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**DOI's OFFICE OF THE INSPECTOR GENERAL FOR THE NEW YORK CITY POLICE DEPARTMENT ISSUES
2019 ASSESSMENT OF LITIGATION DATA INVOLVING NYPD**

The Department of Investigation's ("DOI") Office of the Inspector General for the New York City Police Department ("OIG-NYPD") today released its *2019 Assessment of Litigation Data Involving NYPD*, pursuant to a 2017 law passed by City Council (Local Law No. 166 of 2017). This Report assesses NYPD's ongoing efforts to track and analyze data from claims and lawsuits, with a particular focus on the Department's early intervention system (early intervention systems are computerized, data-based police-management tools used to identify officers who may be at risk of engaging in inappropriate behavior and who may require intervention). This Report found that since OIG-NYPD began looking at this issue in 2015, NYPD has made notable improvements in how it tracks and uses litigation data, and NYPD is now in a better position to incorporate data from lawsuits and claims into its early intervention system. Consistent with Local Law 166's directive that OIG-NYPD consider "patterns and trends arising from lawsuits, claims, complaints, and other actions filed against NYPD," this Report includes a trend analysis of civil actions filed against NYPD or its personnel from the years 2014 to 2018 using litigation data publicly released by the Law Department pursuant to Local Law 166. OIG-NYPD's review found that over the five-year period between 2014 and 2018, there was a 49% decline in the number of NYPD-related lawsuits alleging police misconduct.

A copy of the Report is attached to this release and can be found [here](#).

DOI Commissioner Margaret Garnett said, "As demonstrated in this Report and prior reports, tracking and evaluating data from litigation can be instrumental in identifying officers who may be at risk of engaging in misconduct and who may require intervention, and in giving the NYPD the tools to continue improving policing in New York City. We look forward to our continued partnership with the NYPD in this area."

Inspector General for the NYPD Philip K. Eure said, "Our Report shows NYPD moving in a positive direction in how it tracks data from lawsuits and claims. NYPD has also enhanced its internal systems for identifying officers who may need monitoring or additional training."

OIG-NYPD has previously issued two reports on NYPD's use of litigation data. In April 2015, OIG-NYPD released [Using Data from Lawsuits and Legal Claims Involving NYPD to Improve Policing](#), which urged NYPD to use data on legal claims against police officers and NYPD more effectively. In 2018, OIG-NYPD released its first report pursuant to Local Law 166, [Ongoing Examination of Litigation Data Involving NYPD](#), in which OIG-NYPD conducted its own analysis of claims and lawsuits filed against officers in six NYPD precincts to illustrate the types of patterns and trends NYPD could be studying if its systems were more robust.

Today's Report includes the following findings:

- Between 2014 and 2018, there was a 49% decline in the number of NYPD-related lawsuits alleging police misconduct.

more

- There was an uptick in the number of NYPD-related lawsuits alleging police misconduct filed between 2017 and 2018, including a 72% increase in lawsuits alleging use of force. While the trends identified in the Report do not necessarily demonstrate improper conduct by NYPD officers, they provide areas of inquiry that NYPD should consider in its litigation data analysis work.
- NYPD currently tracks more data on lawsuits and claims than it did when OIG-NYPD first examined this issue in 2015, including more specific information about the nature of the claims, information about the locations of the incidents, and details about the subject officers.
- NYPD's early intervention system (known as RAILS – the Risk Assessment Information Liability System), monitors officers based on various performance indicators (e.g., citizen complaints, firearm discharges, etc.). Previously, NYPD had decided not to include lawsuit data as one such performance indicator due to technical limitations. Because of data improvements, however, NYPD now has plans to feed this information into its early intervention system. This positive development aligns with one of OIG-NYPD's key recommendations from its 2018 Report.
- While the configuration of RAILS is consistent with how many other police departments structure their early intervention systems, NYPD would be well-served to continue examining other features of early intervention systems at other agencies. As the Department continues to roll out the system, NYPD should also ensure that supervisors are sufficiently consulted and trained.

The Report makes four recommendations to improve NYPD's early intervention system:

- NYPD should consider incorporating metrics within RAILS that allow the Department to distinguish between highly active officers who have few problematic incidents (and thus may not need intervention) and highly active officers who engage frequently in problematic behavior.
- NYPD should seek input from supervisors for future developments of RAILS and create a venue for supervisors to direct their feedback.
- NYPD should ensure that sufficient and ongoing training is available to all supervisors once RAILS is fully developed.
- NYPD should ensure that there are procedures in place before RAILS is fully implemented to hold supervisors accountable for carrying out their new responsibilities under the system. Such procedures should include a policy outlining how often supervisors should log on to RAILS and review their alerts.

The Report was prepared by DOI's Inspector General for the NYPD, specifically Inspector General Philip K. Eure; Deputy Inspector General Asim Rehman; Deputy Inspector General – Policy Analysis Jeanene Barrett; Policy Analyst Betty Diop; Assistant Inspector General Percival Rennie; Senior Policy Analyst Justyn Richardson; Senior Policy Analyst Adrian Amador; Confidential Investigator Sarolta Sandor; and Investigative Attorney Tyler Gibson; under the supervision of DOI Deputy Commissioner / Chief of Investigations Dominick Zarrella and DOI First Deputy Commissioner Daniel Cort.

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2019 ASSESSMENT OF LITIGATION DATA INVOLVING NYPD

OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD

NEW YORK CITY DEPARTMENT OF INVESTIGATION
OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD (OIG-NYPD)



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I. EXECUTIVE SUMMARY

On August 24, 2017, the New York City Council passed Local Law 166, requiring “the evaluation of civil actions, claims, complaints, and investigations alleging improper police conduct.”¹ This legislation instructs the Department of Investigation’s (DOI) Office of the Inspector General for the NYPD (OIG-NYPD) to develop recommendations relating to the discipline, training, and monitoring of police officers and related operations, policies, programs, and practices of NYPD by considering, among other things, patterns and trends arising from lawsuits, claims, complaints, and other actions filed against NYPD. This Report, issued pursuant to New York City Charter sections 803 and 808, assesses NYPD’s ongoing efforts to track and analyze data from claims and lawsuits, with a particular focus on the Department’s early intervention system and how it can be adapted to track litigation data.²

DOI’s OIG-NYPD has previously issued two reports on the topic of police use of litigation data. In April 2015, OIG-NYPD released the Report, *Using Data from Lawsuits and Legal Claims Involving NYPD to Improve Policing*, which urged NYPD to use data on legal claims against police officers and NYPD more effectively.³ In 2018, OIG-NYPD released its first report pursuant to Local

* Commissioner Margaret Garnett and Inspector General Philip K. Eure thank the staff of OIG-NYPD for their efforts in producing this Report, specifically, Asim Rehman, Deputy Inspector General; Jeanene Barrett, Deputy Inspector General – Policy Analysis; Betty Diop, Policy Analyst; Percival Rennie, Assistant Inspector General; Justyn Richardson, Senior Policy Analyst; Adrian Amador, Senior Policy Analyst; Sarolta Sandor, Confidential Investigator; and Tyler Gibson, Investigative Attorney. Commissioner Garnett and IG Eure also extend thanks to the New York City Police Department and the NYC Law Department for their cooperation during the investigation of this Report.

¹ N.Y.C. LOCAL LAW NO. 166 (2017); N.Y.C. CHARTER CH. 34 § 808.

