

**The City of New York**

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**Commission to Combat Police Corruption**

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**The New York City Police Department's  
Disciplinary System: How the Department  
Disciplines Probationary Police Officers  
Who Engage in Misconduct**

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## I. INTRODUCTION

The New York City Police Department ("Department") subjects every police officer to a two-year probationary period commencing on the date of the officer's appointment. During an officer's probationary period, the Department may summarily terminate an officer for any reason, as long as the termination is not based on bad faith, based on a constitutionally impermissible reason, or in violation of statutory or decisional law.<sup>1</sup>

The ability to summarily terminate probationary police officers ("PPOs") provides the Department with a mechanism by which to end police officers' association with the Department as soon as the Department has good reason to question the officers' fitness for service. After an officer's probationary period expires, the Department may not terminate an officer without providing the officer with "due process" -- *i.e.*, notice and a hearing. In contrast, when the Department terminates an officer during his or her probationary period, the requirements of due process do not apply. When terminating a probationary police officer, the Department will prepare charges and specifications against the officer. The Department,

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<sup>1</sup> According to the New York City Personnel Rules and Regulations, Section 5.2.7, an agency head "may terminate employment of any probationer whose conduct and performance is not satisfactory after the completion of a minimum period of probationary service and before the completion of the maximum period of probationary service by notice to the said probationer and to the city personnel director." See *York v. McGuire*, 63 N.Y.2d 760, 480 N.Y.S.2d 320, 469 N.E.2d 838, 839 (N.Y. 1984); *Johnson v. Katz*, 68 N.Y.2d 649, 505 N.Y.S.2d 64, 496 N.E.2d 223 (N.Y. 1986); *Juan v. County of Suffolk*, 209 A.D.2d 523, 618 N.Y.S.2d 833, 834 (2nd Dep't 1994) (stating that the Department's determination to discharge the officer must not be arbitrary and capricious and must have a rational basis and be carried out in good faith).

however, is not required to, and does not, serve the charges and specifications upon the officer.<sup>2</sup>

The Department's treatment of probationary police officers who engage in misconduct sends a signal to all police officers, whether probationary or non-probationary, concerning the Department's tolerance -- or lack of tolerance -- for misconduct by police officers. By means of the penalties imposed upon probationary police officers who engage in misconduct as well as the speed with which the Department imposes penalties for such misconduct, the Department possesses an opportunity to demonstrate that it expects and requires compliance with the Department's rules and regulations. At the same time, however, probationary police officers who engage in misconduct test the Department's ability to distinguish between officers who have committed minor infractions and are capable of reform from officers who have engaged in serious misconduct and/or who are not likely to be reformed.

Cases involving probationary police officers who are determined by the Department to have engaged in misconduct result in one of three possible outcomes. Either the Department terminates the officer, the officer resigns (before or after the Department makes a decision to terminate the officer), or the Department determines that while termination is not appropriate, an administrative prosecution with a penalty short of termination is warranted. In this final case, the PPO will be served with charges and a penalty will be negotiated. Should the officer not accept a negotiated penalty, the Department will pursue termination.

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<sup>2</sup> If, however, the Department does not intend to seek the PPO's termination, it will serve the officer with charges and negotiate a penalty less than termination.

Once the Department possesses a substantiated complaint of probationary police officer misconduct and the Department concludes that the misconduct at issue warrants termination, numerous factors militate in favor of swift effectuation of the Department's decision to terminate. Speedy termination of officers deemed to have engaged in misconduct that warrants termination signals all police officers that the Department takes misconduct by police officers seriously. Additionally, prompt termination both avoids liability for future misconduct by an officer identified as a wrongdoer and conserves the Department's limited resources; unless a probationary police officer is suspended without pay pending termination,<sup>3</sup> the Department continues to pay a probationary police officer his or her salary and benefits until the termination is effected.

