

**The City of New York**

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**Commission to Combat Police Corruption**

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**Third Annual Report  
of the Commission**

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## **I. OVERVIEW**

The Commission To Combat Police Corruption (“Commission”) has completed its third year of monitoring the anti-corruption systems and procedures of the New York City Police Department (“Department”).

The Commission, which was created by Mayor Rudolph W. Giuliani on February 27, 1995, pursuant to Executive Order Number 18, has continued the comprehensive approach to monitoring described in its earlier reports. This comprehensive approach has included: review of the Department’s open and closed investigations into specific allegations of corruption; studies of the Department’s anti-corruption policies and procedures; continued review of the Department’s implementation of anti-corruption strategies and its development of additional anti-corruption methods; a continuing dialogue with other law enforcement agencies that investigate and prosecute police corruption cases; and the publication of the Commission’s findings in an effort to keep the public informed of its conclusions, work product, and recommendations for change.

Overall, the Commission finds that the Department’s leadership has continued to be consistently committed to increasing the integrity of its officers and that its Internal Affairs Bureau (“IAB”) has continued to discharge its responsibilities of investigating allegations of corruption with both competence and professionalism.

As noted above, the Commission’s mandate empowers it to monitor the Department’s anti-corruption efforts by conducting audits, studies and analyses of all of the Department’s anti-corruption policies and procedures which relate to corruption controls, as well as to monitor the Department’s investigative efforts. The Commission also has the authority to perform studies and analyses relating to the prevailing culture within the Department that may allow for corruption to continue, and to examine the effectiveness of the Department’s efforts to change such conditions

and attitudes.

In fulfilling its mandate, the Commission has, in the past year, completed substantial studies which addressed specific functions of the Internal Affairs Bureau, while continuing its ongoing, daily oversight of the Department's efforts to combat corruption. The Commission's activities included: undertaking an extensive evaluation of IAB's investigative efforts by analyzing closed cases of corruption allegations; the special monitoring of pending investigations of corruption allegations, in some instances soon after the allegations were received; daily review of all of the corruption allegations received by the Department; participation in over one hundred meetings with representatives from the Department, including the Police Commissioner, the First Deputy Commissioner, and all of the principal officers of IAB; and the issuance of public reports containing specific recommendations regarding the IAB Command Center, the Department's central clearinghouse for all allegations of corruption and misconduct involving police officers; and a study of 78 closed IAB investigations.<sup>1</sup> The Commission has also now completed studies of how the Department disciplines officers who have engaged in serious off-duty misconduct involving the use of a firearm, violence, or who have abused alcohol and how the Department disciplines probationary police officers.<sup>2</sup> Another report nearing completion involves a study of the hiring process, which will examine the manner in which the Department investigates candidates to determine their character and fitness. The Commission has also commenced a second monitoring study of

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<sup>1</sup> The principal findings of these reports are summarized herein, pp. 3-12.

<sup>2</sup> The Commission is releasing these two reports contemporaneously with its release of this annual report.

approximately 125 closed IAB investigations.

## **II. PUBLISHED REPORTS**

On October 15, 1997, the Commission issued two reports based on comprehensive studies of critical aspects of IAB. The first study evaluated the IAB Command Center to determine IAB's effectiveness in receiving allegations of corruption from members of the public. The second study considered the quality of the most fundamental and critical aspect of IAB's mission: the investigation of corruption allegations.<sup>3</sup> The findings of these reports and the Department's response are briefly summarized below.

### **A. MONITORING STUDY: A REVIEW OF INVESTIGATIONS CONDUCTED BY THE INTERNAL AFFAIRS BUREAU (“MONITORING STUDY”)**

#### **1. Purpose of the Monitoring Study**

As a central part of its mandate, the Commission to Combat Police Corruption (“Commission”) must review and assess the quality of the New York City Police Department Internal Affairs Bureau's investigations and recommend changes or improvements to its investigatory methods, if necessary.<sup>4</sup> Accordingly, the Commission evaluated a significant sample of concluded IAB investigations to assess the diligence, competence, and effectiveness of the

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<sup>3</sup> Copies of these studies are available from the Commission upon request.

<sup>4</sup> See 1995 New York City Executive Order No. 18 at § 2(a)(ii), which provides that the Commission shall “perform audits, studies and analyses to assess the quality of the Police Department's systems for combating corruption,” including “the effectiveness of the Police Department's systems and methods for . . . investigating allegations of corruption.”

investigations. The results of that evaluation were contained in the Monitoring Study.

To fulfill its mandate of investigating corruption and serious misconduct, IAB relies on the skill of its investigators and supervisors to ensure that individual cases are pursued in a thorough and timely manner; that corrupt officers are brought to account; and that officers who have been mistakenly or falsely accused are exonerated. Thus, IAB investigations play the central role in the Department's efforts to combat corruption.

Meeting these investigative responsibilities is no easy task. In 1996, IAB commenced over 2,000 investigations involving many types of allegations, including theft from prisoners, the sale or use of narcotics, perjury, leaking confidential information, gambling, and bribe receiving. As with any investigative agency, supervisors and line investigators must decide which allegations are the most credible, which require more attention than others, which investigative steps are likely to yield results, and when an investigation should be concluded. In making these decisions, IAB's personnel must be afforded reasonable discretion. While it is easy to second-guess the exercise of that discretion after a case is closed or new facts come to light, investigative decisions should be judged by whether they were reasonable at the time they were made, in light of the facts then available.

At the same time, given the importance of IAB's work, the quality of its investigations must be high. It is both reasonable and necessary to expect that, while not every conceivable investigative step need be taken in every case, those investigative steps that are required to instill confidence in the outcome of an investigation cannot be overlooked.

## **2. Findings**

The Commission reviewed in exhaustive detail a sample of 78 cases closed by IAB in 1995 and 1996. After completing its review of the case files and meeting with the IAB supervisors and investigators involved in many of the cases, the Commission ultimately determined whether a case was satisfactorily or insufficiently investigated; with the latter designation given to those cases where additional investigative steps were warranted. In the final analysis, the Commission found that the vast majority of IAB's investigations were handled appropriately and the number of cases which fell short of the Commission's expectations was not significant. Moreover, the problems the Commission found in the insufficient cases could be corrected by enhanced training or supervision of IAB personnel and are not cause for a lack of confidence in IAB's overall standard of performance. Indeed, after the Commission identified these problems, IAB promptly took corrective action.

