REPORT ON INVESTIGATION OF SAN DIEGO POLICE DEPARTMENT

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State of California
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ii.
James W. Morgan led the Attorney General's investigators to his home in 1968 as a result of bribes and sexual abuse of females who had to rely on the vice squad for work permits.

**INTRODUCTION**

This report is the result of an investigation conducted jointly by the California Attorney General's Office and the San Diego District Attorney's Office.

This investigation began in March 1968. It was lengthy in time and scope. Its duration stems from difficulties in scheduling witnesses for interview and sworn testimony; from scheduling problems of members of the staffs of the respective agencies who also had to attend to their respective regular duties; from the regrettable lack of cooperation on the part of certain witnesses involving the necessity in certain instances of court actions to compel testimony by former members and then active members of the San Diego Police Department who have subsequently resigned, and from a prolonged but deliberate effort to compile a factual, accurate and objective report of investigative findings and conclusions.

Prosecutable wrongdoing uncovered by the investigation occurred entirely beyond the statute of limitations. For this reason, no criminal actions have resulted from this investigation. In this connection, we must note that considerable obstacles to developing information were encountered by the investigative staff. These arose from refusal to testify by certain witnesses, including then present and former police officers.

One former police officer who testified before the Federal Grand Jury refused to answer any questions regarding activities within the period of the statute of limitations. Two then present police officers refused to testify in this investigation invoking their Constitutional rights. Four civilian witnesses invoked the Fifth Amendment to the United States Constitution in refusing to give testimony in this investigation.

A further problem in the development of facts relating to the allegations of misconduct arose from the uncooperative attitude evidenced by many witnesses and the lack of candor in testimony of many persons, including some members of the Police Department.

**THE BROTHERHOOD CODE**

Details of wrongdoing uncovered by the investigation are set forth in the report. The investigating agencies consider it most important to reveal these problems. No one would profit by ignoring the areas of wrongdoing and anything a female could possibly do wrong was absolutely nothing compared to the evil done by some vice officers over her. Vice officers quite often committed crimes a hundred times worse than the females they licensed.
attendant problems or to leave them or their residual effects unidentified and unresolved.

The report concludes with three major recommendations:

(1) Gift giving by pawnshop operators to officers on the pawnshop detail can never be countenanced. Officers on the detail must realize their obligation to the general public rather than any mistaken loyalty to the pawnshop owners as a special group; and that the Police Department should establish uniform standards for its officers in advising victims of theft as to the alternatives available to them for the return of their stolen property discovered in a pawnshop.

(2) Receiving of gifts by members of the Police Department generally, and especially by members of the vice squad, can never be countenanced if public trust is to be maintained; specific regulations should be adopted and enforced prohibiting the receiving of gifts and gratuities by members of the Police Department from persons under their regulation.

(3) In order to remove any possible question of doubt as to the power of the Chief of Police, the civil service rules must be amended to provide for the termination of peace officers who refuse to discuss their official acts by invoking the protection of the Fifth Amendment.
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SAN DIEGO POLICE DEPARTMENT

I

BACKGROUND

The initial inquiry into possible misconduct by members of the San Diego Police Department arose during an investigation into illegal bookmaking activities conducted by the United States Attorney in 1967. The investigation commenced prior to October 1967 and stemmed from a series of bookmaking arrests made by IRS agents in San Diego after a prolonged undercover investigation.

During this IRS investigation, material came to the attention of the United States Attorney involving alleged payments to members of the San Diego Police Department Vice Squad on behalf of certain bookmaking interests in the San Diego area. This information, received through various informants, referred to alleged payments to Sergeant Russell Ormsby and Sergeant George Orr during the late 1950s and early 1960s on behalf of bookmaking interests then located in San Diego. It was alleged specifically that Russell Ormsby, while head of the vice squad, had received money from a bookmaker named Hammond through two local businessmen, Sam Addleson and Robert Johnston.

Thereafter, during the course of this joint investigation it was learned through the sworn testimony of Addleson and Johnston that each had on various occasions paid money to Sergeant Ormsby, for vice squad protection of known bookmakers. George Hammond, a local bookmaker for many years also testified he had given money on numerous occasions over a period of time to Addleson and Johnston, both of whom testified the money was paid to Sergeant Ormsby to insure nonenforcement of bookmaking laws. Addleson's testimony before this joint investigation became even more remarkable when he reluctantly alluded to two additional areas of concern. For years Officer William Green, head of the pawnshop detail in the San Diego Police Department and his predecessor (Officer Harry Leach) had been receiving money, gifts, and gratuities during various times throughout the years from local pawnbrokers, channelled through Addleson. Additionally, Officer Joseph Armstrong who succeeded Officer Green as head of the pawnshop detail received money and merchandise from various local pawnbrokers on one occasion in December 1967. Addleson admittedly paid money over a period of years to presently deceased members of the San Diego County

3.
Assessor's Office on behalf of Yale Kahn and Julius Brown and other sources whose specific identity Mr. Addlesee could not remember, for favored tax assessments.

During proceedings before the federal grand jury in San Diego an indictment was returned against Russell Ormsby for alleged perjury committed by him during the grand jury inquiry. On the same date the United States Attorney for the Southern District of California communicated with the State Attorney General and the San Diego County District Attorney by letter suggesting that an investigation by state and local authorities would be appropriate.

On March 11, 1968 representatives of the State Attorney General together with the San Diego County District Attorney and United States Attorney met with the City Manager and Chief of Police of the City of San Diego to discuss the investigation. Thereafter on March 19, 1968 a letter was issued jointly by the City Manager and the Chief of Police requesting that the investigation be conducted in an expeditious manner and expressing an avowed intention to cooperate.

