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**Report on the Fiscal 2023
Preliminary Plan and the Fiscal 2022
Mayor's Management Report for the
Civilian Complaint
Review Board**

March 18, 2022

(Report Prepared by Nevin Singh)

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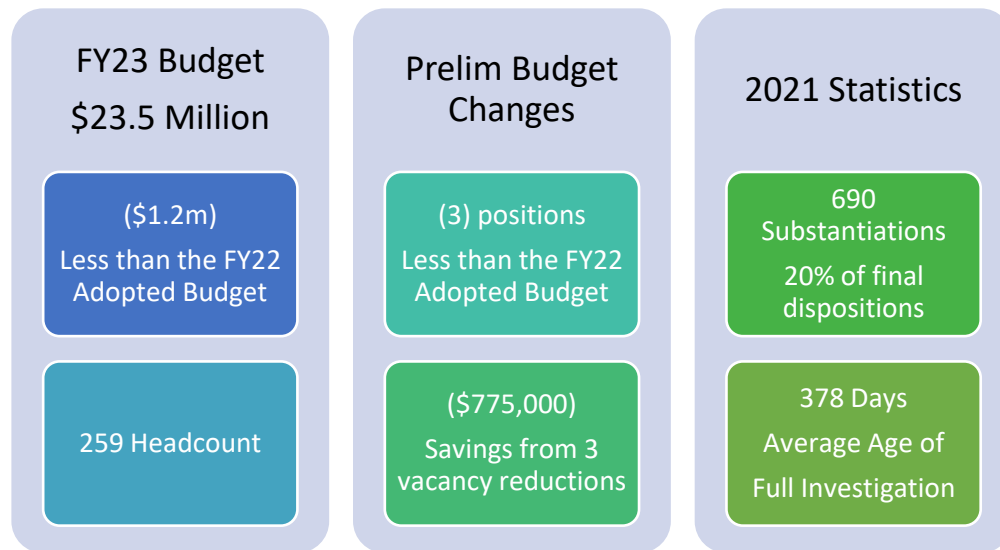
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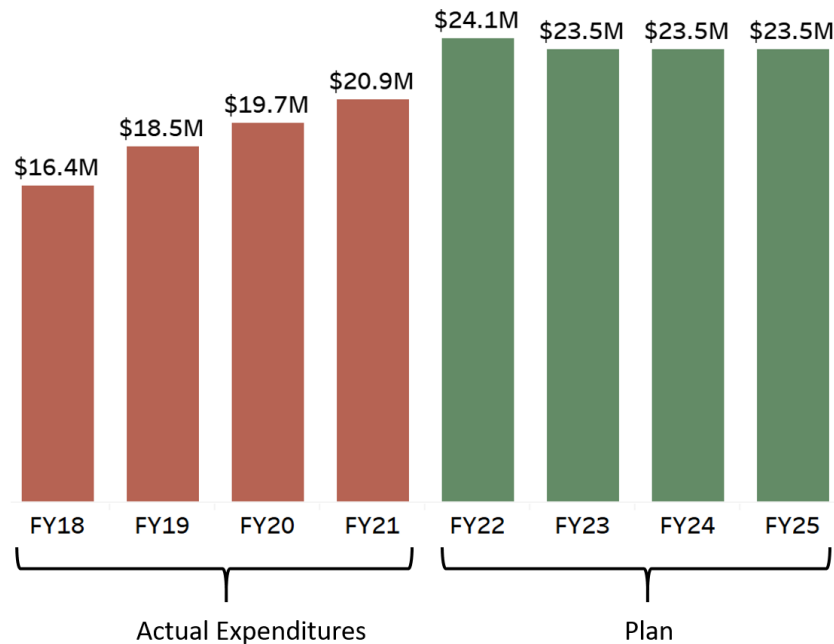
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Civilian Complaint Review Board Fiscal 2023 Budget Snapshot



Civilian Complaint Review Board Financial Plan 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). Penalties may range from warnings, loss of vacation days, suspension without pay, dismissal probation, or termination from the NYPD. The CCRB is composed of 15 members – five members appointed by the City Council, five by the Mayor, three by the Police Commissioner, one by the Public Advocate, and a Chair appointed jointly between the City Council and the Mayor. Each member serves a three-year term and can be reappointed to the position. Leadership at CCRB changed in early 2022. The former Chair of the Board, Frederick Davie, has been replaced by Arva Rice, the President and CEO of the New York Urban League and CCRB Board Member since 2021.

CCRB Expenditures and Budget FY18-FY25

CCRB's Fiscal 2023 Preliminary Budget is \$23.5 million. This is a \$1.2 million decrease as compared to the Fiscal 2022 Adopted Budget. The decrease is primarily a result of vacancy reductions taken in the current financial plan.

