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**CONTROLLING CORRUPTION IN A PRISON SYSTEM:
THE NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES
1970 - 1990**

by

Frank G. Straub, Jr.

A dissertation submitted to the Graduate Faculty in Criminal Justice in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York.

1997

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This Manuscript has been read and accepted for the Graduate Faculty in Criminal Justice in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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Most important, I thank my wife, Marybeth. Without her patience and support this research would not have been possible.

ABSTRACT**CONTROLLING CORRUPTION IN A PRISON SYSTEM:
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Advisor: Professor Warren Benton

Corruption presents an ongoing challenge for correctional administrators. Corruption can undermine programs and administration, erode the control structure, contribute to prison violence, demoralize correctional workers, and negatively impact the trust and confidence that the public places in the criminal justice system. As a result, the issue of corruption and its control can not be ignored. It must be placed on the agenda of academics, politicians, the media, and the public.

This study explores the evolution of anti-corruption strategies in the New York State Department of Correctional Services (DOCS) during the period 1970-1990. The research identified nineteen formal strategies used to prevent, detect and deter corruption in the prison system. Each of the nineteen anti-corruption strategies was evaluated with respect to a series of factors: the theoretical perspective that informed the strategy; initiation factors; implementation; goals; persistence; and organizational focus. In addition, the impact of leadership changes, scandals, and external investigations and/or monitoring

were explored.

The present research concluded that the evolution of DOCS' anti-corruption strategies followed patterns similar to those in other criminal justice, specifically the post-Knapp NYPD. Additionally, the study found that 74% of DOCS' strategies were event driven, that crime control strategies were used most frequently (47%), and that 78% of the strategies targeted correction officers and other low level employees. Once implemented, the strategies remained in place for extended periods of time implying the need for periodic review and evaluation.

During the twenty years considered, DOCS showed a strong pattern in corruption control. The central element of DOCS' anti-corruption program is the Inspector General, the agency's internal investigations unit. Additionally, background investigations, psychological screening, drug testing, and integrity training are used to prevent, detect, and deter corruption in the Department. In 1996, the jurisdiction of the New York State Inspector General was expanded to include DOCS. As a result, DOCS' contemporary program incorporates internal and external measures that are consistent with anti-corruption efforts in the broader field of public administration.

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CHAPTER 1
SIGNIFICANCE AND BACKGROUND

The criminal justice system - the police, courts, corrections, probation and parole - represents a visible and immediate expression of governmental authority and power.¹ The literature on law enforcement ethics and values, as well as case law, indicate that there is a higher standard of integrity required of criminal justice officials than of the "average citizen."² This higher standard is tied to the power and authority that criminal justice officials gain through their office, and the trust that citizens place in them to perform their duties and responsibilities appropriately.³

Corruption, the misuse of a public official's position for personal gain, undermines the trust and confidence that the public places in the criminal justice system and its practitioners.

The social injury inflicted by breaches of trust goes beyond any material measurement. When government officials act to enrich themselves they act against the fabric on which they depend, for what else does government rest upon except the expectation that those chosen to act for the public welfare will serve that welfare? (Noonan, 1984: 704-705).

The impact of corruption, whether on the citizenry or on the criminal justice system, is far reaching. The corrupt activities of criminal justice officials contribute to the erosion of public trust and confidence in various ways. First, corruption can result in the non-enforcement of a

wide range of laws and regulations. For example, the Knapp Commission Report (1972) described how New York City police officers who accepted payoffs overlooked violations in the construction industry, health code violations in restaurants, prostitution, gambling and narcotics activities.⁴ Second, corruption can influence how resources are deployed and how agencies respond to requests for assistance.⁵ Third, vital services which should be universally available to the general public are either not provided or provided on a conditional basis.

Further, citizens exposed to corruption may become cynical and hostile toward the criminal justice system (Kerner, 1968; Reiss, 1971; Henderson & Simon, 1994). They may be reluctant to volunteer information that is essential to efficient crime control (Burnham, 1976). And victims of corruption are often reluctant to file complaints, making it difficult to uncover, investigate and determine the extent of corrupt activities (Wagner & Decker, 1989; Armao & Cornfeld, 1994).

In addition to the effects of corruption on the public, corruption also has a significant impact on the attitude of criminal justice officials toward themselves and their jobs. Officials confronted with corruption may become cynical and disillusioned.⁶ Corrupt officials are more inclined to make exceptions, be lax in the performance of job duties, and be less dedicated to their profession than their law abiding

counterparts (Bahn, 1977; Garmire, 1982; Girodo, 1991:361-70).

By and large, studies of the impact of corruption within criminal justice agencies and of anti-corruption initiatives have focused almost exclusively on the police. The issue of correctional employee corruption, its impact on the correctional process, and efforts to control it have not been systematically or comprehensively addressed (Henderson & Simon, 1994). Underdevelopment of information in this area seems to be in part due to reasons that are similar to those that operate in other areas of organizational crime. For instance, offenders can and often do take steps to minimize detection of their offenses, and victims are often reluctant to file complaints (Box, 1983:91). Furthermore, organizations may curtail the release of information outside of the organization in order to insulate such crimes from public knowledge (Lee & Flaherty, 1981; Coleman, 1989). For example, Daniel Sullivan, Chief of the New York City Police Department's Inspectional Services Bureau testified before the Mollen Commission:

The Department (was) paranoid over bad press There was a message that went out to the field that maybe we shouldn't be so aggressive in fighting (police) corruption because the Department just does not want bad press (1994:4).

Bernard McCarthy attributes the lack of scholarship concerning corruption in corrections to two factors: the

relatively inaccessible and hidden nature of the inner workings of corrections, especially when compared to the rest of the criminal justice system and the reluctance of correctional administrators to permit outside researchers to study a politically sensitive topic (1981:16). In light of the secrecy surrounding corrections and, more specifically, corruption, researchers have had difficulty gaining access to data.

The effects of corruption in corrections are no less significant than for other areas of criminal justice. Corruption reflects a problem of administration, organization, and in some cases, societal values. Corruption undermines punitive and rehabilitative goals⁷ as resource-rich inmates enjoy special treatment and benefits as a result of bribes paid to corrections personnel (Flannery, 1981).

Corrupt acts can erode the formal and informal control structures which insure order and predictability within the prison (Sykes, 1958; Kalinich, 1980; Hepburn, 1989). For example, the post-incident investigation of the disturbance at the Ossining Correctional Facility (1983) determined that corrupt activities by corrections officers such as bribery, the introduction of contraband, and the distribution of drugs contributed to a riot in which nineteen corrections officers were held hostage for thirty-three hours (Kurlander, 1983:84-85).⁸

Corruption undermines the effective and efficient administration of the prison,' increases operating costs and exacerbates the low morale of correction officers. And finally, corruption in corrections negatively impacts public perception of the penal process.

The significant growth in incarceration rates, approximately 7% per year since 1980 (United States Department of Justice, 1995), has focused increasing attention on the ability of correctional administrators to meet punitive and rehabilitative goals. Judicial, legislative and administrative reforms have been and continue to be implemented. However, the one determinant of prison conditions that is not usually considered is the corrupt acts of prison officials. The bribes that officers accept, the drugs they distribute and other favors that they provide to inmates can compromise institutional security and undermine punitive and rehabilitative goals.

Theoretical Approaches to Corruption.

In the 1970s, commission investigations (Knapp, 1972 and Packer, 1974) suggested that corruption was the result of poor recruitment and selection procedures that allowed individuals with character defects to become police officers. According to the "rotten apple" theory, corruption was limited to a few "bad" police officers, a minority of the department's personnel. As a result, anti-corruption strategies sought to identify individual "bad apples" and

remove them before they "infected" the rest of the department.

Investigations conducted in the 1980s and 1990s, demonstrated that corruption can be so rampant in police agencies that individually based theories do not adequately explain the phenomenon (Mollen, 1994). As a result, more recent theoretical approaches to corruption emphasize organizational issues. Organizational approaches to police corruption focus on: organizational rules, corruption control techniques, the police subculture, and/or the influence of departmental and/or broader social influences on police integrity (Delattre, 1989; Ivkovich and Klockars, 1997).

The Present Study.

The present research considers organizational issues concerning corruption in a prison system. The study explores the development and implementation of anti-corruption strategies in the New York State Department of Correctional Services during the period 1970-1990. In doing so, the research identifies specific initiatives that were utilized by DOCS to detect, prevent, and deter corruption. Each strategy is analyzed in terms of the theoretical models that informed them, antecedent events, context factors, organizational focus and resource demands.

The New York State Department of Correctional Services (DOCS) was selected for several reasons. First, the agency

permitted access to official records, personnel, policies and directives. Second, in 1972, the Department of Correctional Services implemented policies and procedures, and established units such as the inspector general's office (IG) that became the foundation of the Department's anti-corruption efforts. Third, the Department is one of the oldest and largest corrections agencies in the United States.

According to Anechiarico and Jacobs (1994:465-473), corruption control strategies are developed and implemented at various points in an organization's life. Initiatives reflect evolving definitions of corruption, the influence of management theories and changes in organizational focus. Chapter 2 utilizes an elaborated model of the one developed by Anechiarico and Jacobs to explore corruption control strategies in the New York State Department of Correctional Services (DOCS). A review of the literature suggests that various perspectives influenced public administration during the study period. These perspectives, in turn, influenced the development and implementation of strategies to control corruption in public agencies. The chapter defines *professional*, *administrative* and *crime control* perspectives, explores their role in the development and evolution of anti-corruption strategies in criminal justice agencies, and their relevance to DOCS' corruption control strategies.

Hypotheses.

A major objective of the exploratory research process is the development and refinement of research hypotheses. As noted previously, very little empirical information is available concerning strategies to control corruption in corrections. As such, a large part of this research is oriented towards identifying and describing the evolution of corruption control strategies in the New York State Department of Correctional Services. A secondary objective is to explore and discuss the influence that specific theoretical perspectives had on the evolution of the Department's anti-corruption strategies.

The major hypothesis guiding the present research is that:

- One: *Anti-corruption initiatives introduced by administrators in the New York State Department of Correctional Services were similar to the professional, administrative and crime control perspectives described by Anechiarico and Jacobs.*

The *professional* strategies utilized by DOCS emphasized the need for a well educated and trained workforce in order to achieve integrity and high standards of public service. *Administrative* strategies utilized centralized administrative authority, comprehensive monitoring, and evaluation to prevent and/or detect corruption. And *crime control* strategies sought to deter corruption through strictly enforced policies, procedures, and laws. Investigative commissions, the IG, and other law enforcement

agents identified violators. Prosecutors and agency officials imposed criminal and administrative sanctions in order to punish offenders and to deter others from engaging in similar activities.

Two (a): *Each of the strategies generated resource demands (e.g. rules, procedures and institutions).*

During the study period, DOCS' administrators attempted to *professionalize* the workforce by establishing a corrections academy, developing recruitment standards, conducting background investigations, and administering psychological tests to applicants. *Administrative* reforms led to the expansion of central office functions, the creation of the Inspector General's office, and the issuance of policy directives in order to improve the efficiency, effectiveness and integrity of Departmental operations. Likewise, *crime control* strategies introduced extensive rules governing inmates, visitors and staff, created a narcotics unit in the IG, required random drug tests, and elicited the assistance of prosecutors and other law enforcement officials in reducing corruption levels.

Two (b): *There is a difference between the corruption models as to the focus on organizational participants.*

Professional initiatives focused on lower levels of the organization. *Administrative* reforms tended to be directed at mid-level management and sought to expand their authority and control over the Department. *Crime control* strategies

were introduced to control the behavior of lower participants in the organization.

Three: *The general phenomenon of corruption continued in the New York State Department of Correctional Services despite each type of initiative because of evolving definitions, displacement, changes in organizational focus, and leadership commitment.*

Corruption scandals evoked a variety of reform measures: increased spans of control, new policies and procedures, external investigations, expanded internal investigative units, and integrity training. Despite these efforts corruption remained a continuing phenomenon in DOCS.

Four: *The effectiveness of any initiative is associated with the degree of external monitoring in place at any specific time.*

The degree of actual monitoring by external elements varies even though the formal structure remains the same. Various factors influence the degree of actual monitoring in place at any specific time. The factors include changing definitions of corruption, shifting priorities, and organizational compliance with the monitor's recommendations.

Chapter 3 describes the research methods that guided the present study. An *exploratory case study* was used and is appropriate at this early stage of inquiry because we do not know what variables are important, how they relate to one to the other, or how (if at all) they can be measured (DiIulio, 1987:4).

The *case study* is presented in two chapters. The first (Chapter 4), describes the correctional environment in New York State prior to, and following the Attica riot. Emphasis is placed on the strategies that correctional administrators implemented to gain administrative control over the prison system, to preserve the bureaucracy, and to reduce outside monitoring after the riot. The next chapter (Chapter 5) explores strategies that were implemented during the late 1970's and 1980's to control corruption. The effects of leadership changes, scandals, and external investigations and/or monitoring are also explored. Additionally, the influence of anti-corruption efforts outside the Department are considered, specifically post-Knapp reforms in the New York City Police Department.

In Chapter 6, each of the anti-corruption strategies utilized by DOCS' administrators is discussed within the context of various factors - the underlying theoretical perspective, initiation, persistence, implementation, goals, and organizational focus. The final chapter (Chapter 7) discusses DOCS' contemporary anti-corruption strategies, presents the policy implications of the present study and identifies areas for future research.

CHAPTER 1

Endnotes.

1. At the end of 1994, 5 million Americans were under the direct control of the criminal justice system. Of this number 1.5 million persons were incarcerated in federal and state prisons and local jails. Another 3.5 million convicted criminals were on probation and parole (Beck & Gilliard, 1995).
 2. Delattre (1989) provides a comprehensive discussion of integrity and policing.
 3. This position is grounded in the social contract theories of Thomas Hobbes, John Locke and James Madison. In exchange for taking on the obligation to protect citizens and to create secure conditions that permit a reasonable life for each of them, citizens give the government the authority to make laws and the power needed to enforce them (Cohen & Feldberg, 1991:24-28).
 4. New York City Commission to Investigate Allegations of Police Corruption And the City's Anti-corruption Procedures (1972). Commission Report. New York: Braziller.
- The Final Report of the New York State Organized Crime Task Force (1991). Corruption and racketeering in the New York City construction industry. New York: New York University Press.
5. The findings of official investigations suggest that law enforcement officials will respond to businesses and/or individuals who "pay" for their services more quickly and efficiently than requests made by the general public (Burnham, 1977:9 & Garmire, 1982:9).
 6. See for example, Clifford Kraus (1994, February 3). In the wake of 5 transfers, officers tell of low morale. New York Times, p. B4.
 7. On December 27, 1995, Zachary Carter, US Attorney, Eastern District of New York announced the guilty plea of a former federal corrections officer to corruption charges. According to Mr. Carter, "every day judges detain and sentence offenders with the expectation that they will be maintained in a drug-free environment. Our detention facilities and prisons should be the ultimate treatment centers, but they are not because of the willingness of corrupt employees to provide illegal drugs to the inmates for personal gain."
 8. In 1995, a federal investigation of corruption in the United States Penitentiary in Atlanta, Georgia led the investigating U.S. Attorney to conclude that drug smuggling by staff members contributed to violence in the prison. See, Rankin, Bill (1995,

October 28). 5 pen employees accused of drug smuggling try, The Atlanta Journal/The Atlanta Constitution, p. C2.

9. For example: Sullivan, John (1995, October 30). A state tries to rein in a prison awash in drugs, New York Times, pp. A1 & A15. This article describes the takeover of Graterford Prison by Pennsylvania State Police and Correction Officers in response to allegations of drug trafficking, corruption and mismanagement.

See also: Purdy, Matthew (1996, January 20). Citing absence of control, state seizes county jail, New York Times, pp.1 & 29. This article describes a New Jersey State Corrections takeover of the Hudson County Jail in response to drug trafficking and corruption allegations.

CHAPTER 2

LITERATURE REVIEW

This chapter describes the prison environment, the interaction between staff and inmates, and the unique nature of prison corruption. Second, it defines prison corruption and identifies specific activities that characterize corruption in corrections. Third, the chapter explores theories of administration that influenced anti-corruption strategies utilized by DOCS and other law enforcement agencies during the study period (1970 - 1990).

The Prison Environment.

Erving Goffman (1961:4-5) characterized prisons, mental hospitals, and the military as "total institutions," by which he meant "places of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life." Prisons are apart from society in every sense. They are bounded by sturdy walls and by administrative regulations that self-consciously and successfully separate inmate from outsider (Rothman, 1990:xxv). Those who administer prisons have enormous power over inmates. They keep them behind locked doors, high walls, and barbed wire. They regulate the inmate's work, sleep, recreation, food intake, and so on. And they are authorized to shoot and kill any inmate who tries to escape (DiIulio, 1987:17).

However, various studies point out that certain unique factors are at work in prisons that undermine or "corrupt the authority" of prison staff (Carroll, 1974; Cloward, 1960; Hepburn and Crepin, 1984; Irwin, 1980; Jacobs, 1977; Sykes, 1958). Sykes (1958:54-58) identified three factors that he believed were responsible for undermining the formal control structure in prisons: corruption through *friendship, reciprocity, and/or default*.¹

Friendships evolve because of the close contact that prisoners and correction officers share in their daily interaction. Correction officers share space and time with inmates and in the process they are forced to deal intensively with them. At times the combined solidarity of age, group, sex, and working class cuts through organizational distinctions and friendships are formed (Goffman, 1961:292). Inmates can gain favors (e.g. extra or unmonitored telephone calls and better work assignments), contraband, or other privileges (e.g. extra visits) through the friendships developed with prison staff members.

