

Gender, Race and Discipline in the New York City Police Department

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Prepared for presentation at the Annual Meeting of the American Society of Criminology,
Washington DC, November 1998.

INTRODUCTION

With rare exceptions, studies of the gender and race equity of police discretion typically have involved officers' decisions about how to deal with their citizen clienteles (e.g., Berk, Campbell and Fyfe, 1998; Blumberg, 1981; Fyfe, 1981a, 1981b, 1982; Fyfe, Klinger and Flavin, 1997; Hollinger, 1984; Smith, Visser and Davidson, 1984; Sparger and Giacopassi, 1992; Visser, 1983). Empirical analyses of whether police officers themselves enjoy gender and race equity within their agencies, however, are infrequent, as are studies of the operations of police internal disciplinary mechanisms.¹ This is the focus of this paper, which has its roots in a 1997 decision by New York City Police Department (NYPD) Commissioner Howard Safir to establish a Disciplinary Review Task Force² to study and report upon allegations that the formal disciplinary system of the NYPD was biased against black, Hispanic, and female officers.³ This paper is derived from the Task Force's work, and reports that, while there are disparities among the race and gender groups, they are largely attributable to factors other than the operations of the formal disciplinary system.

POLICE DISCIPLINE

This study does not describe the totality of the NYPD's disciplinary mechanisms. Instead, it focuses upon punishment, the last stop in the department's elaborate processes for assuring discipline. *Discipline* may be defined as the art and science of gaining and maintaining compliance with official prescriptions. In the NYPD, this purpose is served through:

- recruitment;
- selection;
- training and probationary screening;

- socialization and maintenance of an organizational culture supportive of adherence to the NYPD's policies, practices, rules, and procedures;
- supervision and performance evaluation;
- career development programs;
- employee counseling and assistance; and, lastly
- punishment.

Because of the interactions and interdependence of these processes, the frequency and nature of punishment are affected by changes in earlier disciplinary mechanisms. These have varied and evolved over time, often in ways that are hard to quantify. Consequently, some temporal variation in disciplinary practices should also be expected. In addition, the NYPD includes two tiers of punitive discipline, *command discipline* and formal *charges and specifications*. Both the recent allegations and this study focus only on the latter.

Command Discipline

Command discipline is a semi-formal, non-judicial system designed to help commanding officers correct minor deficiencies and correct employees' behavior without blemishing their records with the permanent stigma that may attach to charges and specifications. The command discipline system has roots in the early 1970s' recognition that supervisors were reluctant to take punitive disciplinary action against officers because formal charges -- then the only available variety -- permanently blotted an officers' records for even the most minor misconduct.

The command discipline system is highly decentralized, and allows local commanders to punish officers for specified acts of minor misconduct that carry penalties of no more than ten days loss of pay. It is available for such activities as reporting late for duty, wearing or using an improper uniform or equipment, and the loss of department property. Following

informal interviews with the uniformed or civilian employees involved, commanders decide upon and impose penalties originating in command discipline. By design, therefore, systematic data on the command discipline system are difficult to collect.

Changes in the command discipline system over time account for some of the decreases in formal discipline suggested in Table 1, which shows that the disciplinary rate per thousand officers decreased from 33.2 in 1987 to 20.7 in 1996. In conjunction with attempts to decentralize disciplinary authority and to enhance local commanders' accountability, the NYPD recently (10/13/95) made more categories of misconduct subject to command discipline (e.g., loss of shield, failure to safeguard a prisoner) and the maximum penalty applicable under command discipline was increased from loss of five days vacation to ten. The expansion of command discipline accounts for some part of the decreases in formal charges and specifications shown in Table 1.

Charges and Specifications

More serious and/or chronic violations are the province of the NYPD's formal disciplinary system, which conducts proceedings based on the filing of charges and specifications, as well as appeals from command discipline findings or penalties.⁴ Much like a military court martial system, this process includes administrative proceedings that commence with the service upon an employee of formal charges and specifications. Like criminal or civil actions, department charges are open to negotiation from both parties, which may obviate the need for an administrative hearing.

The Department Advocate generally prosecutes these cases on behalf of the NYPD.⁵ The Advocate's position is an attorney's assignment, and has been held by both uniformed officers and

civilian employees. Since 1995, all supervisors have been required to consult with attorneys assigned to the Department Advocate's Office and receive their approval before charges may be filed. In much the same way that assistant district attorneys consult with arresting officers, the Advocate's staff is charged to confirm that a sufficient legal basis exists for each charge and that all appropriate investigative steps have been completed. The Department Advocate may decide not to proceed with charges and specifications, recommending instead either command discipline or no charges at all. The establishment of this additional procedural step may also account for variation over the years in the number of cases initiated.

Trial Room proceedings are open to the public, and follow rules of evidence and procedure. They are heard by the Deputy Commissioner, Trials (an attorney) or one of her Assistant Deputy Commissioners (also attorneys). Accused employees are permitted counsel, and usually have attorneys provided by their labor organizations. Cross-examination is permitted, and all proceedings are recorded and transcribed. The Trial Commissioner then presents a written report and recommendation to the Police Commissioner, who renders the final decision, both as to the finding of fact and to the penalty. There is no arbitration system in New York, so that appeals must be to the courts.

LIMITED CASE-SPECIFIC INFORMATION

Our focus on this last step in the disciplinary process has major implications for our work. Without dissecting the data on a case-by-case basis, we have only limited means of understanding the varied career histories that may have led officers to answer to charges and specifications. Some officers may become subjects of formal charges because, in the judgment of their supervisors and

commanders, less punitive disciplinary measures (e.g., counseling, retraining, command discipline) have proven ineffective in correcting behavior. To the extent that such potential variations may differ by gender or ethnicity, what may appear in the statistics to be a discriminatory pattern may instead reflect even-handed responses to respondents whose career and disciplinary records differ so greatly that they cannot be considered *similarly situated*.⁶

DISCRETION

In much the same way that judges have little or no authority to decide which defendants come before them, the Deputy Commissioner, Trials has little or no choice in deciding which cases appear on her docket. Instead, other actors in the system -- supervisors, commanders, Internal Affairs Bureau personnel, the Department Advocate -- decide that an offense is serious enough to be brought to formal trial. Thus, as is true of the criminal court, it cannot be said that the Trial Room is biased merely on the basis of caseload statistics, and we must look for biases in two other places:

1. On the part of those who make decisions to initiate the Department's formal disciplinary process; *and*
2. In the manner in which cases are processed once the formal disciplinary process has commenced.

The next section of this paper discusses these processes and the manners in which we have operationalized and tested them for evidence of bias.

INITIATING THE NYPD'S FORMAL DISCIPLINARY SYSTEM

In some cases, the filing of charges and specifications is discretionary; in others, it is mandatory. Because discrimination cannot exist where there is no discretion, we would expect that variations in non-discretionary disciplinary rates would closely reflect variations in actual misconduct rates.

Arrest Cases

Distinguishing the discretionary from the mandatory is a complex task. When officers are arrested for criminal behavior, charges and specifications must be filed. But, in some cases, the arrests leading to charges and specifications (e.g., drunk driving or brawling while off-duty) are themselves discretionary. Further, these decisions sometimes are made by officers in jurisdictions adjoining New York City, rather than by NYPD officers. Regardless of where these decisions occur, there is no way to gauge the extent to which gender or race/ethnicity may play a factor in them.

Further, NYPD policies regarding certain offenses have changed over time. In recent years, the NYPD (and police agencies in the surrounding jurisdictions in which some NYPD officers live) has developed a more stringent enforcement policy concerning domestic violence. This general posture is reflected in policies that mandate arrest and formal disciplinary charges in such cases, in reduced willingness on the part of prosecutors to plea bargain such cases, and in a recently-enacted federal law prohibiting persons convicted of domestic violence offenses, including police officers, from owning or possessing guns.⁷ Thus, officers who engage in this conduct are much more likely to be arrested today than in the past; they are much more likely to be prosecuted to the

full extent of the law; and they are much more likely to wind up facing formal disciplinary proceedings.

SUSPENSION CASES

The NYPD mandates suspensions for some violations, and that charges be filed against all suspended officers. For us, these provisions have implications similar to those involved in arrest-based cases: in some cases, the decision of a supervisor or commander to suspend is itself discretionary; in other cases, this decision is mandated. For example, the NYPD's manual, the *Patrol Guide* (1972), mandates suspension and formal charges when officers "refuse to perform official duties" or "refuse to obey a lawful order." In many cases (e.g., an officer who refuses to share a patrol car with a certain colleague or to work a certain beat), such "refusals" are resolved informally. In other cases, informal resolutions may be impossible, and suspensions and charges do result. Suspension generally is a last resort, however, so that such cases typically do involve managerial discretion.

Other violations mandating suspension give supervisors no opportunity for informal dispositions. Officers who have been absent without leave for five consecutive days must be suspended, and the paper trails of their absences leave no opportunity for handling their cases informally. Similarly, officers who refuse to answer questions at official Department interviews (usually involving internal investigations or other serious disciplinary matters) are literally *on the record*, and must be suspended. This also is generally true of officers who have an interest in, or association with, or who patronize premises engaged in illegal gambling, drugs, or liquor sales.⁸ Thus, some categories of suspension-based cases are discretionary (refusal to perform assigned

duties; refusal to obey a lawful order) and others are mandatory (AWOL; refuse to answer official department questions; interest in, association with, or patronizing illegal operations.).⁹

Mandatory Drug Testing¹⁰

Positive readings on NYPD drug tests trigger mandatory charges and specifications. But some drug tests (commonly referred to as "Dole Tests") are mandatory while others are discretionary. The NYPD's extensive mandatory drug testing programs also have changed significantly over the last dozen years:

- In 1985, the NYPD began testing all applicants and probationary police officers for evidence of drug use during pre-hiring screening, during training at the Police Academy, and shortly before the expiration of the officer's probationary period.
- In 1986, the NYPD began testing employees who were *beginning* sensitive specialized assignments, such as the Detective Bureau, the Organized Crime Control Bureau (OCCB), the Special Operations Division, and the Highway Unit.
- In 1989, the Department introduced random drug testing of *all* in-service personnel assigned to the OCCB.
- In 1990, the NYPD began randomly testing ten percent of all sworn personnel each year. For random selection purposes, the Department is divided into two pools (Internal Affairs and OCCB, presumably the

department's most sensitive assignments; and everybody else). Individuals to be tested are randomly selected via computer from each respective pool.

