



The City of New York
Department of Investigation

MARGARET GARNETT
COMMISSIONER

180 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900

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nyc.gov/doi

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CONTACT: DIANE STRUZZI
(212) 825-5931

**DOI'S OFFICE OF THE INSPECTOR GENERAL FOR THE NEW YORK CITY POLICE DEPARTMENT
ISSUES ITS SEVENTH ANNUAL REPORT**

Today, the Department of Investigation's ("DOI") Office of the Inspector General for the New York City Police Department ("OIG-NYPD") released its Seventh Annual Report on the investigations and recommendations made in Calendar Year 2020 and the status of previously made recommendations that have not yet been fully adopted by the New York City Police Department ("NYPD"). Approximately 83 percent of DOI's 181 recommendations issued to the NYPD, spanning 16 investigative reports since 2015, have been accepted in principle, partially implemented, or implemented by NYPD. This Report outlines those recommendations and analyzes the extent to which NYPD has adopted or rejected DOI's proposals for reform. A copy of the Report is attached to this release and can be found at the following link: <http://www1.nyc.gov/site/doi/newsroom/public-reports.page>.

DOI Commissioner Margaret Garnett said, "Despite the many challenges of 2020, the OIG-NYPD continued its important mission to advance police oversight and reform in New York City, from issuing its comprehensive annual report that tracks the 181 recommendations made since the office was established to providing its police oversight expertise on the significant investigation into the NYPD response to the George Floyd protests. I commend the dedicated staff that has made valuable contributions to further police accountability and reform in New York City."

Inspector General Philip K. Eure said, "Tracking NYPD's implementation of our recommendations continues to be very important for creating accountability and transparency. OIG-NYPD remains committed to our mission of enhancing the effectiveness of the police department; strengthening public safety; protecting civil rights, and increasing the public's confidence in the police force by conducting investigations and making recommendations aimed at improving NYPD."

The Annual Report provides a chart detailing NYPD's implementation status for all 181 recommendations. This chart does not include three additional recommendations, specifically two recommendations made to the Civilian Complaint Review Board ("CCRB") and one recommendation deemed no longer applicable. The OIG-NYPD will continue to monitor the implementation status of these recommendations and issue follow-up reports as necessary.

Other actions in 2020 noted in the Annual Report include:

- Issuing the report, "Investigation into NYPD Response to the George Floyd Protests," the results of an extensive investigation that was completed from start to finish in approximately six months. The investigative team was staffed from across DOI and included several key staff members assigned to OIG-NYPD, drawing on significant OIG-NYPD expertise and resources. That report contained 22 recommendations, 20 of which were created to improve

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NYPD's policies related to policing protests and two that focused on external oversight of the NYPD. On March 17, 2021, NYPD publicly posted to their website the implementation statuses of all of the recommendations, describing them as either in progress or completed. To access [that NYPD document click here](#).

- Issuing its comprehensive Sixth Annual Report on the investigations and recommendations made in Calendar Year 2019 and that also assessed the status of previously made recommendations that had not yet been fully adopted by the NYPD.
- Continuing to engage with advocates, community groups, City and State agencies, other police departments and oversight agencies. For example, in response to Governor Cuomo's Executive Order 203, "New York State Police Reform and Reinvention Collaborative," OIG-NYPD executive staff participated in two formal efforts of community engagement: The first was a meeting in November 2020 convened by NYPD that included representatives from the Mayor's Office, DOI, NYPD, as well as Supportive Children's Advocacy Network (SCAN-Harbor). [To read more about the Reform and Reinvention Collaborative, click here](#). The second was a panel discussion in December 2020 sponsored by the CCRB, which included representatives from various independent police review entities convened to develop recommendations on how New York City can strengthen relations between the police and the public in response to the growing social unrest occurring across the country following the death of George Floyd at the hands of police in Minneapolis in May 2020.

The Seventh Annual Report was compiled by DOI's Office of the Inspector General for the NYPD, specifically, Senior Auditor Renell Grant and Data Analyst Sara Hassan, under the supervision of Deputy Inspector General Percival Rennie, First Deputy Inspector General Jeanene Barrett, and Inspector General Philip K. Eure.

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New York City
Department of Investigation



SEVENTH ANNUAL REPORT OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD

Margaret Garnett
Commissioner

Philip K. Eure
Inspector General for the NYPD

April 2021

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I. INTRODUCTION

This is the Seventh Annual Report of the New York City Department of Investigation's (DOI) Office of the Inspector General for the New York City Police Department (OIG-NYPD or Office). While the Report covers systemic reviews that OIG-NYPD conducted, Section II also highlights the comprehensive 2020 Report released by DOI - *Investigation into NYPD Response to the George Floyd Protest*. Section III provides information about community outreach and engagement, as well as complaints received by the OIG-NYPD. Section IV summarizes the findings and recommendations made in the 16 earlier reports released from 2015 through 2019. This last section also provides detailed assessments of the extent to which the New York City Police Department (NYPD or Department) has implemented OIG-NYPD's proposals for reform.

DOI's OIG-NYPD is charged with external, independent review of the NYPD.

Pursuant to Chapter 34 of the New York City Charter and Mayoral Executive Order 16, DOI's OIG-NYPD is charged with external, independent review of NYPD.¹

OIG-NYPD publishes written, publicly available reports based on these investigations, reviews, studies, or audits. The NYPD Commissioner is required to submit a written response to each published report within 90 days.² Consistent with this practice, DOI also requested that NYPD report to the public its responses to the December 2020 protest policing recommendations and any additional changes or plans relating to policing of future protests within 90 days.³

This Report examines NYPD's implementation of the recommendations made in OIG-NYPD's investigative reports, while classifying the status of OIG-NYPD's recommendations into the following categories:

- **Implemented or Partially Implemented (I or PI):** NYPD has accepted and implemented these recommendations completely or in part.
- **Accepted in Principle (AIP):** NYPD has agreed with the general intent of these recommendations but has not yet implemented them.

¹The New York City Charter, as amended by Local Law 70 of 2013, empowers the DOI Commissioner to "investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of the New York city police department with the goal of enhancing the effectiveness of the department, increasing public safety, protecting civil liberties and civil rights, and increasing the public's confidence in the police force, thus building stronger police-community relations." N.Y.C. Charter §803(c)(1).

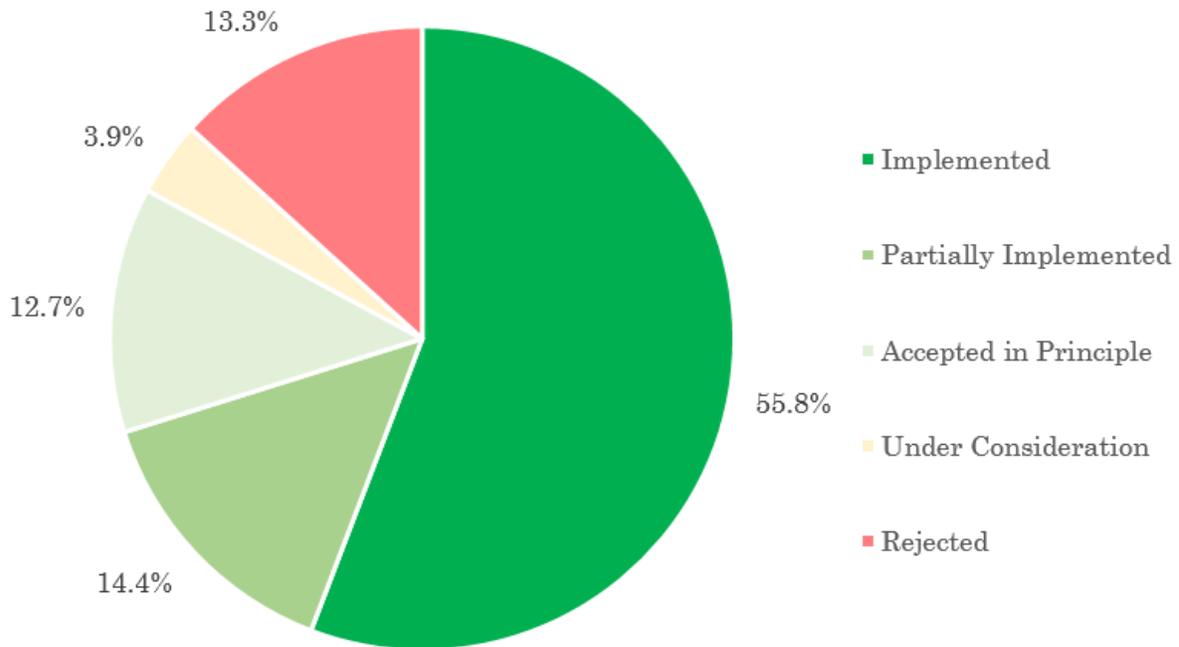
² OIG-NYPD's reports and NYPD responses are available at: <http://www1.nyc.gov/site/doi/offices/oignypd.page>

³ This request is made in the form of a formal recommendation contained within DOI's report.

- **Under Consideration (UC):** NYPD has not yet decided whether to adopt or reject these recommendations.
- **Rejected (R):** NYPD does not agree with the recommendations and will not implement them.
- **No Longer Applicable (NLA):** Due to a change in technology or procedure by NYPD, these recommendations are no longer relevant.

In total, OIG-NYPD’s 16 investigative reports concerning NYPD from 2015-2019 contain 184 recommendations of which 181 are still applicable to the Department. As depicted in the table and chart below, NYPD has implemented, partially implemented, or accepted in principle 82.9% of these 181 recommendations (55.8% have been implemented, 14.4% have been partially implemented, and 12.7% have been accepted in principle).⁴

Status of Recommendations Applicable to NYPD



⁴ The total count of 184 recommendations made by OIG-NYPD include two recommendations addressed specifically to CCRB and one recommendation that is no longer applicable to the Department.

Table 1: Status of Recommendations Applicable to NYPD

| Report | I | PI | AIP | UC | R |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|------------|-----------|-----------|
| An Investigation of NYPD's Officer Wellness and Safety Services NYPD (September 2019 Report) | 6 | 2 | 1 | 2 | 1 |
| Complaints of Biased Policing in New York City: An Assessment of NYPD's Investigations, Policies, and Training (June 2019 Report) | 8 | 0 | 4 | 0 | 9 |
| 2019 Assessment of Litigation Data Involving NYPD (April 2019 Report) | 0 | 1 | 1 | 2 | 0 |
| Ongoing Examination of Litigation Data Involving NYPD (April 2018) | 1 | 2 | 0 | 1 | 1 |
| An Investigation of NYPD's Special Victims Division-Adult Sex Crimes (March 2018) | 5 | 1 | 4 | 1 | 1 |
| An Investigation of NYPD's New Force Reporting System (February 2018) | 13 | 8 | 1 | 0 | 2 |
| Review of NYPD's Implementation of Patrol Guide Procedures Concerning Transgender and Gender Nonconforming People (November 2017) | 4 | 0 | 4 | 0 | 1 |
| When Undocumented Immigrants Are Crime Victims: An Assessment of NYPD's Handling of U Visa Certification Requests (July 2017) | 3 | 3 | 2 | 0 | 2 |
| Addressing Inefficiencies in NYPD's Handling of Complaints: An Investigation of the "Outside Guidelines" Complaint Process (February 2017) | 3 | 2 | 0 | 1 | 0 |
| Putting Training into Practice: A Review of NYPD's Approach to Handling Interactions with People in Mental Crisis (January 2017) | 10 | 2 | 1 | 0 | 0 |
| An Investigation of NYPD's Compliance with Rules Governing Investigations of Political Activity (August 2016) | 6 | 0 | 2 | 0 | 3 |
| An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015 (June 2016) | 4 | 0 | 0 | 0 | 3 |
| Police Use of Force in New York City: Findings and Recommendations on NYPD's Policies and Practices (October 2015) | 11 | 3 | 1 | 0 | 0 |
| Body-Worn Cameras in New York City: An Assessment of NYPD's Pilot Program and Recommendations to Promote Accountability (July 2015) | 20 | 0 | 2 | 0 | 1 |
| Using Data From Lawsuits and Legal Claims Involving NYPD to Improve Policing (April 2015) | 3 | 2 | 0 | 0 | 0 |
| Observations on Accountability and Transparency in Ten NYPD Chokehold Cases (January 2015) | 4 | 0 | 0 | 0 | 0 |
| Total | 101 | 26 | 23 | 7 | 24 |

I = Implemented, PI = Partially implemented, AIP = Accepted in principle, UC = Under consideration, R = Rejected

NYPD's acceptance and implementation of these recommendations is an important indicator of whether the Department is seriously addressing the police accountability issues identified by OIG-NYPD, the entity established under City law to provide independent review of NYPD policies and practices. Because of such importance, OIG-NYPD continues to monitor the status of all recommendations until they have been implemented by NYPD.

In addition to examining systemic issues, OIG-NYPD continued to receive, review, assess, investigate, and respond to complaints and inquiries from the public. These complaints and contacts, in addition to alerting OIG-NYPD to possible misconduct, inform OIG-NYPD about possible patterns and trends, as well as the experiences and concerns of members of the public and police officers about policing in New York City.

Pursuant to § 803(d)(3) of the New York City Charter, as of December 31, 2020, OIG-NYPD reports that it had 11 investigations open for six to 12 months, nine investigations open for 13 to 24 months, five investigations open for 25 to 36 months, and seven investigations open for more than 36 months. These figures include both systemic reviews and individual complaints received from members of the public.

OIG-NYPD continued its public outreach during 2020, although on a more limited basis due to the coronavirus pandemic. These outreach efforts included meeting with advocacy groups, elected officials and their staffs, community groups, representatives from City agencies, and other police departments and oversight agencies. While educating the public about OIG-NYPD's mission, these efforts also informed the Office's ongoing investigations.

OIG-NYPD will continue working to promote transparency and to provide recommendations aimed at improving accountability for NYPD. Along those lines, the Office plans to release several reports in calendar year 2021 touching on a number of NYPD policies and practices relevant to public concerns about policing.

II. DEPARTMENT OF INVESTIGATION

This section of the Annual Report discusses the *Investigation into NYPD Response to the George Floyd Protests* report released by DOI on December 18, 2020.⁵

INVESTIGATION INTO NYPD RESPONSE TO THE GEORGE FLOYD PROTESTS

December 18, 2020

In the days following the May 25, 2020 killing of George Floyd by a Minneapolis police officer, New York City, like many cities across the country, saw mass protests demanding justice and encompassing broader concerns about racism, policing, and officer accountability. On May 31, 2020, Mayor De Blasio directed DOI to conduct a review of the response by NYPD to these protests, later signing Executive Order 58 codifying this directive. That same day, DOI received a written referral from City Council Speaker Corey Johnson and Councilmember Ritchie Torres, Chair of the Oversight and Investigations Committee, similarly requesting that DOI investigate NYPD's protest response.

DOI's Report, in response to these requests, focused on NYPD's institutional protest response. The investigation required review of thousands of pages of NYPD records and NYPD footage, in addition to publicly available video of incidents at the protests and a wide range of witness statements and observer reports. DOI also reviewed various studies and published reports on protest policing practices and interviewed academics and former government officials with expertise on policing issues. As part of this review, DOI also interviewed a number of senior NYPD leaders, including Police Commissioner Dermot Shea and then-Chief of Department Terence Monahan.

This Report identified deficiencies in NYPD's protest response: in addition to not having any central community affairs strategy, NYPD did not have a clearly defined strategy for responding to such large-scale protests. This lack of a tailored strategy led the Department to apply "disorder control" tactics, ignoring its responsibility to facilitate First Amendment expression. These tactics, including use-of-force and crowd-control methods, produced heightened enforcement and escalated tensions between protesters and police. The reliance on these tactics by police officers may have occurred in part because most officers responding had not received training on policing protests. In addition, DOI found that some decisions by NYPD relied on intelligence without appropriate consideration of context or proportionality, thereby contributing to enforcement responses disproportionate to the circumstances. DOI also found that NYPD did not have a system with the capacity to track sufficient protest data.

Divided into two parts, DOI's report made a total of 22 recommendations

⁵ Although this investigation was led directly by the DOI Commissioner, the project team included staff assigned primarily to OIG-NYPD.

(Part 1 - 20; Part II - 2). The recommendations in Part I aim to improve NYPD's policies related to policing protests, while those recommendations in Part II focus on external oversight of the Department.

For more information about the findings or recommendations issued in this Report, a full copy of the original report can be found [here](#).

On March 17, NYPD issued its formal response to the recommendations in this Report, which can be found [here](#) and in Appendix B.⁶ Because of the proximity of the response to the issuance of this Annual Report, DOI has not yet completed its own evaluation of NYPD's reported responses and will continue to monitor the status of these recommendations.

⁶ For an electronic version of NYPD's responses to the recommendations: https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/mass-demonstration-recommendations-status-as-of-03172021.pdf

III. 2020 OFFICE OF THE INSPECTOR GENERAL FOR THE NEW YORK CITY POLICE DEPARTMENT ACTIVITIES

A. COMMUNITY OUTREACH AND ENGAGEMENT

OIG-NYPD continues to recognize how essential community outreach is to increasing understanding between New York City residents and NYPD, especially after the past year. During 2020, OIG-NYPD found various ways to continue to engage with advocates, community groups, City and state agencies, other police departments and oversight agencies. As a result of these efforts, OIG-NYPD continued to identify some of the pressing police accountability issues that, if addressed, could help ensure public safety while protecting people's civil liberties and rights.

