



# CIVILIAN COMPLAINT REVIEW BOARD

BILL DE BLASIO, Mayor

*2013 Report*

**20**

**YEARS**

**of INDEPENDENT  
INVESTIGATIONS**



# Mission and Values

The New York City Civilian Complaint Review Board (CCRB) is an independent agency. It is empowered to receive, investigate, mediate, hear, make findings and recommend action upon complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy or the use of offensive language. The board's staff, composed entirely of civilian employees, conducts investigations, mediations and prosecutions in an impartial fashion. The City Charter gives the police commissioner absolute authority in matters of police discipline.

## **In fulfillment of its mission, the Board has pledged:**

- To encourage members of the community to file complaints when they feel they have been victims of police misconduct.
- To encourage all parties involved in a complaint to come forward and present evidence.
- To investigate each allegation thoroughly and impartially.
- To make objective determinations on the merits of each case.
- To recommend disciplinary actions that are fair and appropriate, if and when the investigative findings show that misconduct occurred.
- To respect the rights of the civilians and officers.
- To engage in community outreach to educate the public about the agency and to respond to concerns relevant to the agency's mandate.
- To report relevant issues and policy matters to the police commissioner.
- To offer civilians and officers the opportunity to mediate their complaints in order to promote understanding between officers and the communities they serve.



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MAYOR

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TRACY CATAPANO-FOX, ESQ.  
EXECUTIVE DIRECTOR

March 2014

Dear Fellow New Yorkers:

As the Board awaits the appointment of a new Chair, we look forward to continuing the fine tradition of integrity and public service that has characterized the Civilian Complaint Review Board since its independence in 1993. This year, we celebrate 20 years of public service dedicated to offering an essential service to the public and the police: a full and fair investigation of each allegation of police misconduct, an opportunity to mediate a complaint and vigorous prosecution in cases in which the Board substantiated misconduct.

The Board wants to thank Mayor Michael Bloomberg for his many years of support and Police Commissioner Raymond F. Kelly for years of dialogue and collaboration with the agency. We look forward to working with Mayor Bill de Blasio and Police Commissioner William Bratton as they implement new initiatives to improve the relationship between police officers and the community they serve.

The Board wants to take this opportunity to thank our former Chairman Daniel Chu, who resigned at the end of 2013 after six years of extraordinary service. During his tenure, Mr. Chu demonstrated his unequivocal commitment, professionalism and integrity. His wisdom and dedication guided the CCRB during the implementation of the Administrative Prosecution Unit and to new levels of excellence in the investigation and mediation of complaints. His dedication and work ethic over the past six years will resonate in the agency’s future endeavors and the Board thanks him for his service.

We are pleased to present the 2013 Status Report. This report provides a detailed examination of complaint and disposition information. The CCRB received 5,410 complaints within its jurisdiction in 2013. The CCRB also completed 2,082 full investigations, substantiating at least one allegation in 300 complaints. The substantiation rate was 14%.

The report also examines our mediation and outreach initiatives. In 2013, the number of mediation closures increased by 38%, from 285 in 2012 to 392 in 2013, the highest number in the history of the program. In 2013, staff members handled 204 outreach presentations, up from 120 in 2012, and the highest number in the history of our outreach efforts.

Finally, the report analyzes the police department disposition of CCRB substantiated cases and the implementation of the Administrative Prosecution Unit (APU). The department’s disciplinary action rate on substantiated complaints decreased in 2013 to 60%, two years after reaching its highest level of 81%, in 2011.

We look forward to continuing our hard work in 2014. We strive to improve the quality and integrity of our operations, as set forth in the New York City Charter, and to fulfill the mission of our agency as the largest independent civilian oversight agency in the country.

Sincerely,

The Board

The Civilian Complaint Review Board (CCRB) is an independent New York City agency that investigates, mediates and prosecutes complaints of misconduct that members of the public file against New York City Police Department (NYPD) officers. The CCRB was established in its all-civilian form, independent from the police department, in 1993.

The board consists of thirteen members who are New York City residents and reflect the diversity of the City's population. The City Council designates five board members (one from each borough); the police commissioner designates three; and the mayor designates five, including the chairperson.

In June, Mayor Michael Bloomberg appointed Mr. Daniel M. Gitner to the board to replace retired Judge Mary Ellen Fitzmaurice. In December, Mayor Bloomberg appointed Mr. Joseph Puma to the City Council position from Manhattan, which had been vacant since December 2009. Also, effective January 1, 2014, Chairman Daniel D. Chu resigned from the board. A mayoral designee, Mr. Chu was named a board member in June 2008 and the chairman of the board in March 2011.

Board members review and make findings on all misconduct complaints once they have been investigated by an all-civilian staff. They also evaluate trends emerging from these complaints and make policy recommendations to the police department. When the board found that an officer committed misconduct, in past years the case was referred to the police commissioner, usually with a disciplinary recommendation. Under a Memorandum of Understanding (MOU) between the CCRB and the NYPD, which took effect April 11, 2013, all substantiated cases for which the board recommends that charges and

specifications be brought against an officer are prosecuted by a team of CCRB attorneys in the agency's administrative prosecution unit (APU).

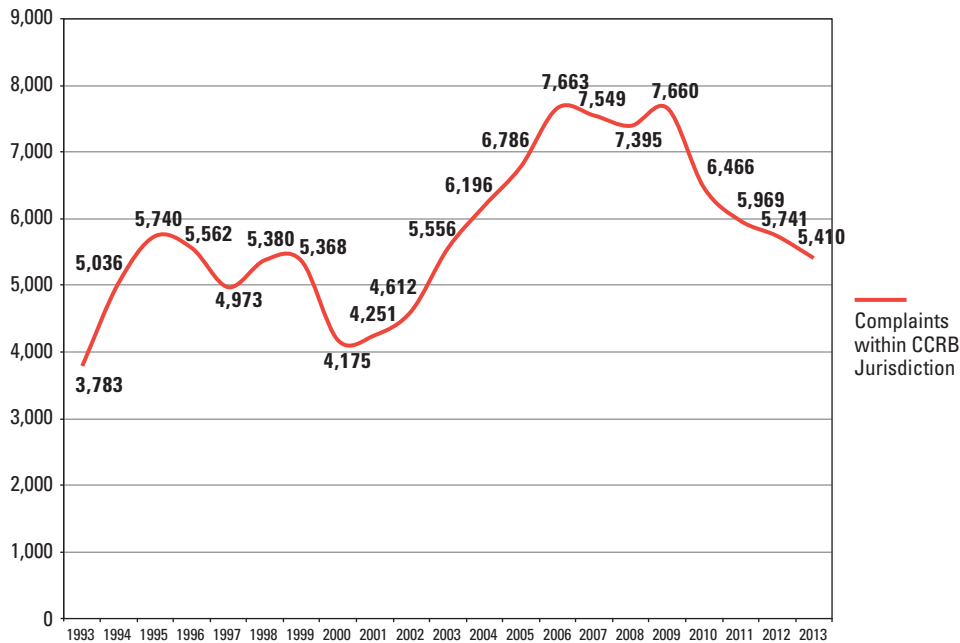
In June the board hired Ms. Tracy Catapano-Fox as executive director. She replaced Joan M. Thompson, who resigned in April and retired from public service. The executive director is responsible for the agency's daily operations, including the hiring and supervision of the agency's staff. The staff is organized according to the core functions they perform.

In addition to the investigations division and the APU, the CCRB has a mediation program that gives people the opportunity to resolve their complaints face-to-face with police officers. There is also an outreach unit that increases public awareness of the CCRB's mission and programs through presentations to community groups, tenant associations, public schools, libraries and advocacy organizations throughout the five boroughs.

The administrative division supports the other units, managing the large-scale computerized Complaint Tracking System (CTS), producing statistical analyses of complaint activity and case disposition, processing cases for board review, managing office operations and vehicle fleet, and performing budgeting, purchasing, personnel, and clerical services.

The adopted Fiscal 2014 budget (July 1, 2013 – June 30, 2014) is \$11,916,954, which is basically the same level of funding and staffing supported by the adopted Fiscal 2013 budget. The total authorized full-time headcount for Fiscal 2014 was 164, with 116 employees in investigations, 5 in mediation, 23 in administration, and 20 in the APU.

## Total Complaints Received 1993-2013



### Number of Complaints Received

The CCRB received 5,410 complaints within its jurisdiction in 2013. This is a 6% decrease from 2012, when 5,741 complaints were filed, and a 29% decrease from 2009, when there were 7,660.

The number of complaints received in 2013 is the lowest since 2002 when the CCRB received 4,612. Complaint activity has been steadily declining since the highs of the 2006-2009 period when the agency received over 7,000 complaints per year. Average monthly complaint activity has decreased from 638 complaints per month in 2009, to 539 in 2010, 497 in 2011, 478 in 2012 and 451 in 2013.

In addition to complaints within its jurisdiction, the CCRB receives complaints from members of the public that fall outside its scope of authority. These complaints are entered into the agency's Complaint Tracking System (CTS) and referred to the appropriate offices, primarily the police department's Office of the Chief of Department (OCD) and the Internal Affairs Bureau (IAB). Civilians are notified by letter that these referrals have been made and receive a tracking number. The agency made 6,091 referrals in 2013. This is a 32% decrease from 2012, when there were 8,916 referrals and a 47% decrease from 2009, when there were 11,431. Referrals to IAB for allegations of corruption decreased by 44% in the last year.

In 2013 the number of total filings made by the public (complaints handled by the CCRB and complaints referred elsewhere) decreased by 22%, from 14,657 in 2012 to 11,501 in 2013, and decreased 40% from 2009, when there were 19,091 complaints. The 2013 number is the lowest since 2003 when the CCRB received 10,050 complaints.

From 2012 to 2013, the percentage of complaints received within our jurisdiction, as a percentage of total filings, increased from 39% to 47%. It was 40% in 2009. (All numbers subsequently discussed in this report stem from only those complaints that are within the agency's jurisdiction).

### The Effect of Hurricane Sandy on Complaint Activity in 2012 and in 2013

On October 28, 2012, in preparation for Hurricane Sandy, Mayor Michael Bloomberg ordered evacuations from the city's most vulnerable flood zones. The evacuation order included the section of lower Manhattan where our office is located at 40 Rector Street. During the storm, the building was flooded and the agency lost electricity, phone service and access to its computer servers and physical space.

In addition, the toll-free 800 number used for complaint intake became inoperative. Although an alternative 212 number was established one week after the storm, complaints dropped precipitously. This decline stems from the fact that the city's 311 service center no longer transferred callers directly to the CCRB, which they had been doing when the toll-free number was operating. Instead, if a civilian called 311 wanting to file a complaint, the 311 service representative gave them the new 212 number, which meant the civilian had to place a second call in order to file the complaint. This change in procedure greatly affected complaint activity in the aftermath of Hurricane Sandy.

In the four months before Hurricane Sandy, from July to October, the CCRB received an average of 19 complaints per day. After the storm, on average, the CCRB received 9 complaints per day from November 2012 through February 2013, a decrease of 52% when compared to the previous four months. Before Hurricane Sandy, the CCRB received 572 complaints per month; after

Hurricane Sandy, there were 263 complaints per month.

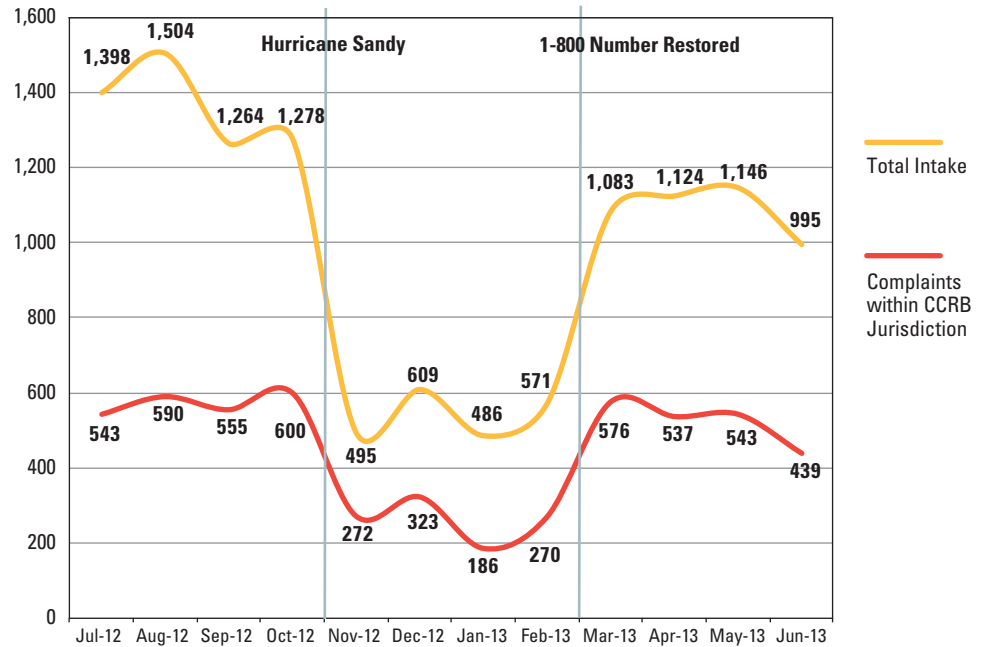
By March 2013, all agency services were completely restored and the 800-number became again fully operational. Complaint activity rose up to pre-Sandy levels, to a point. From March to June, the CCRB received an average of 17 complaints per day, or 524 complaints per month.

