

U.S. Department of Justice
Office of Justice Programs



Bureau of
Justice
Assistance

120652

ding Integrity and
ig Drug Corruption in
ice Departments



International Association of
Chiefs of Police

120652

BUILDING INTEGRITY AND REDUCING DRUG CORRUPTION IN POLICE DEPARTMENTS

Supported by a Cooperative Agreement, between the Bureau of Justice Assistance and the International Association of Chiefs of Police, entitled:

**"Drug Corruption Program"
88-DD-CX-K004**

Produced for:

**U.S. Department of Justice
Dick Thornburgh, Attorney General**

**Office of Justice Programs
Richard B. Abell, Assistant Attorney General**

**Bureau of Justice Assistance
Charles P. Smith, Director
633 Indiana Avenue, N.W.
Washington, D.C. 20531**

Produced by:

**International Association of Chiefs of Police
1110 N. Glebe Road, Suite 200
Arlington, VA 22201
Daniel N. Rosenblatt, Executive Director**

September 1989

120652

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been granted by

Public Domain/OJP

~~U.S. Dept. of Justice~~

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.

This project was supported by Cooperative Agreement No. 88-DD-CX-K004, awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of this agency.

The International Association of Chiefs of Police gratefully acknowledges those who gave their time, effort, and experience to assist the project staff in this work (see page 121 for a complete list of acknowledgments).

*Daniel N. Rosenblatt
Executive Director*

TABLE OF CONTENTS

SUMMARY

PROJECT OBJECTIVES AND METHODOLOGY 1

INTRODUCTION 5

A Discussion of Terms and Definitions 9

PART I: THE APPLICANT SELECTION PROCESS 11

The Departmental Perspective: Tools and Resources in the Applicant Selection Process 11

Applicant Screening 11

Background Investigations 14

Hiring and the Background Process 16

The Importance of Reviewing Juvenile Records 20

Evaluating an Applicant's Prior Drug Abuse 21

Expanding Recruitment 27

Backgrounds for the New Chief and for Support Personnel 27

Competence and Integrity 28

Race and Ethnicity 28

Recommendations for Strengthening the Applicant Selection Process 29

Management Guidelines for the Evaluation of Police Psychological Screening Programs 35

Other Sources for Psychological Screening Standards 41

PART II: REINFORCING VALUES	43
Individual Values and Integrity	43
Reinforcing Values	44
There Are No Simple Solutions	45
Individual Integrity at All Levels of Policing	47
Commitment to Honesty in the Police Environment	49
PART III: SAFEGUARDING AGAINST CORRUPTION THROUGH DEPARTMENT CONTROLS	53
The Chief Executive Sets the Standard	53
Management and Supervision	55
Supervisory Responsibilities	57
Supervisory Training	59
The Formal Internal Audit Process	60
Internal Auditing and Informants	62
Informant Use and Controls	64
Internal Affairs	67
Drug Enforcement Units	74
Community-Based Policing	76
Evidence Handling and Storage	77
An Early Warning System	79
Training	81

Outside Employment	83
Discipline	85
Tenure for the Chief	92
Closing	93
A Three-Step System To Strengthen Integrity and Safeguard Against Corruption	95
Assessment	95
Proactive Plans	96
Monitoring Progress	100

APPENDICES	103
-------------------	------------

A. A Comparison of Frequency of Marijuana Use to Admissions of Other "Serious" Behavior Requiring Investigation.	104
B. A Comparison of Frequency of Marijuana Use to Admissions of Disqualifying "Critical" Behaviors.	105
C. A Comparison of Frequency of Marijuana Use to Admissions of Use of Other Disqualifying Drugs.	106
D. During your entire life, how often have you tried, used, or experimented with marijuana? [Graph]	107
E. What the PHQ Drug Data Tells Us.	108
F. A Comparison of Frequency of Cocaine Use to Admissions of Use of Other Disqualifying Drugs.	109
G. A Comparison of Frequency of Cocaine Use to Admissions of Other "Serious" Behavior Requiring Investigation.	110

H.	A Comparison of Frequency of Cocaine Use to Admissions of Other Disqualifying "Critical" Behaviors.	111
I.	During your entire life, how often have you tried, used, or experimented with cocaine? [Graph]	112
J.	A Comparison of Self-Reported Drug Use in Agencies Using the Polygraph in the Selection System (N=1040) vs. Those Not Using the Polygraph in the Selection System (N=864).	113
K.	Recommendations.	115

ACKNOWLEDGMENTS	121
------------------------	------------

SUMMARY

In the Spring of 1987, Clarence Dickson, former chief of the Miami Police Department, requested that the U.S. Department of Justice assist in determining the causes and remedies for drug corruption among police. His department had been wracked with drug corruption scandals, the most notable of which, the Miami River Cops, received nationwide attention. The Bureau of Justice Assistance, through competitive process, selected the International Association of Chiefs of Police to conduct a fifteen month study resulting in this monograph.

Six major city police departments voluntarily participated, and each was visited by the project staff. The staff interviewed several hundred officers and others involved with policing. Within legal limits, thousands of files, documents, and procedures were reviewed by the project staff to formulate its recommended approach.

It became quickly apparent that there must be three principal areas of focus: the applicant selection process, reinforcing high integrity values among individual officers, and effective anti-corruption programs to reduce the opportunities for corruption. This monograph contains information about the three areas and about how departments differ in their approach to each, as well as how each area can be best addressed to strengthen integrity and reduce corruption.

The section **Project Objectives and Methodology** explains in more detail how the project was conducted and gives background on project participants.

Part I, The Applicant Selection Process, explains the importance of selecting applicants consistent with department standards, how standards are often compromised, and the importance of selection criteria including prior drug abuse limits for applicants. It also contains information about psychological screening and other techniques used to improve selection.

Part II, Reinforcing Values, discusses the importance of reinforcing high integrity values among police officers, suggests ways to strengthen values, and cites certain impediments to the tasks which must be addressed.

Part III, Anti-Corruption Efforts Through Department Controls, highlights a number of programs and techniques departments use to reduce corruption and some of the many pitfalls which officers face in policing, with recommendations for strengthening department initiatives.

At the end of the monograph is a model which uses principles and techniques from the monograph to: 1) assess what specific areas of a department must be improved; 2) develop a proactive plan for making improvements; and 3) monitor progress.

The **Appendix** contains statistical data in chart form that can be helpful to support decisions on applicant selection for those who have abused certain drugs. The appendix also contains a concise list of some of the recommendations in the monograph.

The **Acknowledgments** section contains the names of those who contributed their time and effort to the project.

PROJECT OBJECTIVES AND METHODOLOGY

In the Spring of 1987, Clarence Dickson, former chief of the Miami Police Department, came to the U.S. Department of Justice seeking assistance to the well-publicized drug-related corruption problems which plagued his department. Assistance came in the form of a Cooperative Agreement, funded by the U.S. Department of Justice, Bureau of Justice Assistance, and awarded to the International Association of Chiefs of Police.

The purpose of the resultant project was to provide insight into the contributing factors of drug-related police corruption and the determinants of a high level of integrity within a police department, and to provide practitioners with recommendations for improving integrity in policing.

Many aspects of police integrity were examined in the six police departments participating in the Cooperative Agreement: Houston, Los Angeles, Miami, New Orleans, San Diego, and Washington, D.C. During site visits to each of these departments, a wealth of information was also provided by federal, state, and local law enforcement agencies, prosecutorial authorities, political officials and others who have an impact on the level of integrity in municipal policing.

Each is a major city police department in terms of jurisdictional size, yet the six departments represent a wide range of operating conditions. Each department made available information about the operation of the following police functions: internal affairs, specialized drug units, patrol, training, recruiting, hiring, background investigations, psychological screening, discipline, and management systems. In addition, each participating agency provided access to members of the command staff and field officers for interviews. The departments made every effort to accommodate project requirements, although legal restrictions in some jurisdictions limited or prohibited access to some types of information.

As is often true in projects of this type, several obstacles were encountered in the early period of defining the scope of the study. It is impossible to focus exclusively on drug corruption and ignore other forms of police

corruption. Many of the conditions that allow all forms of police corruption to flourish are indistinguishable from those which give rise to drug corruption. Likewise, remedies for general police corruption and drug corruption are often the same. The unique properties of drug-related police corruption are discussed in the monograph along with general discussions of police corruption and integrity. The original proposal recommended the collection of considerable data which, it was determined, is not retained by most departments; and it was, therefore, necessary to make adjustments.

All interviews were voluntary. The project team requested that no personnel be ordered to cooperate. All individuals interviewed were advised that they could provide information freely without fear that information would be attributed to them by name, unless they specifically requested attribution.

This is not a scientific approach. The views presented in this monograph have been distilled from the combined experiences of members of the project staff and the numerous people interviewed during the course of this project (see Acknowledgments). The methodology used in this project in no way resembled an investigation; instead, information and ideas came from those who know policing best. In addition, an advisory board contributed valuable direction to the project staff.

Project Consultants and Staff

The original proposal for this project was written by Phyllis McDonald, Ph.D., with assistance from Daniel N. Rosenblatt and Jerome A. Needle, of the IACP staff. Frank Monastero, of T.M. Monitor Corporation, a consultant to IACP, was project manager and principal author of the monograph. Andrew Tartaglino, consultant to IACP, and Michael Whalen, IACP staff, made major contributions to the monograph and to planning and conducting site visits.

Frank Monastero and Andrew Tartaglino, each retired senior executives of the Drug Enforcement Administration, have had extensive investigative experience in the drug enforcement and drug corruption field. Mr. Monastero spent three years in the personnel security unit of the U.S. Atomic Energy Commission and five years as an internal affairs investigator

with the U.S. Internal Revenue Service before entering drug law enforcement. Mr. Tartaglino has extensive operational experience in drug corruption cases. In 1967, he headed a U.S. Treasury Department task force that uncovered massive corruption in the former Federal Bureau of Narcotics. The results of that investigation provided the basis for the 1971 Knapp Commission hearings in New York. He was the principal manager of the investigation on which author Robert Daley's book *Prince of the City* is based. Michael Whalen, a 1987 graduate in policy studies and criminal justice from Syracuse University, was the principal research and information analyst for the project and the monograph, and he designed the data collection instrument.

Michael Roberts, Ph.D., of the San Jose Police Department, facilitated the gathering of psychological evaluation and testing information. He also provided the recommended requirements and sequence for the psychological screening and the data for the charts on drug abuse in the Appendix. Dr. Roberts has been a police psychologist for 18 years and is widely known for his work with the Field Training Officers program, psychological screening, job stress, and executive training.

Sarah H. Hay, writing and editing consultant and collaborator with Frank Monastero on *Reducing Crime By Reducing Drug Abuse: A Manual for Police Chiefs and Sheriffs* (published by IACP in 1988 and also funded by BJA), smoothed the draft material, contributed to information about physiological effects of drug use, and is the monograph editor. Dawn Phoubandith of IACP staff administered the project and coordinated preparation of the monograph.

Members of the project's Advisory Board were:

Commissioner Willie Williams, Philadelphia Police Department

Chief Aristedes Zavaras, Denver Police Department

Chief Patrick Fitzsimons, Seattle Police Department

Ronald Goldstock, Director, New York State Organized Crime Commission

Henry S. Dogin, former Administrator of Law Enforcement Assistance Administration, and presently with the law firm of Barst, Mukamel and Babitt, New York City

Edwin Delattre, Ph.D., Bradley Distinguished Fellow in Applied Ethics, American Enterprise Institute, Washington, D.C., and author of *Character and Cops: Ethics in Policing*, University Press of America, Lanham, MD, 1989.

Luke Galant was the Bureau of Justice Assistance Project Program Manager. His overall supervision and guidance were very valuable to the development and implementation of the project.

INTRODUCTION

As this monograph was being prepared, a new head football coach was about to assume his position at a major university whose football program has been rocked by scandal. At his first news conference, the coach summed up in one short sentence the way any organization can avoid a breakdown of integrity. He said simply: "All we've got to do is the right thing."¹

This monograph explains how to do the "right thing."

Police chiefs and sheriffs will derive the greatest benefit from this monograph which provides guidance for improving the level of integrity among police. But it should also be of interest to other police managers and police officers, and to those authorities outside the organization who have a direct impact on policing through the exercise of supervision or discipline. These non-police authorities include mayors, city managers, review boards, prosecutorial units, state legislators, city council members, and agencies which control police testing and hiring standards. And so that they can better understand the various problems faced by police, this narrative includes details with which most officers are already familiar.

Corruption has been a problem of varying degrees among police officers from the beginning of policing. With the widespread availability of illicit drugs, especially cocaine, there is increased opportunity for wrongdoing stimulated by greed or other motives. Millions of seized drug dollars have compounded temptations faced by police. These opportunities are not limited to officers assigned to drug enforcement units. Patrol units, which encounter large supplies of drugs and cash and which usually have less oversight than do specialized units, face even greater temptation and certainly greater opportunity. The challenge among police administrators

¹*Washington Post*, June 21, 1989. Quote attributed to Coach Gary Gibbs, University of Oklahoma.

and police officers is to sustain the highest level of integrity when there is daily opportunity for integrity breakdown.

Contributing to this challenge is a new phenomenon: the former drug abuser as police applicant. The abuse of illicit drugs has become so pervasive in our society that many law enforcement agencies find large numbers of former and current drug abusers among their police officer applicants. And due to a need to hire more officers from a limited pool of applicants, many agencies are choosing to hire former abusers.

This monograph examines the issue of drug corruption as it applies to the individual police officer and to the police department as an organization. Corruption affects every individual police officer, even if the officer is not personally engaged in corrupt activities, and the entire police organization. To reduce corruption, police departments must instill the highest standards of integrity on the part of the individual officer while, simultaneously, establishing an environment which makes it difficult for officers to sustain corrupt activities.

The task of managing a large urban police department seems never to have been more challenging than it is today. Chiefs and sheriffs are charged to reduce crime despite reduced budgets and a criminal justice system strained to the breaking point. Jails are overcrowded, and in some places one inmate must be released if a newly convicted criminal is to be incarcerated. Unions press for better benefits, shorter work hours and more control of tour assignments, while being forced to defend officers engaged in corruption and drug abuse against departmental removal actions. The news media is filled with stories of politicians and professionals engaged in massive corruption schemes, some that reach into the billions of dollars.

For many departments crisis management is the rule rather than the exception. And with all this, a monograph appears which claims that the department can sustain integrity and reduce corruption by systematic approaches that require considerable creativity and initiative and a great deal of work to implement. With crisis management now the norm and operating budgets already reduced, what reason is there to undertake even the smallest new initiative? The answer lies in two simple observations.

First, crime is a concern of the entire criminal justice system and the community at large, not just of the police. *Second*, police officers don't reduce crime. Good police work does. A community cannot get good police work from a dishonest police officer. What it will get is more crime. Good police work comes only from honest and competent police officers.

Readers are urged to accept the full package of recommendations in this monograph as the basis for a comprehensive approach. Applying only select recommendations is not likely to result in any significant improvement in the integrity level of a department, since there are multiple interconnected components to building integrity. It has often been said, for example, that supervision is the **key** to integrity. The authors of this monograph **do not subscribe to this singular approach**, and the following pages explain why any simplistic solution cannot be supported. However, supervisors do play a necessary role in sustaining integrity and in detecting potential integrity breakdowns, if they are trained and committed to do so.

Values which support an individual's inclination not to engage in wrongdoing are built over many years of learning. These same values can be compromised in a single moment of temptation. There is no absolute way to prevent a breakdown of values. There can be only a consistent reinforcement of high-integrity values and a removal, to the greatest extent possible, of opportunity for temptation.

Unfortunately, opportunity for reinforcing values has been limited in policing. Unless all police recruits who emerge from training have the same sense of values, they are unlikely to come to a consensus on values at a later time. But few departments take time to build that consensus. Additionally, due to the nature of police work, there are many temptations facing officers who are not closely supervised during the normal course of duties. Much of a police officer's time on the street is spent among people who lack the very standards the department strives to maintain. These conditions undermine efforts to establish and sustain integrity in a police department.

Maintaining departmental integrity involves three processes. *First*, since individual values are demonstrated by past behavior, the department must thoroughly investigate applicants and hire **only** those whose past conduct

indicates commitment to values which the department wants to sustain. *Second*, the department must continuously reinforce integrity by ensuring that officers have greater understanding of its importance in policing. *Third*, the department must reduce the opportunity for human failure by creating an anti-corruption environment using all legitimate positive and negative inducements.

It is important to distinguish between activities which **build and sustain integrity** and those which **address corruption**. Too often, departments put disproportionate emphasis on internal audit and internal affairs programs with the erroneous belief that they build **integrity**. Even though it is necessary that they be effective and commensurate with department size, these are, in fact, **anti-corruption programs**. They must be in place to counteract the weaknesses in applicant hiring standards and in programs implemented to sustain integrity. It is important for departments to place a balanced emphasis on the applicant process, on building and sustaining values, and on systems to identify and address corruption in order to succeed in reducing corruption within the department.

A demonstrated commitment to personal and departmental integrity by police administrators and managers is essential to maintaining integrity among police officers. Departmental procedures have a limited capacity to address the potential integrity failings of an individual. The **mechanics** of combatting corruption within a department are, in most cases, in place and operational. What is most often lacking is the unified or singular commitment to integrity by those who, with police administrators, share control of and responsibility for the three processes outlined above. This deficiency comes from lack of understanding about policing and the process of attaining the goal of high integrity.

Until this understanding exists, no community can decide whether integrity is too costly. These costs include not only the cost in dollars and community well-being, but also the cost in human rights relinquished by police who allow themselves to be the subject of unrelenting scrutiny by the department. Integrity is less expensive and is in the best interest of the community. Corruption is costly both in terms of dollars and community well-being.

Everyone who shares authority over and control of processes to ensure departmental integrity must also share a personal commitment to integrity and maintain high standards of conduct to set a public example. This includes state legislators, mayors, city council members, city managers, supervising police commissions and review boards, prosecutors and others who administer discipline, civil service authorities who establish or control standards, police union officials, and members of the community who take an interest in police activities. **Unless everyone shares a goal of high integrity and demonstrates commitment to it, there will be only limited progress toward its attainment.**

At the end of this monograph there is a simple approach for establishing a target objective to improve integrity and a review process to reach this objective. The approach will result in improvements only if it is implemented in its entirety. The model assessment, plan, and monitoring system are meant only to illustrate a systematic approach. Every department has different problems and must apply the general principles to its own circumstances.

A Discussion of Terms and Definitions

In our society, authority is conveyed to a public servant from the community with the **trust** that it will be exercised within parameters of conduct set by its duly elected officials. Actions by a public servant which are outside these standards of conduct are a breach of public trust. There are as many ways to breach public trust as there are laws and regulations to control conduct. If a public official responsible for safeguarding a large amount of funds absconds with those funds, this is a breach of public trust. Similarly, if a public servant negligently operates an official vehicle, public trust is breached. These two actions of misconduct result from different intentions and will be treated differently, one as a major crime of theft and the other as a violation of organizational rules of conduct. Unauthorized disclosure of information, failure to carry out an assigned responsibility, and excessive use of force by a police officer are also breaches of public trust.

In this monograph, the term **"personal integrity"** is defined as "sincere devotion to honesty, justice, and goodness."² Personal integrity implies rigid adherence to a personal code of conduct and, conversely, failure to adhere to that code indicates lack of integrity. For public servants, a lack of integrity infers a particular kind of breach of trust known commonly as corruption. Although corruption is a breach of public trust, it must be defined more fully as dishonesty facilitated by an individual's misuse of authority for wrongful gain or benefit to self or others. The person need not actually realize a gain or benefit, merely intend it.

In the context of this monograph, then, **police corruption** is the use of one's status as a police officer for wrongful gain or benefit. The phrase "one's status as a police officer" relates to enforcement of laws which that officer is sworn to uphold. It includes the opportunity for a police officer to convince someone falsely, because of his position as a police officer, that he has power to exercise authority under certain circumstances. For example, an officer may offer to "fix" a police department court case in which he has no involvement. The officer, although making no effort to fix the case, then takes advantage of a decision which appears to suggest that the case was, in fact, successfully fixed.

This definition of police corruption does not apply to infractions such as use of excessive force; cheating on one's income tax, except for those who enforce tax laws; improperly using drugs which are legally acquired; or cheating on an examination. Although these are breaches of trust and serious acts of wrongdoing, they would not be within the context of **police corruption** as it is defined here.

Drug corruption by police officers relates to enforcement of those laws relating to drug trafficking and abuse which the officer is sworn to uphold. The elements of drug corruption, therefore, involve a breach of public trust and using one's status as a police officer to wrongfully gain or benefit from involvement in drug law enforcement.

²Definition of "personal integrity" credited to Edwin Delattre, American Enterprise Institute; speech before the FBI Law Enforcement Conference in Denver, CO, March 7, 1989.

PART I: THE APPLICANT SELECTION PROCESS

The Departmental Perspective: Tools and Resources in the Applicant Selection Process

The applicant selection process provides the only opportunity for the department to screen potential officers thoroughly. Therefore, all screening techniques not prohibited should be applied to ensure hiring an applicant with the best possible integrity profile. In most cases, this screening will be the **only** in-depth review of officers who are hired. Although continued screening and evaluation occur in training and during probation, conditions are controlled and focused on official conduct. Because past actions are often indicative of future conduct, the applicant selection process offers a valuable opportunity for judging integrity. It is perplexing, therefore, that so many aspects of hiring are viewed so differently by so many departments, or by those outside the department who control all or part of the process.

For example, the extent to which departments verify applicant education, prior employment, residence, and references varies substantially. Some departments conduct inquiries by mail with follow-up only if there is no response. Some departments consider any positive response to be acceptable, with no follow-up or further verification. Other departments send personnel to conduct personal interviews but only within the boundaries of their own state. A few departments conduct personal interviews throughout the country.

Applicant Screening

Not all departments use the polygraph examination; however, some that do are prohibited, either by law or by department policy, from using the results, even combined with other information, to exclude applicants. For these departments the polygraph is solely an interview tool. Where psychological tests are used, more departments are likely to exclude an applicant based

solely on negative psychological interpretations than on polygraph testing alone, although the reasons for these applicant exclusions are often unclear. Some departments submit successful applicants to an evaluation interview by a psychologist or psychiatrist. Some require the interview for all applicants, and some even for applicants rejected on the basis of the psychological test.

