



CIVILIAN COMPLAINT REVIEW BOARD

BILL DE BLASIO, Mayor FREDERICK DAVIE, Chair JONATHAN DARCHE, Esq. Executive Director



Annual Report

2020

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MISSION

The New York City Civilian Complaint Review Board (CCRB, the Agency, or the Board) is an independent agency that is empowered to receive, investigate, prosecute, mediate, hear, make findings, and recommend action on civilian complaints filed against members of the New York City Police Department (NYPD or the Department) that allege the use of excessive or unnecessary Force, Abuse of Authority, Discourtesy, or the use of Offensive Language (FADO). It is also authorized to investigate, hear, make findings, and recommend action on the truthfulness of an official statement made by a subject officer during the course of a CCRB investigation. The Board's staff, composed entirely of civilian employees, conduct investigations, mediations, and prosecutions in an impartial manner.

IN FULFILLMENT OF ITS MISSION, THE BOARD PLEDGES TO:

- encourage members of the community to file complaints when they believe they have been victims of police misconduct;
- respect the rights of civilians and officers;
- encourage all parties involved in a complaint to come forward and present evidence;
- expeditiously investigate each allegation thoroughly and impartially;
- make fair and objective determinations on the merits of each case;
- offer civilians and officers the opportunity to mediate their complaints, when appropriate, in order to promote understanding between officers and the communities they serve;
- recommend disciplinary actions that are measured and appropriate, if and when the investigative findings substantiate that misconduct occurred;
- engage in outreach in order to educate the public about the Agency and respond to community concerns;
- report relevant issues and policy matters to the Police Commissioner and the public; and
- advocate for policy changes related to police oversight, transparency, and accountability that will strengthen public trust and improve police-community relations.

LETTER FROM THE CHAIR



Dear Fellow New Yorkers,

In 2020, we experienced an unprecedented global pandemic, historic protests in support of the Black Lives Matter movement, and the conclusion of a presidential election. The COVID-19 pandemic caused significant changes for our City and our Agency, and several legislative measures have directly impacted our work.

Though this year has been difficult, we saw positive changes in the landscape of police oversight. One key change was the historic repeal of New York State Civil Rights Law § 50-a, which was one of the most restrictive police secrecy laws in the country. The CCRB acted quickly to make available, for the first time in its history, police misconduct complaints concerning 34,811 active officers and 48,218 inactive officers. New Yorkers will now be better informed about which officers in their communities are engaging in police misconduct and can use that information to advocate for better, more effective policing.

Changes to the New York City Charter empower the Board to investigate and appropriately recommend charges when an officer makes false material statements during an investigation, and required that the Police Commissioner provide written explanations for all deviations from the Board's disciplinary recommendations. The mandate regarding Police Commissioner explanations will provide much needed transparency into the reasoning behind this decision making. Further, the conclusion of years-long litigation allowed the Agency to adopt rules so that it could resume investigations of allegations of sexual misconduct. The Agency launched its Civilian Assistance Unit that will provide support and services for some of the most vulnerable New Yorkers who are participating in the Agency's investigative process. Finally, we issued our report on Body Worn Cameras, as well as our report on Youth Interactions with the NYPD, which was coupled with our first ever public service announcement created with our Youth Advisory Council.

In working to make police discipline more transparent and accountable, the Board voted to adopt the guidelines within the NYPD's Disciplinary Matrix into our recommendations, and I signed a memorandum of understanding with Police Commissioner, Dermot F. Shea, to implement the Matrix. I believe the Matrix is an important tool to make the Police Commissioner more accountable, make discipline consistent, and continue to improve transparency for the people of New York City. Our Agency's role in the wave of police reforms will help strengthen public safety and ensure that the voices of New Yorkers do not go unheard.

Sincerely,

A handwritten signature in black ink, appearing to be 'FD' with a large, sweeping flourish extending to the right.

Fred Davie

EXECUTIVE SUMMARY

AGENCY HIGHLIGHTS IN 2020

Third Party Complaints and Sexual Misconduct Allegations

On May 28, 2020, the First Department of the Appellate Division of the New York State Supreme Court issued a ruling in *Lynch v. New York City Civilian Complaint Review Board*¹ upholding the Civilian Complaint Review Board's (CCRB) rule allowing complaints to be filed by witnesses who were not directly present for the incident they are reporting. This was an incredibly important determination as it allows the Agency to investigate complaints filed by parents on behalf of their children and incidents recorded with cell phones and posted to social media, which results in more allegations of misconduct being investigated. The CCRB promptly moved through the rulemaking process to investigate sexual misconduct allegations pursuant to its Abuse of Authority jurisdiction.

COVID-19 and the Operations of the CCRB

The COVID-19 pandemic affected every aspect of the CCRB's operations and created a number of logistical challenges. To protect employees, officers, and members of the public, the Agency shifted to a work-from-home environment for most staff in mid-March 2020. It took several months for the Agency to reach an agreement with New York City Police Department (NYPD) executives and unions regarding officer participation in remote interviews; mediations between complainants and officers were stalled as the Agency worked to resolve the challenges of remote mediations; and the receipt of information requested from the NYPD, including body-worn camera footage, was significantly delayed due to staffing limitations within the Department. CCRB worked with the Department to address the backlog, which was resolved by the time of publication of this report. The metrics presented in this report reflect the impact of the COVID-19 crisis.

The Murder of George Floyd, Black Lives Matter Protests, and Ongoing Changes to Legislation

The murder of George Floyd by former police officer, Derek Chauvin, in Minneapolis on May 25, 2020, sparked widespread protests concerning police brutality against Black people. In New York, the summer protests were covered extensively by local media and showed civilians being met with various levels of militarized police responses. In June, July, and August, the CCRB received hundreds of complaints of protest-related police misconduct resulting in the investigation of over 290 individual complaints.² On December 18, 2020, the NYC Department of Investigation released a report³ on the NYPD's response to the summer of protests, and on January 14, 2021, New York Attorney General, Letitia James, filed a lawsuit⁴ against the Mayor and the NYPD for their handling of the protests.

Untruthful Statements and Officer Interviews

As part of the expanded jurisdiction voters granted to the CCRB pursuant to the 2019 Charter revision, the Agency was empowered to investigate untruthful statements made by police officers during an investigation. The Untruthful Statement allegation type includes false, misleading, or inaccurate official statements made by officers during an investigation, as well as actions that impede an investigation. In 2020, the Agency filed 66 "Impeding an investigation" allegations against officers who refused to be interviewed for a CCRB investigation. Subsequently, the Agency

¹ <https://law.justia.com/cases/new-york/appellate-division-first-department/2020/10995-152235-18.html>

² As a result of the protest cases a new allegation type was created – "obstructed shield" – to address the intentional concealment of officers' shields and badges during protest incidents. There were two such allegations made.

³ <https://www1.nyc.gov/site/doi/newsroom/public-reports.page>

⁴ *People of the State of New York v. City of New York*,
https://ag.ny.gov/sites/default/files/filed_complaint_ny_v_nypd_1.14.2021.pdf

reached an agreement with the NYPD and police unions in order to obtain officer interviews. In 2020, the CCRB also substantiated two Untruthful Statement allegations: one for a False Official Statement and one for a Misleading official statement.

Repeal of Civil Rights Law § 50-a and the Publication of Officers' CCRB Histories

Civil Rights Law § 50-a⁵ was enacted in 1976 to “protect officers who serve as witnesses for the prosecution during cross examination by criminal defense attorneys.”⁶ Over time it was used to shield “police personnel records used to evaluate performance from public disclosure under the state’s open records law. The overall effect of this law prohibited the Agency from identifying members of service in data released in reports and pursuant to requests from non-Agency parties. In part due to the nationwide protests following the killing of George Floyd on May 25, 2020, and a renewed urgency surrounding police reform, on June 13, 2020, the New York State Legislature repealed Civil Rights Law § 50-a.⁷

Following repeal, on March 4, 2021 the Agency released, for the first time in its history, a searchable database that includes officer CCRB disciplinary histories along with the officers’ names.⁸

⁵ <https://codes.findlaw.com/ny/civil-rights-law/cvr-sect-50-a.html>

⁶ https://www.cjr.org/b-roll/how_new_york_protects_police_r.php

⁷ <https://www.rcfp.org/new-york-repeals-section-50-a/>

⁸ <https://www1.nyc.gov/site/ccrb/policy/MOS-records.page>

KEY FINDINGS: CCRB ACTIVITY

- In 2020, the CCRB received 3,872 complaints within its jurisdiction, a 22% decrease from the 4,964 complaints received in 2019 (page 9). It is likely that the reduction in complaints received in 2020 is due to the COVID-19 crisis.⁹

KEY FINDINGS: INVESTIGATIONS

- The average number of days to complete a full investigation was 317 in 2020, a 28% increase from the 248 average days in 2019 (page 27). The underlying cause of the increase in investigations times was the COVID-19 crisis, but the most significant immediate cause was the difficulty of scheduling officers for interviews. In 2019, it took an average of 98 days from the receipt of a complaint to schedule an officer interview; in 2020, it took an average of 147 days (page 27). Staffing shortages at the NYPD and the difficulty of establishing protocols for remote interviews contributed to the 2020 scheduling delays.
- The percentage of CCRB cases closed after a full investigation was 30% in 2020, down from 32% in 2019 (page 28). The reduction in the full investigation rate in 2020 is temporary and is a result of the rise in the number of days required to schedule officer interviews, as discussed above. Because of the difficulty in scheduling officer interviews, many of the full investigations that normally would have been closed in 2020 remain pending on the open docket. As the officers are interviewed, the Agency expects to see a significant rise in the full investigation rate for cases closed in 2021.
- In 2020, the percentage of full investigations that were closed as “Unsubstantiated” — meaning that there was not enough evidence for the Board to determine whether misconduct occurred by a preponderance of the evidence — fell to an all-time low of 30%. By comparison, 48% of full investigations were closed as “Unsubstantiated” in 2018 and 39% in 2019 (page 34). The reduction in the number of full investigations closed as “Unsubstantiated” is likely to be due to the increasing availability and quality of video evidence, including body-worn camera footage.

KEY FINDINGS: DISCIPLINARY PROCESS

- In December 2019, Dermot F. Shea was named the 44th New York City Police Commissioner. The discipline concurrence for non-APU cases rose from 51% in 2019 to 73% in 2020 (page 48). At the same time, the APU penalty concurrence rate fell from 30% in 2019 to 15% in 2020 (page 49).

KEY FINDINGS: MEDIATION

- The CCRB’s Mediation Unit closed 30 successful mediations in 2020 (page 51), but the unit was severely impacted by the COVID-19 crisis. Mediations could not be scheduled once the CCRB’s office was closed to the general public in mid-March and did not resume again until all the proper protocols to facilitate remote mediations were put in place. The Mediation Unit conducted its first remote mediation in December 2020 and will continue to schedule more remote mediations going forward.

⁹ The data in this report is current as of 07/07/2021.

KEY FINDINGS: RECONSIDERATIONS

- The NYPD dramatically curtailed its reconsideration requests. In 2019, the NYPD requested reconsideration for 88 officers against whom an allegation was substantiated. In 2020, the NYPD requested reconsideration for on4 officers (page 55).

KEY FINDINGS: BODY-WORN CAMERA FOOTAGE AND OTHER VIDEO EVIDENCE

- The average number of business days it took for the NYPD to respond to body-worn camera video footage requests spiked in Q3, 2020 to 79 days from 33 over the first half of the year. In Q4, 2020 the average dropped dramatically to 17 days (page 59).
- In 2020, the CCRB collected some form of video evidence in 56% of all complaints received (page 60) and 78% of full investigations (page 60), both of which are all-time highs.

INTRODUCTION: THE BOARD AND AGENCY OPERATIONS

The Civilian Complaint Review Board (CCRB, the Agency, or the Board) is an agency of the City of New York. It became independent from the New York City Police Department (NYPD or Department) and established in its current all-civilian form in 1993.

Board members review and make findings on all misconduct complaints once they have been fully investigated. The Board consists of 15 members: five appointed by the City Council (one from each borough); one appointed by the Public Advocate; three designated by the Police Commissioner (each with law enforcement experience); and five appointed by the Mayor. The Chair of the Board is jointly appointed by the Mayor and the Speaker of the City Council.¹⁰

Under the New York City Charter, the Board must reflect the diversity of the City's residents, and all members must live in New York City. No member of the Board may have a law enforcement background, except those designated by the Police Commissioner, who must have had prior experience as law enforcement professionals. No Board member may be a public employee or serve in public office. Board members serve three-year terms, which can be renewed. They receive compensation on a per-session basis, although some Board members choose to serve pro bono.

From 1993 to 2013, all cases in which the Board determined that an officer committed misconduct were referred to the Police Commissioner with a discipline recommendation. Pursuant to a Memorandum of Understanding between the CCRB and the NYPD (effective April 11, 2013)¹¹, a team of CCRB attorneys from the Agency's Administrative Prosecution Unit (APU) handle most of the cases in which the Board recommends that Charges and Specifications be brought against an officer. When the Board recommends discipline other than Charges and Specifications (e.g. Instructions, Formalized Training), the case is still referred directly to the Police Commissioner.

¹⁰ The 2019 New York City Charter Revision Commission, following an extensive public review process, proposed five amendments to Chapter 18A of the City Charter, which governs the operations, powers, and duties of the CCRB. These amendments were included in a ballot question, which a majority of New Yorkers voted to pass on November 5, 2019. One of the changes, which went into effect on March 31, 2020, increased the size of the Board from 13 to 15 members by adding one member appointed by the Public Advocate and one member jointly appointed by the Mayor and Speaker of the Council, who serves as Board Chair. The Final Report of the 2019 Charter Revision Commission can be accessed at: <https://www.charter2019.nyc/finalreport>

¹¹ https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf

SECTION 1: COMPLAINT ACTIVITY

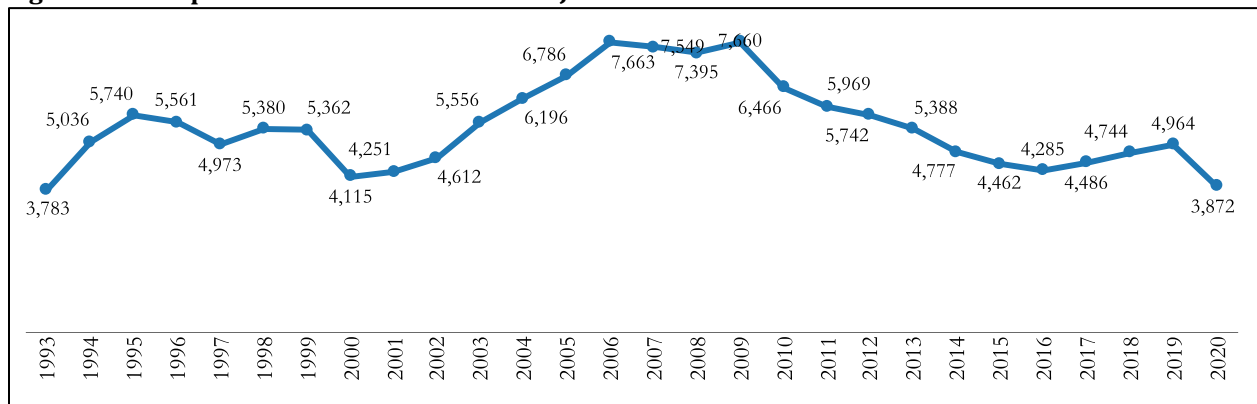
CCRB COMPLAINTS RECEIVED

For most New Yorkers contact with the Civilian Complaint Review Board (CCRB or the Agency) begins with filing a complaint alleging police misconduct. This section covers the number of complaints received and their characteristics.

All complaints against New York City Police Department (NYPD) members of service are entered into the CCRB's Complaint Tracking System (CTS), but only complaints that fall within the Agency's Force, Abuse of Authority, Discourtesy, Offensive Language (FADO) jurisdiction are investigated by the CCRB. The Agency may also investigate Untruthful Statements made during the course of an investigation

In 2020, the CCRB received 3,872 complaints within its jurisdiction (Fig. 01). This is a significant decrease from the 4,964 complaints received in 2019 and is likely due to the COVID-19 crisis.

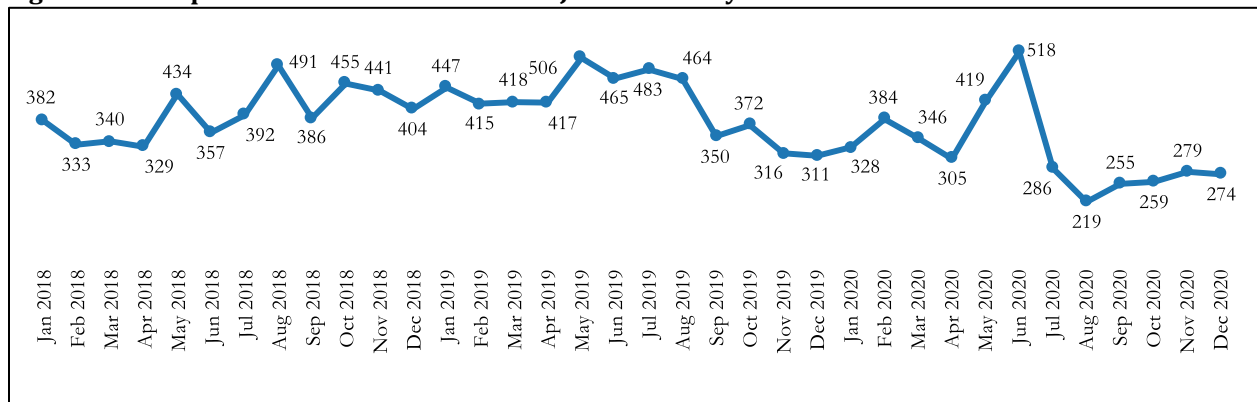
Figure 01: Complaints Received Within CCRB Jurisdiction



CCRB received year 1993-2020

In the monthly numbers (Fig. 02), the spike in June 2020 reflects complaints generated by the policing of the Black Lives Matter protests after the killing of George Floyd.

Figure 02: Complaints Received Within CCRB Jurisdiction by Month



CCRB received year 2018-2020

CCRB JURISDICTION AND TOTAL FILINGS

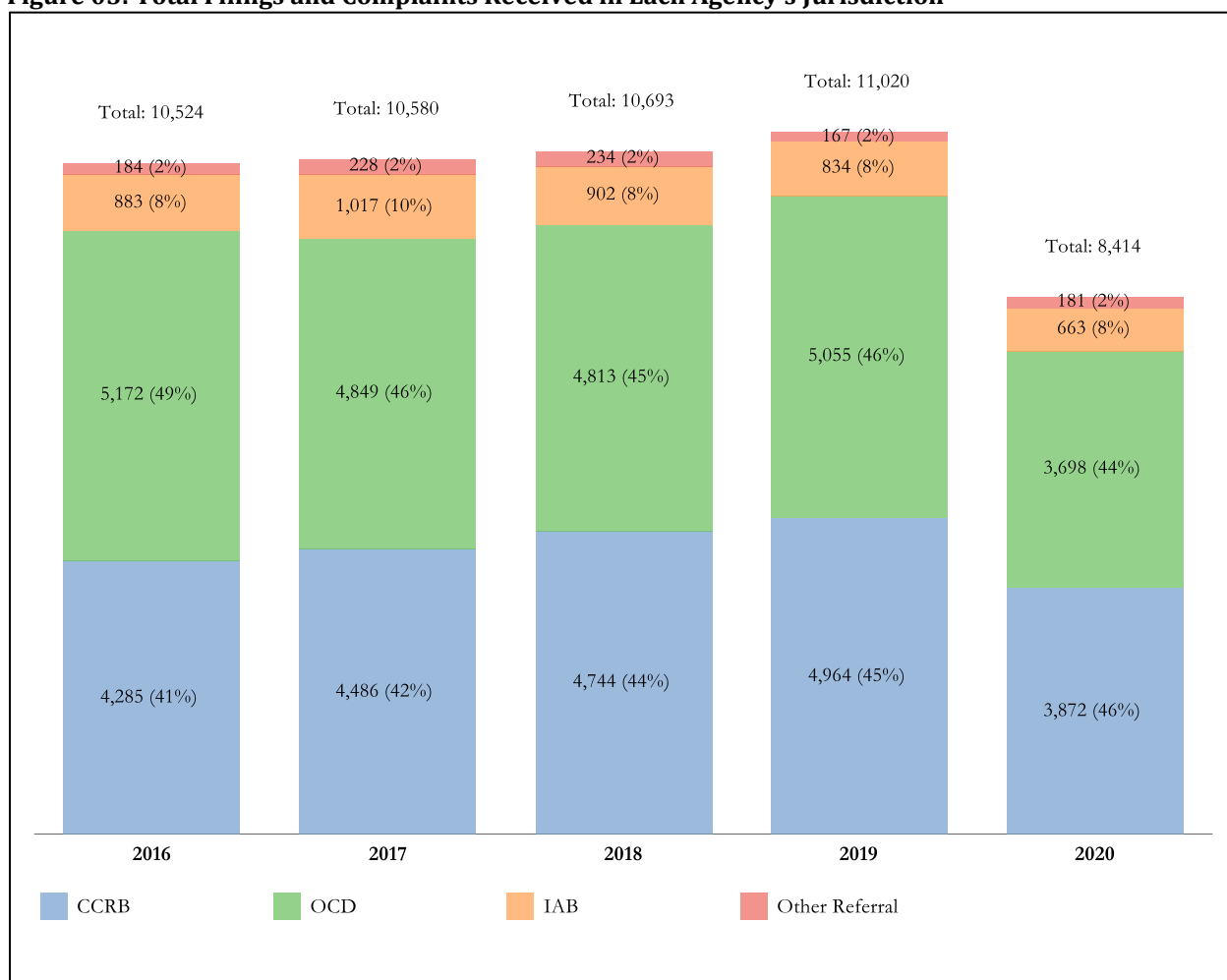
The CCRB receives a number of complaints that fall outside of its jurisdiction. These complaints are entered into the CTS and subsequently referred to the entities with the jurisdiction to process them.

The NYPD has two divisions that are the primary recipients of the CCRB referrals —the Office of the Chief of Department (OCD), which investigates alleged lower-level violations of the NYPD Patrol Guide, and the Internal Affairs Bureau (IAB), which is tasked with investigating allegations such as corruption and criminal behavior. Individuals whose complaints are referred are mailed a tracking number so that they can follow up on their complaints with the appropriate agency.

Examples of complaints the CCRB might receive that do not fall within the Agency's jurisdiction include: (1) complaints against Traffic Enforcement Agents and School Safety Agents; (2) complaints against an NYPD officer involving a summons or arrest dispute that does not include a FADO allegation; (3) complaints against an NYPD officer involving corruption; and (4) complaints against individuals who are not members of the NYPD, such as law enforcement from other municipalities, state police, or members of federal law enforcement, like the Federal Bureau of Investigation.

In 2020, the CCRB received 8,414 total filings, 46% of which were complaints within the Agency's jurisdiction (Fig. 03).

Figure 03: Total Filings and Complaints Received in Each Agency's Jurisdiction



CCRB received year 2016-2020

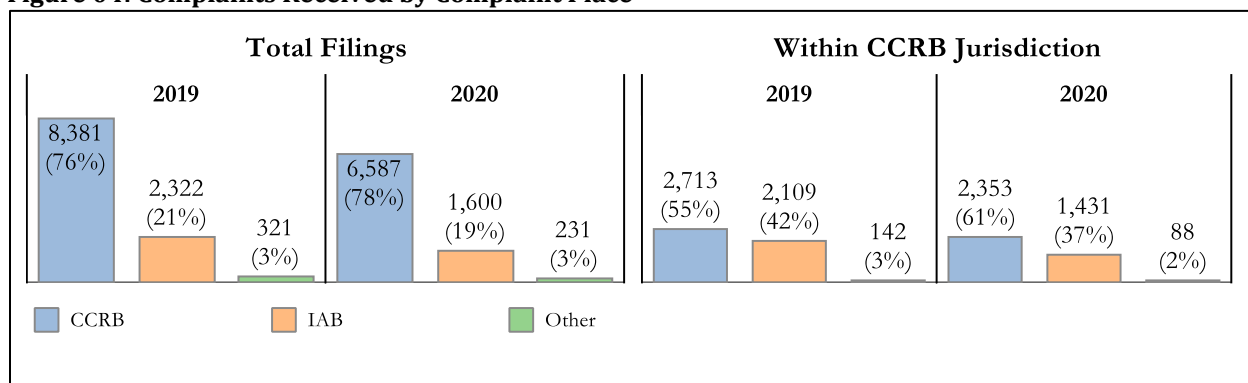
PLACE AND MODE OF FILING

The CCRB's Intake Unit receives and processes complaints filed directly with the CCRB. The Agency also receives complaint referrals from IAB and other government offices.

The Agency is better able to fully investigate complaints when they are filed directly with the CCRB (see Fig. 23). When complaints are not filed directly with the CCRB, the Agency must make initial contact with the complainant/victim, who may not have been informed that the complaint was referred to the CCRB for investigation.

In 2020, 61% of the complaints received within the CCRB's jurisdiction were filed directly with the CCRB (Fig. 04).

Figure 04: Complaints Received by Complaint Place



CCRB received year 2019-2020

Most complaints filed directly with the CCRB are received by phone, either during business hours or via the Agency Call Processing Center, which handles calls after business hours. In 2020, there was a large increase in the percentage of complaints filed on the CCRB website (42%) (Fig. 05).

Figure 05: Complaints within CCRB Jurisdiction by Complaint Mode

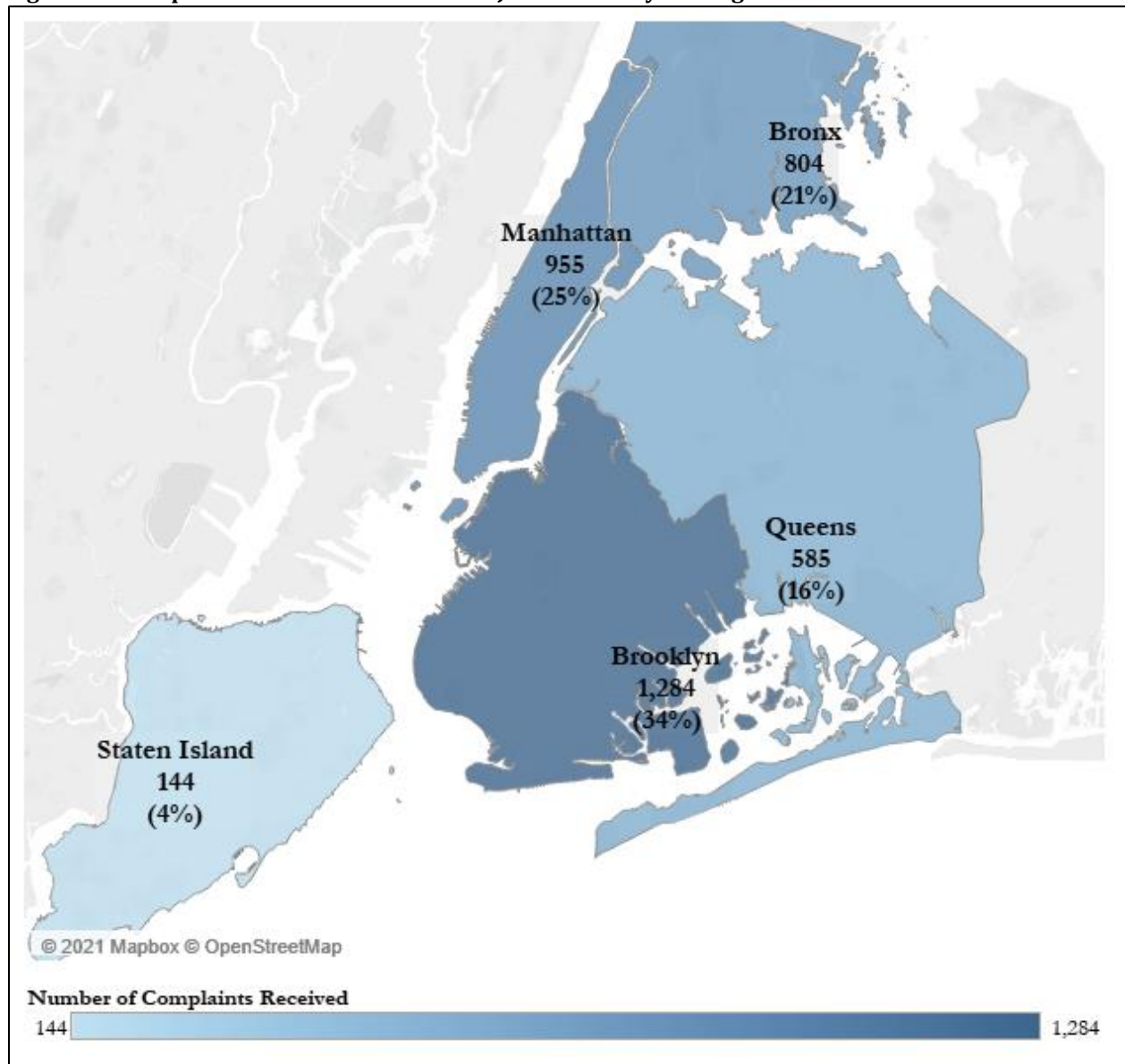


CCRB received year 2016-2020

LOCATION OF INCIDENTS RESULTING IN COMPLAINTS

In 2020, 34% of the complaints received within the CCRB's jurisdiction stemmed from alleged incidents occurring in Brooklyn (Fig. 06).

