

CIVILIAN COMPLAINT REVIEW BOARD

BILL DE BLASIO, Mayor FREDERICK DAVIE, Chair JONATHAN DARCHE, Esq. Executive Director



Annual Report

2018

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MISSION

The New York City Civilian Complaint Review Board (CCRB) is an independent agency that is empowered to receive, investigate, prosecute, mediate, hear, make findings, and recommend action on civilian complaints filed against members of the New York City Police Department (NYPD or the Department) that allege the use of excessive or unnecessary Force, Abuse of Authority, Discourtesy, or the use of Offensive Language. The Board's staff, composed entirely of civilian employees, conducts investigations, mediations, and prosecutions in an impartial manner.

In fulfillment of its mission, the Board pledges to:

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

LETTER FROM THE CHAIR



Dear Fellow New Yorkers,

Over the past year, the Agency has undertaken new initiatives aimed at improving investigations and communications with complainants.

As reported in our 2018 Semi-Annual Report, the Board launched a pilot program of its Disciplinary Framework in January 2018 with the goal of making more consistent disciplinary recommendations. As the pilot program reached its first full year of implementation in December, the Framework has successfully led to greater consistency in Board panel discussions of cases and has resulted in more consistent outcomes over time. The Board seeks to build on this initial success and looks forward to reporting back to the public on future steps.

Following the Board's February 2018 decision to begin investigating allegations of sexual misconduct, the Agency created an internal working group to determine how best to incorporate investigations and prosecutions of criminal sexual misconduct into Agency operations. Much progress has been made on this front and several new training initiatives were launched in 2018. These include training on forensic experiential trauma interviewing (FETI) techniques and a training module from Bellevue Hospital Center's Victim Advocacy Training Program on working with victims of sexual assault. Further, the CCRB has partnered with the NYC Alliance Against Sexual Assault to launch a sexual misconduct training series for CCRB investigators focusing on the neuroscience of trauma, rape culture, documenting a sexual assault investigation, and vicarious trauma.

This year also showed an increase in complaints for the second consecutive year following seven straight years of declining complaint numbers, with the CCRB receiving 4,745 complaints within its jurisdiction in 2018. One possible explanation for this rise is the Agency's focused commitment to better serving vulnerable and diverse communities. The CCRB Outreach Unit delivered 1,070 presentations in 2018—the largest number in Agency history—to audiences including high school students, immigrant populations, homeless service organizations, formerly incarcerated individuals, NYCHA residents, and LGBTQ groups. The CCRB also partnered with members of the City Council on a full public education campaign for the Right to Know Act in anticipation of the law's October 2018 effective date. This involved the creation and distribution of educational materials, participation in press and social media efforts, and helping the City Council provide information to constituents.

Finally, the Agency saw an increase in 2018 in the average time it took to receive Body-Worn Camera (BWC) footage from the NYPD. The time increased from 6.6 business days in 2017 to 10 business days in 2018. Unfortunately, this delay has increased dramatically since 2018 and as of June 30, 2019, it now takes an average of 39 business days for the CCRB to receive BWC footage from the NYPD. The problem is magnified by the fact that more than half of the Agency's current investigations have open requests for BWC footage. Of these outstanding requests, 45 are over 90 days old and 256 are over 30 days old. BWCs are a vital tool for ensuring that the CCRB conducts thorough investigations and provides New Yorkers with effective independent oversight. This is an issue the Board and I take incredibly seriously and will diligently work to address.

Sincerely,

A handwritten signature in black ink, appearing to be 'FD' with a large, stylized flourish.

