The City of New York
Department of Investigation

MARK G. PETERS
COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900

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CONTACT: DIANE STRUZZI
NICOLE TURSO
(212) 825-5931

DOI INVESTIGATION REVEALS CONTINUING FAILURES BY THE DEPARTMENT OF CORRECTION (DOC) TO PROPERLY SCREEN RECRUITS FOR RED FLAGS

Failures identified by DOI in 2015 remain and recommended changes were never adopted by DOC

Mark G. Peters, Commissioner of the New York City Department of Investigation ("DOI") today issued a Report detailing the findings of a year-long probe of the City Department of Correction's ("DOC") hiring practices for Correction Officers ("COs"), exposing persistent problems at the agency's Applicant Investigation Unit ("AIU"). DOI's investigation found a significant number of the COs hired in the January, June, and December 2016 classes continued to have red flags signaling corruption and safety hazards that should have precluded their hiring or required them to undergo monitoring once they were hired, including previous arrest records, employment termination, and contact with inmates. This investigation is a follow up to DOI's 2015 Report, which is linked here (2015 report) and uncovered vulnerabilities and breakdowns in the AIU's screening processes, including antiquated and haphazardly filed personnel documents and a failure to perform basic background and credit checks on individuals applying to become COs, that allowed recruits with significant background issues to be hired. As a result of its 2015 investigation, DOI made several recommendations to improve and strengthen DOC's hiring processes. DOI began looking at whether DOC had strengthened its protocols around hiring after a December 2016 arrest of a CO charged with bringing in contraband. When DOI reviewed that CO's file, it found significant red flags that should have precluded his hiring.

The Report released today demonstrates that DOC did not implement some recommendations and only partially implemented others, leading to the continued hiring of underqualified candidates. A copy of DOI's Report is attached to this release and can be found at the following link: DOI's 2018 Report.

DOI Commissioner Mark G. Peters said, "DOI continues to arrest correction officers who have red flags in their backgrounds that should have precluded their hiring. Until the City Department of Correction (DOC) creates and implements a proper screening system, we will not solve the problems that plague Rikers and DOI arrests of DOC staff will likely only increase. This was a systemic problem in 2015 when we released our first Report and DOC's failure to act on DOI's findings continues to be a problem."

As part of DOI's investigation, a random sample of 291 candidate files from the January, June and December 2016 classes were examined using factors set out in the Notice of Examination for COs and DOC's own automatic disqualifiers. The review found that more than a quarter -- and almost a third -- of the candidates (88 of the 291 candidates) should not have been hired or should have been monitored after their hiring because of red flags. Specifically in its review, DOI found:

- 42 files, or 40% of files reviewed from the January 2016 Class, indicated friends and relatives who were or had been previously incarcerated.
- 33 files, or 33% of files reviewed from the June 2016 Class, indicated a past employment termination.
- 28 files, or 30% of the files reviewed from the December 2016 Class, indicated candidates had at least one prior arrest. Seven of these files indicated that the candidate had been arrested more than once.

Nonetheless, these candidates were hired by DOC.

DOI's review identified a number of troubling examples of underqualified individuals with red flags being hired by DOC in these sensitive positions, including:

- A candidate that DOC knew was previously employed by the New York State Department of Correction and Community Supervision ("DOCCS") and had left his employment after he had an inappropriate relationship with an inmate.

- A candidate that DOC knew had been previously arrested for criminal possession of a weapon and harassing a fellow worker at a prior job.

- A candidate who, prior to applying to be a CO, had multiple visits to inmates with gang affiliations and failed to list those inmate visits as required in the application submitted to DOC.

The review also exposed continued vulnerabilities in DOC's screening process first brought to light in DOI's 2015 Report, including the failure of AIU investigators to conduct thorough applicant background checks, relying instead on self-reported information from candidates to meet time constraints; a lack of field visits to assess a candidate's suitability; and a failure to wait for third-party employment verifications when candidates reported being terminated or resigning from a past employer. DOI found that AIU still does not verify personal information through public record databases and infrequently obtains paperwork on police contacts or inmate phone calls when a candidate notes an association with a past or present inmate. The investigation also revealed that despite DOI's 2015 recommendation to computerize AIU record-keeping, AIU's files are still paper-based and, as a result, many were incomplete.

DOI's investigation demonstrates that its original recommendations have not been fully realized or implemented, and underscores the critical need for DOC to make significant improvements to its screening process for those applicants seeking to become COs in City jails. DOC should now implement the following recommendations from the 2015 Report:

- DOC should have a more thorough and standardized applicant review process; the application and review process should be computerized;

- DOC should implement in-house training for investigators in investigative and interview techniques that is relevant to recruiting and evaluation COs, and have a written AIU investigator manual;

- AIU investigators should use law enforcement and public databases as investigative tools and as collateral checks on applicants;

- DOC should staff AIU properly to enable investigators to thoroughly investigate and vet candidates;

- DOC should engage in a more rigorous review of the psychological testing presently employed and decisions by supervisors should be more thoroughly explained in writing; and

- DOC should have a system in place to proactively monitor applicants who are hired despite red flags.

DOI Commissioner Mark G. Peters thanked DOC Commissioner Cynthia Brann, and her staff, including General Counsel Heidi Grossman, for their cooperation in this investigation**.**

This investigation was conducted by DOI's Inspector General for DOC, specifically Special Investigators Lawrence Bond, Robert Ellis, LaShana M. Taylor, Cindy Tsui, Vincent Valerio, Lauren Kerstein, Rhonda Young, and Ferdinand Torres, Chief Investigator Anthony DeLeo, Confidential Investigators Matthew London, Kelly Melendez, and Zoe Swenson, Assistant Inspector General Michael Garcia, and Deputy Inspector General Richard Askin, under the supervision of Inspector General Dana A. Roth, Associate Commissioner Paul Cronin, Deputy Commissioner/Chief of Investigations Susan Lambiase, and First Deputy Commissioner Lesley Brovner.

DOI is one of the oldest law-enforcement agencies in the country and New York City's corruption watchdog. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City. DOI's strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.

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New York City Department of Investigation

Persistent Problems in the Hiring of City Correction Officers

MARK G. PETERS
COMMISSIONER

Dana A. Roth
Inspector General for the Department of Correction

May 2018

I. Executive Summary

The New York City Department of Investigation (DOI) has conducted a year-long probe of the City Department of Correction's hiring procedures for Correction Officers (COs), finding that serious problems continue to plague the Applicant Investigation Unit (AIU) within the Department of Correction (DOC). These findings are especially troublesome in light of DOI's 2015 Report that examined the same issue and uncovered similar hiring vulnerabilities that allowed underqualified individuals and individuals with serious arrest records and gang affiliations to become COs. Most significantly, this investigation, a follow up to the 2015 Report, found that while DOC stated it would implement DOI's 2015 recommendations to improve and strengthen DOC's hiring process, in fact, DOC did not implement some recommendations and only partially implemented others.

In this investigation, DOI examined AIU files for recently hired COs from the January, June and December 2016 classes and found that many of the same vulnerabilities found in DOI's 2015 investigation continue to exist. DOI's investigation found that for the files reviewed of COs hired in 2016, after DOC claimed it had implemented the recommendations DOI called for in 2015, over one-quarter of these COs continued to have red flags that should have precluded their hiring. For example, DOC hired:

- A candidate that DOC knew was previously employed by the New York State Department of Correction and Community Supervision (DOCCS) and had left his employment after he had an inappropriate relationship with an inmate (the candidate's file contained a report from DOCCS).