In response to Governor Cuomo's Executive Order 203, "New York State Police Reform and Reinvention Collaborative," OIG-NYPD executive staff participated in two formal efforts. The first was a meeting in November 2020 convened by NYPD that included representatives from the Mayor's Office, DOI, NYPD, as well as Supportive Children's Advocacy Network (SCAN-Harbor). The second was a panel discussion in December 2020 sponsored by the Civilian Complaint Review Board. This discussion included representatives from various independent police review entities convened to develop recommendations on how New York City can strengthen relations between the police and the public in response to the growing social unrest occurring across the country following the death of George Floyd at the hands of police in Minneapolis in May 2020.

OIG-NYPD remains committed to continued outreach and engagement with the public on policing issues. OIG-NYPD responds to public inquiries and accepts feedback from community members on investigations and recommendations, and provides the public with information on its mission, reports, and recommendations for NYPD.

B. COMPLAINTS

Local Law 70 underscores the importance of allowing members of the public to make complaints to OIG-NYPD about problems and deficiencies relating to NYPD and its police force. By reviewing complaints, speaking to complainants, connecting with other government agencies, and conducting investigations, OIG-NYPD can address concerns and allegations while also identifying potential systemic issues regarding NYPD.

In 2020, OIG-NYPD received 618 complaints from members of the public and employees of NYPD, in addition to referrals from other City agencies. Those agencies referring matters to OIG-NYPD included NYPD, the Office of the Mayor, the Conflicts of Interest Board, the City Council, and the Civilian Complaint Review

Board. Complaints are received via an online form, phone, email, fax, U.S. mail, or in-person interview. Complaints received by OIG-NYPD frequently allege inadequate police services, failure to investigate after a police report has been filed, police corruption, disputes involving summonses, harassment by police, and the use of excessive force. OIG-NYPD often receives complaints that fall squarely within the jurisdiction of, or would be more appropriately investigated by, another agency. In such cases, OIG-NYPD refers complaints to these agencies.

**IV. 2015-2019 SYSTEMIC INVESTIGATIONS, REVIEWS, STUDIES, AND AUDITS:
UPDATED NYPD RESPONSES TO RECOMMENDATIONS**

This section summarizes the findings and recommendations made in the 16 reports OIG-NYPD released from 2015 through 2019, and assesses the progress in implementing the 184 recommendations in these reports. Those recommendations that have been implemented or have been deemed no longer applicable prior to this Annual Report are listed in Appendix A.

AN INVESTIGATION OF NYPD’S OFFICER WELLNESS AND SAFETY SERVICES

September 24, 2019 Report

OIG-NYPD’s Officer Wellness and Safety Report examined the services available to NYPD’s officers in need of assistance and explored the extent to which officers were aware of these services, were taking advantage of them, and how support services could be enhanced and made more widely available. The investigation included meeting with NYPD support services personnel and associated NYPD units, attending NYPD trainings, and speaking with several NYPD unions. As a key part of its review, OIG-NYPD also sought to understand the effectiveness and use of NYPD’s mental health resources by administering a survey to uniformed NYPD personnel who had completed their service.

OIG-NYPD made 12 recommendations aimed at enhancing NYPD’s mental health and wellness services. If implemented, those recommendations would serve as a roadmap for NYPD.

For more information about the findings and recommendations, a full copy of the original Report can be found [here](#).

NYPD has implemented six of the 12 recommendations issued in this Report. Those recommendations (1 and 9) not listed below were implemented prior to the issuance of this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are detailed below.

| AN INVESTIGATION OF NYPD’S OFFICER WELLNESS AND SAFETY SERVICES (SEPTEMBER 2019 REPORT) | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| 2 | <p>NYPD should use the results of its own recent 2019 officer survey on health and wellness (and, if necessary, conduct additional officer surveys with the assistance of outside experts) to inform the Department’s overall Mental Health and Wellness policy</p> <p>Unchanged: Partially Implemented</p> <p>NYPD continues to evaluate the results of its own 2019 officer survey which has resulted in the implementation of necessary policy changes and delivery of peer support programs through its Health and Wellness Section (HWS).</p> |

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| | referenced in Recommendation #1. | OIG-NYPD will continue to monitor this issue. |
| 3 | Consistent with the size of the Department, NYPD should increase the staffing levels in the Health and Wellness Section to include full-time licensed mental health professionals and support staff with appropriate levels of competency in the areas of mental health and wellness. | <p>Unchanged: Partially Implemented</p> <p>According to NYPD, it appointed a senior-level psychologist to serve as Director of its HWS. Additionally, NYPD is committed to hiring 17 full-time personnel and a number of social workers at HWS.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |
| 4 | NYPD’s Health and Wellness Section should have access to specific internal data that would assist the Section with identifying behavioral themes or trends in the conduct of NYPD personnel so as to inform the work of the Section. | <p>Changed from Partially Implemented to Implemented</p> <p>According to NYPD, HWS has access to IAB alerts for substance and domestic incidents, Risk Assessment Information Liability System (RAILS) notifications, Force Investigation Division information relating to suicide or attempted suicide, and Body Worn Camera System (BWCS) footage. Access to these alerts allows HWS to conduct debriefing and/or dispatch members of the Employee Assistance Unit to offer support services and evaluate behavioral trends. NYPD reports that the BWCS access has resulted in 250 debriefings by the director of HWS.</p> |
| 5 | NYPD should retain outside mental health experts to review and audit the current range of Department-wide health and wellness trainings provided by NYPD to personnel, many of which are new, and ask these experts to recommend to NYPD what additional training, if any, should be developed and delivered. | <p>Changed from Accepted in Principle to Implemented</p> <p>According to NYPD, it has collaborated and will continue to collaborate with a number of external mental health organizations, police agencies, and universities that include the American Association of Suicidology, the New Zealand Police, and the Columbia University Medical Center. This collaboration has led to the creation of new programs and trainings.</p> |
| 6 | NYPD should study the feasibility of establishing mandatory periodic mental health checks for all police officers or certain categories of at-risk officers. | <p>Unchanged: Under Consideration</p> <p>According to NYPD, it is currently in discussions with labor unions regarding the possibility of mandatory health checks because implementation would be subject</p> |

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| | | <p>to collective bargaining.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |
| 7 | <p>NYPD should modify its early intervention system—Risk Assessment Information Liability System (RAILS)—to include an “officer wellness” category, based on various relevant indicators, so that NYPD personnel requiring officer wellness intervention can be identified.</p> | <p>Unchanged: Rejected</p> <p>NYPD continues to decline inclusion of an “officer wellness” category in RAILS because, in its view, the HWS has full Citywide access to RAILS.</p> <p>NYPD has designated a sergeant to review the various categories to identify potentially at-risk members who can be referred to the Employee Assistance Unit for debriefing. As a result, NYPD has identified 273 members who were referred for further interview and observation.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |
| 8 | <p>NYPD should establish clear written procedures on debriefing NYPD personnel in the wake of critical incidents and follow up with these officers after the debriefing sessions.</p> | <p>Changed from Under Consideration to Implemented</p> <p>NYPD implemented a <i>Critical Incident Stress Management</i> policy that ensure members of service who are involved in critical, traumatic, or high stress incidents receive proper stress management support, mental health education, and guidance. This procedure can be found in Patrol Guide §203-34, issued and effective on March 12, 2021.</p> |
| 10 | <p>NYPD should establish a mandatory program that provides NYPD personnel approaching retirement with helpful information on the availability of support services following separation, adjusting to life as a member of the public, financial advisement, and medical and retirement benefits.</p> | <p>Changed from Partially Implemented to Implemented</p> <p>NYPD states that its HWS and retirement coordinator conduct numerous retirement planning webinars, educational programs, as well as counseling of personnel who have filed for retirement.</p> |
| 11 | <p>NYPD should explore the needs of its retired personnel and endeavor to make wellness support services available to them for a reasonable</p> | <p>Unchanged: Under Consideration</p> <p>NYPD states that it is currently working with an outside vendor to develop a personal cellphone app for</p> |

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| | <p>period of time following retirement or separation.</p> | <p>retired personnel and their families for use following retirement.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |
| <p>12</p> | <p>NYPD should put in place mechanisms to ensure that the privacy rights of NYPD personnel are respected and strictly protected, both internally and externally, so that information relating to officer health and wellness is not misused and is accessible only by those who need to know. Such efforts should be informed by discussions with officers and representative organizations like police unions and fraternal organizations.</p> | <p>Unchanged: Accepted in Principle</p> <p>According to NYPD, the Department is committed to ensuring the privacy rights of NYPD personnel. NYPD adds that HWS has been approved to begin using a confidential medical database, although there is no start date for such use.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |

COMPLAINTS OF BIASED POLICING IN NEW YORK CITY: AN ASSESSMENT OF NYPD’S INVESTIGATIONS, POLICIES, AND TRAINING

June 26, 2019 Report

Biased policing is any discriminatory action (or inaction) by law enforcement that is motivated, even in part, by a person’s actual or perceived status protected by law (for example, race, gender, sexual orientation, etc.). Biased policing, whether perceived or actual, is a matter of significant public concern, particularly because communities, such as communities of color, affected by certain policing practices report high levels of distrust of the police, as the remedial process of *Floyd v. City of New York* has documented.⁷ After a Court found that NYPD’s “stop, question, and frisk” policies and practices resulted in the disproportionate and discriminatory stopping and frisking of hundreds of thousands of Black and Latino people, the Court ordered NYPD to begin investigating complaints of biased policing, such as racial profiling. As part of its investigation that culminated in the this 2019 Report, OIG-NYPD analyzed over 5,000 pages of NYPD documents related to 888 allegations which covered a two-and-a-half year period, attended NYPD’s trainings related to biased policing, and interviewed NYPD investigators who handled such allegations.

In its Report, OIG-NYPD determined that from 2014, when NYPD began separately investigating and tracking such complaints, through the end of 2018, members of the public had made at least 2,495 complaints of biased policing and that the Department had never substantiated an allegation of biased policing. Among the Report’s findings, OIG-NYPD found inadequacies in how NYPD investigated and tracked such allegations.

Further, OIG-NYPD discovered that the Civilian Complaint Review Board (CCRB), the City’s primary agency charged with independently investigating allegations of police officer misconduct, is the *only* independent police review agency among those associated with the 20 largest police departments in the U.S. that does not investigate complaints of biased policing made against officers. Additionally, OIG-NYPD determined that NYPD does not investigate as biased policing an officer’s use of offensive or derogatory language related to a complainant’s actual or perceived protected status, such as a racial slur. Instead, NYPD refers the matter to CCRB for investigation as offensive language.

The Report makes 23 recommendations, the majority of which are addressed to NYPD. OIG-NYPD also made four recommendations that relate to the Commission on Human Rights (CCHR) and CCRB; these recommendations, if implemented, would also improve the City’s handling of biased policing complaints.

⁷ See Belen, et al., *New York City Joint Remedial Process: Final Report and Recommendations on NYPD’s Stop, Question, and Frisk and Trespass Enforcement Policies* (May 15, 2018), pursuant to Opinion and Order in *Floyd v. City of New York*, 959 F. Supp. 2d 540 (2013) (No. 08-CIV-1034-SAS-HBP, ECF No. 372 at p. 8 (Aug. 12, 2013)).

This year, NYPD informed OIG-NYPD that under a City plan, “both profiling and racial slurs will be considered biased policing and these investigations will no longer be investigated by [NYPD], but instead by CCRB and then either prosecuted or adjudicated by CCRB.” This change would be consistent with recommendation 21 of this Report. CCRB recently informed OIG-NYPD that when the City plan takes effect, the agency will carry out its new authority to handle biased policing complaints. In the interim, however, OIG-NYPD’s assessments of progress towards implementation of the Report’s recommendations will continue to be made in accordance with current NYPD and CCRB practices.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has implemented eight of the 21 recommendations addressed to it. Those recommendations (4-8, 10, 13, 22) not listed below were implemented prior to the issuance of this Annual Report and can be found in Appendix A. The statuses of the remaining outstanding recommendations are as follows.

| COMPLAINTS OF BIASED POLICING IN NEW YORK CITY: AN ASSESSMENT OF NYPD’S INVESTIGATIONS, POLICIES, AND TRAINING (JUNE 2019 REPORT) | |
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| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| <p>1 NYPD should amend its Patrol Guide policies to explicitly require NYPD officers and non-uniformed employees to report instances of biased policing upon observing or becoming aware of such conduct.</p> | <p style="background-color: #f4cccc; padding: 5px;">Unchanged: Rejected</p> <p>NYPD’s Patrol Guide §207-21, “Allegations of Corruption and Other Misconduct Against Members of the Service,” requires uniformed members who observe misconduct such as the “use of excessive force or perjury” to report it. NYPD maintains the position it had last year, i.e., that the recommendation is accepted in principle. However, because there is still no explicit language requiring the reporting of biased policing, NYPD is still deemed to have rejected this recommendation.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |
| <p>2 NYPD should amend its Patrol Guide policies so that complaints alleging the use of offensive or derogatory language associated with an individual’s actual or perceived protected status, such as racial slurs, are classified as biased policing if there is a discriminatory intent.</p> | <p style="background-color: #f4cccc; padding: 5px;">Unchanged: Rejected</p> <p>Last year, NYPD asserted its view that a slur cannot satisfy the requirement under Administrative Code §14-151 because only an “action” can constitute biased policing. OIG-NYPD, however, maintains that slurs by active-duty officers directed towards members of the public because of their protected status, such as racial</p> |

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| | | slurs, are indeed actions by officers. NYPD will continue treating slurs in this manner until CCRB begins handling biased policing complaints, as envisioned by the City. |
| 3 | NYPD should amend its <i>written</i> investigative procedures related to biased policing so that offensive or derogatory language associated with an individual’s actual or perceived protected status, such as an officer’s use of racial slurs, is classified, investigated, and adjudicated as a biased policing matter. | <p>Unchanged: Rejected</p> <p>The investigative procedures remain the same until the City’s plan to transfer investigative responsibility to CCRB is completed. Therefore, OIG-NYPD has deemed this recommendation rejected.</p> |
| 9 | NYPD should make records of complaints and investigations of biased policing allegations available to CCHR for analysis and review. | <p>Unchanged: Accepted in Principle</p> <p>As documented in last year’s Annual Report, NYPD will continue to comply with any appropriate request for closed complaints that come from CCHR.</p> |
| 11 | NYPD should develop a checklist of all the required protocols for investigating allegations of biased policing, such as interviewing complainants and sub-classifying all applicable protected statuses. | <p>Unchanged: Rejected</p> <p>Although the City intends to transfer biased policing investigative responsibility to CCRB, in the interim, IAB investigators will continue to use the same process without a checklist. NYPD is therefore still deemed to have rejected this recommendation.</p> |
| 12 | Investigators should be required to complete and submit to their supervisors the checklist with their case closing reports. | <p>Unchanged: Rejected</p> <p>Although the City intends to transfer the biased policing investigative responsibility to CCRB, in the interim, NYPD investigators continue to use the same process that does not require investigators to complete and submit a checklist to their supervisors NYPD is therefore still deemed to have rejected this recommendation.</p> |
| 14 | With respect to complaints of biased policing, NYPD should ensure that IAB’s case management system contains the same controls found in the ICMT system used by NYPD’s | <p>Unchanged: Rejected</p> <p>Although the City intends to transfer the biased policing investigative responsibility to CCRB, in the interim, IAB investigators continue to use its Internal</p> |

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| | Bureau/Borough investigators, including controls regarding the requisite number of attempts to contact complainants. This will ensure that the necessary requirements of an investigation are completed prior to the closure of all biased policing cases. | Case Management System, which does not require a successful contact with the complainant or three documented contact attempts before the case can be closed. |
| 15 | NYPD should develop and implement a pilot mediation program for some biased policing complaints. As part of that program, NYPD should develop criteria for referring to mediation cases involving both uniformed and non-uniformed members. | <p>Unchanged: Accepted in Principle</p> <p>OIG-NYPD documented for last year's Annual Report that NYPD developed protocols establishing a mediation program that are awaiting approval. Phase 1 of the program was rolled out in January 2020. NYPD notes that no progress has been made since that time in part due to the ongoing pandemic.</p> |
| 16 | NYPD's RAILS should be expanded to capture unsubstantiated biased policing allegations involving both uniformed and non-uniformed members. | <p>Unchanged: Rejected</p> <p>Although NYPD informed OIG-NYPD that biased policing allegations will trigger a review by the Department's Early Intervention Program, a "non-disciplinary program designed to intervene at the earliest opportunity and to correct behavior of officers so as to limit the need for additional discipline." NYPD also informed OIG-NYPD that RAILS does not capture unsubstantiated biased policing complaints. Therefore, since unsubstantiated biased policing allegations still do not trigger alerts to supervisors in RAILS, this recommendation is deemed rejected.</p> |
| 17 | NYPD's Performance Monitoring Program should develop monitoring criteria to include officers and non-uniformed employees who are the subject of biased policing complaints, regardless of substantiation, modeled on the metrics currently in use for excessive force complaints. | <p>Unchanged: Accepted in Principle</p> <p>As discussed in last year's Annual Report, NYPD states it has developed protocols to include biased policing complaints as criteria for performance monitoring, regardless of substantiation. However, because the protocols are awaiting approval by the federal court, NYPD notes there is no change in the status of the recommendation.</p> |

