

Police Strategy No. 7:

Rooting Out Corruption; Building Organizational Integrity in the New York Police Department

The Honorable Rudolph W. Giuliani
Mayor of the City of New York



William J. Bratton
Police Commissioner



June 14, 1995

surveillances without being detected by the police officers who are, by virtue of their jobs, quite familiar with police surveillance techniques.

Force Investigations

IAB immediately investigates abuse of force allegations that appear to implicate officers in criminal conduct. With its nighttime response group, the sector groups in IAB's criminal investigation division, and a group that concentrates exclusively on police force investigations, IAB is able to respond to police shootings, deaths in custody, and criminal force complaints 24 hours a day, seven days a week.

In force cases, swift response is critical. Witnesses must be interviewed and statements taken before memories fade and before witnesses begin to alter their stories. Physical evidence must be secured before it is damaged or disappears. Whenever possible, the alleged victims must be examined by a doctor and the extent of injuries documented. A fair, impartial, professional, and timely investigation of the evidence is the only way to assure that officers who have acted properly are exonerated and officers who have acted criminally are indicted.

Action Program

Increased Integrity Testing

In addition to targeted integrity tests aimed at specific officers under suspicion, IAB began random integrity tests in 1995. While these tests do not target specific officers, they are targeted on the basis of statistical information, indicating precincts and tours of duty that might be prone to corruption.

IAB will significantly expand its random and targeted integrity testing programs over the next year. The goal is to conduct sufficient integrity tests to establish a statistically valid sample of police corruption in the NYPD. There will be tests conducted on all tours and in all precincts. The base line established by integrity testing will be compared with integrity testing results in future years as one means to gauge the rise or decline of corrupt activity among police officers.

All previous estimates of the extent of police corruption are based on purely anecdotal information. Much of this information has come from corrupt police officers themselves who were providing evidence in court and other investigative inquiries. It may be in the interest of many of these witnesses to exaggerate the extent of police corruption, both to place their own transgressions in the context of a generally corrupt organization and to win more favorable treatment from investigators and prosecutors by providing extensive evidence of wrongdoing, whether accurate or not.

A base line established by integrity testing will provide hard data on actual observed incidents of corruption in the NYPD. Although not conclusive in itself, such data, when coupled with statistical data on complaints, will be useful in evaluating strictly anecdotal evidence that may indicate widespread corruption.

Enhanced Drug Testing

The Department has taken two steps to increase the effectiveness of drug testing of police officers and civilian employees.

- Since December 1994, members of the service randomly tested for drug use are no longer given one day's notice of the test, preventing drug users from preparing for tests or falsifying results.
- In addition to the Dole test or urine test, members tested for cause have also been subject since June 1995 to drug screening through hair analysis, which can detect past drug use dating back several months. The test was first used as part of the investigation of police misconduct in Washington, D.C.

The Department conducts more than 12,000 Dole tests a year, including random tests, tests of new employees, promotional tests, and tests for cause. About 41% of officers tested for cause test positive, but only about one-third of one percent test positive in random Dole tests.

Conclusion

In the late 1980s, corrupt police officers in the NYPD committed criminal acts with apparent impunity. Michael Dowd and others later testified that they did not believe that anyone could stop

them. By 1995, the tables had turned. As the police criminals in the 48th Precinct learned, a revitalized Internal Affairs Bureau is more than a match for corrupt police officers. As its PRIDE computer application comes on line, its integrity testing increases, and its coordination with the Department's key commanders continues, IAB will become even more adept at detecting and investigating police crime.

But successfully policing the police is not sufficient. The Department must reengineer its basic organizational systems to institutionalize a high-performance organization grounded in integrity and respect. The next chapter will explain how.

Chapter Four

REENGINEERING THE ORGANIZATIONAL SYSTEMS

Making the New York Police Department a high-performance organization that sustains dramatic impact on crime, disorder, and fear by providing professional police services that are delivered with integrity and respect requires transformation of the main organizational systems, especially supervision, training, and discipline. These systems evolved over time to support a core identity for the NYPD that was determined above all to avoid the appearance, if not reality, of scandal.

During 1994 and 1995, the Department initiated a reengineering process that would reconfigure the major systems of the Department to institutionalize a new core identity for the NYPD: benchmark high-performance, delivered with unmatched integrity and respect.

We are building a supervisory corps where new roles and responsibilities will make them again the backbone of the Department.

—Police Commissioner William J. Bratton

SUPERVISION: TRAINING, STAFFING, AND DEPLOYMENT

The cornerstone of the effort to transform the NYPD operating culture is the reconstruction of the supervisory corps. Since 1994, the Department has worked to improve fundamentally and lastingly the selection, training, function, and deployment of supervisors.

- Within eighteen months, the nearly 6,000 sergeants and lieutenants of the NYPD will be trained to become effective front-line managers committed to sustaining high-performance action against crime, disorder, and fear with unparalleled integrity and respect. The role of supervisors will be redefined and significantly expanded.

The Challenge

No organizational system of the New York Police Department is more in need of overhaul than the supervisory ranks of sergeant and lieutenant.

The Zuccotti Committee (Mayor's Advisory Committee on Police Management and Personnel Policy) in 1987, the Mollen Commission in 1994, and the NYPD's Reengineering Teams on Supervision and

Integrity in 1994 all found that incidents of misconduct, corruption, and brutality occur in the absence of strong supervision.

At the start of its inquiry in 1992, the Mollen Commission found that "honest and corrupt cops alike reported that in many precincts in our City, police supervision was in a state of crisis." The commission's report went on to describe that crisis:

In every precinct where we found corruption, we found ineffective or sparse supervision—and a willingness by certain supervisors to turn a blind eye to corruption which they knew or strongly suspected existed.

The Department's Reengineering Team on Supervision noted that the current supervisor is in some ways superior to the supervisor of the pre-Knapp era: "They are younger, better educated, more reflective of the community, and presumably more honest." Yet, the Reengineering Team went on:

... a major deficiency has been identified. The clarity of authority, leadership presence, command bearing, and earned respect which marked the sergeant of twenty years ago are less universal today.

The Reengineering Team faulted the Department's promotional policies and training curricula for the current situation. It also noted that supervisors are not properly supported once they are in the field. For example:

FACT: Although first-line supervisors are held responsible for breaches of integrity during their "watch," there is no routine interaction with the Internal Affairs Bureau. Other than the standard IAB lectures in the Basic Management Orientation Course, there is no process for keeping supervisors aware of trends, problems in their commands, etc.

Weakness in the Department's supervision was confirmed by the focus groups and *NYPD Survey No. 1* conducted in 1994. Many focus-group participants, particularly among precinct commanders, described the problem of too much familiarity among sergeants and the police officers they are supposed to supervise. They lay the blame on four factors:

- the closeness in age of most new sergeants to the officers they must supervise;
- the lack of seasoning and street experience among many new sergeants;
- the chronic practice, caused by cyclical shortages, of sergeants serving as just another radio-response unit for 911 calls; and
- inadequate training.

None of this is surprising to officers and supervisors in the field. In *NYPD Survey No. 1*, uniformed members of the Department at the rank of lieutenant and below strongly agree that today's front-line supervisors are not strong enough.

Members of the Department agree that today's sergeants are not strong enough.

| | RESPONDENTS WHO | |
|---|-----------------|----------|
| | AGREE | DISAGREE |
| Sergeants do not have enough confidence to take charge of many situations on the street | 66.6 | 28.1 |
| Sergeants afraid to deal with corrupt Police Officers | 38.6 | 45.3 |

Table 5

It is neither practical nor necessary for supervisors to be present for every police action taken by patrol officers, as is the case in the Organized Crime Control Bureau where personnel always work in supervised squads. But strong supervision on the streets and in the precinct houses creates a standard of performance, behavior, and skill that all police officers can and must embrace.

Staffing and Deployment

Problem

Chronic cyclical shortages of supervisors have plagued the New York Police Department for many years.

Progress

Through focus groups convened in early 1994, the Department was alerted to a critical shortage of sergeants. A record 351 sergeants were trained and promoted in February and March of 1994 and assigned immediately to the field. Another 229 sergeants were promoted during the remainder of the year.

It became clear in the wake of the investigation into the 48th Precinct in 1995, that precinct commanders had not always assured adequate supervisory coverage of the midnight tour. Accordingly, the Chief of Department ordered precinct commanders to make substantial adjustments. Presently at least one lieutenant and four sergeants are assigned to the midnight tour, so that a minimum of two supervisors are working on any given night.

