

**April 2020**

**Annual Report 2020**  
**Office of the Inspector General for the NYPD**

**New York City Department of Investigation**  
**Office of the Inspector General for the NYPD (OIG-NYPD)**



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## I. INTRODUCTION

This is the Sixth 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). Fulfilling OIG-NYPD's legal obligation under Mayoral Executive Order 16, as amended, and Local Law 70 of 2013, and OIG-NYPD's continued commitment to transparency and accountability, this Report highlights systemic reviews conducted from 2015 through 2019 and assesses the extent to which the New York City Police Department (NYPD or Department) has implemented OIG-NYPD's recommendations for reform.

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

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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.<sup>1</sup>

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.<sup>2</sup>

In 2019, OIG-NYPD released the following reports:

- ***2019 Assessment of Litigation Data Involving NYPD (April 2019)***
- ***Complaints of Biased Policing in New York City: An Assessment of NYPD's Investigations, Policies, and Training (June 2019)***
- ***An Investigation of NYPD's Officer Wellness and Safety Services (September 2019)***

Summaries of these three reports, along with their 39 associated recommendations and an assessment of NYPD's responses to those proposals, are discussed in this Report. This Report also examines NYPD's implementation of the 145 recommendations, including sub-recommendations, made in the 13 OIG-NYPD reports issued from 2015–2018.<sup>3</sup>

This report classifies 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.

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<sup>1</sup> The 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.”

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

<sup>3</sup> NEW YORK, N.Y., CHARTER Ch. 34, § 803 (d)(3)(c) requires that OIG-NYPD annual reports contain “an identification of each recommendation described in previous annual reports on which corrective action has not been implemented or completed.”

- **Accepted in Principle (AIP):** NYPD has agreed with the general intent of these recommendations but has not yet implemented them.
- **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 currently applicable to the Department. As depicted in the table below, NYPD has implemented, partially implemented, or accepted in principle approximately 76% of these recommendations (50% have been implemented, 12% have been partially implemented, and 14% have been accepted in principle).

Report	I	PI	AIP	UC	R	NLA <sup>4</sup>
An Investigation of NYPD's Officer Wellness and Safety Services (September 2019)	2	4	2	3	1	0
Complaints of Biased Policing in New York City: An Assessment of NYPD's Investigations, Policies, and Training (June 2019)	8	0	4	1	8	0
2019 Assessment of Litigation Data Involving NYPD (April 2019)	0	1	1	2	0	0
An Investigation of NYPD's New Force Reporting System (February 2018)	10	2	5	0	7	1
An Investigation of NYPD's Special Victims Division-Adult Sex Crimes (March 2018)	4	2	0	1	5	0
Ongoing Examination of Litigation Data Involving NYPD (April 2018)	1	2	0	1	1	0
Review of NYPD's Implementation of Patrol Guide Procedures Concerning Transgender and Gender Nonconforming People (November 2017)	4	0	4	0	1	0
When Undocumented Immigrants Are Crime Victims: An Assessment of NYPD's Handling of U Visa Certification Requests (July 2017)	3	3	2	0	2	0
Addressing Inefficiencies in NYPD's Handling of Complaints: An Investigation of the "Outside Guidelines" Complaint Process (February 2017)	3	1	1	1	0	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	0
An Investigation of NYPD's Compliance with Rules Governing Investigations of Political Activity (August 2016)	6	0	2	0	3	0
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	0
Police Use of Force in New York City: Findings and Recommendations on NYPD's Policies and Practices (October 2015)	10	2	1	2	0	0
Body-Worn Cameras in NYC: An Assessment of NYPD's Pilot Program and Recommendations to Promote Accountability (July 2015)	20	0	2	0	1	0
Using Data From Lawsuits and Legal Claims Involving NYPD to Improve Policing (April 2015)	3	2	0	0	0	0
Observations on Accountability and Transparency in Ten NYPD Chokehold Cases (January 2015)	4	0	0	0	0	0
<b>Totals</b>	<b>92</b>	<b>21</b>	<b>25</b>	<b>11</b>	<b>32</b>	<b>1</b>

I = Implemented, PI = Partially Implemented, AIP = Accepted in Principle, UC = Under Consideration, R = Rejected, NLA = No Longer Applicable

<sup>4</sup> The one recommendation in this column does not count towards the total of 181 recommendations currently applicable to NYPD.

NYPD's acceptance and implementation of these recommendations is OIG-NYPD's primary goal, as such progress indicates that the issues OIG-NYPD has observed are being addressed. 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.

Pursuant to § 803(d)(3) of the New York City Charter, as of December 31, 2019, OIG-NYPD had 13 investigations open for six to 12 months, seven investigations open for 13 to 24 months, four investigations open for 25 to 36 months, and four investigations open for more than 36 months. These figures include both systemic reviews and individual complaints received from members of the public.

OIG-NYPD also continued its public outreach during 2019. Throughout the year, these outreach efforts ranged from attending community events to meeting with a variety of advocates, elected officials, community groups, as well as representatives from City agencies, and other police departments and oversight agencies. These efforts informed OIG-NYPD's investigations and also educated the public about OIG-NYPD's mission.



## ***II. 2019 OFFICE OF THE INSPECTOR GENERAL FOR THE NEW YORK CITY POLICE DEPARTMENT ACTIVITIES***

This section of the Report summarizes the findings and recommendations made in the reports released by OIG-NYPD in 2019. In addition, this section discusses the work of OIG-NYPD in the areas of community outreach and complaint handling during 2019.

### ***A. SYSTEMIC INVESTIGATIONS, REVIEWS, STUDIES, AND AUDITS: RECOMMENDATIONS AND NYPD RESPONSES***

Pursuant to Section 803(d)(3) of the New York City Charter, summarized below are the findings and recommendations made in the three reports OIG-NYPD released in 2019, as well as an assessment of NYPD's progress in implementing the 39 recommendations in those reports. OIG-NYPD will continue to closely monitor NYPD's progress on all recommendations that have not yet been implemented.

#### **2019 ASSESSMENT OF LITIGATION DATA INVOLVING NYPD**

##### **April 30, 2019 Report**

In 2017, the New York City Council passed legislation (Local Law No. 166 of 2017) requiring OIG-NYPD to collect, evaluate, and report on information concerning improper police conduct through the analysis of trends arising from lawsuits, claims, complaints, and other actions filed against NYPD. OIG-NYPD has previously issued two reports on the topic of police use of litigation data. In April 2015, OIG-NYPD released the report, *Using Data from Lawsuits and Legal Claims Involving NYPD to Improve Policing*, which urged NYPD to use data on legal claims against police officers and NYPD more effectively. In 2018, OIG-NYPD released its first report pursuant to Local Law No. 166, *Ongoing Examination of Litigation Data Involving NYPD*, in which OIG-NYPD presented its own analysis of claims and lawsuits filed against officers in six NYPD precincts to illustrate the types of patterns and trends NYPD could be studying if its systems were more robust.

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*The Department now tracks more data on lawsuits and claims than it did when OIG-NYPD first examined the issue in 2015, including more specific information about the nature of the claim, information about the location of the incident, and details about the subject officer.*

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OIG-NYPD's 2019 report 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).<sup>5</sup> OIG-NYPD reviewed policies and procedures relevant to NYPD's early intervention and performance monitoring systems, and researched the early intervention systems of other law enforcement agencies.

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<sup>5</sup> An "Early Intervention System" (EIS) is a computerized database system that allows police departments to monitor individual police officers based on a series of performance indicators, thus helping supervisors to identify officers who are in need of intervention and providing the department with global data concerning the performance of its law enforcement professionals.

As part of this research, OIG-NYPD spoke with risk management officials at the Pittsburgh Bureau of Police, Seattle Police Department, and Los Angeles Sheriff's Department.

OIG-NYPD's review found that NYPD has made notable improvements in how it tracks and uses litigation data. The Department now tracks more data on lawsuits and claims than it did when OIG-NYPD first examined the issue in 2015, including more specific information about the nature of the claim, information about the location of the incident, and details about the subject officer. NYPD had previously decided not to include lawsuit data in its early intervention system due to technical limitations. The Department is now in a better position to track data from lawsuits and claims and has decided to feed these data into RAILS as it continues to build the system. This development aligns with one of OIG-NYPD's 2018 recommendations.

In addition, and consistent with Local Law No. 166's directive that OIG-NYPD consider "patterns and trends arising from lawsuits, claims, complaints, and other actions filed against NYPD," OIG-NYPD also conducted an analysis of civil actions filed against NYPD alleging misconduct from the years 2014 to 2018 using litigation data publicly released by the New York City Law Department. These "misconduct" allegations include use of force, assault and battery, malicious prosecution, and false arrest or imprisonment.

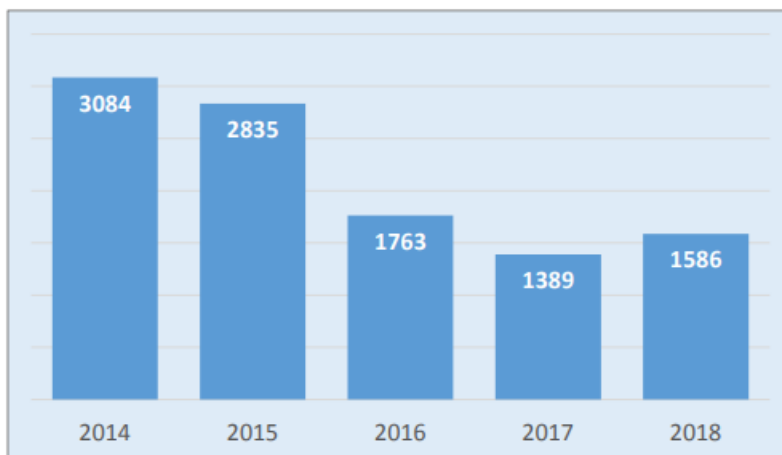


Figure 1: Lawsuits Filed Against NYPD from 2014–2018 Alleging Police Misconduct (figure from original Report)

OIG-NYPD's review also found that over the five-year period from 2014 through 2018, there was a 49% decline in the number of NYPD-related lawsuits alleging police misconduct. However, from 2017 to 2018, there was an uptick in the number of lawsuits filed, including a 72% increase in the number of lawsuits alleging use of force. OIG-NYPD has consistently held that while trends identified in the analysis of lawsuits and claims do not necessarily demonstrate improper conduct by NYPD officers, they

provide areas of inquiry that NYPD should analyze more closely.

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. These recommendations include seeking input from supervisors in future developments of RAILS and ensuring that there is sufficient and ongoing training available. Further, it recommended creating procedures to hold supervisors accountable for carrying out their new responsibilities under the system and considering of the use of metrics that would allow the Department to distinguish between highly active officers who have few problematic incidents (and thus may not need intervention) and highly active officers who engage frequently in problematic behavior. In July 2019, NYPD indicated in its official response that it accepted all of OIG-NYPD's recommendations. A full assessment of NYPD's compliance with these recommendations is below.



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

This Report made four recommendations. Those recommendations and an assessment of NYPD's responses to those recommendations are below.

<b>2019 ASSESSMENT OF LITIGATION DATA INVOLVING NYPD (APRIL 2019 REPORT)</b>		
<b>OIG-NYPD'S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>	
1	<p>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>	<p><b>Under Consideration</b></p> <p>While the Department has not added any new alerts to RAILS since April 2019, the Department states it will consider 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>
2	<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><b>Partially Implemented</b></p> <p>In January 2019, the Department held its first working group meeting of supervisors. The members of the group came from a variety of commands and were selected based on their use of RAILS. NYPD does not intend for the working group to be recurring and intends to convene the working group as needed. The working group involved discussions with end-users to solicit their feedback, both positive and negative, and gather ideas regarding what they would like to see improved. The Department intends to incorporate their input in future developments of RAILS.</p>
3	<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><b>Under Consideration</b></p> <p>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>
4	<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</p>	<p><b>Accepted in Principle</b></p> <p>Although there have been no new trainings since April 2019, NYPD states that before RAILS is fully implemented, policies and procedures will be</p>

<p>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>promulgated so as to ensure that supervisors are appropriately discharging their duties under the system.</p>
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**COMPLAINTS OF BIASED POLICING IN NEW YORK CITY: AN ASSESSMENT OF NYPD’S INVESTIGATIONS, POLICIES, AND TRAINING**

**June 26, 2019 Report**

Biased policing, whether perceived or actual, is a matter of significant public concern. Communities 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.<sup>6</sup> Concerns regarding bias (or the perception of bias) by officers are, among other factors, intricately tied to public trust in law enforcement.

