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

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

A copy of the Report is attached to this release and can be found here.

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

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

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

Today's Report includes the following findings:

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

- There was an uptick in the number of NYPD-related lawsuits alleging police misconduct filed between 2017 and 2018, including a 72% increase in lawsuits alleging use of force. While the trends identified in the Report do not necessarily demonstrate improper conduct by NYPD officers, they provide areas of inquiry that NYPD should consider in its litigation data analysis work.

- NYPD currently tracks more data on lawsuits and claims than it did when OIG-NYPD first examined this issue in 2015, including more specific information about the nature of the claims, information about the locations of the incidents, and details about the subject officers.

- NYPD's early intervention system (known as RAILS – the Risk Assessment Information Liability System), monitors officers based on various performance indicators (e.g., citizen complaints, firearm discharges, etc.). Previously, NYPD had decided not to include lawsuit data as one such performance indicator due to technical limitations. Because of data improvements, however, NYPD now has plans to feed this information into its early intervention system. This positive development aligns with one of OIG-NYPD's key recommendations from its 2018 Report.

- While the configuration of RAILS is consistent with how many other police departments structure their early intervention systems, NYPD would be well-served to continue examining other features of early intervention systems at other agencies. As the Department continues to roll out the system, NYPD should also ensure that supervisors are sufficiently consulted and trained.

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

- NYPD should consider incorporating metrics within RAILS that allow the Department to distinguish between highly active officers who have few problematic incidents (and thus may not need intervention) and highly active officers who engage frequently in problematic behavior.

- NYPD should seek input from supervisors for future developments of RAILS and create a venue for supervisors to direct their feedback.

- NYPD should ensure that sufficient and ongoing training is available to all supervisors once RAILS is fully developed.

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

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

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