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FIFTH ANNUAL REPORT
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 Fifth 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 2018 and assesses the extent to which the New York City Police Department (NYPD or Department) has implemented OIG-NYPD's recommendations for reform.

Pursuant to Chapter 34 of the New York City Charter and Mayoral Executive Order 16, as amended, DOI's OIG-NYPD is charged with external, independent review of NYPD. 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."[1] OIG-NYPD publishes written, publicly available reports based on these investigations, reviews, studies, or audits. The NYPD Commissioner is required to submit a written response to each published report within 90 days.[2]

In 2018, OIG-NYPD released three reports:

- *An Investigation of NYPD's New Force Reporting System (February 2018)*
- *An Investigation of NYPD's Special Victims Division-Adult Sex Crimes (March 2018)*
- *Ongoing Examination of Litigation Data Involving NYPD (April 2018)*

Summaries of these three reports, along with their 42 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 103 recommendations made in the 10 OIG-NYPD reports issued from 2015-2017.[3]

This report classifies the status of OIG-NYPD's recommendations into the following categories:

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

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[1] NEW YORK, N.Y., CHARTER ch. 34, § 803 (c)(1) (2017).
[2] All of the OIG-NYPD's reports are available at: http://www1.nyc.gov/site/doi/offices/oignypd.page
[3] 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 total, OIG-NYPD's 13 investigative reports concerning NYPD from 2015-2018 contain 145 recommendations. As depicted in the table below, NYPD has accepted or implemented 74% of these recommendations (57% have been implemented and an additional 17% have been accepted in principle). 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.

Report	Under Consideration	Accepted in Principle	Partially Implemented	Implemented	Rejected
An Investigation of NYPD's New Force Reporting System (February 2018)	2	8	2	2	11
An Investigation of NYPD's Special Victims Division-Adult Sex Crimes (March 2018)	1	3	2	4	2
Ongoing Examination of Litigation Data Involving NYPD (April 2018)	0	0	2	0	3
Review of NYPD's Implementation of Patrol Guide Procedures Concerning Transgender and Gender Nonconforming People (November 2017)	0	4	0	4	1
When Undocumented Immigrants Are Crime Victims: An Assessment of NYPD's Handling of U Visa Certification Requests (July 2017)	0	0	2	3	5
Addressing Inefficiencies in NYPD's Handling of Complaints: An Investigation of the "Outside Guidelines" Complaint Process (February 2017)	1	0	2	2	1

Report	Under Consideration	Accepted in Principle	Partially Implemented	Implemented	Rejected
Putting Training into Practice: A Review of NYPD's Approach to Handling Interactions with People in Mental Crisis (January 2017)	0	2	2	9	0
An Investigation of NYPD's Compliance with Rules Governing Investigations of Political Activity (August 2016)	0	2	0	6	3
An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015 (June 2016)	0	0	0	4	3
Police Use of Force in New York City: Findings and Recommendations on NYPD's Policies and Practices (October 2015)	1	2	3	8	1
Body-Worn Cameras in New York City: An Assessment of NYPD's Pilot Program and Recommendations to Promote Accountability (July 2015)	0	4	0	18	1
Using Data From Lawsuits and Legal Claims Involving NYPD to Improve Policing (April 2015)	1	0	3	1	0
Observations on Accountability and Transparency in Ten NYPD Chokehold Cases (January 2015)	0	0	1	3	0
Totals	**6**	**25**	**19**	**64**	**31**

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, 2018, OIG-NYPD had 43 investigations open for six to 12 months, seven investigations open for 13 to 24 months, five investigations open for 25 to 36 months, and one investigation 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 2018. Throughout the year, these outreach efforts ranged from attending community events to participating in meetings with a variety of advocates, elected officials, and community groups, 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.   *2018 SYSTEMIC INVESTIGATIONS, REVIEWS, STUDIES, AND AUDITS: RECOMMENDATIONS AND NYPD RESPONSES*

Pursuant to Section 803(d)(3) of the New York City Charter, we summarize below the findings and recommendations made in the four reports OIG-NYPD released in 2018, and assess NYPD's progress in implementing the 42 recommendations in those three reports. We will continue to closely monitor NYPD's progress on all recommendations that have not yet been implemented.

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. In its October 2015 Report on NYPD use of force, OIG-NYPD determined that NYPD was unable to identify and track such incidents. Among the 15 recommendations in that Report, OIG-NYPD recommended that NYPD have a separate, uniform use-of-force reporting form that allows NYPD to capture and track all officer uses of force and injuries that occur in the course of a police encounter.

In response, NYPD agreed that such a tracking system was necessary and stated its plan to build one. In June 2016, the Department replaced its existing use-of-force policies, Patrol Guide Series 212, with a new set of use-of-force procedures, Patrol Guide Series 221.A new form—the Threat, Resistance, and Injury Worksheet (T.R.I.)—was introduced to NYPD as 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 occurring during the course of a police action or while an individual is in police custody.

Considering the importance of the new T.R.I. use-of-force reporting system and the need for comprehensive and accurate use-of-force data, 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 arrived at the following findings:

- Despite a weak start in 2016, by 2017, NYPD was largely in compliance with some T.R.I. metrics. Specifically, by 2017, when an arrest report indicated that force was used, there was almost always an accompanying T.R.I. form.

- In other situations, however, NYPD officers were not completing the required T.R.I. form. By looking at other proxy documents that indicated the use of force in a police encounter, OIG-NYPD identified a series of force incidents where no T.R.I. form was completed. Unfortunately, NYPD does not have sufficient controls in place to identify these other uses of force – which are indeed harder to detect – and to ensure that T.R.I. forms are completed when required.

- Separate from T.R.I. forms, officers are also required to indicate the use of force on arrest reports. OIG-NYPD found that in at least 30% of the arrest reports with resisting arrest charges in the 2016 study period (and 55.9% in a 2017 sample), officers stated that "No" force was used but still filed a T.R.I. form affirming that the officer indeed used reportable force during the incident. This means that officers are underreporting force on arrest reports. This accuracy issue not only undermines the efficacy of future oversight audits, but risks engendering a false sense of compliance.

- In addition to broader, technological solutions that are helping NYPD achieve better force reporting, supervisors play a vital role in ensuring T.R.I. compliance. OIG-NYPD identified several supervisory deficiencies in the T.R.I. program that NYPD should address. These include the failure to record T.R.I. information in command logs, to complete required steps when investigating a force incident, and to submit quarterly T.R.I. reports to the NYPD First Deputy Commissioner, as required by Patrol Guide Series 221.

- Interviews with NYPD precinct commanders revealed the growing need for deadlines on the filing of T.R.I. forms (there are currently still no deadlines), additional training for officers, a narrative section on the T.R.I. forms where officers can further document the incident (now under development by NYPD), and a more effective hotline for supervisors to call when T.R.I. questions emerge.

In addition, enhancing accountability and public trust requires that NYPD publish accurate and useful data on officer use of force. NYPD now publishes an annual Use-of-Force Report that provides useful baseline data on general uses of force. NYPD, however, can do much more to ensure that the public has a fuller understanding of force incidents involving police officers. Comprehensive force reporting will ultimately bolster NYPD's efforts at community engagement by providing reliable and relevant data that will better inform the public discussion about officer use of force.

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. Key recommendations included:

- NYPD should take various steps to improve the accuracy of force data captured on arrest reports, including the establishment of clear policies regarding how force should be recorded on arrest reports, enhanced supervisory review of all arrest-related documentation, and discipline for officers who fail to properly report force.

- NYPD should impose an "end of tour" deadline by which police officers must complete required T.R.I. forms and impose appropriate discipline against officers who fail to meet the deadline. NYPD should also add a narrative section to the T.R.I. form.

- NYPD should use data from T.R.I. forms to publish annual, public use-of-force reports that identify and analyze trends in all force categories. Beyond what is required by law, these reports should include additional data analyses, such as disparities in the types or amount of force used based on age, gender, race, and national origin.

Although NYPD initially rejected these recommendations in its official 90-day response to OIG-NYPD's Report, NYPD subsequently reconsidered its stance on the proposals concerning T.R.I. narratives and force reporting on arrest reports, and is currently updating the T.R.I. form. At the same time, NYPD continues to oppose other recommendations, including publicly reporting use-of-force trends broken down by age, gender, race, and other demographic information. A full review of NYPD's responses to OIG-NYPD's recommendations is below.

AN INVESTIGATION OF NYPD'S NEW FORCE REPORTING SYSTEM (FEBRUARY 2018 REPORT)		
OIG-NYPD'S RECOMMENDATION		**NYPD RESPONSE AND OIG-NYPD ASSESSMENT**
1	NYPD should add a field to the "Force Used" section of the arrest report for officers to note the associated T.R.I. incident number(s).	**Accepted in Principle** NYPD is currently consolidating many of its existing forms into the FORMS 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. OIG-NYPD will continue to monitor this issue.
2	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.	**Accepted in Principle** NYPD is currently consolidating many of its existing forms into the FORMS 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. OIG-NYPD will continue to monitor this issue.
3	NYPD should add a narrative section to the T.R.I. and require officers to provide a full account of the force incident, including specific details on the force used by the officer and/or members of the public, the chronology of the force encounter, as well as any injuries sustained by either.	**Accepted in Principle** NYPD has completed a review of the current T.R.I. worksheet and states that an updated version will likely include a narrative section. The updated worksheet is expected to be complete sometime in 2019. OIG-NYPD will continue to monitor this issue.

4	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.	**Under Consideration** NYPD has recently advised OIG-NYPD that, as part of the Department's current efforts to update the T.R.I. worksheet, it will now have dropdown menus allowing users to select certain values. NYPD is currently considering whether those dropdown menus will include the values recommended by OIG-NYPD. OIG-NYPD will continue to monitor this issue.
5	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.	**Accepted in Principle** According to NYPD, the location of the injury to any officer or subject will now be included as part of the T.R.I. worksheet. OIG-NYPD looks forward to reviewing the new T.R.I. worksheet once these revisions are complete. According to NYPD, NYPD Patrol Guide procedure 221-03(8B) also requires photographic documentation of any portion of the body where force was used or alleged to have been used.
6	NYPD should impose (a) an "end of tour" deadline by which officers must complete a required T.R.I. form, with appropriate exceptions, and (b) appropriate discipline against officers who fail to meet the deadline, except when certain exceptions apply.	**Rejected** NYPD maintains that pre-existing Patrol Guide provisions make this recommendation unnecessary. NYPD points to Patrol Guide §221-03, which requires that an officer's immediate supervisor sign off on any pending T.R.I. worksheets by the end of the officer's tour, and Patrol Guide § 203-05 requiring that official reports should be made without delay. NYPD has advised OIG-NYPD that the Department has disciplined some uniformed members in 2018 for "TRI Form deficiencies." OIG-NYPD maintains that this recommendation is necessary and urges NYPD to reconsider. The timely submission of the T.R.I. worksheet is critical, and NYPD already has specific submission deadlines for other forms (notwithstanding the general rule about completing forms without delay). NYPD should be able to apply the same practice here. For example, NYPD imposes a firm deadline on its Firearm Discharge Report. That deadline includes appropriate provisions for extensions in exigent circumstances. OIG-NYPD has repeatedly raised

		Firearm Discharge Report procedures as a model for this recommendation, and OIG-NYPD's recommendation explicitly states that there should be "appropriate exemptions." NYPD Patrol Guide Provision 221-03 is no substitute for a deadline on submission, as it imposes a requirement only on a supervisor to sign off on pending T.R.I. worksheets *that have already been submitted.* It does little to ensure that T.R.I. worksheets be submitted in the first place. Lastly, with respect to NYPD's position that Patrol Guide § 203-05 already requires officers to submit any and all forms "without delay," this provision does not provide clear guidance. NYPD should provide officers with specific policies regarding completion of T.R.I. forms.
7	NYPD should require desk officers to question the involved officers about any force used during arrest processing so that the command log accurately reflects the force incident.	**Under Consideration** NYPD Patrol Guide § 208-03 requires desk officers to question arresting officers during arrest processing about any use of force. Patrol Guide § 221-03 requires desk officers to record the details of any such incident in the command log, including the T.R.I. incident number. While these Patrol Guide provisions would meet the substance of this recommendation, NYPD has indicated that it believes Patrol Guide § 221-03 is "outdated" and "under review." OIG-NYPD maintains the importance of this recommendation and urges NYPD to preserve these Patrol Guide provisions, or replace them with updated procedures that still require desk officers to question the involved officers about any force used during arrest processing and to log the information accordingly. As stated in OIG-NYPD's Report, while manual entry of T.R.I. numbers into a physical command log is "outdated" in a technical sense, these interactions and requirements are a vital part of an interconnected and reinforcing system of accountability. When multiple officers all have duties that are interconnected, this makes them accountable to each other, and increases the accuracy and timeliness of data reporting. Further, the command logs are invaluable and irreplaceable audit points for oversight of the T.R.I. program.

