



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

**EXECUTIVE ORDER NO. 42**

July 24, 1992

**COMMISSION TO INVESTIGATE ALLEGATIONS OF  
POLICE CORRUPTION AND THE ANTI-CORRUPTION  
PROCEDURES OF THE POLICE DEPARTMENT**

WHEREAS, an honest and efficient police force is essential to the well-being of the City and the implementation of the Police Department's innovative community policing strategies; and

WHEREAS, during the next two years the Safe Streets, Safe City Program will add more than two thousand officers to the Police Department of the City of New York, most of whom will be assigned to patrol the streets of the City; and

WHEREAS, allegations of corruption have been made against some members of the Police Department, and the effectiveness of the practices, procedures and methods used by the Police Department to prevent and detect misconduct and to maintain integrity have been questioned; and

WHEREAS, an investigation by the Police Department of those allegations would be subject to question by the public; and

WHEREAS, the misdeeds of a few must not be allowed to sully or taint the reputations and sacrifices of the vast majority of honest and dedicated men and women who serve on the police force;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Establishment of Commission. There is hereby established a Commission to (1) inquire into and evaluate the existing

practices, procedures and methods for investigating specific allegations of corruption and the existing practices, procedures and methods designed to prevent corruption and maintain integrity; (2) recommend improvements in these practices, procedures and methods and make any additional recommendations that will ensure the integrity of the Police Department and prevent corruption; (3) take evidence and hold whatever hearings, public and private, the Commission may deem appropriate to ascertain the necessary facts.

Section 2. Members. The Commission shall consist of the following persons, who shall serve without compensation, and who are hereby appointed<sup>1</sup> as members thereof: Milton Mollen, Chairperson; Harold Baer, Jr.<sup>1</sup>; Herbert Evans; Roderick C. Lankler; and Harold Tyler.

Section 3. Powers. (a) The Commission, its Chair and such agents as the Chair shall designate, shall have all powers necessary to conduct as complete an investigation as it finds necessary, including but not limited to the powers to administer oaths and affirmations, to examine witnesses in public or private hearings, to receive evidence and to preside at or conduct such hearings and investigations.

(b) The Commission, its Chair and such agents as the Chair shall designate shall be designated by the Commissioner of Investigation as agents of the Department of Investigation, pursuant to Section 805 of the City Charter, with all powers to conduct investigations as provided therein.

(c) The Chair of the Commission shall be appointed a Deputy Commissioner of Investigation, pursuant to Section 802 of the City Charter, with all powers pertaining to that office, including but not limited to those specified in Section 805(a) of the City Charter.

(d) The Commission may also cooperate with any criminal investigation, as may become necessary, pursuant to its powers under this Order.

(e) Within the scope of the general responsibility of the Commission set forth in Section 1 of this Order, the Commission shall have authority to examine and copy any document or other record

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<sup>1</sup> Upon his retirement as a Justice of the Supreme Court of the State of New York.

prepared, maintained or held by the Police Department of the City of New York, and any other agency of the City, except those documents or other records which cannot be so disclosed according to law.

(f) The Commission shall have authority to require any member of the uniformed force or any other officer or employee or any former member of the uniformed force or any other former officer or employee of the Police Department of the City of New York or of any other agency of the City to attend an examination or hearing concerning any matter related to the performance of his or her official duties, and to require any person dealing with, or who has dealt with, the Police Department of the City of New York or its officers and employees to attend any examination or hearing concerning such dealings, and to require any person who has or may have knowledge relating to any matter within the jurisdiction of the Commission to attend any examination or hearing concerning such matter. If any member of the uniformed force or any other officer or employee of the Police Department of the City of New York or of any other agency of the City, or any person dealing with the Police Department of the City of New York declines to answer any question which is put to him or her, the Commission shall have the authority to advise the person that neither his nor her answer nor any information or evidence derived therefrom will be used against him or her in a subsequent criminal prosecution other than for perjury arising from such testimony. The refusal of any member of the uniformed force or any other officer or employee of the Police Department of the City of New York or of any other agency of the City of New York to answer questions on the condition described in this paragraph shall constitute cause for removal from office or employment, or other appropriate penalty. The refusal of any person dealing with the Police Department of the City of New York to answer questions on the condition described in this paragraph shall, pursuant to the appropriate provision of any contract, constitute cause for cancellation or termination of such contract with the Police Department of the City of New York or the City and its agencies that said person or any firm, partnership or corporation of which he or she is a member, partner, director or officer has entered into. The Police Department of the City of New York and the City and its agencies shall not incur any penalty or damages because of such cancellation or termination.

Section 4. Cooperation with Investigation. (a) Pursuant to my power as Mayor all heads of departments or agencies of the City shall make every reasonable effort to insure the full cooperation of all persons employed or supervised by them with investigations or inquiries conducted by the Commission.

(b) All departments or agencies of the City shall make available to the Commission such facilities, services, personnel and other assistance as may be necessary for the conduct of its investigations.

(c) All departments or agencies of the City shall provide to the Commission upon request any and all documents, records, reports, files or other information relating to any matter within the jurisdiction of the Commission, except such documents as cannot be so disclosed according to law. To insure full availability of such documents, records, reports, files or other information to the Commission, all City departments and agencies shall make and retain copies of any documents, records, reports, files or other information provided to state or federal prosecutors, or other investigative bodies, pursuant to subpoena or otherwise.


(d) All officers and employees of the City shall cooperate fully with the Commission. Interference with or obstruction of the Commission's investigations or other functions shall constitute cause for removal from office or employment, or other appropriate penalty.

(e) All officers and employees of the City shall have the affirmative obligation to report, directly and without undue delay, to the Commission, any and all information concerning conduct which they know or should reasonably know to involve corrupt or other criminal activity (i) by any member of the uniformed force or any other officer or employee of the Police Department, which concerns his or her office or employment, or (ii) by persons dealing with the Police Department, which concerns their dealing with the Department, and shall proceed in accordance with the Commission's directions. The knowing failure of any officer or employee to so report shall constitute cause for removal from office or employment, or other appropriate penalty.

(f) The obligation to report information regarding corruption or criminal activity to the Commission shall be in addition to the reporting obligations imposed on City officers and employees to report such information to the Department of Investigation, pursuant to Executive Order No. 105, dated December 20, 1986.

Section 5. Construction with Other Laws. Nothing in this Order shall be construed to limit the powers and duties of any department or agency under the City Charter or as otherwise provided by law.

Section 6. Effective Date. This order shall take effect immediately.



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David N. Dinkins  
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