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DOI'S OFFICE OF THE INSPECTOR GENERAL FOR THE NEW YORK CITY POLICE DEPARTMENT RELEASES SECOND ANNUAL REPORT

The Department of Investigation's ("DOI") Office of the Inspector General for the New York City Police Department ("OIG-NYPD") today released its Second Annual Report, discussing the Office's efforts and recommendations made in Calendar Year 2015. The City Charter requires that such Report be produced each year on or before April 1st. As a result of OIG-NYPD's four major studies and policy reviews, highlighting prominent and timely issues facing policing in New York City, the Office made 47 recommendations to improve NYPD policies, procedures and accountability last year. According to the Report, nearly 75% of those recommendations have been implemented or accepted in principle by the New York City Police Department ("NYPD"). This Annual Report outlines those recommendations and analyzes how OIG-NYPD's reforms have been implemented and its concerns addressed by NYPD.

DOI Commissioner Mark G. Peters said, "Over the past year, OIG-NYPD has provided critical analysis of policing in New York City and proposed meaningful reforms to NYPD resulting in tangible change, including a commitment from the Department to release – for the first time – an annual use-of-force report based on data culled from tracking force incidents."

Inspector General Philip K. Eure said, "OIG-NYPD has built upon its mission to bring significant, permanent oversight to NYPD, with reports and recommendations that get at the root of systemic issues, towards the goal of improving transparency, accountability and an increased confidence in the police force. We look forward to expanding on this work, issuing additional comprehensive reports in the coming months."

OIG-NYPD released four detailed reports in 2015, which included:

- ***Observations on Accountability and Transparency in Ten NYPD Chokehold Cases*:** OIG-NYPD conducted a targeted review of ten substantiated cases where NYPD officers used chokeholds on members of the public. The investigation found deficiencies in how NYPD determines discipline, communication road-blocks between agencies in the review of use-of-force complaints, and questions regarding the effectiveness of officer training. OIG-NYPD's recommendations called for NYPD to adopt a more transparent process for handing down discipline and for NYPD to share information related to use-of-force cases.

- ***Using Data From Lawsuits and Legal Claims Involving NYPD to Improve Policing*:** OIG-NYPD released findings on how NYPD can better use data from police litigation to improve officer performance and identify trends of police misconduct. After assessing NYPD's current approach to mining litigation data, the review

identified several categories of information that NYPD should be better analyzing and proposed the creation of an interagency working group to coordinate the organization and exchange of litigation information.

- ***Body-Worn Cameras in New York City: An Assessment of NYPD's Pilot Program and Recommendations to Promote Accountability*:** A comprehensive review of NYPD's volunteer body-worn camera ("BWC") pilot-program, this report incorporated interviews with dozens of stakeholders, including police officers who used BWCs and all five District Attorney's Offices. The review focused on officer discretion regarding when to activate BWCs; officer compliance with NYPD's BWC policies; NYPD, government, and public access to video footage; and retention and purging of footage.

- ***Police Use of Force in New York City: Findings and Recommendations on NYPD's Policies and Practices*:** OIG-NYPD's comprehensive investigation into NYPD use-of-force encounters, policies, and training revealed an inability to track use-of-force encounters by officers, a failure to properly instruct officers to use de-escalation tactics, and a lack of discipline imposed on officers involved in substantiated force allegations—even when NYPD was provided with evidence that excessive force was used.

The vast majority of OIG-NYPD's recommendations – 35 of the 47 or nearly 75%– have been implemented or accepted in principle by NYPD, meaning the Department has agreed with the general purpose of the recommendation but has yet to complete its implementation. NYPD is considering eight other recommendations and rejected four. For example, NYPD declined to adopt two recommendations regarding the Department's disciplinary process, including OIG-NYPD's call for NYPD to clearly state the penalty for specific acts of misconduct and to analyze the effect of disciplinary penalties on the frequency of excessive force incidents. The Office will monitor NYPD's progress in implementing the accepted recommendations and continue to evaluate the areas where NYPD has declined to adopt the recommended reforms.

In addition to issuing substantive policy reports, OIG-NYPD has received and addressed individual complaints. By reviewing complaints, investigating allegations, speaking to complainants, and communicating with other government agencies, OIG-NYPD continues to address specific concerns raised by New Yorkers while identifying potential systemic issues facing NYPD.

OIG-NYPD also made strides in outreach to a broad spectrum of communities, addressing an equally broad range of issues. Over the past year, OIG-NYPD has hosted, visited, spoken to, and held meetings with representatives of over 60 organizations and groups. These representatives include local community advocates, organizations interested in criminal justice reform, civil rights groups, and police officers themselves.

###

The Office of the Inspector General for the NYPD (OIG-NYPD) is an oversight office charged with investigating, reviewing, studying, auditing, and making recommendations relating to the operations, policies, programs, and practices of the New York City Police Department (NYPD). The goals of OIG-NYPD are to enhance the effectiveness of the Police Department, increase public safety, protect civil liberties and civil rights, and increase the public's confidence in the police force, thus building stronger police-community relations. OIG-NYPD is part of the New York City Department of Investigation and is independent of NYPD. Inspector General Eure reports to DOI Commissioner Peters.

The New York City Department of Investigation (DOI) is one of the oldest law-enforcement agencies in the country and is New York City's corruption watchdog. DOI investigations may involve any agency, officer, elected official, or employee of the City, as well as those who do business with or receive benefits from the City. DOI's strategy attacks corruption comprehensively, through systemic investigations that lead to high-impact arrests, preventive internal controls, and operational reforms that improve the way the City runs. Learn more at www.nyc.gov/doi.

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Contact OIG-NYPD at (212) 806-5200

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

Second Annual Report

Mark G. Peters
Commissioner

Philip K. Eure
Inspector General for the NYPD

April 2016

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I. INTRODUCTION

This is the second Annual Report of the New York City Department of Investigation's Office of the Inspector General for the New York City Police Department (OIG-NYPD). This Report, covering the work of OIG-NYPD's first full calendar year, highlights the investigations completed in 2015 and assesses the extent to which the New York City Police Department (NYPD) has adopted – or not adopted – OIG-NYPD's recommendations for reform.

The Office of the Inspector General for the NYPD is an office charged with external oversight of NYPD. OIG-NYPD is independent of NYPD and sits within the New York City Department of Investigation (DOI). As amended by Local Law 70 of 2013, the New York City Charter empowers the DOI Commissioner to "investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of the New York City Police Department with the goal of enhancing the effectiveness of the department, increasing public safety, protecting civil liberties and civil rights, and increasing the public's confidence in the police force, thus building stronger police-community relations." (Charter of the City of New York, Chapter 34, §803 (c)(1)). The Inspector General for the New York City Police Department – who carries out this mandate on behalf of DOI – publishes written, publicly-available reports based on certain of these investigations, reviews, studies, or audits. The NYPD Commissioner is required to submit a written response to each published report within 90 days.

OIG-NYPD released reports in 2015 that covered issues including force, discipline, litigation data, training, inter-agency cooperation, transparency, and technology:

- ***Observations on Accountability and Transparency in Ten NYPD Chokehold Cases (January 2015)***
- ***Using Data From Lawsuits and Legal Claims Involving NYPD to Improve Policing (April 2015)***

- ***Body-Worn Cameras in New York City: An Assessment of NYPD's Pilot Program and Recommendations to Promote Accountability (July 2015)***

- ***Police Use of Force in New York City: Findings and Recommendations on NYPD's Policies and Practices (October 2015)***

These reports highlighted several prominent and timely issues facing policing in New York City, as well as nationwide. With important insights and recommendations, these reports played a critical role in the conversation on how to enhance police accountability and reform while offering practical proposals for NYPD.