8	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.	**Rejected** NYPD believes that "[a]dopting this recommendation would not assist in the development of uniform reporting regarding incidents involving the use of force. This goal is accomplished by the completion of the T.R.I. worksheet." OIG-NYPD stands by its recommendation. The purpose of the T.R.I. worksheet is accurate and uniform reporting of incidents involving the use of force. The T.R.I. system, however, is only as accurate as the T.R.I. data flowing into the system. The purpose of the arrest stamps in this recommendation is not to supplement or usurp the T.R.I. worksheet as the primary data point for measuring incidents of use of force. Rather, it is a separate data point that can be used to audit the accuracy of the T.R.I. worksheet. Audit points are necessary to ensure the integrity of the T.R.I. system, as noted in our Report. OIG-NYPD urges NYPD to reconsider its rejection of this recommendation or institute equivalent data collection that creates alternative data points.
9	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.	**Rejected** As stated above under recommendation 8, NYPD has rejected recommendations regarding arrest-processing stamps and the command log. OIG-NYPD urges NYPD to reconsider its rejection of this recommendation as well, or incorporate the substance of the "prompting" recommendation into any revised protocol. OIG-NYPD will continue to monitor NYPD's assessment and review of Patrol Guide § 221-03.
10	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.	**Rejected** The recommendation was based on a finding of substantial and systemic error rates in arrest documentation, as set forth in the Report. In its 2018 official response, NYPD maintained that its pre-existing monthly Force Review Meetings already satisfied this recommendation. When asked how the Force Review Meeting ensured compliance with arrest-related documentation, NYPD responded that these

		meetings "can be" used for reviewing "deficiencies and remedies on a macro level" or that certain arrest-related documentation "can be pulled and scrutinized during the meeting." OIG-NYPD, however, was unable to confirm that arrest-related documentation is actually reviewed in a comprehensive and systematic way at Force Review Meetings. Instead, the monthly Force Review Meetings are capable of reviewing arrest-related documentation in an *ad-hoc*, case-by-case basis. OIG-NYPD maintains that the existing Force Review Meetings, absent new developments, are not sufficient to address the systemic arrest report inaccuracies identified in our Report. OIG-NYPD reiterates its recommendation that NYPD should enhance existing reviews of all arrest-related documentation.
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.	**Implemented** This recommendation called on NYPD to consider a change. NYPD states that it has considered removing the function from IAB and has concluded that IAB is an appropriate location for this work. NYPD notes that the team is staffed with well-trained and knowledgeable personnel who are available during all shifts to answer questions from command supervisors regarding T.R.I. worksheets and approvals.
12	NYPD should include in Patrol Guide series 221 a clear and unambiguous definition of "reportable force" by officers. The current policy provides a definition of force when used against officers and defines three levels of force by officers, but a lack of clarity still exists for many officers regarding whether certain actions constitute reportable force.	**Accepted in Principle** NYPD has accepted this recommendation and is in the processing of revising its Use of Force Policy (NYPD Patrol Guide § 221-03). Those revisions are expected to be completed during 2019.
13	NYPD should establish a clear policy that requires arresting officers to select "Yes" on the arrest report in response to the "Force Used" section if any officer	**Partially Implemented** NYPD initially rejected this recommendation in its 2018 response. More recently, however, NYPD introduced a new Operations Order to clarify the reporting requirements with regard to arrest reports. As a result,

	used reportable force during the encounter.	enhancements have been added to the complaint system and arrest report, including captions for the Type of Force Used by MOS, the Reason for Force, and the T.R.I. Report Number. The Operations Order also clarifies the "Force Used" section by including separate "Force Used" sections for both the arresting officer and assisting officer(s). OIG-NYPD appreciates NYPD's reconsideration and progress on this issue. We encourage NYPD to take steps to make the Operations Order permanent policy.
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.	**Implemented** While NYPD is currently unable to track the specific number of officers who receive command-level discipline specifically for inaccuracies on arrest reports, NYPD confirmed to OIG-NYPD that command level discipline can be given for failure to select the "Force Used" box on arrest reports, according to Patrol Guide § 206-03 #7 schedule (A) (Command Discipline: Omitted entries in Department records, forms or reports).
15	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.	**Rejected** NYPD has rejected this recommendation, stating that the purpose of Medical Treatment of Prisoner forms is to document when an arrestee requires medical attention, not to document the use of force. NYPD states that the use of force is already documented in the T.R.I. worksheets. OIG-NYPD stands by its recommendation. As demonstrated in OIG-NYPD's Report, Medical Treatment of Prisoner forms are separate data points that can be used to audit the accuracy of T.R.I. worksheets. NYPD should not rely on T.R.I. worksheets alone to assess data accuracy. As with any important data collection, separate audit points are necessary to ensure the integrity of the T.R.I. system.
16	NYPD should provide officers with more training and formal reminders on (a) when and how to complete a T.R.I. form and the importance of submitting the T.R.I. form, and (b) how to write a detailed account of a force	**Accepted in Principle** According to NYPD, the Department accepts the recommendation's goal, but will develop its own implementation strategy. Further details concerning implementation of this recommendation are expected

	encounter (should a narrative section is added to the T.R.I. form).	once the current T.R.I. worksheet revisions are finalized in 2019.
17	NYPD should provide more training for desk officers, integrity control officers, precinct training sergeants, and other supervisors to (a) ensure T.R.I. compliance and proper supervisory review of completed T.R.I. worksheets, and (b) closely examine the arrest report narratives and the "Force Used" section on the arrest reports to ensure that officers are selecting "Yes" for "Force Used" when force was used.	**Accepted in Principle** According to NYPD, the Department accepts the recommendation's goal, but will develop its own implementation strategy. Further details concerning implementation of this recommendation are expected once the current T.R.I. worksheet revisions are finalized in 2019.
18	NYPD should conduct an annual audit of T.R.I. compliance and include the results in its annual and public Use-of-Force report.	**Partially Implemented** NYPD reports that it conducts monthly T.R.I. audits which 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. OIG-NYPD stands by its recommendation. Including the results of an annual audit in the existing public Use-of-Force reports would greatly improve transparency and public trust in NYPD. OIG-NYPD urges the Department to reconsider.
19	NYPD's Force Review process should include quality-control procedures that seek to improve the accuracy of force reporting not only on T.R.I. forms, but also on arrest reports and other arrest-related documentation.	**Rejected** NYPD states that deficiencies, including accuracy of arrest reports, are topics of discussion at the Monthly Force Review. While the Monthly Force Review Meetings are important, OIG-NYPD was aware of the existing monthly review process at the time its Report was issued and found that additional quality-control procedures were necessary.

		While OIG-NYPD appreciates that NYPD takes the accuracy of arrest reports seriously, we believe more must be done to ensure such accuracy.
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.	**Accepted in Principle** NYPD accepts the recommendation goal, but will develop its own strategy to implement. According to NYPD, the quarterly reporting requirement has been eliminated and replaced by the new COGNOS crime data system. NYPD states that this database has attained sufficient functionality to replace the quarterly reporting requirement. The Patrol Guide section mandating quarterly reports, however, is still in effect. NYPD states that these Patrol Guide requirements are under review. OIG-NYPD will continue to monitor this issue.
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;	**Rejected** NYPD has accepted and implemented all reporting requirements as required by local law. NYPD, however, has expressly rejected any recommendation that goes beyond these legal requirements. 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;	**Rejected**
21C	C) Officer use of force based on job tenure and experience;	**Rejected**
21D	D) Commands with the highest rates of force; ・ Is the frequency of force consistent with crime and arrest rates in these commands?	**Rejected**

	· Are certain units more or less likely to employ force?	
21E	E) Demographic characteristics of members of the public and officers involved in force incidents; · Are there disparities in the types or amount of force used based on age, gender, race, national origin, precinct, or other factors? · What are the reasons for such disparities?	**Rejected**

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

March 26, 2018 Report

With the possible exception of murder, no crimes are as heinous, traumatic, and damaging as rape and sexual assaults. When viewed in terms of the lasting impact on lives, families, and communities, sex-crimes are unique.

Sex-crime investigations are equally unique. Victims have suffered tremendous trauma, and many risk further victimization by the criminal justice process. Survivors of sexual assault often endure invasive and traumatizing evidence collection and are forced to relive and retell their stories while serving as the key witness during investigation and trial. As a result, national best practices call for a victim-centered approach to sex-crime investigation.

In late 2016, OIG-NYPD began tracking a troubling trend. While reported sex crimes—especially those where the perpetrator was known to the victim—were trending up, arrests were trending down. In early 2017, OIG-NYPD received credible complaints regarding dysfunction at the NYPD Special Victims Division (SVD) squads that investigate adult sex-crimes. OIG-NYPD then launched a full investigation of SVD, focusing on the units' staffing resources.

In addition to analyzing NYPD's own staffing data, OIG-NYPD reviewed hundreds of pages of internal NYPD documents indicating not only that NYPD's SVD was severely understaffed and had been for almost a decade, but that NYPD's leadership had been repeatedly made aware of these issues and failed to act. The investigative team also interviewed sex-crimes prosecutors, service providers, victim advocates, and current and former members of NYPD's SVD. The team conducted extensive background research, contacting law enforcement professionals across the country and identifying a quantitative model to precisely determine proper staffing levels at SVD.

OIG-NYPD found that the SVD leadership had, at the time, implemented a number of significant operational improvements. These included partnerships with community advocates, a review of closed cases with service providers and advocates, audits of rape cases deemed "unfounded," and regular reviews of all sex crimes to ensure that they are properly classified under the penal code.

On the other hand, the investigation also found that NYPD had understaffed and under-resourced SVD for at least the last nine years. As a result of understaffing, OIG-NYPD's investigation also found that NYPD had prioritized so-called "stranger rapes" and other more high-profile cases, while "acquaintance rape" and other investigations received less attention. In some instances, "acquaintance rape" cases were sent for post-arrest investigation to local precinct squads (which lack training in sex-crimes investigations) instead of to specialized SVD investigators. Documents, as well as current and former SVD staff, sex-crime prosecutors, service providers, and victims' advocates, all confirmed to OIG-NYPD that chronic understaffing and inexperience have diluted and shortened investigations, jeopardized prosecutions, re-traumatized victims, and negatively impacted the reporting of sex crimes, thereby adversely affecting public safety.

