



New York City

# CIVILIAN COMPLAINT REVIEW BOARD

Status Report  
January-June 2007

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.

# TABLE OF CONTENTS

Letter from the Chair	3
Who We Are	4
What We Do	6
Complaint Activity	9
Agency Productivity	12
Complaint Dispositions	14



## **Civilian Complaint Review Board Status Report January-June 2007**

# LETTER FROM THE CHAIR



Thank you for taking the time to read the CCRB's January-June 2007 semiannual report. For the third year, this report presents statistics on the agency's activities in a visual, user-friendly manner. We hope it makes clear some of the trends in complaint activity and accomplishments by our agency.

The first half of 2007 was a significant time for the CCRB. Our complaint rate continued to rise, fueled by a dramatic increase in the number of stops conducted by police officers, first documented by the CCRB in 2005 and confirmed by the Police Department in 2006. We were able to hire a team of attorneys who will evaluate investigations and advise investigators of legal issues in their cases. The attorneys will be particularly helpful as the number of stop-and-frisk cases increases, since these cases require legal analysis. This year the CCRB also participated in town hall meetings organized by the City Council on police accountability and at the Police Academy's Immersion Training program for all graduating recruits in June. We appreciate being included in the ongoing public debate on issues that are of concern to all New Yorkers, such as the increase in the stop and frisk rate and the use of police force.

Most importantly, the CCRB continued to conduct thorough, fair, and timely investigations. While the long-term increase in complaints has had some impact on our performance, we are closing more cases every year than ever before, and doing so without sacrificing quality or timeliness. This success speaks to the devoted work of our skilled investigators and our dedicated board members.

We continue to see, however, a discrepancy between our disciplinary recommendations on cases and their actual outcome at the police department. As this report shows, the rate at which the department has chosen to not discipline officers whom the CCRB found committed misconduct is at an all-time high. We continue to work with the department to resolve our differences, and look forward to seeing progress in this matter.

On the whole, 2007 continues to be a successful year for our agency, and I look forward to our progress continuing into 2008.

A handwritten signature in black ink, appearing to read "S. A. Stone".

# 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.

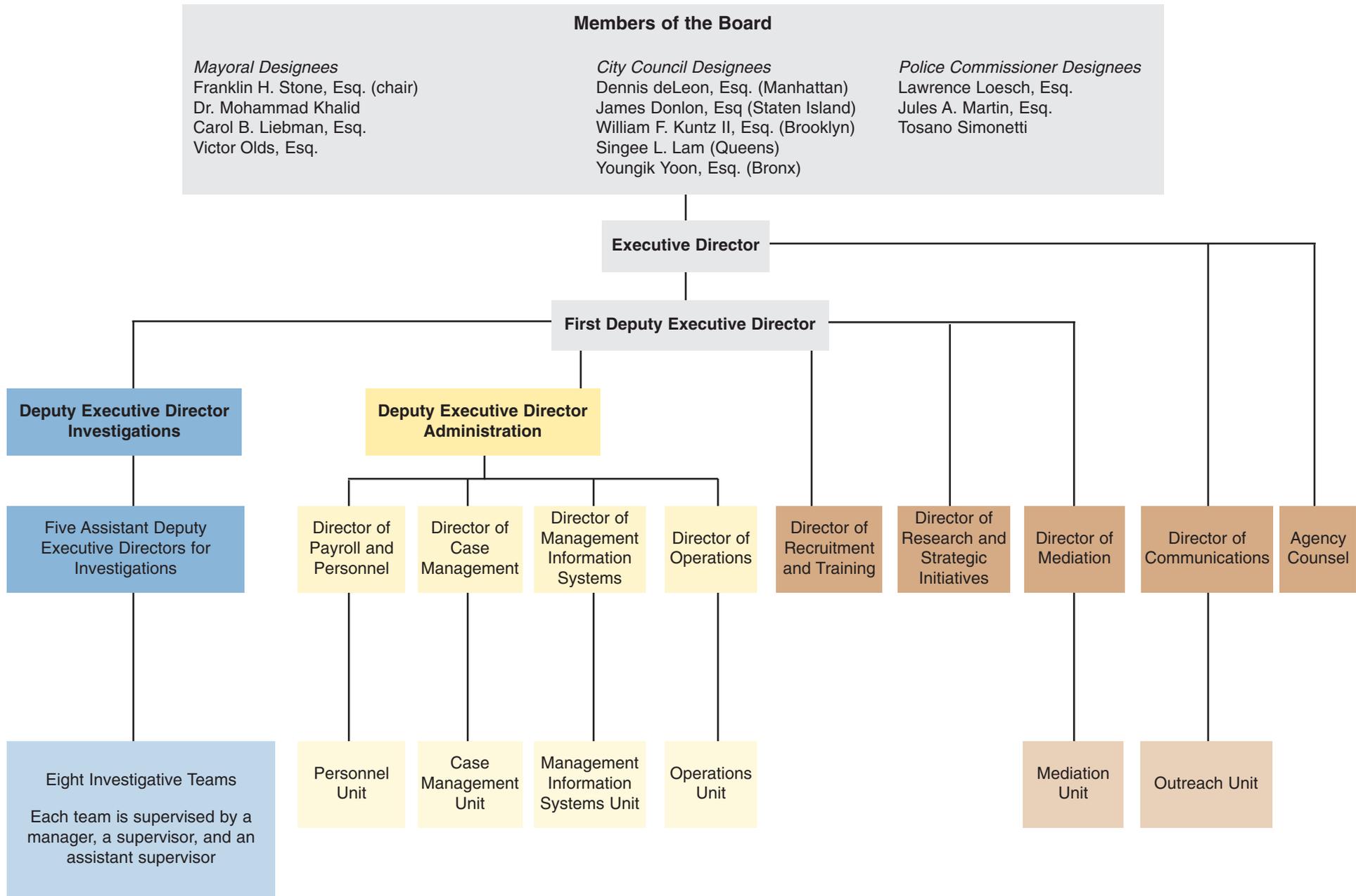
The board is comprised of thirteen members who must reflect the diversity of the city's population. The city council designates five board members (one from each borough), the police commissioner designates three, and the mayor designates five, including the chair. Board members review all investigations conducted by the staff and make findings on every allegation 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 computer systems, facilities, and vehicle fleet, and performs budgeting, purchasing, personnel, and clerical services.



