

The City of New York

Commission to Combat Police Corruption

**THE NEW YORK CITY POLICE DEPARTMENT'S
INTERNAL AFFAIRS BUREAU:
A SURVEY OF FORMER IAB MEMBERS**

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I. INTRODUCTION

Since its inception in 1995, the Commission to Combat Police Corruption (the “Commission”) has worked closely with members of the New York City Police Department’s (“NYPD” or the “Department”) Internal Affairs Bureau (“IAB,” “the Bureau”) in order to fulfill the Commission’s mandate to monitor the anti-corruption efforts of the NYPD. As part of its monitoring efforts, the Commission has often looked at the quality and expertise of IAB investigations.

Obviously a motivated and skilled staff committed to the goals of the Bureau are important to the effective functioning of IAB. Should IAB encounter difficulty in either recruiting or retaining talented and competent personnel, the quality of the investigation of internal corruption could be seriously affected. A lack of personnel with expertise in internal investigations would naturally affect the quality of those cases as investigators would be unable to draw on past experiences in formulating current strategies. While the Commission recognizes that too long a stay within a particular area of the Department carries its own problems and that the current IAB procedure for drafting personnel allows for the infusion of new people,¹ with new thoughts and ideas, it also recognizes that without the retention of competent investigators for a reasonable period of time, a constant influx of new recruits can result in unseasoned investigators mismanaging IAB cases through inexperience. IAB has also stated that the issue of retaining qualified staff is of paramount importance to its work.

Therefore, it was with some concern that the Commission informally noted regular and

¹ Under the provisions of Department Interim Order 39 (“I.O. 39”), IAB is able to recruit members of the service for two-year assignments in IAB. The terms of I.O. 39 are described at pp. 5- 6 infra.

repeated personnel turnover at IAB. This turnover did not appear confined to any particular investigative group or any particular rank within IAB. In addition to observing this turnover, the Commission, in informal conversations with IAB personnel, learned that many of those assigned to IAB had firm intentions of leaving immediately upon the completion of a two-year tour of duty.² Indeed, anecdotal evidence suggested that many members knew to the day the point at which they would be released from IAB service and many requested release as soon as the Department would allow.

Even though the Commission has not noted a resulting deterioration in IAB investigations, given the importance of this issue the Commission decided to survey former IAB members with respect to their morale while assigned to IAB, the nature of the assignment and other issues relating to their decisions to transfer out of IAB upon completion of their two-year commitments. In order to probe these issues, the Commission sought to explore some of the prevailing attitudes, perceptions and opinions existing among former members of IAB about their experiences in the Bureau. The Commission hoped that the findings and suggestions derived from this survey would ultimately assist in the attraction and retention of personnel in order to maintain and improve the quality of IAB's work.

II. SUMMARY OF FINDINGS

Based upon discussions with former IAB members, the Commission concluded that although the majority of officers were initially upset by their assignment to IAB, by the end of

² See discussion of Interim Order 39 ("I.O. 39") at pp. 5- 6.

their tenure in the Bureau, most felt that they had benefitted professionally from this assignment. Some of the benefits of IAB work mentioned by survey participants included the opportunity to participate in internal and outside training programs which honed their skills as investigators. Additionally, several interviewees stated that IAB afforded them the chance to gain valuable computer skills. Despite the feeling that in retrospect this assignment was beneficial, there was a distinct split in opinion among the interviewees as to the length of time for which a person should be drafted into IAB. This change in perception about what service in IAB would be like did not as a general matter, however, affect their desire to remain in IAB -- most still wanted to depart as early as possible.

Additionally, many participants voiced serious concerns regarding a de facto reduction in salary they believe that some members suffer as a result of the limited availability of overtime opportunities at IAB. Some participants stated that they would have been willing to stay at IAB but for financial considerations.

Interim Order 39 ("I.O. 39) appears to be having a positive impact on the Bureau. Contrary to their views prior to being drafted, most interviewees felt that IAB was staffed with quality investigators who conducted thorough investigations. Furthermore, I.O. 39 seems to be eroding some of the stigma long associated with IAB, and most members stated that their assignment to IAB had little to no impact on their relationships with outsiders or other police officers. Despite these clear positives, the survey did focus attention on a core issue -- what, if any, are the consequences of having an IAB staffed largely by people who do not want to be there, even if they find their experience far more positive than anticipated.

III. BACKGROUND

The Internal Affairs Bureau, or the Internal Affairs Division (“IAD”), as it was known prior to 1993, has undergone many structural changes in its efforts to achieve the most effective organizational framework. Accordingly, the policies and procedures governing recruitment and staffing have changed, as has the Department’s overall commitment to IAB’s work and the personnel responsible for conducting its investigations.³

A. Mollen Commission Findings

In 1994, the Mollen Commission examined the NYPD’s mechanisms for investigating and combating police corruption and issued a comprehensive report (the “Mollen Report”),⁴ which included clear recommendations for the overhaul of certain NYPD policies and procedures. Some of the work of the Mollen Commission focused specifically on the structure, recruitment and personnel of IAB. The Mollen Commission believed that if IAB could obtain the backing and respect of the entire Department it would be in a more effective position to fight corruption within the Department. Specifically, the Mollen Commission found that many members of the Department viewed Internal Affairs Division as a “white socks” operation, i.e., an operation that harassed hardworking members for petty transgressions rather than an investigative body interested in the investigation of those committing serious misconduct and

³ This commitment is evidenced through the increase in personnel, the recruitment and selection process and the increase in budget.

⁴ See Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department, Commission Report, July 7, 1994.

crimes.⁵ Further, the Mollen Commission found that many members of the Department were distrustful of IAD personnel, believing them to be incompetent investigators who were out of touch with the realities of “real” police work.⁶

In order to address these perceived shortcomings, the Mollen Commission made several recommendations,⁷ including the recruitment of qualified investigators and the streamlining of the structure and decision-making authority within Internal Affairs. In furtherance of this objective, the Mollen Report recommended that IAB continue to have first choice of all supervisors seeking an investigative assignment, that rotation of IAB staff be maintained in order to avoid staleness and increase the wealth of anti-corruption experience throughout the Department, and that IAB experience be deemed a favorable part of the officer’s career, recognized by citations, promotions and commendations. Further, it was recommended that while ultimate authority for decisions should rest with the Deputy Commissioner of Internal Affairs,⁸ investigators in charge of the cases should be permitted to exercise operational authority in order to add to the efficiency of IAB’s work. Many of these recommendations have been implemented.

On May 14, 1993, prior to the issuance of the Mollen Commission report, Interim Order

⁵ See Mollen Report at p. 137.

⁶ Id.

⁷ Although not specifically outlined here, the Mollen Commission recommended other organizational and operational changes such as the adoption of investigative team structures and the introduction of command liaisons. See Mollen Report at pp. 136-142.

⁸ Following the Mollen Commission, IAB was headed by a Civilian Deputy Commissioner. In early 1995 the Department appointed a member of the Department as Chief of IAB to replace the then Deputy Commissioner.

39 was adopted by the Department. The order provided that any supervisor of the rank of lieutenant or sergeant seeking an investigative post⁹ must be interviewed and approved by a panel which includes senior members of IAB, the Detective Bureau and Organized Crime Control Bureau. IAB is then permitted to select candidates before any other Bureau. This policy allows IAB access to experienced candidates who would otherwise not apply for an IAB assignment. All interviewees subsequently assigned to IAB as a result of this selection process are required to spend a minimum of 24 months working at IAB. Those “drafted” under I.O. 39 understand that upon the completion of their IAB tours, they are likely to be given priority in selecting their next assignment but that there is no guarantee that a position of their choice will be obtained.¹⁰

B. The Structure of IAB

IAB handles all cases of corruption and serious misconduct.¹¹ All allegations¹² that are received from civilians or members of the Department are initially screened by IAB’s assessment unit. In some instances, the assessment unit will undertake some preliminary investigative

⁹ Investigative positions are those within IAB, the Organized Crime Control Bureau (“OCCB”) and the Detective Bureau.

¹⁰ See Interim Order 39, attached as Appendix A.

¹¹ In instances of criminal conduct, IAB works in conjunction with the appropriate District Attorney or United States Attorney.

¹² Allegations may be received in person, by letter, or by telephone either via PRIDE, a confidential Departmental phone line, or the Command Center, IAB’s 24-hour internal complaint hotline.

steps¹³ to further the investigation before determining how the investigation should be handled. The assessment unit is responsible for assigning each case to the appropriate Departmental unit, which can include IAB, Borough/Bureau Investigations Units,¹⁴ and the Chief of Department's Office.¹⁵ All IAB cases are assigned based upon either the location named in the allegation or the type of misconduct alleged.

