



BILL DE BLASIO
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb

RICHARD D. EMERY, ESQ.
CHAIR
TRACY CATAPANO-FOX, ESQ.
EXECUTIVE DIRECTOR

EXECUTIVE DIRECTOR'S REPORT TO THE BOARD
August 13, 2014

The CCRB received 442 complaints within its jurisdiction in July 2014. This was 68 fewer complaints than in the same period of 2013, when the CCRB received 510 complaints. The total intake for the month of July 2014 was 1,218 cases. [page 5 of the report]

The Board closed 465 cases in July, that is 2,907 cases year-to-date. In the first seven months of 2014, the Board closed 1,078 full investigations, including 155 substantiated complaints. Year-to-date, the substantiation rate is 14.4%. [page 8 of the report]

In July, civilians and officers mediated 14 cases. Year-to-date, CCRB has mediated 95 cases. In July, the CCRB closed 18 cases as mediation attempted. From January through July, the Board closed 101 cases as "mediation attempted." [page 8 of the report]

The numbers for June 2014 have been adjusted. We initially reported that we received 517 complaints. We can now report we received 488 complaints. The numbers for January through June 2014 have been also adjusted. The total number of complaints received from January through June 2014 is 2,703, and not 2,739 as originally reported. [page 6 of the report]

From January through July 2014, the CCRB received 3,145 complaints. That is 83 more than in the same period of 2013, when the CCRB received 3,062 complaints. Year-to-date, the CCRB has received 3% more complaints than in the same period last year. [page 5 of the report]

The detailed monthly statistical report includes two forms of reporting on the disposition of CCRB cases: the first report indicates the truncation rate [page 8 of the report] and the second report provides the case resolution rate [page 9 of the report].

From January through July, the amended truncation rate, which excludes cases closed as complaint withdrawn, is 47%. In the same period of 2013, the truncation rate was 57%. From January through July 2014, the case resolution rate is 44%. In the same period of 2013, this rate was 33%.

The agency's docket at the end of July 31, 2014 was 2,605 cases. This was a 2% decrease of the open docket of June, when it was 2,662. Measured by the date the CCRB received the complaints, 94% of our open investigations stem from complaints filed within the last year, and 66% were filed in the last four months. [page 1 of the report]

Of those 2,605 open cases, 548 were awaiting panel review, (21% of the docket); 1,834 were being investigated (70% of the docket) and 223 cases were in the mediation program (9% of the docket.) [page 2 of the report]

By date of incident, 12 cases in the CCRB's open docket were 18 months and older. This was .5% of the open docket. This is 1 fewer case than in June 2014 when there were 13 such cases. [page 3 of the report]

The breakdown of July 2014 SOL cases is as follows: 5 cases are currently pending Board review. Of these 5 cases, one case was previously returned by the Board for further investigation, one case was re-opened and two cases were filed late. The SOL crime exception applies in 3 of these cases. [page 3 of the report]

Of the remaining 7 open investigations, the SOL crime exception applies to 6 cases. 3 cases are on DA hold; 3 cases were filed months after the date of incident; and 1 case was re-opened months after it was originally closed. [page 3 of the report]

In June 2014, the Police Department closed 3 substantiated cases involving 4 officers. Of these 4 officers, 1 officer was found guilty and lost 3 vacation days, the Department declined to prosecute cases against 1 officer and the Statute of Limitations expired in 1 case against two officers. In June, the department's disciplinary action rate was 25%, and 58.5% year-to-date. The year-to-date rate, in which the Police Department has declined to prosecute, is 24.5%. [page 26 of the report]

In July 2014, the Board substantiated 12 cases with a recommendation of Charges and Specifications. These cases were forwarded to the APU. [page 10 of the report]

At the end of July, the open docket of the APU consisted of 215 cases. In one case, the Police Commissioner disapproved a plea agreement and we are awaiting his final disposition of the case. In 25 cases pleas have been entered and are awaiting approval by the Police Commissioner; in 3 cases a trial verdict was rendered and is awaiting approval by the Police Commissioner; 25 trials were completed and are awaiting verdicts; 9 trials were commenced but not completed; 43 trials are scheduled; 29 cases are calendared for court appearances; 44 cases are awaiting their initial court appearance after charges have been served; in 13 cases charges have been filed but are awaiting service; and 23 cases are awaiting the filing of charges. [page 34 of the report]

The Police Commissioner finalized two APU pleas in July 2014. In the first case, the Police Commissioner imposed the forfeiture of fifteen vacation days, consistent with the plea agreement. In the second case, the Respondent entered into a plea agreement with the APU in which he agreed to plead *Nolo contendere* to the unlawful stop of a person and accept the

forfeiture of five vacation days. The Police Commissioner disapproved the plea and dismissed the charge against the Respondent.

The APU statistics also reflect one additional plea finalized by the Police Commissioner in June 2014 but not previously reported. In that case, the Police Commissioner accepted the Respondent's plea of guilty but increased the penalty from eight to ten forfeited vacation days.

In July 2014, the Police Commissioner retained one APU case and declined to take any disciplinary action against the Respondent. Last month we reported that the Police Commissioner had retained a two respondent APU case but we did not report his final determination with regard to penalty. We can now report that the Police Commissioner has ordered that both Respondents receive formalized training from the Department's Legal Bureau regarding automobile searches.

[pages 35 & 36 of the report]