Action Program

- To replace supervisors lost through attrition in the past several months, the Department has begun sequential pre-promotional training of 240 sergeant candidates and 100 lieutenant candidates. Training began on May 30, 1995 for the first group of 80 sergeant candidates and on June 7 for the first group of 57 lieutenant candidates.
- Promotions will occur on a regular basis providing precincts with sufficient staffing to ensure proper supervisory coverage 24 hours a day, 7 days a week.
- As soon as all pre-promotional classes now scheduled are completed, the Department will put into effect a new staffing and deployment model for supervisors, keying future allocations to 26 indices that track police activity, interactions with the public, and other matters that measure the need for supervisory attention.

Pre-Promotional Qualifications

Problem

The Department's Reengineering Team on Supervision determined that a root cause of weakness in the rank of sergeant is youth and inexperience. The Team said:

FACT: ... uniformed members of the service are eligible to take the sergeant's examination after one year and are eligible for elevation to supervisory status after only three years in the Department.... While the Career Program requires police officers to have, on the average, five years of service for assignment to investigative or specialized units, a police officer can become a supervisor after only three years.

And the Reengineering Team found a serious deficiency in the civil-service test used to select promotees:

FACT: Promotional examinations are based on rote memory of Departmental procedures and legal materials. Open-book portions of recent examinations required nothing more than the ability to read an index. Leadership skill is not evaluated. (emphasis added)

Failure in the exam room twice now stops promotions.

Progress

- As a matter of policy, promotional training for sergeants will now occur before promotion and not afterward.
- A new, in-depth final examination will test the leadership knowledge and skill of candidates for supervisory jobs. Failure of the exam in a second attempt will result in being passed over for promotion.

Action Program

- Sergeants selected from future civil service examination lists will be required to have five years of service, three of which must have been spent on patrol. This requirement, coupled with the proposed change in civil service law, requiring future entrants to the Police Academy be at least 22 years of age, means that new sergeants will soon be at least 27 years of age.

Training

Problem

The Reengineering Team on Supervision observed in 1994 a number of serious shortfalls in supervisory training:

FACT: Supervisory responsibilities regarding many tactical situations, including controlling personnel during searches, are not included in training.

FACT: The Basic Management Orientation Course (BMOC) concluded with a fifty-question multiple-choice written examination. The few members who fail the examination are scheduled to return to the Police Academy at a later date for retesting. The only penalty for failing the examination is the denial of three college credits; the sergeants who fail are not prevented from assuming their roles as supervisors in patrol precincts.

Progress

Beginning in 1993 and continuing in 1994 and 1995, supervisory training was substantially revised. A new curriculum, called the Basic Leadership Course, replaced the Basic Management Orientation Course. The new course includes 39 hours dealing with leadership and integrity issues—compared with 17 hours in 1992, and 30.5 hours in 1993.

Soon after the new Sergeant's Academy opened in 1994, the Basic Leadership Course included the following new course material:

- Ethics and Values
- Professionalism
- Discipline
- Developing Leaders
- Desk Officer Workshop

In response to the Mollen Commission and the Reengineering Team reports, further refinements were introduced in late 1994 and 1995. These include:

- dramatic increases in realistic interactive training and use of role playing;
- training conducted in small groups rather than in large classes;
- instruction in practical supervisory and leadership skills;
- instruction in ethical leadership skills and qualities;
- frank, real-world discussions with excellent field supervisors; and
- IAB-selected, real-world cases of failed leadership.

Sergeants are now getting street training in corruption and brutality situations.

To address the need for better trained supervisors identified by the Reengineering Team on Supervision, the Chief of Department is conducting training for all incumbent sergeants in managing confidently the real-world situations in which corruption, brutality, and threats to officer safety can occur.

- Starting on May 9, 1995, every sergeant assigned to patrol is receiving two days of classroom and street-conditions training by expert, highly respected fellow supervisors. This training includes a series of interactive situations in which the skills and behavioral competence of supervisors are assessed and corrected. Each situation is constructed to enhance the problem-solving and team-building capabilities of supervisors, increase their confidence, and enable them to train officers working under their direction.

The curriculum for this training incorporates the approach and some of the content of the TOPCOPS (Tactical Operational Policing Causes Optimal Personal Safety) training recently developed by the Disorder Control Unit. The curriculum includes situations determined by the Internal Affairs Bureau and the reports of the Civilian Complaint Review Board as requiring special attention.

Integrity-related street situations include:

Corruption: Illegal search and seizure in a street enforcement situation; firearm involved.

Corruption: Apartment search; illegal contraband discovered.

Brutality: Street chase with arrest; over-aggressiveness.

Brutality: Prisoner transportation; goading by prisoner leads to physical response.

Integrity-related desk officer situations include:

Corruption: Hand-off of arrest to another officer; overtime avoided and statement falsified (common source of "testilying").

Brutality: Overly aggressive precinct-house interrogation of prisoner who shot at officers.

Along with the skills and confidence supervisors need to deal competently with corruption and brutality, they must also master day-to-day tactical situations. The training, therefore, will include the following scenarios:

- Foot Posts:* Disorderly persons; intoxicated and violent.
Drug-prone location; subjects flee leaving behind weapon.
Emotionally disturbed person locked in running car.
Robbery-prone location; three wanted individuals, all having guns, observed.
- Car Stops:* Illegally parked car at drug-prone location; individuals inside have drugs and guns.
Vehicle driving at night with headlights off near drug-prone location; individuals inside arrogant.
Carjacking of personal vehicle from off-duty officer; the car stops when pursued by marked police car, but officers are attacked by vehicle occupants.
"Meals on Wheels" van without rear window goes through stop sign; driver polite and has all required paperwork.
- High Risk:* Commercial burglary; two perpetrators with guns, one hidden.
Jewelry store robbery in progress; store owners black or Hispanic; robbers Hispanic and white; all have guns; robbers try to convince police they are store owners.
Residential burglary; off-duty female officer has gun pointed up stairs where two armed perpetrators hiding.
Man with a gun in bar, sitting with other patrons; bartender tries to signal entering officers which patron has gun.

At the same time, pre-promotional training in the Police Academy is continuing to be changed.

Action Program

Sergeants – Basic Leadership Course

Currently, the Basic Leadership Course is being further refined to focus on the expanded responsibilities, accountabilities, and roles of sergeants.

At present, an old videotape series dealing with situational leadership (produced in Florida and in use at the NYPD since early 1970s) is being revised, updated, and focused on New York-specific issues. These include situations in which a police officer:

- claims to be on scene when he or she is not;
 - is unfit for duty, due to alcohol, etc.;
 - fails to voucher drug money;
 - uses excessive force;
 - uses unauthorized force during prisoner transport;
 - conducts an illegal search of an apartment;
 - conducts an illegal search of a bystander;
 - verbally abuses a civilian;
 - reports sick after being denied day off;
 - commits sexual harassment;
 - is caught off-duty with a prostitute;
 - takes an unauthorized meal; and
 - is the favored "golden boy or girl" in a command.
-
- The new Basic Leadership Course will feature speakers from the Mayor's Commission to Combat Police Corruption. The course will also include in-depth discussion of the primary types of corruption the Internal Affairs Bureau has discovered within the Department. For the first time, surveillance videotape from closed cases will be presented.
-
- The new Basic Leadership Course will include training in Verbal Judo, enabling participants to convey this skill to police officers. In the Verbal Judo course, officers learn how to use tactical communications to preserve law and order while maintaining their own and the public's safety. Proper physical stance and respectful but firm words, as alternatives to force, will generate compliance and cooperation in most circumstances. Participants learn how to look at conflict creatively and how to respond to actual situations rather than react to personal feelings and emotions that might be triggered by events.

These classes teach officers to

- secure cooperation and gain voluntary compliance under stressful conditions
 - reduce citizen complaints and lawsuits by handling citizen encounters skillfully and professionally
 - improve courtroom credibility by becoming more articulate in justifying the steps taken to defuse a situation prior to resorting to the use of force
- The new Basic Leadership Course will include training in the operational and attitudinal issues confronting the Housing and Transit Bureaus of the NYPD. Participants will gain firsthand field experience in the highly successful approaches of Housing's Project Community Officers and in the special dangers and nuances of policing the subway environment.

Lieutenants—Advanced Leadership Course

Integrity-related training in the Advanced Leadership Course for lieutenants was increased from one hour to seven hours of training in 1994.

