

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 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. 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