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## THE POLICEMAN'S CHARACTER INVESTIGATION: LOWERED STANDARDS OR CHANGING TIMES?

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Once upon a time the fate of a potential policeman in New York City was inextricably intertwined with the predilections and biases of the investigating sergeant assigned to review his character qualifications. This inquiry included a neighborhood check (where anywhere from five to ten neighbors would be questioned about habits, temperament etc.) and questionnaires mailed to and filled out by past and present employers, all schools attended, the military or draft authorities, and official agencies that might have a criminal or derogatory reference in their files. The leads were furnished by the candidate when he filled out a PA 15, which is a comprehensive background questionnaire.

The character investigation was the last hurdle in a course that included a competitive mental exam, followed by a medical and, later, a physical test of agility and strength that was, until recently, competitive but which is currently merely qualifying. The final barrier before appointment as a patrolman on probation, for what was once six months then extended to one year, was the imprimatur of the investigating sergeant. His recommendation was invariably endorsed and disapproval meant professional extinction for candidates whose only real hope of achieving financial stability was appointment. There was, of course, always the Article 78 proceeding, but this involved costly and chancy litigation that was rarely employed and even more rarely successful because of the administrative discretion necessarily accorded the Police Commissioner by courts that were understandably reluctant to second-guess a value judgment that was cloaked in expertise.

The character investigation constitutes an attempt to determine whether the candidate meets the standard that "proof of good character is an

absolute requirement for appointment" which is set forth in the qualifying application. It is a nebulous no man's land between the clear-cut and precise (though not necessarily rational) medical disabilities that legally bar entrance, such as 90 medical conditions that include impairments, amputations, allergies and glandular disorders and the behavioral bars such as conviction of a felony, the misdemeanor of petit larceny, or receipt of a dishonorable discharge.

The area of character investigation has successfully resisted standardization and remains, to this day, a subjective process that depends on the evaluator's judgment, intelligence, experience, objectivity and fairness. It is, even today, much more an art than a science.

The Police Commissioner could also employ the "one out of three" rule to exclude those he considered undesirable candidates. This rule simply binds the Commissioner to accept only one out of every three candidates certified to him as appointable from a civil service list.

In the final analysis the investigator's findings were invariably controlling and a disapproved applicant stood little chance of making it or even of knowing definitely why he had been rejected. It goes without saying that this system was not exactly hospitable to the thought of a confrontation, or even to afford the opportunity to explain the circumstance surrounding a barring peccadillo. In the rare case of an insistent or sophisticated candidate, a hearing would be held by three superior officers who would not ordinarily be expected to be sympathetic to this "pushy" individual.

The end result was a Kafkaesque bureaucratic labyrinth where the petitioner sought relief from nebulous and unspecified charges by appealing to

authorities whose involvement with the case might be central, peripheral or nonexistent.

This system, nevertheless, served the needs of the Police Department because, for decades, it operated in a buyer's employment market where the sellers were primarily Irish-American or Italian-American youngsters of the upper lower classes or lower middle classes. The biases of the investigator were invariably those accepted by the applicants and little conflict arose as a result of value judgments that reflected these predispositions.

The candidates were high school graduates or possessors of equivalency diplomas that prepared them for a very limited role in a society that required highly trained and well-educated applicants for its remunerative positions and which relegated the under-prepared to the status of laborer or civil servant.

The investigator's shibboleths were fairly constant and predictable and reflected the ethno-religious-cultural milieu that was common to the inquisitor and the respondent. They included strongly held sexual taboos such as premarital relations that were reflected in the record by the birth of a child a few months after the marriage or any history of venereal disease or an arrest for a sex crime such as statutory rape (the disposition of the charge was frequently viewed as an irrelevancy, reflecting as it did what was probably a judicial predisposition to leniency).

Illustrative of this syndrome was the firing of a patrolman in July 1968 for cohabiting with a female. They were both single, but the Trial Commissioner (an Irish Catholic) had held that this constituted immoral conduct. This case excited a great deal of comment in the press and criticism of the Police Department for moral myopia and the courts later reversed this verdict and ordered the patrolman reinstated in April 1969. He was promoted to sergeant in November 1969. The colossal irony is that the Candidate Review Board had, in March 1968, approved a candidate who was admittedly and openly living with a woman he had expressed no intention of marrying. Thus, at the very time that the department was deciding that a functioning patrolman could not continue in its employ because of his cohabitating, the board was admitting into the police ranks an avowed and open cohabitant.

