

**“VALUE HUMAN LIFE, RESPECT THE DIGNITY OF EACH INDIVIDUAL
AND RENDER OUR SERVICES WITH COURTESY AND CIVILITY.”**

(New York City Police Department Values)



*“It is in the interests 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.”*

(New York City Charter, Chapter 18-A)



**“There is no contradiction between effective law
enforcement and respect for civil and human rights.”**

(Dorothy Height)



January - June 2011 Report
CIVILIAN COMPLAINT REVIEW BOARD
MICHAEL R. BLOOMBERG, Mayor | DANIEL D. CHU, Chair



Mission and Values

The New York City Civilian Complaint Review Board (CCRB) is an independent agency. It is empowered to receive, investigate, mediate, 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, which is composed entirely of civilians, 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 the investigation determines that misconduct occurred
- To respect the rights of 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 complaints in order to resolve allegations and promote understanding between officers and the communities they serve

*This report covers the period of January 2011 through June 2011
Volume XIX, no.1*



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MAYOR

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DANIEL D. CHU
CHAIR

JOAN M. THOMPSON
EXECUTIVE DIRECTOR

Dear Fellow New Yorkers:

As the Chair of the New York City Civilian Complaint Review Board (CCRB), I am pleased to present our status report for the period January through June 2011. This six-month report provides a snapshot of complaint activity, agency productivity and emerging trends.

It has been my privilege to serve as a board member since June 2008 and I now embrace the responsibility of leading the CCRB as it continues to serve the public. My focus for the agency will be on enhancing communication – between the CCRB and the public; between the CCRB and the NYPD; and derivatively, between the public and the NYPD.

In reaching out to the public, the Outreach Unit made 78 presentations from January to June 2011, the most of any six-month period in the agency's history. Sixty-nine of those 78 presentations were at New York City Housing Authority (NYCHA) locations and at schools, churches and community groups serving NYCHA residents, furthering the Board's commitment to increase our direct dialogue with the public.

On May 24, 2011, we witnessed a truly historical achievement – the first time a CCRB attorney served as the solo lead prosecutor of a misconduct case stemming from a substantiated CCRB complaint. That trial, held before an NYPD administrative law judge, arose from the creation of the Administrative Prosecution Unit (APU), a joint pilot project with the NYPD. In the past, only NYPD attorneys prosecuted such cases. The APU program has potential for enormous benefits: to enhance our procedures as lessons learned in the trial room are incorporated into future CCRB investigations; to strengthen the cooperation and communication between the CCRB and NYPD prosecutors; and to increase public confidence in the fairness and transparency of the NYPD's disciplinary process.

Our mediation program continues to provide civilians with the rare opportunity to speak with an officer in a guided discussion that attempts to resolve the underlying conflict that generated the complaint. In so doing, the CCRB provides a forum to facilitate communication between the public and members of the NYPD. With the support of the NYPD and the public, the agency has continued to successfully grow this indispensable program. Total cases resolved through the mediation program were 7% of total agency case closures during the first six months of 2011, compared to only 3.5% during the same timeframe in 2010.

In a time characterized by a diminishing budget, loss of personnel and a reduction of resources, we nevertheless remain optimistic that we will overcome the challenges and continue our important mission.

Sincerely,

Daniel D. Chu, Esq.

CCRB Board Members January–June 2011

Mayoral Designees

Chair Daniel D. Chu, Esq.
 Dr. Mohammad Khalid
 David G. Liston, Esq.
 Mary E. Mulligan, Esq.
 Vacant

City Council Designees

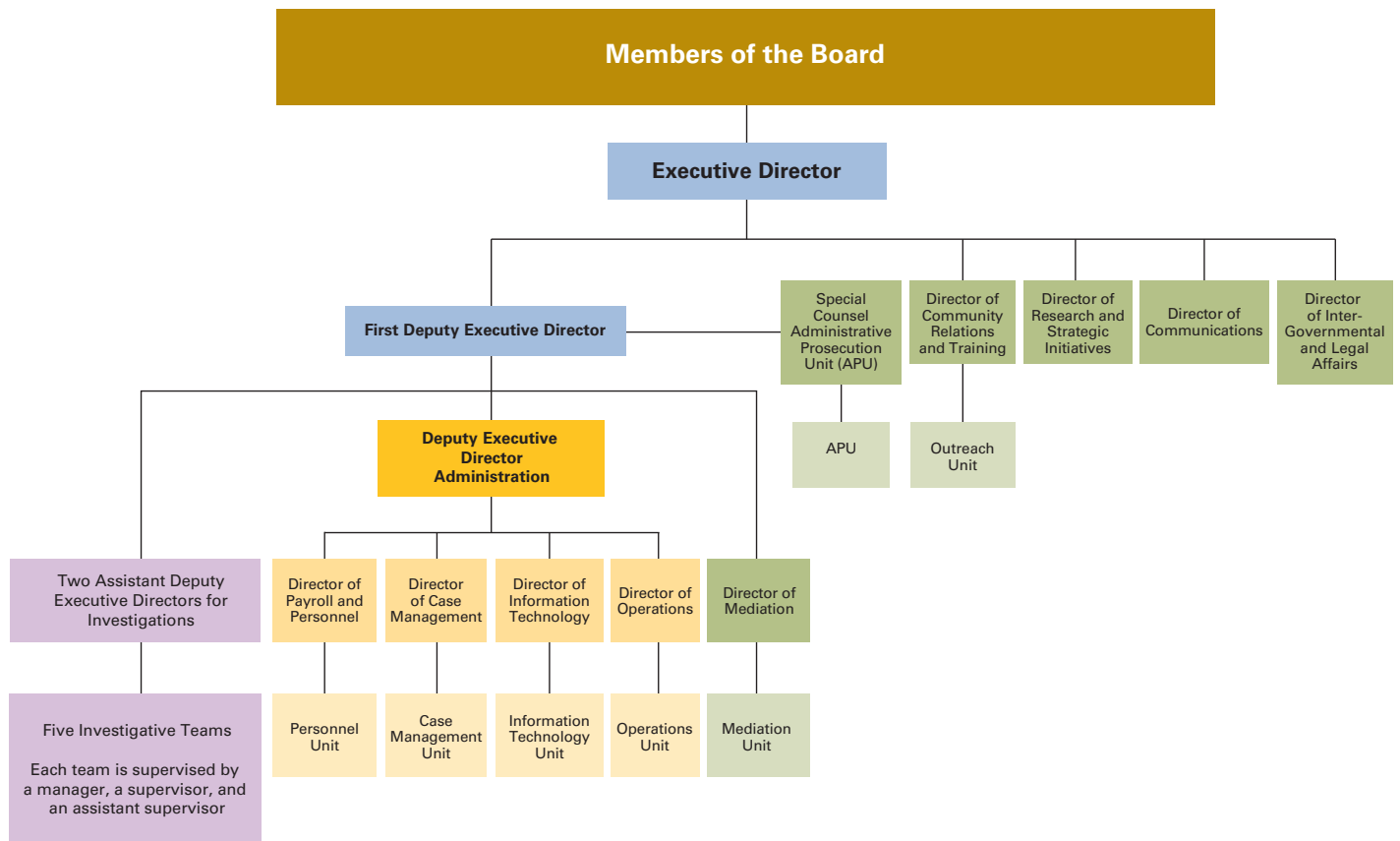
James F. Donlon, Esq. (Staten Island)
 Alphonzo A. Grant Jr., Esq.* (Brooklyn)
 Bishop Mitchell G. Taylor (Queens)
 Youngik Yoon, Esq. (Bronx)
 Vacant (Manhattan)