IAB is divided into geographic and subject matter commands, with the Bureau's overall authority lying with the Chief of Internal Affairs. In addition to geographic groups divided by borough, IAB investigative groups have been formed to deal with specific types of allegations or subjects. For instance, Group 53 handles all cases involving School Safety Officers while Group 54 investigates most allegations of excessive force.

Once an investigator has been chosen for IAB service, he may be assigned to any one of the units making up the Internal Affairs Bureau, including investigative groups, the Command Center, the Integrity Testing Unit or a technical unit. In most instances, the individual's talents and personal needs in terms of group assignments will be accommodated. If an individual finds that a specific group is not working out for him as expected, he will often be provided with a second opportunity elsewhere within the Bureau.

Investigative groups are organized into smaller investigative units led by team leaders

¹³ For instance, the assessment unit may access Departmental records to ascertain whether an officer against whom a complaint is made was actually working at the time of the alleged offense.

¹⁴ Borough Investigations units handle less serious Department misconduct such as minor Patrol Guide violations.

¹⁵ The Chief of Department receives and assigns cases involving two or more officers from different precincts, or involving traffic agents.

who are generally lieutenants. For the most part, each group carries out all aspects of its own case investigations. Each investigative group, for instance, will have at its disposal certain surveillance materials and technical equipment. In addition, each group has various automobiles available to it for investigative purposes. However, each group may call upon the expertise of the Integrity Testing Unit (Group 52) or the Technical Assistance Response Unit ("TARU," which specializes in providing and assisting with the use of technical equipment) for support in particular cases that may warrant such assistance.

The investigative work carried out by IAB dictates that the Bureau be staffed primarily by supervisory ranks. This is partly necessary because IAB personnel are responsible for carrying out PG 118.9 interviews,¹⁶ and although detectives can conduct some of these interviews, PG 118.9 mandates that the interviewer be of a higher rank than the interviewee. Therefore, many IAB Groups have a high concentration of sergeants and lieutenants. As a result, much of the work of sergeants and lieutenants in IAB, unlike other bureaus within the Department, is investigative rather than supervisory.

Nevertheless, detectives are also assigned to IAB. These detectives generally join IAB as police officers and, because IAB is an investigative assignment, under the terms of the 18-month rule¹⁷ these officers are generally promoted to the rank of detective after completing 18 months in IAB. Many of the detectives are responsible for assisting sergeants in their investigative tasks.

¹⁶ Under section 118.9 ("Interrogation of Members of the Service") of the Department's Patrol Guide, a member of the service must at formal interviews answer questions pertaining to the performance of his duties or else face Departmental changes. Failure to answer questions posed pursuant to this section is a terminable offense.

¹⁷ Under the 18-month rule order, a police officer who successfully completes 18 months in an investigative bureau receives a detective's shield.

Police officers who join IAB can be assigned to the Command Center or to a group where they provide investigative support for higher ranking officers.

Many of the supervisors assigned to IAB choose their own hours or work schedules. Consequently, most IAB personnel work more regular hours than personnel in other bureaus. Unlike other bureaus in the Department, the flexibility of IAB work schedules permits much of the investigative work to be carried out without the need for overtime. This means that many IAB personnel do not receive the same level of overtime pay that others of similar rank in certain bureaus are likely to receive.

IAB draftees generally submit paperwork requesting a transfer out of IAB after working 22 months for the Bureau. Once an individual requests a transfer out of IAB, he will be placed in a general pool from which Departmental recruitments are made unless he has applied for a specific opening. The Chief of Internal Affairs has allowed individuals to move from the Bureau before their two-year commitment is completed, but only in very limited circumstances. While IAB attempts to aid its members in attaining assignments of their choice after leaving IAB, it is not always possible for IAB to accommodate such requests, as available openings are limited and subject to the needs of the Department.

IV. METHODOLOGY

From March 1997 through April 1999, 333 members of the NYPD ("members") and civilian personnel were transferred, promoted, resigned, retired or administratively transferred¹⁸

¹⁸ An administrative transfer generally indicates that the officer was transferred for disciplinary reasons.

from IAB. It was the Commission's intention to meet with at least 50 non-civilian former members, and within this pool obtain a representative sample of all ranks and experiences within the Bureau. The Commission decided to use these individuals as the sample group for its survey because these members had only recently left the Bureau and their experiences reflected the practices of the current IAB administration. IAB provided the Commission with a comprehensive list of those personnel, including rank, date of assignment to IAB, date of transfer from IAB and the reason for such transfer, along with each individual's assignment following his or her IAB tour of duty.

In order to introduce former IAB members to the study, the Commission received the support of the Police Commissioner, who forwarded a letter to all former IAB members, outlining the goals of the project.¹⁹ The Police Commissioner's letter accompanied the Commission's letter, which further explained how participants would be selected and how the Commission would use the information learned from interviewees. In embarking on this project, the goal of the Commission was to gather information from former IAB members that might result in recommendations which could improve IAB and help in the retention of qualified personnel. The Commission attempted to speak with people from all ranks and assignments. However, since participation in the study was voluntary, equal representation of all categories was not always possible. Ultimately, the Commission spoke with 40 former members from almost all ranks and assignments. The Commission was not unaware that based upon the

¹⁹ While the Commission had the full support of the Chief of Internal Affairs and the First Deputy Commissioner's Office in carrying out this survey, the Commission requested that none of the interviews be compelled or that former members be enticed to participate in any way, so that all responses would be voluntary.

voluntariness of its sample some of the interviewees may have chosen to participate in the survey in order to put forward their own agendas. Therefore, the Commission focused primarily in this report on issues which were discussed by a relatively large number of former members, rather than highlighting particular issues raised by a sole participant.

Each interview followed a standard set of questions developed by the Commission specifically for the survey. Additionally, each interviewee was given the opportunity to speak about any issues not raised by the questions or that he or she believed were important.

Because the survey was designed specifically to elicit former members' thoughts and perceptions concerning their IAB experiences generally, there was no attempt to question members about cases with which they were involved or individual personality problems that they may have encountered. Instead, discussions were directed toward the individual's views about the quality of IAB's work, its relationship with non-IAB bureaus, and morale issues.

Under the terms of the study, the 40 members who were interviewed remain anonymous to those outside the Commission.²⁰ No attribution has been made in the report to any one individual and no participants have been identified by name, rank or command. The Commission was initially concerned that some members would find speaking with an outside monitor disconcerting, and therefore skew their responses. Having now completed the survey, the Commission believes that the majority of those members who participated in the survey were forthright in their responses and answered our questions thoughtfully. This view is supported by

²⁰ While the IAB Personnel Department provided the Commission with the listing of the 333 members who left the Bureau within the designated time frame and addressed the letters to those members' homes, IAB was not made aware of those who agreed to participate in the survey. Only those members who required notification through their commands could ostensibly be identified as participants. Nevertheless, the comments of all individuals remain unattributed.

the fact that the Commission heard common themes and similar problems from a broad range of interviewees who worked at various assignments and who held different ranks within the Department. In addition to meeting with former IAB personnel, the Commission also spent time discussing the issues that were raised by interviewees with senior members of IAB. The goal of these conversations was to provide the Commission with IAB's perspective on the issues raised by former members.

V. FINDINGS

Commission interviewers asked each participant in the survey an identical set of questions. These questions were organized thematically according to the following categories: background information, skills/career progression, working at IAB, outside factors that affect member's experience, morale, general issues, quality of IAB's work, and wrap-up questions.

At the outset the Commission recognized that merely phrasing a question in a particular way, or placing a question within a certain context or within a cluster of other questions, might influence the issues that were discussed or highlight topics that perhaps would not have been raised otherwise. However, once the survey responses began to be collated, it became clear that the interviewees' replies did not naturally fall into those themes originally contemplated by the Commission. A closer look at the data gathered by the Commission showed that our themes and responses were more effectively organized if grouped around the information received from participants rather than around the original questions and categories. Therefore, for the purposes of this report, the Commission will examine the issues raised by interviewees under the following themes: personnel-related, investigation-related, morale, training, compensation issues

and miscellaneous issues.

A. Personnel Issues

In this section, the Commission clustered all responses that related to policies and procedures that affected how individuals perceived their jobs within IAB. In exploring this area, the Commission noted participants' comments regarding the best and worst aspects of working at IAB.

1. Assignment to IAB

Over half of the individuals interviewed, most of the rank of sergeant and lieutenant, indicated that the assignment to IAB was not one that they would have chosen for themselves. Instead, each of these interviewees had requested assignment to either the Organized Crime Control Bureau or the Detective Bureau and were selected, under the auspices of I.O. 39, for assignment to IAB. When asked how they felt upon being assigned to IAB, most of the officers recalled feelings of anger, shock and dismay. Indeed, not one of the officers drafted under the I.O. 39 policy expressed anything other than discontent at the prospect of serving in IAB.