² This Report fulfills OIG-NYPD’s obligations under section 803(c) (1) of the Charter (as amended by Local Law 70 of 2013), which requires DOI to make recommendations regarding the operations, policies, programs and practices of NYPD. When OIG-NYPD issues such reports and recommendations, the Police Commissioner is required to submit a written response within 90 days. See N.Y.C. Charter Ch. 34 § 803(e) (2).

This Report similarly fulfills OIG-NYPD’s obligations under section 808(b) of the Charter (as amended by Local Law 166 of 2017), which requires DOI to make certain recommendations relating to the discipline, training, and monitoring of police officers and related operations, policies, programs, and practices of the NYPD by considering, among other things, patterns and trends arising from lawsuits, claims, complaints, and other actions filed against NYPD. Section 808(c) requires DOI to issue such recommendations by April 30 each year until May 2020, after which such recommendations shall be issued every three years.

³ N.Y.C. DEPARTMENT OF INVESTIGATION, OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD, USING DATA FROM LAWSUITS AND LEGAL CLAIMS INVOLVING NYPD TO IMPROVE POLICING (2015), *available at*

Law 166, *Ongoing Examination of Litigation Data Involving NYPD*, in which OIG-NYPD conducted its own analysis of claims and lawsuits filed against officers in six NYPD precincts to illustrate the types of patterns and trends NYPD could be studying if its systems were more robust.⁴

The current Report makes findings on trends in civil actions filed against NYPD, the Department's evolving practices on litigation data tracking and analysis, and the Department's early intervention system. Consistent with Local Law 166's directive that OIG-NYPD consider "patterns and trends arising from lawsuits, claims, complaints, and other actions filed against NYPD," OIG-NYPD conducted an analysis of civil actions filed against NYPD from the years 2014 to 2018 using litigation data publicly released by the New York City Law Department pursuant to Local Law 166. This analysis found that:

- Over the five-year period between 2014 and 2018, the City saw an overall 49% decline in the number of lawsuits alleging police misconduct. Between 2017 and 2018, however, there was an uptick in the number of lawsuits filed, including a 72% increase in the number of lawsuits alleging use of force.
- The majority of the lawsuits filed against NYPD or its members alleging police misconduct contain false arrest and imprisonment allegations.
- Lawsuits filed against NYPD or its members alleging police misconduct predominantly result from alleged incidents in the Bronx and Brooklyn.
- Between 2014 and 2018, 2017 was the year in which the City paid out the most money settling lawsuits alleging officer misconduct, disbursing \$138,526,118, as compared to \$55,645,598 in 2018.⁵

<https://www1.nyc.gov/assets/doi/reports/pdf/2015/2015-04-20-Litigation-Data-Report.pdf> (last visited April 24, 2019).

⁴ N.Y.C. DEP'T OF INVESTIGATION, OFFICE OF THE INSPECTOR GEN. FOR THE NYPD, ONGOING EXAMINATION OF LITIGATION DATA INVOLVING NYPD (2018), *available at* https://www1.nyc.gov/assets/doi/reports/pdf/2018/April/21NYPDLitData_Report_43018.pdf (last visited April 24, 2019).

⁵ These figures only account for lawsuits filed against NYPD or its members alleging misconduct between 2014 and 2018. Lawsuits filed in previous years that reached settlements within the past five years would not be included (e.g., a lawsuit filed in the year 2000 and settled in 2014 would not factor into these calculations).

OIG-NYPD's assessment of NYPD's ongoing efforts to track and analyze data from claims and lawsuits found that NYPD has made notable improvements in how it tracks and uses litigation data. The Department currently tracks more data on lawsuits and claims than it did when OIG-NYPD first examined this issue in 2015, including more specific information about the nature of the claim, information about the location of the incident, and details about the subject officer. Although NYPD focuses its trend analyses on cases that it determines are "merit-based," the Department also reviews, logs, and conducts a limited trend analysis of all lawsuits and claims that it receives.

In reviewing NYPD's early intervention system—the Risk Assessment Information Liability System, or "RAILS"—OIG-NYPD was encouraged to learn that the configuration of RAILS is consistent with current practices among other police departments using such systems. As NYPD continues to fine-tune RAILS, OIG-NYPD has identified ways that NYPD can continue to build upon the system and ensure that supervisors are prepared to use RAILS effectively.

Moreover, while NYPD had previously decided not to include lawsuit data in its early intervention system, NYPD is now in a better position to uniformly track data from lawsuits and claims and has decided to feed these data into its early intervention system. This positive development aligns with one of OIG-NYPD's key 2018 recommendations, and OIG-NYPD will continue to monitor NYPD's progress.

Based on its review, DOI's OIG-NYPD issues four recommendations in this Report:

- NYPD should consider incorporating peer officer averages and performance indicator ratios in its thresholds for RAILS, or other approaches that would account for officers with greater activity who may not necessarily exhibit problematic behavior.
- NYPD should seek input from supervisors for future developments of RAILS and create a mechanism for supervisors to direct their feedback.
- NYPD should ensure that sufficient and ongoing training is available to all supervisors once RAILS is fully developed.

- NYPD should ensure, before RAILS is fully implemented, that there are procedures in place to hold supervisors accountable for carrying out their new responsibilities under the system. Such procedures should include a policy outlining how often supervisors should log on to RAILS and review their alerts.

In issuing this Report, OIG-NYPD not only highlights NYPD's progress, but also continues its mission of shedding light on NYPD policies and practices so that the public can better understand how the Department works. We encourage NYPD to do the same. In April 2015, OIG-NYPD recommended that NYPD "provide the public with details about NYPD's early intervention system and its litigation data analysis team and solicit suggestions for further development." This recommendation is still under consideration by NYPD because the Department's early intervention system is still in development. Further, when NYPD has provided the public information about its litigation data analysis team, it has largely been in response to OIG-NYPD's reports. OIG-NYPD submits that NYPD need not wait for every system to be complete, or for an OIG-NYPD Report, before the Department shares information with the public about its programs and operations.

II. METHODOLOGY

For this Report, OIG-NYPD reviewed NYPD's ongoing work in tracking and analyzing data from claims and lawsuits. This review included an assessment of NYPD's early intervention system, known as RAILS. OIG-NYPD interviewed officials from NYPD's Police Action Litigation Section (PALS), Risk Management Bureau, and RAILS unit to understand the systems by which NYPD tracks and analyzes data from lawsuits and claims. OIG-NYPD also reviewed policies and procedures relevant to NYPD's early intervention and performance monitoring systems, and researched the early intervention systems of other law enforcement agencies. As part of this research, OIG-NYPD spoke with risk management officials at the Pittsburgh Bureau of Police, Seattle Police Department, and Los Angeles Sheriff's Department. Finally, OIG-NYPD analyzed trends in data published by the Law Department on civil actions filed against NYPD or its members

alleging misconduct from 2014 through 2018. These “misconduct” allegations, as set forth by Local Law 166, include use of force, assault and battery, malicious prosecution, and false arrest or imprisonment.

