

**Performance as Integrity,
Integrity as Performance:
A New Paradigm for Public Administration**

by

Frank Anechiarico

John Jay College of Criminal Justice
City University of New York

and

Dennis C. Smith

Wagner School of Public Service
New York University

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Abstract

This paper considers the necessary connection between integrity and effectiveness in public administration. The various concepts that scholars and practitioners use to characterize public agencies: integrity, effectiveness, innovation, administrative structure, inner vs. outer focus, decision making strategy, public trust, client-orientation, and their opposites and correlatives contribute significantly to our understanding of what we call governance. A working hypothesis is that when effectiveness and integrity are pursued in a systematic, evidence-based way, focusing primarily on outcomes (and on inputs and activities to examine their contribution to desired outcomes), integrity and effectiveness are partners, not competitors, in the quest for better public service. This paper presents a new paradigm for public administration that rejects the dichotomies between honesty and effectiveness and between values and compliance.

Introduction

The Quality of Governance

The various concepts that scholars and practitioners use to characterize public agencies: integrity, effectiveness, innovation, administrative structure, inner vs. outer focus, decision making strategy, public trust, client-orientation, and their opposites and correlatives—contribute significantly to what we call governance. In the aggregate, these factors and how they are weighted and distributed in public administration will make a large contribution to the quality of governance in a polity. This is not to neglect these factors as they manifest themselves in other parts of the executive, in legislative bodies, and in the judiciary.

We raise public administration, particularly, because of the close connection many agencies have to the daily concerns of the public and because of, as we argue, the

remarkably disaggregated way in which key elements of governance have been considered, particularly effectiveness and integrity. Our goal is to begin piecing together the elements of governance by, in this article, demonstrating the connection between performance effectiveness and integrity.

A Road Paved with Good Intentions

Like many Western democracies, the period around the turn of the 20th century in the United States was characterized by a high degree of clientelism and by bribery of public officials. In what was commonly referred to as “machine politics,” loyalists and supporters of elected officials were rewarded, regardless of qualifications, with jobs in the then relatively small, but relatively wealthy public sector. Everyone from members of the President’s cabinet to excise collectors to police officers to sanitation workers got their jobs through connections with the machine. The patron-client relation was especially noticeable at the lower ranks of the public service. Canvassing neighborhoods to get-out-the-vote for the local machine boss in a particular electoral district—often the votes of recent immigrants needing employment-- would be rewarded by the inevitable winner with a position in a municipal, state or even federal agency. This transaction strengthened loyalty and clientele connections between the machine boss and *his* (no women were in significant political positions in the U.S. for another 35 years) constituents. Of course, the machine controlled virtually all public procurement and used its position at the nexus of labor, private capital, and public contracting to justify receipt of kickback payments and the use of insider information to buy land at a low price,

knowing it was the planned site of a highway, hospital, or school. These receipts were called “honest graft,” as opposed to just plain looting the treasury. It is important to understand that this system dominated many polities for long periods of time and is still in place in many others. In the United States, and New York City and State particularly, it worked quite well from the 1840s into the early 20th century and beyond, as reform ebbed and flowed.

The Rise and Fall of the Machine

During the golden age of civil engineering a great many wonders of American infrastructure were built under the aegis of partisan political machines. The Tammany Hall political machine in New York City presided over the building of the New York County Courthouse, the subway system (at first, a public/private enterprise), the Brooklyn Bridge, the harbor and East River tunnels, hundreds of school buildings, a university system, and public hospitals.¹ As noted above, Tammany (or the Daley Machine in Chicago, the Corning Machine in Albany, the Hague Machine in Jersey City, etc.) was the broker and took a broker’s percentage.² Most often the percentage was high, but accepted. The machines were the municipal procurement agencies of their time and, if grudgingly, most citizens and officials accepted their role in the process. The bosses were getting rich, entrepreneurs were getting rich, too, the cities were getting built, and a great many families were provided with relatively stable incomes. Why not vote the rascals back in?

¹ Thomas M. Henderson, *Tammany Hall and the New Immigrants: The Progressive Years* (New York: Arno Press, 1976).

² Alfred Steinberg, *The Bosses* (New York: Macmillan, 1972).

However, there were the not infrequent occasions when the machine overreached. A classic and significant example is the construction of the New York County Courthouse, called to this day, the Tweed Courthouse, after the Tammany chief who gave new meaning to the machine's brokerage role. With colleagues including the City's sheriff and comptroller, William Maeger Tweed looted the Municipal and State treasuries through magnificent kickbacks and fraudulent payments. Upon the Courthouse's recent restoration as the headquarters of the City's Department of Education, the *New York Times* reviewed a history that was crucial to beginning a change in procurement nationwide:

Officially, the city wound up spending nearly \$13 million [\$100,000 was allocated]-- roughly \$178 million in today's dollars -- on a building that should have cost several times less, although many historians estimate that tens of millions of dollars more changed hands. Its construction cost nearly twice as much as the purchase of Alaska in 1867.

The corruption was breathtaking in its breadth and baldness. Nearly every major contractor was submitting fraudulent bills for work that was never done, sometimes in the names of people who did not exist.

Tweed was profiting in myriad ways, including his financial interest in the Massachusetts quarry providing some of the courthouse marble. When a committee was assigned to determine why construction was taking so long, it spent \$7,718 (roughly \$105,000 today) on printing its lightning-quick findings

that everything was aboveboard; the printing company, of course, was owned by Tweed.

A carpenter was paid \$360,751 (\$4.9 million) for one month's labor in a building with little woodwork. A furniture contractor received \$179,729 (\$2.5 million) for three tables and 40 chairs. And the plasterer, a Tammany functionary named Andrew J. Garvey, got \$133,187 (\$1.82 million) for two days' work; his business acumen earned him the sobriquet the Prince of Plasterers.³

The original publication in the *New York Times* of the cost overruns and plain thievery caused a furor that contributed to the Progressive reform of municipal government in general and professionalization of procurement in particular. The lowest responsible bidder system, pre- and post-audits of contracts and, by the 1930s, the assignment of officials of the City's Department of Investigation—eventually inspectors general—to each municipal agency came in turn. With the best of intentions, the Progressives divided public procurement and public administration into some specialized units, one set responsible for performing public service and the other units responsible for public integrity. The division between performance and integrity paralleled the distinction between politics and administration argued for by Woodrow Wilson in the 1880s. As a young college professor, Wilson was an ardent reformer and proponent of a professional civil service. Politics, according to Wilson was a mandate from the people that politicians were meant to interpret and shape into policy. Policy, once it became law,

³ Dan Barry, "Courthouse That Tweed Built Seeks to Shed Notorious Past," *New York Times*, December 12, 2000, Sec.B; p. 1.

was to be administered in isolation from politics, by credentialed and examined specialists in a bureaucratic setting.⁴

In spite of its substantial analytic appeal, there are several flaws in the scheme championed by Wilson and the Progressives. Many have argued that administration cannot be separated from politics. We argue that separating effectiveness of service delivery from public sector integrity is similarly flawed.

. Even the most mundane task assigned to the executive by legislators or judges requires discretion. Wherever value is being allocated, interests, or as Madison termed them “factions,” will attempt to influence decisions. This reality has taken on greater significance as the work of public administrators grew in scope and importance following the growth in government in the U.S. and elsewhere. By 1947 in the U.S., it was necessary for Congress to enact the Administrative Procedure Act, which recognized the law-making role of civil servants and codified the way in which discretion was to be exercised; in essence, the way that politics was to be conducted in administrative agencies. In the wake of these developments, the Progressives’ reliance on professional values to guarantee integrity was defeated by significant changes in the nature of both administration and the professions.

Professionalism and Integrity

⁴ Woodrow Wilson, “The Study of Administration,” *Political Science Quarterly*, (June, 1887), 197. .

As the professions became a vehicle for socio-economic mobility and government expanded radically after 1932 in the U.S., the value base of the professions became less that of “trusteeship” as Brint puts it, and more that of an expert or “rational technocrat” as Adams and Balfour put it. The trustee fits perfectly with the Progressive view of governance. In fact the professionalization of occupations coincided with the beginning of Progressive Reform and became one of its most important instruments. The ideal at the turn of the century, the trustee professional, has a *quid pro quo* at its core. In return for the respect and deference of the community and a better than average income, professionals were committed by their training to dedicate themselves, in a broad fashion, to the problems of the community to which their skills applied, whether in the law, medicine, public health, civil engineering, architecture, or the academic professions.