- A candidate that DOC knew had previously been arrested on charges related to domestic violence (the candidate's file contained the candidate's rap sheet, and the Court's Certificate of Disposition).

- A candidate that DOC knew had previously been arrested for criminal possession of a weapon and harassing a fellow worker at a prior job (the candidate's file contained the Court's Certificate of Disposition).

- A candidate who, prior to applying to be a CO, had made multiple visits to inmates with gang affiliations and failed to list those inmate visits as required in the application submitted to DOC. DOC visitor records clearly demonstrated the visits.

One of the candidates hired with red flags has since been arrested by DOI as part of its ongoing investigation into prison contraband smuggling. Other candidates remain employed by DOC.[1]

This investigation underscored the critical need for DOC not only to accept, but also to actually implement the recommendations DOI has issued that would strengthen DOC's hiring process and help to close multiple vulnerabilities that are allowing individuals with serious integrity issues to be hired in the City's jails. Specifically, DOC should now implement the following recommendations from DOI's 2015 Hiring Report:

- DOC should have a more thorough and standardized applicant review process; the application and review processes should be computerized;

- DOC should implement in-house training for investigators in investigative and interview techniques that is relevant to recruiting and evaluating COs, and have a written AIU investigator manual;

- AIU investigators should use Securus[2] and other law enforcement and public databases as investigative tools and as collateral checks on applicants;

- DOC should engage in a more rigorous review of the psychological testing presently employed; decisions by supervisors, especially the Director and Deputy Commissioner of AIU, should be more thoroughly explained in writing; and finally

- If DOC is going to continue to hire applicants who are considered vulnerable to corruption, DOC should have a system in place to proactively monitor those applicants.

Furthermore, this investigation also found that while the above recommendations are crucial to improving hiring protocols, AIU has yet to determine ideal staffing for its workload. DOI recommends that DOC review its AIU staffing, including staffing sufficient personnel and supervisors to thoroughly investigate and vet candidates, and report its results back to DOI.

DOC must immediately implement these policy and procedure recommendations.

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[1] The names of those who remain employed have been withheld to protect the integrity of DOC's disciplinary process.

[2] DOC inmate calls were previously recorded and maintained on DOC's Inmate Financial Commissary Management System (IFCOM). Beginning around March 2015, DOC began recording and maintaining recorded inmate calls on a secure call platform through Securus Technologies (Securus).

II. Summary of DOI's 2015 Hiring Report

i. DOI's 2015 Findings and Recommendations

DOI's 2015 Hiring Report highlighted the need for reform in DOC's hiring practices. DOI discovered that out of the over 150 files of then-recently hired COs reviewed: 10 COs had more than one arrest; 65 COs' psychological exams raised concerns about their ability to perform the job duties; 79 COs had friends or relatives who had been incarcerated (a number of whom had significant contact with inmates over DOC phone calls that AIU failed to follow up on); 54 COs files failed to show the "good character and satisfactory background" of a correction officer; and 25 COs lacked the "good character" listed on the New York City Department of Citywide Administrative Services' (DCAS) Notice of Examination (NOE), which is also required by DOC.[3]

Furthermore, through review of the 2014 files, interviews with DOC staff, and site visits, DOI identified systemic problems that fostered an environment in which many applicants with significant red flags were nonetheless hired. For example, DOI found that DOC's AIU did not properly train its staff to handle candidate screenings, and did not have a written manual describing its investigative strategies and procedures. AIU staff failed to evaluate the severity of red flags when they were discovered, and simply missed other red flags altogether. AIU did not use basic investigative tools, including running credit checks and verifying personal information through public record database checks such as LexisNexis or CLEAR (a law enforcement database). AIU utilized an inefficient pen and paper application questionnaire and submission system.

Additionally, AIU rated all candidates on a scale of 1 to 5, but DOI found AIU staff demonstrated confusion on whether "1" or "5" was the best score and that 90 percent of candidates were rated at a "3," making the system effectively useless. In 12% of the files reviewed by DOI, the AIU Director excused serious red flags without adequate explanation, as isolated incidents, or as youthful indiscretions. AIU had no system in place to detect gang affiliations among applicants, nor did AIU staff cross-reference applicants with DOC's Visitor Express database to uncover connections between applicants and their incarcerated friends or family. AIU staff further failed to run applicants' phones numbers in the inmate telephone system. When an applicant's number was found to have been contacted by an inmate, AIU staff often failed to review recorded phone calls, despite their availability. DOI found DOC did not continue to proactively monitor applicants who were hired but considered vulnerable to corruption. Finally, DOI found DOC did not have a meaningful CO recruitment strategy, an advertising campaign, recruitment pamphlets, a functioning

[3] DCAS puts out Notices of Examination to fill civil service job vacancies. The NOE for COs does not define the term "good character." DOC should request that in the NOE for COs, DCAS include a definition, which likely would provide significant guidance as to the traits that a candidate needs to become an exemplary CO.

recruitment website, or any programs to reach out to college students interested in careers as COs.

As a result of the foregoing findings in DOI's 2015 Hiring Report, DOI made a number of policy and procedure recommendations to DOC, including expanding recruitment outreach, adopting automatic disqualifying factors, increasing use of the inmate phone system to cross-check applicants' phone numbers, and implementing a system to monitor applicants who were hired but considered vulnerable to corruption.

ii. DOC's 2015 Response to DOI

In response to DOI's 2015 Hiring Report, DOC agreed to adopt most of DOI's recommendations and reported that they began implementing the requested policy changes in stages. DOC stated that they revamped their external marketing to attract qualified applicants. To that end, they showcased DOC's specialized units to help market DOC to potential candidates, and participated in recruiting events.

DOC also reported they adopted in-house automatic disqualifiers related to the following areas: employment, felony and domestic violence misdemeanor convictions, and total numbers of criminal court summonses and driving record violations.[4] DOC also reported that they provided the AIU investigators with access to various web-based investigative tools, including IFCOM, upon their appointment to the unit. DOC partially accepted DOI's recommendation that it computerize the process; it reported AIU would use an electronic system to track applicants' appointments and documents submitted through the hiring process, but AIU's candidate files would remain paper-based. DOC reported AIU's Psychological Unit would establish a tiered system of review, whereby investigators' findings would be initially reviewed by a member of AIU's Psychological Unit, and finally by AIU's Executive Director or Deputy Commissioner. According to Dr. Christopher Sbaratta, Assistant Director of AIU's Psychological Unit, he and two colleagues established this system in August 2015, in time for the 2016 classes of incoming COs. DOC further reported that AIU's Executive Director or Deputy Commissioner would provide a written summary on an applicant's file, whether for approval or disqualification. DOC stated that AIU proposed a monitoring system for probationary COs who were hired but identified as "questionable" during their background investigation. DOC reported AIU investigators would be required to take an in-house training course. AIU also implemented a dedicated Field Team Unit to conduct site visits to candidates' homes and neighborhoods.

[4] These disqualifiers are enumerated in DOC's Response to DOI's 2015 Report, attached in the Appendix.