- The Advanced Leadership Course in 1995 will include 27 hours for integrity/leadership related matters.
- The Middle-Manager Leadership Workshop will stress assertiveness, delegation, motivation, and leadership in engendering high-performance activity built on a foundation of integrity and respect.
- During prepromotional training, candidates will also participate in the regularly scheduled Police Commissioner's Executive Staff and Crime-Control Strategy Meetings held at Police Headquarters;
- All new topics, sections, and testing procedures from the Basic Leadership Course, described above, will be adapted and included in the Advanced course.

POLICE OFFICERS: SCREENING, TRAINING, AND PERFORMANCE MONITORING

The first six Police Strategies dramatically increased the performance requirements of all the enforcement units of the New York Police Department. *Police Strategy No. 7: Rooting Out Corruption and Building Organizational Integrity* dramatically increases the performance requirements of all the members of the Department.

- *Police Strategy No. 7* ensures that New York City police officers will be older, more carefully selected, better educated, better trained, better managed, and better monitored. All these changes will help the NYPD build a high-performance organization that will continuously reduce crime, disorder, and fear by providing professional police services delivered with integrity and respect.

The Challenge

No one need choose to be a police officer or to bear the public trust; but those who do so...must acquire the excellence of character necessary to live up to it.

—Edwin J. Delattre

The drunken and disorderly behavior of a number of police officers staying in Washington, D.C. for the police memorial held on May 15, 1995, as well as other recent incidents involving excessive use of alcohol, has increased awareness of "out-of-town" and "off-duty" rowdiness by police. This, combined with on-going arrests and prosecutions of officers for serious crimes, has raised questions about the backgrounds of individuals selected for the job.

It is a widespread perception, inside as well as outside the Department, that the agency's standards of selection have slipped in recent years, and that it has been hiring convicted felons. While it is not true that the Department has ever hired a convicted felon, agency standards of selection and retention declined markedly.

Nevertheless, some officers charged in recent corruption cases were, as the Mollen Commission said, "ideal recruits on paper: excellent references and employment histories, well-respected and liked in their communities, and good scores on their psychological evaluations." They seemed to perform well while in the Department, making arrests and winning awards. The Mollen Commission concluded that "regular and constant exposure to certain conditions and opportunities in crime-ridden precincts changes the attitudes and behavior of some officers." Other corrupt officers were poor performers, with little or no arrest activity in high-crime precincts and poor attendance records.

- It is the contention of *Police Strategy No. 7* that both groups—the seemingly good performers and the obviously poor performers—had abandoned their real responsibilities as police officers because, in part, the Department had not really expected a great deal of them.

Fear of scandal led to many other policies and procedures that convinced police officers that the Department did not trust them.

By not expecting and demanding that all its members meet high standards of activity and results, the Department allowed sub-standard performance to become acceptable, rewards to become separated in too many cases from performance outcomes, and cynicism to proliferate.

FACT: Fear of scandal led to the practice of discouraging uniformed police officers from making drug arrests, except in the presence of a supervisor. Until discontinued in 1994, this practice increased cynicism both among officers and citizens.

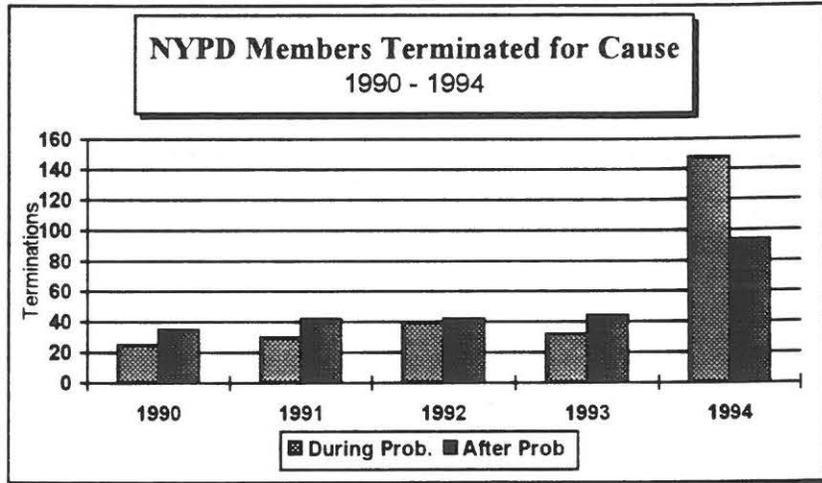
Fear of scandal led to many other policies and procedures that convinced police officers that the Department did not trust them, did not expect very much from them, and wanted them (as *NYPD Survey No. 1* indicated) to "write summonses" and "stay out of trouble" and do little else. Supervisory paperwork proliferated so that the responsibility for failures could be fixed as low as possible in the organization. Centralized control of precinct operations from One Police Plaza forced precinct commanders to become, in a word often used in 1994's focus groups, "jugglers" — managers managing mandates to avoid criticism, instead of leaders managing people to achieve results.

FACT: In August 1994, it was found that a large number of police officers had very low arrest averages and some individuals had not made an arrest in years.

FACT: Instead of being the "backbone of the Department," as one NYPD slogan would have it, Patrol was seen to be the dumping ground of last resort for poor- and non-performers.

And there seemed to be no penalties or other negative consequences for doing nothing.

FACT: Until policies began to change under Police Commissioner Bratton in 1994, few officers were fired— during or after probation.



With rewards seeming to be related more to who-you-know than to good performance in the field, and with virtually no negative consequences for non-performance, cynicism did, as the Mollen Commission indicated, proliferate. The culture of "us versus them" was strengthened, and operational effectiveness was undermined.

Alienation

In reporting the results of its study of the Police Department conducted between 1992 and 1994, the Mollen Commission described cynicism and erosion of pride in the ranks of officers assigned to precincts. This finding is supported by *NYPD Survey No. 1*, which found that 46.6% of those identifying themselves as police officers disagreed with the statement, "If they had it to do all over again, most members of this Department would choose to be a New York police officer." Significantly, as respondents rose in rank, their optimism increased. About a third of the sergeants (34.4%) and a quarter of the lieutenants (27.5%) disagreed with this statement.

Strengths to Build Upon

Despite the presence of such cynicism, the vast majority of the men and women of the NYPD responded in 1994 to the call for effective action against crime, disorder, and fear. There is reason to believe they will also respond to the mandate for higher standards of integrity and respect throughout the organization.

NYPD Survey No. 1 indicated that of those identifying themselves as police officers:

- 93.3% agree that "police integrity is essential to police being able to take back the streets"
- 94.7% disagree that "it's OK to exaggerate or misstate the facts at trial to make sure a criminal gets convicted"
- 74.0% agree that "officers who show disrespect for people they question or arrest may thereby cause unnecessary escalation of force"

Majority understanding of the negative consequences of disrespect on the street is encouraging. Still, it must be noted that more than a quarter of police officers disagree that this connection exists. This is one measure of the challenge now facing the Department.

Recruiting, Screening, and Selection of Police Officers

Problem

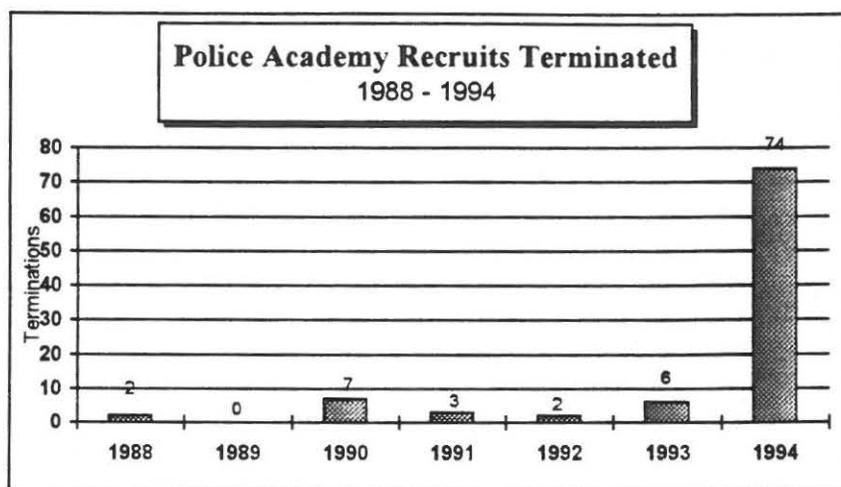
The Reengineering Implementation Team declared in the fall of 1994 that the "macho us vs. them attitude" is the result of "immaturity, lack of confidence, and low self-esteem." Raising admission and performance standards is one of the necessary responses to this condition.