Corruption through *reciprocity* occurs as a direct consequence of the contradictory demands placed on correction officers to maintain control over inmates while at the same time depending on them for personal safety and the completion of assignments. Because inmates can make correctional staff "look good" or "bad" to supervisors,

an inter-dependence can develop in the informal relationship between watchers and the watched (Glaser and Fry, 1987:28). According to Hepburn (1989:198), it is the ability that inmates have to influence the safety and goal attainment of correctional staff that creates the staff's dependence on prisoners.

Default, Sykes' third factor in the corruption of prison staff, occurs when staff members begin to rely on inmates to assist in their duties such as report writing, cell checks, etc. For example, a new officer assigned to the Auburn Correctional Facility described how he was trained by inmates:

The guy that broke me in in the mess hall was a murderer. You couldn't work for a nicer guy. When I started, the inmates checked everything out in the mess hall to see if things were clean. An inmate broke me in. Inmates trained officers. Really! He told me to stand back and he showed me how and where to frisk. He hit the table top to sound it out. Rap the bars to see if they were solid. Many times when you're running companies, or you're a new officer in a factory, there's an inmate that shows you the right way. On Sunday they let out the wing waiter to mop and clean cells. Now they have four or five at a time. The wing waiter guided you right so there's no confusion (Lombardo, 1989:40).

According to Sykes, for reasons of indifference, laziness, or naivete, a correction officer may find that much of the power that he is supposed to exercise has slipped from his grasp. And, "power, once lost is hard to regain" (1958:57).

Overall, liberalization and development of a treatment orientation in prisons have brought staff and inmates closer together, particularly in terms of day-to-day contact.

Although numerous correctional goals can be achieved through closer staff/inmate contacts, one of the potential negative impacts is that inmates entice staff members to commit corrupt acts (Waldron, 1982:64).

The Function of Corruption for Inmates.

Corruption provides an opportunity for inmates to reduce the "pains of imprisonment" enumerated by Sykes - *deprivations of liberty, goods and services, heterosexual relationships, autonomy, and security* (1958:63-78).

Incarceration not only removes the inmate from the community, it also restricts and controls the inmate's freedom within the prison facility. Staff corruption can provide a method that an inmate can use to acquire liberty, either complete release, or freer movement within the institution. For example, in 1978, a correction officer assigned to the Metropolitan Correctional Center, New York gave two inmates a "gate pass" which enabled them to walk out of the facility through the front door in exchange for a \$50,000.00 bribe (Flannery, 1980:280). In 1997, a federal investigation of the Metropolitan Detention Center in Brooklyn, New York determined that correction officers accepted bribes in exchange for allowing organized crime figures to leave their designated housing areas in order to meet and discuss criminal activities with their associates who were incarcerated in other areas of the prison (Kessler, 1997:A3).

Staff corruption can also provide an opportunity for inmates to acquire items that are restricted by prison rules and regulations. According to a report issued by the New York State Commission of Investigation (SIC) concerning corruption and abuses in the Green Haven Correctional Facility, "the sale and exchange of favors is what prison life is all about (1981:20)." The SIC investigation found that corrupt acts by correction officers and inmates extended to almost every aspect of daily life in Green Haven. Correction officers sold cell and job assignments to favored inmates. Drugs and alcohol were readily available. And inmates had sexual relationships with other inmates, with staff members, during visits and/or trips outside the prison (1981:21). For example, the Commission determined that inmate Albert Victory escaped after correction officers brought him to a Newburgh, New York hotel to meet with his girlfriend (1981:112-114).

Sykes maintained that prisoners lose their sense of personal autonomy when they are subjected to the numerous rules and regulations of the prison. "The important point," according to Sykes, "is that the frustration of the prisoner's ability to make choices and the frequent refusals to provide an explanation for the regulations and commands descending from the bureaucratic staff involve a profound threat to the prisoner's self image because they reduce the prisoner to the weak, helpless, dependent status of

childhood" (1958:75). By corrupting staff members who enforce the rules and regulations, an inmate can gain at least some control over his immediate environment (McCarthy, 1981:252).

The individual prisoner is thrown into prolonged association with other inmates who in many cases have a long history of violent aggressive behavior. Sooner or later the prisoner will be "tested" - someone will "push" him to see how far he can go and the inmate must be prepared to fight for his safety and his possessions (Sykes, 1958:77). Prison contraband does not stop at food and drugs. Investigations have discovered that correctional staff have supplied a variety of weapons, including guns to inmates (Michael Caruso, Inspector General, New York City Department of Correction, personal communication, July 17, 1997).

The Function of Corruption for Correctional Staff.

Corruption can also provide a mechanism for correction officers to adapt to prison life. According to Lombardo:

The officer stands to gain much more than cooperation from his person-to-person interactions with inmates. With few opportunities to experience a sense of accomplishment from his work or to achieve recognition, confronted by feelings of powerlessness and isolation in his work environment, the officer finds in his relationships with inmates opportunities to fulfill his need for meaning and self-esteem, to increase his sense of competency and to reduce his feelings of aloneness. Moreover, the officer's perception that he shares frustrations with inmates and occupies a position similar to the inmate in relation to prison administration may enhance the amount of sympathetic understanding officers feel toward inmates(1989:201).

Additionally, corrupt activities can increase personal

income (through bribe payments and/or the sale of contraband), increase control over inmates (by empowering individual inmates or inmate groups), and provide excitement and thrills (as a result of staff participation in criminal activity or through associations with "real" criminals).

Conclusion.

Living in prison is not easy. Prisoners must find ways to mitigate the "pains of imprisonment," and these methods sometimes involve the "corruption" of prison staff. Likewise, those who work in prisons also face diverse pressures, and the staff, like inmates, must develop mechanisms to deal with the prison environment. The interaction between staff and inmates can provide correctional staff a sense of accomplishment and safety, an opportunity to fulfill a need for meaning and self-esteem, and to reduce feelings of aloneness. However:

When the keeper fails to follow rules, the kept are calling the shots - not the employee, even though the keeper may think he or she is bending the rules to help an inmate in a special situation. The inmate figures that if an employee will give an inch in violating minor rules, why not throw rehabilitation to the wind and try to take the mile (Allen and Bosta, 1981:13).²

Recognizing the negative consequences that can result from staff - inmate interactions, administrators have defined "corrupt" activities and devised strategies to prevent, detect, and deter corruption in corrections. The next section, provides a definition of correctional corruption and identifies specific activities that have

became the focus of DOCS' anti-corruption strategies.

Corruption Defined.

There is considerable disagreement among academics and practitioners as to what constitutes corruption. For example, a broad based definition of corruption could include any wrongful act - from taking a free cup of coffee to committing a robbery³. Others suggest a narrow definition. McMullan's (1961:183-184) definition for example, states that "a public official is corrupt if he accepts money or money's worth for doing something he is under duty not to do, or to exercise a legitimate discretion for improper reasons." Goldstein (1975:3) described police corruption as "the misuse of authority by a police officer in a manner designed to produce personal gain for himself or for others." And, McCarthy (1981:9) defined corruption in corrections as "the intentional violation of organizational norms by public employees for personal material benefit."

The present research defines correctional corruption as *the misuse of a correction official's position for personal gain*. This definition contains four elements. First, corrupt acts are prohibited by some law, rule, or regulation. Second, they involve the misuse of a correction official's position. Third, they involve some actual or expected personal gain. Personal gain is not limited to financial or material benefit, it may include power, prestige and/or perquisites.⁴ Fourth, there must be a relationship between

the gain/benefit and the officer's actions. A review of the literature - prior academic research, DOCS' regulations, internal affairs files, laws, reports of investigative commissions, and journalistic accounts - provides an opportunity to delineate activities which commonly characterize corruption in corrections. These activities include receiving bribes, smuggling contraband, distributing narcotics inside a correctional facility, and instigating or assisting an escape. The corruption control initiatives explored in this study focus on DOCS' efforts to prevent, detect and deter these activities.

Corruption Control Models.

Responses to official corruption emanate from politics, management models and theories concerning crime and punishment. During the twenty years explored in this case study, three distinct approaches to control corruption were utilized. Table 1 describes the perspectives:

Table 1. Corruption Control Perspectives.⁵

Model:	Professional	Administrative	Crime Control
Causes:	Poorly trained & educated workforce	Inadequate organizational controls	Inadequate monitoring
Policy agenda:	Credentials & education	Government reorganization & centralization	Surveillance, investigation, fiscal control
Result:	Recruitment, & training standards	Agency oversight & appropriate span of control	Strong audit/ investigative agencies

The *professional perspective* tied corruption to a poorly trained and uneducated workforce that lacked the ethos of public service. Anti-corruption strategies centered on establishing a credentialed, educated and well-trained staff that valued integrity and public service (Jacobs, 1977:73). The *administrative perspective* was grounded in classical organizational theory, and emphasized the correct deployment of authority and resources, evaluation, and external monitoring to prevent corruption or to quickly bring it to light (Anechiarico & Jacobs, 1994:467). The *crime control perspective* de-emphasized organizational reform. Instead, corruption was attributed to the failure of the bureaucratic structure to prevent corruption, and anti-corruption strategies relied on law enforcement measures.

The Professional Perspective.

Historically, criminal justice policy makers and managers have viewed "professionalization" as a favored solution to escalating organizational problems. Professionalization efforts in the 1970's and 1980's were directed toward grooming well-educated and well-paid men and women to fill front-line positions in criminal justice agencies (Jurik & Musheno, 1986:458). Following police corruption scandals in New York City (1972), Philadelphia (1981), Miami (1986), and Detroit (1988) recruitment, selection and promotion standards were re-evaluated and

integrity training was added to academy curriculums (Dombrink, 1988:201-232 & Delattre, 1989:117-118).

The professionalization process in corrections followed patterns similar to those in police agencies. Several widely publicized prison riots in the 1970's forced correctional administrators to respond to media attention, judicial and legislative intervention, and increased public scrutiny. Administrators concentrated on upgrading the qualifications of the custodial staff, believing that professionalization would "ensure the diffusion of the humane treatment ethic and reduce staff-inmate tensions in modern, treatment-oriented departments of corrections (Jurik & Musheno, 1986:463).

Following the Attica riot, the discovery of corruption, and national trends in policing and corrections, administrators in the New York State Department of Correctional Services sought to professionalize the workforce. Specifically, Commissioners established a corrections academy (1972), created background investigation (1981) and psychological screening units (1983), and incorporated integrity training into recruit and in-service academy programs (1982).

The Administrative Perspective.

Bureaucratic organizations utilize clear-cut divisions of labor, hierarchic authority, and formalized communication between superiors and subordinates to control what goes on

inside government.⁶ Administrative approaches to corruption control link organizational crises to poor organizational designs rather than to problems associated with politics or morals (Anechiarico & Jacobs, 1994:467). Administrative reform strategies utilize formalized rules, regulations and operating procedures, centralized administrative control, personnel transfers, and separate monitoring units to control corruption.

According to Anthony Downs (1967:148), separate monitoring units have three specific characteristics. First, their hierarchies and personnel promotion systems are different from those of the bureaus they monitored. Second, their main function is monitoring. And third, they are integrated into some larger bureaucratic or political structure. Ideally, because the unit's management structure and personnel promotion systems are separate from the bureaus they monitor, officials can detect and report corruption without fear of reprisal. The New York City Department of Investigation (DOI), for example, which was established in 1938,⁷ was given broad powers to conduct investigations and management studies that the Mayor believed were in the best interest of the City.

Following the Attica riot, DOCS' administrators implemented a series of administrative strategies to gain control over the prison system. Commissioner Russell Oswald centralized operations in Albany, issued directives, and

created a separate monitoring unit - the Office of the Inspector General (1972) to investigate complaints, monitor operations, and ensure compliance with central office policies and procedures. Later, Commissioner Benjamin Ward issued an Employee Manual which delineated operating policies and procedures as well as defined "prohibited activities" (1977). Other administrative strategies included personnel transfers, ending the system that allowed inmates to receive special privileges in exchange for "maintaining" the superintendent's grounds (1977) and the creation of auditing units (1979).

The Crime Control Perspective.

The crime control perspective de-emphasizes organizational reform. Rather, the perspective proceeds from a view that public officials seek or are willing to avail themselves of corrupt opportunities and that the government generates abundant opportunities for corruption (Anechiarico & Jacobs, 1992:590). Grounded in traditional deterrence theory, the model emphasizes the threat of formal sanctions (e.g. suspension, job loss, and/or criminal prosecution) as costs to be considered in an individual's decision to violate an organizational rule/regulation and/or the law. To the extent that sanctions are perceived to be severe, an individual's decision to offend should be inhibited (Klepper & Nagin, 1989). As a result, crime control strategies rely on internal rules and regulations to control employee

conduct and the penal system to punish offenders.

In the 1970's, public administration was rocked by Watergate, the resignations of Vice President Agnew and President Nixon, and revelations of deliberate deception and wrongdoing by members of the armed forces, the F.B.I., and the C.I.A. (Simpson, 1977:xi). Additionally, police corruption was discovered across the nation. Scandals involving public officials fueled the public's distrust in the government and convinced reformers that previous strategies had failed to prevent corruption. With each corruption scandal, prosecutors, inspectors general, corruption vulnerability experts, auditors and fraud specialists lobbied for greater resources and a broader definition of their mission (Anechiarico and Jacobs, 1994:468).

The following example illustrates how the crime control perspective influenced official responses to corruption in the New York City criminal justice system. Following the Knapp Commission, the Office of the Special Prosecutor⁹ was created to investigate and prosecute corruption in the New York City criminal justice system.⁹ The Office, staffed by prosecutors, investigators and auditors¹⁰, cracked down on police corruption, investigated the courts, and monitored the City's five district attorneys. During almost four years in office (September 1972 - June 1976), Special Prosecutor Maurice Nadjari obtained 343 indictments, 188 guilty pleas

and 73 convictions at trial. The majority of these defendants were low-ranking police officers and other rank-and-file criminal justice personnel (Nadjari, 1974:100).

After the SIC investigation (1981) uncovered widespread corruption in the Green Haven Correctional Facility, it recommended that the Inspector General's Office be "properly staffed, trained and equipped in order to investigate corruption and serious misconduct:

the establishment of an effective corruption-fighting unit within the DOCS will help re-establish the public's belief in the honesty and integrity of Correction Officers; insure that prisons serve the ends of punishment and rehabilitation for which they were established; and remove abuses from humane inmate programs. Such actions will benefit Correction Officers, inmates and the public.¹¹

The changes implemented by DOCS following the SIC investigation and other instances of corruption mirrored changes that had taken place in New York City following the Knapp Commission. In DOCS, the IG's mission changed from "monitoring and evaluation" to law enforcement. A narcotics unit was created (1981), field associates were utilized to investigate corruption and brutality (1980), and a series of policy directives aimed at controlling drug use and corruption were implemented (1978 - 1987).

Conclusions.

A review of the literature suggests that opportunities and incentives for corruption frequently exist in prisons. Prisons, by definition, are populated by criminals. Inmates have every motive to offer money or other incentives to the

prison staff who control their lives. And the staff - outnumbered, unarmed, underpaid, unappreciated and performing an unpleasant job - have motives to strike deals with prisoners. Some staff members do it to insure their safety, others to meet the demands of their assignments, and others to take bribes.

During the study period, corrections officials utilized various strategies to prevent, detect and eliminate corruption in the New York State prison system. These strategies reflected three distinct approaches to corruption control. Strategies influenced by the *professional* perspective endeavored to build integrity and improve employee performance through recruitment, screening and training reforms. *Administrative* reforms focused on the organization. These strategies emphasized centralized control, communicated policy through directives and manuals, and insured compliance through separate monitoring units. *Crime control* strategies relied on the threat of formal sanctions to deter corruption and law enforcement techniques to uncover it.

Before discussing the specific anti-corruption strategies that DOCS' administrators utilized during the study period the research methods that guided the present study are described in the next chapter.

CHAPTER 2

Endnotes.

1. Sykes' observations made in the 1950's were confirmed through quantitative survey research conducted by Hewitt, Poole and Regoli (1984) and by Glaser and Fry (1987).
2. The violation of minor rules, it is suggested, leads to larger violations, including criminal activities e.g., the acceptance of bribes, or trafficking in narcotics. In essence, the "slippery slope" argument. See for example: Kleinig, John (1996). The ethics of policing. New York: Cambridge University Press, pp. 174-181.
3. See for example: G.R. Blakely and R. Goldstock (1977). Investigation and prosecution of organized crime and corrupt activities - official corruption - background materials. United States Department of Justice, Law Enforcement Assistance Administration. Ithaca, New York: Cornell University Law School.

