

# **Preventing Police Corruption: Lessons from the New York City Police Department**

by

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Presentations and issues raised at a Digital Video Conference held by the American Embassy in South Africa with the Internal Affairs Bureau of the New York City Police Department on 18 August 2003.

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This document aims to present the issues raised and questions asked and answered during the discussions that took place at the Digital Video Conference organised by the United States Embassy in Pretoria on 18 August 2003 between the Chief of the IAB and interested stakeholders in the fight against police corruption in South Africa.<sup>1</sup> Every effort has been taken to ensure that this is an accurate reflection of what was presented and discussed at the conference. Special thanks must go to Susan Snyder of the American Embassy for organising this insightful event.

In the early 1990s, the Mollen Commission of Inquiry revealed a serious police corruption problem in the New York City Police Department (NYPD). One of the key recommendations of the commission was that their internal investigative structure the Internal Affairs Bureau (IAB) be reconstituted as it had failed to effectively tackle the problem. Almost a decade since the establishment of a new IAB, it is hailed as a noteworthy example of how such a structure should operate if police corruption is to be adequately dealt with.

## **Opening Presentation**

### **Chief Charles V. Campisi of the Internal Affairs Bureau of the New York City Police Department**

Over the past few decades it has increasingly been recognised that once corruption starts to become a problem within a police agency, commanders lose the ability to control their officers and as a result, confidence from the community is lost. This undermines the ability of the police in fighting crime as community cooperation is not forthcoming due to a lack of trust. The NYPD over its long history has experienced periodic problems with brutality, corruption and misconduct committed by its officers. In terms of historical time-lines, there has been a major police corruption scandal warranting the establishment of an independent commission of inquiry approximately every twenty years.

After each commission of inquiry, a number of wide reaching reforms were implemented which, which it was felt at the time, would solve the problem once and for all. However, the Mollen commission of inquiry found that the corruption problem it uncovered was worse than that revealed by the Knapp Commission 20 years previously. This was in spite of the once-off reforms that had been implemented following the recommendations of this commission. Consequently, it was recognised that the

phenomenon of corruption is inherent in the occupation of policing. Therefore, sustained efforts to combat the problem have to be undertaken by a police agency if it is to effectively tackle the problem.

The current Internal Affairs Bureau (IAB) of the NYPD was formed in 1993 following the recommendations of the Mollen Commission of Inquiry. Substantial international research and consideration was undertaken as part of process of establishing a new structure. Two key principles emerged from this research.

1. A proactive approach is necessary if police corruption was to be effectively addressed
2. An independent internal investigative police unit is the most effective and efficient structure for tackling police corruption

During the process of establishing a new IAB, one of the key principles that came to the fore was that a proactive approach was critical if police corruption was to be effectively addressed. Typically, most police agencies wait until they received a complaint of corruption before taking any action. Many agencies do little until there is a crises situation in relation to corruption before making any changes. However, it was recognised that the reactive approach was not nearly adequate enough to deal with an existing corruption problem. This is because police corruption usually involves two guilty parties, neither of which would have any interest in reporting the other. Many other types of police misconduct or criminality (e.g. theft from a crime scene) involve no witnesses at all. Often when complaints are received, the only information available to investigators is the version of a police officer against that of a complainant.

Secondly, the IAB came to the opinion that the most effective and efficient structure for tackling police corruption is a well-resourced and independent internal investigative police unit. Such structures are staffed by police officers who are intimately familiar with the culture of the organisation and are best placed to work out how to identify and collect evidence against a corrupt police officer and ensure that this individual is subject to the necessary criminal or disciplinary processes.

The structure and work of the IAB is based on the above two principles and indications are that this can be successful was demonstrated by the following figures provided by Chief Campisi. Over the past 10 years the NYPD has grown by 42% to a size of 55 000 officers. This was as a result of various other city policing structures (such as the transit or Metro rail police, public housing police, traffic police and school safety officers) merging into the NYPD. Due to the approach adopted by the NYPD in this time period to deal with corruption and misconduct, in spite of the increase in size of the agency, there has been a 50% drop in complaints of serious misconduct and corruption and a 60% decrease in the number of shooting incidents.