Police Commissioner Designees

Jules A. Martin, Esq.
 Tosano Simonetti
 Vacant

**Appointed May 18, 2011*

CCRB Organizational Chart



Agency Operations and Resources

The Civilian Complaint Review Board (CCRB) is an independent City agency that investigates and mediates complaints of misconduct that members of the public file against New York City Police Department (NYPD) officers. The CCRB was established in its all-civilian form, independent from the Police Department, in 1993.

The Board is comprised of thirteen members, who must be New York City residents and reflect the diversity of the City's population, according to law. The City Council designates five Board members (one from each borough); the Police Commissioner designates three; and the Mayor designates five, including the Chair. Board members review and make findings on all misconduct complaints once they have been investigated by its staff. If the Board finds that an officer committed misconduct, the case is officially referred to the Police Department, usually with a disciplinary recommendation.

In addition to investigating complaints, the agency has a Mediation Unit, which gives people the opportunity to resolve their complaints in a mediation session with the subject officer. The agency's Outreach Unit increases public awareness of the CCRB through presentations to community groups, tenant associations, public schools, libraries and advocacy organizations throughout the five boroughs.

The Board hires the Executive Director who is responsible for the agency's daily operations, including the hiring and supervision of the agency's staff. The Administrative Division manages the agency's large-scale computerized Complaint Tracking System (CTS), produces statistical analyses of complaint activity, processes cases for Board review, manages office operations and vehicle fleet, and performs budgeting, purchasing, personnel, and clerical services.

For Fiscal 2011 (July 1, 2010–June 30, 2011), the adopted budget was \$10.2 million and supported 149 full-time positions and a one-time funding of four positions for the Administrative Prosecution Unit pilot program. While the City's Plans to Eliminate the (Budget) Gap (PEG) did not alter the agency's authorized headcount, it reduced our budget by \$300,000. During this fiscal year, there were more unfilled vacancies than in any other budget cycle. This stemmed from the rule that permitted only one hire for every two separations. In June, the actual headcount was 132, of which 104 were investigators, down from 119 investigators. The Fiscal 2012 budget, which starts July 1, 2011, is \$9.6 million and supports 141 full-time positions, a loss of seven investigators and one administrative position from Fiscal 2011.

Jurisdiction and Case Processing

The CCRB investigates and mediates complaints against NYPD officers involving four types of allegations: Force, Abuse of Authority, Discourtesy, and Offensive Language (FADO). Complaints can be filed directly with the CCRB, through the City's 311 system, the CCRB's web site, by fax, by mail, or in person at the CCRB's office. Complaints can also be filed through the NYPD's Internal Affairs Bureau or at any police station house, either in person, by telephone or by mail.

Once a complaint is received, it is assigned to an investigator. Investigators offer mediation to complainants in eligible cases. If the complainant accepts, then the investigator establishes officers' identities and the case is handled by the Mediation Unit.

The alternative to mediation is an investigation. Investigations are in-depth fact-finding inquiries that typically include interviewing the alleged victim, witnesses and the subject police officers, obtaining all relevant documentary evidence, including medical records and Police Department documents such as roll calls, officer memo books, radio dispatch reports, arrest reports, precinct command logs, and "stop, question and frisk" reports. The investigative team then drafts a report summarizing the results and relevant case law and Police Department regulations for review by the Board. If the Board substantiates an allegation of misconduct, the case is forwarded to the Police Commissioner who has the final authority to impose discipline.

Types of CCRB Allegations

- **Force** refers to the use of unnecessary or excessive force, up to and including deadly force.
- **Abuse of Authority** refers to improper street stops, frisks, searches, the issuance of retaliatory summonses, unwarranted threats of arrest, and other similar actions.
- **Discourtesy** refers to inappropriate behavior or language, including rude or obscene gestures, vulgar words, and curses.
- **Offensive Language** refers to slurs, derogatory remarks and/or gestures, including but not limited to, references to a person's sexual orientation, race, ethnicity, religion, gender, or disability.

CCRB Investigation Outcomes

After an investigation is completed, Board members decide on the outcome of the case. In order to make findings on the allegations, the Board reviews the investigator's closing report and evaluates the evidence gathered during the course of the investigation. This case review is conducted by panels comprised of three Board members — one Mayoral designee, one City Council designee and one Police Commissioner designee. A unanimous vote or a two to one vote by the panel results in the following possible outcomes:

Findings on the Merits reflect the Board's determination on whether or not an officer's actions are misconduct. There must be a preponderance of evidence to support a finding.

- **Substantiated:** There is sufficient credible evidence to believe that the subject officer committed the act charged in the allegation and thereby engaged in misconduct. Substantiated cases are sent to the Police Department with a disciplinary recommendation.
- **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.

Other Findings reflect the Board's decision that there isn't enough evidence to determine whether or not what the officer did was wrong.

