

New York City

CIVILIAN COMPLAINT REVIEW BOARD

*Status Report
January-June 2006*

**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 2006

LETTER FROM THE CHAIR



I am happy to begin my term as chair of the New York City Civilian Complaint Review Board by presenting the board's January-June 2006 Status Report. Last year, the CCRB redesigned its mid-year report to make the agency's operations accessible to a broad audience. We've retained the new layout and continue to spotlight data involving complaint filings, agency performance, and complaint dispositions.

This mid-year report analyzes demographic information concerning alleged victims and subject officers and maps complaint filings by police precinct. It describes the New York City Police Department's decision to more frequently issue instructions rather than more serious discipline against officers the board found committed misconduct. The report also details the increase in the number of cases closed through mediation, a consequence of the board's effort to expand its mediation program.

As chronicled in the report, the increase in complaint filings that began in 2001 continued unabated from January through June 2006. Yet in the last half of 2005 and the first half of 2006, the board closed more cases than it received for the first time since 2002. As a result of improved productivity, the agency reduced the amount of time it takes to complete an investigation, reversing a two-year trend.

A board member since 1998, I look forward to building upon the CCRB's accomplishments and helping enhance public trust in our city's police department.

Sincerely,

A handwritten signature in black ink that reads "Franklin H. Stone". The signature is written in a cursive style.

Franklin H. Stone
Chair, Civilian Complaint Review Board

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 members of the public file against NYPD police officers.

The mayor appoints all thirteen members of the board, 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 raised by complaints. The board makes disciplinary recommendations to the police department when it finds that an officer committed misconduct.

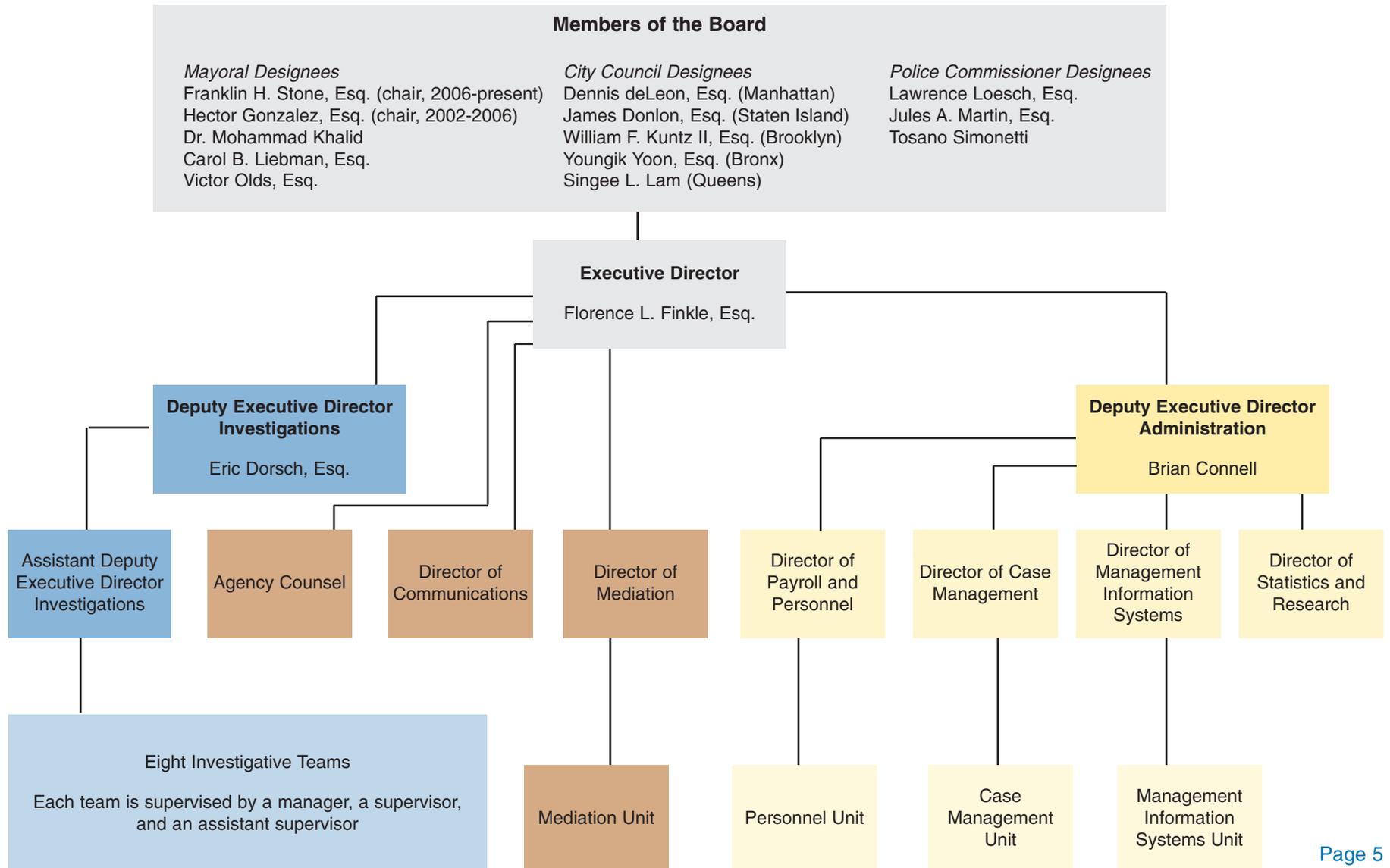
The board hires the executive director who in turn is responsible for the agency's daily operations and the hiring and supervision of the agency's all-civilian staff. The Investigations Division, comprised of eight teams, each led by a manager with a minimum of

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 vehicle fleet, facilities, and computer systems, and performs budgeting, purchasing, personnel, and clerical services.

