

DEVELOPING AN ETHICAL POLICE FORCE

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Thank you for the opportunity to appear before the 9th International Anti-Corruption Conference and to participate on this distinguished panel to discuss method; to assist in the creation of an ethical police force. I will focus my comments on examples and experiences relevant to the American policing model. More specifically, these observations and experiences have developed over the course of my thirty-four year career in law enforcement. I invite you to consider your own experiences in light of my report and incorporate all relevant suggestions to your unique situation. Since my allotted time is short, we can consult at the conclusion of this panel or at any time during the conference.

I propose that you accept, as a fact, that every police agency will uncover at least one instance of corruption within their ranks. During 1997, for example, a survey of thirty-seven major city Police Departments in the United States revealed the arrest of 452 officers for felonies or misdemeanors. Furthermore, a major city Chief can expect, on average, to have ten Officers charged with abuse of their police authority and five Officers arrested for a felony. The FBI is not immune from the problem. During the past two years, we had one Agent convicted of embezzling government funds and another of espionage. The impact of even a single instance of police corruption includes loss of public respect, negative media coverage, diminished political support, and lower morale.

During its ninety-one year history, the FBI has developed a variety of policies, practices and procedures designed to limit the incidence of corruption. During my remarks, I would like to elaborate on some of these, as well as the underlying philosophy which has led to the successful application of these procedures. I would also like to devote some part of my presentation discussing FBI investigative case work when police corruption rises to the level of violating federal statutes. These two specific case studies of corruption emanated from the failure of personnel practices at two major Police Departments

Lastly, I want to briefly discuss a very topical issue in American law enforcement, that is whether or not police Executives can identify a "pre-disposition" to corruption. Many agencies, including the FBI, are devoting time and resources to determine if a prediction model can be established.

Sun Valley Conference

In June, 1998, amid the scenic Sawtooth Mountain, in Southern Idaho, the Major Cities Chiefs, National Executive Institute Associates, and the FBI met to consider the issues of law enforcement corruption. This meeting culminated a six month, national effort by leaders in the United States law enforcement community to specifically address ways to avoid the impending crisis posed by police corruption.

Twenty formal presentations covered the full range of corruption issues and sparked a lively exchange of views. The law enforcement culture was fully explored as was the role of strong leadership in preventing the incidence of corruption. In fact, one participant clearly articulated the position that fostering integrity and fighting corruption is, and always will be, a leadership issue.

To summarise these discussions and to present an action plan, I would like to illustrate specific steps that a police executive could take to limit the incidence of corruption. Some of these practices have been long standing within the FBI. To do so, I would like to talk about something I will call foundations.

Foundations:

Within the FBI, the Director has set forth five 'Core Values'. These include: rigorous obedience to the Constitution; respect for the dignity of all those we protect; compassion; fairness; and uncompromising personal and institutional integrity. These "Core Values" are regularly presented to all FBI employees. At every new Agents' graduation class, the Director discusses our core values.

Throughout American law enforcement, there is a widespread agreement of the need to clearly

identify honesty and integrity as essential characteristics for law enforcement Officers from their first day on the job until their retirement. A message about core values is an excellent first step in this process, and I strongly endorse the development of clear, unmistakable announcements to alert all potential candidates that only the honest need apply. This is the first step in the creation of an ethical police force and a major component of a strong foundation.

The next step relates to specific standards of conduct. Director Freeh, upon his appointment, articulated a "Bright Line Policy" to which all employees must adhere. Lying, cheating, stealing, sexual harassment, and alcohol or drug abuse are not tolerated. The sanctions are severe for those who violate the 'Bright Line Policy'.

By establishing a clear and forthright disciplinary policy, individual Officers or Agents can be guided by these simple concept; do not lie, do not cheat, and do not steal. Fashioned in this manner, for the corrupt Police Officer, the defence of not knowing the rules, regulations or policies of their department becomes futile. In summary, fashion your departmental rules in a clear, concise, and forthright manner and your ethical foundation will strengthen.

To reinforce core values and clear guidelines, the FDI has adopted a major emphasis on ethics training. Every new Agent receives sixteen hours of ethics training. Within the Training Division, ethics is known as an essential thread which is knit throughout the training cycle. For example, within the United States Department of Justice system, exculpatory evidence is to be fully disclosed to the defence. A new Agent practical problem conducted by the Legal Unit includes evidence which tends to exculpate the subject. New Agents are presented with the dilemma of exactly how they should handle this evidence and are assessed based upon this decision.

