

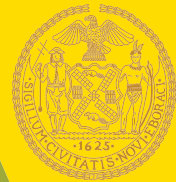
**NYC**

# **CIVILIAN COMPLAINT REVIEW BOARD**

MICHAEL R. BLOOMBERG, Mayor | DANIEL D. CHU, Chair

**POLICE MISCONDUCT  
COMPLAINTS  
MEDIATION  
INVESTIGATIONS  
ADMINISTRATIVE  
PROSECUTIONS**

**2012**



**Annual Report**



# 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 investigative staff, composed entirely of civilian employees, conducts investigations in an impartial fashion. The Board forwards its findings and recommendations to the Police Commissioner.

## **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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DANIEL D. CHU  
CHAIR

JOAN M. THOMPSON  
EXECUTIVE DIRECTOR

June 2013

Dear Fellow New Yorkers:

As Chairman of the NYC Civilian Complaint Review Board, I am pleased to present our status report for calendar year 2012.

Two years ago when I was appointed to my position, I stated that my focus for the agency would be on enhancing communication between the CCRB and the NYPD, between the CCRB and the public and between the public and the NYPD. In 2012, we made significant achievements in these three areas.

The enhanced communication between the CCRB and the NYPD resulted in a historic agreement that redefines the mission of the CCRB and enhances its role in providing police oversight in New York City. Under the new policy framework, the CCRB established an Administrative Prosecution Unit (APU), which now prosecutes cases where the Board has found police misconduct, rather than sending such cases to be prosecuted by the NYPD. Important elements of the agreement will bring transparency to the disciplinary process, increasing public confidence that officers who commit misconduct will be subjected to vigorous and effective prosecution.

The communication between the CCRB and the public was also strong. In seeking to address grievances, members of the public filed over 14,000 complaints, of which 5,763 were within the purview of our jurisdiction. With the cooperation of complainants and witnesses, we fully investigated 1,279 cases and substantiated 189 complaints. We also conducted more than 100 outreach presentations citywide and, through the agency's Ambassador Internship Program, reached out specifically to youth living in public housing.

Our mediation program continued to provide a forum to facilitate communication and mutual understanding between civilians and police officers. In 2012, the CCRB closed 285 complaints through this program, or 18% of all case resolutions. More importantly, when officers and civilians have agreed to sit down together during a guided mediation session to discuss the incident, nine out of ten such cases are successfully resolved.

My goals for 2013 are to strengthen our investigations, solidify our prosecution program and to further increase the reach of our mediation and outreach initiatives. I look forward to working with my fellow Board members and the CCRB's staff in continuing to serve the people of New York City.

Yours truly,

A handwritten signature in blue ink that reads 'Daniel D. Chu'.

Daniel D. Chu, Esq.

## Number of Complaints Received

The CCRB received 5,763 complaints within its jurisdiction in 2012. This is a 3% decrease from 2011, when 5,969 complaints were filed, and a 22% decrease from 2008, when there were 7,395.

The 2012 complaint level represents a decrease of over 16% when compared to the average number of annual complaints filed from 2008 to 2011. During that period, the CCRB received 6,873 complaints, on average. The number of complaints received in 2012 is the lowest since 2003 when the CCRB received 5,556 complaints.

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 8,828 referrals in 2012. This is a 13% decrease from 2011, when there were 10,112 referrals and a 17% decrease from 2008, when there were 10,606.

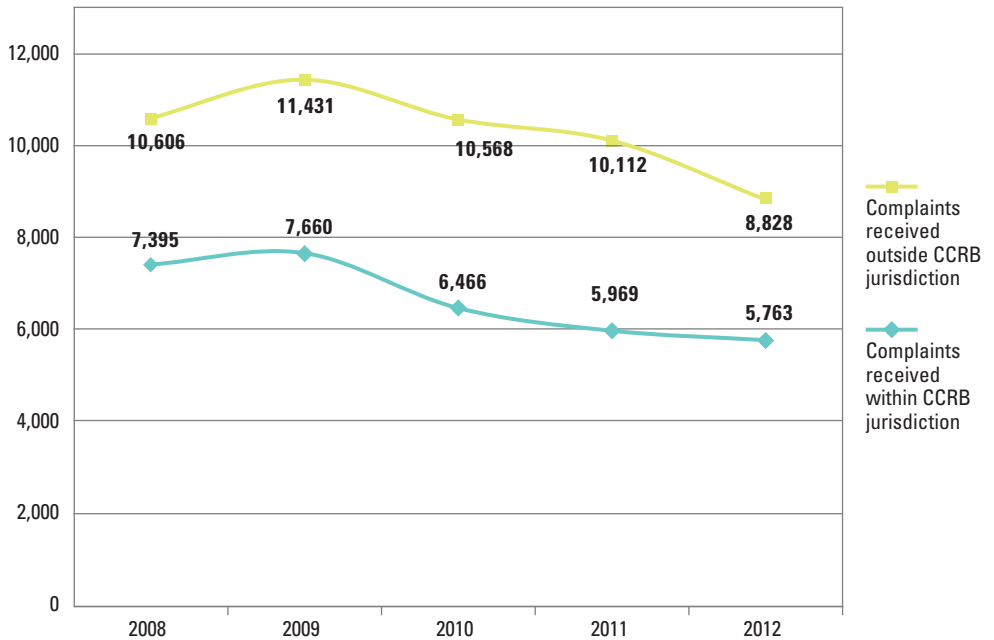
In 2012, the number of total filings made by the public (complaints handled by the CCRB and complaints referred elsewhere) decreased by 9%, from 16,081 in 2011 to 14,591 in 2012, and decreased 19% from 2008, when 18,001 total filings were made. The number of filings in 2012 is the lowest number of total filings since 2004 when the CCRB received 12,572. (All numbers subsequently discussed in this report stem from only those complaints that are within the agency's jurisdiction).

From 2008 to 2011, the percentage of complaints received within our jurisdiction, as a percentage of total filings, steadily decreased from 41% in 2008 to 37% in 2011. In 2012, it increased to 39%.

## The Effect of Hurricane Sandy on Complaint Activity

On October 28, 2012, in preparation for 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

## Total Complaints Received 2008-2012



flooded and the agency lost electricity, phone service and access to its computer servers and physical space.

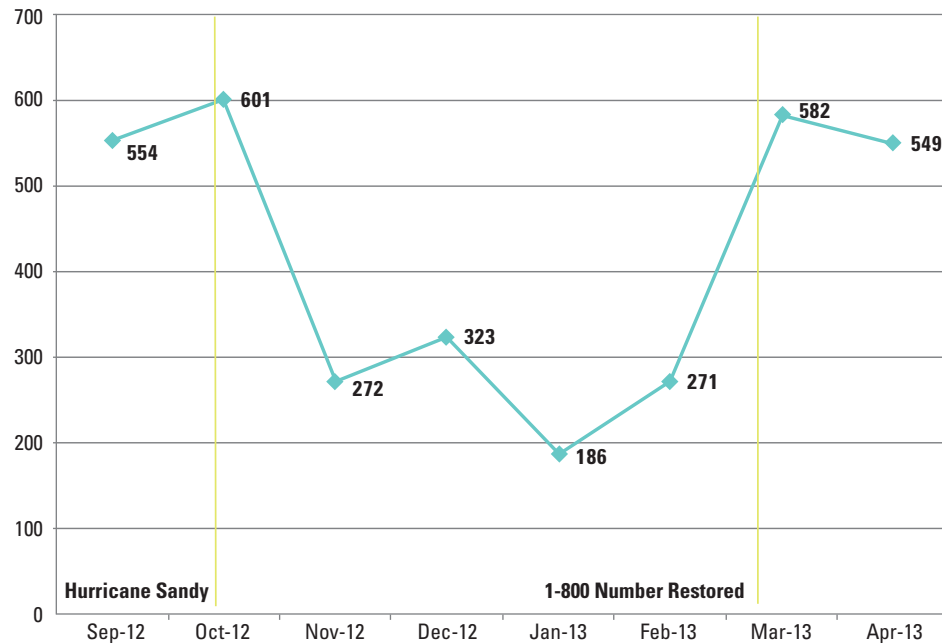
In addition, the toll-free 800 number used for complaint intake became inoperative. Although an alternative 212 number was established one week after the storm, complaints dropped precipitously. This decline appears to stem from the fact that the city's 311 service center no longer transferred callers 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.

Before Sandy, the annual number of complaints filed was up by 1%, from 5,071 complaints during January to October 2011 to 5,131 complaints during January to October 2012. Furthermore, compared to the first half of 2012, complaints for the second half, from July through October 2012, were up by 18%, from 483 to 572 complaints per month.

After the storm, on average there were nine complaints filed daily from November 2012 through February 2013, a decrease of 47% compared to the daily average in the first 10 months of 2012, which was 17. Before Sandy, the CCRB received 514 complaints per month; after Sandy, there were 272 complaints per month.



## Hurricane Sandy Effects on Complaint Activity



From November 2012 through February 2013, the number of total filings decreased by 61%. Before Sandy, the CCRB had a total intake of 1,347 filings per month; after Sandy, it had a total intake of 529 filings per month. (Total filings = complaints within jurisdiction and those referred out.)