A unit was established to respond in both a proactive and reactive manner to corruption. With the regard to the reactive approach, the IAB receives all complaints and investigates all the serious ones thoroughly. Serious complaints are defined as any complaint, which if found to be true, could lead to an officer being dismissed. Towards this end the IAB has a team of investigators on standby 24 hours a day every day of the year. With regard to their proactive approach, information from complaints and other sources is analysed to identify specific problem officers or units where there is some evidence that problematic behaviour on the part of police officers is occurring. Once the particular officers have been identified and their modus operandi established, 'integrity

tests' are carried out with the aim of securing evidence against them.

### **Integrity testing as a proactive approach**

Simply explained, an 'integrity test' consists of the creation of an 'artificial situation' replicating the normal day to day situations that police officers experience during which the integrity of police officers involved will be 'tested'. 'Integrity' is tested in that a police officer will be presented with an opportunity to commit misconduct or corruption without realising that they are being monitored closely. The idea behind the secretive integrity testing is to establish an 'aura of omni-presence' of the IAB in that police officers could reasonably think that any interaction with a member of the public (including criminal suspects) could be a test by the agency.

There are two types of Integrity tests.' On the one hand there are 'Targeted Integrity Tests' which are conducted against specific officers or a group of officers where information is available that points to problematic behaviour. On the other hand there are 'Random Integrity Tests' which are not conducted against specific officer. The random factor is that the IAB do not know exactly which police officers will be tested. These tests are conducted at a particular place and any of the officers on duty could undergo the test.

Integrity tests can range from simple one-off engagements to more sophisticated operations that take place over time. The important factors in relation to these types of tests include:

- to try and capture the officers response to the test on video or audio tape,
- never allow police officers to know that they have been subject to an integrity test,
- test every precinct/ station within the agency at least once a year

The IAB don't like to tell officers if they have passed an integrity test. If they fail they will find out when they are presented with the evidence against them. The consequences of failing a test depend on what occurred and can lead to internal disciplinary steps or training if regulations were not followed. Criminal acts picked up during integrity tests will be prosecuted in the courts.

### **Questions and Answers**

The following section represents most of the questions that were asked by participants and the answers that were provided by Chief Campisi.

#### **Could you provide some practical examples of integrity testing?**

Random tests are easier, less complicated and quicker to carry out. For example the IAB will stage a motor vehicle accident where it will appear that one of the drivers will need to be taken away for medical attention. The vehicle will be left with a police officer whose responsibility is to make an inventory of the contents of the vehicle and ensure it's safe-keeping. In the vehicle there will be things of value such as money, narcotics, or anything else that the IAB agents believe that a corrupt police officer might have the propensity to steal. A hidden camera will be in the vehicle and will film what the officer does. The IAB will monitor the officers' actions to see if the items are properly inventoried or if the officer steals something. These tests help with establishing

baselines as to the conduct of officers assigned to various precincts. It is important to avoid 'perfunctory' random tests such as having an under cover agent hand to a police officer a 'lost wallet' containing a wad of money. Most officers will be quick to suspect such incidents as being an integrity test. A key principle behind integrity tests is that police officers should have no way of knowing that they are being tested.

Another example of a random testing was presented as follows. Geographical mapping of complaints against police suggested that property related thefts were occurring within a certain precinct in the vicinity of a hospital. It was decided that a random integrity test would be carried out in the area to see if an officer could be caught. A number of items were placed in a carry bag. These items included a local newspaper, a book that looked as if it was in the process of being read, some shopping coupons and some cash. An undercover officer dressed as a nurse, who carried a specially made nursing ID tag, approached a police officer who was passing by the hospital and handed him the bag. She acted as if a person had recently left the bag at the hospital and she wanted to hand it to the police for safekeeping. As the contents of the bag would suggest that it belonged to some ordinary person, a corrupt police officer would not suspect that it was a trap and may then remove some of the valuables or cash before handing it in at the police station. This way a police officer who was predisposed to theft could be caught red handed.