The CCRB's final budget for fiscal year 2006, which ended on June 30, 2006, was \$10,062,468, which supported a full-time headcount of 184: approximately 146 investigators and 38 non-investigative employees (including the agency's executive staff).



CCRB Organizational Chart



WHAT WE DO

Jurisdiction and Case Processing

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. The CCRB also receives complaints forwarded from elected officials, the NYPD, and other agencies. Though many different law enforcement agencies operate within the confines of New York City, the CCRB only has the authority to investigate complaints filed against NYPD officers. It does not have jurisdiction to investigate complaints filed against civilian employees of the NYPD, such as traffic enforcement agents and school safety officers. The CCRB can investigate complaints involving four types of allegations: force, abuse of authority, discourtesy, and offensive language.

Types of CCRB Allegations

The CCRB has jurisdiction over New York City Police Department officers. The agency has the authority to investigate 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, and unwarranted threats of arrest and other such actions.

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

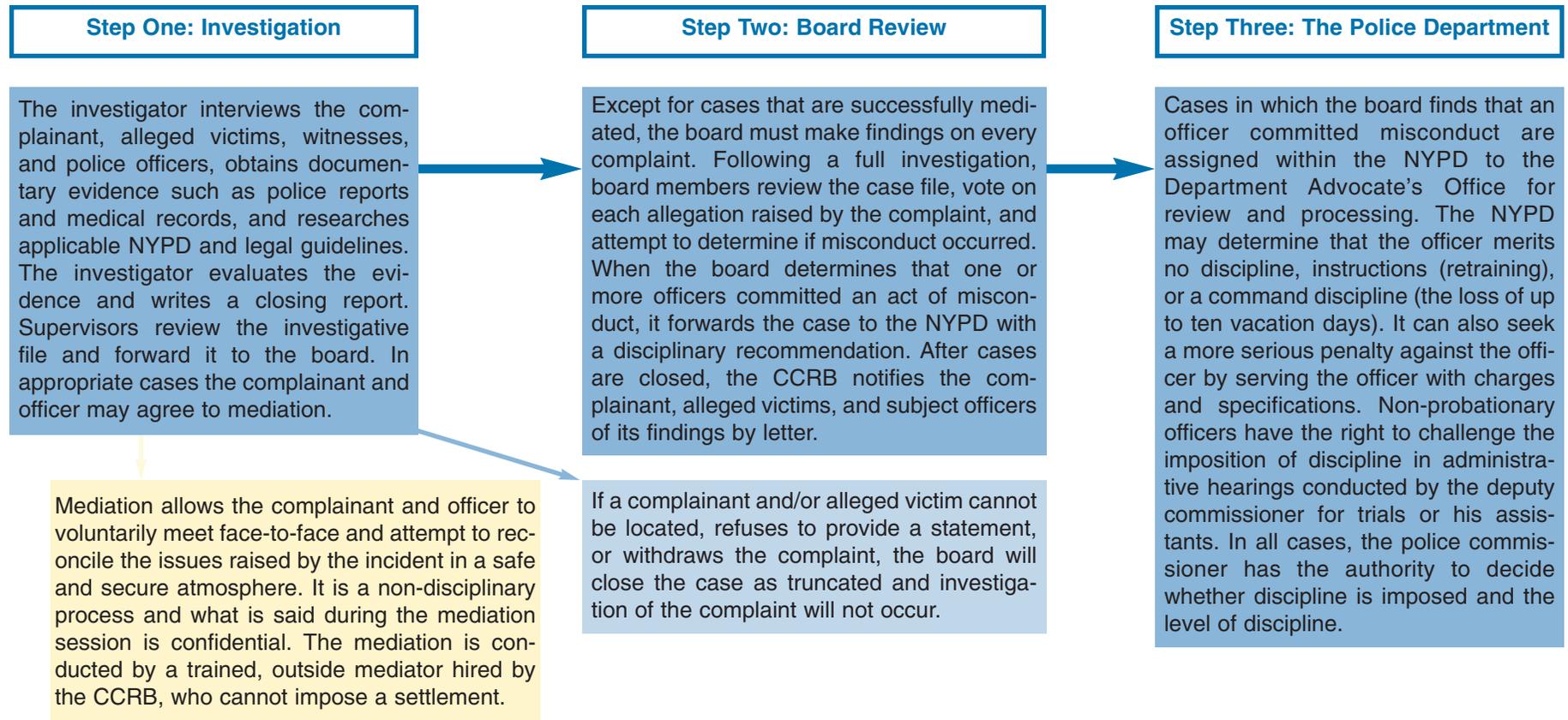
Offensive language refers to slurs, derogatory remarks, and/or gestures based upon a person's sexual orientation, race, ethnicity, religion, gender or disability.

With the assistance of the Mediation Unit, the investigator assigned to the complaint determines whether the case is eligible for mediation. If both the complainant and officer voluntarily agree to mediate, the agency generally closes these cases as mediated or mediation attempted.

