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(A)

(1) Restaurants

Gino's, Inc.

The payments by Gino's, Inc., to Philadelphia Police were the largest and most systematic found at any Philadelphia business investigated. They represent a particularly outrageous example of police officers individually contracting out extra police services to private persons in exchange for money.

Gino's, Inc., is a prominent member of the "fast food" industry. It operates a chain of restaurants offering a limited menu of hamburgers, fried chicken, french fried potatoes, and beverages. The company was founded in 1957, and has grown quickly to the point where it now has thirty-six restaurants within the city limits of Philadelphia alone. The company's operations extend throughout Pennsylvania, New Jersey, Delaware, and Maryland.

The Crime Commission subpoenaed business records of Gino's, Inc. on June 25, 1973, asking for all records of any payments to Philadelphia Police. The records produced contained detailed accounting of the money given to police including, in some cases, identification of the police officers who received the money. The records for the whole of 1972 and the first six months of 1973 were examined. Shortly after the subpoena was served, payments of cash to police stopped.

## Guard Service

The records showed that 15 of the 36 Gino's restaurants in Philadelphia regularly paid police officers a cash sum of money for "guard service" in 1972-73. The amount of money paid was usually \$75 or \$100 every six days, although at one store it was only \$56 and at some it occasionally rose to \$125. The total amount of money paid for 1972 was \$59,947. For the first half of 1973, the amount was \$29,110.

In the <sup>typical</sup> standard guard service arrangement between Gino's restaurants and the police, one on-duty police officer, in full uniform, with badge and weapons, and frequently carrying a walkie-talkie, was assigned specifically to patrol a "beat" in or around the Gino's store.

For the purposes of police record-keeping, these policemen were sometimes assigned to a geographical footbeat which covered an area larger than the store itself. For example, the police officer guarding the Gino's at Broad and Lehigh was often theoretically assigned to patrol two blocks of North Broad Street. The officer guarding the Gino's on Midvale Avenue in East Falls usually had a theoretical beat extending from the store to Ridge Avenue, several blocks away. Policemen also apparently were carried

on the assignment sheets as working inside headquarters or as being  
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a second man in a car.

In practice, however, the police officers generally confined their patrolling to the immediate vicinity of the restaurant. The manager of the Midvale Avenue Gino's testified that the officer in his store spent his time in the dining area, the back room of the restaurant, and also went outside, "even going as far as down the street." 346 The Crime Commission conducted surveillances at this location prior to issuance of the subpoena, and observed that the policemen guarding the store were always located in the back kitchen 347 area, frequently out of the sight of patrons. During the course of one evening's surveillance the police guard, Officer Leonard McC\_\_\_\_\_ (#9626) never left the restaurant except to confer once with his sergeant, Lawrence F\_\_\_\_\_ (# 322 ) who had driven up.

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345. Mr. Rubinstein described a situation precisely parallel to the Gino's guard service, see text accompanying note 348 infra, although he has refrained from identifying the company. In his book he states his opinion that police records were falsified to disguise the guard service. City Police 408.

346. Testimony of Nicholas Karamis before the Pennsylvania Crime Commission on October 22, 1973, N.T. 13 [hereinafter cited as Karamis ].

347. The company apparently made some effort to confine police guards to the kitchen area. The minutes of a Gino's managers' meeting on March 22, 1971, state: "Guards and Police: 1. No guard or police are to be near the front area. Backroom only; 2. Police are to enter at the rear door."

Officer McC\_\_\_\_\_ (#9626) did not have a police car with him. When he departed at 11:55 p.m., he got into his own private car and drove away. <sup>348</sup> An eyewitness also reported to the Commission that he had observed one to two police officers in uniform sitting in this Gino's watching television on summer evenings in 1972. One of these officers was Policeman John J. G\_\_\_\_\_ (#4425) identified by the manager as one of the steady police guards.

At the restaurants which paid for on-duty guards, one policeman was usually present every day. It was normally the same officer each day for six days in succession, with a new officer coming in as the shift changed. This pattern occasionally varied to allow for vacations and sicknesses. In some police districts, which were shorthanded or which had rapid turnover of men, there was less consistency.

. . . all that I can say is there was someone there every night. But I would even go to the point in saying that maybe one guy would start it out, he would go back on the car and they would put another guy in there.

It has even been to the point that maybe sometimes they might be short on cars and we wouldn't have a guard inside, but yet, he would be in the car, but he would be in the vicinity. 349

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348. These officers later appeared at a Crime Commission hearing under subpoena and denied both giving extra guard service to Gino's and receiving money,

349. Testimony of James H. Parker before the Pennsylvania Crime Commission, October 22, 1973, N.T. 21. [hereinafter cited as Parker].

Since policemen work a six-day shift, they would be paid every six days. Payments were made either by the manager or an assistant manager on duty at each restaurant, although in one police district where there were three restaurants with police guards, payments were made at one restaurant for the entire district. The Gino's managers questioned who had paid the police directly, testified that they usually paid the sergeant. Petty cash receipts showed that lieutenants also frequently collected the money from some restaurants, and patrolmen would also occasionally receive it.

This police guard service for Gino's in return for cash payments is a manifestly improper police activity. Regular on-duty police permanently assigned to single businesses is not generally available to businesses absent a showing of special need. Provision of it here amounted to conversion of an important public property right (police protection) to private gain.

#### Escort Service

The extra services provided by the police to Gino's included an escort for the manager as he took the day's receipts to the bank and, occasionally, the presence of a police car on the parking lot at closing time. This service was provided both at the Gino's locations which paid for police guards and at those which did not. From Police Department records produced

under a subpoena, it was determined that Gino's received an average of 382 police escorts per month in the period January 23, to June 30, 1973. However, locations which paid for police guards tended to get police escorts much more often. These locations averaged 17 police escorts per month while locations which did not employ police guards averaged 7 police escorts per month.

