

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Corey Johnson
Speaker of the Council

Hon. Donovan Richards
Chair, Committee on Public Safety



Report of the Finance Division on the
Fiscal 2021 Preliminary Plan and
Preliminary Mayor's Management Report

Civilian Complaint Review Board

March 4, 2020

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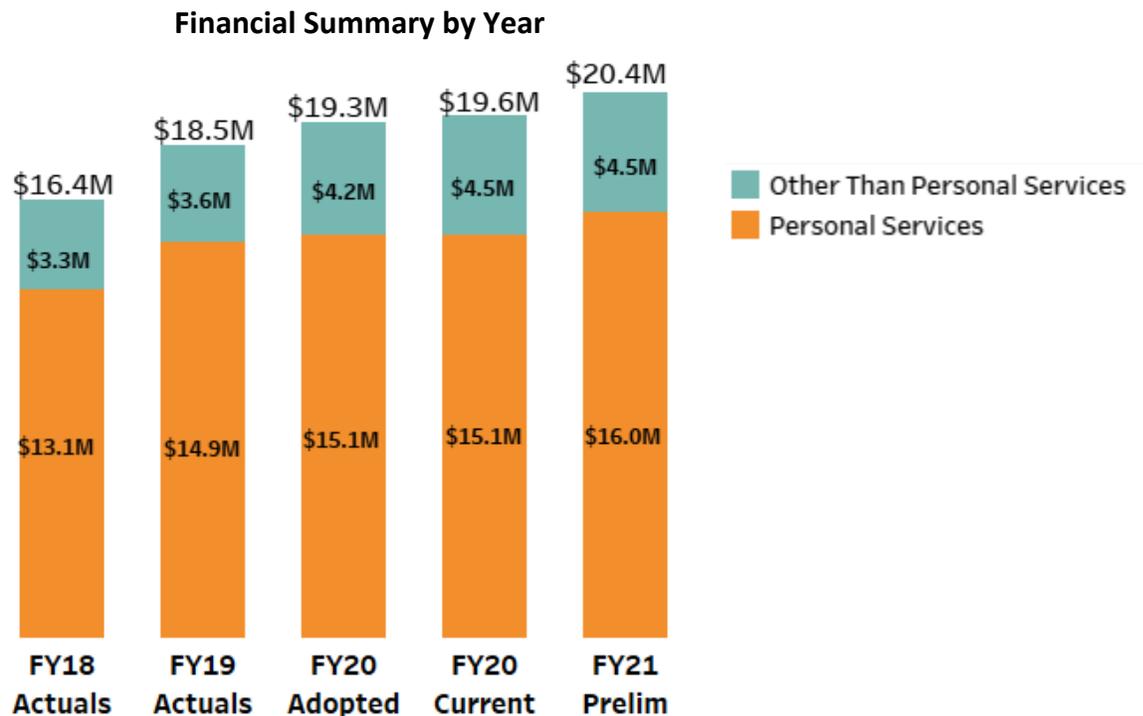
Civilian Complaint Review Board Overview

The Civilian Complaint Review Board (CCRB) receives and investigates complaints by members of the public against employees of the New York City Police Department (NYPD). The CCRB 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 Police Commissioner. Each member serves a three-year term and can be reappointed to the position. Following substantiation of a complaint, the CCRB recommends a certain level of discipline to the Police Commissioner, who is the ultimate authority to determine penalties for misconduct.

This report provides a review of the CCRB’s Preliminary Budget for Fiscal 2021. The first section provides details of the \$20.4 million Fiscal 2021 Preliminary Budget. CCRB has no capital budget. The report then outlines several relevant performance indicators from CCRB and from the Fiscal 2020 Preliminary Mayor’s Management Report (PMMR).

Fiscal 2021 Preliminary Budget Highlights

CCRB’s Fiscal 2021 Preliminary Budget of \$20.4 million reflects a five percent or \$1.1 million increase when compared to the Fiscal 2020 Adopted Budget of \$19.3 million. Since the Fiscal 2020 Adopted Budget, CCRB’s budget for Fiscal 2020 and Fiscal 2021 have grown by \$258,438 and \$968,840, respectively.



In the past three fiscal years, from Fiscal 2018 to Fiscal 2021, CCRB’s budget has increased significantly to \$20.4 million, a 25 percent increase. Previous to this fiscal year, a majority of the increases were for pay scale salary adjustments. However, since the Fiscal 2020 Executive Budget, two major personnel increases have contributed to the growth. These additions to the

CCRB staff headcount are discussed below. See Appendix A for a list of budget changes included in the November 2019 and Fiscal 2021 Preliminary Financial Plans.

