



The City of New York
Department of Investigation

MARGARET GARNETT
COMMISSIONER

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

Release #19-2019
nyc.gov/doi

**FOR IMMEDIATE RELEASE
WEDNESDAY, JUNE 26, 2019**

**CONTACT: DIANE STRUZZI
NICOLE TURSO
(212) 825-5931**

**EXAMINATION BY DOI'S OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD IDENTIFIES DEFICIENCIES
AND RECOMMENDS IMPROVEMENTS IN HOW NYPD HANDLES COMPLAINTS OF BIASED POLICING**

The Department of Investigation's ("DOI") Office of the Inspector General for the New York City Police Department ("OIG-NYPD") issued its findings today of an examination into how NYPD investigates and tracks complaints of biased policing against NYPD officers. NYPD defines biased-based policing, also known as biased policing, as any discriminatory action, or intentional failure to take action, by law enforcement that is motivated by a person's actual or perceived status protected by law (for example, race, national origin, sexual orientation, etc.). OIG-NYPD determined that from 2014, when NYPD began separately investigating and tracking such complaints, to the end of 2018, members of the public had made at least 2,495 complaints of biased policing. OIG-NYPD analyzed 888 such allegations, covering a two-and-a-half year period, and found inadequacies in how NYPD investigated and tracked them. Moreover, to date, NYPD has not substantiated any complaints of biased policing since it created the distinct complaint classification. This examination also determined that the Civilian Complaint Review Board ("CCRB"), the City's primary agency charged with investigating police officer misconduct, does not investigate complaints of biased policing, unlike similar independent police review agencies associated with the 20 largest police departments in the United States. A copy of the Report is attached to the release and can be found here: <https://www1.nyc.gov/site/doi/newsroom/public-reports.page>.

DOI Commissioner Margaret Garnett said, "Establishing effective and fair processes for the investigation of biased policing allegations is a fundamental component of the police department's relationship with the public, helping to build trust and confidence. The findings in this Report can provide guidance to ensuring that NYPD and all entities involved in these investigations are working together and sharing data."

Inspector General Philip K. Eure said, "Biased policing, actual or perceived, undermines the core value of equal treatment under the law and also poses a threat to public safety because racial profiling and other types of biased policing undermine the public's confidence and trust in law enforcement. NYPD must ensure that these complaints are thoroughly investigated and tracked. In addition, the independent CCRB should expand its authority to investigate biased policing complaints filed with that agency."

As part of the investigation, OIG-NYPD examined NYPD's handling of 888 biased policing allegations filed between late 2014 and early 2017, reviewed over 5,000 pages of NYPD documents, attended NYPD's recruit and active-duty uniformed officer trainings related to biased policing, and interviewed investigators who handled such allegations. OIG-NYPD determined a majority of the biased policing complaints (68%) contained allegations of discriminatory policing based on race, ethnicity, color, or national origin and that the largest category of complainants were Black (66.5%). Other complaints alleged biased policing on the basis of religion, disability, sexual orientation, gender identity, gender, age, citizenship status, alienage, housing status, and other non-physical characteristics.

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With regard to NYPD's policy on investigating these complaints, OIG-NYPD found that while the Department's rules prohibit offensive language, NYPD does not investigate an officer's use of offensive language related to a complainant's protected status – such as using a racial slur – under its category of “biased policing.” The offensive language must be accompanied by other police action – such as an arrest, the use of force, or a refusal to take a complaint – for NYPD to categorize or investigate the use of such language as biased policing. Accordingly, if a member of the public files a complaint with NYPD alleging that an officer uttered a racial slur but the complaint does not allege any other police action (or the withholding of police action), NYPD will not categorize or investigate the alleged slur, but will instead refer the matter to CCRB for investigation as offensive language and await CCRB's referral for discipline, if any.

OIG-NYPD also found several investigative deficiencies, including instances of NYPD misclassifying complaints and failing to conduct the requisite interviews with subject officers and complainants. And, while NYPD trains investigators on how to investigate complaints of biased policing, OIG-NYPD found that some investigators did not receive this training before they began investigating these complaints.

The Report makes 23 recommendations, the majority of which are to NYPD as well as a few that apply to CCRB and other agencies to improve the City's handling of biased policing complaints, including:

- CCRB should adopt a policy to investigate allegations of biased policing by uniformed members of NYPD under its “Abuse of Authority” jurisdiction, instead of the current practice of forwarding all such allegations to NYPD's Internal Affairs Bureau.
- NYPD should amend its Patrol Guide policies so that complaints alleging the use of offensive language associated with an individual's actual or perceived protected status, such as racial slurs, are classified as biased policing.
- 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.
- 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:
 - a) the subject officer's uniformed versus non-uniformed status, bureau or unit assignment, gender, race/ethnicity, age, and length of service to the Department;
 - b) the self-reported demographics (race/ethnicity, sex, age, etc.) of complainants;
 - c) the types of police encounters that resulted in complaints of biased policing;
 - d) the number of biased policing complaints initiated by borough and precinct;
 - e) the discriminatory policing conduct alleged;
 - f) the sub-classifications and outcomes of such complaints; and
 - g) the status of the Department's efforts to prevent biased policing.

The Report was prepared by DOI's Office of the Inspector General for the NYPD, specifically, Senior Policy Analyst Justyn Richardson, Policy Analyst Matthew Polistina, Director of Outreach Hassan Naveed, and Investigative Attorney Jaclyn Quiles, under the supervision of First Deputy Inspector General Asim Rehman and Inspector General Philip K. Eure.

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