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| <p>18</p> | <p>NYPD should develop written materials to educate the public about what biased policing is and how members of the public can file biased policing complaints. This information should be conspicuously visible on NYPD’s website and in other locations where such information would be readily available to the public.</p> | <p>Unchanged: Rejected</p> <p>The Department has not made the relevant biased policing information conspicuously visible on its website. Therefore, NYPD is deemed to have rejected this recommendation.</p> |
| <p>19</p> | <p>NYPD should publish statistics for the public as part of an annual report covering biased policing. These statistics should, at a minimum, include a breakdown of the following:</p> <ul style="list-style-type: none"> (i) the subject officer’s uniformed versus non-uniformed status, bureau or unit assignment, gender, race/ethnicity, age, and length of service to the Department; (ii) the self-reported demographics (race/ethnicity, sex, age, etc.) of complainants; (iii) the types of police encounters that resulted in complaints of biased policing; (iv) the number of biased policing complaints initiated by borough and precinct; (v) the discriminatory policing conduct alleged; (vi) the sub-classifications and outcomes of such complaints; and (vii) the status of the Department’s efforts to prevent biased policing. This information should be conspicuously visible on NYPD’s website and in other locations where such information would be readily available to the public. | <p>Changed from Under Consideration to Rejected</p> <p>NYPD has not published the statistics recommended in OIG-NYPD’s 2019 Report. However, because the biased policing investigative responsibility will be transferred to CCRB, NYPD asserts that while most of the requirements of this recommendation should fall on CCRB, NYPD still intends to “detail the steps which [it] is taking to prevent biased policing.” Nonetheless, since NYPD has not confirmed that it will publicly publish these details on an annual basis, OIG-NYPD has deemed this recommendation rejected.</p> |

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| <p>20</p> | <p>CCRB should add all the protected statuses, such as “National Origin,” “Color,” “Age,” “Alienage,” “Citizenship Status,” and “Housing Status” as outlined in § 14-151 of the NYC Administrative Code and § 203-25 of NYPD’s Patrol Guide, to the sub-classifications of its Offensive Language category.</p> | <p>Unchanged: Accepted in Principle</p> <p>According to CCRB, it “is in [the] process of implementing this change in its Monthly Reports.”</p> |
| <p>21</p> | <p>CCRB should adopt a policy to classify and investigate allegations of biased policing by uniformed members of NYPD under its Abuse of Authority jurisdiction instead of referring such allegations to IAB for investigation. Consistent with this new authority, CCRB should request additional resources from the City to take on this new responsibility if the agency can demonstrate that more resources are necessary.</p> | <p>Changed from Rejected to Accepted in Principle</p> <p>Because the City intends to transfer responsibility to handle biased policing complaints to CCRB, the agency has informed OIG-NYPD that when this occurs, CCRB will carry out its new authority. As a result, this recommendation has been changed from rejected to accepted in principle.</p> |
| <p>23</p> | <p>NYPD, CCRB, and CCHR should develop protocols and procedures to share data and information on biased policing complaints on a regular basis. To the extent that implementing this Report’s recommendations would require CCRB or CCHR to have prompt access to NYPD records (e.g., case files, data, body-worn camera video, etc.), protocols should be established so that NYPD will commit itself to providing such access to these agencies.</p> | <p>Unchanged: Accepted in Principle</p> <p>Consistent with last year’s Annual Report, NYPD states that this recommendation is accepted in principle. The Department has committed to comply with requests related to biased policing from CCHR and collaborate with CCRB with respect to the handling of biased policing allegations. [According to CCRB and CCHR, this recommendation has been partially implemented.]</p> |

2019 ASSESSMENT OF LITIGATION DATA INVOLVING NYPD

April 30, 2019 Report

Pursuant to Local Law 166 and as a follow up to OIG-NYPD's previously issued reports on police use of litigation data in 2015 and 2018, in April 2019 OIG-NYPD assessed NYPD's ongoing efforts to track and analyze data from claims and lawsuits, with a particular focus on the Department's early intervention system, the Risk Assessment Information Liability System (RAILS). OIG-NYPD conducted an analysis of civil actions filed against the Department alleging misconduct from the years 2014 to 2018 using litigation data publicly released by the New York City Law Department. OIG-NYPD's review during this five-year period found that while there was a 49 percent decline in the number of NYPD-related lawsuits alleging police misconduct, there was a large uptick in the number of lawsuits filed from 2017 to 2018.

In this review, OIG-NYPD found that the Department was tracking more data on lawsuits and claims, including the nature of the claim, information about the location of the incident, and details about the subject officer than it previously found back in 2015. The Report made four recommendations identifying ways that NYPD can continue to build upon RAILS and ensure that supervisors are effectively prepared to use the system.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has not fully implemented any of the recommendations issued in this Report. The statuses of the recommendations are as follows.

| ASSESSMENT OF LITIGATION DATA INVOLVING NYPD (APRIL 2019 REPORT) | | |
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| OIG-NYPD'S RECOMMENDATION | | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| 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. | <p>Unchanged: Under Consideration</p> <p>According to NYPD, there is no further update or timeline due to fiscal constraints. The Department continues to maintain its position that it is considering incorporating into RAILS peer officer averages, performance indicator ratios, or other metrics accounting for officers with greater activity that may not necessarily exhibit problematic behavior.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |

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| <p>2</p> | <p>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.</p> | <p>Unchanged: Partially Implemented</p> <p>In January 2019, the Department held its first working group meeting of supervisors. The working group involved discussions with end-users to solicit their feedback and gather ideas for improvement. NYPD notes that there will be no additional working groups or public comments at this time. The Department is in the process of incorporating some of the working group's feedback into RAILS.</p> |
| <p>3</p> | <p>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.</p> | <p>Unchanged: Under Consideration</p> <p>As documented in OIG-NYPD's 2020 Annual Report, NYPD continues to maintain that this recommendation is under consideration by the Department. Although there have been no new trainings since April 2019, NYPD states that it believes appropriate training is crucial to successful implementation of RAILS as a tool for use in exercising supervisory roles and responsibilities.</p> |
| <p>4</p> | <p>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.</p> | <p>Unchanged: Accepted in Principle</p> <p>NYPD continues to maintain its position set forth in OIG-NYPD's 2020 Annual Report, namely, that before RAILS is fully implemented, policies and procedures will be communicated to ensure that supervisors are appropriately discharging their duties under the system.</p> |

ONGOING EXAMINATION OF LITIGATION DATA INVOLVING NYPD

April 30, 2018 Report

In response to OIG-NYPD’s 2015 Report, the City Council passed Local Law No. 166. The law required the Office of the Inspector General to collect, evaluate, and report on information concerning improper police conduct by analyzing claims and lawsuits filed against the Department. Pursuant to this law, OIG-NYPD released its 2018 Report proposing how NYPD can use data from lawsuits to improve policing.

Though the filing of a lawsuit does not necessarily demonstrate improper police conduct, NYPD can still use lawsuit trends to identify areas for closer review of how the Department operates. This Report underscored the types of data trends NYPD could and should be assessing in order to make adjustments to policies and practices as needed. OIG-NYPD identified precincts that experienced both increases and decreases in different types of allegations (e.g., false arrests, excessive force, etc.), and also found that, despite NYPD’s prior acknowledgement of the benefits of analyzing litigation data, NYPD had abandoned plans to use its early intervention system to track the number, types, and monetary outcomes of lawsuits filed against individual officers. In addition, OIG-NYPD found that NYPD had not made public any information about the limited data analysis it had conducted.

OIG-NYPD made five recommendations concerning NYPD’s litigation data-tracking system aimed at using such data to identify both individual officers at risk, as well as Department-wide areas for improvement.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has only implemented one out of the five recommendations issued in this Report. That recommendation (3) can be found in Appendix A. The statuses of the outstanding recommendations are as follows.

| ONGOING EXAMINATION OF LITIGATION DATA INVOLVING NYPD (APRIL 2018 REPORT) | |
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| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| 1 In line with the considerations codified in Local Law 166, NYPD should analyze Department-wide litigation patterns and trends as well as observable patterns and trends within individual precincts and units in order to identify areas for improvement in Department policies, training, supervision, and tactics. In | <p>Unchanged: Partially Implemented</p> <p>Although NYPD is considering including lawsuits that are not merit-based in its early intervention system, it continues to express concern about conducting Department-wide analyses of litigation patterns and trends, noting that over-collection of data can potentially reach a point of diminishing returns.</p> |

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| | <p>paying greater attention to data within individual precincts, NYPD should review and analyze patterns and trends such as those shown in DOI's analysis of the 77th Precinct.</p> | <p>OIG-NYPD maintains that there is value in a broader, Department-wide analysis of litigation and claims data.</p> |
| 2 | <p>Based on the findings that result from such analyses, NYPD should create internal reports that describe specific Department-wide and precinct or unit level patterns and trends in legal claims and should share these reports with command leadership.</p> | <p>Unchanged: Partially Implemented</p> <p>While NYPD conducts some trend analysis of lawsuits and claims, the Department has continued to reject the part of OIG-NYPD's recommendation that asks the Department to conduct data analysis of all lawsuits.</p> <p>OIG-NYPD maintains there is value in a broader, Department-wide analysis and that reports can be generated without violating legal privileges.</p> |
| 4 | <p>NYPD should create public reports that do not violate rules of confidentiality, taking care to disclose only the number and the general nature of claims filed against the Department as well as the current state of any interventions or policy changes.</p> | <p>Unchanged: Rejected</p> <p>NYPD continues to reject OIG-NYPD's recommendation and states that producing such a report will not provide any benefit and will instead open NYPD up to unnecessary litigation.</p> <p>In an effort to provide greater transparency to the public, OIG-NYPD stands by the original recommendation.</p> |
| 5 | <p>NYPD should increase the number of employees focusing primarily on tracking litigation trends in order for NYPD to conduct proactive litigation analysis so that patterns and trends can be identified, tracked, and, where necessary, addressed.</p> | <p>Unchanged: Under Consideration</p> <p>As documented in OIG-NYPD's 2020 Annual Report, NYPD maintains that this recommendation is still under consideration. According to NYPD, its Police Action Litigation Section strives to dedicate the resources it can to data entry and analysis. However, with increasing demands on the Legal Bureau, there have been limited personnel available to conduct necessary analyses. NYPD states that it constantly assesses its staffing levels.</p> |

AN INVESTIGATION OF NYPD'S SPECIAL VICTIMS DIVISION—ADULT SEX CRIMES

March 26, 2018 Report

In 2018, OIG-NYPD released a Report focusing on NYPD's Special Victims Division's (SVD) staffing resources. The New York City Council took legislative action in response to the Report's findings, requiring public reporting on SVD's case-management system, staffing, caseload, and training. These reports can be found on NYPD's website.⁸

In a reversal from last year, NYPD has made notable progress on almost every recommendation, except for one that remains rejected. Progress has been made on all fronts, from staffing to training and retention to electronic security. Most notably, NYPD has identified an evidence-based staffing model that accounts for investigative capacity. However, two barriers remain that have a negative impact on full implementation: (1) institutional acceptance and resiliency and (2) budget funding.

Institutional acceptance and resiliency are the main barriers to full implementation at this time. These challenges can be overcome with a policy that is formalized, permanent, and resistant to shocks such as unanticipated rises in caseload, leadership turnover, or the loss of institutional knowledge. In contrast, NYPD's progress on almost every recommendation appears to be reflected on the ground at the operational level, but not codified anywhere as official Departmental policy. The staffing model, for instance, while now used in practice to set the current staffing levels, is not covered by any Patrol Guide provision, Operational Order, official Departmental memo, or any other formal directive from NYPD leadership. The sustainability of these changes is subject to the continued acceptance of those with command authority at NYPD. Reliance on individuals making individual choices along the chain of command was, in large part, the genesis of the issues identified in the 2018 Report. The problems highlighted at SVD were not new or novel. They had been identified and documented internally at NYPD for years by the then-commander of SVD, yet not acted on by those in command authority. Therefore, while NYPD deserves significant credit for taking steps towards implementation of OIG-NYPD's recommendations, this progress needs to be made durable by way of formal written policy.

Budgetary considerations are a problem Citywide, but also have a particular impact on the recommendations involving the physical locations of SVD squads, as well as promotions and retention. The continuing delays and financial obstacles in securing new physical locations for the outer boroughs are concerning as a matter of equity. For example, the Manhattan Special Victim Squad was relocated relatively

⁸ These laws were codified as N.Y.C. Admin. Code §§ 14-178, 14-179, and 14-180; *Special Victims Division Reports*, N.Y.P.D., <https://www1.nyc.gov/site/nypd/stats/reports-analysis/svd.page> (last visited Mar. 30, 2020).

quickly while the Staten Island site was already in relatively good condition. Three years later, however, the new locations for the Bronx and Queens Special Victims squads have yet to be identified, with the Bronx in particular facing delays of up to four more years. While largely beyond NYPD’s control, the City has a responsibility to ensure that the City budget and capital plan reflect the priorities of all New Yorkers, not just those who live in Manhattan.

Funding for promotional opportunities in SVD is also an obstacle to making SVD a “graded” unit whereby detectives can be certain that they will attain a higher grade with continued service as part of this elite command. It is an improvement that NYPD is now considering this recommendation instead of rejecting it as in the past. This shift, however, has occurred at a time when the City faces a budgetary shortfall due to the ongoing pandemic. In 2018, when the Report was released, the Mayor and City Council members made public statements that the City was committed to providing whatever funding NYPD needed for its Special Victims Division. OIG-NYPD therefore urges the City to provide for adequate funding to implement this recommendation.

Overall, NYPD has made significant progress towards implementation and deserves recognition for its efforts. However, there is still more work to be done to achieve full implementation. OIG-NYPD will continue to monitor NYPD’s implementation of the Report’s recommendations.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has now fully implemented five of the 12 recommendations made in this Report. Those recommendations (6, 7, 11, 12) not listed below were implemented prior to the issuance of this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.

| AN INVESTIGATION OF NYPD’S SPECIAL VICTIMS DIVISION—ADULT SEX CRIMES (MARCH 2018 REPORT) | |
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| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| 1 NYPD should immediately increase the staffing level in SVD’s adult sex crime units to meet the minimum investigative capacity required by an evidence-backed and nationally-accepted staffing analysis model. To appropriately handle a caseload as seen in 2017, that model would require an additional 21 detectives in Manhattan SVS, 11 detectives in Bronx SVS, 16 | <p>Changed from Partially Implemented to Implemented</p> <p>Based on recent data provided by NYPD, it appears that the Department has achieved the proposed staffing levels called for by this recommendation, in accordance with a new staffing model used by NYPD.</p> <p>The formal status of this staffing model is unclear, however. See recommendation 2 below. Nevertheless, this recommendation concerns the staffing levels</p> |

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| | <p>detectives in Queens SVS, 21 detectives in Brooklyn SVS, and four detectives in Staten Island SVS.</p> | <p>identified as necessary as of March 2018, and those levels have been achieved according to an appropriate staffing model.</p> |
| <p>2</p> | <p>In order to prevent a recurrence of understaffing, NYPD should adopt an evidence-based investigative staffing model that relies on actual investigative hours available and projected caseload (not caseload alone) and continuously monitor SVD caseloads and staffing levels to ensure the appropriate number of staff are available for the assigned caseloads.</p> | <p style="text-align: center;">Changed from Rejected to Accepted in Principle</p> <p>NYPD provided to OIG-NYPD the underlying staffing model used to achieve implementation of recommendation 1. The staffing model differs from the staffing model used by OIG-NYPD in its Report, but this appears to be largely a semantic distinction.</p> <p>In short, instead of using the target of average “investigative hours” required to properly close a case, NYPD uses the target of the number of cases that can be properly closed in one month. What differentiates this from NYPD’s previous caseload model, however, is the caseload target is no longer arbitrary or based on other detective squads doing substantially different work. Instead, the caseload target was obtained by examining the investigative capacity of a SVD investigator’s full tour in one month. Essentially, this is the same formula as the investigative hours approach and uses a study period of one month instead of one day.</p> <p>OIG-NYPD has always maintained that NYPD need not adopt the exact staffing formula proposed in its Report. However, the formula needs to be evidence based and reliant on actual investigative hours available instead of caseload alone. If NYPD chooses to calculate the available investigative capacity on a per-month basis instead of a per-tour basis, that is largely a distinction without a difference.</p> <p>But NYPD has not formalized this new staffing model as official Departmental policy. It is not codified as part of the Patrol Guide, Operation Order, or any official Department document. Without that formal adoption by NYPD, this recommendation cannot be considered fully implemented, but is instead deemed accepted in principle.</p> |

