

“THE POLICE ARE A CRITICAL PART OF THE SOCIAL CONTRACT AND A PROFESSIONAL POLICE SERVICE IS ONE OF THE HALLMARKS OF AN ADVANCED AND CIVILIZED SOCIETY.”

(Police Academy student guide)



“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.”

(New York City Charter, Chapter 18-A)



“Our lives begin to end the day we become silent about things that matter.”

(Dr. Martin Luther King Jr.)



CIVILIAN COMPLAINT REVIEW BOARD

January - June 2010 Report

MICHAEL R. BLOOMBERG, Mayor | ERNEST F. HART, Esq., Chair



CCRB Mission and Values

The New York City Civilian Complaint Review Board (CCRB) is an independent agency. It is empowered to receive, investigate, hear, make findings and recommend action on 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, which is composed entirely of civilians, conducts investigations in an impartial fashion. The Board forwards its findings 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 the investigation determines that misconduct occurred.
- To respect the rights of 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 complaints in order to resolve allegations and promote understanding between officers and the communities they serve.



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ERNEST F. HART
CHAIR

JOAN M. THOMPSON
EXECUTIVE DIRECTOR

December 2010

Dear Members of the Public:

I am pleased to present the Board's Status Report for January – June 2010. In the past six months the Board has continued to advance its mandate and mission. Our staff is successfully implementing the three priorities which the Board set forth at the beginning of my tenure in April of 2009: improving the quality of investigations; increasing the number of mediations; and enhancing our outreach efforts.

Improvement in the quality of CCRB investigations has not only led to greater public confidence, it has also resulted in stronger cases of substantiated misconduct being forwarded to the Police Department, which has the sole authority to discipline officers. The strength of these cases is evidenced in the numbers. Comparing January to June data of 2009 to this year, the discipline rate for substantiated cases increased from 59% to 87% and the percentage of cases in which the Department declined to prosecute a CCRB case has decreased from 37% to 7%.

We have expanded our highly successful mediation program. As a result, in the first half of 2010, the CCRB mediated 91 cases – the most ever for any half-year period and a 40% increase over the period January – June 2009, in which 65 cases were mediated.

We have also increased public awareness of the CCRB and of the mediation and investigative services we offer by extending our outreach program. We began targeted outreach to residents living in public housing and gave 26 presentations at NYCHA locations and at schools, churches, and community groups serving NYCHA residents in the period January – June 2010. The Board also began to hold its monthly public meetings in the other boroughs, rather than only at its Manhattan office.

Lastly, I am very pleased that we reached an agreement with the Police Department to launch a pilot program for our attorneys to be the lead prosecutors in CCRB cases that are brought to administrative trial at the Police Department. This pilot program is made possible by the strong support of Police Commissioner Raymond W. Kelly, the Mayor's Office, the City Council and numerous public interest organizations. I thank them all for helping us achieve such an important milestone in the City's history of civilian review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ernest F. Hart'.

Ernest F. Hart, Esq.

CCRB Board Members January–June 2010

Mayoral Designees

Chair Ernest F. Hart, Esq.
 Daniel D. Chu, Esq.
 Dr. Mohammad Khalid
 David G. Liston, Esq.
 Mary E. Mulligan, Esq.

