

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Corey Johnson
Speaker of the Council

Hon. Donovan Richards
Chair, Committee on Public Safety



Report of the Finance Division on the
Fiscal 2020 Preliminary Plan and
Preliminary Mayor's Management Report

Civilian Complaint Review Board

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Finance Division

Nevin Singh, Financial Analyst
Eisha Wright, Unit Head

Latonia McKinney, Director
Regina Poreda Ryan, Deputy Director

Nathan Toth, Deputy Director
Paul Scimone, Deputy Director

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Civilian Complaint Review Board Overview

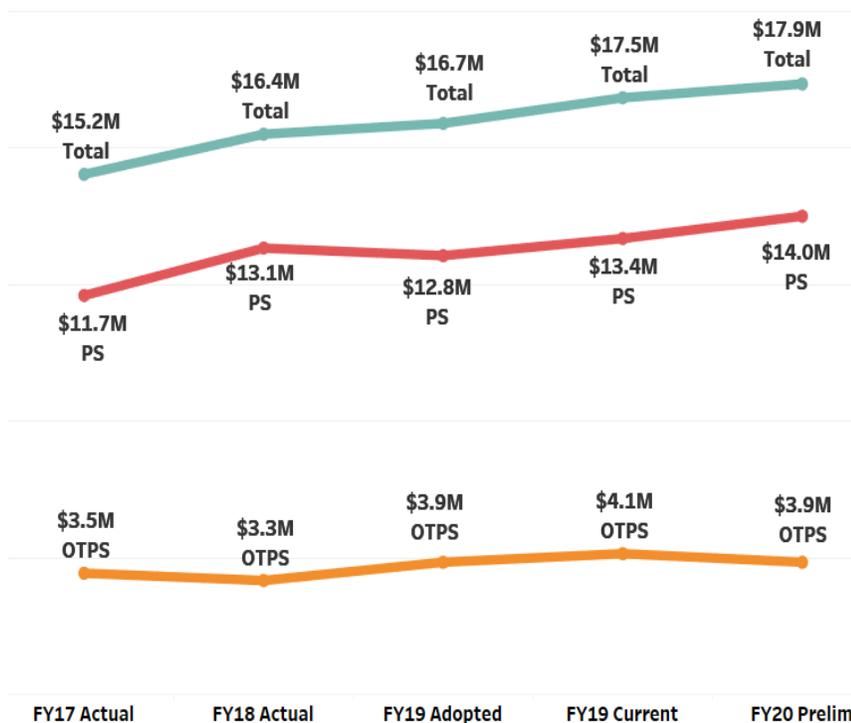
The Civilian Complaint Review Board (CCRB) receives and investigates complaints by members of the public against employees of the New York City Police Department (NYPD). The CCRB is composed of 13 members - one from each of the five boroughs designated by the City Council; five members, including the Chair, designated by the mayor; and three members, who have law enforcement experience selected by the Police Commissioner. Each member serves a three-year term and can be reappointed to the position. The CCRB recommends a certain level of discipline to the Police Commissioner, who is the ultimate authority to determine penalties for misconduct.

This report provides a review of the CCRB’s Preliminary Budget for Fiscal 2020. The first section provides details of the \$17.9 million Fiscal 2020 Preliminary Budget. CCRB has no capital budget. The report then outlines several relevant performance indicators from CCRB and from the Fiscal 2019 Preliminary Mayor’s Management Report (PMMR).

Fiscal 2020 Preliminary Budget Highlights

CCRB’s Fiscal 2020 Preliminary Budget of \$17.9 million reflects a seven percent or \$1.2 million increase when compared to the Fiscal 2019 Adopted Budget of \$16.7 million. Since the Fiscal 2019 Adopted Budget, CCRB’s budget for Fiscal 2019 and Fiscal 2020 has grown by \$750,977 and \$858,713, respectively.

Financial Summary by Year



Fiscal 2019 additions include \$500,977 in collective bargaining increases, \$200,000 for a building lease adjustment, and \$50,000 for data processing equipment for the storage of body-worn camera footage. Fiscal 2020 additions are solely due to collective bargaining increases. In total for Fiscal 2020 the spending on salaries is now \$13.6 million, reflecting a \$1.1 million increase from the Fiscal 2019 Adopted Budget. See Appendix A and B for the full Financial Plan Summary table and a list of budget changes included in the November 2018 and Preliminary Financial Plans.

