



The City of New York  
Department of Investigation  
MARK G. PETERS  
COMMISSIONER

80 MAIDEN LANE  
NEW YORK, NY 10038  
212-825-5900

Release 01-2015  
[nyc.gov/html/doi](http://nyc.gov/html/doi)

**FOR IMMEDIATE RELEASE**  
**THURSDAY, JANUARY 15, 2015**

**CONTACT: NICOLE TURSO**  
**(212) 806-5225**

**BETSY PISIK**  
**(212) 825-5931**

**DOI REPORT REVEALS BROKEN RECRUITMENT SYSTEM AT RIKERS ISLAND AND DEEPLY FLAWED APPLICATION PROCESS FOR NEWLY HIRED CORRECTION OFFICERS**

*More than a third of new officers hired despite significant red flags  
DOC commits to aggressive changes*

Department of Investigation (DOI) Commissioner Mark G. Peters today issued a comprehensive review of the Department of Correction's (DOC) hiring process for correction officers at Rikers Island, uncovering a deeply flawed system in which more than a third of officers were hired despite numerous corruption and safety hazards, including multiple prior arrests and convictions, prior associations with gang members, or relationships with inmates. Equally troubling, the Applicant Investigation Unit (AIU), responsible for screening potential recruits, relied on antiquated and haphazardly filed paper personnel documents and had little to no access to software necessary to perform basic background and credit checks. As a result, DOC has already replaced both its Director and Deputy Commissioner responsible for oversight of the AIU and responsible for the hiring of the applicants DOI reviewed, assigned additional staff to the screening process and committed to an aggressive set of reforms in this area.

DOI Commissioner Mark G. Peters said, "DOI's latest investigation on Rikers Island exposes a shockingly inadequate screening system, which has led to the hiring of many officers that are underqualified and unfit for duty. Applicants with a history of violence or gang affiliations should not be patrolling our jails. Positions as law enforcement officers demand better. We are pleased DOC has listened to our recommendations and is taking the necessary steps, after a decade of neglect, to strengthen its recruitment to attract candidates with only the highest talent and character."

DOC Commissioner Joseph Ponte said, "Improving staff recruitment, training and retention is a key part of my agenda of meaningful reform. My earliest actions as commissioner included providing new leadership for our staff recruiting and training operations. We have subsequently made significant changes to the Applicant Investigation Unit, including many based on recommendations from the DOI. Because at the end of the day, our performance is only as strong as the men and women who fill the posts that keep our facilities operating 24/7."

This report is another piece of DOI's ongoing investigation into criminal activity and civil disorder at Rikers Island. As part of the probe, which began in early 2014, investigators spent over 200 hours interviewing staff, conducting site visits, and reviewing over 75,000 documents related to the hiring process. For this report, DOI

investigators reviewed over 150 applicant files of recently hired correction officers finding 35 percent – a total of 54 officers – had significant red flags that should have either precluded their hiring or required significant follow up and monitoring by employees – neither of which was done. Specifically in its review, DOI found:

- **10 files indicating the applicant had been arrested more than once;**
- **65 files indicating the applicant’s psychological exam raised some form of concern about his/her ability to perform his/her duties;**
- **79 files indicating the applicant had friends or relatives who had been incarcerated.** A number of files showing relationships included current inmates and situations in which significant contact over DOC recorded telephone calls could not be explained; and
- **54 files demonstrating the applicant clearly failed to exhibit the “good character and satisfactory background” of an officer.** These failures ranged from numerous prior arrests, unexplained telephone contact with multiple inmates, prior associations with known gang members, and significant financial instability demonstrated through wage garnishments and collection proceedings.

Nonetheless, all of these applicants were hired.

The review also exposed several shortcomings in DOC’s screening process. Of particular concern, DOI discovered DOC did not properly train staff assigned to handle candidate screening, leading to “red flags” that were simply missed or lacked the appropriate follow-up. DOC also failed to review any recorded phone calls in its possession once it was discovered that an applicant had prior phone contact with an inmate. Additionally, DOI found instances in which DOC was aware of an applicant’s prior association with gang members, but failed to coordinate with its own Correction Intelligence Bureau (CIB) to take the appropriate precautions. DOC is also devoid of a meaningful recruitment strategy for correction officers after disbanding its Recruitment Unit in 2009.

The results of DOI’s investigation demonstrates, conclusively, that significant improvements must be made to DOC’s screening process for applicants seeking to become correction officers in City jails. Though DOI is encouraged by the improvements DOC has already put in place -- and will continue to monitor the efficacy of these reforms – the agency also makes the following recommendations:

- DOC must establish an aggressive recruitment strategy and clear disqualification standards to improve the applicant pool.
- DOC must make AIU’s candidate screening uniform, thorough, and tailored to the unique corruption vulnerabilities at DOC. Decisions must be properly documented.
- DOC must have a system in place to proactively monitor applicants who are hired but are considered vulnerable to corruption.

This investigation was conducted by DOI’s Office of the Inspector General for DOC under the supervision of Senior Inspector General Jennifer Sculco and Associate Commissioner Michael Carroll.

DOI Commissioner Mark G. Peters thanks DOC Commissioner Joseph Ponte, and his staff, for their assistance in this investigation.

###

*DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City.*

**DOI’s press releases can also be found at [twitter.com/doinews](https://twitter.com/doinews)**

**See Something Crooked in NYC? Report Corruption at 212-3-NYC-DOI**



**New York City Department of Investigation  
Report on the Recruiting and Hiring Process for  
New York City Correction Officers**

**MARK G. PETERS  
COMMISSIONER**

**January 2015**

Over the past year, the Department of Investigation (DOI) has conducted an extensive investigation into systemic illegal conduct at the Department of Correction (DOC) Rikers Island facility. As a result, DOI has already arrested or referred for discipline 23 Rikers staff and more than 30 inmates for crimes related to violence, contraband smuggling and falsification of documents and evidence. DOI has also issued a detailed report on the problem of contraband smuggling that resulted in unprecedented changes in security and screening, including the agreement to use drug-detecting canines.

Related to these problems is a failure to recruit and hire consistently excellent staff at the Correction Officer (CO) level. Most COs perform a difficult and dangerous job in a professional and competent manner. However, DOI's investigation reveals that DOC's hiring process has failed to recruit sufficient talented COs and has failed, in some instances, to weed out those who would abuse their position.

As an integral part of DOI's investigation of DOC's recruitment and applicant screening procedures, DOI has now reviewed over 150 applications of recently hired COs. Of these, 54 had significant red flags that should have either precluded their hiring altogether or at least required significant follow up or monitoring.<sup>1</sup> For example, among the more than 150 files DOI reviewed, we observed the following:

- Ten of the CO files indicated that the applicant had been arrested more than once. One CO had pleaded guilty to harassment in a domestic violence case. Another had several arrests and had previously been fired as a security guard after being caught stealing from the store he was hired to guard.
- 65 of the CO files indicated that the applicant's psychological exam raised some form of concern about his/her ability to perform his/her duties. More troubling, several raised significant red flags. In one case, the applicant's psychological exam indicated "low personality development" and the applicant was rejected by the Director of the Applicant Investigation Unit (AIU). However, despite this finding, a DOC Deputy Commissioner reversed that decision and hired the CO anyway. A detailed explanation for the reversal is missing and the file includes notation that the applicant was a "family friend of [Correction Officers Benevolent Association President] Norman Seabrook."
- 79 of the CO files indicated that the applicant had friends or relatives who were or had been incarcerated. More troubling, a number of these included current inmates and situations in which significant contact could not be explained. Such relationships between inmates and COs present a considerable security threat, especially as inmates often use these relationships to extort, coerce and control COs. One applicant had nine relatives who had been incarcerated.