In addition to examining systemic issues, in 2015 OIG-NYPD continued to receive, review, assess, investigate, and respond to complaints and inquiries from the public regarding NYPD. These complaints and contacts serve an important function in informing OIG-NYPD about potential trends and the experiences and concerns of members of the public.

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

For more information about the mission, work, and history of OIG-NYPD, please visit the Office's website at www.nyc.gov/oignypd. The website contains copies of all reports issues by OIG-NYPD, as well as NYPD's legally-required responses to OIG-NYPD's reports.[1]

[1] Commissioner Mark G. Peters and Inspector General Philip K. Eure thank the staff of OIG-NYPD for their efforts and contributions in producing this report, especially Sandra Musumeci, Deputy Inspector General; Asim Rehman, General Counsel; Sarolta Toscano, Special Investigator; Andrew Guinan, Special Investigator; Syed Ali Ameer, Auditor; Percival Rennie, Auditor; Kanika Khanna, Policy Analyst; Betty Diop, Data Assistant; Rebecca Engel, Examining Attorney; Adrain Gonzales, Data Management Assistant, and other current and former staff members.

HOW DOES THE OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD DO ITS WORK?

THE OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD IS RESPONSIBLE FOR INVESTIGATING, REVIEWING, STUDYING, AUDITING, AND MAKING RECOMMENDATIONS RELATING TO THE OPERATIONS, POLICIES, PROGRAMS, AND PRACTICES OF THE NYPD 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. SO HOW DOES OIG-NYPD DO ITS WORK?

WE IDENTIFY THE ISSUES

BY RESEARCHING:	BY TALKING TO:
POLICING TOPICS AND NEWS	AFFECTED INDIVIDUALS, ADVOCACY GROUPS, AND COMMUNITY ORGANIZATIONS
LAW ENFORCEMENT POLICIES AND STATISTICS	ELECTED OFFICIALS
NEW DEVELOPMENTS AT NYPD	NYPD MANAGEMENT, OFFICERS, AND REPRESENTATIVES
PROBLEMS AND SOLUTIONS IN OTHER CITIES	OTHER POLICE OVERSIGHT BODIES

WE INVESTIGATE, REVIEW, STUDY, AND ANALYZE

FACTS, DATA, PATTERNS, AND TRENDS	BEST PRACTICES
NYPD'S POLICIES AND OPERATIONS	THE LAW

WE PROPOSE SOLUTIONS AND ISSUE RECOMMENDATIONS

THAT EXPLAIN THE FINDINGS OF OUR INVESTIGATIONS

THAT SHED LIGHT ON NYPD POLICIES AND PRACTICES

THAT MAKE RECOMMENDATIONS AIMED AT IMPROVING POLICING, PUBLIC SAFETY, AND POLICE-COMMUNITY RELATIONS

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

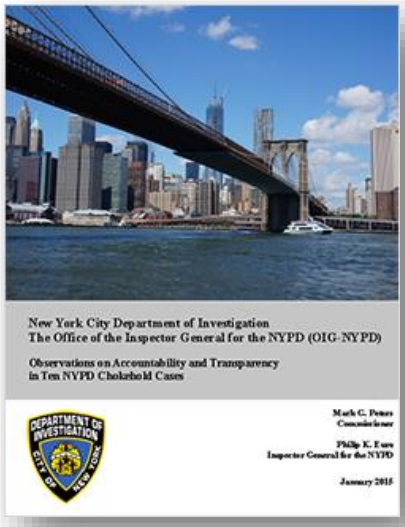
Pursuant to § 803(d) (3) of the New York City Charter, the following section summarizes the findings and recommendations made in the four substantive reports OIG-NYPD released in 2015, along with assessing NYPD's progress in implementing the recommendations made in the reports. OIG-NYPD's four reports from 2015 include 47 separate recommendations. NYPD's response to these recommendations can be broken down as follows:

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

The majority of the recommendations were accepted in principle but not yet fully implemented. While OIG-NYPD is encouraged by NYPD's general acceptance of most OIG-NYPD recommendations, OIG-NYPD will closely monitor NYPD's work in 2016 to assess whether NYPD actually implements them.

OBSERVATIONS ON ACCOUNTABILITY AND TRANSPARENCY IN TEN NYPD CHOKEHOLD CASES

January 2015



On January 12, 2015, OIG-NYPD released its inaugural Report, entitled *Observations on Accountability and Transparency in Ten NYPD Chokehold Cases.* This Report was prompted by the death of Staten Island resident Eric Garner, who was brought to the ground during an arrest for the sale of loose cigarettes, a non-violent quality-of-life offense. This Report laid the groundwork for the Use-of-Force Report that OIG-NYPD would release later in the year.

By conducting a focused review of ten substantiated Civilian Complaint Review Board (CCRB) cases where members of NYPD had used chokeholds, OIG-NYPD sought to address questions regarding the policies, practices, and procedures surrounding the use of chokeholds, examine the disciplinary process as applied to substantiated chokeholds, and assess the interactions between NYPD and CCRB. The ten substantiated chokehold cases encompassed a variety of factual scenarios and resulted in a range of outcomes once they were presented to NYPD for discipline. In reviewing these cases, OIG-NYPD highlighted how NYPD's disciplinary process is complex, multi-tiered, and often delivers inconsistent results. OIG-NYPD also noted an apparent disconnect in how CCRB and NYPD reviewed and evaluated the same cases.

As a result of its investigation, OIG-NYPD observed the following:

- CCRB generally believed that severe penalties were warranted in chokehold cases. CCRB recommended Administrative Charges, the most serious level of discipline within NYPD, in nine of the ten cases where it found an NYPD officer had used a chokehold. In the one case in which CCRB made a different recommendation – where the officer had died before CCRB's recommendation was reviewed or acted upon –

CCRB recommended Command Discipline, a lesser form of discipline. The matter would then proceed to NYPD's disciplinary process.

- NYPD, by contrast, believed that lesser penalties were warranted in substantiated chokehold cases. NYPD's Department Advocate's Office (DAO) is the NYPD unit that prosecutes NYPD disciplinary matters and, until April 11, 2013, was responsible for prosecuting all substantiated use-of-force cases that resulted in Administrative Charges. In those cases where CCRB substantiated chokeholds, recommended Administrative Charges, and DAO became involved, none of the substantiated cases ever went to trial before a NYPD Trial Commissioner. Instead, DAO departed from CCRB's recommendation every time. Rather than pursue the more serious Administrative Charges, DAO recommended lesser penalties or no discipline whatsoever.
- The Police Commissioner has the authority in all cases to make a final determination about discipline. In those substantiated chokehold cases presented to the Police Commissioner, he rejected CCRB's disciplinary recommendation, imposing a less severe penalty than that recommended by CCRB or deciding that no discipline was warranted at all.

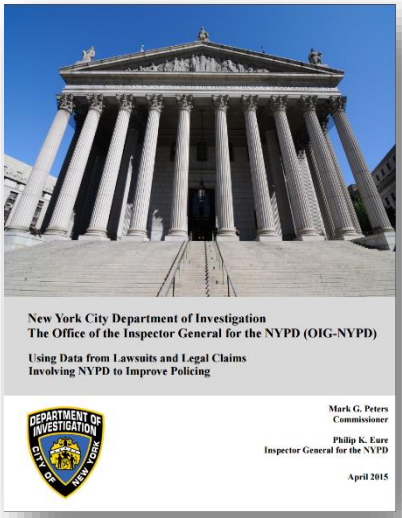
Based on these observations, OIG-NYPD's Report contained four recommendations for NYPD. In the 15 months since the Report was released, NYPD has taken several positive steps that align with OIG-NYPD's recommendations. NYPD has implemented or partially implemented three of the recommendations. For the remaining recommendation, NYPD has agreed in principle with the recommendation but still needs to take additional action before the recommendation is fully implemented. OIG-NYPD will continue monitoring NYPD's reforms in the months ahead.

