

CIVILIAN COMPLAINT REVIEW BOARD  
CITY OF NEW YORK

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PUBLIC SESSION \*  
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40 Rector Street  
New York, New York

January 12, 2005  
10:10 a.m.

BEFORE:  
HECTOR GONZALEZ, Chair

COMMISSIONERS PRESENT:  
  
DONLON, deLEON, KUNTZ, LAM,  
LIEBMAN, LOESCH, MARTIN,  
SIMONETTI, STONE, YOON

FLORENCE FINKLE,  
Executive Director

ELLEN REACH REPORTING SERVICES, LTD.  
136 Seaman Avenue  
New York, New York 10034

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P U B L I C     S E S S I O N

THE CHAIR: Good morning. I'd like to call to order this public meeting of the Civilian Complaint Review Board for Wednesday, January 12, 2005.

First let me wish all of you a happy new year on behalf of the Board.

First order of business is the adoption of the minutes from last month's meeting. I believe all Board members have had an opportunity to review those minutes.

Is there a motion to adopt the minutes?

COMMISSIONER KUNTZ: So move.

COMMISSIONER LAM: Second.

THE CHAIR: All in favor?

(Unanimous aye vote)

THE CHAIR: Any opposed?

Motion passes unanimously.

I just have one item to report.

As has been our tradition for the last few years, we like to try to meet with the Police Commissioner at the beginning of the year. I'm in the process of scheduling that meeting now

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and hopefully we can have that meeting within a short period of time.

It generally has been a productive meeting every time that we have had it. So I know we are looking forward to trying to get that underway and scheduled.

I now turn it over to Ms. Finkle for the Executive Director's report.

THE EXECUTIVE DIRECTOR: Good morning.

I'd like to discuss some of the preliminary data we have regarding 2004 complaint statistics and the Agency's performance.

With respect to the complaints that we received in 2004, I say this is preliminary data because for the complaint statistics that we report on in our semi-annual reports, we wait a month to freeze the data.

The reason for this is that between the end of the month - January 1st and February 1st, for example - some of the complaints that are currently categorized as CCRB complaints will be referred to other agencies as investigators work on them. So we always expect some fallout.

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2 Primarily, in December 2004, we  
3 received 509 complaints, up 13% over December  
4 2003.

5 For the year 2004, we have received  
6 6237 complaints that fall within our  
7 jurisdiction, a 12% rise over the same time  
8 period in 2003.

9 However, even if that preliminary  
10 figure - 6237 - declines somewhat in this month,  
11 the Agency will have received the most number of  
12 complaints that we have ever received as an  
13 independent agency.

14 The next highest number of  
15 complaints that we have previously received in a  
16 single year was in 1995 when the Agency received  
17 5618 complaints.

18 The Agency has experienced a 35%  
19 increase in complaints in two years.

20 With respect to the resources at our  
21 disposal in 2004 to deal with these current  
22 complaint rates, we had a budget of \$10 million.  
23 We averaged an investigative head count in 2004  
24 of 133, our highest ever. And, significantly, we  
25 spent a little more than \$600,000 in overtime.

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Our overtime budget is \$38,000.

As a result of these high complaint rates and the resources at our disposal, the investigations and mediation units, we maintained our timeliness and we maintained the quality of our investigations. But the size and the age of the docket has grown.

And if the Agency does not get resources added to its budget, we will not be able to keep up and we haven't been able to keep up with the number of complaints that we are receiving.

In 2004 we closed a little more than 5800 cases, a 19% increase over 2003. We mediated successfully 113 cases, the most ever, and a 24% improvement over 2003, and we closed 209 cases total through the mediation process, the most ever.

In terms of completion times, the time it took us to close cases was at or below the five year average.

It took us, in 2004, a little bit more than nine months to close a full investigation, three and a half months to close a

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truncated case where the complainant or alleged victim did not cooperate, and it took five months to successfully mediate a case.

And those times include the time it takes the Board to review and close the cases.