Financial Plan Summary

<i>Dollars in Thousands</i>	FY18	FY19	FY20	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY20	FY21	FY20-21
Spending						
Personal Services	\$13,070	\$14,859	\$15,091	\$15,099	\$15,960	\$870
Other Than Personal Services	3,336	3,600	4,239	4,489	4,489	250
TOTAL	\$16,406	\$18,459	\$19,330	\$19,588	\$20,449	\$1,120
Personal Services						
Full-Time Salaried - Civilian	\$11,992	\$13,316	\$14,692	\$14,468	\$15,553	\$861
Unsalariated	474	591	342	345	351	8
Additional Gross Pay	\$159	\$407	\$57	\$57	\$57	0
Overtime - Civilian	444	544	0	229	0	0
SUBTOTAL	\$13,070	\$14,859	\$15,091	\$15,099	\$15,960	\$870
Other Than Personal Services						
Other Services & Misc. Charges	\$2,720	\$2,770	\$3,286	\$3,379	\$3,286	\$0
Contractual Services	193	403	216	522	466	250
Property & Equipment	218	233	77	246	77	0
Supplies & Materials	205	194	660	342	660	0
SUBTOTAL	\$3,336	\$3,600	\$4,239	\$4,489	\$4,489	\$250
TOTAL	\$16,406	\$18,459	\$19,330	\$19,588	\$20,449	\$1,120
Funding						
City Funds			\$19,330	\$19,588	\$20,449	\$1,120
TOTAL	\$16,406	\$18,459	\$19,330	\$19,588	\$20,449	\$1,120
Budgeted Headcount						
Full-Time Positions - Civilian	173	168	212	212	229	17
TOTAL	173	168	212	212	229	17

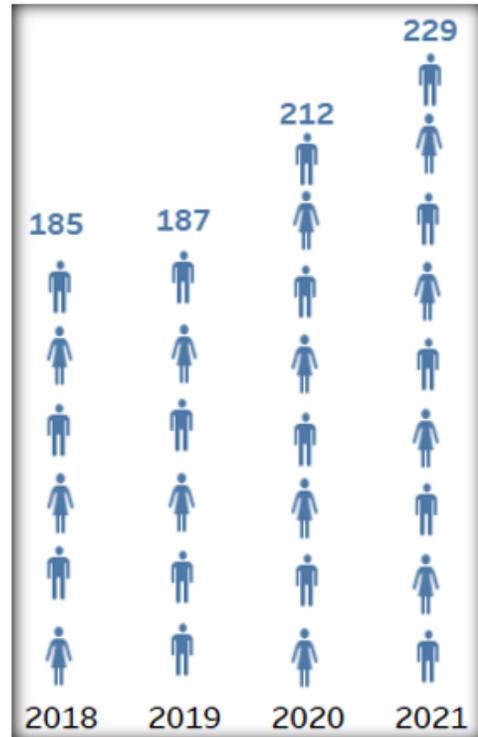
*The difference of Fiscal 2020 Adopted Budget compared to Fiscal 2021 Preliminary Budget.

Headcount

The budgeted headcount for CCRB has increased 24 percent between Fiscal 2018 and Fiscal 2021, attributable to two major actions in Fiscal 2020 and 2021. The chart below shows the budgeted headcount for full-time positions between Fiscal 2018 and 2021.

- 1. Additional Investigators.** The Council successfully negotiated for an increase in investigator headcount in the Fiscal 2020 Adopted Budget. CCRB received 24 investigators at a cost of \$985,464, or \$1.5 million with fringe. Further staff was required to account for increased caseload and case complexity. This is due to a variety of factors including the Right to Know Act, the distribution of body-worn cameras to all officers, and the expansion of CCRB’s oversight portfolio to include sexual harassment claims. As of February 2020, all 24 of these new positions are filled.
- 2. Charter Revision** – Voters approved a ballot measure in November 2019 to tie CCRB headcount to 0.65 percent of NYPD’s uniform headcount. This allows CCRB to automatically retain a proportional number of staff when and if the City changes the size of NYPD’s police force in the future. This revision to the City’s Charter allowed for an increase of 17 positions with a budget impact of approximately \$726,000. The salary allowance for these new positions are for entry-level positions and although CCRB has not yet finalized the duties of each of these positions, it is expected that all will be investigative positions.

