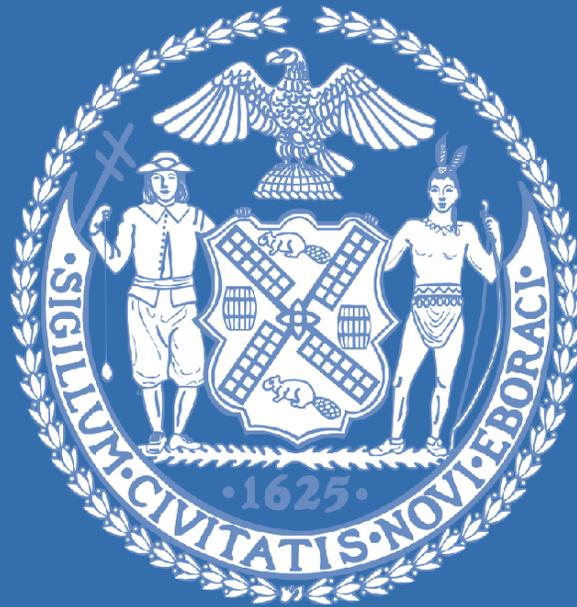




# CIVILIAN COMPLAINT REVIEW BOARD

BILL DE BLASIO, Mayor    DEBORAH N. ARCHER, Esq. Acting Chair    JONATHAN DARCHE, Esq. Executive Director



## *Semi-Annual Report*

JANUARY-JUNE

# 2017



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# Mission

The New York City Civilian Complaint Review Board (CCRB) is an independent agency empowered to receive, investigate, prosecute, mediate, hear, make findings, and recommend action on 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 Offensive Language (FADO). The Board's staff, which is composed entirely of civilian employees, conducts investigations, mediations, and prosecutions in an impartial manner.

## **In fulfillment of its mission, the Board pledges:**

- To encourage members of the community to file complaints when they believe that 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 prosecute the most serious cases of police misconduct through the administrative trial process;
- 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; and
- To advocate for policy changes related to police oversight, transparency, and accountability that will strengthen public trust and improve police and community relations.

# Executive Summary

## Section 1: Complaint Activity

- In the first half of 2017, the CCRB received 2,263 complaints within its jurisdiction, down slightly from the 2,339 complaints received in the first half of 2016 (page 5).
- In the first half of 2017, 55 percent of the complaints received by the CCRB stemmed from encounters where no arrest was made or summons issued. This is an increase from 49 percent in the first half of 2016 (page 11).

## Section 2: Investigations

- The time it takes to complete a full investigation was 156 days for cases closed in the first half of 2017. This is an increase from 129 days for cases closed in the first half of 2016 (page 17).
- The truncation rate (the percentage of complaints that are closed without a full investigation, mediation, or attempted mediation) was 57 percent in the first half of 2017. This is an increase from 54 percent in the first half of 2016 (page 20).

## Section 3: Disciplinary Process

- In the first half of 2017, the NYPD imposed discipline on 73 percent of officers against whom the CCRB recommended discipline, a drop from 83 percent in the first half of 2016 (page 30). Further, in 52 percent of these cases, the Police Commissioner imposed either no discipline or less severe discipline than what the CCRB recommended (page 31).
- In the first half of 2017, the Administrative Prosecution Unit closed 55 adjudicated cases against Members of Service (MOS) (page 30). In 29 of those cases (53 percent), loss of vacation or suspension was the discipline imposed by the Department (page 30).

## Section 4: Mediation

- In the first half of 2017, the Mediation Unit closed 91 successful mediations and 82 cases where there were attempted mediations (page 33). This is the first time in more than ten years that the number of successful mediations has outpaced the number of attempted mediations.

## Section 5: Outreach

- The Outreach Unit conducts presentations to a wide variety of organizations in all five boroughs (page 38). In the first half of 2017, the Outreach Unit conducted 345 presentations (page 37), down from 572 presentations conducted in the first half of 2016.

## Section 6: Reconsiderations

- In the first half of 2017, the Board — at the request of the NYPD — reconsidered allegations against 18 distinct MOS (page 40), which is 50 percent fewer than the 36 MOS whose allegations were reconsidered in the first half of 2016.

## Section 7: The Impact of Video Evidence

- The CCRB collected video evidence in 18 percent of the complaints closed in the first half of 2017. This is similar to the first half of 2016 when video was collected in 17 percent of the complaints closed (page 44).

## Section 8: Body-Worn Cameras

- The NYPD plans to deploy Body-Worn Cameras in 20 precincts by the fall of 2017 (page 47). It is vital for the Agency to have direct and unfiltered access to the footage from these cameras.

# Introduction: The Board and Agency Operations

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

The Board consists of 13 members who are all appointed by the Mayor. The City Council designates five Board members (one from each borough); the Police Commissioner designates three; and the Mayor designates five, including the Chair of the Board.

Under the New York City Charter, the Board must reflect the diversity of the City's residents, and all members must live in New York City. No member of the Board may have a law enforcement background, except those designated by the Police Commissioner, who must have had 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.

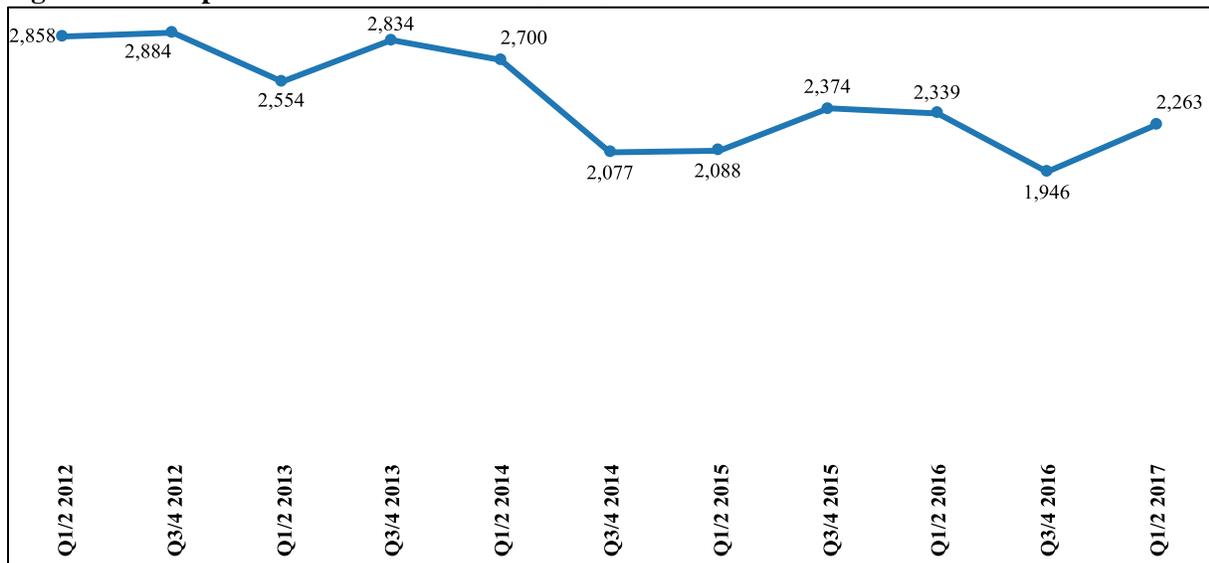
Board members review and make findings on all misconduct complaints once they have been fully investigated. From 1993 to 2013, when the Board found that an officer committed misconduct, the case was referred to the Police Commissioner with a discipline recommendation. Pursuant to a Memorandum of Understanding (MOU) between the CCRB and the NYPD (effective April 11, 2013), in cases where the Board recommends that Charges and Specifications be brought against an officer, the prosecution is handled by a team of CCRB attorneys from the Agency's Administrative Prosecution Unit. Substantiated cases in which the Board recommends discipline other than Charges and Specifications (e.g. Instructions, Formalized Training) are still referred directly to the Police Commissioner.

# Section 1: Complaint Activity

For most New Yorkers, contact with the Civilian Complaint Review Board (CCRB) begins when they file a complaint alleging police misconduct. In this section, the report discusses the number of complaints received and their characteristics.

All complaints against New York City Police Department (NYPD) Members of Service (MOS) are entered into the CCRB's Complaint Tracking System, but only complaints that fall within the Agency's Force, Abuse of Authority, Discourtesy, or Offensive Language (FADO) jurisdiction are investigated by the CCRB. In the first half of 2017, the CCRB received 2,263 complaints within its jurisdiction.

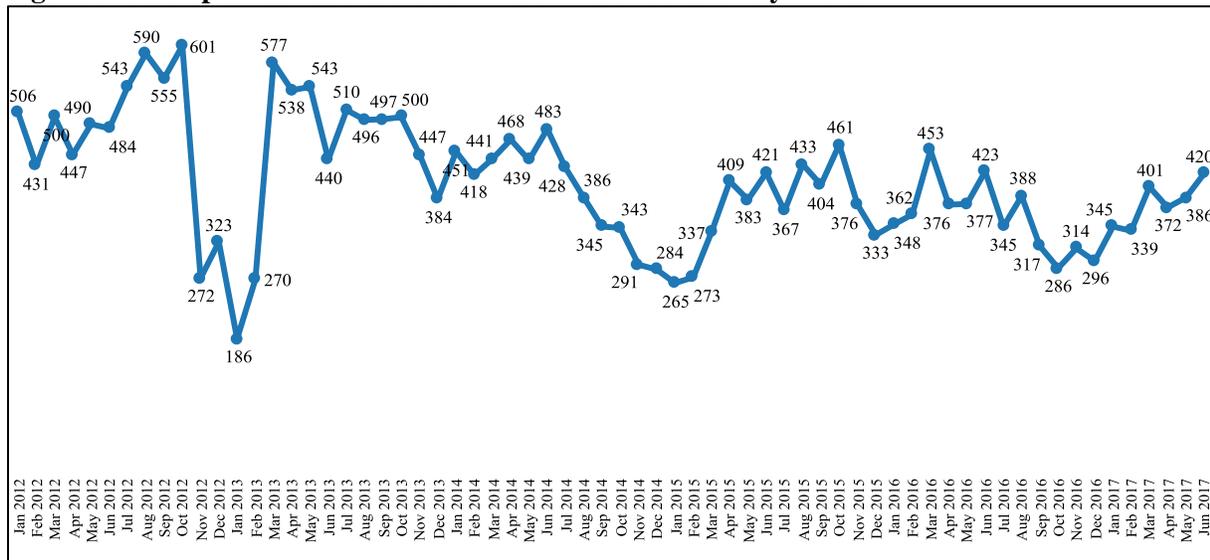
**Figure 01: Complaints Received Within CCRB Jurisdiction**



Semi-annual by CCRB received date 2012-2017

The data below reflects that the number of complaints received fluctuates by month, with the most drastic decrease occurring from November 2012 to February 2013 due to Hurricane Sandy in October 2012.

**Figure 02: Complaints Received Within CCRB Jurisdiction by Month**



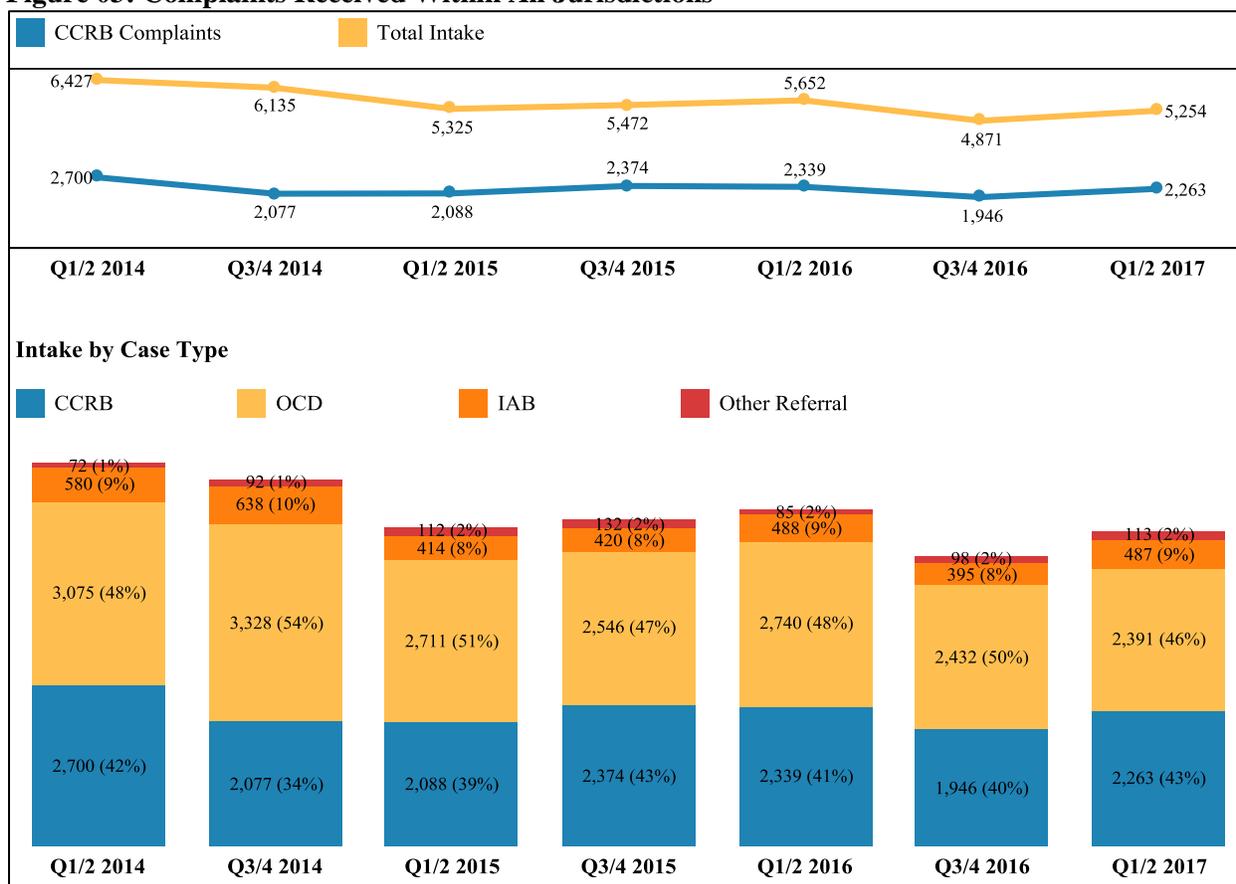
Monthly by CCRB received date 2012-2017

## CCRB Jurisdiction and Total Filings

Complaints outside of FADO jurisdiction are referred to the appropriate governmental entities that have the jurisdiction to process them. The two units at the NYPD that are the primary recipients of CCRB referrals are the Office of the Chief of Department (OCD) and the Internal Affairs Bureau (IAB). Individuals whose complaints are referred by the CCRB are mailed a tracking number so that they can follow their complaints at the appropriate agency.

Examples of complaints the CCRB might receive that do not fall within its jurisdiction include: 1) complaints against Traffic Enforcement Agents and School Safety Agents; 2) complaints against an NYPD officer involving a summons or arrest dispute that does not include a FADO allegation; and 3) complaints against non-members of the NYPD. In the first half of 2017, 57 percent of the complaints received did not fall within CCRB’s jurisdiction.

**Figure 03: Complaints Received Within All Jurisdictions**



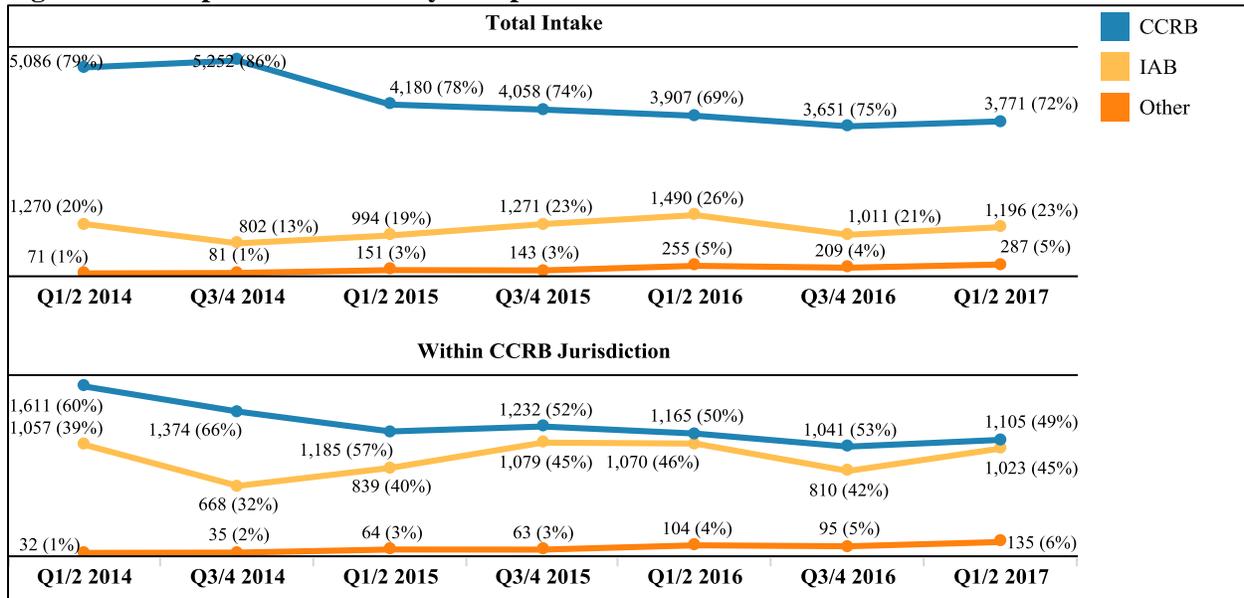
Semi-annual by CCRB received date 2014-2017

## Place of Filing

Most of the complaints filed within the CCRB’s jurisdiction are received and processed directly by the CCRB’s Intake Unit. The Agency also receives a high number of complaints from IAB.

The Agency is better able to fully investigate complaints when they are filed directly with the CCRB (see Figure 25, page 20). When complaints are not filed directly with the CCRB, the Agency faces the additional difficulty of making initial contact with the complainant/victim.

**Figure 04: Complaints Received by Complaint Place**

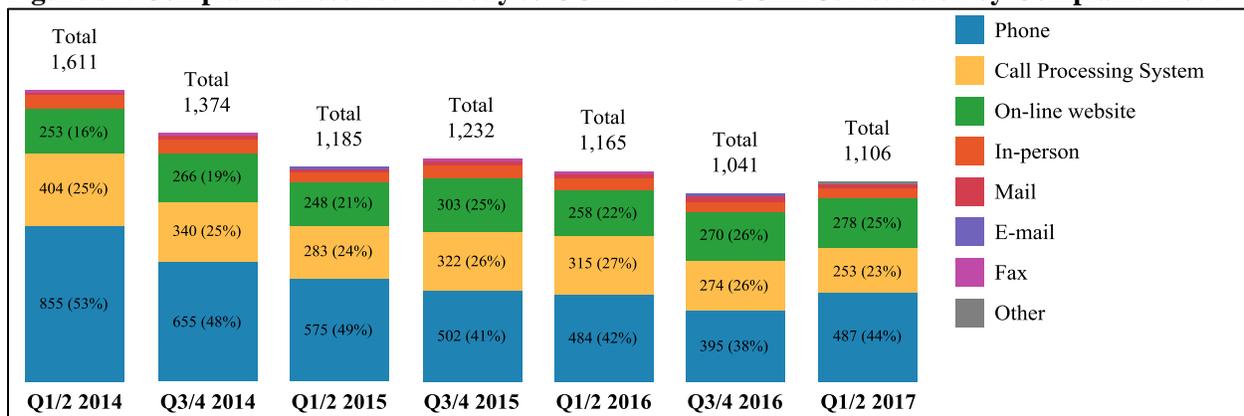


Semi-annual by CCRB received date 2014-2017

## Mode of Filing Complaints Within the CCRB’s Jurisdiction

There are seven ways to file complaints directly with the CCRB: by phone, the automated call processing system, mail, e-mail, online, fax, or in person. In-person complaints can be filed at the CCRB offices, at the District Offices of City Council Members participating in the Community Partner Initiative, or at police precincts. Filing by phone is the most common method for reporting complaints. During business hours, the CCRB staffs phone lines to take complaints. After hours, callers are connected to a call processing system, which is available in English, Spanish, Mandarin, Cantonese, Haitian Creole, and Russian.

**Figure 05: Complaints Received Directly to CCRB within CCRB Jurisdiction by Complaint Mode**

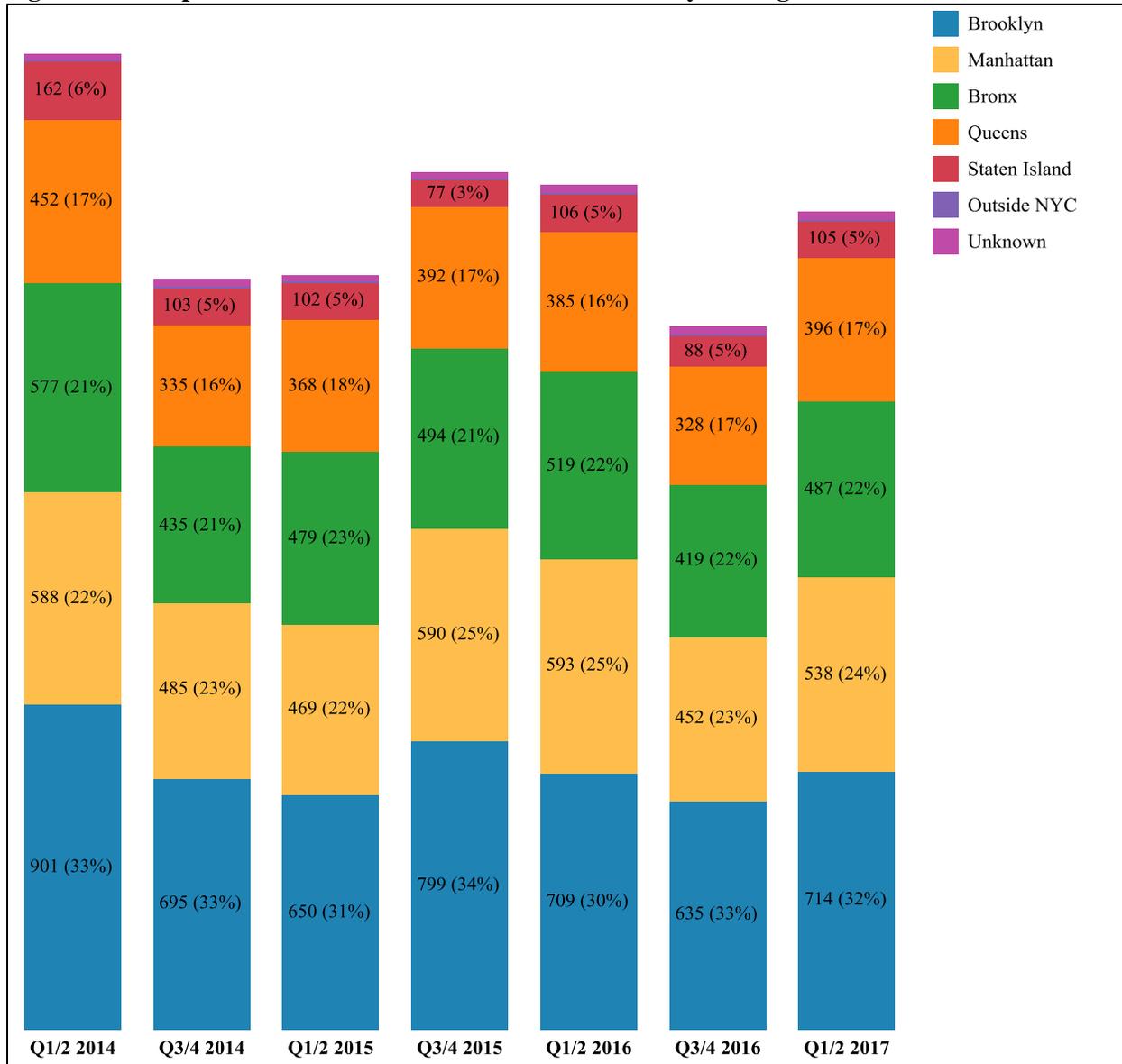


Semi-annual by CCRB received date 2014-2017

## Location of Incidents Resulting in Complaints

In the first half of 2017, 32 percent of the complaints received within the CCRB’s jurisdiction stemmed from incidents occurring in Brooklyn, which is home to approximately 31 percent of the city’s population<sup>1</sup>.

