

New York City

# CIVILIAN COMPLAINT REVIEW BOARD

Status Report  
January-June 2008

Michael R. Bloomberg, Mayor  
Franklin H. Stone, Esq., Chair



# CCRB Mission and Values

The New York City Civilian Complaint Review Board (CCRB) is an independent and non-police mayoral agency. It is empowered to receive, investigate, hear, make findings and recommend action on complaints against New York City police officers which allege the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The board's investigative staff, which is composed entirely of civilian employees, conducts investigations in an impartial fashion. The board forwards its findings to the Police Commissioner. In fulfillment of this 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 whatever evidence they may have.
- To investigate each allegation thoroughly and impartially.
- To examine carefully each investigative report and to ensure that all possible efforts have been made to resolve the complaint.
- 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 civilians and officers.
- To engage in community outreach throughout New York City to educate the general public concerning the agency's purpose and the services provided and to respond to the comments and questions of the public concerning issues relevant to the agency's operation.
- To report patterns of misconduct uncovered during the course of investigations and review of complaints to the Police Commissioner.
- To report relevant issues and policy matters coming to the board's attention to the Police Commissioner.

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**Civilian Complaint Review Board Status Report January-June 2008**  
**Published March 2009**

# LETTER FROM THE CHAIR



I am happy to introduce the Civilian Complaint Review Board's January-June 2008 Status Report. This report is designed to bring you key findings regarding CCRB operations and complaint activity in a user-friendly format. For additional information, including a wealth of additional statistical data, please go to the CCRB website at [www.nyc.gov/ccrb](http://www.nyc.gov/ccrb).

As this mid-year report shows, the first half of 2008 was a challenging time for the CCRB. The agency's complaint filings remain at historically high levels, straining the agency's limited resources. In addition, the NYPD has increasingly declined to pursue discipline in connection with CCRB substantiated cases. The decline in the number of cases leading to discipline comes during a period in which the Board has substantiated fewer cases.

The changes in the Department's handling of substantiated CCRB cases are of great concern to the Board, which believes that a disciplinary system which provides predictable outcomes and appropriate punishments is more likely to deter future misconduct and lead to public confidence in the investigative process. The Board has engaged in discussions with the NYPD to address this issue. We are hopeful that such co-operation may result in the pursuit of discipline in more CCRB cases and a more transparent disciplinary process that will achieve greater accountability on the part of police officers.

We look forward to continuing to serve the people of New York City, and we remain committed as always to the vital mission of providing independent oversight for the NYPD.

A handwritten signature in black ink, appearing to read "S. A. S.", written in a cursive style.

# WHO WE ARE

## Agency Operations and Resources

The Civilian Complaint Review Board (CCRB) is a city agency independent of the New York City Police Department (NYPD) that investigates and mediates complaints of misconduct filed by members of the public against NYPD police officers.

The Board is comprised of thirteen members who must reflect the diversity of the city's population. The City Council designates five board members (one from each borough), the Police Commissioner designates three, and the mayor designates five, including the chair. Board members review all investigations conducted by the staff and make findings on every allegation. The Board makes disciplinary recommendations to the police department when it finds that an officer committed misconduct.

The Board hires the Executive Director who in turn is responsible for the agency's daily operations and the hiring and supervision of the agency's all-civilian staff. The Investigations Division, comprised of eight teams, each led by a manager with a minimum of ten years of relevant experience, conducts the agency's investigations. The Administrative Division's staff educates the public about the CCRB, coordinates mediations, produces and analyzes statistics, processes cases for Board review, manages the agency's computer systems, facilities, and vehicle fleet, and performs budgeting, purchasing, personnel, and clerical services.