CCRB investigators make significant efforts to contact and gain the cooperation of the complainant or alleged victim(s) of a complaint in order to obtain statements. However, a large number of these individuals either cannot be located, refuse to cooperate, or withdraw their complaints. The board closes such complaints as truncated investigations, since the agency cannot conduct a full investigation without the participation of the complainant or alleged victim. In all other cases, the investigator conducts a thorough and impartial investigation.

The Complaint and Adjudicative Process

Every complaint the CCRB receives is entered into the agency's complaint tracking system. Investigative team managers and supervisors review all complaints to determine whether or not the allegations raised by the complaint fall within the CCRB's jurisdiction. If the complaint falls outside of the CCRB's jurisdiction, the CCRB refers the complaint to the appropriate agency; if the complaint falls within the CCRB's jurisdiction, the complaint is processed as described in the flow chart.



Investigation Outcomes

After completing all investigative steps, the investigator drafts a detailed closing report that summarizes the evidence gathered during the investigation, analyzes the evidence, and reviews applicable NYPD Patrol Guide procedures and administrative law. When the investigator's supervisors are satisfied with the investigation and report, they forward the investigative file to the board, together with a recommendation as to the appropriate disposition of each allegation.

Complaints often raise multiple allegations and board members, who generally meet in panels of three, are responsible for determining dispositions on all allegations. Each panel consists of one board member designated by the mayor, one by the city council, and one by the police commissioner. Findings on an allegation are based on a preponderance of the evidence. Panel members

vote on allegations and can reach a decision by a two-to-one vote. Instead of closing a case, the panel can also request that the staff conduct additional investigation or refer the case to the entire board for review.

Board dispositions of allegations that are fully investigated are divided into two categories: findings on the merits and findings not on the merits. When the board makes a conclusive determination about whether an officer committed misconduct, it makes a finding on the merits. If it cannot determine whether an officer committed misconduct, it cannot make such a finding. Any case in which the board substantiates at least one allegation is forwarded to the police department, which has exclusive authority to impose discipline against police officers.

Findings on the Merits

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.

Findings Not on the Merits

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 New York City Police Department.

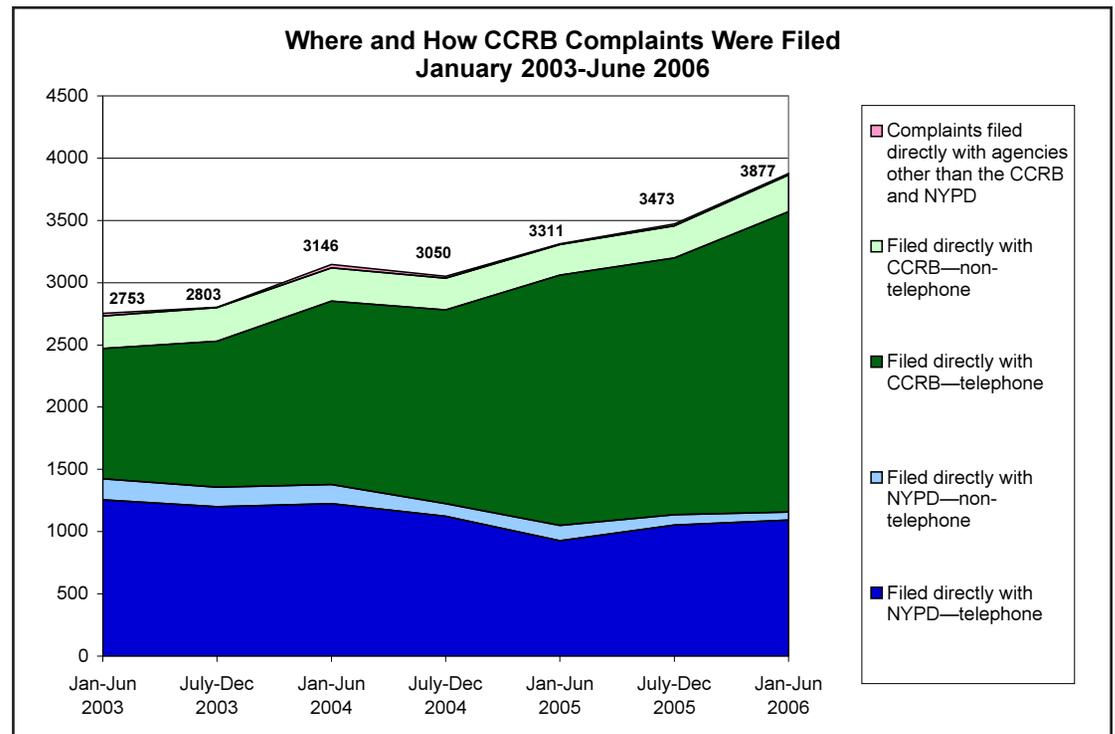
COMPLAINT ACTIVITY

Where and How Complaints Were Filed

The CCRB received 3,877 complaints in the first half of 2006, the most filed during any six-month period in its history as an independent agency. This number represents an increase of 12% over the 3,473 complaints filed over the same period last year and continues the significant and steady increase in complaint filings that began in 2001. Compared to the first six months of 2003, for example, the number of complaints filed with the agency has increased by 41%.

