

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Corey Johnson
Speaker of the Council

Hon. Donovan J. Richards
Chair, Committee on Public Safety



Report of the Finance Division on the
Fiscal 2019 Preliminary Budget and the
Fiscal 2018 Preliminary Mayor's Management Report for the
Civilian Complaint Review Board

March 12, 2018

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Civilian Complaint Review Board

The Civilian Complaint Review Board (CCRB) is an independent agency empowered to receive, investigate, prosecute, mediate, hear, make findings and recommend action on complaints alleging the use of excessive or unnecessary force, abuse of authority, discourtesy or the use of offensive language by New York City police officers. The Board's investigative staff, composed entirely of civilian employees, conducts investigations in an impartial fashion. The Board forwards its findings to the Police Commissioner. The Board's responsibilities also include holding monthly public meetings, overseeing agency operations through several committees, and providing policy recommendations to the NYPD.

The CCRB consists of 13 board members. Five board members, one from each borough, are designated by the City Council. The Police Commissioner designates three board members with experience as law enforcement professionals, and the Mayor designates five members, including the Chair. The Board then hires the Executive Director who, in turn, is responsible for the agency's daily operations and the hiring and supervision of the agency's all-civilian staff. Board members serve three-year terms, which can be and often are, renewed.

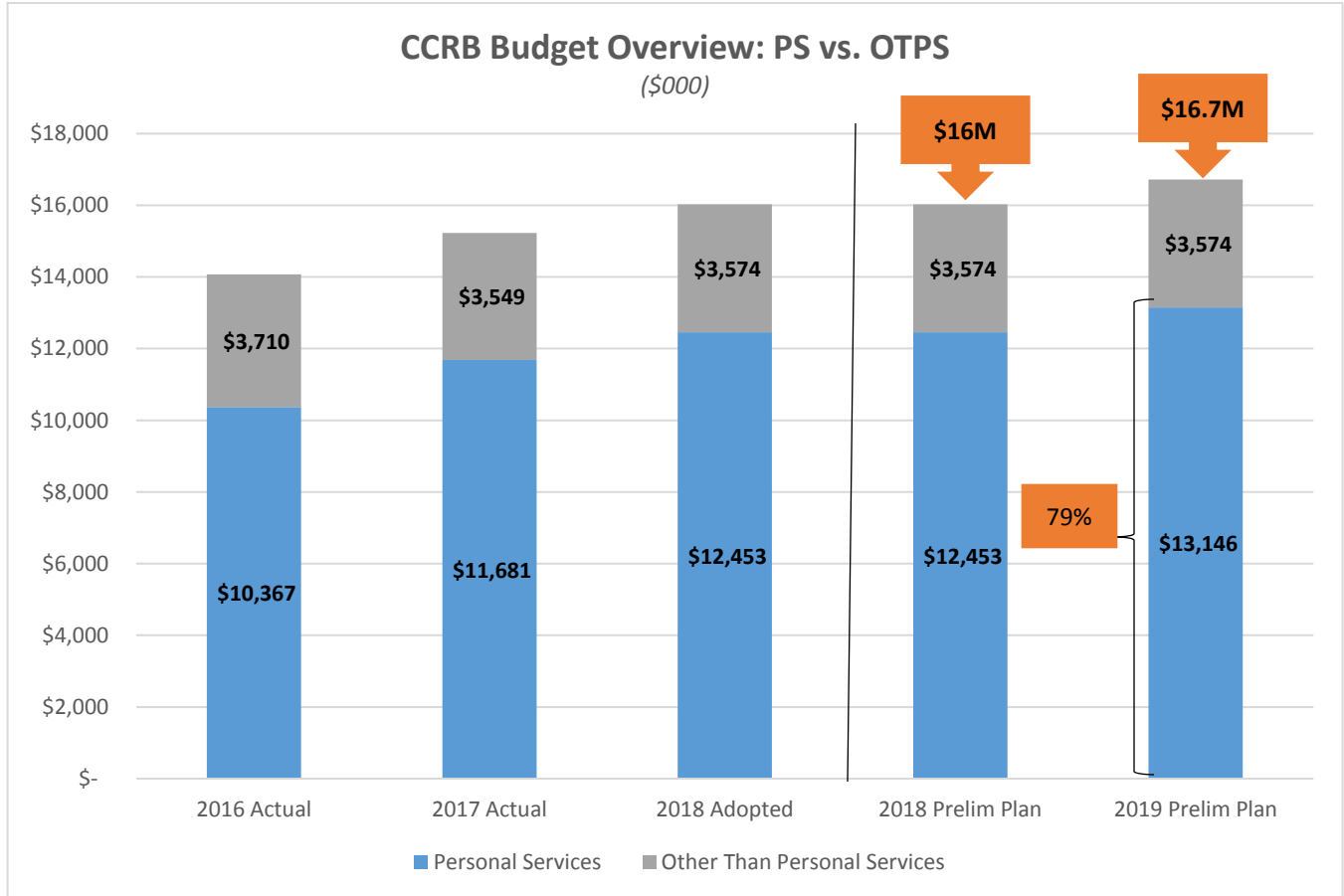
CCRB Board Members and Executive Director		
Mayoral Designees	City Council Designees	Police Commissioner Designees
Frederick Davie-Acting Chair	Joseph Puma-Manhattan	Lindsay Eason
Angela Fernandez, Esq	Ramon Peguero, Esq-Queens	Salvatore Carcaterra
John Siegal, Esq	Michael Rivadeneyra, J.D-Bronx	Frank Dwyer.
Vacant-Mayoral	Marbre Stahly-Butts, Esq-Brooklyn	
Vacant-Mayoral	Staten Island- Vacant	
Executive Director -Jonathan Darche		