Just prior to the release of this letter on March 13, 1968, Sergeant George Orr appeared before the federal grand jury in San Diego and invoked a privilege against self-incrimination provided by the Fifth Amendment to the United States Constitution. It was learned that on the evening of March 12, 1968 Sergeant Orr had retired from the police department. It was later discovered that in April 1968 Sergeant Orr had been reinstated to the police department on sick leave status at full pay. Sergeant Orr continued to enjoy this status until October 22, 1968 at which time he was retired from the department on full disability retirement.

During the course of this investigation, numerous witnesses were questioned. Investigators from the Attorney General's Office and the District Attorney's Office interviewed 85 police officers as well as numerous civilian witnesses. In addition to this, in excess of 60 witnesses appeared at formal hearings conducted by attorneys from the Attorney General's Office and the District Attorney's Office. The police personnel records of various police officers were examined.

In some cases it became necessary to utilize court procedures to compel the attendance of witnesses. The investigation in general was conducted jointly by the District Attorney and the Attorney General under the power conferred upon the Attorney General by section 11880 et seq. of the California Government Code. In three instances petitions
were filed with the Superior Court of San Diego County pursuant to the above provisions of the Government Code to compel attendance and testimony of witnesses.

Stanley Kraft a former police officer and member of the vice squad was ordered to appear by the Superior Court and upon petition of the Attorney General was granted immunity in order to compel his testimony. Sergeant George Orr was also ordered to appear and testify following a lengthy proceeding in Superior Court and after the Court of Appeal for the Fourth Appellate District denied Sergeant Orr’s Petition for Writ of Mandamus. The third witness against whom court orders were obtained was Lt. Earl Cochran who appeared and testified in August 1968 but thereafter refused to testify further. Lt. Cochran was likewise ordered by the Superior Court to appear and testify as a witness.

In the cases of both Cochran and Orr, when their appearance was finally obtained they refused to testify invoking alleged constitutional protections. In the case of Mr. Kraft, testimony was obtained from him following a grant of immunity. These procedures consumed a great deal of time and contributed in large part, along with mutual scheduling problems and conflicts to the delay in concluding this investigation.

Former Sergeant Ormsby was tried in Federal Court on the perjury indictment returned by the Federal Grand Jury in February 1968. Ormsby was acquitted in the proceedings on the basis that the judge who heard the case without a jury had a reasonable doubt as to the materiality of the question to which Sergeant Ormsby had testified falsely. During the trial the transcript of Ormsby’s grand jury testimony was released to the public revealing the admissions made by Ormsby that he had received approximately $12,000 in bribes while a member of the San Diego Police Department.

II

AREAS OF INQUIRY

The following areas of inquiry were the subject of this investigation:

A. Alleged Corruption Within and Possible Bribery and Misconduct of Members of the San Diego Police Department Vice Squad
B. Alleged Corruption of and Misconduct by
Sergeant George Orr, Chief of the San
Diego Police Department's Intelligence
Unit

C. Alleged Corruption Within, Possible
Bribery and Misconduct of Members of
the San Diego Police Department Pawnshop
Detail (Officers Joseph Armstrong and
William Green)

D. Alleged Corruption of and Misconduct by
Lt. Earl J. Cochran, Head of the San Diego
Police Department Vice Squad

E. Alleged Corruption and Possible Bribery
or Misconduct of Present Members of the
San Diego Police Department

III
FINDINGS

A. Alleged Corruption Within and Possible
Bribery and Misconduct of Members of the
San Diego Police Department Vice Squad

(1) Allegations:

At the beginning of this investigation the area of
primary concern was that of alleged corruption and misconduct
of past and present members of the San Diego Police Department
Vice Squad. The first allegations related to former Sergeant
Russell Omusby and possible pay-offs from bookmaking interests
in San Diego during the late 1950s and early 1960s.

Later in the investigation information was received
about alleged pay-offs to a former officer named Kraft who
had been fired from the department in 1962 for accepting a
bribe from a bar owner named Pat Fasio. Mr. Kraft also
received payments from Joseph Matranga for favored law
enforcement in connection with all laws affecting the
operation of a bar or bars.

In addition, information developed that as a common
practice, (at least up to the time of this investigation)
local bar and pawnshop owners gave a considerable quantity
of gifts to members of the police department's vice squad.

Finally, there were allegations relating to the time
period up to 1968 concerning selective law enforcement of the bookmaking and gambling laws.

(2) Russell Ormsby:

During the course of the original federal grand jury probe into possible local police corruption, former Vice Squad Chief, Sergeant Russell Ormsby, was called to testify before the federal grand jury. Ormsby had been removed from the vice squad in 1951 following a tip-off on a bookmaking raid planned by the then Chief of Police Elmer Jansen. Ormsby was thereafter sent to the Southern Division of the Police Department to finish the remainder of his time until his retirement from the force in 1963.

Ormsby refused to testify to any matter occurring after 1962, as such matters were not yet barred by the Statute of Limitations (i.e., 6 years for bribery). He did testify to certain matters, under oath, which occurred prior to the applicable statute of limitations, i.e., pre-1962. Ormsby testified to receiving $12,000 in pay-offs in behalf of bookmaking interests in San Diego. Ormsby testified that the two individuals who paid him this pay-off money were Sam Addleson and then Bob Johnston. According to Ormsby, he received approximately $25 per week from Sam Addleson for about three months during early 1959. From about March 1959 to about January 1960, Ormsby received from $200 to $500 per month from Johnston. It averaged about $200 to $300 per month as best he recalled. The source of this money Ormsby believed to be a known bookmaker, George Hammond. When pressed he acknowledged receiving perhaps $250 to $300 total (at various times) from Julius "Boots" DeKeyser, another known bookmaker. Tommie Stewart and Mickey O'Brien were also believed to be sources of revenue but Ormsby's recollection was that the amounts received were only a few hundred dollars.