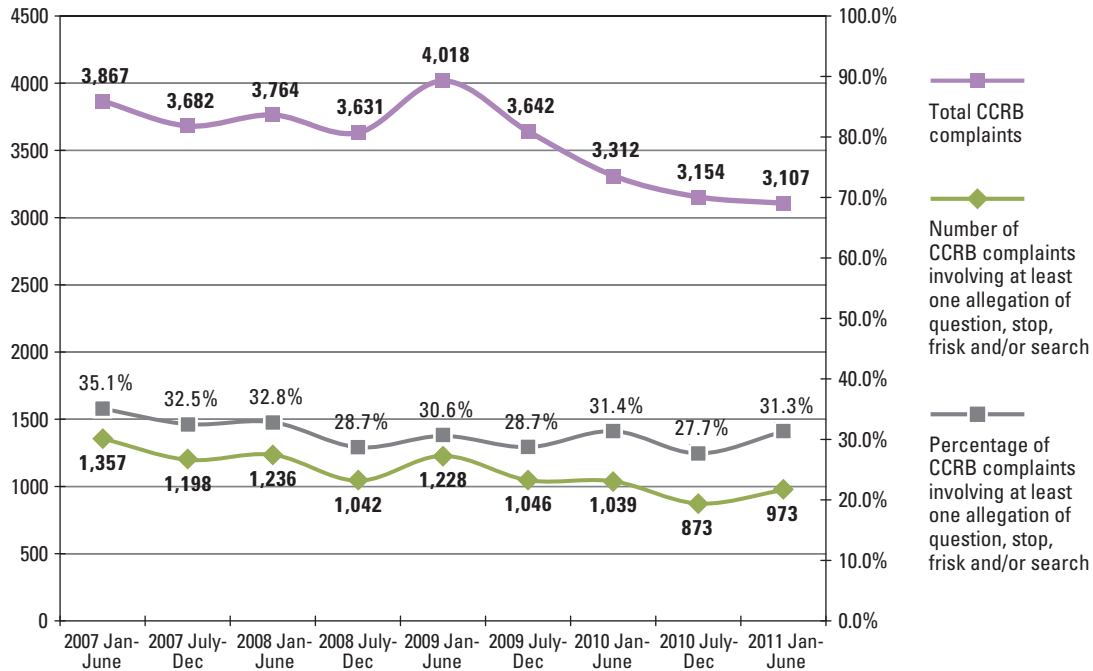
- **Unsubstantiated:** The available evidence is insufficient to determine whether the officer did or did not commit misconduct.
- **Officer(s) Unidentified:** The agency was unable to identify the subject(s) of the alleged misconduct.
- **Miscellaneous:** Most commonly, the subject officer is no longer a member of the NYPD.

Truncated Investigations

This means that no factual finding is ever made about whether or not misconduct occurred. Truncated investigations are closed for the following reasons:

- **Complainant/Victim Uncooperative:** The person does not respond to repeated attempts by the investigator to set up an interview or fails to show up for two scheduled interviews. The investigator must send at least two letters and make five phone calls before a case is closed for this reason.
- **Complainant Unavailable:** The complaint was filed without any contact information or with inaccurate information, and the investigator is unable to locate the complainant. Investigators use many methods, including database searches, to try to find people before cases are closed for this reason.
- **Complaint Withdrawn:** The complainant tells us that they no longer wish to go forward and asks to withdraw the complaint. No case is closed for this reason until the person states that they are voluntarily withdrawing the complaint.
- **Victim Unidentified:** There isn't enough information to locate an alleged victim, usually after someone else has filed a complaint about an incident.

CCRB Complaints Received January 2007–June 2011



Complaint activity in the first half of 2011 was at its lowest level for any six month period since January–June 2006. During this period, the CCRB received 3,107 misconduct complaints. In comparison, 3,312 and 4,018 misconduct complaints were filed during January–June 2010 and January–June 2009. This is a decrease of 6% and 23%, respectively.

While the precise reasons for the decrease are not known, some of the contextual factors can be discerned. The first factor is where people file complaints. Compared to the first half of 2010, in the first half of 2011 the number of complaints filed with the NYPD declined 14%, while complaints filed directly with the agency decreased by 1%. Compared to January–June 2009, the number of complaints filed with the NYPD declined 26%, while complaints filed with the CCRB declined 21%.

The second factor is *how* complaints are filed. Complaints filed by phone decreased 2% from January–June 2010. Compared to January–June 2009, these complaints decreased 25%. In addition, the number of callers referred to CCRB by the City’s 311 hotline

declined. In January–June 2009, 8,159 callers were referred from 311, in January–June of 2010, 7,198 callers, and in the same period of 2011, 6,825 callers were from 311, or a 16% decrease over the past two years.

The third contextual factor is the number of “stop and frisk” complaints. The decline in this category of complaints is parallel to the decline in all complaints but, in proportional terms, they continue to be one-third of all complaints filed since 2005. Compared to the first half of 2010, there was a 6% decline, from 1,039 to 973. In the past two years, there was a 21% decline, from 1,228 (January–June 2009).

The decline in the number of stop and frisk complaints has coincided with an increase in police “stop, question and frisk” activity (stops). From January–June 2011, the NYPD reported that they conducted 362,150 stops, and CCRB received complaints at the rate of one complaint per 372 stops. In the first half of 2010, there were 318,702 stops and CCRB received one complaint per 307 stops. In the first half of 2009, there were 311,646 stops conducted by the NYPD and CCRB received one complaint per 254 stops.

Characteristics of Encounters

The characteristics of complaints have changed slightly. In the first half 2011, 61% of all complaints involved an allegation of abuse of authority, 49% involved an allegation of force, 42% involved an allegation of discourtesy and 8% involved offensive language. In the first half of 2010, 64% of all complaints involved an allegation of abuse of authority, 51% involved an allegation of force, 40% involved an allegation of discourtesy and 7% involved offensive language.

In the first six months of 2011, 54% of all complaints stemmed from summonses or arrests — 35% arrests and 18% summonses, which is the same overall proportion as the first half of 2010. In the first half of 2009, 53% of all complaints stemmed from summonses or arrests.

In addition to FADO complaints — force, abuse of authority, discourtesy, or use of offensive language — the agency also takes in many other complaints that fall outside its statutory mission and are therefore referred to the appropriate jurisdiction. During the first half of 2011, the CCRB referred 5,137 cases to other agencies, the vast majority to the NYPD's Internal Affairs Bureau (IAB) and the Office of the Chief of Department (OCD). In comparison, in the first half of 2010, the CCRB referred 5,321 cases. The total intake for January–June 2011 was 8,244 filings. This is a 5% decrease from January–June 2010, when total intake was 8,633.