Headcount

CCRB's budgeted headcount adds four positions in the Investigations program area to bring the total for full-time positions to 187 in the Fiscal 2020 Preliminary Budget. Additionally, CCRB's budgeted headcount also includes seven full-time equivalent positions, bringing CCRB's total budgeted headcount to 194 positions. However, as of March 2019, CCRB's actual headcount is 171 positions, 16 positions under the full-time position authorized headcount. The breakdown of headcount by division is in the table below.

Actual Headcount by Division	
Unit	Headcount
Administration	3
Administrative Prosecution Unit	13
Case Management Unit	6
Communications	2
General Counsel	6
Human Resources	3
Investigations, Intake & Field Evidence Collection, NYPD Relations & Intra-Agency ECU	105
Mediation	6
Management Information Systems	5
Operations	4
Outreach	4
Policy	7
Training	3
Executive	4
Total Headcount	171

Investigative Division

The budgeted headcount increases by four positions, and according to CCRB will be added to the Investigative Division, which is the largest division with a budget of \$7.9 million for PS spending. Investigators contact witnesses and police officers, hold interviews, gather evidence, and handle other aspects throughout the entire investigation. CCRB hires two classes of investigators every year, with roughly 10 people in each class. Each trainee must complete a six-week training program, pass an exam, and work with an existing investigative squad for a six-month probationary period. The attrition rate for investigators is nine percent.

Administrative Prosecution Unit

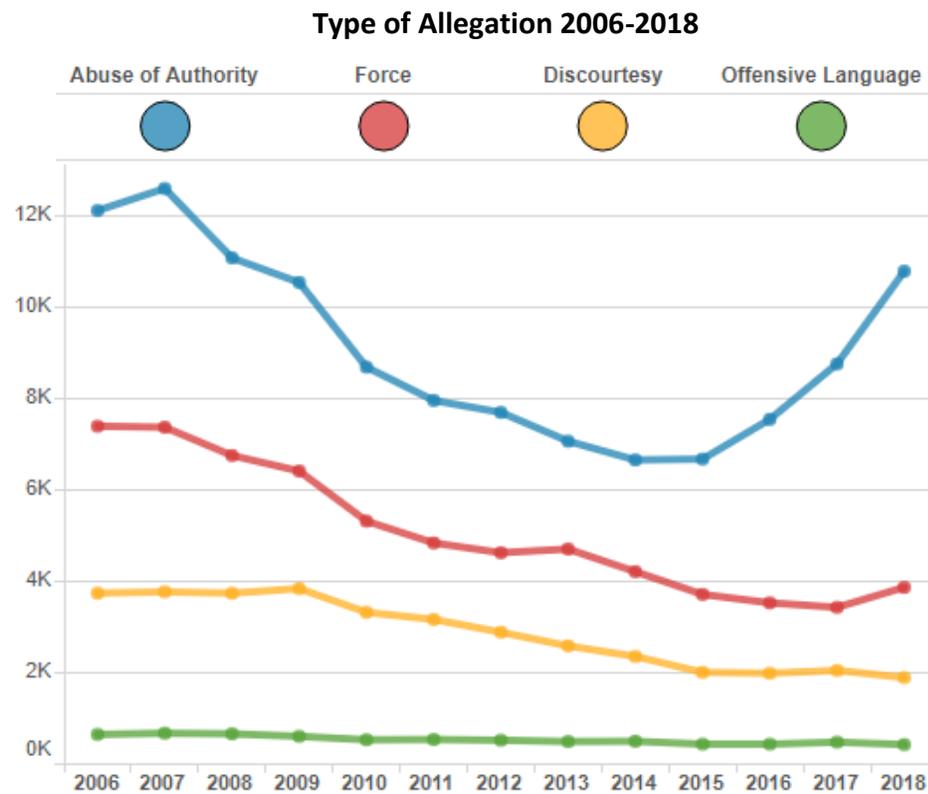
The next largest division is the Administrative Prosecution Unit (APU). The PS budget for the APU for Fiscal 2020 is \$3.1 million. The APU prosecutes more serious cases that can result in charges such as loss of vacation days, suspension, probation, or termination. The Police Commissioner is still, however, the final decision maker on officer punishment. In 2018, the Police Commissioner followed the APU's disciplinary recommendations for 13 cases, or 32 percent of the time.