**Figure 06: Complaints Received within CCRB Jurisdiction by Borough**

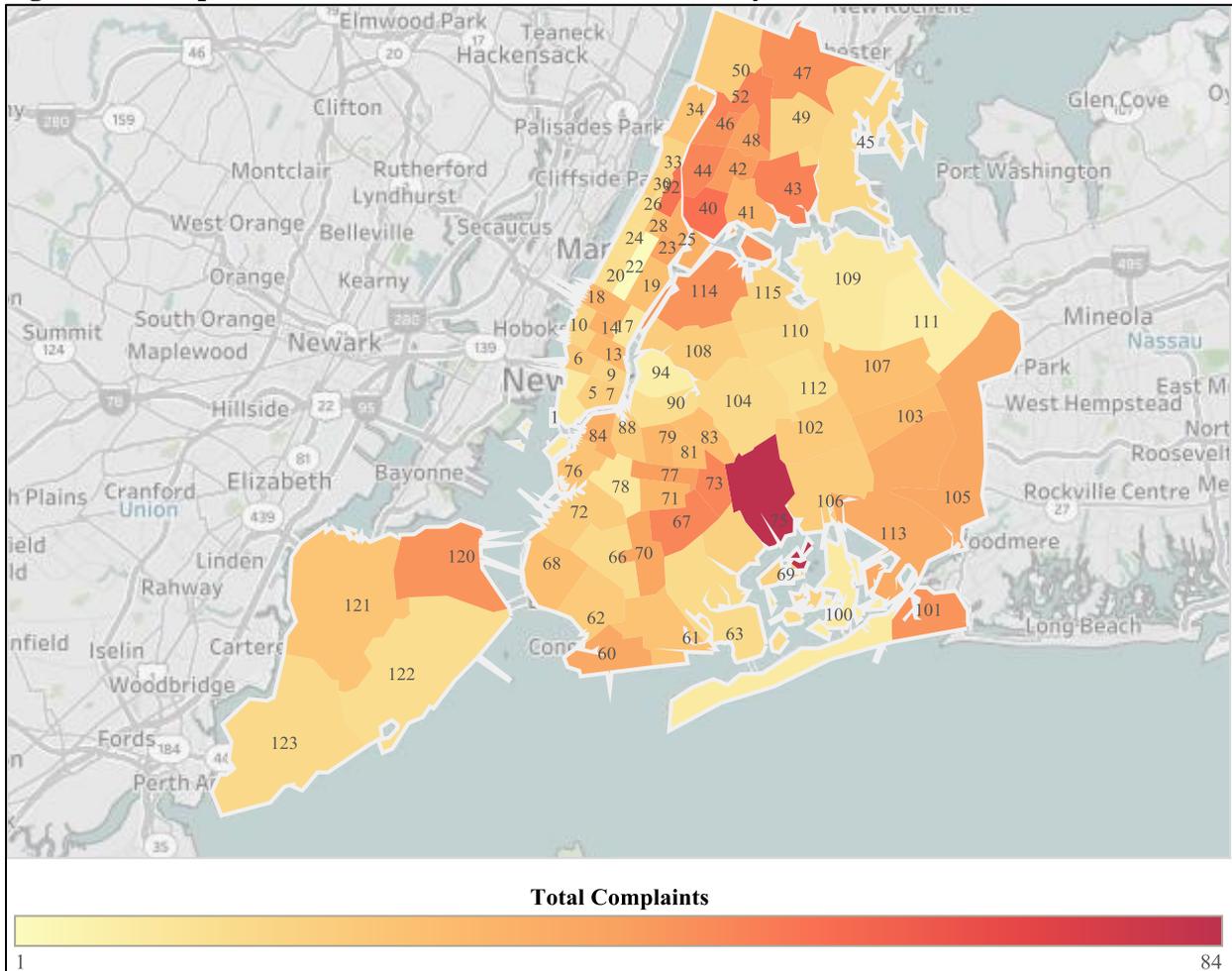


Semi-annual by CCRB received date 2014-2017

<sup>1</sup> <http://www1.nyc.gov/site/planning/data-maps/nyc-population/current-future-populations.page>

The CCRB’s website includes a weekly-updated interactive Complaint Activity Map<sup>2</sup> that provides information on complaints by precinct of occurrence. In the first half of 2017, the 75<sup>th</sup> precinct in Brooklyn generated the highest number of complaints.

**Figure 07: Complaints Received within CCRB Jurisdiction by Precinct**



Complaints received Q1/2 2017

<sup>2</sup> <http://www1.nyc.gov/site/ccrb/policy/complaint-activity-map.page>

**Figure 08: Top 10 Precincts with the Highest Number of CCRB Complaints**

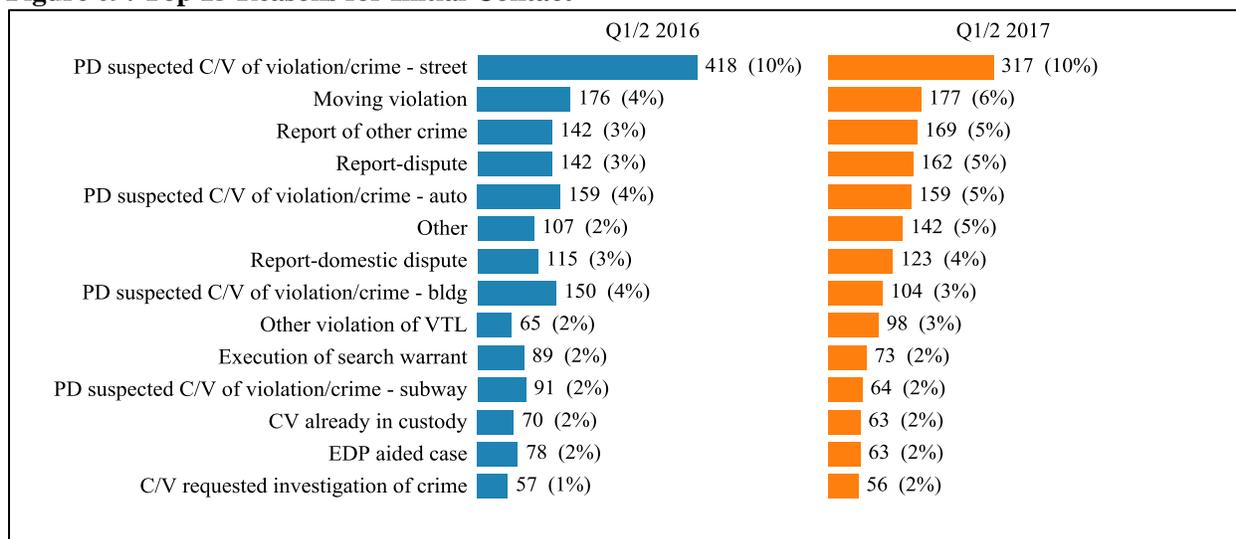
Precinct	Q1/2 2016 Rank/Count	Q1/2 2017 Rank/Count	Percent Change
75	1 / 109	1 / 84	-23%
40	3 / 63	2 / 56	-11%
32	7 / 53	3 / 55	4%
43	5 / 57	4 / 51	-11%
44	6 / 54	5 / 50	-7%
73	2 / 64	6 / 50	-22%
67	8 / 51	7 / 50	-2%
52	16 / 42	8 / 50	19%
47	10 / 51	9 / 47	-8%
46	4 / 59	10 / 47	-20%
14	9 / 51	24 / 35	-31%

CCRB received Q1/2 2016 vs. CCRB received Q1/2 2017

### Characteristics of Encounters Resulting in a Complaint

When a complaint is being investigated, the CCRB tries to discern the initial reason for the contact between the civilian and the officer(s). In the first half of 2017, the highest percentage of complaints received within the CCRB’s jurisdiction stemmed from an officer suspecting a civilian of a violation or a crime while on a public street.

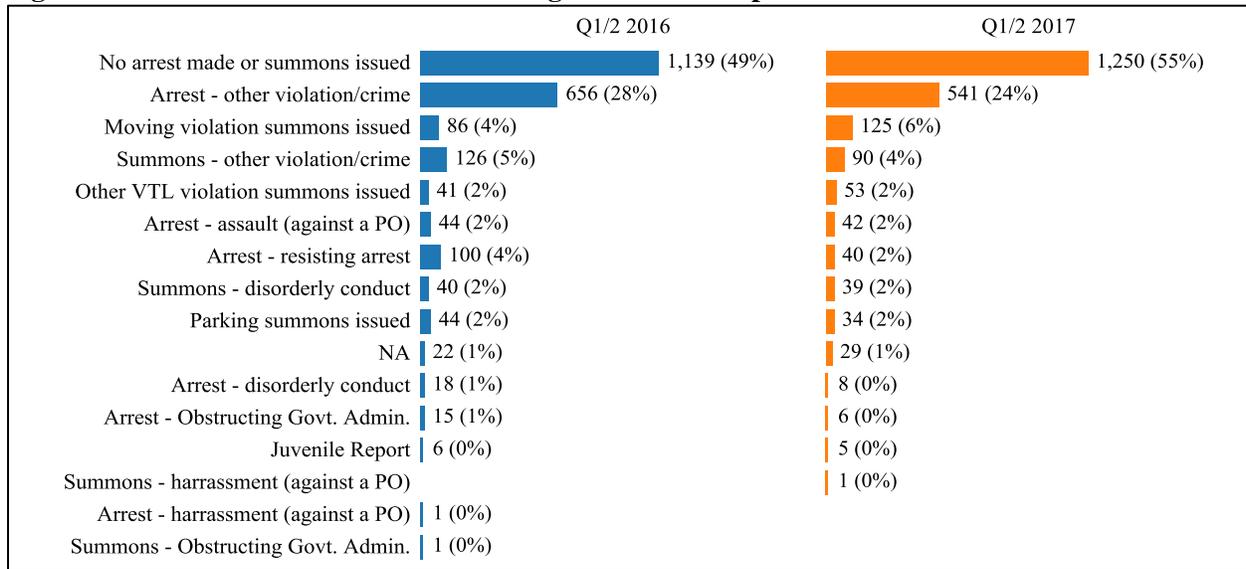
**Figure 09: Top 15 Reasons for Initial Contact**



CCRB received Q1/2 2016 vs. CCRB received Q1/2 2017

The CCRB also tracks the outcome of encounters that lead to complaints being filed. In the first half of 2017, 55 percent of the complaints received by the CCRB stemmed from encounters where no arrest was made or summons issued. This is higher than the first half of 2016, when 49 percent of the complaints received stemmed from encounters where no arrest was made or summons issued.

**Figure 10: Outcome of Encounters Resulting in CCRB Complaints**



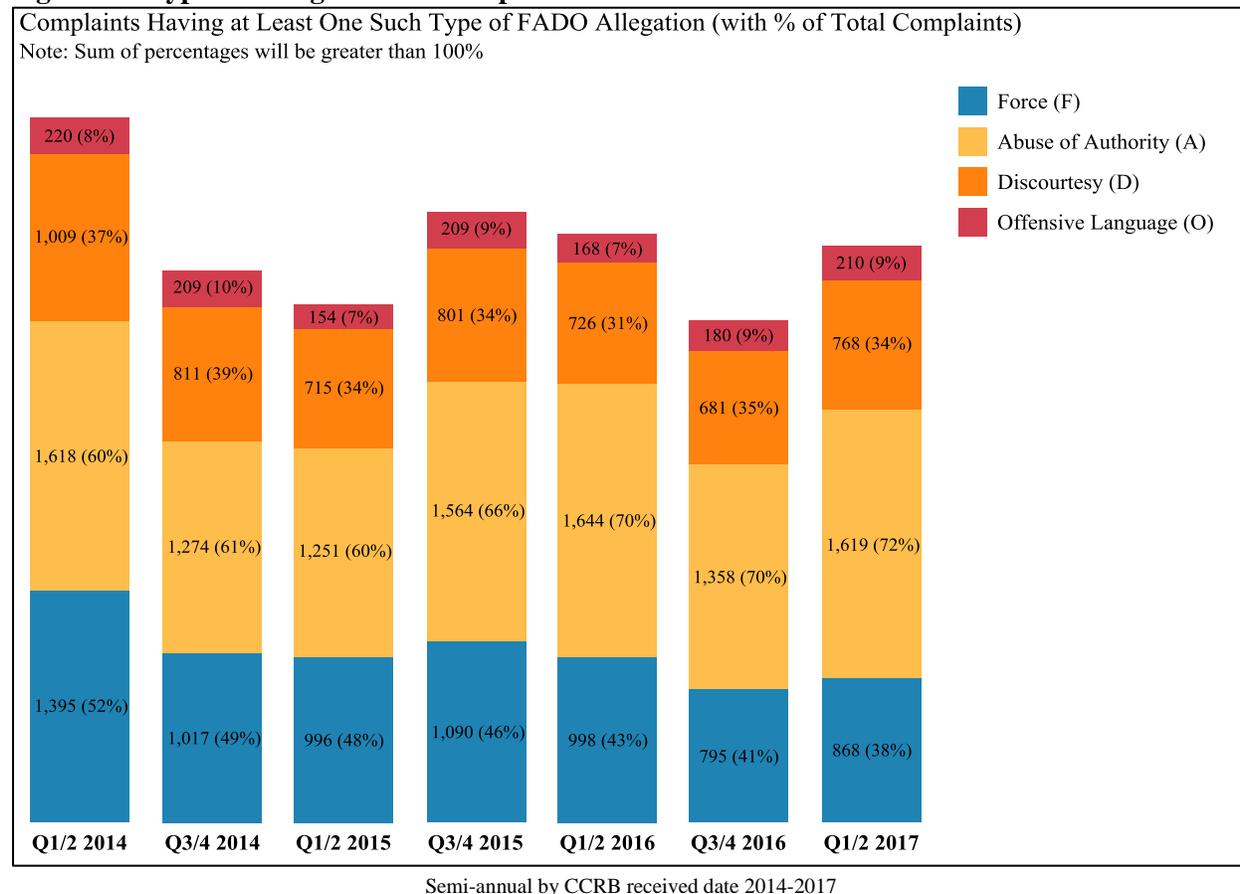
CCRB received Q1/2 2016 vs. CCRB received Q1/2 2017

### Type of Allegations in Complaints Received

When a complaint is filed, the claims against the MOS are considered allegations. An individual complaint may contain multiple allegations against one or more officers.

The most common types of allegations are Abuse of Authority allegations. In the first half of 2017, 72 percent of the complaints received contained at least one Abuse of Authority allegation. Force allegations are the next most common; 38 percent of complaints received contained at least one Force allegation.

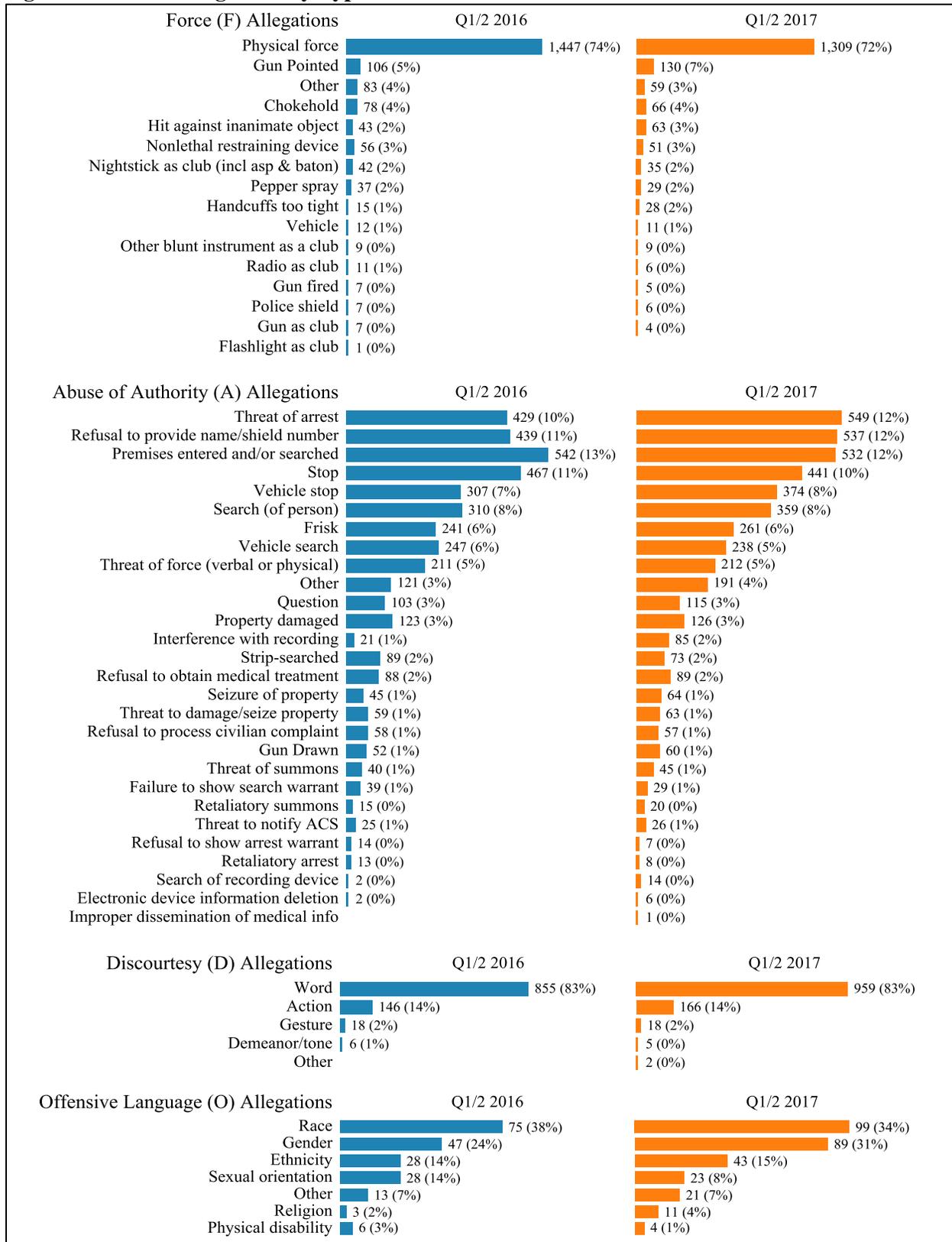
**Figure 11: Types of Allegations in Complaints Received**



The CCRB keeps track of the specific type of allegations within 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, or pushing. In the first half of 2017, “physical force” accounted for 72 percent of all the Force category allegations.

With respect to the other FADO Categories, in 2017, the most common Abuse of Authority allegation was “Threat of Arrest,” accounting for 12 percent of the allegations in that category; the most common Discourtesy allegation was “Word” (e.g. profanity), accounting for 83 percent of those allegations; and the most common Offensive Language allegation was “Race,” accounting for 34 percent of those allegations.

**Figure 12: FADO Allegations by Type**



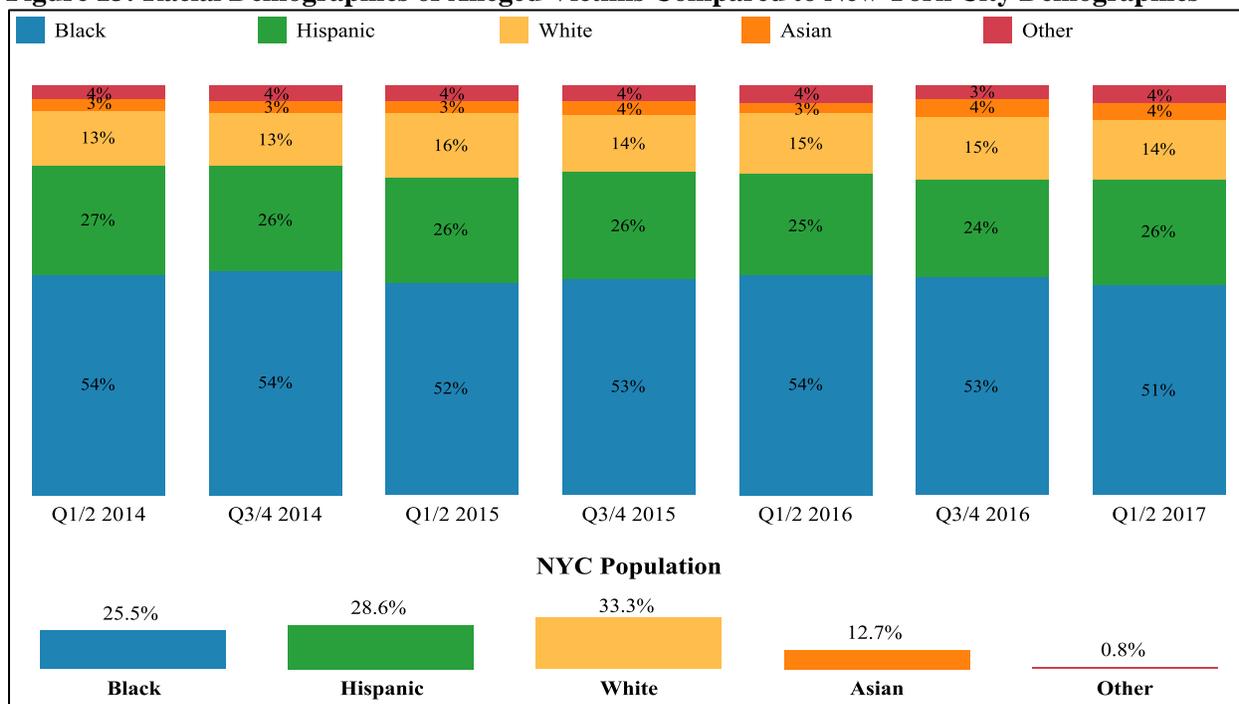
CCRB received Q1/2 2016 vs. CCRB received Q1/2 2017

## Characteristics of Alleged Victims

The characteristics of alleged victims in terms of race and gender have remained consistent, and are disproportionate to the gender and racial makeup of New York City’s population as reported in the 2010 United States Census<sup>3</sup>. 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 the first half of 2017, individuals who self-identified as Black made up over half (51 percent) of alleged victims, while, according the 2010 census, Black residents make up only 25.5 percent of the City’s population.

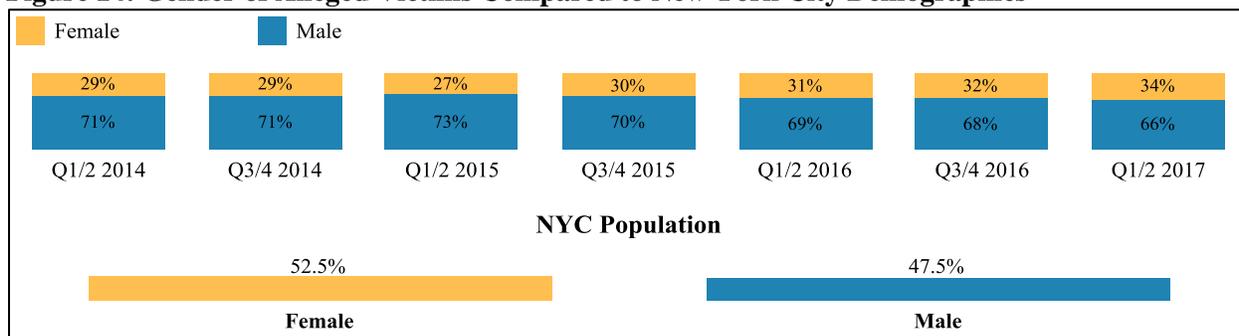
**Figure 13: Racial Demographics of Alleged Victims Compared to New York City Demographics**



Semi-annual by CCRB received date 2014-2017

With regard to the gender of alleged victims, in the first half of 2017, 66 percent were male, while men make up only 47.5 percent of the City’s population.

