

**BOX
16
FOLDER
178**

**Police, Dept.
of-Unnecessary Arrests**

1910-1913

May 16, 1910.

Dear Mr. Mathewson:

I thank you very much for your letter of May 10th. During the campaign I spoke very much of stopping all these needless arrests, and could get no one to listen to me. In fact I have been speaking about them for some years. In London and the European cities generally no such thing is permitted. I may say to you as an intelligent man that I propose to proceed further and stop all arrests except for crimes of some gravity, and have them dealt with by summonses or warrants, as they do all over Europe. In all metropolitan London last year there were 111,000 arrests. In this city I believe there were 262,000. In Manhattan alone 60,000 of the defendants were discharged the next morning for the lack of even a complaint. This is scarcely civilization.

Sincerely yours

W. J. Gaynor.

G. F. Mathewson, Esq.,
55, Wall Street,
New York City.

Sept.6,1911.k

S i r :

Your letter of August 31st enclosing the report of Inspector Hughes with regard to the boy Eagen is at hand. I agree with you that the boy was unlawfully locked up; that no evidence warranted it. I notice several false statements in the report, and it looks to me as if it was manufactured to fit the case. The boy instead of being an idler works for his father, who is the janitor of fourteen buildings, and they are kept pretty busy attending to the work. The young man Grant instead of being an idler, as the report states, is a chauffeur to my knowledge, and I am informed that he was up to the time of his arrest for this thing chauffeur for one of the proprietors of this theatre of which Mr. Daniels who was robbed was superintendent, and he took the proprietor back and forth from Richmond Hill to the theatre daily. That about the bulldog strikes me as being rather absurd. What room was the bulldog in? Do bulldogs bark at night? I never had one that was a watch dog. They are not watch dogs. The report also shows the author of it to be under the impression

That this boy's mother wrote to me or complained to me, and quotes her as saying on leaving the court that she would write to me and give "you fellows the same dose that Duffy gave the officers in his case." The boy himself made personal complaint to me. The two letters which he wrote to me show him to be well educated. I think on investigation it will be found that his mother never heard of the Duffy case until now. There are other things in the report, especially about the conversation between the two young men in the cells, and the statements they are alleged to have made, which are none too credible. I discredit the whole report because there are certain things in it that are palpably false. It seems to me that Barry should make a written statement himself. I would like to see whether he will agree with all the statements in the report of Hughes. Please have him make a written statement and see whether he will stand for all these things. Up to this time the boy has never been in any trouble and belongs to an entirely respectable family. This thing of locking boys up without good cause must stop.

I should advise against putting Barry on trial.

I think it would be better just to see what things he will

vouch for of his own knowledge.

I note the expression of opinion of the Second Deputy Police Commissioner that the action of the officer was entirely justified. Indeed, does he think that an officer should make an arrest and come into court without evidence to hold the prisoner at all, and then make a false accusation against him that he is a vagrant? If this is his real opinion it is my opinion that he is not fit to be a Deputy Police Commissioner. But I suppose the statement is inadvertent, and that on reflection he will not father it. I think highly of him.

Very truly yours,

W. J. May
Mayor.

Rhinelanders Waldo, Esq.,
Commissioner of Police.

Oct. 20, 1911. k

S i r :

*1st Letter
Aug 29/11*

a
10/23/11
11/28/11

I am enclosing to you a letter which I wrote to you on September 6th last, concerning the case of the boy Eagen, and the report of Inspector Hughes and Deputy Commissioner Dougherty thereon. I have withheld the letter in order to allow the case to develop, but it is now time that I send it to you, and please have Inspector Hughes and Deputy Commissioner Dougherty read it. It will never do to treat respectable boys as this boy has been treated. There was no evidence whatever of his guilt, and it is perfectly manifest that the officers concerned in the arrest have since tried to cook up a case for their superiors. I do not for one instant believe that these boys made the so-called confessions and admissions which the report states. If it turns out that they were innocent of this offense, that in itself will absolutely prove that they made no such confessions, and those who say they heard them make such confessions should be dismissed from the force. I suppose everything will develop in due time.

Very truly yours,

Rhineland Waldo, Esq.,
Police Commissioner.