Until 1995, the Department used only the automatic disqualifiers for hiring accepted by the Civil Service Law, conviction for a felony and dishonorable discharge from the military. It assumed that background investigations and review by the in-house Candidate Review Board would weed out the unfit.

Progress

During 1994, for the first time in memory, recruits at the Police Academy were terminated in substantial numbers for failure to perform.

In 1992, for example, 2 recruits were terminated for academic reasons or physical incompetence. In 1994, 49 recruits were terminated for academic reasons, and 25 recruits were terminated for physical incompetence.



The next Police Academy class, scheduled for June 29, 1995, will be the first in memory to be subject to:

- background investigations completed before admission to the Academy;
- expanding the automatic disqualifications for employment as a police officer to include, dismissal from public employment, misdemeanor convictions where the charges had been reduced from a felony, and a schedule of moving violations;
- grade point average of 75, raised from 70, required for graduation.

This class will be only the second to work a two week assignment in uniform in the precinct where each new officer will be assigned, occurring after the third exam in the Academy, constituting another level of evaluation in the recruit training process.

Action Program

Although it will be several years before the Department exhausts the list of 15,288 candidates who passed the police civil service examination given in 1993, recruiting will be an on-going activity that encourages applications from highly qualified, dedicated individuals of integrity who represent the diversity of the City of New York. At the same time, the Department is moving to raise its admissions standards.

To this end, starting with the next police candidate exam, the Department will:

- increase the age requirement for entrance into the Academy from 20 to 22 years of age;
- expand recruitment efforts to cover a greater number of college campuses in New York City and the metropolitan area; and
- expand recruitment efforts from the military, and offer the entrance exam more frequently on military bases.

The Department is also reviewing raising the minimum educational requirement from a high school diploma to an Associate's Degree (64 college credits), or an honorable discharge from the military;

Training of Police Officers

Problem

For many years, police officers, supervisors, and executives have complained that recruit and in-service training conducted by the Police Academy is too far removed from the realities police personnel face on the streets of New York. This may explain the following responses from *NYPD Survey No. 1*.

| Training Issues | RATED EXCELLENT OR GOOD | RATED FAIR, POOR OR NOT AVAILABLE |
|--------------------------|--|--|
| Corruption / Integrity | 62 | 36 |
| Firearms Training | 61 | 38 |
| Searches and Seizures | 33 | 65 |
| Officer Safety | 31 | 68 |
| Cultural Diversity | 29 | 68 |
| Courtroom Testimony | 25 | 73 |
| Criminal Law Updates | 19 | 79 |
| Conflict Resolution | 16 | 81 |
| Pre-promotional Training | 13 | 80 |

While it is encouraging that training dealing with the issues of corruption and integrity was rated most highly of all training areas

assessed by survey participants in August 1994, it is clear that far more remains to be done in this area, as well as in the others listed.

Progress

Recruit Training

The Police Academy's entry-level training now contains 102.5 hours out of a total 904 hours of class time devoted to integrity-related issues, including corruption, ethics, and moral obligations of police officers.

Since the start of 1994, the curriculum on Law has been expanded to include 33.0 hours on integrity-related matters. New and revised courses include:

- Erosion from integrity-to-corruption series
 - revised in 1994 and conducted by IAB in light of Mollen Commission report
- Bribery and related offenses
 - professional and impartial police service necessary at all times
 - appearance of preferential treatment compromises all police operations
 - Penal Law offenses, including Bribery/Bribe Receiving; Official Misconduct; Rewarding/Receiving Reward for Official Misconduct; Giving/Receiving Unlawful Gratuities
- Police Ethics
 - current Conflict of Interest Board rulings and guidelines on accepting gifts and other compensation
- Civil Liability
 - all actions must be reasonable, taken in good faith, and within Department guidelines and the scope of employment
- Drug Enforcement Strategies
 - practical instruction in context of described temptations for corrupt activities (vast amounts of money, narcotics)
 - consequences of corrupt acts exemplified through past and present Department corruption scandals

Since the start of 1994, the curriculum on Police Science has been expanded to include 40.5 hours on integrity-related matters. New courses include:

- Department Mission and Values
- Sick Procedures
 - addresses proper procedures and possible abuses
- Prohibited Conduct/Duties and Responsibilities
- Disciplinary Process
 - Command Disciplines, Charges and Specifications
(See section of Discipline below)
- Professionalism and Ethics
 - reporting corruption and serious misconduct
- Preliminary Investigations
- Property
 - vouchering currency, firearms, controlled substances
 - chain of evidence
 - temporary removal of property stresses the accountability of the individual officer.
- Vehicles
 - vouchering
 - Directed Accident Response Program (DARP) - deals with possible bribery by tow drivers
 - Stresses guidelines and requested notifications
- Emergencies and Unusual Occurrences
 - safeguarding of property at scene
- Summonses
 - discretion
- Arrests
 - prisoner's property (1993)
 - proper treatment of prisoner (1994)

PHYSICAL EDUCATION

- Integrity Related Issues
 - excessive force
 - excessive force workshop

In-Service and Precinct-Level Training

- During 1994, all police officers were shown a new videotape describing the anatomy of gun and narcotics arrests, including procedures for proper, truthful reporting and court testimony.
- During 1995, the first cycle of in-service training for police officers included a segment on preventing use of illegal drugs by members of the Department. Since involvement with narcotics is almost always associated with corruption, the Internal Affairs Bureau helped develop the course.

The Department's policy of zero tolerance for narcotics use is reaffirmed, while members of the service are informed about the most common means by which some of their colleagues become involved with drugs.

- In early 1995, Verbal Judo (Tactical Communications, as described above in the section on training of sergeants) classes taught under a grant from the New York City Police Foundation by the inventor of the method, were given to 115 trainers, to all members of the 30th Precinct, and to 6 officers from each of the other 75 precincts. A total of 838 members were trained.

Action Program

Police Commissioner Bratton created a Training Advisory Board in 1995, comprised of experts from outside and inside the Police Department and chaired by Michael Julian, former Chief of Personnel, to examine all recruit (entry-level) in-service, precinct-level, and executive-development training.

- The curricula, materials, and instructors for all training segments will be evaluated and systematically changed to integrate the values of integrity and respect in real-world, utilitarian courses dealing with every subject from police tactics to officer safety to courtroom testimony.

In-Service and Precinct-Level Training

This year police officers will get intensive, integrated tactical and integrity training.

- In-service training for police officers has traditionally been given in one-day segments scattered over two or three days throughout the year. Starting in 1995, the fall cycle of Borough-based training will concentrate on a dramatically revised curriculum over a unified period. Topics will include: an Ethical Awareness course updated and revised in the light of Mollen Commission findings and prosecutions of the Dowd, 30th Precinct, and 48th Precinct cases; tactical issues presented in the light of their implications for officer safety, respectful interactions with citizens, and integrity of professional conduct; and segments mandated by federal, state, and city law.
- A precinct-level course on the 150-year history of the New York Police Department will begin later this year. This course, taught by training sergeants, will include a videotape and printed materials which highlight the proud traditions of the Department as well as its legacy of corrupt practices.
- The Patrolmen's Benevolent Association, the Sergeants Benevolent Association, and the Lieutenants Benevolent Association will sponsor a videotaped series on the unions' zero tolerance for corruption, brutality, and perjured testimony. This series, produced by the NYPD Video Unit, will be completed in summer 1995.

Performance Monitoring

Problem

Although the performance-appraisal system for the NYPD was revised in 1992, the changes did not lead to measurable higher performance by police officers.

Progress

Performance Appraisal

Recognizing this problem, the Reengineering Implementation Team proposed, and the Police Commissioner approved, complete and rapid redesign of the performance appraisal system for police officers.

- In April 1995, a new performance-appraisal form was introduced which measures impact on crime, disorder, and fear through overall activity, activity specifically directed at solving problems stipulated by supervisors, appearance, community service, and respect for both the public and fellow officers.

As the Reengineering Team stipulated, "Quality achievement, or lack of same, will be assigned quantitative value and considered in career path, precinct assignments, and distribution of overtime.