Mollen, Milton (1993, December 27). Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the New York City Police Department. Interim Report and Principal Recommendations.
4. "While greed is still the primary cause of corruption, a complex array of other emotions spurs corrupt officers: to exercise power; to experience thrills; to vent frustration and hostility; to administer street justice; and to win acceptance from fellow officers" (Mollen, 1993:5).
5. Adopted from: Anechiarico and Jacobs (1994:466).
6. See: Weber, Max. Bureaucracy. In Shafritz, Jay M. and J. Steven Ott (Eds.) (1992). Classics of organization theory. Belmont, California: Wadsworth, Inc. (pp. 81 - 86).
7. The DOI, originally known as the Office of the Commissioner of Accounts, was created in 1873 by the State Legislature in response to scandals in the Abraham Oakley Hall Administration (1869-1872). Source: Winslow, Richard S. & Burke, David W. (1993). Rogues, rascals, & heroes: a history of the New York City Department of Investigation (1873-1993). New York: New York City Department of Investigation, Corruption Prevention and Management Review Bureau, 1.
8. Acting on recommendations made by the Knapp Commission, Governor Nelson Rockefeller established the Office of the Special Prosecutor (N.Y. Exec. Law 63(2), 63(8) (McKinney, 1972) to

"inquire into matters concerning the public peace, public safety and public justice with respect to corruption insofar as it relates in any way to law enforcement or criminal justice administration in New York City". Source: Nadjari, Maurice H. (1974), New York State's Office of the Special Prosecutor: A creation born of necessity. Hofstra Law Review (2), 98.

9. The Knapp Commission recommended that the Governor appoint a Special Deputy Attorney General with jurisdiction in the five counties of New York City and authority to investigate and prosecute all crimes involving corruption in the criminal justice system. See: Commission to Investigate Allegations of Police Corruption in the City of New York (1972, August) Summary and Principal Recommendations, pp. 13-16 .

10. At its peak in 1975, staffing levels reached 160. By 1980, the staff had shrunk to 112, by 1982 to less than 80, and by 1985 to 50. The Office was abolished in March 1990 by Governor Mario Cuomo. See: Anechiarico, Frank & Jacobs, James B. (1996). The pursuit of absolute integrity: How corruption control makes government ineffective. Chicago: University of Chicago Press, 101.

11. Temporary Commission Of Investigation of the State of New York (1981, May). Corruption and abuses in the correctional system: The Green Haven Correctional Facility, pp. 187 - 188.

CHAPTER 3 RESEARCH DESIGN AND METHODS

Research Method.

The *case study* method was used to explore administrative strategies to control corruption in the New York State Department of Correctional Services. The case study method provides an opportunity to explore a single organizational phenomenon, in this case, official responses to corruption, using multiple sources of information and techniques. According to Gilbert Geis (1991), the case study method has dominated inquiries into white collar and organized crime because:

for both forms of behavior, access to many important sources of information is precluded by the power, secrecy, and relative imperviousness to quantitative studies of people and organizations that commit these kinds of lawbreaking Further, case study depictions ... offer an arena of investigation that should have wide appeal to sociologists concerned with discovering regularities and significant meaning in the variegated events that constitute illegal behavior and in the manner in which the social system responds to such behavior.

In fact the case study of a single (Punch, 1985; Sechrest & Burns, 1992) or several agencies (McGlennon, 1977; Sherman, 1978) has been used extensively to study police corruption. These case studies have employed various techniques to examine police misconduct. For example, Cohen (1970) and Meyer (1976) reviewed internal affairs files maintained by the New York City Police Department; Girodo (1991) administered self-report questionnaires; Punch (1985)

conducted observational field studies; Winslow and Burke (1993) used historical analysis; and others have relied on reports of special investigations or commissions (Knapp, 1972; Mollen, 1994).

Criminal justice researchers have also used case studies and applied various methods to explore issues in corrections. For example, Jacobs (1977) combined archival research with participant observation in his historical and sociological study of Statesville Penitentiary. Lombardo (1976) studied the role of correction officers in New York State's Auburn Correctional Facility through interviews and participant observation. Colvin (1992) examined the 1980 riot at the Penitentiary of New Mexico through official investigative records and interviews. And McCarthy (1981) explored the nature and characteristics of corruption in the Delaware Department of Corrections by examining internal affairs files and by administering self-report questionnaires.

The *single-case study method* was selected and is appropriate for the current research for several reasons. First, the opportunity to conduct *unique* research (Yin, 1989:47) presented itself in the New York State Department of Correctional Services and not in other corrections agencies. Second, this is a *revelatory* case (Yin, 1989:48) in that systematic studies of administrative responses to corruption in corrections have not been conducted. Third,

the design provided an opportunity to describe the evolution of corruption control strategies in a correctional agency. Fourth, the study provides a basis for future research in which more rigorous experimental and quasi-experimental designs can be employed.

Although case studies have provided an important method of inquiry in criminal justice and other areas of social science, several methodological concerns have been raised. Criticism has focused on the reliability of data, validity of interpretations and the generalizability of findings. The present study addressed these concerns through a research strategy that followed procedures and norms recommended by Kennedy, 1979; Yin, 1989 and Maxwell, 1992. Through the literature review, theoretical propositions, specifically, corruption control perspectives were identified. These perspectives provided a "blueprint" for the research. The theoretical propositions were confirmed and extended through a clear set of hypotheses. Data was collected in a replicable and reliable means. Conclusions were based on the convergence of information from multiple sources of evidence. And the *draft case study* was reviewed by the Department's Inspector General to help insure that it accurately reflected the anti-corruption strategies utilized during the study period.

Research Design.

The New York State Department of Correctional Services

is a "continuing system" (Pettigrew, 1983:87) with a past, a present and a future. A *longitudinal design* was used to explore the evolution of anti-corruption strategies during a twenty-year period in the Department's history. By arraying strategies chronologically, the basic sequence of *cause* (e.g. organizational crisis - riots, scandals, investigations, and changes in administration) and *effect* (reform strategies) were explored (Yin, 1989:119).

Interruptions¹ in the chronology were particularly helpful in unraveling the dynamics of the evolution of corruption control strategies for several reasons:

- 1) Each interruption provided a clear point of data collection.
- 2) Each interruption could be used as an in-depth case study within the overall case study.
- 3) The chronological study of a sequence of interruptions allowed varying readings to be taken of the development of the organization, of the impact of one interruption on successive and even consequent interruptions, and of the kinds of mechanisms that lead to, accentuate, and regulate the impact of each interruption (Pettigrew, 1983:89).

An example of the sequence of interruptions that gave form to the research is described in Table 2:

Table 2. Sequence of Interruptions.

1972	1975	1977	1978
Attica Riot	Inspector General	State Commission Investigation	New IG Appointed

Data Collection.

In this study multiple sources of information were used

to explore administrative responses to corruption in the New York State Department of Correctional Services. These sources included records maintained by DOCS, interviews of key informants, and the direct observation of the Department's Office of the Inspector General. Individually, each source provided valuable information; collectively, they provided *converging lines of inquiry* (Yin, 1994:92).

The key source of information was official records maintained by DOCS and its Inspector General. These records included memoranda, correspondence, directives, policy statements, manuals, and annual reports. Reports of investigative commissions, legislative committees, and of the Office of the State Comptroller illuminated and/or corroborated information drawn from the analysis of agency records. Judicial records and newspaper articles provided additional sources of information.

In addition to documentary analysis, interviews of key Department administrators (current and former) and individuals outside the organization constituted additional data sources, provided critical insights into events and anti-corruption strategies, and corroborated information drawn from documentary sources.

The present study focused on the evolution of corruption control strategies during a period in the Department's history. Contemporary observations were made during data collection and during a three month assignment

in the Inspector General's Office. These observations provided a *contextual* understanding of the phenomena being studied and provided insights into DOCS' anti-corruption strategies.

Protection of Human Subjects.

The rights and interests of various parties must be considered in conducting research. These parties include: informants and other research participants, gatekeepers, the organization being studied, the researcher, colleagues, the university; and the public (Punch, 1986). Traditional ethical concerns have revolved around the topics of informed consent, right to privacy, and protection from harm.

In order to insure that these ethical concerns were adhered to, the research methods used in the present study were submitted to, reviewed, and approved by the Institutional Review Committee, John Jay College of Criminal Justice. Additionally, the study was reviewed by the New York State Department of Correctional Services' Inspector General, under whose auspices the study was conducted.

Conclusion.

In the case study that is presented in Chapters 4 and 5, specific anti-corruption strategies are depicted and analyzed within explicit theoretical and methodological frameworks. Political, social, and organizational variables are described in order to explore the context in which the anti-corruption strategies emerged and developed.

CHAPTER 3**Endnote.**

1. Interruptions may be attributed to changes in administrations, scandals, judicial and/or legislative actions.

CHAPTER 4

THE DEPARTMENT OF CORRECTIONAL SERVICES
BEFORE AND AFTER THE ATTICA RIOT

Reform movements in police departments have generally followed one of three phenomena - scandals, riots, or changes in administration. For example, in response to public disclosures of systemic corruption by the Knapp Commission, and twenty years later by the Mollen Commission, the New York City Police Department announced and implemented significant changes in the Department's internal affairs policies, procedures and practices.¹ Similarly, the Los Angeles Police Department introduced Department-wide changes in the wake of the Rodney King beating.² And following the Liberty City riots in Miami, Florida, the Metro-Dade Police Department's Director, Bobbie L. Jones, undertook an ambitious effort to further community relations, enhance operational efficiency, and improve the Department's ability to monitor and evaluate officer performance (Skolnick & Fyfe, 1993:181-184).

Reform initiatives in DOCS followed patterns similar to those in police departments. This chapter explores initiatives, policies, and procedures that were implemented following the Attica riot (1972). After the riot, correctional administrators, under tremendous public, legislative and judicial scrutiny, sought to preserve the correctional bureaucracy and to introduce strategies that would prevent another disturbance. The initiatives re-

organized the Department, centralized control in Albany, established a corrections academy, and created a separate monitoring unit - the Inspector General.

The Department of Corrections Prior to the Attica Riot.

Historically, the penal system in the United States was decentralized, the domain of autocratic wardens who ran their institutions free from outside influence. As long as there were no riots, escapes, or other events generating unfavorable publicity, prison officials were allowed considerable autonomy (Baro, 1990:26). However, in the mid-1960's gubernatorial, legislative, and judicial interests reversed historical positions of non-interference.

On January 6, 1965, Governor Nelson A. Rockefeller announced a major "anti-crime" program in his Executive Message to the Legislature:

major crime continues to increase at an alarming national rate of five times the growth in population. In New York State, the administration of criminal justice costs the state and its localities \$665 million a year. Serious crimes - murder, rape, robbery, for example, have increased steadily since World War II. Brutal and shocking assaults are reported daily by our news media... Accordingly, I recommend the following Anti-Crime Program...³

The essence of the Governor's program was to increase law enforcement efforts by increasing police personnel and expanding their resources. Gubernatorially sponsored crime conferences also stressed the gravity of the crime problem and proposed law enforcement as the prime solution (McEleney, 1985:46). For example, a 1967 conference

recommended the expansion of the State Police by five hundred additional positions, the consolidation of some six hundred separate police departments into larger more effective units,⁴ a minimum salary for local police, full time District Attorneys in large counties, clear legal authority for wire-tapping and electronic surveillance, and stricter firearms control.⁵

The Governor as well as criminal justice researchers and practitioners linked the rising crime rates to increased levels of drug use and addiction:

addiction spreads through a neighborhood like a virulent infection. Its unfortunate victims, prisoners of a relentless craving, lure the weak into the habit in order to help obtain drugs for themselves. With this infection comes crime - theft, burglary, mugging, prostitution, assault and murder.⁶

The Governor expanded his crime-control strategy and targeted drug users and distributors. The Rockefeller drug laws tightly regulated the possession and sale of narcotic drugs, established mandatory prison sentences, and virtually eliminated parole for "pushers" (Kramer & Roberts, 1976:353). Subsequent initiatives recommended by Governor Hugh Carey and the Legislature provided sentencing alternatives and called for the development of treatment programs for incarcerated and other addicts (Kramer & Roberts, 1976:354).

The Governor's Special Committee on Criminal Offenders, established in 1966 to study the criminal justice system in

New York State, recommended that a unified treatment agency be created in order to insure the implementation of the administration's strategy to combine stiff penalties with treatment. The proposed Department of Rehabilitative Services would have consolidated the functions of the Department of Correction, Division of Parole, Probation, Narcotic Addiction Control Commission, Division for Youth and the Division of Social Services into one agency. Had this "super" agency been created it would have directly administered all custodial treatment for convicted offenders including sentenced offenders in county jails and penitentiaries, as well as all pre-sentence and pre-disposition reporting functions of the Probation and Court systems. Although the recommendation was not implemented, in 1970 the Departments of Parole and Corrections were merged to form the Department of Correctional Services. And, on January 1, 1970, Russell Oswald, the Parole Commissioner, was appointed by the Governor to head the new Department.

Commissioner Oswald was committed to reforming the Department and to introducing programs that favored the treatment approach recommended by the Governor and criminal justice reform commissions.' Oswald introduced psychological treatment and social work programs in medium security facilities; he began recruiting Black and Puerto Rican correctional officers; granted inmate privileges (e.g. established law libraries in each institution, extended

furlough and work release programs); and allowed greater accessibility by the news media to the prisons.

Oswald's approach to corrections differed significantly from the traditional operations of the custody-orientated New York State penal system. The Department that Oswald assumed leadership of was controlled by the custodial staff. And although there was no union prior to 1968, there was an informal union insofar as sons replaced fathers who replaced grandfathers as guards in the institutions. Superintendents and/or wardens moved up through the ranks and communities such as Elmira and Auburn grew around the prisons and provided personnel allotments for the facilities. The custodial staff, including institutional management, resisted Oswald's reform efforts and fought to maintain control of the institutions. For example, ordered by Oswald to permit inmates to receive newspapers and periodicals, guards cut out individual articles that they believed the inmates should not read (Useem & Kimball, 1989:25).

A Changing Prison Population and Judicial Review.

New York's prison population grew younger and progressively more non-white through out the 1960's. From 1966 to 1970, 73% of all inmates received in the State's prisons came from urban areas; 43% were under the age of thirty; 33% were admitted drug users; and 65% were black and Puerto Rican.⁹

The shift in the State's prison population to a black

and hispanic majority coincided with the civil rights and black power movements and with radical activism in the Puerto Rican community. The passage of the federal Civil Rights Act (1968) moved inmate law suits, previously handled in state courts, to federal court. Federal court decisions in the late 1960's and 1970's asserted judicial involvement in the administration of the New York State prison system and further threatened the control maintained by the guard force.

Guards almost universally felt that the courts were interfering in matters in which they had no competence...The decision was wrong, guards felt, and they, not the judges - would have to live with the consequences.'

In addition to "interfering" with facility operations the success achieved by inmates in federal court inspired militancy and rebellion within the prison walls (McEleney, 1985:65). During the 1970's, violence was used increasingly by inmates throughout the country to bring attention to their plight. In the summer of 1970, for example, riots erupted in the New York City Prison system, first in the Manhattan House of Detention for Men (the Tombs) and later at all five of the City's detention facilities. And, in November 1970, inmates took possession of major portions of Auburn State prison and held more than thirty-five guards hostage.

During the years 1970 and 1971, three forces grappled with reform issues in New York prisons. The U.S. courts

imposed, and Commissioner Oswald attempted to institute "liberal" prison reforms. The guards and old-line prison officials constituted an autonomous force that attempted to maintain traditional policies and operations and to maximize their control of individual institutions, if not the prison system. The inmates constituted a third force that tested strategies for exerting power or influence in the prison (Useem & Kimball, 1989:25). It was against this backdrop that the Attica riot occurred.

The Attica Riot.

Attica was remote, it was built to hold the system's most serious offenders and like most of the other facilities in the State it operated autonomously. Attica's administrators, unaffected by the central office in Albany, the State capital, and free from outside media or political interference, established their own policies and procedures. According to Useem and Kimball, staff members at Attica observed one set of rules and personnel in the rest of the New York system another (1989:24).

Life at Attica was terrible. "The cells were cramped, the food was barely edible or nutritious, medical care was unsatisfactory, recreation was minimal, job assignments were boring and unrewarding, and the atmosphere was repressive and degrading" (Useem & Kimball, 1989:22). In addition to being outdated and overcrowded, Attica was filled with animosity between the black and hispanic inmates from the

inner city¹⁰ and the white guards from rural areas of the State.

...the relationship between most officers and inmates was characterized by fear, hostility, and mistrust, nurtured by racism.¹¹

The correctional bureaucracy, faced with rebellious black and Puerto Rican inmates in other institutions, further strained the situation at Attica by transferring suspected agitators there.

On September 9, 1971, Attica exploded. More than 1,200 inmates took control of large portions of the prison, took thirty-nine hostages and issued demands for reform in prison conditions and amnesty for those inmates participating in the disturbance. After five days of unsuccessful negotiations the state police entered the prison. During the assault, thirty-nine prisoners and guards were killed.

The Aftermath.

The Attica riot caused the State and the correctional system to begin a process of self-evaluation and investigation in order to prevent another incident. Writing in the late-1970's Susan Sheehan observed:

There have been more changes at New York State's maximum security prisons in the last five years than in the preceding thirty. Most of them were made in 1972, a few months after the Attica riot. Just as in Christianity there is B.C. and A.D., in New York State penology there is B.A. and A.A. - Before Attica and After Attica (Sheehan, 1978:131).

Following the riot several investigatory and fact-finding commissions were formed including the State Special

Commission on Attica (the McKay Commission) and the State Select Committee on Correctional Institutions and Programs (the Jones Committee). The McKay Commission focused on the circumstances and events leading up to, during, and following the uprising in order to provide a complete report on what transpired, its causes, and implications. The Jones Committee examined problems affecting the correction system and recommended changes in the Department's administrative practices.

The Department responded to the recommendations made by the Jones Committee by introducing new inmate programs and discarding outdated policies and procedures. Post-Attica improvements included changes in visiting conditions, lessened restrictions on inmate mail, installation of pay phones for inmate's use, a reduction in the amount of time inmates spent in their cells, and the establishment of inmate grievance procedures. Additionally, inmate educational programs were expanded (Sheehan, 1978:133-37, 144-45, & 157-58). And a statewide effort to hire black and Puerto Rican guards was undertaken.

