

*New York City*

# **CIVILIAN COMPLAINT REVIEW BOARD**

*Status Report  
January-June 2005*

**Michael R. Bloomberg, Mayor  
Hector Gonzalez, Esq., Chair**



# CCRB Mission and Values

The New York City Civilian Complaint Review Board (CCRB) is an independent and non-police mayoral agency. It is empowered to receive, investigate, hear, make findings and recommend action on complaints against New York City police officers which allege the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The board's investigative staff, which is composed entirely of civilian employees, conducts investigations in an impartial fashion. The board forwards its findings to the police commissioner. In fulfillment of this mission, the board has pledged:

- To encourage members of the community to file complaints when they feel they have been victims of police misconduct.
- To encourage all parties involved in a complaint to come forward and present whatever evidence they may have.
- To investigate each allegation thoroughly and impartially.
- To examine carefully each investigative report and to ensure that all possible efforts have been made to resolve the complaint.
- To make objective determinations on the merits of each case.
- To recommend disciplinary actions that are fair and appropriate, if and when the investigative findings show that misconduct occurred.
- To respect the rights of civilians and officers.
- To engage in community outreach throughout New York City to educate the general public concerning the agency's purpose and the services provided and to respond to the comments and questions of the public concerning issues relevant to the agency's operation.
- To report patterns of misconduct uncovered during the course of investigations and review of complaints to the police commissioner.
- To report relevant issues and policy matters coming to the board's attention to the police commissioner.

# TABLE OF CONTENTS

Letter from the Chair	<b>3</b>
Who We Are	<b>4</b>
What We Do	<b>6</b>
Complaint Activity	<b>9</b>
Agency Productivity	<b>12</b>
Complaint Dispositions	<b>14</b>



## **Civilian Complaint Review Board Status Report January-June 2005**

# LETTER FROM THE CHAIR



I am proud to present the Civilian Complaint Review Board's January-June 2005 Status Report. In contrast to the detailed statistical reports the CCRB has published semiannually since 1994, the new mid-year report is designed to make information about the CCRB and its operations accessible to a broad audience. The data usually found in our reports is still available to the public. The CCRB releases statistical reports on a monthly basis and it will continue to analyze five-year data in-depth in its year-end reports. Members of the public can access all these reports on the agency's website: [www.nyc.gov/ccrb](http://www.nyc.gov/ccrb).

This mid-year report highlights trends concerning complaint filings, agency performance, and complaint dispositions. The increase in the number of complaints filed with the agency during the last three years has impacted every aspect of the CCRB's operations and is therefore a significant topic of this report. The report outlines how these complaints were filed, where incidents that led to these complaints took place, and the command assignment of the officers against whom they were filed. It also describes the challenges the increased number of complaint filings has presented, and how the CCRB has responded. Finally, the report explains how the agency resolved these complaints and the New York City Police Department's disposition of cases in which the CCRB substantiated claims of misconduct.

I hope you find this report informative about the mission and performance of the Civilian Complaint Review Board.

Sincerely,

A handwritten signature in blue ink that reads "Hector Gonzalez". The signature is written in a cursive style.

Hector Gonzalez

Chair, Civilian Complaint Review Board

# WHO WE ARE

## Agency Operations and Resources

The Civilian Complaint Review Board (CCRB) is a city agency independent of the New York City Police Department (NYPD) that investigates and mediates complaints of misconduct members of the public file against NYPD police officers.

The mayor appoints all thirteen members of the board, who must reflect the diversity of the city's population. The city council designates five board members (one from each borough), the police commissioner designates three, and the mayor designates five, including the chair. Board members review all investigations conducted by the staff and make findings on every allegation raised by complaints. The board makes disciplinary recommendations to the police department when it finds that an officer committed misconduct.

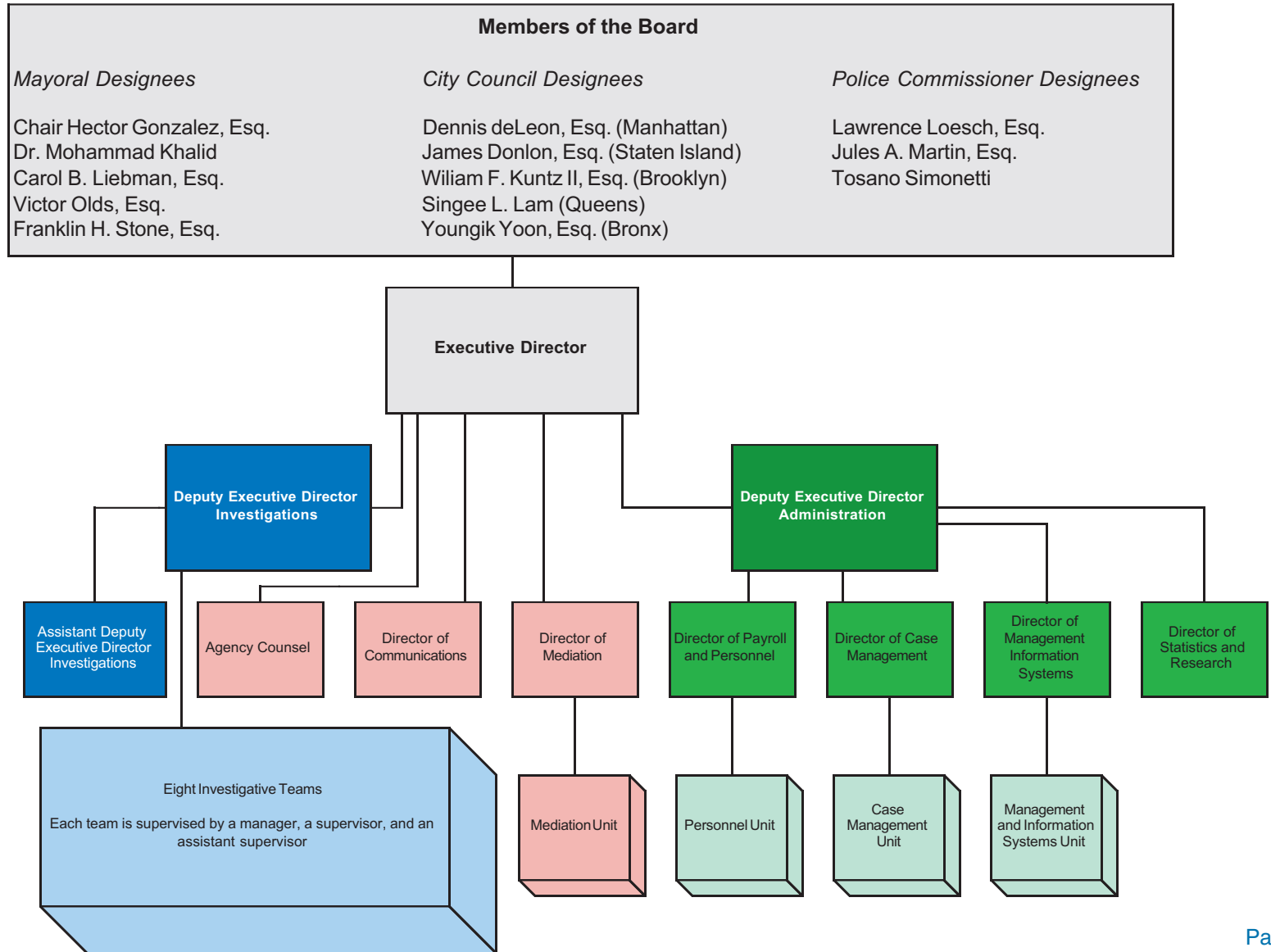
The board hires the executive director who in turn is responsible for the agency's daily operations and the hiring and supervision of the agency's all-civilian staff. The Investigative Division, comprised of eight teams, each led by a manager with a minimum of ten years of relevant experience, conducts the agency's

