

THE COUNCIL OF THE CITY OF NEW YORK

Finance Division



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Hearing  
on the Fiscal 2010 Executive Budget  
for the  
**Civilian Complaint Review Board**

Tuesday, May 19, 2009

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**Hon. Christine C. Quinn**  
Speaker

**Hon. David I. Weprin**  
Chair, Committee on Finance

**Hon. Peter F. Vallone Jr.**  
Chair, Committee on Public Safety

**Preston Niblack**  
Director

**Jeffrey Rodus**  
First Deputy Director

**Andy Grossman**  
Deputy Director

**Lionel Francois**  
Legislative Financial  
Analyst



# Civilian Complaint Review Board (054)

## Agency Overview

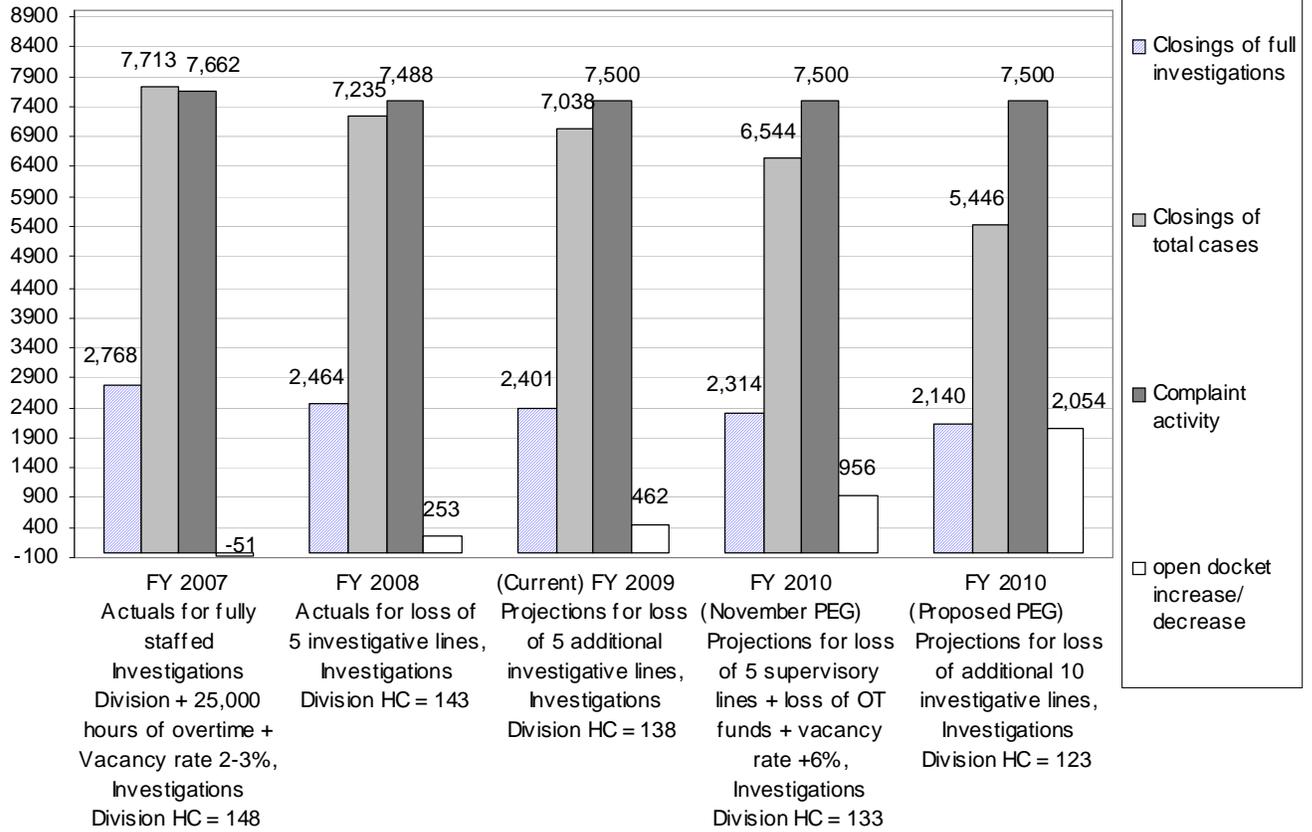
The Civilian Complaint Review Board (CCRB) receives, investigates, holds hearings, and recommends actions to the Police Commissioner on complaints by members of the public against members of the New York City Police Department (NYPD). Complaints handled by the Board include allegations of misconduct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

