The City of New York

Commission to Combat Police Corruption

A REVIEW OF THE NEW YORK CITY POLICE DEPARTMENT'S METHODS FOR GATHERING CORRUPTION-RELATED INTELLIGENCE

Richard J. Davis
Chair

Charles M. Carberry

Rhea Kemble Dignam

Ann Hayes

Emery E. Adoradio
Executive Director

Julie Block
Deputy Executive Director

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I. __INTRODUCTION__

The New York City Police Department's ("NYPD" or "Department") Internal Affairs

Bureau ("IAB") is responsible for investigating allegations of police corruption and serious

misconduct Department-wide. In order to sustain its fight against corruption, it must maintain

effective ways to gather intelligence information ("intelligence"). Meaningful intelligence can

provide the Bureau with important investigative leads as it seeks to sort out the facts of pending

investigations and identify new subjects and areas for inquiry. Intelligence can derive from

many sources, including eyewitness statements, overheard conversations, surveillance reports,

telephone records and wire taps, financial records, and more. The information can come to IAB

from equally diverse sources including, confidential field associates,[1] prisoners, investigators,

Precinct Commanding Officers ("COs", "Commanders") and Integrity Control Officers

("ICOs"),[2] other Bureaus within the Department, complaints from ordinary citizens, and the

media. In undertaking this study, the Commission recognized that while intelligence information

obtained by IAB could have such evidentiary value as to provide a conclusive resolution to a

particular case, more often it provides bits and threads of information to further ongoing

inquiries, confirm investigators' intuitive hunches, corroborate other evidence already developed

in the case, or initiate new cases. In short, intelligence is most frequently a means to an end

rather than the end in itself.

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[1] See p. 15 for discussion of the Department's Voluntary Assistance and Operative Units.

[2] An ICO is assigned to each precinct. The ICO is responsible for monitoring the overall integrity of an individual precinct. For more information regarding the role of the ICO, see the Commission's study, *The New York City Police Department: The Role and Utilization of the Integrity Control Officer,* December 1996.

In 1995, Mayor Rudolph W. Giuliani, by Executive Order 18, established the

Commission to Combat Police Corruption ("Commission") to monitor the anti-corruption

systems of the NYPD. Among other duties, the Commission is charged with the responsibility

of analyzing the effectiveness of the Department's systems and methods for gathering

intelligence on corrupt activities and investigating allegations of corruption.[3] The focus of this

study was to determine whether IAB has in place procedures and systems to competently and

comprehensively gather intelligence.

This report will describe each of these systems, which include: the IAB Corruption

Prevention Division ("CPD"), which acts as a central repository and clearinghouse for various

types of intelligence information gathered Department-wide; the IAB EDIT program,[4] a pro-

active enforcement initiative developed by IAB which results in debriefing prisoners for

intelligence relating to police corruption; the Voluntary Assistance ("VAU") and Operative Units

("OU"), which comprise the Department's network of Department employees who confidentially

provide the Department with intelligence; and IAB's consultations with COs and ICOs.

II.   METHODOLOGY

In carrying out the study, the Commission met with members of IAB's intelligence

related units: the Corruption Prevention Division, the Voluntary Assistance and Operative Units,

IAB Group Captains and various ranking members within IAB. Commission staff also traveled

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[3] See Executive Order No. 18, February 27, 1995, Establishment of Commission To Combat Police Corruption.

[4] The acronym "EDIT" stands for enforcement, debriefing, intelligence, and testing. The initiative is discussed in further detail at pp. 16-19.

to several police precincts within the city to meet with COs in order to elicit their views on IAB's role in gathering intelligence from precinct commanders and ICOs, as well as the "policy of inclusion," whereby information relating to integrity investigations is shared by IAB with COs.[5]

In addition to meeting with key IAB and Departmental personnel, the Commission also analyzed various documents prepared by IAB, including pin map reports, corruption complaint comparison reports, command profiles, EDIT logs, VAU and OU logs and debriefing reports,[6] annual reports, daily logs of corruption allegations, and various other reports prepared by the CPD.

Based on its review of these programs, the Commission has determined that while certain additional limited steps would be appropriate, IAB has in place a credible intelligence gathering system.

III. **THE ELEMENTS OF AN INTELLIGENCE SYSTEM**

An intelligence operation for a law enforcement agency normally has the following elements:

1. Techniques to acquire information from third parties relevant to the agency's mission;

2. A system to analyze the information acquired; and

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[5] For further discussion of the policy of inclusion, see pp. 20-27.

[6] Debriefing reports are those documents that memorialize the meetings between field associates and their coordinators. See p. 15, for discussion of the Department's Voluntary Assistance and Operative Units.

3.   The dissemination of relevant information to those within the agency with

operational responsibility to investigate wrongdoing.

While in many ways similar to how a traditional law enforcement agency would operate,

there are two fundamental differences that exist when the agency, like IAB, is charged with

policing internal misconduct. First, since it is dealing with potential crimes and other

misconduct committed by the agency's own employees, IAB must develop sources of

information within the agency itself, and not rely solely on what it acquires from third parties.

Needless to say, in many types of organizations, including the New York Police Department, that

is not an easy task.

