

THE COUNCIL OF THE CITY OF NEW YORK

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Speaker of the Council

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Chair, Committee on Public Safety



Report of the Finance Division on the
Fiscal 2018 Preliminary Budget and the
Fiscal 2017 Preliminary Mayor's Management Report for the
Civilian Complaint Review Board

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Civilian Complaint Review Board Overview

The Civilian Complaint Review Board (CCRB or the Board) 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 New York City Police Commissioner. Each member serves a three-year term and can be reappointed to the position.

CCRB receives, investigates, holds hearings, and recommends actions to the Police Commissioner on complaints by members of the public against employees 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 CCRB's Fiscal 2018 Preliminary Budget. The first section provides details of the \$16.5 million Fiscal 2018 expense budget. The report then outlines several budget actions introduced in the Preliminary Financial Plan. Finally, the report discusses several relevant performance indicators from CCRB's Fiscal 2017 Preliminary Mayor's Management Report (PMMR). CCRB has no capital budget.

Fiscal 2018 Preliminary Budget Highlights

| CCRB Financial Summary | | | | | | |
|-------------------------------------|-----------------|-----------------|-----------------|-------------------------|-----------------|--------------------|
| <i>Dollars in Thousands</i> | | | | | | |
| | 2015 | 2016 | 2017 | Preliminary Plan | | *Difference |
| | Actual | Actual | Adopted | 2017 | 2018 | 2017 - 2018 |
| Personal Services | | | | | | |
| Full-Time Salaried - Civilian | \$8,659 | \$9,398 | \$12,375 | \$12,118 | \$12,617 | \$242 |
| Unsalaries | 433 | 391 | 314 | 314 | 315 | 1 |
| Additional Gross Pay | 418 | 219 | 57 | 57 | 57 | 0 |
| Overtime - Civilian | 387 | 360 | 0 | 0 | 0 | 0 |
| P.S. Other | 0 | 0 | 0 | 0 | 0 | 0 |
| SUBTOTAL | \$9,898 | \$10,367 | \$12,746 | \$12,489 | \$12,989 | \$243 |
| Other Than Personal Services | | | | | | |
| Other Services & Charges | \$2,243 | \$2,759 | \$2,620 | \$2,730 | \$2,637 | \$17 |
| Supplies & Materials | 123 | 149 | 697 | 151 | 660 | (37) |
| Contractual Services | 257 | 312 | 119 | 380 | 119 | 0 |
| Property & Equipment | 153 | 473 | 74 | 424 | 77 | 3 |
| Fixed & Misc. Charges | 10 | 16 | 2 | 2 | 2 | 0 |
| SUBTOTAL | \$2,786 | \$3,710 | \$3,511 | \$3,687 | \$3,495 | (\$16) |
| TOTAL | \$12,684 | \$14,077 | \$16,257 | \$16,176 | \$16,484 | \$226 |
| Budgeted Headcount | | | | | | |
| Full-Time Positions | 141 | 159 | 186 | 186 | 185 | (1) |
| Full-Time Equivalents | 5 | 8 | 7 | 7 | 7 | 0 |
| TOTAL | 146 | 167 | 193 | 193 | 192 | (1) |

**The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.*

CCRB's Fiscal 2018 Preliminary Budget of \$16.5 million reflects a 1.4 percent or \$226,440 increase when compared to the Fiscal 2017 Adopted Budget of \$16.3 million. The Board's Personal Services (PS) budget increases by \$242,790, while the Other than Personal Services (OTPS) budget decreases by \$16,350. CCRB relies entirely on City tax-levy dollars to support agency operations.

The Board's full-time budgeted headcount decreases by one position to a total of 185 full-time positions in the Fiscal 2018 Budget. Additionally, CCRB's budgeted headcount also includes seven full-time equivalent positions, bringing CCRB's total budgeted headcount to 192 positions in the Fiscal 2018 Preliminary Budget. However, as of December 2016, CCRB's actual headcount totals 158 positions, which is 28 positions under the Board's authorized headcount for the Fiscal 2017.