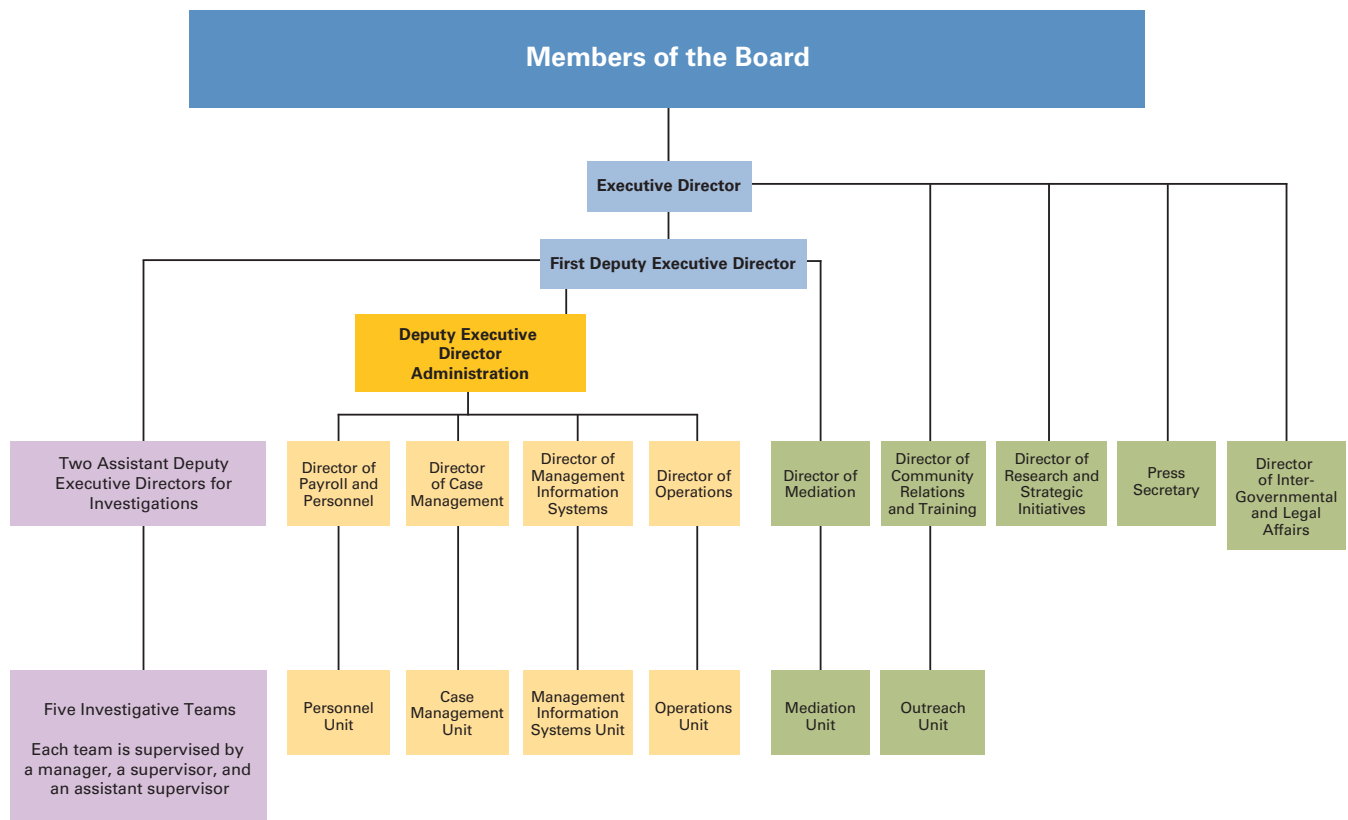
City Council Designees

James F. Donlon, Esq. (Staten Island)
 William F. Kuntz II, Esq. (Brooklyn)
 Bishop Mitchell G. Taylor (Queens)
 Youngik Yoon, Esq. (Bronx)
 Vacant (Manhattan)

Police Commissioner Designees

Jules A. Martin, Esq.
 Michael McCann, Esq.
 Tosano Simonetti

CCRB Organizational Chart



Agency Operations and Resources

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

The current Board is comprised of thirteen members who 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 and make findings on all misconduct complaints once they have been fully investigated by its staff. If the Board finds that an officer committed misconduct, it then makes disciplinary recommendations to the Police Commissioner.

The Board hires the Executive Director who is responsible for the agency's daily operations, including the hiring and supervision of the agency's staff. The Investigations Division is currently comprised of five teams, down from eight, each led by a highly experienced manager. In addition to investigating complaints the

agency has a Mediation Unit which, in eligible cases, gives people the opportunity to mediate their complaints. The Mediation Unit also coordinates educational and training programs on mediation for police officers, civilians, and CCRB staff.

The Administrative Division manages the agency's large-scale computerized Complaint Tracking System (CTS), produces statistical analyses of complaint activity, processes cases for Board review, manages office operations and vehicle fleet, and performs budgeting, purchasing, personnel, and clerical services. The Administrative Division includes an Outreach Unit which makes presentations at community groups throughout the City to increase public awareness of the services the CCRB provides.

Budgetary reductions taken in FY 2010 reduced the CCRB's budget. As of June 30, 2010, the agency lost 35 positions, the vast majority from the Investigations Division. This lowered the CCRB's authorized headcount from 180 to 145 for FY 2010. For FY 2011, which starts July 1, 2010, the adopted budget will support 153 positions.

Jurisdiction and Case Processing

The CCRB investigates and mediates complaints against NYPD officers involving four types of allegations: Force, Abuse of Authority, Discourtesy, and Offensive Language (FADO). Members of the public can file complaints directly with the CCRB through the City’s 311 system, the CCRB’s Web site, by fax, by mail, and in person at the CCRB’s office or at any police stationhouse.

Once a complaint is received, an investigator takes over and conducts an in-depth investigation. Investigations typically include interviewing the complainant and the subject police officers, obtaining all relevant documentary evidence, including medical records and Police Department documents such as roll calls, officer memo books, radio dispatch reports, arrest reports, precinct command logs, and “stop, question and frisk” reports. The investigator then writes a report summarizing the results for review by the Board. If the Board substantiates an allegation of misconduct, the case is forwarded to the Police Commissioner, who has the final authority to impose discipline.