---

<sup>1</sup> We note that during our review, DOI identified many more files that had at least some cause for concern. However, these 54 files are representative of those that DOI identified as having multiple and/or significant red flags.

Another received calls from inmates on her personal telephone and could provide no viable explanation to AIU for the calls.

- In 54 of the CO files, the applicants clearly failed to demonstrate the “good character and satisfactory background” required of every CO. The failures ranged from significant personal debt of over \$400,000, to a candidate with multiple arrests and previous employment at a strip club that was the target of prior criminal investigations.

All of the above applicants were hired.

Beyond the specific problems noted above, DOI conducted over 200 hours of interviews with DOC staff and site visits and review of more than 75,000 documents related to the hiring process. This review demonstrated significant systemic problems that clearly contributed to a process in which many applicants with significant red flags could be hired. For example:

- DOC did not properly train the staff assigned to handle candidate screening: Many red flags in files were simply missed or the staff had no ability to evaluate or follow up on the problems. Indeed, while staff evaluated all candidates on a scale of 1 to 5, interviews indicated confusion even on the basic fact of whether a “1” or a “5” was the best score. In any event 90 percent of applicants received a “3” rating, thus making the rating system effectively useless.
- DOC did not make use of basic background screening tools: DOC did not check credit reports nor did it effectively verify personal information for candidates. Most troubling, DOC did not require screening staff to check DOC’s Visitor Express database to find out whether applicants have visited inmates in jail – a sign that applicants may have connections to the very people they are to guard.
- Until recently, DOC had no significant process to screen applicants for gang affiliation. Even where DOC was aware of gang affiliation in newly hired recruits, it previously failed to coordinate with its own gang intelligence unit to take appropriate precautions. While DOC has now corrected this problem in its screening process, DOC’s Correction Intelligence Bureau (CIB) still estimates that there are dozens of staff with gang affiliations.
- DOC did not have a meaningful recruitment strategy: DOC disbanded its Recruitment Unit in 2009 and since then has had no real recruitment outreach efforts. As a result, DOC is not able to recruit sufficient, qualified applicants such that even after a rigorous screening process there will be the requisite number of candidates to fill the ranks of new COs.

The failure of DOC to properly screen CO applicants has had real world consequences. Of the 23 staff that DOI arrested or recommended for discipline in the past year, DOC was able to readily produce 13 of their applicant files. Of these, six had red flags of the type described in this Report. In other words, proper recruitment and screening should have eliminated at least 25% percent of the arrests and disciplinary referrals that DOI was forced to make last year alone. Moreover, of the 54 newly hired staff with red flags noted above, already three no longer work for DOC after being implicated in incidents of misconduct and two have since resigned for unknown reasons.

This report describes all of these problems in further detail and makes recommendations for improvements going forward. We hasten to note that these problems are the result of a decade or more of institutional neglect. They cannot be quickly or easily solved. This is especially so now, given the numerous, and immediate issues that DOC management must confront. However, these problems must be tackled as part of any long lasting reform.

Since DOI's review of the AIU, DOC has already made some improvements. Notably, both the Director and Deputy Commissioner who were responsible for the hiring of the applicants DOI reviewed have been replaced. DOC has also allocated additional staff to the unit, including COs. Finally, DOC has now agreed to implement the additional recommendations contained in this report. At a recent meeting, DOC outlined a series of further aggressive steps to solve this problem that are addressed in the recommendation section below. We are encouraged by these changes.

## **I. Background: DOC's CO Application Process**

The DOC CO application process begins when the Department of Citywide Administrative Services (DCAS) publishes a Notice of Examination (NOE) on its website. The NOE provides the public with basic information about the job of CO and the application process, as well as the basic qualifications required for the position.<sup>2</sup> Anyone who wants to become a CO first must take a Civil Service examination, administered by DCAS. After the applicants have completed the examination, it is rated. Once the exam is rated and scores are finalized, the civil service list resulting from the exam is made public and eligibles receive a Notification of Results (NOR) card with their score and civil service list number. The civil service list, which is issued by DCAS, ranks the applicants by their score.<sup>3</sup> DOC's AIU List Management Unit

---

<sup>2</sup> These published standards include the requirement that applicants successfully complete the requirements established by the State of New York for Peace Officers and that they maintain their status as Peace Officers for the duration of their employment.

<sup>3</sup> DOI learned that there is a delay of over three years between the test date and the date that AIU receives a certified copy of the list from DCAS. In October 2014, DCAS certified CO Exam 1318, which was held in June 2011. AIU Executive Director Larry Johnson told DOI that this delay costs DOC the opportunity to hire high-quality applicants who will find employment elsewhere. DCAS confirmed that lists must be published and then established in exam date order. This does not prevent hiring opportunities as lists are established based on DOC's hiring needs and the timeframe for DOC to exhaust older lists. This particular list was made public in

(LMU) then contacts every applicant on this civil service list to begin the investigation process to ensure that they meet certain criteria, including possessing a valid driver's license, being a United States citizen, and meeting educational and work experience requirements. The list is established, as needed, and certified to the agency to make appointments.

As part of the recruitment process, LMU invites eligible applicants to an orientation program. During this program, AIU, among other things, informs the applicants about the duties of a CO and initiates a criminal history check.

Following this orientation, the candidates undergo medical and psychological screenings – by DOC's Medical and Psychology Units, respectively – and a background investigation. For the background investigation, an AIU "case coordinator" interviews the applicant to review his or her background questionnaire, which includes questions about the applicant's current and prior residences, family, education, employment record, criminal background, family's criminal background, driver's license, financial debts, and drug and alcohol use. The case coordinator then contacts the applicant's former employers, reviews his or her social media pages, examines some inmate visitation and telephone call history, and confirms information that the applicant has provided on the background questionnaire.

Once both the Medical and Psychology Units have found the applicant qualified, and the background investigation is complete, the case coordinator prepares an analysis of the candidate on a Case Review Sheet, which is sent to AIU's Executive Director.<sup>4</sup> In turn, the AIU Executive Director examines the file and Case Review Sheet, makes a hiring recommendation, and forwards the applicant's Case Review Sheet and medical reports to the Deputy Commissioner of Operations.<sup>5</sup> The Deputy Commissioner has final say over whether to hire the applicant, pending an agility test, and may reject the AIU Executive Director's recommendation.<sup>6</sup>

AIU can determine that a list eligible is Not Qualified for medical, psychological, or character reasons. If DOC determines that an eligible is not qualified, he or she may appeal to the Civil Service Commission. Absent a successful appeal, however, eligible is removed from the Civil Service list. After unqualified

---

March of 2012. The list remains public until the agency requests that it be established. DOC requested that the list be established in May of 2014 and DOC requested that the list be certified to them for hiring in October 2014.

