



**New York City Council**

Christine C. Quinn, Speaker

**Finance Division**

Preston Niblack, Director

Jeffrey Rodus, First Deputy Director

**Hearing on the Mayor's Fiscal Year 2012 Preliminary Budget &  
the Fiscal Year 2011 Preliminary Mayor's Management Report**

**Civilian Complaint Review Board**

March 15, 2011

**Committee on Public Safety**

Hon. Peter F. Vallone Jr., Chair

Andy Grossman, Deputy Director, Finance Division

Lionel Francois, Legislative Financial Analyst

# Summary and Highlights

	2009 Actual	2010 Actual	2011 Adopted	2011 Feb Plan	2012 Feb Plan	Difference 2011 – 2012
Personal Services	\$9,417	\$8,395	\$8,473	\$8,173	\$8,071	(\$402)
Other Than Personal Services	1,884	1,696	1,797	1,797	1,529	(268)
<b>Total</b>	<b>\$11,300</b>	<b>\$10,091</b>	<b>\$10,270</b>	<b>\$9,970</b>	<b>\$9,600</b>	<b>(\$670)</b>

*\*Difference refers to the variance between the Fiscal 2011 Adopted Budget and the Projected Fiscal 2012 Budget.*

## Highlights of CCRB’s Fiscal 2011 February Financial Plan

- Investigative Staff Reduction.** This proposal would reduce the Board’s baseline budget by \$157,000 and eliminate three investigator positions through attrition. In addition, it would reduce the number of authorized investigator positions at the Board from 119 to 116 according to the Office of Management and Budget (OMB).
- Budget Reductions Since Fiscal 2009.** Although the Board is only sustaining minimal reductions in the 2012 Preliminary Budget when compared to the Fiscal 2011 Adopted, the current financial plan still represents a reduction of \$1.8 million or 15.6% below its Adopted appropriation of \$11.4 million for Fiscal 2009.

	2009 Adopted	2010 Adopted	2011 Adopted	2012 Feb. Plan
Investigators	147	128	123	116
Non-Investigators	33	32	30	30
<b>Totals</b>	<b>180</b>	<b>160</b>	<b>153</b>	<b>146</b>

- Investigator Headcount Decline.** 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. Additional cuts to its already strained staff such as the current reduction of 3 Investigators could further negatively impact the Board’s case disposition rate and add to the agency’s current backlog. Unfortunately, the Administration has neglected to maintain adequate funding for CCRB’s investigative staff (*see above chart*).

# Civilian Complaint Review Board

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.

**Key Public Service Area**

- Investigate and resolve claims of police misconduct in a timely and efficient manner.

**Critical Objectives**

- Improve the quality, thoroughness and timeliness of case investigations.
- Increase the number of cases mediated while decreasing the mediation completion time.

SOURCE: Mayor's Management Report

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## Civilian Complaint Review Board

*Dollars in Thousands*

	2009 Actual	2010 Actual	2011 Adopted	2011 Feb Plan	2012 Feb Plan	Difference 2011 – 2012
<b>Budget by Unit of Appropriation</b>						
Personal Services	\$9,417	\$8,395	\$8,473	\$8,173	\$8,071	(\$402)
Other Than Personal Services	1,884	1,696	1,797	1,797	1,529	(268)
<b>TOTAL</b>	<b>\$11,300</b>	<b>\$10,091</b>	<b>\$10,270</b>	<b>\$9,970</b>	<b>\$9,600</b>	<b>(\$670)</b>
<b>Funding</b>						
City Funds			\$10,270	\$9,970	\$9,600	(\$670)
<b>TOTAL</b>			<b>\$10,270</b>	<b>\$9,970</b>	<b>\$9,600</b>	<b>(\$670)</b>
<b>Positions</b>						
Full-Time Positions	175	135	153	153	146	(7)
<b>TOTAL</b>	<b>175</b>	<b>135</b>	<b>153</b>	<b>153</b>	<b>146</b>	<b>(7)</b>

## **Expense Budget Summary**

The CCRB's Fiscal 2012 Preliminary Budget is approximately \$9.6 million, which is a decrease of \$670,000 below the agency's Fiscal 2011 Adopted appropriation of approximately \$10.3 million. If the Fiscal 2012 Preliminary Budget proposed PEG reduction is implemented, the Board would sustain an overall budget reduction of approximately 1.6 percent compared with its Fiscal 2011 Adopted Budget, along with a reduction of 3 positions. As these reductions would come at the expense of the Board's investigative staff, they would make it more difficult for the Board to sustain its case closure rate without resorting to overtime expenditures to compensate for the loss of full time investigative staff. The balance of the difference between the Adopted 2011 Budget and the February Financial Plan (\$543,000) consists of a reduction of \$300,000 in accrued salaries from the 2010 November Plan as well as net changes to the Board's Budget from prior-year financial plans such as the allocation for the Administrative Prosecution Unit pilot program (\$366,319) which will drop out of the Board's budget at the end of Fiscal 2011.