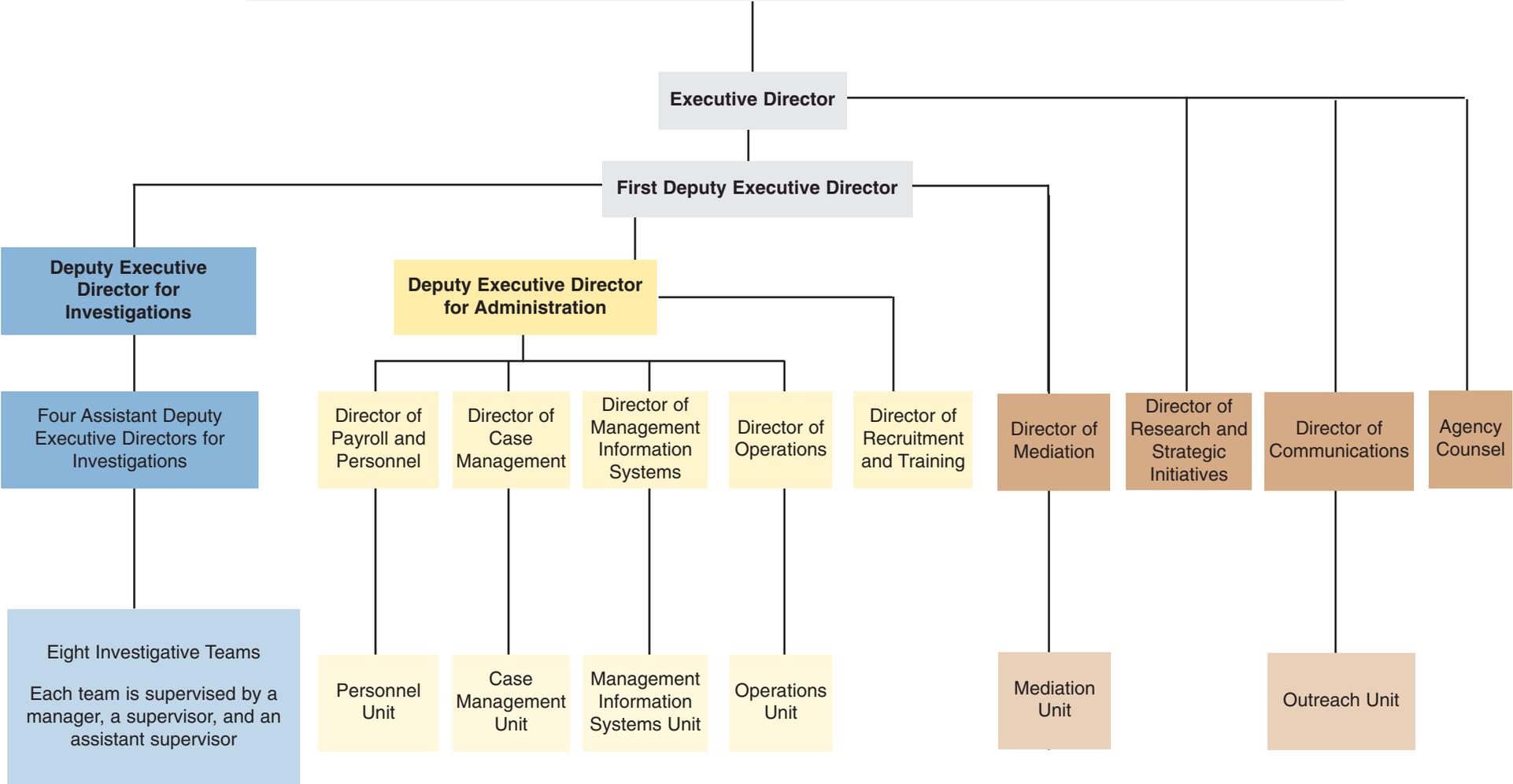


The CCRB's final budget for fiscal year 2008, which ended on June 30, 2008 and included the period covered in this report, was \$11,326,055, which supported a full-time headcount of 185: approximately 147 investigators and 38 non-investigative employees (including the agency's executive staff). The agency's fiscal year 2009 budget has been significantly reduced due to current economic conditions, and may be further adjusted going forward. In recent years, the agency has devoted resources to technology in order to lower costs and increase staff productivity. Among other initiatives, the agency is currently implementing a program to digitally record all investigative interviews and integrate these recordings directly into the agency's computerized Complaint Tracking System.

# CCRB Organizational Chart, January-June 2008

**Members of the Board**

<p><i>Mayoral Designees</i> Franklin H. Stone, Esq. (chair) Daniel D. Chu, Esq. Dr. Mohammad Khalid Carol B. Liebman, Esq. Victor Olds, Esq.</p>	<p><i>City Council Designees</i> Dennis deLeon, Esq. (Manhattan) James Donlon, Esq. (Staten Island) William F. Kuntz II, Esq. (Brooklyn) Singee L. Lam (Queens) Youngik Yoon, Esq. (Bronx)</p>	<p><i>Police Commissioner Designees</i> Lawrence Loesch, Esq. Jules A. Martin, Esq. Tosano Simonetti</p>
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# WHAT WE DO

## Jurisdiction and Case Processing

The CCRB investigates and mediates complaints against sworn NYPD officers involving four types of allegations: force, abuse of authority, discourtesy, and offensive language. Members of the public can file complaints directly with the CCRB through the city's 311 system, via the CCRB website, by fax, or in person at the CCRB's office. Upon receipt of a complaint, a CCRB staff investigator conducts an investigation, which includes interviewing the complainant and police officers, obtaining all relevant documentary evidence, including medical records and police department documents, and writing a report summarizing the results. A panel of three board members, or in some cases the full board, reviews the staff investigation and issues a finding. When the Board finds that an officer committed misconduct, the case is forwarded to the NYPD, where the Police Commissioner holds final authority over discipline.

### CCRB Jurisdiction

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The CCRB has jurisdiction over New York City Police Department officers. The agency has the authority to investigate and mediate complaints falling within any of four categories: *force*, *abuse of authority*, *discourtesy*, and *offensive language*.

*Force* refers to the use of unnecessary or excessive force, up to and including deadly force.

*Abuse of authority* refers to improper street stops, frisks, searches, the issuance of retaliatory summonses, unwarranted threats of arrest and other such actions.

*Discourtesy* refers to inappropriate behavior or language, including rude or obscene gestures, vulgar words and curses.

*Offensive language* refers to slurs, derogatory remarks, and/or gestures based upon a person's sexual orientation, race, ethnicity, religion, gender or disability.

### CCRB Investigation Outcomes

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*Substantiated*: The subject officer committed the act charged in the allegation and committed misconduct. The Board usually makes a disciplinary recommendation to the Police Commissioner.

*Exonerated*: The subject officer committed the act alleged, but such action was lawful and proper.

*Unfounded*: The subject officer did not commit the alleged act of misconduct.

*Unsubstantiated*: There is insufficient evidence to substantiate, exonerate or unfound the allegation.

*Officer(s) unidentified*: The agency could not identify the subject(s) of the alleged misconduct.

*Miscellaneous*: Usually, the subject of the allegation is no longer a member of the NYPD.