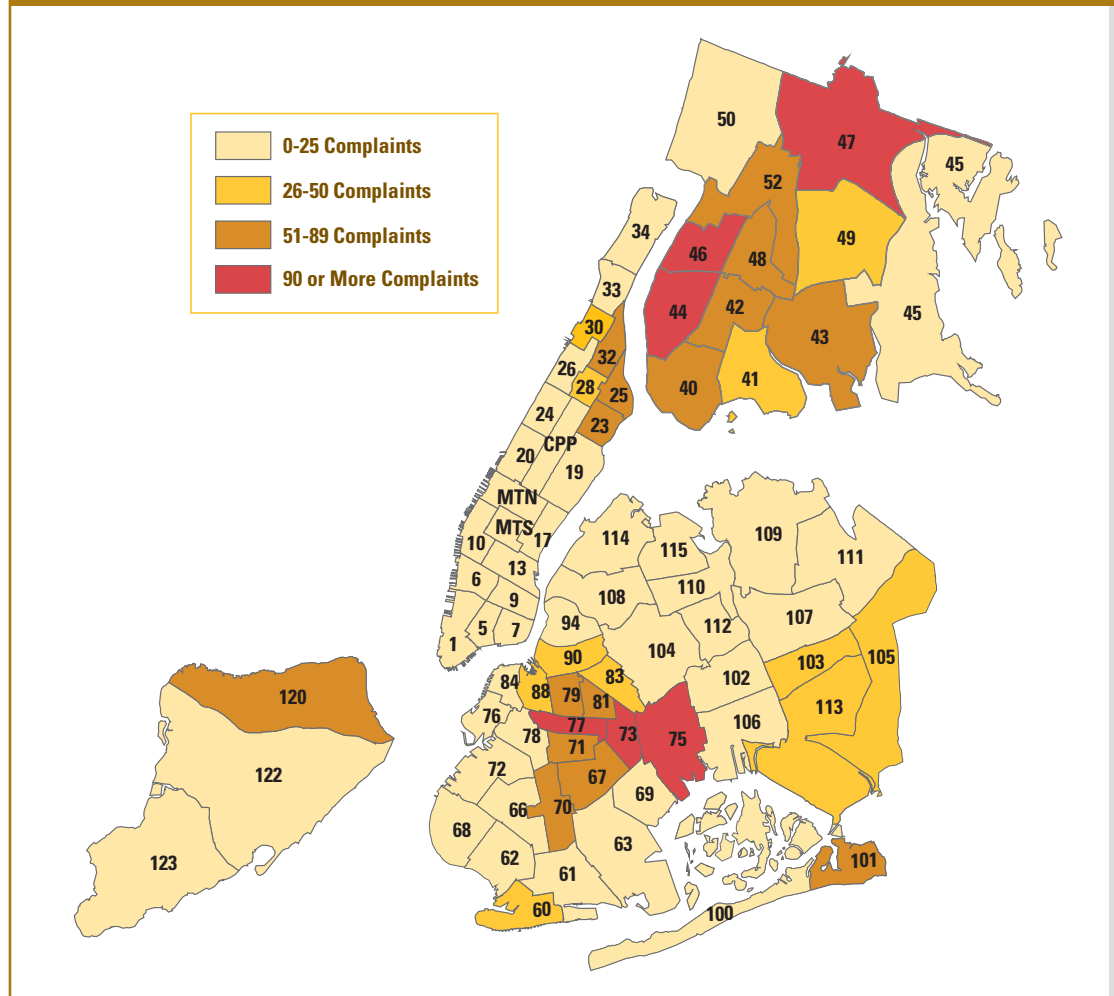
Location of Stop, Question and Frisk Incidents Resulting in Complaints

The map illustrates the distribution of stop, question and frisk complaints throughout New York City in the 18-month period from January 2010 through June 2011, based upon the location of the incident that led to the complaint. As discussed in previous reports, the relative distribution of complaints throughout the City has generally remained steady during the past five years. This map does not reflect population density, crime statistics, precinct size, or the number of uniformed personnel assigned to a precinct.

During this period, there were six precincts where incidents resulted in ninety or more stop, question and frisk complaints. Three of these precincts were in Brooklyn — the 73rd, 75th and the 77th, and three were in the Bronx — the 44th, 46th, and 47th. The 75th Precinct, located in the East New York section of Brooklyn, had 189 stop, question and frisk complaints — the highest in the City.

Other precincts with high numbers of stop, question and frisk complaints include: Manhattan North — the 32nd Precinct had 63 complaints; the 23rd had 74; and the 25th had 70. In the Bronx — the 40th Precinct had 68; the 42nd had 64; the 43rd had 74; and the 48th had 64. In Brooklyn — the 67th Precinct had 69; the 70th had 66; the 79th had 79; and the 81st had 62. In Queens the 101st precinct had 64 complaints and in Staten Island the 120th had 82.

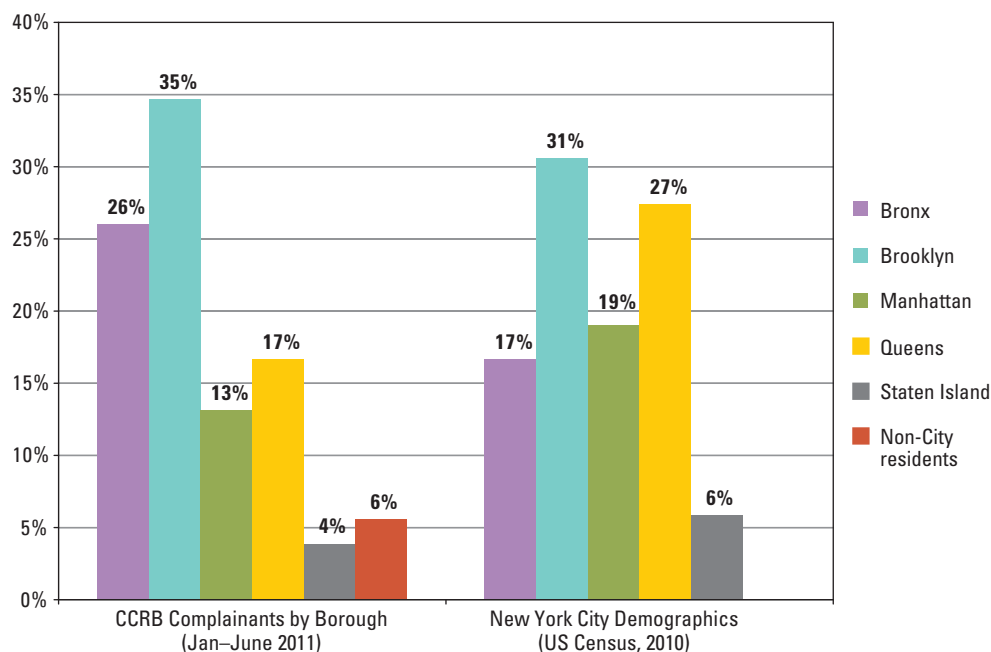
Density of Complaint Filings January 2010–June 2011 by Precinct