At the time, as described by Judith Trolander in her study of the settlement house movement,⁵ ethics that were part of every profession and part of professional education were relied upon by the Progressives to keep the public service honest, as they re-staffed agencies that were once full of “party hacks” with graduates of American universities who were members of the American Medical Association, the American Bar Association, and the American Association of Social Workers. From many accounts this worked very well. The agencies were rather small (American governments at all levels were a fraction of their current size) and it was easy to enforce ethical norms without many, if any, written rules. What might be called “the hairy eyeball” kept even the odd proclivity toward self-dealing in check. That is, each professional in what were usually horizontal/team structures had close and continuous knowledge of the work and routines

⁵ Judith Trolander, *Professionalism and Social Change* (New York: Columbia University Press, 1987).

of his or her co-workers. In such a system, the violation of professional norms would be quickly detected.

However, major changes in American government essentially ended the Progressive project. Part of this change was a gradual, but marked change in the nature of the professions that reinforced a new integrity paradigm in the public service. First, the size and scope of government expanded exponentially with the New Deal beginning in the first administration of President Franklin Roosevelt and expanded further with the American military and civil mobilization after the attack on Pearl Harbor. *Per force*, as Max Weber predicted, what had been horizontal/team structures became bureaucracies virtually over-night. The Progressive reliance on relatively small group norms reinforced by professional ethics became untenable. The scale of operation and the enormous amount of money flowing into government and out of it through some of the largest contracts in world history made it reasonable to match the getting and spending bureaucracies with an ethics regime that relied on Weber's critical elements: written rules, hierarchy, and career service. In this way, a bureaucratic anticorruption project was developed in American public administration. Congress insisted on internal investigation of "war profiteering," cost-overruns, and kickbacks. U.S. Senator Harry S. Truman came to prominence by holding hearings that brought fraud, waste and abuse in the huge new agencies to public attention.

Matching the development of an ethics bureaucracy was a shift away from the trustee model in the professions. In a slow, but perceptible shift, the professions and

bureaucratic public service adapted to each other, just as the professions adapted to the demand for specialized experts. In fact, Brint calls this the transition to “expert” professionalism. It influenced the enforcement of integrity in public administration in two ways. First, professional civil servants were no longer expected to bring with them a coherent set of trustee values. Professional schools had adapted to the demands of a society that was characterized by bureaucratic structures in the public and private sectors. They were producing not public health professionals, but epidemiologist or medical examiners trained in those specialties. The *quid quo pro* was slipping away in favor of recognition and prestige among one’s peers in the profession, not among one’s fellow citizens.

In an important corollary to the shift toward expertise, integrity regulation became a professional specialization in the legal profession. The Department of Investigation (DOI) in New York City began the 20th century as an agency devoted not only to the prevention of waste, abuse and fraud, but also as a center for the dissemination of best practices in the delivery of services. DOI had a testing laboratory to examine materials going into municipal infrastructure and also recommended routines to tax collectors and inspectors to make the most effective use of public funds. Reflective of the shift to expert, specialist professionals, New York City, by the 1960s required that the Commissioner of Investigation have five years of law enforcement experience. This was also the mode among Inspectors General in the federal government, as they evolved into a law enforcement profession after the Watergate Scandal in the 1970s.

The performance of public agencies and the quality of public goods and services became a different specialty, left to the policy staff of agencies. Commissioners (or Secretaries in the federal government) and their nearest aides were responsible for strategic plans to improve what was seen as performance. The Departments of Social Services (or similarly named agencies) in every county in the U.S. were held to account for “producing more with less” than they had the year before. The crucial point about performance specialization is that it was measured in terms of policy outputs. In the social service example, performance output was the number of cases carried by the agency, which established the efficiency ratio by which the agency was evaluated. A good indicator of the way in which this ratio drove the evaluation of agencies is the Management Report produced by the New York City Mayor’s Office of Operations. Up until fairly recently, it was agency outputs like “number of cases,” “calls for service answered by the police department,” or “tons of garbage collected by the sanitation department” that drove the performance quotient. Determining how to improve this quotient has deep roots in American organization theory. The “time-motion” studies of Frederick Taylor are the predecessors of output specialization. Step by step, through increased reliance on bureaucracy and increased expert specialization in the professions, public service effectiveness and public service integrity parted ways. Each had its own organizational setting and each had its own professional experts.

Bureaucratic Politics and Corruption Control⁶

⁶ This section appears in a different form in Frank Anechiarico, “The Cure for a Public Disease: The Foibles and Future of Corruption Control,” in H. George Frederickson and Richard K. Ghere, eds. *Ethics in Public Management* (Armonk, N.Y.: M.E. Sharpe, 2005), pp.243-259.

It is true, as the Progressives understood, that favoritism and partisanship in administration can undermine the legitimacy of democratic governance. Citizens may not appreciate spending their tax dollars on the friends and loyalists of elected officials, especially when cronyism takes no notice of credentials or other qualifications. The obvious solution, as historians of the civil service movement note, is a neutral institution with codified standards of recruitment and monitoring. It is useful to note the parts of public administration that are considered in this analysis as integrity specialization. They grew more influential as the 20th century evolved and each “scandal” was met with new and more particularized responses. Mapping what might be called the anticorruption specialty does not indicate its worthiness, but does indicate its independence from strategies aimed at public agency performance enhancement. The following are the most prominent elements of the anticorruption specialty:

- The Civil Service

The civil service's the *sine qua non* of the anticorruption project. It was the first piece to be put in place in the United States and elsewhere, and it causes an almost immediate power shift away from partisan authority in service delivery to the controls of nascent bureaucracy.

A study of the “constraints and opportunities” of the New York City civil service system by the Columbia University Program in Politics and Public Policy found that civil service reform had by the 1990s rendered city government ineffective and, ironically, subject to political manipulation-- the worst of both worlds.¹ (Cohen & Eimicke 1993). The Columbia study surveyed managers of all ranks in three agencies and found uniform negativism about the personnel system. Criticism centered on five, major problems: hiring takes too long, testing does not assess relevant abilities, promotion is not controlled at the agency level and deprives

managers of a basic incentive, job descriptions are so technically and narrowly written that a minor internal transfer becomes a major bureaucratic issue, and discipline, punishment, and removal have been made all but impossible by civil service protections.

In response to some of these problems, New York Mayor Edward Koch created an office in 1983 to recruit minorities and women for administrative positions in New York City government. This office, the Talent Bank, came under blistering attack in a New York State anti-corruption investigation, because it accepted referrals from politicians.ⁱⁱ The lack of “formal standards,” in the view of investigators tainted the employment of everyone hired through the Talent Bank. One long-serving administrator, whose name was included in the investigation and published by the *New York Times*, simply because he had been referred to a Deputy Mayor by the Talent Bank, wrote a response to the *Times*: “By 1981 [when the Talent Bank forwarded his name], I had 12 years of public sector experience-- federal, state, and city. . . I guess you have destroyed my credibility and that of others. Too bad for government, whose professionals and managers seem relentlessly and often inaccurately criticized by the news media, further discouraging talented people from entering its ranks and staying.”ⁱⁱⁱ(Trent 1989) Although no legal violations were found, pressure from the media and the state commission forced the Talent Bank to close.

- Conflicts of Interest and Financial Disclosure

Passage of the New York State ethics law in May 1991 precipitated a rash of resignations among local officials all over the state. The New York State Association of Counties reported over one hundred resignations from county government positions, especially from county health boards, zoning and planning commissions, and community college boards.^{iv}(Sack 1991) But even if conflict of interest and financial disclosure laws do not deter

people from seeking or accepting public office, public administration will suffer if ethics legislation negatively affects morale or if it makes decision making more defensive and slower.

According to the modern-day architects of the anticorruption project, financial disclosure by public officials must be exhaustive and ongoing. Review must be entrusted to an agency situated outside operational lines of authority. Rather than relying on credentials or professional norms, the crime-control strategy relies on deterrence, surveillance, and investigation.

- Whistleblower Protection

The Federal Whistleblower Protection Act of 1989 strengthened the provisions of the 1978 Act by making the Office of Special Counsel independent of the umbrella Merit Systems Protection Board (MSPB) and allowing whistleblowers to bypass the OSC and take complaints directly to the MSPB.^v (Public Law 101-12, 103 Stat. 16, §2(a) 10 April 1989). The 1989 Act also lowered the standard of proof necessary to make a case of protected whistleblowing. The employee must show that his or her disclosure of information was “a factor” (rather than the *predominant or motivating factor*) in the subsequent negative personnel action or inaction.

The protection and encouragement of whistleblowers enables all public employees to be investigators and activists in the anticorruption project. The whistleblower machinery itself is a good example of the entrenchment of external control mechanisms. This machinery is predicated on the belief that the public service cannot effectively police itself. It assumes that anticorruption responsibility can only be effectively discharged by those who are either protected from and have no stake in the target agency’s reputation. However, such people are likely to have little information about the agency’s operations and little interest in whether the agency achieves its goals.