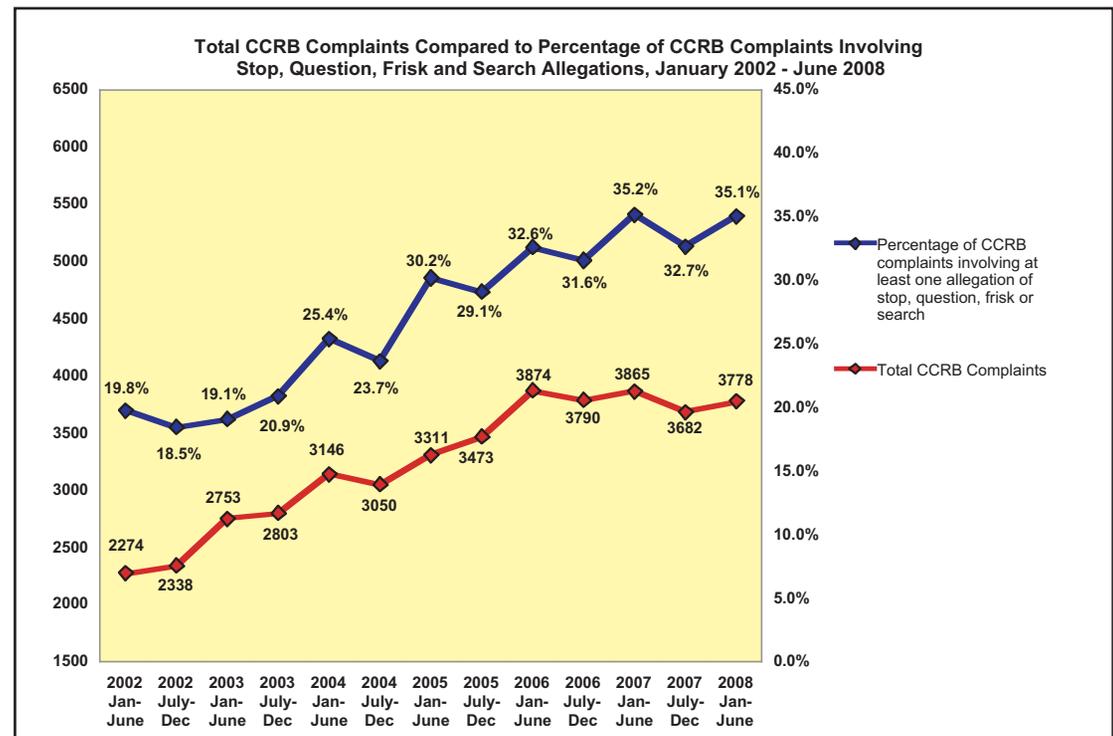
# COMPLAINT ACTIVITY

## Complaint Levels

Following years of record complaint increases, the CCRB's complaint rate stabilized beginning in 2006. In the first half of 2006, the agency received 3,874 complaints. Subsequently, as shown in the chart below, complaint levels have remained relatively static: in the first half of 2007, the CCRB received 3,865 complaints, and in the first half of 2008 the CCRB received 3,778 complaints.

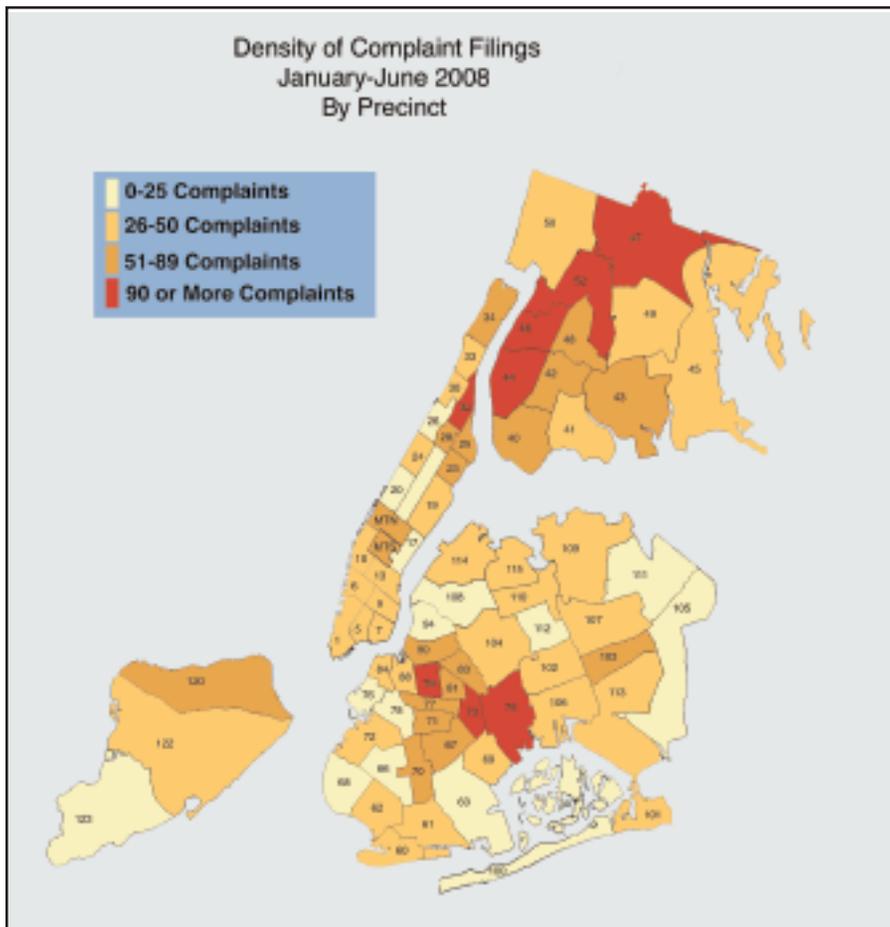
Although factors that affect complaint filings can be difficult to identify and isolate, it appears that, along with the implementation of the 311 system in 2003, the number of stops, questions and frisks conducted by the NYPD have influenced the CCRB's complaint rate.

The number of stop, question and frisk forms filled out by NYPD officers increased by 423% from 2002 through 2006, from 97,296 to 508,540. Over that same period, the proportion of CCRB complaints involving the allegations stop, question, frisk or search also increased, from 19% (884 complaints) for 2002 to 32% (2,466 complaints) for 2006, as shown in the chart at right. From 2006 through mid-2008, the number of stops conducted by the NYPD remained relatively stable, near an average of 124,408 per quarter. During this same period, the proportion of CCRB complaints involving stops also remained relatively stable, between 31% and 35% in each half-year period.



## Complaint Density

The map below shows the distribution of CCRB complaints throughout New York City from January through June 2008, based upon the location of the incident that led to the complaint. The map presents only the raw number of incidents that occurred within the geographical confines of each precinct, and does not adjust for population density, precinct size, number of uniformed personnel assigned to a precinct, or crime statistics. The geographic distribution of CCRB complaints is generally consistent over time, and complaint data from January through June of 2008 was consistent with past trends.