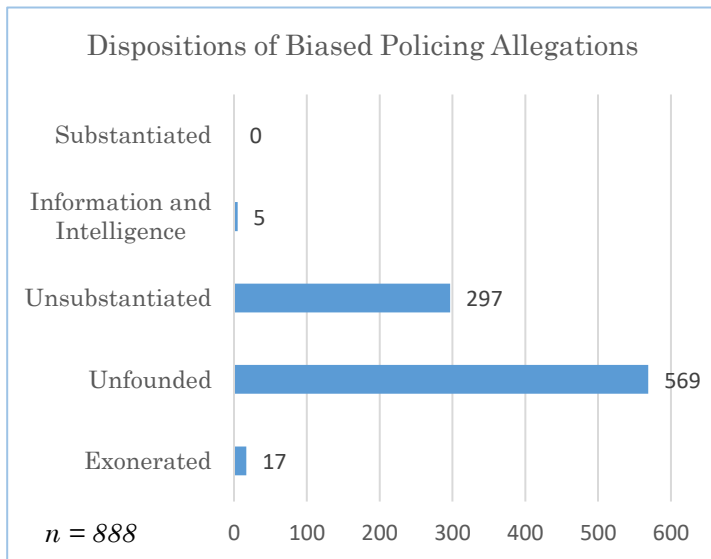


Figure 2. Dispositions of Biased Policing Allegations (figure from original Report)

In New York City, “Bias-Based Profiling,” otherwise known as biased policing, is defined in Section 14-151 of the New York City Administrative Code as any discriminatory action by law enforcement that is motivated by a person’s actual or perceived status protected by law (for example, race, gender, sexual orientation, etc.). After a Court found that NYPD’s “stop, question, and frisk” policies and practices resulted in the disproportionate and discriminatory stopping 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 a report, OIG-NYPD analyzed hundreds of

such allegations, covering a two-and-a-half year period, reviewed over 5,000 pages of NYPD documents, attended NYPD’s recruit and active-duty uniformed officer 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, until the end of 2018, members of the public had made at least 2,495 complaints of biased policing. NYPD confirmed in June 2019 that the Department has never substantiated an allegation of biased policing. Among the Report’s findings, OIG-NYPD found inadequacies in how NYPD investigated and tracked such allegations. The Report further pointed out how the Civilian Complaint Review Board (CCRB), the City’s primary agency charged with investigating allegations of police officer misconduct, does not investigate complaints of biased policing made against officers. This makes CCRB an outlier among the independent police review agencies that primarily handle complaints of police misconduct in the largest U.S. police departments.

<sup>6</sup> See Belen, *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)).

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, even though NYPD prohibits such conduct. Instead, NYPD will refer the matter to CCRB for investigation as offensive language. By contrast, if a complainant alleges that an officer used a racial slur and took additional police action (e.g., making an arrest), NYPD would investigate the matter as biased policing.

The Report has 23 recommendations, the majority of which apply to NYPD, as well as four that relate to CCRB or the City’s Commission on Human Rights (CCHR), to improve the City’s handling of biased policing complaints. NYPD initially stated in its official response that it would implement, accept or consider all of the recommendations, but OIG-NYPD subsequently determined that the Department has rejected eight of the recommendations. Those recommendations and a review of NYPD’s responses to those recommendations are below.

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

This Report’s 23 recommendations and a review of NYPD’s responses to those recommendations, as well as the responses of other City agencies where applicable, are detailed below.

COMPLAINTS OF BIASED POLICING IN NEW YORK CITY: AN ASSESSMENT OF NYPD’S INVESTIGATIONS, POLICIES, AND TRAINING (JUNE 2019 REPORT)		
OIG-NYPD’S RECOMMENDATION	NYPD RESPONSE AND OIG-NYPD ASSESSMENT	
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><b>Rejected</b></p> <p>NYPD’s Patrol Guide Section 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. Although NYPD maintains this recommendation is “Accepted in Principle,” without the addition of explicit language requiring the reporting of biased policing, NYPD is deemed to have rejected this recommendation.</p> <p>OIG-NYPD will continue to monitor this issue.</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	<p><b>Rejected</b></p> <p>NYPD asserts that this recommendation is “Accepted in Principle” because, in its view, a slur cannot satisfy the requirement under Administrative Code Section 14-151 that only an “action” can constitute biased policing. OIG-NYPD, however, maintains that slurs by active-duty officers directed towards members of the public because</p>

	<p>biased policing if there is a discriminatory intent.</p>	<p>of their protected status, such as racial slurs, are indeed actions by officers.</p> <p>NYPD has also suggested that permitting slurs to be investigated as biased policing would result in duplicative investigations whereby CCRB would investigate the complaint under its “Offensive Language” jurisdiction (while <i>not</i> necessitating proof of biased intent for substantiation), and NYPD would investigate the same facts (but <i>would</i> ascertain biased intent to substantiate). This system of concurrent investigations, however, already exists. For example, if a complainant alleges that an officer used excessive force <i>because</i> of the complainant’s race, CCRB will investigate the excessive force while NYPD will investigate the intent behind the excessive force to determine whether it was a biased policing incident. The same process can be applied to slurs and the use of other discriminatory language.</p> <p>Therefore, NYPD is deemed to have rejected this recommendation.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<p>3</p>	<p>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>	<p><b>Rejected</b></p> <p>NYPD asserts that this recommendation is “Accepted in Principle” because, in its view, a slur cannot satisfy the requirement under Administrative Code Section 14-151 that 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 slurs, are indeed actions by officers.</p> <p>NYPD has also suggested that permitting slurs to be investigated as biased policing would result in duplicative investigations whereby CCRB would investigate the complaint under its “Offensive Language” jurisdiction (while <i>not</i> necessitating proof of biased intent for substantiation), and NYPD would investigate the same facts (but <i>would</i> ascertain biased intent to substantiate). This system of concurrent investigations, however, already exists. For example, if a complainant alleges that an officer used excessive force <i>because</i> of the complainant’s race, CCRB will investigate the excessive force while NYPD will investigate the intent behind the excessive force to determine whether it was a biased</p>

		<p>policing incident. The same process can be applied to slurs and the use of other discriminatory language.</p> <p>Therefore, NYPD is deemed to have rejected this recommendation.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
4	<p>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.</p>	<p><b>Implemented</b></p> <p>In August 2019, NYPD updated Internal Affairs Bureau (IAB) Procedure Number 620-58 entitled “Processing and Investigating Complaints of Profiling and Bias-Based Policing” to state, “When reasonable, a minimum of three (3) attempts should be made to contact each complainant and witness.”</p>
5	<p>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).</p>	<p><b>Implemented</b></p> <p>In August 2019, NYPD updated IAB Procedure Number 620-58 entitled “Processing and Investigating Complaints of Profiling and Bias-Based Policing” to state, “When a complainant is held at a correctional facility located within the five boroughs of New York City, attempt to interview the complainant. If the complainant is represented by counsel who advises not to contact the complainant, do not make further attempts.”</p>
6	<p>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.</p>	<p><b>Implemented</b></p> <p>In August 2019, NYPD updated IAB Procedure Number 620-58 entitled “Processing and Investigating Complaints of Profiling and Bias-Based Policing” to state, “A complainant’s or witness’ guilty status, plea, or conviction does not resolve the issue of whether the subject officer(s) engaged in discriminatory conduct, even if the criminal matter and the complaint of biased policing arise from the same set of underlying facts.”</p>



7	<p>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.</p>	<p><b>Implemented</b></p> <p>In August 2019, NYPD updated IAB Procedure Number 620-58 entitled “Processing and Investigating Complaints of Profiling and Bias-Based Policing” to state, “A complainant’s previous criminal history should not be dispositive of whether or not an allegation of biased policing is substantiated. Where the complainant’s previous criminal history is a factor in a non-substantiation decision, the investigator shall articulate how the criminal history impacted the decision. The investigator must still complete a full investigation of the allegation.”</p>
8	<p>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 allegation, even when the officer (or non-uniformed employee) and complainant identify as members of the same race/ethnicity or other protected group.</p>	<p><b>Implemented</b></p> <p>In August 2019, NYPD updated NYD’s IAB Procedure Number 620-58 entitled “Processing and Investigating Complaints of Profiling and Bias-Based Policing” to state, “A subject officer’s race, color, creed, national origin, religion, age, alienage or citizenship status, gender, sexual orientation, disability or housing status should not be determinative in deciding whether to substantiate a biased policing allegation, even when the subject officer and complainant identify as members of the same protected group.”</p>
9	<p>NYPD should make records of complaints and investigations of biased policing allegations available to CCHR for analysis and review.</p>	<p><b>Accepted in Principle</b></p> <p>NYPD’s states that it will comply with any appropriate request for closed complaints that come from CCHR.</p>
10	<p>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.</p>	<p><b>Implemented</b></p> <p>In June 2019, in response to OIG-NYPD’s identification of this issue, NYPD distributed instructions to Commanding Officers of Bureau/Borough Investigations Units stating that only investigators who have attended the IAB Profiling and Bias-Based Policing training will be assigned such cases.</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><b>Rejected</b></p> <p>NYPD’s official response states that this recommendation is “Accepted in Principle” because “[t]he ICMT system already requires documentation of at least three attempts to interview a complainant and sub-classification of all complaints.” Yet, OIG-NYPD found a number of closed cases contained procedural errors—such as incorrectly sub-classifying the allegation—despite being ultimately approved by a supervisor. Furthermore, although Bureau/Borough investigators have access to this ICMT system, NYPD recently informed OIG-NYPD that IAB investigators continue to use the Internal Case Management System (ICMS), which does not require a successful contact with the complainant or three documented contact attempts before the case can be closed. IAB investigators continue to use the same process, without a checklist, which was of concern at the time of the Report’s release. Therefore, NYPD is deemed to have rejected this recommendation.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
12	Investigators should be required to complete and submit to their supervisors the checklist with their case closing reports.	<p><b>Rejected</b></p> <p>NYPD’s official response states that this recommendation was “Accepted in Principle” because “[s]upervisors ensure that all mandated tasks have been completed.” Yet, OIG-NYPD found a number of closed cases reviewed contained procedural errors—such as incorrectly sub-classifying the allegation—despite being ultimately approved by a supervisor. Therefore, without the addition of a requirement for investigators to complete and submit a checklist to their supervisors, NYPD is deemed to have rejected this recommendation.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
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.	<p><b>Implemented</b></p> <p>In November 2019, NYPD’s IAB sent a memorandum to all the Deputy Chiefs stating that biased policing cases need to be thoroughly investigated and those cases must be reviewed and approved by the appropriate Borough/Bureau Executive Officer of Administration.</p>

14	<p>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 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.</p>	<p><b>Rejected</b></p> <p>NYPD's official response states that this recommendation was "Implemented" because "IAB's case management system known as ICMS has the same requirements and controls for biased policing cases as the system used by Borough/Bureau investigators (ICMT)." On the contrary, although the Bureau/Borough investigators conduct the majority of these types of investigations and have access to this ICMT system, NYPD recently informed OIG-NYPD that IAB investigators use ICMS, which does not require a successful contact with the complainant or three documented contact attempts before the case can be closed. Therefore, since NYPD made no modifications to ensure that IAB's case management system contains the same controls found in the ICMT system, NYPD is deemed to have rejected this recommendation.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
15	<p>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>	<p><b>Accepted in Principle</b></p> <p>NYPD asserts that it has developed protocols related to mediation that are awaiting approval. Furthermore, NYPD states that it has rolled out Phase 1 of its mediation program in January 2020.</p>
16	<p>NYPD's RAILS should be expanded to capture unsubstantiated biased policing allegations involving both uniformed and non-uniformed members.</p>	<p><b>Rejected</b></p> <p>NYPD's official response states that this recommendation was "Accepted in Principle" because "RAILS does, in fact, capture unsubstantiated biased policing allegations involving uniformed members." On the contrary, NYPD recently informed OIG-NYPD that "[t]he current version of RAILS does not capture unsubstantiated bias based policing allegations." Therefore, since NYPD's RAILS does not capture unsubstantiated "biased policing" allegations as that term is used in OIG-NYPD's June 2019 report, NYPD is deemed to have rejected this recommendation.</p> <p>OIG-NYPD will continue to monitor this issue.</p>

17	<p>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>	<p><b>Accepted in Principle</b></p> <p>NYPD asserts that it has developed protocols to include biased policing complaints, regardless of substantiation, as monitoring criteria for early intervention. According to NYPD, these protocols are awaiting approval by the Federal Court.</p>
18	<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><b>Rejected</b></p> <p>NYPD's official response states that this recommendation is "Accepted in Principle" because biased policing information is on NYPD's website (<a href="https://www1.nyc.gov/site/nypd/about/department-policy/racial-bias-based-profiling.page">https://www1.nyc.gov/site/nypd/about/department-policy/racial-bias-based-profiling.page</a>). OIG-NYPD, however, has determined that this information is not conspicuously visible on NYPD's website. Furthermore, NYPD has not developed written material to educate the public specifically on biased policing. Therefore, NYPD is deemed to have rejected this recommendation.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
19	<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"> <li>(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;</li> <li>(ii) the self-reported demographics (race/ethnicity, sex, age, etc.) of complainants;</li> <li>(iii) the types of police encounters that resulted in complaints of biased policing;</li> <li>(iv) the number of biased policing complaints initiated by borough and precinct;</li> <li>(v) the discriminatory policing conduct alleged;</li> </ul>	<p><b>Under Consideration</b></p> <p>NYPD's official response states that the "Department is currently determining whether or not to adopt this recommendation." In late February 2020, NYPD informed OIG-NYPD that it still has not decided whether to adopt the recommendation.</p> <p>OIG-NYPD will continue to monitor this issue.</p>

	<p>(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>	
<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><b>Accepted in Principle</b></p> <p>CCRB asserts that this recommendation is “Accepted in Principle.” Yet, in CCRB’s most recent monthly statistical report (December 2018), the agency still did not sub-classify Offensive Language allegations into all of the protected statuses that are reflected in the NYC Administrative Code. The addition of more granular information will aid the agency’s work, furnish more precise data for CCRB’s reports, and inform other agencies, such as the City’s Commission on Human Rights, of the extent of possible biased policing involving NYPD. If CCRB uses the same sub-classifications as NYPD and CCHR, all three agencies can more easily share and track information related to discriminatory policing allegations, thereby strengthening the City’s combined response to potential bias in policing.</p> <p>OIG-NYPD will continue to monitor this issue.</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><b>Rejected</b></p> <p>CCRB states that this recommendation is “Partially Implemented” because the agency investigates “offensive language, failure to obtain translation services, sexual misconduct, and misconduct based on immigration status.” While CCRB does investigate these types of allegations, and such claims may implicate evidence similar to biased policing evidence, CCRB has not changed its approach to “biased policing” as that term is used in OIG-NYPD’s June 2019 report. Further, CCRB has not adopted a new policy to classify and investigate allegations of biased policing under its “Abuse of Authority” jurisdiction, as the agency did in 2018 for allegations of sexual misconduct. Instead, CCRB continues to refer allegations of biased policing involving an officer’s discriminatory intent to NYPD for</p>