There were forty-four precincts where incidents resulted in 25 or fewer stop, question and frisk complaints in this 18-month period. Eleven of these precincts were in Brooklyn — the 61st, 62nd, 63rd, 66th, 68th, 69th, 72nd, 76th, 78th, 84th and the 94th. Two precincts were in the Bronx — the 45th and the 50th. Twelve precincts were in Queens — the 100th, 102nd, 104th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 114th and the 115th. Seventeen precincts were in Manhattan — the 1st, 5th, 6th, 7th, 9th, 10th, 13th, Midtown South and North, 17th, 19th, 20th, 24th, 26th, 33rd, 34th, and Central Park. And two precincts were in Staten Island — the 122nd and the 123rd. The 17th, the 94th, and the Central Park Precinct had two or three stop, question and frisk complaints each — the lowest number in the City.

Complainant Demographics

Complainants' Boroughs of Residence and NYC Demographics



low percentage of complainants when compared to the City's population. Whites were 11% of complainants, while making up 35% of the City's population. Asians filed only 2% of complaints, yet represent 12% of the population. Hispanics make up the second highest group of complainants, 28%, and this number was identical to their representation in the City population.

In the first half of 2011, the proportion of CCRB complainants who were Hispanic increased by 3% and the proportion of black complainants decreased by 3%. In approximately one out of three complaints, the race of the complainant was unknown or not provided.

Historically, the breakdown by race of CCRB complainants has differed greatly from the breakdown by race of the City's population as reported by the United States Census Bureau.

The current racial makeup of CCRB complainants remains consistent with previous reports going back more than a decade. One constant is that black complainants are the majority, 56%, and this percentage is much greater than black representation in the City's population as a whole, which is 23%. Another constant is that whites and Asians continue to represent a disproportionately

Complaint Distribution by Borough

In the first six months of 2011, Brooklyn residents were the largest percentage of CCRB complainants — approximately 35%; followed by the Bronx — 26%; Queens — 17%; Manhattan — 13%; and Staten Island — 4%. Compared to the same period in 2010, the percentage of complainants from Brooklyn increased by 1%, the Bronx remained the same, Queens increased by 3%, Manhattan decreased by 3% and Staten Island decreased 1%. Non-City residents filed approximately 6% of complaints during January–June 2011, no change from 2010.

Board Dispositions

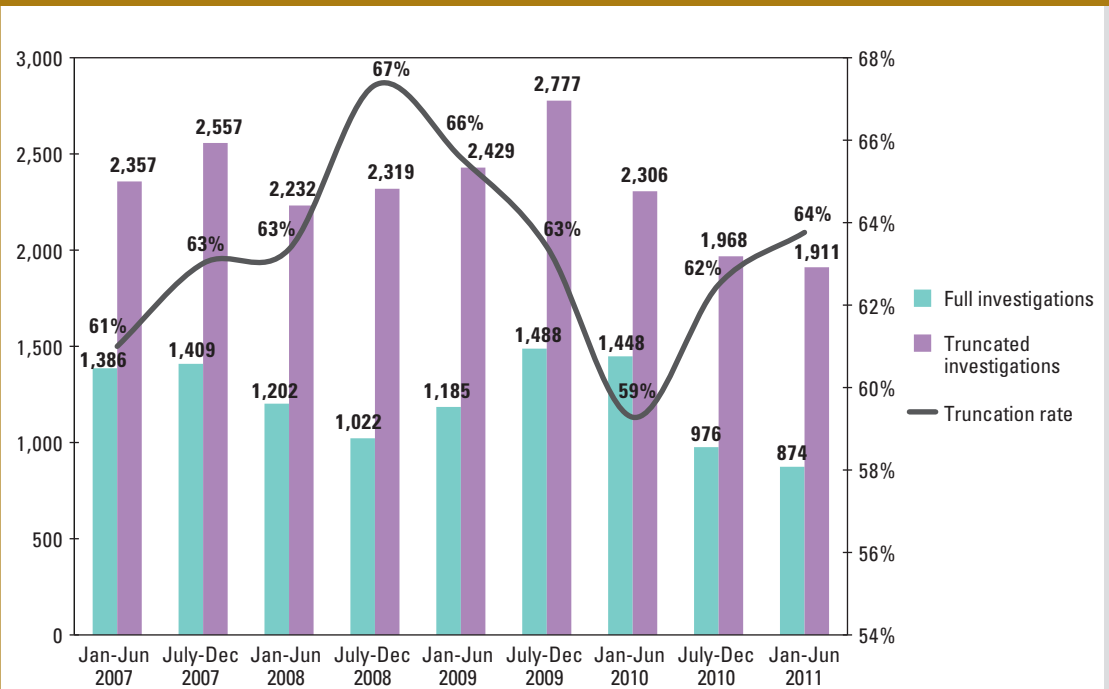
Each CCRB case consists of one or more FADO allegations. Plus, some cases reveal other types of misconduct, such as failure to make a proper memo book entry or failure to document a stop and frisk interaction, as required by the Police Department. Cases generally follow one of three paths — some are fully investigated; others are truncated because a full investigation cannot proceed; and some are handled by the Mediation Unit.

With full investigations, the Board reviews a case and determines whether or not the preponderance of the evidence indicates that the officer(s) committed the alleged act of misconduct. This preponderance of evidence standard is that which is required in most civil cases. The standard is met if the allegation is more likely to be true than not true. If the Board finds misconduct, it closes the case as Substantiated.

The Board closes a case as: Exonerated if the officer's alleged actions were determined to be lawful and proper; Unfounded if it finds that the officer did not commit the alleged act of misconduct; and Unsubstantiated if it finds that the evidence is insufficient to make a determination. Cases are also closed as Officer Unidentified if identification cannot be made and as Miscellaneous, generally if the officer is no longer employed by the NYPD.