Budgeted Headcount by Fiscal Year



Actual Headcount. CCRB’s budgeted headcount for Fiscal 2021 is 229 full-time staff and 7 full-time equivalents. This total of 236 is now 0.652 percent of the NYPD’s uniform headcount of 36,199. However, as of February 2020, CCRB’s actual headcount is 206 positions, six positions under the full-time position authorized headcount. There are 195 full-time positions, and an additional 11 positions that are paid hourly and are considered full-time equivalent positions. The breakdown of headcount by division is in the table below.

Actual Headcount by Division (as of 2/2020)		
Unit	Headcount Full-Time Only	Headcount Including FTEs
Administration	4	4
Administrative Prosecution Unit	12	12
Case Management Unit	7	10
Communications	2	3
General Counsel	5	5
Human Resources	3	4
Investigations, Intake & Evidence Collection, NYPD Relations & ECU	131	131
Mediation	7	7
Management Information Systems	5	6
Operations	4	5
Outreach	3	6
Policy	6	7
Training	3	3
Executive	3	3
Total Headcount	195	206

Divisions

Investigative Division

The largest division is the Investigative Division, with a budget of \$9.7 million for PS spending. Investigators contact witnesses and police officers, hold interviews, gather evidence, and handle other aspects throughout the entire investigation. CCRB typically hires two classes of investigators every year with roughly 10 people in each class. However, due to the budget changes, the number of classes has been doubled and may have up to 15 people in each class. In Fiscal 2020 there have been three classes: 12 new staff in July, 15 in September, and 15 in November. Each trainee must complete a six-week training program, pass an exam, and work with an existing investigative squad for a six-month probationary period. The new staff will begin as Level One Investigators working on multi-person squads. There are also more seasoned investigators working as supervising investigators, squad leaders, and some assigned to the Mediation Unit.

The Investigative Division is also primarily responsible for the overtime budget. In Fiscal 2020, the budget for overtime is \$229 million. According to historical patterns, the overtime budget could be exceeded by \$200-300 million. For example, in Fiscal 2019, actual expenditures on overtime were \$544 million. The primary driver of this overtime is the growth in case numbers and case complexity, although the increased work hours has improved the percentage of closed cases.

Administrative Prosecution Unit

The next largest division is the Administrative Prosecution Unit (APU). The PS budget for the APU for Fiscal 2020 is \$3.1 million. The APU prosecutes more serious cases that can result in charges such as loss of vacation days, suspension, probation, or termination. The Police Commissioner is

still, however, the final decision maker on officer punishment. In 2019, the Police Commissioner followed the APU's disciplinary recommendations for 14 cases, or 32 percent of the time.

Outreach

The outreach unit has a budgeted headcount of six people, one assigned for each borough and one director. In 2019, the outreach team gave 792 presentations on CCRB's work and role in the City's criminal justice system, citizen's rights, and new Police Department policies such as the Right to Know legislation. These presentations were given to a range of audiences at schools, community events, community organizations, and other venues. In addition, board meetings are held in each borough where members of the public can address community issues.

Significant Developments

Charter Revisions

On Election Day in November 2019, voters approved a package of five CCRB proposals. Those proposals, now a part of the New York City Charter, are outlined below.

- 1. Board Structure.** The CCRB Board will increase from 13 to 15 members. Currently, the Mayor has five appointments, the City Council has five, and three are designated by the NYPD. For the two new appointments, one will be from the Public Advocate, and the other will be designated as the Chair of the Board and will be jointly appointed by the Mayor and Council Speaker. Additionally, mayoral approval is no longer required for appointments made by the Police Commissioner or City Council.
 - Progress Update - The two new appointments must be made before May 6, 2020 and will begin their term on July 6, 2020.
- 2. Budget.** As discussed above, the headcount of CCRB will be tied at .065 percent of NYPD's uniform headcount. From this point forward, for every 150 new uniform police officers, CCRB will be authorized for one additional staff position.
 - Progress Update – As noted above, the Fiscal 2021 Preliminary Budget added 17 positions to comply with this change, beginning in Fiscal 2021.
- 3. Deviation.** The Police Commissioner will be required to provide an explanation for all cases in which they depart from the CCRB's recommended discipline.
 - Progress Update – This provision is effective. The Police Commissioner must send deviation notices within 45 days of the disciplinary ruling.
- 4. Subpoena Power.** CCRB's Executive Director will have subpoena power in addition to the Board. This will help expedite investigations.
 - Progress Update – The Executive Director's subpoena power will begin March 31, 2020.
- 5. False Statements.** Allow CCRB to investigate and recommend discipline against a police officer who is the subject of a CCRB complaint, if that officer makes a false material statement during the investigation.