- Police officers are using a new, user-friendly Monthly Performance Report to replace the current Police Officer's Monthly Activity Report. It has been redesigned to show not only overall activity, but activity directed at specific precinct conditions targeted by precinct commanders and supervisors.
- A standard Squad Supervisor's Recapitulation form has been developed to record the performance, appearance, and quality of service provided each month by the officers under the patrol sergeant's direction.

Action Program

Performance Appraisal

- At the beginning of every month from now on, supervisors will direct each of their police officers to address specific problems and undertake certain activities which should ameliorate those problems. In effect, a monthly contract between supervisors and officers will be created to identify problems and measure progress.
- Acting through the relevant supervisors, precinct commanders will take action to secure effective performance, undertaken with integrity and respect, from every police officer under his or her direction.

Performance Monitoring

The New York Police Department has seven separate, centralized performance-monitoring programs. Taken together, these are designed to identify and track individuals having discipline problems and/or personal difficulties which may have an impact their job performance.

The Early Warning System consists of cases automatically generated through the Central Personnel Index, whenever a member receives a negative performance appraisal, accumulates 20 or more points, is suspended, or is involved in an off-duty incident. As appropriate, members are referred to Departmental or outside entities for help with work stress, illness, financial pressures, alcohol abuse, behavioral or family/relationship problems. Quarterly evaluation reports must be submitted by the Commanding Officer or Integrity Control Officer for individuals being tracked in this program.

The Penalty Held in Abeyance Program defers a portion of the penalty given by the Police Commissioner, allowing the offender's commanding officer to excuse the remaining penalty if improved performance warrants it. The Personnel Bureau's Employee Management Division tracks the timely disposition of such penalties.

The Disciplinary/Dismissal Probation Program tracks individuals who will be terminated if given one more serious command discipline or charges and specifications. These officers are interviewed by the commanding officer of the Employee Management Division and receive continuous monitoring over the course of one year by their own commanding officers.

The Chronic Complaint Monitoring Program tracks individuals with whom positive discipline has failed. Each new individual in the program is interviewed by a captain from the Employee Management Division. Sick leave, personnel records, and evaluation reports are routinely checked. The commanding officer of the monitored individual submits quarterly reports. If behavior continues or worsens, disciplinary action and/or placement in Special Monitoring is pursued.

The Special Monitoring Program is a pre-termination program that includes police officers who have consistently performed in an unacceptable fashion and have demonstrated they are not amenable to positive or negative discipline. Any complaint involving a police officer in this program is investigated by the Internal Affairs Bureau. Officers in this program are monitored by a board consisting of the First Deputy Commissioner, Chief of Personnel, and Chief of Internal Affairs.

Officers placed on modified assignment are referred automatically to the Suspended/Modified Review Committee, which meets monthly to review their cases and recommend to the First Deputy

Commissioner return to full duty or inclusion in the Special Monitoring Program.

The Force Monitoring Program includes anyone found guilty of Department charges growing out of a force complaint within the last five years, anyone with four or more force complaints in the last two years, anyone with five or more force complaints in the last four years, or anyone recommended by his/her commanding officer or the Chief of Personnel. Officers in this program receive a thorough investigation of all their personnel records; their commanding officers and supervisors are then interviewed. After eighteen months in this program, recent participants were found to have a 63% reduction in complaints, with only a 1.8% reduction in their arrest activity.

- All seven performance monitoring databases and the Central Personnel Index will be added to the Internal Affairs Bureau's case-management system by fall 1995. This will provide IAB with a complete cross-referential database for personnel tracking.

DISCIPLINE

The disciplinary system of any organization is designed to ensure compliance with the rules and regulations that represent the minimum requirements of good standing. How effectively and fairly the disciplinary system does its job is one measure of organizational integrity.

In a police department, the disciplinary system must function to assure the public that basic standards of professional and ethical conduct are being met. At the same time, the disciplinary system must function to assure members of the Department that they will receive swift justice, equitably administered, and that good-faith efforts to carry out the mission of the agency will be supported.

Having concluded that the NYPD's disciplinary process needed to be improved in both respects, Police Commissioner Bratton ordered a top-to-bottom review of the system, which eventually involved more than 50 experts and practitioners from inside and outside the Department. The recommendations of the Reengineering Team on Discipline were presented in July 1994 and refined later in the year by the Reengineering Implementation Team. These served as the basis for a larger, comprehensive study completed by the First Deputy

Commissioner in May 1995. The highlights of that report are set forth below.

Consider the stress endured by an officer who is temporarily assigned to Central Booking for over a year while his Department Charges are pending. Ultimately, the officer may be given a 20-day penalty. But the officer probably had suffered a harsher penalty than the 20 days, having worked for so long in a temporary status, with his employment status hinging on the results of a department trial.

—Reengineering Team on Discipline

Background

A command discipline is a non-judicial punishment available to a commanding officer or supervisor to correct minor deficiencies and maintain discipline within the command.

The Department brings formal charges and specifications when a member allegedly commits an act which is severe enough to warrant charges or when a member refuses a finding and penalty under the command discipline process. Once charges are preferred, the Department Advocate ensures that charges are served on the respondent officer, negotiated, or brought to trial, either in the Department Hearing Room or in the New York City Office of Administrative Trials and Hearings (OATH).

Problem

Numerous police officers complained in the focus groups that opportunities for promotion are often needlessly lost during a disciplinary process that chronically takes too long.

In addition, they said that unfounded complaints remain permanently in personnel records, thus unfairly clouding or damaging careers. These common observations contributed to the widespread conviction among police officers, in early 1994, that "the job is not on the level" and that "the system is for the bosses, not for us."

Duration

A review of a number of the disciplinary cases adjudicated in 1994 indicates that these concerns may be warranted. For example, in 475 negotiated cases, the average time taken from receipt of charges by the Department Advocate (Department prosecutor) to approval of disposition by the Police Commissioner was 230 days, or nearly 8 months, to complete. The average time taken for the parallel process in 236 trial cases was 390 days.

Effectiveness

It is readily apparent that the inefficiencies of the disciplinary process diminish its effectiveness as a deterrent against serious misconduct and hinder the managerial effectiveness of precinct commanders. Therefore, the Department is enacting the following reforms.

Action Program

In the next 12 months, the average time to disposition of discipline cases will be cut by 30%.

This will be achieved by:

- 1) simplifying the command discipline process;
- 2) streamlining the negotiation process;
- 3) creating a Special Prosecutor to prioritize and expedite significant cases of serious misconduct; and
- 4) creating a Disciplinary Assessment Unit within the First Deputy Commissioner's Office to help ensure efficient and effective functioning among all departmental units concerned with discipline, including the investigation and prosecution of members of the NYPD.

Simplifying the Command Discipline Process

- The categories of command discipline will be reduced from three levels to two.
- Schedule A command disciplines, all for minor infractions, will continue to be adjudicated by the charged individual's commanding officer.
- Schedule B command disciplines will be expanded to include selected, more serious offenses, which in the past required preparation of charges and specifications by the Department Advocate. Commanding officers will now be empowered to impose penalties of up to ten days for these more serious offenses, after consulting with the Department Advocate to maintain fairness and consistency of penalty throughout the agency. This should cut by about 25% the number of cases in the Department's judicial process.

Streamlining the Negotiation Process

- Instead of forwarding draft wording for charges and specifications to precincts for typing, a process that now takes an average of 24 days, the Department Advocate will prepare the official forms for all charges and specifications and will provide the official charges to the investigator on the day charges are approved and
 - the Precinct Commander will sign and forward these charges within 48 hours to the borough command; and
 - the Borough Commander will endorse and return the charges to the Department Advocate within 3 business days.
- Instead of serving charges on the respondent an average of 30 days after getting the typed forms back from precincts, the Department Advocate now will
 - forward copies of the charges and specification to the respondent's attorney within two weeks of their return from the borough command;
 - be available to confer with the respondent's attorney via phone and begin the negotiation process; and
 - delay formal service of charges until the initial negotiation session.
- The Department will introduce this new expedited procedure with a specially dedicated plea negotiation session, where a large percentage of pending cases will be negotiated.

Creating a Special Prosecutor

To expedite and prioritize significant cases of alleged criminal wrongdoing and other forms of serious misconduct, a Special Prosecutor has been appointed to work under the direction of the First Deputy Commissioner. The Special Prosecutor's efforts may include the interrogation of officers who are subjects or witnesses during the pendency of criminal proceedings. In these cases, the Special Prosecutor will ensure that the information obtained is insulated from the pending criminal matters. The Special Prosecutor may utilize information obtained from the interrogations to facilitate administrative disciplinary prosecutions to ensure that the Department deals swiftly with members who may have violated the public trust.