This report provides a review of the CCRB's Fiscal 2019 Preliminary Budget. The first section provides details of the \$16.7 million Fiscal 2019 expense budget. The report also discusses several relevant performance indicators from CCRB's Fiscal 2018 Preliminary Mayor's Management Report (PMMR). CCRB has no capital budget.

While this Preliminary Budget or the PMMR does not reflect any funding increases or new indicators, the Board unanimously voted yes in February 2018 to investigate allegations of sexual misconduct by NYPD officers. It is possible that as CCRB begins to investigate such cases, it could result in additional funding needs or indicators for CCRB.

Fiscal 2019 Preliminary Budget

CCRB’s Fiscal 2019 Preliminary Budget of \$16.7 million reflects a 4.3 percent or \$693,260 increase when compared to the Fiscal 2018 Adopted Budget of \$16.0 million. The Board’s Personal Services (PS) budget increases by \$693,260, while the Other than Personal Services (OTPS) budget remains unchanged. CCRB relies entirely on City tax-levy dollars to support agency operations.



Financial Plan Summary

CCRB Financial Summary						
<i>Dollars in Thousands</i>						
	FY16	FY17	FY18	Preliminary Plan		*Difference
<i>Dollars in Thousands</i>	Actual	Actual	Adopted	FY18	FY19	FY18-FY19
Personal Services						
Full-Time Salaried - Civilian	\$9,398	\$10,814	\$12,081	\$11,856	\$12,774	\$693
Unsalaries	391	362	315	315	315	0
Additional Gross Pay	219	175	57	57	57	0
Overtime - Civilian	360	330	0	225	0	0
SUBTOTAL	\$10,367	\$11,681	\$12,453	\$12,453	\$13,146	\$693
Other Than Personal Services						
Other Services & Charges	\$2,759	\$2,462	\$2,717	\$2,724	\$2,717	\$0
Supplies & Materials	149	253	660	437	660	0
Contractual Services	294	396	107	220	107	0
Property & Equipment	473	419	77	168	77	0
Contractual Services - Professional Services	17	18	12	24	12	0
Fixed & Misc. Charges	16	2	2	1	2	0
SUBTOTAL	\$3,710	\$3,549	\$3,574	\$3,574	\$3,574	\$0
TOTAL	\$14,077	\$15,230	\$16,027	\$16,027	\$16,721	\$693
Funding						
City Funds			\$16,027	\$16,027	\$16,721	\$693
TOTAL	\$14,077	\$15,230	\$16,027	\$16,027	\$16,721	\$693
Budgeted Headcount						
Full-Time Positions - Civilian	159	166	187	187	187	0
TOTAL	159	166	187	187	187	0

**The difference of Fiscal 2018 Adopted Budget compared to Fiscal 2019 Preliminary Budget.*

CCRB's Fiscal 2019 Preliminary Budget of \$16.7 million reflects a 4.3 percent or \$693,260 increase when compared to the Fiscal 2018 Adopted Budget of \$16.0 million. The Board's Personal Services (PS) budget increases by \$693,260, while the Other than Personal Services (OTPS) remains unchanged. CCRB relies entirely on City tax-levy dollars to support agency operations. The increase is due to a previous baseline increase in funding. It should be noted, that while the budget shows an increase for CCRB, there are no new needs or other adjustments for CCRB since the Fiscal 2018 Adopted Budget.