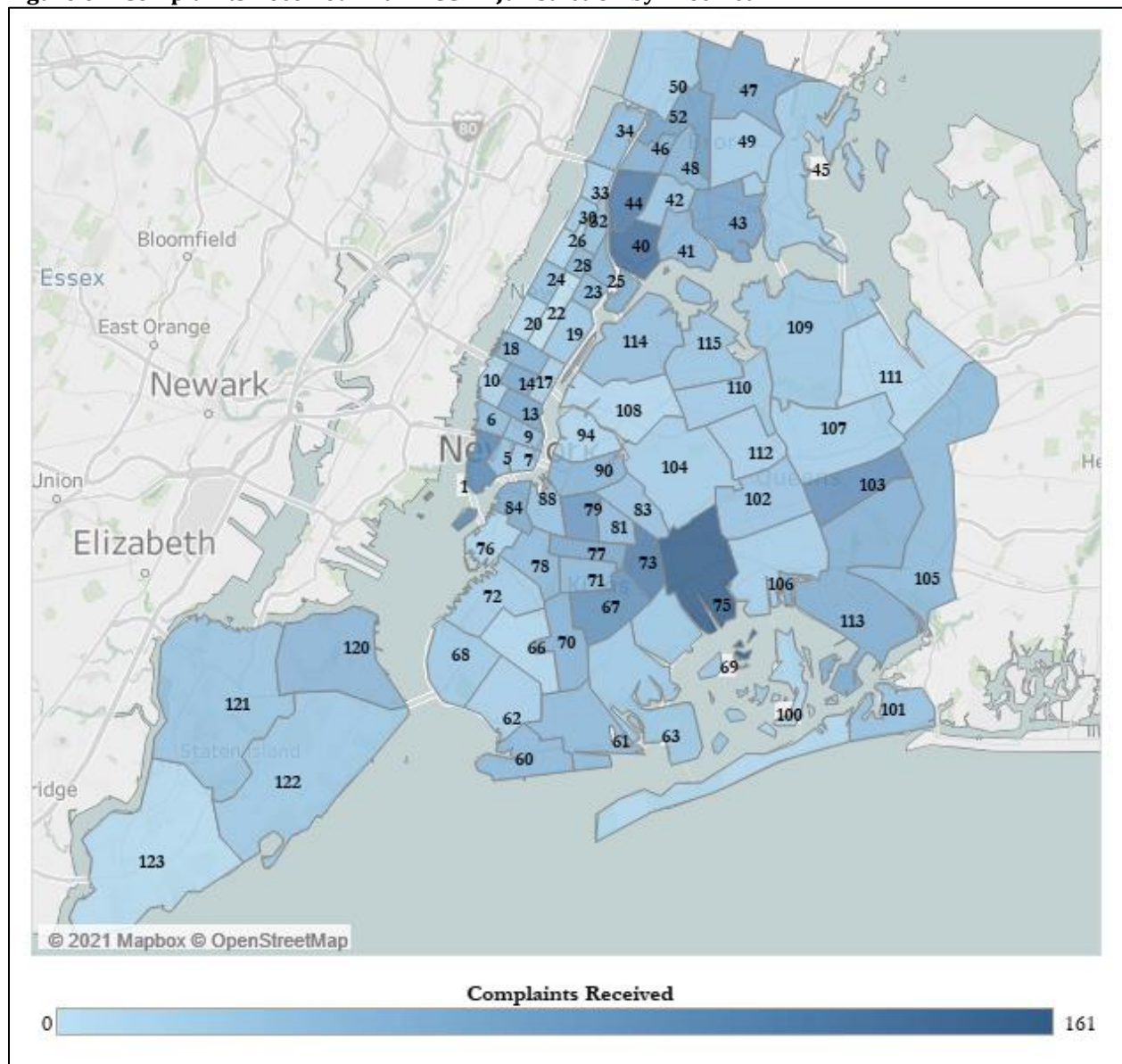
Figure 06: Complaints Received within CCRB Jurisdiction by Borough



CCRB received year 2020

Within Brooklyn, the highest number of complaints stemmed from alleged incidents that occurred in the 75th precinct, 161 (Fig. 07).

Figure 07: Complaints Received within CCRB Jurisdiction by Precinct



CCRB received year 2020

Based on precinct population estimates, the 40th precinct in the Bronx and the 84th precinct in Brooklyn generated the highest number of complaints per 10,000 residents.¹² (Fig. 08, next page).

¹² Precinct population estimates are drawn from the 2010 Census, the most recent year for which detailed block-level population data is available. Census data is available at <https://data.census.gov/cedsci/>.

Figure 08: CCRB Complaints Received per Precinct of Occurrence

Precinct	2019		2020	
	Complaint Count	Complaints per 10,000 residents	Complaint Count	Complaints per 10,000 residents
1	61	9	108	16
5	33	6	41	8
6	36	6	49	8
7	40	7	31	6
9	58	8	42	5
10	30	6	19	4
13	52	6	72	8
14	119	23	71	14
17	27	3	24	3
18	87	16	58	11
19	52	2	33	2
20	30	3	13	1
22	2	800		
23	58	8	50	7
24	44	4	42	4
25	93	20	61	13
26	33	7	17	3
28	65	15	52	12
30	33	5	32	5
32	71	10	44	6
33	28	4	26	3
34	66	6	45	4
40	133	15	141	15
41	57	11	54	10
42	105	13	39	5
43	104	6	79	5
44	134	9	126	9
45	49	4	29	2
46	111	9	61	5
47	101	7	66	4
48	80	10	58	7
49	49	4	29	3
50	36	4	27	3
52	105	8	81	6
60	77	7	51	5
61	60	4	50	3
62	50	3	23	1
63	49	5	33	3
66	21	1	16	1

Precinct	2019		2020	
	Complaint Count	Complaints per 10,000 residents	Complaint Count	Complaints per 10,000 residents
67	117	8	99	6
68	51	4	32	3
69	58	7	34	4
70	75	5	58	4
71	79	8	53	5
72	59	5	28	2
73	148	17	122	14
75	265	14	161	9
76	42	10	18	4
77	101	10	72	7
78	37	6	49	8
79	81	9	89	10
81	53	8	48	8
83	65	6	41	4
84	61	13	70	15
88	26	5	40	8
90	87	7	57	5
94	27	5	17	3
100	23	5	15	3
101	51	8	40	6
102	52	4	37	3
103	85	8	97	9
104	52	3	27	2
105	64	3	50	3
106	37	3	26	2
107	33	2	26	2
108	31	3	14	1
109	42	2	35	1
110	40	2	30	2
111	15	1	15	1
112	33	3	25	2
113	82	7	62	5
114	95	5	42	2
115	46	3	36	2
120	106	9	54	5
121	53	5	38	3
122	42	3	33	2
123	26	3	11	1

CCRB received year 2019-2020

CHARACTERISTICS OF ENCOUNTERS RESULTING IN A COMPLAINT

When a complaint is investigated, the CCRB tries to discern the initial reason for the contact between the civilian and the officer(s). In 2020, 10% of complaints received within the CCRB's jurisdiction stemmed from an officer suspecting a civilian of a violation or a crime while on a public street (Fig. 09).

Figure 09: Top Reasons for Initial Contact

	2019		2020	
	Count	% Total	Count	% Total
PD suspected C/V of violation/crime - street	603	12%	370	10%
Moving violation	345	7%	135	4%
Report-dispute	367	8%	259	7%
Report of other crime	363	8%	183	5%
PD suspected C/V of violation/crime - auto	282	6%	245	7%
Other	436	9%	452	12%
PD suspected C/V of violation/crime - bldg	185	4%	175	5%
Report-domestic dispute	226	5%	165	4%
EDP aided case	153	3%	138	4%
Other violation of VTL	156	3%	108	3%
C/V requested investigation of crime	135	3%	116	3%
Execution of arrest/bench warrant	127	3%	86	2%
Other categories combined	1,211	25%	783	21%
C/V at PCT to file complaint of crime	107	2%	84	2%
C/V intervened on behalf of/observed encounter w/3rd party	124	3%	135	4%
Demonstration/protest	5	0%	275	7%
Total	4,825	100%	3,709	100%

CCRB received year 2019-2020

The CCRB also tracks the outcome of encounters that lead to complaints being filed. In 2020, more than half (63%) of complaints received within the Agency's jurisdiction stemmed from encounters where no arrest was made or summons issued (Fig. 10).

Figure 10: Outcome of Encounters Resulting in CCRB Complaints

	2019		2020	
	Count	% Total	Count	% Total
No arrest made or summons issued	2,806	57%	2,450	63%
Arrest - other violation/crime	1,341	27%	824	21%
Moving violation summons issued	206	4%	71	2%
Summons - other violation/crime	208	4%	181	5%
Arrest - resisting arrest	98	2%	54	1%
Other VTL violation summons issued	76	2%	47	1%
Arrest - assault (against a PO)	35	1%	28	1%
NA	69	1%	104	3%
Parking summons issued	49	1%	40	1%
Summons - disorderly conduct	33	1%	33	1%
Arrest - OGA	16	0%	22	1%
Arrest - disorderly conduct	19	0%	13	0%
Juvenile Report	6	0%	4	0%
Arrest - harrassment (against a PO)	0	0%	0	0%
Summons - harrassment (against a PO)	0	0%	1	0%
Summons - OGA	2	0%	0	0%
Total	4,964	100%	3,872	100%

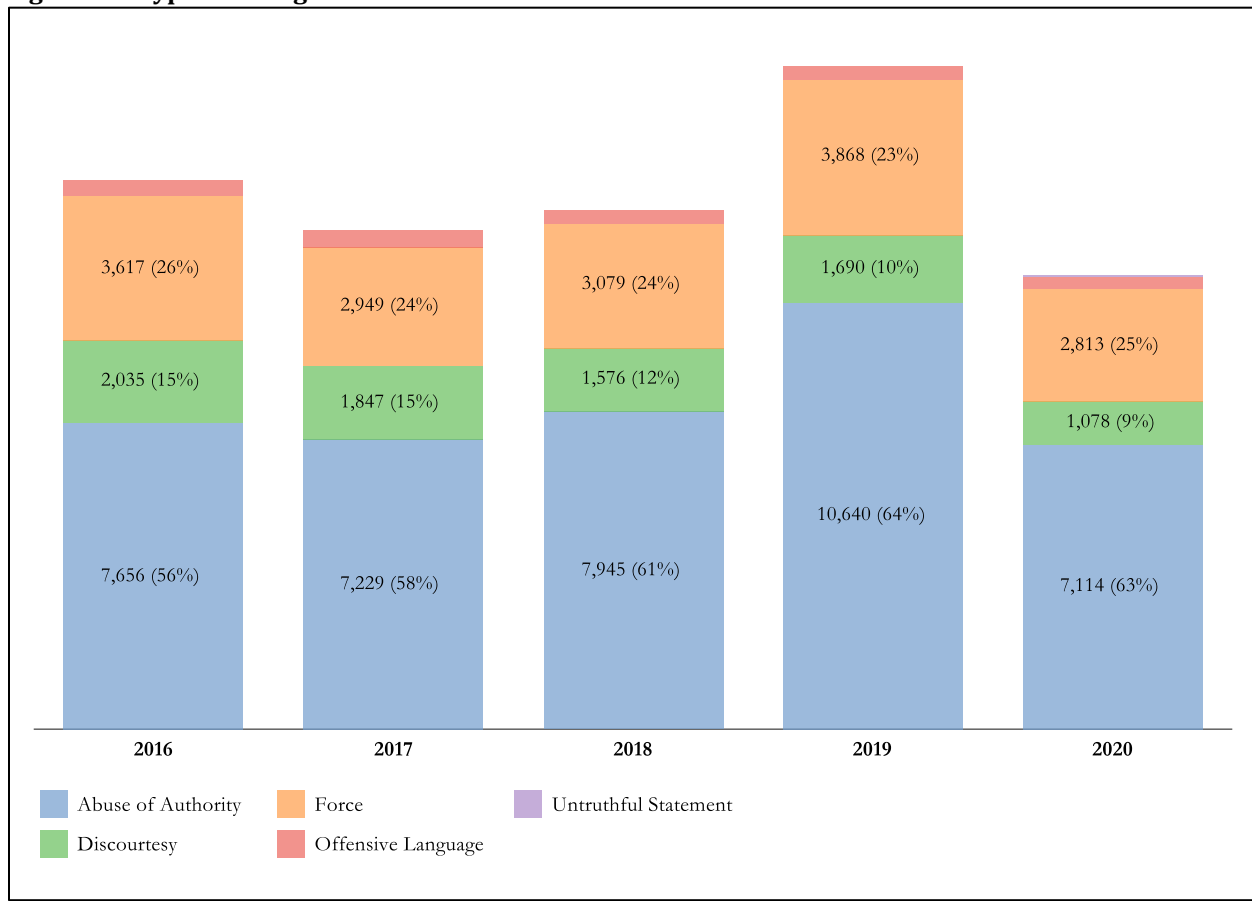
CCRB received year 2019-2020

NUMBERS AND TYPES OF ALLEGATIONS CLOSED AND RECEIVED

An individual complaint may contain multiple allegations against one or more officers. Over the course of an investigation, different allegations may be discovered.

The most common type of allegations are Abuse of Authority allegations. In 2020, Abuse of Authority allegations comprised 63% of allegations closed (Fig. 11).

Figure 11: Types of Allegations Closed



Closed year 2016-2020

The table on the following page (Fig. 12) lists all the specific allegations contained in complaints received by the CCRB in 2019-2020 broken out by their allegation type.

The CCRB is often asked to report on the “allegations received.” However, the CCRB receives complaints—which are comprised of allegations. Thus, the CCRB reports “allegations in complaints received” in a reporting year. While each complaint is associated with a distinct report date, the allegations associated with a complaint are not static and change over time. CCRB investigators may add or remove allegations associated with a complaint as the investigation proceeds.

An example of this process is observed on the following page (Fig. 12). The Untruthful Statement table shows that a False Official Statement allegation was attached to a complaint received in 2019. This is a reflection of the fact that in 2020, after the expansion of the CCRB’s jurisdiction, CCRB investigators were able to add False Official Statement allegations to complaints that were received in 2019, insofar as such false statements were made to the CCRB after July 18, 2020.

Figure 12: Allegations in Complaints Received by Type

Force (F) Allegations	2019		2020	
	Count	% of Total	Count	% of Total
Physical force	3,476	80%	3,061	70%
Gun Pointed	194	4%	231	5%
Chokehold	123	3%	108	2%
Nonlethal restraining device	153	4%	114	3%
Hit against inanimate object	102	2%	116	3%
Restricted Breathing	103	2%	111	3%
Nightstick as club (incl asp & ba.)	31	1%	309	7%
Pepper spray	39	1%	131	3%
Handcuffs too tight	28	1%	37	1%
Other	17	0%	55	1%
Other blunt instrument as a club	17	0%	25	1%
Vehicle	47	1%	43	1%
Radio as club	5	0%	2	0%
Gun fired	12	0%	19	0%
Police shield	7	0%	14	0%
Gun as club	2	0%	5	0%
Flashlight as club	0	0%	1	0%

Discourtesy (D) Allegations	2019		2020	
	Count	% of Total	Count	% of Total
Other	5	0%	12	1%
Demeanor/ tone	14	1%	20	1%
Gesture	27	1%	35	2%
Action	236	13%	234	14%
Word	1,577	85%	1,408	82%

Offensive Language (O) Allegations	2019		2020	
	Count	% of Total	Count	% of Total
Race	115	28%	101	26%
Gender	128	31%	125	32%
Ethnicity	35	9%	31	8%
Other	65	16%	73	19%
Religion	9	2%	9	2%
Sexual orientation	26	6%	35	9%
Physical disability	11	3%	9	2%
Gender Identity	18	4%	7	2%

Untruthful Statement (U) Allegations	2019		2020	
	Count	% of Total	Count	% of Total
False official statement	8	80%	22	21%
Impeding an investigation	0	0%	69	64%
Inaccurate official statement	0	0%	3	3%
Misleading official statement	2	20%	13	12%

Abuse of Authority (A) Allegations	2019		2020	
	Count	% of Total	Count	% of Total
Threat of arrest	1,223	10%	943	9%
Entry of Premises	1,109	9%	818	8%
Stop	887	7%	791	8%
Refusal to provide shield number	711	6%	710	7%
Refusal to provide name	753	6%	662	6%
Failure to provide RTKA card	697	6%	696	7%
Search (of person)	615	5%	577	6%
Vehicle stop	588	5%	542	5%
Vehicle search	617	5%	511	5%
Forcible Removal to Hospital	574	5%	492	5%
Frisk	505	4%	476	5%
Threat of force (verbal or physical)	461	4%	420	4%
Search of Premises	527	4%	339	3%
Property damaged	376	3%	355	3%
Question	288	2%	254	2%
Seizure of property	235	2%	207	2%
Refusal to obtain medical treatment	216	2%	215	2%
Refusal to process civilian complaint	222	2%	170	2%
Interference with recording	189	2%	173	2%
Threat to damage/seize property	133	1%	102	1%
Threat of summons	123	1%	95	1%
Other	92	1%	126	1%
Strip-searched	109	1%	69	1%
Threat re: removal to hospital	72	1%	83	1%
Gun Drawn	69	1%	76	1%
Photography/Videography	63	1%	58	1%
Refusal to show search warrant	71	1%	34	0%
Threat to notify ACS	57	0%	38	0%
Failed to Obtain Language Interpretation	39	0%	49	0%
Search of recording device	42	0%	34	0%
Refusal to show arrest warrant	33	0%	29	0%
Obstructed Shield Number	1	0%	45	0%
Sexual Misconduct (Sexual Humiliation)	25	0%	9	0%
Sex Miscon (Sexual Harassment, Verbal)	31	0%	3	0%
Retaliatory summons	22	0%	12	0%
Electronic device information deletion	16	0%	14	0%
Body Cavity Searches	19	0%	8	0%
Sex Miscon (Sexual/Romantic Proposition)	24	0%	2	0%
Questioned immigration status	9	0%	5	0%
Sex Miscon (Sexual Harassment, Gesture)	11	0%	2	0%
Retaliatory arrest	9	0%	4	0%
Improper dissemination of medical info	5	0%	6	0%
Threat re: immigration status	4	0%	2	0%
Sex Miscon (Sexually Motivated Search)	1	0%	4	0%
Sex Miscon (Sexually Motivated Frisk)	1	0%	2	0%
Sex Miscon (Sexually Motiv Strip-Search)	1	0%	0	0%
Sexual Miscon (Inappropriate Touching)	0	0%	0	0%
Sexual Miscon (Forcible Touching)	0	0%	0	0%
Sex Miscon (Sexually Motivated Question)	0	0%	0	0%
Sex Miscon (Sexually Motiv Photo/Video)	0	0%	0	0%
Sex Miscon (Humiliation: fail to cover)	0	0%	0	0%
Refusal to provide name/shield number	0	0%	0	0%
Premises entered and/or searched	0	0%	0	0%
Disseminated immigration status	0	0%	0	0%

CCRB received year 2019-2020

The following case abstracts are taken from complaints closed in 2020 and serve as examples of the types of misconduct allegations that fall under the CCRB's jurisdiction.¹³

1. Force

An individual was arrested and transported to Central Booking. While in custody, he got into a disagreement with Department of Corrections (DOC) officers and was removed from his holding cell and escorted to a single-occupancy "remand" cell by Police Officer (PO) Edwin Peguero. Upon reaching the "remand" cell, multiple law enforcement officers, from both the NYPD and DOC, knocked the individual to the ground and fought with him. PO Peguero stomped on and kicked the individual multiple times. The individual sustained bruises, cuts, and swelling on his face. Two attorneys, Witnesses 1 and 2, observed portions of this incident.

PO Peguero's NYPD paperwork documented the individual's injuries and ascribed them to self-injury. In his NYPD and CCRB interviews, PO Peguero denied using any physical force against the individual except for briefly pushing him. He also denied seeing any other officer use force.

In her sworn CCRB statement, Witness 1 stated that she was in the hallway when she saw the individual laying on the floor outside his cell. At least three uniformed officers were grappling with him and "were beating the hell out of him." Witness 1 saw PO Peguero stomp forcefully onto the individual's body—once on the groin and multiple times on or near the head and face. The individual screamed in pain, and Witness 1 shouted, "Hello! There's an attorney here, you guys need to stop." Witness 1 then walked to a law firm, whose office is attached to Central Booking, and told its attorneys that officers were attacking a prisoner.

In his sworn statement, Witness 2 stated that he was working in the law firm's office when he heard Witness 1's announcement. He walked to the door that connected to the jail cells and saw the individual laying prone, surrounded by approximately five or six uniformed NYPD and DOC officers. PO Peguero kicked the individual in the torso and head approximately three or four times. After approximately five seconds, Witness 2 asked, "What's going on?" The officers did not reply, but PO Peguero stopped kicking the individual and he and the other officers left. Witness 2 focused on PO Peguero and read his name tag. Witness 2 spoke to the individual and observed his facial injuries. Later that evening, Witness 2 wrote, signed, and dated a short summary that read: "On 10:25 p.m. I observed Respondent kicking the Victim in the head while the Victim was confined in the remand cell at Central Booking. The Victim was bleeding heavily from his face after the incident. He begged to be taken to a hospital."

The investigation determined by a preponderance of the evidence that PO Peguero repeatedly kicked the individual in the torso and face while he was restrained on a jail cell floor. PO Peguero denied these actions and provided no reasons why such force would have been reasonable. The Board substantiated a Force allegation and issued an Other Misconduct Noted for PO Peguero's False Official Statements (as noted above, statements made to the Agency prior to July 18, 2020 were referred to NYPD's Risk Management Bureau as Other Misconduct Noted).

2. Abuse of Authority

An individual was participating in a protest against police brutality when officers placed barricades along the protest route. The individual noticed that one of the officers, Police Officer (PO) William Myhre, had his shield covered with a black mourning band. The individual asked

¹³ The cases described in this section were substantiated complaints, intended to illustrate the difference between types of allegations the Board found to be misconduct. See page 32 for examples of other Board dispositions.

PO Myhre to show his badge but the officer did not verbally give his shield number or remove the mourning band to display the shield number.

Cellphone video showed the individual and at least two other civilians asking PO Myhre to show his badge. The NYPD Patrol Guide requires that officers provide their shield number—either verbally or through other means, such as a business card —when requested by a civilian.

The video showed that at the time that PO Myhre was asked to show his badge, there were no distracting background noises that would have made him unable to hear the multiple requests to show his badge. For these reasons, the investigation determined that PO Myhre refused to provide his shield number. The Board substantiated the Abuse of Authority allegations.

3. Discourtesy

An individual was standing in front of an apartment building waiting for a taxi when he saw a marked blue and white police van pull up across the street. The individual walked a short distance to get a better view when Sergeant Kevin Grayson and Police Officer (PO) Reynaldo Pena started chasing him without explanation. He ran away but was caught, handcuffed, and placed in the police van. The individual alleged that PO Pena told him that “I don’t want your fucking money,” and later on at the precinct PO Maximo Gomez told the individual to “shut the fuck up.” At the precinct, Sgt. Grayson authorized a strip search of the individual because he believed that the individual was hiding contraband. No contraband was recovered.

The investigation determined that the individual simply standing in front of a narcotics-prone building did not provide specific indicia of criminality and the individual running from the police was not sufficient grounds to stop the individual. Body-worn camera (BWC) footage captured PO Pena and PO Gomez making the statements, “I don’t want your fucking money,” and “shut the fuck up” to the individual. The investigation determined that such statements were made after the individual was already in police custody and served no law enforcement purpose. The investigation also determined that the strip search authorized by Sgt. Grayson was improper because he had made no observations that would reasonably lead him to believe that the individual was hiding drugs on his person. The Board substantiated Discourteous and Abuse of Authority allegations.

4. Offensive Language

An individual was arrested for menacing an ex-partner. He was rear cuffed and placed in a police vehicle. Body-worn camera (BWC) footage captured the incident. As the individual was being placed in handcuffs, Police Officer (PO) James Haviland called the individual a “fucking nigger,” Police Officer Leonardo Viera called him a “dumb fucking idiot,” and Police Officer John Brennan called him “fucking jerkoff,” and “stupid motherfucker.” The individual yelled and kicked the inside of the vehicle’s windows. PO Viera threatened to taser the individual. The Board determined that the statements served no investigative purpose beyond belittlement of the individual. The Board substantiated Offensive Language, Discourtesy, and Use of Force allegations.

5. Untruthful Statement

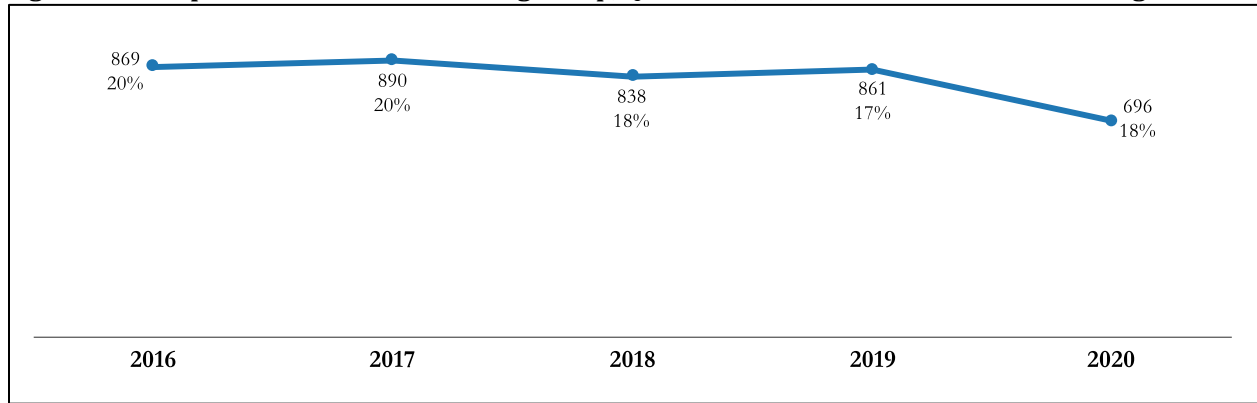
A freelance journalist was with a friend at a protest. The journalist videoed Sergeant Andrew Campbell speaking to protesters as he moved behind a line of police officers facing the protestors. Sgt. Campbell sprayed something from behind the line of officers onto the protestors. Both the protestors and the officers recoiled from the area where Sgt. Campbell had sprayed. At his CCRB interview, Sgt. Campbell stated that when he and other officers were pulled to the ground by the protestors, he yelled, “I am getting my mace,” and then discharged his pepper spray for two seconds, not aimed at anyone in particular. The video footage, however, showed Sgt. Campbell standing behind a line of officers and then deploying a substance at the protestors.