It is important to emphasize that agencies using an applicant screening tool should have a thorough understanding of the power, utility, and limitations of the tool. For example, a police chief who is not thoroughly schooled in psychological testing could adversely affect a department's potential applicant pool. In some departments, psychologists preparing applicant evaluations categorize applicants into three distinct groups based on an interpretation of test results: those who are unacceptable, those who are marginal, and those who are acceptable. Many departments using this method hire applicants deemed marginal or acceptable. However, in a move designed to hire only the most suitable applicants, some chiefs have directed that only acceptable applicants be considered. Because of this shift in policy, as many as 70% of all applicants who reach the psychological test component in the process are not being hired.

To the public and the press, hiring only acceptable applicants may seem well-founded, but this policy needlessly excludes many qualified applicants. Some recent studies do demonstrate that applicants categorized as "marginal" in those systems studied may be less desirable police officers than acceptable applicants.³ But, these findings do not apply to every department selection process since the criteria for categorizing applicants vary among departments.

There is some ambiguity in test questions even though tests such as the Minnesota Multiphasic Personality Inventory (MMPI) are geared to a seventh grade reading level. For instance, one applicant was disqualified due to a response that indicated the applicant suffered from extreme paranoia. The

³E.G. Hargrave (POST); Inwald 1987 (5- and 7-year follow ups); Roberts 1988 (10-year follow up).

applicant answered affirmatively to the statement, "I believe I am being followed." When the applicant was interviewed after the exam, the psychiatrist inquired, "Why do you feel you are being followed?" The applicant's response was "My job at the bank requires me to supervise a group of clerks, and each of the clerks follows my orders very closely." Because this department's process included a clinical review, this applicant was found to be acceptable despite questionable test results.

Allowing failed applicants to retake the test can provide unreliable results. In one departmental sample of MMPI exams administered twice to the same 12 police applicants within a one-year period, almost a third of all the responses to the 566 items on each test differed. All 12 applicants initially failed the psychological component and then passed and were hired within one year. Since individual personality is unlikely to change dramatically in a short time, such test results are misleading if evaluated in isolation. Retesting applicants who were advised that they had not passed the psychological test would likely stimulate at least some of the applicants to change their responses.

There are also concerns about the profession-related suitability of current tests. Most commercially available tests have not been developed exclusively for police applicants. However, tests like the MMPI are effective in detecting pathology regardless of occupation.

Like the polygraph, written psychological tests should not be the single determinant. One press account describing the hiring situation at a police department indicated that psychological testing was a very volatile issue. It noted that a group of officers terminated for drug corruption had all been hired during the same period of time. During this period the department did not use applicant psychological screening, and the department hired a number of applicants who had failed a psychological test administered by a contiguous jurisdiction. The absence of psychological testing was cited as a major factor contributing to the department's corruption problems. It is more likely the department's problems derived from weaknesses in other parts of the selection process resulting in the hiring of some officers already engaged in wrongdoing.

The MMPI is among the better vehicles available for psychological screening of police applicants at this time. The MMPI, the California Personality Inventory, the Inwald Personality Inventory and other tests include scales that are logically and empirically related to behavior associated with "corruption." These scales should be interpreted along with an interview by an experienced police psychologist. But it is important that the **entire** process be thoroughly understood by decision-makers and closely supervised by experienced professionals.

Background Investigations

The selection of qualified applicants suffers from the relative ease with which applicants can conceal a criminal background. In some cases corrupt police officers, fired for cause from one law enforcement agency, are then hired by another. They can easily conceal past wrongdoing, especially if responses to background investigation inquiries sent to other law enforcement agencies are not returned and no follow-up is conducted.

Some departments have limitations imposed on the use of background investigation techniques. One jurisdiction may not be able to use the polygraph examination as an investigative tool while adjacent jurisdictions are permitted to do so. As a result, the department restricted from use may find it more difficult to fully investigate admissions of misconduct by applicants.

The development of a background information clearinghouse would be beneficial to all law enforcement agencies. A nationwide database would allow police departments to identify individuals who have been previously fired for cause. This could prevent "journeyman" law enforcement officers who have engaged in misconduct elsewhere from obtaining another law enforcement appointment. Until a national network is established, regional or state networking of information would be helpful to already overburdened law enforcement agencies. There would be benefit to a department which knew whether applicant drug abuse admissions have varied from one agency to the next, or if an applicant has failed the psychological test administered by an adjacent jurisdiction.

In an age where law enforcement administrators are charged to do more with less, agencies should cooperate through an efficient exchange of information. The applicant process should require applicants to sign a release of information form which includes acknowledging that the applicant background data, and all subsequent records of adverse conduct while an officer is a member of the department, will be sent to the clearinghouse for use in law enforcement.

There are differences among departments in assigning investigative and administrative personnel resources to the background process. There are departments that have well-trained, highly-motivated background investigators -- the result of management innovation. Other departments farm out applicant background cases to units throughout the department. Most often, budget limitations or restrictions sometimes imposed from outside the department dictate a department's background investigation process.

Air travel out of state to interview the applicant's friends, neighbors, and prior employers can be expensive. Local officials, who control the budget and who are interested in guaranteeing that the department concentrate on hiring local applicants, can use budget constraints to achieve their purposes. If there are few qualified applicants in the local area, and the department is restricted to local recruiting, hiring objectives may be impossible to reach. Such restrictions can also limit the hiring of qualified minorities if larger or more diverse sources of prospective minority applicants exist outside the boundaries of the hiring area. Conversely, the restriction may limit hiring principally to one minority group or non-minorities.

Some selection procedures are intended to ensure greater fairness and to protect police officer rights. State or local legislative bodies or union contracts sometimes prohibit access to financial data, use of polygraph or psychological screening, and urine testing for detecting drug use. Although there is considerable divergence among jurisdictions about the use of psychological testing, at least three states -- California, Texas, and New Mexico -- mandate use and have specifically established standards for use. California also has a set of procedures controlling the entire background

investigation process.⁴ In this state, at least, all applicants are processed in a similar way by those departments committed to make the effort.

These variances in the hiring process demonstrate differences in thinking not only among police administrators but also among other officials, including state legislators, police union members, elected city council members, and others. In some departments there is no sound basis for the way the process is conducted, and all too often there is no effective communication between those who know the logic of the process and those who make the decisions or apply the process.

Hiring and the Background Process

All hiring should have two principal objectives. The first should be to hire individuals most likely to maintain the standard of **Integrity** which has been established by the department. The second objective in hiring -- to hire applicants who will be **competent** officers -- is addressed in this monograph only as it bears on integrity.

Since there is no infallible way to measure an individual's proclivity⁵ for corruption when no history of corruption is apparent, the department must examine the applicant's history of general conduct. The operational premise is: if a department hires an individual who has acted honestly up to the present, that individual will **tend** to be honest in the future. On this premise, it is essential to determine, accurately and in detail, how the applicant has acted prior to the point of hiring by the department.

It is important to review briefly the elements of a typical hiring process in order to identify certain problems that all departments experience to some degree. The background information which is gathered about an applicant is matched with criteria established to screen and eliminate applicants

⁴California Peace Officer Standards and Training Program, 1601 Alhambra Blvd., Sacramento, CA 95816.

⁵An inclination toward wrongdoing.

thought to be unsuitable. Some departments use a short prescreening procedure designed to make the number of potential background investigations more manageable. Questions about age, driver's license, educational level (including GED), and citizenship are initially reviewed to disqualify some applicants. When reviewing the applicant's background, investigators weigh factors of honesty, judgment, work performance, temperament, physical condition, age, citizenship, education, military record and conditions of discharge, criminal record, driving ability, and illicit drug use. Some of these criteria are applied with flexibility, permitting discretion in deciding whether the background data indicate that the applicant meets the criteria or comes sufficiently close to be acceptable by the department.

The applicant is also interviewed to gather additional or clarifying data, usually both at the beginning and at the end of the background process. Some applicants have considerable information about departmental criteria and standards they must meet; others are less informed about hiring requirements. Some departments administer a psychological test with or without a clinical interview, a polygraph test, and a urine screening. But the use of these screening techniques varies significantly among departments, and much of what is done or not done depends on the cost of that particular part of the process and on local legal restrictions. Nevertheless, all data collected about the applicant are used in some way to determine whether the applicant will be hired.

Several problems within the hiring process can defeat rather than advance the objective of high integrity within a department. The principal problem is that those who play a role in developing and/or applying standards may not recognize concern for departmental integrity as their responsibility. Another problem which can be difficult to address involves the rationale for certain selection criteria. This is particularly true with regard to an applicant's prior drug abuse. And when departments make their case to others who control standards, they provide no rationale. Some departments reject applicants who honestly admit to limited drug abuse, and hire individuals who deny prior abuse -- perhaps deceitfully.

These hiring issues should be explored fully so that the recommendations presented in this monograph are clearly understood.

- 1. Those who play a role in developing and/or applying hiring standards must have departmental integrity along with officer competence as their first priority.**

A breakdown in hiring standards occurs frequently when the police department feels compelled to hire a substantially increased number of officers, usually because of an increase in crime or social disorder. Sometimes coupled with a wave of retirements, hiring to fill a large number of new positions and attrition vacancies can create chaos for a department. The task is further complicated if the department is operating under residency requirements or a consent decree -- a court order which restricts departmental hiring to directed minority hiring goals. As political and public pressure mount for the hiring of more officers, so does pressure within the department. Although rhetoric about maintaining hiring standards may persist, the pressure to fill slots becomes paramount. Even though the pool of qualified applicants may be limited, responsible officials feel compelled to meet what has become the principal priority -- numbers. As a result, policy changes -- often unauthorized -- are made by personnel at various levels of responsibility to meet hiring goals.

Compromised hiring standards are especially prevalent at the mid-level of the departmental hiring process. But too often, compromise occurs because the chief fails to articulate a written policy about the degree of integrity risk which the department can responsibly take. Often there is no follow-up verification process to identify or correct a communication breakdown on the subject of standards. Worse yet, some chief executives take for granted that everyone who is involved in police hiring knows that integrity is a priority, and the chief never takes the time to establish a hiring policy. As hiring pressure builds and those responsible feel compelled to meet the numerical objective, the department can be exposed to the risk of hiring police officers who are neither honest nor competent.

Two kinds of departments usually do not suffer from compromised standards of hiring. *First*, departments that have a reputation for honesty and excellence, and whose officers are well-paid, routinely draw a sufficient pool of applicants who meet rigid hiring standards, including departmental hiring goals for most minority groups. *Second*, departments which

Intentionally refrain from filling all available slots, if the pool of qualified applicants is insufficient to meet the need, usually avoid compromised hiring standards.

The issue of priority is also problematic when an outside agency, such as a city personnel office, establishes standards or certifies applicants for a department. Often, integrity is not an obvious consideration for such outside authorities. Most non-police agencies have expertise in developing or applying standards for competence but have little understanding of the factors that bear on integrity in policing. Yet, such an agency can be responsible for setting standards on an applicant's prior drug abuse or prior criminal record. Worse, sometimes these agencies are subject to even greater political pressures than those influencing a police department. They may feel forced to lower standards to meet other goals, such as raising employment levels in the community. In some situations officials responsible for hiring standards have not even considered the issue of integrity, nor has it been raised by the police chief or others concerned for departmental standards.

2. The criteria used to determine integrity in the selection process must have a sound logical basis.

It is difficult to sustain departmental integrity if the reasons for criteria used in hiring are illogical or unclear. This is particularly true when control of standards rests with another agency, and the department is trying to argue for change. This difficulty is often exacerbated by poor communication within the department and between the department and the outside agency. High-integrity hiring cannot be achieved if those who create the hiring standards are not in close communication with those responsible for hiring within and outside the department. Any consensus will be accidental and impermanent. Most often, when these two responsibilities -- establishing and applying standards -- rest with separate authorities, communication is strained. Where communication does occur, it may well be limited to brief confrontational encounters.

The issues of juvenile arrests and prior drug abuse are good examples of a lack of logical hiring criteria. Both issues seem to elicit compassion for

the applicant without a full understanding of the implications to hiring and integrity.

The Importance of Reviewing Juvenile Records

In some jurisdictions, police are not permitted to take into account an applicant's juvenile arrest record. However, many departments accept applicants as young as 20 years of age. This leaves only a two-year time span in the applicant's background on which to make a judgment of suitability.

A young applicant's formative years can be significant for many reasons. A 14- or 15-year old who has as a role model a father or mother who is a career criminal is likely to demonstrate early a similar pattern of behavior. But some youngsters reject such an environment and exhibit the kind of positive qualities a department requires. Adolescent behavior reveals attitudes toward lawbreaking and the treatment of other people that bear directly on conduct as a police officer. Information about juvenile behavior is, therefore, essential to a rigorous process of hiring.

Even if a department is allowed to consider juvenile records, these records are difficult, if not impossible, to obtain from other jurisdictions. If the applicant resided outside the jurisdiction for which he or she is applying, the record may be inaccessible. Yet, often a pattern of integrity-related wrongdoing by a juvenile will continue into adulthood unless there has been a substantial period of demonstrated abstinence from unlawful activity. Additionally, juvenile records may consist only of arrests and not dispositions; often cases are not pursued because of compassion for the arrestee; prior records are not available; or the jurisdiction does not have facilities needed to house juveniles -- and so arrests are not made. It is critical that juvenile arrest records be available to investigators, and departments should make every effort to have such impediments removed.

Evaluating an Applicant's Prior Drug Abuse

There is wide divergence of opinion about the significance of an applicant's prior drug abuse history. Some departments consider only applicants who have never used illicit drugs or have used only marijuana. When prior marijuana use is tolerated, the hiring criteria vary widely among departments. Some departments will hire only applicants who have used marijuana fewer than 25 times, some fewer than 100 times. Some departments hire applicants who admit to "experimental" use only, but those responsible for hiring interpret "experimentation" to include up to 200 incidents of use. Some departments do not permit use within one year of hiring; others require a three-month period of abstinence.

Some departments will consider applicants who have admitted to using drugs other than marijuana. It is unclear whether the significance of drug use, other than marijuana, rests with the fact that such drugs are perceived as "felony drugs" or whether it is the use of the substance itself. Many agencies pursue the question of whether applicants have committed other felonies for which there is no record of arrest with much less intensity than they pursue possible felony drug use. For instance, few agencies ask during an interview whether the applicant has committed an act of sexual assault, embezzlement, or armed robbery unless there is cause for suspicion. In contrast, questions about prior drug abuse are asked of every applicant even when there is no indication of drug activity.

When investigating prior drug abuse among applicants, few agencies actually pinpoint the different types of drugs available for use. Many departments will ask only the following questions, especially if the polygraph exam is not used in the selection process:

- (1) Have you ever used, tried, or experimented with marijuana?
- (2) Have you ever used, tried, or experimented with any other controlled substance?

But both questions are usually expanded by inquiries detailing the recency and frequency of use.

"Controlled substances"⁶ is an extremely broad category that should be further explored by the background investigator in order to identify more accurately an applicant's history of drug abuse. In addition to the applicant answering Question (2), he or she should be required to review a check list form which includes, at a minimum, all controlled substances commonly found in the jurisdiction, surrounding jurisdictions, and the area from which the applicant came. If any have been used, the applicant should provide both the street name by which the drug was purchased and describe its effects. The applicant should also be asked whether he or she has ever inhaled, injected, or ingested any licit substance to experience euphoria or a feeling of well-being. By asking only a few questions which focus only on two popular drugs of abuse (marijuana and cocaine), the investigator cannot develop a detailed portrait of drug abuse, and serious drug abuse may escape notice.

When measuring recency and frequency of drug use, responses such as "a few times" and "about a few years ago" are inadequate. The applicant should be pressed for specific time frames, number of drug use incidents, and the identity of others witnessing or participating in abuse, and this should all be documented. These inquiries are critical to determining the extent and circumstances of past or current drug abuse. The identity of those who supplied the drug should be determined to the best of the applicant's knowledge, and all of the information should be made a matter of record in the applicant's Internal Affairs file and checked in department indices. Former suppliers can be a source of coercion for officers as they progress in their careers and take on significant assignments. An officer assigned to patrol an area in which his or her former supplier now operates may be particularly vulnerable.

It is worthwhile to examine two distinctions made by departments for accepting applicants who have used marijuana and those who have used other drugs. The first involves the type of legal infraction which has

⁶"Controlled substances" is used in the context of the Federal Controlled Substances Act, last amended in 1988.

occurred. The second considers the relative danger in using certain drugs, which bears on the question of judgment.

Many police administrators consider marijuana use to be a misdemeanor. In most jurisdictions, possession of a small amount of marijuana for personal use is a misdemeanor, a civil violation worthy of a citation, or no violation at all.⁷ Other drugs found in the illicit traffic are perceived as felony drugs, particularly cocaine and heroin. But in many jurisdictions and under federal law, possession of a small amount of cocaine or heroin for personal use is also a misdemeanor.⁸

On the other hand, transporting any contraband into the United States, even marijuana for personal use, is a felony, though smuggling a small amount of marijuana is usually not processed as such. Distributing any amount of marijuana or cocaine is a felony under federal law and in local jurisdictions. It seems, therefore, for applicant selection that there is no basis for a legal distinction between marijuana and other drugs, except in the few jurisdictions where possession of a small amount of cocaine is a felony and possession of a similar amount of marijuana is a misdemeanor or no violation. Where such a legal distinction does not exist, department policy regarding drug abuse prior to hiring must rest on other grounds.

When considering applicants, departments weigh an applicant's respect for the law. Many police administrators believe that drug abuse, whether or not categorized as a felony by law, demonstrates severe disregard for the law.

With regard to the relative dangers of substance abuse and the implications of drug use on the exercise of personal judgment, there is abundant literature on controlled substances and on individual personality types and their inclination to habituation or addiction. But there are no conclusive data for determining which former drug abusers are most likely to avoid reinvolvement with drug abuse. One generalization seems safe. Long-term

⁷Possession of fewer than four ounces of marijuana in the home for personal use is not a violation of state law in Alaska.

⁸21 USC 844.

illicit use of **any** controlled substance, as well as of some licit drugs such as alcohol, tobacco, and steroids, is physically and/or psychologically debilitating to some degree. Beyond that, it is impossible to predict with precision the physical and mental deterioration from continued drug use, even after drug use has stopped.

It is clear, however, that long-term drug use has serious ramifications for police departments, although not all of these involve integrity. For example, at least one major police department prohibits tobacco smoking by officers because tobacco use elevates costs of health benefits programs which are ultimately borne by the community.⁹ Excessive use of alcohol, by contrast, is not only physically debilitating but also affects judgment and is a factor in many corruption cases.

All police departments prohibit the use of controlled substances among their employees, so the issue in applicant selection is the extent to which prior abuse is a predictor of future behavior. Judging a single indiscretion as a predictor of future conduct is problematic. On the basis of current physiological evidence, refusing to hire any applicant who has used heroin or cocaine even once is not unreasonable. Even one-time use raises the issue of poor judgment, since cocaine and heroin use are, at the very least, violations of law. A person is exercising good judgment only if he or she has consistently avoided use of all illicit drugs.

Equally important, once a department makes an exception to the one-time-use rule for one applicant, the rationale for excluding other single-use applicants is weakened. Further, changing rules to accommodate the one-time user routinely begins an erosion of standards. With verifiable one-time use, the issue becomes an applicant's willingness to take a further risk versus his or her ability to avoid **further** temptation, habituation, or addiction. The argument that one indiscretion is permissible, since police officers must be willing to take risks, is clearly unsupportable. The basis for evaluating judgment should be whether the individual knows which kinds of risks are

⁹Denver, Colorado, Police Department.

acceptable. Drug abuse is not the kind of risk which is consistent with police department policy.

Reliable studies indicate that a substantial number of individuals become addicted to cocaine and heroin after only four or five incidents of use. Crack cocaine can be addictive after as few as four uses. Cocaine, LSD, and PCP have effects beyond addiction -- such as violent behavior and flashbacks for LSD and PCP -- that must be considered. Some experts have claimed that the long-term physiological effects of short-term marijuana use are less debilitating, except in the case of infants exposed during pregnancy. But an increasing body of evidence points toward damage by marijuana use to the respiratory, reproductive, neurological, and immune systems. Despite these possible physiological problems, many departments distinguish between applicants who have used marijuana and applicants who have used other controlled substances. The breadth of the distinction and the rationale for it are crucial.

Departments that hire former drug abusers must answer for themselves: How much use is too much? If high integrity is the objective, then absolute abstinence after hiring is required. If past conduct is an indicator of future conduct, there should be a substantial period of abstinence from abuse prior to employment and a demonstrated ability to avoid returning to abuse.

Since marijuana use produces a feeling of euphoria and most users perceive lasting physiological damage to be minimal, there is a significant possibility that the user will use marijuana again. The department can lower the risk of repeated use by conducting regular and accurate drug testing after employment. If the applicant places high value on being a police officer, the chances of repeated marijuana use decrease. However, it is difficult to know with certainty the degree to which a police career is valuable to the officer.

Supervision and procedural restrictions cannot guarantee abstinence from drugs since an officer can use drugs while off duty. Supervision is important, however, for detecting drug abuse and can be a factor in reinforcing positive values. With protective measures, such as regular random urine testing during selection and for all personnel thereafter, and

with effective supervision, it may be reasonable to hire an applicant who has abstained from marijuana for more than two years prior to employment.

Departments should also verify frequency, duration, and circumstances of marijuana use (see verification techniques suggested on page 34). For example, the department should consider disqualifying any applicant who used marijuana during work or while operating a motor vehicle or while engaged in recreation of a high risk nature. On the other hand, limited abuse during military service while assigned in another country, when the applicant was under 21 years of age and there was no subsequent abuse, may not in a department's view jeopardize hiring as long as there is no indication of continuing use or a chronic failure to handle stress.

There is abundant scientific information documenting the serious implications of the use of drugs other than marijuana. Heroin, PCP, and barbiturates are known to be highly addictive and pose such a high risk that applicant use is rarely considered acceptable. Similarly, tranquilizers illicitly used to relieve stress should be disqualifying.

Cocaine experimentation, defined as only one instance of use and not within five years prior to employment, should be the minimum criterion for police department hiring. However, departments which consider any prior cocaine abuse to be disqualifying reduce the potential for departmental corruption. Stimulants such as methamphetamines can be psychologically addicting for some users. The effects of hallucinogen use, although still not precisely defined, are serious enough to raise questions about performance reliability. It is not the purpose of this study to set absolute parameters for acceptable prior drug use by police applicants. The ideal standard for applicants is **no prior drug abuse of any kind**. However, if the department chooses to apply a standard which allows prior drug abuse, the justification for the hiring standard must be logical and defensible. And the information upon which a department makes these decisions should be authoritative.¹⁰ The Appendix contains statistical data in chart form that can be helpful to

¹⁰For reliable information on drugs of abuse and their effects, contact the National Clearinghouse on Alcohol and Drug Information, Rockville, MD, (301) 468-2600.

support decisions on applicant selection for those who have abused certain drugs (see pages 103-113).