With support from the Council, CCRB received additional funding beginning in Fiscal 2016 to support the Board's efforts to expand community outreach, implement a vertical integration process for handling complaints, and to provide a promotional path for investigators to support investigator retention at CCRB. The increase in funding can be attributed to an improvement in multiple performance measures in the Preliminary Mayor's Management Report. For example, the average time to complete a full investigation has significantly decreased between Fiscal 2015 and Fiscal 2016, which can be attributed to the increased funding for the implementation of vertical integration in the Board's operations. Furthermore, as the Board received additional funding to expand community outreach, CCRB has been able to substantially increase the number of outreach presentations to the community. The Board conducted an additional 203 presentations when comparing the same four-month period in Fiscal 2016 to Fiscal 2017.

CCRB's contract budget reflected in the Fiscal 2018 Preliminary Plan is approximately \$119,115 with 23 contracts, and remains unchanged when compared to the Fiscal 2017 Adopted Budget. However, the Board's Fiscal 2017 as of the Fiscal 2018 Preliminary Plan increased by \$260,469, with \$207,712 or approximately 80 percent of the increase occurring in temporary services contracts, when compared to the Fiscal 2016 Adopted Budget. According to the Office of Management Budget (OMB), contracts for temporary services can be used for any service temporary in nature, such as outside services for a receptionist. Finally, in the Fiscal 2018 Preliminary Budget, an adjustment is made in the Board's budget which swaps PS funding for OTPS temporary services funding, which explains a portion of the decrease in the Board's PS budget and an increase in the Board's contract budget in the Fiscal 2017 as of the Fiscal 2018 Preliminary Plan, which can be seen in the above chart. (See Appendix C for a complete list of the contract categories).

The Preliminary Budget for Fiscal 2018 introduced only three changes to CCRB's Budget (See Appendix A). All of the changes are a part of the Citywide savings program.

- **Elimination of Management Position.** The Fiscal 2018 Preliminary Plan eliminates the position of Deputy Executive Director. Due to a restructuring at CCRB this position was deemed no longer necessary. Beginning in Fiscal 2018, CCRB will recognize a baseline cost savings of \$159,650 from the elimination of one management position.
- **Hiring Plan Adjustment.** The Fiscal 2018 Preliminary Plan recognizes a PS accrual of \$75,000 in Fiscal 2018 and in the outyears due to hiring delays in various titles.
- **Other than Personal Services Accruals.** The Fiscal 2018 Preliminary Plan recognizes cost savings of \$16,350 in Fiscal 2018 and the outyears due to an OTPS surplus.

Fiscal 2017 PMMR Report Performance Measures

According to the Fiscal 2017 PMMR, the Board has two board 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 also 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 provides performance statistics for Fiscal 2014 to 2016, target data for Fiscal 2017 to Fiscal 2018, and four-month actual data for Fiscal 2016 and Fiscal 2017. (See Appendix B for a complete list of the PMMR Indicators)

| CCRB Performance Indicators | Actual | | | Target | | 4-Month Actual | |
|--|--------|-------|-------|--------|------|----------------|-------|
| | FY14 | FY15 | FY16 | FY17 | FY18 | FY16 | FY17 |
| Total civilian complaints against uniformed members of the New York City Police Department | 5,573 | 4,165 | 4,711 | * | * | 1,670 | 1,334 |
| Average age of open docket (days) | 135 | 106 | 74 | * | * | 82 | 81 |
| Cases closed | 5,810 | 5,347 | 4,970 | * | * | 1,652 | 1,377 |
| Case closures per investigator | 61 | 61 | 47 | * | * | 17 | 12 |
| Average time to complete a substantiated investigation (days) | 394 | 329 | 178 | 140 | 140 | 225 | 157 |
| Officers disciplined (excluding pending and filed cases) (%) | 60% | 87% | 82% | * | * | 78% | 84% |
| Average time to complete a full investigation (days) | 324 | 283 | 162 | 120 | 120 | 202 | 140 |