investigations. The Administrative Division's staff educates the public about the CCRB, coordinates mediations, produces and analyzes statistics, processes cases for board review, manages the agency's vehicle fleet, facilities, and computer systems, and performs budgeting, purchasing, personnel, and clerical services.

The CCRB's final budget for fiscal year 2005, which ended on June 30, 2005, was \$9,734,146. The budget supported a full-time headcount of 185: approximately 145 investigators and 40 non-investigative employees (including the agency's executive staff).



## CCRB Organizational Chart



# WHAT WE DO

## Jurisdiction and Case Processing

Members of the public can file complaints directly with the CCRB through the city's 311 system, via the CCRB website, by fax, or in person at the CCRB's office. The CCRB also receives complaints forwarded from elected officials, the NYPD, and other agencies. Though many different law enforcement agencies operate within the confines of New York City, the CCRB only has the authority to investigate complaints filed against NYPD officers. It does not have jurisdiction to investigate complaints filed against civilian employees of the NYPD, such as traffic enforcement agents and school safety officers. The CCRB can investigate complaints involving four types of allegations: force, abuse of authority, discourtesy, and offensive language.

### Types of CCRB Allegations

The CCRB has jurisdiction over New York City Police Department officers. The agency has the authority to investigate complaints falling within any of four categories: *force*, *abuse of authority*, *discourtesy*, and *offensive language*.

*Force* refers to the use of unnecessary or excessive force, up to and including deadly force.

*Abuse of authority* refers to improper street stops, frisks, searches, the issuance of retaliatory summonses, and unwarranted threats of arrest and other such actions.

*Discourtesy* refers to inappropriate behavior or language, including rude or obscene gestures, vulgar words, and curses.

*Offensive language* refers to slurs, derogatory remarks, and/or gestures based up on a person's sexual orientation, race, ethnicity, religion, gender or disability.

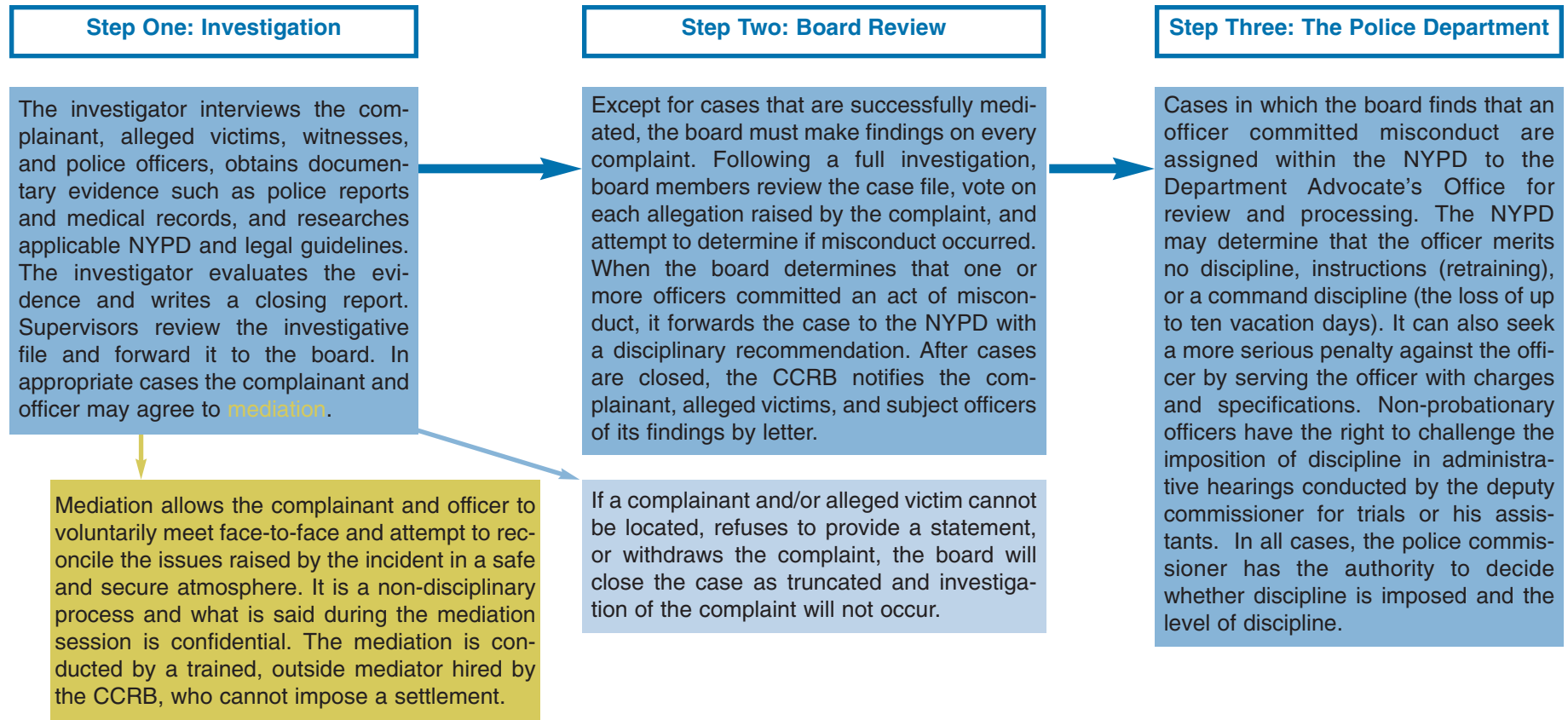
With the assistance of the Mediation Unit, the investigator assigned to the complaint determines whether the case is eligible for mediation. If both the complainant and officer voluntarily agree to mediate, the agency generally closes these cases as mediated or mediation attempted.