Disciplinary Assessment Unit

This new unit, reporting directly to the First Deputy Commissioner, will conduct on-going reviews of the staffing levels, equipment, and operating efficiencies of the key components of the disciplinary system in an effort to ensure that contemplated improvements in the system are achieved and maintained.

Chapter Five

ENSURING ACCOUNTABILITY AND DEVELOPING ESSENTIAL PARTNERSHIPS

Success in dramatically and permanently reducing the level of crime, disorder, and fear in the City of New York depends ultimately on one thing: a bond of trust between the people of the City and the police officers who are sworn to protect and serve them. The Department's precinct-decentralized, outcome-focused crime control strategies have made significant gains against crime in the past seventeen months, but those gains can't be secured and accelerated without the active help and support of the people of New York.

As of today, the NYPD begins a new reliance on a dramatically different partnership with the public. The Department will:

- ensure institutional accountability for implementing and maintaining anti-corruption practices and programs by cooperating with the Mayor's Commission to Combat Police Corruption;
- work with the Civilian Complaint Review Board to reverse the trend of rising civilian complaints and to determine common means of data collection and reporting;
- work with the police unions to educate and motivate police officers about police corruption, brutality and serious misconduct issues.
- enlist the vast expertise available in the City of New York to complete the reengineering of its training and technology systems and transformation of its core values to those of respect and integrity.

ENSURING ACCOUNTABILITY: THE COMMISSION TO COMBAT POLICE CORRUPTION

On February 27, 1995, Mayor Rudolph W. Giuliani issued Executive Order No. 18, which established a Police Commission to Combat Police Corruption. The Mayor appointed five distinguished New Yorkers to serve for varying terms as Chairperson and Members of the Commission.

As recommended by the Mollen Commission, the Police Commission is charged with assisting the Mayor in assessing the effectiveness of the

Police Department's implementation and maintenance of anti-corruption efforts. Limited investigatory powers were given to the Commission to enable it to carry out this fundamental mission, with care given by the Mayor to ensure that the investigatory responsibilities of the District Attorneys, the United States Attorneys, other government agencies, and the Police Department itself are not superseded or displaced.

The Mayor directed that the Police Department furnish the Police Commission with all requested information and access to enable the Commission to perform audits, studies, and analyses regarding:

- the Police Department's development and implementation of anti-corruption policies and procedures;
- the effectiveness of the Police Department's systems and methods for gathering intelligence on corrupt activities and investigating allegations of corruption;
- the effectiveness of the Police Department's implementation of a system of command accountability, supervision, and training for corruption matters;
- the effectiveness of the procedures used by the Police Department to involve all members of the Department in combating corruption; and
- such other policies and procedures, without limitation, of the Police Department relating to corruption controls as the Commission deems appropriate.

Further, the Mayor directed that the Commission

shall perform audits, studies and analyses of conditions and attitudes within the Police Department that may tolerate, nurture, or perpetuate corruption and shall evaluate the effectiveness of Police Department policies and procedures to combat such conditions and attitudes.

To help the Police Commission perform its mission:

- The Police Commissioner has invited the Chairman, Members, and Executive Director of the Commission to attend the weekly internal-crime control meetings with the Chief of Internal Affairs, the First Deputy Commissioner, the Chief of Department, all Bureau Chiefs, the Deputy Commissioner Crime Control

Strategies, the Deputy Commissioner Legal Matters, and the Commander of the Patrol Borough whose area is under discussion.

BUILDING A PARTNERSHIP WITH THE CIVILIAN COMPLAINT REVIEW BOARD

Last year and in the first quarter of 1995, the Civilian Complaint Review Board (CCRB) recorded rising levels of citizen complaints in all major categories. In 1994, the CCRB recorded an 11% rise in overall complaints, from 8,959 to 9,922, compared with the same period in 1993. Of these, the CCRB retained 4,920 complaints involving force, abuse of authority, discourtesy, or offensive language, a 37.4% increase when compared to 1993. The balance of the complaints concerned alleged misconduct not under the jurisdiction of CCRB. These were referred to the Chief of Department for appropriate action.

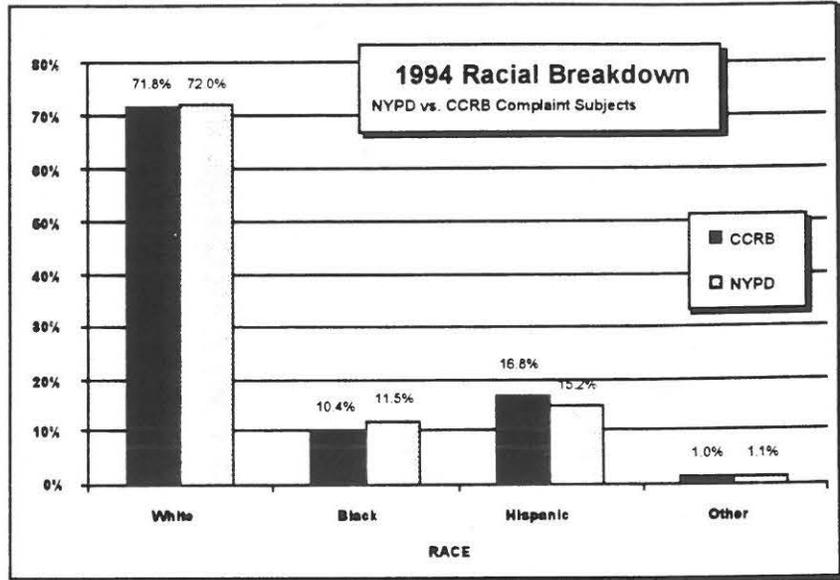
Allegations* to CCRB of Police Misconduct

| <i>Allegation</i> | <i>'93</i> | <i>'94</i> | <i># Change</i> | <i>% Change</i> |
|--------------------|------------|------------|-----------------|-----------------|
| Force | 2175 | 3072 | 897 | 41.2 |
| Abuse of Authority | 1236 | 1851 | 615 | 49.7 |
| Discourtesy | 1636 | 2150 | 514 | 31.4 |
| Offensive Language | 550 | 586 | 36 | 6.5 |
| TOTALS | 5597 | 7659 | 2062 | 36.8 |

* More than one allegation may be attached to each CCRB complaint

Any increase in citizen complaints about police service, and especially complaints involving force, abuse of authority, discourtesy, and offensive language, are of central concern to the NYPD. The Department uses complaint data to identify officers who may be abusing authority in the field and to spot trends and training needs in different precincts throughout the city. It intends to work closely with CCRB and take the steps necessary to reverse the recent trend of rising citizen complaints.

The police officers against whom force, abuse of authority, discourtesy, and offensive language allegations were made closely approximate the demographic profile of the Department.



In the coming months, the Department will intensify efforts to work with CCRB to lower the level of police misconduct toward civilians. In this regard, data collection methods will be refined to maximize use of all available information in achieving these goals.

- Police Commissioner Bratton has initiated meetings with the CCRB's Chairman and Executive Director and between both agencies respective staffs to determine the best methods for encouraging full and accurate complaints, evaluating the accuracy of those complaints, and determining their root causes.
- The Police Commissioner meets regularly with his appointees to the CCRB, and regularly reviews CCRB issues with Deputy Commissioner for Legal Matters, Chief of the Internal Affairs Bureau and the Commanding Officer of the Disciplinary Assessment Unit.
- The Commanding Officer of the Disciplinary Assessment Unit will work closely with the CCRB to refine methods for data collection and complaint intake.

WORKING WITH THE POLICE UNIONS

Reflective of the Department's policy of inclusion and involvement, the top leadership of the Patrolmen's Benevolent Association and other police unions gave a great deal of their time and energy to the

Discussions of integrity have generally been negative, focused on ... punitive consequences upon career, family and friends of getting caught stealing or lying.... There is a need to articulate a positive sense of integrity...

—New York City Police Foundation

Department's Reengineering effort. Nowhere was this more true than in the work of the Reengineering Team on Integrity. Union representatives on the Integrity Reengineering Team helped to design new systems for defining and rooting out corruption while securing protection for officers innocent of wrongdoing.

Today, this work continues.