**Method of Filing**

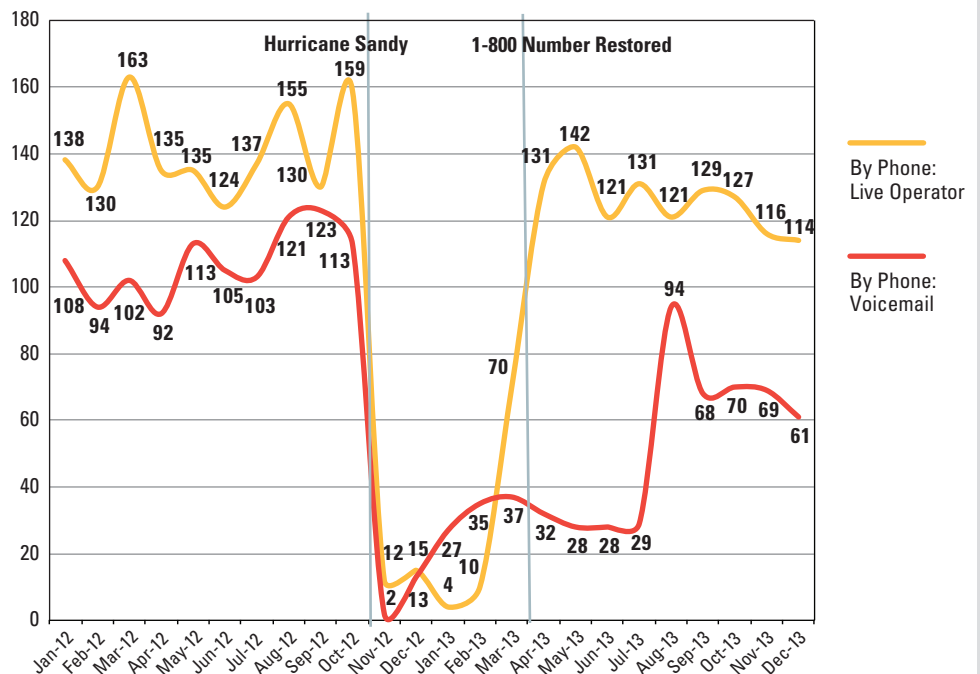
The CCRB tracks complaint intake by method of complaint filing and an important measure is with whom civilians initially file complaints. There are two broad categories. One category is complaints filed directly with the CCRB (including those calls transferred from the City's 311 service center). The second category is complaints filed with the NYPD that are then referred to the CCRB. In 2013 69% of NYPD-filed complaints were made to IAB, with the rest mostly made at police station houses.

From 2009 to 2012 approximately 60% of all complaints were filed directly with the CCRB. In 2013 this declined to 48% of all complaints. Furthermore, a comparison of the five-year trend for NYPD-filed and CCRB-filed complaints reveals diverging patterns. In the last five years, the number of complaints filed with the CCRB decreased each year, from 4,630 in 2009 to 3,314 in 2012 and 2,615 in 2013. This is a 44% decrease over five years and a 21% decrease when compared to 2012. By comparison, the number of complaints filed with the NYPD decreased in 2010 (2,683) and in 2011 (2,228) from the high of 3,015 complaints in 2009 but increased in 2012 and in 2013, to 2,411 and 2,781 respectively. This is an 8% decrease over five years but a 15% increase when compared to 2012.

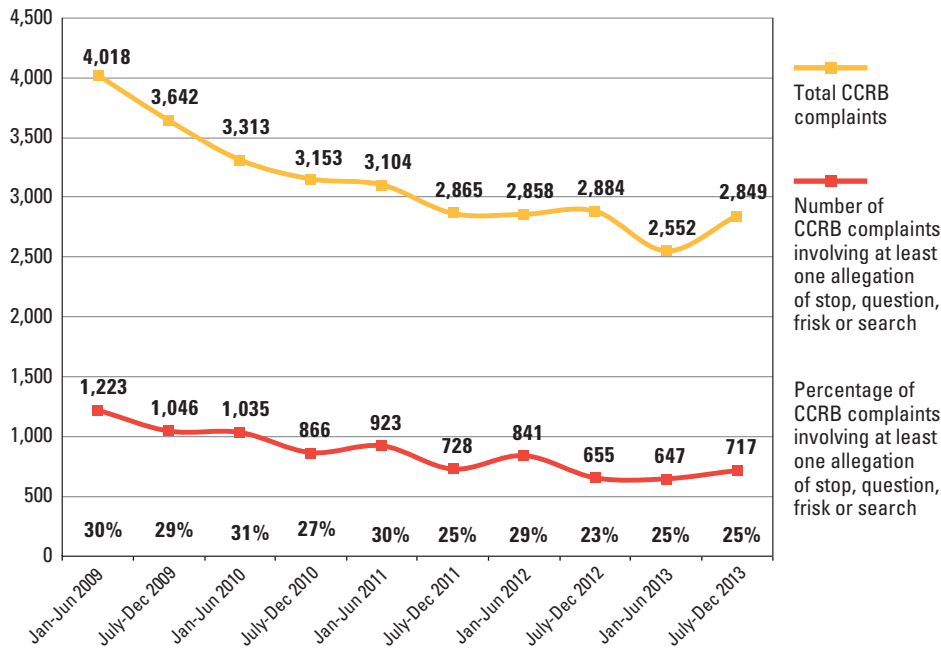
**Complaint Activity Before and After Agency Displacement as a Result of Hurricane Sandy**



**Complaint fillings by phone 2012-2013**



## Complaints Received vs. Percentage of Complaints Involving Stop, Question, Frisk and Search Allegations 2009-2013



### Stop-and-Frisk Complaints

In recent years more than one in four CCRB complaints involved allegations of improper stop, question, frisk or search (referred to as “stop-and-frisk” complaints). However, the actual percentage of such allegations has decreased during the last five years by 5 percentage points, from 30% in 2009 to 25% in 2013.

In 2013 the number of stop-and-frisk complaints continued to decrease. The CCRB received 1,364 stop-and-frisk complaints as compared to the 1,496 received in 2012. This is a 9% decrease. Since 2009, when we received 2,269, the number of stop-and-frisk complaints has decreased by 40%. This compares to the 29% drop in overall complaints.

After years of increases, the number of NYPD documented stop-and-frisk encounters decreased

The CCRB also tracks the four basic ways that civilians file complaints directly with the agency: in person, by letter or fax, online, or by phone. If by phone, the agency tracks whether the complainant spoke with an investigator upon calling our intake center during business hours or left a message in our automated voice-messaging system. In 2013 69% of CCRB-filed complaints were made by phone, compared to 86% in 2009. The proportion of complaints filed online increased from 7% in 2009 to 22% in 2013, from 330 to 588 complaints.

The number of phone complaints decreased by 55% in five years, from 3,998 in 2009 to 1,796 in 2013, and by 29% in the last year, from 2,522 in 2012.

A breakdown of the phone complaints provides notable information. From 2009 to 2012, the 36% decrease in the number of live calls mirrored the 39% decrease in the number of calls left in the voice-messaging system. During this period, voice-message complaints fluctuated between 42% and 44% of all complaints made by phone. In 2013, the figures changed drastically. Live calls decreased by 15% from 1,433 in 2012 to 1,216, while there was an 47% decrease in the number of calls left in the voice-messaging system, from 1,089 to 578. Voicemail complaints made up for 32% of all phone complaints, 10 percentage points lower than in the prior four years.

by 64%, from 533,042 encounters in 2012 to 194,000 in 2013. The number of documented encounters in 2013 was roughly similar to the 160,851 encounters documented in 2003 but substantially lower than the 313,523 in 2004.

In the last five years the ratio of stop-related complaints to documented stop-and-frisk encounters has changed. In 2009, the CCRB received one stop-and-frisk complaint per 256 encounters. There was one complaint per 316 encounters in 2010, one per 415 in 2011, one per 356 in 2012, and one complaint per 142 encounters in 2013.

However, establishing a ratio of complaints to overall documented stops provides an incomplete picture, because stop-and-frisk complaints have different characteristics than the universe of documented stops. The CCRB’s data show that a stop alone is not likely to result in a complaint, but rather that other factors contribute.

Of the 1,364 stop-and-frisk complaints: 29% stemmed from an encounter leading to an arrest and 16% where a summons was issued; in 36% the complainant was frisked; and in 55% of these cases the complainant was searched.

The data show that while police appear to be conducting searches in only 9% of street encounters, CCRB data indicate that people are most likely



to file a complaint when they have been searched. In 2013, 745 out of the 1,364 complaints stemming from a street encounter contained a search allegation. Since 2009, 54% or more of all stop-and-frisk complaints contained a search allegation. Similarly, in 2013, 492 out of the 1,364 complaints stemming from a street encounter contained a frisk allegation, or 36%. By comparison, in 2009, 27% of all stop-and-frisk complaints contained a frisk allegation.

Our findings on search allegations are consistent with the overall downward trend in complaint activity and in particular with stop-and-frisk complaints. In 2013, one complaint was filed for every 26 stops in which the suspect was searched. It was 61 stops per complaint in 2012.

In 2013, 40% of stop-and-frisk complaints included an allegation of improper force. This changed little from 2012, when force was present in 39% of stop-and-frisk cases.

### Characteristics of Encounters

When a complaint is being investigated, the CCRB tries to discern the initial reason for the contact between the civilian and the officer(s), which is clear in some encounters, but not so clear in others. This “reason for contact” is one of the many variables that the CCRB tracks. The data show that fewer complaints stem from what is typically the most frequent reason for contact according to police officers, that he or she suspected the civilian was committing a crime, either on the street or in another setting. In 2013, 35% of all complaints had this as the apparent reason for contact, which is three percentage points lower than in 2012. The actual number of these complaints fell 13%, from 2,213 in 2012 to 1,916 in 2013.

Given that approximately one-third percent of all CCRB complaints stemmed from an encounter in which police apparently suspected the civilian of committing a crime, police activity as defined by the number of arrests, criminal court summonses issued, and stop, question and frisk reports provides a context in which to view changes in complaint activity. According to NYPD data, the number of police-civilian encounters decreased by 28%, from 1,406,439 encounters in 2012 to 1,009,216 in 2013. Arrests decreased by less than 1% from 397,166 to 394,539, while summonses issued decreased by 11% from 479,361 to 423,119. However, most of the decrease is accounted for by the drop in stop, question and frisk reports prepared, which decreased by 64% from 532,911 in 2012 to 191,558 in 2013.<sup>1</sup>

The data on the “attribution” of complaints also offers an insight into the drop in complaint activity. Attribution occurs when the CCRB can determine the assignment of the subject officer. In 2013, complaints attributed to specialized bureaus, such as Housing, Detectives, Organized Crime, and Transit declined by 5%. Similarly, complaints attributed to the Patrol Services Bureau, which includes the Patrol Boroughs, Special Operations, and other patrol services commands, decreased by 6%. Three patrol boroughs had higher complaint levels in 2013 than in 2012, Manhattan South, Manhattan North and Queens South. Patrol Borough Bronx had the highest decrease in complaints attributed. (See the online appendices, Table 14, [www.nyc.gov/ccrb](http://www.nyc.gov/ccrb)).

The CCRB also looks at whether an encounter leading to a complaint involved an arrest, summons, or neither arrest nor summons. In 2013, 44% of all complaints involved no arrest or summons. In actual numbers, from 2009 to 2013, these complaints fell from 3,554 in 2009 to 2,371 in 2013. The statistics show that 42% of all complaints involved an arrest, which is 5 percentage points higher than in 2012. In actual numbers, these complaints decreased from 2,750 in 2009 to 2,245 in 2013. In 2013, 14% of all complaints involved the issuance of a summons, nearly identical to the 15% in 2012. In actual numbers, these complaints fell from 1,322 in 2009 to 759 in 2013.

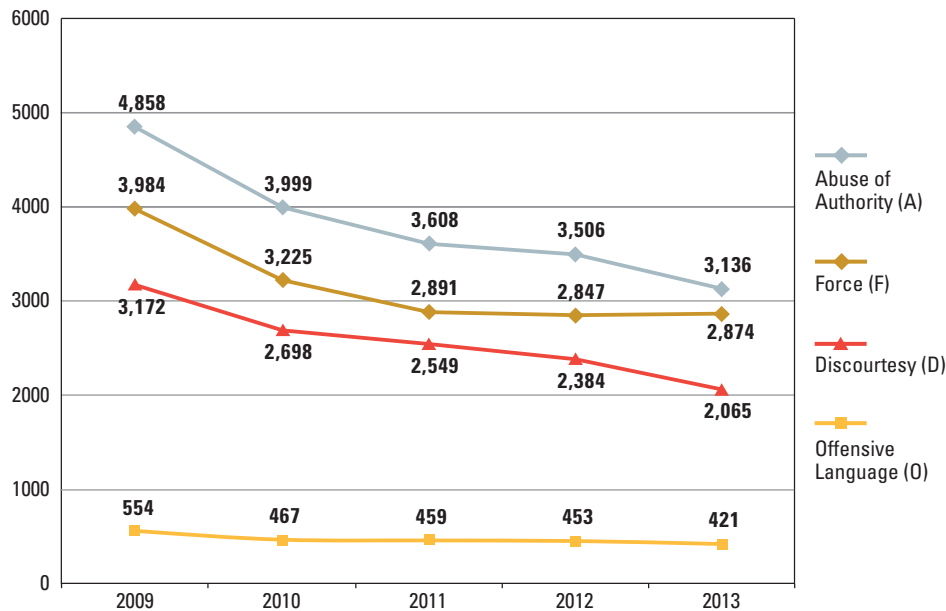
### Types of Allegations Received

To better understand complaint activity, it is important to note the distinction between a “complaint” and an “allegation.” An individual complaint received by the CCRB can contain multiple allegations against one or more officers. Each allegation the agency investigates falls within one of four categories: force, abuse of authority, discourtesy and offensive language (FADO). Though the number of complaints and allegations has declined, there has been no drastic change in the characteristics of the complaints and the patterns in allegations were generally consistent from 2009 to 2013.

In analyzing complaint activity by types of allegations, the CCRB breaks down total complaints by the presence of one or more allegations of a particular FADO category. The distribution of complaints across these four categories remained nearly the same from 2009 to 2013. In 2013, 53% of all complaints contained one or more force allegations, compared to 52% in 2009, and 58% contained one or more abuse of authority allegations, compared

<sup>1</sup> Breakdown of these categories: Arrests – 420,095 in 2009; 421,179 in 2010; 413,573 in 2011; 397,166 in 2012; and 349,539 in 2013. Summonses – 540,735 in 2009; 535,431 in 2010; 490,326 in 2011; 476,361 in 2012; and 423,119 in 2013. Stop and Frisk Reports – 575,304 in 2009; 601,055 in 2010; 685,724 in 2011; 532,911 in 2012; and 191,558 in 2013.