III. BACKGROUND

A. OIG-NYPD’s Previous Reports on Litigation Data

OIG-NYPD has outlined in its previous reports that data from lawsuits and claims can be used in several ways to benefit individual officers, the police department, community members, and the City as a whole.⁶ While litigation data is not a perfect indicator of police misconduct, quantitative and qualitative review of this information can be used to identify patterns and trends of police behavior that may warrant review and may ultimately inform changes to policies, supervision, and training. Using litigation data in conjunction with an early intervention system can also help NYPD identify officers who may be in need of enhanced training or monitoring. Finally, the effective use of litigation data, alongside other risk assessment practices, can lead to positive shifts in departmental culture, fostering greater accountability and public trust in the work of the police department.⁷

i. OIG-NYPD’s April 2015 Report

OIG-NYPD’s 2015 Report looked at how law enforcement agencies in other jurisdictions have successfully used litigation data to improve their operations and reduce costs. The Report recommended that NYPD track more data on lawsuits and claims, create an interagency task force with the Law Department and the Comptroller’s Office to coordinate the collection and exchange of litigation data, and provide the public with details about its early intervention system

⁶ DEP’T OF INVESTIGATION, *supra* note 4.

⁷ *Id.*

and litigation data analysis team. For the implementation status of these recommendations, see OIG-NYPD's Fifth Annual Report, published in April 2019.⁸

ii. OIG-NYPD's April 2018 Report

OIG-NYPD's April 2018 Report involved an analysis of litigation data in six precincts to demonstrate how NYPD could use litigation data to spot trends warranting adjustments to policy, supervision, and training. For example, the Report found that the most common kinds of allegations against police officers were some types of excessive force, particular falsehoods related to criminal charges stemming from the underlying incident, or some form of denial of a person's rights. OIG-NYPD issued five recommendations urging NYPD to make its litigation data-tracking system more effective. For the implementation status of these recommendations, see OIG-NYPD's Fifth Annual Report, published in April 2019.

B. Early Intervention Systems

Early intervention systems are computerized, data-based police-management tools used to identify officers who may be at risk of engaging in inappropriate behavior and may require intervention.⁹ These early warning mechanisms are designed to identify patterns of officer performance that do not yet warrant formal discipline but have the potential to become problematic. The primary goal of these systems is to change the behavior of at-risk officers before such conduct reaches the point where disciplinary action is required. Over the past several decades, the use of early intervention mechanisms have become a best practice in furthering police accountability. As a result, early intervention mechanisms are featured prominently in existing federal "pattern or practice" consent decrees with law enforcement agencies.¹⁰

⁸ N.Y.C. DEP'T OF INVESTIGATION, OFFICE OF THE INSPECTOR GEN. FOR THE NYPD, FIFTH ANNUAL REPORT: OFFICE OF THE INSPECTOR GENERAL, *available at*, <https://www1.nyc.gov/assets/doi/press-releases/2019/April/08OIGNYPDAnnualReport04-01-19.Release.pdf> (last visited April 24, 2019).

⁹ SAMUEL WALKER, EARLY INTERVENTION SYSTEMS FOR LAW ENFORCEMENT AGENCIES: A PLANNING & MANAGEMENT GUIDE 3 (2003).

¹⁰ POLICE EXECUTIVE RESEARCH FORUM, CIVIL RIGHTS INVESTIGATIONS OF LOCAL POLICE: LESSONS LEARNED (2013).

Effective early intervention mechanisms have four components: performance indicators, identification and selection process, intervention, and post-intervention monitoring.¹¹ The performance indicators involve aspects of officer performance that are typically documented in official departmental reports, such as citizen complaints, firearm discharge, and use of force. Early intervention mechanisms flag officers who meet thresholds the police department has established for its performance indicators. Once the system flags an officer, the immediate supervisor conducts a qualitative assessment to determine whether intervention is necessary and what form that intervention should take. After the initial intervention, police agencies generally perform some sort of post-intervention monitoring, which may be an informal process led by the officer's supervisor or a formal process of observation, evaluation, and reporting.

While early intervention systems focus principally on individual officers, these systems have important implications for police departments as a whole. Early intervention mechanisms provide police departments with global data regarding the performance of their officers. These systems also provide a structured process to identify and correct systemic issues with policies or practices, and for reducing financial risk to the jurisdiction or police department. Problems identified by early intervention systems therefore can lead to changes in departmental policy or training, or even the organizational culture of the agency.¹²

i. NYPD's Risk Assessment Information Liability System (RAILS)

RAILS is NYPD's early intervention system. While still in development, RAILS went live in October 2017 following a pilot study.¹³ RAILS is an automated system drawing data from a variety of NYPD databases as well as from external sources such as CCRB and the District Attorneys' Offices. RAILS uses these data to track a variety of metrics, or performance indicators, about officer activity. RAILS groups these performance indicators into six categories:

¹¹ WALKER, *supra* note 9.

¹² *See id.*, at 15.

¹³ NYPD cannot yet provide a timeline for when RAILS will be done undergoing development, stating that the system may take several years to complete. Additional work is being done to enhance the system's dashboard and ensure the accuracy of alerts. NYPD is also considering the inclusion of additional performance indicators.

1. Administrative: Finalized administrative transfer, suspension, or modified service.
2. CCRB: Three or more CCRB complaints within 12 months, six or more CCRB complaints within five years, four or more CCRB complaints for force within two years, or five or more CCRB force complaints within four years.
3. Discipline: Discipline with a penalty of ten or more days; guilty charges and specifications for unnecessary use of force; two or more guilty charges and specifications for unnecessary use of force, abuse of authority, discourtesy, or offensive language within four years; dismissal probation; or substantiated allegation of bias-based policing.
4. Force: Threat, Resistance or Injury (TRI) Incident Worksheet indicating shot fired.
5. Performance: Performance evaluation with an overall rating of 2.5 or below, an evaluation that has a below competent rating in "Police Ethics/Integrity," an evaluation that has a below competent rating in "Drive and Initiative," or two or more below competent ratings in a Performance Evaluation.
6. Arrest Processing: District Attorney declined to prosecute an arrest made by a member of service.

Within each category, NYPD has established a set of thresholds that, if met, will trigger a RAILS alert on the officer. The officer's supervisor will receive the alert when the supervisor logs on to the RAILS system. Supervisors are required to acknowledge all alerts, take action to address the officer's behavior, and record such actions in RAILS by responding to a drop-down menu of suggested interventions. RAILS administrators receive reports of unacknowledged alerts and must notify supervisors when they have failed to take action, although RAILS does not currently have standard deadlines governing when a supervisor must act following an alert.

NYPD continues to expand the system's capabilities and intends to include more detailed reporting mechanisms for supervisor interventions as well as additional performance

indicators.¹⁴ NYPD also plans to enhance the system so that individual officers can view their own profiles.

IV. FINDINGS

A. Trends in Civil Actions Filed Against NYPD or Its Members Alleging Officer Misconduct

Since January 31, 2018, the Law Department has released three public datasets on civil actions brought against NYPD or its members alleging misconduct.¹⁵ As required by Local Law 166, each dataset distinguishes between allegations involving use of force, assault and battery, malicious prosecution, and false arrest or imprisonment. Consistent with Local Law 166, for this Report, OIG-NYPD conducted a trend analysis of all civil actions filed against NYPD or its members from the years 2014 to 2018.¹⁶ OIG-NYPD also requested incident location data for cases commenced between 2014 and 2017, and conducted a trend analysis of allegations by borough of occurrence.¹⁷

As discussed later in this Report and in prior OIG-NYPD reports, when examining lawsuits alleging officer misconduct, data drawn from the total volume of lawsuits filed is not conclusive evidence of police misconduct. Allegations of police misconduct contained in lawsuit pleadings

¹⁴ On November 20, 2018, the federal court in the *Floyd, Ligon, and Davis* lawsuit issued an order regarding judgments and settlements against police officers (*Floyd v. City of New York –Order Regarding Facilitator’s Recommendation No.1 (Case, Floyd v. City of New York, (2012) (No. 1:12-cv-02774-LBS-JCF)*). Specifically, the court ordered that NYPD should develop a plan for systematically receiving, assessing, and acting on information regarding adverse findings on the conduct of police officers involving illegal stops or illegal trespass enforcements. These adverse findings include judgments and settlements against police officers in civil cases where, in the opinion of the Law Department, there is evidence of police malfeasance. NYPD reports that it intends to use RAILS as part of its efforts to respond to this court order.