Police escort service for individuals or businessmen carrying money is available theoretically without cost, to anyone who asks for it by calling the Department. Police records show that over a five month period in 1973, a total of 113 businesses, 25 churches, and 50 individuals received money escorts. The types of businesses included grocery stores, gas stations, auto dealers, bowling alleys, check cashing services, hospitals, theaters, banks, department stores, nurseries, country clubs, caterers, schools, jewelers, realtors, churches, cabs, and the City Department of Collections. Although many businesses receive escorts on an occasional basis, Gino's and one supermarket chain <sup>351</sup> made it a regular practice and received the lion's share of all the escorts given. Out of the 5,672 money escorts given by the police in the above period,

350. These records consisted of a "Transportation Log" maintained at the radio room at police headquarters. This log was an informal document which was not maintained prior to January 23, 1973. It listed all assignments given by radio to policemen to give transportation to civilians. It does not include escorts arranged informally between a single policeman and a single store manager.

351. See infra. This company paid cash to the escorting officer on each occasion.



2005 were given to Gino's restaurants, which is approximately 36% of the total. The supermarket chain received 1611 escorts, or approximately 28% of the total. Two other businesses together received an additional 11% of these police escorts. Thus, 2% of the escort recipients garnered 75% of the police escorts. Of these four companies three were found either to have paid cash to police or to have given free meals. The fourth company, accounting for only 442 escorts, was not investigated. In view of the findings contained in this report, it is highly questionable whether this service should continue.

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The Gino's restaurants apparently did not make extra cash payments to the police for this service. One manager of a restaurant paying for police guards testified escort service was included under the payments for guard service. No petty cash receipts were found which indicated payments for this purpose at any Gino's locations. However, since policemen regularly received free meals at Gino's, it could be said the police were being rewarded in a non-monetary way for the service. It is perhaps significant that although on-duty police guard service at Gino's was quickly terminated as of about June 28, 1973, the police have continued to provide escorts and to receive free meals.

Police escort for managers taking money to the bank appears to be an important part of Gino's system of protection of receipts,

and this police service was a matter of some concern to the Gino's managers. Minutes of their meetings in 1969-73 contain frequent reminders to be sure to obtain a police escort. On at least one occasion, December 17, 1971, there was a discussion among the managers of what to do if the police do not show up for an escort an hour after they are called. It was recorded that the district manager said he would contact the captain in charge of the First District "to see if we can get better cooperation from the police on this."

#### History of Gino's Police Guards

The police guard service and payments for it at some Gino's restaurants have existed on this formalized basis since at least 1968, and probably longer. Present company executives indicated in interviews that it initially grew out of agreements between individual restaurant managers and policemen at the district level, then spread as new branches were opened and as Gino's personnel were transferred from one district to another. The manager of the Gino's on Midvale Avenue in East Falls testified, for example, that he had no police guards when he took over the store in 1970, but at the suggestion of his district manager he contacted the police and arranged for the guards.

- A. ... I think one of the district managers, or another person, may have suggested that it was being done in another area, and asked me--I think it was me--and I think I asked the officers to ask the sergeant. He came in, and I guess they knew it was another area and said, "Well, we can work out the same thing," maybe.
- Q. So, as best as you can recall, you or someone discussed it with the officer who was in the sector, and with his sergeant?
- A. Right.
- Q. Did anybody talk to anybody higher than a sergeant; such as, the lieutenant or captain?
- A. I talked to a lieutenant. I think I went through the sergeant, and I may have gone through a lieutenant.
- Q. Anybody else?
- A. No, that's it.
- Q. Who was the sergeant and lieutenant that you spoke to?
- A. I couldn't even begin to give you the names, it's been so long. But now that I think of it, I think that's the way it started. It was suggested to us that we ask our local police district that we were in, and I think I asked the sergeant--the officer and the sergeant, and I think--I can't really answer you if I really talked to a lieutenant. I think I did. 352

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352. Karamis, N.T. 20-21.

The manager of a Gino's on Torresdale Avenue testified that police guard service was arranged by his district manager. The restaurant manager in that case simply expressed a wish for a guard, though he did not specify police guards. He said he had little direct contact with the police since they were usually paid through another restaurant in the same police district.

#### Management Awareness

The upper level management of Gino's adopted a "hear no evil, see no evil" posture toward the company's use of on-duty police as guards. Raymond Haas, vice president and general manager of Gino's for Eastern Pennsylvania, New Jersey, and Northern Delaware, testified he was completely ignorant of the fact that Philadelphia Gino's stores were hiring on-duty police as guards until the subpoena<sup>353</sup> was served by the Crime Commission in June, 1973. He stated that the decision whether to hire guards was one made by the area manager, who is one step above the district manager in the Gino's hierarchy.