## Fiscal 2012 Preliminary Contracts Budget

Category	Number	Budgeted	Pct of CCRB Total	Pct of City Total	Pct. Change from 2011 ADP
Contractual Services General	1	\$17,997	17.7%	0.00%	0%
Maint. & Repair General	6	7,000	6.9%	0.01%	0%
Data Processing Equipment	3	16,800	16.5%	0.01%	0%
Printing Contracts	2	10,000	9.8%	0.03%	0%
Temporary Services	5	20,000	19.7%	0.06%	0%
Cleaning Services	2	25,950	25.5%	0.13%	0%
Training Pgm City Employees	2	1,000	1.0%	0.01%	0%
Prof Services Other	1	2,950	2.9%	0.00%	0%
<b>Preliminary Budget</b>	<b>22</b>	<b>\$101,697</b>	<b>100.0%</b>	<b>0.00%</b>	<b>0.0%</b>

**Personal Services (PS) & Other Than Personal Services (OTPS)**

<i>Dollars in Thousands</i>	<b>2009 Actual</b>	<b>2010 Actual</b>	<b>2011 Adopted</b>	<b>2011 Feb Plan</b>	<b>2012 Feb Plan</b>	<b>Difference 2011 – 2012</b>
<b>Spending</b>						
<b>Personal Services</b>						
Full-Time Salaried - Civilian	\$8,784	\$7,812	\$8,002	\$7,702	\$7,600	(\$402)
Other Salaried and Unsalariied	317	336	294	294	294	0
Additional Gross Pay	83	101	81	81	81	0
Overtime - Civilian	232	146	0	0	0	0
Amounts to be Scheduled	0	0	97	97	97	0
P.S. Other	0	0	0	0	0	0
<b>Subtotal, PS</b>	<b>\$9,417</b>	<b>\$8,395</b>	<b>\$8,473</b>	<b>\$8,173</b>	<b>\$8,071</b>	<b>(\$402)</b>
<b>Other than Personal Services</b>						
Supplies and Materials	\$149	\$87	\$207	\$139	\$205	(\$2)
Property and Equipment	70	37	34	54	34	0
Other Services and Charges	1,531	1,464	1,452	1,490	1,187	(266)
Contractual Services	129	106	102	114	102	0
Fixed and Miscellaneous Charges	4	2	1	1	1	0
<b>Subtotal, OTPS</b>	<b>\$1,884</b>	<b>\$1,696</b>	<b>\$1,797</b>	<b>\$1,797</b>	<b>\$1,529</b>	<b>(\$268)</b>
<b>TOTAL</b>	<b>\$11,300</b>	<b>\$10,091</b>	<b>\$10,270</b>	<b>\$9,970</b>	<b>\$9,600</b>	<b>(\$670)</b>
<b>Funding</b>						
City Funds			\$10,270	\$9,970	\$9,600	(\$670)
<b>TOTAL</b>			<b>\$10,270</b>	<b>\$9,970</b>	<b>\$9,600</b>	<b>(\$670)</b>
Full-Time Positions	175	135	153	153	146	(7)

## Performance Measures

	FY 08	FY 09	FY 10	FY 10 4-Month Actual	FY 11 4-Month Actual
<b>Total civilian complaints against uniformed members of the NYPD (Preliminary)</b>	7,661	7,661	6,984	2,577	2,293
<b>Full investigations as a percentage of total cases closed (%)</b>	34%	31%	36%	36%	33%
<b>Closed allegations with findings on the merits (%)</b>	56%	48%	55%	56%	49%
<b>Average number of days to complete a full investigation</b>	306	343	327	341	281
<b>Case closures per investigator</b>	58	64	78	26	23
<b>Age of docket (by date of report) (%)</b>					
- 0-4 months	64%	64%	68%	63%	68%
- 5-12 months	31%	29%	28%	32%	28%
- 13 months or older	5%	7%	4%	6%	4%
<b>Age of cases when substantiated (by date of incident) (%)</b>					
- 0-5 months	8%	1%	3%	3%	8%
- 5-12 months	44%	36%	40%	45%	48%
- 12-14 months	28%	26%	33%	25%	30%
- 15 months or older	20%	37%	24%	28%	14%
<b>Officers disciplined (excluding pending and filed cases) (%)</b>	55%	56%	74%	56%	76%
<b>Average successful mediation case completion time (days)</b>	164	158	174	163	178
<b>Percent of cases mediated</b>	1.2%	1.8%	1.8%	1.3%	2.4%
<b>Age of mediation docket (by date of referral to mediation)</b>					
- 0-11 months	100%	100%	100%	100%	100%
- 12 months or older	0%	0%	0%	0%	0%

### Preliminary Mayor's Management Report (PMMR) Performance Indicator Highlights

The highlights offered below are taken directly from the CCRB's entry in the PMMR. Unfortunately, certain performance indicators referenced in these highlights are not included in the "Performance Measures" table above making analysis of the data difficult.