Cases are truncated when a full investigation cannot proceed. This happens for several reasons: the complainant and/or alleged victim(s) withdraw the complaint, refuse to provide a formal statement, or cannot be located. The Board then closes the case as: Complaint Withdrawn; Complainant/Victim Uncooperative; Complainant/Victim Unavailable; or Victim Unidentified, depending on the underlying circumstances. The Board has the discretion to re-open a truncated case, upon request by the complainant.

Disposition of Investigated Cases January 2007–June 2011



The CCRB closed 2,997 cases during January–June 2011. This is a 23% decrease compared to January–June 2010, when the agency closed 3,890 cases. Of these 2011 closed cases, 874 (29%) were full investigations and 1,911 (64%) were truncated. The remaining 212 (7%) were closed through the Mediation Unit. In the same period of 2010, the Board closed 1,448 (37%) full investigations, 2,306 (59%) were truncated, and 136 cases (4%) were closed through the Mediation Unit.

Of the 874 cases closed as full investigations, 61 or 7% were closed as Substantiated. This is a decrease from the first half of 2010, both in the number of substantiated cases (146) and in the substantiation rate, which was 10%. The 61 substantiated cases involved 113 allegations: 97 allegations of abuse of authority, 10 of discourtesy, 4 allegations of force, and none involving offensive language. Of those 61 cases, 46 cases were in the broad category of “search and seizure,” stemming from the following types of allegations: Improper stop, question, frisk, search, vehicle stop, vehicle search, property search, strip-search, property seized, premises entered or searched and refusal to show search warrant. Improper stop and frisk were the most frequently substantiated allegations.

The percentage of allegations that were substantiated in fully investigated cases decreased slightly from 5% (290 out of 5,297) in the first half of 2010 to 4% (113 out of 3040) in the first half of 2011. The percentage of allegations that were unsubstantiated during this period increased from 34% in the first half of 2010, to 38% in the first half of 2011. The percentage of allegations that were exonerated and those determined

to be unfounded increased slightly. In the first half of 2010, 34% of allegations were exonerated and 15% were unfounded. Similarly, in the first half of 2011, 33% of allegations were exonerated and 13% were unfounded. Allegations where the officer was unidentified increased from 10% for the first half of 2010 to 12% for the first half of 2011.

The CCRB uses three key indicators to measure its productivity: the size and the age distribution of the open docket; the time it takes to complete an investigation; and the average number of closures per investigator. The CCRB uses the term open docket to refer to the number of open cases being processed by the agency at a given time. By all three of these measures, the agency's productivity improved. As we noted in the Operations Section, during this period the CCRB had a higher than usual vacancy rate. In June, the actual investigative headcount was 104, down from 119 investigators, or a 13% vacancy rate.

Docket Size and Age

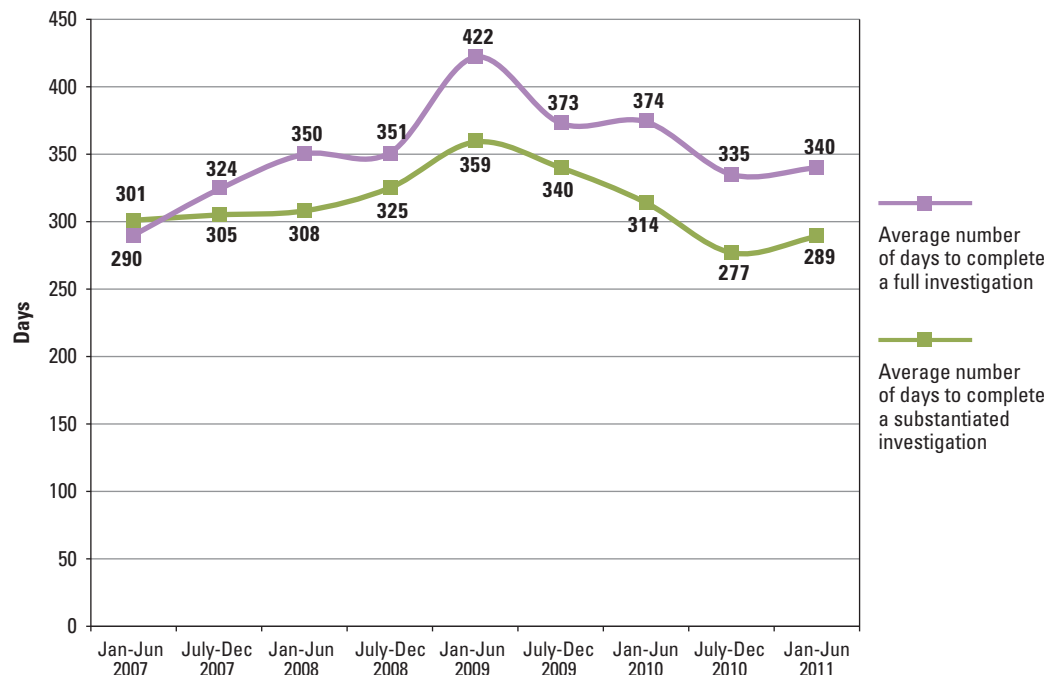
There were 2,902 cases that remained open as of June 30, 2011, compared to 2,852 cases that remained open as of June 30, 2010. The difference of 50 cases represents a 2% increase. However, this increase comes after a 31% reduction from 2009 to 2010.

On June 30, 2011, fourteen cases were 18 months or older based on the date of the incident — 0.5% of the open docket. In comparison, on June 30, 2010, ten cases were 18 month or older — or 0.3% of the open docket.

Completion Time

During the first half of 2011, the average number of days to complete a full investigation decreased by 25 days, or 8%. It took an average of 289 days, compared to the first half of 2010, when it took an average of 314 days. Similarly, the average number of days to close a substantiated investigation decreased by 34 days, or 9%.

