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### **DOI ISSUES FOURTH ANNUAL REPORT ON INVESTIGATIONS BY ITS INSPECTOR GENERAL FOR THE NEW YORK CITY POLICE DEPARTMENT**

Mark G. Peters, Commissioner of the New York City Department of Investigation (“DOI”), released today the fourth annual report for DOI’s Inspector General for the New York City Police Department (“NYPD”), discussing the investigations and recommendations made in Calendar Year 2017 and updating the status of recommendations issued previously that have not been fully adopted by NYPD. The City Charter requires that such a Report be produced each year on or before April 1<sup>st</sup>. In 2017, DOI made 38 recommendations to improve NYPD policies, procedures, and accountability. Almost two-thirds, or about 63 percent, of those recommendations have been accepted, partially implemented, or implemented by NYPD to date. In total, approximately 71 percent of DOI’s 103 recommendations, spanning ten investigative reports issued since 2015, have been accepted, partially implemented, or implemented. This Report outlines those recommendations and analyzes the extent to which NYPD has adopted or not adopted DOI’s proposals for reform. A copy of the Report is attached to this release and can be found at the following link: <http://www1.nyc.gov/site/doi/newsroom/public-reports.page>

DOI Commissioner Mark G. Peters said, “DOI’s investigations of policing last year resulted in the release of four reports addressing NYPD’s interactions with the public and some of New York’s most vulnerable populations. DOI will continue to monitor NYPD’s implementation of these recommendations and hold NYPD accountable to these reforms.”

In 2017, DOI concluded four investigations into various NYPD’s policies, practices, and operations. The findings and recommendations were published in the following reports:

- **[Putting Training into Practice: A Review of NYPD’s Approach to Handling Interactions with People in Mental Crisis](#)**: DOI examined how NYPD was preparing its officers for effective engagement with people in mental crisis through the implementation of its Crisis Intervention Team (“CIT”) program. The investigation revealed that while NYPD had successfully enacted most of the training aspects of CIT, it had not implemented a full-scale CIT program. Among the deficiencies, NYPD did not automatically dispatch CIT-trained officers to mental health calls, did not have a dedicated staff to coordinate CIT efforts, and did not align NYPD policy with the goals and principles of NYPD’s CIT training.
- **[Addressing Inefficiencies in NYPD’s Handling of Complaints: An Investigation of the “Outside Guidelines” Complaint Process](#)**: Of the thousands of complaints received each year by NYPD’s Internal Affairs Bureau (“IAB”), approximately 50 percent are “Outside Guidelines” cases that are sent to precinct and borough-level commands for investigation. This Report examined how NYPD tracks such cases as they move from IAB to the Office of the Chief of Department’s Investigation Review Section to local commands, and back. The investigation found inefficiencies and inconsistencies in the process, including outdated technology that was incompatible with other NYPD systems and slowed the process for completing investigations.

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- [\*\*When Undocumented Immigrants are Crime Victims: An Assessment of NYPD's Handling of U Visa Certification Requests\*\*](#): DOI examined NYPD's U visa certification program for undocumented immigrants who are victims of crimes. Although the U visa — a special visa granted to undocumented immigrants who are victims of crimes and who help law enforcement in the investigation of the crime — is issued by the federal government, applicants must first obtain a document from NYPD certifying their helpfulness in the investigation of the crime. The investigation found that certain NYPD practices, such as inquiring into the criminal histories of applicants, referring applicants to the District Attorney's Office if there has been an arrest in the underlying crime, and inadequately assessing whether or not a victim's refusal to cooperate was reasonable, resulted in NYPD denying certification requests of applicants who may have otherwise qualified.
- [\*\*Review of NYPD's Implementation of Patrol Guide Procedures Concerning Transgender and Gender Nonconforming People\*\*](#): DOI assessed NYPD's implementation of protocols, revised in 2012, which govern officer interactions with transgender and gender nonconforming people. The investigation found some gaps in NYPD's implementation of the revisions, including not all officers having received training on the new policies. The investigation also found certain flaws in the Department's ability to track Lesbian, Gay, Bisexual, Transgender and Queer-related complaints that allege police misconduct.

This Annual Report also provides updates on the 65 recommendations issued across six reports from 2015 and 2016 reports:

- [Observations on Accountability and Transparency in Ten NYPD Chokehold Cases](#)
- [Using Data From Lawsuits and Legal Claims Involving NYPD to Improve Policing](#)
- [Body-Worn Cameras in New York City: An Assessment of NYPD's Pilot Program and Recommendations to Promote Accountability](#)
- [Police Use of Force in New York City: Findings and Recommendations on NYPD's Policies and Practices](#)
- [An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015](#)
- [An Investigation of NYPD's Compliance with Rules Governing Investigations of Political Activity](#)

A chart breaking out NYPD's implementation status for all 103 recommendations can be found on page three in the Report. DOI will continue to monitor the implementation status of these recommendations and issue follow-up reports as necessary.

The Fourth Annual Report was compiled by DOI's Inspector General for the NYPD, specifically, Policy Analyst Betty Diop and Special Investigator Arturo Sanchez, under the supervision of Deputy Inspector General Asim Rehman, Inspector General Philip K. Eure, Associate Commissioner Paul Cronin, Deputy Commissioner/Chief of Investigations Susan Lambiase, and First Deputy Commissioner Lesley Brovner.

*DOI is one of the oldest law-enforcement agencies in the country and New York City's corruption watchdog. 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.*

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**New York City Department of Investigation's  
Inspector General for the NYPD**

**FOURTH ANNUAL REPORT**

**MARK G. PETERS  
COMMISSIONER**

**March 2018**

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## ***I. INTRODUCTION***

This is the Fourth Annual Report of the New York City Department of Investigation's (DOI) Inspector General (IG) for the New York City Police Department (NYPD). This Report, covering the work of the IG for the third full calendar year, highlights systemic reviews conducted in 2017 and assesses the extent to which the New York City Police Department (NYPD) has implemented DOI's recommendations for reform. Additionally, the Report provides updates on the status of NYPD's actions or responses concerning recommendations issued in 2015 and 2016.

Pursuant to Chapter 34 of the New York City Charter and Mayoral Executive Order 16, as amended, DOI's IG for the NYPD is charged with external, independent oversight of the NYPD. The New York City Charter, as amended by Local Law 70 of 2013, also empowers the DOI Commissioner to "investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of the New York City Police Department with the goal of enhancing the effectiveness of the department, increasing public safety, protecting civil liberties and civil rights, and increasing the public's confidence in the police force, thus building stronger police-community relations."<sup>1</sup> DOI 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. DOI's NYPD IG has issued twelve investigative reports since its inception in 2014.<sup>2</sup>

On September 8, 2017, Local Law 166 took effect, requiring DOI's IG for the NYPD to establish regular reviews of information related to allegations of police misconduct. Local Law 166 requires the NYPD IG to collect, evaluate, and report on information regarding improper police conduct through the analysis of claims and lawsuits filed against NYPD.