In targeted tests against specific police officers suspected of wrongdoing, it will take longer as the IAB may have to monitor them over a period of time. The IAB would rent an apartment for a few weeks and have two undercover IAB officers pretending to be a married couple coming and going so that the neighbours believe that they are new tenants. This is to ensure that if one of the targeted officers check with the neighbours they will not become suspicious. During the course of a few weeks the under cover officers will stage domestic disputes several times. During the initial calls to the police about the disputes the officers who attend the scene will be able to quite quickly diffuse the situation. These call-outs will be to establish a sense of familiarity amongst the police officers who attend the scene. During the last domestic dispute the officers will arrive to find that the woman has been 'assaulted' and that the man has fled the apartment. The women will then find some excuse to leave the officer alone in the department. A number of valuable items or cash will be left lying around that will provide an opportunity for a corrupt officer to steal. These tend to be very successful operations as corrupt officers will not know that they are being video taped.

Another important aspect is that site surveys need to be conducted at different times of the day before an integrity test is carried out. IAB officers need to be aware of who could be observing the test and decide on the best time to carry it out. In particular it is important for IAB officers to establish whether there are other plain clothes officers in the vicinity who could observe the test. The IAB under cover officers or 'Ghost officers' as they are referred to, and their 'protectors' also have to make sure that they blend in to the demographics of the area in which they are operating. This means that they should reflect the ethnic make-up and dress sense of the community in which they conduct the test.

The IAB always inform prosecutors of their integrity tests. This is so that the prosecutors can provide legal advice and ensure that the under cover officer does not break any of the entrapment laws. In NYC, you may provide the opportunity for a person to commit a crime but not entice or coerce the person into it.

Furthermore, the prosecutors assist the IAB in ensuring that the whole process goes smoothly. In some cases the under cover officer may be arrested along with the suspect officer. They will be held in cells and charged as if they were a suspect themselves so as not to tip off the suspect officer that they have been caught in an integrity test. The prosecutor will need to be informed as to assist with the process.

The IAB had a situation where the head of a police union called for a meeting to complain that his members were unhappy with the tests and that they should stop. We told him that we would not stop and that we were going to increase the numbers of tests conducted. He then 'threatened' to tell his members that these tests were happening and that they should always only act in accordance with the regulations (the implicated threat was that the IAB would then have no purpose). The IAB was happy that this message was going to get out.

#### **How many officers are tested a year and what are the results?**

The IAB does not like to reveal how many tests it conducts each year. They prefer that the rumours amongst police officers lead to a situation where the Bureau is seen as 'omni-present' because it is impossible for officers to tell whether they are being tested or not during their daily engagements. Columbia University conducted a survey where they asked NYPD police officers how many Integrity tests they thought were conducted by the IAB each year. NYPD officers generally believed that about 6000 tests were conducted annually. The actual amount is closer to 1000 tests annually.

Out of this number of tests the IAB detect about 12 to 13 criminal failures (tests during which a police officer breaks the law) every year. Due to the nature of the evidence collected most of these officers plead guilty and resign. As they are entitled to all evidence against them, they will see that there is video evidence and realise that they have no chance at being acquitted.

There are about 23 to 30 administrative failures (where officers fail to follow regulations and are guilty of misconduct) detected annually. These are prosecuted through the internal disciplinary system with a 90 to 95% successful conviction rate.

About six to seven supervisory failures (where commanders fail integrity tests for not fulfilling their supervisory responsibilities) are also detected each year. These are also referred to the internal disciplinary system with 100% successful conviction rate.

