MIAMI BLUE

The testing of a top cop.

BY ELSA WALSH

On a sunny morning last fall, John Timoney, the Miami chief of police, changed into navy-blue shorts and a short-sleeved shirt with “POLICE” stencilled on the back and wheeled his mountain bike out into the parking lot of the department’s headquarters, where about two dozen of his top officers were waiting. For more than four hours, Timoney led them on a twenty-four-mile tour of Miami, looping through the predominantly African-American neighborhood of Overtown, then north to the Korean-dominated Fashion District, and through the Design District and Little Haiti. After a break for lunch, Timoney picked up the pace and led the group south along Biscayne Boulevard, across the Flagler Street Bridge, and into Little Havana. There was a triumphal feel to the ride, which Timoney leads at least twice a month.

Timoney, who is fifty-eight, has short reddish-gray hair and the ruddy face of an Irish boxer. He is just under six feet tall. When he walks, he bounces on his toes with his chest puffed out, “like James Cagney in ‘Yankee Doodle Dandy,’” as William Bratton, the former New York City police commissioner, noted in his 1998 memoir, “Turnaround.” Timoney is widely regarded today as one of the most progressive and effective police chiefs in the country—a reformer and an iconoclast. In New York, where he served under Bratton, Timoney talked about replacing steel handcuffs with Velcro straps—pink if possible. In Philadelphia, where he was police commissioner for four years, he had his force trade in their blackjack for pepper spray, and he gave women’s groups the right to review sex-crime cases. Timoney speaks in what a friend calls a Bronx brogue, an accent that evolved from a childhood spent in Dublin and Washington Heights. (When Timoney was twelve, the family moved from Ireland to New York to join his father, who had found work as a doorman on Fifth Avenue.) He can be abrupt and defensive when dealing with critics—reporters have found him to be exceptionally thin-skinned—and he has got into trouble for his occasional outbursts, perhaps most memorably during a blowup at Rudolph Giuliani when he was mayor of New York. “I’ve always sold big. Very controversial. Big mouth. Loudmouth,” he says, as if he didn’t much care.

When Timoney took the top police job in Miami, in January, 2003, he inherited a department that had major problems, not the least of which was an alarming record for shooting civilians.
The Miami Herald, in a series in November, 2002, called that record “an escalating pattern of reckless shooting”; Raul Martinez, the chief of police, resigned in 2002, and the mayor, Manny Diaz, asked the Department of Justice to investigate. On the day that Timoney was sworn in, eleven Miami cops went on trial in federal court on charges of conspiring to plant guns on unarmed suspects in order to cover up police shootings.

In the decade before Timoney’s appointment, Miami police had killed twenty-eight people and fired at another hundred and twenty-four. During his first twenty months on the job, no Miami cop fired a shot, a phenomenon that appears to be unique in a city of Miami’s size. In the four years of his tenure, police have shot at seven people, killing two and wounding four. The murder rate in Miami has dropped from about twenty to fourteen per hundred thousand in the years since 2003. (Although major crime overall dropped in 2006, there was an increase in the number of killings in Miami.) Credit for the drop certainly does not belong solely to Timoney; there has been a nationwide renaissance in police work and in attitudes toward policing, and crime in many American cities, including Miami, fell steadily during the nineteen-nineties. In New York, where much of this change was pioneered, Timoney held several top jobs with the N.Y.P.D.

Timoney joined the N.Y.P.D. in 1967, at the age of nineteen. He quickly made his name at the Forty-fourth Precinct, on Sedgwick Avenue in the Bronx, where he had a top record for arrests. He also earned a B.A. in American history from John Jay College and went on to get master’s degrees in both American history and urban planning. In the early eighties, he was placed in charge of reviewing firearm use and became deeply interested in reforms, announced in 1972, that restricted how and when police could use their weapons. What he discovered was that, in the year before the restrictions were imposed, New York police fired their weapons about eight hundred times, and some ninety people were killed; dozens more were wounded. About a dozen officers were killed.