Second, since corruption prevention involves the efforts of police administrators, not just

police investigators, judgments have to be made about how much information should be shared

with these non-investigators. This is a difficult issue since while, as discussed below, there are

plainly benefits from broadly disseminating information, it also is important that such

dissemination not be allowed to compromise investigations.

This report discusses the variety of ways in which IAB acquires information -- both

inside and outside the Department -- how IAB analyzes and disseminates information, and the

so-called "policy of inclusion" through which information has been made more freely available

to precinct and non-IAB commanders.

The primary internal sources of information are confidential field associates, a network of

Department employees who confidentially provide the Department with intelligence, and

Precinct COs and ICOs. External sources of information include the IAB EDIT program, a pro-

active enforcement initiative developed by IAB, which results in debriefing prisoners for

intelligence relating to police corruption, and information supplied by other investigative bureaus to IAB on an <u>ad</u> <u>hoc</u> basis.[7] The primary analysis of information within IAB is done by the Corruption Prevention Division. We begin with our discussion of CPD.

IV.   <u>CORRUPTION PREVENTION DIVISION</u>

The Corruption Prevention Division is a fundamental component of IAB's intelligence gathering strategy. CPD[8] was created in April 1993. The unit within CPD responsible for compiling corruption information is staffed by one lieutenant, five detectives, two police officers, and one associate staff analyst.

CPD gathers information that has been developed from a variety of sources, synthesizes the data into meaningful narrative or graphic presentations, and distributes that information in a way that is accessible and useful to IAB members, executive staff and COs. This use of computerized data reflecting internal corruption and serious police misconduct complaints, as well as the various other types of information discussed below, allows for the detection of problems and trends, which in turn allows for the initiation of pro-active measures. In line with this goal, CPD regularly produces the following reports: the Corruption Complaint Comparison Report ("Comparison Report"), the Corruption Complaint Comparison Map Report ("Map Report"), and Command Profile Reports. CPD also prepares several smaller reports on varying

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[7] IAB's Command Center, as the central clearinghouse for all allegations of police corruption and misconduct, provides an additional internal source for information. For the Commission's analysis of the role of the Command Center in the Department's anti-corruption program, <u>see</u> *Performance Study: The Internal Affairs Bureau Command Center*, October 1997.

[8] CPD is divided into two separate units: the Internal Initiatives Unit (formerly known as the Corruption Prevention Analysis Unit), and the Office of Personnel Development. For the purposes of this report, "CPD" refers only to the Internal Initiatives Unit.

corruption topics, including: monitoring lists (produced quarterly)[9]; IAB group workload

disposition (produced monthly); bribery arrests (produced monthly)[10]; found contraband

(produced quarterly); resisting arrest (produced quarterly); and "Dole" failures[11] (produced

quarterly).[12] These various reports are distributed to both IAB Zone Commanders and Group

Captains. In addition to its standard reports, upon the request of IAB personnel or NYPD

executive staff, CPD is available to, and does, generate specific information relating to

corruption trends.

As discussed in the recommendations section below, certain reports prepared by CPD

provide useful information to non-IAB commanders. The resisting arrest report, for example,

may help identify patrol officers with excessive force problems. Given the broader value of

certain CPD-generated reports, the Department should continue its practice of distributing these

non-sensitive reports on a routine basis to all Patrol Bureau commanders.

Currently, CPD staff enter information into CPD's database that is gleaned from other

divisions and sources Department-wide, including the Disciplinary Assessment Unit ("DAU"),

which places officers with severe disciplinary records on monitoring lists for oversight; the

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[9] The force monitoring list is a list maintained by the Department of those officers who have a high number of excessive force allegations.

[10] IAB tracks bribery arrests to determine how prevalent bribery offers are within a command, noting that bribery offers may be an indicator of corruption.

[11] Dole tests are random and targeted drug tests of officers conducted by the Department.

[12] Additionally, CPD is responsible for producing IAB's Annual Report which includes various statistics, an overview of IAB's mission and how it is implemented, as well as a summary of IAB's accomplishments during the previous year.

NYPD Medical Division;[13] ICOs; and the Civilian Complaint Review Board ("CCRB"), which undertakes investigations of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language by members of the NYPD. CPD also utilizes IAB's internal data bases to ensure that the most up-to-date information has been incorporated into its reports. For example, from daily IAB logs and the Department's FINEST data base, information regarding officers who have been suspended, arrested or modified, or who have failed drug tests, is obtained. When preparing its reports, CPD staff also examines all "C" case information for the current and two preceding years.[14]

A.   Corruption Complaint Comparison Report

The Comparison Report is a confidential monthly report that serves to apprise key personnel within the NYPD of the number and frequency of corruption allegations on an ongoing basis.

The Comparison Report is produced each month and circulated to the Police Commissioner, the First Deputy Commissioner, other Department executives, and the Commission. The Report is generally issued by the tenth day of each month and contains the most up-to-date statistical data for the preceding month.

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[13]   CPD receives information regarding Department personnel who have failed random or targeted drug tests from the NYPD Medical Division.

[14]   "C" cases involve allegations of corruption or serious misconduct and are exclusively investigated by IAB.