OBSERVATIONS ON ACCOUNTABILITY AND TRANSPARENCY IN TEN NYPD CHOKEHOLD CASES (JANUARY 2015)			
	RECOMMENDATION MADE BY OIG-NYPD	**NYPD RESPONSE REGARDING IMPLEMENTATION STATUS**	**OIG-NYPD ASSESMENT OF NYPD RESPONSE**
1	NYPD should increase coordination and collaboration with CCRB to refine the disciplinary system for improper use of force.	According to NYPD, coordination and collaboration continues to increase between NYPD and CCRB in the Penalty Review Process. One example is 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. NYPD believes that this new procedure has increased transparency and cooperation between NYPD and CCRB.	**Partially Implemented.** The Reconsideration Process has improved communication and coordination between NYPD and CCRB. OIG-NYPD has also seen improvements in the nature and frequency of *ad hoc* communication between NYPD and CCRB. As the relationship strengthens, NYPD should 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.
2	NYPD should provide transparency with respect to the Police Commissioner's Disciplinary decisions.	According to NYPD, the Police Commissioner provides transparency by writing an explanation to CCRB for any disciplinary decisions that deviate downward from CCRB's original recommendation.	**Implemented.** Since the January 2015 Report, OIG-NYPD has monitored NYPD's compliance with the legal obligation to provide written notification to CCRB when deviating from CCRB's recommended penalty. OIG-NYPD has seen evidence that NYPD is adhering to this obligation, and OIG-NYPD will continue to monitor NYPD's compliance.

3	NYPD should expand IAB's access to newly-filed complaints and substantive information on Use-of-Force cases filed with CCRB.	According to NYPD, the Department has made some positive developments with regard to information sharing with CCRB. Specifically, in late 2015, CCRB and NYPD established a process through which CCRB would share video evidence and case files with IAB when CCRB substantiated a force complaint. NYPD notes that fulfillment of this recommendation turns on CCRB providing NYPD with access to newly-filed complaints.	**Partially Implemented.** OIG-NYPD acknowledges the developments that NYPD and CCRB have made with information sharing. However, and as noted in OIG-NYPD's Report, NYPD would benefit from receiving use-of-force complaint information from CCRB when complaints are filed and not only after they are substantiated. OIG-NYPD recognizes that CCRB must provide greater access to its records before this recommendation can be fully implemented. OIG-NYPD will continue to monitor.
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.	NYPD states that it has recently received funding to update the Chief of Department Investigative Review Section's database, which will improve information sharing and case tracking. NYPD projects that the updated system will be operational in early 2017.	**Accepted in Principle.** OIG-NYPD welcomes NYPD's efforts to secure funding for a system upgrade. Until it is upgraded, the Chief of Department Investigative Review Section will continue to have an antiquated tracking system that is incompatible with other NYPD systems. OIG-NYPD will continue to monitor this issue.

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

April 2015


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

Using Data from Lawsuits and Legal Claims Involving NYPD to Improve Policing

Mark G. Peters
Commissioner

Philip K. Eure
Inspector General for the NYPD

April 2015

On April 21, 2015, OIG-NYPD issued its findings on how NYPD could more effectively use police litigation data to improve officer performance and identify trends of police misconduct. The proper collection and analysis of police litigation data has the potential to reduce police misconduct, improve public safety, control costs, identify training opportunities, strengthen public confidence, and advance law enforcement oversight. After evaluating problems with NYPD's current approach to litigation data, the Report identified several categories of information that NYPD should be analyzing better and recommended the creation of an interagency working group to coordinate the organization and exchange of litigation information. The Report also recommended that NYPD increase transparency in this evolving area and allow citizens to provide public comment on the data NYPD is currently tracking.

From fiscal years 2010-2014, the City saw more than 15,000 lawsuits filed against NYPD at a cost of over $200 million. By carefully reviewing the information contained in these lawsuits and legal claims, and omitting causes of action that are clearly without merit, NYPD and the City can begin taking necessary corrective actions to drive down these costs. Information about litigation has been shown to help law enforcement and oversight agencies across the country identify patterns and trends of police misconduct, as well as better train

officers for possible encounters in the community. Coupled with "Early Intervention Systems" (EIS), or computer databases that allow police departments to monitor the behavior of officers, agencies can use the data to identify at-risk officers who may require guidance, instruction, or discipline. The Report cited case studies from other cities where positive results have already been seen.

NYPD currently uses computerized systems for tracking officer performance and conduct as well as overall policing trends, and in some instances is ahead of many other departments in this field. OIG-NYPD's Report found, however, that while NYPD did track certain information culled from police litigation, such as complaints filed against an officer, it did not track some key indicators, such as the core allegations made in the claims. In addition, OIG-NYPD identified a need for better communication between NYPD and other agencies that also track lawsuits and claims involving members of the Police Department, specifically the Comptroller's Office and Law Department. These issues stand in the way of fully realizing the benefits of analyzing the data.

During the course of OIG-NYPD's review, investigators found NYPD had limited access to both the Comptroller and Law Department's data, and cannot easily access information about legal claims or lawsuits filed against NYPD or the resolution of these claims. The Report found the Comptroller's Office and Law Department – like NYPD – also track different sets of data without an effective way of merging the information. The Comptroller's Office, for instance, tracks the number and type of pre-litigation legal claims filed and amounts paid in claim and lawsuit settlements, while the Law Department tracks data on the number of lawsuits filed and information related to court proceedings. All three agencies lacked uniform definitions for

similar metrics.

Although NYPD now has better access to litigation–related information from both the Law Department and Comptroller's Office than in years past, additional improvements are necessary. With the help of this data, updated systems, and a staff realignment to focus on culling litigation data, NYPD has begun to identify trends, but the Department has yet to release any of its findings, including those about areas in which lawsuits may be increasing or decreasing and those where NYPD is revising its policies or training.

OIG-NYPD's Report contained five recommendations for NYPD. Overall, NYPD has made some progress with respect to OIG-NYPD's recommendations, but more work is needed. NYPD has implemented two of the five recommendations in whole or in part. For the remaining three recommendations, NYPD has accepted the premise of the recommendation but not yet taken steps to implement them. NYPD has also rejected one aspect of one of these three recommendations. OIG-NYPD will continue to monitor NYPD's efforts.