Types of CCRB Allegations

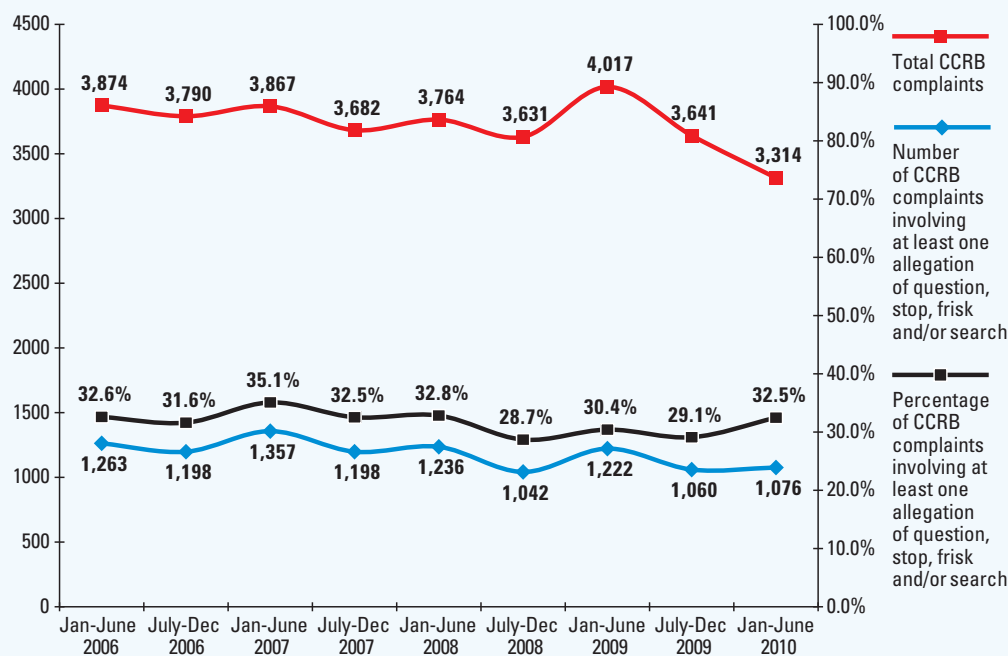
- **Force** refers to the use of unnecessary or excessive force up to and including deadly force.
- **Abuse of Authority** refers to improper street stops, frisks, searches, the issuance of retaliatory summonses, unwarranted threats of arrest, and other similar actions.
- **Discourtesy** refers to inappropriate behavior or language, including rude or obscene gestures, vulgar words, and curses.
- **Offensive Language** refers to slurs, derogatory remarks, and/or gestures that are made in reference to a person’s sexual orientation, race, ethnicity, religion, gender, or disability.

CCRB Investigation Outcomes

- **Substantiated:** The Board found sufficient credible evidence to believe that the subject officer committed the act charged in the allegation and committed misconduct.
- **Exonerated:** The Board determined that although the act at issue occurred, the subject officer’s actions were lawful and proper and within the scope of the subject officer’s authority under NYPD guidelines.
- **Unfounded:** The Board determined that the act that is the basis of the allegation did not occur.
- **Unsubstantiated:** The Board determined that there is insufficient evidence to establish whether an act of misconduct occurred.
- **Officer(s) Unidentified:** The Board was unable to identify the subject(s) of the alleged misconduct.
- **Miscellaneous:** Generally used by the Board when the subject officer is no longer employed by the NYPD and therefore the Board has no jurisdiction.

Complaints Received

CCRB Complaints Received January 2006–June 2010



Complaint activity in the first half of 2010 was at its lowest level for any six-month period since January 2005. During this period, the CCRB received 3,314 misconduct complaints. In comparison, 4,017 misconduct complaints were filed during January – June 2009. This difference of 703 complaints is a decrease of 18%.

While the precise reasons for the decrease are not known, there are two influencing factors. First, the number of callers referred to CCRB by the City’s “311” hotline declined 12% from January – June 2009 to January – June 2010.

Second, the number of “stop, question and frisk” complaints also decreased by 12%, from 1,222 in the first half of 2009, to 1,076 in the first half of 2010. In the first half of 2009, there were 311,646 “stop, question and frisks” (stops) conducted by the NYPD and CCRB received complaints at the rate of one

complaint per 255 stops. In the first half of 2010, there were 318,702 stops and CCRB received one complaint per 296 stops.

However, the proportion of stop, question, and frisk complaints as a percentage of all other complaints has remained relatively steady. In the first half of 2009, 30% of all complaints filed were stop, question and frisk complaints. In the same period of 2010, 32% of all complaints filed were stop, question and frisk complaints.

While the quantity of complaints received has decreased from 2009 to 2010, the characteristics of those complaints have largely remained the same. In both years, 65% of all complaints involved an allegation of abuse of authority, 41% involved an allegation of discourtesy and 7% involved offensive language. The one difference was in the proportion

of complaints that contained at least one allegation of force. During January – June 2009 it was 53%, which declined to 51% during January – June 2010.

In addition to FADO complaints – use of force, abuse of authority, discourtesy, or use of offensive language – the agency also takes in many more complaints that fall outside its statutory mission and are therefore referred to the appropriate jurisdiction. During the first half of 2010, the CCRB referred 5,311 cases to other agencies, the vast majority to the NYPD’s Internal Affairs Bureau (IAB) and the Office of the Chief of Department (OCD). In comparison, in the first half of 2009, the CCRB referred 5,790 cases. The total intake for January – June 2010 was 8,625 filings. Total intake for January – June 2009 was 9,807. This is a 12% decrease in total intake from January – June 2009 compared to January – June 2010.