## Expense Budget Highlights

The CCRB's Fiscal 2010 Executive Budget is approximately \$10.3 million, which is a decrease of about \$1.16 million when compared to the agency's Fiscal 2009 Adopted Budget appropriation of \$11.4 million. If the Executive Plan is implemented, the Board would sustain an overall budget reduction of approximately 10.1 percent compared with its Fiscal 2009 Adopted Budget, along with a reduction of 20 positions.

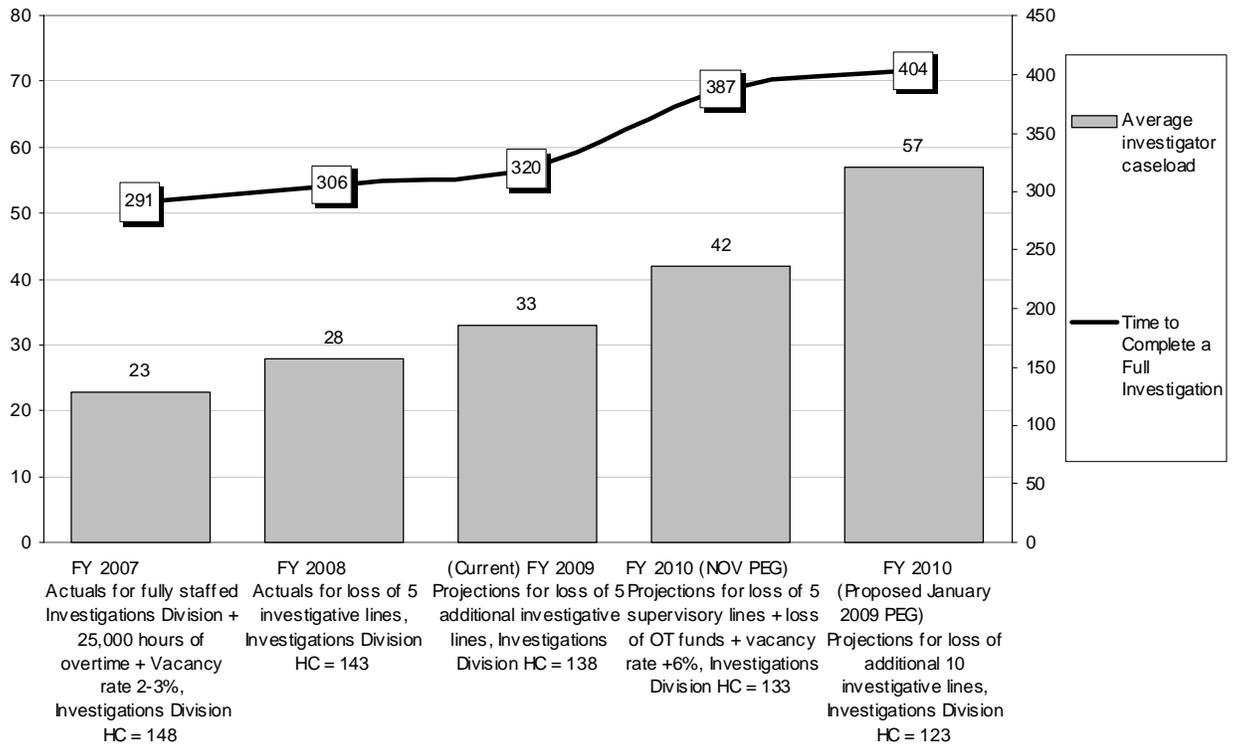
|                              | 2008 Actual Expenses | 2009 Adopted Budget | 2010 Preliminary Budget | 2010 Executive Budget |
|------------------------------|----------------------|---------------------|-------------------------|-----------------------|
| <b>Spending</b>              |                      |                     |                         |                       |
| Personal Services            | \$8,936,453          | \$9,409,087         | \$8,750,644             | \$8,479,115           |
| Other than Personal Services | \$2,137,100          | \$2,018,471         | \$1,877,680             | \$1,791,932           |
| <b>Total</b>                 | <b>\$11,073,553</b>  | <b>\$11,427,558</b> | <b>\$10,628,324</b>     | <b>\$10,271,047</b>   |
| <b>Funding</b>               |                      |                     |                         |                       |
| City                         | \$11,073,553         | \$11,427,558        | \$10,628,324            | \$10,271,047          |
| <b>Total</b>                 | <b>\$11,073,553</b>  | <b>\$11,427,558</b> | <b>\$10,628,324</b>     | <b>\$10,271,047</b>   |
| <b>Headcount</b>             |                      |                     |                         |                       |
| Full-time Positions          | 176                  | 180                 | 162                     | 160                   |