- In 1992, the NYPD doubled its annual random drug testing from ten percent to twenty percent of all uniformed personnel.
- In 1993, the NYPD made drug testing a condition of promotion to sergeant. Also in 1993, the NYPD began testing candidates for discretionary, non-civil service promotions to detective and ranks above captain.
- In 1995, the NYPD began using hair testing to supplement urine testing. Hair testing provides a significantly larger window of detection than does urine testing, with the capability of detecting drug use within the preceding ninety days.
- In 1996, drug testing was made a condition of promotion to lieutenant.
- In 1997, drug testing was made a condition of promotion to captain.

The appropriate test of whether the mandatory drug testing system operates in a truly random fashion is a comparison of the gender and racial/ethnic compositions of those tested to the gender and racial compositions of the entire NYPD. To the extent that these gender and racial/ethnic distributions are similar, the suggestion of discrimination is made less plausible.¹¹

Discretionary Drug Testing

All employees are subject to drug screening tests *for cause* when supervisors suspect that they are illegally using drugs. Because NYPD requires that such suspicion be objectively

reasonable and supported by specific, articulable facts, one would expect higher rates of failure among *cause* testees than among random testees.¹²

If discrimination existed in the *cause* testing system, its locus would be the interpretations and decisions of commanders and supervisors. For example, supervisors might write off inappropriate behavior to minor drinking, domestic discord, or individual eccentricities when it involves members of some groups, but might be quick to suspect drug abuse, and to act upon these suspicions, when such behavior is exhibited by others. If so, we would find racial/ethnic and gender variations in the percentage of failures among persons required to undergo *cause* testing. If supervisors did not refer white males for testing unless it was unavoidably clear that such officers were drug abusers, one would expect that the percentage of failures among these officers would be high. Conversely, if supervisors were quick to refer minority officers for testing, one would expect a large number of false positives, and that the percentage of failures would be quite low. A finding that *cause* test failure percentages across the genders and racial/ethnic groups were similar would suggest that supervisors were applying the same criteria across the board.¹³

GENDER, ETHNICITY, OFF-DUTY CONDUCT, AND RANK

In the NYPD, as in most large U.S. police departments, rank is closely associated with officers' gender and race/ethnicity in ways that have great impact on officers' experiences and exposure to physical risk, temptation, and formal discipline. In earlier research, for example, Fyfe (1981b) reported that black and Hispanic NYPD officers fired their weapons at rates nearly twice as high as that of white officers. Much of this discrepancy, however, was explained by differential involvement in off-duty shooting, and by racial differences in rank.¹⁴ Differences by ethnicity

shrunk further when on-duty shooting rates were further split to separate incidents involving officers and detectives from those involving sergeants and above, among which latter blacks and Hispanics were severely underrepresented: 16.5 percent of white officers held supervisory rank, as compared to 4.6 percent and 6.3 percent for black and Hispanic officers, respectively. Such variation can be expected to result in ethnic and gender differences in officers' disciplinary experiences because, like exposure to situations precipitating shooting, exposure to the formal disciplinary system varies inversely with rank. Entry-level NYPD officers' work consists largely of contacts with citizens in the emotional situations that give rise to complaints. Ranking officers, by contrast, often arrive at such scenes after passions have cooled and the process of restoring calm has been initiated. Further, ranking officers typically are older and more fully acclimated to the NYPD's policies, rules, and procedures; indeed, a history of adherence to official strictures is a condition of promotion. At command levels, the primary influence on officers' behavior is not the formal disciplinary system, but the Police Commissioner's virtually unlimited authority to promote and demote officers above the rank of captain. Once NYPD officers become captains, future advancement is dependent upon the Police Commissioner's assessment of their performance. Once such officials move beyond the captain rank, any infraction, question of integrity, or substandard performance may result in summary demotion from which the only appeal is to the courts. At these levels, therefore, the key deterrent to misconduct is not the formal disciplinary system's fines or suspensions, but the knowledge that the Police Commissioner may summarily impose a career-ending demotion or transfer.

DATA SOURCES

Our data were obtained from three separate NYPD computer systems, each of which has been configured on a need-to-know basis to contain different information about formal discipline. The primary system, the Disciplinary Records System (D.R.S.), is a mainframe computer application that contains charges and specifications case data for the entire period studied (1987 through 1996). The second system, the Office of Equal Employment Opportunity (O.E.E.O.) Charges and Specifications System, contains gender and race specific data from March of 1988 until approximately June of 1996. The third system, the Department Advocate's Charges and Specifications Tracking System (C.A.T.S.), was created in 1994 and contains data from mid 1994 to date.

After merging the data from these systems, we conducted a review to identify missing case information and, where necessary, used original case folders, log books, and charging records to complete the case record.

ANALYSIS

Our preliminary analysis of whether allegations of discrimination were accurate disclosed that the data forming the basis for these charges included disciplinary actions against both uniformed *and civilian* NYPD employees,¹⁵ which were then weighted against the numbers of exclusively uniformed employees. To begin a more accurate analysis, we focused exclusively on the disciplinary experience of uniformed personnel. Table 1 includes the ten years 1987-96, the period for which detailed data are available. The table's first three columns present data for 1987,

1990, and 1996, the years in this period specifically cited in the recent allegations. The last column presents total figures for the years 1987-96.

The table shows several trends. First, the rate of formal disciplinary actions generally has declined over the years studied, reflecting the previously discussed policy changes designed to decentralize and informalize the system. The total annual rate of disciplinary actions per 1,000 was 33.2 in 1987; in 1990, it decreased to 29.6; and, by 1996, it had fallen to 20.7. The table's findings regarding race and gender discrepancies are mixed. During 1987-96, white officers were disciplined at an average annual rate of 25.8 per 1,000, while the comparable rate for minority officers is 42.7. Finally, women officers were disciplined somewhat less frequently (mean annual rate = 26.6 per 1,000) than their male colleagues (rate = 30.9).

Because the "minority" classification includes people of diverse race and ethnicity, we generated Table 2, which offers a more finely detailed analysis. In addition to average rates of discipline per 1,000 officers, the table contains a *disparity ratio*, which we derived to simplify interpretation of this and subsequent tables. This ratio is calculated by measuring the relationship between each personnel category's disciplinary rate against that of white males, the NYPD's largest personnel category. For example, if personnel in a racial/ethnic and gender category experienced 50 disciplinary actions per year per thousand officers, while white males experienced 25 per thousand, its disparity ratio would be 2.0 (50/25); if another group experienced an annual rate of ten disciplinary actions per 1,000, its disparity ratio would 0.4 (10/25). Thus, the further a disparity ratio ranges above 1.0, the greater the group's disparity over white males; the further it ranges below 1.0, the greater its disparity under what one might expect on the basis of white males' experience.¹⁶

The greatest discrepancies in disciplinary experience involve black officers, among whom the rate for males (53.5) is twice as high as the rate for white males (26.5). Black women officers also experience discipline at a rate (38.9) twice as high as that of white females (19.4), and the rate for Hispanic men (41.7) is also considerably higher than that of white males. The rates for Hispanic women (27.3) and "other" males and females (25.6 and 27.8) are not measurably different from the white rate.

Using zero-order correlations, we then identified three variables as the principal sources of numerical disparity in the distribution of formal discipline: whether disciplinary charges were mandatory or discretionary; whether misconduct was on-duty or off-duty; and officers' rank.

Mandatory Discipline

As discussed above, some percentage of disciplinary cases are mandatory, in the sense that the acts alleged left virtually no choice about how to proceed. Others are discretionary, in the sense that they are initiated by a judgment call made by some NYPD supervisor or manager. Consequently, we dichotomized complaints as follows:

Discretionary

Refuse to perform assigned duties
 Refuse to obey a lawful order
 Fail/refuse for cause drug test
 Fail to safeguard a prisoner
 AWOL less than five days
 All others¹⁷

Mandatory

Illegal activity
 Fail/refuse probationary/assignment related
 drug test
 Fail to answer official department questions
 Interest in, or association with, or
 patronizing premises engaged in illegal
 gambling operations, use of drugs, smoke
 shops, or after-hours clubs, except in the
 line of duty
 AWOL five days or more
 Out of residence while sick ¹⁸

Table 3 shows that, for all racial and ethnic categories except black officers, female officers' disciplinary rates and disparity ratios are equal to or less than those of white male officers. Thus, where both mandatory and discretionary charges are concerned, there appears to be little basis for concluding that female white, female Hispanic, or "other" officers (male or female) are subjects of disciplinary discrimination *vis-a-vis* white men.

The table also indicates that male Hispanic officers are somewhat more likely than white male officers to have been subjects of discretionary disciplinary action (disparity ratio = 1.4), but almost twice as likely to have been the subjects of mandatory discipline (disparity ratio = 1.9). Disparity is also apparent among black officers in mandatory cases, as illustrated by the charge of "failing a random drug test."

Table 4¹⁹ presents random drug test data, and shows great similarity in the population to sample percentage comparisons discussed earlier, suggesting that the sampling is, in fact, done in a non-discriminatory, scientific method. Table 4 also shows that gender disparity related to mandatory discipline remains constant in the case of random testing: black males (1.6 per 1,000 officers) fail at a rate four times that of white males (0.4) for a disparity ratio of (4.0); black females (1.8) fail at an even greater rate and thus display an even greater disparity ratio (4.5). In all, Table 4 shows that black officers represent 12.3% of uniformed personnel and account for 37% of the random drug test failures or refusals, and that the mean annual failure rates for Hispanic male and female officers, 0.5, is only slightly more than that of white officers, 0.4, resulting in a disparity ratio of 1.3.²⁰

Thus, Tables 3 and 4 indicate higher rates of discipline against black officers for both mandatory charges generally and for drug test failures in particular. Grouping all forms of mandatory discipline together, the disparity ratio for black male officers is 2.4, versus a discretionary disparity ratio of 1.9. While black female officers' disciplinary rate for discretionary charges is somewhat higher than that of white males (disparity ratio = 1.3), they were disciplined in mandatory cases almost twice as often as white men (disparity ratio = 1.9).