The CCRB's final budget for fiscal year 2007, which ended on June 30, 2007, was \$10,872,914, which supported a full-time headcount of 192: approximately 147 investigators and 45 non-investigative employees (including the agency's executive staff). The CCRB recently added a First Deputy Executive Director position in order to allow the Executive Director more time to handle broad policy issues, and five Assistant Deputy Executive Directors for Investigations to further enhance the quality of investigations.

# 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.

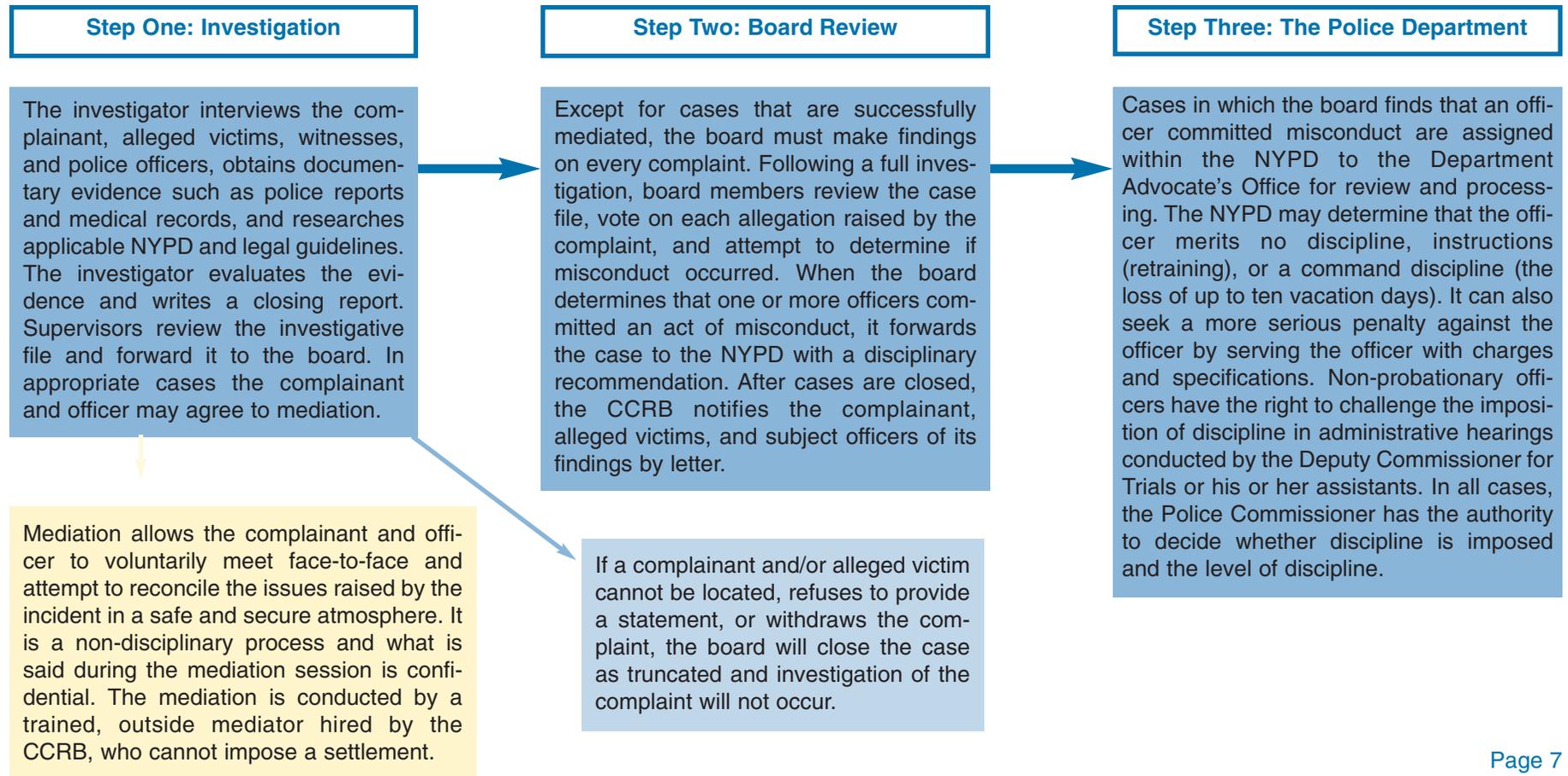
*Offensive language* refers to slurs, derogatory remarks, and/or gestures based upon a person's sexual orientation, race, ethnicity, religion, gender or disability.