The Comparison Report contains a summary of "C" and "M" allegations,[15] as well as statistical data indicating how present complaint statistics compare with previous reporting periods. Also included are charts reflecting comparison of year-to-date and month-to-month corruption complaints broken down by category and subcategories citywide, and broken down by patrol boroughs and bureaus.[16] Further, each command is ranked according to monthly and yearly corruption complaints affecting the particular command. These commands are also ranked by the ratio of the number of complaints to the number of personnel within the command for both "C" and "M" cases. Because the Comparison Report focuses attention on corruption trends in particular borough commands and bureaus, it provides information to the Police Commissioner and the Department's most senior management about corruption prone areas, and allows IAB to develop a strategy to address any rising trend. The report does not, by design, provide case-specific or officer-specific information.

B. Corruption Complaint Comparison Map Report

The Map Report is issued on a quarterly basis. It is circulated to IAB managers at the rank of inspector and above and contains information about all "C" cases within each command for the latest three-year period, along with a year-to-date and a monthly comparison of both "C"

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[15] "M" cases involve less serious misconduct and certain criminal cases that do not require an investigation by IAB. A summary arrest of an off-duty NYPD officer for assault or driving-while-intoxicated are examples of the latter category. Most "M" cases are assigned to investigation units within the Department that specifically investigate allegations that do not rise to the level of serious misconduct.

[16] The bureaus analyzed include: Patrol Bureau, Housing Bureau, Transit Division, the Organized Crime Control Bureau ("OCCB"), Detective Bureau, Personnel Bureau, and Criminal Justice Bureau. The School Safety Division, which was recently absorbed into the NYPD, is a new bureau whose figures have been added to the report.

and "M" cases for the Department as a whole.[17] In addition, the Map Report provides a

breakdown, by command, of the number of Department personnel in monitoring programs, the

number of complaints lodged with the CCRB, the number of bribery arrests, and criminal

impersonation cases[18] per command, as well as an analysis indicating the platoons identified in

both "C" and "M" allegations.[19] The Map Report contains a map of each command pinpointing

the geographical location identified in the allegations of corruption or serious misconduct. These

markings also indicate whether the alleged misconduct at a particular location involved

personnel assigned to that command or assigned outside that command. In addition, the Map

Report states the duty status of the officer who is the subject of the allegation,[20] the time of the

alleged misconduct, the command of the subject officer, and the IAB group assigned to the

investigation.[21]

According to IAB Commanders, this report, including "pin-mapping," is used as an aid in

detecting patterns of possible corruption. It allows the selection of geographical areas and

specific platoons for focused investigative efforts such as integrity testing and EDIT operations.

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[17] IAB Zone Commanders distribute the relevant command maps to the Group Captains responsible for those locations.

[18] These are cases where it is believed that the perpetrator impersonated a police officer. These cases may include robberies, assaults and various other crimes.

[19] Command personnel are divided into three platoons corresponding to three eight-hour shifts in a working day.

[20] The duty status indicates whether Departmental personnel were on-duty or off-duty at the time of the alleged misconduct.

[21] IAB is organized geographically and, in certain instances, by the type of allegation or the NYPD Bureau involved (e.g., allegations of excessive force, allegations involving traffic agents, etc.)

In essence, this report represents an attempt by the Department to apply techniques used by the Department to address external crime to combat internal crime.

C.   Command Profile Reports

CPD also generates Command Profiles, which are provided to IAB Group Captains. Pursuant to the "policy of inclusion,"[22] while IAB Group Captains may inform COs of the contents of these profiles, and allow COs to view certain documents, they are not provided actual copies so as to avoid inadvertent dissemination of these materials. Command Profiles are created on a command-by-command basis and include a complete, fact-specific review of integrity related issues that affect the command being reviewed.

CPD prepares a Command Profile in several instances: (1) when a corruption pattern or trend has been discerned by CPD; (2) upon the request of an IAB group or when a new Group Captain or Zone Commander is appointed; (3) when a new CO is appointed to a command; (4) in preparation for a meeting between a Group Captain and a non-IAB commander;[23] or (5) at the request of the Police Commissioner.

A Command Profile generally contains data for both the current year and the previous two years. These data include individual personnel profiles for officers IAB has identified as a result of prior "C" or "M" cases, frequency of CCRB complaints, frequency of prior disciplinary

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[22] See Police Strategy No. 7: Rooting Out Corruption; Building Organizational Integrity in the New York Police Department, June 14, 1995, at page 6: "IAB will inform and involve all precinct and other unit commanders and Integrity Control Officers assigned to the precincts of the patterns and profiles of corruption and brutality that may exist in their command." For further discussion of the policy of inclusion, see pp. 20-27.