For senior Agents, ethics training includes mandatory four hour blocks of scenarios to challenge their skills. This training reoccurs on an annual basis.

In many United States Police Departments, the formal new recruit training includes substantial emphasis on ethics under typical headings such as "Police Professionalism and Ethics" or Human Relations and Diversity". Clearly, a solid training program for the entire department from the new recruit to the seasoned veteran dealing exclusively with ethics is a major part of the foundation.

Building the Agency Through Personnel Selection – Recruitment, Hiring, And Background Investigations:

While aggressive recruitment will lead to the successful staffing of a police agency, it is most important to consider the quality of the candidate. Often a department has to select unacceptable candidates because of the sheer lack of applicants. These questionable candidates later lead to corruption problems.

Careers in law enforcement are highly prized throughout the United States today. In the FBI, we have many times the applicant as there are openings. In 1999, we had seventy thousand applicants for one thousand positions. Salary and compensation are some factors but even in a robust economy, the nature of the federal law enforcement career still attracts many qualified people. As you look to build a strong ethical Police Department, your recruitment efforts should be broad and inclusive. If needed, consideration should be given to bringing into outside consultants to assist in designing new recruiting strategies. In the late 1980s, as the FBI set out to reinvigorate our recruitment approach, one of the first strategies we employed was the hiring of an outside advertising agency that specialised in developing recruiting materials and strategies. This was the first such utilisation of an advertising agency by the FBI. It proved to be a solid success!

Once a large pool of candidates is recruited, the next step is to make sure you do not hire your problems. An ethical Police Department is created through the setting of the highest possible standards for new employees. When applicants are plentiful, why would any agency seek to hire any individual applicant with even a shred of controversy or illicit behaviour in their background? Even when applicants are not plentiful, problematic people should be avoided. I should also point out that the FBI employs a hiring philosophy that we refer to as the "Whole Life Approach." By this I mean we actually take a broad look at an individual. Essentially, we try to distinguish between a "Youthful Indiscretion" and "Minor Misbehaviour", and that which is an indication of an obvious failure of judgement as an adult. An individual who has moved beyond youthful mistakes into a productive and accomplished adult stage will be considered. The average age of hire for FBI Special Agents is nearly twenty-eight years of age, so we are hiring individuals who have already provided many indications of their ethical standards. We are able to get a very clear life picture of the individual. You may wish

to consider raising your hiring age under the very same philosophy that a better picture of the ethical lapses, or mature decision making process begins to emerge with age.

Background Investigations:

One of the classic mistakes made by law enforcement agencies is the overuse of the provisional appointment. As I will point out in one of the case studies, hiring people who have not been vetted is an invitation to disaster. In many circumstances the existence of arbitrary hiring deadlines, based upon budget considerations, or court-ordered hiring schemes has caused damage to the ethical framework of Departments. The FBI employment application form is used to conduct our pre-employment background investigation. Many an applicant, not yet convinced of the length to which we will go to verify integrity, fails to complete this process upon seeing the degree of detail we require. I believe applicants should be made very much aware of just how deeply law enforcement is going to investigate their background.

The Principle components of a thorough background included:

1. Detailed application - send the message to the applicant that the Department is serious about determining integrity. The fact that we will look everywhere should be the message. Then, of course, the agency must follow through.
2. Clear statement of disqualifiers - in particular this relates to drug usage, bankruptcy, arrests, or other clearly problematic areas. If your agency has express disqualifiers, these ought to be readily described on the face of the application so as to discourage those at variance with these policies.
3. Use of polygraph - if your agency has a policy of subjecting applicants to a polygraph interview, this should be listed. Again, it discourages people who might have a problem in their background from applying.
4. Security interview - if your agency has a need for a detained and specific interview for security vulnerability type assessment, that should be set forth.
5. Developed references - the background should go beyond references, associates, and co-workers listed by the applicant. After all, these are individuals that the applicant has given you! Determine what other people know the applicant and comment on their associates, loyalties, and standards.

