

THE COUNCIL OF THE CITY OF NEW YORK

Hon. Corey Johnson
Speaker of the Council

Hon. Adrienne Adams
Chair, Committee on Public Safety



Report of the Finance Division on the
Fiscal 2022 Preliminary Budget and the
Fiscal 2021 Preliminary Mayor's Management Report for the
Civilian Complaint Review Board

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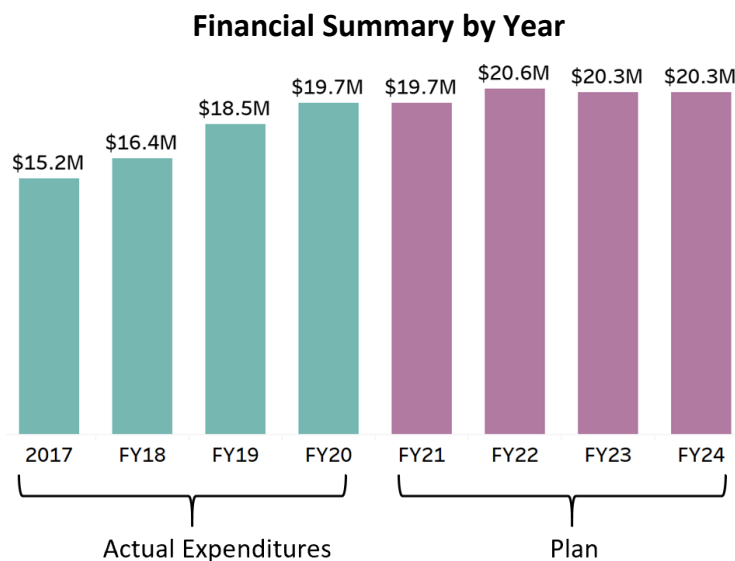
Civilian Complaint Review Board Overview

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 15 members – five members appointed by the City Council, five by the Mayor, three by the Police Commissioner, one by the Public Advocate, and a Chair appointed jointly between the City Council and the Mayor. Each member serves a three-year term and can be reappointed to the position.

In the most serious cases, CCRB’s Administrative Prosecution Unit (APU) has the power to prosecute police in trials held at the Police Department. Penalties may range from warnings, loss of vacation days, suspension without pay, dismissal probation, or termination from the NYPD. The Police Commissioner remains the final arbiter of discipline, although must give written explanations when deviating from the CCRB’s recommendations.

CCRB Fiscal 2022 Preliminary Expense Budget

The Fiscal 2022 Preliminary Budget for CCRB is \$20.6 million and is entirely City funded. The budget reflects a 5.6 percent, or \$1.1 million, increase compared to the Fiscal 2021 Adopted Budget of \$19.5 million. The increase is due to a rise in headcount required by the Charter that states CCRB headcount must be at least 0.65 percent of NYPD’s uniform headcount. As a result, the budgeted headcount increases by 17 positions to a total of 229 for Fiscal 2022.



Agency Budget by Unit of Appropriation

The Fiscal 2022 Budget of \$20.6 million consists of \$16 million for Personal Services (PS) spending and \$4.6 million for Other than Personal Services (OTPS). The PS budget supports salaried and unsalaried positions. The OTPS funding primarily supports the rental of office space at 100 Church Street for \$3.1 million. Following that, the top OTPS expenditures are \$467,000 for contracts and \$313,000 for general supplies. Appendix A displays CCRB’s Contract Budget by category. The chart below shows CCRB’s budget by unit of appropriation and object codes, with actual expenditures for Fiscal 2019 and Fiscal 2020, as well as the current Preliminary Plan budgets for Fiscal 2021 and Fiscal 2022.

CCRB Financial Plan Summary

<i>Dollars in Thousands</i>	FY19	FY20	FY21	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY21	FY22	FY22-21
Spending						
Personal Services	\$14,859	\$16,048	\$14,895	\$15,160	\$15,991	\$1,096
Other Than Personal Services	3,600	3,629	4,576	4,574	4,576	0
TOTAL	\$18,459	\$19,678	\$19,470	\$19,734	\$20,567	\$1,096
Personal Services						
Full-Time Salaried - Civilian	\$13,316	\$14,938	\$14,487	\$14,729	\$15,583	\$1,096
Unsalariated	591	613	351	349	351	0
Additional Gross Pay	407	153	57	57	57	0
Fringe Benefits	0	1	0	0	0	0
Overtime - Civilian	544	343	0	25	0	0
P.S. Other	0	0	0	0	0	0
SUBTOTAL	\$14,859	\$16,048	\$14,895	\$15,160	\$15,991	\$1,096
Other Than Personal Services						
Other Services & Charges	\$2,765	\$3,084	\$3,370	\$3,451	\$3,370	\$0
Supplies & Materials	194	82	660	481	660	0
Contractual Services	403	207	466	372	466	0
Property & Equipment	233	255	77	269	77	0
Fixed & Misc. Charges	3	2	2	2	2	0
SUBTOTAL	\$3,600	\$3,629	\$4,576	\$4,574	\$4,576	\$0
TOTAL	\$18,459	\$19,678	\$19,470	\$19,734	\$20,567	\$1,096
Funding						
City Funds	\$18,549	\$19,678	\$19,470	\$19,734	\$20,567	\$1,096
TOTAL	\$18,549	\$19,678	\$19,470	\$19,734	\$20,567	\$1,096
Budgeted Headcount						
Full-Time Positions - Civilian	168	191	212	221	229	17
TOTAL	168	191	212	221	229	17