**Figure 14: Gender of Alleged Victims Compared to New York City Demographics**



Semi-annual by CCRB received date 2014-2017

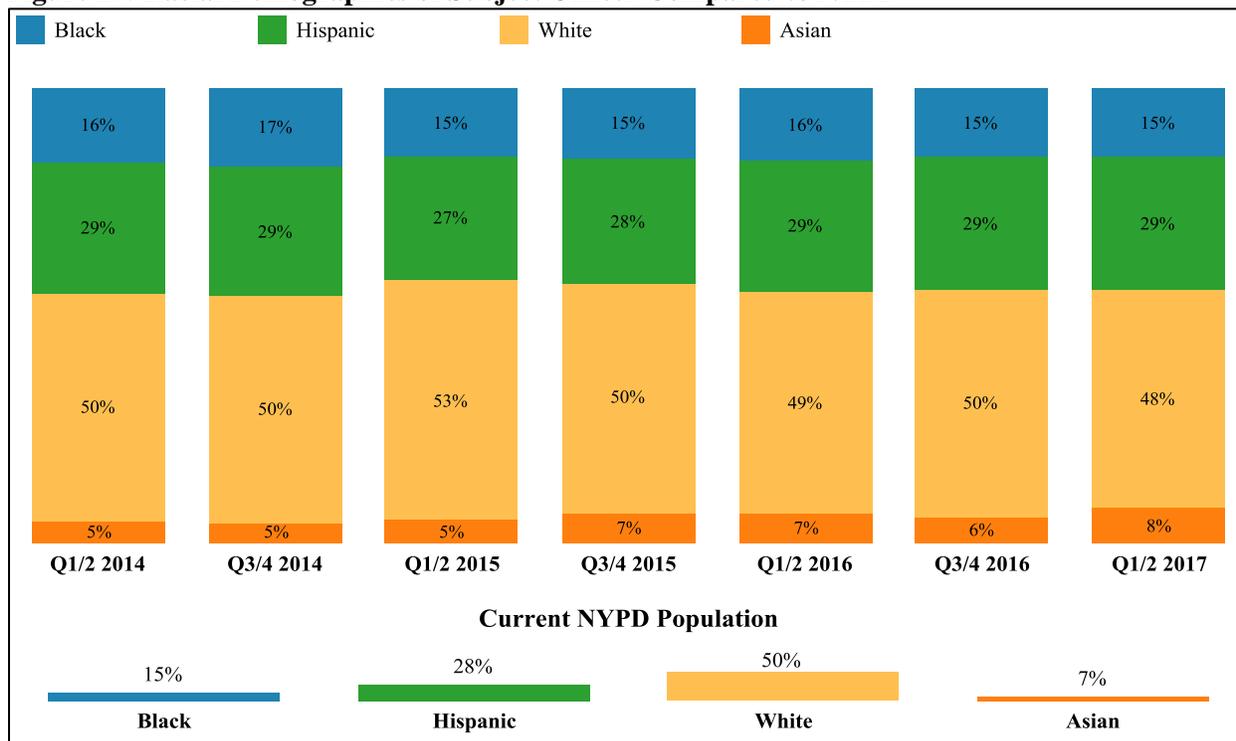
<sup>3</sup> <https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork/PST045216>

## Characteristics of Subject Officers

The demographic characteristics of the subject officers of CCRB complaints in terms of race and gender largely reflect the demographic composition of the NYPD as a whole.

In the first half of 2017, White officers accounted for 48 percent of the subject officers in CCRB complaints, and represented 50 percent of the NYPD as a whole.

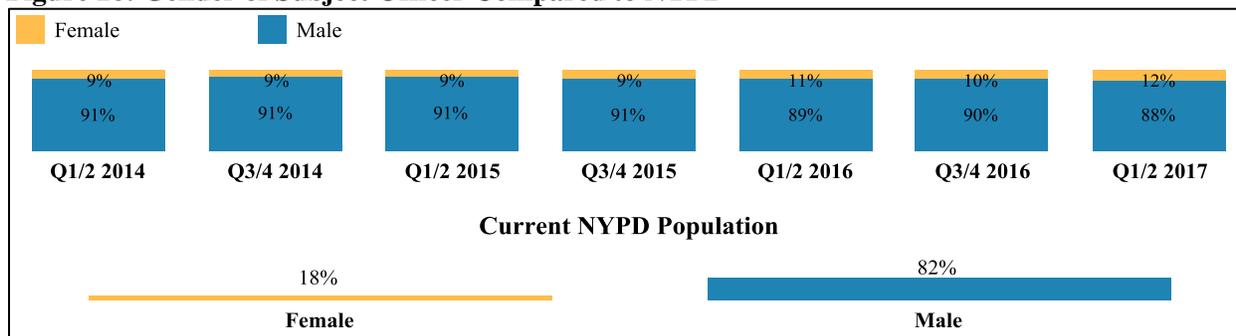
**Figure 15: Racial Demographics of Subject Officer Compared to NYPD**



Semi-annual by CCRB received date 2014-2017

In the first half of 2017, male officers accounted for 88 percent of the subject officers in CCRB complaints and 82 percent of the NYPD as a whole.

**Figure 16: Gender of Subject Officer Compared to NYPD**



Semi-annual by CCRB received date 2014-2017

## Section 2: Investigations

Investigations are the core function of the CCRB. Every complaint that is not wholly referred out to another agency will pass through an investigative team, even if it is ultimately resolved through mediation.

At the beginning of an investigation, the investigator interviews the complainant and any witnesses, collects evidence, and identifies the police officer(s) involved in the encounter. In most instances, the officers' names are unknown at the outset of the investigation. Once the subject and witness officers have been identified and interviewed, the investigative team makes a recommendation to the Board. A panel of three Board members then studies the case and votes on the Investigations Division's recommendations.

In order to resolve its investigations fairly, the CCRB needs the cooperation of at least one complainant/alleged victim related to the case. When a complainant/alleged victim is available for an interview, the Agency deems the resulting investigation a "full investigation." On the other hand, when a complaint is withdrawn or there is no complainant/alleged victim available for an interview, the investigation is "truncated." The Investigations Division always seeks to keep truncated investigations to a minimum; its primary goal is to complete full and fair investigations.

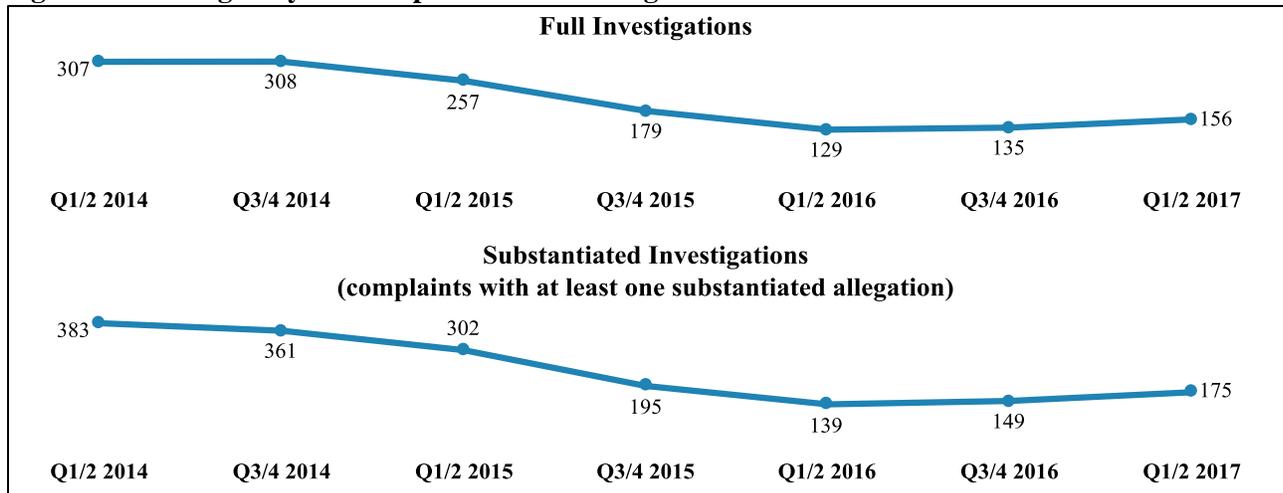
This section covers the performance of the Investigations Division and the outcome of complaints made to the CCRB.

## Investigations Division Performance

A key indicator of the performance of the Investigations Division is the time that it takes to close a full investigation. 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.

Of equal importance is the time that it takes to close a full investigation for substantiated cases, which are typically the most complicated and time consuming. In the first half of 2017, full investigations were closed in an average of 156 days, and substantiated cases were closed in an average of 175 days.

**Figure 17: Average Days to Complete a Full Investigation**



Semi-annual by case closing date 2014-2017

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

Another key performance indicator is the number of days before the first civilian and officer interviews take place. In the first half of 2017, the first civilian interview in a full investigation took place, on average, 20 days after the CCRB received the complaint. The first officer interview took place, on average, 61 days after the complaint was received.

**Figure 18: Average Days to First Interview (full investigations)**

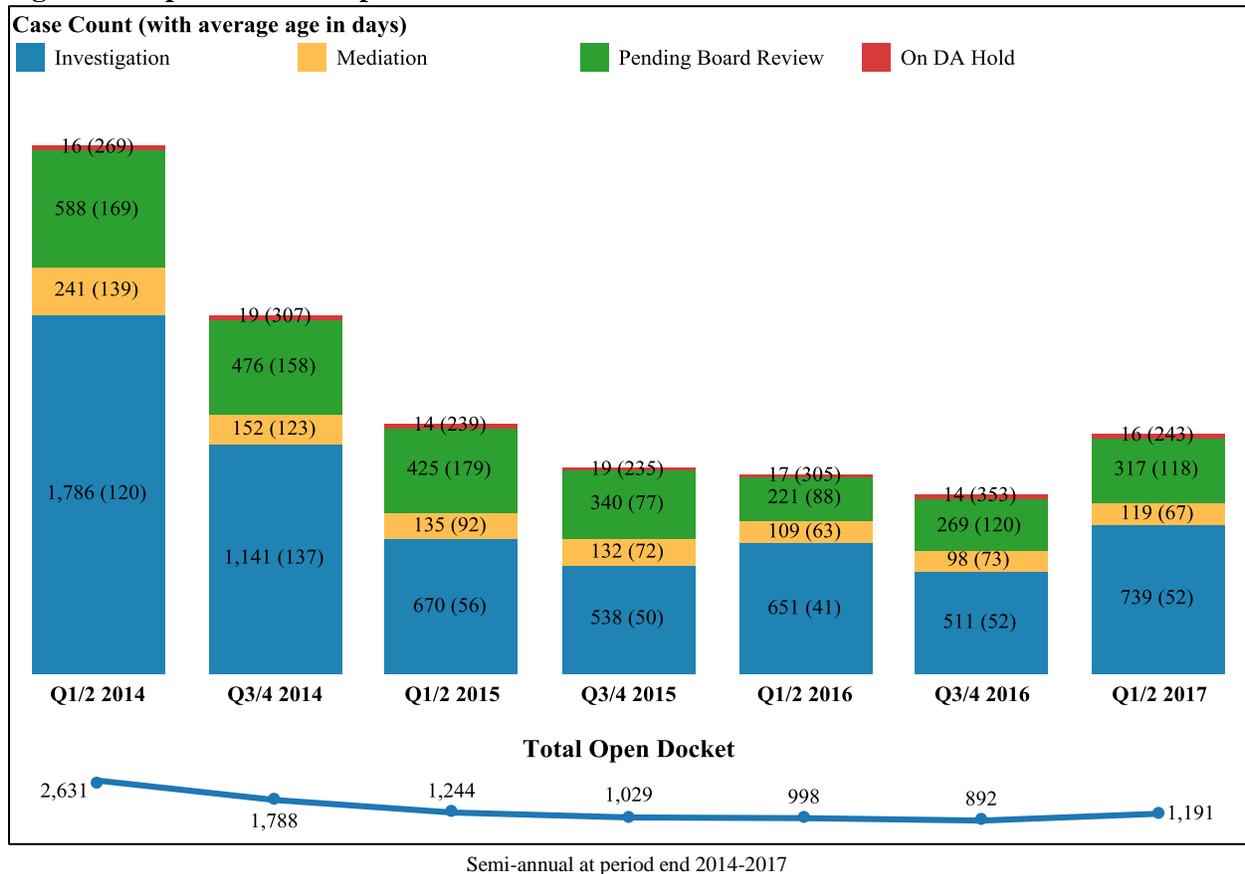


Semi-annual by case closing date 2014-2017

## Open Docket and Age of Open Docket

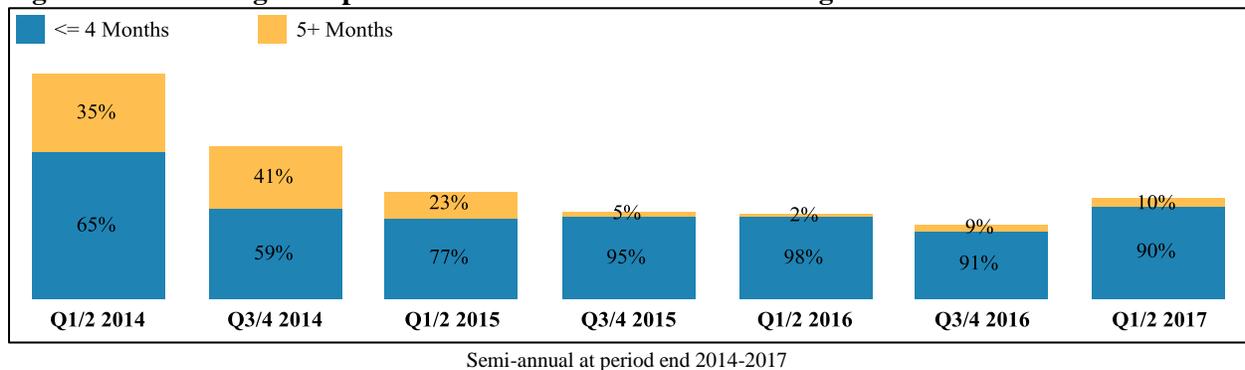
At the end of June 2017, there were 1,191 total cases on the open docket. There were 739 open complaints, with an average age of 52 days, on the investigative docket.

**Figure 19: Open Docket Snapshots**



At the end of June 2017, 90 percent of cases on the Agency’s open docket (excluding cases that are, or have been, placed on hold by the District Attorney due to possible or pending criminal Charges) were four months old or younger.

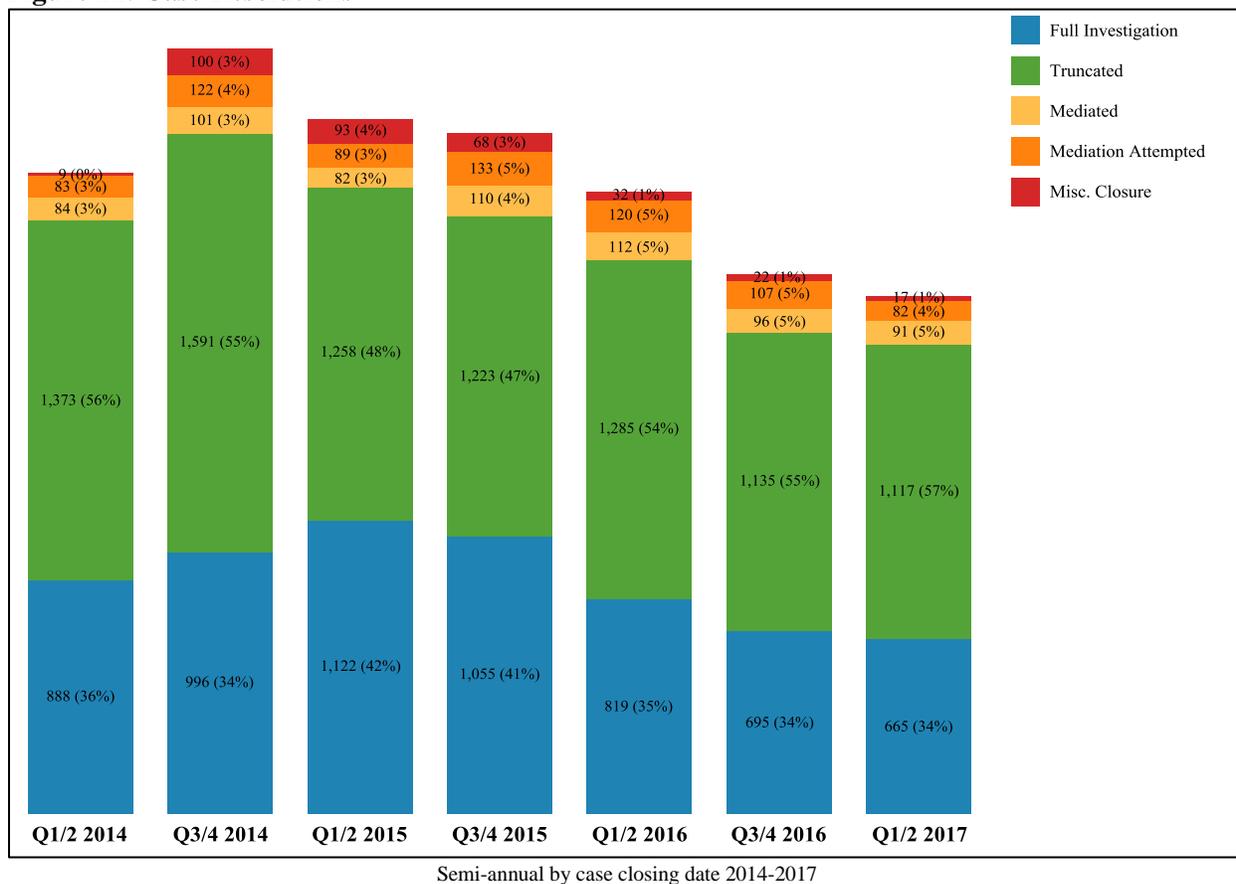
**Figure 20: Percentage of Open Docket Four Months Old or Younger**



## Case Resolution and Investigative Outcomes

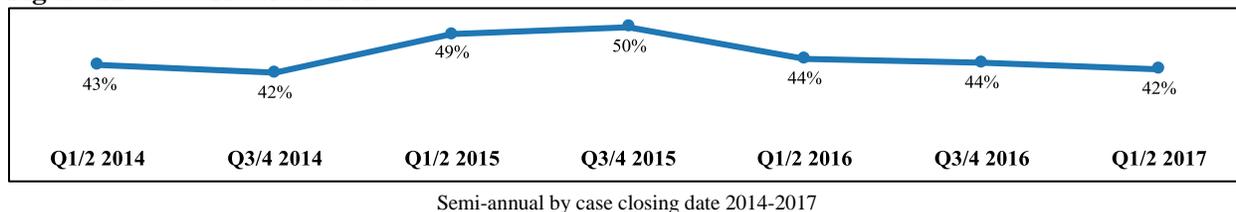
A CCRB complaint can have many possible outcomes. The complaint may be fully investigated, mediated, closed as a truncated investigation, or closed after mediation is attempted. There are also a small number of miscellaneous closures, which include administratively-closed complaints and complaints where the subject officer left the force before an investigation could be completed.

**Figure 21: Case Resolutions**



The Agency considers a case resolved if it is closed after a full investigation, mediation, or an attempted mediation. In the first half of 2017, the case resolution rate was 42 percent.

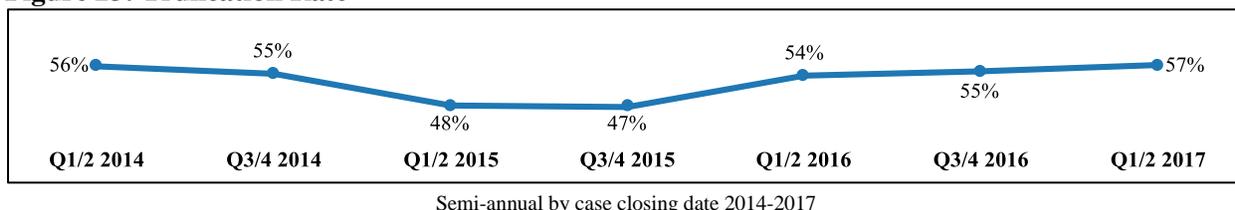
**Figure 22: Case Resolution Rate**



## Truncations

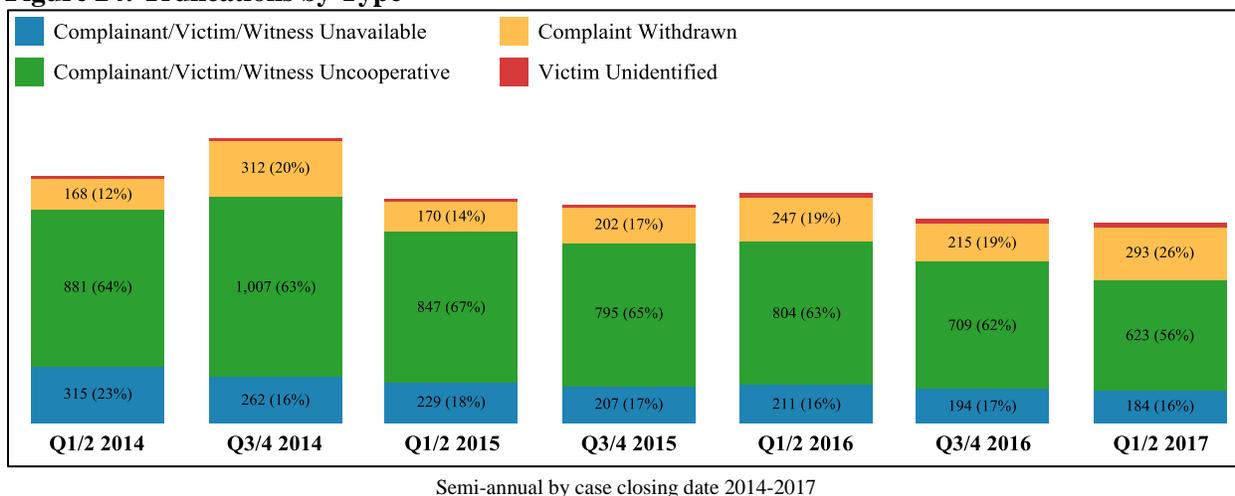
A near opposite of the case resolution rate is the truncation rate. A complaint is considered truncated when it is closed without a full investigation (because the complainant withdraws the complaint, the complainant is uncooperative or unavailable, or the victim cannot be identified), or without mediation or an attempted mediation (miscellaneous closures are also excluded). Truncated investigations have always comprised a significant percentage of complaint closures. In the first half of 2017, the truncation rate was 57 percent. The CCRB is committed to lowering the truncation rate wherever possible.

**Figure 23: Truncation Rate**



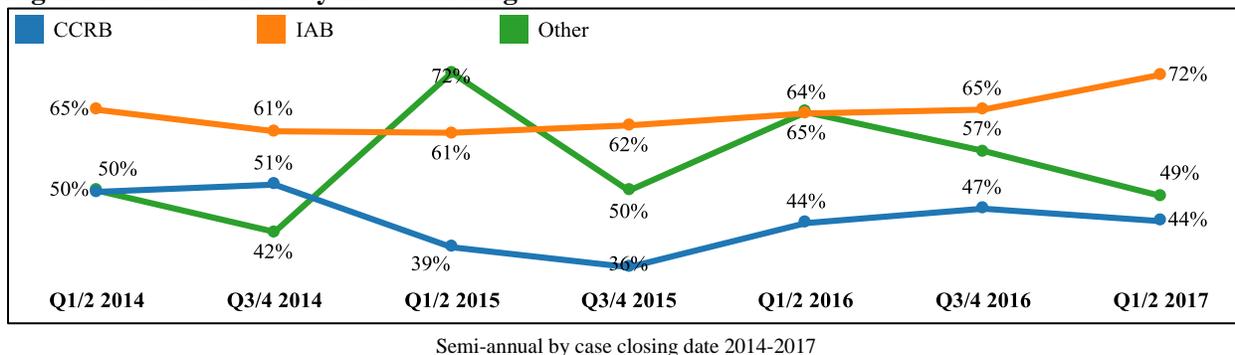
The majority of truncations are closed as “Complainant/Victim/Witness Uncooperative.” A complaint is closed as “Complainant/Victim/Witness Uncooperative” in cases where the investigator made contact with the complainant, victim, or witness but was unable to obtain an official statement.