**Chart 1**  
**Actual/estimated impact of headcount levels on investigative docket**  
**Fiscal Years 2007-2010**



**Source: CCRB**  
*“Numbers current as of January Plan”*

**Chart 2**  
**Actual/estimated impact of headcount levels on completion time and investigator caseloads**  
**Fiscal Years 2007-2010**



\* The projections are based on historical productivity data from 2006-2008. The first model assumes two constant factors over time: a vacancy rate of 2-3% and about 25,000 additional hours worked each year. Models Number II and III assume a 6% vacancy rate and less than 10,000 additional hours worked each year.

\*\* Varying investigator headcounts are based on different budget plans: the FY08 headcount level is equivalent to 192 agency-wide positions and the FY09 headcount level is equivalent to 180 positions.

**Source: CCRB**

*“Numbers current as of January Plan”*

## The Importance of Maintaining Investigator Headcount

Because the core function performed by the agency is the investigation of complaints against uniformed officers of the NYPD, it is essential that the Board’s investigator headcount be maintained at a level that ensures the timely and efficient processing of cases. The lower the number of investigators available to process cases, the longer it takes to dispose of those cases (see above charts). Additional cuts to its already strained staff could further negatively impact the Board’s case disposition rate and add to the agency’s current backlog. Defined by the CCRB as cases exceeding four months from inception, the agency’s backlog is expected to increase if the proposed Executive Budget is adopted. In Fiscal 2008, four percent of the CCRB’s open cases were 13 months old or greater. (The NYPD’s statute of limitation to discipline officers is 18 months.) The four-month actual for Fiscal 2009 is seven percent, two percent higher than for the same period in Fiscal 2008. The CCRB is well on its way to having its largest backlog as a percentage of its total open caseload in recent memory.

The total number of complaints received in Calendar 2008 (18,175) was the most received during any year in the CCRB’s history, though the total number of these cases actually falling within the Board’s jurisdiction during that period (7,498) was down slightly (1%) from the previous calendar year.

Unfortunately, the Administration has neglected to maintain adequate funding for CCRB's investigative staff. The November 2002 Financial Plan reduced the CCRB's Fiscal 2004 and annual outyear investigative headcount by 24 positions, and the Administration refused until Fiscal 2008 to baseline the annual \$1 million enhancements made by the City Council from Fiscal 2004 to Fiscal 2007 that supported the 24 additional investigators. Lacking the assurance of outyear funding and fearful that investigators hired in one year would be laid off the next, the Board was forced to hire fewer than 24 investigators in each year. (The remaining funds were directed toward an overtime program to handle the agency's backlog and its ever larger caseload, as well as the purchase of computers and other items.)

As stated earlier, the Board's proposed headcount in the Executive Fiscal 2010 Budget is 20 positions lower than its Adopted Fiscal 2009 headcount. With the current need to reduce expenditures citywide, OMB has imposed on the CCRB across-the-board Program to Eliminate the Gap (PEG) proposals consistent with those of other agencies, including some with much larger budgets that are far better-equipped to absorb such budget reductions than is the Board. These crippling cuts will make it even more difficult for the Board to make headway against its rather substantial backlog of cases. Given the Board's extremely high caseload, as well as the backlog of existing complaints that await full investigation, all necessary steps must be taken to guarantee that investigator headcount at the Board is maximized and that its remaining investigative and legal staff not be unduly taxed. Anything short of such measures would render the Board impotent to carry-out its mission, and make a mockery of civilian oversight of the NYPD.