- Internal Investigation

The presence of Inspectors General and undercover field associates in various agencies created a system in New York City government that some employees describe as “Big Brother” and “like the old Soviet Union.” No one knows whether a city employee is actually working for the DOI as a field associate or whether an apparent member of the public is actually an undercover DOI investigator conducting a sting or an integrity test. A commissioner in the Koch Administration, reflecting on her experience, commented that the worst part of the job was the fear that the DOI would one day summon her for questioning about a matter that had escaped her attention. “It’s like living with the sword of Damocles perpetually threatening to drop.” At one point, she found herself using pay phones because she worried DOI was wiretapping. “It seems funny now, but at the time it was frightening.”

The transformation of the DOI into a bona fide law enforcement agency has important implications for public administration. Agency heads operate by constantly looking over their shoulders trying to anticipate how DOI investigators will perceive their decisions and wondering which of their operations may be surreptitiously monitored.

- State and Federal Prosecution

The biggest change in the law enforcement component of the anticorruption project is the aggressive role of federal law enforcement agencies in investigating and prosecuting corruption by high-level state and local officials including governors and mayors.^{vi} (18 United States Code §§1341 and 1343 (1988 and Supp.IV 1992)). The expansion of criminal law, especially regarding federal mail and wire fraud has made it possible for the FBI to investigate and for the Department of Justice to prosecute just about any significant local corruption. Federal law enforcement officials may be more willing and able to prosecute local corruption

than their state and local counterparts. The federal prosecutors have more resources and are not as involved in local politics as local prosecutors.^{vii}(Maass 1989) Conversely, federal officials may be unfamiliar with the nuances of local politics, and, as a result, have to rely on and work with local law enforcement. Since the mid-1970, when the Department of Justice declared local corruption an enforcement priority, a number of governors, dozens of mayors, and hundreds of local public officials have been indicted for and convicted of official corruption in federal court. (*U.S. v. Margiotta*, 688 F.2d 108 (2d Cir. 1982))

Prosecutors are a greater presence in the daily lives of public administrators than they were a generation ago. Federal and large local prosecutors' offices are likely to have specialized public corruption units, professionally committed to making cases. Prosecutors now expect public administrators to share the high priority that they have given to fighting corruption and racketeering.

- Procurement Regulation

The reason that Willie Sutton robbed banks is the same reason that procurement systems are vulnerable to corruption: "That's where the money is." New York City's Parking Violations Bureau scandal, which reached two borough presidents among many others in the administration of Mayor Edward Koch, led to the establishment of the Procurement Policy Board (PPB) by way of the 1989 Charter revision. Within a year, the PPB issued several hundred pages of regulations covering every aspect of contracting.^{viii} (Procurement Policy Board Rules, 1 August 1990)

The character and integrity of private contractors wishing to do business with New York City and other governments were of primary importance. Would-be contractors had to submit full disclosures about company and personal finances. Databases of background information on

contractors were expanding. A negative determination by any government agency would eliminate opportunities to obtain city contracts because other agency heads would want to avoid criticism for doing business with “racketeers.” By 1990, a single agency’s favorable finding, however, would not qualify a firm to do business with every other agency, because each agency was responsible for making its own responsibility determination every time a contract was awarded.

Contracts were awarded according to lowest cost, not according to performance record. Even a contractor who did a shoddy job for the agency previously would be awarded a contract, if his or hers was the lowest bid, unless the contractor was found non-responsible (in terms of illegal activities). The result is a race to the bottom, which many companies refuse to join. The Feerick Commission found that many contracts advertised by the New York City Human Resources Administration attracted very few bidders.^{ix}(Feerick 1990:ch.13)

The field was further limited by the near-obsession in New York City (and elsewhere) to avoid doing business with contractors having even a tangential connection with racketeers. Examinations of family connections by the New York City Comptroller eliminated contractors who are related to reputed racketeers by marriage. Ironically, the higher the moral position that government takes, the higher the standard it will be held to, and the greater the criticism to which it will be subjected when it becomes known, as it will inevitably, that a particular contract is being performed by a firm “associated” with this or that “gangster.”^x(Flynn 1994)

Exaggerated ambition in procurement control causes unnecessary growth of the anticorruption project.

- Auditing

Auditors have become influential actors in American government because of the numerous mandates and responsibilities they are assigned and because negative audits, particularly those charging or intimating corruption, have the potential to undermine or destroy administrators. Scandal sensitive politicians and bureaucrats implement financial controls, preaudits, and postaudits to protect themselves against the possibility of future charges that they ignored fraud and corruption.

Public administration reformers throughout the last century advocated the use of financial control in order to achieve corruption-free government. They have understood implicitly what Bentham^{xi}(1995) and Foucault (1979) understood explicitly, that surveillance, monitoring, and control of information produces conformity. Toward that end, reformers lobbied for more intensive and comprehensive financial controls, promising that such controls would contribute to governmental efficiency as well as honesty.^{xii}(U.S. General Accounting Office 1992)

The expansion of financial controls contributed to an on-going shift in power from executive and legislative officials to comptrollers and other audit agencies. These information-gathering and monitoring agencies were becoming increasingly important units of government. Their wide-ranging audits generated recommendations aimed at practically every aspect of agency organization, operation, and personnel policy.

Because of the politics of corruption and reform, administrators ignored such recommendations at their peril. The auditing agencies had become key shapers of public administration.

However, as noted above, bureaucratic inspection and oversight fall prey to the same pathologies that bedevil all such structures: delay, overlap, over-centralization, demoralization of middle management, criminalization of inter-organizational exchange, and goal displacement. The next section provides a stark example of a modern, professional public agency that defined effectiveness without regard for integrity and vice-versa.

A Post-Progressive Example: The Ramparts Scandal in the Los Angeles Police Department

“After a scandal that surfaced during 1999 in the rogue Ramparts gang unit, tough new disciplinary protocols allegedly convinced many officers to avoid trouble by dialing back on crime fighting. The saga is complex, but gang killings are up. Bratton recently told a reporter: ‘The department is not organized to fight crime. It’s organized to circle the wagons.’”

- “What Police Can- and Can’t Do,” *Chicago Herald*, Editorial, December 15, 2002

The Los Angeles Police Department was known and celebrated as the epitome of the bureaucratic style. It was paramilitary in organization, measured its effectiveness in terms of arrests and other outputs, and relied on compliance with written rules and regulations to maintain standards of integrity. When the word “professional” was used in

the Department up through the early 1960s, it denoted expertise in the deployment of personnel and detection, if not prevention or reduction of crime. It became famous in law enforcement circles and in the public imagination for its efficiency and dedication to its definition of duty—again, defined by the post-Progressive hierarchy of regulation.

From “Dragnet” to “LA Confidential”⁷

The City of Los Angeles changed, but the Department did not. As the Crip and Blood gangs held sway and grew regionally and then nationally, the Department responded with “strategic intervention.” Strategic intervention did not seek to detect or disrupt the causes or patterns of criminality, but to respond in force to reported, ongoing incidents. Virtually the only time that Angelenos saw the police in action was when a number of squad cars swept into an area during or just after a drive by shooting or incident of drug related violence. The possibility of connecting citizen demand for public safety and police capacity for maintaining it grew more remote by the year. Co-production of the key outcome of police service, public safety, was prevented by racial tension, perceived and real police brutality and a bureaucratic structure that did not regard public trust as a necessary factor. The LAPD became a classic example of most bureaucratic pathologies. It was characterized by expert professionalism, hierarchy, integrity based on rule compliance, and performance measured by outputs. Departmental leaders like Daryl Gates pushed the model to its limits and emphasized outputs to such an extent that even

⁷ These two depictions show very different sides of what was considered the most professional, large police department in the United States. “Dragnet,” a popular television series produced by its star, Jack Webb, showed an efficient, bureaucratic department with good public relations during its run from 1951-1959. “L.A. Confidential,” a 1997 film directed by Curtis Hanson, covered the same time period as “Dragnet,” but depicted a department that was brutally corrupt from top to bottom.

rule compliance began to fade, as integrity became an obstacle in what became a war between the police and criminals in areas like Compton and South Central.

In a collection of classic writings about integrity in public administration, William Heffernan, argues that “effective law enforcement in a democratic society is possible only when the police honor basic standards of integrity.”⁸ Unfortunately, Prof. Heffernan does not provide empirical evidence to sustain his assertion. Los Angeles had the great misfortune of proving his point. Randall Sullivan’s description of the complete ethical collapse of the Los Angeles Police Department in the late 1990s, known as the Ramparts Scandal, indicates a police agency that had rigorously disregarded ethics in order to protect itself from charges of infiltration by gangs (the Bloods, in particular) and a by band of thugs connected to the Death Row music company.⁹ It is apparent from crime rates collected in the FBI’s Uniform Crime Reports and in the National Crime Victimization Survey, conducted by the Justice Department’s Bureau of Crime Statistics, that after a period of slow decline, crime sharply increased as the details of the Ramparts Scandal became public.¹⁰

Clear outlines emerge from the Ramparts Scandal and in the history of scandal in various public agencies in New York City and Chicago that make it difficult to dismiss Heffernan’s argument. What is contended here is that the profile of the scandal-ridden LAPD evolved from a political culture established by Progressive Era reformers.

