

Priorities for the New NYPD Inspector General:

Promoting Safety, Dignity
and Rights for all New Yorkers

COMMUNITIES
UNITED FOR
POLICE
REFORM

June 2014

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COMMUNITIES UNITED FOR POLICE REFORM

Communities United for Police Reform (CPR) is an unprecedented campaign to end discriminatory policing practices in New York City. We aim to help build a lasting movement that promotes public safety and policing practices based on respect for the rights and dignity of all New Yorkers. The partners in this campaign come from all five boroughs, all walks of life, and represent many of those unfairly targeted by the New York Police Department. CPR works for systemic, policy and cultural change to promote safety while holding the NYPD accountable to protect and serve all New Yorkers.

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INTRODUCTION

In 2012, community-based, legal, policy advocacy groups and researchers in New York City came together in an unprecedented multi-strategy effort to end discriminatory and abusive policing in New York City.¹ Communities United for Police Reform (CPR), the campaign around which these groups coalesced, helped to change the local conversation on public safety, increased the knowledge and practice of New Yorkers in observing and documenting police misconduct, and led the movement to enact the Community Safety Act – two laws promoting increased accountability and transparency of the New York Police Department (NYPD) to all New Yorkers.

Coordinating a coalition of over 100 organizations, CPR's Community Safety Act campaign partnered with New York City Council members to support efforts that would establish an enforceable ban on discriminatory profiling by the NYPD and create an accountable oversight mechanism for NYPD policies and practices. In the summer of 2013, the City Council voted to override then-Mayor Bloomberg's veto of the Community Safety Act bills. The establishment of an NYPD Inspector General (IG) through Local Law 70 of 2013, was one concrete outcome of these efforts.

The first-ever NYPD Inspector General Philip Eure will assume his role in late May 2014. The NYPD Inspector General's responsibilities include investigations, reviews and audits of systemic NYPD issues, resulting in recommendations to improve the NYPD's policies, programs, practices, and operations – with the goal of enhancing the department's effectiveness, improving public safety and protecting the rights of all New Yorkers. Similar to other inspectors general for New York City agencies, the NYPD Inspector General is situated within New York City's Department of Investigations (DOI).

This report outlines CPR's recommendations for nine areas that the NYPD Inspector General should consider for investigation, review, study and audit,² in order to issue findings and recommendations that will improve public safety and protect the rights of all New Yorkers. The first six represent areas that should be considered priorities in the first year of the Inspector General's tenure.

Recommended areas the NYPD Inspector General should investigate in order to issue findings and recommendations for policy, procedural and other changes:

1. Selective Enforcement of Minor Offenses
2. Unlawful NYPD Searches and Discriminatory Marijuana Arrests
3. Unlawful NYPD Searches and Use of Condoms as Arrest Evidence
4. NYPD's Use of Force, Particularly Excessive and Deadly Force
5. NYPD Disciplinary Policies and Outcomes in Cases of Misconduct
6. NYPD Surveillance of Muslim Communities
7. Lack of NYPD Transparency
8. Hanging Arrests
9. NYPD Compliance with LGBTQ-related Patrol Guide Changes

AREAS FOR NYPD INSPECTOR GENERAL INVESTIGATION AND REVIEW³

The following are nine areas that the NYPD Inspector General should consider for investigation and review, in order to issue findings and recommendations that will promote public safety, while protecting the rights of all New Yorkers. The first six represent areas that should be considered priorities in the first year of the Inspector General's tenure.

1. Selective Enforcement of Minor Offenses⁴

The NYPD Inspector General should conduct a review and investigation of the NYPD's selective enforcement of minor offenses, and subsequent summonses and arrests

From 2002 through 2012 there were close to five million stops through the NYPD's stop-and-frisk program.⁵ While many New Yorkers are outraged at the high number of street stops associated with the explosive growth of discriminatory and abusive stop-and-frisk practices over the past decade, the number of summonses issued for non-violent and non-criminal offenses was even greater. During that same period (2002-2012), the NYPD issued more than six million summonses.⁶

While data suggest a recent decrease in the number of discriminatory and abusive pedestrian stops, there are questions as to whether the decrease in stops is being offset by an increase in overly aggressive and discriminatory enforcement of minor infractions and low-level offenses. In the first few months of 2014, various reports indicate that there has been an increase in the NYPD's enforcement of non-violent minor infractions and low-level offenses. In the first two months of 2014 alone, arrests of subway panhandlers and musicians increased by more than 300%, when compared to the same period in 2013.⁷

Summonses are routinely issued for non-criminal activities, such as riding bicycles on the sidewalk, open container violations, disorderly conduct, and possession of small amounts of marijuana (despite possession for small amounts of marijuana being decriminalized in New York State since the 1970s). During the Bloomberg administration, the number of court summonses issued for minor infractions and violations grew dramatically despite a parallel and continued decrease in the occurrence of serious crimes, such as murder and rape.⁸ In fact, of the 10 most frequently arraigned criminal court charges in 2012, only one was a felony.⁹

A challenge in addressing selective enforcement of minor offenses is the fact that demographic data regarding summonses is not made publicly available by the NYPD. Preliminary research by the New York Civil Liberties Union (NYCLU), based on data from the Office of Court Administration (OCA), suggests that summonses disproportionately impact communities of color.¹⁰ Anecdotal evidence from community-based organizations suggests that amongst low-income communities of color, youth, people who are

homeless, immigrants, and LGBTQ people in particular are subject to selective enforcement of minor offenses.