Source: Fiscal 2017 Preliminary Mayor's Management Report

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

- The total number of civilian complaints against uniformed members of the NYPD decreased by 336 complaints or 20 percent when comparing the same four-month period in Fiscal 2016 to Fiscal 2017.
- The average age of an open docket in days decreased by approximately one percent or one day when comparing the first four months of Fiscal 2017 to the first four months of Fiscal 2016. While the decrease in the average age of an open docket only decreased slightly, the PMMR indicates that from Fiscal 2015 to Fiscal 2016, the average age of an open docket in days decreased by 32 days. This is due to procedural changes at CCRB, such as the implementation of vertical integration in its operations.
- The number of cases closed has decreased by approximately 17 percent in the first four months of Fiscal 2017 when compared to the first four months of Fiscal 2016.
- The average time to complete a substantiated investigation has decreased by 30 percent in the first four months of Fiscal 2017 when compared to the first four months of Fiscal 2016.
- The average number of days to complete a full investigation in the first four months of Fiscal 2017 decreased by 62 days or 31 percent when compared to the first four months of Fiscal 2016. The average time to complete substantiated investigations

decreased by 30 percent to 157 days. 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 percentage points to 84 percent when comparing the same four-month reporting period in Fiscal 2016 to Fiscal 2017.

| CCRB Performance Indicators | Actual | | | Target | | 4-Month Actual | |
|---|--------|------|------|--------|------|----------------|------|
| | FY14 | FY15 | FY16 | FY17 | FY18 | FY16 | FY17 |
| Cases referred to mediation | 522 | 444 | 625 | * | * | 242 | 171 |
| Cases successfully mediated | 179 | 183 | 222 | * | * | 71 | 60 |
| Average mediation case completion time (days) | 225 | 170 | 93 | 120 | 120 | 96 | 98 |
| Mediation satisfaction rate (%) | 90% | 90% | 88% | 94% | 94% | 91% | 88% |
| Officers who accepted mediation (%) | 83% | 84% | 87% | * | * | 81% | 87% |
| Civilians who accepted mediation (%) | 51% | 48% | 45% | * | * | 42% | 44% |

Source: Fiscal 2017 Preliminary Mayor's Management Report

The indicators above are related to CCRB's first service goal of increasing the use of mediation to resolve complaints.

- The number of cases with mutual agreement to mediate decreased by 20 cases or 17 percent when comparing the first four months of Fiscal 2016 to same period in Fiscal 2017.
- The average number of days to complete a mediation case increased slightly from 96 days in the first four months of Fiscal 2016 to 98 days in the first four months of Fiscal 2017.
- The number of civilians who accepted mediation increased slightly by two percentage points to 44 percent, while the number of officers who accepted mediation increased by six percentage points, when comparing the first four months of Fiscal 2017 to Fiscal 2016.

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

| <i>Dollars in Thousands</i> | FY 2017 | | | FY 2018 | | |
|--|-----------------|------------|-----------------|-----------------|------------|-----------------|
| | City | Non-City | Total | City | Non-City | Total |
| CCRB Budget as of the Adopted 2017 Budget | \$16,257 | \$0 | \$16,257 | \$16,734 | \$0 | \$16,734 |
| New Needs | | | | | | |
| | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Subtotal, New Needs | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other Adjustments | | | | | | |
| Elimination of Management Position | \$0 | \$0 | \$0 | (\$160) | \$0 | (\$160) |
| OTPS Accruals | 0 | 0 | 0 | (16) | 0 | (16) |
| Hiring Plan Adjustment | (81) | 0 | (81) | (75) | 0 | (75) |
| Subtotal, Other Adjustments | (\$81) | \$0 | (\$81) | (\$251) | \$0 | (\$251) |
| TOTAL, All Changes | (\$81) | \$0 | (\$81) | (\$251) | \$0 | (\$251) |
| CCRB Budget as of the Preliminary 2018 Budget | \$16,176 | \$0 | \$16,176 | \$16,484 | \$0 | \$16,484 |