CCRB investigators make significant efforts to contact and gain the cooperation of the complainant or alleged victim(s) of a complaint in order to obtain statements. However, a large number of these individuals either cannot be located, refuse to cooperate, or withdraw their complaints. The board closes such complaints as truncated investigations, since the agency cannot conduct a full investigation without the participation of the complainant or alleged victim. In all other cases, the investigator conducts a thorough and impartial investigation.



## The Complaint and Adjudicative Process

Every complaint the CCRB receives is entered into the agency's complaint tracking system. Investigative team managers and supervisors review all complaints to determine whether or not the allegations raised by the complaint fall within the CCRB's jurisdiction. If the complaint falls outside of the CCRB's jurisdiction, the CCRB refers the complaint to the appropriate agency; if the complaint falls within the CCRB's jurisdiction, the complaint is processed as described in the flow chart.



## Investigation Outcomes

After completing all investigative steps, the investigator drafts a detailed closing report that summarizes the evidence gathered during the investigation, analyzes the evidence, and reviews applicable NYPD Patrol Guide procedures and administrative law. When the investigator's supervisors are satisfied with the investigation and report, they forward the investigative file to the board, together with a recommendation as to the appropriate disposition of each allegation.

Complaints often raise multiple allegations and board members, who generally meet in panels of three, are responsible for determining dispositions on all allegations. Each panel consists of one board member designated by the mayor, one by the city council, and one by the police commissioner. Findings on an allegation are based on a preponderance of the evidence. Panel

members vote on allegations and can reach a decision by a two-to-one vote. Instead of closing a case, the panel can also request that the staff conduct additional investigation or refer the case to the entire board for review.

Board dispositions of allegations that are fully investigated are divided into two categories: findings on the merits and findings not on the merits. When the board makes a conclusive determination about whether an officer committed misconduct, it makes a finding on the merits. If it cannot determine whether an officer committed misconduct, it cannot make such a finding. Any case in which the board substantiates at least one allegation is forwarded to the police department, which has exclusive authority to impose discipline against police officers.

### Findings on the Merits

*Substantiated:* There is sufficient credible evidence to believe that the subject officer committed the act charged in the allegation and committed misconduct. The board usually makes a disciplinary recommendation to the police commissioner.

*Exonerated:* The subject officer was found to have committed the act alleged, but such actions were lawful and proper.

*Unfounded:* There is sufficient credible evidence to believe that the subject officer did not commit the alleged act of misconduct.

### Findings Not on the Merits

*Unsubstantiated:* The weight of available evidence is insufficient to substantiate, exonerate or unfound the allegation.

*Officer(s) unidentified:* The agency was unable to identify the subject(s) of the alleged misconduct.

*Miscellaneous:* The subject of the allegation is no longer a member of the New York City Police Department.