- Progress Update – The provision is effective beginning March 31, 2020. False statements will be considered as part of the investigation of the original allegation and will not be treated as a separate allegation.

Sexual Misconduct

Following a resolution approved by the Board in February 2018, CCRB determined sexual misconduct by a member of the NYPD to be an abuse of authority and which therefore falls under CCRB jurisdiction. As a result, CCRB began investigating complaints of sexual misconduct with a two-phase implementation process.

In February 2018, it began investigating Phase One complaints- those related to sexual harassment. For Phase Two, it will begin investigating more severe sexual assault allegations. CCRB's implementation of Phase Two complaints is ongoing, and dependent upon training in trauma-informed investigative techniques and full staffing of the Civilian Witness Assistance Unit. Currently, the Civilian Witness Assistance Unit is staffed with one Director and CCRB has requested an additional four positions for the unit. The November Plan included contract funding of \$250,000 for the Director position.

The amount of sexual misconduct allegations CCRB has received is low compared to the FADO allegations. In 2019, of the over 4,800 allegations made by civilians, only 192 were related to sexual misconduct. This may be attributable to the relatively recent addition of these type of allegations to CCRB's jurisdiction. There were 192 sexual misconduct allegations made by civilians in 2019, of which 130 have been closed and 62 are still being investigated. Sexual misconduct statistics are shown in the table below.

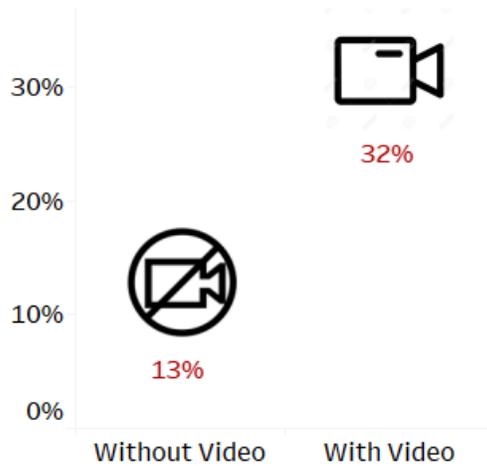
Sexual Misconduct Allegations in 2019		
Type of Allegation	Allegations Closed	Open Allegations
Sexual Misconduct (Sexual/Romantic Proposition)	28	9
Sexual Misconduct (Sexual Harassment, Gesture)	15	4
Sexual Misconduct (Sexual Harassment, Verbal)	36	16
Sexual Misconduct (Sexual Humiliation)	46	30
Sexual Misconduct (Sexually Motivated Frisk)	3	2
Total Cases	130	62

Body-Worn Cameras

All patrol police officers are equipped with body worn cameras and footage from the cameras may be used in CCRB investigations. Previously, if a civilian made a complaint, CCRB would open an investigation and could request footage from the Police Department. The footage would then be downloaded to CCRB's own servers. However, a MOU signed on November 21, 2019 established a shared office between NYPD and CCRB dedicated solely to the transfer of relevant body camera footage. The office will be staffed by NYPD civilian and CCRB personnel simultaneously, will contain at least 10 computer terminals, and will be co-located at CCRB's offices at 100 Church St. NYPD will submit videos to CCRB within 10 days, or 25 days if the video requires redaction. No budget action has yet been made to support this arrangement.

The time it takes to complete investigations has been steadily increasing during the past few years. In 2018 the average time to complete an investigation was 190 days, and in 2019 it was 249 days. Body-worn camera footage plays a major role in this uptick as the analysis of footage is a time-intensive process. Furthermore, interviews that investigators hold with police officers are sometimes delayed because this analysis must take place before the interview.

