

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Christine C. Quinn
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Committee on Finance

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Committee on Public Safety



Hearing on the Fiscal Year 2013 Executive Budget

Civilian Complaint Review Board

May 17, 2012

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CCRB Overview

The Civilian Complaint Review Board (CCRB) investigates civilian complaints against uniformed members of the New York City Police Department (NYPD). Complaints handled by the Board include allegations of misconduct involving excessive use of force, abuse of authority, discourtesy and the use of offensive language, including, but not limited to, references to race, ethnicity, religion, sexual orientation and disability. These are collectively referred to as FADO allegations. In the course of its work, the Board can elect to take a substantiated complaint to trial or attempt to mediate a settlement between the parties involved.

This report provides an overview of the CCRB's Executive Budget for Fiscal 2013 as well as a brief look at the Board's activities. The Fiscal 2013 Executive Budget added funding and headcount for a permanent Administrative Prosecution Unit (APU). This initiative is discussed. Since adoption of the Fiscal 2012 Budget there have been few changes made to the CCRB's Fiscal 2013 Budget; these are listed in Appendix 2. Also, the Committee on Public Safety reviewed the Administration's previously proposed changes to the Fiscal 2013 Budget at its March 15, 2012 hearing on the Preliminary Budget. The CCRB has no capital budget.

CCRB Financial Summary

Dollars in Thousands

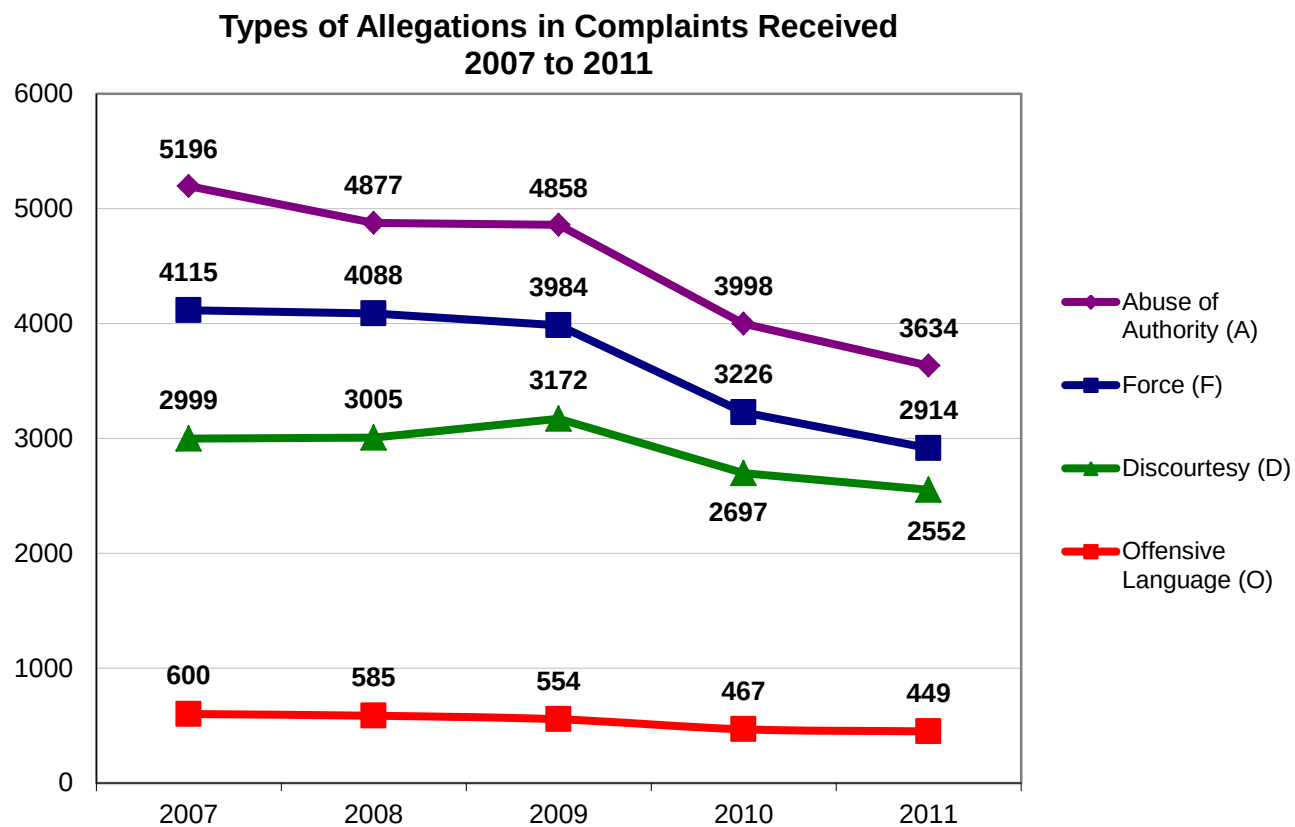
<i>Dollars in Thousands</i>	2011 Actual	2012 Adopted	2012 Exec. Plan	2013 Exec. Plan	*Difference 2012 - 2013
Budget by Unit of Appropriation					
Personal Services (001)	\$7,796	\$7,978	\$7,712	\$8,862	\$884
Other Than Personal Services (002)	1,827	1,632	1,630	1,688	55
Total	\$9,623	\$9,610	\$9,343	\$10,549	\$939
Funding					
City Funding	N/A	9,610	9,343	10,549	939
Total	\$9,623	\$9,610	\$9,343	\$10,549	\$939
Positions					
Full-Time Positions - Civilian	132	141	142	164	23
Total	132	141	142	164	23

