



The City of New York
Department of Investigation
MARK G. PETERS
COMMISSIONER

Inspector General Philip K. Eure
Office of Inspector General for the NYPD

80 MAIDEN LANE
NEW YORK, NY 10038
212-806-5200

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nyc.gov/oignypd

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CONTACT: NICOLE TURSO
(212) 806-5225
nturso@oignypd.nyc.gov

EXAMINATION OF SUBSTANTIATED CHOKEHOLD CASES BY DOI'S OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD REVEALS GAPS IN DISCIPLINE AND COMMUNICATION AND RAISES QUESTIONS ABOUT TRAINING OF OFFICERS

Lays Roadmap for a Series of Use-of-Force Studies in the Coming Months

New York, NY – The Department of Investigation's (DOI) Office of the Inspector General for the New York City Police Department (OIG-NYPD) today released the results of a targeted review of ten recent cases in which complaints that officers used chokeholds in altercations with the public were substantiated. The analysis, announced by DOI Commissioner Mark G. Peters and Inspector General Philip K. Eure, found a concerning disconnect in determining discipline, communication road-blocks between agencies in the review of use-of-force complaints, and questions regarding the effectiveness of officer training. OIG-NYPD's recommendations call for a more transparent process for handing down discipline and sharing information related to use-of-force cases.

As acknowledged in the transmittal letter that accompanies the report, the recent tragic shootings of detectives Wenjian Liu and Rafael Ramos have dramatically impacted the City's discussion of policing. Indeed, Commissioner Peters and Inspector General Eure delayed release of the report by three weeks until today out of respect for the detectives and the entire NYPD.

OIG-NYPD reviewed ten cases where the Civilian Complaint Review Board (CCRB) determined, between 2009 and 2014, that police officers used chokeholds and recommended disciplinary action.

The study revealed a complex, opaque process involving several divergent levels of review, evaluation and authority spanning the CCRB and various units of the New York City Police Department (NYPD). The study raised concerns as to whether the NYPD had improperly discounted the CCRB process.

"The NYPD is among the most professional and best trained forces in the world. That undisputable fact, however, does not allow us to ignore genuine issues of concern," said Commissioner Peters. "Here, our investigation raised pressing issues regarding police discipline and use of force that require our immediate attention. This preliminary report lays out a roadmap for the work ahead."

“After the tragic death of Eric Garner, and intense scrutiny of chokeholds, OIG-NYPD conducted a deep-dive into cases involving this prohibited tactic to explore and demystify how these complaints are addressed internally,” said Inspector General Eure. “Our targeted analysis revealed troubling deficiencies from the top-down that must be rectified.”

Chokeholds are strictly prohibited by Section 203-11 of the NYPD Patrol Guide without exception.

Officers found to have used chokeholds can be subject to discipline ranging from “Instructions,” requiring retraining of the officer; “Command Discipline,” which can result in forfeiture of vacation days; or “Charges and Specifications,” the most serious disciplinary measure, which could result in an officer’s termination.

OIG-NYPD’s review of the structure for investigating complaints and imposing discipline found:

- **Inconsistent approaches by the CCRB and NYPD for determining how and when police officers should be held accountable for using chokeholds.** CCRB tended to substantiate cases based on credible evidence, including video footage, witnesses or police officer admissions, and to recommend Administrative Charges, while the NYPD Department Advocate’s Office (DAO), defined chokeholds more narrowly and considered additional contextual evidence, including the circumstances in which a chokehold was used.
- **Routine rejection of CCRB’s disciplinary recommendations by the Police Commissioner without explanation.** Of the six cases where the former police commissioner made a final disciplinary determination, the penalties imposed were either less severe than discipline recommended by CCRB or no penalties were assessed against officers. The Police Commissioner made no indication that CCRB recommendations were even seriously considered, and he departed from them in every case.
- **Uneven exchange of information between NYPD’s Internal Affairs Bureau (IAB) and CCRB regarding chokehold and use-of-force complaints.** IAB notified CCRB of all use-of-force complaints, as required by law, while CCRB did not consistently alert IAB to these same complaint-types when they originated with CCRB – leading to a lack of transparency and varying information between agencies.
- **Questions regarding the effectiveness of training on communication skills and de-escalation tactics.** In several of the cases, officers escalated to force too quickly – in many instances as a first act of physical force in response to verbal resistance.
- **Varied responses in borough- or precinct- level investigations of use-of-force and chokehold complaints.** Borough- or precinct-level investigators are sent to investigate non-force components of chokehold complaints, like summonses or irregularities in arrest paperwork. A review of these “outside guidelines” investigations showed inconsistencies in their performance and results tracking.

To ensure NYPD and CCRB’s practices for dealing with chokehold cases are reliable and transparent, OIG-NYPD made the following recommendations based on its findings:

- Increase coordination and collaboration between NYPD and CCRB to streamline the disciplinary system to ensure consistent standards.

- Ensure that the police commissioner's decisions are reasoned and transparent, particularly when they depart from the recommendations of CCRB.
- Expand the exchange of complaint information between CCRB and IAB to increase IAB's access to information about use-of-force cases.
- Improve the consistency and information sharing of non-force related investigations by borough- and precinct-level investigators stemming from chokehold complaints.

The NYPD has already taken steps to address some of these issues. OIG-NYPD, however, has encouraged the department to consider implementing further measures laid out in the report.

Over the next few months, OIG-NYPD will embark on a more comprehensive review of excessive force allegations to identify possible deficiencies and systemic issues. These findings will be made public in future reports.

To read a copy of the full review, visit OIG-NYPD online at nyc.gov/oignypd.

The Office of the Inspector General for the NYPD is part of the New York City Department of Investigation. Inspector General Eure reports to DOI Commissioner Peters.

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