Leadership from Albany became more vigorous and institutions were no longer allowed to operate as separate and autonomous units.¹² To facilitate the consolidation of authority in Albany, the Committee recommended that:

The Department should establish and promulgate appropriate procedures within its administrative framework to monitor and audit its central office, area office and correctional facility performance.¹³

The Inspector General.

The inspector general (IG) concept has a long history. In the United States, the Continental Congress established an IG in response to scandals in the colonial army. The Continental Congress believed that the IG was essential to promoting discipline in the Army, and to the reformation of various abuses that prevailed in its different departments (Adair & Simmons, 1988:91; Light, 1993).

The first modern federal IG was established in the wake of the 1962 Billie Sol Estes scandal by then Secretary of Agriculture Orville Freeman.¹⁴ Estes, a rice commodities broker, built a financial empire by defrauding the Agriculture Department's grain storage program, dodging investigations and making false statements to federal investigators. The IG was established:

to coordinate, to oversee, to review, as the direct representative of the Secretary, all audit and investigation work that is taking place anywhere within the Department. And as such, to be, let us put it, "Mr. Big," where audit investigations are concerned everywhere within the Department.¹⁵

The IG and his staff, comprising criminal investigators and auditors, served at the pleasure of the Secretary and reported directly to the Secretary.

In 1972, the U.S. Department of Housing and Urban Development (HUD) followed Agriculture's lead and established its own inspector general in response to the urging of Lester Condon, Agriculture's first IG, who had become an Assistant Secretary at HUD in 1969 (Moore & Gates,

1986:11). Secretary Condon established the IG in response to a housing scandal and the Office remained in existence long enough to be brought under the 1978 Inspector General Act (Light, 1993:35).

The 1978 Inspector General Act established "IGs" in twelve federal agencies.¹⁶ The IGs, who were appointed by the President and confirmed by the United States Senate, investigated fraud, waste, corruption and abuse in federal agencies and programs. Subsequent legislative actions (1978 - 1989) increased the number of IGs to twenty-seven. And in 1988, an additional thirty-four IGs were appointed by the heads of other federal agencies (Light, 1993:26).

In New York City, the concept of *separate monitoring units* can be traced to the Commissioners of Accounts established in 1873 to undo the corrupt practices of Tammany Hall politicians (Burke & Winslow, 1993:4; Badia, 1986). In 1924, a City Charter amendment changed the title of the Commissioner of Accounts to the Department of Investigation and Accounts (Burke & Winslow, 1993:25). In 1934, Mayor Fiorello LaGuardia greatly expanded the Department's personnel and power, making it the City's "watchdog." During these years the principles of "scientific management" were increasingly applied in public administration in the hopes of reducing corruption and waste in City government. The Department of Investigation (the agency had been renamed in 1938) was the driving force in LaGuardia's reform efforts

and conducted investigations, audits and management studies.

On August 12, 1970, Mayor John Lindsay expanded the City's corruption control apparatus through Executive Order No. 21 which directed that each City agency establish an inspector general to:

... receive complaints by the general public concerning the competency or integrity of any employee or officer of the agency. The agency head shall designate a person or persons directly under his supervision to receive such complaints. All members of the staff shall be advised of the persons who have been so designated.¹⁷

Corruption control efforts in New York City gained momentum following the Knapp Commission investigation of corruption in the Police Department. In response to corruption uncovered by the Commission, Mayor Lindsay recruited Patrick V. Murphy to be the new Police Commissioner. Murphy implemented many of the Knapp's recommendations. He made the Internal Affairs Division (IAD) the centerpiece of his reform strategies and doubled the number of investigators assigned to conduct internal investigations.¹⁸ To augment the IAD, Commissioner Murphy established Field Internal Affairs Units (FIAUs) that investigated corruption in precincts and special commands (Knapp, 1972:214). The FIAUs reported directly to local borough or field commanders and to IAD. The IAD also recruited police officers (field associates) in the academy, and assigned them to commands throughout the Department after graduation, in order to develop information on corruption.

Additionally, Commissioner Murphy reorganized the command structure of the Department and implemented policies and procedures that emphasized accountability. The strategies introduced by the Commissioner became the premier anti-corruption structure in the nation, and was emulated by law enforcement agencies nationally and internationally (Mollen, 1994:75).

On September 19, 1972, Governor Rockefeller acted on another Knapp Commission recommendation that a special prosecutor with jurisdiction over law enforcement be created and he appointed Maurice Nadjari to the position. Nadjari's Office was given the authority and responsibility for investigating and prosecuting corruption in the New York City criminal justice system.

Why the inspector general concept was adopted in the New York State Department of Correctional Services (DOCS) is unclear. It would appear that the creation of IGs on the federal level and in New York City provided both an impetus and model for the DOCS' IG. Further, revelations of, and public and media reaction to, the Knapp Commission demonstrated the threat that corruption posed to government bureaucracies. It would also appear that correctional administrators realized the benefits that the creation of an inspector general could provide in the aftermath of Attica. First, the IG's office provided a medium through which the central office could further its control over the prison

system. Second, the IG provided an enforcement tool for policies, procedures and directives. Third, it provided an intelligence gathering apparatus that could enhance facility security and keep the central office informed of facility operations. Finally, the IG's office provided an immediate response to the Jones Committee and other outside entities pushing for reform.

On June 1, 1972, Commissioner Oswald established an inspector general's office (IG) and appointed John J. McCarthy as its head.¹⁹ McCarthy was given the title Chief of Correction Audit and Investigations, the "Inspector General." Mr. McCarthy held Masters Degrees in Sociology-Criminology and Public Administration, and he had experience as a military intelligence officer and federal correction officer. He had been with the Division of Parole since 1949 and since 1958 served as the Director of the Bureau of Special Services - Parole's intelligence gathering unit.

The mission of the IG program, directed by McCarthy, who reported directly to the Commissioner, was to encompass operations review ... intelligence and investigation ... Its objectives were to:

**prevent problems by program review and monitoring;
insure operations in compliance with law, policy,
procedures and rules; develop and maintain a system
of pertinent information to enhance sound operations;
and to investigate incidents and complaints.²⁰**

The work undertaken by the IG and his staff, composed of three investigators (correction officers recruited from

institutions), an administrative assistant, and two stenographers, included: auditing programs and policies; conducting reviews of facility operations; investigating inmate complaints and misconduct, escapes, and disturbances, employee misconduct; and intelligence gathering.²¹ McCarthy also continued as the Director of the Division of Parole's Bureau of Special Services (BSS) which was based in New York City. In the words of the IG, he assumed responsibility for:

... the integrity of 40,000 plus individuals... This include(d) inmates, parolees ... in addition to a staff of somewhere around 10,000.²²

It appears that from its inception, many in DOCS did not expect the IG's office to fulfill its mandate. According to McCarthy:

Early on at a staff conference, Commissioner Quick (Deputy Commissioner for Correctional Facilities) made a strong point of the fact that ... the IG mandate (was) ... quote, a deliberate overkill, close quotes, and explained that there was no way that the IG could fulfill the mandate with the personnel given.²³

The Jones Committee (1973:32) observed that the IG's workload had expanded to such an extent that the "auditing function, the purpose for which the unit was created and the specific concern of the committee ... is currently performed only incident to referral investigations and not as an end in itself." In addition to being faced with excessive demands, the Office was continuously plagued by staff shortages and fiscal constraints.

There were continuous demands, excessive demands for overtime...it was clearly indicated that as an operational requirement people had to be prepared to work long hours and for the correctional people, this was uncompensated overtime.

... the overtime demands, the requirements for travel throughout the state on the IG staff was damaging to health and disruptive to family life.

Any problems ... in the institutions ipso facto became inspector general problems. Therefore, the command post (DOCS 24-hour) supervisor, whether it was 10:00 o'clock at night, 2:00, 3:00 or 4:00 o'clock in the morning, immediately got in touch with (McCarthy) by phone.²⁴

Although he was given permission to supplement his office with BSS staff members, BSS personnel carried parole-related case loads and were more devoted to parole issues than to IG work.

The Inspector General's office created an opportunity for increased monitoring and the surveillance of DOCS' employees, programs and inmates. And it and created an enforcement mechanism for central office directives. However, the effectiveness of the IG's operations were limited by manpower and funding allocations, as well as multiple duties. In 1981, a commission investigating corruption in the New York State Department of Correctional Services concluded that:

The DOCS Inspector General's Office, which is responsible for uncovering corruption and dishonesty in the system, was considered ineffective and unable to detect or deal with the problem.²⁵

TABLE: 3.

Inspector General (1972) .

PERSPECTIVE:	Administrative
ANTECEDENT EVENT(S) :	
a. INTERNAL:	Attica.
b. EXTERNAL:	Jones Committee recommendation. Federal & NYC inspector general programs.
CONTEXT:	Legislative committees and reform groups.
ORGANIZATIONAL FOCUS:	Supervisory/managerial.
RESOURCE DEMANDS:	7 staff members.

Central Office Initiatives and Directives.

The central office gradually eliminated institutional autonomy by promulgating comprehensive rules and regulations, demanding ever increasing reports on the day-to-day activities in individual facilities, and requiring wardens to come to Albany. The increased penetration of the central office in the Department's facility operations was noted in Lombardo's study of correction officers assigned to the Auburn Correctional Facility:

... most officers, both the more experienced and the newer officers, observed that as far as the local administration [was] concerned the power [had] shifted to Albany, and administrative power within the institution [was] dispersed through the various deputy wardens and more numerous sergeants.

The power is centered in Albany, they've got directives and they've got to go with that (1989:170).

In addition to the IG's office, the Deputy Commissioner

in Charge of Institutions assigned three Facility Operation Specialists to monitor compliance to central office directives.

Many of the post-Attica directives and initiatives focused on improving inmate conditions. However, Commissioner Oswald also took steps to improve facility

TABLE: 4.

CENTRAL OFFICE (1972):

PERSPECTIVE:	Administrative
ANTECEDENT EVENT(S):	
a. INTERNAL:	Attica
b. EXTERNAL:	Jones Committee recommendation. Similar efforts in other correctional systems such as Illinois - Statesville.
CONTEXT:	Legislative committees & reform groups.
ORGANIZATIONAL FOCUS:	Supervisory/managerial.
RESOURCE DEMANDS:	Budget and staff increases.

security and to appease the custodial staff. A total of 339 new corrections officers were recruited, thousands of gas masks and helmets were distributed to the prisons, and bidding was begun to acquire "new and diversified metal detectors" (McEleney, 1985:103).

The Corrections Academy.

In 1972, the Department established the Correctional Services Training Academy. A thirteen week basic training program was designed for incoming correction officers. The

program consisted of ten weeks of classroom instruction by New York State Police instructors and three weeks of on-the-job training (Lombardo, 1989:41). The academy also provided in-service training for parole and institutional management personnel, as well as corrections officers. Over time the State Police instructors were replaced by DOCS personnel.

In 1985, the program for new correction officers included six weeks at the academy, followed by six additional weeks of training at the prisons. In 242 hours, recruits were given instruction in such areas as the law, prison procedure, self-protection, and weapons (Keeler, 1985:29). The academy provided a vehicle for transmitting policies and procedures, and for professionalizing the workforce.

TABLE: 5.

CORRECTIONS ACADEMY (1972):

PERSPECTIVE:	Professional
ANTECEDENT EVENT(S):	
a. INTERNAL:	Attica
b. EXTERNAL:	Recommendations of reform commissions.
CONTEXT:	Legislative committees and reform groups.
ORGANIZATIONAL FOCUS:	Correction officers and other lower participants.
RESOURCE DEMANDS:	Initial training staff was provided by the NY State Police. Over time DOCS personnel staffed the academy.

The Preiser Administration (1973 - 1975).

Commissioner Oswald resigned in early 1973, and he was appointed to a position on the State's Crime Victim's Compensation Board. In May 1973, Governor Rockefeller replaced Oswald with Peter Preiser, the State's Director of Probation and the former Executive Director of the Governor's Special Committee on Criminal Offenders (1965).

As memories of Attica faded, the Preiser administration felt less interference from groups outside the correctional system. Without the scrutiny of legislative mandates prison officials selectively implemented changes recommended by post-Attica reform commissions (McEleney, 1985:107). While incremental steps were taken to improve inmate conditions, the primary focus of the changes implemented during the Preiser administration were directed at enhancing facility security and providing additional equipment to the custodial staff (McEleney, 1985:135).

Conclusion.

The 1972 riot in Attica became the catalyst for extensive reforms in the New York State Department of Correctional Services. The reforms implemented by State and correctional administrators involved elements of the professional and administrative perspectives. Immediately following the riot, external oversight commissions were established to review events leading up to, during, and after the riot. The commissions/committees, limited in persistence, made recommendations for change and monitored

DOCS' efforts to implement them.

Responding to commission/committee recommendations, DOCS's administrators employed various strategies to establish administrative control over the prison system and to implement reforms. The central office issued system-wide policies and procedures. Operational standards were communicated to all levels of the organization through the corrections academy's recruit and in-service training. Institutional autonomy was limited. And the creation of the Inspector General's Office and the assignment of auditors to the Deputy Commissioner for Institutions provided mechanisms for internal control. The initiatives implemented by the Oswald and Preiser administrations following Attica had two objectives. The first was to prevent another Attica, by improving inmate conditions and improving facility security. The second was to free the correctional bureaucracy from outside monitors.

The next chapter describes the effect that another organizational crisis, corruption scandals, had on the Department. The chapter also explores strategies developed and implemented by successive DOCS' administrations to control corruption in the prison system.

CHAPTER 4

Endnotes

1. Regarding post Knapp Commission reforms see:

Murphy, Patrick V. (1977). Corruption control and accountability. In Neary, Matthew (Ed.) Corruption and its management. (pp. 129-136). York: American Academy for Professional Law Enforcement.

Murphy, Patrick V. (1975). Police accountability. In Wolfe, Joan L. and John F. Heaphy (Eds.). Readings on productivity in policing. (pp. 35-46). Washington: Police Foundation.

Skolnick, Jerome H. and James J. Fyfe (1993). Above the law: police and the excessive use of force. New York: The Free Press, pps. 178-181.

Regarding post Mollen Commission reforms see:

New York City Police Department. (1995, June, 14). Police strategy no. 7: rooting out corruption: building organizational integrity in the New York Police Department. New York, New York.

2. The videotaped beating of Rodney King by members of the Los Angeles Police Department took place on March 3, 1991. For information concerning the independent commission's investigation and reform recommendations for the Los Angeles Police Department see: Christopher, Warren. (1991, July 9). The report of the independent commission on the Los Angeles Police Department. Los Angeles, California.

3. Message of Governor Nelson A. Rockefeller to the New York State Legislature. January 6, 1965, p. 48.

4. Governor Nelson A. Rockefeller. (1967, December 15). Conference on crime. Proceedings. Albany, New York, p. 3.

5. Message of Governor Nelson A. Rockefeller to the Legislature, January 3, 1968, p. 8.

6. New York State Office of Legislative Research Facts (1968). Crime, corrections and criminal justice, p. 34.

7. See for example: President's Commission on Law Enforcement and the Administration of Justice. (1967). The challenge of crime in a free society. Washington, DC: US Government Printing Office.

8. New York State Special Commission on Attica (the McKay Commission). (1972). Attica: The official report of the New York State Special Commission on Attica. New York: Bantam Books, pp. 116-117.

9. The McKay Commission, p. 125.

10. In 1971, there were approximately 2,000 inmates (54.9% Black, 37.7% White and 6.9% Puerto Rican, .05% other) incarcerated in Attica.

11. The McKay Commission (1972:80).

12. State of New York Select Committee on Correctional Institutions and Programs. (1973, May 24). Report No. 5. Final Monitoring Report, p. 1.

13. State of New York Select Committee on Correctional Institutions and Programs (1973, May 24). Report No. 5. Final Monitoring Report, p. 29.

14. Some historians, including Light (1993:28-31) trace the modern IG concept to 1959 amendments to the Mutual Security Act. According to the Act, the Secretary of State appointed an "IG" who held the title - "inspector general and comptroller." The IG failed and was eventually abolished in the mid-1970's.

15. "Operations of Billie Sol Estes," Hearing before the House Committee on Government Operations, 88 Congress 2nd Session (Government Printing Office, 1964), p. 1401.

16. The twelve agencies included: Agriculture, Commerce, Housing and Urban Development, Interior, Labor, Transportation, Community Services Administration, Environmental Protection Agency, General Services Administration and the Veterans Administration.

17. Mayoral Executive Order No. 21, August 19, 1970, Section 1.(c). Prior to the issuance of the Order, some agencies, such as the Human Resources Administration (HRA), had established an "Inspector General" position within the agency.

18. The Inspection Services Branch included an Internal Affairs Division (IAD) to investigate complaints or other evidence of misconduct; an Inspections Division to monitor and evaluate performance of the various commands on a regular basis; an Intelligence Division to gather information about organized crime, including its ties to policeman; and a Public Morales Division whose function was to monitor plainclothes enforcement of anti-gambling and anti-vice laws.

Source: The Commission to Investigate Allegations of Police Corruption and the City's Anti-Corruption Procedures (1972, December 26), p. 206.