[23] Under Patrol Guide section 103-02, "Patrol Duties and Responsibilities," commanding officers within the Detective, Organized Crime Control, Transit and Housing Bureaus are to be briefed by IAB "upon assignment to command and semi-annually thereafter."

cases or other factors. The Command Profiles may also contain: pin maps of the command

identifying locations associated with allegations; lists identifying officers in the precinct who

have been arrested, suspended, or modified in prior years; all officers who are on Departmental

disciplinary monitoring lists; officers with documented bribery arrests; summaries of lost and

stolen motor vehicle plaques which provide on-duty personnel with certain parking and toll

privileges; a listing of CCRB allegations; graphics that compare "C" and "M" cases for the

previous three years to-date; yearly command corruption complaint rankings compared to other

commands (by total complaint number and by the ratio of the number of complaints to number of

members in the command); data sheets indicating dispositions of both "M" and "C" cases, along

with the duty status of those accused in the allegations; and the tours during which the alleged

(non-CCRB) incidents occurred. Additionally, each non-CCRB allegation is coded by category

and a breakdown of the specific category into which each allegation falls is provided. Finally,

logs prepared by the Command Center, which provide a short narrative summary of the

allegations contained in both "C" and "M" cases, may be included in the report.

     IAB Group Captains try to meet with all commands or COs at least twice during the

course of the year to present Command Profile Reports.[24] IAB policy requires that such

meetings take place within two weeks of the creation of the profile so that the information

contained therein is current. CPD generated 216 Command Profiles in 1996. In 1997, 267

Command and Bureau Profiles were prepared and sent to IAB Group Captains for discussion

with precinct and bureau COs. In 1998, the number of profiles decreased because the

information contained within the profile was expanded and because non-Patrol Bureau profiles

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[24]   During the course of the Commission's study, it became apparent that IAB Group Captains consult with

(such as the Detective Bureau) were grouped together into single reports rather than separate reports by individual command. In total, CPD prepared 93 Command Profiles in 1998.

Command Profiles, and the meetings at which they are discussed, provide the vehicle for IAB Group Captains and COs to share important intelligence information, which can aid in furthering investigations. A free flow of information between COs, who have the opportunity and ability to observe suspect officers on a daily basis, and the IAB Group Captain, who must develop and establish a profile of the suspect officer, or identify appropriate subjects of investigation, may provide valuable insights and assistance to an existing IAB investigation, suggest the need to commence an investigation, or aid the CO in supervision of command personnel. For example, information arising from these discussions with a CO may alert the IAB Group Captain to a previously unconsidered investigative path, or assist in developing an integrity test of a targeted officer. Information provided by IAB may assist the CO in structuring tours or in effecting reassignments that will reduce the potential for problems.

The IAB Group Captains interviewed advised Commission staff that they found the contents of the Command Profile to be most useful in their meetings with recently appointed COs in providing them with an overview of IAB investigative activity in the command, the kinds of allegations which have arisen within the command, identifying the subjects of those allegations, indicating corruption complaint trends, and stating where the CO's command ranked comparatively citywide. When meeting with more seasoned COs, rather than reviewing each and every document in the Command Profile, the meeting is used as an opportunity to discuss specific items, such as the most problematic personnel within the command, especially officers

command COs on at least a monthly basis and frequently more often.

on monitoring programs, or subjects of current investigations.

While several Group Captains believed it was beneficial to meet annually with COs to discuss the Command Profile, other captains believed less formal discussions were equally beneficial. Indeed, each of the Group Captains indicated to the Commission that even apart from the Command Profile meetings they maintained regular contact with precinct COs, either in person or by telephone, updating the CO on developments in various existing cases or apprising them of new allegations.

The Commission also learned from the Group Captains that they were generally satisfied with the depth and quality of the information contained in the Command Profiles, and that they found the inclusion of CCRB information to be particularly helpful. Indeed, the Command Profile was identified by the Group Captains as the primary means by which they receive information about particular allegations lodged with the CCRB, information that can provide important background in shaping an investigation involving an officer who is the subject of these allegations. Further, Group Captains indicated that the graphics used in the Command Profiles allow for quick identification of areas with increased allegations, either at a particular location or in a particular command platoon. In this way, integrity testing and EDIT operations can be directed at these locations through scenarios designed to mirror the kinds of allegations that have been identified.[25]

Additionally, based on these trends, in appropriate circumstances Group Captains will

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[25] Group Captains recognized that Command Profile charts could sometimes overly dramatize an increase in allegations. For example, one Command Profile indicated a 100% increase in allegations when, in fact, the allegations in real terms increased from one to two. Although Command Profile charts may at times indicate dramatic increases or decreases in the percentage of cases, the "raw" numbers are always part of the data presented in the Command Profile.

informally suggest to the COs ways that they might address problems in the command such as breaking up partners, changing an officer's tour, or making adjustments in supervision. For instance, some of the Group Captains stated that when they noticed an increase in stolen property allegations, most of which were unsubstantiated, they suggested that the CO initiate training on the proper method of vouchering property obtained from detainees.[26]

According to the precinct COs interviewed by Commission staff, the single most important item that IAB can do for a CO is provide regular briefings about the serious cases originating from his or her precinct. Indeed, all of the COs consistently agreed that the Command Profile information and the meetings held to present that information are excellent tools for enhancing communication between IAB and the precinct, as well as updating the CO about incipient corruption problems within the command.

