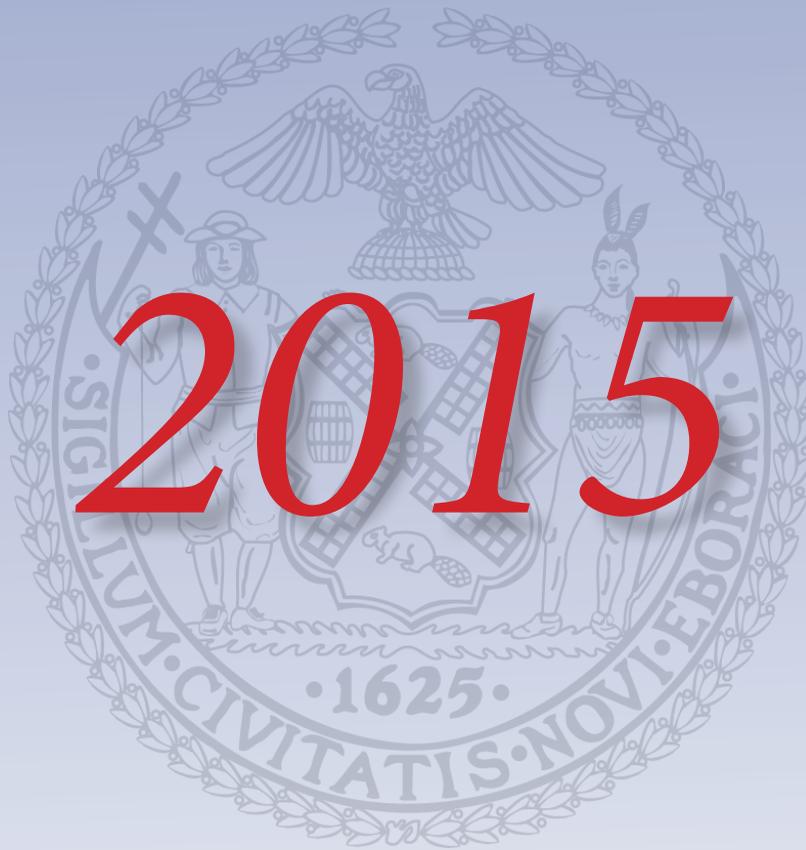




CIVILIAN COMPLAINT REVIEW BOARD

BILL DE BLASIO, Mayor • DEBORAH N. ARCHER, Esq. Acting Chair • MINA Q. MALIK, Esq. Executive Director



Annual Report

JANUARY-DECEMBER

Mission and Values

The New York City Civilian Complaint Review Board (CCRB) is an independent Agency that is empowered to receive, investigate, prosecute, mediate, hear, make findings, and recommend action upon complaints filed against members of the New York City Police Department (NYPD) that allege the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The Board's staff, composed entirely of civilian employees, conducts investigations, mediations, and prosecutions in an impartial manner. The City Charter gives the Police Commissioner final authority in matters of police discipline.

In fulfillment of its mission, the Board has pledged:

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

Table of Contents

| | |
|---|-----|
| Mission and Values..... | i |
| Letter from the Acting Chair..... | iii |
| Letter from the Executive Director | v |
| Executive Summary | ix |
| Introduction: The Board, Agency Operations, and Resources | xv |
| SECTION 1: Complaint Activity..... | 1 |
| SECTION 2: Investigative Findings..... | 21 |
| SECTION 3: The Disciplinary Process..... | 31 |
| SECTION 4: Mediation | 39 |
| SECTION 5: Outreach..... | 44 |
| SECTION 6: The Impact of Video | 46 |
| SECTION 7: New Initiatives | 51 |
| SECTION 8: A Discussion on Important Trends – False Official Statements, Chokeholds, and Stop-Question-Frisk..... | 53 |
| SECTION 9: Update on 2015 Policy Reports..... | 61 |
| An Examination of CCRB Cases with Juvenile Victims..... | 61 |
| Background of CCRB and Glossary | 75 |
| New York City Charter..... | 77 |
| Board Members..... | 79 |
| Executive Staff..... | 83 |

Letter from the Acting Chair



May 2016

Dear Fellow New Yorkers:

Improving trust between the New York Police Department and the communities it serves is critical both to improving public safety and building a more just and equitable City. By giving New Yorkers a venue to have their voices heard and concerns investigated, the Civilian Complaint Review Board (CCRB) plays a central role in achieving these twin goals. This Annual Report of the CCRB highlights the significant progress we have made over the past year, including many of the changes we have made to make the CCRB more efficient and effective. In its 23rd year of existence, I can say with confidence and pride that the Agency has gone a long way toward strengthening its oversight process to ensure that it is fair both to civilian complainants and the officers of the New York City Police Department.

Under the leadership of Executive Director Mina Malik and her senior staff, the CCRB continues to improve on all fronts. Critically, our decision-making is faster and more efficient. The entire time it takes from the filing of a complaint to the Board's disciplinary recommendation has dramatically decreased. This has been largely due to a restructuring of the Investigations Division into smaller units with more thorough supervision. Faster decisions benefit both complainants and police officers, and advances the public trust.

During the past year, the Agency has continued its unprecedented cooperation with the Police Department. Through our revitalized partnership, we are able to gather evidence more quickly for investigations. We are also able to advise the Department on policies and procedures relevant to our work. In addition, the CCRB has made itself more accessible to New Yorkers through collaboration with the New York City Council. The Community Partnership Initiative places CCRB investigators in participating Council Members' district offices across the five boroughs, where they hold special evening office hours to hear community concerns. The Agency also continues to demonstrate its commitment to community outreach through the expansion of the Outreach Unit. This unit has made hundreds of presentations about the CCRB and the rights of New Yorkers throughout the city in 2015. The Outreach Unit has made a particular commitment to focus on underserved populations, such as recent immigrants.

This report also highlights trends and patterns in police complaints over the past six years. In particular, we report on the decline in the number of complaints made against officers, and the increased rate of adherence by the NYPD to CCRB recommendations. These trends give us great hope that despite ongoing challenges in police-community relations, initiatives such as the expansion of community policing are moving the City in the right direction. Substantive issues concerning the patterns of complaints about force, abuse of authority, discourtesy, and offensive language are discussed as well. This report also provides updates on stop-question-frisk, chokeholds, and

false official statement allegations.

In addition to the important issues described above, the report also presents several topics that we are addressing in our annual report for the first time. These include statistics on the number of officers currently on the force with CCRB complaints, and more importantly, officers with CCRB complaints that include at least one substantiated allegation. Additional highlights include the impact of growing video evidence, new data and software initiatives, the aid of live data dashboards to track internal performance, use of text messaging for complainants, and optional questions related to sexual orientation and gender identity that were recently added to police complaint forms.

With significant accomplishments during the past year, the Agency continues to push for increased cooperation between the public, the CCRB Board and staff, and the NYPD. We hope that through continued progress, the Agency can continue to serve as a living example of the critical importance of civilian oversight -- both to the Police Department and the communities it is charged to serve and protect. We strive to provide an excellent model for effective, independent police oversight in the nation.

Sincerely,

A handwritten signature in cursive script that reads "Deborah N. Archer".

Deborah N. Archer, Esq.

Letter from the Executive Director



May 2016

Dear Fellow New Yorkers:

In February 2015, when I became the Executive Director of the largest police oversight agency in the nation, I valued and shared the vision of Mayor Bill de Blasio in reforming the CCRB which had not lived up to its full potential for 22 years. During this past year, I have worked with an enthusiastic Board and a dynamic Executive Team to improve the organization at all levels. Indeed, the Agency has undergone a tremendous transformation to ensure that justice is swift and fair, investigations and prosecutions are more effective, and that all divisions of the Agency are performing at or close to their top level.

As Executive Director, I outlined three key elements of my vision for the Agency: (1) timelier and more successful investigations; (2) speedier and more proactive prosecutions; and (3) high quality work that both the public and the Police Department expect and deserve. During the last year, I and the dedicated staff worked relentlessly to achieve these goals and improve all aspects of work at the Agency. It is my hope that the Agency continues to make positive and progressive change so that it is respected by both civilians and police officers alike.

With the welcome addition of a new and driven Chief of Investigations in 2015, the Investigations Division has completed a major reorganization from a vertical team structure to a horizontal one based on smaller squads. This restructuring, together with new accountability tools, has improved overall investigative procedures, enabled the prioritization of resources, increased productivity, and dramatically decreased both the open docket and case processing times. Ninety-three percent (93%) of complaints were four months old or less at the end of 2015, compared to 59% at the end of 2014.¹ In addition, the case substantiation rate increased to 24% in 2015 from 14% in 2012, 15% in 2013, and 17% in 2014. The rise in the substantiation rate is a remarkable indication of the Agency conducting better and faster investigations, as well as the Agency's increased use of video evidence.

This past year, the Investigations Division also restructured the Intake Unit; created an Evidence Collection Field Team to immediately respond to complaints; and streamlined cooperation with the Internal Affairs Bureau (IAB) to obtain documents more quickly. These changes have enhanced both the speed and efficiency of evidence gathering. In addition to these key improvements, a new and updated Investigative Manual was commissioned and completed to replace the outdated one from a decade ago. Finally, in 2015, the Investigations Division implemented a comprehensive CCRB Training Academy with competency-based graduation requirements for the first time ever in the Agency's history. These enormous improvements have transformed the Investigations Division to date, and have positively impacted the efficiency and effectiveness of our investigations overall.

¹These figures are based on the date of complaint filing.

The Agency also selected a new Deputy Executive Director of Policy & Strategic Initiatives whose contributions to the organization have been invaluable. Under her guidance, she has expanded, transformed, and improved the Policy Unit in immeasurable ways. The Policy Unit now uses data in ways the Agency had never done before. Monthly reports have been restructured so that the report is accessible to all members of the public. The introduction of new and innovative software has helped to enhance data visualization, track data internally on all CCRB teams, and create the new interactive complaint activity map on the website. The Unit also embarked on an Open Data Initiative designed to make our data more accessible to the public. Finally, in the Fall of 2015, the Unit commenced a series of substantive reports including the Agency's first report of 2016 entitled, "*Crossing the Threshold: An Evaluation of Civilian Complaints of Improper Entries and Searches by the NYPD from January 2010 to October 2015.*"

Another positive development is that the Administrative Prosecution Unit (APU) conducted more trials and closed more cases in 2015 than in any other year. Under the direction of our Chief Prosecutor, the APU closed 186 cases last year compared to 112 in 2014 (a 66% increase), and completed trials against 130 officers in 2015 compared to 82 officers in 2014 (a 59% increase).² With a discipline rate of 61% for the past year, the APU also implemented a new procedure to allow incarcerated witnesses to testify via videoconference in Department trials, and instituted a streamlined, court appearance system for its attorneys. A new system of benchmarks and an internal case tracking system were both created to increase the speed of processing cases and to improve efficiency within the Unit.

Within the Administration Division, our newly-expanded and enhanced Outreach Unit has helped the Agency become more visible and well-known throughout New York City. Our dedicated outreach staff has done multiple presentations involving know-your-rights and de-escalation approaches to police encounters. With more strategic outreach efforts into all boroughs and our ever-growing diverse communities, the CCRB's Outreach team visited more educational institutions, precinct council meetings, and LGBTQ organizations in 2015 than in any other year.

The CCRB has also increased outreach to New Yorkers in other ways. The Agency expanded its Community Partners Initiative (CPI) in collaboration with the New York City Council. The CCRB now holds special evening office hours in participating Council Members' district offices across the five boroughs to accommodate individuals who are unable to visit our lower Manhattan office during regular business hours. Further, the Agency's language access policy provides live interpretation, website translation, and complaint forms in more languages than ever before. In 2015, complaint walk-in forms became available in Arabic, Chinese, Haitian Creole, and Russian. These additions increase the Agency's language access and complement forms that have been traditionally available only in English and Spanish. Also, in 2015, the Agency continued to hold monthly public meetings in each borough so that members of the public would be able to attend our meetings in their communities, in addition to watching live on the internet or via the archive on our website.

Significantly, this Annual Report also highlights a continued reduction in complaint activity over the past six years, and features our continued collaboration with the Police Department designed to ensure a timelier and more effective disciplinary process. As a final point, the report recognizes evolving patterns and developments that go beyond individual complaints so that the public and the Police Department can address noteworthy trends.

These are all promising improvements, and it is my firm belief that the Agency will continue to make positive strides to ensure that the Civilian Complaint Review Board is a major component in helping to heal the damaged aspects of police-community relations across this city.

²There were 138 trial decisions in 2015, compared to 47 in 2014.

My vision for this Agency continues to be a lofty one, but one that this past year has shown can be achieved with dedication, teamwork, and strategic thinking so that the CCRB can be the premier model for the nation as the largest and the greatest police oversight agency in the country.

Warm regards,

A handwritten signature in black ink, appearing to read "Mina Q. Malik". The signature is fluid and cursive, with a large loop at the end.

Mina Q. Malik, Esq.

A Note on Methodology

Data for previous years in this Annual Report may differ slightly from the numbers in the prior Annual Report. This is because complaint data is subject to change during the course of an investigation. For example, an allegation may be included in the early part of the investigation and then not pleaded after a closer look at the evidence. Therefore, numbers run from the CCRB database at one point in time may slightly differ from numbers run from another point in time. Rather than reusing the counts published in prior years, we have updated all counts to provide you with the most up to date data. In addition, when discussing closed cases, we now use the case closing date (the date a complaint is marked as closed in our database) rather than the panel date (the date a panel is scheduled to vote on a complaint) as the date which marks final closure of a complaint. All of these changes are minor and do not affect the substance of any previous reports.

Executive Summary

Section 1: Complaint Activity

- Last year 4,460 complaints were filed within the CCRB's jurisdiction, marking the sixth consecutive year that the number of CCRB complaints has declined. This is a 7% decrease from the 4,775 complaints the Agency received in 2014, and a 17% decrease from the 5,388 complaints the Agency received in 2013. Complaint activity has been steadily declining from 2009 when the Agency received 7,600 complaints annually.
- During the first half of 2015, the average number of complaints filed per month was 348, which was lower than the 450 average complaints per month from the first half of 2014. However, during the second half of 2015, the CCRB received an average of 395 complaints per month - higher than the 346 average complaints per month during the second half of 2014.
- There are five ways to file complaints directly with the CCRB: by phone, mail, online, fax, or in person. Filing by phone is the most popular method (including through the automated voice-messaging system). The percentage of complaints made by phone has decreased from 85% in 2010, 82% in 2011, 76% in 2012, 69% in 2013, and 76% in 2014 to 70% in 2015. The second most common method of filing CCRB complaints is via the agency's online complaint form. In 2015, 551 (23%) complaints were filed via the online platform. This is an 8% increase from the 519 complaints filed online in 2014.
- The CCRB has been committed to providing greater access for individuals who cannot travel to Manhattan to meet with investigators. Since April 2015, the CCRB has provided regularly scheduled interviews and walk-in intake at Council Member Robert Cornegy's office in Brooklyn. The CCRB expanded this effort in February 2016 and began scheduled interviews and walk-in intake in the offices of Council Member Deborah Rose (Staten Island), Council Member Carlos Menchaca (Brooklyn), Council Member Vanessa Gibson (Bronx), Council Member Donovan Richards (Queens), and Speaker Melissa Mark-Viverito (Manhattan).
- Brooklyn has consistently been the borough with the most complaints, where 1,449 complaints were filed in 2015, down 9% from the 1,595 filed in 2014. Manhattan had 1,059 complaints, down 1% from the 1,074 complaints filed in 2014. In 2015, the Bronx was the incident location for 972 complaints, down 4% from the 1,011 complaints filed in 2014. Queens complaints were also down 3%, falling from 787 in 2014 to 759 complaints in 2015. Finally, Staten Island had the most significant decrease of complaints as a percentage, falling 32% from 265 to 179.
- The top three precincts (by location of incident) to receive the most complaints remained the same from 2014 to 2015: the 75th in Brooklyn (215 complaints in 2015), the 40th in the Bronx (141 complaints), and the 73rd in Brooklyn (126 complaints). Five of the top ten precincts for complaint activity were located in the Bronx; three in Brooklyn, two in Queens, and none were located in Manhattan or Staten Island. The 123rd precinct saw the largest increase (percent change), from 16 complaints in 2014 to 26 in 2015. The precinct with the largest decrease (percent change) was the 104th which declined 46% from 48 complaints in 2014 to 26 in 2015.
- In 2015, the total number of stop, question, frisk and search allegations (1,930) were down 12% from 2014 (2,198), and down 47% from 2010 (2,616), at the height of "stop and frisk."
- In 2015, as in previous years, black people constituted just over half of alleged victims.

When alleged victims for whom race is “unknown” is not considered (providing racial and ethnic information is optional), then the CCRB’s alleged victim demographics breakdown as follows: 52% black, 26% Hispanic, 15% white, 4% Asian, and 3% other. According to the 2010 Census, New York City’s racial and ethnic breakdown is 33% white, 29% Hispanic, 23% black, and 13% Asian. Note that the CCRB compares the demographic profile 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 percentage and number of criminal suspects.

- With respect to sex, well over half of alleged victims were male (68%) and 29% were female in 2015 (3% were unknown). These percentages have been consistent for at least the past 6 years. In 2015, the average age at the time of incident was 34 years old, similar to past years (33 in 2014 and 2013, 32 years in 2012 and 2011, and 30 years in 2010).
- The number of officers who have been the subject of CCRB complaints has generally decreased from 2010 to 2015, except for a slight increase in 2013. In 2015, there were 4,662 officers who were the subject of CCRB complaints, down from 4,732 in 2014.
- While the demographics of alleged victims in CCRB complaints have traditionally deviated from the composition of the city population, the racial demographics of officers who are subjects of CCRB complaints have generally reflected the composition of the Police Department. For example, in 2015, subject officers were 52% white, 28% Hispanic, 15% black, and 6% Asian, in a Department that was 50% white, 27% Hispanic, 15% black, and 6% Asian. In 2014, the figures were nearly identical, with complaints filed against subject officers who were 50% white, 29% Hispanic, 17% black, and 5% Asian.
- The sex of subject officers has traditionally skewed more male than the Police Department as whole, which is 83% male. In 2015, 91% of the subject officers of CCRB complaints were male and 9% were female, almost identical to data from the past six years.

Section 2: Investigative Findings

- In 2015, the CCRB built a Field Team to immediately respond to complaints that might include video evidence. The CCRB has found that many video cameras located on commercial or residential buildings save footage for a very brief period of time, perhaps no longer than 24 or 72 hours. Immediately retrieving that information is essential. Likewise, a rapid response to an incident can allow the Field Team to find objective witnesses to the incident in question.
- In 2015, the CCRB conducted 8,717 interviews. This included 2,185 interviews with complainants and victims, 6,104 interviews with police officers, and 428 interviews with witnesses. These numbers are all slightly down from 2014, partially due to the fact that overall complaint numbers are down. The number of offsite interviews has increased 37% from 212 in 2014 to 291 in 2015, which is the highest in CCRB history. One of the CCRB’s primary goals in 2016 is to expand its footprint in the outer boroughs, particularly for residents that have difficulty accessing the CCRB at its 100 Church Street address.
- The natural result of faster, better investigations is record-breaking agency statistics. Throughout 2015, the CCRB redefined Agency standards and established benchmarks by which future investigations will be measured. Of the full investigations closed during the entire year of 2015, 22% were closed in four months or less, and 54% were closed within seven months. By comparison, in 2014 only 6% of full investigations were closed in four months or less, and in the ten years prior to 2015 there has not been a single year in which more than 7% of the full

investigations were closed in four months or less.

- Restructuring of the Investigations Division has decreased times to complete full and substantiated investigations as well. The average number of days to complete a full investigation was decreased by 87 days, or 28%, from 310 in 2014 to 223 in 2015 (these numbers are for cases closed during the entire year).³ Similarly, the time to complete a substantiated investigation fell by 124 days, or 33%, from 373 in 2014 to 249 in 2015. As a consequence, the proportion of substantiated cases in which the statute of limitations expired decreased from 2.2% in 2014 to 0.8% in 2015.
- Over the past few years, the complaint substantiation rate has steadily increased, from 14% in 2012, 15% in 2013, and 17% in 2014 to 24% in 2015 (the entire year). This was the highest substantiation rate in CCRB history. The CCRB substantiated 528 cases in 2015.
- Substantiation rates are also measured by allegation, rather than complaint. The allegation substantiation rate was 9% in 2013, 10% in 2014, and 14% in 2015. For 2015, the allegation substantiation rate was 7% for force allegations, 20% for abuse of authority allegations, 11% for discourtesy allegations, and 4% for offensive language allegations. A total of 1,286 allegations were substantiated in 2015.

Section 3: Disciplinary Process

- In 2015, the Board substantiated 528 complaints against 790 police officers, as compared to 313 complaints against 467 officers in 2014. The number of officers with substantiated allegations significantly increased after 2011. There were 213 officers with substantiated allegations in 2011; 243 in 2012; 463 in 2013; 467 in 2014; and 790 in 2015. The number of officers with substantiated allegations has increased by 69% compared to 2014. In total, the Board substantiated complaints against 2,176 officers from 2011 to 2015.
- When the CCRB recommends instructions, formalized training, or command discipline for a Member of Service (MOS), that recommendation is sent to the Department Advocate's Office ("DAO").⁴ In 2015, 92% of penalty recommendations sent to the DAO (not including APU cases) resulted in the NYPD issuing final penalties against the MOS. For APU cases closed in 2015, 61% resulted in the NYPD issuing final penalties against the MOS.
- For officers against whom complaints were substantiated, the Board recommended that administrative charges be brought against 201 (25%) officers; command discipline for 346 (44%) officers; formalized training or instructions for 240 (30%); and no recommendation was made for 3 officers (0.4%).

³ Last year's Annual Report stated that, "As a result, the time to conduct investigations has plummeted from 329 days in 2013 and 271 days in 2014 to 63 days so far this year for cases filed after the implementation of the reforms." It is important to note that the first half of this sentence, and the latter half of this sentence (underlined) compare two *different* points in time. The first half of the sentence pertains to the average number of days to conduct a full investigation for cases *open at any time and closed at any point in time within the entire year in question* (e.g., 2014). The second half of the sentence, "63 days so far this year for cases filed after the implementation of the reforms" pertains to the average number of days to conduct a full investigation for cases filed after the implementation of the reforms in December 2014, and closed at the time of writing the 2014 Annual Report "so far this year". This means that the set of cases related to the 63 days were opened since January 2015 and closed relatively quickly by the time the 2014 Annual Report was published in May 2015. If we were to compare the same time frame for 2016, then the average number of days to complete a full investigation would be 49 days.

⁴ The term Member of Service (MOS) refers to a NYPD sworn officer.

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- In 2015, the Police Department reported its final disciplinary decisions for 440 subject officers, comprising both cases that were prosecuted by the APU and cases that were handled by the DAO. The Police Department imposed some form of discipline—guilty verdict after trial, guilty plea, command discipline, instructions, or formalized training—in 350 cases, resulting in an 80% disciplinary action rate. The Police Department did not impose any disciplinary action in 20% of cases for the following reasons: not guilty after trial; charges dismissed; statute of limitations expired; or the Department was unable to prosecute the case (“DUP”).⁵ Specifically, the Department’s DUP rate was 4% in 2015.
 - In 2015, the Administration Prosecution Unit (“APU”) received a total of 204 cases in which the Board had recommended charges and specifications for one or more of the subject officers in the underlying complaint. The Police Department retained 5 cases from the APU under the “limited exception” provision of the Memorandum of Understanding (MOU), compared to 2014, in which the Department prevented the APU from prosecuting 36 cases.⁶
 - In 2015, the APU conducted trials against 130 respondent officers. At the end of December 31, 2015, the APU’s total open docket stood at 377 cases. This included cases where the CCRB was awaiting a trial verdict or final determination of discipline by the Police Commissioner.
 - The DAO’s disciplinary action rate refers to the percentage of substantiated complaints in which the DAO imposes some type of discipline upon the subject officer. In 2015, the DAO’s disciplinary action rate was 92%. The rate was 81% in 2011; 70% in 2012; 57% in 2013; and 70% in 2014. The 2013 discipline level was the lowest of the last six years.
 - In the past, the Department rarely adopted the CCRB discipline recommendations for command discipline and instructions. Now it does. In 2013, the Department followed specific CCRB command discipline recommendations only 8% of the time, compared to 32% in 2014, and 67% in 2015. Similarly, in 2013, the Department agreed to and imposed CCRB’s recommendation of instructions/formalized training 44% of the time, compared to 73% in 2014, and 84% in 2015.
 - In 2015, the DAO declined to seek discipline in 8% of substantiated cases. The Department declined to seek discipline in 19% of all cases in 2010; 16% in 2011; 21% 2012; 27% in 2013; and 21% in 2014. In absolute numbers, the Police Department has declined to discipline 252 officers in the last six years. In 2015, the Department could not seek discipline in 2 cases because the statute of limitations (SOL) had expired.

Section 4: Mediation

- In 2015, the average number of days it took to mediate a case was the lowest in CCRB history. It took an average of 115 days to mediate a complaint in 2015, a decrease of 40% from the average of 191 days in 2014. This was also a 58% decrease from the highest number of average days in CCRB history at 274 days in 2013. Civilians and officers failed to satisfactorily address 22 complaints, resulting in a 90% success rate. In 2014, the success rate was 88%.

⁵ When the Department decides that it will not discipline an officer against whom the Board recommended discipline other than charges, those cases are referred to as "Department Unable to Prosecute," or DUP.

⁶ Retained cases are those in which the Department keeps jurisdiction pursuant to Section 2 of the April 2, 2012 MOU between the NYPD and the CCRB. When the Department keeps jurisdiction pursuant to Section 2 and does not impose any discipline on the officer, it is the equivalent of a DUP.

Section 5: Outreach

- With an infusion of funding from the Mayor, over the course of 2015 the Outreach Unit expanded from one person to a full-time staff of six people, thus assigning one Outreach Coordinator to each borough to act as the main liaison for the Agency. The Outreach Unit visits schools, public libraries, tenant associations, advocacy organizations, cultural groups, religious organizations, community boards, and precinct community councils, among others, in all five boroughs. The presentations provide an overview of the CCRB process, an explanation of the basic legal contours of police encounters, and stress the importance of de-escalation. In 2015, staff members gave 272 presentations, a slight decrease from 311 in 2014; but well above the number of presentations in prior years.
- In 2015, Outreach efforts became more diversified. The CCRB's Outreach team visited more educational institutions, precinct council meetings, probationary groups, homeless organizations, formerly incarcerated individuals, and residents of NYCHA housing than in any other year. The CCRB aims to work with communities that feel the CCRB has been unresponsive. For example, in recognizing the specific policing challenges that members of the LGBTQ community face, in 2015, the CCRB hosted an event entitled "Let's Talk About It" which was a candid conversation between the CCRB leadership and members of LGBTQ advocacy groups.
- In its outreach efforts, the Agency makes clear that any New Yorker can file a complaint, regardless of immigration status. In 2015, the CCRB continued to provide outreach to immigrant and English-as-a-second-language communities by providing language assistance services so that no one is unable to file a police misconduct complaint due to language barriers. In our commitment to making the CCRB process more accessible to all New Yorkers, in 2015, the Agency's language access capacity was expanded, making complaint walk-in forms (previously available only in English and Spanish) also available in Arabic, Chinese, Haitian Creole, and Russian. The Agency provided translations on 595 occasions in nine different languages in 2015. The vast majority of translations provided were in Spanish (90%), followed by Chinese (8%), Russian (3%) and Arabic (1%).

Section 6: The Impact of Video

- The number of CCRB complaints with video evidence has grown over recent years. In 2015, the CCRB closed 635 complaints (12%) containing video evidence, compared to 279 (5%) in 2014, 259 in 2013 (4%), and 43 in 2012 (1%). Similarly, the number of CCRB complaints with video evidence that are full investigations has increased. In 2015, 475 full investigations (22%) contained video evidence, compared to 233 (12%) in 2014, 212 in 2013 (10%), and 33 in 2012 (3%).
- The impact of video evidence has been most profound in excessive force investigations. The percentage of force investigations with video evidence increased from 19 (3%) in 2012, 152 (14%) in 2013, and 157 (16%) in 2014, to finally reaching 311 (29%) of all full investigations of force in 2015. By comparison, the percentage of non-force full investigations with video evidence grew from 2% in 2012, 6% in 2013, and 8% in 2014 to 15% in 2015.

Section 7: New Initiatives

- With the aim of reducing the number of people who miss their appointments, the CCRB enabled a text messaging service on October 7, 2015 which gave civilians the choice to opt for the CCRB to send them automatic text message reminders two days before their scheduled appointment. In

2016, CCRB will also expand this text messaging service to the Mediation Unit so that civilians who have agreed to mediation can be sent text message reminders of their scheduled mediation.

- In 2015, several technical applications were created to improve internal CCRB processes. First, a Case Manager Application was created for the APU which has greatly improved the Agency's ability to manage its prosecution docket. Second, a computer-based Board Voting Application enables Board members to watch video files and listen to audio files while they review investigative case files and make their findings. Third, interactive dashboards were developed giving the Investigations Unit automated information to track the status of their cases and overall performance.

Section 8: A Discussion on Important Trends – False Official Statements, Chokeholds, and Stop-Question-Frisk

- The CCRB continues to monitor the issue of false official statements made by officers during CCRB interviews, which were analyzed extensively in our 2014 Annual Report. The number of noted false official statement allegations has increased from 1 in 2010; 3 in 2011; 8 in 2012; 13 in 2013; 25 in 2014 to 60 in 2015. The CCRB noted the false official statements following either video evidence, documentary evidence, or statements from other witnesses or officers.
- In 2015, the CCRB received 485 complaints (down from 563 in 2014), 55% of the total SQF complaints, with at least one search allegation, and police officers conducted 4,204 documented encounters (down from 7,283 in 2014) where the civilian was searched.
- The number of chokehold allegations fell from 2014 to 2015, yet the number of substantiated chokehold allegations increased due to better investigative practices and access to evidence. In 2015, the CCRB substantiated 19 chokehold allegations, an increase from 7 in 2014.

Section 9: Update on 2015 Policy Reports

- During 2015, the CCRB's new Policy Unit worked on a number of reports that have been published or will be published in 2016. In February 2016, the CCRB released "Crossing the Threshold: An Evaluation of Civilian Complaints of Improper Entries and Searches by the NYPD from January 2010 to October 2015."
- The CCRB issues a monthly statistical report which details complaint activity and complaint types, Agency productivity, Board findings, and Police Department action on substantiated complaints. In addition, throughout the year, the CCRB issues *ad hoc* reports and recommendations on NYPD policies, procedures, and training. One such report from 2015, found at the end of this Annual Report, is *An Examination of CCRB Cases with Juvenile Victims*, which reviewed 41 substantiated complaints involving minors aged nine to sixteen filed from January 1, 2014 to October 1, 2015. The report includes recommendations for the NYPD to re-emphasize relevant Patrol Guide sections when dealing with minors, increase de-escalation training, and encourage officers to provide a basic explanation to juveniles for why they are being detained during or after their interaction.

Introduction: The Board, Agency Operations, and Resources

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

The Board consists of thirteen members. The City Council designates five Board members (one from each borough); the Police Commissioner designates three; and the Mayor designates five, including the Chair. All appointments are made by the Mayor, who also has the authority to select the Chair of the Board.

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. They receive compensation on a per-session basis, although some Board members may choose to serve pro bono.

In February, 2015 Mina Q. Malik Esq. joined the Agency in the position of Executive Director. Prior to joining the CCRB, Ms. Malik was Special Counsel to the District Attorney in the Kings County District Attorney's Office. The Executive Director is the Chief Executive Officer and is responsible for the Agency's daily operations, including the hiring and supervision of the Agency's staff in all programs. Under Ms. Malik's leadership in 2015, the CCRB has undergone a tremendous change. The Agency has been able to conduct faster and more efficient investigations, more proactive and effective prosecutions, undertake strategic outreach, and make better use of data.

The Police Commissioner designated Deborah Zoland to the Board in January 2015 and Salvatore Carcaterra in June 2015. With these appointments, Mayor de Blasio sought to build a more respectful relationship between police officers and the communities they serve. As of December 31, 2015, the Board had three vacancies: one mayoral designee, and City Council designees for Staten Island and Brooklyn.

Board members review and make findings on all misconduct complaints once they have been investigated by an all-civilian staff. From 1993 to 2013, when the Board found that an officer committed misconduct, the case was referred to the Police Commissioner with a discipline recommendation. Under a MOU between the CCRB and the NYPD (effective April 11, 2013), all substantiated cases in which the Board recommends that charges and specifications be brought against an officer, are prosecuted by a team of CCRB attorneys in the Agency's Administrative Prosecution Unit (APU). In 2014, the Board began making more detailed recommendations on the level of discipline. The Board now distinguishes between two levels of command discipline (command discipline A or command discipline B); formalized training at the Police Academy or the NYPD's Legal Bureau; and much less frequently instructions at the command level.

The staff is organized according to the core functions they perform. In addition to the Investigations Division and APU, the CCRB has a Mediation Unit that gives people the opportunity to resolve their complaints face-to-face with police officers. There is also an Outreach Unit that increases public awareness of the CCRB's mission and programs through presentations to

community groups, tenant associations, public schools, libraries and advocacy organizations throughout the five boroughs.

The Administrative Division supports the other units, managing the large-scale computerized Complaint Tracking System (CTS), processing cases for Board review, managing office operations and vehicle fleet, and performing budgeting, purchasing, personnel, and clerical services. Finally, the Policy Unit analyses complaint data, examines statistical trends, and produces substantive reports.

The CCRB's Fiscal 2016 budget, which is in effect from July 1, 2015, to June 30, 2016, is \$15,874,211. This reflects an increase of \$2,247,718 and 8 positions above the funded Fiscal 2015 budget. The total authorized full-time headcount for Fiscal 2016 was 186, with 114 employees in the Investigations Division, 5 in the Mediation Unit, 6 in the Outreach Unit, 24 in the APU, 6 in the Policy Unit, 3 in the Training Unit, and 28 in the Administrative Division. So far in 2016, the CCRB has also added 8 positions: 6 positions for the APU and 2 positions in Administration.

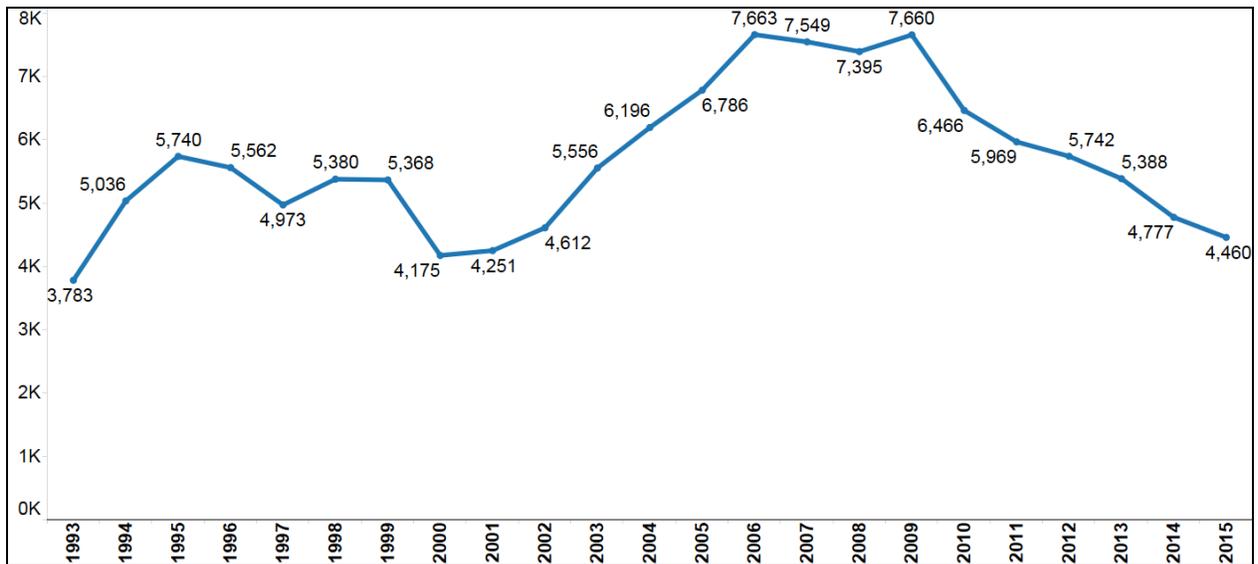
SECTION 1: Complaint Activity

For most New Yorkers, contact with the CCRB begins when they file a complaint alleging police misconduct. Last year 4,460 complaints were filed within the CCRB’s jurisdiction. This marked the sixth consecutive year that the number of CCRB complaints has declined. While complaints are down, many trends relating to the nature of the complaints remain the same. This chapter will break down who files complaints, against whom complaints are filed, and what the complaints allege.

Number of Complaints Received

The CCRB received 4,460 complaints within its jurisdiction in 2015. This is a 7% decrease from the 4,777 complaints the Agency received in 2014, and a 17% decrease from the 5,388 complaints the Agency received in 2013. Complaint activity has been steadily declining from 2009 when the Agency received 7,660 complaints annually.