Discretionary Drug Testing

As specified earlier, one would expect that evidence of discrimination in *cause* drug testing would take the form of discrepant failure rates. The data in Table 5 indicate that, for the period 1988-1996, there are numerical disparities among women and minorities referred to testing *vis-à-vis* white males (e.g., black male disparity rate = 3.8, black female = 3.6). The data also indicate, however, that the white male failure percentage (61.5%) is squarely in the middle of the pack, which ranges from 44.7% (for black females) to 85.9% (for Hispanic females). Consequently, the disparities also appear among *failure rates*, where, for example, the black male rate is 4.3 times as high as the white male rate. Further, these disparities follow the same trend as appears in the above analysis relating to the blind random testing program. Generally, therefore, this section of our analysis indicates that much of the numerical disparity in the disciplinary experience of male Hispanics and black officers overall is explained by cases in which discipline is mandated, rather than elective. In addition, we found no support for claims of racial, ethnic, or gender discrimination in the NYPD's *cause* drug testing program.

OFF-DUTY CONDUCT

Table 6 cross-tabulates officers' gender and racial/ethnic characteristics with their duty status at the time of the incident(s) that resulted in charges and specifications during 1988-1996.²¹ The table shows that, for every category of personnel, disparities above and beyond the experience of white males are greater among off-duty incidents than among on-duty incidents. Table 6 also shows that the disparities are greater within the mandatory categories than in the discretionary categories.

Black male officers are 1.6 times as likely as white males to be subjects of discretionary discipline while on-duty (rates = 21.9 and 13.7, respectively), but they are 2.5 times as likely as white men to have been subjected to discretionary formal discipline for off-duty conduct (rates = 15.2 and 6.1) and 2.7 times as likely to have been subjected to mandatory discipline for off-duty conduct (rates = 9.7 and 3.6). A similar trend holds for Hispanic men (on-duty discretionary disparity ratio = 1.3; off-duty discretionary disparity ratio = 1.7; off-duty mandatory disparity ratio = 2.0). Black women suffer on-duty discretionary discipline at a rate identical to that of white men (rate = 13.7; disparity ratio = 1.0), but are almost twice as likely to face discretionary off-duty charges (disparity ratio = 1.9) and are more than twice as likely as white men to face mandatory off-duty charges (disparity ratio = 2.2). White and Hispanic women are disciplined less often than white men for on-duty discretionary conduct (disparity ratios = 0.6 and 0.8), but are charged with off-duty misconduct, both discretionary and mandatory, at the same or higher rates than white men (white female off-duty discretionary disparity ratio = 1.0, mandatory = 0.9; Hispanic female off-duty discretionary disparity ratio = 1.4, mandatory = 1.1). Rates for officers of other racial groups show a similar trend, but numbers too small for meaningful interpretation.

To identify the frequency of the various charges resulting from off-duty conduct, we grouped the different charges into nine distinct categories, ordered from top to bottom in our assessment of decreasing seriousness, as follows:

- Illegal activity
- Drug related offenses
- Excessive force/abusive conduct
- Sick abuse
- Loss or Misuse of Department Property
- Unauthorized Off-Duty Employment
- Insubordination
- False entries
- Other Administrative²²

To avoid double-counting, we categorized cases involving multiple charges (e.g., out of residence while on sick report and making false statements) according to the most serious charge which, in our hypothetical example would be *out of residence*. The resulting analysis (not shown) disclosed that two of the categories represented half of all the off-duty discipline, and that the rest had shrunk to insignificance. *Illegal activity*, a charge we previously classified as mandatory, was the modal category, accounting for 29.2% of all off-duty discipline. Second most frequent was *loss or misuse of department property*, classified as discretionary (20.8%).

Table 7 presents our analysis of the gender and race of the officers receiving these charges during the years 1988 – 1996. The data indicate great variation among the racial/ethnic groups: white males received charges related to off-duty illegal activity at an annual rate of 3.0 per 1,000; for white females the rate was 1.3 (disparity ratio = 0.4). For black males the rate was 8.1 (disparity ratio = 2.7); for black females 4.8, (disparity ratio = 1.6). For Hispanic males the rate

was 5.7 (disparity ratio = 1.9); for Hispanic females the rate was 2.1 (disparity ratio = 0.7). For other males the rate was 2.8 (disparity ratio = 0.9); no charges of off-duty illegal activity were levied against officers categorized as other females.

Within the off-duty *loss or misuse of department property* charge category, the disparities were even greater. White males officers received charges within this category at an annual rate 2.0 per 1,000; for white females the rate was 1.9 (disparity ratio = 1.0). For black males the rate was 5.5 (disparity ratio = 2.8); for black females 3.2, (disparity ratio = 1.6). For Hispanic males the rate was 3.9 (disparity ratio = 2.0); for Hispanic females the rate was 4.1 (disparity ratio = 2.1). For other males the rate was 1.6 (disparity ratio = 0.8) and for other females the rate was 3.0 (disparity ratio = 1.5).

Thus, when mandatory discipline and charges emanating from off-duty conduct are removed from the analysis (leaving only on-duty discretionary discipline), we find smaller disparities between male whites and male blacks (disparity ratio of 1.6), even less disparity between male whites and male Hispanics (1.3) and no disparity between male whites and female officers of any race (female white 0.6, female black 1.0, female Hispanic 0.8, female other 0.9). These findings (not shown in tables) are consistent with Fyfe's (1981b) earlier findings on the use of deadly force by officers on-duty and off-duty.

Rank

As discussed earlier, regardless of race or ethnicity, we should expect rates of formal discipline to decrease as officers' rank increases. The numbers bear this out. We found that more than 90% of the formal discipline initiated between 1988 and 1996 was directed against police

officers and detectives, who constituted only 83% of the NYPD's uniformed officers; 9% of the discipline was initiated against the 15% of the uniformed personnel holding sergeant or lieutenant ranks; and 0.5% (n=44) was initiated against captains or higher, who comprised 2% of the uniformed personnel.

We then narrowed our analysis to circumstances in which: (1) the recipients were as similarly situated as possible, and (2) the decision to discipline was a matter of individual choice rather than institutional mandate. We dropped captains and above from analysis because of their small numbers; we distinguished cases initiated against police officers and detectives from those initiated against sergeants and lieutenants; and considered only discretionary cases based on on-duty conduct. Using the nine-year mean annual personnel total for each rank category, we then constructed annual rates of discipline per 1,000 officers. The result is Table 8, which discloses that white police officers and detectives received discipline at an annual rate of 14.0 per thousand. The black rate is 18.9, for a disparity ratio of 1.4; the Hispanic rate is 16.5, with a disparity ratio of 1.2. Table 8 also indicates that race disparity within the ranks of sergeant and lieutenant. More specifically, it shows that black and Hispanic sergeants and lieutenants were considerably more likely than white supervisors to have been subjects of discipline (disparity ratios = 2.1 and 1.5 respectively).

In large measure, these numerical disparities are an artifact of the use of *charges filed*, rather than *officers charged*, as our unit of analysis. The data considered in Table 6 are based on 3,819 on-duty discretionary disciplinary actions against 3,146 officers; obviously, many of the officers were charged more than once. Thus, we narrowed our analysis even further by considering only police officers, detectives, sergeants and lieutenants who entered the formal disciplinary system *for their first time* during the period of review, 1988 – 1996. There were 2,551 such officers, with the

rs; 9% of the remaining 595 having had their first experience with the formal disciplinary process prior to 1988. or lieutenant The data indicated that officers who had never before been subjects of formal discipline were d 2% of the charged in percentages consistent with their overall representation in the ranks of police officer through lieutenant: of the 2,551 first time offenders, 1,813, or 71.1%, were white officers (compared to the nine-year average representation in the ranks police officer through lieutenant of white officers = 72.2%) 323, or 12.7%, were black (nine year average=12.2%) 394, or 15.4%, were Hispanic (nine year average=14.5%), and 21, or 1.0%, were categorized as *other* (nine year average = 1.1%).

based on on- We then derived *officer-specific* disciplinary rates (presented in Table 9) that indicate the rates at which police officers and detectives entered the formal disciplinary system for the first time during 1988-1996 in response to discretionary on-duty charges. This caused disparity to disappear; the annual officer-specific rates for whites, blacks, Hispanics, and others were 10.0, 10.1, 10.5 and 8.4 respectively, resulting in disparity ratios of 1.0 for black police officers/detectives, 1.1 for Hispanic police officers/detectives and 0.8 for other police officers/detectives. Racial and ethnic disparities among supervisory personnel also decreased dramatically when controlling for repeated discipline by using officers rather than cases as the unit of analysis. The white rate was 7.4, the black rate was 9.6 (a disparity of 1.3), the Hispanic rate was 9.0 (disparity ratio of 1.2), and the other rate was 0. Although slight disparity remains, the numbers of cases involved are small; the black-over-white disparity, for example, consists of six cases over a nine-year period, or less than one disciplinary action per year.

Thus, our data indicate that, were one to ask white, black, Hispanic, and other police officers

whether they had received formal discretionary disciplinary charges for on-duty misconduct during the years we studied, there would be little variation in the percentage who answered affirmatively.²³

Race/Ethnicity and Complaint Processing²⁴

Once charges and specifications have been filed, three key decisions arguably provide opportunities for discrimination. These include:

- The decision by the Department Advocate to engage in plea and sentence negotiation;
- The trial decision;
- The penalty.

The range of these decisions is, of course, dependent on the nature and level of the charges and evidence in each case. A felony conviction or a positive drug test, for example, is dispositive and leaves no alternative but dismissal. As suggested earlier, however, considerable variation might be anticipated in cases of lesser charges, if only because penalties typically are based on both instant offenses and officers' prior histories.²⁵

Despite these hidden variations, we attempted to determine whether, when controlling for the severity of charges brought against officers, race/ethnicity affected these decisions. To do this, we split the misconduct classifications used in the NYPD's record keeping system as follows:

Illegal Activity/drugs:

Departmental charges emanating from illegal conduct, including conduct resulting in arrest and/or indictment, or from the failure or refusal to take a drug test.

Administrative:

Departmental charges emanating from allegations of improper behavior other than illegal conduct or the failure or refusal to take a drug test.