**The difference between Fiscal 2012 Adopted compared to Fiscal 2013 Executive Plan funding.*

The Fiscal 2013 Executive Budget for the Civilian Complaint Review Board is \$10.5 million, approximately \$939,000 or 9.8-percent higher than the Fiscal 2012 Adopted Budget of \$9.6 million. This is due to two funding increases for the APU; \$168,000 added in the November 2011 Financial Plan and \$799,000 added in the Fiscal 2013 Executive Budget. These increases totaled \$876,000 in Fiscal 2013 and, therefore, account for approximately 93-percent of the Board's total budget increases since the Fiscal 2012 Adopted Budget. The headcount change shown above reflects the addition of 18 staff members for the APU as well as adjustments made to the Board's budget during the November and February Plans (see chart in Appendix 2).

CCRB Caseload

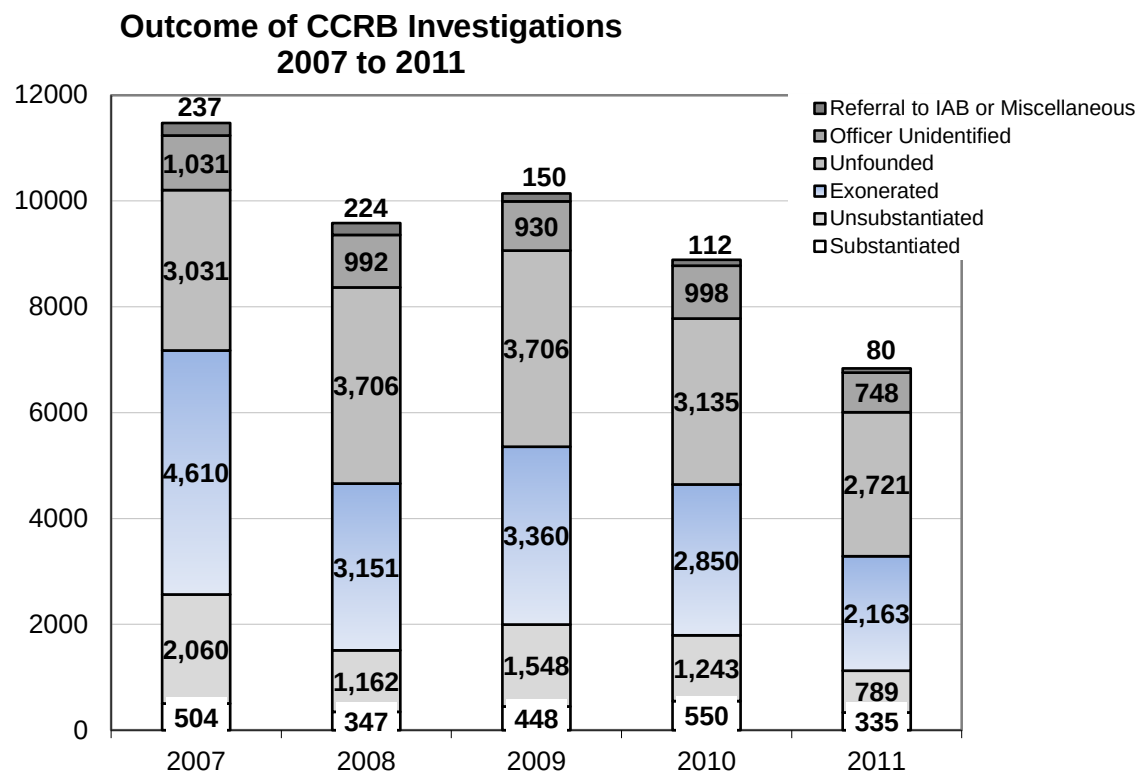
One way to understand how the CCRB utilizes its resources is by looking at its workload and its performance measures. “The CCRB’s January-June 2011 Annual Report,” provides a comprehensive look at the Board’s scope of work. Two measures, the number of complaints by type, and the outcome of CCRB investigations are presented below to provide some understanding of the workload handled with CCRB’s roughly \$10 million annual budget and 150-plus person staff.