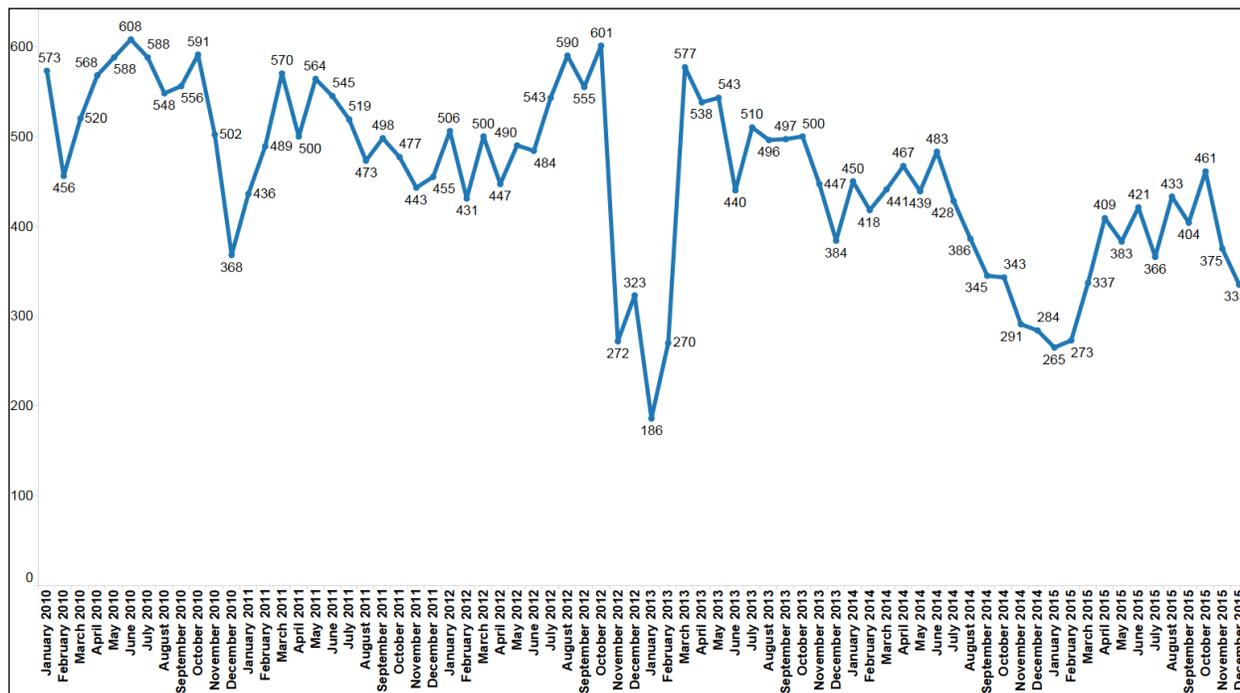
Figure 1: Total Complaints Received Within CCRB Jurisdiction by Year (1993-2015)



From 2010 to 2015, complaints have been steadily declining. Average monthly complaint activity has decreased from 539 complaints per month in 2010, to 497 in 2011, 479 in 2012, 449 in 2013, and 398 in 2014 and 372 in 2015.

During the first half of 2015, the average number of complaints filed per month was 348, which was lower than 450 average complaints per month from the first half of 2014. However, during the second half of 2015, the CCRB received an average of 395 complaints per month - higher than the 346 average complaints per month during the second half of 2014. It is important to note two important outliers in the figure below showing the number of total complaints received within CCRB jurisdiction by month from 2010 through 2015. The drastic decrease in complaint numbers in 2012 was largely due to Hurricane Sandy in October. The drop in complaint numbers at the end of 2014 and beginning of 2015 occurred around the time of the officer slowdown in New York, the effects of which continued to be noticeable into February 2015.

Figure 2: Total Complaints Received Within CCRB Jurisdiction by Month and Year (2010-2015)

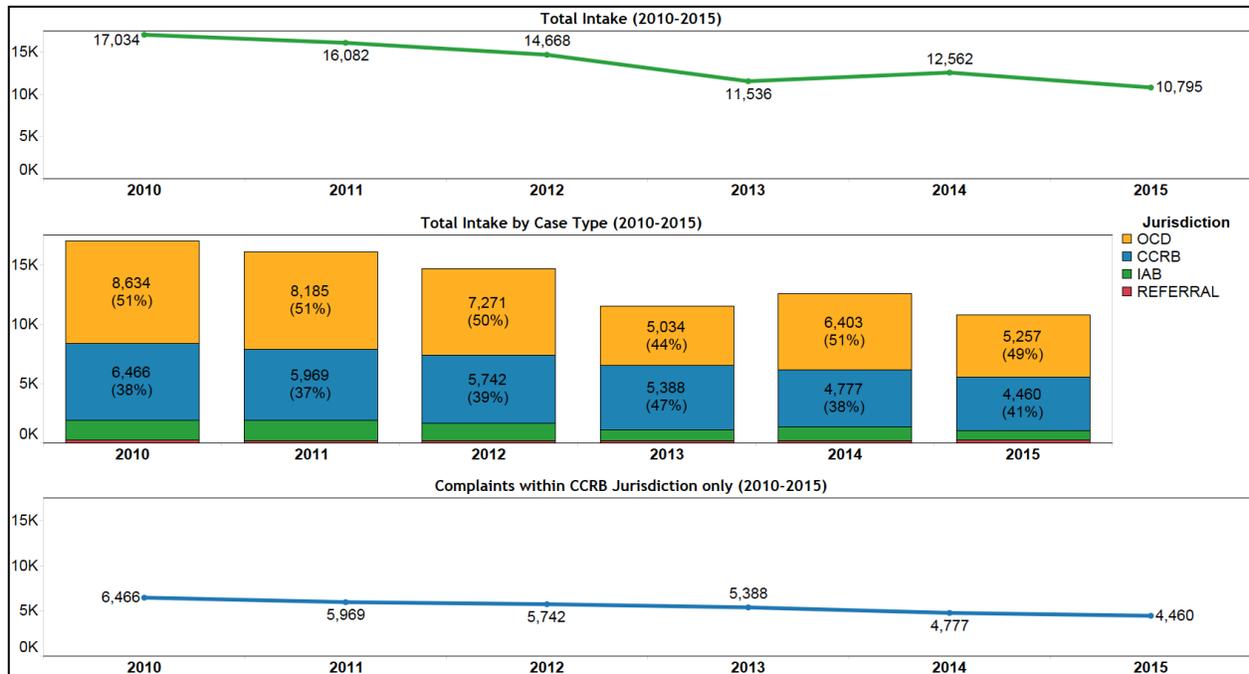


The long-term decrease in complaint activity is likely attributable to an overall decrease in law enforcement interactions with civilians. The number of stop, question and frisks has been declining significantly for several years, particularly since the policy has been under review by a court-appointed federal monitor.

Total Filings

It is important to look at the distinction between FADO complaints (i.e. complaints within the CCRB’s jurisdiction) versus total filings (i.e. total intake). Total intake is the sum of FADO complaints and complaints filed by members of the public that were determined to be outside CCRB jurisdiction. All complaints are entered into the Agency’s Complaint Tracking System (CTS); however, only complaints within FADO jurisdiction are investigated by the CCRB. Complaints outside of FADO jurisdiction are referred to the appropriate governmental entities that have the jurisdiction to process them. There are two units at the Police Department that are the primary recipients of the Agency’s referrals: the Office of the Chief of Department (OCD) and the Internal Affairs Bureau (IAB). People whose complaints are referred elsewhere are mailed a tracking number so that they can follow their complaints at the appropriate agency.

Figure 3: Total Complaints Received Within All Jurisdictions by Year (2010-2015)



Similar to the total number of complaints within CCRB jurisdiction that have steadily declined from 2010 to 2015, the total number of complaints received within all jurisdictions (i.e. total intake) have also generally declined over the past six years, with a noticeable dip in 2013 due to Hurricane Sandy. In 2015, the CCRB made 5,257 referrals to OCD, 833 referrals to IAB, and 244 referrals to other agencies, for a total of 6,334 referrals outside CCRB.⁷ This is down 18% from 7,785 total referrals made in 2014, and down from 6,150 total referrals made in 2013 8,926 total referrals made in 2012, 10,113 total referrals made in 2011, and 10,568 total referrals made in 2010.

Place of Filing Complaints within the CCRB's Jurisdiction

Most of the complaints filed within CCRB jurisdiction are received and processed by the CCRB's Intake unit. The number of complaints within CCRB's jurisdiction filed directly with the CCRB has slightly decreased over time, except for an increase in 2014 post Hurricane Sandy (See latter half of Figure 4). In 2010, 3,774 complaints within CCRB jurisdiction were filed with the CCRB, followed by 3,675 complaints in 2011; 3,313 in 2012; 2,589 in 2013; 2,985 in 2014; and 2,417 in 2015.

The Agency also receives a high number of complaints within CCRB jurisdiction from the NYPD's Internal Affairs Bureau (IAB). While the number of complaints within CCRB's jurisdiction filed directly with the CCRB has generally decreased over time, the number of complaints within CCRB's jurisdiction filed directly with the IAB has fluctuated over time. In 2015, IAB sent the CCRB 1,917 referrals. An additional 76 referrals came from police precincts, 13 from the Mayor's Office, and 37 from other sources, for a total of 2,043 referrals to the CCRB.⁸ These numbers are down from 2014, when IAB referred 1,725 cases, police precincts referred 51, the Mayor's Office referred 12, and 4 from other

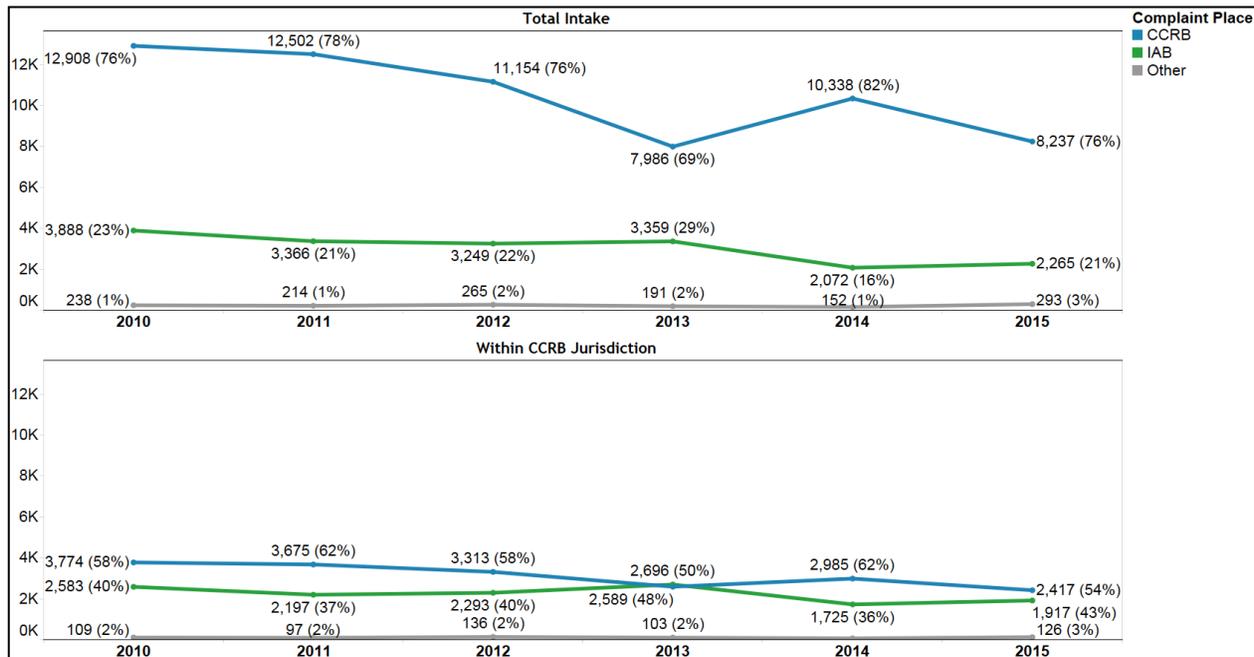
⁷ One case was referred elsewhere in 2015.

⁸ The 37 other sources in 2015 include one from another NYPD unit, two from the Police Commissioner's Office, two from Council Member's offices, two from DOI, five from IG NYPD, twelve from Other, and thirteen from Other City agencies.

sources for a total of 1,792 referrals.⁹

Total intake complaints filed directly with the CCRB have decreased from 12,908 in 2010 to 8,237 in 2015 (See top half of Figure 4). This was a 36% decrease. Total intake complaints filed directly with the IAB have decreased 42% from 3,888 in 2010 to 2,265 in 2015, with a slight increase in 2013.

Figure 4: Total Complaints Received by Complaint Place (2010-2015)

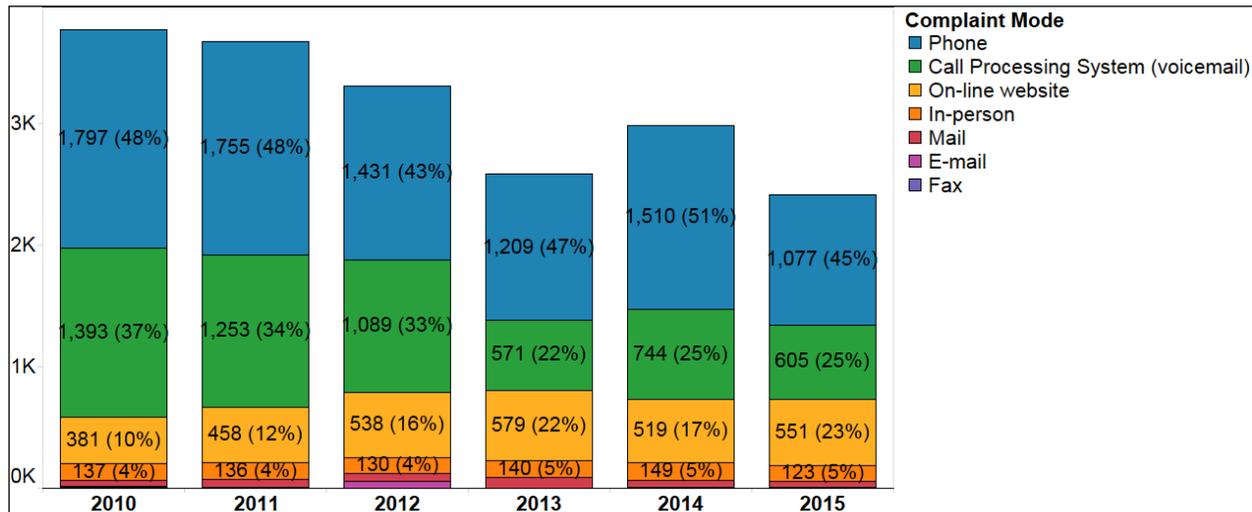


Method of Filing Complaints within the CCRB’s Jurisdiction

There are five ways to file complaints directly with the CCRB: by phone, mail, online, fax, or in person. Filing by phone is the most popular method. This includes filing through the automated voice-messaging system which is available in English, Spanish, Chinese and Russian. During business hours, the CCRB staffs phone lines to take complaints. In 2015, 1,077 complaints were reported by phone (45%) and 605 complaints were left on the automated voice-messaging system (25%) – totaling 80% of complaints coming through the phone system. As the overall number of complaints has decreased over the past six years, so has the general number of complaints that have been filed by phone (and through the automated voice-messaging system). The percentage of complaints made by phone (and voicemail) has decreased from 85% in 2010, 82% in 2011, 76% in 2012, 69% in 2013, and 76% in 2014 to 70% in 2015.

⁹ The four other sources in 2014 include one from the Police Commissioner’s Office, one from the Commission to Combat Police Corruption, and two from sources listed as “other”.

Figure 5: Total Complaints Received Directly to CCRB Within CCRB Jurisdiction by Complaint Mode (2010-2015)



The second most common and increasing method of filing CCRB complaints is via the Agency’s online complaint form, which can be found at <http://www.nyc.gov/html/ccrb/html/complaint/complaint.shtml>. In 2015, 551 (23%) complaints were filed via the online platform. This is an 8% increase from the 519 complaints filed online in 2014.

An additional 123 complaints were filed in person (5%) in 2015, primarily at the CCRB’s office at 100 Church Street in Manhattan. This is down from 149 in-person filings in 2014. CCRB investigators are required to take sworn statements from complainants and those can only be done in person. Anyone filing a complaint on the phone or online will be required to meet with a CCRB investigator in-person at some point in order to complete the investigation. To make this easier for everyone, the CCRB has been committed to providing greater access for individuals who cannot travel to Manhattan to meet with investigators. Therefore, since April 2015, the CCRB has provided regularly scheduled interviews and walk-in intake at Council Member Robert Cornegy’s office in Brooklyn. The CCRB expanded this effort in February 2016 and began scheduled interviews and walk-in intake in the offices of additional council members across the city, covering each borough.¹⁰ In addition, CCRB’s investigative team regularly conducts field interviews throughout the five boroughs, as well as at Riker’s Island. In 2015, 54 complaints were filed by mail (2%), down from 58 in 2014. Finally, fax was the least used method with 1 complaint in 2015, down from 5 complaints in 2014.

Characteristics of Complaints Received

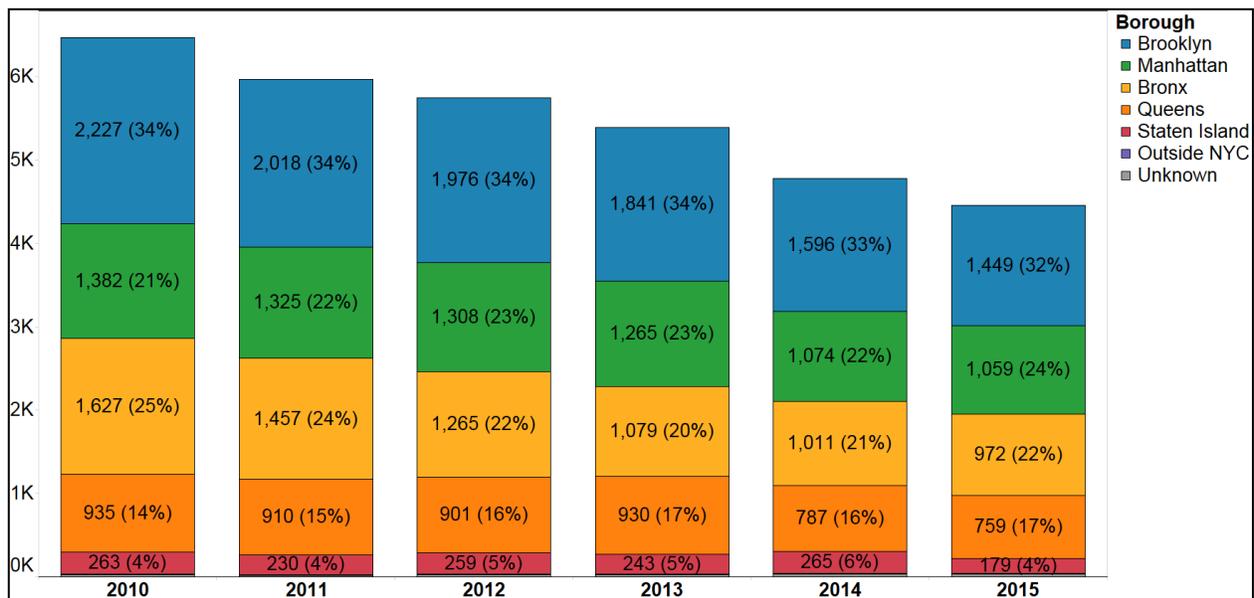
Location of Incidents Resulting in Complaints

In its monthly and annual reports, the CCRB always analyzes the borough and police precinct wherein incidents occurred. The number of complaints by borough followed the same pattern in 2015 as in 2014, with the number of complaints down in each. Brooklyn has consistently been the location of the most complaints, where 1,449 complaints were filed in 2015, down 9% from the 1,596 filed in 2014.

¹⁰ The expansion includes the offices of Council Member Deborah Rose (Staten Island), Council Member Carlos Menchaca (Brooklyn), Council Member Vanessa Gibson (Bronx), Council Member Donovan Richards (Queens), and Speaker Melissa Mark-Viverito (Manhattan).

Manhattan saw 1,059 complaints in 2015, down 1% from the 1,074 complaints filed in 2014. In 2015, the Bronx was the incident location for 972 complaints, down 4% from the 1,011 complaints filed in 2014. Queens complaints were also down 3%, from 787 in 2014 to 759 complaints in 2015. Finally, Staten Island saw the most significant decrease as a percentage, falling 32% from 265 in 2014 to 179 in 2015.

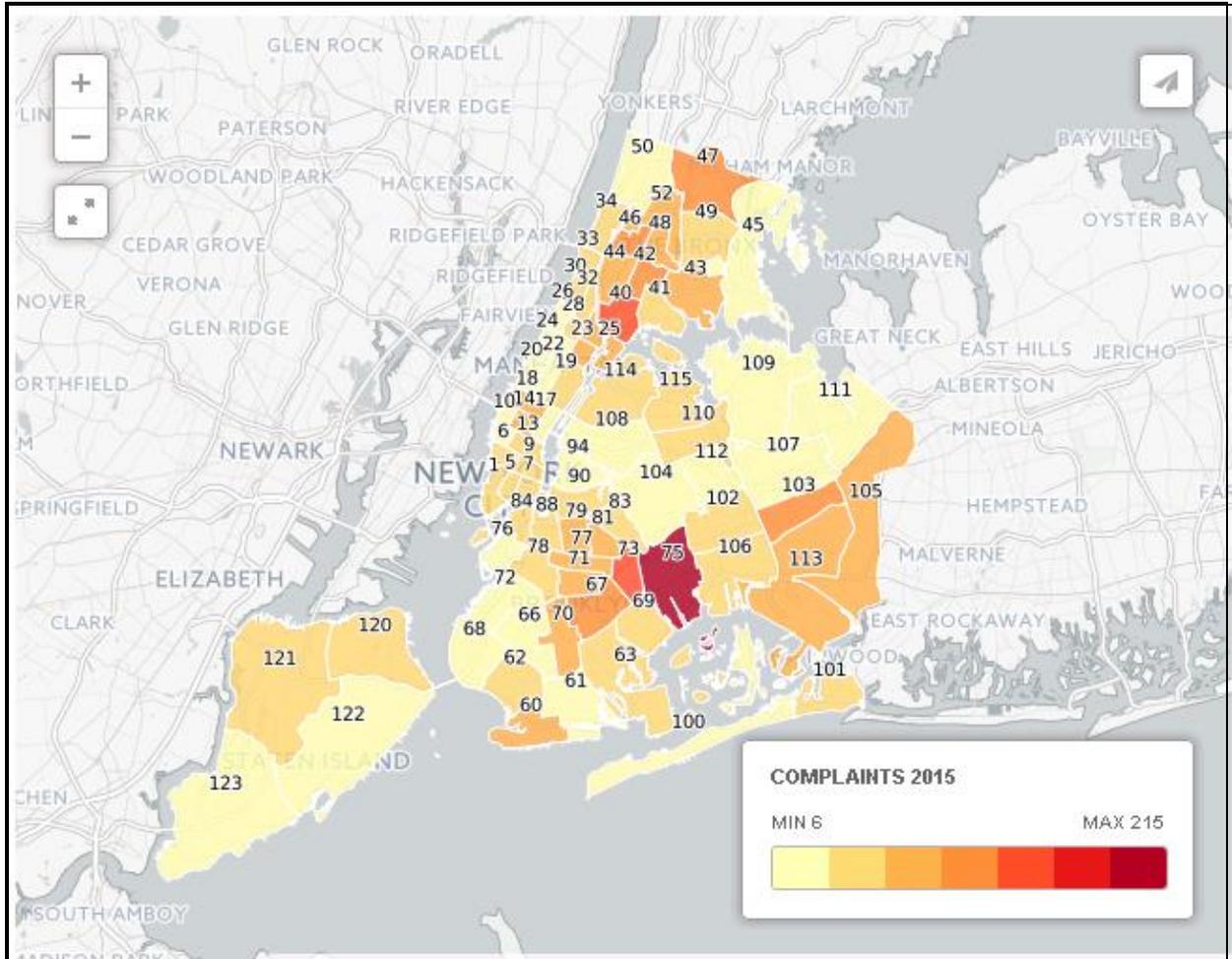
Figure 6: Total Complaints Received Within CCRB Jurisdiction by Borough (2010-2015)



Even though the total number of CCRB complaints continued to decrease in 2015, there was more variation in complaint numbers within specific communities. CCRB’s website includes a weekly-updated interactive Complaint Activity Map (CAM) that provides information on complaints by precinct of occurrence from 2014 through 2016.¹¹ The CAM shows the number of complaints by precinct of incident, precinct population, complaints per 10,000 residents, and the number of complaints in which there is at least one allegation of force, abuse of authority, discourtesy, or offensive language.

¹¹ See the Complaint Activity Map on the CCRB website at www.nyc.gov/html/ccrb/html/ccrb/html/news/complaint-maps.html

Figure 7: Complaints received in 2015 by Precinct of Occurrence



The CAM is part of the Agency’s effort to make its data about police misconduct complaints readily accessible and understandable. The longer-term purpose of CAM is to identify emerging trends in alleged misconduct by officers within commands and precincts. The data presented does not reflect any factors that may influence the number of complaints, such as the crime rate, precinct size, or number of uniformed personnel working within the precinct boundaries.

A breakdown of the top ten police precincts with the highest number of complaints in 2015 shows that many of these precincts were also among the leading generators of CCRB complaints in 2014 (Table 1).¹² For many years, the 75th Precinct, located in South Brooklyn, has been the location of more CCRB complaints than any other, with 215 complaints in 2015, down 7% from 231 complaints in 2014. This is followed by the 40th precinct in the Bronx with 141 complaints in 2015, down 5% from 148 in 2014; the 73rd precinct in Brooklyn with 126 complaints in 2015, down 15% from 148 in 2014, and the 103rd precinct in Queens with 103 complaints in 2015, up 7% from 96 in 2014. Five of the top ten precincts for complaint activity were located in the Bronx; three in Brooklyn, two in Queens, and none were located in Manhattan or Staten Island.

¹² See the Appendix for a full list of the number of CCRB complaints by precinct.

Table 1: Top Ten Precincts with the Highest Number of CCRB Complaints in 2015 (2014-2015)

| Precinct | 2014 Complaints | 2015 Complaints | Percent Change |
|--------------------------------------|-----------------|-----------------|----------------|
| 75 th Precinct (Brooklyn) | 231 | 215 | -7% |
| 40 th Precinct (Bronx) | 148 | 141 | -5% |
| 73 rd Precinct (Brooklyn) | 148 | 126 | -15% |
| 103 rd Precinct (Queens) | 96 | 103 | 7% |
| 47 th Precinct (Bronx) | 107 | 106 | -1% |
| 46 th Precinct (Bronx) | 109 | 106 | -3% |
| 42 nd Precinct (Bronx) | 76 | 106 | 39% |
| 67 th Precinct (Brooklyn) | 101 | 98 | -3% |
| 44 th Precinct (Bronx) | 131 | 93 | -29% |
| 113 th Precinct (Queens) | 121 | 94 | -22% |

The following table shows the top ten precincts with the largest decrease in the number of CCRB complaints from 2014 to 2015. The 104th precinct had the largest decrease in the number of complaints from 48 in 2014 to 26 in 2015 (a 46% decrease), followed by the 121st precinct with a 43% decrease from 106 complaints in 2014 to 60 complaints in 2015, and the 120th precinct with a 42% decrease from 101 complaints in 2014 to 58 complaints in 2015.

Table 2: Top Ten Precincts with the Largest Decrease in the Number of CCRB Complaints (2014-2015)

| Precinct | 2014 Complaints | 2015 Complaints | Percent Change |
|----------|-----------------|-----------------|----------------|
| 104 | 48 | 26 | -46% |
| 121 | 106 | 60 | -43% |
| 120 | 101 | 58 | -42% |
| 61 | 51 | 31 | -39% |
| 77 | 101 | 64 | -37% |
| 20 | 40 | 26 | -35% |
| 24 | 44 | 29 | -34% |
| 28 | 66 | 46 | -30% |
| 44 | 131 | 93 | -29% |
| 114 | 71 | 51 | -28% |

The 123rd and 5th precincts saw the largest increase in complaint numbers from 2014 to 2015 at a 63% (from 16 to 26 complaints) and 52% (from 27 to 41 complaints) increase (percent change), respectively.

Table 3: Top Ten Precincts with the Largest Increase in the Number of CCRB Complaints (2014-2015)

| Precinct | 2014 Complaints | 2015 Complaints | Percent Change |
|----------|-----------------|-----------------|----------------|
| 123 | 16 | 26 | 63% |
| 5 | 27 | 41 | 52% |
| 102 | 35 | 52 | 49% |
| 66 | 20 | 29 | 45% |
| 23 | 60 | 85 | 42% |
| 42 | 76 | 106 | 39% |
| 10 | 24 | 33 | 38% |
| 9 | 37 | 48 | 30% |
| 49 | 44 | 57 | 30% |
| 13 | 38 | 49 | 29% |

The CCRB also keeps track of the command of each officer who is the subject of a complaint, and the type of complaints filed against officers in each command. The following table shows the top ten commands (at the time of incident) with respect to the number of distinct CCRB complaints received. In 2015, officers who were alleged to have engaged in misconduct in the 75th precinct had the highest number of complaints relative to officers in other commands. This was a 2% decrease from 91 officers in 2014. In 2015, this was followed by the Patrol Borough Brooklyn North HQ command which received 73 complaints in 2015, up 27% from 53 in 2014; the Court Division which received 69 complaints, up 12% from 61 complaints in 2014; and the Patrol Borough Bronx HQ which received 62 complaints, down 61% from 100 complaints in 2014.

Table 4: Top Ten Commands with the Highest Number of CCRB Complaints by Year of Incident (2014-2015)

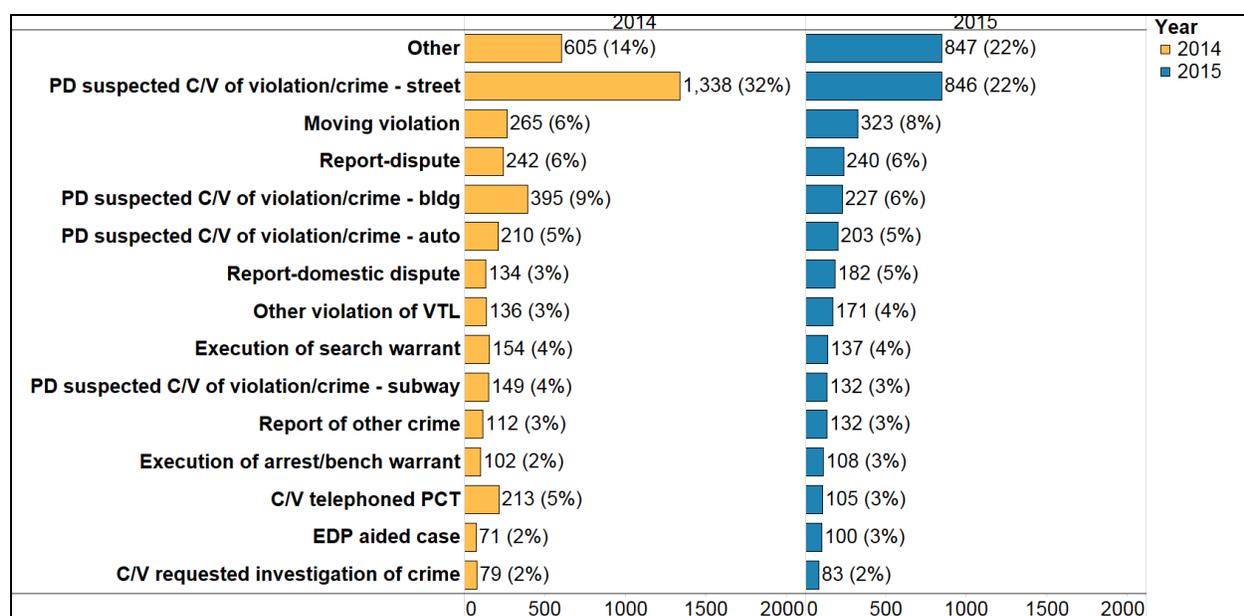
| Command | Number of Complaints in 2014 | Number of Complaints in 2015 | Percent Change |
|----------------------------------|------------------------------|------------------------------|----------------|
| 75 Precinct | 91 | 89 | -2% |
| Patrol Borough Brooklyn North HQ | 53 | 73 | 27% |
| Court Division | 61 | 69 | 12% |
| Patrol Borough Bronx HQ | 100 | 62 | -61% |
| 47 Precinct | 44 | 60 | 27% |
| 40 Precinct | 48 | 57 | 16% |
| 42 Precinct | 33 | 56 | 41% |
| 71 Precinct | 37 | 55 | 33% |
| 46 Precinct | 44 | 54 | 39% |
| 103 Precinct | 33 | 54 | 19% |

The Appendix provides a full list of commands by number of CCRB complaints. Out of all the patrol boroughs, Patrol Borough Brooklyn North HQ saw the largest increase in complaints from 53 in 2014 to 73 in 2015 (27% increase), as did Patrol Borough Brooklyn South Anti-Crime Unit from 6 in 2014 to 14 in 2015 (57% increase). Patrol Borough Bronx HQ experienced the largest decrease in complaints from 100 in 2014 to 62 in 2015 (61% decrease), as did Patrol Borough Brooklyn South HQ from 35 in 2014 to 26 in 2015 (35% decrease).

Characteristics of Encounters

When a complaint is being investigated, the CCRB tries to discern the initial reason for the contact between the civilian and the officer(s). The CCRB keeps data on the “reason for contact” and each year the data shows that most complaints stem from the officer suspecting the civilian of a violation or a crime. Figure 8 shows the top fifteen reasons for contact by total number of complaints received within CCRB jurisdiction. Suspicion of violation of a crime on the street, subway, building, or auto is the primary reason for contact when combined. This represented 1,408 (32%) complaints in 2015, down from 2,092 (43%) in 2014. This is followed by suspicion of a violation or crime specifically on the street which decreased from 1,338 (28%) complaints in 2014 to 846 (19%) complaints in 2015.¹³ See the Appendix for a full list of “reasons for contact”.

Figure 8: Top Fifteen Reasons for Contact by Total Complaints Received Within CCRB Jurisdiction (2014-2015)¹⁴



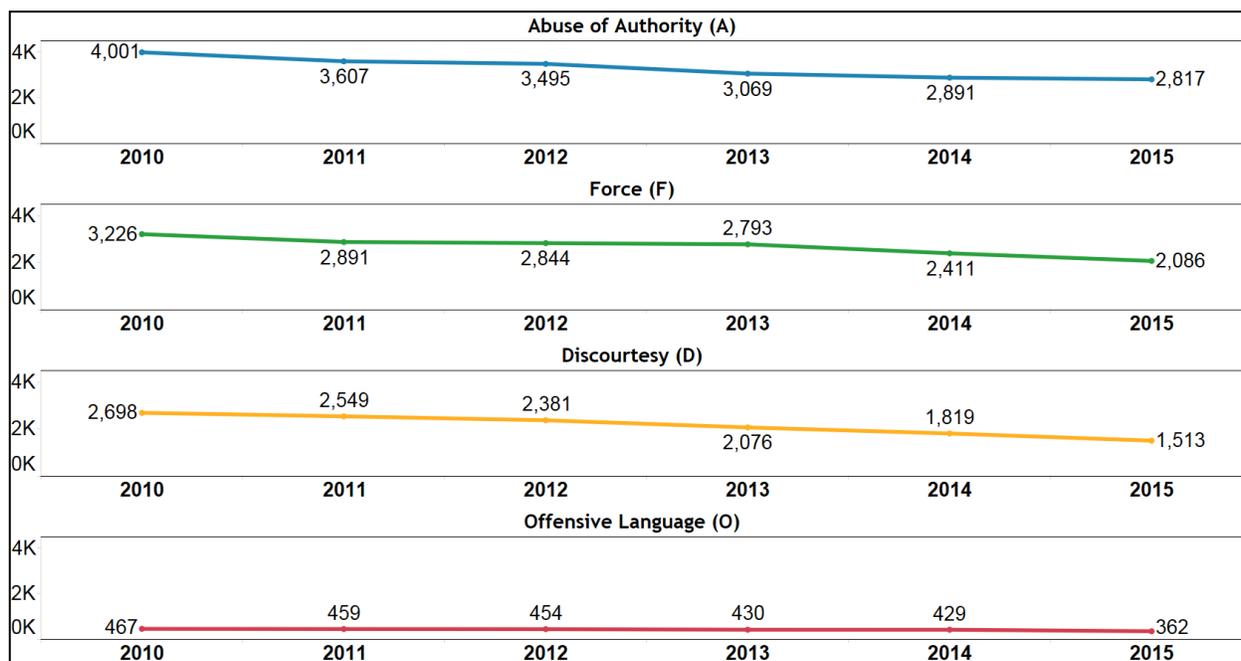
Types of Allegations Received

To better understand complaint activity, it is important to note the distinction between a “complaint” and an “allegation.” An individual complaint received by the CCRB may contain multiple allegations against one or more officers. Each allegation the Agency investigates falls within one of four categories: force, abuse of authority, discourtesy and offensive language (FADO). The number of complaints across these four categories has slightly declined from 2010 to 2015. In 2015, 2,086 complaints contained one or more force allegations, compared to 3,226 in 2010. There were 2,817 complaints that contained one or more abuse of authority allegations in 2015, compared to 4,001 in 2010, and 1,513 complaints that contained one or more discourtesy allegation in 2015, down from 2,698 in 2010. The number of complaints containing one or more allegations of offensive language was 362 in 2015 and 467 in 2010.

