

**The City of New York**

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**Commission to Combat Police Corruption**

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**Second Annual Report  
of the Commission**

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## **I. OVERVIEW**

The Commission To Combat Police Corruption (“Commission”) completed its second year of monitoring the anti-corruption systems of the New York City Police Department (“Department”).

In the first year following the creation of the Commission, the Commission laid the groundwork for effective and continued monitoring of the Department’s anti-corruption practices, policies, and strategies. During the second year the Commission has sought to build upon this foundation by using varied approaches to insure that its ongoing monitoring efforts were as effective as possible. This comprehensive approach involved: scrutiny of the Department’s investigations into specific corruption allegations; analyses of the Department’s anti-corruption policies and procedures; continued observations of the Department’s implementation of anti-corruption strategies and its development of further anti-corruption methods; the creation of an ongoing dialogue with community representatives about the Department’s integrity related efforts; the maintenance of relationships with other law enforcement agencies that work with the Department and share its integrity related goals; and the publication of the Commission’s findings in an effort to keep the public informed of its conclusions, work product, and recommendations for change.

Overall, the Commission finds that the Department’s leadership remains committed to increasing the integrity of its officers and that its Internal Affairs Bureau (“IAB”) discharges its responsibilities of investigating allegations of corruption competently and professionally.

The Commission operates under the authority vested in it pursuant to Executive Order Number 18.<sup>1</sup> This Executive Order enables the Commission to monitor the Department's anti-corruption efforts by conducting audits, studies and analyses of all of the Department's anti-corruption policies and procedures which relate to corruption controls, as well as to monitor the Department's investigative efforts. The Commission also has the authority to perform studies and analyses of the prevailing culture within the Department that may allow for corruption to continue, and to examine the effectiveness of the Department's efforts to change such conditions and attitudes.

In fulfilling its mandate, the Commission has, in the past year, completed substantial studies on various aspects of the Department's corruption fighting methods while continuing its ongoing, daily oversight of the Department's anti-corruption mechanisms. The Commission's activities included: undertaking an extensive evaluation of IAB's investigative efforts in closed cases of corruption allegations; the special monitoring of pending investigations of corruption allegations, in some instances soon after the allegations were received; critiques of individual cases involving particularly serious allegations of corruption; review of all of the corruption allegations received by the Department on a daily basis; participation in over one hundred meetings with representatives from the Department, including the Police Commissioner, the First Deputy Commissioner, and all of the principal officers of IAB; and the issuance of public reports containing specific recommendations regarding the Department's internal Disciplinary System, its Integrity Testing Program, and its

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<sup>1</sup> The Commission was created pursuant to Executive Order Number 18 which was signed by Mayor Rudolph W. Giuliani on February 27, 1995.

utilization of precinct based Integrity Control Officers.<sup>2</sup> Additional studies also are now completed. One involves a study of the Department's Command Center which serves as the central clearinghouse for all corruption allegations brought against members of the Department. Another is a detailed evaluation of approximately eighty closed cases. The Commission has also begun work on a series of other initiatives, including a study of the hiring process which will examine whether the Department is taking appropriate measures to detect and screen candidates for potential corrupt behavior before they are sworn in as police officers, a further study of the disciplinary system, a study of how the Department disciplines Probationary Police Officers, and a study of various aspects of IAB's intelligence gathering efforts.

The Department has defined its goal as creating "a police agency of unparalleled integrity."<sup>3</sup> Based upon the Commission's activities over the past year, it finds that this goal remains the objective of the leadership of the Department. The Commission also believes that the Department is continuing to make progress in its anti-corruption efforts.

This does not mean that the performance of the Department in working towards this goal has been perfect and is not susceptible to improvement. Such perfection rarely, if ever, exists in the real world and it does not exist here. Thus, for example, reports released by the Commission in December criticized certain aspects of the disciplinary system and the manner in which Integrity Control Officers have been utilized. What is important, however, is that

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<sup>2</sup> The principal findings of these reports are summarized herein, pp. 4-20.

<sup>3</sup> Police Strategy No. 7: Rooting Out Corruption; Building Organizational Integrity in the New York Police Department, ("Strategy 7"), June 14, 1995, p. 3.

when criticisms have been made to the Department, whether it be in the context of studies or reviews of particular cases, the Department's general response has been constructive.

Nowhere was this more apparent than in the context of the Commission's report on aspects of the disciplinary system. There, the Commission concluded that officers found in administrative proceedings to have lied during the course of their official responsibilities, as a general matter, had not been adequately penalized. Thereafter, the Commission endorsed the policy articulated by the Department - - absent exceptional circumstances, officers found to have lied will be discharged.

The remainder of this report describes the Commission's work over the past year, as well as its agenda for the next year.

## **II. PUBLISHED REPORTS**

On December 12, 1996, the Commission issued three substantive reports which resulted from lengthy and extensive studies of distinct areas of the Department that relate to corruption control and integrity matters: 1) the Department's internal disciplinary system; 2) the utilization and role of precinct-based Integrity Control Officers ("ICO"); and 3) the Department's integrity testing program. All three reports summarized the Commission's findings and presented recommendations for positive changes.

In an effort to increase public awareness of the Commission's findings, and its conclusions about the Department's efforts and role in regard to these integrity related matters, the reports were released at a press conference and accompanied by a press release and by an

extensive executive summary of all three studies.<sup>4</sup> The Commission met with many Department representatives regarding these reports, including the Police Commissioner and the First Deputy Commissioner, and has entered into a continuing dialogue with the Department regarding the Commission's recommendations and the development of new policies in accordance with these recommendations. The findings of these reports, the Department's response, and subsequent Commission follow-up are briefly summarized below.

**A. THE NEW YORK CITY POLICE DEPARTMENT'S DISCIPLINARY SYSTEM: HOW THE DEPARTMENT DISCIPLINES ITS MEMBERS WHO MAKE FALSE STATEMENTS ("DISCIPLINARY REPORT").**

**1. Purpose of the Disciplinary Report**

Officers who violate departmental rules and regulations or engage in misconduct are administratively prosecuted and punished under the Department's internal disciplinary system. The Commission conducted a study of the Department's disciplinary system because of its belief that the way this system functions is critical to any overall program designed to enhance integrity within the Department.

In many ways the Department's disciplinary system mirrors the attributes and goals of the criminal justice system. It seeks to deter misconduct by others through the timely imposition of sufficient penalties; to remove from the organization, temporarily or permanently, officers whose conduct is sufficiently serious to raise questions as to their continuing as law enforcement officers; to send appropriate messages within the Department as

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<sup>4</sup> The three reports and the Executive Summary are available from the Commission upon request.



to what conduct is unacceptable; and to levy penalties that are both fair and appropriate, and are perceived as such by both members of the Department and the public it serves.

Soon after the Commission began its review of the disciplinary system, it decided to focus its study on the Department's adjudication of cases involving allegations of false statements. The majority of the cases in the Commission's study involved what, for want of a better word, may be described as "routine" false statements, rather than the false statements often associated with major incidents of corruption. Instead, these "routine" false statements included the lies that are told to cover up off-duty misconduct, the lies that are told to avoid the consequences of an improper search or the excessive use of force, the lies that are told to cover up one's own official misconduct and the lies that are told to protect other officers. While the destruction of public confidence in the Department and the criminal justice system is obvious when major corruption scandals are uncovered, equally devastating is the corrosive effect that "routine" false statements can have on both the police force and on society as a whole.

How the Department responds to false statements is related to two important aspects of department integrity - - the perception of police officers as trial witnesses and of the so-called "blue wall of silence." As to the former, it has sadly been reported that too often jurors no longer presume police officers are telling the truth when they testify, and in fact often presume the opposite. This is plainly a dangerous situation. If there exists a public perception that perjury among police officers is common, it risks defendants being inappropriately acquitted because of jurors' overall doubts about the veracity of police officers and it undermines overall confidence in the criminal justice system.

