

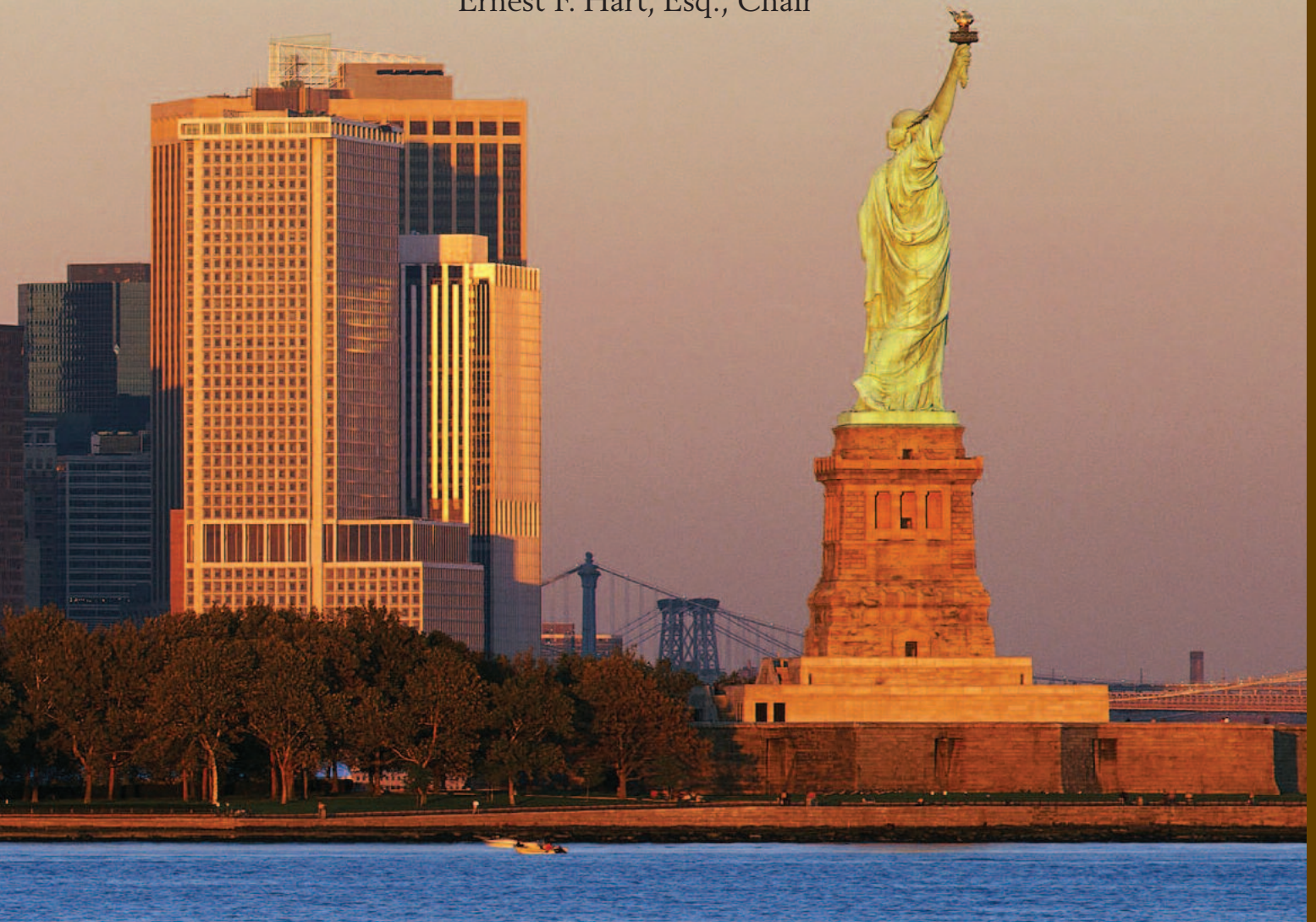


New York City

Civilian Complaint Review Board

Status Report
January – December 2009

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, composed entirely of civilian employees, 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 and when the investigative findings show that misconduct occurred.
- To respect the rights of the 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 their complaints in order to promote understanding between officers and the communities they serve.

*This report covers the period of January 2009 through December 2009
Volume XVII, no. 2*



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CCRB Board Members, 2009



Chair Ernest F. Hart, Esq.**

Mr. Hart currently serves as Associate Vice Dean of the Columbia University Medical Center, where he is responsible for the overall management of a \$70 million academic and clinical service organization. Mr. Hart previously served as Chief of Staff and Counsel to the New York City Deputy Mayor Dennis Walcott from 2002 to 2004, as an Adjunct Professor of Law at New York Law School, and as an executive for the City of Yonkers, the New York City Department of Citywide Administrative Services, New York City Department of Personnel, the New York State Public Employment Relations Board, New York City Department of Sanitation, and the New York Stock Exchange. He began his professional career as an Assistant District Attorney in the New York County District Attorney's Office. Before joining the CCRB, Mr. Hart served as the Chair of the New York City Equal Employment Practices Commission and on the New York City Board of Collective Bargaining. He currently serves on the Supreme Court Appellate Division, 1st Department's Committee on Character and Fitness, on the Queens Borough Public Library Board of Trustees and as a Trustee of the Local 1199 SEIU Pension Fund. Mr. Hart, a Mayoral appointee, joined the Board in April of 2009.

J.D., 1983, Villanova University; B.A., 1980, Fordham University



Daniel D. Chu, Esq.

Mr. Chu is an attorney engaged in private practice in midtown Manhattan representing clients in state and federal matters. A Queens native, he began his legal career in 1997 as an Assistant District Attorney in the Queens County District Attorney's Office, where he prosecuted felony cases and handled appellate litigation. In 2001, he served as an Administrative Law Judge with the New York City Taxi & Limousine Commission and later became a senior associate at Stern & Montana, LLP, where he conducted complex civil litigation relating to large-scale and systemic insurance fraud. His additional legal experience includes service at the New York State Attorney General's Office and the New York County District Attorney's Office, as well as a clerkship with the Honorable William Friedmann of the New York State Supreme Court Appellate Division, Second Department. He is a member of the Association of the Bar of the City of New York, the Asian American Bar Association of New York and the Queens County Bar Association. Mr. Chu, a Mayoral designee, has been a Board member since June 2008.

J.D., 1997, St. John's University School of Law; B.A., 1994, State University of New York at Buffalo



James F. Donlon, Esq.

Mr. Donlon is an attorney engaged in private practice since 1980. He has broad-based experience in matters such as real estate, estate planning, wills and estates, and litigation involving family court, criminal, and personal injury cases. From 1974 to 1980, Mr. Donlon was employed as an Assistant District Attorney in the Richmond County District Attorney's Office where he handled misdemeanors, felonies (including homicides) and, from 1976 to 1977, narcotics cases for the Special Narcotics Prosecutor's Office. Immediately after graduating from law school, Mr. Donlon worked for the New York State Department of Law. He previously served as a Board member of the Richmond County Bar Association. He is currently a member of the Assigned Counsel Plan Advisory Committee (Appellate Division, Second Department) and of the New York State Defenders Association. Mr. Donlon, a City Council designee from Staten Island, has been a member of the CCRB since June 2004.

J.D., 1973, Albany Law School; B.A., 1970, Manhattan College

*Board member resigned during 2009

**Board member joined during 2009



Dr. Mohammad Khalid

Dr. Khalid has worked as a dentist in Staten Island since 1977. An active member of the Staten Island community, Dr. Khalid is President of the Iron Hill Civic Association of Staten Island and of the Pakistani Civic Association of Staten Island, the Vice-Chairman of the Children's Campaign Fund of Staten Island, and the first Vice-President and a member of the Board of Directors of Friends for Hospice Care of Staten Island. In 2003, Dr. Khalid served as a member of the New York City Charter Revision Commission, which reviewed the entire city charter, held hearings in all five boroughs to solicit public input, and issued recommendations to amend the charter to reflect New York City's constantly evolving economic, social and political environment. In 2004 Dr. Khalid was the recipient of the

Pakistan League of America Community and Leadership Award and in 2003 received the Governor George E. Pataki Excellence Award for community service on behalf of New York State. In 2006, Governor George Pataki appointed Dr. Khalid to a six-year term on the State Minority Health Council. Dr. Khalid, a Mayoral designee, has been on the Board since March 2005.

D.D.S., 1976, New York University; B.D.S., 1971, Khyber Medical College (Pakistan)



William Kuntz II, Esq.

With extensive experience in mergers and acquisitions, securities, banking, bankruptcy, and real estate litigation at the trial and appellate levels, Dr. Kuntz is a partner at Baker & Hostetler, LLP, where he specializes in commercial litigation. He was previously a partner at Torys LLP, Seward and Kissel, and Milgrim Thomajan & Lee P.C. In addition to his practice, Dr. Kuntz has been an Associate Professor at Brooklyn Law School, and is a member of the Executive Committee of the Association of the Bar of the City of New York and a member of the Advisory Committee on Civil Practice in the State of New York. Formerly he was a Board member at Legal Services for New York City and the secretary of the Federal Bar Foundation for the Second Circuit. Dr. Kuntz was appointed to the CCRB as one of the first public

members while it was part of the New York City Police Department in 1987, and served until 1992. Dr. Kuntz has been the City Council's designee from Kings County to the CCRB since October 1993.

Ph.D., 1979, Harvard Graduate School of Arts & Sciences; J.D., 1977, Harvard Law School; M.A., 1974, Harvard Graduate School of Arts & Sciences; B.A., 1972, magna cum laude, Harvard College



Carol B. Liebman, Esq.*

Since 1992, Ms. Liebman has been a Clinical Professor at Columbia Law School where she is Director of the Mediation Clinic and Negotiation Workshop. Her principal areas of expertise include mediation, negotiation, and professional ethics. Ms. Liebman began her legal career in 1975, working in private practice in Boston. Between 1976 and 1979 she served as an attorney with the Massachusetts Department of Correction and from 1979 to 1991, Ms. Liebman worked as a Clinical Professor at Boston College Law School. She is an internationally recognized speaker and trainer in conflict resolution, having taught about mediation in Israel, Brazil, Vietnam, and China. In the United States, Ms. Liebman has designed and presented mediation training for such groups as Montefiore Hospital's Certificate Program in

Bioethics and Medical Humanities; New York's First Department, Appellate Division, Attorney Disciplinary Committee; and the Association of the Bar of the City of New York. Ms. Liebman, a Mayoral designee, served on the Board from October 2003 through July 2009.

J.D., 1975, Boston University School of Law; M.A., 1963, Rutgers University; B.A., 1962, Wellesley College

CCRB Board Members, 2009



David G. Liston, Esq.**

Mr. Liston is Litigation Counsel at Hughes, Hubbard & Reed LLP, where he specializes in securities and banking matters, internal corporate investigations, SEC representation, white-collar criminal defense, and complex civil litigation. Previously, Mr. Liston worked as an Assistant District Attorney in the New York County District Attorney's Office from 1994 through 1999, and served as a law clerk for the Honorable Richard S. Cohen of the Superior Court of New Jersey from 1993 through 1994. From 2004 through 2006, Mr. Liston served on the Election Law Committee of the Association of the Bar of the City of New York. In addition to his legal career, Mr. Liston is an active participant in community matters in his Upper East Side neighborhood. Mr. Liston is a member of Manhattan Community Board 8, where he served as Board Chair from 2005 to 2008 and where he presently serves as Co-Chair of the Landmarks Committee. He is also President of the Holy Trinity Neighborhood Center, a community service program that provides, among other services, shelter and a weekly dinner for homeless people and a weekly lunch for senior citizens. He served as Vice President of the 19th Precinct Community Council from 2002 to 2005. Mr. Liston, a Mayoral appointee, has been a Board member since May 2009.

J.D., 1993, Rutgers School of Law (Newark); B.A., 1990, Rutgers College



Jules A. Martin, Esq.

Mr. Martin is the Vice-President for Global Security and Crisis Management at New York University. In addition to his service with the CCRB, Mr. Martin serves as a member of the New York State Committee on Character and Fitness, New York Appellate Division, First Department, and has been a member in good standing since his appointment on June 20, 2002. Before joining NYU, he served as Chief of the Housing Bureau of the New York City Police Department from 1997 to 1998. Mr. Martin joined the police department in 1969, and held a number of positions prior to becoming the Executive Officer of the 113th Precinct in 1989. He was assigned to the Intelligence Division as Head of the Municipal Security Section in 1990. Mr. Martin is a member of the International Chiefs of Police, the National Association of Black Law Enforcement Executives, International Association of Campus Law Enforcement Administrators, the New York State Bar Association, the United States Supreme Court Bar, the Committee on Character and Fitness of the New York Appellate Division, First Department and served as a member of the 1997 White House fellowship panel. He attended the Police Management Institute at Columbia University in 1991. He served in the U.S. Navy from 1965 to 1969. Mr. Martin, a Police Commissioner designee, has been a Board member since March 1999.

J.D., 1984, Brooklyn Law School; M.P.A., 1979, C.W. Post, Long Island University; B.A., 1976, John Jay College of Criminal Justice, City University of New York

*Board member resigned during 2009

**Board member joined during 2009



Michael McCann, Esq.