Sgt. Campbell claimed “I definitely used it before this,” and that the spray in the video was “lights in the background.” The Board substantiated an Untruthful Statement allegation.

STOP, QUESTION, FRISK AND SEARCH OF PERSON ALLEGATIONS

Because of the longstanding public discussion surrounding “Stop & Frisk” policing, the CCRB keeps track of all complaints containing a stop, question, frisk, or search of a person allegation. In 2020, the CCRB received 696 complaints containing at least one of these allegations (Fig. 13).

Figure 13: Complaints Received Containing a Stop, Question, Frisk, and Search of Person Allegation



CCRB received year 2016-2020

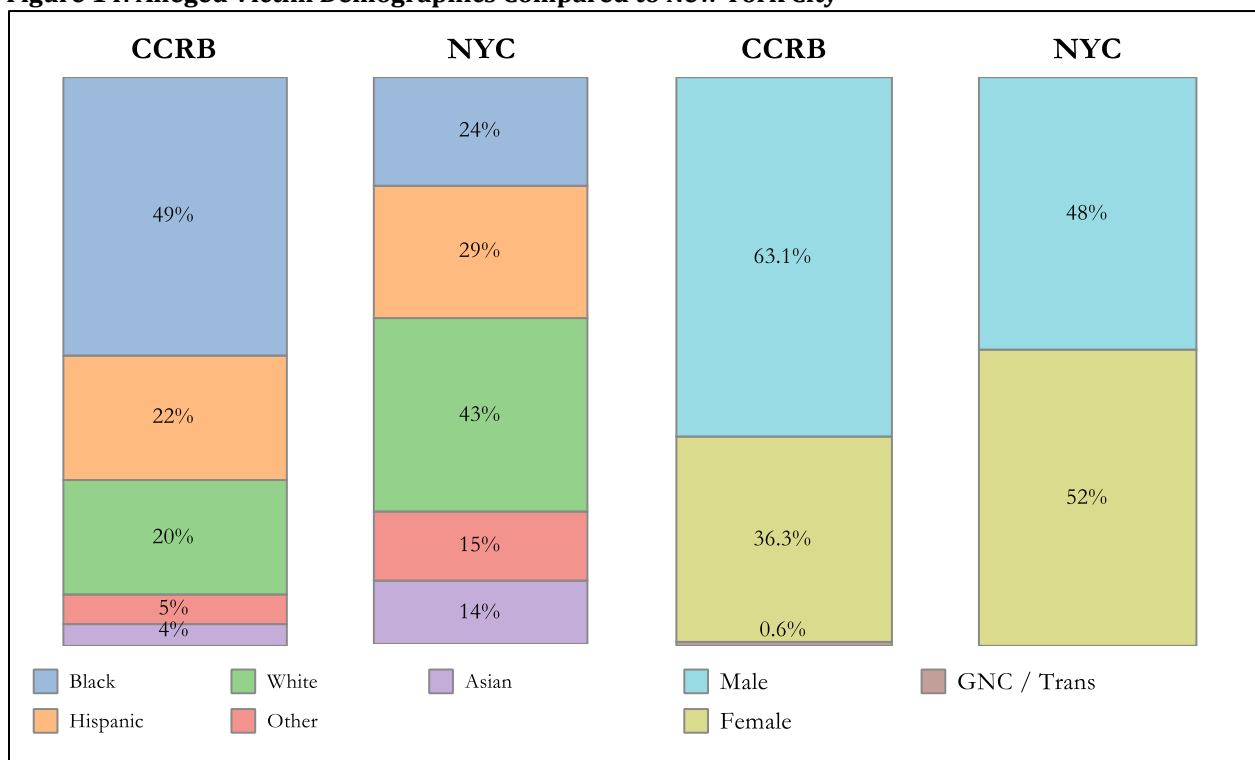
CHARACTERISTICS OF ALLEGED VICTIMS

The CCRB compares the demographic profiles of the alleged victims to the demographics of the City as a whole, without controlling for any other factors such as the proportion of encounters with the police or the number of criminal suspects. The race and gender of alleged victims are disproportionate to the racial and gender makeup of New York City's population (Fig. 14).¹⁴

In 2020, individuals who self-identified as Black made up 49% of alleged victims, while, according to 2020 census estimates, Black residents make up only 24% of the City's population.

In 2020, just over 63% of alleged victims were male, while men make up only 48% of the City's population (Fig. 14).¹⁵ In 2017, the Agency included "gender nonconforming" as an option when complainants and victims are reporting their gender, and revised its case management system to generate gender neutral honorifics, whenever appropriate, in its communications. In 2020, 0.6% of alleged victims self-identified as gender nonconforming or transgender.

Figure 14: Alleged Victim Demographics Compared to New York City^{16 17}



CCRB received year 2020

¹⁴ City demographic information is drawn from the 2019 United States Census estimate. All race demographics are inclusive of Hispanic origin. For example, "Black" includes both "Black Hispanic" and "Black Non-Hispanic." Census data is available at <https://www.census.gov/quickfacts/newyorkcitynewyork>

¹⁵ The census does not count gender, but instead counts biological sex of respondents (see <https://www.census.gov/topics/population/age-and-sex/about.html>). As such, comparisons between the CCRB's data and census data are not exact.

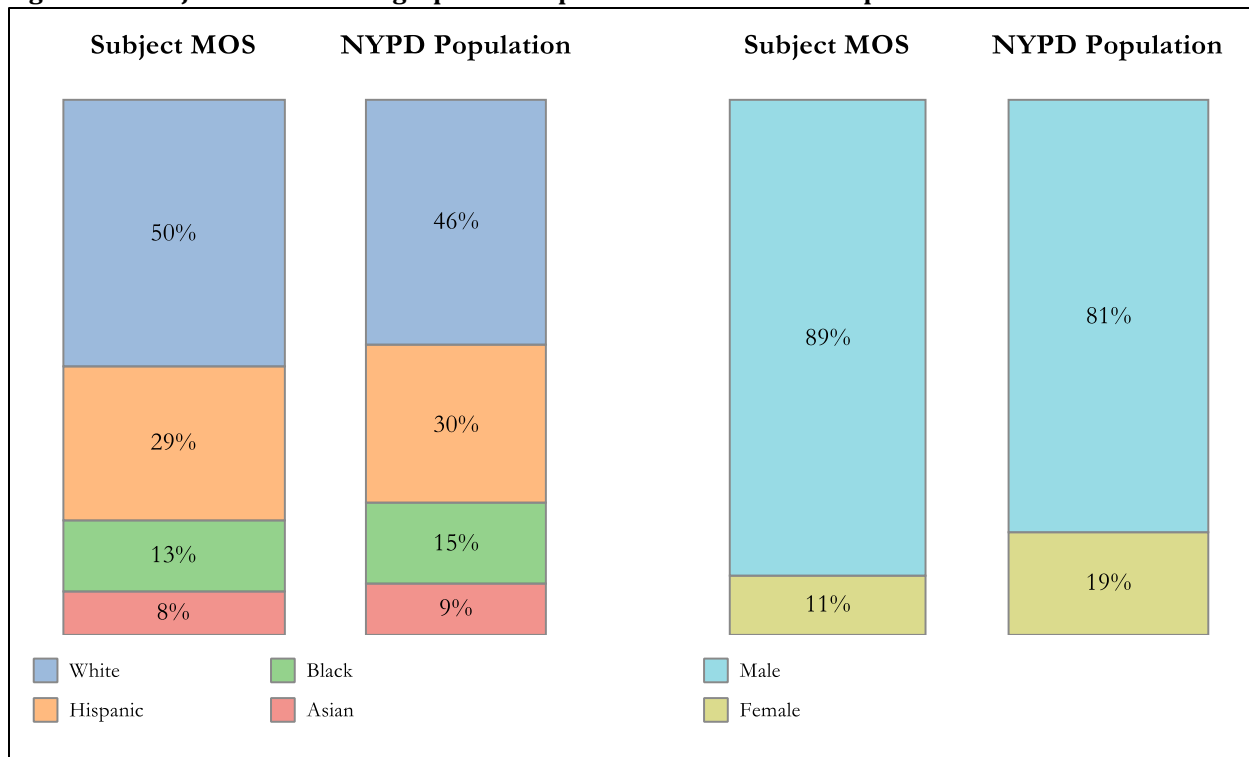
¹⁶ The percentages for race of New York City residents do not add up to 100% because the Census allows respondents to self-report Hispanic ethnicity separate from race. Someone may, for instance, indicate that they are both Black and Hispanic. This means that some individuals are counted in these categories twice. As current CCRB race/ethnicity categories are not precisely aligned with Census categories, comparisons should be made with caution.

¹⁷ "GNC" is an acronym that stands for Gender Nonconforming. "Trans" includes individuals who identify as Transmen and Transwomen in CCRB records.

CHARACTERISTICS OF SUBJECT OFFICERS

The race and gender makeup of officers who are the subject of CCRB complaints largely reflects the demographic composition of the NYPD as a whole (Fig. 15). In 2020, white officers accounted for 50% of subject officers in CCRB complaints and 46% of the NYPD as a whole. Male officers accounted for 89% of the subject officers in CCRB complaints and 81% of the NYPD as a whole.

Figure 15: Subject Officer Demographics Compared to NYPD Officer Population



CCRB received year 2020; NYPD roster as of December 31st, 2020

RANK OF SUBJECT OFFICERS

In 2020, 71% of the members of service (MOS) against whom the CCRB substantiated allegations were police officers; 35% of the MOS against whom the CCRB substantiated allegations had tenure of six years or more.

Figure 16: Rank and Tenure of Active MOS with Substantiated CCRB Complaints

Rank	2020	
	Count	Percent
Captain	3	1%
Deputy Inspector	2	0%
Detective	33	7%
Lieutenant	16	4%
Police Officer	315	71%
Sergeant	74	17%

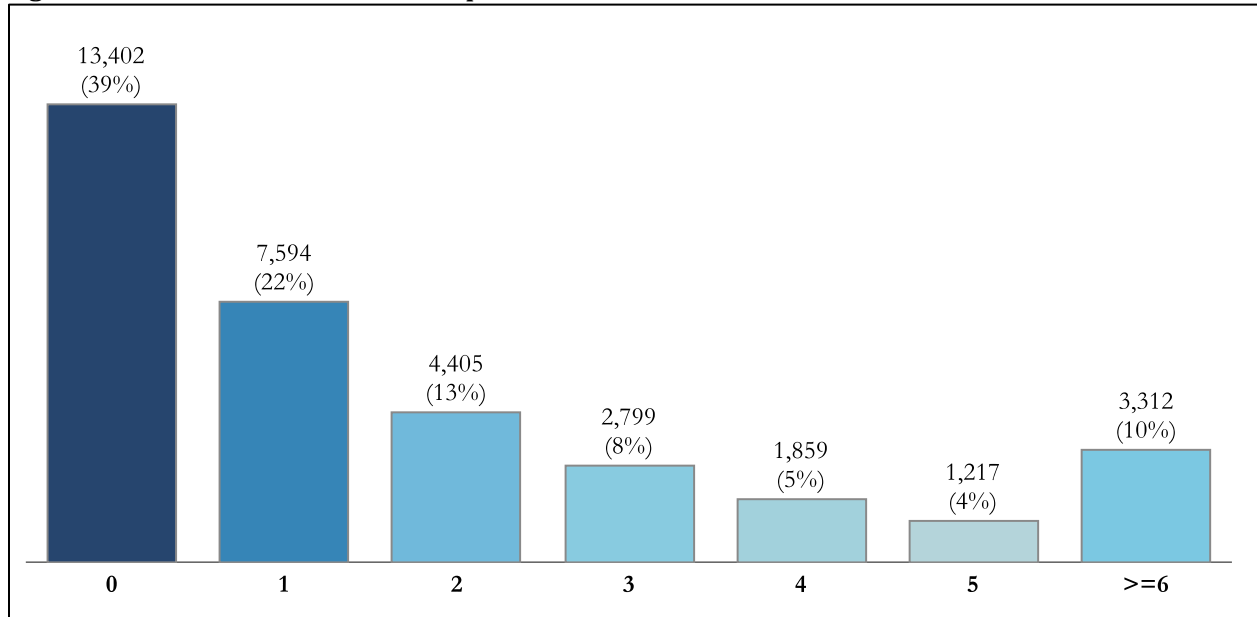
Tenure	2020	
	Count	Percent
0-3 Years	73	16%
4-5 Years	113	26%
6-10 Years	104	23%
11-15 Years	100	23%
16-20 Years	45	10%
21+ Years	8	2%

Closed year 2020; NYPD roster as of December 31st, 2020

TOTAL COMPLAINTS AGAINST ACTIVE MEMBERS OF SERVICE (MOS)

The charts below depict how complaints are distributed among active MOS. Of all MOS active at the end of 2020, 13,402 (39%) had never been the subject of a CCRB complaint at all, whereas 3,312 (10%) had been the subject of six or more CCRB complaints (Fig. 17).

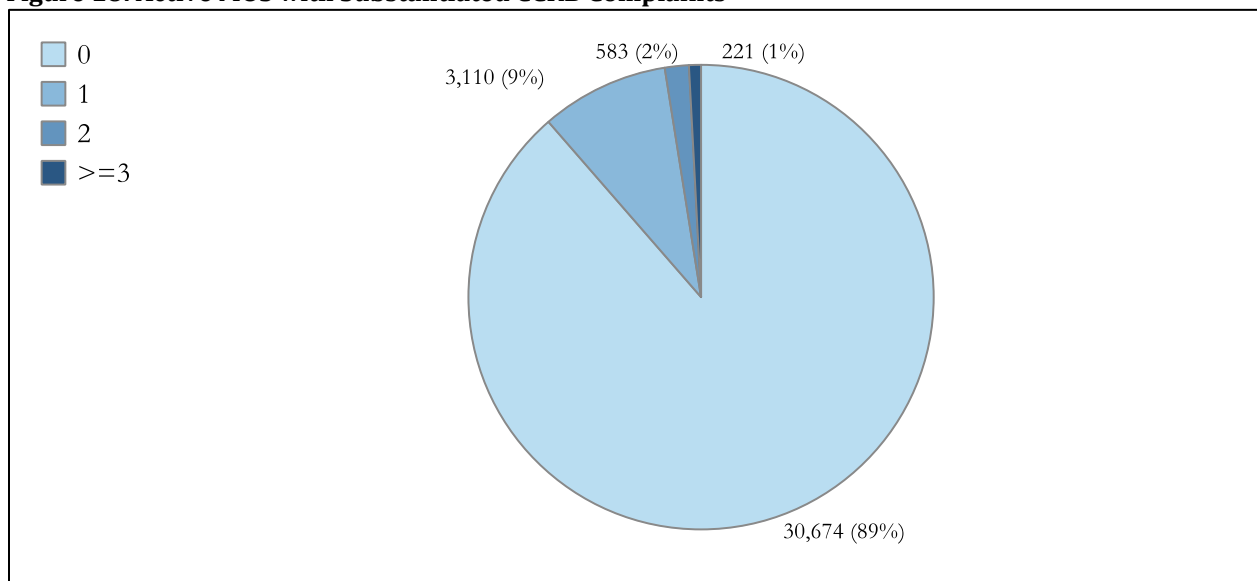
Figure 17: Active MOS with CCRB Complaints



NYPD roster as of December 31st, 2020

At the end of 2020, 9% (3,110) of active MOS had at least one substantiated complaint against them, with 1% (221) of active MOS having three or more substantiated complaints made against them. 89% (30,674) of all active MOS have never had a substantiated complaint made against them.

Figure 18: Active MOS with Substantiated CCRB Complaints



NYPD roster as of December 31st, 2020

SECTION 2: INVESTIGATIONS

Investigation is the core function of the Civilian Complaint Review Board (CCRB, the Board, or the Agency). Every complaint passes through the Investigations Division, even if it is ultimately resolved through mediation.

At the beginning of an investigation, an investigator interviews the complainant and any witnesses, collects evidence, and attempts to identify the members of service (MOS) involved in the encounter. In many instances, the officers' identities are unknown at the outset of the investigation. Investigators interview any officers identified in the course of their investigation.

Once all the necessary interviews are conducted and the collected evidence is reviewed, the investigative team makes a disposition recommendation to the Board for each allegation in the case. In the majority of cases, a panel of three Board members, comprised of one mayoral designee, one City Council designee, and one Police Commissioner designee, reviews the case and votes on the allegations. In certain limited circumstances, the full Board will consider a case.

In order to resolve investigations fairly and in accordance with local law, the CCRB generally needs the cooperation of at least one civilian complainant or alleged victim related to the case. The New York City Charter states that CCRB's findings and recommendations cannot "be based solely upon an unsworn complaint or statement."¹⁸ When a complainant or alleged victim is available for an interview, the Agency deems the resulting investigation a "full investigation." If a complaint is withdrawn, or there is no complainant or alleged victim available for an interview and there is no additional evidence upon which the investigation can proceed, the investigation is "truncated." The Investigations Division makes every effort to avoid truncating cases; its primary goal is to complete full and fair investigations.

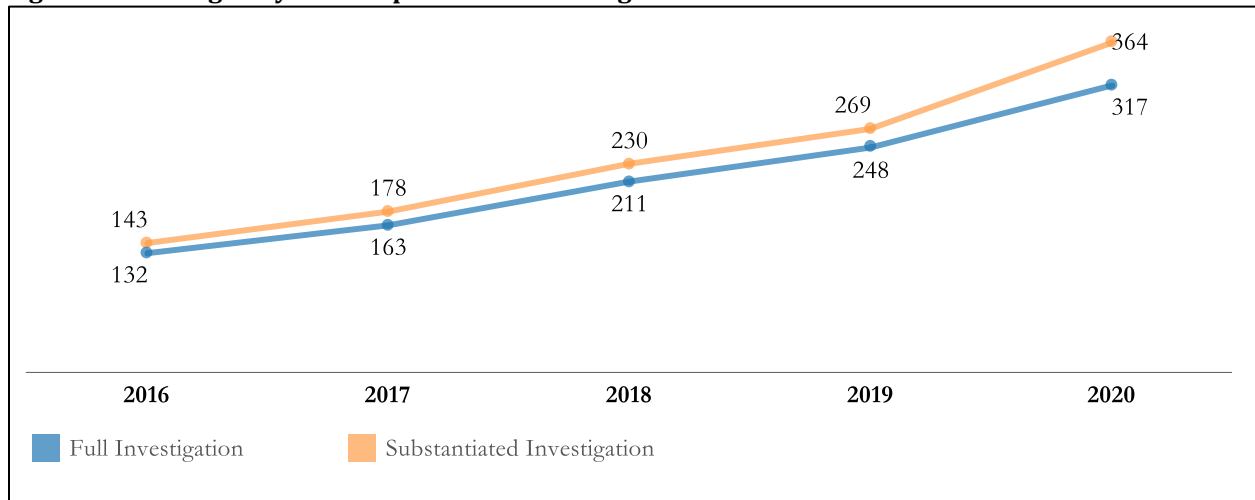
This section covers the performance of the Investigations Division and the outcomes of complaints received by the CCRB.

¹⁸ New York City Charter Chapter 18-A §440(c)(1).

INVESTIGATIONS DIVISION BENCHMARKS

The length of CCRB investigations continues to increase. In 2020, it took an average of 317 days to close a full investigation, and 364 days if that investigation resulted in substantiated misconduct (Fig. 19).

Figure 19: Average Days to Complete a Full Investigation



Average days excludes re-opened cases and cases that have been placed on hold by the District Attorney.

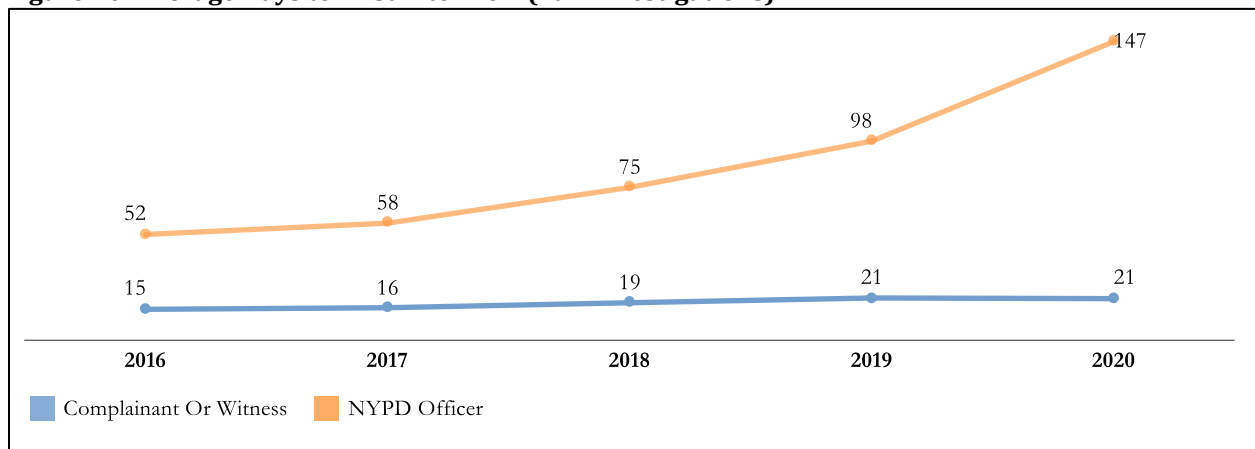
Closed year 2016-2020

The primary factor contributing to the longer overall 2020 investigation times were delays in officer interview times.

In 2019, there was an average of 98 days between complaint receipt and the first MOS interview; in 2020, that average rose to 147 days (Fig. 20).

The delay in days to first MOS interview seen in 2020 is related to the COVID-19 crisis as the pandemic created unique scheduling and safety challenges.

Figure 20: Average Days to First Interview (Full Investigations)



Average days excludes re-opened cases and cases that have been placed on hold by the District Attorney.

Closed year 2016-2020

CASE RESOLUTION AND INVESTIGATIVE OUTCOMES

A complaint can be resolved in various ways. The complaint may be fully investigated, mediated, closed after mediation is attempted,¹⁹ or closed as “truncated” (the complainant is unable or unwilling to cooperate with a full investigation or cannot be reached for an interview). There are also a small number of miscellaneous closures,²⁰ which include administratively-closed complaints and complaints in which the subject officer left the Department before investigation or mediation was completed.

For complaints closed in 2020, 30% of complaints were fully investigated and 63% were truncated (Fig. 21).

Figure 21: Case Resolutions

	2016		2017		2018		2019		2020	
	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Truncated	2,417	55%	2,240	55%	2,317	58%	2,799	58%	2,084	63%
Full Investigation	1,514	34%	1,348	33%	1,208	30%	1,539	32%	981	30%
Mediation Attempted	227	5%	213	5%	231	6%	240	5%	109	3%
Mediated	208	5%	204	5%	232	6%	187	4%	30	1%
Misc. Closure	54	1%	44	1%	17	0%	31	1%	89	3%

Closed year 2016-2020

¹⁹ “Mediation attempted” is a designation for a case in which both the officer and the civilian agree to mediate, but the civilian either fails to appear twice for a scheduled mediation session without good cause, or fails to respond to attempts to schedule a mediation session, and does not request that the case be sent back for a full investigation.

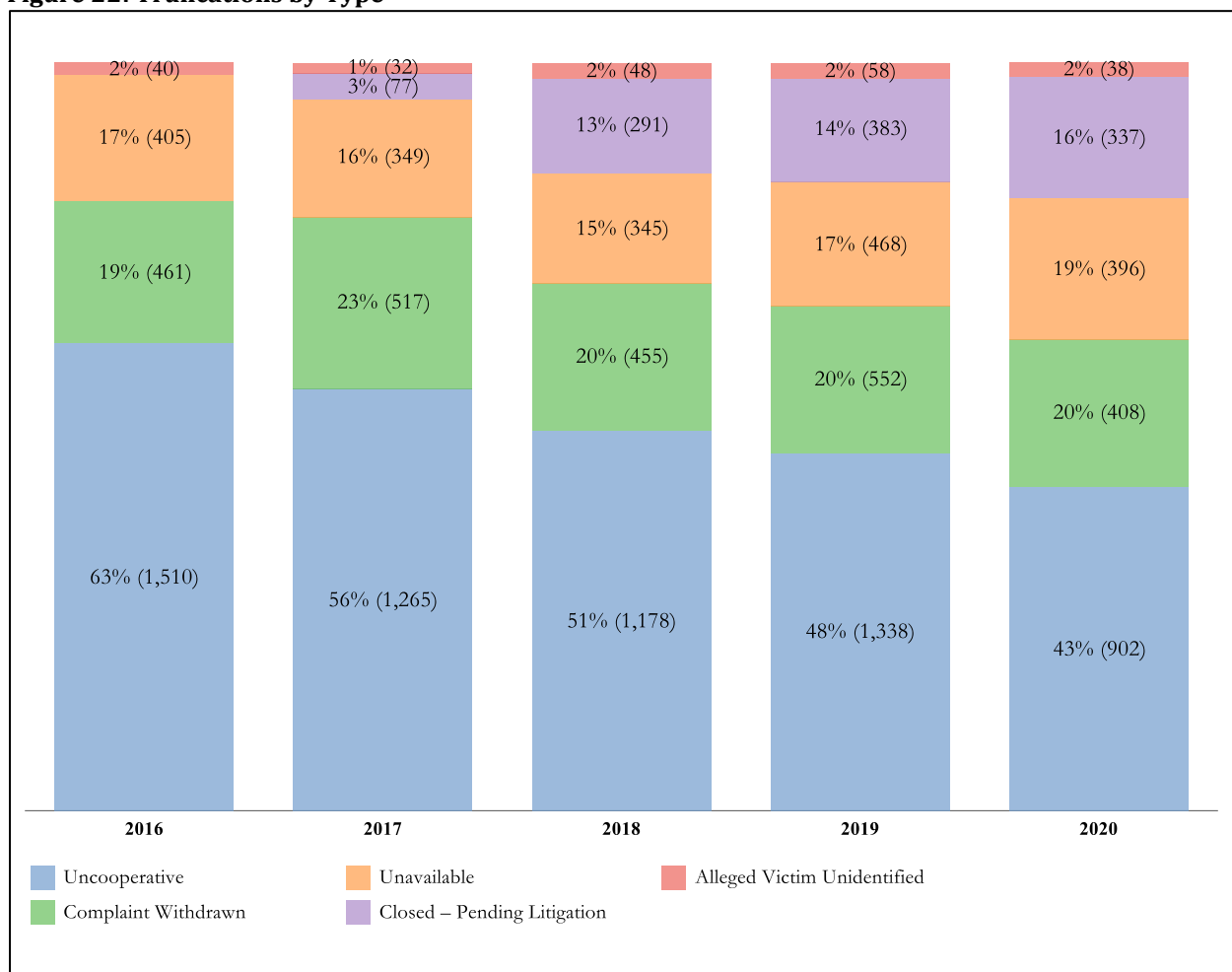
²⁰ Miscellaneous closures are not included in the truncation rate.