Budget Actions

No adjustments were made in the Fiscal 2022 Preliminary Budget except for a minimal savings of \$2,000 on office supplies spending in Fiscal 2021. The effect of the pandemic and related budget shortages has affected many agencies, including CCRB. In the November 2020 Plan, the agency saved \$115,000 through furloughs of staff. Nine positions were added for Fiscal 2021 to partially re-instate 17 positions that had been cut in the Fiscal 2021 Executive Budget. There have been no changes made to the Fiscal 2022 budget.

Budget Actions Since Adoption

<i>Dollars in Thousands</i>	FY21			FY22		
	City	Non-City	Total	City	Non-City	Total
CCRB Budget as of the Adopted FY21 Budget	\$19,470	\$0	\$19,470	\$20,567	\$0	\$20,567
New Needs						
CCRB Charter Mandate Adjustment (Nov Plan)	\$381	\$0	\$381	\$0	\$0	\$0
Subtotal, New Needs	\$381	\$0	\$381	\$0	\$0	\$0
Other Adjustments						
Managerial/OJ Furlough Savings (Nov Plan)	(\$116)	\$0	(\$116)	\$0	\$0	\$0
Office Supplies Spending (Prelim Plan)	(2)	0	(2)	0	0	0
Subtotal, Other Adjustments	(\$118)	\$0	(\$118)	\$0	\$0	\$0
TOTAL, All Changes	\$263	\$0	\$263	\$0	\$0	\$0
CCRB Budget as of the Preliminary FY22 Budget	\$19,733	\$0	\$19,733	\$20,567	\$0	\$20,567

Headcount

The budgeted headcount for Fiscal 2021 is 221 positions and for Fiscal 2022 is 229 positions. Actual headcount as of the end of January 2021, however, was 185 positions. Currently, the Investigations and Mediations program area have 119 personnel, the Executive and Administrative program area have 52 personnel, and the APU has 14 personnel. CCRB has been under a hiring freeze and has yet to get approval for new hires from the Office of Management and Budget (OMB) to fill its vacant positions. As a result of not being able to fill vacant positions, the City is currently out of compliance with the Charter.

The budgeted headcount for CCRB has increased significantly since the Fiscal 2020 Adopted Budget, when the City Council negotiated an increase of 24 investigators to account for CCRB's increasing 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.

The second change, as mentioned earlier, was the ballot measure approved in November 2019 to tie CCRB headcount to NYPD's headcount. This allows CCRB to automatically retain a proportional number of staff to NYPD. However, it does not give CCRB the flexibility to change the budget beyond the salary that OMB provides for new positions. For the 17 additional positions added as per the Charter requirements, OMB has allocated entry level salaries of approximately \$43,000, and has not provided additional funds for OTPS expenditures such as computers or supplies.

A full breakdown of CCRB's filled positions by unit is in the table below.

Actual Headcount by Division (as of 3/2021)		
Unit	Headcount Full-Time Only	Headcount Including FTEs
Administration	4	5
Administrative Prosecution Unit	11	11
Case Management Unit	7	10
Communications	1	2
General Counsel	7	7
Human Resources	3	4
Investigations, Intake & Evidence Collection, NYPD Relations & ECU	133	133
Mediation	6	6
Management Information Systems	5	6
Operations	5	6
Outreach	3	6
Policy	5	6
Training	2	2
Executive	3	3
Total Headcount	195	207

Agency Performance

2020 Statistics. CCRB is transparent with all its data, providing information on investigations, complaints, and other data points on its website, and monthly and annual reports.

- Despite well-publicized incidents between police and the public in calendar year 2020, complaints fell to 3,871 from 4,962 in 2019. May and June 2020 had the highest number of complaints. The drop in cases in 2020 may be due to the effects of quarantine and stay-at-home orders.
- By borough, Brooklyn accounted for one-third of all complaints, followed by Manhattan, Bronx, Queens, and Staten Island. The precincts with the most complaints in 2020 were the 75th precinct (168 complaints), 40th precinct (140 complaints), 44th precinct (127 complaints), and the 73rd precinct (123 complaints).
- Civilian complaints are most often submitted from individuals identifying as Black (49 percent of complaints) and Hispanic (22 percent). The most common allegation made in complaints was Abuse of Authority, followed by Force, Discourtesy, and Offensive Language.
- CCRB substantiated 15 percent, or 741 complaints, of closed cases in 2020. The total number of NYPD officers with substantiated complaints in 2020 was 443.
- Active NYPD officers with at least one substantiated complaint is approximately 11 percent, or 3,600 officers. Of these, 151 have 3 substantiations and 65 have 4 or more substantiations.
- CCRB recommended “Charges and Specifications”, the most severe level of punishment, in 26 cases, or 9 percent of its cases in which discipline was recommended.