		<p>investigation and handling, and does not require the showing of discriminatory intent in its investigations into the use of offensive language. For all of these reasons, CCRB is deemed to have rejected this recommendation.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<p>22</p>	<p>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.</p>	<p><b>Implemented</b></p> <p>According to NYPD, CCRB, and CCHR, representatives of these City agencies that handle biased policing complaints met in July 2019. According to NYPD, the topics of discussion were primarily focused on each agency’s role and responsibility with respect to the handling of biased policing allegations.</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><b>Accepted in Principle</b></p> <p>NYPD states that this recommendation is "Accepted in Principle" because 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> <p>OIG-NYPD will continue to monitor the issue.</p>



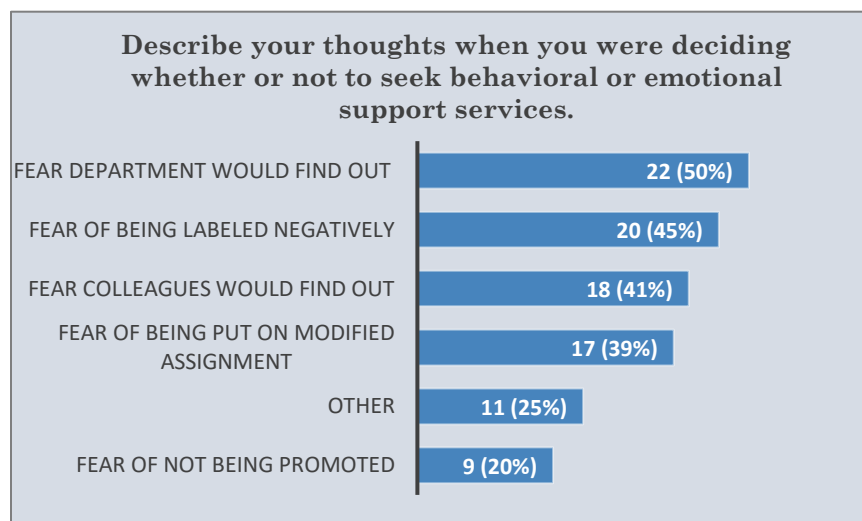
**AN INVESTIGATION OF NYPD’S OFFICER WELLNESS AND SAFETY SERVICES**

**September 24, 2019 Report**

The topic of officer wellness and safety has become increasingly important, receiving attention from both national and local leaders. In 2018, Congress enacted the Law Enforcement Mental Health and Wellness Act of 2017, which aimed to create a framework of assistance to law enforcement agency efforts to protect the mental health and well-being of police officers.

Prior to the enactment of this legislation, DOI’s OIG-NYPD had begun actively examining NYPD’s services to officers in need of assistance. OIG-NYPD’s investigation, which culminated in this Report, explored the extent to which officers were aware of these services, whether they were taking advantage of them, and how support services could be enhanced and made more widely available. The investigation included meeting with NYPD personnel who work in support services and associated NYPD functions, attending NYPD trainings, and speaking with representatives of 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. Among other things, the responses revealed that:

- Approximately 25% of survey respondents reported that they experienced at least one period of emotional stress, trauma, or substance abuse during their careers that caused them to consider getting support services from a licensed professional. Only half of these individuals reported seeking such assistance.
- Approximately 50% of survey respondents who considered getting professional support reported that they feared the Department or their colleagues would find out if they chose to seek assistance.
- Approximately 75% of survey respondents felt that NYPD does not provide sufficient support in retirement, such as resources for behavioral or emotional support or financial guidance.



OIG-NYPD found that NYPD’s formal trainings on mental health and wellness were virtually non-existent for certain ranks and titles following graduation from the police academy. In addition, it was determined that NYPD’s early intervention systems were not programmed to detect certain behavioral patterns.

*Figure 3. Reported Reasoning behind Decision to Seek or not Seek Support Services (figure from original Report)*

In the weeks leading up to the release of the Report, the New York City Council held a hearing related to the prevention of suicide and promotion of mental health for first responders. During this session, a local law amendment to Section 14-181 of the New York City Administrative Code (Intro. 1704-2019) was introduced. If passed, the bill would require first responder departments to provide mental health information, training, and support services to its officers. This bill has yet to be passed into law.

OIG-NYPD made 12 recommendations aimed at enhancing NYPD’s mental health and wellness services. If implemented, these 12 recommendations would serve as a roadmap for NYPD. While NYPD has rejected one of these recommendations, NYPD deserves praise for the positive steps it has taken by embracing the other 11 proposals. These recommendations and a review of NYPD’s responses are below.

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

This Report made 12 recommendations. Those recommendations and a review of NYPD’s responses to those recommendations is below.

<b>AN INVESTIGATION OF NYPD’S OFFICER WELLNESS AND SAFETY SERVICES (SEPTEMBER 2019 REPORT)</b>		
<b>OIG-NYPD’S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>	
1	<p>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.</p>	<p><b>Implemented</b></p> <p>NYPD’s issuance of interim orders I.O. 65-19 and 12-20 established a Health and Wellness Section, its goals, standards, and responsibilities.</p>
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 referenced in Recommendation #1.</p>	<p><b>Partially Implemented</b></p> <p>After evaluating the results of its own recent 2019 officer survey, NYPD made changes to its vacation and tour exchange policy to make it easier for officers to take time off, waived health screening to facilitate the joining of fitness centers, and appointed Fitness Coordinators to the Health and Wellness Section.</p> <p>OIG-NYPD will continue to monitor this issue.</p>

3	<p>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>	<p><b>Partially Implemented</b></p> <p>According to NYPD, it is currently in the process of appointing a senior level Psychologist, 17 full-time personnel, and a number of social workers to its Health and Wellness Section.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
4	<p>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>	<p><b>Partially Implemented</b></p> <p>According to NYPD, its Health and Wellness Section has access to IAB alerts for substance and domestic incidents and RAILS alerts. These alerts allow the Health and Wellness Section to dispatch members of the Employee Assistance Unit to offer support services and evaluate behavioral trends. In addition, NYPD's Risk Management Section is reviewing the possibility of information sharing by the Force Investigation Division. In light of this review, this recommendation is deemed partially implemented.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
5	<p>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>	<p><b>Accepted in Principle</b></p> <p>According to NYPD, it has engaged with a number of external mental health organizations that include Thrive, NYC Well, and the American Foundation for Suicide Prevention. This engagement has led to the creation of new programs and the designation of Workwell Ambassadors in each borough. Since NYPD did not provide timely documentation of these efforts and their extent, this recommendation is deemed "Accepted in Principle."</p> <p>OIG-NYPD will continue to monitor this issue.</p>
6	<p>NYPD should study the feasibility of establishing mandatory periodic mental health checks for all police officers or certain categories of at-risk officers.</p>	<p><b>Under Consideration</b></p> <p>According to NYPD, it is currently in conversation with labor unions in relation to mandatory health checks because its implementation would be subject to collective bargaining.</p> <p>OIG-NYPD will continue to monitor this issue.</p>

7	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><b>Rejected</b></p> <p>NYPD has declined to include an “officer wellness” category in RAILS.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
8	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><b>Under Consideration</b></p> <p>According to NYPD, there are several initiatives underway regarding critical incident debriefing. Once established, they will be added to the Psychological Evaluation Section’s Standard Operating Procedure.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
9	NYPD should collaborate with the National Officer Safety and Wellness Group to help amplify new and existing efforts to reduce suicide among NYPD personnel.	<p><b>Implemented</b></p> <p>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.</p>
10	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><b>Partially Implemented</b></p> <p>With respect to personnel approaching retirement, NYPD states that it appointed a retirement coordinator in January 2020 and is working on further developing this individual’s role and responsibilities.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
11	NYPD should explore the needs of its retired personnel and endeavor to make wellness support services available to them for a reasonable period of time following retirement or separation.	<p><b>Under Consideration</b></p> <p>With respect to post-retirement, NYPD states that it appointed a retirement coordinator in January 2020 and is working on further developing this individual’s role and responsibilities. OIG-NYPD understands that this development phase will include a review of the needs of NYPD’s retired personnel.</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><b>Accepted in Principle</b></p> <p>According to NYPD, it is committed to the privacy of personnel with respect to all newly implemented health and wellness initiatives. OIG-NYPD understands that NYPD will extend this privacy commitment to any recommendation or new initiative implemented in relation to officer health and wellness.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
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## A. COMMUNITY OUTREACH AND ENGAGEMENT

DOI's OIG-NYPD continued to engage with a wide array of service providers, advocates, elected officials, community groups, City and state agencies, unions, other police departments, and oversight agencies. The office's outreach efforts were essential to inform OIG-NYPD's investigations and to address the need to improve policing and strengthen police-community relations.

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*In 2019, OIG-NYPD began to give "OIG-NYPD 101" outreach education presentations that provided the public with information on the office, how it functions, its history, overview of some past reports, and the status of particular NYPD recommendations.*

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As an example of outreach related to a major investigation, OIG-NYPD's 2019 report, "Complaints of Biased Policing in New York City: An Assessment of NYPD's Investigations, Policies, And Training," involved meetings with civil rights groups, advocates, individual community members, and other organizations that focus on racial justice issues in the criminal justice system. This extensive engagement provided OIG-NYPD with a deeper understanding of the experiences of people who have been profiled by police, and the public's perception of how NYPD handles biased policing complaints. The information from these meetings was central to developing

recommendations that are responsive to community concerns.

In preparing another report, issued by OIG-NYPD in 2019, "An Investigation of NYPD's Officer Wellness and Safety Services," staff sought to understand the effectiveness and use of NYPD's mental health resources. To inform this understanding, a survey had been sent to all uniformed NYPD personnel who ended their service in 2016. This outreach to retired NYPD officers provided OIG-NYPD with significant information. OIG-NYPD ultimately found that NYPD's internal support services are underutilized and that a perception or fear of stigmatization is a common explanation for underused services.

Beyond investigative outreach, OIG-NYPD continued its efforts to reach out to community advocates and representatives from local organizations throughout New York City. Among others, these groups included a number of organizations that focus on homelessness, youth of color, LGBTQ issues, religious communities, and people with mental illness. The meetings provided opportunities for OIG-NYPD both to learn more about the issues facing vulnerable New Yorkers and valuable perspectives from the public on how to address them.

OIG-NYPD recognizes that policing converges with the work of other City agencies, and representatives of the office regularly meet with other City agencies to understand how NYPD interacts with them. In 2019, OIG-NYPD engaged with CCRB, NYC Commission on Human Rights, and the Law Department, among others. In addition, representatives of OIG-NYPD attended City Council hearings, which provided crucial information about potential legislation affecting policing and police accountability in New York City.

OIG-NYPD is committed to continued outreach and engagement with the public on all policing issues. In 2019, OIG-NYPD began to give "OIG-NYPD 101" outreach education



presentations. They provided the public with information on the office, how it functions, its history, an overview of some past reports, and the status of particular NYPD recommendations. Additionally, OIG-NYPD responds to all public inquiries and accepts feedback on investigations and recommendations.

## **B. COMPLAINTS**

Local Law 70 underscores the importance of allowing members of the public to make complaints to DOI's OIG-NYPD about problems and deficiencies relating to NYPD and its police force. By reviewing complaints, investigating allegations, speaking to complainants, and connecting with other government agencies, OIG-NYPD can both address individual concerns raised by members of the public and identify potential systemic issues regarding NYPD.

In 2019, OIG-NYPD received 448 complaints from members of the public and employees of NYPD, as well as referrals from other City agencies. Agencies referring matters to OIG-NYPD included NYPD, the Mayor's Office, the Conflicts of Interest Board, the City Council, and the Civilian Complaint Review Board. OIG-NYPD accepts complaints 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, summons disputes, police corruption, 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 other agencies.

### ***III. 2015-2018 SYSTEMIC INVESTIGATIONS, REVIEWS, STUDIES, AND AUDITS: UPDATED NYPD RESPONSES TO RECOMMENDATIONS***

This section summarizes the findings and recommendations made in the 13 reports OIG-NYPD released from 2015 through 2018, and assesses NYPD's progress in implementing the 145 recommendations in these reports. OIG-NYPD will continue to closely monitor NYPD's progress on implementing all recommendations for which corrective action has not yet been taken; OIG-NYPD continues to stand by all recommendations unless otherwise noted. Recommendations implemented by NYPD prior to this Annual Report are listed in Appendix A.

#### **ONGOING EXAMINATION OF LITIGATION DATA INVOLVING NYPD**

##### **April 30, 2018 Report**

In 2017, the New York City Council passed legislation (Local Law No. 166 of 2017) requiring OIG-NYPD to collect, evaluate, and report on information concerning improper police conduct through the analysis of claims and lawsuits filed against NYPD. Pursuant to this law, and as a follow up to OIG-NYPD's April 2015 Report on this topic, OIG-NYPD released a report in April 2018 proposing how NYPD can use data from lawsuits to improve policing.

In that Report, OIG-NYPD demonstrated the types of data trends NYPD could and should be assessing in order to make adjustments to policies and practices. While the filing of a lawsuit does not demonstrate improper conduct, NYPD could use lawsuit trends to identify areas for closer review of how the Department operates. OIG-NYPD 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 does not currently make public any information about the limited data analysis it conducts. OIG-NYPD's 2019 follow-up report discusses more recent developments in litigation trends and NYPD's early intervention system.

OIG-NYPD made five recommendations concerning NYPD's litigation data-tracking system, including that NYPD should regularly enter data about claims naming individual officers into its new Risk Assessment Information Liability System (RAILS).

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

NYPD has implemented one of the recommendations issued in this Report. The statuses of the outstanding recommendations are as follows.