Outreach

The outreach unit has a budgeted headcount of six people, one assigned for each borough and one director. In 2018, over 1,000 presentations were given on CCRB’s work and role in the City’s criminal justice system, citizen’s rights, and new Police Department policies such as the Right to Know legislation. These presentations were given to a range of audiences at schools, community events, community organizations, and other venues. In addition, board meetings are held in each borough where members of the public can address community issues.

CCRB Policy and Statistics

Complaints handled by CCRB 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 2018, CCRB received over 4,700 complaints and nearly 17,000 allegations. Note that one complaint can contain more than one allegation. The number of complaints by precinct is detailed in Appendix D.



As can be seen in the chart to the left, the most common type of allegation is abuse of authority with 64 percent of the complaints. The increase in these complaints over the last few years may be due to improper stop and frisk violations, increased community outreach from CCRB, and increased awareness of citizen rights.

*Complaints-CCRB <https://www1.nyc.gov/site/ccrb/policy/data-transparency-initiative-complaints.page>

Following a resolution voted on by the Board in February 2018, CCRB determined sexual misconduct by a member of the NYPD to be an abuse of authority and thus falls under CCRB jurisdiction. As a result, CCRB began investigating complaints of sexual misconduct with a two-phase implementation process. In February 2018, it began investigating Phase One complaints, those related to sexual harassment. For Phase Two it will begin investigating more severe sexual

assault allegations. However, there is currently no timeline for Phase Two rollout. In order to begin CCRB requested increased staffing levels and a special unit to respond to complaints. This unit, a Civilian Witness Assistance Unit, would consist of five positions of professionals trained to respond to victims of trauma.

The amount of sexual misconduct allegations CCRB has received is low compared to the FADO allegations. In 2018, of the over 4,000 allegations made by civilians, only 101 were related to sexual misconduct. This may be attributable to the relatively recent addition of these type of allegations to CCRB's jurisdiction. Sexual misconduct statistics are shown in the table below.

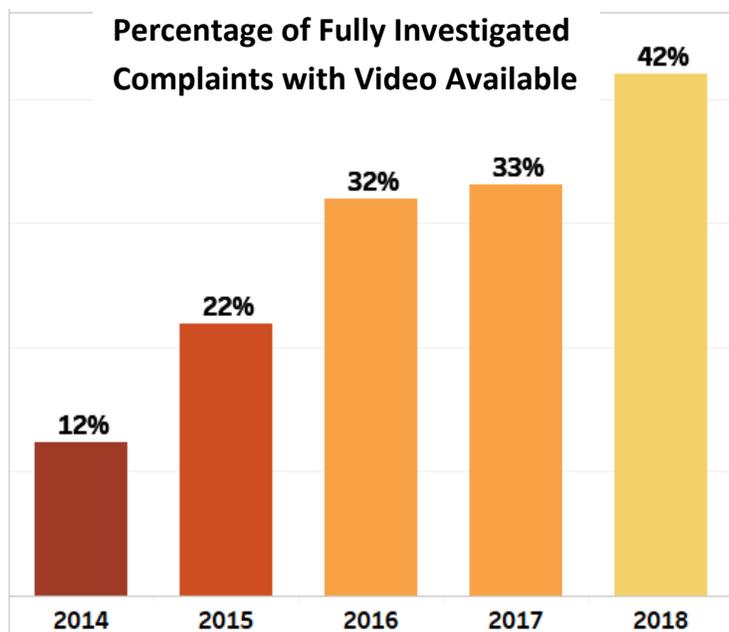
Sexual Misconduct Allegations in 2018		
Type of allegation	Allegations Closed	Open Allegations
Sexual Misconduct (Sexual/Romantic Proposition)	18	4
Sexual Misconduct (Sexual Harassment, Gesture)	6	0
Sexual Misconduct (Sexual Harassment, Verbal)	33	10
Sexual Misconduct (Sexual Humiliation)	8	20
Sexual Misconduct (Sexually Motivated Frisk)	1	1
TOTAL CASES	66	35

When a complaint is determined to be true based upon a preponderance of the evidence, it is considered to be "substantiated". In 2018, the number of officers with substantiated allegations was 341, with 218 of these officers based in precincts and the other 123 in specialized units. The breakdown of officers with substantiated allegations in 2018 is detailed in Appendix E. The Bronx has six precincts with six or more officers with substantiations, the most of any borough. The 34th precinct in Manhattan has the most officers with substantiations at 16, and 19 precincts have no officers that had substantiated allegations in 2018.