The officers the Commission spoke with were unanimous in stating that their reluctance to working at IAB was not due to the work per se²¹ -- the investigation of members of the Department -- but was based on: (1) their perception that IAB investigators were lazy, incompetent or incapable of carrying out "real" police work, (2) a perception that IAB had

²¹ See, however, discussions below at p. 15 (most former members preferred assignment to Group 51, the Criminal Impersonation Unit) and at pp. 32-33 (regarding IAB morale).

limited ability to do sophisticated police work such as undercover operations, and (3) a general sense that working with IAB branded one as a "rat."

Notably, all of the officers who reported feeling dispirited by the assignment to IAB reported, in retrospect, satisfaction with their IAB experiences and believed themselves to be better officers because of their IAB tenure. Participants explained that fears of incompetent IAB personnel, the lack of interesting work and the notion of being branded a "rat" were, for the most part, unfounded. Instead, many found IAB's investigative methods and resources to be very sophisticated as compared to other areas of the Department where they had worked. Further, the majority found that most of the people currently working in IAB were accomplished members of the Department rather than the Departmental outcasts that they had been expecting to encounter.

IAB was not surprised to learn that most of the IAB draftees were dismayed that they had been chosen for IAB service. Indeed, it is IAB's view that "no one" volunteers to work in Internal Affairs and that volunteers to this Bureau would be treated with some skepticism. However, IAB feels strongly that the implementation of I.O. 39 has improved the caliber of candidates that IAB is able to recruit and therefore IAB personnel are some of the most skilled and proactive investigators within the Department. While senior IAB staff admitted there are still some within the Department who may brand IAB personnel as "rats," the general Departmental perception is that this attitude is slowly being eroded as people begin to realize IAB is staffed by members drafted involuntarily pursuant to the I.O. 39 policy.

2. Assignment Within IAB

While a few of the former IAB members that met with the Commission expressed a wish

to have been assigned to an IAB group or unit other than the one in which they worked, most were satisfied with their own assignment within IAB. Only one person with whom the Commission spoke stated that she²² had been completely unsatisfied with her assignment and sought a transfer to a different unit.

Group 51, the IAB unit that handles the investigation of individuals alleged to have impersonated police officers was the unit to which interviewees overwhelmingly indicated that they would have preferred to have been assigned. When asked why they had a preference for Group 51, the most common response received was that the criminal impersonations unit does not deal primarily with the investigation and prosecution of members of the Department and therefore this group is not as much part of IAB as others.

Both the Command Center²³ and Group 1²⁴ were assignments that most members were pleased to have avoided during their IAB tenure. Of the interviewees who mentioned the Command Center, all found it to be an undesirable assignment entailing no real investigative work yet requiring endless patience in dealing with members of the public. Reluctance to work with Group 1 appeared to involve a fear, baseless or not, that any investigation of a higher ranking officer would ultimately have a negative impact on the long-term careers of any investigators involved in such a case.

²² Gender has been used interchangeably within this report to protect the anonymity of survey participants.

²³ The Command Center is a 24-hour-per-day hotline, staffed by IAB personnel, that receives complaints against members of the NYPD via telephone and letter, or in person.

²⁴ Group 1 is responsible for the investigation of all allegations of misconduct by those of the rank of captain and above. Group 1 may also investigate allegations considered extremely sensitive and allegations against IAB members.

IAB stated that incoming IAB members are placed in investigative groups according to the needs of the Bureau²⁵ as well as the particular talents and skills of the individual draftee. Whenever possible, IAB tries to accommodate members by placing them in investigative groups located close to their homes. This policy allows an investigator to avoid unnecessary tolls and commuting time. Ultimately, however, the Bureau cannot, as a general policy, entertain specific requests by new members for particular assignments because placement must always primarily depend upon the needs of IAB.

3. Impact of Interim Order 39

Twenty-five percent of the members that the Commission interviewed expressed the belief that the policy of I.O. 39, which allows IAB to have the first choice out of the pool of investigative supervisory candidates, has not only worked to provide IAB with superior personnel but has also taken away much of the taint that working in IAB used to have. Many of the interviewees explained that, in their view, when the assignment to IAB was primarily voluntary, it was those individuals that were unable to handle police work or fit comfortably into the precincts that elected to work within IAB. As a result, those individuals were viewed with suspicion and distaste by many within the Department. Additionally, many Department personnel believed, prior to IAB service, that IAB members working in the Bureau lacked street knowledge and real police experience and were therefore unequal in their capabilities to other personnel in the NYPD.

²⁵ IAB must avoid placing its new members in areas where they have previously worked in order to prevent case conflict and/or confidentiality issues.

Participants stated that with the advent of I.O. 39, non-IAB personnel throughout the Department generally no longer viewed IAB personnel with suspicion and contempt because they knew that its members were involuntary draftees into IAB. Further, because draftees had been in the process of seeking highly regarded investigative positions in the Detective Bureau or OCCB when they were drafted by IAB, they are viewed as raising the competence and abilities of IAB as a whole. Indeed several of our survey participants reported their IAB colleagues to be of the highest caliber with respect to their investigative abilities.

Despite the general positive reaction to I.O. 39, eleven survey participants strongly believed that no one should be drafted into IAB. Some of these former IAB members believe that the drafting of unwilling personnel merely results in unmotivated and dissatisfied personnel who do not meet their full potential. Others felt that the process of the draft itself -- which allows IAB the first choice of candidates -- is inherently unfair because it effectively penalizes the more attractive candidate and places him in IAB, while allowing the less qualified candidate to proceed directly to the investigative assignment of his choice.

One issue involving I.O. 39 that was raised by interviewees is the failure of the policy to encompass non-supervisory personnel such as detectives.²⁶ Several of the survey participants shared the view that detectives should also be drafted under an I.O. 39 type policy and not be permitted to volunteer for the position. The rationale for this opinion is similar to that expressed in support of the policy with respect to the lieutenants and sergeants.

IAB recognizes that some IAB members feel that they have been coerced into IAB and

²⁶ See discussion of Interim Order 39 at pp. 5-6.

consider themselves sidetracked from their careers. Nevertheless, IAB firmly believes that the individuals recruited under I.O. 39 will ultimately rise higher in their careers as a result of their IAB experiences as opposed to those who have not completed IAB tenure.

4. Length of Tenure

While most survey participants agreed upon the efficacy of I.O. 39 in reforming IAB into a professional and respected bureau, there was no clear consensus on the correct amount of time any individual should be required to serve in IAB. Approximately half believed that the two years now required is adequate, while a few believed a three-year tenure to be more appropriate.

Of those who believed a longer period would be beneficial, the main reason they cited was the time it initially takes one to become familiar with one's cases, coupled with the time spent winding down one's cases in preparation for departure, which together reduce the effective investigative time within the two-year assignment.²⁷ Many of the officers in favor of a two-year mandatory tenure found that amount of time to be the maximum period acceptable because they believed their assignment to IAB was a diversion from their desired career path. Should longer tenure be imposed, several officers believe some investigative supervisors would forgo the chance to transfer to the Detective Bureau or OCCB in order to avoid a prolonged assignment at IAB.

Whatever their beliefs as to the minimum length of time one should spend at IAB,

²⁷ The Commission learned from survey participants that it often took three to six months for them to be comfortable in their investigative work. Further, participants admitted that they began winding down their caseload in anticipation of departure approximately two months before they actually left IAB.

seventeen of the survey participants strongly believed that IAB personnel should be rotated and required to move out of the Bureau after a maximum number of years. The most common length of time cited by these participants was five years. The primary reason given for requiring such a rotation is that members of IAB can get too comfortable in their positions and use them to avoid the challenges encountered in other assignments. As a result, participants reported that initiative and proactiveness may diminish with extended tenure. Indeed, many interviewees believed required rotations should be mandatory throughout the entire Department to ensure that personnel have the opportunity to develop and do not become stale within their positions.

IAB stated that they were aware of the problems associated with the constant rotation of personnel. Continuous training of new investigators is time consuming and takes away from the Bureau's main role of carrying out investigations. Additionally, as discussed above, the time required for an investigator to come up to speed on cases and then close out cases prior to leaving IAB means that investigators are available to work at full capacity for a period less than two years.

Further, while IAB does not currently impose a cap upon IAB service, it recognizes the advantages such a limitation provides in terms of ensuring that personnel do not become stale. Accordingly, IAB follows an unofficial custom of rotating anyone who has spent more than five years in an IAB post. Although the Commission initially believed that this general rule of thumb should be made IAB policy, it agrees with IAB that some individuals offer certain skills and experience so beneficial to IAB that forced transfer would not make sense. Therefore the Commission agrees with IAB that while a five-year cap on service is a good general policy, the decision to rotate a member needs to be made on an individual basis.

