of the police department, and help keep NYPD vigilant would help break these cycles of corruption.

MC recommended that such a watchdog body should be given the power to launch its own independent investigations without any external interference. This recommendation was sharply criticized and opposed by top luminaries who included Mayor Rudolph Giuliani and police Commissioner William Bratton. Bratton was at odds to the mollen plan and claimed that he could help cleanup the corruption mess among the NYPD's 30, 000 officers without giving up any authority to outsiders. But cleaning up the department from within would face the challenge of resistance to change and this would render such efforts fruitless and unproductive.

The MC applied two tactics in its investigation: firstly, by treating cops as any other drug dealer, the investigations managed to overcome the resistance by cops to testify against others (the blue wall silence); secondly, the commission capitalized and relied on a few gone honest cops who were willing to reveal how corruption cases were often concealed by their superiors.

These honest cops often found themselves at loggerheads with their colleagues and superiors and even faced threats of possible death. MC was grieved with the connection between corruption, police brutality and racism. One cop B. Cawley testified before the commission “ that we just beat people up general... it is a show of force” he went on to confess that he and other cops had no interest in stopping drugs. They protected high level dealers for pay; sold drugs they confiscated back on the streets and robbed people. Racism was also rampant in the NYPD. This was confirmed by the shooting of a black undercover transit cop Desmond Robinson by a white police officer peter Del-Debbo. DeRienzo says

Black cops felt the incident was a reflection of racism brutality while it was argued that the perception of the public and the police officers that black cops committed most crime, racism could not be ruled out especially considering the fact that since 1940 20 black cops had been shot by white cops while not one white cop had been shot by a black officer.

(<http://mediafilter.org/MFF/MOLLEN.HTML>)

The MC wrote that almost 40 corruption cases over the pervious five years had never been recorded in official records or sent to prosecutors” the

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mollen established that many of the Tickler files corruption cases were quite serious in nature ranging from sale and use of narcotics protecting drug dealers, to perjury and leaking confidential information. The commission said Internal Affairs Division was more interest in preserving the department public's image than digging up corruption. The MC identified 3 motivational factors: profit, power and perceived 'street' law enforcement ends. During the MC, 30 officers were convicted of primarily drug -related offense

Following Mollen's recommendations, the commission to combat police corruption (CCPC) was created in 1995 as a permanent board to monitor and evaluate the anti-corruption programs, activities, commitment and effort of the NYPD, CCPC is completely independent of the NYPD. ([www. nyc. gov/html/ccpc/html/about. shtml](http://www.nyc.gov/html/ccpc/html/about.shtml)).

Among the recommendations made by the Mollen commission, this proposal to create an independent watchdog to monitor the NYPD is considered by many to be one of the most significant in the quest to combat corruption in NYPD.

" It is very likely that corrupt officer in New York would have been able to operate effectively without the collusion of usually honest cops involved in the burying of files and the obstruction or prolonged investigations." The Mollen commission established.

The commission's conclusions were an important tool in casting doubt on the officers' denials that they brutalized people (Nossiter, 1996).

The Knapp commission

The commission is officially known as The Commission To Investigate Alleged Police Corruption. In April 1970, major John V. Lindsay formed a five-member panel to investigate corruption within the New York City police department. Patrolman Frank Serpico and Sergeant David Durk made public revelations of police corruption triggering the creation of the commission.

The commission was named after its chairman, Whitman Knapp. The Knapp commission (KC) began its work of investigation within the NYPD in June 1970 but it delayed the public hearings until October 1971. The two whistleblowers, former police commissioner Howard R. Leary, patrolman and other victims of police shakedowns testified before the commission leading to the preparation of the commission's report. Whitman Knapp was nominated as a federal judge for the southern district of New York by president Richard M. Nixon. The commission issued its preliminary report in August 1972 and its final report on December 27, 1972.

During its hearing, the commission established that two particular classes of corrupt police officers and called the classes "grass-eaters" and "meat-eater". Grass-eaters referred to petty corruption, which was mainly under the influence of peer pressure. While Meat-eaters referred to aggressive premeditated major corruption. Meat-eaters were officers who spent a good deal of time aggressively looking for opportunities they can take advantage of and make financial gains. Drug dealers are major preys of meat-eaters. The Meat-eaters shook down these drug dealers for money. Grass-eaters were those who solicited five to twenty dollars corruption payments. KC established that grass eating was something that a significant number of

officers are guilty of but they learnt to do so from other cops. The Knapp commission concluded that grass-eaters were the heart of the problem because their greater numbers make corruption respectable (The Knapp Commission Report, P 4).