Location of Stop, Question and Frisk Incidents Resulting in Complaints

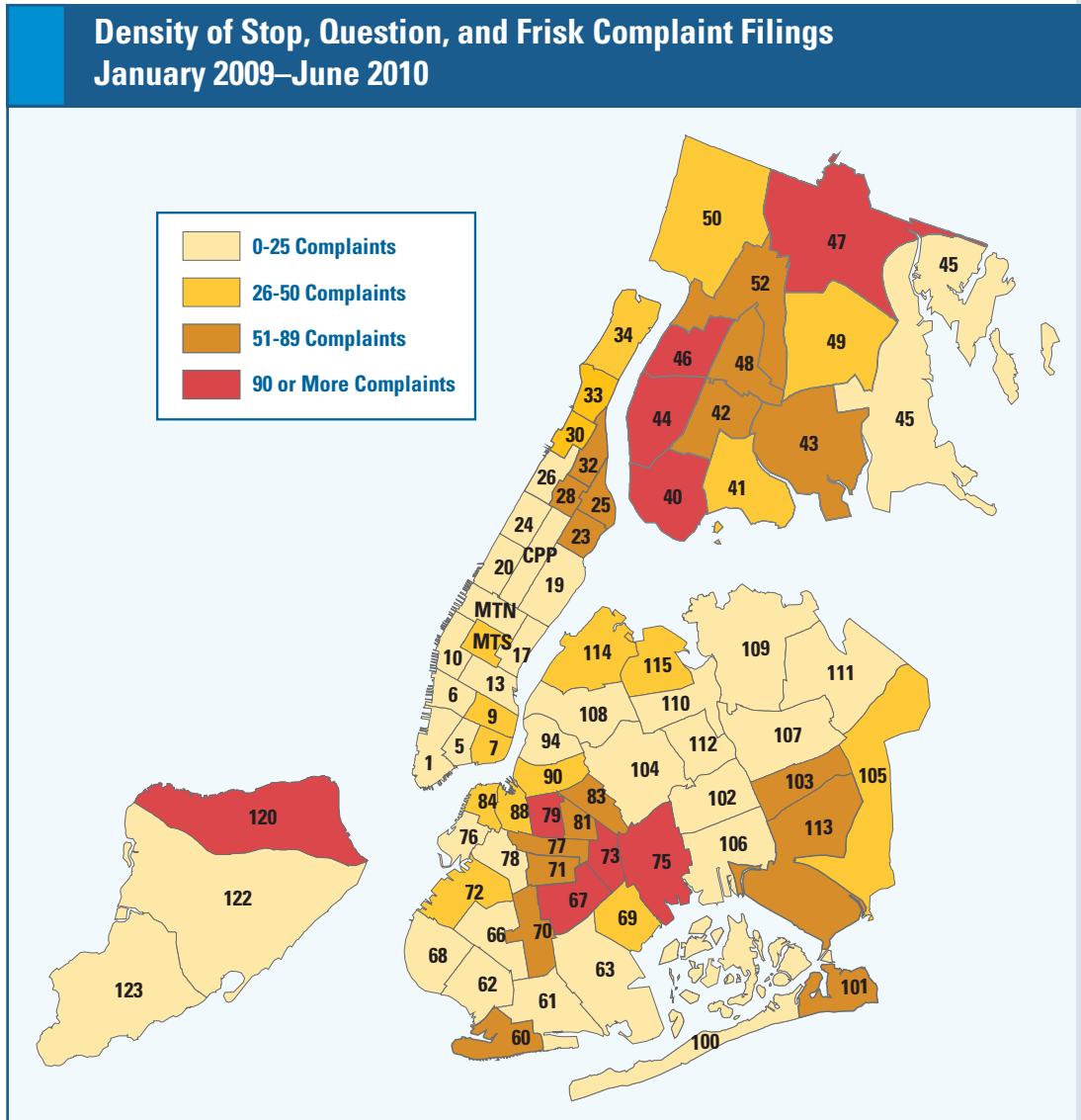
The map illustrates the distribution of stop, question and frisk complaints throughout New York City from January 2009 through June 2010, based upon the location of the incident that led to the complaint. As discussed in previous reports, the relative distribution of complaints throughout the City has generally remained steady in the past five years. This map does not reflect population density, crime statistics, precinct size, or the number of uniformed personnel assigned to a precinct.

During this period, there were nine precincts with incidents that resulted in ninety or more stop, question and frisk complaints. Four of these precincts were in Brooklyn – the 67th, 73rd, 75th and the 79th; four were in the Bronx – the 40th, 44th, 46th, and the 47th; and one was in Staten Island – the 120th. The 75th Precinct, located in the East New York section of Brooklyn, had 201 stop, question and frisk complaints – the highest in the City.

Other precincts with high stop, question and frisk complaint activity include: Manhattan North – the 32nd Precinct had 89; the 23rd had 83; the 28th had 80; and the 25th had 77. In the Bronx – the 42nd Precinct had 76 and the 43rd had 75. In Brooklyn – the 77th Precinct had 81.

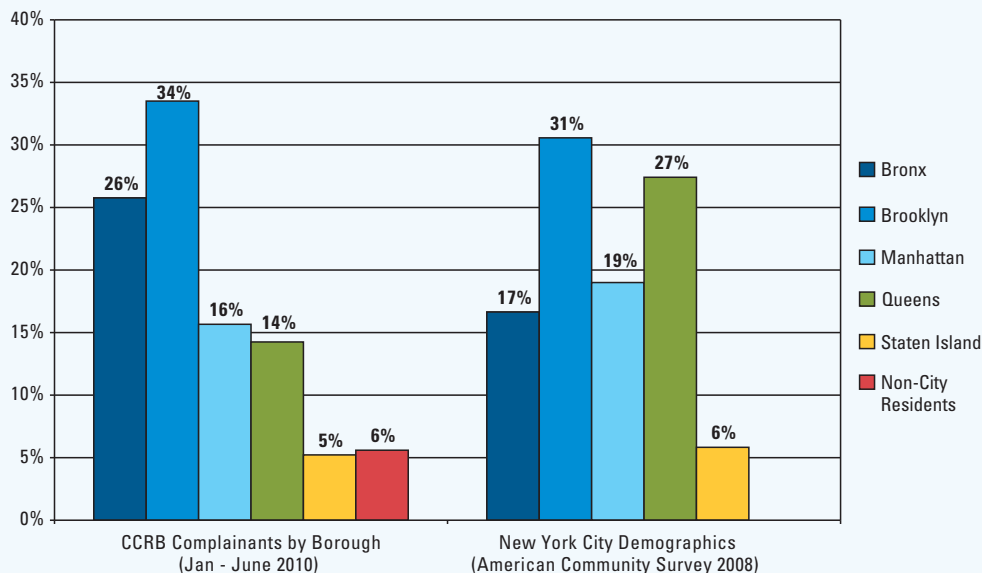
There were 31 precincts that had incidents resulting in 25 or fewer stop, question and frisk complaints in this 18-month period. Eight of these precincts were in Brooklyn – the 61st, 62nd, 63rd, 66th, 68th, 76th, 78th, and the 94th. Ten precincts were in Queens – the