¹⁵ See N.Y.C. LAW DEP’T., *Civil Actions Regarding the Police Department*, N.Y.C. (April 24, 2019), <https://www1.nyc.gov/site/law/public-resources/nyc-administrative-code-7-114.page>. These datasets only cover lawsuits filed against NYPD or its members and do not include Notices of Claims settled prior to lawsuits. Further, the datasets do not cover other NYPD-related civil lawsuits such as employment-related cases, property damage cases, Freedom of Information Law cases, etc.

¹⁶ N.Y.C. LAW DEP’T., NYPD ALLEGED MISCONDUCT MATTERS COMMENCED IN CY 2014-2018 (JANUARY 30, 2019).

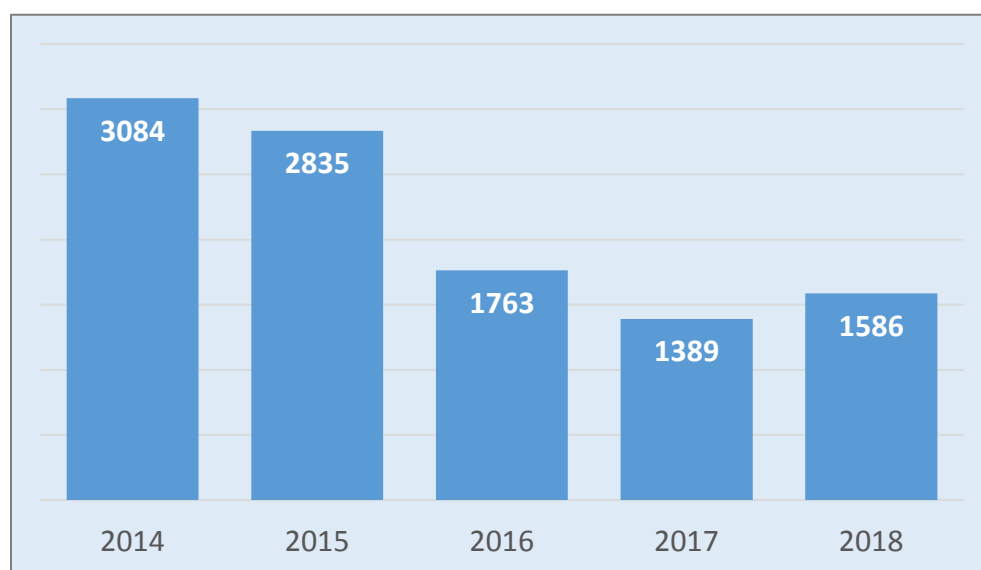
¹⁷ N.Y.C. LAW DEP’T., NYPD ALLEGED MISCONDUCT MATTERS COMMENCED IN CY 2014-2018 (JULY 31, 2018). In late 2018, OIG-NYPD requested from the Law Department data on the street addresses and boroughs in which each case occurred in order to conduct a geographic trend analysis of cases commenced between 2014 and 2017. However, the location data lacked sufficient specificity and could not be geocoded with a high degree of accuracy to identify precinct-level trends.

remain allegations until they are proven. Such data, however, may still have value and can be used to identify broader trends warranting attention and corrective action.

i. The Number of Lawsuits Filed Against NYPD Rose in 2018 Following Several Years of Declines

Over the five-year period between 2014 and 2018, 10,657 lawsuits were filed against NYPD or its members alleging police misconduct. The number of such lawsuits had declined over the years, from 3,084 in 2014 to 1,389 in 2017. The period studied ended with an uptick in 2018, with 1,586 lawsuits (Figure 1).

Figure 1.
Lawsuits Filed Against NYPD between 2014 and 2018 Alleging Police Misconduct



While 2018 saw a rise in the number of NYPD-related lawsuits alleging misconduct, there were notable decreases in settlements and City payouts. Based on data released by the Law Department—which reflects information for cases filed between 2014 and 2018 (*i.e.*, not for cases filed before 2014 but settled between 2014 and 2018)—there has been a downward trend in the number of lawsuits settled each year, with the exception of 2017, when this figure marginally increased (Figure 2). Between 2014 and 2018, 2017 was the year in which the City paid out the most money settling lawsuits alleging officer misconduct, disbursing \$138,526,118 as

compared to \$55,645,598 in 2018. The 2017 payout was likely inflated as a result of 15 lawsuits settling with sums of over \$1 million each. Of the 10,657 lawsuits filed between 2014 and 2018, 32 were settled with payouts over \$1 million each and the plurality of these cases were settled in 2017.

Figure 2.
Number of Settlements & Total City Payouts for Lawsuits Filed between 2014 and 2018
Alleging Police Misconduct¹⁸

	Total Settlements	Total City Payout	Number of Settlements over \$1 Million
2014	594	\$14,542,479	0
2015	1322	\$50,700,118	3
2016	1126	\$97,360,242	10
2017	1136	\$138,526,118	15
2018	991	\$55,645,598	4

ii. False Arrest and Imprisonment Allegations Were the Most Frequent Allegations

Among the four categories of allegations tracked by the Law Department (i.e., use of force, assault and battery, malicious prosecution, and false arrest and imprisonment), false arrest and imprisonment allegations consistently make up the plurality of the allegations contained in lawsuits filed against NYPD between 2014 and 2018. Figure 3 shows the frequencies for each type of allegation. Notably, allegations in all four categories had been steadily declining since 2014, until the number of lawsuits filed against NYPD rose last year. The year 2018 saw an increase in

¹⁸ These figures only account for lawsuits filed against NYPD or its members alleging misconduct between 2014 and 2018. Lawsuits filed in previous years that reached settlements within the past five years would not be included (e.g., a lawsuit filed in the year 2000 and settled in 2014 would not factor into these calculations).

use of force, assault and battery, malicious prosecution, and false arrest and imprisonment allegations. The largest percentage increase was in allegations of use of force (Figure 3).

Figure 3.