Two rather striking and inescapable conclusions appear from Ormsby's testimony as delineated in the transcript of the federal grand jury. First, Ormsby as a witness admitted only what he wanted to reveal while at the same time denying or professing ignorance about that which he had reason to believe could not be proved. Secondly, there is an obvious disparity between the $12,000 total Ormsby admits receiving from various bookmakers and the approximately $3600 which Ormsby specified as received from Addleson, Johnston, DeKeyser, and possibly O'Brien and Stewart during 1959 and 1960.

Former Police Chiefs Jansen and Sharp testified in this investigation and also in Ormsby's perjury trial. Jansen's testimony and Sharp's testimony reflect that on the Sunday prior to his appearing before the Grand Jury, Ormsby
sought out Sharp at the Mission Valley Tennis Club and wanted to talk to him. Sharp was due to visit Jansen in the latter's home. Sharp originally told Ormsby to tell the truth, left the Tennis Club and went to Jansen's home. Shortly thereafter, Ormsby unexpectedly arrived and engaged the former Chiefs in a 3-way conversation. According to the former Chiefs, Ormsby explained his predicament and stated that if he told the truth he would have to implicate another sergeant. Ormsby went on to say that when he took over the vice squad a certain sergeant approached him and told him how the Chief wanted it operated so he (Ormsby) merely felt he was doing what the Chief wanted. Both Jansen and Sharp testified they concluded that the sergeant alluded to by Ormsby was George Orr.

The investigation staff has available evidence of financial transactions between Orr and Ormsby. This evidence is in the form of checks. There has never been an explanation for these financial transactions between Orr and Ormsby. Orr invoked the Fifth Amendment before the federal grand jury and refused to answer any question in this investigation. Consequently, no one knows what his answer would be. Ormsby was not approachable because of his status as a party defendant in the perjury indictment and after his acquittal, the investigative staff received information through Ormsby's attorney that he would refuse to answer questions and/or invoke the Fifth Amendment.

Information was also received by the investigative staff via reliable informants that requests for money were made of Orr and Ormsby during the pendency of the former's federal indictment. One additional observation is deserving of mention. The case of United States v. Russell Ormsby was tried without a jury, before a visiting federal judge. The court initially ruled the materiality of the charged testimony was not in issue since it was legally material, therefore, a limited number of prosecution witnesses were called and their examination was primarily confined to the narrow legal and factual issues of perjury on the part of Ormsby before the federal grand jury. As a result the important nonlegal element of motive for the perjury was never clearly resolved to the satisfaction of the judge and he so commented from the bench during the course of the trial. A review of the testimony of Ormsby before the federal grand jury, the testimony of Sharp, Jansen, Addleson, Hammond and Johnston in our inquiry, the financial relationship between Orr and Ormsby as suggested in the check evidence, establishes, we believe, the prima facie motive.

A practice developed during the time Ormsby was head of the vice squad (1951-1960) which practice continued until 1968. Under this procedure, the head of the vice squad

1951 to 1960 = corruption (Ormsby)
1960 to 1968 = Cochran
reported directly to the deputy police chief, then Wesley
Sharp. When Sharp became Chief of Police, the practice
was altered somewhat in that the head of the vice squad
then reported directly to Police Chief Sharp.

There appears to have been virtually no check
on the vice squad personnel by the police department
supervisory personnel other than the Deputy Chief and later
the Chief. According to the testimony of Police Chief Roed
this procedure has been changed and the vice squad is under
direct supervision of the Inspector of Investigation whose
decisions are subject to review by the Assistant Chief,
Deputy Chief and the Chief of Police.

(3) Stanley Kraft:

During the interview of the 85 police officers,
many of whom had served on the vice squad at one time or
another, by investigators of the Attorney General's Office and
the District Attorney's Office it was alleged that a former
officer named Stanley Kraft had been fired in 1962 under
circumstances indicating possible corruption. Kraft refused
to testify in this investigation about the incident in question.
Through several court proceedings Kraft was obtained as a
witness and compelled to testify under a grant of immunity.
He testified that for sometime prior to 1962 he had received
approximately $200 per month from a San Diego bar owner
named Joseph Matranga. Kraft further testified that prior to
his resignation from the San Diego Police Department in 1962
which was requested because he accepted a bribe, it was his
understanding during the period he was detailed to the vice
squad that pay-offs to members of the vice squad was an
established practice and that former members of the vice
squad had introduced him to this practice.

Kraft testified that the officer whom he replaced
on the vice squad told him about pay-off practices in the
bars and card rooms in San Diego. Kraft stated he had
been with that officer at Joe Matranga's bar on occasion
when the officer told Kraft to wait while he met with
Matranga in the back part of the bar. According to Kraft,
when the officer left the vice squad for other duty on the
police department the task of collecting the money from
Joe Matranga was turned over to Kraft whereupon Kraft began
receiving monthly payments as mentioned above.