Undermining confidence in the police also is the belief held by some, whether accurate or not, that officers are prepared to lie to cover up wrongdoing by their colleagues. The Commission recognizes that for police officers linked together by the danger of the streets, not wanting to disclose a partner's or other officer's misconduct is an understandable, albeit unacceptable, emotional response. Still, lying cannot be allowed to become acceptable conduct, and reversing this climate requires that a strong message of intolerance towards lying be communicated throughout the Department.

False statements and obstruction of justice during the IAB investigatory process also plainly undermines the overall anti-corruption efforts of the Department. And if a perception exists within the Department that lying during an official interview is not treated seriously, it undermines internal support for IAB, the bureau of the Department whose sole purpose is to fight corruption, and defeats the Department's attempt to convince officers that it is serious about discovering and eliminating corruption. Indeed, it is difficult to see how the Department can meet its own integrity goals without meaningfully penalizing those who make false statements during internal department proceedings and interviews meant to uncover and punish corrupt behavior.

The integrity of police officers is the backbone of the Police Department. Any sense that false statements are not taken seriously by the Department and not adequately punished by its disciplinary system hurts the Department's ability to create a police force which both appears to have, and does have, the integrity which public confidence requires.

For all of the above reasons, it is important for the Department to punish those who make false statements in a clear, unambiguous and appropriately severe manner and

communicate that false statements of all kinds are inconsistent with the Department's own mission, thereby sending a message which enhances the credibility of the overwhelming percentage of officers who perform their responsibilities with courage and integrity.

## 2. Findings

The Commission's 1996 study found that the administrative penalties imposed by the Department in cases involving false statements, which sometimes were accompanied by charges for other misconduct, were insufficient given the nature of the offenses. Traditionally, in the Department's disciplinary system, those found guilty of making false statements (without a parallel conviction in a criminal proceeding) were not discharged from the Department, unless the false statements were linked to extremely egregious underlying conduct such as the potential involvement of an officer in a plot to kill his wife, or the involvement of one officer in the planned assault of another. Of the cases reviewed by the Commission, the most common penalties for false statements relating to an officer's own misconduct generally involved either suspensions of 30 days or less or the loss of vacation days, accompanied in various cases by some form of probation. In situations where the false statements involved covering up for other officers, the most common penalties involved the loss of 15 vacation days or less.

While the Commission recognizes the real consequences suffered by officers where the penalty is suspension, loss of vacation days, and the imposition of dismissal probation, the Commission still believes that more severe penalties are generally warranted in false statement cases.

### 3. The Department's Response

After meeting with Commission representatives and reviewing the Commission's findings, the Police Commissioner stated the Department's policy, issued simultaneously with the release of the Commission's report, that whenever an officer is found to have made an official false statement, either through a decision by a Trial Commissioner or by a guilty plea, the officer will be terminated from the Department absent exceptional circumstances.<sup>5</sup> The Commission endorsed this policy and believes that by punishing those who make false statements in a clear, unambiguous manner, the Department sends a message which enhances the credibility of the overwhelming percentage of officers who perform their responsibilities with courage and integrity. This policy of termination, absent exceptional circumstances, can serve a critical role in the Department's efforts to achieve the highest levels of integrity.

In implementing the policy, the Police Commissioner issued an order that the policy statement be read at ten consecutive roll calls, which insured that all officers became aware of this policy. In addition, IAB has posted copies of the policy at each of its facilities.

The Department also engaged in additional initiatives to strengthen its disciplinary system which complement the significant changes it made to the disciplinary system in October, 1995.<sup>6</sup> For instance, the Department has proposed both state and city legislative reforms which would increase its ability to fight corruption. These proposals would remove

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<sup>5</sup> Attached as Exhibit A.

<sup>6</sup> In October, 1995, the Department made several changes to the disciplinary system in an effort to increase its effectiveness, efficiency and fairness. The objectives of this reform included reducing the number of less serious violations processed through the disciplinary system and expediting the prosecution of cases.

some of the limitations currently encumbering the Department's capacity to penalize officers convicted of wrongdoing.

Included among the Department's legislative proposals which are supported by the Commission are: 1) expanding the authority of the Commissioner to impose penalties beyond the current maximum 30-day suspension and dismissal probation or termination, to include the possibility of suspension without pay for up to one year, the imposition of monetary fines, and demotions in grade, title or rank; 2) extending the statute of limitations for the discipline of non-criminal misconduct from 18 months to 3 years; and 3) tightening procedures to preclude corrupt officers from receiving city pensions.

In addition to its legislative proposals, the Department, prior to the Commission's report, had made several improvements to the disciplinary system. The Department implemented the following: increasing the penalties imposed in a variety of contexts, including through the expanded use of dismissal probation;<sup>7</sup> improving the consistency of penalties by involving the Trial Commissioners in the plea negotiation process; providing for earlier consultation between the First Deputy Commissioner's Office and the DAO prior to the initiation of plea negotiations; accelerating the prosecution of cases within the disciplinary system; and eliminating plea offers in extremely serious cases notwithstanding potential

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<sup>7</sup> When sentenced to dismissal probation, an officer is actually terminated from the Department but the penalty is held in abeyance until the expiration of the probation period. During this probationary period, the officer may be summarily terminated, without any further due process proceeding, for any misconduct at the discretion of the Police Commissioner. At the end of the probationary period the officer is restored to his prior status.

weaknesses in the case. While it is too soon to assess the success of these changes, they demonstrate that the Department is taking positive steps in the right direction.

#### **4. Commission Follow-up**

While it is too early to assess whether the policy of termination absent exceptional circumstances will have the effect desired by both the Department and the Commission, following the expiration of a reasonable period, the Commission will undertake a follow-up review to try to measure the policy's effectiveness. In this connection, the Commission requested and has begun to receive, on a regular basis, copies of all of the final dispositions in cases resolved in the Department's disciplinary system. Through this procedure, the Commission ultimately expects to be able to gauge whether the policy is in fact being implemented by the Department. The Commission also intends to meet with Department representatives to further assess the impact of this policy.

The Commission's study also raised some concern about the sufficiency of penalties imposed for other categories of offenses besides false statements. While it did not have sufficient information to make specific recommendations in connection with other offenses, the Commission has begun another study of the disciplinary system, with the focus being on cases involving off-duty misconduct.

**B. THE NEW YORK CITY POLICE DEPARTMENT: THE ROLE AND UTILIZATION OF THE INTEGRITY CONTROL OFFICER**

**1. Purpose**

The position of Integrity Control Officer (“ICO”), with the rank of lieutenant, was created in every precinct throughout the city in 1973 in response to the Knapp Commission’s Report. The concept underlying their creation, that they act as the “eyes and ears” of the Department at the precinct level in order to detect potential integrity problems and assist precinct commanders and IAB in the discharge of their anti-corruption responsibilities, is a sensible part of the Department’s overall anti-corruption strategy.

The daily presence of ICOs in the precincts is a useful tool, as they are in the position to observe overall conditions in the precinct, target specific officers and locations because of their suspicions, monitor perceived corruption opportunities, and assist IAB in the development of proactive measures and in pending investigations. ICOs are able to observe suspicious activities, patrol violations, and inappropriate behavior, and ascertain the veracity of rumors associated with particular officers, while also having the authority to randomly inspect records, patrol the precinct, and communicate their suspicions to IAB and precinct commanders. In sum, the ICO can, in a variety of ways, assist in the type of proactive efforts which can lead to the removal of corrupt officers from the Department before systemic corruption is permitted to flourish. The issue was whether the ICO program was meeting its goals. Thus, the Commission began a study to determine if the potential of the ICO program was being realized.

## 2. Findings

The Commission found that, as a general matter and despite the performance of individual ICOs themselves, ICOs are overburdened both with administrative and other responsibilities, some of which are insufficiently related to fighting corruption, which frustrates their ability to achieve the core objectives of the program. Previous studies conducted by the Department, in 1988, 1993, and 1994, and by the Mollen Commission, reached similar conclusions: ICOs are prevented from maximizing their role in integrity control due to the breadth of their administrative and/or not sufficiently corruption-related functions. This is not to say that these other duties are not important and do not contain some integrity related component; nearly all of them need to be performed by someone with supervisory responsibility within a precinct. The issue is whether all of them need to be performed by the ICOs.