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| <p>3</p> | <p>Since staffing deficiencies are not unique to adult sex crime units alone, NYPD should use the staffing model adopted in Recommendation 2 to appropriately staff the other SVD sub-units.</p> | <p>Changed from Rejected to Accepted in Principle</p> <p>See Recommendation 2 above. NYPD is using a seemingly appropriate staffing model in practice at the moment but has yet to formalize this practice as official policy.</p> |
| <p>4</p> | <p>NYPD should immediately take steps to improve SVD’s ability to recruit and retain experienced detectives by making SVD a “graded” division. Once completed, NYPD should end the practice of transferring officers to SVD without extensive investigative experience.</p> | <p>Changed from Rejected to Under Consideration</p> <p>NYPD now reports that SVD is sufficiently staffed such that “white shield” investigators are no longer given primary investigative or case responsibility. Instead, they spend their time as white shields in a training capacity. This is a positive development.</p> <p>In terms of “grading” and promotions, NYPD advised that changes to SVD’s promotional structure are again under consideration but are currently a practical impossibility due to the City’s fiscal situation. OIG-NYPD nonetheless urges NYPD to make the case to the City for budget funding to implement this recommendation.</p> <p>OIG-NYPD will continue to monitor this recommendation.</p> |
| <p>5</p> | <p>NYPD should increase in-house training opportunities for SVD staff in order to better prepare them for the rigors and unique nature of SVD work. The depth and rigor of this training should be equivalent to the training provided to other specialized units in NYPD.</p> | <p>Changed from Under Consideration to Accepted in Principle</p> <p>NYPD now states it has implemented new in-house training opportunities for SVD investigators that largely meet the spirit of this recommendation. Further, as noted in recommendation 4 above, NYPD reports that SVD no longer uses white shields in a primarily investigative role. Instead, investigators spend their time as white shields in a six-month training and observation role. SVD has also reintroduced enhanced specialized training for SVD staff.</p> |

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| | | <p>This recommendation, however, is not yet considered implemented for two reasons: (1) these changes are not official Departmental policy and could change at any time and (2) many of these new in-person training opportunities are on hold due to pandemic-related social distancing restrictions.</p> |
| 8 | <p>NYPD should find new physical locations and/or completely renovate all five SVD adult sex crime unit locations. These new physical locations should be easily accessible from public transportation and built out in the model of the Children’s Advocacy Centers now operational in New York City.</p> | <p>Unchanged: Partially Implemented</p> <p>While some progress has been made on this front, there is still additional work to be done. Unfortunately, a location for the new Bronx Special Victim Squad may take up to four years to be identified. In the interim, the Bronx SVS is now co-located with the Bronx Child Abuse Squad, providing a temporary improvement.</p> <p>Likewise, the search for a new site for the Queens Special Victims Squad is ongoing, although renovations have been made in the meantime to the existing waiting rooms.</p> <p>OIG-NYPD understands that the capital budget process is largely not within NYPD’s control, and can take some time to complete. It has, however, been more than three years since the Report was published. As with recommendation 4, OIG-NYPD urges NYPD to make the case to the City for adequate budget funding to implement this recommendation.</p> |
| 9 | <p>NYPD should invest in a new case management system for SVD that would replace ECMS. The new system should have the highest security protocols and limit access to the case detective and their immediate supervisors within SVD. In addition, any new system should have advanced caseload, staff management, and data analysis capabilities.</p> | <p>Changed from Under Consideration to Accepted in Principle</p> <p>NYPD has apparently made changes to its Enterprise Case Management System (ECMS) that significantly decrease the number of NYPD employees with access to SVD case information. This is a positive development that goes to the spirit of this recommendation. As with other recommendations above, however, this does not appear to be part of any official Departmental policy, but instead involved changes made at the direction of command authority within the Department. For this recommendation to be considered implemented, these changes must be made official Departmental policy. While NYPD has made commendable improvements,</p> |

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| | | <p>this recommendation cannot therefore be considered fully implemented.</p> <p>OIG-NYPD will continue to monitor this recommendation.</p> |
| 10 | <p>NYPD should take steps to safeguard the identifying information of sex crimes victims, including conducting a review of the various reports, forms, and memoranda generated during the course of a sex crimes investigation that unnecessarily require the victim’s name, address, or other contact information.</p> | <p>Unchanged: Rejected</p> <p>Because NYPD continues to maintain that its existing security protocols are sufficient and no further changes to its internal processes are necessary, this recommendation remains rejected.</p> |

AN INVESTIGATION OF NYPD'S NEW FORCE REPORTING SYSTEM

February 6, 2018 Report

In June 2016, in response to OIG-NYPD's 2015 Report on Use of Force, the Department replaced its existing use-of-force policies and created a new form: the Threat, Resistance, and Injury Worksheet (T.R.I.). NYPD designed the new form to record certain uses of force by and against police officers, as well as any injuries that occurred during the course of a police action or while an individual was in police custody.

OIG-NYPD's 2018 Report, conceived as a follow up to the earlier report, examined NYPD's compliance with its new policies. The 2018 Report revealed some gaps and initial missteps in the rollout of the Department's new policies. This Report contained 25 recommendations that, if implemented, would make NYPD's use-of-force data collection process more accurate and effective.

The Department was initially resistant to the 2018 Use of Force Report, rejecting most of the recommendations outright. Starting in 2019, however, the Department began to re-engage with OIG-NYPD to enhance its use-of-force policies. Those policies were re-imagined as T.R.I. 2.0, incorporating many of OIG-NYPD's recommendations, either explicitly or in spirit.

If 2019 represented a sea change, 2020 was a continuation. NYPD has made progress on nine of the 16 previously outstanding recommendations. NYPD has maintained many of the new policies identified as satisfying the spirit of the 2018 Report's recommendations. Accordingly, four recommendations that were previously identified as largely satisfied in spirit have been moved from accepted in principle to partially implemented. Five recommendations that NYPD previously rejected outright are now either implemented or partially implemented.

The most significant development in 2020 was the introduction of NYPD's publicly available "NYPD Force Dashboard."⁹ This tool makes public use-of-force data from T.R.I.'s, as called for in recommendations 21a through 21e, such as information on demographics for both officers and members of the public, use-of-force rates by precinct, category of injury, the type of force used, and the types of encounters that resulted in uses of force.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

⁹ *Use of Force*, N.Y.P.D., <https://www1.nyc.gov/site/nypd/stats/reports-analysis/use-of-force.page> (last visited Mar. 30, 2021); *NYPD Force Dashboard*, N.Y.P.D., <https://app.powerbigov.us/view?r=eyJrIjojOGRhMjVhYTctMjk3Nv00MTZjLTliNDAtY2M2ZTQ5YWU3N2ViIiwidCI6IjJiOWY1N2ViLTc4ZDEtNDZmYi1iZTgzLWEyYWZkZDdjNjA0MvJ9> (dashboard is available by clicking through the "NYPD Force Dashboard" link on the main Use of Force webpage) (last visited Mar. 30, 2021).

NYPD has now implemented 13 of the 25 recommendations in this Report, and one additional recommendation is no longer applicable to the Department. Those recommendations (1, 3, 7, 11-14, 16, 17, 19) not listed below were implemented prior to the issuance of this Annual Report or are no longer applicable (20), and are listed in Appendix A. The statuses of the previously outstanding recommendations are as follows.

| AN INVESTIGATION OF NYPD’S NEW FORCE REPORTING SYSTEM (FEBRUARY 2018 REPORT) | |
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| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| <p>2</p> <p>NYPD should continue to develop its software capabilities, which now initiate the creation of a T.R.I. number when an officer indicates on an arrest report that force was used, to also prompt officers that they may have to complete a T.R.I. when certain arrest charges are entered (such as Resisting Arrest or Assault on a Police Officer), when the arrest report indicates an arrestee or officer injury has occurred, and in other similar scenarios.</p> | <p style="text-align: center;">Unchanged: Accepted in Principle</p> <p>NYPD reports that it is still working on linking TRI Forms to arrest reports, and that it may take some time to implement due to the current fiscal crisis.</p> <p>In the interim, NYPD has made change to the arrest report so that the default for the “force used” question is no longer “No.” Officers must affirmatively “indicate on the arrest report ‘Yes’ or ‘No’ on whether force was used before generating an arrest number.”</p> <p>OIG-NYPD will continue to monitor this recommendation.</p> |
| <p>4</p> <p>NYPD should add additional checkboxes to the T.R.I. worksheet to allow for more specificity in describing the force used by an officer, including a closed fist strike, an open hand strike, and a knee strike.</p> | <p style="text-align: center;">Changed from Accepted in Principle to Partially Implemented</p> <p>In 2019, NYPD made a series of changes to its use-of-force policies, including “T.R.I. 2.0.” As noted in last year’s Annual Report, none of these changes addressed this recommendation explicitly. In practice, however, OIG-NYPD observed that T.R.I. 2.0 appeared to be satisfying the spirit of this recommendation.</p> <p>One year later, NYPD’s T.R.I. 2.0 revisions have proven sustainable and continue to satisfy the spirit of this recommendation. Therefore, this recommendation can now be considered partially implemented.</p> <p>OIG-NYPD will continue to monitor this recommendation.</p> |

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| <p>5</p> | <p>NYPD should add a section to the T.R.I. worksheet that prompts officers to indicate where exactly on the person’s body force was used.</p> | <p>Changed from Accepted in Principle to Partially Implemented</p> <p>As noted in last year’s Annual Report, none of the T.R.I. 2.0 changes addressed this recommendation explicitly. In practice, however, OIG-NYPD observed that T.R.I. 2.0 appeared to be satisfying the spirit of this recommendation.</p> <p>One year later, NYPD’s T.R.I. 2.0 revisions have proven sustainable and continue to satisfy the spirit of this recommendation. Therefore, this recommendation can now be considered partially implemented.</p> <p>OIG-NYPD will continue to monitor this recommendation.</p> |
| <p>6</p> | <p>NYPD should impose (a) an “end of tour” deadline by which officers must complete a required T.R.I. form, with appropriate exceptions, and (b) appropriate discipline against officers who fail to meet the deadline, except when certain exceptions apply.</p> | <p>Unchanged: Partially Implemented</p> <p>NYPD reports that it has made no changes towards full implementation at this time. Without any changes since last year, this recommendation therefore remains partially implemented.</p> |
| <p>8</p> | <p>NYPD should reinstate the “Force Used” checkbox on the arrest-processing stamp used in precinct command logs and add an entry on the stamp for force details and the T.R.I. incident number.</p> | <p>Unchanged: Rejected</p> <p>NYPD continues to reject this recommendation and has taken no steps towards implementation. NYPD maintains that this recommendation should be “rescinded” as it is overly “cumbersome,” no longer required by the patrol guide, and made redundant by the T.R.I. 2.0 process.</p> <p>OIG-NYPD stands by its recommendation and will continue to monitor this issue.</p> |
| <p>9</p> | <p>NYPD should prompt desk officers to record the details of a force incident and the T.R.I. incident number in the command log, including details from the “Force Used” checkbox</p> | <p>Unchanged: Rejected</p> <p>NYPD continues to reject this recommendation and has taken no steps towards implementation.</p> |

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| | <p>on the arrest-processing stamp, as required by Patrol Guide Series 221.</p> | <p>As with recommendation 8, the benefit of this recommendation applies not only to data capture, but also to the system of mutual accountability created by interconnected levels of responsibility in the use-of-force reporting process.</p> <p>OIG-NYPD stands by its recommendation.</p> |
| <p>10</p> | <p>NYPD must enhance supervisory review of all arrest-related documentation at the local command level. In high-volume commands, NYPD should assign specially-trained supervisors at the rank of sergeant or above to carefully review such documents during arrest processing to ensure that all uses of reportable force are properly documented.</p> | <p>Changed from Accepted in Principle to Partially Implemented</p> <p>As noted in last year’s Annual Report, OIG-NYPD observed that the 2019 T.R.I. 2.0 and Force Stat appeared to be satisfying the spirit of this recommendation.</p> <p>One year later, NYPD’s T.R.I. 2.0 revisions and Force Stat process have proven sustainable and continue to satisfy the spirit of this recommendation. Therefore, this recommendation can now be considered partially implemented.</p> <p>OIG-NYPD will continue to monitor this recommendation.</p> |
| <p>15</p> | <p>NYPD should revise policies to ensure that the narrative or “Remarks” section of Medical Treatment of Prisoner forms include fact-specific details sufficient to explain the individual’s condition and, where known, what caused the condition. If an individual sustained an injury in the course of the police encounter, the form should specify the type of injury and its cause.</p> | <p>Changed from Accepted in Principle to Partially Implemented</p> <p>As noted in last year’s Annual Report, OIG-NYPD observed that the 2019 T.R.I. 2.0 and Force Stat appeared to be satisfying the spirit of this recommendation.</p> <p>One year later, NYPD’s T.R.I. 2.0 revisions and Force Stat process have proven sustainable and continue to satisfy the spirit of this recommendation. Therefore, this recommendation can now be considered partially implemented.</p> <p>OIG-NYPD will continue to monitor this recommendation.</p> |

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| <p>18</p> | <p>NYPD should conduct an annual audit of T.R.I. compliance and include the results in its annual and public Use-of-Force report.</p> | <p>Unchanged: Partially Implemented</p> <p>NYPD continues its monthly T.R.I. audits as part of its monthly Force Review Meetings or “ForceStat.”</p> <p>In the past year, NYPD began making much of this data publicly available on its “NYPD Force Dashboard.”¹⁰ This public dashboard, however, has no information regarding T.R.I. compliance, only use-of-force statistics based on T.R.I. data. While NYPD should be commended for making available this public dashboard (see recommendation 21 below), this recommendation is not deemed to be fully implemented without the publication of the audit results for T.R.I. compliance.</p> |
| <p>21A</p> | <p>NYPD should use data from T.R.I. forms to publish annual Use-of-Force reports that identify and analyze trends in all force categories. The report should contain all information currently mandated by law and include the following trend analyses:</p> <p>A) All force encounters disaggregated by the reason force was used;</p> | <p>Changed from Rejected to Partially Implemented</p> <p>NYPD has previously rejected any public reporting requirements that were not explicitly required by law.</p> <p>Starting in 2020, however, NYPD began making detailed statistics on use-of-force data from T.R.I.s publicly available on its “NYPD Force Dashboard.”¹¹ This new tool satisfies many of the subparts of recommendation 21.</p> <p>Specifically, with regard to this recommendation, the Dashboard includes summary statistics for the “Basis of Encounter.” However, that information largely concerns the reason for the interaction that led to injuries, not the reason why force was used.</p> <p>Because the public dashboard represents real change in what the Department is willing to disclose, it would take only a few tweaks and additions to achieve full implementation.</p> <p>Therefore, this recommendation is deemed partially implemented.</p> |

¹⁰ *Id.*

¹¹ *Id.*

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| 21B | B) Types of interactions leading to injuries; | <p style="background-color: #008000; color: white; padding: 5px; text-align: center;">Changed from Rejected to Implemented</p> <p>The NYPD Force Dashboard makes statistics on use-of-force data from T.R.I.s publicly available, including summary data for the “Basis of Encounter.” Therefore, this recommendation is deemed implemented.</p> |
| 21C | C) Officer use of force based on job tenure and experience; | <p style="background-color: #008000; color: white; padding: 5px; text-align: center;">Changed from Rejected to Implemented</p> <p>The NYPD Force Dashboard makes statistics on use-of-force data from T.R.I.s publicly available, including summary data for NYPD officers by rank, assignment, type of force used, and category of injury sustained the member of the public. Therefore, this recommendation is deemed implemented.</p> |
| 21D | <p>D) Commands with the highest rates of force;</p> <ul style="list-style-type: none"> • Is the frequency of force consistent with crime and arrest rates in these commands? • Are certain units more or less likely to employ force? | <p style="background-color: #90EE90; color: black; padding: 5px; text-align: center;">Changed from Rejected to Partially Implemented</p> <p>The NYPD Force Dashboard makes statistics on use-of-force data from T.R.I.s publicly available, including summary data for each NYPD precinct. A user can select individual or multiple precincts and receive summary statistics for incident count, type of force, and basis for encounter. This data can be independently cross referenced with existing public CompStat 2.0 data to answer the hypothetical questions posed by this recommendation.</p> <p>However, the Dashboard only provides information by NYPD Precinct; it does not currently provide information on non-precinct commands such as Transit Bureaus, PSAs, commands in the Detective Bureau, and other specialized units.</p> <p>To advance toward full implementation, only a few tweaks and additions are needed. Because the dashboard provides data by NYPD Precinct, but not by other non-precinct commands, the status is changed from rejected to partially implemented.</p> |
| 21E | E) Demographic characteristics of members of the public and | <p style="background-color: #008000; color: white; padding: 5px; text-align: center;">Changed from Rejected to Implemented</p> |

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| | <p>officers involved in force incidents;</p> <ul style="list-style-type: none"> • Are there disparities in the types or amount of force used based on age, gender, race, national origin, precinct, or other factors? • What are the reasons for such disparities? | <p>The NYPD Force Dashboard makes statistics on use-of-force data from T.R.I.s publicly available, including summary data for the race/national origin and gender of both NYPD officers and members of the public. Additionally, a histogram provides information on the age of members of the public involved in use-of-force encounters. This is in addition to the above-mentioned data regarding precinct and other factors. Because this public reporting satisfies the recommendation, the status is changed from rejected to implemented.</p> |
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REVIEW OF NYPD’S IMPLEMENTATION OF PATROL GUIDE PROCEDURES CONCERNING TRANSGENDER AND GENDER NONCONFORMING PEOPLE

November 21, 2017 Report

In 2012, following negotiations between NYPD, members of the New York City Council, and representatives of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) community, the Department revised its Patrol Guide to address officer interactions with transgender and gender nonconforming (TGNC) members of the public. Five years after the adoption of those changes, as involved parties expressed concerns regarding the extent of the changes implementation into practice, OIG-NYPD initiated a review of the revisions and how they were being carried out.