Source: CCRB

According to CCRB statistics, between 2007 and 2011 the CCRB received, on average, 17,632 complaints per year and about 10,000 or 57-percent of these fell outside of the jurisdiction of the Board. Complaints generally fall into one of four categories collectively referred to as “FADO.” They are: 1) force; 2) abuse of authority; 3) discourtesy; and 4) offensive language. In 2011 CCRB received 9,549 allegations with complaints – one complaint may contain several allegations (see above chart), most of which were for Abuse of Authority which can range from improper street stops to retaliatory summonses or unwarranted threats of arrest. The second most common type was Force which refers to excessive use of force up to and including deadly force. Third is Discourtesy which refers to inappropriate behavior or language, including rude or obscene gestures or vulgarities. And finally, there is Offensive language including slurs, derogatory remarks, and/or gestures, including but not limited to, references to a person’s sexual orientation, race, ethnicity, religion, gender, or disability. Overall complaint activity has been decreasing since Calendar 2007.

The next chart, “Outcome of CCRB Investigations” displays the Board’s findings for all of the allegations investigated from 2007 through 2011. As with allegations, the number of completed full investigations has been declining.



Source: CCRB

The CCRB’s full investigations result in the following six findings: 1) Miscellaneous -- most commonly, the subject officer is no longer a member of the NYPD; 2) Officer(s) Unidentified – the Board was unable to identify the subject(s) of the alleged misconduct; 3) Unfounded – there is sufficient credible evidence to believe that the subject officer did not commit the alleged act of misconduct; 4) Exonerated – the subject officer was found to have committed the act alleged but the officer’s actions were found to be proper and lawful; 5) Unsubstantiated – the available evidence is insufficient to determine whether the subject officer committed the misconduct alleged; and 6) Substantiated – there is sufficient credible evidence to indicate that the subject officer did engage in the alleged misconduct. These are the cases that will ultimately be sent to the APU for trial.

The above chart illustrates the breakout of all of the full investigations disposed of by the Board between Calendar Years 2007 and 2011. Note that the two largest categories are “Exonerated” and “Unfounded”. “Substantiated” cases, which are the cases that go to the trial room (and, therefore, to the new APU), constitute the second smallest category with only “Miscellaneous” being smaller. Note that the first category listed on the chart shows a subcategory listed along-side “Miscellaneous” labeled “Referred to IAB”. IAB is the NYPD’s Internal Affairs Bureau. If, in the course of conducting an investigation, Board investigators discover potential for allegations of corruption, the case is then referred to IAB for its examination.