In 2020, as in previous years, the majority of truncations (43%) were closed as “Complainant/Victim/Witness Uncooperative” (Fig. 22). This occurs when the investigator made initial contact with the complainant, victim, or witness, but was unable to obtain an official statement or other relevant evidence.

Sometimes when a complainant is involved in criminal or civil litigation, their attorney advises against making sworn statements until the conclusion of the court case. In 2020, 16% of the truncations were closed due to pending litigation (Fig. 22).

When a complaint is closed due to pending litigation, CCRB investigators periodically check court records to determine if the case has ended, and if so, attempt to reconnect with the complainant. In 2020, the CCRB re-opened 13 cases that had been closed due to pending litigation.

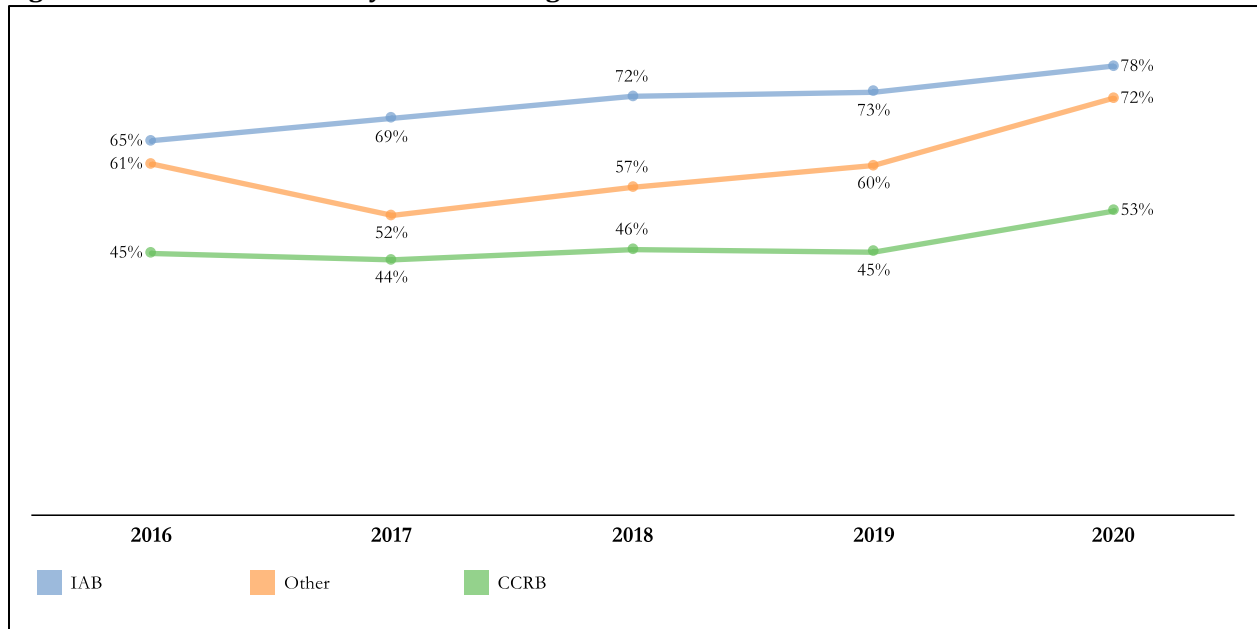
Figure 22: Truncations by Type



Closed year 2016-2020

Complaints filed directly with the CCRB are less likely to be truncated than complaints that are referred to the CCRB by another agency (Fig. 23). In 2020, 53% of complaints filed with the CCRB were truncated, compared with 78% of complaints referred to the CCRB by the Internal Affairs Bureau of the New York City Police Department, and 72% of the complaints that were referred from other government agencies and organizations. When complaints are filed elsewhere, it is often difficult to make contact with the complainant or victim, as other agencies may not have notified them that their complaint was referred to the CCRB. This can cause confusion and reduce the likelihood that complainants will cooperate when contacted by CCRB investigators.

Figure 23: Truncation Rates by Place of Filing



Closed year 2016-2020

COMPLAINT AND ALLEGATION DISPOSITIONS FOR FULLY INVESTIGATED CASES

To understand the data presented in the following section, it is important to understand the CCRB terminology used in determining complaint and allegation dispositions.

Allegations that are fully investigated by the CCRB generally result in one of five outcomes:

- an allegation is **substantiated** if the alleged conduct is found by a preponderance to have occurred and is improper based on a preponderance of the evidence;²¹
- an allegation is **exonerated** if the alleged conduct is found by a preponderance to have occurred but was not found to be improper by a preponderance of the evidence. Allegations may be exonerated if the officer's behavior was found to be allowed under the law and/or the Patrol Guide. This does not mean that the complainant was untruthful in their account of the incident. Many members of the public are not aware of the range of law enforcement activities that are legally permissible and within the boundaries of proper NYPD protocol;
- an allegation is **unfounded** if the alleged conduct is found by a preponderance of the evidence not to have occurred as the complainant described;
- an allegation is closed as **officer unidentified** if the CCRB was unable to identify the officer accused of misconduct; or
- an allegation is **unsubstantiated** if there is not enough evidence to determine whether or not misconduct occurred by a preponderance of the evidence.

The disposition of a fully-investigated complaint depends on the disposition of the fully-investigated allegations within the complaint:

- the complaint is substantiated if any allegation within the complaint is substantiated;
- the complaint is exonerated if all the allegations made against identified officers are exonerated;
- the complaint is unfounded if there are no substantiated or unsubstantiated allegations and there is at least one unfounded allegation;
- the complaint is closed as officer unidentified if the CCRB was unable to identify any of the officers accused of misconduct; and
- the complaint is unsubstantiated if there are no substantiated allegations and there is at least one unsubstantiated allegation.

The following section provides anonymized case abstracts to help readers better understand the distinctions between the different dispositions of fully-investigated allegations and complaints.

²¹ "Preponderance of the evidence" is an evidentiary standard used in civil cases, and is commonly interpreted to mean that the fact in question was determined to be "more likely than not," true. *See, Foran v. Murphy*, 73 Misc.2d 486 (2d Dept 1973) ("In a disciplinary proceeding, . . . it is sufficient if respondent finds the specifications established by a fair preponderance of the evidence."); *See also, Dep't of Correction v. Jones*, OATH Index No. 393/04 (May 3, 2004) ("burden of proof in this administrative proceeding to prove misconduct by a preponderance of the credible evidence").

The following case abstracts are taken from complaints closed in 2020 and serve as examples of what the different case dispositions:

1. Substantiated

An individual was arrested by Police Officer (PO) Roosevelt Monestime and a trainee for operating an illegal taxicab. While en route to the stationhouse, the individual suffered a seizure. PO Monestime did not call for medical assistance and continued transporting the individual to the stationhouse. Upon arriving at the stationhouse, the individual suffered another seizure. The desk sergeant took the individual to the hospital to get medical assistance. BWC footage showed the individual in the backseat of the police vehicle experiencing aspirated breathing, uncontrolled shaking, and his head slamming against the windows of the vehicle. PO Monestime is then seen trying to coax the visibly disoriented individual out of the vehicle stating, "We'll get an ambulance for you, come out." PO Monestime is seen escorting the individual to the desk and said, "You said you want an ambulance?" and the individual responded, "Yeah." PO Monestime did not call for an ambulance. At his CCRB interview PO Monestime stated that he believed the complainant was faking a seizure and told the trainee officer that the individual was "acting up," and that per NYPD procedure an ambulance would never be called to the field for a sick prisoner because they needed to be searched first at the stationhouse.

The NYPD Patrol Guide states that in all life-threatening situations, a prisoner will be removed to the nearest hospital and investigation determined that the that the subject officer failed to call for an ambulance for the complainant after witnessing the complainant's seizure. The Board substantiated the Abuse of Authority allegation.

2. Exonerated

A group of officers were arresting a male individual while another group of officers stood around them in a semi-circle to separate the arrest area from an ongoing Black Lives Matter protest. An unidentified individual approached the group of officers, asked if the individual under arrest needed legal counsel, and attempted to walk through the line of officers. One of the officers informed the unidentified individual that she could not interfere with the arrest and held out his arm and used his hand to push her shoulder, pushing her a few steps back. The unidentified individual told the officer not to touch her. Another officer told her not to come behind them. Cellphone video showed the unidentified individual approaching the police line and the shoulder push by the officer.

The investigation determined that the officer acted appropriately, using reasonable and minimal force by extending his arm to block the unidentified individual from breaching the police line. The force was enough to halt the individual and ensure that she did not interfere with the ongoing arrest. The Board exonerated the Use of Force allegation.

3. Unfounded

An officer stopped an individual for crossing a double yellow line while driving. The complainant alleged that the officer approached the vehicle and said, "What the fuck are you doing? Can't you read the fucking signs? What the fuck, you almost hit me." During their CCRB interview, the officer denied using profanity during the incident. Body Worn Camera footage corroborated the officer's testimony and the investigation determined that the officer never spoke discourteously to the individual. The Board unfounded the Discourtesy allegation.

4. Officer Unidentified

An individual was barbecuing with friends in the evening when he was approached by approximately eight to 10 police officers from unmarked and marked vehicles. Some of the officers were in uniform and others were in plain clothes. One of the officers told the individual that he was out past the curfew that was in effect at that time and allegedly struck the individual on the wrist with a baton. The individual immediately packed up his barbecue equipment and left the area.

The individual provided a physical description of the officer and noted that the officer had a Body-Worn Camera; he did not provide the investigators with any contact information for the friends who were at the barbecue. Police records did not yield any information that aided in the identification of the subject officer. The CCRB received negative results from requests for Body Worn Camera footage of the incident. The investigator's request for video footage from a deli nearby the incident was unsuccessful. Without any witnesses or documentation of the incident, the investigation was unable to identify the subject officer in this case. The Board closed the allegation as Officer Unidentified.

5. Unsubstantiated

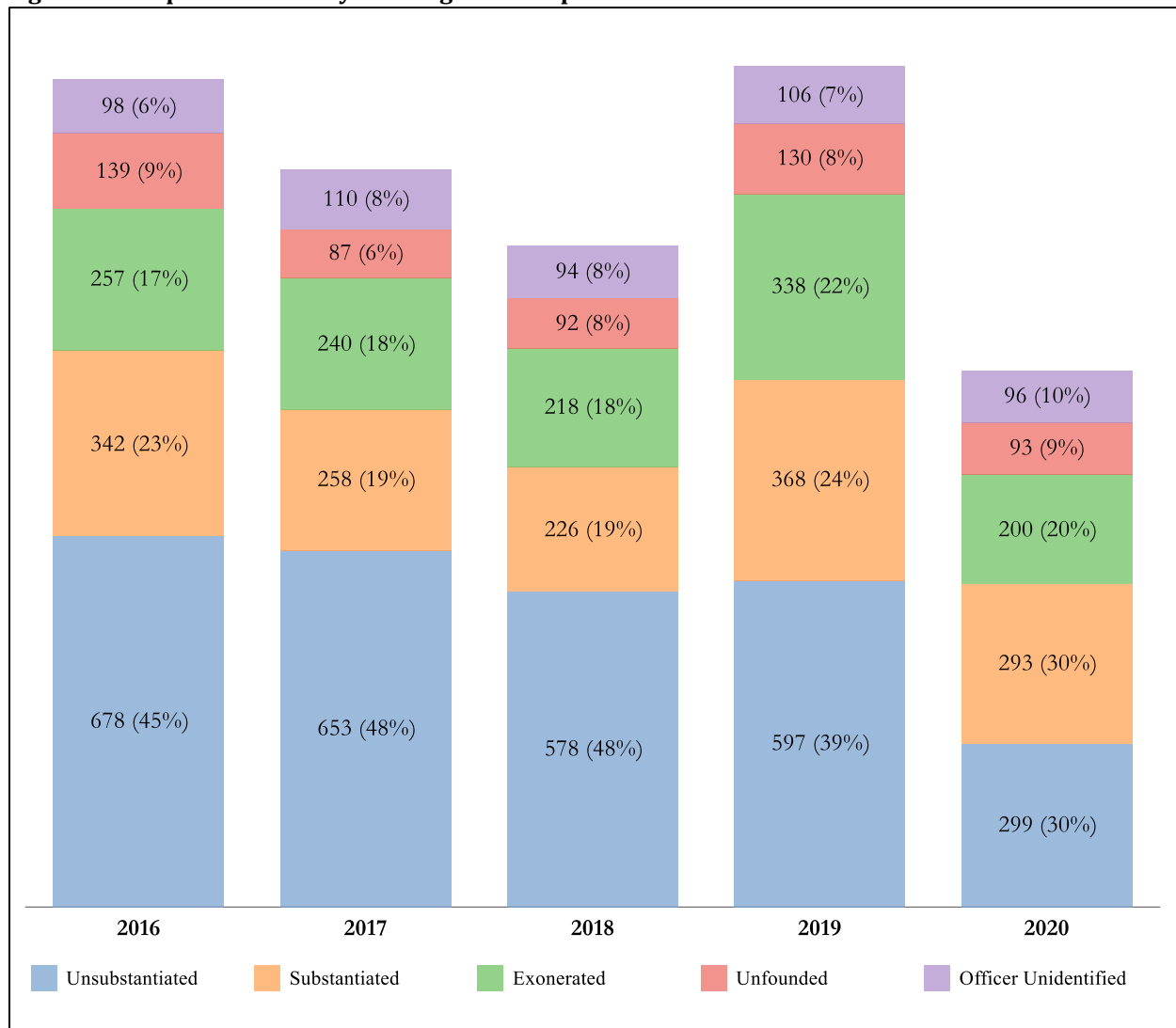
Officers stopped a vehicle for having a defective headlight. During the course of the stop, an officer allegedly told the complainant, "You are lucky that you did not get a shotgun to the face and I did not drag you out of the car."

The investigation obtained Body-Worn Camera footage regarding this incident, however, the footage did not capture the period of time during which the misconduct was alleged to have occurred. In their CCRB interview, the officer denied threatening to use force against the individual or making the alleged statement. The officers' partner also denied hearing the subject officer make the alleged statement. Given the absence of additional documentary evidence or the testimony of an independent witness, the investigation could not determine by a preponderance of evidence whether the officer threatened the Complainant with force. The Board unsubstantiated the Abuse of Authority allegation.

DISPOSITIONS OF COMPLAINTS AND ALLEGATIONS

Over the last three years, the substantiation rate (i.e., the percentage of full investigations in which the Board substantiates at least one allegation) has risen from 19% in 2018 to 30% in 2020 (Fig. 24). The rising substantiation rate may be related to the increasing availability of video evidence (see Fig. 48).

Figure 24: Disposition of Fully-Investigated Complaints

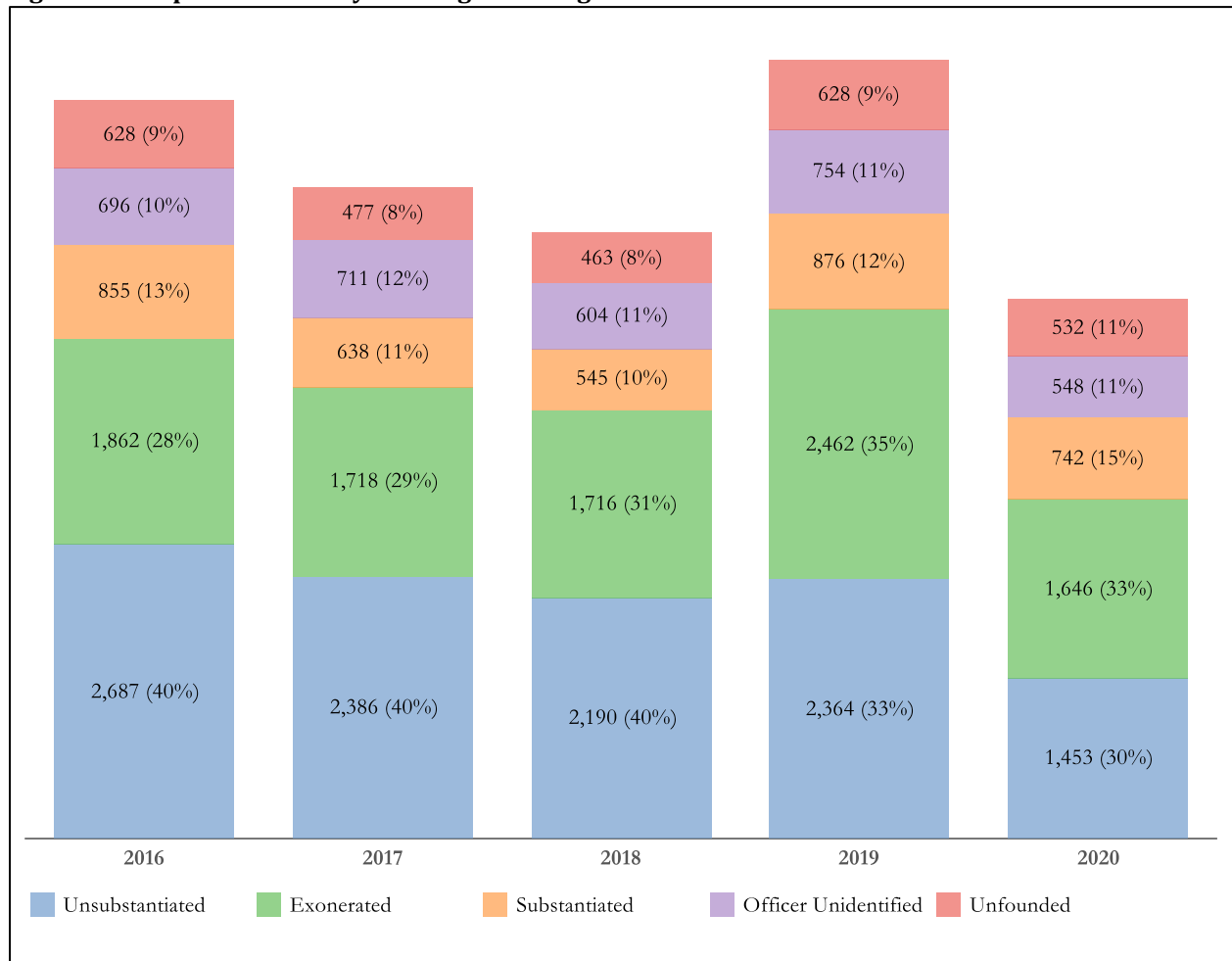


Due to the reconsideration process, some counts are subject to change. See Section 5.

Closed year 2016-2020

A CCRB complaint may contain one or more allegations. The complaint disposition is a composite of the dispositions of all the distinct allegations within the complaint (see page 31). In 2020, 15% of all fully-investigated allegations were substantiated (Fig. 25).

Figure 25: Disposition of Fully-Investigated Allegations



Due to the reconsideration process, some counts are subject to change. See Section 5.

Closed year 2016-2020

UNTRUTHFUL STATEMENT ALLEGATIONS

On November 5, 2019, New Yorkers voted to revise numerous provisions of the New York City Charter, including an expansion of the CCRB’s jurisdiction to allow investigations of untruthful material statements made by members of service to the CCRB during the course of an investigation. The Charter revision reads as follows:

“The board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received by the board, if such statement was made during the course of and in relation to the board’s resolution of such complaint.”

To reflect the charter revision, the CCRB created the Untruthful Statement allegation type. There are four distinct Untruthful Statement allegations:

1. **False Official Statement** - The False Official Statement allegation requires a showing of three elements by a preponderance of the evidence: (1) that the officer who was the subject of a CCRB complaint made an intentional statement during the course of the CCRB investigation; (2) that the officer knew the statement to be untrue; and (3) the statement was material to the outcome of the investigation.
2. **Misleading Official Statement** - Misleading statements are statements in which the officer intends to misdirect the fact finder and materially alter the narrative by omitting material facts, states repeatedly that they do not recall the event or specific actions when a reasonable person would be expected to recall or have been aware, or when officers materially alter their statement after being confronted with evidence that contradicts the initial statement.
3. **Inaccurate Official Statement** - This allegation does not require an intent to deceive. It is pled when, as a result of gross negligence, an officer’s statement contains incorrect material information about a subject matter on which the officer should possess accurate knowledge.
4. **Impeding an Investigation** - The CCRB will not plead multiple allegations against an officer for the same untruthful act. Instead this allegation shall be reserved for instances when “an officer engages in impeding actions” such as destroying digital or material evidence or refusing to provide said evidence.

In 2020, CCRB closed 66 Impeding an Investigation allegations, one False Official Statement allegation, and one Misleading Official Statement allegation (Fig. 26). All of the Impeding an Investigation allegations were related to officers refusing to sit for CCRB interviews during the COVID-19 pandemic. These allegations were closed administratively after an agreement was reached with the NYPD and police unions under which the officers agreed to be interviewed.

Figure 26: Untruthful Statement Allegations

Year	Board Disposition	Misleading Official Statement	Inaccurate Official Statement	Impeding an Investigation	False Official Statement
2020	Administratively Closed	0	0	66	0
	Substantiated (Charges)	0	0	0	1
	Substantiated (Command Discipline B)	1	0	0	0
	Substantiated (Formalized Training)	0	0	0	0

Closed year 2020

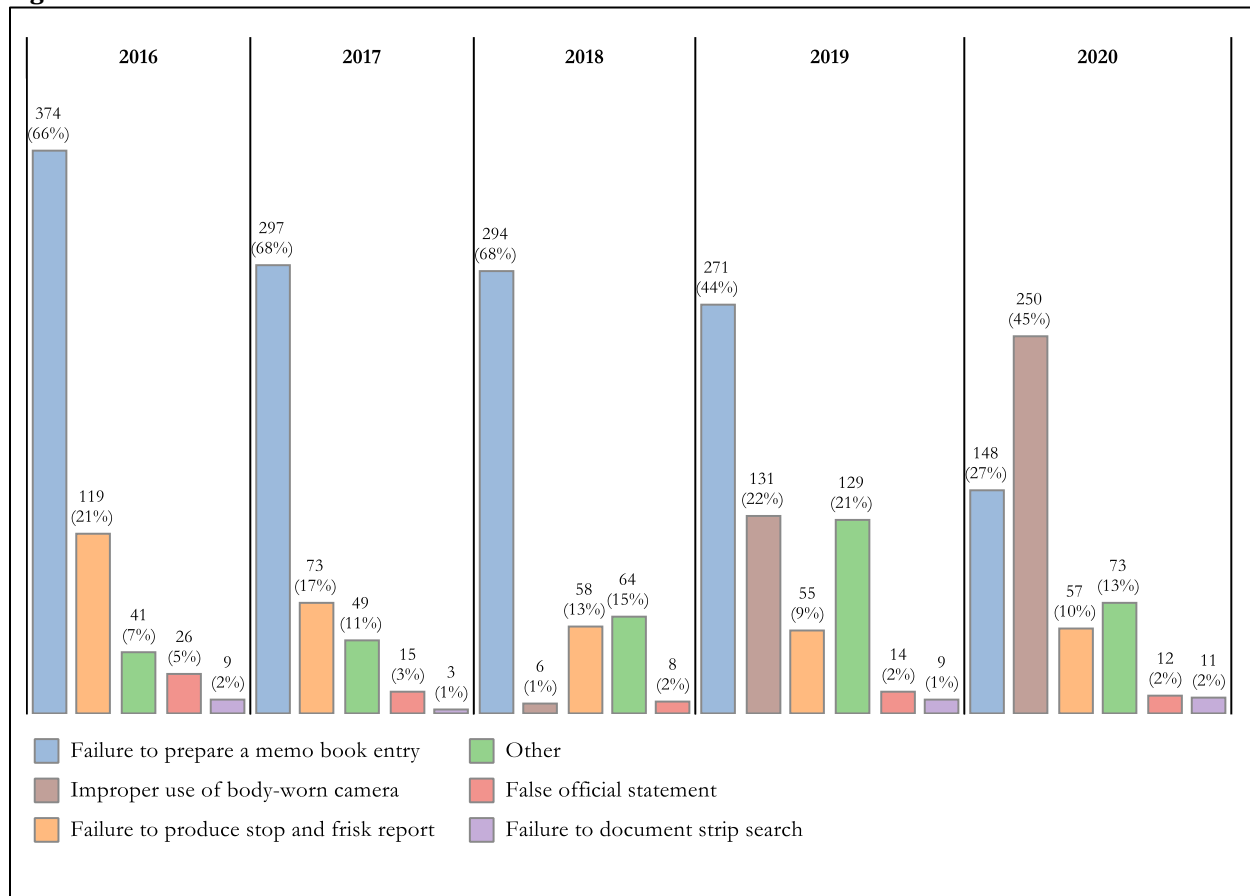
OTHER MISCONDUCT NOTED AND FALSE OFFICIAL STATEMENTS

When a CCRB investigation reveals evidence of a Patrol Guide violation that falls outside of the CCRB's jurisdiction, the Board records this as Other Misconduct Noted (OMN) and reports it to the NYPD for further investigation and possible disciplinary action.

OMN allegations should not be confused with allegations of corruption or potential criminal conduct, which are also referred to IAB.

An officer's failure to comply with the NYPD's Body-Worn Camera policy accounted for 45% of all OMN allegations in cases closed in 2020 (Fig. 27).