19. DOCS Administrative Bulletin # 59, from Commissioner Russell G. Oswald to Superintendents of Correctional Facilities, dated May 22, 1972.
20. Bulletin# 59.
21. New York State Temporary Commission of Investigation. (1981, May). Corruption and Abuses in the Correctional System: The Green Haven Correctional Facility (The Green Haven Report). p. 142.
22. The Green Haven Report, p. 143.
23. The Green Haven Report, p. 144.
24. The Green Haven Report, p. 145.
25. The Green Haven Report, pp. 5-6.

CHAPTER 5
LEADERSHIP CHANGES & CORRUPTION SCANDALS

A review of the corruption control initiatives introduced during the tenures of New York City Police Department Commissioners Theodore Roosevelt, Patrick V. Murphy, and William Bratton demonstrate the significant impact that individual leaders and corruption scandals can have on law enforcement organizations. Theodore Roosevelt, for example, was swept into office following the Lexow Commission's exposure of widespread corruption and Tammany Hall control over the Police Department. Roosevelt responded by removing corrupt supervisors and patrolmen, instituting a para-military structure, establishing hiring and promotional standards, and instituting strict financial controls (Jeffers, 1994). In the wake of the Knapp Commission (1972), Patrick V. Murphy introduced Department-wide management reforms based on strict accountability throughout the ranks, limiting exposure to "corruption hazards" (gambling, narcotics, and prostitution) to a closely monitored Organized Crime Control Bureau, and strengthening the Department's Internal Affairs Division.¹

Commissioner Bratton re-engineered the Department's internal affairs function, enhanced the capabilities, functions, and span-of-control of Department commanders, reformed the disciplinary process, and introduced integrity training at all levels of the Department in response to the

Mollen Commission's investigation of corruption.²

This chapter describes the impact that specific administrators had on anti-corruption efforts in the Department of Correctional Services during the period 1973 - 1990. Beginning with Commissioner Benjamin Ward, a former Deputy New York City Police Commissioner, DOCS began to focus on corruption control. Commissioner Ward introduced a series of initiatives that reflected Knapp Commission anti-corruption strategies utilized by the New York City Police Department (NYPD). Under Commissioner Ward, DOCS issued an Employees' Manual and a series of directives that defined "corrupt" behavior for the first time in the Department's history. He requested the assistance of the State Investigation Commission (SIC) to investigate corruption in the prison system, and he drew on the resources of the NYPD's Internal Affairs Division to re-define DOCS' Inspector General's Office. Later, Commissioner Thomas Coughlin, who served the Department from 1979 - 1994, built on many of the reform initiatives (e.g. the inspector general program and the training academy) introduced during previous administrations by establishing a broad based corruption control program.

This chapter also examines the impact of a large corruption scandal in the Green Haven Correctional Facility on the Department. The investigation (1981) is particularly significant because it marked the first time that the

Department had to confront corruption, and deal with its internal and public consequences.³ The Department's reaction to the scandal was similar to those that involved low-level officials, police officers and building inspectors (Anechiarico & Kuo, 1995:147-161), in other public agencies - more review and less discretion, and expanded enforcement strategies based on surveillance, investigation, punishment, and deterrence (Anechiarico & Jacobs, 1994:468).

The chapter describes that the evolution of anti-corruption strategies in the New York State Department of Correctional Services during the period 1973 - 1990 and concludes that DOCS' strategies were influenced by post-Knapp reforms in the NYPD and other law enforcement agencies. Specific corruption control initiatives were implemented by individual administrators as part of larger reform agendas or in response to public disclosures (scandals) of corruption.

The Ward Administration (1975 - 1978).

During the tenure of Benjamin Ward, a former New York City Deputy Police Commissioner and New York City Traffic Commissioner significant administrative and operational changes were initiated. According to the Commissioner, his primary concern was to promote due process for inmates.⁴ The Commissioner introduced a series of reforms that "liberalized" inmate programs in the Department of Correctional Services and shifted the focus from staff and

security issues to inmates' rights (Lombardo, 1989:18). The Commissioner established an inmate grievance program, expanded prisoners' legal services, and increased educational programs. Commissioner Ward's emphasis on inmate programs and due process was "fatalistically accepted" by correction officers who criticized the Commissioner and his reforms (Lombardo, 1989:18).⁵ In addition to expanding inmate programs, Commissioner Ward also introduced a series of anti-corruption initiatives that were drawn from his experience with the New York City Police Department. Ward had observed corruption while he was a police officer, and as a Deputy Police Commissioner under Patrick V. Murphy.⁶ In addition to being familiar with the consequences of corruption and misconduct, Commissioner Ward had also participated in Murphy's post-Knapp reform efforts.⁷

The corruption control initiatives introduced by the Commissioner not only reflected his NYPD experience but also a broader movement that occurred in public administration. Following Watergate and other political scandals, controlling and monitoring the behavior of public sector employees became a dominant theme in the public sector:

It is time that we as a nation face up to the fact that political corruption is a problem of major proportions calling for serious attention and full commitment to its amelioration...The failure to proceed more decisively against wrongdoing by government personnel may reflect an unwillingness on our part to examine critically the norms that govern our private behavior (Bollens, 1979:249-250).

The Watergate scandals sparked a round of federal anti-

corruption laws such as the Ethics in Government Act (1974), which, in turn, led to the passage of similar state and local laws. New federal and local prosecutorial units specifically devoted to "fighting" corruption were created. Investigating, preventing, and deterring corruption became ends, rather than means, to more effective governing (Anechiarico & Jacobs, 1996:28).⁸ From 1970 to 1976, the number of public officials indicted annually on federal corruption charges increased more than five times, from 63 to 337.⁹

Post-Knapp corruption control initiatives in New York City were multifaceted, involving changes within the Police Department as well as broader reforms and monitoring of the criminal justice system. Commissioner Ward's anti-corruption efforts in DOCS reflected aspects of the post-Knapp reforms implemented in the New York City Police Department. First, he issued a series of directives and an Employees' Manual (1977) that clearly defined "prohibited activities" and specified administrative and/or criminal sanctions. For example, Section 102 of the Employees' Manual specified that:

Without the express consent of the Superintendent or the area office head, employees of the Department will not: (a) accept any gift, gratuity, food, drink, service, reward or any other consideration, regardless of value, in any form or in behalf of any inmate, former inmate, parolee, relative, or friend of an inmate or parolee, regardless of whether or not it might influence the discharge of his duties.

Table: 6.

EMPLOYEE MANUAL (1977):

PERSPECTIVE:	Administrative
ANTECEDENT EVENT(S):	
a. INTERNAL:	Elimination of the "maintenance system".
	Discovery of widespread corruption.
b. EXTERNAL:	Post-Knapp Commission reforms in the NYPD and other law enforcement agencies.
CONTEXT:	Internal leadership strategy.
ORGANIZATIONAL FOCUS:	Correction officers and other lower participants.
RESOURCE DEMANDS:	Indirect increases in monitoring components w/in DOCS such as the IG & other central office units.

Second, Commissioner Ward sought the assistance of an outside commission to investigate corruption and misconduct in the Department. Following the escape of Albert Victory (1978), an inmate incarcerated in the Green Haven Correctional Facility, the Commissioner requested that the State Investigation Commission begin "discussions with DOCS concerning the circulation of contraband in correctional facilities, in particular the maximum security facilities at Green Haven and Ossining and the medium security facility at Fishkill."¹⁰ Ward told the Commission that inmates were receiving contraband, mainly marijuana, during visits and through sales by correction officers. These practices undermined the security and stability of the prison system

(Kalinich, 1980:4) and the Commissioner feared that money could be used to purchase weapons.¹¹ In response to Ward's request, the Commission began an investigation into the conduct and management of DOCS, staff corruption, inmate and staff disciplinary procedures, as well as the investigative practices utilized by the Department.¹² Adam Walinsky (personal communication, April 16, 1997), the

TABLE: 7.

STATE COMMISSION INVESTIGATION (1978):

PERSPECTIVE:	Crime Control
ANTECEDENT EVENT(S):	
a. INTERNAL:	Corruption
b. EXTERNAL:	Knapp Commission & NYS Special Prosecutor
CONTEXT:	External investigation after Victory's escape.
ORGANIZATIONAL FOCUS:	Correction officers.
RESOURCE DEMANDS:	17 (Commission staff)

Commission chairperson, noted that the SIC investigation was limited to corruption at Green Haven and suggested that the real purpose of the investigation was to "keep a lid" on the problem. Walinsky claimed that DOCS did little to follow-up on the broader problem of corruption in the prison system.

Third, in an attempt to break patterns of mismanagement and corruption personnel transfers were made. The transfers strengthened central office control over individual institutions by moving obstinate administrators.¹³ In

addition to personnel transfers, the Commissioner appointed like-minded administrators to key central office positions and he restructured the Department's organization chart.

TABLE: 8.

PERSONNEL TRANSFERS/RESTRUCTURING (1977):

PERSPECTIVE:	Administrative
ANTECEDENT EVENT(S):	
a. INTERNAL:	Corruption. Maintenance system.
b. EXTERNAL:	SIC investigation.
CONTEXT:	Internal initiatives.
ORGANIZATIONAL FOCUS:	Management, particularly at the facility level.
RESOURCE DEMANDS:	None

Fourth, Commissioner Ward took steps to change the culture of the "old guard" by ending the "maintenance system" a practice in which inmates provided various domestic services for the Superintendent, his family, and other senior prison officials and their families.¹⁴ For example, the Superintendent's house, located on the prison property was maintained by inmates who were employed as chefs, waiters, house cleaners, gardeners and chauffeurs. In return, these inmates received benefits not available to the general inmate population such as alcohol and trips outside the prison grounds. Commissioner Ward believed that the maintenance system undermined correctional management, corrupted the authority of correctional administrators,

established a hierarchy within the inmate population, and supported a "sub rosa economy."

TABLE: 9.

END OF MAINTENANCE SYSTEM (1977):

PERSPECTIVE:	Crime Control
ANTECEDENT EVENT(S):	
a. INTERNAL:	Corruption
b. EXTERNAL:	SIC investigation.
	Corrections agencies nationwide brought autonomous facilities under centralized administrations.
CONTEXT:	Internal policy initiative.
ORGANIZATIONAL FOCUS:	Institution management.
RESOURCE DEMANDS:	None.

Fifth, Commissioner Ward re-defined the mission of the DOCS' Inspector General's Office based, in part, on the NYPD internal affairs model.¹⁵ Shortly after taking office, Commissioner Ward made the IG's office the central element of DOCS' corruption control program and sent IG McCarthy and members of his staff to the NYPD to learn the techniques of internal affairs investigations.

Although the organizational chart indicated that the IG's office reported directly to the Commissioner, Ward discovered that the reporting was not direct and that he received critical information late, or not at all. Commissioner Ward addressed the problem by having the IG report directly to his First Deputy, a former U.S. Attorney,

and a trusted Ward associate. Additionally, the Commissioner established a 24-hour command center, staffed by senior supervisory personnel and required that each facility report all unusual incidents, including corruption and excessive use of force, immediately.¹⁶

In June 1978, IG McCarthy retired and Commissioner Ward appointed Brian Malone to be the Department's second Inspector General. Malone began his law enforcement career as a New York City parole officer in 1961. He attended law school, became a Special Assistant Attorney General and participated in the investigation of the Attica riot (Bell, 1985:221 & 242). From 1976 - 1978, he served as the New York City Department of Correction's Inspector General.

TABLE 10.

INSPECTOR GENERAL (1979):

PERSPECTIVE:	Crime Control
ANTECEDENT EVENT(S):	
a. INTERNAL:	Discovery of widespread corruption.
b. EXTERNAL:	SIC investigation, the Knapp Commission, & Ward's experiences in the NYPD.
CONTEXT:	External investigation & internal attempts to protect the agency.
ORGANIZATIONAL FOCUS:	Correction officers & other lower participants.
RESOURCE DEMANDS:	25+ (Supervisors, investigators & clerical employees.

IG Malone's appointment (1978) symbolized the shift that had occurred in the Department's post-Attica reform process. While originally charged with broad areas of responsibility - auditing departmental operations, conducting program review, insuring compliance to laws and regulations, etc., and investigating incidents and complaints - the IG's office had quickly become overwhelmed by its workload. Malone compressed the functions of the IG and focused on the investigation of corruption and misconduct.¹⁷

In January 1979, program review, monitoring, and compliance became the responsibility of separate management functions under the direction of Deputy Commissioners for Operations, Programs, and Administration.¹⁸ The re-organization the DOCS' IG emphasized its primary role - corruption and misconduct detection and investigation. The transfer of audit and inspection functions out of the IG's office was in contrast to the federal IG system (Moore & Gates, 1986:13) but similar to the NYPD's Internal Affairs Division, the Department of Investigation, and the New York City Inspector General programs.

In August 1978, Commissioner Ward left the Department of Correctional Services and later became the New York City Police Department Commissioner. Ward was replaced by Richard Hongisto who served as Commissioner from August 1978 until August 1979. Hongisto was never confirmed by the Legislature

TABLE: 11.

CREATION OF AUDITING & COMPLIANCE UNITS (1979):

PERSPECTIVE:	Administrative
ANTECEDENT EVENT(S):	
a. INTERNAL:	Inability of IG to meet the variety of demands placed on it.
b. EXTERNAL:	SIC investigation.
	State government reform efforts.
CONTEXT:	External review.
ORGANIZATIONAL FOCUS:	Institution management.
RESOURCE DEMANDS:	No direct increase in manpower, reallocation of resources.

because of questionable campaign contributions he had made to a member of the Crime and Corrections Committee of the New York State Legislature.

The Coughlin Administration (1979 - 1994).

In August 1979, Thomas A. Coughlin, a former New York State Trooper, a retired Staff Sergeant in the U.S. Air Force, and Commissioner of the Office of Mental Retardation and Developmental Disabilities, became the DOCS' Commissioner. Coughlin was an experienced law enforcement professional. He had run a large state agency, and Governor Carey appointed him to restore order in the prison system which had been crippled by a sixteen day strike by correction officers.¹⁹ On the night of April 18, 1979, nearly all of New York State's correction officers (approximately 7,000 employees) went on strike after they

failed to reach a settlement with New York State over a new contract. The strike was not settled until May 4th, and Governor Hugh Carey called up over 12,000 National Guardsmen to help operate the Department's facilities.

Commissioner Coughlin's immediate concern after being appointed was "strike recovery."²⁰ The Commissioner, accompanied by all of his Deputy Commissioners, held town meetings at each facility, conferred with the union, and instituted changes that had been requested by the correction officers (McEleney, 1985:136). According to the Commissioner:

the correction officers had received no real benefits from the Attica riot and they felt they were being ignored. I decided to bring some balance into the system by responding to the group I would consider my constituency - the correction officers and especially the union, because they were an organized, cohesive group - an enduring force (McEleney, 1984:136).

In addition to gaining the support of the custodial staff, Coughlin also won the respect of the inmate population by sitting down with inmate committees and listening to their concerns.

Corruption & Abuses in the Correctional System.

The Coughlin administration was forced to confront corruption in the prison system head on as a result of the SIC investigation begun under Benjamin Ward. The investigation at Green Haven (1981) revealed:

Corruption on a large and regular scale [had] become institutionalized. A system of granting "favors" to inmates [had] developed. Drug and alcohol use, gambling, theft of prison property, and sexual activity

had become common. Guards either looked the other way or shared in the profits. Security and morale suffered a substantial breakdown. Finally, the security breakdown led to escapes.²¹

The Commission concluded that as long as another Attica was prevented, as long as anyone, inmate or officer, could "keep the lid on," rules and regulations in Green Haven and in other facilities had been ignored.²²

In addition to describing the corrupt activities that it had uncovered in Green Haven, the Commission also referred criminal cases to the Dutchess County District Attorney's Office for prosecution, and outlined procedural reforms to enhance the Department's corruption control efforts. According to the SIC, the DOCS Inspector General's Office had neither the staff, experience or equipment to effectively conduct a thorough investigation of all state prisons, nor were they prepared to combat widespread corruption in the system.²³ The Commission recommended:

- 1- that the Legislature establish a temporary commission ... to investigate and make recommendations with respect to the extent of corruption within other facilities and the overall management and affairs of DOCS;
- 2- the establishment of a properly staffed, trained and equipped DOCS Inspector General's Office;
- 3- regulations must be promulgated ... and enforced; and,
- 4- correctional officials must be prepared to take responsibility for their actions and policies.²⁴

The SIC report concluded that:

the "establishment of an effective corruption-fighting unit within DOCS (would) help re-establish the public's

belief in the honesty and integrity of Correction Officers; insure that prisons serve the ends of punishment and rehabilitation for which they were established; and remove abuses from humane inmate programs...²⁵

Commissioner Coughlin recognized the importance of a strong internal affairs unit in establishing and keeping centralized control over the prison system. While he was the Commissioner of the Office of Mental Retardation and Developmental Disabilities, Coughlin had established and utilized an internal affairs unit to investigate abuses in Willowbrook Hospital on Staten Island.²⁶ Commissioner Coughlin responded to the SIC report by immediately doubling the IG's staff²⁷ and making it the cornerstone of his administration's anti-corruption efforts.

IG Malone used the increased manpower to establish a separate Narcotics Unit, an enhanced Central Monitoring Unit (CMU), and an Escape-Absconder Unit within the Office (Brian Malone, personal communication, 1995, May 31). The Narcotics Unit, headed by a former New York City Police Detective, Thomas Mansfield, conducted all investigations concerning narcotics and contraband in the prison system.²⁸ The CMU was responsible for intelligence evaluation, monitoring high profile inmates, and law enforcement liaison. And the Escape-Absconder Unit located and returned escapees and absconders to custody.