The Commission identified two areas for IAB to focus on 1) the continued need for rigorous supervision and 2) the need for enhanced training regarding official interviews conducted pursuant to the Department's Patrol Guide Section 118-9 ("PG 118-9").<sup>5</sup>

### **a. Rigorous Supervision**

The Commission found that most of the investigative shortcomings the Commission identified could be remedied by maintaining an intensive level of supervision by group commanders and investigation team leaders. While intensive supervision within the chain of command is already the norm in IAB, the Commission encouraged IAB to continue to demand that its supervisors and

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<sup>5</sup> Under Patrol Guide Section 118-9 ("Interrogation of Members of the Service"), a member of the service must answer questions, posed by IAB, pertaining to the performance of his or her duties, or else face Departmental charges. Failure to answer questions posed pursuant to this section is a terminable offense.

commanders have complete familiarity with each of the cases assigned to them and ensure that investigators under their supervision carry out all appropriate investigative steps.

**b. PG 118-9 Interviews**

The Commission also identified some shortcomings in the manner in which PG 118-9 interviews were being conducted and recommended that IAB provide enhanced training for its members who conduct those official interviews. If properly utilized by investigators, PG 118-9 interviews can be one of the more effective tools at IAB's disposal. Careful questioning of a subject officer can reveal weaknesses and inconsistencies in the subject's version of the facts. In cases where subjects offer false statements to conceal their own or another officer's misconduct, investigators can probe and develop these false statements sufficiently so that the officer can be prosecuted for making such false statements. Indeed, lying at a PG 118-9 interview is an independent offense which itself may result in the subject officer's termination.<sup>6</sup> Given that PG 118-9 interviews are not only an instrument to uncover guilt but also a potential means of establishing innocence, these interviews plainly are important.

Accordingly, the Commission recommended that IAB focus on improving its investigators' interview techniques and particularly address the difficulties which investigators may encounter when interrogating fellow officers.

**3. The Department's Response**

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<sup>6</sup> Police Commissioner Howard Safir issued a Policy Statement on December 12, 1996, which provides that any officer who makes a false official statement, including lying during an official departmental investigation, will be terminated, absent exceptional circumstances.

When the Commission brought these concerns to the attention of the Chief of Internal Affairs, he commenced a training program to improve members' interviewing skills. Though IAB was already providing some training for PG 118-9 interviews, it is developing enhanced training. The Chief of IAB also instructed supervisors who are experienced interviewers to meet with investigators, review their cases, and offer guidance on how to proceed in cases where PG 118-9 interviews are required. The information gathered by these supervisors during the course of these meetings is being utilized by IAB to help improve its training. IAB also re-opened certain cases where the Commission identified additional investigative steps which could have been taken. No evidence of criminality was developed, which in at least one case may or may not have been attributable to the passage of time between closure and re-opening. With regard to this particular case, IAB will continue to monitor the subjects for future misconduct.

#### **4. Commission Follow-up**

The Commission has already embarked on its second study of evaluating IAB's closed cases. A sample of more than 125 cases has been obtained and the review process is underway. Careful attention will be paid to those areas where the Commission has previously identified a need for improvement. The Commission anticipates concluding its study and publishing its findings this year.

**B. PERFORMANCE STUDY: THE INTERNAL AFFAIRS BUREAU COMMAND CENTER (“COMMAND CENTER STUDY”)**

**1. Purpose of the Command Center Study**

The IAB Command Center serves as the central clearinghouse for all allegations of corruption against police officers from the public and other members of the New York City Police Department. Because all allegations of police corruption flow through the Command Center, the Command Center officers’ role is fundamental to the Department’s effective investigation of corruption.

Upon receiving an allegation concerning police corruption or misconduct, the Command Center officer generates a record of the call known as a “log.” This log must be accurate and must contain as many details as possible about the caller’s allegation. Because of the possibility that a caller may wish to remain anonymous, become discouraged, or never come forward again, Command Center officers must treat every telephone call as if it presents their sole opportunity to gather information from the caller. When a Command Center officer fails to elicit the necessary information through appropriate questions, fails to generate a log, or fails to include in the log all pertinent details concerning the allegation, the caller’s corruption allegation may be lost forever, or the information passed on to IAB field investigators and prosecutors may be inaccurate or incomplete.<sup>7</sup>

Prior to this study, the Command Center, formerly known as the Action Desk, had been the subject of review by both the Commission to Investigate Allegations of Police Corruption and Anti-Corruption Procedures of the Police Department (“Mollen Commission”) and this Commission in

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<sup>7</sup> IAB forwards, on a daily basis, copies of all logs containing an allegation of criminal conduct to each District Attorney’s office with appropriate jurisdiction. Additionally, the Commission receives on a daily basis from IAB all logs city-wide.

its First Annual Report.

In 1994, the Mollen Commission found that for years the Internal Affairs Division Action Desk,<sup>8</sup> operated in a way that actually minimized the receipt of corruption allegations, and that poor performance by Action Desk officers resulted in the routine loss of potentially crucial information on police corruption. The Mollen Commission also noted that Action Desk officers made little effort to encourage callers to provide even basic information, often spoke in harsh tones, and sometimes put callers on hold for long periods of time.<sup>9</sup>

Because of the importance of the Action Desk, and the findings of the Mollen Commission in 1994, this Commission performed an audit of the Action Desk in 1995 and reported its results in the Commission's First Annual Report published in March 1996. At that time, the Commission found some improvements since the Mollen Commission's study, but also that some of the weaknesses identified by the Mollen Commission continued to exist.

In response to these earlier findings, and its own ongoing self-analyses, the Department took a number of steps to improve the operations of the Command Center. These included: enhanced self-monitoring; improved training; the articulation of a policy requiring all complaints within the

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<sup>8</sup> In 1993, the Internal Affairs Division was dramatically re-formulated into the Internal Affairs Bureau. This reformulation, among other things, consolidated into one Bureau exclusive responsibility for the investigation of corruption complaints, resulted in the development of personnel regulations to ensure that IAB would receive the most capable investigative staff, and caused a significant infusion of resources to obtain state of the art technical equipment to conduct covert investigations.

<sup>9</sup> Mollen Commission Report, pp. 103-106.

jurisdiction of the Civilian Complaint Review Board (“CCRB”) to be logged;<sup>10</sup> changing and, in appropriate circumstances, disciplining Command Center personnel; using new recruitment approaches to attract qualified personnel; and relocating the facility to a physical space with a more positive environment.

To assess the current effectiveness of the Command Center and the extent to which the weaknesses identified in the Mollen Report and the First Annual Report were remedied, the Commission conducted a two-part study of the Command Center, which included analysis of IAB’s performance standards, review of tape recorded calls handled by Command Center officers, observation of Command Center officers on duty, review of the Department’s own Command Center monitoring program, and analysis of the Command Center’s training program. The first part of the study involved the analysis of calls made to the Command Center during the late spring-early summer of 1996. The second part involved analysis of calls made in July 1997.

## **2. Findings**

The Commission found that the performance of the Command Center improved since the evaluations of the Mollen Commission and this Commission’s first review. The Commission found that the Command Center’s internal guidelines and policies for logging complaints and interacting with the public are appropriate, and that its management is committed to achieving a high standard of performance. The Commission did observe, however, that various of the problems identified in earlier reports continued to persist.