5. IAB Colleagues

Five of the survey participants stated that, once assigned to IAB, they found the Bureau to be clique-oriented and felt somewhat outcast in IAB. Four interviewees also reported a very definite "them and us" division between draftees and long-term IAB personnel. These participants stated that this attitude manifested itself primarily in the differences in tactical strategies and willingness to act proactively. Draftees felt that while there were opportunities to initiate new ideas, these initiatives were often quashed by long-term IAB personnel.²⁸

An issue which came up in twelve of the interviews with every rank and one of particular concern to sergeants, is the notion that sergeants are not treated as supervisory personnel in IAB. Instead, many participants reported that detectives and sergeants are treated precisely the same in terms of case responsibilities. As a result, several members of IAB, particularly sergeants, expressed animosity towards the Department for requiring supervisory personnel in a position that clearly provides no supervisory opportunities or experience.

IAB is aware that sergeants within IAB are treated as investigators rather than supervisors. Indeed, IAB makes clear to all incoming personnel that sergeants will not have the need to supervise lower ranking personnel to the extent that they do in other bureaus. The nature of IAB's work necessarily involves interaction with high-ranking members of the Department as well as outside agencies. Within a paramilitary organization, like the NYPD, internal investigators necessarily require supervisory titles in order to effectively carry out the work such investigations entail. Further, outside entities, who are often called upon to provide information

²⁸ See discussion of integrity testing at pages 24-25.

to IAB personnel, are perhaps more cooperative when it is an individual of supervisory rank making the request. Therefore, although the custom of treating them as line investigators may be undesirable for sergeants, the Commission recognizes that it is inevitable given the nature of IAB's activities.

An ancillary issue that arose from discussions about rank and work allotment, and a belief that was shared by fourteen of the participants, is that detectives in IAB are not experienced enough to properly carry out the investigations the job requires. This view was supported by a belief, held by six of the interviewees, that the detectives with whom they had worked with in IAB did not have the type of investigative skills and abilities²⁹ to adequately manage investigative cases.

IAB acknowledges that detectives, rather than sergeants, are handling certain investigative cases within the Bureau. However, IAB maintains that such cases are not the most significant within the Bureau and therefore these detectives are more than capable of conducting investigations they are called upon to perform. Further, the Department has stated that detectives also handle some of the less significant investigative tasks on cases which are the responsibility of higher ranking officers and are therefore gaining valuable experience that can be applied to their own cases. As a reflection of the confidence IAB has in its detective personnel, it has stated that it would like to add more individuals holding the rank of detective to its Bureau but is unable to do so because such individuals are simply unavailable.

²⁹ While all detectives must have had at least 18 months of investigative experience, the nature of such experience often varies. For instance, officers can earn their detective shields through undercover work or administrative work in an investigatory bureau such as IAB.

Finally, a few of the participants expressed a belief that all IAB hires should be required to have some investigative experience as a prerequisite for the position. At least three of the interviewees spoke about their lack of investigative experience upon their appointment to IAB and how this gap in their knowledge and experience initially hindered their performance in IAB. Many more, however, considered prior investigative experience an unnecessary requirement, believing that both classroom and on-the-job training provide a sufficient background for handling the investigative requirements of an IAB position.

IAB specifically disagrees with the belief that all IAB members should have investigative experience. IAB feels that some members may offer skills necessary to the Department, e.g., computer expertise or training ability, which do not require an investigative background. Furthermore, IAB believes that since it is choosing the best personnel available, even those members who are lacking an investigative background will be able to quickly grasp the workings of IAB investigations.³⁰

B. Investigative Issues

In this area, the Commission compiled all the interviewees' comments that focused on the substantive work they carried out while in IAB. Specifically, the Commission focused on the members' evaluations of the type of work they were doing, their perceptions of the value of that work and whether they believed cases were generally handled in a way they believed to be proper given the role of IAB.

³⁰ Individuals going into other investigative bureaus such as OCCB may also lack investigative experience when they are initially assigned there.

1. Quality of Investigations

Of the 40 former IAB members interviewed by the Commission, half stated that they found the investigations carried out by IAB to be of the highest quality.³¹ Many attributed the high quality of the investigations to the expertise and skills of those members currently working in IAB. Others found that the extensive oversight of these investigations as provided by supervisory personnel, which is generally not found in other bureaus, resulted in an investigative environment that required that all possible investigative steps be explored. However, such oversight appeared to have a negative impact on a few investigators in that they felt frustrated by their inability to make their own investigative decisions.

Despite the generally positive impact such oversight has on the cases themselves, several of those interviewed, primarily sergeants and lieutenants, expressed some dismay about the amount of paperwork required and their inability to make independent decisions at the investigative level. Interviewees spoke about the large number of places to which such paperwork must be sent until it is finally approved for inclusion in the investigative file. While the majority recognized that the sensitivity of IAB investigations warranted more detailed reports than are required in other bureaus within the Department, a few decried the bureaucracy associated with obtaining approval of their worksheets.

IAB agrees that there is some autonomy lost in IAB but defends this position because it believes that those who are ultimately held responsible for the outcome of a case -- i.e., captains

³¹ Of the remaining survey participants, a few expressed a view that the quality of IAB investigations was not as high as other areas of the Department. Most, however, either did not have a view, one way or the other, or stated that they were not qualified to comment because of the nature of their assignment while in IAB.

and above -- should be able to have input in the handling of the investigation. Moreover, IAB insists that sergeants and detectives are permitted to make certain investigative decisions and are involved in group discussions concerning the management of specific cases.

While IAB admits that paperwork in IAB can at times be onerous and that the chain of command through which this paperwork must pass is more layered than other bureaus, it would not change the current model. IAB maintains that paperwork should be scrutinized along an extensive chain of command and that officers should ultimately appreciate this due to the serious nature of IAB investigations.

2. Quality of Integrity Testing

Interviewees were somewhat split in their views of the quality of IAB's integrity tests. Many found integrity tests to be "good" and offered examples in support of this view. Approximately fourteen individuals indicated that integrity testing was merely a "numbers game" which was carried out by rote each month in order to meet the quota required by IAB management.

One of the issues, raised primarily by draftees, is that many of their ideas for new integrity tests were immediately rejected by IAB supervisors; usually, they reported this rejection was by those who had been with the Bureau for many years. These participants stated that many of the longer-tenured IAB personnel favored integrity tests that, in the opinion of newer members of IAB, are often identifiable to members of the Department. While some related incidents in which they were permitted to stage sophisticated tests that they developed, others found the only tests with which they had involvement were uninspired and designed to catch administrative or

supervisory failures rather than the corrupt officer.³²

Many participants reported their belief that IAB testing "used to be better" but that over the years the quality had naturally declined as test scenarios were reused again and again. Several interviewees stated that thinking of possible testing scenarios, particularly in the case of random tests, was a difficult task. The Commission heard that while necessary resources are freely available, liability issues, as well as practical considerations curtailed the ability to execute innovative tests.

IAB does not challenge the view of some participants that the integrity tests were in some instances driven by the need to do a relatively large number of tests, nor does it contest the belief that random tests at times have been recognized by members of the Department. Instead, IAB defends its practice, maintaining that routine random testing serves to deter officers from corrupt activity by creating an image of IAB as an omnipotent presence throughout the Department.

3. Resources

Twenty-two of those interviewed found that IAB had necessary resources at its disposal. Further, several people found that if they could justify the investigative need for certain resources, be it cash, a car or an apartment, IAB ensured that such resources were made available. Nevertheless, thirteen interviewees, mostly sergeants, found that cars were difficult to obtain and that the cars that were available are easily identifiable to non-IAB members of the Department. One participant mentioned a surveillance van as identifiable as an IAB vehicle,

³² The Commission found support for this view in its recent review of the IAB integrity testing program. See Commission Report, *Performance Study: The Internal Affairs Bureau's Integrity Testing Program*, March 2000.

while two other participants bemoaned the use of certain car models due to their broader association with the Department. It was suggested by several of the interviewees that the Department arrange to rotate cars throughout the different groups in order to avoid detection by subject officers. Others suggested that leased cars be made available on a regular basis so that no one car is permanently assigned to a group's fleet.

More important than the type of car is the availability of cars.³³ Many sergeants stated that lieutenants often hampered investigations because they refused to allow investigators access to their cars. As a solution to this problem, some former IAB members suggested that all sergeants also be issued a car for use in investigations, or that some cars be maintained near the group office for use at any time of the day or night. Several of the lieutenants that the Commission met with mentioned to the Commission that it is their belief that if a car is truly needed in an investigation it will be made available.