<b>ONGOING EXAMINATION OF LITIGATION DATA INVOLVING NYPD (APRIL 2018 REPORT)</b>	
<b>OIG-NYPD’S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
<p>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 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><b>Unchanged: Partially Implemented</b></p> <p>NYPD 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. This position is consistent with prior NYPD statements rejecting the idea of conducting data analysis of all lawsuits on the grounds that not all claims and lawsuits are “merit-based.”</p> <p>OIG-NYPD maintains that there is value in a broader, Department-wide analysis of litigation and claims data.</p>
<p>2 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><b>Changed from Rejected to Partially Implemented</b></p> <p>While NYPD conducts some trend analysis of lawsuits and claims, the Department rejects the idea of conducting data analysis of all lawsuits on the grounds that not all claims and lawsuits are “merit-based.”</p> <p>NYPD maintains that if an in-depth study or analysis is performed, it may be conducted on a Department-wide basis depending on the subject matter; however, the Department could not provide specific details about what has been done, what is actually being planned, or what people and units are involved in such reviews. OIG-NYPD maintains there is value in a broader, Department-wide analysis and that reports can be generated without violating legal privileges.</p>
<p>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.</p>	<p><b>Changed from Partially Implemented to Implemented</b></p> <p>According to NYPD, PALS spreadsheets track details obtained from the data that are then used by the Civil Lawsuit Monitoring Unit and PALS to identify subject officers for review by the Civil Lawsuit Monitoring Committee. A new version of RAILS is currently in a user testing phase, and once it is fully operational, the new system will enhance this analysis by using the data to study trends and develop training modules.</p>

<p>4</p>	<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><b>Unchanged: Rejected</b></p> <p>NYPD continues to state that producing such a report will not provide any benefit and will instead open NYPD up to unnecessary litigation.</p> <p>OIG-NYPD stands by the original recommendation.</p>
<p>5</p>	<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><b>Changed from Rejected to Under Consideration</b></p> <p>According to NYPD, PALS strives to dedicate the resources it can to data entry and analysis. However, with increasing demands on the Legal Bureau, there has 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 late 2016, OIG-NYPD launched a full investigation of NYPD's Special Victims Division (SVD), focusing on the adult sex crimes units' staffing resources. The result was a 2018 report that made 12 recommendations serving as a roadmap for reforms to SVD. The New York City Council also took legislative action in response to the Report's findings, requiring public reporting on SVD's case-management system, staffing, caseload, and training.<sup>7</sup> Copies of those legally mandated reports are on NYPD's website.<sup>8</sup>

With regard to physical facilities, NYPD has made noteworthy progress. Capital projects are difficult, multi-year propositions for any municipality, and maybe even more so in New York City.

Despite progress on the facilities front, the same cannot be said for the seven other recommendations that have not been implemented. In late 2018 and early 2019, NYPD had signaled its willingness to consider or reconsider the Report's recommendations, and the statuses in the 2019 Annual Report reflected that good-faith effort by the Department. One year later, however, it appears NYPD has reverted to several positions or practices previously identified in the Report as problematic.

Of the eight outstanding recommendations, only one has improved from Accepted in Principle to Partially Implemented. Four remain unchanged, and three have regressed from either Partially Implemented, Under Consideration, or Accepted in Principle to Rejected. A total of five out of 12 recommendations are now considered Rejected. NYPD has now rejected recommended changes to staffing, retention, and hiring practices, as well as the security of victim information.

Especially concerning is NYPD's rejection of an investigative-hours based staffing model. This is a step backwards. NYPD appears committed to using its own internal caseload staffing analysis as described in last year's Annual Report. The rationale for this decision is unclear. NYPD's approach is neither nationally accepted nor evidence based, and instead relies on a trial-and-error approach of correlating "closure rates" and caseloads. Not only is "closure rate" a problematic metric to use for victim-centered investigations, NYPD risks creating a perverse incentive to close cases prematurely. Recent reports in the media contain anecdotal accounts from victims describing this exact kind of pressure.

OIG-NYPD stands by the Report and its recommendations.

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

NYPD has implemented four of the recommendations issued in this Report. Any recommendations not listed below (#6, 7, 11, 12) were implemented prior to this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.

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<sup>7</sup> These new laws were codified as N.Y.C. Admin. Code §§ 14-178, 14-179, and 14-180.

<sup>8</sup> <https://www1.nyc.gov/site/nypd/stats/reports-analysis/svd.page> (last visited March, 2015, 2019).

<b>AN INVESTIGATION OF NYPD’S SPECIAL VICTIMS DIVISION—ADULT SEX CRIMES (MARCH 2018 REPORT)</b>	
<b>OIG-NYPD’S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
<p>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 detectives in Queens SVS, 21 detectives in Brooklyn SVS, and four detectives in Staten Island SVS.</p>	<p><b>Unchanged: Partially Implemented</b></p> <p>In response to a request for information on the status of this recommendation, NYPD provided SVD-wide staffing levels, instead of the requested update on specific staffing in adult sex crime units.</p> <p>While NYPD’s increases in overall SVD staffing levels are noteworthy, OIG-NYPD stands by the recommendation that 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.</p>
<p>2 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><b>Changed from Accepted in Principle to Rejected</b></p> <p>In response to requested input for last year’s Annual Report, NYPD stated that the Department would “consider any evidence-based and nationally accepted staffing model for investigative units.”</p> <p>For this year’s Annual Report, however, NYPD sent OIG-NYPD a short statement with language that made clear an investigative-hours model was no longer under consideration.</p> <p>OIG-NYPD stands by its recommendation.</p>
<p>3 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><b>Changed from Partially Implemented to Rejected</b></p> <p>As discussed above in Recommendation 2, NYPD has rejected the use of an investigative-hours based staffing model for SVD.</p> <p>OIG-NYPD stands by its recommendation.</p>
<p>4 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</p>	<p><b>Unchanged: Rejected</b></p> <p>Because NYPD has declined to make the proposed changes, this recommendation remains rejected.</p> <p>OIG-NYPD stands by its recommendation.</p>



	SVD without extensive investigative experience.	
5	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><b>Unchanged: Under Consideration</b></p> <p>Since NYPD did not provide a timely or sufficient response to our request for updates, the status of the recommendation remains the same as last year.</p>
8	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><b>Changed from Accepted in Principle to Partially Implemented</b></p> <p>NYPD has completed the relocation of the Manhattan Special Victims Squad to its new location with entirely new facilities. OIG-NYPD representatives toured the new facility on Feb. 21, 2020 and found the changes to be an improvement over the previous conditions.</p> <p>Progress continues to be made in the outer boroughs as well. NYPD has completed remedial renovations at other locations, such as the Brooklyn Special Victims Squad. The Staten Island Special Victims Squad is already co-situated with other stakeholders such as prosecutors and service providers, and therefore will not be physically relocated. Final relocations for Brooklyn, Queens, and the Bronx Special Victims Squads are contingent on capital funding and identifying adequate locations. Those efforts are ongoing.</p> <p>NYPD should be commended for their progress on this front.</p>
9	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><b>Changed from Accepted in Principle to Rejected</b></p> <p>At this time last year, NYPD was considering changes to the ECMS system that would have accomplished the goals of this recommendation. NYPD was in the process of creating an SVD-specific “DD5” form with enhanced capabilities.</p> <p>On year later, however, NYPD confirmed that information on the new DD5 form “cannot be specifically restricted.”</p>

		<p>Instead, NYPD reiterates that its existing security protocols are sufficient and no further changes to ECMS are necessary. Therefore, NYPD has rejected this recommendation.</p> <p>OIG-NYPD stands by its recommendation.</p>
<p>10</p>	<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><b>Unchanged: Rejected</b></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> <p>OIG-NYPD stands by its recommendation.</p>

## AN INVESTIGATION OF NYPD'S NEW FORCE REPORTING SYSTEM

### February 6, 2018 Report

The ability to accurately track and report officer-involved force incidents is critical to effectively managing a police department and maintaining the public's trust in law enforcement. Following an earlier 2015 OIG-NYPD Report on Use of Force, the Department replaced its existing use-of-force policies in June of 2016. A new form—the Threat, Resistance, and Injury Worksheet (T.R.I.)—was the foundation of the new force-reporting protocols. 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 began investigating NYPD's compliance with the new policy, focusing on whether officers were completing T.R.I. forms when they used reportable force during an arrest. Following an examination of over 30,000 pages of NYPD documents and interviews with both the NYPD bureau overseeing the T.R.I. program and precinct supervisors responsible for executing the program in the field, OIG-NYPD found both successes and areas needing improvement. While T.R.I. compliance improved to near-perfect levels in easily auditable instances, significant errors and inaccuracies continued to impact

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*OIG-NYPD is pleased to note that NYPD has incorporated almost all of OIG-NYPD's feedback and recommendations in a meaningful way.*

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underlying use of force data from arrests reports and other proxy documents. Further, OIG-NYPD found there was widespread confusion among NYPD members of service regarding the new Use of Force Policies. In light of these findings, OIG-NYPD's Report contained 25 recommendations that, if implemented, will make NYPD's use-of-force data collection process more accurate and effective.

Although NYPD initially rejected most of these recommendations, by the end of 2018 NYPD signaled it was open to reconsidering its approach to the TRI form and Use of Force. Over the course of 2019, OIG-NYPD engaged in a number of productive conversations with NYPD officials on a better way forward, in an attempt to re-engage on the substance of OIG-NYPD's findings and recommendations. At the same time, NYPD was internally revising its use-of-force policies based on both OIG-NYPD's input and the internal feedback of the Department's own employees and experts.

This process of reset and reengagement has been highly successful and productive. In the fall of 2019, NYPD unveiled a complete overhaul to the Department's use-of-force policies. The new TRI system is a complete redesign. As a result, the exact specifics of many of OIG-NYPD's prior recommendations no longer apply. The Department invited OIG-NYPD to observe the internal rollout and implementation of the new NYPD use-of-force policies. OIG-NYPD is pleased to note that NYPD has incorporated almost all of OIG-NYPD's feedback and recommendations in a meaningful way.

The Department deserves significant credit for reengaging with OIG-NYPD on this subject, as well as for the serious and thoughtful manner in which it incorporated OIG-NYPD's recommendations into a new, technically impressive, and innovative system—one

that, in many ways, surpasses the more incremental changes OIG-NYPD had originally recommended.

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

NYPD has implemented ten of the 25 recommendations issued in this Report. Any recommendations not listed below (#11, 14) were implemented prior to this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.

<b>AN INVESTIGATION OF NYPD’S NEW FORCE REPORTING SYSTEM (FEBRUARY 2018 REPORT)</b>	
<b>OIG-NYPD’S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
<p>1</p> <p>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).</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>NYPD has updated its electronic arrest report to include a field for the associated T.R.I. incident number(s).</p>
<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><b>Unchanged: Accepted in Principle</b></p> <p>NYPD is still working to implement the FORMS 2.0 database. Once complete, the database will allow the Department to interconnect various forms, allowing officers, for example, to automatically generate and reserve a T.R.I. incident number when completing an Arrest Report.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<p>3</p> <p>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.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>NYPD completed and published revisions to its Use of Force Policy in October 2019. Part of these revised policies was a new T.R.I. system referred to as T.R.I. 2.0. T.R.I.s are now a “T.R.I. Folder” with multiple components—a T.R.I. incident report, multiple T.R.I. interaction reports (one for each officer and their interactions with each respective subject), and any supplementary documentation/evidence. The T.R.I. Folder is part of an interconnected database that links to other forms and is accessible from NYPD-issued computers, devices and smartphones.</p>

		<p>While the T.R.I. interaction forms do not contain a narrative section, each T.R.I. incident report includes space for the supervisor to complete a narrative. This section is to include a full account of the force incident. Therefore, every T.R.I. folder now contains a narrative section. This sufficiently accomplishes the spirit of the 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><b>Changed from Under Consideration to Accepted in Principle</b></p> <p>NYPD completed and published revisions to its Use of Force Policy in October 2019. Part of these revised policies was a new T.R.I. system referred to as T.R.I. 2.0. T.R.I.s are now a “T.R.I. Folder” with multiple components—a T.R.I. incident report, multiple T.R.I. interaction reports (one for each officer and their interactions with each respective subject), and any supplementary documentation/evidence. The T.R.I. Folder is part of an interconnected database that links to other forms and is accessible from NYPD-issued computers, devices and smartphones.</p> <p>There were no specific changes made to NYPD’s use-of-force policies that addressed this recommendation explicitly. In practice, however, OIG-NYPD has observed that T.R.I. 2.0 appears to be satisfying the spirit of this recommendation.</p> <p>OIG-NYPD will continue to monitor for consistency, and will revise to Implemented as appropriate.</p>
<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><b>Unchanged: Accepted in Principle</b></p> <p>There were no specific changes made to NYPD’s use-of-force policies that addressed this recommendation explicitly. In practice, however, OIG-NYPD has observed that T.R.I. 2.0 appears to be satisfying the spirit of this recommendation.</p> <p>OIG-NYPD will continue to monitor for consistency, and will revise to Implemented as appropriate.</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</p>	<p><b>Changed from Rejected to Partially Implemented</b></p> <p>NYPD changed the form and workflow of the T.R.I. with the creation of a new T.R.I. system, referred to as T.R.I. 2.0. T.R.I.s are now a “T.R.I. Folder” with multiple components—a T.R.I. incident report, multiple T.R.I.</p>