To assure comparability, we included in analysis only "single-event officers" who had been

uct during the subjects of charges only once since January 1, 1977, the earliest date for which such data are available.²⁶
 atively.²³

Dispositions of Formal Charges: Pleas, Findings, Dismissals, and Filings²⁷

ably provide Table 10 presents the results of our first dispositional analysis, which involves the manner
 in which cases against single-event officers were resolved during 1987-96. For the purposes of this
 analysis, we did not include the cases against 767 officers whose records were expunged by the
 negotiation; department.²⁸ The table's first column presents the percentage and number of cases in which officers
 were found guilty after formal trials. The second column includes cases in which the Department
 Advocate initiated and/or consented to negotiated settlements. The third column includes cases in which
 e charges and officers were acquitted after trial, the fourth column includes cases in which charges were dismissed,
 ve and leaves and the fifth column includes charges that were filed²⁹
 be anticipated

offenses and

Dispositions of Illegal Activity/Drug Cases

olling for the Table 10 indicates very little variation by race/ethnicity in the NYPD's disposition of illegal
 activity/drug cases against single-event officers. The number of "other" officers (8) is too small for
 this, we split meaningful analysis, and the table shows that white officers are somewhat less likely than black or
 Hispanic officers to be found guilty after trial of these charges (13.2% versus 15.7% and 21.0%,
 respectively). At the same time, whites are slightly more likely than the two other numerically
 meaningful groups to plead guilty to such charges (34.0%, against 29.8% for blacks and 30.2% for
 Hispanics). Consequently, the proportion of officers found guilty, whether by trial or plea, varies little.
 In all, 47.2% of whites, 45.5% of blacks and 51.2% of Hispanics suffered such findings. There is also
 little variation between whites and Hispanics in terms of the percentage of each group found not guilty

after trial, 6.5% and 5.6% respectively, although the percentage was lower for black officers, 2.0%. In cases in which the charges were dismissed, again, there is little variation among the racial/ethnic groups - for whites the percentage is 10.5%, for blacks 8.6% and for Hispanics 9.9%. The apparent differences between whites and blacks when the categories "not guilty" and "charge dismissed" are combined amounts to fourteen cases over the ten years studied.

Dispositions of Administrative Cases

During the ten years studied, 1,783 white officers, 414 black officers, 451 Hispanic officers, and 30 other officers became single-event subjects of administrative violations. Dispositions of cases against the three statistically meaningful racial groups show little variation. About six in ten whites, blacks, and Hispanics were found guilty or pleaded guilty or *nolo* to the charges against them (white, $12.2\% + 47.7\% = 60.0\%$; black, $17.9\% + 48.1\% = 66.0\%$; Hispanic, $14.2\% + 53.7\% = 67.8\%$). Three in ten whites wound up without penalties (8.3% not guilty + 17.9% dismissed = 26.2%), as did two in ten blacks (4.6% not guilty + 11.8% dismissed = 16.4%) and Hispanics (4.9% not guilty + 14.0% dismissed = 18.8%).

Penalties

A large body of literature suggests that criminal offenders who plead guilty to charges against them may fare better in the penalty phases of their proceedings than do those who are found guilty after trial. There may be many reasons for this discrepancy. Prosecutors may offer or consent to engage in plea negotiations in cases in which they perceive mitigating factors, but may decline to do so when circumstances indicate that the offenses involved were especially serious or venal. Institutional interests

ers, 2.0%. In relating to the expeditious and efficient adjudication of cases may result in less severe penalties for those ethnic groups who agree to forego trial and plead guilty. Judges and prosecutors may also regard willingness to plead guilty as an indicator of acknowledgment of and repentance for one's offense and, therefore, as a factor that should mitigate sentencing severity. Judges may also regard severe penalties as appropriate after trials in which it is clear that guilty defendants have compounded their offenses by trying to lie their way out of trouble (e.g., McCoy, 1993). Such factors apparently operate in NYPD's formal disciplinary system, as well. Many cases are screened out of the formal system in favor of command discipline for precisely the reasons described in the research on criminal cases. Consequently, we distinguished single-event officers who pleaded guilty or *nolo contendere* to the charges against them from those who proceeded through a full, formal trial proceeding.

them (white,

7.8%.

Penalties Following Guilty and Nolo Pleas.

6.2%), as Table 11 presents the first results of this analysis, the penalties suffered by one-time offenders who pled guilty or *nolo* to charges against them, again categorized by offense type. We split the penalties imposed into four categories:

10 days or less only

Officers who received, as the sole penalty, suspension and/or vacation deductions in the amount of 10 days time or less.

More than 10 days only

Officers who received, as the sole penalty, suspension and/or vacation deductions in the amount of more than 10 days time.

Probation

Officers whose penalty included probation, whether as the sole penalty, or in addition to the loss of vacation time. For instance, an officer who received the punishment of the loss of 5 days vacation time and was placed on probation, would be, for the purposes of this

analysis, classified as "probation." Classifying such cases in this manner is justified by the fact that probation is generally regarded within the NYPD as a more severe penalty than the loss of vacation time.

Dismissed/Resigned

Officers whose penalty was an end to employment with the department, either by order of the Police Commissioner or by election of the officer.

In the illegal activity/drugs category, the overall numbers are relatively low - 266 officers over a ten year period. Approximately 2 in 10 whites and blacks received penalties of 10 days or less (23.8% and 25.0%, respectively). For Hispanics, the rate was slightly higher (3 in 10, or 31.0%). Approximately 4 in 10 white and black officers (35.7% and 40.4%, respectively) received penalties in excess of 10 days, for Hispanics the rate was lower (3 in 10, or 33.3%). The results were similar in the case of probation, with comparable percentages among white (33.3%) and black (28.8%) officers, and a slightly lower percentage among Hispanic officers (23.8%). Only 20 cases within the last penalty classification, dismissal or resignation, occurred over the ten year period.

Where the more statistically meaningful administrative cases are concerned, Table 11 shows little variation by race. About half of each racial group receives penalties of less than 10 days (50.6% for whites; 45.4% for blacks; 49.0% for Hispanics), and 1 in 10 received probation (14.6% for whites; 12.1% for blacks and 12.5% for Hispanics). While a smaller percentage of whites (33.8%) received penalties of more than 10 days than blacks (42.5%) or Hispanics (38.5%), white officers accounted for all of the dismissals or resignations over the period studied, but the actual frequency of such cases (7) was small.

Penalties Following Trial Determinations of Guilt.

Table 12 includes cases in which officers were found guilty after trial of the charges against them.

Again, the number of cases within the illegal activity/drug category is small – 139 over the ten year period. The table also shows that the dispositions of tried administrative cases were virtually identical

among the suspension/loss of vacation time categories: half of each group was docked ten or fewer days

(55.5% for whites; 51.8% for blacks; 48.0% for Hispanics); three in ten (32.4% white; 32.1% black;

32.0% Hispanic) lost more than ten days. Whites and blacks received probation at the same rate (2.2%

and 1.8%, respectively). Hispanics received probation at a slightly higher rate (4.0%), but the actual

number was only two cases across ten years. The same is true among officers dismissed: while the

percentage of blacks (14.3%) and Hispanics (16.0%) dismissed is higher than that for whites (9.9%),

the difference between these two groups and whites translates to three cases, or about one every three

and a half years. Again, these are differences that are most safely attributed to chance or to racial

variations in the nature of offenses which are not detectable in our quantitative analyses.

MULTIVARIATE ANALYSIS

Thus far, we have conducted a series of bivariate rate comparisons designed to detect covariation

between two variables (as displayed in cross-tabulations). While common base rates were specified

during the comparisons to ensure that only similar officers were matched, the bivariate analysis

techniques are not able to control for the potential influences of exogenous variables. That is, while two

variables might systematically vary together, their covariance might be confounded by the effects of

other variables not included in the analysis. In order to identify the actual amount of covariation between

two variables, it is often necessary to "remove" or estimate the variance that is due to other factors.

In the present analysis, the multivariate modeling technique serves two purposes. First, since multivariate analyses are based on inferential statistics, they allow for the prediction and/or the estimation of odds ratios, which surpass rate comparisons in terms of statistical rigor and decision-making validity. Second, these analyses serve to confirm the results of the initial bivariate comparisons initially presented. This is important because if the findings from the multivariate estimations generally support the findings from the bivariate analyses, then it is defensible to draw inferences on the basis of those bivariate analyses, which defers to the scientific tenant of parsimony.

Statistical Considerations

The function of the present analysis is to identify the extent (if any) to which sworn members of NYPD who are subject to the disciplinary process are discriminated against on the basis of race in terms of the penalties they receive. Before proceeding with the analyses, however, two data reduction considerations are made. First is the issue of disciplinary events. Since the unit of analysis is "case," officers who have multiple cases in the data set appear multiple times. Although it is possible to control for the number of times officers are represented by the data, it is not possible to control for the time span over which the cases were brought against officers. Since it is theoretically feasible that police department administrators may treat officers differently from each other based on the frequency with which they are subject to formal disciplinary review, it was important to establish a common base rate. In this spirit, only first time disciplinary events are included in the present analysis, which ensures that only "first time offenders" are studied.

The next consideration is that of filed cases. Since it is not clear as to whether or not the penalties imposed for filed cases would have been the same penalties imposed had the case not been filed, all logistic regression models were estimated both with and without filed cases included in the analyses.

First, since While the model statistics and maximum likelihood estimations changed somewhat (based on the inclusion and/or the and exclusion of filed cases), the functional results remained constant across models. Therefore, filed and decision-cases are not included in the analysis. These two data refining techniques have the cumulative effect of comparisons reducing the data set from 8,526 cases to 4,704 cases.

ns generally Discriminant Function Analysis

the basis of The first task in the multivariate analysis was to attempt to identify any independent conditions that might be associated with the penalty disposition of cases. To this end, we estimated a discriminant function analysis in which the penalty dispositions represented the grouping (or dependent) variable. Discriminant function analysis is useful for classifying cases by a polychotomous nominal level dependent variable based on a range of independent variables (Munro and Page, 1993). It is important to note that while the selection of independent variables is theoretically based, the coding scheme of the dependent variable (i.e., penalty disposition) is largely empirically driven. That is, on either side of the penalty continuum reside "no penalty" and "separation from department." However, within this polarity, officers are frequently suspended for various numbers of days depending upon the seriousness of the event. Among the initial tasks, therefore, was to specify a coding scheme that maximized classification validity while maintaining reasonable statistical variance in the penalty outcome.

In this spirit In the first discriminant function model a trichotomous penalty variable was specified and coded as follows: (1) *no penalty*, (2) *suspension only*, and (3) *separation from department*. This model yielded two functions* and correctly classified 88.2% of the cases (tables not shown). However, upon

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* In discriminant function analysis, the maximum number of functions equals one minus the number of categories of the dependent variable

examination of the model statistics, it was discovered that only 23.1% of the *separation* dispositions were correctly classified. Considering that based on chance alone it is theoretically plausible to obtain a 33% correct-classification rate for a three category outcome measure by merely guessing, it was determined that such low within-group classification validity was unreasonable.