The two-year average actual spending is \$14.7 million, while the Fiscal 2019 Preliminary Budget totals \$16.7 million, \$2.1 million above the two-year average actual spending for Fiscal 2016 and 2017.

Furthermore, 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. The increase can be seen in the above Financial Plan Summary chart. Multiple performance measures in the PMMR can be attributed to operational changes supported by an increase in baseline funding from previous fiscal years.

Fiscal 2018 PMMR Report Performance Measures

According to the Fiscal 2018 PMMR, the Board 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 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 2015 to 2017, target data for Fiscal 2018 to Fiscal 2019, and four-month actual data for Fiscal 2017 and Fiscal 2018. CCRB has 19 indicators in the PMMR, of which eight are considered critical indicators, the “*” in the tables below note a critical indicator. (See the Appendix on page 9 for a complete list of the PMMR Indicators).

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY15	FY16	FY17	FY18	FY19	FY17	FY18
Total civilian complaints against uniformed members of the New York City Police Department	4,165	4,711	4,215	*	*	1,335	1,555
Average age of open docket (days)	106	74	80	*	*	81	84
Cases closed	5,347	4,970	4,031	*	*	1,365	1,374
Average time to complete a substantiated investigation (days)	283	162	153	120	120	140	185
Officers disciplined (excluding pending and filed cases) (%)	87%	82%	78%	*	*	84%	66%
Average time to complete a full investigation (days)*	283	162	153	120	120	140	185
Substantiated cases in which the statute of limitations expired (%)*	1%	0%	0%	0	0	1%	0%
Officers disciplined (excluding pending and filed cases) (%)*	87%	82%	78%	*	*	84%	66%

Source: Fiscal 2018 Preliminary Mayor's Management Report

As mentioned earlier, CCRB's core function is to 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 increased by 220 complaints or 16.5 percent when comparing the same four-month period in Fiscal 2017 to Fiscal 2018.
- The average age of an open docket in days increased slightly 3.7 percent or three days when comparing the first four months of Fiscal 2018 to the first four months of Fiscal 2017. While the decrease in the average age of an open docket increased slightly, the PMMR indicates that from Fiscal 2015 to Fiscal 2017, the average age of an open docket in days decreased by 24.5 percent. This is due to procedural changes at CCRB, such as the implementation of vertical integration in its operations.
- The number of cases closed increased by less than a one percent in the first four months of Fiscal 2018 when compared to the first four months of Fiscal 2017.
- The average number of days to complete a full investigation in the first four months of Fiscal 2018 increased by 45 days or 32.1 percent when compared to the first four months of Fiscal 2017. However, the average number of days to complete a full investigation is still below the 283 days it was in Fiscal 2015. With CCRB's use of investigative pods and vertical integration, the time for a case to be processed should improve.

- The percentage of officers disciplined decreased by 18 percent to 66 percent when comparing the same four-month reporting period in Fiscal 2017 to Fiscal 2018.

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY15	FY16	FY17	FY18	FY19	FY17	FY18
Cases with mutual agreement to mediate	394	444	373	*	*	147	186
Officers who accepted mediation (%)	84%	87%	96%	*	*	87%	94%
Civilians who accepted mediation (%)	48%	45%	45%	*	*	44%	43%
Cases successfully mediated	183	222	187	*	*	60	74
Average mediation case completion time (days)*	170	93	99	120	120	98	103
Mediation satisfaction rate (%)*	90%	88%	88%	94%	94%	88%	91%
Administrative prosecution cases closed	200	210	163	*	*	86	39
– Cases closed by trial	89	137	87	*	*	43	23
– Cases closed by plea	57	60	63	*	*	40	14
Outreach presentations conducted	328	732	694	*	*	301	253

