

**Testimony of Daniel D. Chu, Chairman,
Civilian Complaint Review Board
Before Finance and Public Safety Committees
of the New York City Council**

May 23, 2013

Chair Recchia, Chair Vallone, members of the Finance and Public Safety Committees, my name is Daniel D. Chu. I am the Chairman of the Civilian Complaint Review Board (CCRB). With me today are the agency's Acting Executive Director, Marcos Soler, and members of our executive and senior staff.

The CCRB is an independent board that investigates and mediates police misconduct complaints involving excessive force, abuse of authority, discourtesy, and use of offensive language (known as FADO). It also conducts public outreach and issues semi-annual reports. Under a Memorandum of Understanding (MOU) with the Police Department, the agency also prosecutes substantiated police misconduct cases in which the Board has recommended charges and specifications.

The Executive Plan Budget for Fiscal 2014 stands at \$11,916,954, of which \$9,585,325 are allocated to personal services (PS). It authorizes a headcount of 164 full-time positions: 117 positions are in the investigations division; 20 positions are in the administrative prosecution unit (APU); and 27 positions are in the administrative and support staff units.

The Preliminary and the Executive Financial Plans have not altered the fiscal 2014 funding and authorized headcount as adopted in June of 2012. The

CCRB's other than personal services (OTPS) appropriation has remained basically unchanged. Overall, the Board is confident that it has the financial resources needed to perform its core function of investigating and prosecuting complaints in Fiscal 2014. However, the Board feels that, with your support and funding, we could better address two important areas that were subjected to cuts in prior years -- mediation and public outreach.

I here outline these two specific funding requests for five positions, that the Board is seeking from the Council, one in mediation and four in public outreach. But, first, I would like to give you a brief update on the work of our new prosecution unit and our investigations division.

The Administrative Prosecution Unit & the Investigations Division Update

On April 11, 2013, after new agency rules were approved and published in the City Record, the actual transfer of prosecutorial power to the CCRB went into effect. Since then, twenty cases have been assigned to our prosecutors and we have already begun the process of serving officers with charges and specifications. Four factors are contributing to facilitate this transition: the lessons learned during the APU pilot program; the fact that we have hired a group of experienced and motivated prosecutors; the leadership of the Board's APU Committee and the stewardship of our chief prosecutor; and the cooperation we are receiving from the Police Department.

Under the guidance of our deputy executive director for investigations, the investigations division is also making good progress. As we reported in March, Hurricane Sandy had a detrimental impact on our operations as we were displaced from our offices for three months. But, since our return to lower Manhattan, we have reduced our docket and the time it takes to complete an

investigation. Year-to-date, we have closed 82% more full investigations than in the same period of 2012. The docket of the investigations division has decreased by 28%, from 2,541 cases in January to 1,840 in May. In fact, the open docket is 10% lower than a year ago. In addition, the time it takes to complete a substantiated investigation has decreased by 11%, from 490 days in January to 434 days in May. Although further improvements are needed, the efficiency initiatives that we have implemented are having a positive impact.

Requests for Funding

Since 2008, as a result of the financial crisis that affected our country and our city, the CCRB has suffered staffing reductions. From fiscal 2008 to fiscal 2012, prior to the implementation of the APU, our headcount was reduced by 25%, from 192 to 144 positions. In order to meet the various PEG targets, we made notable cuts to vital parts of our operations - we lost 35 investigators and 13 members of our administrative staff. Our goal is to restore some of those reductions in two essential areas, mediation and outreach. Both programs are part of our Charter mandate.

-- Mediation: Request for one position

Since 2008, we have undertaken a series of initiatives to expand our mediation program. The success of these initiatives has been undermined by the understaffing of the program. In the last three years, more than 1,800 officers and 2,100 civilians have accepted the offer to mediate their complaint. As more officers and civilians agreed to mediate, the total number of cases processed and closed through mediation has increased by more than 50%.. We closed 376 cases in 2011 and 285 in 2012 (even though our operations were severely disrupted by Superstorm Sandy) compared to 192 cases in 2008. It is not just

the number of people who have elected to participate in the program that has made the program more relevant. Our data also shows a great deal of satisfaction from both officers and civilians who participated in the process. In the last three years, the successful resolution rate has been at 94%. We have also found that officers who participated in mediation were less likely to receive a subsequent complaint.

Although the number of cases referred to the mediation unit has increased drastically, the number of staff members processing these cases has remained unchanged. The mediation unit is currently staffed by only a director and three coordinators. As a result, the time it takes to process a mediated complaint has increased by 20%, from 167 days in 2008 to 250 days in 2013. In this past year, the open docket of the mediation unit has increased from 235 to the current 370 cases. In order to address this backlog stemming from the success of the program, we are asking for funding of an additional mediation coordinator at a yearly cost of \$45,000. The coordinator will help us to reduce both the time it takes to mediate as well as our open docket.

-- Outreach: Request for four positions

Under the leadership and direction of the Outreach Committee, the Board has one full-time member of staff dedicated to the Charter mandate of “informing the public about the Board and its duties” and developing “an on-going program for the education of the public.” The full-time director has, from time to time, received assistance from unpaid college interns. In spite of these staffing restraints, through the dedication of staff members of other units and unpaid interns, the CCRB increased the number of public presentations from 47 in 2008 to 164 in 2011. Due in large part to the difficulties in maintaining that level of

intensity without full-time outreach staff, the number of presentations decreased to 100 in 2012.

At the direction of the Board, the outreach unit has also identified three populations for targeted outreach: residents of public housing, immigrants and youth. To ensure that we are reaching these populations, the unit targets some of our activities at communities where these groups are most evident. In addition to the populations identified above, the staff participated in outreach activities at schools, churches and community groups. The Board also tries to utilize those who provide assistance and services to these populations. This year the Board has decided to increase its outreach to the LGBTQ community to address specific issues that have been brought to our attention.

In addition to this type of general outreach, in 2011 and 2012, the CCRB received a grant to enhance the scope of its outreach program. The grant was provided by the New York City Community Trust Fund and funded the CCRB's "Ambassador Program." The CCRB partnered with the East River Development Alliance (ERDA) and gave internships to young residents of the public housing developments of District 1 in western Queens (including Astoria Houses, Queensbridge Houses, Ravenswood Houses, and Woodside Houses). The terms of the grant have now expired.

Due to the success of the Ambassador Program and our general outreach program, the Board seeks to replicate and extend these initiatives. We are requesting that four new positions be created in the outreach unit so that this unit has the proper infrastructure in place to run such programs throughout the city as mandated by law.

Although the outreach unit has been quite successful, it cannot continue to operate effectively while using interns and volunteers as its core staffing model. It is too important a function to be staffed in this fashion. The use of interns has led to some inherent inefficiencies in staffing, scheduling and administration of the unit. Therefore, the CCRB is requesting \$218,446 to fund four outreach coordinators that will support the two major programs established by the unit: the Ambassador Internship Program and the Citywide Outreach Program. A total of \$160,896 would be allocated for personnel cost and \$57,550 would be allocated to OTPS cost.

The total amount of funds that we are requesting from the Council is \$263,446. This is a modest amount that will have an immediate and vital impact on our ability to advance our mission.

Thank you for your time and continued support. Mr. Soler and I will be happy to answer any questions you may have.