The pattern changed dramatically after August, 1972, when the prohibition was announced: according to Timoney, shootings in the last third of that year dropped by fifty per cent. “Without anything. Just issuing a policy,” he said. “No training. No big announcements at roll calls. You get down to 1985, when only twelve people are killed by the N.Y.P.D. Down from ninety to twelve.” No policemen were killed in 1985. Over the years, Timoney continued to refine what he had learned, but the most important lesson to him was that seemingly intractable problems could be solved.

Gordon Wasserman, Timoney’s former chief of staff in Philadelphia, who had been an Oxford don and who worked in the United Kingdom overseeing police science and technology, told me that the first time he met Timoney they sat in the Old Stand bar, on Third Avenue, and discussed Joyce, Yeats, and Orwell’s “Shooting an Elephant.” (Timoney was fascinated by how quickly the Burmese natives submitted to the occupying British forces.)

Timoney has been a literary character—one of a sort: in “Sore Loser,” a genre novel written by a friend, the late Mike McAlary, a News columnist. The first time I met Timoney, he mentioned the book, which tells the story of a detective’s pursuit of a serial killer who targets sports officials. “All that was in there were Timoney stories, kind of strung together, stuff he and I would just talk about,” he said. Much of the book, he added, almost incidentally, was “about my daughter and the drug habit.” Behind his desk were photographs of his two children. Christine, who is now twenty-eight, was addicted to heroin for about seven years. In 2005, Sean, who is twenty-six, was arrested by federal agents and later pleaded guilty to conspiring to buy and distribute marijuana.

Over several conversations with Timoney, whenever I asked about his children’s problems he would hesitate—he didn’t want to get into it, he would say. I noted that others had remarked on the obvious irony: his success in law enforcement and his problems as a father. “Family is completely different, just completely different,” Timoney said. “I actually don’t know what the answer is. But with the kids it was always this”—he pushed his fists together to suggest years of worry and clashes with his children.
“It's a life of conflict that somehow comes out for the public good,” his friend Michael Julian, the former chief of personnel for the N.Y.P.D., told me. One evening, I read a few lines from McAlary's novel aloud to Timoney. “The girl was him,” I read. Timoney laughed and said, “Yeah, exactly.” When I added that she “was the stiletto in her father’s heart,” he let out a small sigh.

Christine's drug problems were developing at the time that her father's career was taking off. By 1993, at the end of David Dinkins's term as mayor, Timoney held the rank of deputy chief and headed the Office of Management, Analysis and Planning, which acted as a think tank for Raymond Kelly, the commissioner at the time. (Kelly, who returned to the commissioner's job after Michael Bloomberg took office as mayor, in 2002, told me that he regarded Timoney as “a smart, aggressive young man with a good story.”) Timoney's days were long, and his hours were irregular, although he had found time to coach sports teams for Sean and Christine. His wife, Norleen, whom he married in 1971, had been a director of finance and administration with ABC, but as her husband's responsibilities grew she quit that job and worked from home as a management consultant. “I handled certain things so he would not have to deal with it and not have to feel that in any way it would register with him professionally,” she told me. “But the kids considered his not being around so much an abandonment, more than just ‘He’s busy.’ He just became busier.”

In January, 1994, shortly after going to work for Giuliani, Bratton named Timoney his chief of department, responsible for day-to-day operations; a year later, he promoted him to first deputy commissioner—second-in-command. Bratton had promised Giuliani to reduce city crime by forty per cent in three years, and, as it turned out, the police brought the city's murder rate down to numbers that had not been seen in thirty years. Prevention was central to this strategy. The most publicized approach was a focus on so-called quality-of-life issues: public drunkenness, panhandling, prostitution, graffiti. That in turn became a way to deal with more serious crimes—by enforcing warrants and by being on duty at the right time.

Crime statistics were gathered from every precinct and evaluated brutally in front of peers. The late Jack Maple, the former transit cop who came up with CompStat, as the idea was dubbed, called it a “live audit of over-all police performance.”

