

Trust:

BRIDGING THE POLICE/COMMUNITY DIVIDE

“Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of the community welfare and existence.”

—Sir Robert Peel, Principle Seven

Promoting Community Trust

When the NYPD established CompStat in 1994, data-driven policing led to smarter, more effective law enforcement. New York now has the lowest property crime rates and among the lowest violent crime rates of any large city in America. Since 1990, index crime, as measured by the seven major felonies under the New York State Penal Law, has fallen by 78 percent even as the city has grown by more than a million inhabitants, with nearly twice as many riders on the city’s transit system and nearly twice as many visitors and tourists.

UNINTENDED CONSEQUENCES

Yet, during the same period, there were unintended consequences in some New York communities – consequences that affected both community residents and the police officers who serve them. The enforcement of laws against minor crimes had contributed to the historic decline in felony crime rates, and higher levels of enforcement activity often correlated with lower rates of crime. Yet, as crime declined, the NYPD’s intensive police enforcement activity was increasingly concentrated in a shrinking number of high-crime precincts, the parts of New York City where crime rates, although cut dramatically from the 1990s, remained too high. In these precincts, the data-driven approach fostered by CompStat slowly shifted from a central focus on crime reduction to a heightened focus on police activity, as measured by arrests, summonses, and stops.

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Subject to intrusive police actions, residents often experienced all the intense focused activity as negative rather than positive. To them, it often felt as if the police were doing things to them and their neighborhoods rather than with them and for their neighborhoods. The police officers working in the higher crime neighborhoods felt and reacted to the community distrust, suspicion and hostility. Some backed away from community engagement and even from justifiable enforcement, fearing that engaging in enforcement activities left them vulnerable to civilian complaints, lawsuits and strict discipline imposed by the Department.

SCRUTINY OF POLICE

The Department itself came under intense scrutiny and criticism, in the courts and the media. In 2013, the City Council passed Local Law 70, which established an Inspector General for the NYPD for the first time in the Department’s history. Also in 2013, the federal courts ruled that the NYPD’s exercise of the police power to stop, question, and frisk had been exercised in an unconstitutional manner. The court appointed a federal monitor to secure compliance with an array of operational changes to police tactics and practices. In 2014, the death of Eric Garner in New York, and the deaths of other African-Americans in encounters with police across the country, brought heightened attention to the issue of public distrust of the police, particularly in minority communities.

The challenge, as Police Commissioner Bratton defined it, is to confront and control our implicit biases and prejudices without letting them control us, and without allowing justifiable concern about the misuse of police power to “prevent us—the police and the people we serve—from delivering on the promise of public safety and mutual respect.”



Many commentators have referenced the long history of animosity and distrust between law enforcement and the African-American community, dating back to slavery, the Jim Crow South and to the era of the great African-American migrations north when police forces in Northern cities routinely subjected African Americans to prejudicial treatment. In the midst of this national debate, Police Commissioner Bratton spoke out forcefully on the role of history, observing that while *“it is relatively easy to acknowledge America’s history of slavery and racial discrimination; it is harder to discern the effects of those historical realities in our time. All of us, black and white, have been shaped in ways that we do not fully understand.”* The challenge, as Police Commissioner Bratton defined it, is to confront and control our implicit biases and prejudices without letting them control us, and without allowing justifiable concern about the misuse of police power to *“prevent us—the police and the people we serve—from delivering on the promise of public safety and mutual respect.”*

GOALS OF THE PLAN OF ACTION

This section of the NYPD Plan of Action maps out a way forward in building trust between the police and the communities we serve. This path forward includes:

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- New models for patrolling the city and interacting with the public at the neighborhood level, including a community partner program that connects young probationary officers with community members as part of their field training.
- A scaling back of enforcement encounters that has already decreased these encounters – arrests, summonses and stops – by nearly one million encounters from highs reached in the previous decade.
- Intensive training in how to manage encounters so that citizens come away with the sense that they have been treated fairly and respectfully, even in cases when enforcement action is taken.
- More respectful, compassionate and responsive treatment of crime victims.

The plan also reflects the steps the Department is taking to build trust with its own employees for the simple reason that a healthy relationship between the Department and its uniformed members can have a decisive impact on how police behave on the job and whether they treat people they encounter in a professional manner. Going forward, the Department’s leadership will be actively managing how they and their staffs treat subordinates on a daily basis, engendering a supportive rather than unnecessarily punitive atmosphere. The Department is also revising training for both probationary police officers and veteran officers to equip them for the challenges of interacting with citizens all across New York with more discretion and a greater emphasis on problem solving. At the same time, the NYPD is extensively reforming its internal affairs and internal discipline functions to give officers accused of misconduct a fair and expeditious resolution in discipline cases.

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Finally, the Plan of Action describes the ways the Department is building a trusting relationship with the entities responsible for the oversight of the Department, including the federal monitor, the NYPD Inspector General and the Civilian Complaint Review Board. The Department has pledged an open and cooperative collaboration with these entities to help ensure constitutional, respectful and effective policing in New York City.

Police Commissioner Bratton has set three goals:

1. The residents of all New York’s communities will feel that they are treated with respect by police officers and are full partners with the NYPD.
2. Police officers will feel respected by their colleagues, their supervisors and the city’s communities, for the work they do and the risks they accept to do it.
3. The Department and its external oversight bodies will work together to identify and solve the Department’s current and future challenges.



Cops and Community

Trust is at the heart of effective policing. In order for the NYPD to carry out its mission to prevent crime, enforce the law, promote public order and contribute to community wellbeing, the Department must earn and maintain the trust of the public.

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The relationship between New York City and the police is a study in contrasts. According to a survey conducted in Spring 2014, 80 percent of New York City residents said they feel safe, yet only 50 percent said the NYPD is doing a very good or good job. The city needs the police, yet many officers feel disconnected from the residents we serve. Confirmed instances of excessive force are at record lows, yet 29 percent of New Yorkers said that they worry about being the victim of police brutality.

LACK OF TRUST IN MINORITY COMMUNITIES

Lack of trust in the NYPD is more pronounced in minority communities. The gap between white and black perceptions of police has been large and persistent for many years. A 2013 report by the Pew Research Center found that the gap in trust between African-American and white respondents at the national level has held steady at 26 percentage points since 1997, even though both the white and African-American assessments of the police have risen in that time.