<sup>4</sup> Since August 18, 2014, Larry Johnson, Ed.D., has been AIU's Executive Director. Before Director Johnson's appointment, the position was held by AIU Director David A. Safran, Ph.D., who resigned on August 1, 2014.

<sup>5</sup> Deputy Commissioner of Operations Errol Toulon, Jr. currently is in charge of hiring. At the time that AIU completed its review of the files that DOI examined, the Deputy Commissioner for Human Resources and Training Alan Vengersky was in charge of hiring. Vengersky retired effective August 9, 2014. At the time that these files were processed by AIU, the first round of review was done by a civilian investigator, the second by then AIU Director Safran, and the third by then Deputy Commissioner Vengersky.

<sup>6</sup> The agility test, also known as the physical ability test, measures, among other things, an applicant's strength and endurance. Components of the test include running, lifting the weight of an inmate, and ascending stairs.

candidates are removed from the list, DOC must choose who to hire from the remaining candidates using the “1 in 3” rule. This rule requires DOC to hire one of the top three candidates on the list for the first available CO position, and fill each remaining CO position by choosing one of the next three eligible candidates. The remaining two candidates who are not selected will be considered as part of the next group of three. If a candidate is considered but not selected three times, that person is removed from the list without the opportunity to appeal DOC’s decision.

Once hired, the CO commences employment subject to a two-year probationary period where the CO can be terminated without many of the civil service protections afforded to officers who have completed their probationary period.

## **II. DOI Reviewed Over 150 Random Applicant Files For Recently Hired COs. In Many Cases the Applicants Were Not Fit for Service and Should Not Have Been Hired.**

As noted above, DOI reviewed a random sample of 153 applicant files for recently hired COs.<sup>7</sup> 54 files, 35%, presented significant red flags that should have either precluded their hiring outright or required further follow-up or monitoring. None of these necessary safety measures occurred. Moreover, in just the past year, at least three of the applicants with red flags have already had some sort of disciplinary issue.

Below, we discuss some of the significant red flags that went unaddressed in the DOC hiring process.

### **A. The Applicant File Review Revealed that AIU Hired 54 COs Despite the Fact Their Files Showed Potentially Disqualifying Criteria**

According to DCAS’s NOE, “proof of good character and satisfactory background” is an “absolute” prerequisite to appointment. The most recent NOE lists the following specific factors as possible causes for disqualification: “(a) conviction of a felony; (b) conviction of any offense, the nature of which indicates lack of good moral character or disposition towards violence or disorder; (c) repeated convictions of an offense, where such convictions indicate a disrespect for the law; (d) discharge from employment, where such discharge indicates poor behavior or inability to adjust to discipline; (e) dishonorable discharge from the Armed Forces; (f) conviction for petit larceny and (g) conviction of domestic violence.” The NOE also states that DOC may reject an applicant for intentional misrepresentations on his or her application forms.<sup>8</sup>

---

<sup>7</sup> The majority of the files were chosen at random from one recently hired class of new COs. DOI also reviewed files from recent subjects of DOI investigations who were hired in 2012 or later. In total, over 160 files were reviewed. These additional files should not significantly influence the overall numbers in our findings.

<sup>8</sup> DCAS issues a new NOE for each examination, but the factors listed here were used at the time that all the COs, whose files were reviewed by DOI, took the CO examination, and they were listed on the most recent NOE posted by DCAS.

DOI found that, using these criteria, 25 of the hired COs lacked the “good character” that DOC requires for its COs and therefore should have been rejected as “not qualified.” For example, one application indicated that the applicant had several prior arrests, was fired from his former employment as a security guard, and was arrested after he was caught stealing from the store he was hired to guard. A second CO’s application indicated that he had pleaded guilty to disorderly conduct in a domestic violence case, had been fired from a job for poor behavior, and failed the NYPD’s background check. Both officers were hired without any monitoring put in place.

DOC also hired COs whose files had evidence of generalized poor character, although not any of the specific attributes found on the NOE’s list. Although these CO’s did not have any of the specifically prohibited factors, their applications cast serious doubt about whether the COs had the “good character and satisfactory background” required of every CO. Moreover, even if such problems would not eliminate the candidates for character reasons, AIU had the option of not selecting them from the civil service list – an option it failed to exercise.

For example, ten of the hired COs whose files DOI reviewed had been arrested more than once, and some of the COs had significant signs of financial instability. In one instance, DOC hired one CO with \$400,000 in debt, despite the Director’s acknowledgement in his recommendation that this put him at risk for corruption.

Moreover, DOC hired 79 COs with friends and relatives who were or had been incarcerated, including one CO who listed nine relatives who had been incarcerated. More troubling, a number of these included current inmates and situations in which significant contact could not be explained. Other hired COs had received calls from inmates on their personal telephones, and the assigned case coordinator failed to offer any reasonable explanation for why they received those calls. Such relationships between inmates and COs present a considerable security threat, especially as inmates often use these relationships to extort, coerce, and control the COs. Through its investigations, DOI has found that inappropriate contact with inmates is associated frequently with criminal conduct, including taking bribes for contraband smuggling and committing sexual offenses.<sup>9</sup>

DOI found that twelve of the hired COs had previously been rejected for employment by the NYPD. While it is not surprising that someone would apply to both agencies, DOI found that DOC used significantly lower hiring standards than the NYPD. (As discussed below, DOC’s failure to maintain a robust recruitment process may partly contribute to its lower hiring standards.) Of the twelve applicants subsequently hired by DOC, the NYPD rejected six for psychological reasons, one for failing a drug test, one for excessive Vehicle and Traffic Law (VTL) violations, one for

---

<sup>9</sup> DOC prohibits uniformed staff members from having “unduly familiar” relationships with inmates, and requires them to notify DOC whenever a relative, friend, or someone else with whom they have a relationship is incarcerated and housed in the same facility. Failure to make such a notification can result in disciplinary charges. See DOC Rules & Regulations §§ 3.25.040, 3.25.041, 3.25.050, 3.25.060.

problems uncovered during the background review process, and one because she “failed to appear for appointment or [was] uncooperative,” according to a letter from the NYPD Applicant Processing Division (APD).<sup>10</sup> In addition to the twelve applicants rejected by the NYPD, the NYPD had fired one hired CO from a position as Police Cadet for her failure to disclose an arrest for petit larceny. Thus, it appears that most of these candidates were simply unfit for law enforcement – whether working on the streets of New York City as police officers or in its jails.

DOC’s hiring of six applicants previously disqualified by the NYPD based on psychological exam results suggests that the NYPD’s psychological examination process is more stringent. DOI’s visits to both DOC and NYPD psychological testing facilities revealed that the NYPD obtains more information from applicants by giving a lengthier psychological exam and administering a drawing test aimed at revealing personality traits. Thus, while the exams are subjective, the NYPD obtains more information from its applicants to enhance the examination process.

**B. DOC Failed to Document Its Determinations Properly: The Director of AIU Excused Bad Conduct for Inadequate Reasons and the Deputy Commissioner at Times Hired CO’s after the Director Rejected Them, But Provided No Viable Explanation. At Times, Political Rather than Merits Based Reasoning Applied.**

In any hiring system, it is important that decisions be documented, especially where senior staff overrule the initial determination of line investigators. Not only does this provide an important record of the agency’s overall thinking and process, but it forces supervisors to explain their decisions and thus increases the chances that they will be made thoughtfully. Such documentation was woefully absent in 25 of the files reviewed by DOI.