Similar to the case of stop-and-frisk, disproportionate impact of summonses on Black and Latina/o New Yorkers suggests unlawful and disproportionate targeting of communities of color in the NYPD's issuance of summonses. Statistics also indicate that summonses for violations are issued indiscriminately: one in five are summarily dismissed for alleging insufficient evidence or containing incomplete information.¹¹ In Kings County, a third of summonses for non-criminal violations are dismissed by the courts.¹²

Even though summonses are issued primarily for non-criminal and minor offenses, they almost always require an in-person court appearance. When issued a summons, a person may be arrested, for example, if the person does not carry a government-issued form of picture identification. Those who fail to appear in court will be issued a warrant by the court. Fines and court fees for non-criminal violations can total more than \$300 and there is no guarantee of the right to counsel for many offenses. The consequences of ignoring a summons can be severe and devastating.

The Inspector General should conduct a review and investigation into the NYPD's enforcement of non-violent minor offenses, including the possible discriminatory or differential enforcement of these offenses, and any subsequent arrests or detentions. The following elements should be included in the analysis of this enforcement: an analysis of discretion afforded to officers and other NYPD personnel in the enforcement of violations (and equivalent non-violent misdemeanors) and any disparate impact on particular communities in the NYPD's use of discretion; examination of the outcomes or disposition of each offense, including

whether the person issued a summons was held in custody and/or an arrest was made (particularly in cases where the offense is a violation, which is a non-criminal offense); and the demographics (geographic, race, age, sex, etc.) of people issued summonses and differential outcomes and dispositions.

2. Unlawful NYPD Searches and Discriminatory Marijuana Arrests

An investigation into the NYPD's practice of unlawful searches and relationship to discriminatory marijuana arrests and other enforcement actions

The NYPD may only conduct a search of an individual and their property if there is probable cause of criminal activity or other legal justification for the search,¹³ or with an individual's voluntary and informed consent.

However, anecdotal evidence confirms that in New York City, consent searches are rarely voluntary or informed. The NYPD's use of coercive tactics and intimidation, combined with many New Yorkers' lack of knowledge of their constitutional right to decline to be searched when there is no other legal justification, makes unlawful searches a daily occurrence in New York City. The Civilian Complaint Review Board (CCRB)'s annual 2013 report notes that searches, along with stops and frisks, represent 19 percent of all allegations received, and that "people are more likely to file a [CCRB] complaint when they have been searched."¹⁴

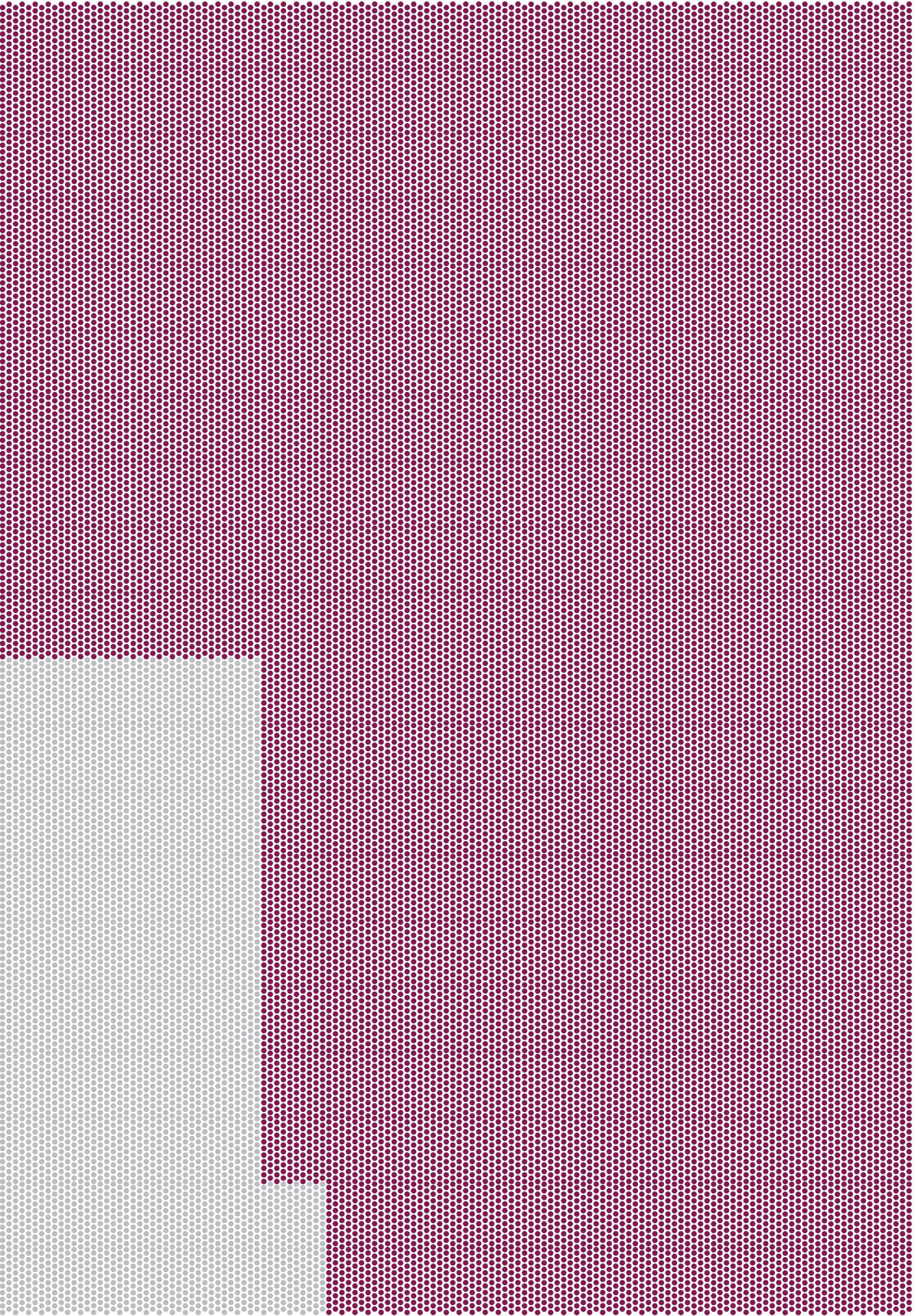
The problem of unlawful searches is highlighted by the continuation of racially discriminatory stop-and-frisks and arrests for possession of small amounts of marijuana in New York City. While the number of stop-and-frisks appears to have decreased in the past year, the fact that Black and Latina/o New Yorkers are still being disproportionately subjected to them have not.¹⁵

