

CITY OF NEW YORK
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

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**AN INVESTIGATION INTO
RECRUITING, SCREENING
AND HIRING PRACTICES
AT THE BOARD OF EDUCATION'S
DIVISION OF SCHOOL SAFETY**

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November 1995

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I. SUMMARY OF INVESTIGATION

The Board of Education's ("BOE") Division of School Safety ("DSS") is responsible for maintaining the security of New York City's public schools and the safety of its occupants. With about 3,200 school safety officers ("SSOs") and an annual budget of approximately \$75 million, DSS is nearly the same size as the Boston police department, the ninth largest police force in the United States.¹

In October 1994, an SSO enrolled in the DSS training academy told then-Executive Director Zachary Tumin² that a fellow recruit (hereafter "CI 20"), had paid \$800 to a Division administrator to get his job. Tumin reported the allegation to this office and an investigation commenced. On November 10, 1994, CI 20 was confronted with the evidence against him and agreed to cooperate. On December 8, 1994, Charles Brandon, an SSO and member of the elite Safe Schools Team, and a supervisor (referred to hereafter as "Robert Smith")³ were arrested and charged with, among other things, bribe receiving for public office. Our investigation substantiated that Brandon and Smith had accepted or agreed to accept cash bribes from CI 20 and three others --- actually undercover investigators from this office (hereafter

¹Unfortunately, this report marks the third time in three years that this office has been called upon to investigate favoritism at DSS. In a July 1992 report, we found that in addition to financial improprieties at the highest levels, there was widespread nepotism and favoritism at DSS. For example, we found that a dozen relatives of the then-deputy executive director -- a brother, a son, nieces and nephews -- were employed by the Division. As a result of that investigation, the executive director, deputy executive director and the chief of operations resigned. In a September 1994 report, we found that then-DSS Executive Director Zachary Tumin engaged in a pattern of conduct designed to circumvent BOE regulations regarding competitive bidding in the letting of certain consulting contracts, and Tumin was disciplined as a result. We have also conducted investigations resulting in the arrest of 16 rank-and-file SSOs, for crimes including sexual abuse of children, attempted murder, weapons and narcotics sales and loan sharking.

²Tumin resigned on May 30, 1995. The current acting director is Philip Tama.

³Because Smith's case is currently scheduled for trial in the next several months, we use this pseudonym throughout the report.

"SCI") -- seeking SSO jobs.⁴ We also substantiated that CI 20 accepted \$400 to place two of these applicants in the February 1995 training class.

Our year-long investigation continued after the arrests of Brandon and Smith. Though it focused on the period from July 1993 to October 1994, the bribery and other forms of preferential hiring we found proved inseparable from a culture of favoritism dating back much further. For example, in 1992, we found, among other things, that Henry Murphy, the Division's Deputy Director from 1987 to 1992, hired a dozen of his relatives to work at DSS. In this investigation, we discovered that a back channel for hiring had been set up, as early as 1986, to grant preferential treatment to referrals from the union representing SSOs. The culture of favoritism set the stage and the back channel provided the mechanism for Smith and Brandon's bribe scheme.

The hiring back channel, in reality a list of fictitious application numbers recorded in a spiral notebook kept in a desk drawer in the DSS personnel office, proved adaptable to more than union referrals. The same channel was used to process CI 20 after he agreed to pay \$800 to Smith and Brandon, and presumably would have been used to hire the three other SCI "applicants" who paid or agreed to pay bribes. Other DSS employees, following the message sent by their superiors over the years, used the channel to hire their own friends and relatives. Meanwhile, the union referral preference, whatever its merit in theory, was not monitored carefully, resulting in referrals being hired without proper experience or interviews. In all, more than 10 percent of the 555 SSOs hired in the 1993-94 period we studied were not properly interviewed and were allowed to jump ahead of applicants who, in some cases, had waited as long as three years for an interview.

Two recent cases highlight the risks of careless or improper hiring procedures.

Heriberto Collazo, a DSS supervisor, was arrested at Marin airport in Puerto Rico in October 1995

⁴One of the individuals was actually a fictitious person whose identity and personal documentation were created by SCI for purposes of this investigation.

and charged with possession of about three kilos of cocaine. It turns out that Collazo had been arrested three times before he was hired by DSS in 1993, and, as a result, had been denied the Special Patrolman status required for his DSS supervisory duties by the New York City Police Department. Indeed, DSS allowed Collazo to continue to supervise other SSOs who had obtained Special Patrolman status, despite being aware that Collazo's appeal to the Police Department had also been rejected. In the other case, a recent investigation into thefts at an elementary school found that SSO Terry Griffin had repeatedly stolen small amounts of food, while on duty and in uniform, from a locked room at the school. Griffin had been arrested five times before he was hired by DSS in 1981, and had lied several times about his criminal record on official documents. Despite their knowledge of these facts, DSS officials allowed Griffin to keep his SSO position.