In July 1982, a Westchester County grand jury indicted ten people on an assortment of criminal charges stemming

from an 18-month investigation by the DOCS Inspector General and the State Attorney General of corruption in the Ossining Correctional Facility. The grand jury charged a lieutenant, four correction officers, the facility cook, a commissary clerk, a former correction officer, an inmate, and a former inmate with bribery, bribe receiving, criminal possession of cocaine and marijuana, promotion of contraband, and other criminal offenses. All of the defendants, except one who died of natural causes, were convicted.²⁹

Table: 12.

NARCOTICS UNIT (1981):

PERSPECTIVE:	Crime Control
ANTECEDENT EVENT(S):	
a. INTERNAL:	Increase in number of prisoners incarcerated for drug related offenses.
	Discovery of increasing drug related corruption.
b. EXTERNAL:	SIC investigation.
	Law enforcement corruption scandals.
CONTEXT:	Internal management initiative.
ORGANIZATIONAL FOCUS:	Correction officers & low level staff.
RESOURCE DEMANDS:	Three (3).

In contrast to SIC Chairman Walinsky's observations that under Commissioner Ward DOCS had limited its corruption investigation to Green Haven, the Ossining investigation

demonstrated the DOCS' commitment to continuing the SIC investigation, rooting out corruption in the prison system, and expanding the role that the IG would have in these efforts.

Field Associates and Other Strategies.

The Coughlin Administration's response to the extensive corruption uncovered during the SIC investigation was not limited to enhancing the capabilities of the IG's office. A number of anti-corruption strategies, many of them drawn from post-Knapp reforms in the NYPD, were utilized to strengthen Central Office control over the system, to investigate, prosecute, and prevent corruption in DOCS.³⁰ These strategies included the use of field associates, the creation of units within the Personnel Bureau to conduct pre-employment background investigations and psychological screening, the introduction of integrity training in the academy, and the issuance and enforcement of policy directives.

The use of "field associates" to investigate corruption in the NYPD is well documented in the Knapp Commission Report (1972) and other studies of police corruption (Bracey, 1989:177). In the post-Knapp reforms implemented by Commissioner Murphy the field associate program was expanded and was used to both investigate and deter corruption (Ward & McCormack, 1979:99-101). The existence of the program was widely publicized and it created the illusion of

omnipresence. Although neither the actual number of field associates nor the number of investigations that resulted from their activities were revealed, most researchers have concluded that the program was a significant element of the NYPD's post-Knapp corruption control initiatives (Bracey, 1989:177).

Table: 13.

FIELD ASSOCIATE PROGRAM (1980):

PERSPECTIVE:	Crime Control
ANTECEDENT EVENT(S):	
a. INTERNAL:	Discovery of excessive use of force and corruption.
b. EXTERNAL:	Knapp Commission & SIC investigation.
CONTEXT:	Internal leadership initiative.
ORGANIZATIONAL FOCUS:	Correction officers & lower level staff.
RESOURCE DEMANDS:	Utilized available resources.

The SIC recognized the impact that the field associate program had made in preventing and investigating corruption in the NYPD and recommended that a similar program be established in the Department of Correctional Services. During testimony before the SIC, IG Malone acknowledged that he had established a field associate program in DOCS that was modelled after the NYPD program. However, the success of DOCS' field associate program was limited by the union contract that made it difficult to move officers from one

institution to another.³¹ Additionally, unlike the NYPD which promised participants a detective's shield at the end of their participation, Malone testified that there was nothing his office could offer correction officers who participated in the DOCS' field associate program.³²

In 1981, DOCS' Personnel Bureau established an *Employee Investigation Unit*. Commissioner Coughlin recruited Edwin Sewell, a sergeant who supervised the New York City Police Department's Background Investigation Unit to head-up the new DOCS unit. The unit conducted background checks on 2,500 correction officers during its first year in operation to ensure compliance with the Department's standards for appointment. Background investigations were also completed on civilian candidates hired by the Department.³³

Table: 14.

EMPLOYEE BACKGROUND INVESTIGATION UNIT (1981):

PERSPECTIVE:	Professional
ANTECEDENT EVENT(S):	
a. INTERNAL:	Green Haven investigation
b. EXTERNAL:	NYPD & other police departments. Albany newspaper articles.
CONTEXT:	SIC investigation and the media.
ORGANIZATIONAL FOCUS:	Primarily correction officers.
RESOURCE DEMANDS:	Fluctuated.

Undoubtedly, some of the impetus for creating the unit came from the Green Haven investigation which disclosed that one of the correction officers who was eventually charged

with corruption had been hired by DOCS despite the fact that he had left the NYPD while being investigated by the Knapp Commission.³⁴ Additionally, Sewell determined that as many as 40 correction officers had been hired despite having been convicted of various criminal offenses, including, in one case, murder.³⁵

According to the Knapp Commission, New York City Police Commissioner Murphy directed that academy programs be restructured toward developing and reinforcing integrity as a norm. Corruption was presented as a serious problem that affected every aspect of the Department. Recruit training included twenty hours that were devoted to discussions and lectures concerning corruption and the forms it takes. Lecture topics included lessons on the psychology of corruption, ethical standards, bribery, and perjury (Knapp, 1972:239).

In November 1982, the DOCS' academy added an *integrity* section to the in-service training given to first line supervisors (sergeants). Later, it was added to recruit, mid-level and senior management training programs. The two-hour section entitled- "Ethics, Graft and Bribery" defined ethical conduct, prohibited activities, pertinent sections of the New York State Penal Code, and examined case studies of corruption in the Department.³⁶ Integrity training was presented by the Labor Relations Bureau which administers the Department's disciplinary program.

Table: 15.

INTEGRITY TRAINING IN CORRECTIONS ACADEMY (1982):	
PERSPECTIVE:	Crime Control
ANTECEDENT EVENT(S):	
a. INTERNAL:	Corruption.
b. EXTERNAL:	Trends in law enforcement following Knapp & other corruption scandals.
CONTEXT:	Internal strategy to prevent corruption.
ORGANIZATIONAL FOCUS:	Correction officers and low level supervisors.
RESOURCE DEMANDS:	Training done by academy and labor relations staffs.

Immediately following the Knapp Commission and other scandals in the early 1970's, police officials and academics linked corruption to the hiring of "rotten apples." For example, research conducted by Allen E. Shealy supported the conclusion that:

... integrity is at least partly determined by personality characteristics that are present when the recruit is hired...

Therefore,

one implication for reducing the incidence of improper behavior is that we should attempt to screen out the most "predisposed" applicants while attempting to remedy the organizational dynamics which encourage such behavior (1977:14).

Shealy recommended that in addition to background investigations police departments should administer psychological tests in order to "predict the moral behavior of police officers" (Shealy, 1977:15). According to Susan Braunstein, psychological exams became standard operating

procedure in many police departments (1992:31).

In 1984, DOCS' Personnel Bureau created a *Psychological Screening Unit* that evaluated all correction officer and civilian applicants who would have contact with inmates. The purpose of the psychological evaluations performed by the unit was to select candidates whose personalities would best function in a correctional environment and to eliminate candidates with a proclivity for violence or other deviant behaviors. According to a Department publication, of the 18,126 applicants screened between 1984 and 1992, 25 percent failed the testing.³⁷

Table: 16.

PSYCHOLOGICAL SCREENING UNIT (1983):

PERSPECTIVE:	Professional
ANTECEDENT EVENT(S):	
a. INTERNAL:	Excessive use of force incidents & corruption.
b. EXTERNAL:	Trends in law enforcement.
CONTEXT:	Legislative, Section 8, Correction Law.
ORGANIZATIONAL FOCUS:	Correction Officers.
RESOURCE DEMANDS:	3-6 permanent staff, augmented by contract psychologists.

In the 1970's, illicit drug use began to emerge as a significant problem among law enforcement personnel. The increase in use appears attributable to several factors. First, drug use among the general population had increased. Second, media attention to the problem had contributed to

a greater awareness among the public. Third, increased awareness had led to deeper inquiry into the extent of drug involvement through forensic testing and investigation. Fourth, police drug cases involving extensive corruption, such as in New York and Miami, amplified the presence and extent of the problem (Carter, 1990:79-80).

Similar patterns of correction officer drug use and distribution in DOCS were revealed during the SIC Green Haven investigation and the Ossining Correctional Facility (1983) investigation. According to Commissioner Coughlin, preventing and detecting the use of illegal drugs by inmates and/or staff, as well as their distribution inside prison facilities, became a principal policy issue during his administration (Personal communication, May 31, 1995). In addition to increasing the IG's investigative resources, Commissioner Coughlin introduced a series of initiatives aimed at preventing drug use/distribution within DOCS' correctional facilities. For example:

- Search of DOCS Employees.

Introducing or possessing contraband in a facility is a violation of law and violators are to be prosecuted Any employee on facility property or while on duty is subject to search The need for this procedure has been demonstrated by those occasions when employees have been found to possess contraband within the facilities . . .³⁸

According to research by the Department of Justice, Bureau of Justice Statistics (BJS), DOCS' use of employee and visitor searches to prevent drugs and other contraband from

entering its correctional facilities was consistent with the techniques that were being utilized in other corrections agencies. According to the BJS study, "state and federal facilities used a variety of methods to prevent drugs from being brought into the institution, including questioning, patdowns, clothing exchanges, and body cavity searches" (1992:1).

TABLE: 17.

SEARCH OF DOCS' EMPLOYEES (1979):

PERSPECTIVE:	Crime Control
ANTECEDENT EVENT(S):	
a. INTERNAL:	Corruption.
b. EXTERNAL:	SIC investigation.
CONTEXT:	External investigation, policy directive.
ORGANIZATIONAL FOCUS:	Correction officers & lower level staff.
RESOURCE DEMANDS:	None.

As in the case of police departments, DOCS also utilized forensic techniques to investigate contraband in order to determine if it contained illegal drugs:

- Contraband Drug Testing.

The possession by inmates or visitors of contraband drugs presents a serious threat to the safety and security of a correctional facility. The attendant importation of and trafficking in contraband drugs provides an opportunity for ... the corruption of correctional staff. The accurate identification of suspected drugs and the use of appropriate disciplinary sanctions ... can assist administrators in detecting and suppressing this threat ...³⁹

TABLE: 18.

CONTRABAND DRUG TESTING (1983):

PERSPECTIVE:	Crime Control
ANTECEDENT EVENT(S):	
a. INTERNAL:	Corruption. Increased number of inmates incarcerated for drug-related offenses.
	Increase of drug use in society & prison.
b. EXTERNAL:	SIC and Ossining investigation.
CONTEXT:	External investigation, incarceration trends and policy directive.
ORGANIZATIONAL FOCUS:	Inmates and correction officers.
RESOURCE DEMANDS:	Costs associated w/ test analysis.

The National Institute of Justice (1986) reported that in approximately 73% of the police departments it surveyed drug testing was being used to screen new applicants. And all of the departments had written policies and procedures for conducting tests in situations where there was reason to believe that illegal drug use was occurring (McEwen, Manilli & Connors, 1986). Following national trends, Commissioner Coughlin issued a series of directives that established inmate and staff drug testing programs, with the goal of creating a "drug-free workplace."

- Urinalysis Testing - Inmates.

The use by inmates of illicit drugs and alcohol presents a serious threat to the safety and security of a correctional facility. The attendant importation of and trafficking in contraband presents an opportunity for ... the corruption of staff. Urinalysis testing of inmates can be an effective means by which to detect and discipline inmates' use of illicit drugs or alcohol...

The Urinalysis Testing Program is intended to supplement ... other means by which inmate use of illicit drugs and alcohol can be detected and suppressed ...⁴⁰

TABLE: 19.

URINALYSIS TESTING - Inmates (1983):

PERSPECTIVE:	Crime Control
ANTECEDENT EVENT(S):	
a. INTERNAL:	Corruption.
	Increased number of inmates convicted of drug related offenses.
	Increased use of drugs within society and prison.
b. EXTERNAL:	SIC and Ossining investigations.
CONTEXT:	External investigations, policy directive.
ORGANIZATIONAL FOCUS:	Inmates and correction officers.
RESOURCE DEMANDS:	Testing by contract staff, increase in budget.

The State stopped random drug tests of inmates in the early 1980's because, prison officials said, the positive rate was relatively low. However, DOCS resumed inmate drug testing in the 1990's. According to Department statistics, 118,709 tests were performed in 1993, and about 5,380 of the tests administered, 4.5 percent, were positive.⁴¹

In 1987, Commissioner Coughlin issued Directive 2115, which established guidelines and procedures for ordering DOCS' employees to submit to testing in order to determine the presence of drugs and/or alcohol. Under the policy, testing was to be based on "reasonable suspicion," and was not applicable to pre-employment screening. The directive did not establish a random testing program.

- Drug or Alcohol Tests for Employees.

Employees must scrupulously avoid the appearance of illegality or corruptibility. The Department therefore demands that its employees maintain the integrity of their positions by not engaging in the use, distribution, sale, or possession of illegal drugs ... It is therefore the policy of the Department not to tolerate the use, distribution, sale, or possession of illegal drugs ... by its employees either on or off duty ... The violation of this policy shall be cause for suspension and severe disciplinary action ...⁴²

The directives concerning drug testing and their implementation placed specific emphasis on preventing the use and distribution of drugs in the prison system. In doing so they reflected both Commissioner Coughlin's zero tolerance policy, and trends that were emerging in policing (Carter, 1990 and Dombink, 1988).

As in the case of police, the overall amount of drug use by inmates and staff, or drug distribution by staff and visitors, can not be accurately measured (Carter, 1990:115). According to Bobby Lewis, a senior security specialist with the Federal Bureau of Prisons, "the chances of catching an inmate who is using drugs with a random drug test are very slim." However, according to experts interviewed by the New

York Times, prison drug use would probably be much higher without the threat of tests (Purdy, 1995:28).

TABLE: 20.

DRUG/ALCOHOL TESTING EMPLOYEES (1987):

PERSPECTIVE:	Crime Control
ANTECEDENT EVENT(S):	
a. INTERNAL:	Drug related corruption and misconduct.
b. EXTERNAL:	Trends in law enforcement.
CONTEXT:	Internal initiative, policy directive.
ORGANIZATIONAL FOCUS:	Correction officers & low level staff.
RESOURCE DEMANDS:	Testing by contract staff, budget increase.

Despite the various drug control policies and procedures that are utilized by DOCS and other corrections agencies, officials recognize and acknowledge that drug use and availability in prisons cannot be eliminated. According to James Flateau, the spokesman for the New York State Department of Correctional Services, "all indications are that there is not widespread availability of drugs (in DOCS). Flateau added: "Do we know there are drugs in prison? Of course. Unless you searched everyone going in and out, kept all packages out and locked all inmates in their cells for 24 hours a day, you're going to have contraband" (Purdy, 1995:28). According to Richard Koehler, a former Chief of

Personnel in the New York City Police Department and New York City Corrections Commissioner, the objective of drug programs is prevention, not punishment (Carter, 1990:116).

The New York State Comptroller's Report (1990).

On September 11, 1990 the New York State Comptroller issued Report 89-S-97 (the Report), which summarized the findings of a performance audit that it conducted on the Inspector General's management practices for the period April 1, 1986 - May 31, 1989.³ The Comptroller's Report, like the SIC Report (1981), provides a benchmark that can be used to study the effectiveness of the IG program as a strategy to detect, investigate, and prevent corruption in DOCS. The Report is particularly significant because the IG was the principal component of the Coughlin administration's corruption control efforts.

The Comptroller's report identified a number of weaknesses. In particular, the report questioned the IG's ability to meet the demands placed on it, its independence from DOCS' administration, and the performance of auditing and monitoring functions.

The IG's Ability to Meet Demands.

According to the Report, on March 31, 1989, the IG employed 35 investigators and 4 clerical employees. Although the staff had increased by 56% from its May 1981 staffing level (25 employees), the number of DOCS' facilities had increased by 76% (33 - 58), and the inmate population had

grown by 95% (23,000 - 45,000). The Comptroller concluded that even though the Office had grown, it remained understaffed as reported by the SIC in 1981."

The Office's Independence is Impaired.

In 1981, the SIC questioned the ability of correction officer-investigators to perform unbiased investigations because they continued to receive their paychecks from their "home facility." Additionally, correction officer-investigators who took promotional examinations faced the prospect of being returned to a facility that they had investigated. To insure the quality of investigations performed by the IG, the SIC had recommended that the IG's investigators be placed on the DOCS central office budget."

The Comptroller found that the assignment of correction officers (22 out of 35) to the IG's Office continued and commented that the practice impaired the IG's independence. The Comptroller's conclusions were based, in part, on the SIC report (1981) and standards developed by the President's Council on Integrity and Efficiency (PCIE)" that stated:

...in all matters relating to investigative work, the investigative organization must be free, both in fact and in appearance, from impairments to independence; must be organizationally independent; and must maintain an independent attitude... investigators should not be subject of biases that result from employment in, or loyalty to, a particular group or organization..."

Auditing and Monitoring Functions.

The Comptroller observed that the IG's auditing and monitoring functions had been subordinated to investigations.

The Comptroller's report went a step further in its questioning of the IG's investigative process and recommended that the State Inspector General⁴⁸ require that the DOCS' IG provide periodic status reports concerning significant investigations to its office.

Comptroller's Conclusion.

The Comptroller's report identified weaknesses in the management and operations of the Inspector General's Office. The Report concluded that DOCS had done little to implement the changes recommended by the SIC (1981), and as a result had failed to establish an independent IG capable of effectively monitoring corruption in the correctional system.