## Number of Cases Having at Least One Allegation in the Different Categories of Misconduct 2009–2013



to 63% in 2009. Also, in 2013, 38% contained one or more discourtesy allegations, down from 41% in 2009. The proportion of complaints containing one or more allegations of offensive language was 8% in 2013 and 7% in 2009. (See the online statistical appendices for a complete list of allegations, [www.nyc.gov/ccrb](http://www.nyc.gov/ccrb)).

In the force category, the designation of “physical force” remains the most common allegation by far. This refers to an officer’s use of bodily force such as punching, shoving, kicking and pushing. In 2013, there were 3,695 physical force allegations, accounting for 70% of the general force category. This percentage has remained roughly unchanged since 2009.

Another common allegation in the force category is “gun pointed,” with 312 such allegations in 2013, or 6% of force allegations. By contrast, “gun fired” allegations are quite rare, 10 allegations in 2013 or .2%. Also of note, in 2013 the CCRB received 198 allegations regarding improper use of pepper spray, or 4% of all force allegations, the same percentage as a year earlier. It also received 205 allegations regarding the use of clubs, batons, or nightsticks, 4% of all force allegations.

In the abuse of authority category, allegations of stop, question, frisk and/or search make up the largest portion of all allegations. As discussed earlier, the proportion of all CCRB complaints involving these allegations has remained largely unchanged in recent years. As a

percentage of total allegations received by the agency, stop, question, frisk and search allegations comprised 19% in 2013, which is 1 percentage point lower than 20% in 2012. Stop, question, frisk and search allegations were 38% of all allegations in the abuse of authority category in 2013. This statistic is representative of the most recent five-year average beginning in 2009 when stop, question, frisk and search allegations were approximately 40% of all abuse of authority allegations.

Allegations categorized as “premises entered and/or searched,” were 10% percent of allegations in the abuse of authority category in 2013. The allegations of “vehicle stop” and “vehicle search,” were a combined 12.5%. Other notable allegations include “threats of arrest,” which were 9% and “refusal to provide name and/or shield number” which also represented 9% of abuse of authority allegations.

In the discourtesy category, “words” accounted for 91% of all discourtesy allegations, or 2,446 allegations in total. Also, 7% of discourtesy allegations involved “actions,” which are defined as gestures, actions or tone of voice.

Distinct from the discourtesy category is offensive language, which includes slurs, derogatory remarks and gestures based on race, ethnicity, religion, gender, sexual orientation or perceived orientation and disability. Offensive language allegations make up a relatively small portion of all allegations received by the CCRB. In 2013 there were 493 allegations of offensive language, or 3% of all allegations. By far the most common offensive language allegations are those regarding race and/or ethnicity. In 2013, 65% or 318 of all offensive language allegations involved the use of racially or ethnically offensive terms. There were 72 gender-based offensive language allegations and 56 allegations were based on the perceived or actual sexual orientation of the complainant. These numbers are consistent with past years.

### Location of Incidents Resulting in Complaints

The map shows the density of complaints according to precinct of occurrence. It is important to note that the data presented does not reflect any factors that may influence the complaint rate, such as crime rate, precinct size, population density or number of uniformed personnel

working within the precinct boundaries.

While complaint filings have decreased, the relative distribution of complaints has not changed significantly. The proportion of incidents that occurred in Queens increased from 16% of all complaints in 2012, to 17% in 2013. The Bronx decreased from 22% in 2012 to 20% in 2013. The proportion of incidents that occurred in Brooklyn, Manhattan and Staten Island remained the same, at 35%, 23% and 4.5%, respectively.

Comparing total number of incidents in 2012 to 2013, 3% more complaints stemmed from incidents taking place in Queens. There was a decline in the other boroughs: in Manhattan it was 4%, Staten Island was 8%, Brooklyn was 6%, and the Bronx was 15%. In actual numbers, there were 29 more complaints from Queens, 184 fewer from the Bronx, 119 fewer from Brooklyn, 49 fewer from Manhattan, and 20 fewer from Staten Island.

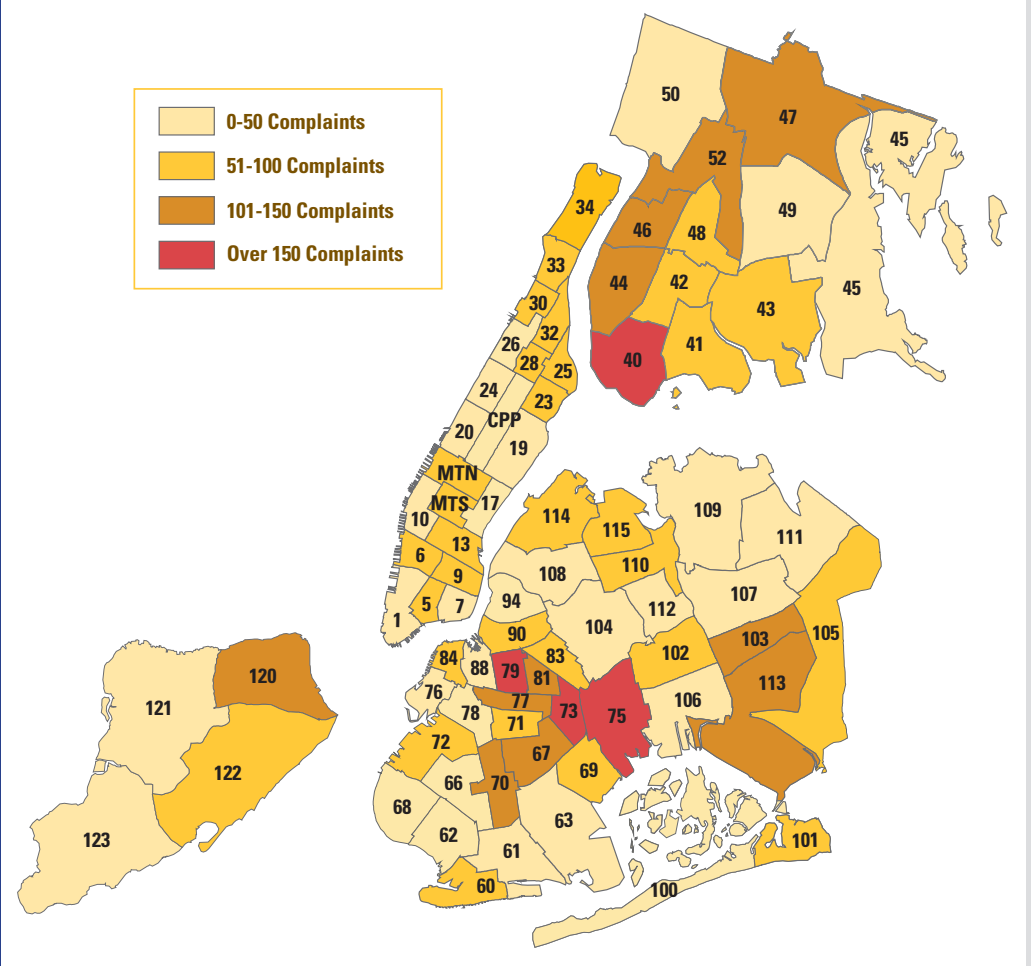
As in past years, the borough generating the greatest number of complaints was Brooklyn, with 1,835 complaints. Brooklyn's 75th Precinct continues to have the highest numbers anywhere in the city, with 266 complaints. Manhattan had 1,252, the second-highest of the boroughs.

### Characteristics of Alleged Victims

Characteristics of alleged victims in CCRB complaints in terms of race and gender have been consistent over time and have categorically differed from the New York City population as reported in the most recent United States Census. The CCRB compares the demographic profile of the alleged victims to the demographics of the city as a whole, without controlling for any other factors such as proportion of encounters with the police or percentage and number of suspects for all crimes.

In 2013, as in previous years, African-Americans were the majority of alleged victims. Although making up 23% of New York City's population, they were 55% of the alleged victims. On the other hand, whites and Asians

## Density of Complaint Filings January-December 2013 by Precinct

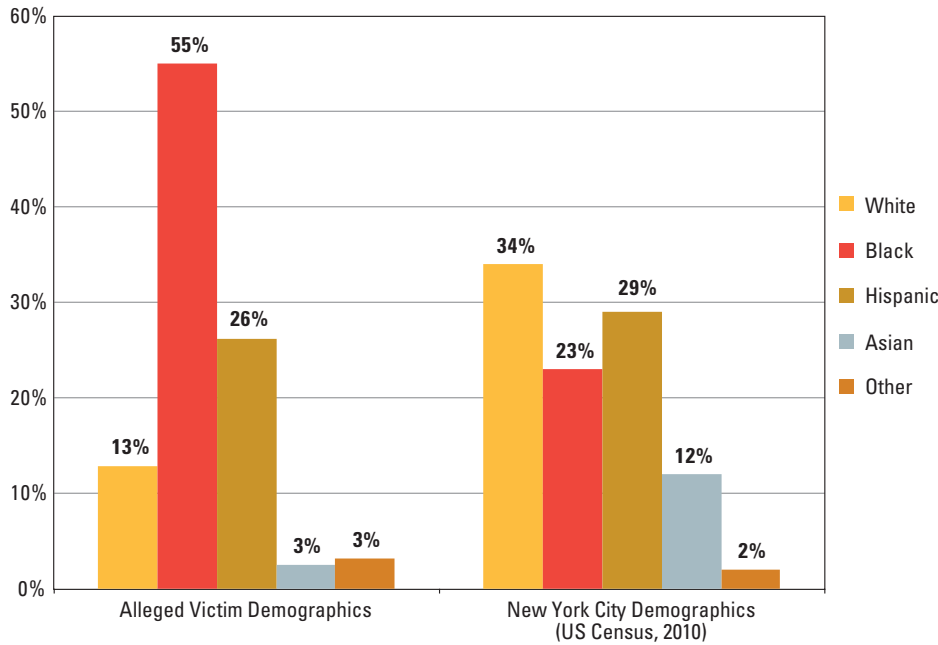


were a disproportionately low percentage of alleged victims. In 2013, 9% of alleged victims were white, and 1% were Asian, though they make up 34% and 12% of the city's population, respectively. The percentage of Hispanic alleged victims was slightly below the city's population. Hispanics were 26% of alleged victims in CCRB complaints and 29% of the population.

These numbers have remained fairly consistent over the last five years, with approximately 55% of all alleged victims being African-American. Hispanics have consistently made up between 24% and 27% of alleged victims, and whites between 9% and 13%. Asians made up less than 3% of all alleged victims. Each year, approximately 2-3% of alleged victims are classified as "other."

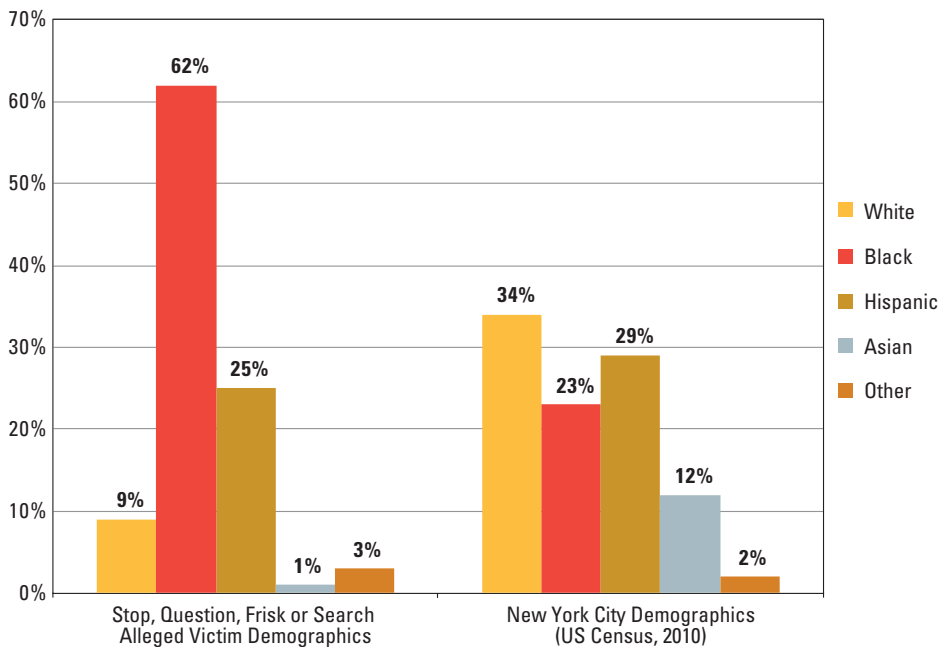
In 2013, consistent with past years, males were the vast majority of the alleged victims in CCRB complaints. While males make up 48% of the NYC population, they were 71% of alleged victims.

## 2013 Alleged Victim Demographics Compared to New York City Demographics



The difference between the CCRB’s alleged victim population and the NYC population as a whole is even more pronounced when examining complaints of stop, question, frisk or search. The statistics for 2013 present differing variations depending on race. In 2013, 62% of the alleged victims in stop, question, frisk or search complaints were African-American, which is consistent with the average of 63% during the period 2009 to 2013. In these same types of cases, the percentage of white alleged victims stayed at less than 10%. Hispanics were 25%, which is slightly higher than in 2012, and 1% were Asian, which is unchanged. Three percent of civilians were categorized as “other.” In actual numbers, African-American alleged victims in stop-and-frisk complaints decreased from 1,109 in 2012 to 937 in 2013. At the same time, the number of Hispanic alleged victims decreased from 430 in 2012 to 378 in 2013. White alleged victims decreased from 171 to 134. The demographic statistics were the same regardless of whether or not a frisk and search was part of the complaint.

## 2013 Alleged Victims by Race in Stop, Question, Frisk and Search Complaints vs. New York City Demographics



### Characteristics of Subject Officers

While the race of alleged victims in CCRB complaints differs from New York City’s population, the officers who are subjects of complaints have historically reflected the racial makeup of the police department. This trend continued in 2013 when 52% of subject officers were white, and whites were 52% of the department; 16% of subject officers were black, while black officers were 16% of the department; 27% were Hispanic, while Hispanics made up 26% of the department; and 5% were Asian, while Asians were 6% of the department.