¹³ The percentages in this sentence are out of the full list of reasons for contact found in the Appendix.

¹⁴ The percentages shown only refer to the top fifteen reasons for contact by total complaints received within CCRB jurisdiction, rather than the full list of reasons for contact.

Figure 9: Number of Complaints Having at Least One such Type of FADO Allegation (2010-2015)



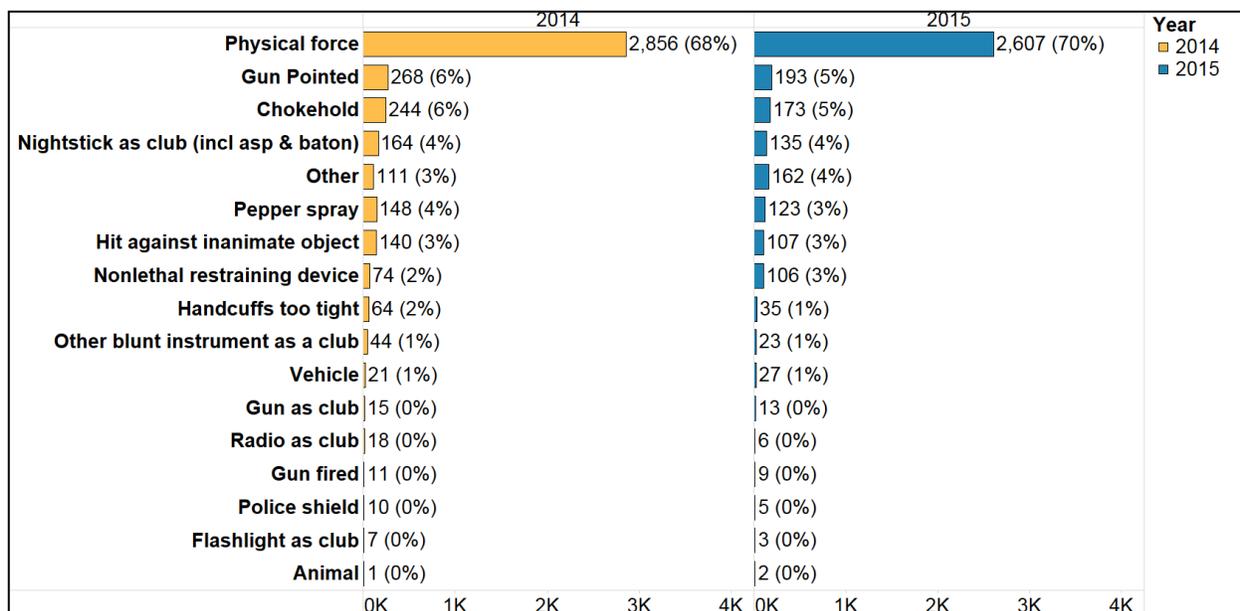
The CCRB also keeps track of specific type of allegations within each FADO category. See the Appendix for a full list of the number of allegations for each FADO category. In the force category, the designation of “physical force” remains the most common allegation. This refers to an officer’s use of bodily force such as punching, shoving, kicking and pushing. In 2015, there were 2,607 physical force allegations, accounting for 70% of the general force category. This percentage has remained roughly unchanged since 2010.

Another common allegation in the force category is “gun pointed,” with 193 such allegations in 2015 (5% of force allegations), similar to the past six years. By contrast, “gun fired” allegations are quite rare: 9 allegations in 2015 (0.2%). Also of note, in 2015 the CCRB received 123 allegations regarding improper use of pepper spray(3%), similar to previous years. There were 135 allegations (4%) regarding use of a nightstick as a club (including an asp and baton), slightly down from previous years. Finally, there were 173 chokehold allegations (5%) in 2015, down from 244 in 2014, 202 in 2013, 163 in 2012 and 217 in 2010.¹⁵

¹⁵ There were 207 chokehold complaints (i.e. complaints that had at least one chokehold allegation) in 2010; 157 in 2011; 157 in 2012; 189 in 2013; 234 in 2014; and 162 in 2015. The number of substantiated chokehold allegations was one in 2013, seven in 2014, and 19 in 2015.

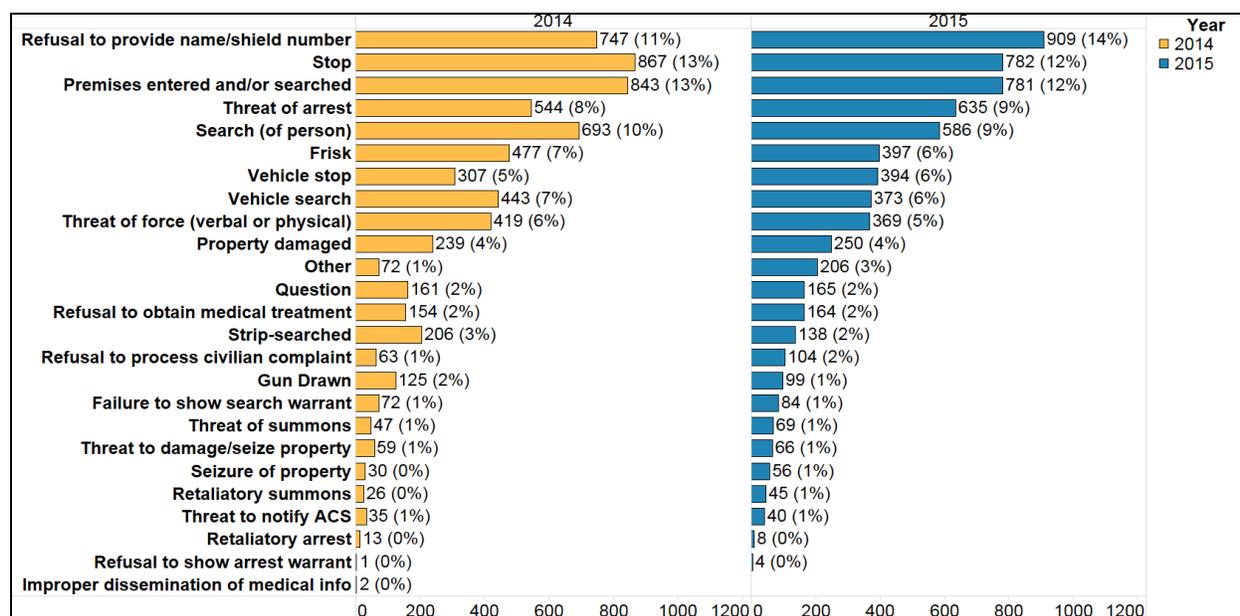
¹² There were 26 taser complaints in 2010; 24 in 2011; 28 in 2012; 46 in 2013; 67 in 2014; and 103 in 2015.

Figure 10: Number of Force Allegations by Type (2014-2015)



In the abuse of authority category, if stop, question, frisk, and search of a person (SQF) allegations are considered together, then they would compose the largest portion of all allegations at 29% in 2015 (down from 33% in 2014). As separate allegations, in 2015 “stop” allegations were the second most numerous (after refusal to provide name/shield number and premises entered and/or searched) at 782 allegations (12%). “Search of a person” was the fifth most numerous allegation at 586 (9%), while “frisk” was the sixth largest allegation at 397 (6%), and “question” was the twelfth largest allegation at 165 (2%). Other notable allegations include “Premises entered and/or searched” which comprised 12% of allegations in 2015, allegations of “vehicle stop” and “vehicle search” which were a combined 12%, and “threats of arrest” that were 9%.

Figure 11: Number of Abuse of Authority Allegations by Type (2014-2015)



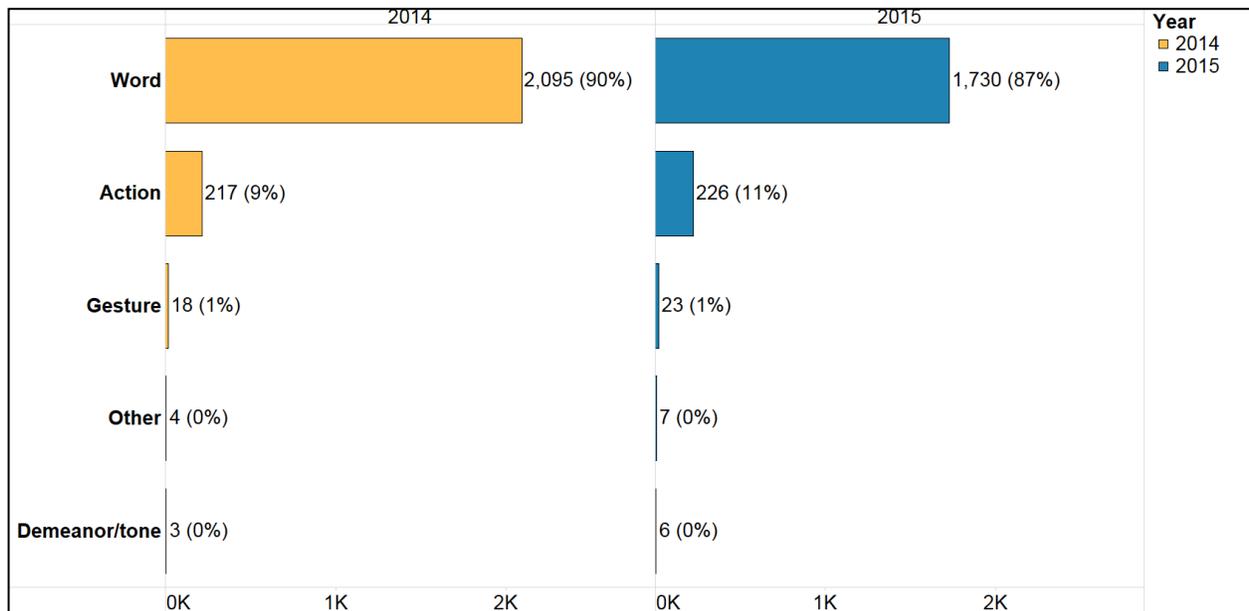
The proportion of combined stop, question, frisk, and search of a person allegations have decreased in recent years. Stop, question, frisk and search of a person allegations composed 29% in 2015, which is the lowest percentage in the past six years, including four percentage points lower than in 2014.

Table 5: Stop, Question, Frisk and Search of a Person Allegations (2014-2015)

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | Change from 2014 to 2015 | Percent Change from 2014 to 2015 |
|---|-------|-------|-------|-------|-------|-------|--------------------------|----------------------------------|
| Stop | 1,558 | 1,444 | 1,257 | 1,043 | 867 | 782 | -54 | -6% |
| Search (of person) | 1,291 | 1,135 | 1,015 | 822 | 693 | 586 | -85 | -12% |
| Frisk | 672 | 704 | 650 | 592 | 477 | 397 | -79 | -17% |
| Question | 223 | 186 | 160 | 159 | 161 | 165 | 22 | 14% |
| Total SQF (stop, search of a person, frisk, question) allegations | 3,744 | 3,469 | 3,082 | 2,616 | 2,198 | 1,930 | 268 | -12% |
| Total Abuse of Authority Allegations (all types of force) | 8,685 | 7,953 | 7,692 | 7,063 | 6,645 | 6,724 | 79 | 1% |
| Percent of All Abuse of Authority Allegations that are SQF | 43% | 44% | 40% | 37% | 33% | 29% | | |

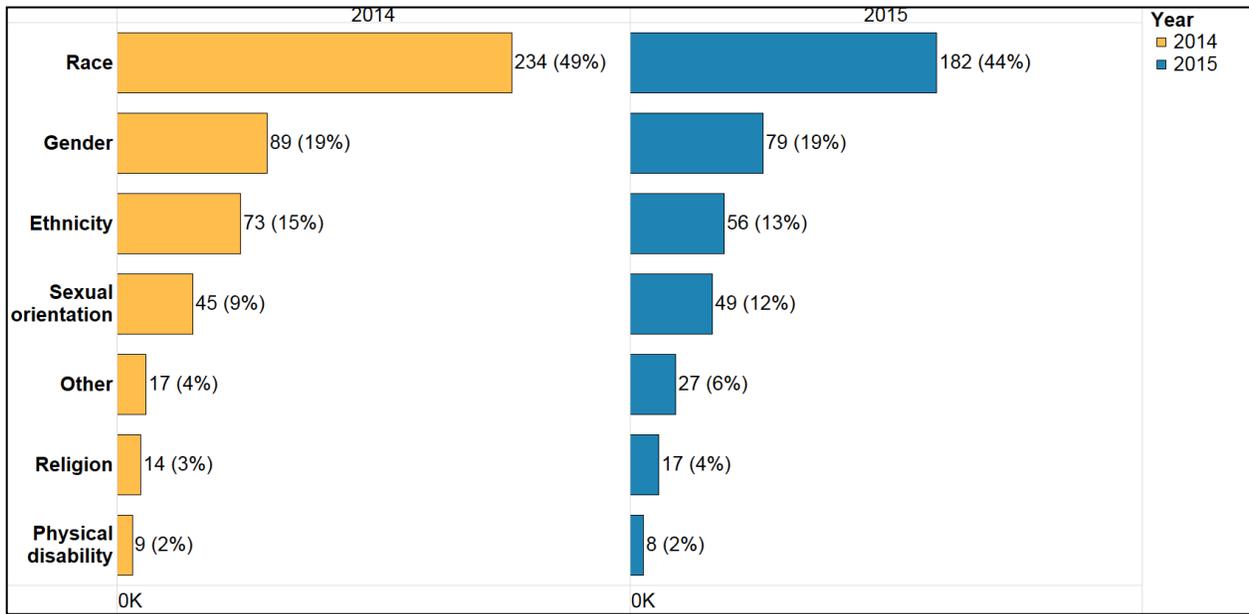
Among discourtesy allegations, “word” accounted for 87% of all discourtesy allegations, or 1,730 allegations in total. Also, 226 or 11% of discourtesy allegations involved “action”.

Figure 12: Number of Discourtesy Allegations by Type (2014-2015)



Finally, offensive language allegations include slurs, derogatory remarks, and gestures based on race, ethnicity, religion, gender, physical disability, sexual orientation or perceived orientation. Offensive language allegations make up the smallest portion of all allegations received by the CCRB. In 2015, there were 418 allegations of offensive language, or 3% of all allegations. By far the most common offensive language allegations are those regarding race and/or ethnicity. In 2015, 238 or 57% of all offensive language allegations involved the use of race or ethnicity, down from 307 (64%) in 2014. There were 79 (19%) gender-based offensive language allegations, down from 89 (19%) in 2014; and 49 (12%) allegations were based on the perceived or actual sexual orientation of the complainant, up from 45 (9%) in 2014. In 2015, there were 17 allegations regarding religion-based offensive language – the highest in the past six years – up from 14 in 2014, 9 in 2013, 14 in 2012, 10 in 2011, and 16 in 2010. Finally, there were 8 (2%) allegations relating to physical disability-based offensive language, similar to 9 (2%) such allegations in 2014.

Figure 13: Number of Offensive Language Allegations by Type (2014-2015)



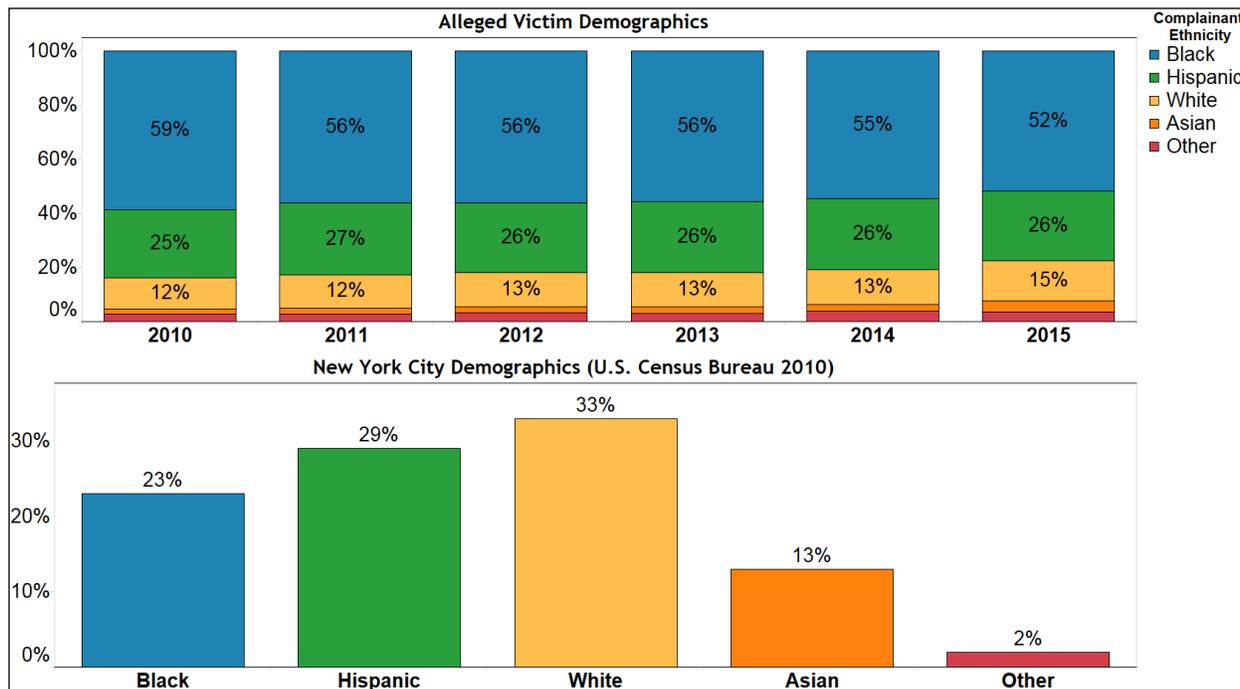
Characteristics of Alleged Victims

Characteristics of alleged victims in terms of race and gender have been consistent over time and have categorically differed from the New York City population as reported in the most recent United States Census. The CCRB compares the demographic profile 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 percentage and number of criminal suspects.

In 2015, as in previous years, black people constituted over half of alleged victims. According to the 2010 Census, New York City’s racial and ethnic breakdown is 33% white, 29% Hispanic, 23% black, and 13% Asian.¹⁶ When alleged victims for whom race is “unknown” are not considered (providing racial and ethnic information is optional), then the CCRB’s alleged victim demographics breakdown as follows: 52% black, 26% Hispanic, 15% white, 4% Asian, and 3% other. These percentages have been relatively consistent since at least 2010. The percentage of victims who identify as black is more than double their percentage of the city population. In contrast, the percentage of victims who identify as white or Asian is lower than their percentage of the population, while Hispanic percentages are fairly similar.

¹⁶ These figures were taken from the 2010 census available at: <https://www.census.gov/quickfacts/table/PST045215/3651000>

Figure 14: Alleged Victim Demographics Compared to New York City Demographics (2010-2015)

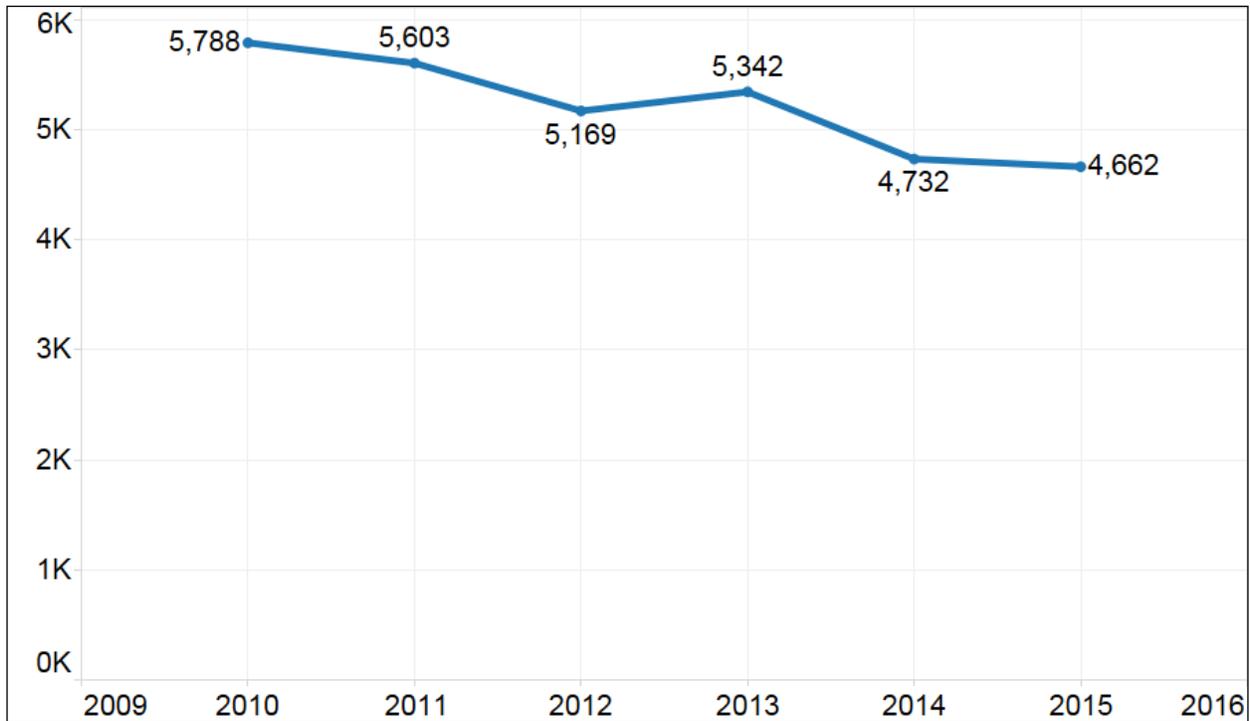


With respect to sex, over half of alleged victims were male (68%) and 29% were female in 2015. Three percent were unknown. These percentages have been consistent at least for the past 6 years. In 2015, the average age at the time of incident was 34 years old, similar to past years (33 years in 2014 and 2013, 32 years in 2012 and 2011, and 30 years in 2010).

Characteristics of Subject Officers

The number of officers who have been the subject of CCRB complaints has generally decreased from 2010 to 2015, except for an increase in 2013. In 2015, there were 4,662 officers who were the subject of CCRB complaints, down from 4,732 in 2014.

Figure 15: Number of Identified Subject Officers in CCRB Complaints (2010-2015)



While the demographics of alleged victims in CCRB complaints have traditionally deviated from the composition of the city population, the racial demographics of officers who are subjects of CCRB complaints have generally reflected the composition of the Police Department. For example, in 2015, subject officers were 52% white, 28% Hispanic, 15% black, and 6% Asian, in a Department that was, as of December 2015, 50% white, 27% Hispanic, 15% black, and 6% Asian. In 2014, the figures were nearly identical, with complaints filed against subject officers who were 50% white, 29% Hispanic, 17% black, and 5% Asian.

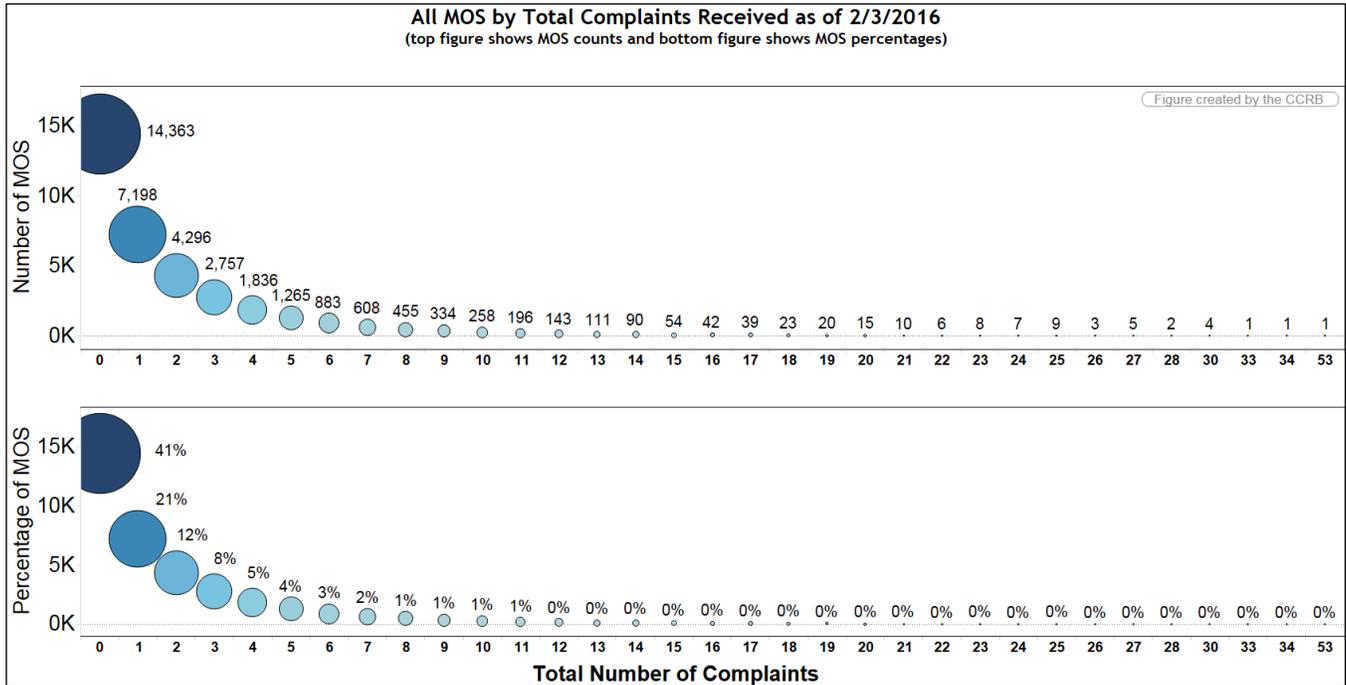
The sex of subject officers has traditionally skewed more male than the police department as whole, which is 83% male. In 2015, 91% of the subject officers of CCRB complaints were male and 9% were female, almost identical to data from the past six years.

As of February 18, 2016, 41% of Members of Service (MOS) currently in the NYPD had never received a CCRB complaint of any sort in their entire history on the force.¹⁷ Twenty-one percent have received one complaint, and 12% have received two complaints. There are currently 72 MOS on the force (less than 1%) who have had twenty or more CCRB complaints. The 594 MOS who have received 12 or more complaints throughout their entire history on the force represent less than 2% of the total.¹⁸

¹⁷ Again, the term Member of Service (MOS) refers to a NYPD sworn officer.

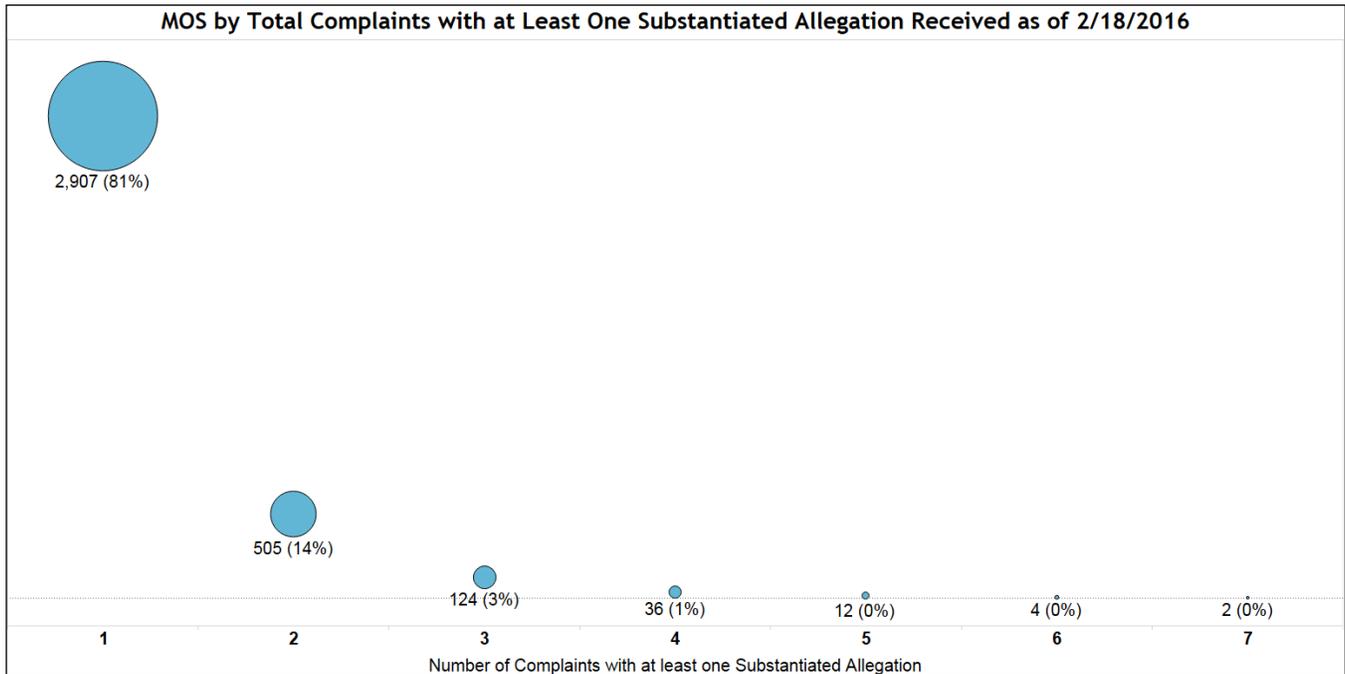
¹⁸ Out of these 594 MOS with 12 or more complaints during their entire history on the force, 59% are white, 21% Hispanic, 18% black, and 2% Asian. The majority are male (97%) and 3% are female. With respect to their current rank (rather than their rank at the varying incident times), 29% were Police officers, followed by Detectives (28%, including 17% Detective 1, 5% Detective 2, 4% Special Detective, and 2% Detective 1), Sergeants (19%), Lieutenants (10%), Supervisor Detective Squad (4%), Captain (3%), Inspector (2%), Deputy Inspector (1%), Lieutenant Special Assignment (1%), and Lieutenant Command (1%).

Figure 16: Number and Percentage of MOS in the NYPD by Total Number of CCRB Complaints Received



The majority of MOS currently on the force have never received a CCRB complaint with a substantiated allegation in their entire history on the force. Out of the 3,590 MOS who have received at least one CCRB complaint with at least one substantiated allegation, 81% (2,907) have received one complaint with at least one substantiated allegation, followed by 14% (505) who have received two complaints with at least one substantiated allegation, 3% (124) who have received three such complaints, and 1% (36) who have received four such complaints. There are 12 MOS with 5 complaints with at least one substantiated allegation, 4 MOS with 6 such complaints, and 2 MOS with 7 complaints with at least one substantiated allegation which is the highest.

Figure 17: Number and Percentage of MOS in the NYPD by Total Number of CCRB Complaints Received with at Least One Substantiated Allegation



Out of these 3,590 MOS who have received at least one CCRB complaint with at least one substantiated allegation during their entire history on the force, 54% are white, 27% Hispanic, 15% black, and 4% Asian. The majority are male (91%) and 9% are female. With respect to their current rank (rather than their rank at the varying incident times), 43% were Police officers, followed by Detectives (26%, including 16% Detective 1, 5% Detective 2, 3% Special Detective, and 2% Detective 1), Sergeants (16%), Lieutenants (6%), Supervisor Detective Squad (3%), Captain (2%), Sergeant Special Assignment (1%), Inspector (1%), Deputy Inspector (1%), and Lieutenant Command (1%).¹⁹

Out of the 3,590 MOS who have received at least one CCRB complaint with at least one substantiated allegation during their entire history on the force, 45% have some college study without a degree, 27% have a baccalaureate degree, 13% an associate degree, 10% are high school graduates, 2% have a master's degree, 1% have high school equivalency, and less than 2% each have less than a high school education, or either possess or are working towards a master's degree, law degree or Ph.D.

These 3,590 MOS currently belong to 402 different commands. Currently, the Warrant Section has the highest number of MOS (94) who have received at least one CCRB complaint with at least one substantiated allegation during their entire history on the force; however, this still represents only 3% of all 3,590 such MOS. See the Appendix for counts as well as percentages for the data pertaining specifically to these 3,590 MOS.

The CCRB believes that focus should be placed on a) a MOS' entire history, b) the number of total complaints, and most importantly c) the number of complaints with at least one substantiated allegation. Examining a MOS' entire complaint history rather than the number of complaints within recent years is important because an officer may have received two complaints within the past year, yet

¹⁹ It is important to note that an officer's current rank or command may or may not be the rank or command at the time of incident.

20 or more complaints in the course of his or her time on the force. A focus on MOS who have complaints with at least one substantiated allegation rather than those who have a high number of complaints of any type is important because some MOS may garner a higher number of complaints with exonerated or unfounded allegations due to the nature of their command or assignment.

The CCRB reviewed the complaint histories of MOS with at least 20 complaints of any sort (72 MOS), and MOS with at least four complaints with a substantiated allegation (54 MOS) - both significantly more than the typical MOS. A qualitative review of these MOS' histories has yielded several observations. First, MOS with both the highest number of complaints and complaints with a substantiated allegation often begin to draw a large number of complaints five to ten years into their careers, after either transferring into specific units or upon receiving promotions. Thus, identifying "problematic" MOS is not as simple as closely monitoring the early years of their career.

Second, most MOS who have accumulated a large volume of career complaints have individual years in which they receive at least five complaints. For example, one MOS had ten complaints (of any sort) in a single year. Therefore, in 2015 the CCRB began to send a list of MOS with the most CCRB complaints, as well as complaints with at least one substantiated allegation to the Police Department so that an assessment can be made as to whether or not the complaints are driven by the nature of their policing work (e.g., assignment) or other factors, and so that the Police Department can work with relevant MOS to reduce future complaints.

Third, MOS with the most career complaints and the most career substantiations overlap somewhat, but the lists are not identical. A MOS may receive a large number of complaints that are truncated or allegations which are unsubstantiated or exonerated due to their work in assignments that may be more complaint-prone than others.

SECTION 2: Investigative Findings

Investigations are the core function of the Civilian Complaint Review Board. Every complaint that is not referred out of the CCRB will pass through an investigative team, even if it is ultimately resolved through Mediation. The goal of an investigation is to obtain the truest version of events in which an alleged act of misconduct occurred. This endeavor can be especially challenging when the witnesses, the complainant and the police officer have conflicting versions of the incident. This Chapter will explain the investigative process, detail 2015 improvements in the CCRB Investigations Division, and provide data analysis of investigative outcomes.

Since the beginning of his term, Mayor Bill de Blasio has continued to demonstrate a strong desire and commitment to improve relations between the NYPD and the community, and to ensure that the rights of New Yorkers are not infringed upon. As the City Charter mandates, the central mission of the CCRB is to investigate and resolve allegations of police misconduct “fairly and independently and in a manner in which the public and the police department have confidence.” Following the Executive Director’s appointment, in 2015, the Agency has greatly improved the efficiency and quality of investigations.

In 2015, the Investigations Division underwent a major process of restructuring from a hierarchical and vertical team structure to a horizontal structure based on smaller teams called squads. The Investigations Division created new benchmarks and accountability instruments for the investigative process, prioritizing resources to aggressively reduce the open docket. The Division also implemented a comprehensive CCRB Academy with competency-based graduation requirements for the first time in CCRB history, as well as commissioned and completed a new Investigative Manual.

Once the Intake Unit has processed a complaint deemed to be within the CCRB’s jurisdiction, it is passed to the Investigations Division. To begin an investigation, an investigator interviews the complainant and witnesses, collects evidence, and finds the police officer whose identity is usually unknown at the outset of the investigation. Once the subject and witness officers have been identified, they are interviewed on the record.

For cases closed in 2015, the average investigation took 223 days, and investigations vary significantly in complexity and evidence.²⁰ It is important to note that to maintain consistency in calculating the average number of days in investigations with previous years, this number is calculated for full investigations closed in 2015 from the time a case is received at CCRB to the time a case is closed (i.e. after a panel has voted). Therefore, strictly speaking, the time spent only within the Investigations Division is a subset of this entire time. Looking only at days spent within the Investigations Division, the average full investigation took 242 days for cases closed during the full year of 2010, 223 in 2011, 283 in

²⁰ Last year’s Annual Report stated that, “As a result, the time to conduct investigations has plummeted from 329 days in 2013 and 271 days in 2014 to 63 days so far this year for cases filed after the implementation of the reforms.” It is important to note that the first half of this sentence, and the latter half of this sentence (underlined) compare two *different* points in time. The first half of the sentence pertains to the average number of days to conduct a full investigation for cases *open at any time and closed at any point in time within the entire year in question* (e.g., 2014). The second half of the sentence, “63 days so far this year for cases filed after the implementation of the reforms” pertains to the average number of days to conduct a full investigation for cases filed after the implementation of the reforms in December 2014, and closed at the time of writing the 2014 Annual Report “so far this year”. This means that the set of cases related to the 63 days were opened since January 2015 and closed relatively quickly by the time the 2014 Annual Report was published in May 2015. If we were to compare the same time frame for 2016, then the average number of days to complete a full investigation would be 49 days.

²⁰ The term Member of Service (MOS) refers to a NYPD sworn officer.

2012, 330 in 2013, 273 in 2014 and only 178 days for cases closed in 2015.

An investigation could involve a single police officer and complainant, who captured the incident on his cell phone, or an investigation could involve a brawl on a dimly lit street corner without independent evidence. The Case Profiles section below provides examples of the myriad facts an investigator can encounter. At the conclusion of an investigation, an investigative team makes a recommendation to the Board. A panel of three Board members then votes on the recommendations, concurring with the investigative recommendation more than 90% of the time in 2015.