In 2017, DOI's IG for the NYPD released four reports:

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

<sup>2</sup> All of the DOI NYPD IG's reports are available at: <http://www1.nyc.gov/site/doi/offices/oignypd.page>

- *Putting Training into Practice: A Review of NYPD's Approach to Handling Interactions with People in Mental Crisis (January 2017)*
- *Addressing Inefficiencies in NYPD's Handling of Complaints: An Investigation of the "Outside Guidelines" Complaint Process (February 2017)*
- *When Undocumented Immigrants Are Crime Victims: An Assessment of NYPD's Handling of U Visa Certification Requests (July 2017)*
- *Review of NYPD's Implementation of Patrol Guide Procedures Concerning Transgender and Gender Nonconforming People (November 2017)*

Summaries of these investigations, along with their associated recommendations and an assessment of NYPD's responses to those recommendations, are discussed in this Report. NYPD's responses to the 38 recommendations issued in the four 2017 reports can be broken down into the following categories:

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

Fulfilling both its legal obligation under EO 16 and Local Law 70, and its continued commitment to transparency and accountability, DOI also reviewed whether NYPD implemented each of the 65 recommendations made in the six NYPD IG reports issued from 2015-2016.<sup>3</sup> Updates to the following systemic reviews are also discussed in this Report:

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<sup>3</sup> NEW YORK, N.Y., CHARTER ch. 34, § 803 (d)(3)(c) requires that OIG-NYPD annual reports contain "an identification of each recommendation described in previous annual reports on which corrective action has not been implemented or completed."

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

DOI's ten investigative reports concerning NYPD from 2015-2017 included 103 recommendations.<sup>4</sup> As depicted in the table below, NYPD has accepted 33 percent of these recommendations and has implemented another 38 percent. NYPD's implementation of these recommendations is DOI's primary concern as it indicates that the issues DOI has observed are being resolved.

Report	Under Consideration	Partially Accepted in Principle	Accepted in Principle	Partially Implemented	Implemented	Rejected
Review of NYPD's Implementation of Patrol Guide Procedures Concerning Transgender and Gender Nonconforming People (2017)	0	1	5	0	0	3
When Undocumented Immigrants Are Crime Victims: An Assessment of NYPD's Handling of U Visa Certification Requests (2017)	0	0	1	1	1	7
Addressing Inefficiencies in NYPD's Handling of Complaints: An Investigation	2	0	0	2	2	0

<sup>4</sup> The Office's eleventh and twelfth reports – "An Investigation of NYPD's New Force Reporting System," released February 6, 2018, and "An Investigation of NYPD's Special Victims Division – Adult Sex Crimes," released March 27, 2018 – will be discussed in the 2019 Annual Report.

of the "Outside Guidelines" Complaint Process (2017)						
Putting Training into Practice: A Review of NYPD's Approach to Handling Interactions with People in Mental Crisis (2017)	0	0	2	5	5	1
An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015 (2016)	1	0	0	3	0	3
An Investigation of NYPD's Compliance with Rules Governing Investigations of Political Activity (2016)	0	0	2	0	6	3
Police Use of Force in New York City: Findings and Recommendations on NYPD's Policies and Practices (2015)	0	2	2	2	7	2
Body-Worn Cameras in New York City: An Assessment of NYPD's Pilot Program and Recommendations to Promote Accountability (2015)	1	0	3	1	15	3
Using Data From Lawsuits and Legal Claims Involving NYPD to Improve Policing (2015)	1	0	1	3	0	0
Observations on Accountability and Transparency in Ten NYPD Chokehold Cases (2015)	0	0	0	1	3	0
<b>Totals</b>	<b>5</b>	<b>3</b>	<b>16</b>	<b>18</b>	<b>39</b>	<b>22</b>

In addition to examining systemic issues, DOI's IG for the NYPD continued to receive, review, assess, investigate, and respond to complaints and inquiries from the public. These complaints and contacts, in addition to alerting DOI to possible misconduct, inform DOI about potential trends and 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, 2017, DOI's IG for the NYPD had 49 investigations open for 6 to 12 months, 13 investigations open for 13 to 24 months, and one investigation open for 25 to 36 months. These figures include both systemic reviews and individual complaints received from members of the public.

DOI's NYPD IG also continued its outreach during 2017. Throughout the year, DOI's outreach efforts ranged from attending community events to participating in meetings with a variety of stakeholders. These efforts informed DOI's investigations and also educated the public about DOI's mission.

## ***II. 2017 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 reports DOI's IG for the NYPD released in 2017 and assesses NYPD's progress in implementing the 38 recommendations in those reports. DOI will continue to closely monitor NYPD's progress on implementing all recommendations for which corrective action has not yet been taken.

### **PUTTING TRAINING INTO PRACTICE: A REVIEW OF NYPD'S APPROACH TO HANDLING INTERACTIONS WITH PEOPLE IN MENTAL CRISIS**

#### **January 19, 2017 Report**

In January 2017, DOI's IG for the NYPD issued a report evaluating how NYPD prepared its officers for effective engagement with people in mental crisis through the implementation of its Crisis Intervention Team (CIT) program. Statistics from 2016 indicated that NYPD received approximately 157,000 calls a year, or about 400 a day, involving such members of the public. In 2015, NYPD began to implement a 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 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. While the specifics of CIT programs may vary from jurisdiction to jurisdiction, the goals remain the same – requiring both training and the institutionalization of the program into department operations.

Over an 18-month period, DOI examined NYPD's CIT program by attending the multi-day course on several occasions, interviewing a range of NYPD and other city personnel, and conducting a focus group with officers themselves. 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. In particular, DOI found that:

- The dispatch system and procedures utilized by NYPD did not automatically direct CIT-trained personnel to mental crisis incidents. Instead, assignments

remained dependent on standard patrolling practices. This meant it was completely random whether a CIT-trained officer arrived at the scene of a crisis incident, undermining the purpose of training officers to better deal with these incidents.

- NYPD had not created a unit or representative dedicated to the management of the day-to-day aspects of CIT training and management. As a result, no one in the Department was specifically accountable for identifying the aspects of the CIT initiative that required development or improvement, nor was there an official to whom officers and members of the public could direct questions, concerns, or suggestions. This shortcoming was particularly critical considering the size of NYPD and the volume of relevant calls received.
- NYPD had not adjusted its Patrol Guide to reflect how CIT teaches officers to approach the mentally vulnerable. The Department's policies focused on containment, placing individuals into custody, and tactics for dealing with potential violence from a person in crisis. This differed from how its CIT training emphasizes de-escalation and potential diversion as ways to manage crisis incidents.
- NYPD was not collecting or analyzing data involving mental crisis incidents in an effective way. In particular, without more detailed forms on crisis incidents, NYPD could not measure the performance of its officers or ascertain whether its training or procedures were effectively meeting the needs of the mentally vulnerable.

Based on those findings, DOI made 13 recommendations, including suggesting changes to NYPD's dispatch system, its Patrol Guide, and its data collection system. In the year since the Report's publication, NYPD has already altered several of its protocols and practices. For example, in June 2017, NYPD updated its Patrol Guide so that officers are now directed to use their CIT training in crisis situations and to prioritize the use of CIT-trained officers during crisis incidents. In a September 2017 hearing before City Council, NYPD also stated that the Department was planning to train all sergeants and lieutenants in CIT by the end 2018. These police personnel will then be required to respond to all mental crisis calls in addition to the initial responding officers.