- By the end of the year, the police unions will participate in a series of video messages designed to increase intolerance of corruption and brutality among all officers and to encourage them to report on those who tarnish the shield they wear, putting at physical risk all good and decent officers.
- The Department is asking the unions to encourage their local representatives, who are often the informal leaders of the commands where they work, to help lead the fight to drive corrupt officers—those who use their shield for personal gain—from their midst.

ENLISTING THE EXPERTISE OF THE CITY OF NEW YORK

The Committee on Integrity and Respect

In February 1995, Police Commissioner Bratton appointed a Committee on Integrity and Respect comprised of business, union, religious, academic, community activist, and police representatives to create a new, positive behavioral standard of integrity and respect for the Department.

With the financial support of the Henry Luce Foundation and New York City Police Foundation, the Committee will:

- • assess the NYPD's value system, including its vulnerabilities to tolerance of corruption, brutality, and serious misconduct;
- assist the Training Advisory Board in reviewing the adequacy and effectiveness of all recruit, in-service, promotional, and executive-development training in instilling the values of integrity and respect in all police practices and operations;

The only way to break out of the Blue Cocoon that police work tends to wrap around police officers is to expose them to the best thinking the community, business, and academia have to offer.

**— Police
Commissioner
William J. Bratton**

- construct and conduct workshops for 300 members of the command staff, which culminate in production of a consensus-based action plan;
- design and implement an internal system to support and encourage integrity among employees;
- design and produce interactive training materials for all personnel based on the results of this review;
- publish and disseminate a document that defines and communicates a code of ethics and professional responsibility which is based on the insights of the broadest possible spectrum of participation from within the Department; and
- institute a one-year pilot incentive program to recognize positive action to curb corruption.
- fund Verbal Judo for selected officers and trainers

The main outcome of these efforts will be a working set of standards, constructed from the best current practices and aspirations of members of the service at all ranks, that will be incarnated in the everyday behavior of working police officers.

The Training Advisory Board

In January 1995, Police Commissioner Bratton appointed a Training Advisory Board to bring to bear on all levels of the New York Police Department state-of-the-art training in the skills, attitudes, and values essential to high-performance policing founded on integrity and respect.

Composed of criminal-justice academics and professionals, as well as corporate and civic leaders with varied experience and talents, the Board will:

- inventory all training in the Department, including for each target audience the subjects taught, methodologies used, duration of lessons, locations, and impact;
- assess the quality and effectiveness of all such training;

The overwhelming majority of NYPD officers are honest and committed to the best interests of the City. Corrupt behavior by police officers must be dealt with quickly and strictly.... [T]he Police Department must be the first line of defense against police corruption.

—Mayor Rudolph W. Giuliani

- evaluate the mission, function, and performance of the Police Academy to assess whether the Academy is properly focused and operating efficiently;
- structure training systems in the Patrol, Detective, Internal Affairs, and Organized Crime Control Bureaus so that each may develop and conduct entry-level, in-service, and advanced training for their members;
- review and revise the Police Academy recruit curriculum and academic standards so that recruits graduate with the knowledge, skills, and attitudes to perform basic patrol tasks at a high level of efficiency and professionalism;
- review and revise the probationary evaluation system for all ranks and titles to assure competency prior to tenure;
- create a state-of-the-art computer training center;
- develop an executive exchange program with the corporate sector;
- develop an advanced preparatory course for members identified as future precinct commanders.

Technology Policy Board

In May 1995, Police Commissioner Bratton created the Technology Policy Board to evaluate, prioritize, and, if necessary, reconfigure the more than 100 projects now underway in NYPD's Office of Technology and Systems Development. Taken together, these projects must deliver information and data analysis that will enable the Department to carry out its mission with integrity and respect.

CONCLUSION: CEMENTING THE BOND OF TRUST

Mayor Giuliani and Police Commissioner Bratton have introduced an integrity strategy for the NYPD at a time when the Department is achieving enormous progress against crime, disorder, and fear in New York City. The Mayor and the leaders of the Department recognize that continuing success against general crime cannot be sustained if the police officers betray their trust or if the public mistrusts the police.

"We must establish a culture in the Department in which every officer understands that his or her primary loyalty is to the law—to upholding the law at all times; to rooting out lawbreakers, especially if the lawbreaker carries a badge," Mayor Giuliani has said.

Establishing such a culture requires more than an effective system for detecting and punishing police wrongdoing. It requires a comprehensive, integrated approach to restructuring the Department its entirety—including its recruitment, training, supervision, and disciplinary systems. It also requires a new policy of inclusion in which the accountability for integrity issues is spread throughout the command staff and the responsibility for keeping the Department corruption-free is shared by all police officers.

With this strategy the NYPD commits itself to the deep institutional changes necessary to sustain a high-performance organization grounded in integrity and respect. As the Mayor has said, "The Police Department itself must be the first line of defense against police corruption."

Appendix A

INTEGRITY LEGISLATIVE INITIATIVES

Mayor Giuliani is proposing seven integrity-related legislative initiatives, all of which will strengthen the hand of the Police Commissioner and the Police Department in identifying, investigating, and punishing police crime and serious police misconduct. Six of these initiatives have been combined in a single omnibus bill that will require the approval of the New York State Legislature and the Governor. The seventh initiative, Intro. Bill No. 250, is a local law initiative and will require approval of the New York City Council. It has previously been introduced by the chairman of the Council's Public Safety Committee Sheldon Leffler.

A careful examination of existing case law in light of recent police corruption cases and especially the Dowd-related cases revealed a compelling need for decisive legislative action. The Mayor's integrity initiatives focus on police officers convicted of felonies who are still entitled to police pensions, limitations on the Police Commissioner's authority to discipline officers, and statute of limitations and record sealing procedures that weaken the Police Department's ability to pursue disciplinary actions against delinquent officers who may be acquitted in criminal proceedings but still subject to disciplinary proceedings.

Mayor Giuliani and the Police Department believe that there must be no safe haven for corrupt police officers. The package of legislative reforms that the Mayor is proposing moves toward ensuring that police officers who have violated the law or their oaths of office cannot use the law to protect themselves from investigation and discipline.

State Integrity Initiatives

Vacating the Positions of Convicted Public Officials

This provision amends the Public Officers Law to deem non-elected public officials to have vacated their office as of the date that a subsequent conviction proves that they first committed a felony or other crime violating their oaths of office. If this initiative is enacted into law, police officers who have retired and qualified for police pensions before the crimes they committed in office were discovered, would be vacated from office retroactively and their pension benefits rescinded as a matter of law.

There are convicted police felons who are receiving tax-free disability pensions from the City of New York. The present law mandates the public to bear the cost of providing these unfaithful public servants with lifetime pension benefits. The only class of individual adversely impacted by proposed legislation would be convicted criminals who managed to obtain a pension after engaging in serious criminal activity under the pretenses of being a police officer. The proposal would prevent future cases of this type and provide a powerful deterrent to the small number of officers who might otherwise be tempted to engage in crime.

Suspension of Police Officers Charged with A Crime

This proposal would empower the Police Commissioner to suspend without pay any officer charged with the commission of a crime for the full duration of the criminal proceeding. A limitation of 30 days on all suspensions was imposed in 1990 by an amendment to Section 75 of the Civil Service Law.

Given the realities of the criminal justice system, it is almost impossible to conduct an administrative trial within 30 days of suspension while a criminal trial is pending. The Police Commissioner should not be compelled as a matter of state law to restore officers to payroll status regardless of the seriousness of the offense with which they are charged. The proposed amendment would restore the Police Commissioner's discretion as permitted by Section 14-115 and 14-123 of the Administrative Code of the City of New York in this limited sphere of cases.

Extension of the Statute of Limitations for Disciplinary Proceedings

This proposal would amend Section 75 of the Civil Service Law to extend the administrative statute of limitations from 18 months to three years. The statute of limitations was reduced to 18 months in 1983 with a view to expediting administrative disciplinary proceedings. However, the narrowness of the 18 month time frame has resulted in hampering administrative proceedings in the many cases where a criminal investigation uncovers serious administrative misconduct. In these cases, which can involve lengthy investigations of several years duration, the criminal investigation must take precedence. To ensure that the larger criminal case is not compromised, disciplinary proceedings for administrative misconduct usually are deferred until the criminal investigation has run its course.