Mr. McCann is a security services expert and 26-year veteran of the New York City Police Department. From 1993 through 2004, Mr. McCann served as Chief of Security of the United Nations, where he was responsible for the protection of national and international officials visiting New York City. Subsequently, he co-founded McCann Protective Services, LLC, where he currently serves as President. Mr. McCann began his career as a police trainee with the NYPD in 1967. His tenure included uniformed patrol assignments in Brooklyn and Manhattan, and assignments as Commanding Officer of the Intelligence Division's Dignitary Protection and Threat Assessment Units, Commanding Officer of the 25th Precinct, and Deputy Inspector with the newly-created Internal Affairs Bureau. Mr. McCann is President of the John Jay College Alumni Association, and serves on the International Policing Division Steering Committee of the International Association of the Chiefs of Police (IACP). He is also a member of the New York State Bar Association, the American Society of Industrial Security (ASIS), and the National Law Enforcement Association. Mr. McCann, a Police Commissioner designee, has been a Board member since September of 2008.

J.D., 1981, New York Law School; B.S., 1974, John Jay College of Criminal Justice, City of New York



Mary E. Mulligan, Esq.**

With extensive experience in white-collar criminal defense and internal investigations as well as intellectual property litigation, Ms. Mulligan is a partner at Friedman, Kaplan, Seiler and Adelman LLP. After law school, she served as a law clerk to the Honorable Henry A. Politz of the U.S. Court of Appeals for the Fifth Circuit and was a litigator at Patterson Belknap Webb & Tyler LLP. She served from 1997 to 2002 as an Assistant United States Attorney for the Southern District of New York, directing investigations and prosecutions of fraud, narcotics, public corruption, and organized crime. Ms. Mulligan also served as Senior Director, Business and Legal Affairs, of Universal Music Group, the world's largest music company. Ms. Mulligan is a member of the New York State Bar Association's Committee on White Collar Criminal Litigation. She also serves on the Criminal Justice Act panel for the Southern District of New York representing indigent defendants in federal criminal proceedings. Ms. Mulligan has been designated by the Mayor to serve a three-year term beginning August 2009.

J.D., 1989, cum laude, New York University Law School; B.A., 1983, magna cum laude, Vanderbilt University



Tosano Simonetti

Mr. Simonetti began his law enforcement career in 1957 patrolling the streets of Manhattan's Midtown South Precinct. During his career, he commanded the 9th, 120th, Midtown North and Midtown South Precincts, as well as Patrol Boroughs Staten Island and Brooklyn South. He was appointed First Deputy Police Commissioner by Commissioner Howard Safir in 1996. After retiring from the police department, Mr. Simonetti became the Security Director for MacAndrew and Forbes, a holding company. Mr. Simonetti, a Police Commissioner designee, has been a Board member since April 1997.

M.A., 1975, John Jay College of Criminal Justice, City University of New York; B.A., 1965, Baruch College, City University of New York

CCRB Board Members, 2009



Bishop Mitchell G. Taylor**

A forty-year resident of Long Island City and former resident of the Queensbridge public housing development, Bishop Taylor has dedicated his pastoral career to serving his community. Bishop Taylor is the Senior Pastor of Center of Hope International, a non-denominational church located near the Queensbridge Houses. In addition to his work as a pastor, Bishop Taylor is CEO of the East River Development Alliance (ERDA), a not-for-profit organization he founded in 2004 to expand economic opportunity for public housing residents. Bishop Taylor has received many awards, two of which are the New York Public Library's 2005 Brooke Russell Astor award for his work with ERDA, and the Jewish Community Relations Council of New York's 2008 Martin Luther King, Jr. award. Bishop Taylor

has been profiled by leading media outlets for his leadership around public housing and is the author of *Unbroken Promises*. Bishop Taylor has been the City Council designee to the CCRB for Queens since January of 2009.

B.A., United Christian College, 1986



Youngik Yoon, Esq.

Mr. Yoon is a partner at Yoon & Hong, a general practice law firm in Queens. His areas of practice include immigration, matrimonial, real estate and business closings, and criminal defense. Mr. Yoon has provided legal services to the diverse communities of Queens and beyond since 1994. Mr. Yoon has been a City Council designee from Bronx County since December 2003.

J.D., 1994, Albany Law School; B.A., 1991, City College, City University of New York

IN MEMORIAM



Dennis deLeon, Esq.

Mr. deLeon worked as a law clerk for the California Court of Appeals, an associate at Los Angeles' Kadison, Pfaelzer, Woodward, Quinn & Rossi, a trial attorney for the United States Department of Justice in Washington, D.C., and Regional Counsel to California Rural Legal Assistance. Mr. deLeon began his New York career at the Office of the Corporation Counsel, where as a Senior Assistant Corporation Counsel he focused on civil rights cases and supervised police misconduct actions. At the same time, in 1986 he was appointed Director of the Mayor's Commission on Latino Concerns. In 1988, he became Deputy Manhattan Borough President and in 1990, Mayor David Dinkins appointed Mr. deLeon Chair of the New York City Commission on Human Rights. He

returned to private practice in early 1994 and since September of 1994 served as President of the Latino Commission on AIDS. Mayor Michael Bloomberg praised Mr. deLeon for his tireless commitment to end discrimination against HIV-positive individuals and expand access to health care for all communities. A member of the New York State Bar Association and the Association of the Bar of the City of New York, Mr. deLeon, a City Council designee from Manhattan, served on the Board from October 2003 until his untimely passing on December 14, 2009.

J.D., 1974, Stanford Law School; B.A., 1970, Occidental College

*Board member resigned during 2009

**Board member joined during 2009

Executive Staff:

Joan M. Thompson
Executive Director

Meera Joshi, Esq.
First Deputy Executive Director

Brian Connell
Deputy Executive Director, Administration

Senior Staff:

Denise Alvarez
Director of Case Management

Lisa Grace Cohen, Esq.
Director of Mediation

Graham Daw, Esq.
Director of Intergovernmental and Legal Affairs

Dawn Fuentes
Director of Community Relations and Training

Yuriy Gregorev
Director of Management and Information Services

Marcos Soler
Director of Research and Strategic Initiatives

Beth Thompson
Director of Personnel

Investigative Managers:

Cecilia Holloway

Robert Lonergan

Denis McCormick

Robert Rodriguez

Richard A. Osmer

Winsome Thelwell

Dianne M. Weisheit

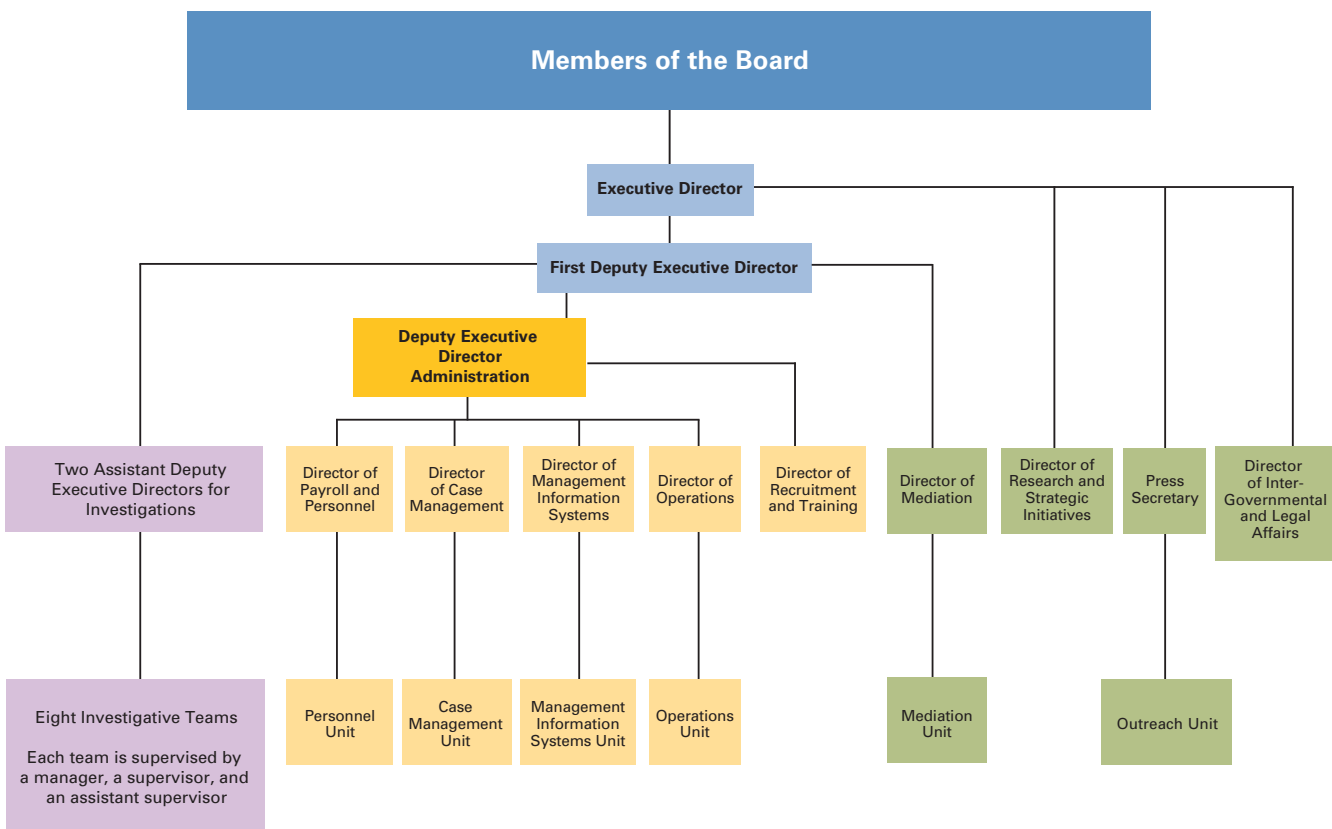
Legal Team:

Roger Smith, Esq.

Vacant

(as of December 31, 2009)

CCRB Organizational Chart





MICHAEL R. BLOOMBERG
MAYOR



June 2010

Dear Members of the Public,

As Chair of the New York City Civilian Complaint Review Board (CCRB), I am pleased to present our status report for calendar year 2009.

I joined the Board as Chair in April of 2009. I would like to first thank Mayor Bloomberg for giving me the opportunity to serve, and to my fellow Board members for their dedication and hard work. I believe strongly in the CCRB's mission to provide civilian oversight of the NYPD, and I will continue to ensure that the agency operates with the utmost integrity and independence.

Calendar year 2009 was a year of significant achievement for the CCRB. Although the CCRB received more complaints in 2009 than the year before (7,664, up 4% from 2008) and had fewer investigators (110, down 9% from 2008), the Board closed a record number of cases (8,088, up 16% from 2008), a significant achievement in challenging circumstances. There are other achievements I would like to highlight.

In 2009, the discipline rate increased after two years of consecutive decreases. Since 2007, the rate at which departmental prosecutors declined to seek discipline in connection with substantiated CCRB cases increased considerably and, as a result, the rate at which officers were disciplined decreased. To address this matter, the Police Commissioner and the Board began to collaborate more closely in identifying solutions. Along with other measures, the implementation of the "second-seating" pilot project, launched in September of 2008, has contributed to bring down the "declined-to-prosecute" rate, from 33% in 2007 to 27% in 2009. More importantly, a breakdown of the figures shows a positive change in the trend: a reduction of 21 percentage points from 37% in the first half of 2009 to 16% in the second half. I feel confident that, with the launching of the prosecution pilot program agreed upon with the Police Commissioner in February of 2010, both agencies will continue to collaborate in finding common ground on the investigation and discipline of officer misconduct.

CIVILIAN COMPLAINT REVIEW BOARD
40 RECTOR STREET, 2ND FLOOR
NEW YORK, NEW YORK 10006 ♦ TELEPHONE (212) 442-8833
www.nyc.gov/ccrb

ERNEST F. HART
CHAIR

JOAN M. THOMPSON
EXECUTIVE DIRECTOR

In 2009, more cases were closed through mediation. During this year, the CCRB took a series of steps to prepare the way for more cases to be resolved through mediation. The CCRB had a series of meetings with the New York City Police Department and the Patrolmen's Benevolent Association, and in September 2009, Police Commissioner Raymond W. Kelly, publicly endorsed the CCRB's mediation program, encouraged his officers to participate in the process, and announced that each officer would receive a fact sheet answering a number of frequently asked questions. Since this was issued, more than 80% of officers offered mediation have accepted it. The Board will continue to put a great emphasis on mediation in 2010.

Finally, this year the Board increased its outreach efforts, conducting more than fifty outreach sessions throughout the five boroughs. More importantly, the Board reached out to communities and groups the Board felt had been underserved in the past. The goal of these sessions is to increase community awareness of what the CCRB is and what it has to offer – particularly its mediation program. These outreach efforts will continue in 2010, with particular emphasis on those communities with higher rates of police-civilian contacts. The CCRB will hold Board meetings in all five boroughs in 2010. In addition, it will increase the number of informational meetings held at community forums such as tenants associations and other local groups, and increase Board member participation at those meetings. These meetings will explain both the investigative process and the value of mediation as a means of resolving tensions between police officers and individuals.

As with past reports, this report analyzes five years of data from calendar year 2005 through calendar year 2009 regarding complaint activity, agency performance, and CCRB investigative findings. The report discusses the location of incidents that led to complaints, the demographics of subject officers and civilians involved in complaints, and the NYPD dispositions of CCRB substantiated cases.

This report is streamlined to include relevant data and information in a straightforward and accessible format. Readers interested in a more detailed statistical view of the CCRB may access tables containing the raw data used for this report at the agency website, www.nyc.gov/ccrb, or call the CCRB at (212) 442-8848.

The Board remains committed to its core mission of resolving allegations of police misconduct by conscientiously investigating and mediating civilian complaints. I look forward to working with agency staff and my fellow Board members in continuing to serve the people and police of New York City.

Sincerely,



Ernest F. Hart, Esq.