Field Team

In 2015, the CCRB made enormous strides in speed and efficiency through the creation of a Field Team for evidence gathering. The investigative process is now designed to more quickly capture evidence, thanks in no small part to its new Field Team. In the past, individual investigators were responsible for gathering their own evidence. The Field Team immediately responds to complaints that might include video evidence. The CCRB has found that many video cameras located on commercial or residential buildings save footage for a very brief period of time, perhaps no longer than 24 or 72 hours. Immediately retrieving that information is essential. Likewise, a rapid response to an incident can allow the Field Team to find objective witnesses to the incident in question.

Early Interviews

Evidence is easiest to obtain immediately after an incident because individuals' detailed recollections of events fade over time. In 2015, the Investigations Division redoubled its efforts to conduct interviews with both complainants and police officers as promptly as possible following an incident. In the year 2015, the average number of days to a first interview was 22 for a civilian, and 101 for a MOS. This has considerably decreased from 33 days for a civilian and 147 days for a MOS in 2014.²¹

Offsite Interviews

In 2015, the CCRB conducted 8,717 interviews. This included 2,185 interviews with complainants and victims, 6,104 interviews with police officers, and 428 interviews with witnesses. These numbers are all slightly down from 2014. These numbers are all slightly down from 2014, partially due to the fact that overall complaint numbers are down. The number of offsite interviews has increased 37% from 212 in 2014 to 291 in 2015, which is the highest in CCRB history. One of the CCRB's primary goals in 2016 is to expand its footprint in the outer boroughs, particularly for residents that have difficulty accessing the CCRB at its 100 Church Street address.

IAB Cooperation

Because every hour counts in obtaining video camera footage and other evidence, the CCRB encourages individuals to file with the CCRB directly. However, coordination between the IAB and CCRB improved significantly in 2015 and has led to a reduction of time between a civilian filing with IAB and the CCRB receiving the complaint. The CCRB has in-house liaisons from the NYPD who facilitate the scheduling of MOS and the production of relevant documents, such as roll-call sheets (to identify which officers worked at the time of an alleged incident) and photo spreads which a complainant can use to identify an officer. Cooperation with these liaisons has never been so streamlined, and towards the end of 2015, the CCRB and Internal Affairs Bureau created a new protocol using a shared computer

²¹ These numbers are for full investigations closed in 2015.

terminal. This shared terminal allows for electronic information requests from the CCRB to the NYPD and vice-versa to be uploaded the same day, even within hours, rather than to be sent through the mail with CDs and thumb drives and transferred between multiple physical offices. This implementation has reduced the lag time by approximately 2-4 days. Additionally, in 2015 the CCRB eliminated requirements for the Reznick Letter to obtain IAB documents by creating an online/electronic common document request form.²² This has reduced front end processing time by 48 hours.

Resolving Complaints Efficiently

The natural result of faster, better investigations is record-breaking agency statistics. Throughout 2015, the CCRB redefined Agency standards and established benchmarks by which future investigations will be measured. Of the full investigations closed in 2015, 22% were closed in four months or less, and 54% were closed within seven months. By comparison, in 2014 only 6% of full investigations were closed in four months or less, and in the ten years prior to 2015 there has not been a single year in which more than 7% of the full investigations were closed in four months or less.

The restructuring has produced decreased times to complete full and substantiated investigations as well. The average number of days to complete a full investigation was decreased by 87 days, or 28%, from 310 in 2014 to 223 in 2015 (these numbers are for cases closed during the entire year). Similarly, the time to complete a substantiated investigation fell by 124 days, or 33%, from 373 in 2014 to 249 in 2015. As a consequence, the proportion of substantiated cases in which the statute of limitations expired decreased from 2 % in 2014 to 0.8% in 2015.

Case Profiles

To understand the data presented in the following section, it is important to understand the CCRB terminology used in case dispositions.

- Cases fully investigated by the CCRB generally receive one of five outcomes:
 - If the allegations of misconduct are found to be improper, based on the preponderance of the evidence, then the allegation is substantiated.
 - If there is not enough evidence to determine whether or not misconduct occurred, then the allegation is unsubstantiated.
 - If the preponderance of the evidence suggests that the event or alleged act did not occur, then the allegation is unfounded.
 - If the event did occur, but was not improper, by a preponderance of evidence, then the allegation is exonerated.
 - If the CCRB was unable to identify any of the officers accused of misconduct, then the case is closed as officer unidentified.

Additionally, a case might be mediated, where the subject officer and complainant discuss the incident in the presence of a neutral third-party mediator. Finally, a case that cannot be fully investigated due to victim/complainant unavailability or lack of cooperation is truncated.

The following case abstracts are taken from actual complaints and serve as examples of what the different CCRB dispositions mean in practice:

Substantiated: In a Queens case, officers on patrol pursued a woman into her home without reason to believe that she was or had committed a crime. Surveillance footage caught officers kicking in

²² The Reznick letter was a document which indicated that a case was being investigated by the CCRB and listed requested documents and files from IAB.

the front door and entering without consent. The officers then arrested the house occupants and searched the house. When asked for their names, the officers responded discourteously. This case led to 17 pleaded allegations, 16 of which were substantiated.

Unsubstantiated: In Manhattan, two plainclothes officers stopped a man as he was getting into his car on a street because their investigation led them to believe that the car was being used by a man who had an open warrant. The officers determined the man was not who they were looking for and released him. The man alleged that during the stop the officers called him a “f—king scumbag” and a “n—r” as well as threatened to notify NYC Administration for Children’s Services (ACS) when his girlfriend and daughter came to find him. The officers denied these allegations, and two other witness officers who were on scene said that they did not hear any of the alleged misconduct. Due to the lack of independent testimony, the CCRB could not credit one account over another concerning the allegations of discourtesy, offensive language, and threat to notify ACS.

Exonerated: Four people left a club in Manhattan after hearing gunshots and were stopped by officers while driving away from the club in their gray Infiniti sedan. Officers arrived outside the club after hearing the gunshots to find a man bleeding badly in the back seat of a car. The man’s friends pointed towards the gray Infiniti sedan and stated the shooter was in it. The officers followed the car and pulled it over, surrounded it with their guns pointed, and told everyone to get out of the car. When one of the passengers was slow to exit, one of the officers yelled at him to, “Get out of the f—ing car.” Once the occupants exited the car they were handcuffed and an officer searched the car. Since the officers arrived at the scene shortly after the shooting occurred, the Board determined it was reasonable to immediately chase and stop the car identified by witnesses, and that it was reasonable for the officers to point their guns to ensure their safety against a potentially armed dangerous shooter. Because the officers were in an already stressful situation of pursuing a homicide suspect, hesitation from an occupant to exit would heighten the stress. Therefore, the Board determined that the alleged profanity was not misconduct. Although the occupants’ arrests were ultimately voided because they were not responsible for the shooting, the search of the car was justified to look for the firearm. Accordingly, the Board determined that the allegations of the car stop, guns pointed, discourtesy, and car search were exonerated.

Unfounded: In a Brooklyn case from the 71st precinct, a complainant alleged that an officer threatened to arrest him, spoke discourteously to him, and used offensive language. The CCRB found an independent witness who corroborated the officer’s testimony that it was the civilian, not the officer, who used foul language, yelled at passersby on the street, and caused problems.

Officer Unidentified: A man driving a car was pulled over by two plainclothes officers in Brooklyn for failing to signal when pulling away from a street curb into traffic, but the man was not issued a summons. No cameras were found in the area that would have captured the interaction. The man could only describe one of the officers as a 6-foot, 200-pound white man with blonde hair wearing plainclothes, and there were no witnesses in the area at the time of the incident. The man could not recall the date, time, or day of the week that the incident occurred. NYPD documents could not be requested without more details, and the man’s name was not found in any NYPD reports from the month in which it occurred. The Board determined the officers could not be identified due to the vague descriptions and lack of details.

Average Case Closure Time

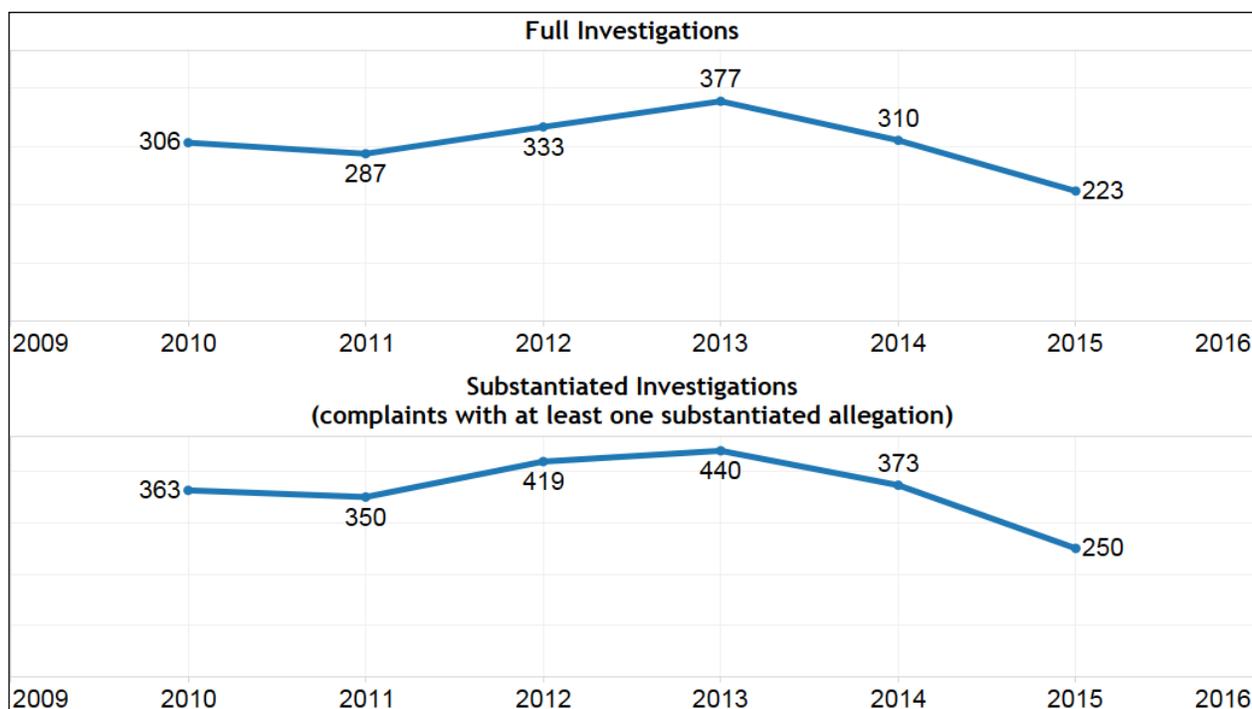
The average time it takes to close an investigation is one of the key performance indicators the Agency uses to measure productivity. This indicator measures the length of time from the date the CCRB receives a complaint to the date a complaint is closed by the Board. The CCRB uses three metrics: (1) the time to complete a full investigation from the date of report; (2) the time to close a substantiated investigation from the date of report; and (3) the age of a

substantiated case referred to the Police Department based on the date of incident.

Case completion is a two-step process: (1) investigation by the staff; and (2) review by the Board. The first indicator measures the average time it takes to investigate a complaint from the date the complaint is filed to the date the complaint is submitted for Board review. The second indicator measures the average time it takes to review a case investigation from the date of submission to the Board panel to the panel meeting date.

The CCRB took an average of 223 days to complete a full investigation in 2015, a decrease of 28% from the average of 310 days in 2014, and the lowest in the Agency's history (these numbers are for cases closed during the entire year). Prior to 2015, the lowest average days required to complete a full investigation was 259 in 2001. More importantly, the reorganization of the investigative staff has resulted in a great reduction in the number of days it takes staff to submit a fully investigated case for Board review. In 2014 it took an average of 277 days for a fully investigated case to be submitted for Board review. In 2015 this time was reduced by 35% to 180 days.

Figure 18: Average Number of Days to Investigate a Complaint (2010-2015)



In regards to substantiated investigations which are typically the most complicated and time consuming cases, the time it takes to reach Board review also decreased significantly. In 2014, substantiated cases took an average of 343 to reach Board review. In 2015 the average time for substantiated cases to reach Board review was reduced by a remarkable 39% to 210 days.

Faster investigation also means that substantiated CCRB cases are being referred to the Police Department more quickly. In 2015, just 21% of cases referred to the Police Department for discipline were one year or older. This is a dramatic reduction as compared to 58% in 2014, and 78% in 2013. The number of substantiated cases referred to the Police Department that were 15 months old or more also decreased dramatically from 39% in 2012, 54% in 2013, and 27% in 2014 to just 6% in 2015. Finally, in 2015, the CCRB referred 4 substantiated cases to the Police Department in which the statute of limitations had expired, compared to 7 cases in 2014 and 34 cases in 2013.

Docket Size

The size of the year-end docket for 2015 was 1,027 complaints (for total open cases), a decrease of 759 cases from year-end 2014 when the open docket was 1,786.²³ This difference represents a 43% decrease. The 2015 open docket was the lowest since 2000. The year-end docket of the Investigations Division, meaning the cases that are actively under investigation, decreased from 1,830 in 2013, and 1,158 in 2014, to 555 at the end of 2015, a 52% reduction.

Age of the Docket

The greater the percentage of newer complaints in an open docket, the better the productivity. At the end of 2015, 960 open complaints (93%) were four months old or less based on the date of complaint filing. This number was 34 percentage points higher than it was in 2014 (59%). At the same time, the percentage of old cases decreased. In 2015, 1% of complaints in the docket were 12 months and older. By comparison, in 2014, 4% of complaints were 12 months and older.

In looking at the age of the docket based on the date of incident, there has also been an improvement in performance. This measure is particularly relevant because the statute of limitations requires that charges be brought against a police officer within 18 months of the date of the incident. The number of cases aged 15 months or more at year end was 103 (4%) in 2013, 37 (2%) in 2014 and just 16 (1.6%) in 2015.

Disposition of Complaints

Since 2012, the substantiation rate (i.e. the percentage of full investigations in which the Board votes at least one substantiated allegation) has risen steadily. The substantiation rate was 14% in 2012, 15% in 2013, 17% in 2014, and 24% in 2015.²⁴ In actual numbers, there were more substantiated cases in 2015 than in any other year in the Agency's history. In actual numbers, the Board substantiated 176 complaints in 2012; 312 in 2013; 313 in 2014; and 528 in 2015.²⁵

It is important to note that the increase in substantiation rate is due largely to the CCRB conducting better and faster investigations, increased cooperation, and an increase in video evidence. The substantiation rate is not a direct indicator of police misconduct. The figure that most accurately reflects police misconduct is the number of complaints that the CCRB receives, and the data shows that the number of complaints received within CCRB jurisdiction has steadily decreased over the past 6 years, and has decreased 7% from 2014 (4,775) to 2015 (4,460).

In addition to the substantiation rate, the Board uses two other rates to report on complaint

²³ The CCRB uses the term "open docket" to refer to the number of complaints that are not yet resolved and are being processed by the Agency at a given point in time. The goal is to achieve the lowest possible number. The term "year-end docket" refers to the number of complaints still open as of December 31st of a given year.

²⁴ The complaint substantiation rate is not influenced by the number of allegations in a complaint. A substantiated complaint may contain one or many substantiated allegations.

²⁵ Although total complaints received fell in 2015, the raw number of complaints substantiated in any given year is primarily driven by the number of full investigations closed. Despite the fall in complaints received, the number of full investigations closed in 2015 (2,177) actually rose 15% from 2014 (1,885). Two other factors have also played a role in increasing the 2015 substantiation rate: faster scheduling of interviews, and, most notably, a significant increase in the availability of video evidence.

dispositions. One of these indicators is the “case resolution rate,” which is the percentage of all closed complaints received in a given year that are resolved either through a full investigation or through the mediation program. The case resolution rate excludes cases which are deemed “complaint withdrawn,” “complainant uncooperative,” “complainant unavailable,” and “victim unidentified.” The case resolution rate for 2015 was 53%, higher than at any point in the last ten years. The rate was 37% in 2011; 36% in 2012; 35% in 2013; and 45% in 2014.

The other important rate is the truncation rate. The truncation rate includes cases that are deemed “complaint withdrawn,” “complainant uncooperative,” “complainant unavailable,” or “victim unidentified.” The truncation rate was 63% in 2011; 64% in 2012; 65% in 2013; 55% in 2014; and 47% in 2015. The 2015 truncation rate was the lower than at any point in the last ten years.

In past reports, the Agency analyzed determinant factors, including the characteristics of complaint filings, demographics, incident-related variables, and internal operational factors. Past studies found that there was a significant difference in the truncation rate based on whether the complaints were initially filed with the CCRB or with the Police Department. In 2015, the truncation rate for complaints filed directly with the CCRB was 38%, while the truncation rate for complaints filed with the Police Department was 61%. Although the difference between complaints filed with the CCRB and complaints filed with the NYPD is minimal for the categories of “complaint withdrawn” and “complainant uncooperative,” the difference was prominent for cases closed as “complainant unavailable.” A case was more than four times more likely to be closed as “complainant unavailable” if it was filed with the Police Department, as compared to directly with the CCRB. In 2015, 38% of all cases filed directly with the CCRB were closed as “complainant unavailable”, compared to 61% of cases that were initially filed with the NYPD.

Analysis shows that the method by which complaints are filed with the CCRB is also an important factor affecting the truncation rate. In 2015, only 3% of all complaints filed in-person at the CCRB were truncated. By comparison, 37% of all complaints filed by phone and 42% filed online were truncated. In 2015, 47% of complaints filed directly with the CCRB were filed by phone. The location of a complainant’s residence played does not play a major role in the truncation rate. As in previous years, the five boroughs had similar truncation rates in 2015: Manhattan 38%; Brooklyn 37%; Staten Island 30%; Queens 36%; and the Bronx 40%.

Disposition of Allegations

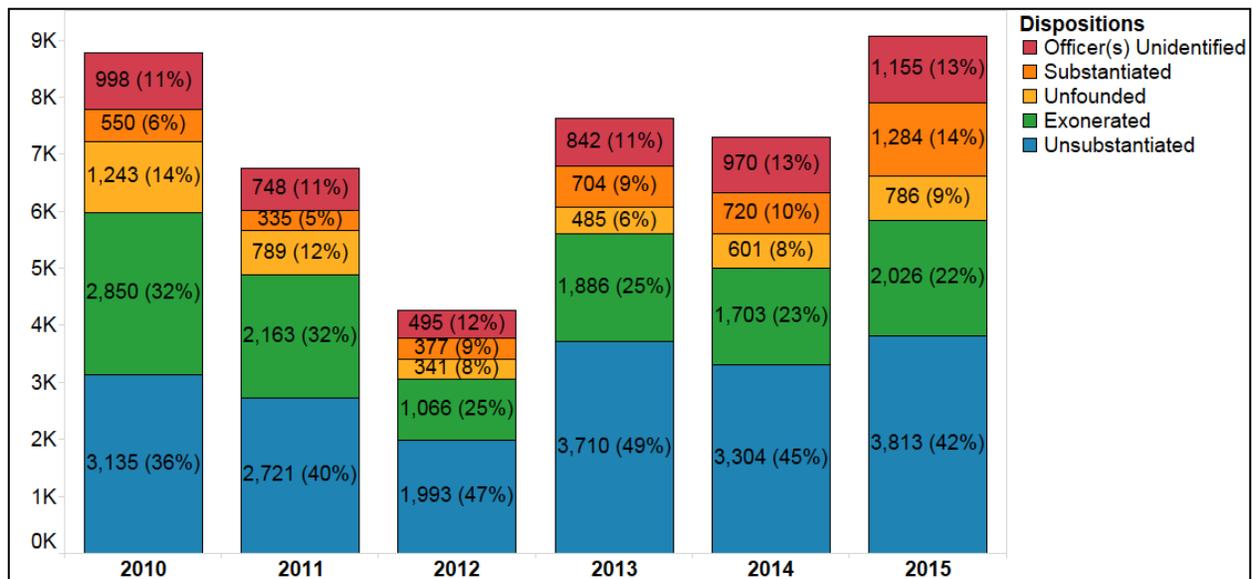
A CCRB complaint may contain one or more allegation. The complaint disposition is a composite of the dispositions of all the distinct allegations within the complaint. The section above analyzes complaint dispositions, but the CCRB also tracks and analyzes the dispositions of individual allegations. With regard to the disposition of allegations, two rates are of particular importance: (1) the rate at which the CCRB makes “findings on the merits”, and (2) the “substantiation rate” by allegation.²⁶

Of the 9,064 allegations the CCRB fully investigated and closed in 2015, 4,098 allegations (45%) were closed with findings on the merits, compared to 41% in 2014 and 40% in 2013. Fully investigated allegations that are closed without a “finding on the merits” are given either an “unsubstantiated” or an “officer(s) unidentified” disposition. An “unsubstantiated” allegation is one where there is not enough evidence for the CCRB to either credit or discredit the allegation. In 2015, 3,813 were unsubstantiated (42%). This is a decrease from the 45% unsubstantiation rate in 2014 and is the lowest rate since 2011 (40%).

²⁶ Finding on the merits result when the Agency obtains sufficient credible evidence for the Board to reach a factual and legal determination regarding the officer’s conduct. These findings include those allegations resolved as substantiated, exonerated, or unfounded.

The remainder of the allegations closed without a “finding on the merits” are “officer(s) unidentified” allegations. In 2015, 13% of allegations were closed as “officer(s) unidentified,” the same rate as in 2014. From 2010 to 2013, the proportion of “officer(s) unidentified” allegations was 11-12% every year. An officer unidentified disposition may occur in cases in which all officers are unidentified, or in cases in which some of the officers are unidentified. In 2015, there were 1,155 allegations closed as “officer(s) unidentified,” but only 162 cases (7% of all full investigations) were closed as “officer(s) unidentified” because all officers in that complaint remained unidentified at the end of the investigation.

Figure 19: Disposition of Allegations in Full Investigations (closed in 2010-2015)



The other key figure is the “substantiation rate by allegation,” which was 14% in 2015. The rate was 5% in 2011; 9% in 2012; 9% in 2013; and 10% in 2014. Increases were seen in the substantiation rate for force, abuse of authority, and discourtesy allegations. A slight decrease was seen in the substantiation rate of offensive language allegations. In 2015, 170 force allegations, (7%) were substantiated, versus 72 allegations (3%) in 2014. For abuse of authority, 943 allegations (20%) were substantiated in 2015, compared to 560 (15%) in 2014. For discourtesy, 163 (11%) were substantiated in 2015, while 73 (6%) were substantiated in 2014. In 2015, 10 (4%) offensive language allegations were substantiated, compared to 15 such allegations (7%) in 2014.

The highest substantiation rate by allegation was for retaliatory arrest and retaliatory summons, which were substantiated at a rate of 68% and 65%, respectively. The next highest substantiation rate was for improper frisk allegations at 36%. Related to the improper frisk allegations, in 2015, the CCRB substantiated improper question allegations at a rate of 14%, stop allegations at 24% and search allegations at 21%. Vehicle search allegations were substantiated at a rate of 26% while vehicle stop was substantiated at a rate of 21%.

In 2015, the Board closed 2,536 stop-and-frisk allegations: 1,519 of which were fully investigated; 851 were truncated; and 148 were mediated or there was an attempted mediation. These allegations were contained in 1,131 complaints, including 616 full investigations. Of the 616 stop-and-frisk complaints that were fully investigated, 233 were substantiated. That is, the Board found misconduct in 38% of fully investigated stop-and-frisk complaints. By comparison, in 2014 the Board found misconduct in 30% of fully investigated stop-and-frisk complaints; 32% in 2013, 29%

in 2012, and 19% in 2011%.

Beyond substantiation rates, another important aspect of stop-and-frisk complaints is whether the stop has not been properly documented. In 2015, 16% of all fully investigated stop-and-frisk complaints revealed a failure by the officer to produce a stop-and-frisk report as required by the NYPD's Patrol Guide. This rate is little changed from 2014 (17%) and 2013 (16%).

Other Misconduct Noted

Where an investigation reveals that the police officer committed misconduct that falls outside of the CCRB's jurisdiction, as defined in Chapter 18-A § 440 (c)(1) of the New York City Charter, the Board notes the "other misconduct" (OMN), and reports such alleged misconduct to the NYPD for possible disciplinary action. Examples of OMN allegations include an officer's failure to properly document an encounter or other activity in his or her memo book as required by Patrol Guide procedure. Allegations of other misconduct should not be confused with allegations of corruption, which are referred to the Police Department's IAB.

From 2011 to 2015, the CCRB referred to the Police Department 2,231 cases of other misconduct against 3,708 officers involving 4,069 allegations. The Board referred 310 cases in 2011; 324 cases in 2012; 605 cases in 2013; 532 cases in 2014; and 460 cases in 2015. When measured by the number of officers, there were 513 officers in 2011; 538 officers in 2012; 975 officers in 2013; 892 officers in 2014; and 790 officers in 2015. During the five-year period, the total number of allegations of other misconduct referred to the Police Department was 3,708, of which there were 881 allegations in 2015.

There are two distinct categories of OMN cases. The first type is when other misconduct occurs in a complaint where the Board substantiates an allegation of force, abuse of authority, discourtesy, or offensive language. The case is categorized as an OMN with a substantiated FADO allegation, and the OMN is part of the case file that is sent to the Department Advocate's Office (DAO) for disciplinary action. In 2015, 222 out of 528 substantiated cases contained allegations of other misconduct, or 42% of cases. The rate was 36% in 2011; 46% in 2012; 55% in 2013; and 47% in 2014.

The second type of OMN case is when there is other misconduct noted, but the Board has not substantiated any FADO allegation. In this type of case, only the other misconduct is referred to the Police Department for possible discipline. In 2015, there were 238 such cases, as compared to 389 in 2014. The Board referred a total of 1,555 OMN cases without a substantiated FADO allegation from 2011 to 2015.

In addition to false official statements, which this report discusses in a separate section below, the Board refers cases to the Police Department in which officers failed to document their actions as required by the NYPD. There are three major categories of failure to document. The first category is an officer's failure to fill out a stop-and-frisk form. In 2015, the Board referred 147 such instances. The second type is an officer's failure to document a strip-search in the precinct's command log. In 2015, the Board referred 13 such allegations. The third category is an officer's failure to make memo book entries. The Board referred 610 such failures in 2014. In addition to these four specific categories of other misconduct, the Board also has a miscellaneous category for items such as "improper supervision" or "failure to complete an aided report." The Board referred 96 instances of other misconduct in this miscellaneous category in 2015.

Misconduct Rate

In 2015, 35% of cases in which the CCRB conducted a full investigation were forwarded to the Police Department for discipline containing either a substantiated FADO allegation or an OMN. By comparison, the overall misconduct rate was 21% in 2011; 34% in 2012; 36% in 2013; and 35% in 2014. In absolute numbers, the Board forwarded 766 cases to the Police Department in 2015: 222 substantiated cases with other misconduct noted allegations attached to the case; 306 substantiated cases without other misconduct noted; and 238 cases where other misconduct was noted, but the underlying complaint was not substantiated.

SECTION 3: The Disciplinary Process

When the CCRB substantiates an allegation of misconduct, it initiates a disciplinary process to determine the penalty the MOS will face. Under the City Charter, the Police Commissioner has final approval over all penalties. For many years the disciplinary process has been opaque, and the Agency had little control over the final penalties received by MOS for CCRB-related misconduct. Over the past few years, however, the NYPD has consistently increased its acceptance of CCRB recommendations, and the development of the CCRB's Administrative Prosecution Unit ("APU") has given the Agency an increased role in seeking appropriate penalties for misconduct. Over the past year the CCRB has sought to better understand the disciplinary process, and moving forward the Agency will be evaluating its effectiveness on deterring misconduct.

Overview of Disciplinary Process

For each allegation of misconduct, the CCRB recommends one of three basic types of discipline, which track the disciplinary options used by the Department. First, the lowest level of discipline is for an officer to receive "formalized training" at the Police Academy or at the Legal Bureau, or "instructions" from his or her commanding officer.²⁷ The next higher level of discipline is referred to as "command discipline." These cases are forwarded to the subject officer's commanding officer for discipline, and can result in a penalties ranging from instructions up to the loss of five vacation days for a Command Discipline A, and ranging from instructions up to the loss of ten vacation days for a Command Discipline B. The third and most severe disciplinary option is the filing of administrative "charges and specifications." Charges and specifications leads to a trial process in which a MOS may be found guilty or not guilty, or plead guilty beforehand. In all cases, the Police Commissioner has final approval of all dispositions, but generally follows the recommendation of the NYPD Deputy Commissioner for Trials ("DCT").

When the CCRB recommends instructions, formalized training, or command discipline against a MOS, that recommendation is sent to the Department Advocate's Office ("DAO"). The DAO is the unit within the NYPD that reviews this set of CCRB's disciplinary recommendations and decides whether to impose or modify the discipline recommended by the CCRB. Of penalty recommendations made by the CCRB in cases that were closed by the DAO in 2015, 91% resulted in the NYPD issuing final penalties against the MOS, and 58% of the final penalties upheld the specific CCRB-recommended penalties.

All charges and specifications substantiations are prosecuted by the CCRB's APU. Comprised of attorneys, the CCRB's APU prosecutes misconduct before the DCT, following the terms of a Memorandum of Understanding signed between the CCRB and the NYPD in 2012. The APU and MOS may agree to a plea agreement in lieu of trial. At trial, the MOS may be found guilty or not guilty. If the MOS is found guilty, the DCT will recommend a penalty, which the Police Commissioner is permitted to modify, but generally follows.

As discussed in the previous section, the CCRB disciplinary process also results in the issuance of other misconducted noted that is outside the Agency's jurisdiction. Examples include false statements, failure to fill out U-250 reports, and failure to fill out memo books to document policing encounters. The CCRB refers those allegations to the DAO, the NYPD's Internal Affairs Bureau (IAB), or the Office of the Chief of the Department (OCD).

²⁷ Though the CCRB recommended instructions with greater frequency in the past, during 2015 Board panels have increasingly moved away from instructions in favor of formalized training, with the recommendation intended to re-train MOS on areas of the law or the Patrol Guide they appear not to properly understand.

CCRB Disciplinary Recommendations

In 2015, the Board substantiated 528 complaints against 790 police officers, as compared to 313 complaints against 467 officers in 2014. The number of officers with substantiated allegations has significantly increased since 2011. There were 213 officers with substantiated allegations in 2011; 243 in 2012; 463 in 2013; 467 in 2014; and 790 in 2015. The number of officers with substantiated allegations has increased by 69% compared to 2014. In total, the Board substantiated complaints against 2,176 officers from 2011 to 2015.

Of the total 790 officers against whom the Board substantiated complaints in 2015, the Board recommended that administrative charges be brought against 201 officers (25%); command discipline for 346 officers (44%); formalized training or instructions for 240 officers (30%); and no recommendation was made for 3 officers (0.4%). The percentage of officers for whom the Board recommended administrative charges, the most serious form of discipline, decreased from 70% in 2011; 70% in 2012; 66% in 2013; 54% in 2014 to 25% in 2015. The Board's recommendation of command discipline has increased overall from 2011 to 2015: 20% of officers in 2011; 26% in 2012; 24% in 2013; 24% in 2014; and 44% in 2015. The Board's recommendation of instructions or formalized training has increased between the years of 2011 and 2015: from 7% of officers in 2011; 5% of officers in 2012; 7% of officers in 2013; to 21% of officers in 2014, and 30% of officers in 2015.

NYPD Disciplinary Decisions

In 2015, the Police Department reported its final disciplinary decisions for 440 subject officers, comprising both cases that were prosecuted by the APU and cases that were handled by the DAO. The Police Department imposed some form of discipline — forfeiture of vacation, command discipline, instructions, or formalized training in 350 cases, resulting in an 80% disciplinary action rate. The Police Department did not impose any disciplinary action in 20% cases for the following reasons: not guilty after trial; charges dismissed; statute of limitations expired; and the Department was unable to prosecute the case (“DUP”). Specifically, the Department's DUP rate was 4% in 2015.²⁸

There are two paths for discipline after CCRB substantiates misconduct, depending on the type of discipline recommended for the officer. The APU handles cases where the CCRB has recommended charges and specifications, and the DAO handles cases where the CCRB has recommended command discipline, formalized training or instructions. The statistics for each unit are discussed separately below.

APU Administrative Prosecution Unit (APU)

In 2015, the APU received a total of 204 cases against officers for whom the Board recommended charges and specifications (whereas a CCRB “case” may involve multiple officers, the APU treats each officer against whom an allegations are substantiated as a separate “case”.) The Police Department retained 5 cases from APU under the “limited exception” provision of the MOU, compared to 2014, in which the Department prevented APU from prosecuting 36 cases.²⁹

The APU closed 186 cases in 2015, compared to 112 in 2014 (a 66% increase), and completed trials against 130 officers in 2015, compared to trials against 82 officers in 2014 (a 59% increase).¹ In 2015, the APU conducted trials against 130 respondent officers. At the end of December 31, 2015, the

²⁸ When the Department decides that it will not discipline an officer against whom the Board recommended discipline other than charges, those cases are referred to as "Department Unable to Prosecute," or DUP.

²⁹ Retained cases are those in which the Department keeps jurisdiction pursuant to Section 2 of the April 2, 2012 MOU between the NYPD and the CCRB. When the Department keeps jurisdiction pursuant to Section 2 and does not impose any discipline on the officer, it is the equivalent of a DUP.

APU's total open docket stood at 377 cases. This included cases where the APU was awaiting a trial verdict or final determination of discipline by the Police Commissioner.

Figure 20: APU Open Docket, December 31, 2015

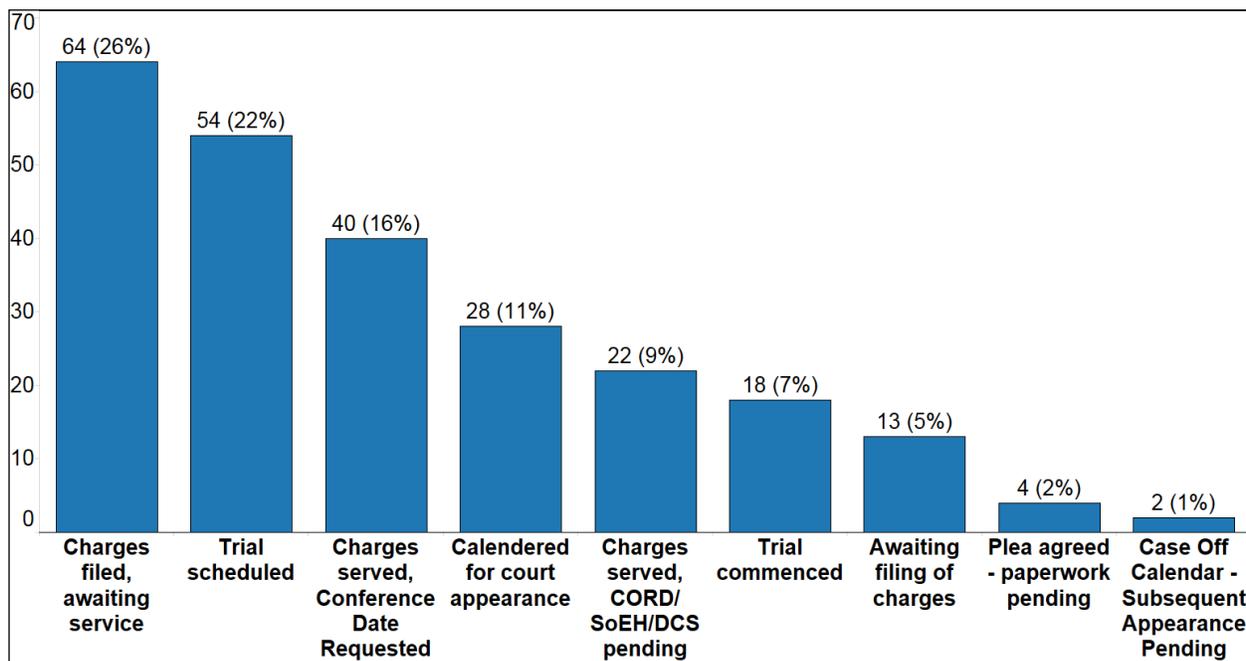


Table 6: NYPD Discipline Imposed for Adjudicated APU cases

| Discipline* | Annual 2014 | Annual 2015 |
|---|-------------|-------------|
| Terminated | 0 | 0 |
| Suspension for or loss of vacation time of 31 or more days and/or Dismissal Probation | 0 | 0 |
| Suspension for or loss of vacation time of 21 to 30 days | 1 | 0 |
| Suspension for or loss of vacation time of 11 to 20 days | 2 | 4 |
| Suspension for or loss of vacation time of 1 to 10 days | 26 | 76 |
| Command Discipline B | 4 | 0 |
| Command Discipline A | 4 | 0 |
| Formalized Training** | 18 | 10 |
| Instructions*** | 7 | 8 |
| Warned & admonished/Reprimanded | 5 | 5 |
| Disciplinary Action Total^a | 67 | 103 |
| No Disciplinary Action ^a | 36 | 67 |
| Adjudicated Total | 103 | 170 |
| Discipline Rate | 65% | 61% |
| Closed - Not Adjudicated Total ^a | 9 | 16 |
| Total Closures | 112 | 186 |

*When more than one penalty is imposed on a respondent, it is reported under the more severe penalty.