The DOCS' Response.

Commissioner Coughlin disagreed with the Comptroller's conclusions and argued that the IG program did provide an effective response to corruption in DOCS.⁴⁹ According to Commissioner Coughlin, the original purposes for which the IG was established had been "redirected through policy and practice since its inception." For example, IG McCarthy had testified in SIC hearings that the Office was unable to meet the various demands placed on it, and that it was not pursuing its audit and monitoring functions in order to respond to critical incidents and complaints. Under Commissioner Ward, the IG's operations were redefined and the Commissioner drew on the example of the NYPD's Internal

Affairs Division. And in January 1979, Commissioner Coughlin transferred the IG's auditing and monitoring functions to other management functions within the Department.

Despite its size, Commissioner Coughlin believed that the IG was meeting the demands placed on it despite the growth of the inmate population and increases in the number of facilities. For example, the IG had addressed emerging issues, such as an increase in drug-related offenses, by establishing a narcotics unit, expanding the field associate program, and working with the Department's executive staff to develop intervention programs.

The assignment of correction officers to the IG's office paralleled the internal affairs practices of law enforcement agencies throughout the country. And according to Commissioner Coughlin, the Office was independent because the IG reported directly to the Commissioner and not to another component within the correctional bureaucracy.

In summary, Commissioner Coughlin questioned both the motivation and accuracy of the Comptroller's report. According to IG Malone, the Comptroller's recommendation that the IG report significant cases to the State Inspector General's Office supported an effort by then New York State Inspector General Joseph Spennelli to consolidate independent inspectors general under his office.⁵⁰ These efforts were blocked by Commissioner Coughlin who believed that the IG

provided a critical management tool with duties and responsibilities (e.g., intelligence gathering and the apprehension of escapees and absconders) that went beyond the parameters defined by the PCIE and/or the State's Inspector General.

Conclusion.

The patterns of corruption control identified in this chapter are similar to those delineated by Jacobs and Anechiarico:

(corruption control efforts) ...ebb and flow with the politics of corruption and reform. During episodes of scandal, massive attention is devoted to formulating and implementing anti-corruption innovations. As scandal recedes in memory, some recommendations go unimplemented, and those that are implemented become routine. Predictably, when the next scandal breaks open, leaders will label the existing anti-corruption apparatus inadequate and urge more and better controls... (1990:11-12).

Beginning with the Ward administration, corruption control became a significant aspect of correctional administration in response to the Green Haven corruption scandal. After observing management practices that supported and encouraged corruption, and discovering numerous instances in which staff members had been involved in the introduction of contraband, Commissioner Ward requested that the SIC conduct a review of DOCS operations and investigate corruption in the prison system. He issued directives that defined corrupt behavior and established penalties for prohibited conduct. He re-defined the mission of the Inspector General's Office, making it the central element of

his corruption control strategy.

During the Coughlin administration the Department's corruption control efforts were further expanded in response to the SIC's report, subsequent corruption investigations, and strategies that were utilized in the New York City Police Department and other law enforcement agencies following Knapp and other corruption scandals. Commissioner Coughlin increased central office control over the prison system⁵¹ by emphasizing written policies and procedures and an accompanying demand for accountability required by both the institutional administration and the state-level bureaucracy (Lombardo, 1989:19). The Commissioner increased the budget, manpower and role of the IG's Office. He created background investigation and psychological screening units in the Personnel Division. And integrity training was incorporated into the Corrections Academy's curriculum.

The conclusions reached by the New York State Comptroller may very well reflect "the ebb and flow" that various researchers (Sherman, 1978; McGlennon, 1977; Punch, 1985) observed in efforts to control police corruption. In response to disclosures of widespread corruption and to the SIC investigation, extensive anti-corruption strategies were implemented. These initiatives reflected the individual policy concerns of administrators and/or responses to organizational crisis.

Although not specifically addressed in the present and

research, other factors such as national and local politics, the burgeoning prison population, may have influenced the development and implementation of DOCS' anti-corruption strategies. Anecdotal evidence suggests that as the level of media, political and public scrutiny decreased, correctional administrators shifted their focus to other operational concerns and relied on existing policies, procedures, and institutions to control corruption in the State's prison system.

The next chapter examines the problems associated with measuring the impact of anti-corruption policies in general, and in DOCS specifically. It also discusses the findings of the present research and their implications for corruption control.

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CHAPTER 5

Endnotes

1. For a discussion of the internal reorganization of the Department by Commissioner Murphy after the Knapp Commission see:

Alex, Nicholas (1976). New York City cops talk back: a study of a beleaguered minority. New York: Wiley.

Murphy, Patrick V. (1977). Corruption control and accountability. In Matthew Neary (ed.), Corruption and Its Management. (pp. 129-136). New York: American Academy for Professional Law Enforcement.

Murphy, Patrick V. and Thomas Plate (1977). Commissioner: A View From the Top of American Law Enforcement. New York: Simon and Schuster.

2. The New York City Police Department. (1995, June 14). Police Strategy No. 7: Rooting Out Corruption: Building Organizational Integrity in the New York City Police Department. New York, New York.

See also: Lardner, James. (1995, February, 6). The c.e.o. cop. The New Yorker, pp. 45-47.

3. Scandal is generally a social reaction to deviance committed by an occupant of a role invested with social trust. The socially trusted role of the deviant explains both the intensity of the disapproval and the surprise that the deviance could ever occur. (Sherman, 1990:888).

4. New York State Department of Correctional Services. (1976). 1976 Annual Report of Operations and Development of the New York State Department of Correctional Services. Albany, New York (p. 5).

5. "After the riot at Attica, and the liberalization that took place in its wake, many correction officers, (had) their morale broken and (were) resentful of the new rights being afforded to inmates."

Source: Temporary Commission of Investigation of the State of New York. (1981, May). Corruption and abuses in the correctional system: the Green Haven Correctional Facility. New York, New York (p. 18). (The Green Haven Report).

6. Ward, Benjamin (1995). A former commissioner's view on investigating corruption. New York Law School Law Review, XL, 1-2, 45-54.

7. As the Deputy Commissioner, Ward was the hearing officer; the administrative judge on inspectors and deputy inspectors involved in corruption.

8. In 1975, President Gerald Ford and Attorney General Edward Levi announced that the Department of Justice would make official corruption in state and local government a high priority. To accomplish this Attorney General Levi established the Public Integrity Section in the Department of Justice (Anechiarico & Jacobs, 1996:103).

9. Law Enforcement Assistance Administration. (1977, April). 337 indicted for corruption in public office. LEAA Newsletter, vol. 6, pp.1 & 14.

10. The Green Haven Report, pp. 10-11.

11. The Green Haven Report, p. 11.

12. The New York State Commission of Investigation conducted the investigation because DOCS had no internal unit that was able to do so. At the time the investigation was initiated, the IG's primary function was to monitor "subversive" inmates. Additionally, the SIC was "sensitive" to the political and public ramifications that revelations of widespread corruption would have on state officials.

Source: Interview of Adam Walinsky, (1997, July 16) former Chairman, New York State Commission of Investigation, New York, New York.

13. Interview of Commissioner Benjamin Ward, New York State Department of Correctional Services (former), December 18, 1996, Queens, New York.

14. The Green Haven Report, p. 67.

15. At the time Ward became commissioner the primary role of the IG's Office was to monitor "subversive" amongst in the inmate population.

16. Interview of Commissioner Benjamin Ward, New York State Department of Correctional Services (former), December 18, 1996, Queens, New York.

17. The Green Haven Report, p. 154.

18. Coughlin, Thomas A. (1990, July 11). DOCS' Response to Comptroller's Draft Report# 89-S-97, Manacament Practices of the Office of Inspector General, p. 2.

19. New York State Department of Correctional Services. (1980). Report of operations and development 1979 -1980, p. 8.

20. Interview of Thomas A. Coughlin. (1995, May 31). Commissioner (former), New York State Department of Correctional Services. Albany, New York.

21. The Green Haven Report, pp. 2-5.

22. The Green Haven Report, p. 2.

23. The Green Haven Report, p. 7.

24. The Green Haven Report, pp. 185-187.

25. The Green Haven Report, pp. 187-188.

26. Interview of Thomas A. Coughlin (1995, May 31).

27. Although Commissioner Coughlin increased the staff to over twenty-five, it was responsible for over 30 facilities, with more than 20,000 inmates and 12,000 employees.

In comparison, the NYPD Internal Affairs Division had a staff of over 325 and was responsible for investigating 26,000 employees. Source: "The Green Haven Report", p. 146.

28. According to Mr. Mansfield, "he was the unit." However, following the Ossining Correctional Facility narcotics investigation the unit was expanded to the current (1997) level of eight. Source: Thomas Mansfield (personal communication, April 20, 1997), retired Deputy Inspector General, New York State Department of Correctional Services. Long Island, NY.

29. Kurlander, Lawrence T. (1983, September). Report to Governor Mario M. Cuomo: the disturbance at Ossining Correctional Facility, Jan. 8-11, 1983.

30. Coughlin, Thomas A. (1981, January). State of New York Department of Correctional Services Master Plan 1980 - 1985, p. 93.

31. For example, in December 1980 a correction officer, Robert Lewis, employed at Downstate Correctional Facility, provided information to the DOCS' IG concerning the beating of an inmate by correction officers. Additionally, the officer cooperated in the IG's investigation of the incident. Source: Interview of Brian Malone (1996, December 17). Albany, New York.

32. The Green Haven Report, p. 147 - 148.

33. Coughlin, Thomas A. (1982). Report of operations and development, New York State Department of Correctional Services, 1981 - 82, pp. 31-32.

34. Interview of Brian Malone (1995, May 31).

35. Interview of Edwin Sewell, Director, Applicant Investigation Unit. (1995, June, 7). Albany, New York.
36. Interview of Thomas Testo, Special Assistant to the Commissioner, Bureau of Labor Relations, New York State Department of Correctional Services. (1995, June 7). Albany, New York.
37. New York State Department of Correctional Services. (1979, December 26). Search of DOCS employees. Directive# 4936.
38. New York State Department of Correctional Services. (1983, December 1). Contraband drug testing. Directive# 4938.
39. New York State Department of Correctional Services. (1983, December 1). Urinalysis testing. Directive# 4937.
40. Purdy, Matthew. (1995, July 2). Bars don't stop flow of drugs into the prisons. The New York Times, pp. 1 & 28.
41. New York State Department of Correctional Services. (1987, July 31). Drug or alcohol tests for employees. Directive# 2115.
42. Office of the New York State Comptroller. (1990, September 11). Department of Correctional Services, Office of Inspector General, Management Practices. Report 89-S-97. Albany, New York. (Comptroller's Report).
43. "By comparison, the Internal Affairs Division (IAD) of the New York City Police Department (NYPD), with approximately 26,000 employees (police officers and civilians), has a staff of over 325..." See: The Green Haven Report, p. 146.
44. The Green Haven Report, pp. 149 - 153.
45. The PCIE was established in 1981 by President Ronald Reagan to "lead" the federal government's war on waste, fraud and mismanagement. The Council was composed of IGs and was chaired by the deputy director of OMB (Light, 1993:104).
46. Comptroller's Report, Section C.
47. The Office of the State Inspector General was established in Executive Order# 79 issued by Governor Mario Cuomo on January 29, 1986. At the time the Office was created it did not have jurisdiction over DOCS.
48. Coughlin, Thomas A. (1990, July 11). Correspondence to Richard M. Malan, Assistant Deputy Comptroller.
49. Interview of IG Brian Malone (1995, May 31).

50. In fact, Scott Christianson, a former member of the Kurlander staff that investigated the Ossining Disturbance (1983), characterized Coughlin's control over the prison system as being "unparalleled." Interview of Scott Christianson. (1995, June). Albany, New York.

CHAPTER 6
SUMMARY AND DISCUSSION OF FINDINGS

Nineteen corruption control strategies were identified in the present research (Table 21). These strategies reflect various theories of public management and the influence of strategies to control corruption that had been developed and implemented in other public sector agencies.

Three significant findings emerged during the present research. First, the study found that (74%) of DOCS' corruption control strategies were event driven. The Attica riot (1972) provided the initial impetus for reforming New York State's prison system. After the riot, the Department centralized administrative control in Albany and established an Inspector General to monitor DOCS' facilities, personnel and inmates. The Department faced a new crisis in the 1980's - corruption scandals (Green Haven and Ossining). In response the Department implemented a series of anti-corruption strategies that were meant to identify unsuitable candidates ("rotten apples"), to promote integrity, and to detect corruption in the prison system.

Second, the study found that correction officers and other low-ranking officials were the primary focus of DOCS' anti-corruption strategies (78%). This conclusion was supported by the findings of investigative commissions and agencies. Little evidence was found that DOCS investigated or punished high-ranking officials engaged in corruption.

Table: 21.

Corruption Control Strategies.

<u>Strategy</u>	<u>Initiation</u>	<u>Perspective</u>	<u>Implementation</u>	<u>Goal</u>	<u>Persistence</u>	<u>Focus</u>
Academy	Event	Professional	Strong	Long term	Continuous	Lower level
Background Unit	Event	Professional	Strong	Long term	Varied	Lower level
Integrity Training	Policy	Professional	Strong	Long term	Continuous	Lower level
Psychological Testing	Policy	Professional	Strong	Long term	Varied	Lower level
Inspector General *	Event	Administrative	Weak	Long term	Continuous	Mid level
Central Office	Event	Administrative	Strong	Long term	Varied	All levels
Employee Manual	Policy	Administrative	Strong	Long term	Continuous	Lower level
Personnel Transfers	Event	Administrative	Strong	Short term	Varied	Mid level
End Maintenance	Event	Administrative	Strong	Short term	Limited	Mid level
Auditing Units	Policy	Administrative	Strong	Long term	Continuous	Mid level
SIC	Event	Crime Control	Strong	Short term	Limited	Lower level
Inspector General *	Event	Crime Control	Strong	Long term	Continuous	Lower level
Narcotics Unit	Event	Crime Control	Strong	Long term	Continuous	Lower level
Field Associates	Event	Crime Control	Weak	Long term	Limited	Lower level
Search of Employees	Event	Crime Control	Strong	Long term	Continuous	Lower level
Contraband Drug Tests	Event	Crime Control	Strong	Long term	Continuous	Lower level
Urinalysis Testing	Event	Crime Control	Strong	Long term	Continuous	Lower level
Drug/Alcohol Tests/Inmate	Event	Crime Control	Strong	Long term	Continuous	Lower level
Drug/Alcohol Tests/Staff	Policy	Crime Control	Strong	Long term	Continuous	Lower level

* The IG appears twice in the table to indicate its initial mission (1972) and the changes that occurred in 1978.

The targeting of correction officers and other low-ranking officials appears to be a function of the correctional environment that demands a series of accommodations between staff and inmates. Additionally, the study's findings are consistent with the results of corruption investigations involving police officers, building inspectors and other low-ranking employees who avail themselves to opportunities not found at other layers of the organization.

Third, the present study found that 63% of DOCS' anti-corruption strategies persisted for an extended period of time (10 + years), and that 47% reflected the crime control perspective. Typically, anti-corruption reforms are instituted for "political cover" after a scandal or in response to pressures from the media or moral entrepreneurs. The impacts of such reforms on the "corruption rate" or on administrative efficiency and effectiveness are never evaluated and rarely considered because of the difficulties of doing so (Anechiarico and Jacobs, 1996:xii).

The Impact of DOCS' Corruption Control Strategies.

Measuring the impact that individual strategies have had on corruption levels in DOCS, or in other organizations, is an elusive goal. According to Anechiarico and Jacobs, an enormous barrier to evaluating the efficacy of corruption controls is the lack of basic data, and an absence of indicators about the costs of corruption and the costs and benefits of corruption control (1996:195).

The lack of adequate data concerning corruption levels and the impact of control strategies can be attributed to a number of factors. First, offenders can and often do take steps to minimize detection of their offenses (Box, 1983:91). Second, organizations or units within the organization may curtail the distribution of information in order to insulate such crimes from discovery (Coleman, 1989:246). Third, arrest and conviction statistics are unreliable because much corrupt behavior goes unreported, or is not detected by law enforcement personnel. Fourth, victims of crime are often reluctant to report crimes, and in the case of corruption the victim may not see the behavior as corrupt (Anechiarico & Jacobs, 1996:14). Fifth, the discovery of more corruption does not necessarily mean that it is on the rise; it may indicate only an increased effort to investigate it in a particular organization, and at a particular time (Noonan, 1983:120-23).

In the present research, measuring the impact of specific strategies on corruption levels was further complicated by the lack of archival records and statistical information retained by DOCS. Realizing the difficulties of assessing the direct impact that specific strategies had on corruption levels in DOCS, an alternative method was used to analyze corruption control initiatives.

First, DOCS' strategies were compared with those of other criminal justice agencies and with the recommendations

and/or guidelines developed in the academic and professional literature. Second, each strategy was evaluated with respect to a series of factors. These factors included the theoretical perspective that informed the strategy, initiation, implementation, goals, persistence, and organizational focus. And third, trends and relationships between the factors were identified (Moore & Gates, 1986:55-56). This methodology provided a systematic analysis of strategies used to control corruption in a corrections agency and the opportunity to identify significant issues.

DOCS' Strategies and the Criminal Justice System.