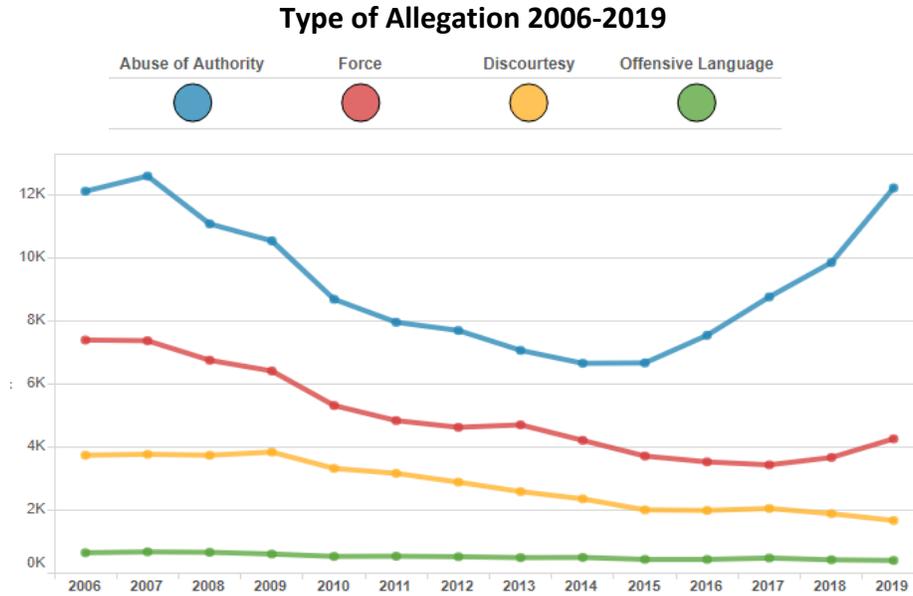
Percent of Substantiations by Video Availability



The body-worn camera program is improving the availability of evidence used in investigations. The chart to the left shows the steady increases in the percentage of investigations that have video footage. This is beneficial to investigations which is evident in the rate of substantiations made when video is available. For all closed cases in 2018, 32 percent of cases with video were substantiated compared to 13 percent of cases that did not have video. Note that video includes other footage from all sources, not only body-worn cameras.

Annual Statistics

CCRB reports statistics on a monthly basis on its website, providing details on complaints, allegations, substantiations, and agency performance. Complaints under CCRB’s jurisdiction 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. In 2019, CCRB received nearly 5,000 separate complaints with a total of 18,510 allegations. Note that one complaint can contain more than one allegation.