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 does not conduct a full investigation without the participation of the complainant or alleged victim. With the exception of these and mediated cases, the investigator conducts a thorough and impartial investigation of every complaint.

## The Complaint Process

Every complaint the CCRB receives is entered into the agency's computerized 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

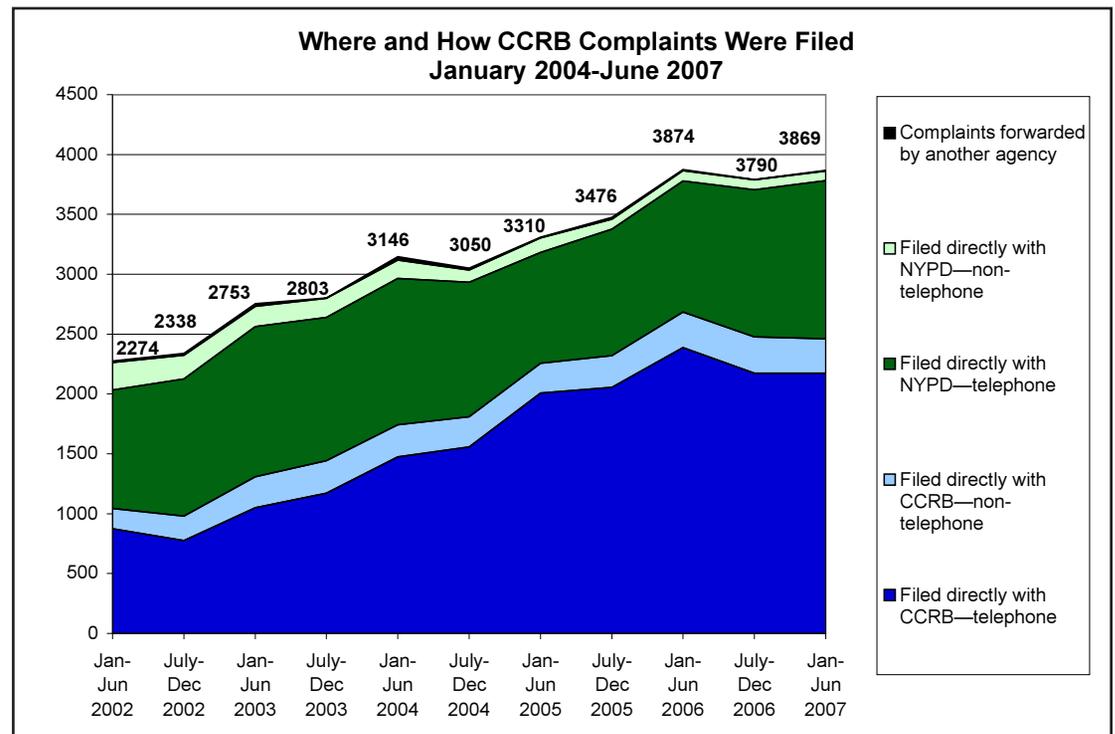
## Where and How Complaints Were Filed

Since 2002, the number of complaints of police misconduct filed with the CCRB has increased dramatically. However, in the past twelve months, the increase has slowed, and in the first six months of 2007, the agency received about the same number of complaints as in the first half of 2006.

Still, the complaint rate is high by historic standards, and the compound effect of five years of increases has put a strain on the board and the agency's investigative staff. The 3,869 complaints received in the first half of 2007 represent a 70% increase over the first half of 2002, when the agency received only 2,274 complaints. Although the agency is investigating cases more efficiently than ever, the open docket continues to grow.