This ongoing investigation of hiring and screening at DSS has resulted in three bribery arrests to date.⁵ We recommend the termination of employment⁶ of 11 other individuals, including two DSS administrators who used the back channel to facilitate the hiring of friends and relatives, and six SSOs who improperly obtained their jobs in this fashion. We also recommend performance reviews of the more than 50 SSOs who were never properly screened for their positions.

As a result of this investigation, the back channel has been shut down. DSS has instituted some improved procedures, and many others have been recommended. After our first investigation of DSS, however, real reforms were also promised, yet we find ourselves again revisiting the culture of favoritism. Procedures work only if they are enforced, and they will not be fully enforced if the culture of favoritism prevails. That culture must be broken, and a strong and unmistakable message sent to all

⁵Griffin's misconduct is being referred to the Manhattan District Attorney's office.

⁶In the case of those not currently working for DSS, we recommend that they be barred from future employment with the BOE.

employees that the safety of schoolchildren is so important that only the most talented and most qualified applicants will be hired as School Safety Officers. For this reason, we recommend that the New York City Police Department assume overall responsibility for the hiring and screening of School Safety Officers.

II. THE HIRING PROCESS FOR SSO CANDIDATES AS OF THE FALL OF 1994

During the fall of 1994, the period during which Smith, Brandon and CI 20 accepted bribes from prospective recruits, applicants could obtain an SSO position after an interview with DSS supervisors or consultants, an evaluation of their personal documents to verify that they met minimum eligibility requirements, and a drug test. At that time, these requirements were U.S. citizenship, New York state residency, a minimum age of 21, possession of a high school diploma or its equivalent, absence of "serious" criminal history and a lack of a dishonorable discharge if the candidate served in the military. The formal hiring procedures for SSO candidates, as of the fall of 1994, are summarized in a diagram appended to this report, which also illustrates the illegal manner in which Smith and Brandon were able to circumvent these procedures.

Prior to Tumin's administration and until this year, the only way that potential applicants could learn of the availability of SSO positions was by word of mouth. Any candidate who heard that SSO positions were available could apply for an SSO position by filling out what DSS officials called a "preliminary" application, which generally asked about the applicant's education, work experience, conflicts of interest and criminal convictions or pending criminal actions. These one-page applications were reviewed for completeness, and all those determined to be complete were placed on a waiting list and assigned a number, based upon the order in which their applications were received. At the time this investigation began, about 10,000 applicants were on the waiting list, many of whom had waited as long as three years just to obtain a first interview.

When DSS received BOE approval to hire SSOs, letters were sent to applicants inviting them for a first interview, based upon their order on the waiting list. During the interview, which generally lasted from ten to twenty minutes, two DSS supervisors asked applicants general questions regarding their interest in and suitability for an SSO position.⁷ After each interview, applicants were rated from 1 to 3, with 1 the highest possible score. Applicants with a 1 rating were eventually called by DSS staff for a second meeting with a DSS official. Often one year, and sometimes even longer, elapsed before an applicant was called for the second meeting.

Although DSS officials referred to the second meeting with the applicant as an "interview," it is clear that it was essentially a document check. Applicants called for the second meeting were required to bring proof that they met the minimum requirements; if their paperwork appeared to be in order, they were escorted to the personnel office for further processing.

In addition, although an applicant's references and employment history were supposed to be verified prior to admission to the training academy, Tama has acknowledged that references who did not respond to written inquiries were generally not pursued and the corresponding applicants were not necessarily disqualified.⁸ Lastly, candidates who "passed" the interview and produced documents verifying that they met the minimum requirements were required to undergo a medical examination, including a drug test, and were fingerprinted by the

⁷Candidates were also given an oral examination, which was designed to test their judgment by presenting hypothetical situations that could potentially confront SSOs.

⁸ Tama attributed this failure to the fact that applicants were often recruited immediately prior to the convening of a training class, leaving insufficient time to complete adequate background checks. He admitted that "inadequate or incomplete answers on an application are not always pursued; previous employers who fail to respond to written inquiries are not always contacted and the veracity of information by the recruit is not checked." Tama memorandum to Chancellor Ramon C. Cortines, *Review of School Safety Issues*, August 11, 1995, p. 6.

BOE's Office of Personnel Security.⁹

Unless discrepancies were discovered prior to the commencement of a training class, SSO candidates who met the minimum eligibility requirements, received satisfactory ratings during the interview process, and passed the medical exam were given "Full Status," at which point they waited to be called for the next scheduled class at the DSS training academy.¹⁰ Once SSO recruits started their training, they began receiving a salary of about \$23,000 per year.

III. CIRCUMVENTING THE HIRING PROCESS

A. HOW BRIBE-GIVERS OBTAINED SSO POSITIONS

The manner in which CI 20 obtained his SSO position vividly illustrates the process by which Smith and Brandon circumvented the formal DSS hiring procedures and obtained SSO positions for bribe-givers. CI 20 had been friends with Brandon for about three years, having met him at a social gathering in the Bronx.¹¹ In January 1994, Brandon stopped by CI 20's home, and, knowing he was unemployed and looking for work, asked if he were interested in an SSO position. Brandon explained that the salary was low and that it was a hazardous job, but the benefits were good and it could be a stepping-stone into a law enforcement career. Brandon told CI 20 that he could get him the job very quickly, but that it would require CI 20 to pay \$800.