Marijuana arrests are an important example of the continued problem of racially discriminatory stops and unlawful searches. Arrests for possession of small amounts of marijuana in March 2014 surpassed the number of arrests

in the third and fourth quarters of 2013 - reversing the trend of declining arrests during the second half of 2013.¹⁶ If arrests rates remain unchanged, New York City is on track to make at least 28,000 marijuana arrests in 2014 (the same as 2013 levels) - and will continue to arrest more people for marijuana possession than any other city in the world. In addition to the staggering number of arrests, there remain stark racial disparities of those arrested, with Black and Latino/a New Yorkers disproportionately impacted.

An often-reported¹⁷ effect of NYPD's unlawful searches is the charging of individuals carrying a small amount of marijuana with a misdemeanor, rather than a violation. When displayed "in plain view," marijuana possession is a misdemeanor offense, not a lesser, non-criminal violation. Through NYPD intimidation, coercion and/or New Yorkers' lack of knowledge of the ability to refuse a search when there is no legal justification, individuals often comply with the officers' request for a search of their person or belongings - which can result in the non-criminal possession of a small amount of marijuana being charged as a misdemeanor criminal offense, once it is "in plain view."

Black and Latina/o youth in New York City are disproportionately targeted by this abusive law enforcement practice. Black and Latina/o New Yorkers account for nearly 85% of the marijuana arrests in New York City, despite government studies showing Black and Latina/o individuals



Opposite Page: The City is on track to make at least 28,000 marijuana arrests in 2014. Black and Latina/o New Yorkers account for nearly 85% of the marijuana arrests in NYC.

- Black and Latina/o New Yorkers

use marijuana at lesser rates than Whites — 58.6% of Whites reported having used marijuana in their lifetime, versus 48.3% of Blacks.¹⁸

The Inspector General should launch an investigation and analysis of the practice of the NYPD forcing New Yorkers to consent to unnecessary and unlawful searches. The Inspector General's investigation should consider the following elements: the distribution and frequency of such searches (analysis can include geographic distribution, race, age, sex, etc.), and examination of the outcomes of such searches, including the dismissal of charges or arrests for unlawful searches and/or the outcome of any legal challenges filed by individuals searched. The Inspector General should also consider the Department's retaliation against individuals who refuse to consent to voluntary searches, including the issuing of disorderly conduct summonses to people refusing searches.

In addition, the Inspector General should investigate the specific practice of unlawful searches resulting in marijuana arrests, including consideration of geographic distribution of stops, searches, and arrests; the demographics of individuals arrested or charged; analysis of the discretion afforded to officers and other NYPD personnel; examination of the outcomes of such arrests, and analysis of any differential treatment or ultimate outcomes based on demographics of the individuals searched.