**Figure 24: Truncations by Type**



Complaints filed directly with the CCRB are less likely to be truncated than complaints that are referred to the Agency. When complaints are filed elsewhere, it is often difficult for the CCRB to make contact with the complainant or victim.

**Figure 25: Truncations by Place of Filing**



## Complaint and Allegation Dispositions for Fully Investigated Cases

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

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

- An allegation is **substantiated** if conduct is found to be improper based on a preponderance of the evidence.
- An allegation is **unsubstantiated** if there is not enough evidence to determine whether or not misconduct occurred.
- An allegation is **unfounded** if a preponderance of the evidence suggests that the event or alleged act did not occur.
- An allegation is **exonerated** if the event did occur but was not found to be improper by a preponderance of the evidence.
- An allegation is closed as **officer unidentified** if the CCRB was unable to identify any of the officers accused of misconduct.

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

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

## Case Abstracts

The following case abstracts are taken from complaints closed in the first half of 2017 and serve as examples of what the various CCRB dispositions mean in practice:

### 1. Substantiated

An officer stopped and pointed a firearm at a man who was suspected of stealing a motorcycle. The man testified that he was in the area looking for his mobile phone, and as he closed the gate of his U-Haul, he turned around and saw the officer pointing a firearm at him. The officer stated that he planned to stop the man for grand larceny, because there were reports of motorcycle thefts in the area and the man's behavior seemed suspicious. The officer testified that the man did not respond to the first command issued, and justified drawing his weapon for safety reasons due to the time of night, the violent nature of the crime that was suspected, and the size of the man. Although an officer can draw a firearm when there is a reasonable fear for safety, grand larceny is not among the list of violent felonies enumerated in New York Penal Law. Additionally, the officer did not notice any bulges on the man's body that could have been a weapon, nor did the officer identify any other factors indicating that there was a potential for violence. As a result, the Board substantiated the force allegation.

## **2. Unsubstantiated**

Officers executing a no-knock search warrant allegedly spoke discourteously to a woman. The woman stated that while the officers were present, they issued profanity-laced commands. An officer admitted to issuing commands, such as, “Get on the ground,” but denied using profanity during the incident. Given the conflicting statements and lack of corroborative testimony supporting either party, the investigation could not determine by a preponderance of the evidence whether the officer spoke discourteously to the woman. Without additional evidence, the Board closed the discourtesy allegations as unsubstantiated.

## **3. Unfounded**

A man alleged that an officer pointed a firearm at him while he was stopped, frisked and searched. The man testified that he was inside a store when an officer approached him to conduct a frisk and search of his person. At some point during the incident, the man alleged that the officer pointed a firearm at him. Video evidence showed one officer interacting with the man and at no time throughout the interaction did the officer point a firearm. Because the video evidence contradicted the man’s testimony, the allegation that an officer pointed a firearm at the man was deemed to be false. Therefore, the Board deemed the allegation unfounded.

## **4. Exonerated**

An officer stopped a man whom he suspected of jumping a turnstile. The man used his MetroCard at a turnstile, but as he walked through, the backpacks that he was carrying got tangled, causing him to have to maneuver through the turnstile. The officer testified that he did not witness the man swipe his MetroCard; he only saw the man squeeze past the bar into the station. Suspecting that the man had jumped the turnstile, the officer stopped him and demanded his MetroCard. The man gave his MetroCard to the officer, who in turn provided it to an MTA clerk to verify its use. The officer allowed the man back into the station on confirmation of his payment. The officer believed that he had witnessed a fare evasion and was justified in stopping the man until he confirmed that he had not committed a crime. Therefore, the Board exonerated the stop allegation.

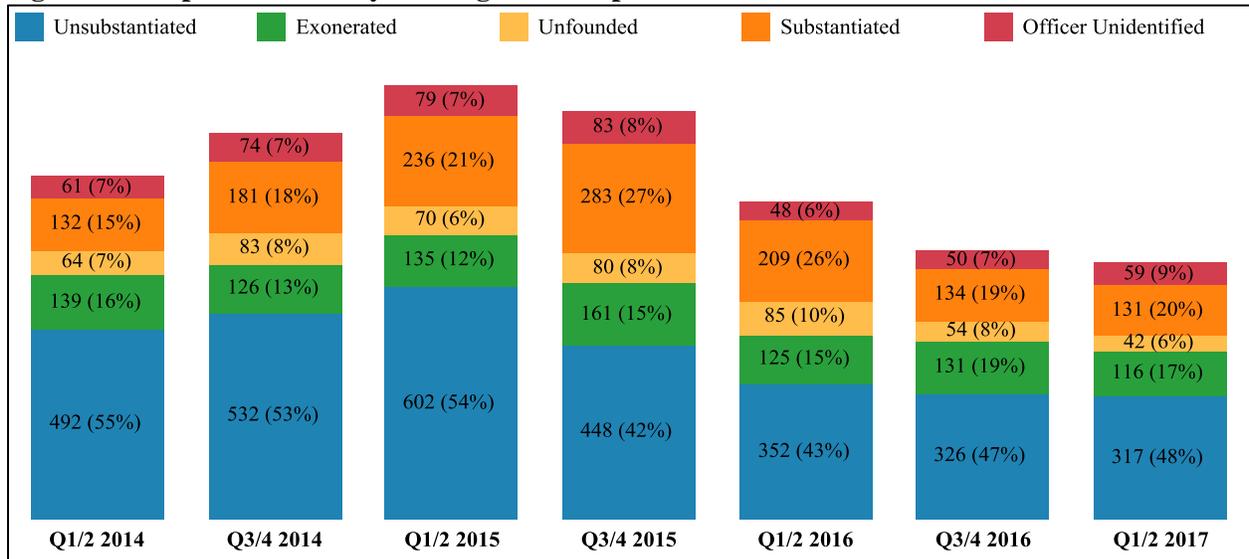
## **5. Officer Unidentified**

Officers conducted a vehicle stop, ordered the male occupants out of the vehicle and frisked them. The men said they were pulled over by an unmarked vehicle with three uniformed officers. An additional unmarked vehicle with three more uniformed officers arrived later. According to the men, the officers told them that they were looking for suspects involved in a shooting nearby and ordered them out of the car, frisked and searched them all. After that, the officers entered and searched their vehicle. There were discrepancies in the description of the officers provided by the men, and several factors greatly broadened the pool of officers who could have been involved in the incident. The report of a shooting drew a response from at least five commands and at least sixteen sets of officers to canvass for suspects. The incident also took place on a holiday weekend when officers are transferred to different precincts for special events, and there was no detailed roster from the precinct in which the incident occurred. Because the officers involved could not be identified, the allegations were recommended to be closed as officer unidentified.

## Disposition of Complaints

Over the last several years, the substantiation rate (i.e., the percentage of full investigations in which the Board votes at least one substantiated allegation) has fluctuated. The substantiation rate was 26 percent for cases closed in the first half of 2016. In the first half of 2017, the Board substantiated 131 complaints, which represents a 20-percent substantiation rate.

**Figure 26: Disposition of Fully Investigated Complaints**



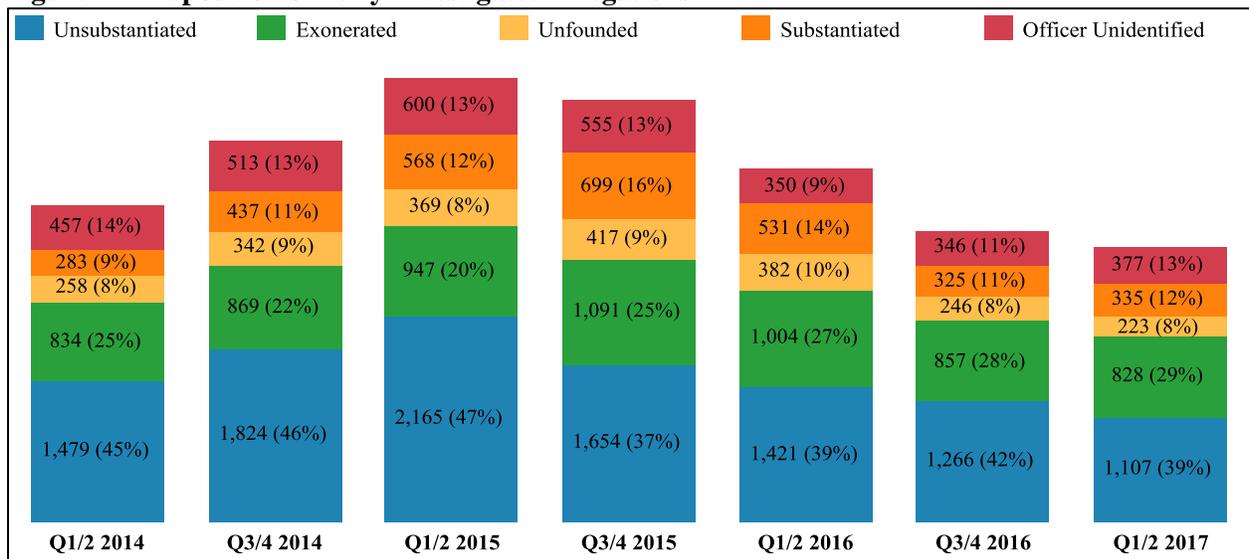
Semi-annual by case closing date 2014-2017

Due to the reconsideration process, counts for 2016 and 2017 are subject to change. See Section 6 on page 40.

## Disposition of Allegations

A CCRB complaint may contain one or more allegations. The complaint disposition is a composite of the dispositions of all the distinct allegations within the complaint. In addition to complaint dispositions, the CCRB also tracks the disposition of each individual allegation. In the first half of 2017, 12 percent of all fully investigated allegations were substantiated.

**Figure 27: Disposition of Fully Investigated Allegations**

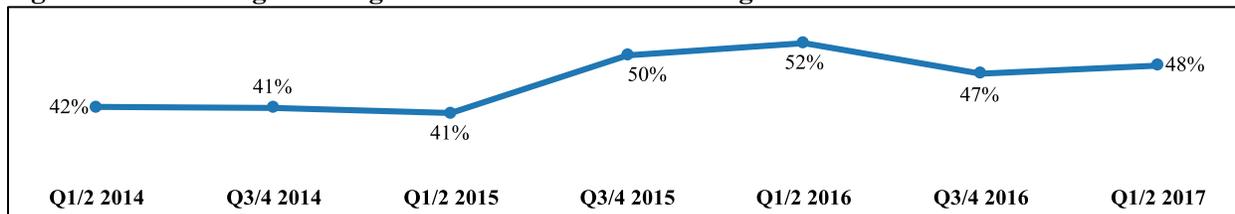


Semi-annual by case closing date 2014-2017

Due to the reconsideration process, counts for 2016 and 2017 are subject to change. See Section 6 on page 40.

When an allegation is closed with a disposition of substantiated, unfounded, or exonerated, it is deemed to be a “finding on the merits.” This is in contrast to allegations closed as unsubstantiated (meaning there is not enough evidence to determine whether misconduct occurred) or officer unidentified, which are not “findings on the merits.” Of the allegations closed in the first half of 2017, 48 percent were closed with a “finding on the merits.”

**Figure 28: Percentage of Allegations Closed with a “Finding on the Merits”**



Semi-annual by case closing date 2014-2017

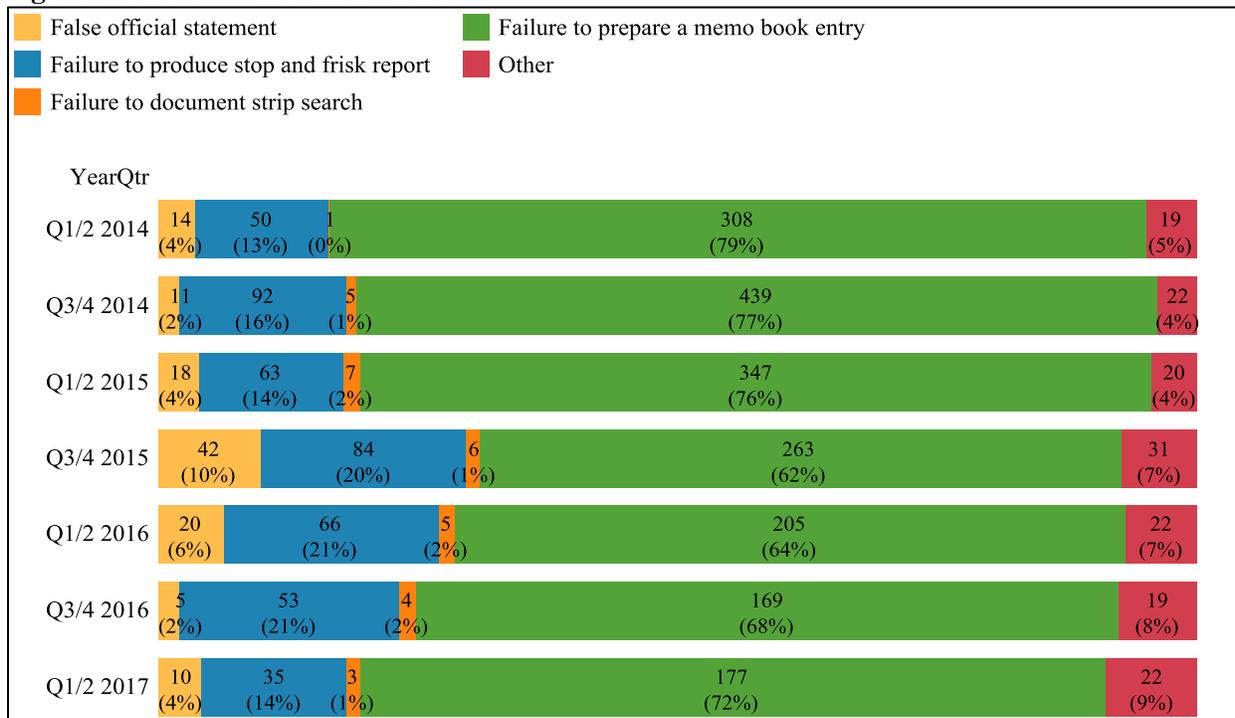
Due to the reconsideration process, counts for 2016 and 2017 are subject to change. See Section 6 on page 40.

### Other Misconduct Noted

Where a preliminary investigation reveals that the police officer’s alleged misconduct 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 it to the NYPD for possible disciplinary action.

Allegations of other misconduct should not be confused with allegations of corruption, which are referred to IAB. An officer’s failure to properly document an encounter or other activity in his or her memo book as required by the Patrol Guide<sup>4</sup> accounted for 72 percent of all OMN allegations in cases closed in the first half of 2017.

**Figure 29: Other Misconduct Noted**



Semi-annual by case closing date 2014-2017

<sup>4</sup> [http://www1.nyc.gov/assets/nypd/downloads/pdf/public\\_information/public-pguide1.pdf](http://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide1.pdf)

## Section 3: Disciplinary Process

When the Civilian Complaint Review Board (CCRB) substantiates an allegation of misconduct, it initiates a disciplinary process which determines the penalty that the Member of Service (MOS) will face. Although the CCRB can recommend the discipline it deems appropriate, under the New York City Charter, the Police Commissioner has final approval over what discipline and penalty a MOS receives. The Commissioner can accept, reject, or modify the recommendation made by the CCRB.

### Overview of the Disciplinary Process

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

1. **Instructions:** guidance issued by a commanding officer.
2. **Formalized Training:** Formalized Training is given at the Police Academy or the Legal Bureau.
3. **Command Discipline A<sup>5</sup>:** Command Discipline A is issued by the commanding officer and may include a penalty ranging from instructions up to the MOS forfeiting five vacation days.
4. **Command Discipline B<sup>3</sup>:** Command Discipline B is issued by the commanding officer and may include a penalty ranging from Instructions up to the MOS forfeiting 10 vacation days.
5. **Charges and Specifications:** Charges and Specifications leads to a trial process in which a MOS may either enter a guilty plea or go to trial and be found guilty or not guilty. 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 these types of disciplinary recommendations and decides whether to impose or modify the discipline recommended by the CCRB.

When the CCRB recommends Charges and Specifications, the substantiated allegations are prosecuted by the Administrative Prosecution Unit (APU), which became operational in 2013. The development of the APU increased the CCRB's role in seeking appropriate discipline for misconduct.

Under the terms of a Memorandum of Understanding signed between the CCRB and the NYPD in 2012, and in effect since 2013, the APU prosecutes misconduct before the DCT. The APU and MOS may enter into a plea agreement in lieu of trial. If the MOS chooses to go to trial and is found guilty, the trial commissioner will recommend a penalty. The Police Commissioner, however, is the final arbiter in all matters of police discipline and may accept, reject, or modify any trial verdict or plea.

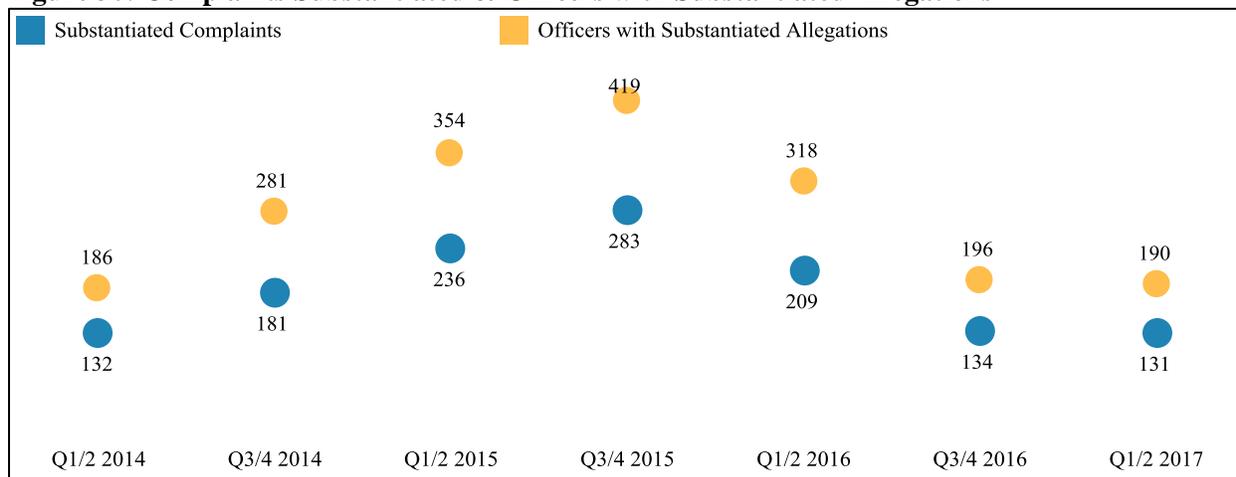
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<sup>5</sup> Prior to 2014, the Board did not distinguish between "Command Discipline A" and "Command Discipline B". The corresponding disciplinary recommendation was simply "Command Discipline".

## CCRB Disciplinary Recommendations

In the first half of 2017, the Board substantiated 131 complaints against 190 police officers. This is down from the first half of 2016 when the Board substantiated 209 complaints against 318 police officers. A single substantiated complaint may contain substantiated allegations against more than one officer.

**Figure 30: Complaints Substantiated & Officers with Substantiated Allegations**

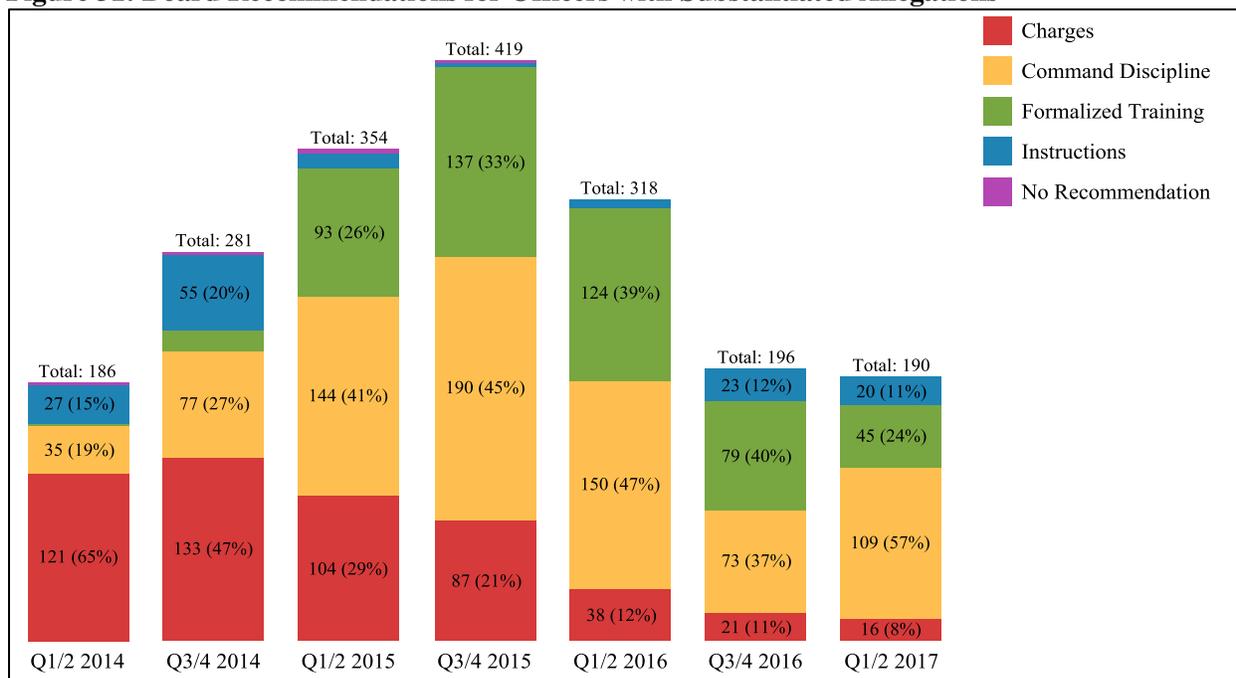


Semi-annual by case closing date 2014-2017

Due to the reconsideration process, counts for 2016 and 2017 are subject to change. See Section 6 on page 40.

In the first half of 2017, the Board recommended command discipline for 57 percent (109) of the 190 officers against whom there was a substantiated allegation. Since 2015, the Board has issued more command discipline recommendations and fewer Charges and Specifications recommendations against officers.

**Figure 31: Board Recommendations for Officers with Substantiated Allegations**



Semi-annual by case closing date 2014-2017

(Prior to 2014, the CCRB did not distinguish between Instructions and Formalized Training.)