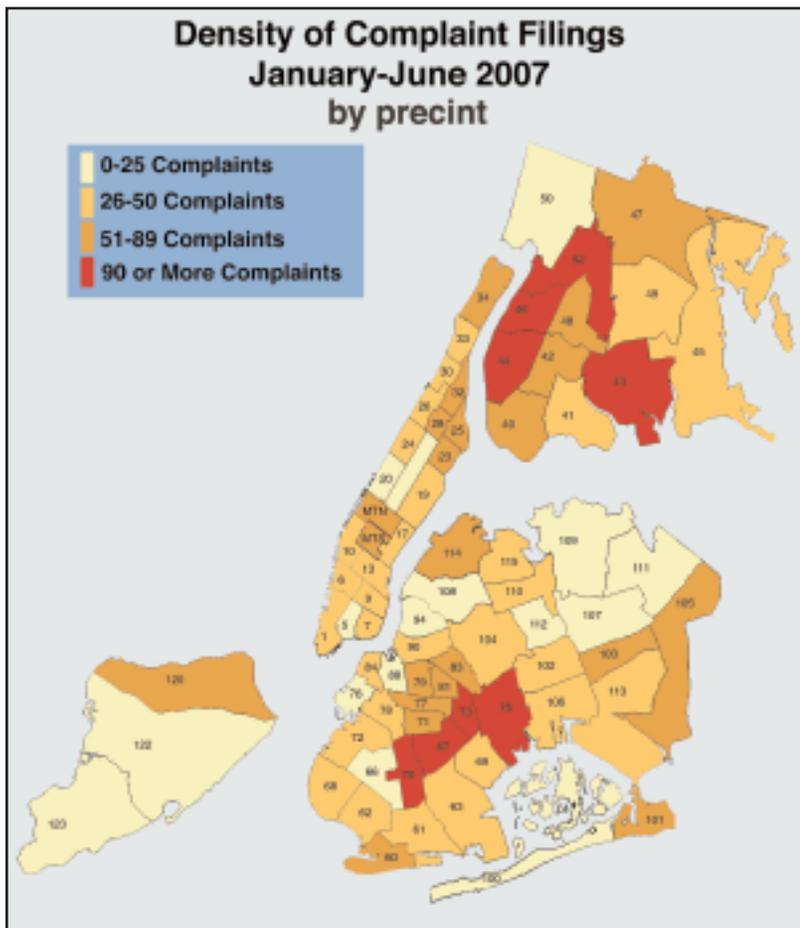
While it may never be possible to identify all of the reasons behind the complaint increase, the agency was able to definitively identify two contributing factors. The implementation of the 311 system in March of 2003 had a significant impact, as did the dramatic increase in the number of stops, questions, and frisks the NYPD reported conducting, which is detailed on page 11.

However, these factors do not rule out other possible causes for the increase. Typically the complaint rate is a result of multiple factors, none of which necessarily play a dominant role.



## Complaint Density, by Precinct

The map below shows the distribution of CCRB complaints based on the location of the incident that led to the complaint. Note that the map does not correct for population density, precinct size, or crime statistics. As has been the case in recent years, two clusters of precincts, one in Central Brooklyn (the 67th, 70th, 73rd, and 75th) and one in the south and west Bronx (the 43rd, 44th, 46th, and 52nd) led the city in complaints.



Neighboring precincts that have significant differences in their complaint rates offer an opportunity to look for what practices can best reduce police complaints. While the 40th precinct and the 48th precinct are near each other in the Bronx, and while crime rates in the two precincts are similar, the number of complaints filed in the 40th precinct dropped by 35% from the first half of 2006 to the first half of 2007, while the number of complaints filed in the 48th increased by 78%, the highest rate of any precinct citywide. Further study by the police department could help determine what policies in these precincts may have led to the discrepancy.

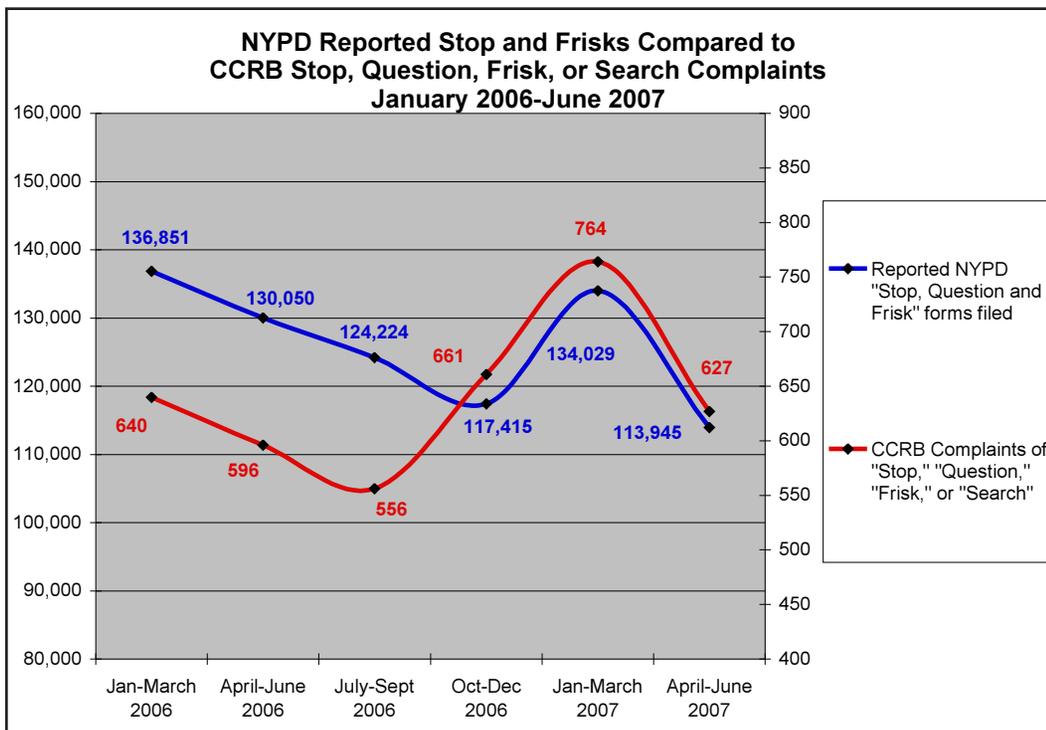
Other precincts also saw major drops in their complaint rates even as rates citywide remained high. The 50th and 66th precinct in the Bronx and the 94th and the 109th in Queens saw decreases in their complaint rates of over 40%; while these precincts had low complaint rates to begin with, the change over time is significant.