** Formalized training is conducted by the Police Academy, the NYPD Legal Bureau, or other NYPD Unit.

*** Instructions are conducted at the command level.

^aThe case closures types that define the “Disciplinary Action”, “No Disciplinary Action” and “Not Adjudicated” categories are listed in Table 7.

Table 7: APU Case Closures

| Disposition Category | Prosecution Disposition | Annual 2014 | Annual 2015 |
|----------------------------------|--|--------------------|--------------------|
| Disciplinary Action | Not guilty after trial but Discipline Imposed | 0 | 4 |
| | Guilty after trial | 13 | 58 |
| | Trial verdict dismissed by PC, Comm. Disc. A imposed | 0 | 0 |
| | Trial verdict dismissed by PC, Comm. Disc. B imposed | 0 | 0 |
| | Trial verdict dismissed by PC, Formalized Training imposed | 0 | 0 |
| | Trial verdict dismissed by PC, Instructions imposed | 0 | 0 |
| | Trial verdict reversed by PC, Final verdict Guilty | 0 | 0 |
| | Resolved by plea | 21 | 37 |
| | Plea set aside, Comm. Disc. B | 9 | 0 |
| | Plea set aside, Comm. Disc. A | 0 | 0 |
| | Plea set aside, Formalized Training | 2 | 1 |
| | Plea set aside, Instructions | 1 | 3 |
| | Retained, with discipline* | 21 | 0 |
| Disciplinary Action Total | 67 | 103 | |
| No Disciplinary Action | Not guilty after trial | 13 | 58 |
| | Trial verdict reversed by PC, Final verdict Not Guilty | 0 | 1 |
| | Plea set aside, Without discipline | 3 | 0 |
| | Retained, without discipline** | 15 | 0 |
| | Dismissed by APU | 4 | 8 |
| | SOL Expired in APU | 1 | 0 |
| | No Disciplinary Action Total | 36 | 67 |
| | Charges not filed | 0 | 0 |
| Not Adjudicated | Deceased | 0 | 0 |
| | Other | 0 | 1 |
| | Previously adjudicated, with discipline*** | 1 | 1 |
| | Previously adjudicated, without discipline*** | 1 | 0 |
| | Reconsidered by CCRB Board ^a | 2 | 7 |
| | Retired | 1 | 6 |
| | SOL Expired prior to APU | 4 | 1 |
| | Not Adjudicated Total | 9 | 16 |
| Total Closures | 112 | 186 | |

*When more than one penalty is imposed on a respondent, it is reported under the more severe penalty.

**Formalized training is conducted by the Police Academy, the NYPD Legal Bureau, or other NYPD Unit.

***Instructions are conducted at the command level.

In 2015, the Police Department reported the final disposition of 170 APU Cases, including disposition after trial for 121 respondent officers and 41 cases resolved by plea. This was a dramatic increase from 2014, when the Department reported the disposition of 103 APU Cases, including 26 trials and 36 pleas.

The 2015 discipline rate for all cases handled by the APU was 61%, which means that the APU obtained a guilty verdict or guilty plea in these cases, as compared to a 2014 discipline rate of 65%. In 2015, the Assistant Deputy Trial Commissioner (ADTC), presiding over the trial, found the officer guilty in 59 cases and not guilty in 58 cases. In cases with guilty verdicts, the Police Commissioner approved penalties ranging from reprimand to a forfeiture of 15 vacation days. In 2015, APU resolved 41 cases through a guilty plea by the subject officer. The APU negotiated pleas in which officers agreed to penalties ranging from instructions to a forfeiture of 30 vacation days. In four cases where there was originally a plea, the plea was set aside by the Police Commissioner and the charges dismissed. Of these cases, the officer received a penalty in all four cases.

Prosecution of officers for misconduct has changed dramatically since the APU began handling cases where the Board recommended charges and specifications. The CCRB analyzed the outcomes of cases substantiated with charges in 2012, the last full year before the APU began operating, and compared it to the outcomes of cases substantiated with charges in 2014, the first full year of that the APU was in operation. In 2012, the Board recommended charges against 169 officers, and the Department has since closed 167 of the cases. In 2014, the Board recommended charges against 250 officers, of which 147 have now been closed by the Department. The starkest differences between the two periods are shown in the number of trials, and convictions. Pre-APU, 71 officers had cases that were dismissed without trial or plea, four officers stood trial, and three were found guilty. Post-APU, charges were dismissed without trial or plea against 20 officers, 81 officers stood trial, and 49 officers were found guilty after trial.

Table 8: Results in Charges Cases pre-APU and post-APU³⁰

| | NYPD Department Advocate's Office | Administrative Prosecution Unit |
|---|--|--|
| | CCRB Cases From 2012 | CCRB Cases From 2014 |
| Total No. of Subject Officers to receive at least one Substantiated with Charges Allegation | 169 | 250 |
| Total No. of Subject Officers to receive at least one Substantiated with Charges Allegation <u>and</u> the matter was closed by Police Commissioner | 167 | 147 |
| Total No. of Respondents who plead guilty / accepted discipline without trial | 92 | 45 |
| Total No. of Respondents to stand trial | 4 | 81 |
| Guilty verdicts after trial | 3 | 49 |
| Total No. of Respondents' cases that | 71 | 20 |

³⁰ Years 2012 and 2014 are compared here because the year 2012 was the last full year before the APU began taking cases, and 2014 was the first full year after the APU began taking cases. These years indicate the year that complaints were closed by the board, rather than the year penalties were reported.

were dismissed without trial or plea

Department Advocate's Office Disciplinary Actions on CCRB Cases

The DAO reports on the disposition of cases in which the CCRB issues recommendations for instructions, formalized training, command discipline, or cases prior to the creation of the APU in which the Board recommended charges. In 2015, the DAO reached a disposition in CCRB cases (excluding APU cases) against 271 subject officers. Looking at the last six years, the DAO reached a disposition in cases against 297 in 2010, 283 in 2011; 335 in 2012; 302 in 2013; and 227 officers in 2014. This yielded a total of 1,715 subject officers in the six-year period from 2010 to 2015.

The DAO's disciplinary action rate refers to the percentage of substantiated complaints in which the DAO imposes some type of discipline upon the subject officer. In 2015, the DAO's disciplinary action rate (excluding APU cases) was 92%. The rate was 79% in 2010, 81% in 2011; 70% in 2012; 57% in 2013; and 70% in 2014. The 2013 discipline level was the lowest of the last six years. In absolute numbers, disciplinary actions were 234 in 2010; 228 in 2011; 233 in 2012; 171 in 2013; 158 in 2014, and 248 in 2015. There were 105 officers who received command discipline in 2015, and 142 officers who received formalized training or instructions.

In the past, the Department rarely adopted the CCRB discipline recommendations for command discipline and instructions. Now it does. In 2013, the Department followed specific CCRB command discipline recommendations only 8% of the time, compared to 32% in 2014, and 67% in 2015. Similarly, in 2013, the Department agreed to the CCRB's recommendation of instructions/formalized training 44% of the time, but in 2014, that percentage was 73%, and in 2015, the percentage was 84%.

In 2015, the DAO declined to seek discipline in 8% of substantiated cases. The Department declined to seek discipline in 19% of all cases in 2010, 16% in 2011; 23% 2012; 28% in 2013; and 20% in 2014. In absolute numbers, the Police Department has declined to discipline 252 officers in the last six years. In 2015, the Department could not seek discipline in 2 cases because the statute of limitations (SOL) had expired. By comparison, the SOL expired in 1 case in 2011; 26 in 2012; 53 cases in 2013; and 15 cases in 2014.

Figure 21: Police Department Action in Substantiated CCRB Cases (2010-2015)

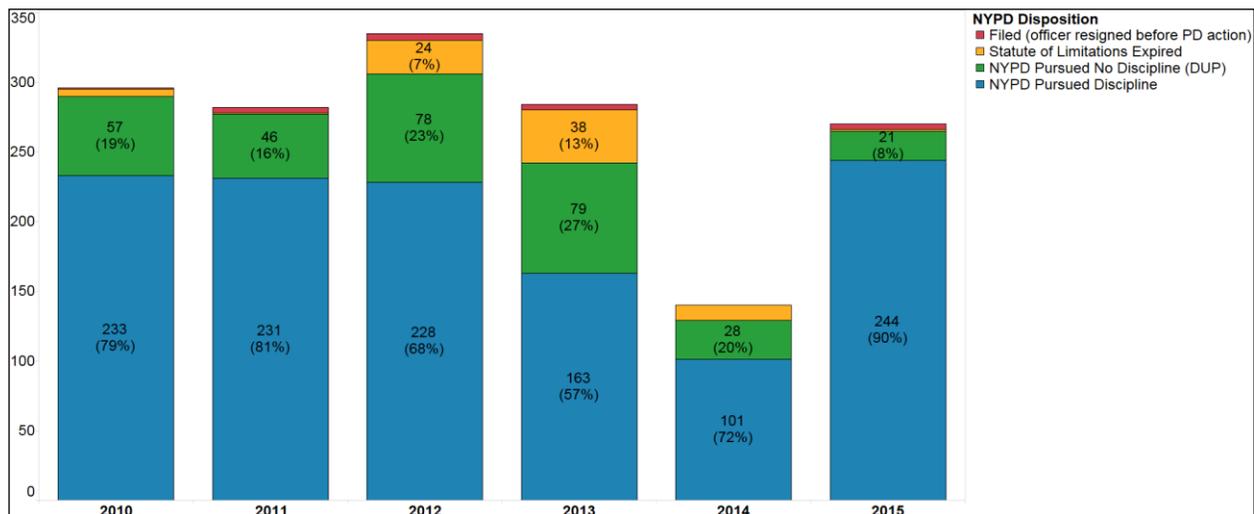
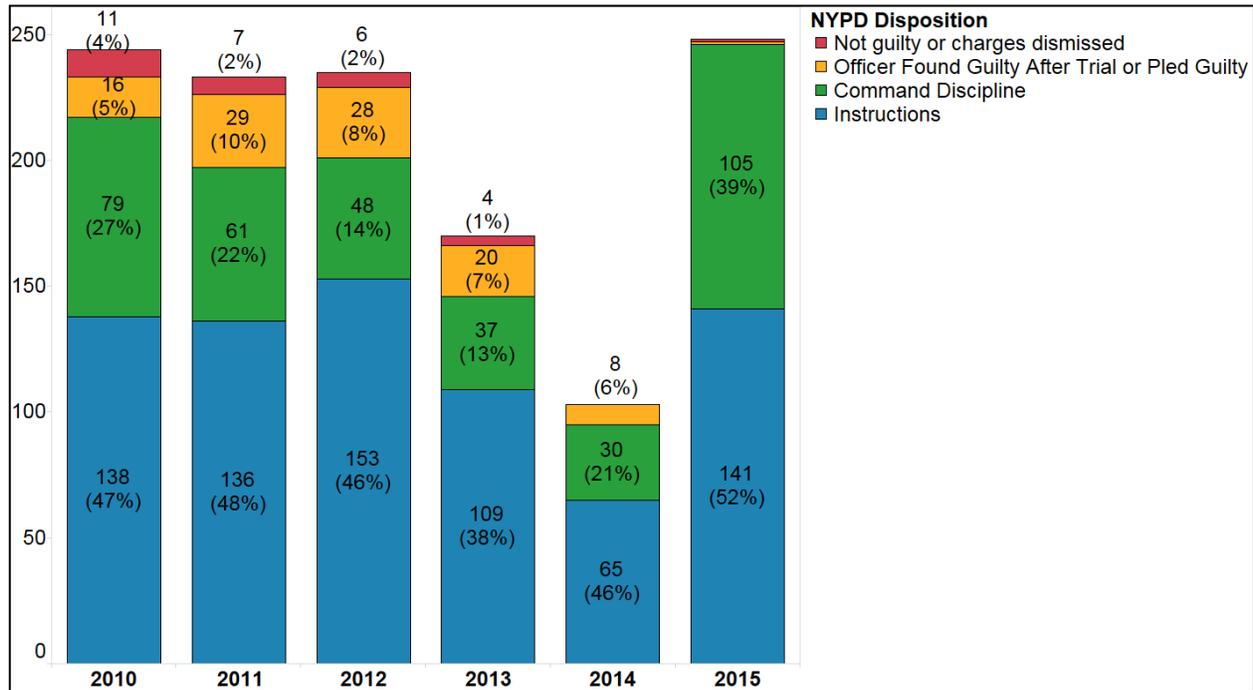


Figure 22: Police Department Pursued Discipline in Substantiated CCRB Cases (2010-2015)



CCRB-NYPD Reconsideration Outcomes

The CCRB and the DAO have engaged in a formal reconsideration process since December 2014. The goal was for the two agencies to collaborate to ensure that complainants and police officers were treated fairly, as well as to enhance the NYPD’s respect for both the CCRB’s decision to substantiate a complaint for the CCRB’s disciplinary recommendations. The reconsideration process allows the NYPD’s Advocate’s Office (DAO) to request that the Board reconsider its findings and/or penalty recommendations of a previously substantiated case based on new evidence or reasons not known during the investigation. To initiate this process, the DAO must write a letter to the Board requesting that the Board reconsider the penalty recommendation and/or disposition of an allegation. The Board may reconsider the case if: (a) the penalty recommended for the case against any subject officer is determined upon reconsideration to be inappropriate or excessive; or (b) there exists new facts or evidence that were not previously known by the Board panel which could reasonably lead to a different finding or recommendation in the case; or (c) there are matters of fact or law which are found to have been overlooked or misapprehended by the deciding panel.

Some reconsideration requests are the product of new information unavailable to the CCRB at the time of the investigation. Others may represent differing views between the CCRB and NYPD with respect to legal standards, civilian credibility, and appropriate discipline. In cases where the Board rejects the DAO’s request to reconsider discipline, it examines the facts and the circumstances of the case and the officers’ disciplinary history. For example, the DAO requested reconsideration of the Board’s command discipline recommendation for two officers found to have committed an improper stop, frisk, and search of two men, and instead recommend formalized training. The CCRB rejected that request on the grounds that the officers’ decision to stop the men was unjustified given the gravity of the intrusion, including public humiliation, the absence of any documentary evidence to support an inquiry (no evidence of a

robbery), and the credibility of the complainants. There are also cases in which the Board has agreed to lower a disciplinary recommendation at the request of the DAO. For example, the Board initially recommended charges and specifications as the discipline for an officer who improperly frisked a person, but lowered that recommendation to formalized training after the DAO requested reconsideration. While acknowledging that the officer had no reasonable suspicion for the frisk, the DAO noted that the officer had no CCRB or Department disciplinary history and requested formalized training for the officer.

SECTION 4: Mediation

The City Charter mandates that the Board offer mediation to both civilians and police officers. The goal of the mediation program is to allow civilians and officers to resolve the issues contained in the complaint “by means of informal conciliation” should they voluntarily choose to do so. The Agency seeks to offer mediation to every civilian, in appropriate cases, as soon as the civilian has been interviewed by an investigator.

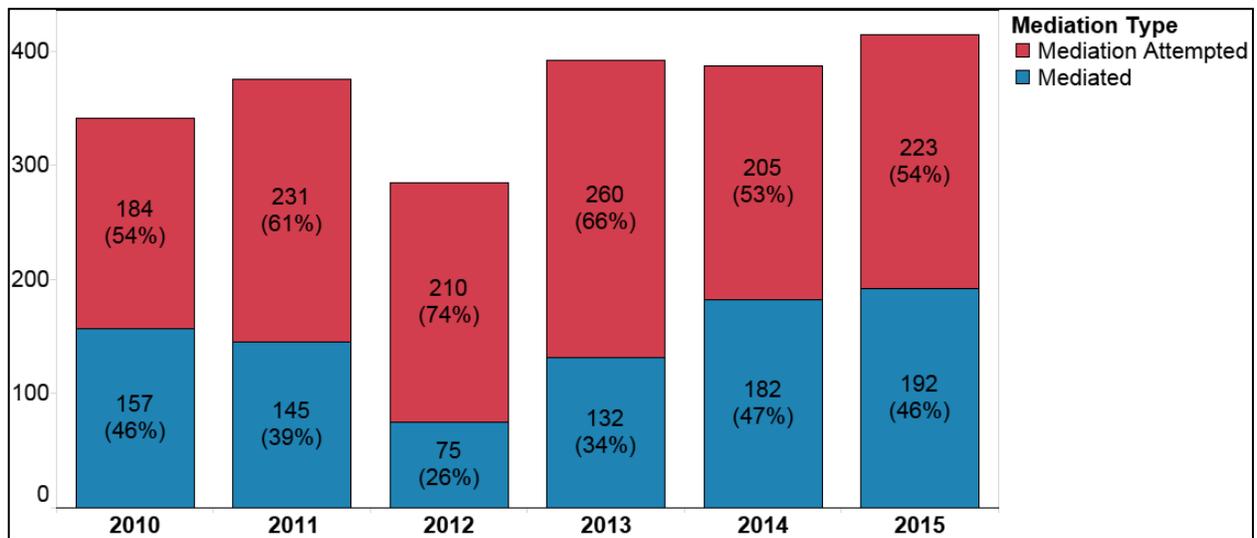
The Mediation Unit provides a valuable alternative method of resolving civilians’ complaints of police misconduct. While an investigation is focused on evidence-gathering, fact-finding, and the possibility of discipline, a mediation session focuses on fostering discussion and mutual understanding between the civilian and the subject officer. Mediation gives civilians and officers the chance to meet as equals, in a private, neutral, quiet space. A trained, neutral mediator guides the session and facilitates a confidential dialogue about the circumstances that led to the complaint.

The mediation session ends when the parties agree that they have had an opportunity to discuss the issues. In the vast majority of cases, the parties resolve the issues raised by the complaint. After a successful 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 successful, the case returns to the Investigations Division for a full investigation. Successful mediations can benefit communities because a measure of trust and respect often develops between the parties. That, in turn, can lead to better police-community relations.

Mediation Statistics

The Mediation program has significantly grown since it began in 1997 when only two complaints were resolved through mediation. Beginning in 2009, one of the strategic priorities of the Board has been to strengthen and expand the mediation program. In 2015, the Mediation Unit mediated 192 cases, the highest number of cases in the history of the program. This represents a 5% increase from 182 cases in 2014.

Figure 23: Mediation Closures (2010-2015)

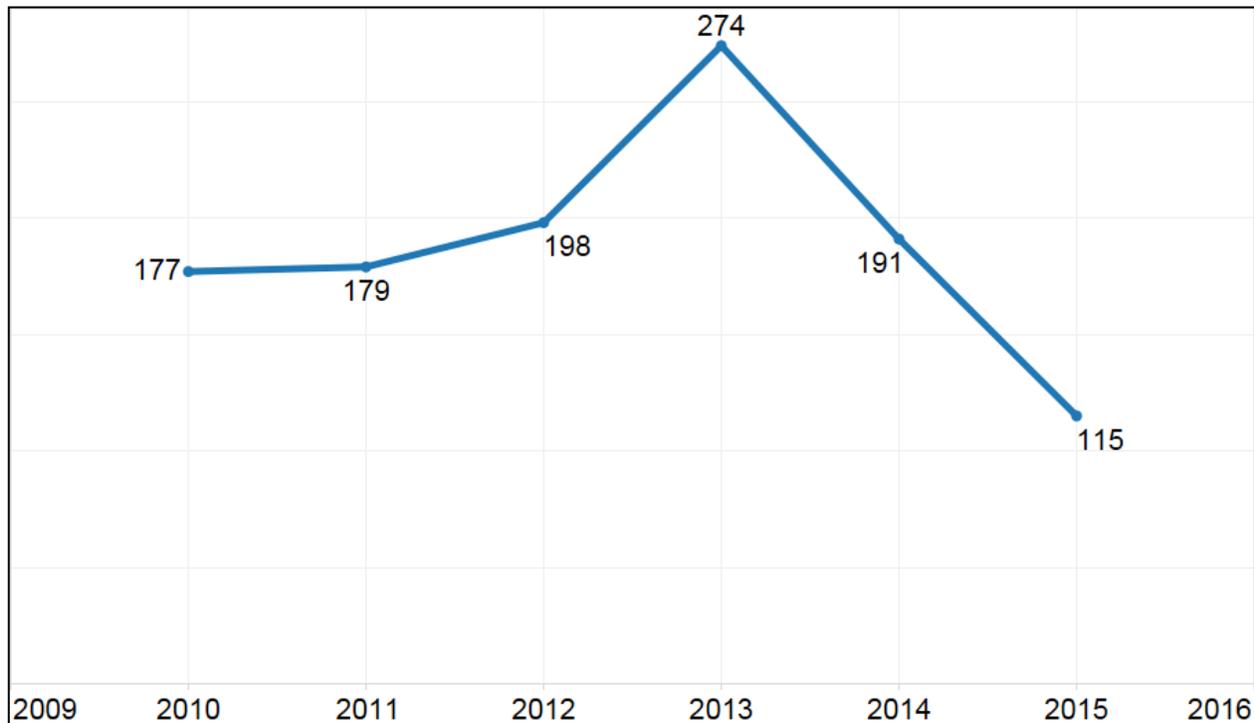


The number of cases closed as “mediation attempted” in 2015 increased 9% from 205 cases in 2014 to 223 cases in 2015. “Mediation attempted” is a designation for a case in which both the officer and the civilian agree to mediate, but the civilian fails to appear twice at the scheduled mediation session, or fails to respond to attempts to schedule the mediation session. In 2015, 54% of all mediation closures were attempted mediations, and in 2014, 53% of all mediation closures were attempted mediations.

Overall, the number of mediation closures (cases closed as mediated and mediation attempted) in 2015 was the highest it has ever been (415 closures). The number of mediation closures in 2015 increased by 7%, from 387 in 2014. In prior years, the mediation closures were 392 in 2013, 285 in 2012, and 376 in 2011.

In 2015, the average number of days it took to mediate a case was the lowest in CCRB history. It took an average of 115 days to mediate a complaint in 2015, a decrease of 40% from the average of 191 days in 2014.

Figure 24: Average Number of Days to Mediate a Complaint (2010-2015)



In 2015, the number of cases resolved by the mediation program was approximately 16% of the total number of cases resolved by the Agency, either through the mediation process or a full investigation. By comparison, the mediation resolution rate was 16% in 2011; 19% in 2012; 16% in 2013; and 17% in 2014.

In 2015, the Mediation Unit conducted 192 mediation sessions. Civilians and officers failed to satisfactorily address 22 complaints, resulting in a 90% success rate. In 2014, the success rate was 88%. The CCRB's investigative staff is responsible for offering mediation to complainants, while the Police Department is responsible for offering it to officers in coordination with the Agency's staff. Members of service are only offered mediation if the complainant(s) first agree. The Mediation Unit has ongoing trainings, for both investigative staff and Police Department representatives to teach them about the benefits of mediation, and how the mediation process works.

In 2015, the CCRB expanded the range of cases for which mediation is considered suitable. As a result, the percentage of CCRB cases in which an investigator offered mediation significantly rose. In 2015, investigators offered mediation in 1,827 cases out of the total 4,460 complaints received, a rate of 41%.³¹ This compares to a mediation offered rate of 31% in 2014; 22% in 2013; 23% in 2012; and 23% in 2011.

In 2015, the Mediation Unit received 562 mediation referrals from the Investigations Division, a 13% increase as compared to the 499 referrals in 2014. There were 550 mediation referrals in 2013; 489 in 2012; and 584 in 2011. Analyzing what percentage of cases referred to mediation actually end up being closed as mediated or mediation attempted, we find that of the cases closed in 2015, 70% of those referred

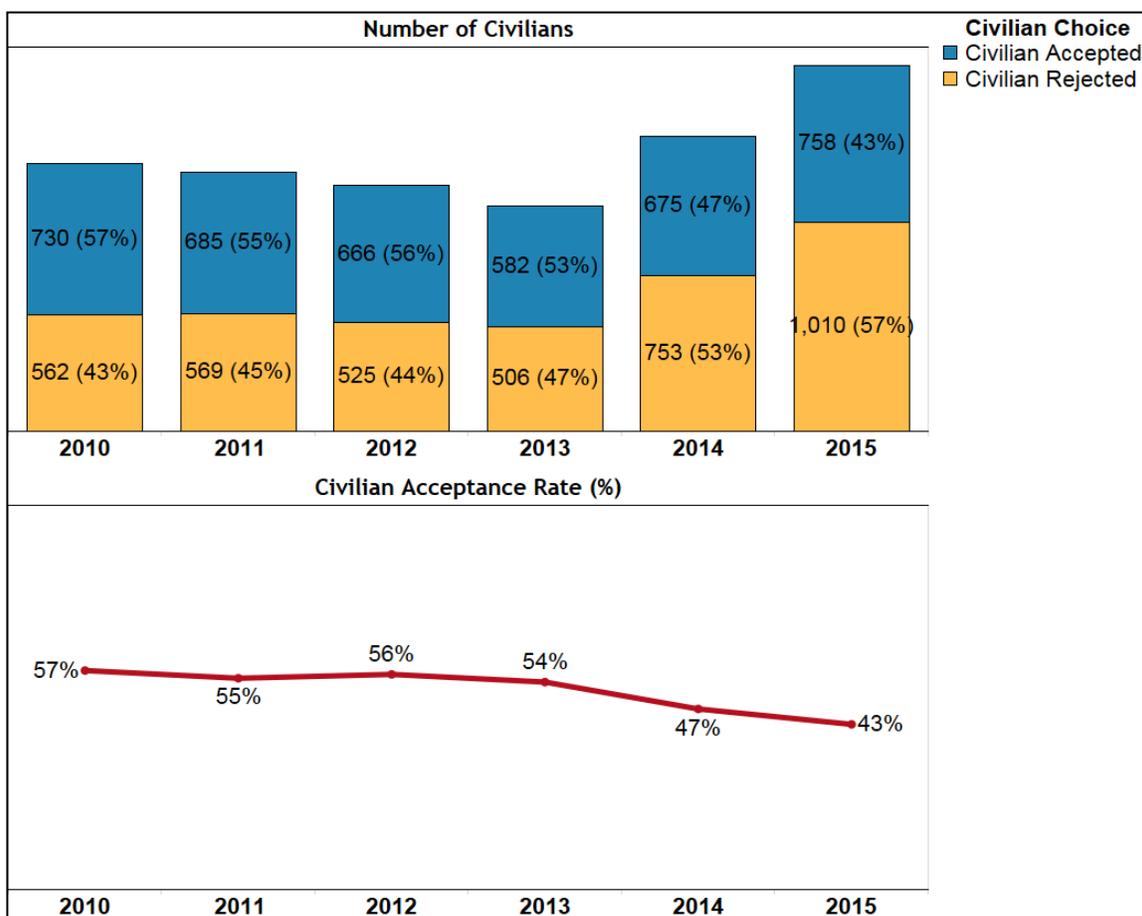
³¹ In truncated cases, not all complainants who are offered mediation give a definitive response before their case is closed. This is why the total number of civilians offered mediation in 2015 (1,827) is not the same as the total number of civilians who either accepted or rejected mediation in 2015 (1,768 in Figure 25).

to mediation were subsequently closed as either mediated or mediation attempted, with the remaining 30% being returned to investigations. The comparable rate was 69% in 2014; 62% in 2013; 63% in 2012; and 60% in 2011.

Keeping in mind that civilians with eligible cases are first asked for mediation, and that if they agree to mediation, then members of service are offered mediation – CCRB data shows that both the number of civilians who have agreed and the number of civilians who have rejected mediation increased in 2014 and 2015. The number of civilians who accepted mediation increased from 582 in 2013 to 675 in 2014 and 758 in 2015. Similarly, the number of civilians who rejected mediation increased from 506 in 2013 to 753 in 2014 and 1,010 in 2015.

The mediation acceptance rate, calculated as the number of civilians who accepted mediation over the total number of cases offered to civilians, has slightly declined. For civilians, the acceptance rate was 57% in 2010; 55% in 2011; 56% in 2012; 54% in 2013; 47% in 2014; and 43% in 2015.

Figure 25: Mediation Acceptance and Rejection by Civilians (2010-2015)

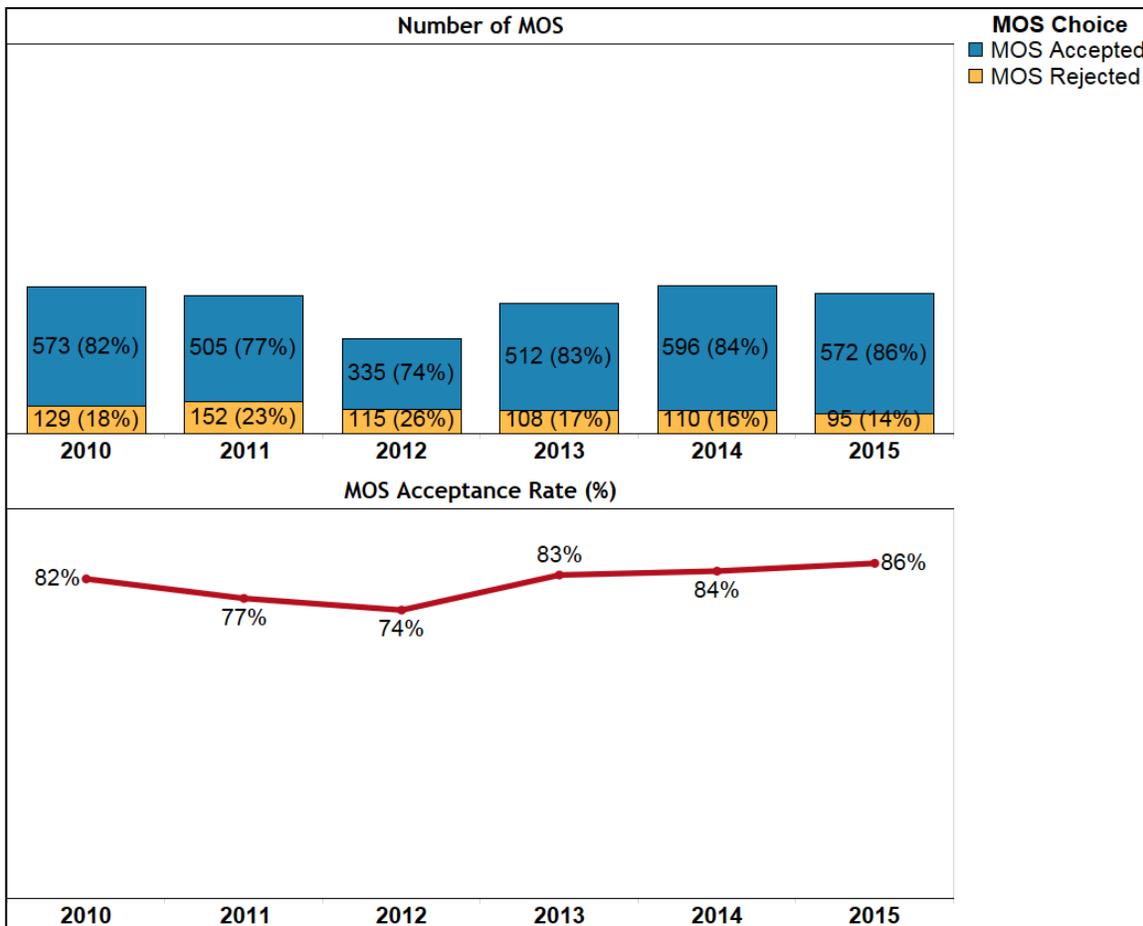


The number of members of service who have agreed to or rejected mediation has varied over time. In 2015, the CCRB offered mediation to 667 officers and 572 accepted, slightly down from 596 officers who accepted mediation in 2014. The number of officers who rejected mediation also slightly decreased from 110 officers in 2014 to 95 officers in 2015.

In contrast to civilians, the mediation acceptance rate for officers has slightly increased. The

percentage of subject officers who accepted the offer to mediate was 82% in 2010; 77% in 2011; 74% in 2012; 83% in 2013; 84% in 2014; and 86% in 2015.

Figure 26: Mediation Acceptance and Rejection by Members of Service (2010-2015)

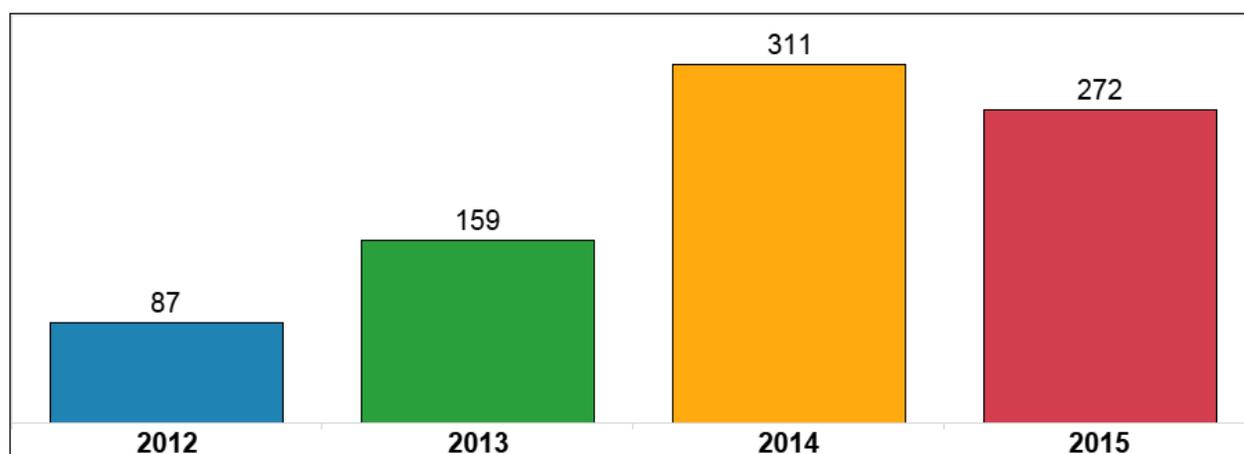


SECTION 5: Outreach

In 2015, the Agency worked to develop an effective outreach program aimed at making public presentations to increase awareness of the CCRB’s mission, and gaining trust from both the public and MOS in the CCRB’s investigative process. With an infusion of funding from the Mayor, in 2015 the Outreach Unit expanded from one person to a full-time staff of six people, thus assigning one Outreach Coordinator to each borough to act as the main liaison for the Agency. The Outreach Unit visits schools, public libraries, tenant associations, advocacy organizations, cultural groups, religious organizations, community boards, and precinct community councils, among others, in all five boroughs. The presentations provide an overview of the CCRB process, an explanation of the basic legal contours of police encounters, and stress the importance of de-escalation.

In 2015, staff members gave 272 presentations, a slight decrease from 311 in 2014; but well above the number of presentations in prior years - 87 in 2012 and 159 in 2013.³²

Figure 27: Number of Outreach Events (2010-2015)

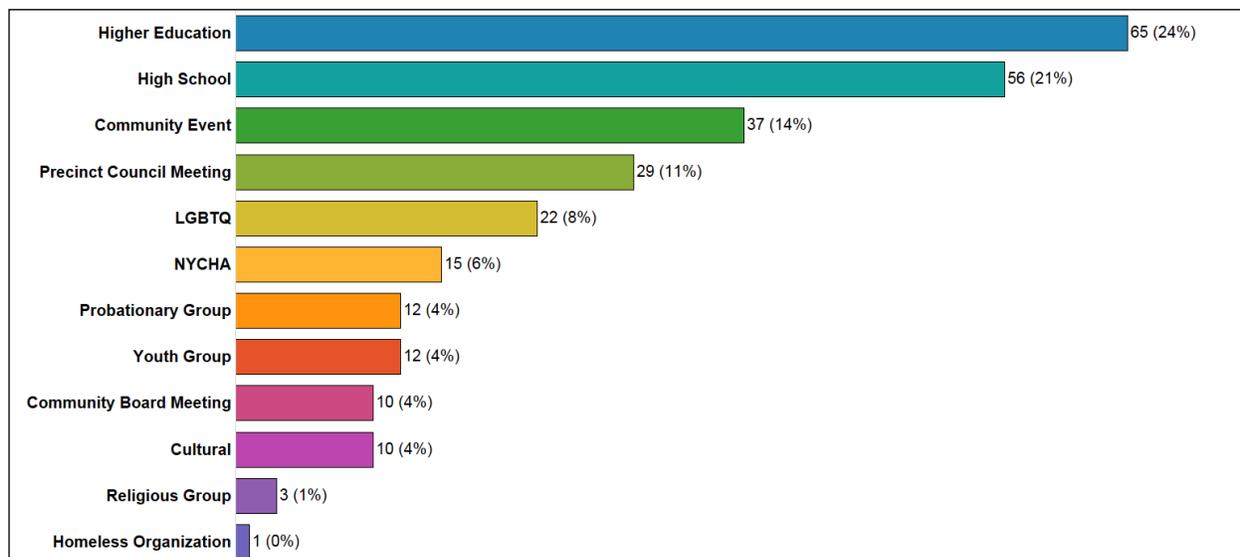


In 2015, Outreach efforts became more diversified. The CCRB’s Outreach team visited more educational institutions, precinct council meetings, probationary groups, homeless organizations, formerly incarcerated individuals, and residents of NYCHA than in any other year. The CCRB aims to work with communities that feel the CCRB has been unresponsive, and as part of CCRB’s outreach, the Agency makes clear that any New Yorker can file a complaint, regardless of immigration status. For example, in recognizing the specific policing challenges that members of the LGBTQ community face, in 2015, the CCRB hosted an event entitled “Let’s Talk About It” which was a candid conversation between the CCRB leadership and members of LGBTQ advocacy groups.