III. DOI's 2018 AIU Follow-Up Investigation

i. DOI's Arrest of CO Brown Revealed DOC's Misrepresentation that it Had Implemented DOI Recommendations

In December 2016, less than a year after he was hired, DOI arrested probationary CO James Brown at the Otis Bantum Correctional Center (OBCC) front gate after a DOI K-9 alerted to the presence of contraband on his person. Probationary CO Brown was transporting alcohol camouflaged in an iced tea bottle, and eight Ziploc bags containing tobacco and marijuana concealed in his underwear. He was one of the 665 recruits in DOC's January 2016 academy class. After his arrest, DOI reviewed probationary CO Brown's applicant file and found significant red flags that should have precluded his hiring.

First, probationary CO Brown had a spotty employment history. In 2001, the City Parks and Recreation Department terminated him for excessive lateness, and in 2004, he resigned from the United States Park Police, having failed a probationary evaluation.

Second, during his psychological examination, probationary CO Brown falsely stated he was not delinquent on child support payments. DOI interviewed CO Brown post-arrest and he indicated he had significant debt and defaults. Indeed, when DOI investigators questioned him following his December 2016 arrest, probationary CO Brown stated his reason for attempting to smuggle the contraband into OBCC for inmates was because he had been having great financial difficulty, due in large part to owing approximately $8,000 in child support. The information collectively detailed above should have prevented CO Brown's hiring, especially in light of the hiring reforms DOC said it had implemented. DOC's reforms should have flagged CO Brown but failed to do so, illustrating the same flaws DOI identified.

CO Brown's arrest, coupled with other DOI investigations into probationary COs, raised suspicions that DOC had not adopted all of DOI's recommendations, and was not adhering to the NOE's specific factors as causes for disqualification which would have covered several of the red flags in CO Brown's file.[5]

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[5] The full list of factors includes: (a) arrest record or conviction of an offense, the nature of which indicates lack of good moral character or disposition towards violence or disorder; (b) repeated arrests or convictions of an offense, where such convictions or arrests indicate a disrespect for the law; (c) discharge from employment, where such discharge indicates poor behavior or an inability to adjust to discipline; (d) dishonorable discharge from the Armed Forces; (e) conviction of petit larceny; and (f) conviction of a felony or domestic violence misdemeanor. Under the "Penalty for Misrepresentation" section of the NOE, any intentional misrepresentation on the application or examination, even after appointment, may result in disqualification. Probationary CO Brown had been discharged from employment, and included several intentional misrepresentations on his application, either of which should have disqualified him from being hired as a CO.

ii. DOI Review of 2016 DOC Probationary CO Applicant Files

DOI reviewed a random sample of 291 candidate files for the January, June, and December 2016 classes.[6] For each class, DOI used the factors set out in the NOE, along with DOC's in-house automatic disqualifiers. DOI's review concluded that 88 of the 291 candidates, equaling more than a quarter and almost a third of the files DOI reviewed, should not have been hired or should have been monitored after hire.

DOI reviewed 102 files of the 665 total number of files for candidates appointed to the January 2016 CO class. Twenty-seven presented significant red flags that either should have precluded their hiring outright or required follow-up or monitoring. Twenty-seven of the 103 candidates indicated a past employment termination. Forty-two had friends and relatives who were or had been incarcerated. Twenty-seven candidates had at least one prior arrest; six had been arrested more than once. One of the candidates who reported multiple arrests prior to his appointment, including one for harassment, was subsequently arrested again for assault and harassment after starting with DOC. That CO is still an active employee with DOC (although his probationary period was extended).[7]

In one case, AIU did conduct a follow-up investigation after hiring a probationary CO. During his background investigation, the candidate disclosed he was previously employed with DOCCS and resigned because his long commute led to child care issues. However, a re-review of his file during the follow-up showed DOCCS' documented response was in the file, and contained information contrary to information the candidate provided. That response reported the candidate had an inappropriate relationship with an inmate after he was found in a female parolee's home, and made false statements to the New York State Office of the Inspector General (NYSIG). It appears the AIU investigator did not address the DOCCS response in the CO candidate's case review sheet (CRS)[8] – whether by oversight or design is not clear – and cleared the candidate to be hired by DOC. DOC terminated the probationary CO for his intentional misrepresentation, once it was discovered during the follow up investigation.

DOI reviewed 98 files of the 756 total number of files for candidates appointed to the June 2016 CO class. Thirty-two files presented significant red flags that either should have precluded their hiring outright or required follow-up or monitoring. Thirty-three of the 98 candidates indicated a past employment termination. Thirty-three had friends and relatives who were or had been incarcerated. Another 28 candidates had at least one prior arrest; six had been arrested more than once.

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[6] In addition to the files selected at random from the three DOC CO classes, DOI also reviewed seven files from recent subjects of DOI investigations.

[7] This candidate's history is discussed in further detail commencing on page 11, Example C.

[8] The CRS is a summary of the AIU investigator's findings regarding the candidate's background investigation.

DOI reviewed 91 files of the 950 total number of files for candidates appointed to the December 2016 CO class. Twenty-nine files presented significant red flags that either should have precluded their hiring outright or required follow-up or monitoring. Eighteen of the 91 candidates indicated a past employment termination. Forty-two had friends and relatives who were or had been incarcerated. Twenty-eight candidates had at least one prior arrest; seven had been arrested more than once.

Summary Table of DOI Review of 2016 CO Candidate Files[9]

	Correction Officer Class			
		January 2016 Class Size: 665 (102 files reviewed)	**June 2016 Class Size: 756 (98 files reviewed)**	**December 2016 Class Size: 950 (91 files reviewed)**
DOI Findings	**Significant Red Flags[10]**	27 files or 26%	32 files or 32%	29 files or 31%
	Past Employment Termination	27 files or 26%	33 files or 33%	18 files or 19%
	Incarcerated Associates	42 files or 40%	33 files or 33%	42 files or 46%
	Prior Arrests	27 files or 26%	28 files or 28%	28 files or 30%

iii. DOC's Ongoing Vulnerabilities Regarding AIU Hiring Procedures

DOI's 2017 review revealed that AIU's hiring procedures and policies remain vulnerable. As demonstrated above, DOI found AIU investigators often do not thoroughly investigate applicants' backgrounds. AIU staff often approved candidate files based on self-reported information, and did not do independent, collateral checks to corroborate that information, simply to meet DOC's time constraints, based on interviews with staff. AIU's lack of field visits and failure to obtain third party

[9] The percentages are greater than 100% for each of the January, June, and December 2016 classes because there were multiple findings for some of the candidate files reviewed.

[10] DOI defines a significant red flag to be an explicit, objective violation of NOE's or DOC's automatic disqualifying factors (detailed in Appendix), or, more subjectively, a candidate having multiple or a combination of factors, including prior criminal arrests, past employment termination, incarcerated associates, poor driving record, and insufficient college credits (a single deficiency in any of those criteria may not be sufficient to preclude hiring).

employment verifications were referenced in the *Nunez* Independent Monitor's[11] Reports as potential problems.

Through interviews with several AIU personnel, including AIU then-Executive Director – now Assistant Commissioner - Dr. Larry Johnson, DOI determined AIU was significantly backlogged on conducting field visits for CO candidates. Dr. Johnson acknowledged there were only four investigators assigned to the Field Team Unit and the unit wasn't large enough to handle the amount of work allotted. DOI's arrest of a probationary CO in December 2016 for contraband smuggling, referenced in Section III, above, shows just how important field visits are to assessing a candidate's suitability. Assessing appropriate levels of staffing, including supervisory personnel, to thoroughly investigate candidates is of paramount necessity.