The commission also discovered that the grass eating was used by police officers in New York City to prove their loyalty to the brotherhood. “ The good news is that corruption is not as widespread and systematic as it once was. The bad news is that it is more serious on several levels because drug traffickers are much more harmful to the city’s health and welfare than bookmakers.” Said Lawrence W. Sherman (New York Times. October 3, 1993). In its final report KC made the following recommendations:

- Commanders should file periodic report on key areas that would breed corruption
- Undercover informants to be placed in all precincts.
- A change in police attitude
- Field offices of the internal affairs division to be created in all precincts.
- Improve screening and selection methods and standards.
- Commanders to be held accountable for the subordinates action
- Removing return cops who did grass eating’s so that new officers will not have a chance to learn the art.

KC was quick to act following witness testimony. Criminal condemnation of corrupt officers was handed down. Shortly after the commission was formed, P. V. Murphy was appointed by mayor Lindsay, he started implementing massive transfers of senior personnel, crackdown on citizen attempts at

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bribery, job rotation in key areas and proactive integrity checks and ensuring there was sufficient funds to pay informants.

Having overviewed the formation, works, findings and the recommendations of both commissions, let us now look at both their similarities and differences. There were striking parallels between the testimony to the Mollen Commission and evidence uncovered by the Knapp Commission.

Similarities

There are several converging points for the two commissions we are focusing on in this paper. Although two decades apart, both commissions were told by witnesses of the durability of the 'blue wall of silence'- the police culture that deters officers from reporting dishonest or abusive acts by colleagues. Both the Knapp and Mollen commissions heard that top commanders foiled major investigations of corruption to protect the department from stigma of the scandal. The findings of the commissions were almost the same only that drug trafficking was found to be prevalent at the time of the Mollen commission, which was not the case during the Knapp commission. Similarly, both the commissions were chaired by judges and also named after these judges. The difference was that while Milton Mollen was retired, Whitman Knapp wasn't. Actually, Knapp was later nominated as Federal Judge. (New York times article June 16, 1972).

Another similarity is that both the commissions issued their reports after a period of two years. Police officers who were found guilty by both commissions were sent into prison and both investigated corruption in NYPD.

During the police corruption scandals of 1970s and 1980s the corruption uncovered in several cities was found to be systematic rather than attributable to individuals (Barker 1996: 39). No one can be forgiven for not seeing the obvious similarity of both the Mollen and the Knapp commissions being investigative commissions into the NYPD corruption allegations.

Differences

There are a number of differences, which include: Some of the Knapp recommendations were implemented immediately while the Mollen recommendation faced opposition and therefore delayed; The MC made a major recommendation, that is, the creation of an independent watchdog to oversee NYPD's activities, Knapp's recommendations were not as major; The Knapp commission classified the corrupt police officers into two, that is, grass and meat-eaters, while the MC did not do that; The creation of the Knapp commission was triggered by two whistleblower officers, David Durk and Frank Serpico while the creation of the Mollen Commission was an aftermath of the arrest of Michael Down and five other members of a police gang for a cocaine trafficking.

Again, KC went deeper to establish the depth of corruption in the NYPD among the officer where it established that the most corrupt unit was the plainclothes squads that were assigned to stop gambling and prostitution and that pay offs flowed up to supervisory ranks of inspectors. (The Knapp Commission Report, p65). The MC used the tactic of offering leniency in return of testimony against few officers while KC did not use this. The series of hearings by the Knapp commission in 1971 revealed that the abuser in

many ways were not as shocking as the disclosures of indiscriminate beatings, thefts and drug use heard by the Milton Mollen commission between 1992-1994.

The MC's report in 1994 indicated that the most prevalent form of police corruption in NY city was committing crimes especially in connection with the illegal drug trade, whereas the Knapp commission reported about 20 years earlier that the prevalent form of corruption was police taking money to overlook illegal facilities such as book making (Delattre, 1996). Again, the Mollen commission in contrasts to the KC found out that the meat -eaters as opposed to the grass eaters, had become the rule among corrupt police officers rather than the exception. (Kleinig, 1996).

The opposition and resistance faced by the Mollen commission's plan was not faced by the Knapp commission and this may lead one to think that opposers must have seen the Mollen plan as the antidote to the NYPD corruption. This may also make one conclude (though subjective) that the Knapp recommendations were not as effective and the corrupt individual saw no point in opposing the Knapp plan. Finally, another major difference that cannot be overlooked is the fact that the Mollen commission recommended the creation of a major and significant body, that is, CCPC while the Knapp commission did not lead to the creation of a major body per se.

In conclusion, just as the Knapp commission prophetically cautioned the most challenging corruption pitfall on the horizon was drug enforcement, the Mollen commission established that drug-related corruption was one of the most rampant forms of corruption in the NYPD. As we can see, corruption in <https://assignbuster.com/compare-and-contrast-the-mollen-commission-and-the-knapp-commission-essay-sample/>

the NYPD is a vicious problem, so maximum caution has to be exercised to curb any likely loopholes. CCPC has to be strengthened and be constantly vigilant. CCPC must seek to smartly integrate the different recommendations by both commissions and others to seal all the possible loopholes in the NYPD. Above all, CCPC must be guarded jealously as it is the antidote to NYPD's corruption activities.

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