Internal NYPD documents obtained by OIG-NYPD confirmed that NYPD has been aware of the understaffing issue for years, yet failed to act. In 2010, NYPD's own Sex Crimes

Working Group recognized the impact of increasing workloads at SVD, and recommended that NYPD both boost the number of sex-crimes investigators and take steps to increase their seniority and experience. NYPD leadership, however, did not follow through. Instead, problems with understaffing and inexperience continued and worsened.

In light of these findings, OIG-NYPD made 12 recommendations to serve as a roadmap for reforms at NYPD's SVD. If implemented, these 12 recommendations would address the most pressing issues and place NYPD's SVD on a sustainable path going forward.

After the release of the Report and recommendations, NYPD announced a "top-to-bottom review" of NYPD's SVD. In November 2018, after completing this review," NYPD announced a change in SVD leadership, new facilities for SVD squads, changes to the command structure, and the inclusion of additional investigators for the squads that investigate adult sex crimes, bringing the current total to 129 investigators. This staffing increase was a significant improvement but still short of the Report's recommendation. Further, the vast majority of these new investigators included officers with limited or no prior investigative experience, and internal promotional opportunities at SVD remain limited.

The New York City Council also took legislative action in response to the Report's findings. Three bills were passed into law on December 1, 2018, focusing on SVD's case management system, staffing, caseload, and training. These new laws were codified as N.Y.C. Admin. Code §§ 14-178, 14-179, and 14-180, respectively. One of these new laws requires NYPD to produce an annual public report, starting January 31, 2019, stating the factors used in determining SVD staffing, actual staffing levels, total caseload levels, average cases per investigator, and caseload disaggregated by investigator, type, and borough. NYPD posted this information online on or around February 13, 2019.[4] The case-management system and training laws go into effect March 1, 2019, and June 1, 2019, respectively.

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[4] https://www1.nyc.gov/site/nypd/stats/reports-analysis/svd.page (*last visited March, 2015, 2019*).

AN INVESTIGATION OF NYPD'S SPECIAL VICTIMS DIVISION—ADULT SEX CRIMES (MARCH 2018 REPORT)	
OIG-NYPD'S RECOMMENDATION	**NYPD RESPONSE AND OIG-NYPD ASSESSMENT**
1 NYPD should immediately increase the staffing level in SVD's adult sex crime units to meet the minimum investigative capacity required by an evidence-backed and nationally-accepted staffing analysis model. To appropriately handle a caseload as seen in 2017, that model would require an additional 21 detectives in Manhattan SVS, 11 detectives in Bronx SVS, 16 detectives in Queens SVS, 21 detectives in Brooklyn SVS, and four detectives in Staten Island SVS.	**Partially Implemented** Following the release of OIG-NYPD's Report in March, 2018, NYPD took some immediate steps to increase staffing levels in the adult sex crimes units. To date, the authorized headcount of active investigators in the adult sex crimes units stands at approximately 129—compared to 67 at the time the Report was issued. While this is an improvement, it is still short of the 147 positions identified in the Report. Furthermore, these increases were not tied to an evidence-backed and nationally-accepted staffing analysis model. Lastly, given the substantial increase in complaints to NYPD of sexual assault in the past year, the staffing needs for the adult sex crimes unit may have increased since 2017.
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.	**Accepted in Principle** In NYPD's 90-day response to OIG-NYPD's Report, NYPD rejected the evidence-based investigative staffing model used by OIG-NYPD, but said that it "will consider any evidence-backed and nationally-accepted staffing model for investigation units." To date, however, NYPD has not adopted, as recommended, "an evidence-based investigative staffing model that relies on actual investigative-hours available and projected caseload." NYPD maintains that an investigative-hours based model is "flawed" and "not transferrable to the New York Police Department." Instead, NYPD is developing its own internal staffing model that focuses largely on caseloads and clearance rates. NYPD has provided OIG-NYPD with a detailed description of this model, noting that it is still a work in progress. While NYPD should be praised for giving serious thought to the need for a sophisticated staffing model, the Department nevertheless continues to reject an investigative hours-based approach. For reasons

		outlined in OIG-NYPD's Report and elsewhere, the investigative hours-based approach remains the optimal choice for a staffing model. Many of NYPD's concerns with this model have been addressed by other law enforcement agencies and/or the Police Executive Research Forum. In short, NYPD should reconsider its current approach. The current model being pursued by the NYPD has faults and could take years to implement. OIG-NYPD strongly urges that the Department instead build on the approach discussed in OIG-NYPD's Report. This is an area where NYPD and New York City have an opportunity to be national leaders and innovators. OIG-NYPD reiterates its willingness to work collaboratively with NYPD on this issue. OIG-NYPD will continue to monitor this issue.
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.	**Partially Implemented** NYPD has taken steps to increase staffing in the Child Abuse Units within SVD. As discussed above in recommendation 2, however, the Department has still not adopted an evidence-backed, investigative hours-based staffing model. Further, some of the specialty sub-units within SVD have been reduced or eliminated entirely, such as the Penal Law 130 Review Unit and the Stranger Rape Cold Case Squad.[5] The existence of these units was cited favorably by NYPD in its 90-day response to OIG-NYPD's Report. Their elimination raises serious questions. OIG-NYPD will continue to monitor this issue.

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[5] The "Penal Law §130 Unit" (PL 130 Unit) reviewed every sex crime (as enumerated in NY Penal Law §130) to make ensure that the charges were appropriate. The PL 130 Unit had the power to upgrade or downgrade charges, as appropriate. From 2012 to 2016, the PL 130 Unit found 943 misclassified charges involving rape. Of these, 629 were undercharged and subsequently upgraded to rape charges after review by the PL 130 Unit. The existence of the PL 130 Unit was an integral part of SVD's integrity-monitoring process.

| 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 SVD without extensive investigative experience. | **Rejected**

NYPD has rejected this recommendation. In its official 90-day response, the Department stated "[T]he NYPD believes it already employs this recommendation. To be clear, the NYPD does not have a practice of transferring officers without investigative experience to SVD." Although NYPD has more recently softened its position and discussed the concerted efforts it has made to recruit experienced investigators into SVD, of the 35 new investigators transferred into SVD in 2018, 34 were "white shields" (police officers who are serving provisionally in a detective capacity in the hopes of earning detective rank) and only one was a detective. NYPD believes that "white shield" officers, especially those who have worked as domestic violence officers, are particularly qualified to be assigned to SVD.

Moreover, NYPD has not made SVD a graded division. As a result, in 2018, only two SVD detectives were promoted to First Grade, and one detective was promoted to Second Grade. OIG-NYPD maintains that without changes to the grading structure of SVD, and without increases in promotional opportunities and career incentives at SVD, it will continue to attract almost exclusively "white shield" applicants without prior investigative experience. While domestic violence officers have some experience in related subject matters, they are not detectives and do not have investigative experience—that is, "catching cases," maintaining primary case responsibility throughout the investigation, and developing the investigation to an arrest and prosecution.

OIG-NYPD reiterates its recommendation on recruitment and promotion and will continue to monitor this issue. |
| 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. | **Under Consideration**

NYPD initially rejected this recommendation. More recently, NYPD said that although there has been no new training, the Department constantly evaluates training to gauge its level of effectiveness and that if any new training is identified that can enhance current SVD training, it will be considered and put into effect, as appropriate. |

		OIG-NYPD reiterates its recommendation that additional training is needed. OIG-NYPD will continue to monitor this issue.
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.	**Implemented** NYPD initially rejected this recommendation, based on its position that this recommendation was "implemented prior to the OIG report" such that no additional training was required. NYPD has since taken steps to provide additional training outside SVD, consistent with OIG-NYPD's recommendation. Since the Report was issued, NYPD has met with sexual assault advocacy groups to collaboratively develop new in-service and academy trainings. As a result, new command level training was adopted at the November 2018 Command Level Training Conference. Further, the sexual assault related curriculum at the academy was entirely rewritten. Many of the components of the new curriculum were based directly on advocate recommendations. OIG-NYPD has reviewed the new training materials and found them to be a transformative step forward when compared to previous offerings. We applaud NYPD's progress and work in this area.
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.	**Implemented** On July 2, 2018, the Chief of Detectives circulated a memorandum stating that SVD would be the lead investigative unit for all felony sex crimes reported to the NYPD. As a result, all felony sex-crimes enhancements are performed by SVD.

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.	**Accepted in Principle** NYPD has accepted this recommendation and is in the process of implementing it. A new physical location for the Manhattan Special Victims Squad is currently under construction. This will be a multi-disciplinary location, as proposed. NYPD has also announced that it is in the process of locating new facilities for the Special Victims Squads in the other four boroughs. In the interim, as NYPD works on locating, planning, and building new facilities, NYPD has informed OIG-NYPD that renovations have been made to the existing Special Victims Squads to ameliorate acute issues. OIG-NYPD will continue to monitor this issue.
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.	**Accepted in Principle** While NYPD has declined to replace the Enterprise Case Management System (ECMS), the Department is moving forward with changes to the ECMS system to address the intent of OIG-NYPD's recommendation. OIG-NYPD will continue to monitor this issue.
10	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.	**Rejected** According to NYPD, no changes have been made since OIG-NYPD's Report was issued with regard to investigative database access levels or the number of personnel with access to sex-crime information, including the identities of sex-crime victims. NYPD asserts that data security is important and keenly recognizes the need to secure information from unauthorized viewing. NYPD states that it continues to refine its data systems, and in each revision of a system considers the security of the data that will be contained within that system. Each member of service who has access to information is under a sworn duty not to reveal that information to any unauthorized individual. The penalties for dissemination of such information to

		unauthorized individuals can range up to termination, and in some cases may involve criminal prosecution. While some data may be open generally to NYPD personnel, access to information regarding the investigation of a particular matter is limited to those with a need to know/see.
		OIG-NYPD stands by its recommendation. While NYPD has reviewed the ECMS system as noted above in recommendation 9, this recommendation went beyond the ECMS system to include "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."
		Even with the security measures currently in place, there are simply too many NYPD employees with access to such information —both tracked and untraceable.
11	NYPD should review the use of CompStat as the oversight mechanism for SVD.	**Implemented**
		While OIG-NYPD stands by its findings that the traditional CompStat process is problematic in the specific context of sex crimes, this recommendation only called for NYPD to review the role of CompStat. The Department recently implemented a standing SVD-only CompStat session.
		Since the issuance of the Report, NYPD has reviewed its use of CompStat as the oversight mechanism for SVD and, as a result, expanded the role of CompStat.

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.	**Implemented** Since OIG-NYPD's Report was issued, NYPD has consistently made increased efforts to raise awareness and encourage victims to come forward. NYPD, in conjunction with the Mayor's Office, has also taken steps to improve messaging concerning the apparent "rise" in sex crimes complaints, and why, given historical underreporting, an increase in the reported number of sex-crimes is not only expected but encouraging. NYPD should continue these efforts. Given the Department's decision to expand the role for a CompStat for SVD, NYPD should continue to reinforce internally that current increases in the reported number of sex crimes is not a "bad" thing given historical levels of underreporting.