What happens When Things Go Wrong: Failed policies Result in More Crimes:

Nothing is more compelling than an analysis and study of police corruption investigations. The largest component of the FBI corruption program is the detecting and prosecution of police corruption. When your hiring policies fail, Officers move into corrupt activities.

Case Study no. 1

Operation "Broken Faith" - Washington, D.C. Police Department setting the stage - the Washington, D.C. Police Department had been found to have a totally non-representative Police Department compared to the community it policed, and was ordered by the courts to completely revamp and revise its hiring policies. Quotas and hiring deadlines were put into place with very rigid and short term demands that the Department had to meet..

Operation "Broken Faith" was initiated in May, 1992, after an intelligence assessment identified a significant corruption problem within the Washington, D.C. Police Department. A co-operating Witness (CW) provided substantial indicators that a specific Washington Police Officer, Nygel Brown, sold drugs for the CW prior to becoming a Police Officer. The CW, who was a large scale cocaine trafficker, related that after becoming a Police Officer, Brown developed a reputation for extorting drug dealers and stealing their drugs and money. The CW stated that Brown provided protection to his drug dealer friends by providing them with information concerning police surveillance activity, search warrants, and other upcoming police actions. The CW reported that Brown had developed a "crew" of other Officers to assist him.

While working with the FBI, the CW recorded his conversations with Officer Brown and at our direction, he paid bribes to Brown. These bribes were for police computer printouts, vehicle registration printouts, and for a Police Department issued bullet-proof vest. In these recorded conversations, Officer Brown confirmed that he had other Police Officers working for him and that they would be willing to assist in the protection of drug shipments.

An undercover Agent was introduced to Officer Brown who told the Agent he could provide a little army of corrupt Officers, and subsequently introduces the undercover Agent to eleven other Police Officers.

In the following weeks, the undercover Agent met with all of these Officers. The Agent enlisted the Officers in his drug operation and obtained their help in moving cocaine through the Washington, D.C. area. These corrupt Officers provided protection over a six month period on three separate occasions: to "transport" forty-five kilograms of cocaine. On each of these operations, the Police Officers provided security for the drugs, sometimes while in their police uniforms.

Nine Officers, pled guilty and three were convicted at trial on charges ranging from bribery, extortion, conspiracy to distribute cocaine, conspiracy to distribute marijuana, and carrying a firearm during a drug-trafficking offence.

Lessons learned:

1. Eleven of the convicted Officers were hired during the period of mandated hiring, from 1988 through 1989, when the Washington D.C. Police Department had to hire one thousand new Police Officers.
2. Limited background investigation done on these recruits. Institution of a comprehensive applicant background process was immediately begun.
3. The Department recognised the need to institute a new internal investigative process and has done so.

Case Study no. 2

Operation "Shattered Shield" - New Orleans, Louisiana. Police Department setting the stage - the City of New Orleans has a reputation of being one of the most "vice-filled" cities in the United States. The un-official city motto is "Let the good times roll", and they do. The local Police Department, which pays exceptionally low salaries to its Officers, allowed just about unlimited "outside" employment, and had a long-standing reputation for corruption. Aggravating the Department's inability to investigate corruption allegations was its haphazard recruiting, hiring, and applicant background investigations.

Operation "Shattered Shield" began in 1993, as an undercover operation after a CW was extorted by two uniformed Officers. The allegation was verified when the CW made several bribe payments to the Officers while being observed by FBI Agents. An undercover FBI Agent portrayed himself as a drug dealer, and numerous Officers were paid protection money for drug shipments. The New Orleans Police Department used court authorised telephone wiretaps to gather additional evidence of illegal activity by the Officers.

While this operation was on-going, one of the Officers, Len Davis, ordered the murder of a woman who had filed a brutality report about him with the New Orleans Police Department. The Officer demonstrated an extreme level of violence which included threats to kill the undercover FBI Agents acting as couriers, and also to steal the cocaine being shipped. Former Officer Davis was convicted of Civil Rights violation, and in the first ever sentence of its kind, sentenced to death. A total of ten former Police Officers and one civilian employee of the New Orleans Police Department were convicted at trial or pled guilty.

Lessons Learned:

1. Need to reorganise and re-staff New Orleans Police Department Internal Affairs.
2. Purchased of voice privacy equipment For New Orleans Police Department Internal Affairs.