Male officers are overrepresented as the subjects of CCRB complaints. In 2013, consistent with past five years, male officers were subjects of 91% of all complaints while making up 83% of the department.

The police department objects to the use of this analysis. The number of interactions between officers and civilians of different ethnic and racial groups do not occur in the same proportion as the overall NYC population. See the Reasonable Suspicion Stops Report on the NYPD web site.

## Average Case Closure Time

The average time it takes to close a complaint is one of the key performance indexes the agency uses to measure productivity. This measure looks at the length of time from the date the CCRB receives a complaint or the date of occurrence of the incident to the date a complaint is closed by the board. The CCRB uses three indicators: the time to complete a full investigation from date of report; the time needed to close a substantiated investigation from date of report; and the age of a substantiated case referred to the police department based on the date of incident.

The CCRB took an average of 374 days to complete a full investigation in 2013, an increase of 12% from the average of 333 days in 2012. In 2011 the average number of days was 284, the lowest number during the last five years. Case completion is a two-step process. Step one is the investigation. After the investigation is concluded, step two occurs, in which the case is transferred to a panel of three board members who then review it and make findings on whether or not misconduct was committed. In 2013 the average time for step one was 329 days. Step two was 46 days, which was the same as in 2012.

The time needed to complete a substantiated investigation took an average of 436 days, a 3% increase from the average of 422 days in 2012. In 2011 the average was 346 days.

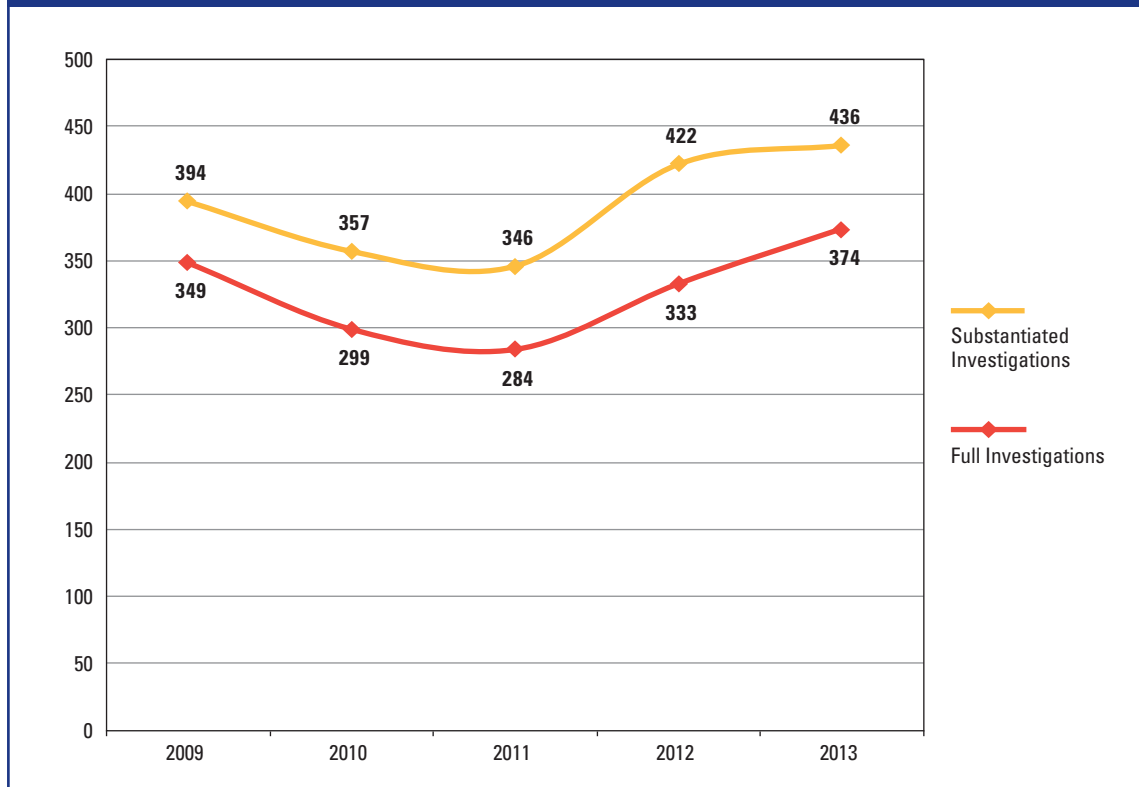
In 2013, 80% of cases referred to the police department for discipline were one-year or older, as compared to 82% in 2012. This contrasts with 45% of cases in 2011. The number of referred cases that were 15 months or older after the date of incident increased from 19% in 2011 to 46% in 2012 and 57% in 2013.

The CCRB referred 21 substantiated cases to the police department in which the statute of limitations had expired. The board referred zero such cases in 2011 and 5 in 2012.

## Docket Size

The CCRB uses the term “open docket” to refer to the number of complaints that are not yet resolved and are being processed by the agency at a given point in time. The goal is to achieve the lowest possible number. The term “year-end docket” refers to the number of complaints still open as of December 31st of a given year. The size of the year-end docket for 2013 was 2,394 complaints,

**Average Number of Days to Investigate a Complaint 2009-2013**



a decrease of 1,715 cases from 2012 when the open docket was 4,109. This was a 42% decrease. The 2013 open docket was the lowest since 2002.

Two factors explain the decrease in the year-end open docket. The first reason for this decrease was the aftermath of Hurricane Sandy. In November and December of 2012, when the agency's office was closed and the staff was scattered to temporary locations, the CCRB added 577 cases to its open docket. During this period, the board was not able to meet and close these cases. As a result, cases accumulated and the year-end docket drastically increased in the early months of the year.

Second, the board closed more complaints in 2013 than in 2012. It closed 7,053 cases in 2013 compared to 4,345 cases in 2012. This means the board closed the complaints that it received plus the cases stemming from the Hurricane Sandy backlog.

The year-end docket of the investigations division (cases under current investigation before they are submitted for board review) decreased from 2,741 in 2012 to 1,858 in 2013. It was 1,876 in 2011.

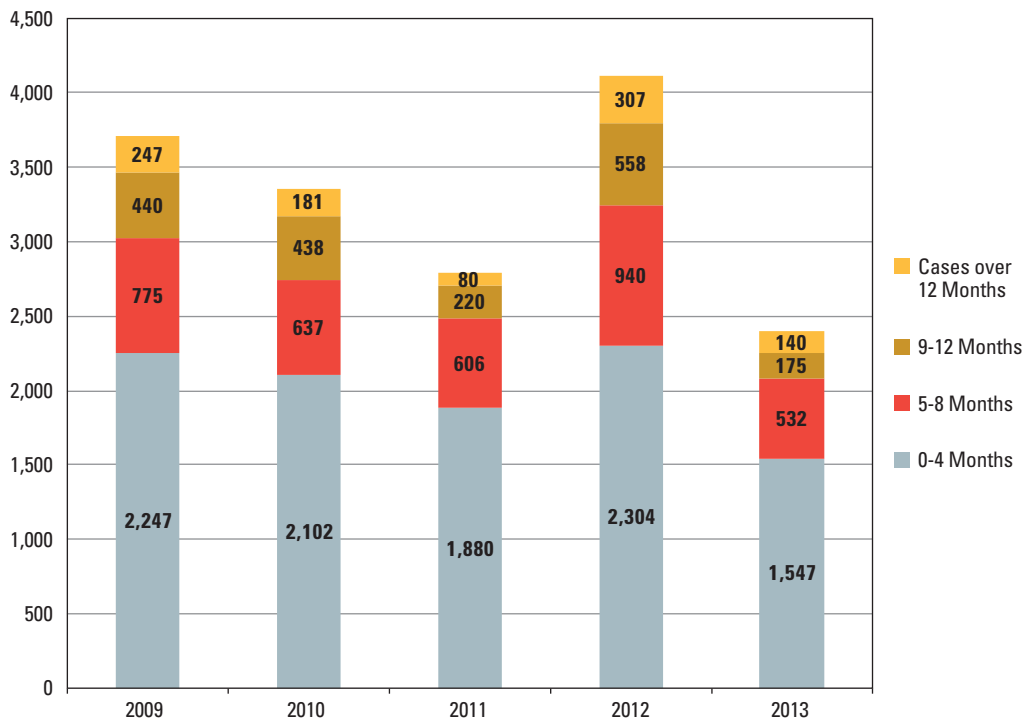
### Age of the Docket

The greater the percentage of newer complaints in an open docket, the better the productivity. At the end of 2012, 59% of open complaints – 1,414 – were four months old or less from the date of filing. This is 3 percentage points higher than in 2012 but 4 percentage points lower than 2011, when 63% of open complaints were four months old or less.

At the same time, the percentage of old cases decreased. In 2013 complaints 12 months and older from the date of filing were 7% of the docket. This was 3 percentage points lower than in 2012 but 3 percentage points higher than in 2011.

In looking at the age of the docket from the perspective of the date of incident, there has been an improvement in performance in 2013. This measure is particularly relevant because the statute of limitations requires that charges be brought against a police officer within 18 months of the date of the incident. The number of cases aged 15 months or more increased from 50 in 2011, or 2% of the open docket, to 202, or 5%, in 2012, and it then decreased to 103, or 4%, in 2013.

**Size and Age of Open Docket, By Date of Report, 2009-2013**



### Understanding Disposition Statistics

To understand the CCRB's complaint dispositions, it is important to distinguish a complaint from an allegation. A complaint is a case stemming from a civilian encounter with police, in which the civilian believes the officer(s) committed act(s) of misconduct. In contrast, an allegation is the specific act of misconduct that the civilian alleges occurred. It is unproven statement made by a complaint that a police officer violated a policy, procedure, rule, regulation or law which the board undertakes to investigate and may ultimately lead to a finding. In some instances, a complaint has a single allegation against a single officer. However, in most cases a complaint has multiple allegations against one or more officers.

While the board evaluates a complaint in its totality, it makes findings on the specific misconduct allegations. For example, a person may allege that during one incident, he or she was unfairly stopped and frisked, spoken to discourteously, and that in the course of the stop the police officer used unnecessary force. Each of these – the stop, frisk, discourtesy and force – will be a separate allegation which will be investigated. When the investigation is done, the board will assess individually the evidence and witness statements pertaining to each allegation. The board could find that the stop and frisk were allowable given the circumstances, that there was inadequate evidence to determine whether the officer spoke discourteously and that the force used by the officer was unnecessary and therefore misconduct. So, the board would find the stop and frisk allegation exonerated, the discourtesy allegation unsubstantiated and the force allegation substantiated.

In a complaint such as this, the board would forward the case to the police commissioner and recommend appropriate disciplinary action on the substantiated allegation, regardless of the findings on other allegations. In addition, the CCRB would send a letter to the complainant and the officer informing them of the board's findings. In those cases where the board does not find misconduct, the board informs the parties of the disposition by letter, but it does not forward the case to the police commissioner.

It is also important to understand the difference between a "full investigation" and a "truncated case." A full investigation is a case in which an investigator is able to conduct a complete inquiry. A truncated investigation is one where the case has to be closed before it is fully investigated. Reasons for truncations include: the civilian withdraws the complaint; the civilian cannot be located; the civilian is uncooperative; or the alleged victim cannot be identified.

### Disposition of Complaints

After a full investigation, if the board finds misconduct in one or more of the allegations, then the complaint is deemed substantiated. Cases in which no allegation is substantiated are either deemed exonerated, unfounded, or unsubstantiated. In relatively few cases, the officers are unidentified, or the officer is no longer a member of the NYPD.

The CCRB's investigative findings are categorized by assigning a single disposition or outcome label to each complaint, allowing analysis by disposition. One figure of consequence is the rate at which fully investigated complaints are substantiated, called the "substantiation rate." In 2013 the CCRB completed 2,082 full investigations, substantiating at least one allegation in 300 complaints.

From 2009 to 2013, the substantiation rate fluctuated: it was 7.4% in 2009 and 10.7% in 2010, 8.3% in 2011, 14.8% in 2012 and 14.4% in 2013. The substantiation rate was .4% lower than in 2012 but 7 percentage points higher than the substantiation rate in 2009. In actual numbers, however, there were more substantiated cases in 2013, 300, than in 2012, 189. The board substantiated 197 in in 2009, 260 in 2010 and 160 in 2011.

At the end of 2013 the board decided to reconsider the way in which complaint dispositions are reported. Under the advice of staff, the board is evaluating new indicators. One of these indicators is the "case resolution rate," which is the percentage of all closed complaints, received in a given year, that are resolved through either a full investigation or through the mediation program. The average case resolution rate for the past five years was 37%. It was 36% in 2009, 39% in 2010, 38% in 2011, 36% in 2012 and 35%, the lowest rate of the last five years, in 2013.

The case resolution rate excludes cases which are deemed "complainant withdrawn," "complainant uncooperative," "complainant unavailable" and "victim unidentified." Those categories had comprised what was called the truncation rate. The board also decided to provide the public with additional information about these categories. The truncation rate was 64% in 2009, 61% in 2010, 62% in 2011, 64% in 2012 and 65% in 2013.

Prior to making this change, the agency updated prior reports on the truncation rate and analyzed determinant factors, including the characteristics of complaint filings, demographics, incident-related variables, and internal operational factors. The main finding of the 2013 study was that there was a significant difference in the truncation rate based on whether the complaints were initially filed with the CCRB or with the police department.

The truncation rate for complaints filed with the CCRB was 51%. The truncation rate for complaints filed with the police department was 80%. Although the difference between complaints filed with the CCRB and complaints filed with the NYPD is minimal for the categories of “complaint withdrawn” and “complainant uncooperative,” the difference was prominent for those cases closed as “complainant unavailable.” A case was nearly three times more likely to be closed as complainant unavailable if filed with the police department. In 2013, 10% of all cases filed with the CCRB were closed as complainant unavailable, compared to 27% of all cases filed with the NYPD. A complainant is unavailable when the board has or receives incomplete or inaccurate information but also when the information is complete and investigators cannot make contact because the complainant does not respond.

Our analysis shows that how complaints were filed with the CCRB is important. Only 5% of all complaints filed in-person were truncated. By comparison, 53% of all complaints filed by phone, 53% online and 40% filed by mail were truncated. In 2013, 71% of complaints filed with the CCRB were filed by phone.