3. Unlawful NYPD Searches and Use of Condoms as Arrest Evidence

An investigation into the NYPD's practice of unlawful searches, with regard to arrests based on seizure of condoms as evidence of prostitution-related offenses

Discriminatory marijuana arrests are not the only area of concern with the NYPD's reported practice of conducting unlawful consent searches during stop-and-frisk and other encounters. Another example is the NYPD's documented practice of confiscating and vouchering condoms as arrest evidence, in order to justify charges and arrests for prostitution-related offenses.¹⁹ The result is a mixed message to New Yorkers, with some government agencies encouraging all New Yorkers to carry condoms to promote public health efforts, and the NYPD practice effectively criminalizing the possession of condoms. There are significant public health impacts of this dual and conflicting message. In May 2014, the NYPD announced a limited change to this policy that, while promising, falls short on a comprehensive ban on the use of condoms as arrest evidence.²⁰

The Inspector General should conduct an investigation and review of the prevalence of this practice with respect to prostitution-related offenses not covered by the recently announced NYPD policy, and to monitor implementation of the new policy. Despite significant anecdotal evidence²¹ of individuals being stopped, arrested and subjected to confiscation of condoms (and the related impacts on individuals), there is currently no data²² available from the NYPD on the frequency with which condoms are confiscated within an arrest and vouchered as arrest evidence.

“The result is a mixed message to New Yorkers, with some government agencies encouraging all New Yorkers to carry condoms to promote public health efforts, and the NYPD practice effectively criminalizing the possession of condoms.”

This information can be obtained from police records with respect to the number, circumstances, and defendant demographics of cases in which condoms have been confiscated, vouchered as arrest evidence, and cited as evidence of probable cause in arrest reports and in supporting depositions concerning prostitution-related offenses.²³ An investigation should include consideration of the geographic distribution of stops, searches, and arrests justified at least in part by the presence or possession of condoms, the demographics of individuals from whom condoms were confiscated or against whom they were cited as evidence, analysis of discretion afforded to officers and other NYPD personnel in the confiscation and citation of condoms as evidence; examination of the outcomes of such arrests, and analysis of any differential treatment or ultimate outcomes.

4. NYPD's use of force, particularly excessive and deadly force

An investigation of NYPD's use of force, particularly excessive and deadly force policies, practices and patterns, and related disciplinary policies, procedures and outcomes

The NYPD has engaged in controversial, aggressive and discriminatory policing practices to the detriment of the rights, dignity and at times, the lives of New Yorkers. In 2012, 21 people were shot and killed by NYPD officers; 3 of these deaths occurred within one week.²⁴ Excessive physical force continues to be the highest force-related complaint against NYPD officers made to the Civilian Complaint Review Board (CCRB). In 2013, there were 3,695 physical force allegations, or 70% of the total of force allegations brought against the NYPD.²⁵

In many cases where New Yorkers have lost loved ones in police incidents, there is no confidence amongst communities that there is an impartial internal or external review of police actions and conduct. Anecdotal evidence suggests that families are often not informed of the existence or result of reviews, or the subsequent assignments of officers who were involved in incidents of excessive use of force or incidents resulting in the death of their loved ones.

“The NYPD's so-called ‘blue wall of silence’ and reported retaliation against internal whistleblowers also hinder efforts to report fellow officers for misconduct within the Department.”

Disciplinary processes within the NYPD that should ensure that appropriate disciplinary actions are taken when officers are found to have engaged in misconduct, including unnecessary or excessive use of force, are often deficient, meaningless, or simply non-existent. The NYPD's so-called “blue wall of silence” and reported retaliation against internal whistleblowers also hinder efforts to report fellow officers for misconduct within the Department.

Deficiencies within existing NYPD disciplinary processes particularly exacerbate excessive use of force incidents. NYPD excessive force incidents and related incidents (including those resulting in death of a civilian) that involve New Yorkers who have psychiatric or mental disabilities and/or are deemed to be under emotional distress during an incident, suggests over-reliance and abuse of use of force by the NYPD on particular populations, including communi-

ties of color and emotionally disturbed persons (EDP). As such, many New Yorkers perceive that there is a discriminatory over-reliance and abuse of use of force by the NYPD in relation to certain populations.

The Inspector General should conduct an analysis of the NYPD's existing use of force policies, procedures, and practices, and examine any patterns arising out of recent NYPD force-related incidents. Such a review should include: (a) a review of patterns related to civilian complaints, lawsuits, criminal prosecutions, and other incidents involving allegations of excessive physical or deadly force by NYPD officers, outcomes and dispositions of such complaints, lawsuits, prosecutions, and other incidents, the CCRB and NYPD's subsequent internal review

and disciplinary policies and procedures following such incidents; (b) an assessment of the adequacy and legality of the NYPD's existing force-related policies, procedures and practices; (c) in incidents that result in the death of a civilian, an assessment of whether all safeguards to limit deadly force were followed (including cases involving individuals with mental or psychiatric disabilities and/or deemed to be in emotional distress at the time of the incident); (d) review of the demographics (geographic, race, age, sex, mental status, etc.) of those who are killed in NYPD incidents as well as those involved in incidents where there are complaints of excessive use of force by NYPD officers; (e) and an assessment of the costs to the city of these complaints, lawsuits, prosecutions, and other deadly force incidents.