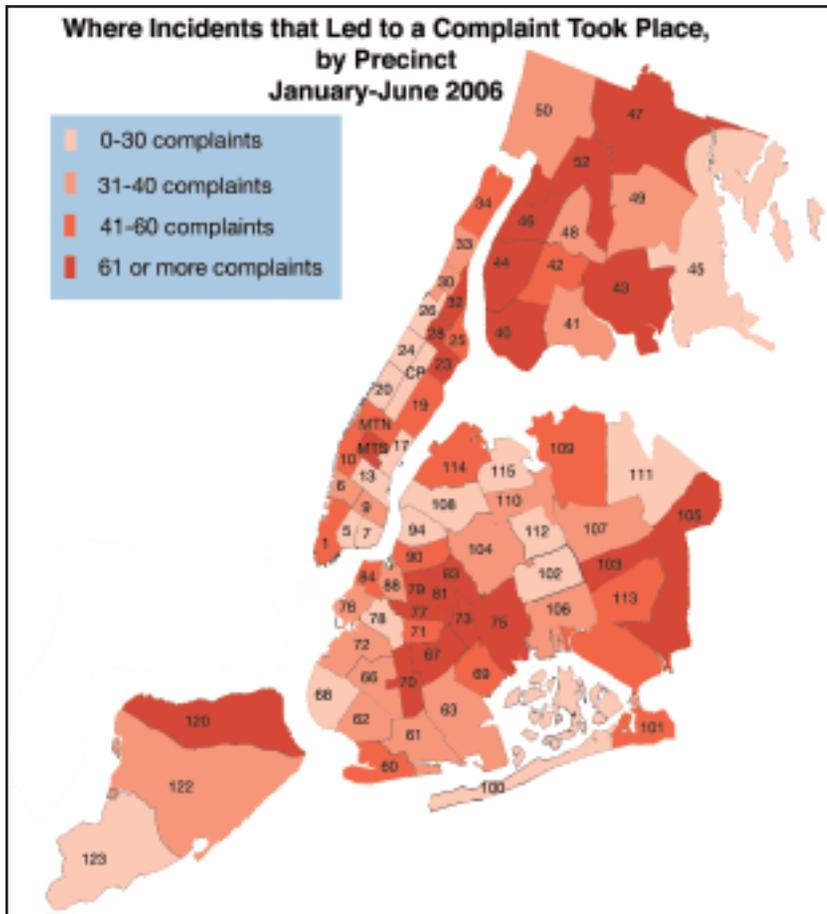
The complaint increase has been fueled by those complaints filed with the agency via telephone (including those transferred through the city's 311 system). While complaints filed directly with the CCRB by telephone represented only 38% of all complaints filed in the first half of 2003, they comprised 62% of all complaints filed from January through June of 2006. In fact, the number of complaints the agency received that were either filed initially with the NYPD or another agency has actually decreased since 2003, from 1,445 to 1,170.

While the success of the city's 311 system appears to be a significant factor in the increase in complaint filings (311 operators transferred 5,024 calls to the agency during the first six months of 2006), the complaint increase began before the 311 system became operational in March of 2003. That the rate at which members of the public are filing complaints has continued to increase even as the system has matured makes it all the more unlikely that 311 is the sole cause of the increase.



Where Incidents that Led to a Complaint Took Place

The locations of incidents that generated CCRB complaints between January and June of 2006 were consistent with recent trends. The map plots these locations by precinct, regardless of the command assignment of the officers involved and without reference to variations amongst precincts by size, population, or crime statistics.



The most incidents resulting in complaints occurred within a group of contiguous precincts in Brooklyn, including the 75th Precinct (East New York), which led all precincts citywide with 172 complaints and the 73rd Precinct (Ocean Hill-Brownsville) with 135. The other precincts in this group—the 67th, 70th, 77th, 79th, 81st and 83rd—encompass the neighborhoods of Bedford-Stuyvesant, Bushwick, Crown Heights, and Flatbush.

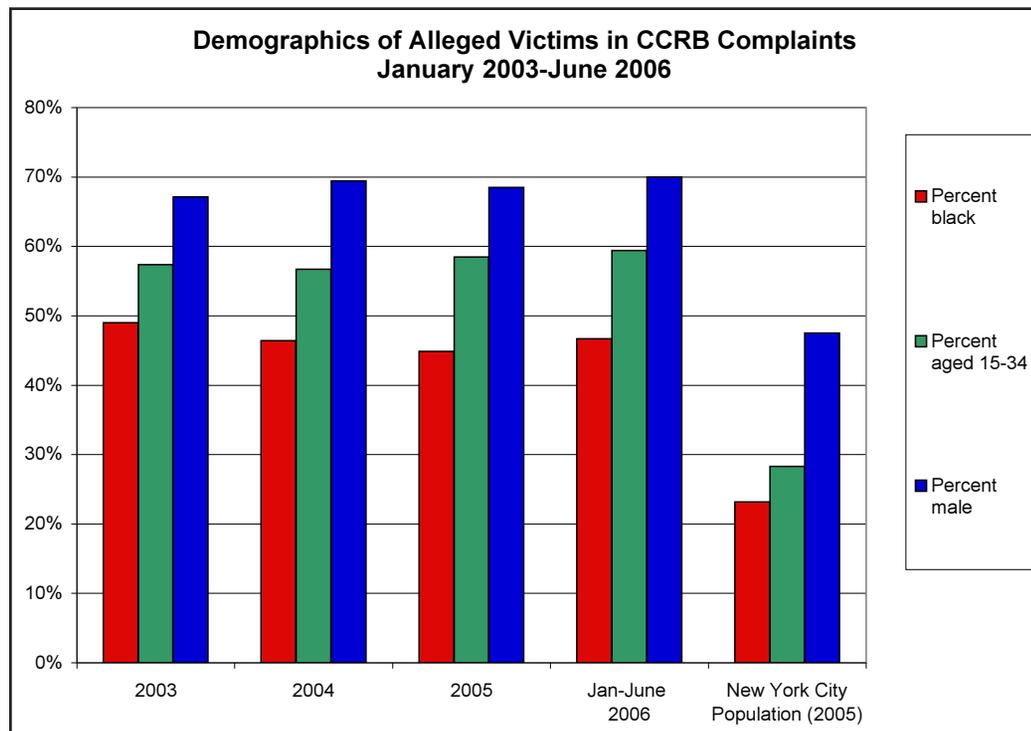
A relatively high number of complaint incidents also took place in the 40th, 44th, 46th, 47th, and 52nd precincts in the Bronx: The 44th Precinct was the location for 138 incidents leading to complaints, the second highest in the city. These precincts cover an area stretching from Point Morris and Mott Haven in the south, through Morris Heights and Mount Eden, to Woodlawn and Wakefield in the north.