IAB advised the Commission that it is allotted more cars, proportionately, than any other bureau within the Department. Further, IAB maintains that the allocation of cars to lieutenants does not affect or hamper IAB investigations. And while IAB recognizes that it is not universally cost-effective to allot take-home cars to lieutenants (and sergeants who are frequently re-called into the office), it does so as a way of benefitting the members of IAB. IAB recognizes that use of an automobile can therefore be considered some compensation for the lack of overtime pay available within IAB.

³³ Most lieutenants within IAB are permitted to take an automobile home as part of his IAB assignment. This is a tangible benefit because the lieutenant saves money on gas and tolls that he would otherwise have to pay for himself. Further, such use of a Department car reduces the amount of wear and tear on the individual's personal vehicle. Lieutenants in other bureaus generally are not entitled to this benefit.

Most of the former members that mentioned resources such as cameras, film or other technical equipment, indicated that, for the most part, their group itself was well-stocked and able to access such resources easily. However, a few indicated that much of their group's equipment was poorly kept and needed to be supplemented by supplies kept at the IAB headquarters. Several interviewees complained that headquarters was open during limited hours and that traveling there often involved, for groups located in the Bronx or Brooklyn, several wasted hours in travel time just to pick up such supplies.

4. Case Management

The most common complaint that the Commission heard concerning the management of cases was the inability of investigators to simply close a case that they believed, based upon their experience, to be unfounded or unworthy of further investigation. Many participants stated that their attempts to close a case often met with instructions to carry out additional, meaningless (in their view) steps so that IAB could not be accused of missing any possible investigative step. Further, many of the investigators stated that they found themselves investigating extremely insignificant allegations, that were, in virtually all cases, going to be unsubstantiated, no matter how thorough and complete the investigation.

Several of those interviewed by the Commission expressed a view that if the cases were evaluated more thoroughly at the outset, with some preliminary investigation being done by the case assessment unit -- for instance, a confirmation of whether the subject officer was on duty or on his or her regular day off during the date of the alleged incident -- then the groups would be free to concentrate on the more important cases.

Additionally, five of the participants felt very strongly that, should IAB discover that an allegation was brought falsely against a member of the Department, then IAB should actively pursue that complainant for filing a false complaint. This rationale was supported by the fact that the Department pursues complainants who make false complaints against civilians. Other members, however, recognized that the Department generally does not pursue such a policy in order to encourage complainants to come forward with their allegations without fearing that they themselves will be accused of criminal activity. Nevertheless, many interviewees believed that allegations that were shown to be false should not remain on the subject officer's employment file.

IAB does not disagree with the survey participants who believed certain cases could be closed at an earlier stage of the investigation. Instead, IAB maintains that group captains and other ranking members of IAB are reluctant to close cases out of a fear that scrutiny by the Commission or other agencies would hold them accountable in the event such decisions turned out to be premature.

IAB was mindful of interviewees' comments concerning initial case assessment but maintains that preliminary investigative steps are being taken at the case assessment level, particularly in property cases. IAB, however, does not carry out preliminary investigative steps where it believes that the case must be designated a "C" case and passed to an investigative group.³⁴ In those instances, the Department leaves the investigation entirely to the group that

³⁴ A "C" case is an internal classification assigned by IAB to cases that involve allegations of corruption or serious misconduct. "C" numbers are assigned by IAB to these internal investigations. When a case is assigned a "C" number an investigative file is opened and the case is assigned to an investigating officer.

will ultimately be responsible for handling the case.

5. Caseload

None of the interviewees that the Commission met with felt overburdened by their caseloads. A decline in the number of complaints received by IAB coupled with an increase in staff has resulted in a historically low caseload for investigators and several interviewees felt that they were underutilized and could have handled a larger caseload. Currently, the typical investigator handles three to five cases at any given time. Only one investigator mentioned ever feeling overwhelmed and being required to work extreme overtime as a result of his IAB caseload.

Many of the participants also mentioned that their caseloads permitted them to choose the hours that they wished to work. Most found this opportunity a major benefit of working at IAB. None of those interviewed, however, indicated that choosing his schedule ever interfered with carrying out the duties required in a particular case.

IAB maintains a deliberate policy of limiting the number of cases handled by each IAB team so that there is time for each team to initiate proactive investigations without compromising on-going investigations. For example, each investigative group is expected to undertake a certain number of integrity tests and other self-initiated enforcement activities.

IAB also ensures that its investigators are provided with enough time to fully investigate every aspect of a case with complete thoroughness. In practical terms, this means that IAB investigators have the luxury of re-tracing certain investigative steps -- such as re-interviewing every witness if necessary -- that other bureaus simply do not have. IAB defends this practice by

pointing out the seriousness of the cases handled by IAB and the impact these investigations have not only on the public but also on the members of the service.

IAB readily admits that caseloads are down throughout IAB. However, should the workload increase, the Chief of IAB has the option of disbanding groups 53 and 56 and assigning them geographically.³⁵ Indeed, the Department indicated that the deployment of personnel within IAB is analyzed on an annual basis.

IAB further states that one of the benefits to personnel within IAB is the ability to create one's own schedule, within the needs of the Bureau. By contract with the various police unions, the Department is permitted to adjust the timing of an individual member's tours ten times per year, and this is often done in order to accommodate the flexibility needed in IAB investigations. This adjustment allows the Department to save overtime costs by changing a member's schedule on an as-needed basis.

6. Case Dispositions

Although very few of those people the Commission met with indicated that they were unsatisfied with the dispositions in cases in which they were involved, two of the interviewees felt very strongly that the Department has an aversion to closing a case as unfounded. They believe that IAB "unsubstantiates" cases rather than designating them unfounded merely to "cover themselves" from criticism should future allegations be leveled against that same officer.³⁶

³⁵ Groups 53 and 56 handle allegations involving School Safety Officers and Traffic Enforcement Agents, respectively.

³⁶ When an investigation is concluded, IAB will make the determination that the allegation is either: (1) "substantiated" (supported by sufficient credible evidence); (2) "partially substantiated" (parts of the allegation were

These former members believe it is inherently unfair to allow unfounded or potentially unfounded cases to be designated unsubstantiated because members of the Department may be denied promotion or other desirable positions because of this designation on the officer's CPI.³⁷

The majority of officers did state, however, that they work just as hard to "unfound" an allegation as they work to substantiate an allegation and to them, each of these two dispositions is a measure of investigative success. As one interviewee stated, the only real failure in terms of an IAB investigation is a non-definitive disposition.

Many participants stated that they found IAB much different from IAD, primarily because IAB does not pursue minor transgressions discovered in the course of more serious investigations. Nevertheless, eight of the interviewees opined that IAB is moving toward a policy of investigating and substantiating officers for so-called "white socks" violations when they are unable to substantiate the more grievous conduct alleged. To these former IAB members, this trend is deeply troubling. They believe that IAB should look only to the alleged misconduct and not focus on minor violations discovered during the course of the investigation.³⁸

IAB's position regarding case dispositions is very much in line with that of most investigators surveyed. According to IAB its personnel have an obligation to other members of

supported by sufficient credible evidence); (3) "unsubstantiated" (not supported by sufficient credible evidence); (4) "unfounded" (the act which is the basis of the complaint never occurred); or (5) "exonerated" (the act which is the basis of a complaint occurred but the act was proper). The case may also be closed with a disposition of for "information and intelligence only" (when there is insufficient evidence to conclude a case was substantiated or unsubstantiated) but the case is retained for future reference.

³⁷ The "CPI," or Centralized Personnel Index, contains an officer's assignment history, summary of commendations and the results of any disciplinary actions or investigations.

³⁸ For instance, one interviewee explained that a subject officer he was investigating was charged with signing out of the precinct several minutes earlier than permitted but was not ultimately charged with the unrelated serious crime which originally sparked the investigation.

the service to work toward a definitive disposition and not rest upon an unsubstantiated disposition.

C. Morale Issues

Several interviewees reported that their morale while assigned to IAB was rather low and attributed this to the type work being carried out by the Bureau.³⁹ Others stated, however, that their morale remained constant at IAB. When questioned about general morale within the Bureau, the majority of participants stated that while they found morale to be poor at IAB, low morale is, they believe, the Department norm. As several interviewees explained "cops love to complain" and therefore it would be frowned upon to be seen to enjoy one's work too much.

Notably, almost twenty-five percent of those interviewed contended that they did not mind, or actually enjoyed, working at IAB. These participants pointed out that there are many benefits associated with working at IAB. Specifically, they mentioned the regular hours, the comfortable physical surroundings, and, for lieutenants, the opportunity to take home a Departmental car.

With the exception of a few individuals assigned to the Brooklyn facility, most participants stated that the IAB facilities in which they were assigned were physically better than anywhere else they had been assigned to within the Department. One interviewee claimed the cleanliness of the office space made him feel more positive about his work at IAB than he would have otherwise felt.