Kraft had been discovered taking bribes when he
took money from a different bar owner than usual and split
it with another officer with whom he had not worked previously.
The officer was informed on Kraft. Interestingly, Kraft was
not questioned by the department administration as to any
other pay-offs or any other officers that he may have given
money to in the past. Kraft was told to return the money to the payee and thereafter his resignation was demanded. This information was never forwarded to the District Attorney for prosecution.

We requested Kraft's files from the police department but due to existing policies in the department concerning the destruction of records we received only a 3 x 5 card indicating that Kraft had been on the department and that he was not to be relieved. None of the details of the incidents surrounding his separation were contained in the department's files and no information concerning any investigation appears on police records.

Kraft testified that several officers were recipients of pay-off money. Some of these officers were identified by name. One former officer testified in this investigation and corroborated Kraft. He testified that during part of 1961 and into part of 1962 he shared money received by Kraft for favor treatment. Prolonged attempts to locate other identified officers were unsuccessful. As an example, in one instance the officer was found to be in violation of his probation on a 270 PC (failure to provide) charge and a warrant for his arrest was outstanding. Efforts to locate this officer failed.

Only one officer still on the department was implicated by Kraft. Agents from this body tried on several occasions to get information from him on this subject. In response to questions from investigators about Kraft's statements he would only say, "let Mr. Kraft speak for himself." It was necessary therefore to call him as a witness before this body in a formal hearing to determine if he in fact denied or admitted such involvement. After a heated conference he ultimately denied Kraft's allegations.

For his part in the activity, Joseph Mattanza invoked the privilege of the Fifth Amendment to the United States Constitution.

(4) Gifts and Gratuities:

From the testimony of Addleson, Johnston, Kraft and others, it appears that there was a widely followed practice of giving liquor, money and other presents to members of the vice squad and some other officers by certain individuals whose businesses are subject to regulation by the San Diego Police Department. The most common giver of such articles were bar owners. Further, while the practice was most prevalent at Christmas, it also occurred at other times during the year. The value and nature of such "gifts" ranged
from an innocuous gift of a box of dried figs to a case of liquor or a $100 gift certificate. The case of liquor or $100 gift certificate was given each year to former Police Chief Wesley Sharp by Robert Johnston who was mentioned previously in connection with bribe payments to Russell Ormsby on behalf of George Hammond.

Testimony is that this practice of giving articles to the vice squad was curtailed severely if not stopped entirely by the pendency of this investigation. We have no reason to believe, with the appointment of a new lieutenant in charge of the vice squad in early 1968, that the practice has resumed. SEX ABUSE BY INTIMIDATION NEVER CEASED.

(5) Selective Enforcement of Bookmaking Laws:

One of the basic concerns, stimulated by the material obtained from IRS and the United States Attorney was that the bookmaking laws in San Diego may have been selectively enforced. At the outset we should note that such practice would have been prior to the tenure of Lt. O'Brien as head of the vice squad.

During the IRS undercover investigation of 1967, bookmaking cases were made on individuals against whom the local police department had been unsuccessful in making cases. At the same time the police department demonstrated ability in locating and arresting other bookmakers within the City of San Diego and on one occasion going outside of the city to make an arrest. Among the bookmakers against whom the police department was unable to make a case were Maxwell (Tex) Cook, Sid Wolovnik, Joe Martinez and Charles Grady, all of whom had a bookmaking relationship with Russell Alessio and his position with the Caliente Race Track where he accepted bets from these individuals. The IRS made bookmaking cases and arrested each of them.

After the federal investigation of Russell Alessio began, the local police took action and made cases against "Tex" Cook and Floyd Smith, the latter having testified as a witness in that investigation. In the case of "Tex" Cook, the affidavit for the search warrant prepared by officers of the vice squad was defective and resulted in suppression of evidence in the subsequent state court proceedings.

In the case of Floyd Smith the affidavit for search warrant prepared by officers of the vice squad was not only defective but was held some period of time until it was served just following Smith's testimony before the federal grand jury. The Federal District Court granted Smith immunity to testify against Russell Alessio and the U.S. Attorney urged the District Attorney not to prosecute.
While the foregoing might tend to indicate some selectivity in the enforcement of bookmaking laws, no conclusive evidence of selective enforcement was found.

B. Alleged Corruption of or Misconduct
BY SGT. RUSSELL ALESSIO
San Diego Police Department Intelligence Unit

(1) Allegations:

One of the main targets of informant information received during the federal probe into possible police corruption relating to interstate gambling was Sergeant George Orr. It was alleged that during the time that Sergeant Russell Alessio was the head of the vice squad that he worked with Sergeant Orr in protecting certain bookmaking interests in San Diego.

Allegations from informants and from some witnesses who testified indicated that Orr had received large sums of money from Russell Alessio purportedly during trips to Las Vegas. In addition, these sources alleged that Orr had been hired by John Alessio on behalf of Del Mar Associates to gain information regarding the investigation of the lease of the Del Mar Race Track being conducted by the Attorney General in 1967.

(2) Findings:

Sergeant Orr served as head of the San Diego Police Department Intelligence Unit under both Chief Jansen and Chief Sharp. Orr remained in this capacity until he went on sick leave status in December 1967. From 1961 to 1967 Sergeant Orr was assisted in the Intelligence Unit by Officer Raymond Fobert.

Orr retired on a straight service retirement on the afternoon of March 12, 1963. On the following day Orr appeared before the federal grand jury and refused to answer questions regarding his connection with gambling interests then the subject of the grand jury's inquiry.

After Orr was excused from further grand jury appearance by the United States Attorney and in April of 1963, Sergeant Orr rescinded his resignation. He was there-after reinstated to active duty and again placed on sick leave status at full pay. Orr continued on sick leave status.