During this post-storm period, complaints filed directly with the CCRB decreased by 64% and complaints filed with the police department decreased by 22%. The most significant decrease was in complaints filed with the CCRB by phone, an 86% drop. By contrast, complaints filed by email increased by 48%. In absolute numbers, we received a monthly average of 249 complaints by phone before Sandy and a monthly average of 34 complaints by phone after Sandy.

In the aftermath of the storm, civilians called the city's 311 center regarding the CCRB an average of 27 times per day, a 19% decrease from an average of 34 calls before the hurricane. Also, the number of calls 311 transferred directly to the CCRB decreased significantly. Before Sandy, 311 transferred 21 calls per day to the CCRB (or 629 per month). After Sandy, 311 transferred 0.4 calls per day to the CCRB (or 14 per month).

In March 2013, all agency services were restored and the 800-number became fully operational. Complaint activity went back to normal levels. That month, the agency received

611 complaints within its jurisdiction, the same as in October 2012, and a total intake of 1,067 filings.

### Method of Filing

In the past, the CCRB has noted that after its introduction in 2003, the city's 311-system contributed to an upward trend in complaints by making it easier to contact the agency. When the 311 service center receives CCRB-related inquiries, it either transfers these calls to the CCRB intake center or provides the callers with requested information. In six out of ten calls, the caller is transferred directly to the CCRB. Also, 44% of all complaints are filed by phone with the CCRB, including calls that originate with 311.

In 2012, the 311-system transferred 6,327 calls to the CCRB out of 11,935 calls it received regarding the CCRB. This is a 20% decrease from 2011 when 7,866 calls were transferred, out of 13,214 calls received by 311. Approximately 18% of total complaints filed with the CCRB in 2012 were the result of 311 transfers. Not all 311 calls transferred to the agency were complaints within the CCRB's jurisdiction.

The CCRB tracks complaint intake by another important measure – where complaints are reported. There are two broad categories: one is a complaint filed directly with the CCRB (including those transferred from 311) deemed “CCRB-filed;” and two, a complaint filed with the NYPD or “NYPD-filed.” From 2008 to 2012, 60% of all complaints were filed with the CCRB. Ninety-five percent of NYPD-filed complaints were made to IAB, with the rest mostly made at police station houses. From there, they were referred to the CCRB.

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 NYPD has decreased by 13%. Also, every year reveals a different pattern. The number of complaints filed with the NYPD increased 10% from 2,743 in 2008 to 3,015 in 2009. The number of NYPD-filed complaints then decreased by 24% in the following two years, to 2,683 in 2010 and to 2,278 in 2011. This past year, there was a slight increase of 5% to 2,381 complaints. NYPD-filed complaints were 37% of the total in 2008; 39% in 2009; 42% in 2010; 38% in 2011; and 41% in 2012.

Not all complaints filed with the NYPD were deemed to be complaints within the CCRB's jurisdiction. The number of total complaints referred to the CCRB from the police department increased from 3,432 in 2008 to 3,966 in 2009 and to 4,098 in 2010. Then the number of referrals decreased to 3,547 in 2011 and 3,461 in 2012. In 2008, the CCRB kept 80% of all complaints the department referred. That percentage decreased to 65% and 64% in 2010 and 2011. In 2012, the rate was 69%.

During this period of fluctuation in NYPD-filed complaints, the number of CCRB-filed complaints went down each year. From 2008 through 2012, the total decrease was 27%, from 4,642 to 3,369. There were 4,630 CCRB-filed complaints in 2009, 3,774 in 2010 and 3,677 in 2011. The decrease from 2011 to 2012 was 8%.

The CCRB also tracks the four basic ways that civilians file complaints directly with the agency: by phone, in person, by letter or fax, or online. Seventy-six percent of CCRB-filed complaints were made by phone in 2012, compared to 84% in 2008. The number of phone complaints decreased by 34% in five years, from 3,896 in 2008 to 2,557 in 2012. The proportion of complaints filed by email increased from 9% in 2008 to 18% in 2012, from 431 to 610.

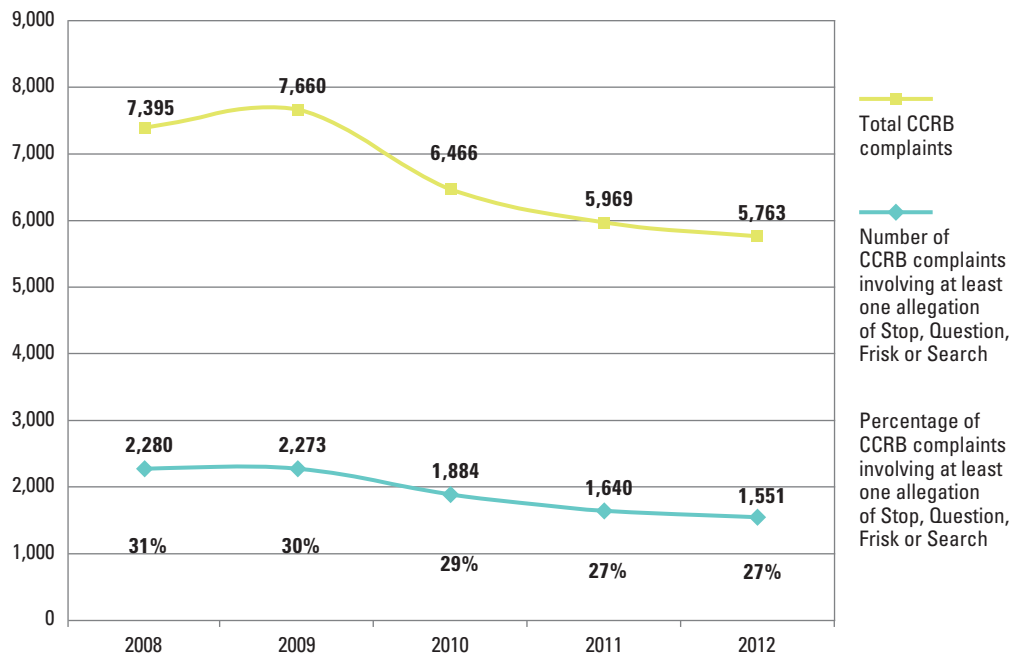
The impact of technology in facilitating filing of a complaint is reflected in the proportion of complaints filed directly with the CCRB within the first 24 hours after the incident or the same day. In 2012, 55% of CCRB-filed complaints were made within 24 hours of the incident, while 35% were made on the same day.

### Stop-and-Frisk Complaints

During the last five years, approximately 30% of all CCRB complaints involved allegations of improper stop, question, frisk or search. However, the percentage of CCRB complaints involving, at least, one street stop allegation has decreased by four percentage points, from 31% in 2008 to 27% in 2012.

In 2012, the number of stop-and-frisk complaints continued to decrease. In 2012, the CCRB received 1,551 stop-and-frisk complaints as compared to the 1,640 received

## Complaints Received vs. Percentage of Complaints Involving Stop, Question, Frisk and Search Allegations 2008-2012



in 2011. This is a 5% decrease. Since 2008, the number of stop-and-frisk complaints has decreased by 32%.

After years of increases, the number of NYPD documented stop-and-frisk encounters decreased in 2012 by 22%, from 685,724 documented encounters to 533,042. The number of documented encounters in 2012 was roughly similar to the 540,302 encounters documented in 2008.

In the last five years, the ratio of stop-related complaints to documented stop-and-frisk encounters has changed. In 2008, the CCRB received one stop-and-frisk complaint per 233 encounters. Since then, the ratio has increased each year except for 2012. There was one complaint per 253 encounters in 2009, one per 319 in 2010, one per 418 in 2011, and one complaint per 344 encounters in 2012.

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 shows that a stop alone is not likely to result in a complaint, but rather that other factors contribute.

In 2012, of the 532,911 documented street encounters: 6% led to an arrest and 5% to the issuance of summonses; in 56% there was a frisk; and a search was documented in 8% of encounters. By comparison, of the 1,551 stop-and-frisk complaints: 24% stemmed from an encounter leading

to an arrest and 16% where a summons was issued; in 36% the complainant was frisked; and in 58% of these cases, the complainant was searched.

The data shows that while police appear to be conducting searches in only 9% of street encounters, CCRB's complainants are most likely to file a complaint when they have been searched. In 2012, 902 out of the 1,551 complaints stemming from a street encounter contained a search allegation, 58%. By comparison, in 2008, 52% of all stop-and-frisk complaints contained a search 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 2012, one complaint was filed for every 49 stops in which the suspect was searched. It was 59 in 2011.

In 2012, 39% of stop-and-frisk complaints included an allegation of force. By comparison, in 2008 and 2011, force was present in 47% and 33% of stop-and-frisk cases, respectively.

### 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 shows 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 on the street. In 2012, 24% of all complaints had this as the apparent reason for contact, which is three percentage points lower than in 2011. The actual number of these complaints fell 23%, from 1,783 in 2008 to 1,368 in 2012.

Approximately 35% percent of all CCRB complaints stemmed from an encounter in which police apparently suspected the civilian of committing a crime. In this sense, 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 11%, from 1,589,623 in 2011 to 1,406,439 in 2012.<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. From 2008 to 2012, complaints attributed to specialized bureaus, such as Housing, Detectives, Organized Crime, and Transit declined by 33%. From 2011 to 2012, the decline was 10%. This contrasts with complaints attributed to the Patrol Services Bureau, which includes the patrol boroughs, special operations, and other patrol commands, which decreased by 9% from 2011 to 2012 and by 4% from 2008 to 2012.