The 23rd, 28th, and 32nd Precincts in Harlem had the highest number of incidents leading to CCRB complaints within Manhattan with 61, 66, and 81 incidents, respectively. The 103rd and 105th Precincts led Queens with 91 and 62 complaints, and the 120th Precinct in Staten Island was the location for 74 incidents.

Demographics of Alleged Victims and Subject Officers

The demographics of alleged victims in CCRB complaints—individuals against whom an officer is alleged to have committed misconduct—reveal historically uniform disparities when compared to the population of New York City. As in past years, from January through June 2006, males, blacks, and individuals between the ages of 15 and 34 were over-represented in comparison to their share of the city’s population. At the same time, white alleged victims were under-represented and the percentage of alleged victims identified as Latino was generally consistent with the Latino composition of New York City.

Since 2003 blacks have made up between 44% and 49% of alleged victims; however, the city’s population in 2005, according to the United States Census Bureau, was only 23% black. The percentage of all alleged victims between the ages of 15 and 34 has remained relatively consistent in recent years at nearly 60%, while only 28% of New Yorkers are within this age range.



Furthermore, while the population of the city is only 48% male, alleged victims of police misconduct in CCRB cases have been almost 70% male.

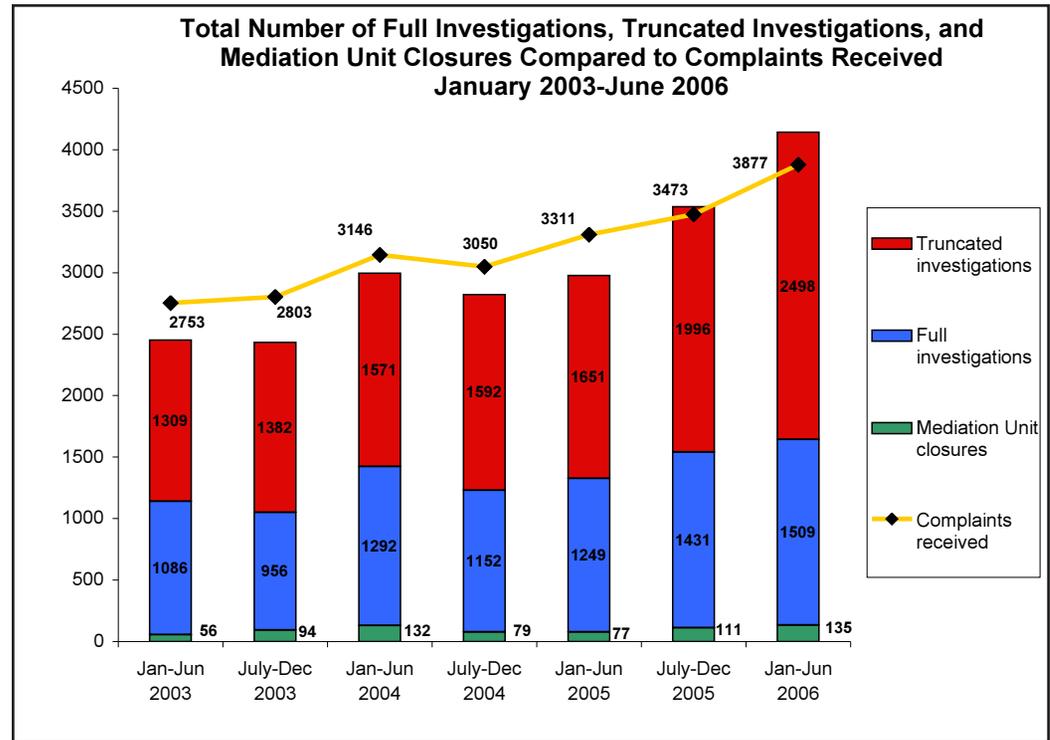
By contrast, the race and gender of officers against whom complaints were filed resemble the demographics of the police department as a whole. For example, while the percentage of subject officers who are white decreased from 62% to 57% from 2003 through June 2006, the proportion of white officers within the department changed as well, falling from 64% to 56%. And though nearly 90%, and sometimes more, of all subject officers since 2003 have been men, the department during the last three and one-half years has been 83% or 84% male.

AGENCY PRODUCTIVITY

Case Closures

The CCRB continues to respond to the growing demand for its services with increases in its productivity. While the number of complaints received continued to rise in the second half of 2005 and the first half of 2006, the agency closed more cases than it received in each of these periods, the first six-month periods in which the agency reduced its docket since 2002.

