

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Christine C. Quinn
Speaker of the Council

Hon. Peter F. Vallone, Jr.
Chair, Committee on Public Safety



Hearing on the Fiscal 2014 Preliminary Budget & the Fiscal 2013 Preliminary Mayor's Management Report

Civilian Complaint Review Board

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Civilian Complaint Review Board Overview

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.

Fiscal 2014 Preliminary Budget Highlights

This report provides an overview of the CCRB’s Preliminary Budget for Fiscal 2014. In the first section, the highlights of the Fiscal 2014 expense budget are presented, along with a discussion of the current status of the Administrative Prosecution Unit. The report then presents an overview of the CCRB’s budget changes and the actions introduced in the November 2012 and January 2013 Financial Plans. Finally, we will present some relevant statistical indicators from the Board’s entry in the Preliminary Mayor’s Management Report for Fiscal 2013 (PMMR). The CCRB has no capital budget.

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	2012	2013	2013	2014	*Difference
<i>Dollars in Thousands</i>	Actual	Adopted	Jan. Plan	Jan. Plan	2013 - 2014
Personal Services	\$7,110	\$9,582	\$8,957	\$9,585	\$3
Other Than Personal Services	1,629	2,466	2,427	1,718	(748)
Agency Total	\$8,739	\$12,048	\$11,384	\$11,303	(\$745)

**The difference between the Fiscal 2013 Adopted and the Fiscal 2014 Preliminary budget.*

- **Administrative Prosecution Unit (APU).** Of the 20 positions in the APU, the Board is currently in the process of hiring 14 attorneys.
- **PEG Program.** The Board sustained PEG reductions totaling \$713,000 (5-percent) for Fiscal 2013 and \$39,000 (0.3-percent) for Fiscal 2014.

CCRB Financial Summary

<i>Dollars in Thousands</i>	2012	2013	2013	2014	*Difference
	Actual	Adopted	Jan. Plan	Jan. Plan	2013 - 2014
Budget by Unit of Appropriation					
Personal Services (001)	\$7,110	\$9,582	\$8,957	\$9,585	\$3
Other Than Personal Services (002)	1,629	2,466	2,427	1,718	(748)
TOTAL	\$8,739	\$12,049	\$11,384	\$11,304	(\$745)
Funding					
City Funding	N/A	12,049	11,384	11,304	(745)
TOTAL	\$8,739	\$12,049	\$11,384	\$11,304	(\$745)
Positions					
Full-Time Positions - Civilian	120	164	164	164	0
TOTAL	120	164	164	164	0

**The difference between the Fiscal 2013 Adopted and the Fiscal 2014 Preliminary budget.*

The Fiscal 2014 Preliminary Budget for the CCRB is \$11.3 million, approximately \$745,000 or 6.2-percent lower than the Fiscal 2013 Adopted Budget of \$12.1 million. This is due primarily to the residual impact of prior-year reductions to the Board's budget. Since adoption of the Fiscal 2013 Budget, the only changes made to the Board's budget were the 5-percent PEG for Fiscal 2013 and the 0.3-percent PEG for Fiscal 2014. Additionally, Council funding for the APU of \$1.5 million drops out at the end of Fiscal 2013 (see "Council Initiatives and Funding" section), though, \$799,255 in Administration funding was also included as part of the APU's funding in Fiscal 2013 decreasing slightly to \$780,725 in Fiscal 2014 and the outyears. As of January 2013, CCRB had 148 active employees and 16 vacant positions. The agency's authorized headcount is 164.