(See the online appendices, Table 14, [www.nyc.gov/ccrb](http://www.nyc.gov/ccrb)). Only two patrol boroughs had higher complaint levels in 2012 than in 2011, Brooklyn South (+3%) and Staten Island (+16%). Special Operations Division (-56%) and Organized Crime Control Bureau (-27%) had the highest decreases in complaints attributed.)

The CCRB also looks at whether an encounter leading to a complaint involved an arrest or summons. In 2012, 48% of all complaints involved no arrest or summons. In actual numbers, from 2008 to 2012, these complaints fell 22%, from 3,448 in 2008 to 2,708 in 2012. Thirty-seven percent of all complaints involved an arrest, identical to 2011. In actual numbers, these complaints fell 21%, from 2,648 in 2008 to 2,103 in 2012. Fifteen percent of all complaints involved the issuance of a summons, nearly identical to in the 17% in 2011. In actual numbers, these complaints fell 29%, from 1,226 in 2008 to 868 in 2012.

### 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 has declined, there has been no significant change in the nature of complaints and the patterns in allegations were generally consistent from 2008 to 2012.

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 2011 to 2012. In 2012, 50% of all complaints contained one or more force allegations, compared to 48% in 2011. Sixty percent contained one or more abuse of authority allegations, compared to 61% in 2011. Forty-one percent contained one or more discourtesy allegations, down from 43% in 2011. The proportion of complaints containing one or

<sup>1</sup> Breakdown of these categories: Arrests – 400,381 in 2008; 420,095 in 2009; 421,179 in 2010; 413,573 in 2011; and 397,166 in 2012. Summonses – 506,863 in 2008; 540,735 in 2009; 535,431 in 2010; 490,326 in 2011; and 476,361 in 2012. Stop and Frisk Reports – 531,159 in 2008; 575,304 in 2009; 601,055 in 2010; 685,724 in 2011; and 532,911 in 2012.



more allegations of offensive language was 8% in 2011 and 2012. (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 2012, there were 3,738 physical force allegations, accounting for 72% of the general force category. The percentage of force allegations characterized as physical force has remained roughly unchanged since 2008.

Another common allegation in the force category is “gun pointed,” with 298 such allegations in 2012, or 6% of force allegations. By contrast, “gun fired” allegations are quite rare, 10 allegations in 2012 or 0.2%. Also of note, in 2012, the CCRB received 228 allegations regarding improper use of pepper spray, or 4% of all force allegations, down from 6% the year earlier. It also received 254 allegations regarding the use of nightsticks, 5% 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 unchanged in recent years. As a percentage of total allegations received by the agency, stop, question, frisk and search allegations comprised 21% in 2012, which is the same as in 2011. Stop, question, frisk and search allegations were 41% of all allegations in the abuse of authority category. This statistic is representative of the most recent 5-year average beginning in 2008, when stop, question, frisk and search allegations were 40% of all abuse of authority allegations, compared to 42% in 2009, 43% in 2010, and 44% in 2011.

Allegations categorized as “premises entered and/or searched,” were 10% percent of allegations in the abuse of authority category in 2012. The allegations of “vehicle stop” and “vehicle search,” were a combined 11%. Other notable allegations include “threats of arrest,” which were 8% and “refusal to provide name and/or shield number” which represented 9% of abuse of authority allegations.

In the discourtesy category, “words” accounted for 94% or 2,850

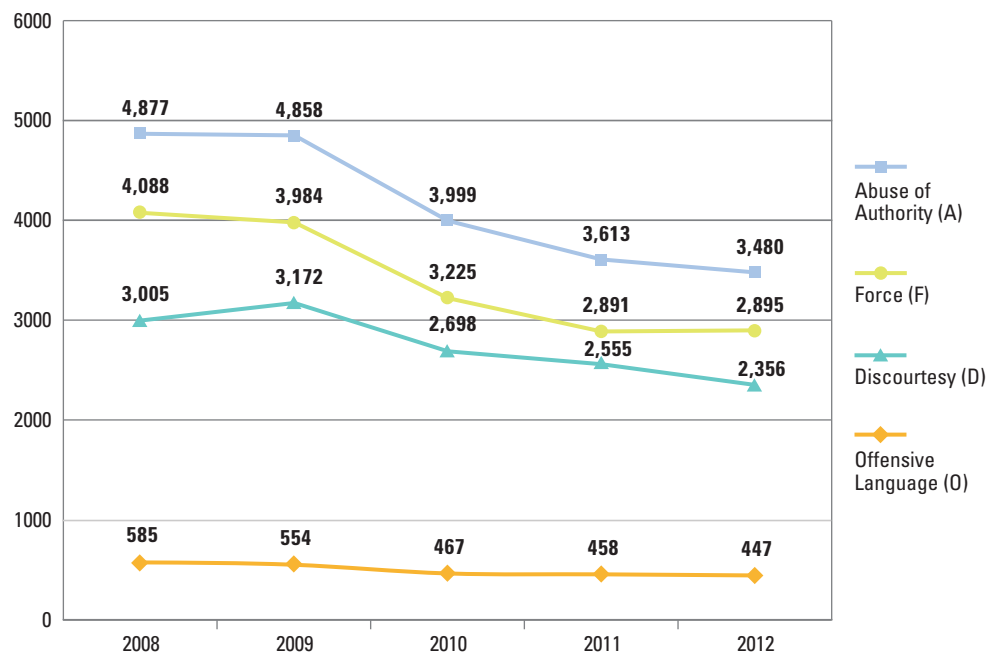
allegations in total. Only 5% of discourtesy allegations involved “actions,” which are defined as gestures, actions or tone of voice.

Distinct from the discourtesy category is offensive language, which includes slurs, derogatory remarks and gestures based on race, ethnicity, religion, gender, sexual orientation or an apparent or real disability. Offensive language allegations make up a relatively small portion of all allegations received by the CCRB. In 2012, there were 512 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 2012, 70% or 356 of all offensive language allegations involved the use of racially offensive terms. There were 51 gender-based offensive language allegations and 64 allegations were based on terms associated with sexual orientation. These numbers are consistent with past years.

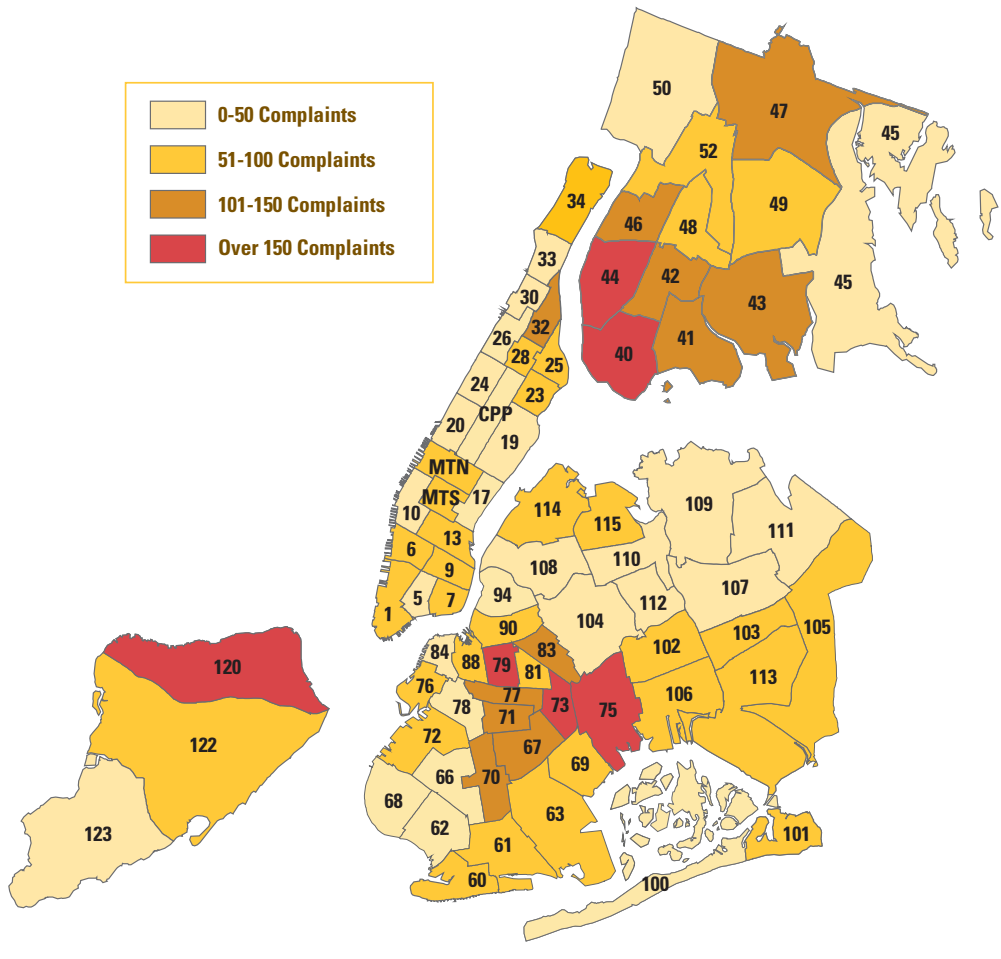
**Location of Incidents Resulting in Complaints**

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.