The Fourth Report of the *Nunez* Independent Monitor[12] found it was reasonable, and DOI agrees, for AIU to continue with a candidate's appointment without third party employment verifications if the rest of the candidate's background appears spotless. However, DOI found AIU frequently failed to wait for third-party employment verifications when the candidate reported being terminated or resigning in lieu of termination from a past employer, circumstances that blemish a candidate's record and can be disqualifying per NOE's specific factors. If a candidate reported being terminated from a past employer, especially if it was fairly recent and close to DOC's background investigation, AIU should make every effort to contact that candidate's employer for a collateral check.

DOI found AIU still does not verify personal information through public record databases, such as LexisNexis or CLEAR. These public record databases provide investigators with a detailed listing of a person's past and present addresses and telephone numbers, and are useful in ascertaining objective and truthful information. DOI also found AIU infrequently obtains New York City Police Department (NYPD) paperwork to corroborate a candidate's description of police contacts and AIU rarely contacts outside correctional institutions, including DOCCS, to obtain documentation

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[11] As part of a November 1, 2015, consent judgment in the federal class action lawsuit *Nunez v. City of New York et al.*, Case 1:11-cv-05845-LTS (SDNY), entered in the Southern District of New York, the court appointed Independent Monitor Steven J. Martin to oversee and report on DOC reforms intended to prevent use of unnecessary and excessive force, protect inmates from inmate-on-inmate violence, and prevent inappropriate placement of 16- to 18-year-old male inmates in punitive segregation for excessive periods of time. The *Nunez* Independent Monitor found AIU's background checks were largely adequate. However, the Independent Monitor's focus was on whether or not AIU reported it had conducted checks, rather than whether those checks occurred or resulted in proper hiring decisions.

[12] This report covered the monitoring period from January 1, 2017 through June 30, 2017, and can be found at https://www1.nyc.gov/assets/doc/downloads/pdf/Fourth_Report_Nunez_Independent_Monitor_10.10.17.pdf.

and inmate phone calls, if applicable, when a candidate notes a past or present incarcerated associate at that institution.

At present, and as noted in the *Nunez* Independent Monitor's Third and Fourth Reports, AIU still lacks a written AIU investigator manual, another tool to establish standardized, thorough and objective hiring investigations. By contrast, the NYPD has written policy and procedures that provide its investigators with guidance relating to the standards to be used while conducting an investigation, what information should be collected, and how the information should be documented in candidate files. Without a comprehensive investigator manual and standardized background investigation specific training, AIU investigations are inconsistent and hiring decisions are subjective.

DOI's review found that AIU files are still paper-based and, as a result, many are incomplete. For example, if the file was computerized, it could be designed so that an applicant could not finalize an application without finishing every question. DOI found that candidates oftentimes failed to completely fill out the screening sheet and application questionnaire booklet and that AIU investigators failed to address the omissions. As previously addressed in DOI's 2015 Hiring Report, errors in the application questionnaire booklet still appear uncorrected, with page 17 of the booklet telling CO applicants that they must adhere to the NYPD's Patrol Guide if appointed to the "New York City Police Department."

Although DOI found that DOC implemented a "New Investigator Training Plan" for AIU investigators, its curriculum devoted several weeks to subjects such as conducting a compelled statement pursuant to Mayoral Executive Order, and medical reports and Medical Examiner consults, training not applicable to conducting background investigations.

While DOC implemented a monitoring system for probationary COs who were hired but identified as "questionable" during their background investigation, DOI determined that this system entailed a mere cursory review of all candidates approximately three months prior to expiration of probation (probation is generally 24 months). This undercuts the effectiveness of consistent and ongoing monitoring of truly problematic candidates.

DOI's recent review of CO candidate files also found that, although Dr. Larry Johnson and then-Deputy Commissioner Errol Toulon did complete summaries in the CRS, they were generic and were not indicative that the author had reviewed the full files.

IV. Specific Hiring Failures as a Result of DOC's Flawed Hiring Practices

In January 2017, former Deputy Commissioner Toulon informed DOI that under Commissioner Joseph Ponte, the DOC Administration had been pressuring AIU to process larger academy classes in a shorter amount of time than had previously been done. Although AIU increased the staff size and number of investigators from 2014, in 2016, the average number of background investigations per investigator also increased. Since that time, in 2017 and 2018, the average number of files per investigator has decreased. However, DOI still sees the same issues in 2017 and 2018 (DOC hiring candidates who are deficient and cannot make it through their probationary period without being reprimanded, modified, administratively punished, or terminated), showing that there is a problem in practice and supervision that still needs to be rectified.

DOI has not conducted an intensive review of DOC's hiring practices for the 2017 and 2018 classes, but when probationary COs of those classes have been administratively or legally charged, and DOI has reviewed their applicant files, some files contain red flags that should have been addressed. DOI recommends DOC to conduct the same or similar type of review for their 2017 and 2018 classes that DOI conducted for the 2016 classes, and to report their findings back to DOI.

Former Deputy Commissioner Toulon reported concern that DOC pressure to hire increasingly large classes was leading AIU to hire candidates who otherwise would not have cleared the screening process. DOI spoke with several AIU investigators who corroborated Toulon's information. DOI's review found that in order to meet the new time constraints, investigators were relying on candidates' self-reported information without obtaining corroboration through objective sources, checking boxes on the checklist AIU developed without completing the required tasks, and submitting files for closure without obtaining essential information.

Additionally, the individual investigations DOI has conducted indicate that from the end of 2016 to present, there has been an increase in the number of allegations against probationary COs, some of which have resulted in arrests and terminations. While increased allegations against probationary COs may be partially explained by the fact there are simply more probationary COs being hired, DOI investigations have found these allegations also reflect the continued hiring of problematic probationary COs, who are susceptible to corruption hazards due to deficiencies that were overlooked during the hiring process, and otherwise should have excluded them from the applicant pool.

V. Examples from Recent DOI Investigations[13]

a) Probationary CO [redacted] (January 2016 class) was arrested on August 3, 2017 for Strangulation in the Second Degree, a class D felony. In her background file, probationary CO [redacted] listed two prior arrests, one in 2010 for driving with a suspended license, the other in 2012 for shoplifting. She reported being employed by a police department in Georgia at the time of both arrests, but AIU did not make contact with this previous employer prior to hiring her. Probationary CO [redacted]'s background file also showed she had four accounts in collection, and her license was suspended in 2014. According to NOE's and DOC's criteria, she should not have been hired. A review of her background file showed on the two occasions (in the screening sheet and in the application questionnaire booklet) probationary CO [redacted] was asked to list her social media accounts; she left those sections blank. AIU never addressed the omissions, and should have. Nevertheless, AIU reported an investigator reviewed probationary CO [redacted] s Instagram and Facebook accounts, and found no derogatory information (the background file does not set forth the name of the social media accounts the investigator checked, if indeed the check was done, nor were there any printouts of the accounts to reference for comparison). However, the NYPD complaint report associated with probationary CO [redacted]'s arrest did list her Instagram account name, which DOI investigators reviewed and observed the notation "Loc Nation" and two pitchforks, references to possible Crip gang affiliation. DOI could not determine whether the gang-related red flags found after her 2017 arrest were present in her social media accounts during her DOC background investigation due to the lack of specificity in the AIU file. Because of the 2017 arrest, DOC terminated probationary CO [redacted] on November 11, 2017.