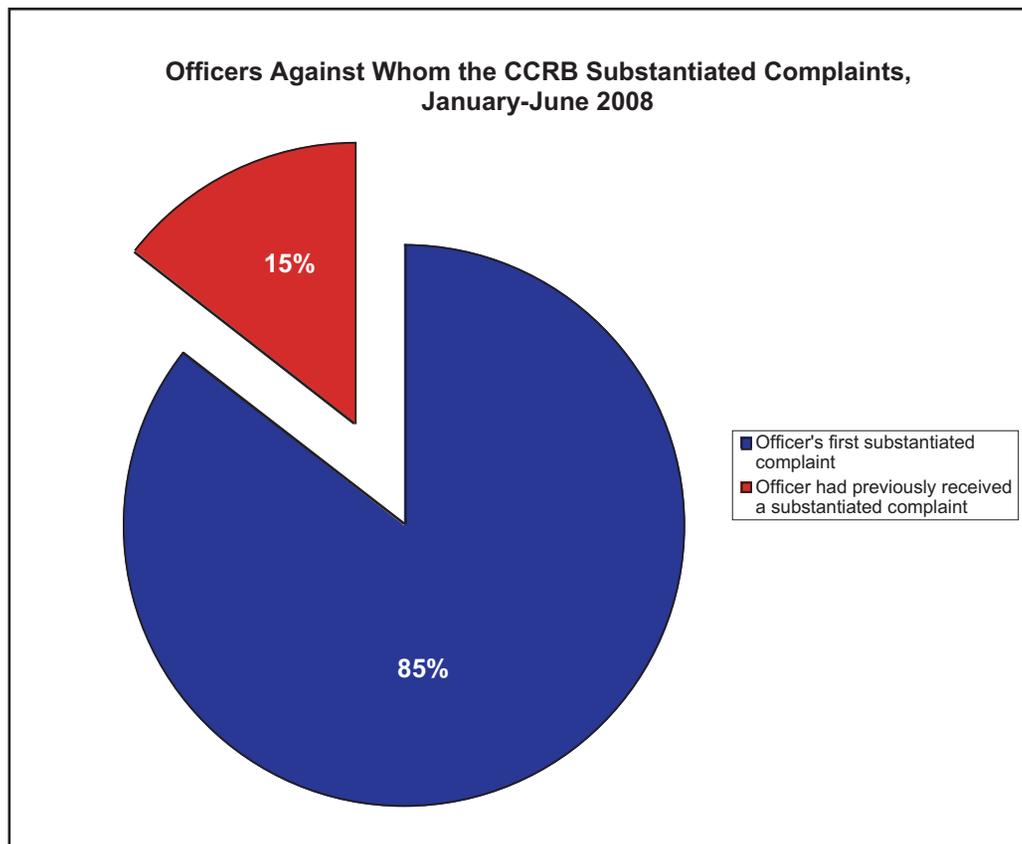
The most incidents resulting in complaints occurred within a group of precincts in Brooklyn: the 75th (which led all precincts citywide with 179 complaints), 67th, 70th, 79th, 81st and 83rd Precincts. The adjacent 40th, 44th, 46th, 47th, and 52nd Precincts in the Bronx also received a relatively high number of complaints. The 44th and 52nd Precincts received 125 and 120 complaints, respectively, the second and third highest totals in the city.

The most notable complaint increase occurred within the 32nd Precinct in Upper Manhattan, where the complaint rate rose by 57% to 101 from just 58 in the previous half-year period, significantly higher than the average of 71 complaints per half-year for this precinct since January-June 2005. Analysis of complaint data did not reveal a cause for this increase. Two precincts had particularly notable complaint decreases. In the 67th Precinct, complaints dropped to 68 in January-June 2008, down from 117 in January-June 2007. Nearby in the 68th Precinct, complaints dropped to 12 in January-June 2008, down by more than half from 32 complaints in January-June 2007.

## Officers with Multiple Substantiated Complaints

The CCRB's data on officers who are the subjects of substantiated complaints provides a means of examining the likelihood of an officer receiving multiple substantiated complaints.

In general, a relatively small number of officers become the subjects of substantiated CCRB complaints. From January 2003 through June 2008, the CCRB substantiated at least one complaint against 1,534 officers, or 3% of the general population of 46,959 active officers. Within the group of officers who were the subject of at least one substantiated complaint from January 2003 through June 2008, only 9%, or 160 officers, were the subjects of multiple substantiated complaints. (It should be noted that the population of active officers includes all NYPD officers regardless of command; some commands and assignments involve greater contact with the public than others.)



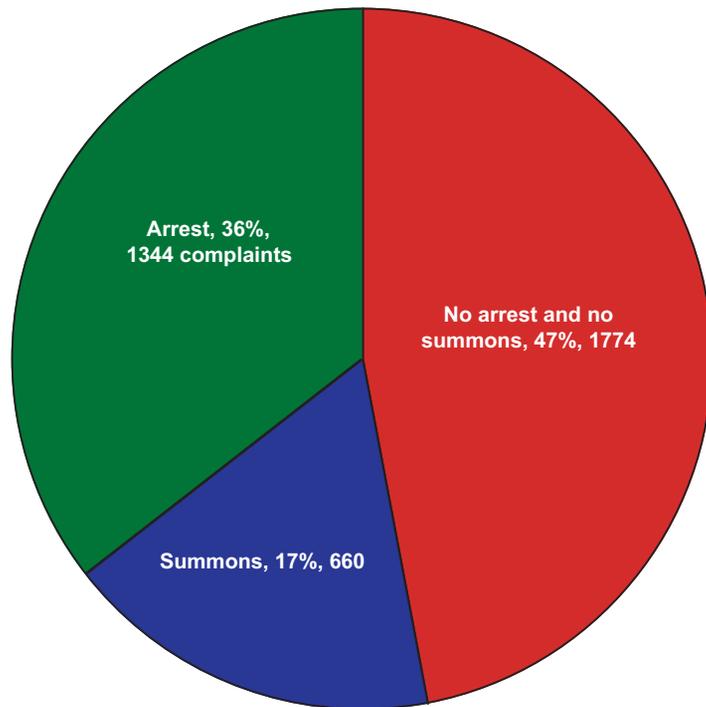
CCRB complaint data for the first half of 2008 indicate that officers who became the subject of a substantiated complaint over that period were slightly more likely to have a previous substantiated complaint in their CCRB history than the general population of officers who received complaints during that time period. Of the 131 officers against whom allegations were substantiated in the first half of 2008, 15%, or 19 officers, were previously the subjects of one or more substantiated allegations. By comparison, of the 2,962 officers who received a CCRB complaint from January through June 2008, 9%, or 262 of these officers, had previously received at least one substantiated complaint.