A number of the COs that the Commission interviewed also believed that the Command Profile ensured that they did not become complacent about the issue of corruption. As one CO explained, the Command Profile presentation forces a CO to examine corruption issues present at the command and to take responsibility for the resolution of those problems. COs also pointed out that focusing on corruption issues together with IAB helps COs to formulate and take corrective action that can reduce corruption within the command. For instance, many COs told the Commission how, in response to spikes in corruption allegations or in response to IAB suggestions, they have initiated training, enhanced specific enforcement activities where allegations of non-enforcement have been made, and expanded supervision within their commands.

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[26] Stolen property allegations include those in which arrestees claim that police officers stole property

Overall, the COs found the information contained in the Command Profile to be accessible, relevant, and useful. Some COs focused on the Departmental ranking sheets while others concentrated on the reports detailing allegations within their precinct. One CO stated he looks specifically to the force monitoring lists, which enable him to keep a closer eye on those officers who may need additional supervision.

Once a meeting with the precinct CO has been conducted, the IAB Group Captain is required to prepare a memorandum, which sets forth the Captain's recommendations for addressing the corruption hazards identified. The memorandum, which serves to document the meeting and provide a reference for follow-up and monitoring by IAB, is circulated through the IAB chain of command and maintained by CPD.

V.   THE VOLUNTARY ASSISTANCE UNIT AND THE OPERATIVE UNIT

The VAU and the OU are two distinct units that deal with members of the NYPD who voluntarily assist the Department in obtaining and reporting information that can be used by IAB in corruption investigations. While Commission staff was able to review the operations of these units, none of the identities of any member assisting these units was ever revealed. Because of the sensitivity of this aspect of the Department's systems for gathering corruption-related

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during the arrest process.

intelligence -- the disclosure of methods and operations of these units would undermine their

effectiveness -- the Commission is constrained from publicly reporting the details of how these

units operate. To do so would be a breach of the highly confidential nature of these units' work

and would run afoul of the public's interest. While the Commission is monitoring certain

inquiries by IAB into the past administration of these units, based upon interviews of key

personnel and the review of relevant documents the Commission can report, however, that these

units are operating as viable intelligence-gathering mechanisms for the Department. A

supplemental confidential report outlining the Commission's findings and suggestions related to

these units will be submitted to the Mayor and the Police Commissioner.

VI.   THE EDIT PROGRAM

In the fall of 1996, IAB developed and implemented an enforcement program whose

primary goal was to develop intelligence that would lead to the initiation of new investigations or

the enhancement of existing ones. This program, known for its acronym, "EDIT" (Enforcement,

Debriefing, Intelligence and Testing), utilizes IAB personnel in pro-active enforcement efforts

that result in the arrest and debriefing of prisoners to gather possible corruption-related

intelligence.[27]

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[27] It is the Department's policy to debrief all arrestees, citywide, to gather key intelligence to pursue its crime-fighting initiatives. These debriefings are generally carried out by members of the Detective Bureau. In particular, these debriefings seek to identify the sources of illegal guns and narcotics.   Additionally, during such debriefings, each prisoner is supposed to be asked if he has any knowledge of police corruption. If so, IAB is promptly notified and advised of the information developed. If warranted, arrangements are made for IAB staff to interview the prisoner. Because the focus of this study was the manner in which IAB alone gathers intelligence, the Commission did not conduct an extensive review of the Detective Bureau's procedures. The Commission is aware, however, based on its monitoring of IAB's open and closed cases, that some IAB cases are initiated based on these prisoner debriefings. The EDIT program is IAB's own pro-active approach to this important source of intelligence and offers the advantage of having someone from IAB, with its focus on police misconduct, as the first person to speak to the arrestee.

Prior to the creation of the EDIT program, IAB relied upon OCCB[28] to conduct these types of operations. Given OCCB's primary responsibilities for the investigation of organized crime and narcotics, IAB's specific enforcement requests were prioritized in the context of OCCB's other responsibilities. Further, the inclusion of non-IAB personnel in enforcement and debriefing activities increased the potential risk of leaks to subject officers. With the creation of EDIT, however, both scheduling constraints and leak risks were minimized and IAB became empowered to conduct its own independent enforcement operations as directed by IAB's goals and objectives.

When particular geographic locations or establishments have been identified, either through the receipt of a series of allegations or because during the course of active investigations these locations have become the focus of investigative scrutiny, an EDIT operation often will be conducted to develop potential information that may further an investigation, initiate a new investigation, or develop a basis for a targeted integrity test of a member of the NYPD. Prisoners facing incarceration may offer information regarding police corruption in exchange for consideration regarding their criminal case. Such information can include first-hand knowledge of officers who have engaged in serious criminal activities, e.g., protecting narcotics dealers, engaging in illicit drug use or distribution, robberies, burglaries, or other crimes. An EDIT

Since April 1999, IAB has embarked on an additional debriefing program. Approximately once each week, an IAB investigative group will go to central booking facilities around the city to interview arrestees awaiting arraignment.

[28] OCCB is a unit dedicated to the investigation of criminal matters relating to organized crime and narcotics.

operation may be commenced on the initiative of an IAB Group Captain or at the direction of the IAB Steering Committee.[29] Typically, the group investigator assigned to the case will participate with the EDIT team in the debriefing session.