The rate at which the CCRB makes findings on the merit in full investigations has remained high at 64%, which is consistent with the last five years.

These represent the allegations in which we are able to conclusively determine what happened, a sign of the quality of our investigation, since the investigative staff is giving the Board sufficient amount of information in which to make a conclusive decision.

But, as I said, the size and the age of our docket has grown. At the end of this year our docket stood at 3206 cases, a 14% increase over where it stood in 2003. And the average size of our open docket in 2004, which is the monthly average, increased by 23%.

The gross number and the percentage of cases more than a year old, based upon date of report, has also increased.

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So as we have been saying for more than a year, we need additional resources to be baseline to our budget in order to keep up with the demand for our services.

With respect to our performance in Outreach, we conducted 99 in-person presentations to various groups in 2004.

And we also made two significant policy recommendations in 2004 - one having to do with enhanced training with respect to strip searches and the other having to do with recommendations in order to facilitate the identification of Officers policing large scale demonstrations.

With respect to the 2004 dispositions, in full investigations we substantiated one or more allegations 16% of the time, which is the highest substantiation rate since 1993.

In terms of all the allegations the Board closed in full investigations, the Board substantiated - 11%; exonerated - 35%; unsubstantiated - 25%; unfounded - 17%; we couldn't identify the Officer 8% of the time; and

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in 3% of the allegations we closed with a miscellaneous outcome because the Officer was no longer a member of the force.

That concludes my presentation.

THE CHAIR: Thank you.

Any questions?

The next item is Committee reports.

I guess, Flo, I have one question.

Do we have any kind of status on the semi-annual?

We just closed the books, right?

THE EXECUTIVE DIRECTOR: As I said, we are waiting until the beginning of February to freeze complaint data.

We have all the tables relating to agency performance. These are the tables from which I have gathered most of the statistics I just talked about.

We have the tables relating to Agency dispositions.

The first chapter of the report has been drafted, revised, edited and completed.

That is the Agency Operations Section.

The Outreach unit and the report

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writing unit is the same staff. They are currently drafting --

We have discussed the tables and the statistics relating to Agency performance and productivity and they are currently drafting that section which their draft I think is due at the end of next week.

THE CHAIR: So what do you think is the time frame - not for publication, obviously - but just for getting it to the Committee, the Semi-Annual Committee?

THE EXECUTIVE DIRECTOR: We have set out a schedule for ourselves. It will probably get to the Committee in April.

THE CHAIR: Are there any other Committee reports?

I don't believe any Committees met.

THE EXECUTIVE DIRECTOR: There is a question.

THE CHAIR: Commissioner deLeon.

COMMISSIONER deLEON: I just have a question.

In reviewing the Outreach Report for the year, I noticed that all but one of the

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Spanish language Outreaches were to some group called The Latin-American Immigration Center. All the rest were at that one place.

Have we made any efforts to reach out to other Spanish-speaking sites?

THE EXECUTIVE DIRECTOR: Last year we sent mailings specifically to Hispanic organizations.

But what I can do is, I know that you have a lot of contacts in this area. And I can have the Outreach Coordinator call you to get your specific suggestions and maybe use your connections in order to get these groups to agree to meet with us, because we would be happy to do that.

COMMISSIONER deLEON: Okay, great.

THE CHAIR: Thank you.

There is no Old Business on the agenda.

Is there any New Business that any Board member would like to propose?

There is none.

Public comment, I don't see anyone signed up.

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Is there any member of the public interested in making a comment?

Seeing none, that concludes the public section of the meeting and we will now adjourn into Executive Session.

Thank you. And, again, happy new year.

(Time noted 10:20 a.m.)

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C E R T I F I C A T E

I, ELLEN REACH, a Stenotype Reporter  
and Notary Public of the State of New York do  
hereby certify that the within transcript is a  
true and accurate record of the Public Meeting  
held January 12, 2005.

IN WITNESS WHEREOF, I hereunto place  
my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
ELLEN REACH