**Number of Cases Having at Least One Allegation in the Different Categories of Misconduct 2008-2012**



## Density of Complaint Filings January-December 2012 by Precinct



While complaint filings have decreased, the relative distribution of complaints has not changed significantly. The proportion of incidents that occurred in Manhattan increased from 22% of all complaints in 2011, to 23% in 2012. The proportion of incidents that occurred in Brooklyn remained the same at 35%. The Bronx decreased from 24% in 2011 to 22% in 2012, while Staten Island increased from 4% to 5%. Queens had the same share of complaints in both years accounting for 15% of incidents that led to a complaint.

Comparing total number of incidents in 2011 to 2012, 12% more complaints stemmed from incidents taking place in Staten Island. There was a decline in the other boroughs: in Manhattan it was 1%, Queens was 2%, Brooklyn was 3%, and the Bronx was 16%. In actual numbers, there were 53 more complaints from Staten Island, 202 fewer from the Bronx, 56 fewer from Brooklyn, 16 fewer from Queens, and 13 fewer from Manhattan.

As in past years, the borough generating the greatest number of complaints was Brooklyn, with 1,954 complaints. Brooklyn's neighboring 73rd and 75th Precincts continue to have the highest numbers anywhere in the city, with 204 and 286 complaints respectively. The Bronx had 1,254, the second-highest number. The 40th, 44th, 46th and 47th Precincts continue to have a relatively high number, with at least 125 complaints each.

### Characteristics of Alleged Victims

Characteristics of alleged victims in CCRB complaints in terms of race and gender have been consistent over time and have 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. In 2012, as in previous years, African-Americans were overrepresented as alleged victims. Although making up 23% of the city's population, they are 57% of the alleged victims. On the other hand, whites and

Asians were a disproportionately low percentage of alleged victims. In 2012, 12% of alleged victims were white, and 2% were Asian, though they make up 35% and 12% of the city's population respectively. The percentage of Latino victims was comparable to the population. Latinos 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 between 56% and 58% of all alleged victims being African-American. Latinos have consistently made up between 25% and 27% of alleged victims, and whites between 12% and 13%. Asians have never made up less than 2% or more than 3% of all alleged victims. Each year, approximately 2-3% of alleged victims are classified as "other."

In 2012, consistent with past years, males were overrepresented as the alleged victims in CCRB complaints.

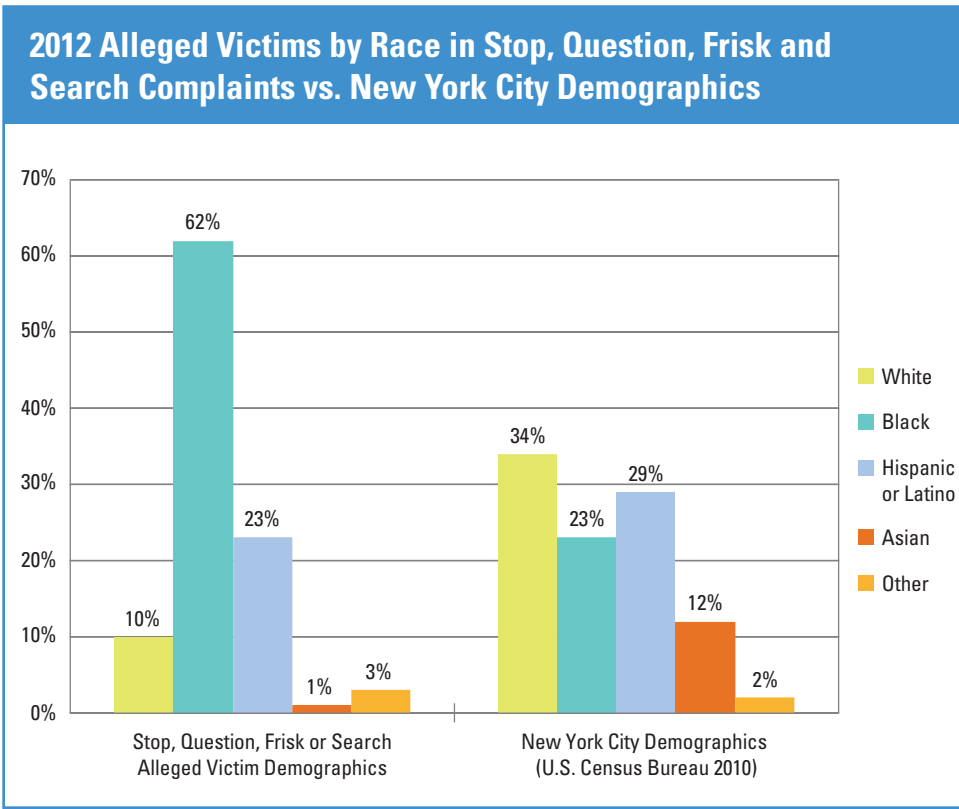
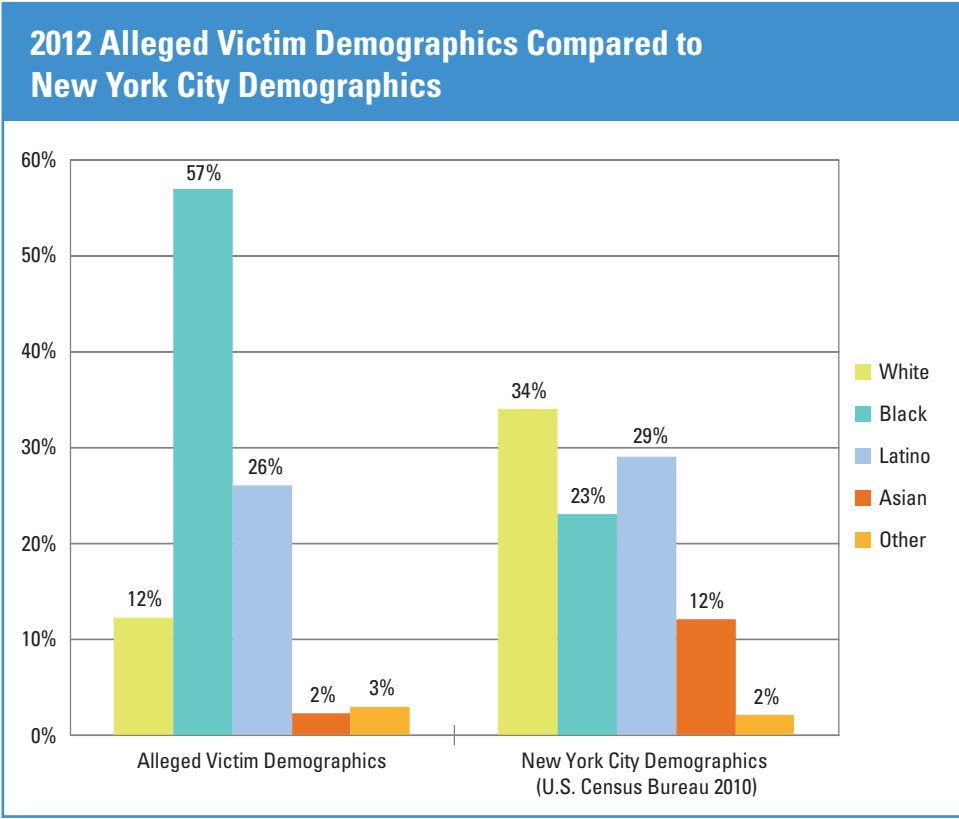
While males make up 48% of the NYC population, they were 71% of alleged victims.

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 2012 present differing variations depending on race. In 2012, 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 2008 to 2011. In these same types of cases, the percentage of white alleged victims stayed at 10%. Latinos were 23%, which is slightly higher, 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 1,200 in 2011 to 1,006 in 2012. At the same time, the number of Latinos decreased from 481 in 2011 to 377 in 2012. White alleged victims decreased from 176 to 164. The demographic statistics were the same regardless of whether or not a frisk and search was part of the complaint.

**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 2012 when 49% of subject officers were white, and whites were 52% of the department; 18% of subject officers were black, while black officers were 16% of the department; 28% were Latino, while Latinos 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 2012, consistent with the past five years, male officers were subjects of 90% of all complaints while making up 83% of the department.



## 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 333 days to complete a full investigation in 2012, an increase of 17% from the average of 284 days in 2011. 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 2012, the average time for step one was

288 days, which was 61 days longer than in 2011. Step two was 45 days, twelve fewer days than in 2011.

The time needed to complete a substantiated investigation took an average of 422 days, a 22% increase from the average of 346 days in 2011.

In 2012, 82% of cases referred to the police department for discipline were one-year or older. 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% to 46%.