OIG-NYPD, in its 2017 Report, made nine recommendations. Subsequently, in 2020, NYPD released an administrative bulletin entitled “Interactions with Members of the Transgender & Gender Nonconforming Communities” reminding personnel of the Patrol Guide procedures regarding gender identity and expression. The guidebook on the subject previously developed by the Department remains in circulation.

In early 2021, NYPD informed OIG-NYPD that under a City plan, biased policing complaints, including those affecting LGBTQ members of the community, will no longer be investigated by the Department but rather by CCRB, which will also prosecute and perhaps adjudicate those allegations of misconduct by officers. In turn, CCRB recently confirmed to OIG-NYPD that it will begin handling biased policing complaints once the City plan takes effect.

As of this date, however, the change has not been implemented. Therefore, OIG-NYPD’s assessment of NYPD’s progress towards the implementation of recommendations related to the 2017 Report will continue to be based on current NYPD and CCRB practices.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has implemented four of the nine recommendations issued in this Report. Those recommendations (#2-4, 7) not listed below were implemented prior to the issuance of this Annual Report and can be found in Appendix A. The statuses of the outstanding recommendations are as follows.

| REVIEW OF NYPD'S IMPLEMENTATION OF PATROL GUIDE PROCEDURES CONCERNING TRANSGENDER AND GENDER NONCONFORMING PEOPLE (NOVEMBER 2017 REPORT) | |
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| OIG-NYPD'S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| <p>1 NYPD should provide mandatory in-service training and accompanying resource materials on the 2012 Patrol Guide revisions to all uniformed members through the NYPD-U webinar platform. Training attendance and completion should be tracked to ensure that all members of the police force have received this training. NYPD should conduct this training within the next six months.</p> | <p style="background-color: #e1f5fe; padding: 5px;">Unchanged: Accepted in Principle</p> <p>In addition to making the previously released guidebook on gender identity and expression issues available as an electronic resource on the NYPD's intranet, the Department last year circulated to all personnel a bulletin entitled "Interactions with Members of the Transgender & Gender Nonconforming Communities."</p> <p>Since the course given to Police Academy recruits on the topic is still not provided to all uniformed personnel as was sought by the recommendation, OIG-NYPD will continue to monitor the issue.</p> |
| <p>5 Within six months, NYPD should report to DOI whether and how the Department will change remaining forms and databases to record an individual's preferred name in a separate field.</p> | <p style="background-color: #e1f5fe; padding: 5px;">Unchanged: Accepted in Principle</p> <p>NYPD has delayed revising all relevant forms and databases pending consultation with community groups. Until a consensus has been reached, a separate field to record the preferred names of those in custody will not be made universally available.</p> <p>OIG-NYPD will continue to monitor the issue.</p> |
| <p>6 On a periodic basis, NYPD should make sure that police stations are using updated forms, particularly those documents that are intended to comply with the 2012 revisions.</p> | <p style="background-color: #e1f5fe; padding: 5px;">Unchanged: Accepted in Principle</p> <p>According to NYPD, it is not the Department's practice to ensure form compliance by conducting command level visits; instead, integrity control officers complete self-inspection reports. NYPD has not provided any reports that confirm precinct level compliance with this recommendation.</p> <p>OIG-NYPD will continue to monitor the issue.</p> |

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| <p>8</p> | <p>NYPD Internal Affairs Bureau’s complaint system should be configured to categorize and track all LGBTQ-related allegations that implicate biased conduct, and not just “profiling.” LGBTQ-related allegations involving bias would include violations of the 2012 Patrol Guide revisions and “offensive language.”</p> | <p style="background-color: #f8766d; padding: 5px;">Unchanged: Rejected</p> <p>In early 2021, NYPD informed OIG-NYPD that under a City plan, biased policing complaints, including those affecting LGBTQ members of the community, will no longer be investigated by the Department but rather by CCRB, which will also prosecute and perhaps adjudicate those allegations of misconduct by officers. In turn, CCRB recently confirmed to OIG-NYPD that it will begin handling biased policing complaints once the City plan takes effect.</p> <p>Because the City plan has not been implemented and current NYPD and CCRB practices regarding this issue continue unchanged, this recommendation remains rejected.</p> <p>OIG-NYPD will continue to monitor the issue.</p> |
| <p>9</p> | <p>IAB should report patterns and trends associated with LGBTQ-related complaints to NYPD’s LGBT Liaison to the Police Commissioner as well as to DOI pursuant to NYPD’s reporting obligations under Local Law 70.</p> | <p style="background-color: #d9ead3; padding: 5px;">Unchanged: Accepted in Principle</p> <p>NYPD states that it will comply with the legal obligation to report to DOI problems stemming from LGBTQ related complaints. Despite this assurance by the Department, DOI has received no information about any patterns or trends identified by NYPD consistent with this recommendation.</p> <p>OIG-NYPD will continue to monitor the issue.</p> |

WHEN UNDOCUMENTED IMMIGRANTS ARE CRIME VICTIMS: AN ASSESSMENT OF NYPD’S HANDLING OF U VISA CERTIFICATION REQUESTS

July 28, 2017 Report

Law enforcement agencies rely on victim cooperation in the investigation and prosecution of crimes. However, for undocumented people who are victims of crimes, fear of deportation can stand in the way of cooperation—a fact their abusers readily exploit. Created to address this concern is the U nonimmigrant status (U visa), a special visa provided to undocumented victims of certain qualifying crimes who provide assistance to officials in the investigation and prosecution of the crimes committed against them. Obtaining this visa requires a certification of cooperation from a local law enforcement agency. In 2017, OIG-NYPD released a review of NYPD’s own U visa certification program to ensure that it was strong, fair, and efficient.

OIG-NYPD found that NYPD had taken action to work with, protect, and gain the trust of the undocumented immigrant community, and that NYPD had taken commendable steps to improve its U visa program. However, the Report identified concerns with how the Department applied certification criteria, focusing on NYPD’s reliance on criminal background checks to deny certification requests, as well as its practice of referring certification requests to other agencies. The Report contained ten recommendations for strengthening NYPD’s U visa certification program. An assessment of NYPD’s continued progress on the status of the remaining seven recommendations follows.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has implemented three of the 10 recommendations issued in this Report. Those recommendations (2, 5, 8) not listed below were implemented prior to the issuance of this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.

| WHEN UNDOCUMENTED IMMIGRANTS ARE CRIME VICTIMS: AN ASSESSMENT OF NYPD'S HANDLING OF U VISA CERTIFICATION REQUESTS (JULY 2017 REPORT) | |
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| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| 1 NYPD should develop concrete, written standards on how to conduct an assessment of an applicant’s criminal background and on the types of criteria that warrant denial of the certification request. | <p style="text-align: center;">Unchanged: Rejected</p> <p>Since the publication of this Report, NYPD has asserted that this recommendation is addressed by federal guidelines and in Patrol Guide §212-111 and</p> |

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| | | <p>Administrative Guide §308-07, which are publicly available.</p> <p>Neither P.G. §212-111 or A.G. §308-07 directly address what types of criminal histories will result in a certification denial, and furthermore, federal guidelines do not require local agencies to conduct criminal background checks.</p> <p>Because, OIG-NYPD maintains that written standards regarding criminal background checks are important in ensuring consistency and transparency in how U visa certification decisions are made by NYPD, this recommendation will remain deemed as rejected.</p> |
| <p>3</p> | <p>If NYPD’s investigative file states that the applicant was not cooperative but the applicant certification request or other information in the investigative file suggests the applicant had a reasonable basis for not helping law enforcement, NYPD should assess whether the non-cooperation was reasonable by contacting both the NYPD personnel who investigated the incident and the party requesting the U visa certification.</p> | <p style="background-color: #c8e6c9; padding: 5px; text-align: center;">Unchanged: Partially Implemented</p> <p>NYPD asserts that DVIU investigators assess whether there was a reasonable basis for the applicant’s refusal to cooperate when reviewing the application, and that NYPD uses a form to document when it reaches out to personnel who investigated the incident. NYPD also asserts that DVIU investigators have an opportunity to clarify any prior reasons for lack of cooperation when the applicant files for a U visa application. However, NYPD does not require a record of this contact. OIG-NYPD maintains that it is equally important to contact the party requesting the U visa certification to obtain that individual’s explanation for the subsequent non-cooperation.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |
| <p>4</p> | <p>NYPD should provide a written rationale in its internal file when concluding that the applicant was not a victim of a qualifying crime.</p> | <p style="background-color: #ffcdd2; padding: 5px; text-align: center;">Unchanged: Rejected</p> <p>According to NYPD, DVIU uses a new form that explains the reasons why the applicant was not the victim of a qualifying crime. Upon review, this form only provides a non-exhaustive list of qualifying crimes, and does not require NYPD to provide a detailed written rationale explaining the denial of a request, nor a section to add a qualifying crime that may not be listed. Because OIG-NYPD maintains that NYPD should document the</p> |

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| | | <p>rationale behind certification decisions in order to create an audit trail allowing supervisors or other examiners to ensure denials are clearly issued, this recommendation will remain rejected.</p> |
| 6 | <p>NYPD should create and publish its complete standards for certification eligibility.</p> | <p>Unchanged: Partially Implemented</p> <p>In 2019 NYPD reported that its standards for certification were explained in the federal guidelines and in P.G. §212-111 and A.G. §308-07. According to NYPD, these provide guidance for reviewing U visa certification requests. Although NYPD stated that criminal background checks were still part of the U visa certification requests, NYPD has provided no update regarding written policies outlining the need to conduct a criminal background check, and how to assess whether a particular criminal background check qualifies as an ongoing public safety concern.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |
| 7 | <p>NYPD’s denial letters should articulate specific reasons for each denial, using the facts of the case to explain the decision.</p> | <p>Unchanged: Partially Implemented</p> <p>According to NYPD, DVIU will now include an additional letter to the applicant which will explain in more detail the specific reason the application was denied for either lack of helpfulness or for being a non-qualifying crime.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |
| 9 | <p>NYPD should develop written materials regarding the U visa program for dissemination at precincts and other locations where victims may encounter police.</p> | <p>Unchanged: Accepted in Principle</p> <p>NYPD has stated that DVIU is in the process of finalizing materials for dissemination to all NYPD precincts.</p> <p>OIG-NYPD will continue to monitor this issue while NYPD finalizes its materials.</p> |
| 10 | <p>NYPD should develop informational training on U visas for specialized</p> | <p>Unchanged: Accepted in Principle</p> |

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| | <p>NYPD units that frequently encounter immigrant communities.</p> | <p>NYPD has stated that there are ongoing discussions regarding the development of specific U visa related training materials.</p> <p>In the meantime, OIG-NYPD appreciates that DVIU has begun to refer officers to P.G. §212-111 as a means of providing U visa training. NYPD reports that 337 members of service were trained in this way in 2020, focusing on promotional classes, training sergeants, and Domestic Violence officers.</p> <p>Therefore this recommendation remains accepted in principle.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |
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ADDRESSING INEFFICIENCIES IN NYPD’S HANDLING OF COMPLAINTS: AN INVESTIGATION OF THE “OUTSIDE GUIDELINES” COMPLAINT PROCESS

February 7, 2017 Report

In February 2017, OIG-NYPD released a report detailing NYPD’s procedure for handling “Outside Guidelines” (OG) complaints, less severe allegations that fall outside the NYPD’s Patrol Guide rules. The Report identified inefficiencies and inconsistencies in how NYPD tracks OG complaints as they move from NYPD’s Internal Affairs Bureau to the Office of the Chief of Department (COD)’s Investigation Review Section (IRS) for handling. These problems included outdated technology incompatible with other NYPD systems, slowing down the completion of the complaint process.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has implemented three of the six recommendations issued in this Report. Those recommendations (1, 2, 4) not listed below were implemented prior to the issuance of this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are detailed as follows.

| ADDRESSING INEFFICIENCIES IN NYPD'S HANDLING OF COMPLAINTS: AN INVESTIGATION OF "OUTSIDE GUIDELINES" COMPLAINT PROCESS (FEBRUARY 2017 REPORT) | |
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| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| <p>3 If an OG investigation has not been completed within 90 days, the assigned supervising investigator should be required to request an extension from COD-IRS in writing, stating the reason for this request.</p> | <p style="text-align: center;">Changed from Accepted in Principle to Partially Implemented</p> <p>NYPD stated it has created the Internal Case Management and Tracking System (ICMT) Audit protocol, according to which bureaus are required to conduct a monthly audit by the tenth day of each month and list cases they self-identify as being at the 75-day threshold. COD-IRS personnel are also responsible for conducting detailed 60/75/90 day audits on all command codes Citywide. If a case reaches the 90-day target, COD-IRS personnel must directly contact those responsible for cases and escalate awareness throughout the chain of command.</p> <p>While OIG-NYPD acknowledges the steps NYPD has taken to ensure supervisors are aware of cases still</p> |

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| | | <p>open beyond the 90-day deadline, until the control of an automated mechanism is built into the ICMT system, OIG-NYPD will continue to monitor, and will revise the status to Implemented as appropriate.</p> |
| <p>5</p> | <p>NYPD should implement a web-based procedure for communicating the status and results of externally-generated OG investigations back to the community members who filed the complaints.</p> | <p>Unchanged: Partially Implemented</p> <p>In 2020, NYPD stated it has updated its website to include information that instructs community members to contact IAB in order to inquire about the status of their complaint. Despite this update, OIG-NYPD has found it difficult to locate the updated information on the Department’s website.</p> <p>While NYPD has updated the Internal Affairs page on its website, this is not the equivalent of providing a web-based procedure to communicate the status of complaints to complainants.</p> |
| <p>6</p> | <p>NYPD should publish quarterly reports on OG complaints.</p> | <p>Unchanged: Under Consideration</p> <p>There has been no change since 2020 when the Department stated it is considering releasing relevant information such as the number of OG cases received, investigated and closed annually.</p> |

PUTTING TRAINING INTO PRACTICE: A REVIEW OF NYPD'S APPROACH TO HANDLING INTERACTIONS WITH PEOPLE IN MENTAL CRISIS

January 19, 2017 Report

Reflecting national trends, in 2015, OIG-NYPD began a review of NYPD's approach to handling interaction with people in mental health distress. The primary goals of the Crisis Intervention Team (CIT) model are: (1) the improvement of officer-public relations by ensuring limited use of force against those in crisis and (2) reducing the levels of incarceration of those affected by mental health conditions by increasing opportunities for their diversion into publicly facilitated support systems.

The findings of OIG-NYPD's 2017 Report revealed that while NYPD had initiated most of the training aspects of its CIT program, it had not implemented them as a whole. Of specific note was that the Department's dispatch system could not direct CIT-trained individuals to all crisis incidents. Instead, there was random assignment of officers to support individuals in distress, undermining the intention of the training protocols and the program more broadly. Further, OIG-NYPD identified shortfalls in how NYPD managed its CIT efforts, weaknesses in data collection regarding crisis incidents and gaps in the agency's Patrol Guide regarding how officers should approach the mentally vulnerable. As a result, OIG-NYPD made 13 recommendations for procedural or policy improvements.

Since the Report's release, NYPD has accepted in principle or implemented a majority of those proposals. As of January 22, 2021, 16,869 uniformed personnel had completed the CIT curriculum, exceeding the Department's projected estimate of having 16,000 personnel trained by the end of 2021.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has implemented ten of the 13 recommendations issued in this Report. Those recommendations (1, 4–7, 9–13) not listed below were implemented prior to the issuance of this Annual Report and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.

| PUTTING TRAINING INTO PRACTICE: A REVIEW OF NYPD'S APPROACH TO HANDLING INTERACTIONS WITH PEOPLE IN MENTAL CRISIS (JANUARY 2017 REPORT) | |
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| OIG-NYPD'S RECOMMENDATIONS | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| <p>2 NYPD should adjust its dispatch procedures to ensure that officers with CIT training are directed to crisis incidents.</p> | <p style="text-align: center;">Unchanged: Partially Implemented</p> <p>NYPD continues to maintain that automation of the assignment of CIT-trained officers to encounters involving those in mental distress is not a functional capacity of the Intergraph Computer Aided Dispatch (ICAD) system used to assign personnel to radio calls. Prioritization of the number of uniformed members of service who receive the training remains the Department's primary approach to responding to this recommendation. As of January 22, 2021, 16,889 officers have completed the CIT course. This was accomplished earlier than the Department anticipated.</p> <p>OIG-NYPD will continue to monitor the issue until the NYPD trains all of its uniformed officers in the CIT content, at which point the recommendation will be considered fulfilled. In the interim, if the Department is able to update its ICAD system or introduce a supplementary process that would ensure the assignment of officers knowledgeable about the training to handle encounters with those in mental health distress, the status of the recommendation would also be reconsidered.</p> |
| <p>3 NYPD should create a dedicated mental health unit, or at the very least appoint a CIT coordinator who holds the rank of chief, in order to manage all aspects of a CIT program.</p> | <p style="text-align: center;">Unchanged: Partially Implemented</p> <p>Despite the formation of the 2019 Crisis Prevention and Response Task Force by the current mayoral administration, which recommended the creation of a Behavioral Health Unit within the Department similar in form to what was proposed by OIG-NYPD, no such entity has been established within the NYPD.</p> <p>As the recommendation has not been fulfilled in its entirety, OIG-NYPD will continue to monitor the issue.</p> |
| <p>8 NYPD should analyze data regarding mental crisis incidents.</p> | <p style="text-align: center;">Unchanged: Accepted in Principle</p> |

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| | | <p>NYPD maintains that it regularly evaluates data related to officer interactions with those in mental or emotional distress, using a range of resources including 911 call details, incident reports and aided cards, which are completed following medical assistance being provided by personnel while on the scene.</p> <p>OIG-NYPD will continue to monitor the issue until such time as the Department produces evidence or reports showing that CIT data have been analyzed for the purposes of policy development.</p> |
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AN INVESTIGATION OF NYPD’S COMPLIANCE WITH RULES GOVERNING INVESTIGATIONS OF POLITICAL ACTIVITY

August 23, 2016

On August 23, 2016, OIG-NYPD released a Report on NYPD’s compliance with court-mandated rules governing the investigation of political activity known as the Handschu Guidelines.¹² The Guidelines require, in part, that NYPD document the basis for an investigation, secure specific approvals from senior NYPD officials, and adhere to strict deadlines.