Frequency of Allegations in Lawsuits filed between 2014 and 2018 Alleging Police Misconduct

	2014	2015	2016	2017	2018	% Change 2017-2018
Use of force	291	266	160	137	236	+72%
Assault & Battery	937	776	480	444	562	+27%
Malicious Prosecution	783	732	429	375	522	+39%
False Arrest & Imprisonment	1549	1363	834	703	916	+30%

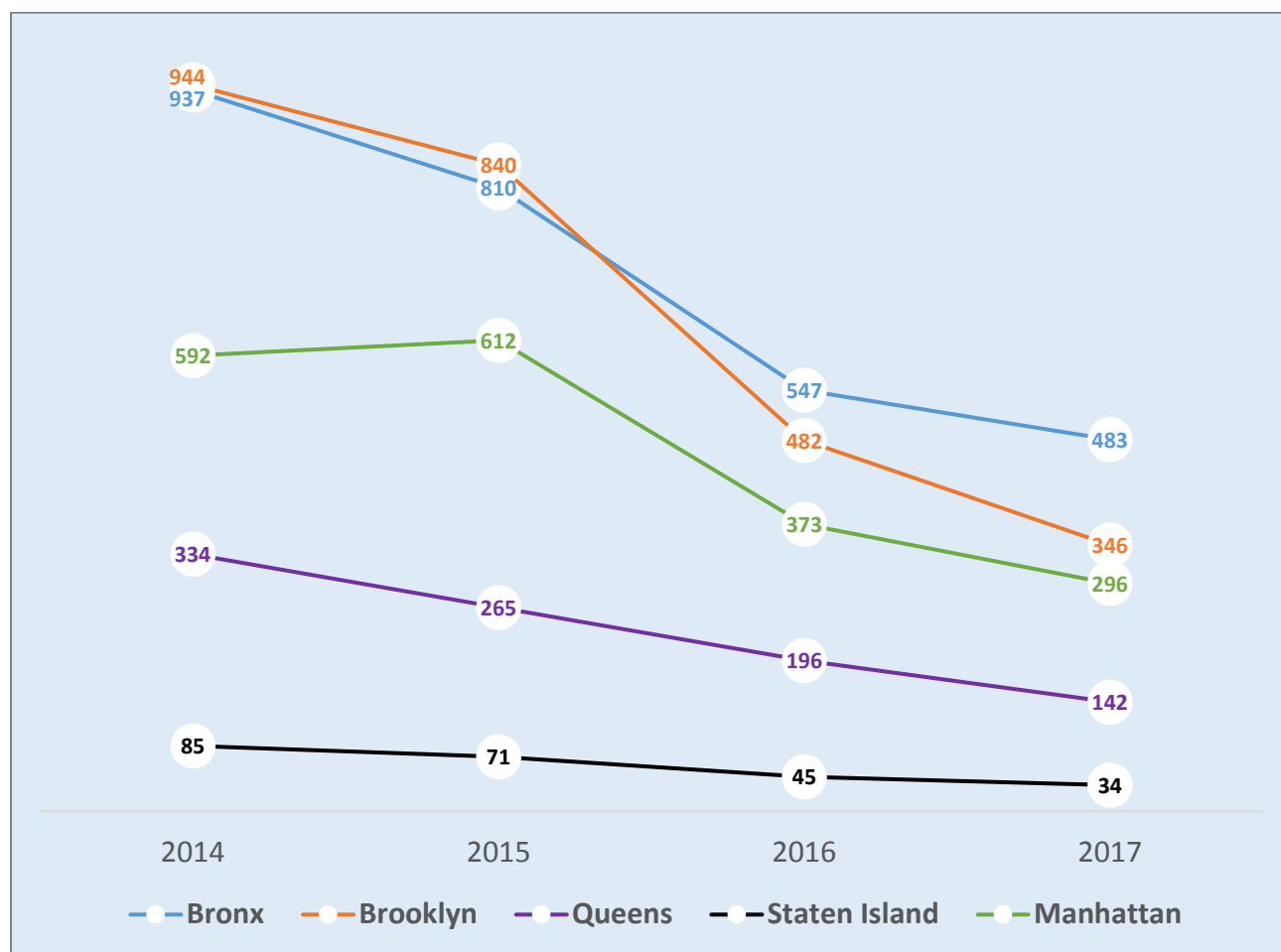
iii. Lawsuits Filed Against NYPD Predominantly Result from Incidents Occurring in the Bronx and Brooklyn

Using data provided by the Law Department on the location of each incident that led to litigation, OIG-NYPD identified trends among the five boroughs in cases filed between 2014 and 2017.¹⁹ While lawsuits decreased throughout all five boroughs, the Bronx and Brooklyn consistently had the greatest volume of lawsuits each year (Figure 4).²⁰

¹⁹ As mentioned earlier, in 2018, OIG-NYPD requested from the Law Department data on the street addresses and boroughs in which each case occurred in order to conduct a geographic trend analysis. Borough-level trends are only reported for lawsuits filed against NYPD between 2014 and 2017.

²⁰ For comparison, in 2018 the estimated population of each borough, in declining order, was: Brooklyn (approximately 2,582,830 residents), Queens (approximately 2,278,906 residents), Manhattan (approximately 1,628,701 residents), the Bronx (approximately 1,432,132 residents), and Staten Island (approximately 476,179 residents). See N.Y.C. DEP'T OF CITY PLANNING, CURRENT ESTIMATES OF NEW YORK CITY'S POPULATION FOR JULY 2018, *available at* www1.nyc.gov/site/planning/data-maps/nyc-population/current-future-populations.page (last visited April 24, 2019).

Figure 4.
Lawsuits Filed Against NYPD between 2014 and 2017 Alleging Police Misconduct, by Borough



Further, while the greatest number of settlements were for incidents occurring in the Bronx, the City paid out the most money for incidents occurring in Brooklyn (Figure 5). For the years 2014 to 2017 combined, 1,547 lawsuits were settled for incidents occurring in the Bronx, with a total payout of \$104,581,274. Comparatively, 1,440 lawsuits were settled for incidents occurring in Brooklyn with a total payout of \$136,619,516.²¹

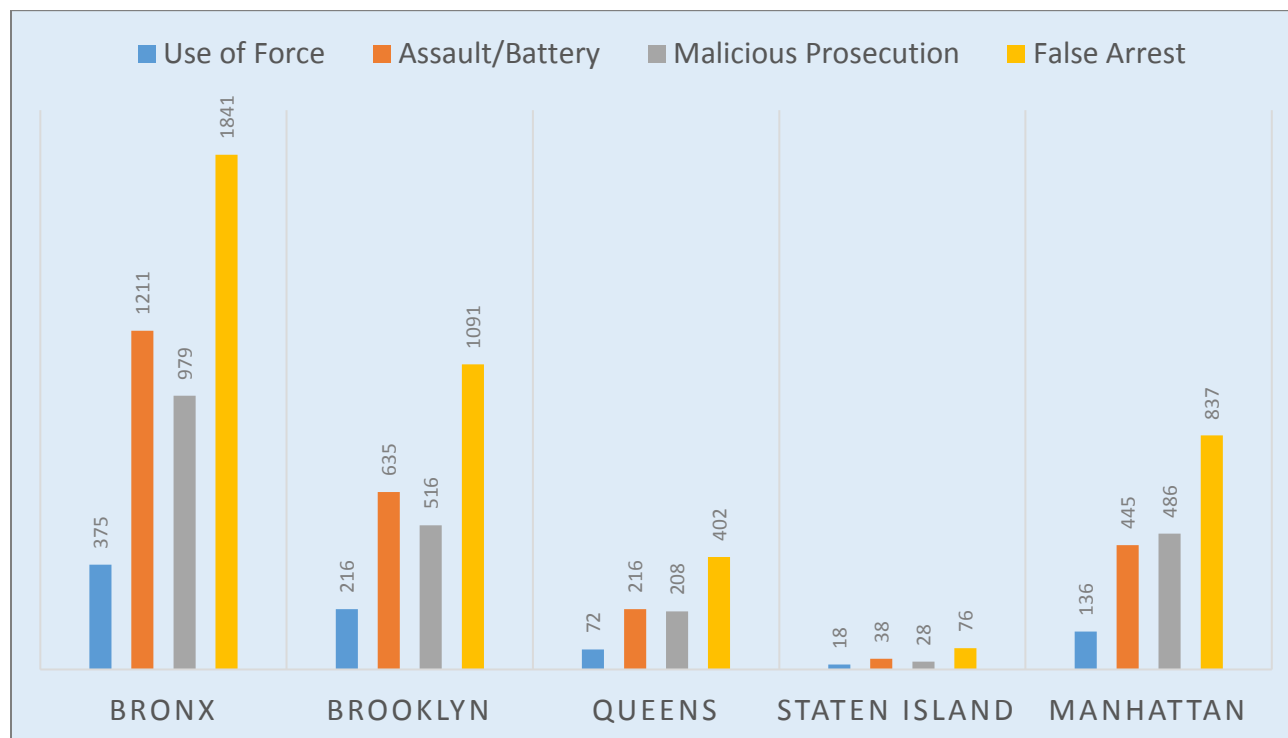
²¹ These figures, current as of July 31, 2018, may change as any pending lawsuits filed against NYPD between 2014 and 2017 come to a close. In addition, the fact that a matter is settled in a given calendar year does not mean that the underlying allegations concern police activity in that year. The alleged police activity could have been, and most likely was, in a prior year.