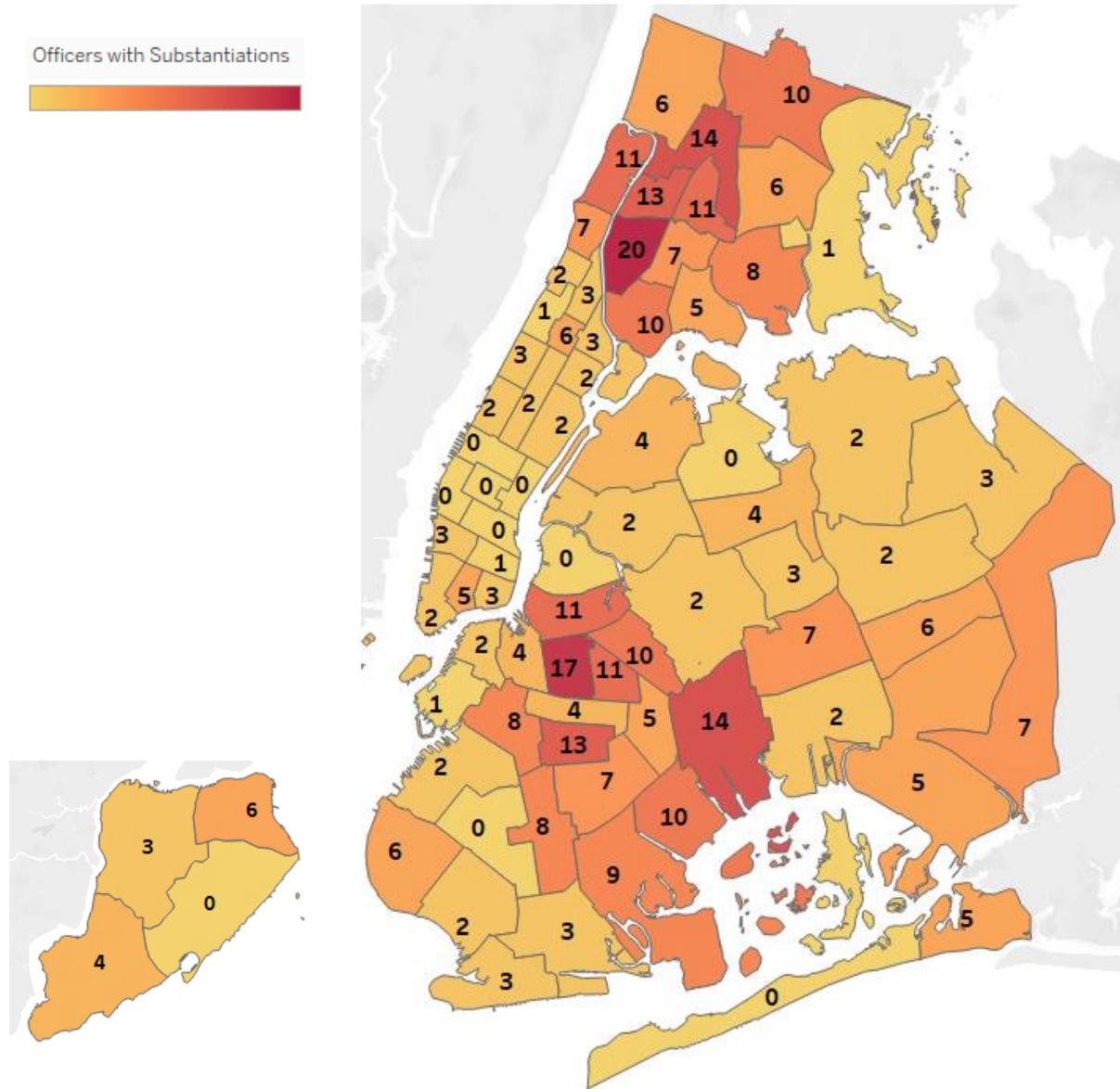


*source CCRB <https://www1.nyc.gov/site/ccrb/policy/data-transparency-initiative-complaints.page>

As can be seen in the chart above, the most common type of allegation is abuse of authority with 66 percent of the complaints. The increase in these complaints over the last few years may be due to improper stop and frisk violations, increased community outreach from CCRB, and increased awareness of citizen rights.

When a complaint is determined to be true based upon a preponderance of the evidence, it is considered to be “substantiated”. The total number of active NYPD officers with substantiations, as of January 2020, is 3,962 which represents approximately 11 percent of the police force. The 44th precinct in the Bronx has the most officers with substantiations at 20, and 11 precincts have no officers with substantiations. In 2019, the number of officers found to have substantiated allegations was 497, an increase from the 341 substantiations in 2018. The map below displays the number of officers by precinct with a substantiated allegation in 2019.

Number of Officers with Substantiated Cases closed in 2019



Fiscal 2020 PMMR Report Performance Measures

According to the Fiscal 2020 PMMR, the Board has two broad service goals - to investigate, prosecute and resolve claims of police misconduct and to inform and educate the public about the agency. The Board 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 from the PMMR provides performance statistics for Fiscal 2017 to 2019, target data for Fiscal 2020 and Fiscal 2021, and four-month actual data for Fiscal 2019 and Fiscal 2020. (See Appendix C for a complete list of the PMMR Indicators).

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY17	FY18	FY19	FY20	FY21	FY19	FY20
Total civilian complaints against NYPD uniform members	4,215	4,392	5,236	*	*	1,724	1,669
Average age in days of open docket (days)	80	101	109	*	*	98	119
Average time in days to complete a full investigation	153	190	249	120	120	234	261
Full investigations as a percentage of total cases closed (%)	34%	32%	29%	40%	40%	33%	39%
Cases closed	4,031	4,048	4,795	*	*	1,479	1,321
Closed allegations with findings on the merits (%)	43%	48%	51%	55%	55%	48%	54%
Average days to complete a substantiated investigation	168	208	269	140	140	255	292
Substantiated cases in which the statute of limitations expired (%)	0%	0%	4%	0%	0%	3%	0%
Officers disciplined (excluding pending and filed cases) (%)	78%	73%	75%	*	*	75%	78%
* None							

Source: Fiscal 2020 Preliminary Mayor's Management Report

As mentioned earlier, CCRB's core function continues to be investigations of police misconduct related to FADO violations. The performance indicators below reflect the investigative, prosecutorial, and resolution processes at CCRB.