³⁹ While this statement may appear contradictory in light of the response we received to recruitment under I.O. 39, it does reflect the response the Commission received to its questions concerning morale.

Eight of the participants, however, strongly disliked working at IAB and could not wait until their tenure had expired. For most of these, the nature of the work of IAB was the primary reason for their dissatisfaction, coupled with their dislike of voluntary IAB members. These former members, upset at their IAB assignment, stated that they had taken themselves out of their social circle during their tenure at IAB because they did not wish to become involved in any possible disciplinary incidents and they were reluctant to have themselves identified with IAB.

Very few of those interviewed admitted that their family's or friends' feelings about IAB and the people who worked there influenced how they themselves felt about working at the Bureau. Nonetheless, several reported that friends and family would "joke" with them about their assignment to IAB, yet they believed that such jokes were often veiled insults about the assignment. Three of the interviewees reported feeling extremely upset the first time that they were required to arrest a fellow officer. Others reported that their morale was affected by a fear that they would eventually be assigned to investigate someone they had worked with or would be likely to work with in the future. Twenty-six participants stated that their assignment to IAB had no impact on their working relationships or friendships with other police officers. In fact, nine of the participants claimed that working at IAB provided them with the opportunity to meet high-ranking personnel and observe firsthand the internal politics of the Department.

Despite the substance of what investigators are required to undertake at IAB -- e.g., the investigation of other officers -- IAB stated it does offer compensatory benefits: regular tours, clean and modern facilities, low caseloads, up-to-the-minute investigative tools, training opportunities and, in some instances, take-home automobiles. The Department also acknowledged that it was currently seeking a new Brooklyn facility and that it had purchased

additional land at the Bronx office specifically to facilitate parking for its members.

Although IAB recognizes the benefits working at IAB offers its members, the Bureau has not actively highlighted these attractions beyond an introductory lecture to Police Academy recruits and the general training address by the Chief of IAB to new IAB staff. The Commission recognizes the risk that more broadly disseminating the positive aspects of working in IAB could ultimately work against the goal of the Bureau by attracting members who merely seek IAB benefits without a corresponding drive to work hard for the unit. However, on balance it believes there could be more effort made to disseminate information regarding IAB benefits and thereby induce some members of the Department to volunteer for IAB service.

D. Training

Twenty-one of those interviewed expressed approval of IAB's training program. Indeed, many stated that IAB allowed them to pursue training opportunities that they would be unable to take advantage of elsewhere in the Department. And, while there was general approval of the initial IAB introductory courses, the remainder of survey participants felt that their prior police training and experiences adequately prepared them for IAB and they therefore did not need intensive "retraining" for this position. Many of these participants felt that the most valuable type of training was actual hands-on experience.

Some of the participants suggested that training should not be provided immediately upon one's assignment to IAB. Instead, these former members found that working in IAB for a couple of weeks prior to attending IAB training provided a context for the instruction that they received and allowed them to ask questions based upon situations they had already encountered during

their investigative work.

Some of the participants suggested that IAB allow its members to attend more training and classes outside of the Department. For instance, one of the interviewees explained how some IAB members are permitted to attend relevant law enforcement-sponsored courses and suggested that this opportunity be offered to even more IAB recruits. Other interviewees suggested that more IAB members be selected to attend law enforcement courses given by other agencies -- e.g., the FBI. Such programs, they believe, would not only hone the skills of the investigator but also act as a replacement for lost overtime compensation.

Thirteen of those who met with the Commission explained that they gained computer skills as a result of their IAB tenure. Each of these participants believed that the acquisition of such skills will serve them well in the future -- either in a Departmental position or in some other civilian employment. All agreed that these computer skills enhanced their investigative abilities while at IAB.

IAB recognizes that no amount of training can substitute for actual experience. Nevertheless, to the extent that it is able, the Department is committed to offering appropriate course material to all IAB staff.

According to IAB, investigators are routinely offered training spots at coveted courses, such as the FBI Academy and the Police Management Institute. In addition, the Department specifically develops courses -- such as its recent Russian immersion course -- that not only aid the investigator in his IAB investigations but ultimately enhance the marketability of that officer both inside and outside the Department.

E. Compensation Issues

In this section, the Commission gathered all responses that focused on compensation issues. Specifically, the Commission gathered responses involving compensation issues and how important these issues were in determining career path, be it at IAB or elsewhere within the Department.

1. Overtime

While most survey participants agreed that the caseload at IAB was lighter than in other units within the Department, a few stated that there were instances during investigations when the ability to continue a surveillance or conduct an integrity test was hampered by the inability to receive overtime for such activities. The participants who raised this issue did not feel that this restriction impeded IAB's investigations; however, they felt that more investigative steps could have been taken if overtime were available.

An overwhelming number of participants acknowledged that when assigned to other units in the Department, they were able to receive ample overtime and that during their assignment to IAB, they experienced a de facto decrease in salary because this overtime was not available. Several participants felt that this loss of income was a disincentive to stay at IAB beyond the two-year requirement, with some expressing a desire to have remained in IAB after the two-year requirement but stating that they could not afford to do so.

2. Special Assignment Money

Special assignment money is an incentive offered to members of the Department, who are

not detectives, and it is linked to performance rather than a promotion. Special assignment money raises a member's pay. The amount of the increase is dependent upon the member's rank and the date that they receive the special assignment money. A member receives special assignment money through the recommendation of his supervisors and once a member has gained special assignment money, it will generally remain with the individual throughout the rest of his career with the NYPD. Many participants conveyed their desire to receive special assignment money for their IAB assignment. These participants felt that because the IAB assignment was typically short-term and that most officers took a de facto pay cut when assigned to IAB, the special assignment money would act as an incentive to investigators to remain in IAB for additional time.

Further, there was a perception, articulated by several interviewees, that many of the long-term IAB employees were being permitted to stay in positions that failed to adequately utilize their skills and abilities. For example, many participants cited detectives and sergeants whose sole assignment involved typing roll calls yet who were awarded the special assignment money or grade that is often denied to more experienced and tenured officers. The perceived ability of some long-term members of IAB to retain what are essentially administrative positions, with regulated hours and easy tasks, while earning the remuneration of those in superior ranks, appeared to particularly bother some interviewees. IAB has informed the Commission that this is a department-wide issue and personnel assigned to other bureaus within the NYPD also share this view.

3. Promotions

"Grade" refers to a monetary incentive which, though different, has a similar economic effect as special assignment money, but is only available to detectives. A detective receives grade based upon the recommendation of his or her supervisor and once grade is awarded, it remains, absent extreme circumstances, with the individual for the rest of his tenure with the Department. While many members recognized that IAB provided them with an opportunity to receive grade, several felt that the promotion process was too lengthy and forced them to remain in IAB for an extra period of time while they waited for their promotion to take effect.

A number of participants said that "grade" or promotion could be used as an incentive for IAB investigators to remain at IAB. These participants suggested that investigators could be enticed to stay at IAB for an extra year beyond the two-year commitment by the promise of receiving a promotion upon completion of a three-year term.

4. IAB's Position

IAB claims that it receives more than strictly its proportionate amount of available grade/special assignment money slots.⁴⁰ Because the number of grade positions remains finite, grade is generally awarded only when an individual who has grade leaves the Department. Once grade is awarded, it remains, absent some egregious circumstance, with the individual for the rest of his tenure with the Department. IAB insists that it never promises its personnel special assignment money or grade, but through individual supervisors may inform their subordinates

⁴⁰ For the purpose of this discussion, grade and special assignment money are used interchangeably.

that they are being considered for special assignment money.

IAB requires that an individual spend at least two years at IAB in order to be considered for special assignment money, and once an individual receives this award, he must stay with IAB, at the minimum, an additional two years. The Department candidly admits that those individuals assigned to more specialized units such as the Force Unit, Impersonation Unit and Group 41 are more likely to obtain grade, simply because IAB tends to promote its most talented personnel to those groups. Indeed, if an individual is moved to one of these units, IAB will consider it a promotion that requires an extension of one's 24-month commitment.

F. Miscellaneous

When asked about particular improvements or suggestions, many members had ideas that they proposed to the Commission. One idea, heard from six of the respondents, was that IAB should be managed by a civilian Deputy Commissioner. The rationale offered for this proposal is that a chief, despite his rank, has competing interests in managing the affairs of IAB. On the one hand, such a Chief is required to ferret out and actively pursue allegations of corruption. On the other hand, however, it was argued, exposure of corruption in any public way is likely to negatively affect the career path of those involved -- including the Chief of IAB.