DOI found that, at each stage of the process, AIU officials lacked a clear system of recommendation for CO hires. Case coordinators often did not give recommendations. The Director, who is responsible for recommending hires, until recently, used a number system that offered little guidance. And the former Deputy Commissioner, who had final authority over hires, wrote only brief notes by hand in the reviewed files that offered little to no reasoning behind his hiring decisions.

DOI further found that AIU case coordinators summarized their findings for an application, but, in many cases, did not clearly recommend or exclude candidates. Further, former AIU Director Safran evaluated candidates on an apparent scale of 1 to 5, but this system offered little guidance as to whether a candidate should be hired. DOI was unable to determine the meaning of this rating system, even after speaking with former Deputy Commissioner Vengersky, who stated on nearly all applications reviewed by DOI that he “agreed” with Safran’s candidate assessments. This, despite

---

<sup>10</sup> Another CO failed the Police Officer civil service exam and a CO was rejected from a position as a police cadet for a reason unclear from the AIU file.

the fact that Vengersky told DOI that he was unsure of whether 1 or 5 is the highest rating. DOI did not speak to former Director Safran, who left DOC in early August 2014.

In any event, the 5-point scale was meaningless because almost all of the applicants received the same score regardless of their merit. Of the 153 reviewed files, the AIU Director rated approximately ninety percent of the applicants a “3” and rated approximately eight percent of the applicants a “4.” Two percent received no rating.<sup>11</sup> No applicants from the reviewed group received a rating of 1, 2, or 5.

Further, the quality of applicants whom the Director rated a “3” varied drastically. For example, Candidate A was working in a federal government security position at the time of her application and had no inmate associations, no prior arrests, no prior terminations, slight debt from credit cards and school loans, and no psychological issues. Candidate B was terminated from his prior employment as a security guard after he was caught stealing from the store he was assigned to guard, and he was arrested four times. Yet both applicants received a rating of “3.” Nor were the Deputy Commissioner’s handwritten comments of any use. Typically, he gave only limited, generalized comments, such as “Agree. Some risk. Hire pending agility test.” This level of “analysis,” or a slight variation of it, appears in nearly every file examined by DOI.

When the process got to the AIU Director it was further flawed. DOI found that, in 18 files, approximately 12% of those reviewed, the AIU Director excused serious red flags without adequate explanation. Indeed, in several applications, the AIU Director excused prior arrests and other bad conduct as isolated incidents or youthful indiscretions.

In one case, the CO’s application file contained signs of potential corruption, including serious financial instability, that were dismissed as mere “immaturity.” This CO was arrested earlier this year after meeting with a DOI undercover investigator, accepting money and placebos that he believed to be real drugs, and delivering them to an inmate who was a DOI confidential informant. The fee he charged and accepted for this delivery was \$500. DOI’s investigation determined that the CO had engaged in similar conduct, and accepted similar fees, on multiple occasions. In this CO’s AIU Case Review Sheet, then Director Safran commented, “He has shown no major issues in the vocational sphere, albeit he has quite a few jobs and appears to be unable to focus on career choices. Given his age, much of this behavior may be due to immaturity.” He further stated, “His traffic violations and lack of due diligences with regard to paying his student loan may indicate some issues with impulse control, but again this may also be attributed to immaturity. As such, he will be qualified and rated a 3.” While these traits might not be an absolute bar to hiring, the Director offered a notably weak excuse for the serious problems identified and

---

<sup>11</sup> Seven applicants received no rating number – all of them because they were not recommended by the Director who gave the ratings, a decision which was later overturned.

failed to provide sufficient justification for recommending this applicant for hire.

DOI further observed flawed and arbitrary hiring decisions by the former Deputy Commissioner in charge of the applicant review process, including seven cases where the Deputy Commissioner hired an applicant whom the Director had rejected. In all cases, as demonstrated below, the Deputy Commissioner – despite the unusual nature of his action – gave only a brief, and barely legible, handwritten justification for his decision.

In one file, the Director rejected the applicant, whom the file notes was a “family friend of Norman Seabrook,” president of the Correction Officers Benevolent Association, because he was concerned, based upon the nature of her past employment, that she could not handle the stress of working as a CO. In addition, the Director noted that, due to the low personality development score of three on a scale of seven that she received in her psychiatric exam, she was a poor candidate for law enforcement and that she would be too deferential to other people, including inmates. Initially, the Deputy Commissioner, in his note, asked whether DOC had hired COs with a personality development score of only three. But, later, without explanation, he overruled the Director and recommended her hire.

In a second case, the Director found that the CO’s application had several problems – including questionable receipt of public assistance and a potentially false statement about her termination from a prior job. In hiring this CO, the Deputy Commissioner offered no explanation except for sparse, illegible notes, and a reference to the candidate’s internship on Rikers Island.

In a third case, the Director, in his summary, found that the candidate “present[ed] as a sycophantic individual who ha[d] some questionable moral undertakings in his life.” In addition, the applicant had over one million dollars in the bank, and the Director questioned why the candidate “would desire [the CO position] unless there was some secondary gain that he had in mind.” In overruling the Director, however, the Deputy Commissioner merely wrote, “Reviewed; hire pending agility test results.”

In the fourth case, among other cited issues, the Director stated that the candidate’s “psychological exam was indicative of being inattentive and defensive, characteristics which are not ideal in a prospective CO.” The Deputy Commissioner, however, approved the hire, writing a brief, illegible comment before recommending, “Some issues, but hire pending agility test results.”

In the fifth case, the Director noted that the candidate had failed the NYPD psychological exam three times and the DOC psychological exam one time – all for poor stress tolerance – but the results of the DOC exam were overturned on appeal. The Director recommended not hiring her “based on poor stress tolerance and poor adjust [sic] to the demands of adulthood.” The Deputy Commissioner then approved her hire with a brief illegible note.

In the sixth case, the Director stated that it was unclear that the candidate could accede to the demands of correctional work, as he had no work experience until he was 30 years old and seemed to have substantial “off time” for travel at his prior job. He also questioned his ability to adjust to the demands of adulthood. He did not recommend the candidate for hire. The Deputy Commissioner overruled the Director, with a brief, illegible note.

In the seventh case, the candidate had previously been shot by a gang member in a street altercation. He had a prior employment termination and an arrest record. The Director disapproved the candidate, but the Deputy Commissioner overruled the Director noting only: “Disagree. Some risk, but hire pending agility test results.”

With all of these applications, the Deputy Commissioner had the duty and responsibility to overrule the Director if he disagreed with his decision. However, in each instance he failed to explain why the Director’s judgment was incorrect or address the serious issues raised by the Director.