Several additional discriminant analyses were estimated for which the outcome measure was divided into four variously defined groups. In these models differential suspension categories were specified in an effort to increase the within group classification validity while maintaining the overall correct classification rate. In the final solution – the one reported on here – the dependent variable was coded as follows: (1) *no penalty* (n=2,280), (2) *1 to 30 days suspension* (n=2,146), (3) *more than 30 days suspension* (n=65), and (4) *separation from department* (n=216). While this coding scheme lowered the overall correct-classification rate to 79.1% (which is 9.1% lower than the original trichotomous coding scheme), the within-group correct-classification rate increased substantially. Specifically, the ability of the model to correctly classify *separations* increased from 23.1% to 53.7%. This gain was not at the expense of the classification validity of the other groups. Table 13 shows the model statistics and independent variable loadings for the present discriminant function analysis.

As the data in Table 13 show, the discriminant analysis identifies three functions. The first function has an Eigenvalue of 2.65 and explains 88.5% of the between-group variance. The second function has an Eigenvalue of .327 and explains 10.9% of the between-group variance. The final discriminant function produced an Eigenvalue of .016 and .5% explained variance. It is important to note that based on F tests of the Wilks' Lambda statistics (shown in Table 13), all functions are statistically significant at or below .05 alpha, indicating that the null hypothesis that the group centroid

are equal may be rejected. In evaluating the strength of the functions, it is instructive to consider the model statistics associated with each function.

The Lambda measures within-group variability as compared to the total variability, and represents a coefficient bound between zero and one (Norusis, 1990). The closer the coefficient is to zero, the smaller the amount of within-group variance there is as compared to the total variance. Thus, to a great extent, the Lambda statistic is inversely related to the percent of explained between-group variance. Next is the Eigenvalue, which represents the ratio of the between-group to within-group sum of squared errors (Norusis, 1990). Thus, the larger the Eigenvalue, the "stronger" the function. Finally, the cononical correlation (also bound between zero and one) shows the extent to which the discriminant function scores vary concomitantly with the group means. The higher the correlation, the more the original scores are associated with the groups.

Upon evaluation of the functions, it appears that the first function is the "best fitting" since it has the highest Eigenvalue, the lowest Wilks' Lambda statistic, and the highest level of explained between-group variance. In all discriminant analyses, however, the first function is always the strongest and most distinct (Munro and Page, 1993). The second function in the present analysis has a relatively good "fit" with a Lambda statistic of well below one and almost 11% explained between-group variance. The final function, however, is relatively weak as compared to the first two. As the data in Table 13 show, Function Three explains only .5% of the between-group variance and produces a Lambda statistic close to one. Thus, when interpreting this function, the relative lack of "strength" should be considered. The following is a discussion of each function.

Function One. Based on the group centroids (the centroid also represents the group mean), this function generally discriminates between receiving a penalty and not receiving a penalty. While

separation from the department has the largest (absolute value) group mean (1.960), the centroids of the other two penalty sanctions are close: 1 to 30 days=1.536; more than 30 days=1.529. In contrast, the no penalty option produces a group mean of -1.675. Note that in discriminant analysis, the sign of the centroid is important since it indicates the position of the centroid (i.e., distance and direction) relative to zero. Since the penalty centroids are positive in direction, and the no penalty centroid is negative, this function classifies cases on the basis of *receiving* a penalty. As the function coefficients in Table 13 indicate, the condition most strongly associated with receiving a penalty as the result of charges is guilty plea (.365), and to a lesser extent, guilty trial (.256). It is no surprise, therefore, that expunged and dismissed cases are negatively associated with receiving a penalty (-.377 and -.269, respectively).

Function Two. This function appears clearly associated with separation from the police department. The centroid for separation is 2.512, while the other three centroids are all close to zero. The conditions most strongly associated with receiving the separation penalty are a positive drug test (.784) and a guilty at trial case disposition (.540). It is interesting that guilty plea is fairly strongly *negatively* associated with the separation sanction (-.455). This might suggest that, like many courts, the police department is more lenient when officers admit responsibility, as compared to when they officers force a departmental trial.

Function Three. This function is closely associated with receiving the penalty of more than 30 days suspension. As compared to the more than 30 days centroid (1.060), the other penalty options produced group means close to zero on the negative side of the continuum. This is a very interesting sanction because it occurs with relative infrequency (n=65 cases); and yet, it is highly discriminated from the other sanctions. As the coefficients indicate, illegal activity (.827) is most strongly associated with this function, followed closely in strength by whether the case was a mandatory disciplinary

incident (.796).** It is also interesting that general administrative charges and guilty at trial case dispositions are both moderately to strongly *inversely* associated with this function (-.477 and -.386, respectively). Considered collectively, these findings suggest that officers who are given more than 30 days suspension are those against whom serious charges are filed, and who opt for avoiding a departmental trial. In such cases, it is possible that these officers are offered a severe – but not career ending – sanction in exchange for either cooperation or information, or both. Again, it is important to reiterate that this sanction was given only 65 times in the current data set, which might explain the low rate of explained between-group variance, and high Lambda statistic.

Of primary importance to the present study is the extent to which officer racial background and gender are associated with receiving a penalty as the result of disciplinary actions. The findings from the discriminant analysis indicate that these two conditions have virtually no impact on the types of penalties received. For Functions One, Two, and Three, respectively, race of officer produced very low function coefficients of -.057, -.065, and .075. Similarly, officer gender produced weak loadings of -.023, .029, and .076 on Functions One through Three, respectively. Thus, rather than concluding that the static characteristics of officers influence disciplinary outcomes, it is most appropriate (based on the discriminant analysis) to conclude that case dispositions, admissions of responsibility on the part of officers, and whether or not officers engaged in illegal activity are the strongest predictors of the receipt of penalty sanctions.

**It should be noted that mandatory case and illegal activity have a linear association of .851. While the variables passed the tolerance test for multicollinearity, the high loading of mandatory discipline on Function Three is likely due in large measure to its strong association with illegal activity.

Because the first function produced by the discriminant analysis had such high classification validity (in that it explained 88.5% of the between group variance), an attempt to refine the relationships observed in that analysis was initiated. To this end, we estimated several multivariate logistic regression equations on the data set, testing several race- and gender-based hypotheses. This secondary analytic procedure was conducted on the same cases (i.e., first even disciplinary cases) as the discriminant function analysis. A dichotomous dependent variable representing penalty (1=penalty; 0=no penalty) was specified in all logistic regression models.

Logistic Regression Analysis

Because the first function produced by the discriminant analysis achieved such a strong goodness of fit (in that it explained 88.5% of the between group variance), an attempt to refine the relationships observed in that analysis was initiated. To this end, we estimated several logistic regression equations on the data set, testing the general research hypothesis that officers are discriminated against based on their race in terms of disciplinary outcomes. This secondary analytic procedure was conducted on the same cases (i.e., first event disciplinary cases) as the discriminant function analysis. A dichotomous dependent variable representing penalty (1=penalty; 0=no penalty) was specified in all logistic regression models, which is consistent with what the findings from the discriminant analysis show.

Three such models are estimated on the data. In the first model, a bivariate relationship between officer race and penalty is tested in order to observe whether the statistical disparity identified previously can be replicated through a logistic regression estimation. In the second model, several control variables are entered into the equation while penalty is again regressed on officer race. This is done in an effort to show that while controlling for case disposition, type of charge, gender, and duty status at time of

incident, the racial disparity disappears. This estimation is considered the "main effects" model since it includes all the non-contingent impacts of the individual predictors on the dependent variable. The third and final model tests the hypothesis that officer race *and* a guilty disposition interact to produce results supporting the hypothesis that non-white officers who are guilty at trial (or plead guilty) have a higher chance of receiving a penalty than white officers. In this model the main effects are included as control variables. Conceptually, the analysis process is as follows:

Model One: tests only the bivariate relationship between race and penalty

Model Two: tests the same relationship as in Model One, but enters all control variables to show that the racial disparity is non-significant when holding important conditions constant

Model Three: includes all main effects plus an interaction term for (non-white officer³⁰) x (guilty trial/guilty plea)

The results for all logistic regression estimations are illustrated in Table 14. Note that except for race, gender, and interaction terms, only statistically significant variables are shown in Table 14. As these data show, the bivariate relationship between race of officer and penalty is statistically significant. With the reference category set to "white officer," results show that black officers are approximately one and a half times more likely to receive a penalty than their white colleagues, and that Hispanic officers are 1.28 times more likely than white officers to receive a penalty. In addition, officers belonging to "other" racial categories (n=51; .9%) are 2.34 times more likely than white officers to be assigned a penalty as part of a formal disciplinary proceeding. This finding replicates those of the previous bivariate analyses, and was expected.

In evaluating the fit of this estimation, the diagnostic statistics show that the results are significant ($p < .001$), although the model classifies only 53.55% of the cases correctly. In addition, the difference

between the initial -2 log likelihood (7713.50) and the final -2 log likelihood (7667.50) is a modest forty-six (this statistic is equal to the model chi-square). As these results suggest, while the bivariate relationship is significant, there is substantial room for improvement of fit.

The next estimation -- indicated as the Main Effects Only model in Table 14 -- shows that when adding the control variables to the model, the race of the officer is no longer a significant predictor of the outcome. This equation shows that guilty-trial (MLE=7.54), a plea of *nolo contendere* (MLE=7.03), and a guilty plea (MLE=6.45) are the strongest predictors of receiving a penalty. In addition, the only significant charge specification categories are excessive force, failed drug screens, and unauthorized off duty employment (MLE= -.59, MLE=.63, MLE=.91 respectively). It is important to note that the reference category for specifications was "administrative charge." Thus, as compared to officers charged with general administrative violations, those charged with failed drug screens are 1.87 times more likely to receive a penalty, while those charged with unauthorized off duty employment are 2.49 times more likely to receive a penalty. It is of interest that relative to those charged with administrative violations, officers charged with excessive force are slightly *less* likely to receive a penalty. This may reflect the difficulty of sustaining use of force complaints as compared to sustaining general administrative charges. It is of further note that officer gender was not a significant predictor of penalty.

The model statistics for this estimation indicate a much better fit over the previous bivariate equation. The iterative process responsible for the difference between the initial -2 log likelihood (7713.50) and the final -2 log likelihood (3155.13) produces a model chi-square of 4558.39. The greater the difference between the two log likelihood functions, the better-fitting the model (Munro and Page, 1993). In addition, the main effects model classifies 89.73% of all cases correctly, which represents an improvement of 36.18% over the bivariate model.