Cloyed Fleming, the area manager in charge of most of the 36 Gino's restaurants in Philadelphia since May, 1972, testified he had first become aware of the police guard service around August

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353. Testimony of Raymond Haas before the Pennsylvania Crime Commission, October 22, 1973, N.T. 5-6 [hereinafter cited as Haas]. However Mr. Haas, as well as Gino Marchetti, attended a meeting on April 9, 1969, the minutes of which, set forth as a procedure to be adhered to: "contact the local police and arrange to see if they could be in the area of the unit when the employees are leaving for the evening."

or September of that year. He said, "... I noticed a policeman standing in the patio, no patrol car around, or--actually seemed to be loitering in uniform, and I asked about it. The comment that I got back was, 'He was the guard.' "<sup>354</sup>

Mr. Fleming testified that he did not think it unusual to have a police guard since "as a manager I had off-duty policemen working guard details in uniform, and this was at the Upper Darby unit."<sup>355</sup>

Despite that awareness of police guards in Philadelphia, Mr. Fleming told a Commission investigator on April 18, 1973, that he had no knowledge of any payoffs to police. Fleming later tried to explain that statement by saying he did not actually find out that the police were being paid until the subpoena was served. Mr. Fleming's surprising lack of information and curiosity extended to other areas, including whether the Philadelphia Police were on-duty or off-duty, what the total cost of paying for police guard service was, and why the same service cost more in some police districts than in others.<sup>356</sup>

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354. Testimony of Cloyd Fleming before the Pennsylvania Crime Commission, October 22, 1973, N.T. 8 [hereinafter cited as Fleming]

355. Id.

356. Id., at 8, 14, 19.

## Sharing the Payoffs--the Number of Police Involved

The Gino's managers testified they did not know what the policemen did with the money. The Commission discovered it was divided up among all the officers who either participated in the guard service, had direct knowledge of it, or responsibility for it.

There is no question that at least the middle-echelon police commanders knew of and participated in the Gino's guard service scheme. Both testimony and Gino's company documents showed the officers who actually received the payment from Gino's were sergeants and lieutenants more often than not. Moreover, the sergeants, as squad leaders, have the responsibility for assigning duties to the men under their command each day with the approval of their supervisors, the lieutenants in charge of the platoons. Each sergeant fills out the daily assignment sheets or "pull sheets" which list the assignments for that day. Each sergeant and lieutenant questioned by the Commission acknowledged that there was a footbeat located at the Gino's restaurant in his district. Moreover, surveillances established that the sergeants and other police officers knew that policemen were in fact patrolling inside the Gino's restaurants. For example, on the evening of June 13, 1973, when policeman Leonard McC \_\_\_\_\_ (#9626) was stationed inside

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357. Testimony of Sergeant Paul C \_\_\_\_\_ (# 346) Lieutenant Robin G \_\_\_\_\_ (# 143) before the Pennsylvania Crime \_\_\_\_\_, November 13, 1973, N.T. 6,7,35 [hereinafter cited as Sergeant C \_\_\_\_\_ (# 346) and Lieutenant G \_\_\_\_\_ (# 143) respectively].

358. They did maintain, however, that the beats were broader than just Gino's and were not always filled by men.

the Midvale Avenue Gino's, he went outside at one point to talk to his sergeant. On another evening, Policeman Ronald G \_\_\_\_\_ (#1768) another regular guard, was dropped off at Gino's by a policeman in a police car.

The police guard service at Gino's was obviously well-organized within the Police Department. If an officer failed to show up the manager would call the sergeant to straighten it out.

Q. What happens if the police guard doesn't show up on certain days? Is there someone that you call?

A. We would call the sergeant.

Q. And how would you reach him, at the district headquarters?

A. I would ask an officer that might stop into to eat, you know, and ask him if he would see the sergeant to ask him to stop by.

Q. Which sergeant would you call?

A. The one that would be on duty....

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Even though there might be transfers or changes in police personnel, there would always be a police officer present. James J. Parker, the manager of the Gino's at Broad and Lehigh in the 22nd District, testified:

... Some weeks it may be that same particular officer who would work the six days and, and maybe, the next week on a different

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359. Karamis, N.T. 21-22.

shift they may have one guy there two days, another guy there two days, or a different guy every day. 360

Some indication of the manner in which the Gino's payments for guard service were divided among police offers is given by Mr. Jonathan Rubinstein. In his book City Police, Mr. Rubinstein describes a system of paid police guards at an unidentified Philadelphia restaurant chain, which is strikingly similar to the system found at Gino's.

... In a number of districts some branches of a restaurant chain have a policeman assigned to sit inside during the four-to-twelve shift. This chain has an established policy of giving free food to patrolmen during certain times of the day and each branch keeps a careful record of what is given away. But the best man's services are not offered in exchange for these favors: he is rented for a fee. It is against departmental policy to assign men fixed posts in commercial establishments; the men who do this work are officially listed as working on a sector car or a beat. In one district the man who handled the assignment on the four-to-twelve shift said that he was paid \$20 a week for acting as a private guard. Since the arrangement required the permission of his sergeant and possibly his captain, it can be assumed that they, too, were being paid.... 361

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360. Parker, N.T. 20-21.

361. City Police 408.



At another store, the arrangement was that:

. . . every Saturday night the sergeant or his bagman would collect \$100. The money was distributed among all the men who contributed to maintaining the arrangement. The beatman got \$25, and lesser amounts were paid to the sector car which was operated by the man's partner, and to the wagon crew that serviced the area. In addition, the sergeant, lieutenant and captain were also given a cut. 362

Mr. Rubinstein confirmed and elaborated on the above statements in his testimony before the Crime Commission, emphasizing that the captains of the various police districts must have known about the guard service at the restaurant chain:

- Q. I was wondering if you knew for sure if [the money] was going for all the officers that you mentioned, as high as the captain, and if so what do you base that on?
- A. I don't know specifically that money was going to the captain or the lieutenant or even the sergeant for that matter, in the sense that I, under oath, couldn't-- didn't see the sergeant, lieutenant or captain receive the money.
- Q. Were you told that they were getting [the money]?
- A. Oh yes.

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362. Id. at 409. This system of guard service payoffs is quite similar to the common pattern of payoffs to protect illegal gambling and other vice operations. As demonstrated elsewhere in this report numbers operations typically pay off all the police officers who know of their existence and have any responsibility for taking action against them.