⁹ The New York City Police License Division conducts an additional fingerprint check and a background investigation in order to determine eligibility for Special Patrolman status. The fingerprints were checked at the state and federal levels, a process that often took three months or longer to complete. By that time, however, most SSOs had already completed their training and had been assigned to a school.

¹⁰ Since 1992, the number of SSO candidates selected for each class has ranged from 79 to 250.

¹¹ We have generalized some of the details of CI 20's relationship with Brandon in order to keep his identity confidential.

CI 20 was anxious to find employment, and told Brandon that he wanted the job. Brandon stated that he was working with a DSS employee, Robert Smith, who would help CI 20 get "hooked up," and, shortly afterwards, he took CI 20 to Smith's Bronx apartment building, where he introduced him to Smith. Smith gave CI 20 an SSO application to complete, with an interview date already filled in on it, falsely indicating that CI 20 had been interviewed on August 14, 1992. Smith told CI 20 that he would need the \$800 bribe payment as soon as possible, purportedly to pay off a "contact" at DSS, and CI 20 told him that he could not get the money to him immediately, but that he would have it for him within two months. Smith and CI 20 agreed to meet the following day at DSS headquarters.

CI 20 brought his completed application to DSS headquarters the next day. Smith escorted CI 20 to the personnel department and explained that other legitimate applicants had previously been interviewed for SSO positions. Smith then told CI 20 that, if anyone asked him, he should lie and state that he was interviewed two or three years earlier. When they arrived at the personnel department, Smith looked into the office and a woman came out to the hallway¹² carrying a folder with CI 20's name and social security number on it, took his application and gave him additional paperwork to fill out. CI 20 was subsequently admitted to the next scheduled class, which began in October 1994, and later paid Brandon and Smith a total of \$800 cash for helping him obtain his SSO position.

Smith and Brandon were able to illegally obtain SSO positions for bribe-givers because Smith was intimately familiar with the SSO application process, having previously worked as an administrator

¹²CI 20 tentatively identified this woman as Rosa Gonzalez-Ingles, then a supervisor in the personnel department. Our investigation found no evidence that Gonzalez-Ingles had knowledge of Smith and Brandon's bribery scheme. As will be discussed on page 14 of this report, however, we found that Gonzalez-Ingles had obtained SSO positions for a friend and a relative by circumventing DSS hiring procedures and falsifying their applications.

in the DSS personnel office.¹³ Because Smith had conducted numerous interviews with SSO candidates, he knew where the required DSS application forms were located and what they looked like. Smith also knew how to make the application paperwork of the bribe-givers appear legitimate. Thus, he directed applicants to backdate their stated interview date to an earlier one when legitimate interviews were actually conducted, or, in the case of CI 20, gave a candidate an application that already contained a false interview date.

Smith and Brandon could not obtain SSO positions for bribe-givers on their own. Because their fraudulent applications had to be processed into the DSS computer system, and since Smith no longer worked in personnel, having been promoted to a Group Leader position, he needed the assistance of DSS employees who worked in the personnel department.¹⁴ Smith had remained friendly with other personnel employees, however, and he used them to aid his scheme. While we found no evidence that they conspired with Smith and Brandon or profited with them, at least one of these employees was aware that Smith and Brandon's applications were backdated, and their assistance to Smith and Brandon was critical.

Once Smith and Brandon had accepted bribes from applicants and ensured that their applications contained a false interview date, they directed them to bring their paperwork to the

¹³Given the size and budget of DSS, its personnel office is relatively small. Since 1992, between three and six employees have worked there at any one time. None of the individuals who worked in the personnel office during the period examined by this investigation are currently employed there. Most accepted the BOE's previous severance offers and resigned, while others have been transferred to other departments or divisions.

¹⁴At the time of this investigation, Smith's official title was that of a Group Leader. Group Leaders at the training academy are supervisors who are responsible for working with new recruits, taking attendance and preparing payroll papers.

personnel department for processing.¹⁵ Already prepared by Smith to expect these applicants, personnel employees accepted their paperwork, gave each application a fictitious application number, and processed their applications for inclusion into the next scheduled training class. Indeed, we found that some DSS employees had used these same methods to secure SSO positions for their own friends and relatives, although we found no evidence that they asked for or accepted bribes.

In addition to illegally obtaining an SSO position for CI 20, Smith and Brandon also agreed to accept \$800 from an undercover SCI investigator posing as an SSO applicant. Furthermore, Smith twice accepted \$800 from CI 20, after agreeing to obtain SSO positions for two other individuals referred by CI 20. One of these individuals was an undercover SCI investigator posing as an applicant, and the other was a fictitious person for whom SCI had created an identity and personal documentation.