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In New York City, Quinnipiac University polls have asked respondents at regular intervals if they approve or disapprove of how the New York City police are doing their job. Since 1997, the gap between whites and blacks has fluctuated between approximately 30 and 40 percentage points, decreasing slightly over time. A particularly stark gap between black and white respondents can be discerned in the respondents’ answers to the ques-

tion “do you worry about being a victim of police brutality.” While only 12 percent of white respondents to a January 2015 Quinnipiac poll said that they worry about being a victim of police brutality, 52 percent of black respondents and 38 percent of Hispanic respondents said they did worry about this possibility.

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The NYPD’s own research shows similar gaps, with even broader gaps in populations that have the most frequent contact with the police. In the Spring 2014 survey, there was a 23 percentage point difference between the ratings of white and black respondents in response to the question, “how would you rate the job that the New York Police Department is doing.” Young black males are more than twice as likely to rate the NYPD as doing a poor or very poor job as young white males. The gap persists, but narrows considerably among men over 60, who have fewer interactions with the Department.

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The concept of procedural justice, supported by a considerable body of research, emphasizes the importance of a sustained focus on improving day-to-day interactions between the police and members of the public. This research demonstrates that personal interactions have powerful and lasting effects on the public’s perceptions of police. If the interactions are conducted with respect, including an explanation of actions taken by the police officer, and if they provide an opportunity for the member of the public to ask questions and understand the steps taken, then the respect for the law enforcement agency will increase even in cases when an enforcement action results. This research, well established over the past decade,



underscores a central tenet of this Plan of Action – that the NYPD must strive to improve every encounter with the public. These improvements will help narrow the trust gap between the NYPD and the city’s various communities and will move the Department towards a better relationship with all New Yorkers.

CITYWIDE COMMUNITY COLLABORATION AND COMMUNITY PARTNERS

For more than a decade, the NYPD had been sending probationary officers, newly graduated from the Police Academy, to serve in high-crime areas under a program known as Impact. They were assigned to specific high-crime zones and were primarily charged with suppressing crime and violence, using reasonable suspicion stops as one tool. Impact assignments were fixed posts, with enforcement and crime suppression as first priorities, and most of the community contact that the young officers experienced tended to be of a confrontational nature. While this program may have had an effect in driving down shootings, it provided very limited field training to the probationary officers who generally were not exposed to the wider range of police roles and responsibilities, including car stops, traffic accidents, domestic violence incidents, aiding injured and sick people, and general non-adversarial contact with the public.

“Under the Department’s new program, the probationary officers are assigned to carefully selected field training officers, in a two-to-one ratio. The two probationary officers and the field training officer patrol together, exposing the probationary officers to the full spectrum of the patrol officer’s job, answering calls for service, intervening in domestic disputes, responding to car accidents, and meeting and interacting with people in the neighborhood and on the street.”

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Commissioner Bratton also has launched the Community Partner Program, to improve and deepen the relationship between probationary police officers and the communities we serve. Under this program, the Department has engaged community leaders to work with newly appointed field training officers to introduce probationary police officers to the neighborhoods they will be policing. This effort represents a significant shift in the way that new police officers, coming to their first assignments following graduation from the Police Academy, learn about neighborhoods where they will work and the role of the police in the community.

“At least three community partners have been identified in each precinct, and two in each Transit Bureau district and each Police Service Area of the Housing Bureau. These are citizen volunteers who know their communities and are willing to share their knowledge with the NYPD probationary officers. Their role is to serve as a bridge between the new officers and the neighborhood, helping them to develop a familiarity with, and a stake in, the civic life of the community.”

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The goal of these initiatives is simple and powerful: to define, within the NYPD, a new sense of mission, reflecting the current realities. Twenty years ago, the Department embraced the mission



of crime reduction, and the results have been historic. Now the uniformed and civilian members of the NYPD must embrace a closely related mission: to build an even safer, fairer city on a strengthened foundation of trust between the police and the public.

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This new mission encompasses many concrete steps:

- At the precinct level, commanding officers will host problem identification meetings to assess and prioritize problems that police officers and local residents believe to be giving rise to crime, fear and disorder within the precinct.
- To facilitate greater collaboration and understanding between the NYPD and the public, the Department will host a series of precinct-level community forums and events.
 - o The Department will invite community members to address roll calls to inform officers about community sentiment and priorities.
 - o Precinct commanding officers will host “meet and greet” events at precinct council meetings, so that community members can meet the officers deployed to their neighborhoods.
- The Department is collaborating more closely with local tenant associations, block associations, business improvement districts and other community groups at the precinct level. The goal of this increased collaboration is to identify and address public safety problems, including very localized issues that traditionally have not been discussed in the Precinct Community Council meetings.

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issues that traditionally have not been discussed in the Precinct Community Council meetings.”

- Police officers and their supervisors should view every daily police-community interaction as an opportunity to build trust. The Department’s uniformed officers are being trained to create a greater sense of procedural justice by explaining why they are doing what they are doing, demonstrating that the decision making process is fair, neutral and transparent, and, whenever feasible, giving citizens opportunities to ask questions. Uniformed officers taking police action are expected to explain the reasoning behind that action whenever feasible.
- The development and distribution of Department phones to every police officer and tablets to every patrol vehicle is enhancing engagement with the community.
 - o Conditions maps will be downloaded to mobile devices and used to direct officers to address key locations.
 - o The Department will develop an application that provides officers with a direct interface with the 311 system. Officers will be able to submit work orders to various city agencies and start the process of ameliorating neighborhood conditions that traditionally lie outside of the police mission, such fixing street lights, removing abandoned cars, or picking up garbage and debris.

(See the Technology Section of this Plan of Action for a fuller description of the capabilities of the Department phones and tablets).