Average Number of Days to Complete Investigations January 2007–June 2011

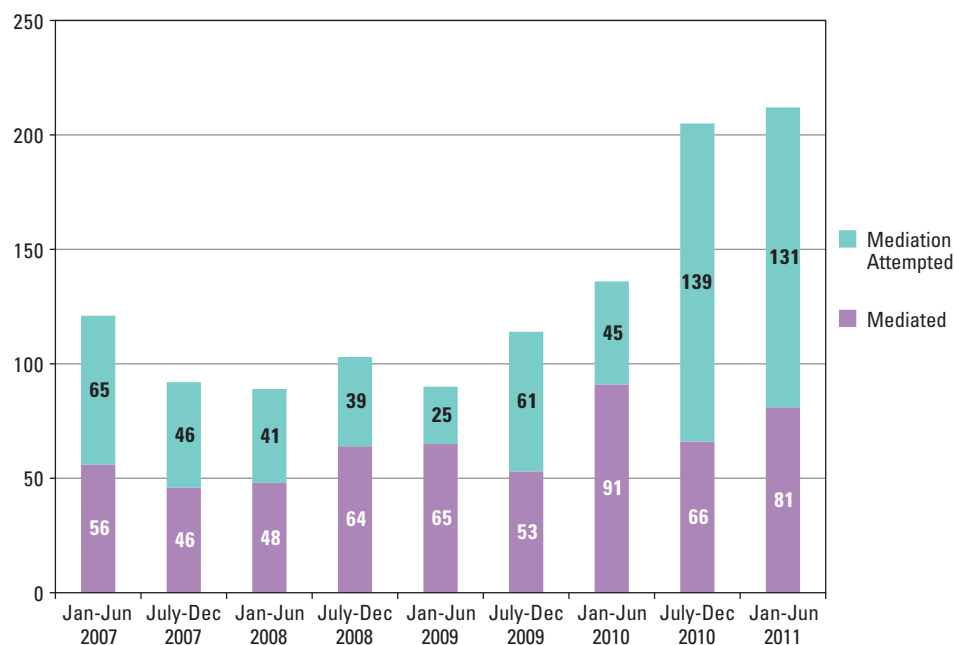


Completion time was an average of 340 days during the first half of 2011, and during the first half of 2010, the average was 374 days.

Investigators' Case Closures

The agency saw a decline in the average number of case closures per investigator, which was lower than in the first half of 2010. From January–June 2011, each investigator closed an average of 35 cases, a decrease from the average of 39 cases closed during January–June 2010. However, when the case closure rate is adjusted to the size of the caseload available (new cases plus cases in the open docket), an increase in investigator productivity was seen during the first half of 2011. During this period, the average investigator closed 0.9 percent of all cases available, as opposed to 0.8 percent in the first half of 2010.

Total Number of Mediation Unit Closures January 2007–June 2011



This was an increase of 56% compared to the 136 cases resolved through the mediation program during the first half of 2010.

During the first half of 2011, total cases resolved through the mediation program as a percentage of total agency closures were 7%, compared to 3.5% during the same period in 2010. Cases closed as Mediated in 2011, were 2.7%, up from 2.3%.

The rate at which investigators are offering mediation has remained consistent at approximately 53%, compared to 54% during the same period in 2010 which marked a significant increase over the offering rate of 28% during the first half of 2009.

Mediation is a process in which civilians and police officers meet with a trained, neutral mediator to address the issues raised by the complaint. The mediator guides discussion between the parties to help them resolve the complaint. Cases are closed as “Mediated” when both parties agree that the issues have been resolved. The agency closes cases as “Mediation Attempted” when the civilian and officer have agreed to mediate but the civilian twice fails to appear for the mediation without good cause, or fails to respond to phone calls, e-mails, or letters to set up the mediation session. Participation in mediation is voluntary for both complainants and officers.

The CCRB has the largest mediation program in the United States for complaints against the police. In the first half of 2011, the Mediation Unit continued to maintain the significant growth achieved in 2010. The CCRB mediated 81 cases and closed as Mediation Attempted 131 cases resolving a total of 212 complaints.

The rate at which officers agreed to participate in mediation declined from 84% or 320 out of 380 officers during January–June 2010, to 73% or 230 out of 313 during January–June 2011. The rate at which civilians agree to participate in mediation remained steady. In the first half of 2011, 356 out of 674 or 53% of civilians agreed to mediate their complaints, compared to 356 out of 661 civilians, or 54% in 2010.

Certain cases are not eligible for mediation, for example where the incident involved property damage or serious physical injury or there’s an open criminal case stemming from the incident. In addition, the Police Department reviews each subject officer’s disciplinary history and approves his or her participation in the program.

The CCRB's Outreach Unit makes public presentations to increase awareness of the agency's mission and to build public confidence in the complaint process. The outreach director, as well as investigators and other agency staff, visit schools, public libraries, tenant associations, advocacy organizations, community groups, churches, community boards, and precinct community councils, among others, in all five boroughs.

The unit achieved a milestone during the first six months of 2011, conducting more public presentations than in any prior six month period in the agency's history. Staff members gave 78 presentations, continuing the targeted outreach that began in 2010 to residents living in public housing. Of those 78 presentations, 69 were given at New York City Housing Authority (NYCHA) locations, and at schools, churches and community groups serving NYCHA residents, particularly youth. While youth between the ages of 15 to 24 are 16% of the NYC population, they are 33% of alleged victims in CCRB complaints.

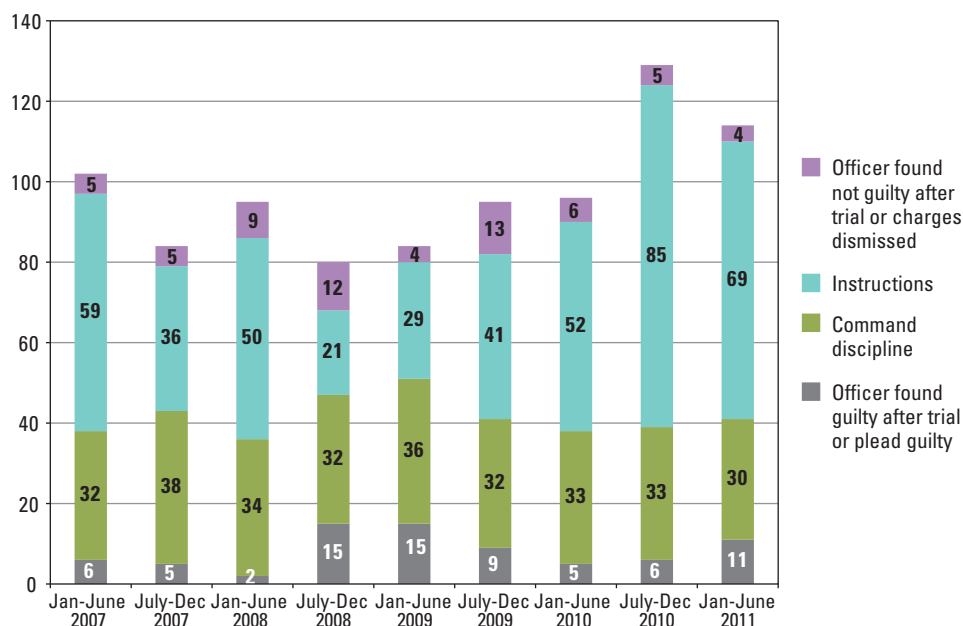
The agency also targeted the immigrant community to make people aware of the CCRB's language assistance

services for alleged victims and witnesses. During January–June 2011, the agency continued to implement its 2010 language access plan, and as part of the plan, the CCRB now tracks how often translations are provided. In the first half of 2011, the CCRB provided translations on 474 occasions and in 13 different languages. Spanish (82%), Chinese (6%) and Russian (3%) were the most common. By comparison, in the second half of 2010 (when the CCRB began tracking this), translation was provided 217 times.

