



The City of New York  
Department of Investigation

MARK G. PETERS  
COMMISSIONER

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

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

Release #05-2015  
nyc.gov/oignypd

**FOR IMMEDIATE RELEASE**  
**THURSDAY, OCTOBER 1, 2015**

**CONTACT: DIANE STRUZZI**  
**(212) 825-5931**

**DOI'S OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD ISSUES REPORT ON POLICE USE OF FORCE  
FINDING FAILURE TO PROPERLY INSTRUCT ON DE-ESCALATION TACTICS AND IMPOSE DISCIPLINE**

Today, the Department of Investigation's (DOI) Office of the Inspector General for the NYPD (OIG-NYPD) issued its first comprehensive Report on Use of Force by members of the New York City Police Department (NYPD). OIG-NYPD's investigation revealed: a lack of discipline imposed on officers involved in substantiated force allegations — even when the Department was provided with evidence that excessive force was used; an inability to track use-of-force encounters by officers; and a failure to properly instruct and employ de-escalation tactics, among other findings. The Report examines five important aspects of NYPD use of force: (1) trends; (2) reporting; (3) de-escalation; (4) training; and (5) discipline.

As part of its investigation, OIG-NYPD conducted a detailed analysis of all 179 cases where the Civilian Complaint Review Board (CCRB) determined that from 2010 through 2014 officers used excessive force, as well as the accompanying NYPD disciplinary records for over 100 cases where a final disciplinary disposition was reached. Investigators also assessed NYPD's Patrol Guide procedures on use of force and observed and evaluated NYPD training at the Police Academy and in-service training modules. OIG-NYPD investigators (including investigators with backgrounds from law enforcement agencies such as NYPD and the U.S. Secret Service and at police oversight offices) found that:

- In 36% of cases where the NYPD Commissioner was presented with evidence of excessive force, as independently verified by OIG-NYPD experts, the Commissioner nonetheless refused to impose any form of discipline. This percentage has decreased to 11% in the past 18 months.
- The NYPD has no centralized form for reporting use of force and no Department-wide system for tracking use of force in order to monitor the problem.
- The NYPD has insufficient training on de-escalation tactics necessary to prevent excessive force in the first instance.

DOI Commissioner Mark G. Peters said, "Long-term reform of police practices requires an unblinking view of the past. Our investigation demonstrates real problems, including failures of discipline, monitoring and training. But those same findings will also support the necessary changes to come."

Inspector General Philip K. Eure said, "As promised by our Constitution, the use of force against a member of the public must be reasonable under the circumstances of that encounter. Law enforcement is given a tremendous responsibility to police fairly and effectively. As shown in our Report, however, NYPD can greatly enhance police accountability by establishing clear policies regarding the use of force, training officers on those policies, ensuring that police use of force is properly reported, and holding officers accountable when they resort to excessive force."

In its review, OIG-NYPD identified little to no substantive focus on de-escalation in NYPD's training programs. In the Police Academy's nearly 500 hours of coursework, OIG-NYPD identified only one nine-hour course (entitled "Use of Force") that directly pertains to an officer's use of force. Just one 4.5-hour course (entitled "Policing Professionally") addresses de-escalation tactics — less than one percent of the total curriculum. NYPD currently has no course in the Police Academy for recruits specifically devoted to learning and practicing de-escalation techniques.

OIG-NYPD also determined that in the five-year period reviewed, despite confirmation that officers used unwarranted force, NYPD imposed no discipline in 37 of 104 substantiated allegations, or 36 percent of the cases. In addition, prior to January 2014, NYPD declined to impose discipline 44 percent of the time (34 of 77 allegations) and after January 2014 — a smaller universe of cases — NYPD declined discipline 11 percent of the time (3 of 27 allegations).

NYPD also downgraded CCRB's disciplinary recommendation in substantiated use-of-force cases and imposed a lesser penalty or no penalty 67 percent of the time. Recently, the rate of disciplinary downgrading has been reduced (20 percent in the last 18 months) as NYPD has begun making changes in its interactions with CCRB, including introduction of a new reconsideration process that sends cases back to CCRB for re-review.

The OIG-NYPD Report noted that: "OIG-NYPD's analysis and recommendations are based on NYPD policies and practices as of the date of publication of this Report. NYPD, however, has informed OIG-NYPD that it has been reviewing its use-of-force policies and procedures and that it anticipates, in the near future, making revisions to the Patrol Guide regarding the use of force. The potential areas of revision include updated definitions concerning force, new policies regarding de-escalation, responsibilities of witness officers in use-of-force incidents, reporting obligations regarding force incidents, and data analysis on use-of-force incidents. NYPD has also created a dedicated Force Investigations Division to investigate all firearm discharges, deaths in custody, and use-of-force incidents that are likely to cause death. NYPD recently briefed OIG-NYPD on these new policies and procedures; it is clear that the proposed changes, when implemented, will address a number of the concerns raised in the Report."

The OIG-NYPD Report contains several recommendations with respect to policies, reporting, training, and discipline, including the following:

#### POLICY:

- **NYPD Patrol Guide should be updated to clarify what is meant by "force," "excessive force," and "deadly physical force" and require officers to de-escalate in all encounters where appropriate.**
- **NYPD should require officers — whether subject of a force investigation or a witness — to document and report all force incidents.**

#### REPORTING:

- **NYPD should create a database to track data compiled from the use-of-force forms and publish an annual report addressing the use of force and the data being collected.**

#### TRAINING:

- **NYPD should emphasize de-escalation training and add a specific Police Academy course on the subject, as well as incorporate scenario-based trainings with an evaluative component.**
- **NYPD should increase funding and personnel at the Police Academy for both recruits and in-service training.**

DISCIPLINE:

- **In disciplinary cases where there are multiple disciplinary charges, each distinct charge should have an accompanying, distinct penalty, as opposed to an aggregated penalty for all counts.**
- **NYPD should collect data regarding disciplinary trends and publish that data, including the number and percentage of cases in which the Commissioner reduces or declines discipline in force cases.**

###

**The Office of the Inspector General for the NYPD (OIG-NYPD)** is an oversight office charged with investigating, reviewing, studying, auditing, and making recommendations relating to the operations, policies, programs, and practices of the New York City Police Department (NYPD). The goals of OIG-NYPD are to enhance the effectiveness of the police department, increase public safety, protect civil liberties and civil rights, and increase the public's confidence in the police force, thus building stronger police-community relations. OIG-NYPD is part of the New York City Department of Investigation and is independent of NYPD. Inspector General Eure reports to DOI Commissioner Peters.

**The New York City Department of Investigation (DOI)** is one of the oldest law-enforcement agencies in the country and is New York City's corruption watchdog. DOI investigations may involve any agency, officer, elected official, or employee of the City, as well as those who do business with or receive benefits from the City. DOI's strategy attacks corruption comprehensively, through systemic investigations that lead to high-impact arrests, preventive internal controls, and operational reforms that improve the way the City runs. Learn more at [www.nyc.gov/doi](http://www.nyc.gov/doi).

*Visit us online at [nyc.gov/oignypd](http://nyc.gov/oignypd)  
Follow us on Twitter @OIGNYPD*

*Contact OIG-NYPD at (212) 806-5200*