In the final analysis, a logistic regression model including all main effects, plus an interaction term for non-white guilty officers was estimated, the results of which closely resemble those of the previous estimation. In this final model, however, a failed drug screen emerges as a significant predictor of receiving a penalty (MLE=.63, odds=1.87). Of particular note is that no race or gender categories (including the interaction term) were significant predictors of receiving a penalty..

Discussion

The collective results of the logistic regression analyses generally lend support to the findings of the discriminant function analysis. Recall that for the *penalty* function identified by the discriminant analysis, guilty plea and guilty trial case dispositions achieved the highest loadings, while race and gender variables achieved very weak loadings. This pattern was replicated in all logistic regression estimations. The relative benefit of discriminant analysis as compared to logistic regression is that the former allows for an empirical examination of a polychotomous outcome measure. Considering the strength of discriminant function analysis (Munro and Page, 1993), subtle differences in the way penalties are assigned were observed with respect to separation from the department, and more than 30 days suspension. Logistic regression compliments the use of discriminant function analysis through its ability to generate odds ratios, which provide a clearer understanding of how each independent variable influences the dichotomous outcome variable while controlling for all other predictors. As these findings show, members of service of the New York City Police Department who are subject to the disciplinary process are not treated differently on the basis of race or gender. In addition, when making subgroup comparisons, no interaction effects between officer race and guilty trial/guilty plea were significant.

It was considered that there might be a difference in outcomes based on guilty-plea vs. guilty-trial. From a theoretical perspective, it might be argued that members of service who "force" the official process by insisting on a trial, as opposed to opting to plead guilty, might be treated more

punitively by the department upon a guilty disposition. This theory was also tested in additional logit models where all main effects were included (as shown in Table B1), as well as interaction terms for the following:

1. (white officer) x (guilty-trial)
2. (non-white officer) x (guilty-trial)
3. (black officer) x (guilty-trial)

The dependent variable in these subsequent estimations was penalty (*penalty imposed* vs. *no penalty imposed*). As with the initial models, the present models showed no significant difference in penalty outcomes.***

***Tables not shown for these models. They are available upon request from the authors.

CONCLUSION

The most significant conclusion of this detailed analysis is that it has found no evidence of discrimination by race, ethnicity, or gender in the formal disciplinary system of the New York City Police Department. Careful review has disclosed that the numerical disparity that is observed when one compares each racial/ethnic and gender group's share of the disciplinary cases against their representation in the NYPD is not a product of systemic biases in the formal disciplinary system.

This study began by correcting reported inaccuracies in the figures offered by those who have alleged discrimination. The corrected data demonstrate that claims of disparity as they pertain to female officers are unsupported. We then found that the numerical disparity that does exist in terms of race/ethnicity is directly attributable to higher rates among minority officers for mandatory charges, where the decision to initiate discipline cannot, by definition, be discriminatory; is directly attributable to higher rates among minority officers for charges arising not from the officer's performance of duty but rather from off-duty behavior; and is directly attributable to differences in the racial/ethnic compositions of the various uniformed ranks.

Indeed, when the Task Force isolated each of these variables and considered the experiences of police officers that entered the formal disciplinary process for the first time, disparate treatment could not be found.

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¹. Perhaps the sole exceptions are the early-1970s RAND Corporation studies of the New York City Police Department (Cohen, 1970; Cohen and Chaiken, 1973). These reported apparent racial disparities in initiation of disciplinary actions against black officers, but did not control for such theoretically significant variables as officers' assignment.

². First Deputy Commissioner Patrick E. Kelleher (chair); Deputy Commissioner, Legal Matters, George A. Grasso and Deputy Commissioner, Equal Employment Opportunity, Sandra M. Marsh (co-chairs); Deputy Commissioner, Policy and Planning, Michael J. Farrell; Deputy Commissioner, Trials, Rae D. Koshetz; Chief of Personnel, Michael A. Markman; Chief of Internal Affairs Bureau, Charles V. Campisi; Commander of Patrol Borough Manhattan North, Assistant Chief Nicholas Estavillo; Commanding Officer, First Deputy Commissioner's Office, Deputy Chief William F. Calhoun; Assistant Deputy Commissioner, Legal Matters, Neldra M. Zeigler; Department Advocate, Assistant Commissioner Kevin Lubin; Director of the Disciplinary Assessment Unit, Joseph A. Flynn and Counsel to the First Deputy Commissioner, Maureen Casey. James J. Fyfe and Robert J. Kane worked with the Task Force as advisors: Sgt. Michael Ansbro, Lt. Christopher H. Rising, Police Officer Gerald Cox, and Computer Associate Anthony Lagasse staffed the study.

³. In support of these allegations, it has been charged that, in 1996, black, Hispanic, and white officers, who comprised 13.7%, 16.7% and 68%, respectively, of the uniformed NYPD were subjects in 35.1%, 18.5% and 45.2%, respectively, of the formal disciplinary cases. It has also been asserted that, since 1985, 20% to 25% of officers charged with misconduct have been women, even though they have never made up more than 15% of the department. These numbers, however, were incorrectly derived by comparing the number of disciplinary cases initiated against *all* members of the Department, uniformed and civilian, with only the numbers of *uniformed* personnel in each racial/ethnic and gender group. This issue is discussed in greater detail later in the report.

⁴. Employees are also free to bypass command discipline altogether and to insist instead on the filing of formal charges and specifications and resolution of the matter via formal administrative hearing.

⁵. There are two exceptions to this general pattern. Extremely serious cases (e.g., those also involving criminal proceedings) often are handled by a Department Special Prosecutor rather than the Department Advocate (see NYPD, 1996). In addition, cases substantiated by the Civilian Complaint Review Board and preferred against members in the rank of police officer are resolved before the Office of Administrative Trials and Hearings (OATH), a city agency independent of both the Personnel and Police Departments.

⁶. This consideration also affects the severity of dispositions of charges and specifications, which may vary for reasons not readily apparent in statistical analyses (e.g., officers' prior

history, cooperation with criminal or internal administrative investigations, etc.).

⁷ 11 Title 18, United States Code, §922(g)(9).

⁸ See NYPD Patrol Guide Provision 118-10. Note that an exception to the mandatory suspension requirement exists when the member patronizes unlicensed premises where the only apparent illegal activity is the sale of alcoholic beverages (i.e. neighborhood tavern or restaurant with an expired/suspended license).

⁹ Even though it is possible for officers who find off-duty police personnel at illegal premises during raids to release such personnel, we elected to treat this category as mandatory. Such releases are not legitimate exercises of discretion, and are undertaken at the risk of severe discipline.

¹⁰ The Department's random drug test is conducted utilizing a urine specimen from the subject officer. The Department has recently instituted the process of testing hair samples for the presence of drugs in certain circumstances other than the random Dole.

¹¹ We reviewed the data on random drug testing and confirmed that the racial/ethnic and gender characteristics of those tested were consistent with each group's respective representation in the Department.

¹² The NYPD mandates suspension of any employee who refuses to submit to either mandatory or cause drug testing, or who fails such a test. Formal charges and specifications are also mandated, as is termination upon adjudication of these charges.

¹³ The Task Force reviewed the data on *cause* drug testing, and found no evidence of racial/ethnic or gender discrimination. For more detailed discussion, see page 32 and corresponding Table 4A.

¹⁴ Overall white rate, 1971-75 = 98.1 per 1,000 officers; black rate = 186.7; Hispanic rate = 154.8. Fyfe also reported that racial variations in assignment affected on-duty shooting rates, and that racial variations in patterns of residence and socialization affected off-duty shooting rates.

¹⁵ More than seven in ten (71.8%) of the NYPD's civilian workforce falls within minority categories, and 72.5% of the civilian workforce is female. These percentages are significantly higher than those found in the uniformed workforce (*Source: NYPD's EEO Summary Table, June 30, 1997*). The accurate percentages of uniformed personnel and disciplinary actions are found in Table 1.

¹⁶ Indices such as our disparity ratio are widely used in analyses such as ours. Lewis (1989) and Walker (1983), for example, have employed an analogous *index of equal employment*

opportunity to express the extent to which a police department's representation of minority officers reflects that of its community's population. Thus, if officers in a police department that served a population that was 50% black were only 5% black, the index of equal employment opportunity for blacks would be expressed as .10 ($5\% \div 50\% = .10$). Our analysis applies the same formula to data on discipline.

¹⁷ Arguably, cases originating in citizens' complaints to the Internal Affairs Bureau (IAB) and the Civilian Complaint Review Board (CCRB) could be classified as mandatory. We have opted not to do so because, in cases not resulting in arrest and therefore not included in our mandatory category on that basis, judgments concerning whether to proceed with formal charges are made by NYPD supervisors.

¹⁸ In a few cases, we discovered, this dichotomy was not as clear-cut as we might like. Once an officer is a subject of pending charges, certain disciplinary actions that formerly were discretionary become mandatory. An officer who refuses to appear for a disciplinary hearing on formal charges, for example, effectively *must* be charged with failure to obey an order.

¹⁹ Since random drug testing began only in 1990, only the years 1990–1996 are included.

²⁰ Regardless of race or ethnicity, the actual percentage of officers who fail the random drug test is quite small – less than one-half of one percent. Therefore, while the percentage of officers failing the random drug test is greater in the case of black officers than white officers, in either case, failures represent only a small percentage of the total tested in each group (white officers failing = 0.3%, black officers failing = 1.0%, Hispanic officers failing = 0.4%, other officers failing = 0.2%).

²¹ The Office for Equal Employment Opportunity began to collect these data only in 1988, so that the year 1987 has been excluded.

²² Included within this category are charges whose frequency is too small to allow meaningful statistical comparison (e.g., intoxicated off-duty, traffic violations, absent without leave, etc.).

²³ The term *police officers* is used here to denote all non-supervisory personnel. When the rates per thousand officers for all formal disciplinary cases related to on-duty conduct are compared, disparity is virtually nonexistent: (White rate per thousand = 11.7; black rate per thousand = 13.4, disparity ratio 1.1; Hispanic rate per thousand = 13.0, disparity ratio 1.1; and Other rate per thousand = 9.6, disparity ratio 0.8).

²⁴ Because we have found no gender-based discrimination and because including gender as a variable reduces our cell frequencies to unusably low levels, we excluded gender from this part of our analysis.