Expanding Recruitment

A department must hire applicants who meet qualifications of competence, integrity, physical fitness, and other standards of performance. If there is pressure to hire additional officers, the hiring process can be compromised by an applicant pool with only limited qualifications.

Departments can expand applicant pools through statewide or nationwide recruiting trips to college campuses or military installations, booths at job fairs, a cadet or explorer scout program, and promotional media campaigns and radio spots on stations which play contemporary music. When qualified applicant pools are exhausted, police departments are better served by drawing from new personnel resources than by combing through hiring registers a second and third time. In some cases the best choice is not to hire at all.

Backgrounds for the New Chief and for Support Personnel

Some jurisdictions seek candidates for police chief from officers of other departments. Such selectees should be subject to the same background investigation as recruit applicants, and the investigation should be fully complete before the selectee is sworn in. Through appropriate legislation, communities can require elected candidates for sheriff to submit to a full background investigation before taking office. Under these circumstances the department hiring criteria must be specific and well-defined to avoid political controversy.

Non-sworn personnel can occupy sensitive positions within the department or have access to information about police operations. These personnel should also be subject to background investigation before hiring. It is equally important that support personnel meet departmental standards commensurate with responsibilities. Some civilian employees occupy

positions which influence department policies. For example, the department's chief legal counsel and chief public affairs officer may be civilians and may have been recommended to the department by influential politicians for patronage reasons. If a background investigation reveals misconduct in prior jobs, the department's hiring standard is compromised and the chief's integrity is discredited if the individual is hired despite these findings.

Competence and Integrity

There is no data indicating that an applicant who is not competent to be a police officer is more likely to be dishonest outside the police environment. But hiring incompetent officers can affect the level of integrity within the police department (see also Part III, p. 82).

Some departments require an applicant to be educated beyond a high school diploma or equivalent. The state of Minnesota, for instance, requires officers to have an Associate in Arts degree. Although education may be directly related to competence, there is no evidence to indicate that more education ensures greater honesty. However, there is a relationship between a police officer's level of comprehension and his vulnerability to wrongdoing. For example, a trainee not competent to fully comprehend the elements of criminal conspiracy could easily become involved in a conspiracy at the direction of a senior partner.

Race and Ethnicity

Race and ethnicity have no bearing on honesty. Persons of one racial or ethnic group are neither more honest nor more dishonest simply because they are members of that group. Although certain cultures -- groups of people who share traditions and customs in particular societal environments -- may tolerate what would generally be categorized as wrongdoing in this country, these customs and traditions are not unique to any one particular race or ethnic group. But, hiring officers who have been reared in a culture,

in which certain corrupt practices are commonplace and accepted among police officers, can create a special challenge for a department.

If relaxed standards result in the hiring of incompetent officers, most of these officers will eventually be identified as poor performers. If most of these officers are of one racial or ethnic group, their poor performance may be erroneously attributed to the group as a whole, rather than to the fact that they were unqualified applicants. Strong racial or ethnic groupings can occur in departments where management is perceived to be biased in fairly addressing personnel needs, promotion, and hiring standards.

Use of a second language by groups of officers can have a fragmenting effect as well, contributing to confusion in critical situations where teamwork is a safety factor. Although these situations do not bear on honesty, they can be a source of additional problems in departments plagued by corruption. Supervision becomes more difficult when the workforce is fragmented by race or ethnicity. On the other hand, a second language can be important to meeting both the needs of the community and the department. For instance, background investigators not fluent in a second language have difficulty gathering complete information about applicants who reside in neighborhoods where a second language predominates.

Recommendations for Strengthening the Applicant Selection Process

One goal of this monograph is to encourage thorough analysis of the rationale which a department uses as the foundation for its personnel selection policies. Without a sound rationale, the department has little chance of convincing others that changes are needed.

A department must develop a clear and precise statement of policy, such as the sample below, which defines the exact level of priority given to departmental integrity. This policy should be widely disseminated and incorporated into union contracts and association agreements.

Sample Policy Statement

The public demands that the integrity of police officers be above reproach. The dishonesty of any police officer may impair public confidence and cast suspicion upon the entire department. Succumbing to even minor temptations can destroy an officer's effectiveness and contribute to the corruption of others. An officer must avoid any conduct which might compromise his or her own integrity, or that of fellow officers, or of the department.

Just as each officer is responsible to maintain the highest level of personal integrity, the department must develop and foster an environment where honesty will thrive. It is the policy of this police department to place the objective of enhancing and sustaining integrity at the cornerstone of all its policies and operations.

These steps will strengthen the applicant selection process.

- Step 1.** Improve communication among principal decision-makers both inside and outside the department. This is the single most important step in strengthening the applicant selection process.
- A. First, it is important for the chief to *recognize* who the real decision-makers are, by position in the hiring hierarchy but also by name. Who in the city personnel office decides what is a passing score on the initial applicant test? Who determines what test will be administered? Who determines the criteria for minimum qualifications? Who decides that the polygraph test may not be used for screening applicants? Who in the department can select applicants without further

review by more senior officials? Who decides that a polygraph test or psychological test is clear of adverse information, and who reviews questionable tests? There may be a divergence between the standards set by management and operations at the working level. Personnel at the working level may adjust methods of operation to accommodate changing requirements or to meet what they perceive as changes in management direction. Department operations are not static. A change in supervisory personnel can result in a change of operations. Information passed from one level of management to the next level can be modified in the transfer process. There must be effective communication about the operation of the applicant process between management and those who are involved in hiring.

- B. *Compare* the applicant selection process, as it is operating, with an ideal process to ensure that departmental integrity is sustained. The objective is not for the department to wrest control of the entire hiring process for itself. Although complete control by the department is ideal, real control is usually fragmented among a variety of authorities -- from state legislators, who may impose restrictions on gathering financial background data, to city managers who hold ultimate selection authority in exceptional cases.

The preliminary objective of reviewing the existing hiring process is to identify and formalize in writing a rationale for change.

- C. *Emphasize* to all decision-making officials responsible for hiring (and now identified by name) the standards which will ensure high integrity and applicant competence. They must clearly understand the connection between their decisions and departmental integrity.

Likewise, department representatives must make an effort to understand the goals and objectives of decision-makers

outside the department. Though different, their goals are usually well-founded and necessary and, coupled with high standards for integrity, will produce an effective hiring process.

- D. *Determine* which hiring standards should be changed to improve departmental integrity. Then, formalize goals in a management-by-objectives format and proceed toward the solution.

In some cases, a department may have more success in changing hiring standards through state legislation than by altering the thinking of one individual who occupies a critical position in the civil service system. As an example, police chiefs in one state were successful in lobbying for changes in legislation which relieved union contract requirements for the use of arbitration in removal cases. The effort was successful because they were able to demonstrate to local political officials the impact of arbitration on the removal process. Local officials then added their support for change by the legislature.

Step 2.

Determine how many recruits the department can assimilate without compromising departmental integrity. How many recruits can be well-trained by the staff of the training academy? Are more trainers needed? How many Field Training Officers are available to supervise recruits after graduation? How many background investigators and other support personnel are needed to process thoroughly the number of applicants required to provide an adequate pool from which to hire?

This information-gathering will result in increased knowledge about problems and shortcomings in the department's internal process for hiring. There must be sufficient resources to select and process the number of recruits to be hired. Conducting this kind of comprehensive assessment will contribute to that goal.

It is imperative that background investigators be both well-trained and dedicated to the selection of the very best applicants. Allowing them to identify with applicants whom they investigate is one way to generate that dedication. Investigators should notify the applicant of selection and should be the first officer to meet the applicant upon reporting to training school. Investigators should be kept apprised of recruit progress during training to sustain interest in the outcome. On the other hand, investigators should not become personally involved with applicants. All too often investigators and others who know the applicant personally are inclined to overlook unfavorable information because the applicant is a "good" person. The investigative record should be the determinant and the investigator's reputation should rest on that record, not on the applicant's personal appeal. It is a mistake to farm out background investigations to officers or others who have no interest in the applicant. The applicant process is a critical part of the goal of improving integrity.

Step 3.

Use every tool deemed effective to determine whether applicants are suitable to be police officers, putting as much of the burden as possible on the applicant. The objective of this process is to establish a history of verifiable abstinence from untoward conduct which is not initially disqualifying. Each applicant who qualifies for a background investigation should fill out a detailed background questionnaire and release form so that all information of record can be obtained. The release should include permission for access to juvenile records, all financial records (where permitted by law), and an agreement to submit to random drug testing during the selection process. The department should conduct a detailed financial analysis based on a net worth statement to establish a financial baseline against which to compare future financial data. Additionally, a history of credit should be included in the applicant's file. A department may wish to exercise caution in hiring someone with demonstrated financial problems, which might increase vulnerability to temptation.

A polygraph is a valuable verification tool and should be used, if permitted by law. [For data on the efficacy of the polygraph, request a copy of Record of Hearings, U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, April 21-25, 1983; February 7, 1984. President's directive on the use of polygraph prepublication review.] The pre- and post-polygraph interviews are often most revealing and can be used no matter what restrictions are imposed on the actual examination. Well-trained, highly-motivated examiners should conduct these interviews.

Details of the applicant's past from age 14 should be verified, and an applicant should be disqualified for providing misleading information. But departments must use caution when investigating juvenile records. An applicant may not understand he needs to acknowledge the existence of an expunged record of arrest with the order for expungement if such a record should surface. The FBI will release juvenile arrest record information if the applicant has had more than two juvenile arrests. If local records are expunged without notice to the FBI, an applicant could appear as having lied about the record when in fact there had been a misunderstanding. Applicants who admit to limited drug abuse, which does not violate the department's hiring standards, should be asked to provide the names of individuals who can swear to the nature and extent of the applicant's use and subsequent abstinence.

If the applicant has admitted prior use, it is important to gather information about the applicant's current behavior habits and about associates. Are current associates known as drug abusers? Are they of record with the department, or where they reside? The investigator should seek detailed information about the applicant's source of supply. Where does the applicant now spend time when not employed or in school? Is there a record of verifiable activity for the period of

abstinence? If the department cannot establish that abstinence has been continuous for the required period of time, the applicant should be disqualified. Random urine screening can verify findings both for applicants who admit abuse and those who deny use. [For information about the efficacy of drug testing and about needed precautions in testing, request a copy of Record of Hearing, Drug Testing in the Workplace, U.S. Senate, Committee on the Judiciary, April 9, 1987, May 13, 1987.]

MANAGEMENT GUIDELINES FOR THE EVALUATION OF POLICE PSYCHOLOGICAL SCREENING PROGRAMS¹¹

[The following guidelines reflect the experience and opinions of Michael Roberts, Ph.D., and have been edited for inclusion in this monograph. Dr. Roberts indicates that similar sets of guidelines have been produced by other psychologists, professional organizations, and state governments and that most psychologists tend to agree on the importance of the issues identified in the guidelines.]

1. Who should do the screening? Evaluating the provider of psychological testing services.

The provider of psychological screening services must be a licensed doctorate level clinical psychologist, with demonstrable testing and assessment expertise who has knowledge of the police officer's job as it is performed in the department served.

¹¹From course material presented by Michael Roberts, Ph.D., Law Enforcement Psychological Services, Inc., to the FBI National Executive Institute.

The psychologist should provide evidence of training in the use of specific assessment devices utilized by the department in the screening process (for example, the Minnesota Multiphasic Personality Inventory). The provider must know the research literature relating to psychological screening for law enforcement positions and have a working knowledge of relevant American Psychological Association guidelines covering psychological testing as well as familiarity with the Uniform Guidelines associated with fair employment issues.

It is not recommended that a Master's level mental health professional perform these services independently, or under the supervision of a doctorate level psychologist. Doctoral level psychologists in other specialty areas (for example, industrial or social) may not have the required training and experience in psychological assessment. Furthermore, psychiatrists or other professionals not specifically trained in psychological testing assessment should not substitute computer-generated test interpretations for lack of expertise.

2. How should psychologists' credentials be verified?

The integrity, experience, and training of each psychologist chosen to perform pre-employment screening should be verified by the department. The department should conduct a background investigation addressing issues such as arrest history, drug problems, and any other behavior which may be potentially embarrassing to the department. In addition the department should contact the American Psychological Association to verify membership status, and whether any disciplinary action has been taken against the psychologist applicant by the Ethics Division (202/955-7600). The psychologist should be able to provide proof of malpractice insurance. The state licensing board should be contacted to confirm licensing status and check records for ethical complaints. Most psychologists in this specialty are members of either the American Psychological Association, Division 18 Section of Police and Public Safety Psychology, or the International Association of Chiefs of Police, Psychological Services Section. In addition to verifying membership status in these professional organizations, the department should

consider contacting these organizations regarding the psychologist in question when conducting the background investigation.

3. What police officer job classifications should be screened?

There is ample evidence to justify the psychological pre-employment screening of all sworn weapon-carrying enforcement officers. Many departments see both legal and management benefits in screening again for special unit assignments such as SWAT teams, bomb squad, drug enforcement, and vice.

4. What methods should be used?

Psychological screening should always be viewed as only one component of the overall selection process, and as such should not be used as a sole determinant for rejection without consideration of background and polygraph information. Methods utilized in the psychological screening process should be logically, and where possible empirically, **tied to critical and frequent aspects of the police officer's specific assignment.** Although the psychologists should be able to justify their procedure by reference to the body of available research literature, it is preferable that they also be able to demonstrate the predictive accuracy of their own approach. These internally conducted validity studies should contain adverse impact information, and should be reviewed by the department when granting or renewing a contract.

a. Psychological Tests

A minimum of two objective (paper and pencil) tests should be used, including one which is intended to identify police applicants exhibiting job-relevant psychopathology, and one or more tests that are geared towards evaluating behavior that appears to be important in assessing job suitability issues.

The Minnesota Multiphasic Personality Inventory (MMPI) is one test chosen by psychologists for the assessment of job relevant psychopathology. MMPI-2, a revision of the MMPI, is now available and is recommended. There is every reason to believe that use of MMPI-2 will be justified by generalization from the existing validity data on the MMPI, and that the new and modified questions will enhance new validation studies as well as avoid complaints about the older test.

The second test in the battery chosen by psychologist is often one of the following: the California Personality Inventory; the Inwald Personality Inventory; or the 16PF. Other tests of value include the Rotter Incomplete Sentences Blank and the Spielberger State-Trait Anger Expression Inventory (STAXI).

b. Personal History Review

A comprehensive review of each police applicant's developmental history and adult behavior must be factored into the overall psychological recommendation. This information can be gathered from the applicant during a structured psychological interview or a review of the applicant's psychosocial history completed for the psychologist or conducted by the department. It is advisable that applicant rejections be based upon test-based concerns which are substantiated by real life problem behavior derived from the personal history review.

c. Psychological Interview

Every applicant should be interviewed by the psychologist using a structured format that addresses concerns evident in the psychological test data and personal history review. The typical entry-level pre-employment interview should be between 30 and 60 minutes.

d. Report and Recommendation

The three primary elements of the psychological assessment process (test data, personal history review, and individual interview) should result in an overall rating of the applicant that addresses psychological stability and suitability. The recommendation whether to hire should always be in the form of a "bottom-line" rating that reflects the psychologist's degree of certainty, and therefore allows the agency to consider other important factors in arriving at a final hiring decision. For example, a rating range of A, B, C, D, F (or 1-5, or 1-3) permits an agency to consider applicants viewed by the psychologist as "marginal" if the background data is positive. While some agencies may prefer a simple "pass-fail" recommendation, this approach does not seem fair or justifiable to either the applicant or the department given the limitations evident from current validity research.

The report should be unique to the applicant, understandable to the agency representative, and contain references to psychological traits or characteristics related to job performance factors. Each report should contain any reservations the psychologist has about the validity and reliability of the test results, as well as a disclaimer that the report is not valid for selection decisions for a period of more than one year, or for positions other than those specified in the report. Since most psychological reports contain sensitive information, the clinical report should be returned to the psychologist for safe keeping if the applicant is selected or, if rejected, destroyed after an appeal period expires.

Test data alone should never be used as the basis for rejection of an applicant from the selection process. Similarly, it is not advisable to "pass" an applicant on the basis of positive psychological test data without an interview and personal history review by the psychologist.

Each psychologist should conduct an ongoing validation program in order to justify the accuracy and fairness of past decisions and to benefit from the research results which could require revisions in the assessment procedure.

The department should always be the client in the pre-employment selection process. For this reason, the applicant should not pay for testing or screening. The American Psychological Association Ethical Principles require that a written waiver be obtained in advance from the applicant stating that the applicant understands he or she is not the client, and that they waive their right to the data, report, and an explanation of the nature and purpose of the assessment technique.

The psychologist should participant in any local appeal process to help justify hiring decisions made on the basis of psychological data.

OTHER SOURCES FOR PSYCHOLOGICAL SCREENING STANDARDS

Gettys, Vesta S. *Recommended Guidelines for Pre-Employment Screening for Law Enforcement Agencies*. (Draft: October 1987, available from American Psychological Association, Division 18, Section of Police and Public Safety Psychology.)

Guidelines for Providers of Pre-Employment Psychological Evaluation to Law Enforcement Agencies. IACP Psychological Services Section.

Hargrave, E. George, and Berner, John. *Psychological Screening Manual*. California Commission on Peace Officer Standards and Training.

Inwald, Robin E. (1984). "Psychological Screening: Legal, Ethical, and Administrative Questions". *Police Chief*, January 1984, p. 26.

Psychological Examinations: Laws, Rules and Guidelines Manual. Texas Commission on Law Enforcement, Officer Standards and Education, 1989.

PART II: REINFORCING VALUES

Individual Values and Integrity

A police department's applicant process is best served if it results in hiring individuals who meet standards of conduct which are required of personnel already employed by the department. An individual will find it easier to conduct himself within the bounds of certain organizational standards if he shares the values on which those standards are based. If, for example, an individual places high value on personal honesty, an organizational standard which requires that all personnel keep an accurate account of expenses will not be an unreasonable task. If an individual places high value on taking pride in the organization, he can easily support those standards which require conduct enhancing organizational image. If, however, an individual does not place high personal value on these standards, he will not voluntarily support departmental requirements, and the department must rely on organizational controls and disciplinary sanctions to enforce compliance with standards.

Police departments may be faced with two tasks in the applicant process. *First*, if a department is not selective in hiring, it has the task of **instilling** high-integrity values in new officers -- a task which cannot be completed in a three- to six-month recruit academy. *Second*, if the department hires officers who meet department standards, it has the task of **reinforcing** individual values. Without continuous value reinforcement, an officer can be subject to compromised integrity when assigned to certain police duties. Police managers and officials outside the department can reinforce values by demonstrating commitment to high integrity. Positive role models strengthen integrity; negative role models encourage corruption and wrongdoing.

Reversing unacceptable individual values is a difficult task, and perhaps unachievable in a police environment offering opportunity for corruption. Individual values are the foundation of action and evolve from background

and experience over a long period of time. There are methods of reinforcing individual values and relating personal values to policing so that individuals will continue to support a high standard of departmental integrity.

Reinforcing Values

The police officer holds a unique position in American communities. He or she is the only person **specifically authorized** to abridge the rights of others, using deadly force if necessary, while acting alone and unobserved by the community. Only a police officer is entrusted to exercise this extraordinary authority without first applying due process and with limited information.

In order to exercise this authority, the officer must understand the parameters within which such power is permitted. Because they are granted such power, police officers are held closely to the standards of conduct set for them. Acceptable conduct, therefore, should be the subject of regular and vigorous review, not only for new officers but for all police personnel. More important, department personnel should regularly discuss and analyze the rationale for standards of conduct in order to strengthen understanding and a commitment to adherence.¹² Understanding the rationale for standards stimulates commitment to adherence. Merely reviewing standards is not sufficient.

The challenge for the chief or sheriff is to ensure that officers recognize the value of keeping the public trust and of exercising authority with a sincere adherence to honesty and justice. The challenge is made more difficult by factors which are not completely controlled by responsible officials. For example, it is difficult to demonstrate why adherence to justice is of value if the criminal justice system itself is dysfunctional. It is also difficult for police administrators to demonstrate the value of being a police officer when the

¹²In 1988, the California Commission on Peace Officer Standards and Training prepared a training program entitled "POST Career Ethics/Integrity Training Guide". The guide was prepared to reinforce awareness about ethical decision-making among in-service peace officers of all ranks and assignments.

position is not highly regarded by the community. It is challenging to demonstrate the value of maintaining the public trust when public officials are charged with wrongdoing. The chief must demonstrate that keeping the public trust and maintaining honesty are valuable to individual well-being and self-worth.

As recruits, officers are exposed to experiences which provide a positive sense of professional accomplishment. Too often, however, supervisors and senior colleagues fail to focus on the **personal** sense of well-being which the new officer can derive from successful professional accomplishments. It is important to recognize professional achievement through a departmental commendation process. However, the department should not overlook the opportunity to reinforce an officer's personal sense of well-being.

Police officers realize through training and experience that they share a mutually dependent relationship with others in the department, especially a long-term partner. Many activities in the training environment and in the field contribute to a sense of unity and reliance upon fellow officers, enhancing personal self-esteem. Paradoxically, some officers use this interdependence manifested by a code of silence to ensure that wrongdoing remains undetected. Officers must understand that a code of silence is nothing more than a code to protect corruption. Interdependence and mutual reliance, although crucial to certain field activity, can enable **pervasive** corruption to sustain itself.

The goal of high integrity can also be a source of unity. And it is as much of a challenge to believe that high integrity can be attained as it is to know how to do it.

There Are No Simple Solutions

Corruption is an absence of integrity. Strengthening and sustaining high individual integrity will reduce corruption. There are no simple magic solutions to building integrity and to the problems of departmental corruption.

It is helpful, however, to revisit several basic lessons found in civics and in ethics. It is necessary for recruits to understand the need for social order in the community. It is important to further explore how this need is translated into police authority and how that authority is limited by the community.

Recruits need to understand the relationship between public trust and individual integrity. For example, the public trusts that an officer's individual integrity will prohibit him from pocketing illegal drug profits from a cash seizure even if he is the only officer on the scene.

These lessons cannot be taught in a single two-hour block of time in recruit training, but instead the material should cover two far more substantial blocks of time, one near the beginning of recruit training and one at the end. Similar though shorter sessions should also be included in regular in-service programs for all personnel. Informal sessions about ethics for all officers should be conducted at least quarterly. These sessions can have as their focus specific contemporary policing issues.