Complaint Activity

The CCRB received 7,664 complaints in 2009. More complaints were filed in the first half of 2009 (4,016) than in the second half (3,648). The number of cases filed for calendar year 2009 represents an increase in complaint activity of 4% as compared to the figure for 2008 when the CCRB received 7,395 complaints.

The CCRB has identified several factors that have contributed to the agency's complaint increase. First, the advent of the 311 system and the public's increased cell phone usage – tools which are likely to facilitate access to the agency's intake center. Second, the increase in the number of referrals sent to the CCRB from the Police Department's Internal Affairs Bureau and integrity control units concerning allegations of misconduct. Third, the increase in the number of civilian-police encounters, particularly stop and frisk encounters, which are likely to correlate with the agency's complaint activity.

The CCRB's data show a continuing disparity between the race of complainants and the racial makeup of New York City residents at large. As in previous years, complainants are overwhelmingly black and Hispanic, with over half of all complainants being African-American, with disproportionately low numbers of complainants being white, Asian or other. These numbers, however, have remained consistent over the years.

The Complaint Activity section also includes data on the location of incidents, demographics of subject officers, the most common types of complaints received and further analysis of the factors affecting the complaint rate.

Case Processing

The size of the CCRB's year-end open docket for 2009 was 3,358 complaints. The open docket fell 19% as compared to the mid-year docket when the open docket reached 4,120 cases. The year-end 2009 docket is down 10% in comparison to the year-end 2008 open docket of 3,709 cases.

At the end of 2009, 63% of cases in the open docket were four months old or less from the date of report. This percentage represents an increase of two percentage points as compared to 2008, when the percentage was 61%.

The time required to close a full investigation continued to rise. The CCRB took an average of 349 days to close a full investigation in 2009, an increase of 10% over the 316 days' average time in 2008. In spite of this fact, there were improvements in the second half of the year, with a 5% decrease from 359 days in the first half to 340 days.

Mediation

In 2009, the CCRB conducted 124 mediation sessions, up from 117 sessions a year earlier – or a 6% percent increase. Of these sessions, 118 were successful (112 in 2008) and 6 were unsuccessful (5 in 2008) resulting in a 95% resolution rate (a 96% rate in 2008).

To further its charter mandate of strengthening its mediation program, the Board directed its focus to four areas in 2009. First, the CCRB requested the Police Commissioner's aid in increasing awareness about the mediation program among police officers. The Police Department responded to the request of the Board and, in a press release issued on September 4, 2009 Commissioner Raymond W. Kelly encouraged officers use mediation. Second, in collaboration with the unions and the Police Department, the Board developed a new informational brochure and fact-sheet to encourage officer participation in mediation. Third, the CCRB strengthened its mediation outreach efforts to civilians and mediation became a focal point in the agency's presentations to the public. Fourth, the CCRB introduced relevant changes to the mediation program. The Board expanded the number of allegations eligible for mediation by including "vehicle search" and "premises entered and/or searched."

Investigative Findings

In 2009, the CCRB completed 2,673 full investigations, substantiating at least one allegation in 197, or 7% of these cases. The average substantiation rate for the five-year reporting period is 8%.

The CCRB's findings can also be analyzed by tallying the individual dispositions of each allegation the CCRB fully investigates. Two statistics are important. One key statistic is the rate at which the CCRB makes "findings on the merits." Of the 10,144 allegations the CCRB fully investigated in 2009, 5,325 allegations, or 53%, were closed with findings on the merits. The 2009 rate represents an increase of four percentage points in relation to the 2008 rate of 49%.

The Investigative Findings section also covers the topic of "other misconduct," or reports of misconduct which do not fall within the CCRB's jurisdiction, and discusses a new development in this regard regarding officers' memobook entries.

Police Department Dispositions

In 2009, the Department's disciplinary action rate was 61%. This percentage represents an increase of five percentage points as compared to 2008, when the percentage was 56%.

The rate at which the Department declined to seek discipline in connection with substantiated CCRB cases decreased four percentage points, from 31% in 2008 to 27% in 2009. During 2009, the CCRB continued the pilot project in which CCRB attorneys "second-seat" NYPD prosecutors in disciplinary trials of CCRB cases. To date, CCRB attorneys have assisted in ten cases, four of which have gone to trial. Ten additional cases have been designated for the program.

In February of 2010, Police Commissioner Raymond W. Kelly and Civilian Complaint Review Board Chair Ernest F. Hart announced an agreement in principle to have CCRB attorneys prosecute, in the Police Department's trial room, a portion of the cases stemming from CCRB complaints against police officers.

Complaint Activity

Number of Complaints Received

The CCRB received 7,664 complaints in 2009, as seen in the chart on page 12. More complaints were filed in the first half of 2009 (4,016) than in the second half (3,648). The number of cases filed for calendar year 2009 represents an increase in complaint activity of 4% as compared to the figure for 2008 when the CCRB received 7,395 complaints. This increase comes after two years of consecutive decreases in complaint filings during which the number of complaints the agency received declined from 7,663 in 2006, to 7,549 in 2007 (-1%), and to 7,395 in 2008 (-2%). The CCRB received 6,786 complaints in 2005, or 13% fewer complaints than in 2009.

In addition to complaints for which it has jurisdiction, the CCRB frequently receives complaints that fall outside of its powers and scope of authority. The CCRB enters these complaints into its Complaint Tracking System (CTS) and refers them to the appropriate agencies. The agency made 8,190 such referrals in 2005, 9,048 in 2006, 10,416 in 2007, 10,606 in 2008, and 11,411 in 2009.

These referrals to other jurisdictions are important for three reasons. First, these complaints denote concerns of the public with reference to police integrity and police practice issues as the vast majority of case referrals are made to the Internal Affairs Bureau and the Office of the Chief of Department. Second, these complaints

are important to those who make them and the CCRB makes sure that they are appropriately forwarded as the decision to make a referral to another agency is only granted to senior managers. Third, as the number of referrals has increased 39% in the last five years, they are having a significant effect by increasing the agency's workload at a time in which the agency's investigative resources have decreased significantly.

In short, the figures show a significant increase in the total number of contacts made by members of the public during this reporting period. The number of total filings rose from 14,976 in 2005 to 19,075 in 2009, a 27% increase.

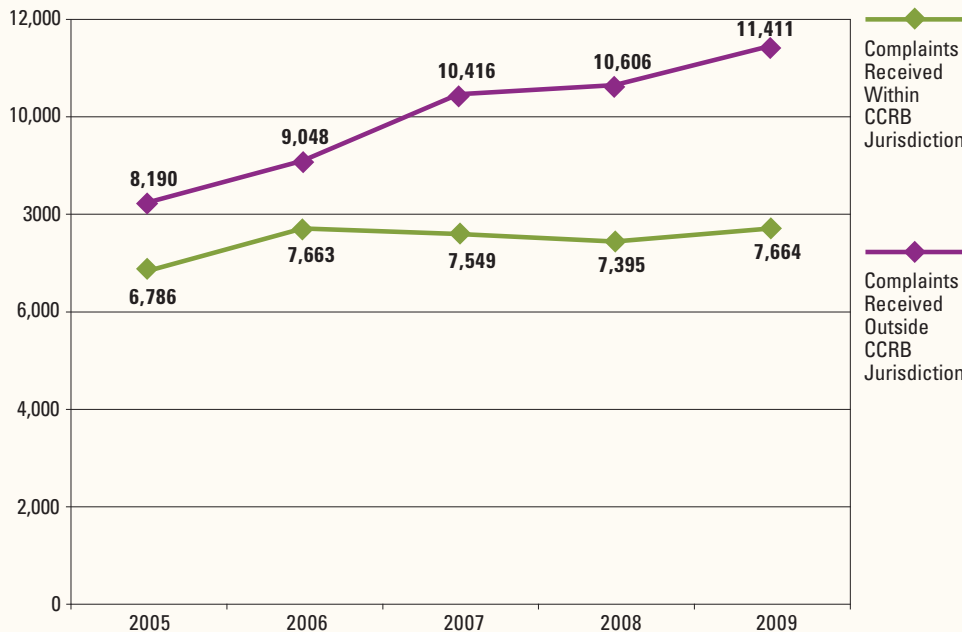
Factors Affecting the Complaint Rate

The CCRB continually examines its complaint rate in order to understand trends in complaint activity and to make decisions regarding effective allocation of resources. Although it is difficult to isolate factors affecting changes in complaint rates, the CCRB has identified three important variables which are worth discussing. First, the advent of the 311 system and the public's increased cell phone usage – tools which are likely to facilitate access to the agency's intake center. Second, the number of referrals sent to the CCRB from the Police Department's Internal Affairs and integrity control units concerning allegations of misconduct.

Third, the number of civilian-police encounters, particularly stop and frisk encounters, which are likely to correlate with the agency's complaint activity.

In past reports, the CCRB has acknowledged that the City's 311-system has contributed to the increase in the CCRB complaint rate by facilitating direct and immediate access to the agency after its introduction in 2003. The CCRB tracks where civilian complaints are reported. Generally, there are two locations where complainants file complaints: a complainant can file a complaint directly with the CCRB ("CCRB-filed") or a complainant can initiate a CCRB complaint with the NYPD – primarily Internal Affairs ("NYPD-filed"). The CCRB also tracks the manner in which civilian complaints filed directly with the CCRB are reported. There are four basic ways in which a civilian can file a complaint with the CCRB:

Total Complaints Received 2005–2009



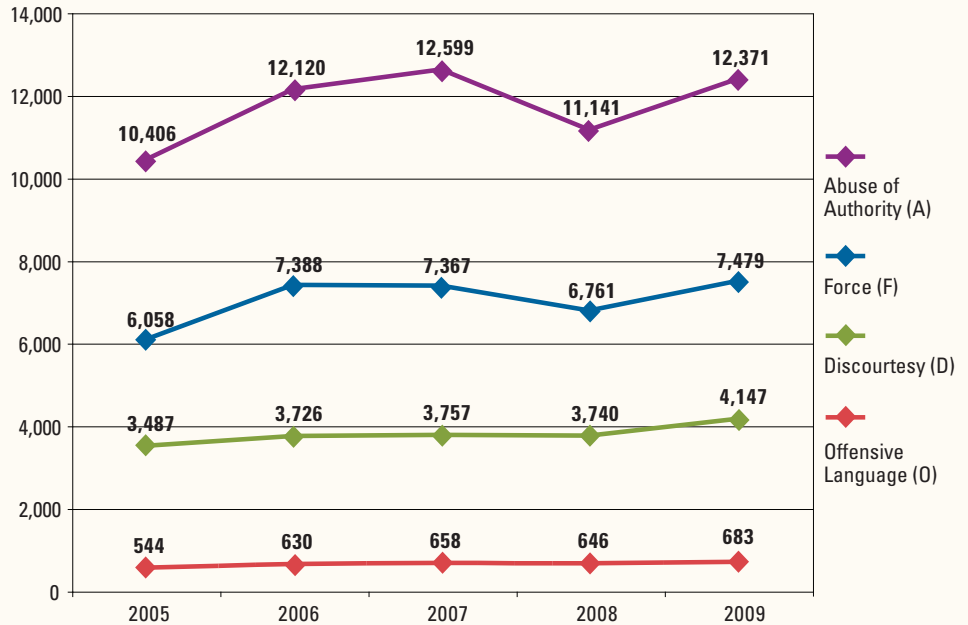
by phone; in person; by letter or fax; or electronically.

The advent of 311 has resulted in increases in both “CCRB-filed” and “CCRB-filed by telephone.” In 2002, the year prior to the implementation of the 311 system – 44% of all complaints received were “CCRB-filed” and 82% of these complaints were filed by phone. By comparison, in 2005, the first year of this five-year report, 67% of complaints received were “CCRB-filed” and 89% of these complaints were filed by phone. In 2009, 61% of all complaints received were “CCRB-filed” and 87% of these complaints were filed by phone.

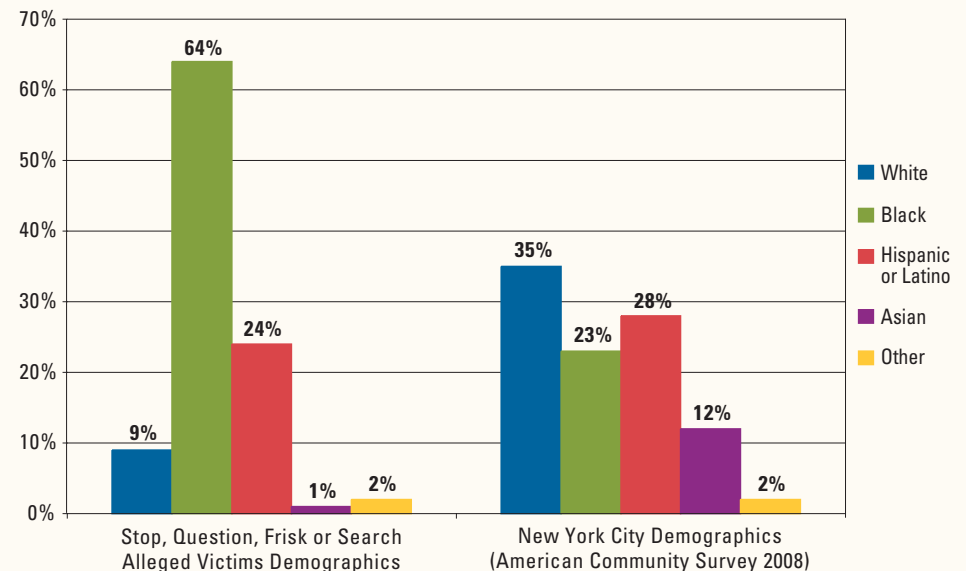
An analysis of the most recently available five-year data suggests that the 311-system continues to be used frequently by members of the public. The 311 Customer Service Center receives CCRB-related inquiries – the most important of which is the “police officer misconduct” inquiry – and transfers these calls to the CCRB intake center. The 311 Center transferred 15,527 inquiries in 2009. This number represents an increase in 311-based inquiries of 12% as compared to the figure for 2008 when the 311 system transferred 13,831 inquiries. By comparison, the 311 Center transferred 10,103 inquiries in 2005, or 54% fewer inquiries than in 2009.