# COMPLAINT ACTIVITY

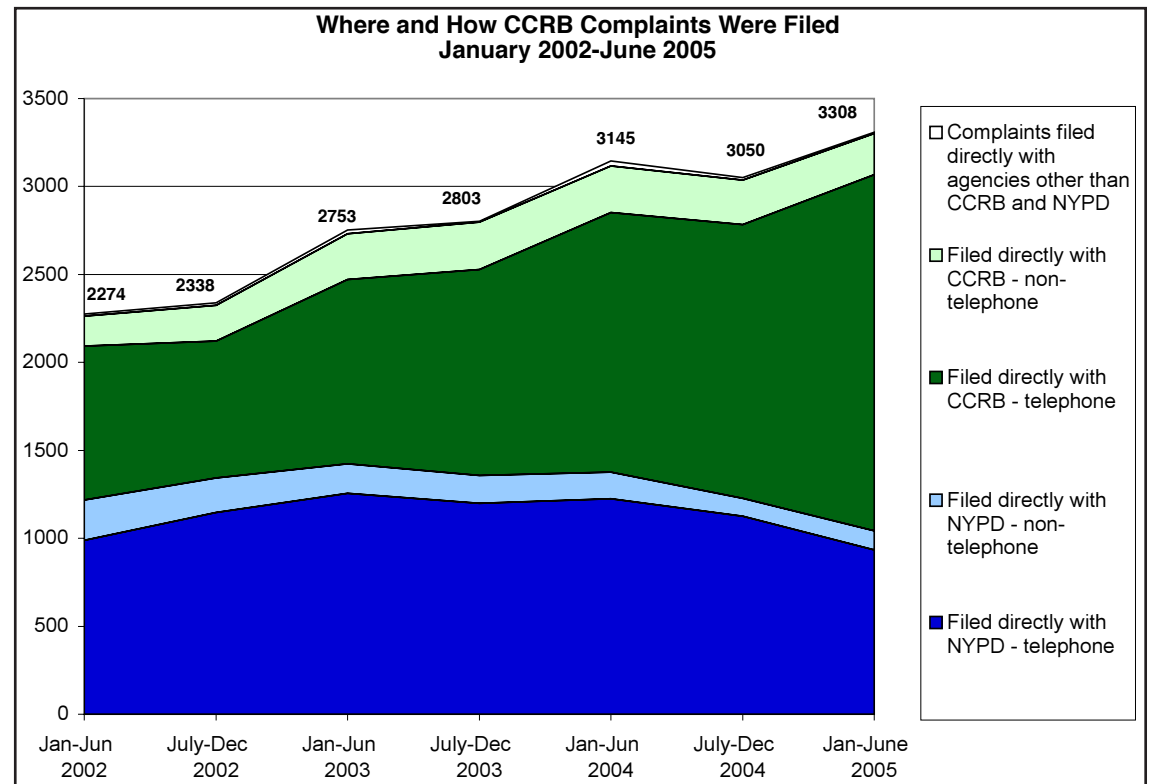
## Where and How Complaints Were Filed

The CCRB received 3,308 complaints in the first half of 2005, the most filed during any six-month period in its history as an independent agency. This number represents an increase of 5% over the 3,145 complaints filed over the same period last year and reflects a significant, steady, and long-term increase in complaint filings. Since the beginning of 2002, the number of complaints filed with the agency has increased 45%.

Over the past three and a half years, the number of complaints filed directly with the CCRB (including those transferred through the city's 311 system) has risen particularly dramatically. The number of these complaints filed from January through June of 2005 (2,260) was more than double the 1,044 filed in the first six months of 2002.

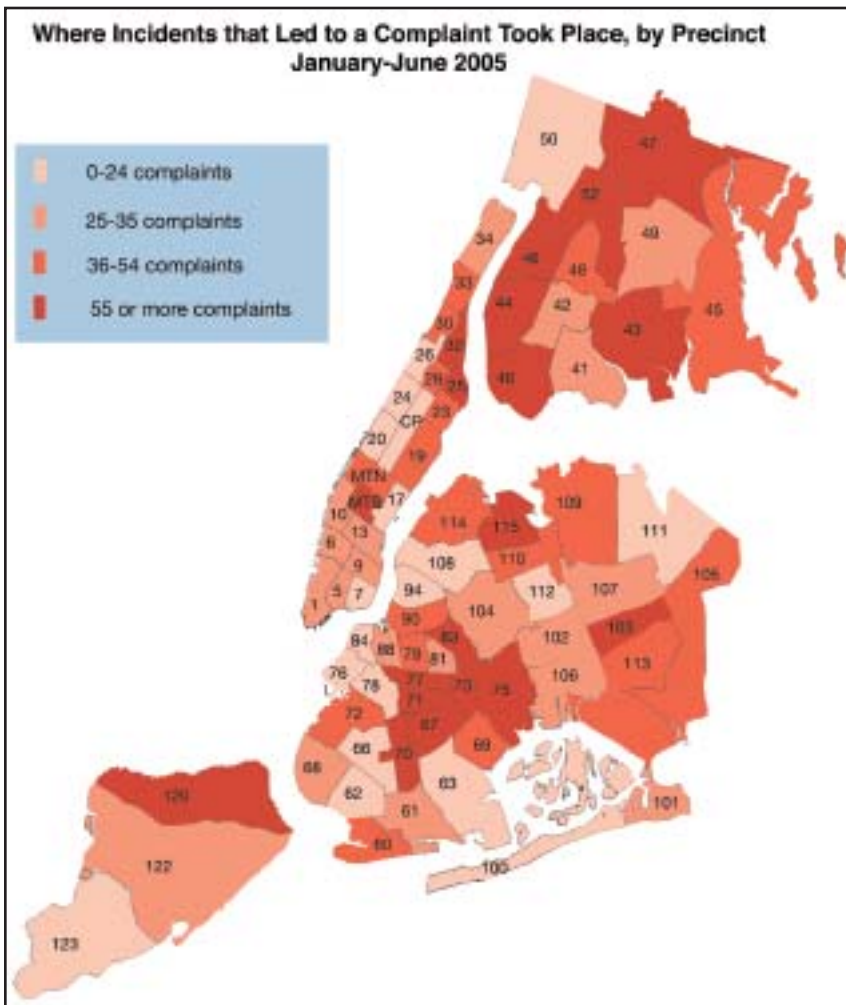
During the same period, complaints filed initially with the NYPD actually decreased by 14%, from 1,217 to 1,042.

Part of the increase in complaint filings is therefore attributable to the success of the city's 311 system, which became operational in March of 2003. However, the 311 system alone cannot explain the increase in complaint filings, an increase that began in 2001. From January through June 2005, 25% of the people who filed complaints via telephone directly with the CCRB called the 311 system (505 of 2,025).



## Where Incidents that Led to a Complaint Took Place

Since many officers, particularly those within specialized commands, operate in the confines of more than one precinct, the command assignment of subject officers does not adequately show where incidents that led to CCRB complaints occurred.



This map plots the location, by precinct, of incidents that led to complaints against NYPD officers, regardless of the command assignment of the officers involved.