ONGOING EXAMINATION OF LITIGATION DATA INVOLVING NYPD

April 30, 2018 Report

Collecting and analyzing litigation data helps law enforcement agencies nationwide detect patterns of misconduct and violations of rights, identify high-risk officers who may be in need of enhanced training or supervision, and contribute to positive shifts in departmental culture. In 2017, 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.

To complete the Report, OIG-NYPD met with NYPD staff who monitor litigation against the Department and manage NYPD's early intervention system, as well as staff from the New York City Law Department and Comptroller's Office.[6] In addition, OIG-NYPD reviewed 935 allegations contained in 541 lawsuits and claims filed against NYPD and its officers in the 14th, 25th, 49th, 77th, 103rd, and 120th Precincts from 2013 through 2016. OIG-NYPD selected these six precincts based on records of claims and lawsuits obtained from the City's Comptroller and Law Department, identifying the three precincts for which claims filed against NYPD and officers most notably increased, and the three precincts for which claims filed against NYPD and officers most notably decreased in volume during the period under review.

In the 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 in how the Department operates. For example, the data from the six precincts illustrated that when claims and lawsuits against officers are categorized by precinct, certain precincts have upward and downward spikes in specific types of claims (e.g., use of force, false arrests, denial of rights). Further analysis may identify problems and areas for improvement in policy, training, and supervision.

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. However, in instances where NYPD identified issues from litigation data, it is noteworthy that NYPD sometimes communicated corrective actions to internal NYPD units. But such communications were largely through direct and informal discussions with commanders in the affected division rather than through formal channels that could distribute the guidance Department-wide. In addition, OIG-NYPD found that NYPD does not currently make public any information about the limited data analysis it conducts.

As a result of these findings, OIG-NYPD made five recommendations concerning NYPD's litigation data-tracking system, including that NYPD should regularly enter data

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[6] 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, allowing supervisors to identify officers who are in need of intervention while providing the department with global data concerning the performance of its law enforcement professionals.

about claims naming individual officers into its new Risk Assessment Information Liability System (RAILS). While NYPD has not adopted many of OIG-NYPD's recommendations, in June 2018, NYPD's Police Action Litigation Section (PALS) began plans to revive the original "Beta" version of RAILS that will allow PALS to capture and track more data about lawsuits. This change is consistent with OIG-NYPD's recommendations. PALS also now receives important lawsuit information from the Law Department that will assist PALS in reviewing litigation and claims data. A full assessment of NYPD's compliance with OIG-NYPD's recommendations is noted below.

Pursuant to Local Law No. 166 of 2017, OIG-NYPD will soon release its 2019 Report on claims and lawsuits filed against NYPD.

ONGOING EXAMINATION OF LITIGATION DATA INVOLVING NYPD (APRIL 2018 REPORT)		
OIG-NYPD'S RECOMMENDATION		**NYPD RESPONSE AND OIG-NYPD ASSESSMENT**
1	In line with the considerations codified in Local Law 166, NYPD should analyze Department-wide litigation patterns and trends as well as observable patterns and trends within individual precincts and units in order to identify areas for improvement in Department policies, training, supervision, and tactics. In 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.	**Partially Implemented** NYPD currently analyzes observable patterns and trends within individual precincts and units as recommended. NYPD states that it has ongoing privileged discussions with the Law Department regarding the observation of such litigation trends and patterns. NYPD, however, has expressed concerns 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." OIG-NYPD maintains that there is value in a broader, Department-wide analysis of litigation and claims data.
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.	**Rejected** While NYPD is conducting 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." Instead, NYPD states that it uses the most meaningful litigation data available given existing resources and is mindful that over-collection of data can potentially reach a point of diminishing returns.

		Second, even where NYPD does conduct such trend analysis, it does not memorialize it in internal reports, noting that the communication of such findings is subject to legal privileges. OIG-NYPD maintains that there is value in a broader, Department-wide analysis and that reports can be generated without violating legal privileges.
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.	**Partially Implemented** In June 2018, PALS began planning to revive the original version of RAILS, which was intended to track lawsuits and notices of claims. In contrast to NYPD's RAILS early intervention system, "RAILS Beta" is a data-entry system specifically designed to capture and track claims. RAILS Beta was previously dropped because NYPD did not have the full universe of summonses and complaints. Now that NYPD has such information, the RAILS Beta system will be used to retain and categorize litigation data, use the data to study trends, develop training modules based on observed trends, and provide the Law Department with "hot topics" that require improvements to NYPD policies, procedures, or operations. OIG-NYPD will continue to monitor this issue.
4	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.	**Rejected** NYPD states that producing such a report will not provide any benefit and will instead open NYPD up to unnecessary litigation. OIG-NYPD stands by the original recommendation.
5	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.	**Rejected** NYPD states that litigation identification and analysis of litigation trends are integrated functions within the PALS team. As a result, there are several individuals within PALS responsible for trend spotting. This includes a staff analyst, a lieutenant, two attorneys, a deputy managing attorney, and several technology staff. The PALS staff analyst, however, remains the only employee who is primarily focused on tracking litigation

		trends. Consistent with OIG-NYPD's other recommendations about the need for additional, Department-wide litigation and claims analysis, OIG-NYPD stands by its recommendation that NYPD should increase the number of employees focusing primarily on tracking litigation and claims trends.

III.   *2015-2017 SYSTEMIC INVESTIGATIONS, REVIEWS, STUDIES, AND AUDITS:*
       UPDATED NYPD RESPONSES TO RECOMMENDATIONS

      The following section summarizes the findings and recommendations made in the 10 reports OIG-NYPD released from 2015 through 2017, and assesses NYPD's progress in implementing the 103 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.

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, NYPD revised the NYPD Patrol Guide to address officer interactions with transgender and gender nonconforming (TGNC) people. Given the time that has passed and concerns that OIG-NYPD was hearing from the LGBTQ community, OIG-NYPD conducted an investigation to assess NYPD's implementation of the 2012 Patrol Guide revisions and NYPD's handling of LGBTQ-related allegations of officer misconduct.

      OIG-NYPD reviewed NYPD's policies and complaints, observed trainings on LGBTQ and TGNC issues, and interviewed both NYPD personnel and LGBTQ community representatives. Among other things, OIG-NYPD found that although NYPD trainings covered the relevant Patrol Guide provisions, not all members of the Department had received this training. OIG-NYPD also found that while NYPD has tracked "profiling" complaints since 2014 and certain offensive language complaints since January 2017, these categories did not capture other LGBTQ-related complaints that may violate the 2012 Patrol Guide revisions or involve other types of biased conduct.

      As a result of its findings, OIG-NYPD made nine recommendations concerning training, documentation, and handling of complaints. In the last year, NYPD has made important strides with the implementation of these recommendations. This includes taking steps to ensure that precincts are using current forms, the creation of written resources for officers, and a new training memo regarding the 2012 Patrol Guide Revisions. NYPD's new informational booklet "Gender Identity And Expression In Our Department And The City We Serve" and the fact sheet entitled "Gender Identity • Expression" are useful and informative resources available to all uniformed members. The status of NYPD's implementation of OIG-NYPD's nine recommendations is noted below.

REVIEW OF NYPD'S IMPLEMENTATION OF PATROL GUIDE PROCEDURES CONCERNING TRANSGENDER AND GENDER NONCONFORMING PEOPLE (NOVEMBER 2017 REPORT)	
OIG-NYPD'S RECOMMENDATION	**NYPD RESPONSE AND OIG-NYPD ASSESSMENT**
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.	**Unchanged: Accepted in Principle** NYPD conducted a command level training in June 2018 for training sergeants and other select NYPD officers regarding the 2012 Patrol Guide revisions. NYPD expects these training sergeants to download relevant materials and then to provide officers in their respective commands with training on the revised protocols. NYPD, however, states that it cannot verify or confirm that all officers have completed this training. OIG-NYPD stands by its recommendation that NYPD should track completion rates for this training. NYPD also offers a training that is available to all officers on the NYPD-U webinar platform. This training is called "Transgender Diversity and Inclusion" and has an associated quiz. This training, however, only covers some aspects of the 2012 Patrol Guide revisions. Accordingly, this particular training would not satisfy OIG-NYPD's recommendation. OIG-NYPD will continue to monitor this issue.
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.	**Changed from Rejected to Implemented** NYPD has developed an informational booklet entitled "Gender Identity And Expression In Our Department And The City We Serve" with the revised LGBTQ protocols and other pertinent information, and made it available to officers on Department-issued mobile devices. This booklet satisfied the purpose of the recommendation.
3 Community input should be carefully considered and incorporated as appropriate into the curriculum of officer training on LGBTQ issues.	**Changed from Accepted in Principle to Implemented** NYPD reports that various community partners observed the training and, based on feedback, no changes to the training were warranted. NYPD states that it plans to continue to invite community organizations and leaders to the LGBTQ training to observe trainings and offer feedback for improvement.

		This satisfies OIG-NYPD's recommendation.
4	All handouts and additional resource materials provided during LGBTQ trainings should be consistent, as appropriate, ensuring that officers receive the same information.	**Changed from Accepted in Principle to Implemented** NYPD now distributes a booklet called "Gender Identity And Expression In Our Department And The City We Serve" and a fact sheet entitled "Gender Identity • Expression" to members of service during LGBTQ trainings. These resource materials are consistent in substance and language when compared to NYPD training materials regarding the revised protocols, and additionally include other pertinent information on LGBTQ people and officers. These resource materials satisfy OIG-NYPD's recommendation.
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.	**Unchanged: Accepted in Principle** In early 2018, NYPD advised OIG-NYPD that it would review the 28 Department forms that OIG-NYPD identified in the Report to determine whether changes to these forms would be appropriate, and that NYPD would report back within six months. Currently, NYPD is still conducting this review. OIG-NYPD will to continue to monitor this issue.
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.	**Changed from Rejected to Accepted in Principle** NYPD states that the Director of the Department's printing section has confirmed that only the updated forms are currently being printed and used in commands. This is an important and welcome development that demonstrates NYPD's willingness to ensure that the correct forms are in use. As noted above, however, NYPD is still reviewing whether 28 other forms need to change. Once NYPD finishes its review, OIG-NYPD will seek confirmation that only the updated forms are being printed and used at precincts. Moreover, OIG-NYPD's recommendation calls on NYPD to conduct checks to make sure that commands are, in fact, using the correct forms. NYPD states that such

		steps are not needed once the forms are corrected and once the commands are notified.
		OIG-NYPD will continue to monitor this issue.
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.	**Changed from Accepted in Principle to Implemented** NYPD has been and is currently discussing this issue with the Department's LGBTQ Advisory Board.
8	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."	**Unchanged: Rejected** 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. 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. OIG-NYPD stands by its recommendation.

9	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.	**Unchanged: Accepted In Principle** NYPD states the Deputy Commissioner of IAB reports directly to the Police Commissioner on all important matters, including patterns or trends of profiling. NYPD reports it will comply with the legal obligation to report problems to OIG-NYPD. OIG-NYPD will continue to monitor this issue. While NYPD's commitment to reporting problems to OIG-NYPD is encouraging, NYPD IAB has reported no problematic patterns or trends to OIG-NYPD since the legal requirement was established in 2014.

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.

The Report found that NYPD had taken numerous steps 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 steps, 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 10 recommendations for strengthening NYPD's U visa certification program. NYPD has since implemented several aspects of OIG-NYPD's recommendations, including improvements to certification denial correspondence and changes to how it refers certification requests to other agencies. Notably, in the last year, NYPD published many of its procedures and standards for certification eligibility. These protocols, however, are still silent on whether and how NYPD conducts and assesses criminal background checks of individuals seeking certification. OIG-NYPD maintains that such procedures should be documented. An analysis of NYPD's progress on the status of these recommendations follows.