	<p>to meet the deadline, except when certain exceptions apply.</p>	<p>interaction reports (one for each officer and their interactions with each respective subject), and any supplementary documentation/evidence.</p> <p>There were revisions to the definitions of reportable force, with four levels of reportable force. Some, but not all, of these levels entail “end of tour” or other appropriate deadlines imposed on officers, supervisors, and/or force investigators.</p> <p>T.R.I. 2.0 has also facilitated a more in-depth ForceStat. OIG-NYPD has noticed that the ForceStat process has created a multi-layered system of accountability wherein supervisors in each command and precinct are not only accountable for their commands’ compliance in use-of-force reporting, but their own supervisory and audit efforts are also tracked and critiqued by ForceStat. Particular attention was given to “velocity” and the time each T.R.I. interaction report and incident report took to close after opening, with a clear expectation of “end of tour.”</p> <p>However, without explicitly requiring an “end of tour” deadline as a matter of policy, this recommendation can only be considered “Partially Implemented.” Full implementation would require current ForceStat expectations on “velocity” to be codified, and explicit deadlines set for all involved members of service at all four force levels.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<p>7</p>	<p>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.</p>	<p><b>Changed from Under Consideration to Implemented</b></p> <p>NYPD P.G. 208-03 requires desk officers to inquire about force. Furthermore, this patrol guide provision appears to be followed in practice, based on the presentations of precinct supervisors at ForceStat.</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><b>Unchanged: Rejected</b></p> <p>According to NYPD: “The Department considered incorporating OIG’s recommendations for auditing purposes, but determined that it would be too cumbersome to obtain copies of the command logs. Additionally, the arrest stamp is no longer a required item in the patrol guide.” Further, the Department</p>



		<p>captures the data previously contained in the arrest report stamp as part of the TRI 2.0 process.</p> <p>While OIG-NYPD understands the Department’s perspective, cumbersome is not a sufficient reason to rescind a recommendation. Not every Command Log needs to be fully audited monthly. Furthermore, the utility of the arrest stamp is not only capturing data. The mere existence of the Command Log stamp as an audit point allows for both targeted oversight and random integrity checks that would enhance transparency and accountability.</p> <p>OIG-NYPD stands by its recommendation.</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 on the arrest-processing stamp, as required by Patrol Guide Series 221.</p>	<p><b>Unchanged: Rejected</b></p> <p>According to NYPD: “The Department considered incorporating OIG’s recommendations for auditing purposes, but determined that it would be too cumbersome to obtain copies of the command logs. . . The language in P.G. 221-03 that required desk officers to inquire about force used, was eliminated with the recent policy update, as it was duplicative to the language used in P.G. 208-03 requiring desk officers to inquire about force.”</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><b>Changed from Rejected to Accepted in Principle</b></p> <p>NYPD completed and published revisions to its Use of Force Policy in October 2019. Part of these revised policies was a new T.R.I. system referred to as T.R.I. 2.0. T.R.I.s are now a “T.R.I. Folder” with multiple components—a T.R.I. incident report, multiple T.R.I. interaction reports (one for each officer and their interactions with each respective subject), and any supplementary documentation/evidence.</p> <p>T.R.I. 2.0 has also facilitated a more in-depth ForceStat. OIG-NYPD has noticed that the ForceStat process has created a multi-layered system of accountability wherein supervisors in each command and precinct are not only accountable for their commands compliance in use-of-force reporting, but their own supervisory and audit efforts are also tracked and critiqued by ForceStat.</p> <p>There were no specific changes made to NYPD’s use-of-force policies that addressed this recommendation</p>

		<p>explicitly. In practice, however, T.R.I. 2.0 and ForceStat appear to be satisfying the spirit of this recommendation.</p> <p>OIG-NYPD will continue to monitor for consistency, and will revise to Implemented as appropriate.</p>
12	<p>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.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>As part of NYPD’s October 2019 revision to its use-of-force policies and rollout of T.R.I. 2.0, NYPD completely revamped its definition of use of force in Patrol Guide series 221.</p> <p>The new definition of use of force is far clearer, with four concisely defined levels of force that leave far less room for ambiguity.</p>
13	<p>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.</p>	<p><b>Changed from Partially Implemented to Implemented</b></p> <p>NYPD had previously been working to revise the “force used” field on the Arrest Report. As of the publication of this Annual Report, those revisions are now complete.</p> <p>The Arrest Report “force used” field will no longer default to “no” but instead default to blank and require the officer to choose from one of three options: “Force Used By Arresting Officer,” “Force Used by Other Member of Service,” or “No Force Used by Any Member of Service.” This satisfies the recommendation, as Arrest Reports can no longer be submitted without the officer explicitly affirming whether reportable force was used or not by any officer during the encounter.</p>
15	<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><b>Changed from Rejected to Accepted in Principle</b></p> <p>There were no specific changes made to NYPD’s use-of-force policies that addressed this recommendation explicitly. In practice, however, T.R.I. 2.0 and ForceStat appear to have satisfied the spirit of this recommendation.</p> <p>Since the introduction of T.R.I. 2.0, ForceStat uses Medical Treatment of Prisoner forms, now also digitized, as audit points. Supervisors in individual commands are expected to review Medical Treatment of Prisoner</p>

		<p>forms as part of their own precinct or command level oversight.</p> <p>OIG-NYPD will continue to monitor for consistency, and will revise to Implemented as appropriate.</p>
16	<p>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).</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>As part of NYPD’s October 2019 revision to its use-of-force policies and rollout of T.R.I. 2.0, NYPD implemented borough-wide training both before, during, and subsequent to the rollout. OIG-NYPD was invited to attend the rollout, and found the new training programs to be a marked improvement since 2018.</p>
17	<p>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.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>As part of NYPD’s October 2019 revision to its use-of-force policies and rollout of T.R.I. 2.0, NYPD implemented borough-wide training both before, during, and subsequent to the rollout. OIG-NYPD was invited to attend the rollout, and found the new training programs to be a marked improvement since 2018.</p>
18	<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><b>Unchanged: Partially Implemented</b></p> <p>NYPD continues to report that it conducts monthly T.R.I. audits that inform the monthly Force Review Meetings. This satisfies the audit component of OIG-NYPD’s recommendation. NYPD, however, rejects any recommendation that calls for public reporting beyond existing statutory requirements.</p> <p>OIG-NYPD stands by its recommendation. Since including the results of an annual audit in the existing public Use-of-Force reports would greatly improve transparency and public trust in NYPD.</p>
19	<p>NYPD’s Force Review process should include quality-control procedures that seek to improve the accuracy of force reporting not</p>	<p><b>Changed from Rejected to Implemented</b></p> <p>The new 2019 policies also had an effect on the ForceStat process. OIG-NYPD had the opportunity to</p>

	only on T.R.I. forms, but also on arrest reports and other arrest-related documentation.	regularly attend ForceStat reviews subsequent to the rollout of NYPD’s new use-of-force policies in 2019.  ForceStat is vastly improved from 2018. It now includes the additional audit points and lines of critical questioning central to OIG-NYPD’s recommendations and general best practices. This rigorous process helps to ensure not just compliance for its own sake, but continuing improvements in the use of force by NYPD officers.
20	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.	<b>No Longer Applicable</b>  With the introduction of T.R.I. 2.0 and the new use-of-force policies, the Quarterly Reporting mechanism has been discontinued. This has been replaced by the ForceStat process that can now easily aggregate reports for any time period using the T.R.I. Folder system. OIG-NYPD considers this recommendation “No Longer Applicable” because the Department has repealed the underlying policy <i>and</i> replaced it with a superior system that also fulfills the spirit of the original request.
21A	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:  A) All force encounters disaggregated by the reason force was used;	<b>Unchanged: Rejected</b>  NYPD maintains that its “current monthly ForceStat audit supersedes this recommendation.”  However, ForceStat meetings are not open to the public, do not produce public reports, and do not cover all of the information recommended under each subpart of recommendation 21. Therefore, NYPD’s ForceStat meetings do not supersede this recommendation.  OIG-NYPD stands by its recommendations under each subpart of recommendation 21 and urges NYPD to reconsider. More comprehensive public reporting on the use of force would enhance transparency and community trust, without compromising operational security or officer safety.
21B	B) Types of interactions leading to injuries;	<b>Unchanged: Rejected</b>  NYPD maintains that its “current monthly ForceStat audit supersedes this recommendation.”  However, ForceStat meetings are not open to the public, do not produce public reports, and do not cover all of the

		<p>information recommended under each subpart of recommendation 21. Therefore, NYPD’s ForceStat meetings do not supersede this recommendation.</p> <p>OIG-NYPD stands by its recommendations under each subpart of recommendation 21 and urges NYPD to reconsider. More comprehensive public reporting on the use of force would enhance transparency and community trust, without compromising operational security or officer safety.</p>
21C	<p>C) Officer use of force based on job tenure and experience;</p>	<p><b>Unchanged: Rejected</b></p> <p>NYPD maintains that its “current monthly Force Stat audit supersedes this recommendation.”</p> <p>However, ForceStat meetings are not open to the public, do not produce public reports, and do not cover all of the information recommended under each subpart of recommendation 21. Therefore, NYPD’s ForceStat meetings do not supersede this recommendation.</p> <p>OIG-NYPD stands by its recommendations under each subpart of recommendation 21 and urges NYPD to reconsider. More comprehensive public reporting on the use of force would enhance transparency and community trust, without compromising operational security or officer safety.</p>
21D	<p>D) Commands with the highest rates of force;</p> <ul style="list-style-type: none"> <li>• Is the frequency of force consistent with crime and arrest rates in these commands?</li> <li>• Are certain units more or less likely to employ force?</li> </ul>	<p><b>Unchanged: Rejected</b></p> <p>NYPD maintains that its “current monthly Force Stat audit supersedes this recommendation.”</p> <p>However, ForceStat meetings are not open to the public, do not produce public reports, and do not cover all of the information recommended under each subpart of recommendation 21. Therefore, NYPD’s ForceStat meetings do not supersede this recommendation.</p> <p>OIG-NYPD stands by its recommendations under each subpart of recommendation 21 and urges NYPD to reconsider. More comprehensive public reporting on the use of force would enhance transparency and community trust, without compromising operational security or officer safety.</p>
21E	<p>E) Demographic characteristics of members of the public and</p>	<p><b>Unchanged: Rejected</b></p>

<p>officers involved in force incidents;</p> <ul style="list-style-type: none"> <li>• Are there disparities in the types or amount of force used based on age, gender, race, national origin, precinct, or other factors?</li> <li>• What are the reasons for such disparities?</li> </ul>	<p>NYPD maintains that its “current monthly Force Stat audit supersedes this recommendation.”</p> <p>However, ForceStat meetings are not open to the public, do not produce public reports, and do not cover all of the information recommended under each subpart of recommendation 21. Therefore, NYPD’s ForceStat meetings do not supersede this recommendation.</p> <p>OIG-NYPD stands by its recommendations under each subpart of recommendation 21 and urges NYPD to reconsider. More comprehensive public reporting on the use of force would enhance transparency and community trust, without compromising operational security or officer safety.</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, representatives of the New York City Council, and 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. In the years following the introduction of those changes, as stakeholders expressed concerns about the

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*OIG-NYPD found that although NYPD trainings covered the relevant Patrol Guide provisions, not all members of the Department had received this training.*

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nature and extent of the policy adoption, OIG-NYPD assessed NYPD's implementation of the revisions and the agency's handling of LGBTQ-related allegations of officer misconduct.

OIG-NYPD reviewed NYPD's policies related to the issue, analyzed corresponding complaints, observed trainings on LGBTQ and TGNC matters, and interviewed NYPD personnel and community representatives about the

revisions. Among the range of investigative conclusions reached, OIG-NYPD found the NYPD trainings on the subject to encompass all of the relevant Patrol Guide provisions but noted that not all members of the Department had received instruction. Further, it became clear that while NYPD has tracked "profiling" complaints since 2014 and certain offensive language grievances since January 2017, those categories did not fully capture the body of alleged LGBTQ-related violations of the 2012 Patrol Guide revisions or other types of biased conduct.

Those conclusions resulted in the issuance by OIG-NYPD of nine recommendations in its report concerning the delivery of training about the revisions to members of service, formal documentation requirements for those in custody who identified as TGNC, and new approaches to the handling of complaints. In 2019, NYPD made some progress in the implementation of those proposals including evaluating precincts to ensure their use of forms that are compliant with the revisions, the creation of resources to which officers can refer when questions or concerns about the policies arise and a new training memo regarding the 2012 changes. The Department's new informational booklet entitled "Gender Identity and Expression in Our Department and The City We Serve" as well as the factsheet termed "Gender Identity • Expression" represent useful and informative tools that are available to all personnel when needed.

**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. Any recommendations not listed below (#2-4, 7) were implemented prior to this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.