Fiscal 2013 Executive Budget Actions

<i>Dollars in Thousands</i>	FY 2012			FY 2013		
	City	Non-City	Total	City	Non-City	Total
CCRB Budget as of FY 2013 Preliminary	\$9,342	\$0	\$9,342	\$9,750	\$0	\$9,750
New Needs						
APU Expansion	0	0	0	799	0	799
Total New Needs	\$0	\$0	\$0	\$799	\$0	\$799
Total All Changes	\$0	\$0	\$0	\$799	\$0	\$799
CCRB Budget as of FY 2013 Executive	\$9,342	\$0	\$9,342	\$10,549	\$0	\$10,549

As shown in the table above, the Fiscal 2013 Executive Budget includes a single adjustment to the CCRB's Fiscal 2013 Budget, and makes no changes to its Fiscal 2012 Budget.

Administrative Prosecution Unit Expansion

The CCRB will receive an additional \$799,000 in Fiscal 2013 and \$780,725 in Fiscal 2014 and the outyears along with 18 new staff to expand their APU. The Council and the Administration have agreed to extend to the Civilian Complaint Review Board the power to prosecute police officers, instead of submitting recommendations to the NYPD and "second seating" cases which the Board had submitted for prosecution. On April 2nd, the Board approved the Memorandum of Understanding (MOU) laying out the details of the agreement between the CCRB and the NYPD.

The APU builds on the Second Seat program, begun in Fiscal 2008, in which a CCRB attorney acted as supporting counsel to the NYPD's in-house prosecutors. As of June 30, 2011, the CCRB's attorneys had participated in 13 trials and six plea negotiations. The original budget for the APU, begun as a pilot program in Fiscal 2011, was \$366,313 and supported only a staff of four including two attorneys and two support staff.

According to the CCRB, the Administrative Prosecutions Unit should be expanded from its current authorized headcount of four to a staff of 18. CCRB has requested \$2.3 million in additional funding in Fiscal 2013 to support the APU — \$1.6 million in baseline costs and \$700,000 in start-up expenses. Though only half of the requested funding has been included in this budget, the Council expects the APU to be fully funded in the Fiscal 2013 Adopted Budget. The chart below presents the CCRB's request for funding for the APU.

CCRB's Administrative Prosecution Unit Funding Request

Title	Salary	New Positions	Funding	
			FY 2013	FY 2014 & the Outyears
<i>PS Request</i>				
Chief Prosecutor	\$130,000	1	\$130,000	\$130,000
Staff Attorney	90,000	10	900,000	900,000
Principal Administrative Aide	46,125	1	46,125	46,125
Policy Analyst	60,000	1	60,000	60,000
Systems Analyst	83,535	1	83,535	83,535
Investigator	49,049	4	196,196	196,196
Raises for Existing Staff	NA	NA	25,000	25,000
PS Subtotal	\$458,709	18	\$1,440,856	\$1,440,856
<i>OTPS Request</i>	NA	NA	\$857,653	\$120,593
Total Request	NA	NA	\$2,298,509	\$1,561,449

Appendix 1: Actions in the November, February & Executive Plans

<i>Dollars in Thousands</i>	FY 2012			FY 2013		
	City	Non-City	Total	City	Non-City	Total
CCRB Budget as of FY 12 Adopted Plan	\$9,610	\$0	\$9,610	\$9,683	\$0	\$9,683
Program to Eliminate the Gap (PEGs)						
Case Management Unit Consolidation	(40)	0	(40)	(80)	0	(80)
PS Accruals	(313)	0	(313)	0	0	0
Eliminate Two Agency Cars	0	0	0	(41)	0	(41)
Total PEGs	(\$353)	\$0	(\$353)	(\$121)	\$0	(\$121)
New Needs						
Administrative Prosecution Unit	77	0	77	168	0	168
APU Expansion	0	0	0	799	0	799
Total New Needs	\$77	\$0	\$0	\$967	\$0	\$967
Other Adjustments						
Case Management Unit Consolidation - Fringe	9	0	9	19	0	19
Total Other Adjustments	\$9	\$0	\$9	\$19	\$0	\$19
Total All Changes	(\$268)	\$0	(\$345)	\$866	\$0	\$866
CCRB Budget as of FY 13 Executive Plan	\$9,342	\$0	\$9,265	\$10,549	\$0	\$10,549