In 2015, most presentations were given at educational institutions (127 at 47%), followed by government organizations (74 at 27%), non-governmental organizations (68 at 25%), and religious institutions (3 at 1%). By specific organization type, 24% of presentations were made at higher education institutions, followed by 21% at high schools.

³² The number of presentations in this report are slightly different from the numbers provided in the 2014 Annual Report. This is due to the development of a more efficient record keeping system in 2015 designed to track the number of Outreach presentations which has captured data going back to 2011.

Figure 28: Number of Outreach Events by Specific Organization Type (2015)



In 2015, the Outreach Unit also held presentations throughout each borough; 74 in Brooklyn, 71 in Queens, 70 in Manhattan, 38 in the Bronx, and 19 in Staten Island. In addition, the Outreach Unit led the effort to reach out to council members and devised a way in which the members could become directly involved with the community on policing issues by utilizing the Agency’s services via the Community Partners Initiative (CPI). In partnership with the New York City Council, the CCRB now holds special evening office hours in participating Council Members’ district offices across the five boroughs to accommodate individuals who do not have access to the CCRB’s main office during regular office hours. Participating Council Members include Speaker Melissa Mark-Viverito, CM Vanessa Gibson, CM Donovan Richards, CM Deborah Rose, CM Carlos Menchaca, and CM Robert Cornegy continuing from summer 2015.

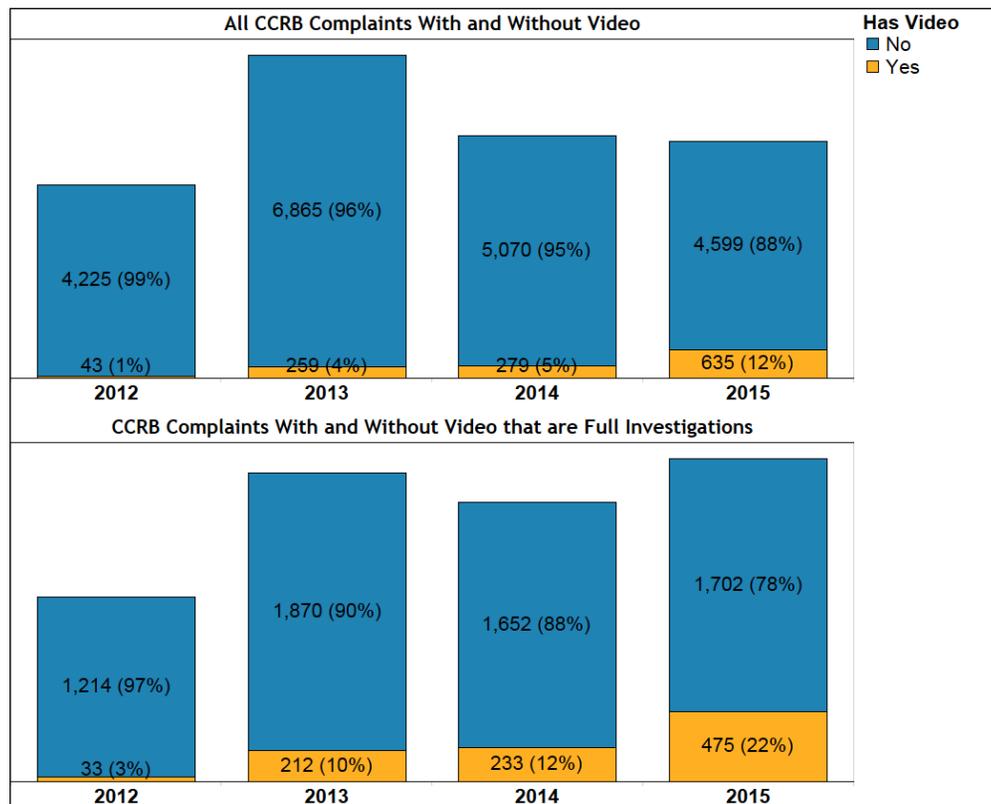
In 2015, the CCRB also continued to provide outreach to immigrant and English-as-a-second-language communities by providing language assistance services so that anyone is able to file a police misconduct complaint due to language barriers. The Agency provided translations on 595 occasions in nine different languages in 2015. The vast majority of translations provided were in Spanish (90%), followed by Chinese (8% each), Russian (3%) and Arabic (1%). The number of translations was 9% lower than in 2014 when the CCRB provided translations on 651 occasions. In 2013, the CCRB provided 562 translations. In our commitment to making the CCRB process more accessible to all New Yorkers, in 2015, the Agency’s language access capacity was expanded, making complaint walk-in forms available in Arabic, Chinese, Haitian Creole, and Russian. These additions help to round out the Agency’s language access and compliment forms that have been traditionally available in English and Spanish, as well as live interpretation, and website translation in eight languages for complaint forms online. Additionally, the Outreach Unit also uses interpretation services in order to provide outreach presentations in different languages.

SECTION 6: The Impact of Video

Video footage has created a sea change in the way the CCRB conducts investigations, analyzes misconduct, and arrives at findings and disciplinary recommendations. Over the last few years, access has increased to all forms of video—surveillance footage, footage taken by members of the public on their phones or recording devices, and body-worn cameras. Video assist the CCRB to identify civilians, witnesses, and police officers, and video allows the CCRB to determine key facts in dispute in a case. Video can facilitate a finding on the merits by providing a preponderance of the evidence, and thereby leading to a substantiation or exoneration of misconduct. To accommodate the increased video footage gathered in investigations, in 2015, the Agency developed a new computer-based application that enables Board members to watch video files and to listen to audio files while they review investigative case files and make their findings.

The number of CCRB complaints with video evidence has grown over recent years. In 2015, the CCRB closed 635 (12%) complaints containing video evidence, compared to 279 (5%) in 2014, 259 (4%) in 2013, and 43 (1%) in 2012.³³ Similarly, the number of CCRB complaints closed as full investigations with video evidence has also increased. For cases closed in 2015, 475 (22%) full investigations contained video evidence, compared to 233 (12%) in 2014, 212 (10%) in 2013, and 33 (3%) in 2012. As expected, with the full implementation of an investigative field team dedicated primarily to gathering video evidence, finding witnesses, and conducting other investigative activity in the field, the trend of obtaining video evidence has accelerated.

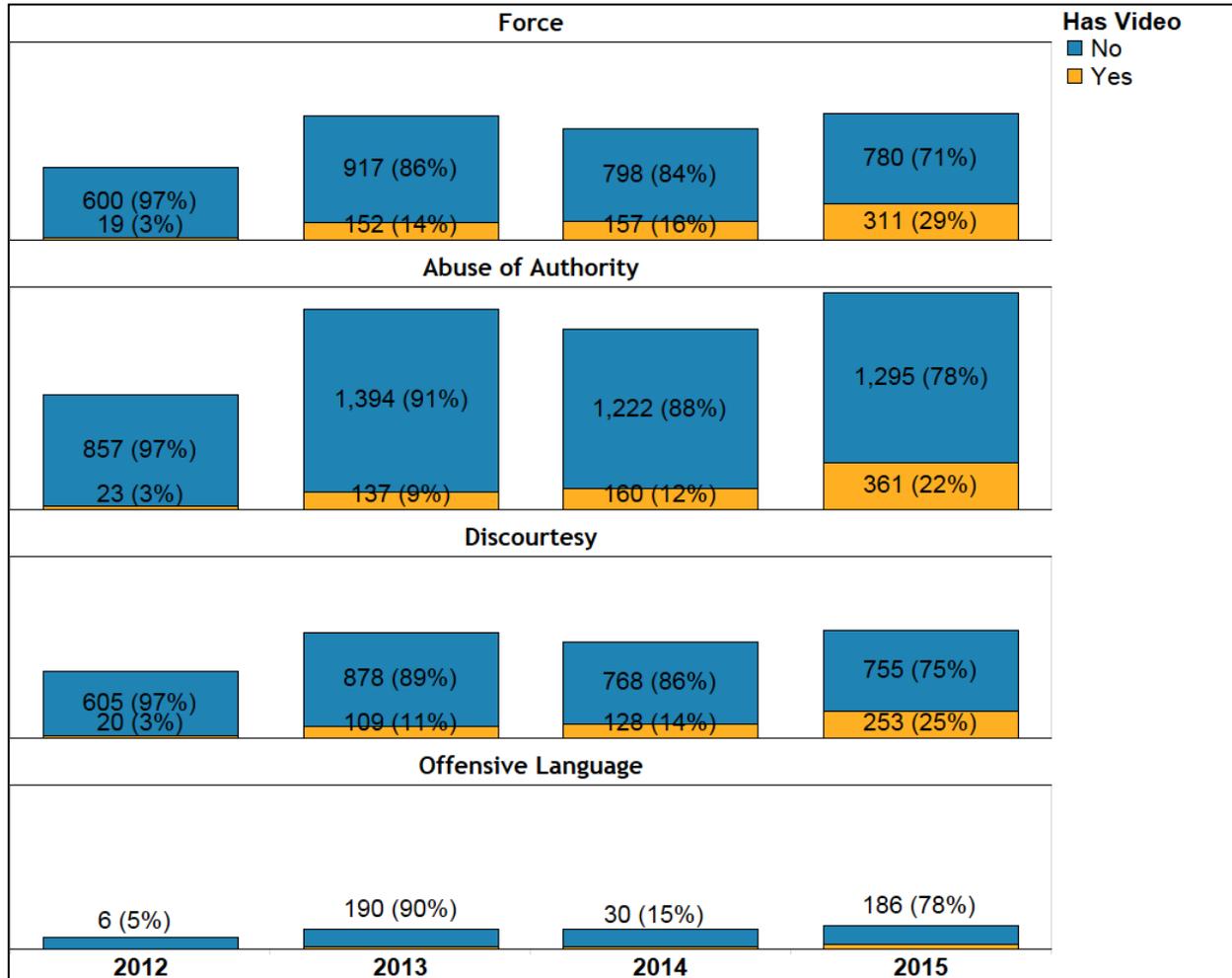
Figure 29: CCRB Complaints With and Without Video by Year (closed in 2012-2015)



³³ Although the CCRB did collect video evidence in some cases closed prior to 2012, there was no way to store the digital files in the database at that time.

The impact of video evidence has been most profound in excessive force investigations. Unsurprisingly, incidents involving use of force by the police attract more videotaping witnesses than nonviolent confrontations. The percentage of full force investigations with video evidence increased from 19 (3%) cases closed in 2012, 152 (14%) in 2013, and 157 (16%) in 2014, to finally reaching 311 (29%) full investigations of force closed in 2015. By comparison, the percentage of all non-force full investigations with video evidence grew from 2% in 2012, to 6% in 2013, 8% in 2014, and 15% in 2015.

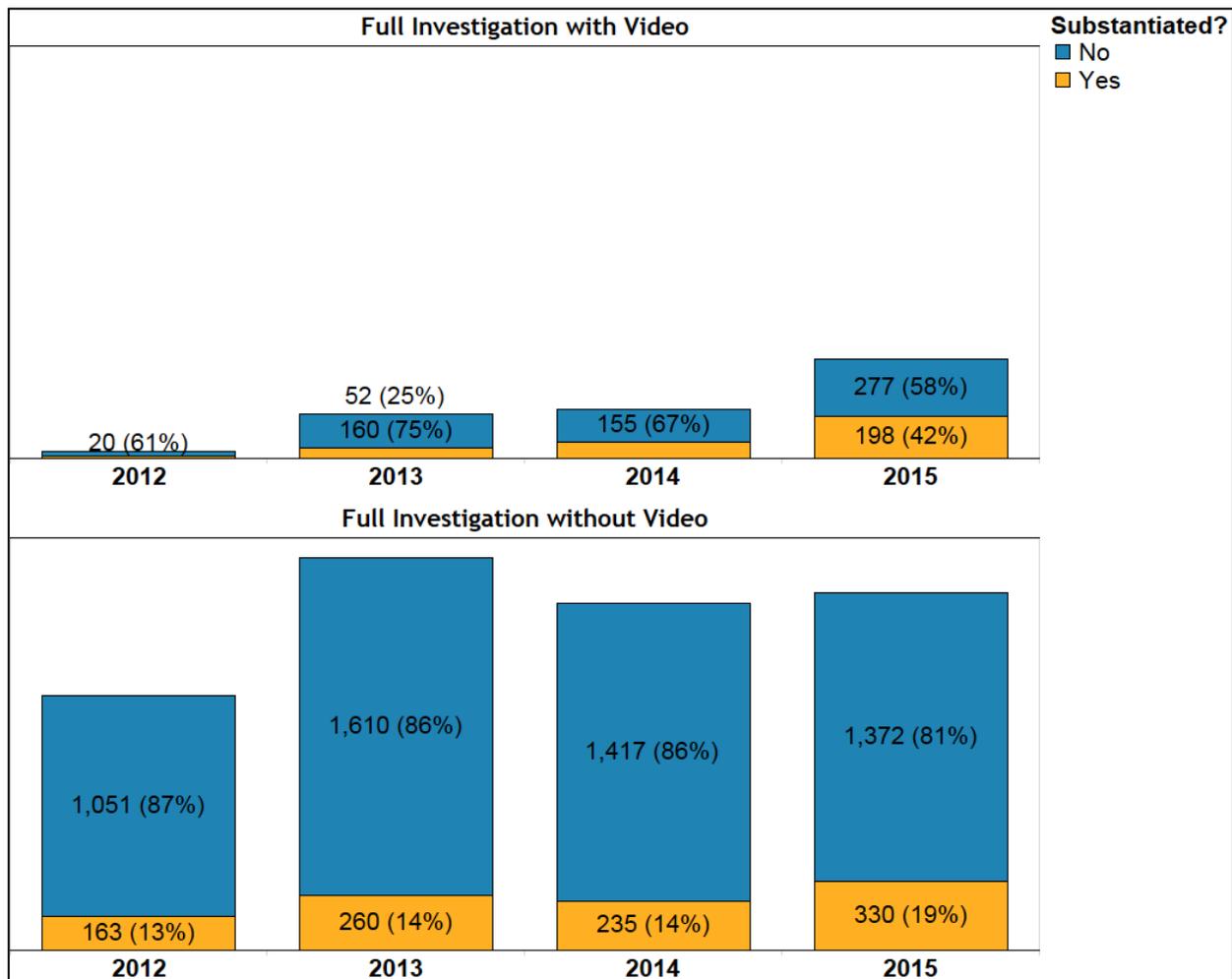
Figure 30: Full Investigations With and Without Video by FADO (closed in 2012-2015)³⁴



The greater prevalence of video in force investigations appears to have led to its increasing role in substantiating cases. Not all video evidence gathered in a case is relevant or material to the allegations of misconduct. However, the stark difference between the substantiation rate of cases with video evidence, and the substantiation rate of cases without video evidence indicates that it has a significant impact on case resolution.

³⁴ The data in this chart reflects fully investigated complaints that have at least one type of FADO allegation as indicated.

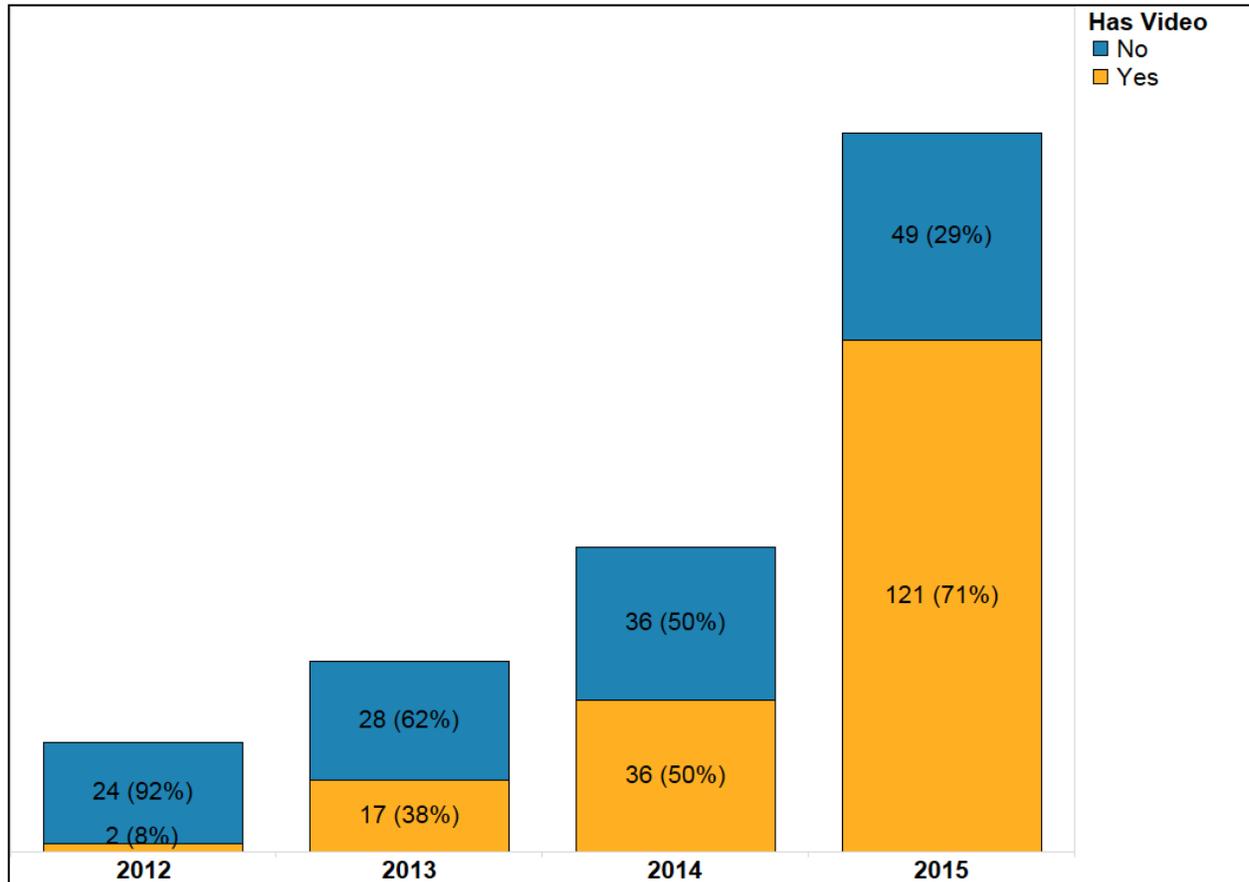
Figure 31: Substantiation Rates for Full Investigations With and Without Video (closed in 2012-2015)³⁵



Looking specifically at force cases, the percentage of substantiated force allegations with video evidence increased from 2 (8%) for cases closed in 2012, to 17 (38%) in 2013, 36 (50%) in 2014, and 121 (71%) in 2015. By contrast, video was only available in 29% of force allegations that were not substantiated in 2015, providing clear evidence of the potency of video evidence.

³⁵ Prior to 2012 the number of cases with video evidence was insignificant. The data shown is complaint-level data.

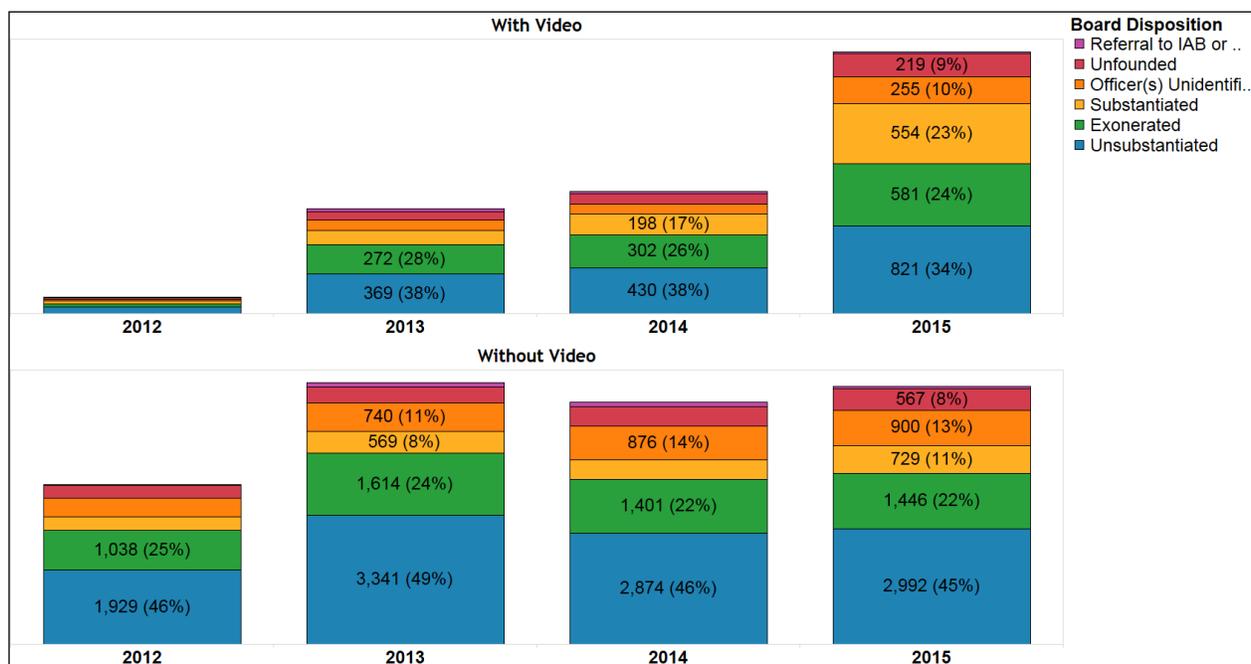
Figure 32: Number of Substantiated Force Allegations With and Without Video (2012-2015)



Similarly, investigations resulting in substantiated allegations of abuse of authority, discourtesy, and offensive language increasingly involved video evidence, from 8% of such cases in 2012 to 39% in 2015. As with force cases, instances in which these allegations were not substantiated involved video evidence only 10% of the time in 2015. Resolution of discourtesy and offensive language cases often depends on an independent source of evidence since the complainant and officer usually dispute the content of what the officer said to the complainant.

Data from the past four years shows that video evidence has resulted in a higher rate of substantiations as well as exonerations. In 2015, 24% of allegations with video were exonerated, versus 22% of allegations without video evidence. Also in 2015, 23% of allegations with video were substantiated, versus 11% of allegations without video evidence.

Figure 33: Dispositions With and Without Video (2012-2015)



As individuals increase their recording of officers engaged in law enforcement actions, instances of officer interference in their recording activity have become important to track. In March 2015, the CCRB established a more formalized way to track interference with a civilian’s ability to record as a form of abuse of authority. Prior to March 2015, police interference in civilian recording was reflected in a variety of allegation types that mirrored an officer’s alleged actions. For example, if an officer said, “Put your phone away or I’ll arrest you,” the investigator would plead an allegation of “threat of arrest.” In late 2015, the CCRB’s Policy Unit conducted an in-depth examination of civilian complaints regarding officer interference in recording (a report is forthcoming in 2016). In order to capture all complaints in which civilians alleged interference or related misconduct, the CCRB conducted a text-based query using a set of search terms among the closing reports for fully investigated complaints decided by a Board panel between January 1, 2014 and December 31, 2015. The CCRB found that 201 fully investigated complaints decided between January 1, 2014 and December 31, 2015 contained one or more allegations of police interference with civilian recording of police activity; search of a device for a recording of police activity; deletion of a recording of police activity; and/or damage to or destruction of the recording device. To put this number in context, the Board decided 4,063 fully investigated complaints between January 1, 2014 and December 31, 2015. Therefore, the 201 complaints comprised 5% of the total complaints decided during this period.³⁶

³⁶ The vast majority of the 201 complaints reviewed for this study involved civilians who recorded police activity on their phones (97%), while the remaining handful of complaints involved film or digital cameras, tablets, a civilian’s body-worn camera, or a portable audio recorder.

SECTION 7: New Initiatives

Complaint Forms

The CCRB has consistently made changes to improve the efficiency of investigations and accessibility of data. In order to accommodate NYC's diverse communities and gain more accurate statistics, optional questions related to sexual orientation and gender identity have been added to the complaint forms. In addition, as mentioned in the Outreach Section, in 2015, the Agency also made complaint walk-in forms available in Arabic, Chinese, Haitian Creole, and Russian, helping to round out the Agency's language access and compliment forms that have been traditionally available in English and Spanish.

Text Messaging

In 2014, missed civilian interviews that the investigator was unable to reschedule were the cause of 1,009 case truncations, accounting for 19% of the case closures. With the aim of reducing the number of people who miss their appointments, the CCRB enabled a text messaging service on October 7, 2015 that gave civilians the choice to opt for the CCRB to send them automatic text message reminders two days before their scheduled appointment. The service has proved popular and initial results are encouraging. In 2015, there were 848 truncations due to missed interviews, bringing the rate down to 16% of total closures. In 2016, the CCRB has expanded this text messaging service to the Mediation Unit so that civilians who have agreed to mediation can be sent text message reminders of their scheduled mediation. In 2015, most of the Investigations Unit were provided with cell phones in order to contact civilians while conducting fieldwork, at offsite locations, or to directly text additional appointment reminders. CCRB investigators also gained the ability to communicate with civilians via text by sending messages through email, providing better communication between investigators and complainants.

CCRB Litigation in 2015

The CCRB, as an independent Board created by the New York City Charter, filed important lawsuits in 2015 seeking evidence crucial to its investigations. In May 2015, the CCRB petitioned for access to the evidence presented to the grand jury empaneled in Staten Island to consider criminal charges against NYPD officers arising from the death of Eric Garner in July 2014. The CCRB began its investigation of potential officer misconduct in the Eric Garner case within days of his death. When the District Attorney's Office of Richmond County, and later the U.S. Attorney's Office for the Eastern District of New York, requested that the CCRB not speak further to witnesses or officers involved in the case, the CCRB honored those requests. After the Staten Island grand jury decided not to issue indictments, the CCRB sought the testimony of those witnesses who testified before the grand jury as crucial evidence for its own investigation. In August 2015, however, the CCRB's request to obtain the grand jury evidence was denied. The CCRB did not appeal this denial because the Corporation Counsel for the City of New York, who has final authority over litigation involving city entities like the CCRB, instructed the CCRB not to do so.

The CCRB also filed civil actions against the Comptroller of the City of New York to obtain copies of transcripts of hearings conducted by the Comptroller pursuant to New York Civil Rights Law 50(h). Members of the public who file complaints with the CCRB sometimes also file a notice of claim regarding the underlying incident with the Comptroller. If a notice of claim is filed, the Comptroller will conduct a 50(h) hearing with the claimant, who will provide details regarding the incident that are relevant and material to the CCRB's investigation of that same incident. The CCRB sought a declaratory judgment holding that the Comptroller was required to share 50(h) transcripts with the CCRB. The

CCRB's request for a declaratory judgment was denied, and its appeal of that denial is pending.

Finally, in July 2015, Justice Alice Schlesinger of Supreme Court, New York County issued a decision in *Luongo v. Records Access Officer* directing the CCRB to release a summary of CCRB complaints against a particular officer that were substantiated, along with any disciplinary recommendations. Justice Schlesinger reasoned that this summary does not constitute a "personnel record" of a police officer that would be protected from public disclosure by New York Civil Rights Law 50(a). The CCRB's appeal of this decision is pending. Similar lawsuits against the CCRB that seek officer complaint histories and related case files have been filed in Queens and Brooklyn and are awaiting argument and decision.

New Applications

In 2015, several technical applications were created to improve internal CCRB processes. First, a Case Manager Application was created for the APU, which has greatly improved the Agency's ability to manage its prosecution docket. Second, a Board Voting Application was developed to assist Board members in their case review and facilitate the tracking of panel votes. The computer-based Board Voting application enables Board members to watch video files and listen to audio files while they review investigative case files and make findings. Third, interactive dashboards were developed giving the Investigations Unit automated information to track the status of their cases and overall performance.

SECTION 8: A Discussion on Important Trends – False Official Statements, Chokeholds, and Stop-Question-Frisk

In 2015, the Board and Executive Director Mina Malik adopted an agenda of reform that sought to improve police practices and improve the relationship between communities and the Police Department, identify patterns and trends emerging from complaint data, and improve all agency programs and operations. As part of its mandate to inform the public about the Agency's operations and complaint activity, the CCRB identifies trends and patterns in misconduct allegations. In 2014, the Annual Report highlighted three trends in complaint activity involving important allegation types: False Official Statements, Chokeholds, and Stop-Question-Frisk & Search. In this section we revisit these topics.

False Official Statements

A. The Problem of False Official Statements

One of the most serious types of “other misconduct noted” that is outside of the CCRB’s jurisdiction and referred to the Police Department is an alleged false official statement made by an officer, either to the CCRB, in an official document, or during other proceedings that is discovered during the CCRB investigation. Notations for false official statements are extraordinarily important as they potentially jeopardize the integrity of the oversight process.

The Patrol Guide is clear that intentionally making a false official statement is prohibited. Patrol Guide 203-08 states the following:

“The intentional making of a false statement is prohibited, and will be subject to disciplinary action, up to and including dismissal. Intentionally making a false official statement regarding a material matter will result in dismissal from the Department, absent exceptional circumstances. Exceptional circumstances will be determined by the Police Commissioner on a case by case basis.”

It further adds that:

“Examples of circumstances in which false statements may arise include, but are not limited to, an interview pursuant to Patrol Guide 211-14, Investigations by Civilian Complaint Review Board, and lying in an official Department document or report.”

Administrative case law holds that, in order to sustain a false official statement allegation, it must be proven that: (1) an officer made a statement; (2) the statement was material; and, (3) the statement was intentionally false. Department of Correction v. Biland & Joyner, OATH Index No. 569-70/89.

During the course of an investigation, if the CCRB becomes aware of misconduct falling outside its FADO jurisdiction, such as a false official statement by an officer, the Board notes the misconduct and refers it to the Police Department for further investigation. It is important to highlight that the Board does not substantiate the Other misconduct noted (OMN). Rather, the Board simply notes and refers the alleged misconduct, which is outside its statutory jurisdiction.

An alleged false statement is a separate and distinct act of serious misconduct for which there should be specific fact finding and analysis, and for which a ruling from the Police Commissioner on the merits is required. For this reason, when investigators can document that a false official statement appears to have been made, the Agency prepares a detailed analysis of the alleged misconduct in the investigative closing report and the Board must vote on that allegation. If the vote is to affirm the possible misconduct, the Board will note the other misconduct and will refer the case to the Department for fact finding, analysis and proper adjudication.

B: False Official Statements are Primary Misconduct

The CCRB investigates complaints that fall within FADO jurisdiction. However, the CCRB also treats the making of false official statement as a serious form of misconduct, which is also against Departmental policy. Therefore, the CCRB continues to believe that making a false official statement to the CCRB is a primary form of police misconduct that impacts Agency investigations, the integrity of the Department, and the lives of the civilians who filed the complaints.

C: How the CCRB Determines a False Official Statement

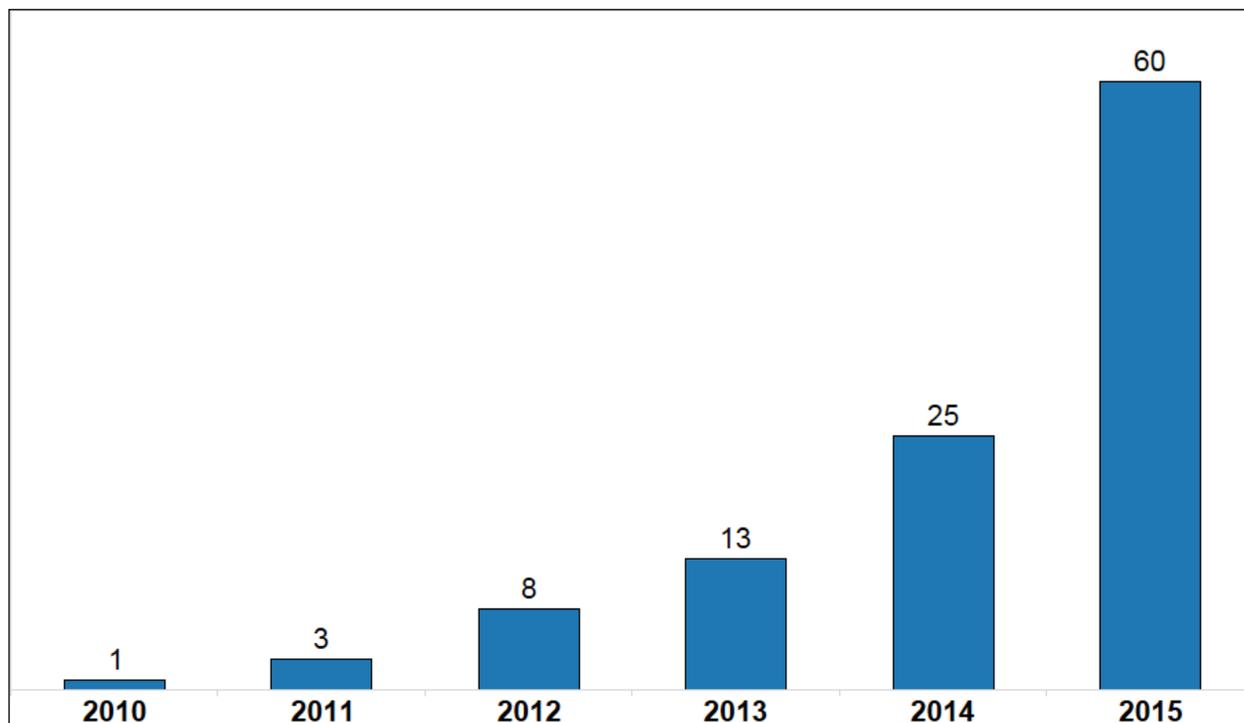
There are four primary ways by which the CCRB determines whether an officer has made a false official statement:

1. **Video or Audio Evidence:** As noted in the 2014 Annual Report, the most common way in which the CCRB determines that a false official statement has been made is by evaluating video footage or audio recordings that contradict the statement of the officer.
2. **Documentary Evidence:** In some instances, documentary evidence, such as memo book entries, command logs, or criminal court complaints, will contradict an officers' statements to the CCRB.
3. **Other Officer Testimony:** During interviews, officers may occasionally deny or state that they did not recall an incident or allegation, but are subsequently contradicted by one or more subject or witness officers who were involved in the incident as well.
4. **Independent Civilian Witness Testimony:** Less common is the situation where officers' statements are contradicted by independent civilian witnesses. In such cases, the civilian statements will be corroborated by other officer statements or incident paperwork that contradict the subject officers' statements.

D: Continued Rise of False Official Statements Made to the CCRB

The 2014 Annual Report noted a significant increase in the number of false official statement recognized the Board over the period 2010-2014. This year we report that the troubling trend continues, with the number of false official statement allegations more than doubling in 2015. The chart below maps the increase in false official statement allegations, which have almost doubled in each of the last five years. In 2010 the Board recognized only 1 false official statement allegation; 3 in 2011; 8 in 2012; 13 in 2013; 25 in 2014; and in 2015 the Board recognized 60 false official statement allegations, an increase of 140% year on year.

Figure 34: False Official Statements (2010-2015)

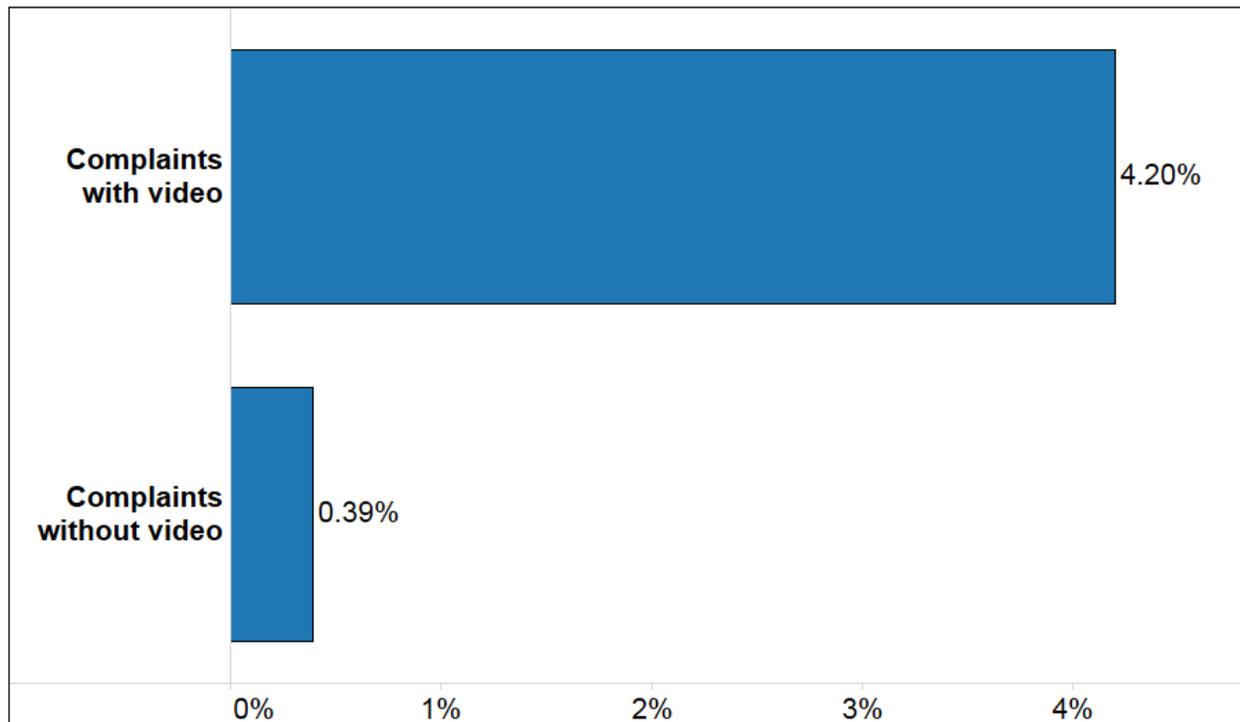


E: Accounting for the Rise in False Official Statements

Having identified the remarkable rise false official statement allegations recognized by the Board over the last few years, the next question is how to account for it. The CCRB believes that the rising number of false official statements may or may not be the result of a recent change in police officer behavior as regards their CCRB interviews. The rising number of false official statement allegations could also be due to a number of factors internal to the CCRB that make the Agency more likely to identify false official statements. These factors include: greater thoroughness of investigations; heightened sensitivity to the problem of false official statements; and most importantly, the greatly increased availability of video evidence.