Figure 27: Other Misconduct Noted

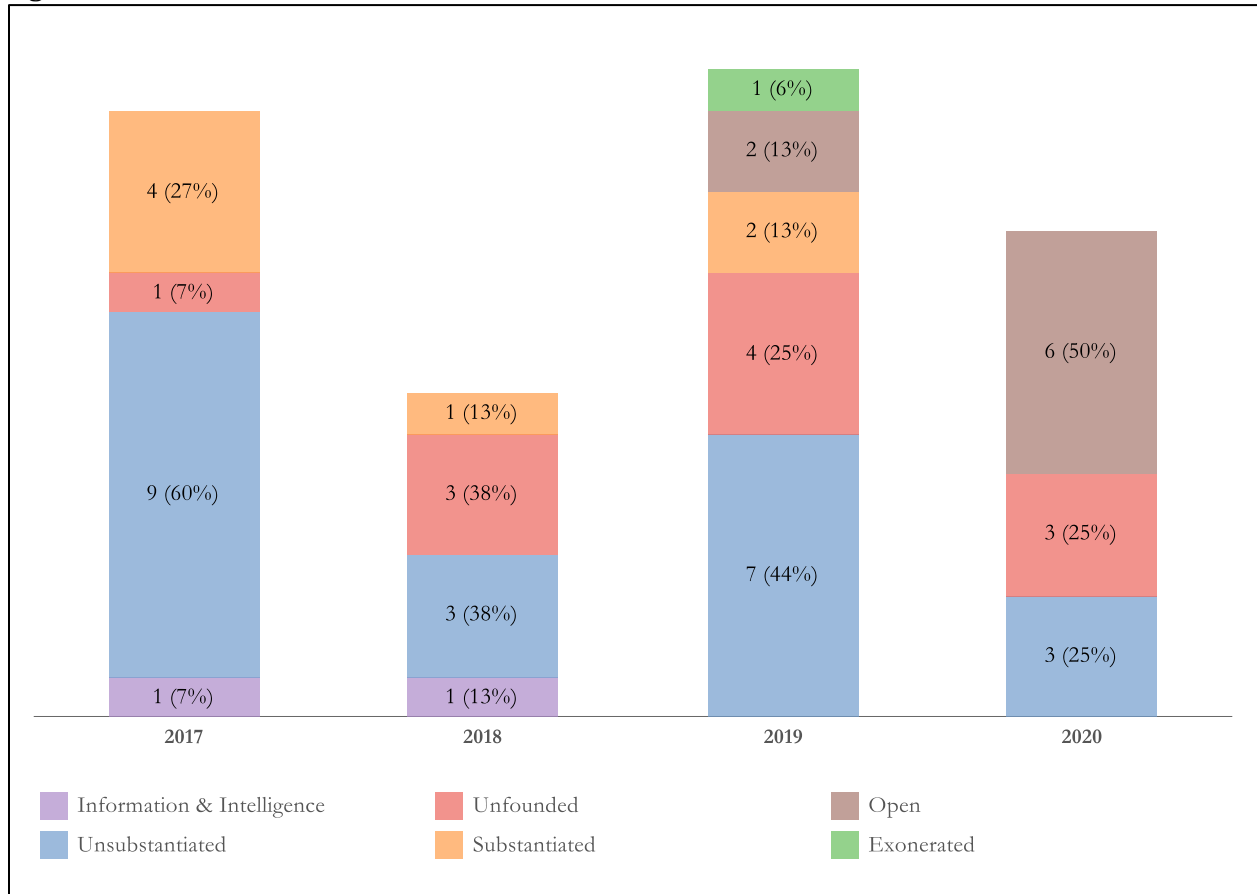


Closed year 2016-2020

In February of 2016, IAB began providing the CCRB with the final dispositions for the False Official Statement OMNs that the CCRB had referred for investigation. These statements, while relatively rare (see Fig. 28), are instances in which an officer makes a statement in the course of a CCRB investigation that is demonstrably false. These statements had not been within the CCRB's jurisdiction to investigate until the above-mentioned November 2019 Charter revision that went into effect on March 31, 2020.

CCRB complaints closed in 2020 included 12 False Official Statement OMN referrals. IAB reported three of the allegations as unsubstantiated, three as unfounded, and no decision has yet been reached on the remaining six (Fig. 28).

Figure 28: False Official Statement OMNs



Closed year 2017-2020

SECTION 3: DISCIPLINARY PROCESS

DISCIPLINARY PROCESS AND THE CCRB'S ADMINISTRATIVE PROSECUTION UNIT (APU)

After the CCRB substantiates an allegation of misconduct, the NYPD portion of the disciplinary process begins. Although the CCRB recommends the discipline that it deems appropriate, pursuant to the New York City Charter, New York City Administrative Code, and New York State Civil Service Law,²² the Police Commissioner has final approval over all member of service discipline. The Police Commissioner can accept, reject, or modify any discipline recommendation made by the CCRB.

For each allegation of misconduct, the Board recommends one of five basic types of discipline, listed below in ascending order of severity:

1. **Instructions:** guidance issued by a commanding officer.
2. **Formalized Training:** given at the Police Academy or the Legal Bureau.
3. **Command Discipline A:** issued by the commanding officer and may include a penalty ranging from instructions up to the forfeiture of five vacation days. A Command Discipline A is automatically removed from an officer's Central Personnel Index after one year.²³
4. **Command Discipline B:** issued by the commanding officer and may include a penalty ranging from instructions up to the forfeiture of 10 vacation days. An officer can request that a Command Discipline B be removed from his or her Central Personnel Index after three years.
5. **Charges and Specifications:** leads to a prosecutorial process in which an officer may either enter a guilty plea or go to trial before the NYPD Deputy Commissioner of Trials (DCT) or an Assistant Deputy Commissioner of Trials (ADCT), who makes a guilty or not guilty determination. The Police Commissioner has final approval of all dispositions, but generally follows the recommendation of the DCT or ADCT.²⁴

²² NYS Civil Service Law § 75(3-a).

²³ A Central Personnel Index is a MOS's personnel record.

²⁴ In 2018, the Police Commissioner dismissed the trial verdict in one case (Fig. 33).

OVERVIEW OF DISCIPLINARY PROCESS

In January 2018, the Board began utilizing a Disciplinary Framework, a non-binding matrix designed to guide Board Panel discussions on discipline recommendations. Use of the Framework does not impact whether a complaint will be substantiated by the Board—it is only used once cases have been substantiated. The purpose of the Framework is to achieve consistent and fair discipline recommendations for members of service (MOS). The Framework outlines six allegation types that, if substantiated, typically would result in the recommendation of Charges and Specifications—the most severe level of discipline. These allegations include chokeholds, strip searches, warrantless entries, offensive language, excessive force with serious injury, and sexual misconduct. Under the Framework, the Board Panel handling the case considers the subject officer's CCRB history and the totality of the circumstances of the case to guide its determination of the appropriate disciplinary recommendation.

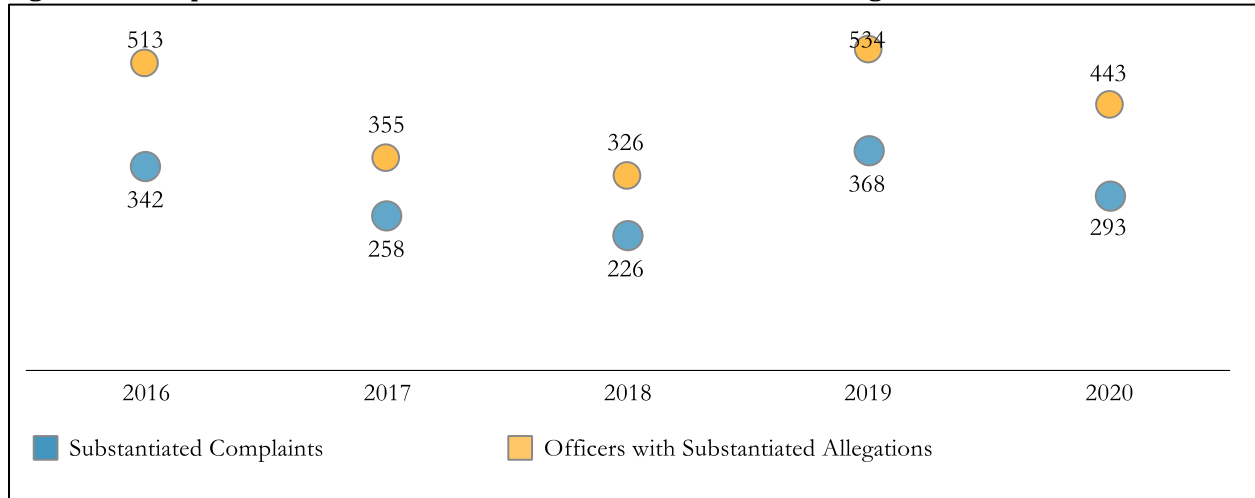
When the Board recommends Instructions, Formalized Training, or Command Discipline, that recommendation is sent to the NYPD's Department Advocate's Office (DAO), which reviews the CCRB's findings and makes a recommendation to the Police Commissioner whether to impose, reject, or modify the recommended discipline.

When the Board recommends Charges and Specifications, in most instances the substantiated allegations are prosecuted by the CCRB's Administrative Prosecution Unit (APU) pursuant to a Memorandum of Understanding between the CCRB and the NYPD, in effect since 2013. The MOS can accept a plea offer from an APU prosecutor in lieu of a trial. If the officer chooses to go to trial and is found guilty, the trial commissioner will recommend a penalty. The Police Commissioner may accept, reject, or modify any plea or trial verdict or penalty recommendation.

CCRB DISCIPLINARY RECOMMENDATIONS

In 2020, the Board substantiated 293 complaints against 443 police officers (Fig. 29). A single substantiated complaint may contain substantiated allegations against more than one officer, or multiple substantiated allegations against a single officer.

Figure 29: Complaints Substantiated & Officers with Substantiated Allegations

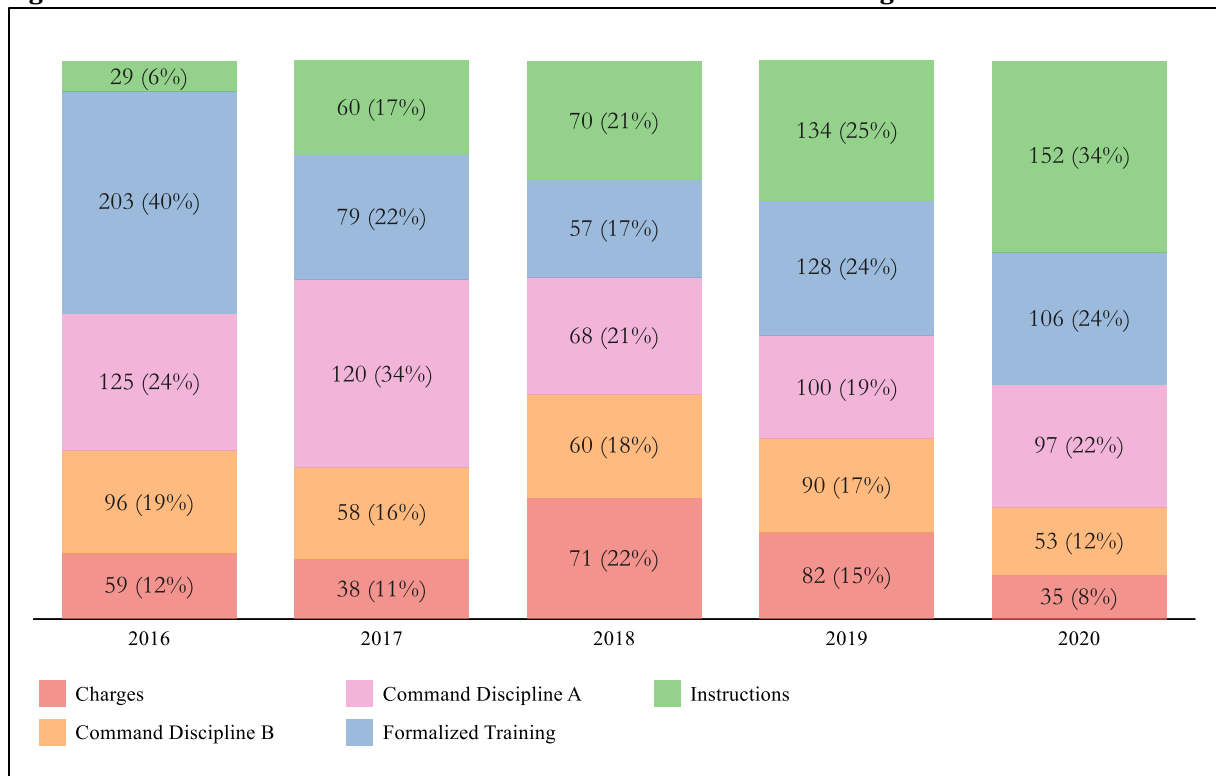


Due to the reconsideration process, some counts are subject to change. See Section 5.

Closed year 2016-2020

In 2020, the Board recommended Charges and Specifications for 8% of officers against whom there was a substantiated allegation, compared with 15% in 2019 (Fig. 30).

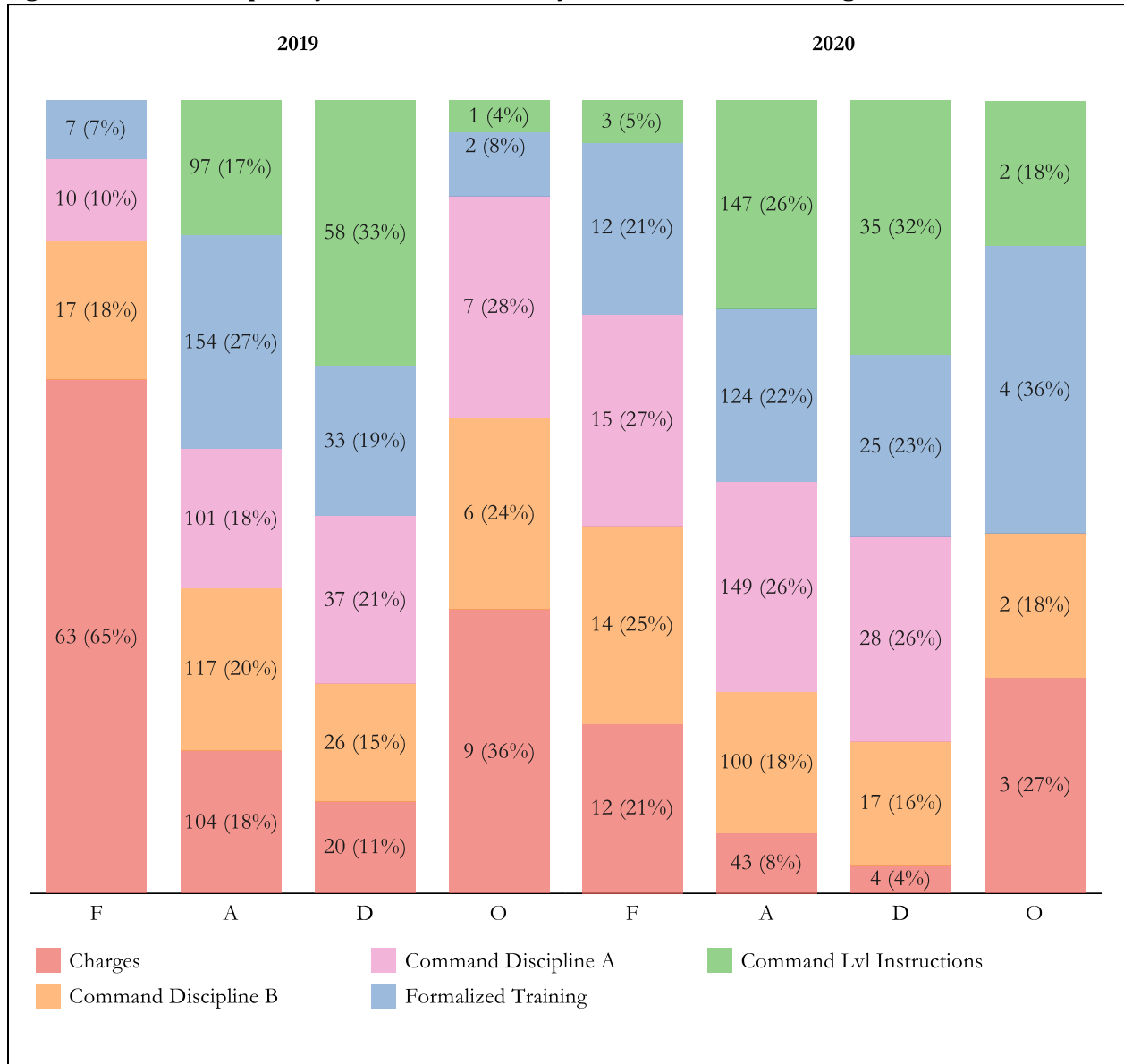
Figure 30: Board Recommendations for Officers with Substantiated Allegations



Closed year 2016-2020

For allegations substantiated in 2020, the Board recommended Charges and Specifications for 21% of the Force allegations, 8% of the Abuse of Authority Allegations, 4% of the Discourtesy allegations, and 27% of the Offensive Language allegations (Fig. 31).

Figure 31: Board Disciplinary Recommendations by Substantiated FADO Allegations



Closed year 2019 -2020

NYPD DISCIPLINARY DECISIONS

There are two primary paths for discipline after the Board substantiates misconduct, depending on the type of discipline recommended for the officer. The DAO handles cases where the Board recommends Command Discipline, Formalized Training, or Instructions. The APU handles cases where the Board recommends Charges and Specifications, unless the case is retained by the Police Commissioner.

When the Board substantiates an allegation against an officer and makes a discipline recommendation, the DAO reports the final discipline imposed by the Police Commissioner, if any, back to the CCRB.²⁵

In 2020, the NYPD took some form of disciplinary action (Charges, Command Discipline, Formalized Training, or Instructions) against 442 of the officers for whom discipline was recommended by the CCRB. In 22% of cases, the NYPD imposed Formalized Training (Fig. 32).

Figure 32: Department Advocate's Office Disciplinary Actions on Non-Charges²⁶ Cases

NYPD Disciplinary Action	2016		2017		2018		2019		2020	
	Count	% Total	Count	% Total	Count	% Total	Count	% Total	Count	% Total
NYPD Pursued Discipline: Charges	4	1%	8	2%	3	1%	2	1%	3	1%
NYPD Pursued Discipline: Command Discipline	122	29%	108	27%	81	23%	70	23%	118	24%
NYPD Pursued Discipline: Formalized Training	189	45%	128	32%	142	40%	87	29%	109	22%
NYPD Pursued Discipline: Instructions	66	16%	42	11%	55	15%	82	27%	212	43%
NYPD Pursued No Discipline (DUP)	29	7%	91	23%	58	16%	46	15%	24	5%
Statute of Limitations Expired	5	1%			4	1%	1	0%	3	1%
Filed (officer resigned before PD action)	4	1%	11	3%	5	1%	7	2%	14	3%
Administratively Closed			5	1%	9	3%	10	3%	11	2%
Dismissed			2	1%	1	0%				

NYPD penalty report year 2016-2020

²⁵ While the CCRB receives notification of the final category of discipline, the Agency does not receive specifics on the penalty that the Police Commissioner ultimately imposes.

²⁶ In a small number of cases (labeled as "NYPD Pursued Discipline: Charges" in Figure 34), the CCRB did not recommend Charges and Specifications, but DAO determined that there should be an administrative trial. This may be due to many factors, including that the officer rejected a Command Discipline and elected to go to trial, or the DAO determined that the case was serious enough to rise to the level of charges.

POLICE COMMISSIONER DOWNWARD DEPARTURE LETTERS

As a result of the November 2019 New York City Charter amendments, the Police Commissioner must submit a letter to the CCRB explaining any downward departures from the Board's disciplinary recommendations. While these letters had always been provided in cases closed by the APU, the Charter change extends this requirement to all CCRB cases.

In 2020, the CCRB received downward departure letters for 47 MOS across 34 complaints. Of these 47 MOS, 23 received no discipline, eight received formalized training, nine received Command Discipline, and seven received Instructions. Appendix 1 contains redacted copies of each of these letters. In 2020, the CCRB did not receive downward departure letters for 58 MOS across 48 complaints where discipline was downgraded by the Police Commissioner. This includes 55 instances where the Board recommended Formalized Training as the form of discipline and the Department issued Command Level Instructions.²⁷

²⁷ The Department informed the CCRB that it is their position that "Instructions from the Commanding Officer is a type of training as is Formal Training at the Academy or from the Legal Bureau. The type of "training" is fact specific, based on the category of misconduct. Therefore, Departure letters are not required." The CCRB is working with the Department to resolve this issue.

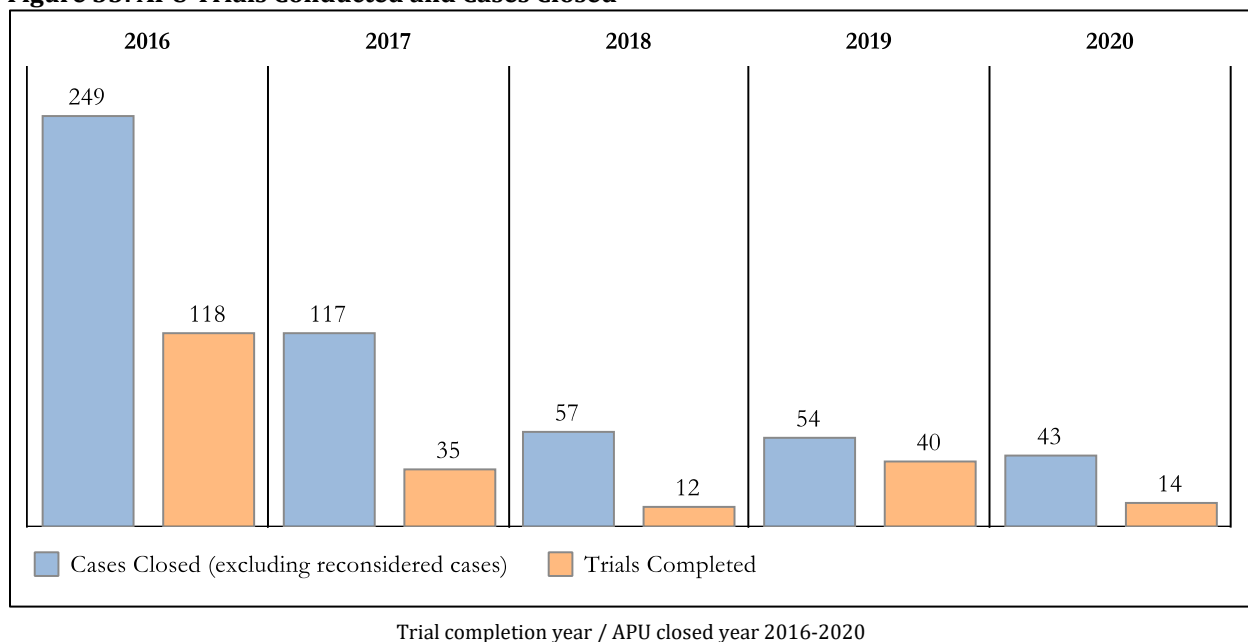
ADMINISTRATIVE PROSECUTION UNIT

When the Board recommends Charges and Specifications against an officer in a substantiated case, the APU prosecutes the case unless the Police Commissioner retains the case. Retained cases are those in which the Police Commissioner elects, pursuant to Section 2 of the MOU between the NYPD and the CCRB, to keep a case.²⁸ For retained cases (as in all cases), the Police Commissioner may or may not impose discipline on the officer.

The APU treats each officer against whom an allegation is substantiated as a separate case.²⁹ A single CCRB complaint may generate more than one APU case depending on the number of officers against whom the Board recommends Charges and Specifications.

In 2020, the APU completed 14 trials and closed 43 cases, excluding cases reconsidered by the Board (Fig. 33). Due to the COVID-19 pandemic, trials were postponed for several months until the NYPD could operate its trial rooms in a safe and secure manner for courtroom staff, witnesses, and attorneys.

Figure 33: APU Trials Conducted and Cases Closed



²⁸ Section 2 of the MOU states, "...in those limited instances where the Police Commissioner determines that CCRB's prosecution of Charges and Specifications in a substantiated case would be detrimental to the Police Department's disciplinary process, the Police Commissioner shall so notify CCRB. Such instances shall be limited to such cases in which there are parallel or related criminal investigations, or when, in the case of an officer with no disciplinary history or prior substantiated CCRB complaints, based on such officer's record and disciplinary history the interests of justice would not be served." For the full text of the MOU, see http://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf.

²⁹ As the APU treats each officer's substantiated allegations as a separate "case," all APU data discussed in this Report uses the same terminology. While there may be trials or incidents that involve multiple officers, the word "case" should be interpreted as "case against a single officer."

Of the cases closed by the APU in 2020, 41 were adjudicated, 27 of which resulted in some form of disciplinary action (Fig. 34).

Figure 34: APU Case Closures

Disciplinary Action	Not guilty after trial but Discipline Imposed	0
	Guilty after trial	11
	Trial verdict dismissed by PC, Comm. Disc. A imposed	0
	Trial verdict dismissed by PC, Comm. Disc. B imposed	0
	Trial verdict dismissed by PC, Formalized Training imposed	0
	Trial verdict dismissed by PC, Instructions imposed	0
	Trial verdict reversed by PC, Final verdict Guilty	0
	Resolved by plea	9
	Plea set aside, Comm. Disc. B	0
	Plea set aside, Comm. Disc. A	0
	Plea set aside, Formalized Training	0
	Plea set aside, Instructions	0
	*Retained, with discipline	7
	Total	27
No Disciplinary Action	Not guilty after trial	10
	Trial verdict reversed by PC, Final verdict Not Guilty	3
	Plea set aside, Without discipline	0
	**Retained, without discipline	1
	Dismissed by APU	0
	SOL Expired in APU	0
	Total	14
Not Adjudicated	Charges not served	0
	Deceased	0
	Other	0
	***Previously adjudicated, with discipline	2
	***Previously adjudicated, without discipline	0
	†Reconsidered by CCRB Board	0
	Retired	0
	SOL Expired prior to APU	0
	Total	2
Total Closures†		43

APU closed year 2020

*Retained cases are those in which the Police Commissioner kept jurisdiction pursuant to Section 2 of the April 2, 2012 Memorandum of Understanding between the NYPD and the CCRB.

** When the Police Commissioner retains jurisdiction pursuant to Section 2 and does not impose any discipline on the officer, it categorized as "Department Unable to Prosecute" (DUP). Cases are also referred to as DUP when the Department decides that it will not discipline an officer against whom the Board recommended discipline other than charges.

*** In some cases, the Department conducts its own investigation and prosecution prior to the completion of the CCRB's investigation. In those cases, the APU does not conduct a second prosecution.

† Under the Board's reconsideration process, an officer who has charges recommended for a substantiated allegation may have the recommendation changed to something other than charges or have the disposition changed to something other than substantiated. In those instances, the APU ceases its prosecution.

Of the 27 APU cases in which discipline was imposed in 2020, the most common penalty was a suspension or loss of vacation time. Sixteen officers received a suspension or loss of vacation time of one to 10 days (Fig. 35).

Figure 35: Discipline Imposed for Adjudicated APU Cases

Terminated	0
Suspension for or loss of vacation time of 31 or more days and/or Dismissal Probation	2
Suspension for or loss of vacation time of 21 to 30 days	0
Suspension for or loss of vacation time of 11 to 20 days	3
Suspension for or loss of vacation time of 1 to 10 days	16
Command Discipline B	2
Command Discipline A	3
Formalized Training**	0
Instructions***	1
Warned & Admonished/Reprimanded	0
Disciplinary Action Total	27
No Disciplinary Action	14
Adjudicated Total	41
Discipline Rate	66%
Closed - Not Adjudicated	2
Total Closures	43

APU closed year 2020

DISCIPLINE CONCURRENCE RATES

For cases in which the Board recommended Command Discipline, Formalized Training, or Instructions, the Police Commissioner imposed the discipline recommended by the Board 73% of the time in 2020, compared with 51% in 2019 (Fig. 36). Cases in which the Board recommended discipline but no discipline was imposed by the Police Commissioner decreased to 5% in 2020 from 15% in 2019 (Fig. 36).

Figure 36: Non-Charges Discipline Rate

Penalty Outcome	2016		2017		2018		2019		2020	
	Count	% Total	Count	% Total	Count	% Total	Count	% Total	Count	% Total
Discipline Concurrence	275	66%	169	43%	187	52%	155	51%	361	73%
Discipline Difference	106	25%	117	30%	94	26%	86	28%	81	16%
No Discipline	29	7%	91	23%	58	16%	46	15%	24	5%
Other	9	2%	18	5%	19	5%	18	6%	28	6%
Grand Total	419	100%	395	100%	358	100%	305	100%	494	100%

NYPD penalty report year 2016-2020

The “Other” category include cases in which the officer resigned before discipline could be imposed, cases where the statute of limitations expired before discipline could be imposed, cases that were administratively closed, and cases where the charges were dismissed. See Figure 33 for a numeric breakdown of those cases.

For cases in which Charges and Specifications were recommended by the Board and were subsequently prosecuted by the APU, the discipline concurrence rate was 15% in 2020 (Fig. 37). In 24% of cases, non-concurrence was due to a “Not Guilty” verdict at trial, and in 20% of cases, the penalty imposed was lower than what was requested at trial (Fig. 37).