If officers acquire a sound basic understanding of rules of conduct during training, then Field Training Officers (FTOs) can reinforce training experiences and standards of conduct, by relating them to real life situations. The FTO program is an integral part of any plan to introduce and reinforce departmental values among new officers. Officers will more easily accept departmental standards and rules of conduct if the rationale behind the standards and rules is understandable and logical. Recruits should be encouraged to reach conclusions about conduct and integrity through their own logic and reasoning processes.

The ability to successfully instill values corresponding to departmental standards in a 12- to 16-week period is questionable, and this task becomes virtually impossible when the FTO program teaches values contrary to those learned in recruit training. Textbook lessons and discussions need to be legitimized by practical experience. Young officers, fresh out of the academy, are extremely impressionable. The effect of conflicting signals between what is learned in recruit training and what is learned from the actions of a Field Training Officer is seriously damaging. Lectures about the

problems of accepting gratuities from business establishments are quickly negated after the new officer is introduced to half-priced meals by the Field Training Officer.

Departments should select Field Training Officers who exhibit values most desired in policing. An FTO should be afforded professional prestige, and the responsibility should be augmented with financial incentives. Just as police recruits receive formalized integrity training, FTOs should receive training during certification which emphasizes their important role in reinforcing values in recruits. In addition, FTOs should stay informed of new training techniques. It is important for training academy instructors and course developers to consult with FTOs about refinements and changes in training strategies, because FTOs are in the best position to see the practical limitations of classroom lessons. Departments must eliminate the gap between what is learned in training and what is taught to new officers on the street, reducing the potential for integrity problems. Good FTOs will serve as role models, not only for recruits but also for others in the department.

Individual Integrity at All Levels of Policing

Many police departments have had officers charged with serious wrongdoing compromising public trust. In these cases, departments must thoroughly and impartially investigate the charges for the benefit of each individual officer, the department, and the community. Special treatment for officers under investigation can result in scandal which erodes the community's confidence in the police department. When this erosion occurs, political authorities often remedy the problem by imposing restrictions on the officers and transferring controls to non-police agencies, producing less effective police operations.

Unless the personnel of these other agencies have a thorough understanding of the police function, they are unprepared to make sound decisions for policing. For example, when certain disciplinary responsibilities are shifted to civilian review boards, case backlogs as long as two to three years can occur, due to the board's lack of understanding about the

disciplinary process and the way each incident relates to actual operations on the street.

Many departments have lost authority to develop hiring standards and to test applicants because of cheating scandals. They have lost authority to develop and control tests for promotion due to the sale of tests or to dishonest promotion and retirement arrangements. Some departments have lost authority to administer discipline for misconduct allegations because of the department's failure to process complaints aggressively against officers. Internal police scandals have an adverse impact on **all** police officers in the department since, in the eyes of the public, wrongful conduct is attributed to everyone who serves in the department.

Can management be motivated to spend time and effort to reinforce **individual** values? Some think effort is better spent on strengthening supervisory and procedural controls. However, no supervisor or procedure can ensure that an individual officer won't make an end run around the system. It is futile to have procedures which require two officers to witness an informant payment, or a team of officers to witness drug destruction, or a supervisor to be present to verify amounts of large cash seizures, unless the department's officers possess the moral character to avoid both active corruption and the conspiracy of silence in the event of a colleague's corrupt act.

It is the integrity of each individual officer which is most valuable in protecting the department from corruption. Management's most important task, therefore, is to provide an environment in which the individual can perform with integrity. This environment can be achieved through open and honest management-officer communication and by the high-integrity example of role models in senior positions.

There are many examples which demonstrate management's lack of commitment to individual integrity. Chiefs and sheriffs, particularly when first appointed or elected, may select less qualified associates in lower ranks to fill senior management positions, bypassing more qualified officers and discrediting the promotion system.

Many departments forbid officers to receive gratuities; however, chiefs are often paid honoraria for speaking engagements. This double standard can render a departmental gratuity policy unenforceable.

Some chiefs solicit funds from the business community to underwrite the cost of department-sponsored social functions. Sometimes the chief will pressure subordinates to contribute to a charity or community function to which the chief is particularly devoted. The public which invests its trust in a police department is justified in being critical of these improprieties as are rank and file officers.

A senior officer should not select subordinates with close personal and professional relationships to evaluate a proposal of questionable purpose. It is not uncommon for a senior executive to select subordinates who share with him a certain set of values, making an objective evaluation difficult. A simple test to determine propriety is to imagine the entire circumstances of a situation in question described in full detail on the front page of the local newspaper. How would the community respond?

The **perception** of proper conduct at top levels of management is as important and powerful as a policy which demands proper conduct of police department employees. Management cannot expect proper conduct from officers if they perceive improper conduct at the top. If conduct is not actively perceived as proper, it will be perceived as improper.

Commitment to Honesty in the Police Environment

There is no assurance that an individual of good character hired by a police department will remain honest. There are a variety of factors -- different for each individual -- which affect an officer's commitment to integrity. For example, one person who observes wrongdoing may be repulsed by it and may resolve to report or correct the situation. Another individual may be attracted by the potential personal gain of the situation.

Everyone places trust in a variety of institutions with the confidence that the trust will not be betrayed. For instance, a pharmacist is trusted to fill a

prescription accurately. A bank is trusted to conduct and record transactions properly; even though bank statements are checked, there is always some surprise when there is an error. Drivers assume that the tires on their cars are crafted with competence. When entering a building or home, occupants rarely question the engineering skills essential to the structure's integrity. Despite the fact that businesses and professions are often wracked with dishonesty and fraud, most people assume that other people perform with integrity.

Police officers operate in a different environment. The predominant clients of law enforcement are usually individuals, groups, and sometimes even entire segments of communities where trust in the integrity of others is absent. **Caution** and **distrust** are assets for police in these circumstances. With constant exposure to this lack of trust, some officers lose sight of their dependence on the honesty of others and on the importance of trust to their individual well-being. But it is individual well-being which is at the center of personal integrity.

It is unwise to leave officers in this kind of environment for 10 or 15 years. Even regular rotation to a less intense patrol area for those who work in high crime areas can help to lessen the likelihood of burnout. Two-year assignments, interrupted by other work, are more preferable for high crime areas if the officer has become the focus of an early warning system (described in Part III). Certainly the benefit of experience which these officers bring to the streets will be lost for a time; but the trade-off for personal well-being is worth the loss.

In this monograph, personal integrity is defined as sincere devotion to honesty, justice, and goodness. Unless individuals are motivated through sincere devotion to these values, the department must rely on positive rewards and negative sanctions to ensure officer adherence to rules and regulations. If rewards and sanctions are the only motivators, there will be little compliance by those lacking integrity whose misconduct goes unobserved.

Management, therefore, must reinforce a sincere individual devotion to honesty. There must be a strong message that **everyone** in the department

benefits from a department-wide commitment to integrity. This cannot be achieved if the issue of integrity is addressed by the department only occasionally. Integrity must be present in every departmental activity, both those which are seen by the public and those which are internal. Departments cannot avoid responsibility if an officer accused of using excessive force has actually done so; if the department has failed to reimburse an officer adequately for out-of-pocket expenses; or if the department has failed to administer proper discipline when a senior official is involved in misconduct. A chief who directs his staff to substantiate the propriety of what is actually misconduct by department officers, sows the seeds of corruption. A department operating with compromised integrity cannot claim to foster a commitment to integrity by individual officers.

PART III: SAFEGUARDING AGAINST CORRUPTION THROUGH DEPARTMENT CONTROLS

There is no guarantee that an individual of good character, hired by a police department, will remain honest. There are a variety of factors, different for each individual, which can erode an officer's commitment to integrity. Many officers face temptation every day. Fortunately, most do not succumb. There are anti-corruption techniques, however, which address those who do.

Management has the capacity and control to reinforce high integrity, detect corruption, and limit the opportunity for wrongdoing. Many of these controls also serve other departmental purposes, and most major police departments use corruption detection techniques. It is not the purpose of this monograph to review every type of corruption control in detail but rather to highlight critical elements which play a major role in curtailing corruption in general and drug corruption in particular.

The Chief Executive Sets the Standard

The chief, through policy and personal action, sets the level of integrity for the police department. A chief executive who proclaims the importance of maintaining the highest standard of integrity but fails to take disciplinary action for a serious rule infraction sends conflicting signals to his officers. Chiefs should demonstrate a positive commitment to integrity by commending honest and objective internal affairs officers as well as officers who refuse to heed the code of silence in the face of improper action by colleagues.

A chief must also recognize and address two serious obstacles to establishing a departmental standard of high integrity.

First, the problem of semantics can jeopardize the quality of communication within the department. Many words have multiple meanings, and everyone

tends to interpret words within the context of his or her background and experience. For example, the phrase "take the necessary action" is found in directives and procedures. Depending on the circumstances, some personnel might interpret "necessary" action to authorize measures beyond legal boundaries if, for example, the protection of human life is involved. Others might interpret "necessary" to mean the chief wants us to "do what we have to", but does not want to spell out specifically what should be done. In this case, the most prudent course of action is for the chief to be as specific as possible, to provide examples of the procedure in a written communication, and to submit the communication to reviewers outside the process to test the interpretation of the wording.

Second, the department will be challenged to maintain high-integrity policies and procedures consistent with actual operations in the field. Some written policies and procedures are different from actual field operations or conduct. Sometimes a field action develops because the original policy was not well-founded or tested. If the discrepancy is allowed to continue, then the written policy lacks integrity -- it is not, in fact, the working policy of the department.

When these discrepancies exist, the department can apply one of two remedies. If the field practice proves to be appropriate and measures up to departmental standards of integrity, then the written policy should be modified to conform to actual practice. If the field action is not appropriate, personnel should be held to the standard established by the written policy.

Some departments publish policies which management has no intention of enforcing, signaling that activities governed by the policies lack integrity. Depending on the nature of the policy, even a prohibitive directive could be interpreted to license certain practices among field personnel. As an example, uniformed patrol officers are prohibited by written regulation from drinking alcoholic beverages. In some departments, however, supervisory personnel make no attempt to enforce the regulation if the officer maintains a degree of sobriety while drinking. Thus, a new officer who asks if drinking on duty is permissible may be told, "Just don't overdo it."

Few major city chiefs actually write procedures for the department, but procedures and policies which are published for use within the department

are promulgated by the chief's authority, and the chief is responsible for their clarity and correctness.

Management and Supervision

Supervisors committed to departmental integrity play an important role in sustaining individual integrity. Management should commend supervisors who sustain individual officer integrity by their personal example, by reinforcing values, and by reporting corrupt practices. Most supervisors, especially first-line supervisors, perceive two tasks to be among their most difficult challenges: the officer evaluation process and the processing of complaints against individual officers.

All employees should be evaluated with departmental integrity as a priority. In most departments -- especially those with FTO programs -- recruits receive daily evaluations during probation and semi-annual or annual performance evaluations after the probationary period ends. They are assessed by indices which rate judgment, work initiative, quality of work, cooperation, appearance, knowledge of standard operating procedures, potential supervisory ability, and dependability. It is of primary importance, however, that supervisors also evaluate officers for corruption potential. Corruption problems are reported by most departments, but there should be a reporting mechanism for supervisors to identify officers who might be vulnerable to corruption in the future. As an example, a supervisor might note on an evaluation form that an officer has had three sustained complaints in the last 15 months or that an officer needs to be reminded constantly about the importance of accuracy and completeness in reports. These observations serve as a signal that the officer may succumb to integrity problems later in his career.

In evaluating officers, a supervisor must be careful not to inflate falsely the level of the officer's performance. Further, it is dishonest for a supervisor to transfer a **problem** officer to another unit without appropriate notice and written documentation for the new supervisor detailing the problems presented by the officer. Departments should commend supervisors who avoid these poor practices.

The majority of complaints about police officers are unfounded, but a supervisor should support the department's investigation of every complaint. Failure to investigate a complaint fully will cause far more harm to an officer than will a vigorous but fair inquiry to resolve an allegation.

Corruption problems can also occur when departments assign several "problem" officers to a particular shift under a first-line supervisor, especially one who has also been transferred to the assignment as a penalty. In cases where a problem officer is transferred to a new supervisor, the department should forward the file of the officer's complete performance history, including commendations and reprimands, to the new supervisor for review. The internal affairs unit should develop a similar file to be available to each employee's immediate supervisor. Many departments maintain such a file in the internal affairs unit, but deny access to an employee's immediate supervisor, who may derive the greatest benefit from the information. Supervisors can use adverse performance information to detect the development of problem patterns. When a sensitive investigation is underway, it may be unwise to make a supervisor aware of the facts in the case. But often a trusted supervisor can provide valuable assistance.

It is the responsibility of management to ensure that supervisors are aware of conduct which is indicative of problem performers. Officers who are engaged in corrupt activities may also be those who chronically exhibit other questionable conduct, including the abuse of sick leave, tardiness, failure to meet commitments such as court appearances, inability to speak clearly or coherently suggesting substance abuse, and implausible excuses for suspicious actions. It is especially important to alert new supervisors to the importance of these indicators. There are cases where supervisors are aware of these problem indicators but ignore them because of a friendship with the officer or because the officer is an outstanding performer. Corruption will flourish when questionable conduct is ignored.

Supervisors can also compromise integrity by:

- o failing generally to enforce departmental policies;

- o failing to enforce a departmental requirement in deference to a friend or star performer;
- o ignoring slight variations in written reports or testimony, when the variations are not supported by fact;
- o accepting gratuities, no matter how small; and
- o allowing subordinates to perform personal favors such as running errands or working on home projects for the supervisor.

Supervisory Responsibilities

The essence of supervision is to provide guidance and to assist in ensuring that an officer accomplishes a mission within specified parameters. Supervisory audits measure an officer's compliance with these parameters. Supervisors who fail to audit the activities of personnel fail to perform their jobs, a fact which must be accepted by the officers as well as by the supervisors. A supervisory audit is an important procedural step toward the objective of reducing corruption in the department.

Frequent auditing insulates patrol officers from temptations posed by unexpectedly seizing large amounts of drugs and cash, such as during a routine traffic stop. But unless the practice of auditing is accepted, it is unlikely some supervisors will feel comfortable with the task. As a first step toward effective auditing, departments can include a question on examinations for first-line supervisory positions, to acknowledge this responsibility. The applicant could be asked: "Do you understand that your supervisory responsibilities require you to observe the activities of those you supervise, and that you should frequently arrive unannounced at the scene of activity to inspect evidence and equipment and to observe operating procedures?"

A similar message about supervisory responsibility should be conveyed to officers. Managers must be aware that auditing will be interpreted by some officers as lack of trust. Officers should understand that unless the

department effectively polices itself, the task will be transferred to others less knowledgeable about policing and less able to interpret actions in proper context. This is a point for all personnel to discuss in training sessions.

Supervisors must be **available** to provide guidance when it is needed. If there is limited access to the supervisor, officers seeking guidance will look to other officers in the unit or department. And if these officers are corner-cutters, prone to wrongdoing or already involved in corruption, they will be negative role models causing departmental integrity to deteriorate quickly. Once rank-and-file officers are compromised, corruption is pervasive. Corrupt officers will rely on the code of silence to ensure that they are not reported to authorities. They may cite personal repercussions to fellow officers to discourage colleagues from reporting wrongdoing. If a department includes a high number of poor performers -- those who lack even the basic integrity to perform the job for which they are paid -- there is even less likelihood that management will learn of misconduct.

Supervisors must also be available to ensure that officers do not perform assignments for which they have not been thoroughly trained. For example, untrained recruits are sometimes called upon to perform undercover assignments. Without a thorough understanding of the parameters within which he or she must operate, the officer is likely to act improperly while undercover. Once mistakes are made, the recruit will be reluctant to admit them and will probably continue to act improperly. These improprieties frequently lead to procedural errors, such as improperly gathering evidence or using controlled substances to establish credibility undercover, a tactic that is never permissible.

Supervisors should also be alert to working relationships among officers and should be suspicious when officers are reluctant to work with one particular officer in a unit. Although a variety of reasons, such as conflicting personalities or lack of hygiene may be offered by the reluctant officers, reported incidents involving the same officer warrant close scrutiny. The supervisor can resolve the issue through informal conversation with the complaining officers or with a more formal interview. Some supervisors assign an experienced officer, familiar with the situation, to develop information through direct assignment with the problem officer. Any

information which implies officer misconduct should be referred to the internal affairs unit rather than discussed with the officer.

Supervisory Training

Supervisory training to detect integrity breakdowns can come from discussions with other supervisors and from specialized training courses. An in-service training course can alert supervisors to the indicators of drug abuse, a valuable skill to supplement the department's routine drug testing program.

It is critical that supervisors be able to recognize the *indicators* of misconduct. Frank and open communication among supervisors during these sessions is useful for identifying actual incidents of integrity breakdown and for evaluating the range of solutions which would be appropriate for a particular situation.

A word of caution is important: a manager who criticizes competent and honest supervisors for failing to detect a corruption problem at an earlier stage runs the risk of jeopardizing future communication. If supervisors are criticized or reprimanded as **a result of these frank and open discussions** when they are sincerely trying to do their jobs, they will be less likely to participate willingly in group discussions. Conversely, if supervisors receive positive reinforcement from management, they will be more strongly committed to the training sessions and to maintaining departmental integrity.

Management has broadened its responsibility to the employee considerably in recent years. Most organizations provide employee assistance programs and recreational facilities. Some departments ensure that day care for dependent children is available. Police departments should also recognize that officers can become involved in wrongdoing because of personal financial problems and family pressures. Although many departments have programs to address existing personal problems, departments should

consider providing preventive counseling programs. Programs emphasizing financial planning, budgeting, marriage counseling, and stress management **before** problems arise help to identify and offset pressures experienced by police officers.

The Formal Internal Audit Process

Most large departments have inspectional service units which review activities to determine compliance with departmental procedures. These inspection units are important also for reinforcing integrity and identifying corrupt practices. It is necessary, therefore, to staff these units with officers who have experience in internal affairs and drug enforcement. These officers are likely to be aware of schemes which are indicators of corruption **patterns**. Officers assigned to internal audit must recognize that their purpose is to ferret out wrongdoing and inefficiency. Since these units, if adequately staffed, can examine large numbers of investigative files and call for service reports, they are more likely to discover patterns of activity which warrant close examination.

Drug-related police corruption is not limited to specialized units. Because of the proliferation of drugs, opportunities for drug corruption have expanded widely throughout police operations.

For example, it is common for patrol units in major cities to come upon "cold hits" -- large supplies of drugs and cash discovered during a routine traffic stop. Because patrol units operate with less oversight than specialized units in the field, and because patrol unit handling and reporting procedures for cold hits can be less rigid, temptations for corruption may be greater.

Analyzing patterns of cold hits against drug trafficking volume patterns can indicate where added patrol field supervision is needed. Similarly, the crime analysis unit should track prearranged drug delivery locations designated by traffickers rather than by undercover officers. The unit should also map the location of seized stashes and known crack houses to strengthen field supervision.

Internal audits are also valuable to identify an officer who has repeatedly transported drug seizures to court or signed out evidence for other purposes. Similarly, audits can identify an officer known by others to be an undesirable partner. Sometimes officers have reason to believe that a colleague is corrupt; but rather than share their concerns and evidence with a supervisor, they simply avoid assignments with that officer.

When patterns of wrongdoing are detected, it is the responsibility of the auditors to evaluate supervisory performance as well as officer conduct. It is futile to add restrictive requirements to procedures in place if the problem lies in the fact that the supervisor failed to supervise the officers. In the worst case, an apparent failure to supervise may be an indication of supervisory involvement in wrongdoing. Such a supervisor may be either directly involved with those being supervised, or be so involved in wrongdoing that there is no time to supervise.

On occasion, supervisors, albeit with good intentions, will permit certain situations to get out of hand. For example, a supervisor may tolerate an officer's tardy paperwork or his failure to submit it at all. This pattern of lax supervision usually contributes to problems and may, in fact, be a cover for corruption.

Consider the example of an officer who is continuously on the move, making arrests and seizures, and making informant payments from an advance of funds. His or her unit produces prolifically and commendably, and the department credits the officer and supervisor with outstanding performance. But the paperwork -- memoranda of drug buys, surveillance notes, arrest and seizure reports -- is not forthcoming and is overlooked by the supervisor. The department discovers that other paperwork submitted by the officer is void of pertinent details. The corruption that underlies this pattern of procedural negligence can go undetected for long periods, particularly if court dockets are full and cases are consistently plea bargained. A department should not permit a supervisor to be lax in requiring timely and complete paperwork.

Internal Auditing and Informants

There are three types of individuals who provide information in criminal cases: 1) those who are criminally charged or convicted and who are cooperating for prosecutorial consideration; 2) those who are involved in or closely associated with criminal activity and are being paid for their information; and, 3) those who provide useful information and are neither criminal nor paid for their information. This third group can include good citizens who want to help, business people who hope to resolve a problem adversely affecting their business, and unreliable or misguided individuals who need help themselves. Each category presents unique problems, but this monograph focuses on criminal informants described in the first two categories. The third group, described most often as sources of information, are not generally involved in corruption.

Department internal audits must closely scrutinize informant records. One scheme frequently uncovered in audits involves informants who can never be found. In reviewing drug cases, a supervisor or the audit team notes that one or two officers have several productive informants. The supervisor or the team makes an effort to interview informants to verify payments for case information, but none of the informants can be located. The controlling officers may have plausible -- but unverifiable -- explanations for the inaccessibility of the informants. In fact, the officers may have given their informants specific instructions to avoid being discovered. A pattern of phantom informants is a strong indicator of corruption.

There are other variations of the informant problem. There should be an internal investigation when officers are repeatedly involved in cases where there are large drug or cash seizures but no arrests. Though an informant may be credited with supplying probable cause for the crime, the record may have been falsified, perhaps covering up an unauthorized wiretap or other illegal technique.

The internal audit unit should carefully investigate informant arrest records to determine whether the date of arrest corresponds with the beginning time period during which the informant is being used. If records show the informant is being paid rather than working the case for prosecutorial

consideration, the payment should be questioned. Both auditing officers and first-line supervisors should be wary of officers who indicate that an informant is unwilling to meet the supervisor. Criminal informants who provide information for prosecutorial consideration or money are typically anxious to meet supervisors to boast about the value of their information. A department judges the worth of informants by knowing who they are, where they are from, and what their stature is in their own environment; and the expert assessment of a senior supervisor can aid considerably. If an officer uses an informant who is capable of making a significant case against a defendant, but who is consistently responsible only for seizures, then the informant could be paying the officer to delay his own indictment or prosecution, using the seizures as a display of sincere effort.

