

THE COUNCIL OF THE CITY OF NEW YORK

Speaker of the Council  
Christine C. Quinn



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

## Hearing on the Mayor's Fiscal 2013 Preliminary Budget & the Fiscal 2012 Preliminary Mayor's Management Report

Civilian Complaint Review Board

**March 15, 2012**

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## CCRB 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 2013 Preliminary Plan Highlights

This report provides an overview of the CCRB’s Preliminary Budget for Fiscal 2013. In the first section, the highlights of the Fiscal 2013 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, a review of the CCRB’s staffing changes, especially as it concerns their investigative staff and its impact on the Board’s docket of cases, and the actions introduced in the November 2011 and February 2012 Financial Plans. Finally, we will present some relevant statistical indicators from the Board’s entry in the Preliminary Mayor’s Management Report for Fiscal 2012 (PMMR). The CCRB has no capital budget.

<b>054- Civilian Complaint Review Board</b>					
<i>Dollars in Thousands</i>	<b>2011 Actual</b>	<b>2012 Adopted</b>	<b>2012 Feb. Plan</b>	<b>2013 Feb. Plan</b>	<b>*Difference 2012 - 2013</b>
Personal Services	\$7,796	\$7,978	\$7,712	\$8,141	\$164
Other Than Personal Services	1,827	1,632	1,630	1,609	(24)
<b>Agency Total</b>	<b>\$9,623</b>	<b>\$9,610</b>	<b>\$9,343</b>	<b>\$9,750</b>	<b>\$140</b>

*\*The difference of Fiscal 2012 Adopted compared to Fiscal 2013 February Plan funding.*

- **Administrative Prosecution Unit.** The Board will receive baseline funding totaling \$77,000, growing to \$168,000 in Fiscal 2013 and the outyears to support two positions for its Administrative Prosecution Unit.
- **Budget Reductions.** The November 2011 Financial Plan introduced PEGs totaling \$353,000 in Fiscal 2012 and \$121,000 in Fiscal 2013, representing 3.7-percent and 1.3-percent of the CCRB’s City-funds budget respectively.

## CCRB Financial Summary

<i>Dollars in Thousands</i>	2011 Actual	2012 Adopted	2012 Feb. Plan	2013 Feb. Plan	*Difference 2012 - 2013
<b>Budget by Unit of Appropriation</b>					
Personal Services (001)	\$7,796	\$7,978	\$7,712	\$8,141	\$164
Other Than Personal Services (002)	1,827	1,632	1,630	1,609	(24)
<b>TOTAL</b>	<b>\$9,623</b>	<b>\$9,610</b>	<b>\$9,343</b>	<b>\$9,750</b>	<b>\$140</b>
<b>Funding</b>					
City Funding	NA	\$9,610	\$9,343	\$9,750	\$140
<b>TOTAL</b>	<b>\$9,623</b>	<b>\$9,610</b>	<b>\$9,343</b>	<b>\$9,750</b>	<b>\$140</b>
<b>Positions</b>					
Full-Time Positions - Civilian	132	141	142	146	5
<b>TOTAL</b>	<b>132</b>	<b>141</b>	<b>142</b>	<b>146</b>	<b>5</b>

*\*The difference of Fiscal 2012 Adopted compared to Fiscal 2013 February Plan funding.*

The Fiscal 2013 Preliminary Budget for the CCRB is \$9.8 million, approximately \$140,000 or 1.5-percent higher than the Fiscal 2012 Adopted Budget of \$9.6 million. This is due to additional funding for the Administrative Prosecution Unit (APU) which the Board received in the November 2011 Plan. Additionally, the Board did take reductions to its Fiscal 2013 Preliminary Budget vis-à-vis the elimination of two cars and their related expenses, consolidation of two units and the elimination of one administrative vacancy for one of the two units. PEGs total \$353,000 in Fiscal 2012 and \$121,000 in Fiscal 2013, representing 3.7-percent and 1.3-percent of the CCRB's City-funds budget respectively.

The Board will also receive baseline funding totaling \$77,000 in Fiscal 2012, growing to \$168,000 in Fiscal 2013 and the outyears to support two of the four positions in its Administrative Prosecution Unit. These positions include one attorney and one investigator. Since its establishment, the APU has prosecuted two cases. However, the single attorney hired for the unit has been transferred to another position at the CCRB. The Board has, since then, had some difficulty backfilling this attorney position partly due to the ongoing hiring freeze in city government. The Board reports, however, that the administration is likely to grant a waiver so that they may staff the APU.

### Investigative Staff and Docket Backlogs.

Because the core function performed by the CCRB 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 reduction of 39 investigators it has sustained over the past four fiscal years on an initial base of 147 investigators (a reduction of 26.5-percent), could further negatively impact the Board's case disposition rate and add to the

agency's current backlog. According to Chair Daniel Chu, the backlog has ballooned from approximately 1,400 to over 2,700 cases between summer 2011 and January 2012 with many of those cases beginning to approach their 18-month statute of limitations. Unfortunately, the Administration has neglected to maintain adequate funding for CCRB's investigative staff. (See the chart below.)