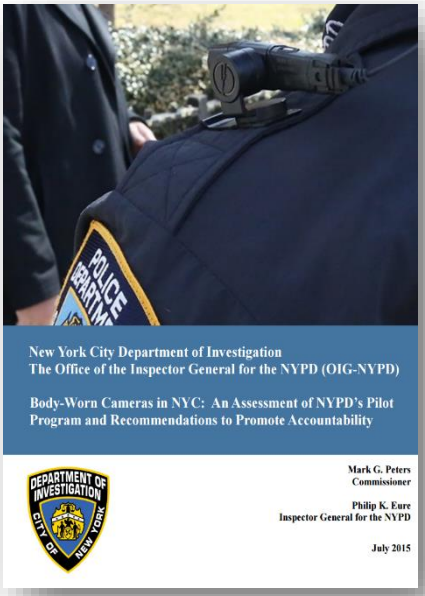
USING DATA FROM LAWSUITS AND LEGAL CLAIMS INVOLVING NYPD TO IMPROVE POLICING (APRIL 2015)			
	RECOMMENDATION MADE BY OIG-NYPD	**NYPD RESPONSE REGARDING IMPLEMENTATION STATUS**	**OIG-NYPD ASSESMENT OF NYPD RESPONSE**
1	NYPD should perform a qualitative review of the most relevant data contained within legal claims and lawsuits against NYPD. Specifically:		
	(1.1) Nature of the claims/core allegations.	According to NYPD, the new Police Litigation Section (PALS), comprised of attorneys and investigators, reviews civil lawsuits, including the nature of the claims and the core allegations, and, at times, identifies trends that may warrant further analysis by the Enterprise Liability Assessment Unit (ELAU). Any such observations are communicated to ELAU, which is responsible for conducting a more robust data processing and analysis based on the identified trend. NYPD said that it will make further use of such data after the implementation of the forthcoming RAILS (Risk Assessment Information Liability System) database. NYPD states that RAILS is still in development and the segment of RAILS that will deal with litigation data is still several months away from launch. NYPD noted that certain data analysis regarding civil lawsuits are protected by the Attorney-Client Privilege and may not be included in RAILS.	**Partially Implemented**. Concurrent with the release of OIG-NYPD's April 2015 Report, NYPD expanded the capacity of PALS, resulting in a greater ability of NYPD to collect and track key information from civil lawsuits, including information about claims and core allegations. Furthermore, OIG-NYPD's April 2015 Report acknowledged the potential uses of the forthcoming RAILS system. OIG-NYPD will monitor NYPD's use of RAILS once it is implemented, including how RAILS is used to track and analyze data. With respect to the Attorney-Client Privilege, Recommendation 1 calls for only the internal collection and analysis of data and not the public disclosure of data. (See discussion of Recommendation 3 regarding public disclosure.)

	(1.2) Information about the subject police officer(s).	According to NYPD, it currently collects limited information about subject police officers from legal claims and lawsuits. The Department agrees that collecting additional information about subject police officers has benefits, and the forthcoming RAILS database will provide an opportunity to consider such additional officer information.	**Accepted in Principle.** NYPD's agreement on the benefits of collecting subject officer information is encouraging. However, NYPD has provided no information clarifying whether the specific subject officer information referenced in the recommendation (including rank, experience, precinct assignment, prior complaints, etc.) has been added to its current database since April 2015. Also, as noted, RAILS has not yet been implemented.
	(1.3) the location of the alleged incident and address of the plaintiff(s).	According to NYPD, the Department will begin including location of incident information in the applicable database(s). However, NYPD declines to collect and analyze the address of plaintiff(s) on the grounds that it has limited analytical benefit.	**Partial Agreement in Principle.** While NYPD has agreed to begin including incident location, it has not provided a timeline for implementation. Notwithstanding NYPD's declination to collect plaintiff addresses, OIG-NYPD maintains that tracking this information would help identify relevant trends regarding complaints.
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.	According the NYPD, the Department has increased its collaboration with the Comptroller's Office and the Law Department, and improvements have been made in data accuracy, collection, and analysis. NYPD has weekly bi-lateral discussions with the Comptroller's Office on pre-litigation claims and daily discussions with the Law Department on the thousands of lawsuits involving NYPD. NYPD does not have a formal tri-lateral working group with all three agencies, but they do collectively confer when necessary on individual lawsuits.	**Partially Implemented.** NYPD has made important strides in its direct collaboration with the Comptroller and direct collaboration with the Law Department, and it has made some improvements regarding tri-lateral discussions. Given the complexities of data tracking and collection and the use of different systems across the three agencies, OIG-NYPD still believes that NYPD should create a standing interagency working group where all three agencies can regularly address litigation data collection, coordination, and exchange. However, to the degree that NYPD can address the challenges noted in OIG-

			NYPD's Report without a tri-lateral working group, this recommendation may be satisfied.
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.	According to NYPD, it will consider providing certain details regarding its Early Intervention System to the public to increase transparency and improve police legitimacy, but the final decision and timing have not been determined. Because the RAILS database is still in development, NYPD will not state with certainty what information it may provide to the public. However, while NYPD has concerns regarding releasing certain details – such as proprietary technical details or personnel information that could violate New York Civil Rights Law § 50-a – NYPD will likely explain the types of information in the system on a macro level.	**Accepted in Principle.** OIG-NYPD welcomes NYPD's goal to make certain EIS information public. OIG-NYPD disagrees that the release of such information depends on RAILS database implementation, as NYPD is capable of making public certain details regarding its current Early Intervention System pending the implementation of RAILS. NYPD is likewise capable of releasing macro-level findings of its current analysis of legal claims and litigation before RAILS is implemented. Moreover, while OIG-NYPD has not identified the specific types of details that should be disclosed regarding EIS or litigation data analysis, the types of details referenced in its April 2015 Report are macro-level in nature and would not result in the release of any technical specifications, personnel records (as may be prohibited by New York Civil Rights Law § 50-a) or lawsuit-specific information (as may be prohibited by the Attorney-Client Privilege). For example, releasing the list of indicators NYPD uses to place officers on performance monitoring – without identifying specific officers – should not trigger New York Civil Rights Law § 50-a or Attorney-Client Privilege concerns.

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

July 2015



On July 30, 2015, OIG-NYPD issued the first comprehensive review of NYPD's volunteer body-worn camera (BWC) pilot program. The review included interviews with dozens of stakeholders, including police officers who used BWCs as well as all five District Attorney's Offices in New York City. OIG-NYPD found a number of concerns in reviewing NYPD's Operations Order (Operations Order 48) that NYPD must address prior to any expansion of the program. Specifically, the Report focused on: (1) officer discretion regarding when to activate BWCs; (2) officer compliance with BWC policies; (3) NYPD, government, and public access to video footage; and (4) retention and purging of footage.

NYPD's voluntary BWC pilot program began in mid-December 2014 with the limited launch of 54 cameras deployed to patrol officers in six commands across the City, including in East New York, East Harlem and Jamaica. Police Commissioner William Bratton announced the program in September 2014, ahead of a separate body-worn camera pilot program ordered by a Federal Court order in a lawsuit concerning NYPD's Stop, Question, and Frisk practices.

As part of its review, OIG-NYPD met with 12 officers participating in the volunteer program and found, through a discussion of their personal experiences over the course of

several months, disparate and inconsistent practices concerning camera activation, despite NYPD's written policies. OIG-NYPD also solicited input from NYPD, the Patrolmen's Benevolent Association, CCRB, and community members and reviewed BWC policies from over 20 other police departments around the country to form an informed and broad-based analysis. As a result, OIG-NYPD made 23 recommendations for the improved use of BWCs during a transition from the current small-scale program to the long-term use of the cameras by the Department.

Chief among the concerns laid out in OIG-NYPD's Report is a disconnect between the policy and practice of when cameras are activated. NYPD's policy for when to activate the camera relies on a "reasonable suspicion" standard, but OIG-NYPD discovered that this policy leads to different camera activation practices among officers. Through its officer interviews, OIG-NYPD found that while officers generally turn on their cameras during traffic stops and while arrests are in progress, the use of BWCs in other situations is inconsistent. For instance, some officers told OIG-NYPD they recorded every interaction with members of the public, while others stated that they only began recording once probable cause for an arrest was established – a decision that would not capture the important initial seconds of an encounter. These examples indicated to OIG-NYPD a lack of understanding of the standard stated in NYPD's Operations Order and demonstrated a need for more extensive training beyond the two half-day training sessions provided by NYPD.

Through several interviews with District Attorney's Offices, OIG-NYPD also learned that NYPD's current BWC policies do not explicitly address safety and privacy concerns for certain vulnerable populations, including victims of sex crimes, minors, undercover officers, and confidential informants. Moreover, NYPD must address the significant logistical and financial

challenges posed by the creation, retention, and potential redaction and disclosure of BWC videos of these vulnerable populations and other members of the public in New York City as the program moves forward.

