

OVERVIEW OF THE OFFICE OF THE INSPECTOR GENERAL FOR THE NYPD

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Overview of the Office of Inspector General New York City Police Department

The Office of Inspector General for the New York City Police Department (OIG-NYPD) is an independent agency responsible for “investigating, reviewing, studying, auditing, and making recommendations regarding the operations, policies, programs, and practices of the NYPD.”¹ The OIG-NYPD was created as a department within the city’s Department of Investigations (DOI) by the New York City Council through Local Law 70 in 2013, jointly sponsored by Council Member Brad Lander, and Council Member Jumaane Williams, now New York City’s public advocate.

The OIG-NYPD was established in the wake of heavy opposition by the NYPD and Mayor Michael Bloomberg—who vetoed the bill mandating its establishment, only to see the move quickly overturned by the city council.² The OIG-NYPD is headed by an inspector general, currently Philip Eure, who has held the position since the department’s inception. In 2013, the *New York Times* noted, “the inspector general came about, in part, as a means to force change upon a department that had grown resistant to outside input.”³

While the OIG-NYPD can, and sometimes does, investigate individual complaints against the NYPD, Local Law 70 states that the department’s mandate must not overlap with those of the Civilian Complaint Review Board (CCRB) or the Internal Affairs Bureau (IAB), which both work to investigate civilian complaints against individual police officers. Rather, the OIG-NYPD’s main function is to issue reports on systemic problems within the NYPD, and to make recommendations based upon its findings.⁴ To that effect, complaints against individual officers can be utilized to track certain trends within the police department.

Investigative Reports from the OIG-NYPD

All reports conducted by OIG-NYPD are public. Past reports include a review of transparency and accountability in 10 NYPD chokehold cases, an investigation of the Sex Crimes Division, and separate reports on body-worn cameras (BWC), the NYPD’s handling of complaints, and of its use-of-force reporting. In June 2019, the OIG-NYPD released a report on the NYPD’s response to complaints of biased policing, which found that the NYPD did not substantiate any of 2,495 such complaints it had

¹ See Local Laws of New York City, No. 70 at 1.

² See *New York Times*, “Council Reverses Bloomberg Veto of Policing Bills,” August 22, 2013, <https://www.nytimes.com/2013/08/23/nyregion/council-overrules-bloomberg-on-police-monitor-and-profiling-suits.html>.

³ See *New York Times*, “New York Police Department’s Oversight Officer, Fought by Bloomberg, Gets First Leader” <https://www.nytimes.com/2014/03/29/nyregion/inspector-general-for-new-york-police-department-is-named.html>.

⁴ See OIG-NYPD FAQ <https://www1.nyc.gov/site/doi/oignypd/faq.page>.

received since 2014.⁵ More recently, the OIG-NYPD released a report evaluated the policies and practices on officer wellness and safety, in response to the recent upsurge of officer suicides.⁶ In addition to specialized reports, the OIG-NYPD issues annual reports on its findings

The NYPD police commissioner, upon receiving the findings of an OIG-NYPD report, has 90 days to respond.⁷

The Handschu Report

In August 2016, the OIG-NYPD released the findings of its investigation into the NYPD's compliance with the Handschu Guidelines, a set of court-mandated rules that regulate NYPD's investigations into political activity in New York City.⁸ These guidelines dictate that before the NYPD begins such an investigation, it "must articulate, in writing, the objective basis of need for the investigation and must secure approvals from senior NYPD officials."⁹ Permission for such investigations is only granted for a limited period of time, and if the NYPD desires an extension, it must submit a request that provides a viable justification.