The quality of individual Command Center officers’ performance was uneven. While many

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<sup>10</sup> The CCRB is responsible for investigating all civilian complaints made about police officers when such complaints involve allegations of force, abuse of authority, discourtesy, and offensive language.

calls were handled competently and professionally, other calls were handled in a less effective manner. Command Center officers too often did not either include critical information in logs, elicit important information, or create an environment conducive to eliciting a complaint of corruption, by appearing either argumentative or apathetic.

To address the continuing problems, the Commission's principal recommendation was for the Department to examine whether fundamental changes should be made in the staffing of the Command Center through increased use of civilians. Among other recommendations, the Commission also recommended that IAB continue to improve its training program for Command Center staff and supervisors and identified specific training components which should be incorporated, including emphasis on the significance, both to the Department's public image and to its anti-corruption efforts, of being respectful and patient when communicating with callers.

### **3. The Department's Response and Commission Follow-up**

While the Department believes that the Command Center should be primarily staffed with uniformed personnel who have investigative training, it has begun, on a trial basis, to add a small number of civilians to its Command Center staff. While it is premature to evaluate, the Commission will continue to meet with IAB supervisors to determine whether the addition of civilians to the Command Center is an effective approach.

IAB informed the Commission that it had already begun to implement many of the Commission's recommendations regarding the need for enhanced training. IAB had recruited an experienced trainer from the Department's Training Academy. With the assistance of a sergeant, this officer's responsibilities were exclusively devoted to reviewing the performance of the Command Center and developing a new curriculum for training to address the weaknesses IAB had

detected on its own initiative, as well as those noted in the Commission's study. Commission staff have had an opportunity to review drafts of the new training curriculum and have noted that it addresses many of the Commission's concerns, including the need for Command Center officers to be respectful and courteous to Command Center callers. The Commission will continue to monitor IAB's training of Command Center staff.

Additionally, IAB has embarked on an aggressive program of self-monitoring of the Command Center. IAB commenced an intensive review of calls received by the Command Center. To do this, staffs of IAB's Quality Control Unit and the Command Center were enhanced to ensure that calls which were logged were logged properly, that logs were generated for all calls containing allegations of corruption or misconduct, and that staff is performing professionally and respectfully.

### **III. FOLLOW-UP REVIEW TO THE COMMISSION'S DECEMBER 1996 STUDY INVOLVING HOW THE DEPARTMENT DISCIPLINES OFFICERS WHO MAKE FALSE STATEMENTS**

On December 12, 1996, the Commission released a study of the Department's disciplinary system and examined how the Department disciplined those officers it found to have made false statements.<sup>11</sup> The study looked at a sample of disciplinary cases closed between 1994 and 1996, and

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<sup>11</sup> The New York City Police Department's Disciplinary System: How the Department Disciplines its Members Who Make False Statements, December 12, 1996.

determined that many of these officers did not receive adequate punishment. Some of the types of false statements the Commission examined were those made: during the course of an official interview conducted by internal Departmental investigators pursuant to P.G. 118-9 to avoid the consequences of the excessive use of force, improper discharge of a weapon, or an improper search; and those false statements made in furtherance of civil and criminal proceedings.

On December 12, 1996, Police Commissioner Howard Safir issued a policy statement which advised all members of the Department that,

“Absent exceptional circumstances the making of a false official statement will result in dismissal from this Department. Examples of a false official statement include, but are not necessarily limited to, lying under oath during a criminal or civil trial as well as during an official Department interview conducted pursuant to Patrol Guide Section 118-9.”

The Commission’s report endorsed this policy.

To determine how the Department has treated false statement cases since the publication of its report, Commission staff reviewed all cases containing a false statement charge which were adjudicated, either by trial or negotiated plea, in 1997. In this time period, 85 cases were disposed of containing a false statement charge. The charges included lying during an official Department interview conducted pursuant to P.G. 118-9, perjury, false entries in Department records, and supplying false medical documentation. The majority of cases fell within two categories: false statements at a P.G. 118-9 interview (38 cases) and false entries in Department records (24 cases). A substantial number of the cases in this last category included false reports about the officers’ time and leave status and their on-duty whereabouts, and other false statements which, while serious, were not the kinds of cases cited in the Commission’s 1996 study. That study focused on false statements made in the context of a judicial or investigative proceeding.

Of the 85 cases reviewed, the Commission identified 55 cases similar in nature to those cited in the 1996 study. These serious cases included all of the cases involving false statements at P.G. 118-9 interviews, perjury, false statements to cover up theft or other criminal conduct, issuing false summonses, and lying to other official investigative bodies.

Of these 55 cases, only one involved a false statement made after the December 12, 1996, policy declaration. That case did not result in termination and is discussed below. Thirteen of the 55 cases resulted in the dismissal of the false statement charge either after trial or based on the motion of the Department Advocate; or acquittal of the officer, on the false statement charge, after trial.<sup>12</sup> In 3 additional cases, the officer was terminated on other charges, arising out of a different case, while the false statement charges were pending. Of the remaining 39 cases, 22 resulted in the officer's separation from the Department either as a result of termination, resignation, or retirement.<sup>13</sup> Of the 17 remaining cases where the Department either found the officer guilty of making a false statement after trial or negotiated plea, none were terminated. The penalties ranged between 15-day suspension to 180-day suspension and a one year term of dismissal probation.<sup>14</sup> Thirty-day suspension or loss of vacation pay coupled with dismissal probation comprised the majority of the remaining penalties. In the single case where the officer's false statement was made

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<sup>12</sup> Of these 13 cases, 9 involved dismissals. 1 of these 9 cases resulted in the termination of the officer on other charges and a second resulted in the officer's demotion and retirement. Of the 4 cases which resulted in acquittal of the officer on the false statement charge, in one case the officer was terminated on other charges.

<sup>13</sup> Of these 22, 10 were terminated, 8 resigned, and 4 retired.

<sup>14</sup> An officer on dismissal probation may be summarily terminated based on any subsequent infraction.

after the December 12, 1996, policy statement, an officer who forged his partner's signature on an accusatory instrument received a penalty of 30 days and 1 year dismissal probation.

Of the 22 cases in the sample which resulted in separation from the Department, 14 of these occurred after June 1, 1997. Moreover, Commission staff have learned that the Department's prosecutors are treating false statement cases as "termination" cases, consistent with the Police Commissioner's policy. Thus, it appears that during 1997 the Department was in the process of transition to implementation of the December 12, 1996 policy.<sup>15</sup>

The Commission will continue to review implementation of this policy and will complete during the first quarter of 1999 a review of all cases containing a false statement charge which were adjudicated, either by trial or negotiated plea, in 1998. The Commission expects that this review will include an increasing number of false statement cases involving post-December 12, 1996, statements.