A further series of obstacles was reflected in problems with the law ranging from a forgotten

referral to a youthful indiscretion to Grand Larceny Auto (the common joy riding syndrome that has become a hallmark of our adolescent culture). A number of summonses, for parking or moving violations, further debilitated the applicant's case.

Another bar to entry was the candidate's military experience. In terms of seriousness these ranged from a high of draft evasion to a low of a record of company punishment for minor infractions.

The criminal histories of friends and relatives frequently became impediments to entry and even such innocent matters as a parent's signing of a petition for a Communist Party Candidate in the 1940's might result in an unfavorable ruling. Guilt by association was no great stranger to this process.

The height of bureaucratic fashion was to "resolve the doubt in favor of the department" and disapprove the candidate. A favorite stratagem was to convince the applicant to withdraw "for personal reasons," ostensibly to avoid the stigma of rejection by the department. Many borderline cases were resolved in this convenient manner. The adoption of the reforms that will be described here resulted in the reapplication for admission by many of these "withdrawals." Unfortunately, those on whom time had run out were not eligible for this rescue operation and the Russian-style posthumous rehabilitation would have done them little good.

Despite the obvious weaknesses, this system gave good service as long as the applicant and the investigator shared the same cultural values and accepted the same truths. The developing ghetto culture of the Negro and Puerto Rican created a problem for the investigator because it confronted him with an alien set of values. This challenge was met with disapproval of the very candidates that the department was trying to recruit in order to broaden its personnel base and have the department more accurately reflect the racial balance of the surrounding society. By 1966 it was becoming commonplace to have Negro and Puerto Rican applicants rejected because of cultural factors that were related to the ghetto that the investigator neither understood nor accepted. More importantly, these factors were frequently irrelevant to the candidate's prospects for successful performance as a patrolman.

This conflict was exacerbated by programs such as the Manpower Development Training Act

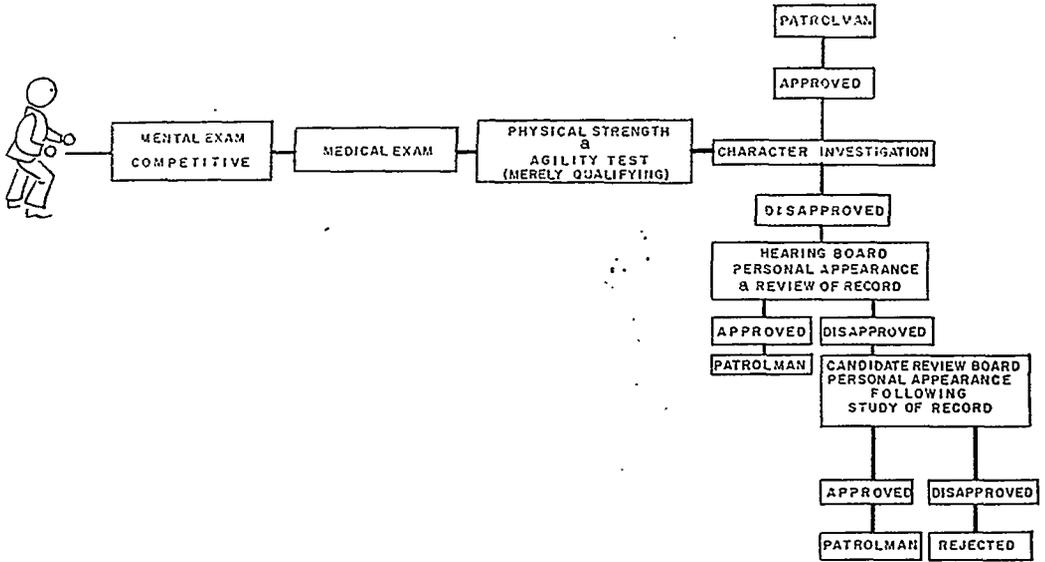


FIGURE 1.  
Police Intake Process.