## Complaint Characteristics

As part of its City-Charter-mandated responsibility to inform the public about its duties and activities, the CCRB collects and analyzes its complaint data and shares this information with the police department and the public. One useful example of the CCRB's capacity to collect data is the agency's tracking of the characteristics of incidents that lead to a complaint.

CCRB data indicates that nearly half of the complaints filed during the first half of 2008 – 1,774 out of 3,778 complaints – involved no arrest or summons, as shown in the chart below. One hundred and one complaints out of the 1,774 which involved no arrest or summons were filed by individuals who had negative experiences after approaching the police *themselves* to report a crime.

Portion of CCRB Complaints Involving an Arrest or Summons,  
January-December 2008



These data show that police-civilian conflicts often arise when the civilian is not charged with a crime or violation. Many times, complaints result from a breakdown in communication between officers and civilians. The CCRB's data thus reinforce the value of programs such as the NYPD's Multicultural Immersion Course and Verbal Judo Training for new recruits, both of which emphasize the use of communication skills to reduce conflict and better serve New Yorkers. The Mediation Profile on page 14 of this report provides an example of a case where different communication tactics by police officers could have helped prevent a negative interaction and subsequent complaint. At the NYPD's invitation, the CCRB has shared its findings on the importance of communication as part of the Department's Multicultural Immersion Course.

# AGENCY PRODUCTIVITY

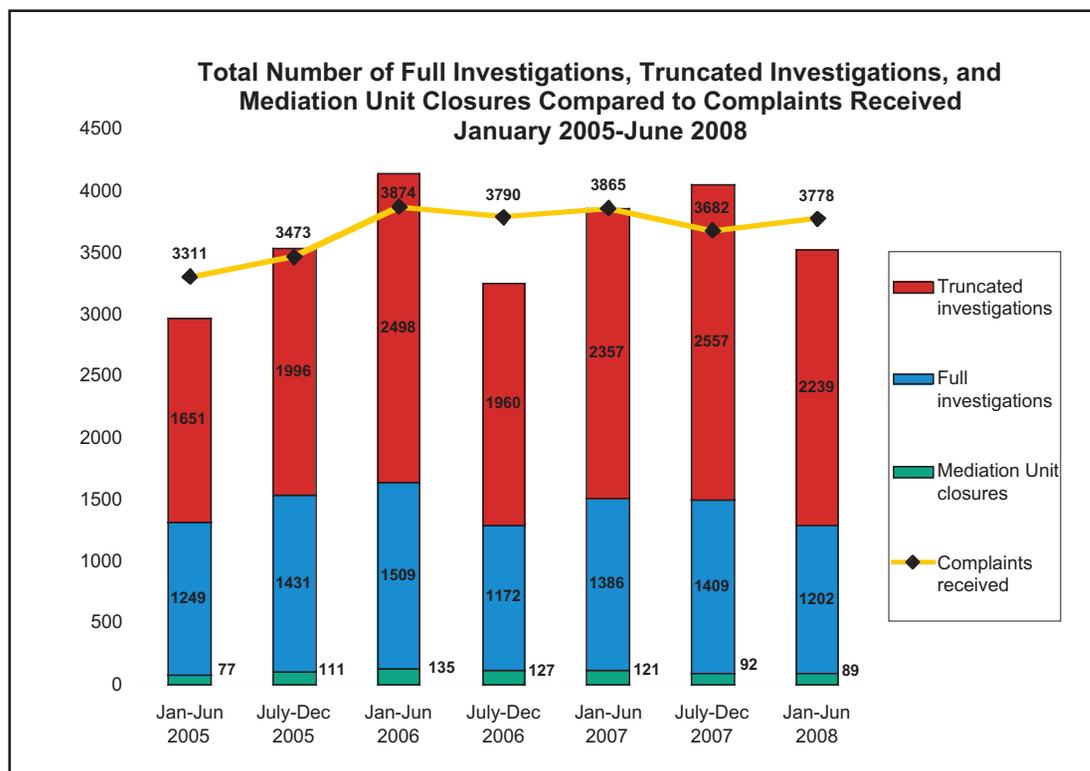
## Case Closures and Case Completion Times

During the first half of 2008, the complaint rate remained stable at an historically high level, while the agency absorbed a budget cut of seven employees effective January of 2008. As a result, the CCRB struggled to manage the size of its docket.

As of July 1, 2008, the CCRB's open docket stood at 3,613, an increase over the 3,357 complaints on the docket at the beginning of the year, but still lower than the 3,739 complaints that remained on the open docket as of January 1, 2007.

The strain of keeping pace with high complaint rates in the face of budget cuts can be seen in some of the agency's productivity indicators. From January to June of 2008, the CCRB closed 3,530

cases, down 13% from the 4,058 cases closed in the second half of 2007. In addition, the average time required to complete a full investigation rose slightly from 305 days to 308 days, remaining above the 300-day mark for the third consecutive six-month period. Despite the fact that the average case closures per investigator rose to 30 per half-year, up from 27 in the second half of 2007, the Investigations Division still took an average of seven extra days to forward cases to the Board as compared with the second half of 2007.