The impact of cell phones is reflected in the proportion of complaints filed directly with the CCRB within the same day or within the first 24 hours after the incident. In 2002, 29% of CCRB-filed complaints were filed the same day and 46% within the first 24 hours. In 2005, 35% of these complaints were filed the same day and 55% within the first 24 hours. By 2009, 39% of CCRB-filed complaints were filed the same day and 59% within the first day from the event. These numbers suggest that cell phones allow users to file

Types of Allegations in Complaints Received 2005–2009

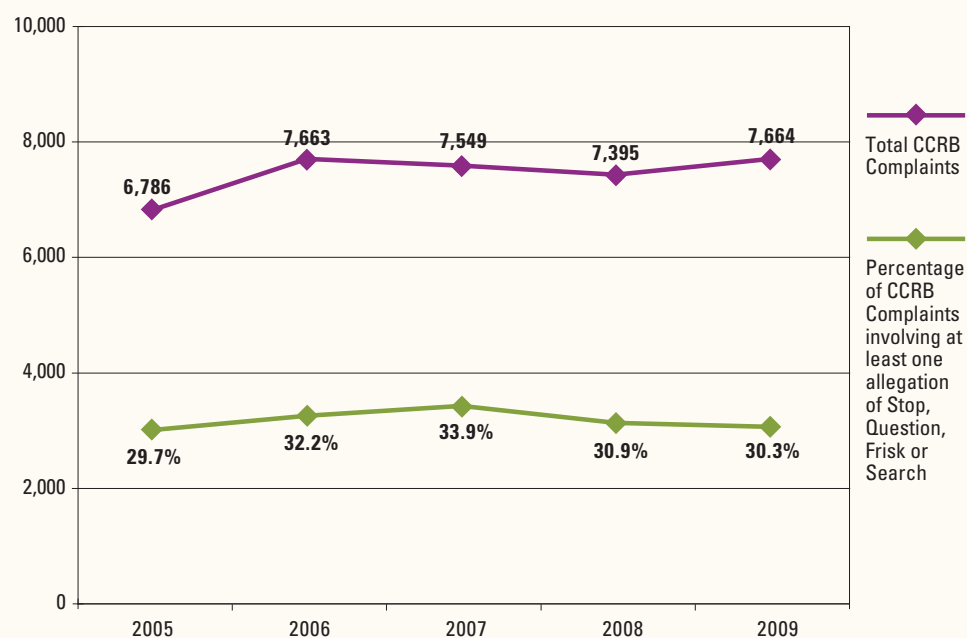


2009 Alleged Victims by Race in Stop, Question, Frisk, and Search Complaints vs. New York City Demographics



Complaint Activity

Total CCRB Complaints Received vs. Percentage of CCRB Complaints Involving Stop, Question, Frisk, and Search Allegations 2005–2009



a complaint more promptly after an incident than was the case in the past.

Another important factor affecting the complaint rate is the number of referrals the CCRB receives from the Police Department's Internal Affairs Bureau and precinct-based integrity control units concerning allegations of misconduct. From 2005 to 2009, the number of complaints filed directly with the CCRB increased by 2%, from 4,575 to 4,642. In comparison, the number of complaints filed directly with the NYPD increased by 37%, from 2,189 to 3,009. In 2005, 32% of all complaints were filed with the NYPD; by 2009, 39% of all complaints were filed with the NYPD. In 2005, members of the public filed 1,901 complaints with Internal Affairs that were transferred to the CCRB; by 2009, the public filed 2,919 such complaints.

Finally, the CCRB's complaint rate has appeared to rise and fall along with the number of stops documented by NYPD officers. This trend is also connected to the percentage of the agency's complaints involving the allegations stop, question, frisk, or search (those allegations that indicate that a "stop-and-frisk" encounter occurred). In 2009, complaints increased 10% during the first half of the year as "stop-and-frisk" encounters increased 17% city-wide when compared to the last six months of 2008. However, complaints decreased 10%, from 4,016 to 3,648, during the second half as stop activity

decreased city-wide 18 percent, from 311,646 to 263,658. During this period, the CCRB received a stop-related complaint for every 240 "stop-and-frisk" encounters accounted by the NYPD.

In historical terms, the number of stop, question and frisk forms filled out by NYPD officers increased by 423% from 2002 through 2006, from 97,296 to 508,540. Over that same period, the CCRB complaint rate rose 81% and the proportion of all CCRB complaints involving, at least, one stop, question, frisk, or search allegation increased from 19% of all complaints (884) in 2002 to 25% (1,526) in 2004 and to 30% (2,015) in 2005. From 2006 through 2009, the number of stops conducted by the NYPD has remained relatively stable, near an average of 260,000 in a six-month period.

During this same period, the CCRB complaint rate also remained relatively constant around 7,500 complaints per year. At the same time, the proportion of CCRB complaints involving stops also remained relatively unchanged, between 30% and 34% each year, as seen in the chart on **page 14**.

In summary, it appears that the rise and subsequent stabilization of the CCRB's complaint rate from 2006 through 2009 is connected to the facilitating role of the 311 system and cell phones, a greater number of complainants filing complaints with the Police Department directly, and to fluctuations in NYPD stop and frisk activity.

Types of Allegations Received

To better understand the statistics describing CCRB complaint activity, it is important to note the distinction made between a "complaint" and an "allegation." Each individual complaint received by the CCRB can contain multiple allegations against multiple officers. Each allegation the CCRB investigates falls within one of the CCRB's four broad jurisdictional categories (Force, Abuse of Authority, Discourtesy and Offensive Language).

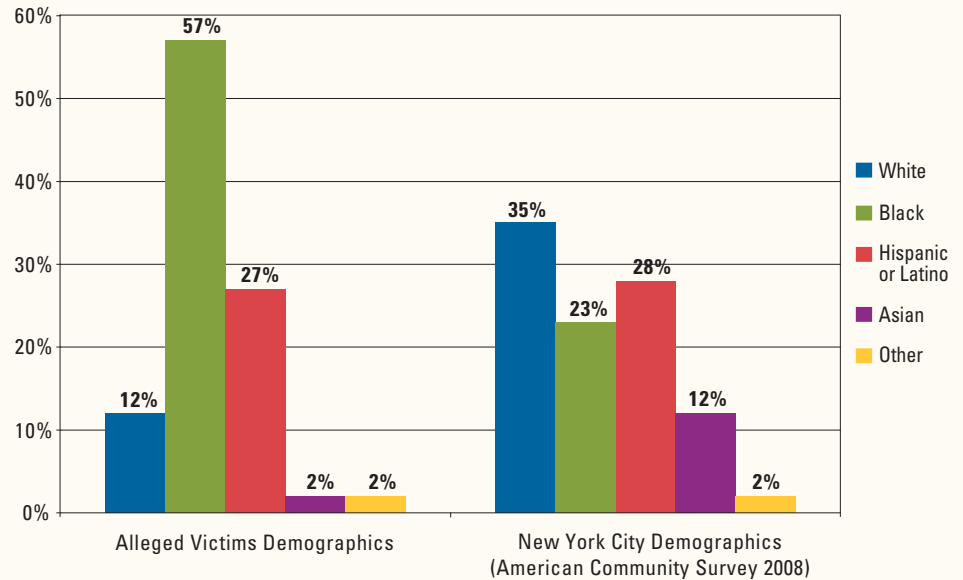
The CCRB examines allegations using two types of indicators: "types of allegations in a complaint" and "total number of allegations." The analysis of "types of allegations in a complaint" refers to the number of

complaints containing at least one or more allegations of a particular FADO category. In 2005, 49% of all complaints contained one or more Force allegation, while, in 2009, 53% of all complaints contained one or more Force allegation. In contrast, the number of complaints containing one or more Abuse of Authority allegations decreased from 68% in 2005 to 64% in 2009. During this period, the proportion of cases containing one or more allegations of Discourtesy remained unchanged at 41% and, likewise, the proportion of cases containing one or more allegations of Offensive Language remained steady at 7%. Stated differently, the five-year trend shows that two-thirds of all complaints are about Abuse of Authority, one half of all complaints are concerning excessive Force, and four out of ten cases involved are about Discourtesy. Allegations of Offensive Language remained infrequent for this period.

While examining the number of complaints and the types of allegations in a complaint provides a sense of overall complaint activity, it can be difficult to characterize the “nature” of any complaint, because most complaints involve various types of allegations. An examination of the specific types of allegations received by the agency provides a more detailed look at the issues raised in CCRB complaints.

In the Abuse of Authority category, allegations of stop, question, frisk and/or search make up the largest portion of all allegations. As discussed above, the proportion of CCRB complaints involving these allegations has risen in recent years. Stop, question, frisk and search allegations also increased as a portion of all Abuse of Authority allegations received, reaching 5,148 allegations, or 41% of all Abuse of Authority allegations received in 2009, up from 3,690 allegations, or 35%, in 2005. As a percentage of the total allegations received by the agency, stop, question, frisk and search allegations comprised 21% in 2009 and 18% in 2005. Of note, allegations that fall into the category of “threats of arrest” comprised 9% of all Abuse of Authority allegations in 2009. Other notable allegations in this category include “premises entered and/or searched,” comprising 8% of all Abuse allegations received in 2009, “vehicle stop” and “vehicle, search,” consisting of 10%, and “refusal to provide name and/or shield,”

2009 CCRB Alleged Victims Demographics Compared to New York City Demographics



representing 9% of Abuse allegations received in 2009.

In the Force category, “physical force,” which encompasses uses of bodily force such as “punched,” “shoved,” “kicked,” and “pushed” remains the most common allegation by far. Combined, 5,315 allegations of “physical force” were received by the CCRB in 2009, comprising 71% of the allegations in the Force category. The percentage of Force allegations characterized as “physical force” has remained roughly unchanged since 2005. Another notable allegation falling in the Force category is “gun pointed,” with 381 allegations, or 5% of force allegations received in 2009, while “gun fired,” by contrast, is quite rare (0.3%). Also of note, in 2009 the CCRB received 388 allegations regarding the “abuse of pepper spray,” or 5% of all Force allegations, and 401 allegations regarding “the abuse of nightsticks,” comprising 5% of all Force allegations.

In the Discourtesy category, the discourteous “word” category is most common, making up 93% of the Discourtesy allegations received in 2009, or 3,860 allegations total. A small portion of allegations each year also involve discourteous “gestures,” “actions,” or “tone.” In 2009, 232 allegations of discourteous “actions” were received, making up 6% of all Discourtesy allegations. This is consistent with the number received in previous years.

Distinct from Discourtesy allegations are Offensive Language allegations, which include slurs, derogatory remarks and gestures based on a person’s sexual

orientation, race, ethnicity, religion, gender, or disability. Offensive Language allegations make up a relatively small portion of all allegations received by the CCRB. In 2009, the CCRB received 683 allegations of Offensive Language, or 3% of all allegations received. By far the most common Offensive Language allegations are those regarding the complainant's race and/or ethnicity. In 2008, 466 allegations involved the use of a racially offensive term, making up 68% of all Offensive Language allegations.

Location of Incidents Resulting in Complaints

The map on [page 17](#) shows the density of incidents resulting in CCRB complaints organized by precinct. It is important to note that the data presented does not adjust for factors that may influence the complaint rate, such as crime rate, precinct size, precinct population density, or number of uniformed personnel assigned to a precinct or command within the precinct confines.

The relative distribution of complaints has generally remained steady over time. As in past years, the borough with the greatest number of incidents resulting in complaints was Brooklyn, with 2,561 complaints, or 33% of all complaints filed. Brooklyn's contiguous 73rd and 75th precincts continue to have the highest

number of incidents resulting in complaints in the city, with 252 and 357 respectively.

Notably, in 2009, the Bronx experienced the second-highest complaint filings of all the boroughs, surpassing Manhattan for the second time in the five-year reporting period. Complaints filed regarding incidents in the Bronx have continued to rise over the last five years, from 1,420 to a peak of 1,840, or 24% of all complaints filed in 2009. The 40th, 44th, 46th, 47th and 52nd precincts continue to have a relatively high number of complaint incidents, with at least 160 each. The exception to this overall trend of increases is the 43rd precinct.

In 2009, Manhattan received 1,807, or 24% of all complaints, only slightly less than the Bronx. Since 2005, the complaint rate in Manhattan has fluctuated within a range of 1,600 to 1,800 complaints per year. As in past years, the two boroughs with the fewest complaints in 2009 were Queens, with 1,040, or 14% of all complaints, and Staten Island, with 100, or 1% of all complaints.

Characteristics of Alleged Victims

Historically, the percentage of the alleged victims in CCRB complaints who are of a particular race or gender is consistent over time and has differed from the city's population as reported in the United States Census or its updates. The CCRB compares the demographic profile of the alleged victims in complaints to the demographics of the city as a whole, without correcting for any other factors such as proportion of encounters with the police. As in previous years, in 2009, African-Americans were overrepresented as alleged victims in CCRB complaints compared with the population of New York City as a whole. Although making up only 23% of New York City's population, they continue to represent over half of the alleged victims in CCRB cases, at 57% in 2009. Whites and Asians, on the other hand, compose a disproportionately low percentage of alleged victims. In 2009, 14% of alleged victims were white, and 2% were Asian. This is the case despite making up 35% and 12% of New York City's population respectively. The percentage of Latino victims was comparable to the population. At 27% of the population, Latinos made up 25% of alleged victims named in CCRB complaints in 2009. These numbers are represented in the chart on [page 15](#).