After a comprehensive review, OIG-NYPD found that documents seeking to extend investigations or include undercover officers or confidential informants in investigations usually did not have the required information, and that in more than half the cases investigations continued after the expiration of the approved time frame.

In 2017, the Court monitoring the Handschu Guidelines approved a proposal for modifications. A central element of those resulting Guideline changes was to install a Civilian Representative on NYPD’s “Handschu Committee,” empowered to report violations of the Handschu Guidelines to the applicable federal court, and to publish reports on NYPD’s compliance with the rules.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

The six recommendations (1-3, 5, 8, 9) not listed below were implemented prior to the issuance of this Annual Report and are listed in Appendix A; the remaining five recommendations made in this Report have seen no movement towards implementation since the report was released. The statuses of the outstanding recommendations are as follows.

| AN INVESTIGATION OF NYPD’S COMPLIANCE WITH RULES GOVERNING INVESTIGATIONS OF POLITICAL ACTIVITY (AUGUST 2016 REPORT) | |
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| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| 4 For requests to extend a Preliminary Inquiry, NYPD should ensure that Investigative Statements capture fact-specific reasons why further investigative steps are warranted. | <p>Unchanged: Rejected</p> <p>NYPD continues to disagree with the Report’s finding, asserting that requests to extend Preliminary Inquiries include a full and detailed recitation of the key facts justifying further investigation. NYPD has made no</p> |

¹²The Handschu Guidelines were established pursuant to a 1971 federal lawsuit and are codified in NYPD Patrol Guide § 212-72.

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| | | changes relevant to this recommendation since the publication of this Report in 2016. |
| 6 | NYPD's Human Source Authorization Form should require members of NYPD's Intelligence Bureau to specify the role of the undercover officer or confidential informant. | <p>Unchanged: Rejected</p> <p>NYPD last provided updates on its Human Source Authorization forms in 2017. When OIG-NYPD reviewed those updates, it determined that the section on the role of the human source included a handful of very broad, generic categories that did not meaningfully describe the anticipated investigative role of the undercover officer or confidential informant, as opposed to specific content explaining the role of the human source.</p> <p>NYPD has made no additional changes relevant to this recommendation.</p> |
| 7 | NYPD should specify, when extending use of an undercover or confidential informant, the reason for the extension. | <p>Unchanged: Accepted in Principle</p> <p>When OIG-NYPD last reviewed NYPD's updated Human Source Extension memos in 2017, it found that those forms needed to be revised to include more detailed, fact-based reasons for the extensions.</p> <p>OIG-NYPD will to continue to monitor this issue.</p> |
| 10 | NYPD should consolidate its policies and procedures for investigations involving political activity into a unified handbook. | <p>Unchanged: Accepted in Principle</p> <p>In preparation for OIG-NYPD's last annual report, NYPD stated "the Intelligence Bureau has finalized the policy guide."</p> <p>However, the Department has still not provided a copy of the finalized policy guide or provided any updates. As a result, the status of the recommendation remains unchanged.</p> |
| 11 | NYPD should develop written guidelines concerning informational standards for Preliminary Inquiries, Full | <p>Unchanged: Rejected</p> |

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| | Investigations, and Terrorism Enterprise Investigations. | NYPD has made no changes relevant to this recommendation since the publication of this Report in 2016. |
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AN ANALYSIS OF QUALITY-OF-LIFE SUMMONSES, QUALITY-OF-LIFE MISDEMEANOR ARRESTS, AND FELONY CRIME IN NEW YORK CITY, 2010-2015

June 22, 2016 Report

On June 22, 2016, OIG-NYPD issued a Report that examined whether quality-of-life criminal summonses (also known as “C-summonses”) and misdemeanor arrests contributed to reductions in felony crimes, as had been long asserted by NYPD. The OIG-NYPD Report found that dramatic declines in summonses activity over the period of 2010-2015 did not correlate with elevations in felony crimes. It was also observed that such enforcement was not evenly distributed across the five boroughs. High rates of such activity were found to be concentrated in precincts with high proportions of Black and Hispanic residents, among New York City Housing Authority residents, and males aged 15–20. In contrast, precincts with significant numbers of White residents had lower rates of such policing.

In response to those identified correlations, OIG-NYPD issued seven recommendations to the Department, including support for the introduction of data-driven approaches to assessing its quality-of-life enforcement tactics and policies. Over the five year period since the report’s release, NYPD has increased the information available for public analysis on its website and the City’s Open Data Portal, and the rates of quality-of-life enforcement has remained low.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has implemented four of the seven recommendations made in the report. Those recommendations (4-7) not cited below were implemented prior to the issuance of this Annual Report and are outlined in Appendix A. The statuses of the outstanding recommendations are as follows.

| AN ANALYSIS OF QUALITY-OF-LIFE SUMMONSES, QUALITY-OF-LIFE MISDEMEANOR ARRESTS, AND FELONY CRIME IN NEW YORK CITY, 2010-2015 (JUNE 2016 REPORT) | |
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| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| <p>1 NYPD should assess the relative effectiveness of quality-of-life summonses, quality-of-life misdemeanor arrests, and other disorder reduction strategies in reducing felony crime, demonstrating whether statistically significant relationships exist between these particular disorder</p> | <p style="text-align: center;">Unchanged: Rejected</p> <p>According to NYPD, it continues to see no need to complete any analyses assessing the effectiveness of quality-of-life enforcement approaches, particularly with regarding the issuance of criminal summonses and misdemeanor arrests for the offenses relevant to OIG-NYPD’s 2016 Report. The Department states that it remains committed to its current strategies of</p> |

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| | <p>reduction tactics and specific felony crimes.</p> | <p>community outreach and neighborhood policing, in connection with regulating low-level infractions to prevent the occurrence of crimes in the seven major categories. Further, NYPD maintains that any disparate results related to the enforcement of quality-of-life matters have diminished substantially since the passage of the Criminal Justice Reform Act (CJRA).</p> <p>In response, OIG-NYPD affirms the importance of this recommendation, particularly in having NYPD provide assurances that the effects of policing do not further adversely impact minority communities across New York City. Because the Department has never furnished any documentation that it has sought to implement this recommendation, OIG-NYPD will continue to monitor the issue.</p> |
| <p>2</p> | <p>NYPD should conduct an analysis to determine whether quality-of-life enforcement disproportionately impacts black and Hispanic residents, males aged 15-20, and NYCHA residents.</p> | <p>Unchanged: Rejected</p> <p>NYPD has not completed and does not intend to complete a disproportionality effect analysis of its quality-of-life policing data.</p> <p>As a result, OIG-NYPD will continue to monitor the matter.</p> |
| <p>3</p> | <p>NYPD should expand consideration regarding quality-of-life enforcement beyond short-term real-time conditions.</p> | <p>Unchanged: Rejected</p> <p>NYPD maintains its rejection of this recommendation, citing the validity of short-term analysis of its policing approaches and outcomes. The Department also asserts the limited applicability of the long-term statistical analyses proposed by OIG-NYPD.</p> <p>OIG-NYPD stands by its recommendation.</p> |

POLICE USE OF FORCE IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS ON NYPD’S POLICIES AND PRACTICES

October 1, 2015 Report

Police officers are empowered and at times obligated to use force against members of the public when appropriate. In 2015, OIG-NYPD released this report following an investigation that examined NYPD’s policies on force, how force incidents are reported, how NYPD trains officers regarding the use of force, and the disciplinary process for substantiated cases of excessive force.

OIG-NYPD found that NYPD’s use-of-force policy provided little guidance to individual officers on what actions constitute force and provided insufficient instruction on de-escalation. Further, OIG-NYPD concluded that NYPD’s documentation and reporting processes left the Department unable to accurately and comprehensively capture data on how frequently officers use force. OIG-NYPD also found that NYPD frequently failed to impose discipline even when provided with evidence of excessive force.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has implemented 11 of the 15 recommendations issued in this Report. While the number of fully implemented recommendations remains unchanged from last year, NYPD has taken considerable steps towards implementation on three of the five outstanding recommendations. Those recommendations (1-3, 5-10, 14) not listed below were implemented prior to the issuance of this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.

| POLICE USE OF FORCE IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS ON NYPD’S POLICIES AND PRACTICES (OCTOBER 2015 REPORT) | |
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| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| 4 With respect to the newly created form, NYPD should require all officers—whether the subject of a force investigation or a witness to a use of force—to document and report all force incidents. When completing this document, officers should use descriptive language to articulate the events leading up to the use of force in encounters with the public, the reason why the force was used, and the level and type of force used. | <p>Unchanged: Partially Implemented</p> <p>NYPD reports that it has made “no changes as of this time.” Without NYPD taking any further steps towards implementation, this recommendation remains partially implemented.</p> |

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| <p>11</p> | <p>NYPD should review use-of-force trends to identify which categories of officers (e.g., by years of service and/or duty assignments) are most in need of de-escalation and use-of-force in-service training, and then implement such instruction.</p> | <p>Changed from Accepted in Principle to Partially Implemented</p> <p>As of August 2020, NYPD had taken steps to implement this recommendation. Specifically, NYPD has expanded its early-warning system to include trends and specific data points from “Threat, Resistance and Injury Reports.” These data, in combination with CCRB complaints and the number of arrests involving charges involving an officer’s use of force such as “Resisting Arrest,” can now trigger an officer evaluation. TRI’s are also being used by NYPD Risk Management Bureau to “identify potential use-of-force trends and outliers.”</p> <p>NYPD’s use of these data points and trend analyses goes directly to the spirit of the recommendation. OIG-NYPD will continue to monitor this issue.</p> |
| <p>12</p> | <p>In disciplinary cases where there are multiple disciplinary counts, each count should have an accompanying distinct penalty, as opposed to an aggregated penalty for all counts.</p> | <p>Changed from Accepted in Principle to Implemented</p> <p>NYPD released to the public a draft disciplinary matrix proposal in the past year. Following a public comment period, the disciplinary matrix was finalized and implemented as of February 2021.</p> <p>The final version of the matrix provides for the calculation of penalties for multiple disciplinary counts. Although penalties may run concurrently in some circumstances, each count still has its own penalty and the presumption is for separate, consecutive penalties.</p> <p>As a result, this recommendation can be considered implemented.</p> |
| <p>13</p> | <p>NYPD should collect, review, and compare data regarding disciplinary penalties imposed in use-of-force cases and report on the effects of disciplinary penalties on the frequency of incidents of excessive force.</p> | <p>Changed from Under Consideration to Accepted in Principle</p> <p>NYPD published disciplinary data in its 2019 “Discipline in the NYPD” report.¹³ The Department has informed OIG-NYPD that it anticipates future public</p> |

¹³ *Discipline in the NYPD*, N.Y.P.D., <https://www1.nyc.gov/site/nypd/stats/reports-analysis/discipline.page> (last visited Mar. 30, 2021).

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| | <p>NYPD should publish data in the previously mentioned annual report (Recommendation #6) on the number and percentage of cases in which the Police Commissioner reduces or declines discipline.</p> | <p>disciplinary reports will include information on the number of downward departures made by the Police Commissioner.</p> <p>This is a new development that indicates NYPD has accepted the recommendation. OIG-NYPD will continue to monitor this issue to ensure full implementation.</p> |
| <p>15</p> | <p>NYPD should share a subject officer’s force monitoring history with CCRB’s Administrative Prosecution Unit (APU) since this information is a critical element that must be taken into consideration when CCRB recommends penalties.</p> | <p>Unchanged: Partially Implemented</p> <p>NYPD reports that it has made “no changes as of this time.” Without NYPD taking any further steps towards implementation, this recommendation remains partially implemented.</p> |

BODY-WORN CAMERAS IN NEW YORK CITY: AN ASSESSMENT OF NYPD’S PILOT PROGRAM AND RECOMMENDATIONS TO PROMOTE ACCOUNTABILITY

July 30, 2015 Report

In September 2014, NYPD launched a small pilot program to evaluate the use of body-worn cameras (BWCs) by members of the force. OIG-NYPD conducted a comprehensive review of the trial, specifically the policies and practices developed by the Department to govern usage and preservation of the footage. Data collected from participants in the program revealed disparate and inconsistent practices concerning camera activation despite NYPD policies. In its July 2015 report, OIG-NYPD made 23 recommendations to improve the use of the technology. Many of these proposals were implemented.

Of the three remaining recommendations that the Department has yet to implement, NYPD has maintained its objection to the recommendation that officers named as subjects or witnesses in misconduct investigations not be permitted to view their BWC footage until they have submitted formal statements. In the time that has elapsed since the 2015 report publication, a number of other jurisdictions, including Atlanta, Baltimore, and San Francisco, have implemented policies that have placed such limits on officer access to footage. OIG-NYPD believes that NYPD should likewise restrict pre-report viewing of BWC footage by its officers due to the negative impact on investigative integrity, which could lead to lessened public trust in law enforcement.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has implemented 20 of the 23 recommendations issued in this Report. Those recommendations (1.1-3.4, 4.3, 5.1, 5.2, 5.3, 6.2, 7.1, 8.1, 8.2, 9) not listed below were implemented prior to the issuance of this Annual Report, and are listed in Appendix A.

| BODY-WORN CAMERAS IN NEW YORK CITY: AN ASSESSMENT OF NYPD’S PILOT PROGRAM AND RECOMMENDATIONS TO PROMOTE ACCOUNTABILITY (JULY 2015 REPORT) | |
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| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| 4.2 NYPD should integrate BWC footage review into NYPD’s field training program. | <p style="text-align: center;">Unchanged: Accepted in Principle</p> <p>NYPD maintains that by encouraging Field Training Officers (FTOs) and training sergeants to review BWC footage, this recommendation is effectively satisfied. In addition, NYPD points out that the FTO program guide mentions the conduct required in using the technology.</p> |

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| | | <p>Until such time as NYPD consistently integrates BWC footage into the FTO program itself, OIG-NYPD will not deem this recommendation as implemented.</p> |
| <p>6.1</p> | <p>Access to BWC recordings should be limited where officers are under investigation or are witnesses in misconduct investigations.</p> | <p style="text-align: center;">Unchanged: Rejected</p> <p>NYPD states that, pursuant to Departmental policy, BWC footage subject to an investigation is locked down and only the involved IAB and Force Investigations Division (FID) investigators have access to the footage. Any officer subject to investigation, however, will have the opportunity to view BWC footage at a time and place deemed appropriate by the supervisor in charge of the investigation prior to giving an official statement. NYPD's position is that allowing officers to review such material prior to making official statements allows them to provide the most accurate accounts possible.</p> <p>OIG-NYPD maintains that officers who are subjects or witnesses in misconduct investigations should not be allowed to review BWC footage of the incidents under examination until after submitting formal statements. As stated in the 2015 Report on the use of the technology by the Department, "Officers should, however, be permitted to submit supplemental reports after reviewing video footage, inasmuch as their initial testimony diverges from the relevant video, and NYPD should not discipline officers solely on the basis of discrepancies absent evidence of intent to mislead."</p> <p>OIG-NYPD will continue to monitor the issue.</p> |
| <p>7.2</p> | <p>NYPD should ensure fairness between citizens' and officers' rights to view BWC footage.</p> | <p style="text-align: center;">Unchanged: Accepted in Principle</p> <p>OIG-NYPD's recommendation urges NYPD to prevent officers and members of the public from viewing BWC footage prior to providing statements for investigations.</p> <p>NYPD reports that it permits witnesses to view BWC footage in the course of criminal investigations, subject to certain legal and policy restrictions. The Patrol Guide requires members of service to confer with a prosecutor before showing a witness BWC footage. NYPD's response,</p> |