<b>REVIEW OF NYPD'S IMPLEMENTATION OF PATROL GUIDE PROCEDURES CONCERNING TRANSGENDER AND GENDER NONCONFORMING PEOPLE (NOVEMBER 2017 REPORT)</b>	
<b>OIG-NYPD'S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
<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><b>Unchanged: Accepted in Principle</b></p> <p>NYPD states that it accepts the recommendation, but will develop its own strategy to implement. According to NYPD, all recruit classes that have graduated from the Police Academy since July 2012 and beyond have received instruction on the Patrol Guide revisions regarding transgender and gender nonconforming members of the public that were enacted in 2012.</p> <p>The course, however, is not given to all uniformed members as the recommendation sought.</p> <p>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><b>Unchanged: Accepted in Principle</b></p> <p>NYPD noted that it is still reviewing all the forms identified in the Report, so that it can be determined whether the proposed changes are appropriate. The Department attributes the delay in that process to the October 2018 passage of Local Law 954-A, which allows individuals to change the sex designation on birth records to reflect gender identities. Currently, NYPD is consulting with a variety of community groups, including members of its LGBTQ Advisory Panel, about the possible inclusion of an additional field on forms for individuals identifying as gender nonconforming or non-binary. Until consensus is reached about the effects of the local law, NYPD is delaying implementation of the recommendation.</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><b>Unchanged: Accepted in Principle</b></p> <p>According to NYPD, procedures currently require all commands to use the revised versions of the forms and to destroy the older versions. At 13 of the precincts in which OIG-NYPD personnel conducted site visits during the course of their investigative work in early 2017, the forms were in use. According to the Department, it engaged in "remediation" at the 14 precincts, when it discovered the use of an outdated Prisoner Pedigree Card. According to</p>

		<p>NYPD, as the Department moves toward creating electronic versions of all of its forms, document standardization will be achieved and such errors avoided in the future. NYPD should ensure that that the remaining 63 precincts are using updated forms that comply with the 2012 revisions.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<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><b>Unchanged: Rejected</b></p> <p>NYPD asserts that IAB is presently capable of tracking profiling complaints, including allegations based on sexual orientation, gender, and gender identity. NYPD takes the position that no additional changes are warranted, and thus asserts that this recommendation has thus been satisfied.</p> <p>NYPD has not, however, committed to tracking LGBTQ-related allegations implicating biased conduct that fall outside of “profiling,” noting that a category of “LGBTQ-related allegations,” beyond profiling, cannot be effectively implemented.</p> <p>OIG-NYPD stands by its recommendation.</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><b>Unchanged: Accepted in Principle</b></p> <p>NYPD reports that it will comply with the legal obligation to report to OIG-NYPD problems stemming from LGBTQ-related complaints.</p> <p>NYPD IAB, however, has never reported problematic patterns or trends related to LGBTQ-related complaints to OIG-NYPD.</p> <p>OIG-NYPD will continue to monitor this issue.</p>

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

### **July 28, 2017 Report**

Victim cooperation is essential to good police work. Law enforcement agencies rely on victim cooperation to identify suspects, investigate illegal activity, and prosecute criminals. For undocumented people who are victims of crimes, however, fear of deportation can stand in the way of cooperation—a fact their abusers readily exploit. In recognition of this concern, the federal government established the U nonimmigrant status (U visa), a special visa provided to undocumented victims of certain qualifying crimes who provide assistance to law enforcement or government officials in the investigation and prosecution of the crime committed against them. Obtaining this visa requires receiving a certification of cooperation from a local law enforcement agency. On July 28, 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 recently taken commendable steps to improve its U visa program. Those efforts, however, were largely process changes that did not address the substantive issue of how NYPD applied its discretion in reviewing U visa certification requests. The Report identified concerns with how NYPD applied certification criteria, focusing on NYPD's reliance on criminal background checks to deny certification requests, as well as NYPD's practice of referring certification requests to other agencies. OIG-NYPD also recommended that NYPD provide the public with more information on the U visa certification process and denials, and expand U visa training to include specialized units within the Department that frequently encounter immigrant communities.

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. Any recommendations not listed below (#2, 5, 8) were implemented prior to this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.

<b>WHEN UNDOCUMENTED IMMIGRANTS ARE CRIME VICTIMS: AN ASSESSMENT OF NYPD'S HANDLING OF U VISA CERTIFICATION REQUESTS (JULY 2017 REPORT)</b>	
<b>OIG-NYPD'S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
<p>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>	<p><b>Unchanged: Rejected</b></p> <p>NYPD continues to assert that OIG-NYPD's recommendation is unnecessary because the Department's standards for certification are explained in the federal guidelines and in Patrol Guide § 212-111 and Administrative Guide § 308-07, which were revised in December 2018 and are publicly available.</p> <p>OIG-NYPD maintains that concrete, written standards regarding criminal background checks are important in ensuring consistency and transparency in how U visa certification decisions are made.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<p>3 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><b>Changed from Rejected to Partially Implemented</b></p> <p>According to NYPD, Domestic Violence Investigations Unit (DVIU) investigators currently assess whether there was a reasonable basis for the applicant's refusal to cooperate when reviewing the application. Additionally, DVIU has created a new form to document when it reaches out to personnel who investigated the incident.</p> <p>OIG-NYPD maintains that it is equally important to contact the party requesting the U visa certification to get that individual's explanation for the subsequent non-cooperation.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<p>4 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><b>Unchanged: Rejected</b></p> <p>According to NYPD, DVIU has created a new form, which will be included in its internal file that explains in more detail the reasons the applicant was not the victim of a qualifying crime.</p> <p>OIG-NYPD maintains that NYPD should document the rationale behind certification decisions, beyond that of a form letter that only includes check boxes for responses. In doing so, this would create an audit trail that would allow supervisors or other examiners to ensure denials are issued consistently and appropriately.</p> <p>OIG-NYPD will continue to monitor this issue.</p>

<p>6</p>	<p>NYPD should create and publish its complete standards for certification eligibility.</p>	<p><b>Unchanged: Partially Implemented</b></p> <p>NYPD reported in last year’s Annual Report that its standards for certification were explained in the federal guidelines and in P.G. §212-111 and A.G. §308-07, which were revised in December 2018 and are publicly available. According to NYPD, P.G. §212-111 and A.G. §308-07 provide guidance for reviewing U-visa certification requests, including criteria for assessing helpfulness and qualifying criminal acts. However, as noted above, although NYPD stated that criminal background checks were still part of the U-visa certification requests, NYPD’s written policies remain silent on the need to conduct a criminal background check and silent on how to assess whether a particular criminal background check qualifies as an ongoing public safety concern.</p> <p>OIG-NYPD maintains that having instructions and criteria available with respect to conducting and reviewing applicants’ criminal background would facilitate consistency, transparency, and fairness.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<p>7</p>	<p>NYPD’s denial letters should articulate specific reasons for each denial, using the facts of the case to explain the decision.</p>	<p><b>Unchanged: Partially Implemented</b></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, either for lack of helpfulness or for being a non-qualifying crime.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<p>9</p>	<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><b>Changed from Rejected to Accepted in Principle</b></p> <p>NYPD asserts that it will make available in precincts written materials similar to the information on the Department’s website.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<p>10</p>	<p>NYPD should develop informational training on U visas for specialized NYPD units that frequently encounter immigrant communities.</p>	<p><b>Changed from Rejected to Accepted in Principle</b></p> <p>The Domestic Violence Investigations Unit will provide briefings on the U-visa application process to a variety of personnel. These briefings will be provided to domestic violence personnel, community affairs officers, newly promoted sergeants and lieutenants, and current sergeants.</p>

**ADDRESSING INEFFICIENCIES IN NYPD’S HANDLING OF COMPLAINTS: AN INVESTIGATION OF THE “OUTSIDE GUIDELINES” COMPLAINT PROCESS**

**February 7, 2017 Report**

NYPD’s Internal Affairs Bureau receives complaints from members of the public as well as from within the Department and investigates allegations of corruption and other serious misconduct committed by police officers and other NYPD staff. By contrast, “Outside Guidelines” (OG) complaints, which account for 50% of the thousands of complaints registered by IAB each year, are less severe allegations that fall outside the NYPD’s Patrol Guide rules. These OG complaints involve issues like contested summonses, disputed arrests, and the alleged failure of officers to provide their name and badge number when requested.

On February 7, 2017, OIG-NYPD released a review of 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). The investigation found inefficiencies and inconsistencies in the process, including outdated technology that is incompatible with other NYPD systems, and which slows the process for completing investigations.

The Report made six recommendations to strengthen NYPD’s investigation and processing of OG cases. An assessment of NYPD’s continued progress on the status of the remaining four recommendations follows.

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

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

<b>ADDRESSING INEFFICIENCIES IN NYPD'S HANDLING OF COMPLAINTS: AN INVESTIGATION OF "OUTSIDE GUIDELINES" COMPLAINT PROCESS (FEBRUARY 2017 REPORT)</b>	
<b>OIG-NYPD’S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
<p>2    NYPD should establish a uniform timeframe for completing OG investigations and a uniform system of tracking due dates.</p>	<p><b>Changed from Partially Implemented to Implemented</b></p> <p>NYPD has established a timeframe of 90 days to complete OG investigations by requiring investigators to make an entry explaining the reason why a case remains open beyond this period. If investigators fail to indicate a reason, an alert is sent to the supervisor requiring the investigator to ensure that there is a legitimate reason to keep the case open.</p> <p>Additionally, the Internal Case Management and Tracking system (ICMT) has been updated to add alerts,</p>

		which are sent to the investigator’s supervisor every 30 days if no entry is made.
3	If an OG investigation has not been completed within 90 days, the assigned supervising investigator should be required to request an extension from the OCD IRS in writing, stating the reason for this request.	<p><b>Changed from Rejected to Accepted in Principle</b></p> <p>According to NYPD, the assigned investigator is reminded every 30 days via the ICMT system that an entry is required. If a case extends past the 90 day period, the assigned investigator is required to make an entry explaining the reason why the case remains open. If the investigator fails to indicate the reason for the case extending beyond 90 days, an alert is sent to the investigator's supervisor who is then required to ensure the investigation is still open for a legitimate reason.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
5	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><b>Unchanged: Partially Implemented</b></p> <p>NYPD stated it has updated their website to include information that instructs complainants to contact IAB in order to inquire about the status of their complaint. While NYPD has updated the Internal Affairs page of its website, instructing individuals where they can obtain information about their complaints, this is not a web-based procedure for communicating to complainants the status and results of complaints. In addition, it was difficult to locate the updated information on the Department’s website.</p>
6	NYPD should publish quarterly reports on OG complaints.	<p><b>Unchanged: Under Consideration</b></p> <p>Despite some limitations with the ICMT system as reported by NYPD, the Department is considering releasing relevant information, including the number of OG cases received, investigated, and closed on an annual basis.</p> <p>OIG-NYPD will continue to monitor NYPD’s progress on the issue.</p>



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

### **January 19, 2017 Report**

In 2015, NYPD began to implement a Crisis Intervention Team (CIT) program. CIT is an innovative approach to managing individuals in mental health crisis. The CIT model’s primary goals are: 1) to improve officer and public safety by reducing the likelihood of the use of force against people in distress; and 2) to diminish unnecessary arrests and incarcerations by increasing opportunities to divert individuals requiring support to a range of public services. In January 2017, OIG-NYPD issued a report on its investigation, which evaluated the effectiveness of CIT program implementation by the Department.

The investigation revealed that while the Department had successfully enacted most of the training aspects of CIT, it had not implemented the program as a whole. Most notably, NYPD’s dispatch system could not direct individuals trained in the CIT approach to all crisis incidents. The assignment of officers to assist individuals in distress remained

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*Although certain officers had specialized Crisis Intervention Team training, NYPD’s dispatch system could not direct such officers to mental crisis incidents.*

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random, undermining the intention of the training to ensure universal access to first responders with CIT awareness.

Additionally, OIG-NYPD identified deficiencies in how NYPD managed its CIT efforts, weaknesses in data collection regarding crisis incidents, and gaps in the Department’s Patrol Guide regarding how officers should approach the mentally vulnerable. Based on those findings, OIG-NYPD made 13 recommendations.

In the three years since the Report’s publication, NYPD has accepted in principle or implemented a significant number of those proposals. By November 2019, 15,518 uniformed members had been trained in the CIT approach and an expansive new “Student Resource Guide” was made electronically available to all officers on the Department’s internal network.

**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. Any recommendations not listed below (#1, 4–7, 9–12) were implemented prior to this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.

<b>PUTTING TRAINING INTO PRACTICE: A REVIEW OF NYPD'S APPROACH TO HANDLING INTERACTIONS WITH PEOPLE IN MENTAL CRISIS (JANUARY 2017 REPORT)</b>	
<b>OIG-NYPD'S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
<p>2</p> <p>NYPD should adjust its dispatch procedures to ensure that officers with CIT training are directed to crisis incidents.</p>	<p><b>Unchanged: Partially Implemented</b></p> <p>NYPD has not been able to automate the assignment of CIT-trained officers to calls involving individuals in mental health crisis, due to the functional restrictions of its Intergraph Computer Aided Dispatch (ICAD) system. Instead, the Department has prioritized training uniformed members who are on patrol and likely to respond to those experiencing such situations. As of November 2019, over 15,000 officers had received such instruction, with that number projected to rise to 16,000 by the end of 2021.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<p>3</p> <p>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><b>Unchanged: Partially Implemented</b></p> <p>On October 22, 2019, the Crisis Prevention and Response Task Force established by the mayoral administration earlier in the year recommended that NYPD create a new Behavioral Health Unit to be managed by an NYPD executive. That suggestion mirrors OIG-NYPD's recommendation. NYPD intends to implement that policy recommendation.</p> <p>A second important Task Force proposal is for the Department to consult with the Center for Urban Community Services (CUCS), a nonprofit entity that works to connect vulnerable populations in NYC, including the homeless, with support services.</p> <p>OIG-NYPD will continue to monitor the issue.</p>
<p>8</p> <p>NYPD should analyze data regarding mental crisis incidents.</p>	<p><b>Unchanged: Accepted in Principle</b></p> <p>The Department states that it engages in the review and analysis of data related to officer encounters with those in mental or emotional distress, using such metrics as 911 call data, dispositions, and incident reports. The AIDED card, which is completed each time that a member of the public receives medical assistance during a call for service, was revised to allow for the collection of more data regarding police encounters with those in emotional crisis. Similarly, the Medical Treatment of Prisoner form allows officers to indicate the types of</p>

		<p>assistance received by those in custody, whether medical or psychological.</p> <p>The Department is engaged in an assessment of the extent to which officers trained in CIT apply those skills, such as de-escalation, in their work. According to NYPD, results gleaned from that and other analyses will be used to improve training and policies related to interactions between officers and those in distress.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
13	<p>NYPD should provide a manual or reference guide to officers who undergo CIT training.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>In August 2019, NYPD approved and began disseminating the “Student Resource Guide-Crisis Intervention Team Training,” which satisfies the recommendation.</p>

## **AN INVESTIGATION OF NYPD'S COMPLIANCE WITH RULES GOVERNING INVESTIGATIONS OF POLITICAL ACTIVITY**

**August 23, 2016**

On August 23, 2016, OIG-NYPD released a comprehensive Report on NYPD's compliance with court-mandated rules governing the investigation of political activity. These rules, also known as the *Handschu* Guidelines, were established pursuant to a 1971 federal lawsuit and are codified in NYPD Patrol Guide § 212-72. Under the Guidelines, NYPD must, among other things, document the basis for an investigation, secure specific approvals from senior NYPD officials, and adhere to strict deadlines.