J. J. Fagan
M a y o r.

Dec. 19, 1911. k

Sir :

R
12/20/11

Some months ago I wrote to you of the case of the eighteen year old boy William Eagen, who called upon me in person and made his complaint. He has been well brought up, and has always lived at home with his parents at 33, 4th avenue, Brooklyn. Detective Barry arrested him in the street near his home on August 24th last ^{without a warrant.} He had never before been arrested or accused of any offense. He was taken to the station house and locked up over night in a cell. The next morning the said officer arraigned him before a magistrate, and made a written complaint on oath that he was a vagrant, i.e., a person without a home, wandering about, and with no means of support. The officer knew that this was untrue. The boy lived at home and worked daily with his father who is janitor of 17 buildings. When the case was called on August 28th for a hearing, the officer stated that he could not prove the charge, and the boy was discharged. In my letter to you I asked for a full report of the matter. Later you sent to me the report of Inspector Hughes, chief of the detective bureau, concurred in by the Second Deputy Police Commissioner. That report disclosed that

the real reason for the boy's arrest was that a burglary of the apartments of C. W. Daniels, at 449, State street, Brooklyn, had been committed, and that the boy was "suspected" of having committed the same. The things stolen were a watch, engraved with Mr. Daniels' name, a locket, studded with diamonds, and engraved in the same way, and a double chain and fob. The reason for such suspicion given in the said report was that the father of the boy was janitor of the building in which Mr. Daniels had his apartments, that the boy helped him take care of the building, that there was a bulldog in Mr. Daniels' apartments, that the bulldog did not arouse Mr. Daniels when the burglar entered, that therefore the burglary was committed by some one on good terms with the bulldog, and that therefore the burglar was probably young Eagen. Such was the farfetched if not ridiculous theory. The report went on to state that after being arrested and on his way to the station house young Eagen told the officers who had him in charge that the locket lost by Mr. Daniels contained 17 diamonds, that it had been broken up, and that it was useless to look for it. The report also states that while young Eagen was locked up in the cell another officer heard him state to a prisoner in an adjoining cell, who had been arrested on suspicion of the same offense, "I think they

have got it on us," to which the other prisoner responded,
"Shut up, some one might be listening." *The name of this other prisoner is Frank, hereafter named.* To this report

was attached a letter of the Second Deputy Commissioner to you stating that in his opinion the action of the officer who made the arrest and false charge of vagrancy was justifiable. I felt constrained to write to you that his conduct was unjustifiable, and that I concurred fully in your view in that respect. The boy was not a vagrant, and the charge against him was false. The alleged confessions were stated to have taken place after the arrest, and were not revealed to the magistrate at all. I also expressed the view that the so-called evidence given in the report that the boy had committed the burglary was no evidence, and that the alleged confessions stated in the report were trumped up after the boy's discharge, and after I had called for a report, for the purpose of trying to justify the arrest. Nothing further was done at that time, however, as the said chief of the detective bureau said that the investigation was still going on and that it was expected that sufficient evidence would be obtained against the boy. But instead of any evidence being obtained against him, one Alexander Moore has since been arrested, indicted and convicted of the burglary and is now serving a term in States Prison therefor. Pawn tickets

for the stolen articles were found in his pockets. The stolen articles were all obtained in the pawn shop. The diamonds had not been taken out of the locket. In a word, the whole report has been proven to be false in every substantial particular. The statement that this boy made anything in the nature of a confession is now known to be entirely false, as he knew nothing at all about the matter. The report also states that when the boy was discharged by the magistrate his mother who was present exclaimed: "I am going to write to Mayor Gaynor and give you fellows the same dose that Duffy gave the officers in his case" — alluding to young Duffy who was arrested time after time by the police and locked up, and his picture put in the Rogues' Gallery, for no offense whatever. I have sufficiently ascertained that she had not up to that time ever heard of the Duffy case, and therefore could not have made such a remark. Also she is not a woman who would express herself in that manner.

It seems to me that the case calls for some discipline of the officers engaged in it. It is also necessary that this matter be made public so that this boy may be fully vindicated instead of being injured for life. It will never do for the police to treat boys in this way. I should also mention that another young fellow named

Henry Grant was arrested on suspicion for the same crime. The chief reason for his arrest seems to have been that when a boy he had served a term in the Elmira Reformatory. He was discharged as reformed. The police should be very careful about arresting boys who have served a term in a reformatory. To follow them up and arrest them on sight, ~~and~~ on the slightest suspicion, or on no suspicion, as is often the case, after they come out, and even follow them to the places where they are employed, and procure their discharge, is to leave no course open to them except to become habitual criminals. This boy Grant was employed as a chauffeur. I understand that he lost his place because of his arrest. I trust that this vindication of him will suffice to enable him to get other work to do. The police must be made to understand that they cannot arrest and lock people up as they like, but that they must keep within the law. The only way to enforce the law is the way prescribed by law. That which cannot be done lawfully must not be done at all by the police or any other public official from the President of the United States down. This is a government of laws and not of men.

Very truly yours

W. H. Mayo
Mayor.

Rhineland Waldo, Esq.,
Commissioner of Police.