## **II. METHODOLOGY**

The Commission requested and obtained from the Department information concerning all of the substantiated complaints of probationary police officer misconduct during the period July 1, 1996 through June 30, 1997 in which charges and specifications were prepared.<sup>4</sup> The Commission reviewed the information received. By means of its review, the Commission sought to obtain a general understanding of the nature of the substantiated probationary police

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<sup>3</sup> The Administrative Code and the New York State Civil Service Law § 75(3-a) limits such pre-termination suspension to a maximum period of 30 days.

<sup>4</sup> The Commission requested copies of the charges and specifications for each officer, copies of all memoranda explaining the conduct underlying the charges, copies of case tracking sheets maintained by the Department which record data regarding critical aspects of each case, and, if applicable, copies of all final orders of termination and memoranda seeking approval for negotiated settlements.

The Commission had also requested and received information from the Department concerning all of the substantiated complaints of probationary police officer misconduct during the period July 1, 1995 through June 30, 1996. While reviewed for background purposes, that data is not part of this study.

officer misconduct for the period of time reviewed and to determine whether, in the period reviewed, the Department appropriately exercised its authority to terminate probationary police officers prior to prosecution or to accept negotiated pleas. In addition, for each of the cases in which the Department terminated a probationary police officer, the Commission reviewed the amount of time that passed between the date the Department learned about the misconduct at issue and the Department's effectuation of the termination.

### **III. FINDINGS**

#### **A. AN OVERVIEW OF THE CASES**

For the period from July 1, 1996 through June 30, 1997, there were 34 cases involving substantiated probationary police officer misconduct in which charges and specifications were prepared.<sup>5</sup> The 34 cases that the Commission reviewed involved a variety of different types of substantiated misconduct. Of the 34 cases in the sample, 17 cases resulted in terminations of the probationary police officers, 13 resulted in resignations of the officers, and four resulted in negotiated pleas. Regarding the cases in which the Department terminated the officers, on average, between five to six months elapsed between the time the Department determined the alleged misconduct had occurred until the time of termination.

In the sample reviewed, drug usage constituted the most common offense (11 cases). Upon admission to the Department's training academy, each newly hired officer undergoes drug testing. Consistent with the Department's "zero tolerance" for illicit drug use, PPOs who

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<sup>5</sup> One additional case, was dismissed for insufficient evidence upon a motion from the Department Advocate. The Commission did not include this case in the sample.

test positive are summarily terminated, although an officer may resign before the Department effects the termination. There were also multiple cases involving firearms (seven cases) and multiple cases involving off-duty misconduct (ten cases), including: theft, leaving the scene of an accident, perjury (off-duty), public lewdness, failure to take police action while off-duty, and domestic violence.

## **B. ADEQUACY OF SANCTIONS IMPOSED**

### **1. Termination Cases**

Four of the 17 termination cases involved the use of illegal drugs by officers<sup>6</sup> and were effected pursuant to the Department's "zero tolerance" policy, a policy which the Commission endorses. With respect to the remaining 13 termination cases, the Commission agrees with the Department's decision to terminate the officers in these cases. The kind of misconduct involved in these 13 cases included: false statements at an official interview, failure to report discharge of a weapon, failure to safeguard a weapon, domestic violence, theft, menacing, leaving the scene of an accident, and public lewdness.

One of the termination cases, however, involved multiple independent acts of misconduct. With respect to this case, it appears that the Department should have terminated the officer following the first instance of misconduct before the probationary police officer engaged in the additional misconduct:

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<sup>6</sup> The remaining seven cases involving officers' use of illegal drugs resulted in resignations.

- (PPO "A"): While off-duty, the officer caused physical injury to his wife and then told her not to cooperate with the Department's internal investigation concerning their domestic disputes.<sup>7</sup> The officer had been involved in multiple domestic incidents.<sup>8</sup> Seven months prior to the altercation that gave rise to the officer's termination, the Department removed the officer's weapons because of a domestic incident and three weeks before the altercation that gave rise to the officer's termination, the Department placed the officer on modified assignment<sup>9</sup> because of a domestic dispute in which it was alleged that the officer menaced his wife with a knife.<sup>10</sup>

## **2. Negotiated Plea Cases**

The four cases which resulted in negotiated pleas involved the following:

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<sup>7</sup> As discussed below at p.12, PPO "A" was not terminated for nearly nine months after the Department was aware of the facts of this incident.