Timoney one day said to me, “There are these things in policing called distracters—things that prevent a department from performing its core mission. ‘When a department doesn’t have the proper policies and procedures in place, things are going to blow up all the time.’ The Timoney family’s problems were, in a sense, the ultimate distracter. For John Timoney, ‘the whole thing started’ when Christine was about fifteen and left school with a few girlfriends to follow the Grateful Dead around the country, a trek that lasted on and off for several years. “It was insane. The whole thing was insane,” Timoney said. When he learned that Christine was spending time near Tompkins Square Park, a high drug-trafficking area in the East Village, he asked for help from Michael Julian, who had commanded the precinct there two years earlier. “I agreed to drive around the neighborhood with him to all the squatters and drug locations—every block, actually—looking for her. We gave up after a few hours,” Julian told me. “I know it was tearing his heart out because he couldn't stop her.” Timoney told me that he thought his daughter was going to die.

Christine enrolled in more than a dozen rehabilitation programs. “It just didn’t seem that it was ever working,” Timoney said. “It ain't even working for me.” She got her own hot shot, big No. 2 in the N.Y.P.D., and now I'm just a father of some junkie, double-parked in my Honda Civic waiting for my kid in rehab. Oh, how the mighty have fallen.”

Timoney went to work as a private security consultant, and after two years he was offered the chief's job in Philadelphia, where, for nearly a decade, murders had exceeded four hundred annually, and the department was in the midst of a corruption scandal. Within two years of Timoney's arrival, the number of homicides fell to less than three hundred. “It’s not just a number,” John Gallagher, who was Timoney's special counsel there, said. “It’s like a catastrophic plane crash not happening every year.” Timoney became a highly visible personage, showing up on the nightly news and being out
and about with his bike squad. During his first week on the job, while he was out jogging, he caught a purse snatcher; that summer, he startled national law-enforcement leaders by announcing that Philadelphia would not submit its crime statistics to the F.B.I., because those numbers could not be trusted.

Timoney had his distracters in Philadelphia, too. In March, 2001, it was revealed that two officers, a homicide captain and a lieutenant, covered up a drunk-driving accident from three years earlier. Timoney initially gave them what amounted to a twenty-day suspension, but the decision was widely criticized. After the mayor interceded, Timoney publicly reversed himself and demoted the captain, James Brady, who later resigned. (In 2003, both men were cleared of criminal charges, and Brady rejoined the force.) “Clearly, my reputation took a hit,” Timoney said then. He did not welcome a fresh discussion of the incident, and when I asked about it he said, “Brady was a very good police officer and didn’t deserve the treatment he received from the press.” He also said, “The press is a double-edged sword, and they will give you up in a minute to get a headline.”

Philadelphia police received more negative publicity just before the Republican National Convention in 2000, when fourteen officers were videotaped beating and kicking a man suspected in a twelve-day carjacking-and-robbery spree. (A grand jury refused to indict any of the police; the suspect, Thomas Jones, who had been shot five times, ultimately pleaded guilty.) And while Timoney was initially praised for the way the department dealt with protesters at the Convention, he was later accused of overzealousness; most of the charges against the protesters were quickly dismissed. But when Timoney announced, in December, 2001, that he was leaving, an editorial in the Philadelphia Inquirer called his departure “a monumental loss.” The murder rate in Philadelphia has since returned to pre-Timoney levels, and one mayoral candidate is vowing to bring him back.

Timoney said publicly that he left Philadelphia because he once more wanted to earn money in the private sector, but it was clear from our conversations that almost every aspect of the job had worn him down. He fought constantly with the union, the Fraternal Order of Police, which opposed many of his disciplinary actions, and found it almost impossible to promote on merit because of the department’s civil-service policies. He spent great amounts of time in arbitration hearings and on depositions that almost always favored the disciplined cop. Timoney has always had a tendency to lash out at his critics and acknowledges that this only made things worse for him. By his own account, he began one meeting that was intended to patch things up with a union leader by saying, “Who the fuck do you think you’re talking to?” But the final provocation, Timoney said, may have been the call telling him that he owed nearly two thousand dollars in parking tickets, all issued in a single month. Timoney learned that his son had used the car, and he paid the fines; he also says that a high-ranking officer informed him that some of the tickets were probably “ghosts”—made-up infractions. “It started to get real ugly with the union, and personal,” Timoney said. His next job was with a private security firm in New York run by the former N.Y.P.D. celebrity detective Richard (Bo) Dietl.