Sunday
Sport

5/22/13

May 22, 1913.k

Sir :

I enclose to you a letter from the Borough President of Queens. It seems that the inspector and captains over in Queens Borough assume to close up ball games on Sunday. Is it possible that you and I are not understood by these leatherheads about this matter yet? If necessary I must advise you to go over there yourself next Sunday and put an end to this business. *If I am here I shall do also.* Just think of a mounted officer going into a ball field and straddling the home plate with his horse and putting an end to the game in that way. Let him be taken away from there whoever he is. If there be a reason for stopping it we must do it in a decent way. But I know of no reason why they should be interfered with so long as they do not set up public games and charge admission therefor. ~~That is the law.~~ I want a full report on this matter, and I do not wish to have a recurrence of scenes like this. If the inspector and captains who are doing this thing are doing it on the theory that boys and men cannot play ball on Sunday I want them removed at once from the Borough and put in some place where

POLICE MISUSE
OF POLICE POWER

they can do no harm. You will remember that this same thing happened over in Brooklyn by an inspector a few months ago, and the trouble that it created. If necessary please bring the inspectors in here. I want to talk with them and see who they are. This matter is one of great annoyance to me. If anybody tries to start a business game, namely, a game in which an entrance fee is charged, it is very easy to stop it. It is not necessary to send horsemen into the grounds to cover the plates. The whole thing can be done at the box office.

Very truly yours,

H. J. Taylor
Mayor.

Rhinelanders Waldo, Esq.,
Police Commissioner.

a
5/29/13.
May 23, 1913. d

S i r:

I enclose to you a letter of James J. Keenan with regard to a ball game being interfered with. Who starts these captains and inspectors in their interferences with ball games? Who has decided that it is against the law to sell peanuts or candy on the ball ground? Who has decided that it is unlawful to take up a collection? Who has decided that it is unlawful to let boys go about the audience and sell programs or score cards? It is time that this matter be put on some exact basis. The interferences of the police are becoming intolerable. If programs were sold on the outside and nobody could get admittance unless he showed a program of course it would be a ticket of admission. It is unlawful to collect an admission fee on Sunday to a ball game.

Very truly yours,

W. J. Farver
Mayor.

R. Waldo, Esq.,
Police Commissioner,
New York City.

Encl.