The budgeted headcount for Fiscal 2023 is 259, which meets the Charter requirement of at least 0.65 percent of NYPD's uniform headcount of 35,030 in Fiscal 2023. However, the actual headcount, as of January 2022, was 186, which does not meet the 227 positions required in the Charter. OMB should allow hiring to take place within CCRB with minimal restrictions.

Financial Summary

The Fiscal 2023 Preliminary Budget of \$23.5 million consists of \$18.9 million for Personal Services (PS) spending and \$4.6 million for Other than Personal Services (OTPS). The PS budget supports salaried and unsalaried positions. The OTPS funding primarily supports the rental of office space at 100 Church St for \$3.2 million and \$771,000 for general supplies and materials.

The following Financial Summary provides actuals for Fiscal 2020 and Fiscal 2021, the Adopted Budget for Fiscal 2022 and planned spending for Fiscal 2022 and Fiscal 2023 as of the Fiscal 2023 Preliminary Budget. This information is broken down by spending category, funding sources, and headcount.

CCRB Financial Summary <i>Dollars in Thousands</i>						
	FY20 Actual	FY21 Actual	FY22 Adopted	Preliminary Plan		*Difference
				FY22	FY23	FY23-FY22
Spending						
Personal Services	\$16,048	\$16,356	\$19,626	\$18,956	\$18,952	(\$673)
Other Than Personal Services	3,629	4,545	5,154	5,154	4,596	(558)
TOTAL	\$19,678	\$20,901	\$24,779	\$24,110	\$23,548	(\$1,231)
Personal Services						
Full-Time Salaried - Civilian	\$14,938	\$15,447	\$19,218	\$18,294	\$18,295	(\$923)
Unsalaries	613	625	351	351	351	0
Overtime - Civilian	343	80	0	250	250	250
Additional Gross Pay	153	203	57	61	57	0
Fringe Benefits	1	2	0	0	0	0
P.S. Other	0	0	0	0	0	0
SUBTOTAL	\$16,048	\$16,356	\$19,626	\$18,956	\$18,952	(\$673)
Other Than Personal Services						
Other Services & Charges	\$3,084	\$3,287	\$3,729	\$3,808	\$3,479	(\$250)
Supplies & Materials	82	145	880	495	822	(58)
Contractual Services	207	204	466	630	216	(250)
Property & Equipment	255	909	77	219	77	0
Fixed & Misc. Charges	2	0	2	2	2	0
SUBTOTAL	\$3,629	\$4,545	\$5,154	\$5,154	\$4,596	(\$558)
TOTAL	\$19,678	\$20,901	\$24,779	\$24,110	\$23,548	(\$1,231)
Funding						
City Funds	19,678	20,901	24,779	24,110	23,548	(1,231)
TOTAL	\$19,678	\$20,901	\$24,779	\$24,110	\$23,548	(\$1,231)
Budgeted Headcount						
Full-Time Positions - Civilian	191	181	262	259	259	(3)
TOTAL	191	181	262	259	259	(3)

**The difference of Fiscal 2022 Adopted Budget compared to Fiscal 2023 Preliminary Budget.*

Fiscal 2023 Preliminary Budget Changes

New Needs. The budget has added two needs for vaccine incentives over the last two plans, including \$500 in the Preliminary Plan.

Program to Eliminate the Gap (PEG). The Fiscal 2023 Preliminary Budget contained the one savings initiative of reducing three vacancies. The savings realized from this reduction is \$775,000. CCRB was able to meet these PS savings due to a high number of vacancies.

CCRB has identified the PEG of \$775,000 as a budget risk, as the PS budget is too low to adequately hire and retain up to their budget headcount of 259 positions. Instead, CCRB and OMB have plans to hire up to 239 positions. It remains unclear how in the outyears CCRB will be able to meet their full budgeted headcount with the current PS budget.

See Appendix A for the full list of budget actions in the November and Preliminary Plans.

Headcount

The total budgeted headcount is 259 positions for Fiscal 2023. However, actual headcount as of January 2022 was 186 positions and 10 full-time equivalent positions. Filling all the vacant positions has been an issue over the past two to three years, as the headcount has expanded significantly. Currently, the Investigations and Mediations program area have 118 personnel, the Executive and Administrative program area have 52 personnel, and the Administrative Prosecution Unit (APU) has 14 personnel. The vacant positions, as a result total 73 positions.

The budgeted headcount has increased significantly over the past few years due to major reforms. The Council has supported the CCRB in increasing headcount to account for increasing complexity of investigations, Charter reforms, and the passage of legislation. Just in the past year 33 positions were added in the Executive Budget for police reform. Specifically, these positions were added as a result of Local Law 47, passed on March 25, 2021 by the City Council and enacted on April 25, 2021. The legislation expanded the scope of investigations to include bias-based policing and racial profiling complaints made by the public. In addition, if a police officer receives a determination of racial bias by CCRB, other City agency, or a court, then CCRB will investigate the history of that officer for past professional misconduct related to bias or racial profiling. To account for the new Local Law 47, CCRB established a new Bias Based Policing Unit of investigators, prosecutors, statisticians, and policy professionals.