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

<b>PUTTING TRAINING INTO PRACTICE: A REVIEW OF NYPD'S APPROACH TO HANDLING INTERACTIONS WITH PEOPLE IN MENTAL CRISIS (JANUARY 2017 REPORT)</b>	
<b>DOI's RECOMMENDATION</b>	<b>NYPD RESPONSE AND DOI ASSESSMENT</b>
<p>1 NYPD should commit to creating timelines for any changes to its CIT initiative within 90 days of the publication of this Report.</p>	<p><b>Partially Implemented</b></p> <p>NYPD's 90-day response to DOI's report did not outline a concrete timeline for its changes to the CIT program.</p> <p>NYPD, however, now reports it plans on training all lieutenants and sergeants by spring 2018 and a majority of detectives and police officers by 2024.</p>
<p>2 NYPD should adjust its dispatch procedures to ensure that officers with CIT training are directed to crisis incidents.</p>	<p><b>Partially Implemented</b></p> <p>NYPD adopted Patrol Guide 221-13, "Mentally Ill or Emotionally Disturbed Persons," on June 20, 2017. The new procedure instructs Patrol Supervisors to use CIT-trained members as contact officers, when appropriate and available, for calls for service involving mental crisis. As of December 9, 2016, the NYPD's Chief of Department provides a list of CIT-trained officers within every command to Platoon Commanders and Patrol Supervisors on a monthly basis.</p> <p>NYPD's new procedure, however, does not address the Department's inability to deploy CIT-trained officers to the scene when a call regarding a mental crisis comes in. The City's Intergraph Computer Aided Dispatch (ICAD) system currently lacks the technological capacity to facilitate the identification of patrol officers with special skills such as CIT training. NYPD reports that it is also considering other adjustments to the dispatch procedure.</p> <p>DOI will continue to monitor NYPD's progress on this issue.</p>
<p>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.</p>	<p><b>Partially Implemented</b></p> <p>NYPD reports it does not intend to create a mental health unit, but it has appointed a Crisis Intervention Training Coordinator at the rank of lieutenant. This individual oversees the administration of the CIT program, including curriculum development and coordinating with advocates and internal and external partners. NYPD reports that although this person is not at the rank recommended by the NYPD</p>

		<p>IG, the coordinator reports directly to the Commanding Officer of the Specialized Training Section, who holds the rank of Inspector and is responsible for overseeing the CIT program.</p> <p>In addition, NYPD is considering designating a high-level executive within the Chief of Department's Office to coordinate polices, protocols, and training relevant to these issues. NYPD reports it is still working out the details of this position.</p> <p>DOI will continue to monitor NYPD's progress on this issue.</p>
4	<p>NYPD should revise its Patrol Guide to explicitly authorize CIT-trained officers to use the skills learned in CIT training during crisis situations.</p>	<p><b>Implemented</b></p> <p>Patrol Guide 221-13 directs members of service who are "trained and qualified" to use crisis communication techniques to gain voluntary compliance from the person in mental crisis.</p>
5	<p>NYPD should revise its Patrol Guide to require that CIT-trained officers respond to all crisis incidents whenever possible.</p>	<p><b>Implemented</b></p> <p>Patrol Guide 221-13 instructs Patrol Supervisors to use CIT-trained members as contact officers when appropriate and available. Further, if a non-CIT trained officer has established a rapport with the person in mental crisis, Patrol Supervisors are instructed to permit the officer to continue communications. In those situations, CIT-trained officers can support the non-CIT trained officer, when necessary.</p>
6	<p>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.</p>	<p><b>Partially Implemented</b></p> <p>DOI's recommendation states that NYPD should revise its policy to "provide officers with guidance on when the use of discretion is appropriate and how to use community resources when people in crisis are not considered a threat to themselves or others." Patrol Guide 221-13 instructs officers to refer persons who voluntarily seek psychiatric treatment to the proper facility. While NYPD asserts this language fulfills the recommendation, it is identical to the language in the patrol guide procedure preceding PG 221-13, and could be confusing to officers as the language is included in a procedure designed for incidents in which a subject is considered a threat or does not voluntarily seek treatment.</p>

		<p>NYPD, however, has supplemented this procedure by providing officers with a comprehensive list of community resources to be used for members of the public who request a mental health referral. These resources are provided to every member of service who attends a CIT class. In addition to this list, every officer on patrol can now use their department issued phone to access NYC Thrive's Mental Health Program to provide information to a member of the public who voluntarily requests mental health services.</p>
<p>7</p>	<p>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.</p>	<p><b>Partially Implemented</b></p> <p>DOI's recommendation asks NYPD to create a form that collects 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."</p> <p>NYPD has revised its Aided Report Worksheet to include a binary caption (yes/no) entitled "CIT Trained UMOs on the Scene?" and checkbox options for "Actions of EDP." The narrative portion of the AIDED form was also revised. Although, the previous version of the form, in the narrative, directed an officer to indicate certain details, such as the nature of any injury or illness presented by the subject, the revised form does not include any instructions. NYPD reports this allows officers to note relevant details not already captured on the form, such as whether other skills were used to resolve the encounter with the person in mental crisis. However, detailing such information is not mandated, and without specific instructions requiring officers to report this, the form may fail to capture vital information about the officer's actions in the encounter.</p> <p>DOI will continue to monitor this issue.</p>
<p>8</p>	<p>NYPD should analyze data regarding mental crisis incidents.</p>	<p><b>Accepted in Principle</b></p> <p>DOI's recommendation asks NYPD to analyze data on the deployment of officers, and the nature, frequency, and disposition of mental crisis incidents in order to measure the extent to which officers are using CIT skills. NYPD reports it has established a working group to review policy and operational tactics dealing with persons in mental health crisis. The working group will help determine the type of analysis NYPD</p>

		<p>will conduct and the purposes for which it will be used.</p> <p>DOI will continue to monitor this issue.</p>
9	NYPD should consider training more officers in CIT.	<p><b>Implemented</b></p> <p>NYPD reports it plans to train all detectives and police officers assigned to patrol functions (including NCO's, Sector Officers, Response Auto Officers, and FTOs), assigned to the Patrol Services Bureau, Housing Bureau, and Transit Bureau by the end of fiscal year 2024. In addition, NYPD anticipates all lieutenants and sergeants will be trained in CIT by Spring 2018.</p>
10	NYPD should begin training 911 call takers and dispatchers in at least some aspects of CIT.	<p><b>Implemented</b></p> <p>NYPD is providing an eight-hour Mental Health First Aid course to 911 call takers, dispatchers, and supervisors. The course introduces participants to the risk factors and warning signs of mental illness. Participants are taught to assess for risk of suicide or harm, listen without judgment, provide reassurance, and encourage a person in crisis to obtain professional help and other support. NYPD reports the Communications Section has eight individuals in the Communications Training Unit who are certified as Mental Health First Aid instructors. As of March 14, 2018, these instructors have trained 1,174 of the approximately 1,500 call takers, dispatchers, and supervisors.</p>
11	In every CIT training, NYPD should ensure that its officers interact with people living with mental illnesses.	<p><b>Implemented</b></p> <p>NYPD reports it now has a panel of 22 people who participate in each CIT Training on a rotating basis. Three individuals participate in CIT training each week. They have received special training and were selected from a pool of over 200 people.</p>
12	In every CIT training, NYPD should assess the retention of officers' skills.	<p><b>Rejected</b></p> <p>NYPD reports it will consider instituting a periodic refresher course for personnel who have previously received CIT training. NYPD states such a course will help assist in the retention of the CIT skills and allow officers to receive updated or new information relevant to the training. NYPD's response focuses on increasing retention, rather than assessing retention. DOI's recommendation asks NYPD to provide either a formal test or a scenario evaluation, which can be</p>

		<p>used to develop data about the content and effectiveness of the Department's CIT training.</p> <p>DOI will continue to monitor this issue.</p>
13	<p>NYPD should provide a manual or reference guide to officers who undergo CIT training.</p>	<p><b>Accepted in Principle</b></p> <p>NYPD reports it is in the process of developing a CIT manual in collaboration with the Department's training partners from the Center for Urban Community Service. The manual is expected to be completed in late spring of 2018. In the interim, NYPD reports it has provided several reference guides to officers who have completed CIT training.</p> <p>DOI will continue to monitor NYPD's progress on this issue.</p>

**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 (IAB) 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. IAB categorizes these allegations according to their seriousness and refers less severe allegations to command-level investigators, like borough- and precinct-level commands, for investigation. These less severe complaints, known as Outside Guidelines (OG) complaints, account for approximately 50 percent of the thousands of complaints IAB registers each year. OG complaints involve issues like contested summonses, disputed arrests, and the alleged failure of officers to provide their name and badge number when requested.