Precincts with significant percentage increases in complaints filed include the 13th (69%), the 41st (48%), the 7th and the 102nd (both 45%).

## Stop, Question, and Frisk

In February of 2007, the NYPD released data on the number of documented stop, question, and frisks in 2006, showing that officers had recorded more than five times as many stops in 2006 as in 2002. During that period, the number of complaints lodged with the CCRB increased by 66%; the agency received three times as many complaints about improper stops, frisks, and searches in 2006 as in 2002.

A close analysis of the NYPD stop and frisk data for 2006 and 2007 alongside CCRB complaint data shows that while there is a close relationship between the number of documented stops and CCRB complaints, that relationship changed in the fourth quarter of 2006. For the first nine months of 2006, the CCRB received one complaint for every 218 documented stops reported by the NYPD. For the last quarter of 2006 and the first half of 2007, the agency received more complaints relative to the reported number of stops -- one complaint for every 178 stops.



There is no question that the number of stops reported by the NYPD has an effect on the complaint rate. The number of stops reported each quarter decreases in 2006 and spikes in the first quarter of 2007 before decreasing again; CCRB complaints also dropped in the second quarter of 2007. The reason for the change in the ratio of documented stops to CCRB complaints in the fourth quarter of 2006, however, is less clear.

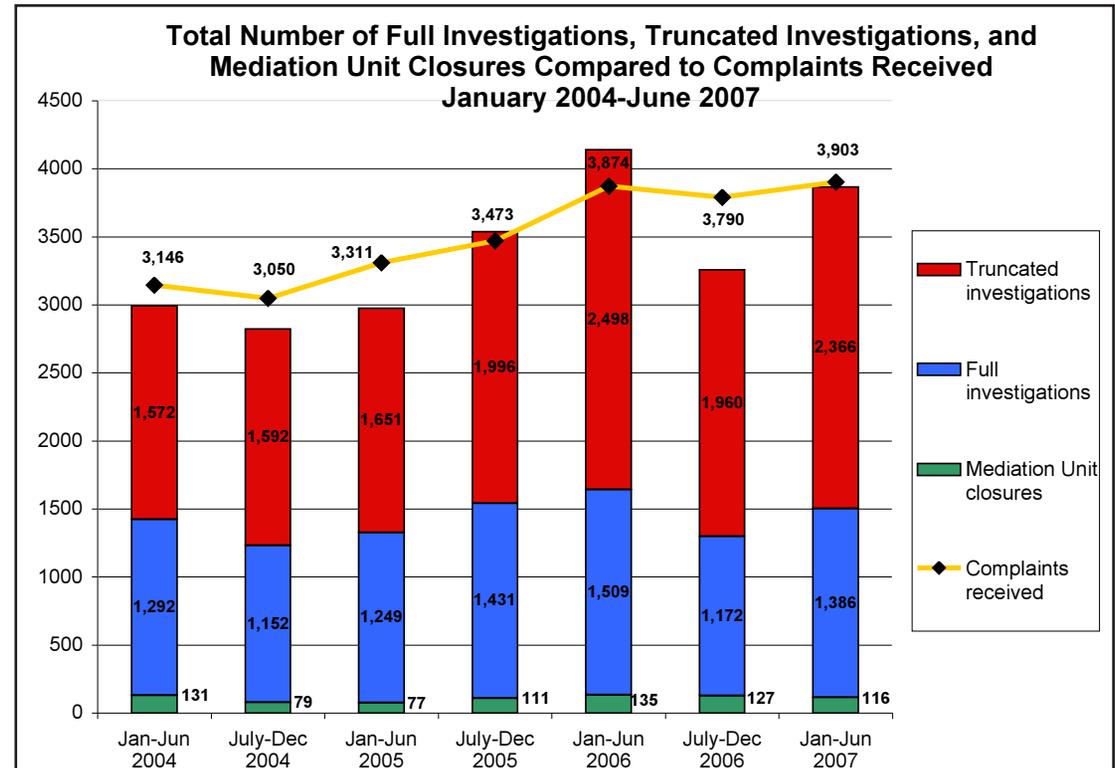
Since the data released by the NYPD go back only to January of 2006, a true long-term analysis is not yet possible. In the future, continuing to study the number of stops that officers record as it relates to the complaint rate can help paint a more detailed picture of the department's stop and frisk policy and practice.