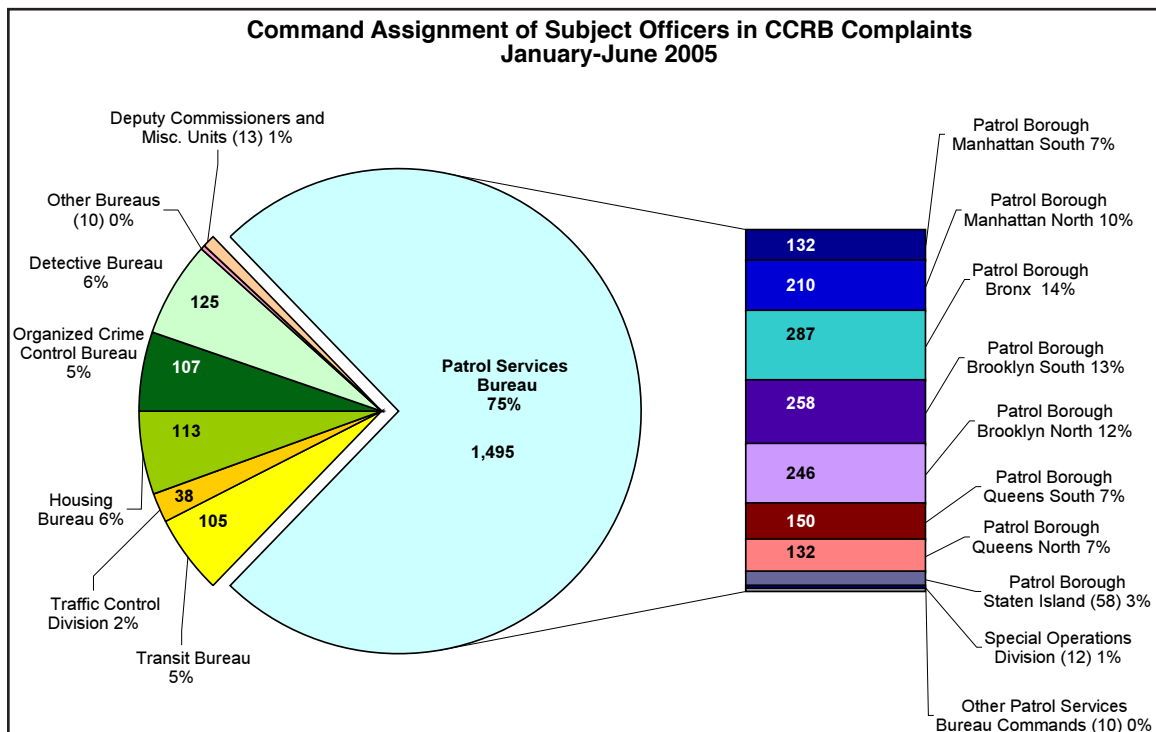
Between January and June of 2005, the precincts in which the most number of CCRB incidents took place were consistent with recent trends. A cluster of contiguous precincts in Brooklyn, led by the 75th (East New York) with 147 and the 73rd (Ocean Hill-Brownsville) with 108, were the location of the most incidents resulting in complaints. The other precincts in this cluster (the 67th, 70th, 71st, 77th, and 83rd) encompass Flatbush, East Flatbush, Crown Heights, and Bushwick.

The 43rd Precinct, covering Soundview, Castle Hill, Unionport, and Clason Point in the southeast of the Bronx, was the location of 96 incidents that gave rise to a complaint. In addition, a number of contiguous Bronx precincts also had a relatively high number of incidents that produced complaints, led by the 44th with 92. These precincts (the 40th, 44th, 46th, 52nd and 47th) cover an area stretching from Point Morris and Mott Haven in the south, through Morris Heights and Mount Eden, to Woodlawn and Wakefield in the north.

## Command Assignment of Subject Officers in CCRB Complaints

The CCRB attributes complaints to the command to which the subject officer is assigned at the time of the incident. If multiple subject officers of a single complaint are assigned to different commands, each of the commands with a subject officer is credited with a complaint. If multiple subject officers of a single complaint are assigned to one command, that command is credited with one complaint. As of August 2, 2005, the 3,308 complaints received during the first half of 2005 include 2,006 total, identified command assignments. Many of the command assignments of the remaining 1,775 officers will be identified as investigations progress.

The majority of CCRB complaints filed over the past several years have been lodged against officers assigned to the Patrol Services Bureau, which comprises all numbered precincts and a small number of specialized divisions. The proportion of complaints attributable to the Patrol Services Bureau has been continually increasing.



While 65% of the complaints lodged in the first half of 2002 were filed against officers assigned to the Patrol Services Bureau, in the first half of 2005 75% were.

Over the same time period, the percent of all complaints attributed to the Organized Crime Control Bureau fell from 12% to 5% and the percent assigned to the Detective Bureau fell from 9% to 6%. The change in size of these three bureaus relative to the size of the department has not changed significantly since 2002.