WHEN UNDOCUMENTED IMMIGRANTS ARE CRIME VICTIMS: AN ASSESSMENT OF NYPD'S HANDLING OF U VISA CERTIFICATION REQUESTS (JULY 2017 REPORT)	
OIG-NYPD'S RECOMMENDATION	**NYPD RESPONSE AND OIG-NYPD ASSESSMENT**
1 NYPD should develop concrete, written standards on how to conduct an assessment of an applicant's criminal background and on the types of criteria that warrant denial of the certification request.	**Unchanged: Rejected** 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.G. § 212-111 and A.G. § 308-07 provide guidance for assessing helpfulness and qualifying criminal acts; however, both documents are silent with respect to criminal background checks. Although NYPD has affirmed that its U visa certification process includes conducting a criminal background check, neither P.G. § 212-111 nor A.G. § 308-07 mentions conducting criminal background checks. These documents similarly do not articulate what types of criminal histories satisfy the "ongoing public safety concern" standard that NYPD says will result in a certification denial. The federal guidelines do not require local agencies to conduct criminal background checks and thus provide no guidance on this matter beyond stating that the decision to certify a U visa application is at the discretion of the agency. 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. OIG-NYPD will continue to monitor this issue.
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.	**Changed from Rejected to Implemented** Although NYPD initially rejected this recommendation, in March 2018, NYPD's Domestic Violence Investigations Unit (DVIU) began using a new form to describe an applicant's criminal history when NYPD denies a certification request based on that criminal history. This form is kept in the DVIU's internal files. Pursuant to recommendation 1, NYPD should update its internal policies (e.g., P.G. § 212-111 or A.G. § 308-07) to memorialize the criminal background check process

		and the need to use this new form when a denial is made based on criminal history.
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.	**Unchanged: Rejected** NYPD continues to assert that this recommendation is unnecessary because the Department always assesses whether the information provided by an applicant establishes a reasonable basis for refusing to cooperate. NYPD states that if such a basis is determined, the certification will be granted. OIG-NYPD maintains that without the adoption of this recommendation and without contacting the relevant individuals, NYPD lacks a systematized procedure to assess certification requests on the basis of helpfulness. OIG-NYPD will continue to monitor this issue.
4	NYPD should provide a written rationale in its internal file when concluding that the applicant was not a victim of a qualifying crime.	**Unchanged: Rejected** NYPD continues to assert that there is no need to provide a written rationale for determining why an applicant is not a victim of a qualifying crime as this analysis is "straightforward and will always be the same for each case" OIG-NYPD maintains that NYPD should document the rationale behind certification decisions as this would create an audit trail that would allow supervisors or other examiners to ensure denials are issued consistently and appropriately. OIG-NYPD will continue to monitor this issue.
6	NYPD should create and publish its complete standards for certification eligibility.	**Changed from Rejected to Partially Implemented** NYPD reports that its standards for certification are 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. 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 states that criminal background checks are still part of the U visa certification requests, NYPD's written policies are 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. OIG-NYPD maintains that having instructions and criteria available with respect to conducting and reviewing applicants' criminal background would facilitate consistency, transparency, and fairness. OIG-NYPD will continue to monitor this issue.
7	NYPD's denial letters should articulate specific reasons for each denial, using the facts of the case to explain the decision.	**Unchanged: Partially Implemented** As of October 13, 2017, denial letters provide information to applicants with active warrants and include more guidance about NYPD's referral procedure to the District Attorney's Offices. However, NYPD has not addressed how it will provide more case-specific information to applicants whose certification requests were denied due to lack of helpfulness or a non-qualifying crime. OIG-NYPD will continue to monitor this issue.
8	NYPD should publish contact information for its reviewers and certifying officials	**Changed from Accepted in Principle to Implemented** NYPD has published on its website an email address for the Domestic Violence Investigations Unit (DVIU), which processes U visa certification requests. This email address can be used by applicants who have questions about the status of their application. NYPD's website also provides the address for the Domestic Violence Unit and a direct phone number for DVIU. While NYPD has declined to publish information about specific contact information or individuals who review or certify U visa certification requests, the information they have provided satisfies this recommendation.
9	NYPD should develop written materials regarding the U visa program for dissemination at precincts and other locations where victims may encounter police.	**Unchanged: Rejected** NYPD continues to assert that the information currently available at precincts under the NYPD and Safe Horizon CVAP program is sufficient for victims of crime to learn about the U visa certification program. NYPD notes that if an investigating officer provides a crime victim with information about the program, it may lead the victim to improperly believe that he or she will receive a benefit for testimony. NYPD takes the position that no additional documentation is necessary, and thus asserts that this recommendation has thus been satisfied.

		OIG-NYPD maintains that making generic written materials available should not conflict with the Department's concerns. NYPD can provide information similar to what it already provides on its website at precincts and related locations in the form of flyers or brochures. The Safe Horizon victim advocates can also provide written materials to victims.
10	NYPD should develop informational training on U visas for specialized NYPD units that frequently encounter immigrant communities.	**Unchanged: Rejected** NYPD continues to assert that providing training for specialized units on U visas is unnecessary as Department personnel are aware of the U visa process due to Patrol Guide § 212-111. NYPD takes the position that no additional trainings are warranted, and thus asserts that this recommendation has thus been satisfied. OIG-NYPD maintains that such training is necessary for units that are in frequent contact with immigrant communities. OIG-NYPD will continue to monitor this issue.

The following recommendations were IMPLEMENTED by NYPD prior to the April 2018 Annual Report. As a result, no further update is required.

5	If an arrest has been made on the underlying crime, NYPD should evaluate U visa certification requests if the criminal case has closed.

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 of 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 (OCD)'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. Consistent with OIG-NYPD's recommendations, on January 1, 2018, NYPD implemented a new tracking system for OG cases called Internal Case Management & Tracking (ICMT). The system includes several built-in controls and features that address some of Report's recommendations, including improving the tracking of due dates for investigations. An analysis of NYPD's progress on the status of the remaining recommendations follows.

ADDRESSING INEFFICIENCIES IN NYPD'S HANDLING OF COMPLAINTS: AN INVESTIGATION OF "OUTSIDE GUIDELINES" COMPLAINT PROCCESS (FEBRUARY 2017 REPORT)		
	OIG-NYPD'S RECOMMENDATION	NYPD RESPONSE AND OIG-NYPD ASSESSMENT
2	NYPD should establish a uniform timeframe for completing OG investigations and a uniform system of tracking due dates.	**Unchanged: Partially Implemented** ICMT includes several built-in controls that allow supervisors to track and ensure completion of cases within the 90-day timeframe allotted to investigate an OG case. The system also allows command executives to run reports of aging open cases and track the status of these investigations as they proceed. According to NYPD, it is expected that precinct executives will routinely employ this feature to ensure that these cases are being investigated within the 90-day timeframe. While the new system will most certainly help, NYPD has declined to create standard deadlines, for instance, instructing supervisors to regularly run reports of aging cases that are 30 or 45 days to enforce completion of investigations within 90 days. OIG-NYPD will continue to monitor this issue.
3	If an OG investigation has not been completed within 90 days, the assigned supervising investigator should be required to request an extension from OCD IRS in writing, stating the reason for this request.	**Changed from Under Consideration to Rejected** NYPD asserts that the 90-day timeframe allows sufficient time for investigators to thoroughly complete OG investigations. NYPD further asserts that allowing investigators to request extensions invites the possibility investigators may request such extensions more routinely and unnecessarily delay completion of the investigation within 90 days. However, when OIG-NYPD asked NYPD to run a report of how many 2018 cases were closed within 90 days, NYPD could not do so. NYPD states it will update its system to allow such reporting. OIG-NYPD stands by its original recommendation.

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.	**Unchanged: Partially Implemented** NYPD maintains that implementation of the ICMT system will cure any issues related to complainants being unable to find out the status of their case. NYPD's IAB and OCD IRS now have immediate case information available to them through the computerized system and can serve as a central point of contact for complainants wishing to learn about the status of a case. NYPD provides information on its website on how members of the public can file complaints about uniformed members. There is no language, however, informing complainants on how to inquire about the status of their complaint. NYPD is considering updating its website to include such information. OIG-NYPD will continue to monitor this issue.
6	NYPD should publish quarterly reports on OG complaints.	**Unchanged: Under Consideration** NYPD reports that although the ICMT system will allow the Department to analyze data on OG cases, it is currently undecided whether a quarterly report will be prepared and publicly issued because the system is currently under review. OIG-NYPD will continue to monitor NYPD's progress on this issue.

The following recommendations were IMPLEMENTED by NYPD prior to the April 2018 Annual Report. As a result, no further update is required.	
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.

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, an innovative and widely accepted approach to policing individuals in mental health crisis. CIT's primary goals are: 1) to improve officer and public safety by reducing the likelihood of the use of force against people in mental crisis, and 2) to reduce unnecessary arrests and incarceration by increasing opportunities for diversion to a range of mental health services. In January 2017, OIG-NYPD issued a Report evaluating how the Department prepared its officers for effective engagement with people in mental crisis through the implementation of its CIT program.

Over an 18-month period, OIG-NYPD attended NYPD trainings, interviewed a range of NYPD and other City personnel, reviewed relevant policies and materials, and conducted a focus group with officers. 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, although certain officers had specialized CIT training, NYPD's dispatch system could not direct such officers to mental crisis incidents. Instead, assignments remained dependent on standard patrolling practices. As a result, whether a trained or untrained officer arrived at a mental crisis incident was completely random, thus undermining the usefulness of the training.

In addition, OIG-NYPD found deficiencies in how NYPD managed its CIT efforts, weaknesses in how NYPD collected data regarding mental crisis incidents, and gaps in NYPD's Patrol Guide with respect to how officers should approach the mentally vulnerable. Thus, while CIT training rightly emphasizes de-escalation and potential diversion as ways to manage crisis incidents, the Department's policies still focused on containment, placing individuals into custody, and related tactics.

Based on those findings, OIG-NYPD made 13 recommendations. In the two years since the Report's publication, NYPD has accepted in principle or implemented a significant number of these proposals. Over the course of 2018, the Department instituted important revisions to the Patrol Guide and agency practices, ensured completion of the CIT training course by 11,500 officers (as of February 2019), continued the inclusion of people living with mental illness into NYPD's live training programs, and revised the Medical Treatment of Prisoner form to collect further details on officer encounters with those in crisis. An analysis of NYPD's progress on implementing OIG-NYPD's recommendations follows.