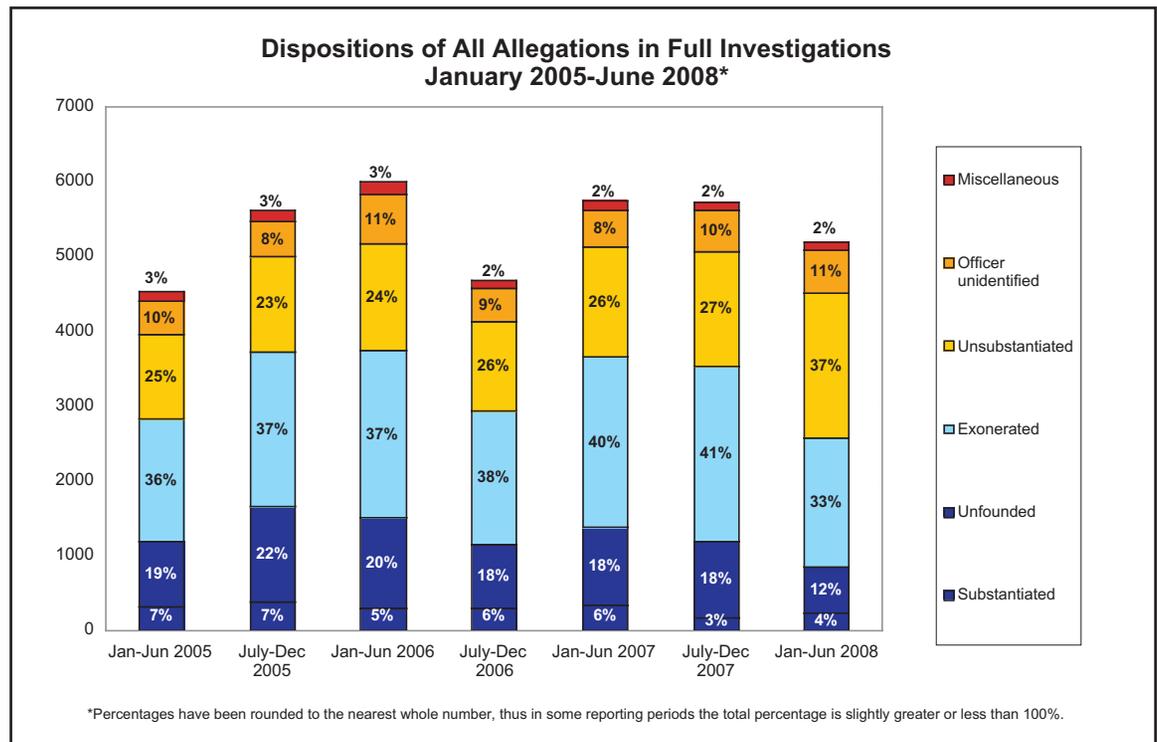
# COMPLAINT DISPOSITIONS

## Board Dispositions

From January through June 2008, the Board forwarded 100 cases to the NYPD after substantiating at least one allegation in each case, representing 8% of the 1,202 full investigations the CCRB conducted. Within these cases, the Board substantiated a total of 228 allegations, representing 4% of all the allegations closed following a full investigation. This rate represents a decline from the earlier periods depicted in the chart, but a slight increase over July-December 2007.

Notably, during this period, the CCRB's disposition rate for unsubstantiated allegations rose to a high of 37%. The percentage of allegations closed as "Officer Unidentified," also rose slightly to 11%, up from 10% in July-December 2007. At the same time, the percentage of allegations closed as exonerated dropped from 41% in the previous six-month period to 33%, while the percentage of unfounded allegations dropped from 18% in the previous six-month period to 12%.

The agency's rate of truncating a complaint - closing it without a full investigation when the complainant withdraws - cannot be located, or fails to cooperate - remained high at 63% for the first half of 2008, a marked increase from the rate of 56% in 2005. The CCRB's previously published studies indicate that the rise in truncated case closures is largely linked to an increase in phone complaints filed within a week of the incident; the race and zip code of residence of the complainant were not a factor.