⁸ William C. Heffernan, “Two Approaches to Police Ethics,” in Willa Bruce, *Classics of Administrative Ethics* (Boulder, Col.: Westview Press, 2001),p.315{313-328]

⁹ Randall Sullivan, *Labyrinth* (New York: Grove Press, 2002).

¹⁰ See: <http://www.ojp.usdoj.gov/bjs/homicide/homtrnd.htm> and <http://www.fbi.gov/ucr/ucr.htm#cius>

Contended Ideals and an Innovation

An important premise of this paper is based on the on the analysis of cultural shifts studied by Anthony Amsterdam and Jerome Bruner.¹¹ Since we are dealing with broad-based reform movements, their consequences, and possible alternatives, we are, as noted, in the realm of political culture. What are the assumptions about ethics and official integrity that informed the changes that the Progressives prescribed and implemented? Were the Progressives expressing widely shared (modal) beliefs about the distribution of power that had become part of American culture? Does the answer to this question help explain the durability of Progressive reform, despite the challenges, and/or negative consequences of the Progressive agenda?

Amsterdam and Bruner take up the question of political culture and how we learn and transmit our beliefs about governance:

[C]ultures in their very nature are marked by contests for control over conceptions of reality. In any culture, there are both canonical versions of how things really are and should be and countervailing visions about what is alternatively possible. . . . Canonicity and the ordinary are typically in conflict with imagination.¹²

¹¹ Anthony Amsterdam and Jerome Bruner, *Minding the Law* (Cambridge, Mass.: Harvard University Press, 2000). The collaborative work of Amsterdam, a specialist in civil rights law and criminal procedure and Bruner, who established the field of cognitive psychology, produces a view of learning about American political and legal culture that might preface any discussion of corruption control.)

¹² *Ibid.* p.232-233.

A lack of cultural consensus about a primary regime characteristic like corruption control will lead to certain predictable, organizational characteristics and syndromes. The first casualty of contended political culture, according to Adams and Balfour,¹³ Brint,¹⁴ as well as Amsterdam and Bruner, is the reliance on value-based ethics in a professional civil service. To reiterate, as the professions became a vehicle for socio-economic mobility, the value base of the professions changed to compliance (rule) based ethics. Importantly, value-based ethics remain an important aspiration for many scholars and practitioners. This part of political culture is still very much in contention.

Understanding this contention and the historical dynamic of the political culture of corruption control is crucial to evaluating what is necessary and feasible in the next phase of reform.

The most salient point made by Amsterdam and Bruner for the purposes of this paper is that there has been and is currently little cohesion or “canonicity” in the transmission of beliefs about the exercise and control of power. That is, the idea of administrative culture, since the beginning of Progressive reform, has been contended ground. The Progressive faith in professions and leadership selection as routes to clean, effective government, were built on the beliefs and biases of the relatively small middle-class at the turn of the 20th century. By contrast, a new paradigm is apparent in a number of organizational and strategic changes in government. Innovations have been and are being developed that connect integrity, performance and other elements of governance in a way

¹³ Guy B. Adams and Danny L. Balfour. *Unmasking Administrative Evil*, Rev. ed. (Armonk, N.Y.: M.E. Sharpe, 2004).

¹⁴ Steven Brint. *In an Age of Experts* (Princeton, N.J.: Princeton University Press, 1996).

that recognizes the pitfalls associated with the post-Progressive/bureaucratic era of public administration.

Recasting Integrity

Paralleling the twist and turns of administration and politics over the last century has been a propensity to separately treat government performance and official integrity. This has been documented in the United States and is increasingly clear in other developed nations and in the developing world, as well. As noted above, the cost to the public in this wide variety of polities has been lower levels in both categories: services that are either neglected or are delivered with no measure of their outcome and officials that become dispirited by the skein of integrity rules that turn them into “probationers” in the eyes of corruption controllers. The separation and competition between performance and integrity thus results in a downward spiral. The decline in public service results in vulnerability to extortion and bribery which further degrades public service. More rules follow each scandal, which hamstring the most dedicated public servants. At least that was the case through the early 1990s in most American cities and other governments in the United States of any size.¹⁵

The crisis in public administration continues into the first decade of the 21st century. We are now in a position, however, to observe instances where, consciously or not, integrity and performance are recognized as partners in improving public service effectiveness.

¹⁵ Frank Anechiarico and James B. Jacobs, *The Pursuit of Absolute Integrity*. (Chicago: University of Chicago, Press, 1996).

This partnership or reunion of performance and integrity is an overlooked aspect of, for instance, the role of the New York Police Department in reducing crime to historic lows, the turn-around of chronic misconduct in the City's construction inspectorate, and the successful anticorruption drives in Seoul Korea and Hong Kong.¹⁶ New developments have allowed us to cast our net more widely. As the building blocks of government legitimacy, effectiveness and integrity must be a primary concern of public officials, commentators and citizens. The waste-bin of comparative politics is full of examples of governance systems that became failed states by neglecting one or both of these elements. What was known during the Cold War as the Eastern Bloc failed, as anticipated by the works of Djilas¹⁷, when the compact between citizens and officials crumbled, when corruption became blatant and services were delivered sporadically and preferentially. This is not the exclusive foible of communist systems. We find the same failure in Central Africa, the Caribbean, and South Asia. We find it in New York City from the 1970s through around 1992. We find it in Detroit during much the same period and in Los Angeles, as well. Cynicism, a decline in official engagement with civil society, and an individuation of regard turns the "commons" of governance into a public bad.¹⁸

Understanding what happened in the agencies and programs that have managed to bring performance and integrity together should give us a way to avoid breakdowns in legitimacy. However, understanding the nature of the elements we are reuniting must

¹⁶ Kim, Chan-Gon "Reinventing the City Government of Seoul: Reform experience of Seoul Metropolitan government in the era of local autonomy and the IMF crisis." Presented at the 62nd National Conference of the American Society for Public Administration, Newark NJ, March 13, 2001.

¹⁷ Milovan Djilas, *The New Class* (New York: Praeger, 1957).

¹⁸ Arthur Niederhoffer, *Behind the Shield* (Garden City, NY:Doubleday, 1967);Suzanne Garment, *Scandal: The crisis of mistrust in American Politics* NewYork: Times Books, 1991)

precede the reunion. Students of official corruption and public ethics have debated definitions for years, even as the practice of corruption changed around them. Those in and out of the public sector who are interested in government performance have contended with a vogue for business models, privatization, “contracting-out”: “the new public management.”¹⁹ We find much of the writing done in these two areas carefully researched and useful. The problem, of course, is that they are two separate areas.

We propose broad definitions of integrity and performance that will indicate that they are inevitably connected, as Heffernan asserted about policing. We contend further that public agency and service design and management that consciously links integrity and performance will lead to improved governance. The ideal of integrity has been most often connected to character traits of those who possess the public service ethic. While remuneration may be greater for an engineer in the private sector, the ideal of serving the community by providing clean water and improved public transportation has drawn excellent professionals from engineering into government. The same goes for accountants, lawyers, physicians, and the dozens of other occupations that modern government requires.

One of the popular movements among anticorruption specialists in the past decade is movement away from “rule (or compliance)-based integrity,” in which deterrence and detection make the integrity system an arm of law enforcement, toward “values based

¹⁹ Frederickson, H. George, “Public Ethics and the New Managerialism: An Axiomatic Theory,” in H. George Frederickson and Richard K. Ghere, *Ethics in Public Management*. New York, M.E. Sharpe, 2005.

integrity,” that relies on careful recruitment, training, and nurturance of proper workplace ethics. As mentioned, the former has been tried and found wanting.²⁰ The latter is very attractive, but lacks a validated method, and has only periodic endorsement in the annals of American and most other administrative traditions. We consider these alternatives when we recast the historic debate between Finer and Friedrich over mechanisms for controlling official behavior.²¹

Integrity as Performance

There is, however, a broader definition of integrity that we will use to bring the individual into the context of the workplace, in this case, the public agency. This broader definition of integrity is often used by structural engineers. A tunnel, bridge or other edifice has “integrity” if, in a measurable way, it can be shown that the design, materials, and building techniques have produced a structure that will perform its functions safely, efficiently, and over the desired period of time. Another way of putting it is that the elements that go into the structure-- design, material, and technique-- have been well integrated to produce an effective result. Corruption, in the same metaphor, is the disintegration of critical elements. If unchecked, disintegration results in failure of the

²⁰ In policing see “The Effects of Training and Education on Police Attitudes and Performance: A Preliminary Analysis,” with Elinor Ostrom, in Herbert Jacob, ed., *The Potential for Reform of Criminal Justice* (Volume III, **Sage Criminal Justice Systems Annuals**, 1974). *Police Professionalization and Performance: An Analysis of Public Policy from the Perspective of Police as Producers and Citizens as Consumers of a Public Service* (unpublished Ph.D. dissertation, Indiana University, 1976), Steven Brint, opcit.