These numbers have remained fairly consistent over the last five years, with at least 54% of alleged victims being African-American every year since 2005. Latinos have consistently made up between 23% and 27% of alleged victims, and whites between 13% and 15%. Asians have never made up less than 2% or more

CCRB Jurisdiction

The CCRB has jurisdiction to investigate complaints filed against sworn members of the New York City Police Department. It does not have jurisdiction to investigate complaints against civilian members of the Department or members of other law enforcement agencies. It has the power to investigate four types of allegations:

Force refers to the use of unnecessary or excessive force, up to and including deadly force.

Abuse of Authority refers to abuse of police powers to intimidate or otherwise mistreat a civilian and can include improper street stops, frisks, searches, the issuance of retaliatory summonses, and unwarranted threats of arrest.

Discourtesy refers to inappropriate behavioral or verbal conduct by the subject officer, including rude or obscene gestures, vulgar words, and curses.

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

than 3% of all alleged victims. Each year, approximately 3% of alleged victims are classified as “other.”

As seen in the chart on page 15, the difference between the CCRB’s complainant/victim population and the New York City population as a whole is more pronounced when it refers to complaints of stop, question, frisk, or search. In 2009, 63% of the alleged victims in CCRB complaints involving allegations of stop, question, frisk, or search were African-American, 9% of alleged victims in these same cases were white, 25% were Latino, 1% was Asian, and 2% were “other.”

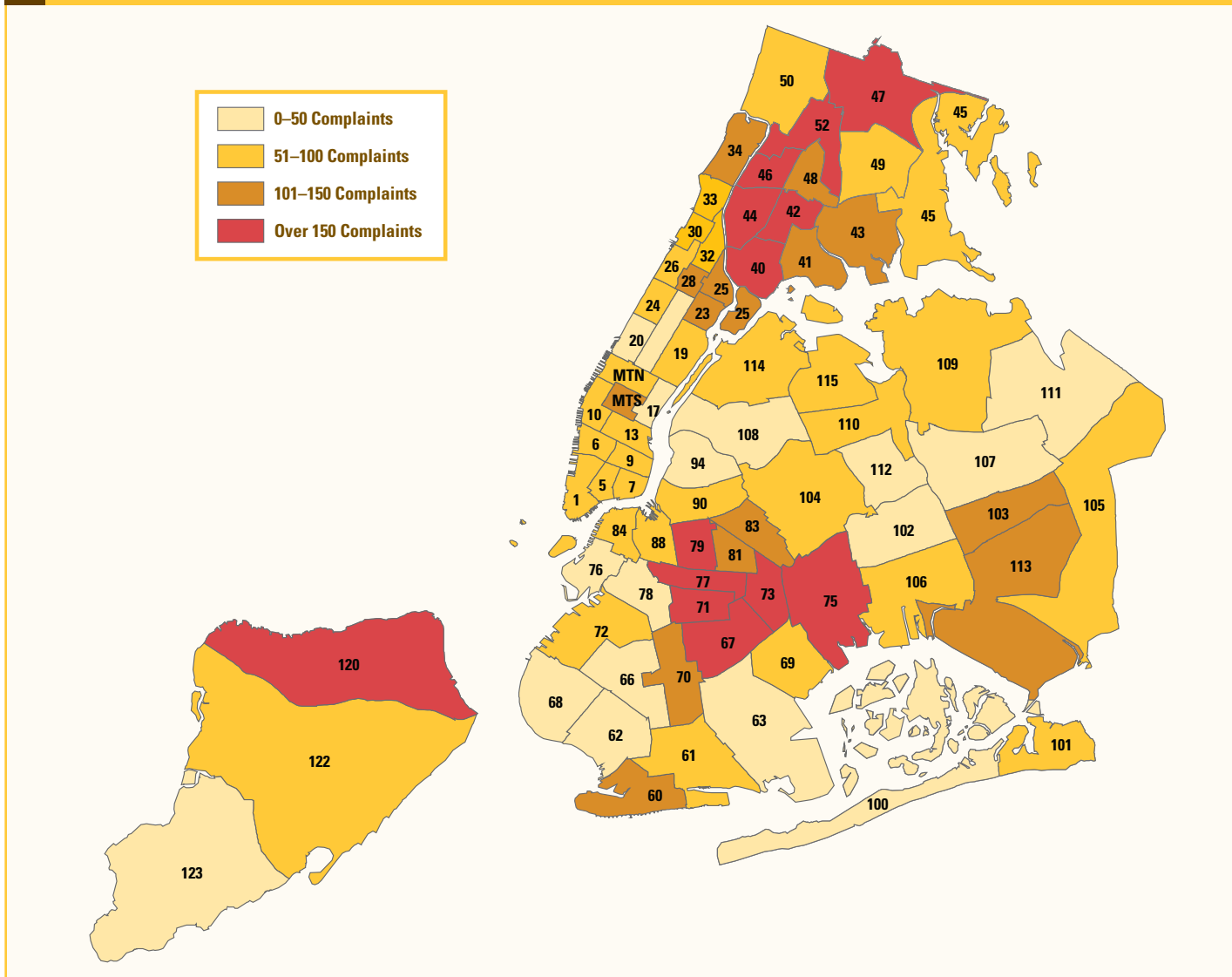
Characteristics of Subject Officers

While the race of alleged victims in CCRB complaints differs from New York’s population,

the subjects of CCRB complaints have historically reflected the racial makeup of the Police Department as a whole. This trend continued in 2009: 50% of officers named as subjects in CCRB complaints were white, while white officers make up 53% of the Department; 17% of subject officers were black, while black officers make up 16% of the Department; 28% of subject officers were Latino, while Latinos make up 26% of the Department; and 5% of subject officers were Asian, while Asians make up 5% of the Department.

Male officers, however, are overrepresented as the subjects of CCRB complaints. Consistent with past years, in 2009, male officers received 90% of all CCRB complaints while making up 82% of the Department.

Density of Complaint Filings January–December 2009 by Precinct



Case Processing

Docket Size

The CCRB uses the term “open docket” to refer to the number of open cases being processed by the agency at a given point in time. The CCRB normally uses the term “mid-year docket” when referring to the open docket as of June 30 of a given year and the term “year-end docket” when referring to the open docket as of December 31 of a given year. The size of the CCRB’s year-end open docket for 2009 was 3,358 complaints. The open docket fell 19% as compared to the mid-year docket when the open docket reached 4,120 cases. The year-end 2009 docket is down 10% in comparison to the year-end 2008 open docket of 3,709 cases. In looking at the five-year trend for the year-end docket, the size of the docket increased from 3,468 cases in 2005, to 3,739 in 2006, before dropping to 3,357 in 2007, as seen on the chart on page 18.

Several factors explain the year-to-year decrease of 351 in the open docket size. The first reason is that, despite a 4% increase in complaint activity, from 7,395 to 7,664, the CCRB’s productivity increased by 16%. The CCRB closed 1,122 more cases in 2009 than it did in 2008, closing 8,089 cases in 2009 as compared to 6,967 cases in 2008. In the context of a five-year analysis, the number of case closures in 2009 was much higher than the number of case closures in 2005 and 2006 when the CCRB closed 6,514 and 7,396 cases,

respectively. The agency closed 7,916 cases in 2007. The end result is that the CCRB was able to reduce its open docket by 2%, or 110 cases, from 2005 to 2009, even as complaint activity was at historical highs (see chart on page 18),

The second reason that explains the decrease in the open docket size is the fact that a decrease in staffing was compensated with an increase in the productivity of the CCRB’s investigative staff. In 2009, investigators forwarded to the Board for review 7,915 cases as compared to the 6,959 cases forwarded for review in 2008. Notably, individual investigator productivity in 2009 increased as compared to the levels of 2007 and 2008 even as the average investigator caseload rose to 27 in 2009, up from 18 in 2007. On average, each investigator closed 11 more cases per year in 2009 (63) than in 2007 and in 2008 (52).

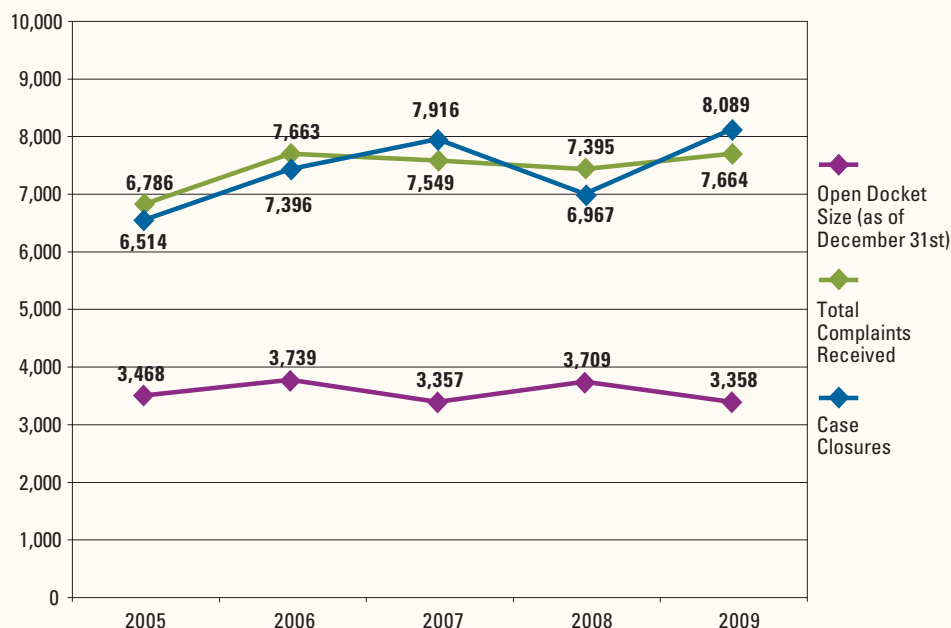
Age of Docket

The chart (on page 19) shows that at the end of 2009, 2,102, or 63% of open cases, were four months old or less from the date of report. This percentage represents a decrease of five percentage points from 2005, when 68% of cases were four months old or less, but an increase of two percentage points as compared to 2008, when the percentage was at a low of 61%.

At the same time, the number of open cases more than 12 months old from the date of report increased from 2005 to 2009, from 5% to 7%, but decreased from 2008 to 2009, from 9% to 7%. In the same way, the number of cases aged 15 months or older from the date of report was reduced from 120 in 2008, or 3% of the agency’s open docket, to 76, or roughly 2% of the agency’s open docket, in 2009. Most significantly, the number in 2009 is smaller than the 86 cases aged 15 months and older in 2005.

In looking at the age of docket from the perspective of the date of incident, the figures for 2009 also show improvement. The number of cases aged 15 months or older fell from 168 in 2008, or 5% of the agency’s open docket, to 104, or 3% of the agency’s open docket, in 2009. From 2005 through 2007, cases 15 months and older made up 3% of the

Total Complaints Received, Size of Open Docket, and Case Closures 2005–2009



agency's open docket, just as in 2009, but in absolute terms the number of cases for this period was higher than in 2009 (115 cases in 2005, 121 in 2006, and 111 in 2007). In normal circumstances, charges must be brought against an officer within 18 months of the incident date.

Average Case Closure Time

The average time required to close a CCRB case provides another lens through which to examine the agency's case processing and productivity. The indicator measures the length of time from the date in which the CCRB receives the complaint to the date in which a panel of the Board closes the case. The CCRB uses two key measures of productivity in this area: the time required in closing a full investigation and the time required to close a substantiated investigation.

The time required to close a full investigation continued to rise. The CCRB took an average of 349 days to close a full investigation in 2009, an increase of 10% over the 316 days' average time in 2008 and 19% over the 294 average days in 2005. In spite of this fact, there were improvements in the second half of the year, with a 5% decrease from 359 days in the first half to 340 days. As in previous years, the rise can be attributed to both a higher workload for the Board and increases in the investigative processing of cases. In 2009, the average case was referred from the Investigation Division to the Board for review in 286 days, 18 more days than in 2008 (268 days), and the case disposition process added 63 days, 15 more days than in 2008 (48 days).