A report issued by the OIG-NYPD in 2016 found that the NYPD failed to meet these standards in most political-activity investigations. For example, its findings, among others, detailed failings in procedures that must accompany the deployment of an undercover officer. Rather than providing a detailed account of the officer's role so that it may be properly evaluated, the NYPD used "generic, boilerplate text" to satisfy this requirement. The report further noted that "this boilerplate text was so routine that the same typographical error has been cut and pasted into virtually every application OIG-NYPD reviewed, going back over a decade."¹⁰

The Mark Peters Scandal

The DOI, which the OIG-NYPD operates within, was thrown into turmoil when Mayor Bill de Blasio fired DOI Commissioner Mark Peters in November 2018. De Blasio and Peters had a contentious relationship for years, as Peters had commissioned several investigations through the DOI that cast a negative light onto the mayor's administration; among them was a damaging report on the administration's failure to identify and clean lead paint in New York City Housing Authority (NYCHA) buildings.¹¹ Peters's firing came after an independent investigation commissioned by the city, and agreed

⁵ See Lauren del Valle, "NYPD didn't substantiate any complaints of police bias over four years," CNN, June 27, 2019, <https://www.cnn.com/2019/06/27/us/nypd-bias-complaints-report/index.htm>.

⁶ See "NYPD to Use Existing Officers Data to Help Prevent Suicides," NBC New York, September 25, 2019, <https://www.nbcnewyork.com/news/local/NYPD-to-Mine-Data-to-Prevent-Suicides-561292701.html>.

⁷ See Local Laws of New York City, No. 70 at 1.

⁸ See Raphael Pope-Sussman, "Investigation Finds NYPD is Still Spying on Activists and Religious Groups Without Oversight," Gothamist, August 4, 2016, <https://gothamist.com/news/investigation-finds-nypd-is-still-spying-on-activists-religious-groups-without-oversight>.

⁹ See "Investigation of NYPD's Compliance with Rules Governing Investigations of Political Activity", (2016) at 1.

¹⁰ See Id. at 2.

¹¹ See Greg B. Smith, "Exclusive: City Hall moves to keep fired DOI commissioner from testifying in lawsuit by lead-poisoned NYCHA kids," *New York Daily News*, December 10, 2018,

to by Peters, found that Peters had abused his authority in attempting to gain control of the Special Commission of Investigation (SCI), an independent city agency that investigates the school system;¹² Peters had attempted to subsume the powers of the SCI under the DOI, according to the report, and had fired SCI Commissioner Anastasia Coleman.¹³ The report found that such conduct by Peters overstepped his authority as commissioner; de Blasio subsequently terminated him, citing the report, which also found that he had engaged in “intimidating and abusive behavior.”¹⁴

De Blasio’s decision was met with backlash, particularly in light of the DOI’s investigation into his administration’s failures. City Council Member Ritchie Torres stated that he “strongly disagreed” with the mayor’s decision, and then public advocate and current attorney general Letitia James called the act “Trump-like,” an apparent reference to the president’s impulsive, unilateral staff dismissals.¹⁵ The City Council confirmed Margaret Garnett, a former federal prosecutor, as Peters’s replacement in late November 2018.¹⁶

<https://www.nydailynews.com/new-york/ny-metro-subpoena-doi-commissioner-nycha-lead-20181207-story.html>.

¹² See Yoav Gonen, “City Investigation Chief Pens Apology Letter for Abusing his Authority,” *New York Post*, October 15, 2018, <https://nypost.com/2018/10/15/city-investigation-chief-pens-apology-letter-for-abusing-his-authority/>.

¹⁴ See “Mayor Fires Mark Peters, Appoints New Head of Department of Investigation,” CBS New York, November 16, 2018, <https://newyork.cbslocal.com/2018/11/16/mark-peters-fired-doi/>.

¹⁵ See *Id.*

¹⁶ See Noah Goldberg and Leonard Greene, “NYC Council confirms De Blasio’s new DOI commissioner,” *New York Daily News*, November 28, 2018, <https://www.nydailynews.com/new-york/ny-metro-doi-commissioner-confirmed-20181128-story.html>.



**SURVEILLANCE TECHNOLOGY
OVERSIGHT PROJECT, INC.**

40 RECTOR STREET
9TH FLOOR

NEW YORK, NY 10006

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