Q. You were told by whoever you spoke to that the captain was sharing in that also?

A. (Witness nods head.)

Q. So the captain knew about it in this case?

A. That's what I was told, yes.

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A. I don't, by the way, believe that it would be possible to regularly assign a patrolman to one of these places two or three nights a week, every week, without the captain knowing. I think it would be impossible unless, I mean, the captain is a complete idiot. Very few idiots become captains in the Police Department. 363

The number of individual police officers receiving payoffs from Gino's is very large. A total of fifteen stores were receiving police guard service and paying policemen in 1972-73. They were spread over ten Philadelphia Police districts. In each district one captain, four lieutenants (one for each shift), and at least four sergeants were usually involved, possibly more where there was more than one Gino's in the district. There would also be a minimum of four patrolmen, four car men, and eight wagon men (there are always two men to a wagon) taking part in the payoff at each Gino's. This means that a minimum of 320 police officers were involved in any one month. With transfers and reassignments of police, the actual total number of policemen who shared the Gino's note was much larger.

*Extent*

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363. Testimony of Jonathan Rubinstein before the Pennsylvania Crime Commission, January 2, 1974, N.T. 139-140 [hereinafter cited as Rubinstein].

These estimated numbers are corroborated by the business records produced by Gino's in response to subpoena. Each of the payments made by Gino's employees to the police was duly recorded on a petty cash receipt. At seven of the fifteen Gino's which paid the police, the receipts also frequently contained indications of the identity of the policemen receiving the money. Names, badge numbers, ranks or initials appeared in various combinations. Testimony, as well as examination of the documents, show that in some cases the name or badge number was written by the store manager. In other cases, the police officer himself signed the receipt.<sup>364</sup>

The clearest and most complete records were kept at the Broad and Lehigh Gino's. Those records show that from January, 1972 to June, 1973, four lieutenants, four sergeants and one patrolman from the 22nd District picked up cash payments. Each is identified at least twice on receipts.

From the company receipts, it is possible to clearly identify <sup>41</sup> separate police officers who directly received money from Gino's. Four additional officers are identified in testimony as regular

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364. Parker, N.T. 29.

guards. The full list of <sup>415</sup> is set forth in the margin. There are also 62 other separate notations of the identity of police officers receiving money on Gino's company records. These consisted of names, badge numbers, or initials which could not be definitely traced. They include such apparently false names as "F. Rizzo," and "J. E. Hoover." The full list was turned over to the Philadelphia Police Department for its review and investigation on August 10, 1973.

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365.  
Lieutenants

Lewis P. C \_\_\_\_ (#157)  
 Charles F \_\_\_\_ (#313)  
 Phillip M. F \_\_\_\_ (#119)  
 Charles V. G \_\_\_\_ (#131)  
 Robin K. G \_\_\_\_ (#143)  
 Richard F. K \_\_\_\_ (#182)  
 Robert D. K \_\_\_\_ (#155)  
 Robert M. N \_\_\_\_ (#102)  
 William W. P \_\_\_\_ (#279)  
 Lynne T. S \_\_\_\_ (#256)  
 Harvey H. W \_\_\_\_ (#179)  
 Joseph T. W \_\_\_\_ (#307)

Sergeants

~~██████████~~ (#~~333~~)  
 William A. B \_\_\_\_ (#489)  
 Paul C \_\_\_\_ (#346)  
 Alfred C \_\_\_\_ (#240)  
 Michael C \_\_\_\_ (#8508)  
 Francis C \_\_\_\_ (#8500)  
 James P. F \_\_\_\_ (#526)  
 Howard R. H \_\_\_\_ (#272)  
 Robert H \_\_\_\_ (#363)  
 John M \_\_\_\_ (#372)  
 Thomas A. R \_\_\_\_ (#412)  
 Joseph R \_\_\_\_ (#593)  
 Thomas J. S \_\_\_\_ (#373)  
 William S \_\_\_\_ (#262)  
 Myron D. T \_\_\_\_ (#507)  
 Henry V \_\_\_\_ (#509)  
 Daniel F. V \_\_\_\_ (#599)  
 Reuben W \_\_\_\_ (#8537)  
 Gene Z \_\_\_\_ (#587)  
 Robert K \_\_\_\_ (#291)

Policemen

Obie B \_\_\_\_ (#1565)  
 Francis C \_\_\_\_ (#5619)  
 Blase C \_\_\_\_ (#4265)  
 William R. D \_\_\_\_ (#2485)  
 John J. G \_\_\_\_ (#4425)  
 Ronald G \_\_\_\_ (#1768)  
 Thomas H \_\_\_\_ (#6905)  
 Crummer H \_\_\_\_ (#7249)  
 John J \_\_\_\_ (#2778)  
 Richard J \_\_\_\_ (#2415)  
 Leonard McC \_\_\_\_ (#9626)  
 Robert D. R \_\_\_\_ (#2856)  
 William R \_\_\_\_ (#9362)  
 William W \_\_\_\_ (#7112)

366. As discussed elsewhere in this report, no action was taken other than opening a few files.

Many of the police officers who received cash from Gino's did so on more than one occasion. The leaders are Lieutenant Robin G\_\_\_\_ (#143), whose name or number appears fifteen times for \$1125; Sergeant Paul C\_\_\_\_ (#346), whose name also appears fifteen times; Lieutenant Robert M. N\_\_\_\_ (#102, now retired), ten times; and Sergeant Michael C\_\_\_\_ (#8508), eight times. The name of one police officer, Sergeant Daniel F. V\_\_\_\_ (#599), appears on the records of three separate restaurants as directly receiving cash payments.