DOI's NYPD IG examined how NYPD tracks OG cases as they move from IAB to the Office of the Chief of Department's (OCD) Investigation Review Section (IRS), to local commands, and back and, on February 7, 2017, issued a report with its findings. DOI's investigation found inefficiencies and inconsistencies in the process, including outdated technology that is incompatible with other NYPD systems and that slows the process for completing investigations.

DOI's investigation found that NYPD's outdated system for storing data and referring OG cases to local investigative units lacked tracking and analytic capabilities, rendering the Department unable to identify potential problems and efficiently determine the status of cases. Internal deadlines for completing an OG investigation vary across commands and there is no uniform system for tracking due dates. Other system inefficiencies include manual data entry and the mailing of paper forms to supervising investigators at borough and local commands, requiring the continuous processing of paperwork and creating significant potential for error.

DOI's Report included six recommendations to strengthen NYPD's investigation and processing of OG cases, including:

- NYPD should update and unify the computer systems used to house OG cases by upgrading OCD IRS from the Computer Aided Tracking System (BCATS)

to IAB's Internal Case Information System (ICIS), or to an ICIS-compatible system.

- NYPD should establish a uniform timeframe for completing OG investigations and a uniform system of tracking due dates to bring greater clarity and predictability to the timeframe in which the complaint investigation process should be completed.
- NYPD should implement a web-based procedure for communicating the status and results of OG investigations back to the community members who filed the complaints.
- NYPD should revise the current OG disposition form to include a box denoting the case's due date as well as a date section for each stage of the investigation to ensure that cases are being completed in a reasonable amount of time.
- NYPD should publish quarterly reports on OG complaints with a particular focus on measuring the average duration of OG investigations and presenting summary statistics on the dispositions of these complaints.

During the final stages of DOI's investigation, NYPD reported plans to begin implementing the technological upgrades that would address the concerns DOI identified in this Report. The new tracking management system, called Internal Case Management and Tracking (ICMT), was implemented on January 1, 2018.

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

<b>ADDRESSING INEFFICIENCIES IN NYPD'S HANDLING OF COMPLAINTS: AN INVESTIGATION OF "OUTSIDE GUIDELINES" COMPLAINT PROCESS (FEBRUARY 2017 REPORT)</b>	
<b>DOI's RECOMMENDATION</b>	<b>NYPD RESPONSE AND DOI ASSESSMENT</b>
<p>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).</p>	<p><b>Implemented</b></p> <p>On January 1, 2018, NYPD implemented a new database management system called Internal Case Management &amp; Tracking (ICMT) to track investigations of OG cases. The system is based on NYPD's case-management system and allows OCD to receive OG cases from IAB and refer these cases to local commands for investigation.</p>
<p>2 NYPD should establish a uniform timeframe for completing OG investigations and a uniform system of tracking due dates.</p>	<p><b>Partially Implemented</b></p> <p>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.</p> <p>While the new system will most certainly help, NYPD has not yet created standard deadlines, for instance, instructing supervisors to regularly run reports of aging cases that are 30 or 45 days old to enforce completion of investigations within 90 days. NYPD states that because ICMT has only recently been implemented, it is still under review as data are collected about user activity.</p> <p>DOI will continue to monitor NYPD's progress on this issue.</p>
<p>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.</p>	<p><b>Under Consideration</b></p> <p>NYPD states 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.</p> <p>DOI will continue to monitor NYPD's progress on this issue.</p>

4	<p>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.</p>	<p><b>Implemented</b></p> <p>The NYPD OG Disposition Penalty Form was replaced by the ICMT system, which contains internal controls to send alerts at certain stages of the investigation. Each case has an automatic due date of 90 days.</p>
5	<p>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.</p>	<p><b>Partially Implemented</b></p> <p>NYPD states the implementation of the ICMT system will cure any issues related to complainants being unable to find out about 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.</p> <p>NYPD provides information on its website about how members of the public can file a complaint about a member of service. However, there is no language informing complainants on how to inquire about the status of their complaint. DOI has asked NYPD to update its website with this information. This fix would eliminate the need for the recommended web-based interface.</p> <p>DOI will continue to monitor this issue.</p>
6	<p>NYPD should publish quarterly reports on OG complaints.</p>	<p><b>Under Consideration</b></p> <p>NYPD reports that although the ICMT system will allow the Department to analyze data on OG cases, it is unknown whether a quarterly report will be prepared and publicly issued at this time as the system is under review.</p> <p>DOI will continue to monitor NYPD's progress on this issue.</p>

## **WHEN UNDOCUMENTED IMMIGRANTS ARE CRIME VICTIMS: AN ASSESSMENT OF NYPD'S HANDLING OF U VISA CERTIFICATION REQUESTS**

### **July 28, 2017 Report**

The U visa, or U nonimmigrant status, is a special visa granted to undocumented immigrants who are victims of crimes and who help law enforcement investigate and prosecute those crimes. For undocumented crime victims, fear of deportation can stand in the way of their cooperation with law enforcement. The U visa program encourages members of this vulnerable community to bring perpetrators to justice by providing undocumented crime victims with a pathway to legal permanent resident status, employment authorization, and other benefits.

Although the U visa is issued by the federal government, U visa applicants must first obtain a document from a law enforcement agency, like NYPD, certifying that the applicant was a victim of a qualifying crime and was helpful in the investigation of the crime. DOI's investigation included legal research on the program, consultations with experts, meetings with organizations assisting immigrant victims, discussions with law enforcement agencies that provide U visa certifications, interviews with various NYPD personnel, and a substantive analysis of 91 U visa certification requests denied by NYPD in 2015.

DOI found that while NYPD has taken numerous steps to improve its U visa program over the last three years, these changes were largely administrative and did not address substantive issues in how NYPD applies its discretion in certifying applications. Certain NYPD practices, such as inquiring into the criminal histories of applicants, referring certification applicants to the District Attorney's Office when there has been an arrest in the underlying crime, and inadequately assessing whether a victim's refusal to cooperate was reasonable, resulted in NYPD denying certification requests of applicants who may have otherwise qualified. The review also found NYPD's certification process lacked transparency and that the Department did not sufficiently disseminate public information about U visas.

As a result of its investigation, DOI made ten recommendations. DOI recommended that NYPD develop concrete written standards on the types of criminal background checks that warrant denial and document their assessment of applicants' criminal backgrounds, helpfulness, and qualifying crimes. By documenting these assessments, NYPD can provide an audit trail to ensure that

certification decisions are made in a consistent and appropriate manner. The Report also recommended that NYPD provide the public with more information on U visa certification and denials and expand training to include specialized units within the Department that frequently encounter immigrant communities.

On October 26, 2017, NYPD issued its response to the Report. NYPD outlined some ongoing and completed efforts to strengthen its U visa program. For example, NYPD recently improved the level of information it provides to applicants whose certification requests are denied.