Figure 5.
Number of Settlements & Total City Payouts for Lawsuits Filed between 2014 and 2017, by Borough

	Total Settlements	Total City Payout
Bronx	1,547	\$104,581,274
Brooklyn	1,440	\$136,619,516
Manhattan	918	\$35,426,914
Queens	452	\$20,890,416
Staten Island	135	\$11,079,511

Incidents occurring in the Bronx also continued to lead with the greatest number of allegations in each category tracked by the Law Department, for every year between 2014 and 2017. Figure 6 breaks down the number of allegations filed according to the borough where the alleged incident occurred for the years 2014 to 2017 combined. The Bronx had approximately 43% of all false arrest and imprisonment allegations and 46% of all use-of-force allegations among the five boroughs.

Figure 6.
Allegations of Police Misconduct in Lawsuits Filed between 2014 and 2017, by Borough



While these trends do not serve as conclusive evidence of misconduct by NYPD officers, they provide areas of inquiry that NYPD should consider in its litigation data analysis work. Specifically, the Department should analyze what may be driving trends in the volume of lawsuits, settlements, and payouts resulting from incidents occurring in the Bronx and Brooklyn. As OIG-NYPD proposed in its 2018 Litigation Data Report, patterns and trends within specific commands and units should be thoroughly examined by NYPD. To the extent that it has such information available, NYPD should also factor the date of the underlying incident into its analysis, in order to illuminate whether the alleged misconduct was possibly connected to older or more recent policies or practices.²²

²² Similar to the data findings presented in this Report, NYPD also creates annual internal reports on the volume of litigation filed against the Department. As OIG-NYPD notes in its 2018 Litigation Data Report, these internal annual reports consist mainly of graphs and charts illustrating the volume of lawsuits, total payouts, average time to disposition, and other data points. OIG-NYPD has previously recommended that NYPD make information like this public, taking care not to violate any rules of confidentiality. NYPD has declined to adopt this recommendation.

B. NYPD's Evolving Practices on Litigation Data Tracking and Analysis

In 2015, NYPD established the Police Action Litigation Section (PALS) within the Department's Legal Bureau to support the City's defense of lawsuits filed against NYPD and its officers, help reduce the volume of cases, improve the quality of litigation data, and analyze litigation data to improve officer performance.²³ PALS is composed of several sub-units that work to identify areas of needed improvement in NYPD's policies, procedures, and practices. PALS' work also drives training initiatives and helps mitigate the Department's civil liability.²⁴ NYPD reports that there are currently several PALS employees responsible for identifying litigation data trends, including a staff analyst and attorneys.

i. NYPD Intends to Track Data from Lawsuits and Claims Within a Single Database and Feed this Information Into Its Early Intervention System

Allegations contained in lawsuits and claims against officers should be included among the various performance indicators used to identify officers in need of early intervention. As noted in previous OIG-NYPD reports, NYPD had discontinued plans to incorporate litigation data into RAILS, in part because the Law Department's database—which would provide the information on litigation—could not automatically feed the most up-to-date relevant data into RAILS.

In June 2018, however, PALS began to receive documentation, including summonses and complaints, from the Law Department after relevant cases had been filed against NYPD or its members. Because it currently has better data and information, PALS recently informed OIG-

Separately, the Comptroller's Office publishes annual reports examining all claims filed against the City of New York, which includes information on the volume of claims filed against NYPD and total payouts. The Comptroller's analysis found that while filings of police action claims resulting from allegations of improper police conduct remain stable, with 4,191 claims filed in Fiscal Year (FY) 2018 compared to 4,100 claims in FY 2017, settlements occurring in FY 2018 decreased 33 percent to \$108.3 million compared to \$161.0 million in FY 2017. See N.Y.C. COMPTROLLER, ANNUAL CLAIMS REPORT, available at <https://comptroller.nyc.gov/reports/annual-claims-report/> (last visited April 24, 2019).

²³ N.Y. C. POLICE DEP'T, RESPONSE TO OIG REPORT ONGOING EXAMINATION OF LITIGATION DATA INVOLVING NYPD (August 7, 2018), available at <https://www1.nyc.gov/assets/nypd/downloads/pdf/oig-report-responses/nypd-response-oig-litigation-data-080718.pdf> (last visited April 24, 2019).

²⁴ The Enterprise Liability Assessment Unit, which was primarily responsible for collecting, tracking, and analyzing litigation data trends, was dissolved in the fall of 2017. Its role was absorbed by PALS.

NYPD that it now plans to revive the original beta version of RAILS (“RAILS Beta”) that was designed to capture and track such data from lawsuits and claims. RAILS Beta will be separate from RAILS. NYPD reports that the revival of the RAILS Beta system will help the Department create a single dataset comprised of litigation and claims information that the Department should ultimately be able to feed into the early intervention system so that such data can be used as an additional RAILS performance indicator.

Once established, RAILS Beta will allow NYPD to better make use of the data to spot and study trends, inform the development of policies and training, and identify litigation issues for further discussion between NYPD and the Law Department. The system will also be able to pull valuable information from other databases, such as NYPD’s case-management software, which is used to record all complainant and arrest reports. As PALS builds this system, however, one issue the Department is still attempting to resolve is distinguishing between judgments resulting from officer misconduct and judgments in cases where officers were simply named but did not participate in any misconduct. NYPD wants the Law Department to begin tracking dispositions by officer, because this would facilitate the process of creating a dataset that can generate the most useful information to inform both early intervention and trend analysis.

OIG-NYPD is encouraged by NYPD’s new effort to track litigation and claims data and incorporate this information into the Department’s early intervention system. OIG-NYPD will continue to monitor NYPD’s progress.

ii. NYPD Has Improved Its Tracking and Use of Data from Lawsuits and Claims

Now that PALS receives all summonses and complaints from the Law Department, PALS can better track and analyze lawsuit and claims data than when OIG-NYPD first examined this issue in 2015. Using spreadsheets, PALS staff log detailed information concerning the nature of the claim (such as type of force used), the location of the incident, and details about the subject officer. PALS staff regularly conduct trend analyses, both on a periodic basis and when there are specific requests from the Department for certain information. Such analyses allow NYPD to

identify issues in certain types of cases and to ascertain whether any changes are needed in policies and training. According to PALS, when it identifies such issues, they are communicated internally within the Department. This information sharing does not always result in memorialized reports documenting the findings.²⁵ Rather, PALS staff advised OIG-NYPD that it determines if and how to communicate findings to relevant NYPD units on a case-by-case basis.²⁶

When identifying and analyzing litigation trends, PALS focuses on those cases that it deems “merit-based.” By looking at cases where NYPD believes there is sufficient evidence to support the allegations, PALS asserts that it can better identify actual trends in police activity that may warrant adjustments to policies, practices, or operations.