Appendix B: Fiscal 2017 PMMR Report Performance Measures

| CCRB Performance Indicators | Actual | | | Target | | 4-Month Actual | |
|--|--------|-------|-------|--------|------|----------------|-------|
| | FY14 | FY15 | FY16 | FY17 | FY18 | FY16 | FY17 |
| Total civilian complaints against uniformed members of the New York City Police Department | 5,573 | 4,165 | 4,711 | * | * | 1,670 | 1,334 |
| Average age of open docket (days) | 135 | 106 | 74 | * | * | 82 | 81 |
| Age of docket (by date of report) (%) - 0-4 months | 65% | 77% | 96% | 96% | 96% | 93% | 90% |
| - 5-12 months | 31% | 22% | 4% | 4% | 4% | 7% | 9% |
| - 13 months or older | 4% | 2% | 1% | 0% | 0% | 0% | 1% |
| Age of docket by date of report (1 year and older) (%) | 6% | 3% | 1% | * | * | 1% | 1% |
| Age of docket by date of report (18 months and older) (%) | 0% | 0% | 1% | * | * | 0% | 1% |
| Average time to complete a full investigation (days) | 324 | 283 | 162 | 120 | 120 | 202 | 140 |
| Full investigations as a percentage of total cases closed (%) | 32% | 39% | 38% | 40% | 40% | 44% | 34% |
| Cases closed | 5,810 | 5,347 | 4,970 | * | * | 1,652 | 1,377 |
| Case closures per investigator | 61 | 61 | 47 | * | * | 17 | 12 |
| Closed allegations with findings on the merits (%) | 39% | 41% | 46% | 55% | 55% | 43% | 44% |
| Average time to complete a substantiated investigation (days) | 394 | 329 | 178 | 140 | 140 | 225 | 157 |
| Age of cases when substantiated (by date of incident) (%) - 0-5 months | 5% | 12% | 54% | 85% | 85% | 33% | 65% |
| - 6-11 months | 28% | 39% | 38% | 15% | 15% | 48% | 30% |
| - 12-14 months | 25% | 29% | 6% | 0% | 0% | 15% | 1% |
| - 15 months or older | 43% | 20% | 3% | 0% | 0% | 4% | 4% |
| Age of cases when substantiated by date of incident (1 year and older) (%) | 67% | 49% | 9% | * | * | 19% | 5% |
| Substantiated cases in which the statute of limitations expired (%) | 3% | 1% | 0% | 0% | 0% | 1% | 1% |
| Officers disciplined (excluding pending and filed cases) (%) | 60% | 87% | 82% | * | * | 78% | 84% |
| Cases referred to mediation | 522 | 444 | 625 | * | * | 242 | 171 |
| Age of mediation docket (by date of referral to mediation) (%) - 0-11 months | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| - 12 months or older | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| Cases with mutual agreement to mediate | 446 | 394 | 444 | * | * | 121 | 101 |
| Officers who accepted mediation (%) | 83% | 84% | 87% | * | * | 81% | 87% |
| Civilians who accepted mediation (%) | 51% | 48% | 45% | * | * | 42% | 44% |
| Cases successfully mediated | 179 | 183 | 222 | * | * | 71 | 60 |
| Average mediation case completion time (days) | 225 | 170 | 93 | 120 | 120 | 96 | 98 |
| Mediation satisfaction rate (%) | 90% | 90% | 88% | 94% | 94% | 91% | 88% |
| Administrative prosecution cases closed | NA | 200 | 210 | * | * | 67 | 68 |
| - Cases closed by trial | NA | 89 | 137 | * | * | 50 | 43 |
| - Cases closed by plea | NA | 57 | 60 | * | * | 12 | 23 |
| Outreach presentations conducted | NA | 328 | 732 | * | * | 74 | 277 |

Appendix C: Contracts

| CCRB Fiscal 2018 Preliminary Contract Budget | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|------------------------------------|--------------------------------|
| <i>Dollars in Thousands</i> | | | | | | |
| Category | Fiscal 2017 Adopted | Number of Contracts | Fiscal 2017 as of the FY18 Prelim Budget | Number of Contracts | Fiscal 2018 Preliminary | Number of Contracts |
| Cleaning Services | \$26 | 2 | 0 | 2 | \$26 | 2 |
| Contractual Services - General | 25 | 1 | 35 | 1 | 25 | 1 |
| Data Processing Eqpt Maint | 4 | 3 | 3 | 3 | 4 | 3 |
| Maint and Repairs - General | 5 | 6 | 25 | 6 | 5 | 6 |
| Printing Services | 30 | 2 | 32 | 2 | 30 | 2 |
| Prof. Services - Legal Services | 6 | 1 | 18 | 1 | 6 | 1 |
| Prof. Services - Other | 6 | 1 | 4 | 1 | 6 | 1 |
| Temporary Services | 15 | 5 | 223 | 5 | 15 | 5 |
| Office Eqpt Maint | 0 | 0 | 23 | 1 | 0 | 0 |
| Training Program for City Employees | 2 | 2 | 17 | 2 | 2 | 2 |
| TOTAL | \$119 | 23 | \$380 | 24 | \$119 | 23 |