# AGENCY PRODUCTIVITY

## Case Closures

Even though the complaint increase slowed during the first half of 2007, the long-term effect of high complaint rates has had an impact on the CCRB's performance. After four years in which case closure rates consistently increased, the CCRB finally saw the effects of its rising docket in the second half of 2006. In the last six months of the year, the agency closed 3,259 cases, 27% fewer than the 4,142 closed in the first half of the year.

The agency was able to rebound in 2007, but the continued high complaint rate kept it from decreasing the size of the open docket. While the CCRB closed 3,868 cases in the first half of the year, it received 3,903 complaints, causing the docket to increase by 35 cases.



Starting July 1, 2007, the CCRB began upgrading aging computer equipment and hiring attorneys to oversee its case processing, all of which should have some impact on its ability to close cases. However, if the agency continues to receive an historically high number of complaints without an increase to the size of its investigative staff, the improvements in performance seen from 2002 through 2006 will begin to erode.

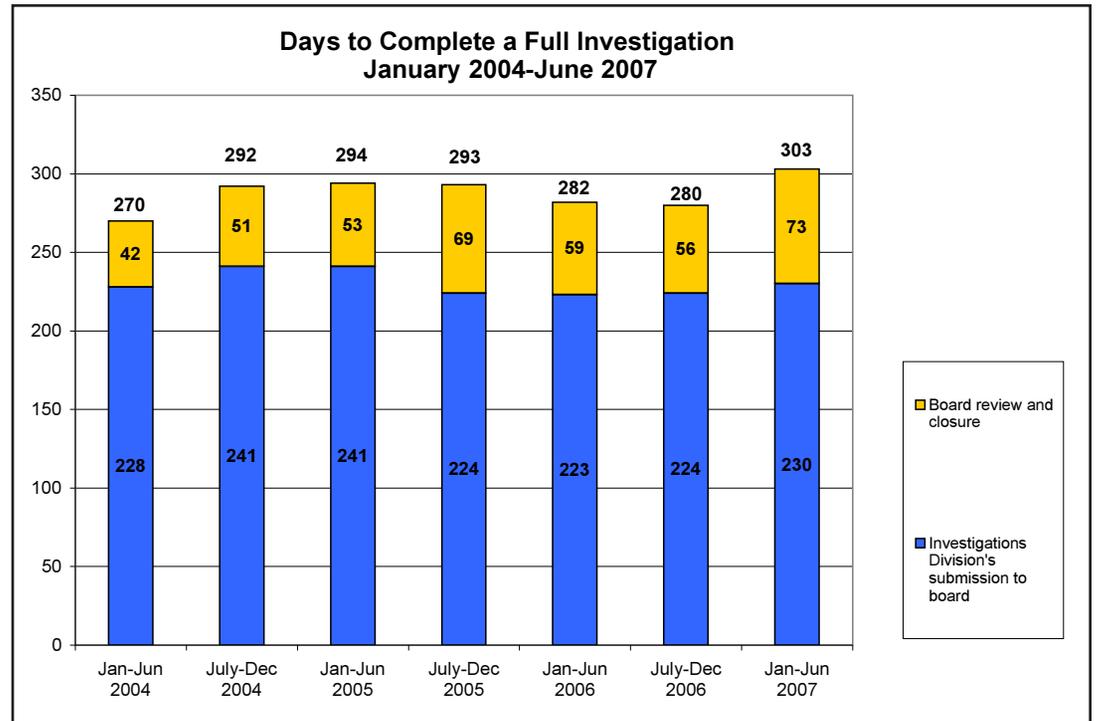
## Case Completion Time

In the first half of 2007, it took an average of 303 days, or nine months, for the agency and board to complete and review a full investigation. Full investigations took 8% longer than in the last half of 2006, and longer than in any reporting period since 2001. As the agency continues to struggle with a growing caseload, closing cases in a timely manner will be an ongoing concern.

The chart at right breaks out the time it takes the agency to investigate the case from the time it takes the board to review it. The investigative division took, on average, 230 days to complete a full investigation that the board closed in the first half of 2007 – this represents an increase of six days over the average in 2006, but is actually lower than the averages from 2004 through 2005.

On the other hand, the board took an average of 73 days to review cases the agency submitted, 30% longer than in the second half of 2006 and longer than any other reporting period.

The number of board members who can review cases is fixed by the city charter; as the number of cases that the agency receives, and therefore investigates, has grown dramatically over the past four years, the number of cases forwarded to the board for review has grown as well. The decrease in timeliness demonstrates that the agency is seeing a bottleneck effect as the board panels try to review an ever-increasing number of cases.