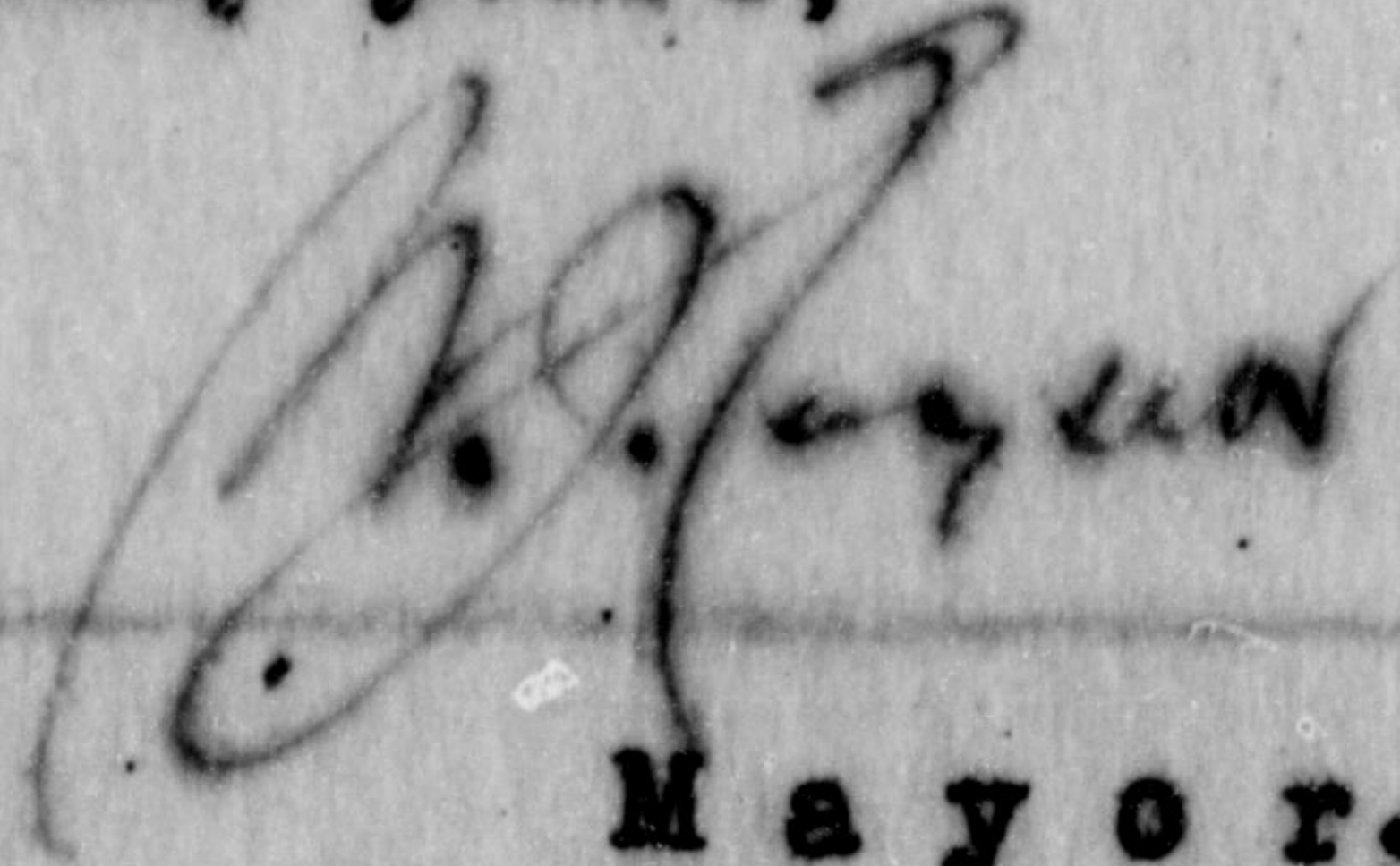
57
POLICE;
GENERAL

May 27, 1913. d

Dear Mr. Towne:

Yes, I shall instruct the Police Commissioner to deliver your digest of the laws and ordinances, and also a book of summonses, to each policeman. I thank you and your Association exceedingly for this most important work. In fact I do not know of anything that will have a more wholesome effect on the police force and the community.

Very truly yours,


Mayor.

Henry R. Towne, Esq.,
President The Merchants'
Association of New York,
233, Broadway,
New York.

6/19/13
June 17, 1913.k

S i r :

I am returning the report in the case of the boy Albert who was arrested for tossing a ball in the park.

I can only say I read the report of the Chief Inspector with amazement. Is he still of opinion, notwithstanding all I have said, that it is necessary to arrest a boy for tossing a ball in the park? Cannot the boy be stopped and told to go along? But worse than that this 16-year old boy was locked up over night. The report says he was asked if he wanted to notify anybody and that he did not ask to notify anybody. This is the excuse for not notifying his parents. It was the business of the police not to lock him up. I cannot pass this case. I want the policeman who did this thing put on trial, and I want to give the matter personal attention. The police must be taught in some way not to arrest boys and lock them up for trifles. Think of a boy being locked up in a station house over night for tossing a ball in the park. It is monstrous. That is the way to make criminals of boys. Please take this case in hand yourself and personally investigate it. The policeman will have an opportunity to state why he arrested the boy

at all. I do not wonder that the boy was indignant the next morning when he was brought into the Magistrate's Court. How could he be expected to be otherwise than indignant? How would any one feel who had been outraged in such a way? It would not be a matter of wonder if he had broken out openly against the law and the Magistrate for being subjected to such an outrage. The lock-ups in the cells are for criminals, not for 16-year old school boys for tossing a ball.

Very truly yours,

W. J. Fajure
Mayor.

Rhineland Waldo, Esq.,
Police Commissioner.

*A. Here and the policemen
have until I get his full
statement.*

Needless

Arrests

Summons

April 25, 1910.

Dear Mr. Ommen:

I thank you very much for your letter of April 19th. I am opposed to all of these frivolous arrests, and hope before my term of office is up to see them done away with entirely. Unless an automobile has run over somebody, or done some mischief, it seems to me it would entirely suffice to take the number and name and resort to a summons, or notify the offender on the spot when and where he is to appear in court. At all events this would be the proper course to pursue in respect to most of the minor offenses. Whether it would be practicable in all cases of violation of the law by automobiles may be a thing to be carefully considered. The requiring of large bail from the driver of an automobile for exceeding the speed limit is unnecessary as a rule. We have run riot in this country in arresting people for trivial causes and putting them under bail.