In the first half of 2006, the agency closed 4,142 cases, 39% more cases than the 2,977 it closed in the first half of 2005. Of these, 1,509 were full investigations, a 21% increase over the comparable 2005 period. Although full investigations as a percentage of all case closures declined to 36%, the agency still improved upon the total number of full investigations conducted.

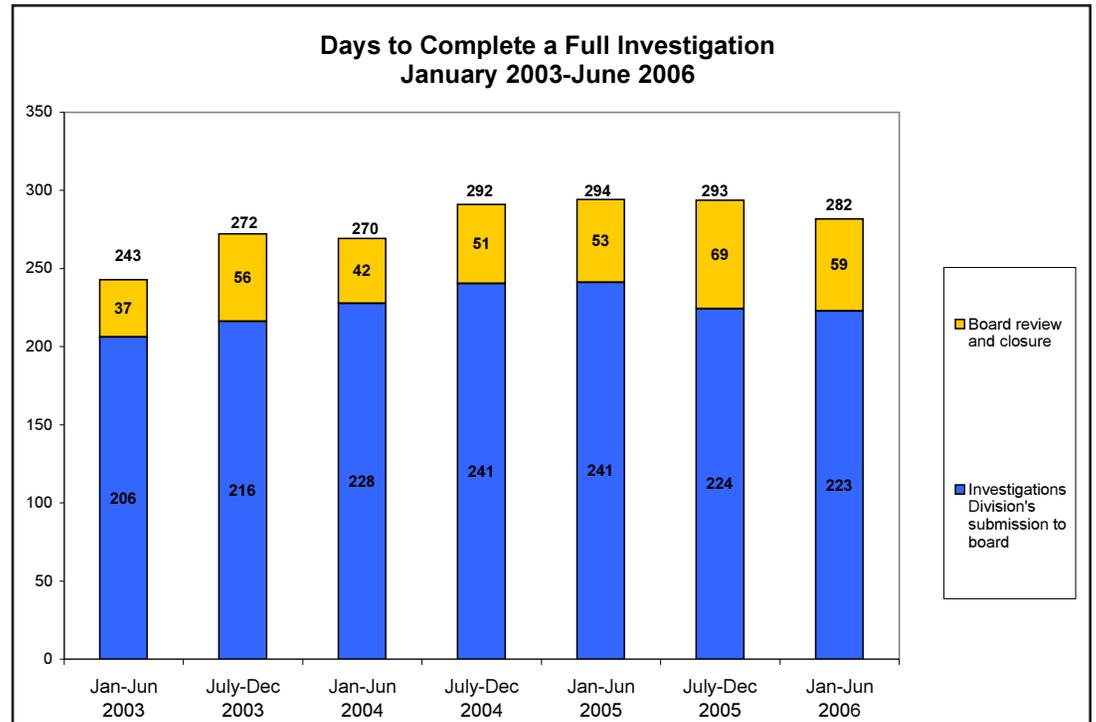


In the absence of budget increases to expand its staff, the agency has managed to be more productive even as complaints have risen 41% in the last three and one-half years. The CCRB has reallocated administrative positions to the Investigations Division as non-investigative employees left the agency, concentrated investigative efforts on civilians who demonstrate a willingness to pursue their complaint, and focussed its resources on cases which require the most extensive investigation. As a result, the CCRB is operating more efficiently than ever. For example, compared to 2003, in the first half of 2006 the average number of cases each individual investigator submitted to the board for closure increased by 33%—from 40 to 53—and the board closed 41% more cases (4,142 compared to 2,451).

Case Completion Time

Timeliness is a key component of an investigation's quality because over time memories fade, witnesses relocate, and evidence may become lost. As the agency received an ever-growing number of complaints in the past several years, the time it takes to complete an investigation inevitably increased. However, from January through June 2006 the agency reduced the time it takes to complete full investigations to its lowest level in two years.

Measured from the date of report, the time it took for the investigative staff to conduct a full investigation slowly increased from 206 days in the first half of 2003 to 241 days by the second half of 2004. As the number of investigations the agency conducted grew, the time it took the board to review and close completed cases increased as well, rising to a peak of 69 days in the second half of 2005.



During the first six months of 2006, the agency decreased the time it has taken to close complaints it investigated. The average number of days it took the Investigations Division to complete its work on cases fell from 241 days in the first half of 2005 to 223 days in the first half of 2006. In 2005, the board increased the number of cases each panel reviewed from 125 to 175, and in the first half of 2006 the average number of days for the board to review and close cases dropped to 59 days. As a result, from January through June 2006 each complaint the agency investigated was closed after an average of nine months.

