

# THE COUNCIL OF THE CITY OF NEW YORK

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Speaker of the Council

Hon. Vanessa L. Gibson  
Chair, Committee on Public Safety



## Report on the Fiscal 2017 Preliminary Budget and the Fiscal 2016 Preliminary Mayor's Management Report Civilian Complaint Review Board

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## Civilian Complaint Review Board Overview

The Civilian Complaint Review Board (CCRB or the Board) receives, investigates, holds hearings, and recommends actions to the Police Commissioner on complaints by members of the public against members of the New York City Police Department (NYPD). 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.

This report provides a review of the Civilian Complaint Review Board's Preliminary Budget for Fiscal 2017. The first section details highlights of the \$16.5 million Fiscal 2017 expense budget. The report then outlines several budget actions introduced in the November and Preliminary Financial Plans. Finally, the report discusses several relevant performance indicators from CCRB's Fiscal 2016 Preliminary Mayor's Management Report. CCRB has no capital budget.

## Fiscal 2017 Preliminary Budget Highlights

<b>CCRB Financial Summary</b>						
<i>Dollars in Thousands</i>						
	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Preliminary Plan</b>		<b>*Difference</b>
	<b>Actual</b>	<b>Actual</b>	<b>Adopted</b>	<b>2016</b>	<b>2017</b>	<b>2016 - 2017</b>
<b>Spending</b>						
Personal Services	\$9,159	\$9,898	\$11,646	\$12,191	\$13,154	\$1,508
Other Than Personal Services	2,043	2,786	3,431	3,683	3,382	(49)
<b>TOTAL</b>	<b>\$11,202</b>	<b>\$12,684</b>	<b>\$15,077</b>	<b>\$15,874</b>	<b>\$16,536</b>	<b>\$1,459</b>
<b>Spending</b>						
<b>Personal Services</b>						
Full-Time Salaried - Civilian	\$8,361	\$8,659	\$11,280	\$11,825	\$12,783	\$1,503
Unsalaries	364	433	309	309	314	5
Additional Gross Pay	114	418	57	57	57	0
Overtime - Civilian	320	387	0	0	0	0
P.S. Other	0	0	0	0	0	0
<b>Subtotal</b>	<b>\$9,159</b>	<b>\$9,898</b>	<b>\$11,646</b>	<b>\$12,191</b>	<b>\$13,154</b>	<b>\$1,508</b>
<b>Other Than Personal Services</b>						
Other Services & Charges	\$1,501	\$2,243	\$2,642	\$2,741	\$2,491	(\$151)
Supplies & Materials	167	123	628	399	697	68
Contractual Services	231	257	119	257	119	0
Property & Equipment	145	153	40	278	74	34
Fixed & Misc. Charges	0	10	2	7	2	0
<b>Subtotal</b>	<b>\$2,043</b>	<b>\$2,786</b>	<b>\$3,431</b>	<b>\$3,683</b>	<b>\$3,382</b>	<b>(\$49)</b>
<b>TOTAL</b>	<b>\$11,202</b>	<b>\$12,684</b>	<b>\$15,077</b>	<b>\$15,874</b>	<b>\$16,536</b>	<b>\$1,459</b>
<b>Funding</b>						
City Funds			\$15,077	\$15,874	\$16,536	\$1,459
<b>TOTAL</b>	<b>\$11,202</b>	<b>\$12,684</b>	<b>\$15,077</b>	<b>\$15,874</b>	<b>\$16,536</b>	<b>\$1,459</b>

	2014	2015	2016	Preliminary Plan		*Difference
	Actual	Actual	Adopted	2016	2017	2016 - 2017
<b>Budgeted Headcount</b>						
Full-Time Positions - Civilian	152	141	180	186	186	6
<b>TOTAL</b>	<b>152</b>	<b>141</b>	<b>180</b>	<b>186</b>	<b>186</b>	<b>6</b>

*\*The difference of Fiscal 2016 Adopted Budget compared to Fiscal 2017 Preliminary Budget.*