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

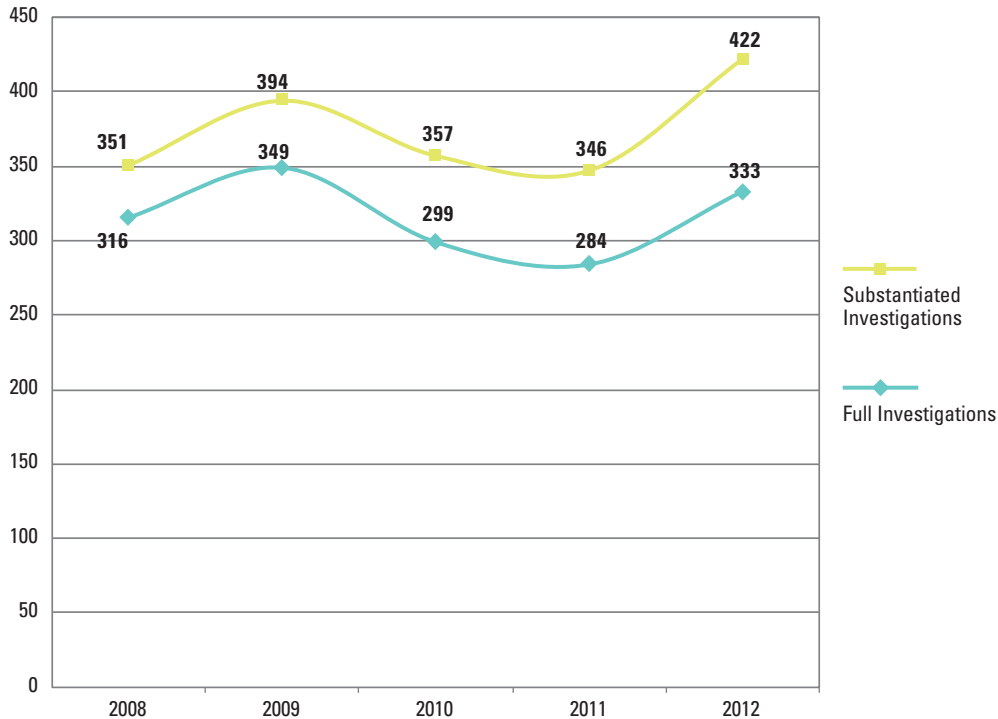
## Docket Size

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 2012 was 4,109 complaints, an increase of 1,440 cases (54%) from 2011. The 2011 open docket was the lowest since 2002.

Two factors explain the increase in the year-end open docket. First, the board closed fewer complaints in 2012 than in 2011. It closed 6,107 cases in 2011 compared to 4,346 cases in 2012. This meant the board closed fewer complaints than it received.

## Average Number of Days to Investigate a Complaint 2008-2012



Adjusting the number of board closures by the number of cases available for closure (cases received in that year plus the open docket from the prior year), the board closed 52% of all cases available in 2012, while it closed 70% in 2011.

The second reason for the increase in the year-end docket 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, or 13% of the open docket.

Despite these two factors, the average number of cases completed per investigator continued to be high. In 2011, the average number of cases completed per investigator per month was 5.6 and six cases per month in 2012.

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

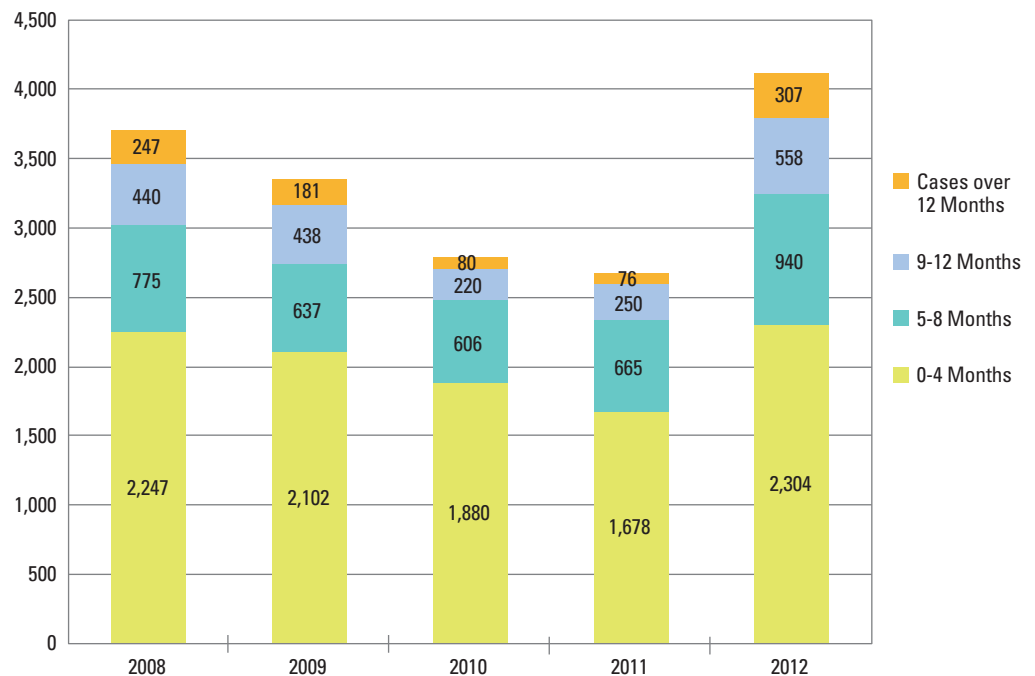
### Age of the Docket

The greater the percentage of newer complaints in an open docket, the better the productivity. At the end of 2012, 56% of open complaints – 2,304 – were four months old or less from the date of filing. This is 7% lower than 2011, when 63% of open complaints were four months old or less.

At the same time, the percentage of old cases increased. In 2012, complaints 12 months and older from the date of filing were 10% of the docket. This was six percentage points higher than in 2011.

In looking at the age of the docket from the perspective of the date of incident, there was also a decline in performance. 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.

### Size and Age of Open Docket 2008-2012





## 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 acts of misconduct. In contrast, an allegation is the specific act of misconduct that the civilian alleges occurred. It is an unproven accusation that a police officer violated a policy, procedure, rule, regulation or law which may ultimately lead to discipline. 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 2012, the CCRB completed 1,279 full investigations, substantiating at least one allegation in 189 complaints, or 15%.

This 2012 substantiation rate was seven percentage points higher than the substantiation rate in 2011. From 2008 to 2010, the substantiation rate fluctuated: it was 7% in 2008 and 2009 and 11% in 2010. In actual numbers, there were more substantiated cases in 2012, 189, than in 2011, 160. The board substantiated 161 in 2008, 197 in 2009, and 260 in 2010.

In the analysis of complaint dispositions, another relevant statistic is the truncation rate. The average truncation rate for the past five years was 63%. It was 65% in 2008, 64% in 2009, 61% in 2010, 62% in 2011 and 64% in 2012.

The CCRB has analyzed the following main factors affecting the truncation rate: characteristics of complaint filings, demographics, incident-related variables, and internal factors. Our main findings are highlighted here.

There was a 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 60%. The truncation rate for complaints filed with the police department was 74%. 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 significant for those 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 2012, 8% of all cases filed with the CCRB were closed as complainant unavailable, compared to 20% of all cases filed with the NYPD.

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, 63% of all complaints filed by phone, 61% by e-mail and 47% filed by mail were truncated. Eighty-one percent of complaints filed with the CCRB are filed by phone, 14% by email, 3% in person and 2% by mail.

Complaints were more likely to be truncated if filed or reported on the same day as the incident (64%) and less likely if they were filed 8 or more days after the incident (53%). The percentage of complaints filed within 1 to 7 days from the date of incident increased from 52% in 2011 to 59% in 2012. Eighty-three percent of complaints are filed within a week of the incident.

In 2012, complaints filed by whites and Hispanics had a slightly higher truncation rate than complaints filed by blacks and Asians. By gender, the truncation rate was identical. Also, from 2008 to 2012, race and gender were not significant predictors of truncation (except for Asians having a lower truncation rate than all other groups).

The age of the complainant and/or alleged victim was a factor affecting the truncation rate. The older the complainant and/or alleged victim, the lower the truncation rate (except for complainants and/or victims 14 and under who are accompanied by an adult). Sixty-one percent of complaints filed by complainants and/or alleged victims 15 to 24 years old truncated. That percentage decreases with age. Complaints involving complainants and/or alleged victims who are fifty-five and older were the least likely to be truncated.

The more complainants and/or alleged victims that were involved in the complaint, the lower the truncation rate. In 2012, 66% of cases with one or two complainants and/or alleged victims were truncated. In contrast, 29% of cases with five or more complainants and/or alleged victims were truncated.

Force complaints were more likely to be truncated than non-force complaints, 69% v. 62%. However, force complaints with alleged injuries were less likely to be truncated than force cases without injuries, 60% v. 74%. The result is that a force complaint with injury is slightly less likely to truncate than a non-force case.