²⁵ An additional variable that was considered and rejected for inclusion in this analysis is the length of time from charges to disposition. While one might presume that this variable works to the disadvantage of accused officers, it is not at all clear that this is so. Article 75 of the New York State Civil Service Law provides that police officers can be suspended without pay for no more than 30 days prior to the commencement of administrative disciplinary proceedings. At the end of this 30-day period, suspended officers whose cases have not been completed must be returned to full duty or to paid suspension or modified assignments. Since NYPD administrative proceedings typically do not commence until after the disposition of any related criminal charges, virtually all officers charged with even the most serious misconduct return to the Department payroll on modified assignment at the end of 30 days. In cases in which the evidence against them is so compelling that eventual dismissal is a virtual certainty, it is to these officers' advantage to push both criminal and administrative proceedings further down the road, so that they stay out of jail and on the payroll for as long as possible. In lesser cases, delays in Departmental proceedings may work either to the advantage of accused officers (e.g., witnesses may become unavailable) or against them (e.g., wrongly accused officers are kept on the hook for protracted periods). The ambiguity of this variable convinced us to exclude it from analysis.

²⁶ Our conception of "single-event" officers suffers from the minor defect of including some percentage of officers who may have been subjects of formal discipline before January 1, 1977. We suspect, however, that the number is small and that the effects of their old disciplinary histories upon the Department's processing of the cases against them were slight.

²⁷ For two reasons, we refrained from including measures of statistical significance in our analyses. First, such measures are designed for use with randomly sampled data rather than population data of the type in our analyses. Second, in many instances, the numbers involved in our analyses are too small to allow for meaningful employment of significance measures. The general rule is that chi-square measures of statistical significance become unreliable where expected cell frequencies fall below 5. Because of the small number of "other" officers included among the data, this is the case in virtually all our analyses.

²⁸ Expunged cases begin as formal charges and specifications, but do not reach final disposition as such and are removed from the responding officer's personnel record. In the majority of instances, the case is expunged as the result of a negotiation between the respondent and the NYPD, in which it is agreed that the matter will be resolved via a command discipline. By definition, data on expunged cases are difficult, if not impossible, to retrieve.

²⁹ Charges typically are filed because officers become separated from service in the Department, either through resignation (51.8% of all filed charges), retirement (17.7%), or termination (26.0%) before disciplinary charges against them can be heard.

30. It is important to note that interaction terms for (black*guilty officer) and (Hispanic*guilty officer) were also estimated in separate logistic regression models. The results for these estimations, however, did not differ from the model containing the interaction term for (non-white*guilty officer). Thus, for parsimony, only the model containing the interaction term for (non-white*guilty officer) is reported on here. Tables showing the model coefficients for the logistic regression estimations containing the other interaction terms are available upon request

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Table 1: Characteristics of all Uniformed NYPD Personnel and Formal Disciplinary Actions, By Year, 1987, 1990, 1996.

Officer characteristics (all ranks)	1987 t/d*	1990 t/d	1996 t/d	1987-96 t/d
White	77.3%/	75.2%/	67.8%/	73.1%/
	62.4%	65.3%	53.3%	62.1%
Rate**	26.8	25.6	16.2	25.8
Minority	22.6%/	24.8%/	42.2%/	26.9%/
	37.6%	34.7%	46.7%	37.9%
Rate	55.2	41.5	30.1	42.7
Male	88.7%/	86.5%/	84.9%/	86.3%
	89.9%	88.4%	85.4%	88.0%
Rate	33.6	30.2	20.9	30.9
Female	11.3%/	13.5%/	15.1%/	13.7/
	10.1%	11.6%	14.9%	12.0
Rate	29.9	25.4	19.9	26.6
TOTAL	100.00/	100.0/	100.0/	100.0/
	100.00	100.0	100.0	100.0
Rate	33.2	29.6	20.7	30.3

* Percentage of total sworn personnel/percentage of total disciplinary actions.

** Annual rate of disciplinary actions per 1,000 sworn personnel.

SOURCE: Official NYPD Records

Table 2: Characteristics of Uniformed NYPD Personnel and Formal Disciplinary Actions, By Year

Officer characteristics	1987	1990	1996	TOTALS 1987- 1996
White Male rate*	27.4	26.5	16.6	26.5
Disparity ratio**	--	--	--	--
White Female rate	19.6	18.2	13.4	19.4
Disparity ratio	0.7	0.7	0.8	0.7
Black Male rate	63.8	52.0	40.9	53.5
Disparity ratio	2.3	2.0	2.5	2.0
Black Female rate	47.7	30.7	31.7	38.9
Disparity ratio	1.7	1.2	1.9	1.5
Hispanic Male rate	53.1	39.2	26.7	41.7
Disparity ratio	1.9	1.5	1.6	1.6
Hispanic Female rate	33.7	39.0	17.8	27.3
Disparity ratio	1.2	1.5	1.1	1.0
Other Male rate	69.2	29.9	21.4	25.6
Disparity ratio	2.5	1.1	1.3	1.0
Other Female rate	95.2	29.4	00.0	27.8
Disparity ratio	3.5	1.1	0.0	1.1

* Annual rate of disciplinary actions per 1,000 sworn personnel

** Ratio of cell disciplinary rate: white male disciplinary rate.

Table 3: Characteristics of Uniformed NYPD Personnel and Rates of Discretionary and Mandatory Disciplinary Actions, 1987-96.

Officer characteristics	Nature of Charges		TOTALS
	Discretionary	Mandatory	
White Male rate*	20.2	6.3	26.5
Disparity ratio**	-	-	-
White Female rate	14.9	4.5	19.4
Disparity ratio	0.7	0.7	0.7
Black Male rate	38.2	15.3	53.5
Disparity ratio	1.9	2.4	2.0
Black Female rate	26.7	12.2	38.9
Disparity ratio	1.3	1.9	1.5
Hispanic Male rate	29.4	12.2	41.7
Disparity ratio	1.4	1.9	1.6
Hispanic Female rate	20.6	6.8	27.3
Disparity ratio	1.0	1.1	1.0
Other Male rate	20.2	5.3	25.6
Disparity ratio	1.0	0.8	0.97
Other Female rate	27.8	0.0	27.8
Disparity ratio	1.4	-	1.0

* Annual rate of disciplinary actions per 1,000 sworn personnel.

** Ratio of cell disciplinary rate: white male disciplinary rate.

SOURCE: NYPD Official Records

Table 4: Characteristics of Uniformed NYPD Personnel and Random Drug Testing, 1990-96

Officer characteristics	% in Dept.	% Tested	Failure rate*
White Male	64.6%	65.9%	0.4
Disparity ratio**	--	--	--
White Female	7.0%	6.8	0.2
Disparity ratio	--	--	0.5
Black Male	8.1%	7.7%	1.6
Disparity ratio	--	--	4.0
Black Female	4.2%	4.1%	1.8
Disparity ratio	--	--	4.5
Hispanic Male	11.9%	11.6%	0.5
Disparity ratio	--	--	1.3
Hispanic Female	3.1%	3.0%	0.5
Disparity ratio	--	--	1.3
Other Male	1.0%	0.9%	0.5
Disparity ratio	--	--	1.3
Other Female	0.1%	0.1%	0.0
Disparity ratio	--	--	--

* Annual failure rate per 1,000 sworn personnel.

** Ratio of cell disciplinary rate: white male disciplinary rate.

Table 5: Characteristics of Uniformed NYPD Personnel and Cause Drug Testing, 1987-96.

Officer Characteristics	Tested	Failure Rate* And Percentage
<u>White Male</u>		
Rate per 1,000	0.65	0.40
Disparity Ratio	--	--
Percent Failed	--	61.5%
<u>White Female</u>		
Rate per 1,000	0.98	0.48
Disparity Ratio	1.5	1.2
Percent Failed	--	50.0%
<u>Black Male</u>		
Rate per 1,000	2.48	1.72
Disparity Ratio	3.8	4.3
Percent Failed	--	69.4%
<u>Black Female</u>		
Rate per 1,000	2.35	1.05
Disparity Ratio	3.6	2.6
Percent Failed	--	44.7%
<u>Hispanic Male</u>		
Rate per 1,000	1.34	0.91
Disparity Ratio	2.1	2.3
Percent Failed	--	67.9%
<u>Hispanic Female</u>		
Rate per 1,000	0.85	0.73
Disparity Ratio	1.3	1.8
Percent Failed	--	85.9%

* Annual rate per 1,000 uniformed personnel.

** Ratio of cell disciplinary rate: white male disciplinary rate.

Table 6: Characteristics of Uniformed NYPD Personnel and Rates of Discretionary/Mandatory Disciplinary Actions by Officers' Duty Status at Time of Alleged Violation, 1988-96.

Officer characteristics	Officer's Duty Status					
	On-Duty		Off-Duty		TOTALS	
	Disc. Mand.		Disc. Mand.		Disc. Mand.	
White Male rate*	13.7	2.2	6.1	3.6	19.9	5.9
Disparity ratio**	-	-	-	-	-	-
White Female rate	8.4	1.3	6.4	3.1	14.8	4.4
Disparity ratio	0.6	0.6	1.0	0.9	0.7	0.7
Black Male rate	21.9	4.5	15.2	9.7	37.1	14.2
Disparity ratio	1.6	2.0	2.5	2.7	1.9	2.4
Black Female rate	13.7	3.9	11.6	7.9	25.3	11.7
Disparity ratio	1.0	1.8	1.9	2.2	1.3	2.0
Hispanic Male rate	17.8	4.3	10.4	7.2	28.2	11.5
Disparity ratio	1.3	2.0	1.7	2.0	1.4	1.9
Hispanic Female rate	11.1	2.2	8.6	4.1	19.7	6.3
Disparity ratio	0.8	1.0	1.4	1.1	1.0	1.1
Other Male rate	9.4	2.4	6.5	3.3	15.9	5.7
Disparity ratio	0.7	1.1	1.1	0.9	0.8	1.0
Other Female rate	12.0	0.0	12.0	0.0	24.0	0.0
Disparity ratio	0.9	-	2.0	-	1.2	-

* Annual rate of disciplinary actions per 1,000 sworn personnel.

** Ratio of cell disciplinary rate: white male disciplinary rate.

Table 7: Characteristics of Uniformed NYPD Personnel and Rates of Discipline Initiated for Off-Duty Illegal Activity/ Loss of or Failure to Safeguard Department Property - Off-Duty , 1988-96.