- The total number of civilian complaints against uniformed members of the NYPD increased by 844 complaints or 19 percent in Fiscal 2019 compared to Fiscal 2018.
- In the first four months of Fiscal 2020, complaints decreased compared to the same period in Fiscal 2019.
- Between Fiscal 2018 and Fiscal 2019, the number of closed allegations with findings on the merits increased from 48 percent to 51 percent, which makes progress towards the target of 55 percent. Additionally, the total number of cases closed increased from 4,048 to 4,795.
- The average age of an open docket in days has increased steadily the last three fiscal years from 80 days in Fiscal 2017 to 109 days in Fiscal 2019. In addition, the days to close a substantiated investigation has increased from 168 to 269, a significant 29 percent increase. The increased length of investigations is an ongoing trend for CCRB with multiple drivers, primarily due to body camera footage.
- In the first four months of Fiscal 2020, the number of officers accepting mediation dropped to 64 percent, from 84 percent in Fiscal 2019.

Appendices

A: Budget Actions in the November and the Preliminary Plans

<i>Dollars in Thousands</i>	FY20			FY21		
	City	Non-City	Total	City	Non-City	Total
CCRB Budget as of the Adopted FY20 Budget	\$19,329	\$0	\$19,329	\$19,463	\$0	\$19,463
New Needs						
Civilian Witness Assistance Unit	\$250	\$0	\$250	\$250	\$0	\$250
CCRB Charter Revision	0	0	0	726	0	726
Subtotal, New Needs	\$250	\$0	\$250	\$976	\$0	\$976
Other Adjustments						
Labor Estimate (CSBA Attorney)	\$6	\$0	\$6	\$6	\$0	\$6
Labor Estimate (ITB L237 Non LL56)	3	0	3	4	0	4
Subtotal, Other Adjustments	\$9	\$0	\$9	\$10	\$0	\$10
TOTAL, All Changes	\$259	\$0	\$259	\$986	\$0	\$986
CCRB Budget as of the Preliminary FY21 Budget	\$19,588	\$0	\$19,588	\$20,449	\$0	\$20,449

B: Contracts Budget

CCRB FY21 Preliminary Contract Budget				
<i>Dollars in Thousands</i>				
Category	FY20 Adopted	Number of Contracts	FY21 Preliminary	Number of Contracts
Cleaning Services	\$23,226	2	\$23,226	2
Contractual Services - General	125,000	1	375,000	1
Data Processing Equipment	3,712	3	3,712	3
Maintenance & Repair	4,997	6	4,997	6
Printing Contracts	30,000	2	30,000	2
Prof Services - Legal Services	6,000	1	6,000	1
Prof Services - Other	6,000	1	6,000	1
Temporary Services	15,000	5	15,000	5
Training Program City Employees	2,456	2	2,456	2
TOTAL	\$216,391	23	\$466,391	23

C: 2020 Preliminary Mayor's Management Report

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY17	FY18	FY19	FY20	FY21	FY19	FY20
Improve the quality and timeliness of investigations							
Total civilian complaints against uniformed members of the New York City Police Department	4,215	4,392	5,236	*	*	1,724	1,669
Average age of open docket (days)	80	101	109	*	*	98	119
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Officers disciplined (excluding pending and filed cases) (%)	78%	73%	75%	*	*	75%	78%

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY17	FY18	FY19	FY20	FY21	FY19	FY20
Increase the use of mediation to resolve complaints							
Cases with mutual agreement to mediate	373	550	500	*	*	171	156
Officers who accepted mediation (%)	96%	85%	78%	*	*	89%	64%
Civilians who accepted mediation (%)	45%	46%	43%	*	*	46%	45%
Cases successfully mediated	187	233	202	*	*	79	65
Average mediation case completion time (days)	99	106	131	120	120	127	119
Mediation satisfaction rate (%)	88%	95%	88%	94%	94%	88%	82%
Improve the quality and timeliness of prosecutions							
Administrative prosecution cases closed	163	83	47	*	*	18	8
– Cases closed by trial	87	43	19	*	*	6	3
– Cases closed by plea	63	33	16	*	*	7	3
Increase Outreach and education of City residents							
Outreach presentations conducted	694	947	805	*	*	340	226
Agency Customer Service							
Completed requests for interpretation	744	731	576	*	*	NA	NA
Letters responded to in 14 days (%)	80%	79%	57%	*	*	54%	56%
E-mails responded to in 14 days (%)	100%	86%	100%	*	*	100%	100%
CORE facility rating	98	94	NA	*	*	NA	NA

*Continuation from previous page