Body-Worn Cameras

The body-worn camera program is a multi-agency collaboration including the NYPD, CCRB, District Attorney Offices, and other City agencies to improve policing and the public's relationship to the NYPD. All patrol police officers are equipped with body worn cameras and footage from the cameras may be used in CCRB investigations. If a civilian makes a complaint to CCRB, an investigation is opened and footage can be requested from the Police Department. This footage is downloaded to CCRB's own servers. The Fiscal 2020 Preliminary Plan added \$50,000 to the Fiscal 2019 Budget for data storage. However, CCRB estimates that this investment is insufficient. CCRB needs additional funding for increased server capacity, backup storage, and training for staff.

The time it takes to complete investigations has been steadily increasing in the past few years. In 2017 the average time to complete an investigation was 162 days, and in the first half of 2018 it was 190 days. Body-worn camera footage plays a major role in this uptick as the analysis of footage is a time-intensive process. Furthermore, interviews that investigators hold with police officers are sometimes delayed because this analysis must take place before the interview. Lastly, CCRB must request videos from the Police Department which roughly takes eight business days.



The body-worn camera program is improving the availability of evidence used in investigations. The chart to the left shows the steady increases in the percentage of investigations that have video footage. This is beneficial to investigations which is evident in the rate of substantiations made when video is available. For all closed cases in 2018, 28 percent of cases with video were substantiated compared to 12 percent of cases that did not have video. Note that video includes other footage not related to body-worn cameras.

Fiscal 2019 PMMR Report Performance Measures

According to the Fiscal 2019 PMMR, the Board’s has two broad service goals, which are to investigate, prosecute and resolve claims of police misconduct and to inform and educate the public about the agency. The Board has four primary service goals which are 1) improve the quality and timeliness of investigations, 2) increase the use of mediation to resolve complaints, 3) improve the quality and timeliness of prosecutions, and 4) increase outreach and education of City residents.

The chart below from the PMMR provides performance statistics for Fiscal 2016 to 2018, target data for Fiscal 2018 to Fiscal 2019, and four-month actual data for Fiscal 2018 and Fiscal 2019. (See Appendix C for a complete list of the PMMR Indicators).

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY16	FY17	FY18	FY19	FY20	FY18	FY19
Total Civilian Complaints against uniformed members of the New York City Police Department	4,711	4,215	4,392	*	*	1,557	1,723
Average age of open docket (days)	74	80	101	*	*	84	96
Average time to complete a full investigation (days)	162	153	190	120	120	185	234
Full Investigations as a percentage of total cases closed (%)	38%	34%	32%	40%	40%	34%	33%
Cases closed	4,970	4,031	4,048	*	*	1,370	1,484
Closed allegations with findings on the merits (%)	46%	43%	48%	55%	55%	42%	47%
Average time to complete a substantiated investigation (days)	178	168	208	140	140	194	255
Substantiated cases in which the statute of limitations expired (%)	0%	0%	0%	0%	0%	0%	3%
Officers disciplined (excluding pending and filed cases) (%)	82%	78%	73%	*	*	66%	76%
* None							

Source: Fiscal 2018 Preliminary Mayor’s Management Report

As mentioned earlier, CCRB's core function continues to be investigations of police misconduct related to FADO violations. The performance indicators below reflect the investigative, prosecutorial, and resolution processes at CCRB.

- The total number of civilian complaints against uniformed members of the NYPD increased by 166 complaints or 11 percent when comparing the same four-month period in Fiscal 2018 to Fiscal 2019. This could be due to the addition of sexual misconduct claims and community outreach efforts.
- The closed allegations with findings on the merits increased from 43 percent in Fiscal 2017 to 48 percent in Fiscal 2018. Comparing the first four months of Fiscal 2018 (42 percent) and Fiscal 2019 (47 percent) offers an encouraging trend as well.
- The average age of an open docket in days increased by one percent or twelve days when comparing the first four months of Fiscal 2018 to the first four months of Fiscal 2019. Unfortunately, this seems to be a part of a trend. The PMMR indicates that from Fiscal 2016 to Fiscal 2018, the average age of an open docket in days increased by 29 days.
- The number of cases closed has increased by approximately eight percent in the first four months of Fiscal 2019.

