

THOMAS P. DINAPOLI
COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

August 12, 2016

Mr. William Bratton
Commissioner
New York City Police Department
One Police Plaza
New York, NY 10038

Re: Reporting and Utilization of Bias Incident
Data
Report 2015-F-29

Dear Mr. Bratton:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article III of the General Municipal Law, we have followed up on the actions taken by officials of the New York City Police Department (NYPD) to implement the recommendations contained in our prior audit report, *Reporting and Utilization of Bias Incident Data* (2014-N-2), issued September 25, 2014.

Background, Scope and Objective

With the passage of the Hate Crimes Act of 2000 (Act), the New York State Legislature acknowledged the damaging effect of criminal acts involving violence, intimidation, and destruction of property based on bias and prejudice. Crimes are defined as bias- or hate-based when the victims were believed to have been targeted due to their actual or perceived race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. The Act states that such crimes do more than threaten the safety and welfare of citizens: "Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes."

The Act specifies harsher sentences for offenders convicted of committing such crimes and requires law enforcement agencies throughout the State to collect and report statistics on hate crimes to the Division of Criminal Justice Services (Division). The Division compiles hate crime data in an annual Statewide report and submits summary data to the Federal Bureau of Investigation (FBI) for its collection and publication. In its "Hate Crime Data Collection Guidelines and Training Manual," the FBI states why such data collection is important: "National statistics have resulted in

greater awareness and understanding of the true dimensions of the problem nationwide. Those charged with the enforcement of the law will be better able to quantify their resource needs and direct available resources to the areas where they will have the most effectiveness. Likewise, community service organizations and groups will be better able to respond to the needs of the victims.”

Hate crime data reported to the Division include the number of incidents, the crime locations, date of the incident(s), bias motivation, and both victim and offender demographics. For 2014, the Division reported 307 bias-motivated incidents in New York City, and in 2015, there were 314 such incidents. The following table summarizes by calendar quarter the bias-motivated incidents in New York City in 2015, as recorded by the NYPD.

2015 NYC Bias-Motivated Incidents

County	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	County Total
Bronx	7	11	11	2	31
Kings	20	36	24	37	117
New York	18	30	22	34	104
Queens	6	15	11	14	46
Richmond	5	5	3	3	16
Quarter Total	56	97	71	90	314

During our prior audit, we determined that there was no formal central office analysis of, or corresponding action plan for, the data that is collected. Based on the existing NYPD recordkeeping practices, we were unable to confirm that all bias incidents were properly captured, recorded by the NYPD, and reported to the Division. In addition, we identified improvement opportunities to enhance the NYPD’s training program for addressing and reporting bias-related incidents, and for the tracking of such training.

The objective of our follow-up review was to assess the extent of implementation, as of March 9, 2016, of the four recommendations included in our initial report.

Summary Conclusions and Status of Audit Recommendations

We found that NYPD officials made some progress in addressing the issues we identified. Of the four prior audit recommendations, one was implemented, two were partially implemented, and one was not implemented.

Follow-up Observations

Recommendation 1

Develop a document tracking system to properly account for all bias-related incidents. Ensure that all official summary records of hate crime-related data are reconciled and supported by the properly accounted for incident reports.

Status – Implemented

Agency Action – Once a police precinct determines an incident is bias related, an unusual occurrence report is prepared and sent to the NYPD Hate Crimes Task Force (HCTF). The HCTF investigates the incident, determines if it is indeed bias related, and creates an incident report. All bias cases, active or inactive, are recorded in NYPD's Enterprise Case Management System (ECMS), an internal database used by HCTF to track the details of each case.

In addition, HCTF maintains a list of cases in an Excel file, which it emails to NYPD's Office of Management and Planning (OMAP) on a weekly basis along with the respective incident reports. OMAP reviews the file for accuracy based on the incident reports and forwards the incident reports to the Division quarterly. OMAP can reach out to the Division if the status of a case changes during the year; however, once the yearly statistics are confirmed with the FBI, no changes will be accepted.

OMAP also has begun efforts to review and reconcile incident reports to assure that all bias incidents are supported by corresponding incident reports. We were also able to verify that the number of incident reports matched the Division's preliminary totals for 2015.

Recommendation 2

Periodically analyze the captured hate crime-related summary data and make inquiries or take action as appropriate.

Status – Partially Implemented

Agency Action – HCTF analyzes summary data to determine any trends or patterns of crime by type of hate crime, precinct, and location. According to NYPD officials, hate crimes are considered significant events, and the HCTF is in direct contact with a precinct when one occurs. Officials also stated that if a pattern is found, a detective will be assigned to visit the location and speak to any advocacy groups in the area to see what could be done to prevent instances in the future.

While we were provided with evidence that patterns are identified by the HCTF, we were not provided with sufficient support that this information is disseminated to the

affected precincts, or that any inquiries/actions were undertaken regarding these trends or patterns.

Recommendation 3

Develop a training-related recordkeeping system that can be easily accessed by NYPD management to ensure that all officers receive required training.

Status – Partially Implemented

Agency Action – The NYPD created a Training Attendance Certification Transcript Integrated Collection System (TACTICS) to record training information. This began in December 2015 and has only been implemented for Use of Force training. NYPD officials indicated that no date has been set to begin tracking hate crime training in TACTICS. To determine who received hate crime training, NYPD officials would have to check hard copy logs maintained manually at each of the NYPD's 77 precincts.

Recommendation 4

Consider requiring periodic hate crime-related training as part of the regular NYPD training curriculum.

Status – Not Implemented

Agency Action – NYPD does not require periodic hate crime-related training as part of its regular training curriculum. Such training could be targeted based on hate crime data. The last hate crime-related training session was one provided to Commanding Officers (CO) in February 2015. NYPD informed us that it is the CO's responsibility to provide the training materials and additional training to the officers at their respective precincts.

Hate crime-related training is given to recruits in the Police Academy and to officers upon promotion. However, additional training is at the discretion of each individual precinct. As discussed above, there is no system to track this additional training.

Major contributors to this report were Saviya Crick, Ryan Wendolowski, and Daphnee Sanon.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issues discussed in this report. We thank the management and staff of the New York City Police Department for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Michael Solomon
Audit Manager

cc: L. Cable, NYPD
G. Davis, NYC Mayor's Office