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

<b>WHEN UNDOCUMENTED IMMIGRANTS ARE CRIME VICTIMS: AN ASSESSMENT OF NYPD'S HANDLING OF U VISA CERTIFICATION REQUESTS (JULY 2017 REPORT)</b>	
<b>DOI's RECOMMENDATION</b>	<b>NYPD RESPONSE AND DOI ASSESSMENT</b>
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.	<p><b>Rejected</b></p> <p>NYPD asserts that DOI's recommendation is unnecessary because the Department utilizes an individualized approach to assessing applicants' criminal backgrounds. NYPD states that it conducts a comprehensive background check to determine whether the applicant poses a threat to public safety and the entire criminal history is analyzed to account for facts and circumstances unique to each individual.</p> <p>DOI maintains that concrete, written standards are important in ensuring consistency and transparency in how U visa certification decisions are made.</p>
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.	<p><b>Rejected</b></p> <p>NYPD states that there is no need to provide a written rationale for determining why an applicant poses a public safety threat. According to NYPD, the basis for such decisions is in the criminal background history provided by the Intelligence Bureau. NYPD states that reviewing supervisors have access to this data and can understand why a determination was made.</p> <p>DOI stands by its recommendation that there must be an audit trail to allow supervisors or other examiners to ensure denials are issued consistently and appropriately.</p>
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.	<p><b>Rejected</b></p> <p>DOI's investigation found that NYPD lacks a systematized procedure to assess certification requests in which applicants have a reasonable basis to stop cooperating.</p> <p>NYPD disagrees with the report's finding and asserts that the Department always assesses whether information provided by an applicant establishes a reasonable basis for refusing to cooperate. NYPD states if such a basis is determined, the certification will be granted.</p> <p>DOI stands by its recommendation.</p>
4 NYPD should provide a written rationale in its internal file when	<p><b>Rejected</b></p>

	<p>concluding that the applicant was not a victim of a qualifying crime.</p>	<p>NYPD states 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."</p> <p>DOI maintains NYPD should document the rationale behind certification decisions. This would create an audit trail that would allow supervisors or other examiners to ensure denials are issued consistently and appropriately.</p>
<p>5</p>	<p>If an arrest has been made on the underlying crime, NYPD should evaluate U visa certification requests if the criminal case has closed.</p>	<p><b>Implemented</b></p> <p>As of October 13, 2017, NYPD now processes requests for certification when there has been an arrest made on the underlying crime, the criminal case is closed, and three years have passed since the date of the arrest.</p>
<p>6</p>	<p>NYPD should create and publish its complete standards for certification eligibility.</p>	<p><b>Rejected</b></p> <p>NYPD asserts its standards for certification eligibility are fully stated in Patrol Guide Section 212-111, which is a publicly available document.</p> <p>However, DOI's recommendation asks NYPD to create substantive criteria for U visa certification decisions, which the Report found the Department is lacking. Having these criteria available would facilitate consistency and transparency in certification determinations.</p>
<p>7</p>	<p>NYPD's denial letters should articulate specific reasons for each denial, using the facts of the case to explain the decision.</p>	<p><b>Partially Implemented</b></p> <p>NYPD has amended its denial letter to provide additional information to the applicant on open warrants and referrals to District Attorneys' Offices. As of October 13, 2017, denial letters provide information on active warrants, including the docket number, issuing court, and contact information to allow the applicant to inquire about closing the warrant. Applicants with warrants for minor summonses are also provided written instructions with the same information as noted in the denial letter and a notice that the applicant has 60 days to resolve the warrant. During that time, NYPD will hold the applicant's certification request. If the applicant successfully resolves the warrant, the review of their certification request will recommence. If the applicant fails to resolve the warrant within the 60-day period, however, the certification request will be denied.</p> <p>NYPD's denial letter also includes more guidance about</p>

		<p>the referral procedure. Applicants are informed about which of the five District Attorneys' Offices they are being referred to, as well as the telephone number of that Office's Immigrant Affairs Unit. The letter also informs the applicant that they must resubmit their certification request to the appropriate District Attorney's Office.</p> <p>NYPD has not addressed how it will provide more fact-specific information to applicants denied due to lack of helpfulness or a non-qualifying crime.</p> <p>DOI will continue to monitor this issue.</p>
8	<p>NYPD should publish contact information for its reviewers and certifying officials</p>	<p><b>Accepted in Principle</b></p> <p>DOI's recommendation asks NYPD to publish a telephone number and email address where applicants can direct questions about the U visa certification process. NYPD's website includes the address of the Domestic Violence Investigations Unit (DVIU), the unit responsible for processing certification requests, but not a telephone number. While NYPD's website does include general telephone numbers for the 7th precinct and Legal Bureau, the website does not advise the public that U visa inquiries can be directed to these units.</p> <p>In addition, although NYPD created a DVIU email address to field questions about the status of certification requests, NYPD has delayed publishing this email address on the Department's U visa webpage due to concerns applicants will use the email address to submit their certification requests. This matter is still under consideration.</p>
9	<p>NYPD should develop written materials regarding the U visa program for dissemination at precincts and other locations where victims may encounter police.</p>	<p><b>Rejected</b></p> <p>NYPD states that information about the U visa certification program is available at precincts under the NYPD and Safe Horizon CVAP program. However, there are no written materials (e.g. flyers, brochures, etc.) provided to victims at these locations, as recommended. NYPD's position is that the information currently available is sufficient. NYPD also notes if an investigating officer provides a crime victim with information about the program, it may lead the victim to improperly believe the victim will receive a benefit for testimony.</p> <p>DOI is mindful of the concerns raised by NYPD and prosecutors. Making generic written materials available,</p>

		<p>however, should not conflict with these concerns. If NYPD already provides information on its website, similar information can be made available in precincts and related locations. The Safe Horizon victims' advocates can also provide written materials to victims.</p>
10	<p>NYPD should develop informational training on U visas for specialized NYPD units that frequently encounter immigrant communities.</p>	<p><b>Rejected</b></p> <p>According to NYPD, members of service in the Domestic Violence Unit receive training on U visa certification in a training conducted twice a year by the unit. DOI's recommendation asks NYPD to provide such training for other specialized units that frequently encounter immigrant communities. NYPD asserts that this is unnecessary, as Department personnel are aware of the U visa certification process due to Patrol Guide 212-111.</p> <p>DOI will to continue to monitor this issue.</p>

**REVIEW OF NYPD'S IMPLEMENTATION OF PATROL GUIDE  
PROCEEDURES CONCERNING TRANSGENDER AND GENDER  
NONCONFORMING PEOPLE**

**November 21, 2017 Report**

In 2012, NYPD revised the patrol guide to address officer interactions with transgender and gender nonconforming (TGNC) people. These changes were made after lengthy negotiations between NYPD and representatives of the New York City Council and the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) community. The new protocols require officers to use a person's preferred name, prohibit searches for determining gender and extend the prohibition on the use of discourteous remarks to include gender identity or expression, among others. DOI assessed: 1) NYPD's implementation of and adherence to the 2012 Patrol Guide revisions, and 2) NYPD's handling of complaints of officer misconduct in which the complainant's actual or perceived sexual orientation or gender identity may be related to the complaint, including allegations of bias.

As part of DOI's review, investigators examined policy materials, observed trainings on LGBTQ and TGNC issues, visited several police stations to see whether updated forms were being used, and interviewed NYPD personnel and LGBTQ community representatives who participated in the negotiation process for the new protocols. DOI also analyzed several complaints filed with the Department in 2015 to assess how NYPD tracks and investigates LGBTQ-related allegations against police. DOI's investigation found that:

- Although NYPD trainings cover LGBTQ and TGNC issues and corresponding Patrol Guide provisions, not all members of the police force have received this instruction.
- While NYPD changed the way it records preferred name on three of its forms, there are a number of other forms that NYPD uses to document important police interactions and to identify victims, complainants, and arrestees that have not been changed to record preferred name.
- NYPD does not currently capture and track all LGBTQ-related allegations implicating biased conduct. While the Department has tracked "profiling" complaints ("any action taken or not taken due to bias on the part of the officer") since 2014, this category does not capture other bias allegations pertinent to the LGBTQ community, such as violations of some Patrol Guide

revisions. Even the new “Offensive Language: Gender Identity” and “Offensive Language: Sexual Orientation” classifications, as titled, do not fully capture potentially biased conduct.