IAB itself was not resistant to the suggestion of a civilian member. While it believes that the position of Chief of IAB could not be handled effectively by a civilian, simply because he would not be familiar with the inner workings of the organization, the Department nevertheless believes that a civilian member placed perhaps in an advisory position within the senior command structure could offer a valuable perspective not currently offered by inside members of

the service.

The Commission recognizes there may be a host of difficult issues that an outsider invariably would face if placed in a commanding position within IAB. However, it does believe an individual with appropriate law enforcement experience could offer a unique outlook on the work of IAB.

Another idea was to assign incoming IAB personnel, from detectives through to captains, to the Command Center so that they may experience, firsthand, how an allegation originates.

IAB has considered this suggestion. However, it decided not to pursue such a strategy for fear the lack of training and experience in such novice IAB members, notwithstanding their likely supervisory status, could result in difficulties.

VI. RECOMMENDATIONS

It became apparent during the course of the survey that initially most participants did not want to be assigned to IAB. The main reasons cited for this reluctance were the type of work which IAB performs, the de facto pay cut from the loss of overtime and the impression that being drafted into IAB sidetracks one from her desired career path. Although the Commission has not observed a decline in the quality of IAB investigations, it is concerned about the possible impact that this involuntary tenure might produce. Pursuant to this concern, the Commission studied options which might alleviate the drawbacks of a bureau staffed mainly by reluctant draftees, some of whom were uncomfortable with the nature of work they were required to do. The Commission considered the merits of placing civilian investigators with substantial law enforcement experience -- possibly those with federal law enforcement backgrounds -- into IAB

in lieu of police personnel. The Commission recognizes, however, the difficulties that such investigators would encounter since they are not familiar with the inner workings of the Department, as well as the union issues that the Department would face concerning pay scales related to the creation of a civilian investigator position and the risk that the presence of such investigators would create two distinct cliques within IAB -- the civilians and the NYPD-trained officers.

Nonetheless, even if the use of some number of civilian investigators is not the answer, the problem of short tenures and the potential problem of a "reluctant to be there" work force should be addressed. One way to address these issues would be to extend the tenure under I.O. 39 to three years. Several participants in the survey mentioned that it took them several months to become familiar with the type of investigations which IAB conducts and another several months were spent in winding down cases in anticipation of their departure from IAB. The net result is that IAB is getting a fully operational investigator for only a very limited period of time. Additionally, the constant training of new personnel is time-consuming and detracts from the main function of IAB. Extending the mandated time that an officer must serve would benefit IAB by providing it with a constant pool of seasoned investigators who are not continuously being replaced.

The Commission is aware that extending the mandated time under I.O. 39 would raise financial and career issues for personnel who are drafted. Thus, it is also important that steps be taken to make coming to, and remaining in, IAB more welcome. Accordingly, the Commission recommends that members of IAB receive additional pay to make IAB service more desirable

and compensate for the de facto pay cut that they take as a result of limited overtime.⁴¹ This could come in a variety of ways -- even more promotional slots, more special assignment money or the development of a new financial incentive. IAB should also explore extending daily tours, and thereby create overtime opportunities, by rotating experienced investigators through the Command Center. This would expose these investigators to an important IAB function while bringing seasoned investigative experience to the officers regularly assigned there. The Commission spoke with senior IAB staff in several other cities such as New Orleans, Los Angeles and Houston and learned that some of them have provided additional monetary incentives to their internal affairs personnel which has resulted in an influx of volunteers.

Increased monetary compensation might allow seasoned investigators to stay beyond their mandated terms, and may entice qualified volunteers which would alleviate the need for a bureau staffed primarily by draftees, and make draftees more welcoming of the assignment.

APPENDIX A - Interim Order 39



⁴¹ The Commission again recognizes that such pay differentials would raise issues with the various police unions.

Appendix A



TO ALL COMMANDS

INTERIM ORDER

NUMBER	REF.**AG
39	320 SERIES
DATE	
5-14-93	

Mac. 1953-C (4-9)-82

Subject: CAREER PATH PROGRAM FOR SERGEANTS AND LIEUTENANTS SEEKING ASSIGNMENT TO THE INTERNAL AFFAIRS, DETECTIVE OR ORGANIZED CRIME CONTROL BUREAUS

1. This Department has renewed its commitment to maintain the highest standards of integrity in all of its operations. In this spirit, all internal investigative functions have been restructured, and a new Internal Affairs Bureau has been created. In affirmation of the importance of the Internal Affairs Bureau to this Department, only those members of the service who meet the highest standards of performance and integrity will be accepted for such assignment. Assignment to and successful performance within the Internal Affairs Bureau will be considered an enhancement to one's career.

2. In recognition of their performance on behalf of the Department, supervisors who have completed a minimum of a two (2) year commitment in the Internal Affairs Bureau and who are found qualified for assignment to the Detective Bureau and/or the Organized Crime Control Bureau will be given priority in assignment by those respective bureaus. Therefore, to afford qualified supervisors the means to request transfer to the Internal Affairs Bureau, as well as to provide a career path plan for sergeants and lieutenants seeking transfer to these bureaus and other specialized assignments, the following procedures are instituted.

3. All sergeants and lieutenants seeking assignment to the Internal Affairs Bureau, the Detective Bureau, or the Organized Crime Control Bureau must complete at least one (1) year in rank in a patrol bureau assignment before being transferred. Candidates may apply for such an assignment after six (6) months in a patrol bureau assignment, but they will not be eligible for transfer until the required year on patrol has been completed. All candidates must meet this one (1) year obligation, except in unusual circumstances approved by the Police Commissioner, such as when the candidate possesses a special skill or expertise that is urgently needed by another bureau.

4. In choosing new supervisors, the Internal Affairs Bureau, the Detective Bureau and the Organized Crime Control Bureau will give preference to those with prior investigatory experience, with the greatest preference being given to those with previous Internal Affairs Bureau experience.

5. The selection of new supervisors for the Internal Affairs, Detective and Organized Crime Control Bureaus will be as follows:

- a. Those sergeants and lieutenants who have forwarded applications and who have been deemed worthy of consideration based on their past records (commanding officer's recommendation, evaluations, central personnel index, etc.) will first be evaluated by the Supervisory Assignment Board. This Board will consist of the following:

- Chief of Personnel (Chairman)
- Chief of Internal Affairs Bureau
- Chief of Detectives
- Chief of Organized Crime Control Bureau
- Chief of Patrol

NOTE

The purpose of the Supervisory Assignment Board will be to screen and select only highly-motivated supervisors possessing the necessary skills and potential to be successful in the Internal Affairs, Detective or Organized Crime Control Bureaus. The Supervisory Assignment Board will personally interview each candidate. The three (3) bureaus will be permitted to select new supervisors only from among those approved by the Supervisory Assignment Board.

- b. After being approved by the Supervisory Assignment Board, a successful candidate may also be interviewed by the Internal Affairs, Detective and/or Organized Crime Control Bureaus. Each bureau may conduct its own screening process to determine a candidate's suitability for assignment to that particular bureau. However, Internal Affairs Bureau will have first selection to fill its vacancies from among all supervisors approved by the Supervisory Assignment Board. A candidate must accept assignment to the Internal Affairs Bureau if selected.
- c. Those individuals who are selected by the Internal Affairs Bureau will be expected to complete a minimum of two (2) years with Internal Affairs Bureau. After completion of two (2) years, a supervisor who wishes to transfer to the Detective Bureau, the Organized Crime Control Bureau, or another specialized assignment (e.g., Warrant Division, Applicant Processing Division, specialized patrol unit, etc.) may request transfer to the assignment of preference. This request will be made to the Supervisory Assignment Board.

NOTE

In addition to screening new candidates for this career path, the Supervisory Assignment Board will review all proposed transfers of sergeants and lieutenants between the Internal Affairs, Detective and Organized Crime Control Bureaus. Needs of the service permitting, these experienced supervisors who have fulfilled their commitment to Internal Affairs Bureau and been endorsed by the Supervisory Assignment Board will be given preference over those of other supervisors who do not have Internal Affairs Bureau experience. When considering each proposed transfer, the Board will assess the candidate by reviewing:

- (1) The candidate's record of performance in their current bureau, including the recommendations of the their commanding officer and bureau chief.
 - (2) The candidate's original rating by the Supervisory Assignment Board when they first applied for this career path.
 - (3) The recommendation of the chief of the bureau to which the candidate now seeks transfer; and
 - (4) By oral interview of the candidate, if necessary.
- d. The Internal Affairs Bureau may also select sergeants and lieutenants from the Organized Crime Control Bureau in order to facilitate rotation in both bureaus. Those supervisors reassigned from Organized Crime Control Bureau will be expected to perform a minimum of two (2) years in Internal Affairs Bureau. At the completion of two (2) years, those who wish to return to Organized Crime Control Bureau may request to do so. Organized Crime Control Bureau supervisors who volunteer for and fulfill a two (2) year assignment in Internal Affairs Bureau may also request transfer to the Detective Bureau or another specialized assignment rather than a return to Organized Crime Control Bureau. All requests for reassignment upon completion of a two (2) year assignment in Internal Affairs Bureau will be made to the Supervisory Assignment Board.