NEW MODEL FOR PATROL AND COMMUNITY ENGAGEMENT

Central to the Department’s efforts to improve public trust and enhance police effectiveness is the new Neighborhood Policing Plan. Developed by Chief of Department James O’Neill, this initiative has been launched in four precincts – the 100th and 101st Precincts in Queens South and the 33rd and 34th Precincts in Manhattan North. The new Neighborhood Policing Plan greatly increases the opportunities for community/police collaboration in determining neighborhood priorities. (For more information on the Neighborhood Policing Plan see the Tackling Crime Section of the Plan of Action)



- Officers will work with community members to develop neighborhood work groups (NWGs) at the sector level, i.e. the neighborhood subdivisions within each precinct. The NWGs will bring community members together with the police officers assigned to each sector to identify conditions and develop strategies to address them. The NWGs are conceived as working groups that will set priorities, design strategies and guide police action at the neighborhood level.

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- The new Neighborhood Policing Model seeks to maximize the effectiveness of individual police officers to control and address crime and conditions in their neighborhoods. In the pilot commands, patrol officers will be allotted 33 percent off-radio time during which they will not be required to answer 911 calls for service. They will be directed to use this time with community members to identify and resolve disputes and neighborhood crime patterns and conditions.
- To provide a clear point of coordination between each Neighborhood Working Group and the precinct, the NYPD has established a new position in the pilot commands of the neighborhood coordinating officer (NCO). The NCOs are senior police officers charged with leading community outreach efforts, coordinating the Department’s resources with the other city agencies and directing problem solving activities in their sectors. There will be two NCOs assigned to each sector.

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SHIFTING THE DEPARTMENT’S ACCOUNTABILITY AND PERFORMANCE METRICS

To support this new direction for the NYPD, the Department is designing new metrics to encourage officers and their supervisors to engage in actions that develop public trust. Just as the metrics underlying the successful CompStat model have created a culture of accountability for public safety within the NYPD, the new metrics will support a new emphasis on the mission of building public trust. The NYPD will establish systems to reward officers who operate in an open, approachable and transparent manner. Rather than focus only on reports of law enforcement activity as a measure of performance, the new metrics will also recognize officers who use the least amount of force necessary to control crime and correct conditions. Through training and supervision, the NYPD will promote the idea that officers taking enforcement action should, where possible, listen to the questions of the concerned parties and explain the reasoning behind their actions. To ensure that such metrics become fully integrated into the Department’s culture, the NYPD will also use them to evaluate commanding officers at CompStat.

The Department will use phone surveys, social media surveys, and quality control callbacks to gauge the public’s perception of the NYPD and identify key public engagement areas in which the Department can improve. The results of these surveys will be used to inform the precinct and PSA commanders with respect to how their officers are perceived by the residents in their respective commands. At their core, these metrics will evaluate a police officer’s ability to:

- Treat every encounter with the public as an opportunity to build trust.
- Ensure that a police officer’s decisions are perceived by the public to be fair and neutral.
- Ensure that, whenever possible, subjects of a police encounter believe that they have been treated in a respectful and courteous manner.

The Department will discontinue the current Quest for Excellence evaluation system, which has monitored officer performance mostly by tracking enforcement-related actions. Although intended to encourage problem solving by officers,



Quest for Excellence was never a success in the field where officers regarded it as de facto quota system pressing for more arrests, summonses and other enforcement actions and where sergeants, who prepare the evaluations, considered the Quest system to be unwieldy, too focused on arrests and summonses, and poor way to accurately evaluate their personnel.

Quest will be replaced by a comprehensive performance evaluation tool designed to encourage proactivity, the pursuit of broader goals and genuine evidence-based problem solving by police officers.

- Traditional enforcement metrics measuring police activity such as arrests will still be used, but they will be supplemented by, and to a certain degree subordinated to, new and equally important metrics focusing on other aspect of the police function, including problem identification, adaptability and responsiveness, judgment, reliability, community interaction, departmental interaction, quality and timeliness of written reports and leadership and initiative. The Department will evaluate its officers on how well they solve problems, how effective they are at using their discretion and how reliable they are in the field.

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- The evaluation report will include a self evaluation form which will allow officers to note significant accomplishments, including outstanding arrests, important community interactions and events and meetings the officer may have helped organize.

- In addition to how they manage crime, commanding officers will be evaluated on their ability to motivate their officers and to foster, in their personnel, the characteristics set forth above.

Improving the Response to Victims of Crime

A respectful, humane and professional response to victims of crime is a fundamental component of justice. A crime represents a breach of the social fabric. Victims of crime often experience trauma, incur significant losses, suffer health and mental health issues that may cause them to withdraw from social interactions and generally encounter difficulty in getting their lives back on track. Justice is served for victims when, in addition to the apprehension of the offender, government recognizes the harm they have suffered and helps them rebuild their lives. By working with victims, the police help to repair the social fabric and promote a sense of justice.

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As Police Commissioner Bratton has observed, the Department asks a great deal of crime victims and does so when they are recovering from what is often a traumatic event. They are asked to identify the perpetrator, sometimes at personal risk; to work with the prosecutor and the courts to pursue a criminal case against the defendant; and to take time off from work, find childcare and generally rearrange their lives to support the law enforcement mission. Victims often do all this when their direct needs arising from the crime are not being met, from practical needs such as replacing eyeglasses broken during a robbery or filing for victim compensation to emotional needs such as seeking counseling or relocating.

How a police department responds to victims of crime reveals much about the character of that department. Each day, crime victims have thousands of interactions with civilian and uniformed members of the NYPD – from the victim’s call to 911, to the treatment they receive from respond-



ing officers, to questioning by detectives, to retrieving their stolen property from the property clerk. If those interactions are managed well, the public trust in the Department is enhanced. As first responders, police officers are the most visible representatives of the government, so respectful interactions with crime victims will also improve public confidence in city government itself.

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Victims of crime are essential to the Department’s efforts to promote public safety. If victims have confidence in the work of the Department, they will be more likely to report crimes, to participate in a prosecution if needed, and to encourage others to bring criminal activity to the attention of the police. If the Department recognizes the safety needs of crime victims, and works to reduce repeat victimization, then crimes will be prevented. The NYPD’s crime-fighting capacity is directly enhanced if victims are treated well.

NYPD INTERNAL SURVEY OF VICTIM SERVICES

Because crime victims are important in multiple ways to the Department’s ability to carry out its mission, Commissioner Bratton has called for a thorough examination of the Department’s policies, practices and relationships with victims and their advocates as part of the NYPD Plan of Action.