**C. AIU’s Files Lacked Any Indication that the Applicants Had Been Screened for Gang Affiliation.**

Significantly, prior to recent changes to the applicant screening process, AIU did not screen the reviewed applications for gang affiliation. Indeed, DOI found no notations in the files that AIU screened for gang affiliation or consulted with the DOC’s Correction Intelligence Bureau (CIB).<sup>12</sup> As DOI has learned through interviews with CIB personnel, CO gang membership is potentially the greatest threat to DOC’s security because gang members generally place their gang allegiance above their CO duties. CIB estimates that dozens of DOC employees are members of gangs and states that inmates frequently report that COs are involved in gang activity.

More concerning, DOI discovered one file during review where the applicant admitted to prior associations with known gang members during his psychological exam. Also concerning was that he initially denied these associations in the screening sheet he completed for AIU, apparently only admitting to such after it was discovered in the psychological exam. Although the candidate denied gang membership, he submitted a detailed statement to supplement his admission explaining that a close family friend was an identified gang member, and the applicant regularly socialized with him and his fellow gang members during his teenage years. He also admitted to still having limited contact with some of these individuals during the time of his AIU background investigation.

What is not clear from the file is whether the association was discovered through AIU’s background screening or was merely self-reported by the applicant. Notwithstanding having the applicant resubmit his screening sheet to indicate he had

---

<sup>12</sup> CIB is responsible for policing the City’s jails. Among other things, it monitors gang activity in the facilities, investigates crimes committed by inmates, including slashings and stabbings, and processes arrests.

prior associations, the file lacks any further follow up or targeted investigation on the matter once the information was reported. Instead, AIU staff made a notation of the risk this association presented, noting in the applicant's file that "if he is approved for hire his past gang associations should be made known to [DOC's] gang intelligence." The candidate was hired. However, DOI has confirmed that no such notification was made to DOC's gang intelligence unit.

DOI investigators, however, have learned that CIB is now assisting AIU in screening applicants for gang membership. The AIU medical unit photographs applicants' tattoos and sends the photos to CIB, which then analyzes the tattoo alone, without any other identifying information on the candidate, to determine gang affiliation in an objective manner. According to Director Johnson and Medical Unit Supervisor Pamela Eanes, DOC has rejected six applicants after CIB found that their tattoos suggested gang membership.

### **III. DOI's Review of the Hiring Process Showed Various Systemic Flaws that Led to the Hiring Problems Found in the DOI Case Review Discussed Above.**

In addition to the extensive review of CO applicant files detailed above, DOI also interviewed eleven AIU staff and made multiple visits to AIU's offices to understand their hiring process. To assist in our evaluation of DOC, DOI also consulted with DCAS staff responsible for developing the NOE and tracking DOC's CO hiring decisions and consulted with the NYPD APD to learn their hiring process. As a result, we found various systemic failures that directly contributed to the problems identified in the case review. The most important of these problems are discussed below.

#### **A. DOC Does Not Properly Train its AIU Staff. As a Result, the Staff Does Not Conduct Thorough Investigations and Does Not Make Use of Modern Investigative Tools.**

Through its discussions with AIU staff, DOI investigators discovered that AIU lacks a regimented training program. AIU does not train its case coordinators in interviewing techniques, case management, or basic investigative practices. Indeed, AIU lacks a written manual describing its investigative strategies and procedures.

By contrast, supervisors at the NYPD informed DOI that the APD provides a two-week training course for new investigators, offers refresher training courses, and has written guidelines for the unit. The two-week course includes training in investigator responsibilities, use of computer databases, processing candidates, interview techniques, preparing reports, and using APD forms. Further, investigators within APD's Computer Investigations Unit have special training in identifying signs of gang membership.

The contrast in the DOC and NYPD process is striking. As a result, DOC screening is not sufficiently thorough, does not follow up on obvious issues and does not make use of modern investigative technology. We discuss these specific concerns below.

**i. AIU fails to thoroughly investigate applicants' backgrounds.**

DOI found that AIU case coordinators do not thoroughly investigate applicants' backgrounds. DOI investigators discovered, through their interviews with AIU personnel, as well as their examination of applicant files discussed above, that case coordinators rarely made field visits and failed sufficiently to investigate applicants with past problems that may be a basis for disqualification.

AIU case coordinators reported to DOI that they visit applicants' personal references and homes infrequently. Director Johnson told DOI, and case coordinators confirmed, that case coordinators make these field visits in their discretion, and only if a problem is uncovered during the applicant's background investigation. For instance, a case coordinator reported that he once visited an applicant's former employer with his supervisor's permission. AIU ultimately rejected the applicant after the visit uncovered negative information in the applicant's work history.

By contrast, the NYPD APD has a "Residency Unit" that conducts field investigations and completes personal reference reports for every viable candidate eligible for the position of Police Officer. This unit ensures that the applicants comply with residency requirements, and it interviews the applicants' friends, coworkers, and/or neighbors.

Further, DOI, in reviewing the files discussed below, found that AIU hired several applicants without ever obtaining key background information required in their applications. For example, DOI found eleven questionnaires where the hired applicants did not answer whether they had ever been disqualified or barred from employment by any City, State, or Federal agency, and the case coordinators never addressed the omission.

These types of omissions are not possible in an NYPD application because its APD uses computerized application forms that require the applicant to answer every question.

Moreover, in its file review, DOI found more than one file in which a CO applicant denied knowing inmates who called his or her phone number and the CO was still hired without further inquiry. For example, one CO reported that she did not have any current or former incarcerated associates, but her cell phone was called once by an inmate in 2010 and she received over 20 calls to her home phone, one lasting 15 minutes, from five inmates between 2002 and 2007. She gave AIU a statement saying that she did not know any of the people who called her home phone, but provided no further information, including who was living with her at the time

and might have received the calls. Nor did she give a statement about the call to her cell phone. The AIU Director did not address these phone contacts in his comments, and the CO was hired without any further follow-up or explanation of the phone calls.

In addition, DOI found files where AIU failed to address applicants' suspicious explanations of inmate contact adequately. For example, one hired CO initially told AIU, in her application, that she had no incarcerated associates. After her case coordinator found that an inmate had called the CO's cell phone twenty times, she claimed that she had not spoken to anyone and that she could think only of one possible caller. In a notarized statement the CO said that she met the caller in her neighborhood, had a few brief conversations with him when he was on Rikers Island, tried to "disassociate herself" from him, and knew only his nickname. In the Case Review Sheet, the case coordinator appeared skeptical, but the AIU Director, in his summary statement on the case review sheet, completely ignored the issue, approving the CO for hire. The Deputy Commissioner gave final approval, commenting only: "Agreed, some risk, hire pending agility test results."

#### **ii. AIU fails to make use of modern investigative technology.**

DOI investigators discovered that AIU has failed to provide its case coordinators with the necessary tools to conduct thorough background investigations. AIU does not check credit scores or personal information in a LexisNexis database, use "Virtual Identity Reports" to find all applicant social media sites,<sup>13</sup> or listen to recorded conversations between applicants and inmates at DOC facilities when they are detected by DOC's call monitoring system.

DOI found that AIU does not check the credit histories of its applicants, despite the known risk for corruption associated with personal debt. Nor does it use a database, like LexisNexis, to verify personal information of all candidates, including their addresses, telephone numbers, and household members, and to determine whether they have associations with inmates. Indeed, DOI discovered that AIU case coordinators currently lack access to LexisNexis or similar databases, in part, because AIU's current director mistakenly believed that a case coordinator had access to LexisNexis, when the coordinator did not.