OIG-NYPD investigators reviewed a random sample of highly confidential NYPD Intelligence Bureau cases that were never before available to non-police entities. Among other things, OIG-NYPD assessed whether NYPD's Intelligence Bureau satisfied the established standard for opening investigations, met deadlines for extending investigations, and obtained necessary approvals for the use of confidential informants and undercover officers. OIG-NYPD found that while documents authorizing the *opening* of investigations did articulate facts sufficient to meet the guidelines' thresholds, documents seeking to *extend* investigations or include undercover officers or confidential informants in investigations usually did not have the required information. Further, more than half the time, investigations continued after the expiration of the approved time frame. Lastly, NYPD fell short of basic principles of record-keeping and compliance, which require more robust, consistent, and auditable systems for monitoring investigations and tracking deadlines.

In 2016, litigants presented the court monitoring the *Handschu* Guidelines with proposed changes. The court rejected the proposal, citing OIG-NYPD's findings regarding NYPD's non-compliance with the Guidelines and noting that stronger controls were required.<sup>9</sup> The court approved a revised proposal on March 13, 2017. A central element of resulting changes to the Guidelines was the installation of a Civilian Representative on NYPD's "*Handschu* Committee." The Civilian Representative, who released his second Annual Report in July 2019, is empowered to report violations of the *Handschu* Guidelines to the applicable federal court. Similar to OIG-NYPD's Report, the Civilian Representative's reports include advising the court whether NYPD's investigations comply with rules regarding commencing and extending investigations.

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

NYPD has implemented six of the 11 recommendations issued in this Report. Any recommendations not listed below (#1-3, 5, 8, 9) were implemented prior to this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.

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<sup>9</sup> *Handschu v. Police Dep't of N.Y.*, 219 F. Supp. 3d 388 at 403, 408-410 (S.D.N.Y. 2016).

<b>AN INVESTIGATION OF NYPD’S COMPLIANCE WITH RULES GOVERNING INVESTIGATIONS OF POLITICAL ACTIVITY (AUGUST 2016 REPORT)</b>	
<b>OIG-NYPD’S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
<p>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>	<p><b>Unchanged: Rejected</b></p> <p>NYPD reports that this recommendation is “fully implemented,” but OIG-NYPD disagrees.</p> <p>NYPD reported no changes since last year’s Annual Report. 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 maintains that no additional changes are warranted.</p> <p>Since NYPD has still made no changes since last year, this recommendation will remain “Rejected.”</p>
<p>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>	<p><b>Unchanged: Rejected</b></p> <p>This recommendation remains rejected as NYPD states that it has made no changes since last year’s Annual Report.</p>
<p>7 NYPD should specify, when extending use of an undercover or confidential informant, the reason for the extension.</p>	<p><b>Unchanged: Accepted in Principle</b></p> <p>This recommendation remains accepted in principle as NYPD has made no changes since last year’s Annual Report.</p> <p>As was stated in last year’s Annual Report:</p> <p style="padding-left: 40px;">NYPD reports that as of April 2017, the Intelligence Bureau has been using revised requests for human source authorization that now include greater description of the role of undercover operations in an investigation.</p> <p>OIG-NYPD reviewed NYPD’s updated Human Source Authorization forms. Although the documents contain more information, the section on the role of the human source includes a handful of very broad, generic categories that do 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>OIG-NYPD maintains these forms should be further revised to clearly specify the anticipated investigative role of the undercover officer or confidential informant in the investigation.</p> <p>OIG-NYPD will continue to monitor NYPD’s progress on this issue.</p>
<p>10</p>	<p>NYPD should consolidate its policies and procedures for investigations involving political activity into a unified handbook.</p>	<p><b>Unchanged: Accepted in Principle</b></p> <p>According to NYPD, “the Intelligence Bureau has finalized the policy guide.”</p> <p>However, the Department did not provide a copy of the finalized policy guide nor a timely response to OIG-NYPD’s request for an update. As a result, the status of the recommendation remains the same as last year.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
<p>11</p>	<p>NYPD should develop written guidelines concerning informational standards for Preliminary Inquiries, Full Investigations, and Terrorism Enterprise Investigations.</p>	<p><b>Unchanged: Rejected</b></p> <p>NYPD reported no change since last year, and reiterated its rejection of this recommendation.</p> <p>OIG-NYPD stands by its recommendation.</p>

## **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 what, if any, data-driven evidence linked quality-of-life criminal summonses (also known as “C-summonses”) and misdemeanor arrests to reductions in felony crimes. The study found that quality-of-life (QOL) summons activity across the City between 2010 and 2015 dramatically declined with no increase in the felony crime categories. It was also observed that such enforcement was not evenly distributed across the City. In 2015, QOL enforcement patterns were concentrated in precincts with high proportions of Black and Hispanic residents, New York City Housing Authority residents, and males aged 15–20. Conversely, precincts with higher proportions of White residents had lower rates of such policing.

OIG-NYPD made several recommendations to NYPD, including that the Department pursue a data-driven approach to evaluating its quality-of-life enforcement tactics and policies. In the four years since the report was published, NYPD has made a number of data sets available on New York City’s Open Data Portal that are responsive to some aspects of the recommendations. In the meantime, rates of quality-of-life enforcement activities have continued to diminish amid a period of historic lows in felony crime occurrences. The Department has attributed those changes to policy improvements that recognize the disparities that existed historically as well as success born of the neighborhood policing model that it has introduced in all boroughs.

Further, NYPD notes that there have been shifts in practice, such as the issuance of civil summonses for specific types of low-level offenses rather than criminal penalties, following passage of the Criminal Justice Reform Act (CJRA) in 2017. According to NYPD, such shifts have reduced QOL enforcement activities, thereby obviating the need to perform the impact analyses proposed by OIG-NYPD. While OIG-NYPD acknowledges that improvements have occurred, the disparate effects of enforcement action remain a concern for some communities and populations. The need to quantify and further reduce such effects underscores the value of NYPD conducting the analysis recommended by OIG-NYPD.

**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 issued in this report. Any recommendations not listed below (#4-7) were implemented prior to this Annual Report, and are listed 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)**

<b>OIG-NYPD'S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
<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 reduction tactics and specific felony crimes.</p>	<p><b>Unchanged: Rejected</b></p> <p>NYPD asserts that the completion of further comprehensive analyses to assess the effectiveness of quality-of-life enforcement tactics, particularly the assignment of summonses and misdemeanor arrests for the specific categories examined by OIG-NYPD in its 2016 investigation, in reducing the occurrence of serious felony crimes would provide little analytical perspective that could be applied to its strategic course going forward. The Department maintains that it has already extensively considered the data surrounding that relationship and has established policies with alternative foci, specifically neighborhood policing, that will define the agency for the near future.</p> <p>OIG-NYPD, in turn, affirms the relevance of the recommendation. While reductions in the use of quality-of-life policing by officers have been observed, the concerns that the approach produced including disproportionate impacts on many residents of New York remain unresolved. Until disorder reduction is found not to adversely affect people, assessments of its effectiveness are required. Further, at no point has the NYPD provided evidence of the statistical and other evaluations that it has performed internally to address the recommendation.</p> <p>OIG-NYPD will continue to monitor the issue.</p>
<p>2 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><b>Unchanged: Rejected</b></p> <p>NYPD has still not conducted a disproportionality analysis of the data that it maintains with regard to quality-of-life policing.</p> <p>OIG-NYPD will continue to monitor this issue.</p>

<p>3</p>	<p>NYPD should expand consideration regarding quality-of-life enforcement beyond short-term real-time conditions.</p>	<p><b>Unchanged: Rejected</b></p> <p>NYPD maintains its rejection of this recommendation, arguing that policing involves a focus on short-term time frames and outcomes, and the cumulative success of short-term responses usually improves longer-term prospects. NYPD asserts the longer-term statistical analysis recommended by OIG-NYPD would be less likely to identify potential cause-and-effect relationships than the ongoing short-term analyses conducted by NYPD.</p> <p>OIG-NYPD maintains NYPD should analyze longer-term statistical trends.</p>
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**POLICE USE OF FORCE IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS ON NYPD’S POLICIES AND PRACTICES**

**October 1, 2015 Report**

Use of force is a defining issue in modern policing. Police officers, by the very nature of their duties, are entrusted, empowered, and at times obligated by local governments to use force against members of the public when appropriate. To assess NYPD’s own approach to the use of force by officers, OIG-NYPD commenced 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.

*NYPD frequently failed to impose discipline even when provided with evidence of excessive force.*

OIG-NYPD found that NYPD’s use-of-force policy was vague and imprecise, providing little guidance to individual officers on what actions constitute force and providing insufficient instruction on de-escalation. OIG-NYPD likewise found that NYPD’s procedures for documenting and reporting force

incidents were fragmented across numerous forms, leaving NYPD unable to accurately and comprehensively capture data on how frequently officers use force. Additionally, NYPD’s training programs did not adequately focus on de-escalation. Lastly, OIG-NYPD 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 10 of the 15 recommendations issued in this Report. Any recommendations not listed below (#1-3, 5, 6, 9, 10, 14) were implemented prior to this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.

<b>POLICE USE OF FORCE IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS ON NYPD’S POLICIES AND PRACTICES (OCTOBER 2015 REPORT)</b>	
<b>OIG-NYPD’S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
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,	<b>Unchanged: Partially Implemented</b>  NYPD has completed the revisions to the UOF reporting policy. All officers involved in the incident must complete a TRI Interaction report describing their role in the encounter. The Department has included a narrative section that allows supervisors to document the details of their investigation. Although witnesses are not required to complete a form, supervisors account for any witnesses when completing their investigation.

	and the level and type of force used.	NYPD has declined to require witness officers to complete T.R.I. Interaction Reports as part of the new T.R.I. 2.0 process. Therefore, this recommendation remains Partially Implemented.
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.	<p><b>Changed from Partially Implemented to Implemented</b></p> <p>According to NYPD, the Department has introduced a new in-service training for the 2019–2020 cycle: “Critical Incident Tactics and Developing Effective Leadership Skills” (“CITADELS”). This in-service training is mandatory for all uniformed members below the rank of Captain. Scenario-based training is an “integral part” of this new training module.</p> <p>As described by NYPD, the CITADELS training module directly addresses the aim and purpose of this recommendation. Combined with NYPD’s prior efforts, this recommendation can now be considered implemented.</p>
8	NYPD should incorporate a formal evaluation system for all scenario-based trainings concerning the use of force.	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>NYPD states that the Recruit Training Section's Scenario-Based Training Unit used, for the first time, a formal “Recruit Assessment Form” during the April 2019 class. Although recruits were assessed after the completion of the scenario, the implementation of this new assessment process was time-consuming though feasible, given the smaller April class size. According to NYPD, when the Academy has unusually large recruit classes, the assessment may not be feasible after each scenario. NYPD indicates, however, that it will make every effort to conduct assessments.</p> <p>Given the practical considerations at issue, OIG-NYPD considers this recommendation implemented.</p>
11	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><b>Unchanged: Accepted in Principle</b></p> <p>NYPD states that it has created “the Use of Force Working Group to broaden the executive oversight of Use of Force and to identify and report Use of Force trends and applications that can be corrected, adjusted, or accentuated through Department training. In addition, the Department has included Use of Force as</p>

		<p>an early intervention indicator [and] has the ability to retrain officers in de-escalation as necessary.”</p> <p>Without any further developments, the recommendation status remains unchanged.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
12	<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><b>Changed from Rejected to Under Consideration</b></p> <p>As NYPD is actively considering a draft disciplinary matrix proposal that includes at least some form of distinct penalties, OIG-NYPD now considers this recommendation “under consideration.” However, more remains to be done.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
13	<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. 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><b>Unchanged: Under Consideration</b></p> <p>NYPD provided no update.</p> <p>Without any update, the status of the recommendation remains unchanged.</p> <p>OIG-NYPD will continue to monitor this issue.</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><b>Unchanged: Partially Implemented</b></p> <p>NYPD provided no update and stated that this recommendation remains unchanged from last year’s Annual Report. The previous update stated:</p> <p>NYPD states that the inclusion of an officer’s monitoring history is not necessary for disciplinary recommendations since it is an intervention measure outside of and after the formal disciplinary process. NYPD states that it does, however, share an officer’s underlying discipline with CCRB.</p> <p>An officer is placed on force monitoring (“performance monitoring”) when certain criteria are met. These criteria include, but are not limited to, CCRB complaints against the officer, civil lawsuits naming the officer, performance evaluations, etc. If NYPD does not want to share with CCRB the fact that an officer is placed on force monitoring, OIG-NYPD will regard this recommendation as implemented if NYPD shares with CCRB information regarding the underlying criteria that resulted in the officer being placed on force monitoring.</p> <p>Currently, NYPD does share some disciplinary history with CCRB, but does not share other force monitoring criteria, such as lawsuits, below-standards performance evaluations, and other information.</p>
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## **BODY-WORN CAMERAS IN NYC: AN ASSESSMENT OF NYPD'S PILOT PROGRAM AND RECOMMENDATIONS TO PROMOTE ACCOUNTABILITY**

### **July 30, 2015 Report**

In September 2014, NYPD announced the launch of a small-scale pilot program to test the use of body-worn cameras (BWCs) by 54 police officers. To ensure that the Department had appropriate policies and practices before introducing BWC use throughout NYPD, OIG-NYPD conducted a comprehensive review of the pilot effort. From interviews with officers who were using the equipment at the time, OIG-NYPD found disparate and inconsistent practices concerning camera activation despite Department policies. In its July 2015 report on the program, OIG-NYPD made 23 recommendations for the improved use of the technology; NYPD implemented many of them.