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In 2014, the Department established a new level of cooperation with victim advocates and victim services organizations, a new awareness of the importance of the NYPD response to victims among the leadership of the Department, and an ambitious process to comprehensively review all NYPD policies that have a bearing on victims in close collaboration with external stakeholders.

In early 2014, Commissioner Bratton directed Deputy Commissioner Susan Herman of the newly established Office of Collaborative Policing (DCCP) to undertake a review of the Department’s response to victims of crime. He further directed that as the review identified policies that could be changed, those changes should be put into effect immediately, while the Department continued to develop an inventory of changes, large and small, that would reform and improve the department’s treatment of crime victims.

The DCCP office conducted a top-to-bottom review of all ways that the Department responds to, or interacts with, victims of crime. This review was designed to answer three questions: How can the NYPD keep victims safer? How can the NYPD treat victims more respectfully? And how can the NYPD minimize unnecessary burdens experienced by victims of crime?

DCCP surveyed all the bureaus and offices that interact with crime victims and conducted follow-up, in-person meetings with the heads of those bureaus and offices. DCCP also hosted a series of meetings with victim advocates and victim service agencies, seeking their viewpoints and comments as part of this comprehensive review.

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DCCP convened focus groups of special populations of crime victims – e.g., teens, homicide survivors, deaf and hard of hearing, victims of sexual assault, victims of traffic collisions – to learn directly from them about their experiences with the NYPD and their recommendations for change. The Department has also convened quarterly meetings of advocates who represent victims of different categories of crime.



PROGRAMS AND INITIATIVES TO IMPROVE VICTIM SERVICES

- An important early accomplishment emerging from the Department's review of victim services was the provision for victim advocates in precincts and the Housing Bureau police service areas (PSAs) across the city. The Fiscal Year 2016 budget provides funding to hire a domestic violence advocate and a generalist crime victim advocate for every precinct and PSA over the next three years. This new staff will have an enormous positive impact on the Department's ability to help victims rebuild their lives.
- The Department has developed a protocol to mitigate the trauma experienced by a child when a parent or caregiver is arrested. The Deputy Commissioner of Collaborative Policing has drafted guidelines to minimize the child's observation of the actual arrest, whenever possible, and to ease the transition to a new caregiver. These guidelines are currently being tested in two precincts.
- The Department revamped the U-Visa certification process, which gives victims of crimes protection from deportation, by publishing a clear explanation of the process on the NYPD's website, providing applicants reasons for denials, creating a review process, and adding signatories to the certification process to clear the current backlog.

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- To respond more effectively to crimes against the elderly, the Department has issued a FINEST message to police officers, explaining the roles and resources of Adult Protective Services (APS) and the Department for the Aging (DFTA) as partners of law enforcement. The Domestic Violence Unit within each precinct has been designated the precinct-level point of contact for Adult Protective Services, Department for the Aging, elder abuse advocacy groups and the public.

- The Department coordinated training for Transit Bureau officers with the nonprofit *Hollaback!* regarding street harassment, the dynamics of groping on the subways, and how these types of incidents affect victims.

- The Department asked the New York City Sheriff's Department to take a more active role in the service of Family Court Orders of Protection and encouraged victim advocates to seek the sheriff's assistance in serving orders of protection. In the six months following the implementation of this program, the Sheriff's Department served 2,622 orders of protection, compared to 957 in the same period of the prior year, a 174 percent increase.

- The Department coordinated efforts to raise public awareness of, and participation in, victim advocacy campaigns, including Denim Day, Domestic Violence Awareness Month, Stalking Awareness Month and National Crime Victims' Rights Week.

- The Department is collaborating with the Deaf Justice Coalition to enhance the Department's interactions with the deaf and hard of hearing by designing a new protocol to provide sign language interpreters through the officers' tablets soon to be piloted in three precincts.

- The Department is partnering with four nonprofits to create several roll call training videos. The topics include: elder abuse, victims of traffic collisions, the needs of the deaf and hard of hearing, and understanding religious differences.

- The Department learned that a woman in a motorized wheelchair who had crashed into a glass bus shelter and suffered serious injuries, but had refused medical assistance because neither the NYPD, EMS nor the FDNY could transport her large, non-collapsible wheelchair to the hospital. The Department purchased 10 carriers for use by NYPD Emergency Service Unit to transport motorized wheelchairs and



implemented command level training regarding the new equipment and protocols.

- To improve the Department's response to the families of homicide victims, the Department has launched a pilot program with the Detective Borough Bronx, Safe Horizon and the Bronx District Attorney's Office. The program is intended to foster more frequent communication, including regular meetings between the detective assigned to a given case and the family members of the victim in that case. The commanding officer, Detective Borough Bronx is visiting homicide survivor support groups to explain the criminal justice process. All Bronx homicide detectives are attending training on best practices for working with homicide survivors.

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- To increase reporting of sexual assaults on college campuses, the Department has sent new Memoranda of Understanding to 74 New York City colleges and universities. These agreements set forth the schools' reporting obligations to the NYPD, consistent with new federal and state laws. The NYPD is also seeking information about students' experiences in reporting sexual assaults to the NYPD and students' suggestions for improvement.

- The Department has partnered with the Metropolitan Transportation Authority to provide disabled victims and witnesses better service. Officers can now call Access-A-Ride and request same-day transportation for a victim or witness who is working with the Department. Access-A-Ride will dispatch a vehicle within an hour to pick up the disabled person without pre-registration.

- The NYPD is exploring ways to ensure that members of the public with limited English proficiency can access police service through high quality translation services. The Department is actively encouraging officers who are bilingual to take a test to certify their proficiency so they can function as interpreters. The Department is also piloting a new protocol to promote the use of LanguageLine or certified interpreters.

- The Department has designed a system allowing victims to call ahead to the Property Clerk to locate property invoiced for safekeeping and to ensure that the property will be available for pick up when the victim arrives.

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- The NYPD is conducting a pilot program to test the effectiveness of technology in locating missing persons. In-shoe GPS and Radio Frequency (RF) technologies are being used to locate persons who chronically go missing because of dementia or other causes. The Department anticipates using this technology with other vulnerable groups, including children with autism.