<sup>8</sup> In addition, the officer had been rated low in his most recent performance evaluation and his rater had recommended termination. The officer's rater rated him low in police integrity/ethics and said that the officer had been resistant to counseling and disciplinary intervention by the department.

<sup>9</sup> When an officer is placed on modified assignment, he must surrender his firearm, shield, and identification card to the Department. Further, he is assigned to non-enforcement duties until he is found fit by the Department to resume his usual responsibilities. The purpose of placing an officer on modified status is to assign him to non-enforcement duties pending a Departmental determination of fitness to perform police duties. See Patrol Guide Section 118-12. While "modified assignment" status prevents the possibility that a probationary police officer will engage in misconduct while serving in a law enforcement capacity, officers on "modified" assignment remain on the Department's payroll.

<sup>10</sup> Two other termination cases appear to have involved multiple independent acts of misconduct. One of these cases (PPO "C") involved an incident in which the officer failed to safeguard her firearm and two independent subsequent incidents in which the officer (1) left her assigned post without authorization and (2) engaged in a physical altercation with a third party while off-duty and failed to report the altercation to the Department. The second case (PPO "D") involved an officer who, on two separate occasions, left the scene of an automobile accident without stopping to display his license or insurance card as required. However, the record in these cases is unclear with respect to whether the Department discovered the prior incidents of misconduct in the course of investigating later misconduct or whether the Department learned about each incident at or around the time the misconduct occurred.

- Case #1 (PPO “B”): Failure To Identify Herself. The officer, while off-duty, was present during a fatal stabbing at a bar. The officer failed to identify herself immediately when responding police officers arrived at the scene. Based on the case file, it appears that the officer did eventually identify herself to officers who responded to the scene, had engaged in no prior acts of misconduct and had received adequate performance evaluations. The Department agreed to a penalty of 20 days suspension without pay and six months added to the officer's probationary period.<sup>11</sup>

- Case #2 (PPO “E”): Failure To Safeguard Weapon. The officer left her firearm in an unlocked drawer in her home and, when the officer was not present at the residence, her brother removed the firearm from the drawer and accidentally discharged one round from the firearm into the bedroom wall. (The bullet caused property damage only). The officer indicated in Department interviews that she normally secures her firearm in a safe that she keeps in her bedroom but on this particular night, she stored the firearm in her night table drawer. The officer was unaware that the weapon had been removed by her brother and discharged. The officer had engaged in no prior acts of misconduct and had not been evaluated by the Department. The Department agreed to a penalty of 20 days suspension without pay.

- Case #3 (PPO “F”): Offensive & Threatening Behavior. The officer, while off-duty, had an altercation with a livery cab driver in which the officer threatened to assault the driver and made offensive comments. The Civilian Complaint Review Board

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<sup>11</sup> Initially, the Department considered negotiating a 20 day penalty. This was rejected by the Police Commissioner as too lenient. As a result, in addition to the 20 day suspension, the officer's probationary period was extended by 6 additional months.

("CCRB") investigated the matter and substantiated the allegations. The case was brought before an Administrative Trial Judge ("ALJ") assigned to the Office of Administrative Trials and Hearings ("OATH") who, upon the officer's plea, approved the dismissal of the charges and recommended replacement of the charges with a Schedule B Command Discipline (loss of five vacation days).<sup>12</sup> The officer had engaged in no prior acts of misconduct and had not been evaluated by the Department. The recommended penalty was approved by the Police Commissioner.