The effect of video evidence on the likelihood of a false official statement allegation being recognized by the Board can hardly be overstated. As the chart below demonstrates, complaints with video evidence are roughly ten times more likely to contain a false official statement allegation than complaints without video evidence (0.39% vs. 4.2%).

Figure 35: Percent of Full Investigations Resulting in False Official Statement Allegations (2010-2015)



Chokeholds

In the second half of 2014, the CCRB issued a special, comprehensive report on chokeholds: *A Mutated Rule: Lack of Enforcement in the Face of Persistent Chokehold Complaints in NYC*.³⁷ The Agency continues to keep close track of the chokehold allegations it receives.

A. Defining Chokeholds

For more than 20 years, the NYPD Patrol Guide has prohibited the use of chokeholds, relying on a Police Department rule that unequivocally forbids any pressure to the neck, throat or windpipe that may inhibit breathing. This rule was plainly intended to prohibit all chokeholds, and as defined, chokeholds, though not illegal, are unambiguously prohibited by Department policy.

When pleading a chokehold allegation, the CCRB draws upon the applicable Patrol Guide procedure 203-11 (use of force), which bans the use of chokeholds. The patrol guide states the following with regard to chokeholds: “Members of the New York City Police Department will NOT use chokeholds. A chokehold shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.” It is not necessary for an officer to in fact hinder the breathing of an individual for the action to be a chokehold. Once an action is determined to be a chokehold, the rule is very clear and should be analyzed accordingly.

The analysis is more nuanced when analyzing restricted breathing not in conjunction with a

³⁷ http://www.nyc.gov/html/ccrb/downloads/pdf/Chokehold%20Study_20141007.pdf

chokehold (e.g., an officer sitting on someone's back or an officer placing a handcuffed individual face down in the backseat of a motor vehicle). The Patrol Guide states the following: "Whenever possible, members should make every effort to avoid tactics, such as sitting or standing on a subject's chest, which may result in chest compression, thereby reducing the subject's ability to breathe." This allegation should be analyzed taking into account what the officer did to attempt to minimize or avoid taking the action that led to or was very likely to lead to restricted breathing.

An allegation of a chokehold should be pleaded whenever a complainant/victim alleges that an officer applied pressure to a person's throat or windpipe. An allegation of restricted breathing should be pleaded whenever a complainant/victim alleges that an officer took any action which restricted the breathing of a person (such as sitting or standing on a person's chest, transporting a rear cuffed individual face down, or placing a hand/item over a person's face). Both a chokehold allegation and a restricted breathing allegation should be pleaded whenever a complainant/victim alleges that an officer applied pressure to a person's throat or windpipe which restricted the breathing of the person.

B. Chokehold Complaints Received Declined in 2015

The number of complaints containing chokehold allegations declined in 2015 after rising in both of the previous two years. As mentioned in the 2014 Chokehold Report, raw counts are not always telling, and one of the best ways to measure the prevalence of chokeholds is to compare chokehold complaint activity and its relation to overall use of force complaints. Here too we have seen a decline in 2015. In 2015, the CCRB received 162 complaints containing a chokehold allegation, which was 7.8% of all force complaints. This compares to 234 (9.6%) in 2014; 189 (6.7%) in 2013; 157 (5.5%) in 2012; 157 (5.5%) in 2011; and 207 (6.5%) in 2010.

At the same time however, the number of substantiated chokehold allegations rose in 2015. The Board substantiated two chokehold allegations in 2010; one in 2011; one in 2012; one in 2013; seven in 2014, and 19 chokehold allegations in 2015. This is part of the larger pattern of increased substantiations that the Agency has seen over time, largely due to better and faster investigations, and increased video evidence.

Of the 19 chokehold cases substantiated by the Board in 2015, 17 cases were sent to the CCRB's Administrative Prosecution Unit, and of these, 14 remain open, while one case was closed due to the subject officer's retirement, one subject officer was found not guilty after trial and a third case was retained by the PC and closed with instructions imposed. The other two cases involving substantiated chokehold allegations were substantiated by the Board with recommendations of Command Discipline B. One of these cases received a final discipline of Command Discipline A, and the other received no penalty.

C. Stop-Question-Frisk and Searches of a Person

Stop-and-Frisk Encounters

From 2005 to 2010, more than 30% of CCRB complaints involved allegations of improper stop, question, frisk or search (referred to as SQF complaints). In 2014 this decreased to 21% (1,260) and in 2015, only 20% (1,002) of CCRB complaints were SQF complaints. This is in keeping with the decreasing number of NYPD documented stop-and-frisk encounters which has fallen from 601,285 encounters in 2010, 685,724 in 2011, 191,851 in 2013, and 45,787 in 2014 to 22,563 in 2015. The number of documented encounters in 2015 was the lowest since 2000.

In the last six years, the ratio of stop-related complaints to documented stop-and-frisk encounters has drastically changed. In 2010, the CCRB received one stop-and-frisk complaint per 315 encounters. The ratio increased further in 2011, but decreased in subsequent years. There was one complaint per 414 documented encounters in 2011; one complaint per 356 encounters in 2012; one complaint per 152 encounters in 2013; one complaint per 45 encounters in 2014; and one complaint per 25 encounters in 2015. This 2015 statistic continues to beg the question of whether officers are consistently filling out UF-250s in the wake of the high profile stop-and-frisk controversy and criticism. More study is needed on this question.

It is important to note that establishing a ratio of complaints to overall documented stops provides an incomplete picture because stop-and-frisk complaints tend to have different characteristics than the totality of documented stops. The CCRB's data show that a variety of factors contribute to a civilian's decision to file a complaint, rather than a stop alone.

Of the 888 stop-and-frisk complaints in 2015, 21% stemmed from an encounter leading to an arrest and 12% stemmed from an encounter where a summons was issued. A frisk allegation was included in 35% of complaints, and a search allegation was included in 55% of complaints.

Complaints indicate that people are most likely to file an SQF complaint when they have been searched or frisked rather than simply stopped and questioned. In recent years the percentage of documented NYPD encounters that involved a search or frisk has been increasing. In 2012, 8% of documented NYPD encounters involved a search; in 2013 it was 10%; in 2014 it was 16%; and in 2015 it was 19%. Similarly, the percentage of NYPD encounters that involved a frisk was 56% in 2012; 58% in 2013; 66% in 2014; and 68% in 2015. These increases may help to explain the rising ratio of CCRB SQF complaints to documented NYPD encounters noted above.

The profile of those making SQF complaints has remained fairly consistent over the last six years. In 2015, 48% of alleged SQF victims were black; 21% were Hispanics; 11% were white; 1% were Asian; and 19% were of other/not available ethnicity. The gender breakdowns have also remained consistent in 2015 with 89% of alleged victims being male, 9% female and 1% other or not available.

Improper Search of a Person

Searches were an important part of last year's Annual Report. We continue to see a lot of search complaints, which is interesting in light of stop and frisk being down. In 2015, civilians continued to file complaints with the CCRB that officers engaged in improper searches of themselves or other persons, a violation of one of the most fundamental rights guaranteed by the Constitution of the United States. Complaints of improper searches persist even as: (1) the number of documented stop-and-frisk encounters has decreased substantially; and (2) the Police Department statistics show that police conducted searches only in a small number of documented street encounters.

In 2014, the CCRB received 563 complaints with at least one search of a person allegation and 56% of complaints contained a search allegation. In 2014, according to NYPD data, police officers conducted 7,283 documented encounters where the civilian was searched. In 2015, the CCRB received 485 complaints, 55% of the total SQF complaints, with at least one search allegation and the police officers conducted 4,204 documented encounters where the civilian was searched. The following table presents the basic statistics:

Table 9: Basic Data on Stop, Frisk, Question, and Search of a Person Encounters (2011-2015)

| | 2011 | 2012 | 2013 | 2014 | 2015 |
|---|------------|------------|------------|------------|------------|
| Number of search complaints | 981 | 870 | 697 | 563 | 485 |
| Number of stop-and-frisk complaints ³⁸ | 1,655 | 1,493 | 1,260 | 1,002 | 888 |
| Total CCRB complaints | 5,969 | 5,742 | 5,388 | 4,776 | 4,460 |
| Documented encounters | 685,724 | 532,911 | 191,851 | 45,787 | 22,563 |
| Documented search encounters | 58,363 | 44,248 | 18,369 | 7,283 | 4,204 |
| Search as a percentage of Stop-and-frisk complaints | 60% | 58% | 55% | 56% | 55% |
| Search as a percentage of all complaints | 16% | 15% | 13% | 12% | 11% |
| Ratio documented stops to complaints | 1:414 | 1:357 | 1:152 | 1:46 | 1:25 |
| Ratio documented searches to complaints | 1:59 | 1:51 | 1:26 | 1:13 | 1:9 |

Regarding the outcome of SQF allegations for cases closed in 2014-2015, the statistics are as follows:

Table 10: Outcomes of Stop, Frisk, Question, and Search of a Person Allegations (2014-2015)

| | 2014 | | 2015 | |
|--------------------------------------|-------|------------|-------|------------|
| | Count | % of Total | Count | % of Total |
| Full Investigations | | | | |
| Substantiated (Charges) | 144 | 5.68% | 62 | 2.44% |
| Substantiated (Command Discipline A) | 3 | 0.12% | 102 | 4.02% |
| Substantiated (Command Discipline B) | 1 | 0.04% | 92 | 3.63% |
| Substantiated (Command Discipline) | 64 | 2.53% | 11 | 0.43% |
| Substantiated (Formalized Training) | 16 | 0.63% | 117 | 4.61% |
| Substantiated (Instructions) | 30 | 1.18% | 5 | 0.20% |
| Substantiated (No Recommendations) | 2 | 0.08% | 0 | 0% |
| Exonerated | 268 | 10.58% | 399 | 15.73% |
| Officer(s) Unidentified | 190 | 7.50% | 217 | 8.56% |
| Unfounded | 16 | 0.63% | 19 | 0.75% |
| Unsubstantiated | 555 | 21.90% | 495 | 19.52% |
| Mediation Closures | | | | |

³⁸ Figures from 2011 to 2014 have been corrected from the 2014 Annual Report.

| | | | | |
|---|-----|--------|-----|--------|
| Mediated | 74 | 2.92% | 69 | 2.72% |
| Mediation Attempted | 91 | 3.59% | 79 | 3.12% |
| Truncations/Other Closures | | | | |
| Complainant/Victim uncooperative/unavailable/unidentified | 914 | 36.07% | 736 | 29.02% |
| Complaint Withdrawn | 142 | 5.60% | 115 | 4.53% |
| Miscellaneous | 24 | 0.95% | 18 | 0.71% |

The Board also noted and referred to the Police Department cases where the subject officer failed to prepare the required stop-and-frisk report (UF-250), which must be completed after each encounter involving a stop, frisk or search. These failures are considered OMNs that also get forwarded to the NYPD. In 2015, the Board noted 107 OMN's where an officer failed to prepare the required stop-and-frisk report - that is a ratio of 1 such OMN for every 18 SQF allegation and this ratio has been climbing for the last four years. In 2012, the ratio was 1 to 27; in 2013 it was 1 to 22; and in 2014 the ratio was 1 to 18.

The CCRB's Administrative Prosecution Unit (APU) case has 165 open cases against officers stemming from SQF complaints.

SECTION 9: Update on 2015 Policy Reports

Throughout the year, the CCRB issues a number of reports to fulfill its mandate to inform the public and New York City elected officials about the Agency's operations, complaint activity, case dispositions and Police Department discipline. In addition, the CCRB issues *ad hoc* reports and recommendations on NYPD policies, procedures, and training. The CCRB also issues a monthly statistical report that details complaint activity and complaint types, Agency productivity, Board findings, and Police Department action on substantiated complaints. Additionally, the CCRB publishes a semi-annual and annual report. All reports are available on the CCRB website.³⁹

In addition, the CCRB testifies before the City Council on budget and policy matters. On March 12, 2015, former Board Chair Emery and Executive Director Malik testified before the Public Safety Committee of the New York City Council. During this testimony, they discussed the Agency's mandate, jurisdiction, fiscal budget and staffing, as well as several new initiatives and accomplishments. These included the 2014 chokehold report, the recently begun reconsideration process, the newly funded training unit within the Investigations Division, and expansive outreach initiative. One of the main goals discussed was to improve the quality and efficiency of the Investigations Division with a major effort to drastically decrease the amount of time it takes to investigate cases.

For 2015, the CCRB presents the following examination of CCRB Cases with Juvenile Victims that were fully investigated and closed between January 1, 2014 and October 1, 2015.

An Examination of CCRB Cases with Juvenile Victims (CCRB fully investigated and closed between January 1, 2014 and October 1, 2015)

Scope and Purpose of this Report

Police misconduct is an especially sensitive problem when it involves juvenile victims because of the heightened risk of trauma and other long-lasting negative impacts that inappropriate officer-youth interactions can have. Amid CCRB case files, there are instances where teens or pre-teens have been handcuffed, arrested, or have faced gunpoint for engaging in typical youth activities such as playing tag, sitting on a stoop, or doing chores such as taking out the trash. Young New Yorkers should be able to participate in such activities without fear, and the NYPD has a part in limiting such negative encounters. A policing policy that advocates positive interactions with young people can shift longstanding community-police tensions and improve youth cooperation with law enforcement.

It is important for officers to be mindful of the impact that their actions have on youth. In 2013, the Vera Institute of Justice surveyed 516 people ages 13-25 within six New York City neighborhoods that were analyzed as stop and frisk "hot spots" about their insights and experiences of being stopped by police.⁴⁰ The majority indicated already having negative encounters with police; 70% said they had been stopped and frisked at least once; about a quarter reported the display of a police weapon; and almost half said officers threatened and/or used physical force against them. The study demonstrates how powerful

³⁹ All reports can be found on the CCRB website here, <http://www.nyc.gov/html/ccrb/html/news/news.shtml>

⁴⁰ Fratello, J., Rengifo, A. F., Trone, J., & Velazquez, B. (September 2013). "Coming of age with stop and frisk: Experiences, perceptions, and public safety implications." Vera Institute of Justice. <http://www.vera.org/sites/default/files/resources/downloads/stop-and-frisk-summary-report-v2.pdf>

youth-officer interactions can be, and the impact that a negative interaction can have on a young person. In addition, if young people break the law, as opposed to merely doing what kids do, as Lemmer & Johnston (2004) assert, “The way law enforcement agencies handle first-time juvenile offenders can affect the juvenile and his or her inclination to continue to violate the law.”⁴¹

Figure 36: Study by the Vera Institute of Justice (2013)



This report highlights specific complaints that the CCRB fully investigated and closed between January 1, 2014 and October 1, 2015 in which officers’ conduct in dealing with youth could have been altered to yield more favorable results. Policy recommendations are also provided based on best practices. Recommendations draw from analyses of the proactive policing of youth in disadvantaged communities, examples of programs run by police departments that improve officers’ interpersonal skills and from studies on the adolescent brain. The recommendations are intended to strengthen relations between officers and youth.

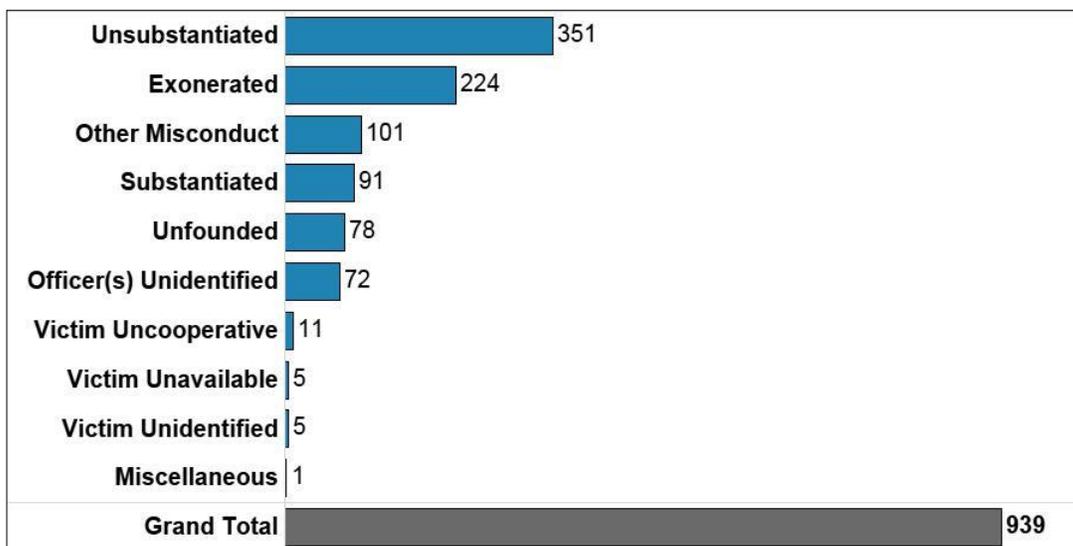
CCRB Case Histories

From January 1, 2014 to October 1, 2015, the CCRB fully investigated and closed 155 cases

⁴¹ Lemmer, T.J., & Johnston, R. M. (May 2004). “Reducing crime through juvenile delinquency intervention”. *The Police Chief*, 71(5). Retrieved from: http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=291&issue_id=5200

involving at least one alleged victim who was under the age of 18 (939 total allegations).⁴² Forty-one of these cases included at least one substantiated allegation and were reviewed for this report. These 41 cases had 91 substantiated allegations in total.

Figure 37: Allegations within the Total 155 Complaints with Juvenile Victims (1/1/2014-10/1/2015), #⁴³



General Data Patterns

Table 11 provides an overview of the 41 cases that had at least one substantiated allegation. The circumstances that the youth in these cases were in when approached by the officers fall within six categories listed: 16 cases took place when the youth were in transit; eight occurred when the youth were sitting or standing outside with a group; seven occurred when the youth were inside a home; six occurred when the youth were involved in a dispute; three occurred when the youth were in the street; and two occurred when the youth was in another unrelated location (e.g., a barbershop and high school lobby). Ten of the cases included video evidence that contributed to the decision to substantiate the allegations. Many of these incidents occurred in areas that are often patrolled for drugs, firearms, and robberies due to a high number of related police reports.

Table 11: Cases Closed (1/1/2014 to 10/1/2015)

| Case | Borough | Circumstance | Substantiated Allegation* | Recommended Discipline |
|--------|-----------|---------------------------------|---------------------------|------------------------|
| Case 1 | Manhattan | In transit (at subway station) | F, A, D | Charges |
| Case 2 | Queens | In transit (passenger in car) | A** | Charges |
| Case3 | Bronx | In transit (walking to a party) | F, A | Charges |
| Case 4 | Bronx | In transit | A | Command Discipline B |

⁴² The data used for this report draw from complaints with panel dates between January 1, 2014 to October 1, 2015.

⁴³ Miscellaneous means the subject officer resigned.

| | | | | |
|---------|---------------|--|--------------|--|
| | | (walking to a bank) | | |
| Case 5 | Bronx | In transit (walking to a grocery store) | ** | Command Discipline A |
| Case 6 | Bronx | In transit (leaving apartment building) | A** | Formalized Training |
| Case 7 | Brooklyn | In transit (walking on a sidewalk) | F, A | Formalized Training |
| Case 8 | Brooklyn | In transit (walking away from party) | A** | Formalized Training |
| Case 9 | Brooklyn | In transit (walking from deli to school) | A, D** | Charges |
| Case 10 | Brooklyn | In transit (in subway station) | F** | Charges |
| Case 11 | Bronx | In transit (walking on the street after playing basketball) | F, A** | Formalized Training and Command Discipline B |
| Case 12 | Manhattan | In transit (walking home from store) | A** | Command Discipline A and B |
| Case 13 | Brooklyn | In transit (in subway station) | D | Formalized Training |
| Case 14 | Brooklyn | In transit (walking bike on sidewalk) | A | Command Discipline A |
| Case 15 | Staten Island | In transit (leaving residential building lobby) | A | Formalized Training |
| Case 16 | Brooklyn | Sitting/standing outside with group | F, A, D | Formalized Training and Command Discipline B |
| Case 17 | Bronx | Sitting/standing outside with group (candlelight vigil) | F, A, D, O** | Charges and Command Discipline |
| Case 18 | Bronx | Sitting/standing outside with group (on a stoop) | A | Command Discipline B |
| Case 19 | Brooklyn | Sitting/standing outside with group (on a stoop) | A** | Charges |
| Case 20 | Brooklyn | Sitting/standing outside with group (on a stoop) | A | Charges |
| Case 21 | Staten Island | Sitting/standing outside with group (store) | D | Instructions |
| Case 22 | Brooklyn | Sitting/standing outside with group (club) | A** | Instructions |
| Case 23 | Bronx | Sitting/standing outside with group (in a park) | A** | Formalized Training |
| Case 24 | Bronx | Inside a home (taking out garbage) | A | Charges |
| Case 25 | Brooklyn | Inside a home | A | Charges |
| Case 26 | Brooklyn | Inside a home | A** | Charges |
| Case 27 | Bronx | Inside a home (in building stairwell) | F | Command Discipline A |
| Case 28 | Brooklyn | Inside a home | D | Command Discipline B |
| Case 29 | Queens | Inside a home | A | Formalized Training |

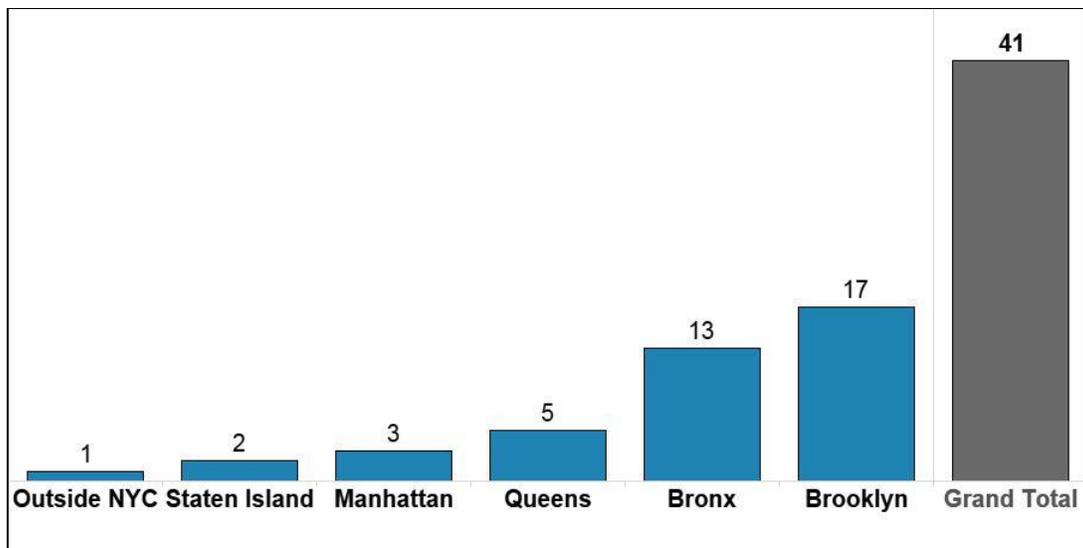
| | | | | |
|---------|-----------|--|-----------|----------------------------|
| Case 30 | Bronx | Inside a home | D** | Formalized Training |
| Case 31 | Brooklyn | Dispute (police called) | F | Charges |
| Case 32 | Queens | Dispute (police called) | F, A | Command Discipline |
| Case 33 | Manhattan | Dispute | D | Formalized Training |
| Case 34 | Queens | Dispute (police called) | F** | Charges |
| Case 35 | Queens | Dispute (dispersed with crowd after observing dispute in street) | A | Command Discipline B |
| Case 36 | Bronx | Dispute (police responded) | F | Charges |
| Case 37 | Brooklyn | In the street (playing tag) | F, A, D** | Charges and Instructions |
| Case 38 | Brooklyn | In the street (fled police) | F, D | Charges |
| Case 39 | Brooklyn | In the street | F | Command Discipline A and B |
| Case 40 | Bronx | Other location (barbershop) | D | Command Level Instructions |
| Case 41 | Bronx | Other location (lobby of high school) | F | Formalized Training |

*FADO refers to allegations of Force, Abuse of Authority, Discourtesy, and Offensive Language.

**Officer(s) also received Other Misconduct Noted (OMN) citation(s).

Seventeen (17) out of the 41 cases occurred in Brooklyn, 13 in the Bronx, 5 in Queens, 3 in Manhattan, 2 in Staten Island, and 1 outside of NYC that involved NYPD officers.

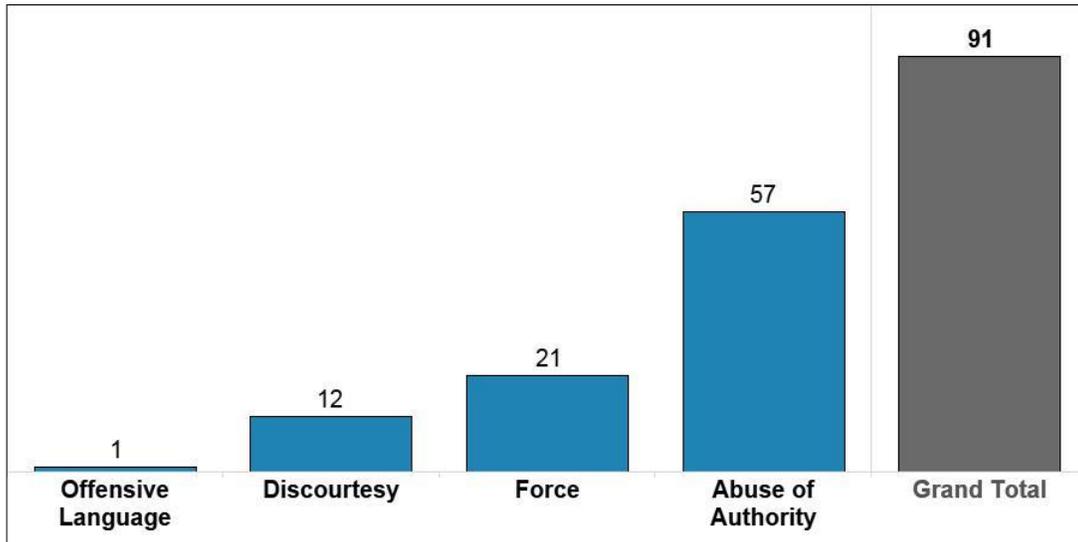
Figure 38: Complaints with at least one Substantiated Allegation by Borough (1/1/2014-10/1/2015), #



With respect to the type of FADO allegations that were substantiated within these cases, there were 57 substantiated Abuse of Authority allegations, 21 substantiated Force allegations, 12 substantiated Discourtesy allegations, 1 substantiated Offensive Language allegations, and 16 officers were also cited

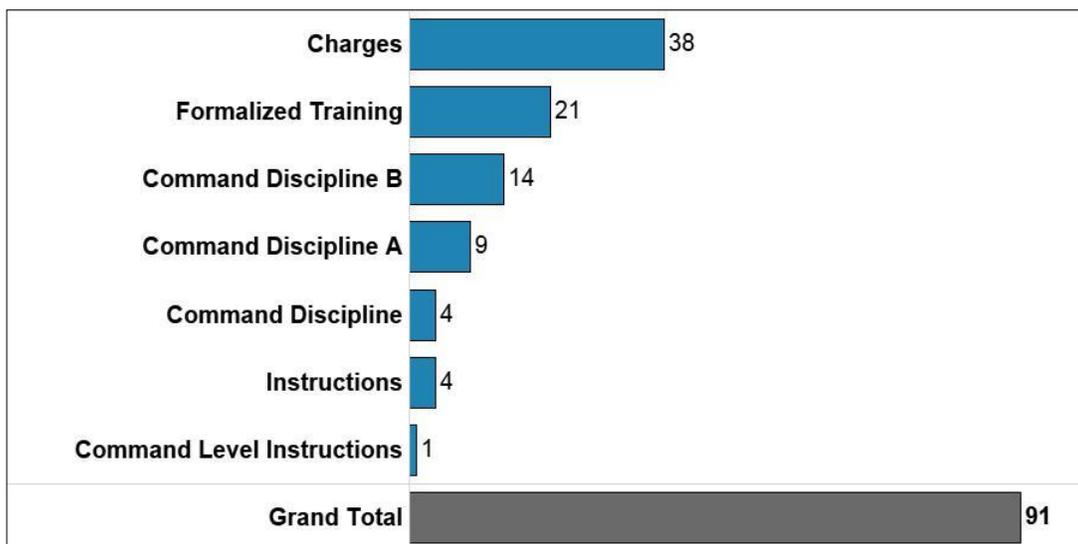
for OMN within the 41 cases.

Figure 39: FADO Types for 91 Substantiated Allegations (1/1/2014-10/1/2015), #



In decreasing severity, the Board’s recommended discipline in the 91 substantiated allegations included Charges for 38 allegations, Formalized Training for 21 allegations, Command Discipline B for 14 allegations, Command Discipline A for 9 allegations, Command Discipline (unspecified) for 4 allegations, Instructions for 4 allegations, and Command Level Instructions for 1 allegation.

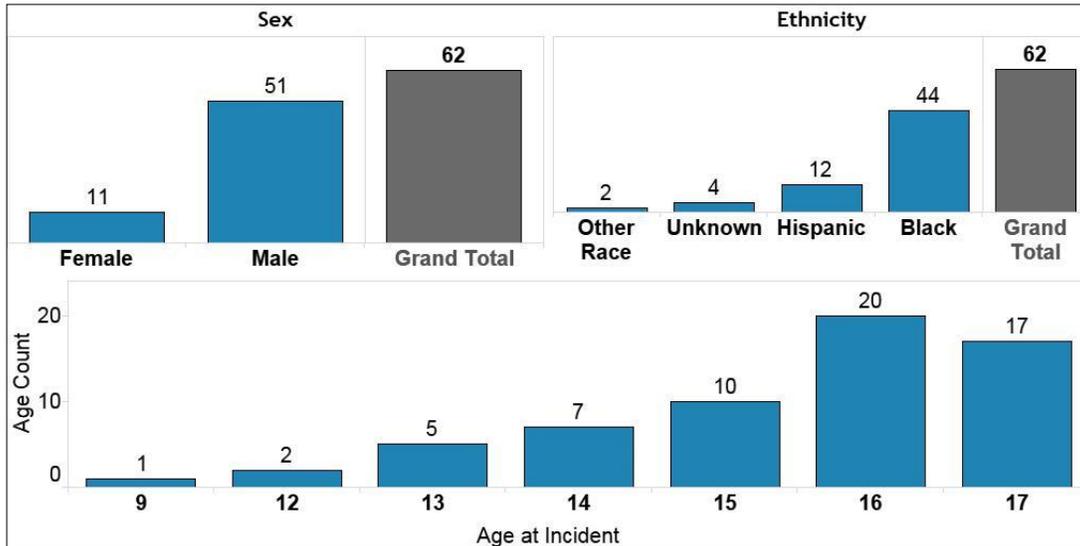
Figure 40: Recommended Discipline for 91 Substantiated Allegations (1/1/2014-10/1/2015), #



Some of the cases involved more than one juvenile victim, resulting in 62 juvenile victims within the 41 substantiated cases that were examined. Forty-four (44) out of the 62 victims were black (71%), 12 were Hispanic (19%), four were of unknown racial identity (7%), and two were categorized as “other”

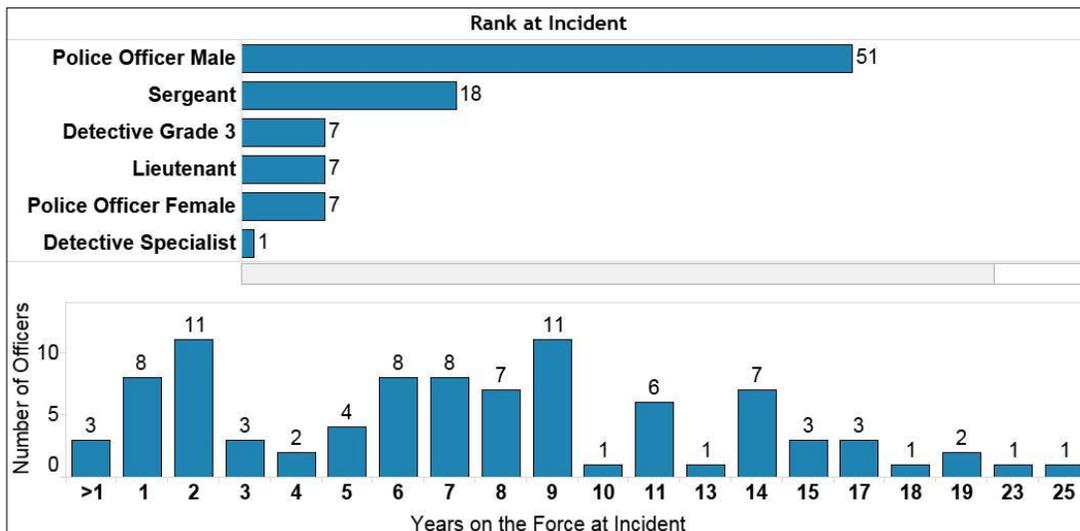
(3%). Fifty-one (51) were male (82%) and 11 were female (18%). Their ages ranged from 9 to 17 years old. These demographics differ from CCRB’s overall alleged victim demographics, particularly with a higher frequency of black and male youth victims. CCRB’s overall alleged victim demographics from January to June 2015 were 51% black, 26% Hispanic, 16% white, 3% Asian, and 4% categorized as “other.”

Figure 41: Sex, Ethnicity and Age at Incident for Victims in the 41 Substantiated Cases (1/1/2014-10/1/2015), #



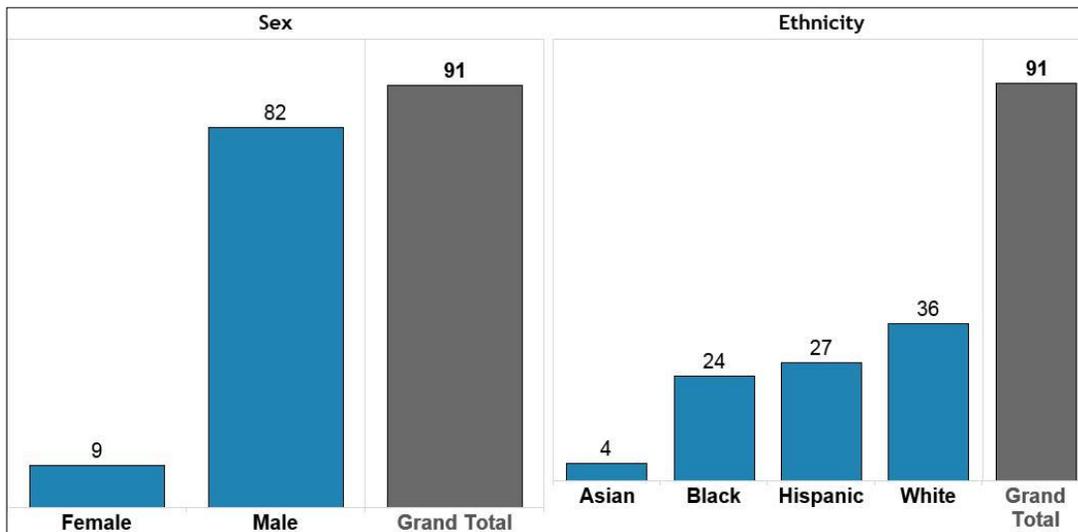
The officers who have allegations pleaded against them are known as “Subject Officers,” and a case can have more than one subject officer. Allegations were plead against 91 subject officers within the 41 cases discussed. The most common officer rank was “Police Officer” at 56%, and an officer most frequently had two and nine years on the force at the time of the incident.

Figure 42: Rank and Years on Force of Subject Officers in the 91 Substantiated Allegations (1/1/2014-10/1/2015), #



Eighty-two (82) of the subject officers were male (90%) and 9 were female (10%). These numbers are consistent with CCRB’s overall subject officers in the first half of 2015 where 91% were male. Thirty-six (36) of the subject officers were white (40%), 27 were Hispanic (30%), 24 were black (26%), and 4 were Asian (4%). Compared to CCRB’s overall subject officers in the first half of 2015, 56% were white, 26% were Hispanic, 14% were black, and 4% were Asian.

Figure 43: Sex and Ethnicity of Subject Officers in the 91 Substantiated Allegations (1/1/2014-10/1/2015), #



Specific Case Studies

This report will highlight six cases found within Table 11 in which law enforcement approached young people who were engaged in innocuous activities as described under the “Circumstance” column in that same table. In many of these cases, street encounters between officers and youth escalated to the point of misconduct, even when the initial contact was appropriate. While important in every police-civilian encounter, de-escalation tactics are particularly key when dealing with young people. If the officers had used de-escalation tactics combined with empathy and understanding, the subsequent misconduct may have been prevented. These cases may not be representative of the majority of police interactions with youth, but occur with enough frequency to merit scrutiny.