The Department is now engaged in the next stage of its review of victim services and issues which consists of extensive outreach and consultation, review of the training of all NYPD personnel, and the launch of pilot programs designed after the first part of the review process. During 2015, the Department will pay particular attention to rethinking the Department's approach to domestic violence enforcement, developing a more comprehensive anti-human trafficking strategy, and developing a more effective set of responses to victims of sexual assault.



Trust Within the NYPD

The NYPD must treat its own employees with the same level of courtesy and respect that it expects its officers to exhibit during their day-to-day activities. How “the Job” treats its officers has a direct impact on how officers treat the community. If officers are treated well and respectfully by their organization, they will be far more likely to treat the public well. Any discussion of improving public trust in the NYPD and enhancing the legitimacy of law enforcement must therefore include a discussion of how officers are treated by the Department. Officers should experience the same sense of procedural justice as the public. They must understand the reasons for policies and practices, they must be given the opportunity to raise questions, and they must perceive that the Department is fair.

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Many members of the Department perceive the NYPD as an organization that has run on fear. The fear of getting “jammed up,” the anxiety associated with failing to reduce crime in a command, and the constant concern about the possibility of supervisor retribution, across all ranks, underlies many of the business processes of the NYPD. While fear can be an effective motivator in limited ways, it has a corrosive impact on morale, job satisfaction and, ultimately, productivity.

“Police Commissioner Bratton is committed to replacing fear with trust and respect in all the internal dealings of the NYPD. Establishing trusting relationships across the ranks of the NYPD will motivate officers and encourage initiative without having to scare them into action.”

Police Commissioner Bratton is committed to replacing fear with trust and respect in all the internal dealings of the NYPD. Establishing trusting relationships across the ranks of the NYPD will motivate officers and encourage initiative without having to scare them into action. But unlike a culture of fear, which can be instilled immediately through the threat and application of punishment, creating a culture of trust and respect takes perseverance, patience and consistent attention, until over time, trust is earned.

“To truly build internal trust, the Department’s leadership must be acutely aware of, and actively manage, how they and their staffs treat subordinates on a daily basis.”

To truly build internal trust, the Department’s leadership must be acutely aware of, and actively manage, how they and their staffs treat subordinates on a daily basis. The Police Commissioner, his executive staff, and mid-level executives must consistently demonstrate their trust and support of the rank and file officers who keep this city safe. To institutionalize these goals at an organizational level, the Police Commissioner is committed to:

- Building a transparent, swift and fair disciplinary process.
- Empowering and supporting the front-line officers and supervisors.
- Acknowledging and rewarding outstanding performance.
- Developing consistent and transparent opportunities for advancement.

In the months following his appointment, Police Commissioner Bratton appointed Chief Joseph Reznick as the Deputy Commissioner, Internal Affairs Bureau, Kevin Richardson as Department Advocate, and Rosemarie Maldonado as Deputy Commissioner, Trials. These appointments sent a clear message that the commissioner intended to change the Department’s internal affairs and discipline culture.



REFORMS TO THE INTERNAL AFFAIRS BUREAU

The Internal Affairs Bureau (IAB) was believed by many to have established a system that incentivized its investigators to hold their cases open for a long time, only to find the subjects guilty of minor offenses, sometimes wholly unrelated to the original reasons for the investigation. The process too often led to prolonged and overly intrusive investigations and harsh penalties. Prolonged IAB investigations prevented officers who had committed minor transgressions from being promoted or transferred into another assignment while their cases remained open.

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Deputy Commissioner Reznick has described the new IAB as striving to be “fair to cops, fair to the Department, and fair to the process.” He has been streamlining IAB investigations and making other changes to ensure a fairer process.

- IAB has withdrawn entirely from monitoring appearances at traffic court and monitoring the use of NYPD placards and towing cars. These functions are now managed by borough investigations units under the oversight of the Chief of Department.

“IAB resolves cases involving corruption and serious misconduct in a fairer and faster manner. Cases involving minor transgressions are referred to unit commanding officers, who are given the discretion to investigate and punish officers who commit minor infractions.”

- On a weekly basis, IAB reviews current cases and closes cases that no longer present any further avenues of investigation. IAB ensures that proven investigative strategies are appropriately utilized to pursue open cases.
- IAB resolves cases involving corruption and serious misconduct in a fairer and faster manner. Cases involving minor transgressions are referred to unit commanding officers, who are given the discretion to investigate and punish officers who commit minor infractions. If, in the course of an investigation, IAB finds

that an officer made an improper memo book entry or improperly vouchered a suspect’s property, the bureau will notify the commanding officer of the offending officer’s command to handle the transgression in an appropriate manner. IAB is no longer issuing B-level Command Disciplines for improper memo book entries or other minor offenses.

“Instead of closing cases as ‘unsubstantiated’, which leaves a question hanging over the subject officer’s head, whenever possible, IAB will conduct further investigation to designate these cases as ‘unfounded’, ‘substantiated’, or ‘exonerated’.”

- To ensure that trends are identified and addressed, IAB has revamped the complaint analysis to explain, rather than merely state, the trends in IAB cases. IAB investigators seek to identify any changes in patterns in complaint activity, as well as the possible causes for these changes.
- Instead of closing cases as ‘unsubstantiated’, which leaves a question hanging over the subject officer’s head, whenever possible, IAB will conduct further investigation to designate these cases as ‘unfounded’, ‘substantiated’, or ‘exonerated’.

“Streamlining case closings and sending minor disciplinary cases back to the commands has resulted in a dramatic reduction in open IAB cases with current caseload falling from 2,196 cases in March 2014 to 746 cases in May 2015. Open cases awaiting action in the city’s five district attorneys’ offices have fallen from 112 cases to 36.”

- To promote transparency in IAB’s investigative process, the Department has opened IAB cases to commanding officers of various Department units. This will allow IAB to gain valuable intelligence by soliciting commanding officers’ perspectives and insights. If IAB identifies a clear pattern, notifying commanding officers will also allow the commanders to take immediate action to prevent further problematic behavior.

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REFORMS TO THE DEPARTMENT ADVOCATE'S OFFICE AND THE NYPD TRIAL PROCESS

The disciplinary process at the NYPD has been convoluted and confusing. Preparation of charges and specifications takes time. The time delay can be avoided if the officer enters a plea of guilty. Yet, any plea deal between the officer and the Department Advocate is subject to a chain of oversight and approval, up to the level of the Police Commissioner. In the past, as the plea agreement traveled up the chain, the terms of a plea agreement could be changed many times, resulting in a prolonged resolution process.