## Executive Budget Overview

### November Plan PEGs

- **Elimination of Supervisory Positions.** In November, the Board proposed to eliminate four supervisory positions through attrition; two in one of its investigation teams (subsequently consolidating it with another team) and two additional positions, yielding a savings of \$316,974 in Fiscal 2010, \$319,774 in Fiscal 2011 and \$322,974 in Fiscal 2012.

### January Plan PEGs

- **Investigative Position Reduction through Attrition.** The January Plan proposed a reduction of 10 positions through attrition beginning in Fiscal 2010 and generating annual savings of approximately \$546,000.
- **Managerial and Administrative Position Reduction through Layoffs.** In the January Plan, the Board proposed to layoff one administrator and two members of its legal team to meet its PEG target beginning in Fiscal 2010, generating a savings of \$219,861 in Fiscal 2010 growing to \$246,571 in Fiscal 2011, \$248,971 in Fiscal 2012 and \$251,371 in Fiscal 2013.

### Executive Plan PEGs

- **Delay Hiring of the Deputy Executive Director for Investigations.** The Board proposes to delay the hiring of the Deputy Executive Director for Investigation, generating a Fiscal 2010 savings of \$135,574.
- **Mediation Staff Reduction.** The Board proposes to eliminate one position within its mediation program through attrition, yielding a savings for Fiscal 2010 of \$61,467.

## Personal Service (PS) & Other Than Personal Service (OTPS)

### Units of Appropriation 001 & 002

|                         | 2008 Actual<br>Expenses | 2009 Adopted<br>Budget | 2010 Preliminary<br>Budget | 2010 Executive<br>Budget |
|-------------------------|-------------------------|------------------------|----------------------------|--------------------------|
| <b>Spending</b>         |                         |                        |                            |                          |
| 001 – Personal Services | \$8,936,453             | \$9,409,087            | \$8,750,644                | \$8,479,115              |
| 002 – OTPS              | \$2,137,100             | \$2,018,471            | \$1,877,680                | \$1,791,932              |
| <b>Total</b>            | <b>\$11,073,553</b>     | <b>\$11,427,558</b>    | <b>\$10,628,324</b>        | <b>\$10,271,047</b>      |
| <b>Funding</b>          |                         |                        |                            |                          |
| City                    | \$11,073,553            | \$11,427,558           | \$10,628,324               | \$10,271,047             |
| <b>Total</b>            | <b>\$11,073,553</b>     | <b>\$11,427,558</b>    | <b>\$10,628,324</b>        | <b>\$10,271,047</b>      |
| <b>Headcount</b>        |                         |                        |                            |                          |
| Fulltime Positions      | 176                     | 180                    | 162                        | 160                      |

The Board's Fiscal 2010 Executive PS Budget of approximately \$8.5 million represents a reduction of almost ten percent, or \$929,972, when compared to the agency's Fiscal 2009 Adopted PS Budget of \$9.4 million. This decrease is inclusive of PEG reductions proposed in the November, January and Executive financial plans.

These proposed reductions include a reduction of 20 positions in authorized headcount, mostly through attrition: five proposed reductions in the November Plan, 13 in January and two more in the Executive Plan. All five November Plan reductions are achieved through attrition, while 10 of the 13 reductions proposed in the January Plan are also achieved in this manner; three additional reductions would be achieved through proposed layoffs. Both of the proposed reductions in the Executive will be achieved through attrition.

According to the Fiscal 2009 Preliminary Mayor's Management Report, during the first four months of the fiscal year, the CCRB closed 2,445 cases, three fewer than the 2,448 closed in the previous period. The number of full investigations closed as a percentage of total cases was down seven percent. This decrease resulted from a 19-percent reduction (905 to 730 cases) in full investigations closed by the Board, and a nine-percent increase (1,501 to 1,634 cases) in the number of truncated cases.