b) Probationary CO [redacted] (January 2016 class) was previously employed by DOCCS. He claimed that he resigned from DOCCS because his long commute led to child care issues. DOC conducted a follow-up review of probationary CO [redacted] file and found DOCCS' documented response in it, which refuted probationary CO [redacted] claims. DOCCS' response stated probationary CO [redacted] had been found in a parolee's home, had had an inappropriate relationship with an inmate, and made false statements to the NYSIG. There is no indication the AIU investigator addressed DOCCS' response in candidate [redacted]s case review sheet and cleared the candidate to be hired by DOC. DOC terminated probationary CO [redacted] for his intentional misrepresentation October 19, 2017.

c) Probationary CO [redacted] (January 2016 class) had two arrests prior to being hired; one for driving under the influence, and one for aggravated harassment related to a domestic dispute with his wife. On March 8, 2017, after he was hired, he was arrested (off duty) for assault and harassment related to another

[13] All names have been redacted except in the one case where DOI arrested the CO.

domestic dispute with his wife.[14] A review of his background file indicates that in addition to the two reported arrests, the candidate's credit check showed that several of his accounts were in collection. Probationary CO [redacted] also reported two incarcerated associates, his brother and a friend. He had visits with and calls from his brother from 2012 - 2015, and stated that his brother was transferred to state prison. AIU investigators made no attempt to obtain visitor logs, documents, or recorded calls from DOCCS. Visitor Express also showed two visits to his friend in 2011. Thus, with all of these issues considered together, according to NOE's and DOC's criteria (mainly "proof of good character and satisfactory background"), this candidate should not have been hired. Probationary CO [redacted] remains employed.[15]

d) Probationary CO [redacted] (January 2016 class) was hired despite his failure to have the 39 college credits required by the NOE. However, his background file contains a notation that an AIU investigator verified official educational transcripts showing that probationary CO [redacted] met NOE's college credit requirement. Additionally, there was a discrepancy by the AIU investigator about how many credits the candidate actually earned. In one section of the CRS, the AIU investigator reported probationary CO [redacted] had 52 credits, and in another section, the AIU investigator reported probationary CO [redacted] had 61 college credits. The Executive Director and Deputy Commissioner both approved the candidate for hire. In his decision section, the Executive Director noted "[t]here is evidence of good vocational and educational skills with no difficulties in either area."[16] In reality, the only college transcript in the file indicated probationary CO [redacted] earned only 14 credits. Thus, according to NOE's and DOC's criteria, this candidate should not have been hired. Probationary CO [redacted] remains employed.

e) Probationary CO [redacted] (January 2016 class) was the subject of an administrative investigation conducted by DOC's ID in regards to excessive use of force. ID concluded probationary CO [redacted] utilized unnecessary force against an inmate, and did not provide an accurate account of the incident. As a result, ID recommended CO [redacted]'s probation be extended six months. A review of her background file indicates that in 2006, she was arrested for menacing, criminal possession of a weapon, and harassment after a fight in the bathroom with a co-worker. The case was ultimately dismissed, but she was terminated from her employment following the incident. Probationary CO [redacted]'s background file further showed her salary was garnished to repay defaulted student loans, and in 2015, she was issued a summons for boarding a bus without a ticket. According to NOE's and DOC's criteria (mainly "proof of good character and satisfactory

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[14] When a member of service is arrested off-duty, the investigation goes to DOC's Investigation Division (ID), which then may refer the member for disciplinary proceedings.

[15] ID originally sought to terminate probationary CO [redacted]. However, on January 9, 2018, ID/Correction Intelligence Bureau Acting Deputy Commissioner Antonio J. Cruz reviewed probationary CO [redacted]'s case and recommended no action. First Deputy Angel Villalona recommended that CO [redacted]'s probation be extended six months, to September 13, 2018. Neither Cruz nor Villalona explained their decisions.

[16] [redacted] CRS, page five, dated January 2, 2016.

background" NOE designation), this candidate should not have been hired. Probationary CO [redacted] resigned on January 9, 2017.

f) Probationary CO [redacted] (June 2016 class) also failed to meet the college credit threshold. In his background file, the AIU investigator noted probationary CO [redacted] met the NOE requirements. However, the only college transcript in the file indicated he had 49 attempted credits, but earned only 13. The Executive Director and Deputy Commissioner both approved the candidate for hire. In his decision section, Executive Director Dr. Johnson noted "[t]here is evidence of good vocational and educational skills with no difficulties in either area."[17] In addition, probationary CO [redacted]'s Department of Motor Vehicles abstract indicated he had eight suspensions from 2012 to 2015. As per DOC's response to DOI's 2015 Hiring Report, one of the added in-house automatic disqualifier was "[m]ore than five (5) suspensions on different dates" and "[m]ore than two (2) suspensions on different dates" within less than five years.[18] Thus, according to NOE's and DOC's criteria, this candidate should not have been hired. Probationary CO [redacted] remains employed.

g) Probationary CO [redacted] (June 2016 class) initially was not recommended for hire by the AIU investigator. One of the reasons was she was not truthful on her application; she disclosed only one incarcerated associate until IFCOM results revealed calls to her telephone number by other inmates (including her child's father). In addition, on her CRS, probationary CO [redacted] denied having ever been disciplined. However, a DOI check with the New York City Department of Homeless Services (DHS) (her employer at the time of her background investigation) indicated she currently had an open matter in the disciplinary unit. A review of the background file showed AIU never followed up with DHS about that pending disciplinary matter. The CRS also noted she failed to appear for her initial appointment with the AIU investigator. DOI investigators found Securus logged attempted calls to a telephone number listed in the probationary CO [redacted]s AIU application questionnaire booklet, and both attempted and completed Securus calls (from incarcerated inmates) to her listed cellphone number. A review of probationary CO [redacted]'s background file revealed AIU conducted an IFCOM search but failed to conduct a Securus check, and therefore did not ask her about these inmate calls and possible additional incarcerated associates. Thus, according to NOE's and DOC's criteria, this candidate should not have been hired. Probationary CO [redacted] remains employed.

h) Probationary CO [redacted] (December 2016 class) was found to be having an unduly familiar relationship with an inmate in her facility, and received 39 calls to her home telephone number from the inmate after she was hired. A review of her background file indicated the AIU investigator found IFCOM hits to that same telephone number in 2013 and 2014. Probationary CO [redacted] reported she did not

[17] [redacted] CRS, page five, dated April 28, 2016.
[18] See Appendix, at page three.

know the inmate placing the calls and the home telephone number wasn't issued to her until 2014. The AIU investigator accepted this response at face value. Probationary CO [redacted] also had calls to her cellphone number from 2012 to 2014 from an inmate listed in her Declaration of Incarcerated Associates form and reported visiting him as well. Probationary CO [redacted] listed two additional incarcerated associates – her brother in Alexandria City Jail, and a friend in Augusta Correctional Center, who she reported visiting and from whom she received calls. The AIU investigator made no attempts to contact those jurisdictions to get phone calls or visitor information during the background investigation. Although this doesn't necessarily mean that probationary CO [redacted] should not have been hired based on the NOE's and DOC's criteria, her extensive communication with incarcerated associates is a good example of a potential corruption hazard. She should have been proactively monitored after being hired. Probationary CO [redacted] was terminated from employment on August 1, 2017.