The location of a complainant’s residence played no significant role in the truncation rate. From 2009 to 2012,

the five boroughs had similar truncation rates (Manhattan, 53%; Brooklyn and Staten Island, 55%; Queens and Bronx, 57%). In 2013 complaints from Staten Island had a greater truncation rate (69%) than complaints from other boroughs (Manhattan, 57%; Brooklyn, 59%; Bronx, 60%; Queens, 61%). Given the small universe of cases from Staten Island in 2013, the variation could be the result of chance.

### Disposition of Allegations

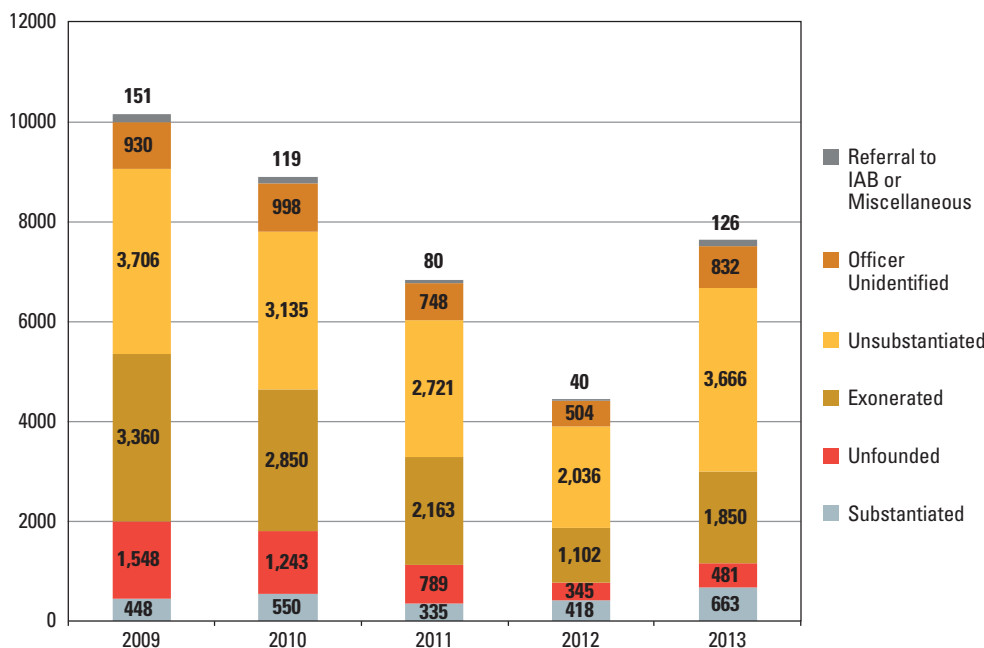
Case dispositions are also analyzed by tallying the individual disposition of each allegation within a complaint that the CCRB fully investigates. Two numbers are important. One is the rate at which the CCRB makes “findings on the merits.” Findings on the merits result when the agency obtains sufficient credible evidence for the board to reach a factual and legal determination regarding the officer’s conduct. These findings include those allegations resolved as substantiated, exonerated or unfounded.

Of the 7,618 allegations the CCRB fully investigated in 2013, 2,994 allegations, or 39%, were closed with findings on the merits, compared to 42% in 2011 and 53% in 2009.

An increase in the rate of unsubstantiated allegations is the main reason for the drop in the rate of findings on the merits. In 2013, 3,666 allegations were unsubstantiated or 48%. This is an increase over the 46% (2,036) in 2011 and 36% (3,706) in 2012. It is also a significant rise from 2007, when 26% (3,031) of all fully investigated allegations were deemed unsubstantiated.

By comparison, allegations closed as “officer(s) unidentified” were 11% in 2013. From 2009 to 2013, the proportion of officer(s) unidentified allegations fluctuated from 9% to 11%. An officer unidentified disposition may occur in cases in which all officers are unidentified or in cases in which some of the officers are unidentified. In 2013, there were 832 allegations closed as officer(s) unidentified, but only 119 cases, 6% of all full investigations, were closed as officer(s) unidentified because

## Disposition of Allegations in Full Investigations 2009-2013





all officers in that complaint remained unidentified at the end of the investigation.

The other key figure is the “substantiation rate by allegation,” which was 9% in 2013. From 2009 to 2013, the rate averaged 6%. A small change was seen in the substantiation rate for all four categories of allegations – force, abuse of authority, discourtesy and offensive language. In 2013, 40 force allegations, or 2% were substantiated, versus 40 allegations, 3%, in 2012. For abuse of authority, 556 allegations, or 15% were substantiated, compared to 338, or 15% in 2012. For discourtesy, 46 or 3% were substantiated, while 40 or 2% were substantiated in 2012. In 2013, 9 offensive language allegations were substantiated, or 4%, compared to four such allegations, or 3% in 2012.

The online statistical appendices ([www.nyc.gov/ccrb](http://www.nyc.gov/ccrb)), contain extensive information concerning board dispositions by allegation.

The highest substantiation rate by allegation is that of retaliatory arrest and retaliatory summons, which were substantiated at a rate of 56% and 58%, respectively. The next highest substantiation rate is for stop-and-frisk complaints. In 2013, the CCRB substantiated question allegations at a rate of 20%, stop allegations at 25%, frisk allegations at 32% and search allegations at 19%. Vehicle search allegations were substantiated at a rate of 21%.

In 2013 the board closed 1,675 stop-and-frisk complaints; 624 of which were fully investigated and 113 were mediated. Of the 624 stop-and-frisk complaints that were fully investigated, 191 were substantiated; that is, the board found misconduct in 31% of the stop-and-frisk complaints it investigated. By comparison, in 2010 and 2011, the board found misconduct in 16% of the stop-and-frisk complaints it fully investigated. In 2012, the board found misconduct in 27% of stop-and-frisk complaints.

Two characteristics help to put this information about investigated stop-and-frisk complaints into context. The first is a significant reduction in the proportion of stop-and-frisk complaints that are associated with a force allegation. In 2009, approximately 50% of all fully investigated stop-and-frisk complaints contained a force allegation. In 2013, the force rate was 39%.

The second characteristic is the increasing proportion of stop-and-frisk complaints that have not been properly documented. In 2009, approximately 5% of all fully investigated stop-and-frisk complaints revealed a failure by the officer to produce a stop-and-frisk report as required by the NYPD’s Patrol Guide. By 2011 the board documented failure by an officer to produce a stop-and-

frisk report in 12% of fully investigated complaints. In 2012 this failure increased to 19%, and in 2013 the failure decreased to 17%. This is particularly important because in 2013, officers failed to prepare a stop-and-frisk report in 36% of all complaints in which the board substantiated stop-and-frisk allegations, up from 31% in 2012.

### Other Misconduct Noted

When a CCRB investigation uncovers evidence of certain types of police misconduct that do not fall within the agency’s jurisdiction, the board notes “other misconduct” (OMN) and refers the case to the NYPD for possible disciplinary action. Examples of OMN allegations include an officer’s failure to properly document a stop-and-frisk encounter or other activity in his or her memo book as required by patrol guide procedure. Allegations of other misconduct should not be confused with allegations of corruption, which are referred to the police department’s IAB.

From 2009 to 2013, the CCRB referred to the police department 1,731 cases of other misconduct against 2,836 officers. The board referred cases against 193 officers in 2009, 300 in 2010, 311 in 2011, 333 in 2012, and 594 in 2013. During the five-year period, the total number of allegations of other misconduct referred to the police department was 3,070, of which there were 1,061 allegations in 2013 alone. The increase from 2012 to 2013 was 74%.

There are two distinct categories of OMN cases. The first type is when other misconduct occurs in a complaint where the board substantiated an allegation of force, abuse of authority, discourtesy, or offensive language (FADO). The case is categorized as an OMN with a substantiated FADO allegation and the OMN is part of the case file that is sent to the Department Advocate’s Office (DAO) for disciplinary action. In recent years there has been a steady increase in the number of substantiated complaints that also contain OMN allegations. In 2013, 163 out of 300 substantiated cases the board referred to the DAO contained allegations of other misconduct, or 54% of cases.

The second type of OMN case is when the board has not substantiated any FADO allegation. In this type of case, only the other misconduct is referred to the police department for possible discipline. In the last five years, the number of cases in this category has also steadily increased. The board referred 717 OMN allegations without a substantiated FADO in 2013.

The most serious type of other misconduct that the CCRB refers to the police department is a false official statement by an officer, either to the CCRB or in an

official document or other proceeding that comes to light during CCRB's investigation. In 2013, the CCRB had 13 cases in which the investigation produced evidence that an officer made a false official statement. In 10 instances, the underlying FADO complaint was substantiated. From 2009 through 2012, the CCRB noted 20 allegations of false official statements.

In addition to false official statements, the board also refers cases to the police department in which officers failed to document their actions as required by the NYPD. There are three major categories of failure to document. The first category is an officer's failure to fill out a stop-and-frisk form. In 2013 the board referred 155 such instances and it has referred 564 in the last five years. The second type is an officer's failure to document a strip-search in the precinct's command log. In 2013 the board referred 8 such allegations and 52 in the last five years. The third category is an officer's failure to make memo book entries. The board referred 873 such failures in 2013 and it referred 2,383 in the last five years.

These types of failures are significant because a CCRB investigation needs a preponderance of evidence for the board to make a finding on the merits. In 90% of instances in which there was other misconduct noted,

and no FADO allegation was substantiated, the board unsubstantiated the FADO portion of the complaint rather than reaching any finding on the merits. In 10% of these cases, the complaint was either exonerated or unfounded.

In addition to the four specific categories of other misconduct mentioned above, the board also has a miscellaneous category for things such as "improper supervision" or "failure to complete an aided report." The board referred 12 instances of other misconduct in this miscellaneous category in 2013 and 38 such instances in the last five years.

### Misconduct Rate

The proportion of cases forwarded to the police department for discipline that contained either a substantiated FADO allegation or an OMN has increased over time. Of the 10,384 cases that were fully investigated from 2009 to 2013, 2,395 contained at least one form of misconduct.

In 2013, 35% of cases in which the CCRB conducted a full investigation were forwarded to the police department for misconduct. By comparison, the CCRB forwarded 13% in 2009, 20% in 2010, 21% in 2011, and 34% in 2012. In absolute numbers, in 2013 the board forwarded 713 cases to the police department, 163 substantiated cases with other misconduct noted allegations, 137 substantiated cases without other misconduct noted and 431 cases where other misconduct was noted but the underlying complaint was not substantiated.

In 2013, 39% of officers who were the subjects of a full investigation were found to have engaged in misconduct and had their cases forwarded to the police department for discipline. By comparison, the CCRB forwarded 15% in 2009, and 24% in 2010, 24% in 2011, and 39% in 2012. In absolute numbers, in 2013 the board forwarded cases of misconduct against 1,243 officers. 162 officers had substantiated FADO complaints plus OMN allegations; 279 had substantiated complaints with no OMNs; and 802 officers had other misconduct noted but the underlying complaints were not substantiated.

## CCRB Dispositions

**Substantiated:** There is sufficient credible evidence to believe that the subject officer committed the act charged in the allegation and thereby engaged in misconduct.

**Exonerated:** The subject officer was found to have committed the act alleged, but the subject officer's actions were determined to be lawful and proper.

**Unfounded:** There is sufficient credible evidence to believe that the subject officer did not commit the alleged act of misconduct.

**Unsubstantiated:** The available evidence is insufficient to determine whether the officer did or did not commit misconduct.

**Officer(s) Unidentified:** The agency was unable to identify the subject(s) of the alleged misconduct.

**Miscellaneous:** Most commonly, the subject officer is no longer a member of the NYPD.

When the CCRB was created in 1993, the enabling legislation (NYC Charter, Chapter 18-A) mandated that the board create a mediation program that would allow civilians to resolve their complaints “by means of informal conciliation,” should they voluntarily choose to do so. The CCRB seeks to offer mediation to every civilian, in appropriate cases. Cases involving property damage, serious physical injury or death, or where there are pending criminal charges, are not eligible for mediation.

In its first year, the CCRB’s mediation program resolved just two complaints. It has grown significantly since then. Since 2009 one of the strategic priorities of the board has been to continue to strengthen and expand the mediation program.

Mediation provides a valuable alternative to investigation to resolve civilian complaints of police misconduct. While an investigation is focused on evidence gathering, fact-finding and the possibility of discipline, a mediation session focuses on fostering discussion and mutual understanding between the complainant and the subject officer. Mediation gives civilians and officers the chance to meet as equals, in a private, quiet space. A trained, neutral mediator guides the session and facilitates a confidential dialogue about the circumstances that led to the complaint.