The Department's Patrol Guide lists twenty-two mandated duties for ICOs which range from those indisputably related to integrity control, such as developing integrity programs specific to precinct conditions, to those clearly of an administrative nature, such as auditing time cards, overtime expenditures, property records, minor violations log, and vending machine ledgers.<sup>8</sup>

Some of the Commission's specific findings were:

- The average ICO spends less than 30 hours a month on patrol in the precinct monitoring officers on three separate tours of duty.

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<sup>8</sup> The Department recently reduced the number of duties assigned to ICOs from twenty-nine to twenty-two (this is discussed in detail in the Commission's report). However, while some duties were removed, others were consolidated with existing duties, and four new responsibilities were added.



- ICOs, as a general matter, rarely engage in pro-active monitoring, such as targeted surveillance of officers, because of the administrative demands placed on them and because of their mandated duty to visit specific locations.
- ICOs spend an enormous amount of their resources managing overtime, writing departmental reports, auditing records, and conducting investigations for the precinct commander or borough investigation units. Though many of these duties contain an integrity component, the list is so voluminous that all ICOs are spending the majority of their time in an office responding to directives instead of developing integrity programs and monitoring precinct conditions, thus resulting in ICOs engaging in a reactive rather than a proactive role.
- Many precinct commanders have not adequately provided staff assistance to ICOs to perform all of their designated duties.
- ICOs, generally, have not been provided with all necessary resources, including computer technology to manage their records or electronically communicate with other departmental units, and vehicles to enable them to engage in undercover surveillance.
- While meetings between ICOs and IAB have become more productive since the adoption of the Department's policy of inclusion regarding integrity matters, communication among the ICOs and IAB and borough inspection units should be enhanced as ICOs are a valuable resource in developing more proactive measures such as integrity tests.
- In an effort to reduce the administrative duties of the ICOs, the Department issued a new Interim Order redefining their role. While the Interim Order contained some improvements, it was not enough: it eliminated certain duties not fundamental to the ICO's primary mission while adding others which only increased their administrative burden.<sup>9</sup>

### 3. Recommendations

In its report, the Commission identified many specific recommendations for improving the effectiveness of ICOs. The principal recommendations included:

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<sup>9</sup> See footnote 8.

- ICOs should be required to spend a designated percentage of their time - - at least 50% - - on patrol outside the precinct station house.
- The Department should review which responsibilities currently assigned to ICOs could be appropriately transferred to other responsible supervisors.
- ICOs should become more integrated into the integrity control process through more frequent contact with IAB and borough inspection units.

#### **4. The Department's Response and Commission Follow-up**

The Department has taken some steps to increase the effectiveness of the ICO's role, including reducing the number of duties assigned to ICOs and implementing its policy of inclusion whereby precinct commanders and ICOs are more widely included in the integrity control process.<sup>10</sup>

Since the publication of the Commission's report, Commission staff also have met with the Deputy Commissioner of Policy and Planning, the Chief of IAB, and other Department representatives to discuss the specific recommendations made in the report. While the Commission and the Department do not entirely agree on the integrity related values of some of the ICO's functions, there is continuing discussion about redefining the ICO's responsibilities. Department representatives were generally receptive to the findings in the Commission's report and acknowledged the difficulties associated with the extensive mandates assigned to precinct ICOs. Consistent with expanding the opportunities to perform more proactive functions, the Department is also working on a computer database designed for ICOs

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<sup>10</sup> For additional information on the policy of inclusion, see Strategy 7, p. 6. See also pp. 26 and 38, herein.

to track “problem” officers in their precincts. The Commission’s recommendation concerning mandating time by ICO’s spent out of the precinct house has not been implemented.

The Commission will continue to meet with Department representatives to discuss further the possibilities for enhancing the ICO's impact on promoting police integrity. The Commission will continue in this process to focus on the need for ICO’s to spend more time “on the streets” which it believes to be important if ICOs are truly to perform their functions.

### **C. THE NEW YORK CITY POLICE DEPARTMENT RANDOM INTEGRITY TESTING PROGRAM**

#### **1. Purpose**

A critical investigative tool to discover and eliminate corruption is the use of integrity testing. Integrity tests are utilized by IAB to evaluate the honesty, integrity and overall conduct of the tested officer. IAB conducts both random and targeted testing.<sup>11</sup> In conducting these tests, IAB investigators endeavor to create a realistic scenario where police intervention is required. A component of the testing scenario includes the interaction between the tested officers and IAB undercover officers posing in various roles, including, but not limited to, participants in a criminal transaction.

While integrity testing has long been an element of the Department’s anti-corruption program, in 1994 the Mollen Commission found that it was a severely underutilized technique and recommended that IAB increase the number, regularity and quality of targeted and random

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<sup>11</sup> A random test is designed to test any police officer who responds to the particular test while a targeted test is designed to test a specific officer.

testing.<sup>12</sup> As a result, the Department dramatically increased its utilization of both random and targeted testing.

During 1995 and the first half of 1996, 826 random tests, involving 1,811 officers, and 141 targeted tests, involving 240 officers, were conducted. The random tests produced one criminal failure and seven procedural failures.<sup>13</sup> The targeted tests produced twenty-two criminal failures and one procedural failure.<sup>14</sup>

While generally finding the integrity testing program to be a positive part of the Department's overall anti-corruption efforts, the Commission in its First Annual Report indicated that it intended to undertake a more detailed analysis of the integrity testing program. To assist the Commission in performing this analysis, it retained the services of KPMG Peat Marwick ("KPMG") to study the Department's integrity testing program, specifically focusing on whether the random testing program was achieving the goals set by the Department.

## 2. Findings

The Department had identified four objectives for its random integrity testing program:

- To create an additional anti-corruption tool to identify and catch corrupt police officers.
- To create a more comprehensive barometer for measuring corruption within the Department.

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<sup>12</sup> See Mollen Commission Report, pp. 140-141.

<sup>13</sup> Procedural failures, involving non-criminal violations of Department procedures, only began to be recorded in 1996. Prior to that time only criminal failures were recorded. In the one criminal failure the relevant District Attorney declined prosecution.

<sup>14</sup> Of these twenty-two criminal failures, eleven were accepted for prosecution, with prosecution being declined in the remaining cases.

- To create a sense of omnipresence by IAB whereby officers would view each assignment as a potential integrity test.
- To identify training needs and communicate these needs for follow-up.

Based upon KPMG's report and its own analysis, the Commission found that a sense of omnipresence likely was created but questioned -- at least with regard to random tests -- the extent to which the other objectives were being met. Nevertheless, the Commission believes that the overall testing program is a positive part of the Department's anti-corruption strategy and has the potential to serve an even greater role in discovering and eliminating corrupt officers from the force.

The program demonstrates the Department's commitment to experiment with new anti-corruption tools, and is the result of very proactive and creative efforts by the Department. It is a unique program which far exceeds the integrity testing programs of any other major city's police department. The Commission's study of the integrity testing program and its subsequent recommendations will hopefully serve to further improve the random integrity testing program and, thus, help to increase the overall effectiveness of the Department's integrity testing strategy.

### **3. Recommendations**

The Commission's principal recommendation was that the Department refocus the application of the resources committed to the integrity testing program: continue to conduct a significant number of random tests, but consider materially reducing the number of such tests, and materially increasing the number of targeted tests. Officers to be tested can be targeted through enhanced use of information from Integrity Control Officers and other available

intelligence information. Additionally, the Commission recommended that the Department discontinue its practice of annually publishing the number of random and targeted tests it performs and their results. Uncertainty about the number of integrity tests being conducted can increase the sense of omnipresence and, thus, the deterrent effect of this program. The Commission also recommended, among other things, that the Department seek alternatives to the 911 system for drawing officers to a random test site.

#### **4. Department Response and Commission Follow-up**

The Department is justifiably enthusiastic about their rapid development of the integrity testing program and met with Commission representatives to discuss areas of improvement.