i) Probationary CO Torray Riles (December 2016 class) was arrested on January 21, 2018, and charged with Promoting Prison Contraband in the Second Degree, a class A misdemeanor. On that date, DOI's K-9 Unit alerted on probationary CO Riles as he entered the front gate of OBCC. When searched, he produced two medium-sized clear bags containing approximately 26 grams of marijuana he had concealed in his underwear. He also carried a clear backpack with four packs of Newport cigarettes (DOC rules prohibit COs from bringing in more than one pack at a time). A review of his background file showed probationary CO Riles was arrested in April 2016 for assault, menacing, and harassment. He had two driver's license suspensions in 2013 and 2014. Although probationary CO Riles listed no incarcerated associates, in April 2015 he received two calls to his previous cellphone number from an inmate. He reported lending his phone to a friend, and denied having any association with the inmate who made the calls. A discrepancy was noted in his CRS – the two phone calls had no duration, but they were forwarded to Correction Intelligence Bureau for further investigation. A review of the calls by DOI investigators revealed there was, in fact, duration to the calls and the conversations suggested that probationary CO Riles was the recipient of the calls, indicating he provided an intentional misstatement to AIU during his background investigation process. Thus, according to NOE's and DOC's criteria, this candidate should not have been hired. On January 22, 2018, probationary CO Riles was suspended, pending termination.

j) Probationary CO [redacted] (December 2016 class) listed contact with her brother in her Declaration of Incarcerated Associates form. However, a review of Visitor Express showed visits as recently as 2015 by probationary CO [redacted] to additional inmates, who were not listed in her Declaration of Incarcerated Associates form. Several were gang-affiliated. AIU investigators did not address probationary CO [redacted]s omissions. Probationary CO [redacted] reported visits to her brother in upstate prisons, but the AIU investigator never reached out to DOCCS for documentation or phone calls. AIU conducted a search in Securus for the telephone

number probationary CO [redacted] reported belonging to her with negative findings. However, DOI conducted a CLEAR check that revealed that probationary CO [redacted] had an additional number that received multiple Securus calls from 2015 to 2016, predominantly by one gang-affiliated inmate who probationary CO [redacted] did not list on her Declaration of Incarcerated Associates form. The nature of the calls corroborate probationary CO [redacted] was the recipient of the calls. Additionally, some conversations contradicted information probationary CO [redacted] provided during her background investigation. For instance, during her background investigation, probationary CO [redacted] denied ever using or abusing controlled substances. However, during one call with an inmate, her statements asserted otherwise, which should have prompted AIU to conduct further checks. If AIU had collateral checks for a candidate's telephone numbers, they might have caught her deception and not hired her. Probationary CO [redacted] intentionally omitted reporting the additional telephone number during her background investigation and, according to NOE's and DOC's criteria, this candidate should not have been hired. Probationary CO [redacted] remains employed.

VI. Conclusion and Recommendations

AIU's applicant hiring process remains flawed and deficient despite DOC's statements that it would reform its hiring practices. While DOC accepted DOI's recommendations in 2015, DOC's implementation has fallen short of what is necessary to adequately reform the hiring process. The following 2015 policy and procedure recommendations remain unimplemented or incompletely implemented:

1. DOC should have a more thorough applicant review process. DOC should adopt a system, comparable to the NYPD's Candidate Assessment Section (CAS), in which each applicant must pass through multiple levels of review, by both civilian and uniformed staff, before being approved by a panel of executives. Failure to adequately review a candidate's application should subject an AIU investigator to disciplinary review.

2. DOC should create a written manual for AIU, describing its investigative strategies and procedures, and containing the standards to be used while conducting an investigation, the information to be collected, and how to properly document information in candidate files. The investigative manual must clearly set out the factors that constitute automatic disqualifiers, detail how to gather third-party employment verifications, and describe circumstances necessitating field visits. The manual should also have clear guidelines related to reviewing Securus calls (running inmates' calls with candidates' telephone numbers, and clearly delineating responsibility for this task). This, along with a new computerized application processing system, should help ensure that all required information is obtained for every applicant.

3. DOC should implement standardized in-house training for AIU investigators tailored to conducting background investigations, including interviewing techniques, understanding the application process, and using social media, computer databases, and other law enforcement tools. In particular, gang identification and disqualifying factors related to gang activity must be part of the training course as this type of affiliation by a CO presents a serious threat to the safety and security of DOC facilities. The NYPD's CAS two-week training course for investigators with follow-up refresher courses provides one effective model.

4. DOC, using the NYPD's CAS system as a model, should computerize its applicant file review system. At present, all AIU files are paper based, and many DOI reviewed were incomplete. DOC should require the screening sheet and application questionnaire booklet be filled out electronically by the applicant, and the CRS be filled out electronically by the AIU investigator. Computerizing the process would force applicants to answer every question in the screening sheet and application questionnaire booklet before they could successfully submit documents to AIU for review, enhance DOC's ability to store and access information, ensure a standard process is followed for every applicant, and require AIU investigators to fill out every section prior to submitting the applicant's file for a supervisor's review. Computerization would enhance DOC's ability to store and access information. Additionally, an electronic application questionnaire similar to that used by NYPD would allow AIU to develop useful statistical information to help guide its hiring practices.

5. DOC should engage in a more rigorous review of the psychological testing presently employed. There must be more communication between AIU background investigators and AIU's psych unit when it comes to possibly conflicting or omitted information provided by the candidate at different stages of the hiring process. It should be mandated that DOC's PsyQ Personal History Report be completed by the applicant prior to the commencement of the background investigation. That way, AIU investigators and AIU psychologists will be in a better position to question applicants on any conflicting information (and possible misstatements or omissions) they might provide.

6. Decisions by supervisors, especially the Director and Deputy Commissioner that overrule the judgment of subordinates, should be explained in writing.

7. DOC should have a system in place to proactively monitor applicants who are hired but are considered vulnerable to corruption.

8. AIU should focus on conducting more collateral checks. AIU too often relies on the information provided solely by the candidate.

9. AIU investigators should have access to public record database checks, such as LexisNexis or CLEAR. This will provide the investigators with a way to conduct collateral checks related to information the candidate provides about their current and former residences and telephone numbers. These public record database checks can also provide collateral checks for information related to a candidate's criminal history outside of New York State and their social media accounts (via use of the LexisNexis "Virtual Identity Report").

10. AIU should liaise with the NYPD to obtain paperwork related to arrest and complaint history, police contact, Domestic Incident Report history, etc. A review of the files showed AIU investigators relied on the candidate's description of certain incidents without obtaining paperwork for corroboration.

11. When a candidate discloses associations with incarcerated inmates in other correctional institutions and jurisdictions, including NYS DOCCS, AIU investigators should contact that jail or prison to obtain relevant documentation and phone calls, if applicable.

Implicit in these recommendations is the requirement that where adverse information on a candidate is developed, DOC will act on that information, including not hiring candidates with significant red flags. To the extent this implicit requirement should be made explicit, DOI now does so.