Sincerely yours,

W. J. Gaynor

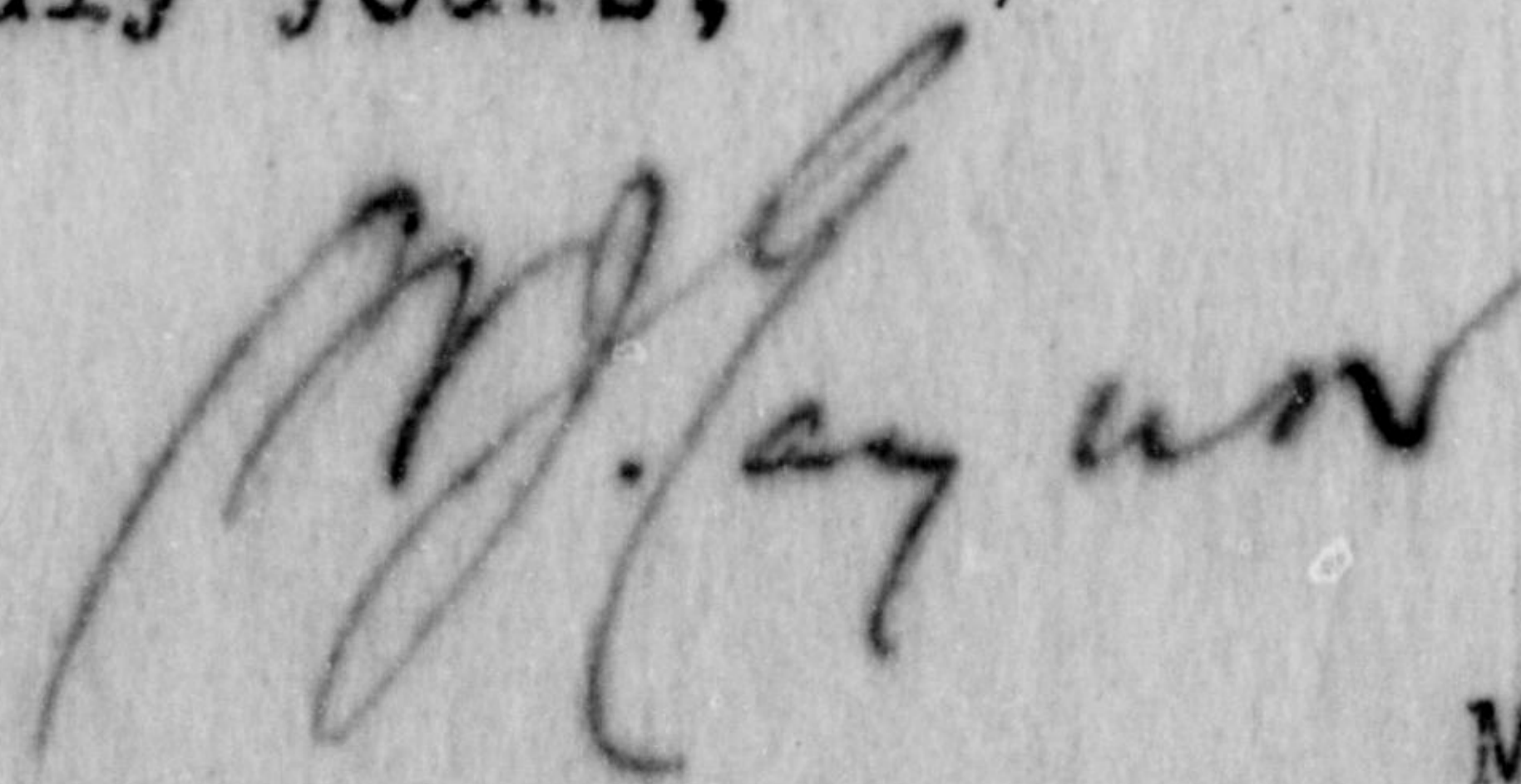
Alfred E. Ommen, Esq.,
45 Broadway, City.

Oct. 25, 1910. m

Sir:

I beg to enclose to you a complaint of Mr. Neilsen of his summary arrest. It is necessary that the officers of your Department be informed that such summary arrests are not any longer permitted. The course is to take the name and number and later serve a summons on the party to appear in court. If he does not appear he can then be arrested.

Very truly yours,



Mayor.

James C. Cropsey, Esq.,

Police Commissioner.

11-2-D

Feb. 28, 1911. m

Dear Col. Wagstaff:

Thank you for your letter and report. I have one suggestion to make to you, however, and that is where it is not necessary to take possession of a team there should be no summary arrest made, but only on a warrant, in the case of well-known business wagons. In the case of transient people the case is different. I am trying to reduce the number of unnecessary arrests without a warrant in this city. They are not permitted in any other place in the civilized world.

Sincerely yours,

Wm. Jay W.
Mayor.

