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THE NYC CIVILIAN COMPLAINT REVIEW BOARD RELEASES ITS 2014 ANNUAL REPORT.
COMPLAINTS ARE DOWN AND AGENCY REFORMS
HAVE RESULTED IN FASTER INVESTIGATIONS

Today, the Civilian Complaint Review Board (CCRB) released its annual report for 2014, which shows three key trends: a continuing decline in complaints of police misconduct; unprecedented cooperation from the Police Department in providing evidence quickly and imposing discipline recommended by the Board; and major improvements in agency productivity, stemming from reforms implemented by the new Board Chair, Richard D. Emery and honed by the CCRB's new Executive Director, Mina Q. Malik.

In 2014 civilians filed 4,788 complaints, the lowest number since 2002. This is an 11% decrease from 2013 and a 26% decrease from 2010. However, the downward trend is even more apparent in looking at the monthly complaint levels in the first half of the year, 451 per month, compared to July through December, when there were 394 complaints per month, which is a 28% decline from the last half of 2013.

The report notes that the decrease in stop-and-frisk encounters, arrests and criminal summonses is likely the main factor in the complaint decrease.

The report describes a major reorganization of the agency's Investigations Division, from 6 large teams with redundant layers of supervision into 16 smaller units, called pods with one supervisor who is in direct contact with and accountable for each investigator. As part of the reorganization, new Executive Director Mina Malik set tight deadlines for all phases of investigations. As a result, the time to investigate a case fell from 329 days in 2013, to 271 days in 2014 and in 2015 the average investigation handled by the new pods is completed in 63 days.

"When I accepted the position of Board Chair, I was accepting a challenge and mandate from the Mayor – to reform an agency that has long been troubled by inefficiencies, dysfunction and mismanagement. We are now within striking distance of solving these problems, which

included investigations that dragged on and on, causing frustration among complainants and police officers and a general lack of confidence in the agency,” said Board Chair, Richard Emery.

The Agency has also gained faster access to Police Department records, and more importantly, a new Departmental respect for CCRB decisions and discipline recommendations. In 2013, the Department’s disciplinary action rate on substantiated CCRB complaints was 57%. In 2014, the rate increased to 68%. However, in looking at the picture since the Chair’s appointment (July 17, 2014), the discipline rate from September 2014 through April 2015 was even higher. It was 89% for cases that were handled by the Department Advocate’s Office, where the CCRB had recommended command discipline or instructions and 71% for cases that were prosecuted by the CCRB’s Administrative Prosecution Unit, (those where the Board recommended the most serious discipline – administrative charges). The combined disciplinary action rate for this time period was 81%.

In 2014, the NYPD disciplined 161 officers in cases that had been previously substantiated by the Board. In 2013, 152 officers received discipline stemming from CCRB complaints.

“My vision for the CCRB is nothing short of a metamorphosis. By improving the Agency’s performance, we will be ensuring that justice is swift and fair. We want to gain the confidence of communities and show that there is real recourse when people experience police misconduct. At the same time, we want to secure the confidence of good police officers by demonstrating that our work is professional, impartial, and understanding of patrol guide procedures, policing realities, and principles of law,” said Executive Director, Mina Q. Malik.

The Board’s rate of substantiating complaints increased to 17% in 2014, three percentage points higher than in 2013 and six percentage points higher than the substantiation rate in 2010. In 2014, the Board fully investigated 1,917 complaints and substantiated at least one allegation in 327, against 489 officers, compared to 2,081 full investigations in 2013, with 300 substantiated complaints against 442 officers.

In 2014, the CCRB received the highest number of chokehold complaints as a percentage of force complaints since 2001. In 2014, for every 100 force complaints, 9.6 were for chokeholds. In 2001, there were 4 chokehold complaints for every 100 force complaints. In 2014, the Board substantiated six chokehold allegations. From January through April 2015, the Board substantiated three. Of these nine incidents, seven occurred in 2013 or prior years.

The Annual Report also reviews the following three troubling complaint patterns and notes the need for additional research and analysis of each:

False Official Statements by Police Officers:

From 2010 through 2013, the Board noted 26 allegations of false official statements. In 2014 the Board noted just as many instances – 26 – as it did in the prior four years combined.

Improper Searches of Civilians:

In 2014, there were 584 complaints that included a search allegation, a 1:12 ratio of complaints to documented police searches (7,283). In 2013, when police documented 18,369 searches, the CCRB received 697 search complaints, a ratio of 1:26.

The report includes case studies, from a review of 48 complaints substantiated in 2014.

Patterns of Unnecessary and Excessive Force from a Review of 73 substantiated Allegations:

In 2014, the Board substantiated force allegations at double the rate it did from 2010 through 2013 – 4% of the time, compared to 2%. By far, the most frequent Board finding was exoneration of the officer – 51% from 2010 through 2013 and 42% in 2014.

Viewed through the lens of civilian complaints, officers used force lawfully and within Departmental guidelines in 98 out of 100 instances from 2010 through 2013; and in 96 out of 100 instances in 2014.

The report looks in detail at case summaries stemming from some of the 73 abuse of force allegations (in 59 cases) the Board substantiated. Fifty of the 59 cases occurred before 2014 and the CCRB intends to study whether the new NYPD training methods are effective in reducing force complaints.

Internal Agency Audit of FOIL and NYS Civil Rights Law Violations

The report also looks at misfeasance within the Agency itself. An internal audit revealed a systemic failure to abide by New York State Civil Rights Law section 50-A which protects the confidentiality of police officers' CCRB complaint histories, including the disposition of complaints. From October 2013 until October 2014, 95 officers' histories were released in response to 70 separate Freedom of Information Law (FOIL) requests, many from the Legal Aid Society, in violation of the law.

The entire report is available on the agency's website: www.nyc.gov/ccrb

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