²¹ A debate over the nature of administrative accountability and the need for rule-oriented ethics appeared in: Carl Friedrich, “Public Policy and the Nature of Administrative Responsibility,” in Friedrich, ed. *Public Policy* (Cambridge, Mass.: Harvard University Press, 1940), pp. 221-246 and in Herman Finer, “Administrative Responsibility in a Democratic Government,” *Public Administration Review*, 1(4)(1940), pp.335-350,

structure. The integrity of a structure, physical or organizational, thus is defined by the quality of its continued performance. The Brooklyn Bridge has performed perfectly for over 120 years, the result of a brilliant design, the best materials available, and use of innovative building techniques. The New York Police Department was redesigned in the 1990s.²² New materials in the form of computer aided crime and corruption statistics analysis by precinct were employed, and techniques used in personnel deployment and evaluation were completely reformed.²³ Reflecting the bifurcation of focus on effectiveness and integrity that characterizes public administration, most observers are aware that crime has come down by more than two thirds over the past decade in New York City, arguably the result of a management reform called CompStat, but almost nobody knows that corruption complaints, after the introduction of a performance management approach, have declined by the same proportion during that period. The result was a new integration of effectiveness and honesty that could be measured by street-level performance and resulting public safety improvement. In a system that depends on measurement to ensure performance integrity, indicators of “corruption” will usually appear in the routines used to gauge efficient outcomes (eg., assessing the Bridge’s load capacity and measuring crime and corruption rates).

Performance as Integrity

²² Dennis C. Smith, "Performance Management in New York City: COMPSTAT and the Revolution in Police Management,"(with William Bratton) in *Quicker, Better, Cheaper?: Managing Performance in American Government*, edited Dall Forsythe (Albany, NY: SUNY Press, 2001.)

²³ Vincent E. Henry and Charles V. Campisi Current and Future Practices and Strategies for Managing Corruption and Integrity: The Police in Visions for change : crime and justice in the twenty-first century / Roslyn Muraskin and Albert R. Roberts.

For a long time, public officials and scholars of public administration acted as if they were engineers who measured their success only by the amount of money allocated for the project, regardless of how the money was used or what it produced. Further, in many areas of public administration it was considered impossible to know much more than what the levels of an agency's output were. How many police officers were on patrol, how many cases were coming into Child Protective Services and how many were assigned to workers, or the ratio of pupils to teachers. While the measures were often premised on the belief that these inputs or activities were connected to results that mattered, those assumptions were rarely tested empirically. Metrics of the quality of service delivered were considered ineffable. There were, it was argued, too many confounding factors to identify an outcome of dealing with complex and often unique elements of a case. (The same was argued about determining outcomes in transportation, public housing, and building safety. The NYPD, at one celebrated point, announced that the crime rate, a reasonable outcome measure, was unrelated to the design, material, and technique used by the Department. A measure popular with police departments across the country was the number of a selected set of crimes which were collected from all departments by the FBI to compose the nation's Uniform Crime Report. Some observers used reported crime as a measure of police performance but police leaders usually regarded the level of crime as a measure of demand, and many criminologists, including the leading American student of police, James Q. Wilson²⁴ went along, claiming that the police had no established technology for crime reduction. It was not until researchers and then the Department of Justice began conducting random sample victimization surveys and assessments of citizen experience and evaluation of police service that the reported

²⁴ James Q. Wilson, *Varieties of Police Behavior*, (Cambridge: Harvard University Press, 1968).

crime or even police arrest numbers were rejected as valid and reliable measures of citizen demand for and receipt of service.

Little by little, the idea that government service could and should be measured began spreading in the education of administrative executives, in political rhetoric, in reports of important measurement agencies like the General Accounting Office (renamed the Government Accountability Office), the Congressional Research Service, the Office of Management and Budget and, prominently, the New York City Mayor's Office of Operations. The story of the Office of Operations helps explain how performance and integrity can be seen as a single entity. The Office's chief product, the Mayor's Management Report (MMR), is a fascinating study in changing systems of measurement. As we will explain, over a period of years and a number of mayoral administrations, the MMR changed from a simple listing of inputs (dollars, personnel, and material) and outputs (numbers of cases processed, miles of roads paved, arrest rates, tons of garbage collected, average class size) to an analysis of quality and efficiency in public performance that depends on public access and satisfaction.

The innovation is the new use of measures by agency management. Once outcome metrics are known, agency managers at every level can use them to reform the three elements of integrity: design, material, and technique. The better the measure, the most closely linked they will be to the elements of integrity and the more easily corruption will be detected. This is not to say that this formulation will work for all services. However,

one of the duties of the Office of Operations is to work with agency personnel to refine measures for all phases of operation.

The core information in the MMR consists of nearly 1,000 agency performance measures (not counting the 2,500 supplementary measures available exclusively in the web-based version of the Report). Each measure reflects a particular aspect of agency service operations, such as inputs: or resources available to perform the task; demand for the service; number of work units completed; efficiency or cost effectiveness of the service operation; timeliness or quality of work; and the ultimate impact of service delivery on citizens and the urban environment, often referred to as the ‘final outcome’ of service efforts.²⁵

An additional element that recognizes the connection between performance and integrity is the NYC 311 Citizen Service Center. In its first two years, the Center has responded to over 20 million calls. The Center is designed to field complaints and non-emergency requests for service. It does this “24 hours a days, 365 days a year, in over 170 different languages.”²⁶ Together, the measures in the MMR and the 311 calls are now categorized and included in the MMR. The Office of Operations has been able to come closer than ever to the overlapping ideals of integrity and performance noted here. Not that all the measures are going in the right direction each year in all agencies, but the fact that the measures and citizen demands are available to management, enables reforms and improvements in service delivery that were invisible previously.

²⁵ Michael Bloomberg, Marc Shaw, Peter Madonia, and Susan Kupferman, *The Mayor’s Management Report, Fiscal 2005* (New York: City of New York, 2005), pp. v-vi.

²⁶ *Ibid.*, p. 262.

What about garden-variety corruption? Here we might consider the chapter in the MMR on the Department of Investigation (DOI), which is responsible for deterring, detecting and investigating fraud, waste and abuse²⁷ in the City's agencies. The agency conducts a great deal of training and produces "corruption awareness pamphlets" for use by government employees and also vendors and contractors doing work for the City. The 311 system has had a major impact on the Department, which received 11,609 complaints in 2005, up 5% from the previous year. These complaints boiled down to 1,729 investigations, slightly down from 2004. Since the aggregate amount of corruption cannot be determined by the number of complaints or the number of investigations and referrals for prosecution, the Department has been diverting effort to the examination of operations and performance. As the MMR puts it, ". . .DOI has been analyzing whether systems and procedures need to be changed within an agency in order to prevent future similar criminal conduct. This comprehensive and proactive approach is much more intensive than a straightforward criminal investigation."²⁸

Is a Proactive Approach Enough: Tackling Corruption and Misconduct in the New York City Department of Buildings

In the code of administrative conduct drawn up by the New York City Comptroller, Directive no.1 deals with the qualities of management and control required to operate a government of nearly 300,000 employments and to provide quality service to the public.

²⁷ This is the conventional definition of official corruption used by official corruption controllers. It comprehends and surpasses the self-dealing of interest conflicts, extortion, bribery, kickbacks, and personnel favoritism or harassment.

²⁸ Bloomberg, et al., *The Mayor's Management Report*, p. 199-200.

On this issue the Directive is clear and comprehensive regarding the expectations of the Code and inevitably vague about how these expectations are to be implemented:

The control environment sets the tone of the organization and influences the control consciousness of its members. It is the foundation of all other components of internal control, providing discipline and structure. Control environment factors include the integrity, ethical values, and competence of the entity's people; management's philosophy and operating style; the way management assigns authority and responsibility and organizes its people.²⁹

The City and most of the executives of the Department of Buildings have been concerned about the control environment in that agency for generations. The New York State Organized Task Force searched the news records for inspectional scandals in the Buildings Department and its predecessors for a century and found almost yearly investigations, indictments, and even wholesale arrests in the inspectional corps.³⁰ It is a sad story for the state of corruption control and for the people of New York City. It is also a cause of the cynicism that grew through the second half of the 20th century about the quality of governance in the City. Mention the word "inspector" to average New Yorkers, and traditionally their impulse was to reach for their wallets. This is no one's idea of integrity and it indicates major difficulties in following just about all parts of Directive # 1.

²⁹ New York City Comptroller, Directive #1, pursuant to Chapter 5, Section 93, of the New York City Charter, as amended December 31, 1989.