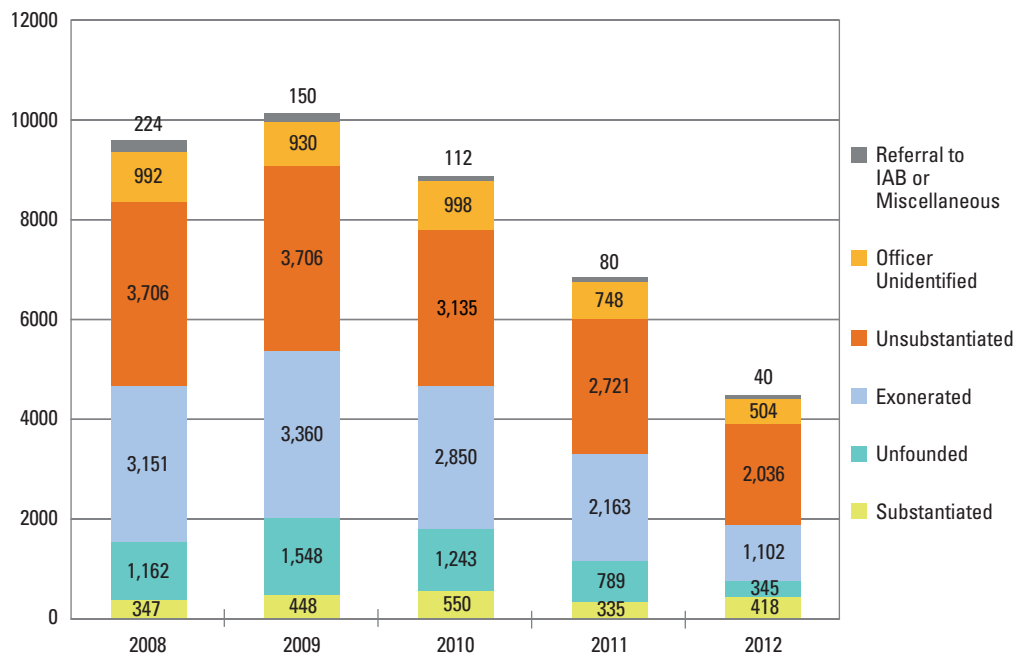
In 2012, 69% of complaints that did not stem from an incident involving either an arrest or a summons truncated. In comparison, the truncation rate was 48% where a summons was issued and 60% when the complaint involved an incident where an arrest was made. This differed from rates between 2007 to 2011, where the truncation rate was 50% involving a summons, 51% involving an arrest, and 66% involving neither an arrest nor summons.

The location of a complainant’s residence played no significant role in the truncation rate. From 2007 to 2011, the five boroughs had similar truncation rates (Manhattan, 53%; Brooklyn and Staten Island, 55%; Queens and Bronx, 57%). In 2012, 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 2012, 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

**Disposition of Allegations in Full Investigations 2008-2012**



regarding the officer's conduct. These findings include those allegations resolved as substantiated, exonerated or unfounded.

Of the 4,445 allegations the CCRB fully investigated in 2012, 1,865 allegations, or 42%, were closed with findings on the merits, compared to 48% in 2011 and 53% in 2009. By comparison, in 2007, the CCRB made findings on the merits 62% of the time.

An increase in the rate of unsubstantiated allegations is the main reason for the drop in the rate of findings on the merits. In 2012, 2,036 allegations were unsubstantiated or 46%. This is a higher rate than the 40% (2,721) in 2011. 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 2012. From 2008 to 2012, 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 2012, there were 504 allegations closed as officer(s) unidentified, but only 82 cases, 6% of all full investigations, were closed as officer(s) unidentified because 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 2012. From 2008 to 2012, the rate averaged 4%. A small change was seen in the substantiation rate for all four categories of allegations – force, abuse of authority, discourtesy and offensive language. In 2012, 32 force allegations, or 3% were substantiated, versus 13 allegations, 1%, in 2011. For abuse of authority, 338 allegations, or 16% were substantiated, compared to 297, or 9% in 2011. For discourtesy, 42 or 5% were substantiated, while 23 or 2% were substantiated in 2011. No offensive language allegations were substantiated in 2011, 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 data shows that except for allegations of retaliatory arrest or summons, which are substantiated at a rate over 60%, the allegations that are most frequently substantiated are stop, question, frisk and search. In 2012, the CCRB substantiated question at a rate of 37%, stop at 30%, frisk at 32% and search at 11%.

In 2012, the board closed 1,187 stop-and-frisk complaints and fully investigated 383. Of these 383 stop-and-frisk complaints, 105 were substantiated, that is the board

found misconduct in 27% 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 2008, the Board found misconduct in 7%.

Two characteristics help to put this information into context. The first is a significant reduction in the proportion of stop-and-frisk complaints that are associated with a force allegation. In 2008, 54% of all fully investigated stop-and-frisk complaints contained a force allegation. By 2011, 36% of these complaints included force. In 2012, the rate was 35%.

The second characteristic is the increasing proportion of stop-and-frisk complaints that have not been properly documented. In 2008, 5% of all fully investigated stop-and-frisk complaints revealed a failure by the officer to produce a stop and frisk report as required and there were no instances where the investigation revealed failure to prepare a memo book entry 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%. Similarly, the failure to prepare a memo book entry increased from 22% in 2011 to 33% in 2012. This is important because in 2012, officers failed to prepare a stop-and-frisk report in 31% of all complaints in which the board substantiated stop-and-frisk allegations and officers failed to prepare a memo book entry in 49% of these cases.

### 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. An example of an OMN allegation is an officer's failure to properly document a stop-and-frisk encounter. Allegations of other misconduct should not be confused with allegations of corruption, which are referred to the police department's Internal Affairs Bureau for investigation.

From 2008 to 2012, the CCRB referred to the police department 1,300 allegations of other misconduct against 2,118 officers. The board referred cases against 276 officers in 2008, 297 in 2009, 477 in 2010, 513 in 2011, and 555 in 2012. During the five-year period, the total number of allegations of other misconduct referred to the police department was 2,308, of which there were 609 in 2012.

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 2012, 89 out of 189 substantiated cases the board referred to the DAO contained allegations of other misconduct, or 47% 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 448 OMN allegations without a substantiated FADO in 2011 and 430 in 2012. The board referred 236 such allegations in 2008, 216 in 2009, and 370 in 2010.

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. In 2012, 34% 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 2008, 13% in 2009, 20% in 2010 and 21% in 2011.

A case involving other misconduct may have one or more allegations. In 2012, 90% of OMN cases against an officer consisted of one allegation and 10% consisted of two allegations.

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 2012, the CCRB noted eight cases in which an investigation produced evidence that an officer made a false official statement. In seven instances, the underlying complaint was substantiated. From 2008 through 2012, the CCRB noted twenty-one instances 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 2012, the board referred 107 such instances and it has referred 469 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 2012, the board referred eight such allegations and 64 in the last five years. The third category is an officer's failure to make memo book entries. The board referred 485 such failures in 2012 and it referred 1,724 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 and an officer's documented actions can tip the balance. On the other hand, the failure to document can result in a lack of evidence which causes the complaint to be unsubstantiated. In 84% 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 a finding on the merits. In 14% 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 one instance of other misconduct in this miscellaneous category in 2012 and 30 such instances in the last five years.

## 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, as soon as they have been interviewed by an investigator.

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. Cases involving property damage, serious physical injury or death, or where there are pending criminal charges, are not eligible for mediation.

In 2012, the agency closed 7% of all cases through the mediation program, the highest rate since the program’s inception.

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.

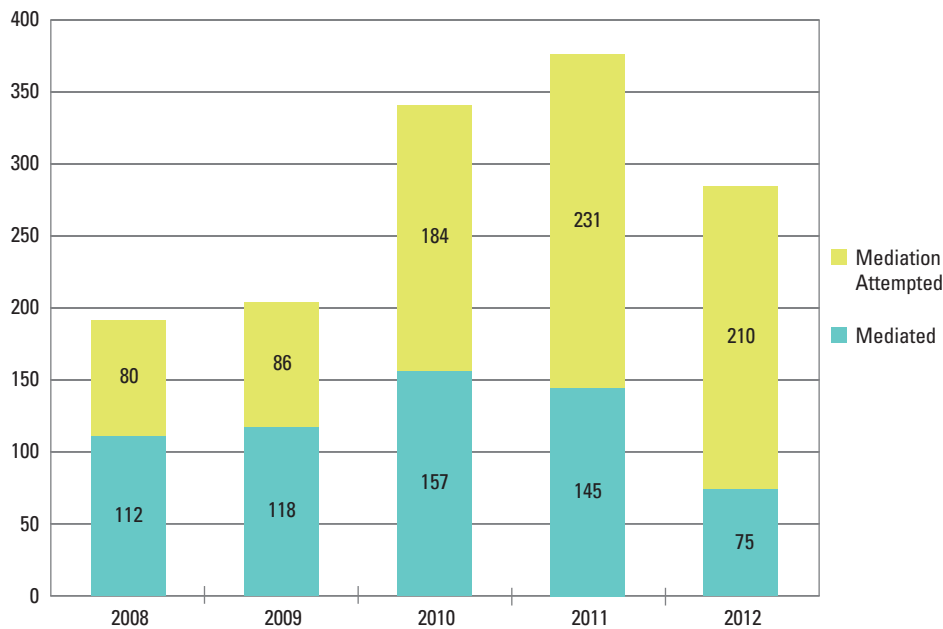
Another benefit of mediation is that it offers the parties a quicker resolution of their cases, compared to a full investigation. For example, in 2012, even though the time to mediate a case increased by 19 days, it was still only 198 days, which was 135 days shorter than a full investigation. Successful 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

In 2012 the number of cases resolved by the mediation unit was approximately 18% of the total number of cases resolved by the CCRB, either through the mediation process or a full investigation (this is not including truncated cases). By comparison, the mediation resolution rate was 8% in 2008, 7% in 2009, 12% in 2010, and 16% in 2011.

Hurricane Sandy had an effect in our mediation program as our office was closed for the last two months of the year and the agency could not conduct mediations. The number of mediation closures (cases closed as mediations and mediations attempted) decreased by 24%, from 376 in 2011 to 285 in 2012. However, since 2008 the number of closures through the mediation program has increased 48%.