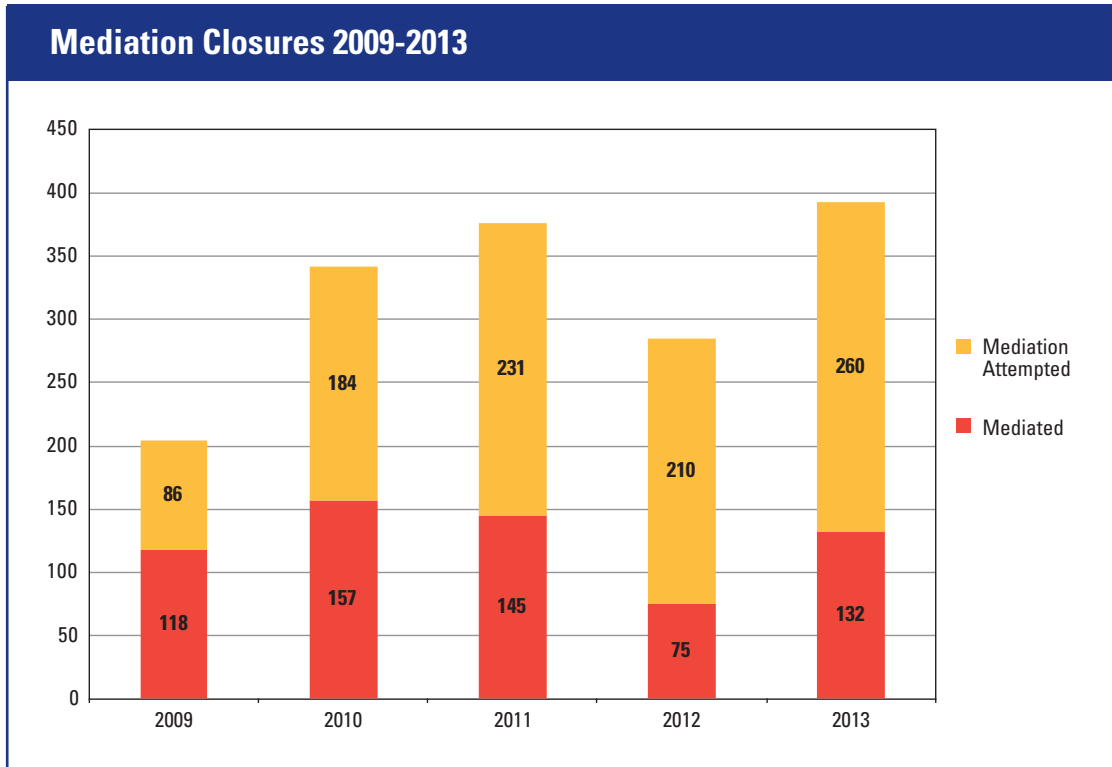
The mediation session ends when the parties agree that they have had an opportunity to discuss and, in the vast majority of cases, resolve the issues raised by the complaint. After a successful mediation, a complaint is closed as “mediated,” meaning that there will be no further investigation and the officer will not be disciplined.

Another benefit of mediation is that it offers the parties a quicker resolution of their cases, compared to a full investigation. For example, in 2013, even though the time to mediate a case increased by 76 days, it took 274 days to mediate a complaint, which was 100 days shorter than a full investigation. Successful mediations also benefit communities because a measure of trust and respect often develops between the parties. That in turn can lead to better police-community relations.

### Mediation Statistics

Although Hurricane Sandy had a negative effect on our mediation program as our office was closed for the last two months of the year and the agency could not conduct mediations from October 2012 to March 2013, mediation statistics generally improved in 2013.

In 2013 the number of mediation closures (cases closed as mediated and mediation attempted) increased by 38%, from 285 in 2012 to 392 in 2013, the highest number in



the history of the program. Since 2009 the number of closures through the mediation program increased by 92%.

In 2013 the number of cases resolved by the mediation unit was approximately 16% of the total number of cases resolved by the CCRB, either through the mediation process or a full investigation. (This is not including withdrawn, uncooperative and unavailable cases). By comparison, the mediation resolution rate was 7% in 2009, 12% in 2010, 16% in 2011 and 18% in 2012.

In 2013 the number of cases successfully mediated increased by 76%. In 2013, the CCRB conducted 150 mediation sessions. Civilians and officers satisfactorily addressed 132 complaints, resulting in an 88% success rate. In 18 cases the civilians were not satisfied with the mediation process and the case went to the investigations division.

The number of cases closed as “mediation attempted” increased from 210 in 2012 to 260 in 2012, or by 24%. Mediation attempted is a designation for a case in which both officer and civilian agreed to mediate the complaint but the civilian fails twice to appear at the scheduled mediation session or fails to respond to attempts to schedule the mediation session.

The CCRB’s investigative staff is responsible for offering mediation to complainants, while the police department is responsible for offering it to officers in coordination with the CCRB’s staff. The CCRB has

ongoing trainings, for both investigative staff and police department representatives, to teach them how mediation works and about its benefits.

The proportion of cases in which an investigator offered mediation in eligible and suitable cases increased from 31% in 2009 to 60% in 2013. As a result, even while the universe of eligible and suitable cases decreased by 37%, from 3,238 in 2009 to 2,042 in 2013, the number of cases in which mediation was offered increased significantly. In 2013 the CCRB offered mediation in 1,231 cases, 231 more than in 2009.

In 2013 the mediation unit received 539 mediation referrals from the investigative teams, compared with 485 in 2012. This is an 11% increase.

For the past five years the rate of complainant acceptance of mediation has been above 50%. The mediation acceptance rate for civilians was 53% in 2009, 56% in 2010, 53% in 2011, 56% in 2012, and 54% in 2013. The number of civilians who accepted mediation increased from 499 in 2009 to 612 in 2013.

The percentage of subject officers who accepted the offer to mediate was 74% in 2009, 82% in 2010, 77% in 2011, 74% in 2012 and 83% in 2013. In 2013, the CCRB offered mediation to 620 officers and 512 accepted. By comparison, in 2009, 372 officers were offered mediation and 277 accepted.

Under the law the police commissioner has the sole authority to impose discipline and to decide the level of punishment for members of service. When the board determines that an officer engaged in misconduct, the board makes findings and recommendations on the level of discipline. These findings and recommendations are made regarding each individual officer who is part of a case and for each individual allegation separately. No finding or recommendation is ever based solely upon an unsworn statement or an officer's complaint history.

Within the police department, there are three disciplinary options. The first form of discipline is to compel an officer to receive instructions, the mildest form of discipline. The second form of discipline is a command discipline, either A or B. The case is forwarded to the subject's commanding officer for discipline and may result in the loss of up to ten vacation days. The most serious disciplinary option is the filing of administrative charges and specifications. Charges and specifications may lead to: an officer pleading guilty prior to trial; or prosecution in an administrative trial, where the officer can be found guilty or not guilty. The charges can also eventually be dismissed. In all cases, the police commissioner has final approval of the verdict and penalty.

In 2013 the board substantiated 300 complaints against 441 police officers, as compared to 189 complaints against 265 officers in 2012. The board recommended that administrative charges be brought against 294 officers in 193 cases (64%), command discipline for 104 officers in 75 cases (25%), instructions for

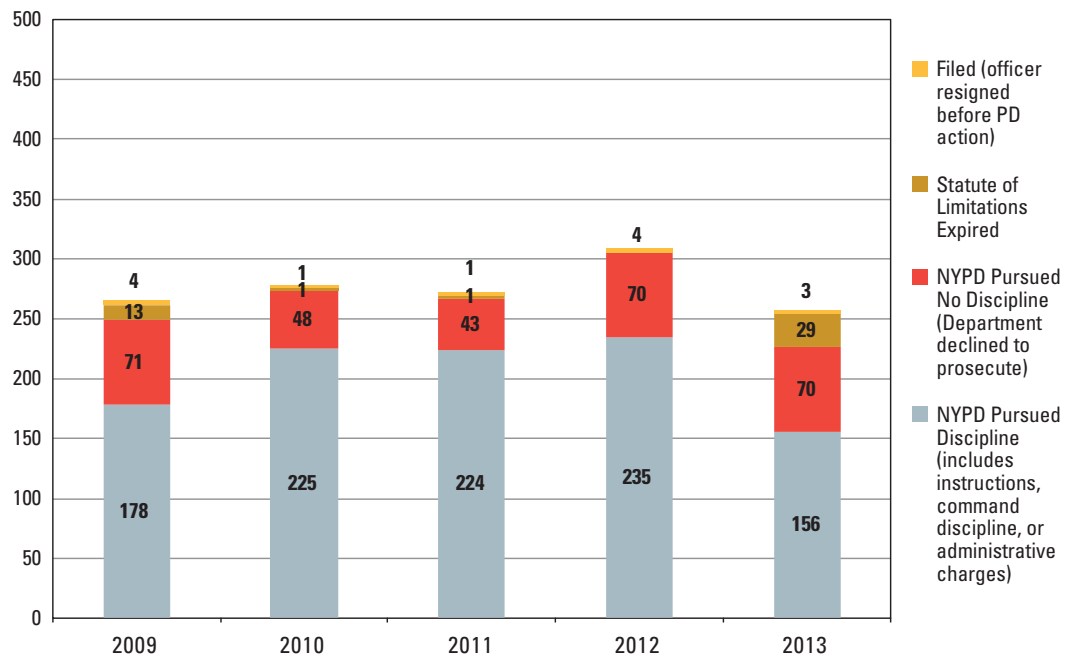
32 officers in 26 cases (9%), and for 11 officers in 6 cases (2%) no recommendation was made. There were 277 substantiated complaints in 2009, 375 in 2010, 213 in 2011 and 265 in 2012. In total, the board substantiated 1,106 complaints against 1,571 officers from 2009 to 2013.

### Police Department Disciplinary Actions

In 2013 the police department disposed of CCRB cases against 258 subject officers, compared to 326 subject officers in 2012. Looking at the five-year trend, the department reached a disposition on cases against 266 officers in 2009, 275 in 2010, and 270 in 2011. This was a total of 1,395 subject officers in the five year period 2009 to 2013. These numbers do not include referrals where there were no substantiated FADO allegations, yet the department imposed discipline for other misconduct that had been referred by the board.

The department's disciplinary action rate on substantiated complaints decreased in 2013 to 60%, two years after reaching its highest level of 81%, in 2011. The rate was 71% in 2012. The 2013 discipline level was the lowest of the last five years. In absolute numbers, disciplinary actions decreased from 229 in 2012 to 152 in 2013.

**Police Department Action in Substantiated CCRB Cases 2009-2013**



In 2013, the police department conducted 12 administrative trials stemming from substantiated CCRB cases. In 2009, 2010 and 2011, the department conducted 20, 14 and 17 administrative trials, respectively. In 2012 there were 21 trials. During this five year period, the rate of guilty verdicts obtained by the department gradually increased, although it slightly decreased from 2012 to 2013. The guilty rate was 30% in 2009, 29% in 2010, 59% in 2011, 71% in 2012 and 67% in 2013.

The number of plea negotiations has also fluctuated over time. The department negotiated 17 guilty pleas in 2009, 7 in 2010, 18 in 2011, 13 in 2012 and 11 in 2013. The number of cases in which the charges were dismissed decreased from 3 in 2009 and 1 in 2010 to zero for the last three years.

The conviction rate, guilty findings after trial or a guilty plea, reached a historic high in 2013 of 83%. The rate was 58% in 2009, 50% in 2010, 80% in 2011 and 82% in 2012.

In 2013 the department could not seek discipline because the statute of limitations (SOL) has expired in 29 cases, or 11% of all cases. This is the highest number

of SOL cases since 1998 when the CCRB forwarded 38 cases with the SOL expired. By comparison, the SOL expired in 13 cases in 2009, 1 in 2010, 0 in 2011, and 17 in 2012.

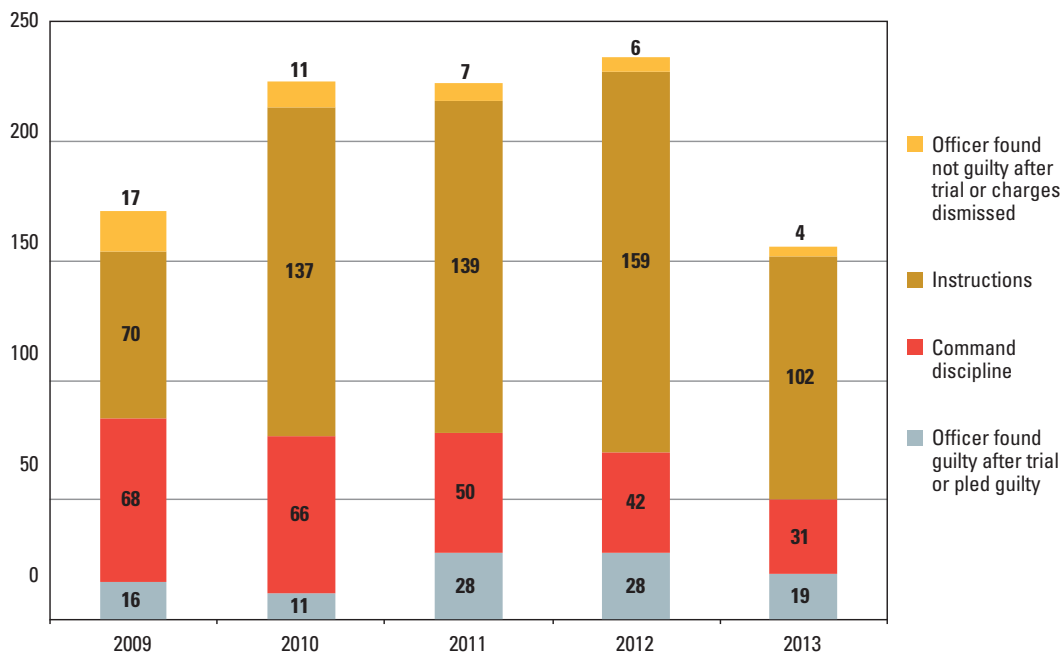
In 2013 there was an increase in the rate at which the police department declined to seek any discipline in substantiated CCRB complaints. In 2013 the department declined to seek discipline in 27% of cases it received from the CCRB. This is the highest rate since 2009, when the rate was also at 27%. The department declined to seek discipline in 18% of all cases in 2010, 16% in 2011 and 22% in 2012. In absolute numbers, the police department has declined to prosecute cases against 302 officers in the last five years.