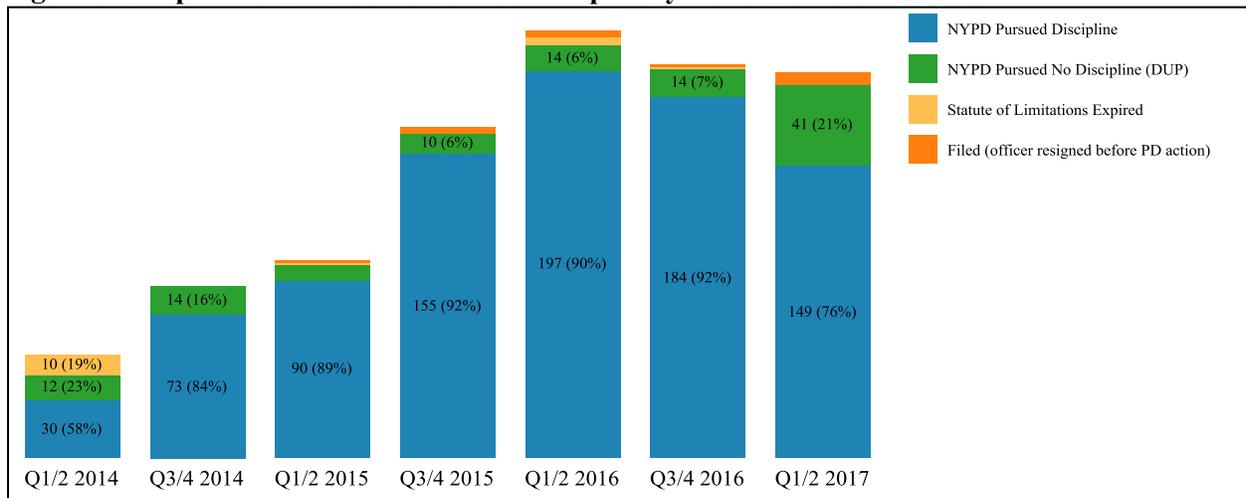
Due to the reconsideration process, counts for 2016 and 2017 are subject to change. See Section 6 on page 40.

## NYPD Disciplinary Decisions

There are two paths for discipline after the CCRB substantiates misconduct, depending on the type of discipline recommended for the officer. DAO handles cases where the CCRB has recommended Command Discipline, Formalized Training, or Instructions. The APU handles cases where the CCRB has recommended “Charges and Specifications.”

When a substantiated allegation against an officer is referred to the DAO, the APU makes a recommendation to the Police Commissioner regarding what, if any, disciplinary action should be taken. The DAO then reports the Commissioner’s final decision back to the CCRB. In the first half of 2017, the Department took some form of disciplinary action against 76 percent of the officers processed by DAO.

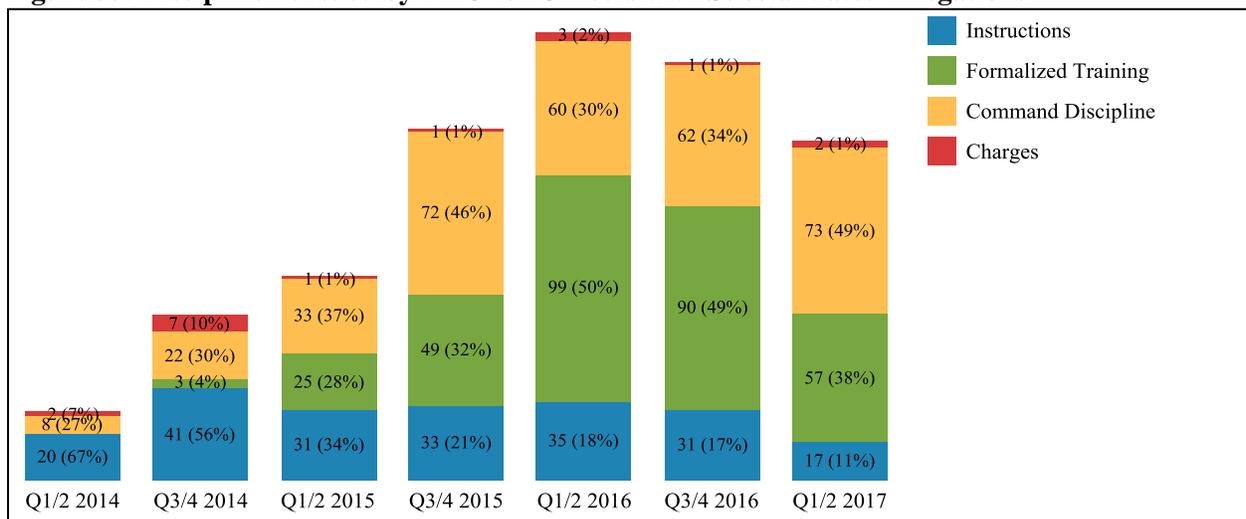
**Figure 32: Department Advocate’s Office Disciplinary Actions on CCRB Cases**



Semi-annual by NYPD discipline report date 2014-2017

In cases where the NYPD pursued discipline, the most common form of discipline imposed was Command Discipline. Of the disciplinary decisions reported in the first half of 2017, 49 percent (73) resulted in Command Discipline.

**Figure 33: Discipline Pursued by DAO for Officers with Substantiated Allegations**



Semi-annual by NYPD discipline report date 2014-2017

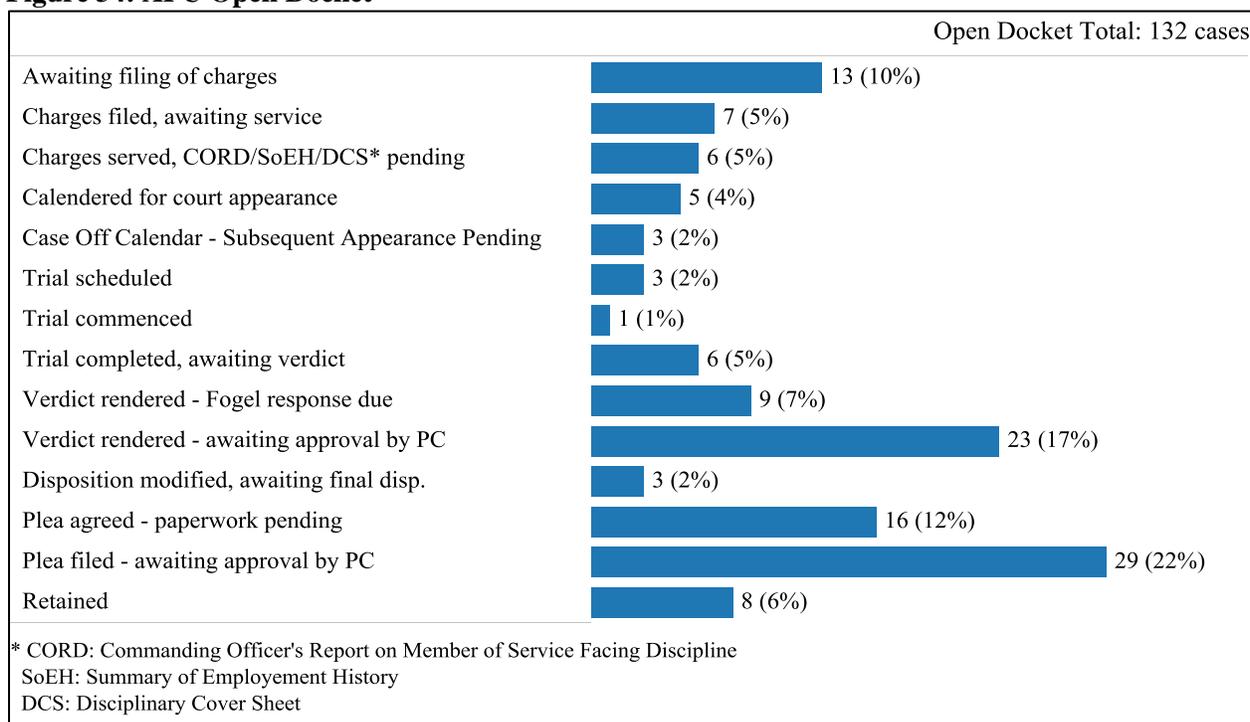
(Prior to 2014, the CCRB did not distinguish between Instructions and Formalized Training.)

## Administrative Prosecution Unit

When the Board recommends Charges and Specifications against an officer in a substantiated case, the APU prosecutes the case in the Department’s Trial Room. The APU had 132 cases on its open docket at the end of June 2017, including eight retained cases. Retained cases are those in which the NYPD keeps jurisdiction pursuant to Section 2 of the MOU between the NYPD and the CCRB. When the NYPD keeps jurisdiction pursuant to Section 2, it may or may not impose discipline on the officer.

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

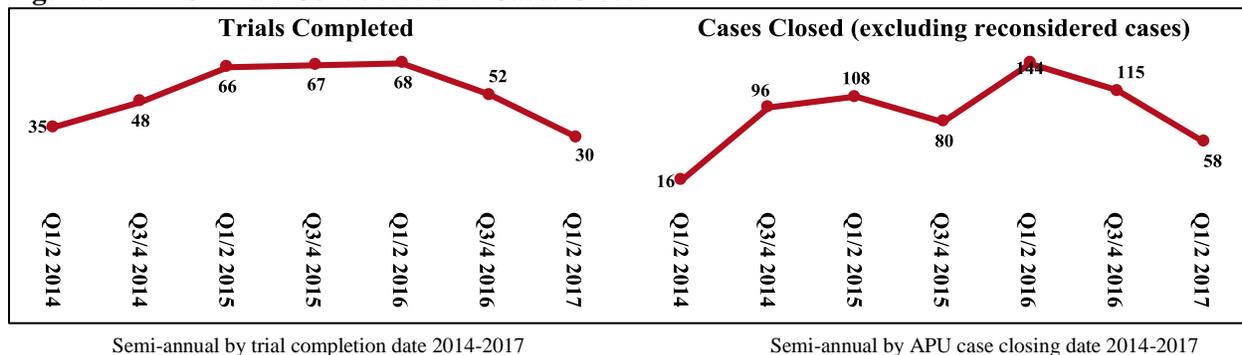
**Figure 34: APU Open Docket**



End of June 2017

In the first half of 2017, the APU conducted 30 trials and closed a total of 58 cases (excluding cases reconsidered by the Board).

**Figure 35: APU Trials Conducted and Cases Closed**



In the first half of 2017, the APU closed 55 adjudicated cases, 33 of which (60 percent) resulted in some form of disciplinary action.

**Figure 36: APU Case Closures 2017**

Disciplinary Action	Not guilty after trial but Discipline Imposed	0
	Guilty after trial	14
	Trial verdict dismissed by PC, Comm. Disc. A imposed	0
	Trial verdict dismissed by PC, Comm. Disc. B imposed	0
	Trial verdict dismissed by PC, Formalized Training imposed	0
	Trial verdict dismissed by PC, Instructions imposed	0
	Trial verdict reversed by PC, Final verdict Guilty	0
	Resolved by plea	16
	Plea set aside, Comm. Disc. B	0
	Plea set aside, Comm. Disc. A	0
	Plea set aside, Formalized Training	0
	Plea set aside, Instructions	1
	*Retained, with discipline	2
	<b>Total</b>	<b>33</b>
No Disciplinary Action	Not guilty after trial	19
	Trial verdict reversed by PC, Final verdict Not Guilty	0
	Plea set aside, Without discipline	0
	**Retained, without discipline	3
	Dismissed by APU	0
	SOL Expired in APU	0
	<b>Total</b>	<b>22</b>
Not Adjudicated	Charges not filed	0
	Deceased	0
	Other	0
	***Previously adjudicated, with discipline	0
	***Previously adjudicated, without discipline	0
	†Reconsidered by CCRB Board	3
	Retired	0
	SOL Expired prior to APU	0
<b>Total</b>	<b>3</b>	
<b>Total Closures</b>		<b>58</b>

\*Retained cases are those in which the Department kept jurisdiction pursuant to Section 2 of the April 2, 2012 Memorandum of Understanding 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 category referred to as "Department Unable to Prosecute" (DUP). Cases are referred to as DUP when the department decides that it will not discipline an officer against whom the Board recommended discipline other than charges.

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

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

APU case closing date Q1/2 2017

Of the 33 APU cases in which discipline was imposed in the first half of 2017, two resulted in the forfeiture of 30 vacation days, and 20 resulted in the loss of between one to 10 vacation days.

**Figure 37: Discipline Imposed for Adjudicated APU Cases: 2017**

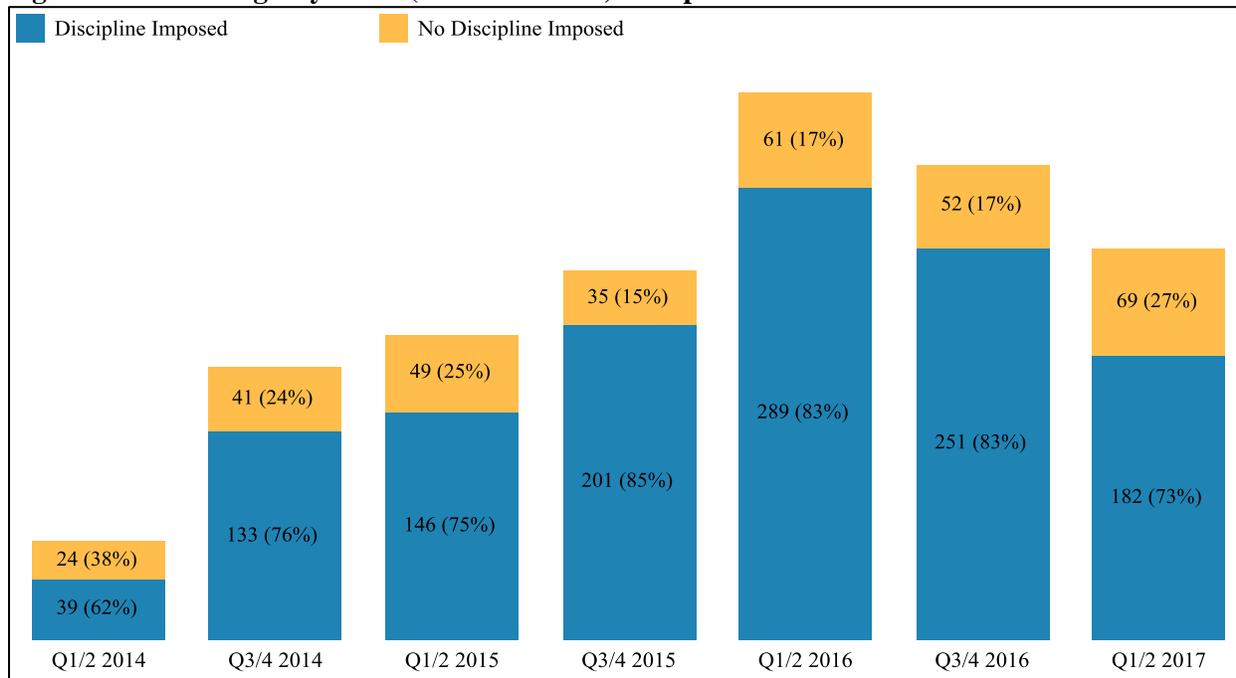
Terminated	0
Suspension for or loss of vacation time of 31 or more days and/or Dismissal Probation	0
Suspension for or loss of vacation time of 21 to 30 days	2
Suspension for or loss of vacation time of 11 to 20 days	7
Suspension for or loss of vacation time of 1 to 10 days	20
Command Discipline B	0
Command Discipline A	0
Formalized Training**	2
Instructions***	1
Warned & Admonished/Reprimanded	1
Disciplinary Action Total	33
No Disciplinary Action	22
Adjudicated Total	55
Discipline Rate	60%
Closed - Not Adjudicated	3
Total Closures	58

APU case closing date Q1/2 2017

### CCRB Agency-Wide Discipline and Discipline Concurrence Rates

In order to arrive at the CCRB agency-wide discipline rate, we combine the discipline reported by the DAO in non-charge cases with the discipline stemming from APU cases. In the first half of 2017, the Police Commissioner reported final discipline decisions on 251 officers, 182 of which (73 percent) resulted in some form of discipline.

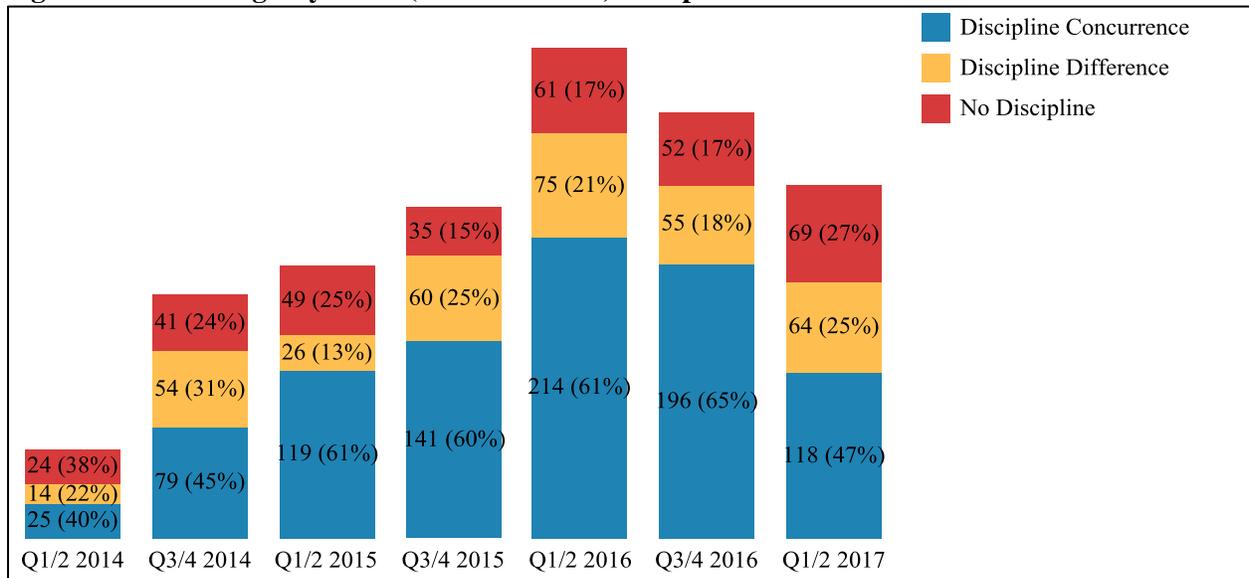
**Figure 38: CCRB Agency-Wide (DAO and APU) Discipline Rate**



Semi-annual by NYPD discipline report date 2014-2017

In addition to the overall rate of discipline imposed by the Commissioner, it is important to track whether or not the discipline imposed was in concurrence with that recommended by the CCRB. When the Commissioner’s discipline is less severe than what was recommended by the CCRB, the discipline is not considered to be in concurrence.

**Figure 39: CCRB Agency-Wide (DAO and APU) Discipline Concurrence Rate**



Semi-annual by NYPD discipline report date 2014-2017

## Section 4: Mediation

The New York City Charter mandates that the Civilian Complaint Review Board (CCRB) offer mediation as an option for resolving allegations of police misconduct. The goal of the mediation program is to allow civilians and officers the chance to voluntarily resolve the issues contained in the complaint by means of informal conciliation.

The Agency seeks to offer mediation to every civilian, in suitable cases, as soon as the civilian is contacted by an investigator. Mediation is not offered in all cases, however, because some complaints are considered unsuitable. Reasons why a complaint may be unsuitable for mediation include: the encounter led to an arrest; the encounter led to a serious physical injury or property damage; or the encounter is the subject of a pending lawsuit.

If the civilian accepts mediation, the officer involved is offered the opportunity to participate as well. Mediations only take place when both the civilian and officer have voluntarily agreed to mediate the complaint.

The Mediation Unit provides a valuable alternative method for resolving complaints. 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, and quiet space. A trained, neutral mediator contracted by the CCRB guides the session and facilitates a confidential dialogue about the circumstances that led to the complaint.

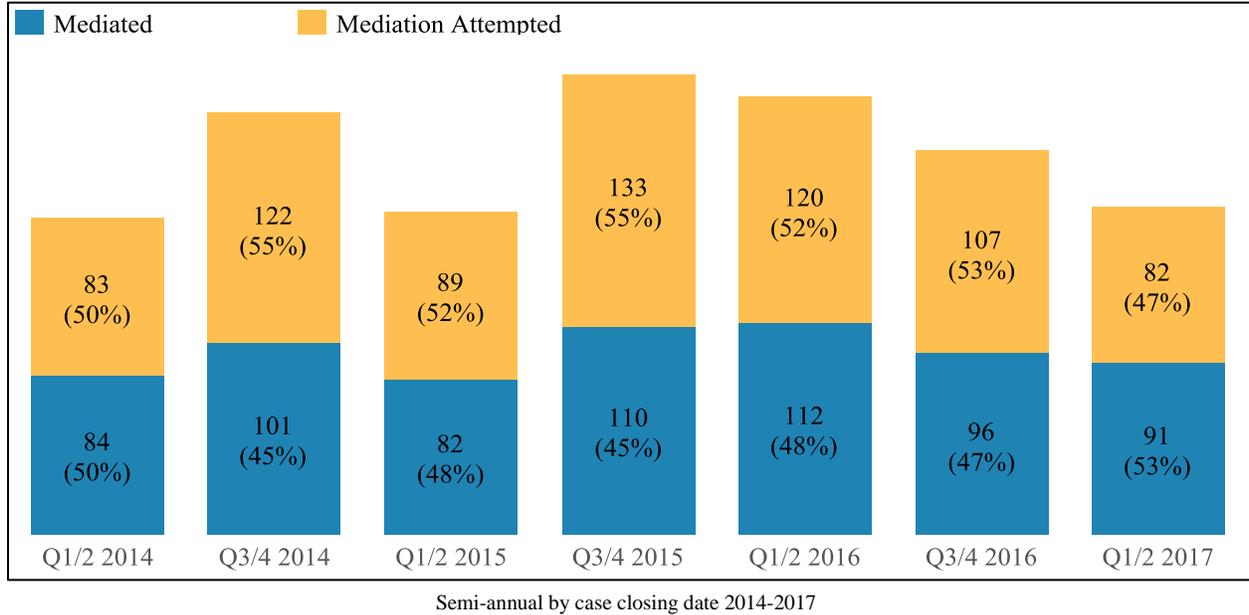
A mediation session ends when all of the involved parties agree that they have had an opportunity to discuss the issues in the case. In the vast majority of cases, the parties resolve the issues raised by the complaint. After a successful mediation, the complaint is closed as “mediated,” meaning that 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

Since 2009, one of the strategic priorities of the Board has been to strengthen and expand the mediation program.

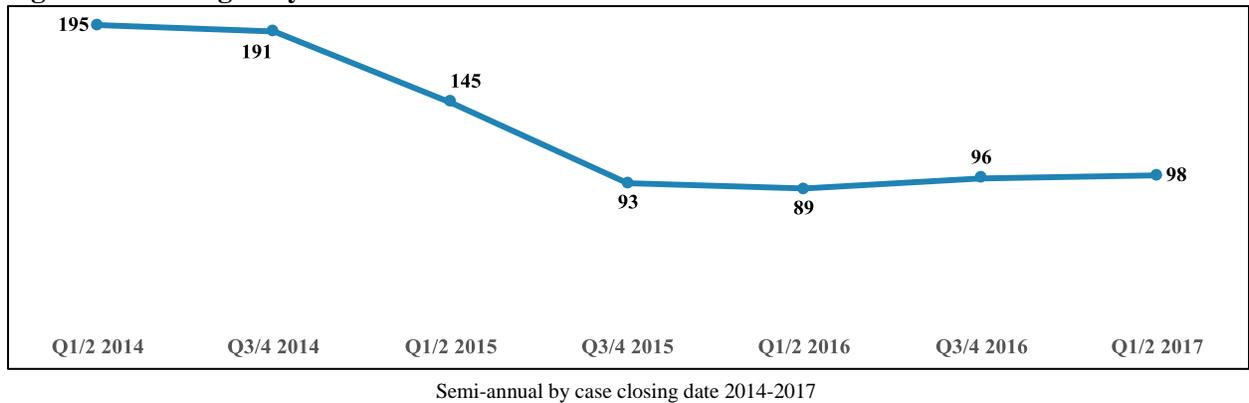
In the first half of 2017, the Mediation Unit successfully mediated 91 cases while 82 cases were closed as mediation attempted. Mediation attempted is a designation for a case in which both the officer and the civilian agree to mediate, but the civilian fails to appear twice for the scheduled mediation session or fails to respond to attempts to schedule a mediation session. In the first half of 2017, 47 percent of all mediation closures were attempted mediations.

