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**THIRD ANNUAL REPORT**  
**OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD (OIG-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 third 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). This Report, covering the work of OIG-NYPD's second full calendar year, highlights the investigations completed in 2016 and assesses the extent to which the New York City Police Department (NYPD) has implemented OIG-NYPD's recommendations. Additionally, it provides updates on the status of NYPD's actions or responses with regard to all recommendations issued in 2015.

DOI's Office of the Inspector General for the NYPD is charged with external, independent oversight of NYPD. As amended by Local Law 70 of 2013, the New York City Charter 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>1</sup> DOI's OIG-NYPD has issued eight investigative reports since its inception in 2014.<sup>2</sup> The NYPD Commissioner is required by Local Law 70 to submit a public written response to each published report within 90 days.

OIG-NYPD's reports released in 2016 were the culmination of two long-term, detailed, and intensive investigations into whether certain aspects of NYPD's quality-of-life enforcement activity had a statistical relationship with felony crime rates, and the extent to which NYPD's Intelligence Bureau followed required steps for investigations into political activity. Summaries of the following investigations, along with their associated recommendations and an assessment of NYPD's responses to those recommendations, are discussed in this Report:

- ***An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015 (June 2016)***
- ***An Investigation of NYPD's Compliance with Rules Governing Investigations of Political Activity (August 2016)***

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\* Commissioner Mark G. Peters and Inspector General Philip K. Eure thank the staff of OIG-NYPD for their efforts and contributions in producing this Report, especially Sandra Musumeci, Deputy Inspector General; Asim Rehman, General Counsel; Candace McCoy, Director of Policy Analysis; Dan Boylan, Director of Investigations; Nicole M. Napolitano, Senior Policy Manager; Christopher Tellet, Investigating Attorney; Michael Acampora, Special Investigator; Angel Rendon, Special Investigator; Matthew Polistina, Policy Analyst; Joseph Lipari, Senior Policy Manager; Rebecca Engel, Assistant Counsel; Sean McMahon, Data Assistant; Andrew Guinan, Special Investigator; and Tyler Gibson, Policy Analyst.

<sup>1</sup> NEW YORK, N.Y., CHARTER ch. 34, § 803 (c)(1) (2017).

<sup>2</sup> All of OIG-NYPD's reports are available at: <http://www1.nyc.gov/site/oignypd/reports/reports.page>.

Fulfilling both its legal obligation under Local Law 70 and its continued commitment to transparency and accountability, OIG-NYPD also investigated the status of each of the 47 recommendations made in the four reports it issued in 2015.<sup>3</sup> Updates to the following investigations are discussed in this Report:

- ***Observations on Accountability and Transparency in Ten NYPD Chokehold Cases (January 2015)***
- ***Using Data from Lawsuits and Legal Claims Involving NYPD to Improve Policing (April 2015)***
- ***Body-Worn Cameras in New York City: An Assessment of NYPD’s Pilot Program and Recommendations to Promote Accountability (July 2015)***
- ***Police Use of Force in New York City: Findings and Recommendations on NYPD’s Policies and Practices (October 2015)***

OIG-NYPD’s six reports from 2015 and 2016 included 65 recommendations. As depicted in the table below, NYPD has accepted or implemented 75 percent of these.

OIG-NYPD Report	Under Consideration	Partially Accepted in Principle	Accepted in Principle	Partially Implemented	Implemented	Rejected
An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015 (2016)	0	0	0	3	0	4
An Investigation of NYPD’s Compliance with Rules Governing Investigations of Political Activity (2016)	0	0	3	0	6	2
Observations on Accountability and Transparency in Ten NYPD Chokehold Cases (2015)	0	0	0	2	2	0
Using Data From Lawsuits and Legal Claims Involving NYPD to Improve Policing (2015)	0	1	2	2	0	0
Body-Worn Cameras in New York City: An Assessment of NYPD’s Pilot Program and Recommendations to Promote Accountability (2015)	4	0	13	0	2	4
Police Use of Force in New York City: Findings and Recommendations on NYPD’s Policies and Practices (2015)	0	2	3	2	6	2
<b>Total</b>	<b>4</b>	<b>3</b>	<b>21</b>	<b>9</b>	<b>16</b>	<b>12</b>

<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.”

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 serve an important function in informing OIG-NYPD about potential trends and the experiences and concerns of police officers and members of the public.

Pursuant to § 803(d)(3) of the New York City Charter, as of December 31, 2016, OIG-NYPD had four investigations that were open for more than one year, and eight investigations that were open between six months and one year.

Lastly, the Office continued its investment in outreach. Throughout the year, the Office's efforts to connect with members of the public ranged from attending community events to social media engagement to participating in meetings with a variety of government and non-government representatives. These outreach efforts served to educate the public about OIG-NYPD's mandate, mission, and activities while keeping OIG-NYPD abreast of the concerns of New York City residents.

For more information about the mission, work, and history of OIG-NYPD, please visit the Office's website at [www.nyc.gov/oignypd](http://www.nyc.gov/oignypd). The website contains copies of all reports issued, as well as NYPD's legally-required responses.

## ***II. 2016 SYSTEMIC INVESTIGATIONS, REVIEWS, STUDIES, AND AUDITS: RECOMMENDATIONS AND NYPD RESPONSES***

Pursuant to § 803(d)(3) of the New York City Charter, the following section summarizes the findings and recommendations made in the two substantive reports OIG-NYPD released in 2016 and assesses NYPD's progress in implementing the 18 separate recommendations made in those reports. NYPD's response to these recommendations can be broken down into four categories as follows:

- **9 Implemented or Partially Implemented:** NYPD has accepted and implemented the recommendations completely or in part.
- **3 Accepted in Principle or Partially Accepted in Principle:** NYPD has agreed with the general intent of these recommendations but has not yet implemented them.
- **0 Under Consideration:** NYPD has not yet decided whether to adopt or reject the recommendations.
- **6 Rejected:** NYPD does not agree with the recommendations and will not implement them.

The majority of the recommendations were implemented or accepted in principle, either in full or in part. While OIG-NYPD is encouraged by NYPD's agreement with most OIG-NYPD recommendations, OIG-NYPD will closely monitor NYPD's progress on all recommendations for which corrective action has not been implemented in 2017 and beyond.

**A. AN ANALYSIS OF QUALITY-OF-LIFE SUMMONSES, QUALITY-OF-LIFE MISDEMEANOR ARRESTS, AND FELONY CRIME IN NEW YORK CITY, 2010-2015**

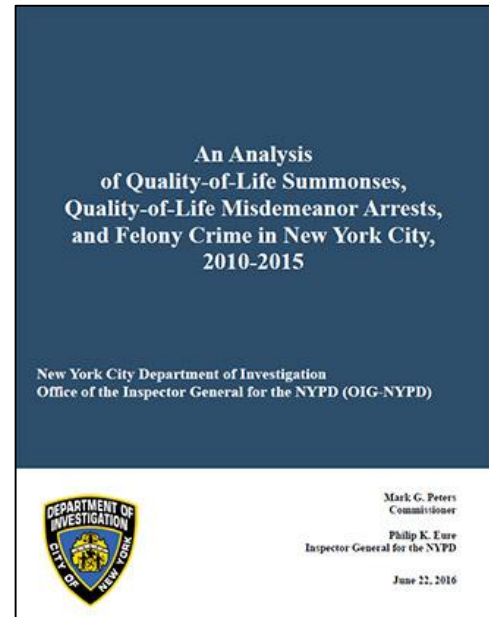
**June 2016**

On June 22, 2016, OIG-NYPD issued a report that sought to answer the question: is there statistical evidence linking quality-of-life criminal summonses (C-summonses) or misdemeanor arrests to a reduction in felony crime?