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| | | <p>however, does not address viewing rights for the public in officer misconduct investigations conducted by IAB.</p> <p>Separately, NYPD reports that when BWC footage is provided to CCRB, the decisions to share such footage with complainants lie with that agency. NYPD states that it also receives FOIL requests from members of the public for BWC footage and provides responsive footage pursuant to the New York State Public Officers Law §87 and §89.</p> <p>OIG-NYPD will to continue to monitor this issue.</p> |
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USING DATA FROM LAWSUITS AND LEGAL CLAIMS INVOLVING NYPD TO IMPROVE POLICING

April 21, 2015 Report

Noting the rising number of costly civil claims and lawsuits against NYPD, along with the substantial financial burden on City taxpayers, in April 2015, OIG-NYPD released a Report on how NYPD can better collect and use police litigation data to improve officer performance, identify trends, and make important process improvements. The Report recommended NYPD track more qualitative data, including details about the nature of the claims, the core allegations, information about the subject police officer, the location of the alleged incident, and the home address of the plaintiff. OIG-NYPD also recommended NYPD create an interagency working group with the Law Department and the Comptroller’s Office to coordinate the collection and exchange of litigation data.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

NYPD has not implemented any additional recommendations since last year’s Annual Report. Those recommendations (1.1, 1.2, 2) not listed below were implemented prior to the issuance of this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.

| USING DATA FROM LAWSUITS AND LEGAL CLAIMS INVOLVING NYPD TO IMPROVE POLICING (APRIL 2015 REPORT) | |
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| OIG-NYPD’S RECOMMENDATION | NYPD RESPONSE AND OIG-NYPD ASSESSMENT |
| <p>1.3 NYPD should perform a qualitative review of the most relevant data contained within legal claims and lawsuits against NYPD.</p> <p>Specifically: the location of the alleged incident and address of the plaintiff(s).</p> | <p style="background-color: #c6e0b4; padding: 5px;">Unchanged: Partially Implemented</p> <p>NYPD has not made any additional steps to implement this recommendation since it began reviewing the location of alleged incidents in its analysis of claims/core allegations in 2018.</p> <p>NYPD continues to decline to collect and analyze data regarding plaintiff addresses, maintaining that such information is not valuable and could instead open up the Department to lawsuits.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |

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| <p>3</p> | <p>NYPD should provide the public with details about NYPD’s Early Intervention System and its litigation data analysis team and solicit suggestion for further development.</p> | <p style="text-align: center;">Unchanged: Partially Implemented</p> <p>While NYPD has previously reported sharing details of its early intervention system, these disclosures were generally made in response to court filings and various responses to OIG-NYPD reports. The Department anticipates that it will publish more details about the early intervention system in early 2021 through its public-facing website. Although NYPD states that it will solicit suggestions from the public for further development, the Department does not have a timetable set for implementation.</p> <p>OIG-NYPD will continue to monitor this issue.</p> |
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OBSERVATIONS ON ACCOUNTABILITY AND TRANSPARENCY IN TEN NYPD CHOKEHOLD CASES

January 12, 2015 Report

OIG-NYPD's issued its first Report on January 12, 2015, assessing NYPD's disciplinary process for officers who were found to have improperly used chokeholds. As part of the investigation, OIG-NYPD reviewed 10 chokehold cases substantiated by the Civilian Complaint Review Board and subsequently handled by the Department Advocate's Office records. OIG-NYPD found that in nine of the 10 cases reviewed, although CCRB recommended Administrative Charges, the highest level of discipline, NYPD departed from CCRB's recommendation every time and recommended lesser penalties or no discipline at all.

OIG-NYPD's Report made four recommendations that were all implemented by NYPD prior to 2021 and are listed in Appendix A.

For more information about the findings and recommendations, a full copy of the Report can be found [here](#).

**V. APPENDIX A: RECOMMENDATIONS IMPLEMENTED OR NO LONGER APPLICABLE
PRIOR TO 2021**

The following recommendations were IMPLEMENTED by NYPD prior to the April 2021 Annual Report. As a result, no further update is required.

| AN INVESTIGATION OF NYPD'S OFFICER WELLNESS AND SAFETY SERVICES (SEPTEMBER 2019 REPORT) | |
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| 1 | To guide the Department's efforts and memorialize the Department's commitments, NYPD should develop an overarching Mental Health and Wellness policy that articulates goals, establishes standards, and outlines relevant programs and resources. This policy would encompass the recommendations in this Report, the work of the Mental Health and Wellness Coordinator, and the efforts of the Mental Health and Wellness Task Force and the Health and Wellness Section. |
| 9 | According to NYPD, its Mental Health and Wellness Coordinator has collaborated with numerous external groups and counterparts that are experts on resilience. Some examples include: Columbia University Medical Center, Police Executive Research Forum (PERF), and the national Fraternal Order of Police. |
| COMPLAINTS OF BIASED POLICING IN NEW YORK CITY: AN ASSESSMENT OF NYPD'S INVESTIGATIONS, POLICIES, AND TRAINING (JUNE 2019 REPORT) | |
| 4 | Consistent with NYPD's investigative training, NYPD should amend its <i>written</i> investigative procedures to document the number of attempts that investigators must make to contact complainants for interviews when investigating biased policing complaints before the case is closed. |
| 5 | NYPD should amend its <i>written</i> investigative procedures to require investigators to attempt to interview incarcerated complainants when such complainants are being held at a jail located within the five boroughs of New York City (regardless of whether the jail is managed by NYC Department of Correction, NYS Department of Corrections and Community Supervision, or the federal Bureau of Prisons). |
| 6 | Consistent with NYPD's investigative training, NYPD should amend its <i>written</i> investigative procedures to state that a guilty status, plea, or conviction does not resolve the issue of whether an officer or a non-uniformed employee engaged in discriminatory conduct, even if the criminal matter and the complaint of biased policing arise from the same set of underlying facts. |
| 7 | NYPD should amend its <i>written</i> investigative procedures to state that a complainant's previous criminal history should not be dispositive of whether a biased policing allegation is substantiated. Where NYPD does regard the complainant's previous criminal history as a factor in a non-substantiation decision, the investigator should articulate how the criminal history impacted the decision and the investigator must still complete a full investigation of the allegation. |
| 8 | Consistent with NYPD's investigative training, the Department should amend its <i>written</i> investigative procedures to state that a subject officer's race/ethnicity or other protected status should not be determinative in deciding whether to substantiate a biased policing |

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| | allegation, even when the officer (or non-uniformed employee) and complainant identify as members of the same race/ethnicity or other protected group. |
| 10 | NYPD investigators should not be assigned investigations of biased policing allegations until they complete the formal “Profiling and Bias-Based Policing” training for investigating such complaints. |
| 13 | Deputy Chiefs should receive training and reminders emphasizing that biased policing investigations can only be closed when proper investigative protocols have been followed, unless such protocols were impossible to implement or inapplicable to the particular case. |
| 22 | City agencies that handle biased policing complaints (NYPD, CCRB, CCHR) should convene within the next four months to address the findings and recommendations in OIG-NYPD’s investigation. This would, for example, include developing standard categories and definitions for how these complaints are grouped and sub-classified. |
| ONGOING EXAMINATION OF LITIGATION DATA INVOLVING NYPD (APRIL 2018 REPORT) | |
| 3 | NYPD should regularly enter data about claims naming individual officers into its new Risk Assessment Information Liability System (RAILS), or comparable early intervention system, so that NYPD is aware of at-risk officers who may require assistance. |
| AN INVESTIGATION OF NYPD’S SPECIAL VICTIMS DIVISION—ADULT SEX CRIMES (MARCH 2018 REPORT) | |
| 6 | To the extent that it is inevitable that patrol officers may be the first to respond to sexual assaults in exigent circumstances, NYPD should expand existing training, both in-service and at the academy, to include trauma-informed care and best practices regarding sexual assault. |
| 7 | NYPD should formally end the “triaging” process for sex crimes—instead, all sex crimes should be investigated and enhanced by SVD detectives, including patrol arrests for “domestic rape” and “acquaintance rape.” The implementation of this recommendation will have staffing implications that are not accounted for in Recommendation 1 above, and NYPD should, therefore, include appropriate staffing increases in implementing this recommendation. |
| 11 | NYPD should review the use of CompStat as the oversight mechanism for SVD. |
| 12 | NYPD should increase and publicize existing efforts to encourage victims of sex crimes to come forward and report these crimes to law enforcement. At the same time, NYPD should take new steps to advise policy makers and the public that success in this area will result in an apparent rise in the “index crime numbers” for sexual assault cases, even if the “true” rate of sex crimes remains unchanged. |
| AN INVESTIGATION OF NYPD’S NEW FORCE REPORTING SYSTEM (FEBRUARY 2018 REPORT) | |
| 1 | NYPD should add a field to the “Force Used” section of the arrest report for officers to note the associated T.R.I. incident number(s). |
| 3 | NYPD should add a narrative section to the T.R.I. and require officers to provide a full account of the force incident, including specific details on the force used by the officer and/or members of the public, the chronology of the force encounter, as well as any injuries sustained by either. |

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| 7 | NYPD should require desk officers to question the involved officers about any force used during arrest processing so that the command log accurately reflects the force incident. |
| 11 | NYPD should dedicate well-trained and knowledgeable personnel to be available by phone during all shifts to answer questions from command supervisors regarding T.R.I. worksheets and approval. NYPD should consider removing this function from the Internal Affairs Bureau. |
| 12 | NYPD should include in Patrol Guide series 221 a clear and unambiguous definition of “reportable force” by officers. The current policy provides a definition of force when used against officers and defines three levels of force by officers, but a lack of clarity still exists for many officers regarding whether certain actions constitute reportable force. |
| 13 | NYPD should establish a clear policy that requires arresting officers to select “Yes” on the arrest report in response to the “Force Used” section if any officer used reportable force during the encounter. |
| 14 | NYPD should impose appropriate discipline against arresting officers who fail to select “Force Used: Yes” on the arrest report when reportable force is found to have been used. |
| 16 | NYPD should provide officers with more training and formal reminders on (a) when and how to complete a T.R.I. form and the importance of submitting the T.R.I. form, and (b) how to write a detailed account of a force encounter (should a narrative section is added to the T.R.I. form). |
| 17 | NYPD should provide more training for desk officers, integrity control officers, precinct training sergeants, and other supervisors to (a) ensure T.R.I. compliance and proper supervisory review of completed T.R.I. worksheets, and (b) closely examine the arrest report narratives and the “Force Used” section on the arrest reports to ensure that officers are selecting “Yes” for “Force Used” when force was used. |
| 19 | NYPD’s Force Review process should include quality-control procedures that seek to improve the accuracy of force reporting not only on T.R.I. forms, but also on arrest reports and other arrest-related documentation. |
| REVIEW OF NYPD'S IMPLEMENTATION OF PATROL GUIDE PROCEDURES CONCERNING TRANSGENDER AND GENDER NONCONFORMING PEOPLE (NOVEMBER 2017 REPORT) | |
| 2 | NYPD should create a memo book insert for officers with a summary of the revised LGBTQ protocols. Officers can use this for reference as needed. |
| 3 | Community input should be carefully considered and incorporated as appropriate into the curriculum of officer training on LGBTQ issues. |
| 4 | All handouts and additional resource materials provided during LGBTQ trainings should be consistent, as appropriate, ensuring that officers receive the same information. |
| 7 | NYPD should consult with its LGBT Advisory Committee and re-examine whether and how to record gender identity information of TGNC people on NYPD forms and databases. The collection of this information is a sensitive matter for some members of the LGBTQ community. Any changes in how such information is recorded must not interfere with NYPD’s ability to describe and circulate descriptions of suspects and persons of interest for purposes of apprehension. |

| WHEN UNDOCUMENTED IMMIGRANTS ARE CRIME VICTIMS: AN ASSESSMENT OF NYPD'S HANDLING OF U VISA CERTIFICATION REQUESTS (JULY 2017 REPORT) | |
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| 2 | When denying a U visa certification request based on the applicant's criminal history, NYPD should articulate, in its internal file, the reasons why the criminal history presents an ongoing public safety concern and warrants denial. |
| 5 | If an arrest has been made on the underlying crime, NYPD should evaluate U visa certification requests if the criminal case has closed. |
| 8 | NYPD should publish contact information for its reviewers and certifying officials. |
| ADDRESSING INEFFICIENCIES IN NYPD'S HANDLING OF COMPLAINTS: AN INVESTIGATION OF "OUTSIDE GUIDELINES" COMPLAINT PROCESS (FEBRUARY 2017 REPORT) | |
| 1 | NYPD should update and unify the computer systems it uses to track and manage OG cases by upgrading OCD IRS from BCATS to ICIS (or an ICIS - compatible system). |
| 2 | NYPD should establish a uniform timeframe for completing OG investigations and a uniform system of tracking due dates. |
| 4 | NYPD should revise the current OG Disposition and Penalty Form to include a box denoting the case's due date as well as a date section for each stage of the investigation. |
| PUTTING TRAINING INTO PRACTICE: A REVIEW OF NYPD'S APPROACH TO HANDLING INTERACTIONS WITH PEOPLE IN MENTAL CRISIS (JANUARY 2017 REPORT) | |
| 1 | NYPD should commit to creating timelines for any changes to its CIT initiative within 90 days of the publication of this Report. |
| 4 | NYPD should revise its Patrol Guide to explicitly authorize CIT-trained officers to use the skills learned in CIT training during crisis situations. |
| 5 | NYPD should revise its Patrol Guide to require that CIT-trained officers respond to all crisis incidents whenever possible. |
| 6 | NYPD should revise its Patrol Guide to allow all officers to use their discretion to refer individuals to officially approved and vetted outside community resources in appropriate incidents. |
| 7 | NYPD should either substantially revise one of its current forms or develop a new permanent form to capture more useful data on incidents involving persons in crisis. |
| 9 | NYPD should consider training more officers in CIT. |
| 10 | NYPD should begin training 911 call takers and dispatchers in at least some aspects of CIT. |
| 11 | In every CIT training, NYPD should ensure that its officers interact with people living with mental illnesses. |
| 12 | In every CIT training, NYPD should assess the retention of officers' skills. |
| 13 | NYPD should provide a manual or reference guide to officers who undergo CIT training. |
| AN INVESTIGATION OF NYPD'S COMPLIANCE WITH RULES GOVERNING INVESTIGATIONS OF POLITICAL ACTIVITY (AUGUST 2016 REPORT) | |

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| 1 | For investigations of political activity, NYPD should use a formal mechanism for tracking investigative deadlines and should ensure that, where needed, extensions are approved prior to required deadlines. |
| 2 | NYPD should use a formal case tracking mechanism that identifies when investigations advance to the next investigative level. |
| 3 | For the use of confidential informants and undercover officers in investigations of political activity, NYPD should use a formal mechanism for tracking expiration deadlines and ensure that extensions are approved prior to the expiration of an authorization. |
| 5 | For authorizations and renewals of investigations, NYPD should create controls to ensure that authorizations to renew or extend investigations properly capture the date, signature, and approval of the authorizing officials. |
| 8 | NYPD should create controls to ensure that authorizations to use or extend the use of human sources properly capture the date, signature, and approval of the appropriate supervisor. |
| 9 | NYPD’s Human Source Authorization Form should include the number of the extension request and the date of the last extension. |
| AN ANALYSIS OF QUALITY-OF-LIFE SUMMONSES, QUALITY-OF-LIFE MISDEMEANOR ARRESTS, AND FELONY CRIME IN NEW YORK CITY, 2010-2015 (JUNE 2016 REPORT) | |
| 4 | NYPD should release incident-level and geographically coded data on summonses and misdemeanor arrests. |
| 5 | NYPD should release historical incident-level and geographic data. |
| 6 | NYPD should ensure that data currently released in yearly formats also include more granular temporal data, including month-to-month formats and incident-level data. |
| 7 | All incident-level crime data, from felony arrests and complaints to misdemeanor arrests and summonses, should be released in the same accessible spreadsheet file format (.csv or similar file format). |
| POLICE USE OF FORCE IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS ON NYPD’S POLICIES AND PRACTICES (OCTOBER 2015 REPORT) | |
| 1 | The NYPD Patrol Guide should include definitional language that provides officers and the public with greater clarity regarding what is meant by “force,” “excessive force,” and “deadly physical force.” |
| 2 | NYPD should update Patrol Guide §203-11 governing use of force and require officers to de-escalate all encounters where appropriate. |
| 3 | NYPD should create a separate, uniform use-of-force reporting form. |
| 5 | NYPD should create a database to track comprehensive Department-wide information on use of force, including data compiled from the use-of-force forms. |
| 6 | NYPD should compile data and publish, on an annual basis, a report addressing Department-wide metrics on use of force, including but not limited to information from the new use-of-force reporting form. This report would track and collect various components related to the issue of use of force, including those addressed in this Report, such as officer tenure, assignments, age, type of force used, pertinent information regarding members of |