100th, 102nd, 104th, 106th, 107th, 108th, 109th, 110th, 111th and the 112th. Eleven precincts were in Manhattan – the 1st, 5th, 6th, 10th, 13th, 17th, 19th, 20th, 24th, 26th, and Central Park. And two precincts were in Staten Island – the 122nd and the 123rd. The 111th Precinct in Queens and the Central Park Precinct had three stop, question and frisk complaints each – the lowest number in the City. The 111th Precinct serves six neighborhoods: Bayside, Douglaston, Little Neck, Auburndale, Hollis Hills, and Fresh Meadows.



Complainant Demographics

CCRB Complainants by Location of Residence Compared to New York City Demographic



Historically, the breakdown by race of CCRB complainants has differed greatly from the breakdown by race of the City's population as reported by the United States Census Bureau.

The current racial makeup of CCRB complainants remains consistent with that of prior years. One of these constants is that Blacks represent the majority of

complainants, 59%, and this percentage is much greater than Black representation in the City's population as a whole, which is 23%. Another constant was that Whites and Asians continued to represent a disproportionately low percentage of complainants. Whites represented 10% of complainants while making up 35% of the City's population. Asians filed only 2% of complaints, yet represent 12% of the population. Hispanics make up the second highest group of complainants at a rate of 25%, and this number was similar to their representation within the City population, which is 28%. It is important to note that in approximately one out of three complaints the CCRB was not able to capture the race of the person making the complaint.

The CCRB has also compiled data on the distribution of complainants throughout the City by borough of residence from January – June 2010. Brooklyn residents make up the largest percentage of CCRB complainants – approximately 34%; followed by the Bronx – 26%; Manhattan – 16%; Queens – 14%; and Staten Island – 5%. Additionally, non-City residents filed approximately 6% of complaints during this period.

Board Dispositions

Each CCRB case is comprised of one or more FADO allegations. Some cases are fully investigated while others are truncated because a full investigation cannot proceed.

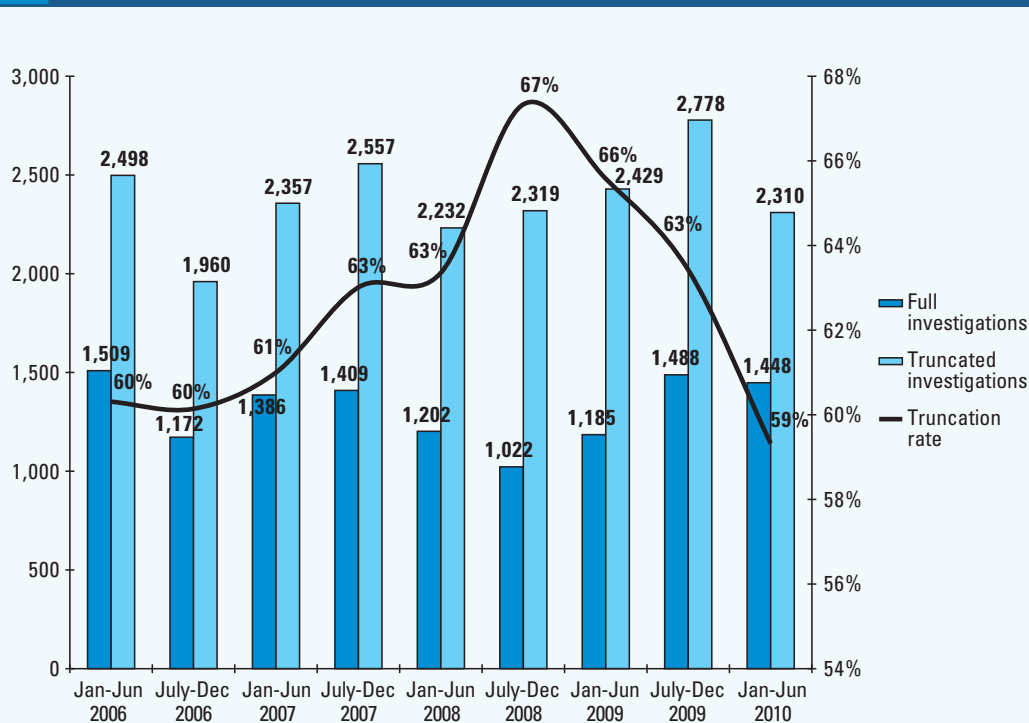
With full investigations, the Board reviews a case and determines whether or not the majority of the evidence indicates that the officer(s) committed the alleged act of misconduct. This standard is known as “preponderance of the evidence.” If the Board finds misconduct, it closes the case as Substantiated.