**Figure 40: Mediation Closures**



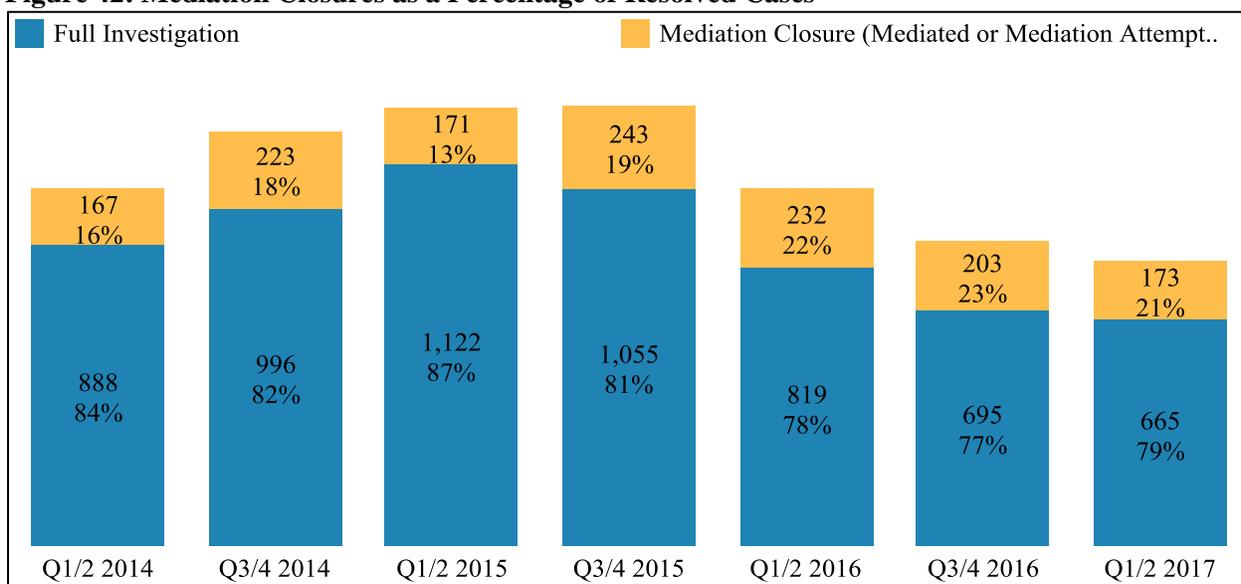
A key measure of the Mediation Unit’s productivity is the average number of days it takes to close a successfully mediated case. This measure has improved over the last three years. In the first half of 2017, it took an average of 98 days to mediate a complaint.

**Figure 41: Average Days to Successful Mediation**



The CCRB considers a case “resolved” either when it is closed after a full investigation or when it is closed as mediated or mediation attempted. In the first half of 2017, mediation closures accounted for 21 percent of the Agency’s resolved case closures.

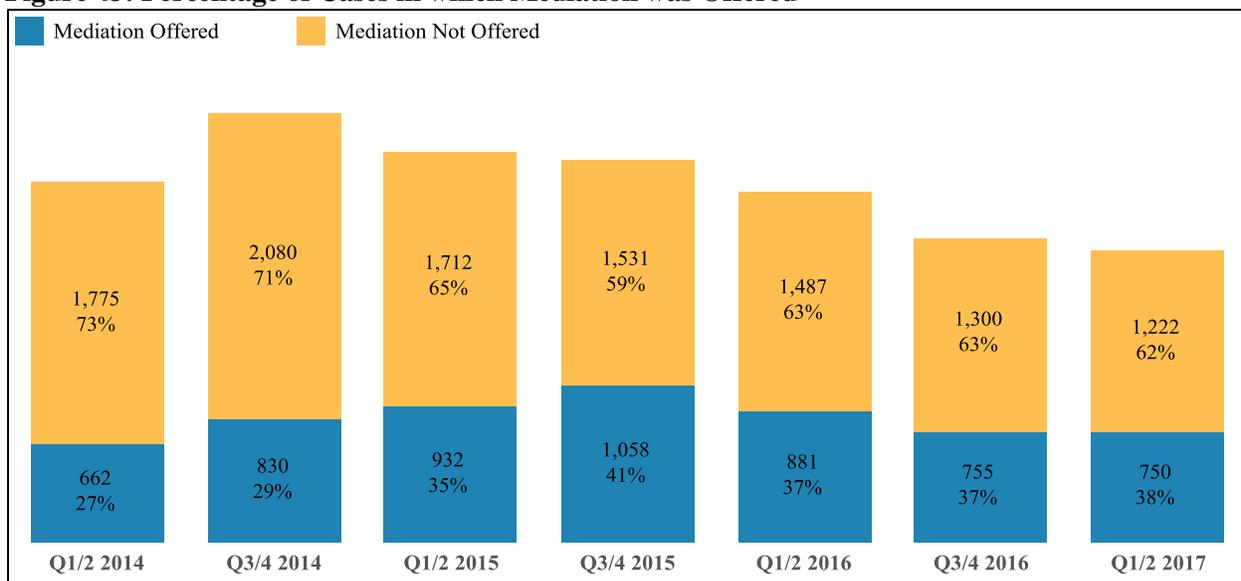
**Figure 42: Mediation Closures as a Percentage of Resolved Cases**



Semi-annual by case closing date 2014-2017

Mediation is not offered in all cases. For cases closed in the first half of 2017, mediation was offered in 38 percent of those cases.

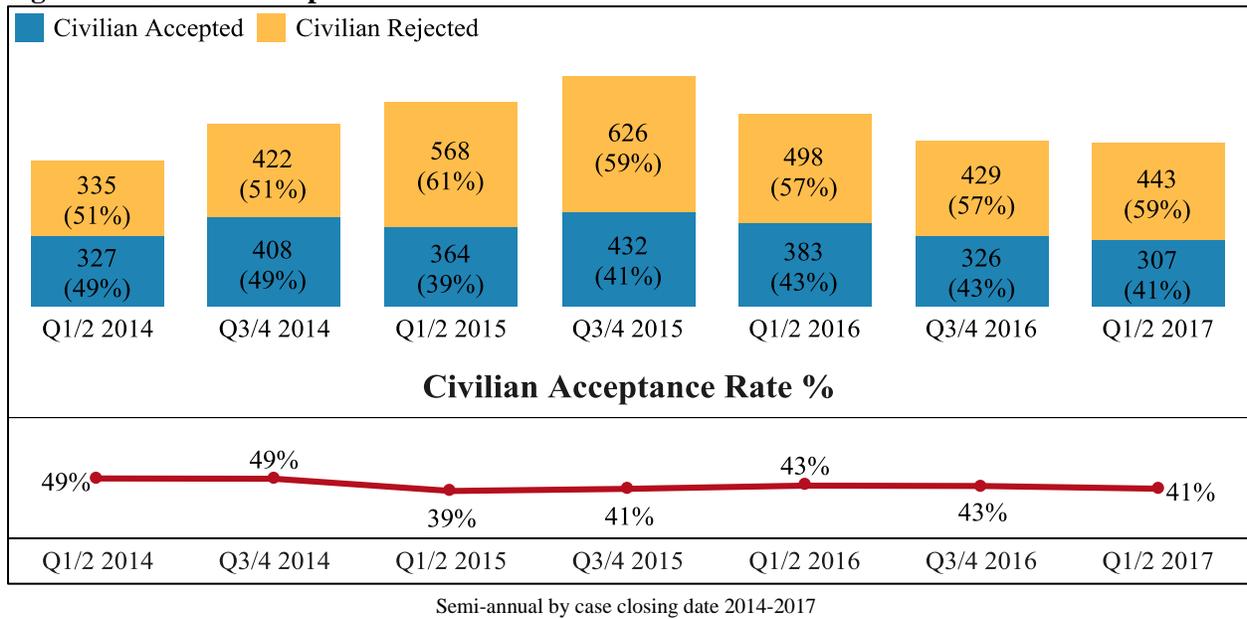
**Figure 43: Percentage of Cases in which Mediation was Offered**



Semi-annual by case closing date 2014-2017

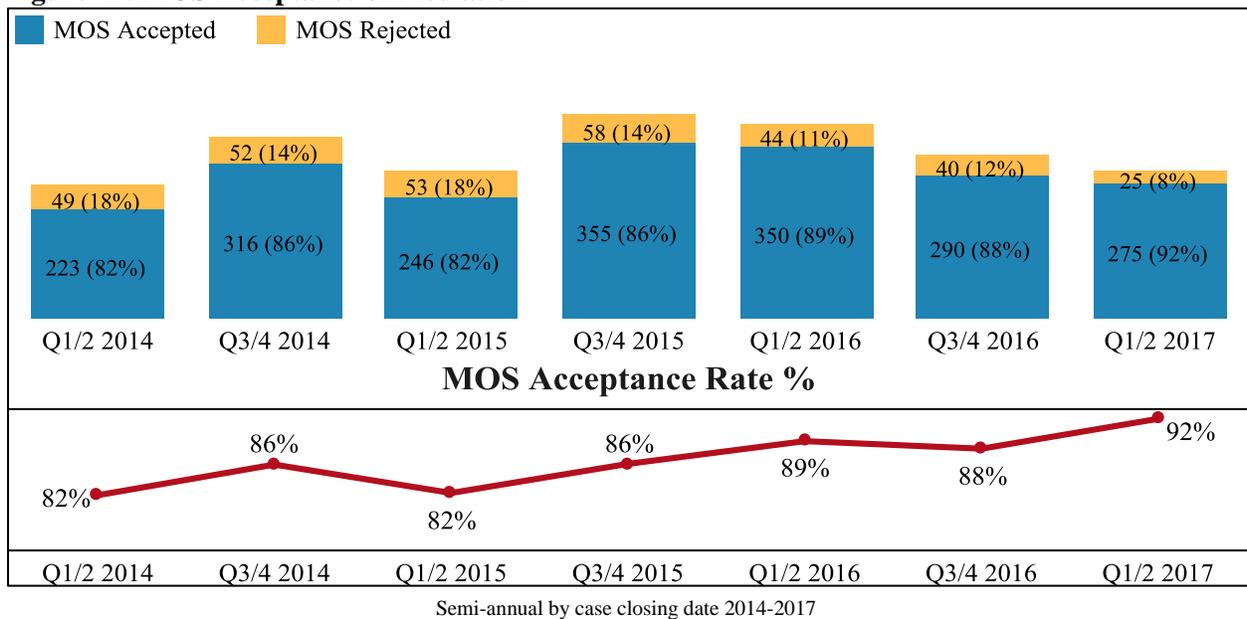
Once mediation is offered, it is up to the complainant to decide whether or not to pursue mediation. For cases closed in the first half of 2017, the mediation acceptance rate for civilians was 41 percent.

**Figure 44: Civilian Acceptance of Mediation**



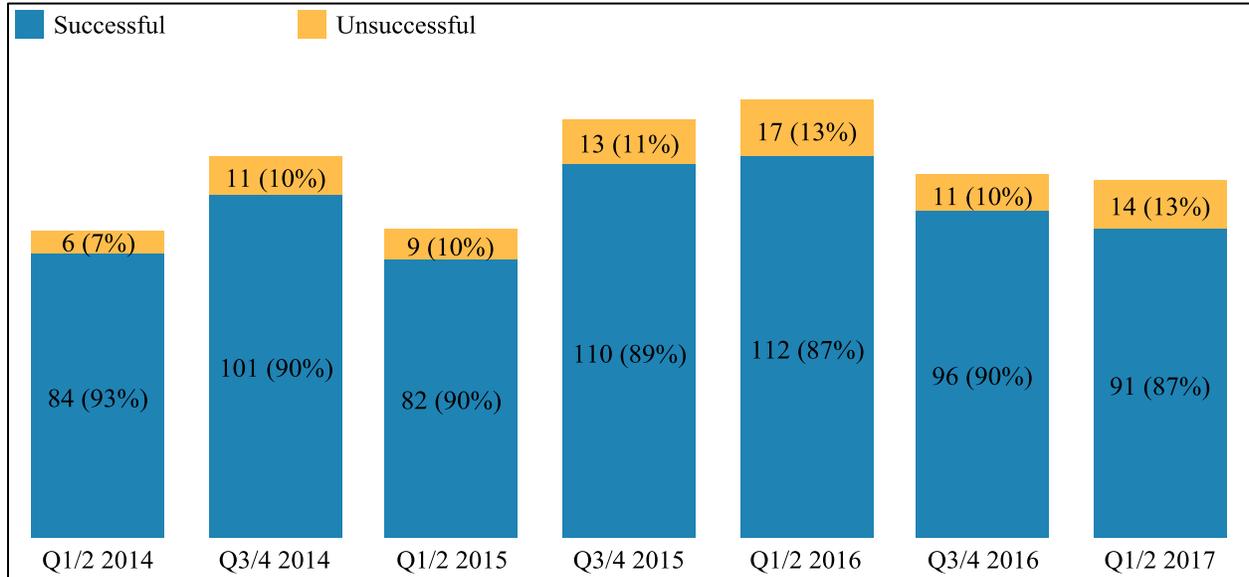
After the civilian accepts mediation, the officer involved in the encounter is offered the opportunity to mediate the complaint. Allegations contained in mediated complaints are not reflected in the officer's NYPD disciplinary record. For cases closed in the first half of 2017, officers who were offered the chance to mediate a complaint accepted mediation 92 percent of the time.

**Figure 45: MOS Acceptance of Mediation**



When both parties agree to mediate, mediation is a very effective way of resolving complaints. For cases closed in the first half of 2017, the Mediation Unit conducted 105 mediation sessions, resulting in 91 satisfactory resolutions, an 87 percent success rate. The remaining 14 complaints, where mediation was unsuccessful, were returned to an investigator and closed by the Investigations Division.

**Figure 46: Mediation Success Rate**



Semi-annual by case closing date 2014-2017

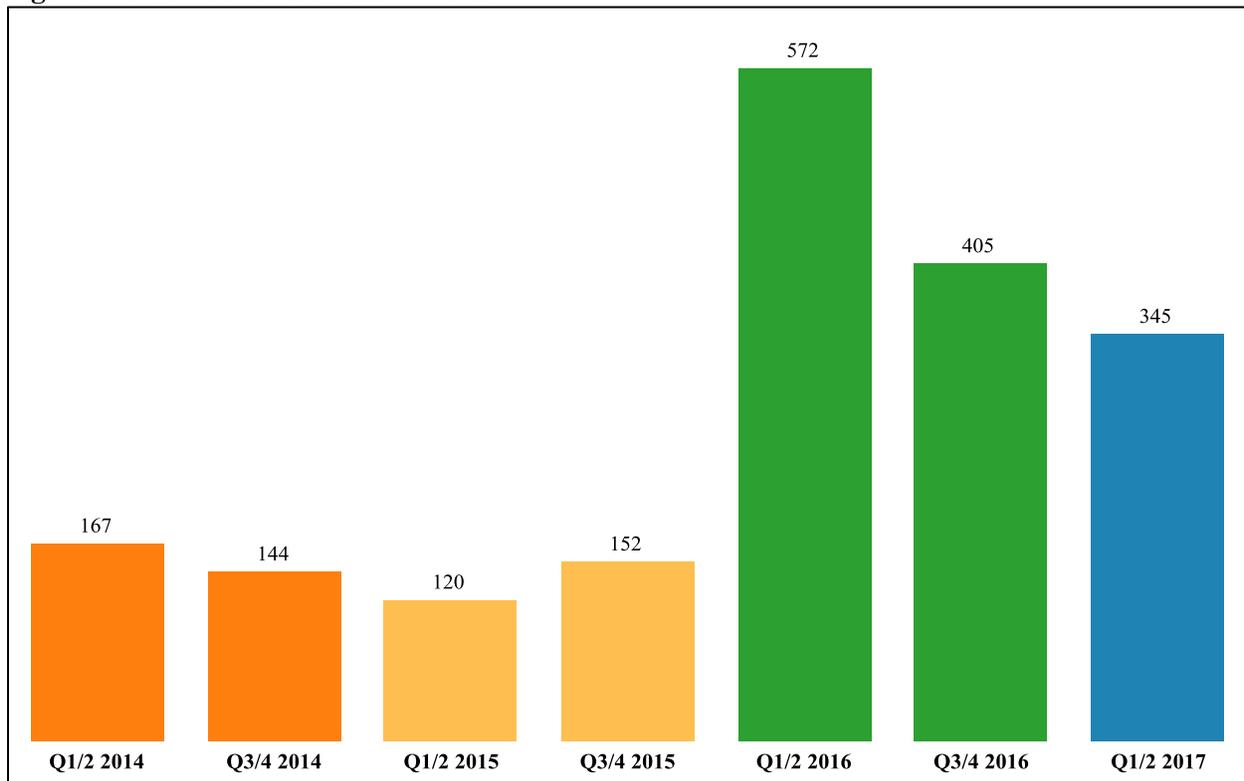
## Section 5: Outreach

By increasing the scope and scale of our Outreach program, the Civilian Complaint Review Board (CCRB) continues to increase awareness of the Agency’s mission and gain the trust of both the public and the Member of Service (MOS) in the CCRB’s investigative process. With dedicated funding from the Mayor and City Council, in 2015, the Outreach Unit expanded from one person to a staff of six people. The CCRB now has one outreach coordinator for 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 other groups, in all five boroughs. Our outreach 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 the first half of 2017, staff members gave 345 presentations as compared to 572 presentations in the first half of 2016.

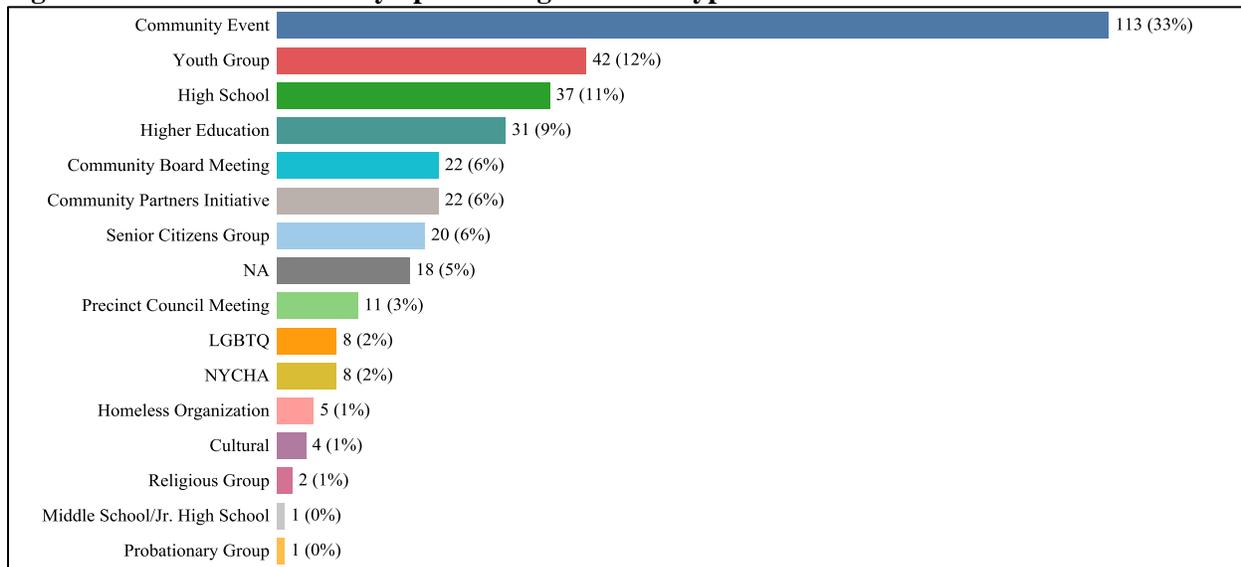
**Figure 47: Number of Outreach Events**



Semi-annual by event date 2014-2016

The CCRB seeks to connect with a wide variety of groups through its outreach efforts. In the first half of 2017, the Outreach Unit has made presentations to a large variety of audiences including: school groups, precinct council meetings, probationary groups, homeless service organizations, formerly incarcerated individuals, NYCHA residents, and lesbian, gay, bisexual, transgender, and queer (LGBTQ) groups. Most presentations were given at community events (33 percent), followed by youth groups (12 percent).

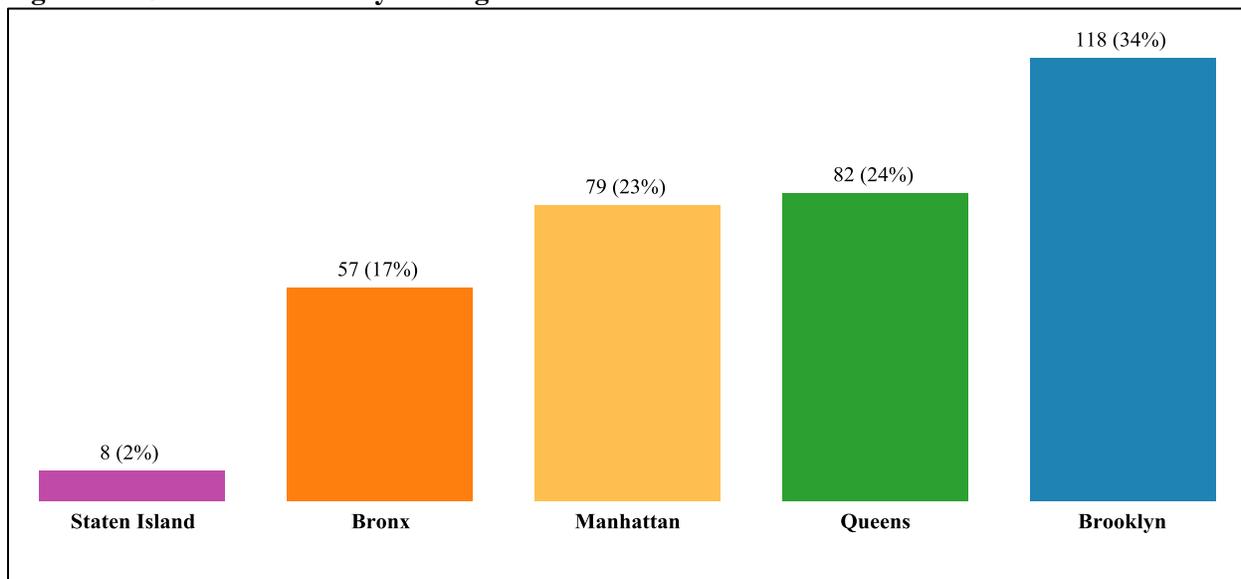
**Figure 48: Outreach Events by Specific Organization Type**



Outreach events held in Q1/2 2017

In the first half of 2017, Outreach made presentations in all five boroughs, reaching much of the City’s diverse demographic. The largest number of presentations were made in Brooklyn (118), followed by Queens (82).

**Figure 49: Outreach Events by Borough**



Outreach events held in Q1/2 2017

# Section 6: Reconsiderations

## CCRB-NYPD Reconsideration Process

Since December 2014, the Civilian Complaint Review Board (CCRB) and the New York City Police Department (NYPD) have engaged in a formal reconsideration process. The CCRB-NYPD reconsideration process allows the Department Advocate's Office (DAO) to request that the Board reconsider its findings and/or discipline recommendations for a previously-substantiated allegation.

To initiate this process, the DAO must write a letter requesting that the Board reconsider the discipline recommendation and/or disposition of an allegation. This does not mean, however, that the Board will automatically reverse its decisions upon the DAO's request. As an independent oversight agency, the CCRB is committed to reversing substantiation decisions only when doing so is in the interest of fairness.