The Department agrees with the Commission's recommendation that it reassess its application of resources within the integrity testing program, and, in fact, began that process prior to the completion of the Commission's study, including increasing the number of targeted tests performed city-wide. Indeed, Commission staff have already observed, during the course of Steering Committee meetings,<sup>15</sup> directives being issued to develop targeted testing initiatives. In addition, the Department has also discussed phasing out its publication of the actual number of tests performed over the next couple of years. Despite the contrary view held by KPMG and the Commission, the Department believes, however, that the program has the potential to measure the levels of corruption within the Department.

Commission staff will continue to meet with Department representatives, including the Chief of IAB and the Commander of the Self Initiating Unit, the unit responsible for

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<sup>15</sup> For a detailed explanation of the Steering Committee meetings, see pp. 24-26, herein.

conducting the majority of IAB's integrity tests, to monitor how the Department's integrity testing resources are being allocated and to further discuss the Commission's other recommendations.

### **III. MONITORING FUNCTION**

Evaluations of the Department's closed and pending investigations into corruption allegations is a central component of the Commission's monitoring efforts. This historical and real-time monitoring provides critical insight into the fundamental issue of how the Department treats corruption allegations. Questions which the Commission examines through this process include: whether the Department treats corruption allegations seriously; whether the Department takes the necessary investigative steps to either prove or disprove corruption allegations; and whether the Department continues to commit appropriate resources to investigations of corruption.

The Commission routinely engages in many different methods of monitoring, including: 1) evaluation of closed Department investigations into corruption allegations; 2) daily review of current corruption allegations; 3) attendance at IAB's weekly Steering Committee meetings; 4) examination of specific pending investigations into corruption allegations; 5) attendance at IAB's briefings of the Police Commissioner; 6) attendance at meetings of the Department's Disciplinary Task Force; 7) review of departmental monthly monitoring lists, interim orders and operations orders; 8) attendance at the biweekly meetings of all IAB commanding officers; and 9) examination of IAB's resources and internal training.

## A. HISTORICAL, OR CLOSED CASE MONITORING

In its First Annual Report the Commission announced its intent to evaluate a significant sample of concluded investigations into corruption allegations in order to assess the diligence, competence and effectiveness of the Department's investigations. The Commission's plan was to monitor closed IAB cases, prepare detailed reports on the quality of IAB's investigations, and provide specific recommendations to the Department about how to improve IAB's investigatory procedures.

To this end, in the past year the Commission performed detailed reviews of approximately eighty closed cases investigated by IAB and is preparing an exhaustive report of its findings.<sup>16</sup> While the Commission is releasing this study separately, it is apparent from the analyses done to date that while weaknesses were identified in particular investigations, on the whole IAB continues to perform its investigations in an effective manner. Based on this study, as well as its participation in the activities discussed in this Annual Report, the Commission finds that past criticisms of the Department - - that it failed to commit sufficient resources to thoroughly investigate corruption allegations and failed to demonstrate the will to root out corruption for fear of embarrassing the Department<sup>17</sup> - - are no longer true today given the current leadership and commitment of resources by the Department.

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<sup>16</sup> Although the Department's Investigations Units (formerly known as the Inspections Units) also investigate allegations of police misconduct, these allegations are less serious than those investigated by IAB and were not part of the formal closed case review process performed by the Commission during the past year. It is important to note that many cases investigated by these units were, however, reviewed as part of the Commission's pending case reviews and pursuant to other studies.

<sup>17</sup> See Mollen Commission Report, Exhibit 8, pp. 1-24.



## **B. REAL-TIME, OR OPEN CASE MONITORING**

Monitoring pending IAB investigations comprises a significant portion of the Commission's continuing responsibilities. It is critical for Commission staff to maintain vigilant observations of the Department's open investigations in order to enable the Commission to keep abreast of current corruption allegations and any potential trends, and to evaluate the Department's immediate and continuing investigative response to such allegations. Commission representatives fulfill this function through various means, including the daily review of all of the corruption allegations recorded by IAB in the "logs", attendance at Steering Committee meetings and IAB briefings of the Police Commissioner, and intensive joint reviews with IAB representatives of specific pending investigations.

### **1. Log Review**

IAB continues to record and assign a "log" number to track every reported allegation of corruption made against members of the Department. While complaints originate on a city-wide basis from various sources - - civilians, other members of the service, and supervisory officers, and are made by telephone, mail, or in person - - all are funneled through IAB's Command Center which is staffed 24 hours a day, 7 days a week.<sup>18</sup> Command Center officers record the complaint and officially assign it a log number. They may also undertake some preliminary investigative steps, including computer checks to assist in identifying the officer who is the subject of the allegation and in gathering all prior allegations against the subject

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<sup>18</sup> For additional information on the Command Center, see pp. 35-37, herein.

officer and their relevant investigative findings. The current allegation combined with this background information constitutes the IAB “log”. Twenty-four hours’ worth of these logs are generated daily by the Command Center and forwarded to an IAB assessment unit which then classifies each allegation as a “C” for allegations of corruption or serious misconduct, an “M” for allegations of less serious misconduct, or some other designation.<sup>19</sup>

All of these logs, which are received by the Commission on a daily basis, include the results of the attendant preliminary investigation, their classification, and an indication of which investigative group was assigned to investigate the allegation. Approximately 40 logs are received each day. For calendar year 1996, 14,110 logs were generated by IAB and received by the Commission for review.

As part of its ongoing monitoring efforts, Commission staff review the logs on a daily basis. Timely oversight of the logs allows the Commission to conduct immediate follow-up on allegations as appropriate, seek necessary clarification of the allegation from IAB at the onset of the investigation, assess IAB’s classification of the allegations, and target cases for long-term closed case monitoring.

After the daily logs have been thoroughly reviewed by Commission staff, all of the allegations classified as potential corruption or serious misconduct, and any additional cases that the Commission seeks to track, are entered into the Commission’s database. The Commission is also in the process of creating a new, improved database which will provide increased search capacities and more efficient tracking of corruption trends, which can then be

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<sup>19</sup> While additional classification categories exist, only the “C” and “M” designations are relevant to the current discussion.

translated into an integral component of the Commission's ongoing oversight of IAB's own success in identifying trends and initiating proactive investigations into identified areas.

## 2. Steering Committee Meetings

Another significant component of the Commission's role in monitoring IAB's open cases is the attendance by Commission staff at the weekly meeting of IAB's Steering Committee ("Committee"). The Steering Committee is comprised of the Chief of IAB, the Executive Officer, the Chief of the Criminal Investigations Division, the Chief of the Support Services Division, the Commander of Zone I which includes the IAB groups in Manhattan and the Bronx, the Commander of Zone II which encompasses the IAB groups responsible for Brooklyn, Queens, and Staten Island, the Commander of the Intelligence Unit, the Commander of the Field Services Division, and the Commander of the Corruption Prevention and Analysis Unit. This Committee thus comprises nearly all of the top principal officers in IAB and collectively contains a wealth of investigative experience, including many years of experience specifically devoted to corruption related investigations. The purpose of the Steering Committee is to create an opportunity for the Committee to share its experience and insights with the investigative groups through a dialogue focused on the investigative developments in significant cases as well as on the reporting group's three oldest cases.

Each week, on a rotating basis, investigative groups make presentations to the Committee of the group's most significant cases.<sup>20</sup> While the number varies, approximately 7 to 15 cases are presented for review weekly by each group.

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<sup>20</sup> Each IAB group appears before the Committee at approximately six week intervals.

The investigative group's borough commander, group captain, and lieutenants, are all present for these presentations. At these meetings, written summaries of these significant cases are distributed which describe the allegations and set forth both the investigative steps taken and those additional investigative steps planned. During 1996, Commission staff was present at each meeting of the Committee and heard over 100 presentations from IAB's investigative groups. So that the Commission's staff is fully conversant with the significant cases maintained by each of the investigative groups, different staff members are assigned particular geographic jurisdictions or specific groups and attend those meetings of the Committee when their assigned groups are making presentations. Additionally, the Commission's Executive Director attends every meeting of the Committee while the Commission's Chair attends meetings of the Committee on an ad hoc basis.