- Case #4 (PPO "G"): Physical Altercation/Domestic Violence. The officer engaged in a physical altercation at his residence with his common-law wife. Both the officer and his wife sustained minor injuries, described as scratches and bruises. Both individuals declined medical attention. As a result of the incident, both the officer and his spouse were arrested, but the cases were ultimately dismissed when both parties withdrew their complaints. The officer had been evaluated by his supervisors as being a competent performer. He had no prior acts of misconduct. After the incident, he was evaluated by the Department's Employee Management Division which recommended that the officer be served with charges and not summarily terminated. The Department negotiated a penalty of 30 days suspension without pay and a period of one year dismissal probation, during which time if the officer engaged in subsequent misconduct he could be summarily terminated.

The Commission finds no fault with the Department's decision in any of the four negotiated plea cases to permit a plea rather than to terminate the officer. In each case, the

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<sup>12</sup> Disciplinary cases involving police officers which originate from and are substantiated by the CCRB are generally heard by OATH.

Department's conclusion that termination was not warranted appears reasonable in light of the facts and circumstances in the file. It bears noting, however, that, in two of the four cases, the Department imposed no additional probationary period. The Commission recommends, in general, an automatic extension of the probationary period in each instance where the Department accepts a negotiated plea in lieu of termination. The imposition of an appropriate period of dismissal probation, assuming it has the effect of actually extending the probationary period rather than merely overlapping it, may be an effective way of addressing this issue. In some cases, however, because a period of dismissal probation is limited to one year, a longer extension of the probationary period may be warranted.<sup>13</sup>

### **3. Resignation Cases**

Seven of the 13 cases in which officers resigned involved resignations from PPOs who tested positive for drug usage. In each of these cases, the officer resigned no more than three days after learning about the positive drug test. The six remaining resignation cases involved situations in which termination appeared virtually certain either because of the nature of the officer's misconduct or because the misconduct at issue revealed the officer's underlying lack of fitness for service (e.g. inability to pass Police Academy examinations). In addition, in five of the six cases, the Department indicated its intention to proceed against the officer by suspending the officer and/or modifying his or her duty status.<sup>14</sup> For example:

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<sup>13</sup> The Commission recognizes that an officer's probationary period tolls during the time he or she is suspended or on modified assignment status.

<sup>14</sup> See supra. at fn. 9.

- Case #1 (PPO "H"): The officer lost control of his firearm. While off-duty, he was at a bar helping the bartender close for the night. The bartender seized the officer's firearm and killed himself. The Department found that, at the time of the incident, the officer was unfit for duty because of intoxication. The Department prepared a report recommending that charges and specifications be preferred. After a one month suspension, the officer resigned.

- Cases #2 & #3 (PPO "I"; PPO "J"): The officers failed to comply with the Department's rule that an officer must remain at his or her residence while on "sick leave" and failed to comply with repeated directives from the Department to report to the Medical Division. In one of these cases, the Department suspended the officer for thirty days and then placed the officer on modified status. The day after being placed on modified status, the officer resigned. In the second case, the Department suspended the officer; three days into the suspension period, the officer resigned.

- Case #4 (PPO "K"): Upon being notified by the Department that he had failed to achieve the academic grades required for graduation from the Police Academy, the officer left the Police Academy without permission or authority. The Department ordered the individual to return to work at the Police Academy and the officer refused. The Department's subsequent efforts to locate the officer were unsuccessful. The Department suspended the officer for thirty days and then placed the officer on modified status. Approximately twenty days later, the officer resigned.

- Case #5 (PPO "L"): The officer was arrested by the Westchester District Attorney's Office for perjury before a grand jury, conduct which occurred several years before

his appointment to the Department. The Department suspended the officer for thirty days and then placed the officer on modified assignment. The next day, the officer resigned.

The Commission views the high proportion of resignations in the sample as an indication that probationary police officers believe that the Department will not excuse their misconduct. Resignations by PPOs save the Department time and resources because they eliminate the need for further investigation into an officer's alleged misconduct.

### **C. EFFECTUATION OF TERMINATIONS**

In nine of the 17 cases in the sample that resulted in terminations, the terminations did not occur until six months or more after the Department determined the alleged misconduct had occurred. In one of these nine cases, the Department suspended the officer without pay for a period that continued until the date of the termination. In the remaining eight cases, some of the officers were suspended for a period prior to termination and all were placed on modified status at some point prior to the termination.