#### **What are the skills profiles of IAB investigators?**

They look for people who can fit into any neighbourhood. Ideal candidates are individuals who can think on their feet and are able to role-play or act out different types of people. Currently the IAB has an acting teacher who works with under cover officers and assists them in acting out different roles. However, much of the learning process of new recruits to the IAB is a case of trial and error. IAB officers are constantly evaluated to determine what kinds of roles they can play and what types of assignments they can best handle. It is important that they are able to look and act like a person who is not a police officer. People who can speak different languages or speak with different accents are valued. There was one officer who could speak with a thick Jamaican accent and was very successful in trapping corrupt officers.

**How aggressive does one have to be with internal accountability for such investigation bodies?  
Would you use a lie detector as a matter of course and what additional measures do you use?**

Lie detector tests are not utilised as they are not admissible in court. There is a focus on recruitment to ensure high levels of internal integrity. Police officers cannot volunteer for the IAB. They can only be drafted into the bureau who try to choose the most qualified, talented and diverse people. Once individuals have been selected they are subject to a stringent screening process. This includes checking into their financial backgrounds to look for debt or other financial problems that could be used to subject them to undue influence. Furthermore, their lifestyles are examined and they are subjected to drug tests.

**What came of the Mollen Commission recommendation that an external independent oversight body be established to oversee the IAB?**

The body was established and is called the 'Commission to combat police corruption.' Their purpose is to monitor the IAB to see that the Bureau is doing what they are supposed to be doing. They have not yet had to conduct their own investigation into the work of the IAB but they do review investigations conducted by the IAB. They have released seven reports on the standards of the policies and practices of the IAB. They occasionally point out areas where improvements may be possible. Where the IAB agree with the recommended improvements these are implemented. However, if the IAB does not agree with the recommendations made they will present an argument as to the reasons why and will then suggest alternatives that they can put in place to deal with what has been raised.

**Are NYPD officers provided with any training to prevent corruption?**

New recruits spend six months in training academy where they are in the classroom. During this time one week is dedicated to training on ethical decisions, how to make decision about the use-of-force and how the disciplinary system works. The police regulations on the use of force are more restrictive than the general NYC law in this regards. Officers are taught about 'graduating levels' of force in response to various situations. This training is undertaken by means of role-playing where officers are presented with various situations involving ethical dilemmas and have to make decisions about how to act.

During this training the IAB also addresses the new recruits. They are told about the integrity tests and are shown videos of old integrity tests where a police officer has failed by acting criminally or against regulations. They are left with no doubt that problematic behaviour is uncovered and dealt with. During this instruction they are told in no uncertain terms what is expected of them as police officers.

Before they graduate, recruits must write two examinations, one on the use-of-force and one on handling ethical dilemmas. To graduate successfully, recruits must achieve a score of 100% on both exams. If less than 100% is obtained the recruits have to undergo re-instruction and are retested using a different test. Once again, only a pass with 100% is accepted for the officer to graduate.

Chief Campisi firmly believes that only a small percentage of police officers are "bad apples" that commit crime and corruption. However, even if this means that only one percent of the 55 000 NYPD officers are prone to serious misconduct or corruption, this still comes to 550 problematic officers. It is the job of the IAB to prevent these 550

from become involved in crime and corruption by letting them know that there is a real chance that they could be caught. Of those that still do not heed the warnings the job of the IAB is to proactively catch those that become involved in serious misconduct and corruption.

It is important that training on ethical conduct does not end once the recruits leave the academy. Throughout the career of NYPD officers they will receive further in-service training. Each time an officer is promoted they receive training to ensure they can handle increased responsibilities. New managers learn about ethical dilemmas from a management perspective in a programme called "It's your move serge!" Here they are presented with a management dilemma and have to respond to the ethical challenges it presents. Officers undergoing this course are also shown videos of integrity tests performed on managers where they have failed to act correctly.