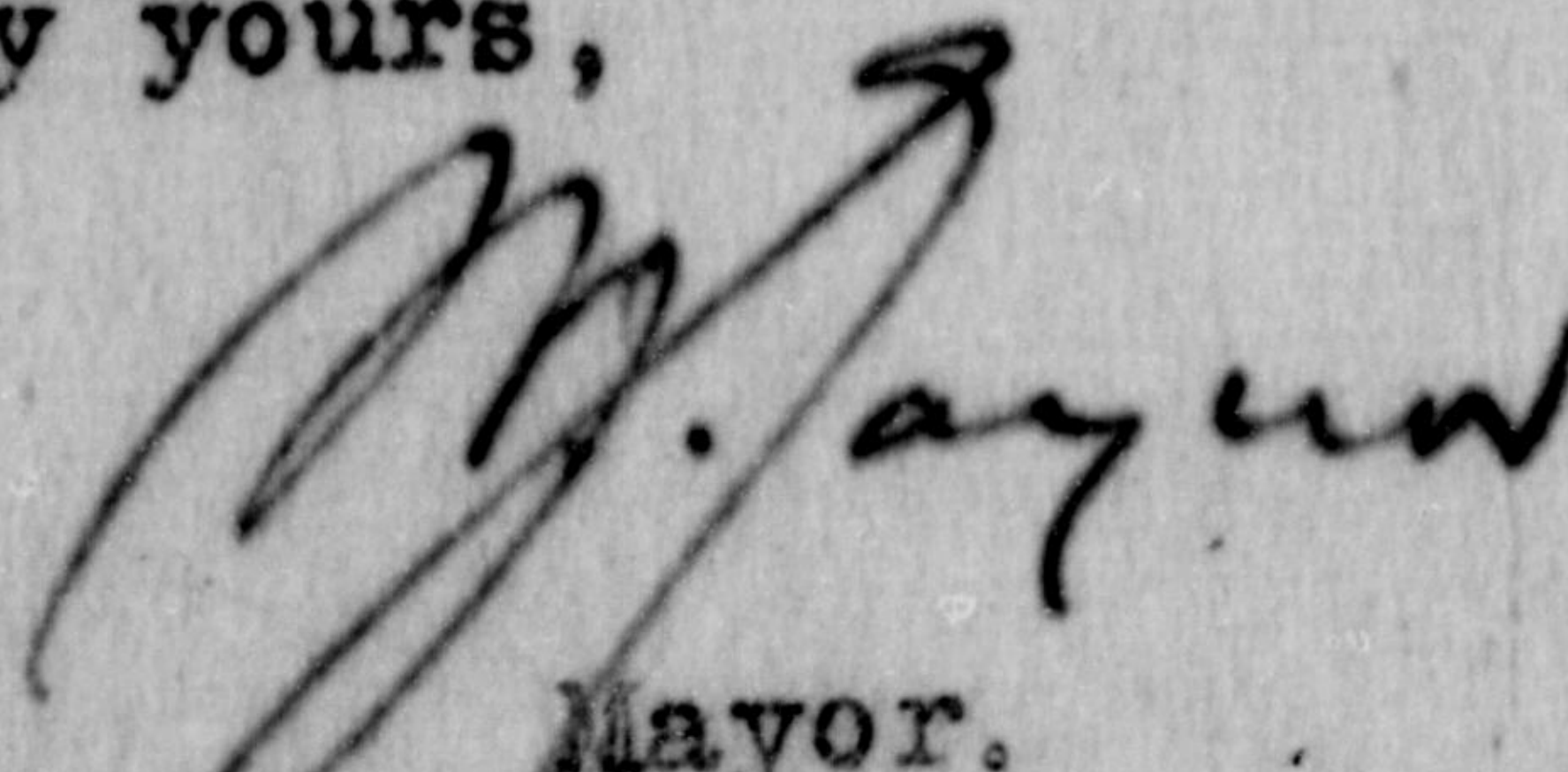
Col. Alfred Wagstaff,
Madison Ave. & 26th Street,
N. Y. City.

Mar. 29, 1911.m

Dear Judge McAdoo:

I thank you very much for your private and also your official letter with the statistics. The latter are very timely. The figures which show that the falling off in arrests were in petty cases where no arrest should be made are very gratifying to me. I had no doubt that that was the case.

Very truly yours,


Mayor.

William McAdoo, Esq.,
Chief City Magistrate,
300, Mulberry St., City.

May 30th, 1912. s

Sir:

As the officers and men of your force passed by in review on Saturday I was impressed, as were all others, by their splendid appearance. It was the finest police parade ever seen in the City of New York.

But something else was uppermost in my mind. I could not help thinking of the intelligent discrimination by which the force is gradually reducing the number of arrests each year, by omitting to make needless arrests for petty things as they used to be encouraged to do. They have come to understand that the law does not require, and that good judgment and common sense do not require, that summary arrests be made for every little thing; that in the case of small disorders, quarrels, batteries and the like, of persons who are not criminals, it usually suffices to stop the same and send the violators along about their business, instead of arresting and locking them up. A policeman's time is better occupied on his post preserving order and watching for criminals than in taking such petty offenders to the lock-up or the court and leaving his post uncovered. To preserve

outward order and decency, and prevent crimes and catch real criminals, is the chief duty of policemen. And also I could not help thinking how it is now a rare thing for any citizen to complain of illegal violence or impoliteness or rudeness by policemen. They are polite and helpful to all good citizens. Next came to my mind the splendid work done by the force in the past year in the discovery and arrest of the perpetrators of notable crimes.

Please give the Mayor's thanks to the whole force. Please also say to them that I regret that even rumor should circulate stories that the force is collecting a fund to use in order to bring about an increase of salaries. After all that we have done to show them that no money or influence can help them to appointment or promotion or increase of pay, I shall not believe that they are contributing money to be used for ~~the~~ increase of salaries until I have positive evidence of it.

Very truly yours,

W. L. Mayor
Mayor.

Rhineland Waldo, Esq.,
Commissioner of Police,
New York City.