PUTTING TRAINING INTO PRACTICE: A REVIEW OF NYPD'S APPROACH TO HANDLING INTERACTIONS WITH PEOPLE IN MENTAL CRISIS (JANUARY 2017 REPORT)		
OIG-NYPD'S RECOMMENDATIONS		**NYPD RESPONSE AND OIG-NYPD ASSESSMENT**
1	NYPD should commit to creating timelines for any changes to its CIT initiative within 90 days of the publication of this Report.	**Changed from Partially Implemented to Implemented** In March 2019, NYPD reported that it has trained approximately 12,000 members of service in the CIT curricula, with an additional 4,000 set to complete the course by the end of 2021. In addition, NYPD reports that all Patrol Supervisors have been trained and are required to respond to all jobs involving violent or uncooperative persons in mental crisis. Further, the recently announced selection of diversion center sites—a key facet of a partnership between the Department of Health and Mental Hygiene (DOHMH) and the NYPD to direct individuals in crisis toward service use and away from the penal system—has motivated the Department to focus on providing CIT training to officers in the precincts where the facilities will be located (Manhattan and the Bronx). While NYPD did not outline the requested plan within 90 days of OIG-NYPD's Report, the Department's CIT initiative has developed in such a manner as to satisfy the purpose behind this recommendation.
2	NYPD should adjust its dispatch procedures to ensure that officers with CIT training are directed to crisis incidents.	**Unchanged: Partially Implemented** Like last year, NYPD reiterates its inability to reconfigure the Intergraph Computer Aided Dispatch (ICAD) system to automatically designate CIT-trained officers to respond to calls regarding individuals in crisis, but the Department has stated that it has "prioritized" the training of those units which are most commonly deployed to address such situations. In addition, NYPD issued a Patrol Guide update which designates CIT-trained officers as the responders of preference for service calls related to members of the public in emotional or mental distress. OIG-NYPD will continue to monitor this issue.

| 3 | NYPD should create a dedicated mental health unit, or at the very least appoint a CIT coordinator who holds the rank of chief, in order to manage all aspects of a CIT program. | **Unchanged: Partially Implemented**

In 2018, NYPD reported that it had appointed a Crisis Intervention Training Coordinator at the rank of Lieutenant to supervise the implementation of the course and serve as an intermediary between the Department and the public. The coordinator is supervised by the Commanding Officer of the Specialized Training Section, who holds the rank of Inspector and is responsible for overseeing the broader CIT program. When OIG-NYPD recently asked the Department to provide specific details regarding that individual, including years of service or training received in relation to mental health, no such information was provided.

With respect to the establishment of an internal mental health unit, in March 2019, NYPD reported that a Crisis Prevention and Response Task Force is issuing recommendations including one for the creation of such an entity within the Department. OIG-NYPD submits that NYPD doesn't need to wait for a new 2019 recommendation regarding the creation of a Mental Health Unit, but can create one pursuant to OIG-NYPD's 2017 recommendation. |
| 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. | **Changed from Partially Implemented to Implemented**

In addition to the procedural change that was introduced by Patrol Guide § 221-13 (instructing officers to divert those in mental or emotional distress to receive support services when feasible), on October 1, 2018, NYPD expanded the Co-Response Unit, a joint initiative that it operates with the Department of Health and Mental Hygiene (DOHMH), to assist those in crisis with a combined clinician/officer response. Broadened operations included additional staffing, the appropriation of new equipment, a central office location, and revised training approaches. The Triage Desk, which connects the Co-Response teams to the affected, now operates with constant coverage and deploys personnel across the city on two tours, seven days a week. NYPD reports that a revised co-response policy is forthcoming. |

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.	**Changed from Partially Implemented to Implemented** OIG-NYPD's recommendation asks NYPD to ensure that it can "collect information such as the type of mental crisis that the officer believes is being encountered, the techniques employed by the officer, what if any force was used, and the resolution of the encounter." As reported in last year's Annual Report, NYPD's first step towards implementing this recommendation involved changes to the Aided Report Worksheet that allowed officers to record new and specific information about encounters with people in mental crisis (although the revisions did have some limitations). Since then, Interim Orders 36 and 771 from 2017 were broadened to allow for the collection of more data regarding individuals in distress. Furthermore, NYPD Operations Order 21 of 2018, which applies to the Medical Treatment of Prisoner form, was revised to allow officers to document whether individuals who received aid from officers accessed medical or psychological assistance. While there is always more data that can be collected regarding incidents, NYPD's changes satisfy the purpose of the recommendation.
8	NYPD should analyze data regarding mental crisis incidents.	**Unchanged: Accepted in Principle** NYPD states that the Department does review data on officer deployment to calls for service, including those involving individuals in mental or emotional crisis. NYPD notes that the Department is in the process of conducting an internal review of the issue but does not have a projected timeline.
12	In every CIT training, NYPD should assess the retention of officers' skills.	**Changed from Rejected to Implemented** Last year, NYPD reported that it would take steps to assist officers with increasing the retention of CIT skills, but NYPD would not commit to take steps to *assess* retention of skills. NYPD now reports that when officers participate in CIT training, their skills are observed and assessed during

		the three and a half days of scenario-based instruction that is central to the program. Additionally, the Department states that in October 2018, and January 2019, it introduced Crisis Intervention Training videos onto its online training portal. Those videos cover the key concepts introduced in the live course and serve as a refresher for officers.
13	NYPD should provide a manual or reference guide to officers who undergo CIT training.	**Unchanged: Accepted in Principle** NYPD states that a resource guide for the Crisis Intervention Team training program has been drafted and is being reviewed for finalization. The Department expects to distribute that guide in the summer of 2019.

	The following recommendations were IMPLEMENTED by NYPD prior to the April 2018 Annual Report. As a result, no further update is required.
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.
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.

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 timeframe. 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.[7] 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 first Annual Report in May 2018, is empowered to report violations of the *Handschu* Guidelines to the applicable federal court. Similar to OIG-NYPD's Report, this includes advising the court if NYPD's investigations comply with rules regarding commencing and extending investigations.

OIG-NYPD made 11 recommendations to strengthen NYPD's compliance with the Guidelines. NYPD has already implemented more than half the recommendations, including the establishment of a formal tracking mechanism for *Handschu* investigation deadlines and other steps necessary to improve record-keeping. An analysis of NYPD's progress on the status of the remaining recommendations follows.

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[7] *Handschu v. Police Dep't of N.Y.,* 219 F. Supp. 3d 388 at 403, 408-410 (S.D.N.Y. 2016).

AN INVESTIGATION OF NYPD'S COMPLIANCE WITH RULES GOVERNING INVESTIGATIONS OF POLITICAL ACTIVITY (AUGUST 2016 REPORT)	
OIG-NYPD'S RECOMMENDATION	**NYPD RESPONSE AND OIG-NYPD ASSESSMENT**
4 — For requests to extend a Preliminary Inquiry, NYPD should ensure that Investigative Statements capture fact-specific reasons why further investigative steps are warranted.	**Unchanged: Rejected** The *Handschu* 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. OIG-NYPD's investigation found that NYPD's extensions of Preliminary Inquiries contain boilerplate language about the need to extend the case, but no case-specific reasons explaining why. NYPD disagrees with the Report's finding and continues to assert that requests to extend Preliminary Inquiries include a full and detailed recitation of the key facts justifying further investigation. NYPD takes the position that no additional changes are warranted, and asserts that this recommendation has thus been satisfied. OIG-NYPD stands by its recommendation.
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.	**Unchanged: Rejected** 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. NYPD thus asserts that this recommendation has thus been satisfied. 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. 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.

7	NYPD should specify, when extending use of an undercover or confidential informant, the reason for the extension.	**Unchanged: Accepted in Principle** NYPD reports that as of April 2017, the Intelligence Bureau has been using revised requests for human source authorization that include greater description of the role of undercover operations in an investigation. OIG-NYPD reviewed NYPD's updated Human Source Extension memos and found the implemented changes to be sufficient with respect to this recommendation and the Patrol Guide requirements. OIG-NYPD urges NYPD, however, to include more detailed, fact-based reasons for extensions in future forms. OIG-NYPD will to continue to monitor this issue.
10	NYPD should consolidate its policies and procedures for investigations involving political activity into a unified handbook.	**Unchanged: Accepted in Principle** NYPD reports that a final draft of the Intelligence Bureau Policy Guide is nearly complete. NYPD expects it to be finalized and implemented by the end of the second quarter of 2019. OIG-NYPD will to continue to monitor this issue.
11	NYPD should develop written guidelines concerning informational standards for Preliminary Inquiries, Full Investigations, and Terrorism Enterprise Investigations.	**Unchanged: Rejected** NYPD maintains that the *Handschu* 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 *Handschu* Guidelines. Expanding on the informational standards can only increase reliability that investigative action is being properly and fairly applied.

The following recommendations were IMPLEMENTED by NYPD prior to the April 2018 Annual Report. As a result, no further update is required.	
1	For investigations of political activity, NYPD should use a formal mechanism for tracking investigative deadlines and should ensure that, where needed, extensions are approved prior to required deadlines.
2	NYPD should use a formal case tracking mechanism that identifies when investigations advance to the next investigative level.

3	For the use of confidential informants and undercover officers in investigations of political activity, NYPD should use a formal mechanism for tracking expiration deadlines and ensure that extensions are approved prior to the expiration of an authorization.
5	For authorizations and renewals of investigations, NYPD should create controls to ensure that authorizations to renew or extend investigations properly capture the date, signature, and approval of the authorizing officials.
8	NYPD should create controls to ensure that authorizations to use or extend the use of human sources properly capture the date, signature, and approval of the appropriate supervisor.
9	NYPD's Human Source Authorization Form should include the number of the extension request and the date of the last extension.

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

June 22, 2016 Report

On June 22, 2016, OIG-NYPD issued a Report that examined what, if any, data-driven evidence links quality-of-life criminal summonses ("C-summonses") and misdemeanor arrests to a reduction in felony crime. The OIG-NYPD Report focused on data from the prior six years and found no evidence demonstrating a clear, direct link between an increase in summons activity and a related drop in felony crime. In fact, the study showed quality-of-life summons activity between 2010 and 2015 dramatically declined with no increase in felony crime. Furthermore, with few exceptions, deeper analysis of specific summons categories and specific patrol boroughs revealed no correlation over time to any increase or decrease in felony crime.

OIG-NYPD also found that quality-of-life enforcement is not evenly distributed across the City. In 2015, the distribution of quality-of-life enforcement activity in New York City was 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 quality-of-life enforcement.

OIG-NYPD made seven recommendations to NYPD, including that the Department pursue a data-driven approach to evaluating its quality-of-life enforcement approaches and policies. In the three years since Report publication, NYPD has made a number of data sets available on New York City's Open Data Platform that are responsive to aspects of the recommendations proposed by OIG-NYPD. The data include historical complaint and arrest values for felony, misdemeanor and summons offense categories, as well as Citywide crime statistics.