As evidence of just how widespread improper hiring practices had become at DSS, SCI investigators discovered a spiral notebook in a desk in the personnel office listing the names of 38 people, including CI 20, who had been offered SSO positions, along with the fictitious application numbers that each had been assigned.¹⁶ We discovered that this back channel, used by Smith and

¹⁵We found that Brandon operated solely as the "recruiter" for the scheme, soliciting individuals for SSO positions and usually taking bribes from them. Smith, because of his knowledge of DSS application procedures and his contacts in the personnel department, dealt with obtaining the requisite paperwork and getting it processed. Smith did, on occasion, recruit individuals himself and accept money or favors from them.

¹⁶Only one person's handwriting, that of DSS administrator Martha Fernandez-Restrepo, appeared in the notebook. According to Fernandez-Restrepo, there were several pages in the beginning of the notebook, which were missing when SCI investigators obtained it, that contained fictitious pre-application numbers, but not the names of applicants. Our investigation determined that an additional twenty individuals had also been provided with fictitious application numbers during this period, and that these were the numbers missing from the notebook.

Brandon to process applicants who bribed them, was also used for other forms of preferential hiring.¹⁷ All of the 38 individuals listed in the notebook had been offered SSO positions between July 1993 and October 1994, when a total of 555 individuals were selected.

B. THE LONG-STANDING PRACTICE OF CIRCUMVENTING SSO HIRING PROCEDURES FOR UNION REFERRALS

Our investigation revealed that several former directors of DSS, including Executive Director Zachary Tumin and Deputy Director James Hargrove, as well as their predecessors Bruce Irushalmi and Henry Murphy, had also engaged in preferential treatment with respect to the hiring of SSOs. We found that they had previously directed DSS personnel staff to bypass authorized hiring procedures for over 180 individuals referred to them by union local #237, which represents, among others, SSOs and school district security guards.¹⁸

Most of those referred by the union were security guards employed by local school districts who had been laid off, or were about to be laid off, as a result of BOE budget cuts.¹⁹ They were not required to wait their turn on the waiting list with other applicants, nor were they formally interviewed by two DSS supervisors; instead, they were simply required to have their personal documentation reviewed by Tumin's executive assistant, Marcia Schneider, who lacked any formal training in school

¹⁷According to DSS personnel staff, the list of names in the notebook included the names of some SSOs who did not improperly bypass DSS application procedures, but whose records had been lost after they had gone through the legitimate application and interview procedures. It is not known which DSS staff members lost these records.

¹⁸Local 237, affiliated with the Teamster's union, is the largest union of New York City employees, with about 23,000 members.

¹⁹There were several district guards referred by the union who were simply seeking career advancement and were not in danger of being laid off. We found no evidence that the performance of any of the individuals referred by the union was reviewed before they were allowed to circumvent the waiting list and gain admittance into an SSO recruit class.

safety issues. Thus, none of these applicants were properly hired on a pure merit basis. Unlike the individuals assisted by Smith and Brandon, however, their applications did not contain false interview dates. Personnel employees referred to the notebook to assign them a sequential fictitious application number, and listed their names and those numbers in it. Indeed, there is no evidence that union applicants engaged in, or were aware of, any wrongdoing.

During an interview with this office, Tumin acknowledged that he, as well as Bruce Irushalmi, his predecessor, had a long-standing agreement with union officials to allow applicants referred by the union to bypass the waiting list.²⁰ He further admitted that he never directed his staff to investigate whether or not these individuals had actually been employed as school guards. In fact, Tumin stated that he was aware that not all of the individuals referred by the union were former school security guards. Indeed, our investigation determined that 3 of the 16 union referrals listed in the notebook had never been school guards and lacked any background in security, and yet were offered SSO jobs without being properly screened or interviewed. One of these individuals previously worked for the union as a clerk/typist. Another was a receptionist in a driving school, while the third was a teacher's aide and a cashier.²¹

C. RELATIVES AND FRIENDS OF DSS EMPLOYEES ALSO OBTAIN SSO POSITIONS THROUGH THE BACK CHANNEL

By allowing union referrals to obtain SSO positions through an improper back channel, Tumin, Hargrove and their predecessors sent a clear message to their subordinates that DSS rules could easily

²⁰ According to DSS officials, the referral system was simply a way of helping maintain good labor relations with the union.

²¹ All three were referred by the union for SSO positions, although the union's correspondence with Tumin does not state that these individuals were former school guards, simply asking instead that they be considered for SSO positions.

be evaded and that the division's highest officials used a preferential selection process for favored applicants. Well aware that this backdoor channel existed for union referrals, DSS employees resorted to the same methods to obtain SSO positions for their own friends and family members, and simply went a step further by also backdating the date of their interviews to evade possible detection. When Smith asked

personnel staff to slip applications of those who had bribed him into the system and process them, they did so using the same back channel as their superiors. Unlike Smith and Brandon, however, we found no evidence that they had solicited bribes.