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*As of March 2019, all police officers, sergeants and lieutenants in each of NYPD's precincts, transit districts, and housing police service areas had been outfitted with body worn cameras.*

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NYPD has since rolled out body-worn cameras to the nearly 21,000 officers assigned to patrol commands. As of March 2019, all police officers, sergeants and lieutenants in each of NYPD's precincts, transit districts, and housing police service areas had been outfitted with BWCs.

Specialized units, such as the Strategic Response Group (SRG),

which are deployed to offer additional support to patrol officers responding to situations across the City, were also assigned camera use.

An assessment of NYPD's progress on OIG-NYPD's remaining recommendations follows. Of particular note, NYPD maintains its objection to the recommendation that officers named as subjects or witnesses in misconduct investigations not be permitted to view their BWC footage until after submitting formal statements. Since the publication of OIG-NYPD's 2015 report, other police departments not previously surveyed by OIG-NYPD, including Atlanta, Baltimore, and San Francisco, have implemented policies that limit subject or witness officers' ability to review BWC footage prior to giving statements. Circumstances in which these departments restrict officer viewing vary, but may include when officers are involved in certain uses of force. As stated in the 2015 Report, OIG-NYPD believes that NYPD should restrict pre-report viewing of BWC footage by its officers out of concern that it can impact investigative integrity, thereby diminishing trust in the police.

**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. Any recommendations not listed below (#1.1-2.1, 3.1, 3.3, 3.4, 4.1, 4.3, 5.1, 5.2, 5.3, 6.2, 7.1, 8.1, 8.2, 9.1) were implemented prior to this Annual Report, and are listed in Appendix A. The statuses of the outstanding recommendations are as follows.



<b>BODY-WORN CAMERAS IN NEW YORK CITY: AN ASSESSMENT OF NYPD’S PILOT PROGRAM AND RECOMMENDATIONS TO PROMOTE ACCOUNTABILITY (JULY 2015 REPORT)</b>	
<b>OIG-NYPD’S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
<p>2.2 NYPD should redefine the safety exception for notifications.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>While NYPD has not amended its policy specifically as recommended, the Department’s new policy aligns with the purpose of OIG-NYPD’s recommendation. Uniformed members are instructed to notify members of the public that an interaction is being recorded as soon as reasonably practical.</p> <p>According to NYPD, the safety exception is also covered in detail in the training provided to officers and includes BWC video to demonstrate the guidance. NYPD states that variations in fact patterns cannot be effectively spelled out in policy guidance and are best addressed in a training environment. OIG-NYPD believes that this approach adequately satisfies the purpose of the recommendation.</p>
<p>3.2 NYPD should address discipline when the BWC program is more established and formalized.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>Discipline is an active facet of the Department’s use of the BWC technology. On a monthly basis, the Body Worn Camera Unit within NYPD’s Risk Management Bureau (RMB) compiles a report that identifies any UMOS who fail to activate their cameras while on duty, in violation of agency policies. Those in command positions consider the findings from those reports when making decisions about the penalties that are assigned to officers.</p> <p>In 2019, 81 UMOS received Command Discipline actions for activation failures, while others were assigned to further training instruction on BWC applications or had negative comments added to their records.</p> <p>Although the Department is considering adding the failure to activate BWCs to its disciplinary matrix, the practices that have been established to ensure conformance to proper procedure indicate that this recommendation has been implemented.</p>

<p>4.2</p>	<p>NYPD should integrate BWC footage review into NYPD's field training program.</p>	<p><b>Unchanged: Accepted in Principle</b></p> <p>In the response provided by NYPD last year regarding this recommendation, it was asserted that field training officers (FTOs) are encouraged, by the Department, to view body camera footage with those that they instruct. Formalization of a requirement for such viewing was to be considered as the use of the technology by officers continued to grow.</p> <p>In 2019, NYPD has shifted slightly on its position regarding the issue. It is expected that the Field Training Officer (FTO) course will include such recordings when it is next presented to officers, although no specific date has been set for the presentation of that content. Further, no training materials were provided to OIG-NYPD for review when examples of footage use instructionally were requested.</p> <p>OIG-NYPD will continue to monitor this issue.</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><b>Unchanged: Rejected</b></p> <p>NYPD states that, pursuant to Department policy, BWC footage that is subject to an investigation is locked down and only the involved IAB and Force Investigations Division investigators have access to the video. Any officer that is 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 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' right to view BWC footage.</p>	<p><b>Unchanged: Accepted in Principle</b></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 a BWC video. NYPD's response, however, does not address viewing "rights" for the public in officer misconduct investigations conducted by IAB.</p> <p>Separately, NYPD reports that when BWC videos are provided to CCRB, the decisions to share such videos with complainants lie with that agency. NYPD also receives FOIL requests from members of the public for BWC footage and provides responsive videos according 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 lawsuits against NYPD, 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 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 task force with the Law Department and the Comptroller’s Office to coordinate the collection and exchange of litigation data. Finally, OIG-NYPD recommended NYPD provide the public with details about NYPD’s Early Intervention System and its litigation data analysis team, and solicit public comment on these systems.

Two years after the publication of OIG-NYPD’s Report, the New York City Council passed Local Law No. 166. That law requires OIG-NYPD to collect, evaluate, and report on information concerning improper police conduct through the analysis of claims and lawsuits filed against NYPD. OIG-NYPD released its first Report pursuant to Local Law No. 166 in April 2018 and its second report in 2019.

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

NYPD has implemented three of the five recommendations issued in this Report. Any recommendation not listed below (#2) was implemented prior to this Annual Report, and is listed in Appendix A. The statuses of the outstanding recommendations are as follows.

<b>USING DATA FROM LAWSUITS AND LEGAL CLAIMS INVOLVING NYPD TO IMPROVE POLICING (APRIL 2015 REPORT)</b>	
<b>OIG-NYPD’S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
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.	<p><b>Changed from Partially Implemented to Implemented</b></p> <p>According to NYPD, Police Litigation Section (PALS) personnel, comprised of attorneys and investigators, continue to review police action claims daily and track the nature of claims/core allegations on spreadsheets. PALS’ spreadsheets track the details about the nature of the claim, date and location of occurrence, and information about the subject officer. Attorneys review these data along with evidence and other litigation information to further PALS’ analysis of patterns and trends. NYPD also states that a staff analyst within the unit generates ongoing trend reports upon request. PALS is now tracking more data contained within legal claims and lawsuits than it has in the past.</p>

		<p>According to NYPD, additionally a preliminary trend analysis is now conducted on all data contained in the PALS spreadsheets. On occasion, a more in-depth study or analysis is performed on potential patterns or trends to determine whether risk mitigation is warranted.</p>
1.2	<p>NYPD should perform a qualitative review of the most relevant data contained within legal claims and lawsuits against NYPD.</p> <p>Specifically: Information about the subject police officer(s).</p>	<p><b>Changed from Partially Implemented to Implemented</b></p> <p>NYPD reports that PALS reviews a wide variety of data points and/or performance metrics in its analysis of litigation information, including information about subject police officers. PALS' spreadsheets now track the subject officer's name, rank, and command. Currently, the Department maintains these spreadsheets based on data collected from the Comptroller and the Law Department. The Department's Civil Lawsuit Monitoring Unit uses litigation data to identify and address problems related to at risk officers. PALS has begun using a version of RAILS which will enhance the Department's ability to conduct qualitative reviews of data pertaining to subject officers.</p>
1.3	<p>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><b>Unchanged: Partially Implemented</b></p> <p>NYPD continues to report that PALS reviews the locations of alleged incidents in its analysis of claims/core allegations using data shared by the Comptroller. Similar to last year's report, NYPD continues to decline to collect and analyze information on plaintiff addresses, arguing that it is not valuable and could instead open the Department up to lawsuits.</p> <p>OIG-NYPD will continue to monitor NYPD's progress on this issue.</p>
3	<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><b>Changed from Under Consideration to Partially Implemented</b></p> <p>While the Department has shared details on its plans on its early intervention system and within that plan, details on RAILS and its early intervention capabilities, it only did so when it was required via court filings and various responses to the OIG-NYPD reports. Additionally, the Comptroller Report from April 2019 detailed PALS as well as its successful collaboration with the Comptroller. Furthermore, although the Department received suggestions from the <i>Floyds</i> plaintiffs prior to</p>

		<p>submitting its plan to the Federal Monitor, it did not solicit feedback from others in the public.</p> <p>OIG-NYPD will continue to monitor NYPD's progress on this issue.</p>
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**OBSERVATIONS ON ACCOUNTABILITY AND TRANSPARENCY IN TEN NYPD  
CHOKEHOLD CASES**

**January 12, 2015 Report**

In its first published Report, issued on January 12, 2015, OIG-NYPD assessed 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 the corresponding Department Advocate’s Office records. OIG-NYPD found that in nine of the 10 cases reviewed, CCRB recommended Administrative Charges, the highest level of discipline, but NYPD departed from CCRB’s recommendation every time and recommended lesser penalties or no discipline.

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*NYPD departed from CCRB’s recommendation every time and recommended lesser penalties or no discipline.*

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OIG-NYPD’s Report made four recommendations, including that the Department increase coordination and collaboration between NYPD and CCRB to refine the disciplinary system for improper uses of force, provide transparency with respect to the Police Commissioner’s disciplinary decisions, expand the NYPD

Internal Affairs Bureau’s access to newly-filed complaints and substantive information from use-of-force case filed with CCRB, and improve information sharing and case tracking for cases that are outsourced to the borough and precinct investigations via the Office of the Chief of the Department.

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

NYPD has now implemented all four recommendations issued in this Report. Any recommendations not listed below (#2, 3, 4) were implemented prior to this Annual Report, and are listed in Appendix A.

<b>OBSERVATIONS ON ACCOUNTABILITY AND TRANSPARENCY IN TEN NYPD CHOKEHOLD CASES (JANUARY 2015 REPORT)</b>	
<b>OIG-NYPD’S RECOMMENDATION</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
1 NYPD should increase coordination and collaboration with CCRB to refine the disciplinary system for improper use of force.	<b>Changed from Partially Implemented to Implemented</b>  NYPD has increased communication with CCRB in this area. Pursuant to that objective, the Department Advocate’s Office holds weekly conference calls as well as frequent unscheduled calls with CCRB on matters that require attention.



		In addition, the Department states that is developing a disciplinary matrix and is working on coordinating the matrix to align with CCRB's disciplinary matrix.
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**IV. APPENDIX A: RECOMMENDATIONS IMPLEMENTED PRIOR TO 2020**

The following recommendations were IMPLEMENTED by NYPD prior to the April 2020 Annual Report. As a result, no further update is required.

<b>OBSERVATIONS ON ACCOUNTABILITY AND TRANSPARENCY IN TEN NYPD CHOKEHOLD CASES (JANUARY 2015 REPORT)</b>	
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.
<b>USING DATA FROM LAWSUITS AND LEGAL CLAIMS INVOLVING NYPD TO IMPROVE POLICING (APRIL 2015 REPORT)</b>	
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.
<b>BODY-WORN CAMERAS IN NYC: AN ASSESSMENT OF NYPD'S PILOT PROGRAM AND RECOMMENDATIONS TO PROMOTE ACCOUNTABILITY (JULY 2015 REPORT)</b>	
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.
3.1	NYPD should require supervisors to review footage related to documented incidents.
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.

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.
<b>POLICE USE OF FORCE IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS ON NYPD'S POLICIES AND PRACTICES (OCTOBER 2015 REPORT)</b>	
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 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.
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.
<b>AN ANALYSIS OF QUALITY-OF-LIFE SUMMONSES, QUALITY-OF-LIFE MISDEMEANOR ARRESTS, AND FELONY CRIME IN NEW YORK CITY, 2010-2015 (JUNE 2016 REPORT)</b>	
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).
<b>AN INVESTIGATION OF NYPD'S COMPLIANCE WITH RULES GOVERNING INVESTIGATIONS OF POLITICAL ACTIVITY (AUGUST 2016 REPORT)</b>	
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.
<b>PUTTING TRAINING INTO PRACTICE: A REVIEW OF NYPD'S APPROACH TO HANDLING INTERACTIONS WITH PEOPLE IN MENTAL CRISIS (JANUARY 2017 REPORT)</b>	
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.
<b>ADDRESSING INEFFICIENCIES IN NYPD'S HANDLING OF COMPLAINTS: AN INVESTIGATION OF "OUTSIDE GUIDELINES" COMPLAINT PROCESS (FEBRUARY 2017 REPORT)</b>	
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).
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.
<b>WHEN UNDOCUMENTED IMMIGRANTS ARE CRIME VICTIMS: AN ASSESSMENT OF NYPD'S HANDLING OF U VISA CERTIFICATION REQUESTS (JULY 2017 REPORT)</b>	
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.

<b>REVIEW OF NYPD'S IMPLEMENTATION OF PATROL GUIDE PROCEDURES CONCERNING TRANSGENDER AND GENDER NONCONFORMING PEOPLE (NOVEMBER 2017 REPORT)</b>	
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.
<b>AN INVESTIGATION OF NYPD'S NEW FORCE REPORTING SYSTEM (FEBRUARY 2018 REPORT)</b>	
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.
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.
<b>AN INVESTIGATION OF NYPD'S SPECIAL VICTIMS DIVISION—ADULT SEX CRIMES (MARCH 2018 REPORT)</b>	
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.