

NEWS

Report: NYPD unable to substantiate hundreds of profiling complaints

Findings of court-appointed monitor show the difficulty of delving into a police officer's mind to determine whether profiling or bias motivated a cop's actions, official says.



Peter L. Zimroth, commission member of The State Moreland Commission to Investigate Public Corruption, speaks at the Javits Center in Manhattan on Oct. 28, 2013. Photo Credit: Jason Andrew

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In the past two years, the NYPD has been unable to substantiate hundreds of complaints of racial, ethnic or other profiling leveled against cops, according to a report by a special court-appointed federal monitor reviewing police procedures.

The findings, released Friday by attorney Peter L. Zimroth, who was appointed in 2013 to monitor practices and policies of the NYPD following the settlement of stop and frisk lawsuits, underscored what he saw as the difficulties of delving into an officer's mind to determine whether profiling or bias motivated a cop's action.

According to Zimroth, the NYPD's Internal Affairs Bureau investigates all allegations against cops related to racial or biased-based profiling. From 2017 through the end of 2018, out of a total of 1,722 profiling allegations leveled against cops, charges were not substantiated in 792 cases, meaning no credible evidence existed that the officer committed the offense, Zimroth reported.

In a detailed break out of the completed cases involving profiling, the report stated of the 2017 to 2018 allegations that 438 — 55.3 percent — were deemed unsubstantiated. Another 298 allegations — 37.6 percent — were unfounded or showed no evidence the cops committed the act. Two cases —

less than one percent – were outright exonerations because the officers acted lawfully, the report stated.

In 54 allegations – 6.8 percent – investigators cleared the cops of profiling claims but substantiated other allegations of misconduct.

“Proving bias against an individual officer is difficult because it requires a conclusion about that officer’s state of mind,” Zimroth noted in the report. “The NYPD like other major police departments around the country has not substantiated any. It is therefore very important to ensure that the department’s profiling investigations are thorough.”

Profiling allegations against police officers cover a wide variety of protected classes, including race, color, ethnicity, national origin, religion and age, officials noted. In 2017, the NYPD combined four categories – race, color, ethnicity and nationality – in one category that in 2017 had the largest percentage of profiling allegations, according to Zimroth.

By the end of 2018, some 930 profiling cases covering 2017 and 2018 were still open and being investigated by NYPD internal affairs investigators.

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spokesman for the NYPD agreed that it was difficult to determine an officer's state of mind in when allegations of profiling are made.

The Civilian Complaint Review Board is the agency outside the NYPD with jurisdiction over allegations of police misconduct but generally doesn’t classify investigations the way the Internal Affairs Bureau does. The CCRB probes allegations of improper use of force, abuse of authority,

discourtesy and offensive language, the latter category being the one that would cover a cop's use of racially or ethnically-tinged language toward a civilian.

A law enforcement official familiar with CCRB operations who didn't want to be quoted said Monday that in some cases against an officer for discourtesy may include racial epithets or comments about a person's protected status. There aren't statistics showing the frequency of occurrence, the official said.

The vast majority of CCRB complaints cover allegations of abuse of authority such as unlawful searches, stops and frisks, and not offensive language or discourtesy, the official said. CCRB statistics for 2018 showed that in the 390 substantiated complaints against cops last year, only 14 involved "offensive language", which wasn't further defined.

The official noted that while delving into the state of mind of a cop is difficult, the CCRB would be willing to make more concerted efforts to find the truth about profiling allegations if it had more investigators beyond the 90 the agency currently on staff.

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