“The Advocate’s office is streamlining the current plea bargaining process to accelerate plea negotiations and administer punishments more quickly and fairly, thereby allowing officers to move on with their careers.”

Like IAB, the Department Advocate’s Office (DAO), which functions as the equivalent of the prosecutor in NYPD discipline cases, has been reforming its processes and dealing more fairly and openly with the cases it tries and negotiates. Deputy Commissioner Richardson is making both the plea agreement process and the trial procedure faster and more equitable.

- The Advocate’s office is streamlining the current plea bargaining process to accelerate plea negotiations and administer punishments more quickly and fairly, thereby allowing officers to move on with their careers.
- An officer’s prior record weighs as a significant factor in determining the severity of punishment and the plea agreement.
- The plea deals agreed upon by the Office of the Department Advocate and the accused officer will rarely be reversed by executives in the chain of command and the Police Commissioner’s Office.

“The Department Advocate’s Office is recommending fairer penalties in keeping with the nature of the offense and the officer’s prior disciplinary history. For the first time it also is negotiating with the CCRB, in a process known as Penalty Reconsideration, when it believes that the penalties recommended in a case are too severe.”

The Advocate’s office has established a recurring 30-day review of all cases and has allocated sufficient attorneys to expedite cases whenever possible. The overall streamlining of the discipline system, the fast tracking of cases and the monitoring of case progress all ensure that cases are not stalled for extended periods. The elapsed time in year-to-date comparisons for a case to move from the time when charges are returned against an officer to the Police Commissioner’s sign-off finalizing the case and penalty has fallen from 497 days in 2003 to 230 day in 2015.

“All of these reforms have had a substantial impact on the number of vacation days taken from officers as disciplinary penalties. Days taken from officers have fallen from almost 18,700 in 2013 to about 10,400 in 2014, and are on track to total approximately 7,900 in 2015.”

The Department Advocate’s Office is recommending fairer penalties in keeping with the nature of the offense and the officer’s prior disciplinary history. For the first time it also is negotiating with the CCRB, in a process known as Penalty Reconsideration, when it believes that the penalties recommended in a case are too severe. The number of cases in which charges and specifications are filed has fallen steeply. The charges and specifications procedure is the most serious disciplinary procedure in the NYPD discipline process. Year to date through May, total charges and specification cases have fallen from 505 in 2014 to 330 in 2015, or by 34.6 percent. Reduced charges and specifications from CCRB is major contributor to this trend, having declined by 48.5 percent in a year-to-date comparison with 2014.

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Police officers can request and quickly receive information about their cases from the Advocate’s office, including current case status and the possible sanctions they face. The Advocate’s office is also in regular communication with attorneys representing officers, which helps move cases to resolution faster. The Advocate’s office is planning several other initiatives to keep officers informed about their rights and their cases.



- The office will publish literature that clearly outlines the disciplinary process, the rights of officers, avenues for redress, the time frames involved and the expectations at each step of the process.
- The office is budgeted to establish a formal help desk to field inquiries for members of the service, attorneys, and union representatives involved in disciplinary proceedings.

SUPPORTING THE FRONT LINE

Commissioner Bratton is committed to giving front-line officers and supervisors the independence, flexibility and support they need to make the best decisions in the unpredictable and evolving dynamics of the policing field. Decision-making is honed through training and practice, with the understanding that even the best efforts sometimes fall short.

“To reestablish their authority, Commissioner Bratton and his command staff are supporting police officers and their direct supervisors with the training, technology and operational assets they need to enhance day-to-day operations.

Fear of occasional mistakes has bred a tacit practice of distrusting the decisions of front-line officers and supervisors. As a result, front-line supervisors often wait for others to make decisions in an attempt to limit their own liability. An NYPD’s survey indicates that police officers, sergeants and lieutenants feel that they have not been supported by the Department in the recent past. Commanding officers have tended to micromanage their commands, which hardly encouraged front-line officers to make sensible decisions quickly. To reestablish their authority, Commissioner Bratton and his command staff are supporting police officers and their direct supervisors with the training, technology and operational assets they need to enhance day-to-day operations.

- The Department will design and implement an anonymous bottom-up review process, complementing the current top-down review process, to ensure that all supervisors treat their subordinates respectfully and fairly. Reviews will be used to evaluate mid-level executives’ leadership capability during any promotional review. This bottom-up evaluation process will also be used when a supervisor of any rank is being considered for a desirable assignment or transfer. The reviews will be made available

to each commanding officer or supervisor who has been reviewed, so they are aware of how they are perceived by their subordinates.

- The command staff, Training Bureau, Personnel Bureau and the Information Technology Bureau will ensure that police officers are able to comment on the training and technology they receive. These comments will be collected regularly and will be used to revise and adapt both the training and technology, ensuring that police officers and their supervisors continue to receive the operational support they need in a timely manner.

“As the immediate supervisors, the sector sergeants will have frontline responsibility for establishing a new work culture among the police officers emphasizing collaborative problem solving in addition to answering calls for service. Proper oversight by the sector sergeants will ensure that the uncommitted, off-radio time is used productively.”

- The Neighborhood Policing Plan pilot project under way in two precincts in Queens South and two precincts in Manhattan North (see the Tackling Crime section of the Plan of Action) is designed to give the rank and file, and their supervisors, responsibility for their command’s crime and conditions. In these four commands, officers will spend 33 percent of their tour off-radio to engage community stakeholders and address community conditions in a steady sector. Sergeants will be empowered and supported by their commanding officers to manage and track the performance of their subordinates. As the immediate supervisors, the sector sergeants will have frontline responsibility for establishing a new work culture among the police officers, emphasizing collaborative problem solving in addition to answering calls for service. Proper oversight by the sector sergeants will ensure that the uncommitted, off-radio time is used productively.

- As initiative and discretion is pushed down to the rank and file, an officer’s direct supervisor will have an increased responsibility and capability to positively affect that officer’s behavior. The metrics for every officer’s yearly performance review will be standardized, and sergeants will be expected to discuss their subordinates’ performance on a quarterly basis.