Quality-of-life policing, or the practice of addressing community disorder in order to prevent serious crime, can encompass an extremely broad range of police activities. These activities may include community-oriented practices such as an officer giving a verbal warning or the repair of a broken street light, deployment and staffing strategies at the command level, arrest practices department-wide, and general policy on referral of cases for prosecution. C-summonses and misdemeanor arrests are just one component out of many in a “quality-of-life” policing strategy.

Quality-of-life C-summonses and misdemeanor arrests can directly affect several legitimate goals related to the violations they address. But NYPD has claimed that quality-of-life summonses and misdemeanor arrests are a key cause of the reduction of felony crime. This position was the subject of *An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015*.

To identify relationships between C-summonses, misdemeanor arrests, and felony crime, OIG-NYPD determined whether there were any statistically significant correlations, over time, between quality-of-life summonses, quality-of-life misdemeanor arrests, and the seven major felonies (Murder, Rape, Robbery, Felony Assault, Burglary, Grand Larceny, and Grand Larceny of Motor Vehicle). OIG-NYPD collected and analyzed data spanning six years, from 2010 through 2015, including over 1.8 million quality-of-life summonses, over 650,000 quality-of-life misdemeanor arrests, and over 600,000 felony complaints.<sup>4</sup> OIG-NYPD also examined whether



<sup>4</sup> To account for population changes, OIG-NYPD used rates (the number of summonses, arrests, or crime complaints per 10,000 residents) rather than raw numbers. Many discussions of how crime has increased or decreased in New York City—including NYPD’s public response to this Report—describe annual crime trends with raw numbers. Given the impact of population density on crime, and the fact that New York City’s population increases annually, the use of raw numbers to explore trends in crime is misleading and contrary to best practices.

any demographic differences in quality-of-life summons and misdemeanor arrest rates in some precincts were potentially attributable to higher or lower rates of felony crime in those precincts.

The major findings of the Report include:

- Between 2010 and 2015, there was a dramatic decline in quality-of-life summonses and misdemeanor arrests with no increase in felony crime. In fact, felony crime, with a few exceptions, declined along with C-summonses and misdemeanor arrests. OIG-NYPD found no evidence to suggest that felony crime control can be directly attributed to issuing quality-of-life summonses and making misdemeanor arrests. Only 17.7 percent of these correlations were statistically significant—that is, only 17.7 percent of quality-of-life summonses and misdemeanor arrests, parsed out by individual patrol borough, had any statistically provable relationship to felony crime.
- A deeper analysis of specific summons/misdemeanor arrest categories over time in specific geographic areas showed little-to-no correlation between C-summons activity and felony crime, meaning broad generalizations about quality-of-life summonses as a panacea are not supported by the empirical evidence in OIG-NYPD’s analysis.
- Quality-of-life summons and misdemeanor arrest activity is not evenly distributed across the city. In 2015, such activity was concentrated in precincts with high proportions of Black and Hispanic residents, New York City Housing Authority (NYCHA) residents, and males aged 15-20, based on data from NYPD and the United States Census. Conversely, precincts with higher proportions of White residents had lower rates of quality-of-life summonses and misdemeanor arrests. In many instances, the rates of C-summonses and misdemeanor arrests remained high even after adjusting for crime rates. Higher or lower felony crime rates did not explain why this would be the case, although different violent crime rates may explain some of these disparities.

As a result of its findings, OIG-NYPD recommended that NYPD pursue a more data-driven approach to evaluating the success of its summons and misdemeanor arrest activity in reducing felony crime. Specifically, OIG-NYPD recommended that NYPD examine how effective summonses and misdemeanor arrests are at reducing crime when compared with other NYPD disorder reduction strategies, and that NYPD determine whether issuing summonses or making misdemeanor arrests has a disproportionate impact on people in some communities. Finally, OIG-NYPD recommended that NYPD make more of its crime data publicly available—which, to some extent, NYPD accomplished with its first large-scale crime data release on New York City’s Open Data Platform in November 2016.

In September 2016, NYPD issued a report entitled *Broken Windows Is Not Broken* as a response to OIG-NYPD’s report on quality-of-life summonses and misdemeanor arrests. NYPD’s response did not commit to conducting any additional analysis of the effectiveness or community impact of C-summonses or misdemeanor arrest activity, nor did it present any new data or



analysis to disprove OIG-NYPD's findings. In addition, NYPD did not respond at all to five of OIG-NYPD's seven recommendations, and instead concentrated much of its response on issuing a defense of "Broken Windows" policing. NYPD responded only peripherally to the first two of OIG-NYPD's recommendations.

**Recommendation #1** sought a specific kind of analysis—one that assessed the success of quality-of-life summonses and misdemeanor arrests compared to other disorder control methods.<sup>5</sup> It is in the interest of both the public and NYPD to fully understand the causal relationships between tactics and outcomes. However, as set forth in the chart that follows, NYPD has not done this, and has not committed to doing so.

**Recommendation #2** asked NYPD to conduct an analysis to determine whether there was disparate impact of quality-of-life summonses and misdemeanor arrests on specific demographic groups identified in OIG-NYPD's Report. NYPD's September 2016 Response asserted that the Department had previously conducted such an analysis and concluded that any disproportionality is a consequence of quality-of-life calls for service. NYPD declined to respond to OIG-NYPD's request for the underlying methodology or raw data from such an analysis, and instead repeatedly referred OIG-NYPD to the information contained within its September 2016 Response. As described in the chart that follows, while the September 2016 Response does contain a form of data analysis, it does *not*, standing alone, represent the disproportionate impact analysis that OIG-NYPD recommended. More importantly, OIG-NYPD's recommendation did not ask NYPD to identify the *cause* of quality-of-life enforcement, but the *impact* of quality-of-life enforcement.

The question of disproportionate impact is not whether some *neighborhoods* receive more quality-of-life enforcement, but rather whether *people* of certain races or national origins are more at risk of receiving a summons or being arrested for a quality-of-life offense as compared to other people who commit the same offense. Given that NYPD now records the race and/or national origin of summons recipients, the Department has all the data required to conduct the analysis requested by OIG-NYPD.

An analysis of NYPD's progress as it pertains to all of OIG-NYPD's recommendations follows.

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<sup>5</sup> Such an analysis may take any number of forms, including some of the advanced statistical techniques that were suggested by the criminologists cited in NYPD's *Broken Windows Is Not Broken*, *infra* note 6.