1. It should be noted at this point that Sergeant Orr's refusal to testify was well publicized in the San Diego area due to the fact that the United States Attorney sought to compel Orr to answer certain questions in a proceeding held in open court before the Honorable Fred Kunzel, United States District Judge.
until his retirement from the department on a full disability retirement on October 22, 1968.

In August 1968, Sergeant Orr was subpoenaed as a witness in this investigation. Sergeant Orr refused to appear and a lengthy court proceeding ensued. In September 1968 the Superior Court ordered Sergeant Orr to appear and to answer questions subject to any constitutional privilege against self incrimination. Sergeant Orr thereafter sought a peremptory writ of mandamus from the Court of Appeal of the State of California, Fourth Appellate District to set aside the order of the Superior Court. The appellate court denied Orr's request and the order of the Superior Court remained in effect. It was during this period that Sergeant Orr retired from the department, on October 22, 1968. On October 25, 1968 Sergeant Orr appeared at a hearing held in this investigation and refused to answer any questions allegedly invoking a right to remain silent claimed pursuant to his understanding of the cases *Miranda v. Arizona*, 384 U.S. 436 and *People v. Fioritto*, 68 Cal. 2d 714. No further attempts have been made by this investigation to compel testimony from Sergeant Orr although Orr repeatedly stated to the District Attorney that he would answer any questions asked him by the District Attorney or the County Grand Jury, provided the questions did not involve "ancient history" or matters occurring prior to the running of the statute of limitations. The investigative staff rejected Orr's proposals on the grounds he was attempting to dictate both the forum for and the scope of his questioning.

It should further be noted that during the period between August and October when attempts were being made by both the Attorney General and the District Attorney to compel testimony from Sergeant Orr who was then receiving full salary as a San Diego police officer, attempts were made to secure the cooperation of the San Diego Police Department in compelling Orr as a police officer to testify.

Police Chief O. J. Roed in response to the District Attorney's request stated that he had been advised by the then City Attorney he was without power due to Orr's sick leave status to force him to answer any questions in this investigation and that because Orr was technically retired when he refused to answer questions before the federal grand jury that nothing could be done with regard to such refusal.

We further learned from an informant that attempts were made by Ormsby to contact Orr with a request for money for his defense of the federal charges pending against him.

In this regard it was hoped that Sergeant Ormsby would if convicted be willing to furnish information on the
participation of the "other Sergeant," and of any other police officials or private citizens connected with pay-offs to police officers. In this respect Ormsby himself stated when arrested that he was not the only one that had lied before the federal grand jury. However with the acquittal of Ormsby the hoped-for area of inquiry was foreclosed.

Former Police Chief Jansen testified that Orr in conversation with him had mentioned receiving $10,000 from Russell Alessio in Las Vegas to bet on the tables. Further, the testimony of Officer Raymond Pobert was that Sergeant Orr had met with Alessio at the Caliente Race Track in Pobert's presence on a number of occasions. On each occasion Officer Pobert would be left behind while Sergeant Ormsby and Mr. Alessio conducted private conferences. According to Pobert he never learned what the purpose of such meetings were. In addition it was learned that Sergeant Orr who was a long-time friend of Russell Alessio has traveled with him to Las Vegas on a number of occasions. There is, however, no independent evidence that Orr (1) received the money as alleged or (2) if he received the money that it was in any way a pay-off for some official action or merely money to gamble with.

Finally as to the allegation that Sergeant Orr had received sums of money to obtain information on the investigation of the Del Mar Race Track lease by the Attorney General, former Police Chief Jansen again testified to hearsay information that Orr had been paid $1,000 per month during the pendency of the foregoing investigation. Interviews with agents of the Attorney General's office assigned to the Del Mar Race Track investigation confirmed that Sergeant Orr was present on numerous occasions in the Attorney General's office without revealing any official purpose or the true nature of his visit.

C. Alleged Corruption Within and Possible Bribery or Misconduct of Members of the San Diego Police Department Pawnshop Detail (Officers Joseph Armstrong and William Green)

(1) Allegations:

During testimony in this investigation Sam Addleston, a pawnbroker in San Diego, related facts concerning a practice of giving gifts to the officer on the San Diego Police Department Pawnshop Detail each year. He alleged that such practice was of long standing and was engaged in by all of the pawnbrokers in San Diego.

Further allegations arose from informant sources that as a result of the gift-giving practice the police department was overlooking interest violations by the pawnbrokers and acting on behalf of brokers in encouraging
victims of thefts to redeem their property rather than seek its return by court action.

(2) Findings:

In an attempt to clarify the allegations regarding the pawnshop detail, statements were taken by Sam Addelson and a large number of the other pawnbrokers in San Diego. In addition, statements were taken from Officers William Green and Joseph Armstrong as well as Police Chief O. J. Road.

Officer William Green was assigned to the pawnshop detail in 1956 and remained thereon until November of 1967 when he went on sick leave due to a heart condition. He was replaced on the detail by Officer Joseph Armstrong.

The pawnshop detail has the responsibility for regulation of pawnshops within the city and is primarily concerned with the procedures for reporting property received by the pawnbrokers. The detail has not heretofore, however, been required as part of its duties to police or regulate the charging of interest rates by the pawnbrokers. On occasion when complaints regarding excessive interest rates reach the police department Officer Green investigated such complaints and appeared to act somewhat as an intermediary in settling the matter between the citizen and the pawnbroker. There does not appear to be any agency within San Diego which actively checks on the rates charged by the brokers to assure that they comply with existing state law.