When the eventual outcome is criminal charges and/or administrative proceedings alleging criminal activity, there is no disciplinary statute of limitations and charges may be preferred at any time during the tenure of the subject. However, when an investigation of more than 18 months duration does not result in a charge of criminal activity or when criminal charges have been brought unsuccessfully, the employer is foreclosed by statute from addressing serious administrative misconduct that may have come to light in the course of the investigation. This is no minor matter because most police corruption cases uncover every variety of administrative misconduct, including extremely serious non-criminal offenses. Extending the statute of limitations from 18 months to three years will help ensure that these offenses do not go unpunished.

Access to Sealed Arrest and Prosecution Records

This proposal would amend Criminal Procedure Law Sections 160.50 and 160.55 to provide the Police Commissioner with access to sealed records of police officers who have been subjects of criminal proceedings equivalent to what is currently permitted with respect to police applicants. Section 160.50 of the Criminal Procedure Law requires the sealing of the official record of any criminal proceeding resolved in favor of the accused. Recent case law extended the scope of the statute to cover active police officers charged with and prosecuted for criminal activity. The Department must demonstrate a compelling need in a superior court to obtain the sealed record.

The Department's position is that each and every time a police officer is prosecuted in a criminal proceeding, the Police Commissioner has a compelling need to obtain and review the complete record of the criminal proceedings. Denying the Commissioner this information forces him to make critical decisions about the duty status of police officers without the benefit of sworn testimony and accumulated evidence. The judge whose decision extended the scope of Section 160.50 to police cases, herself noted that it was highly inconsistent to allow the Police Commissioner access to such records when they involved police applicants while denying him access to similar records bearing on officers already working for the Department. The judge said that this inconsistency in the statutory scheme can only be remedied by the legislature.

Sharpening the Legal Definition of a Bribe

This proposal would amend Penal Law Sections 200.00, 200.03, 200.04, 200.11, and 200.12 to require proof only of "the intent" to give or solicit a bribe to sustain a conviction for bribery, rather than proof of "agreement or understanding" between the parties to the bribe. The above Penal Law Sections describe the necessary state of mind to sustain a conviction with the phrase "upon agreement or understanding." Case law has interpreted this phrase as requiring the district attorney to prove "something more than simple intent" on the part of the bribe giver to influence a public servant. The construction of the statute makes it more difficult to prosecute not only people who attempt and fail to bribe public officials but also officials who solicit bribes without success or with no actual intention to fulfill their part of the bargain.

If, for instance, a public official actively solicits or accepts bribes but does not intend to provide the service he was bribed to render, there is no agreement between the parties, but there is misconduct. It should not matter if the individual he solicits ultimately refuses to pay, or whether the tainted result of the bribe actually comes to pass. A public servant who actively solicits or accepts bribes has abused his trust and should not be protected by the wording of the Penal Law. This proposal would remove the protection provided by the "upon understanding and agreement" phrase.

Requirement of 90 Days Notice for Pension Applications

This proposal would amend Section 13-246 of the New York City Administrative Code to extend the minimum period of filing a retirement application to 90 days prior to actual retirement. The code currently requires 30 days notice. If a police officer, facing charges that would justify his dismissal, files for retirement, he must be terminated within those 30 days, or pension benefits become irrevocable.

The New York City Administrative Code requires a formal hearing on the merits of misconduct charges. The brevity of the 30-day waiting period denies the Police Department adequate time to process and complete administrative disciplinary proceedings involving a police officer prior to an effective retirement date. As a result, senior police officers who are arrested and charged with serious offenses can immediately file retirement applications in the hope of evading termination and securing their pension rights for life, regardless of

whether or not they are subsequently convicted criminally. A 90-day prior notice requirement would significantly reduce the likelihood that a police officer facing departmental charges could retire and secure pension benefits before his case was adjudicated.

City Integrity Initiative

Expanding the Disciplinary Powers of the Police Commissioner

The city legislative initiative would significantly increase the disciplinary options available to the Police Commissioner when disposing of cases of police wrongdoing. Under present law, the Commissioner's penalty options are limited to a choice among a reprimand, a penalty of up to 30 days suspension, or the far more severe sanction of dismissal from the Department. The Commissioner can only demote police officers above the rank of captain, and may only demote them to captain. Section 75 of the Civil Service Law empowers other municipal agency heads to discipline employees by demotion and other penalties. Only the Police Commissioner is constrained to a narrower range of options. Both the Mollen Commission and its predecessor, the Knapp Commission, recommended expanding the Police Commissioner's powers in this regard. The Knapp Commission Report, published in 1972, listed as a principal recommendation expanding the powers of the Police Commissioner to include the power to demote any police officer in rank or grade for serious misconduct.

The current proposal calls for expanding the statutory penalties available to the Police Commissioner to include the following options.

- Suspension without pay for a period not to exceed one year.
- A monetary fine not to exceed \$25,000.

Demotion in grade or title with a commensurate reduction in salary.

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GLOSSARY

ARCS - Automated Roll Call Computer System

Blue Wall of Silence - Cultural artifact of police departments which discourages officers from reporting crimes and serious misconduct of fellow officers, even if they disapprove of the behavior

Brutality - Excessive use of force under color of lawful authority

CARS - Computer Assisted Robbery System database

CCRB - Civilian Complaint Review Board

Central Personnel Index - Database which tracks a police officer's previous complaints, disciplinary record, sick record, medal record, vehicle accidents, and firearm discharges

Command Discipline - A non-judicial punishment available to a commanding officer or supervisor to correct minor deficiencies or to maintain discipline within the command. Serious misconduct is not appropriate for disposition by command discipline

Commission to Combat Police Corruption - Created February 27, 1995 by Mayor Giuliani to monitor the performance of New York Police Department anti-corruption systems

Core Identity - The expression of the ultimate value or goal which an organization is, in fact, trying to achieve

Corruption - Criminal behavior or other misconduct engaged in by a member of the Department, on or off-duty, associated with the performance of official duties or the exercise of discretion in relation thereto and which is intended to result in personal or financial gain or other benefit to the police officer or to another person

Cultural Diagnostic - Research system to determine the obstacles to change which are seeded within an organization's culture and the means of clearing away those obstacles

Department Advocate - Police Department's prosecutor for administrative disciplinary matters

Dole test - Urine test for the presence of illegal drugs

Focus Group - Group of people assembled to discuss a particular issue

IAB - Internal Affairs Bureau, formed on January 1, 1993

IAD - Internal Affairs Division

Integrity Control Officers - Uniformed supervisors in each precinct charged with maintaining integrity and monitoring performance

Integrity Test - Targeted or random observations directed to scenarios in which members of the Department come into contact with cash, other valuables, and/or contraband

Knapp Commission - Commission to Investigate Allegations of Police Corruption and the City's Anti-Corruption Procedures, formed in the early 1970s and referred to by the name of the chairman, Whitman Knapp

Misconduct - Improper behavior or conduct

Mollen Commission - The Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department, chaired by Judge Milton Mollen and created in 1992 in the wake of the arrest of Michael Dowd and six other current or former NYPD officers on drug charges stemming from an investigation initiated by the Suffolk County Police Department

NITRO - Narcotics Investigative Tracking of Recidivist Offenders database

NYPD Survey No. 1 - A mailback questionnaire that was distributed in August 1994 to all uniformed members of the New York Police Department below the rank of captain

OCCB - Organized Crime Control Bureau of the NYPD

Operating Culture - The collection of embraced values, activities, rules, and standards that enable an organization to achieve its core identity

PRIDE - Programmable Retrievable Investigative Data Entry computer system of IAB

Serious Misconduct - Activity or conduct engaged in by a member of the Department, on or off-duty, that would tend to demean or destroy public confidence in the Police Department and in the employee's integrity, honesty, judgment or fitness to be employed in a position of public trust. Serious misconduct can consist of criminal conduct that has no relation to employment or job duties.

Training Advisory Board - Committee created in early 1995 by Police Commissioner Bratton to bring state-of-the-art training procedures to the NYPD

Verbal Judo - Training program in tactical communications and conflict resolution taught under a grant from the New York City Police Foundation

Voluntary Assistance Program - Formerly the Field Associates Program

Voluntary Associates - Volunteer officers, formerly called field associates, who serve in precincts and other commands as information sources about serious misconduct and police corruption for the Police Commissioner and the Internal Affairs Bureau

"White Socks" findings of fault - The penalizing of police officers for minor infractions if the investigative unit (IAD, FIAU, etc.) was unable to substantiate more serious charges brought against them

Zuccotti Committee - The Mayor's Advisory Committee on Police Management and Personnel Policy, created in 1985 after several alleged incidents of police brutality and commonly referred to by the name of the chairman, John Zuccotti