In addition, DOI is issuing a new policy and procedure recommendation:

12. DOC should staff AIU properly to enable investigators to thoroughly investigate and vet candidates. DOC should review and determine what the suitable workload for their AIU investigative staff should be. This review should include allocating supervisory personnel for auditing and spot monitoring, to ensure that background investigations and decisions are appropriate.

DOC reviewed a draft of this report. DOC agreed that AIU will audit and spot monitor background investigations and hiring recommendations.

New York City Department of Correction's Response to the January 2015 Department of Investigation's Report on Hiring Practices

In its report, DOI recommended a series of changes to the hiring process. Specifically, DOI strongly advised the DOC to improve procedures for recruiting, screening, and hiring to ensure it hires the most qualified COs and to invest resources in AIU to ensure that it has the best trained personnel and most effective technology.

A. DOC needs an aggressive recruitment strategy and clear disqualification standards to improve the applicant pool. DOI made the following recommendations:

1. **DOC should re-establish its Recruitment Unit and execute a recruitment plan to attract candidates for upcoming civil service exams. In addition, DOC should resume participation in the Law Enforcement Exploring program.**

   In June 2015, the DOC began executing a Recruitment Plan designed to ensure that we have sufficient quantity and quality of Officers.

   Recruitment Plan

- Revamped DOC external marketing to enhance recruitment efforts:
  - Rolled out a new DOC recruitment website for uniform and non-uniform positions.
  - Created a full scale social media platform (Facebook, Instagram and Twitter) to bolster recruitment efforts.
  - Used external HR tools including DOC LinkedIn, Glassdoor to market the DOC as a quality employer.
  - Launched a full scale print media campaign with Metro Newspaper, NY Times, NY Daily News, NY Post, Newsday, Queens Courier, and other ethnic media outlets.
  - Collaborated with i-Heart Radio to increase the awareness of our November 2015 exam.
  - As a result of the Recruitment team's efforts, approximately 2,761 applicants sat for the November 2015 examination; a rate higher than the past several exams. The next exam periods are January 2016, March 2016, and May 2016. We are currently in negotiations with DCAS regarding scheduling 4 additional correction officer exams for the second half of the 2016.
  - Designed a Human Resources Journal entitled Correction Quarterly which gives potential recruits an overall snapshot of the current state of the agency.
    Fall issue: http://issuu.com/jointheboldest/docs/oct_cq_mag_1
    Winter issue: http://issuu.com/jointheboldest/docs/cqwinter

- Hired staff to execute this initiative.

- New recruitment team consists of: 12 Uniformed staff and 5 Civilians.

- Improved Processes:
  - Designed a candidate attrition journey to make the process clear to potential candidates.
  - Created an exit interview process for candidates that resign from the CO title within 90 days.
  - Identified the gaps in our current and future workforce and developed a strategic recruitment plan to address these gaps.
  - Defined and outlined DOC's specialized units to help market DOC to potential candidates.

- Held and participated in multiple events in order to recruit potential candidates.

- The next step in the Recruitment Plan seeks to refine its process while continuing to be progressive and meeting the following objectives that aim to transform the way the agency recruits, selects, and hires staff:
  - Establish a DOC branded Career Fair tour throughout the 5 boroughs of New York City and on Long Island in 2016.
  - Create stronger community relations with faith-based institutions and community based organizations across the city.
  - Launch a DOC Youth Explorers program in partner with selected Department of Education schools.
  - Meet with DCAS to discuss post exams results.
  - Develop a survey to monitor the status of probationary officers for retention purposes.

2. **DOC should adopt automatic disqualifying factors, including the conviction of certain crimes, with a goal to eliminate unqualified applicants as quickly and efficiently as possible.**

   DOC's Applicant Investigation Unit has adopted the following automatic disqualifiers, effective January 2015:

   1. Current Civil Service Law has only five (5) automatic disqualifiers for appointment. Therefore, the DOC established objective criteria for determining the character fitness of candidates by creating a group of "in-house" disqualifiers, similar to the NYPD.
   2. DOC decided to empower the in-house automatic disqualifiers by utilizing the Department of Correction Commissioner's discretion to not hire under the 1 in 3 rule as stated in New York City Civil Service Law Section 61 and in Section 4.7.1 of the Rules and Regulations of the City Personnel Director. The in-house

Automatic Disqualifiers are as follows (they are in three (3) important character areas)*[1]:

A. EMPLOYMENT*

- Dismissal from employment while a tenured member of a governmental or other public employer.

B. FELONY AND DOMESTIC VIOLENCE MISDEMEANOR CONVICTION *

- Any felony conviction
- Domestic violence misdemeanor conviction

C. CRIMINAL COURT SUMMONSES TOTAL*

- More than FIVE (5) "C" Summonses
- Less than five (5) years
  - More than three (3) "C" Summonses
- Less than two (2) "C" Summonses

D. DRIVING RECORD TOTAL*

- More than seven (7) moving violations on separate occasions, other than related to employment
- More than five (5) hazardous moving violations
- More than five (5) suspensions on different dates
- More than one (1) license revocation
- Less than five (5) years:
  - More than four (4) moving violations on separate occasions, other than related to employment
  - More than three (3) hazardous moving violations
  - More than two (2) suspensions on different dates
  - Any license revocation
- Less than two (2) years:
  - More than three (3) moving violations on separate occasions, other than related to employment
  - More than two (2) hazardous moving violations

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[1] Symbol represents disqualifiers documented in New York City Police Department's In-House disqualifiers to All Applicant Division Personnel, July 19, 1995, A.P.D. Memo # 143.

- More than one (1) license suspension

3. **DOC should expand its list of potential disqualifying factors to include corruption risks unique to DOC including financial instability, inappropriately familiar relationships with inmates, and present affiliation with gang members.**

Effective August 2014, the Applicant Investigation Unit's utilizes the following criminal background-check applications:

- ✓ E-Justice
- ✓ WebCrims
- ✓ Family Watch Dog

A brief description of each application and its use, are as follows:

- **E-Justice:** Investigators utilize this application for integrity check of a Candidate's driver's license, any outstanding Order of Protection or status of Order of Protection. This application is also used to print out the results of fingerprints from the nationwide federal data base. **Benefit:** This application has proven beneficial for preliminary investigation purpose and is vital to the vetting process to cultivate Candidates who fulfill the conditions of employment and are void of criminal records.

- **WebCrims:** This application is utilized by the Investigators to determine the status of a Court Case the Candidate may have reported during the Candidate-to-Investigator interview process. WebCrims is also used to check the Court case status of a spouse or family member that reside with the Candidate.
  Benefit: This is important to know, especially if the Candidate failed to report this information or the individual in question has felony charges.

- **Family Watch Dog:** This application is utilized to check if the Candidate is a registered sex offender on any level.
  Benefit: Ensuring that the Department cultivate the best Candidate and supplying the Department with facts; to make a viable decision regarding the hiring of a Candidate.

Additionally, Investigators are provisioned with the below accounts the day of appointment.

- Email Account
- Full Internet Access
- IFCOM
- IIS w/ VINQ, VINQH, QHIN, VIST

Lastly, DOC is currently procuring a system to run credit checks on applicants.