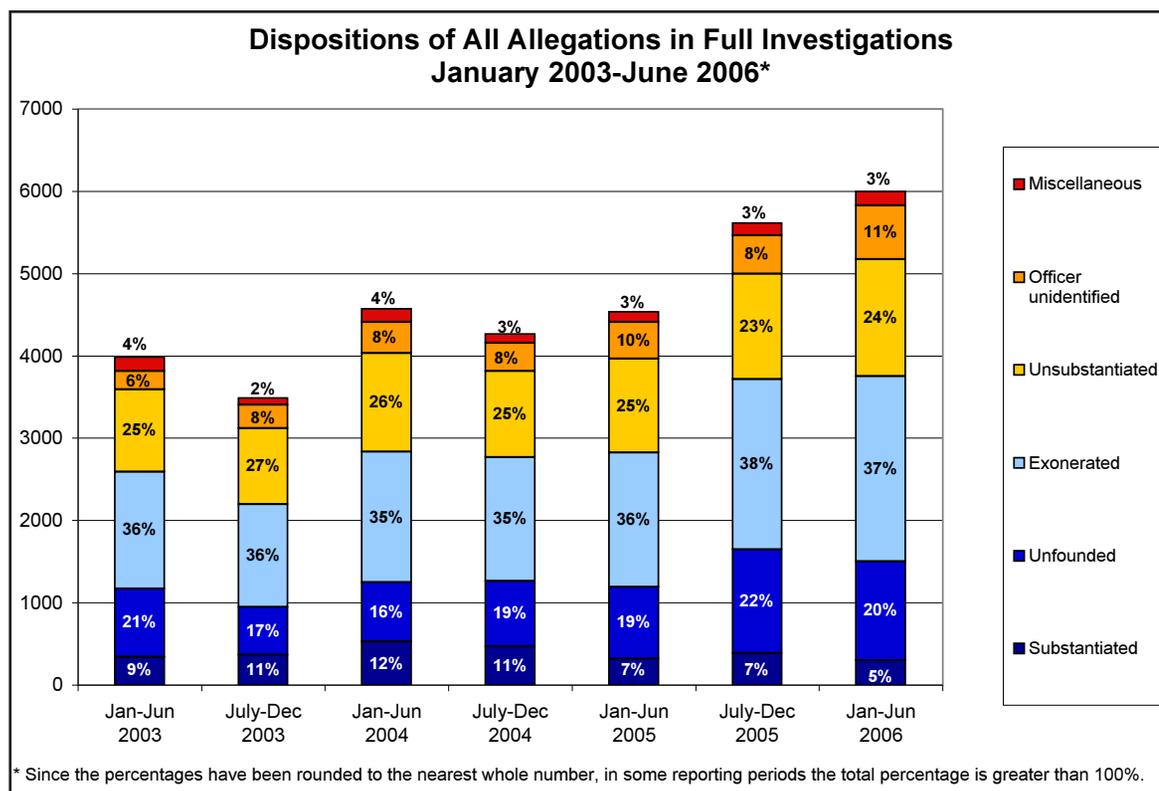
COMPLAINT DISPOSITIONS

Board Dispositions

In the 1,509 cases that the CCRB fully investigated from January through June 2006, the board made a finding on the merits (substantiated, exonerated or unfounded, as represented by the three shades of blue on the chart) in 62% of the allegations. This rate was slightly below the 67% achieved in the second half of 2005, but was consistent with the average rate since January 2003 of 64%.

The board determined that misconduct had been committed in 134 of the cases, representing 9% of all cases closed after a full investigation or 3% of all closed cases. Within these 134 cases, the board substantiated 301 allegations of misconduct, representing 5% of the allegations closed following a full investigation. This is the lowest rate at which the board substantiated allegations over the last three and a half years and represents a drop from the 8% average during the same period. In the fully investigated cases, the board unfounded 20% of the allegations, unsubstantiated 24% of the allegations and exonerated the officers in 37% of the allegations.

One ongoing concern is the rise in the percentage of fully investigated allegations in which the agency was unable to identify the subject officer. This percentage climbed to 11% in the first half of 2006.