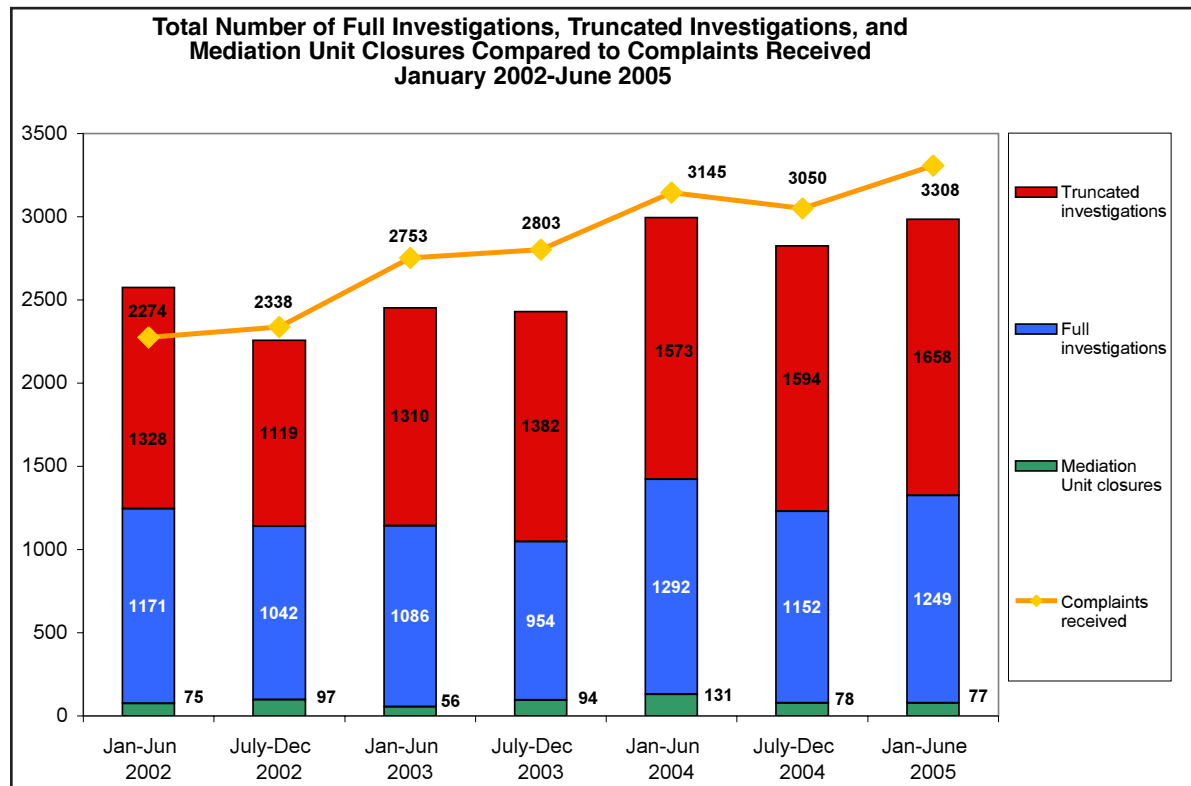
# AGENCY PRODUCTIVITY

## Case Closures

The first half of 2005 was the CCRB's second most productive six-month period in four years. In this time, it closed 2,984 total cases, 1,249 of which were full investigations. While the agency has increased its productivity, the number of complaints it receives has risen at an even faster rate. As a result, in every period since July 2002 complaints have outpaced closures, causing the agency's open docket to grow.

However, production continues to improve—the investigation and mediation divisions completed 3,510 cases between January and June of 2005. Investigators submitted 3,433 of these cases to the board for closure, decreasing the agency's open investigative docket by 288 cases. In order to keep pace with the volume of cases the agency's staff is forwarding it, the board now reviews more cases at each panel meeting.

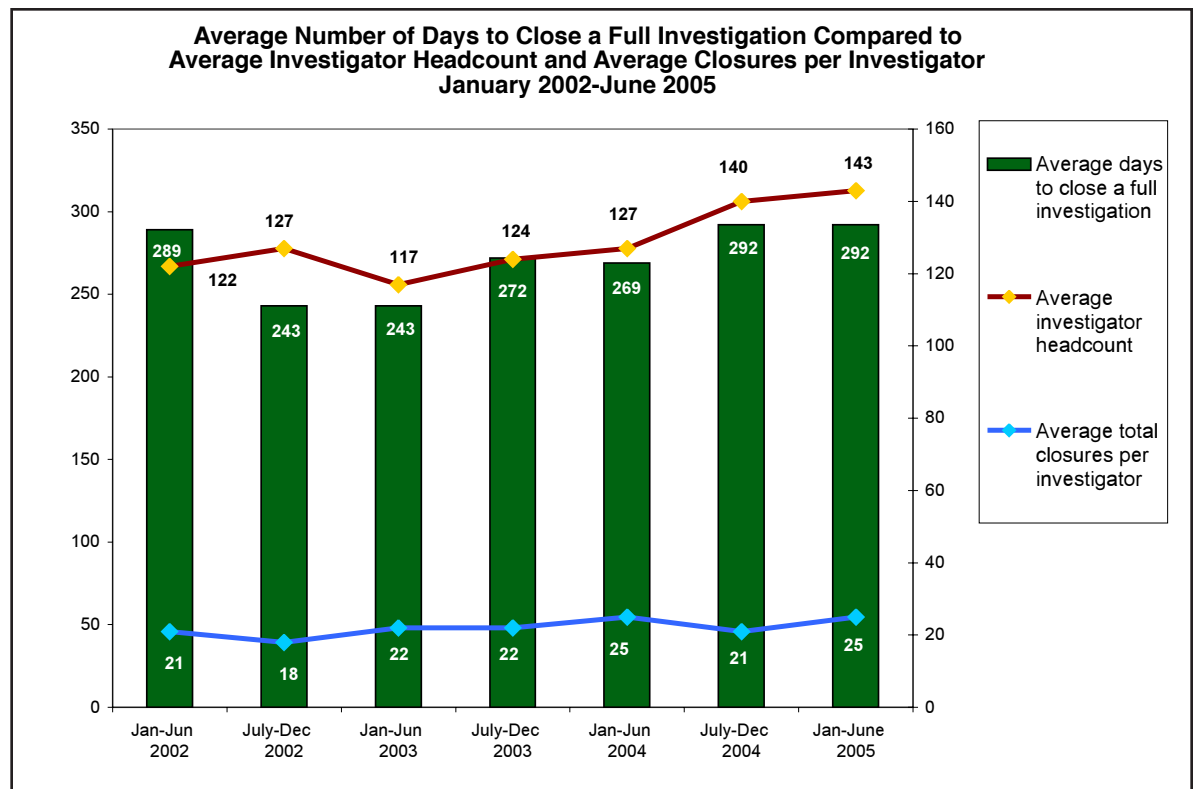
Although increased staffing levels have contributed to the agency's ability to investigate and close more cases, agency initiatives have played a role as well. For example, while the CCRB had only 13% more investigators from January through June 2005 (143) than from July through December 2002 (127), it closed 32% more cases in the latter period (2,984 compared to 2,258).



## Improved Efficiency

Since the first half of 2002, the average number of closures per investigator—a measure of individual investigators’ productivity—has generally risen. Investigators typically close more cases in the first half of the calendar year than in the second half. Since the agency experiences significant investigator turnover in the summer months, the staff is usually comprised of more novice investigators in the second half of the year than the first. As investigators gain experience in the second half of their first year at the agency, they become more productive. In the first six months of 2005, the agency closed an average of 25 cases per investigator—tied for the most productive six-month period in the last three and a half years.