As a result, PALS focuses less on studying aggregate trends from *all* lawsuits, noting that many lawsuits have allegations that are not substantiated. According to NYPD, analyzing mere allegations from unsubstantiated lawsuits provides little value.²⁷ To the degree that PALS identifies issues from all lawsuits, it happens on an *ad hoc* basis. For example, PALS staff who review and input data from summonses and complaints may, in the course of that work, spot issues or trends they would then raise for further internal discussion and review. This work does not, by contrast, involve more rigorous and routine data analysis whereby PALS staff use data tools and software to study all lawsuits filed to identify historical trends in allegations or related metrics. When asked about conducting a more structured and comprehensive analysis of all lawsuits and claims filed, PALS leadership advised that, in light of what NYPD perceives as the limited value in relying on data from unsubstantiated lawsuits and claims, and given resource constraints, the Department is better served by having PALS focus on merit-based claims analysis.

²⁵ When OIG-NYPD requested copies of internal reports, notices, or similar documentation illustrating how PALS communicates such findings within the Department, NYPD withheld such information on the basis of the attorney-client privilege, even though the privilege does not bar disclosure of NYPD information to DOI. Accordingly, OIG-NYPD was unable to independently verify the nature of such findings or determine how PALS communicates them within the Department.

²⁶ As noted above in note 22, PALS also creates annual internal reports on the volume and types of litigation filed against NYPD. While these reports contain data concerning all lawsuits filed, the reports do not provide any analysis on this information or identify any meaningful trends that can inform NYPD policies, practices, or operations.

²⁷ NYPD took this position in its August 7, 2018, written response to OIG-NYPD’s 2018 Report and reiterated this view in recent meetings with OIG-NYPD.

OIG-NYPD has always acknowledged that raw litigation data based on unsubstantiated allegations has limitations. As noted in OIG-NYPD's 2015 report on this topic:

"While litigation data has the potential to bring improvements, the limitations of the information must also be taken into account. For example, the fact that a claim or lawsuit is settled is not necessarily proof of liability or improper conduct. Cases are not always resolved on the merits, and non-meritorious cases are sometimes settled for lower amounts to avoid the costs and uncertainties of litigation."²⁸

Despite these limitations, OIG-NYPD has also consistently maintained that such data have value. OIG-NYPD's 2018 Report demonstrated how litigation and claims data could help NYPD identify trends in potential officer misconduct at the precinct level, with the caveat that such trends would require further scrutiny. For example, the 72% increase in use-of-force allegations by officers between 2017 and 2018, illustrated above, is a significant data point that warrants further scrutiny from NYPD. The Department could and should, for example, proactively compare such data to its own use-of-force data to see whether discrepancies between force reported by officers and force alleged in lawsuits reveal problems in data reporting, problems in the actual use of force by its officers, or litigation issues unrelated to police officer behavior.

While NYPD has an articulable rationale for focusing on substantiated cases, the Department should also consider ways to analyze data from all filed lawsuits so that meaningful trends can be identified and used to inform NYPD's policies and practices. Other law enforcement agencies conduct such reviews; for example, the Los Angeles Sheriff's Department produces monthly internal reports describing trends that cover active lawsuits, settlement amounts, geographic locations, and corrective action plans (e.g., training, internal investigation, policy changes). LASD's Chief of the Risk Management Bureau reviews these trends. Similarly, the Seattle Police Department uses aggregate statistics to identify potentially problematic

²⁸ DEP'T OF INVESTIGATION, *supra* note 3.

Department-wide trends that may require intervention. While both departments may use the merits of lawsuits as a factor in their analyses, information from all lawsuits is still analyzed.

C. NYPD's Risk Assessment Information Liability System (RAILS)

i. RAILS is Consistent with Existing Practices in Early Intervention Systems

NYPD's configuration of RAILS is consistent with how police departments nationally have structured their early intervention systems. There is no single model for an early intervention system, as each agency's system is designed to align with the agency's overall goals and needs. Experts in this field recognize, however, that early intervention mechanisms should rely on several performance indicators to increase the likelihood of identifying officers who may require intervention.²⁹ A survey of 243 agencies using some type of early intervention system found that while police departments employ a wide range of metrics to flag possible performance issues, the most commonly used metrics among the agencies surveyed include citizen complaints (91%), non-lethal force (90%), internal complaints (84%), vehicle damage/accidents (83%), and internal investigations (76%).³⁰ NYPD's use of CCRB complaints, use of force, and discipline as performance indicators is therefore largely consistent with early intervention systems across the country.

The early intervention survey further found that less than a quarter of the police departments surveyed used civil suits as a performance indicator, and even fewer of these agencies were police departments with 1,000 or more sworn officers.³¹ Again, while litigation data is not a perfect indicator of police performance, when carefully collected and properly used, such data can lead to changes that improve the performance of individual officers, the police department, and the City as a whole.³² NYPD should be commended for its recent shift to include litigation data in its ongoing development of RAILS. Once implemented, this would

²⁹ SAMUEL WALKER, THE NEW WORLD OF POLICE ACCOUNTABILITY (2018).

³⁰ THE JOHN F. FINN INSTITUTE FOR PUBLIC SAFETY, INC., FEATURES OF CONTEMPORARY EARLY INTERVENTION SYSTEMS: THE STATE OF THE ART (2015).

³¹ *See id*; *See also* JOANNA SCHWARTZ, WHAT POLICE LEARN FROM LAWSUITS (2012) (Experts similarly estimate that the number of police departments that use this information is quite small).

³² SCHWARTZ, WHAT POLICE LEARN FROM LAWSUITS (2012).

place the Department in the vanguard of law enforcement agencies that make proactive use of litigation data.

**ii. NYPD Can Improve RAILS by Considering Other Approaches to
Determining Thresholds**

While there is no consensus on the best set of performance indicator thresholds to include as triggers in early intervention systems, Professor Samuel Walker, a nationally recognized police accountability expert, identifies three approaches used by police departments: 1) department-level thresholds, 2) peer officer averages, and 3) performance indicator ratios.³³ “Department-level thresholds” commonly use a “time-and-numbers” model whereby agencies set specific values within certain time frames and officers who exceed these values are identified for review. NYPD relies on this model in its thresholds for CCRB complaints, for example, by flagging officers who accumulate three or more CCRB complaints within a 12-month time frame. Although the tolerance that police departments set for these thresholds varies widely, the early intervention survey of 243 police departments found that the six to 12-month time frame is the most common threshold used for evaluating various performance metrics, including force and citizen complaints.³⁴

“Peer officer averages,” by contrast, compare an officer’s performance with those of similarly-situated officers. To illustrate, the Pittsburgh Police Bureau’s Performance Assessment and Review System compares an officer’s performance with peer officers working similar assignments (*e.g.*, night shift, high-crime area, daytime traffic unit).³⁵ Officers are flagged based on a formula that accounts for how much their performance deviates from their peers. The Cincinnati Police Department’s Risk Management System also employs this approach, reporting data on the average level of activity for each performance indicator by all officers in a given unit.³⁶

³³ WALKER, *supra* note 9.

³⁴ THE JOHN F. FINN INSTITUTE FOR PUBLIC SAFETY, *supra* note 30.