June 26th, 1913. 5

Dear Mr. Caldwell:

I am very glad to receive your letter. The great body of the police force understand the matter, and have stopped these frivolous arrests, but there are a few old-timers in the department, who have always acted in an arbitrary and brutal manner, and it is difficult to get them to do otherwise. This locking up of little boys in the Prospect Park station house is about the most brutal thing I have heard of in a long time. There was not the slightest justification for it, and I cannot help but feel strongly about it.

Very truly yours,

W. A. Quinn
Mayor.

R. J. Caldwell, Esq.,
15, Park Row,
New York City.

State of New York)
City and County of) SS
New York)

Emil Hubschman, being duly sworn, deposes and says:

I live at 302, Central Avenue, Brooklyn, am 18 years old and am employed by the law firm of Myers, Kuttner & Schumann at 135 Broadway, Manhattan.

On Sunday, June 8th, 1913, at about 6 p.m. I was arrested in Prospect Park, Brooklyn, by police officer Keegan, Shield No. 148, of the 173rd Precinct, and was taken by him to the 173rd Precinct Station House and charged with playing ball in the park, and locked up for two hours in the station house, huddled in with many others, until my father arrived to bail me out. The next morning in court I pleaded not guilty before Magistrate Reynolds and was held in \$500 bail, and notified to appear for trial on June 11th. At the close of the trial Magistrate Reynolds found me guilty and fined me \$10.

On the day of my arrest I was in Prospect Park with two other boys with my camera and a soft rubber ball. While I was taking a picture with my camera two of the boys with me had possession of the ball, and when I had finished taking the picture I asked them to come over to the tennis courts and play with the ball, but the boys said a policeman had taken it away from them. I asked the policeman to give me my ball, and he asked me if it really was my ball, and when I replied that it was he said "all right, come along," and took me to the station house and had me locked up. I had not played ball or handled the ball prior to my arrest, but at the trial the policeman swore that he had seen me playing ball and that he had warned me twice to stop it, and he also brought a detective to the trial who swore that he was in the park at the time and had seen me playing ball, but I had never seen that detective before. This is the first time I have ever

been arrested, and as I intend to study law and apply for admission to the Bar I wish to have my record cleared. These two police officers both perjured themselves to convict me.

Sworn to before me this
27th day of June, 1913.

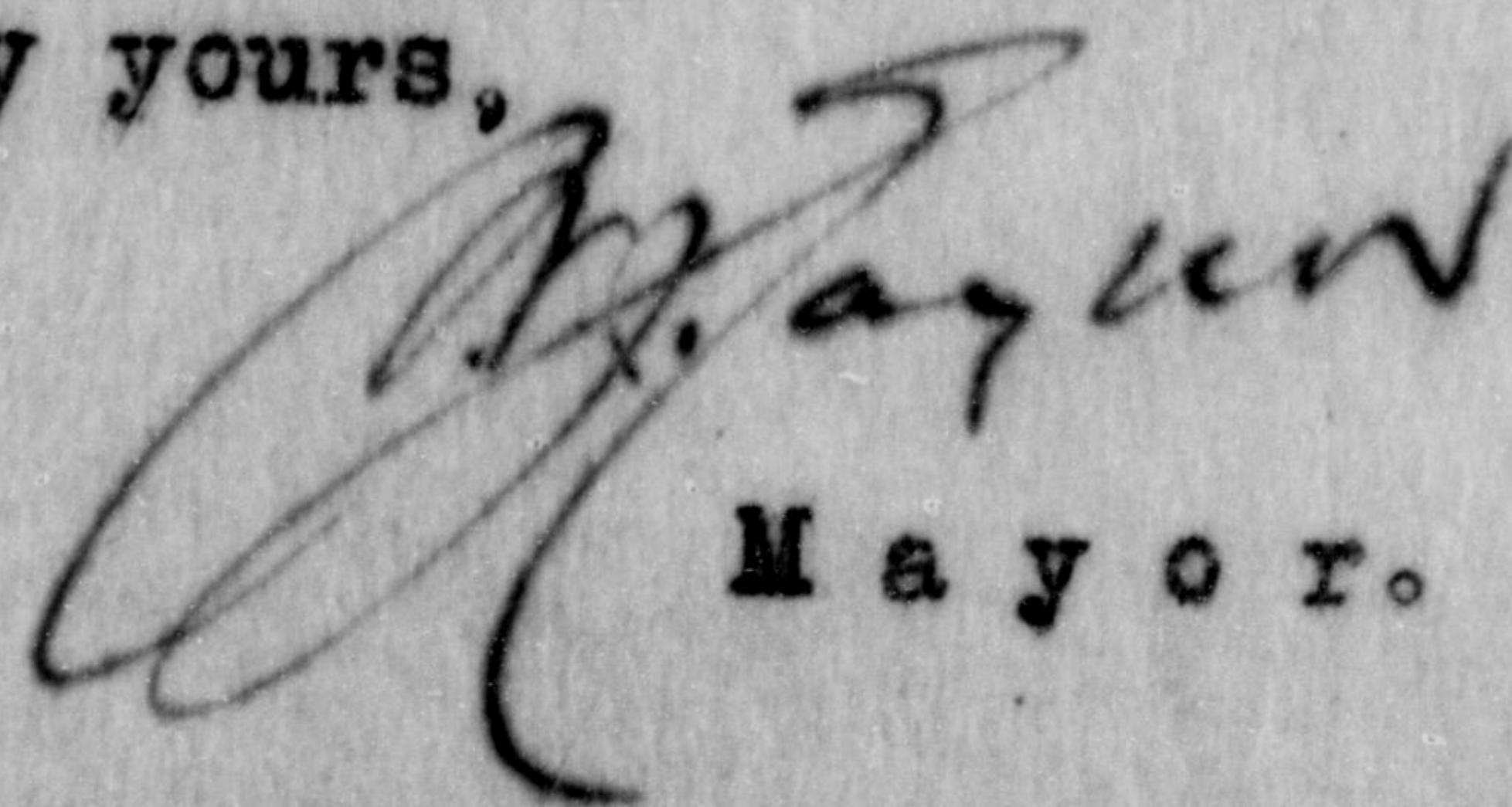
Commissioner of Deeds, N.Y.C.