The notebook helped provide us with the names of at least some of the individuals who appeared to have obtained SSO positions through preferential treatment. We therefore initially attempted to interview all of the individuals whose names appeared in the notebook and who were not referred by union local #237. We also reviewed the applications of all SSOs who had obtained their positions since the beginning of Tumin's tenure in the fall of 1992, and interviewed those whose applications appeared to contain backdated information.

One of the first SSOs we interviewed was **SSO Jeffrey Rodriguez**. Rodriguez's name was listed in the notebook as having received a fictitious application number, and the date of his interview, as noted on his application, appeared to be backdated.²² Rodriguez admitted to SCI investigators that he was not interviewed on the date specified in his application, and that he had backdated his application at the direction of his cousin's wife, **Rosa Gonzalez-Ingles**, until recently a supervisor in the

²²Our suspicions were first raised when the interview date on Rodriguez's SSO application was indicated to be August 14, 1992, and the expiration date for his New York State driver's license was stated as May 23, 1997. Because New York State drivers licenses are renewable every four years, Rodriguez did not obtain his license until May 1993, well after the August 1992 date of his purported first interview.

DSS personnel department.²³ Although Rodriguez insisted that Gonzalez-Ingles had never asked for anything in return for her help, he stated that she had ordered him to lie to if he was ever asked, by anyone, when he had been interviewed. Gonzalez-Ingles was also tentatively identified by CI 20 as the personnel employee who accepted his application.

When questioned by SCI investigators, Gonzalez-Ingles admitted that she had helped Rodriguez circumvent the DSS application process so that he could obtain an SSO position.²⁴ Her reason for doing so, she asserted, was simply that she wanted to help a young relative obtain a job. Like many of the DSS employees we interviewed, Gonzalez-Ingles was completely familiar with how to circumvent DSS hiring procedures. She acknowledged that, in February 1994, she directed Rodriguez to backdate the interview date on his application so it appeared that he had been interviewed in August 1992. Gonzalez-Ingles further admitted that she herself conducted an "interview" with Rodriguez and processed his paperwork. In addition, Gonzalez-Ingles admitted that she helped her friend, **Milagros Andujar**, whose name also appeared in the notebook, obtain an SSO position without an interview.²⁵ Andujar dropped out after the first day of classes at the training academy.

²³Gonzalez-Ingles was recently transferred to an administrative position at P. S. 111, a school for special education students in the Bronx.

²⁴Gonzalez-Ingles spoke with SCI investigators after receiving a grant of immunity from criminal prosecution.

²⁵Gonzalez-Ingles admitted that an interview was never conducted with Andujar, nor was an interview form ever generated for her. When Andujar arrived at the personnel office, Gonzalez-Ingles claimed that she left her there and tried to find someone to interview her. When Gonzalez-Ingles returned, she stated that "someone" had already processed Andujar's paperwork. When shown Andujar's paperwork, however, Gonzalez-Ingles had no explanation as to why there was no interview sheet, and no reference to her name as Andujar's referral. Yet, with Gonzalez-Ingles's assistance, Andujar still managed to obtain a position in the February 1995 class.

Yvette Sanchez,²⁶ an administrator in the DSS budget office, admitted to SCI investigators that she had helped an individual bypass the DSS application process, and that Smith had assisted her in this effort. In the fall of 1994, when Smith was soliciting bribes from CI 20 and SCI undercovers, he also asked Sanchez if she knew of anyone who was interested in an SSO position. She recalled an acquaintance seeking a job named **Kathy Ivey**, whose husband was a business associate of her husband. According to Sanchez, after she informed Smith about Ivey, Smith gave her an SSO application for Ivey to complete and told her to direct Ivey to backdate the date of her interview by approximately two years. Sanchez stated that she directed Ivey to bring her completed paperwork to anyone in the personnel office,²⁷ and Ivey was able to obtain an SSO position in the October 1994 training class.²⁸ Ivey's name also appeared in the notebook. Sanchez and Ivey denied that a bribe was paid.

Several current SSOs also admitted to SCI investigators that they had obtained their positions improperly. **SSO Alice Jowers** was a member of the October 1994 training class and her application was assigned a fictitious application number;²⁹ in addition, her application appeared to contain backdated information. Jowers initially admitted to SCI investigators that Smith had improperly helped her obtain an SSO position. When asked if she gave Smith anything in return for her assistance, Jowers

²⁶Sanchez also spoke with SCI investigators under a grant of immunity from criminal prosecution.

²⁷It was unclear to whom Ivey gave her paperwork in the personnel office.

²⁸Ivey confirmed that Sanchez gave her the application forms and directed her to backdate the date of her interview. Apparently due to a dispute with her supervisor, Ivey was terminated from her SSO position in March 1995.