OIG-NYPD further observed that while NYPD's Operations Order does offer guidelines on when to record and how officers should self-report issues with the BWCs, it does not adequately address important issues such as record retention and access to footage – areas that could have potentially negative effects on future civil and criminal cases. NYPD's Operations Order also does not include any provisions for quality assurance reviews to track officer compliance with the program or indicate how footage could affect an officer's evaluations or potential for discipline.

While the NYPD Operations Order governing the body-worn camera pilot program is a strong document that reflects a well-researched policy – and one that is more thorough than the policies of some other police departments – OIG-NYPD believes that NYPD must improve certain aspects of the policy. These improvements are particularly important if NYPD intends to expand body-worn camera use beyond the small group of officers participating in the pilot program. OIG-NYPD's July 2015 Report contains 23 recommendations to NYPD on how to improve its expanding body-worn camera program and policy.

In the months since the release of OIG-NYPD's Report, NYPD has undertaken a substantial review of its body-worn camera program and is currently in the midst of revising its body-worn camera policy. As disclosed in public filings, NYPD has developed an internal working group to review its program and has also been seeking input from a broad variety of stakeholders, including officers, unions, community members, District Attorneys, defense lawyers, external

oversight agencies, and others. According to NYPD, this consultative process is currently underway. OIG-NYPD welcomes these developments, as they are consistent with the Report's emphasis on community consultation. Additionally, NYPD has had ongoing discussions with a court-appointed Monitor because certain aspects of the body-worn camera program are subject to approval by a Federal District Court.

NYPD has informed OIG-NYPD that it cannot implement most of OIG-NYPD's recommendations until after the current revision process is complete. NYPD's status updates, reflected below, are subject to the caveat that NYPD is currently in the midst of active discussions regarding policy revisions and its position could evolve. Nevertheless, NYPD has expressed agreement in principle with many of OIG-NYPD's recommendations, even if NYPD states that it cannot implement them at this time. Specifically, of the 23 recommendations in the Report, NYPD accepts 13 in principle. Seven recommendations remain under discussion. NYPD has implemented one recommendation, partially implemented one, and rejected another one. OIG-NYPD will continue to monitor the process and assess NYPD's implementation of these recommendations as the review process continues.

BODY-WORN CAMERAS IN NEW YORK CITY: AN ASSESSMENT OF NYPD'S PILOT PROGRAM AND RECOMMENDATIONS TO PROMOTE ACCOUNTABILITY (JULY 2015)			
	RECOMMENDATION MADE BY OIG-NYPD	**NYPD RESPONSE REGARDING IMPLEMENTATION STATUS**	**OIG-NYPD ASSESMENT OF NYPD RESPONSE**
1	*On Officer Discretion to Record*		
	(1.1) NYPD should broaden and illustrate the standard for the mandatory activation of BWCs during street or investigative encounters.	Subject to the caveats above, NYPD will broaden the standard beyond reasonable suspicion. While NYPD does not intend to include examples of situations that meet the standard, the revised policy will likely refer to other Patrol Guide provisions that would provide situational guidance to officers.	**Accepted in Principle.**
	(1.2) NYPD should redefine the safety exception for recording.	Subject to the caveats above, NYPD is still considering this recommendation.	**Under Consideration.**
	(1.3) NYPD should consider stricter limitations on recording vulnerable populations.	Subject to the caveats above, NYPD states that it is taking steps to determine the optimal limitations when dealing with vulnerable populations, including eliciting the input of District Attorneys.	**Accepted in Principle.**
	(1.4) NYPD should expand BWC training for officers using the BWCs.	According to NYPD, the Department recognizes the need to provide more training on the proper use of Body-Worn Cameras. Per NYPD, the timing of this training turns on when the new Body-Worn Cameras are purchased.	**Accepted in Principle.**

2	*On Notification*		
2	(2.1) NYPD should provide an example notification phrase to advise members of the public that they are being recorded.	Subject to the caveats above, NYPD finds this recommendation to be logical insofar as the notification does not interfere with an ongoing investigation or jeopardize safety. NYPD notes that the relevant Patrol Guide Section will have sample language that officers can use when notifying a member of the public. NYPD notes that the specific sample language remains under discussion.	**Accepted in Principle.**
	(2.2) NYPD should redefine the safety exception for notifications.	Subject to the caveats above, NYPD is still considering this recommendation.	**Under Consideration.**
2	*On Compliance*		
	(3.1) NYPD should require supervisors to review footage related to documented incidents.	Subject to the caveats above, NYPD is currently evaluating several models of supervisory review, including what video should be reviewed by supervisors and under what circumstances.	**Accepted in Principle.**
	(3.2) NYPD should address discipline when the BWC program is more established and formalized.	Subject to the caveats above, NYPD is currently evaluating the disciplinary framework that would be applicable to Body-Worn Camera use.	**Accepted in Principle.**
	(3.3) NYPD should computerize the random selection of officers for review.	Subject to the caveats above, NYPD is currently evaluating several models of review, including what video should be reviewed by supervisors and under what circumstances.	**Accepted in Principle.**
	(3.4) NYPD should establish a system for high-level and periodic review.	Subject to the caveats above, NYPD is currently evaluating several models of review, including what video should be reviewed by supervisors and under what circumstances.	**Accepted in Principle.**

4	*On Access for Quality Assurance Review*		
	(4.1) NYPD should grant supervisors general access to BWC footage with restrictions on arbitrary review.	Subject to the caveats above, NYPD is currently evaluating several models of review, including what video should be reviewed by supervisors and under what circumstances.	**Accepted in Principle.**
	(4.2) NYPD should integrate BWC footage review into NYPD's field training program.	Subject to the caveats above, NYPD is still considering this recommendation.	**Under Consideration.**
	(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.	NYPD states that this recommendation is accepted. The NYPD has been conducting focus groups with officers who are wearing the cameras. As the program expands, NYPD anticipates incorporating additional feedback from officers as well as supervisors.	**Partially Implemented.** OIG-NYPD welcomes the steps NYPD has taken to incorporate officer feedback into the current revisions to the Body-Worn Camera policy and program. OIG-NYPD looks forward to assessing how the final revised program incorporates supervisor input.
5	*On Mitigating Officer Infractions Recorded on BWCs*		
	(5.1) NYPD should develop policies to guide supervisors when officer infractions are observed on BWC footage.	Subject to the caveats above, NYPD agrees that the revised Body-Worn Camera policy should instruct supervisors not to issue punishment for minor infractions, and that supervisors should follow existing Department procedures regarding more serious misconduct. The details of such instructions are under discussion.	**Accepted in Principle.**
	(5.2) NYPD should institute mandatory reporting procedures.	Subject to the caveats above, NYPD agrees that the revised Body-Worn Camera policy should instruct supervisors and officers to report misconduct in accordance with existing Department procedures.	**Accepted in Principle.**