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<sup>15</sup> Indeed, in one case where the officer was convicted after administrative trial of lying to a superior officer in the course of a criminal investigation, the Assistant Trial Commissioner noted that, though the officer engaged in an "egregious act," the false statement policy had not been in effect prior to the incident. The officer received a penalty of 30-day suspension without pay and was placed on dismissal probation for one year, during which he could be summarily terminated if he engaged in subsequent misconduct. In a second case, in which the officer plead guilty to making a false official statement, the First Deputy Commissioner recognized that the statement was made prior to the Police Commissioner's declaration that false statements would result in dismissal and the penalty, forfeiture of 25 vacation days and placement on one year's dismissal probation, was negotiated and approved by the Deputy Commissioner of Trials, two months before the declaration.

#### **IV. THE PROPOSED FORMATION OF A UNIT TO PROTECT THOSE MEMBERS OF THE SERVICE WHO COME FORWARD WITH ALLEGATIONS OF CORRUPTION OR WHO PROVIDE ASSISTANCE IN AN INTERNAL INVESTIGATION**

During the course of 1997, several active members of the service came forward to the Commission seeking its assistance for what these members believed to be acts of retaliation taken against them for their having made allegations to the Department regarding other members' misconduct or corrupt activity. These alleged acts of retaliation took the form of transfers, disciplinary action, poor evaluations, and adverse treatment from members of their commands. The Commission reviewed these complaints, discussed them with senior Departmental representatives, and while one case remains outstanding, in appropriate instances remedial action was taken. What became clear, however, was that officers who may be considered "whistle blowers" had no place to turn within the Department for guidance, support, or redress.

It is critical for the Department to protect and support both those who come forward with allegations of misconduct or corruption, and those who provide meaningful assistance in an internal investigation. This is particularly important since there is a perception that officers who disclose or provide information relating to corruption or other misconduct are vulnerable to being treated as outcasts by their colleagues and supervisors and in some cases may be targets for retribution. This poses particular dangers for members of the service who depend on their colleagues for lifesaving protection in the field. In addition, retaliation can take many, sometimes difficult to prove, forms, including negative evaluations, undesirable assignments, the making of questionable allegations against the cooperating officers, failure to promote, demotion, or other disciplinary actions.

To address these concerns, the Commission's Chair and executive staff met with the Police Commissioner and his executive staff. The Police Commissioner was receptive to the Commission's concerns and recommendations, set forth below, and committed to creating a unit within the Department dedicated to providing all members of the service, including civilian members, with guidance and support when they believe they have received adverse treatment for having reported misconduct or corruption or assisted in an internal investigation.

The Commission's recommendations included:

- The Department needs to institutionalize procedures and policies for identifying, protecting, and assisting officers who report allegations or provide evidence of corruption *or* who assist in an internal investigation.
- A clear, unambiguous policy that retaliation against "whistle blowers" is prohibited and will be punished should be articulated.
- Policies should apply to not just "classic" whistle blowers but to all who cooperate with an investigation or provide truthful evidence which implicates other officers.
- The Department needs to create a high level office, preferably as an adjunct to the First Deputy Commissioner's Office, to monitor the treatment of those providing information.
- This office can provide, among other things, support services, confidential counseling, and transfers to a less hostile work environment.
- This office should be equipped to affirmatively review and monitor evaluations of those who have come forward.
- This office should be equipped to review allegations of retaliation and adverse personnel

actions allegedly taken against those who have come forward including failure to promote, undesirable assignments, poor evaluations, and disciplinary action. Additionally, this office should have some ability to implement remedial measures.

- The Department should provide career incentives to those who come forward and who provide meaningful assistance.

The Commission has been informed that a protocol implementing many of these recommendations has been drafted and is currently being reviewed by senior Departmental managers. As an initial step toward informing officers of the Department's objectives in this area, on May 7, 1998, the Police Commissioner issued a statement that was read to all patrol officers on 10 consecutive days. The statement assured officers that steps will be taken to support any officer reporting corruption or misconduct, and that the Department will be issuing an order that specifically relates to the protection of such officers. The Commission will continue to monitor the implementation of its recommendations in this area.

## **V. THE CLASSIFICATION OF CASES AND THE RISE IN ALLEGATIONS OF MISCONDUCT**

As reported in the Commission's Second Annual Report, the Commission began a review of how IAB classified the allegations it received to ensure that those cases which IAB did not retain for investigation, but referred to other internal investigative units in the Department, received appropriate attention and scrutiny.

All of the complaints of police corruption and misconduct which are channeled through

IAB's Command Center are recorded and assigned a log number for tracking purposes.<sup>16</sup> Each morning, computer printouts of all of the previous day's logs are reviewed by an IAB assessment unit which categorizes each allegation of corruption or misconduct as either a "C" case or an "M" case.<sup>17</sup> A "C" case involves corruption or serious misconduct, and an "M" case involves less serious allegations of misconduct. If a complaint is designated a "C" case, it is assigned to the IAB investigative group with geographic or subject-matter jurisdiction over the complaint. "C" cases may involve allegations of: sale and use of narcotics; protection of persons dealing in drugs; protection of illegal gambling operations; divulging confidential information to narcotics dealers or members of organized crime; theft of money, narcotics, or jewelry; serious assault; perjury; and bribe receiving. "M" cases are typically not investigated by IAB, though IAB will evaluate these allegations on a case by case basis to determine if circumstances warrant retention. Violations of departmental procedures and regulations constitute the largest number of "M" cases. However, "M" cases also include certain allegations of criminal conduct, including theft from prisoners of property other than money, jewelry, or narcotics; theft of any property from a police facility; off-duty menacing with a weapon; off-duty assault; driving-while-intoxicated; and domestic violence. The Chief of Internal Affairs reviews these classifications daily and will upgrade a case to "C" status if he determines the circumstances warrant such action or retain the "M" case without changing its classification. In general, however, "M" cases are assigned to investigation units.

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<sup>16</sup> See Log Review Section, pp. 25-26, herein, for a more detailed analysis of the generation of logs and their subsequent review by IAB and the Commission.

<sup>17</sup> In addition, minor infractions or violations of Department regulations are classified as "OG" which are referred to an officer's command for determination and punishment if appropriate. Also, other logs will receive different designations for record keeping purposes because they are either unrelated to the Department, in which case they are referred to the appropriate agency, or because they involve administrative events (such as the loss of Department property). These designations were not central to the Classification Study.

The Investigation units are not part of IAB and operate under the supervision of various bureau or borough commands throughout the Department.<sup>18</sup> Given the fact that the cases assigned to Investigation Units are treated as lesser misconduct cases than corruption cases, it is essential to the Department's anti-corruption efforts that its case classification system categorize cases appropriately so that those cases warranting a "C" classification receive immediate, heightened scrutiny as necessary. Accurate classification also obviously is necessary for statistical purposes.