When Timoney got a call in November, 2002, asking if he was interested in talking to Manny Diaz, the mayor of Miami, he didn’t hesitate. “The private sector—there’s money there, but it’s boring. God, it’s boring,” he told me. Within a week, Timoney, who had never been to Miami, was meeting with Diaz, a Cuban-born lawyer who had been elected a year earlier. “The city was going nowhere fast,” Diaz recalled telling Timoney. Miami, a city with a population of three hundred and eighty-six thousand, had been on the verge of bankruptcy and was recovering from a junk-bond rating from Wall Street. F.B.I. raids on City Hall were not unusual, and a handful of top city officials had been arrested and jailed. Crime and police brutality, particularly the reckless police shootings, had done serious damage to Miami’s reputation, and Diaz told Timoney that repairing the police department was a key to revitalizing the city.

Timoney agreed to take the job, which came with an annual salary of a hundred and seventy-three thousand dollars, making him the highest-paid city employee. Right away, he recruited people he could count on, such as John Gallagher, who had left Philadelphia to
work as a federal prosecutor on civil-rights cases in New Mexico. Timoney sent Gallagher the Miami use-of-force policy and asked him to give it a critical look. His aims were clear: he wanted deadly force used only as a last resort, when someone’s life was in danger. The old policy had focussed simply on when it was legal to pull the trigger.

He also called Louis Vega, a former undercover officer in the N.Y.P.D., who was expected to become the chief of police in Hartford. Timoney asked Vega to head up the Miami Internal Affairs Division. “I was covering my back, and I wanted to send a message,” Timoney explained. “This is where the secrets are kept, and information is power. By having a very tough guy in there, my guy, I was keeping them on their toes.” Vega decided to forgo Hartford.

Timoney asked Frank Fernandez, a forty-two-year-old lieutenant commander, to be his second-in-command. Fernandez had overseen the rescue and roundup of two hundred and twenty Haitian refugees in 2002, when their boat ran aground in Key Biscayne; he did this even though the effort was not officially his responsibility. “He actually saved the day for everybody in South Florida, and, you know, he didn’t have to,” Timoney said.

Fernandez was standing with two of his deputies in a small conference room when I stopped by his office, one wall of which was covered with maps dotted with robbery sites. Fernandez believes that the gun culture of the Miami Police Department had its roots in the 1980 Mariel boatlift, when a hundred and twenty-five thousand Cubans landed in Miami over a six-month period. A small percentage of these refugees were criminals and mental patients released by Castro, but they received much of the blame for a crime wave then gripping the city. In this climate, the department went through a rapid turnover and expansion—losing about four hundred experienced officers and hiring twice that many recruits. “The background investigation at that point was really very, very poor, and that’s when they started hiring these cops that shouldn’t have been officers,” Fernandez explained. The new cops drew their guns more often.

Timoney’s changes angered some cops, Fernandez told me; officers worried that they were in danger, and at roll calls “you could sense the frustration in the room.” Timoney heard them out, Fernandez said, and then explained why his policy would help them. He pointed out the obvious danger of shooting a driver—turning a car into a four-thousand-pound unguided missile. He armed his officers with Tasers—stun guns—but he also told them not to be afraid to use their guns to defend themselves.

Timoney and Fernandez established accountability not only in the use of force but in the chain of command: at roll calls, Timoney made it clear that he was going to hold supervisors, particularly the sergeants, accountable for everything their officers did. According to Timoney, Miami has one of the few, if not the only, police departments in the country which require the supervising sergeant to go to the scene on critical calls and announce on police radio that he’s taking charge.

Al Cotera, a former president of the Fraternal Order of Police in Miami, told me that during an international trade summit held ten months after Timoney’s arrival the Chief was “out there on a bicycle” at the front of the pack. Miami police had been anticipating riots similar to what Seattle saw in 1999, and forty law-enforcement agencies had been called in to help. The protests turned out to be smaller than expected, but there were complaints about police aggressiveness. A judge, Richard Margolius, who observed the protests, said that he saw “no less than twenty felonies committed by police officers,” and John Sweeney, the head of the A.F.L.-C.I.O., who had once been friendly with Timoney, called for the Chief’s resignation, saying that the police thwarted union members’ access to rallies. A civilian review board later reported acts of police misconduct but said that most officers had “conducted themselves admirably.”