³⁰ Anechiarico and Jacobs, *opcit.*, pp. 154-156.

Patricia Lancaster, a former architect with an aggressive reform agenda, heads the administration of the Buildings Department put in place by Mayor Michael Bloomberg in 2002. Before tackling inspectors, Lancaster and her staff reformed the administration of plan examination, the first step in the building certification process. Until fairly recently, the plan approval procedure was so intricate and time consuming that it was necessary for applicants to keep places on line for hours, if not days. There developed the specialty of “expediter”: usually a former Buildings Department plan examiner, who, for a fee, would do the waiting and shepherd the plans through the process. Lancaster’s staff found that in some cases, expeditors would intentionally make mistakes on the forms to slow the process and increase their fees. It was also well known that if the expediter was getting pressure from the architect or engineer who had hired him or her that a larger fee would be paid a portion of which would be paid in bribes to the examination staff to jump the queue.

The first part of the solution, developed over the first months of Lancaster’s tenure, was the development of Building Information System (BIS) database that would cut the number of steps and require a quick trip to deliver applications to the relevant Borough office. After that the filer would be able to track the progress of the application on-line. Expeditors had been virtually eliminated. But what about inspectors? A similar mix of technology and more rigorous performance measurement has been put in place to change the culture of corruption in the Buildings Department inspectorate. According to a former high-level administrator of the Department:

In 2002, 19 former and current inspectors were arrested for extortion and bribes or signing out without going on-site. We hired contractors to replace them and bought hand held devices to ensure accountability. The inspection appointment process in the Boroughs was consolidated and we used software to define which inspector's schedule was open for the appointment, rather than allowing one inspector to follow a job all the way through and develop a potentially corrupt relationship with the contractor.. Now inspectors do all code checks using a handheld computer which is uploaded onto the Department's internal web daily. You can't go through the code list faster than our modal rate on various jobs, so timing has become an indicator of performance and conduct, both. We also require the contractor to sign the handheld computer list. We have also put Geopositioning Satellite systems in the inspectors' cars which are also uploaded to the Department through the handheld computer. None of these is a perfect fix for a very old problem, but there seems to be declining interest in our inspectors from our own Inspector General and other law enforcement agencies.³¹

Clearly, when the new system works it serves as an excellent example of a system change that is enhancing integrity *by improving service delivery*. However, it is too soon to say that the Buildings Department has succeeded in achieving a combination of performance measurement and integrity.

A second part of the solution is the "Buildings Department's Professional Certification Program which enables Registered Architects (RA) and Professional Engineers (PE) to

³¹ Interview by authors, August 11, 2005.

certify that the plans they are filing with the Department are in compliance with applicable laws. Plans that are professionally certified do not go through plan review.”³² The check on this reform is a pre-construction audit of permit-applications of some of the self-certifications. This has not been done to noticeable effect, according to an analysis by William Neuman in the *New York Times* and according to complaints and appeals filed by Kevin Shea, a lawyer who works with architects and engineers on completing code compliance. As Neuman puts it concerning the building in Figure 1, attached:

. . . 78 Ten Eyck Street, which has 11 condos, is typical of the buildings designed by Mr. [Robert] Scarano. In plans submitted to the city in 2003, he described it as a four-story building. But it is at least 55 feet tall, more typically the height of a five or six story building, and it dwarfs its two- and three- story neighbors.³³

Neuman goes on to report a number of similar zoning code violations in each of the City’s five boroughs. In response, the Buildings Department argues that the New York State Department of Education, which has the authority to discipline or even revoke the licenses of errant architects and engineers has been lax. Mr. Shea reports never having heard of the Department of Education bringing an action against a single professional in this field. The New York State Department of Education Office of the Professions includes rules of practice. They begin with a statement that is directly relevant to the violations of zoning laws evident in the complaints made against a variety of self-certifiers:

³² New York City Department of Buildings, “Applications and Permits,” nyc.gov/html/dob/html/applications_and_permits/permits_howto.shtml, March, 2006.

³³ William Neuman, “How Big Is Too Big?” *New York Times*, nytimes.com April 16, 2006.

Unprofessional conduct in the practice of any profession licensed, certified or registered pursuant to title VIII of the Education Law, except for cases involving those professions licensed, certified or registered pursuant to the provisions of Article 131 or 131-B of such law [medical] in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of Chapter 606 of the Laws of 1991, shall include. . .willful or grossly negligent failure to comply with substantial provisions of Federal, State or local laws, rules or regulations governing the practice of the profession. . .³⁴

The deterrent and enforcement element represented by the State’s code of professional practice in self-certification is clearly not working. In response to serious problems with self-certification, the Buildings Department is requesting that the State delegate license oversight to the City. The Buildings Department is also expanding the permit audit program in self-certifications and plans to be more aggressive in removing architects and engineers from the self-certification program, if they violate the rules.

This is the downside of self-certification and other parts of the New Public Management is well described by H. George Frederickson.³⁵ The question that should be addressed by those contracting-out or allowing self-certification—in short, those allowing public functions to be performed by the private sector—is whether integrity and effectiveness remain connected. While the Buildings Department has succeeded in using technology

³⁴ Rules of the New York State Board of Regents, “Part 29: Unprofessional Conduct,” Sec. 29.1, effective, December 29, 2005.

³⁵ H.George Frederickson, “Public Ethics and the New Managerialism: An Axiomatic Theory,” in H.George Frederickson and Richard K. Ghere, op. cit., pp. 165-183.

and new, transparent routines in basic plan review, it has not, yet avoided the decline in both effectiveness and integrity that some parts of new managerialism, like self-certification, can cause. The “control environment” mentioned in Directive #1 is still a matter of concern in many parts of New York City government, including the Department of Buildings. Self-certification is designed to improve performance while relying on the professional values of architects and engineers to keep the process honest. As noted, the professions are unlikely to warrant that level of trust, as they have become expert specialists. The self-certification program is an unfortunate, if unintended, example of the wages of separating the drive for performance improvement and the guarantee of integrity. City officials who planned self-certification may have thought that professionalism would guarantee both elements, but it does not and has not, for more than a generation.

Centrality of Measurement

The centrality of rigorous performance measurement is crucial to the shift in official political culture recommended here. Without careful research and analysis of an agency’s current operations and clear understanding of its outcome product, there can be little rigor in measurement. We begin our discussion of performance measurement and its connection to integrity with a logic model.

Reducing corruption through performance management: The Internal Affairs Bureau of NYPD

Few aspects of a public agency's performance are as important or sensitive as the integrity of its personnel as reflected in their service to the public. Urban police forces are a prime example of this observation. The case of police service also serves to illustrate the bifurcation of focus in the scholarly literature between effectiveness and integrity. A major treatise on performance measurement in policing³⁶ fails to include a single measure of integrity, and a leading work on police corruption reform (Sherman) includes no discussion of the effects of reform, positive or negative on police effectiveness. The recent history of NYPD tells a different story.

While New York City's success in reducing crime over the past decade has received widespread attention, little has been written about the level of corruption in the Department over the same period. The annual NYC Mayors Management Report, which tracks the performance of all City agencies, has traced in some detail the progress of crime reduction, but the section on NYPD does not include any indicator relating to corruption. In another section of the MMR citizen complaints against the police are reported, but these are all about allegations of police violence and discourtesy, not corruption. The NYPD section of the report is not alone in omitting indicators relating to official corruption. Consistent with the thesis presented in this paper that measures of corruption are not part of the standard focus of public sector performance reporting, no agency report in the MMR except that of the Department of Investigation, whose mission is to investigate allegations of corruption, includes measures that address its integrity in

³⁶ Mark H. Moore and Anthony Braga, "Measuring and Improving Police Performance: The lessons of CompStat and its progeny," *Policing: An international journal of police strategies and management*. (Vol.26, No 3., 2003); Lawrence W. Sherman, *Scandal and Reform*, Berkeley: University of California Press, 1978)

its report on performance.

At approximately the time New York City was introducing major reforms aimed at reducing crime and improving public safety, first with community policing and increased personnel under Mayor David Dinkins in the early 1990s, and with the introduction of CompStat under Mayor Giuliani, the Department was also addressing a dramatic police corruption scandal that led to a major overhaul of anti-corruption policy and practice.

In the Spring of 1992 New York City Police officer Michael Dowd and five other NYPD officers were named in a multi-count felony indictment concerning the possession and sale of cocaine. As embarrassing as these indictments were, the scandal was heightened by the subsequent discovery and public revelation in the media that allegations against Michael Dowd had begun to surface as early as 1985 and that he had been the subject of as many as seventeen investigations within the Department, some involving quite serious charges. The investigations had been pursued largely in isolation of each other without ever connecting the dots. (See Appendix, Table 1) This failure in integrity management within NYPD prompted, in July, 1992, the creation by Mayor David Dinkins of a Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department, led by Judge Milton Mollen. Long before the Mollen Commission reported its findings and recommendations in July, 1994, First Deputy Police Commissioner Raymond Kelly, who had been directed to investigate the Dowd case, had issued his own report, “An Investigation Into The Police Departments Investigation of the Dowd Case and An Assessment of the Police Department’s Internal

Investigation Capabilities.”