Per capita investigator productivity increased from 19 to 21 case closures during the reporting period. However, the average number of days to complete a full investigation increased by six percent and the average age of cases older than five months increased as well. More than 54 percent of substantiated investigations were closed in less than 12 months, a 5 five-percent increase compared to last year and substantiated cases closed at 12-to-14 months decreased by 14 percent. Substantiated cases, though, closed at 15 months or older (the Board's red flag aging benchmark) increased by nine percent.

### **Programs to Eliminate the Gap (PEGs)**

- **Delay Hiring of the Deputy Executive Director for Investigations.** The Board will delay hiring for the currently vacant position of Deputy Executive Director for Investigations for one fiscal year. OMB and the Board do not feel that this will significantly impact the Board's ability to make headway against its backlog of cases. This proposed action would generate accruals in Fiscal 2010 of \$135,574.
- **Fleet-Related Expense Reduction.** Embracing an alternative savings proposal made by the City Council, OMB included in the November Plan lump sum reductions in City funds associated with a Citywide fleet reduction. These lump sum reductions included \$20 million in Fiscal 2010 associated with the purchase of fewer vehicles, and \$2 million annually beginning in Fiscal 2011 associated with lowered vehicle maintenance costs. The Executive Plan now zeroes out these lump sum figures and apportions the savings throughout the City's many agencies. For the Board, the Executive Plan shows a fleet reduction savings of \$47,100 in Fiscal 2009 and a vehicle maintenance savings of \$3,100 in Fiscal 2010 and the outyears stemming from the agency's plan to reduce its fleet by 2 vehicles representing a twenty-percent reduction to its total fleet of 10 vehicles.
- **Mediation Staff Reduction.** The Board proposes to reduce one position within its Mediation Program through attrition. This would generate accruals of \$61,467 in Fiscal 2010, \$62,267 in Fiscal 2011, \$63,067 in Fiscal 2012 and \$63,867 in Fiscal 2013. This reduction could have an adverse impact on the Board's ability to mediate settlements between complainants and police officers, which is a very resource-efficient way of closing cases. Given the reduced resources available to the Board and the size of its backlog, this reduction seems counter-productive.

- **PS Budget Savings.** This proposal is an omnibus collection of reduction items such as hiring delays, overtime reductions, accrual generation and elimination of truncated cases generating an overall savings in Fiscal 2010 of \$145,000 and in Fiscal 2011 of \$42,000.
- **Vacating the 14<sup>th</sup> Floor at 40 Rector Street.** The Board proposes to consolidate its staff on the 2<sup>nd</sup> floor of its 40 Rector Street location and eliminate its 14<sup>th</sup> floor lease, yielding a savings of \$269,204 in Fiscal 2011 and \$298,000 in Fiscal 2012 and the outyears.

## Other Adjustments

- **Fringe Benefit Offsets.** In order to give the agency PEG credit, the PEG actions described above include fringe benefit savings that should be properly accounted for not in the Board's budget, but in the City's Miscellaneous Budget. To reflect the neutral impact on the Board's budget that would result from these fringe benefit savings, an offsetting sum totaling \$33,982 in Fiscal 2010, decreasing to \$16,708 in Fiscal 2013, is being added back to the Board's budget as an adjustment.
- **Collective Bargaining Adjustments.** Funds totaling \$15,454 in Fiscal 2009, \$36,630 in Fiscal 2010, and \$41,937 in Fiscal 2011 and the outyears are being transferred from the Labor Reserve in the Miscellaneous Budget to the Board's PS budget to cover the costs associated with recent collective bargaining settlements with Local 1180 and the Organization of Staff Analysts (OSA).
- **Lease Adjustment.** The Executive Budget removes \$82,648 from the Board's baseline budget beginning in Fiscal 2010 to properly reflect the costs associated with the Board's lease needs.