In November, 2005, Timoney’s son, Sean, and another man, Jae Seu, were arrested by D.E.A. officers in a Rockland County sting and charged in federal court with one count of trying to buy and distribute about four hundred pounds of marijuana for four hundred and fifty-five thousand dollars, a felony that carries a potential sentence of up to forty years in prison. Seu had been the target of
the investigation; Sean had not been involved in the drug negotiations, but he had agreed to drive Seu and carried a gym bag stuffed with money into the hotel room that the D.E.A. had been watching.

At the time, Timoney and his son hadn’t spoken in nearly two years. Timoney told me that their relationship began to deteriorate when Sean, who had been a star high-school soccer player and captain of his team, suffered a knee injury that ended his athletic career. Sean also had a mysterious debilitating illness that was later diagnosed as a severe case of Lyme disease. “He couldn’t even get up. He couldn’t stay awake in class. He could not function,” Noreen Timoney recalled. Sean, she added, “idolized his father. His father was everything.” But John, she said, never accepted that his son’s problems might have a medical cause, and he showed an impatience close to indifference. “He could not come to grips with that, because that’s not how he would handle it,” she said. “If John had gotten Lyme disease, he would have come back stronger. But Sean is not John.”

When Timoney took the chief’s job in Philadelphia, in 1998, Noreen stayed in New York to see Sean through high school and to deal with Christine’s drug problems—a separation that lasted for nearly two years. “I think he knew that I would be there to pick up the pieces and to do what had to be done,” Noreen said. After finishing high school, Sean moved with his mother to Philadelphia, where he enrolled at St. Joseph’s University. But he dropped out, citing medical reasons, and never returned. That did it. “I wouldn’t talk to him, and he haven’t talked to the kid. Let him just rot,” Timoney recalled. “I said, ‘No. I don’t give a shit.’” On about the third or fourth day, he said, Hayes called again. Timoney finally relented and put up the family’s Miami condominium as collateral. Sean, on his father’s advice, pleaded guilty, and while awaiting sentencing this past December, he entered a drug-rehabilitation program and started working as a concrete laborer. “But of course he’s set the race back a hundred and fifty years,” Noreen said, “that was the rapist’s first attack or his tenth. DNA was checked only after a suspect attacked alerted Timoney to the fact that DNA from earlier rapes in which the suspect was unknown was not being cross-checked—no one knew if this was the rapist’s first attack or his tenth. DNA was checked only after a suspect had been arrested. Timoney, who had discovered a similar problem in Philadelphia, said, “If you think about it for a second, the costs were not only monetary in terms of overtime but what economists call ‘opportunity’ costs. By having all those detectives and uniformed officers, including myself and the other chiefs, focussed on this case, we lost the opportunity to be working on something else.”

“A LETTER TO SU T’UNG PO

Almost a thousand years later
I am asking the same questions
you did the ones you kept finding
yourself returning to as though
nothing had changed except the tone
of their echo growing deeper
and what you knew of the coming
of age before you had grown old
I do not know any more now
than you did then about what you
were asking as I sit at night
above the hushed valley thinking
of you on your river that one
bright sheet of moonlight in the dream
of the water birds and I hear
the silence after your questions
how old are the questions tonight

—W. S. Merwin

Much of what John Timoney has done as a policeman in Miami is no longer particularly novel, but a lot of it was new to Miami—and, in retrospect, seems obvious and necessary. For instance, like many cities, Miami had adopted a version of CompStat, but in Timoney’s view it was a kind of “faux CompStat,” with little follow-up. A sensational series of rapes in which three young Latina girls were attacked alerted Timoney to the fact that DNA from earlier rapes in which the suspect was unknown was not being cross-checked—no one knew if this was the rapist’s first attack or his tenth. DNA was checked only after a suspect had been arrested. Timoney, who had discovered a similar problem in Philadelphia, said, “If you think about it for a second, the costs were not only monetary in terms of overtime but what economists call ‘opportunity’ costs. By having all those detectives and uniformed officers, including myself and the other chiefs, focused on this case, we lost the opportunity to be working on something else.”