³⁵ WALKER, *supra* note 9.

³⁶ *See id.*, at 32.

Finally, “performance indicator ratios” analyze performance data in terms of the ratio between two indicators, such as the ratio of use of force to arrests.³⁷ For example, when considering officers who used force in over half their arrests during a given time frame, the ratio of force to arrests may be a cause for concern and possible intervention. Professor Walker highlights that one of the benefits of this approach is that it allows police departments to distinguish between highly active officers who have few problematic incidents (and thus may not need intervention) and highly active officers who engage more frequently in problematic behavior (who may need intervention).³⁸

Peer officer averages and performance indicator ratios, while less commonly used, are promising approaches to developing robust, evidence-based thresholds. These approaches help police departments take into account factors that would otherwise be overlooked by an early intervention system based on standard performance indicators alone. Existing research indicates that performance indicators commonly built into early intervention systems tend to measure behaviors associated with greater officer productivity.³⁹ Officers assigned to high-crime areas, for example, are at greater risk of using force and generating complaints from members of the public due to the nature of their work environment.⁴⁰ Research also suggests that these behaviors may vary substantially over time during an officer’s tenure.⁴¹ Both qualitative and quantitative assessments of police behavior show that police officer activity levels tend to decline over time.⁴²

Accordingly, using department-level thresholds alone may unfairly flag officers who are the most productive or assigned to particularly challenging work. By contrast, the use of peer officer averages and performance indicator ratios can allow police departments to more easily account for officers who have greater activity, but may not necessarily be exhibiting problematic

³⁷ See *id.*, at 33.

³⁸ *Id.*

³⁹ ROBERT WORDEN, CHRISTOPHER HARRIS, & SARAH MCLEAN, RISK ASSESSMENT AND RISK MANAGEMENT IN POLICING (2014).

⁴⁰ WALKER, *supra* note 9; ROBERT WORDEN, CHRISTOPHER HARRIS, & SARAH MCLEAN, RISK ASSESSMENT AND RISK MANAGEMENT IN POLICING (2014).

⁴¹ WORDEN, *supra* note 39.

⁴² ROBERT WORDEN, MOONSUM KIM, CHRISTOPHER HARRIS, MARY ANN PRATTE, SHELAGH E. DORN, & SHELLEY S. HYLAND, INTERVENTION WITH PROBLEM OFFICERS: AN OUTCOME EVALUATION OF AN EIS INTERVENTION (2013).

behavior. Out of fairness to officers and to enable supervisors to use the system efficiently and effectively, NYPD should consider incorporating these approaches in its RAILS calculus.

iii. NYPD Should Ensure Supervisors are Thoroughly Prepared to Use RAILS

Supervisors play a pivotal role in driving the success of an early intervention system. As Professor Walker notes in his Management Guide, “a fully operational system redefines the role of supervisors, giving them specific duties related to supervision of officers with performance problems.”⁴³ While the personnel management aspect of an early intervention system is already an integral part of the role of a supervisor, the data-driven component introduces new responsibilities that may not have been previously part of the job. The introduction of an early intervention system significantly alters the work routine of supervisors who are now tasked with data analysis, proactively engaging with officers about potential problems, and assessing and coupling different intervention strategies with their officers’ needs.⁴⁴ In order for supervisors to navigate these new responsibilities successfully, supervisors need to be involved in each stage of the development and implementation process, and fully trained on how to effectively leverage the early intervention system to meet the Department’s goals. A Police Executive Research Forum study found that one of the biggest mistakes police departments make in rolling out an early intervention system is not fully informing their personnel about the system.⁴⁵

When RAILS was initially introduced, NYPD issued an operations order that provided instructions to all members of service on how to use the system. NYPD also held conference calls with supervisors to answer their questions. The Department reports that it plans to hold focus groups with members of service who have had access to RAILS in order to gain additional feedback. OIG-NYPD commends NYPD for taking these important steps. Going forward, as RAILS undergoes further development, NYPD should continue to seek input from supervisors and create a mechanism for them to provide ongoing feedback on the system. NYPD should also

⁴³ WALKER, *supra* note 9.

⁴⁴ SAMUEL WALKER, STRATEGIES FOR INTERVENING WITH OFFICERS THROUGH EARLY INTERVENTION SYSTEMS: A GUIDE FOR FRONT-LINE SUPERVISORS 4 (2006); SAMUEL WALKER, INSTITUTIONALIZING POLICE ACCOUNTABILITY REFORMS: THE PROBLEM OF MAKING POLICE REFORMS ENDURE (2012).

⁴⁵ WALKER, A GUIDE FOR FRONT-LINE SUPERVISORS, at 9.

ensure that there is sufficient and ongoing training that directly addresses supervisors' new roles and responsibilities with RAILS.

iv. NYPD Should Develop Procedures to Hold Supervisors Accountable for Effectively Using RAILS

Police departments can hold supervisors accountable for using an early intervention system as intended, in both formal and informal ways. For example, the Los Angeles Sheriff's Department relies on informal meetings among sergeants where supervisors compare notes on what problems they are identifying and the kinds of interventions they are taking to correct them. Formal approaches providing even greater accountability include requiring supervisors to review the system's data regularly, such as before each morning's roll call, and requiring supervisors to report back to their own chain of command through regular meetings, reports, or evaluations.⁴⁶ The Pittsburgh Police Bureau requires supervisors to check their Performance Assessment and Review System alerts on a weekly basis and discuss patterns and trends at their command staff quarterly reviews, COMSAR. The Pittsburgh Police Bureau also conducts regular audits to ensure that supervisors are logging on to the system as required.

Before RAILS is fully implemented, NYPD should ensure there are procedures in place to hold supervisors accountable for upholding their responsibilities under the system. The Department has signaled that there are plans to institute formal audits of how supervisors use RAILS once the system is fully functional. Such procedures should also be accompanied by policies outlining how often supervisors should log on to RAILS and review their alerts.

⁴⁶ *Id.*

V. RECOMMENDATIONS

As noted above, DOI's OIG-NYPD previously issued ten recommendations across two reports on the topic of NYPD's use of litigation data. The status of those recommendations is documented in OIG-NYPD's Fifth Annual Report, published on April 1, 2019.⁴⁷ To the degree that the findings in this current Report were already addressed in previously issued recommendations, those recommendations are not repeated here.

Based on this year's review, DOI's OIG-NYPD issues the following new recommendations:

1. **NYPD should consider incorporating peer officer averages and performance indicator ratios in its thresholds for RAILS, or other approaches that would account for officers with greater activity who may not necessarily exhibit problematic behavior.**
2. **NYPD should seek input from supervisors in further developments of RAILS and create a mechanism for supervisors to direct their feedback.** Supervisors should be involved in each stage of the development and implementation process for RAILS. NYPD should have a formal, standing mechanism for supervisors to direct their feedback, including any problems or concerns with the system.
3. **NYPD should ensure that sufficient and ongoing training is available to all supervisors once RAILS is fully developed.** Such training should specifically take into account supervisors' new roles and responsibilities with the system.
4. **NYPD should ensure there are procedures in place before RAILS is fully implemented to hold supervisors accountable for upholding their responsibilities concerning the system.** These procedures should include a policy outlining how often supervisors should log on to RAILS and review their alerts. NYPD should also take steps to confirm that supervisors are following this policy as directed, such as by conducting regular audits of the system.

⁴⁷ DEP'T OF INVESTIGATION, *supra* note 8.