- NYPD’s current complaint system limits the Department’s ability to detect violations of the revisions, perform internal assessments regarding the possible existence of biased policing issues affecting the LGBTQ community, and adopt policies and implement training to reduce instances of discrimination.

As a result of its findings, DOI made nine recommendations regarding training, documentation, and handling complaints to improve NYPD’s processing of TGNC arrestees and interactions with LGBTQ and TGNC communities. These recommendations include:

- 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.
- 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.
- NYPD IAB’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.”
- IAB should report patterns or trends associated with LGBTQ-related complaints to NYPD’s LGBT Liaison, to the Police Commissioner, as well as to DOI’s NYPD IG pursuant to NYPD’s reporting obligations under Local Law 70.

NYPD accepted in principle several of the recommendations made in the report. The Department agreed to review its forms and report to DOI within six months on whether changes to these forms would be appropriate.

An analysis of NYPD’s progress on the status of all of the recommendations follows.

<b>REVIEW OF NYPD'S IMPLEMENTATION OF PATROL GUIDE PROCEDURES CONCERNING TRANSGENDER AND GENDER NONCONFORMING PEOPLE (NOVEMBER 2017 REPORT)</b>	
<b>DOI's RECOMMENDATION</b>	<b>NYPD RESPONSE AND DOI ASSESSMENT</b>
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 member of the police force have received this training. NYPD should conduct this training within the next six months.	<b>Partially Accepted in Principle</b>  NYPD agreed to conduct a refresher course on the 2012 Patrol Guide revisions for members of service via its online platform, NYPD-U. NYPD, however, has not committed to the six-month timeframe recommended by DOI, reporting that the Department will conduct this training by the end of 2018.  DOI 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.	<b>Rejected</b>  NYPD asserts DOI's recommendation is unnecessary, pointing out that NYPD personnel are required to review all Patrol Guide revisions, which are accessible though Department-issued smartphones and tablets. NYPD also states that, as a matter of routine, the Department does not create a memo book insert for all Patrol Guide revisions, as they would become unwieldy. In the future, the Department is planning to transition to electronic memo books.  DOI will to continue to monitor this issue. If information comparable to a memo book insert covering the revised LGBTQ protocols is provided to officers, DOI may deem this recommendation implemented in the future.
3 Community input should be carefully considered and incorporated as appropriate into the curriculum of officer training on LGBTQ issues.	<b>Accepted in Principle</b>  NYPD reports that historically the Department's LGBTQ-related training has been developed with input from representatives of organizations from the LBGTQ community. These discussions are ongoing.  DOI will continue to monitor this issue.
4 All handouts and additional resource materials provided during LGBTQ trainings should be consistent, as appropriate, ensuring that officers receive the same information.	<b>Accepted in Principle</b>  NYPD reports it made no changes to its training materials since DOI's Report. Although NYPD states its training materials are already consistent given the goals and needs of the different training programs, the Department currently plans to distribute an LGBTQ Identity Manual entitled, "Gender Identity and Expression in our Department and the City we Serve," in the coming

		<p>months. This resource guide will be distributed to all officers.</p> <p>DOI will continue to monitor this issue.</p>
5	<p>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.</p>	<p><b>Accepted in Principle</b></p> <p>NYPD has agreed to review the 28 Department forms that DOI identified in the Report to determine whether changes to these forms would be appropriate. NYPD will report back to DOI within six months.</p> <p>DOI will to continue to monitor this issue.</p>
6	<p>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.</p>	<p><b>Rejected</b></p> <p>NYPD states that ongoing compliance checks are not needed because the precincts discussed in DOI's Report now use the updated forms. NYPD further notes that officers were already instructed to use the updated forms, all of which NYPD is endeavoring to make electronic.</p> <p>DOI stands by its recommendation. NYPD has not confirmed that the proper forms are in use in all precincts. Until such forms are electronic and the risk of error is minimized, NYPD should conduct periodic checks to ensure that the appropriate forms are, in fact, being used.</p>
7	<p>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.</p>	<p><b>Accepted in Principle</b></p> <p>NYPD states it regularly consults with the LGBTQ Advisory Board regarding any issue the Board wishes to discuss.</p> <p>DOI anticipates that members of the LGBTQ Advisory Board will raise this matter with NYPD in the future.</p> <p>DOI will continue to monitor this issue.</p>

8	<p>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."</p>	<p><b>Rejected</b></p> <p>NYPD asserts IAB is presently capable of tracking profiling complaints, including allegations based on sexual orientation, gender, and gender identity. NYPD has not 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.</p> <p>DOI stands by its recommendation.</p>
9	<p>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.</p>	<p><b>Accepted In Principle</b></p> <p>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 DOI.</p> <p>DOI will continue to monitor this issue. While NYPD's commitment to reporting problems to DOI is encouraging, NYPD has reported no problematic patterns or trends to DOI since the legal requirement was established in 2014.</p>

**III. 2016 AND 2015 SYSTEMIC INVESTIGATIONS, REVIEWS, STUDIES, AND AUDITS: UPDATED NYPD RESPONSES TO RECOMMENDATIONS**

**A. An Investigation of NYPD's Compliance with Rules Governing Investigations of Political Activity (August 2016 Report)**

AN INVESTIGATION OF NYPD'S COMPLIANCE WITH RULES GOVERNING INVESTIGATIONS OF POLITICAL ACTIVITY (AUGUST 2016 REPORT)	
<i>*Only recommendations whose status has changed since the Third Annual Report are included. For recommendations from 2015 and 2016 where corrective action has not been implemented or completed in prior years and where the status remains unchanged, please see the Third Annual Report (March 30, 2017)*</i>	
DOI's RECOMMENDATION	2018 ANNUAL REPORT UPDATES
<p>6 NYPD's Human Source Authorization Form should require members of NYPD's Intelligence Bureau to specify the role of the undercover officer or confidential informant.</p>	<p><b>Changed from Accepted in Principle to Rejected</b></p> <p>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. DOI reviewed NYPD's updated Human Source Authorization forms. Although the documents contain more information, the section on the role of the human source includes broad, generic categories as opposed to specific, fact-based content explaining the role of the human source.</p> <p>DOI maintains these forms should be revised to clearly specify the exact role of the undercover officer or confidential informant in the investigation.</p>

**B. An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015 (June 2016 Report)**

AN ANALYSIS OF QUALITY-OF-LIFE SUMMONSES, QUALITY-OF-LIFE MISDEMEANOR ARRESTS, AND FELONY CRIME IN NEW YORK CITY, 2010-2015 (JUNE 2016 REPORT)	
<i>*Only recommendations whose status has changed since the Third Annual Report are included. For recommendations from 2015 and 2016 where corrective action has not been implemented or completed in prior years and where the status remains unchanged, please see the Third Annual Report (March 30, 2017)*</i>	
DOI's RECOMMENDATION	2018 ANNUAL REPORT UPDATES
4 NYPD should release incident-level and geographically coded data on summonses and misdemeanor arrests.	<p><b>Changed from Rejected to Under Consideration</b></p> <p>NYPD states this recommendation is now under consideration.</p> <p>DOI will continue to monitor NYPD's progress on this issue.</p>