In two of the 17 termination cases (PPO "M"; PPO "N"), involving theft and failure to report the discharge of a firearm, respectfully, approximately one year passed between the date on which the Department learned of the misconduct at issue and the date of termination. In both cases, the Department suspended the officers for a brief period of time -- nine days in one case, one month in the other case -- upon discovery of the misconduct at issue and then restored the officers to modified assignment for the months pending termination.

In seven of the remaining cases (PPO "A"; PPO "C"; PPO "O"; PPO "P"; PPO "Q"; PPO "R"; PPO "T"), between six months and eleven months passed between the time the Department learned about the misconduct at issue and the termination:

- Case #1 (PPO "O") (theft): Approximately eleven months. The Department suspended the officer for approximately one month and then restored her to modified status for approximately ten months prior to her termination.

- Case #2 (PPO "A") (domestic violence): Approximately nine months. The Department imposed a suspension of 19 days and then restored the officer to modified status for approximately eight months prior to termination.

- Case #3 (PPO "P") (menacing): Approximately nine months. The Department imposed no suspension. The Department placed the officer on modified status approximately three months after the incident and he stayed in that status for approximately five and a half months prior to termination.

- Case #4 (PPO "T") (abuse of authority): Approximately eight months. The Department imposed no period of suspension. Approximately two months after the incident at issue, the Department placed the officer on modified status for the five and a half months prior to termination.

- Case #5 (PPO "Q") (failure to safeguard his weapon): Approximately seven months. Department suspended officer for nine days and then restored the officer to modified status for approximately seven months before terminating the officer.

- Case #6 (PPO “R”) (drug use): Approximately seven months.

The Department suspended the officer immediately after learning about the misconduct at issue and the suspension continued until the date of termination.<sup>15</sup>

- Case #7 (PPO “C”) (failure to safeguard her weapon):

Approximately six months. The Department imposed no suspension period. The Department placed the officer on modified status for approximately four months prior to termination.

In four of the remaining cases (PPO “D”; PPO “S”; PPO “U”; PPO “V” ) involving: leaving the scene of an accident, providing a false name during an arrest for speeding, loss of a gun and shield, and false statements at an official interview; between three and four months passed between the date the Department learned about the misconduct at issue and the date of termination. In one of these cases (PPO “U”), the Department did not suspend the officer or place the officer on modified status prior to termination. In two of the cases (PPO “S”; PPO “V”), the Department suspended the officers for approximately one month and then restored them to modified status prior to termination. In the remaining case ( PPO “D”), the Department placed the officer on modified status three months after the Department learned of the incident and he remained in that status until his termination, approximately one month later.

In the remaining four cases (PPO “W”; PPO “X”; PPO “Y”; PPO “Z”), approximately one month passed between the date the Department learned about the misconduct and the date of termination. Three of these four cases (all but PPO “Z”) involved

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<sup>15</sup> Notwithstanding the 30 day limitation on periods of suspension, the record in this case indicates a seven month suspension.

officers who tested positive for drug use; in each of these three cases, the Department suspended the officer within a week of learning about the positive drug test results and the officer never returned to pay status. In the remaining case (PPO "Z"), the officer was on modified duty status at the time of the incident at issue (public lewdness) and, pending termination, remained on this status.

#### IV. CONCLUSION

Nature of Misconduct: The significant number of cases in the sample involving illegal drug use validates the Department's aggressive drug testing policies.<sup>16</sup> Additionally, the significant number of cases in the Commission's sample involving firearm violations -- and the risk that these violations pose to the public -- underscores the need for thorough education with respect to firearms.

Adequacy of Sanctions Imposed: Based on its review, the Commission concluded that the Department made appropriate determinations with respect to the kinds of conduct for which it terminated officers and the kinds of conduct for which it accepted negotiated pleas.

At the same time, however, the Commission's review does suggest that, in at least one case, the Department did not act with respect to a probationary police officer's act of misconduct until after the officer engaged in a second or third act of misconduct.