The Board closes a case as: Unsubstantiated if it finds that the evidence is insufficient to make a determination; Unfounded if it finds that the officer did not commit the alleged act of misconduct; and Exonerated if the officer’s alleged actions were determined to be lawful and proper. Cases are also closed as Officer Unidentified if identification cannot be made and as Miscellaneous generally if the officer is no longer employed by the NYPD.

Cases are Truncated when the complainant and/or alleged victim(s) withdraw the complaint, refuse to provide a formal statement, or cannot be located. The Board then closes the case as: Complaint Withdrawn; Complainant/Victim Uncooperative; Complainant/Victim Unavailable; or Victim Unidentified, depending on the underlying circumstances. At the Board’s discretion, a truncated case may be re-opened upon request.

The CCRB closed 3,894 cases during the period of January – June 2010. In comparison, the agency closed 3,704 cases during the same period of 2009. This is a 5% increase in the number of closures. Of these closed cases, 1,448 (37%) were full investigations and 2,310 (59%) were truncated. The remaining 136 (4%) were closed through the Mediation Unit. In the same period of 2009, the board closed 1,185 (32%) full investigations, 2,429 (66%) truncations, and 90 cases (2%) through the Mediation Unit.

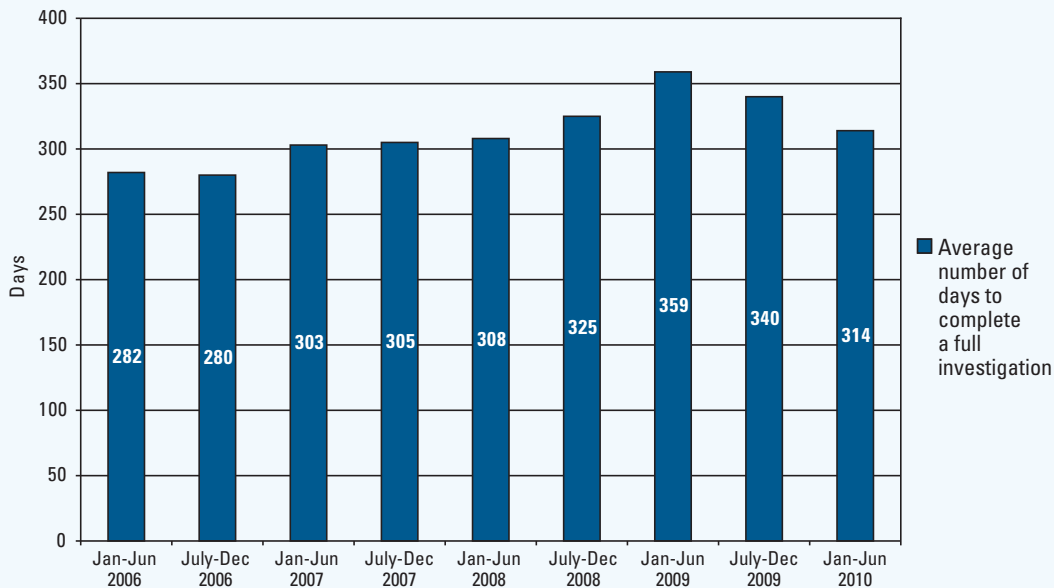
Disposition of Investigated Cases, January 2006–June 2010



Of the 1,448 cases that were closed as full investigations, 146 (10%) were closed as Substantiated. This is an increase over the first half of 2009 both in the number of substantiated cases (85) and in the substantiation rate (7%).

Given that each case consists of one or more allegations, the CCRB also analyzes Board dispositions by allegations. The percentage of allegations substantiated in fully investigated cases increased from 4% (212 out of 4,770) in the first half of 2009 to 5% (290 out of 5,297) in the first half of 2010. The percentage of allegations that were unsubstantiated during this period decreased from 39% of all fully investigated allegations in the first half of 2009 to 34% in the first half of 2010. The percentage of allegations that were exonerated and those determined to be unfounded increased slightly. In the first half of 2009, 32% of allegations were exonerated and 13% were unfounded. Similarly, in the first half of 2010, 34% of allegations were exonerated and 15% were unfounded. Allegations where the officer was unidentified increased from 9% for the first half of 2009 to 10% for the first half of 2010.

Average Number of Days to Complete a Full Investigation January 2006–June 2010



The CCRB uses three key indicators to measure its productivity: the size and the age distribution of the open docket; the time it takes to complete an investigation; and the average number of closures per investigator. The CCRB uses the term open docket to refer to the number of open cases being processed by the agency at a given time. By all three measures the agency's productivity improved.

Docket Size and Age

There were 2,852 cases that remained open as of June 30, 2010, compared to 4,120 cases that remained open as of June 30, 2009. The difference of 1,268 cases represents a 31% reduction.

On June 30, 2010, ten cases were 18 months or older, 0.3% of the open docket. In comparison, on June 30, 2009, forty-seven cases were 18 month or older – or 1.1% of the open docket.

Completion Time

During the first half of 2010, the average number of days it took the agency to close a full investigation decreased by 45 days, or 13%. During the first half of 2010, it took an average of 314 days to complete a full investigation and during the first half of 2009 it took an average of 359 days. Similarly, the average number of days it took to close a substantiated investigation decreased by 48 days, or 11%. During the first half of 2010, it took an average

of 374 days to complete a substantiated investigation and during the first half of 2009, it took an average of 422 days.