5. NYPD disciplinary policies and outcomes in cases of misconduct

A review of adequacy and effectiveness of NYPD disciplinary policies and procedures, practices and outcomes, in cases of misconduct

Given the widespread concern about NYPD disciplinary policies and procedures, and the exclusive authority of the NYPD Police Commissioner to discipline officers who have committed misconduct, the Inspector General should engage in an analysis of existing NYPD disciplinary policies, practices, and procedures, and examine the outcomes of NYPD disciplinary cases to identify any patterns that may reveal problems with those policies, practices and procedures.

The investigation should include a review of the following aspects of the NYPD's systems for officer discipline: (a) a review of all processes and standards used by the NYPD for administratively prosecuting (through its Department Advocate's Office (DAO) and imposing discipline on NYPD officers for substantiated allegations of misconduct, including substantiated allegations received through the Civilian Complaint Review Board (CCRB), the NYPD's Office of Chief

of Department (OCD), and the NYPD Internal Affairs Bureau (IAB); (b) an examination of the disciplinary dispositions for all substantiated officer misconduct cases to assess the extent to which NYPD officers are being disciplined at all and what kinds of disciplinary penalties are being imposed for the various categories of misconduct (e.g., improper uses of force, illegal stops, arrests, and searches, racial and other forms of profiling); (c) a review of the NYPD disciplinary matrix and the degree to which it is consistently adhered to by various Departmental entities tasked with implementing and overseeing discipline; (d) a review of existing criteria, standards, and procedures, used for flagging particular NYPD personnel for intervention, monitoring, training or discipline, including the NYPD's "Early Intervention System" (EIS), including an examina-

tion of whether consideration is given to civilian complaints, lawsuits, and other factors related to misconduct, unconstitutional policing activities and discipline are considered either in the subject officer's central personnel index (CPI) or by any other Departmental entity tasked with determining interventions, disciplinary penalties, or any other positive or negative employment actions (i.e., promotions, demotions, assignments to specialized units or different tours). Lastly, the Inspector General should investigate cases in which the NYPD Police Commissioner modifies pleas and disciplinary penalties associated with substantiated complaints (including those from the CCRB, OCD and IAB).

6. NYPD Surveillance of Muslim Communities

An investigation into the NYPD surveillance of Muslim communities

Beginning in 2011, Associated Press reporting revealed that the NYPD has conducted blanket surveillance of Muslim individuals and communities in mosques, restaurants, bookstores, and other public spaces in Muslim communities in New York, New Jersey and beyond.²⁶ Despite the recent dismantling of the NYPD Demographics Unit, there is no clear indication that the practice of blanket and discriminatory surveillance of Muslim communities has been curbed or ended. In fact, news stories in May 2014 revealed that the NYPD continues to pressure arrested and detained Muslims to inform

“Despite the recent dismantling of the NYPD Demographics Unit, there is no clear indication that the practice of blanket and discriminatory surveillance of Muslim communities has been curbed or ended.”

on their communities to the NYPD, including related to topics having nothing to do with the individual's arrest or detention.²⁷

Communities United for Police Reform (CPR) and our allies at the Muslim American Civil Liberties Coalition's (MACLC) recommend that the Inspector General investigate the Department's Muslim spying program which should include the following elements: the use of informants to target the Muslim community (including the debriefing of individuals in custody), the use

of Terrorism Enterprise Investigations (TEIs), what information the NYPD collects, how this is collected and who has access to this information, as well as the extent of the NYPD's extra-jurisdictional activities.²⁸ The Inspector General should investigate these elements to determine compliance with all applicable laws and policies, including constitutional rights and the Handschu Guidelines. The Inspector General should also make policy recommendations to better safeguard civil liberties.

7. Lack of NYPD Transparency

An audit of the NYPD's compliance with Freedom of Information and Open Data Laws

The NYPD has historically been viewed as one of the least transparent agencies in New York City, often avoiding public access to policies, practices, data and records. As a result, advocates, journalists, academics and members of the public are consistently challenged to secure any records from the NYPD, often resorting to legal challenges to request information through Freedom of Information and open data laws.

During the Bloomberg administration, obtaining information from executive agencies through the Freedom of Information Law was often difficult. In then-Public Advocate Bill de Blasio's "Transparency Report Card," the NYPD received an "F" rating for failure to obey the Freedom of Information Law and make records public, citing that a third of the FOIL requests to the NYPD it analyzed went unanswered.²⁹ More recently, in February 2014, a FOIL request to the NYPD for

the NYPD FOIL handbook was denied, bizarrely citing attorney-client privilege as a rationale.³⁰ In 2012, the City Council enacted the Open Data Law, legislation that seeks to make city data available online, using open standards to promote a more transparent, effective and accountable city government.

The Inspector General should consider conducting an audit of the NYPD's fulfillment of its transparency obligations under New York's Freedom of Information Law and open data laws. This should include recommendations on how the NYPD can more fully operationalize a culture of transparency moving forward.

8. Hanging Arrests

An investigation into the issue of “hanging arrests”

In 2006, an NYPD administrative policy change enabled a person charged with a number of counts for a “pattern crime” to be given multiple arrest numbers.³¹ A 2013 New York State Attorney General report on the outcomes of stop-and-frisk practices highlighted this issue of “hanging arrests”—that is, arrests that remain open on someone’s record even though the related charge was resolved, dismissed or otherwise adjudicated. The Office of Court Administration (OCA) can only administratively resolve one arrest, which can lead to an individual having a number of arrests remaining open, even if the issue at hand had been previously resolved.