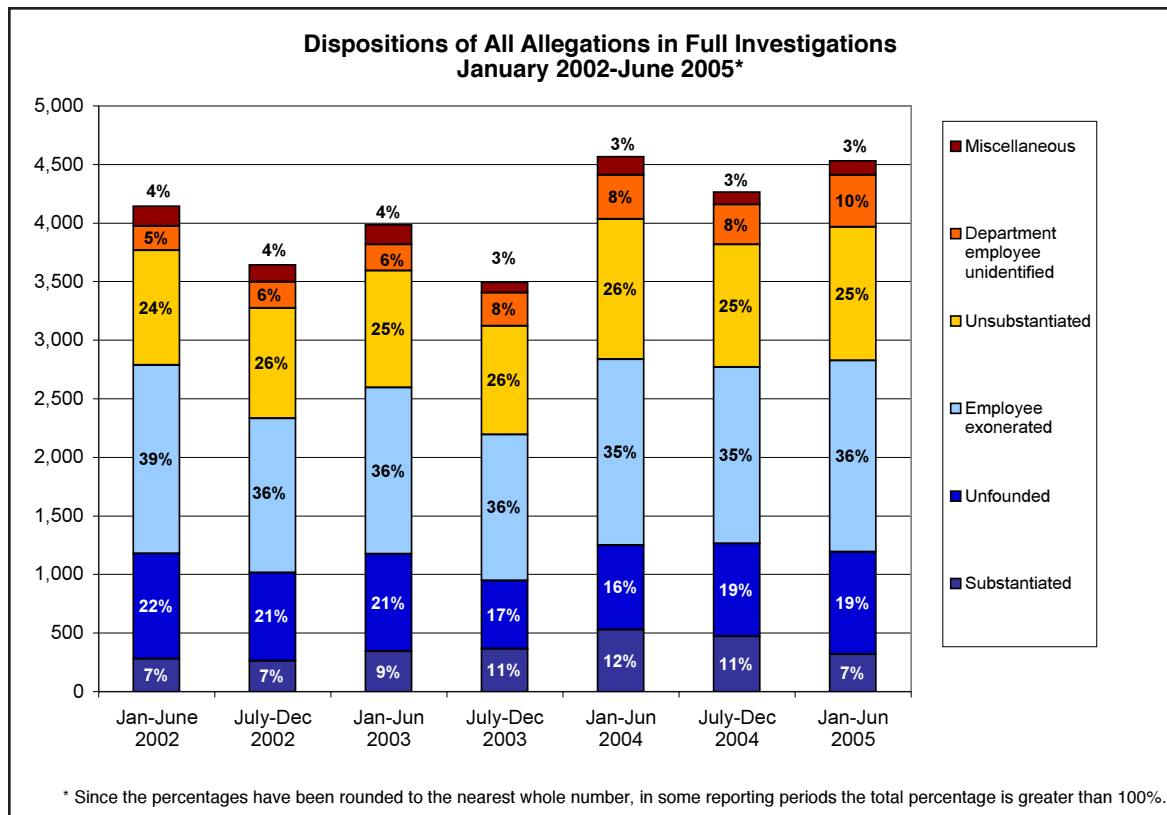
After two years in which significant increases in the number of complaints filed with the CCRB caused investigation times to lengthen, the number of days it takes the CCRB to complete cases has now stabilized. In the first six months of 2005 it took an average of 292 days, or nine and a half months, to close a full investigation—the same amount of time as in the last six months of 2004. By contrast, from July 2002 through June 2003 it took an average of eight months (243 days) to complete a full investigation.



# COMPLAINT DISPOSITION

## Board Dispositions

From January through June 2005 the rate at which the agency made findings on the merits in full investigations remained high, at 62%. The board has made findings on the merits regarding more than 60% of the allegations it fully investigated in every six-month period since January 2002. The frequency with which the board makes findings on the merits (as represented by the three shades of blue on the chart below) is one measure of the quality of investigations. The board can only make a finding on the merits (substantiated, exonerated, and unfounded) in cases where the investigation uncovers enough evidence to reach a conclusive determination.



The CCRB substantiated 320 allegations of misconduct in the first half of 2005, representing 7% of the allegations closed after a full investigation. This reflects a drop from the 12% and 11% rates during each half of 2004, and is lower than the 9% average rate for the last three and a half years.

Of concern is the slight rise in the percentage of fully investigated allegations in which the agency could not identify the subject officer. That rate climbed to 10% in the first half of 2005, the highest rate in the reporting period.