²⁹Jowers' name did not appear in the notebook; however, when we reviewed DSS computer records, we found that Jowers had been assigned the next and last sequential fictitious application number.

responded that she did not pay Smith "what people think I paid," and admitted that she had paid Smith with "favors." Jowers additionally acknowledged that she had not been interviewed until early 1994, even though her application papers indicated that she had been interviewed in August 1992.³⁰

SSO Kisha Henderson, whose name also appeared in the notebook, admitted to SCI investigators that her application contained backdated information; she admitted that she did not apply for a position until some time in the winter of 1993, but had falsely written on her application that she had been interviewed in August 1992. She stated that she had done so at the direction of her sister, **Lisa Henderson**,³¹ who accompanied her to DSS headquarters to obtain and fill out the paperwork. Kisha Henderson insisted that she did not know why Lisa told her to backdate her application, nor did she ever ask her the identity of the person at DSS who had instructed her on how to circumvent application procedures.³²

We also examined the application of **Beatrice Brandon**, Charles Brandon's sister and a former SSO,³³ who was in the October 1994 SSO recruit class. Although her application did not appear to be backdated, and we found no evidence that she had violated DSS hiring procedures or that her brother

³⁰In a subsequent interview, Jowers changed her story and denied that Smith had assisted her in obtaining her position or that she had provided Smith with "favors" in return for his help. Jowers gave no explanation as to why she would have initially lied to SCI investigators. She maintained that she was interviewed in August 1994, but could not explain why her interview documents, which she acknowledged contained her handwriting, indicated that she had been interviewed in August 1992.

³¹After applying for an SSO position for herself that day, Lisa Henderson was offered an SSO position. She later decided against accepting the offer.

³²Although her application appeared to contain backdated information, during an interview with SCI investigators, Lisa Henderson denied that she had backdated her application, or that any DSS employee had told her to do so.

³³Beatrice Brandon accepted the BOE's severance offer and resigned from her employment in April 1995.

had improperly assisted her in obtaining her position, we found that she had failed to state on required DSS application documents either that her brother was a BOE employee or that she had a petit larceny conviction.³⁴

Of the 38 individuals listed in the notebook, none were properly interviewed or screened by DSS supervisors. One, CI 20, obtained his position through bribery.³⁵ Six improperly obtained SSO positions through a friend or family member working at DSS. An additional 16 individuals listed in the notebook, three of whom had no background in security, were offered SSO positions through union referral. Five others listed in the notebook, circumvent DSS hiring procedures because they were Staten Island residents; according to DSS officials, they were having great difficulty staffing Staten Island schools and therefore tried to hire Staten Island residents to work there. Two others listed in the notebook appeared to have been given fictitious application numbers because DSS officials had lost their original application. With respect to the remaining eight individuals whose names appeared in the notebook, we could only determine that they had received fictitious application numbers, but we were unable to determine why they were allowed to bypass the waiting list and interview.

Along with the 38 names listed in the notebook, we found that, between July 1993 and October 1994, an additional 21 individuals were given fictitious application numbers.³⁶ These applicants also

³⁴The question on the BOE form entitled "Notification of Employment Relationship With Family Member" asks, "Do you have a near relative or relatives employed by the New York City Board of Education?" Brandon answered "no." The question on the BOE form entitled "Declaration of Convictions or Pending Action(s)" requires the applicant to list "all convictions of violations of law (other than traffic violations) in all jurisdictions and of all charges currently pending anywhere." Brandon answered "none."

³⁵The names of the SCI undercover investigators from whom Brandon and Smith solicited bribes did not appear in the notebook. This was likely due to the fact that Brandon and Smith were arrested before they had an opportunity to add the names to the notebook.

³⁶We determined this information from a review of DSS computer files.

appeared to have bypassed the waiting list and interviews. Thus, out of a total of 555 applicants selected for SSO positions during that period, we substantiated that at least 59, or about one in every nine individuals who were selected for SSO positions during that time, had received some form of preferential treatment.³⁷

IV. POOR SCREENING PRACTICES AT DSS LEAD TO THE HIRING OF INDIVIDUALS WITH CRIMINAL RECORDS

The lack of effective screening procedures at DSS has not only led to the hiring of unqualified individuals. Our investigation found that two men with prior arrest records were able to obtain employment with DSS, one as an SSO and one as an SSO supervisor, and keep their jobs for years, despite the fact that DSS had notice of their criminal history. Their cases came to our attention during this investigation because both men had committed additional crimes while employed as SSOs. Their cases demonstrate the necessity for stringent and thorough screening procedures.

On October 4, 1995, SSO supervisor **Heriberto Collazo** was arrested at Marin airport in Puerto Rico, and charged with possessing about three kilos of cocaine.³⁸ At the time of his arrest, Collazo had been employed by DSS for about 2 1/2 years. A routine check of Collazo's fingerprints revealed that he had been arrested three times prior to his employment with DSS, and that one of the

³⁷Our investigation found that, from January 1990 to January 1995, a total of 183 individuals received fictitious application numbers. SCI investigators reviewed the applications of all SSOs who had obtained such numbers since the beginning of Tumin's administration in September 1992. We subsequently interviewed all current SSOs whose paperwork appeared to contain backdated information or other irregularities, along with many other DSS employees.