## Supplemental Tables

### Executive Budget Actions

The following table summarizes changes to the Fiscal 2009 and 2010 budgets since the 2009 budget was adopted. The Non-City actions include State, Federal, Other Categorical, Intra-City and Capital Inter-Fund Agreement (IFA) funding changes.

| Description  | Fiscal 2009     |            |                 | Fiscal 2010     |            |                 |
|--|-----------------|------------|-----------------|-----------------|------------|-----------------|
|  | City            | Non-City   | Total           | City            | Non-City   | Total           |
| <b>Agency Budget as per the January Plan</b>               | <b>\$11,448</b> | <b>\$0</b> | <b>\$11,448</b> | <b>\$10,629</b> | <b>\$0</b> | <b>\$10,629</b> |
| <b>Executive Plan Programs to Eliminate the Gap (PEGs)</b> |                 |            |                 |                 |            |                 |
| Delay Hiring Exec. Dir. For Investigations                 | \$0             | \$0        | \$0             | (\$136)         | \$0        | (\$136)         |
| Fleet-Related Expense Reduction                            | (\$47)          | \$0        | (\$47)          | (\$3)           | \$0        | (\$3)           |
| Mediation Staff Reduction                                  | \$0             | \$0        | \$0             | (\$61)          | \$0        | (\$61)          |
| PS Budget Savings  | \$0             | \$0        | \$0             | (\$145)         | \$0        | (\$145)         |
| <b>Total PEGs</b>  | <b>(\$47)</b>   | <b>\$0</b> | <b>(\$47)</b>   | <b>(\$345)</b>  | <b>\$0</b> | <b>(\$345)</b>  |
| <b>Executive Plan New Needs</b>                            |                 |            |                 |                 |            |                 |
|  | \$0             | \$0        | \$0             | \$0             | \$0        | \$0             |
| <b>Total New Needs</b>                                     | <b>\$0</b>      | <b>\$0</b> | <b>\$0</b>      | <b>\$0</b>      | <b>\$0</b> | <b>\$0</b>      |
| <b>Executive Plan Other Adjustments</b>                    |                 |            |                 |                 |            |                 |
| Collective Bargaining Adjustment                           | \$15            | \$0        | \$15            | \$37            | \$0        | \$37            |
| Executive Director Dealyed Hiring Fringe Offset            | \$0             | \$0        | \$0             | \$20            | \$0        | \$20            |
| Mediation Staff Reduction Fringe Offset                    | \$0             | \$0        | \$0             | \$14            | \$0        | \$14            |
| Lease Adjustment   | \$0             | \$0        | \$0             | (\$83)          | \$0        | (\$83)          |
| <b>Total Other Adjustments</b>                             | <b>\$15</b>     | <b>\$0</b> | <b>\$15</b>     | <b>(\$12)</b>   | <b>\$0</b> | <b>(\$12)</b>   |
| <b>Total Executive Plan Budget Changes</b>                 | <b>(\$32)</b>   | <b>\$0</b> | <b>(\$32)</b>   | <b>(\$357)</b>  | <b>\$0</b> | <b>(\$357)</b>  |
| <b>Agency Budget as per the Executive Plan</b>             | <b>\$11,416</b> | <b>\$0</b> | <b>\$11,416</b> | <b>\$10,272</b> | <b>\$0</b> | <b>\$10,272</b> |

## Summary of Changes Since June 2009 Plan

*City Funds only, \$\$ 000's*

|                       | 2009            | 2010            | 2011            | 2012            | 2013            |
|-----------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| <b>June 2009 Plan</b> | <b>\$11,428</b> | <b>\$11,262</b> | <b>\$11,262</b> | <b>\$11,262</b> | <b>\$11,262</b> |
| PEGs                  | (\$333)         | (\$1,675)       | (\$1,737)       | (\$1,731)       | (\$1,737)       |
| Collective Bargaining | \$321           | \$505           | \$511           | \$511           | \$511           |
| Other Adjustments     | \$0             | \$180           | \$205           | \$221           | \$232           |
| New Needs             | \$0             | \$0             | \$0             | \$0             | \$0             |
| <b>Exec 2010 Plan</b> | <b>\$11,416</b> | <b>\$10,271</b> | <b>\$10,241</b> | <b>\$10,262</b> | <b>\$10,267</b> |