- To ensure that every officer understands their own record before they are placed on any type of monitoring, an officer’s Central Perfor-



mance Index (CPI) will be made available to the officer along with an explanation for each set of points.

The Department will establish a system of formal structures designed to commend members who perform their duties with exceptional honor and diligence. The Department is developing a number of mechanisms designed to record and encourage praise as a means of encouraging members to do their best.

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Supervisors will be able to enter their subordinate’s accomplishments directly into an officer’s personnel record. These commendations will increase opportunities to secure benefits such as specialized training, Commander’s Days, and Department-wide recognition and will be a critical factor in determining and ameliorating penalties in the event that the officer is ever disciplined.

CAREER PATHS AND OPPORTUNITIES FOR ADVANCEMENT

A recent assessment of the current promotional processes, both civil service and discretionary, for uniform and civilian members of the service found that there is a substantial shortage of officers aspiring to supervisory and management positions. The Department is exploring a range of options to establish incentives for promotion at

each rank. Uniform and civilian members should believe that the Department is invested in their career advancement and be inspired with a sense of challenge and accomplishment at each step of the career ladder.

“Better training and continuous education will improve the quality of the NYPD. Encouraging and rewarding further education will pay immense dividends to the Department. The Department is examining ways to offer a broader range of scholarships at different educational levels.”

- The Department is planning to establish a Civilian Advancement Board, comparable to the Uniform Advancement Board, which will ensure a more transparent, fair and merit-based advancement program for civilian employees that weighs such factors as performance and supervisory recommendations.
- Better training and continuous education will improve the quality of the NYPD. Encouraging and rewarding further education will pay immense dividends to the Department. The Department is examining ways to offer a broader range of scholarships at different educational levels. The Department plans to open these opportunities to all officers, not merely those seeking advanced degrees.
- The NYPD is actively examining possibilities for offering more classes that carry college credits providing additional incentives to pursue higher education and granting greater flexibility in work schedules to secure educational opportunities. The Department will also ensure that an employee’s education records are tracked and are a significant factor in advancement opportunities.



The NYPD and Public Oversight

The New York Police Department currently operates under an unprecedented level of external oversight. Some of these oversight entities have been in existence for many years, including the Civilian Complaint Review Board. Others are of more recent vintage, including the NYPD Inspector General and the federal monitor established as a result of the judicial decision in *Floyd v. City of New York*. To establish greater public trust in the police, it is imperative that the NYPD work closely and collaboratively with these entities, recognizing that each has a separate purpose under the law, while always remaining true to the distinct mission of the NYPD.

THE CIVILIAN COMPLAINT REVIEW BOARD (CCRB)

The CCRB receives and investigates complaints of police misconduct filed by individual members of the public. It has the power to investigate these complaints and recommend disciplinary action. Commissioner Bratton has clearly stated his intention to work with CCRB Chairman Richard Emery to ensure that these investigations are conducted fairly and that citizen complaints are being resolved appropriately.

“The NYPD and the CCRB are working to expedite the investigation and the mediation processes for alleged FADO incidents. In May-to-May comparisons for 2104 and 2015, the results have been extraordinary.”

The CCRB is charged with the external oversight and investigation of excessive force, abuse of authority, discourtesy and offensive language, the so-called FADO cases. The CCRB’s Administrative Prosecution Unit (APU) serves as the prosecutor in the NYPD Trial Room for FADO cases, with very limited exceptions. The NYPD and the CCRB are working to expedite the investigation and the mediation processes for alleged FADO incidents. In May-to-May comparisons for 2104 and 2015, the results have been extraordinary.

- Open cases have fallen from 1,964 to 758.
- The average time to complete an investigation has fallen from 282 days to 69 days.

- The average time to interview the civilian complainant has fallen from 31 days to 11 days.

- The average time to interview the police officer in a case has fallen from 228 days to 53 days.

CCRB is recommending less severe punishments with Charges and Specifications, the most severe level of discipline, being recommended 53 times year to date compared with 103 times in 2014.

THE FEDERAL MONITOR

In 2014, New York City settled the class action lawsuit *Floyd v. City of New York*, in which the federal court found that the NYPD’s stop, question and frisk practices were being carried out in an unconstitutional manner. It has since settled or is in the process of settling two other suits, *Davis*, which concerned stops in New York City Housing Authority (NYCHA) Buildings and *Ligon* which concerned stops in Trespass Affidavit Program (TAP) buildings in which landlords have authorized interior patrols by police officers. Federal District Court Judge Shira Scheindlin appointed Peter Zimroth, a former prosecutor and corporation counsel, as monitor to oversee comprehensive reforms with respect to all three cases. Included in these reforms was the implementation of a body camera pilot project in the precincts with the highest number of reported stops. The court also appointed a facilitator to solicit community opinion about the revised policies and procedures to ensure that those most affected by the NYPD’s use of stop and frisk have a voice in the reform process.

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Commissioner Bratton is working closely with the monitor and has pledged the resources of the Department to ensure compliance with the orders of the court. So far the Department as worked with the monitor on variety of initiatives and reforms:



- Redrafting of the NYPD stop and question policy, and the stop and question report, for clarity and conformance with federal and state standards. The new report includes a provision for supervisory review and judgment as to whether a stop had a reasonable basis.
- Revision of NYPD interior patrol policies in NYCHA and TAP buildings to reflect the court decisions.
- Revision the NYPD racial profiling policies to emphasize that any enforcement actions must be based on specific suspect descriptions and not generalized demographic information.
- Revision to Police Academy recruit training, the Field Training Guide, and in-service training to reflect the court decisions and the constraints on stops.
- The development of parameters for a robust body camera program in approximately 20 precincts to be matched with 20 control precincts to test and shape the program. The NYPD is already piloting body cameras in five precincts

THE POLICE INSPECTOR GENERAL

In 2013, the City Council passed Local Law 70, which established the Office of the Inspector General for the NYPD (OIG-NYPD). The OIG has an expansive mandate to investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices of the NYPD. OIG recommendations are submitted in reports to the Mayor, the Speaker of the City Council and the Police Commissioner. The OIG has a staff of more than 40 investigators, attorneys, policy analysts, data analysts, auditors, community outreach personnel and support staff. The stated goal of the OIG is to enhance the effectiveness of the NYPD and increase the public's confidence in the NYPD, which will build stronger police-community relations. Mayor de Blasio and the Department of Investigations Commissioner Mark Peters named Philip Eure, an attorney with extensive experience in oversight of police organizations, to the position of Inspector General.