**\*CCRB Headcount Summary**  
(Financial Plan Changes)

	2009 Adopted	2010 Adopted	2011 Executive	2012 February	2012 Executive	2013 Preliminary
Investigators	147	128	123	116	112	108
Non-Investigators	33	32	30	30	29	34
<b>Totals</b>	<b>180</b>	<b>160</b>	<b>153</b>	<b>146</b>	<b>141</b>	<b>142</b>

\*Source: CCRB

### Financial Plan Changes

- **Administrative Prosecution Unit (APU).** The Board will receive baseline funding totaling \$77,000 in Fiscal 2012 growing to \$168,000 in Fiscal 2013 and the outyears to support two positions in the APU. These are two of the originally requested four positions in the unit.
- **Case Management Unit Consolidation.** The Board will combine its Case Management and Case Intake Units and eliminate the administrative overhead for the Case Management Unit which amounts to one supervisor vacancy. The new combined unit will be overseen by the current supervisor of the Case Intake Unit. Savings associated with this initiative total \$40,000 in Fiscal 2012 growing to \$80,000 in Fiscal 2013 and the outyears.
- **PS Accruals.** As in previous reduction exercises, the Board will surrender personal services accruals in order to meet its reduction targets in Fiscal 2012. These savings will amount to \$313,000 and are limited to Fiscal 2012.
- **Eliminate Two Agency Cars.** The Board will eliminate two of its cars leaving its current fleet with seven vehicles with which to conduct site visits in support of its investigations. The total savings associated with this measure will amount to \$41,000 beginning in Fiscal 2013.

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

<i>Dollars in Thousands</i>	FY 2012			FY 2013		
	City	Non-City	Total	City	Non-City	Total
<b>CCRB Budget as of June 2011 Plan</b>	<b>\$9,610</b>	<b>\$0</b>	<b>\$9,610</b>	<b>\$9,683</b>	<b>\$0</b>	<b>\$9,683</b>
<b>Program to Eliminate the Gap (PEGs)</b>						
Case Management Unit Consolidation	(\$40)	\$0	(\$40)	(\$80)	\$0	(\$80)
PS Accruals	(313)	0	(313)	0	0	0
Eliminate Two Agency Cars	0	0	0	(41)	0	(41)
<b>TOTAL, PEGs</b>	<b>(\$353)</b>	<b>\$0</b>	<b>(\$353)</b>	<b>(\$121)</b>	<b>\$0</b>	<b>(\$121)</b>
<b>New Needs</b>						
Administrative Prosecution Unit	\$77	\$0	\$77	\$168	\$0	\$168
<b>TOTAL, New Needs</b>	<b>\$77</b>	<b>\$0</b>	<b>\$77</b>	<b>\$168</b>	<b>\$0</b>	<b>\$168</b>
<b>Other Adjustments</b>						
Case Management Unit Consolidation - Fringe	\$9	\$0	\$9	\$19	\$0	\$19
<b>TOTAL, Other Adjustments</b>	<b>\$9</b>	<b>\$0</b>	<b>\$9</b>	<b>\$19</b>	<b>\$0</b>	<b>\$19</b>
<b>TOTAL, All Changes</b>	<b>(\$268)</b>	<b>\$0</b>	<b>(\$268)</b>	<b>\$67</b>	<b>\$0</b>	<b>\$67</b>
<b>CCRB Budget as of February 2012 Plan</b>	<b>\$9,342</b>	<b>\$0</b>	<b>\$9,342</b>	<b>\$9,750</b>	<b>\$0</b>	<b>\$9,750</b>



## Appendix B: CCRB Contract Budget

<b>Contract Category</b>	<b>Number</b>	<b>Budgeted</b>	<b>Percent of CCRB Total</b>
Contractual Services General	1	\$25	21%
Maintenance & Rep Motor Vehicles and Equipment	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%
Prof Services: Legal Services	0	6	5%
Prof Services: Other	1	6	5%
<b>Preliminary Fiscal 2013 Budget</b>	<b>22</b>	<b>\$119</b>	<b>100%</b>

## Appendix C: Fiscal 2012 PMMR Performance Measures

	Actual			Updated Target		4- Month Actual	4- Month Actual
	FY 09	FY 10	FY 11	FY 12	FY 13	FY 11	FY 12
<b>Total civilian complaints against uniformed members of the NYPD (Preliminary)</b>	7,661	6,984	6,259	*	*	2,284	1,972
<b>Full investigations as a percentage of total cases closed (%)</b>	31%	36%	30%	*	*	33%	37%
<b>Closed allegations with findings on the merits (%)</b>	48%	55%	49%	*	*	49%	48%
<b>Average number of days to complete a full investigation</b>	343	327	2.82	280	280	281	274
<b>Case closures per investigator</b>	64	78	69	*	*	23	21
<b>Age of docket (by date of report) (%)</b>							
- 0-4 months	64%	68%	70%	70%	70%	68%	65%
- 5-12 months	29%	28%	27%	26%	26%	28%	32%
- 13 months or older	7%	4%	3%	4%	4%	4%	3%
<b>Age of cases when substantiated (by date of incident) (%)</b>							
- 0-5 months	1%	3%	5%	14%	14%	8%	4%
- 5-12 months	36%	40%	50%	48%	48%	48%	56%
- 12-14 months	26%	33%	30%	28%	28%	30%	24%
- 15 months or older	37%	24%	14%	10%	10%	14%	17%
<b>Officers disciplined (excluding pending and filed cases) (%)</b>	56%	74%	74%	*	*	76%	86%
<b>Average successful mediation case completion time (days)</b>	158	174	179	150	150	178	181
<b>Percent of cases mediated</b>	1.80%	1.80%	2.40%	*	*	2.4%	1.6%
<b>Age of mediation docket (by date of referral to mediation)</b>							
- 0-11 months	100%	100%	100%	100%	100%	100%	100%
- 12 months or older	0%	0%	0%	0%	0%	0%	0%