The agency's web site is also an outreach tool. In the first half of 2011, the web site received 65,511 visitors, compared to the first half of 2010, when there were 53,911. This is a 22% increase. Twenty percent of the visitors, went to the web site two or more times. The number of visits increased by 14%, from 167,055 in the first half of 2010 to 191,224 in 2011. The web page that attracted the most traffic was the "employment opportunities" page with more than half the visitors going to that page. Pages on filing a complaint were the second most popular with 6,643 visitors. The FAQs section had approximately 6,000 visitors.

Police Department Dispositions

Police Department Pursued Discipline in Substantiated CCRB Cases January 2007–June 2011



When the Board determines that an officer committed misconduct, it forwards the case to the Police Commissioner, usually with a disciplinary recommendation. Under the law, the Police Commissioner has sole discretion over whether to issue discipline and the level of punishment rendered.

During January–June 2011, the discipline rate was 77%, compared to 87% during January–June 2010. During the 2011 period, the Police Department closed 146 cases that had previously been substantiated by the CCRB. The Department disciplined officers in 110 of those cases and did not discipline officers in 33 cases. Three cases were closed as “filed,” meaning the officer had left the Department but would face discipline if he or she returned. In the first half of 2010, the Police Department closed 105 cases.

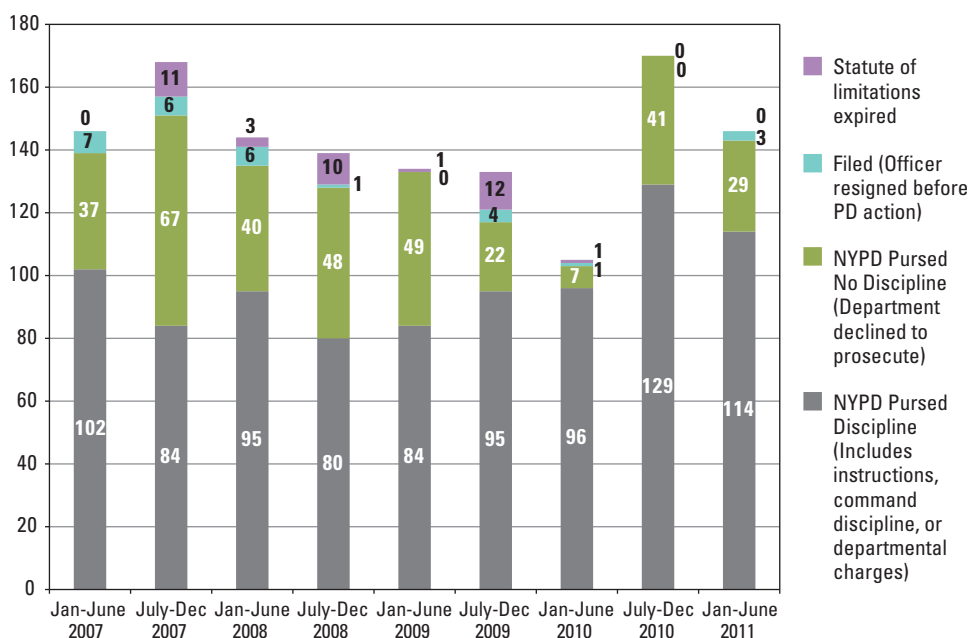
Of the 2011 cases in which the Department disciplined officers, in three cases officers were found guilty after trial and eight officers pled guilty before trial. By comparison, in the first of 2010, one officer

was found guilty after trial and four officer pled guilty. In addition, from January–June 2011, 30 officers received Command Discipline and 69 officers received Instructions, compared to 33 (Command Discipline) and 52 (Instructions) during January–June 2010. A Command Discipline may result in the loss of up to ten vacation days.

Of the 33 cases in which the Department did not discipline officers, four officers were found not guilty after trial and the Department declined to prosecute in 29 cases. This is an increase of 22 cases and a declination rate of 20%, up from 7% during January–June 2010.

In the first half of 2011, seven cases were closed after trial, which is the same number as January–June 2010. At these trials, four officers were found not guilty and three officers were found guilty, which is a 43% guilty rate. By comparison, in the first half of 2010 the guilty rate was 14%, with only one officer being found guilty after trial.

Police Department Action in Substantiated CCRB Cases January 2007–June 2011



Administrative Prosecution Unit

On May 24, 2011, a CCRB attorney conducted the first ever solo lead prosecution of a police misconduct case. This historic trial, held before an NYPD administrative judge, came about from the creation of the Administrative Prosecution Unit (APU), a pilot project in which a CCRB attorney will prosecute one out of every five misconduct cases, stemming from substantiated CCRB complaints, which go to trial. (See the January–December 2010 Annual Report, www.nyc.gov/ccrb.) In the past, only Police Department lawyers prosecuted cases stemming from substantiated CCRB complaints.

The May trial involved two officers from the 48th Precinct, charged with abusing their authority by wrongfully stopping and arresting a man who was crossing a Bronx street. When the judge issues an opinion on guilt or innocence, it will be forwarded to the Police Commissioner, who has the final word on the outcome and the discipline.

Despite CCRB's request to the administration and the City Council to fully fund the APU in fiscal year 2012, (July 1, 2011–June 30, 2012) the budget only supports the unit until December 31, 2011, with half the 4 staff positions initially funded in fiscal year 2011.

The APU builds on the Second Seat program, started in 2008, in which a CCRB attorney acts as supporting counsel to Police Department prosecutors. As of June 30, 2011, CCRB attorneys had participated in 13 trials (including the solo lead prosecution) and six plea negotiations.



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