<b>AN ANALYSIS OF QUALITY-OF-LIFE SUMMONSES, QUALITY-OF-LIFE MISDEMEANOR ARRESTS, AND FELONY CRIME IN NEW YORK CITY, 2010-2015 (JUNE 2016)</b>	
<b>RECOMMENDATION MADE BY OIG-NYPD</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>Rejected.</b></p> <p>NYPD initially responded, in relevant part, to this Recommendation in its September 2016 report: “While the NYPD may not be measuring ‘the statistical impact of quality-of-life enforcement on crime,’ as the OIG report recommends, it is continuously gauging and evaluating the actual impact of quality-of-life enforcement on crime and making adjustments accordingly. We would, however, welcome a rigorous evaluation of quality-of-life policing that meets social-science standards.”<sup>6</sup></p> <p>NYPD has not committed to conducting the requested statistical analysis going forward. Moreover, when OIG-NYPD sought specific clarification from NYPD about its responses, NYPD produced no substantive responses but instead referred OIG-NYPD back to the September 2016 Response. NYPD has also provided no details about any statistical components of the “gauging and evaluating” that it says is performed.<sup>7</sup> Any methodologically sound analysis or statistical examination of the impact of NYPD’s efforts to reduce disorder should go beyond raw numbers and assumptions of correlation and causation.</p> <p>OIG-NYPD will continue to follow up on this 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>Rejected.</b></p> <p>NYPD’s response constitutes a rejection, although NYPD does not state that it has rejected this recommendation. NYPD responded, in relevant part, in its September 2016 Response that “NYPD has conducted such an analysis and has concluded that any disparate impact of quality-of-life enforcement is a consequence of quality-of-life calls for service. These come disproportionately from minority neighborhoods and which direct officers to particular locations and particular offenders, many of whom are males aged 15 to 20.”<sup>8</sup></p>

<sup>6</sup> William J. Bratton, *BROKEN WINDOWS IS NOT BROKEN*, 23 (2016) available at <http://www1.nyc.gov/assets/oignypd/downloads/pdf/20160907-Broken-Windows-Is-Not-Broken-Final.pdf>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

		<p>While NYPD asserts that any disparate impact of quality-of-life summonses and misdemeanor arrests is a consequence of quality-of-life calls for service, it has provided no evidence of such a causal connection and has failed to meet OIG-NYPD’s request for details about its analysis.</p> <p>NYPD has cited a specific map and accompanying analysis in its September 2016 Response where NYPD overlays the concentration of C-summonses and the concentration of residents of color.<sup>9</sup> This is not an analysis of impact. NYPD presented no mathematical connection between these variables. The map does not identify the race or ethnicity of the C-summons recipients—information which would be necessary to an accurate determination of disproportionate impact.<sup>10</sup> Further, such an analysis does not constitute an examination of whether quality-of-life summonses and misdemeanor arrests disproportionately <i>impact</i> Black and Hispanic residents, males aged 15-20, and NYCHA residents.</p> <p>In addition, NYPD’s September 2016 Response also contains a map that overlays the concentration of C-summonses and the concentrations of 311 and 911 calls for disorderly persons, noise, and public drinking.<sup>11</sup> NYPD’s September 2016 Response maintains that the resulting map indicates that “NYPD goes where people call.” This map, however, does not show that. Maps alone cannot be used to infer causal relationships.<sup>12</sup></p> <p>OIG-NYPD will continue to follow up on 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>Rejected.</b></p> <p>NYPD’s response constitutes a rejection, although NYPD does not state that it has rejected this recommendation. NYPD has asserted, in relevant part, that it “has never limited its Quality of Life Enforcement to simply addressing short-term real-time conditions,” and that Neighborhood Community Officers “work intensively with</p>

<sup>9</sup> *Id.* at 24-25.

<sup>10</sup> The map also fails to identify whether “areas of highest concentration of C-summons issuance” represent raw numbers or rates. Rates would allow NYPD to control for population density differences across New York City. Raw numbers may merely indicate that more summonses are given where there is greater population density.

<sup>11</sup> Bratton, *supra* note 6 at 20.

<sup>12</sup> Again, NYPD’s Response fails to identify whether the map is based on rates or raw numbers. Additionally, the conclusion that “NYPD goes where people call” also fails to account for neighborhoods in which call volume is high but summons volume is low, such as the higher income neighborhoods of the Upper West Side, Upper East Side, Midtown, the Financial District, Gramercy, the East Village, and Greenwich Village in Manhattan, and Williamsburg, Brooklyn Heights, and Park Slope in Brooklyn.

		<p>their community counterparts to solve both short and long-term problems.”<sup>13</sup></p> <p>In its Report, OIG-NYPD stated that “NYPD should analyze longer-term statistical trends to determine the likely effects of quality-of-life enforcement on specific crimes while separating out effects of short-term fluctuations in crime rates.”<sup>14</sup> A long-term statistical analysis would allow NYPD to break down potential cause-and-effect relationships between quality-of-life summonses and misdemeanor arrests, and felony crimes.</p> <p>To date, NYPD has not confirmed that it is conducting or plans to conduct a data-driven review focusing on longer time frames. OIG-NYPD will continue to follow up on this issue.</p>
<p>4</p>	<p>NYPD should release incident-level and geographically-coded data on summonses and misdemeanor arrests.</p>	<p><b>Rejected.</b></p> <p>NYPD says that at this time, it does not intend to release geocoded incident-level dataset for felony arrests, misdemeanor arrests, and summonses on New York City’s Open Data Portal, though NYPD did release such data for crime <i>complaints</i> in November of 2016. While OIG-NYPD applauds NYPD’s move toward increased transparency, the Department’s Open Portal dataset, as it currently exists, cannot be used to analyze the relationship between quality-of-life summonses and misdemeanor arrests and crime without including data on arrests and summonses, and specific low-level crime violations.</p> <p>The dataset available on the Open Data Portal contains crime complaints including violations, misdemeanors, and felonies, but the misdemeanor and violations categories are far from exhaustive. Further, NYPD’s dataset uses a hierarchy rule, recording only the most serious crime per incident. This practice underestimates the number of low-level crimes. NYPD states that there is no data that it could release for offenses for which no complaint report is generated. However, OIG-NYPD’s recommendation specifically asked for C-summonses and misdemeanor arrests, which are enforcement activities, not complaints. Without including data on enforcement of low-level crimes, the public cannot evaluate NYPD’s responsiveness to quality-of-life issues.</p>

<sup>13</sup> Letter from Ann Prunty, Deputy Assistant Comm’r, NYPD Legal Matters, to Sandra L. Musumeci, Deputy Inspector Gen., OIG-NYPD (Jan. 13, 2017).

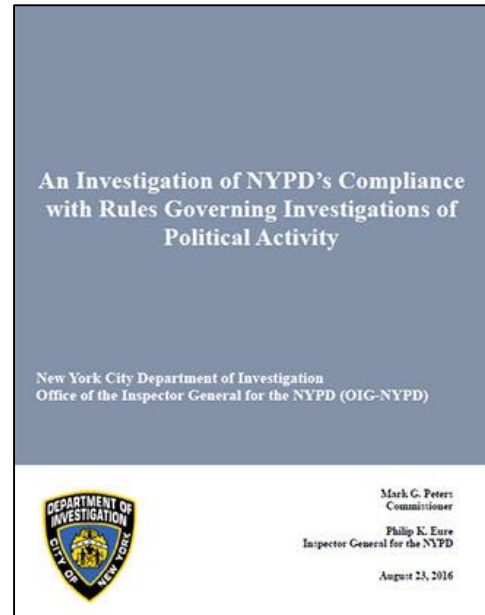
<sup>14</sup> Dep’t of Investigation’s Office of the Inspector Gen. for the New York City Police Dep’t, AN ANALYSIS OF QUALITY-OF-LIFE SUMMONSES, QUALITY-OF-LIFE MISDEMEANOR ARRESTS, AND FELONY CRIME IN NEW YORK CITY, 2010-2015, at 73 (2016), available at <http://www1.nyc.gov/assets/oignypd/downloads/pdf/Quality-of-Life-Report-2010-2015.pdf>.

		OIG-NYPD reiterates its original recommendation that NYPD release incident-level data on summonses and misdemeanor arrests to improve transparency.
5	NYPD should release historical incident-level and geographic data.	<b>Partially Implemented.</b>  While NYPD has released ten years of geocoded crime complaint data via the Open Data Portal, OIG-NYPD reiterates that this dataset should be expanded to include similar such data for summonses, misdemeanor arrests, and felony arrests.
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.	<b>Partially Implemented.</b>  While NYPD has released incident-level geocoded crime complaint data via the Open Data Portal, OIG-NYPD reiterates that this dataset should be expanded to include similar such data for summonses, misdemeanor arrests, and felony arrests.
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>Partially Implemented.</b>  While NYPD has released incident-level geocoded crime complaint data via the Open Data Portal, OIG-NYPD reiterates that this dataset should be expanded to include similar such data for summonses, misdemeanor arrests, and felony arrests.