- During the first four months of Fiscal 2011 the average number of days to complete a full investigation decreased 18 percent compared to the same period in Fiscal 2010. Similarly, the percentage of cases 13 months or older when closed decreased 2 percentage points. As case closure time decreased, CCRB reduced its open docket by 18 percent to 3,110 cases.
- Closed allegations with findings on the merits decreased 7 percentage points to 49 percent. Although the percentage of substantiated cases increased to 8 percent of all allegations, the percentage of allegations closed as "unsubstantiated" and "officer unidentified" both increased 3 percentage points. CCRB continues to review specific categories of allegations to better understand these fluctuations.
- In the first four months of Fiscal 2011 CCRB closed 1,971 cases, 31 percent fewer than the same period in Fiscal 2010 when the agency closed 2,867 cases. Additionally, there was a 12 percent decrease in number of cases closed per investigator. During the reporting period there was an 11 percent decrease in complaints received, a reduction in headcount including a decrease from 102 investigators in July

2009 to 92 in October 2010, and vacancies on the Board that hindered the ability of its current members to maintain case closure rates.

- More than 56 percent of substantiated cases were closed in less than 12 months, 9 percentage points higher than the same period of last year. Substantiated cases closed at 15 months or older decreased 14 percentage points during the reporting period. CCRB will continue using time management review initiatives developed in Fiscal 2010, including mandatory eighth month case conferences, to reach its target of 10 percent of substantiated cases closed at 15 months.
- During the reporting period the number of cases mediated as a percentage of total closed cases increased to 2.4 percent, while the average completion time for mediated cases increased 9 percent. The increase in completion time is attributed to a significantly larger caseload while staffing remained the same. In the first four months of Fiscal 2011, 222 cases were referred to the mediation program, compared to 129 cases during the same period of Fiscal 2010.

### Relevant Budget Actions

- **Investigative Staff Reduction.** This proposal would eliminate three investigator positions through attrition and, according to OMB, would reduce the number of authorized investigator positions at the Board from 119 to 116. It would also decrease the Board's baseline financial plan by \$157,000 beginning in Fiscal 2012. These savings include PEG credit for fringe benefits totaling \$47,000 which are offset as an "Other Adjustment" in the Board's budget since the associated fringe benefit savings are generated in the Miscellaneous Budget.
- **Accrual Reductions.** The Board surrendered \$300,000 of accrued full time salaries originally budgeted for use in Fiscal 2011 to help meet its PEG target.

## Appendix A: Budget Actions in the November and February Plans

<i>Dollars in Thousands</i>	FY 2010			FY 2011		
	City	Non-City	Total	City	Non-City	Total
<b>Agency Budget as of June 2010 Plan</b>	<b>\$10,271</b>	<b>\$0</b>	<b>\$10,271</b>	<b>\$10,241</b>	<b>\$0</b>	<b>\$10,241</b>
<b>Program to Eliminate the Gap (PEGs)</b>						
Attrition Savings	\$0	\$0	\$0	(\$672)	\$0	(\$672)
Layoff Savings	(31)	0	(31)	(264)	0	(264)
Layoff Savings - Senior Investigative Staff	0	0	0	0	0	0
Legal Team Attrition	(389)	0	(389)	0	0	0
Mediation Cost Reduction	(8)	0	(8)	(15)	0	(15)
OTPS Savings	(15)	0	(15)	(23)	0	(23)
Personal Service Accruals	(16)	0	(16)	0	0	0
<b>Total, PEGs</b>	<b>(\$458)</b>	<b>\$0</b>	<b>(\$458)</b>	<b>(\$974)</b>	<b>\$0</b>	<b>(\$974)</b>
<b>Other Adjustments</b>						
Fringe Offsets	\$260	\$0	\$260	\$349	\$0	\$349
<b>Total, Other Adjustments</b>	<b>\$260</b>	<b>\$0</b>	<b>\$260</b>	<b>\$349</b>	<b>\$0</b>	<b>\$349</b>
<b>Agency Budget as of February 2011 Plan</b>	<b>\$10,073</b>	<b>\$0</b>	<b>\$10,073</b>	<b>\$9,616</b>	<b>\$0</b>	<b>\$9,616</b>