There are three additional findings that are important to understand the rate at which the department declines to pursue discipline. First, one category of misconduct allegations account for approximately 50% of all allegations in which the department declined to pursue discipline: stop-and-frisk allegations. Second, the department declined to prosecute two categories of allegations at a rate of 50% or above, question and vehicle stop, and five categories at a rate between 30% and 49% – refusal to

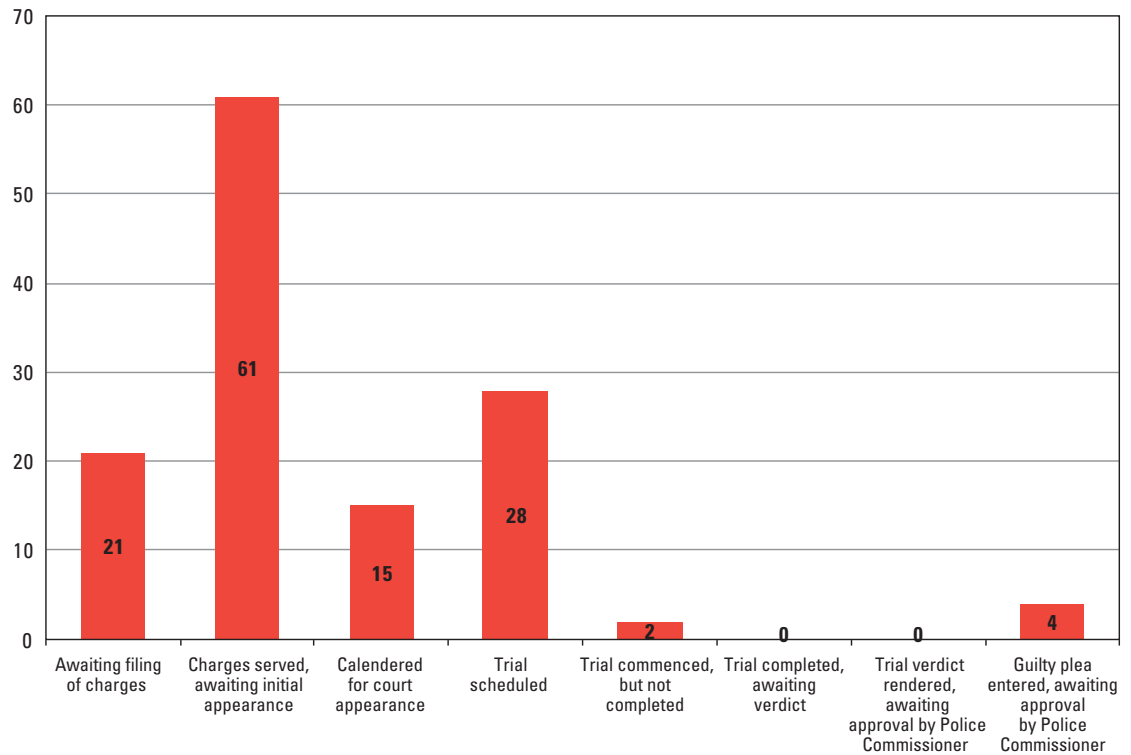
provide name or shield number, physical force, stop, vehicle search, and premises entered and searched. Third, in 15 out of the 70 cases in which the department declined to prosecute the substantiated case, the department imposed some form of discipline for the OMN allegations, or 21%.

In 2013 the police department imposed command discipline or instructions against 88% of officers that it disciplined. The rate was the same in 2012, similar to the 86% in 2009.

### Police Department Pursued Discipline in Substantiated CCRB Cases 2009-2013



## APU Open Docket, 2013



On April 2, 2012, Police Commissioner Raymond Kelly and the CCRB Chairman Daniel D. Chu signed a Memorandum of Understanding (MOU) which gave the CCRB the authority to prosecute all substantiated CCRB complaints where the board has recommended administrative charges, with limited exceptions. The MOU set forth the creation of a CCRB administrative prosecution unit (APU), which became operational on April 11, 2013. The APU prosecutes all cases for which the board recommends charges and specifications and the NYPD's Department Advocate's Office (DAO) handles cases in which the board has recommended command discipline and instructions.

From April 11, 2013 to December 31, 2013, the board recommended charges and specifications in 139

cases involving 212 officers. Of these cases, 8 cases were closed and 131 were open. The 8 closed cases were cases in which the statute of limitations expired during the investigation and before the case was forwarded to the APU. These complaints involved allegations against 12 officers.

There were 131 open cases in the docket of the APU at year end: in 4 cases a guilty plea was entered and awaiting approval by Police Commissioner; in 2 cases the trial commenced but was not completed; in 28 cases the trial was scheduled; 15 case were calendered for court appearance; 61 cases were being scheduled for their appearance in the trial room after the charges were served; and 21 cases were awaiting the filing of charges.

The CCRB's outreach unit makes public presentations to increase awareness of the agency's mission and to build public confidence in the complaint process. The outreach director, as well as investigators, attorneys and other agency staff, visit schools, public libraries, tenant associations, advocacy organizations, community groups, churches, community boards, and precinct community councils, among others, in all five boroughs.

In 2013 staff members gave 204 presentations, up from 120 in 2012 and 164 in 2011. Since 2009, the number of presentations has increased threefold from 49 in 2009 and 95 in 2010 to the notably higher levels of the past three years.

In 2013 most presentations were given at schools, adult learning centers, churches, community groups and at New York City Housing Authority (NYCHA) locations. In 2013, 54% of all presentations were made at non-governmental organizations, 42% at educational institutions and 4% at governmental entities. We reached an audience of more than 5,500 city residents.

The board continues to update its outreach publications. In addition to the basic brochure, street encounter pocket card and guide to mediation, in 2013 the board developed two new items: a "What's Next" card explaining to civilians what to expect after their CCRB interview and an "Encounters with Police" postcard tailored specifically to the LGBTQ community.

The CCRB continued its efforts to make the immigrant community aware of its language assistance services for victims and witnesses. The agency provided translations on 558 occasions in 12 different languages in 2013. The vast majority of translations provided were in Spanish (90%), followed by Arabic and Chinese (3% each), and Russian (2%). This figure was slightly down from last year, when the CCRB provided translations on 680 occasions, but well above the 234 translations provided in 2010 when the agency began tracking translation and interpretation services. Since then we have provided translation services in 17 different languages.

On June 28, 2013, the CCRB launched a new web site that transformed and updated its 10-year-old site. Among other features, the new site has friendlier navigation and allows a visitor to file a complaint online from any page. In 2013, the web site received 156,915 visits with an daily average of 429 visits. Forty percent of the visitors went to the web site two or more times. However, the number of visits decreased from 268,282 in 2011 and 194,490 in 2012. The web page that attracted the most traffic was the main page. The page on how to contact the CCRB was the second most visited. The section dedicated to the board and board meetings had approximately 9,000 visits. The page for online complaints received more than 3,000 visits.



**Chair Daniel D. Chu, Esq.**

Mr. Chu is an attorney engaged in private practice in midtown Manhattan representing clients in state and federal matters. A Queens native, he began his legal career as an Assistant District Attorney in the Queens County District Attorney's Office, where he prosecuted felony cases and handled appellate litigation. He subsequently served as an Administrative Law Judge with the New York City Taxi & Limousine Commission and later became a senior associate at Stern & Montana, LLP, where he litigated civil cases relating to large-scale and systemic insurance fraud.

His additional legal experience includes service at the New York State Attorney General's Office and the New York County District Attorney's Office, as well as a clerkship with the Honorable William Friedman of the New York State Supreme Court Appellate Division, Second Department. He is a member of the Association of the Bar of the City of New York, the Asian American Bar Association of New York and the Queens County Bar Association. Mr. Chu, a Mayoral designee, has been a Board member since June 2008.

*B.A., 1994, State University of New York at Buffalo; J.D., 1997, St. John's University School of Law*

**Janette Cortes-Gomez, Esq.**

Ms. Cortes-Gomez is an attorney who has been engaged in private practice in Queens and the Bronx since 2004. In addition to representing private clients, she serves as court appointed counsel in Family Court cases relating to juvenile delinquency, abuse and neglect, parental rights, custody, child support, paternity, family offense, visitation, persons in need of supervision and adoption matters. From 1999 to 2004, Ms. Cortes-Gomez was an attorney with the New York City Administration for Children's Services (ACS). At ACS, she litigated child abuse and neglect cases, including termination of parental rights petitions. Ms. Cortes-Gomez is a member of the New York City Bar Association, the Puerto Rican Bar Association, the Bronx County Bar Association, the Hispanic National Bar Association, and the American Bar Association. In 2010, she was appointed as President of the Bronx Family Bar Association for a two year term. She is a Mayoral designee and was appointed to the board in November 2011.

Ms. Cortes-Gomez is a member of the New York City Bar Association, the Puerto Rican Bar Association, the Bronx County Bar Association, the Hispanic National Bar Association, and the American Bar Association. In 2010, she was appointed as President of the Bronx Family Bar Association for a two year term. She is a Mayoral designee and was appointed to the board in November 2011.

*B.A., 1996, Canisius College; J.D. 1999, Buffalo School of Law, the State University of New York.*

**James F. Donlon, Esq.**

Mr. Donlon is an attorney engaged in private practice since 1980. He has broad-based experience in matters such as real estate, estate planning, wills and estates, and litigation involving family court, criminal and personal injury cases. From 1974 to 1980, Mr. Donlon was employed as an Assistant District Attorney in the Richmond County District Attorney's Office where he handled misdemeanors and felonies (including homicides) and from 1976 to 1977, narcotics cases for the Office of the Special Narcotics Prosecutor. Immediately after graduating from law school,

Mr. Donlon worked for the New York State Department of Law. He previously served as a board member of the Richmond County Bar Association. He is currently a member of the Assigned Counsel Panel Advisory Committee (Appellate Division, Second Department) and is a member of the New York State Bar Association, Richmond County Bar Association, and the New York State Defenders Association. Mr. Donlon, a City Council designee from Staten Island, has been a Board member since June 2004.

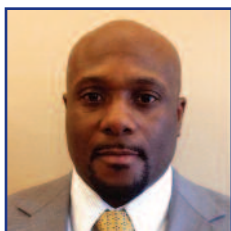
*B.A., 1970, Manhattan College; J.D., 1973, Albany Law School*



### **Daniel M. Gitner, Esq.**

Mr. Gitner has been a partner at Lankler Siffert & Wohl LLP since 2005. His practice is concentrated in white-collar criminal and regulatory litigation, and he also represents clients in complex federal and state civil matters. Mr. Gitner sits on the Board of Directors of The Fund for Modern Courts and is also an Adjunct Professor at the New York Law School, where he teaches a course on sentencing. He is a member of the New York City Bar Association's Criminal Law Committee and Council on International Affairs. Mr. Gitner is also a lead author of *Business Crime*, a comprehensive treatise on white-collar criminal matters, and is the co-author of several published articles concerning white-collar criminal and regulatory issues. He began his legal career in 1995 as a law clerk to the Honorable Naomi Reice Buchwald, then-Chief United States Magistrate Judge, and then as a law clerk to the Honorable Barbara S. Jones, United States District Judge, both in the Southern District of New York. After his clerkships, Mr. Gitner served from 1997 to 2005 as an Assistant United States Attorney for the Southern District of New York, in the Criminal Division. From 2003 to 2005, he was the Chief of the General Crimes Unit. Mr. Gitner was a recipient of the Justice Department's Director's Award for Superior Performance and, in 2003, was named the Federal Prosecutor of the Year by the Federal Law Enforcement Foundation. Mr. Gitner began his 3-year term as a Board member in June 2013. He is a Mayoral appointee.

*B.A., 1992, cum laude with distinction in all subjects, Cornell University; J.D., 1995, Columbia University School of Law*



### **Alphonzo Grant Jr., Esq.**

Mr. Grant is an Executive Director in Morgan Stanley's Legal and Compliance Division, Special Investigations Unit, where he oversees and conducts internal investigations of financial, securities, regulatory, criminal and employment-related matters. He is also a faculty member at the National Institute for Trial Advocacy and an Adjunct Professor at the Benjamin N. Cardozo School of Law. Before joining Morgan Stanley, Mr. Grant served as Special Counsel at the law firm of Sullivan and Cromwell from 2006 to 2010, representing clients in criminal, regulatory and civil matters involving securities fraud, money laundering, insider trading, tax fraud, antitrust and employment. During that time he was also Sullivan & Cromwell's Director of Diversity and guided the firm's leadership on its diversity and inclusion efforts. Mr. Grant's career began as a law clerk for the Honorable Edward R. Korman, a federal judge in the Eastern District of New York, followed by three years as a Litigation Associate at Sullivan and Cromwell. From 2002 to 2005, he served as an Assistant United States Attorney for the Eastern District of New York, prosecuting money laundering, corruption, fraud, foreign bribery, terrorism, racketeering, narcotics, immigration and tax offenses. Mr. Grant is the City Council designee from Brooklyn.

*B.A., 1993, M.P.S., 1994, the State University of New York at Stony Brook; J.D., 1998 Brooklyn Law School*



### **Dr. Mohammad Khalid**

Dr. Khalid has worked as a dentist in Staten Island since 1977. An active member of the Staten Island community, Dr. Khalid is President of the Iron Hill Civic Association of Staten Island and of the Pakistani Civic Association of Staten Island, and has been a member of the Land Use Committee of Staten Island Community Board 2 since 1998. He has also served since 2006 on the Board of Trustees for the Staten Island Children's Museum and is the former Vice-Chairman of the Children's Campaign Fund of Staten Island. In 2003, Dr. Khalid served as a member of the New York City Charter Revision Commission, which reviewed the entire city charter, held hearings in all five boroughs to solicit public input, and issued recommendations to amend the charter to reflect New York City's constantly evolving economic, social and political environment. In 2009, Congressman Michael McMahon honored Dr. Khalid with the Dr. Martin Luther King Jr. Community Service Award. In 2004 Dr. Khalid was the recipient of the Pakistan League of America Community and Leadership Award and in 2003 received the Governor George E. Pataki Excellence Award for community service on behalf of New York State. In 2006, Governor George Pataki appointed Dr. Khalid to a six-year term on the New York State Minority Health Council. Dr. Khalid, a Mayoral designee, has been on the Board since March 2005.

*B.D.S., 1971, Khyber Medical College (Pakistan); D.D.S., 1976, New York University*



### **David G. Liston, Esq.**

Mr. Liston is Litigation Counsel at Lewis Baach PLLC, where he specializes in securities and banking matters, internal corporate investigations, SEC representation, white-collar criminal defense, and complex civil litigation. Previously, Mr. Liston worked as Litigation Counsel at Hughes, Hubbard & Reed LLP from 1999 to 2013. He was an Assistant District Attorney in the New York County District Attorney's Office from 1994 through 1999. He also served as a law clerk for the Honorable Richard S. Cohen of the Superior Court of New Jersey from 1993 through 1994. From 2004 through 2006, Mr. Liston served on the Election Law Committee of the Association of the Bar of the City of New York. In addition to his legal career, Mr. Liston is an active participant in community matters in his Upper East Side neighborhood. Mr. Liston is a member of Manhattan Community Board 8, where he served as Board Chair from 2005 to 2008 and where he presently serves as Co-Chair of the Landmarks Committee. He is also President of the Holy Trinity Neighborhood Center, a community service program that provides shelter and a weekly dinner for homeless people and a weekly lunch for senior citizens, among other services. He served as Vice President of the 19th Precinct Community Council from 2002 to 2005. Mr. Liston, a Mayoral appointee, has been a Board member since May 2009.