Because of the high incidence of corruption cases associated with narcotics, the initial thrust of the EDIT program targeted illegal drug activities. As the program evolved, EDIT activities included the arrest of individuals for gambling and prostitution offenses. Through EDIT involvement in narcotics, gambling and prostitution enforcement activities, IAB has developed viable criminal cases against arrestees that have led to the development of valuable intelligence.

In order to effectively handle not only the debriefings but the enforcement aspects of EDIT as well, IAB personnel involved in EDIT undergo the same training provided to both OCCB and Vice Enforcement Division personnel.[30] Currently, one lieutenant, one sergeant, and three detectives (one as an undercover and two that are dedicated to arrest processing) are assigned exclusively to the EDIT program. In addition to this dedicated staff, the 39 members assigned to IAB's Self-Initiated Unit,[31] which includes the EDIT program, can be drawn upon in particular cases. This staff includes a deputy inspector and captain and a corps of lieutenants, sergeants and detectives. EDIT personnel can work day or evening tours, weekdays or weekends, depending on the demands of particular cases. In order to avoid overlap with OCCB or federal agency operations, the EDIT team consults various databases and Department

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[29] Meetings of the Steering Committee provide an opportunity for IAB investigative groups to discuss their open cases with Executive IAB staff that assist in developing investigative strategies.

[30] Vice Enforcement is a division within OCCB responsible for prostitution and gambling investigations.

[31] This unit initiates its own investigations based on information and intelligence developed outside IAB's

personnel to avoid conflicts.

EDIT has become a common element in IAB investigations and indeed has come to be one of the most significant ways IAB gathers intelligence. Since the program's creation in 1996, IAB has conducted 136 EDIT enforcement operations involving narcotics, prostitution and gambling. These operations were staged in all five boroughs and have resulted in the arrests of more than 500 individuals.

The Commission has observed through its monitoring of both open and closed corruption investigations, and in the course of its interviews of IAB Investigative Group Captains for this study, that EDIT's approach to developing intelligence has yielded tangible benefits in furthering investigations. Specifically, it has led to the identification of corrupt officers, their methods of operation and the identities of their associates. Nationally, IAB has been at the forefront of internal investigative agencies engaging in such pro-active enforcement activities. Indeed, other police departments nationwide are seeking to replicate the IAB example.

VII. INFORMATION FROM WITHIN THE DEPARTMENT

IAB also receives information from other Bureaus within the Department. Indeed, all allegations of corruption, whether received by the Patrol Bureau, the Detective Bureau, OCCB or anyone else within the Department, are required to be reported to IAB.[32]

Consistent with this requirement, and in order to have the kind of dialogue discussed

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"C" cases.

[32] Under Interim Order 3 ("Allegations of Corruption and Serious Misconduct Against Members of the Service"), all members of the NYPD have the absolute duty to report corruption or serious misconduct when they learn of such conduct.

above,[33] Group Captains regularly meet with Precinct Commanders. In addition, Group Captains

meet with commanders from non-Patrol Bureaus. These include the Detective, Transit,

Organized Crime Control, and Housing Bureaus. Some of these meetings are conducted in a

formal setting, pursuant to Departmental policy requiring that these commanders meet with IAB

on a semi-annual basis. However, much of the communication between Group Captains and

non-IAB commanders takes place on an ad hoc basis, depending on the needs of particular

investigations or the receipt by that Bureau of information that needs to be reported to IAB.

While similar issues exist where IAB briefs non-Patrol Bureau commanders as in

briefings of precinct COs, it is useful for Group Captains to meet routinely with officers in these

non-Patrol Bureaus who operate in the same geographic areas. Even when they do not have

specific allegations of misconduct, in response to questions from IAB, it may turn out that they

are in possession of information that would either assist in ongoing IAB investigations or suggest

new areas of inquiry that should be opened.

VIII.   POLICY OF INCLUSION

As discussed above,[34] regular meetings occur between IAB and Precinct Commanders at

which intelligence information is shared. This was not always the case. Prior to the broad

reorganization of IAB in 1993, non-IAB commanders were generally not apprised of ongoing

corruption investigations. With the reorganization, however, the Department embarked on a new

approach to this issue, whereby "police commanders become the trusted colleagues of the

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[33]   See discussion above at pp. 10-15.

[34]   See discussion above at pp. 10-15.

Internal Affairs Bureau, supervisors become skilled, effective front-line managers, and all police officers become allies in the drive against corruption and brutality."[35] The policy of including COs in discussions about open corruption investigations, known as the "policy of inclusion," has now been in effect since the time of the reorganization. The policy of inclusion goes directly to key aspects of the Department's anti-corruption program. In its stated purpose of making commanders responsible for integrity issues, it presupposes that information will flow in both directions: from IAB to non-IAB personnel and from precinct and bureau commanders to IAB. As such, the policy of inclusion touches upon several broader issues, including how the Department gathers corruption-related intelligence and what impact, if any, the policy has had upon the integrity of corruption investigations.

Given the importance of these issues, the Commission reviewed the policy of inclusion. This review included discussions with a number of IAB Group Captains and precinct COs about the impact of the policy on intelligence gathering and investigative integrity. Additionally, as part of the Commission's mandate to meet with state and federal prosecutors on corruption-related issues, the policy was discussed with prosecutors to gain their perspectives. The Commission's findings and conclusions are reported below.