During the course of Steering Committee meetings, the highest echelon of IAB managers are briefed on significant investigative developments and have the opportunity to question the investigators relative to steps already taken, in addition to providing their input as to how the investigation should proceed. On occasion at these meetings, the kind of topics which have been discussed are: the quality of particular integrity tests that were conducted and the structure for future tests; surveillance plans; strategies for gaining the cooperation of officers and other witnesses; and other investigative avenues relating to financial analyses, telephone record reviews, and electronic surveillance.

At these meetings IAB staff often discuss the role played by the local or federal prosecutors who may be participating in the investigation. Additionally, members of the

Committee are advised of any discussions between investigators and the Department's administrative prosecutors: the Disciplinary Advocate and the Special Prosecutor.

Consistent with the policy of inclusion,<sup>21</sup> at the Steering Committee meetings group captains often describe consultations with precinct commanders or Integrity Control Officers within the precincts they are responsible for. The meetings with precinct commanders are intended to alert the commanders to problems within their commands, to solicit the commanders' input, if appropriate, on pending investigations, or to target officers who warrant heightened scrutiny. Indeed, in particular cases, these communications have resulted in IAB more effectively structuring particular integrity tests and obtaining useful information relative to a subject officer. Commission staff has not learned of an instance where the policy of inclusion has resulted in the integrity of an IAB investigation being compromised.

**a. Intensive Steering Committee Review Process**

In January and August 1997, IAB conducted an intensive review process of its entire case load. In addition to reviewing the most significant cases at the Steering Committee meetings, the Chief of IAB directed each of the groups to make a presentation on their entire case docket. These meetings, which took approximately 30 days to complete and lasted over 120 hours, were attended by Commission staff and provided an informative overview of IAB's entire pending caseload.

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<sup>21</sup> See p. 38, herein.

**b. Special Unit Case Reviews**

There are two investigative groups, one is from the office of the Chief of Internal Affairs (“CHIA”) and the other is the Special Investigations Unit (Group 1), which because of the sensitive and highly confidential nature of their respective caseloads do not report to the full Steering Committee.

CHIA handles highly sensitive investigations as well as investigations commenced at the request of the Police Commissioner. Additionally, the CHIA Commander acts as a liaison between IAB and the federal prosecutors. Group 1 is assigned those cases where a member of IAB is implicated in the allegation, in addition to sensitive and critical investigations which frequently involve senior members of the Department. The Commission has had complete access to these cases and is fully informed on an ongoing basis of investigative developments by the groups’ respective commanders in private briefing sessions. The Commission plans to undertake a closed case monitoring study of these two groups in the coming months.

**3. Individual Review Of Specific Pending Cases**

Given the purpose of the Steering Committee meetings, it is not always an appropriate setting for Commission staff to probe IAB investigators for details relative to case developments and investigative decisions, as the Commission is careful not to interfere with IAB’s execution of its responsibilities. For this reason, the Commission initiated an alternative method for conducting more individualized case reviews.

Commission staff identified significant cases investigated by different IAB groups throughout the city for the subject of individual, comprehensive briefing sessions. Commission staff traveled to each of IAB’s borough offices and met with the IAB zone

commander, borough commander, group captain, and investigators responsible for each of the cases.

During these case reviews, the investigators and supervisors assigned to the cases described each investigative step taken from the receipt of the original allegation through the time of the briefing, as well as additional investigative steps planned to be taken. Investigators who made these presentations displayed a thorough knowledge of the facts of each case and presented these facts in a clear and coherent manner.

Based upon these reviews, Commission staff found, as a general matter, that these investigations were being performed thoroughly, that appropriate investigative techniques were being utilized, and that significant investigative leads were being exhausted.

#### **4. Monthly IAB Briefings Of The Police Commissioner**

In order to keep the Police Commissioner fully apprised of corruption trends, investigative developments on significant cases, and proactive anti-corruption activities, IAB's management meets with him and his principal aides, including the First Deputy Commissioner, the Chief of the Department, and relevant Borough and Bureau Commanders, on a monthly basis for briefings. The Commission's Chair and/or executive management attend each of these meetings.

Police Commissioner briefings are generally divided into two components, a statistical overview of corruption trends presented by the Commanding Officer of IAB's Corruption Prevention and Analysis Unit ("CPA"), and case presentations made by IAB investigative group captains.

Using sophisticated graphics, the Commanding Officer of the CPA presents a comparative analysis of corruption allegations which compares annual and monthly statistics by category of allegation, borough and bureau. The CPA Commanding Officer identifies for the Police Commissioner increases as well as decreases in trends in particular corruption categories, and provides information as to the facts underlying the data being presented. When significant increases in corruption allegations are detected in particular precincts or commands, the Commission has observed productive discussions between the Commissioner and the IAB Chief to implement an appropriate course of action, including discussing these trends with precinct and borough commanders. CPA's presentation also includes updates on proactive activity by IAB.

At the conclusion of the statistical analysis, investigative group captains make thorough and informative presentations regarding selected significant cases.<sup>22</sup> All significant investigative steps which were taken are described, as well as any evidence of criminality or administrative misconduct developed during the course of the investigation.

### **C. OTHER TYPES OF MONITORING ACTIVITIES**

The Commission engages in a number of other monitoring activities which, by their very nature, are not solely focused on evaluating case investigations.

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<sup>22</sup> Investigative groups from each borough appear on a rotating basis.



## 1. Disciplinary Task Force Meetings

Commission representatives attend all of the meetings of the Department's Disciplinary Task Force ("D.F."), which is chaired by the Commander of the Disciplinary Assessment Unit ("DAU"). The task force began in November, 1995, under the auspices of the First Deputy Commissioner, and consists of representatives from that office and the offices of the: Chief of Department, Chief of Patrol, Chief of Personnel, Chief of Internal Affairs, Special Prosecutor, Department Advocate, and the DAU. The D.F.'s mission is to "utilize all available information to ensure identification and accountability of members of the service who have established a pattern of behavior detrimental to the Department."<sup>23</sup> Officers who are the subject of the D.F.'s internal monitoring are those who have been subject to multiple allegations, low performance ratings, and/or abused sick leave over a defined period of time.

At the meetings, D.F. members develop strategies in response to the needs that arise, including recommending integrity testing of specific officers, coordinating their efforts with the Medical Division's Absence Control Unit to check on officers they suspect of abusing sick leave, updating members on prosecutorial strategies, developing strategies which draw on the full range of departmental resources and intelligence, and, in appropriate cases, recommending termination of the officers. D.F. meetings are conducted on an ongoing basis and progress reports are provided on previously recommended and agreed upon actions.

The First Deputy Commissioner recently accepted the D.F.'s recommendation that an entry be made on the Central Personnel Index ("CPI") of each officer identified by the D.F. as

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<sup>23</sup> First Deputy Commissioner's Disciplinary Assessment Unit, First Annual Report, June 1995 - June 1996, p. 25.

a disciplinary problem, thereby notifying the various commands in the Police Department that the officer is a D.F. subject.<sup>24</sup> The purpose of this CPI designation is to enable commands to promptly notify the D.F. of additional infractions by D.F. subjects.

The Commission finds that the D.F. is a useful proactive measure adopted by the Department and has the potential to greatly affect the detection and termination of officers engaged in corrupt behavior.

## **2. Monthly Monitoring Lists**

The Commission has requested and receives, on a monthly basis, certain monitoring lists generated by the Department for tracking purposes. Many of the lists received by the Commission identify officers who have demonstrated a history of misconduct. For example, the lists may identify officers currently serving probation as the result of a disciplinary penalty or officers who are under heightened departmental scrutiny because of continued misconduct. Commission staff reviews these lists in part to ascertain whether officers identified on the lists are also the subjects of investigations under the Commission's review.