*B.A., 1990, Rutgers College; J.D., 1993, Rutgers School of Law (Newark)*



### **Jules A. Martin, Esq.**

Mr. Martin is the Vice-President for Global Security and Crisis Management at New York University. In addition to his service with the CCRB, Mr. Martin serves as a member of the New York State Committee on Character and Fitness, for the Supreme Court, Appellate Division First Department, and has been a member in good standing since his appointment on June 20, 2002. Before joining NYU, he served as Chief of the Housing Bureau of the New York City Police Department from 1997 to 1998. Mr. Martin joined the Police Department in 1969, and held a number of positions prior to becoming the Executive Officer of the 113th Precinct in 1989. He was assigned to the Intelligence Division as Head of the Municipal Security Section in 1990. Mr. Martin is a member of the International Chiefs of Police, the National Association of Black Law Enforcement Executives, International Association of Campus Law Enforcement Administrators, the New York State Bar Association, the United States Supreme Court Bar, and served as a member of the 1997 White House fellowship panel. He attended the Police Management Institute at Columbia University in 1991. He served in the U.S. Navy from 1965- 1969. Mr. Martin, a Police Commissioner designee, has been a Board member since March 1999.

*B.A., 1976, John Jay College of Criminal Justice, City University of New York; M.P.A., 1979, C.W. Post, Long Island University; J.D., 1984, Brooklyn Law School*



### **Joseph Puma**

Mr. Puma's career in public and community service is exemplified by the various positions he has held in civil rights law, community-based organizations and local government. As a paralegal with the NAACP Legal Defense and Educational Fund (LDF), Mr. Puma worked on litigation teams handling cases involving criminal justice, voting rights, employment discrimination, and school desegregation. Prior to joining LDF, he worked for over six years at the NYC Office of Management and Budget (OMB), where he served as an intergovernmental liaison, policy and budget analyst, and legislative reference assistant. At OMB he monitored the potential effect of proposed federal, state, and city legislation on New York City's budget and coordinated OMB's response to myriad bills. From 2003 to 2004, he served as a community liaison for former NYC Councilmember Margarita López. Since 2007 Mr. Puma has been involved with Good Old Lower East Side (GOLES), a community organization helping residents with issues of housing, land use, employment, post-Sandy recovery and long-term planning, and environmental and public health. A lifelong New York City public housing resident, Mr. Puma currently serves on GOLES's Board of Directors, and has participated in Washington DC-based national efforts related to public housing preservation. Mr. Puma works part-time for the Commission on the Public's Health System while pursuing full-time a Master of Arts degree at Union Theological Seminary. Mr. Puma is the City Council designee from Manhattan and was appointed to the Board in December 2013.

*B.A., 2003, Yale University; Certificate (Legal Studies), 2009, Hunter College*



### **Tosano Simonetti**

Mr. Simonetti began his law enforcement career in 1957 patrolling the streets of Manhattan's Midtown South Precinct. During his career, he commanded the 9th, 120th, Midtown North and Midtown South Precincts, as well as Patrol Boroughs Staten Island and Brooklyn South. He was appointed First Deputy Police Commissioner by Police Commissioner Howard Safir in 1996. During his last month with the Police Department, Mr. Simonetti served as Acting Police Commissioner while Commissioner Safir recovered from heart surgery. After retiring from the Police Department, Mr. Simonetti became the Security Director for MacAndrew & Forbes Holdings Inc. Mr. Simonetti, a Police Commissioner designee, has been a Board member since April 1997.

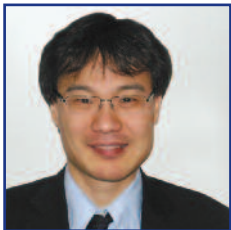
*B.A., 1965, Baruch College, City University of New York; M.A., 1975, John Jay College of Criminal Justice, City University of New York*



### **Bishop Mitchell G. Taylor**

A forty-year resident of Long Island City and former resident of the Queensbridge public housing development, Bishop Taylor has dedicated his pastoral career to serving his community. Bishop Taylor is the Senior Pastor of Center of Hope International, a non-denominational church located near the Queensbridge Houses. In addition to his work as a pastor, he is the President and CEO of Urban Upbound (formerly the East River Development Alliance), a not-for-profit organization he founded in 2004 to expand economic opportunity for public housing residents. Bishop Taylor has received the New York Public Library's 2005 Brooke Russell Astor award for his work with ERDA, and the Jewish Community Relations Council of New York's 2008 Martin Luther King, Jr. award, among many other awards. He has been profiled by leading media outlets for his leadership on public housing issues and is the author of *Unbroken Promises*. Bishop Taylor is a Commissioner on the NYC Charter Revision Commission. He has been the City Council's Queens designee on the Board since January of 2009.

*B.A., United Christian College, 1986*



### **Youngik Yoon, Esq.**

Mr. Yoon is a partner at Yoon & Hong, a general practice law firm in Queens. His areas of practice include immigration, matrimonial, real estate and business closings, and criminal defense. Mr. Yoon has provided legal services to the diverse communities of Queens and beyond since 1994. Mr. Yoon has been the City Council's Bronx designee on the Board since December 2003.

*B.A., 1991, City College, City University of New York; J.D., 1994, Albany Law School*

## Executive Staff

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Executive Director

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Deputy Executive Director, Administration

**Laura Edidin, Esq.**  
Deputy Executive Director, Administrative Prosecution Unit

**Denis McCormick**  
Deputy Executive Director, Investigations

**Marcos Soler**  
Deputy Executive Director, Policy and Strategic Initiatives

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Director of Mediation

**Jonathan Darche, Esq.**  
Deputy Chief Prosecutor, Administrative Prosecution Unit

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**Linda Sachs**  
Director of Communications

**Sheshe Segar**  
Director of Operations

## Investigative Managers

**Cecelia Holloway** Team 1

**Jessica Peña** Team 2

**Robert Rodriguez** Team 3

**Vanessa Rosen** Team 4

**Winsome Thelwell** Team 5

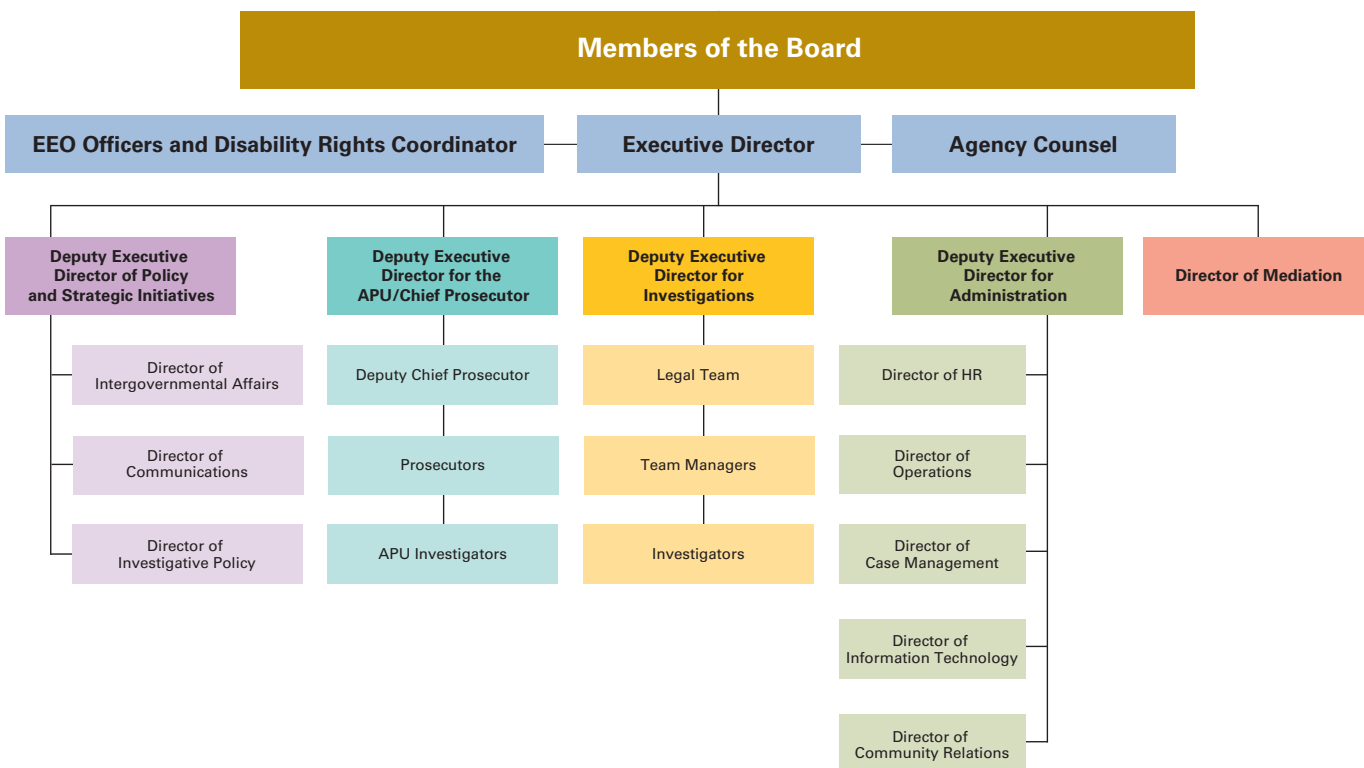
**Joy Almeyda** Team 6

## Legal Team

**Lauren Allerti, Esq.**  
Assistant Deputy Executive Director for Investigations

**Brian Krist, Esq.**  
Assistant Deputy Executive Director for Investigations

**Roger Smith, Esq.**  
Assistant Deputy Executive Director for Investigations and Director of Training



NEW YORK CITY CHARTER  
CHAPTER 18 - A  
CIVILIAN COMPLAINT REVIEW BOARD

§ 440. Public complaints against members of the police department. (a) It is in the interest of the people of the city of New York and the New York City police department that the investigation of complaints concerning misconduct by officers of the department towards members of the public be complete, thorough and impartial. These inquiries must be conducted fairly and independently, and in a manner in which the public and the police department have confidence. An independent civilian complaint review board is hereby established as a body comprised solely of members of the public with the authority to investigate allegations of police misconduct as provided in this section.

(b) Civilian complaint review board

1. The civilian complaint review board shall consist of thirteen members of the public appointed by the mayor, who shall be residents of the city of New York and shall reflect the diversity of the city's population. The members of the board shall be appointed as follows: (i) five members, one from each of the five boroughs, shall be designated by the city council; (ii) three members with experience as law enforcement professional shall be designated by the police commissioner; and (iii) the remaining five members shall be selected by the mayor. The mayor shall select one of the members to be chair.

2. No members of the board shall hold any other public office or employment. No members, except those designated by the police commissioner, shall have experience as law enforcement professionals, or be former employee of the New York City police department. For the purposes of this section, experience as law enforcement professionals shall include experience as a police officer, criminal investigator, special agent, or a managerial or supervisory employee who exercised substantial policy discretion on law enforcement matters, in a federal, state, or local law enforcement agency, other than experience as an attorney in a prosecutorial agency.

3. The members shall be appointed for terms of three years, except that of the members first appointed, four shall be appointed for terms of one year, of whom one shall have been designated by the council and two shall have been designated by the police commissioner, four shall be appointed for terms of two years, of whom two shall have been designated by the council, and five shall be appointed for terms of three years, of whom two shall have been designated by the council and one shall have been designated by the police commissioner.

4. In the event of a vacancy on the board during term of office of a member by a reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

(c) Powers and duties of the board.

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendation.

2. The board shall promulgate rules of procedures in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which a member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of complaints, and to hear, make findings and recommend action on such complaints. No such panel shall consist exclusively of members designated by the council, or designated by the police commissioner, or selected by the mayor.

3. The board, by majority vote of its members may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints submitted pursuant to this section.

4. The board shall establish a mediation program pursuant to which a complainant may voluntarily choose to resolve a complaint by means of informal conciliation.

5. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all complaints.

6. The board shall issue to the mayor and the city council a semi-annual report which describe its activities and summarize its actions.

7. The board shall have the responsibility of informing the public about the board and its duties, and shall develop and administer an on-going program for the education of the public regarding the provisions of its chapter.

(d) Cooperation of police department.

1. It shall be the duty of the police department to provide such assistance as the board may reasonably request, to cooperate fully with investigations by the board, and to provide to the board upon request records and other materials which are necessary for the investigation of complaints submitted pursuant to this section, except such records or materials that cannot be disclosed by law.

2. The police commissioner shall ensure that officers and employees of the police department appear before and respond to inquiries of the board and its civilian investigators in connection with the investigation of complaints submitted pursuant to this section, provided that such inquiries are conducted in accordance with department procedures for interrogation of members.

3. The police commissioner shall report to the board on any action taken in cases in which the board submitted a finding or recommendation to the police commissioner with respect to a complaint.

(e) The provisions of this section shall not be construed to limit or impair the authority of the police commissioner to discipline members of the department. Nor shall the provisions of this section be construed to limit the rights of members of the department with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law or otherwise.

(f) The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of member of the department for violations of law by any court of competent jurisdiction, a grand jury, district attorney, or other authorized officer, agency or body.

*"It is in the interest of the people of the City of New York and the New York City Police Department that the investigation of complaints concerning misconduct by officers of the department towards members of the public be complete, thorough and impartial. These inquiries must be conducted fairly and independently, and in a manner in which the public and the police department have confidence. An independent civilian complaint review board is hereby established..."*

*(NYC Charter, Chapter 18-A, effective July 4, 1993)*



## **CIVILIAN COMPLAINT REVIEW BOARD**

100 Church St., 10<sup>th</sup> Floor, New York, NY 10007

**General Information and Complaints**

Dial: 212-912-7235 or 311 | Outside NYC: 212-NEW-YORK

[www.nyc.gov/ccrb](http://www.nyc.gov/ccrb)