# COMPLAINT DISPOSITIONS

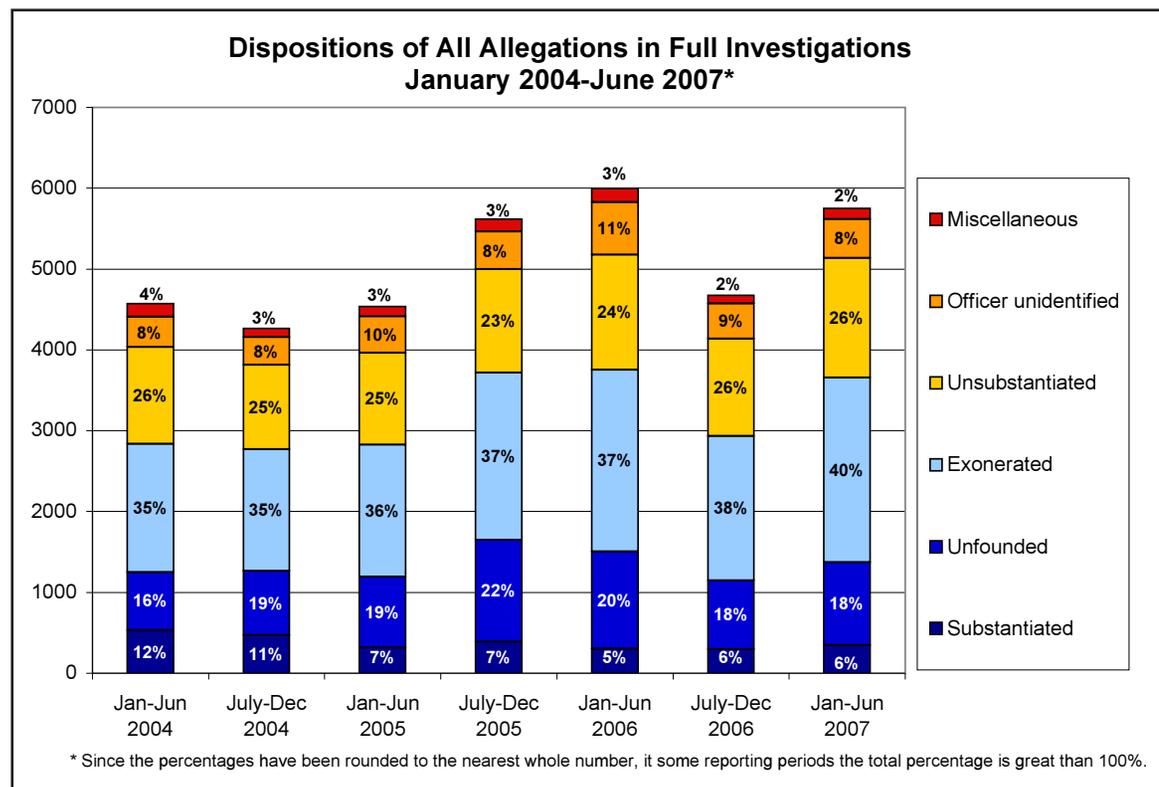
## Board Dispositions

Of the 1,386 full investigations the CCRB conducted from January through June 2007, the board made a finding on the merits (substantiated, exonerated or unfounded, as represented by the three shades of blue on the chart) in 64% of the allegations, consistent with the average rate since January 2004, and a slight increase from the 63% rate for 2006. Even as the CCRB faces an increase in its workload, the quality of its investigations has remained high.

The board substantiated at least one allegation of misconduct in 147 of the cases, representing 11% of all cases closed after a full investigation. Within these cases, the board substantiated a total of 350 allegations of misconduct, representing 6% of the allegations closed following a full investigation.

In the fully investigated cases, the board found 18% of the allegations to be unfounded, exonerated the officers in 40% of the allegations and closed 26% as “unsubstantiated,” meaning the investigation did not produce enough evidence to prove or disprove the allegation by a preponderance of the evidence.

Since July of 2006, the CCRB succeeded in reducing the percentage of fully investigated allegations closed as “Officer Unidentified.” The percentage had climbed up to 11% for the first half of 2006, but has dropped to 8% for the first half of 2007.