## Mediation Closures 2008-2012





In 2012 the number of cases successfully mediated decreased by 48%. In 2012, the CCRB conducted 85 mediation sessions. Civilians and officers satisfactorily addressed 75 complaints, resulting in an 88% success rate. In ten cases, one of the participants was not satisfied and the case went to the investigations division.

The number of cases closed as “mediation attempted” decreased from 231 in 2011 to 210 in 2012, or 9%. 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 set up 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 2008 to 60% in 2011 and was 58% in 2012. As a result, even while the universe of eligible and suitable cases decreased by 22%, from 2,736 in 2008 to 2,340 in

2012, the number of cases in which mediation was offered increased significantly. In 2012, the CCRB offered mediation in 1,350 cases, 501 more than in 2008 (when the universe of eligible and suitable cases was 14% bigger).

In 2012, the mediation unit received 485 mediation referrals from the investigative teams, compared with 574 in 2011. This is a 16% decrease. The reasons for this decrease are the fall in the number of complaints filed and the fact that a number of civilians withdrew their complaint or became uncooperative after having initially agreed to mediate the complaint.

For the past five years, with the exception of 2008, the rate of complainant acceptance of mediation has been above 50%. The mediation acceptance rate for civilians was 48% in 2008, 53% in 2009, 56% in 2010, 53% in 2011, and 56% in 2012. The number of civilians who accepted mediation increased from 386 in 2008 to 720 in 2011 and 700 in 2012.

The percentage of subject officers who accepted the offer to mediate was 68% in 2008, 74% in 2009, 82% in 2010, 77% in 2011 and 74% in 2012. In 2012, the CCRB offered mediation to 454 officers and 337 accepted. By comparison, in 2011, 657 officers were offered mediation and 505 accepted.

# Police Department Dispositions

When the board determines that that an officer engaged in misconduct, its findings and disciplinary recommendations are submitted to the police commissioner. Under the law, only the police commissioner has the authority to impose discipline and to decide the level of punishment. These findings and recommendations are made on 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.

In 2012, the board forwarded 189 substantiated complaints against 265 police officers to the department, as compared to 160 complaints against 213 officers in 2011. The board recommended that administrative charges be brought against 181 subject officers (68%), command discipline for 70 (26%), instructions for 13 (5%), and for one officer no recommendation was made. There were 219 subject officers in 2008, 277 in 2009, 375 in 2010 and 213 in 2011. In total, the board forwarded 967 substantiated complaints against 1,349 officers from 2008 to 2012.

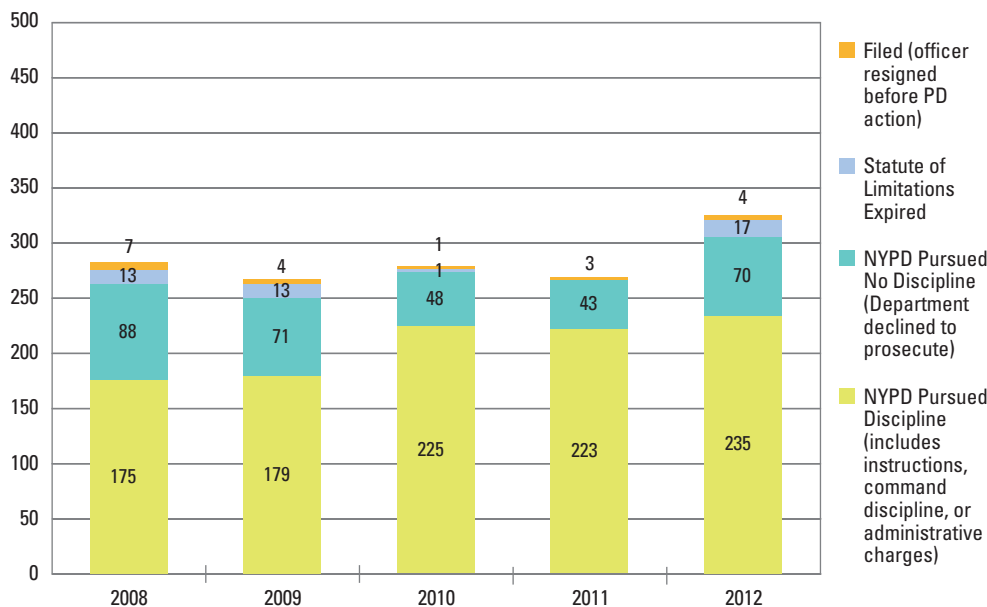
Within the police department, there are three disciplinary options. The Department Advocate’s Office (DAO) can compel an officer to receive instructions, the mildest form of discipline; forward the case to the subject’s commanding officer for imposition of a command discipline (which may result in the loss of up to ten vacation days); or file administrative charges and specifications, the most serious option. Charges and specifications may lead to: an officer pleading guilty prior to trial, usually the result of plea negotiations; or prosecution in an administrative trial. The charges can also eventually be dismissed, either by an Assistant Deputy Commissioner for Trials or a DAO attorney if the office determines that the case can no longer be prosecuted.

In 2012 the police department disposed of CCRB cases against 326 subject officers, compared to 266 subject officers in 2011. Looking at the five-year trend, the department reached a disposition on cases against 282 officers in 2008, 266 officers in 2009 and 275 in 2010. This was a total of 1,419 subject officers in the five year period, 2008 to 2012. 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 2012 to 71% after reaching its highest level, 81%, in 2011. But the 2012 discipline level was significantly higher than in 2008 and 2009, when the disciplinary rate was 56% and 62% respectively. In absolute numbers, disciplinary actions increased from 153 in 2008 to 229 in 2012, the highest number during the five-year period.

**Police Department Action in Substantiated CCRB Cases 2008-2012**



In 2012, the police department conducted 21 administrative trials stemming from substantiated CCRB cases. In 2008, 2009 and 2010, the department conducted 19, 20 and 14 administrative trials respectively. In 2011, there were 17 trials. During this five year period, the rate of guilty verdicts obtained by the department has gradually increased. The guilty rate was 21% in 2008, 30% in 2009, 29% in 2010, 59% in 2011 and 71% in 2012. The guilty rate for 2012 is a historical high.

The number of plea negotiations has also fluctuated over time. The department negotiated 13 guilty pleas in 2008, 18 in 2009, 7 in 2010, 18 in 2011 and 13 in 2012. The number of cases in which the charges were dismissed decreased from six in 2008 to zero in 2011 and 2012.

In 2012, there was an increase in the rate at which the police department declined to seek any discipline in substantiated CCRB complaints. In 2011, the department declined to seek discipline in 43 cases or 16%. In 2012, the department declined to seek discipline in 70 cases or 21%.

There are three findings in looking at the substantiated allegations in cases where the department declined to pursue discipline in 2012. First, one category of misconduct accounts for 51% of all allegations in which the department declined to pursue discipline: stop-and-frisk complaints. Second, the department declined to prosecute threat of force at a rate of 50% or more. Third, the department declined to prosecute the following types of substantiated allegations at a rate of 25% or more: vehicle stop (25%), vehicle search (30%), retaliatory arrest (33%), stop (35%), question (41%), refusal to provide name and/or shield (47%), and physical force (48%).

In 2012, instructions and command discipline were given in 201 cases (62% of all actions). This is an increase compared to 2011, when instructions and command discipline were given in 189 cases (70%).

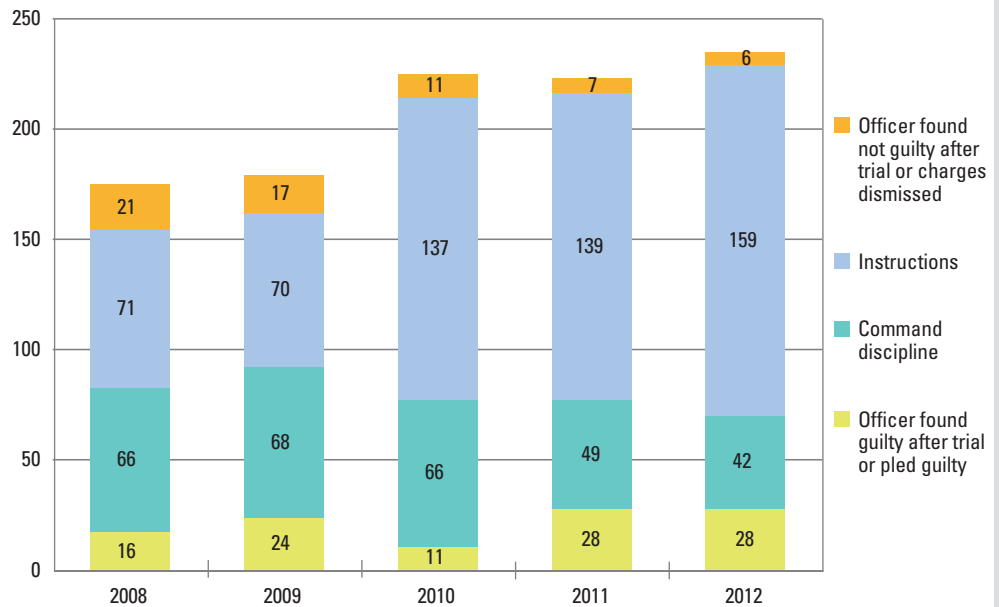
### Administrative Prosecution Unit

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).