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<sup>16</sup> Recently, the Department began to test probationary officers' hair for the presence of illegal drugs. Previously, drug tests were based on urine samples. PPOs in the Commission's sample were subjected to hair testing. The Commission supports the Department's efforts in this area. Though more costly, this type of testing is more accurate and effective given that drugs remain present in human hair for approximately 90 days.

In addition, as discussed above, the Commission recommends that when the Department accepts a negotiated plea, the Department should generally require, as a mandatory condition of such acceptance, an extension of the probationary term.

Effectuation of Terminations: In the termination cases involving drug use, the Department swiftly effected the terminations.<sup>17</sup> With respect to cases involving other forms of misconduct, however, the Commission's review indicates that, in a number of cases in which the Department determined that termination was warranted, the Department effected the termination only after the passage of a substantial period of time. While the Commission recognizes that each case presents unique facts and circumstances requiring investigation, the Commission recommends that the Department consider ways in which to speed the resolution of cases. As discussed above, speedy resolution of cases serves a symbolic purpose with respect to the Department's lack of toleration for misconduct. Prompt termination also reduces the possibility that officers will engage in additional misconduct while part of the Department.

The Department imposed periods of suspension in 12 of the 17 cases resulting in termination. These suspensions typically ended prior to the officer's termination and, reflecting the constraints imposed by the Administrative Code, did not exceed 30 days.<sup>18</sup> The Commission endorses the Department's use of suspension prior to termination and recommends that suspension occur as soon as it becomes clear to the Department that

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<sup>17</sup> PPO "R", discussed at p.13, represents the only exception to this practice.

<sup>18</sup> For the single case that apparently did not follow this general rule, see the discussion of PPO "R", at p.13.

termination will be the likely, if not certain, outcome.<sup>18</sup> Additionally, the Commission recommends that where the Department has determined that termination is warranted, it should effect such termination before the expiration of the suspension period.

In most of the termination cases in the sample, the Department put the officer on modified assignment at some point prior to the termination. While the Commission endorses the use of this status in cases in which the 30 day suspension limit has expired, the Commission recommends that the Department target a 30 day limit to modified duty during which time the Department should strive to complete its investigation and effect termination. Although modified duty status limits officers to administrative assignments and, thus, reduces the risk that officers will engage in additional misconduct while serving in law enforcement capacities, officers on modified status remain on the Department's payroll and continue to collect benefits. Prompt resolution of termination cases offers the Department an opportunity to save limited resources.

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<sup>18</sup> Patrol Guide Section 118-10(1) provides, in part, that a captain or an officer with higher rank may suspend a member of the service when in his or her opinion, such action is necessary.

## **COMMISSION TO COMBAT POLICE CORRUPTION**

The Commission to Combat Police Corruption was created pursuant to Executive Order No. 18 of 1995. The Commission is mandated to monitor the New York City Police Department's anti-corruption systems. To accomplish this, the Commission conducts audits, studies, and analyses regarding the Department's anti-corruption policies and procedures. This includes studies to determine the effectiveness of the Department's systems and methods for: investigating allegations of corruption; gathering intelligence; implementing a system for command accountability, supervision, and training for corruption matters; and such other policies and procedures relating to corruption controls as the Commission deems appropriate.

### **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.

**Ann Hayes**

Ann Hayes is the Chief Executive Officer of Strang Hayes Consulting, Inc., a leading New York City investigative management firm. She is a former Special Agent with the Federal Drug Enforcement Administration, having served from 1984 through 1988. As an undercover agent, Ms. Hayes was directly involved in infiltrating and combating organized crime, and later supervised numerous high-level, international investigations. Ms. Hayes was the first woman to graduate first in her class from the DEA Agent Basic Training Academy. Her law enforcement career began as a police officer following graduation from college. In 1987, Ms. Hayes served on the President's Organized Crime Drug Task Force. Ms. Hayes was recently appointed by Mayor Giuliani to the Mayoral Task Force on Police/Community Relations, which was established to improve the relationship between the police and community in New York City.

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