At the time the Commission commenced its study, IAB would forward on a daily basis copies of all "C" logs to the District Attorneys with appropriate jurisdiction. In this way, should a District Attorney's office wish to participate in or monitor a particular investigation, it would be aware of each case involving a criminal allegation against a police officer occurring in its jurisdiction. Based on the Commission's earlier reviews, it determined that certain "M" cases, as described above, contained allegations which included criminal conduct.

Following discussions between IAB and the Commission, in July 1996, IAB began to provide, on a daily basis, each District Attorney's office with all "M" logs which contained an element of criminality.

Additionally, the Commission engaged in extended discussions with IAB relating to the feasibility of IAB retaining all allegations which contained allegations of criminal conduct. IAB vigorously opposed this expansion of its caseload citing its current case load of nearly 1,000

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<sup>18</sup> There are primarily twelve investigation units, eight assigned to the Patrol Bureau, two assigned to the Traffic and Housing Bureaus respectively, and units assigned to the Detective and Organized Crime Control Bureaus.

open “C” cases at any given time, its need to prioritize the cases it reviews and to retain only the most serious allegations, such as those described above. IAB argued that if it retained each case containing a criminal element, this would have the effect of shifting the Bureau’s focus from addressing the most serious forms of corruption and thus impede and dilute its ability to effectively address corruption allegations. The Commission agrees with IAB and does not now support expanding IAB’s case load to include all “M” cases involving criminal conduct.

During the course of the Commission’s review, it obtained and reviewed approximately 25 closed case files and closing memoranda of investigations conducted by borough and bureau investigation units to determine whether these units were taking the fundamental investigative steps required. While this review was not of sufficient breadth to allow an unqualified assessment of the work of the borough and bureau investigative units, of the cases the Commission did review, it found that the investigative assignments were taken seriously and were generally performed sufficiently. Based on this fact, the need for IAB to focus its resources on the most serious allegations of corruption, and the daily submission to local prosecutors of all “M” cases which contain allegations of criminal conduct, the Commission is satisfied that IAB’s system of classification and case retention is responsible.

During the course of its review, however, another issue emerged. Unlike the number and nature of “C” allegations the Department receives annually, “M” cases are not publicly reported. The Commission believes that as the public is made aware of corruption trends on an annual basis, so too it should be made aware of trends in allegations involving officers engaged in all forms of misconduct.<sup>19</sup> While the majority of “M” cases involve violations of internal departmental regulations, some of these cases, as described above, can be quite serious,

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<sup>19</sup> These trends are published in IAB’s annual report.

including allegations of off-duty assault, domestic violence, and theft of certain categories of property. The importance of some public discussion of “M” case statistics is demonstrated by the fact that there have been substantial fluctuations of “M” cases during the past three years with a significant decrease recorded between 1995 and 1996 and a very substantial increase of these cases from 1996 to 1997.<sup>20</sup> The Commission recommends that IAB publish this data in its Annual Report, or in the alternative, that another appropriate division of the Department publish this information and release it contemporaneously with the issuance of the IAB report.

## **VI. MONITORING FUNCTION**

Evaluations of IAB’s open and closed corruption investigations is central to the Commission’s monitoring efforts. Monitoring open investigations provides the Commission with critical oversight of significant corruption cases as these cases develop. The historical monitoring of closed cases provides additional oversight. By reviewing closed cases, the Commission is able to evaluate how the Department treats corruption allegations from point of inception through conclusion within the context of the entire investigative record.

Throughout the monitoring process, the Commission examines various questions including: whether the Department treats corruption allegations seriously; whether the Department takes the necessary investigative steps to thoroughly investigate a corruption allegation; and whether the Department continues to commit appropriate resources to investigations of corruption.

In addition to the monitoring of specific open and closed IAB investigations, the

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<sup>20</sup> Substantial increases were noted in the following categories: abuse of departmental regulations, off-duty misconduct (which may include assault, menacing, and aggravated harassment), domestic violence, and theft of property.

Commission's monitoring function includes 1) daily review of corruption allegations; 2) attendance at IAB's weekly Steering Committee meetings; 3) attendance at IAB's biweekly briefings of the Police Commissioner; 4) attendance at meetings of the Department's Disciplinary Task Force; 5) review of interim and operations orders; 6) on-site review of open cases not discussed at Steering Committee meetings; 7) attendance at the biweekly meetings of all IAB commanding officers; and 8) review of IAB's resources and internal training.

#### **A. HISTORICAL, OR CLOSED CASE MONITORING**

Historical, or closed case monitoring, is a central component of the Commission's assessment of the diligence, competence and effectiveness of the Department's handling of corruption allegations. In October 1997, the Commission reported its findings related to the evaluation of approximately eighty closed corruption cases. This report, "Monitoring Study: A Review of Investigations Conducted by the Internal Affairs Bureau" (hereinafter, "Monitoring Study"), concluded that while certain weaknesses were present in particular investigations, IAB performed its investigations effectively and competently. Moreover, the Commission found -- in contrast to past criticisms of the Department<sup>21</sup> -- that the Department was committed to devoting the necessary resources to thoroughly investigate corruption allegations, and possessed the demonstrated will to do so.

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<sup>21</sup> Mollen Commission Report, at pp. 1-9.

Given that the Monitoring Study evaluated investigations closed by IAB between 1995 and 1996, the Commission has presently undertaken a new monitoring study which draws upon a sample of cases closed during the period of October 1996 through October 1997. This sample includes both randomly selected cases drawn from the various investigative groups of IAB, as well as number of targeted cases. In this study, the Commission has chosen to focus on narcotics cases because of the particularly serious nature of these investigations.<sup>22</sup> At the time of this report, Commission staff is reviewing over 125 cases and a report on its findings will be released later this year.

#### **B. OPEN, OR PENDING CASE MONITORING**

Open, or pending case monitoring provides another significant method by which the Commission discharges its mandate to ensure that the Police Department is committing appropriate resources to corruption allegations and is effective in carrying out its investigative responsibilities. Commission staff continually engages in the monitoring of open cases given that an assessment of IAB's immediate and continuing response to pending corruption allegations is critical to determining how effective IAB is in addressing corruption within its ranks. By monitoring open cases, Commission staff is also able to better understand potential corruption trends. Open, or pending case monitoring is accomplished through several means: the

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<sup>22</sup> Narcotics cases include allegations of NYPD personnel stealing or distributing drugs, providing protection to narcotics dealers, and other non-use allegations.

daily review of corruption “logs” maintained by IAB; on-going discussions with group Captains and other high-ranking IAB officials about specific cases; attendance at IAB Steering Committee meetings and IAB briefings of the Police Commissioner; and intensive on-site reviews of specific pending non-steering investigations.