The practice of giving presents to the officers on the pawnshop detail existed from 1956 to 1967 and possibly before that with Officer Green's predecessor. The testimony as to amounts and frequency of the gifts is in conflict. Officer Green stated that he received $150 to $200 at Christmas time and approximately $100 each for his vacation and birthday, together with various gifts of merchandise.

According to the best estimate obtainable from the testimony of the pawnbrokers, Officer Green received $5 each from 14 to 21 pawnbrokers at various holidays throughout the year such as Thanksgiving and on occasion on his birthday and vacation. At Christmas the amounts of the gifts were increased to as much as $20 to $25 from each pawnbroker depending on business conditions. There were some gifts of merchandise as well.

Officer Green suffered a heart attack in November 1967 and was replaced on the pawnshop detail by Officer Joseph Armstrong. When Christmas 1967 came Officer Armstrong received presents from each of the pawnshops under his control. Armstrong accepted the gifts but became troubled as to the
propriety of his action and thereafter returned the money received by him. Officer Armstrong kept the gifts and merchandise such as liquor that he had received from the pawnbrokers.

According to the pawnbrokers the purpose of the gifts was to insure the good will of the officer on the pawnshop detail in performing his duties. Their major concern was that the officer regulating the businesses should have the "proper" frame of mind. No instance was found by this investigation of the countenancing of a clear violation of state law by the pawnbrokers on the part of either Officer Green or Officer Armstrong. This is particularly true since the police department according to Officer Green did not consider the area of interest rate regulation as one of its duties, not enforceable from a prosecution standpoint.

There was a spirit of cooperation evident between the police department and the pawnbrokers in San Diego. For example, the testimony of the various officers who testified was that the brokers often assisted in identifying stolen property and sometimes assisted in apprehending criminals who attempted to pawn stolen goods.

Should an article of stolen property be found in a pawnshop the victim would be notified if possible. In such instance the police would usually tell the victims the pawnbroker had taken the property in good faith and that the citizen should perhaps pay the amount of the pledge on the item rather than seek court action via writ of replevin for its return. It is not clear as to how strenuously the police department urged the redemption of the article by the victim in all cases, but there were occasions when the police appeared to go to great lengths to protect the interests of the pawnshops.

The matter of gifts to members of the pawnshop detail apparently came to the attention of the current administration of the police department in early 1968. Some time in February 1968 the police department, acting through Chief Roed and Lt. Cochran, conducted an investigation as to whether or not Officer Green and Officer Armstrong had received gifts of money and merchandise from pawnbrokers in San Diego. In this investigation Lt. Cochran was assigned the task of interviewing both Green and Armstrong. This investigation was completed prior to the meeting held between City Manager Hahn, Chief Roed, District Attorney Keller and representatives of the State Attorney General on March 11, 1968. At this meeting no mention of this investigation was made by the Chief of Police.

At a later date Chief Roed advised the District Attorney that since no mention of the pawnshop detail had

Morgan owned his auction house and two city blocks; there was not one single reason for not issuing the auction house permit. Morgan has since been issued auction house license and nothing in his background has changed.
been specifically made to him by either the District Attorney's office or by the Attorney General's office in the March 11, 1968 meeting, that he elected not to mention the investigation as he did not want to give credence to "rumors" and, he wanted to avoid adverse publicity of the department.

During the police department investigation of the pawnshop detail, Officer Armstrong stated that he had returned the gifts of money received at Christmas 1967. No attempt was made to verify this because the Chief did not want to "give credence to rumors" although at that time both Green and Armstrong had admitted to receiving such gifts. Agents of this investigation did, however, contact the pawnbrokers and ascertained that Officer Armstrong had indeed returned the sums of money that he had received from them as Christmas presents.

D. Alleged Corruption of and Misconduct by Earl J. Cochran Former Head of the San Diego Police Department Vice Squad

Lt. Cochran was placed in charge of the vice squad in March 1960. In approximately April 1960, while a sergeant, a waitress from the Continental Bar accused Cochran of forcible rape and forcible oral copulation. Initial reports were taken by a patrol officer and a patrol captain. As a result, then Chief Jansen confidentially assigned two detectives to investigate the matter. These detectives concluded the victim was telling the truth and conveyed this impression to Jansen. Nothing was ever done about the matter thereafter.

Cochran’s sexual proclivities included victims within the department. Two policewomen gave sworn testimony relating to separate incidents in 1960 involving each woman. In one instance, there was a clear attempt to forcibly rape the victim. In the other instance, a forcible rape was in fact perpetrated.

Although administrative seniors became aware of these three 1960 felonies, no action, official or unofficial, ever attended these criminal acts.

In 1961, Cochran was involved in an incident occurring at the Stardust Hotel in Mission Valley. Testimony from three female witnesses and two police officers reflect that Cochran engaged in separate acts which could constitute three violations of section 288(a) Penal Code, sex perversion. This investigative staff found that these criminal acts did occur.

In the further course of investigation various other acts of misconduct and misfeasance of office by
Lt. Cochran came to the attention of the investigative group. One such incident supports the finding that Cochran initiated a mentally ill petition against a female with whom he had an affair in order to avoid discovery and any consequent personal embarrassment brought on by her attention to him. Another statement supports the finding that Cochran, within observable distance of another police officer, forcibly compelled a female to orally copulate him.