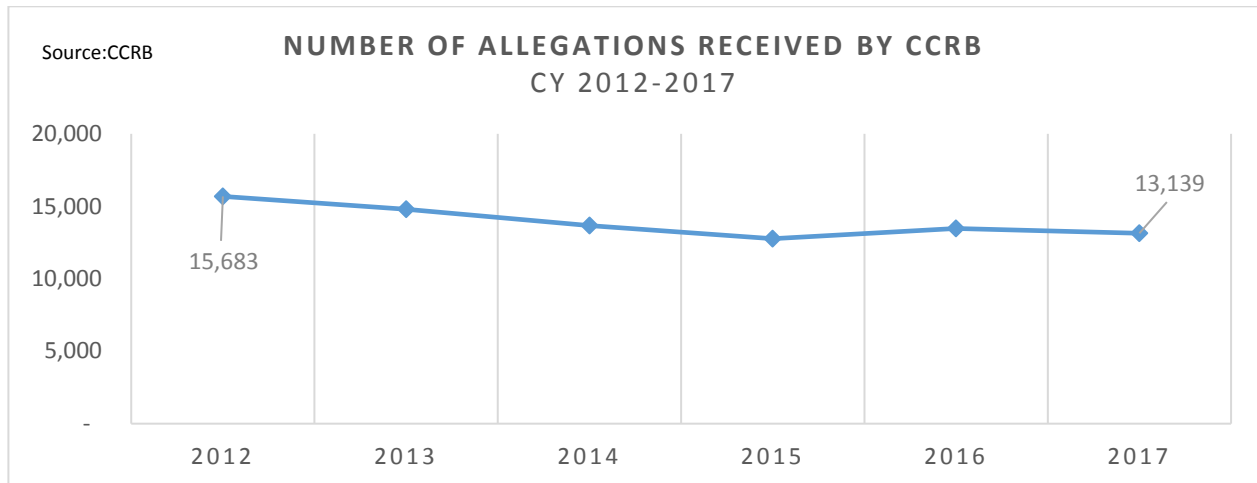
Source: Fiscal 2018 Preliminary Mayor's Management Report

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

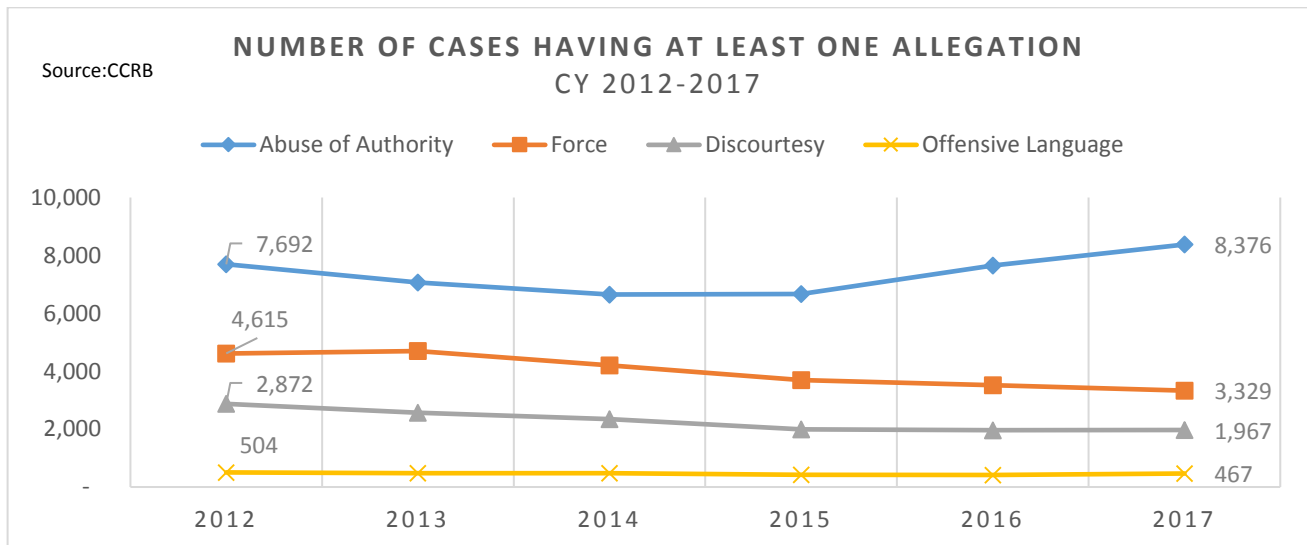
- The number of cases with mutual agreement to mediate increased by 39 cases or 26.5 percent when comparing the first four months of Fiscal 2017 to same period in Fiscal 2018. Of note, participation in mediation is voluntary and the mediation session is confidential.
- The average number of days to complete a mediation case increased slightly from 98 days in the first four months of Fiscal 2017 to 103 days in the first four months of Fiscal 2018.
- The percentage of civilians who accepted mediation decreased slightly by one percent to 43 percent, while the percent of officers who accepted mediation increased by seven percent to 94 percent, when comparing the first four months of Fiscal 2018 to Fiscal 2017.