“Listen, I’m not some bleeding-heart liberal,” Timoney told me over dinner one night. Had he ever thrown an extra punch at a suspect in custody? “I’m sure I did,” he replied. “It would be in the heat of battle, which is why I understand these things. Most people thought that the Rodney King thing was horrible because he was hit. He was a defenseless guy hit fifty-six times. That was true. But, from a policing perspec-
tive, what was the most troubling—he didn’t get killed, he was O.K., and he made money—what was most troubling is that you had more than twenty cops there, including two sergeants, and not one person stepped in and said, ‘Hey, listen. Stop it. You’re going to kill this guy.’ So the assumption is that when we’re chasing this guy, and we’re beating the piss out of him because we’ve been chasing him, the cop that arrives two or three minutes later, he’s got just as much an obligation to stop it as anybody else.” He said that is why he had added a “duty to intervene” in the revised use-of-force policy.

In mid-December, Timoney travelled to Albany for his son’s sentencing. He had not planned to attend, because newspaper stories suggested that Sean, whose sentencing had twice been postponed, was receiving special treatment. Since his arrest, nearly sixteen months earlier, there had been some reconciliation between father and son: Sean had visited Miami several times, including last spring for Father’s Day, and again for Thanksgiving. Before the sentencing, Timoney seemed to have mixed feelings about what lay ahead. “Sometimes you need the lever of the criminal-justice system to jerk somebody,” he said. He also said, “This is one of those times when I wish I wasn’t his father, because then he would be treated like everybody else. He’d get probation. First-time offense. Never been in trouble before. It’s marijuana, and it was not his stuff. He was driving. He was making money. Don’t get me wrong. He was wrong, and that’s what I told him: ‘You’re wrong. You plead guilty. Throw yourself on the mercy of the court, and tell them what you’ve done.’ By the way, they know, because they had wiretaps. This is one of the cases where the wiretaps are very helpful, because they show what a schmuck he is.”

At Sean’s sentencing, while John and Noreen Timoney listened, Hayes recounted Sean’s injuries and illnesses and said that Sean had not used drugs since his arrest. Calling Timoney part of the trio of police leaders who “turned the tide in New York City,” Hayes spoke to the judge about the life of a policeman: “They all have problems with their marriages. Many of them have problems with their kids, because they’re never home. All right. So that was the special treatment that John and Noreen Timoney got, and in return for all of that heartache what they gave back was safety and a better life in a very dramatic way for New York City.”

Sean Timoney asked U.S. District Court Judge Thomas J. McAvoy’s permission to speak—very briefly, it turned out. “I was addicted to drugs,” he said, and “really, that’s, you know, what the money was being used for.” The Judge then sentenced Sean to eighteen months in federal prison. John Timoney had thought that his son would be sentenced to a year and released in six months—that he had demonstrated that he had straightened out his life. “He did all that, so the sentencing almost becomes pointless. It was just bad,” he told me. John and Noreen went back to New York in January to be with Sean on the night before he went to prison—to help him pack up his apartment and store his furniture. Then they drove their son to the prison’s entrance. “Not a fun day, but I spoke to him twice last week, and he seems to be managing, though he says it is worse than he expected,” John Timoney told me. “Two good points: he gave up smoking, cold turkey, and has read his first books, well over four hundred pages.” Noreen Timoney said that Sean had kept saying, “I’m sorry I disappointed you and I love you.”

Neither of the Timoneys will talk about the evident strains in their marriage. They refer to each other with affection; Noreen at one point remarked, “It’s one of those strange Irish relationships.” Christine Timoney has not used drugs in seven years, and late last year she moved to Florida to be closer to her parents and to begin work in a drug-rehabilitation center; she has a year-old baby and lives with the baby’s father. She told me that she had become determined to get off drugs after one particular visit by her father in New York. “He was like, ‘I’m just scared the next place I’m going to visit you is the grave,’” she recalled. “It just sort of hit me: no, he does care, and this is killing him.” Her father recently teased her, saying that her baby was much easier than she had ever been, and she replied, “Daddy, God only gives you what you can handle.”