

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Melissa Mark-Viverito
Speaker of the Council

Hon. Vanessa L. Gibson
Chair, Committee on Public Safety



Hearing on the Fiscal 2015 Preliminary Budget & the Fiscal 2014 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 2015 Preliminary Budget Highlights

This report provides an overview of the CCRB's Preliminary Budget for Fiscal 2015. In the first section, the highlights of the Fiscal 2015 expense budget are presented. The report then presents an overview of the CCRB's budget changes and the actions introduced in the November 2013 and February 2014 Financial Plans. Finally, we will present some relevant statistical indicators from the Board's entry in the Preliminary Mayor's Management Report for Fiscal 2014 (PMMR). The CCRB has no capital budget.

CCRB Financial Summary

	2012	2013	2014	2014	2015	*Difference
<i>Dollars in Thousands</i>	Actual	Actual	Adopted	as of 2015 Prelim	Prelim	2014 - 2015
Budget by Unit of Appropriation						
Personal Services (001)	\$7,110	\$8,657	\$9,585	\$9,585	\$9,589	\$3
Other Than Personal Services (002)	1,629	\$1,952	2,332	2,332	2,653	\$321
TOTAL	\$8,739	\$10,608	\$11,917	\$11,917	\$12,242	\$325
Funding						
City Funding			11,917	11,917	12,242	325
TOTAL	\$8,739	\$10,608	\$11,917	\$11,917	\$12,242	\$325
Positions						
Full-Time Positions - Civilian	120	157	164	164	164	0
TOTAL	120	157	164	164	164	0

*The difference between the Fiscal 2014 Adopted and the Fiscal 2015 Preliminary.

CCRB's \$12.2 million Fiscal 2015 Preliminary Budget reflects a minor increase of 2.7 percent or \$325,000 when compared to the Fiscal 2014 Adopted Budget of \$11.9 million. Since adoption of the Fiscal 2014 Budget, no major adjustments were made to CCRB's budget. CCRB's OTPS budget increased by \$321,000. This difference reflects the increased cost of CCRB occupying its new location at 100 Church Street for part of Fiscal 2014 and the entirety of Fiscal 2015. The Board will move March 14, 2014.

The Board's staffing levels remain flat throughout the financial plan period at 164.

- **Administrative Prosecution Unit (APU).** In Fiscal 2013, the Council provided CCRB with \$1.5 million to expand the APU. After Fiscal 2013, the funding for the APU was baselined. The APU prosecutes cases where the Board has recommended administrative charges rather than sending recommendations to the NYPD to be prosecuted. The funding supports a headcount of 20 which includes attorneys, investigators and support staff. The current budgeted estimate for the Fiscal 2015 Preliminary Budget is approximately \$1.59 million. The APU's current open caseload is 136 cases.
- **Investigations and Mediation Units.** Part of CCRB's operations includes an investigations and a mediation unit. The two units combined have a budgeted headcount of 120 staff. The CCRB's Fiscal 2015 Preliminary Budget for these two units is approximately \$5.5 million. The Investigations Unit oversees case intake, witness interviews, and other investigative procedures for the agency. The Mediation Unit determines which cases are eligible for mediation and oversees the mediation process.

Fiscal 2014 PMMR Performance Measures

The Fiscal 2014 Preliminary Mayor’s Management Report outlines the responsibilities and goals of the CCRB. According to the Fiscal 2014 PMMR, the CCRB is an independent, non-police agency with authority to investigate allegations of police misconduct and to recommend action directly to the police commissioner. The Board strives to resolve complaints efficiently through investigation and its mediation program.

According to the Fiscal 2014 PMMR, the Board’s primary service involves investigating, prosecuting and resolving claims of police misconduct. The Board has two primary service goals which are 1) improve the quality and timeliness of investigations and 2) increase the use of mediation to resolve complaints. The chart below from the PMMR provides performance statistics for Fiscal 2011 to 2013, target data for Fiscal 2014 to Fiscal 2015, and four-month actual data for Fiscal 2013 and Fiscal 2014.