Appendices

A: Financial Plan Summary

CCRB Financial Summary						
<i>Dollars in Thousands</i>						
	FY17	FY18	FY19	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY19	FY20	FY19-FY20
Spending						
Personal Services	\$11,681	\$13,070	\$12,849	\$13,350	\$14,005	\$1,156
Other Than Personal Services	3,549	3,336	3,872	4,122	3,872	0
TOTAL	\$15,230	\$16,406	\$16,721	\$17,472	\$17,877	\$1,156
Personal Services						
Full-Time Salaried - Civilian	\$10,814	\$11,992	\$12,477	\$12,637	\$13,606	\$1,129
Other Salaried & Unsalariated	362	474	315	331	342	27
Additional Gross Pay	175	\$159	57	57	57	0
Overtime - Civilian	330	444		325		0
Subtotal	\$11,681	\$13,070	\$12,849	\$13,350	\$14,005	\$1,156
Other Than Personal Services						
Other Services & Charges	\$2,464	\$2,719	\$3,019	\$3,040	\$3,019	\$0
Contractual Services	414	194	116	693	116	0
Property & Equipment	419	218	77	192	77	0
Supplies & Materials	253	205	660	197	660	0
Subtotal	\$3,549	\$3,336	\$3,872	\$4,122	\$3,872	\$0
TOTAL	\$15,230	\$16,406	\$16,721	\$17,472	\$17,877	\$1,156
Funding						
City Funds	\$15,230	\$16,406	\$16,721	\$17,472	\$17,877	\$1,156
TOTAL	\$15,230	\$16,406	\$16,721	\$17,472	\$17,877	\$1,156
Budgeted Headcount						
Full-Time Positions - Civilian	166	173	183	183	187	4
TOTAL	166	173	183	183	187	4

*The difference of Fiscal 2019 Adopted Budget compared to Fiscal 2020 Preliminary Budget.

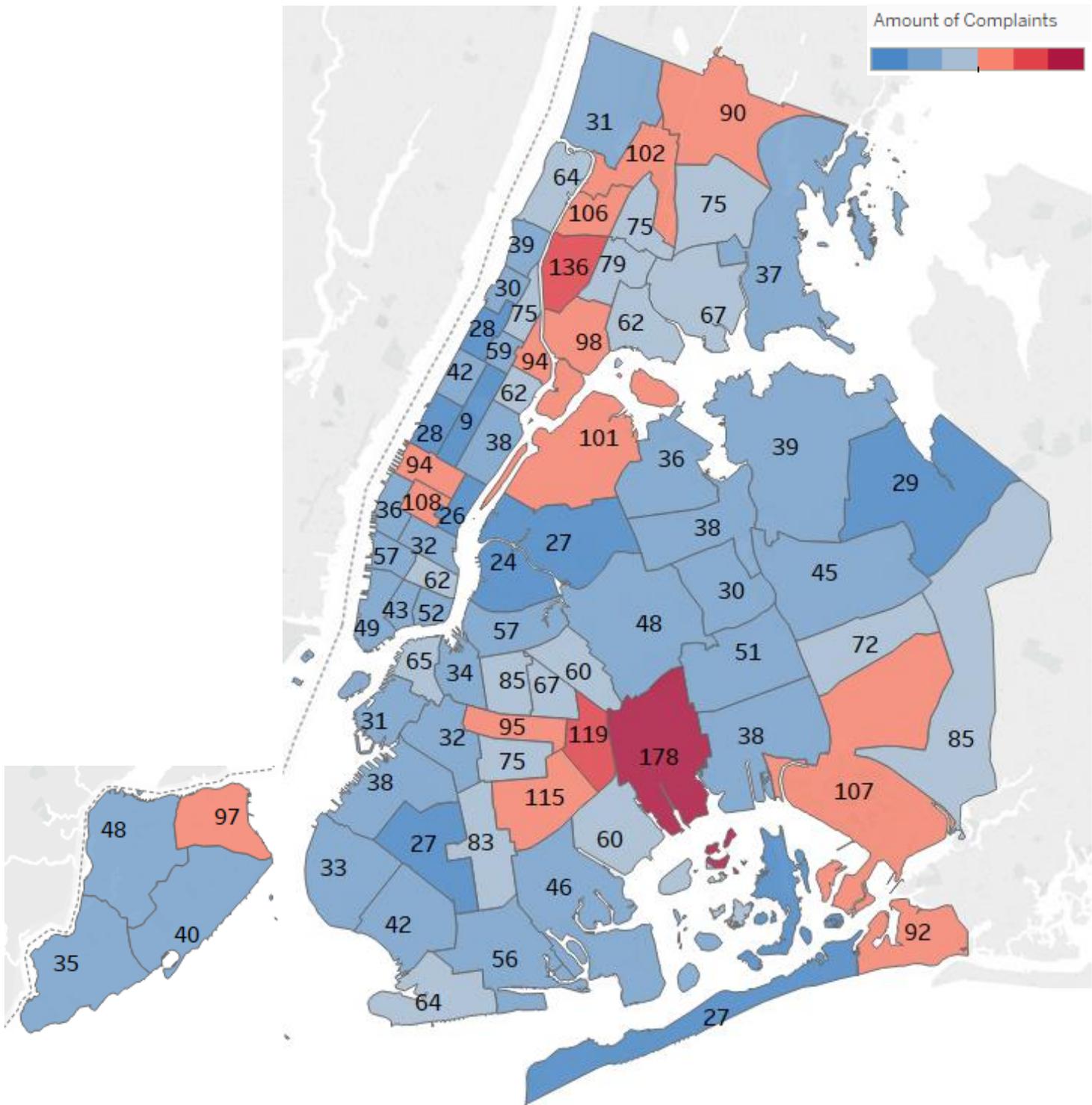
B: Budget Actions in the November and the Preliminary Plans