A.   The Application of the Policy of Inclusion

The flow of corruption-related information between IAB and non-IAB commanders takes several forms. First, IAB Group Captains are generally supposed to inform precinct commanders about ongoing corruption investigations involving members of that command or

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[35] "Police Strategy No. 7: Rooting Out Corruption; Building Organizational Integrity in the New York

allegations of police misconduct occurring within the command. As discussed more fully

above,[36] the Command Profile, prepared by IAB's Corruption Prevention Division, provides the

primary vehicle for this discussion. Second, precinct commanders may be consulted at times on

the design and execution of targeted integrity tests in order to develop credible and effective test

scenarios. Here, specific information about the targeted officer's tour and assignments, as well

as specific intelligence about the officer, will be shared between IAB and non-IAB commanders.

 Indeed, as a practical matter, in order to implement an integrity test, others within the Command

leadership may have to take some actions -- e.g., adjusting the subject officer's schedule or

assignment. Such requests from IAB may provide them with an indication that an investigation

exists as to the subject officer, even if the particulars are not disclosed by IAB. Third, high-

ranking Department personnel, including the First Deputy Commissioner, the Chief of the

Department, and relevant Borough and Bureau Commanders, attend monthly IAB briefings of

the Police Commissioner regarding significant ongoing corruption cases.

The policy of inclusion seeks to create an organization in which accountability for

maintaining integrity is shared by all of the Department's leadership in an effort to create a

culture intolerant of corruption. It attempts to achieve this partly by relying, where appropriate,

on the assistance of key personnel to advance ongoing corruption investigations. With such

assistance, more credible and effective integrity tests may be designed and, ideally, greater

intelligence information gathered.

Police Department" at p. 3.

[36] See discussion above at pp. 10-15.

B.   Findings

1.   The Group Captains

The general merits of the policy of inclusion were discussed with all Group Captains. While many of the captains see the policy as an important tool for encouraging the free flow of information and fostering positive relationships between IAB and the rest of the Department, the Commission found that Group Captains often make case-by-case decisions as to the specific information they will include in discussions with non-IAB personnel out of concern that their investigation may be compromised. Their concern generally is not that a precinct commander will deliberately compromise an investigation -- rather, that commanders are so keen to handle allegations correctly that their manner or body language may tip-off a targeted officer despite the commander's best intentions. There is also some concern that a commander, desiring to address management issues, may inadvertently take some action, which will alert an officer that he or she is under suspicion. Nevertheless, the Group Captains indicated that they are divulging a great deal more to precinct commanders concerning IAB intelligence and open investigations than has ever been revealed in the past.

Regarding integrity tests, precinct commanders are sometimes informed of tests carried out within their command. This has especially been true where commanders and their integrity control officers can provide help in structuring a test with respect to the targeted officer's schedule and specific assignment. Overall, the Group Captains interviewed found that commanders provide useful information for structuring integrity tests. In various cases, the precinct commander, or in some instances the ICO, is instrumental in ensuring that the targeted officer will be available at a designated location at the time of the test. Indeed, one Group

Captain maintained that without CO involvement, structuring tests for certain officers without set assignments would be extremely difficult, if not impossible.

In addition to assistance with targeted integrity tests, on certain occasions commanders can provide immediate feedback about an ongoing investigation. For instance, in one investigation involving an allegation that an officer had been involved in an assault at a bar, the Group Captain spoke with the officer's commander to gain information about the officer's physical appearance to determine whether the targeted officer showed any signs of bruising or injury. Such immediate feedback can aid IAB groups in developing immediate intelligence and in identifying subject officers.

Although many of the investigations carried out by IAB are initiated as a result of civilian complaints, Group Captains revealed that in some instances, precinct commanders have reported information to IAB concerning Department personnel who they believe may be involved in corrupt activities. In one example, a precinct commander reported his concerns about the integrity of a particular officer. While this commander did not have specific information that the officer was engaged in misconduct, he recommended that IAB conduct an integrity test. Overall, Group Captains recognize that precinct commanders may at times be in the best position to notice unusual details that may be indicative of corrupt behavior involving an officer within the command. As discussed below,[37] the sharing of such information by precinct commanders with IAB is important to the proper working of the policy of inclusion. IAB informed the Commission that it did not believe any of its cases had been compromised as a result of the policy.

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[37] See below at pp. 25-27.

2. The Commanding Officers

In general, the COs interviewed support the policy of inclusion. The policy was cited for promoting better relations with IAB and allowing commanders to take a more active role in integrity issues as they affect their commands. Some felt very strongly that the policy was important for allowing a commanding officer to be informed of any corruption within the command prior to such problems becoming public. As such, commanders are not caught "off guard" and therefore will be better able to make necessary management decisions as they relate to personnel and enforcement. Several of the COs stressed that maintaining Departmental integrity is a burden that should be shouldered by precinct commanders as well as IAB. Indeed, one commander indicated that the policy of inclusion strengthens the notion that COs are trustworthy and part of the corruption-fighting mechanism within the Department.