The Attorney General’s report noted that as of spring 2013, there were approximately 250,000 hanging arrests in New York City.³² Also noted in the report: “Under the pre-2006 policy, when an individual was arrested for pattern offenses—for example, fifteen acts of graffiti—the NYPD

issued one arrest number. Under the new policy, the NYPD generated a new arrest number for each discrete offense.”³³

The Inspector General should consider examining the impact of the NYPD’s 2006 administrative policy change regarding arrest numbers. The investigation should not only consider the administrative burdens associated with the administrative policy change, the current number of hanging arrests, how many people have faced such “hanging arrests” as a result of the change in policy since 2006, and also the implications and collateral consequences of the administrative policy of charging individuals with multiple arrest numbers. The investigation should also provide suggested policy changes to address both the administrative and human costs of the 2006 policy change.

Hanging Arrests - arrests that remain open on someone’s record even though the related charge was resolved, dismissed or otherwise adjudicated. New York City has approximately 250,000 hanging arrests.

9. NYPD Compliance with LGBTQ-related Patrol Guide Changes

An investigation of the NYPD implementation of changes to the Department Patrol Guide regarding interactions with lesbian, gay, bisexual and transgender and gender nonconforming persons

For decades, activists, community based organizations and human rights investigators have documented persistent abuse, sexual assault, harassment and profiling of lesbian, gay, bisexual and transgender and gender non-conforming (LGBTQ) individuals and communities at the hands of the NYPD.³⁴ Recently, several patterns of discriminatory and abusive policing of LGBTQ individuals have been identified by community-based organizations and the LGBT Advisory Panel to the Police Commissioner.³⁵ In 2012, amendments were made to the NYPD Patrol Guide to address interactions of law enforcement with lesbian, gay, bisexual, transgender and gender nonconforming people, including provisions offering guidance on name and pronoun use, searches, and placement in NYPD custody.³⁶

The Inspector General should consider conducting an investigation focused on discriminatory and abusive treatment of LGBTQ New Yorkers while considering compliance with the NYPD Patrol Guide³⁷ and the End Discriminatory Profiling Act's prohibitions on bias-based policing. An investigation should include precinct-by-precinct evaluation of the implementation of and compliance with the 2012 NYPD Patrol Guide changes regarding NYPD interactions with LGBTQ people. In collaboration with community-based organizations and social service providers, the NYPD Inspector General should identify and address trends in profiling, discriminatory and abusive policing practices of LGBTQ New Yorkers. The Inspector General can

gain access to information on compliance by obtaining records relating to training on the new Patrol Guide provisions, and by auditing compliance through interviews with NYPD personnel, community-based organizations, social service organizations and members of the LGBTQ community.³⁸ The Inspector General should work with community-based organizations to identify and conduct interviews with individuals who have not come forward to report their complaints through official or existing channels.

CONCLUSION

Inspectors General are a valuable and standard feature of government agencies at all levels. Federal intelligence and law enforcement agencies (including the Central Intelligence Agency and Federal Bureau of Investigations) and most New York City agencies (including the Department of Education and Fire Department) benefit from Inspectors General.

Decades-long concerns about lack of accountability and transparency of the NYPD have eroded public trust in the Department. Members of Communities United for Police Reform and allies strongly advocated for the establishment of this position because we know that the NYPD cannot police itself. The NYPD Inspector General's review of areas that are outlined in this report will benefit all New Yorkers by providing clear recommendations to improve accountability and transparency of the NYPD.

The establishment of an NYPD Inspector General provides New York City with the opportunity to demonstrate that the NYPD is not above the law. Holding the NYPD accountable to the public interest and all New Yorkers is an important step towards moving our city forward to provide true safety for all.