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

### August 2016

On August 23, 2016, OIG-NYPD released its first comprehensive report on NYPD's compliance with court-mandated rules governing the investigation of political activity. These rules, also known as the *Handschu* Guidelines, are codified in the NYPD Patrol Guide. Section 212-72 of the NYPD Patrol Guide defines several levels of investigation and contains requirements for how, and under what circumstances, NYPD's Intelligence Bureau may commence and extend investigations involving political activity. The *Handschu* Guidelines, which were modified in 2003 following the attacks of September 11, 2001, were established pursuant to a 1971 federal lawsuit brought against the City and NYPD. To comply with the guidelines, NYPD must articulate, in writing, the basis for the investigation and secure approvals from NYPD's Deputy Commissioner of Intelligence and other senior NYPD officials. These investigations have strict time limitations, which can be extended only upon written approval from the Deputy Commissioner of Intelligence.



As part of OIG-NYPD's review of NYPD's compliance with Patrol Guide §212-72, investigators examined a random sample of highly confidential NYPD Intelligence Bureau cases closed between 2010 and 2015 that were never before subject to review or available to non-police entities. OIG-NYPD examined, among other things, 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 human sources (which include confidential informants and undercover officers). OIG-NYPD found that:

- Documents opening investigations did articulate facts sufficient to meet guidelines' thresholds for beginning investigations.
- More than half the time, investigations continued even after approval of the operation expired.
- The use of human sources (confidential informants and undercover officers) continued after approval expired more than half the time.
- NYPD routinely failed to include a description of the role of undercover officers or confidential informants in its authorization memos.

- When Preliminary Inquiries were extended, the extensions did not include articulable reasons why further investigative steps were warranted.
- Adherence to the rules would not hinder anti-terrorism efforts.

OIG-NYPD's review also identified numerous other signature, date, and related errors on forms, which led to inconsistent record-keeping and tracking of authorizations. OIG-NYPD determined that 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.

As a result of its investigation, OIG-NYPD made several recommendations to strengthen NYPD's compliance with the Guidelines, including developing formal tracking mechanisms for deadlines to ensure timely renewals of authorizations and creating tighter controls on the documentation of approvals for investigations and human source usage to avoid future errors, facilitate compliance, and avoid the risk of further unauthorized investigations. At the time of the Report's publication, NYPD informed OIG-NYPD that it had recently implemented a new case-tracking mechanism.

Notably, the very same court that established the *Handschu* Guidelines as part of the 1971 lawsuit had occasion to rely on OIG-NYPD's Report last fall. In 2016, plaintiffs in a lawsuit alleging unconstitutional surveillance by NYPD presented the *Handschu* court with a settlement that included proposed changes to the Guidelines. When rejecting the proposed settlement in October 2016, the court prominently cited OIG-NYPD's findings regarding NYPD's compliance with the Guidelines. The court approved a revised settlement proposal on March 13, 2017.

Notwithstanding the litigation developments, NYPD's Intelligence Bureau has already altered its protocols and practices as a direct result of OIG-NYPD's Report. An analysis of this progress as it pertains to OIG-NYPD's recommendations follows.

<b>AN INVESTIGATION OF NYPD'S COMPLIANCE WITH RULES GOVERNING INVESTIGATIONS OF POLITICAL ACTIVITY (AUGUST 2016)</b>	
<b>RECOMMENDATION MADE BY OIG-NYPD</b>	<b>NYPD RESPONSE AND OIG-NYPD ASSESSMENT</b>
1	<p>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.</p> <p><b>Implemented.</b></p> <p>NYPD's Intelligence Bureau reports that it currently uses an electronic case-tracking system called the Intelligence Data System for <i>Handschu</i> investigations. In addition, to create redundancy in case tracking to ensure that investigative deadlines are met, the Legal Matters Unit reports that it also uses a spreadsheet that tracks the following information: 1) date of approval; 2) date of last extension of the investigation; 3) number of that extension (whether it was the second, third, fourth, etc.); and 4) deadline for the investigation. As of February 2017, the Intelligence Bureau reports that all open <i>Handschu</i> investigations are in compliance with required deadlines.</p> <p>OIG-NYPD has independently verified that the NYPD Intelligence Bureau's new electronic case-tracking system has the capability to track investigative deadlines.</p>
2	<p>NYPD should use a formal case-tracking mechanism that identifies when investigations advance to the next investigative level.</p> <p><b>Implemented.</b></p> <p>The Intelligence Bureau reports that it now uses the Intelligence Data System to trace the full history of an investigation related to its underlying facts, and that to track investigations, this system uses a single number which remains constant until an investigation closes. If, following closure, information comes to light which prompts the opening of a new investigation related to a prior subject, the Intelligence Data System will assign a new number. Further, the Intelligence Bureau reports that it now also includes the assigned number on its Investigative Statements and Requests for the Authorization of Human Sources.</p> <p>OIG-NYPD has verified that NYPD's Intelligence Bureau assigns a number that persists through all levels of investigation.</p>
3	<p>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</p> <p><b>Implemented.</b></p> <p>NYPD reports that the Intelligence Data System and the approval tracking spreadsheet also track deadlines for human source authorization. As of February 2017, the Intelligence Bureau reports that all human source authorizations are in compliance with required deadlines.</p>



	approved prior to the expiration of an authorization.	OIG-NYPD has verified that NYPD now tracks the deadlines for human source authorizations via its Intelligence Data System.
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><b>Rejected.</b></p> <p>NYPD’s response constitutes a rejection, although NYPD does not state that it has rejected this recommendation. The <i>Handschu</i> Guidelines require that when extending Preliminary Inquiries, NYPD articulate the reasons why the investigation is continuing despite the absence of a reasonable indication of unlawful activity. NYPD states that it disagrees with the Report’s characterization that its extensions of Preliminary Inquiries contain “boilerplate language” and asserts that extension requests are accompanied by Investigative Statements that include a full and detailed recitation of the key facts justifying investigation, including any new facts or updates learned since the investigation was opened.</p> <p>OIG-NYPD stands by its initial recommendation. The <i>Handschu</i> Guidelines require extensions of Preliminary Inquiries to “include a statement of the reasons why further investigative steps are warranted.” From its investigation, OIG-NYPD determined that the presence of facts in an Investigative Statement may support the reason why further investigative steps are warranted—or they may not. There is currently no instrument which captures the rationale for extending the investigation.</p>
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.	<p><b>Implemented.</b></p> <p>The Intelligence Bureau reports that it has revised its written documentation of approval to capture both the date of approval and the date of signature. OIG-NYPD has verified the existence of the revised authorization sheet, which now separately captures the dates of approvals and signatures.</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><b>Accepted in Principle.</b></p> <p>The Intelligence Bureau reports that it is in the process of revising its Requests for Human Source Authorization to include a more specific description of the role of undercover operations in an investigation, while still maintaining operational security. The Intelligence Bureau expects the revisions to be completed and effective in the first half of calendar year 2017. OIG-NYPD will independently confirm the revised protocol for Human Source Authorizations once the revisions are complete.</p>
7	NYPD should specify, when extending use of an undercover	<b>Accepted in Principle.</b>