#### Police Testimony

Eight of the police officers involved in the Gino's police guard service scheme were subpoenaed to testify before the Crime Commission. The eight were Lieutenant Robert M. N\_\_\_\_ (#102); Lieutenant Robin G\_\_\_\_ (#143); Sergeant Paul C\_\_\_\_ (#346); and Policeman John J\_\_\_\_ (#2778), all from the 22nd Police District; Sergeant Michael C\_\_\_\_ (#8508), from the 25th District; and Sergeant Lawrence F\_\_\_\_ (#322), Policeman Leonard McC\_\_\_\_ (#9626); and Policeman Ronald G\_\_\_\_ (#1768), all from the 39th District. The names of Lieutenants N\_\_\_\_ (#102) and G\_\_\_\_ (#143), Sergeant C\_\_\_\_ (#346), and Policeman J\_\_\_\_ (#2778) appeared on cash receipts at the Broad and Lehigh Gino's. Lieutenant N\_\_\_\_ (#102) and Policeman J\_\_\_\_ (#2778) were also specifically identified by the manager as

officers to whom he gave money.

Sergeant C \_\_\_\_\_'s(#8508) signature and badge number appeared on cash receipts from the Gino's at Eleventh and Allegheny. Policemen McC \_\_\_\_\_(#9626) and G \_\_\_\_\_(#1768) were identified in testimony as regular guards at the Midvale Avenue Gino's. They, along with Sergeant F \_\_\_\_\_(#322), were observed on those premises.

One of these eight officers, Lieutenant N \_\_\_\_\_(#102) failed to appear in response to the subpoena. It was subsequently learned that he had retired on a disability pension on October 8, 1973, a few days before the subpoena was served at police headquarters. The Commission has attempted to re-serve a subpoena personally, but Lieutenant N \_\_\_\_\_(#102) has disappeared. His family professes not to know his whereabouts.

Despite the clear evidence of their involvement in the Gino's guard service, each of the seven officers denied under oath receiving any money from Gino's, Inc., or participating in providing guards for Gino's. Each of the officers did, however, concede facts during the questioning which corroborated the information the Commission had already received. The three policemen from the 22nd District each acknowledged, for example, that there was a regular footbeat covering the intersection of Broad and Lehigh Streets, where Gino's was located, although they disagreed in some details.

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367. Parker, N.T. 26-37. Mr. Parker testified that his assistant managers frequently made the payments and that he therefore did not know all of the police involved. N.T. 25.

Sergeant C \_\_\_\_\_ (#346) and Lieutenant G \_\_\_\_\_ (#143) both testified that the Broad and Lehigh beat was a low priority assignment--it was "beat number seven" on the district list. Sergeant C \_\_\_\_\_ (#346) said that the beats are taken in numerical order once the cars are all filled, and that "[t]he only time that it (beat number seven) could ever be covered would possibly be on day work (8 a.m. to 4 p.m.), when there are restrictions on the number of cars you can have two-man." <sup>368</sup> Lieutenant G \_\_\_\_\_ (#143), who was in charge of a different platoon, said beats are usually not assigned on a regular basis. He also said that the police assignment sheets he had checked showed he had not assigned a man to Broad and Lehigh since <sup>369</sup> at least June of 1972.

Policeman J \_\_\_\_\_ (#2778), who testified after Sergeant C \_\_\_\_\_ (#346) and Lieutenant G \_\_\_\_\_ (#143), contradicted them. He was asked if the Broad and Lehigh beat was called "beat number seven." He replied, "One time they called it special beat one. Now they call it beat number seven." When asked what "special beat one" meant, he said, "High crime rates, things like that," and then volunteered, "They put a man out there on four to twelve." Policeman J \_\_\_\_\_ (#2778) acknowledged that he himself had frequently been assigned to "special beat one" prior to March, 1973, when he became ill and went on leave. He said that while on the

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368. Sergeant C \_\_\_\_\_ (#346) N.T. 6.

369. Lieutenant G \_\_\_\_\_ (#143), N.T. 30.

beat he "patrolled the two blocks there," going into Gino's  
"occasionally."<sup>370</sup>

The existence of a police guard at the Broad and Lehigh  
Gino's was corroborated by former policeman Felix Ruff in his  
testimony before the Commission on December 31, 1973. Mr. Ruff  
said that while he was on the police force he was aware that  
there was a policeman assigned to a footbeat at Broad and Lehigh  
and that the policeman spent most of his time in Gino's<sup>371</sup>  
However, Mr. Ruff was in the adjacent 23rd Police District at  
the time and had no knowledge of whether the Gino's policeman  
was being paid. Sergeant C \_\_\_\_\_ (#346) and Policeman J \_\_\_\_\_ (#2778)  
confirmed from their own memories that most of the policeman whose  
names appear on the cash receipts from the Broad and Lehigh Gino's  
actually were assigned to the 22nd District in 1972 or 1973.

Sergeant Michael C \_\_\_\_\_ (#8508) confirmed that there was a beat  
in the 25th District from Eleventh to Broad Streets on Allegheny  
Avenue (a Gino's is at Eleventh and Allegheny) and that he would  
assign a man to it "when we had the manpower." He stated, "We were  
told by the captain [John J. C \_\_\_\_\_ (#35)] to put a beat there if we  
could because of the holdups."<sup>372</sup> He said he would assign a man  
either from four to twelve or from seven p.m. to three a.m., if a

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370. Testimony of Policeman John J \_\_\_\_\_ (#2778) before the  
Pennsylvania Crime Commission, November 13, 1973, N.T. 40-42.

371. Ruff, December 31, 1973, N.T. 53 .

372. Testimony of Sergeant Michael C \_\_\_\_\_ (#8508) before the  
Pennsylvania Crime Commission, November 13, 1973, N.T. 56. .