Super Storm Sandy

The CCRB and its operations were significantly impacted by Super Storm Sandy. The agency had to relocate from its lower Manhattan offices at 40 Rector Street to Metrotech in downtown Brooklyn disrupting many of its everyday operations including hiring. The dislocation occurred between November and January, with the Board and its staff only recently returning to their 40 Rector Street offices. During that time, its communications infrastructure was offline which reduced their ability to take complaints. Though the Board can accept complaints in-person and over the internet, most are received by phone (especially through the 311 system). Phone complaints decreased 88% when compared to the Board's monthly average between January and October of calendar 2012. Super Storm Sandy also slowed down the Board's process for staffing the APU. It was necessary to delay some interviews during the recovery process but, according to the Board, the process has returned to normal and they hope to resume hiring.

Financial Plan Changes

- **PS PEG.** In order to meet its Fiscal 2013 reduction target, the Board will surrender \$674,000 in PS accruals. The total value of this action includes fringe benefits not included in the Board's budget. An offsetting sum totaling \$48,000 in Fiscal 2013 is being added back to the Board's budget as an adjustment.
- **OTPS PEG.** In order to meet its reduction targets, the Board's OTPS Budget was reduced by \$39,000 beginning in Fiscal 2013.

Council Initiatives and Funding

Administrative Prosecution Unit (APU). The Civilian Complaint Review Board (CCRB) received funding from the Council totaling \$1.5 million in Fiscal 2013 to expand its APU so that it could prosecute its own cases instead of sending recommendations to the NYPD to be prosecuted. The funding supports 18 additional staffers including attorneys, investigators and support staff, and covers one-time start-up costs. Baseline funding of \$780,725 is included in the APU. The CCRB will need additional funding in Fiscal 2014 in the amount of \$1.56 million to fully support the APU's proposed staffing level.

Fiscal 2013 PMMR Performance Measures

- ✓ According to the PMMR for Fiscal 2013, the Boards primary service involves the investigation, prosecution and resolution of claims of police misconduct. Its related goals are to
 - improve the quality and timeliness of investigations, and
 - increase the use of mediation to resolve complaints.

The PMMR reports several statistics related to complaint processing and outcomes. They are presented in the chart below:

Performance Statistics	A c t u a l			T a r g e t		4-Month Actual	
	FY10	FY11	FY12	FY13	FY14	FY12	FY13
Total civilian complaints against uniformed members of the New York City Police Department	6,954	6,259	5,724	*	*	1,972	2,310
Average age of open docket (days)	NA	NA	NA	*	*	139	144
Age of docket (by date of report) (%) - 0-4 months	68%	70%	63%	70%	70%	65%	63%
- 5-12 months	28%	27%	33%	26%	26%	32%	32%
- 13 months or older	4%	3%	5%	4%	4%	3%	5%
Age of docket by date of report (1 year or older) (%)	5%	4%	8%	*	*	5%	7%
Age of docket by date of report (18 months and older) (%)	NA	NA	NA	*	*	0%	0%
★ Average time to complete a full investigation (days)	327	282	293	280	280	274	349
★ Full investigations as a percentage of total cases closed (%)	36%	30%	31%	*	40%	37%	33%
Cases closed	8,269	6,149	5,637	*	*	2,041	1,812
Case closures per investigator	78	69	68	*	*	21	25
★ Closed allegations with findings on the merits (%)	55%	49%	46%	*	55%	48%	41%
★ Average time to complete a substantiated investigation (days)	NA	NA	384	*	310	343	409
Age of cases when substantiated (by date of incident) (%) - 0-5 months	3%	5%	2%	14%	14%	4%	1%
- 6-11 months	40%	50%	35%	48%	48%	56%	23%
- 12-14 months	33%	30%	32%	28%	28%	24%	38%
- 15 months or older	24%	14%	31%	10%	10%	17%	39%
Age of cases when substantiated by date of incident (1 year or older) (%)	57%	45%	63%	*	*	40%	76%
★ Substantiated cases in which the statute of limitations expired (%)	3%	0%	1%	*	0%	0%	5%
★ Officers disciplined (excluding pending and filed cases) (%)	74%	74%	83%	*	*	86%	66%
Cases referred to mediation	557	626	576	*	*	186	182
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	250	417	315	*	*	69	134
Officers who accepted mediation (%)	NA	NA	NA	*	*	77%	75%
Civilians who accepted mediation (%)	NA	NA	NA	*	*	54%	53%
Cases successfully mediated	144	147	112	*	*	32	27
★ Average mediation case completion time (days)	174	179	181	150	150	181	217
★ Mediation satisfaction rate (%)	NA	NA	NA	*	94%	87%	96%

