Police misconduct database reveals top NYPD brass guilty of abuse of authority

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Leading New York City Police Department (NYPD) officials, including Police Commissioner Dermot Shea, have extensive misconduct allegations against them, according to years of records made public by the New York Civil Liberties Union (NYCLU). Shea has overseen the NYPD since being appointed by Democratic Mayor Bill de Blasio in November 2019.

NYCLU, the state affiliate of the American Civil Liberties Union (ACLU), was able to publish data from the Civilian Complaint Review Board (CCRB) after a federal judge ruled, per a recent change in state law, such data could be made public.

The CCRB data published by NYCLU includes 323,911 complaints against 81,550 NYPD officers stretching back to 1985. It does not include complaints which are currently being investigated. According to the CCRB, most years only 30-40 percent of complaints are fully investigated, with most stymied due to witness noncooperation or inability to identify the officer.

If investigated, the allegations are either substantiated (the incident happened and constituted misconduct) or unsubstantiated (the CCRB could not prove that the incident happened, or that it constituted misconduct), or the officer is exonerated (the CCRB found that the incident happened but did not constitute misconduct).

While representing only the tip of the iceberg in terms of police misconduct, several current and former NYPD top officials appear in the NYCLU database.

According to the nonprofit New York City news site *The City*, "Police Commissioner Dermot Shea got cited for what appears to be a wrongful vehicle search in 2003, during the era of 'stop and frisk,' when he was a captain in The Bronx."

The incident is a microcosm of the indignities and abuse working-class New Yorkers suffer at the hands of the police. The CCRB substantiated that the 2003 incident involved misconduct. Shea was found to have wrongfully pulled over the vehicle before illegally searching it and unlawfully frisking at least one passenger. The disciplinary result of Shea's illegal actions was that he was given "instructions."

Three other complaints against Shea resulted in him being exonerated, meaning that the CCRB—an independent body whose board members are appointed by the New York City Council, the mayor and the police commissioner—found that the incident occurred but that the officer conduct did not violate procedure or the law.

Shea's predecessor, James O'Neill, who was police commissioner from September 2016 until November 2019, also appears in NYCLU's database. The CCRB substantiated charges that then-Lieutenant O'Neill unlawfully searched and detained someone, along with "unspecified abuse charges," during a 1997 incident. The CCRB could not substantiate allegations of O'Neill threatening to use and actually using force improperly, as well as using "nasty words."

The City reports, "There's no record indicating O'Neill received any form of discipline stemming from the substantiated charges." O'Neill was exonerated of three other allegations in 1997, 1999 and 2002, including regarding illegal search of premises and damage of complainant property.

Other top NYPD officials appear in the NYCLU database. The highest-ranking uniformed cop, Chief of Department Terence Monahan, "was named in six 'abuse of authority' complaints, at least five of them during the 2004 Republican National Convention [RNC], which saw clashes between protesters and police," according to the *New York Post*. While none of the allegations against Monahan were substantiated, protesters at the RNC were awarded a $200,000 settlement for the abuse they received at the hands of the NYPD.

Chief of Detectives Rodney Harrison has 21 complaints against him, of which an abuse of authority complaint was substantiated. Chief of Crime Control Strategies Michael LiPetri has 25 complaints against him, of which three have been substantiated.

That abusive cops rise to the top in the NYPD comes as no surprise to most New Yorkers. However, summary data put

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forward by the CCRB, as well as analyses of the NYCLU database, hint at the much broader culture of brutalization within the NYPD.

The CCRB received 7,663 complaints (each complaint can contain multiple allegations) in 2006, with a general decline over the following decade, in part due to the official discontinuation of stop-and-frisk, which a judge found to constitute unconstitutional searches and be racially discriminatory in application. However, from 2016 through 2019 complaints increased annually, reaching 4,962 in 2019.

A plurality of complaints originated in incidents which did not result in arrests or even a summons, and a plurality occur when a police officer suspects a crime—that is, is not called to the scene of a reported crime—expressing the arbitrary character of police violence and other heavy-handedness meted out to the city's working class residents.

ProPublica, which separately published a subset of the CCRB data, found that of the 36,000 current NYPD officers, 3,900, or 11 percent, have "had at least one substantiated allegation."

A small fraction of complaints, less than 3 percent, led to the officer receiving punishment, with only 12 officers dismissed, according to the NYCLU. For those cases investigated and substantiated, the NYPD decides internally how to act on the CCRB's findings, with Police Commissioner Shea—himself, as revealed by the data, an abusive cop—making the final decision.

Several categories of allegations within the NYCLU database are revealing:

- **Beating:** 4,215 allegations, of which 314 were substantiated. Except for two entries of "No Disciplinary Action," no NYPD findings or punishments are listed in the database.
- **Chokehold:** 1,746 allegations, of which 84 were substantiated. The NYPD found the officer not guilty in about half of the substantiated cases.
- **Gun firing:** 423 allegations, of which 16 were substantiated. About half of the NYPD findings and punishments are not listed.
- **Refusal to obtain medical treatment:** 1,885 allegations, of which 132 were substantiated, mostly resulting in training and command discipline. Officer Damian Marcaida was fired in 1999 for this infraction.
- **Vehicle search:** 5,575 allegations, of which 753 were substantiated, mostly resulting in command discipline, training or instructions.
- **Offensive racial language, e.g., slurs:** 2,781 allegations, of which 75 were substantiated by the CCRB. About half of these, despite being substantiated by the CCRB, had their charges dismissed by the NYPD, or were found not guilty. Many of those found guilty received instructions or written warnings, with very few substantiated claims resulting in penalties such as the loss of vacation days.
- **Offensive language against black people (separate from the above category):** 2,970 allegations, of which 200 were substantiated, with no NYPD findings or punishments listed beyond a single finding of "not guilty."

There were also three allegations of a sexually motivated strip search, one of a sexually motivated frisk and 32 of a "sexual/romantic proposition." Offenses include multiple categories for police officers using items like flashlights and radios as clubs, as well as for offensive language targeting complainants' race, ethnicity, gender, disability or religion. There are also eight threats related to immigration status. Such bigoted and backward elements find a ready home in police departments across the United States.

That so few police officers are held accountable for their actions is by design. The CCRB functions as a fig leaf for the NYPD. Its board is appointed by the political representatives of the same ruling class which the NYPD defends, along with appointees from the NYPD commissioner himself. It has limited powers and can only make recommendations to the NYPD, which often lets officers off the hook entirely in its own process or gives them merely a slap on the wrist for serious violations of democratic rights.

Even the limited oversight the board provides is anathema to the police and their fascistic unions, which sued to keep the NYCLU database under wraps after the organization obtained it through a Freedom of Information request.

Hundreds of cases being investigated by the CCRB have been delayed since March because officers refused to attend remote hearings necessitated by the pandemic, reportedly over concerns that such testimony would be leaked. It was only in early August that the department ordered officers to attend hearings.

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