By contrast, the NYPD APD checks the credit history and personal information of every Police Officer applicant to verify the information provided by the candidates.

In addition, DOI found that, until recently, case coordinators lacked access to social media sites, including Facebook, YouTube, Instagram, and Twitter. Instead, case coordinators had applicants display their social media accounts on their own

---

<sup>13</sup> Virtual Identity Reports are generated by the LexisNexis Accurint service and can tell whether a person's email address is linked to certain social networking sites, including Facebook and LinkedIn, and can provide links to the person's profiles on those sites.

phones during interviews. Even now, AIU has not provided its case coordinators with access to “Virtual Identity Reports,” which can identify applicants’ unreported social media websites. As a result, case coordinators must rely upon the applicants to disclose their social media websites.

By contrast, DOI learned that the NYPD APD has a “Computer Inquiry Unit” that completes a comprehensive computer background check. Among other things, this unit is trained in identifying signs of gang activity among the applicants, which are often apparent from an applicant’s social media presence.

Further, AIU does not require its case coordinators to check DOC’s Visitor Express database to find out whether applicants have visited inmates in jail. Although case coordinators regularly check DOC’s Inmate Information System (IIS) to see if applicants have visited inmates, Visitor Express is newer, is updated more regularly, and allows users to view photos of the visitors to confirm identity. Not utilizing Visitor Express could result in AIU failing to uncover applicant relationships with inmates that present significant integrity concerns.

Also, DOI found that AIU fails to listen to DOC recorded telephone calls between applicants and inmates, even though inappropriate personal relationships between inmates and COs are a serious corruption risk that have surfaced in previous DOI investigations. The Inmate Financial Commissary Management System (IFCOM) is a telephone monitoring system that tracks inmate telephone calls, and AIU has the ability to use it to investigate whether applicants have had telephone conversations with inmates. DOI’s file review, however, found at least two files where the case coordinator had failed to run an applicant’s telephone number in IFCOM.

Moreover, DOI found that case coordinators, upon identifying a telephone call between an applicant and a DOC inmate, do not listen to the recording of that telephone call. Indeed, of the approximately 150 files discussed above, seven files had IFCOM printouts showing calls from inmates to the hired CO’s telephone that lasted over a minute and that were recent enough for AIU to obtain a recording.<sup>14</sup> When DOI investigators asked about the general failure to obtain recordings, case coordinators responded that they believed that DOC policy prohibited them from listening to inmate calls in the context of a background investigation. Director Johnson informed DOI that he did not know whether anything prohibited coordinators from listening to these recordings and said that he would review this matter.<sup>15</sup>

---

<sup>14</sup> DOC records inmate telephone calls and maintains those calls for eighteen months. Inmates are warned by posted signs and recordings before the call that the contents of their conversations are being recorded.

<sup>15</sup> One case coordinator told DOI that he was denied permission to listen to an applicant’s telephone calls after submitting a formal request. During DOI’s conversations with former Deputy Commissioner Vengersky, he said that uniformed executive staff resisted giving AIU this authority because they thought that a unit outside of AIU should listen to the calls. But AIU never pursued the matter, and nobody at DOC, in AIU or any other unit, listens to inmate calls for AIU background investigations.

## **B. DOC Does Not Have A Meaningful Recruitment Strategy.**

In order to have sufficient qualified candidates to put through a rigorous screening, DOC must first have a proper recruitment plan. However, as discussed below, no such plan exists or has existed since at least 2009.

During conversations with AIU Director Johnson, DOI investigators, learned that DOC does not have a meaningful CO recruitment strategy. DOC does not have an advertising campaign, recruitment pamphlets to distribute to the public, or a functioning recruitment website. Furthermore, DOC does not have any program to reach out to college students with an interest in careers as COs. According to Director Johnson, DOC's only recent recruitment event took place at Briarcliffe College, and only because that institution reached out to DOC.

DOI investigators learned that DOC previously had a Recruitment Unit under the DOC Office of the Chief of Administration, which was located at the Correction Academy and was run by at least one Captain and eight to ten COs. The Recruitment Unit was established in 2004 but was disbanded in 2009 because of budget cuts and because DOC executives were satisfied that the program had recruited approximately 8,000 candidates to take the CO exam. When the Unit was active, the recruitment officers would attend job affairs in New York City, Long Island, and at military bases. The Unit also had a website which no longer functions, and an automated telephone hotline. That number – 877-NY1-BOLD – is still in service, providing inaccurate information about the availability of walk-in CO examinations and referring people to the defunct website.

In addition, DOI learned from a former member of the Recruitment Unit that, until about 2008, DOC had participated in the New York City Law Enforcement Exploring Program, a law enforcement education, outreach, and training program aimed at young people aged fourteen to twenty years old.<sup>16</sup> This is a popular recruitment tool with a range of law enforcement agencies, including the FBI and NYPD, and, at the end of 2013, it had 4,271 youth participants. DOI asked the citywide coordinator<sup>17</sup> for Law Enforcement Exploring why DOC withdrew from the program, and he responded that the woman who had run the program retired from DOC. The citywide coordinator also said that the Boy Scouts of America, a partner in the program, has tried to renew DOC's participation, but their attempts have been unsuccessful.

By contrast, the NYPD maintains a recruitment website at [www.nypdreruit.com](http://www.nypdreruit.com). This website contains a variety of useful information about benefits and salary, the hiring process, the police exam, and job requirements. It even has special features, including an interactive overview of the hiring process, a "Day in

---

<sup>16</sup> [www.nyexploring.org](http://www.nyexploring.org)

<sup>17</sup> The citywide coordinator is a detective with the NYPD who oversees the Law Enforcement Exploring Program for the NYPD and is the liaison to all other NYC Law Enforcement agencies with Law Enforcement Exploring programs.

the Life” video of a police officer, an interactive video precinct tour, and the opportunity to chat online with a recruiter.

DOC has informed DOI that it has discussed the recruitment issue internally and currently is developing ideas for recruiting, but nothing has been finalized and there is no set date for implementation.

**C. DOC does not continue to investigate COs after they are hired, even if problems were uncovered during their background investigation.**

When a questionable CO is hired, DOC does not continue to investigate issues that arose during the application process. The former AIU Director wrote in two Case Review Sheets that DOC should continue to monitor the applicants for concerns raised during their background investigation, but DOC lacks procedures to monitor these applicants once they are hired. Indeed, the current AIU director has told DOI that he is unaware of any such procedure.

One of these two hired COs, whom the former AIU director suggested for monitoring because of concern that she might be too conciliatory toward inmates, was subsequently fired for having an “unduly familiar” relationship with an inmate, in violation of DOC rules, following an investigation by DOI. Even more concerning, the CO was linked to the inmate’s criminal activities after he was released from DOC custody, and she was present when the inmate met with an undercover officer posing as a “hitman.” The inmate was subsequently arrested for his involvement in a murder-for-hire conspiracy.

The CO had listed this same inmate as an incarcerated friend during her AIU background investigation. IFCOM detected many telephone calls between the two, and, in response to the IFCOM information, the CO submitted supplementary forms for her application, admitting that she spoke to the inmate and visited him, but advised she would cease contact with this inmate.