Investigators' Case Closures

The agency also saw an improvement in the average number of case closures per investigator, which was higher than the average number of cases closed in any prior period. From January – June 2010 each investigator closed an average of 39 cases, an increase from the average of 33 cases during January – June 2009. This figure represents a 17% increase in investigator productivity.

This is a process where civilians and police officers meet with a trained, neutral mediator to address the issues raised by the complaint. Participation in mediation is voluntary for both officers and civilians. The mediator guides discussion between the parties to help them resolve the complaint. Cases are closed as “Mediated” when both parties agree that the issues have been resolved. The agency closes cases as “Mediation Attempted” when the civilian and officer have agreed to mediate but the civilian twice fails to appear for the mediation without good cause, or fails to respond to phone calls, e-mails, or letters to set up the mediation session.

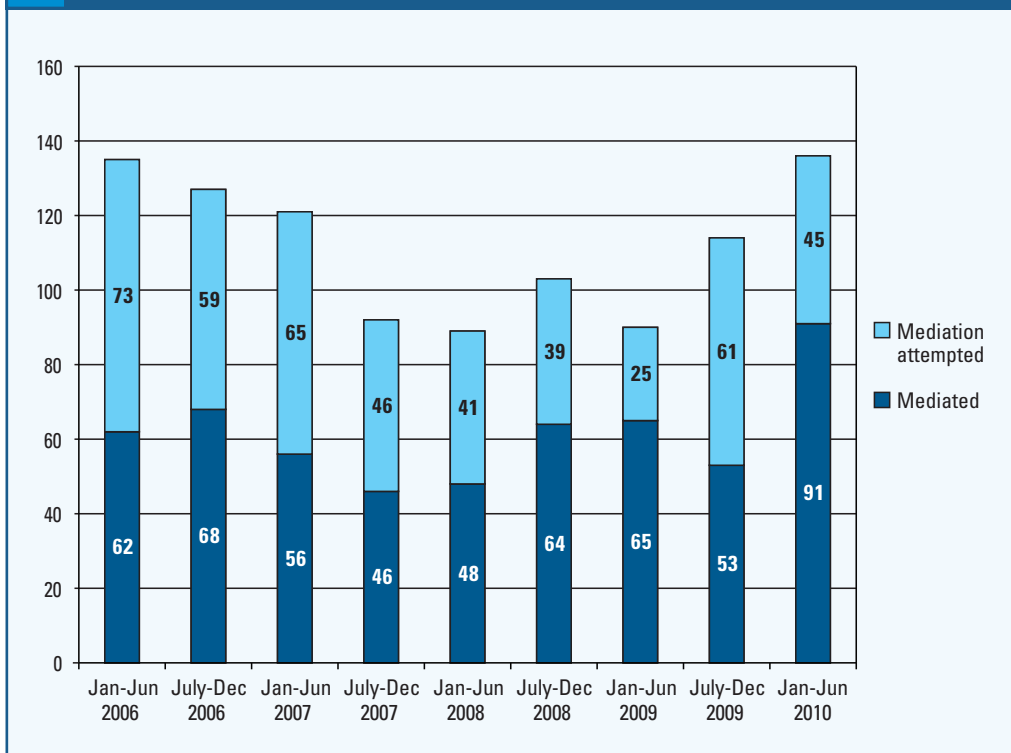
The CCRB has the largest voluntary mediation program in the United States for complaints against the police and has consistently improved the program. In the first half of 2010, the CCRB mediated 91 cases – the most ever for any half-year period. This was an increase of 40% compared to the 65 mediations during the first half of 2009. The CCRB also closed 45 cases during this period as “Mediation Attempted.” In the same period of 2009 year, the agency closed 25 cases as “Mediation Attempted.”

Last year the NYPD and the Patrolmen’s Benevolent Association (PBA) began meeting with the CCRB to discuss ways to educate police officers about complaint mediation. Subsequently, both the NYPD and the PBA issued public statements supporting mediation and encouraging officers to participate. As a result, the rate at which officers agree to participate in mediation has

increased. In the first half of 2010, 320 out of 383 or 84% of officers agreed to mediate their complaints. In the first half of 2009, 132 out of 179 officers agreed to mediation, or 74%.

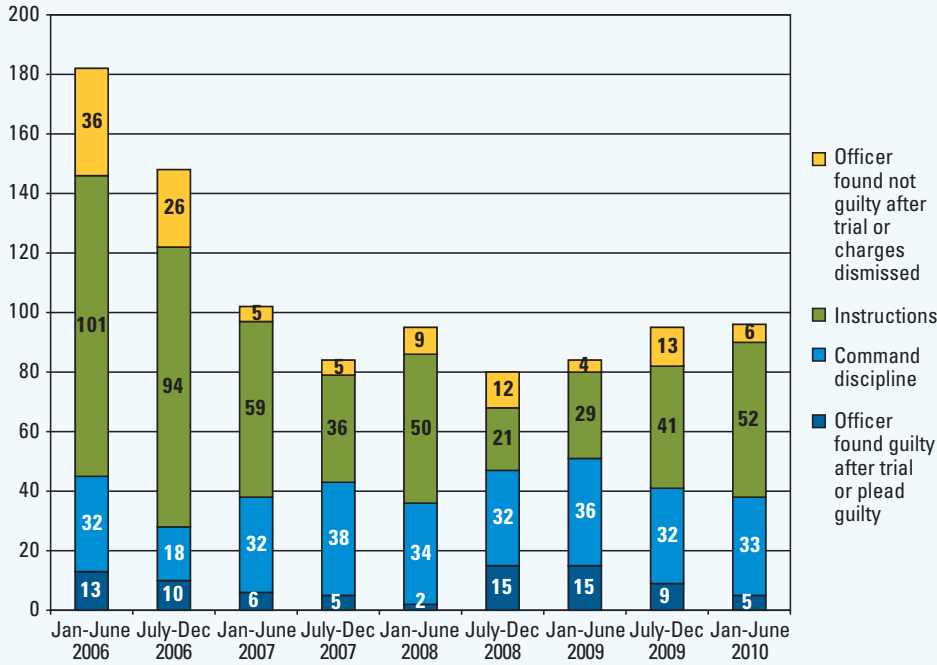
In keeping with emerging national standards in civilian oversight, the Mediation Unit began distributing a Civilian-Officer Satisfaction Survey in June of 2009 in order to monitor how satisfied participants are with the mediation process and outcome. Results show that over ninety percent of officers and civilians are satisfied with the CCRB’s mediation program in two key areas: respect for the process and satisfaction with the outcome. Nearly ninety percent said they would recommend mediation to others.