	or confidential informant, the reason for the extension.	The Intelligence Bureau reports that it is in the process of revising its Requests to Extend the Authorization of Human Sources to include a more specific description of the reason for the extension, while still maintaining operational security. The Intelligence Bureau expects the revisions to be completed and effective in the first half of calendar year 2017. OIG-NYPD will independently confirm the revised protocol for Human Source Authorizations once the revisions are complete.
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.	<b>Implemented.</b>  The Intelligence Bureau reports that it has revised its written documentation of approval to capture both the date of approval and the date of signature. OIG-NYPD has verified the existence of the revised authorization sheet, which now separately captures the dates of approvals and signatures.
9	NYPD's Human Source Authorization Form should include the number of the extension request and the date of the last extension.	<b>Implemented.</b>  The Intelligence Bureau now includes the number of the extension request and the date of the last extension on its requests to extend the use of human sources. OIG-NYPD has verified the revised forms for use of a human source. The revised form captures both the number of the extension request and the date of the last extension.
10	NYPD should consolidate its policies and procedures for investigations involving political activity into a unified handbook.	<b>Accepted in Principle.</b>  The Intelligence Bureau reports that a comprehensive Intelligence Bureau Policy Guide (IBPG) has been in development since early 2014, and that a final draft of the IBPG is nearly complete. The Intelligence Bureau expects to complete and implement the guide in the second half of calendar year 2017. OIG-NYPD will independently review the Intelligence Bureau Policy Guide once it is complete.
11	NYPD should develop written guidelines concerning informational standards for Preliminary Inquiries, Full Investigations, and Terrorism Enterprise Investigations.	<b>Rejected.</b>  The Intelligence Bureau asserts that the <i>Handschu</i> Guidelines already contain examples of predicates that further flesh out what is necessary for opening or extending an investigation. OIG-NYPD stands by its recommendation that written guidelines would assist in applying the informational standards set forth in the <i>Handschu</i> Guidelines. Expanding on the informational standards can only increase reliability that investigative action is being properly and fairly applied.

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

OIG-NYPD's Second Annual Report (April 2016) analyzed NYPD's compliance with 47 recommendations contained in OIG-NYPD's four 2015 reports. Below are updates on the status of corrective action taken by NYPD for those recommendations not implemented as of last year.

**A. OBSERVATIONS ON ACCOUNTABILITY AND TRANSPARENCY IN TEN NYPD CHOKEHOLD CASES**

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 ten chokehold cases substantiated by the Civilian Complaint Review Board (CCRB) and the corresponding Department Advocate's Office (DAO) records. OIG-NYPD found that in nine of the ten 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. OIG-NYPD recommended 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 (IAB) access to newly-filed complaints and substantive information from use-of-force case files 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 (OCD).

Since OIG-NYPD's Report, NYPD and CCRB have continued to improve communication by using the Reconsideration Process (launched in December 2014) and other *ad hoc* communications between the agencies. NYPD has also stated that it will provide transparency by writing explanations to CCRB for any disciplinary decisions that deviate downward from CCRB's original recommendation. OIG-NYPD continues to monitor NYPD's compliance on this matter. Finally, additional updates regarding NYPD's information sharing and case tracking for cases involving OCD can be found in OIG-NYPD's February 7, 2017 Report, *Addressing Inefficiencies in NYPD's Handling of Complaints: An Investigation of the "Outside Guidelines" Complaint Process*.

<b>OBSERVATIONS ON ACCOUNTABILITY AND TRANSPARENCY IN TEN NYPD CHOKEHOLD CASES (JANUARY 2015)</b>	
<i>*Recommendations that were implemented as of the last OIG-NYPD Annual Report have been omitted. In addition, each Recommendation's status designation reflects whether a change has occurred since OIG-NYPD's Second Annual Report (April 1, 2016).*</i>	
<b>RECOMMENDATION MADE BY OIG-NYPD</b>	<b>2017 ANNUAL REPORT UPDATES</b>
1	<p>NYPD should increase coordination and collaboration with CCRB to refine the disciplinary system for improper use of force.</p> <p><b>Unchanged: Partially Implemented.</b></p> <p>The “Reconsideration Process” that was launched in December 2014, by which NYPD makes a formal written request for penalty reconsideration when it disagrees with CCRB’s recommended penalty, has improved communication and coordination between NYPD and CCRB.</p> <p>NYPD reports that it continues to work with CCRB in its efforts to bring cases where force was used improperly and identify those instances where the use of force may have been consistent with Department regulations.</p> <p>OIG-NYPD still recommends that NYPD adopt the remaining recommended changes outlined in OIG-NYPD’s Report. These changes include developing, in conjunction with CCRB and others, a more transparent set of factors regarding how disciplinary decisions are made in use-of-force cases.</p> <p>OIG-NYPD will continue to monitor this issue.</p>
3	<p>NYPD should expand IAB’s access to newly-filed complaints and substantive information on use-of-force cases filed with CCRB.</p> <p><b>Changed from Partially Implemented to Implemented.</b></p> <p>OIG-NYPD has confirmed that NYPD has read-only access to CCRB’s case-tracking system. Additionally, since late 2015, CCRB and IAB now share video through a computerized system.</p>
4	<p>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</p> <p><b>Changed from Accepted in Principle to Partially Implemented.</b></p> <p>NYPD reported that the Department is expanding the Internal Case Information System (ICIS) tracking database used by IAB to include cases from the Office of the Chief of Department Investigative Review Section. NYPD expects full implementation to be completed by the end of 2017.</p> <p>OIG-NYPD will continue to monitor this issue.</p>

**B. USING DATA FROM LAWSUITS AND LEGAL CLAIMS INVOLVING NYPD TO IMPROVE POLICING**

On April 21, 2015, OIG-NYPD released a review of how NYPD can better collect and use police litigation data to improve officer performance, identify trends, and make important process improvements. The Report recommended that 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 address of the plaintiff. OIG-NYPD also recommended that 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 that NYPD provide the public with details about NYPD's Early Intervention System and its litigation data analysis team, and solicit public comment regarding these systems.

As discussed in OIG-NYPD's Second Annual Report, NYPD had indicated that it had partially implemented or at least partially agreed in principle with nearly all of OIG-NYPD's recommendations. Most significantly, the Department stated that it was in the process of creating a new database that would assist in performing extensive qualitative review of litigation patterns and trends. However, NYPD has since shifted the focus of this developing database (Risk Assessment Information Liability System, or RAILS) away from tracking litigation and towards tracking information about individual officers in support of the Department's Early Intervention System (EIS). Without RAILS being used for this purpose, NYPD staff does not have access to a unified database capable of comparing all available litigation data. Given this significant shift of RAILS, OIG-NYPD will closely monitor NYPD's progress on improving the collection and use of litigation data.