Another major reform was the passage of Local Law 69 by the City Council in June 2020. This created a disciplinary matrix which imposes penalties and starting points for disciplinary action for specific acts and violations by uniformed members of service. CCRB has expressed a need for both the Investigative and APU divisions to be fully staffed. As the unit handling the most serious disciplinary cases, the APU has seen increased caseload as a result of the matrix.

Fiscal 2023 Preliminary Mayor's Management Report

2021 Statistics. CCRB is transparent with all its data, providing information on investigations, complaints, and other data points on their website, and monthly and annual reports. In the first half of calendar year 2021:

- CCRB received 1,749 complaints within its jurisdiction. The CCRB substantiated 74 complaints (31%), was unable to determine whether misconduct occurred in 67 complaints (28%), found that 37 (15%) complaints were within NYPD guidelines, and concluded that 16 (7%) complaints were unfounded.
- The NYPD concurred with the CCRB's discipline recommendation in 104 (75%) non-APU complaints, and in four (36%) APU cases.
- To date the CCRB has fully investigated 152 complaints from the 2020 George Floyd protests and substantiated 53 complainants against 80 officers. The Board had recommended serving Charges (the most serious level of discipline) in 47 complaints, Command Discipline B in 12 complaints, and Command Discipline A in 23 complaints.
- In all of 2021, Brooklyn accounted for one-third of all complaints with 1,126, followed by Manhattan (796), Queens (624), the Bronx (613), and Staten Island (148). The precincts with the most complaints in 2020 were the 75th precinct (168 complaints), 67th precinct (127 complaints), and the 73rd precinct (123 complaints).

Preliminary Mayor's Management Report (PMMR). According to the Fiscal 2022 PMMR, the Board has two broad service goals - 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 total number of civilian complaints against uniformed members of the NYPD fell for the third year in a row. Fiscal 2022 complaints dropped by 28 percent to 3,326.

- The number of days to close a substantiated investigation has increased from 326 in Fiscal 2020 to 433 in Fiscal 2021, continuing a multiyear trend. The average age of an open docket increased from 290 to 378 days in Fiscal 2021. The increased length of investigations is due to increasing case complexity due to body camera footage. According to the CCRB, another factor in the longer case times is the delay caused by NYPD officers refusing to participate in virtual interviews conducted during the pandemic.
- The Outreach Unit, partnering with local community-based organizations and credible messengers, canvased 65 city blocks, engaging with 609 New Yorkers by distributing informational materials and conducting impromptu outreach presentations as part of CCRB's new Block by Block Initiative.

Appendices

A. Budget Actions in the November and Preliminary Plans

<i>Dollars in Thousands</i>	FY22			FY23		
	City	Non-City	Total	City	Non-City	Total
CCRB Budget as of the Adopted FY22 Budget	\$24,779	\$0	\$24,779	\$24,121	\$0	\$24,121
<u>November Plan</u>						
New Needs						
Vaccine Incentive	\$4		\$4			\$0
Other Adjustments						
YMI Funding Adjustment				\$100		\$100
Labor Funding: OSA Titles	101		101	102		102
Subtotal, November Plan Changes	\$105		\$105	\$202		\$202
CCRB Budget as of the November Plan	\$24,884	\$0	\$24,884	\$23,323	\$0	\$23,323
<u>Preliminary Plan</u>						
New Needs						
Vaccine Incentive	\$1		\$1			\$0
Program to Eliminate the Gap						
Vacancy Reduction	(775)	0	(775)	(775)	0	(775)
Subtotal, Preliminary Plan Changes	(\$774)	\$0	(\$118)	(\$775)	\$0	(\$775)
CCRB Budget as of the Preliminary FY23 Budget	\$24,110	\$0	\$24,110	\$23,548	\$0	\$23,548

B. Contract Budget

<i>Dollars in Thousands</i>				
Category	FY22 Adopted	Number of Contracts	FY23 Preliminary	Number of Contracts
Cleaning Services	\$23,226	2	\$23,226	2
Contractual Services - General	375,000	1	125,000	1
Data Processing Equipment Maintenance	3,712	3	3,712	3
Maintenance and Repairs - General	4,997	6	4,997	6
Printing Services	30,000	2	30,000	2
Prof. Services - Legal Services	6,000	1	6,000	1
Prof. Services - Other	6,000	1	6,000	1
Temporary Services	15,000	5	15,000	5
Training Program for City Employees	2,456	2	2,456	2
TOTAL	\$466,391	23	\$216,391	23