Drug cases investigated cooperatively by several agencies -- either permanent task forces or *ad hoc* investigatory groups -- can also present difficulties for supervisors and auditors. The involvement of another agency should never preclude a thorough review of all case documents and an accounting of funds. In cases involving the cooperation of federal agencies, for example, the informant might be an individual developed by the local police department. When the case is terminated, the informant may be placed in the Federal Witness Protection Program for safety. But the department's informant records may show that the informant has been paid substantial sums of money for information and activities during development of the case. It is important that the U.S. Marshal Service verify payments by formally interviewing the informant. A written memorandum of understanding between investigating agencies spelling out these authorities and responsibilities can reduce problems in future cooperative cases.

Internal audits should verify the chain of custody for evidence and ensure that the prosecutor's office does not compromise the identity of informants. If evidence custody is not verified, police officers can be unjustly accused of skimming from drug seizures. If the prosecutor's office fails to conceal the identity of informants not required as witnesses, they could face danger and officers could face unjust accusations of leaking information. The chief should inform the District Attorney or principal prosecuting official in writing about improper evidence or informant procedures.

Reliable information about drug corruption schemes can come from internal audit and internal affairs officers in major city departments where drug trafficking is most intense and from internal affairs investigators of the U.S. Drug Enforcement Administration and the Federal Bureau of Investigation. Departments should not hesitate to request guidance from these agencies, when needed.

Informant Use and Controls

There are operational procedures in police departments which can reduce the risks for officers who must use informants in drug enforcement. It is the responsibility of management to warn officers of the danger of becoming personally rather than professionally involved with informants. For example, there may be inadequate procedural controls in departments where officers are permitted to receive calls at home from informants. At a minimum, these calls should be made a matter of record by the officer.

It is extraordinary that experienced police officers, who know criminal informants to be dishonest, trust informants to conceal police wrongdoing. Informants are rarely responsible for first proposing a corruption scheme. Frequently criminal informants are, in fact, responsible for revealing police misconduct. It is problematic, therefore, for an officer to commit a wrongful act to accommodate an informant, even for the noblest purpose. Yet many corrupt officers claim their corrupt practices started through well-intended assistance to an informant, usually an addict informant. Informants who are addicted are particularly unreliable, their testimony is not credible, and their tenuous relationship with non-addicted dealers makes their use questionable.

Supervisors should interview all candidates for criminal and paid informants before approving their use. The individuals should be fingerprinted and photographed. These identifying procedures, along with handwriting exemplars, the informant's criminal record with an NCIC check, the initial record of debriefing, and the supervisor's memorandum of informant approval, should be placed in a single *establishment* file. If the supervisor approved the informant before the criminal record was received, use of the informant should be re-evaluated after the record is received. The

informant's name should be listed consecutively in a log with other informant names to ensure accountability, and the files should be secured with limited access by a senior management official. It is important that support personnel who have authority to place information in these files understand their sensitivity. Finally, the files should never be removed from official custody.

In addition to the *establishment* file, debriefing reports should be secured in a *working* file. If the department wishes to conceal informant identity it should provide the informant a code number, with a record of the assigned number sent to the *establishment* file for correlation with the informant's name in the log. The *establishment* file should also include: payment receipts, including the reason for payment, signed by the informant and witnessed by at least one other officer; and a copy of the funding requisition from which the informant was paid.

Informants should be paid only with departmental funds. Officers, who gratuitously pay informants out of pocket and who are inefficient at submitting vouchers for expenses, sometimes make up shortages by writing "creative" reports. Supervisors should regularly interview informants to corroborate payments and the nature of the purchased information. The supervisor should question the informant about specific operations and review selected cases to determine whether case memoranda are consistent with the informant's presentation of the facts. It is not desirable to allow informants working undercover to "front" money to purchase drugs, unless that was the *modus operandi* used previously by the informant with the source of supply. If, however, the department disperses front money but receives neither drugs nor funds in return, investigators should question the informant thoroughly about the transaction. The practice of regularly authorizing the fronting of money increases opportunities for corruption.

There are several simple procedures which protect officers who use informants. Most problems arise, and most procedures are neglected, because officers find it difficult to keep informants at arms' length while cultivating a beneficial relationship with the informant. Some informants are sincerely motivated to cooperate with the controlling officer. This attitude does not, however, imply that the informant's conduct is lawful at all times.

When not under scrutiny, the informant will likely revert to questionable or lawless conduct, and the controlling officer must always operate under this assumption.

The following procedures must be observed to ensure officer safety and reduce the risk of corruption:

- Every contact or meeting with an informant should be thoroughly documented.
- Business or social contacts with informants should be strictly forbidden, including social functions sponsored by the unit to recognize a special achievement even if the informant may have played a positive role.
- Although difficult to avoid at times, it is unwise for an officer to discuss social or family activities in the presence of an informant.
- Informants should be searched for drugs and to determine the amount of money in their possession before and after directed contacts with other criminals. This procedure is often neglected when the officer and informant become close friends and the officer believes the informant to be trustworthy. When this occurs and the officer falsely testifies to the search, the officer has been compromised.
- Any informant who attempts to compromise an officer or subject the officer to coercion should be permanently prevented from further participation as an informant.
- Except in exigent circumstances, two officers should be present when meeting with an informant.

Police departments should maintain an Undesirable Informant File listing the names of all individuals deemed unsuitable for functioning as an informant, because they subjected an officer to coercion, attempted to compromise an officer's integrity, or consistently provided unreliable information. Informants

who cannot be trusted to carry out planned activities should also be deemed unsuitable. Officers wishing to use an individual as an informant should be required to check the name in the Undesirable Informant File prior to seeking approval for use. Informants are not the property of the individual officer. When performing directed functions, they are the responsibility of the department and can create liability for the department.

Informants can be a source of other problems if their activities are not properly documented. If an informant's identity becomes public, the department should record the disclosure in the informant's *establishment* file, including the date of occurrence and circumstances of disclosure. This procedure can prevent an officer from being wrongly charged later with disclosing the informant's identity for unlawful purposes.

Requests for prosecutorial consideration made on behalf of an informant should always be in writing on departmental stationery, signed by the chief or his authorized designee. An officer should never make unconditional and specific promises of prosecutorial consideration to an informant unless the arrangements are authorized by the prosecutor's office and documented in writing. Such promises can be a source of coercion, especially if witnessed by other officers.

The informant is a valued commodity in law enforcement. The most useful informants are those who hold important positions in a criminal hierarchy but face long prison terms. The department should cultivate and nurture these individuals to penetrate the criminal elements within which they operate. This technique can bring controlling officers -- especially undercover officers -- in close contact with informants in their own environment, governed by criminal power, status, and money. Constant exposure to this environment can have lasting adverse impact on officers, making long-term undercover assignments unwise (see Drug Enforcement Units, page 74).

Internal Affairs

Internal affairs organizations and their operating procedures vary widely among departments. Some internal affairs units track all complaints received

by the department, even though many of these are management problems more correctly handled by supervisors. Some departments distribute the majority of complaints to operating units for investigation. Some units are not made aware of all complaints and track only major misconduct investigations. Some departments retain misconduct case records for only three years, some for five, and some keep them permanently.

Some units contrive situations which offer a targeted officer the opportunity for wrongdoing. Some units test seized drug evidence for content. A few test drug evidence or account for property during destruction or disposition. Others have specialized surveillance teams which observe officers who are on extended sick leave.

Some units advise officers of complaints prior to investigating the complaint, and others advise the officer after the field work is concluded. Some units conduct investigations, prepare charges, and are involved in the disciplinary process. The majority of units only conduct the investigation and then forward the results to other management authorities. Some report directly to the chief or sheriff. All these differences derive in part from historical situations unique to each individual department. In some cases, the procedures reflect the chief's personal inclinations.

One of the most significant variations in internal affairs units is the length of time the commander and other personnel serve in their positions. In some departments, an officer serves as head of internal affairs as a rung on the career ladder in senior management. As a result, the unit commander can be rotated as frequently as every two years or less. Unit investigators also rotate regularly from their assignment, although the period of assignment is usually longer. In other departments, the commander and other key personnel may serve for 10 years or more. Some departments use only volunteers for assignment to internal affairs.

The internal affairs unit commander should report directly or have regular access to the chief or sheriff. It is the chief or sheriff who is ultimately accountable for the actions of the internal affairs unit and the integrity of the department. Any unit commander who is to be the operational decision-maker in internal affairs investigations must be trained and have experience

in internal affairs for at least four years. Until the commander has acquired two years of internal affairs experience, major tactical decisions could be the responsibility of a competent deputy who has served in excess of two years.

In several jurisdictions, the entire complaint, investigation, and administrative hearing process is open to public scrutiny. In others, the process is closed. Although it is not possible to resolve these widely divergent procedures and establish an absolute charter for internal affairs units, some specific recommendations should be considered.

Except for a comprehensive proactive plan (outlined on page 96), a complaint registered against an officer is the most significant indicator of untoward conduct, both for individual officers and for the department as a whole. The complaint consists of information from any source indicating that an officer has engaged in conduct outside normal and acceptable departmental parameters. Every complaint, no matter how unlikely or frivolous, should be recorded and forwarded to Internal Affairs (or to a unit or individual designated to receive complaints) for evaluation. Even complaints which fail to identify an officer by name should be assessed and used to monitor trends in conduct. Anonymous complaints which provide sufficient information to identify a specific officer should also be recorded.

A department must educate the community and other local police and municipal agencies about the complaint process, specifying who receives complaints and what policies govern actions taken by the department to address complaints. Questionable conduct which goes unreported, and complaints sent to the wrong authorities, are useless. For this reason, it is necessary to have both a strong complaint process and a comprehensive proactive plan.

Complaints about individual officers will fall into one of four patterns: frequent complaints; sudden complaints after a history of no complaints; a lack of complaints after a history of chronic complaints; and few or no complaints at all over a long career. It is important to understand the implications of each pattern of complaint before beginning the investigation, so that the department can properly diagnose and remedy misconduct.

Any officer who is consistently the subject of complaints -- even if most are unsubstantiated -- warrants special scrutiny. The investigator should review the applicant file, recruit training record, FTO evaluations, all prior complaints and resultant discipline file, supervisory performance evaluations and reprimands, and awards. **It is important to maintain these records so they can be retrieved easily.**

There are also officers who have consistently performed assignments over an extended period without receiving complaints, but who suddenly become the subject of several complaints within a short period of time. For example, an officer serves for 10 years with no complaints, then is the subject of three or four complaints within several months. The initial investigatory focus should be on changes in personal life, changes in attitude and demeanor, recent assignments, and professional and personal associates.

Although this complaint pattern might indicate a wide range of problems, two are of special note: This officer may have succeeded in masking a chronic psychological disorder during psychological screening. Or he or she may have been subjected to a recent significant adverse life experience, such as divorce or death of a close relative. In either case, if the complaint is not so serious as to result in dismissal, the officer should be counseled to seek professional help to avoid serious consequences.

A third complaint pattern is one in which the officer has regularly been the subject of complaints for some period of time, but there is a break in the pattern, which indicates that the officer's conduct has improved. In this case, it is advisable to review past complaints and remedial actions to determine if the positive change in conduct was a direct result of specific remedial action by a supervisor or through in-service training. It is extremely important for management to know what works and what doesn't.

A fourth pattern is that in which the officer receives no complaints or very few unsubstantiated complaints over the course of an extended career. If these officers are exemplary performers as well, they should be role models for other officers who might feel that receiving complaints is just a part of the job. Officers who receive few, if any, complaints are more effective individually and for the department than those who are a constant target of

complaints. The complaint process removes a significant amount of time from policing, not only for the officer but also for the department.

In order for this indicator system to be fully effective management must monitor all officer records to know which officers are not receiving complaints as well as those who are.

It is the conclusion of the authors of this monograph that public scrutiny of the complaint process (after the investigation is complete) causes no adverse effect to the department or to the community.

State laws which allow the press and the public wide latitude under freedom of information statutes have not had an adverse impact on police departments and the complaint process. Allowing extended review of the public record as it pertains to the investigation of complaints may serve to reinforce public perception that the department's internal operations are closely supervised and honestly administered. This should not include arbitrary access to officer personnel files. Additionally, internal affairs should strive to ensure that their complaint process is conducive to soliciting complaints from the public. In some instances, citizens may hesitate to complain about the actions of an officer, believing the investigation will be "swept under the rug" because it is being conducted by a member of the department. This perception can discourage citizen complaints and create a veil of distrust.

Feelings of distrust may not be confined to citizens. A police officer may choose not to report a fellow officer in fear that his own identity is disclosed. Internal affairs must be perceived as a process which is approachable by police officers and citizens without fear of inaction or retaliation. A police department which regularly furnishes to the media a list of officers charged with misconduct, subsequent results of the investigation, and resultant punitive measures will help to develop and sustain the public trust.

In some cases, police officers who have concealed their corrupt practices from their department for a period of time may be subject to an ongoing investigation by other local, state, or federal law enforcement agencies. In fact, the parent police organization may be surprised by officer conduct

which is being closely monitored by other agencies. Police departments should obtain case referrals about members of their own department from other law enforcement agencies. For example, if the Federal Bureau of Investigation is concentrating on police corruption in a particular city, the department should request that one of its internal affairs investigators be assigned to the FBI unit for cases involving the department. Unless the request appears politically motivated or is otherwise undesirable, it will likely be approved. By exchanging information with other law enforcement agencies, a police department may be able to detect corruption problems within its own ranks.

Complaints can also be used for strategic benefit. If certain types of complaints appear to be concentrated in one area of a city which has a lower rate of calls for service, this pattern could signal management problems in that district. This situation could also reveal the existence of other community problems which were previously unknown, such as a shift in prostitution activity or drug trafficking.

There are a few complaint pattern indicators of drug corruption which warrant close attention. Any complaint received from a defendant or defense attorney, alleging that an officer took drugs or money not turned in as evidence, should not be investigated in isolation. The department should compare all currently open cases, all cases which were recently closed, and all complaints of similar misconduct to uncover possible conspiratorial activity among officers. Investigating officers should review files or file summaries of the cases, rather than rely solely on the recollections of other investigators. If there are no case leads, analysis of complaint patterns can provide information about general techniques of misconduct and location of most complaints. This information can be used to decide the best location for investigative initiatives and to determine what type of activity is attracting officers involved in corruption.

A department should carefully investigate complaints from prosecutors that officers are failing to appear for court in drug seizure cases. These complaints can be the sole discernible indicator of corruption among patrol officers, particularly in cases involving small quantity seizures. These patterns are more difficult to detect if court calendars are backlogged and

cases languish for long periods without attention. Usually large seizures are the focus of attention and are not as likely to be overlooked or neglected. There should also be close scrutiny of officers who provide inconsistent testimony at trial when no problems surfaced at the time of case preparation.

There are two concepts, basic to the internal affairs process, which are not widely accepted. First, **police officers accused of drug corruption should be investigated with the same intensity and using the same techniques as suspected drug traffickers outside the department.** Second, **every investigation should be pursued to the point of resolution even if the officer resigns during the investigation.**

As recruits, officers must understand that all allegations of drug corruption will be investigated vigorously and aggressively. Many police officers feel they should be trusted simply because they are police officers. Many managers feel that vigorous and aggressive investigations of drug corruption will be perceived as lack of trust in officers and will contribute to poor morale. However, a substantial number of allegations prove to be true; and, until there is an investigation, it is difficult to distinguish trustworthy officers from those who should not be trusted.

It is imperative to conduct thorough investigations toward final resolution of a drug corruption case. Failure to be thorough and conclusive is unfair to the accused officer, to fellow officers, and to the department.

If an officer resigns from the department in the midst of an investigation, it is often because he is aware of the investigation and has been offered alternatives of resigning or facing charges. At his resignation, the case is usually closed. This premature closure has several unfavorable ramifications.

First, fellow officers will not know whether the allegations were substantiated and may continue to associate with the resigned officer, even if the allegations may have proved to be true. *Second*, because the officer's file will not contain conclusive findings about the case, future employers, including other law enforcement agencies, are unaware of the investigation. The officer may be employed subsequently in a responsible position of trust and could even be exposed to sensitive information about police operations.

For example, a supervisory officer under investigation for serious wrongdoing may be appointed chief of police in another department or may run for sheriff in another jurisdiction. *Third*, the officer may be accepted into a fraternal association of former department officers now retired or in other departments and might rely on them to check police records, secure a firearms permit, or write letters of recommendation for future employment. *Fourth*, and perhaps most important, the allegations may have been false and the officer can be cleared of the charge.

Finally, departments should conduct a limited background investigation for all officers after 10 years of service. This investigation would focus on credit rating and permit comparison of the original net worth statement of the applicant at the time of hire with an updated statement. Similarly, if departments rely on psychological evaluations for acceptance to specialized assignment, then examination of all officers who become the focus of the early warning system could reveal psychological stability or instability.

Drug Enforcement Units

Specialized units have similar vulnerabilities and need close supervision and strict procedural controls. And because of this potential for corruption, most centralized drug enforcement units have strong controls in place.

Despite perceptions to the contrary, not all assignments in major drug units keep officers in close touch with unsavory elements in the community. Supervisors, surveillance teams, and officers who routinely handle technical equipment usually have these contacts only during arrests and searches. Depending on the type of operations conducted, even most officers who work undercover do not have long, continuous periods with drug traffickers. There is no basis to believe that officers assigned to these units, who do not have regular contact with criminal elements, are more vulnerable to corruption than officers in patrol units. However, this assumes that the units are closely supervised and that tight procedural controls are in effect -- controls such as those discussed in other sections of this monograph. On the other hand, officers who do come into continuous contact with criminals while in an undercover capacity are more vulnerable to temptation. In most

cases, long-term undercover assignments, in which the officer is in the company of traffickers more than with fellow officers, are not worthwhile, considering the jeopardy to an officer's well-being.

Continuous short-term undercover assignments, where the officer meets traffickers for one or two hours, twice weekly or less, should be limited to one year. The officer need not be transferred from the unit but should be reassigned to an investigative role, such as case officer or surveillance, or to a training assignment where the acquired expertise can be shared with others. The officer can return to an undercover assignment at a later time depending on the level of drug traffic within which the officer is operating. For instance, if the unit develops high-level violator cases, the officer likely spends more time continuously undercover and should be more restricted. Officers who must operate in the environment of major traffickers can be sorely tested with temptation. It is not uncommon that major traffickers flaunt their wealth by giving gifts to those in their company, including the undercover officer. The officer must recognize that every single item which comes from the trafficker is evidentiary and must be accounted for accordingly.

Although intended primarily for the safety of undercover officers' protection, certain techniques used in drug units help to sustain integrity as well. Continuous surveillance of an undercover officer by surveillance officers and the use of equipment to record conversations help to bolster honest officers. On the other hand, there is cause for concern if there is frequent "failure" of good technical equipment or if an undercover officer's elusive moves result in surveillance being lost. Undercover officers who consistently fail to follow the plan for an undercover meeting may have an untoward motive and should be suspect.

Undercover officers should never be permitted to use drugs to establish credibility. And any consideration to engage in criminal conduct outside the scope of drug trafficking while undercover should be discussed with the appropriate prosecutor's office beforehand. Decisions growing out of such discussions should be made a matter of written record and placed in the investigative file. An officer who engages in criminal actions without authority can be subject to coercion once his true identity becomes known to the

trafficker. This is one reason why complaints by defense attorneys, even disreputable defense attorneys, must be taken seriously.

Because drug abuse has become so widespread and street activity so intense, many departments are creating district or area drug units not under the control of the central unit. Personnel assigned to these units are often not well-trained and do not have experienced drug unit supervisors or tight procedural controls. Lacking experienced supervision, adequate procedural controls, immediate availability of proper evidence storage, and coordination by the central unit, these units are vulnerable to corruption. These items are prerequisites to establishing district or area units and they should be in place before the unit begins operation.

After each corruption investigation is completed, a damage assessment should be made to determine what compromises have occurred. This is common practice among intelligence agencies when a breach of security has occurred, and it is a practice that should be adopted by police departments. By examining all facets of the corruption circumstances, the department can determine the nature and degree of the officer's access to information, and advise all responsible officials of the compromise. If the identity of informants or undercover officers could have been compromised, the best course of action is to discontinue those operations or take special precautions to ensure safety.

Community-Based Policing

Many police departments are integrating community-based policing strategies (e.g., Neighborhood Oriented Policing, Community Oriented Policing, and Problem Oriented Policing) into their patrol functions. These strategies are characterized as an interactive process between police officers patrolling a specific area and the residents or business occupants to mutually develop ways to resolve problems and concerns. Initiatives such as removing illegally parked or abandoned cars from neighborhood streets, that have traditionally been channelled through bureau or district stations, or other agencies, are now the responsibility of the partnership between the officer and the community.

Unless departments have centralized these community-based policing approaches, patrol officers in particular areas may be placed in a position to deal directly with service providers, such as the towing company which has removed illegally parked or abandoned cars. "In the absence of procedural and supervisory controls, there is room in this relationship for corruption to occur. Supervisors overseeing these specialized forms of policing must be thoroughly familiar with the approach through training conducted before the program is implemented. Special auditing controls and written procedures should also be in place before the program begins to safeguard against the occurrence of corruption.

As an example of procedural controls for towing services, the department should institute a list of departmentally sanctioned towing companies to be used in rotation. Requests for service should be channelled through a central supervisor. A periodic audit of the interaction between the management official requesting the service and the towing company would serve as an additional safeguard.

Evidence Handling and Storage

A department must account for all evidence stored in its property room or vault, with special attention paid to drug seizures. If the method of packaging drug evidence is not tamper-proof, or the facility itself is not secure or not well-controlled, most drug exhibits are easily replaceable with substitute material.

Even if there are tight controls in the property room, seized items are vulnerable to pilferage at the time of seizure until placed in proper packaging, while being transported to the property facility, at the laboratory which conducts analysis, when removed from the property room for court purposes, and at the time of destruction.

As the drug abuse problem has grown, so have drug and cash seizures. Multi-ton seizures of marijuana, thousand pound seizures of cocaine, and million dollar cash seizures are almost routine in some areas of the country.

As a result, some types of secure evidence packaging, as well as drug and cash storage facilities, are now completely inadequate.

Departments have been forced into makeshift arrangements, such as the use of trailer trucks or commercial space with plasterboard walls, left virtually unguarded. Large cash seizures of small denomination bills make accurate inventory almost impossible without the use of money counting machines and professional bank personnel. Even when these large cash amounts are deposited with banks after trial, the bank selection process can be a source of corruption.