<b>USING DATA FROM LAWSUITS AND LEGAL CLAIMS INVOLVING NYPD TO IMPROVE POLICING (APRIL 2015)</b>	
<p><i>*Recommendations that were implemented as of the last OIG-NYPD Annual Report have been omitted. In addition, each Recommendation’s status designation reflects whether a change has occurred since OIG-NYPD’s Second Annual Report (April 1, 2016).*</i></p>	
<b>RECOMMENDATION MADE BY OIG-NYPD</b>	<b>2017 ANNUAL REPORT UPDATES</b>
<p>1 NYPD should perform a qualitative review of the most relevant data contained within legal claims and lawsuits against NYPD. Specifically:</p>	
<p>(1.1) Nature of the claims/core allegations.</p>	<p><b>Unchanged: Partially Implemented.</b></p> <p>According to NYPD, Legal Bureau staff collects, analyzes, and makes recommendations to the Department using litigation data from a variety of sources (i.e., NYPD databases, databases from the New York City Law Department and Comptroller’s office, and court databases).</p> <p>OIG-NYPD supported NYPD’s proposed implementation of RAILS as a unified litigation tracking system. RAILS would have had the capability to automatically track all available litigation data points. However, NYPD now intends to use RAILS to monitor information about individual officers and not for litigation tracking. Without this litigation tracking system, NYPD continues to rely on its staff to identify all litigation trends—a method of review that represents no substantive change to the system in place prior to OIG-NYPD’s Report.</p> <p>OIG-NYPD will continue to monitor NYPD’s progress on this issue.</p>
<p>(1.2) Information about the subject police officer(s).</p>	<p><b>Unchanged: Accepted in Principle.</b></p> <p>According to NYPD, although the Department has access to information about subject police officers, the Legal Bureau does not conduct automatic data analysis using this information.</p> <p>OIG-NYPD will continue to monitor NYPD’s progress on this issue.</p>
<p>(1.3) the location of the alleged incident and address of the plaintiff(s).</p>	<p><b>Unchanged: Partial Agreement in Principle.</b></p> <p>Although NYPD has access to information about the alleged incident location, the Legal Bureau does not conduct automatic data analysis using this information.</p>

		<p>The Department continues to decline to collect and analyze plaintiff addresses.</p> <p>OIG-NYPD will continue to monitor NYPD’s progress on this issue.</p>
2	<p>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.</p>	<p><b>Unchanged: Partially Implemented.</b></p> <p>NYPD states that it is in nearly constant contact with the Comptroller’s Office and the Law Department and is improving its efforts to track and exchange data between agencies. However, there is no formal working group where all three agencies, meeting together, can regularly address collection, coordination, and exchange of litigation data.</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>Unchanged: Accepted in Principle.</b></p> <p>According to NYPD, the Department is considering whether to provide certain details regarding its EIS, pending RAILS implementation. RAILS is projected to be available for use in July 2017 and will contain an officer profile report.</p> <p>OIG-NYPD will continue to monitor NYPD’s progress on this issue.</p>

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

On July 30, 2015, OIG-NYPD issued the first comprehensive review of NYPD's volunteer body-worn camera (BWC) pilot program. The Report focused on several aspects of NYPD's body-worn camera policy, including officer discretion regarding when to activate body-worn cameras, officer compliance with body-worn camera policies, public and government access to video footage, and retention and purging of footage. From interviews with officers wearing body-worn cameras in the field, OIG-NYPD found disparate and inconsistent practices concerning camera activation despite NYPD's written policies. As a result, OIG-NYPD made 23 recommendations for the improved use of body-worn cameras.

Since the release of the Report, NYPD's small pilot program has concluded, and NYPD is nearing completion of its final body-worn camera policy in consultation with the court-ordered *Floyd* Monitor.<sup>15</sup> NYPD has also begun the procurement process for 1,000 additional cameras for use in the court-ordered pilot program. OIG-NYPD has continued to monitor the development of NYPD's body-worn camera policy.

In June 2016, NYPD released a revised draft policy that incorporated a number of OIG-NYPD's recommendations. OIG-NYPD looks forward to reviewing the updated policy, which NYPD is currently finalizing. Since last year's Annual Report, NYPD has rejected a number of OIG-NYPD's recommendations it had previously said it would consider. Specifically, NYPD now rejects OIG-NYPD's recommendation that NYPD revise its policies about when officer safety impacts the use of body-worn cameras, when officers may be subject to discipline for not properly using body-worn cameras, and how NYPD can use camera footage for training purposes.

By contrast, NYPD is now reconsidering recommendations it had previously rejected. Most notably, NYPD rejected OIG-NYPD's 2015 recommendation that an officer's ability to access and view camera footage be limited when the officer is the subject or witness in a misconduct investigation. NYPD has recently informed OIG-NYPD that this recommendation is now under consideration.

OIG-NYPD will continue to monitor these issues. Updates to the status of NYPD's corrective action relative to OIG-NYPD's recommendations appears in the chart below.

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<sup>15</sup> *Floyd v. City of New York*, 959 F. Supp. 2d 668 (S.D.N.Y. 2013).



**BODY-WORN CAMERAS IN NEW YORK CITY: AN ASSESSMENT OF NYPD'S PILOT PROGRAM AND  
RECOMMENDATIONS TO PROMOTE ACCOUNTABILITY  
(JULY 2015)**

*\*Recommendations that were implemented as of the last OIG-NYPD Annual Report have been omitted.  
In addition, each Recommendation's status designation reflects whether a change has occurred since OIG-NYPD's  
Second Annual Report (April 1, 2016).\**

RECOMMENDATION MADE BY OIG-NYPD		2017 ANNUAL REPORT UPDATES
1.2	NYPD should redefine the safety exception for recording.	<p><b>Changed from Under Consideration to Rejected.</b></p> <p>NYPD states that the latest draft of its policy provides enough guidance for officers to understand when they do not need to activate their BWCs, and this principle will be reinforced in training.</p> <p>OIG-NYPD reiterates the importance of requiring officers to articulate a specific threat or other exigency when an officer fails to record a required encounter.</p>
2.2	NYPD should redefine the safety exception for notifications.	<p><b>Changed from Under Consideration to Rejected.</b></p> <p>NYPD has asserted that the latest draft of its policy provides officers with enough guidance on when the safety exception takes effect. OIG-NYPD reiterates that NYPD's policy should advise officers that they may only refrain from issuing a notification of recording when there is a specific or articulable threat to the safety of themselves or others, and that such notification should be recorded in the officer's memo book and reported to the precinct desk officer.</p>
3.2	NYPD should address discipline when the BWC program is more established and formalized.	<p><b>Changed from Accepted in Principle to Rejected.</b></p> <p>According to NYPD, this recommendation is not necessary because officers are already expected to follow the Patrol Guide and any deviation can result in discipline.</p> <p>OIG-NYPD continues to assert that NYPD should formalize a disciplinary protocol in the final BWC policy. NYPD should make clear the potential for discipline for both failing to record and recording prohibited activity.</p>

4.2	NYPD should integrate BWC footage review into NYPD's field training program.	<b>Changed from Under Consideration to Rejected.</b>  NYPD has stated that senior officers will not be permitted to review video of junior officers.
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.	<b>Changed from Partially Implemented to Implemented.</b>  NYPD states that it has solicited feedback from officers who took part in the pilot program via focus groups and a survey. NYPD also reports that supervisors performing quality assurance reviews were also consulted as to their input.
6.1	Access to BWC recordings should be limited where officers are under investigation or are witnesses in misconduct investigations.	<b>Changed from Rejected to Under Consideration.</b>  NYPD reports that it is now considering this recommendation as it revises its BWC policy.

*\*The following Recommendations have all been **Accepted in Principle** by NYPD, though there are no updates to the status of their corrective action, as NYPD is still revising its BWC policy. OIG-NYPD will continue to monitor the official NYPD policy as it develops.\**

1.1	NYPD should broaden and illustrate the standard for the mandatory activation of BWCs during street or investigative encounters.
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.
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.
7.1	If and when disclosing BWC video, NYPD should provide privacy and safety protections for vulnerable populations.
7.2	NYPD should ensure fairness between citizens' and officers' right to view BWC footage.
8.2	NYPD should ensure expeditious purging of archived BWC footage that no longer holds evidentiary value.

*\*The following Recommendations are **Under Consideration** by NYPD, though there are no updates to the status of their corrective action, as NYPD is still revising its BWC policy. OIG-NYPD will continue to monitor the official NYPD policy as it develops.\**

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.
8.1	NYPD should establish a minimum retention period of at least 18 months.