CCRB Performance Data

In addition to what is published in the Preliminary Mayor’s Management Report, the CCRB has a selection of more comprehensive data on its website. An example of such data are indicators like the number of allegations received by CCRB and the type of allegations received. The chart below displays the total number of allegations received by CCRB. Since 2012, the number of allegations have decreased by 16.2 percent, while during this period the number of police officers have been increasing.



The chart below displays the number of FADO allegations by type from CY 2012-2017.



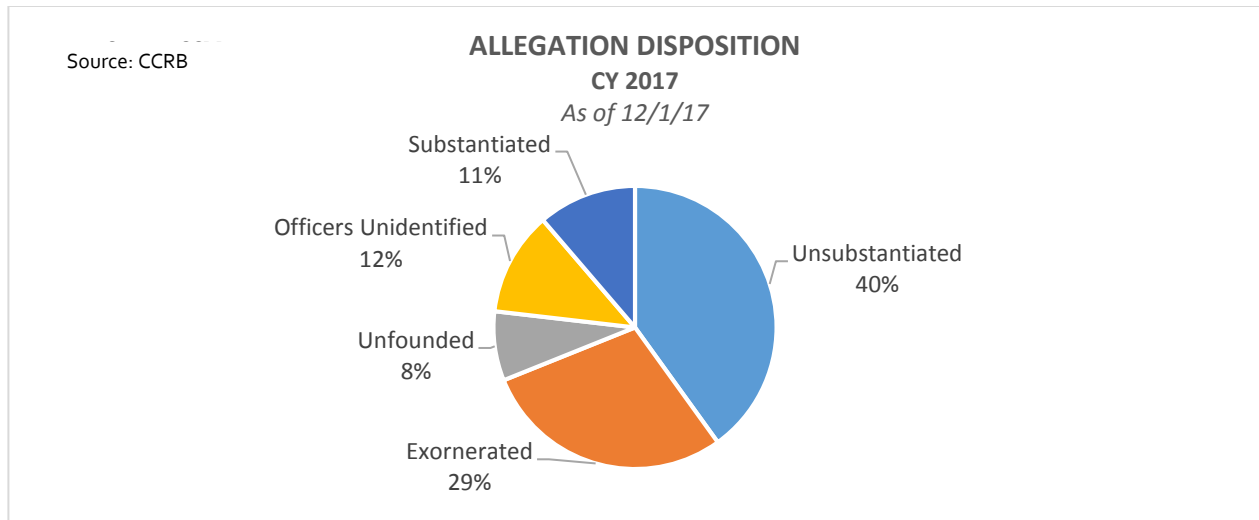
Abuse of authority has been the most common allegation received by the CCRB and has comprised 59.2 percent of the allegations received each year. Of note, since 2012 all but abuse of authority has declined. Abuse of authority has increased slightly by 8.9 percent since 2012.

Each allegation is reviewed separately during an investigation and generally receives one of five outcomes:

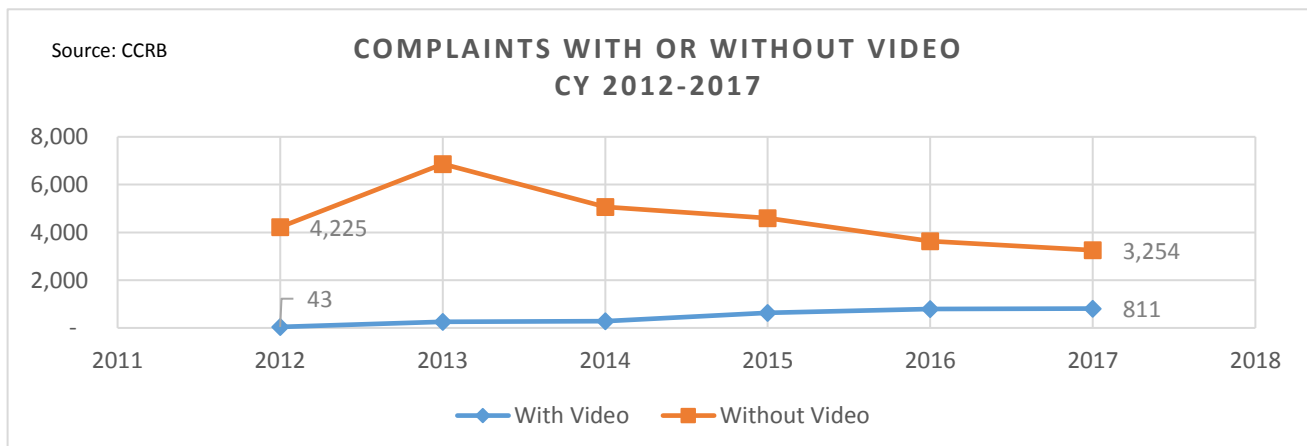
- An allegation is **substantiated**, if misconduct is found to be improper based on the preponderance of the evidence.