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| | the public subjected to force, as well as officer injuries, disciplinary trends and outcomes, and other data deemed necessary for a comprehensive understanding of the issue. |
| 7 | NYPD training should place a stronger and more thorough emphasis on de-escalation tactics, by adding specific Police Academy and in-service courses on de-escalation that incorporate both classroom and scenario-based training. |
| 8 | NYPD should incorporate a formal evaluation system for all scenario-based trainings concerning the use of force. |
| 9 | NYPD should increase funding and personnel at the Police Academy with respect to training for both recruits and in-service officers. |
| 10 | NYPD should implement training to instruct officers to intervene in situations where other officers escalate encounters, use excessive force, and/or commit other misconduct. |
| 14 | NYPD should set forth, in writing, in its disciplinary paperwork, the extent to which an officer's placement on force monitoring has or has not impacted the penalty imposed. |
| BODY-WORN CAMERAS IN NEW YORK CITY: AN ASSESSMENT OF NYPD'S PILOT PROGRAM AND RECOMMENDATIONS TO PROMOTE ACCOUNTABILITY (JULY 2015 REPORT) | |
| 1.1 | NYPD should broaden and illustrate the standard for the mandatory activation of BWCs during street or investigative encounters. |
| 1.2 | NYPD should redefine the safety exception for recording. |
| 1.3 | NYPD should consider stricter limitations on recording vulnerable populations. |
| 1.4 | NYPD should expand BWC training for officers using the BWCs. |
| 2.1 | NYPD should provide an example notification phrase to advise members of the public that they are being recorded. |
| 2.2 | NYPD should redefine the safety exception for notifications. |
| 3.1 | NYPD should require supervisors to review footage related to documented incidents. |
| 3.2 | NYPD should address discipline when the BWC program is more established and formalized. |
| 3.3 | NYPD should computerize the random selection of officers for review. |
| 3.4 | NYPD should establish a system for high-level and periodic review. |
| 4.1 | NYPD should grant supervisors general access to BWC footage with restrictions on arbitrary review. |
| 4.3 | NYPD should solicit feedback and suggestions for improvement from supervisors performing quality assurance reviews and officers participating in the Volunteer BWC Pilot Program. |
| 5.1 | NYPD should develop policies to guide supervisors when officer infractions are observed on BWC footage. |
| 5.2 | NYPD should institute mandatory reporting procedures. |
| 5.3 | NYPD should integrate BWC recordings into NYPD's existing force monitoring programs. |
| 6.2 | In all other instances, access to recordings prior to making statements should be noted in those statements. |
| 7.1 | If and when disclosing BWC video, NYPD should provide privacy and safety protections for vulnerable populations. |
| 8.1 | NYPD should establish a minimum retention period of at least 18 months. |

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| 8.2 | NYPD should ensure expeditious purging of archived BWC footage that no longer holds evidentiary value. |
| 9 | NYPD should incorporate government and public input in continuing to develop the BWC program. |
| USING DATA FROM LAWSUITS AND LEGAL CLAIMS INVOLVING NYPD TO IMPROVE POLICING (APRIL 2015 REPORT) | |
| 1.1 | NYPD should perform a qualitative review of the most relevant data contained within legal claims and lawsuits against NYPD. Specifically: Nature of the claims/core allegations. |
| 1.2 | NYPD should perform a qualitative review of the most relevant data contained within legal claims and lawsuits against NYPD. Specifically: Information about the subject police officer(s). |
| 2 | NYPD should create an interagency working group between NYPD, the Comptroller’s Office, and the Law Department to improve their police-involved litigation data collection, coordination, and exchange. |
| OBSERVATIONS ON ACCOUNTABILITY AND TRANSPARENCY IN TEN NYPD CHOKEHOLD CASES (JANUARY 2015 REPORT) | |
| 1 | NYPD should increase coordination and collaboration with CCRB to refine the disciplinary system for improper use of force. |
| 2 | NYPD should provide transparency with respect to the Police Commissioner’s Disciplinary decisions. |
| 3 | NYPD should expand IAB’s access to newly-filed complaints and substantive information on Use-of-Force cases filed with CCRB. |
| 4 | NYPD should improve information sharing and case tracking for cases that are outsourced to Borough and Precinct Investigators via the Office of the Chief of Department and the Investigative Review Section. |

The following recommendations are NO LONGER APPLICABLE to NYPD due to a Department technology or procedure change prior to the April 2021 Annual Report.

| AN INVESTIGATION OF NYPD’S NEW FORCE REPORTING SYSTEM (FEBRUARY 2018 REPORT) | |
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| OIG-NYPD RECOMMENDATION | REASON NO LONGER APPLICABLE |
| 20 | <p>NYPD should standardize the quarterly reporting mechanism for bureau and patrol borough commanders and ensure that their quarterly T.R.I. reports are submitted to the First Deputy Commissioner in a timely fashion.</p> <p>The Department has repealed the underlying policy for this recommendation and replaced it with T.R.I 2.0, a system that can aggregate reports for any time period based on the ForceStat Process.</p> |

VI. APPENDIX B: NYPD'S RESPONSE TO DOI'S PROTEST REPORT INCLUDING MASS DEMONSTRATION RESPONSE RECOMMENDATION TRACKER

The following pages contain NYPD's response to the recommendations made in the December 2020 DOI report *Investigation into NYPD Response to the George Floyd Protests*. Progress updates and stated statuses reflect NYPD's position on these recommendations as of March 17, 2021. Due to the proximity of NYPD's response to the issuance of this Annual Report, DOI has not yet completed its own evaluation of these recommendation statuses.



POLICE DEPARTMENT
ONE POLICE PLAZA
NEW YORK, N.Y. 10038

March 18, 2021

Honorable Bill de Blasio
Mayor of the City of New York
City Hall
New York, NY 10007

Honorable Corey Johnson
Speaker
The New York City Council
250 Broadway, 18th Floor
New York, NY 10007

Honorable James Johnson
Corporation Counsel of the City of New York
New York City Law Department
100 Church Street
New York, NY 10007

Honorable Margaret Garnett
Commissioner
Department of Investigation
80 Maiden Lane
New York, NY 10038

Dear Mayor de Blasio, Speaker Johnson, Corporation Counsel Johnson, and Commissioner Garnett:

Pursuant to New York City Charter Section 803, the New York City Police Department (“NYPD”) hereby submits its response to the December 18, 2020 Report of the Department of Investigation (“DOI”) titled, “Investigation into the NYPD Response to the George Floyd Protests,” and the December 30, 2020 New York City Law Department Report titled, “Corporation Counsel Report Pursuant to Executive Order 58 Directing an Analysis of Factors Impacting the George Floyd Protests in New York City.”

The New York City Police Department appreciates the time, energy and thought by the executives and staff at the Department of Investigation and the New York City Law Department that went into their reports on the NYPD’s response to the widespread protests in our city last spring following the killing of George Floyd by police in Minneapolis.

We found the reports and their recommendations to be valuable and intend to implement all of the recommendations proposed in both reports. In many cases we have already begun the work of incorporating them into our policy, training and practice.

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Without a doubt, there were incidents of inappropriate conduct by our police officers. We have addressed those with the seriousness such actions warrant. At times, our tactics could have been better. There too, we are addressing shortcomings with rigor.

I would like to commend DOI and the Law Department for acknowledging some of the many new challenges faced by police officers during these protests. Among those challenges was the tactic of “de-arresting” which made resisting arrest a violent organized “team sport” and contributed to imagery on social media that was often labeled as police-instigated excessive force.

Both DOI and the Law Department strongly recommended that the NYPD should report to the public regarding its response to the recommendations in the reports, as well as any additional changes or plans relating to policing of future protests. To promote transparency around the policing of protests, enclosed please find a status report which incorporates the recommendations contained in these reports and the NYPD’s progress in implementation. This status report has already been made available on the Department’s website for the public to view and can be found at: <https://www1.nyc.gov/site/nypd/about/about-nypd/protest-report-responses.page>. The implementation of these recommendations continues to be a work in progress and the Department will regularly update this report on its site as that progress continues.

The axiom “where you stand depends on where you sit,” was coined in government and is particularly apt when applied to government: as good colleagues must, we debate, deliberate and at times disagree. However, while the NYPD may not agree with all aspects of each of your reports, we agree on many. Importantly, we also agree, wholeheartedly, with the impetus behind Mayor Bill de Blasio’s commissioning of the reports: no organization can grow stronger that is not open to constructive criticism from both within and from outside professionals. I believe that questions and learning are the fuel of growth and progress.

Sincerely,



Ernest F. Hart
Deputy Commissioner,
Legal Matters

| | Overview | Report Recommendation | EXTERNAL Progress/ Proposed Next Steps | Status | Source |
|---|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------------------------|
| 1 | Patrol Guide policy on Protests and First Amendment Activity | NYPD should draft a Patrol Guide policy specific to policing protests and protected First Amendment activity. NYPD should consult on this policy with individuals and entities outside of the Department, including civil rights attorneys, community organizations, and police reform experts. | Policies around policing protests and disorder control are being reviewed regarding First Amendment rights, and a new policy is being drafted. | In Progress | DOI Mass Demonstration Report |
| 2 | Create a Protest Response Unit | NYPD should create a new Protest Response Unit, that does not report to Strategic Response Group, to lead the planning and strategy for response to large protests, to collaborate with the Community Affairs Bureau on community engagement, and to coordinate with other divisions, borough commands, and precincts on response. | NYPD has evaluated existing operational units and is updating organizational structure for a protest response group. | In Progress | DOI Mass Demonstration Report |
| 3 | Reevaluate the role of the Strategic Response Group and Disorder Control Unit | NYPD should reevaluate the central role of the Strategic Response Group and Disorder Control Unit in response to large protests given their orientation to handle counterterrorism, riots, and other serious threats, and better calibrate their use to circumstances that require such specialized force. | NYPD is evaluating current responsibilities of SRG and conducting research into other jurisdictions. | In Progress | DOI Mass Demonstration Report |
| 4 | Document reasons and authority for deploying SRG, DisCon, and other specialized units | NYPD should create internal written records explaining the reasons and documenting authorization for deployment of the Strategic Response Group, Disorder Control Unit, and other specialized units for disorder control purposes at protests. | NYPD is reviewing current procedures related to the deployment of specialized units at protests and documenting reasons for such deployments. | In Progress | DOI Mass Demonstration Report |
| 5 | Develop approach for staging officers in "riot gear" out of sight until necessary | To the extent NYPD deems the assignment of specialized units or officers in "riot gear" or "hard uniforms" potentially necessary to a protest response, it should stage those officers in nearby areas not visible to protesters for deployment only if necessary. | NYPD is reviewing relevant policies and operational guidelines surrounding uniforms and equipment. | In Progress | DOI Mass Demonstration Report |
| 6 | Develop policy on limitations of Disorder Control Tactics | NYPD should develop a written policy outlining reasonable limitations on the use of disorder control tactics, such as encirclement and mass arrests, specific to their use at First Amendment-protected protests. | NYPD is reviewing existing policies surrounding disorder control tactics and is drafting new policy as needed. | In Progress | DOI Mass Demonstration Report |
| 7 | Expand training and policy to differentiate between violent and peaceful protests | Through both training and policies, NYPD should expand incorporation of differentiation methods into their protest policing to reduce reliance on indiscriminate enforcement approaches that fail to distinguish between those engaged in peaceful First Amendment activity and those engaged in violence or property destruction. | NYPD is assessing existing training curricula for recruits, in-service, and leadership in order to develop new content related to protests, first amendment activity, and de-escalation/crowd psychology. | In Progress | DOI Mass Demonstration Report |
| 8 | Standardize internal communications regarding protests | NYPD should employ standardized daily messages or instructions for use by commanders and supervisors during roll calls or briefings involving officers responding to protests, including guidance about the constitutional rights of protesters and the objectives of the response. | The NYPD is drafting guidelines and instruction on appropriate enforcement actions at the scene of a protest. | In Progress | DOI Mass Demonstration Report |
| 9 | LRAD: Deployment Standards | NYPD should play any LRAD dispersal orders or warnings at least three times from multiple locations at large protests and events, unless emergency circumstances do not permit. | The practice of playing the LRAD warning three times has already been put into practice; memorialization in relevant procedures is in progress. | Complete | DOI Mass Demonstration Report |

Mass Demonstration Response Recommendation Tracker

As of 3/17/2021

| | Overview | Report Recommendation | EXTERNAL Progress/ Proposed Next Steps | Status | Source |
|----|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------------------------|
| 10 | LRAD: Documenting deployment | NYPD should audio or video record LRAD dispersal orders or warnings when made at protests both from a location near the device and, if practicable, a location near protesters at the furthest distance from the device. | The practice of recording the LRAD warning has already been put into practice; memorialization in relevant procedures is in progress. | Complete | DOI Mass Demonstration Report |
| 11 | Expand de-escalation and crowd psychology training | NYPD should consider expansion of instruction on de-escalation and crowd psychology in training relating to policing protests. | NYPD is assessing existing training curricula for recruits, in-service, and leadership in order to develop new content related to protests, first amendment activity, and de-escalation/crowd psychology. | In Progress | DOI Mass Demonstration Report |
| 12 | Involve Community Affairs Bureau in development of protest-related trainings | NYPD should involve the Community Affairs Bureau in the development and presentation of training related to policing protests. | The Community Affairs Bureau is regularly included in reviewing and providing feedback and guidance on training content. | Complete | DOI Mass Demonstration Report |
| 13 | Engage community organizations and advocacy groups to develop content of protest-related training | NYPD should consult with community organizations and issue- advocacy groups on the content of protest policing training and consider inviting civilians with relevant experience organizing protests or other First Amendment events to participate in such training. | NYPD is assessing existing training curricula for opportunities to include community partners in protest-related trainings. | In Progress | DOI Mass Demonstration Report |
| 14 | Deploy new protest-related trainings | NYPD should complete the deployment of its new training to officers as soon as possible to ensure that officers deployed to police protests have received recent and consistent training. | NYPD re-trained thousands of UMOs on disorder control tactics in the Summer/Fall of 2020. Once new trainings have been developed (per #13 above), NYPD will train all uniformed members of service. | In Progress | DOI Mass Demonstration Report |
| 15 | Involve Chief of Community affairs in protest-related discussions/strategy | NYPD should ensure that the Chief of the Community Affairs Bureau is involved in discussions and decisions regarding the planning and strategy for policing large protests. | The Chief of Community Affairs is participating in the review and discussions surrounding strategy for protest activity. | Complete | DOI Mass Demonstration Report |
| 16 | Formalize use of CAB officers in protest response | NYPD should formalize the use of Community Affairs Bureau officers and individual precinct Community Affairs officers in response to large-scale protests. | NYPD has implemented this use of Community Affairs officers in practice, memorialization in relevant procedures is in progress. | Complete | DOI Mass Demonstration Report |
| 17 | Limit use of CAB officers in patrol/enforcement functions during protests | NYPD should require that the use of Community Affairs officers during protests be solely in a community affairs capacity and separate them from any patrol or enforcement functions, unless their alternative use is necessary due to an emergency, absence of other available personnel when immediate public safety or officer safety needs arise, or other compelling reasons. | NYPD has implemented guidelines for use of Community Affairs officers, memorialization in relevant procedures is in progress. Community Affairs officers at protests will not be assigned patrol/enforcement functions except in exceptional circumstances | Complete | DOI Mass Demonstration Report |
| 18 | Enhance public communications during protests | NYPD should enhance and expand its public communication during protests, including additional use of social media; such communications should balance concerns about the First Amendment rights of protesters, officer and public safety, and police-community relations. | The NYPD is drafting guidelines on appropriate enforcement actions at the scene of a protest. Public communications practices are being reviewed to identify ways to enhance communications during protests. | In Progress | DOI Mass Demonstration Report |

Mass Demonstration Response Recommendation Tracker

As of 3/17/2021

| | Overview | Report Recommendation | EXTERNAL Progress/ Proposed Next Steps | Status | Source |
|-----|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------------------------|
| 19 | Establish data collection procedures specific to protests | NYPD should establish data collection procedures to reliably track complete, relevant protest data, including but not limited to arrest data. These procedures may include mechanisms for officers to designate arrests as relating to protest activity and enter such information into NYPD databases accordingly. | NYPD is reviewing existing data collection procedures for purposes of transparency to the public and oversight agencies, in line with Handschu guidelines. | In Progress | DOI Mass Demonstration Report |
| 20 | Publish responses to DOI recommendations within 90 days | To promote transparency around NYPD policing of protests, NYPD should report to the public regarding its responses to these recommendations and any additional changes or plans relating to policing of future protests within 90 days. | NYPD will provide regular public updates via this document as it implements the recommendations. | Complete | DOI Mass Demonstration Report |
| 21a | Consolidate existing police oversight into single agency | To streamline and strengthen external oversight of the NYPD, and to promote accountability and trust in law enforcement, DOI makes the following recommendations: 1. The Mayor and City Council should consider consolidating existing police oversight functions into a single agency, headed by an independent board. | The City has committed to consolidate the Commission to Combat Police Corruption and the NYPD Office of the Inspector General under the Civilian Complaint Review Board in order to strengthen police oversight. A consolidation plan is in development. | In Progress | DOI Mass Demonstration Report |
| 21b | PC designate senior executive to liaise with civilian oversight agencies | To streamline and strengthen external oversight of the NYPD, and to promote accountability and trust in law enforcement, DOI makes the following recommendations: 2. The Police Commissioner should designate and empower a single senior executive, at the Deputy Commissioner level, to be responsible and accountable for providing civilian oversight agencies with the access to records that the law requires. | Police Commissioner has appointed the Deputy Commissioner of Legal Matters to fulfill this role. | Complete | DOI Mass Demonstration Report |