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EXPLANATION OF THE INVESTIGATION PROCESS

When someone files a complaint with the CCRB, the case is assigned to an investigator. Once a civilian provides a formal statement regarding the incident to the investigator, a thorough investigation commences. The investigation typically involves interviewing additional civilians and officers, and obtaining documentary evidence, such as video evidence, police documents, medical records, and records of court proceedings. After the investigation is complete, the investigator assigned to the case creates a comprehensive report regarding the incident, which is then reviewed by the investigator's manager, who has been supervising the investigation, and a staff attorney. The report and its recommended findings are sent to the Board of the CCRB. The Board members meet and decide if they agree with the disposition assigned to the complaint. This disposition is then sent to the Police Department, with a penalty recommendation when applicable. Below is a list of the possible findings the Board can reach in a case.

EXPLANATION OF ALL POTENTIAL BOARD FINDINGS

Substantiated: The allegation occurred and was considered misconduct, and not permissible under the laws of New York or the rules set by the NYPD in their Patrol Guide and the officer should receive some sort of discipline.

Example: *A civilian filed a complaint and alleged an officer frisked him. After a thorough investigation, the investigator was able to determine that the frisk, which required that the officer have reasonable suspicion that the civilian was armed and dangerous, **was not justified** under the laws of New York and the rules set by the NYPD in their Patrol Guide.*

When the Board substantiates an allegation, it may make one of the following recommendations:

Instructions: The officer should receive discipline at the local, command level.

Formalized Training: The officer should receive training at the Police Academy regarding the specific allegation(s).

Command Discipline A or B: The officer should receive discipline at the local, command level, which may range from instructions to the loss of up to ten days' pay.

Charges and Specifications: Charges should be filed against the officer, which may result in an Administrative hearing, which is similar to a trial.

Within NYPD Guidelines¹: The allegation occurred but were not considered misconduct, and were permissible under the laws of New York or the rules set by the NYPD in their Patrol Guide.

Example: *A civilian filed a complaint and alleged an officer frisked him. After a thorough investigation, the investigator was able to determine that the frisk, which required that the officer have reasonable suspicion that the civilian was armed and dangerous, **was justified** under the laws of New York and the rules set by the NYPD in their Patrol Guide.*

¹ This category was previously known as Exonerated.

Unfounded: The investigation determined that the alleged action did not occur.

Example: A civilian filed a complaint and alleged an officer frisked him. After a thorough investigation, the investigator was able to determine that the frisk **did not occur**.

Unable to Determine²: The investigation was unable to determine if misconduct occurred under the law or the rules defined by the New York City Police Patrol Guide.

Example: A civilian filed a complaint and alleged an officer frisked him. After a thorough investigation, the investigator was able to determine that the frisk, which required that the officer have reasonable suspicion that the civilian was armed and dangerous, occurred; however, given differing factors about why the frisk occurred, the investigation was **unable to determine** if the frisk was justified under the laws of New York and the rules set by the NYPD in their Patrol Guide.

Officer(s) Unidentified: The subject officer(s) of the alleged action could not be identified.

Example: A civilian filed a complaint and alleged an officer frisked him. After a thorough investigation, the investigator was **unable to determine which officer** allegedly conducted the frisk.

Miscellaneous: Typically this means the officer is no longer employed by the NYPD.

Unable to Investigate: The investigator was unable to establish contact with the complainant/victim; or the investigator was unable to schedule an interview with the complainant/victim; or the investigator was unable to identify a complainant/victim in the complaint.

Complaint Withdrawn: The complainant/victim no longer wishes to participate in an investigation and asked to withdraw the complaint. No case is closed for this reason until the complainant and/or victim verbally affirms that they are voluntarily withdrawing the complaint of their own free will.

Closed Pending Litigation: The complainant/victim and/or the attorney representing the complainant/victim, does not want to proceed with the CCRB's investigation because of (potential) pending litigation. Once the attorney or civilian has determined that they would like to have an investigation move forward, they can request to have the case re-opened.

Re-opening a case: If you have new evidence, not previously available to the CCRB, or a previously unavailable or uncooperative witness becomes available, the Board may be willing to re-open your case if such new evidence may reasonably lead to a different finding. To request that the Board re-open your case in such circumstances, please detail the new evidence and request in a letter addressed to: Executive Director, at the above address, as soon as possible.

² This category was previously known as Unsubstantiated.