Preliminary Mayor’s Management Report (PMMR). According to the Fiscal 2021 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. See Appendix B for a complete list of the Fiscal 2021 PMMR Indicators.

- The total number of civilian complaints against uniformed members of the NYPD decreased by 639 complaints, from 5,236 in Fiscal 2019 to 4,597 complaints in Fiscal 2020. The decrease continued when comparing the first four months of Fiscal 2020 with 1,668 to the same period in Fiscal 2021 with only 1,021.
- Between Fiscal 2019 and Fiscal 2020, the number of closed allegations with findings on the merits increased from 51 percent to 55 percent.
- The number of days to close a substantiated investigation has increased from 190 in Fiscal 2018 to 290 in Fiscal 2020. The increased length of investigations is an ongoing trend for CCRB with multiple drivers, primarily due to body camera footage. According to the CCRB, another factor in the longer case times is the delay caused by NYPD officers refusing to participate in virtual interviews conducted during the pandemic.

Body-Worn Camera (BWC) Footage. CCRB has increased its use of BWC footage over the past few years. CCRB has estimated storage needs for the storage of BWC footage will grow at a rate of 50 percent per year, with storage costs alone rising to \$144,000 per year by Fiscal 2024. Video evidence (including street camera and other video sources) was used in 56 percent of all closed cases in 2020, a high for the agency. The use of video footage greatly aids in findings of substantiated complaints. For example, in January, investigations using video evidence resulted in substantiated allegations in 40 percent of cases compared to 17 percent of cases in which no video was available.

As of January 2021, BWC footage requests were pending for more than 30 days in 17 percent of cases. This is a drastic improvement from last summer when 75 percent of requests were pending for more than 30 days. This is important to avoid excessive delays in investigations.

An analysis by the agency has identified multiple issues with NYPD's use of BWCs as well as recommendations for improvement. Issues included obstruction of the recording device, the camera being dislodged, the use of signals to prevent or stop recordings, and failure to active the camera properly or at the correct time. The recommendations provided by CCRB, such as improved buffer times and geotagging, could improve the use and effectiveness of body worn cameras.

Appendix A: Contract Budget

CCRB Contract Budget

<i>Dollars in Thousands</i>				
Category	FY21 Adopted	Number of Contracts	FY22 Preliminary	Number of Contracts
Cleaning Services	\$23,226	2	\$23,226	2
Contractual Services - General	375,000	1	375,000	1
Data Processing Equipment Maintenance	3,712	3	3,712	3
Printing Services	30,000	2	30,000	2
Maintenance and Repairs - General	4,997	6	4,997	6
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 for City Employees	2,456	2	2,456	2
TOTAL	\$466,391	23	\$466,391	23

Appendix B: Preliminary Mayor’s Management Report

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY18	FY19	FY20	FY21	FY22	FY20	FY21
Improve the quality and timeliness of investigations							
Total civilian complaints against uniformed members of the New York City Police Department	4,392	5,236	4,597	*	*	1,668	1,021
Average age of open docket (days)	101	109	142	*	*	123	198
Average time to complete a full investigation (days)	190	249	290	120	120	261	315
Full investigations as a percentage of total cases closed (%)	32%	29%	34%	40%	40%	39%	29%
Cases closed	4,048	4,795	3,991	*	*	1,314	872
Closed allegations with findings on the merits (%)	48%	51%	55%	55%	55%	54%	59%
Average time to complete a substantiated investigation (days)	208	269	326	140	140	291	381
Substantiated cases in which the statute of limitations expired (%)	0%	1%	0%	0%	0%	1%	4%
Officers disciplined (excluding pending and filed cases) (%)	73%	75%	82%	*	*	78%	89%
Increase the use of mediation to resolve complaints							
Cases with mutual agreement to mediate	550	500	237	*	*	163	0
Officers who accepted mediation (%)	85%	78%	59%	*	*	63%	88%
Civilians who accepted mediation (%)	46%	43%	36%	*	*	44%	16%
Cases successfully mediated	233	202	126	*	*	65	0
Average mediation case completion time (days)	106	131	129	120	120	119	0
Mediation satisfaction rate (%)	95%	88%	83%	94%	94%	82%	0%
Improve the quality and timeliness of prosecutions							
Administrative prosecution cases closed	83	47	60	*	*	9	7
– Cases closed by trial	43	19	39	*	*	3	2
– Cases closed by plea	33	16	7	*	*	3	2
Increase Outreach and education of City residents							
Outreach presentations conducted	947	805	749	*	*	290	106
Agency Customer Service							
Completed requests for interpretation	731	576	660	*	*	NA	NA
Letters responded to in 14 days (%)	79%	57%	53%	*	*	45%	88%
E-mails responded to in 14 days (%)	86%	100%	100%	*	*	100%	40%
CORE facility rating	94	NA	100	*	*	NA	NA