In September 2013, two boys aged 12 and 13 were playing tag on the street where they lived in Brooklyn when a patrol car pulled over and a lieutenant pointed his gun at them yelling “Motherf—, get on the ground!” The 13-year-old got on the ground and was handcuffed and frisked as the 12-year-old ran away believing that he was about to be shot by other officers who began chasing him. During his CCRB interview, the lieutenant stated that he was requested as backup for an unknown incident. He was only given a location, and while driving there, spotted the boys running. The lieutenant had no information concerning the identity of any possible perpetrators. The lieutenant stated that his suspicion was raised when it appeared the boys were running away from the police cars that were further down the street, so he thought they were fleeing from the officers. He had no information indicating that they were involved in the incident or had assaulted any officers. Yet, he pointed his gun at the two young boys and stopped the one who froze. Both boys and the witness officers stated that the boys had maintained their direction of

movement, but moved from the street to the sidewalk, contradicting the lieutenant's claim that the 13-year-old boy had changed direction upon sighting the lieutenant's patrol car.

The sergeant who frisked the boy documented in a Stop and Frisk report that the boy was frisked for actions indicative of engaging in violent crimes and refusal to comply. However, the boy was compliant in immediately getting on the ground and being handcuffed. There was no reasonable suspicion that the boy was armed and this was reiterated in the sergeant's and other officers' CCRB interviews. Although the officers apologized to the 13-year-old and took time to explain the situation, the 12-year-old stated that officers refused to apologize to him when his mother asked them to. The Board substantiated the allegations for a stop, gun pointed, discourteous language, and frisk. The Board also cited Other Misconduct Noted (OMN) for eight other officers for failure to make memo book entries for the incident. The lieutenant, now a captain, was prosecuted by the CCRB's Administrative Prosecution Unit and pled guilty in the Department's trial room on October 8, 2015. He accepted the forfeiture of 30 days paid vacation, pending the Police Commissioner's final ruling. Two years after the incident, the now 14-year-old boy is still afraid to play outside even on his own block which is where the incident occurred.

In August 2013, officers were stationed in the Bronx to maintain a police presence at a sidewalk candlelight vigil being held after a man was murdered. A woman, whose foot was in a cast and had been using a crutch, became upset and yelled in protest when officers were struggling to arrest her boyfriend for vandalizing a mailbox. Officers told the civilians to disperse when a crowd began to form around the arresting officers. An officer told the woman to go inside of the residential building, calling her a "b—ch" and throwing her crutch down on the sidewalk. The woman's 15-year-old brother was sitting in the vestibule of an adjacent building and told the officer not to call his sister a "b—ch". Surveillance video showed that multiple officers rushed into the vestibule, grabbed hold of the female civilian and struggled to arrest her while other officers grabbed the 15-year-old boy. One of the officers pulled the hood of the boy's sweatshirt over his head as the struggle moved into the building lobby. The officer pulled the boy backwards across the lobby by the hood of his sweatshirt, causing the collar to tighten around the boy's neck and restrict his breathing for about ten seconds.

In his CCRB interview, the officer who pulled the boy's hood stated that the hood was, "probably the easiest place to grab at that point" and, "If I have to win a fight, I'm going to grab him wherever...If people don't disperse, if they don't put their hands behind their back first, then whatever has to get done, gets done." The officer should have recognized that the amount of force he used on the boy was excessive in order to gain control due to both the circumstances and the number of officers involved. The Board substantiated allegations for a chokehold, arrest, and a lieutenant's authorization of the boy's arrest. OMN's were cited for nine officers who failed to make memo book entries for the incident. The case is currently awaiting trial in the Administrative Prosecution Unit.⁴⁴

In January 2014, three friends were sitting on their stoop in the Bronx having just finished playing video games. One of them, a 12-year-old boy, was stopped by a police officer. The boy and the officer had slightly differing accounts of what happened. The boy stated in his CCRB interview that the officer told him he was going to be brought to the station house because he "was not supposed to be there," despite the boy explaining that it was okay for him to be on the stoop because it was his friend's house. The boy began to walk away when the officer pushed him against the wall to be frisked and searched before bringing him to the station house. The boy expressed his frustration because the officers from the precinct continuously harassed him, and he did not understand why he was brought to the station

⁴⁴ On April 2, 2012, the NYPD and the CCRB signed a Memorandum of Understanding (MOU) which conferred on the CCRB the power to prosecute substantiated cases where the Board recommended "charges and specifications," the most serious discipline. Since 2013, all substantiated cases in which the Board recommends that charges and specifications be brought against an officer are prosecuted by a team of CCRB attorneys in the Agency's independent Administration Prosecution Unit (APU).

house at that time.

The officer stated in his CCRB interview that he saw a group of juveniles sitting on the front steps of a residential building and told them to disperse because they were blocking the path of residents (i.e. obstructing pedestrian traffic). According to *People v. Coley (2013)*, blocking pedestrian traffic is only a chargeable offense if the civilian demonstrates a “culpable mental state of intent to cause public inconvenience.”⁴⁵ Simply sitting on the stoop – a common pastime for many young people in New York City – was insufficient to reasonably suspect that their intention was to cause a public inconvenience. The boys did not move when the officer told them to disperse, but they fled when they saw that he was going to approach them. The officer then drove around the block and saw who he thought were the same boys at a different residential building. The officers only apprehended the 12-year-old boy because the other boys had fled again. The station house command log noted that the boy was charged with trespassing. The officer stated that he did not know why it said that because the boy only had a juvenile report written and was not summonsed since he was under age sixteen. The officer should have conversed with the boy to further gain the boy’s cooperation because it was not an immediately endangering situation. The Board substantiated the allegations for the stop and the stop authorization.

In December 2012, a 16-year-old boy was arrested and witnessed his older brother and female cousin being both arrested and pepper sprayed on suspicions that they were burglarizing their own home in the Bronx. The three of them had been moving garbage bags from their house to the curb when the older brother went back into the house to put shoes on while the other two stayed outside. The officer stated that the burglary suspicion arose from observing the older brother walk back towards the dark house while the other two appeared to act as a lookout. The officer walked past the boy and his cousin to step into the house and grab the older brother. The older brother pulled away and was pepper sprayed, leading the cousin to attempt to intervene.

In his CCRB interview, the boy stated he had yelled to the officers that it was his house. Officers arrested the boy’s brother and cousin and never explained their burglary suspicions. The boy tried to record the incident on his cellphone when officers told him to stop recording and knocked the phone out of his hands. He was then arrested as well. He was later released at the station house with a summons for disorderly conduct. The Board substantiated the allegations for an improper stop and improper premise entry. The case is currently awaiting trial in the Administrative Prosecution Unit.

In November 2013, an officer asked to see the subway cards and identification of two 17-year-old boys who were using Student Metro Cards at a subway station in Manhattan. The officer did not believe one of the boys was a student due to his facial hair. One of the boys reached into his pocket to retrieve his identification when the officer told him to keep his hand out of his pocket. The officer then demanded, “Let me see your f—king MetroCard,” and when the boy began again to reach into his pocket the officer handcuffed him. In their CCRB interviews, the boys expressed their confusion about why the officer had approached them and would not explain why, even though they asked. The other boy began recording the incident on his cell phone while remaining at a reasonable distance. The officer told the boy who was recording to back up and leave the station. The boy backed up but continued to record from a distance of about 5 feet. Surveillance video showed the officer lunging at the boy recording, throwing him against the wall, and pulling him to the ground to handcuff him.

The officer stated in his CCRB interview that he observed the boy reaching into his pockets while recording, but the surveillance video showed this was not true. The boy had ignored the officer’s orders to leave the station, but he did not pose a threat or physically interfere with the arrest, a crowd never formed, and he did not resist arrest. Pursuant to *People v. DeBour (1976)*, the officer had an objective credible reason to approach the teenagers and request information, in what should have been a non-threatening

⁴⁵ *People v. Coley*, 967 N.Y.S.2d 868 (Crim. Ct. Bronx Cty., 2013)

encounter. There was no justification for physical force or intimidation.⁴⁶ Although the officer explained to the boys why he had approached them after they were handcuffed, he should have taken the time to explain when the boy asked rather than yelling and cursing at the boys. The officer also should have requested identification in a more respectful manner and de-escalated the situation, especially since the boy was cooperative. The Board substantiated the allegations for discourteous language and physical force, and the case is currently awaiting trial in the Administrative Prosecution Unit.

In May 2013, two brothers, both age 15, were sleeping in their bedroom when they heard the police banging on their apartment door in Brooklyn. The police were attempting to carry out a canceled I-card (investigative card) for one of the boys. The boys did not answer the door because they were told not to answer the door for the police if their mother was not home. The boys saw an officer appear on the fire escape outside their bedroom window, and one of the boys hid under his bed. The boys' older brother who was also in the apartment saw the peephole of their front door had fallen off due to the officer banging on it, and after about 15 to 25 minutes the older brother opened the door for the officers. Whether or not the damaged peephole was intentional, it gave the officers the opportunity to see inside of the apartment.

The older brother's consent to the officers' entry was found to be involuntary due to the incessant knocking on the door, which created in the occupants a sense of being harassed and detained. The officers stated that they had a warrant for one of the 15-year-old boys, an I-card for phone theft which had in fact been canceled months earlier due to lack of evidence.⁴⁷ In one of the boy's CCRB interview, he expressed his frustration and confusion at the time because the officers would not clearly explain why they were there, specifically who they were there for when the boys first asked. The entry was considered unjustified due to the canceled warrant, lack of voluntary consent, and lack of exigent circumstances. The Board substantiated the allegations against the sergeant in charge for the improper search and for participating in the entry and search of the apartment. The case is currently awaiting trial in the Administrative Prosecution Unit.

In each of the cases discussed, there were more respectful and appropriate actions that the officers could have taken to de-escalate the situations and avoid committing misconduct against these young people. Hopefully, highlighting these incidents will encourage officers to approach future interactions differently, and thus refrain from improper conduct. This in turn has the potential to achieve the important goal of strengthening relations between the police and the City's youth.

NYPD Patrol Guide

Each allegation that was substantiated was found to be in violation of the NYPD Patrol Guide. Relevant to the cases discussed above, section 208-11 of the NYPD Patrol Guide sets forth the standards for the use of force.⁴⁸ Section 212-11 provides guidelines for officers to perform a stop and frisk.⁴⁹

⁴⁶ *People v. DeBour*, 40 N.Y. 2d 210 (1976)

⁴⁷ NYPD's investigation card (I-card) system is a database that allows officers to enter and track information about individuals wanted for arrest or questioning. I-cards are not warrants since they have not been issued by a neutral magistrate. Officers often investigate I-cards by going to the homes of individuals who are listed on I-cards as perpetrators with probable cause to arrest them. While arrest of those individuals in public places needs no warrant, arrest of those individuals inside homes do. When officers arrive at homes with I-cards, they can be misunderstood or misrepresented as warrants—so even if the I-card had not been canceled, the entry still would have been unlawful.

⁴⁸ <http://www.nyc.gov/html/ccrb/downloads/pdf/pg203-11-use-of-force.pdf>

⁴⁹ <http://www.nyc.gov/html/ccrb/downloads/pdf/pg212-11-stop-frisk.pdf>

Section 212-75 discusses the application of search warrants.⁵⁰ Section 208-01 provides the law of arrest for officers to follow.⁵¹ Finally, section 203-10 prohibits officers from using discourteous or disrespectful language towards civilians.⁵² CCRB investigators make recommendations based on NYPD rules, NYS law, and the United States Constitution. The Patrol Guide sections above do not provide specific guidelines dealing with youth, such as a lesser scale of necessary force.

A Broader Look at Policing Youth

In some instances, young people are anxious and confused during their first encounters with police. Fratello et al. (2013) found that youth are often stopped by officers when they are engaging in routine activities such as hanging out or standing in front of a store, rather than participating in illegal activities.⁵³ Considering the above case profiles, we can recognize the importance, “to regulate not only the selection of the people whom the police stop, but also the manner in which they conduct stops as well.”⁵⁴ Adolescents cannot always predict or understand the consequences of their behaviors, especially in emotional or stressful situations, because the human brain does not fully develop until the mid-20’s.⁵⁵ As the U.S. Supreme Court discussed in *Roper v. Simmons* (2005), the evolving perception of justice seeks to forgive youths for criminal behavior based on, “their own vulnerability and comparative lack of control over their immediate surroundings.”⁵⁶ The young people in the cases discussed above would have been more likely to understand and respect the officers’ actions and orders if the officers had shown patience and respect towards them from the onset, in order to reduce the stress of the encounters.

Interacting with youth in a respectful manner, as well as the general public, can be challenging. It is important for officers to be properly trained on how to interact with the public, especially in trying situations. For example, Chicago incorporates a Quality Interaction Program while training new recruits. The program specifically addresses how officers perform tasks during encounters and how officers communicate and make decisions to reflect the needs of civilians. The program focuses on the idea that, “recipients of police service should be more satisfied and cooperative when they have a voice in the process, feel they are treated with dignity and respect, feel the officer was fair and impartial, and feel the officer was genuinely concerned for their welfare.”⁵⁷ It is important for officers to express sensitivity and empathy while making the effort to inform young people of the reason for the interaction, when possible. The NYPD’s 2015 Plan of Action described intentions to strengthen public trust in the police by providing intensive in-service training that would address officers’ personal development and improve their interactions with the public.⁵⁸ The training will also be incorporated into the NYPD’s revised recruit-

⁵⁰ <http://www.nyc.gov/html/ccrb/downloads/pdf/pg212-75-search-warrant-applications.pdf>

⁵¹ <http://www.nyc.gov/html/ccrb/downloads/pdf/pg208-01-law-of-arrest.pdf>

⁵² <http://www.nyc.gov/html/ccrb/downloads/pdf/pg203-10-prohibited-conduct.pdf>

⁵³ Fratello, J., Rengifo, A. F., Trone, J., & Velazquez, B. (September 2013). “Coming of age with stop and frisk: Experiences, perceptions, and public safety implications.” Vera Institute of Justice. <http://www.vera.org/sites/default/files/resources/downloads/stop-and-frisk-technical-report-v4.pdf>

⁵⁴ Brunson, R. K., & Miller, J. (2006). Young black men and urban policing in the United States. *British Journal of Criminology*, 46, 613-640. doi:10.1093/bjc/azi093

⁵⁵ Office of Juvenile Justice and Delinquency Program & International Association of Chiefs of Police (2015). “The effects of adolescent development on policing.” <http://www.theiacp.org/Portals/0/documents/pdfs/IACPBriefEffectsofAdolescentDevelopmentonPolicing.pdf>

⁵⁶ *Roper v. Simmons*, 125 S.Ct.1183 (2005)

⁵⁷ Rosenbaum, D. P. & Lawrence, D. S. (2011). “Teaching respectful police citizen encounters and good decision-making: Results of a randomized control trial with police recruits”, National Police Research Platform: Washington, D.C.

⁵⁸ NYPD 2015 Plan of Action: Training. <http://www.nyc.gov/html/nypd/html/home/POA/pdf/Training.pdf>

training program.

Bringing officers and youth together, the NYPD created the Police Athletic League (PAL) in 1914 that has evolved through the years and today provides after-school and evening programs, a summer day camp, and adventure learning for children ages three to 19.⁵⁹ Other PAL programs explicitly focused on juvenile justice provide intervention services to over 400 teenagers by teaching about re-entry and truancy prevention. The programs that PAL offers have evolved throughout the years, and today 40,000 children participate in PAL annually.⁶⁰

Police officers should continue to further their efforts to increase the public's trust by being mindful both before and during their encounters with youth. Robert Brown, Kenneth Novak, and James Frank (2009) argue that officers tend to look more suspiciously at youth who are outside late at night than adults who are out late. This tendency to be suspicious in this circumstance can color an officer's reaction whereby they use a higher level of force with youth than necessary.⁶¹ Moreover, as Brunson and Miller assert (2006), "Regardless of their involvement in delinquency, young men felt themselves to be tainted by a kind of unilateral suspicion, which they tied most explicitly to their race, but also to their presence in public neighborhood spaces, their peer associations, their manner of dress and their previous contact with the police."⁶² There is a disproportionate number of negative encounters involving the police and communities of color and males of color specifically. Finally, neighborhoods with a lower socioeconomic status that may also be high crime neighborhoods involve a disproportionate number of negative encounters as well. It is crucial for officers to distinguish between youth who are participating in illegal activity and those who are not, as well as to clearly communicate and develop relationships with local youth.

Recommendations

The reviewed cases represent a small fraction of negative encounters between the police and youth. Out of the total 155 cases with juvenile victims reported to the CCRB from January 1, 2014 to October 1, 2015, only 15 of these cases were reported by the young victim. In the 41 cases with at least one substantiated allegation, 34 were reported by adult relatives or witnesses. If an adult had not witnessed or heard about the incidents, the majority of these instances of police misconduct could have gone unreported. These findings show how important it is for the CCRB's Outreach program to continue to inform youth about the CCRB throughout New York City schools and community programs. The CCRB should continue to develop innovative ways to reach this community both in-person and online.

The Vera Institute of Justice's 2013 survey of youth encounters and perceptions with the police demonstrates that youth trust in the police is alarmingly low.⁶³ The study shows that 9 out of 10 respondents said they do not trust the police in their neighborhood, and just over half admitted to not feeling comfortable to ask the police for help. This review of 41 CCRB cases with at least one substantiated allegation from January 1, 2014 to October 1, 2015 has motivated the following recommendations for changes to the NYPD Patrol Guide and further training that can help to support de-

⁵⁹ <http://www.palnyc.org/800-PAL-4KIDS/About.aspx>

⁶⁰ <http://www.palnyc.org/800-PAL-4KIDS/FactSheet.aspx>

⁶¹ Brown, R. K., Novak, K. J., & Frank, J. (2009). "Identifying variation in police officer behavior between juveniles and adults". *Journal of Criminal Justice*, 37, 200-208. doi:10.1016/j.jcrimjus.2009.02.004

⁶² Brunson, R. K., & Miller, J. (2006). Young black men and urban policing in the United States. *British Journal of Criminology*, 46, 613-640. doi:10.1093/bjc/azi093

⁶³ Fratello, J., Rengifo, A. F., Trone, J., & Velazquez, B. (September 2013). "Coming of age with stop and frisk: Experiences, perceptions, and public safety implications." Vera Institute of Justice. <http://www.vera.org/sites/default/files/resources/downloads/stop-and-frisk-summary-report-v2.pdf>

escalation strategies, reduce incidents of misconduct and strengthen the relationship between youth and the police.

Figure 44: Study by the Vera Institute of Justice (2013)



Expand Patrol Guide 203-11 to specify the appropriate use of force on juveniles.⁶⁴

The Patrol Guide stresses that only the minimum force necessary should be used to overcome resistance. When dealing with juveniles, a heightened standard for use of force should be practiced. Juveniles are more physically and emotionally vulnerable to aggressive and violent actions by police officers. Patrol Guide 215-13 details factors to consider when restraining juveniles within school facilities. These factors include, but are not limited to, the age of the child, physical stature of the child, type of offense/nature of incident, the child’s demeanor, and whether there is possible risk of escape. These factors should also be included in Patrol Guide 203-11 as a mandatory assessment of how much force is necessary to gain control when arresting a juvenile.

Emphasize Patrol Guide 202-25 when interacting with juveniles.⁶⁵

Patrol Guide 202-25 maintains that Anti-Crime officers, who wear plainclothes, should identify themselves as officers when possible. As this guideline only appears to be articulated for Anti-Crime officers, this should be included in the Patrol Guide for all officers who wear plainclothes (with the exception of undercover officers). During their CCRB interviews, many of the youth victims claimed that they were not aware they were being approached by an officer since the officers were dressed in plainclothes. This resulted in young people running away from officers, which subsequently contributed to the heightened level of force that was used against them. Clear identification can help to decrease the chance that innocent youth will flee from police- and is particularly important in high-crime areas.

Increase mandatory and regular training.

The NYPD Police Student’s Guide includes a section on Children and Adolescents that provides a list of twenty communication skills to be mindful of when interacting with youth, emphasizing polite and courteous interactions.⁶⁶ Mandatory and regular training on these skills and on de-escalation tactics should be given to all officers, not just recruits in the Police Academy.

⁶⁴ <http://www.nyc.gov/html/ccrb/downloads/pdf/pg203-11-use-of-force.pdf>

⁶⁵ PG 202-25 Anti-Crime Police Officer: “...6. Wear appropriate identification when present at scene of a police incident (nylon windbreaker jacket, shield, headband, color of the day, etc.). a. Properly identify self prior to taking any police action, if possible...”

⁶⁶ NYPD 2014 Police Student’s Guide. Ch. 35 Children and Adolescents

The implementation of these recommendations will result in youth feeling more respected by the police. Respect encourages reciprocation and can lead to more cooperative future interactions. After all, youth are often the victims in high-crime neighborhoods and can benefit from a supportive police presence. Many youth recognize that the police play an important role in their communities, yet have a negative view of them. Changes to the Patrol Guide and to officer training can assist in bridging that divide.

Background of CCRB and Glossary

The Charter of the City of New York establishes the Civilian Complaint Review Board and empowers it to receive and investigate complaints from members of the public concerning misconduct by officers of the NYPD. *See* NYC Charter § 440(a). 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.” *Id.* Under the City 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**.” *Id.* § 440(c)(1). The CCRB will also note “**other misconduct**” when it uncovers certain conduct by NYPD officers during the course of its investigation that falls outside its jurisdiction, but that the Department has requested be noted or remains important to bring to the Department’s attention. Examples of “other misconduct” include failures by officers to enter necessary information in their activity logs (memo books), failures to complete required documentation of an incident, and evidence suggesting that officers have made false official statements.

The “**Board**” consists of thirteen individuals. Of the 13 members, five are chosen by the Mayor, five are chosen by the City Council, and three members with experience as law enforcement professionals are chosen by the Police Commissioner. Apart from the members selected by the Police Commissioner, none of the Board members may have experience as law enforcement professionals or be former employees of the NYPD. The Mayor selects one of the thirteen members to serve as Board Chair.

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 180 employees. The Agency consists of a 110-member Investigations Division responsible for investigating allegations of police misconduct within the Agency’s jurisdiction (“FADO”), and for making investigative findings. The most serious police misconduct cases are prosecuted by a 16-member Administrative Prosecution Unit. The prosecutors within the Unit are responsible for prosecuting, trying and resolving the most serious misconduct cases before a Deputy Commissioner of Trials at One Police Plaza. The Agency also includes a Mediation Unit with trained mediators who may be able to resolve less serious allegations between a police officer and a civilian. The Outreach Unit acts as a liaison with various entities, and is responsible for intergovernmental relations, outreach presentations, and community events throughout the five boroughs of New York City.

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 commit the actions that are alleged to be misconduct are categorized as “**subject officers**,” while those who witnessed or were present for the alleged misconduct are categorized as “**witness officers**.” The CCRB’s **Intake** team receives the complaints filed by the public in-person, or by telephone, voicemail, an online complaint form, or referred to the agency by the NYPD’s Internal Affairs Bureau.

When a complaint is filed with the CCRB, the CCRB assigns it a unique complaint identification number. The CCRB also refers to “**complaints**” as “**cases**.” The vast majority of complaints regarding

improper entries, searches, or warrant executions involve only a single incident of entry or search, but a few complaints involved more than one entry or search (occurring on the same day or on different days). A single complaint or case may contain multiple “**allegations**” relating to force, abuse of authority, discourtesy, and/or offensive language. Allegations regarding improper entries, searches, or failures to show a warrant are considered allegations falling within the CCRB’s abuse of authority jurisdiction. A single complaint or case may contain multiple allegations of improper entries, searches, and/or failures to show warrants. 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 is provided to the Board for 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 officers.

The “**Disposition**” is the Board’s finding of the outcome of a case (i.e. if misconduct occurred). The Board is required by its rules 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 there was a preponderance of evidence that the acts alleged occurred and constituted misconduct. Exonerated cases are those where there was a preponderance of the evidence that the acts alleged occurred but did not constitute misconduct. Unfounded cases are those where there was a preponderance of the evidence that the acts alleged did not occur. “**Unsubstantiated**” cases are those where the CCRB was able to conduct a full investigation, but there was insufficient evidence to establish whether or not there was an act of misconduct. In many cases, the CCRB is unable to conduct a full investigation or mediation and must “**truncate**” the case.⁶⁷

A complainant may “**mediate**” his or her case with the subject officer, in lieu of an investigation, with the CCRB providing a neutral, third-party mediator.

The CCRB’s **Administrative Prosecution Unit (APU)** prosecutes cases in which the Board has substantiated misconduct and recommended discipline in the form of Charges and Specifications. The APU began operating in April 2013, after the CCRB and the NYPD signed a Memorandum of Understanding establishing the unit.

⁶⁷ 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,” and “victim unidentified.”

New York City Charter

Chapter 18-A

Civilian Complaint Review Board

§ 440 Public complaints against members of the police department.

(a) It is in the interest of the people of the city of New York and the New York City police department that the investigation of complaints concerning misconduct by officers of the department towards members of the public be complete, thorough and impartial. These inquiries must be conducted fairly and independently, and in a manner in which the public and the police department have confidence. An independent civilian complaint review board is hereby established as a body comprised solely of members of the public with the authority to investigate allegations of police misconduct as provided in this section.

(b) Civilian complaint review board.

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

2. No 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, except that of the members first appointed, four shall be appointed for terms of one year, of whom one shall have been designated by the council and two shall have been designated by the police commissioner, four shall be appointed for terms of two years, of whom two shall have been designated by the council, and five shall be appointed for terms of three years, of whom two shall have been designated by the council and one shall have been designated by the police commissioner.

4. In the event of a vacancy on the board during 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. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

(c) Powers and duties of the board.

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefore, 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 complaints, and to hear, make findings and recommend action on such complaints. No such panel shall consist exclusively of members designated by the council, or designated by the police commissioner, or selected by the mayor.

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

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

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

6. The board shall issue to the mayor and the city council a semi-annual report which 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 the investigation of complaints submitted pursuant to this section, except such records or materials that cannot be disclosed by law.

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

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

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

(f) The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of 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.

Board Members

Acting Chair, Deborah N. Archer, Esq.



Ms. Archer is Professor of Law and Dean of Diversity and Inclusion at New York Law School. Dean Archer was previously an assistant counsel at the NAACP Legal Defense and Educational Fund, Inc. where she litigated at the trial and appellate level in cases involving affirmative action in higher education, employment discrimination, school desegregation, and voting rights. She was also a Marvin H. Karpatkin Fellow with the American Civil Liberties Union, where she was involved in federal and state litigation on issues of race and poverty. Prior to joining New York Law School, Dean Archer was a litigation associate at Simpson, Thacher & Bartlett LLP. Dean Archer is also Director of the New York Law School Racial Justice Project and Co-Director of the Impact Center for Public Interest Law. She has participated as amicus counsel in several cases before the U.S. Supreme Court and U.S. Courts of Appeal, including *Ricci v. DeStefano*, *Fisher v. University of Texas*, and *Shelby County v. Holder*. Dean Archer clerked for Judge Alvin Thompson in the United States District Court for the District of Connecticut. She is a mayoral designee and was appointed to the Board by Mayor Bill de Blasio on October 1, 2014.

J.D., 1996, Yale Law School; B.A., 1993, Smith College

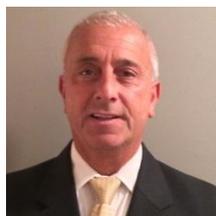
Bennett Capers, Esq.



Mr. Capers is the Stanley A. August Professor of Law at Brooklyn Law School. Prior to teaching, Capers worked as an Assistant U.S. Attorney in the Southern District of New York. Mr. Capers' work trying several federal racketeering cases earned him a nomination for the Department of Justice's Director's Award in 2004. He also practiced with the firms of Cleary, Gottlieb, Steen & Hamilton and Willkie Farr & Gallagher. He clerked for the Honorable John S. Martin, Jr. of the Southern District of New York, and has also taught at Hofstra University School of Law and Fordham Law School. Mr. Capers is an elected member of the American Law Institute, an appointed member of the New York State Judicial Screening Committee, and he served as Chairperson of the American Association of Law Schools (AALS) 2013 Conference on Criminal Justice. In September 2013, Mr. Capers was named Chair of the 13-member Academic Advisory Council formulated by Judge Shira Scheindlin to help the court-appointed monitor and facilitator implement reforms to NYPD stop-and-frisk practices. He is a mayoral designee and was appointed to the Board by Mayor Bill de Blasio on October 1, 2014.

J.D., 1991, Columbia University School of Law; B.A., 1988, Princeton University

Salvatore Carcaterra



Mr. Carcaterra currently works as President of SFC Security & Intelligence, a private security consulting firm. With over ten years of experience in assuring security, stability, and protection for corporate and personal clients. Prior to his security consulting work, Mr. Carcaterra spent over twenty years with the NYPD, where he served as the Executive Officer to the Chief of the Department. During this time, he helped to manage the Department, conducted and planned counter-terrorism operations, including the implementation of the NYPD's overall terrorism response after the 9/11 attacks on the World Trade Center. Mr. Carcaterra also monitored major internal and criminal investigations, and served as Commanding Officer for several different divisions of the NYPD, including the Fugitive Enforcement Division, the Office of Deputy Commissioner of Operations, the Hate Crimes Task Force, and the 66th Precinct. He also worked as an Executive Officer for the 70th Precinct and the NYPD Detective Bureau. Mr. Carcaterra fills the third seat on the Board designated by Commissioner, appointed to the Board by Mayor Bill de Blasio in June 2015.

B.S. John Jay College of Criminal Justice, City University of New York; F.B.I. National Academy; Police Management Institute at Columbia University.

Janette Cortes-Gomez, Esq.



Cortes-Gomez is an attorney who has been engaged in private practice in Queens and the Bronx since 2004. In addition to representing private clients, she serves as court-appointed counsel in Family Court cases relating to juvenile delinquency, abuse and neglect, parental rights, custody, child support, paternity, family offense, visitation, persons in need of supervision and adoption matters. From 1999 to 2004, Ms. Cortes-Gomez was an attorney with the New York City Administration for Children's Services (ACS). At ACS, she litigated child abuse and neglect cases, including termination of parental rights petitions. Ms. Cortes-Gomez is a member of the New York City Bar Association, the Puerto Rican Bar Association, the Bronx County Bar Association, the Hispanic National Bar Association, and the American Bar Association. In 2010, she was appointed as President of the Bronx Family Bar Association for a two year term. She is a Mayoral designee and was appointed to the Board in November 2011.

B.A., 1996, Canisius College; J.D. 1999, Buffalo School of Law, the State University of New York.

Lindsay Eason



Mr. Eason currently works as Director of Field Operations for Grand Central Partnership, a private 501(c)(3) not-for-profit organization. From 2011-2012, Mr. Eason served as an International Police Training Manager for The Emergence Group in Tajikistan, where he was contracted to design and implement training for Police Departments. Mr. Eason was appointed to New York City Sheriff in 2002, where he developed and implemented *SheriffStat*, leading to new procedures that promoted greater accountability and professional development. Mr. Eason began his career in law enforcement as a uniformed member of the NYPD. He earned his B.S. from John Jay College of Criminal Justice, and is a graduate of the New York Police Academy and the FBI's National Academy. Mr. Eason is a Police Commissioner designee, appointed to the Board by Mayor Bill de Blasio on October 1, 2014.

B.S., 2005, John Jay College of Criminal Justice, City University of New York; 1991, F.B.I. National Academy

Joseph A. Puma



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 (LDF), Mr. Puma worked on litigation teams handling cases involving criminal justice, voting rights, employment discrimination and school desegregation. Prior to joining LDF, he worked for over six years at the NYC Office of Management and Budget (OMB), where he served as an intergovernmental liaison, policy and budget analyst, and legislative reference assistant. At OMB he monitored the potential effect of proposed federal, state, and city legislation on New York City's budget and coordinated OMB's response to myriad bills. From 2003 to 2004, he served as a community liaison for former City Council member Margarita López. Since 2007 Mr. Puma 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 New York City public housing resident, Mr. Puma currently serves on GOLES's Board of Directors, and has participated in Washington DC-based national efforts related to public housing

preservation. Mr. Puma is now pursuing full-time a Master of Arts degree at Union Theological Seminary. Mr. Puma is the City Council designee from Manhattan and was appointed to the Board in December 2013.

Certificate (Legal Studies), 2009, Hunter College; B.A., 2003, Yale University

Bishop Mitchell G. Taylor



A forty-year resident of Long Island City and former resident of the Queensbridge public housing development, Bishop Taylor has dedicated his pastoral career to serving his community. Bishop Taylor is the Senior Pastor of Center of Hope International, a non-denominational church located near the Queensbridge Houses. In addition to his work as a pastor, he is the President and CEO of Urban Upbound (formerly the East River Development Alliance), a not-for-profit organization he founded in 2004 to expand economic opportunity for public housing residents. Bishop Taylor has received the New York Public Library's 2005 Brooke Russell Astor award for his work with ERDA, and the Jewish Community Relations Council of New York's 2008 Martin Luther King, Jr. award, among many other awards. He has been profiled by leading media outlets for his leadership on public housing issues and is the author of *Unbroken Promises*. Bishop Taylor is a former Commissioner on the NYC Charter Revision Commission. He has been the City Council designee from Queens since January of 2009.

B.A., United Christian College, 1986.

Youngik Yoon, Esq.



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

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

Deborah L. Zoland, Esq.



Ms. Zoland began her career with the NYPD in 1973, as a civilian Police Administrative Aide at the 100th Precinct. She began her career as an NYPD attorney in June 1981. Between 1988 and 1995, Ms. Zoland served as a Deputy Managing Attorney and then Managing Attorney in the Civil Section of the NYPD's Legal Bureau, as well as Executive Officer of the Legal Bureau. She was promoted to Director, Office of the Deputy Commissioner for Legal Matters in 1995. Ms. Zoland was promoted to Assistant Deputy Commissioner for Legal Matters in 1999 and served in that capacity until her retirement from the NYPD in February, 2014. Throughout her tenure with the NYPD, Ms. Zoland developed expertise in various civil policy matters including personnel, officer discipline, civil rights, Equal Employment Opportunity and ethics in government relating to the NYC Charter and the NYC Conflicts of Interest Law. She also served as a representative on the NYPD's Firearms Discharge Review Board.

Additionally, beginning in 1990 until her retirement, Ms. Zoland acted as counsel to the Police Commissioner and to the Chief of Department for the Police Relief Fund. She served as the key NYPD advisor during the formation of the Police Museum, and remained the museum legal advisor until her retirement. Working with the Police Foundation, Ms. Zoland developed guidelines

to protect the licensing of the NYPD logo and insignia and manage marketing strategies.

Ms. Zoland is a graduate of the City's Leadership Institute and the Police Management Institute, Class III. In 2003 she was awarded the Hemmerdinger Award for Excellence by the Police Foundation. The Policewoman's Endowment Association presented her with its Award of Merit in 2009 and she was the first civilian to receive this award.

J.D., 1979, Brooklyn Law School; B.A. 1974, cum laude, Brooklyn College

Executive Director

Mina Q. Malik, Esq.



Ms. Malik was appointed by the Board to serve as the Executive Director in February, 2015. She is a strong leader with exceptional organizational and interpersonal skills who has been able to implement positive changes in the agencies in which she has worked. Ms. Malik has been a life-long dedicated public servant with a proven track record as a superb prosecutor and creative innovator.

Most recently, Ms. Malik served as Special Counsel to the District Attorney in the Kings County District Attorney's Office where she counseled and assisted the newly-elected Brooklyn District Attorney in the day-to-day operations of the agency consisting of 1,200 employees. Ms. Malik was a vital member of the executive team and advised the District Attorney on the restructuring and reorganization of the agency, personnel matters, policy issues and wrongful conviction cases.

Prior to her work in Brooklyn, Ms. Malik served as a Senior Assistant District Attorney in the Queens County District Attorney's Office where she prosecuted a broad range of felony cases and argued numerous appeals. Her concentration was in Special Victims where she oversaw the investigation, prosecution, and litigation of child homicides, child physical and sexual abuse, sex trafficking, and adult sex crimes. Ms. Malik was a law clerk in the Law Offices of Plato Cacheris in Washington, D.C.; a judicial law clerk for the Honorable Reggie B. Walton of the District of Columbia Superior Court; and a Criminal Investigator for the D.C. Public Defender Service. Ms. Malik also serves as a faculty member of the Trial Advocacy Workshop at Harvard Law School's Criminal Justice Institute.

J.D., 1998, The American University Washington College of Law; B.A., 1993, Bates College

Executive Staff

Mina Q. Malik, Esq., Executive Director

Brian Connell, Deputy Executive Director, Administration

Jonathan Darche, Esq., Chief Prosecutor, Administrative Prosecution Unit

Thomas U. Kim, Chief of Investigations

Robia Charles, Ph.D., Deputy Executive Director, Policy and Strategic Initiatives

"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..."

(NYC Charter, Chapter 18-A, effective July 4, 1993)

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CIVILIAN COMPLAINT REVIEW BOARD

100 Church St., 10th Floor, New York, NY 10007

Complaints: 1-800-341-2272 or 311 | Outside NYC: 212-New-York

General Information: 212-912-7235

www.nyc.gov/ccrb