SUMMARY OF CAREER PATHS INTO INTERNAL AFFAIRS BUREAU, DETECTIVE BUREAU, AND ORGANIZED CRIME CONTROL BUREAU

6. Under this Career Path Program, the Internal Affairs Bureau will select new sergeants and lieutenants from among the following candidates who have been approved by the Supervisory Assignment Board:

- a. Volunteers assigned to the Organized Crime Control Bureau who are willing to accept an Internal Affairs Bureau assignment for a minimum of two (2) years, with the prospect of returning to the Organized Crime Control Bureau or transferring to the Detective Bureau or other specialized assignment after fulfilling their Internal Affairs Bureau commitment.
- b. Volunteers who are willing to accept assignment to the Internal Affairs Bureau.

7. Should the Internal Affairs Bureau be unable to fill supervisory vacancies from the above categories of volunteers, it may draft non-volunteers from the following sources:

- a. Supervisors screened and approved by the supervisory Assignment Board who have expressed a preference for assignment to the Detective Bureau or the Organized Crime Control Bureau.
- b. Supervisors appearing on a list provided by the Chief of Organized Crime Control of individuals who have been assigned to the Organized Crime Control Bureau for more than four (4) years.
- c. Under this Career Path Program, the Organized Crime Control Bureau will select new sergeants and lieutenants from among the following candidates who have been approved by Supervisory Assignment Board:
 - (1) Former Organized Crime Control Bureau supervisors who were assigned to Internal Affairs Bureau, have completed their two (2) year commitment, and are now requesting transfer back to Organized Crime Control Bureau.
 - (2) Supervisors assigned to Internal Affairs Bureau who have completed their two (2) year commitment and are now requesting transfer to Organized Crime Control Bureau.
 - (3) Supervisors screened and approved by the Supervisory Assignment Board who have expressed a preference for assignment to the Organized Crime Control Bureau.
- d. Under this Career Path Program, the Detective Bureau will select new sergeants and lieutenants from among the following candidates who have been approved by the Supervisory Assignment Board:
 - (1) Former Detective Bureau members who also have Internal Affairs Bureau experience.
 - (2) Former Organized Crime Control Bureau Supervisors who were assigned to Internal Affairs Bureau, have completed their two (2) year commitment, and are now requesting transfer to the Detective Bureau.
 - (3) Supervisors assigned to Internal Affairs Bureau who have completed their two (2) year commitment and are now requesting transfer to the Detective Bureau.
 - (4) Supervisors assigned to Organized Crime Control Bureau who have completed four (4) years in Organized Crime Control Bureau and are now requesting transfer to the Detective Bureau.
 - (5) Supervisors screened and approved by the Supervisory Assignment Board who have expressed a preference for assignment to the Detective Bureau.

8. It must be clearly understood by all that there are NO AUTOMATIC OR BUILT-IN GUARANTEES in this program. Fulfilling the Career Path Program requirements for a particular assignment will not automatically guarantee that such an assignment will be made. Fulfilling the requirements establishes eligibility and subsequent consideration for assignment.

9. The Career Path Program for sergeants and lieutenants will not prevent supervisors from requesting a transfer for other reasons utilizing the current transfer process (see Patrol Guide procedure 120-16). All such requests will be considered on their individual merits, and on the needs of the Department. In addition, this program will not prevent this Department from making transfers to fill special needs or utilizing special talents of individual supervisors for specific assignments. The Department absolutely retains its managerial prerogatives. This Career Path Program does not limit or change this Department's rights or managerial prerogatives to assign and promote police personnel.

10. Members of the service are reminded that one (1) of the stated values of the Department is our pledge, in partnership with the community to, "value human life, respect the dignity of each individual and render our services with courtesy and civility."

11. Any provisions of the Department Manual or other Department directives in conflict with this order are suspended.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION
All Commands

INTERIM ORDER NO. 39

COMMISSION TO COMBAT POLICE CORRUPTION

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

COMMISSIONERS

Richard J. Davis, Chair

Currently, Mr. Davis is a partner with the law firm of Weil, Gotshal and Manges. He was Assistant Secretary of the Treasury (Enforcement and Operations) between 1977 and 1981, where he supervised the activities of the Secret Service, the Customs Service, the Bureau of Alcohol, Tobacco and Firearms and the Federal Law Enforcement Training Center. He had previously served as an Assistant United States Attorney in the Southern District of New York from 1970-73 and as an Assistant Special Prosecutor for the Watergate Special Prosecution Force. In 1987 he was appointed to a Commission to review the operations of the Philadelphia Police Department. In 1993 he served on a panel of experts appointed by the Justice and Treasury Departments to provide advice in addressing situations which may occur in the future similar to those which took place in Waco, Texas.

Charles M. Carberry

Mr. Carberry is currently a partner with the law firm of Jones, Day, Reavis & Pogue. He is a former federal prosecutor, having served from 1979 through 1987 as an Assistant United States Attorney in the Southern District of New York (including service as Chief of the Securities and Commodities Fraud Unit and Deputy Chief of the Criminal Division). Pursuant to his appointment by the federal district court, from 1989 to the present, Mr. Carberry oversees investigations and administrative prosecutions of allegations of corruption and dishonesty involving the Teamsters Union. Mr. Carberry is on the boards of editors of the White Collar Crime Reporter, Business Crimes Bulletin, and the Money Laundering Law Report. He has written numerous articles and has spoken frequently at seminars on white collar crime, securities fraud, and money laundering.

Rhea Kemble Dignam

Ms. Dignam currently is a Vice President and Deputy General Counsel at New York Life Insurance Company. She is a former federal and state prosecutor, having served from 1976 through 1988 as an Assistant United States Attorney in the Southern District of New York (including service as Chief, Narcotics Unit; Chief, Public Corruption Unit; and Executive Assistant United States Attorney). From 1988-1989 Ms. Dignam was the Chief Assistant District Attorney in Kings County and served as the Executive Deputy Comptroller, City of New York from 1990-1993 in which position she gained extensive experience monitoring the work of City agencies.

Ann Hayes

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

COMMISSION STAFF

Emery E. Adoradio, Executive Director
Julie Block, Deputy Executive Director
Michael Avitzur, Senior Staff Attorney
Sherry M. Cohen, Senior Staff Attorney
Reneé Kinsella, Staff Attorney
Leigh Neren, Staff Attorney
Melissa Rooker, Staff Attorney
Linda Lo-Gerry, Office Manager

PUBLISHED REPORTS OF THE COMMISSION

<u>First Report of the Commission</u>	April 1996
<u>The New York City Police Department's Disciplinary System: How the Department Disciplines Its Members Who Make False Statements</u>	December 1996
<u>The New York City Police Department: The Role and Utilization of The Integrity Control Officer</u>	December 1996
<u>The New York City Police Department Random Integrity Testing Program</u>	December 1996
<u>Second Annual Report of the Commission</u>	October 1997
<u>Performance Study: The Internal Affairs Bureau Command Center</u>	October 1997
<u>Monitoring Study: A Review of Investigations Conducted by the Internal Affairs Bureau</u>	October 1997
<u>Third Annual Report of the Commission</u>	August 1998
<u>The New York City Police Department's Disciplinary System: How the Department Disciplines Probationary Police Officers Who Engage in Misconduct</u>	August 1998
<u>The New York City Police Department's Disciplinary System: How the Department Disciplines Its Members Who Engage in Serious Off-Duty Misconduct</u>	August 1998
<u>Performance Study: A Review of the New York City Police Department's Background Investigation Process for the Hiring of Police Officers</u>	January 1999

<u>A Review of the New York City Police Department's Methods for Gathering Corruption-Related Intelligence</u>	August 1999
<u>Performance Study: A Follow-up Review of the Internal Affairs Bureau Command Center</u>	August 1999
<u>The New York City Police Department's Disciplinary System: A Review of the Department's December 1996 False Statement Policy</u>	August 1999
<u>Fourth Annual Report of the Commission</u>	November 1999
<u>Performance Study: A Review of the Internal Affairs Bureau Interrogations of Members of the Service</u>	March 2000
<u>The New York City Police Department's Internal Affairs Bureau: A Survey of Former IAB Members</u>	March 2000
<u>Performance Study: The Internal Affairs Bureau's Investigative Review Unit</u>	March 2000
<u>Performance Study: The Internal Affairs Bureau's Integrity Testing Program</u>	March 2000