Task force man was available. Sergeant Paul C \_\_\_\_\_ (#346) also testified that the four lieutenants whose names appear on cash receipts at the Eleventh and Allegheny Gino's, Charles V. G \_\_\_\_\_ (#131) Harvey H. W \_\_\_\_\_ (#179), Lewis P. C \_\_\_\_\_ (#157) and William M. P \_\_\_\_\_ (#279), were in charge of 25th District platoons number one, two, three, and four respectively. Although Sergeant Michael C \_\_\_\_\_ (#8508) denied receiving any money or signing any receipts for money at Gino's, a handwriting sample he gave shows striking similarities to the signatures on the receipts.

Sergeant Lawrence F \_\_\_\_\_ (#322) testified that he had been in the 39th District since February, 1972. Prior to that he had been in the western part of the 25th District, covering Eleventh and Allegheny. He acknowledged there was a beat located around the Gino's restaurant in his district on Midvale Avenue and that he assigned men to that location, though not on a "steady" basis. Policeman Leonard McC \_\_\_\_\_ (#9626) was one of those assigned, though he was not the only one. Sergeant F \_\_\_\_\_ (#322) gave a confused and contradictory account of why there was a foot beat at the Gino's. He said it probably began when there was a "racial problem" at a barber shop "down by East River Drive." When questioned about the racial problem he said at first that it happened a few months after he had been transferred to the district. A few minutes later he changed his story and said he had been informed by others

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373. Testimony of Sergeant Lawrence F \_\_\_\_\_ (#322) before the Pennsylvania Crime Commission, November 13, 1973, N.T. 79,81.

there was a racial problem and a twenty-four hour guard at  
Midvale and Ridge Avenues before he got there. <sup>374</sup> He also said  
there was a regular foot beat at the intersection of Ridge and Midvale,  
but it did not extend up to Gino's.

Patrolman Leonard McC\_\_\_\_\_ (#9626) acknowledged under oath  
occasionally being assigned to foot patrol duty on Midvale Avenue  
but said he never spent more than twenty minutes inside, and that  
was while eating. He specifically testified he had never spent a  
period of two or three hours in the restaurant. His testimony is  
directly contradicted by the observations of Crime Commission  
agents as well as the testimony of the Gino's manager.

Policeman Ronald G\_\_\_\_\_ (#1768) testified that he "quite frequently"  
was assigned to a foot beat in the vicinity of Gino's on Midvale  
Avenue. <sup>375</sup> While on the beat he would go into Gino's. His estimate  
of the length of time spent in Gino's grew larger the more he  
thought about it. At first he testified:

- Q. When you're up around Gino's, do you go  
in the restaurant?
- A. Sometimes.
- Q. Do you ever spend some time in there?
- A. I could, yes.
- Q. How long would you spend there?

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374. Id. at 81-84.

375. Testimony of Policeman Ronald G\_\_\_\_\_ (#1768) before the  
Pennsylvania Crime Commission, November 13, 1973, N.T. 106.

A. Off and on, maybe ten, fifteen minutes.

Q. At a time?

A. Yes.

Q. Then you would go take a walk?

A. Walk, come back.

Q. And come back?

376

A. Yes.

Shortly after that he testified:

Q. What would be the maximum amount time you might spend in one stretch at the restaurant?

A. Maybe half an hour, forty-five minutes. Depends on, you know, situations. I might spend an hour, maybe an hour and a half.377

The Crime Commission concludes that there is substantial evidence that these police officers have lied under oath about their involvement with police guard service at Gino's.

#### Free Meals at Gino's

In addition to paying for on-duty police guards at fifteen Philadelphia restaurants, wherever located, General Manager Haas of Gino's testified on October 22, 1973, that he had been with the company for thirteen years and that it had been giving free meals to police in every state it operated in during that period of time. 378 The Gino's restaurant managers who testified

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376. Id. at 107.

377. Id. at 110.

378. Haas, N.T. 6.

before the Commission also stated that Philadelphia Police receive free meals and the practice is continuing despite this investigation.

Just as in the case of the payments for guard service, Gino's, Inc., produced detailed and precise records on the amount and type of food given to police. These records have provided a unique opportunity to observe how widespread and accepted free meals for police are. Gino's keeps a close account of each individual item of food, such as rolls or hamburger patties, that moves through each restaurant. Each time an employee or policeman or any other person consumes an item without paying for it, a check is marked under the appropriate column on a printed form called the "Gino's Eaten-Spoilage Report," also known as the "eat sheet." A list of employees is also written along the left margin of the sheets, along with either a summary for "police" or the names of individual police at the bottom of the column. A new sheet is filled out each day.

From these records and the wholesale and retail prices furnished by Gino's, the Commission was able to calculate the actual value of the food given by the company to Philadelphia Police for one four week period. Extrapolating from that period to an annual basis, the Commission computed that Gino's has given approximately \$70,000 worth of free food (retail value) to Philadelphia policemen each year.

At three of the thirty-five Philadelphia Gino's whose  
379 records were examined, the "eat sheets" contained the name  
or badge number of the policemen who received free meals  
there. One store also maintained a "Police Food Log" which  
was a running tally of food given to police, containing badge  
numbers or car numbers of the police receiving food.

The records at these three stores reveal the identity  
of 152 individual police officers who received free meals in  
an eighteen month period of time from January, 1972 to June, 1973.  
The names and ranks of these policemen are set forth in the  
380 margin. This number actually understates the number of policemen

379. The thirty-sixth restaurant had just opened and had  
no records.

380.