Figure 37: APU Discipline and Penalty Concurrence Rate

APU Penalty Outcome	2016		2017		2018		2019		2020	
	Count	% Total	Count	% Total	Count	% Total	Count	% Total	Count	% Total
Discipline Concurrence	94	39%	31	27%	17	33%	14	30%	6	15%
Not Guilty	67	28%	39	34%	3	6%	13	28%	10	24%
Guilty Verdict Reversed - final verdict not guilty	3	1%	4	3%	1	2%	1	2%	3	7%
Penalty Lower Than Requested At Trial	44	18%	21	18%	8	16%	9	19%	8	20%
Plea Modified - penalty reduced	3	1%	5	4%	10	20%	1	2%	6	15%
Plea Set Aside - no discipline imposed	4	2%	3	3%						
Plea Set Aside - discipline imposed	18	7%	6	5%	1	2%				
Retained - discipline imposed	5	2%	4	3%	9	18%	7	15%	7	17%
Retained - no discipline imposed	3	1%	2	2%	2	4%	2	4%	1	2%
Grand Total	241	100%	115	100%	51	100%	47	100%	41	100%

APU closed year 2016-2020

Cases in which the Police Commissioner modified a plea but increased the penalty are included in the concurrence rate. The “Penalty Lower than Requested at Trial” category includes cases in which the officer was found not guilty of some (but not all) allegations, leading to an overall reduction of the penalty.

SECTION 4: MEDIATION

The New York City Charter mandates that the CCRB offer mediation as an option for resolving allegations of police misconduct. The goal of the Mediation Unit is to allow civilians and officers the opportunity to voluntarily resolve the issues contained in the complaint by means of a face-to-face meeting with the assistance of a neutral mediator.

Mediation is not offered in all cases because there are factors that render a complaint unsuitable for the Mediation Program. These include allegations of serious physical injury or property damage, a pending criminal case or a civil lawsuit, or a concurrent IAB investigation.

Mediation is complainant-driven and voluntary; a case will only go to the Mediation Unit if the complainant wants to participate in mediation. Investigators are required to fully describe both the mediation process and the investigative process to complainants in mediation-suitable cases. After being provided with both options, the complainant can choose the process in which to participate. If the complainant agrees to mediation, the option is then presented to the officer. Mediations only take place when both the complainant and the officer voluntarily agree to mediate the complaint. Complainants reserve the right to have the case returned to the investigation process if they change their mind prior to a mediation or are unsatisfied with the outcome of the mediation.

A mediation session ends when all parties involved agree that they have had an opportunity to discuss the issues in the case. In most mediated cases, the parties resolve the allegations raised in the complaint. After a completed mediation, the complaint is closed as “mediated,” meaning that there will be no further investigation and the officer will not be disciplined. If the mediation is not completed or is unsuccessful, the case returns to the Investigations Division for a full investigation.

The Mediation Unit provides members of the public an additional option for resolving their complaints against an officer. A trained, neutral mediator contracted by the CCRB guides the session and facilitates a confidential dialogue about the circumstances leading to the complaint.

In 2020, the Mediation Unit successfully mediated 30 cases (22%) and 109 cases (78%) were closed as “mediation attempted” (Fig. 38). Mediation attempted is a designation for a case in which both the officer and the civilian agree to mediate, but the civilian either fails to appear twice for the scheduled mediation session without good cause, or fails to respond to attempts to schedule a mediation session, and the civilian does not request that the case go back to the Investigations Division.

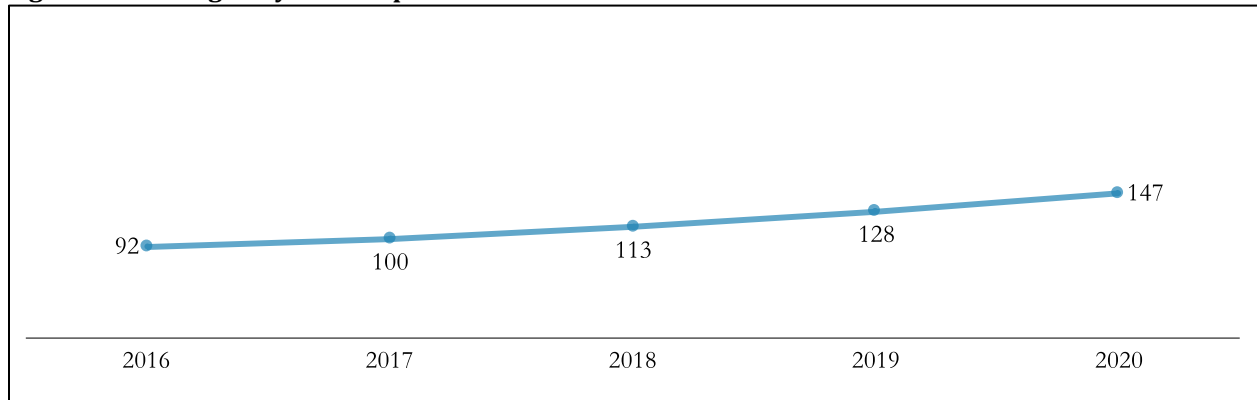
Figure 38: Mediation Closures



Closed year 2016-2020

In 2020, it took an average of 147 days to successfully mediate a complaint (Fig. 39).

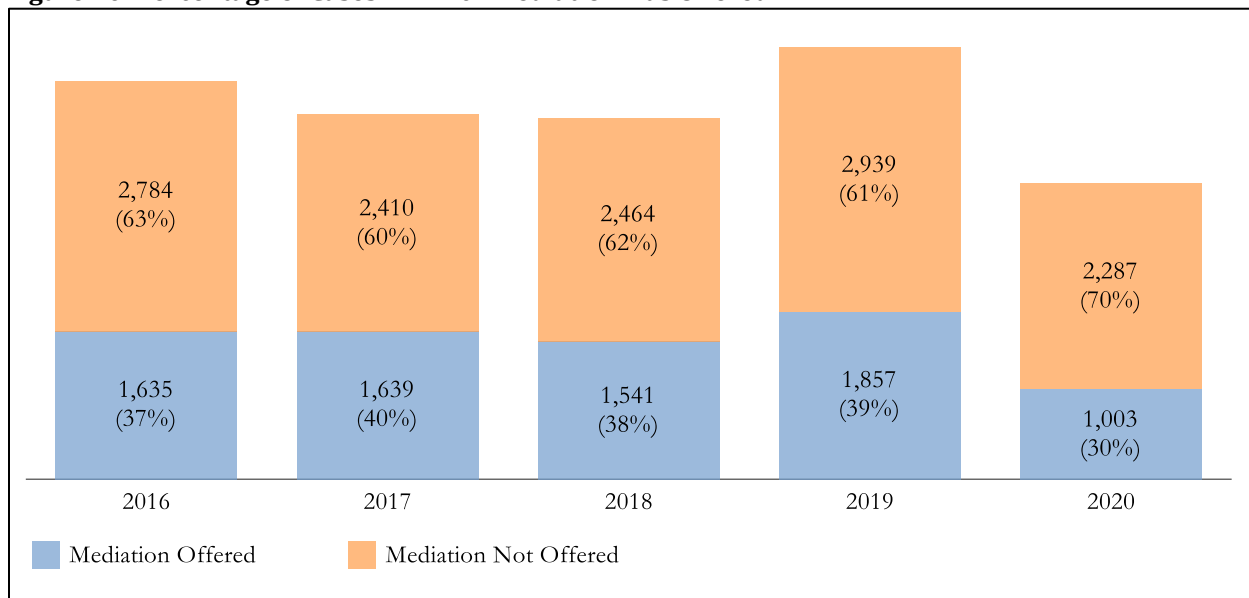
Figure 39: Average Days to Completed Mediation



Mediation year 2016-2020

As noted, mediation is not offered in all cases. Mediation was offered in 30% of cases closed in 2020 (Fig. 40).

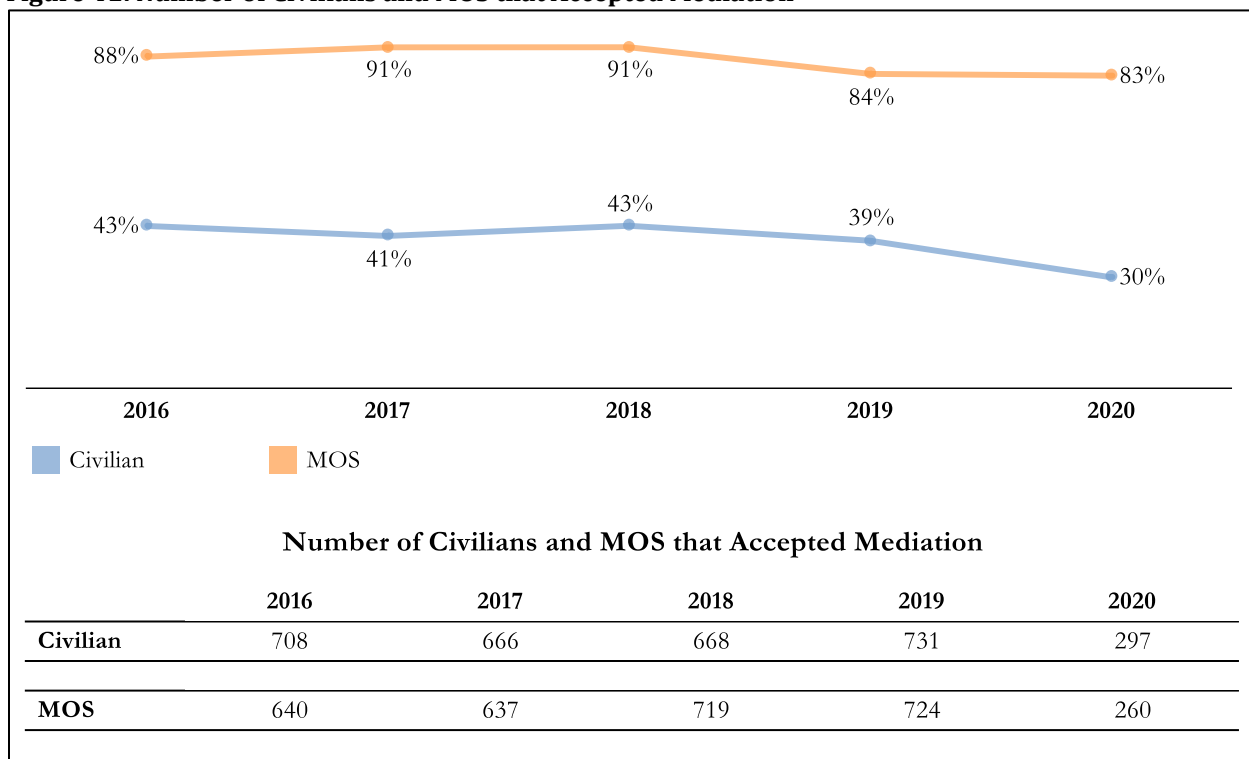
Figure 40: Percentage of Cases in which Mediation was Offered



Closed year 2016-2020

For cases closed in 2020, the mediation acceptance rate for civilians was 30% (Fig. 41). Officers who were offered the chance to mediate a complaint accepted mediation 83% of the time.³⁰

Figure 41: Number of Civilians and MOS that Accepted Mediation

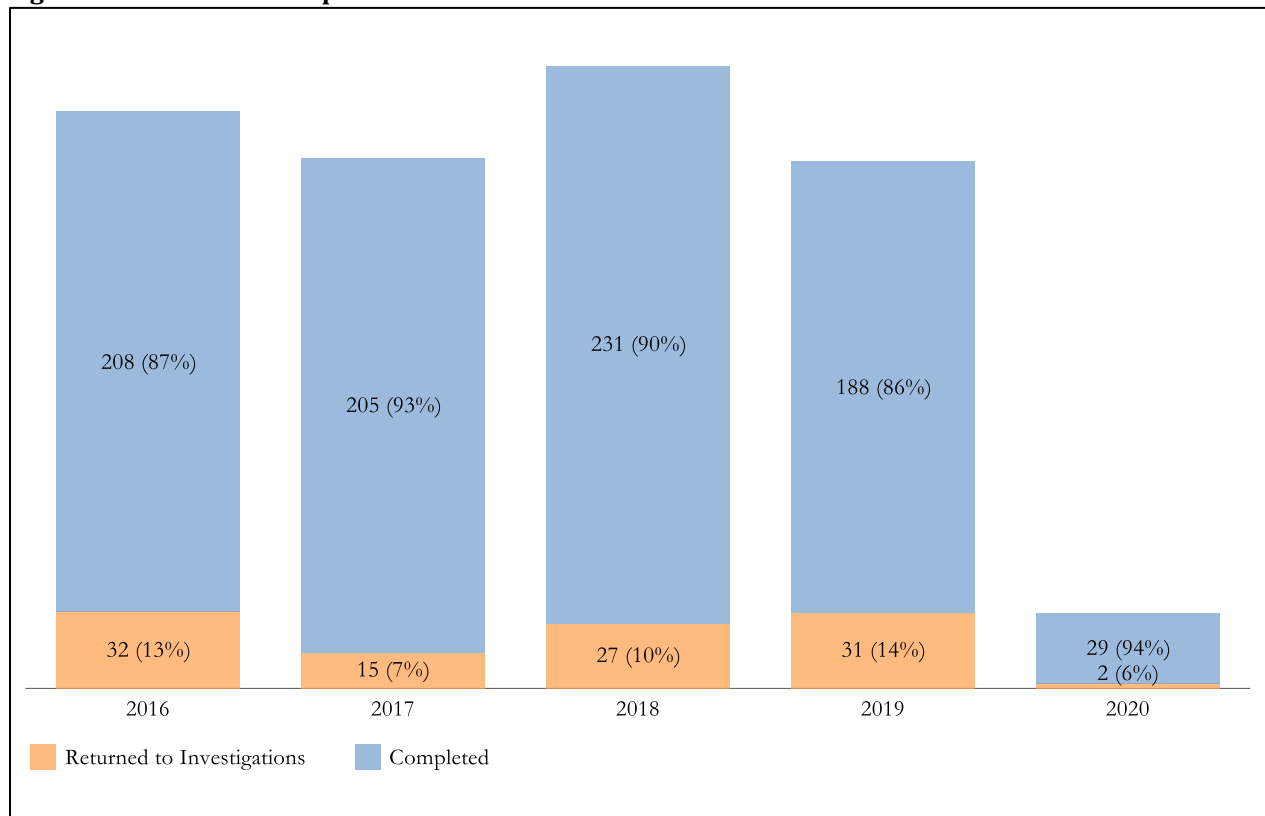


Closed year 2016-2020

³⁰ Allegations contained in mediated complaints are not reflected in the officer's NYPD disciplinary record.

When both parties agree to mediate, mediation can be an effective way of resolving complaints and facilitating productive discussion between complainants and officers. In 2020, the Mediation Unit conducted 31 mediation sessions, resulting in 29 satisfactory resolutions, a 94% success rate (Fig. 42). The remaining two complaints were returned to an investigator and closed by the Investigations Division.

Figure 42: Mediation Completion Rate



Mediation year 2016-2020

SECTION 5: RECONSIDERATIONS

CCRB-NYPD RECONSIDERATION PROCESS

Since December 2014, the CCRB and the NYPD have engaged in a formal reconsideration process. The process allows the Department to write a letter requesting that the Board reconsider its findings and/or discipline recommendations for a substantiated allegation or case. The Board does not automatically reverse its decision upon the Department's request for reconsideration. As an independent oversight agency, the Board only changes its case disposition determination or discipline recommendation when doing so is in the interest of fairness.

The Board may change its decision on a previously substantiated case if:

- (a) The discipline recommended against any subject officer is determined upon reconsideration to be inappropriate or excessive;³¹
- (b) There are new facts or evidence that were not previously known to the Board Panel, and such facts or evidence could reasonably lead to a different finding or recommendation in the case; or
- (c) There are matters of law that were overlooked, misapprehended, or incorrectly applied by the Board Panel.

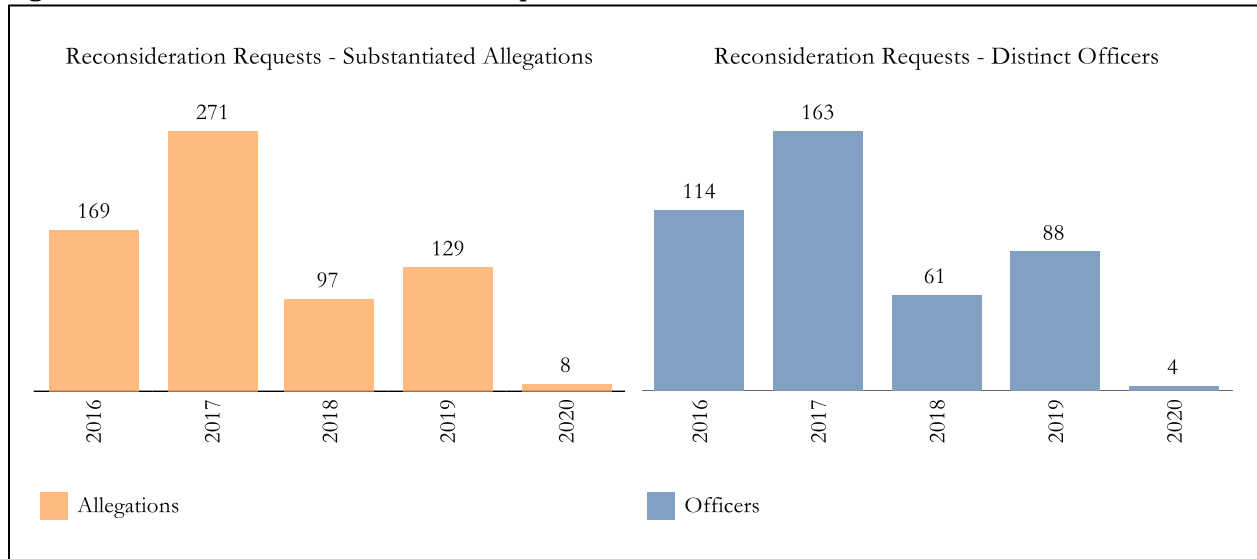
Although some reconsideration requests are the product of new information that was unavailable to the CCRB at the time of the original investigation, others may represent differing views between the CCRB and NYPD with respect to legal standards, civilian credibility, or the appropriate level of discipline. The Board takes reconsideration requests very seriously and does not compromise the integrity of its independent investigative findings when deciding whether to alter its recommendations.

Prior to 2018, the Department had 90 days to request reconsideration for a substantiated allegation. In February 2018, new Board rules went into effect, reducing the time to make a request for reconsideration to 30 business days. If a reconsideration request is submitted after the deadline, the CCRB will deny the request unless it is based upon new facts or applicable laws.

³¹ In some cases, the Board may reconsider a decision based upon additional disciplinary information provided by the NYPD. Board members may consider an officer's CCRB history when they initially vote, but reconsideration requests typically include a summary of the officer's entire NYPD disciplinary history.

When the NYPD requests reconsideration, it first sends a notification to the CCRB, and then submits a letter outlining the case and the underlying reasons for the request. In 2020, the CCRB received reconsideration requests for four members of service (MOS), covering a total of eight substantiated allegations (Fig. 43).³²

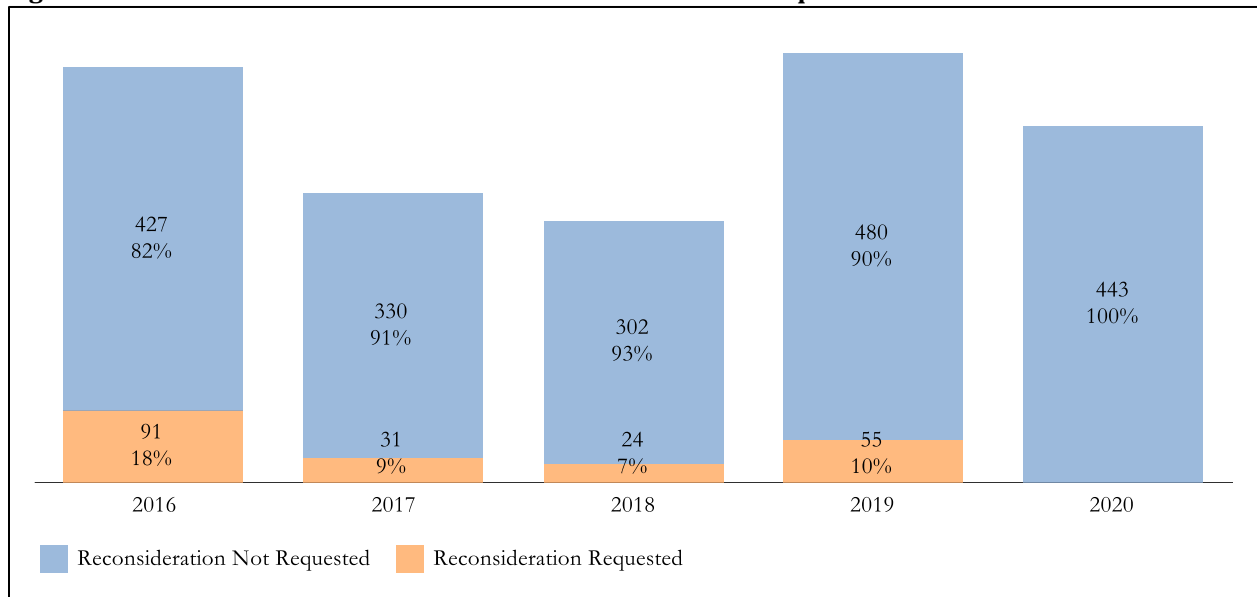
Figure 43: Number of Reconsideration Requests Received



Reconsideration request year 2016-2020

In 2019, the CCRB substantiated allegations against 535 MOS. Since then, the Department has notified the CCRB of a request for reconsideration of 55 (10%) of those cases (Fig. 44). To date, the Department has not sent any reconsideration notices for MOS against whom the CCRB substantiated an allegation in 2020.

Figure 44: Substantiated MOS for whom Reconsideration was Requested



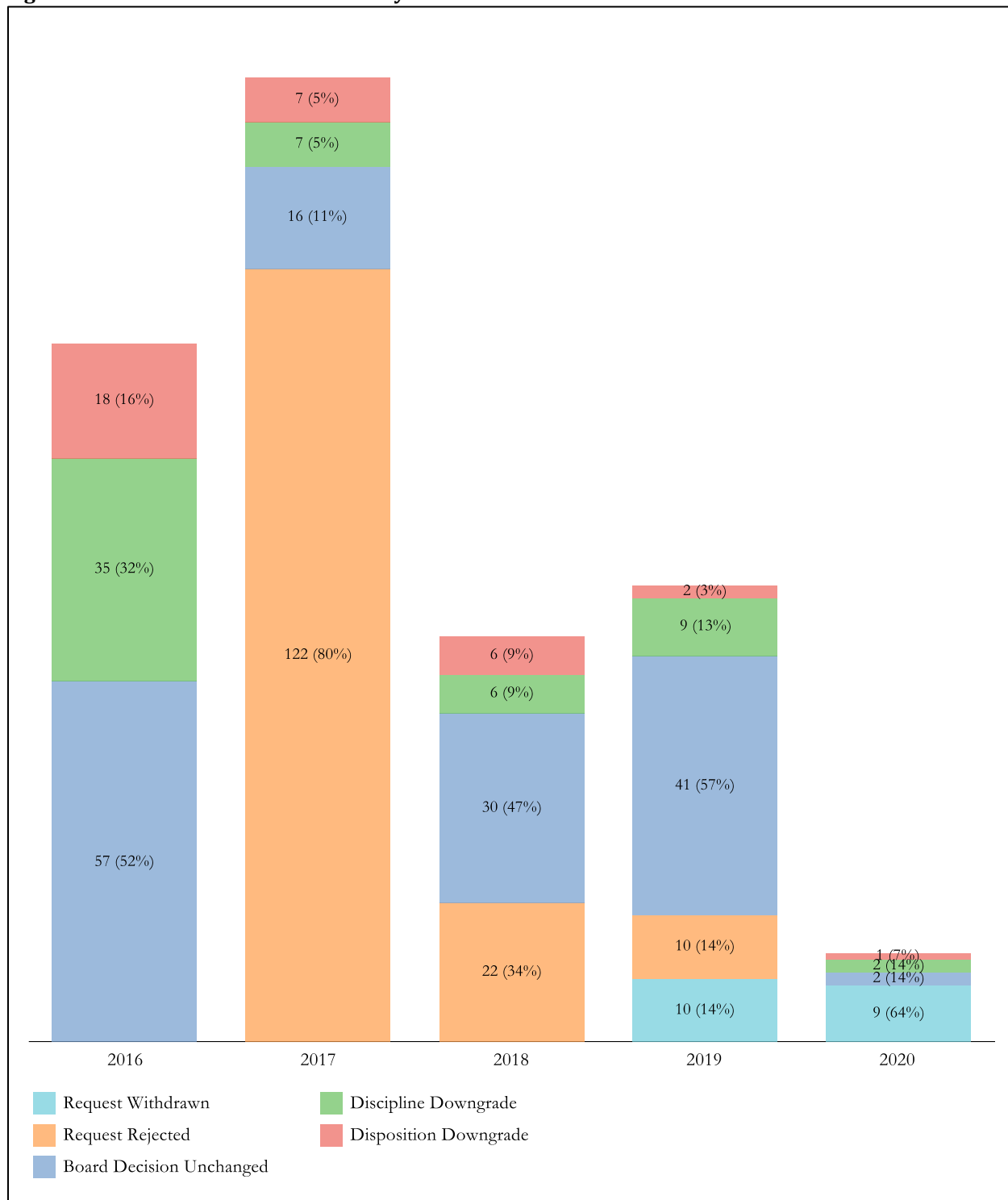
Closed year 2016-2020

³² In 2020, the CCRB upgraded its Case Tracking System. During this process, corrections were made to previously manually-tracked reconsideration request numbers to ensure accuracy. As such, some of the numbers in this section may be close, but not identical, to those reported in previous Annual and Semi-Annual Reports.

OUTCOMES OF RECONSIDERATION REQUESTS

In 2020, the Board closed reconsideration requests for 14 officers (a reconsideration request closed in 2020 may have stemmed from a complaint closed in a previous year). In two cases the Board decision was unchanged, in one case the MOS disposition was downgraded, in two cases the CCRB discipline recommendation was downgraded, and in the remaining nine cases the reconsideration request was withdrawn (Fig. 45).

Figure 45: Reconsideration Outcomes by Reconsideration Year



Reconsideration request closed year 2016-2020

In 2020, the Board reconsidered substantiations against five distinct MOS (Fig. 46). The total number of substantiated allegations reconsidered by the Board in 2020 was seven. After reconsideration, the Board changed the disposition of two allegations from “Substantiated (Command Discipline A)” to “Substantiated (Command Level Instructions);” two other allegations saw the disposition change from “Substantiated (Formalized Training)” to “Unsubstantiated;” and left the dispositions of the remaining three allegations unchanged (Fig. 46).