While the Mollen Commission had a much broader mandate (to look beyond the Dowd case--and it did find other instances of corruption), in the end most of its recommendations had been anticipated by the internal report. By the time the NYPD Investigation was submitted in November, 1992, Raymond Kelly had been named Commissioner, succeeding Lee Brown. Consequently he was ideally positioned to favorably receive and to implement the recommendations of his own report.

The NYPD Report in its first 132 pages recounts a story of police venality, which was not undetected but eluded effective response. For anyone familiar with the problems of urban policing prior to the management reforms of the mid-1990s, it is apparent that some of the same problems obstructing public safety production in the community were afflicting the internal policing of crime and misconduct by officers. Just as NYPD could respond to millions of individual 911 calls for service, and deploy thousands of officers on routine patrol without analyzing the pattern of calls, assessing the problems or the responses, or the efficacy of the work done, repeated allegations against Officer Dowd and members of his NYPD gang were logged and individually addressed without anybody looking for-- or discovering-- a pattern.

It was not even entirely clear who was accountable for this failure. This system failure characterized not only the anti-corruption work of the NYPD units charged with policing the police, but also several different levels of prosecutors, since at the time there was a

Special State Prosecutor (OSSP) in addition to the Offices of the relevant Borough District Attorneys that were involved in reviewing and responding to allegations against Dowd. Ironically, the OSSP seems to have suffered from the same narrow perspective in approaching the Michael Dowd investigation as existed in the NYPD.³⁷

The NYPD Report placed primary responsibility for ineffective management of anti-corruption policy on the system: “While certain individual members of the Department may not have performed their duties as aggressively or creatively as may have been desired, organizational defects overwhelmed individual shortcomings.” It found flaws in organizational structure, investigative techniques, information systems, personnel and equipment and in relations with prosecutors. The Report committed the Department to thirteen major System Improvements, and provided a mechanism for launching their implementation. (“An Implementation Committee will develop the specific plans for carrying out the necessary changes and will report to the Police Commissioner within 90 days.”³⁸)

In Spring, 2005, a review of the operation of anti-corruption practices in NYPD found that the implementation of recommendations of the 1992 Report was completed in the mid-1990s and the new system has been in operation with relatively minor changes to the present. The Report called for the elimination of fragmented and overlapping

³⁷ NYPD, “An Investigation Into The Police Department’s Investigation of the Dowd Case and An Assessment of the Police Department’s Internal Investigation Capabilities.” 1992, p.132. A critical account of the lonely quest of one NYPD investigator to make a case against Dowd is found in Mike McAlary, *Good Cop, Bad Cop* (New York: Pocket, 1994.)

³⁸ NYPD, “An Investigation Into The Police Department’s Conduct of the Dowd Case and An Assessment of the Police Department’s Internal Investigation Capabilities.” 1992, p.156.

responsibility for corruption investigations and, as shown in the organization chart for the Internal Affairs Bureau, that has been addressed in the design of the structure.

The Report called for a zero-based review of the staffing needs of the IAB and the provisions of state of the art investigative technology. The Bureau now has more than three times as many on its staff as it did in the early 1990s. Since functions have been realigned since then, with a sharper focus on serious corruption, staffing comparisons are inexact but, if anything, the absolute numbers understate the increase in personnel resources now devoted to maintaining Department integrity. The IAB also reports that the Department has kept its promise of meeting the technological needs of the Bureau to be able to fulfill its mission effectively.

The Chief of the newly created Internal Affairs Bureau was to report directly to the Commissioner and focus exclusively on corruption prevention and investigation, and that is the arrangement today. The IAB Bureau Chief has monthly meetings with the Commissioner as a matter of routine and can call a meeting at any time.

In order to assure that Command accountability is maintained at the local level, Borough and Precinct Commanders all have dedicated staff responsible for being the first line of defense against corruption, including investigations of less serious charges, but following reporting and other procedures designed and monitored by IAB. The placement of accountability for the effectiveness of anti-corruption policy at the operating levels of the Department predated by more than one year the decentralization of responsibility for

managing performance at the precinct level associated with CompStat.

The Commissioners' Report envisages a system of organizational checks and balances to increase effectiveness, with the First Deputy Commissioner assessing and making a report on the adequacy of IAB staffing and the effectiveness of the corruption investigation system. However, while there are elements of checks and balances in the system, the precise form taken departed from the plan in the Report. One of the few differences between the Police Commissioners Report and the Mollen Commission Report was its recommendation of an independent Corruption Commission to monitor NYPD performance in this area. In 1995 Mayor Rudy Giuliani created a new Commission to Combat Police Corruption empowered to assess police anti-corruption practices and issue periodic reports.

This Commission has issued eight annual reports since its creation, and an average of three special, topic focused reports each year. A review of these reports reveals that over time the Commission has grown progressively less critical, with most summary assessments finding that IAB is performing well. Its recommendations in the eighth report amounts to little more than tweaking at the margin of IAB practice, or advocating some minor specific additional resource to support its work. The report acknowledges that it has remarkable access to IAB case files both open and closed, that its Executive Director attends case steering meetings where important cases are reviewed by the Chief and senior staff with key investigators from throughout the Department, that the Executive Director also attends the regular briefing of the Police Commissioner and

senior NYPD staff, and regularly receives the elaborate statistical reports produced by IAB staff in their relentless search for suspicious patterns in sub-areas of Departmental activity. The capacity to produce regular analytical reports on corruption investigations is itself the result of the implementation of Police Commissioner Report recommendations that called for a state of the art management information system, including a case assessment and case tracking system as well as an information-flow process designed by outside experts.

Finally, again anticipating by more than a year the management reform called CompStat, the Report called for a problem-solving orientation to internal investigations, shifting from solely reactive investigations triggered by each isolated allegation to a pro-active orientation that addresses patterns of allegations whether against a single officer or against a group of officers. The Report committed the Department to investing in the creation of an analytic capability in IAB to identify emerging patterns or conditions relating to corrupt activity.

Performance Management

The central ideas of performance management are that managers must, first, identify and give priority attentions to things that really matter, generally those elements of performance called outcomes. Second, they must analyze and understand the inputs, activities and outputs needed to achieve desired outcomes. In a functioning performance management system, key managers know what information is crucial, know when they

need to see that information, understand the logical connections between the different kinds of performance information (from inputs to outcomes) and are held accountable for using performance information to improve outcomes. These elements are of course the key elements of the management reform that contributed to the dramatic reduction of crime over the past decade in New York City, and they are clearly evident in the system of anti-corruption investigation management implemented in NYPD beginning in 1992.

The challenge of measuring corruption is enormous and beyond the scope of this paper. But, using the categories long used by NYPD serious cases, police corruption may well have been cut by almost two-thirds in recent years. In 1990 a total of 2821 serious, C-class, corruption complaints were received (compared to 2,779 in 1971, before the Knapp Commission reforms that produced the Internal Affairs Division structure and practice in place when the Dowd offenses occurred). By 2000 the number of serious complaints received was 1203, and the trend has continued generally downward since:

NYPD 1971-2004 Total Serious Corruption Complaints Received		
YEAR		
	1971	2,779
	1990	2,821
	2000	1,203
	2001	1,055
	2002	1,051
	2003	1,165

Source: NYPD, IAB Annual Report, 2004

While another Officer Dowd-type pattern of corruption was discovered by the Mollen Commission in 1994 in the NYPD 30th Precinct, this was just when the new IAB was being organized. Since then, cases of corruption have been found, but typically not by outside police departments, as in the case of Michael Dowd, but by NYPD and its own IAB. None of the cases found since 1994 have anything like the unchecked history of misconduct that was found then. Performance management of police corruption like performance management of crime reduction appears to be working in New York City.

Conclusion

Given the aim of this paper to explore the relationship between anti-corruption policy and the quest for improved agency effectiveness, it is of course of genuine significance that the past decade-plus of sharply vigilant anti-corruption investigation by NYPD has coincided with a period of unprecedented success in crime reduction in the City. While it will require far more careful examination than this preliminary tracing of the development of the case, a working hypothesis is that when effectiveness and integrity are pursued in a systematic, evidence based way, focusing primarily on outcomes (and on inputs and activities to examine their contribution to desired outcomes), integrity and effectiveness are partners, not competitors, in the quest for better public service.