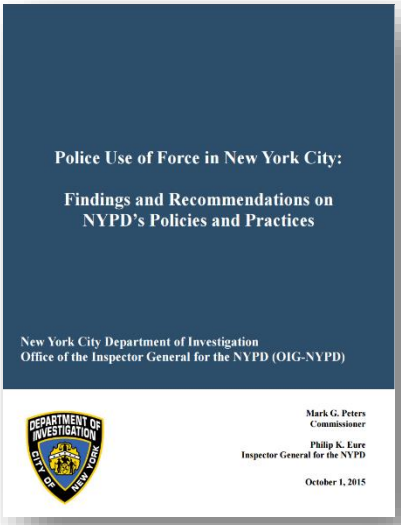
	(5.3) NYPD should integrate BWC recordings into NYPD's existing force monitoring programs.	NYPD states that action on this recommendation falls within or overlaps with an existing Federal Court order regarding the implementation of a Body-Worn Camera pilot program.	**Under Consideration.**
6	*On Access by Officers*		
	(6.1) Access to BWC recordings should be limited where officers are under investigation or are witnesses in misconduct investigations.	NYPD disagrees with this recommendation. First, NYPD notes that where an internal investigation is confidential, restricting access to a subject officer could alert the subject officer to the investigation. Second, NYPD believes that officers should review BWC video prior to making a statement in use-of-deadly-force cases because it can result in more accurate reporting, swifter resolution of criminal proceedings, and can help dispel concerns regarding officer credibility.	**Rejected.** OIG-NYPD maintains, for the reasons outlined in its July 2015 Report, that officers who are under investigation or are witnesses in misconduct investigations should not review Body-Worn Camera footage until after providing a formal statement regarding the incident. Allowing officers access to footage before they have given statements in misconduct investigations interferes with investigators' ability to assess an officer's independent recollection of events and could compromise sensitive investigations. OIG-NYPD will remain alert to – and as appropriate, report on – instances where police officer access to body camera footage potentially compromises the investigation of use-of-force and misconduct cases.

	(6.2) In all other instances, access to recordings prior to making statements should be noted in those statements.	Subject to the caveats above, NYPD states that the Body-Worn Camera technology will feature an audit trail that can identify when an officer viewed a video. NYPD states that it is nevertheless open to requiring officers to note, in another format, when they have reviewed video. Details of such notation depend on the specific Body-Worn Camera technology selected by NYPD.	**Under Consideration.**
7	*On Public Access*		
	(7.1) If and when disclosing BWC video, NYPD should provide privacy and safety protections for vulnerable populations.	NYPD states that it will follow established procedures for BWC video disclosure pursuant to the New York Freedom of Information Law. NYPD agrees with OIG-NYPD's concerns regarding privacy and safety but cannot fully implement the recommendation until certain technical requirements have been met regarding video redaction.	**Accepted in Principle.**
	(7.2) NYPD should ensure fairness between citizens' and officers' right to view BWC footage.	Subject to the caveats above, NYPD supports witnesses being able to view video prior to making formal statements when making a complaint against an individual officer, and NYPD is currently discussing the practical aspects of this recommendation with relevant parties.	**Accepted in Principle.**
8	*On Retention and Purging*		
	(8.1) NYPD should establish a minimum retention period of at least 18 months.	Subject to the caveats above, NYPD is currently deciding on a time period for retention that appropriately balances transparency and privacy.	**Under Consideration.**

	(8.2) NYPD should ensure expeditious purging of archived BWC footage that no longer holds evidentiary value.	Subject to the caveats above, NYPD is currently deciding on a time period for retention that appropriately balances transparency and privacy.	**Under Consideration.**
9	NYPD should incorporate government and public input in continuing to develop the BWC program.	NYPD states that is currently meeting with and collecting input from a variety of government and non-government stakeholders regarding the revision of NYPD's Body-Worn Camera Program.	**Implemented.** OIG-NYPD welcomes NYPD's acceptance of this recommendation and is aware of the discussions that NYPD has had with various stakeholders regarding a revised Body-Worn Camera Program. OIG-NYPD looks forward to the release of a revised Body-Worn Camera policy that incorporates this input.

POLICE USE OF FORCE IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS ON NYPD'S POLICIES AND PRACTICES

October 2015



On October 1, 2015, OIG-NYPD issued its first comprehensive Report on the Use of Force by NYPD. The Report examined five important aspects of NYPD use of force: (1) trends; (2) reporting; (3) de-escalation; (4) training; and (5) discipline.

As part of the investigation, OIG-NYPD conducted a detailed analysis of 179 cases from 2010 to 2014 where CCRB determined that excessive force was used by officers, as well as the accompanying NYPD disciplinary records for over 100 cases where a final disciplinary disposition was issued. Investigators also assessed NYPD's Patrol Guide procedures on use of force and observed and evaluated NYPD training at the Police Academy and in-service training modules. OIG-NYPD investigators found that:

- In 36% of cases where the NYPD Commissioner was presented with evidence of excessive force, as independently verified by OIG-NYPD, the Police Commissioner nonetheless refused to impose any form of discipline with respect to excessive force allegations.
- NYPD has no centralized form for reporting use of force and no Department-wide system for tracking use of force in order to monitor problems, identify trends, and take corrective action with officers who chronically use excessive force.

- NYPD has insufficient training on de-escalation tactics that are necessary to prevent excessive force in the first instance.

OIG-NYPD also determined that in the five-year period reviewed, despite confirmation that officers used unwarranted force, NYPD imposed no discipline for excessive force in 37 of 104 substantiated allegations, or 36 percent of the cases. In addition, prior to January 2014, NYPD declined to impose discipline for excessive force 44 percent of the time (34 of 77 allegations) and after January 2014 — a smaller universe of cases — NYPD declined discipline 11 percent of the time (3 of 27 allegations).

NYPD also downgraded CCRB's disciplinary recommendation in substantiated use-of-force cases and imposed a lesser penalty or no penalty for excessive force 67 percent of the time. Recently, the rate of disciplinary downgrading has been reduced (20 percent in the last 18 months) as NYPD has begun making changes in its interactions with CCRB, including the introduction of a new reconsideration process that sends some cases back to CCRB for further review.

On the same day that OIG-NYPD released its Report in early October 2015, NYPD announced the adoption of newly revised use-of-force policies and procedures, including new Patrol Guide provisions regarding the use of force. The announced areas of revision include updated definitions concerning force, new policies regarding de-escalation, responsibilities of witness officers in use-of-force incidents, reporting obligations regarding force incidents, and data analysis on use-of-force incidents. NYPD has also created a dedicated Force Investigations Division to investigate all firearm discharges, deaths in custody, and use-of-force incidents that are likely to cause death. Some of these changes dovetail with the recommendations in OIG-

NYPD's Report, which had been provided to the NYPD a number of weeks prior to its public release.

OIG-NYPD welcomes NYPD's new changes to its use-of-force policies and looks forward to further improvements by NYPD. Although NYPD announced the changes in October 2015, NYPD has not formally released the new policy, including the new Patrol Guide provision and the new use-of-force form. As a result, NYPD has not yet implemented most of OIG-NYPD's recommendations – even where NYPD agrees with OIG-NYPD's recommendation in principle. While OIG-NYPD was anticipating NYPD's revised use-of-force policies would be complete by now – along with the implementation of several OIG-NYPD recommendations – NYPD has indicated that it needs more time to complete the process. OIG-NYPD will continue to monitor the issue and will further assess NYPD's implementation of the Report's recommendations once NYPD's revised use-of-force policies are final. We have asked the NYPD for a date by which this implementation will be completed. NYPD has advised that the new use-of-force policy and new use-of-force form will be released in or around April 2016, and related changes will be subsequently implemented.

As for NYPD's specific progress on OIG-NYPD's 15 recommendations, NYPD has accepted in principle all of OIG-NYPD's recommendations regarding revisions to the Patrol Guide and regarding use-of-force documentation and reporting. NYPD has taken a mixed approach to OIG-NYPD's recommendations regarding training, by implementing one, partially implementing one, rejecting one, keeping one under consideration, and accepting one in principle. Likewise, NYPD has partially accepted two recommendations regarding the disciplinary process and rejected two recommendations regarding the disciplinary process.