July 3, 1913. d

Dear Judge Reynolds:

Your letter is at hand. In all this matter I have never mentioned your name. If the newspapers have done so it was without my suggestion. I thought at first only a few boys had been arrested, but the developments day after day showed that a lot of them had been arrested and treated in the most brutal manner. Of course boys who will not stop violating a rule must be arrested and dealt with. These boys were all convicted of playing ball. They tell me that either the judge, or sometimes the policeman, induced them to plead guilty. The fact is not one of them was engaged in playing ball. The phrase playing ball has a well defined meaning. None of them had any bat. Nobody ever saw a boy trying to play ball in Prospect Park. I have been going there for years and I am sure no such thing was ever seen there. Some of these boys tossed a ball from one to the other or to girls, and as a rule it was a soft rubber ball. When they pleaded guilty before you of course, I suppose, supposed they were actually playing ball in Prospect Park. It is the most miserable piece of police business I have seen since I have been Mayor. You say that you fined them \$5 and less. The affidavits taken here all show fines of \$10. The two little Western Union Telegraph boys were fined \$10 each, and they only earn \$5 a week each. I am enclosing you the affidavit of the boy Hubschman as an example. Please return it to me. My dear Judge, I am well aware of your views about matters like this, and I can only conclude that you have been grossly imposed on by the police. Some of the boys tell me that in pleading guilty they tried to explain to you they were not playing ball, but only tossing a rubber ball, but that they could not get a hearing. I suppose this was on account of the presence of the great throng which you mention. I certainly have the highest respect for you, and regret that the matter is disagreeable to you.

Sincerely yours,


Mayor.

Louis H. Reynolds, Esq.,
City Magistrate,
88, Prospect Park West,
Brooklyn.

July 9, 1913. d

Dear Judge Reynolds:

No, I am not disposed to look unfavorably on the police in the matter of the arrests in Prospect Park, and far be it from me to look unfavorably on your action, because nobody knows your good intentions in such matters better than I do. But I have now accumulated facts enough to show that the arrests by the police were wholly unnecessary, except possibly in a few cases. To arrest, as they did, about a hundred people, and lock them up, when nine times out of ten it would have been enough for them to have given a caution or a warning, however, is going altogether too far. I believe in the magistrates upholding the police, but in this instance the police for some reason went beyond all bounds. It may be they were urged on by the Park Commissioner. I have seen too many of these boys now, and heard their stories, not to perceive that most of the arrests were needless.

Sincerely yours,

W. J. Quinn
Mayor.

Louis H. Reynolds, Esq.,
City Magistrate,
Brooklyn, N.Y.

7/12/13.
July 11, 1913. d

S i r:

My reports from Central Park, and also from Prospect Park in Brooklyn, are that more or less littering of the park, and some breaking of scrubbery, still continue on Sundays by certain ignorant or reckless people. Please have a sufficient number of plain clothes men in each of these parks next Sunday, and until further notice, to summon or arrest therefor, as the case may require. There is also some throwing or tossing of balls in these parks on fields where that is not permitted. Those who do so should be cautioned, and then if they persist they must be arrested. Please ask Chief Magistrate Kempner of Brooklyn to have a magistrate assigned on Sunday to the police station in Prospect Park, the same as Chief Magistrate McAdoo has done for Central Park, and I have no doubt he will do so. In that way those arrested, especially boys and children, can have their cases disposed of instead of being locked up over night, as happened in Prospect Park recently. And do not let the policemen be urged on to unnecessary arrests or violence by

-2-

over-zealous outsiders. Have them use their own judgment
and I am very certain they will act with due discretion.

Very truly yours,


Mayor.

Douglas I. McKay, Esq.,
Acting Police Commissioner,
New York.