- An allegation is **unsubstantiated**, if there is not enough evidence to determine whether or not misconduct occurred.
- An allegation is **unfounded**, if the preponderance of the evidence suggests that the event or alleged act did not occur.
- An allegation is **exonerated**, if the event did occur but was not improper by a preponderance of evidence.
- The case is closed as **officer unidentified**, if the CCRB was unable to identify any of the officers accused of misconduct.

The chart below shows the allegation disposition for 2017.



In January 2018, the Police Department announced that it will speed up its timeline to outfit all police officers and detectives on patrol with body worn cameras by the end of 2018, one year earlier than previously planned. This announcement and the increasing use of mobile recording devices will have an impact on the number of complaints CCRB receives that contain video. It should be noted that while CCRB did collect video evidence in some cases closed prior to 2012, CCRB did not have a way to store digital files in its database at that time. The chart below shows complaints with or without video since 2012. It is likely that as CCRB receives more complaints that contain video, CCRB may require additional funding to meet the increase in complaints with videos.



Appendices

CCRB Contract Budget

CCRB FY19 Preliminary Contract Budget				
<i>Dollars in Thousands</i>				
Category	FY18 Adopted	Number of Contracts	FY19 Preliminary	Number of Contracts
Cleaning Services	\$26	2	\$26	2
Contractual Services - General	25	1	25	1
Data Processing Equipment Maintenance	4	3	4	3
Maintenance and Repairs - General	5	6	5	6
Printing Services	30	2	30	2
Prof. Services - Legal Services	6	1	6	1
Prof. Services - Other	6	1	6	1
Temporary Services	15	5	15	5
Training Program for City Employees	2	2	2	2
TOTAL	\$119	23	\$119	23

Fiscal 2018 PMMR

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY15	FY16	FY17	FY18	FY19	FY17	FY18
Total civilian complaints against uniformed members of the New York City Police Department	4,165	4,711	4,215	*	*	1,335	1,555
Average age of open docket (days)	106	74	80	*	*	81	84
Average time to complete a full investigation (days)	283	162	153	120	120	140	185
Full investigations as a percentage of total cases closed (%)	0.39	0.38	0.34	0.4	0.4	0.34	0.34
Cases closed	5,347	4,970	4,031	*	*	1,365	1,374
Closed allegations with findings on the merits (%)	41%	46%	43%	55%	55%	44%	42%
Average time to complete a substantiated investigation (days)	329	178	168	140	140	157	194
Substantiated cases in which the statute of limitations expired (%)	1%	0%	0%	0%	0%	1%	0%
Officers disciplined (excluding pending and filed cases) (%)	87%	82%	78%	*	*	84%	66%
Cases with mutual agreement to mediate	394	444	373	*	*	147	186
Officers who accepted mediation (%)	84%	87%	96%	*	*	87%	94%
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Mediation satisfaction rate (%)	90%	88%	88%	94%	94%	88%	91%
Administrative prosecution cases closed	200	210	163	*	*	86	39
– Cases closed by trial	89	137	87	*	*	43	23
– Cases closed by plea	57	60	63	*	*	40	14
Outreach presentations conducted	328	732	694	*	*	301	253
Completed requests for interpretation	591	695	744	*	*	NA	NA
Letters responded to in 14 days (%)	84%	88%	80%	*	*	78%	83%
E-mails responded to in 14 days (%)	98%	100%	100%	*	*	100%	75%
CORE facility rating	98	100	98	*	*	NA	NA