³⁸Collazo had apparently stored the cocaine in a computer monitor, which was in his possession when he attempted to board a plane to the United States. The approximate street value of three kilos of cocaine, or about 6 1/2 pounds, is \$70,000.00.

arrests was for a felony, criminal possession of a weapon.³⁹ Although DSS was aware, at the time that Collazo was hired, of at least one of his arrests, for disorderly conduct, they still offered him a supervisory position. When Collazo later applied the special patrolman status required for his position,⁴⁰ he included information about his three prior arrests. Based on Collazo's arrest record, his special patrolman application was denied in May 1994, and his appeal of that rejection was denied in June 1994. Nonetheless, he was allowed to continue supervising other SSOs who had special patrolman status. It was not until September 1995 that DSS finally suspended Collazo, as a result of the rejection of his special patrolman application. DSS officials had no explanation for why Collazo was allowed to keep his supervisory position for over one year after his appeal was denied.

SSO **Terry Griffin** has been employed by DSS since 1981. In June 1995, the principal of P.S. 40 in Manhattan, where Griffin was posted, responded to a rash of thefts throughout the school by setting up a hidden camera in a locked storage area where some of the thefts had occurred. The camera filmed Griffin, in uniform and on duty, regularly stealing small amounts of food from the room, which he had no authority to enter.⁴¹ A routine review of Griffin's criminal record indicated that he had been arrested five times, from 1968 to 1980, for offenses ranging from drugs and weapons possession

³⁹Collazo's first arrest was in August 1977, for criminal possession of a weapon and menacing, a misdemeanor. In November 1977, both charges were dismissed. His second arrest was in 1983; the charges are unknown because they were dismissed and sealed. Collazo's last arrest was in 1987, for disorderly conduct, for which he received an unconditional discharge.

⁴⁰As provided by New York criminal procedure law, SSOs must apply to the New York City police department for special patrolman status. With such status, SSOs are deemed peace officers and can make warrantless arrests, conduct warrantless searches, use physical force in effecting an arrest, issue summonses for violations of law and take possession of firearms for purposes of safeguarding or disposing of them.

⁴¹Numerous valuable items, including wallets containing money, were left in the storage room, but Griffin did not take any of them. At this time, there is no other evidence linking Griffin to the thefts at P.S. 40. SCI's investigation of this matter is continuing.

to larceny, and had one misdemeanor drug conviction. A review of these arrests also indicated that Griffin had used two different aliases and three dates of birth. Although DSS had three opportunities to review Griffin's criminal background -- when he first applied for his position, when he applied for special patrolman status, and when he was arrested in January 1986 for a minor traffic infraction -- he was inexplicably allowed to retain his position.

During an interview with SCI investigators, Griffin not only admitted to the thefts, he freely acknowledged that he had repeatedly lied on official DSS documents, by failing to disclose his arrests and criminal record. When DSS officials were recently questioned about Griffin's prior failure to disclose his record, they stated that they would have given him "the benefit of the doubt," because they thought that the form's question was confusing. This position is indefensible, given that the question, "have you ever been arrested?" is clearly straightforward.

An arrest, or even a misdemeanor conviction, should not by itself disqualify an applicant. What is disturbing here are aggravating circumstances overlooked by DSS officials. Collazo and Griffin had eight arrests between them; Griffin used aliases and lied about his record on official documents. Collazo was denied the special patrolman status essential for a supervisor, yet was allowed to supervise special patrolmen for over a year after his appeal was denied.

V. RECOMMENDATIONS: PERSONNEL

As a result of our investigation, the allegations concerning **Robert Smith** and **Charles Brandon** were referred to the Manhattan District Attorney's Office, and both were arrested on charges of bribe receiving for public office. On August 31, 1995, Brandon pleaded guilty to that charge, a D felony, and was sentenced to five years probation. Smith is currently awaiting trial. CI 20 was arrested on bribery charges and has been cooperating with the investigation; his case remains open pending the disposition of the charges against Smith. Brandon and Smith have been terminated from their

employment with the BOE. We recommend that Brandon and Smith be barred from future employment with the BOE.

Rosa Gonzalez-Ingles, until recently a supervisor in the DSS personnel department,⁴² and **Yvette Sanchez**, a DSS administrator in its budget office, helped a relative and acquaintances improperly obtain SSO positions by filing false paperwork and circumventing the official SSO waiting list. In addition, Gonzales-Ingles told Jeffrey Rodriguez, the relative for whom she obtained a position, to lie if asked when he was interviewed. For these reasons, both Rosa Gonzalez-Ingles and Yvette Sanchez should be immediately removed from their positions and their employment with the BOE should be terminated.

The following SSOs improperly obtained their positions through the filing of false documents with DSS. They also circumvented the waiting list and did not undergo required interviews and background checks. All should be immediately removed from their positions and their employment with DSS should be terminated.