Management as a system of performance learning is leaving its mark in one of the most challenging laboratories for innovation, New York City policing.³⁹

³⁹ The weakness in this corrective effect of performance measurement and management is if the full range of performance criteria are not used. Equity in the treatment of citizens was not part of the performance

COMPSTAT is a significant advance over the pressure to perform exerted by the MPRS because it provided within NYPD (and in other agencies that have used the approach) clear direction regarding what performance information has priority, who needs to receive it and when. At its best, when strategies have been clearly spelled out, it also makes clear the theory behind the action: why the action is being taken and why specific information is required. This is theory-based performance management.

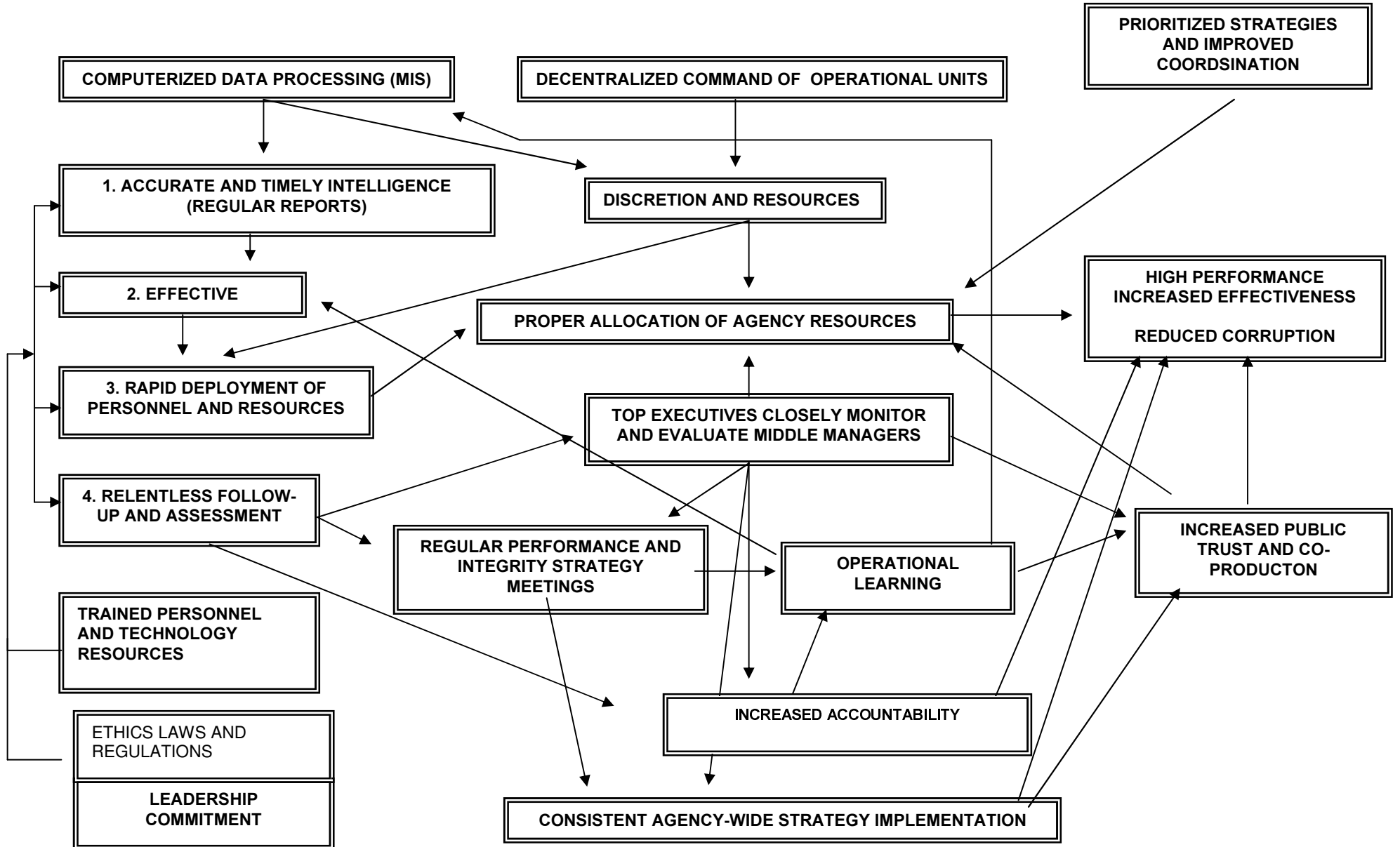
The contended ground of integrity politics indicated by Amsterdam and Bruner provides a view of integrity as more complex than either a reliance on values or institutional rules. The hard work of finding techniques for and building coalitions around a combination of performance measurement and reforms in ethics management that considers effective is just beginning. But it no longer only an ideal. The use or neglect of the new performance/integrity paradigm can be seen in the difference in the legitimacy and standing of the Los Angeles and New York Police Departments in the decade beginning in 1992.

The professions have changed and so has the scale and scope of ethics rules. The political culture of integrity has shifted. There is a growing recognition that the anticorruption project that was based on the separation of politics and administration up through the 1990s has failed. There is also recognition that, in contrast to the false choice

measurement agenda in NYPD, and the corrupt use of police authority in police encounters with black and Hispanic citizens may have been the result. H. George Frederickson addresses the neglect of fairness as a value by New Public Management as an ethical concern in "Public Ethics and New Managerialism: An Axiomatic Theory" in *Ethics in Public Management*, ME Sharpe, 2005.

posed in the famous Friedrich –Finer debate between rule and value based control systems, both professionalism and regulation are required, and under optimum conditions are synergistic. The examples presented here indicate a new integrity paradigm that considers a combination of measurement, compliance, and the inculcation of value.

CHART 1: PERFORMANCE MANAGEMENT AND INTEGRITY



Incident/Allegation	Date	Location/ Precinct	Source	Investigation	Disposition
Harassment: Michael Dowd physically harassed his girlfriend and pulled her phone out of the wall. (Dowd's girlfriend reported her allegations and married him in August of 1985.)	1-16-85	Long Island	Dowd's girlfriend.	FIAU	Case Closed as unsubstantiated on 4-21-85.
TABLE 4: CHRONOLOGICAL SUMMARY OF MICHAEL DOWD-RELATED CASES ALLEGATION, RESPONSE AND DISPOSITION					
Shakedown at Sheffield and Riverdale: Two officers in a marked RMP removed money from males on the corner of Sheffield and Riverdale. Also alleged that the next day, two officers in an unmarked department auto removed money from males at the same location.	3-20-85 and 3-21-85	75 th Precinct	Anonymous complaint to IAD action desk.	FIAU focused on Kenneth Eurell (M. Dowd's partner) and another officer.	Case Closed as unsubstantiated on 10-4-85.
Allegations from Police Officer: an unnamed police officer in the 75 th precinct alleged that Michael Dowd and two other officers engaged in sex acts with prostitutes at Bailey's Bar. Also alleged that these officers stole a radio scanner and engaged in target practice while on duty.	11-1-85	75 th Precinct (unsure of location of Bailey's Bar)	75 th precinct police officer.	IAD failed to enter these allegations on an investigative subject card. The case was then assigned to FIAU (Sgt. Sandel): investigation consisted of observations of Bailey's Bar, record checks and interviews (except the alleging officer, FIAU relied on IAD interview).	Case Closed as unsubstantiated on 12-3-87.
Theft and Extortion: Michael Dowd and another officer engaged in corrupt activities by taking money from prisoners, drug dealers and deceased persons.	3-4-86	75 th Precinct	75 th Precinct Commanding Officer based on information from a confidential source.	FIAU (Sgt. Trimboli) contacted OSSP on 3-24. Dowd and Yurkiw observed engaging in patrol violations by FIAU investigator. On 11-18-86, OSSP approved a P.G. 118-9 interview of Dowd (indicating no more criminal interest in the case).	Case Closed as unsubstantiated on 4-27-87. Charges and specifications for Dowd (forfeited vacation) and command discipline for Yurkiw as a result of patrol violations.
Use of Force: Down, Guevara and Guzzo with other 75 th precinct P.O.'s were involved in a use of force incident related to an on-duty arrest.	3-8-86	75 th Precinct	Standard procedure? (related to use of force)	FIAU (Sgt. Sandel) interviewed civilians and members of the service. Kings County DA indicated there would be no prosecution of P.O.s	Case Closed as unsubstantiated on 8-20-87.
Dowd Allegations against Probationary PO: Dowd alleges to IAD that a probationary PO was involved in drug sales. Dowd did not actually observe the act, but was suspicious, according to FIAU interview.	6-25-86	75 th Precinct	Michael Dowd	FIAU (Lt. Maher) interview Dowd, but probationary PO never interviewed by Maher.	Case Closed as unsubstantiated on 9-8-86, but probationary PO terminated on 7-16-

TABLE 1: CHRONOLOGICAL SUMMARY OF MICHAEL DOWD-RELATED CASES
ALLEGATION, RESPONSE AND DISPOSITION

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