POLICE USE OF FORCE IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS ON NYPD'S POLICIES AND PRACTICES (OCTOBER 2015)			
RECOMMENDATION MADE BY OIG-NYPD		**NYPD RESPONSE REGARDING IMPLEMENTATION STATUS**	**OIG-NYPD ASSESMENT OF NYPD RESPONSE**
A. On Use of Force Policy			
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."	According to NYPD, the new Patrol Guide provisions regarding use of force, which NYPD announced in October 2015, are still under development. However, the new guidelines will include clarifying definitions.	**Accepted in Principle.** Although NYPD announced its efforts to revise the use-of-force guidelines in October 2015, the new Guidelines have not been released. NYPD anticipates releasing the new policy in or around April 2016. OIG-NYPD nevertheless welcomes NYPD's commitment to include clarifying definitions in its forthcoming revised use-of-force guidelines. Once the new guidelines are released, OIG-NYPD will assess NYPD's implementation of this recommendation.
2	NYPD should update Patrol Guide §203-11 governing use of force and require officers to de-escalate all encounters where appropriate.	According to NYPD, the new Patrol Guide provisions regarding use of force, which NYPD announced in October 2015, are still under development. However, the new guidelines will include guidance regarding de-escalation where appropriate.	**Accepted in Principle.**

B. On Reporting and Documentation			
3	NYPD should create a separate, uniform use-of-force reporting form.	According to NYPD, the new Patrol Guide provisions regarding use of force, which NYPD announced in October 2015, are still under development. However, the new guidelines will include a new use-of-force reporting form that will be comprehensive and will capture meaningful data about use-of-force encounters.	**Accepted in Principle.**
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.	According to NYPD, the new Patrol Guide provisions regarding use of force, which NYPD announced in October 2015, are still under development. However, NYPD states that both subject and witness officers will be required to complete the new use-of-force form using descriptive language in all force encounters. Further, NYPD anticipates that all officers involved in a single force incident will be required to complete the form.	**Accepted in Principle.**

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.	NYPD reports that it is currently developing a database that will track the information collected on the new use-of-force form and that this database will allow the Department to analyze patterns and trends. The NYPD states that this new database may be operational in May or June of 2016.	**Accepted in Principle.**
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.	According to NYPD, its Risk Management Bureau will analyze the newly collected data and publish annual reports on the NYPD's use of force, which will be similar to NYPD's publicly released annual Firearms Discharge Report. NYPD notes that if the new use-of-force policy is released in or around April 2016, then the first such report would be issued in mid-2017.	**Accepted in Principle.** OIG-NYPD welcomes NYPD's commitment to release an annual use-of-force report based on data from the new use-of-force form, and OIG-NYPD appreciates that this report cannot be properly compiled until NYPD has collected sufficient data from the new use-of-force reporting form.

C. On Training			
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.	According to NYPD, Recruit and In-Service training already places a significant emphasis on de-escalation strategies even if there is not a specific course dedicated solely to de-escalation. Nevertheless, NYPD states that as of October 2015, the recruit curriculum now includes Crisis Intervention Training, which covers de-escalation tactics, and the "20K training," which contains scenario-based training. With respect to in-service training, the Department states that the new use-of-force policy will be accompanied by a new Physical Tactics Day training that covers de-escalation strategies.	**Partially Implemented.** OIG-NYPD welcomes the increased focus on de-escalation in the Police Academy and In-Service training programs. Although NYPD has some new scenario-based training, OIG-NYPD has not yet seen evidence of de-escalation instruction through this type of training.
8	NYPD should incorporate a formal evaluation system for all scenario-based trainings concerning the use of force.	According to NYPD, it has conducted an extensive review of the training practices of peer law enforcement agencies, including the use of scenario-based training to evaluate trainees. NYPD states that, while informal evaluations occur, NYPD currently does not formally evaluate trainees based on performance in a scenario because it could lead students to "artificially" arrive at a desired outcome in order to pass the evaluation, and this risks stifling the real-world training environment that NYPD endeavors to simulate. However, NYPD recently informed OIG-NYPD that it is open to considering the use of formal scenario-based evaluations.	**Under Consideration.** OIG-NYPD maintains that formal evaluations of scenario-based trainings can benefit the Department. OIG-NYPD looks forward to NYPD's further consideration of this recommendation and will continue to advocate that officers are formally evaluated (perhaps on a pass-fail basis) when they undergo scenario-based training.

9	NYPD should increase funding and personnel at the Police Academy with respect to training for both recruits and in-service officers.	NYPD states that it has made significant increases in Police Academy funding and personnel assigned to provide in-service and recruit training in various areas. According to NYPD, the overall Police Academy staff increased by 38% in the past year.	**Implemented.** OIG-NYPD commends NYPD's efforts to dedicate additional funding and resources to training.
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.	According to NYPD, the new Patrol Guide provisions regarding use of force that were announced in October 2015 are still under development. However, NYPD states that addressing an officer's failure to intervene when appropriate is a critical component of the new use-of-force policies, and NYPD will conduct in-service training on the new use-of-force policies.	**Accepted in Principle.**
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.	NYPD reports that it has had a Force Monitoring Program, even prior to October 1, 2015, to identify officers engaged in anomalous behavior. Officers identified as requiring additional instruction are provided with training and are monitored, as appropriate.	**Rejected.** The NYPD Force Monitoring Program pre-dates OIG-NYPD's October 1, 2015 report, and NYPD has provided no information to suggest that the Force Monitoring Program will be revised to account for the new use-of-force policies.

D. On Discipline			
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.	NYPD reports that it examines the totality of the actions of each officer in a given situation to determine the appropriate penalty.	**Rejected.** OIG-NYPD maintains that attaching distinct penalties to individual counts will increase transparency and accountability. OIG-NYPD expects to revisit NYPD's disciplinary process in future reports and will be particularly attuned to instances where officers are not given penalties for particular substantiated charges (such as excessive force) and those officers subsequently re-commit the same type of offense.
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.	According to NYPD, the factors that result in a police officer's use of force, and the determination of the question of whether that force was proportional or excessive, are impacted by several variables. NYPD states that attempting to measure the Department-wide impact of excessive force penalties on new excessive force incidents would not be a useful endeavor.	**Rejected.** OIG-NYPD is concerned with NYPD's conclusory determination regarding the effectiveness of collecting and reviewing such data. OIG-NYPD maintains that the collection, analysis, and reporting of the data outlined in the recommendation would promote transparency and accountability. Furthermore, it would potentially allow NYPD to discern systemic issues that it might otherwise miss. OIG-NYPD will continue to review and report on systemic issues concerning NYPD use of force in future reports.

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.	NYPD states that several factors – including the results of prior substantiated complaints against an officer, an officer's performance history, and other aspects of the officer's professional career – are taken into account when assessing a penalty in a disciplinary case (though the extent to which they are taken into account is not specifically documented in writing). However, although similar factors are used to place an officer on monitoring, NYPD states that the fact that an officer is placed on monitoring is not relevant to assessing disciplinary penalties.	**Partial Agreement in Principle.** OIG-NYPD welcomes NYPD's efforts to consider various performance criteria when assessing disciplinary penalties for officers. OIG-NYPD will continue to examine the potential benefits of including monitoring in the disciplinary analysis. With respect to NYPD's declination to document the degree to which these factors impact individual penalty assessments, OIG-NYPD maintains that such information is important for transparency, and OIG-NYPD will continue to monitor this issue.
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.	According to NYPD, its force monitoring program is a predictive analytics tool to address officers who might be in need of closer supervision and instruction. It is not a penalty. NYPD states that it shares with CCRB some of the information that results in officers being placed on monitoring (including prior substantiated allegations and performance evaluation histories), but it does not share the fact that an officer has been placed on monitoring.	**Partial Agreement in Principle.** OIG-NYPD welcomes NYPD's efforts to share with CCRB information that is relevant to assessing disciplinary penalties for officers. OIG-NYPD will continue to examine the potential benefits of NYPD providing CCRB with officers' full monitoring history.