Several of these individuals testified under oath about Cochran's actions. Certain common ingredients were found in each girl's testimony and those ingredients matched statements obtained by investigators from other females no longer available to testify before the investigative staff. These included (1) heavy drinking by Cochran; (2) obscene, lewd remarks by Cochran to girls entertaining in bars he frequented; (3) Cochran placing his hands on thighs and private parts of the female and placing female hands on his privates and (4) statements by Cochran which expressly or impliedly stated that if these females did not perform sexual favors for him he would see they lost their police cards. These bars and female entertainers were in fact under Cochran's official police control and regulation.

E. Alleged Corruption Within or Misconduct by Present Members of the San Diego Police Department

This investigation developed no evidence to indicate corruption involving present members of the San Diego Police Department. The investigators in large part had to painstakingly develop every lead and all evidence due to an obvious lack of cooperation on the part or present officers including several high ranking officers and a reluctance to provide information. While there was a token of high level cooperation and a letter from the City Manager and Chief of Police Roed to the officers recommending cooperation with the investigation and assurances of no repercussions should cooperation ensue, the investigative body found, practically speaking, quite a different reaction. This reaction was demonstrated initially and manifested by Chief Roed in his first interview with the District Attorney, Mr. Keller, in March 1968 and also in a subsequent sworn interview before the investigative group in November 1968. The reaction was that this investigation was a "witch hunt" predicated upon rumor and sham. As a corollary to this it was manifest that from Chief Roed down through the administrative hierarchy (with few exceptions) there was a definite feeling that if any impropriety was existing or had existed, it was purely a departmental matter and should not be divulged. Any statement of findings in this area would be incomplete without comment on the difference in Chief Roed's handling of the Lt. Cochran and Sergeant Orr affairs. Roed testified that during a conversation with Cochran (some time after Cochran
testified before the investigative group on August 2, 1968) he told Cochran that if Cochran took the Fifth Amendment before the investigatory group, he (Roed) would fire him (Cochran). The day following this conversation, Cochran submitted his resignation. [Ultimately, Cochran rescinded that resignation and elected to retire from the force.]

In contrast, Roed testified that because he believed he had no power to discharge Orr, he never spoke to Orr regarding Orr's having taken the Fifth Amendment before the federal grand jury or about Orr's refusal to testify before the investigative body after being duly subpoenaed. Orr invoked the Fifth Amendment before the federal grand jury on the date immediately following his announced retirement. Thereafter, he withdrew his retirement letter, requested and was granted a sick leave status. (This status renders the individual still an officer but merely on sick leave with full pay. Hence, Orr was still the sergeant ostensibly in charge of intelligence although on sick leave from December 7, 1967 to October 23, 1968.) It was while in this status that Orr refused to honor the Attorney General's subpoena to appear before the investigatory group to testify. Chief Roed, in contrast to his action regarding Cochran, never censured or instructed Orr that he must appear nor did he ever threaten to fire Orr for his refusal to appear in response to the subpoena or his refusal to answer questions before the federal grand jury.

It is a further finding of this investigation that Chief Roed and retired Chief Sharp are close personal friends. It is further known that Roed, Sharp and Orr had lunch together the day following a telephone communication between the District Attorney, James Don Keller, and Chief Roed, in which Keller in no uncertain terms told Roed to take disciplinary action against Orr or require him to appear. Roed testified that he felt since Orr was represented by an attorney, he (Roed) had no right to talk to Orr without his attorney and elected not to talk to Orr even if Orr's attorney was present. Additionally, Roed testified he solicited an opinion from the staff of the City Attorney of San Diego and in a letter from the then City Attorney was informed that the City Civil Service regulations were not specific, in his opinion, as to what power or authority he had or could take in this area.

CONCLUSIONS

1. Pawnshop Detail

It is difficult for this investigatory body to pass judgment on the procedure of suggesting that victims redeem stolen property by paying the pledge against that property to the pawnbroker. Certainly, there are meritorious reasons for this practice. In many instances, the pawnbroker may have taken the property in good faith and may himself be a victim of the criminal. If he has properly reported the
instrumental in the recovery of the particular stolen article. In such circumstances, the pawnbroker is perhaps entitled to some consideration. Moreover, the interest of law enforcement would seem to require some cooperation between the police department and pawnbrokers for the benefit of both the victims of burglaries and thefts as well as the pawnbrokers.

Certainly an explanation of the alternatives available to the victim is in order. However, we are not persuaded that the police department should become the spokesman for the pawnshop. This is especially true where there has been a consistent pattern of substantial gift-giving by pawnbrokers to the officers on the pawnshop detail.

It should be kept clearly in mind at this juncture that the evidence of gift-giving by the pawnshops in San Diego appears to be limited to the officers of the pawnshop detail with occasional gifts of merchandise to various other members of the police department, particularly the management of the department. We do not intend by these statements to imply that there was any wholesale giving of gifts to the officers connected with the return of stolen property.

It does appear, however, that this practice of accepting gifts from persons subject to regulation by the police department is detrimental to the best interest of equal and adequate law enforcement. The taxpayers are certainly as equally entitled to the proper frame of mind on the part of its police officers as are pawnshop operators who in this instance gave $400 to $500 per year to a particular officer for "good will."

2. The Practice of Gift-Giving to Vice Squad Officers

As we have indicated previously in this report, for many years the practice of gift-giving by bar owners, card room operators and other persons subject to vice laws to members of the San Diego Police Department Vice Squad existed. This practice was present under Sergeant Ormsby (1951 to 1960) and later under Lt. Cochran (1960 to 1968).

The attitude of the police department as reflected by testimony before this body seemed to be one of permissiveness with regard to taking gifts from police regulated businesses. There were gifts of individual bottles of liquor; food; case lots of liquor; money and merchandise; including gifts to former Police Chief Wesley Sharp.