With the department's burgeoning demand for operational resources and supervision, there is scant time and few personnel to attend to the extensive and pervasive problem of cash and drug evidence storage. In some departments, there is insufficient personnel available to operate the property control system full-time. Yet, drug evidence is seized continuously, with increased seizures at night and on weekends. Even controls and facilities are inadequate if evidence containers are not recorded properly and if seizures too large to be stored through routine procedures are not controlled before entry into the property system. If officers are forced to rely on storing evidence in a desk, the trunk of a car, or in a locker with personal belongings, departments will encounter serious problems.

Unquestionably, the seizure of large amounts of cash, particularly in small denominations, poses the most serious temptation for an officer. If he is alone, the opportunity for corruption is magnified. Even partners, especially those who have developed a close personal relationship, can conspire quickly to remove evidence.

In these circumstances, the greatest immediate deterrent to officer corruption is the possible arrival on the scene of another officer or a supervisor, whose integrity is considered beyond reproach. Another deterrent is the reflexive procedure of calling in by radio all seizures immediately upon discovery. In a corrupt department, of course, such a radio call would be a signal of opportunity for those within range. This broadcast opportunity can be controlled to some degree by requiring the seizing officer to also convey the

names of officers already on the scene and call in the names of all others, including supervisors, as they arrive.

There is no way to ensure that a seizure made by one or two officers will be reported or handled properly. It is critical, therefore, to instill in officers the importance of integrity to their own well-being and to emphasize disastrous results when wrong-doing is discovered. Once an officer properly secures a drug seizure, it is in his best interest that the seizure is properly delivered, stored, transported to and from court, and destroyed. Otherwise those in the chain of custody are under suspicion if the seizure is compromised.

All departments should have special audit teams which randomly test drug evidence at the time of destruction. If feasible, drug samples should be re-analyzed at an independent laboratory which should be informed how long the evidence was stored and how many times the package or container was opened and/or retested. Each drug has a specific shelf-life and is subject to weight changes due to moisture.

An Early Warning System

Police departments can establish an early warning system which, when properly managed, can be used to identify potential problem officers, integrity breakdowns, and management weaknesses. This system must be closely monitored and carefully supervised to avoid serious work performance or morale problems.

The system must capture data for analysis in at least four categories: the officer, the assignment, the shift or tour, and the type of report (*i.e.*, vehicle damage, loss of equipment, complaints). This categorization will avoid undue focus on individual officers and, instead, will encourage management to analyze tactical problems and management deficiencies. For example, several officers may have received multiple complaints alleging excessive use of force. By examining all excessive use of force complaints by type of assignment, the analyst may realize that similar one-time complaints were lodged against other officers with the same assignment. In this case, the

complaint review should first focus not on the officers but on the type of assignment, management of the assignment, and assignment training. This review might reveal that these circumstances -- such as unclear or improper instructions -- not the conduct of the individual officers, are the cause of citizen complaints. Officers will be less reluctant to rely on an early warning system if they can see some purpose other than to focus only on the individual officer.

An early warning system should include the following reporting elements: 1) any discharge of a firearm whether accidental or duty related; 2) excessive use of force reports; 3) any motor vehicle damage; 4) any loss of equipment; 5) injured on duty reports; 6) use of sick leave in excess of five days, or a regular pattern of using one or two sick leave days over long periods; and 7) all complaints, including supervisory reprimands and other disciplinary action. If an evaluation indicates that investigation should focus on the individual officer, then the officer's supervisory evaluations, awards, commendations, and use of force reports should also be reviewed.

An early warning system is a proactive management tool useful for identifying a wide range of problems, **not just a system to focus on problem officers**. If management ignores an opportunity to discover that use of excessive force complaints have resulted from inappropriate supervisory instructions to officers, the system is not being used properly and will become a source of problems rather than problem-solving. If, on the other hand, management acts aggressively to resolve the offending management action which resulted in the complaint, the system will be supported by line officers.

The purpose of an early warning system is to address, and hopefully resolve, problems early in their development. The seven elements listed above do not, by themselves, necessarily imply corruption. Extended sick leave and injuries on duty are not even incidents of misconduct. For this reason, several reporting elements must be present to determine if conduct patterns are changing. The system can stimulate early intervention if an officer has a problem. Police officers, subject to continuous stress from official assignments or from personal problems, may become more vulnerable to corruption opportunities. With timely intervention to relieve

stress, the department can lessen the likelihood of misconduct in an otherwise high-integrity officer.

Training

Formal classroom training and field exercises provide recruits with essential knowledge. However, training exercises cannot create real situations requiring real police reactions and decisions. Recruits develop personal integrity and decision-making skills through a vast array of experiences. It is important for training, therefore, to reinforce personal and professional high-integrity values.

Recruit training should focus on the need for social order in the community and on the importance of mutual trust among community members for sustaining personal integrity. Instructors can assess the personal values of recruits and dispel erroneous ideas about acceptable conduct which may accompany recruits to their departments. Recruits must understand that, in becoming police officers, they are demonstrating a willingness to subject their personal and professional conduct to scrutiny.

It is equally important that recruits learn in the classroom and by personal experience that policing will not tolerate double standards. The training staff must set an impeccable example of integrity for recruits, realizing that recruits will be influenced by actions and words both inside and outside the classroom. Unacceptable staff conduct will undermine training objectives of high integrity. Trainers should demonstrate competence and should periodically return to field assignments to stay abreast of operations.

Training should also emphasize the significance of professional standards, the parameters of conduct governing actions. Many recruits and veteran officers assume that because they are police officers certain conduct will be overlooked by other officers, such as being stopped for speeding, driving while intoxicated, or being involved in a collision. This assumption must be strongly and quickly dispelled, and officers who engage in such conduct should be dismissed from the department.

Instruction at the end of training should require recruits to analyze a range of situations typical of a corrupt environment. There are many books addressing corruption which can be used as a basis for a curriculum for the session. Individual case studies can illustrate the deleterious effect of corruption on the officer's life, family, friends, and future. Most large departments have ample closed cases for study. It is particularly valuable to demonstrate effects of corruption on fellow officers who were involved or who knew about the wrongdoing. Recruits must also understand that corrupt officers will be equated with drug violators, and their names will be included in criminal indices.

It is particularly important that recruits be required to attain passing scores for training courses such as rules of conduct, rules of evidence, property controls, and criminal conspiracy. Insufficient training can heighten vulnerability to corruption conspiracy. Allowing police officers to graduate from recruit training by averaging failing grades in some courses with passing scores in others opens the department door to integrity problems. Departments may wish to adopt a modular approach to recruit training which requires recruits to master all the components in each block before beginning the next module. Recruits in training should not be used as a resource pool for other assignments. Basic training is a critical first step to becoming a police officer. If training is interrupted for menial tasks, then training is perceived as less important. If training is interrupted to perform actual police functions, then obviously all aspects of the training given are really not necessary to produce a highly-trained police officer.

The issue of integrity applies even to routine decisions, such as accepting free coffee or discounts on meals at restaurants. As the Statue of Liberty is the symbol of freedom in the United States, the cup of coffee may be the symbol of compromise in policing. Few police officers feel that free coffee or meals compromise integrity. For most it may not. However, the issue of gratuities must be examined both from the perspective of those who offer and those who accept.

Rarely do commercial establishments offer free coffee or meals as acts of charity. Such a gratuity, therefore, appears to be offered in recognition of the service performed by the officers. There may be an unspoken

expectation that the establishment will, at some time, have the courtesy returned. There is the obvious benefit to having uniformed officers in retail establishments which are subject to crime.

Officers should refuse a gratuity for several reasons. Other members of the community who provide services may view the practice as preferential. The officer's acceptance may encourage future gratuitous activity. The practice also could be cited as one of many actions demonstrating that police officers are corrupt. Further, it does appear to create a professional obligation for special treatment. And gratuities encourage police officers to leave their area of assignment to patronize certain businesses. One point is often overlooked. Even if the officer is in no way affected by the gratuity, the provider's inclination to offer gratuities is reinforced. The next officer tested by the provider may succumb to corruption.

Outside Employment

Despite the absence of statistical data, it is widely known that many police officers -- particularly those with low salaries -- supplement their income with outside jobs. Depending on the type of employment permitted, second jobs can present a significant opportunity for compromising an officer's integrity.

There is considerable divergence on whether and how departments control outside employment. Some departments permit officers to use police equipment, such as uniform, gun, and patrol car, while performing second jobs. Most police departments forbid officers in uniform to be employed in business establishments which serve alcohol. Some departments control the amount of time officers can work in other jobs on duty days, reducing the possibility that they will spend an insufficient amount of time with the department.

There are several reasons why police officers may be permitted to engage in outside employment. Sometimes neither political authorities nor the community as a whole recognize the adverse effects of inadequate salary levels on the department's competence or potential for integrity problems.

Often the chief has failed to pursue the issue of low wages vigorously, for fear of jeopardizing his tenure.

A chief may feel that he must permit unrestricted outside employment in an effort to retain competent, honest officers. This is especially true in departments in which officers are not well paid. Most officers willing to take on the burden of outside employment do so because they are honest and want to "make ends meet" only by legitimate means.

When poorly paid officers earn income through other employment, they can be subjected to a variety of pressures. Since they must secure authorization from a supervisor to engage in outside work, they might be coerced to overlook supervisory errors, such as failing to submit timely evaluations or not being available to respond to a call for supervisory assistance. In more serious cases, supervisors can require "kickbacks" to approve outside employment.

Outside employers can take advantage of officers who work in uniform, particularly in establishments which serve alcohol and where patrons use illicit drugs. Officers are sometimes provided with drinks and given bottles of liquor. The establishment operator encourages them to remain out of sight, to be called only in case of trouble. Patrons are then free to use and exchange drugs openly. Under these circumstances, officers become vulnerable to alcohol or drug abuse and are easily compromised.

If pay is not commensurate with job requirements for an extended period (two years or longer), no system of controls will ensure compliance with departmental standards of conduct. If adequate pay is not an issue, then there are several basic regulations which can monitor outside employment.

Police officers should not be permitted to engage in outside employment in uniform because the public could misperceive the officer's conduct as exemplary of departmental standards. Uniformed police officers serving as security personnel in entertainment establishments, for example, can be the source of such public misperception. There is no benefit to the image of the department or to the image of individual officers if they appear to be engaged in activity other than that normally expected of police.

Problems arise even when a police officer is not in uniform, if the officer's employment can be linked to the police profession. For example, an officer should not be authorized to engage in outside employment involving motor vehicle checks or other activities which require contact with the department, nor in an activity regulated by the department. An officer employed in the security section of a department store could check prospective employees' criminal records if record checks are not controlled within the police department.

Departments must impose reasonable limits to ensure that officers are not becoming more interested in succeeding at the outside job than in their performance while on duty. Interest in the department stimulates faithfulness, and faith in the department helps to sustain integrity.

Discipline

Responsibility for discipline, like integrity, is not delegated to a single office, board of review, or select group of managers, but instead must be the responsibility of all supervisors and officers in the department. The department's disciplinary process must legitimize efforts made to detect and apprehend officers engaged in corruption. An ineffective or dysfunctional system breeds contempt for rules of conduct and standards of integrity which govern policing.

Discipline is instructive and meant to correct. Police departments use discipline to provide some officers a second chance to conform to prescribed patterns of behavior. Only officers truly deserving of this opportunity should be disciplined. Those not worthy of a second chance should be removed. Proper discipline serves to stimulate consistency and accord within the police organization and fosters compliance with standards, policies and procedures.

The discipline process is jeopardized if appropriate action is delayed, ignored, or languishes for lack of processing by other authorities. It is often the certainty rather than the severity of discipline that shapes behavior.

Departments should reward proper conduct. However, if positive, reward-based discipline breaks down, it becomes necessary to resort to negative discipline. Negative discipline, designed to rehabilitate and re-educate, is essential when it has been determined that an officer has betrayed the public's confidence.

Management has the responsibility to decide that certain officers are not worthy of remedial measures, a serious decision which should be taken only on the basis of strong evidence to support removal. The removal process should be separate and distinct from the disciplinary process.

In recent years, police departments have found it increasingly difficult to terminate employees for cause, and employees have more legal opportunities to appeal a termination than ever before. Officers may appeal a termination notice to the chief of the department, to the mayor or similar political authority within the jurisdiction, to a civil service commission, to an independent arbitrator, or to the court system. With a diminished capacity for removing problem officers, the chief's ability to affect the department's level of integrity is severely limited.

There are six major obstacles to a department's ability to discipline or remove problem officers.

1. Composition of the Disciplinary Review Board

There is no constitutional requirement governing the composition of departmental review boards. In some jurisdictions, state law, local ordinance, and/or departmental regulations determine disciplinary review board membership. There is no requirement which mandates officers to be judged by their peers, and officers are not constitutionally entitled to have colleagues of their own rank on the review board. While such representation may not be required by law, inclusion of at least one equally-ranked officer on the review board increases officer confidence in the disciplinary process.

There are some review board composition requirements which can place the department at a disadvantage. Consider the following review board configuration which is comprised of five individuals: two members are

officers ranked captain or above and are selected randomly from a standing eligibility list; the other three members are selected by the accused officer. Two of those selections are made from a standing eligibility list of 12 officers; the remaining member is an uncontested selection of any officer in the department. A review board selected in this manner may not meet a standard of impartiality.

The selection formula should create a fair process that protects police officers from unjust allegations as well as the department's right to sustain or enhance its level of integrity through the disciplinary process.

2. Sequence of Administrative and Criminal Cases

Police misconduct can violate criminal law as well as departmental rules and regulations. Criminal charges and the case resolution may affect internal removal proceedings.

In most jurisdictions, criminal and administrative proceedings are separate and distinct. Thus, acquittal on a criminal charge does not preclude the department from taking action against an officer for the same misconduct. Officers who avoid administrative charges due to acquittal on criminal charges are sometimes charged by the department with "violations against the criminal law" *per se*, rather than with the specific criminal act. As a result, when an officer is acquitted of a crime, it is impossible to prove for internal purposes that he or she violated the law. For example, a department should charge larceny rather than a violation of the penal code, enabling it to prove larceny by its own evidence, rather than being forced to dismiss the case because of criminal acquittal.

It is easier to prove a case in an administrative proceeding than in a criminal court where rules of admissibility are more rigid. In criminal cases a prosecutor must prove guilt beyond a reasonable doubt. In administrative proceedings, departments can succeed in internal cases with a preponderance of evidence. Therefore, criminal acquittal should not bar administrative action.

Legal and tactical problems can arise when departments delay an administrative hearing pending the outcome of the criminal trial. Sometimes the possibility of a criminal acquittal is used to delay internal discipline action. The facts presented by the department in an administrative hearing are normally a matter of public record or subject to discovery. Therefore, in a criminal action against an officer, the defense attorney would have easy access to the prosecution's evidence, a possible disadvantage to the state.

Criminal trials and appeals frequently drag on for years. If the department delays in bringing charges, the administrative case may have to stand on stale evidence, witnesses may disappear, and the officer and family suffer from an extended period of stress. If the department ultimately loses a long-delayed removal action, it may owe the officer substantial back wages. Finally, removal action delayed for too long loses its deterrent effect and, in fact, may have the opposite effect. Prolonged inaction can create potentially dangerous community perceptions of a cover-up. Police officers often complain about delays in the criminal trial process, and a department should be careful to avoid building the same delays into administrative proceedings.

These problems must be considered on a case-by-case basis when a department begins an internal administrative process in conjunction with a criminal case. The department should maintain close contact with the prosecuting authority so that the needs of the department and the interests of the criminal proceedings are understood and respected.

3. Pursuit of Criminal Cases

In some jurisdictions, there is apathy about pursuing criminal cases against officers accused of drug-related police corruption and other forms of police misconduct. Some internal affairs officials prefer to terminate an officer without criminal court action, where a case may be more difficult to prove. In some instances, prosecutorial authorities are reluctant to litigate police corruption cases. Some departments feel that prosecution in addition to termination is a form of double jeopardy, and that the financial hardship incurred by the officer is adequate punishment.

This attitude can seriously affect the level of integrity in the department. Undeniably, punishment is a deterrent, and inadequate or delayed actions send a damaging message to other officers and prospective applicants. Police applicants and employed officers must understand that serious acts of misconduct will not be tolerated, and that violators will be subject to harsh sanctions and criminal prosecution. Without a well-functioning disciplinary process and an aggressive removal process, all other procedural safeguards and anti-corruption initiatives are merely paper tigers.

4. Imposing Punishment

In police misconduct cases, sanctions imposed must fit the offense. If the penalty is excessive, arbitrary, or unfair in light of the harm caused by the offense, a court may reduce the penalty. Since an increasing number of police misconduct cases have been subject to binding arbitration under union contracts or state law, independent arbitrators are reducing penalties even when they find that an employee has engaged in the alleged misconduct. This action seems to be driven by a desire to impose a sanction agreeable to both parties.

In high-integrity departments, penalties must not be arbitrary or inconsistent. Because the composition of departmental review boards may differ from case to case, a wide range of penalties may be imposed for similar cases of officer misconduct. Thus, when a review board imposes a lenient penalty in one case, it is extremely difficult for a department to justify a more severe punishment in a similar case.

There must be a clear record of evidence to support a finding of guilt in a disciplinary proceeding, and there must also be a clear justification for imposing each sanction. The nature and circumstances of the offense and the officer's previous professional record are usually factors which determine the severity of punishment, and the department must clearly articulate the weight afforded to each factor. The more serious the punishment, the more justification needed in the official record.

5. Official Record of the Administrative Proceedings

Court reviews of administrative action on appeal refer only to the written record of the proceedings and accept no new evidence. It is extremely important, therefore, that a verbatim transcript of the proceedings be available, and it is essential that the review board clearly record the evidence on which the decision is based. A written decision of the board, like a judicial opinion, should enumerate the facts which are proven by the evidence. In addition, the official report should include references to pertinent documents considered by the board and a clear statement explaining the board's final action.

6. Appeals

An officer has the legal right to appeal to a court any administrative disciplinary action. Even in rare cases where there is no statutory provision for appeal, an officer can appeal on grounds of denial of due process of law.

Prior to appeal to a court, however, the officer must have exhausted his or her administrative remedies by employing available procedures to have the disciplinary action or removal overruled or modified by the appropriate authority.

In some jurisdictions the department is the sole authority in discipline matters. In others, an agency outside the department (e.g., civilian complaint review board or civil service commission) may have partial or total control of the discipline process. Administrative action may range from a complete rehearing of the case to a review of the record to assure that a fair hearing was held and sufficient evidence admitted to support the finding.

Judicial review may also include a trial, *de novo* of the entire case, or simply a review of the procedures and evidence presented. In most cases, judicial review of administrative action determines whether sufficient legal evidence was presented to support the findings and action.

Arbitration is another method of appealing disciplinary action against an officer and is required by some state statutes and union contracts. When disciplinary action against an officer is the subject of grievance, it is open to modification by an outside independent civilian arbitrator or arbitration panel. The arbitrator determines whether the evidence supports administrative action and the resultant penalty. The arbitrator may uphold, modify, or rescind any part of the disciplinary action. Frequently, as in the initial disciplinary action, arbitrators uphold findings of misconduct by the officer, but reduce to a minor level the penalty imposed on the grounds that the punishment set by the department was too harsh. This action is common when the employee has a relatively clean record, regardless of the severity of the misconduct in question. For this reason, it is essential that police administrators ensure that the record fully reveals reasons for imposition of a particular penalty.

Despite requirements for arbitration in some jurisdictions, police managers, who are trained and familiar with police operations, remain best suited to conduct the administrative review process. An analogy can be drawn between policing and other professions. It would be ludicrous to have the disciplinary control of physicians in the hands of non-physicians. Discipline for attorneys is in the hands of attorneys. Likewise, discipline for police should be in the hands of those who understand police operations and the ramifications of corruption and low integrity -- the police themselves.

In many jurisdictions two factors have jeopardized the effectiveness of department anti-corruption programs.

First, prosecutors with limited time and resources fail to give corruption cases proper priority, sometimes causing cases to be transferred to inexperienced attorneys who may be unfamiliar with police operations. As a consequence, cases are delayed and defendants acquitted. *Second*, limited prosecutor resources and logjammed court dockets cause low-priority corruption cases to be plea bargained. As a result the defendant officer is permitted to plead to lesser charges if he agrees to resign. The department is satisfied because the officer is off the rolls, and the prosecutor has quickly disposed of another case. The sentencing judge hears only the facts supporting the lesser charge and sentences accordingly. As a result, there

are cases of officers who have sold cocaine to fellow officers and who have been given probation rather than a prison sentence. Probation is rarely a deterrent to continued crime for officers already engaged in serious wrongdoing.

Dishonesty by members of the criminal justice system is an insidious threat to democratic freedom. Corruption in any part of the judicial system is an attack on the very fabric of our system of government and must not be treated lightly. Communities complacent about corruption are at considerable risk.

Tenure for the Chief

In many departments, the responsibility to create and maintain a stable and efficient organizational structure is shared by the chief, the political oversight body(ies), and perhaps with other officials within the department. In most jurisdictions, police chiefs are appointed by and serve at the pleasure of the city mayor or other authority. The fact that the tenure of the chief and senior staff officers is controlled by powers outside the department can undermine the authority of these police officials.

This situation provides opportunity for outside authorities to influence decisions which may not be in the best interest of the department. For example, in a community which relies heavily on tourism and entertainment for its tax base, the political authority may require a chief to relax supervision of establishment closing times. The appointing political authority can also have an immediate and lasting impact on a department's level of integrity by setting unrealistic demands for increased personnel, by overturning disciplinary review board decisions, intervening in investigations, or changing funding priorities.

Power exercised over a police chief's fundamental authority is power over his will. In some instances, a chief may choose not to contest a politically-motivated directive that may place him at odds with the appointing authority and jeopardize his job security.

To be effective, a police chief must be vested with authority commensurate with responsibilities inherent in the appointed office. A chief's authority must not be shared or subject to usurpation. A chief may benefit from a contractual agreement which specifies a defined period of service. Conversely, this arrangement could provide unwarranted job protection for a chief who proves to be incompetent or dishonest.

Chiefs should have the same civil service protections which benefit police officers. Termination should be imposed only "for cause" ignoring possible ideological differences between the chief and outside authorities. Furthermore, the termination process should be public, honoring the community's right to be informed.

A chief who demonstrates high integrity and competence should not be subject to replacement simply because the appointing official is not re-elected to office. Policing derives no benefit from frequent changes of department executives.

Closing

If you have read this monograph because you are in any way a part of the system of policing or its controls, then this book is about you. Readers should not expect to address the integrity level of the department without looking first at their own integrity.