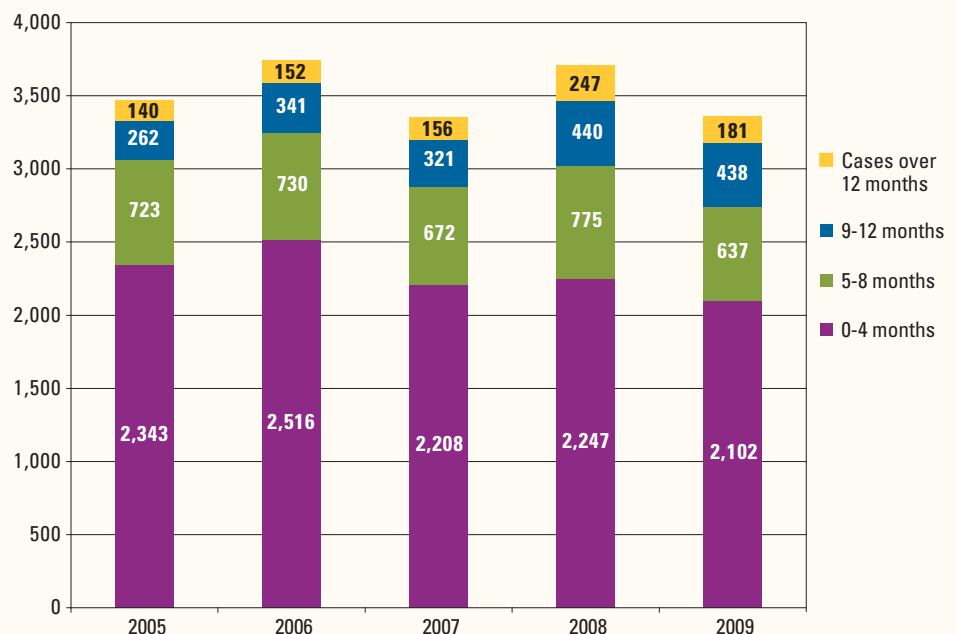
The time required to close a substantiated investigation also continued on an upward trend. The CCRB took an average of 394 days to close a substantiated investigation in 2009, an increase of 13% over the 350 days' average time in 2008 and 25% over the 314 average days in 2005. Again, improvements were made in the second half of the year, with a 12% decrease from 422 days in the first half to 377 days in the second half.

The rise in the case processing age resulted in an increase in the number of cases referred to the Police Department 15 months and older since the date of incident. In 2005, approximately one out of seven cases (14%) was referred after this important mark. In 2008, approximately one out of four cases (24%) fell in this category. By 2009, approximately one-third of cases (33%) were referred for prosecution after this crucial yardstick.

Plans for 2010

In the year to come, the CCRB will continue to face significant challenges in ensuring that its cases are closed in a timely fashion and the size and age of the docket improves. Given the City of New York's difficult fiscal condition, the number of front-line investigators has fallen in the last two years as a result of reductions in our budget. Projected budget reductions in 2010 are likely to result in the agency losing additional investigative positions as well as overtime funds. The proposed reductions may also lead to other operational and non-investigative staff reductions. Given current and projected cuts to the CCRB's budget, the agency's main priority going forward will be maintaining current levels of productivity and implementing new initiatives focusing on reducing the open docket and decreasing the average case closure time.

Size and Age of Open Docket 2005–2009



The City Charter mandates that the Board establish a mediation program allowing a complainant to voluntarily resolve his or her complaint through informal means. In agreement with the New York Police Department, the CCRB introduced a mediation program for the resolution of complaints in 1997. That year the agency mediated just two complaints. Since then, the CCRB mediation program has become the largest voluntary mediation program in the United States by processing more than 3,500 complaints. Although the program continues to grow, the CCRB strongly believes that mediation is currently underutilized in the resolution of complaints, with only 2% of all complaints filed being closed through this program. In 2009, one of the key priorities of the CCRB has been to continue to focus resources on strengthening and expanding its mediation program.

How Does Mediation Work at the CCRB?

The process of mediation provides a uniquely valuable alternative to investigation to resolve civilian complaints. Mediation allows civilians and officers to sit down with a trained, neutral mediator to discuss the circumstances that led to the complaint. Where an investigation is focused on fact-finding and the possibility

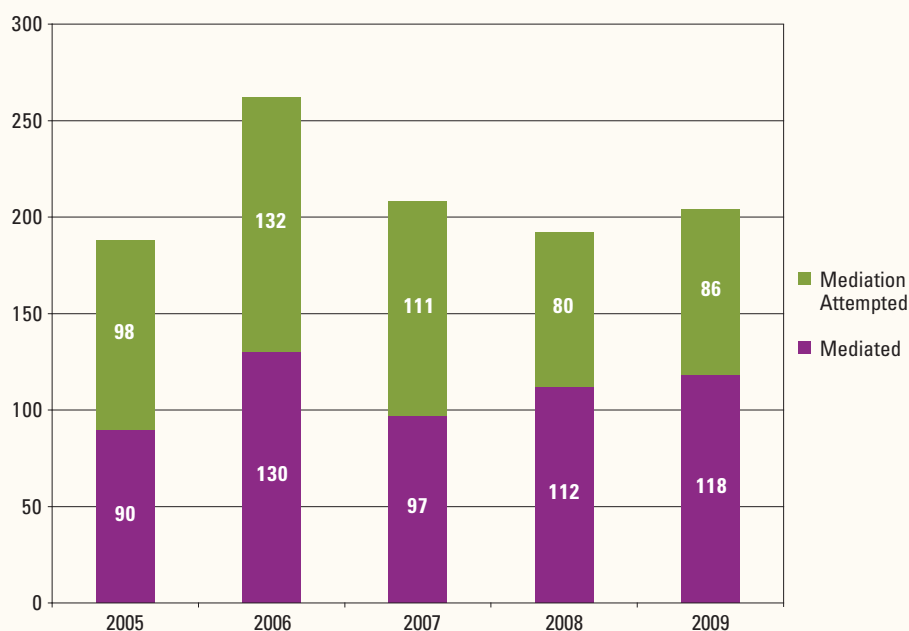
of discipline, a mediation session focuses on fostering discussion and mutual understanding between the officer and the complainant. The mediation session ends when the parties agree that they have had an opportunity to discuss and, in the vast majority of cases, resolve the issues raised by the complaint. After a successful mediation, a complaint is closed as “mediated” – meaning that there will be no further investigation and the officer can not be disciplined.

Many different types of complaints are appropriate for mediation. In general, any complaint that does not involve a pending criminal matter, physical injury or property damage can be mediated. Most mediation sessions involve verbal disputes or street or traffic encounters that did not lead to an arrest. Mediation provides an excellent basis to address situations where miscommunications or misunderstandings led to a complaint.

Cases referred by investigators to the CCRB’s Mediation Unit receive thorough assessments for suitability by the Board and the Police Department. The Investigations Division refers cases to the Mediation Unit after the case is reviewed and a determination is made that it is appropriate to offer the complainant the opportunity to mediate. Only after the complainant

agrees to mediate is the case sent to the Mediation Unit. After the case is accepted by the Mediation Unit, the case is sent to the NYPD Department Advocate’s Office so that an assessment can be made regarding the subject officer’s suitability to participate in a mediation session. After the Department has agreed that the officer is suitable to mediate, the Alternative Dispute Resolution Committee of the Board makes a final assessment. The last step is when the subject officer is offered the opportunity to participate in the mediation. While the process of bringing a case to mediation requires time and effort, the CCRB places special importance on this cooperative method of resolving complaints.

Mediation Closures 2005–2009



New Developments in 2009

To further its charter mandate of strengthening its mediation program, the Board directed its focus to four areas in 2009. First, the CCRB requested the Police Commissioner's aid in increasing awareness about the mediation program among police officers. The Police Department responded to this request of the Board and, in a press release issued on September 4, 2009, Commissioner Raymond W. Kelly encouraged officers to participate in mediation. In this release, the Police Commissioner agreed with the Board in the need to support voluntary mediation efforts between civilians and officers.

Second, the CCRB reached out directly to police officers and their unions in its efforts to better explain the benefits of mediation. In collaboration with the unions and the Police Department, the Board developed a new fact-sheet to encourage officer participation in mediation. Also, staff members had the opportunity to conduct informational presentations regarding mediation at police training sessions.

In combination with the Police Commissioner's press release, these outreach efforts have resulted in a significant increase in the number and proportion of officers accepting mediation. The result is that the officers' acceptance rate has increased seven percentage points from 68% in 2008 to 75% in 2009. By comparison, in 2005 the officers' acceptance rate was at 72% but it decreased to 65% in 2006 and 67% in 2007.

Third, the CCRB strengthened its mediation outreach efforts to civilians and mediation became a focal point in its presentations to the public. In addition, CCRB investigators received supplemental training regarding the benefits of mediation from the complainants' perspective. As in past years, staff members voluntarily attended a 40-hour mediation course at Columbia Law School. The result of these

outreach efforts and training sessions is that the civilians' acceptance rate has increased eight percentage points from 48% in 2008 to 56% in 2009. By comparison, the civilians' acceptance rate was 42% in 2005, 45% in 2006, and 52% in 2007.

Fourth, the CCRB introduced relevant changes to the mediation program. The Board expanded the number of allegations eligible for mediation by including "vehicle search" and "premises entered and/or searched." The number and proportion of cases which are eligible and suitable for mediation increased from 37% in 2008 to 44% in 2009, from 2,746 to 3,343. This rate was 40% in 2005, 38% in 2006, and 37% in 2007. Also, the director of mediation and her team provided new training sessions to investigative staff emphasizing the importance of mediation and are tracking more closely the number of referrals to the mediation program. The number of cases referred to and accepted into the mediation program increased from 310 in 2008 to 424 in 2009.

In 2009, the CCRB conducted 124 mediation sessions, up from 117 sessions a year earlier, constituting a 6% percent increase. Of these sessions, 118 were successful (compared with 112 in 2008) and six were unsuccessful (compared with five in 2008) resulting in a 95% resolution rate (a 96% rate in 2008). By comparison, in 2005 the CCRB facilitated 96 mediation sessions – which is 33% fewer sessions than in 2009 – with a 94% successful resolution rate (90 and six respectively).

The Mediation Unit's total case closures – which includes cases closed as "mediated" and "attempted mediation" – increased 4%, from 192 in 2008 to 204 in 2009. By comparison, as depicted in the chart on **page 20**, there were 188 mediation case closures in 2005, 262 in 2006, and 208 in 2007.

Understanding the CCRB's Disposition Statistics

To better understand the statistics describing CCRB case dispositions, it is important to make sense of the distinction between a "complaint" and an "allegation." A complaint is a case. It is also an expression of dissatisfaction by one or more member(s) of the public consisting of one or more allegations of misconduct against one or more police officers as a result of an incident. In contrast, an allegation is the specific charge or charges of misconduct in a complaint. It is an accusation, yet to be proven, that a police officer violated a policy, procedure, rule, regulation or law which may ultimately lead to discipline. In some instances, a complaint has a single allegation against a single officer. In most cases, however, a complaint has multiple allegations against one or more officers. In 2009, 30% of cases received consisted of one allegation only, 42% encompassed two or three allegations, 25% contained four to nine allegations, and 3% of all cases involved ten or more allegations. Similarly, 64% of complaints were made against one officer, 25% against two officers, 6% against three officers, and 5% against four or more officers.

It is also important to make sense of the distinction between a "full investigation" and a "truncated case." A full investigation is a case in which the CCRB was able to carry out a complete inquiry of the available evidence; while a truncated investigation is one where the case, for numerous reasons, has been closed before it has been fully investigated.

The Board evaluates the case in its totality but it makes findings on the specific allegations made in the complaint. Thus, for instance, a complainant may allege that she was unfairly stopped and frisked, spoken to discourteously, and that in the course of the stop an officer used unnecessary force. Each of these is a separate allegation, and after the investigation, the Board would address each individually, perhaps finding that the stop and frisk were allowable given the circumstances, that there was inadequate evidence to determine whether the officer spoke discourteously and substantiating the force complaint. The Board would find the stop and frisk allegation "exonerated," the discourtesy allegation "unsubstantiated" and the force allegation "substantiated" (Please see [page 24](#) for an explanation of the different CCRB allegation dispositions). In this case, the Board will forward the case to the Police Commissioner recommending final disposition and appropriate disciplinary action on the substantiated allegation. In those cases in which the Board did not find misconduct, the CCRB will send a letter to the complainant and the officer informing them of the Board's disposition of the case.

Disposition of Complaints

A case is considered substantiated if the Board finds misconduct in one or more of the allegations raised by the complaint following a full investigation. Cases in which no allegation is substantiated are those in which the allegations are exonerated, unfounded, and/or unsubstantiated, the officers are unidentified, or the officer is no longer a member of the NYPD.

CCRB investigative findings can be analyzed by assigning a single disposition label to each complaint. When analyzing the disposition of complaints, one of the statistics of great consequence is the rate at which fully investigated cases are substantiated. This rate is known as the "substantiation rate." A substantiated complaint is defined as a complaint which has at least one allegation substantiated. Any complaint with a substantiated allegation is forwarded to the NYPD with a recommendation for discipline, regardless of the disposition of any other allegations raised in the complaint. In 2009, the CCRB completed 2,673 full investigations, substantiating at least one allegation in 197, or 7% of these cases. If one takes into consideration the total number of closures (except mediation), the Board substantiated 2.5% of all cases that were either fully or partially investigated. As was the case in 2008, the 2009 substantiation rate is three percentage points lower than the 10% substantiation rates for 2005 and 2006. In absolute numbers, the figure for 2009 represents a decrease from 2005 and 2006, when the Board substantiated 260 and 264 complaints respectively. The average substantiation rate for the five-year reporting period is 8%.