which sought to salvage the human flotsam being spewed from the slums. An important part of this process was the Police Department phase of this program that secured High School Equivalency Diplomas, Hack Licenses, and jobs in security and related fields for the applicants, as well as preparing them to pass the patrolman's exam. Central to this process was the recognition that the applicant very probably had derogatory antecedents and educational handicaps that had to be overcome through his preparation for and admission into useful employment. This led straight to the patrolman's job. And the bar to this rehabilitative and salvage process was the investigator who was unable or unwilling to accommodate the changing philosophy and mores of his time.

It was gradually perceived by the police administration that the investigator's judgment had to be tempered with a judicious review of the case. This would insure the application of a more comprehensive perspective. A review board was informally established in 1966 by Police Commissioner Howard R. Leary which was headed by the then Deputy Commissioner of Legal Matters Franklin L. Thomas. Then Chief Clerk Louis L. Stutman (appointed Deputy Commissioner in Charge of Licenses in July 1970), also was named, as well as the aides of the Chief Inspector, the Police Commissioner, and the Chief of Personnel (named Chief Inspector in March 1969), George

P. McManus. This board, ultimately and informally known as the Candidate Review Board (CRB), studied the case of every rejected candidate and frequently overrode the recommendation of the investigator.

An evolutionary process then developed that resulted in the investigator being given a choice of two possible recommendations: to approve the candidate (in which case he was routinely assimilated into the ranks at a normal progression) or to mark the character as "questionable." The latter category resulted in the Candidate's appearance before a Hearing Board composed, usually, of a Deputy Inspector, a Captain, and a Lieutenant. Approval by this Board placed the candidate back in the normal intake shuttle. Disapproval meant automatic referral to the CRB where only the case was reviewed at first, but where the candidate was later required to make a personal appearance. The system's final configuration is illustrated by the accompanying diagram labeled the "Police Intake Process."

The first recorded case of the candidate's folder being circularized among the board members occurred on May 9, 1966. The CRB never assumed a formal organizational cast and was permitted to evolve naturally, as it were, generally in response to the Chairman's lead. The current seven-man board has four Policemen (career officers) and two civilians (civilian employees of the Police Depart-

ment) and one vacancy (probably to be filled by a civilian).

The administrative reform of requiring a candidate's personal appearance was inaugurated by Thomas' successor as D.C.L.M., R. Harcourt Dodds, in 1968. By that time the Board had taken on a more formal shape and was composed of D.C.L.M. Dodds, D.C.L. Luis Neco, Chief Clerk Stutman, Chief of Personnel Elmer C. Cone, Assist. Chief Inspector Eldridge Waith, Deputy Inspector Vincent Agolia and Deputy Inspector Anthony V. Bouza.

This evolutionary process finally resulted in the present administrative structure that grants a candidate two personal interviews and which precludes the anonymous and unexplained rejection that characterized the former procedure. Strangely enough, this seminal and important reform was never formally authorized in writing and remains to this day a fragile and evanescent structure that depends for its life on the memory of the principal players.

Reforms of this magnitude are rarely launched without some rippling of the waters, and this one was no exception. The most strident cries were that the standards were being lowered, that the city's safety was being toyed with, that criminals were being admitted into the ranks and that quality was being sacrificed for quantity. The absence of a formal ukase establishing the Board tended to mute the attacks and reduce the controversy to an insider's debate, but it also kept the influence of the reform from radiating outward to other cities' police departments that might likely have been influenced by New York's lead.

What cavers conveniently forget to explain, however, is how standards can be selectively lowered to benefit only minority group members, especially since this evaluative process is far down the intake road, having been preceded by the mental, medical, and physical exams. If standards were lowered at any point, it goes without saying that the relative standings would remain fairly constant and those best able to pass would still dominate the process. The fact is that the Irish, Italian, Jewish and related nationalities have been largely assimilated into the middle class and are not applying for the policeman's job in the numbers they once did and this trend is deepening. As the traditional manpower pool dries up, other sources must be found. This administrative imperative was further buttressed by the need to

have a more representative corps of policemen, not to mention the benefits accruing to society from assimilating ghetto residents into the middle class through civil service employment.