Endnotes

- 1 While Communities United for Police Reform launched in 2012, a number of CPR's member organizations have been active leaders on police accountability issues for decades.
- 2 The mandate of the Department of Investigations with regard to the NYPD, includes: "investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the New York City Police Department." New York City Local Law 70 of 2013
- 3 This report uses the terms "investigation" and/or "review" to include investigating, reviewing, studying and/or auditing activities, and the resulting issuance of findings and recommendations by the Inspector General.
- 4 "Minor offenses" in this report refer mainly to violations (essentially low-level, non-violent offenses that are not legally categorized as "criminal" activity in New York City). An additional category of minor offenses is low-level, non-violent offenses that are considered misdemeanors if they occur on Parks property or within transit sites, while considered to be non-criminal violations if they occur in other locations in New York City.
- 5 NYPD stop-and-frisk quarterly data are available at <http://www.nyclu.org/content/stop-and-frisk-data>
- 6 Figure based on data from Criminal Court of the City of New York (CCCNy) annual reports. See CCCNY "Annual Report 2012," May 2013. Page 6; CCCNY "Annual Report 2011," May 2012. Page 6.; CCCNY "Annual Report 2010," May 2011. Page 33 [showing annual summons filings from 2000-2010]. Reports available at: <http://www.nycourts.gov/COURTS/nyc/criminal/annual-reports.shtml>
- 7 See New York Times, "Arrests of Panhandlers and Peddlers on Subways Triple Under Bratton," March 6, 2014 available at: <http://www.nytimes.com/2014/03/07/nyregion/arrests-of-panhandlers-and-peddlers-on-subway-increase-sharply-under-bratton.html>
- 8 New York Civil Liberties Union, "Beyond 'Deliberate Indifference': an NYPD for All New Yorkers," November 2013. Page 11. Available at: http://www.nyclu.org/files/publications/nypd_report_final_0.pdf
- 9 Criminal Court of the City of New York, "Annual Report 2012," May 2013. Page 32. Available at <http://www.nycourts.gov/courts/nyc/criminal/AnnualReport2012.pdf>
- 10 Based on New York State Office of Court Administration (OCA) data provided to the New York Civil Liberties Union in early 2014. Summons data provided by the OCA exclude data from the Kings and Manhattan community courts.
- 11 Criminal Court of the City of New York, "Annual Report 2012," May 2013. Page 35. Available at: <http://www.nycourts.gov/courts/nyc/criminal/AnnualReport2012.pdf>
- 12 Id.
- 13 "Other legal justification" for a search would be if the person has been arrested or the police have a warrant for the person.
- 14 Civilian Complaint Review Board, 2013 Annual Report, Published March 14, 2014, available at: http://www.nyc.gov/html/ccrb/downloads/pdf/CCRB%20Annual_2013.pdf.
- 15 See NYCLU quarterly NYPD stop and frisk data, supra note 5, in particular stop and frisk first quarter data from 2014.
- 16 "Marijuana Possession Arrests Continue Under Mayor de Blasio and NYPD Police Commissioner Bratton", May 9, 2014 press release from Marijuana Arrest Project: <http://marijuana-arrests.com/docs/NYC-First-quarter-2014-marijuana-arrests-Press-Release-with-graphs.pdf>
- 17 See, e.g., Harry Levine and Deborah Peterson Small, Marijuana Arrest Crusade: Racial Bias and Police Policy in New York City, 1997 - 2007, (New York: New York Civil Liberties Union, 2008).
- 18 "Marijuana Use by Whites, Blacks, and Latinos, Ages 18-25, 2002 - 2009," Marijuana-Arrests.com available at: <http://marijuana-arrests.com/graph9-use.html>; based on data available from the U.S. Department Health and Human Services.
- 19 See Human Rights Watch "Sex Workers at Work," July 2012, available at: <http://www.hrw.org/reports/2012/07/19/sex-workers-risk-0>
- 20 On May 12, 2014, the NYPD announced a policy change, prohibiting officers from vouchering condoms as arrest evidence to support charges of prostitution, prostitution in a school zone and loitering for the purposes of prostitution. This ban does not extend to at least thirteen other prostitution-related offenses, including trafficking related offenses, creating a significant loophole in the new policy.
- 21 See, e.g., Public Health Crisis: The Impact of Using Condoms as Evidence of Prostitution in New York City (406): Report by the PROS Network, released April 2012; [Transgressive Policing: Police Abuse of LGBTQ Communities of Color in Jackson Heights](#), by Make the Road NY, October 2012.