An analysis of NYPD's progress on OIG-NYPD's remaining recommendations 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)	
OIG-NYPD'S RECOMMENDATION	**NYPD RESPONSE AND OIG-NYPD ASSESSMENT**
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.	**Unchanged: Rejected** NYPD maintains its rejection of this recommendation. NYPD argues that there are too many variables in the relationship between quality-of-life enforcement and crime, and neither the statistical analysis performed by OIG-NYPD in the Report nor any analysis NYPD produces could possibly decouple quality-of-life enforcement from the Department's other policing measures. NYPD also maintains that it is constantly gauging and evaluating the impact of its quality-of-life enforcement through CompStat and other accountability mechanisms. OIG-NYPD stands by its recommendation. NYPD should review, objectively and statistically, whether other methods of disorder reduction have a measurable relationship with the reduction of felony crime.
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.	**Unchanged: Rejected** NYPD reports that in 2017, the Department conducted a brief analysis of quality-of-life misdemeanor arrests and summonses of 15 to 20 year-old Black and Hispanic males. NYPD concluded that expanding further resources on a more detailed analysis, as requested by OIG-NYPD, would be unnecessary. NYPD stated that the numbers of misdemeanors that are allotted to the cohort of 15-20 year-old Black and Hispanic males "are swelled by marijuana arrests and marijuana summonses which accounted for 45% of all misdemeanor arrests in the cohort and 42% of all summonses in 2017. Any disparate impact on this cohort is likely attributable to members of the cohort smoking marijuana in public more frequently than other groups." In addition, NYPD asserts that because summonses in most quality-of-life categories continue to fall, there is little value in performing a detailed statistical analysis of the 15 to 20 year-old Black and Hispanic males that continue to receive quality-of-life summonses. OIG-NYPD asked NYPD for a copy of its 2017 "brief analysis," but NYPD stated that it "did not conduct a

		formal study," the work was limited to checking certain statistics, and there were no "copies of an analysis to produce." OIG-NYPD therefore continues to urge NYPD to conduct a formal analysis to determine whether these groups are being disproportionately targeted.
3	NYPD should expand consideration regarding quality-of-life enforcement beyond short-term real-time conditions.	**Unchanged: Rejected** 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. OIG-NYPD maintains NYPD should analyze longer-term statistical trends.
4	NYPD should release incident-level and geographically coded data on summonses and misdemeanor arrests.	**Changed from Under Consideration to Implemented** Quality-of-life arrest, complaint, and summons data for the past five years are now available on the Department's website as well as on the Open Data platform that is maintained by the Mayor's Office for Data Analytics (MODA) and the Department of Information Technology and Telecommunications (DoITT). The information is available in .csv format, with details regarding a number of indicators including geographic locations of the incident occurrences.
5	NYPD should release historical incident-level and geographic data.	**Changed from Partially Implemented to Implemented** Quality-of-life arrest, complaint, and summons data for the past five years are available on the Department's website as well as on the Open Data platform that is maintained by the Mayor's Office for Data Analytics (MODA) and the Department of Information Technology and Telecommunications (DoITT). The information is available in .csv format, with details regarding a number of indicators including geographic locations of the incident occurrences.

		While NYPD has complied with OIG-NYPD's recommendation, NYPD has only released the noted arrest data for the last five years (2013 onwards). Because NYPD currently releases complaint data from 2006 onwards, OIG-NYPD urges the Department to also release corresponding arrest data dating back to 2006.
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.	**Changed from Partially Implemented to Implemented** Quality-of-life arrest, complaint, and summons data for the past five years are available on the Open Data portal maintained by the Mayor's Office for Data Analytics (MODA) and the Department of Information Technology and Telecommunications (DoITT) as well as the Department's website. The information is available in .csv format, with details regarding a number of indicators including geographic locations of the incident occurrences. In the form currently structured, the data can be aggregated to monthly or annual levels of analysis as needed.
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).	**Changed from Partially Implemented to Implemented** Quality-of-life arrest, complaint, and summons data for the past five years, in the .csv spreadsheet format, maintained by the Mayor's Office for Data Analytics (MODA) and the Department of Information Technology and Telecommunications (DoITT), as well as on the NYPD's website.

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.

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.

The Report made 15 recommendations to improve force reporting, de-escalation, training, and discipline for excessive force—most notably, that NYPD should create a separate, uniform use-of-force reporting form.

On the same day that OIG-NYPD released its Report, NYPD announced the adoption of newly revised use-of-force policies and procedures, including new Patrol Guide provisions concerning the use of force. Some of these changes addressed OIG-NYPD's recommendations, which had been provided to the NYPD a number of weeks prior to the public release of the OIG-NYPD Report. NYPD has since implemented some additional recommendations, including changes to training, the creation and use of a new uniform use-of-force reporting form, improved systems for tracking force data, and the public release of an annual Use-of-Force Report. More recently, in 2018, NYPD commissioned a Disciplinary Review Panel to review aspects of NYPD's disciplinary process, and that Panel issued its report on February 1, 2019. NYPD adopted and is in the process of implementing all of the recommendations contained in the panel's report. In doing so, NYPD may satisfy certain outstanding OIG-NYPD recommendations.

An analysis of NYPD's progress on the status of the remaining recommendations follows.

POLICE USE OF FORCE IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS ON NYPD'S POLICIES AND PRACTICES (OCTOBER 2015 REPORT)		
	OIG-NYPD'S RECOMMENDATION	NYPD RESPONSE AND OIG-NYPD ASSESSMENT
4	With respect to the newly created form, NYPD should require all officers—whether the subject of a force investigation or a witness to a use of force—to document and report all force incidents. When completing this document, officers should use descriptive language to articulate the events leading up to the use of force in encounters with the public, the reason why the force was used, and the level and type of force used.	**Unchanged: Partially Implemented** NYPD has a new form for tracking force incidents. NYPD's current policy, however, does not require witness officers to prepare this form. NYPD reports that it is in the process of revising its Force Policy (PG § 221-03) such that both witness and subject officers will be required to complete the form. A narrative section will also be added. NYPD expects to complete these revisions in 2019. OIG-NYPD will monitor NYPD's progress on this 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.	**Unchanged: Partially Implemented** In March 2017, OIG-NYPD observed NYPD's in-service Integrated Tactics course. As discussed in OIG-NYPD's Third Annual Report, although de-escalation was emphasized by Academy instructors, NYPD provided no scenario-based de-escalation tactics. NYPD reports the course's curriculum has since been modified to include additional topics of discussion such as Active Shooters, the use of Polycarbonate Shield during EDP interactions, and a refresher on the Department's use-of-force policy. With regard to recruit training, NYPD maintains that de-escalation is a concept taught throughout the Academy, both in the content of academic scenarios and during the physical tactics components of the "Effective Communication" and "Policing Professionally" courses. In addition, recruits receive two group lectures on effective communication in the "Policing the Emotionally Distressed" and "Policing Impartially" courses. While NYPD's increased focus on de-escalation is a welcome improvement, OIG-NYPD urges NYPD to develop specific courses on de-escalation that incorporate both classroom and scenario-based training.

8	NYPD should incorporate a formal evaluation system for all scenario-based trainings concerning the use of force.	**Unchanged: Accepted in Principle** NYPD's Training Bureau began its move toward an evidence-based training model in late 2017. NYPD is now in the process of developing a formal assessment sheet that will include deficiencies observed, the follow-up instructions given to the recruits, and the results of their performance. The goal of the evaluation process will be to provide instructors with an ongoing assessment to track whether recruits show the use of proper tactics. OIG-NYPD will continue to monitor NYPD's progress on this issue.
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.	**Unchanged: Accepted in Principle** NYPD reports that it is adjusting its current early intervention system so that it can flag certain use-of-force incidents, allowing NYPD to identify officers in need of intervention. NYPD is currently unable to provide a target date for this adjustment. While NYPD's early intervention system may be able to identify at-risk officers based on their involvement in force incidents, NYPD has not commented on whether such officers will receive de-escalation and/or use-of-force training, as recommended. OIG-NYPD will continue to monitor NYPD's progress on this issue.
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.	**Unchanged: Rejected** NYPD maintains the Department examines the totality of the actions of each officer in a given situation to determine the appropriate penalty. NYPD has not changed its position. NYPD asserts that by viewing the case as a whole, and assessing a penalty that reflects the entirety of the misconduct event, the Department is able to make each penalty individualized and appropriate to address the misconduct at issue. All penalty recommendations are made following a careful review of case precedent for similar misconduct previously adjudicated by the Department. In 2018, NYPD commissioned a Disciplinary Review Panel to review all aspects of NYPD's disciplinary

		process. The panel's report, released on February 1, 2019, included a recommendation that NYPD study and consider adopting a disciplinary matrix, noting how a matrix would support transparency, accountability, and consistency. NYPD accepted this recommendation from the Review Panel, and an internal panel within the Department is now working on an implementation schedule. As NYPD studies implementation of a disciplinary matrix, the Department should also consider the reasoning behind OIG-NYPD's recommendation for distinct penalties.
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 (Recommendation #6) on the number and percentage of cases in which the Police Commissioner reduces or declines discipline.	**Changed from Rejected to Under Consideration** In 2018, NYPD commissioned a Disciplinary Review Panel to review all aspects of NYPD's disciplinary process. The panel's report, released on February 1, 2019, included a recommendation that NYPD enhance its public reporting. NYPD accepted this and other recommendations, and an internal panel within the Department is now working on an implementation plan. While the Panel's recommendation did not specifically address the issue raised in OIG-NYPD recommendation #13, its broad call for more robust public reporting by NYPD is consistent with OIG-NYPD's recommendation. When implementing the Panel's recommendations, NYPD should likewise implement OIG-NYPD's recommendations. OIG-NYPD will monitor NYPD's progress on this issue.
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.	**Changed from Partial Agreement in Principle to Implemented** NYPD has confirmed that the fact that an officer is placed on monitoring is not taken into account when assessing disciplinary penalties. As a result, if NYPD never factors force monitoring into disciplinary decisions, there is no need for such information to be documented in the disciplinary paperwork. If, however, NYPD changes course and begins to incorporate force monitoring information into disciplinary decisions, OIG-NYPD will revisit NYPD's compliance with this recommendation.

15	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.	**Changed: Partially Implemented** 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. An officer is placed on force monitoring (a.k.a. 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. 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.
	The following recommendations were IMPLEMENTED by NYPD prior to the April 2018 Annual Report. As a result, no further update is required.	
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.	

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

July 30, 2015 Report

In September 2014, NYPD announced the launch of a small-scale pilot program to test the use of body-worn cameras (BWCs) by 54 police officers (Volunteer BWC Pilot Program). To ensure that NYPD had appropriate policies and practices before expanding BWC use across the Department, OIG-NYPD conducted a comprehensive review of NYPD's 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's made 23 recommendations for the improved use of body-worn cameras. NYPD has since implemented several of these proposals, including obtaining public input on BWC use, and specific changes to NYPD's BWC policy. On January 8, 2018, NYPD released the most recent version of its BWC policy (Patrol Guide § 212-123), which implements a number of OIG-NYPD's recommendations. Consistent with OIG-NYPD's recommendations, in the last year NYPD has made important improvements regarding supervisor access to BWC video, the use of BWC in performance monitoring, and how long BWC video is retained.

Since the release of the Report, NYPD's small pilot program has concluded, and NYPD has proceeded with a full rollout of 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 have been equipped with body-worn cameras. The NYPD Federal Monitor has also undertaken a study of the effects of BWCs on a variety of outcome measures involving police-citizen encounters and policing activity. This work complements OIG-NYPD's review of NYPD's BWC program.

An analysis of NYPD's progress on OIG-NYPD's remaining recommendations follows. Of particular note, NYPD maintains its objection to OIG-NYPD's recommendation that officers named as a subject or witness in a misconduct investigation not be permitted to view their BWC footage until after submitting a formal statement. OIG-NYPD will continue to monitor NYPD's policy pertaining to this and other recommendations.

An analysis of NYPD's progress on OIG-NYPD's remaining recommendations follows.

BODY-WORN CAMERAS IN NEW YORK CITY: AN ASSESSMENT OF NYPD'S PILOT PROGRAM AND RECOMMENDATIONS TO PROMOTE ACCOUNTABILITY (JULY 2015 REPORT)	
OIG-NYPD'S RECOMMENDATION	**NYPD RESPONSE AND OIG-NYPD ASSESSMENT**
2.2 NYPD should redefine the safety exception for notifications.	**Unchanged: Accepted in Principle** 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. 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. OIG-NYPD will to continue to monitor this issue.
3.2 NYPD should address discipline when the BWC program is more established and formalized.	**Changed from Rejected to Accepted in Principle** NYPD maintains this recommendation is unnecessary because the Department already has a formal disciplinary system. Officers are required to comply with all Department policies contained in the Patrol Guide and any deviation can result in discipline. OIG-NYPD continues to maintain that NYPD should formalize a disciplinary protocol for BWC and make clear the potential for discipline for both failing to record when required and recording prohibited activity. OIG-NYPD will to continue to monitor this issue.