**What are the most commonly occurring types of crime and corruption committed by NYPD officers?**

When the IAB was first established, the complaints were largely related to narcotics (such as stealing and using drugs), and associating with known criminals. As a result the IAB introduced drug screening tests as a requirement for all new recruits to the NYPD. Moreover, drug tests were also administered to any officer who was promoted or transferred. In addition random drug testing was also introduced at all precincts with the aim of testing at least 20% of all officers at all levels each year. The Chief of the IAB has been tested 5 times since being appointed in his post seven years ago as a result of his number coming up through random selection.

Since these anti-drug measures were introduced, drug related allegations against NYPD officers have declined. However, in the past year and a half allegations of property related theft have increased.

During 2002, the NYPD received 30 000 complaints against police officers. Most are of a minor nature and are handled by supervisors. The IAB only investigate those complaints considered serious as defined by the question "If the complaint is found to be true, will the officer in question lose his or her job?" During the same year 1 035 serious complaints were investigated by the IAB. Of these complaints, about 350 (approximately one third), are complaints of property theft levelled against officers. The complainants are typically arrested suspects and people who have had search warrants issued against them.

There is also an emerging trend of officers becoming involved in organised crime such as accident insurance fraud. This fraud is organised as it involves people who are not necessarily police officers. They can be attorneys, medical practitioners, and civilians who stage false accidents or open claims where there has been no accident. Officers are typically recruited into this type of fraud as they can receive kickbacks to fill out an accident report and enter it into the system which can then later assist claimants with insurance payouts.

**How important is the internal disciplinary system in tackling corruption?**

The internal disciplinary system is extremely important for tackling corruption as it is a formal system for correcting the behaviour or dismissing problem officers. As a paramilitary organisation policing agencies are typically very rule driven and the disciplinary system is there to ensure that the rules are taken seriously.

In the NYPD the disciplinary system has several layers. There is command level discipline where supervisors are responsible for ensuring the general regulations are upheld. There are two schedules of offences at this level: 'Schedule A' offences which are minor violations (e.g. losing police property such as forms, dress code violations etc.) Schedule B offences are more serious such as losing a police badge, (seen as more serious as a criminal could use this to commit fraud by pretending to be a police officer.) The penalties for these violations are typically formal warnings, loss of vacation days or monetary fines.

For more serious offences, formal charges are drafted by an in-house Advocate and presented to the accused officer. These officers are then afforded an opportunity to obtain representation for their defence against the charges. A formal hearing will be held which will be overseen by an administrative judge. Many of the IAB investigations where serious misconduct is uncovered will result in formal disciplinary hearings. An incident that is considered serious misconduct will be where a police officer has been associating with known criminals.

In some instances disciplinary hearings are instigated by the police manager but most are instigated by the IAB. If convicted of a criminal offence the police officer will immediately be removed from the police agency. If the crime is minor then an internal 'court martial' will be held against the officer.

The presiding officer of internal disciplinary hearings reports only to the Chief of the NYPD. The disciplinary system plays an important role in training, correcting behaviour and removing officers from the department. The aim of the NYPD disciplinary system is to protect the interests of police agency.

#### **What system is used to record allegations or investigations?**

Every complaint against the NYPD is chronologically logged on a computer data base. Each of these complaints is then sent to the external 'commission to combat police corruption' for their files. Complaints are made via telephone or in writing. The complaints 'hotline' encourages complainants to provide as much detail as possible when making complaints. Details such as the number of officers involved, their rank, the exact time and location of the incident etc, are captured by the person operating the 'hotline'. All calls are tape recorded and are reviewed at the end of each day to check that each call has been logged onto the data system and that all the details are captured correctly. The tape recorded calls are listened to about 2 to 3 times before the complaint is investigated further.

New York city consists of five 'Boroughs' each with its own elected head prosecutor. Each of these prosecutors has a dedicated anti-corruption prosecutor who also receives the complaints.