Logically, this controversy over standards also masks the resistance of the haves to the claims of the have nots. The agency's heart is, as the Bible reminds us, with its treasure, which explains why the existence of a large Negro and Puerto Rican manpower pool is so attractive to it.

In the final analysis the fundamental reform wrought by the CRB was to look at the candidate from the perspective of his present circumstances. Had he shown convincing evidence of growing stability and a developing sense of responsibility? Were his actions offensive to a given religious view yet morally unassailable? Had he expiated his sins through the introduction of positive entries into the record? Was his record reflecting ghetto mores that were being misinterpreted by evaluators who, because of different cultural experiences, could not properly assess the significance of the entries? Was he, in fact, good police material within a broader context than that envisioned by the limited perspective of the investigator? Was he being victimized by the prejudices of the investigator? These and others were the questions addressed by the Board. The gravamen of the Board's case was that the standards were, in fact, being raised to a far more sophisticated level than its predecessor system had been able to attain.

This raising of standards was achieved through the creation of a permanent body that would bring to the process of evaluation not only education, experience, and a broader perspective but also the peculiar insight that is given only to those who experience the problems first hand—the members of the minority groups themselves. To these advantages was added the very significant edge of the development of uniform standards as well as the growth of a body of experience and precedent that greatly broadened the board's view as it deepened its insight.

One of the board members who kept a record of the 505 cases reviewed by him from May 9, 1966 to June 24, 1970 reported that he had recommended appointment in 221 or 44% of the cases referred to the board. These figures are generally representative of the board's findings and can be used as the minimum total of approvals because the board, meeting as a body, was usually more inclined to approve a candidate than the single

TABLE 1

	Approved	% Approved	Disapproved
1966 (From 5/9)	30	39%	46
1967	32	31%	70
1968	37	40%	56
1969	55	46%	65
1970 (to 6/30)	67	59%	47
Totals	221	44%	284

member reviewing the folder prior to the meeting would be.

The figures for the five years appear in Table 1.

The statistics reveal a pattern of developing liberalism within the board itself (or at least one member of it, although the figures are offered as representative) as well as a developing willingness on the part of the Hearing Boards below to disapprove borderline cases in the hope that the CRB would rectify this error. There is nothing as comforting to a bureaucrat as a decision that he cannot be criticized for and a disapproved candidate stands little chance of proving his judges wrong.

A cursory glance at the records of 75 of the candidates, taken at random, reveals that the references that barred entrance, prior to the case being sent to the CRB, were the following, in the order of the frequency with which the appeared;

	Total Recorded (75 Cases)
1. Summons record	528
2. Employment disciplinary problems	73
3. Driving accident record	55
4. Arrests (all crimes)	49
5. Military disciplinary record	49
6. Withholding information from investigator	35
7. Youth referral	29

8. Marital problem	13
9. License suspension	12
10. School truant/late record	12
11. Unemployment history	10
12. School behavior problem	10
13. Other school problems	10
14. Debts (excessive)	7
15. Other than honorable discharge	7
16. Uncooperative with investigator	6
17. Arrest history of relative	6
18. Drinking problem	4
19. Failed military entrance test	4
20. Personality defect	3
21. Inability to adjust to military	3
22. Poor neighborhood reputation	3
23. Problem with landlord	2
24. Draft dodger	2
25. Appearance	1
26. Tax problems	1
27. Arrest record of friend	1
28. Auto registration suspended	1
29. Subversive reference	1
30. Police Academy Academic failure	1
Total	938

This averages to 7 summonses and 5½ other points per candidate.

The advent of the Candidate Review Board was a quiet revolution in the administration of the police intake process. It made the operation relevant to contemporary mores and needs and served to increase the number of minority race members within the ranks. Whether it constituted a fundamental reform of an archaic and unfair process history will have to judge. The feeling here is that it did, although it could best be determined through a study of the experience, within the ranks, of the members admitted through the offices of the CRB as compared with the records of other candidates who were routinely approved at the first juncture.