4.1	NYPD should grant supervisors general access to BWC footage with restrictions on arbitrary review.	**Changed from Accepted in Principle to Implemented** NYPD reports it now allows supervisors general access to view footage from officers within their command and that NYPD's BWC Unit randomly assigns five videos to command level supervisors for review each month. NYPD executives (captains and above) have Citywide access to BWC video. There is also an audit trail for investigative purposes that can help to determine whether supervisors are arbitrarily reviewing video. NYPD affirms that this audit trail is reviewed as needed. OIG-NYPD will to continue to monitor this issue.
4.2	NYPD should integrate BWC footage review into NYPD's field training program.	**Changed from Rejected to Accepted in Principle** NYPD maintains that field training officers, (FTOs) are encouraged to review body worn camera footage with their trainees. NYPD has also stated it will consider formalizing the FTO review of BWC footage as the Department's experience with BWCs grows. OIG-NYPD will to continue to monitor this issue.
5.3	NYPD should integrate BWC recordings into NYPD's existing force monitoring programs.	**Changed from Under Consideration to Implemented** NYPD reports that when an officer is placed on force monitoring, the Department now reviews that officer's BWC footage as part of the monitoring process. This enhanced review of footage, however, has not been formally incorporated into NYPD's force monitoring protocols. While considering this recommendation implemented, OIG-NYPD also maintains that NYPD should update its written force monitoring protocols to account for BWC review.
6.1	Access to BWC recordings should be limited where officers are under investigation or are witnesses in misconduct investigations.	**Unchanged: Rejected** NYPD states that, pursuant Department policy, BWC footage subject to an investigation is locked down and only the IAB and Force Investigations Division investigators have access to the video. Officers subject to an 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 making an official statement allows them to provide the most accurate account. OIG-NYPD maintains that officers who are subjects or witnesses in an investigation should not be allowed to review BWC footage of the incident under investigation until after submitting a formal statement. As stated in OIG-NYPD's Report, "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."
7.2	NYPD should ensure fairness between citizens' and officers' right to view BWC footage.	**Unchanged: Accepted in Principle** OIG-NYPD's recommendation urges NYPD to prevent officers and members of the public from viewing BWC footage prior to providing a statement for an investigation. NYPD reports it permits witnesses to view BWC footage in the course of a criminal investigation, 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. Separately, NYPD reports that when a BWC video is provided to CCRB, the decision to share such videos with complainants lies with CCRB. NYPD also receives FOIL requests from members of the public for BWC video and provides responsive videos according to the New York State Public Officers Law §87 and §89. OIG-NYPD will to continue to monitor this issue.

8.1	NYPD should establish a minimum retention period of at least 18 months.	**Changed from Partially Implemented to Implemented** NYPD reports that, as a baseline, all BWC footage is retained for 18 months, but may be retained for longer depending on the type of incident captured. Pursuant to Department policy, footage of use-of-force incidents is kept for three years. Further, arrest and homicide videos are given a default retention period of five years, but any footage can be preserved indefinitely as needed.

	The following recommendations were IMPLEMENTED by NYPD prior to the April 2018 Annual Report. As a result, no further update is required.
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.
4.3	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.
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.
8.2	NYPD should ensure expeditious purging of archived BWC footage that no longer holds evidentiary value.
9	NYPD should incorporate government and public input in continuing to develop the BWC program.

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

April 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 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. As summarized above, OIG-NYPD released its first Report pursuant to Local Law 166 in April 2018.

USING DATA FROM LAWSUITS AND LEGAL CLAIMS INVOLVING NYPD TO IMPROVE POLICING (APRIL 2015 REPORT)	
OIG-NYPD'S RECOMMENDATION	**NYPD RESPONSE AND OIG-NYPD ASSESSMENT**
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.	**Unchanged: Partially Implemented** 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 and reports upon request. While PALS is now tracking more data contained within legal claims and lawsuits than it has in the past, NYPD's trend analysis is limited to cases that it deems to have merit (as opposed to all legal claims and lawsuits). NYPD also states it continues to work with the Law Department, which has been tasked pursuant to NYC Administrative Code § 7-114 with tracking the nature

		of claims/core allegations for all lawsuits connected with allegations of misconduct commenced against NYPD and individual officers. As of June 2018, NYPD receives all summonses and complaints from the Law Department after a case has been filed against NYPD. As a result of this development, PALS is planning to revive the original version of the Risk Assessment & Litigation System (RAILS Beta), which was intended to track data from lawsuits and claims. NYPD states that this system will be used to retain and categorize litigation data, study trends, and develop training modules based on observed trends. OIG-NYPD will continue to monitor NYPD's progress on this issue.
1.2	NYPD should perform a qualitative review of the most relevant data contained within legal claims and lawsuits against NYPD. Specifically: Information about the subject police officer(s).	**Changed from Accepted in Principle to Partially Implemented** 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. NYPD also states that it will track more data on the subject officer once it begins entering litigation data into the revived version of RAILS. OIG-NYPD will continue to monitor NYPD's progress on this issues.
1.3	NYPD should perform a qualitative review of the most relevant data contained within legal claims and lawsuits against NYPD. Specifically: the location of the alleged incident and address of the plaintiff(s).	**Unchanged: Partially Implemented** NYPD reports that PALS reviews the locations of alleged incidents in its analysis of claims/core allegations using data shared by the Comptroller. In addition, NYPD's datasets document the location of incidents, including with respect to arrests, uses of force, and other police action. PALS personnel geo-map incidents leading to lawsuits and claims whenever relevant or necessary to analyze patterns and trends. But 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.

		OIG-NYPD will continue to monitor this issue.
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.	**Changed from Partially Implemented to Implemented** OIG-NYPD's recommendation was driven by the finding that there was insufficient communication between NYPD, the Law Department, and the Comptroller on this issue. While a formal working group has not been established, NYPD now has greater contacts with both the Law Department and Comptroller on litigation and claims. This includes biweekly calls and sometimes multiple meetings a week to discuss individual cases and broader trends. NYPD now also regularly receives data and documents from the Law Department, thereby improving the flow of information. This constant state of information sharing, collaboration, and dialogue between NYPD, the Law Department, and Comptroller addresses the concerns identified by OIG-NYPD.
3	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.	**Unchanged: Under Consideration** While NYPD's early intervention system, the Risk Assessment Information Liability System (RAILS), went live in October 2017, NYPD is still working on further developments to the system. RAILS will be used as a tool for supervisors to track the behavior and performance of uniformed members of service. NYPD will consider providing the public certain details regarding RAILS once it has been fully implemented. However, NYPD cannot state, at this time, what that information would be. NYPD maintains that details about its trend analysis work are nevertheless provided in each of its public responses to OIG-NYPD's prior reports. OIG-NYPD will continue to monitor NYPD's progress on this issue.

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.

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.

NYPD has fully implemented all but one of OIG-NYPD's recommendations, as noted below.

OBSERVATIONS ON ACCOUNTABILITY AND TRANSPARENCY IN TEN NYPD CHOKEHOLD CASES (JANUARY 2015 REPORT)	
OIG-NYPD'S RECOMMENDATION	**NYPD RESPONSE AND OIG-NYPD ASSESSMENT**
1 NYPD should increase coordination and collaboration with CCRB to refine the disciplinary system for improper use of force.	**Unchanged: Partially Implemented** 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. NYPD reports the Reconsideration Process has seen several recent changes, including the implementation of timeframes by the CCRB. Additionally, in 2018, NYPD commissioned a Disciplinary Review Panel to review all aspects of NYPD's disciplinary process. As part of NYPD's efforts to implement the Panel's recommendations, the Department plans to introduce new procedures to further improve the speed in which Reconsiderations are sent to the CCRB and to expedite their responses. These

| | | changes are designed to improve the process, promote continued fairness between the two agencies, and provide faster resolutions to disciplinary matters. NYPD plans to implement these changes in early 2019.

While these newly proposed changes appear promising, this recommendation will remain as "partially implemented" until, at minimum, these proposed changes are in effect. Further, NYPD should also 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. This would be consistent with the recent recommendations made by NYPD's Disciplinary Panel, which NYPD is in the process of implementing.

OIG-NYPD will continue to monitor this issue. |
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The following recommendations were IMPLEMENTED by NYPD prior to the April 2018 Annual Report. As a result, no further update is required.	
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.

I.   COMMUNITY OUTREACH AND ENGAGEMENT

Community outreach is vital to better understanding the concerns of New York City residents, especially those in vulnerable communities, about their interactions with the police. DOI's OIG-NYPD engages with advocates, elected officials, community groups, City agencies, and other police departments and oversight agencies, among others, in order to inform its investigations and address the need to improve policing and police-community relations, which ultimately enhances police accountability and leads to greater public safety. In 2018, OIG-NYPD met with an array of community advocates and representatives from local organizations throughout New York City. These included civil rights groups, advocates, individual community members, and other organizations and service providers that focus on youth, people with mental illness, religious communities, immigrants, LGBTQ issues, and homelessness. These meetings have provided a deeper understanding of issues that implicate law enforcement conduct and interactions with the public.

OIG-NYPD also engaged with victim and legal service providers during its investigations. As an example, in preparing OIG-NYPD's Report, *An Investigation of NYPD's Special Victims Division-Adult Sex Crimes*, staff interviewed advocates and service providers who work with victims and survivors of sexual assault. After the release of its Report, OIG-NYPD re-engaged with those groups to obtain feedback. OIG-NYPD also briefed City Council members on the findings and recommendations of that Report.

OIG-NYPD sustains its outreach efforts to relevant communities even after issuing reports. For example, OIG-NYPD conducts conference calls with local organizations after issuing systemic reports in order to seek community feedback and follow up on continuing and additional concerns. All of these outreach activities were essential to OIG-NYPD's work during 2018.

Engaging with police officers is also central to improving policing and police-community relations. OIG-NYPD meets with NYPD officers of all ranks through officer associations, police unions, and individual contacts in order to hear their concerns and get input during investigations. OIG-NYPD also regularly reaches out to law enforcement and police accountability agencies throughout the country to provide OIG-NYPD with information on successful practices and innovative programs in those jurisdictions.

Because OIG-NYPD also recognizes that policing converges with the work of other parts of the City representatives of OIG-NYPD regularly meet with other City agencies. These meetings are essential to understanding the partnerships that NYPD has in the City to enforce the law and respond to emergencies. In 2018, OIG-NYPD engaged with various agencies, including all five New York City District Attorney's Offices, CCRB, NYC Commission on Human Rights, the Law Department, and the Mayor's Office for Criminal Justice, among others. In addition, OIG-NYPD staff attended City Council hearings, which provide crucial information on proposed 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. OIG-NYPD responds to public inquiries, accepts feedback on investigations and recommendations, and provides the public with information on OIG-NYPD's mission, reports, and recommendations. Further, OIG-NYPD regularly considers and implements new ways of expanding outreach efforts to all areas and communities in the City.

V.   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's operations, policies, practices, and programs. OIG-NYPD has received such complaints since its inception. 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 facing NYPD. OIG-NYPD retains all complaint information as appropriate. Such information may support long-term investigations.

Please contact us at:

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For all other inquiries, please call OIG-NYPD's Outreach Unit at (212) 806-5200 or email oignypdoutreach@doi.nyc.gov.