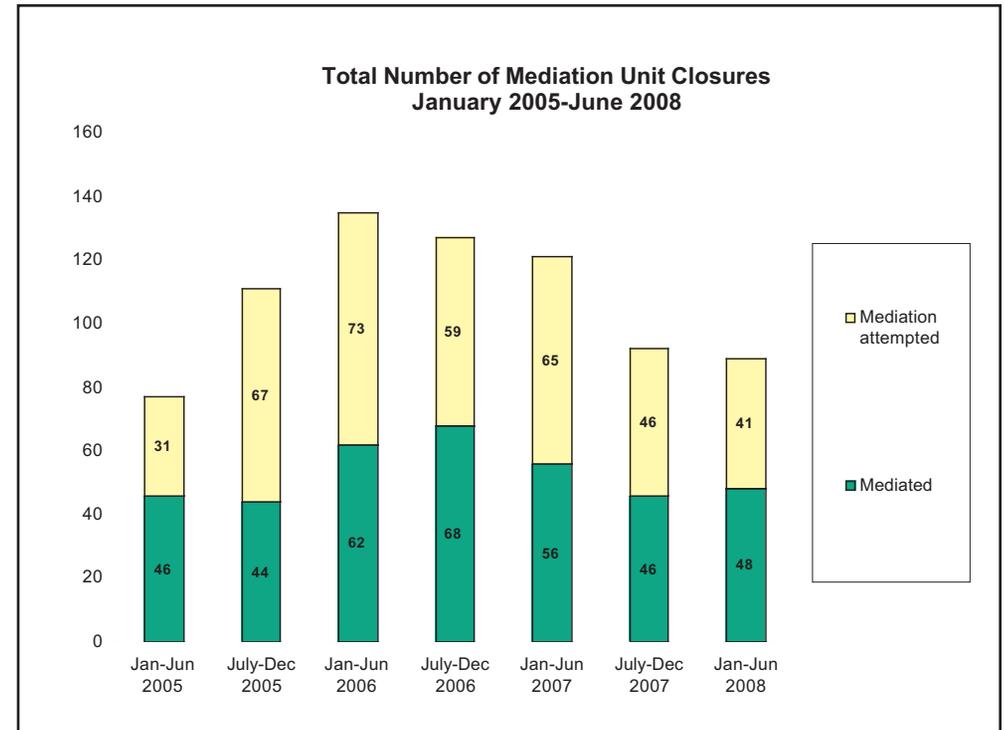


## Mediation

Mediation is a process where the civilian and officer meet with a trained, neutral mediator to address the issues raised by the complaint. The mediators guide discussion between police officers and civilians to help them resolve their conflict. Both the CCRB and NYPD review the nature of the allegations raised in a complaint and the disciplinary history of the subject officers before determining that a case is appropriate for mediation. Cases are closed as “mediated” when the parties agree that the issues raised by the complaint have been resolved. The agency closes cases as “mediation attempted” when the complainant and officer agreed to mediate but the civilian fails to appear for the mediation twice without good cause, or fails to respond to phone calls, e-mails, or letters to set up a session.

While the CCRB has placed a great deal of emphasis on its mediation program, and has found that complainants that choose mediation are often more satisfied than those who chose investigation, the number of cases the agency has been able to mediate has declined since 2006. The 48 and 46 cases mediated during the first half of 2008 and last half of 2007, respectively, represent a drop from 2006, when the agency closed more than 60 complaints in each half-year period.

The CCRB continues to focus on promoting its mediation program and increasing the number of mediations it conducts. The agency recently redesigned its mediation pamphlets to be simpler and more accessible, and CCRB representatives are increasing outreach to police officers and complainants regarding the program.



## CCRB Mediation Profile

At 11:00 PM on a Monday evening in January of 2008, three musicians who had finished performing a late rock concert were driving their van slowly through lower Manhattan while trying to find the Holland Tunnel to return home. A marked police car containing three uniformed officers from the local Transit District stopped the van by cutting it off, and one of the officers issued the van's driver a ticket for failing to use a turn signal properly when changing lanes.

According to the driver of the van, who later filed a complaint with the CCRB, the officers berated the bandmates with rude statements throughout the stop, such as, "Are you a f-----g idiot?" When the driver apologized and asked what he had done wrong, an officer allegedly replied, "Don't apologize, you're so f-----g stupid." The driver stated that he felt threatened by the officers' behavior and believed that the officers had singled the bandmates out as potential criminals because they were musicians with long hair. He also did not believe that he had changed lanes without using his turn signal.

After learning about both CCRB options -- investigation and mediation -- the driver of the van chose to resolve his CCRB complaint through mediation, explaining that he would pay his summons, but that he wanted to address what he saw as the officers' inappropriate conduct. Shortly thereafter, the driver of the van met all three officers for a mediation session at the CCRB's offices with two trained mediators present.

During the mediation session, the officers explained that they had stopped the van because it was driving erratically as the bandmates tried to find their way to the tunnel – starting and stopping, changing lanes without signaling and driving unusually slow. The officers explained that they had not targeted the bandmates based upon their long hair – in fact, because it was dark they had not been able to see inside the van before they stopped it. One of the officers explained that when he signed up for the Police Academy, it was hard to cut off his own long hair.

The officers also explained to the driver that, when they had tried to pull him over, he had nearly caused a collision between the two cars based upon his unpredictable driving. Although the driver had not been aware that he had been driving unsafely, he conceded that he may have done so due to his confusion. At the driver's request, the officers then explained the safest ways to pull over if being stopped by the police.

In response to the driver's statement that he felt threatened, the officers discussed the fact that car stops are one of the most dangerous situations for police officers. The officers asserted that they had treated the bandmates sternly during the stop in order to maintain control over the situation. However, when the driver raised the issue of the officers' insulting statements, the officers acknowledged that they had lost their tempers due to his driving, and recognized that many of their comments were inappropriate, and, in fact, unnecessary to maintain control of the situation. The officers then apologized for their insulting statements.

The musician accepted the officers' explanation for their behavior and apology, and in turn apologized for his driving. The mediation session ended with a round of handshakes.



## CCRB Investigation Profile

At 8:00 PM on the evening of August 22, 2006, a seventeen-year-old Hispanic man and a friend visited a north-Manhattan NYPD stationhouse in order to pick up the car of another friend who had been arrested that day for allegedly driving with a suspended license. While the friend waited outside for the arresting officer to release the arrestee's car, the seventeen-year-old went inside in order to obtain information about the arrestee. As he waited behind a rope a few feet from the entrance, the seventeen-year-old noticed the arrestee behind the front desk being fingerprinted by the arresting officer, roughly twenty feet away. The arrestee and friend began speaking about practical matters connected with the arrest, such as who would inform the arrestee's mother and girlfriend.

Because they were far apart, the friend and the arrestee were speaking loudly, and, after five minutes, the desk sergeant, said, "You want us to bring you closer together so you could stop yelling?" but the arrestee continued speaking to his friend. Another officer, assigned to the telephone switchboard behind the desk about ten feet away from the friend, yelled, "Get the f--- out of the precinct." When the friend asked, "Why officer?" the officer repeated his statement, lifted up a metal folding chair, and threw it at the friend, who turned to run out the front door. The chair hit the friend in the lower back as he passed through the door.

The 17-year-old returned home to his mother, who saw that he was shaken by the experience and insisted on returning to the precinct, where they obtained the officer's badge number. The mother also insisted on taking her son to the hospital, where the attending physician noted that he had a small, circular bruise to his lower back, and prescribed medication for mild pain. The mother filed a complaint on her son's behalf, and the CCRB interviewed the son and obtained his medical records. The CCRB also visited the police precinct to verify the teenager's description of the interior, and examined police roll calls and other records to identify and interview all of the police personnel who could have witnessed the incident.

