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**DOI'S INSPECTOR GENERAL FOR THE NEW YORK CITY POLICE DEPARTMENT
RELEASES REPORT ON NYPD'S COMPLIANCE
WITH RULES GOVERNING INVESTIGATIONS OF POLITICAL ACTIVITY**

The Department of Investigation's ("DOI") Office of the Inspector General for the New York City Police Department ("OIG-NYPD") issued a Report today detailing the findings of its review of the New York City Police Department's ("NYPD") compliance with the court-mandated rules governing the investigation of political activity. These rules, also known as the Handschu Guidelines, are codified in the NYPD Patrol Guide. In the course of this investigation, OIG-NYPD examined highly confidential intelligence files never before subject to review or available to non-police entities. OIG-NYPD's investigators examined, among other things, whether NYPD's Intelligence Bureau satisfied the established standard for opening investigations, met deadlines for extending investigations, and obtained necessary approvals for the use of human sources, which include confidential informants and undercover officers. The investigation found that the NYPD Intelligence Bureau failed to renew investigations before the authorization expired more than half of the time, resulting in investigations of political activity that continued without the requisite authorization. More than 25% of the extensions reviewed exceeded the required deadline by more than 31 days. Further, requests to use human sources were frequently approved despite failing to document the particularized role of confidential informants and undercover officers, as required. However, OIG-NYPD found that in all cases NYPD met the informational threshold required to open an investigation. A copy of the Report can be found at the following link: <http://www1.nyc.gov/site/oignypd/reports/reports.page>

DOI Commissioner Mark G. Peters said, "This investigation demonstrates a failure by NYPD to follow rules governing the timing and authorizations of surveillance of political activity. While we found no evidence of improper motives, these rules are important to protect the rights of all New Yorkers and must be rigorously followed. We will continue our oversight to ensure compliance going forward."

Inspector General for the NYPD Philip K. Eure said, "Keeping New York safe is an important and difficult job, and we applaud NYPD for its dedication to that mission. When investigating political activity, however, NYPD must adhere to well-established rules governing how these investigations can be opened and extended. Our recommendations, if implemented, will ensure tighter compliance with these rules in a way that will promote greater police accountability and give the public greater confidence in how NYPD operates."

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Section 212-72 of the NYPD Patrol Guide defines several levels of investigation and contains requirements for how, and under what circumstances, NYPD's Intelligence Bureau may commence and extend investigations involving political activity. These guidelines, which were modified after the attacks of September 11, 2001, were established pursuant to a 1971 federal lawsuit brought against the City and NYPD.

To comply with the guidelines, NYPD must articulate, in writing, the basis for the investigation and secure approvals from NYPD's Deputy Commissioner of Intelligence and other senior NYPD officials. These investigations have strict time limitations, which can be extended only upon written approval from the Deputy Commissioner of Intelligence. OIG-NYPD reviewed relevant documents in a random sample of NYPD Intelligence Bureau cases closed between 2010 and 2015. OIG-NYPD's findings include:

- **More than half the time, investigations continued even after approval of the operation expired.** The Department failed to renew these investigations before their authorization expired more than 53.5% of the time. NYPD maintained that if a deadline passes before the extension is authorized, the investigation will continue and will be subject to supervision. Unauthorized investigations continued for an average of 22 days before re-authorization was obtained. In 25.6% of extensions reviewed, the deadlines were exceeded by more than 31 days.
- **The use of human sources (confidential informants and undercover officers) continued after approval expired more than half the time.** NYPD failed to re-authorize the use of human sources 57.3% of the time. Renewals for the use of informants and undercovers is required every 120 days. In the random sample of closed cases examined, this unauthorized use continued for an average of 31 days before reauthorization occurred.
- **NYPD routinely failed to include a description of the role of undercover officers or confidential informants in its authorization memos.** Under the Patrol Guide, NYPD is required to provide a description of the facts on which an investigation is based and the role of an undercover to obtain approval. Without this information, a reviewer cannot determine whether the use of an undercover is necessary. In the Human Source Authorization Memoranda reviewed, NYPD included no factual information on the role of the undercover in the investigation, yet all facially deficient applications were approved by NYPD.
- **When Preliminary Inquiries were extended, the extensions did not include articulable reasons why further investigative steps were warranted.** All Preliminary Inquiries reviewed by OIG-NYPD failed to include fact-specific reasoning for why investigations should be extended, in violation of the Patrol Guide rule requiring such written justification.
- **Adherence to the rules would not hinder anti-terrorism efforts.** The documents reviewed showed nothing to suggest that following the rules would have interfered with vigorous anti-terrorism work that is vital to New York City's safety.
- **Documents opening investigations did articulate facts sufficient to meet guidelines' thresholds for beginning investigations.** The documents reviewed did not contain evidence of improper motives.

OIG-NYPD's review also identified numerous other signature, date, and related errors on forms, leading to inconsistent record-keeping and tracking of authorizations. OIG-NYPD determined that NYPD fell short of basic principles of record-keeping and compliance which require more robust, consistent, and auditable systems for monitoring investigations and tracking deadlines. OIG-NYPD also observed that the people under investigation were predominantly associated with Muslims and/or engaged in political activity that those individuals associated with Islam, although NYPD does not use such categorizations in its approved documents.

As a result of its investigation, OIG-NYPD made several recommendations to strengthen NYPD's compliance with the Guidelines, including developing formal tracking mechanisms for deadlines to ensure timely renewals of authorizations and creating tighter controls on the documentation of approvals for investigations and human source usage to avoid future errors, facilitate compliance, and avoid the risk of further unauthorized investigations. The NYPD has informed DOI that it has recently implemented a new case-tracking mechanism.

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 independent, systemic investigations that lead to high-impact arrests, preventive internal controls, and operational reforms that improve the way the City runs. The Office of the Inspector General for the New York City Police Department (OIG-NYPD) is part of DOI and is independent of NYPD. OIG-NYPD is charged with investigating, reviewing, studying, auditing, and making recommendations relating to the operations, policies, programs, and practices of NYPD, with the goal of enhancing the effectiveness of the Police Department and increasing the public's confidence in the police force. Inspector General Eure reports to DOI Commissioner Peters.

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