Figure 46: Reconsideration Decision Detail

Initial Disposition to Final Disposition (after Reconsideration)	2016	2017	2018	2019	2020
Substantiated (Charges) to Substantiated (Command Discipline B)	4			1	
Substantiated (Charges) to Substantiated (Command Discipline A)	1	1		1	
Substantiated (Charges) to Substantiated (Formalized Training)	6		1		
Substantiated (Charges) to Substantiated (Command Lvl Instructions)	1				
Substantiated (Charges) to Exonerated	2				
Substantiated (Charges) to Unsubstantiated	1			1	
Substantiated (Command Discipline) to Substantiated (Formalized Training)		1			
Substantiated (Command Discipline) to Substantiated (Instructions)	2				
Substantiated (Command Discipline B) to Substantiated (Command Discipline B)	16	7	20	24	1
Substantiated (Command Discipline B) to Substantiated (Command Discipline A)	14	1	2	3	
Substantiated (Command Discipline B) to Substantiated (Formalized Training)	11	3	8	3	
Substantiated (Command Discipline B) to Substantiated (Command Lvl Instructions)			2		
Substantiated (Command Discipline B) to Exonerated			2		
Substantiated (Command Discipline B) to Unfounded		1			
Substantiated (Command Discipline B) to Unsubstantiated	1		5		
Substantiated (Command Discipline A) to Substantiated (Command Discipline A)	34	10	11	10	
Substantiated (Command Discipline A) to Substantiated (Formalized Training)	5	5			
Substantiated (Command Discipline A) to Substantiated (Command Lvl Instructions)	2			1	2
Substantiated (Command Discipline A) to Exonerated	2	1			
Substantiated (Command Discipline A) to Unsubstantiated	4	11			
Substantiated (Formalized Training) to Substantiated (Formalized Training)	16	7		3	2
Substantiated (Formalized Training) to Substantiated (Command Lvl Instructions)	3				
Substantiated (Formalized Training) to Exonerated	5			1	
Substantiated (Formalized Training) to Unsubstantiated	5	2	1		2
Substantiated (Command Lvl Instructions) to Substantiated (Command Lvl Instructi..				1	
Substantiated (Command Lvl Instructions) to Unsubstantiated		1			
Grand Total	135	51	52	49	7

Reconsideration year 2016-2020

SECTION 6: THE IMPACT OF BODY-WORN CAMERA FOOTAGE AND OTHER VIDEO EVIDENCE

In 2013, Judge Shira Scheindlin of the United States District Court for the Southern District of New York, presiding over *Floyd v. City of New York*,³³ found that the New York City Police Department (NYPD) violated the Fourth and Fourteenth Amendments of the United States Constitution through its stop, question, and frisk practices. The court also found that the NYPD had a “policy of indirect racial profiling” that disproportionately targeted Black and Hispanic individuals for stops. As a result, the court ordered changes to certain policies, practices, and training curricula, and appointed a monitor to oversee these reforms. The court also ordered a one-year Body-Worn Camera (BWC) pilot program to determine whether BWCs were effective in reducing unconstitutional stops.

From December 2014 through March 2016, the NYPD conducted a small BWC experiment utilizing 54 volunteer police officers. After reviewing the results of this experiment, the NYPD began the larger-scale court-ordered pilot on a precinct-by-precinct basis starting in April 2017. By December 31, 2018, BWCs had been deployed to 15,826 members of service (MOS) across 81 commands. At present, all uniform patrol officers in New York City—including Police Officers, Sergeants and Lieutenants assigned to every precinct, transit district and Police Service Area—are now equipped with, some 20,000, cameras.

The NYPD provides informational videos in several languages, including sign language, about the BWC rollout on its website,³⁴ and a copy of the Draft Operations Order governing the use of BWCs is included in Appendix B of the NYPD Response to Public and Officer Input on the Department’s Proposed Body-Worn Camera Policy report.³⁵

HOW THE CCRB OBTAINS BWC EVIDENCE

In 2020, the CCRB obtained BWC footage from the NYPD via the following process:

1. The CCRB investigator submits a records request to the NYPD Relations Unit for BWC footage.
2. The NYPD Relations Unit then forwards the request to the Internal Affairs Bureau (IAB) and the NYPD Legal Bureau, which is responsible for approving the request and locating the footage (or determining that it cannot locate any relevant footage).
3. Once the Legal Bureau has approved the request and located the BWC footage, the video is sent back to IAB, which then uploads the footage to a network drive shared with the CCRB.
4. The CCRB downloads the footage from the shared network drive.
5. If, upon examination, the BWC footage reveals the existence of additional officers on the scene who had BWCs, or other evidence suggests that the NYPD’s response that it was unable to locate BWC footage may have been a false negative, the CCRB investigator must submit a new request specifying the additional BWC footage that is needed.

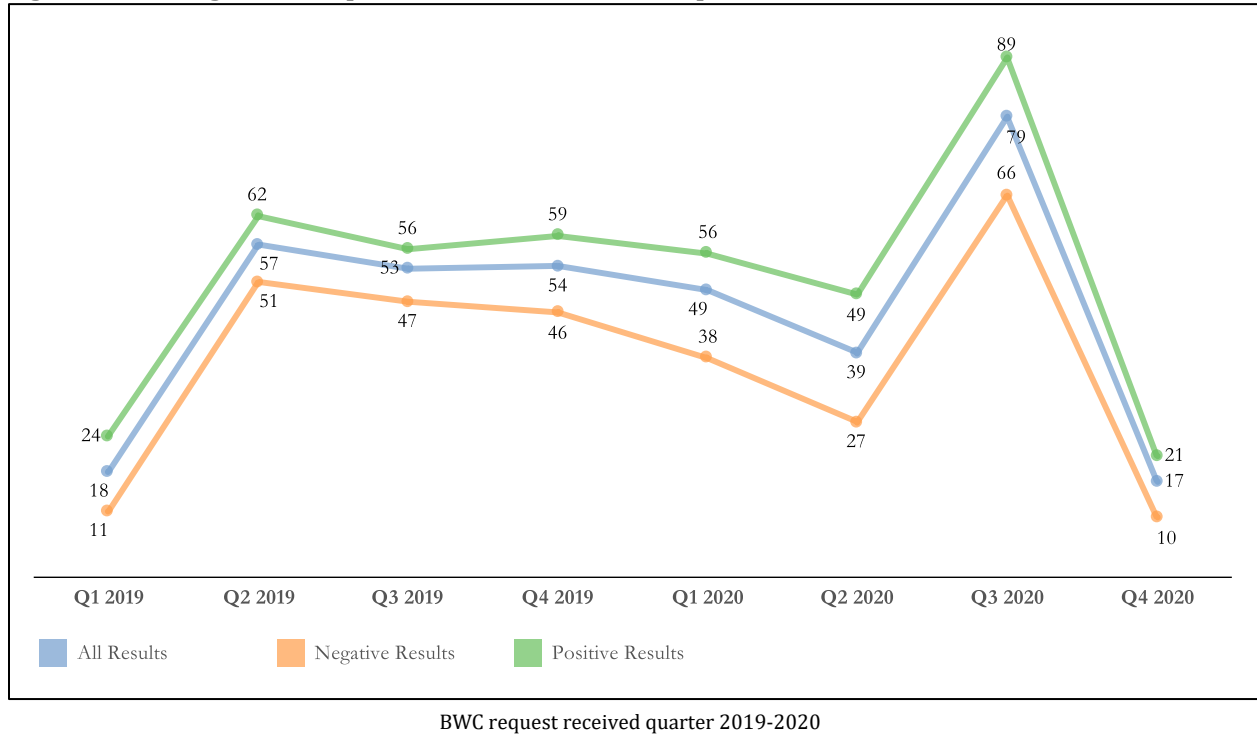
³³ *Floyd v. City of N.Y.*, 959 F. Supp. 2d 540 (S.D.N.Y. 2013).

³⁴ NYPD, Body-Worn Cameras, <http://www1.nyc.gov/site/nypd/about/about-nypd/equipment-tech/body-worn-cameras.page>.

³⁵ NYPD, NYPD Response to Public and Officer Input on the Department’s Proposed Body-Worn Camera Policy (Apr. 2017), https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/body-worn-camera-policy-response.pdf.

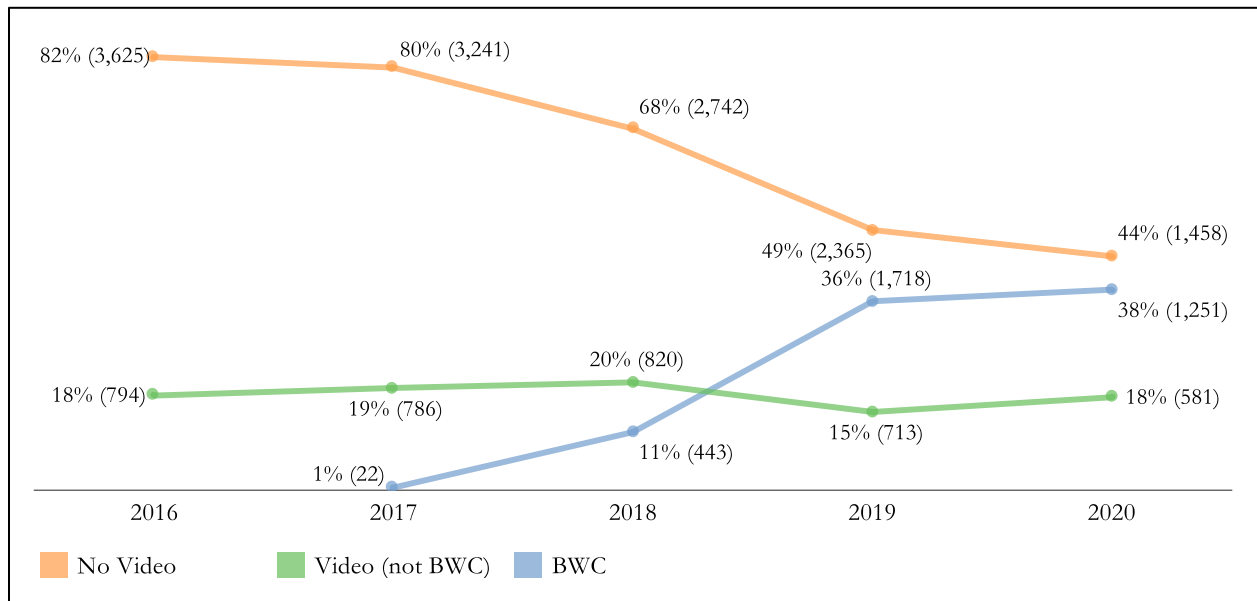
In 2020, the average number of business days it took for the NYPD to respond to BWC requests showed significant quarterly variances. In Q2, 2020 the CCRB received a positive result to a BWC request in an average of 49 days; in Q3, 2020 the average rose to 89 days; and in Q4, 2020 the average days fell to an all-time low of 21 days (Fig. 47).

Figure 47: Average BWC Request Turnaround Times, Requests Closed



Over the last few years, the amount of video evidence collected by the CCRB has increased dramatically. In 2020, the CCRB collected BWC video evidence in 38% of the complaints closed (Fig. 48).

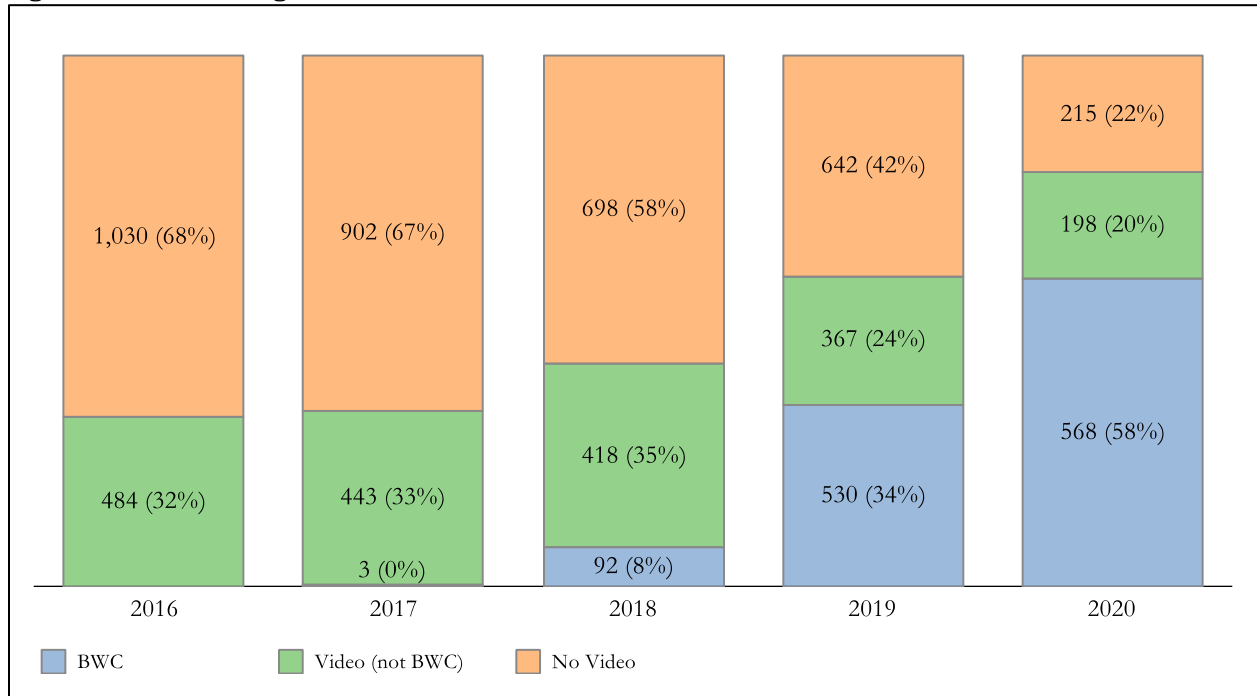
Figure 48: Complaints with Video



Closed year 2016-2020

Of the full investigations closed in 2020, CCRB investigators collected BWC video evidence in 58% of cases, and other forms of video evidence in another 20% of cases (Fig. 49).

Figure 49: Full Investigations with and without video



Closed year 2016-2020

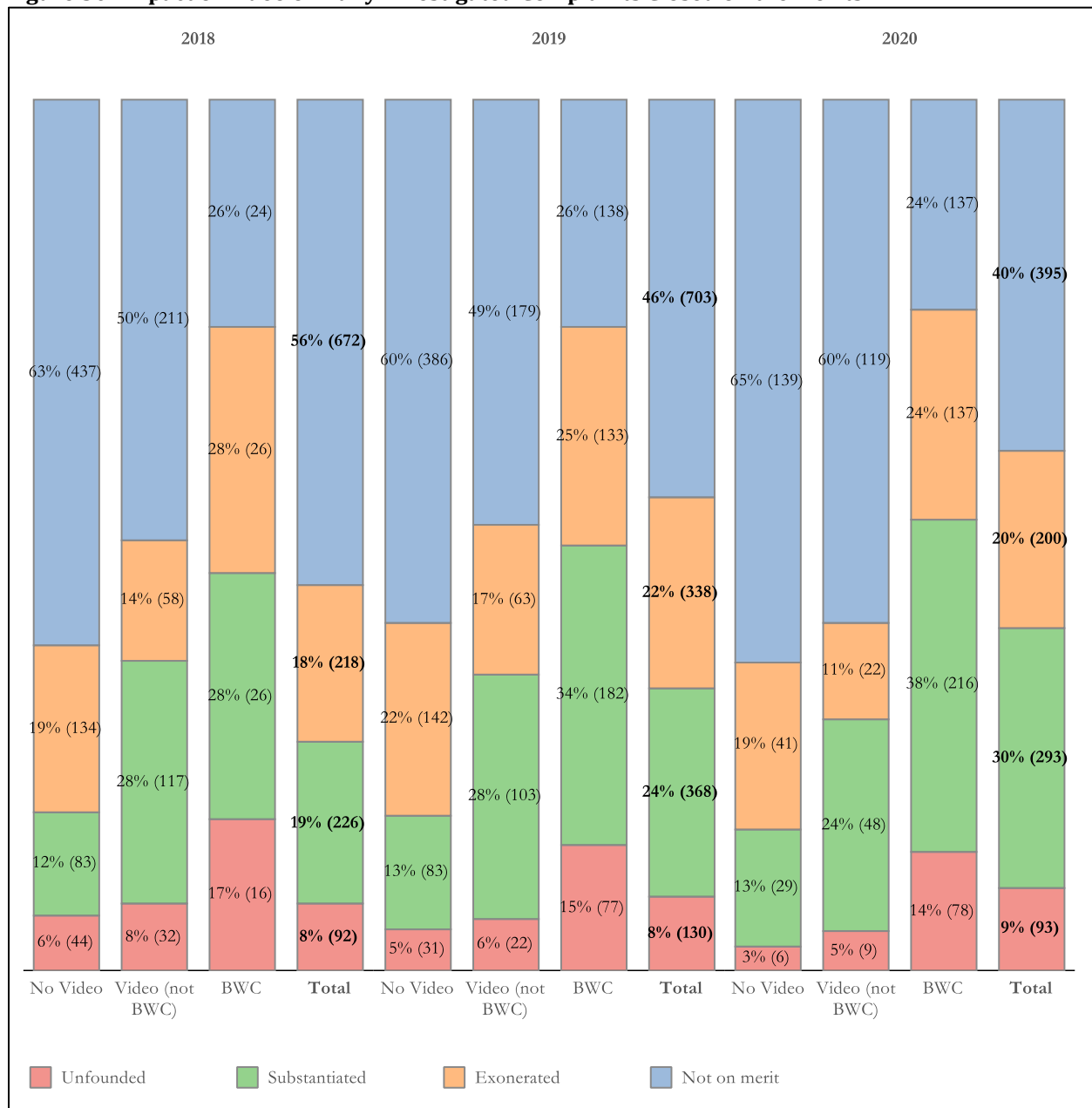
THE IMPACT OF BWC AND OTHER VIDEO EVIDENCE

The availability of video evidence allows for clearer interpretation of the circumstances surrounding an encounter. Video evidence, especially BWC footage, can have a substantial impact on the outcome of a CCRB investigation, particularly the rate of allegations closed “on the merits” (i.e. substantiated, exonerated, or unfounded).

In 2020, 65% of complaints were not closed on the merits (i.e. unsubstantiated or officer unidentified) when video was unavailable. This proportion shrinks to 40% when some form of video evidence is available, and to only 24% when BWC footage is available (Fig. 50).

Of the complaints closed on the merits in 2020, the Board substantiated 24% of full investigations where there was non-BWC video evidence and 38% of those with BWC video, compared to 13% where there was no video evidence whatsoever (Fig. 50).

Figure 50: Impact of Video on Fully Investigated Complaints Closed on the Merits



Closed year 2018-2020

The availability of BWC evidence has a particularly significant impact on the Board's ability to make a determination on the merits regarding Discourtesy and Offensive Language allegations. In the absence of video, and its accompanying audio, the Board often has no means of resolving the conflicting testimony of officers and complainants about what was said during an encounter. In 2020, 88% of the Discourtesy allegations where no video evidence was collected could not be closed on the merits. When BWC evidence was available, however, only 32% of the Discourtesy allegations could not be closed on the merits. Similarly, 97% of the 2020 Offensive Language allegations could not be closed on the merits when no video evidence was available, but only 55% could not be closed on the merits when BWC was collected (Fig. 51).

Figure 51: Impact of Video on Allegation Closures on the Merits by FADO

FADO Type	Board Disposition	2018						2019						2020					
		No Video		Video (not BWC)		BWC		No Video		Video (not BWC)		BWC		No Video		Video (not BWC)		BWC	
Force	Not on merit	295	56%	245	40%	17	19%	205	51%	193	44%	157	27%	56	55%	68	47%	187	27%
	Exonerated	149	28%	227	37%	53	60%	139	35%	142	33%	280	48%	26	26%	49	34%	351	51%
	Unfounded	66	13%	87	14%	15	17%	49	12%	63	15%	97	17%	18	18%	12	8%	111	16%
	Substantiated	15	3%	55	9%	3	3%	8	2%	36	8%	53	9%	1	1%	15	10%	40	6%
Abuse of Authority	Not on merit	932	51%	597	44%	60	24%	995	54%	585	47%	337	22%	414	65%	334	54%	583	28%
	Exonerated	660	36%	470	35%	133	53%	659	36%	412	33%	745	50%	152	24%	148	24%	846	41%
	Unfounded	88	5%	70	5%	25	10%	69	4%	50	4%	161	11%	15	2%	37	6%	238	11%
	Substantiated	149	8%	213	16%	32	13%	128	7%	185	15%	260	17%	58	9%	100	16%	405	20%
Discourtesy	Not on merit	284	86%	239	75%	11	22%	210	81%	158	69%	148	38%	81	88%	83	69%	102	32%
	Exonerated	5	2%	15	5%	4	8%	10	4%	13	6%	59	15%	1	1%	5	4%	66	21%
	Unfounded	31	9%	32	10%	11	22%	24	9%	23	10%	57	15%	5	5%	10	8%	64	20%
	Substantiated	11	3%	33	10%	25	49%	14	5%	36	16%	124	32%	5	5%	22	18%	82	26%
Offensive Language	Not on merit	64	65%	49	86%	1	20%	60	88%	40	75%	29	42%	31	97%	26	90%	36	55%
	Exonerated											2	3%					1	2%
	Unfounded	31	31%	7	12%			5	7%	7	13%	22	32%			2	7%	20	30%
	Substantiated	4	4%	1	2%	4	80%	3	4%	6	11%	16	23%	1	3%	1	3%	9	14%

Closed year 2018-2020

SECTION 7: OUTREACH AND INTERGOVERNMENTAL AFFAIRS

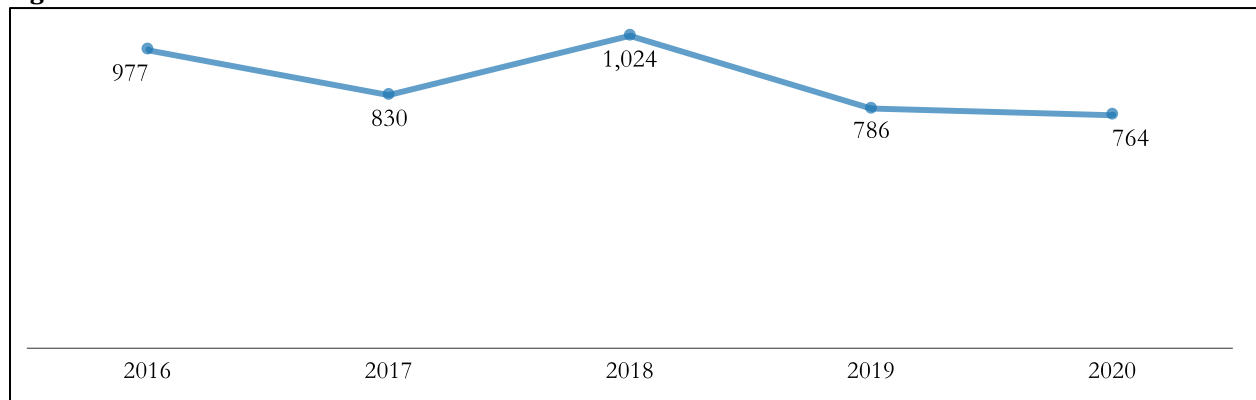
Over the past several years, the CCRB has sought to increase the scope and scale of its Outreach Program to raise awareness of the Agency's mission and foster the public's trust in its investigative process. The Outreach team consists of a director, deputy director, and one outreach coordinator for each borough to act as that borough's main liaison for the Agency.

The Outreach and Intergovernmental Affairs (IGA) Unit conduct presentations that provide an overview of the CCRB complaint process, explain the basic legal contours of police encounters, and stress the importance of de-escalation when interacting with the police.

In typical years, the Outreach and IGA Unit visits schools, public libraries, tenant associations, advocacy organizations, cultural groups, religious organizations, community boards, and precinct community councils, among other groups, in all five boroughs. Through the Agency's Community Partners Initiative, CCRB investigators and outreach staff would typically hold monthly office hours at participating City Council Members' offices, allowing the Agency to reach civilians in their communities.

In 2020, the COVID-19 pandemic forced the Outreach and IGA Unit to forego in-person events and pivot towards virtual meetings. In 2020, the Outreach and IGA Unit conducted 764 events just 22 fewer events than were conducted in 2019 (Fig. 52).

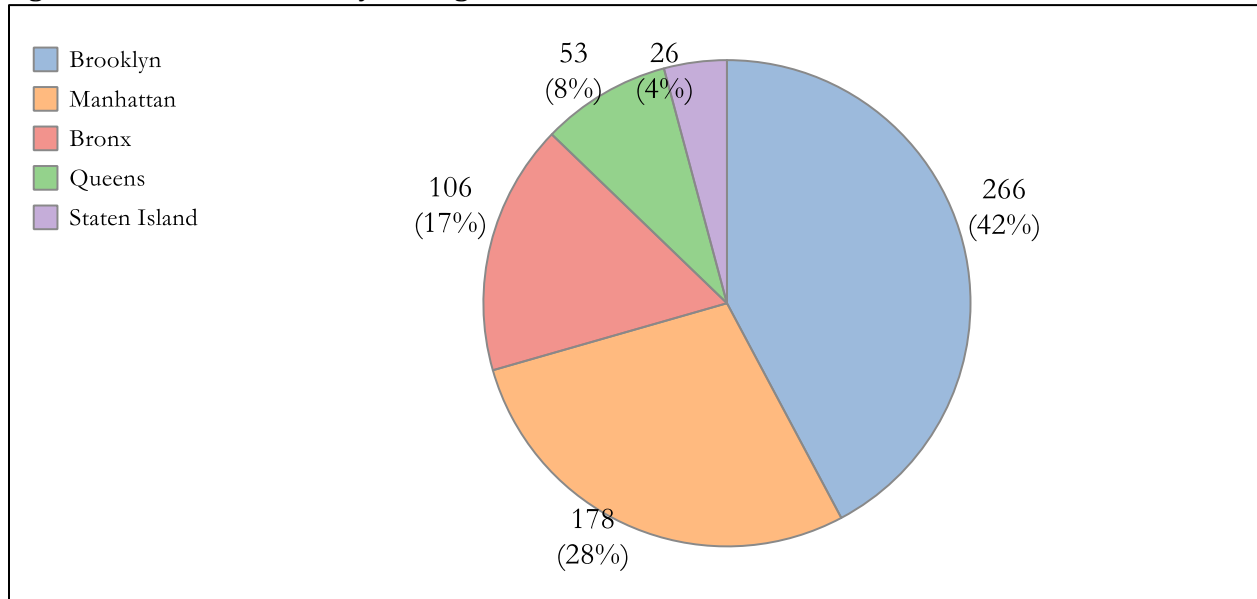
Figure 52: Number of Outreach Events



Outreach event year 2016-2020

The Outreach and IGA Unit try to reach residents in all five boroughs. In 2020, 42% of the scheduled events were aimed at Brooklyn residents and 4% were directed at Staten Island constituencies (Fig. 53).