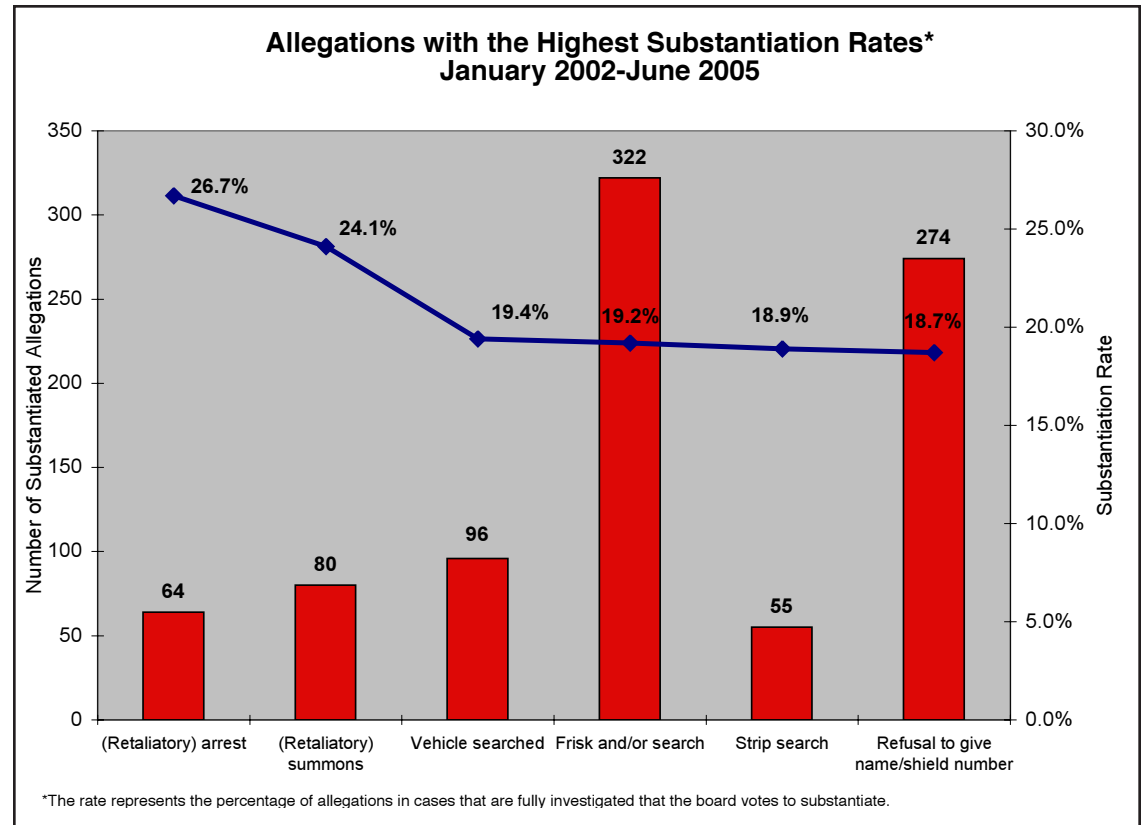


## Specific Allegations

The board substantiates abuse of authority allegations at rates higher than force, discourtesy, and offensive language allegations. In fact, abuse of authority allegations comprise all six allegations that the board substantiated at the highest rates from January 2002 through June 2005. All six of these allegations were substantiated at rates more than double the 9% average for all allegations during this three and a half year period. However, these allegations were not lodged with the most frequency, and therefore were not necessarily substantiated the most number of times.

Five of the six allegations concern improper searches and seizures—(retaliatory) arrest, (retaliatory) summons, vehicle searched, frisk and/or search, and strip search.

Force complaints, in particular allegations of physical (bodily) force, are substantiated at rates much lower than the average for all allegations. The law provides officers with substantial discretion in the use of physical force; from January 2002 through June of 2005, while the board exonerated 36% of all allegations in full investigations, it exonerated 50% of all physical force allegations.

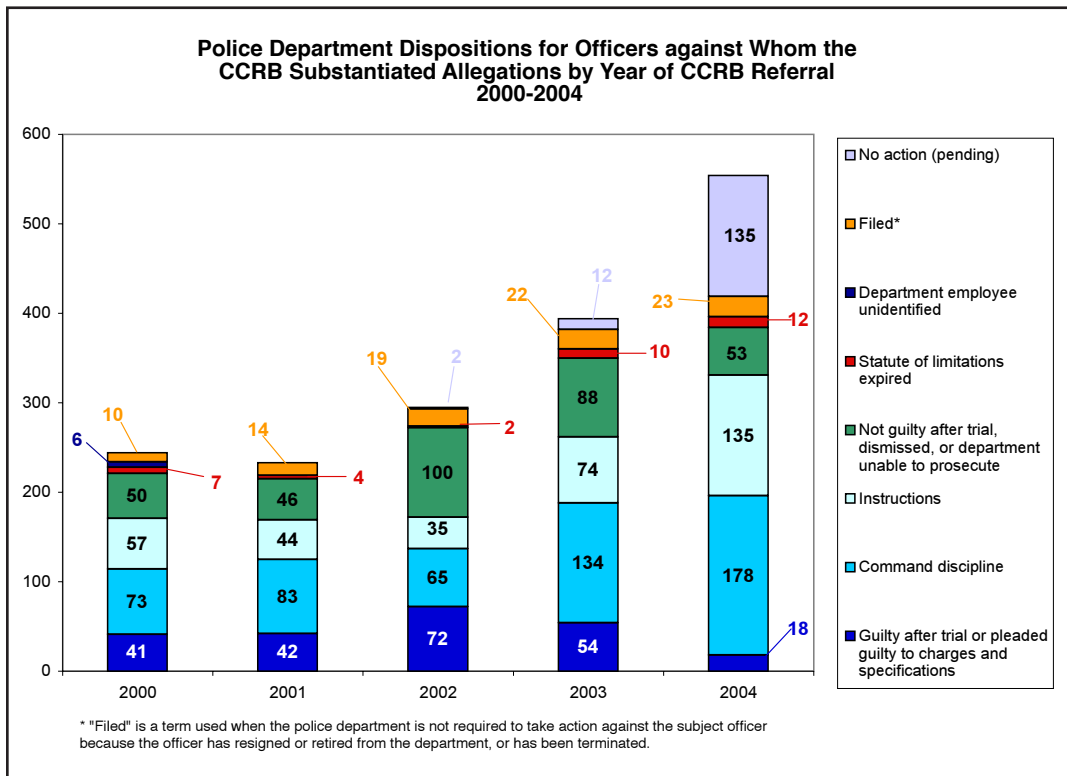


## New York City Police Department Dispositions

Over the past five years, the department has imposed discipline on officers in cases the CCRB substantiated at rates much higher than it had in the past. Of the 1,720 officers against whom the CCRB substantiated allegations from 2000 through 2004, the department disciplined 1,105, or 75% of the officers whose cases it resolved. By contrast, the NYPD disciplined just 48% of the officers the CCRB found committed misconduct from 1995 through 1999.

The board can recommend instructions, command discipline, or charges and specifications, but the level of discipline imposed does not always correspond to the CCRB recommendation. In 2003, for example, the CCRB recommended charges and speci-

fications against 316 officers. Of these, only 50 pleaded guilty to the charges or were found guilty after trial. At the same time, the NYPD disciplined four officers pursuant to charges for whom the CCRB recommended command discipline.



The chart below shows the actual NYPD dispositions for officers against whom the CCRB substantiated allegations from 2000 through 2004. For example, the 135 officers in cases referred in 2004 who received instructions include those officers against whom the CCRB recommended instructions and officers against whom it recommended more severe discipline. As of July 1, 2005, the NYPD had not yet resolved 70% of the cases the CCRB forwarded in 2005, so data on these cases is not included in the chart.

**“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 allegation of police misconduct. . . .”**

**New York City Charter, Chapter 18-A**





**NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD**

**40 RECTOR STREET, 2<sup>ND</sup> FLOOR  
NEW YORK, N.Y. 10006**

**Complaints and General Information - Dial 311**

**Outside NYC: 212-NEW-YORK**

**TY/TDD: 212-504-4115**

**[WWW.NYC.GOV/CCRB](http://WWW.NYC.GOV/CCRB)**