“The OIG has an expansive mandate to investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices of the NYPD.”

The Office of the Inspector General NYPD has issued one report entitled “Observations on Transparency and Accountability in 10 NYPD Chokehold Cases,” to which the Police Commissioner has replied. The report made certain recommendations with respect to cooperation between the CCRB and the NYPD and suggested changes to the Department’s review process. These recommendations are in the process of being implemented. The OIG intends to publish reports in 2015 on, among other topics: surveillance of religious and political organizations; use of force; the issuance of C-summonses; and the NYPD’s interactions with emotionally disturbed civilians.

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THE RISK MANAGEMENT BUREAU

In addition to establishing a strong, collaborative relationship with both the court-appointed monitor and the Inspector General, the Commissioner recognized the need for a modern compliance and risk assessment function within the NYPD. The bureau responsible for this function must be capable of developing and overseeing programs that promote NYPD compliance with both the letter and the spirit of all applicable laws, as well as internal NYPD rules and policies. It will also be responsible for proactively identifying and mitigating the risk inherent in a number of Department processes.

Commissioner Bratton has established a new Risk Management Bureau, responsible for working with these oversight bodies, as well as proactively correcting weaknesses in policies, procedures and practices that place the Department at risk of legal action, operational inefficiencies and reputational damage. This new bureau reports to the Deputy Commissioner for Legal Matters Lawrence Byrne, (DCLM), the NYPD’s chief legal officer.

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The establishment of the Risk Management Bureau has allowed the Department to work expeditiously and thoughtfully alongside the court-appointed monitor to improve practices and meet the goals established by the monitor to revise policies, training curricula, supervision and discipline related to stop, question and frisk, as well as racial profiling, while simultaneously ensuring that the Department is executing its core mission of preventing crime and disorder.

The new Risk Management Bureau comprises several units and divisions:

- The Compliance Division is responsible for working with and responding to the oversight bodies and developing compliance programs designed to initiate positive change in the Department and address issues raised by the oversight bodies.
- The Risk Mitigation Division is responsible for identifying patterns and trends in litigation and claims. It seeks to mitigate litigation risk by changing or designing policies, developing training, identifying at-risk employees and enhancing the Department's ability to defend against frivolous claims. The Risk Mitigation Division is working closely with the New York City Law Department and Comptroller to identify trends and design a mitigation strategy.

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- The Performance Analysis Section monitors individual police officer performance and tracks positive and negative indicators from multiple Department data sources, including information about discipline, sick leave abuse, use of force, integrity matters and complaints filed with the Civilian Complaint Review Board. The goal is to identify at-risk employees and determine whether, and to what extent, intervention is necessary to correct behavior. If corrective action is warranted, the Performance Analysis Section will tailor an enhanced monitoring program for the uniformed member of the service.
- The Quality Assurance Division is responsible for auditing and evaluation to ensure

quality performance throughout the Department. The division conducts performance audits in all commands throughout the year to measure compliance with department policies and efficiency in critical areas. The audits are designed to inform local commanders of weaknesses in their organization, recommend methods to improve and maintain an overall level of integrity throughout the Department. The Risk Management Bureau, which assumed command of the division, is assessing its current operations and the methods it uses to sample the various department functions. More robust sampling approaches will be deployed shortly.

- The Data Integrity Unit maintains the integrity of the crime complaint reporting system by auditing crime complaints to ensure that crimes are fully and accurately reported and assigned to the appropriate unit for investigation.

The Risk Management Bureau is currently staffed with uniformed members of the service with diverse backgrounds in the Department and lawyers and accountants from the public and private sectors, including several former federal prosecutors, who bring needed expertise and private sector best practices to the areas of compliance, risk assessment and risk mitigation. The members of the Risk Management Bureau also serve as facilitators drawing on the expertise and experience of subject matter experts from throughout the Department.

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The Risk Management Bureau and the Information Technology Bureau have taken the lead in implementing the NYPD's voluntary body-worn camera pilot project in five precincts and one PSA across the city. The voluntary pilot was designed to identify and test important factors such as cost, infrastructure requirements, policy and effectiveness in anticipation of a much larger body-worn camera program in the near future. The policy was developed after consultation with internal stakeholders, external stakeholders such as Dis-



trict Attorneys and advocacy groups, examination of body-worn camera programs in other police departments and analysis of model policies published by the Police Executive Research Forum, International Association of Chiefs of Police, Department of Justice and the American Civil Liberties Union, to name a few.

“The Department is working closely with a researcher from the New York University Marron Institute to evaluate the effectiveness and impact of the body-worn cameras during the voluntary pilot. The NYPD team managing the body-worn camera pilot project has formed a working group and is working closely with the monitor’s team as it develops the logistics for the larger body camera project that has been ordered by the federal court.”

All of the volunteer officers have participated in hands-on training and are periodically convened for follow-up training sessions and focus groups. The information gleaned from these sessions is helping shape how the department thinks about the policy, as well as the implications of a larger roll out. Commanders and supervisors are periodically queried for their input as well. The Information Technology Bureau and Risk Management Bureau analyze data collected, such as frequency and duration of use, and view a sample

of the videos captured. The purpose is to gauge compliance with the recording policy, identify gaps and inform as to technology and operational needs.

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Building Trust Day by Day

The challenge of winning and maintaining trust in policing never goes away. It’s a part of the daily police job and always will be. Each police action, each encounter with the public, carries with it the potential to make a good or bad impression. In addition, a handful of bad interactions can do lasting damage to public’s perception of the police. Yet, with new training for recruits and veterans, the community partner program, and the Neighborhood Policing Plan, and with a more compassionate and helpful response to victims, the Department is working hard to build a strong, positive relationship with the communities we serve. With our efforts to establish a less punitive and more supportive culture within the

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Department itself, and with guidance from oversight agencies improving Department policies and procedures, the NYPD is building a foundation of trust within the Department as well. We believe that we can find common ground and common purpose among people who should be natural allies – the New York City Police Department and the people of the City of New York.