Captain Bernard S	(#40)	Policeman Elwood H. B	(#1808)
Lieutenant Charles M	(#220)	Policeman Richard W. B	(#5872)
Sergeant Richard C	(#405)	Policeman Roosevelt B	(#6672)
Sergeant William D	(#394)	Policeman Vincent C	(#2571)
Sergeant Thomas J. H	(#554)	Policeman Thad L. J. C	(#1925)
Sergeant Ronald C. H	(#8564)	Policeman Lawrence C	(#3905)
Sergeant Stephen K	(#294)	Policeman David F. C	(#5357)
Sergeant Joseph M	(#437)	Policeman Ralph D	(#6692)
Sergeant Harold M	(#8626)	Policeman George D	(#1960)
Sergeant Joseph R	(#593)	Policeman Marion H. D	(#7473)
Detective Preston L. S	(#983)	Policeman Arnold D	(#3021)
Policeman Ignor A	(#9787)	Policeman Bede D	(#3748)
Policeman John J. A	(#1500)	Policeman James H. E	(#6226)
Policeman Roland A	(#5864)	Policeman Dennis E	(#3360)
Policeman Daniel J. A	(#1233)	Policeman Daniel E	(#9879)
Policeman James J. B	(#6029)	Policeman James J. F	(#1551)
Policeman Frederick B	(#6195)	Policeman Charles E. F	(#5538)
Policeman William B	(#9866)	Policeman Dennis F	(#3981)
Policeman Michael E. B	(#6088)	Policeman Joseph P. F	(#9604)
Policeman William F. B	(#1472)	Policeman Leroy J. F	(#1996)
Policeman Robert T. B	(#1250)	Policeman Michael F	(#9412)
Policeman Melvin B	(#9792)	Policeman William G	(#5235)
Policeman Frank J. B	(#9392)	Policeman Martin G	(#4927)
Policeman Tilton B	(#7374)	Policeman Charles G	(#1623)
Policeman Harold B	(#2136)	Policeman John G	(#3484)

who received free meals since even at these three restaurants the records frequently just said "police" and a figure. Also, particular identified officers frequently picked up food for others since they could not possibly have eaten by themselves all the food for which they signed.

380.

Policeman Harry L. G	(#3608)	Policeman Ronald L	(#3071)
Policeman Lewis R. G	(#7005)	Policeman Lewis M	(#4761)
Policeman Ronald G	(#1768)	Policeman Joseph M	(#6726)
Policeman David R. G	(#3734)	Policeman Jeremie M	(#2548)
Policeman Elwood F. H	(#6260)	Policeman Leonard M	(#9626)
Policeman Robert H	(#9812)	Policeman Vincent M	(#4939)
Policeman Robert H	(#3301)	Policeman Vincent M	(#3340)
Policeman James H	(#3302)	Policeman Joseph M	(#5164)
Policeman Robert W. H	(#4509)	Policeman James J. M	(#5043)
Policeman Frank F. H	(#3747)	Policeman Stephen M	(#6085)
Policeman Joseph E. H	(#2160)	Policeman Paul M	(#4346)
Policeman M. H	(#5890)	Policeman Thomas M	(#6246)
Policeman Joseph E. H	(#7424)	Policeman Gary M	(#6299)
Policeman Michael H	(#1533)	Policeman E. S. M	(#4347)
Policeman Joseph J	(#3617)	Policeman Robert M	(#1889)
Policeman Albert J. K	(#4221)	Policeman Arnold L. M	(#5603)
Policeman James K	(#6923)	Policeman Carlos W. M	(#5245)
Policeman Robert K. K	(#7385)	Policeman John J. M	(#3894)
Policeman Kenney J. K	(#2086)	Policeman Charles F. M	(#9636)
Policeman John F. K	(#3516)	Policeman Hugh A. N	(#6414)
Policeman Edward E. K	(#1282)	Policeman Richard N	(#3776)
Policeman George P. K	(#4131)	Policeman Lawrence N	(#5397)
Policeman Donald L. K	(# <del>3301</del> ) 6429	Policeman Andrew N	(#2972)
Policeman Joseph K	(#7026)	Policeman Lorenzo O	(#3210)
Policeman Russell L	(#4538)	Policeman Bernard O	(#4395)
Policeman Leroy Raymond L	(#3506)	Policeman Edward J. O	(#4478)
Policeman James C. L	(#5762)	Policeman James O	(#5516)
Policeman Leonard L	(#2444)	Policeman William A. P	(#3378)
Policeman Burton L	(#4171)	Policeman George R. P	(#5518)
Policeman John C. L	(#4977)	Policeman William P	(#3958)
Policeman Joseph D. L	(#2061)	Policeman John E. P	(#5524)
Policeman Robert L	(#6014)	Policeman Joseph J. P	(#6612)
Policeman William L	(#5410)	Policeman Francis M. P	(#6160)

It can be conservatively estimated that if similar records had been maintained on the identity of each policeman receiving free food at all the other Gino's restaurants in Philadelphia, the names of at least 2000 police officers would be revealed, which would be 25% of the Philadelphia police force.

The "police food log" maintained by the Gino's at 4200 North Broad (near Hunting Park Avenue) reveals other interesting information. From the police car numbers on this log it appears that policeman from distant sectors of the 39th District frequently ate at this restaurant despite the strict departmental rule that a policeman may not leave the sector or district to which he is assigned without special permission.

380.