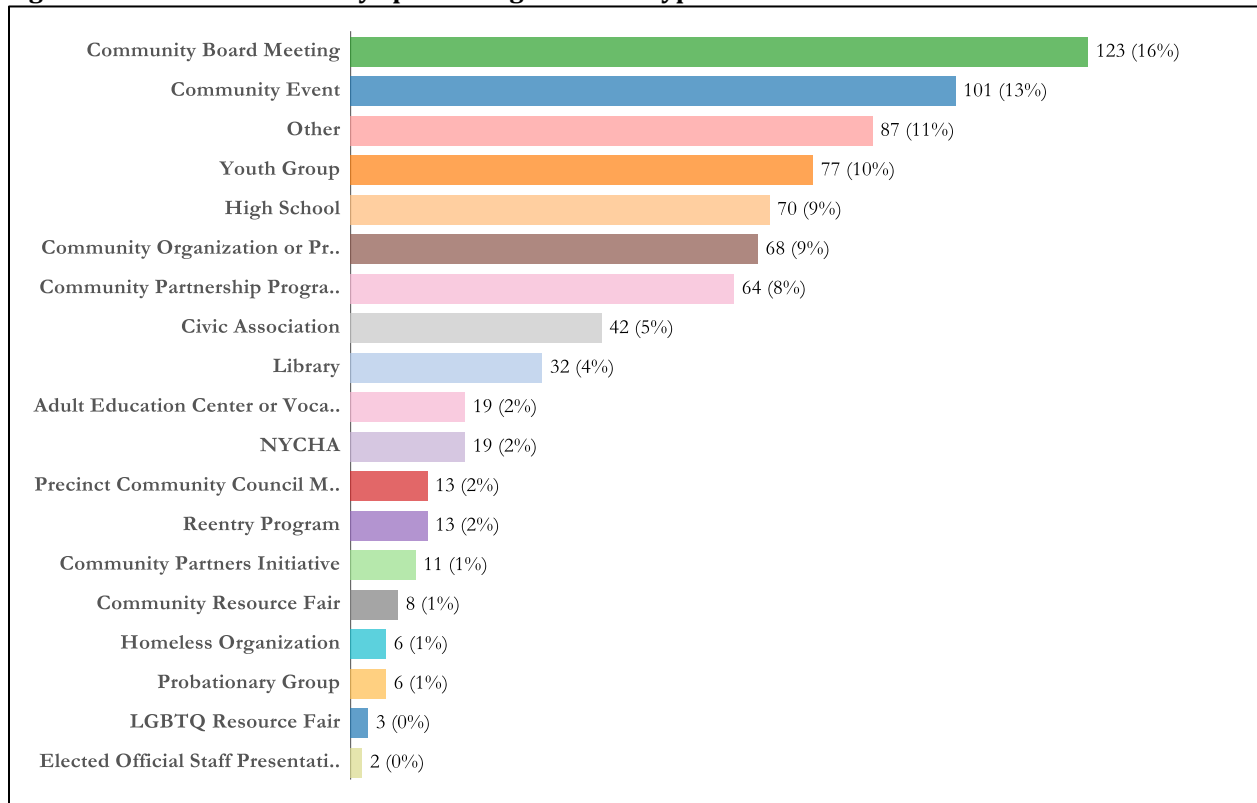
Figure 53: Outreach Events by Borough



Outreach event year 2020

In 2020, the largest number of presentations, 123, were given at Community Board Meetings (Fig. 54).

Figure 54: Outreach Events by Specific Organization Type



Outreach event year 2020

BACKGROUND OF THE CCRB AND GLOSSARY

The Charter of the City of New York established the CCRB and empowered it to receive and investigate complaints from members of the public concerning misconduct by members of the NYPD. The CCRB is required to conduct its investigations “fairly and independently, and in a manner in which the public and the police department have confidence.” Under the Charter, the CCRB has jurisdiction to investigate the following categories of police misconduct: **Force**, **Abuse of Authority**, **Discourtesy**, and **Offensive Language**, collectively known as **FADO**, and **Untruthful Statements**. The CCRB also notes other **misconduct** when it uncovers conduct by officers that is outside its jurisdiction but warrants the attention of the Department. Examples of other misconduct include failures by officers to enter necessary information in their activity logs (memo books), and failures to complete required documentation of an incident.

The **Board** consists of 15 members, five appointed by the City Council, five appointed by the Mayor, three designated by the Police Commissioner, and one appointed by the Public Advocate. The Chair of the Board is jointly appointed by the Mayor and the City Council Speaker. Under the Charter, the Board must reflect the diversity of the city’s residents and all members must live in New York City. No member of the Board may have a law enforcement background, except those designated by the Police Commissioner, who must have had a law enforcement vocation. No Board member may be a public employee or serve in public office. Board members serve three-year terms, which can be, and often are, renewed.

The **Executive Director** is appointed by the Board and is the Chief Executive Officer, who is responsible for managing the day-to-day operations of the Agency and overseeing its nearly 200 employees. The Agency consists of a 135-member **Investigations Division** responsible for investigating allegations of police misconduct and for making investigative findings. The most serious police misconduct cases, for which the Board has substantiated misconduct and recommended discipline in the form of Charges and Specifications, are prosecuted by a 14-member **Administrative Prosecution Unit (APU)**. The APU began operating in April 2013, after the CCRB and the NYPD signed a **Memorandum of Understanding** establishing the unit. APU attorneys are responsible for prosecuting, trying, and resolving cases before a Deputy Commissioner of Trials or Assistant Deputy Commissioner of Trials at One Police Plaza.

The Agency also includes a **Mediation Unit** that works to resolve less serious allegations between a police officer and a civilian. A complainant may **mediate** their case with the subject officer, in lieu of an investigation, with the CCRB providing a neutral, third-party mediator. The **Outreach and Intergovernmental Affairs Units** acts as a liaison with various entities and is responsible for intergovernmental relations, outreach presentations, and community events throughout the five boroughs.

Members of the public who file complaints regarding alleged misconduct by NYPD officers are referred to as **complainants**. Other civilians involved in the incident are categorized as **victims** or **witnesses**. Officers who are alleged to have committed acts of misconduct are categorized as **subject officers**, while officers who witnessed or were present for the alleged misconduct are categorized as **witness officers**. Investigators in the **Intake Unit** receive complaints from members of the public, which are filed in-person, by telephone, voicemail, an online complaint form, or are referred to the Agency by the NYPD or other government entity. When a **complaint** is filed, the CCRB assigns it a unique complaint identification number. The CCRB also refers to complaints as **cases**. A single complaint or case may contain multiple **FADO allegations**.

Allegations regarding improper entries, searches, or failures to show a warrant are considered allegations falling within the CCRB's Abuse of Authority jurisdiction. The vast majority of complaints regarding improper entries, searches, or warrant executions involve only a single incident of entry or search, but some complaints involve more than one entry or search (occurring on the same day or on different days). Each allegation is reviewed separately during an investigation.

During an **investigation**, the CCRB's civilian investigators gather documentary and video evidence and conduct interviews with complainants, victims, civilian witnesses, subject officers, and witness officers in order to determine whether the allegations occurred and whether they constitute misconduct. At the conclusion of the investigation, a **closing report** is prepared, summarizing the relevant evidence and providing a factual and legal analysis of the allegations. The closing report and investigative file are provided to the Board before it reaches a disposition. A panel of three Board members (a **Board Panel**) reviews the material, makes findings for each allegation in the case, and if allegations are substantiated, provides recommendations as to the discipline that should be imposed on the subject officer(s).

The **Disposition** is the Board's finding of the outcome of a case. The Board is required to use a **preponderance of the evidence** standard of proof in evaluating cases. Findings **on the merits** result when CCRB is able to conduct a full investigation and obtain sufficient credible evidence for the Board to reach a factual and legal determination regarding the officer's conduct. In these cases, the Board may arrive at one of the following findings on the merits for each allegation in the case: **substantiated**, **exonerated**, or **unfounded**. Substantiated cases are those where it was proven by a preponderance of evidence that the alleged acts occurred, and the acts constituted misconduct. Exonerated cases are those where it was shown by a preponderance of the evidence that the alleged acts occurred, but the acts did not constitute misconduct. Unfounded cases are those where there was a preponderance of the evidence that the alleged acts did not occur. **Unsubstantiated** cases are those where the CCRB was able to conduct a full investigation, but there was insufficient evidence to establish by a preponderance of the evidence whether or not an act of misconduct occurred. In some cases, the CCRB is unable to conduct a full investigation or mediation and must **truncate** the case.³⁶

³⁶ Fully-investigated cases comprise complaints disposed of as substantiated, unsubstantiated, exonerated, unfounded, officers unidentified, or miscellaneous. Miscellaneous cases are those where an officer retires or leaves the Department before the Board receives the case for decision. Truncated cases are disposed of in one of the following ways: complaint withdrawn, complainant/victim uncooperative, complainant/victim unavailable, victim unidentified, and closed pending litigation.

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 15 members of the public. Members 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 appointed by the city council; (ii) one member shall be appointed by the public advocate; (iii) three members with experience as law enforcement professionals shall be designated by the police commissioner and appointed by the mayor; (iv) five members shall be appointed by the mayor; and (v) one member shall be appointed jointly by the mayor and the speaker of the council to serve as chair of the board.

2. No member 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 employees of the New York city police department. For the purposes of this section, experience as a law enforcement professional 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. The public advocate shall make the public advocate's first appointment to the board on or before May 6, 2020. The board member so appointed shall assume office on July 6, 2020. The mayor and the speaker of the council shall make their initial joint appointment to the board on or before May 6, 2020. The member so appointed shall serve as the board's chair and shall assume office on July 6, 2020.

4. Members of the board shall serve until their successors have been appointed and qualified. In the event of a vacancy on the board during the term of office of a member by reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment within 60 days from the date such vacancy occurred. A member appointed to fill a vacancy shall serve for the balance of the unexpired term. During any period in which the office of the chair is vacant, the mayor shall select a member of the board to serve as interim chair until such vacancy has been filled.

(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 board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received by the board, if such statement was made during the course of and in relation to the board's resolution of such complaint. 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 finding or recommendation.

2. The board shall promulgate rules of procedure 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 matters within the board's jurisdiction pursuant to this section, and to hear, make findings and recommend action on such matters. No such panel shall consist exclusively of members appointed by the council, or designated by the police commissioner, or appointed 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 matters within its jurisdiction pursuant to this section. The board may request the corporation counsel to institute proceedings in a court of appropriate jurisdiction to enforce the subpoena power exercised pursuant to this section, and the board itself may, subject to chapter 17 of the charter, institute such proceedings. The board may, subject to any conditions it deems appropriate, delegate to and revoke from its executive director such subpoena authority and authority to institute proceedings.

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 matters within its jurisdiction.

6. The board shall issue to the mayor and the city council a semi-annual report which shall 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 this 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 investigations undertaken 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 investigations undertaken 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 in writing on any action taken, including the level of discipline and any penalty imposed, in all cases in which the board submitted a finding or recommendation to the police commissioner with respect to a matter within its jurisdiction pursuant to this section. In any case substantiated by the board in which the police commissioner intends to impose or has imposed a different penalty or level of discipline than that recommended by the board or by the deputy commissioner responsible for making disciplinary recommendations, the police commissioner shall provide such written report, with notice to the subject officer, no later than 45 days after the imposition of such discipline or in such shorter time frame as may be required pursuant to an agreement between the police commissioner and the board. Such report shall include a detailed explanation of the reasons for deviating from the board's recommendation or the recommendation of the deputy commissioner responsible for making disciplinary recommendations and, in cases in which the police commissioner intends to impose or has imposed a penalty or level of discipline that is lower than that recommended by the board or such deputy commissioner, shall also include an explanation of how the final disciplinary outcome was determined, including each factor the police commissioner considered in making his or her decision.

(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 members 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.

(g) 1. Beginning in fiscal year 2021 and for each fiscal year thereafter, the appropriations available to pay for the personal services expenses of the civilian complaint review board during each fiscal year shall not be less than an amount sufficient to fund personal services costs for the number of full-time personnel plus part-time personnel, calculated based on full-time equivalency rates, equal to 0.65 percent of the number of uniform budgeted headcount of the police department for that fiscal year, as determined consistent with published budgeted headcount documents of the office of management and budget. The calculation to determine the minimum appropriations for the personal services expenses of the civilian complaint review board pursuant to this paragraph shall be set forth in the preliminary expense budget, the executive expense budget, and the adopted budget.

2. Notwithstanding paragraph 1 and in addition to any action that may be undertaken pursuant to section 106, the appropriations available to pay for the personal services expenses of the civilian complaint review board may be less than the minimum appropriations required by paragraph 1 provided that, prior to adoption of the budget pursuant to section 254 or prior to the adoption of a budget modification pursuant to section 107, the mayor determines that such reduction is fiscally necessary and that such reduction is part of a plan to decrease overall appropriations or is due to unforeseen financial circumstances, and the mayor sets forth the basis for such determinations in writing to the council and the civilian complaint review board at the time of submission or adoption, as applicable, of any budget or budget modification containing such reduction.

(Am. L.L. 2019/215, 12/11/2019, eff. 12/11/2019 and 3/31/2020)

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BOARD MEMBERS³⁷

CHAIR OF THE BOARD: JOINT MAYORAL/CITY COUNCIL SPEAKER APPOINTEE

Fred Davie, Chair of the Board

Fred Davie serves as the Executive Vice President for the Union Theological Seminary located in New York City, which prepares students to serve the church and society. Additionally, he is a member of the Mayor's Clergy Advisory Council (CAC) and is co-convenor of its Public Safety Committee, which is focused on building community safety and improving police-community relations. Before working at Union Theological Seminary, Mr. Davie served as Interim Executive Director and Senior Director of Social Justice and LGBT Programs at the Arcus Foundation, which funds organizations worldwide that advance an inclusive, progressive public policy agenda. Mr. Davie served on President Barack Obama's transition team and was later appointed to the White House Council of Faith-based and Neighborhood Partnerships. Mr. Davie has served the City as Deputy Borough President of Manhattan and Chief of Staff to the Deputy Mayor for Community and Public Affairs. Mr. Davie is a joint Mayoral and City Council Speaker designee to the Board appointed by Mayor Bill de Blasio.

M. Div., Yale Divinity School; B.A., Greensboro College

MAYORAL APPOINTEES

Erica Bond, Esq.

Erica Bond has experience in the government, non-profit, public policy, and legal sectors. Most recently, Ms. Bond served as Special Advisor for Criminal Justice to the First Deputy Mayor of New York City. In this role, she advised and supported the First Deputy Mayor in management of the City's criminal justice agencies. Prior to joining city government, Ms. Bond was a Director of Criminal Justice at the Laura and John Arnold Foundation, where she worked to develop new research, policy reforms, and evidenced-based innovations with the goal of transforming criminal justice systems nationwide. In this role, she partnered with criminal justice practitioners, researchers, and policymakers on initiatives to improve community safety, increase trust and confidence in the criminal justice system, and ensure fairness in the criminal justice process. After graduating from law school, Ms. Bond began a legal career as a Litigation Associate at Kaye Scholer (now Arnold & Porter Kaye Scholer LLP), an international law firm where she represented clients on a variety of matters, including government investigations, regulatory compliance issues, and commercial disputes. Ms. Bond is a Mayoral designee to the Board appointed by Mayor Bill de Blasio.

J.D. Fordham University School of Law; B.A., Wesleyan University

Corinne A. Irish, Esq.

Corrine Irish is an attorney with the international law firm Squire Patton Boggs, where she litigates and counsels clients on a variety of complex commercial matters, ranging from contract disputes to enforcing intellectual property rights to advising clients on regulatory compliance. Ms. Irish is also a founding member of the firm's Public Service Initiative, where she has litigated death penalty, criminal, and civil rights cases involving a miscarriage of justice or a denial of fundamental rights on behalf of indigent clients. She also has served as counsel for amici clients before the U.S. Supreme Court in important cases of criminal constitutional law. Ms. Irish previously served as a law clerk, first to the Honorable William G. Young of the U.S. Court for the District of Massachusetts and then to the Honorable Barrington D. Parker of the U.S. Court of Appeals for the Second Circuit. Ms. Irish is a lecturer-in-law at Columbia Law School, where she has taught since 2012. She was also an adjunct professor at Brooklyn Law School in 2008 and 2009. Ms. Irish was recognized for six consecutive

³⁷ This reflect Board Members as of December 31, 2020.

years as a Rising Star in New York Super Lawyers and recently has been named to The National Black Lawyers – Top 100. Ms. Irish is a Mayoral designee to the Board appointed by Mayor Bill de Blasio.

J.D. Harvard Law School; B.A., University of Pennsylvania

John Siegal, Esq.

John Siegal is a partner in BakerHostetler, a national business law firm, where he handles litigation, arbitrations, and appeals for clients in the financial services, media, and real estate industries. Mr. Siegal's practice also includes constitutional law, civil rights, Article 78, and other cases both for and against government agencies and authorities. Mr. Siegal's public service experience includes working as an Assistant to Mayor David N. Dinkins and as a Capitol Hill staff aide to Senator (then Congressman) Charles E. Schumer. Throughout his legal career, Mr. Siegal has been active in New York civic, community, and political affairs. Mr. Siegal is a Mayoral designee to the Board appointed by Mayor Bill de Blasio.

J.D., New York University School of Law; B.A., Columbia College

Angela Sung Pinsky

Angela Sung Pinsky is a dedicated public servant who is committed to the promotion of civic dialogue in New York City. Ms. Pinsky serves as Executive Director for the Association for a Better New York (ABNY), where she drives public policy and manages a \$1.8 million budget.

Prior to joining ABNY, Angela served as Senior Vice President for Management Services and Government Affairs at the Real Estate Board of New York (REBNY), where she was responsible for REBNY's commercial and residential Management Divisions, and was the lead on building code, sustainability and energy, and federal issues that impact New York City real estate.

Ms. Pinsky also previously served as Deputy Chief of Staff at the Office of the Deputy Mayor for Economic Development and Rebuilding during the Bloomberg administration. While at the Deputy Mayor's office, she designed and created the Mayor's Office of Environmental Remediation, an innovative office dedicated to remediation of contaminated land in economically disadvantaged areas of New York City. Ms. Pinsky is a Mayoral designee to the Board appointed by Mayor Bill de Blasio.

M.A. New York University; B.A. Johns Hopkins University

CITY COUNCIL APPOINTEES

Nathan N. Joseph

Nathan N. Joseph is a retired physician assistant who served New York City as a health care administrator and practitioner. Mr. Joseph most recently was a facility administrator at DaVita South Brooklyn Nephrology Center in Brooklyn, where he conducted budget analysis and staff training and development.

Prior to working as a facility administrator, Mr. Joseph was an associate director for ambulatory services at Kings County Hospital Center, where he previously was a physician assistant. Mr. Joseph's experience in health care also includes work in detention facilities within New York City, including the Manhattan Detention Complex, the Spofford Juvenile Detention Center, and Rikers Island Prison, where he provided daily sick call and emergency treatment of inmates. Mr. Joseph is the Staten Island City Council designee to the Board appointed by Mayor Bill de Blasio.

A.A.S Staten Island Community College

Joseph A. Puma

Joseph Puma's career in public and community service has been exemplified by the various positions he has held in civil rights law, community-based organizations, and local government. As a paralegal with the NAACP Legal Defense and Education Fund, Puma handled cases involving criminal justice, voting rights, employment discrimination, and school desegregation. Prior to joining NAACP LDF, he worked for over six years at the NYC Office of Management and Budget, where he served in roles in intergovernmental affairs, policy, and budget.

From 2003 to 2004, Puma served as a community liaison for former NYC Council Member Margarita López. Since 2007, he has been involved with Good Old Lower East Side (GOLES), a community organization helping residents with issues of housing, land use, employment, post-Sandy recovery and long-term planning, and environmental and public health. A lifelong City public housing resident, Puma currently serves as GOLES's Board President and has participated in national public housing preservation efforts. Mr. Puma is the Manhattan City Council designee to the Board first appointed by Mayor Michael Bloomberg and reappointed by Mayor Bill de Blasio.

M.A., Union Theological Seminary; Certificate, Legal Studies, Hunter College, City University of New York; B.A., Yale University

Michael Rivadeneyra, Esq.

Michael Rivadeneyra is the Senior Director of Government Relations at the YMCA of Greater New York, where he develops the legislative and budgetary agenda for the organization. Prior to this role, Mr. Rivadeneyra served in various capacities as a legislative staffer to Council Members James Vacca, Annabel Palma, and Diana Reyna. While in law school, Mr. Rivadeneyra served as a legal intern at Main Street Legal Services, where he represented immigrant survivors of gender violence and advocated on behalf of undergraduate students from disadvantaged backgrounds. Mr. Rivadeneyra also worked to advance immigrants' rights as an intern at the New York Legal Assistance Group during law school. Mr. Rivadeneyra is the Bronx City Council designee to the Board appointed by Mayor Bill de Blasio.

J.D., CUNY School of Law, Queens College; B.A., State University of New York at Albany

Marbre Stahly-Butts, Esq.

Marbre Stahly-Butts is a former Soros Justice Fellow and now Policy Advocate at the Center for Popular Democracy. Her Soros Justice work focused on developing police reforms from the bottom up by organizing and working with families affected by aggressive policing practices in New York City. Ms. Stahly-Butts also works extensively on police and criminal justice reform with partners across the country. While in law school, Ms. Stahly-Butts focused on the intersection of criminal justice and civil rights, and gained legal experience with the Bronx Defenders, the Equal Justice Initiative, and the Prison Policy Initiative. Before law school, Ms. Stahly-Butts worked in Zimbabwe organizing communities impacted by violence and taught at Nelson Mandela's alma mater in South Africa. Ms. Stahly-Butts is the Brooklyn City Council designee to the Board appointed by Mayor Bill de Blasio.

J.D., Yale Law School; M.A., Oxford University; B.A., Columbia University

PUBLIC ADVOCATE APPOINTEE

Esmerelda Simmons, Esq.

Esmeralda Simmons is an accomplished lawyer and public servant who has spent decades fighting for human and civil rights on the federal, state, and municipal levels. Ms. Simmons founded the Center for Law and Social Justice at Medgar Evers College, a community-based racial justice advocacy center that focuses on legal work and research on civil rights and domestic human rights violations. Recently retired, she advocated for equity in public education, voting, policing, and the child welfare system as the Center's executive director for 34 years. Through the Center, Simmons provided community organizations with legal counsel and research assistance.

Before founding and directing the Center for Law and Social Justice, Ms. Simmons served as First Deputy Commissioner at the New York State Division of Human Rights, where she developed and led the implementation of policy in support of New Yorkers' human and civil rights, and as an Assistant Attorney General for the State of New York. In addition, she has served on several major public boards in New York City government, including the NYC Board of Education and the NYC Districting Commission.

Ms. Simmons also volunteers her skills and currently serves on the board of directors of UPROSE, a climate justice organization; the Council of Elders for African Cultural Heritage; and Little Sun People, an African-centered early childhood education center. In the recent past, she has served on several boards of national organizations: the Applied Research Center (now "Race Forward"); Vallecitos Mountain Retreat Center; the Child Welfare Fund; and, the Poverty and Race Research Action Council (PRRAC).

Ms. Simmons has served as counsel or co-counsel on numerous major federal Voting Rights Act cases and election law cases and has secured victories before the United States Supreme Court. She is a member of the Metropolitan Black Bar and American Bar associations, Ile Ase, Inc., and the New York Voting Rights Consortium. Ms. Simmons is the Public Advocate designee to the Board appointed by Mayor Bill de Blasio.

J.D. Brooklyn Law School, B.A. Hunter College, City University of New York

POLICE COMMISSIONER DESIGNEES

Salvatore F. Carcaterra

Salvatore F. Carcaterra began his law enforcement career in 1981 with the NYPD, where he served for 21 years. Starting as a Patrol Officer, he was promoted through the ranks to the position of Deputy Chief. As a Deputy Chief he served as the Executive Officer to the Chief of Department, where, among many duties, he organized and implemented the NYPD's overall response to the threat of terrorism following the 9/11 attack on the World Trade Center. Prior to that, Carcaterra was a Deputy Inspector in command of the Fugitive Enforcement Division. As a Deputy Inspector he also served in the Office of the Deputy Commissioner for Operations, managing COMPSTAT, and commanding the Hate Crimes Task Force increasing its arrest rate by over 50 percent. He served in the NYPD Detective Bureau as a Captain in the 70th Precinct and as Deputy Inspector in the 66th Precinct. After retiring from the NYPD, Carcaterra became the president of a security firm and now heads his own security company, providing personal and physical protection to individuals and corporations. Mr. Carcaterra is a Police Commissioner designee to the Board appointed by Mayor Bill de Blasio.

B.S., John Jay College of Criminal Justice, City University of New York; Graduate, Federal Bureau of Investigation National Academy; Graduate, Columbia University Police Management Institute

Frank Dwyer

Frank Dwyer, a Brooklyn native and current Queens resident, consults with and teaches at police departments and educational institutions throughout the United States. In 1983, he joined the NYPD and served in Queens, Brooklyn, and Manhattan in a variety of assignments including as a Police Academy Law Instructor, the Commanding Officer of the 7th precinct on the lower eastside of Manhattan, and the Commanding Officer of the Office of the Deputy Commissioner for Operations. He worked in lower Manhattan on 9/11 and in months that followed. Retiring in 2012 at the rank of Deputy Inspector, Dwyer is currently pursuing a doctorate in Criminal Justice. He has consulted for several police departments including Newark, New Jersey, and Wilmington. He has also taught at or consulted to the following educational institutions: John Jay College of Criminal Justice, Teachers College, Boston College, Morgan State University, and the University of San Diego. Mr. Dwyer is a Police Commissioner designee to the Board appointed by Mayor Bill de Blasio.

M.S.W., Hunter College, City University of New York; M.St., Cambridge University; M.P.A., Harvard University; M.A., Fordham University; B.A., Cathedral College

Willie Freeman

Willie Freeman began his 22-year law enforcement career in 1974 as a Patrol Officer in the New York City Police Department. He served in the 78th and 84th Precincts in Brooklyn. In 1979, he was assigned to the Police Academy, where he taught physical education, police science, and performed administrative duties as a Squad Commander. He was promoted to Sergeant and, subsequently, assigned to the Organized Crime Control Bureau. Mr. Freeman served in the 70th Precinct as a Platoon Commander and Integrity Control Lieutenant. He worked in myriad divisions in Brooklyn and Manhattan including Narcotics and the Internal Affairs Bureau. Mr. Freeman retired in the rank of Lieutenant.

During his tenure with the NYPD, Mr. Freeman recruited and trained thousands of officers and taught police instructions, policy, and procedure. The Department recognized his service with Excellent Police Duty and Meritorious Police Duty medals. After retiring from the Department, Mr. Freeman spent 17 years as the Director of Security Services/Chief Investigator for the Newark Public School District, where he managed security personnel and served as the primary liaison between the police, the community and the schools. He has since worked as a public-school security consultant for Newark, Hempstead, and New York State. He successfully assists large urban districts in designing and evaluating school safety plans, performing facility audits, and initiating community-based violence prevention programming. Mr. Freeman is a Police Commissioner designee to the Board appointed by Mayor Bill de Blasio.

M.S., Long Island University; B.S., Saint John's University; Graduate, Federal Bureau of Investigations National Academy, 182nd Session

EXECUTIVE AND SENIOR STAFF

EXECUTIVE STAFF

Executive Director: Jonathan Darche, Esq.

General Counsel: Matt Kadushin, Esq.

Chief Prosecutor: Andrea Robinson, Esq.

Deputy Executive Director of Administration: Jeanine Marie

Chief of Investigations & Director of Investigative Training: Mercer (“Monte”) Givhan, Esq.

Senior Advisor to the Executive Director & Director of Outreach and Intergovernmental Affairs: Yojaira Alvarez

Senior Counsel to the Executive Director & Senior Counsel for Policy and Advocacy: Harya Tarekegn, Esq.

SENIOR STAFF

Deputy Chief Prosecutor: Suzanne O’Hare, Esq.

Director of Case Management: Eshwarie Mahadeo

Director of Civilian Witness Assistant Unit: Baiana Turat, LCSW, CCM

Director of Analytics and Application Development: Lincoln MacVeagh

Director of Human Resources: Jennelle Brooks

Director of Information Technology: Carl Esposito

Director of Mediation: Lisa Grace Cohen, Esq.

Director of NYPD Relations: Jayne Cifuni

Director of Operations and Budget: David B. Douek

Director of Recruitment: LaShawn Lindsey

Deputy Chief of Special Operations: Olas Carayannis

Acting Director of Investigative Training and Deputy Director of Investigative Training: Jennifer Jarett