## **3. Interim and Operations Orders**

Also received on a monthly basis are all of the Interim and Operations Orders issued by the Department. The Commission reviews all of these and maintains an updated copy of the Patrol Guide in order to monitor any change in departmental policies and procedures related to integrity control.

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<sup>24</sup> When a notification might compromise an active investigation, the D.F. would recommend that a CPI entry not be made.

#### **4. IAB Commanders Conferences**

IAB conducts bi-weekly meetings of its commanding officers. All of the commanding officers of the investigative groups attend, in addition to all of the principal officers of IAB.

All general business related to IAB is discussed at these meetings, including policy and procedural changes, corruption strategies, investigative techniques, potential corruption issues in the Department, administrative concerns, personnel needs and updates, technological advances within the Department, successful operations, and any information relevant to the ongoing operations of IAB. It is a forum which allows and encourages all commanding officers to discuss their individual group's needs, while it is also an opportunity for IAB to provide training through invited speakers and to insure that the anti-corruption strategies developed by the leadership of IAB are shared and implemented throughout the Bureau. Every individual in the room is afforded an opportunity to share information or ask questions at each meeting.

Commission representatives attend all of these meetings and find that they are informative and productive. It is an excellent method of insuring that the lines of communication are open and accessible between the leadership of IAB and its investigative groups.

#### **5. IAB Resources**

The resources available to IAB have increased over the past two fiscal years, enabling IAB to maintain staffing levels and its access to sophisticated investigative technology and equipment. The majority of IAB's budget is allocated for personnel, with the staffing levels

remaining stable at approximately 610 members assigned to the Bureau, of which approximately 480 are involved in investigative assignments.

IAB's inventory of sophisticated technological equipment to covertly gather evidence remains at an extremely high level and the Department's commitment to maintain this level remains steady. In March of 1997, in an effort to improve operational and administrative efficiency, the Department consolidated the individual investigative technology units of IAB and the Organized Crime Control and Detective Bureaus into a new command known as the Technical Services Support Section. The Department anticipates that this will provide IAB with even greater access to technological equipment and support. The Department has provided the Commission with assurances that sufficient safeguards are in place to ensure the integrity and confidentiality of IAB's investigations. Although the three units were consolidated, IAB's technology workshop and base will remain at a separate and isolated location. The Commission will continue to monitor the effects of this consolidation to ensure IAB's investigations are not compromised.

#### **6. IAB Training**

While all police officers are initially trained at the Police Academy and receive ongoing training, IAB conducts its own specialized training for all officers who join the Bureau. This "Internal Affairs Bureau Internal Investigations Course" is a two week long training course, offered repeatedly throughout the year, which consists of lectures on various topics, including: presentations on IAB's role within the Department, its mission, operations, and priorities; instruction on how to conduct investigations, including specialized types of investigations; and demonstrations of the techniques discussed through practical exercises, which also provide

opportunities for the investigators to practice the skills. The instructors at the two week training course include officers from both IAB and the entire Department, as well as invited speakers from outside agencies. The Executive Director of the Commission is a scheduled speaker at each of these training courses.<sup>25</sup>

Commission staff attended selected lectures offered during the two week training courses.<sup>26</sup> While the effectiveness of each presentation was dependent in part on the individual lecturer, overall the Commission is satisfied with both the content and the presentation of the material. IAB has developed an extensive training course which covers a broad array of topics that enrich the investigative skills of its new members.

#### **IV. ONGOING PROJECTS<sup>27</sup>**

##### **A. THE COMMAND CENTER**

The Internal Affairs Bureau Command Center<sup>28</sup> serves as the central clearinghouse for all allegations of corruption reported by both the public and other police officers. While corruption complaints originate throughout the city, all are ultimately funneled through the Command Center, usually by telephone, and handled by Command Center officers. Command

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<sup>25</sup> Likewise, the Chair of the Commission was a guest speaker at the Department's Executive Development Program.

<sup>26</sup> In addition, Commission staff attended training provided by IAB for newly assigned Captains within the Bureau.

<sup>27</sup> These are in addition to the ongoing closed case monitoring study, see pp. 21-22, herein, the findings of which will be issued separately.

<sup>28</sup> Formerly known as the Action Desk, it was renamed the Command Center in May, 1996.

Center officers receive calls, 24 hours a day, 7 days a week, from both the public and other officers. The Command Center officers, therefore, have important responsibilities within the Department's overall anti-corruption efforts, including their constant interaction with the public.

First, the Command Center officers are often the first Department representatives to interact with members of the public who have come forward out of their concern about an officer's potential misconduct. While many of these individuals themselves, or the friends and family on whose behalf they are calling, have already had a negative experience with a police officer, they are still coming forward to discuss it with Department representatives. This presents a unique opportunity for the Department to create a comfortable, non-threatening, and supportive environment for callers wishing to report potential corruption, thereby underscoring the Department's commitment to treat corruption seriously. It creates an opportunity for the Department to convey to the public its own commitment to fighting corruption. An ineffective and/or hostile Command Center risks creating the opposite impression.

Second, the Command Center officers are responsible for recording all of the pertinent information obtained from a caller and generating a log which is then forwarded to an investigative group for action to prove or disprove the allegation. Since the call to the Command Center may be the only opportunity to obtain necessary information from the caller, as the possibility always exists that a caller may stop cooperating with the Department, Command Center officers must treat every telephone call as if it presents their sole opportunity to gather the facts and pertinent information from the caller. Failure to elicit the necessary information from the caller with respect to the allegation, or failure to include in the log all of

the pertinent details concerning the allegation, may negatively affect the Department's investigation of the allegation.

The operations of the Command Center have been criticized in the past. In 1994, the Mollen Commission found that for years the Command Center operated in a way that actually minimized the receipt of corruption allegations, and that poor performance by Command Center officers resulted in the routine loss of potentially crucial information on police corruption. The Mollen Commission also noted that Command Center officers made little effort to encourage callers to provide even basic information, often spoke in harsh tones that could encourage callers to hang up, and sometimes put callers on hold for long periods of time.<sup>29</sup>

Because of the importance of the Command Center, and the findings of the Mollen Commission in 1994, this Commission performed an audit of the Command Center last year and reported its results in the Commission's First Annual Report. The Commission found some improvements since the Mollen Commission's study, but also that some of the weaknesses identified by the Mollen Commission continued to exist. This Commission identified the uneven handling of calls by officers - - some were courteous while others were curt and hostile - - and found that in a number of calls investigators failed to promptly elicit the identity of the callers, expressed skepticism concerning the merits of callers' complaints, and still placed callers on hold for long periods of time.

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<sup>29</sup> Mollen Commission Report, pp. 103-106.

To assess the current effectiveness of the Command Center the Commission embarked on a more extensive survey that has involved reviewing a significant number of Command Center calls as well as written Command Center procedures, and attending the training received by Command Center officers. The Commission anticipates that this study will be completed and released shortly. This study is being released separately.

## **B. STRATEGY 7**

On June 14, 1995, the New York Police Department issued Police Strategy No.7: Rooting Out Corruption: Building Organizational Integrity in the New York Police Department ("Strategy 7"). Strategy 7 identifies broad objectives toward achieving organizational changes designed to apprehend corrupt officers and to create a culture intolerant of corruption. Among the changes envisioned by the strategy included: the creation of the "Policy of Inclusion"; dramatically increasing the use of integrity testing; enhanced IAB intelligence gathering capabilities including the use of pin mapping of corruption allegations and sophisticated management information systems; and reengineering the Department's organizational systems including: hiring, training, deployment, performance monitoring, and discipline. During the past year, the Commission continued to monitor the Department's implementation of Strategy 7 and observed the achievement of a number of the strategy's objectives as they relate to IAB investigations.

### **1. The Policy of Inclusion**

In an effort to bring lasting cultural change to the Department, Strategy 7 mandated the implementation of the policy of inclusion in which "police commanders become the trusted



colleagues of the Internal Affairs Bureau.”<sup>30</sup> Rather than conducting its investigations in absolute secrecy and isolation, as in the past, IAB would now apprise, and where appropriate seek the assistance of, key departmental commanders in furtherance of ongoing investigations. Not only does the policy seek to improve the quality of internal investigations, but it creates an organization where accountability for maintaining integrity is shared by all of the Department’s leadership.