4. **DOC should meet with DCAS to update the language in the Correction Officer NOE. These updates should include any new automatically disqualifying criteria developed by DOC, and be tailored, as necessary, to specific corruption vulnerabilities unique to the agency.**

   In July 2015, the Recruitment Unit worked with DCAS to revise the job description portion of the notice of exam. Specifically, sections regarding "What The Job Involves", "Special Working Conditions", and a more detailed description of the physical work activities performed and environmental conditions were updated. The changes appeared on the November 2015 and January 2016 exams.

B. DOC must make AIU's candidate screening uniform, thorough, and tailored to the unique corruption vulnerabilities at DOC. DOI makes the following recommendations:

1. **DOC should have a more thorough applicant review process. DOC should adopt a system, comparable to the NYPD APD, in which each applicant must pass through multiple levels of review, by both civilian and uniformed staff, before being approved by a panel of executives.**

   Since DOI has issued its recommendations on DOC's applicant review process, AIU has implemented more stringent standards regarding automatic disqualifications, additional levels of review by the psychological unit, more intensive background investigations through use of additional tools such as IFCOM and credit checks, and a system of tracking the flow of applicant files. Please see responses to questions 2-7 for further explanation.

   The changes to AIU have been phased-in during the review period of the last four recruit classes.

   - October 2014 Class- 155
   - March 2015 Class- 398
   - August 2015 Class- 626
   - January 2016 Class-631

2. **AIU should create a standard detailed checklist identifying all documents that it requires applicants to submit and all AIU investigative steps necessary to complete the background investigation.**

   Please see attached Checklist created in January 2015.

3. **DOC should ensure that all case coordinators are using IFCOM as an investigative tool.**

As previously mentioned, every AIU Investigator is provided access to and training on IFCOM upon their appointment to the Unit. It has become a consistently used investigative tool by AUI in conducting background investigations.

4. **DOC should implement standardized training for case coordinators in investigative and interview techniques, In particular, gang identification and disqualifying factors related to gang activity must be part of the training course as this type of affiliation by a CO presents a serious threat to the safety and security of DOC facilities.**

Effective January 2015, the following DOC in-house Investigative training courses have been implemented.

New Investigator Training Plan

I. **Week 1: Three (3) Full day sessions divided between immediately relevant topics and database familiarization**
   a. Day 1: Familiarization with Investigation Division
   b. Day 2: Phases and Documents of an Investigation
   c. Day 3: Documentation

II. **Week 2: Case Management and Organization (4 hrs.)**
   a. View video in advance of session: 003 *Case Management and File Organization*
   b. Why do we need standardized file organization?
   c. How should a folder be organized?
   d. Vouchering and associated processes
   e. Tracking your work

III. **Week 3: Conducting an MEO / formal interviews (4 hrs.)**
   a. View video in advance of session: 004 *ID Investigator Training Course on Interviewing*
   b. What is an MEO?
   c. Use immunity
   d. Scheduling an MEO
   e. Preparing for an MEO
   f. Conducting an MEO

IV. **Week 4: Confidential Allegations: PREA and Special Considerations for Victims of Sexual Assault (4 hrs.)**
   a. View video in advance of session: 010 *Investigating Sexual Misconduct and Abuse*
   b. What is PREA?

c. What makes the callout and case different?
d. Impact on Interviews

V. **Week 5: Medical Reports and ME Consults (4 hrs.)**
   a. View video in advance of session: 007 Office of the Chief Medical Examiner (elective video 006 Obtaining and Analyzing Medical Evidence)
   b. Requesting medical records
   c. What to look for
   d. Codes and acronyms
   e. ME consults

VI. **Week 6: Closing a Case (4 hrs.)**
   a. View video in advance of session: 002 Overview of the Disciplinary Process
   b. Organize all materials and ensure everything is accounted for in final report
   c. Reexamine charges – is everything still relevant?
   d. Agree on charges
   e. Draft MOC, PDR, Facility Referrals and Trials

VII. **Week 7: Potpourri (4 hrs.)**
   a. SRG
   b. Internet and Social networking
   c. Evidence Analysis
   d. Photographic identification procedures
   e. Securpass
   f. Databases

VIII. **Week 8: Final Considerations (4 hrs.)**
   a. Current challenges
   b. Case work workshop
   c. Mentoring matchup?

Note: Some weekly sessions for civilian investigators may be extended to 6 hours due to the need for more extensive familiarization with DOC policy, practice, and procedure.

During the four "off" days each week, new investigators are expected to review ID policy and procedure videos and manual (in preparation for upcoming sessions), attend MEO interviews and transcribe related audio, complete facility video reviews, and shadow

experienced investigators in their daily operations. Each new investigator will paired with an experienced investigator for the duration of the 7 weeks of follow up training.

5. **DOC, using the NYPD APD system as a model, should computerize its applicant file review system. At present, all AIU files are paper based, and many that DOI reviewed were incomplete.**

   AIU's files remain paper- based in conjunction with an electronic tracking system which follows an applicant during the process. It tracks the documents that the applicant has submitted, when the applicant's physical and psychological appointments are scheduled, and what remains outstanding. DOC will continue to assess the use of a computerized system.

6. **DOC must engage in a more rigorous review of the psychological testing presently employed.**

   AIU's Psychological Unit uses the same vendor as the NYPD's APD to purchase materials for the psychological testing of correction officer applicants. The testing not only mirrors the same types of exams administered by the NYPD APD, but are the national standard for law enforcement. In effort to enhance the applicant review process, in August 2015, the AIU Psychological Unit established a Tiered System of review. After the collecting the results of both the background investigation and written psychological exam, the results are filtered by Psychology Leadership to a reviewer with the appropriate level of skill and education. Candidates are then sorted by Tier; Tier #1 cases are completed by Examiners and/or Psychologists under supervision of Psychology Leadership. Tier #2 and Tier #3 cases are completed by Psychologists under supervision of Psychology Leadership. This method promotes ongoing training and clinical supervision while expediting candidate evaluation and capitalizing on experience-based distribution of responsibilities.

7. **Decisions by supervisors, especially the Director and Deputy Commissioner that overrule the judgment of subordinates, must be explained in writing.**

   Every determination, whether an approval or disqualification made on an applicant's file is now accompanied by a written summary by either the AUI's Executive Director or Deputy Commissioner.

C. DOC must have a system in place to proactively monitor applicants who are hired but are considered vulnerable to corruption.

AIU proposed a monitoring system for probationary correction officers identified as 'questionable' due to information learned during the background investigation.

- The monitoring system is triggered approximately 3 months before "questionable" correction officers' probation ends. AIU would contact DOC Human Resource Unit for a master list of probationary officers by class.
- This Master List would be divided amongst Squad A & B of Investigators based on who conducted the initial background check.
    - Some programs/background checks can be ran again to ensure candidate compliance.
- For candidates whom declared knowing and associating with inmates (family and friends):
    - IIS (Inmate Information system)
    - Visitor Express
    - Inmate Lookup Services (ILS)
    - IFCOM (phone dump – request updated annual Personnel sheet from facility – which would show any new numbers and/or addresses)
- Additionally, general inquiries should be conducted:
    - Unified Court system (any undisclosed new arrests)
    - Order of Protection
    - Drivers license check (suspension, unpaid tickets and etc.
- For candidates who had a questionable background (possible gang affiliation):
    - Social media lookup (Facebook, Instagram, Snapchat and etc.)