The following pages outline a three-step system for strengthening integrity and safeguarding against corruption.

A Three-Step System To Strengthen Integrity and Safeguard Against Corruption

Departments must have proactive plans for every operation affecting integrity, including 1) the applicant selection process, 2) programs to reinforce values, and 3) initiatives to identify and address corruption. Two additional steps are critical for sustaining departmental integrity: a thorough operational assessment before the plan is developed and a monitoring system to determine progress after the plan is operational.

ASSESSMENT

First, a thorough assessment should identify elements of the applicant process which need greater emphasis to ensure high integrity. Determine if recruitment standards should be adjusted, or if the background unit should be better trained. Perhaps the operating standards of every function discussed in Part I of this monograph need to be upgraded.

Determine what programs are successful in sustaining high integrity in the department. Is the initial recruit training process adequate? Is the number of qualified FTOs sufficient for the budgeted number of new officers? Are there regular, serious, and open discussions about values, their rationale, and their importance to policing?

A similar assessment must measure the success of systems and programs to identify, deter, and address corruption. Is management willing to take responsibility for officer mistakes if they result from poor training or improper supervision? Is there a system to trigger early intervention when problems surface? How many internal affairs investigators are needed to ensure that complaints are handled promptly and thoroughly? Does the discipline system function optimally?

These assessments must be thorough, well-documented, and a catalyst for departmental reform. And if the assessment is to be accurate, it must have input from every level of the department, from every operation, and from both sworn and support personnel.

After these assessments are complete, the department should proceed to develop a proactive plan for each operation.

PROACTIVE PLANS

[What follows are outlines of model plans, based on hypothetical circumstances, for several department operations. These are brief and incomplete and meant to be used only as guidelines. A department using actual assessment data should develop a complete and comprehensive plan. Each plan should be based on a current assessment and should target specific departmental difficulties.]

The Applicant Selection Process (based on a hypothetical departmental assessment to identify specific deficiencies, using Recommendations from Part I):

- o Contact each employer within the last 10 years listed by the applicant. Determine if the employer has received a Release of Information form signed by the applicant and inform him that information about the applicant's employment can be provided without jeopardy.
- o In the next two months, add two investigators to the background investigation unit. Conduct a conference for all background investigators to determine effective investigative procedures. Change procedures accordingly, requesting funds to implement changes.
- o Arrange a series of meetings with the city personnel director to discuss problems created by current hiring standards established by the city personnel office. At the first meeting, identify one individual from the city personnel office and one from the department who will be responsible for staff work. Present data depicting the nature and extent of problems and demonstrate that the standards should be changed. For example, 45% of applicants in one survey who have experimented with marijuana more than 20 times admit to six or more incidents of "critical" behavior, such as theft of money from an employer or hit and run driving, which would immediately disqualify

them from consideration.¹³ More than 80% of applicants in the same study who used marijuana 20 times or more admitted to 11 or more "serious behaviors" such as unpaid alimony or child support or no required auto insurance, which may not be immediately disqualifying but should be investigated thoroughly before selecting the applicant. Use this data to explain fully how applicant selection standards affect department integrity. Let department personnel with first-hand knowledge of the problem participate in discussions. If the problems are complex, separate the issues and begin by addressing those which are easiest to resolve. Proceed to other issues as progress is made. If no progress is made after three months, decide on other alternatives.

- o Arrange four two-hour time blocks for senior staff and members of the personnel office to meet with the department psychologist to thoroughly discuss psychological testing, including the MMPI; applicant rating; and the best use of psychological results in the background process. Make adjustments to the applicant process, if appropriate.
- o During the next 12 months, identify all officers who have between 8 and 12 years of service. Among those, identify the officers who have received at least above average performance evaluations by two or more supervisors over a continuous three-year period. By reviewing records and conducting personal interviews, determine why these officers applied to the department in order to upgrade or eliminate select recruiting techniques. Compare recruiting circumstances of commendable officers with recruitment of a small group of new officers with one to two years service after probation. To test the comparative findings, modify several techniques of the recruiting program consistent with the findings and monitor results. (See other recommended actions starting on page 29.)

¹³Michael Roberts, Ph.D., Law Enforcement Psychological Services, Inc., (San Jose, CA): 1989.

Reinforcing Values (based on a hypothetical departmental assessment to identify specific deficiencies, using Recommendations from Part II):

- o Identify competent facilitators for expanded integrity and anti-corruption recruit training blocks. Have facilitator candidates develop training sessions incorporating material from this monograph in **A Discussion of Terms and Definitions** (page 9) and in **Part II: Reinforcing Values** (page 43). Ask local colleges to lend professional assistance in developing the curriculum.
- o With the assistance of Internal Affairs, gather information from closed cases involving corrupt police officers to exemplify wrongdoing and its ramifications.
- o Ensure that dates on which the chief will address recruits about integrity are firmly established and on his calendar. Provide the chief with a list of topics which need special emphasis based on a discussion of values in each recruit class.
- o Identify potential facilitators for expanded in-service training tailored to various department assignments. Similarly, have facilitators develop discussion topics using this monograph as a guide.

Safeguarding Against Corruption (based on a hypothetical departmental assessment to identify specific deficiencies, using Recommendations from Part III):

- o Review performance evaluations covering the last three years for each officer charged with corruption in the past year. Identify and commend supervisors who noted misconduct and the likelihood of future problems on the officer evaluation form. Where appropriate, authorize monetary awards.
- o Based on a review of the most recent officer evaluation, determine the percentage of officers rated outstanding, excellent, average, below average, and poor. Identify supervisors who gave ratings of excellent or above to a majority of officers assigned to them. Review

operational accomplishments for personnel under the direction of those supervisors. If accomplishments are not commensurate with ratings, take appropriate action. Review assignment categories for all officers rated below average or poor. Determine if officers with these ratings are grouped on one shift or in a single district or unit. If necessary, take remedial action to retrain, reassign, or address management deficiencies as appropriate.

- o Audit 50% of officers who failed to appear for court. Determine full circumstances for each failure and take corrective action consistent with findings. If officers involved are grouped in one unit or assignment, conduct an internal audit of the unit or assignment including complaints against all unit personnel.
- o Using the payroll printout, randomly select 10% of officers within the three pay grades above probation. Consult with Internal Affairs to determine if any of the selected officers are the subject of current investigation. Interview all officers not under investigation to determine their satisfaction with the performance evaluation system. If results indicate serious dissatisfaction, expand the survey to gather additional data and adjust the system accordingly. Initiate training for all supervisory personnel during the next 12 months to re-emphasize corruption indicators.
- o Based on crime analysis unit data, audit all operations in any district yielding cocaine seizures over one kilogram during the last 12 months. Direct captains (or higher ranked officer) to audit four tours during which the cocaine was seized. Except for preliminary notice of the intent to audit, the audit teams should not be notified until one hour before assignment.
- o From a review of department finance records, identify (by comparing the numerical identifier to the informant log) all informants paid for case information for two consecutive months. Using locator data in the informant establishment file in the presence of an auditor, have the controlling officer contact the informant by telephone to arrange a

meeting between the audit team and the informant. Interview the informant to validate payments.

- o Audit 20% of cases opened in the drug enforcement unit during the past year. By a review of officer performance evaluations, select and thoroughly audit several cases for officers in each ratings category, concentrating on officers rated highest and those rated lowest. Note paperwork deficiencies, including timeliness of submission; verify informant payments; audit evidence and property seized; and test at least one drug evidence sample. Check IA files to determine whether any complaints were filed in these audited cases. Compare all case audit results for commonality and patterns.
- o Based on property logs, randomly re-analyze 20% of all drug seizures made during the year; recount 25% of all cash seizures; and verify location of 10% of all property items consistent with property records. In instances where records show that evidence has been destroyed or disposed of, determine whether any officer's frequent responsibility for drug destruction is cause for suspicion.
- o By review of payroll records, randomly select five officers each month for limited review of current financial status. Check status of current credit and conduct a limited background investigation.

MONITORING PROGRESS

The final step, after the assessment and the proactive plan, is to monitor progress.

- 1) Based on your department's definition of corruption, determine how many individual officers engaged in substantiated corrupt acts in the past calendar year.
- 2) Analyze each case to determine the root cause of the infraction. For example, after reviewing the officer's history, you may determine that due to a breakdown in the background investigation process, a record

of prior arrest, which would have otherwise disqualified the officer from employment, was not discovered. If you decide that the error could have been corrected at the time of the oversight and is now corrected, your targeted level of tolerance for corruption infractions should be reduced by one. Similarly, review all cases and decide whether system weaknesses can be corrected or not. If not, you can expect infractions for the problems in one area may be even higher for the current year, and your target number will have to be increased accordingly.

As an example, officials outside the department who are responsible to create the criteria for hiring may have decided to reduce the restriction on prior drug abuse before hiring from six months down to three months. Based on the analysis of data which was gathered to determine the impact of reducing the period of drug abuse abstinence prior to hiring, you may reason that this will result in some increase in drug corruption cases. It is not important that your decision is arbitrary but only that it is consistent over time. The ultimate aim is not to track numbers but to focus your attention on those root causes of corruption which can be corrected.

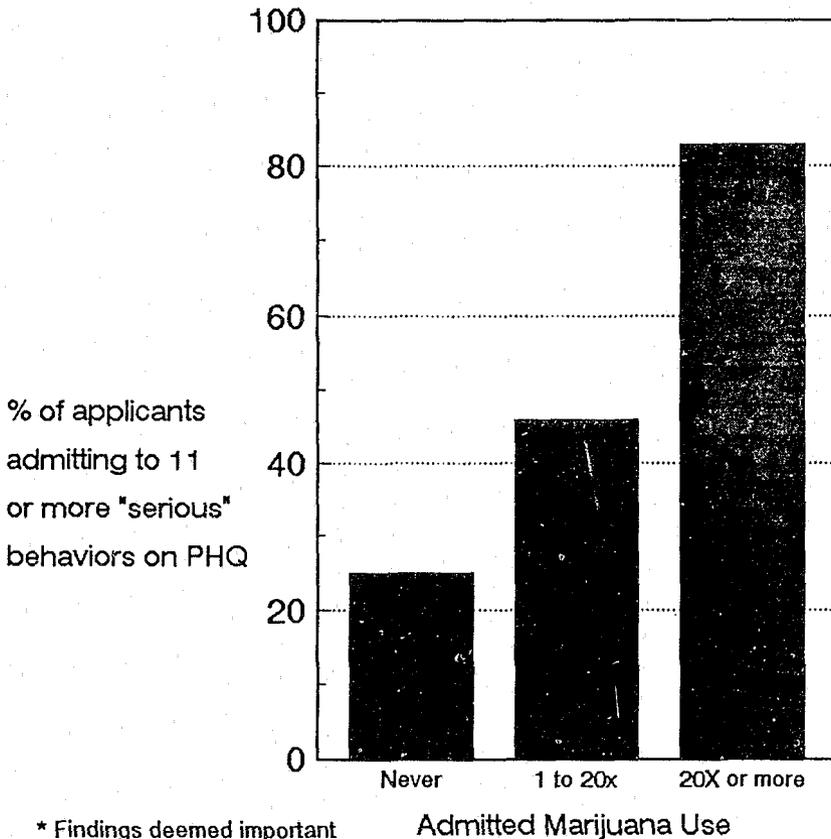
Once the cause has been identified, the corrective action should be taken immediately. If it is not possible to make the correction immediately, the issue should become a part of the proactive plan for that activity.

This is a simplistic example and can be improved upon in actual practice. Usually the problem with number tracking systems is that their significance can be misinterpreted, especially by the news media. For instance, due to some change over which the department has no control, a higher number of corruption cases is projected than the prior year. This increase may reflect adversely on the department because its significance is not fully understood by outsiders. The other problem with figures is that they are vulnerable to manipulation to make a point. As an example, projections can be inflated, so that when compared to the actual lower count at some future time, it appears substantial progress has been made to the goal of reducing corruption. If a chief foresees these phenomena as virtually certain to occur, he would be better served not to have the numerical trend monitoring at all.

APPENDICES

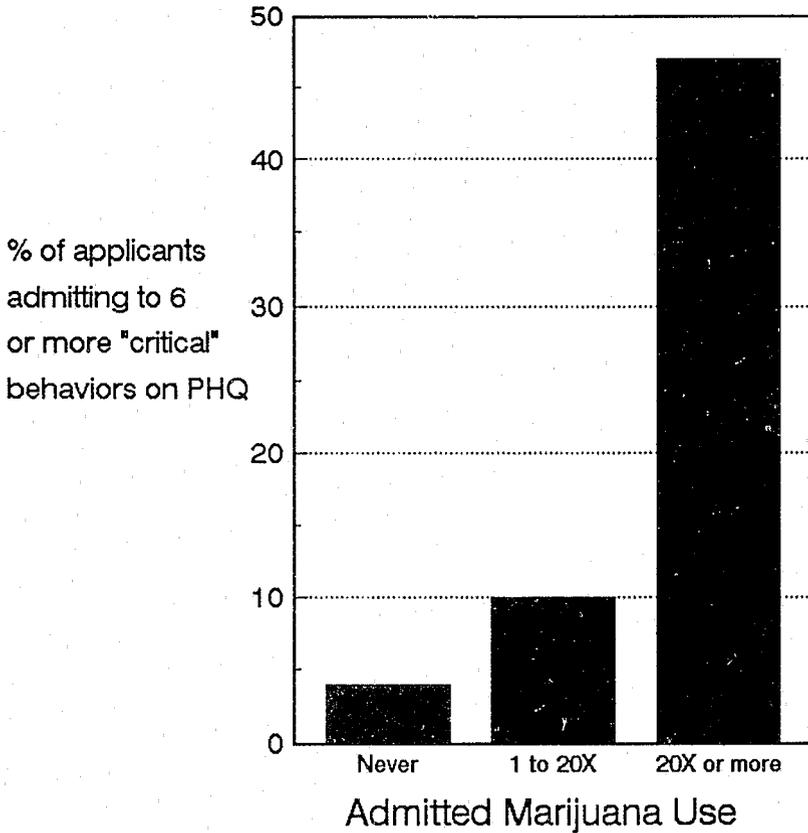
- A. A Comparison of Frequency of Marijuana Use to Admissions of Other "Serious" Behavior Requiring Investigation.
- B. A Comparison of Frequency of Marijuana Use to Admissions of Disqualifying, "Critical" Behaviors.
- C. A Comparison of Frequency of Marijuana Use to Admissions of Use of Other Disqualifying Drugs.
- D. During your entire life, how often have you tried, used, or experimented with marijuana? [Graph]
- E. What the PHQ Drug Data Tells Us.
- F. A Comparison of Frequency of Cocaine Use to Admissions of Use of Other Disqualifying Drugs.
- G. A Comparison of Frequency of Cocaine Use to Admissions of Other "Serious" Behavior Requiring Investigation.
- H. A Comparison of Frequency of Cocaine Use to Admissions of Other Disqualifying, "Critical" Behaviors.
- I. During your entire life, how often have you tried, used, or experimented with cocaine? [Graph]
- J. A Comparison of Self-Reported Drug Use in Agencies Using the Polygraph in the Selection System (N=1040) vs. Those Not Using the Polygraph in the Selection System (N=864).
- K. Recommendations.

A Comparison of Frequency of Marijuana Use to Admissions of Other "Serious"* Behavior Requiring Investigation



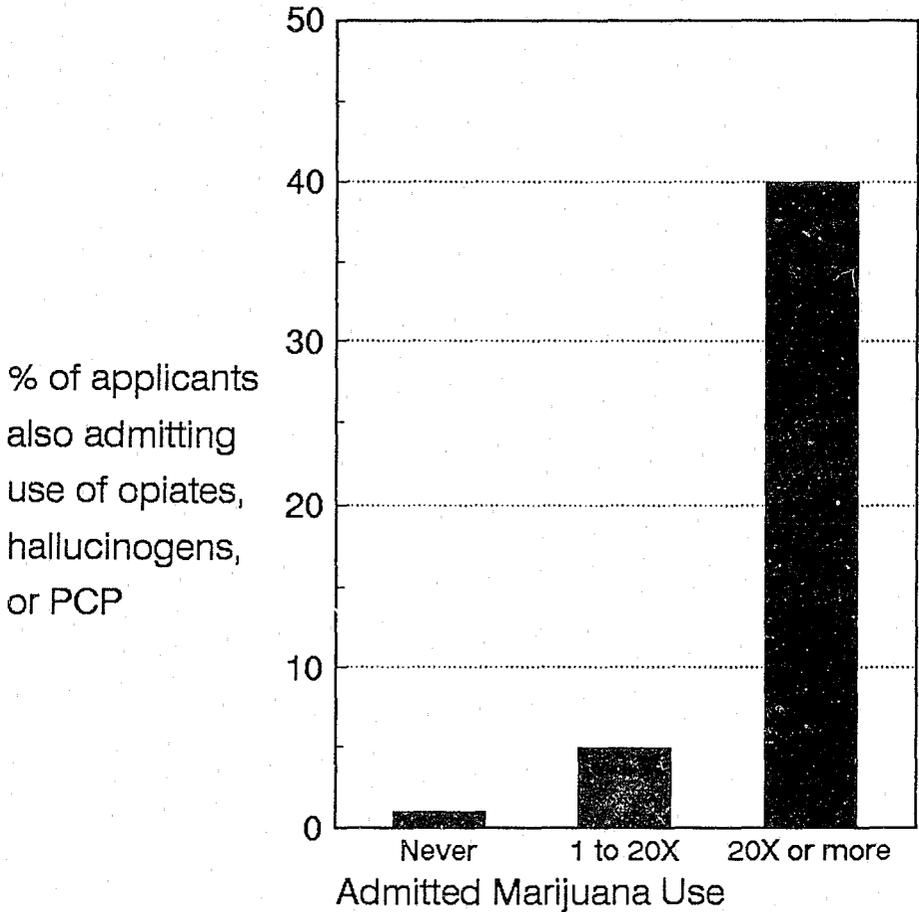
* Findings deemed important to investigate more fully

A Comparison of Frequency of Marijuana Use to Admissions of Disqualifying, "Critical"* Behaviors



* Behavior most likely to lead to rejection of applicant

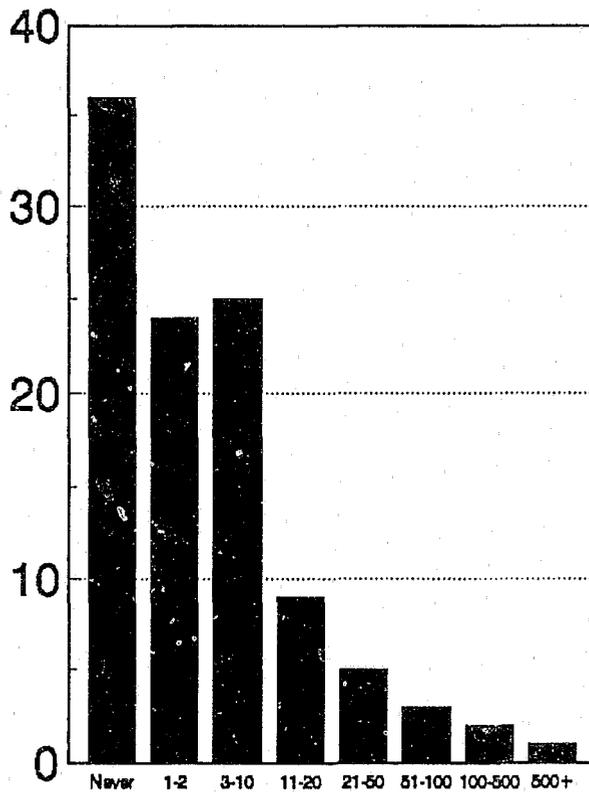
A Comparison of Frequency of Marijuana Use to Admissions of Use of Other Disqualifying Drugs



During your entire life, how often have you tried, used, or experimented with marijuana?

N=1040; Agencies w/polygraph in selection system

% Applicants



Times Admitted

**WHAT THE
PHQ
DRUG DATA
TELLS US***



Of all police applicants,
64% have used marijuana.
80% have used it less than 10 times or not at all.
90% have used it less than 20 times or not at all.



The marijuana use rates are
the same for all ethnic groups.

The rates remain equal at all levels of usage.
No drug use criteria would have adverse impact.



2% have used marijuana during the
12 months prior to their application.

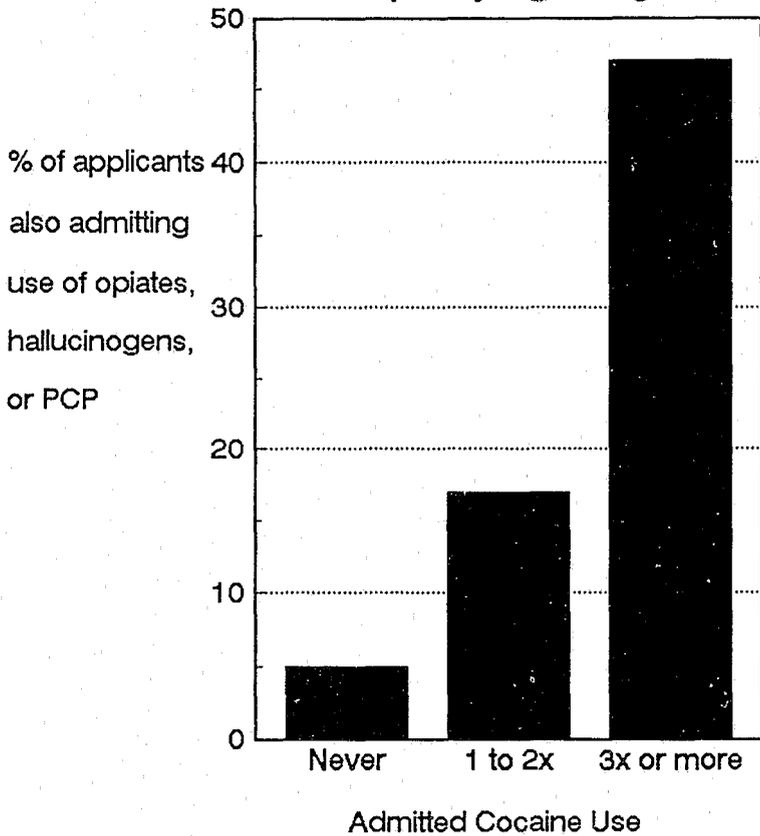
3% have provided controlled drugs to
others in exchange for money or goods.

18% report having driven under the
influence of controlled substances.

9% reported that their spouses or
roommates used controlled drugs
within the past 5 years.