In the applicant’s case review sheet, based in part upon her prior associations with inmates, the Director wrote, “It is possible that she may relate to inmates she is charged to watch in a more conciliatory fashion than would be desired. Thus, if she is approved for hire, it is recommended that she be monitored while on the job.” The Director, giving her a rating of “3,” then approved her for hire. As discussed above, however, DOC lacked any procedure to monitor this applicant, and, as DOI learned, her relationship with the inmate continued in violation of DOC rules. During an interview with DOI after the inmate’s arrest, the officer denied involvement in any criminal activity, but admitted that she failed to notify DOC of her continued contact with the inmate as she was required to do. She was subsequently terminated, less than a year after her start date.

**D. AIU uses pen and paper applications and its computer system cannot process basic statistical information about applicants.**

DOI investigators found that AIU uses a highly inefficient pen and paper application system, keeping each application and its supporting documents in a paper folder instead of storing that information in a computer. Moreover, AIU's computerized tracking system tracks only the status of files and is unable to generate useful statistical information, including how many applicants it rejects and the reasons for those rejections.

In addition, DOI found that applicant files are deficient beyond AIU's failure to use available technology. The files lack uniform components and have no checklists to document what the files contain. The application questionnaire itself appears unprofessional and apparently was copied from NYPD's form. Indeed, page 17 of the AIU background questionnaire mistakenly tells CO applicants that they must adhere to the NYPD's Patrol Guide procedure 203-10 "Public Contact/Prohibited Conduct" if appointed to the "New York City Police Department."

By contrast, as DOI found, the NYPD APD uses both a computerized application form, which is completed by applicants online, and a computerized investigator case review sheet that tracks the status of each case and whether or not specific materials have been collected. The computer case review sheet allows investigators to comment on each form or piece of information they gather and record when the form was obtained or the candidate provided the information. The computer system is also accessible by supervisors, allowing them to monitor the status of pending applications.

**E. DOC does not allow investigators to eliminate candidates efficiently.**

During their conversations with DOI's investigators, AIU case coordinators complained most about the time that they wasted investigating a large number of severely deficient candidates. According to the case coordinators, even if they find a candidate unqualified early in the background investigation, they still must complete the entire background process before officially eliminating the applicant. One case coordinator told DOI that she had investigated an applicant with a felony conviction for statutory rape. She ultimately convinced the applicant to withdraw, but did not reject him automatically because she thought that rules prohibited her from doing so.

The current Director initially confirmed to DOI that investigations must continue even after case coordinators discover that applicants are clearly unqualified. During ongoing conversations with Director Johnson, however, the Director said that AIU recently eliminated an applicant for the first time in his tenure without reviewing the entire file, based upon gang affiliation and an arrest history.

Increasing the difficulty of eliminating bad candidates, AIU has no background and character factors that it uses to disqualify candidates automatically. The NOE tells exam takers: “Proof of good character and satisfactory background will be absolute prerequisites to appointment.” But the NOE’s listed character and background factors, discussed in detail in Section II A above, are mere guidelines to determine whether candidates are qualified. Even the felon, who had a statutory rape conviction discussed above, could have been hired as a CO because DOC still could have found him “qualified” despite his criminal background.

By contrast, the NYPD Police Officer NOE specifically states what will automatically disqualify a candidate. For example, the NYPD NOE states that convictions of a felony or a domestic violence misdemeanor automatically disqualify a person from becoming a police officer. In addition, NYPD APD stops its investigation immediately if it uncovers a felony conviction, a domestic violence misdemeanor conviction, or a dishonorable discharge from the military, and then begins procedures to eliminate the candidate from the applicant pool.

**IV. Based upon its findings, DOI recommends a series of changes to the hiring process.**

DOC must improve its procedures for recruiting, screening, and hiring to ensure it hires the most qualified COs. To do this, DOC must invest resources in AIU to ensure that it has the best trained personnel and most effective technology. Hiring COs of the highest talent and character is necessary both to handle the difficult tasks facing the City jails today and to nurture the future supervisors and leaders of DOC. Therefore, DOI makes the following recommendations for DOC to increase its applicant pool, improve its screening process, and, if needed, to monitor new hires.

**A. DOC needs an aggressive recruitment strategy and clear disqualification standards to improve the applicant pool.**

DOC currently has no viable plan to recruit COs. It lacks a recruitment unit, does not participate in job fairs, and fails to recruit at local universities. Nor does it have a recruitment website, brochure, or any other reasonable means to inform the public about DOC job opportunities.

Having failed to develop a recruitment strategy, DOC can consider only a limited number of quality applicants for hire. Often, DOC applicants already have been rejected for hire by other city agencies, including the NYPD.<sup>18</sup> As discussed above, DOC has hired many candidates with suspect backgrounds, relationships with inmates, and other corruption risks. The lack of a more robust pool of candidates clearly contributes to this problem.

---

<sup>18</sup> DOC also has hired COs rejected by the Bridge & Tunnel police, the Port Authority police, the New York State Department of Correction, the Human Resources Administration, and the Department of Probation.

Additionally, as DOI has found, AIU wastes considerable resources investigating applicants who are clearly at risk for corruption instead of eliminating them early in the process. As DOI has determined, DOC's lack of clear standards for disqualifying certain candidates automatically contributes to this waste.

In order to remedy these failings, DOI makes the following recommendations:

1. DOC should reestablish its Recruitment Unit. This Unit should advertise and recruit aggressively, especially at law enforcement oriented schools, and should ensure that its recruitment materials and website are accessible and professional. In addition, DOC should resume participation in the Law Enforcement Exploring program, which, as discussed in Section III B above, has the potential to recruit many young people with a genuine interest in law enforcement. DOC is slated to meet with DCAS to discuss the scheduling of future exams after the current exam schedule ends on June 30, 2015. DOC should have a recruitment plan to attract candidates for those exams.
2. DOC should adopt automatic disqualifying factors, including the conviction of certain crimes, with a goal to eliminate unqualified applicants as quickly and efficiently as possible. Once it becomes clear that a candidate lacks the "good character" required of a CO, such as felony convictions or dishonorable discharge from the armed forces, case coordinators should have the discretion to reject the applicant as "not qualified" without going through the entire process. AIU has eliminated at least one candidate in this manner, and DOI hopes that this represents a change in its practice.
3. DOC should expand its list of potential disqualifying factors to include corruption risks unique to DOC. For instance, DOC should list financial instability because it makes a CO vulnerable to accepting bribes in exchange for contraband smuggling. It should also list current and prior associations with inmates because these associations potentially increase the risk that a CO will have inappropriately familiar relationships with inmates. Finally, it should list present affiliation with gang members as this too presents a considerable risk.
4. In an attempt to curb the number of unqualified applicants, DOC should meet with DCAS to update the language in the Correction Officer NOE. These updates should include any new automatically disqualifying criteria developed by DOC, and be tailored, as necessary, to specific corruption vulnerabilities

unique to the agency. Implementing this list and using strict criteria to eliminate certain candidates immediately would allow AIU to devote resources to the background investigations of truly qualified candidates.