Disposition of Allegations

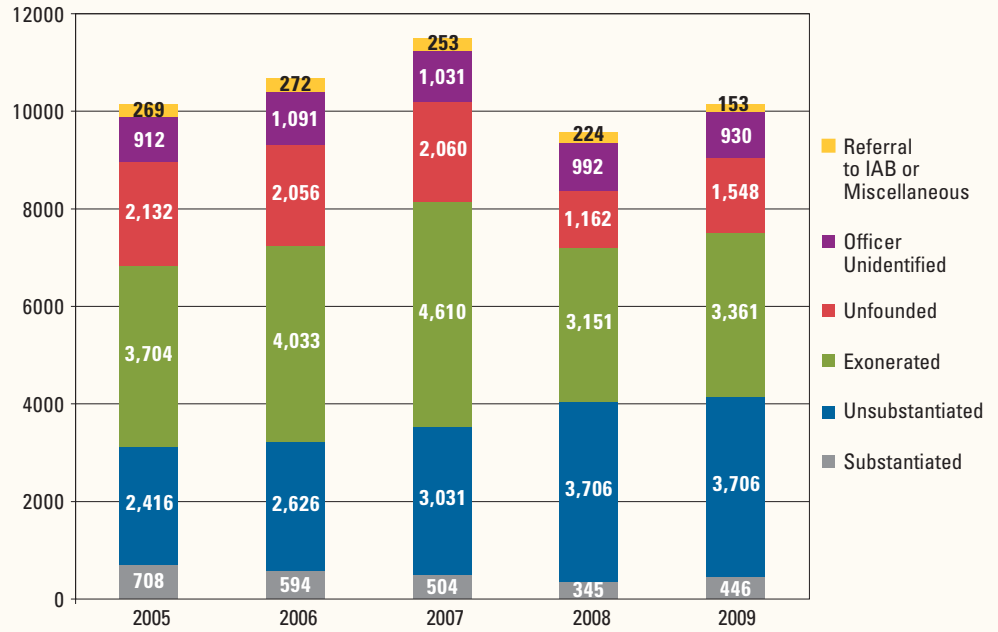
The CCRB's findings can also be analyzed by tallying the individual dispositions of each allegation the CCRB fully investigates. Two statistics are important. One key statistic is the rate at which the CCRB makes "findings on the merits." This rate includes those allegations resolved as "substantiated," "exonerated," or "unfounded." These are findings in which the agency obtained sufficient credible evidence to reach a factual and legal determination regarding the officer's conduct.

Of the 10,144 allegations the CCRB fully investigated in 2009, 5,325 allegations, or 53%, were closed with findings on the merits. The 2009 rate represents an increase of 4 percentage points in relation to the 2008 rate of 49%. However, it is a decrease from previous years. Of the 10,141 fully investigated allegations in 2005, the CCRB made findings on the merits in 6,544 allegations, or 65%. The findings on the merits rate remained roughly consistent through 2007, when the CCRB made findings on the merits on 7,174 of 11,489 allegations, or approximately 62%.

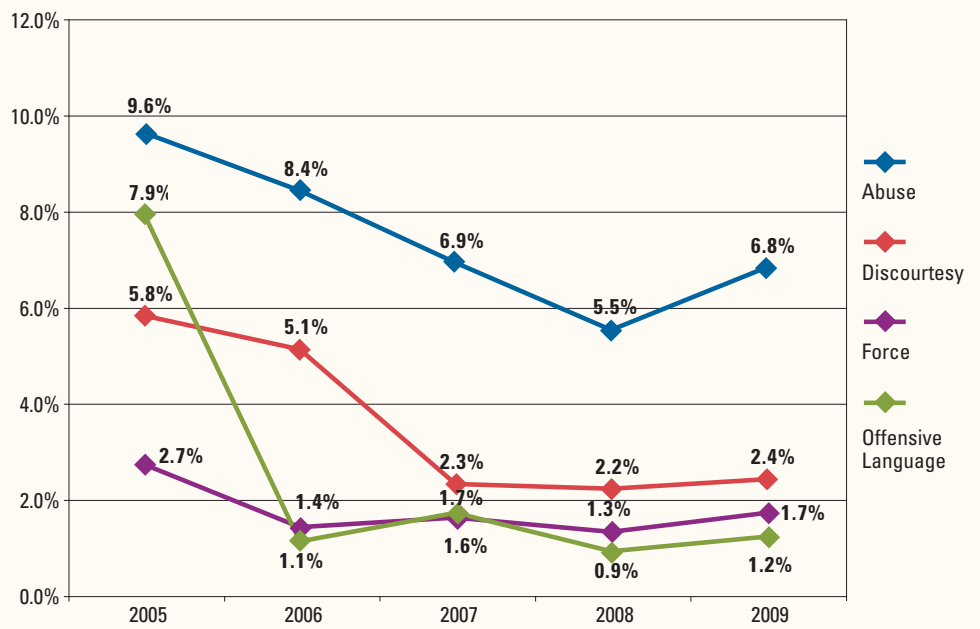
One the main reasons behind the drop in the findings on the merits rate was an increase in the rate of unsubstantiated allegations. In 2009, 3,706 allegations were unsubstantiated or 36% of all fully investigated allegations. It is a coincidence that in 2008 also 3,706 allegations were unsubstantiated (although that year they were 39% of all fully investigated allegations). These figures represent a sharp rise from previous years: from 2005 through 2007, between 24% and 26% of all fully investigated allegations were disposed as “unsubstantiated.” By comparison, allegations closed as “officer(s) unidentified” remained relatively constant between 9% and 10% from 2005 through 2009.

The other key statistic is the “substantiation rate by allegation,” which was 4% in 2009 and, on average, 5% during this reporting period. The decline in the substantiation rate has affected all categories of CCRB allegations. In 2005, 514 of all Abuse of Authority allegations closed, or 10%, were substantiated, while in 2009, only 351, or 7% were substantiated. In 2005, 81 of the Force allegations closed, or 3%, were substantiated, a number which declined to only 53, or 2%, were substantiated in 2009. In 2005, 91 Discourtesy allegations, or 6% of all discourtesy allegations closed, were substantiated, while less than half the number, or 39 (2%), were substantiated in 2009. In 2009, three, or 1%, of Offensive Language allegations were substantiated, compared to 22, or 8% in 2005.

Disposition of All Allegations in Full Investigations 2005–2009



Substantiation Rate by Allegation Category 2005–2009



In the statistical appendix, the CCRB includes extensive information concerning Board dispositions by allegation so the public can further explore changes in the disposition rates. Thus, for example, tables 26 A-E show that allegations of “vehicle search” were exonerated in 2005 at a similar rate than they were exonerated in 2009, 39% and 41% respectively. However, these tables also show that vehicle search allegations were more likely to be unsubstantiated in 2009 (35%) than in 2005 (27%) and more likely to be substantiated in 2005 (15%) than in 2009 (9%).

Characteristics of Alleged Victims and Officers Involving Substantiated Complaints

Each year, the population of officers and civilians involved in substantiated CCRB complaints does not differ significantly from the general population of civilians who file CCRB complaints and officers who receive them. For more on these patterns, see the Complaint Activity section on **page 16** of this report, and refer to the charts available online in the appendix to this report.

CCRB Dispositions

Substantiated: There is sufficient credible evidence to believe that the subject officer committed the act charged in the allegation and committed misconduct. The Board can recommend to the Police Commissioner appropriate disciplinary action.

Exonerated: The subject officer was found to have committed the act alleged, but the subject officer’s actions were determined to be lawful and proper.

Unfounded: There is sufficient credible evidence to believe that the subject officer did not commit the alleged act of misconduct.

Unsubstantiated: The available evidence is insufficient to determine whether the officer committed misconduct.

Officer(s) Unidentified: The agency was unable to identify the subject(s) of the alleged misconduct.

Miscellaneous: Most commonly, the subject of the allegation is no longer a member of the NYPD.

Other Misconduct

When a CCRB investigation uncovers evidence of certain types of misconduct that do not fall within the agency’s jurisdiction, the Board will note “other misconduct” and refer the misconduct to the NYPD for action. The CCRB has referred to the Police Department 833 allegations of “other misconduct” from 2005 to 2009: 77 in 2005, 79 in 2006, 68 in 2007, 299 in 2008, and 310 in 2009.

The most serious category of other misconduct that the CCRB refers to the Department is a false official statement by an officer, either to the CCRB or in other official documents or proceedings. In 2009, the CCRB noted seven instances in which a CCRB investigation produced evidence that an officer made a false official statement. From 2005 through 2008, the CCRB noted a total of twelve false official statements.

Aside from false official statements, there are other relevant “other misconduct” categories. In particular, the Board refers to the Police Department cases in which officers failed to document their actions as required by NYPD procedure. There are three major categories. The Board refers cases in which an officer failed to fill out a stop and frisk form. In 2009, the Board referred 80 allegations of “failure to produce stop and frisk report” (291 such allegations in the last five years). The Board also refers complaints in which an officer failed to document a strip-search in the precinct command log. In 2009, the Board referred 22 allegations of “failure to document strip search” (80 such allegations in the last five years). Finally, the Board refers cases in which an officer failed to make entries in memo books. In 2009, the Board referred 193 allegations of “failure to prepare a memo book entry” (424 such allegations in the last five years).

There are other circumstances in which the Board can note “other misconduct” and refer the alleged misconduct to the Police Commissioner for review. They are generally included in the generic category “other misconduct.” In 2009, the Board referred eight allegations of “other misconduct” (nineteen such allegations in the last five years).

Finally, it is important to note that the decision of the Board to refer the uncovered misconduct to the NYPD for action is not necessarily connected to the disposition of the case. Only in one-third of the allegations of “other misconduct” the CCRB refers to the Police Department, the case is substantiated.

When the CCRB determines that an officer committed misconduct, it forwards the case to the Police Department with a recommendation on the severity of the penalty to be imposed. In 2009, the Board forwarded 276 cases to the Department, as compared to 219 in 2008, recommending charges in 175 cases (63%), command discipline in 67 cases (24%), instructions in 24 cases (12%), and in three cases no recommendation was made (1%). In terms of the five-year trend, the number of cases the Board forwarded to the Police Department in 2009 is 26% down as compared to 2005 as well as is below the five-year average of 303 cases. The Board forwarded 371 cases against officers in 2005, 347 cases in 2006, and 300 cases in 2007. The Board forwarded 1,098 cases against 1,513 officers from 2005 to 2009.

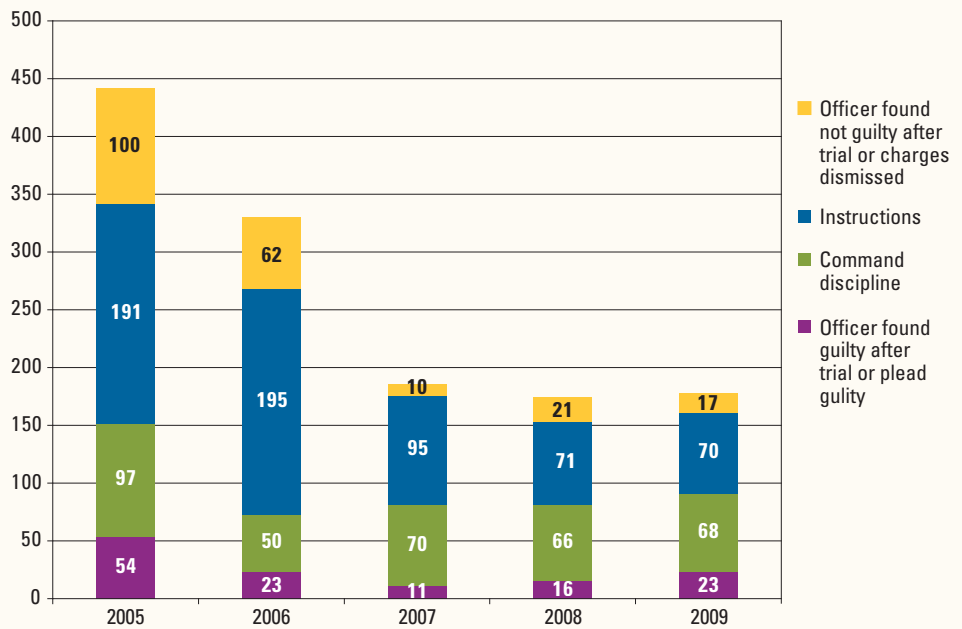
Under the law, the Police Commissioner retains sole discretion over whether to impose discipline and what is the appropriate level of punishment. The Police Commissioner generally delegates responsibility for initial evaluation of disciplinary cases, including the decision of whether to seek disciplinary action, to the Department Advocate, which processes all other Department disciplinary matters in addition to CCRB cases. If the determination is made to pursue discipline, the Advocate has three disciplinary options. The Advocate can compel an officer to receive instructions (or retraining), forward the case to the subject's commanding officer for imposition of a command discipline (if an officer does not consent to a command discipline, the case is returned to the advocate's for prosecution), or file charges and specifications. Charges and specifications may result in an administrative trial, in an officer pleading guilty prior to trial (usually following plea bargain negotiations), or in eventual

dismissal of the case against the officer if the Department determines that the case can no longer be prosecuted.

In 2009, the Police Department reached disposition on 266 substantiated cases, as compared to 282 cases in 2008. Looking at the five-year trends, the Department reached disposition on 481 cases against officers in 2005, 366 cases in 2006, and 314 cases in 2007 for a total of 1,709 cases disposed of in five years. The decreasing number of departmental dispositions is linked to the decreasing number of cases forwarded by the CCRB.