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CCRB's Fiscal 2017 Preliminary Budget of \$16.5 million reflects a 9.6 percent or \$1.5 million increase in City funds to the Personal Services (PS) budget when compared to its Fiscal 2016 Adopted Budget of \$15.1 million. The Board's headcount increases by six positions for a total of 186 positions in the Fiscal 2017 budget. CCRB relies entirely on City tax-levy dollars. Since Fiscal 2016 Adoption, the Fiscal 2016 budget increases by \$797,456, \$545,500 in PS and \$251,956 in Other than Personal Services (OTPS). CCRB's contract budget reflected in the Fiscal 2017 Preliminary Plan is approximately \$119,115 with 23 contracts, and remains unchanged for Fiscal 2016. (See Appendix B for a complete list of the agencies contacts by type).

The following are major financial plan actions in the Fiscal 2017 Preliminary Plan.

- Administrative Prosecution Unit (APU) Staffing Increase.** The Fiscal 2017 Preliminary Plan includes \$345,500 to the PS budget for an additional six prosecutors in Fiscal 2016. This initiative grows to the full-year value of \$691,000 in Fiscal 2017 and is baselined in the outyears. CCRB has begun to implement a vertical integration process for handling complaints. The process allows for an investigative team, known as a pod, and prosecutor to follow a case from beginning to end. The change eliminates case transferring and administrative delays leading to faster case processing and investigation times. Due to faster case processing, the number of cases in the APU's docket has increased and created a backlog. The six prosecutors are added to resolve cases in a timelier manner, decrease caseload, and decrease the growing case backlog. Shortening the time it takes to resolve complaints is important not only because evidence is more likely to be available closer to the date of incidents, but also because there is an 18 month statute of limitation for bringing charges.
- Promotional Path for Investigators.** The Fiscal 2017 Preliminary Budget adds \$200,000 to the Fiscal 2016 PS budget to create a promotional path for investigators at CCRB. This funding is baselined at \$400,000 in Fiscal 2017 and in the outyears. The Administration has created a promotional path that adds Level 2 and 3 investigator positions to CCRB's position schedule. Prior to this change CCRB's position schedule included only Level 1 investigators. Level 1 investigators with one year or more of experience and acceptable performance will be eligible for promotion to Level 2. As shown in the table below, CCRB has promoted 26 investigators this year with the introduction of the two new positions. The promotional path attempts to reduce the high rate of attrition amongst investigators at the agency. CCRB is still considering reviewing the starting salaries of its investigators. See below for a chart that reflects the budgeted and actual headcount of investigators at each level and their starting salaries.

Title	Budgeted Headcount	Actual Headcount	Starting Salary
Investigator Level 1	55	59	\$38,223
Investigator Level 2	31	22	\$52,570
Investigator Level 3	4	4	\$61,057

- **OTPS Adjustments.** The Fiscal 2017 Preliminary Plan includes \$251,956 to the Fiscal 2016 OTPS budget for a variety of software and video equipment to improve investigative and case processing procedures at the agency. This funding decreases to \$86,956 in Fiscal 2017 and in the outyears. The outyear cost decline can be attributed to the recurring costs for maintenance and licensing. This funding will allow CCRB to conduct video-recorded interviews. Currently, CCRB only audio records interviews. This funding will also be used to purchase video enhancing software to assist investigators in improving the video quality of recordings provided by civilians or other surveillance sources. CCRB also plans to acquire video equipment for investigators to conduct interviews with complainants and witnesses at Department of Correction (DOC) detention facilities. CCRB will be purchasing a remote service link from a third party vendor to enable video conferencing at the facilities. DOC currently has this capability. Lastly, the Board will purchase statistical software for policy analysis.

These budget actions do not reflect the entirety of CCRB's budget priorities. For example, CCRB would like to continue enhancing and expanding its outreach efforts across the City. To do so, CCRB would like to hire additional outreach coordinators and open regional offices. Other priorities of CCRB include redesigning its complaint tracking system and hiring additional support staff. The estimated cost of these priorities would total \$3.2 million in Fiscal 2017.