Off-Duty Charge		
Officer characteristics	Illegal Activity	Loss of/ Failure to Safeguard Dept. Prop
White Male rate*	3.0	2.0
Disparity ratio**	-	-
White Female rate	1.3	1.9
Disparity ratio	0.4	1.0
Black Male rate	8.1	5.5
Disparity ratio	2.7	2.8
Black Female rate	4.8	3.2
Disparity ratio	1.6	1.6
Hispanic Male rate	5.7	3.9
Disparity ratio	1.9	2.0
Hispanic Female rate	2.1	4.1
Disparity ratio	0.7	2.1
Other Male rate	2.8	1.6
Disparity ratio	0.9	0.8
Other Female rate	0.0	3.0
Disparity ratio	-	1.5

* Annual rate of disciplinary actions per 1,000 sworn personnel.

** Ratio of cell disciplinary rate: white male disciplinary rate.

**Table 8: Rank Characteristics and On Duty Discretionary Disciplinary Rates Per Thousand of Uniformed NYPD Personnel, Police Officer – Lieutenant, 1988-96.
(CHARGE SPECIFIC)**

Officer Characteristics	Police Officer/ Detective	Sergeant And Lieutenant	Total
White Rate*	14.0	10.2	13.3
disparity ratio**	-	-	-
Black Rate*	18.9	21.5	19.2
disparity ratio**	1.4	2.1	1.4
Hispanic Rate*	16.5	15.2	16.4
Disparity ratio**	1.2	1.5	1.2
Other Rate*	10.8	7.2	10.4
Disparity ratio**	0.8	0.7	0.8

* Annual rate of disciplinary actions per 1,000 sworn personnel.

** Ratio of cell disciplinary rate: white male disciplinary rate.

Table 9: Rank, Characteristics and On Duty Discretionary Disciplinary Rates Per Thousand of Uniformed NYPD Personnel First-Time Respondents, 1988-96.(OFFICER-SPECIFIC)

Officer Characteristics	Police Officer/ Detective	Sergeant And Lieutenant	Total
White Rate*	10.0	7.4	9.6
Disparity ratio**	-	-	-
Black Rate*	10.1	9.6	10.1
Disparity ratio**	1.0	1.3	1.1
Hispanic Rate*	10.5	9.0	10.3
Disparity ratio**	1.1	1.2	1.1
Other Rate*	8.4	0.0	7.5
Disparity ratio**	0.8	---	0.8

* Annual rate of disciplinary actions per 1,000 sworn personnel.

** Ratio of cell disciplinary rate: white male disciplinary rate.

Table 10: Characteristics of Uniformed Personnel and Dispositions of Single-Event * Disciplinary Actions, 1987-1996.

DISPOSITION OF CHARGES					
Charge Type/Officer Characteristics	Guilty Trial	Plea/Nolo	Not Guilty Trial	Charge Dismissed	Filed**
<u>Illegal Activity/Drugs</u> (957)					
White (589)	13.2% (78)	34.0% (200)	6.5% (38)	10.5% (62)	35.8% (211)
Black (198)	15.7% (31)	29.8% (59)	2.0% (4)	8.6% (17)	43.9% (87)
Hispanic (162)	21.0% (34)	30.2% (49)	5.6% (9)	9.9% (16)	33.3% (54)
Other (8)	12.5% (1)	50.0% (4)	0.0% (0)	12.5% (1)	25.0% (2)
<u>Administrative</u> (2,678)					
White (1,783)	12.2% (218)	47.7% (851)	8.3% (148)	17.9% (319)	13.9% (247)
Black (414)	17.9% (74)	48.1% (199)	4.6% (19)	11.8% (49)	17.6% (73)
Hispanic (451)	14.2% (64)	53.7% (242)	4.9% (22)	14.0% (63)	13.3% (60)
Other (30)	20.0% (6)	43.3% (13)	0.0% (0)	23.3% (7)	13.3% (4)

To assure that we were comparing respondents who were as similarly situated as possible, we excluded from analysis all officers who had been subjects of charges and specifications more than once since January 1, 1977.

** Reasons for filing include:

charges filed when officer terminated:	26.0%
officer resigned before charges heard:	51.8%
officer retired before charges heard	17.7%
other	4.6%

Table 11: Characteristics of Uniformed Personnel and Penalties Imposed in Single-Event Pleas of Guilty or Nolo Contendere, 1987-1996.

Charge Type/ Officer Characteristics	10 Days or Less only*	More Than 10 Days only*	Probation	Dismissed/ Resigned**
<u>Illegal Activity/Drugs</u> (266)				
White (168)	23.8% (40)	35.7% (60)	33.3% [56]	7.1% [12]
Black (52)	25.0% (13)	40.4% (21)	28.8% [15]	5.8% [3]
Hispanic (42)	31.0% (13)	33.3% (14)	23.8% [10]	11.9% [5]
Other (4)	0.0% (0)	25.0% (1)	75.0% [3]	0.0% [0]
TOTALS	24.8% (66)	36.0% (96)	31.6% [84]	7.2% [20]
<u>Administrative</u> (1,092)				
White (698)	50.6% (353)	33.8% (236)	14.6% [102]	1.0% [7]
Black (174)	45.4% (79)	42.5% (74)	12.1% [21]	0.0% [0]
Hispanic (208)	49.0% (102)	38.5% (80)	12.5% [26]	0.0% [0]
Other (12)	25.0% (3)	41.7% (5)	33.3% [4]	0.0% [0]
TOTALS	49.2% (537)	36.2% (395)	14.0% [153]	0.6% [7]

* Includes only those cases in which suspension and/or loss of vacation time was the sole penalty and was not coupled with probation.

** Excludes 13 officers who retired as a result of a plea to charges.

Table 12: Characteristics of Uniformed Personnel and Penalties Imposed in Single-Event Findings of Guilt Following Department Trials, 1987-1996.

Charge Type/ Officer Characteristics	10 Days or Less only*	More Than 10 Days only*	Probation	Dismissed
<u>Illegal Activity/Drugs</u> (139)				
White (77)	28.6% (22)	22.1% (17)	5.2% [4]	44.2% [34]
Black (29)	17.2% (5)	10.3% (3)	3.4% [1]	69.0% [20]
Hispanic (32)	9.4% (3)	12.5% (4)	6.3% [2]	71.9% [23]
Other (1)	0.0% (0)	0.0% (0)	0.0% [0]	100.0% [1]
TOTALS	21.6% (30)	17.3% (24)	5.0% [7]	56.1% [78]
<u>Administrative</u> (294)				
White (182)	55.5% (101)	32.4% (59)	2.2% [4]	9.9% [18]
Black (56)	51.8% (29)	32.1% (18)	1.8% [1]	14.3% [8]
Hispanic (50)	48.0% (24)	32.0% (16)	4.0% [2]	16.0% [8]
Other (6)	16.7% (1)	66.7% (4)	0.0% [0]	16.7% [1]
TOTALS	52.7% (155)	33.0% (97)	2.4% [7]	11.9% [35]

* Includes only those cases in which the loss of vacation time was the sole penalty and was not coupled with probation.

Table 13. Discriminant Analysis of Penalty Dispositions in Disciplinary Cases (N=4,707)

	Functions		
	1	2	3
Model Statistics			
Eigenvalue	2.645	.327	.016
Wilks' lambda	.204	.742	.984
Canonical correlation	.852	.496	.125
% of variance	88.5	10.9	.5
Centroids			
No penalty	-1.675	.003	-.00001
1 to 30 days	1.536	-.279	-.0031
More than 30 days	1.529	-.227	1.060
Separation from dept.	1.960	2.512	-.0005
Function Coefficients			
Case expunged	-.377	.057	-.006
Case dismissed	-.269	.037	-.014
Not guilty - trial	-.173	.025	-.006
Drug (Dole) related	.070	.784	-.054
Guilty at trial	.256	.540	-.386
Guilty plea	.365	-.455	.162
Insubordination	-.015	-.051	.044
Illegal activity	.060	.194	.827
Mandatory	.097	.273	.796
Administrative charge	.039	-.206	-.477
Nolo plea	.113	-.104	.288
Duty status at incident	.029	-.004	.171
Excessive force	-.109	-.070	-.167
Rank of officer	-.056	-.027	-.117
False statements	.027	-.062	-.094
Gender of officer	-.023	.029	.076
Race of officer	-.057	-.065	.075

Table 14. Logistic Regression Models Predicting the Imposition of a Penalty (N=4,707)

Model	Category	MLE	S.E.	Sig.	Var. Exp. ^a	Odds
<i>Bivariate Relationship</i>	Black Officer	.40	.07	.000	.004	1.49
	Hispanic Officer	.25	.07	.000	.004	1.28
	"Other" ^b	.85	.31	.001	.001	2.34
<i>Main Effects Only</i>	Excessive Force	-.59	.18	.001	.001	.55
	Failed Drug Screen	.63	.23	.006	.001	1.87
	Unauthorized Off Duty Employment	.91	.43	.035	.001	2.49
	Guilty Trial	7.54	.73	.000	.014	1887.10
	Guilty Plea	6.45	.71	.000	.008	632.40
	Nolo Contendre Plea	7.03	.74	.000	.012	1126.01
	Black Officer	1.23	42.7	.988	—	—
	Hispanic Officer	1.43	42.7	.975	—	—
	"Other" Officer	1.33	42.7	.968	—	—
	Gender	.11	.14	.441	—	—
<i>Main Effects with Non-White x Guilty Interaction Term</i>	Excessive Force	-.59	.19	.001	.001	.55
	Failed Drug Screen	.63	.23	.006	.001	1.87
	Unauthorized Off Duty Employment	.91	.43	.035	.001	2.49
	Guilty at Dept. Trial	7.54	.73	.000	.014	1882.91
	Guilty Plea	6.45	.72	.000	.008	631.00
	Nolo Contendre Plea	7.02	.74	.000	.012	1123.70
	Black Officer	1.23	42.7	.973	—	—
	Hispanic Officer	1.43	42.7	.973	—	—
	"Other" Officer	1.33	42.7	.973	—	—
	Gender	.11	.14	.44	—	—
	(Non-White Officer) x (Guilty)	.01	.20	.974	—	—

^aThis figure represents the square of the partial correlation statistic (R), and indicates how much of the variance in PENALTY each independent variable explains.

^bthe "other" category includes fewer than one percent all officers in the data set