**B. DOC must make AIU's candidate screening uniform, thorough, and tailored to the unique corruption vulnerabilities at DOC. Decisions must be properly documented.**

Throughout DOI's investigation, investigators received conflicting information about the screening process from AIU staff, and at times staff was not even able to articulate a clear policy in response to investigators' questions. Equally as concerning, AIU investigators reported that they were not trained in conducting background investigations, and that they failed to use all available investigative resources. Finally, decisions by supervisors were at times not properly documented.

In general, DOC's applicant screening process sharply contrasts that of the NYPD APD. The NYPD investigators receive formal training that includes interview techniques and the use of law enforcement databases. Moreover, the APD tracks applicant files in an efficient electronic database, has strict standards to disqualify certain candidates automatically, and employs multiple layers of supervisory review before selecting an applicant. DOI also found evidence that the NYPD's process is more stringent. For example, several of the reviewed AIU files included a notation that the candidate was previously rejected by the NYPD.

To improve DOC's application process, DOI makes the following recommendations:

1. DOC should have a more thorough applicant review process. DOC should adopt a system, comparable to the NYPD APD, in which each applicant must pass through multiple levels of review, by both civilian and uniformed staff, before being approved by a panel of executives. On August 6, 2014, DOC announced vacancies for COs and a Captain in AIU. Since that time, DOC has assigned seven COs and one Captain to AIU.
2. AIU should create a standard detailed checklist identifying all documents that it requires applicants to submit and all AIU investigative steps necessary to complete the background investigation. This, along with a new computer system, should help ensure that all required information is obtained for every applicant.
3. DOC should ensure that all case coordinators are using IFCOM as an investigative tool. Specifically, not only should DOC check

IFCOM databases for telephone contact with inmates, but it should listen to the recorded telephone calls between the inmate and the applicant. The identification of an applicant's phone number in the inmate database is concerning, and only a review of the content of these calls will allow DOC to determine the extent of the relationship and whether it should disqualify the candidate.

4. DOC should implement standardized training for case coordinators in investigative and interview techniques, to explain the application process, to teach them to use computer databases and other law enforcement tools, and to provide guidance on appropriate hiring recommendations. In particular, gang identification and disqualifying factors related to gang activity must be part of the training course as this type of affiliation by a CO presents a serious threat to the safety and security of DOC facilities. The NYPD APD's two-week training course for investigators with follow-up refresher courses provides one effective model.
5. DOC, using the NYPD APD system as a model, should computerize its applicant file review system. At present, all AIU files are paper based, and many that DOI reviewed were incomplete. Computerization would enhance DOC's ability to store and access information, and ensure that a standard process is followed for every applicant. Additionally, an electronic application questionnaire similar to that used by NYPD would prevent applicants from advancing in the process without filling out required information and allow AIU to develop useful statistical information to help guide its hiring practices.
6. DOC must engage in a more rigorous review of the psychological testing presently employed.
7. Decisions by supervisors, especially the Director and Deputy Commissioner that overrule the judgment of subordinates, must be explained in writing.

**C. DOC must have a system in place to proactively monitor applicants who are hired but are considered vulnerable to corruption.**

Once a CO is hired, DOC fails to investigate issues that arose during the application process and has no procedure to monitor problematic applicants after

they become COs. DOI, however, found more than one instance where the AIU Director recommended that DOC continue to monitor the applicants for questions raised during their background investigation. As discussed above, a hired CO continued her unduly familiar relationship with an inmate after she was working inside DOC facilities and after telling AIU that the relationship would stop after she was hired. No monitoring was done, and this officer was ultimately fired less than a year after her start date for continuing to this unduly familiar relationship.

It is particularly important for DOC to monitor newly hired COs, because they are on probation for two years, and, therefore, can be fired summarily without a lengthy disciplinary process. Terminating the COs at this stage is far easier than eliminating corrupt COs who have tenure and all the procedural rights that it carries.

Therefore, DOI recommends that DOC continue the investigation after hiring the candidate if any issues implicating integrity concerns arose during the application process. At the very least, DOC should monitor these identified candidates on a regular basis to ensure they are not engaging in prohibited conduct. The monitoring should include regular checks of IFCOM, more frequent evaluations by supervisors and enhanced training for the officer.

**V. DOC is in agreement with the above recommendations, and has already outlined a series of further aggressive steps to address the problems DOI uncovered.**

In a recent meeting with DOC, DOI discussed the findings contained in this report in further detail. We were encouraged to learn that DOC has started outlining a plan to implement DOI's recommendations, has already scheduled a meeting with the NYPD APD to discuss their process, and that they have outlined further aggressive steps to address these problems. Of particular importance:

- DOC will seek to modify their NOE so that it is in line with the standards in place for the NYPD. This will result in stricter disqualifiers for prior convictions, prior summonses and traffic violations, and prior job terminations. DOC is also prepared to adopt an automatic disqualifier for individuals who have previously been terminated from government employment.
- DOC is prepared to adopt an additional disqualifier for individuals who have had prior contact with two or more inmates. Additionally, DOC will use the CIB to listen to recorded phone calls uncovered between applicants and inmates. Candidates will be disqualified based on the nature of these calls.
- DOC will begin using additional investigative tools, including running full credit report checks for applicants. DOC will also use databases to check for

additional phone numbers, social media sites, and other things that candidates may have not reported in their application.

- DOC will implement a formal training program for staff assigned to the AIU and responsible for screening candidates. This training program will cover not only interview techniques and database training, but staff will also be trained by DOC's CIB to learn about gang affiliation.
- DOC will enhance the oversight of hiring decisions. Specifically, a "disapproval" decision by anyone in the hiring process can no longer be unilaterally overturned. Additionally, DOC will enhance the review process for probationary officers, before they become tenured.

We are encouraged by DOC's prompt response to these findings and will continue to monitor the implementation of these and all of the recommendations contained in this report.

## **VI. Conclusion**

DOI's investigation has demonstrated that significant flaws in AIU's hiring system have contributed to the hiring of corrupt COs. DOI discovered that poor recruitment efforts, inadequate training of AIU investigators, and a deficient applicant evaluation process have all contributed to serious problems within AIU, and ensured that DOC is not meeting its goal of hiring "the most qualified" individuals to become COs. Although DOC has taken some initial steps to remedy this problem, the findings of this investigation conclusively demonstrate that DOC must continue to reform its hiring process. The people entrusted with the care and custody of the City's inmates are essential to any plan to reform its jails. Finding quality candidates to fill this role, and ultimately ensuring that quality candidates are available for promotion to higher ranks, begins with AIU.

In order to achieve the desired goal of a safe and corruption free jail system, DOC must hire applicants with the strength of character to handle the stress of the demanding job of a CO and the integrity required to reject the temptations of corruption. COs must consistently ensure the safety of inmates without resorting to excessive force, refuse to accept bribes for smuggling contraband, and enforce DOC regulations without favor to any particular group of inmates. Therefore, AIU must improve its vetting process to screen for corruption vulnerabilities unique to DOC. Particularly, screening for prior associations with inmates, gang affiliation, and prior arrests or misconduct indicative of poor moral character is of paramount importance. DOC must also consistently monitor any CO that, while ultimately hired, showed signs of corruption vulnerabilities during the screening process. Quick implementation of these recommendations will improve the quality of the men and women who will be tasked with the immense challenge of reforming the City's jails.