Policeman Harvey Q. (#4000)  
Policeman Leslie R. Q. (#7478)  
Policeman James R. R. (#3039)  
Policeman Alan J. R. (#6717)  
Policeman Eugene R. (#3793)  
Policeman James T. R. (#7194)  
Policeman Orville R. (#6461)  
Policeman John J. R. (#3073)  
Policeman Earl G. S. (#4938)  
Policeman Robert S. (#6771)  
Policeman Robert S. (#5951)  
Policeman Richard S. (#6135)  
Policeman Robert J. S. (#6037)  
Policeman Robert F. S. (#3986)  
Policeman Ronald S. (#4124)  
Policeman Thomas S. (#7205)  
Policeman Joseph S. (#6825)  
Policeman Raymond S. (#1396)  
Policeman R. S. (#6828)

Policeman Gerald S. (#5846)  
Policeman John J. T. (#6778)  
Policeman Joseph T. (#5353)  
Policeman Edward J. V. (#4130)  
Policeman Robert V. (#5572)  
Policeman Raymond W. (#3234)  
Policeman Reginald W. (#6451)  
Policeman John W. W. (#5464)  
Policeman John W. W. (#5334)  
Policeman George M. W. (#6648)  
Policeman George W. (#6666)  
Policeman Warren W. (#6773)  
Policeman Will W. (#2185)  
Policeman Kenneth W. (#9480)  
Policeman Harold A. W. (#6826)  
Policeman Kenneth P. Y. (#4734)  
Policeman James F. Z. (#7358)

The log also shows that the occupants of police cars #39DC, #39A, #39B, and #39C regularly received free food at the 4200 North Broad Gino's. These four cars are normally occupied by the command personnel of the district: Captain, lieutenant, or sergeants. The police commanders thus knew of and took advantage of Gino's free meals.

The popularity of Gino's with police officers is not difficult to understand. In the first place, it is free. Second, it is accessible and quick, which is important since a policeman is only allowed twenty minutes to eat. Third, and not least, some policemen did not feel safe eating in local establishments in some areas of the City because of antagonism to police and lack of cleanliness. One policeman testified:

There were a few eating spots [in the 22nd District], not many, because most of it, the places down there just don't like policemen, we were really afraid of getting something put in the food. So most of the policemen when they ate, you ate at specific places. 381

Gino's was particularly appreciated by this officer: "Well, when I worked the twenty-third we didn't have any Gino's... but at the time I worked the District, I would have given my right arm to have a Gino's, at least a clean place to eat.... 382

The large number of free meals eaten by police has given the Gino's management some second thoughts. Although, surprisingly,

381. Weiner, December 5, 1973, N.T. 29.

382. Id. at 77.



the company has never added up the total cost of giving police free meals, <sup>383</sup> the executives are aware that the cost is heavy, particularly in the Philadelphia area. The minutes of a managers' meeting of December 22, 1971, state that "spoilage and eaten" was 1.8% for the Delaware Valley area while it was 1.4% company-wide. The cause of the higher rate was attributed in part to "feeding of police."

The company has made some internal attempts to limit free meals to police. A memo dated August 18, 1971, and circulated to managers, states "the eating privileges we are offering police officers have been abused" and sets out a limited menu choice for police. The minutes of a managers' meeting state: "feeding of the police is getting out of hand again." At this meeting the managers were directed not to serve police from 11:30 to 1:30 and from 5:00 to 7:00 p.m. A sign informing the police of these restricted hours was observed at the Midvale Avenue Gino's in June, 1973. The police were also restricted at some stores by permitting only police from one district to eat.

Q. Were there any restrictions on which police officers were eligible to receive the free food?

A. Yes.

Q. What were the restrictions?

A. They had to be in the twenty-second district.

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383. Both General Manager Haas and Area Manager Fleming so testified. Haas, N.T. 12-13; Fleming, N.T. 19-20.

Q. Was that adhered to?

A. Yes.

Q. How did you know which officers were in the twenty-second district?

A. Well, I had them sign a guest check. In other words, as long as they put something down there. Well, we would check the car number. You see, we were right on the borderline and the thirty-ninth district was on the other side of Lehigh Avenue. It would be very easy for one of their cars to come in.

Q. Did any officers ever pay for their food?

A. Yes, outside of the district. Because after a while they realized that we were only going to feed the twenty-second district. 384

Q. Did anybody ever give you a hard time when you wouldn't give them the free food?

A. No, not really, because we just explained to them that it was part of our job and it was taking away from our bonus program.

Q. Right.

A. We always tried to have a good rapport with them because, like I say, we do depend upon them. We didn't want to turn them off, but yet, we didn't want to be taken advantage of. 385

Despite the Crime Commission's investigation which has brought this practice to light, despite the illegality of police

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384. Apparently this policy was not strictly followed since a former policeman testified he used to eat for free at this Gino's while assigned to the 23rd District.

385. Parker, N.T. 23-24.

receiving free meals, and despite the large cost, Gino's continues to provide free meals to Philadelphia Police. The company managers and executives freely admitted this and the testimony of Officer Weiner confirms it. In early December, 1973, he tried to buy two cheeseburgers and a bag of fries at Gino's. He testified, "I handed her my money and she didn't take it off the counter. I looked around, saw that she didn't take it and put it back in my pocket."<sup>386</sup>

#### Roy Rogers--Hot Shoppes

The Marriott Corporation operates a variety of inns and restaurants, including the "Roy Rogers" and "Hot Shoppes Junior" fast-food restaurant chains. The records of this corporation subpoenaed by the Crime Commission showed that there were five Roy Rogers and two Hot Shoppes Junior restaurants in Philadelphia. All were providing free meals to police.

There appeared to be no consistent policy or regular record-keeping within this chain on free meals for police. An attorney at the company headquarters in Bethesda, Maryland, remarked after the subpoena was served that the management was surprised to discover what was going on at the store level and what it was costing the company. Because of the scantiness of records and the apparent variation in policy from one store to another, it was impossible to determine how many policemen have received free meals from this source.

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386. Weiner, December 5, 1973, N.T. 80.