After the MOU was signed, the CCRB and the police department worked together on the complex task of amending their respective agency rules and putting new procedures in place for the APU's operations. After a public comment period and public hearing on the proposed rule changes the board voted to adopt the proposed changes on December 12, 2012. In the final step of this process, the amended rules were published in the City Record on March 12, 2013, triggering the official start of the CCRB's prosecution unit on April 11, 2013.

The APU consists of a chief prosecutor who serves as the unit head; a deputy chief prosecutor; ten attorneys

**Police Department Pursued Discipline in Substantiated CCRB Cases 2008-2012**



who will handle the cases; five investigators to assist the attorneys with trial and witness preparation; and one policy analyst to produce various status and productivity reports to provide transparency with respect to prosecution of misconduct complaints. The unit also consists of one clerical staffer and one computer programmer to manage a necessary, new database.

The APU prosecutors are experienced trial attorneys drawn from the city's District Attorneys' Offices and the Law Department. They have expertise prosecuting cases as diverse as child abuse, domestic violence, narcotics, sex crimes, human trafficking, and violent felonies. In preparation for their new duties, they have received in-house training on the CCRB's investigative process and have observed numerous disciplinary trials at the

police department and been given training by the DAO attorneys who previously handled CCRB cases.

The agency received funding of \$1.6 million, the amount requested by the board, in the city's fiscal 2013 budget and the out years. In addition, the 2013 budget provided the CCRB with \$700,000 to pay for a one-time upgrade to the agency's complaint tracking system (CTS). The database upgrade will facilitate management of, and public reporting on, the cases that the APU handles. It will also update a 12-year old database that has served the agency well but requires some necessary upgrading. The CCRB is working with the Office of Management and Budget and the Department of Information, Technology and Telecommunications to complete this task.



**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 and board chairman since March 2011.

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**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 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 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*





### **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. He is the city council designee for Brooklyn, appointed in May 2011.

*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*



### **Rudolph Landin**

Mr. Landin began his law enforcement career in 1970 with the New York City Transit Police Department, and in 1973 joined the New York City Police Department where he served for 34 years. Starting as a patrol officer in Manhattan and Bronx subways and on the streets of Washington Heights, he was promoted through the ranks to the position of Deputy Chief. As a Deputy Chief, he served as the Executive Officer, Patrol Borough Staten Island where he helped manage all police operations within the borough. Prior to that, he held the rank of Inspector with assignments in Patrol Services Bureau where he served as Counter Terrorism Coordinator, Zone Commander in the Internal Affairs Bureau, and Adjutant in Patrol Borough Brooklyn North. He served as Commander of Housing Borough Bronx/Queens where he directed uniformed operations of the three Police Service Areas covering all public housing developments in those boroughs. As Captain and Deputy Inspector, he commanded the 25th Precinct and the Applicant Processing Division and was Executive Officer of the 5th Division in Manhattan North. He was also assigned to the Civilian Complaint Review Board in the 1980s when it was part of the police department, and in that role he both investigated complaints and supervised investigations. Mr. Landin is a police commissioner designee, appointed in February 2012.

*1998, FBI National Academy; B.A., 1994, John Jay College of Criminal Justice, City University of New York.*



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

Mr. Liston is Litigation Counsel at Hughes, Hubbard & Reed LLP, 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 an Assistant District Attorney in the New York County District Attorney's Office from 1994 through 1999, and 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 NYPD 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*



### **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 NYPD, 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.

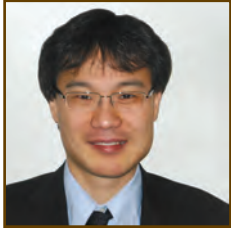
*B.A., 1965, Baruch College, City University of New York; M.A., 1975, John Jay College of Criminal Justice, City University of New York*



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

A resident of Long Island City for over forty years 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 CEO of the East River Development Alliance (ERDA), 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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**Marcos Soler**  
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**Graham Daw, Esq.**  
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**Dawn Fuentes**  
Director of Community Relations

**Carolene George**  
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**Yuriy Gregorev**  
Director of Management and Information Services

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**Jessica Peña** Team 2

**Robert Rodriguez** Team 3

**Vanessa Rosen** Team 4

**Winsome Thelwell** Team 5

**Joy Almeyda** Team 6

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Assistant Deputy Executive Director for Investigations

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

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**Vivian Cedeno, Esq.**

**Heather Cook, Esq.**

**Carrie Eicholtz, Esq.**

**Nicole Junior, Esq.**

**Vanessa McEvoy, Esq.**

**Raasheja Page, Esq.**

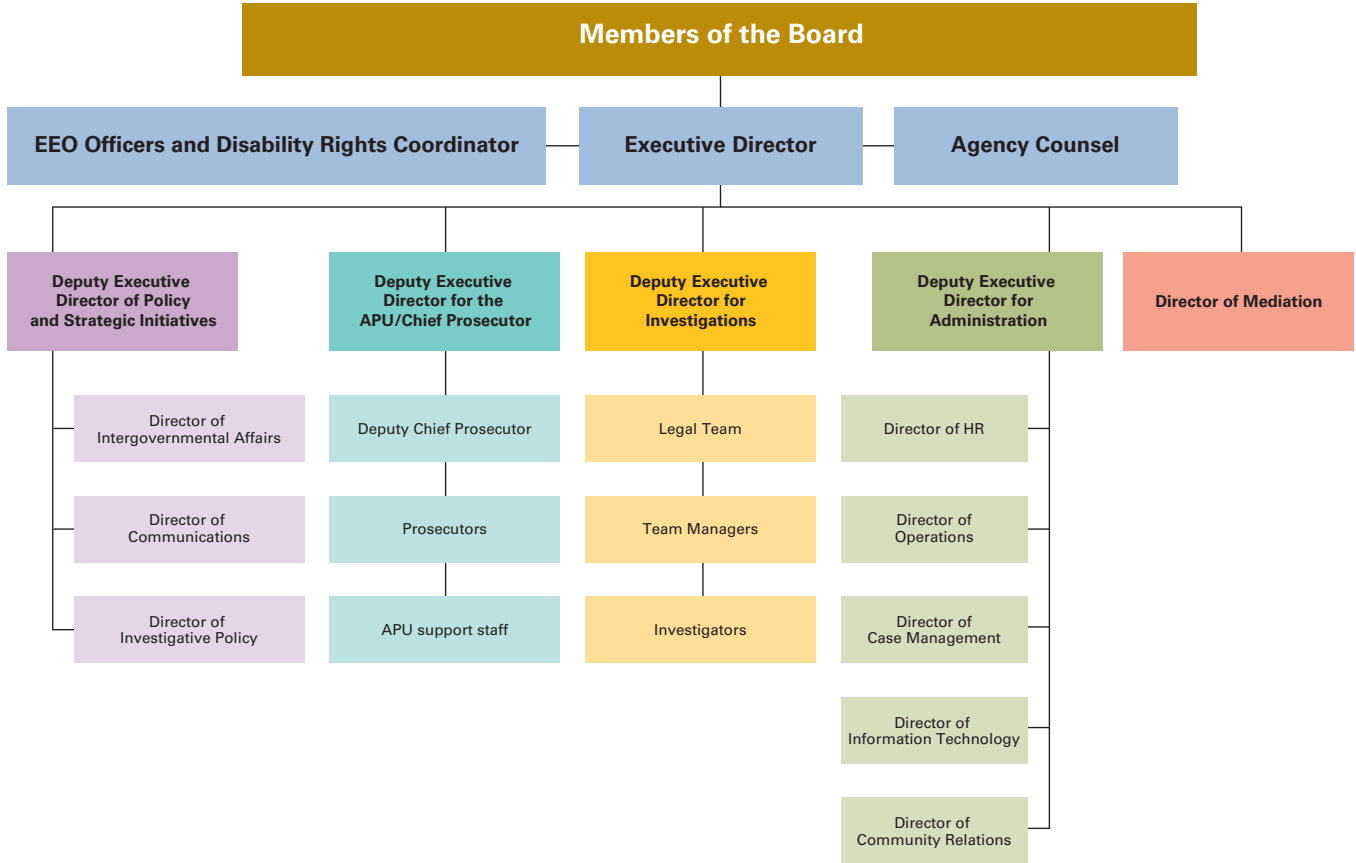
**Gretchen Robinson, Esq.**

**Paul Scotti, Esq.**

**Remi Simoes, Esq.**



# Organizational Chart



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.

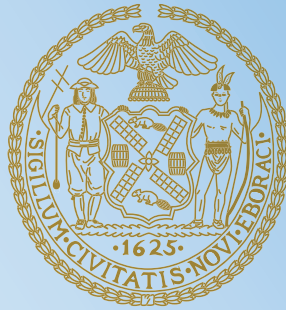
3. The police commissioner shall report to the board on any action taken in cases in which the board submitted a finding or recommendation to the police commissioner with respect to a complaint.

(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.







**NYC**

**CIVILIAN COMPLAINT REVIEW BOARD**

40 Rector Street, 2<sup>nd</sup> Floor, New York, NY 10006

**General Information or Complaints**

Dial: 212-912-7235 or 311 | Outside NYC: 212-NEW-YORK | TTY/TDD: 212-504-4115

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