

# Undercounting Those Killed by the N.Y.P.D.

A never-released report shows that the number of people killed by police activity in New York is more than twice what has been reported.



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On the morning of May 30, as protests over the killing of George Floyd were sweeping the country, Mary Bassett, a prominent expert at Harvard University's public health school and New York City's former health commissioner, sent an email to Mayor Bill de Blasio.

"Greetings!" she wrote. "This seems a good time to raise this."

During her tenure in 2015, she told him, the city's Health Department had begun conducting an internal review of reporting on police-involved deaths. The Police Department had helped, sharing data at the direction of then-Commissioner James O'Neill.

The Health Department's findings, compiled in a 2017 draft report, were striking: Though fewer people per capita die at the hands of the police in New York than in almost any other place in the United States, the city was significantly underreporting the deaths. The review also found that the incidence of deaths at the hands of the police was five times higher for black New Yorkers than for whites.



Mary Bassett in 2014. Josh Haner/The New York Times

Dr. Bassett's team identified 105 people killed by the police or police activity during the period from 2010 to 2015, more than double the 46 the agency had publicly reported for those years. Of the unreported deaths, 13 were bystanders hit by police bullets or pedestrians killed from vehicle accidents during police activity. The team also found deep racial disparities in the deaths. For example, six black New Yorkers and five Hispanic residents who died as a result of encounters with the police during this period were unarmed; no unarmed whites were killed.

The findings, which could have changed police practices and saved lives, never saw the light of day.

Dr. Bassett left the administration in August 2018, before the work was complete, but continued to consult on the review with her former colleagues in the Health Department. Dermot Shea, who replaced Mr. O’Neill as police commissioner late last year, has expressed little interest in the project.

“Commissioner Shea decided not to continue this work,” Dr. Bassett wrote to Mr. de Blasio in her May 30 email, “with the result that the findings and the collaboration have been effectively buried. You could resurrect it.”

Mr. de Blasio never spoke with Dr. Bassett about her email. His press secretary, Freddi Goldstein, said some of the data in question is already available online, in Police Department reports. “Transparency and accountability are critical, and the Mayor is fully committed to both,” she said in an email. “City Hall only learned about this project in the last few weeks. We have since engaged the Department of Health and the NYPD to learn more and are committed to making data more accessible.”

Police Department officials said they never tried to stop the Health Department from making the findings public. But after they backed away last year, the project languished.

Oxiris Barbot, Dr. Bassett’s successor at the Health Department, which is responsible for reporting all deaths in New York, still hasn’t published the report. The city’s chief medical examiner, Barbara Sampson, was also involved in the review. None of these officials alerted the City Council, much less the public, about what they found.

Asked about the three-year delay in reporting, a Health Department spokesman blamed the demands of the coronavirus pandemic. He wouldn’t say when or whether the report would be published. “We remain committed to creating a robust and accurate record of law enforcement related deaths in our vital statistics,” he wrote in an email to me.

Dr. Bassett was one of Mr. de Blasio’s most high-profile hires, a well-known expert on racial disparities in health in the United States and elsewhere. She now leads the FXB Center for Health and Human Rights at the Harvard T.H. Chan School of Public Health.

In 2015, after reading an investigation by The Guardian that found deaths caused by the police were vastly undercounted in the United States, she decided to review the data her own agency was reporting.

Dr. Bassett said the idea was to improve New York’s reporting on police-involved deaths and make it readily available to the public. She also hoped to save black lives. “There’s never been a single year since the United States’ founding when black people haven’t been sicker and died younger than whites,” she said in a phone interview. “The reasons for this are social in origin. That means they can be changed.”

The draft report of the department’s 2017 findings obtained by The Times shows that the reasons for New York’s undercount were many. The city’s official count often excludes people who die in incidents related to police activity, such as after running into traffic while being pursued by officers. In some cases, police activity wasn’t indicated on medical examiner reports, leading the Health Department to misclassify the deaths. Dr. Sampson, the chief medical examiner, said that she would support changes to the way the city identifies these deaths, but that it wasn’t her call. “It really in my mind falls upon the Department of Health to make those recommendations,” she told me.

The Health Department was able to identify six of the 13 bystander deaths only through media reports. Dr. Bassett said all of the deaths should have been classified as police-related from the start. “The definition was too narrow and didn’t fully capture the mortality impact of encounters with police,” she said.

Mayor Bill de Blasio won office in 2013 promising to rein in the city’s Police Department, a stance that was not well received by officers. Early in his term, hundreds of officers turned their backs on him at two police funerals. After that, the mayor became among the Police Department’s loudest defenders. His administration began using a more expansive interpretation of a law known as 50-A, blocking the release of disciplinary records that had long been made available. On his watch, the police officer who placed Eric Garner in the chokehold that led to his death remained on the force for five years, even collecting overtime pay

For years, Dr. Bassett’s team meticulously collected data on police-involved deaths, but she chose not to tell the mayor or City Hall. When I asked her why, she said, “I thought they would tell us to stop.”

Instead of from the mayor, Dr. Bassett found help from an unlikely source: the police commissioner, James O’Neill.

Dr. Bassett said she met with the commissioner in September 2017 at One Police Plaza, the department's hulking concrete headquarters near the Brooklyn Bridge. Dr. Bassett said Police Commissioner Shea, then a deputy commissioner, was there, as well as Dr. Sampson.

Dr. Bassett and her team showed them the data, telling them she had determined her agency was underreporting police-related deaths. To her surprise, Mr. O'Neill didn't question the findings. "You should have come to us," Dr. Bassett recalls the commissioner saying. He asked to be a part of the review. Using data provided by the Police Department, the Health Department identified about 10 more deaths during the same six-year period, Dr. Bassett said. In a phone interview, Mr. O'Neill said the collaboration with Dr. Bassett was part of a larger effort to increase transparency about the Police Department he led. "We worked well together," he said.

But by January of last year, the Police Department had stopped sharing the data with the Health Department. In a phone call this week, police officials said they already release much of the information to the public in their annual use-of-force reports.

In other words, New York's Police Department prefers to publish its own reports on its own terms. Dr. Bassett's dream of building a modern health surveillance system to track and prevent police-related deaths was dead.

For nearly three years, leadership at the city's Health Department, Police Department and Medical Examiner's Office knew the city was underreporting police-involved deaths, but said nothing.

New Yorkers deserve to know why.

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