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

<b>POLICE USE OF FORCE IN NEW YORK CITY: FINDINGS AND RECOMMENDATIONS ON NYPD'S POLICIES AND PRACTICES (OCTOBER 2015 REPORT)</b>	
<i>*Only recommendations whose status has changed since the Third Annual Report are included. For recommendations from 2015 and 2016 where corrective action has not been implemented or completed in prior years and where the status remains unchanged, please see the Third Annual Report (March 30, 2017)*</i>	
<b>DOI's RECOMMENDATION</b>	<b>2018 ANNUAL REPORT UPDATES</b>
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.	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>Since the release of DOI's Report, new legislation requires NYPD to publicly report data on discipline, use-of-force, and injuries. In December 2017, NYPD released the "2016 Annual Use-of-Force Report," which is presently available on the Department's website. This report includes information previously set forth in NYPD's Annual Firearms Discharge Report, along with data on all other reportable use-of-force incidents, providing information on force used against officers and by officers.</p>

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

<b>BODY-WORN CAMERAS IN NEW YORK CITY: AN ASSESSMENT OF NYPD'S PILOT PROGRAM AND RECOMMENDATIONS TO PROMOTE ACCOUNTABILITY (JULY 2015 REPORT)</b>	
<i>*Only recommendations whose status has changed since the Third Annual Report are included. For recommendations from 2015 and 2016 where corrective action has not been implemented or completed in prior years and where the status remains unchanged, please see the Third Annual Report (March 30, 2017)*</i>	
<b>DOI'S RECOMMENDATION</b>	<b>2018 ANNUAL REPORT UPDATES</b>
1.1 NYPD should broaden and illustrate the standard for the mandatory activation of BWCs during street or investigative encounters.	<b>Changed from Accepted in Principle to Implemented</b>  NYPD adopted Patrol Guide 212-123, "Use of Body-Worn Cameras," on January 8, 2018. This new policy outlines mandatory activation procedures for officers equipped with body-worn cameras and provides examples for guidance. Such scenarios include arrests, potential crime-in progress assignments, interior patrol of New York City Housing Authority buildings, among others.
1.2 NYPD should redefine the safety exception for recording.	<b>Changed from Rejected to Implemented</b>  NYPD's Patrol Guide 212-123 mandates that officers activate their BWCs prior to or immediately upon arrival at an incident location. When exigent circumstances exist, officers must activate their cameras as soon as safe and feasible. While this policy does not follow DOI's recommendation by specifying that officers may only rely on this exception "when they can articulate a specific threat to an officer's or bystander's safety or other exigency" or record such a threat in their memo books, another provision under the "mandatory recording" section of the policy states officers must notify supervisors when there is a failure to record a mandatory event. DOI deems this policy comparable to the Report's recommendation.
1.3 NYPD should consider stricter limitations on recording vulnerable populations.	<b>Changed from Accepted in Principle to Implemented</b>  NYPD's Patrol Guide 212-123 outlines several interactions officers are prohibited from recording, including those involving victims of sex crimes, undercover officers, and confidential informants, as DOI recommended.

<p>1.4</p>	<p>NYPD should expand BWC training for officers using the BWCs.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>NYPD reports it has implemented a training program covering body-worn camera policy and use that entails a one-day session at the Police Academy. This session includes a classroom presentation and discussion, scenario-based exercise, and hands-on exercise with the BWC equipment and software. Upon completion of the class, officers are issued their BWCs. Although supervisors are not issued cameras, sergeants and lieutenants also attend the class and there is a module specifically geared to their responsibilities. The class at the Academy is followed by 90 days of field training back at the command under the tutelage of the command training sergeant and integrity control officer. As of March 2, 2018, NYPD has trained over 2,000 officers.</p>
<p>2.1</p>	<p>NYPD should provide an example notification phrase to advise members of the public that they are being recorded.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>NYPD's Patrol Guide 212-123 suggests the following notification phrase to advise members of the public that they are being recorded: "Sir/Ma'am, I am wearing a body-camera and this encounter is being recorded."</p>
<p>2.2</p>	<p>NYPD should redefine the safety exception for notifications.</p>	<p><b>Changed from Rejected to Accepted in Principle</b></p> <p>While NYPD has not amended its policy specifically as recommended, the Department's new policy aligns with the purpose of DOI's recommendation. Members of service are instructed to notify 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 topic. NYPD states that permutations in fact patterns cannot be effectively spelled out in policy documents and are best addressed in a training environment.</p>
<p>3.1</p>	<p>NYPD should require supervisors to review footage related to documented incidents.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>NYPD's Patrol Guide 212-123 provides instructions on supervisory and administrative functions for BWCs. Supervisors are required to visit officers "while on assignment and ensure that they are recording events and activities as required" and periodically review BWC video as appropriate.</p>

<p>3.3</p>	<p>NYPD should computerize the random selection of officers for review.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>NYPD reports it has implemented self-inspection sheets and viewing requirements for supervisors to ensure compliance with the Department's BWC policy. NYPD's Body-Worn Camera Unit randomly selects videos to be reviewed each month and assigns the review to the appropriate command level supervisor. Supervisors checks five videos a month (in total, not per officer) to ensure compliance with the BWC procedure.</p>
<p>3.4</p>	<p>NYPD should establish a system for high-level and periodic review.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>DOI's recommendation asked NYPD to consider having a central unit perform periodic, system-wide audits of random BWC footage to assess the efficacy of established policies.</p> <p>NYPD's BWC Unit, located within the Risk Management Bureau, has approximately a dozen staff. According to NYPD, staff randomly select five videos to be reviewed each month and assign the review to the appropriate command level supervisor. The BWC Unit is responsible for tracking the supervisor's self-inspections. In addition to collecting self-inspections, the BWC unit conducts random compliance audits and generates periodic compliance reports. The BWC Unit also provides general, daily support for the program, including troubleshooting based on feedback in the field, supporting the ongoing rollout, and briefing supervisors immediately before deployment in a command.</p>
<p>5.1</p>	<p>NYPD should develop policies to guide supervisors when officer infractions are observed on BWC footage.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>NYPD reports supervisors are trained that the review of video should not be used to discipline minor infractions, but they are mandated to report any misconduct, corruption, or any EEO violations observed in the video and take action as per Department policy.</p>
<p>5.2</p>	<p>NYPD should institute mandatory reporting procedures.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>NYPD stated Department policy mandates that officers report misconduct and corruption whenever</p>

		they come aware of an allegation. NYPD also has implemented reporting procedures when a prohibited event has been recorded or when there is failure to record a mandated event.
6.1	Access to BWC recordings should be limited where officers are under investigation or are witnesses in misconduct investigations.	<p><b>Changed from Under Consideration to Rejected</b></p> <p>NYPD states that as per Department policy, BWC footage subject to an investigation is locked down and only the IAB/FID investigators have access to the video. However, officers subject to an investigation 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.</p> <p>DOI maintains that officers should not be allowed to review their BWC footage until after submitting a formal statement. As stated in DOI'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."</p>
6.2	In all other instances, access to recordings prior to making statements should be noted in those statements.	<p><b>Changed from Under Consideration to Implemented</b></p> <p>NYPD reports investigators take note that the subject officer was given a chance to view video when conducting an official investigation.</p>
7.1	If and when disclosing BWC video, NYPD should provide privacy and safety protections for vulnerable populations.	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>NYPD requires any request for BWC footage to be requested through the New York Freedom of Information Law. All requirements and legal restrictions are applied and video may be withheld or redacted as needed.</p>