### **1. Log Review**

The primary means by which IAB records new corruption allegations, as well as significant updates regarding past allegations, is through the creation of a “log” which is assigned a tracking number. These logs record every reported corruption allegation made against members of the Police Department. All corruption allegations made by telephone, mail, or in person, and received by the Department are reported to IAB’s Command Center. The Command Center is staffed 24 hours a day, 7 days a week, and Command Center personnel are responsible for recording the complaint and assigning it a log number. Command Center officers may also take certain preliminary investigative steps upon receiving a complaint. Such steps may include searching Departmental rosters to further identify the officer who is the subject of the allegation and utilizing computer data bases to gather all prior allegations against that officer. A summary of the allegation, including time and place of occurrence, information regarding the complainant and, where possible, background information on the subject officer, comprise the IAB log. Each 24 hour period the Command Center forwards all logs received during that period to an IAB assessment team which then classifies each log into one of three categories: “C” for allegations of corruption or serious misconduct; “M” for allegations of less serious misconduct; or some other designation.<sup>23</sup>

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<sup>23</sup> This third category may include allegations that will be investigated by other governmental agencies. For purposes of the present discussion, only “C” and “M” cases are relevant. See further discussion of IAB classification

The Commission receives all of these logs -- which will include the results of any preliminary investigation, the classification, and which IAB group is assigned the investigation -- on a daily basis. Approximately 50 logs are received by the Commission each day. For calendar year 1997, 19,599 logs were generated by IAB and received by the Commission for review.

The Commission's review of the IAB logs plays an important role in the timely oversight of the Department's handling of corruption allegations. Through this review, Commission staff is able to follow-up on allegations as appropriate, assess IAB's classification and, when necessary, discuss with IAB the appropriateness of the classification. Additionally, the Commission will target certain logs for long-term closed case monitoring.

Commission staff review the most serious allegations on a daily basis. Those logs involving allegations of corruption are entered into the Commission's database. The Commission is developing an improved database which will provide increased search capacity and more efficient tracking of corruption trends. Additionally, the data derived from such searches will assist the Commission in assessing IAB's success in identifying trends and directing proactive investigations into precincts and areas that are the subject of a high number of corruption allegations. Since the Commission's last report, a preliminary version of the system has been installed and Commission staff are testing its features.

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practices at pp. 18-22.

## **2. Steering Committee Meetings**

Attendance by Commission staff at IAB Steering Committee Meetings provides another significant aspect of open case monitoring. IAB's Steering Committee ("Committee") meets on a weekly basis at IAB's headquarters. The Steering Committee is comprised of the Chief of IAB; the Executive Officer; the Chief of the Criminal Investigations Division; the Chief of the Support Services Division; the Commander of Zone I which includes the IAB groups in Manhattan and the Bronx; the Commander of Zone II which encompasses the IAB groups responsible for Brooklyn, Queens, and Staten Island; the Commander of the Field Services Division; the Commander of the Intelligence Unit; and the Commander of the Corruption Prevention and Analysis Unit. The purpose of the Steering Committee is to meet with the investigative groups from throughout the City and review a select number of their significant investigations, as well as the three oldest cases of the reporting group. Because the Committee possesses a wealth of collective investigative experience, including many years devoted to investigating corruption-related cases, Committee meetings provide an opportunity for the reporting group to receive feedback from the Committee members on investigative strategies. The Steering Committee also discusses the appropriate time to close a case and the appropriate disposition. In addition to these areas, Steering Committee meetings often address the role of local and federal prosecutors in IAB's investigations, as well as interaction between IAB investigators and the Department's administrative prosecutors: the Disciplinary Advocate and the Special Prosecutor.

Each week, on a rotating basis, IAB groups from the five boroughs, as well as more specialized investigative groups such as those handling excessive force allegations, traffic

officers, and detectives involved in organized crime and narcotics cases, present the group's most significant cases.<sup>24</sup> While the number varies, approximately 10 to 15 cases are presented for review weekly by each group.

The investigative group's borough commander, group captain, and lieutenants, are all present for these presentations. At these meetings, written summaries of the significant cases are distributed which describe the allegations and set forth both the investigative steps taken and those additional investigative steps planned. During 1997, Commission staff was present at each meeting of the Committee and heard over 55 presentations from IAB's investigative groups. Different Commission staff members are assigned to the various geographically-based and specific groups (such as Force, Impersonation, and Organized Crime) so that the Commission can be fully conversant with IAB's most significant cases. Those staff members assigned to a particular group will attend those Committee meetings when their assigned groups are making presentations. Additionally, the Commission's Executive Director attends every meeting of the Committee and the Commission's Chair attends Committee meetings on an ad hoc basis.

**a. Intensive Steering Committee Review Process**

As reported in the Commission's Second Annual Report, between July and September 1997, the Steering Committee carried out an intensive review of all IAB investigations. Commission staff attended each of these meetings and the review provided an informative overview of IAB's entire pending caseload. In July and August 1998, IAB completed a similar review of all IAB investigations and Commission staff attended each of these meetings.

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<sup>24</sup> Each IAB group appears before the Committee at approximately six week intervals.

**b. Special Unit Case Reviews**

IAB has two special investigative units which are responsible for handling sensitive and highly confidential cases. These groups, the office of the Chief of Internal Affairs (“Group 25”) and the Special Investigations Unit (“Group 1”), do not report to the full Steering Committee, but rather make presentations to the Chief of IAB and other top IAB officers as necessary.

Group 25 handles highly sensitive investigations as well as investigations commenced at the request of the Police Commissioner. Additionally, the Group 25 Commander acts as a liaison between IAB and the federal prosecutors. Group 1 responsibilities include investigations involving allegations implicating IAB members and senior members of the Department. Because Group 25 and Group 1 do not report to the full Steering Committee, Commission staff have attended Group 25 and Group 1 briefings made directly to the Chief of IAB. Moreover, at private briefing sessions the Commission is fully informed on an ongoing basis of significant investigative developments involving Group 25 and Group 1 cases.

**3. Individual Review of Specific Non-Steering Pending Cases**

Although Commission staff ask investigative group leaders questions during Steering Committee meetings, the Commission is also careful not to interfere with the Steering Committee process and the critical dialogue that can take place between Committee members and investigative group leaders. While mindful of this process, as well as of the Commission’s role of monitoring the effectiveness of such dialogue, the Commission believes that it should, within the appropriate context, probe IAB investigators for details relative to case developments and investigative decisions. To this end, the Commission identifies significant cases investigated by the different IAB groups throughout the city for comprehensive briefing sessions.

Commission staff traveled to each of IAB's borough offices and met with the IAB zone commander, borough commander, group captain, and investigators responsible for each of the cases. These individualized sessions enable Commission staff to not only assess the numerous investigative steps taken in the case -- from receipt of the initial allegation through the time of the briefing -- but also allow interaction with the investigators themselves. Based upon these reviews, Commission staff concluded that in general the selected cases were being investigated in a thorough and professional manner and with appropriate supervision.