## Fiscal 2016 PMMR Performance Measures

The Fiscal 2016 Preliminary Mayor's Management Report outlines the responsibilities and goals of CCRB. According to the Fiscal 2016 PMMR, CCRB is an independent, non-police agency with authority to investigate allegations of police misconduct and to recommend action directly to the police commissioner. The Board strives to resolve complaints efficiently through investigation and its mediation program.

In CCRB's "Focus on Equity" message, CCRB started several initiatives to deliver equitable and quality services in the City. First, to address concerns about CCRB's location and accessibility, CCRB now has investigators work during the evenings and conduct interviews closer to where complainants live. Second, through CCRB's new Complaint Stat, the agency has made intake and investigations efficient, transparent, and fair. Part of this program includes handling complaints about police misconduct through the 311 app for mobile devices. CCRB's website includes a feature that allows complainants to check the status of their complaint online. Lastly, the outreach unit has made several presentations across the City regarding CCRB's role and mission.

According to the Fiscal 2016 PMMR, the Board's primary service involves investigating, prosecuting and resolving claims of police misconduct. The Board has two primary service goals which are 1) improve the quality and timeliness of investigations; and 2) increase the use of mediation to resolve complaints. The chart below from the PMMR provides performance statistics for Fiscal 2013 to 2015, target data for Fiscal 2016 to Fiscal 2017, and four-month actual data for Fiscal 2015 and Fiscal 2016.

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Total civilian complaints against uniformed members of the New York City Police Department	5,455	5,573	4,165	*	*	1,502	1,670
Average age of open docket (days)	147	135	106	*	*	144	66
Age of docket (by date of report) (%) - 0-4 months	63%	65%	77%	*	*	64%	93%
- 5-12 months	30%	31%	22%	*	*	32%	7%
- 13 months or older	6%	4%	2%	*	*	4%	0%
Age of docket by date of report (1 year and older) (%)	9%	6%	3%	*	*	6%	1%
Age of docket by date of report (18 months and older) (%)	0%	0%	0%	*	*	0%	0%
Average time to complete a full investigation (days)	386	324	283	120	120	303	202
Full investigations as a percentage of total cases closed (%)	32%	32%	39%	40%	40%	36%	44%
Cases closed	5,506	5,810	5,347	*	*	1,635	1,652
Case closures per investigator	63	61	61	*	*	19	17
Closed allegations with findings on the merits (%)	42%	39%	41%	55%	55%	42%	43%

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Average time to complete a substantiated investigation (days)	438	394	329	140	140	365	225
Age of cases when substantiated (by date of incident) (%) - 0-5 months	0%	5%	12%	*	*	7%	33%
- 6-11 months	17%	28%	39%	*	*	33%	48%
- 12-14 months	27%	25%	29%	*	*	32%	15%
- 15 months or older	55%	43%	20%	*	*	29%	4%
Age of cases when substantiated by date of incident (1 year and older) (%)	83%	67%	49%	*	*	60%	19%
Substantiated cases in which the statute of limitations expired (%)	10%	3%	1%	0%	0%	1%	1%
Officers disciplined (excluding pending and filed cases) (%)	62%	60%	87%	*	*	75%	78%

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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 168 complaints or 11 percent when comparing the same four month period in Fiscal 2015 to Fiscal 2016.
- The average age of an open docket in days decreased by 54 percent or 78 days when comparing the first four months of Fiscal 2015 to the first four months of Fiscal 2016. This is due to procedural changes at CCRB, such as the implementation of vertical integration in its operations.
- The number of cases closed has increased by one percent in the first four months of Fiscal 2016. This can be attributed to improved investigative procedures and the increased investment in investigative staff at CCRB. In the Fiscal 2017 Preliminary Plan, CCRB increased the number of positions available for level two investigators by adding a total of \$400,000.
- The average time to complete a substantiated investigation has decreased by 38 percent in the first four months of Fiscal 2016 compared to the first four months of Fiscal 2015. This, however, has created a corresponding increase in the caseload for the APU. The caseload increase at the APU created a corresponding new need request for an additional six positions in the unit.
- The average number of days to complete a full investigation in the first four months of Fiscal 2016 decreased by 101 days or 33 percent when compared to the first four months of Fiscal 2015. With CCRB's use of investigative pods and vertical integration, the time for a case to be processed has decreased.
- The percentage of officers disciplined increased by four percent when comparing the same four-month reporting period in Fiscal 2015 to Fiscal 2016.