<p>8.1</p>	<p>NYPD should establish a minimum retention period of at least 18 months.</p>	<p><b>Changed from Under Consideration to Partially Implemented</b></p> <p>NYPD reports that under Department policy, footage of "adversarial" police-citizen encounters is retained for 18 months and footage of use-of-force are kept for three years. Further, Arrest and Homicide videos are given a default retention period of five years. NYPD reports that under Department policy, other "uncategorized" videos are retained for only one year but any footage can be preserved indefinitely as needed.</p> <p>However, NYPD's usage of "adversarial" police-citizen encounters appears to exclude some encounters that could give rise to a CCRB complaint (e.g., allegations of improper stops). NYPD should extend the 18-month period to Level II and Level III investigative encounters.</p>
<p>8.2</p>	<p>NYPD should ensure expeditious purging of archived BWC footage that no longer holds evidentiary value.</p>	<p><b>Changed from Accepted in Principle to Implemented</b></p> <p>According to NYPD, Department policy's states videos categorized other than "arrest" and "homicide" are automatically purged from the system after one year from the date of recording.</p>

**E. Using Data From Lawsuits and Legal Claims Involving NYPD to Improve Policing (April 2015 Report)**

USING DATA FROM LAWSUITS AND LEGAL CLAIMS INVOLVING NYPD TO IMPROVE POLICING (APRIL 2015 REPORT)		
<i>*Only recommendations whose status has changed since the Third Annual Report are included. For recommendations from 2015 and 2016 where corrective action has not been implemented or completed in prior years and where the status remains unchanged, please see the Third Annual Report (March 30, 2017)*</i>		
DO'S RECOMMENDATION	2018 ANNUAL REPORT UPDATES	
<p>1.3</p> <p>NYPD should perform a qualitative review of the most relevant data contained within legal claims and lawsuits against NYPD.</p> <p>Specifically: the location of the alleged incident and address of the plaintiff(s).</p>	<p><b>Changed from Partially Accepted in Principle to Partially Implemented</b></p> <p>NYPD reports it is now reviewing the location of alleged incidents in its analysis of claims/core allegations as of 2018, when the Comptroller began sharing the claim location data underlying its annual Claimstat Report. In addition, NYPD databases document the location of incidents, including with respect to arrests, uses of force, and other police action. PALS personnel geo-map incidents leading to both claims and lawsuits whenever relevant or necessary to analyze patterns and trends.</p> <p>NYPD continues to decline to collect and analyze information on plaintiff addresses.</p> <p>DOI will continue to monitor this issue.</p>	
<p>3</p> <p>NYPD should provide the public with details about NYPD's Early Intervention System and its litigation data analysis team and solicit suggestion for further development.</p>	<p><b>Changed from Accepted in Principle to Under Consideration</b></p> <p>NYPD reports it is in the process of working through the development of the Risk Assessment Litigation System (RAILS), which will be used to automate officer performance management.</p> <p>NYPD will consider providing the public certain details regarding the Early Intervention System, when RAILS is fully implemented. NYPD cannot state, at this time, what that information would be. NYPD has not committed to make public details regarding its litigation data analysis work.</p>	

		DOI will continue to monitor NYPD's progress on this issue.
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**F. Observations on Accountability and Transparency in Ten NYPD Chokehold Cases (January 2015 Report)**

OBSERVATIONS ON ACCOUNTABILITY AND TRANSPARENCY IN TEN NYPD CHOKEHOLD CASES (JANUARY 2015 REPORT)		
<i>*Only recommendations whose status has changed since the Third Annual Report are included. For recommendations from 2015 and 2016 where corrective action has not been implemented or completed in prior years and where the status remains unchanged, please see the Third Annual Report (March 30, 2017)*</i>		
DO'S RECOMMENDATION	2018 ANNUAL REPORT UPDATES	
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.	<p><b>Changed from Partially Implemented to Implemented</b></p> <p>On January 1, 2018, NYPD implemented a new database management system called Internal Case Management &amp; Tracking to track investigations of Outside Guidelines cases that are outsourced to borough and precinct investigators.</p> <p>The new system has the capability to track the status of OG investigations and ensure compliance with OCD IRS's requirement to complete an investigation within 90 days. The system includes alerts that are automatically triggered when an investigative step has not been taken on time, such as commencing an investigation or contacting the complainant within ten days of the case's assignment. Such an alert will trigger an email to the assigned investigator/supervisor and to the command executives informing them that the case must be addressed. The system also includes electronic forms and signatures, as well as an electronic history of investigative steps taken by the investigator responsible for the case.</p>

#### ***IV. COMMUNITY OUTREACH AND ENGAGEMENT***

Community outreach is important to better understand the concerns of New York City residents, especially those in vulnerable communities. DOI engages with various stakeholders 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 2017, DOI met with an array of community advocates and representatives from local organizations throughout New York City. These included civil rights groups, advocates for victims of sexual assault, 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 given DOI a deeper understanding of issues that implicate law enforcement interactions.

DOI also engaged with various stakeholders during its investigations. For example, for DOI's Report, *Putting Training Into Practice: A Review Of NYPD's Approach to Handling Interactions With People in Mental Crisis*, staff interviewed advocates from mental health organizations and attended public forums to hear perspectives of people living with mental illness regarding both the need for and the development of NYPD's Crisis Intervention Training.

In connection with DOI's report on NYPD's handling of U visas, staff met with representatives from 16 non-profit organizations that provide immigrant communities crime victim service and legal assistance.

In addition, during the investigation on NYPD's implementation of 2012 Patrol Guide Revisions for LGBTQ and TGNC people, DOI gathered information from LGBTQ organizations through interviews, community town halls, meetings with transgender groups, and attendance at events focused on policing.

DOI sustains its outreach efforts even after issuing reports that are relevant to particular communities. For example, DOI conducts conference calls with local organizations after issuing systemic reports, to seek community feedback and follow up on continuing and additional concerns. All of these outreach activities were essential to DOI's investigations during 2017.

Engaging with police officers is also central to improving policing and police-community relations. DOI regularly 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. DOI also reaches out to police departments in other major cities across the country to provide DOI with

information on successful practices and innovative programs in those law enforcement agencies.

Because DOI also recognizes policing converges with the work of other City stakeholders, DOI regularly meets with representatives of 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 2017, DOI engaged with various agencies, including all five New York City District Attorney's Offices, CCRB, NYC Commission on Human Rights, the Law Department, Mayor's Office for Criminal Justice, and the Fire Department of New York, among others. In addition, DOI staff attended City Council hearings, which provide crucial information on proposed policies and legislation affecting policing in the City. DOI Commissioner Peters and Inspector General Eure also testified in November 2017 on the NYPD IG's work since its 2014 inception at a hearing before the City Council's Committees on Public Safety and Oversight.

DOI's IG for the NYPD is committed to continued outreach and engagement with the public on all policing issues. DOI responds to public inquiries and accepts feedback from stakeholders on investigations and recommendations, and provides the public with information on the mission, reports, and recommendations of the IG for the NYPD. DOI also regularly looks at new ways of expanding outreach efforts to all communities in the City.

## V. *COMPLAINTS*

Members of the public have made complaints to DOI's NYPD IG regarding problems and deficiencies in NYPD's operations, policies, practices, and programs since its inception. By reviewing complaints, investigating allegations, speaking to complainants, and liaising with other government agencies, DOI both addresses individual concerns raised by members of the public and identifies potential systemic issues facing NYPD. The complaints DOI received in 2017 covered a range of issues that fell into several categories. DOI retains all complaint information and investigates as appropriate.

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