SSO Jeffrey Rodriguez

SSO Alice Jowers

SSO Kisha Henderson

The following former SSOs obtained their positions improperly through the filing of false documents with DSS and should be barred from future employment with the BOE:

Former SSO **Kathy Ivey**

Former SSO **Milagros Andujar**

Lisa Henderson assisted her sister, SSO Kisha Henderson, in improperly obtaining

⁴²As mentioned earlier, Gonzalez-Ingles was recently transferred to an administrative position in the BOE's special education division.

her SSO position. She also applied for and obtained an SSO position for herself, which she later decided not to accept. She should be barred from future employment with the BOE. Furthermore, our investigation revealed that former SSO **Beatrice Brandon** lied on required BOE paperwork, failing to inform the BOE that she had previously been arrested for larceny, and that her brother, Charles Brandon, was a BOE employee. We therefore recommend that Beatrice Brandon be barred from any future employment with the BOE.

SSO Supervisor **Heriberto Collazo** was recently arrested for possession of approximately 3 kilos of cocaine. He had previously been arrested on three separate occasions and his application for special patrolman status, a requirement for his position, was rejected. SSO **Terry Griffin** had five prior arrests and a misdemeanor drug conviction before he was recently caught stealing food from a school in which he was posted, while he was on duty. Griffin also admitted that he had repeatedly submitted false paperwork to DSS, failing to disclose his criminal background. Collazo has been suspended and Griffin has been reassigned to DSS headquarters pending formal charges. We recommend that they both be immediately terminated from their employment.

VI. RECOMMENDATIONS: SYSTEMIC

In approaching recommendations for systemic change, it is impossible for this office to separate this investigation from our experiences in previous investigations of the Division of School Safety. Over the past five years, at the Division's highest levels, we have found financial improprieties, conflicts of interest, nepotism and other forms of favoritism. At the school level, we have participated in the arrest of 16 SSOs for such crimes as sexual abuse of students, loan sharking, weapons and narcotics sales and attempted murder. The culture at the top has permeated and infected the behavior of rank-and-file SSOs. Further, we have heard promises of sweeping reform before, only to see affairs at the Division settle back to business as usual.

As a result of this investigation, the back channel that enabled Smith, Brandon and other DSS administrators to improperly obtain SSO positions for bribe-givers and others has been shut down. Curiously, Philip Tama, the Division's acting director, was unaware that either the back channel or the union referral system had even existed until it was recently brought to his attention by this office. Tama stated that he has not received any referrals from the union. A flexible hiring process to meet certain contingencies -- such as the need for SSOs living on Staten Island -- may be desirable. We recommend, however, that any such policy be stated formally and monitored carefully.

Prior to his departure, and partly due to this investigation, Tumin initiated several tighter hiring procedures for SSOs. Tama has offered additional recommendations, some of which he intends to implement when the next SSO class is recruited in early 1996.⁴³ These reforms are sensible, and appear to be modeled on the hiring procedures currently utilized by the New York City Police Department.⁴⁴

Such procedures, however promising in theory, can only be effective in practice if they are vigorously enforced. This is evident from the recent cases of SSOs Griffin and Collazo. DSS officials excused Griffin's repeated lying about his criminal record, somehow reasoning that the simple question, "have you ever been arrested?" was confusing. Stricter procedures were implemented in January 1995

⁴³Tumin abandoned the 10,000 person waiting list and, in December 1994, an ad was placed in the Daily News offering SSO applicants a one-week opportunity to obtain an application and apply for a position. The new procedures proposed by Tama include more widely advertising, recruiting from the list of pre-screened New York City Police Department applicants, conducting psychological exams, enforcing fitness and agility standards, raising the minimum age from 21 to 23 years of age, extending the SSO probationary period from 90 days to one year and random drug testing for all SSOs.

⁴⁴Candidates for New York City police officers must be at least 20 years old and reside in the New York metropolitan area. They must pass a civil service test and undergo physical, medical and psychological exams, as well as a drug test. In addition, they must have no felony convictions or a dishonorable discharge if they served in the military. Once on the force, police officers can be subjected to for-cause drug testing.

to ensure that all SSOs have special patrolman status. Nonetheless, DSS failed to discover that Collazo had been denied special patrolman status because of his arrest record, with the result that Collazo was supervising SSOs almost to the day of his arrest for the possession of 3 kilos of cocaine in Puerto Rico in October 1995. We recommend that the Division review and tighten further its special patrolman certification program, and make clear to its supervisors that they need to be much more rigorous in reviewing applicants with prior criminal records.

This investigation, as well as previous investigations we have conducted, have demonstrated that a culture of favoritism and unprofessionalism has prevailed at the highest levels of DSS. The most stringent hiring procedures will not succeed until that culture is broken. A clear message must be sent, through positive and effective leadership, that favoritism will not be tolerated and that hiring and screening procedures will be strictly enforced. A new culture must be created, built on the simple premise that our school children are entitled to the protection of school safety officers chosen from the most talented and qualified applicants. Professionalism and merit, not favoritism, must prevail. For all these reasons, we believe that the best course would be for the New York City Police Department to assume overall responsibility for hiring and screening School Safety Officers.⁴⁵

⁴⁵This report focuses on the hiring and screening of School Safety Officers. The current debate on the future of the Division reaches many areas well beyond its scope and beyond the scope of our recommendations.