CCRB Performance Statistics	A c t u a l			T a r g e t		4-Month Actual	
	FY11	FY12	FY13	FY14	FY15	FY13	FY14
Total civilian complaints against uniformed members of the New York City Police Department	6,259	5,724	5,455	*	*	2,310	2,007
Average age of open docket (days)	NA	NA	147	*	*	144	133
★ Average time to complete a full investigation (days)	282	293	386	280	280	349	343
★ Full investigations as a percentage of total cases closed (%)	30%	31%	32%	40%	40%	33%	27%
Cases closed	6,149	5,637	5,514	*	*	1,812	2,111
★ Closed allegations with findings on the merits (%)	49%	46%	42%	55%	55%	41%	34%
★ Average time to complete a substantiated investigation (days)	NA	384	438	310	300	409	410
★ Substantiated cases in which the statute of limitations expired (%)	0%	1%	10%	0%	0%	5%	5%
★ Officers disciplined (excluding pending and filed cases) (%)	74%	83%	62%	*	*	66%	51%
Cases with mutual agreement to mediate	417	315	244	*	*	134	204
Officers who accepted mediation (%)	NA	NA	79%	*	*	75%	83%
Civilians who accepted mediation (%)	NA	NA	57%	*	*	53%	50%
Cases successfully mediated	147	112	61	*	*	27	75
★ Average mediation case completion time (days)	179	181	284	150	150	217	267
★ Mediation satisfaction rate (%)	NA	NA	97%	94%	95%	96%	94%

- During the first four months of Fiscal 2014 the public filed 13 percent fewer complaints than in the same period of Fiscal 2013. This decrease mimics a larger trend seen in the complaints received from Fiscal 2011 to Fiscal 2013. The exact reasons for the decline in complaints received is unknown, but the agency though its Community Outreach unit has delivered over 100 presentations to inform the public about the Board and its duties.
- The Board closed 17 percent more cases during the reporting period. However, the average number of case closures per investigator decreased from 25 to 21 cases. One reason for the decrease in case closures per investigators is the decrease in cases received. Cases received in Fiscal 2013 went from 2,310 to 2,007 in the same period from Fiscal 2014. Also in Fiscal

2013 there were 83 active investigators, whereas in the same period in Fiscal 2014 there were 90 active investigators.

- The percentage of substantiated cases in which the 18 month statute of limitations expired remained unchanged. In response, the Board has instituted a mandatory time-triggered review of all cases prior to reaching its statute of limitations and hopes that a new intake process will help expedite the handling of new cases.
- Cases that were fully investigated decreased by six percentage points to 27 percent. Full investigations decreased as a result of an increase in cases that were closed due to complaint withdrawal, complainant unavailable or uncooperative. The CCRB created an intake unit to promptly schedule interviews with complainants and is working with other outreach methods to help decrease the number of cases closed due to complaint withdrawals, complainants unavailable or uncooperative.
- The cases with mutual agreement to mediate increased by 34 percent from 134 cases to 204 cases. Mediation closures as a percentage of all case closures increased from seven percent to nine percent. The average time to mediate a case in Fiscal 2014 increased. This stemmed from the backlog of open cases that resulted when CCRB relocated and was unable to access computer records after Hurricane Sandy.

Appendix A: Contract Budget

The New York City Charter mandates the preparation of a Contract Budget to identify expenditures for contractual services, which are defined as any technical, consultant or personal service provided to the City by means of a contract. The Contract Budget is actually a subset of the Other Than Personal Services (OTPS) portion of the City’s Expense Budget. The Administration prepares a Contract Budget twice each fiscal year. In January, it is prepared with the Departmental Estimates, and in late April it is submitted to the Council with the Executive Budget.

The following table provides the CCRB’s Preliminary Contract Budget for Fiscal 2015.

CCRB Fiscal 2015 Preliminary Contract Budget			
Contract Category <i>(\$ in 000's)</i>	Number of Contracts	Value	Pct. of CCRB Total
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%