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

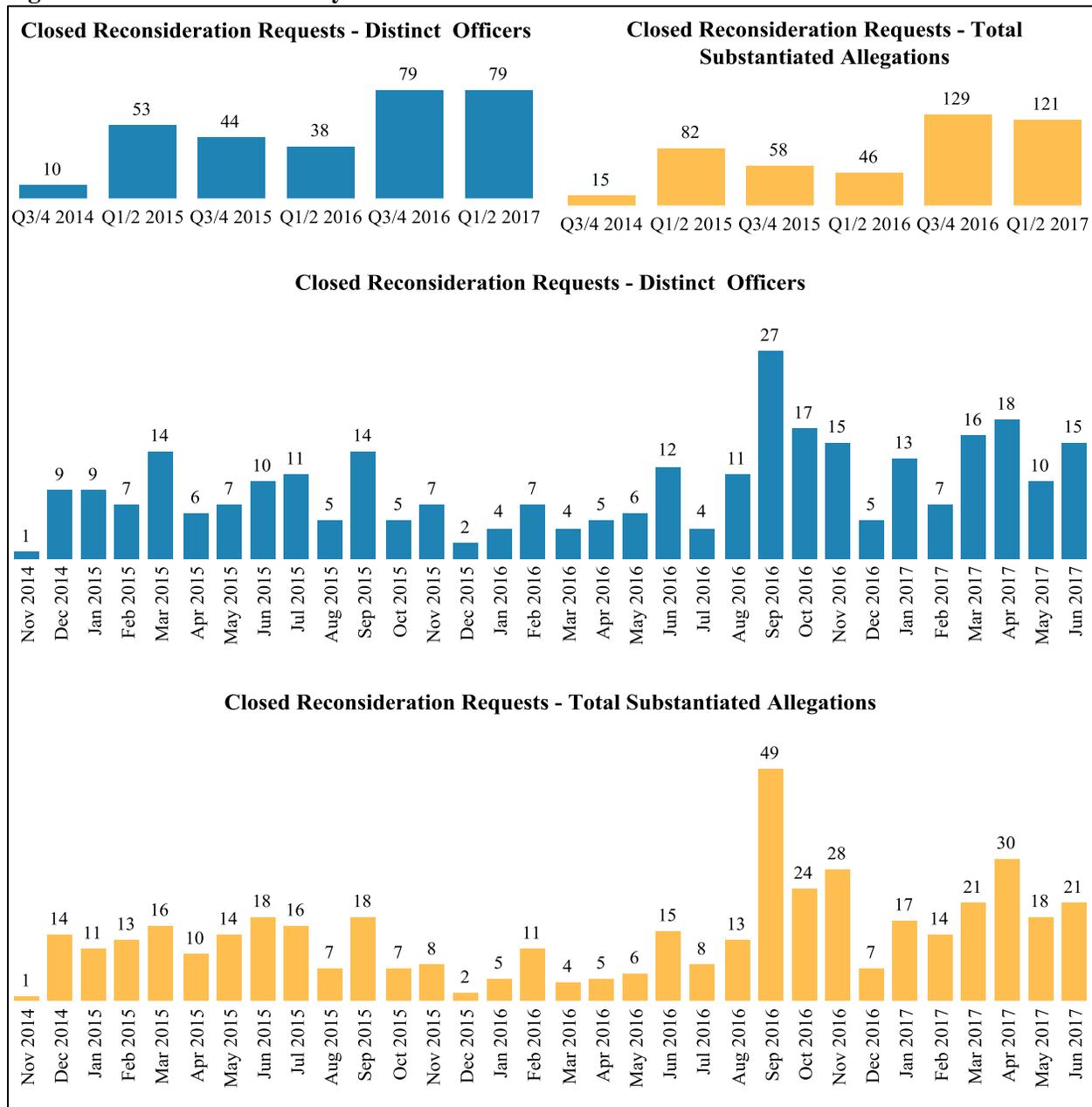
1. The discipline recommended against any subject officer is determined upon reconsideration to be inappropriate or excessive; or
2. There are new facts or evidence that were not previously known to the Board panel, and such facts or evidence could reasonably lead to a different finding or recommendation in the case; or
3. There are matters of fact or law which are found to have been overlooked, misapprehended, or incorrectly applied to a particular case by the deciding panel.

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

The reconsideration process currently requires that reconsideration requests be submitted to the CCRB within 90 days of the Department's receipt of the case. However, if there is enough time to reconvene a panel before the Statute of Limitations expires and there are extenuating circumstances, such as a misinterpretation or misapplication of the law or new evidence provided by the Department, the process allows for exceptions, and a panel can be reconvened to reconsider the case. As a matter of practice, if a reconsideration request is submitted after the 90-day deadline and merely requests reconsideration of the CCRB's disciplinary recommendation, the CCRB will automatically deny the Department's request.

As illustrated below, the CCRB has received the same number of reconsideration requests for MOS with substantiated allegations in the first half of 2017 as in the second half of 2016. Because the Department may request reconsideration of multiple substantiated allegations against a single officer involved in a complaint, the total number of allegations reconsidered exceeds the number of officers who have had allegations reconsidered.

**Figure 50: Reconsiderations by Reconsideration Date**

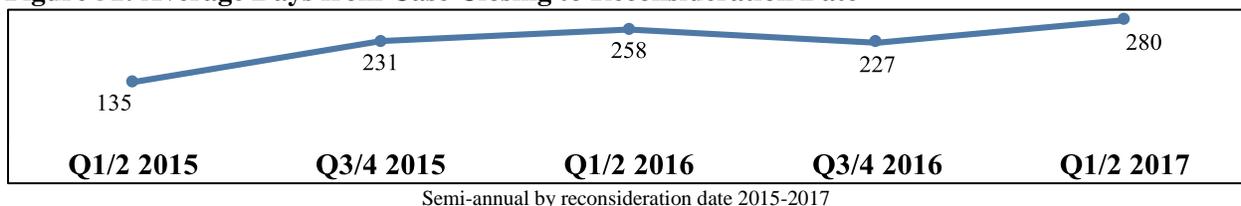


By reconsideration date 2014-2017

While there is a 90 day deadline for reconsideration requests, the average length of time between the Board’s initial decision and the DAO’s request for reconsideration was 280 days in the first half of 2017.<sup>6</sup>

A significant difficulty facing the CCRB with respect to the reconsideration process is the time it takes for the DAO to review newly-substantiated allegations and decide whether or not to request reconsideration by the Board. DAO continues to process old cases at the same time that it was processing new cases. This, combined with the CCRB’s new method of assessing cases received after the expiration of the 90 day period, should reduce the time it takes to complete the review process.

**Figure 51: Average Days from Case Closing to Reconsideration Date**



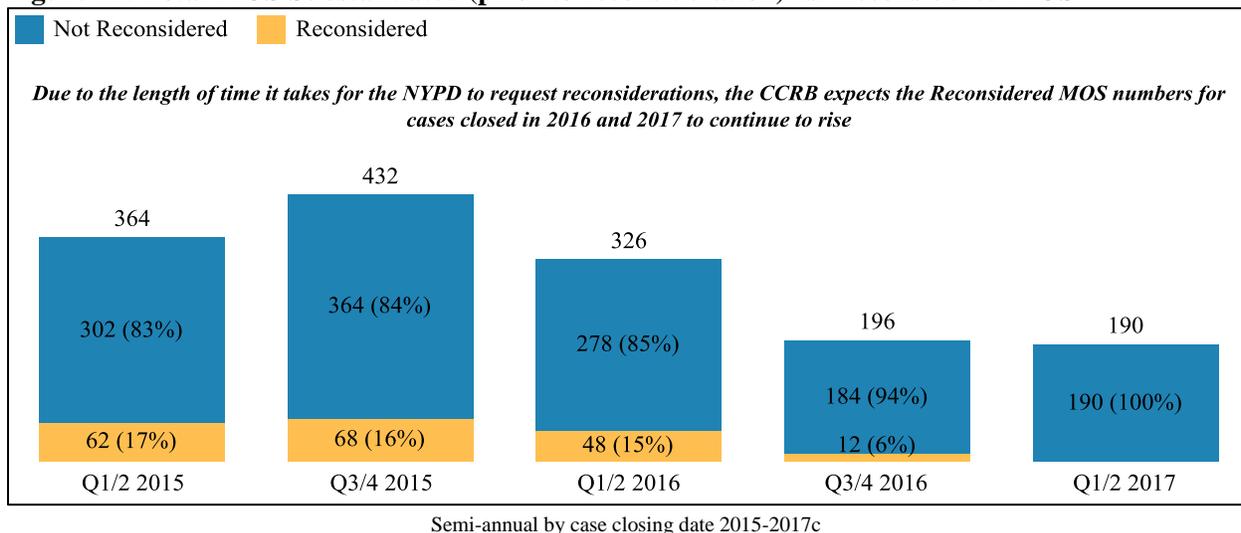
### How Many MOS with Substantiated Allegations Are Being Reconsidered?

One of the vital questions about the reconsideration process is: how many MOS with substantiated allegations will have their substantiated allegations reconsidered?

Looking at the complaints closed in the first half of 2015, of the 364 distinct MOS against whom an allegation was initially substantiated, the Department requested reconsideration for 62 MOS (17 percent).

To date, the Department has requested reconsideration for 31 percent of the MOS against whom an allegation was substantiated in the first half of 2016<sup>7</sup>, but the agency expects that figure to rise as more reconsideration requests come in.

**Figure 52: Total MOS Substantiated (prior to reconsideration) vs. Reconsidered MOS**



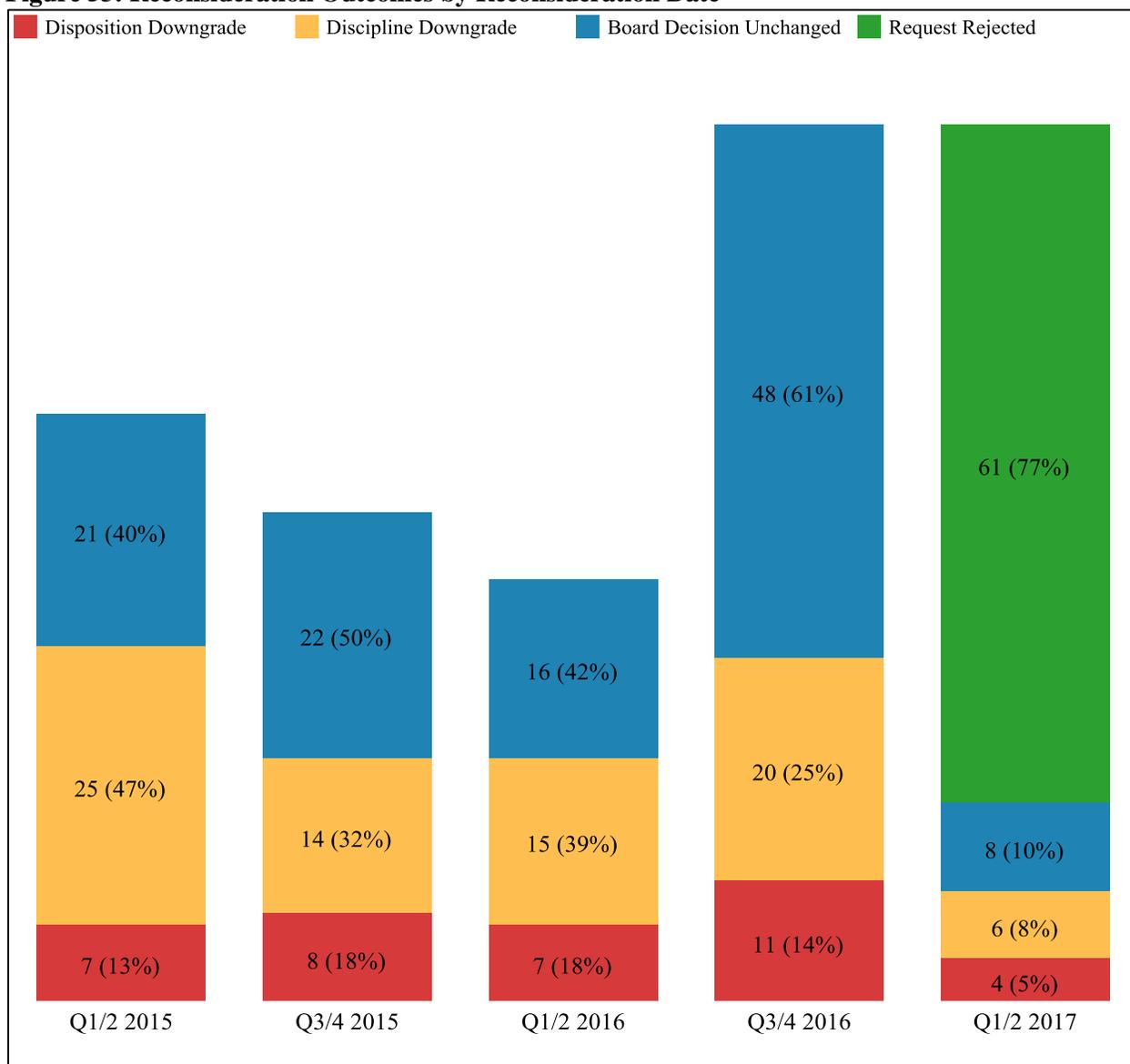
<sup>6</sup> These data are calculated by complaint. However, because there are sometimes multiple MOS per complaint, the CCRB will begin calculating reconsideration request times by MOS in future annual and semi-annual reports. This methodological change may impact comparison of future numbers to the numbers included in this report.

<sup>7</sup> Because of the time it takes for reconsideration requests to be submitted, reconsideration request data about substantiated allegations closed in the first half of 2017 is not yet available.

## Outcome of Reconsideration Requests

Of the 79 MOS whose reconsideration requests were closed in the first half of 2017 (a reconsideration request closed in 2017 may have stemmed from a complaint closed in a previous year), the Board rejected the reconsideration request for 61 officers (77 percent), downgraded the disposition for four officers (five percent), downgraded the discipline recommendation for six officers (eight percent), and maintained the original decision for eight officers (10 percent).

**Figure 53: Reconsideration Outcomes by Reconsideration Date**



Semi-annual by reconsideration date 2015-2017

The table below gives a complete breakdown of the changed Board decisions over the last three years. For example, the first row of the table shows that since the reconsideration process was introduced, the Board changed its vote on substantiated allegations from “Substantiated (Charges)” to “Substantiated (Command Discipline B)” with respect to three MOS (two in Q3/4 2015, and one in Q3/4 2016).

**Figure 54: Reconsideration Decision Detail**

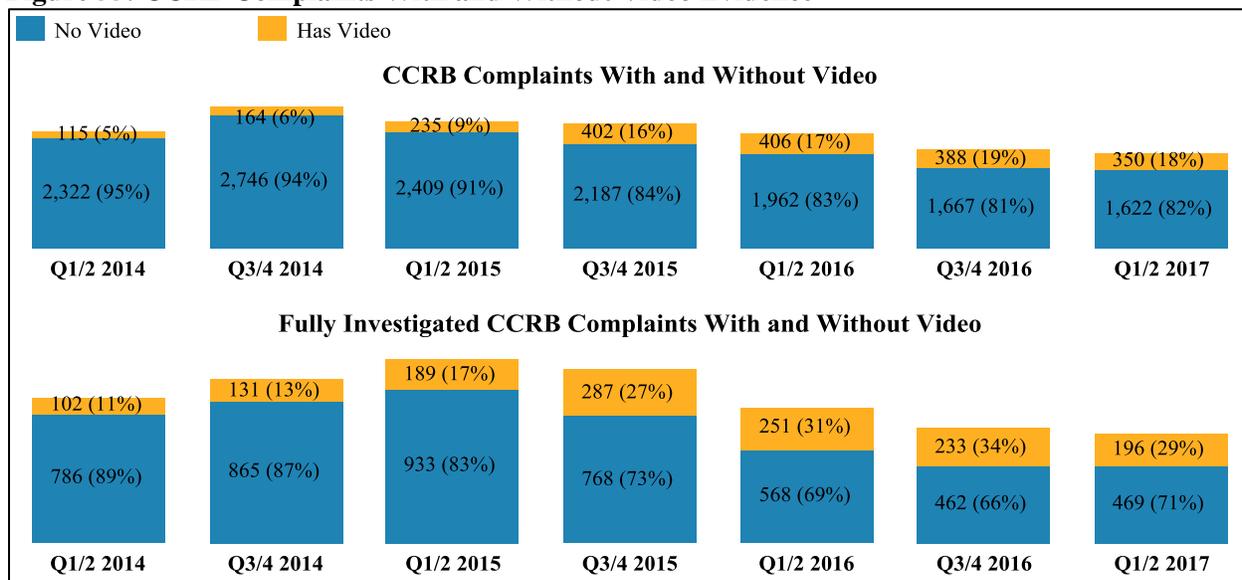
Initial Disposition to Final Disposition (after Reconsideration)	Q3/4 2014	Q1/2 2015	Q3/4 2015	Q1/2 2016	Q3/4 2016	Q1/2 2017
Substantiated (Charges) to Substantiated (Command Discipline B)			2		1	
Substantiated (Charges) to Substantiated (Command Discipline A)			1	1		1
Substantiated (Charges) to Substantiated (Formalized Training)		2	1		4	
Substantiated (Charges) to Substantiated (Instructions)				1		
Substantiated (Charges) to Substantiated (No Recommendations)		1				
Substantiated (Charges) to Exonerated				1	1	
Substantiated (Charges) to Unsubstantiated	1	1			1	
Substantiated (Command Discipline) to Substantiated (Formalized Training)	6	12	1			1
Substantiated (Command Discipline) to Substantiated (Instructions)		3				
Substantiated (Command Discipline) to Exonerated			1			
Substantiated (Command Discipline) to Unsubstantiated		5	1			
Substantiated (Command Discipline B) to Substantiated (Command Discipline A)			3	5	5	1
Substantiated (Command Discipline B) to Substantiated (Formalized Training)		2	1	5	2	1
Substantiated (Command Discipline B) to Substantiated (Instructions)		1				
Substantiated (Command Discipline B) to Substantiated (No Recommendations)			1			
Substantiated (Command Discipline B) to Unfounded						1
Substantiated (Command Discipline B) to Unsubstantiated					1	
Substantiated (Command Discipline A) to Substantiated (Formalized Training)		6	4	1	3	2
Substantiated (Command Discipline A) to Substantiated (Instructions)					2	
Substantiated (Command Discipline A) to Exonerated					2	
Substantiated (Command Discipline A) to Unsubstantiated			3	1	3	1
Substantiated (Formalized Training) to Substantiated (Instructions)					3	
Substantiated (Formalized Training) to Exonerated				3	1	
Substantiated (Formalized Training) to Unsubstantiated				2	2	2
Substantiated (Instructions) to Exonerated			1			
Substantiated (Instructions) to Officer(s) Unidentified			1			
Substantiated (Instructions) to Unsubstantiated		1	1			
<b>Grand Total</b>	<b>7</b>	<b>34</b>	<b>22</b>	<b>20</b>	<b>31</b>	<b>10</b>

Semi-annual by reconsideration date Q3/4 2014- Q1/2 2017

## Section 7: The Impact of Video Evidence

Over the last few years, the amount of video evidence collected by the Civilian Complaint Review Board (CCRB) increased dramatically. In 2012 (not shown), only one percent of the complaints closed included some form of video evidence. In the first half of 2017, 18 percent of the complaints closed included video evidence. The increase is even more striking when we look at full investigations. In 2012 (not shown), three percent of the fully investigated complaints closed included video evidence. In the first half of 2017, complaints with video evidence accounted for 29 percent of the full investigations closed.

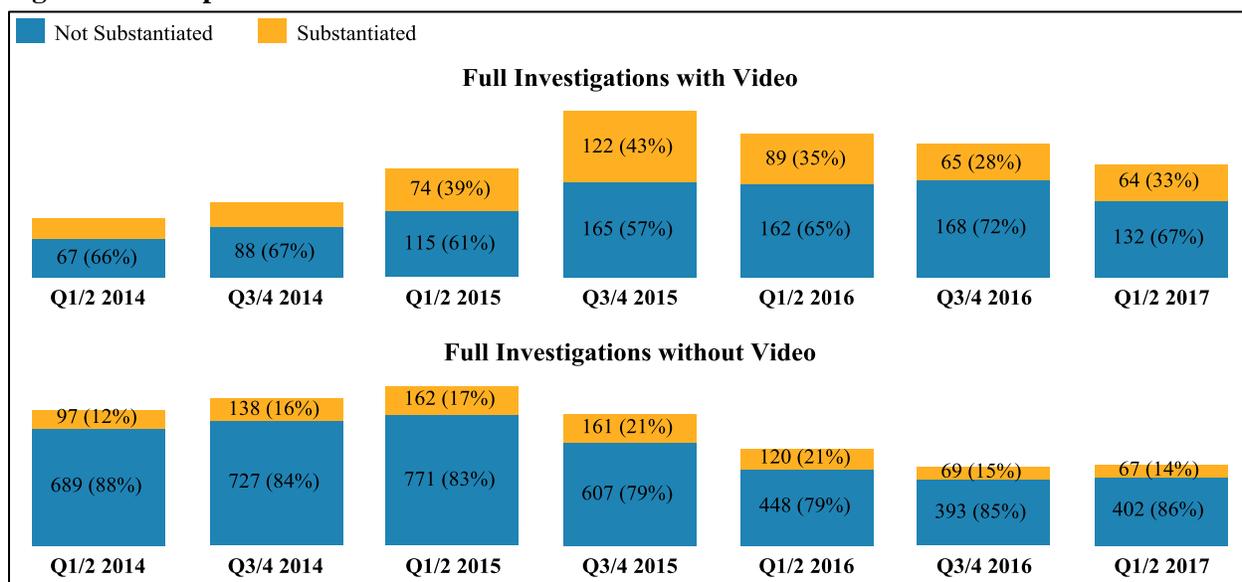
**Figure 55: CCRB Complaints With and Without Video Evidence**



Semi-annual by case closing date 2014-2017

CCRB data suggests that video evidence can have an impact on the final outcome of an investigation. In the first half of 2017, the Board substantiated 33 percent of full investigations where there was video evidence, compared to 14 percent where there was no video evidence.

**Figure 56: Complaint Substantiation Rates With and Without Video Evidence**

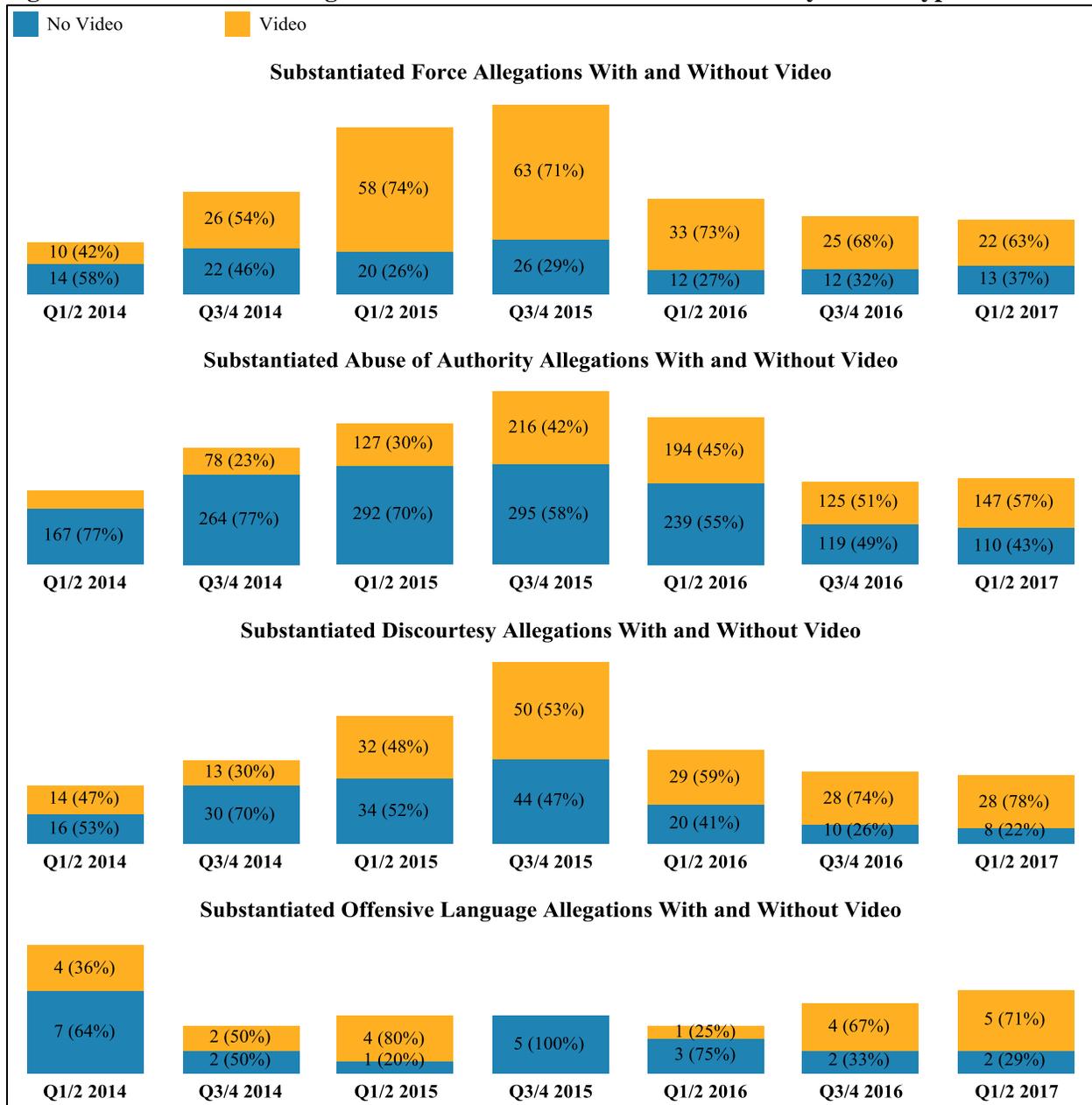


Semi-annual by case closing date 2014-2017

In previous years, Agency data suggested that video evidence plays a greater role in determining the disposition of Force allegations than it does for other types of FADO allegations. For example, in the first half of 2016, 73 percent of the substantiated Force allegations stemmed from complaints where video evidence was collected. That is considerably higher than the percentage of substantiated Abuse of Authority (44 percent), Discourtesy (59 percent), and Offensive Language (25 percent) allegations stemming from complaints where video evidence was collected.