- During the first four months of Fiscal 2013 the number of complaints increased 17 percent and the average age of the open docket was 144 days, a 4 percent increase, compared to the same period of Fiscal 2012.
- During the reporting period the average time to complete a full investigation increased 27 percent to 349 days. CCRB has put in place new time-related benchmarks and performance standards for investigative teams that are discussed in more detail below.
- The number of full investigations as a percentage of total cases closed decreased 4 percentage points to 33 percent during the reporting period.
- During the reporting period CCRB closed 11 percent fewer cases. However, the number of closures per investigator increased 16 percent. More than one-third of the current investigative staff was hired during the first four months of the fiscal year. As a result CCRB expects that investigative productivity will increase during the remainder of the year.
- Closed allegations with findings on the merits decreased 7 percentage points to 41 percent during the first four months of Fiscal 2013. The number of unsubstantiated allegations in the categories of abuse of authority, discourtesy and offensive language continued to increase during the reporting period.
- During the first four months of Fiscal 2013 the average time to complete a substantiated investigation increased 19 percent to 409 days. Only 24 percent of substantiated cases were closed in less than a year. Substantiated cases closed at 15 months or older increased by 22 percentage points; 5 percent of substantiated cases were closed after the statute of limitations expired. In response, CCRB has implemented a new set of performance standards and new tools to improve performance, including a docket for the legal team with time monitoring for each investigation, as well as time-triggered reviews and mandatory meetings with the head of investigations for any case reaching 10 months.
- Despite a 94 percent increase in cases where both parties agreed to mediation, the number of successfully completed mediations decreased to 27 cases during the reporting period. However, satisfaction with successful mediations increased 9 percentage points during the period.
- The average completion time for mediated cases increased 20 percent to 217 days. The mediation unit is currently implementing strategies intended to reduce the initial time to review cases referred to mediation.

Appendix A: Budget Actions in the November and Preliminary Plans

<i>Dollars in Thousands</i>	2013			2014		
	City	Non-City	Total	City	Non-City	Total
CCRB Budget as of Fiscal 2013 Adopted Budget	\$12,048	\$0	\$12,048	\$11,342	\$0	\$11,342
Program to Eliminate the Gap (PEGs)						
PS Accrual Savings	(674)	0	(674)	0	0	0
OTPS Savings	(39)	0	(39)	(39)	0	(39)
Total PEGs	(\$712)	\$0	(\$712)	(\$39)	\$0	(\$39)
Other Adjustments						
PS Accrual Savings Offset	48	0	48	0	0	0
Total Other Adjustments	\$48	\$0	\$48	\$0	\$0	\$0
Total All Changes	(\$665)	\$0	(\$665)	(\$39)	\$0	(\$39)
CCRB Budget as of Fiscal 2014 Preliminary Budget	\$11,384	\$0	\$11,384	\$11,303	\$0	\$11,303

Appendix B: Contract Budget

CCRB Fiscal 2014 Preliminary Contract Budget			
<i>(Dollars in 000's)</i>	Number of Contracts	Value	Pct of CCRB Total
Contract Category			
Contractual Services General	1	25	21%
Maintenance & Repair General	6	5	4%
Data Processing Equipment	3	4	3%
Printing Contracts	2	30	25%
Temporary Services	5	15	13%
Cleaning Services	2	26	22%
Training Program City Employees	2	2	2%
Professional Services - Legal Services	1	6	5%
Professional Services - Other	1	6	5%
Preliminary Budget	23	\$119	100%