Budget Actions in the November and the Preliminary Plans						
<i>Dollars in Thousands</i>						
	FY19			FY20		
	City	Non-City	Total	City	Non-City	Total
CCRB Budget as of the Adopted 2019 Budget	\$16,721,041	\$0	\$16,721,041	\$17,018,353	\$0	\$17,018,353
New Needs						
OTPS Adjustment	\$50,000	\$0	\$50,000	\$0	\$0	\$0
Subtotal, New Needs	\$50,000	\$0	\$50,000	\$0	\$0	\$0
Other Adjustments						
DC 37 Collective Bargaining	\$252,838	\$0	\$252,838	\$433,265	\$0	\$433,265
OTPS Adjustment	200,000	0	200,000	0	0	0
Various Collective Bargaining	248,139	0	248,139	425,448	0	425,448
Subtotal, Other Adjustments	\$700,977	\$0	\$700,977	\$858,713	\$0	\$858,713
TOTAL, All Changes	\$750,977	\$0	\$750,977	\$858,713	\$0	\$858,713
CCRB Budget as of the Preliminary 2020 Budget	\$17,472,018	\$0	\$17,472,018	\$17,877,066	\$0	\$17,877,066

C: 2018 Preliminary Mayor's Management Report

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY16	FY17	FY18	FY19	FY20	FY18	FY19
Improve the quality and timeliness of investigations							
Total Civilian Complaints against uniformed members of the New York City Police Department	4,711	4,215	4,392	*	*	1,557	1,723
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Average time to complete a substantiated investigation (days)	178	168	208	140	140	194	255
Substantiated cases in which the statute of limitations expired (%)	0%	0%	0%	0%	0%	0%	3%
Officers disciplined (excluding pending and filed cases) (%)	82%	78%	73%	*	*	66%	76%
Increase the use of mediation to resolve complaints							
Cases with mutual agreement to mediate	444	373	550	*	*	186	171
Officers who accepted mediation (%)	87%	96%	85%	*	*	94%	89%
Civilians who accepted mediation (%)	45%	45%	46%	*	*	43%	46%
Cases successfully mediated	222	187	233	*	*	74	79
Average mediation case completion time (days)	93	99	106	120	120	103	127
Mediation satisfaction rate (%)	88%	88%	95%	94%	94%	91%	88%
Improve the quality and timeliness of prosecutions							
Administrative prosecution cases closed	210	163	83	*	*	38	15
Cases closed by trial	137	87	43	*	*	24	6
Cases closed by plea	60	63	33	*	*	12	6
Increase outreach and education of City residents							
Outreach presentations conducted	732	694	947	*	*	253	340
Completed requests for interpretation	695	744	731	*	*	NA	NA
Letters responded to in 14 days (%)	88%	80%	79%	*	*	83%	70%
E-mails responded to in 14 days (%)	100%	100%	86%	*	*	75%	100%
CORE facility rating	100	98	94	*	*	NA	NA
* None	"NA" - Not Available						

D: Number of Complaints by Precinct 2018



E: Number of Officers with Substantiations by Precinct 2018