#### **How are police officers with high integrity rewarded?**

An Integrity Review Board has been established and it meets periodically to determine which officers have found to display a high level of integrity (potentially through having repeatedly passed random integrity tests?) These officers, once identified, are brought before the board and are offered 'choice' assignments or transfers that could lead to promotions into more senior positions. No financial or tangible rewards are offered to prevent any suggestions that officers need to be paid to have integrity.

### **Would increasing police salaries reduce corruption?**

No! Both the Knapp and Mollen Commissions of Inquiry into police corruption both recommended that police salaries be increased. These were the only recommendations that were not implemented or acted upon. In the NYPD those officers who are not able to make ends meet through their police salaries take on second jobs (presumably authorised). Of course there will be a small minority that will attempt to steal or become involved in corruption to make extra money – hence the need for the IAB.

### **Why are some police officers corrupt?**

The IAB has done substantial research on the issue through surveys and interviews of police officers who have been caught. Once an officer has been caught for corruption they have an opportunity to cooperate with the IAB. This cooperation can involve simply agreeing to an interview about why they did what they did and who else is involved. Further cooperation could be that the corrupt officer assists in under cover operations against other corrupt officers. A number of officers who are caught will cooperate as this will be taken into account when they are sentenced.

From the interviews conducted, the predominant reasons that emerged as to why officers committed acts of corruption or criminality was simply that:

- they were greedy,
- an opportunity presented itself, and
- they did not believe that they were going to get caught.

From the survey research of those found guilty of corruption there was only one significantly correlating variable. Corrupt officers who are found guilty are unlikely to have much formal education. A lack of higher education was the only factor that directly correlated with being found guilty of corruption or police brutality in the IAB research. Other variables such as race, gender, ethnicity, age, length of service etc, did not significantly correlate with being found guilty of corruption.

### **Do you have a programme to protect whistleblowers?**

It is both a matter of state law and an internal mandate that the IAB safe-guard and protect their 'whistleblowers'. It is seen as an important obligation that any 'whistleblower' will have their job protected and will be protected from harm. Most of the IAB work towards this end has been protecting whistleblowers from being abused in their workplace. Fortunately, it has rarely been the case that the IAB has had to protect a 'whistleblower' from physical harm.

### **Over the past ten years how has perception of police corruption changed in NYC?**

The IAB use a number of indicators to determine the public perception of police corruption. Citizen satisfaction surveys are regularly conducted and some of the questions ask about experiences of interacting with police officers in relation to actual and perceived corruption. Public perception surveys are supplemented by officer engagement with various community structures. IAB representatives will attend community meetings, council meetings during which time they will look out for comments about the NYPD to gauge the perceptions of the public towards the police. At the present time the public is fairly well satisfied with the conduct of the NYPD and the perceptions are much better now than they were in the past.

Another strategy utilised by the IAB is that of 'Field Associates'. These are individuals who work as regular police officers in each of the police stations in NYC. Once a month they are called by an IAB officer who will engage in a conversation about the perceptions and activities of officers at their stations.

**Who does the IAB report to?**

The IAB reports only to the Chief of the NYPD. While they may work closely with prosecutors and provide the external oversight body with information, they are only responsible to the Chief. No one else has any power to interfere with the work of the IAB. There are only two instances where the IAB will not be able to investigate cases of corruption or criminality. When allegations are made against the Chief of the NYPD or when allegations are made against members of the IAB.

**Note:**

<sup>1</sup> The IAB representatives included the Chief of the Internal Affairs Bureau (IAB) Charlse V. Campisi, and the Commanding Officer of IABs Corruption Prevention Division, Patrick Gallagher of the New York City Police Department. In South Africa, the participants included representatives from the United States Embassy, the Independent Complaints Directorate, the Assets Forfeiture Unit, the Special Investigations Unit (the 'Scorpions'), the South African Police Service, CSV, the Institute for Human Rights and Criminal Justice Studies at Technikon SA and, the Institute for Criminology at the University of Cape Town.

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