James W. Morgan's refusal to make payoffs in 1958 and 1968 resulted in his businesses being harassed mercilessly. Selective enforcement is a terrible weapon and has been widely used for many years by the police and zoning departments of the City of San Diego.
In discussing this practice with members of the department during the investigation, it was evident that the practice was not discouraged by the department administration but oftentimes appeared to be encouraged and in fact certain officers testified to soliciting gifts at various times of the year. A fine distinction was obviously drawn by the recipients between taking gifts from police regulated businesses and accepting money or a thing of value in return for an official action, i.e., a bribe.

We submit as we did with regard to the pawnshops that the practice of wholesale gift-giving by persons under the regulation of a specific group of a police department is to be condemned. Every department should enact and enforce regulations that strictly forbid the practice of soliciting and receiving gifts from those persons under the direct and daily regulation of members of the department. While many officers steadfastly maintained that they could receive gifts from bar owners and still enforce the vice laws, we contend that the public is entitled to the loyalty of its police officers and that loyalty should not be diverted or in any way diminished by favoritism either conscious or unconscious to persons who systematically give presents and sums of money to the members of the police department. We feel that much of the difficulty that prevailed in the police department, particularly the vice squad in past years is directly attributable to a philosophy which fosters and condones the giving of presents to members of the police department by such persons.

3. Police Officers Who Invoke the Fifth Amendment

As we have indicated previously in this report, Sergeant Orr, the former head of the Intelligence Unit was allowed to retire, he then invoked the Fifth Amendment and then was reinstated into the police department on a full salary basis continuing in that position until a full service disability retirement was obtained in October of 1968. Lt. Cochran on the other hand was called as a witness before this body and testified. At the conclusion of that testimony a polygraph examination was suggested. Lt. Cochran thereafter conferred with the Chief and according to the Chief was told that if he did not take the examination or if he invoked the privileges of the Fifth Amendment that he would be summarily fired from the department.

We find considerable inconsistency in the handling of the two situations by the police department. At a time when Sergeant Orr defied the federal grand jury and was refusing to talk about the performance of his official duties under the cloak of the Fifth Amendment, the Chief of Police
duced social relationships in public with this particular individual. The Chief made absolutely no effort, by his own statement, to in any way compel Sergeant Orr to testify nor did he even suggest to Sergeant Orr that he might appear and testify.

This situation raised the point that the civil service rules as they pertain to police officers in the City of San Diego may be inadequate. According to the Chief of Police he lacks the authority to deal with a police officer who refuses to testify before a duly constituted body concerning the performance of his official duties. According to the City Attorney of the City of San Diego in a letter written September 30, 1968 the law is clear that the city has the power to compel police officers to relate their activities under certain conditions. See Gardner v. Broderick, 392 U.S. 273. The City Attorney recommended amendment of the civil service rules because of some uncertainty in the current rules. We recommend that such amendments be accomplished so as to avoid a repetition of the anomalous situation presented by Sergeant Orr in 1968.

4. **Credibility and Cooperation**

It is the conclusion of this body that the testimony of a number of the present members of the police department as well as several of the former members of the police department is lacking in candor. This is also true of several non-police officer witnesses such as Sam Addleson, Bob Johnston and George Hammond. However, while lack of candor and evasiveness might be expected from persons engaged in occupations such as Addleson, Johnston and Hammond, we find the existence of the same characteristics in members of the police department to be wholly unsettling and deserving of criticism.

In addition to the definite conclusion of lack of candor on the part of a number of police officers who testified or were interviewed, this group found a disturbing lack of real cooperation on the part of the large majority of the police officers contacted during this investigation. Certainly the attitude of the police department expressed through Chief Roed that this investigation was a "witch hunt" which was "giving credence to rumors" offset any ostensible cooperation suggested in letters from the Chief of Police or the City Manager. We submit that the real attitude privately expressed and as reflected in the testimony of a considerable number of police officers is that of non-cooperation. We found in many instances that the officers would tell this group only what the officers believed the group already knew. In other regards we found that a common element among the testimony both formally and the informal interviews.

James N. Morgan has found and con posing that if one stands up for his or her rights against one or two policemen, other police department of the city, and other public agencies join in the horse.
of many police officers was a remarkable failure of recollection.

At this juncture we suggest that as distasteful as an investigation of one's department may be to any particular police officer or the police department as a whole, that it is imperative that members of law enforcement, as it were, maintain their own house in order and remove corrupt members of law enforcement and institute prosecution of them. In a period of time in which the police find themselves the subject of extensive criticism, we suggest that it behooves law enforcement to make sure that they do not protect the corrupt in their ranks out of feelings of misplaced loyalty.

The Police Brotherhood Code is every bit as strong in large city police departments as in the Mafia, the Hell's Angels, the Mongols, etc.

Members of the New York Vice Squad ran a nationwide prostitution ring rotating and controlling the prostitutes as they wanted; the prostitutes were totally without recourse. The Vice Squad Members also had their own Vice Squad Hitmen.

Minorities encounter police corruption throughout their lives. There is small wonder why hopeless people turn to drugs.

And—

One can hardly pick up a paper or turn on the T.V. without reading or hearing about corruption by politicians or the bureaucracy.

An initiative by the people requiring persons to sign an agreement upon entering public service that the penalty for crimes connected with public service will result in a loss of pensions and mandatory prison sentences and public service.

CRIMES WOULD HAVE LONGER STATUTES OF LIMITATION.

Our faith in government would be restored.