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Cases referred to mediation	468	522	444	*	*	160	242
Age of mediation docket (by date of referral to mediation) (%) - 0-11 months	NA	NA	NA	*	*	NA	NA
- 12 months or older	4%	0	0	*	*	0.01	0
Cases with mutual agreement to mediate	244	446	394	*	*	103	121
Officers who accepted mediation (%)	79%	83%	84%	*	*	88%	81%
Civilians who accepted mediation (%)	57%	51%	48%	*	*	52%	42%
Cases successfully mediated	61	179	183	*	*	63	71
Average mediation case completion time (days)	284	225	170	120	120	204	96
Mediation satisfaction rate (%)	97%	90%	90%	94%	94%	88%	91%
Completed requests for interpretation	525	613	591	*	*	NA	NA
Letters responded to in 14 days (%)	70%	73%	84%	*	*	71%	79%
E-mails responded to in 14 days (%)	79%	94%	98%	*	*	95%	100%
CORE facility rating	81	100	98	*	*	NA	NA

The indicators above reflect those related to CCRB's second service goal of increasing the use of mediation to resolve complaints.

- The number of cases with mutual agreement to mediate increased by 18 cases or 13 percent when comparing the first four months of Fiscal 2015 to same period in Fiscal 2016.
- The average number of days to complete a mediation case decreased from 204 days in the first four months of Fiscal 2015 to 96 days in the first four months of Fiscal 2016. This is a decrease of 108 days or 53 percent.
- The number of civilians who accepted mediation declined by 20 percent, while the number of officers who accepted mediation declined by eight percent.



## Appendix A: Budget Actions in the November and the Preliminary Plans

<i>Dollars in Thousands</i>	FY 2016			FY 2017		
	City	Non-City	Total	City	Non-City	Total
<b>CCRB Budget as of the Adopted 2016 Budget</b>	<b>\$15,077</b>	<b>\$0</b>	<b>\$15,077</b>	<b>\$15,358</b>	<b>\$0</b>	<b>\$15,358</b>
<b>New Needs</b>						
APU Staffing Increase	\$346	\$0	\$346	\$691	\$0	\$691
OTPS Adjustment	252	0	252	87	0	87
Promotional Path for Investigators	200	0	200	400	0	400
<b>Subtotal, New Needs</b>	<b>\$797</b>	<b>\$0</b>	<b>\$797</b>	<b>\$1,178</b>	<b>\$0</b>	<b>\$1,178</b>
<b>TOTAL, All Changes</b>	<b>\$797</b>	<b>\$0</b>	<b>\$797</b>	<b>\$1,178</b>	<b>\$0</b>	<b>\$1,178</b>
<b>CCRB Budget as of the Preliminary 2017 Budget</b>	<b>\$15,874</b>	<b>\$0</b>	<b>\$15,874</b>	<b>\$16,536</b>	<b>\$0</b>	<b>\$16,536</b>

## Appendix B: Contract Budget

The following table provides the CCRB's Preliminary Contract Budget for Fiscal 2017.

<b>CCRB Fiscal 2017 Preliminary Contract Budget</b>				
<i>Dollars in Thousands</i>				
<b>Category</b>	<b>Fiscal 2016 Adopted</b>	<b>Number of Contracts</b>	<b>Fiscal 2017 Preliminary</b>	<b>Number of Contracts</b>
Contractual Services General	\$25	1	\$25	1
Maintenance & Repair, General	5	6	5	6
Data Processing Equipment	4	3	4	3
Printing Contracts	30	2	30	2
Temporary Services	15	5	15	5
Cleaning Services	26	2	26	2
Training Programs for City Employees	2	2	2	2
Professional Services: Legal Services	6	1	6	1
Professional Services: Other	6	1	6	1
<b>TOTAL</b>	<b>\$119</b>	<b>23</b>	<b>\$119</b>	<b>23</b>