#### **4. Bi-Weekly IAB Briefings of The Police Commissioner**

In order to keep the Police Commissioner fully apprised of developments on significant cases, corruption trends, and proactive anti-corruption activities, IAB's management meets with him and his principal aides, including the First Deputy Commissioner, the Chief of the Department, and relevant Borough and Bureau Commanders, on a bi-weekly basis for briefings. The Commission's Chair and/or executive management attend each of these meetings.

At these briefings, significant cases are presented by IAB investigative group captains. Key investigative steps which were taken are described by these captains, as well as any evidence of criminality or administrative misconduct developed during the course of the investigation.

On a quarterly basis, a statistical overview of corruption trends is presented at these meetings by the Commanding Officer of IAB's Corruption Prevention and Analysis Unit ("CPA").

The CPA Unit presents an analysis of corruption allegations comparing annual and monthly statistics by category of allegation, borough, and bureau. The CPA Commanding

Officer identifies for the Police Commissioner increases as well as decreases in trends in particular corruption categories, and provides information as to the facts underlying the data being presented. CPA's presentation may also include updates on proactive efforts by IAB, such as the number of integrity tests that have been conducted during a particular time frame.

## **5. IAB Commanders Conferences**

IAB holds bi-weekly conferences of all of its commanding officers. In addition to the commanding officers of each investigative group, the principal officers of IAB also attend.

At the Commanders Conference ("Conference") a broad range of topics related to IAB's work are addressed, including policy and procedural changes, anti-corruption strategies, investigative techniques, model investigative operations, administrative concerns, personnel needs and updates, technical services and advances, and other information relevant to the ongoing operations of IAB. Periodically, guest lecturers are invited to provide training and updates on relevant legal and investigative subjects. Each commander and Conference attendee is afforded an opportunity to share information or ask questions.

Commission representatives attend all Commanders Conferences and in October 1997, the Executive Director presented an overview of the Commission's work and findings related to two substantive reports released at that time involving IAB's Command Center and closed cases.

<sup>25</sup> Commission representatives find that the Conferences are informative and productive,

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<sup>25</sup> For a discussion of these studies, see pp. 3-12.

and help develop for IAB a sense of common mission and goals.

**6. The Investigations of Detective A. and Inspector B. Doe<sup>26</sup>**

In March 1997, the Commission learned of an ongoing investigation being conducted by the United States Attorney's Office for the Eastern District ("EDNY") involving Detective A. and Inspector B. Doe. Since that time, the Commission has monitored developments in this matter.

The investigation, which had commenced in 1993 jointly with the EDNY and IAB, involved, among other allegations, claims that Detective A. Doe, who had been assigned to the Organized Crime Control Bureau, tipped off the targets of an active narcotics and firearms trafficking investigation. During the course of the EDNY/IAB investigation, evidence was developed that the Detective had learned that he too was a target, and this aspect of the investigation focused on whether information had been leaked to him by his father, then an Inspector assigned to IAB. At that point, in September 1993, to preserve the integrity of the investigation, the EDNY, with IAB's consent, assumed control of the inquiry. Three successive commanders of IAB also determined that so long as Inspector Doe cooperated with the inquiry, based upon the then available information, he would be allowed to remain at IAB.<sup>27</sup>

As part of the monitoring of this matter, Commission staff met with the EDNY and was fully briefed on the facts of the case at that time and periodically until the case involving Detective A. Doe was formally referred to the Department in the Fall of 1997 for administrative

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<sup>26</sup> In the interests of privacy, the Commission has used fictitious names to identify these officers because neither of their cases has been adjudicated.

<sup>27</sup> In May 1997, Inspector Doe was transferred from IAB.

prosecution.<sup>28</sup> Since that time, the Commission was briefed by IAB as to the status of the case against Detective Doe. It was advised that IAB received relevant portions of the EDNY investigative file in January 1998 and in February 1998, the Department's Special Prosecutor had reviewed the case and was preparing charges against him. Charges were served in May 1998, seeking his termination from the force.<sup>29</sup> On July 23, 1998, Detective Doe resigned from the Department.

The manner in which this matter has been handled demonstrates the problems which arise from the interaction between administrative proceedings and criminal investigations. In this case, as in other situations, the allegations against the police officers were part of a complex criminal investigation being conducted by a prosecutor who was pursuing allegations of serious crimes against a number of individuals. In light of the scope of the investigation, the prosecutor, neither surprisingly nor inappropriately, requested the Police Department to defer administrative proceedings against the detective. Only after largely completing its investigation and prosecutions did the prosecutor -- without prosecuting the officers -- refer the matter back to the Department for administrative action.

While the Department could have moved with greater dispatch in preparing charges against Detective Doe upon receipt in January 1998 of the investigative file, even if it did so, it still would have been a nearly four year period in which serious allegations against officers were unresolved. While delaying action during a criminal investigation is perhaps necessary from the

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<sup>28</sup> Certain aspects of the case could not be shared with the Commission because of Federal rules relating to the secrecy of Grand Jury proceedings.

<sup>29</sup> Although in April 1997 the EDNY requested that the Commission not pursue its own investigation of Inspector Doe, the Commission has monitored, and will continue to do so, those aspects of the case relating to Inspector Doe. In connection with this monitoring, IAB has advised the Commission that it refrained from conducting an administrative investigation of Inspector Doe given the open EDNY criminal investigation. The EDNY informed the Commission that it would have objected to the Department going forward while the criminal investigation was pending.

perspective of the overall societal interest in pursuing criminal investigations, this deference often produces delays in dealing with potentially corrupt officers which undermines public confidence in the system.

In response to this problem, the Department has adopted a policy of more frequently not deferring administrative prosecution of officers subject to criminal investigation. Pursuing such a course, however, will not be appropriate in many cases. In such circumstances, however, it is important that both the Department and relevant prosecutors work together so that the investigative process is concluded swiftly. Should a prosecutor not want the Department to proceed administratively while a criminal case is pending, to avoid any confusion, the Department should ask that such requests for deferral be in writing. Finally, given the fact that these cases inevitably will involve allegations of serious misconduct by officers, the Department and relevant prosecutors should regularly communicate with each other so that administrative actions can be commenced virtually immediately upon any referral of these cases to the Department.

### **C. OTHER TYPES OF MONITORING ACTIVITIES**

In addition to the activities described above, the Commission monitors a number of other Department programs, groups, and committees which address integrity-related issues.