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Pursuant to § 803(d) (3) of the New York City Charter, as of December 31, 2015, OIG-NYPD had one investigation that was open for more than one year, and two investigations that were open for more than 6 months.

III. COMPLAINTS

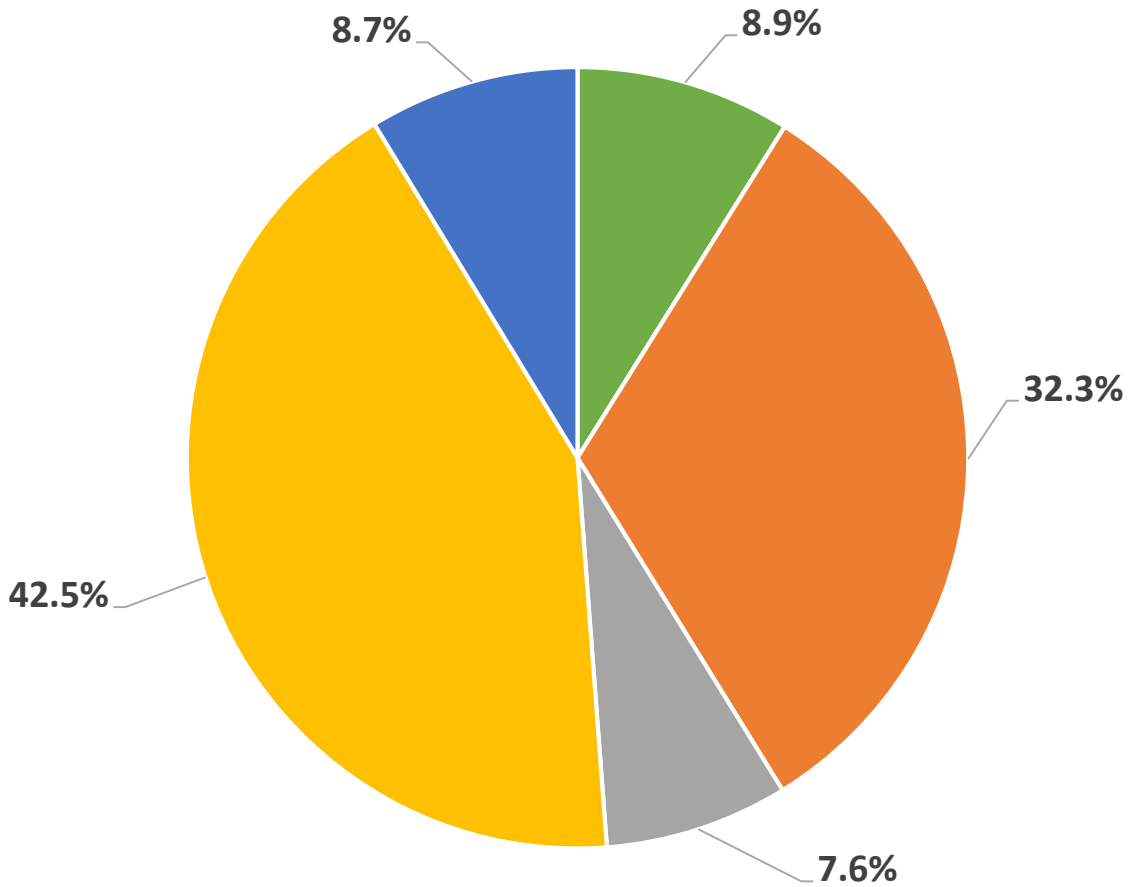
Local Law 70 underscores the importance of allowing members of the public to make complaints to OIG-NYPD regarding problems and deficiencies relating to NYPD's operations, policies, practices, and programs. OIG-NYPD has been receiving such complaints since its inception. By reviewing complaints, investigating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

The complaints received by OIG-NYPD in 2015 covered a range of issues that fell into several categories. First, some complaints alleged that individual NYPD uniformed officers had used force, abused their authority, acted discourteously, or used offensive language when interacting with members of the public. These allegations ranged from officers using crude language during routine street encounters and traffic stops to claims of officers using excessive force to remove tenants during evictions. Some complaints also alleged that NYPD officers engaged in other forms of misconduct, such as failure to take criminal complaint reports, the wrongful arrest of people, issuance of unlawful parking tickets, and other forms of misconduct. Where appropriate (usually because they involved individualized rather than systemic issues), and after discussions with complainants in non-anonymous complaints, OIG-NYPD referred these complaints to CCRB or the NYPD Internal Affairs Bureau for further review or informed complainants how to file complaints with those agencies. For all such complaints regarding NYPD, OIG-NYPD keeps the complaint on file as a resource that may inform the Office's understanding of the operations, policies, practices, and programs of NYPD.

OIG-NYPD also received complaints alleging misconduct by other government agencies. For example, the Office received complaints regarding individual employees of the New York City Housing Authority, the Department of Environmental Protection, and the Department of Correction. Where appropriate, OIG-NYPD shared these complaints with the relevant agency or DOI Inspector General responsible for the relevant agency.

Other complaints requested that OIG-NYPD investigate alleged criminal activity by private citizens, such as illegal drug exchanges or gambling in residential areas. Lastly, many complaints and inquiries received by OIG-NYPD were unrelated to any government agency, failed to state an actionable concern, or were simply unintelligible despite the Office's best efforts to contact the complainant to get greater clarity.

COMPLAINTS AND INQUIRIES RECEIVED BY OIG-NYPD IN 2015



- Incidents Concerning NYPD Uniformed Members of Service (Involving Force, Abuse of Authority, Discourtesy, Offensive Language)
- Incidents Concerning NYPD Uniformed Members of Service (Other)
- Incidents Concerning Other Government Agencies (not NYPD)
- Other Incidents (unrelated to NYPD or Government Agencies)
- Incidents Alleging Criminal Misconduct by Private Individuals

OIG-NYPD also periodically receives correspondence from public officials, organizations, and concerned citizens requesting that the Office investigate specific policy-level issues regarding NYPD. These are not individual complaints but are instead requests for systemic-level investigations. OIG-NYPD welcomes such requests as they inform the Office's understanding of issues important to the public.

IV. COMMUNITY OUTREACH AND ENGAGEMENT

OIG-NYPD recognizes that its mission is enhanced by working with both NYPD and communities at large. The purpose of community outreach and engagement is to inform the public about the work and mission of the Office and, in turn, better understand the concerns and needs of New York City's many neighborhoods and diverse populations. Through dialogue, meetings, events, and correspondence, OIG-NYPD has provided the public with a better understanding of the Office's work and mission, and has disseminated the Office's reports and recommendations to improve transparency, promote stronger police-community relations, and ultimately enhance police accountability.

Over the last year, OIG-NYPD has hosted, visited, spoken to, and held meetings with representatives of over 60 organizations and groups. These representatives include local community advocates, organizations interested in criminal justice reform, and civil rights groups. OIG-NYPD also makes a concerted effort to reach a broad spectrum of communities, such as advocates for the mentally ill, new immigrant and non-English speaking populations, youth, and the homeless.

City officials are also important players when seeking to improve policing and police-community relations. OIG-NYPD regularly attends City Council hearings and holds both in-office and external meetings with members and staff of the New York City Council. Recognizing that the input of police officers and law enforcement professionals is vital to effective oversight, OIG-NYPD likewise conducts outreach to every police union representing NYPD Members of Service

and has attended several Precinct Community Council Hearings in order to better understand the relationship between precincts and the neighborhoods they serve.

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