When interviewed by the CCRB, the subject officer denied cursing at the teenager and denied throwing a chair – he claimed that the teenager bumped into the door while running out of the precinct in fear of being arrested after initially disobeying orders to leave the precinct. However, another officer in the vicinity recalled hearing a commotion and a loud noise that sounded like a heavy object falling.

The CCRB determined that the teenager's statement to the agency concerning the officer's conduct was corroborated by his statement to doctors soon after the incident and by his medical records. Additionally, the subject officer's statement that the teenager ran into the door was inconsistent with the nature of the injury - a small circular bruise on the teenager's lower back - and with the statement of the witness officer that there was the sound of an object crashing to the ground.

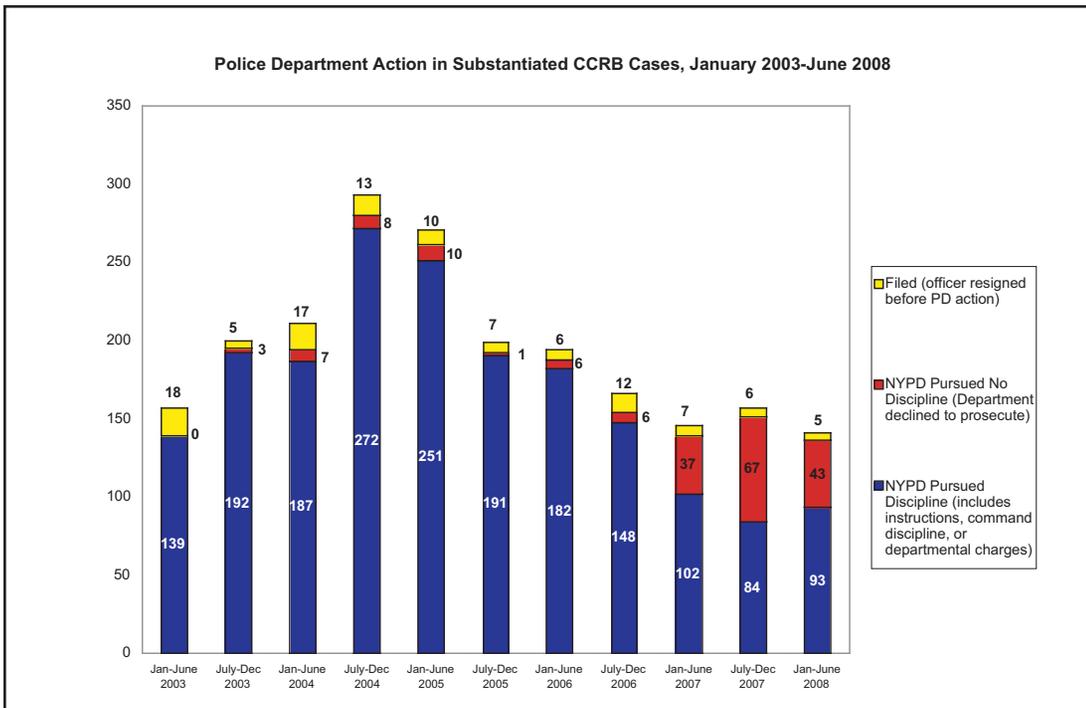
Crediting the teenager's statement over that of the officer, on March 27, 2007 a panel of three CCRB board members substantiated charges that the officer had spoken discourteously to the teenager by yelling, "Get the f--- out of the precinct," and that the officer used unnecessary force in throwing the chair at the teenager. In February of 2008, the NYPD imposed a Command "B" Discipline upon the officer, who received a punishment of five lost vacation days.



## New York City Police Department Dispositions

When the CCRB determines that an officer committed misconduct, it forwards the case to the NYPD. The Police Commissioner retains sole discretion over whether to issue discipline, and the level of punishment if discipline is imposed.

The chart below illustrates the sharp decrease in 2007 in the number of cases in which the NYPD pursued discipline for substantiated CCRB allegations. The NYPD has indicated that the shift is due to a broader change in its standards in determining whether to seek charges in disciplinary cases. Prior to 2007, the Department declined to seek discipline in ten or fewer CCRB cases during each half-year period. Starting in 2007, the Department declined to seek discipline in an average of 49 cases per six months, reaching a high in the second half of 2007, when the Department declined to seek discipline in 67 cases.

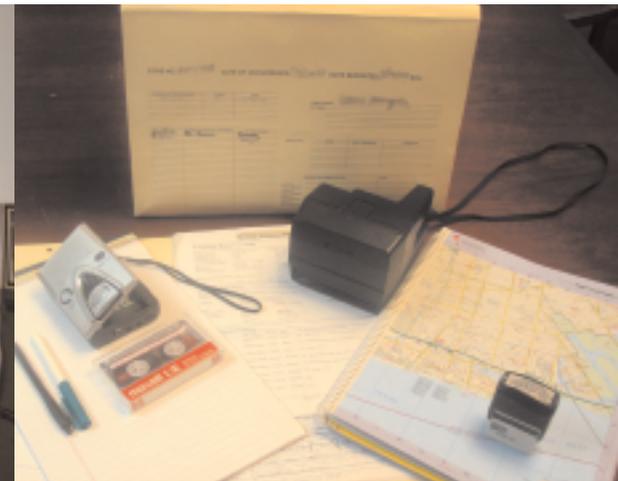


In addition, the Department has increasingly declined to pursue its most serious disciplinary option, charges and specifications. The Department filed charges in connection with only 9% of substantiated CCRB cases in the first half of 2008 and 8% of cases in the first half of 2007, down from 26% of cases in the first half of 2006.

Consequently, the number of disciplinary trials has decreased. In the first half of 2005, the Department prosecuted 43 officers in the administrative trial room, obtaining guilty findings in 15 cases. In the first half of 2008, the Department brought only 4 officers to trial; all were found not guilty.

**“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. . . .”**

**New York City Charter, Chapter 18-A**





**NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD  
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