The Commission has observed the implementation of the policy of inclusion in a variety of contexts. For example, IAB Group Captains meet with precinct commanders on an ongoing basis and share a precinct “profile” which identifies allegations of corrupt activity in the precincts. Additionally, precinct commanders and ICOs may be consulted on the design and execution of targeted integrity tests in order to develop credible and effective test scenarios. Indeed, IAB’s continued success in this area is in part attributed to the assistance provided by these commanders. The participation of the First Deputy Commissioner, the Chief of the Department, and relevant Borough and Bureau Commanders at the monthly IAB briefings of the Police Commissioner is further evidence of the implementation of this policy.

**2. Expanded Use of Proactive Investigations: Integrity Testing**

Strategy 7 envisioned the significant expansion of the use of integrity testing. As noted in the Commission’s study of the integrity testing program, the Commission examined IAB’s

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<sup>30</sup> See Strategy 7, p. 3.

extensive use of random and targeted testing in fulfillment of this objective.<sup>31</sup> IAB continues to employ this investigative technique.

**3. Enhanced Intelligence Gathering**

**a. Computer Pin Mapping**

Strategy 7 envisioned analyzing internal crime using the same pin mapping technology that the Department utilizes to identify external crime. IAB's Corruption Prevention Division uses pin mapping techniques to develop for IAB investigative commanders precinct maps which identify the locations of all corruption allegations. By identifying clusters of alleged corruption, IAB is able to develop an effective response strategy which often includes random integrity testing or enforcement action resulting in prisoner debriefings to obtain critical intelligence.

**b. The PRIDE Computer System**

Strategy 7 also envisioned IAB's utilization of a new PRIDE (Programmable Retrievable Investigative Data Entry) computer system. The system is intended to add state of the art computer technology to IAB's array of investigative tools. While the system was expected to be fully operational by this time, as of October 1, 1997, field testing has begun. The system has the capability of automatically cross referencing critical elements appearing in IAB cases such as: names, addresses, telephone numbers, and license plates, to alert investigators to patterns of corruption and interrelationships between witnesses and subjects of active as well as closed IAB investigations. Additionally, the system will enable IAB to

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<sup>31</sup> See pp. 16-20, herein.

access, via a single database, other investigative databases within and without the Department. Finally, PRIDE will serve as a case management system whereby all investigative worksheets will be entered on the system and retrievable by IAB executive management. Unfortunately, as of this writing, PRIDE has not been fully operational because of difficulties in creating a communication link between IAB's central headquarters and the Department's headquarters. The Department has committed extensive resources to resolve this problem, and as noted above, live testing involving each of IAB's field offices is underway.

#### **4. Other Observations**

During the course of the Commission's monitoring function, Commission staff observed the implementation of a number of other measures set forth in Strategy 7, including:

- The creation of the Police Commissioner's Advisory Board on Courtesy, Professionalism and Respect, which articulated clear standards to develop the trust and respect of the communities the Department serves, and developed a strategy to make these values a permanent component of the Department's culture.<sup>32</sup>
- The enhancement of police officer training curriculum regarding truth in testimony.
- The enhancement of police officer training curriculum to include the values of courtesy, professionalism and respect.
- The elevation of minimum eligibility requirements to become a police officer, including raising the minimum age from 20 to 22 years of age and increasing the minimum educational requirement from a high school diploma to either college credit or military experience.

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<sup>32</sup> See pp. 44-45, herein.

## **C. ADDITIONAL PROJECTS**

The Commission has already begun to work on a number of additional studies. While some of these are natural extensions of the Commission's work to date, others seek to explore new subject areas within the Department's corruption control program. For example:

- The Commission has initiated research into the administrative punishment of offenses other than the making of false statements, and will specifically focus on the punishment of misconduct committed by officers while off-duty;
- The Commission has also begun to explore the hiring process used to select new police officers, as doing so with care can certainly effect the level of corruption in the Department; and
- The Commission has begun an extensive analysis of aspects of the Intelligence Section of IAB as a result of its preliminary review last year.
- The Commission has commenced a study of how the Department responds to allegations against Probationary Police Officers.

The Commission has initiated other projects as well, and intends to issue the results of studies, including findings and appropriate recommendations, as the work is completed throughout the year.

## **V. COMMUNITY RELATIONS**

### **A. COMMUNITY OUTREACH**

The Commission has initiated an outreach program to community groups throughout the city. Meeting with community groups is desirable in order for the Commission to understand and appreciate the public's perception of both police corruption and the Department's efforts to combat such corruption. Community perception of the Police

Department is a critical measure of the public's confidence in the Department. As the Department implements positive initiatives toward fighting corruption and changing the internal departmental culture which may have previously tolerated such corruption, support from the community it protects and serves will help to reinforce and confirm these departmental efforts. The problem of police-community relations more generally, which is of such obvious importance to the City, is the subject of a separate Mayoral task force on which the Commission's Chairman sits.

The Commission held its first community outreach meeting in the upper Westside of Manhattan, to which community members from both the 20th and the 24th precinct attended, representing community boards, business improvement districts, crime prevention alliances, activists, and other interested residents. Additional community outreach meetings are currently being planned throughout the city.

The Commission's community outreach is also necessary to increase awareness within the community of the Commission, thus providing another alternative for individuals who seek to make corruption allegations.

## **B. RECEIVING CORRUPTION COMPLAINTS**

The Commission is authorized to receive complaints or any other information regarding specific allegations of police corruption. From February, 1996, to February, 1997, the Commission received over 100 complaints directly from members of the public. The Commission forwards all corruption allegations to IAB for investigative action, unless the Commission chooses to exercise its authority under Executive Order Number 18 to conduct its

own investigation of specific corruption allegations because exceptional circumstances exist to require such action.

Commission staff receiving the complaint by telephone obtains all the pertinent information from the caller about the incident, the subject officers, and the caller him/herself (unless the caller wishes to remain anonymous).<sup>33</sup> The information is recorded and immediately forwarded to the IAB Command Center, often accompanied by a telephone call to ensure its receipt. Correspondence received associated with a complaint is also forwarded to the Command Center.<sup>34</sup> Commission staff checks the logs the following day to ensure the complaint was received and, more importantly, that the information contained in the log is accurately reported. All complainants receive follow-up letters detailing the steps that the Commission has taken with the complaint and suggesting they contact the Commission further if they receive additional corruption related information. The Commission monitors the progression and treatment of complaints received as necessary.

### **C. ADVISORY BOARD ON COURTESY, PROFESSIONALISM AND RESPECT**

Last spring, Police Commissioner Howard Safir introduced *Strategy No. 9: Courtesy, Professionalism, and Respect* (“CPR”) which outlined the Department’s mission to create a stronger culture of mutual respect between the Police Department and the communities it

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<sup>33</sup> In some instances callers are unaware of the existence of the Command Center and once learning of it will choose to call there directly, whereby our assistance is only to make that referral.

<sup>34</sup> In certain circumstances, when Commission staff determines the complaint warrants such attention, the complaint may be forwarded directly to the Chief of IAB.

serves. As part of this strategy, he invited community representatives throughout New York City to participate on a Police Advisory Board where public interaction with the Department was openly discussed.

The Commission was included on the Police Advisory Board because of its emphasis on community interaction and the potential of this departmental campaign to impact corruption and the reporting of corruption by community members. Through its participation on the Board, the Commission is able to observe firsthand the Department's efforts to improve its police culture and work with the communities. The values inherent in the CPR initiative, when effectively communicated, clearly lay the groundwork for an environment where the opportunities for misconduct and corruption are lessened.

Commission staff attended several meetings where participants focused on four major components of the new strategy: training, leadership development, compliance (random field testing of officers on CPR skills), and community relations. Committees were formed to consider each of these components, and a Commission representative served on the Training Committee. A Commission representative also attended one of the focus group meetings the Department held throughout the city where community residents were encouraged to describe their relationships with the police officers in their neighborhoods.