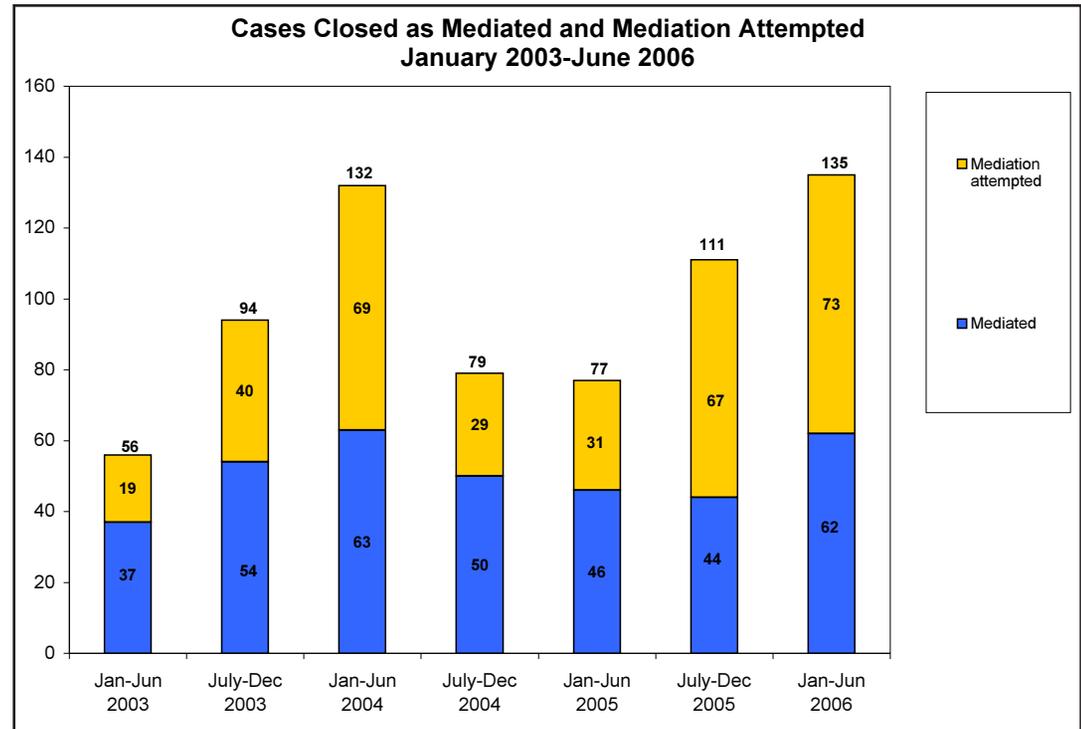


Mediation

The CCRB closed more cases through mediation during the first half of 2006 than in any six-month period in the agency’s history. Mediation is a voluntary process where the civilian and officer meet with a trained, neutral mediator to address the issues raised by the complaint. The mediators, whom the CCRB hires, help disputing parties resolve conflict and issues by facilitating discussion between them. 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, emails, or letters to set up such a session.

With its emphasis on resolution rather than adjudication and discipline, mediation frequently leaves both civilians and officers satisfied with the complaint process. As a program that promotes communication between civilians and officers in a secure setting, it also positively impacts community-police relations.

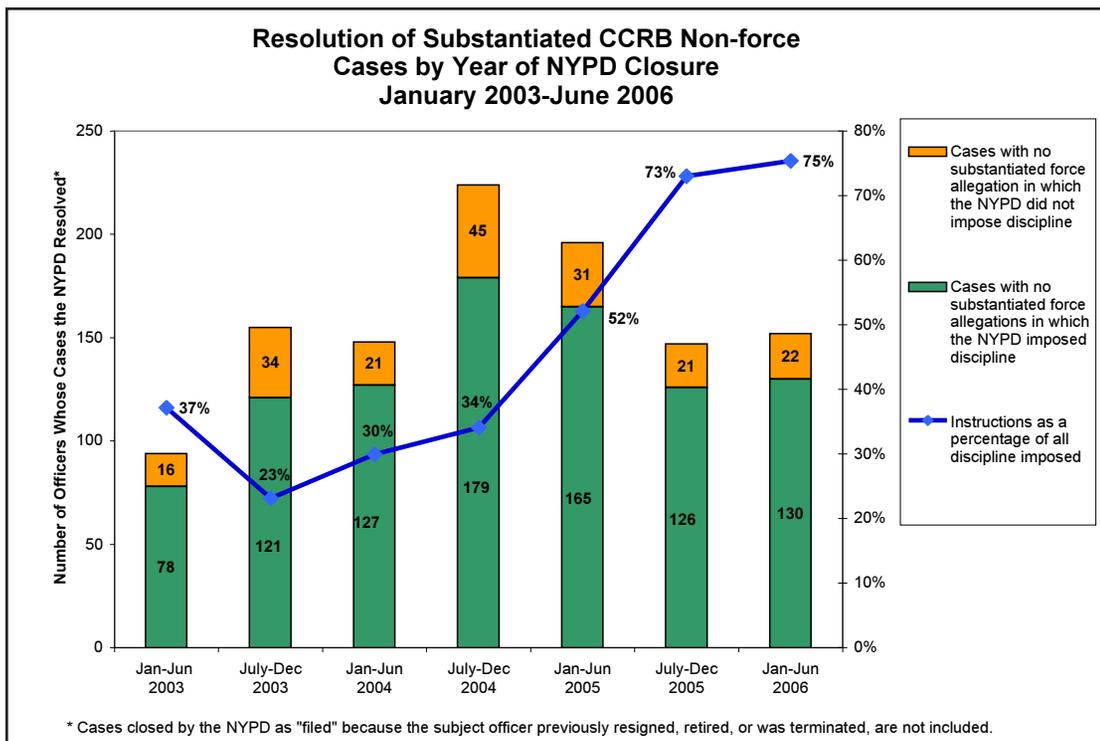
Following the hiring of a new mediation director in mid-2005, the mediation program began to grow for the first time since June 2004. From January through June of 2006, the CCRB conducted 64 mediations, 62 of which were successful, and it closed 73 other cases with the disposition mediation attempted. The 135 cases the Mediation Unit closed are the highest number of mediation closures in a six-month period of time, ever.



New York City Police Department Dispositions

When the CCRB finds that an officer committed misconduct, it forwards the case to the police commissioner, who has complete authority over whether an officer receives discipline and the level of discipline imposed. During the first half of 2006, the department imposed discipline against 77% of the officers whose substantiated CCRB cases it resolved, an all-time high. Since the beginning of 2005, however, particularly in cases not involving the use of force, the department has more frequently imposed instructions, the mildest disciplinary action available, rather than utilizing more serious disciplinary options.

As the chart demonstrates, in the twelve months starting in July 2005, the police department issued instructions to nearly three-quarters of the officers who committed misconduct other than the use of excessive force, more than double the rate from 2003 and 2004.



Because the majority of these cases involve allegations of abuse of authority, it is not surprising to find the trend highlighted in cases in which the officer conducted an improper frisk or search. From January 2003 through December 2004, the NYPD issued instructions to just 26% of the officers it disciplined for improper frisks and searches. By contrast, from January 2005 through July 2006, the department issued instructions to 60% of these officers, resorting to more serious discipline in 40% of the cases. In both periods, the department disciplined 70% of the officers the CCRB determined committed improper frisks or searches.

“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





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