#### **1. Disciplinary Task Force Meetings**

The Department's Disciplinary Task Force ("DTF"), chaired by the Director of the

Disciplinary Assessment Unit (“DAU”), was established in November 1995 under the auspices of the First Deputy Commissioner. DTF consists of representatives from the First Deputy Commissioner’s Office as well as from the offices of the Chief of Department, Chief of Patrol, Chief of Personnel, Chief of Internal Affairs, Special Prosecutor, Department Advocate, and the DAU. The goal of DTF is to “utilize all available information to ensure identification and accountability of members of the service who have established a pattern of behavior detrimental to the Department.”<sup>30</sup> Officers who have been subject to multiple allegations, low performance ratings, and/or have abused sick leave, may be placed on DTF monitoring.

Commission representatives attend all DTF meetings. At the meetings, which are held on a tri-annual basis, DTF members develop strategies aimed at addressing the subject officer’s disciplinary problems with a view toward termination. Such strategies draw on the full range of departmental resources, and may include integrity testing by IAB, coordination with the Medical Division’s Absence Control Unit to monitor officers suspected of abusing sick leave, and other efforts.

Officers placed on DTF’s monitoring list because of disciplinary problems will have an entry made on their Central Personnel Index (“CPI”). Through this CPI notation, the various Departmental commands will be made aware that the officer is a DTF subject. As such, commands can promptly notify DTF of any infractions committed by the officer.<sup>31</sup>

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<sup>30</sup> First Deputy Commissioner’s Disciplinary Assessment Unit, First Annual Report, June 1995 - June 1996, p. 25.

<sup>31</sup> When a notification might compromise an active investigation, DTF will recommend that a CPI entry not be made.

## **2. Interim and Operations Orders**

On a periodic basis, the Department issues Interim and Operations Orders which reflect various modifications in departmental policies and procedures. Because some of these orders relate to integrity issues, the Commission receives all Interim and Operations Orders on a monthly basis for review.

## **3. IAB Resources**

As reported in the Commission's Second Annual Report, IAB resources increased during fiscal years 1996 and 1997. These increases enabled IAB to maintain staffing levels and its access to sophisticated investigative technology and equipment. As reported at that time, the majority of IAB's budget is allocated for personnel. This continues to be the case, with staffing levels at the close of 1997 remaining stable at approximately 600 members assigned to the Bureau, of which approximately 450 are involved in investigative assignments.<sup>32</sup>

The Department's commitment to provide IAB with a large inventory of sophisticated technological equipment to covertly gather evidence remains steady and strong. As discussed in the Commission's Second Annual Report, the Department consolidated the individual investigative technology units of IAB and the Organized Crime Control and Detective Bureaus in March 1997 into a new command known as the Technical Services Support Section ("TSSS"). This consolidation was made in order to improve operational and administrative efficiency, and the Department anticipated that by combining resources, IAB would have even greater access to technological equipment and support.

As part of the Commission's continuing monitoring of the technical services

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<sup>32</sup> In 1997, as a result of the merger of the Department's technical service units (see discussion immediately following this note), 11 members of IAB were transferred. As of the publication of this report, IAB's headcount is approximately 615, with about 475 members involved in investigative assignments.

consolidation, Commission representatives met earlier this year with the Department's Deputy Commissioner of Operations and the former Commanding Officer of technical services for IAB now currently the Executive Officer of TSSS. The Chief of IAB also attended this meeting at which a range of issues related to the consolidation were discussed. These included resource issues and what impact the consolidation has had on the integrity and confidentiality of IAB operations where technical services are utilized.

Based on this meeting, as well as continuing ongoing discussions with IAB officials, the Commission believes that the consolidation has improved IAB's access to technical resources. Since the merger, for example, IAB now has access to a "Global Positioning System" which allows extremely close tracking of transmitters through the use of satellites. IAB has also gained access to additional sophisticated technology as a result of the merger. Such equipment is helpful in conducting confidential and accurate surveillance of subject officers. In order to ensure the integrity and confidentiality of IAB's investigations, IAB/TSSS offices have been installed with various safeguards to limit access to facilities where covert recordings are downloaded, including the installation of high security locks and a steel framed door for security and sound insulation, and dedicated phone and fax lines. Moreover, the Department has addressed integrity issues by utilizing IAB craftsmen and installers exclusively on IAB-related operations. Finally, IAB requests for technical support are provided further confidentiality by not making identifying information part of the request.

#### **4. IAB Training**

While all police officers are initially trained at the Police Academy and receive ongoing training, IAB conducts its own specialized training for all officers who join the Bureau. This “Internal Affairs Bureau Internal Investigations Course” is a two-week long training course, offered repeatedly throughout the year, which consists of lectures on various topics, including: presentations on IAB’s role within the Department, its mission, operations, and priorities; instruction on how to conduct investigations, including specialized types of investigations; and demonstrations of the techniques discussed through practical exercises, which also provide opportunities for the investigators to practice the skills they have been taught. The instructors at the two-week training course include officers from both IAB and the entire Department, as well as invited speakers from outside agencies, including local and federal corruption prosecutors. The Executive Director or Deputy Executive Director of the Commission is a speaker at each of these training courses.<sup>33</sup>

Commission staff attended selected lectures offered during the two-week training courses.<sup>34</sup> While the effectiveness of each presentation was dependent in part on the individual lecturer, overall the Commission is satisfied with both the content and the presentation of the material.

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<sup>33</sup> Likewise, the Chair of the Commission was a guest speaker at the Department’s Executive Development Program.

<sup>34</sup> In addition, Commission staff attended training provided by IAB for newly assigned Captains within the Bureau.

## **VII. ONGOING PROJECTS**

### **A. HIRING STUDY**

The Commission is presently completing a thorough examination of the Department's hiring practices. The hiring practices of the Department have been criticized in the past. In 1994, the Mollen Commission reported that "overly lax admission criteria" were partly responsible for the hiring of officers who later became involved in corruption or serious misconduct.<sup>35</sup> Additionally, the Mollen Commission noted that the Department routinely admitted applicants to the Department before their background investigations were completed.<sup>36</sup>

Because of the tremendous importance the Department's hiring practices have for ensuring a police force with the highest integrity, the Commission is presently completing a study of the Department's policies and practices related to hiring. The central focus of the study is an audit of the Applicant Processing Division ("APD") of the Department, that section of Department's Personnel Bureau which conducts all background checks on applicants. The Commission has selected a sample of investigations of candidates who were hired for the April 1997 class, as well as a select number of applicants who were not hired.

In reviewing the background investigations of approximately 100 candidates, the Commission is determining whether the Department has adhered to its own internal criteria for hiring, and whether APD is conducting sufficient background investigations to determine the qualifications of the candidate.

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<sup>35</sup> Mollen Commission Report, p. 113.

<sup>36</sup> *Id.*, pp. 113-114.

## **B. OTHER STUDIES**

Additionally, plans are underway for additional studies, including IAB's intelligence gathering efforts and the efficiency of the Department's disciplinary system. Also, as discussed above, the Commission is in the midst of a new monitoring study.