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

OIG-NYPD released its first comprehensive report on NYPD use of force on October 1, 2015. The Report’s findings and recommendations covered a wide range of issues: trends in demographic and force data, force reporting by officers, de-escalation, training, and discipline for excessive force. OIG-NYPD found a lack of discipline imposed on officers involved in substantiated force allegations—even when the Department was provided with evidence that excessive force was used. Among other findings, OIG-NYPD found an inability to track use-of-force encounters by officers and a failure to instruct and employ de-escalation tactics properly.

On June 1, 2016, eight months after the release of OIG-NYPD’s Report, NYPD announced the implementation of a new use-of-force reporting system, requiring officers to document police encounters when officers face resistance, use force, or when any injury occurs to an officer or a member of the public.

While the new policy and reporting system addresses some of OIG-NYPD’s 2015 use-of-force findings and recommendations (such as the definition of key terms, direction to de-escalate when appropriate, development of a new force reporting form, and the addition of a “duty to intervene”), NYPD has only partially implemented, rejected, or is still considering other recommendations. For example, although OIG-NYPD recommended that officers who witness force should also complete a use-of-force reporting form, only officers who themselves use force fill out NYPD’s new Threat, Resistance or Injury (T.R.I.) Incident Worksheet. In addition, contrary to OIG-NYPD’s recommendation that force report forms contain a narrative section, only NYPD’s new Supervisor’s Assessment Report—the form that investigating supervisors fill out only when a more serious a force incident occurs—includes a narrative section. The T.R.I. Incident Worksheet provides officers with checkboxes indicating what type of force was used and the reason for the force; there is no space for a narrative section. OIG-NYPD has been monitoring implementation of NYPD’s new use-of-force policy, including NYPD’s use of T.R.I. Incident Worksheets and Supervisor’s Assessment Reports. OIG-NYPD will be reporting on its findings in an upcoming use-of-force report.

Updates to the status of NYPD’s corrective action relative to these recommendations appears in the chart below.

**POLICE USE OF FORCE IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS ON NYPD’S POLICIES AND PRACTICES (OCTOBER 2015)**

*\*Recommendations that were implemented as of the last OIG-NYPD Annual Report have been omitted. In addition, each Recommendation’s status designation reflects whether a change has occurred since OIG-NYPD’s Second Annual Report (April 1, 2016).\**

RECOMMENDATION MADE BY OIG-NYPD	2017 ANNUAL REPORT UPDATES
<p>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.”</p>	<p><b>Changed from Accepted in Principle to Implemented.</b></p> <p>NYPD has consolidated all Department policies involving use of force in Patrol Guide series 221, “Tactical Operations.” This section, established on June 1, 2016, contains definitions for “excessive force” and “deadly force,” and delineates three levels of force:</p> <ul style="list-style-type: none"> <li>• Level 1, Physical force or use of a less lethal device;</li> <li>• Level 2, Use of an impact weapon, canine, or less lethal device in a higher intensity mode; and</li> <li>• Level 3, Use of deadly physical force.</li> </ul> <p>The policy does not expressly define “force” when it is used by an officer, but it does define “force” when used against an officer.</p>
<p>2 NYPD should update Patrol Guide §203-11 governing use of force and require officers to de-escalate all encounters where appropriate.</p>	<p><b>Changed from Accepted in Principle to Implemented.</b></p> <p>In its new Patrol Guide procedures 221-01 and 221-02, NYPD defines de-escalation and instructs uniformed members to “utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, and increase the likelihood of gaining the subject’s voluntary compliance.”</p>
<p>3 NYPD should create a separate, uniform use-of-force reporting form.</p>	<p><b>Changed from Accepted in Principle to Implemented.</b></p> <p>On June 1, 2016, NYPD implemented the Threat, Resistance or Injury (T.R.I.) Incident Worksheet and Investigating Supervisor’s Assessment Report. T.R.I. Incident Worksheets are prepared for all reportable force incidents. Investigating Supervisor’s Assessment Reports are reserved for Level 2 and 3 force events alone.</p>
<p>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</p>	<p><b>Changed from Accepted in Principle to Partially Implemented.</b></p> <p>On June 1, 2016, NYPD implemented the T.R.I. Incident Worksheet and Investigating Supervisor’s Assessment Report. Only members of the service who use force themselves, or have had force used against them, are required to complete a T.R.I. Incident Worksheet. PG 221-03 does not require all members who have witnessed the use of force to complete the T.R.I. Incident Worksheet, though NYPD does require</p>

	<p>use descriptive language to articulate the events leading up to the use of force in encounters with the public, the reason why the force was used, and the level and type of force used.</p>	<p>all members who witness excessive force to report it directly to the Internal Affairs Bureau.</p> <p>In addition, the T.R.I. Incident Worksheet fails to provide a space for a narrative that would allow the officer to describe the events leading to the use of force. The form only allows officers to check a box indicating what type of force was used and the reason. The Supervisor's Assessment Report does include a narrative section for the investigating supervisor to complete. Therefore, NYPD's forms do not capture the first-hand narrative from the officer involved in the force encounter.</p> <p>OIG-NYPD will continue to monitor NYPD's progress on this issue.</p>
5	<p>NYPD should create a database to track comprehensive Department-wide information on use of force, including data compiled from the use-of-force forms.</p>	<p><b>Changed from Accepted in Principle to Implemented.</b></p> <p>Since June 1, 2016, NYPD has used the FORMS T.R.I. application to collect and compile data points documented on the T.R.I. Incident Worksheet.</p> <p>While OIG-NYPD has not independently verified that all T.R.I. Incident Worksheets have been entered into the FORMS T.R.I. application, it has verified the existence and functionality of the database.</p>
6	<p>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</p>	<p><b>Unchanged: Accepted in Principle.</b></p> <p>According to NYPD, data collected within the FORMS T.R.I. application has recently started streaming into the Department's Crime Data Warehouse in NYPD's Office of Management Analysis and Planning (OMAP). NYPD says that this recent development has allowed NYPD to begin the process of analyzing force data through its main data analytics platform, COGNOS.</p> <p>Since the release of OIG-NYPD's Report, new legislation requires NYPD to publicly report discipline, use-of-force, and injury number. Similar to the Annual Firearms Discharge Report, the Use-of-Force Report will be a comprehensive analysis of all reportable use-of-force incidents. The legislation set the deadline for the first report as February 1, 2017. NYPD has stated that the report will be released in April 2017.</p> <p>OIG-NYPD will continue to monitor NYPD's progress on this issue.</p>