The Commission believes the Department's CPR initiative presents an opportunity for the Department to further supplement its anti-corruption strategy, primarily by improving the internal culture and the perception between officers and the communities they serve, and will monitor the Department's efforts in this area.

## **VI. MAINTAINING LIAISON WITH FEDERAL AND STATE LAW ENFORCEMENT AGENCIES**

1. Maintaining contact and establishing relationships with federal and state law enforcement agencies is central to the Commission's ability to provide the Department with input about how police corruption and the Department's anti-corruption efforts are perceived by outside entities, particularly those who are charged with bringing criminal prosecutions and investigations against officers engaged in the most serious types of corruption. To this end, Commission representatives, often including its Chair, have met with local and federal prosecutors throughout the city. In the past year, Commission representatives have met at least once, and often on many occasions, with the following prosecutors and members of their respective staffs: District Attorneys Richard A. Brown, Charles J. Hynes, Robert T. Johnson, and Robert M. Morgenthau, their Chief Assistants, and the heads of their respective Corruption Investigation Units. Additional meetings were held with: Mary Jo White, U.S. Attorney for the Southern District of New York, and Zachary W. Carter, U.S. Attorney for the Eastern District of New York, their Chief Assistants, and the heads of their Corruption Investigation Units. Commission staff also met with representatives of the Staten Island District Attorney's Office. Federal and state prosecutors have an important role in the Department's anti-corruption programs, and Commission representatives will continue to meet with the prosecutors in order to assess their perception of the Department's efforts.



## VII. CONCLUSION

In sum, the Commission continues to believe that the Department is committed to addressing the issue of corruption and, on an overall basis, has done an effective job in fulfilling its anti-corruption responsibilities. The leadership of the Department recognizes that if it is to maximize its effectiveness, the public must have confidence in the overall honesty of its officers. This does not mean that improvements cannot be made in how the Department is performing these responsibilities. The Commission has made recommendations for improvement during the past year, and expects that it will make additional recommendations as it completes additional projects during the coming year.

# **Exhibit A**



THE POLICE COMMISSIONER  
CITY OF NEW YORK

December 12, 1996

MEMORANDUM TO: ALL PERSONNEL

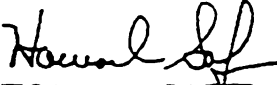
SUBJECT: POLICY STATEMENT

Effective today's date all uniformed and civilian members of the service are advised that absent exceptional circumstances the making of a false official statement will result in dismissal from this Department. Examples of a false official statement include, but are not necessarily limited to, lying under oath during a criminal or civil trial as well as during an official Department interview conducted pursuant to Patrol Guide Section 118-9. Exceptional circumstances will be determined by me on a case by case basis.

The reason for this policy statement is to put all members of the service on notice of the serious consequences of intentionally making a false official statement. While this type of misconduct has always been viewed seriously by the Department, there has not been a clear policy statement to date of the consequences for it. As of today the policy is clear. Any member of the service who intentionally makes a false official statement seriously jeopardizes his or her continued employment and attendant pension benefits.

This policy is designed to give the maximum support to the vast majority of the members of this Department who perform their responsibilities with courage and integrity on a daily basis. Those who do less make it harder for all and tend to undermine the image of the Department in the eyes of the public that we all strive so hard to serve.

I recognize that even the best among us can occasionally make a mistake. Our disciplinary system is designed to ensure that all members of this Department are treated fairly and that appropriate consideration is always given to the nature of an offense in the context of an entire career. This principle remains unchanged; however, all members are now on notice of the very serious implications of being found guilty by the Department of making a false official statement.

  
HOWARD SAFIR  
POLICE COMMISSIONER

## COMMISSION TO COMBAT POLICE CORRUPTION

There have been some changes over the past year among the Commissioners. Three of the original five Commissioners appointed to the Commission in 1995 continue to serve on the Commission: Richard J. Davis, Rhea Kemble Dignam, and the Honorable Dennis Edwards. Commissioner Richard J. Davis assumed the role and responsibilities of Chair of the Commission in April, 1996. Additionally, Charles M. Carberry was appointed as Commissioner in March, 1996. The Commissioners are appointed to serve for staggered terms and each has extensive experience in the criminal justice system, described below, providing a broad and diverse amount of experience to the Commission.

The Commissioners oversee a full-time staff. The Commission meets every other week.

### COMMISSIONERS

#### **Richard J. Davis, Chair**

Currently, Mr. Davis is a partner with the law firm of Weil, Gotshal and Manges. He was Assistant Secretary of the Treasury (Enforcement and Operations) between 1977 and 1981, where he supervised the activities of the Secret Service, the Customs Service, the Bureau of Alcohol, Tobacco and Firearms and the Federal Law Enforcement Training Center. He had previously served as an Assistant United States Attorney in the Southern District of New York from 1970-73 and as an Assistant Special Prosecutor for the Watergate Special Prosecution Force. In 1987 he was appointed to a Commission to review the operations of the Philadelphia Police Department. In 1993 he served on a panel of experts appointed by the Justice and Treasury Departments to provide advice in addressing situations which may occur in the future similar to those which took place in Waco, Texas.

#### **Charles M. Carberry**

Mr. Carberry is currently a partner with the law firm of Jones, Day, Reavis & Pogue. He is a former federal prosecutor, having served from 1979 through 1987 as an Assistant United States Attorney in the Southern District of New York (including service as Chief of the Securities and Commodities Fraud Unit and Deputy Chief of the Criminal Division). Pursuant to his appointment by the federal district court, from 1989 to the present, Mr. Carberry oversees investigations and administrative prosecutions of allegations of corruption and dishonesty involving the Teamsters Union. Mr. Carberry is on the boards of editors of the White Collar Crime Reporter, Business Crimes Bulletin, and the Money Laundering Law Report. He has written numerous articles and has spoken frequently at seminars on white collar crime, securities fraud, and money laundering.

**Rhea Kemble Dignam**

Ms. Dignam currently is a Vice President and Deputy General Counsel at New York Life Insurance Company. She is a former federal and state prosecutor, having served from 1976 through 1988 as an Assistant United States Attorney in the Southern District of New York (including service as Chief, Narcotics Unit; Chief, Public Corruption Unit; and Executive Assistant United States Attorney). From 1988-1989 Ms. Dignam was the Chief Assistant District Attorney in Kings County and served as the Executive Deputy Comptroller, City of New York from 1990-1993 in which position she gained extensive experience monitoring the work of City agencies.

**Hon. Dennis Edwards**

Judge Edwards was appointed to the New York City Criminal Court in 1965 and served until 1982. Between 1975 and 1982 he was assigned to the Supreme Court of the State of New York as an Acting Supreme Court Justice. In 1982, Judge Edwards was appointed to the New York State Court of Claims, and was assigned to the Supreme Court of the State of New York, hearing primarily felony matters. He retired from the bench in 1989.

**COMMISSION STAFF**

**Joseph E. Gubbay, Executive Director**  
**Emery Adoradio, Deputy Executive Director**  
**Michael Avitzur, Examining Attorney**  
**Reneé Kinsella, Examining Attorney**  
**Melissa Rooker, Examining Attorney**  
**Linda Lo-Gerry, Special Investigator**

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The Commission would like to extend its appreciation to former Deputy Executive Director Rhea Mallett for her contribution to this report.

**PUBLISHED REPORTS OF THE COMMISSION**

First Report of the Commission

April 1996

The New York City Police Department's Disciplinary System: How the Department Disciplines Its Members Who Make False Statements

December 1996

The New York City Police Department: The Role And Utilization Of The Integrity Control Officer

December 1996

The New York City Police Department Random Integrity Testing Program

December 1996

Second Report of the Commission

October 1997

Performance Study: The Internal Affairs Bureau Command Center

October 1997

Monitoring Study: A Review of Investigations Conducted by the Internal Affairs Bureau

October 1997