**Total Number of Mediation Unit Closures
January 2006–June 2010**



Police Department Dispositions

Police Department Pursued Discipline in Substantiated CCRB Cases January 2006–June 2010



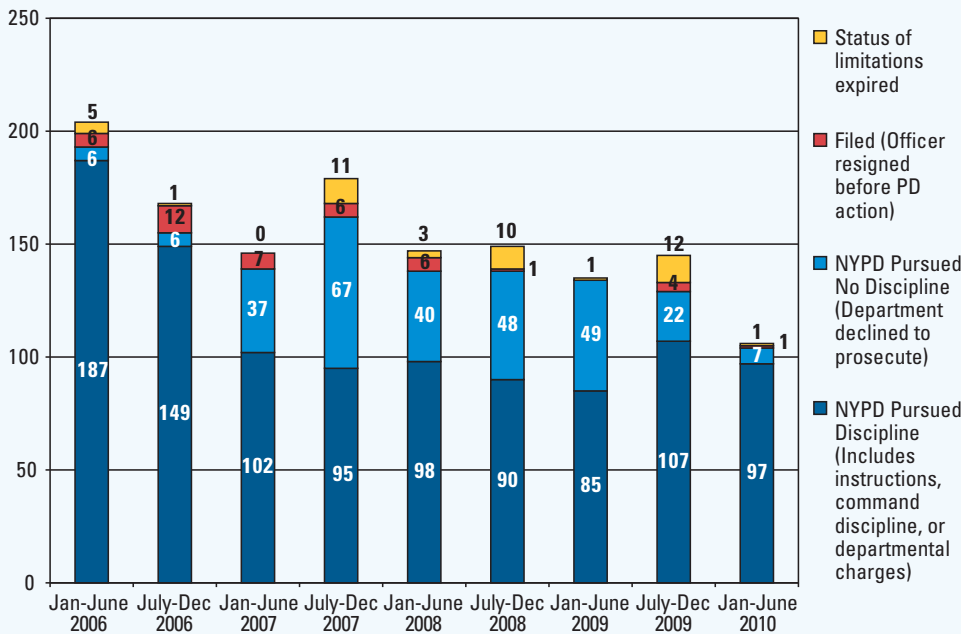
When the Board determines that an officer committed misconduct, it forwards the case to the Police Commissioner with a disciplinary recommendation. Pursuant to the New York City Charter, the Police Commissioner has sole discretion over whether to issue discipline and the level of punishment if discipline is imposed.

In the first half of 2010, the Police Department closed 105 cases that had previously been substantiated by the CCRB. The Department pursued discipline in 96 cases and did not pursue discipline in 9 cases. This is a discipline rate of 87%.

Of the cases in which the Department pursued discipline, 4 officers pled guilty and 7 officers went to trial. Of the 7 cases that went to trial, 6 officers were found not guilty and 1 officer was found guilty. In addition, 33 officers received Command Discipline and 52 officers received Instructions or re-training.

Of the 9 cases in which the Department did not pursue discipline, one case was “filed,” meaning the officer had left the Department but would face discipline if he or she returned, one case was closed as “statute of limitations expired,” and the Department declined to pursue discipline in 7 cases (7%). The number of declinations for the first half of 2010 decreased significantly from the three prior half-year periods, during which the Department declined to pursue discipline in 30% of cases.

Police Department Action in Substantiated CCRB Cases January 2006–June 2010



On February 18, 2010, Board Chair Ernest F. Hart and Police Commissioner Raymond W. Kelly announced an agreement to launch a pilot program in which CCRB attorneys will prosecute, in the Police Department's trial room, a portion of the cases substantiated by the Board. Since then, the CCRB has secured funding for the program and working with the NYPD, set the foundations for its launch in the fall of 2010. This pilot program builds upon the success of the second-seating

program launched in September of 2008. Under the second-seating agreement, a CCRB attorney acts as supporting counsel to the assigned Department prosecutor. This joint venture was undertaken to ensure that both agencies work cooperatively towards the successful adjudication of cases referred from the CCRB. Previously, only civilian lawyers employed by the NYPD's Department Advocate's Office prosecuted department disciplinary cases.



CIVILIAN COMPLAINT REVIEW BOARD

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Complaints and General Information

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