	for a comprehensive understanding of the issue.	
7	NYPD training should place a stronger and more thorough emphasis on de-escalation tactics, by adding specific Police Academy and in-service courses on de-escalation that incorporate both classroom and scenario-based training.	<p><b>Unchanged: Partially Implemented.</b></p> <p>NYPD reports that a new physical tactics training began in January 2016 and will conclude in June 2017. This training module is the primary training on NYPD's new use-of-force policy for in-service officers. As reported in OIG-NYPD's Second Annual Report (April 2016), NYPD had previously asserted that this new physical tactics training would cover de-escalation strategies. OIG-NYPD attended this training module in March 2017. Although de-escalation was emphasized by Academy instructors, they provided no scenario-based training on de-escalation tactics.</p> <p>OIG-NYPD will continue to monitor NYPD's progress on this issue.</p>
8	NYPD should incorporate a formal evaluation system for all scenario-based trainings concerning the use of force.	<p><b>Changed from Under Consideration to Accepted in Principle.</b></p> <p>NYPD reports that after further consideration, it is in agreement with an evidence-based evaluative tool that will measure whether scenario-based trainings effectively support desired training outcomes. NYPD notes that this effort will require development, evaluation, and implementation of a training module that will be built with input of external subject matter experts and other stakeholders and that will weigh skill-building of trainers and budgetary implications. NYPD further reports that this is a work-in-progress to which the Department is fully committed.</p> <p>OIG-NYPD will continue to monitor NYPD's progress on this issue.</p>
10	NYPD should implement training to instruct officers to intervene in situations in which other officers escalate encounters, use excessive force, and/or commit other misconduct.	<p><b>Changed from Accepted in Principle to Implemented.</b></p> <p>NYPD reports that intervention training has been implemented as part of its new Use-of-Force training module. OIG-NYPD attended this training module in March 2017 and observed that NYPD does indeed instruct officers on their duty to intervene.</p> <p>OIG-NYPD will continue to monitor NYPD's progress on this issue.</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	<p><b>Changed from Rejected to Accepted in Principle.</b></p> <p>As a complement to NYPD's Force Monitoring Program, NYPD reports that the pending RAILS (Risk Assessment Information Liability System) system, when implemented, will augment the Department's data evaluation initiatives in this area.</p> <p>OIG-NYPD will continue to monitor NYPD's progress on this issue.</p>

	training and then implement such instruction.	
12	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><b>Unchanged: Rejected.</b></p> <p>As reported in OIG-NYPD’s 2016 Annual Report, NYPD stated that it examines the totality of the actions of each officer in a given situation to determine the appropriate penalty. NYPD has not changed its position.</p> <p>OIG-NYPD maintains that attaching distinct penalties to individual counts will increase transparency and accountability.</p> <p>OIG-NYPD expects to revisit NYPD’s disciplinary process in future reports and will be particularly attuned to instances where officers are not given penalties for particular substantiated charges (such as excessive force) and those officers subsequently re-commit the same type of offense.</p>
13	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 ( <i>Recommendation #6</i> ) on the number and percentage of cases in which the Police Commissioner reduces or declines discipline.	<p><b>Unchanged: Rejected.</b></p> <p>As reported in OIG-NYPD’s 2016 Annual Report, NYPD stated that the factors that result in a police officer’s use of force, and the determination of the question of whether that force was proportional or excessive, are impacted by several variables. NYPD stated that attempting to measure the Department-wide impact of excessive force penalties on new excessive force incidents would not be a useful endeavor. NYPD has not changed its position.</p> <p>OIG-NYPD remains concerned with NYPD’s reluctance to collect and review such data. OIG-NYPD maintains that the collection, analysis, and reporting of the data outlined in the recommendation would promote transparency and accountability. Furthermore, it would potentially allow NYPD to discern systemic issues that it might otherwise miss. OIG-NYPD will continue to review and report on systemic issues concerning NYPD use of force in future reports.</p>
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.	<p><b>Unchanged: Partial Agreement in Principle.</b></p> <p>As reported in OIG-NYPD’s 2016 Annual Report, NYPD stated that several factors – including the results of prior substantiated complaints against an officer, an officer’s performance history, and other aspects of the officer’s professional career – are taken into account when assessing a penalty in a disciplinary case (though the extent to which they are taken into account is not specifically documented in writing). However, although similar factors are used to place an officer on monitoring, NYPD stated that the fact that an</p>



		<p>officer is placed on monitoring is not relevant to assessing disciplinary penalties. NYPD has not changed its position.</p> <p>OIG-NYPD welcomes NYPD’s efforts to consider various performance criteria when assessing disciplinary penalties for officers. OIG-NYPD will continue to examine the potential benefits of including monitoring in the disciplinary analysis.</p> <p>With respect to NYPD’s reluctance to document the degree to which these factors impact individual penalty assessments, OIG-NYPD maintains that such information is important for transparency, and 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: Partial Agreement in Principle.</b></p> <p>As reported in OIG-NYPD’s 2016 Annual Report, NYPD stated that its force monitoring program is a predictive analytics tool to address officers who might be in need of closer supervision and instruction. It is not a penalty. NYPD stated that it shares with CCRB some of the information that results in officers being placed on monitoring (including prior substantiated allegations and performance evaluation histories), but it does not share the fact that an officer has been placed on monitoring.</p> <p>OIG-NYPD welcomes NYPD’s efforts to share with CCRB information that is relevant to assessing disciplinary penalties for officers. OIG-NYPD will continue to examine the potential benefits of NYPD providing CCRB with officers’ full monitoring history.</p>

#### **IV. COMPLAINTS**

Local Law 70 underscores the importance of allowing members of the public to make complaints to OIG-NYPD regarding problems and deficiencies relating to NYPD's operations, policies, practices, and programs. OIG-NYPD has been receiving such complaints since its inception. By reviewing complaints, investigating allegations, speaking to complainants, and liaising with other government agencies, OIG-NYPD can both address individual concerns raised by members of the public and identify potential systemic issues facing NYPD.

The complaints received by OIG-NYPD in 2016 covered a range of issues that fell into several categories. Where appropriate (usually because they involved individualized rather than systemic issues), and after discussions with complainants in non-anonymous complaints, OIG-NYPD referred these complaints to CCRB or the NYPD Internal Affairs Bureau for further review or informed complainants how to file complaints with those agencies.

OIG-NYPD retains all complaint information. Such information may support long-term investigations into systemic issues such as NYPD surveillance of political and religious groups, police use of force, alleged disability fraud, problems with crime reporting, and matters concerning NYPD's staffing, among other issues.

#### **V. COMMUNITY OUTREACH AND ENGAGEMENT**

OIG-NYPD values the importance of community outreach and engagement in its efforts to understand better the concerns and needs of New York City residents, especially those in vulnerable communities. OIG-NYPD makes a concerted effort to engage with vulnerable communities to inform its investigations and address the need to improve police-community relations, which ultimately enhances police accountability.

OIG-NYPD's office strategy, investigation findings, and policy recommendations address Local Law 70's mandate to "[build] stronger police-community relations." OIG-NYPD's outreach efforts focus on the Office's outreach to and engagement with all stakeholders. These stakeholders include community organizations, advocacy groups, legal service providers, officer associations, and police unions, among others.

Last year, OIG-NYPD met with many community advocates and representatives from local organizations throughout New York City. These included civil rights groups, individual community members, and other local organizations that focus on youth, LGBTQ communities, people with mental illness, and homelessness. These meetings, dialogues, events, and communications have given OIG-NYPD a deeper understanding of various issues that intersect with policing. At the same time, OIG-NYPD has provided the public with information on the Office's mission, reports, and recommendations. Office staff also attend conferences and communicate with other oversight and policing agencies and professional organizations.

City officials—including police officers—are central to efforts for improving policing and police-community relations. OIG-NYPD regularly engages with NYPD officers of all ranks through officer associations, police unions, and individual contacts. Their concerns and input play a vital role in the Office’s investigations. In addition to NYPD, OIG-NYPD reaches out to police departments in other major cities across the world. These efforts provide OIG-NYPD with information on successful best practices and new innovative programs and practices being used by other police departments. OIG-NYPD also recognizes that policing converges with the work of other city stakeholders. Thus, the Office meets with other City agencies and members of the New York City Council. These meetings are essential to understanding the partnerships NYPD has in the City to enforce the law and respond to emergency situations. City Council hearings provide OIG-NYPD with necessary information on proposed policies and legislation affecting policing in the City.

OIG-NYPD is committed to continued outreach and engagement with the public on all policing issues. The Office responds to public inquiry and accepts feedback from stakeholders on investigations and recommendations. OIG-NYPD also regularly looks at new ways of expanding outreach efforts to all communities in the City.

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