- 22 Despite repeated requests for this information from researchers, advocates, legislators, staff at the former Mayor's Office of Criminal Justice Programs, and district attorneys in order to ascertain the scope and impact of the practice, this information is not currently available by other means, including a FOIL request.
- 23 The investigation should span the past two years. Because the investigation would involve review of documents relating to a relatively small number of stops and arrests, we believe the investigation could be completed within a year.
- 24 See Rivas, Jorge. "NYPD Officers Shoot and Kill Three Black Men in One Week." *Colorlines*. N.p., 3 Feb. 2012. 18-year-old Ramarley Graham was fatally shot in his house, unarmed; 20-year-old Reynaldo Cuevas was shot and killed as he escaped an armed robbery at the store he was working. See Mathias, Christopher. "Reynaldo Cuevas Shot And Killed By NYPD After Escaping Armed Robbers At Bronx Bodega." *The Huffington Post*. *TheHuffingtonPost.com*, 07 Sept. 2012, available at: http://www.huffingtonpost.com/2012/09/07/reynaldo-cuevas-shot-killed-by-nypd-bronx-bodega-robbery_n_1864303.html
- 25 See Civilian Complaint Review Board, Annual Report, *supra* 14
- 26 See Associated Press, Highlights of AP's Pulitzer Prize-winning probe into NYPD intelligence operations, accessed April 3, 2014, available: <http://www.ap.org/media-center/nypd/investigation>. Also see: <http://www.pulitzer.org/works/2012-Investigative-Reporting-Group1>
- 27 See New York Times, "New York Police Recruit Some Muslims to Be Informers," May 11, 2014, available at: http://www.nytimes.com/2014/05/11/nyregion/new-york-police-recruit-muslims-to-be-informers.html?_r=0
- 28 Some critical information about the Program's existence and limited information about its scope has been revealed through a series of reports and a book issued by AP reporters. However, despite the importance of these media reports, New Yorkers still do not know basic parameters about the Program, have a full picture of its breadth and depth and the degree to which NYPD personnel was engaged within the Program. The Office of the Inspector General is well positioned to undertake this sensitive, yet critical investigation of the NYPD.
- 29 See "Breaking Through Bureaucracy: Evaluating Government Responsiveness to Information Requests in New York City, April 2013, report by office of Bill de Blasio, NYC Public Advocate, http://advocate.nyc.gov/sites/advocate.nyc.gov/files/deBlasioFOILReport_0.pdf
- 30 See "NYPD Foils FOIL Request For NYPD FOIL Handbook", *Techdirt*, Feb 18, 2014, <http://www.techdirt.com/articles/20140214/15332826235/nypd-foils-foil-request-nypd-foil-handbook.shtml>
- 31 See New York State Office of the Attorney General, A Report on Arrests Arising from the New York City Police Department's Stop-and-Frisk Practices, November 14, 2013, p. 19.
- 32 *Id.*
- 33 *Id.*
- 34 See, e.g. Joey L. Mogul, Andrea Ritchie, & Kay Whitlock, *Queer (In)Justice: The criminalization of LGBT people in the United States* 48-68 (2011); "Transgressive Policing," *supra*.
- 35 See N.Y. Times, "Arrests By the Fashion Police" April 5, 2013. available at: <http://www.nytimes.com/2013/04/07/nyregion/arrests-by-the-fashion-police.html>
- 36 See, generally, *The Advocate*, "Transgender Reforms Announced for NYPD Patrol Guide," June 13, 2012, available at: <http://www.advocate.com/politics/transgender/2012/06/13/transgender-reforms-announced-nypd-patrol-guide>
- 37 The amendments to the Department Patrol Guide were enacted and took effect in June 2012, so there are at least two full calendar years of data to review.
- 38 While advocates have been provided with a copy of the new policies and procedures and training distributed to NYPD personnel, information regarding implementation of the procedures throughout the city is largely unavailable, beyond reports received through community-based organizations. This material is otherwise unavailable to the general public through FOIL or other avenues.

COMMUNITIES UNITED FOR POLICE REFORM

VOTING MEMBERS

Audre Lorde Project
Bronx Defenders*
Center for Popular Democracy
Center for Constitutional Rights*
Center on Race, Crime & Justice of John Jay College of Criminal Justice*
Color of Change
CAAAV Organizing Asian Communities
Drug Policy Alliance
FIERCE
Justice Committee*
LatinoJustice PRLDEF
Legal Aid Society
Make the Road New York*
Malcolm X Grassroots Movement*
Marijuana Arrests Research Project
NAACP-Legal Defense and Education Fund
New York City Anti-Violence Project
New York Civil Liberties Union*
NY Communities for Change
Peoples' Justice for Community Control and Police Accountability
Picture the Homeless*
Streetwise & Safe*
VOCAL-NY
Youth Ministries for Peace and Justice

* denotes organizations serving on CPR's steering committee

SUPPORTING MEMBERS

5 Borough Defenders
Arab American Association of New York
Asian American Legal Defense & Education Fund
Association of Legal Aid Attorneys/UAW Local 2325
Astraea Lesbian Foundation for Justice
Bill of Rights Defense Committee
Black Women's Blueprint
Brotherhood/Sister Sol
Campaign to Stop the False Arrests
Center for NuLeadership on Urban Solutions
Chhaya CDC
Council on American Islamic Relations - New York
Child Welfare Organizing Project
Creating Law Enforcement Accountability & Responsibility
Criminal Justice Clinic at Pace Law School
Desis Rising Up & Moving
Families Against Stop & Frisk
Families for Freedom
Gay Men of African Descent
The Game Changers Project
Immigrant Defense Project
Jews Against Islamophobia
Jews for Racial & Economic Justice
Latino Commission on AIDS
Manhattan Young Democrats
New York Harm Reduction Educators (NYHRE)
Northern Manhattan Coalition for Immigrant Rights
Persist Health Project
PROS Network
Public Science Project
Queers for Economic Justice
Restaurant Opportunities Center of New York
Sistas & Brothas United/ Northwest Bronx Community & Clergy Coalition
Sylvia Rivera Law Project
Tribeca for Change
Trinity Lutheran Church
T'ruah: the Rabbinic Call for Human Rights
Turning Point for Women and Families
Youth Represent

Communities United for Police Reform (CPR) is an unprecedented campaign to end discriminatory policing practices in New York City. We aim to help build a lasting movement that promotes public safety and policing practices based on respect for the rights and dignity of all New Yorkers – not discriminatory targeting and harassment.

CPR brings together a movement of community members, lawyers, researchers and activists to work for change. The partners in this campaign come from all five boroughs, all walks of life, and represent many of those unfairly targeted by the New York Police Department. CPR works for systemic, policy and cultural change to promote community safety, while holding the NYPD accountable to protect and serve all New Yorkers.

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