A few commanders noted that the policy does have one potentially burdensome aspect -- namely, that by becoming aware of sensitive information about ongoing investigations, commanders are placed within the group of those who would be questioned should an investigation be compromised through leaks. In spite of this concern, these commanders remain supportive of the policy of inclusion.

All of the COs interviewed recognized that IAB does not share every detail about open investigations with them. Certain specific information such as the names and addresses of complainants is not shared with the COs. Most of the COs that the Commission met with believe that keeping back this kind of specific detail is appropriate. As one commander indicated, he does not need to know, nor does he want to know, all the details about a particular case, so long

as he is made generally aware of allegations involving his command.

3.   The Prosecutors

State and federal prosecutors had varying views about the policy of inclusion. Several

opposed it because they believe it creates unacceptable risks to integrity investigations. These

prosecutors pointed out that while commanders may be trusted in maintaining the confidentiality

of an investigation, the sharing of information with others in the precinct's chain of command,

such as ICOs, and through tacit messages signaled by management decisions, can alert targeted

officers that they are under investigation. Others prosecutors, however, supported the policy,

conditioned on an understanding that IAB, in practice, does not engage in the wholesale sharing

of corruption investigation with non-IAB commanders. Indeed, most of the prosecutors shared

the belief that a case-by-case application of the policy of inclusion is better than a policy

requiring the sharing of information in all cases.

Those prosecutors supporting the policy agreed with the broad principle that precinct

commanders should be responsible for integrity issues within their commands. As one

prosecutor remarked, it would be extremely troubling if precinct officers perceived that their

commanders cared about all aspects of their work except integrity issues. Several prosecutors

also noted that by not keeping commanders informed about certain corruption investigations,

IAB placed these commanders in the awkward position of not being able to address ongoing

corruption and integrity-related management issues. Prior to the re-organization of the Internal

Affairs Division ("IAD") into IAB, it was noted, commanders were not informed of

investigations and, indeed, often suffered negative career repercussions if they reported

corruption to IAD. This kind of situation, it was recognized, is counterproductive since commanders who assist in uncovering corruption should fare better than those who do not.

With the notable exception of one office, the prosecutors were not aware of investigations that had been compromised as a result of the policy of inclusion. In the one exception, prosecutors raised serious objections to the policy, citing both a specific case in which leaks caused the premature public disclosure of the investigation and broader concerns that a policy of inclusion necessarily carries with it the risk of both intentional and unintentional leaks.

Given the importance of the insights of prosecutors concerning the policy of inclusion and its effect on the integrity of investigations, the Commission will continue to discuss this issue with prosecutors.

IX. RECOMMENDATIONS

The Commission recommends that the Department review the policy of inclusion. This recommendation, as well as others, is discussed below.

A. Departmental Review of the Policy of Inclusion

The policy of inclusion can play an important and positive role in assisting IAB in its anti-corruption program, particularly with regard to integrity testing and in the gathering of specific intelligence from COs. There are, however, risks attached to this policy. Thus, while the principle of COs sharing the responsibility with IAB for the overall integrity of their commands is a sound one, and while sharing information is generally appropriate, decisions on whether to disclose information to COs should be made by IAB on a case-by-case basis,

depending, most importantly, on the sensitive nature of the investigation, but also on other relevant facts. The Department should therefore consider formally revising the policy of inclusion to make clear that while it is beneficial to share certain information with non-IAB commanders, each investigation should be assessed individually.

B.   Miscellaneous Recommendations

1.   Although the Corruption Complaint Comparison Map provides a list of all "C" cases for a given precinct going back 12 months, this information is not presented in the same statistical and numerical format as the reported year-to-date data. The year-to-date data, which not only include "C" cases but also "M" and criminal impersonation cases, are presented in a format indicating percentage changes of cases from the prior year-to-date as well as "raw" numbers. As discussed below, this year-to-date presentation of data can provide a misleading picture of corruption trends.

Presenting year-to-date statistical and raw numerical data each month -- as IAB now does in its Map Reports -- limits the information presented and thereby offers an overview that is less complete than it might otherwise be. In the early months of a calendar year, for example, the reports highlight a relatively small number of complaints in relation to those reports produced late in the year. Thus, in March, the year-to-date data highlight a three-month period, while in November data from an 11-month period are presented. However, if each Map Report were to provide statistical and raw numerical data showing running twelve-month totals of complaints and other information compared to the prior twelve-month period, each monthly report would provide an equally valuable means for quickly assessing corruption trends, and each report would draw from a sample large enough to allow for broader conclusions to be reached. The

Commission therefore recommends that Map Reports present data on "C" and "M" cases, bribery arrests, criminal impersonation cases, and CCRB complaints going back 12 months in both a statistical and raw numerical format, rather than providing only year-to-date data and listing a summary of "C" cases, as is currently done.

2. As discussed above, certain reports prepared by CPD provide valuable information to non-IAB commanders. Currently, these reports are disseminated to IAB Group Captains and Zone Commanders, and to non-IAB commanders. Given the potential value of these materials -- including resisting arrest reports [38] -- to commanders outside of IAB, the Department should continue to distribute these reports to all relevant non-IAB commanders.

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[38] See p. 6 for discussion.