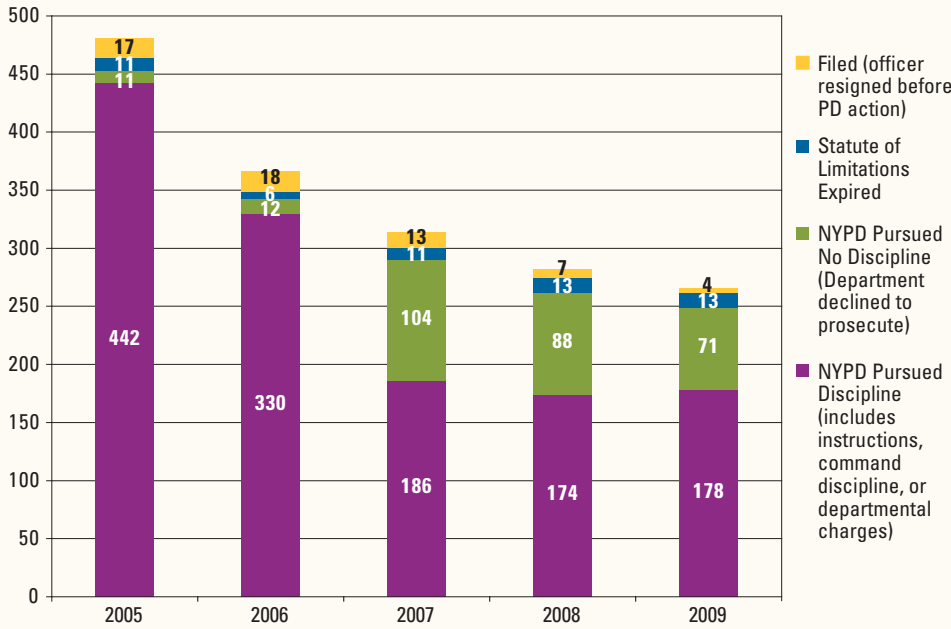
In past years, the rate at which the Department declined to seek discipline in connection with substantiated CCRB cases increased as both the rate of cases dismissed and the number of cases in which the officer received instructions decreased. In 2005 and 2006, the Department declined to seek discipline in 11 and 12 cases (2% and 3%), dismissed 44 and 25 cases (9% and 7%), and gave instructions in 191 and 195 cases (40% and 53% respectively). By 2007, this trend has been reversed. In 2007 and 2008, the Department declined to seek discipline in 104

Police Department Pursued Discipline in Substantiated CCRB Cases 2005–2009



Police Department Dispositions

Police Department Action in Substantiated CCRB Cases 2005–2009



Department’s rate of obtaining a guilty finding in connection with administrative trials fluctuated but it was lower than 45% for each year. Similarly, in 2007, 2008, and 2009, the Department’s disciplinary action rate was 58%, 56%, and 61%, respectively, where in 2005 and 2006 the Department’s rate was 74% and 77%, respectively.

To address mutual concerns about the prosecution of the substantiated cases the CCRB forwards to the Department, both the CCRB and the Police Department have worked hard during the last 18 months to strengthen coordination between the two agencies so as to ensure effective police oversight. This has produced several important developments.

First, CCRB executive and legal staff met regularly to discuss CCRB’s substantiated cases with the Department Advocate. When the Department

declines to prosecute a case, they discuss the reasons for the Department’s declination, and for those cases being prosecuted the CCRB provides prosecution assistance. Board members are updated monthly on these matters during the Board’s executive sessions.

Additionally, the two agencies have been working together as a result of the “second seating” program, announced in September 2008, in which attorneys from the CCRB have been assisting attorneys from the Office of the Department Advocate in the prosecution of certain substantiated CCRB cases. To date, CCRB attorneys have assisted in ten cases, four of which have gone to trial. Ten additional cases have been designated for the program. Both agencies consider this program to be working effectively as the goal of the project is to provide a foundation for enhancing cooperation

and 88 cases (33% and 31%), dismissed four and six cases (1% and 2%), and gave instructions in 95 and 71 cases (30% and 25%), respectively. Last year, the Department declined to seek discipline in 71 cases (27%), dismissed three cases (1%), and gave instructions in 70 cases (26%).

These changes in the number of cases the Department seeks to prosecute have resulted in a reduction in the number of CCRB cases in which the Department pursues discipline. It has also resulted in a reduction in the number of cases for which the Department holds an administrative trial. In 2007, 2008, and 2009, the Department conducted 11, 19, and 20 administrative trials, respectively, where in 2005 and 2006 the Department conducted 83 and 46 trials, respectively. Throughout this time, the

and dialogue between the CCRB and NYPD regarding the prosecution of CCRB's substantiated cases and, ultimately, through this communication and understanding, decrease the number of cases that the Department declines to prosecute. As a result of the innovative second seating program and other significant initiatives, the Police Department's declination rate for 2009 was reduced six percentage points compared to 2007's rate. More importantly, a breakdown of the 2009 figures shows a positive change in the trend: a reduction of 21 percentage points from 37% in the first half of 2009 to 16% in the second half. It is hoped that continued collaboration between the CCRB and the NYPD will diminish the declination rate of cases even further.

Plans for 2010

In February of 2010, Police Commissioner Raymond W. Kelly and Civilian Complaint Review Board Chair Ernest F. Hart announced an agreement in principle to have CCRB attorneys prosecute, in the Police Department's trial room, a portion of the cases stemming from CCRB complaints against police officers. As of the date of this report, the details of the plan have yet to be finalized. Both agencies are working collaboratively to launch this pilot project during the second half of 2010. The CCRB welcomes the opportunity to expand its civilian oversight role by prosecuting the cases it has investigated and by building on the ongoing success of the "second seat" program.

Exonerated Case Profile

On a summer evening, a Queens man was sitting outside on the stoop of his apartment building and was smoking marijuana. Several officers approached and instructed him to place his hands behind his back. The male refused, turned around, and tried to run inside the building. As he resisted arrest, officers used physical force to restrain him. He was arrested and subsequently made a complaint alleging that the officers used excessive physical force against him.

The CCRB interviewed the civilian, several witnesses, and the police officers who responded to the location. Based on the witness testimony and consistent officer statements, the CCRB determined that the officers involved were justified in using force to overcome the civilian's failure to comply and successfully place him in handcuffs. The allegations of physical force were closed as "Exonerated."

Unsubstantiated Case Profile

A civilian reported to the CCRB that he was driving in Manhattan when he was stopped by an officer in a marked police car. According to the civilian's CCRB complaint, the officer got out of the police car and issued him a summons for running a red light. The officer allegedly told the civilian to take the "fucking" ticket and threw it at the civilian. Before leaving, the officer told the civilian, "Get the fuck out of here or I'll arrest you."

The CCRB interviewed the police officer, who acknowledged the interaction but denied cursing at the individual. There were no witnesses to the incident. Without additional evidence, the CCRB could not corroborate either the civilian or the police officer and the discourtesy allegation was closed as "Unsubstantiated."

Unfounded Case Profile

An individual was involved in a dispute with his landlord in the Bronx. Several officers responded to multiple 911 calls regarding the incident. One of the officers allegedly told the civilian, "I don't see shit wrong with you." Some time later, a different officer told the landlord to "just throw the fucking faggot out."

The CCRB identified several neighbors as witnesses to the interaction. These witnesses agreed to cooperate with the investigation and provided detailed testimony. The eyewitness accounts consistently discredited the civilian's assertions. The CCRB accordingly determined that the allegations of discourtesy and offensive language did not occur and they were closed as "Unfounded."

Substantiated Case Profile

At about 9:15 pm one evening, a male civilian rode on a motorcycle with several friends to a gas station in Brooklyn. While there, the civilian observed another unidentified motorcyclist drive out of the gas station and hit a young individual on a bicycle. Two uniformed officers in a marked police car followed the perpetrator around the corner and returned to the gas station after losing sight of him. The officers pulled up in front of the complainant, who was about to leave the gas station. One of the officers exited the vehicle, drew his firearm and pointed it at the complainant. The officer told the complainant, "Turn off the bike or I'll kill you." The complainant complied and turned off the motorcycle. The officer asked the complainant if he knew the identity of the suspect who had just escaped. After the complainant replied that he did not, the officer allowed him to leave the scene without arresting him or issuing him a summons.

The CCRB interviewed the complainant as well as the officers and multiple eyewitnesses on the scene. Based on the evidence at hand, the CCRB concluded that the officer was justified in attempting to stop the complainant, whom he knew to have witnessed a crime for the purposes of furthering a police investigation. However, the agency determined that the officer's subsequent actions were improper. Because the complainant was only a witness to an observed crime and did not pose a clear threat to the officer's safety, the drawing and pointing of the firearm was excessive and gratuitous. Additionally, the simultaneous threat of force was similarly unjustified. The CCRB substantiated the allegations of gun pointing and threat of force. The NYPD Department Advocate's Office brought disciplinary charges against the officer. The officer subsequently pled guilty and forfeited ten vacation days.

NEW YORK CITY CHARTER
CHAPTER 18 - A
CIVILIAN COMPLAINT REVIEW BOARD

§ 440. Public complaints against members of the police department. (a) 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 as provided in this section.

(b) Civilian complaint review board

1. The civilian complaint review board shall consist of thirteen members of the public appointed by the mayor, who shall be residents of the city of New York and shall reflect the diversity of the city's population. The members of the board shall be appointed as follows: (i) five members, one from each of the five boroughs, shall be designated by the city council; (ii) three members with experience as law enforcement professional shall be designated by the police commissioner; and (iii) the remaining five members shall be selected by the mayor. The mayor shall select one of the members to be chair.

2. No members of the board shall hold any other public office or employment. No members, except those designated by the police commissioner, shall have experience as law enforcement professionals, or be former employee of the New York City police department. For the purposes of this section, experience as law enforcement professionals shall include experience as a police officer, criminal investigator, special agent, or a managerial or supervisory employee who exercised substantial policy discretion on law enforcement matters, in a federal, state, or local law enforcement agency, other than experience as an attorney in a prosecutorial agency.

3. The members shall be appointed for terms of three years, except that of the members first appointed, four shall be appointed for terms of one year, of whom one shall have been designated by the council and two shall have been designated by the police commissioner, four shall be appointed for terms of two years, of whom two shall have been designated by the council, and five shall be appointed for terms of three years, of whom two shall have been designated by the council and one shall have been designated by the police commissioner.

4. In the event of a vacancy on the board during term of office of a member by a reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

(c) Powers and duties of the board.

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendation.

2. The board shall promulgate rules of procedures in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which a member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of complaints, and to hear, make findings and recommend action on such complaints. No such panel shall consist exclusively of members designated by the council, or designated by the police commissioner, or selected by the mayor.

3. The board, by majority vote of its members may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints submitted pursuant to this section.

4. The board shall establish a mediation program pursuant to which a complainant may voluntarily choose to resolve a complaint by means of informal conciliation.

5. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all complaints.

6. The board shall issue to the mayor and the city council a semi-annual report which describe its activities and summarize its actions.

7. The board shall have the responsibility of informing the public about the board and its duties, and shall develop and administer an on-going program for the education of the public regarding the provisions of its chapter.

(d) Cooperation of police department.

1. It shall be the duty of the police department to provide such assistance as the board may reasonably request, to cooperate fully with investigations by the board, and to provide to the board upon request records and other materials which are necessary for the investigation of complaints submitted pursuant to this section, except such records or materials that cannot be disclosed by law.

2. The police commissioner shall ensure that officers and employees of the police department appear before and respond to inquiries of the board and its civilian investigators in connection with the investigation of complaints submitted pursuant to this section, provided that such inquiries are conducted in accordance with department procedures for interrogation of members.

3. The police commissioner shall report to the board on any action taken in cases in which the board submitted a finding or recommendation to the police commissioner with respect to a complaint.

(e) The provisions of this section shall not be construed to limit or impair the authority of the police commissioner to discipline members of the department. Nor shall the provisions of this section be construed to limit the rights of members of the department with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law or otherwise.

(f) The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of member of the department for violations of law by any court of competent jurisdiction, a grand jury, district attorney, or other authorized officer, agency or body.

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007
EXECUTIVE ORDER NO. 40
October 21, 1997

NOTIFICATION AND PROCESSING OF CIVILIAN COMPLAINTS

WHEREAS, the Civilian Complaint Review Board is charged with the legislative mandate to fairly and independently investigate certain allegations of police misconduct toward members of the public; and

WHEREAS, it is of the utmost importance that members of the public and the New York City Police Department have confidence in the professionalism and impartiality of the Civilian Complaint Review Board; and

WHEREAS, pursuant to the Charter, and the Rules of the CCRB the individuals who have filed complaints with the Civilian Complaint Review Board have the right to be kept apprised of both the status and results of their complaints brought against members of the New York City Police Department; and

WHEREAS, it is important to investigate and resolve civilian complaints in a timely manner; and

WHEREAS, the sharing of information between the Civilian Complaint Review Board and the New York City Police Department is essential to the effective investigation of civilian complaints;

NOW THEREFORE, by the power invested in me as Mayor of the City of New York, it hereby is ordered:

Section 1 - Notice to Civilian Complainants. The Commissioner of the New York City Police Department and the Civilian Complaint Review Board shall expeditiously:

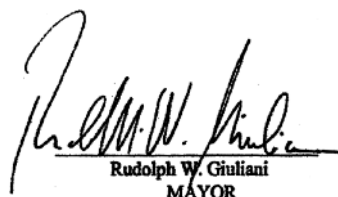
A. Establish standards for providing timely written notice to civilian complainants regarding the status of civilian complaints during the stages of the Civilian Complaint Review Board's review and investigation process, including final Board action on the pending complaint.

B. Establish standards for providing timely written notice to civilian complainants regarding the disposition of all cases referred for disciplinary action by the Civilian Complaint Review Board to the Commissioner for the New York City Police Department, including the result of all such referred cases.

C. The standards established shall require that complainants be given a name, address and telephone number of an individual to contact in order to give or obtain information.

Section 2. The Police Commissioner and the Civilian Complaint Review Board shall establish standards for the timely processing and resolution of civilian complaints and the sharing of necessary information between the agencies.

Section 3. This order shall take effect immediately.



Rudolph W. Giuliani
MAYOR



Civilian Complaint Review Board

New York City Civilian Complaint Review Board
40 Rector Street, 2nd Floor
New York, N.Y. 10006

Complaints and General Information - dial 311
Outside NYC: 212-NEW-YORK
TTY/TDD: 212-504-4115

www.nyc.gov/ccrb