Corruption control strategies developed and utilized by DOCS during the study period were similar to those utilized in other criminal justice agencies. For example, the creation of an Inspector General reflected trends in federal, state and local public administration, as did the shift from administrative concerns to law enforcement priorities. Later strategies (1980-1990), such as the inclusion of integrity training in the academy's curriculum, background investigation and psychological screening units, the use of field associates, and the development and implementation of drug control strategies, paralleled initiatives introduced by the NYPD and other law enforcement agencies in response to corruption scandals (Simpson, 1977; Klitgaard, 1988; Kappeler, Sluder & Alpert, 1994). It is reasonable to conclude that DOCS' administrators were not

only cognizant of, but influenced by developments in the broader field of law enforcement. And that DOCS' administrators took affirmative steps to detect, prevent, and control corruption in the prison system.

Theoretical Perspectives.

The strategies employed by DOCS' to control corruption reflect management perspectives described by Anechiarico and Jacobs in their analysis of anti-corruption efforts in New York City. Four professional (21%), six administrative (32%), and nine crime-control strategies (47%) were implemented during the study period. These findings support Anechiarico and Jacob's conclusion that the crime-control perspective "dominated" public sector efforts to control corruption (1994:465) during the study period.

Table 22:

Theoretical Perspectives.

<u>Perspective</u>	<u># of Initiatives</u>	<u>% of Total Initiatives</u>
Professional	4	21%
Administrative	6	32%
Crime Control	9	47%
Total:	19	100%

Several researchers and professionals suggest that while criminal investigations and prosecutions are appropriate and necessary responses when there is evidence of wrongdoing, they are, by themselves, insufficient and

related methods for curing unacceptable behavior (Viteritti, 1987:13; Thacher, 1992). The literature suggests that a multi-dimensional approach that includes elements of the professional, administrative and crime control perspectives may offer the most effective approach to corruption control.

Initiation.

Anti-corruption strategies were implemented in response to significant events (e.g. the Attica riot & the SIC investigation) or as the result of policy initiatives.

Table 23:

Initiation Factors:

<u>Perspective</u>	<u>Event</u>	<u>Policy</u>
Professional	2	2
Administrative	4	2
Crime Control	8	1
Total:	14	5
Percent:	74%	26%

As illustrated in Table 23, the majority of the strategies (74%) were event driven. Policy initiatives represented (26%) of the total. Two professional strategies were implemented in response to specific events, and the other two were the result of policy initiatives. Four of the administrative strategies were tied to events, and two to policy initiatives. Eight of the nine crime-control strategies were event driven.

These findings were consistent with studies of police anti-corruption strategies which suggest that scandals generate legislative, policy, and procedural reforms that for years have been either resisted or simply not seen as important enough to warrant action (Stenning, 1995; Sherman, 1978; Punch, 1985).

Implementation:

The strategies implemented by DOCS to control corruption generally received the support of DOCS' administrators. However, two strategies - the inspector general (1972) and the field associate programs - received minimal support by the correctional bureaucracy and failed to meet the objectives for which they were created.

Table 24:

Implementation.

<u>Perspective</u>	<u>Strong</u>	<u>Weak</u>
Professional	4	0
Administrative	5	1
Crime Control	8	1
Total:	17	2
Percent:	89%	11%

The IG's office that was established (1972) in response to the Attica riot was tasked with numerous responsibilities, it was poorly funded, and it received minimal support from correction officials. As a result, the office failed to

meet the various demands placed on it and six years after initiation (1978), the office underwent significant changes that resulted in a more narrowly defined mission - corruption control. DOCS' field associate program had limited success because of labor practices that prevented the IG from assigning associates to corruption prone institutions, or to reward the associates for their accomplishments.

Goals.

Of the nineteen strategies implemented, three were employed to resolve short term issues. For example, in response to the discovery of corruption in the prison system, the SIC investigation was conducted. Personnel transfers were used to provide short term, immediate responses to specific corruption issues. And focused administrative efforts ended the maintenance system. The other sixteen strategies (84%) were put in place to control corruption over an extended period of time.

Table 25:

Goals:

<u>Perspective</u>	<u>Long term</u>	<u>Short term</u>
Professional	4	0
Administrative	4	2
Crime Control	8	1
Total:	16	3
Percent:	84%	16%

Persistence.

Twelve of the nineteen strategies (63%) were used by correctional administrators to control corruption over an extended period of time (10+ years). Three strategies (16%) had limited persistence (-10 years), and four strategies (21%) were used at various times and by different administrators to control corruption. DOCS' anti-corruption program incorporated many of the strategies that had been recommended and implemented in other criminal justice agencies. As years passed, however, the purposes for which the strategies were created may have changed, implementation may have been compromised, and organizational priorities may have shifted. Although the strategies may have become permanent features of the administration, they may have contributed very little, if anything, to the prevention or detection of corruption.

Table 26:

Persistence.

<u>Perspective</u>	<u>Continuous</u>	<u>Limited</u>	<u>Varied</u>
Professional	2	0	2
Administrative	3	1	2
Crime Control	7	2	0
Total:	12	3	4
Percent:	63%	16%	21%

According to Anechiarico and Jacobs, anti-corruption

strategies should be periodically examined to determine whether:

- (1) the original reasons for its creation still exist;
- (2) the corruption it aims to prevent and punish merits high priority;
- (3) there is reason to believe that it has significantly reduced the corruption it was designed to excise;
- (4) it has not inadvertently created new corruption vulnerabilities and spawned new forms of corruption;
- (5) its costs in terms of administrative efficiency is not disproportionate to its benefits in terms of reducing corruption; and,
- (6) there is not a less costly strategy for achieving the same goal (1996:195).

Because such reforms often require altering the most fundamental ways in which an organization conducts its affairs, meaningful change can be difficult to achieve. In many instances, it may require re-inventing practices and procedures that have become permanent features of the organization. While institutional reform can be imposed through legislation, or judicial decree, it stands a far better chance of success if it is also voluntarily adopted by the administration.'

Organizational Focus.

While the stated purpose of corruption control strategies was to prevent and/or detect illegal behavior and/or misconduct at all levels of the organization, an analysis of the policies' implementation revealed that

fifteen strategies (78%) were directed at controlling the behavior of correction officers and other low-ranking employees. Three strategies (12%) focused on controlling the behavior of mid-level employees (superintendents and/or their deputies), and two strategies (10%) were directed at all levels of the organization.

Arrest statistics were unavailable for the period addressed in the present research because the IG's office did not retain logs, case folders, etc. that reflected arrests made prior to 1988. However, the Green Haven (1981) and Ossining Correctional Facility (1983) corruption investigations indicate that enforcement activities were directed primarily at lower level employees.

Table 27:

Organizational Focus.

<u>Perspective</u>	<u>Lower level</u>	<u>Mid-level</u>	<u>All levels</u>
Professional	4	0	0
Administrative	2	2	2
Crime Control	9	0	0
Total:	15	2	2
Percent:	78%	12%	10%

Anechiarico and Jacobs (1996) make similar observations about enforcement activities by the New York State Special Prosecutor's Office (1975 - 1984) and the Manhattan District Attorney's Office (1992 - 1994). They

conclude that "perhaps the lesson learned ... is that it is perilous for the anti-corruption project to take on wrongdoing in high places. Intensifying the law enforcement presence in the lives and operations of low level public employees, on the other hand, poses no such risks (Anechiarico & Jacobs, 1996:110-102).

An alternative explanation to DOCS' emphasis on controlling the corruption of low-level employees must also be considered. According to Tonry and Reiss, many violations by and against organizations are committed by people in lower-ranking white collar and blue-collar positions. The corruption found in police organizations in the United States, for example, normally involves the rank and file and line supervisors rather than the top command (1993:5-6). Corruption in corrections, has typically involved low-ranking employees as demonstrated in the recent scandals in the Westchester County Jail (New York)² and the U.S. Penitentiary in Atlanta (Georgia).³ Therefore, one could conclude that DOCS' emphasis on controlling corruption by correction officers and other low-ranking employees is based on offender statistics, and the correctional environment, rather than a desire to protect the organization, or to maintain the internal investigative unit.

Summary of Findings.

The present study explored formal strategies that were developed and implemented by correctional administrators to

prevent, detect, and deter corruption in the New York State Department of Correctional Services. Because corruption is virtually an unquantifiable phenomenon it is impossible to say conclusively whether the array of strategies implemented by DOCS reduced, kept even with, or fell behind corruption. However, a number of observations can be made about the Department's anti-corruption efforts.

First, in response to discoveries of corruption, Department administrators devoted significant attention to formulating and implementing corruption control initiatives. As new discoveries were made, additional strategies were added to those already in use. Second, the strategies developed and implemented by DOCS were consistent with the essential elements of the professional, administrative, and crime-control perspectives identified by Anechiarico and Jacobs. Additionally, these strategies were consistent with strategies implemented in other criminal justice agencies. Third, each initiative generated specific resource demands—rules, procedures, and/or institutions that expanded the influence that corruption control efforts had on correctional administration. Fourth, the strategies were generally used to control the behavior of correction officers and other low-level employees. Fifth, despite each type of initiative, the general phenomenon of corruption remained a problem for correctional administrators.

In addition to re-evaluating traditional strategies of

monitoring, control and punishment, DOCS must endeavor to develop appropriate measures of impact and effectiveness. According to Anechiarico and Jacobs, "establishing a methodology for constructing indicators of the corruption rate and of the costs and benefits of corruption controls is absolutely vital if we are to advance policy analysis" (1996:195).

The final chapter explores DOCS' contemporary anti-corruption efforts, the policy implications of the present study, and suggests topics for future research.

CHAPTER 6

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CHAPTER 7
CONTROLLING CORRUPTION IN CORRECTIONS

Corruption in corrections, as in other government agencies, probably cannot be eliminated (Gardiner, 1970:93; Anechiarico & Jacobs, 1996). However, certain steps must be taken to control corruption if correction agencies are to perform their missions and maintain public trust and confidence. The present study explored the various anti-corruption strategies implemented by the New York State Department of Correctional Services during the period 1970-1990. The study found that DOCS' anti-corruption strategies corresponded to those implemented in other public sector agencies, particularly to those implemented in the post-Knapp NYPD. The study also found that DOCS' corruption-control measures were primarily event driven, generally targeted correction officers and other low ranking employees, and were significantly influenced by the crime-control perspective.

This chapter explores contemporary efforts to control corruption in DOCS, presents the policy implications of the this study, and suggests areas for future research.

Contemporary Anti-Corruption Strategies.

Internal Strategies.

Internal anti-corruption strategies remain essentially the same as those described in the case study. According to Acting Commissioner Philip Coombe, Jr., the Inspector

General is the principal component of DOCS' corruption control program (personal communication, May 31, 1995). In 1997, there were approximately 100 investigators assigned to the Inspector General's office. In addition to the units that comprised the office during the study period, a sex crimes unit and computer services/information analysis unit have been created (Deputy Inspector General Patrick Dunleavy, personal communication, April 29, 1997).

Background investigations and psychological testing are used to screen applicants. Integrity sessions continue to be included in recruit and in-service academy training. Drug control strategies include searches and investigations as well as inmate and staff testing.¹ In 1994, the Inspector General conducted 248 narcotics investigations in prisons statewide, leading to the arrest of eight employees, twenty-three visitors and twenty inmates. According to Department statistics, 118,709 drug tests (random and for cause) were performed on inmates in 1994. About 5,380 of the tests, or 4.5 percent, were positive.

External Strategies.

In June 1996, Governor George Pataki signed Executive Order 39 which gave the New York State Inspector General the responsibility of developing and implementing a statewide anti-corruption program. The Governor expanded the State IG's authority and jurisdiction to include all executive branch agencies, departments, divisions, and

offices. And the Governor required that agency-based inspectors general report exclusively to the State Inspector General in order to strengthen their independence, credibility, and effectiveness.² Prior to the Executive Order, some IGs, including DOCS, operated independently of the State Inspector General. According to George Moresco, the former State Inspector General, his office was not interested in pursuing internal affairs investigations that involved low-ranking corrections personnel and/or inmates. Instead the Office focused its investigative resources on program fraud and misconduct by senior State officials (personal communication, April 2, 1997).

Roslynn Mauskopf, the current State Inspector General has established Deputy Inspectors General to oversee state agencies that have similar areas of concern. For example, DOCS and other public safety agencies now come under the purview of a Deputy Inspector General for Public Safety. Under this plan, the DOCS IG will be re-named and no longer be referred to as an inspector general's office. Although it will continue to conduct the Department's corruption investigations, it will be required to report all complaints and investigative findings to the State IG. Additionally, the State IG will conduct management studies and perform audits to insure the effectiveness of agency-based anti-corruption policies and procedures (Roslynn Mauskopf, personal communication, April 10, 1997).

The current expansion of the State Inspector General's authority and jurisdiction reflects the significant role that independent outside monitors have assumed in the public and private sectors. For example, in 1986, New York City Mayor Ed Koch issued Executive Order No. 105, which placed all New York City inspectors general under the direction and control of the Department of Investigation to insure the independence and integrity of the inspector general program (Winslow & Burke, 1993:76). In 1995, Mayor Rudolph Giuliani issued Executive Order No. 18, which established the Commission to Combat Police Corruption. The purpose of the Commission is to monitor and evaluate the Department's anti-corruption program on an ongoing basis.³ Similarly, external monitors were established in Los Angeles (Independent Commission on the Los Angeles Police Department) following the Rodney King incident, and in Los Angeles County (Special Counsel) following disclosures of excessive use of force by members of the Sheriff's Department.

Federal inspectors general continue to play a significant role in agency oversight and investigations as evidenced by recent reports and Congressional testimony by the U.S. Department of Justice's Inspector General concerning the Immigration and Naturalization Services "Citizenship USA" program, and the operations of the F.B.I. Laboratory.⁴ Similarly, the Department of Health and Human Services has joined with the F.B.I. to investigate fraud and

corruption in the health care industry.⁵

In November 1991, the United States Sentencing Commission issued Federal Guidelines on the Sentencing of Organizations. According to the Guidelines, corporations that failed to establish an "effective program to prevent and detect violations of the law" did so at the peril of harsh penalties. In response, some corporations have hired "independent private sector inspectors general" (IPSIG) to ensure compliance with relevant laws and regulations, and to deter, prevent, uncover, and report unethical and illegal conduct by, within, and against the corporation.⁶ In addition, the Courts have mandated that IPSIGs, or monitors, be appointed to oversee the carting, garment, and construction industries.

The effective control of corruption in corrections must focus on prevention as much as detection, on the root causes and conditions of corruption as well as its symptoms. Corruption is not a problem that will be solved solely by investigations and prosecutions. It is a problem that must be addressed on many levels, and in the daily operations of the Department (Mollen, 1994:110). According to New York State Senator and former New York City Department of Correction Commissioner Catherine Abate, no matter what anti-corruption structures are formally in place, an important issue is the degree to which the strategies are applied by staff members (Catherine Abate, personal

communication, April 4, 1997).

If corruption is to be controlled, DOCS must remain primarily responsible for policing itself and keeping its own house in order. The Department is in the best position to understand the causes of corruption, the conditions that allow it to continue, and the methods that can most efficiently uncover it. The role of the State Inspector General is to focus attention on the hardest problems, even if DOCS' officials, politicians, and the public would rather ignore them. In addition to conducting its own investigations, the State IG should review and challenge existing anti-corruption strategies, and when necessary require that the Department institute organizational reforms. A partnership between DOCS, its internal affairs unit, and the State IG will advance the Department's anti-corruption efforts, insure that correctional objectives are met, and maintain public trust and confidence in the criminal justice system.

Additionally, DOCS' should implement procedures and methods to periodically examine and evaluate its anti-corruption measures in order to insure that they are in fact achieving the goals for which they were established:

There is simply no magic list or formula of corruption control that academics, commissions, consultants, or other pundits can hand over to public administrators. Good policy will need to grow out of a sophisticated data-collecting effort, a rich discourse on the problem, the identification of alternative solutions,

experimentation, evaluation, and estimates of the costs of various controls (Anechiarico and Jacobs, 1996:198).

Policy Implications and Future Research.

This study systematically explored the evolution of formal strategies to control corruption in a state corrections agency. The research described each policy initiative with respect to the theoretical perspective that informed it, antecedent events, contextual factors, organizational focus, and persistence. The study explored the role of organizational crisis, scandals, and leadership in correctional administration. And the research extended models previously used to study municipal and police corruption to corrections.

Future research should consider developing methods for measuring the extent of corruption in corrections, exploring alternative control strategies, and developing methods to evaluate the impact of existing measures. One way to determine the extent of corruption would be to survey corrections employees. The survey might ask participants what they know about different types of corruption, and ask how common each type of corruption is in a particular agency (McCarthy, 1981). Similarly, an employee survey could be used to determine staff perceptions of existing anti-corruption measures' and elicit the support of rank-and-file members in improving these strategies (Anechiarico & Jacobs, 1996:196-197). Other research methods could include the use

of focus groups, participant observation (Punch, 1985), and cost effectiveness analysis (Majchrzak, 1984: 58-65).

Additional case studies would provide an opportunity to compare DOCS' anti-corruption measures with those utilized in other corrections agencies, to discover alternative strategies, and to confirm or challenge the conclusions reached in the present research.

Conclusion.

Corruption presents an ongoing challenge to correctional administrators. Corruption undermines correctional programs and administration, erodes the control structure that exists in prisons, contributes to prison violence, demoralizes correctional workers, and negatively impacts on the trust and confidence that the public places in the criminal justice system. As a result, the issue of corruption and its control can not be ignored. It must be placed on the agenda of academics, politicians, the media, and the public. The present research has provided an initial step toward filling the gap in knowledge about strategies to control corruption in corrections.

CHAPTER 7

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