

Posted 3/7/10

A COP'S DILEMMA

When duty and self-interest collide, ethics can fly out the window



By Julius (Jay) Wachtel. Protecting public officials may not be the primary mission of the [New York State Police](#), but there's no denying that the Executive Services Detail, a unit of about 200 officers who guard the Governor and his family, is the most prestigious assignment to which Troopers can aspire. With David Paterson's picture prominently displayed on the department homepage (a photo of recently-departed Superintendent Harry Corbitt is buried two layers down) there's little doubt as to who's really in charge. And that may be part of the problem.

On Halloween evening, October 31, 2009, [New York City cops](#) were summoned to a Bronx apartment where an anguished woman told them that David Johnson, a man with whom she had been living, "had choked her, stripped her of much of her clothing, smashed her against a mirrored dresser and taken two telephones from her to prevent her from calling for help." Johnson, who is six-foot seven, was gone, and officers filed a misdemeanor report. Two days later, while seeking a restraining order in family court, [the victim told a referee](#) that her assailant could probably be found at the Governor's mansion.

You see, David Johnson was until days ago the Governor's top aide. Originally hired as an intern in 1999, when Paterson was a State Senator, the strapping young criminal justice major (he later earned a degree) followed his mentor into the executive, and with virtually no other experience [gained so much influence](#) that he was soon giving instructions to high State officials, including, to the chagrin of the Governor's security detail, [their own boss](#).

This wasn't Johnson's first tangle with the law. When eighteen he was arrested for selling crack to an undercover officer. Johnson served five years probation as a

youthful offender. Neither was it his only instance of assaulting women. During his service as a Senate aide Johnson had several altercations with girlfriends, [including an incident where he punched](#) one in the face.

Unseemly as they were, those encounters didn't lead to charges (one victim said she had previously called police about Johnson, but to no effect.) But the Halloween incident was different. According to the [New York Times](#), on the very next day Johnson prevailed on the Governor's security detail commander, State Police Major Charles Day, to call the victim, ostensibly to smooth things over. After getting clearance from above, Major Day did so, reportedly three times. Former Commissioner Corbitt also got involved, dispatching a subordinate to contact the woman, a curious act as the State Police has no jurisdiction over cases of domestic assault in New York City. Although officials insisted that the calls and visits were out of concern for the woman – in Corbitt's words, “to offer [her] counseling and tell her she had ‘options’,” – the victim found the contacts heavy-handed and complained about them in court.

That's when the Governor himself took hold of the matter. Enlisting an aide who happened to know the woman, Paterson arranged to personally speak with the victim, and [after several calls](#) apparently got her to drop the case.

And that's where it would have ended but for the *New York Times*. When it first broke news of what happened Paterson minimized his involvement, then to demonstrate good faith suspended David Johnson without pay. But as reporters kept digging the heat got to be too much for State Police Commissioner Corbitt, who abruptly quit. As demands grew that Paterson resign (he's also facing allegations of lying about getting free tickets to the World Series) his top criminal justice advisor, Denise O'Donnell, and his communications director, Peter Kauffmann bailed out, the latter going so far as to say that [he was protecting his own integrity](#), thus implying that the Governor had asked him to lie.

It's not the first time that chief executives have compromised New York's finest. In 2007 then-Governor Eliot Spitzer got State Police Superintendent Preston Felton to use State Police officers to dig up dirt on Spitzer's nemesis, Senate majority leader Joseph Bruno. An [extensive investigation](#) led to hefty fines and the end of several careers, including Felton's (he retired) and Spitzer's (he resigned when it was revealed that he was consorting with call girls.) Before that, Governor Pataki had been accused of using the State Police detail to interfere with a Federal investigation of his campaign staff. Indeed, [a report](#) on the misuse of the State Police and the “politicization” of the Executive Services Detail was recently issued by New York Attorney General Andrew Cuomo. Who requested it? [Governor Paterson](#), supposedly to prevent a recurrence.

When was it delivered? September 8, 2009, less than two months before Halloween.

Security details are in intimate, 24/7 contact with protectees and their families, so they'll routinely encounter situations that call for heavy doses of discretion and forbearance. It's inevitable that officers will grow close to their charges, occasionally too much so. While he was Governor of Georgia, former President Bill Clinton got so buddy-buddy with his State Police protectors that they [allegedly procured him female companions](#). Later, once Clinton was in the White House and unsavory stories began to leak, at least one of the former guards was offered a job, purportedly to keep quiet about the past.

What took place in New York is of course different, yet its roots are much the same. Officers working protective assignments are there at the sufferance of the executive, and all the more so for the detail leader, whose plum job rests on remaining in good terms with the protectee, the protectee's family and key staff members. Pressures to go along to get along can turn cops into enablers and, if what's suspected in this episode is true, co-conspirators in obstructing justice.

Temptations often arise in policing. Most are ultimately controlled through the same means that deter ordinary citizens – the penal law. Officers who succumb to the lure of graft by stealing money from drug dealers have wound up in prison. But when the benefits of ignoring one's duty are less tangible, keeping things on the up-and-up is usually left up to the department. That's particularly true for protective details, whose members the law treats as though they're ordinary peace officers, doing the work that cops normally do. Of course they aren't, and they don't. Situations like the above might have never developed if protective officers were forbidden by statute from injecting themselves or exercising authority in matters that are none of their business. That would give every officer the best possible excuse for staying out of trouble:

“I'd really like to help you [Governor, Superintendent, detail leader] but it's a *crime* for me to do anything other than physical protection. My career and freedom depend on it. I sure hope you understand.”