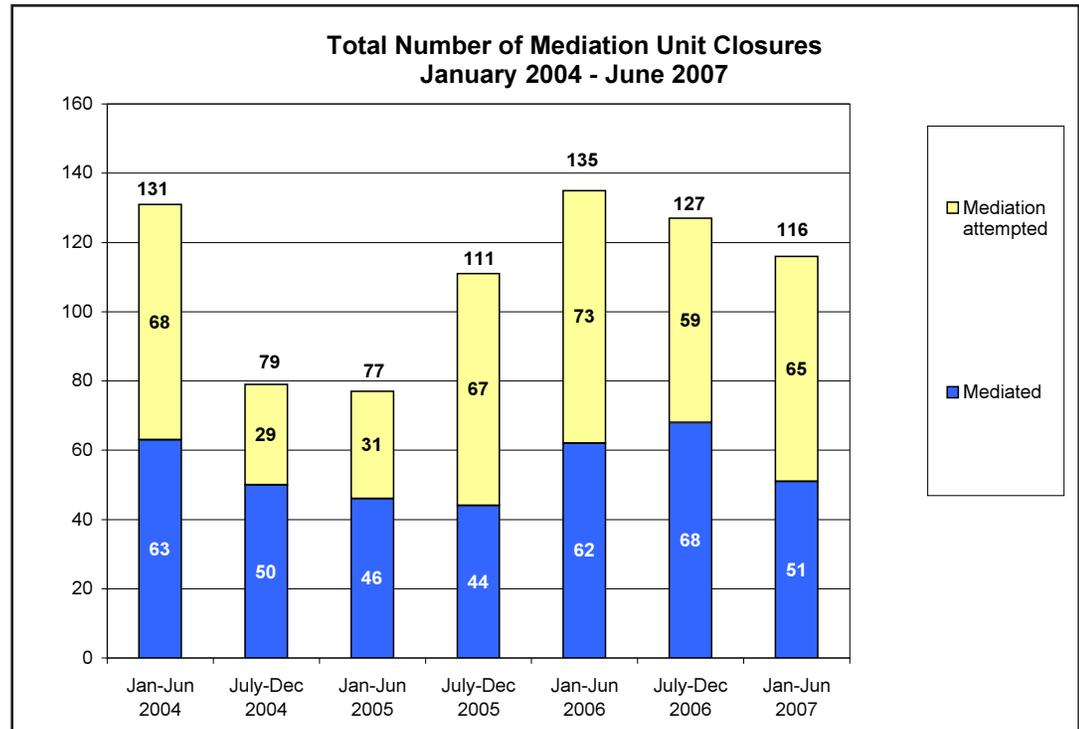


## Mediation

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 complaint. 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.

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 early 2006. In the first half of 2007, the agency successfully mediated only 51 cases, fewer than either of the past two periods.

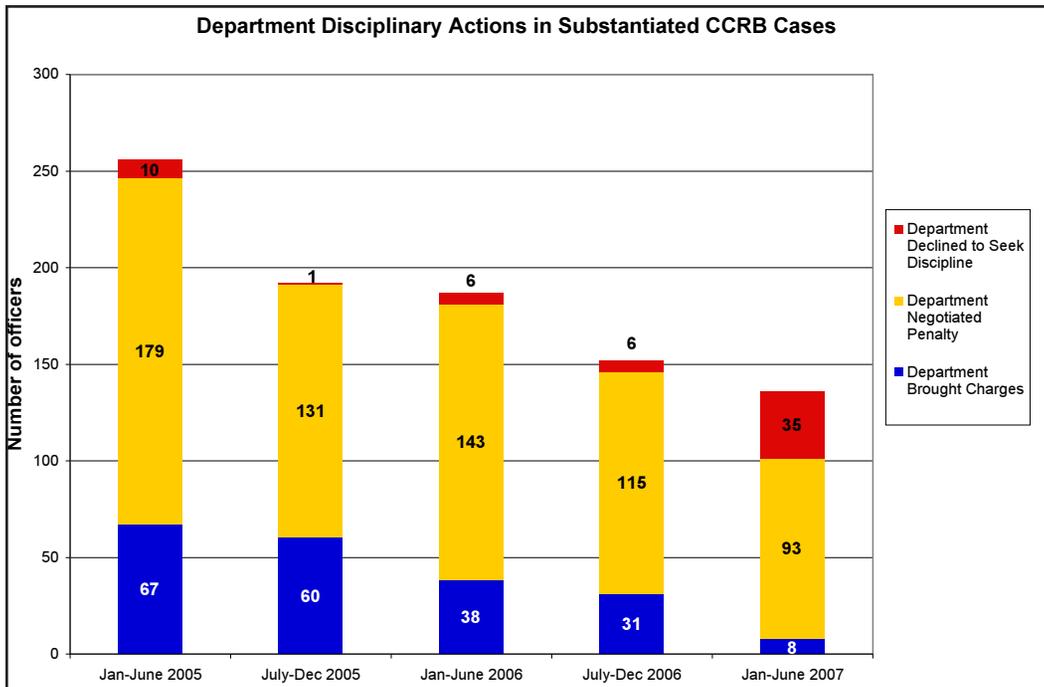
The CCRB continues to look for ways to increase the number of mediations it conducts. While the CCRB’s mediation program is still by far the largest in the country, there is room for growth. In 2007, the agency retrained investigators on how to discuss mediation with civilians, and will continue to develop plans for growing the program.



## New York City Police Department Dispositions

Since 2004, the NYPD has increasingly disciplined officers less frequently and less severely in cases where the CCRB found misconduct. The CCRB has reported in the past that the rate at which the department imposes “Instructions,” the mildest disciplinary option available, increased from 26% in the first half of 2004 to 78% in the last half of 2006. Two additional trends have emerged: since 2005 the department has started bringing fewer and fewer substantiated cases to trial, and, most notably, in the first half of 2007 it began disposing of a record number of cases without seeking any discipline for the officer. The CCRB is deeply concerned about these patterns and continues to work with the NYPD in order to address the issue.

The CCRB only sends a case to the NYPD after a board panel has determined, by a preponderance of the evidence, that an officer committed misconduct. The chart at left shows the actions the NYPD took in substantiated CCRB cases closed since 2005.



While the department prosecuted forty officers in the trial room during the first half of 2005, it did so for only six officers in the first half of 2007. In the first half of 2007, the department declined to seek any discipline for a record 35 officers that the CCRB found had committed misconduct.

Over the same time period, the department’s success rate in the trial room has remained steady. From January of 2004 through June of 2007, the department has consistently secured guilty findings in around 30% of the cases it brings to trial, with the single exception of the period from January to June of 2006, when the rate of guilty findings dipped to 14%.

**“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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