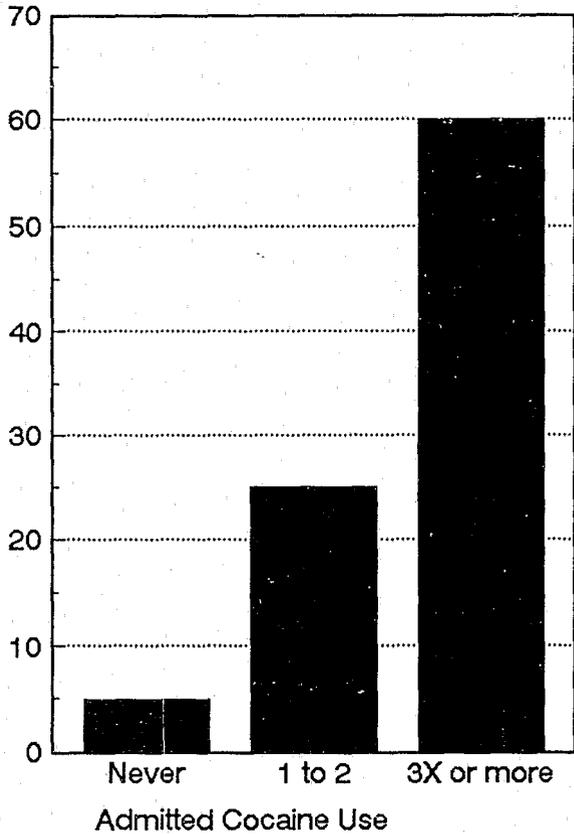
* Information based on data from the Personal History Questionnaire
Johnson, Roberts and Associates, Inc. (408) 280-6088

A Comparison of Frequency of Cocaine Use to Admissions of Use of Other Disqualifying Drugs



A Comparison of Frequency of Cocaine Use to Admissions of Other "Serious"* Behavior Requiring Investigation

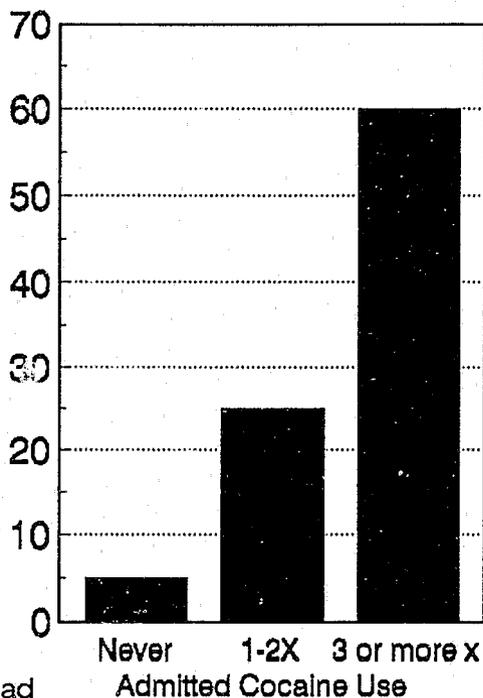
% of applicants admitting to 11 or more "serious" behaviors on PHQ



* Findings deemed important to investigate more fully

A Comparison of Frequency of Cocaine Use To Admissions of Other Disqualifying, "Critical"* Behaviors

% of applicants
admitting to 6
or more "serious"
behaviors on PHQ

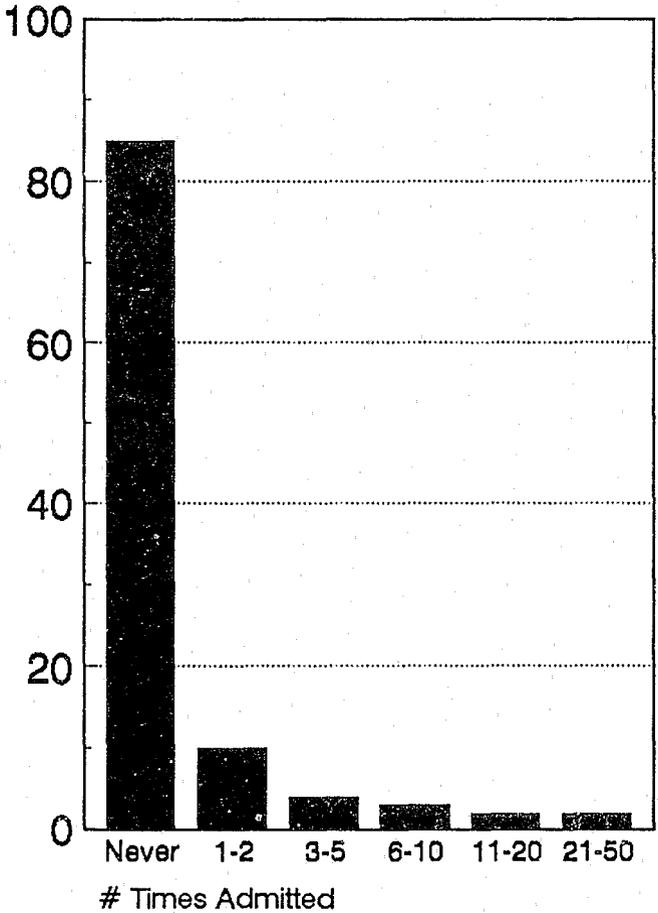


* Behavior most likely to lead
to rejection of applicant

During your entire life, how often have you tried, used, or experimented with cocaine?

N=1040; Agencies w/polygraph in selection system

% Applicants



**A Comparison of Self-Reported Drug Use in Agencies Using the Polygraph
in the Selection System (N=1040) vs. Those Not Using the Polygraph
in the Selection System (N=864)**

DRUG	TOTAL		WHITES		BLACKS		HISPANICS	
	with poly	no poly						
Marijuana	64%	54%	63%	55%	71%	56%	69%	53%
Cocaine	15%	9%	14%	6%	23%	11%	20%	13%
Hallucinogens	8%	2%	8%	2%	9%	2%	10%	2%
PCP	1%	1%	0%	0%	4%	0%	1%	1%
Opiates	1%	1%	1%	1%	3%	0%	0%	0%
MJ never or 20x	92%	92%	92%	92%	92%	92%	92%	92%
Cocaine never	84%	91%	86%	94%	77%	89%	80%	87%
Cocaine 1-2x	9%	5%	8%	4%	13%	6%	8%	9%
Cocaine 3-5x	3%	2%	3%	2%	6%	2%	6%	3%
Cocaine 6+ x	4%	1%	3%	0%	4%	3%	6%	2%

RECOMMENDATIONS

The following is a listing of some of the recommendations in the monograph. These statements are concise and do not include the rationale for the recommendations nor are they necessarily in the sequence of discussion found in the monograph.

PART I:

Departments must:

- o Gain a thorough understanding about every legal selection technique used to screen applicants including those not used by the department. See pages 35-40 for specific recommendations on psychological screening.
- o Conduct background investigations using trained investigators assigned to a unit exclusively for that purpose.
- o Identify all those involved with standards and hiring both inside and outside the department. Ensure that everyone knows the department's policy on integrity and understands the impact of their decisions on departmental integrity.
- o Ensure that applicant selection standards have a sound logical basis and explain the rationale for the standards to everyone involved in hiring. Hire only those applicants who meet the standard.
- o Review the applicant's conduct history from age 14 to the time of hire. Juvenile arrest records are an important part of this process. If access is restricted, work to get such restrictions removed.

- o Put the burden of the background history on the applicant. Require applicants to execute a comprehensive Release of Information form and a financial net worth statement. Require the applicant to provide specific and complete details about every aspect of his or her life including juvenile arrests and drug abuse. If the applicant has abused drugs, require specific information about former drug suppliers and make a written record for Internal Affairs.
- o Determine how many recruits can be assimilated into the department without compromising standards on training and limit hiring accordingly.
- o Require all sworn personnel and others in policy positions to meet the hiring standards before hiring, including a new chief or sheriff. A police chief must have civil service protections to allow independent performance.
- o Retain police officer records throughout the officer's career. Ensure that these records are easily retrievable.

PART II:

Departments must:

- o Continuously reinforce individual values through training and by example. Ensure that all personnel not only know the standards of conduct but, equally important, also understand the rationale for the standards. Officers should know why they are held so closely to the standards and why they must be willing to subject themselves to careful scrutiny when allegations of misconduct arise.
- o Ensure that training is consistent with operational procedures and that conduct in the field is consistent with what recruits learn conduct should be.

- Explain how the ramifications of scandal and corruption affect the department and the individual officer.
- Rotate undercover officers and officers assigned in high crime areas.

PART III

- Auditors must focus on patterns of activity as well as individual indicators. Audits can surface management problems and officer misconduct.
- Internal Affairs must receive and track all complaints concerning officers, no matter how frivolous the complaint may seem.
- Officers accused of drug corruption must be investigated with the same intensity and using the same techniques as suspected drug traffickers. Every investigation should be pursued to the point of resolution even if the officer resigns.
- Drug enforcement units must have strict procedural controls and tight supervision.
- Undercover officers should never be permitted to use drugs undercover.
- District or area drug units established to respond to intensified street activity must have the same strict procedural controls and tight supervision as do centralized units. These requirements should be in place before the unit begins operations.
- Corruption cases must receive priority throughout the criminal justice system. Corrupt officers who are not subject to appropriate consequences for their behavior demonstrate failure of the system. Cases which are plea bargained for lack of time, resources, or experienced prosecutors demonstrate that negative sanctions are ineffective.

Departments must:

- o Train supervisors to recognize corruption indicators and how to deal with them.
- o Ensure that written directives are explicit and that compliance with directives is verified. Written directives not followed in the regular course of operations lack integrity and can send contrary signals.
- o Include the formal audit process as an important part of a proactive plan. Those assigned to the audit function should have experience in internal affairs and in drug enforcement units.
- o Apply specific procedures to the use and control of informants.
- o Audit the control and use of informants to control drug unit activities.
- o Implement a system to monitor complaints to determine which officers are not the subject of complaints as well as those who are. The system should be used to provide complaint patterns which can be used as an initial indicator of where management should focus attention.
- o Conduct damage assessments if cases are compromised by corruption.
- o Centralize the control of community-based policing initiatives and audit them regularly.
- o Ensure that evidence handling and storage is staffed, supported, and controlled. Inadequate storage and controls are a major source of corruption problems for departments.
- o Pay special attention to officers without close supervision, such as those in uniformed patrol assignments, because they are most vulnerable to temptation from large unplanned cash seizures.

- o Establish an early warning system to identify both management problems and problem officers. Such a system should be used to focus on problems early.
- o Reinforce values in formal training both for recruits and veteran officers. The training of recruits should never be interrupted for other assignments. Training personnel should require recruits to pass all courses rather than average failing scores and passing scores to attain a passing grade. The department's policy with regard to gratuities should be addressed in recruit training. All officers should understand why accepting gratuities is not permitted.
- o Control and limit outside employment. Permitting officers to engage in certain types of outside employment is of no real benefit to the officer or the department.
- o Give officers adequate pay, and chiefs must be free to speak out on this issue when needed.
- o Use the discipline process properly to correct the conduct of those officers who are to be given a second chance. If a department decides an officer should be terminated, the process for removal should be separate from the discipline process. Arbitration is not appropriate for the discipline process or removal.
- o Assess the applicant selection process, the process of building and sustaining high integrity, and their anti-corruption initiatives to determine where improvements are needed. Based on that assessment, the department should develop a proactive plan toward building and sustaining integrity and to fight corruption.

Supervisors must:

- o Evaluate subordinates fairly and honestly, and the evaluation should include corruption indicators.

- o Avoid grouping problem officers on one shift or assignment. Supervisors must document problem officers, and that information must follow the officer to new assignments.
- o Strictly enforce compliance with procedures especially where problem officers and "star performers" are concerned.
- o Audit personnel for whom they are responsible.

ACKNOWLEDGMENTS

The Hon. John C. Lawn, Administrator, Drug Enforcement Administration, Washington, D.C.
Floyd Clark, Deputy Director, Federal Bureau of Investigation, Washington, D.C.
Anthony E. Daniels, Assistant Director, Training Division, Federal Bureau of Investigation
Robert E. Yates, Unit Chief, Institutional Research and Development, Training Division,
Federal Bureau of Investigation
John Vasquez, Supervisory Special Agent, Training Division, Federal Bureau of Investigation
William Megary, Special Agent, Public Integrity Section, Federal Bureau of Investigation
Ron McCarthy, International Association of Chiefs of Police, Project Director, Deadly
Force Training, Arlington, VA
Carolyn Cockroft, International Association of Chiefs of Police, Administrative Assistant,
Deadly Force Training
Patrick Gallagher, Director, Institute for Liability Management, Leesburg, VA
William Westfall, Assistant Director, Institute for Liability Management

MIAMI, FLORIDA, SITE VISIT

Cesar H. Odio, Manager, City of Miami
Janet Reno, State Attorney, Dade County
Trudy Nowicki, Chief Assistant State Attorney for Special Prosecution, Dade County
Russ Killinger, Assistant State Attorney, Dade County
Thomas Cash, Special Agent in Charge, Drug Enforcement Administration
Daniel C. Kingston, Supervisory Special Agent, Federal Bureau of Investigation
Rene P. Larrieu, Jr., Deputy Director, Department of Personnel Management, City of Miami
Mark Axelbird, Ph.D., Psychologist, Axelbird and Valle, Coral Gables

Miami Police Department

Perry L. Anderson, Jr., Chief of Police
Clarence Dickson, Retired Chief of Police
Walter D. Martinez, Deputy Police Chief
Jimmy R. Burke, Assistant Chief
Donald F. March, Jr., Assistant Chief
Kenneth Harrison, Major
Dean De Jong, Major
Raul Martinez, Major
Calvin Ross, Major
Mary Stair, Major
Xavier Suarez, Major
Donald Warshaw, Major
Judy Setcher, Legal Advisor
Judy Bennett, Captain
William B. Berger, Captain
John E. Brooks, Lieutenant
Michael Gonzalez, Lieutenant
Joseph Longueira, Lieutenant
Manuel Castro, Sergeant
Claude Rimes, Sergeant
Arthur Washington, Sergeant
Audrey Coney, Police Officer

Jesse Kelley, Police Officer
Alfredo Pumariega, Police Officer
Craig Simigran, Police Officer
Howard Rasmussen, Deputy Police Administrator
Ken MacCready, Training Division
Jim Stinchcom, Training Division

DADE COUNTY, FLORIDA

Metro Dade Police Department
Fred Taylor, Director
Anthony DeLuca, Commander
Ed Valdez, Human Resources Bureau

LOS ANGELES, CALIFORNIA, SITE VISIT

Robert M. Talcott, President, Board of Police Commissioners, Los Angeles Police Department
Hebert F. Boeckmann, Vice President, Board of Police Commissioners
Reva B. Tooley, Board of Police Commissioners
Samuel L. Williams, Board of Police Commissioners
Stephen D. Yslas, Board of Police Commissioners
Larry Niles, Chief, Police/Fire Selection Division, City of Los Angeles Personnel Department
Carol L. Williams, Assistant Chief, Police/Fire Selection Division, City of Los Angeles
Personnel Department

Los Angeles Police Department
Daryl F. Gates, Chief of Police
Jesse A. Brewer, Assistant Chief
Glenn A. Levant, Deputy Chief
Joseph P. Bonino, Commanding Officer, Records and Identification Division
Charles Drescher, Commanding Officer, Information Resources Division
L.C. Kramer, Commander
Bob Blanchard, Captain
Ed Brown, Captain
Scott La Chasse, Captain
Terrance Dymont, Captain
Eric A. Lillo, Captain
Sidney Mills, Captain
Carly Mitchell, Captain
Maurice Moore, Captain
George V. Aliano, Lieutenant
Paul R. Coble, Lieutenant
Paul Jefferson, Lieutenant
D.R. Schatz, Lieutenant
Robert Swanson, Lieutenant
Brian Murphy, Detective/Sergeant
Ugene Stephens, Detective/Sergeant
Larry Broadhurst, Detective
Bob Gosnell, Detective
Daniel E. Harden, Detective
J.J. Warren, Detective

Victor T. Elliot, Sergeant
Craig Rungitus, Sergeant
Richard Todd, Sergeant
James Armormino, Police Officer
Jerrell W. Blockberg, Police Officer
Darnell Davenport, Police Officer
Kevin Heady, Police Officer
Paul Hord, Police Officer
Michael Morissœau, Police Officer
Edgar Palmer, Police Officer
Paul Weber, Police Officer
Charles L. Williams, Police Officer
David Wright, Police Officer
Steve Hatfield, Director, Public Affairs Section
David Baca, Jr., Vice President, Board of Directors, Los Angeles Police Protective League
Martin Reiser, E.D.D., Department Psychologist

WASHINGTON, D.C., SITE VISIT

William Martin, Assistant United States Attorney
Alfreda Davis Porter, Executive Director, Civilian Complaint Review Board, Washington, D.C.,
Metropolitan Police Department
Robert L. Hannan, Ph.D., District of Columbia, Office of Personnel
Billie Smith, Ph.D., District of Columbia, Office of Personnel
Gary Hankins, Chairman, Fraternal Order of Police

Washington, D.C., Metropolitan Police Department

Maurice Turner, Retired Chief of Police
Melvin High, Assistant Chief
Joyce Leland, Deputy Chief
Roland W. Perry, Deputy Chief
Clarence E. Dickerson, Inspector
David Faison, Inspector
Daniel Q. Flores, Inspector
Winston W. Robinson, Inspector
Larry Soulsby, Inspector
Stephen Arbuthnot, Captain
Max P. Sacks, Captain
James A. Wright, Captain
Collin L. Younger, Captain
Leonard Cooke, Lieutenant
Kim Dine, Lieutenant
William Lynch, Lieutenant
William L. Pittman, Lieutenant
Michael Radzilowski, Lieutenant
J.P. Simmons, Lieutenant
William Q. Taylor, Lieutenant
Stanley Wigenton, Lieutenant
Ira W. Heane, Detective
Donald M. Zattau, Detective
John J. Brennan, Sergeant

Brenda D. Johnson, Sergeant
Diane Ross, Sergeant
James Szewczyk, Sergeant
Rene Davis, Police Officer
Barbara Lyles, Police Officer
Jack Raher, M.D., P.A., Department Psychiatrist
Bettie Mabry, Secretary, Trial Board

SAN DIEGO, CALIFORNIA, SITE VISIT

Edwin L. Miller, Jr., District Attorney, County of San Diego
Richard Slattery, Special Assistant to the District Attorney
Charles Hill, Special Agent in Charge, Drug Enforcement Administration
Tom Hughes, Special Agent in Charge, Federal Bureau of Investigation
Harry O. Eastus, II, General Manager, San Diego Police Officers Association
Judy Kaplan Baron, Judy Kaplan Baron Associates, Management Consultants

San Diego Police Department

Norm Stamper, Assistant Chief of Police
Tom Hall, Captain
David C. Johnson, Captain
Ron Seden, Executive Lieutenant
D.L. Berglund, Lieutenant
Dave Elliott, Lieutenant
Dennis Gibson, Lieutenant
Kraig K. Kessler, Lieutenant
Lee Sanford, Lieutenant
Chris Ellis, Sergeant
D.L. Martin, Sergeant
Anne O'Dell, Sergeant
Dorothy Powell, Sergeant
Joe Scelso, Sergeant
David Burke, Police Officer
Rob Hurt, Police Officer
Bert W. Randlett, Police Officer
Annette Howell, Director of Personnel
Mary Jane Flowers, Forensic Science Analyst

HOUSTON, TEXAS, SITE VISIT

The Hon. Kathleen Whitmore, Mayor, City of Houston
Marion Hambrick, Special Agent In Charge, Drug Enforcement Administration
Merrill S. Parks, Jr., Assistant Special Agent in Charge, Federal Bureau of Investigation
Terry G. Wilson, Assistant District Attorney, Chief, Organized Crime Division, Harris County,
Texas
Donald Smyth, Assistant District Attorney, Harris County, Texas

Houston Police Department

Lee P. Brown, Chief of Police
Frank Yorek, Assistant Chief

Thomas W. Shane, Deputy Chief of Police
Joe Breshears, Captain
John Gallemore, Captain
John Snelson, Captain
Gerry Williams, Captain
Richard D. Williams, Captain
Eva G. Huhn, Lieutenant
Sunny McAfee, Lieutenant
Timothy Ottmeyer, Lieutenant
Billy G. Ripley, Lieutenant
Irwin L. Stewart, Lieutenant
Michael Van Cort, Lieutenant
Ronald H. Weber, Lieutenant
Jerry E. Williams, Lieutenant
Charles B. Beniard, Sergeant
Donald E. Cook, Sergeant
William J. Harness, Sergeant
C.A. Hightower, Sergeant
George Islieb, Sergeant
Murray Smith, Sergeant
Bruno D. Soboleski, Sergeant
David E. Watkins, Sergeant
J. Ted Bell, Police Officer
Richard Bentley, Police Officer
Terry Bratton, Police Officer
Jim Conley, Police Officer
Joe Garcia, Police Officer
Justo R. Garcia, Police Officer
Karl Hibchen, Police Officer
Joseph F. McWilliams, Police Officer
Richard B. Perkins, Police Officer
Alfred Reyes, Police Officer
Garland Scott, Police Officer
Robert P. Teweleit, Police Officer
Harry E. Womack, Police Officer
Jack Seitzinger, Director of Training
Greg Riede, Ph.D., Department Psychologist
Trecia Fassy, Secretary
Sara LeVrier, Secretary
Earlenne Stephens, Secretary

NEW ORLEANS, LOUISIANA, SITE VISIT

Penny Drahley, Ph.D., Psychologist, Louisiana State University Medical Center

New Orleans Police Department
Warren G. Woodfork, Sr., Superintendent
Raymond Holman, Deputy Chief
Louis Turner, Deputy Chief
Calvin J. Galliano, Major
Gerard Salles, Major

Wayne Cooper, Captain
Carol Hewlett, Captain
Billy McGaha, Captain
Joseph Branham, Lieutenant
Gary Kessel, Lieutenant
William Townsend, Lieutenant
Ron Cannatella, Sergeant
Israel R. Fields, Jr., Sergeant
Wayne Labat, Sergeant
Russell Vappie, Sergeant
Randolph Adams, Police Officer
Jack Andrews, Police Officer
Brian D. Perry, Police Officer
Jack Smith, Police Officer
Earl Kilbride, Director of Planning and Research
Ellen McKinnon, Senior Analyst
Arnesta Taylor, Technical Services
Connie H. Cummings, Secretary
Gloria M. Frances, Secretary
Thelma Hughes, Secretary
Kevin Gilbert, Police Recruit