Based on the allegations substantiated in the first half of 2017, the numbers look quite different. As of this year, only 63 percent of the substantiated Force allegations stemmed from complaints where video evidence was collected, compared to 57 percent of the substantiated Abuse of Authority allegations, 78 percent of the substantiated Discourtesy allegations, and 71 percent of the substantiated Offensive Language allegations.

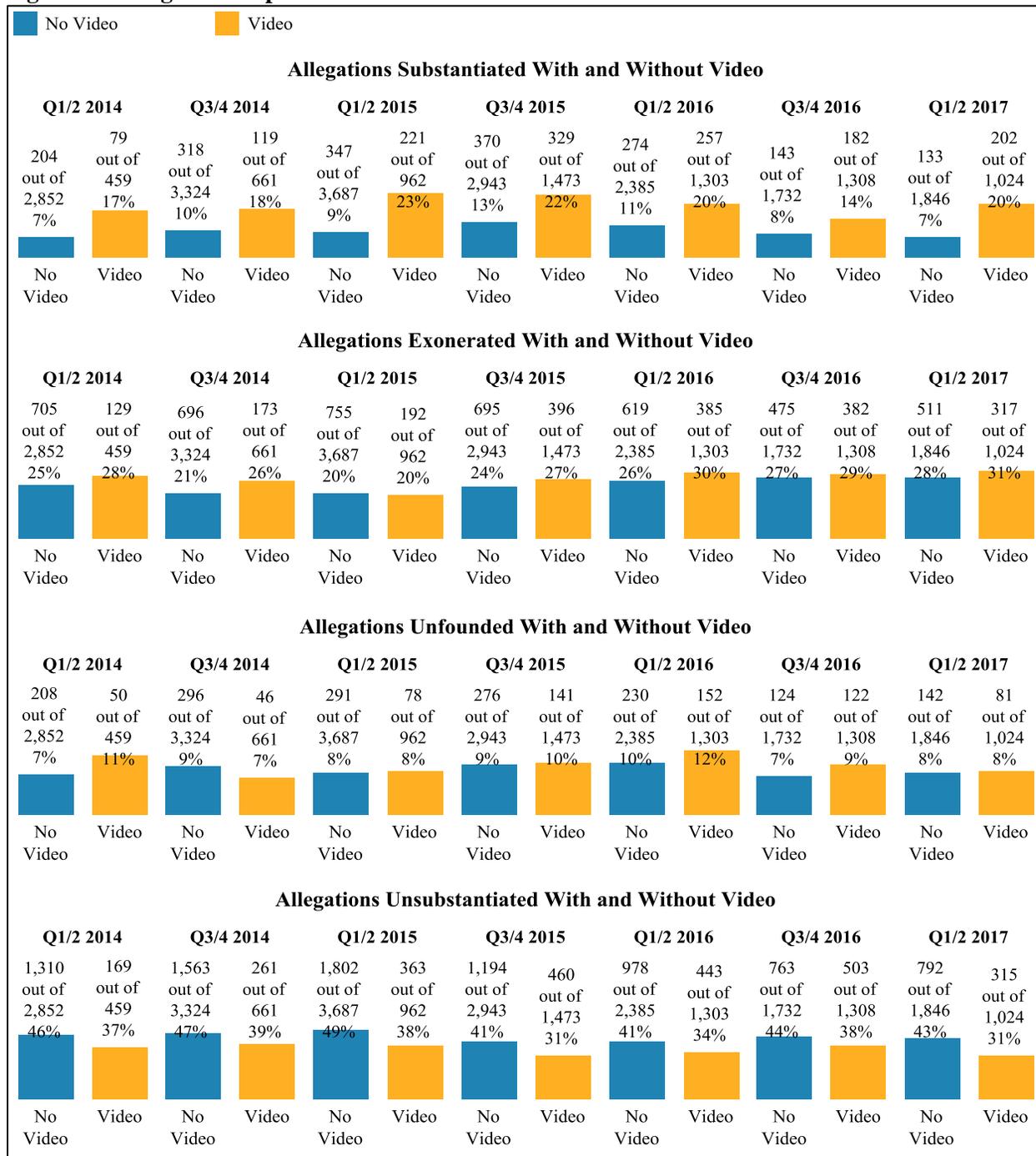
**Figure 57: Substantiated Allegations With and Without Video Evidence by FADO Type**



Semi-annual by case closing date 2014-2017

Video evidence has not only influenced substantiation rates. When video evidence is available, the Board is also more likely to exonerate an allegation or deem it unfounded. For example, in the first half of 2017, 31 percent of allegations with video evidence were exonerated, compared to 28 percent without video. The availability of video evidence appears to make clear resolutions of fact—and thus both substantiated and unfounded/exonerated allegations—more likely.

**Figure 58: Allegation Dispositions With and Without Video Evidence**



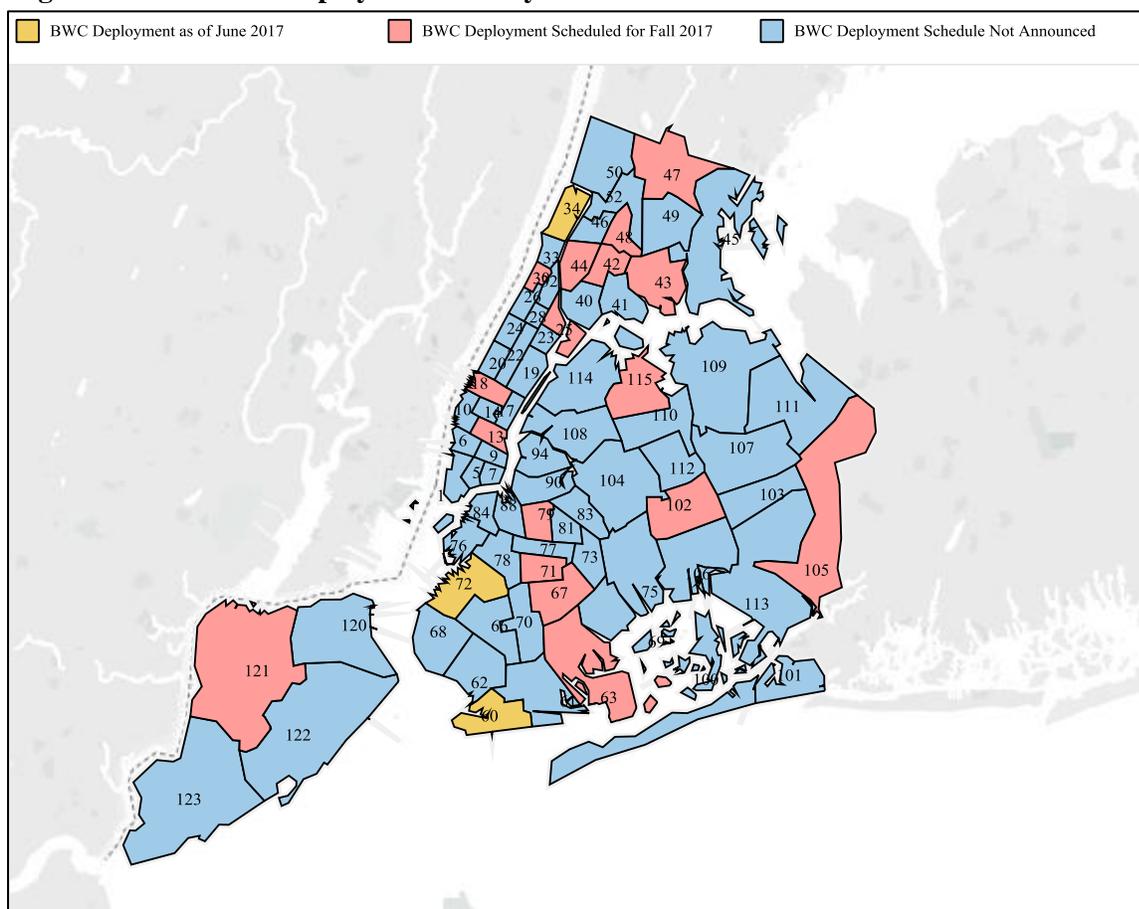
Semi-annual by case closing date 2014-2017

## Section 8: Body-Worn Cameras

In 2013, Judge Shira Scheindlin of the United States District Court for the Southern District of New York, presiding over *Floyd v. City of New York*, found that the New York City Police Department (NYPD) violated the 4<sup>th</sup> and 14<sup>th</sup> Amendments through its use of stop, question, and frisk practices. The court also found that the NYPD had a “policy of indirect racial profiling” that disproportionately targeted Black and Hispanic individuals for stops. As a result, the court ordered changes to certain policies, practices and training curricula, and appointed a monitor to oversee these reforms. The court also ordered a one-year Body-Worn Camera (BWC) pilot to determine whether BWCs were effective in reducing unconstitutional stops.

From December 2014 through March 2016, the NYPD conducted a small BWC experiment utilizing 54 volunteer police officers. After reviewing the results of this experiment, the NYPD began the larger-scale court-ordered pilot on a precinct-by-precinct basis starting in April 2017. By June 2017, BWCs had been deployed to every patrol officer on the Third Platoon (1500-2335 hours) in the 34<sup>th</sup>, 60<sup>th</sup>, and 72<sup>nd</sup> precincts. By fall of 2017, BWCs are scheduled to be deployed to an additional 1,200 officers working the evening shift in a total of 20 precincts.

**Figure 59: Scheduled Deployment of Body-Worn Cameras**



Scheduled deployments are for Third Platoon (1500-2335 hours)

The NYPD, in collaboration with the court-appointed monitor, will evaluate its procedures and the effectiveness of the program at the end of its first year, but will continue deployment of BWCs to new

precincts while the pilot program is ongoing. It is expected that 10,000 BWCs will be in use by the end of 2018, and that all patrol officers will be equipped with BWCs by the end of 2019.

The NYPD provides informational videos in several languages, including sign language, about the BWC rollout on its website,<sup>8</sup> and a copy of the Draft Operations Order governing the use of BWCs is included in Appendix B of the NYPD Response to Public and Officer Input on the Department's Proposed Body-Worn Camera Policy report.<sup>9</sup>

The NYPD's rollout of BWCs presents both an opportunity and a challenge for the work of the CCRB. Footage from BWCs has the potential to improve investigations, helping to definitively resolve a large number of complaints that might otherwise be closed as unsubstantiated or officer unidentified.

If the procedure through which the CCRB gains access to BWC footage is cumbersome and slow, the Agency's ability to investigate complaints in a timely manner could be greatly hampered. Broad restrictions in gaining access to BWC footage will also significantly compromise the integrity of CCRB's investigations.

At present, the CCRB gains access to BWC footage as follows:

1. If an officer wearing a BWC is involved in a misconduct complaint, the CCRB investigator submits a records request to IAB for BWC footage.
2. IAB forwards the request to the NYPD Risk Management Bureau (RMB), which is responsible for approving the request and locating the footage.
3. Once the RMB has approved the request and located the BWC footage, the video is sent back to the IAB, which then uploads the footage to a network drive shared with the CCRB.
4. The CCRB downloads the footage from the shared network drive and forwards it to the investigator.
5. If, upon examination, the BWC footage reveals the existence of additional BWCs on the scene that were not covered in the initial request, the CCRB investigator must submit a new request specifying the additional BWC footage he or she needs.

In the first half of 2017, the CCRB received only three complaints requiring BWC footage requests. The average response time in these three cases was 20 days. Although the BWC deployment is still in its infancy, and the footage-access procedures are still a work in progress, it is likely that request response times will lengthen rather than shorten as the volume of footage requests increases.

The CCRB believes that the current access procedure must be streamlined. The continued effectiveness of its investigations involving BWCs depends upon CCRB's ability to obtain footage relevant to its investigations directly from the NYPD's BWC video storage systems. Direct access to BWC video for oversight agencies is already standard in some police departments, including in Washington D.C. Direct access to BWC footage, with appropriate safeguards, will lead to faster and more thorough CCRB investigations, which is vital to ensuring the public's confidence in the Agency's work.

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<sup>8</sup> <http://www1.nyc.gov/site/nypd/about/about-nypd/equipment-tech/body-worn-cameras.page>

<sup>9</sup> [http://www1.nyc.gov/assets/nypd/downloads/pdf/public\\_information/body-worn-camera-policy-response.pdf](http://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/body-worn-camera-policy-response.pdf)

## Background of CCRB and Glossary

The Charter of the City of New York established the CCRB and empowered it to receive and investigate complaints from members of the public concerning misconduct by officers of the NYPD. The CCRB is required to conduct its investigations “fairly and independently, and in a manner in which the public and the police department have confidence.” Under the 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**. 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 is considered 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 13 members all appointed by the Mayor. The City Council designates five Board members (one from each borough); the Police Commissioner designates three; and the Mayor designates five, including the Chair of the Board. Under the New York City Charter, the Board must reflect the diversity of the City’s residents and all members must live in New York City. No member of the Board may have a law enforcement background, except those designated by the Police Commissioner, who must have had a law enforcement vocation. No Board member may be a public employee or serve in public office. Board members serve three-year terms, which can be and often are renewed.

The **Executive Director** is appointed by the Board and is the Chief Executive Officer, who is responsible for managing the day-to-day operations of the Agency and overseeing its 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, for which the Board has substantiated misconduct and recommended discipline in the form of Charges and Specifications, are prosecuted by a 16-member **Administrative Prosecution Unit (APU)**. The APU began operating in April 2013, after the CCRB and the NYPD signed a **Memorandum of Understanding (MOU)** establishing the unit. The prosecutors within the Unit are responsible for prosecuting, trying and resolving 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. 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 **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 officers who witnessed or were present for the alleged misconduct are categorized as **witness officers**. The CCRB’s **Intake Unit** receives complaints filed by the public in-person, by telephone, voicemail, an online complaint form, or referred to the Agency by IAB. When a **complaint** is filed, the

CCRB assigns it a unique complaint identification number. The CCRB also refers to complaints as **cases**. A single complaint or case may contain multiple FADO **allegations**.

The vast majority of complaints regarding improper entries, searches, or warrant executions involve only a single incident of entry or search, but some complaints involve more than one entry or search (occurring on the same day or on different days). Allegations regarding improper entries, searches, or failures to show a warrant are considered allegations falling within the CCRB's Abuse of Authority jurisdiction. 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 it was proven by a preponderance of evidence that the alleged acts occurred and they constituted misconduct. Exonerated cases are those where it was shown by a preponderance of the evidence that the alleged acts occurred, but they 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 an act of misconduct occurred. In many cases, the CCRB is unable to conduct a full investigation or mediation and must **truncate** the case.<sup>10</sup>

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<sup>10</sup> 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

## Mayoral Designees

### **Deborah N. Archer, Esq., Acting Chair of the Board**

Deborah N. Archer is a Visiting Professor of Clinical Law at New York University School of Law, and Professor of Law and Director of the Racial Justice Project at New York Law School. She was previously an Assistant Counsel at the NAACP Legal Defense and Educational Fund 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, justice, and economic inequality. Prior to joining New York Law School, Professor Archer was a Litigation Associate at Simpson, Thacher & Bartlett LLP. Professor Archer 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*. Professor Archer is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

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

### **Angela Fernández, Esq.**

Angela Fernández is the Executive Director and Supervising Attorney of Northern Manhattan Coalition for Immigrant Rights. Ms. Fernández is a first-generation Dominican whose mother migrated to the United States from Baitoa of Santiago de los Caballeros, Dominican Republic. She brings to the Board 20 years of experience in law, media, non-profit management, government, policy development, and advocacy. Her legal experience has been primarily focused on representing and advocating for immigrants and refugees in the United States and abroad. Ms. Fernández founded and managed elementary schools in the South Bronx and in Washington D.C., taught Women's Studies in Spanish to female detainees at Rikers Island Correctional Center, and was a staffer for U.S. Senator Bill Bradley and District Chief of Staff for U.S. Representative Jose Serrano. Ms. Fernández co-led the effort to end New York State's participation in the Secure Communities program, and co-developed the first-in-the-nation, universal court appointed representation program for detained immigrants. She is Chair of the Dominican Day Parade, an Executive Committee Member of the New York Immigration Coalition, and an Executive Committee Member of CommonWise Education. Fernandez is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

*J.D., Columbia University School of Law; B.A., Boston University*

### **Fred Davie**

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

to the Deputy Mayor for Community and Public Affairs. Mr. Davie is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

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

### **John Siegal, Esq.**

John Siegal is a partner in BakerHostetler, a national business law firm, where he handles litigation, arbitrations, and appeals for clients in the financial services, media, and real estate industries. Mr. Siegal's practice also includes constitutional, civil rights, Article 78, and other cases against government agencies. He has been admitted to practice law in New York since 1987. Mr. Siegal's public service experience includes working as an Assistant to Mayor David N. Dinkins and as a Capitol Hill staff aide to Senator (then Congressman) Charles E. Schumer. Throughout his legal career, Mr. Siegal has been active in New York civic, community, and political affairs. Mr. Siegal is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

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

## **City Council Designees**

### **Joseph A. Puma**

Joseph Puma's career in public and community service has been exemplified by the various positions he has held in civil rights law, community-based organizations, and local government. As a paralegal with the NAACP Legal Defense and Education Fund, Mr. Puma handled cases involving criminal justice, voting rights, employment discrimination, and school desegregation. Prior to joining NAACP LDF, he worked for over six years at the NYC Office of Management and Budget where he served in roles in intergovernmental affairs, policy, and budget. From 2003 to 2004, he served as a community liaison for former NYC 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 City public housing resident, Mr. Puma currently serves on GOLES's Board of Directors, and has participated in national public housing preservation efforts. Mr. Puma is a city council designee to the Board first appointed by Mayor Michael Bloomberg and reappointed by Mayor Bill De Blasio.

*Certificate, Legal Studies, Hunter College, City University of New York; B.A., Yale University*

### **Ramon Peguero, Esq.**

Ramon A. Peguero is the Executive Director of Southside United HDFC (Los Sures), the largest multi-service organization in Williamsburg, Brooklyn focused on developing affordable housing, preventing tenant displacement, running a senior center and food pantry, and managing affordable housing projects. His organization currently works with over 6,000 neighborhood residents. Ramon spent 15 years working in grassroots organizations that tackled the most challenging issues facing low income residents in New York: HIV and AIDS awareness, child and substance abuse, child development issues, and health and nutrition education. Mr. Peguero also serves on the boards of several organizations focused on enhancing the lives of New Yorkers. He is a mayoral appointee to the Board of Directors of the Brooklyn Navy Yard Development Corporation; founder and director of an annual community Thanksgiving Dinner; founder and director of an Annual Dominican Independence Day Celebration; Board Chair of Nuestros Ninos Preschool Center; and was the first President of the Community Education Council (formerly the School

Board); and past Board Member of Brooklyn Legal Services Corp. A. Mr. Peguero is a city council designee to the Board appointed by Mayor Bill de Blasio.

*J.D. CUNY School of Law, Queens College; M.A., Metropolitan College; B.A., Stony Brook University, State University of New York*

### **Youngik Yoon, Esq.**

Youngik 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 is a city council designee to the Board appointed by Mayor Michael Bloomberg.

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

### **Marbre Stahly-Butts, Esq.**

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

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

## **Police Commissioner Designees**

### **Lindsey Eason**

Lindsay Eason currently works as Director of Field Operations for Grand Central Partnership, a 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 Sherriff in 2002, where he developed and implemented SherriffStat, 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. Mr. Eason is a police commissioner designee the Board appointed by Mayor Bill de Blasio.

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

### **Salvatore F. Carcaterra**

Salvatore F. Carcaterra began his law enforcement career in 1981 with the NYPD, where he served for 21 years. Starting as a Patrol Officer, he was promoted through the ranks to the position of Deputy Chief. As a Deputy Chief, he served as the Executive Officer to the Chief of Department, where, among many duties, he organized and implemented the NYPD's overall response to the threat of terrorism following the 9/11 attack on the World Trade Center. Prior to that, Mr. Carcaterra was a Deputy Inspector in command of the Fugitive Enforcement Division. As a Deputy Inspector, he also served in the Office of

the Deputy Commissioner for Operations, managing COMPSTAT, and commanding the Hate Crimes Task Force, increasing its arrest rate by over 50 percent. He served in the NYPD Detective Bureau as a Captain in the 70<sup>th</sup> Precinct and as Deputy Inspector in the 66<sup>th</sup> Precinct. After retiring from the NYPD, Mr. Carcaterra became the president of a security firm and now heads his own security company, providing personal and physical protection to individuals and corporations. Mr. Carcaterra is a police commissioner designee to the Board appointed by Mayor Bill de Blasio.

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

### **Frank Dwyer**

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

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

# Executive and Senior Staff

## Executive Staff

**Executive Director:** Jonathan Darche, Esq.

**Senior Advisor & Secretary to the Board:** Jerika L. Richardson

**General Counsel:** Matt Kadushin, Esq.

**Chief Prosecutor:** Andrea Robinson, Esq.

**Co-Chief of Investigations:** Chris Duerr

**Co-Chief of Investigations:** Winsome Thelwell

**Deputy Executive Director of Administration:** Jeanine Marie

## Senior Staff

**Deputy Chief of Investigations:** Dane Buchanan

**Deputy Chief Prosecutor:** Suzanne O'Hare, Esq.

**Deputy Director of Human Resources:** Naeem Pervaiz

**Director of Case Management:** Eshwarie Mahadeo

**Director of Communications:** Vincent Paolo Villano

**Director of Data Processing:** Lincoln MacVeagh

**Director of Information Technology:** Carl Esposito

**Director of Intake and Field Evidence Collection Unit:** Jacqueline Levy

**Director of Mediation:** Lisa Grace Cohen, Esq.

**Director of NYPD Relations:** Jayne Cifuni

**Director of Operations and Budget:** David B. Douek

**Director of Outreach and Intergovernmental Affairs:** Keith Tubbs

**Director of Policy and Advocacy:** Nicole M. Napolitano, Ph.D.

**Director of Quality Assurance and Quality Improvement:** Nicholas Carayannis

**Director of Training:** Monte Givhan



*“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)*



**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

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