Fred Davie

EXECUTIVE SUMMARY

SECTION 1: COMPLAINT ACTIVITY

- In 2018, the CCRB received 4,745 complaints within its jurisdiction, an increase from the 4,486 complaints received in 2017 (page 9). This is the second straight year of rising complaint numbers following seven years of declining complaints. While it is impossible to determine whether increases or decreases in complaints to the CCRB are the result of changes in actual police misconduct or in reporting rates, it is important to note that in 2018, the CCRB Outreach Unit delivered a record high number of presentations (see Section 8).
- In 2018, 32% of complaints received within the CCRB's jurisdiction stemmed from alleged incidents that occurred in Brooklyn, which is home to approximately 31% of the city's population (page 12). The highest number of complaints stemmed from incidents occurring in Brooklyn's 75th Precinct (which serves the East New York and Cypress Hills neighborhoods), but the highest rate of complaints occurred in Manhattan's 14th Precinct (which serves the southern portion of Midtown, Manhattan), which had a complaint rate of 21 per 10,000 residents, compared with ten per 10,000 residents for the 75th Precinct (page 15).
- Due to the longstanding public discussion surrounding "Stop and Frisk" policing, the CCRB keeps track of all complaints alleging the stop, question, frisk, or search of a person. Relative to 2017, these allegations have declined slightly, from 891 to 862 (page 19).

SECTION 2: INVESTIGATIVE FINDINGS

- Over the last two years, the substantiation rate (the percentage of full investigations in which the Board voted to substantiate at least one allegation) has remained stable at 19%. The unsubstantiation rate (the percentage of cases in which it could not be determined by a preponderance of the evidence whether the alleged misconduct occurred) similarly remained at 48% (page 31).
- The truncation rate (the percentage of complaints that are closed without a full investigation, mediation, or attempted mediation) increased slightly to 58% in 2018 from 55% in 2017 (page 25). Complaints filed directly with the CCRB are less likely to be truncated than complaints that are referred to the Agency. For example, 73% of complaints that originated with NYPD's Internal Affairs Bureau (IAB) were truncated in 2018, compared with 46% of complaints that originated with the CCRB (page 27).
- In 2018, the CCRB began tracking cases that were withdrawn by complainants or victims upon advice of their attorneys. Sometimes, when a complainant is involved in criminal or civil litigation, they are advised by counsel to avoid making any sworn statements in any other venue until the conclusion of the court case. Beginning in 2018, for complaints closed due to pending litigation, CCRB investigators periodically check court records to determine if the case has ended, and if so, attempt to reconnect with the complainant. In 2018, 27 cases were reopened after initially being closed due to pending litigation. In 2017 and 2018, approximately 10% (39 of 341) of complaints that were previously closed pending litigation have been reopened as a result of this new protocol (page 26).

SECTION 3: DISCIPLINARY PROCESS

- In 2018, the Board substantiated 226 complaints against 326 police officers. The Board recommended Charges and Specifications for 22% of the 326 officers against whom there was a substantiated allegation, Command Discipline for 39%, Instructions for 21%, and Formalized Training for 17% (page 35).
- Cases in which the Board recommends Charges and Specifications are prosecuted by the Administrative Prosecution Unit (APU).¹ In 2018, 39 of the 51 cases (76%) the APU closed against members of service (MOS) resulted in disciplinary action.² In 32 of those cases, the Police Commissioner imposed discipline of either forfeiture of between one and 20 vacation days or suspension (page 38).
- For complaints in which the Board did not recommend Charges and Specifications, the Police Commissioner imposed some type of discipline 84% of the time. In those cases, the discipline imposed by the Police Commissioner concurred with the Board's recommendation 52% of the time in 2018, up from 43% in 2017. The number of cases in which the Board recommended some type of discipline, but no discipline was imposed by the Police Commissioner, decreased from 23% in 2017 to 16% in 2018 (page 40).
- For cases closed by the APU, the concurrence rate was 38% in 2018, an increase from 27% in 2017 (page 41). The most common reasons for a lack of concurrence in APU cases in 2018 were a penalty imposed that was lower than what the APU had called for at trial (eight cases, or 18%), and cases in which an officer pled guilty and agreed to a penalty but the NYPD subsequently requested a reduced penalty recommendation in order to finalize the plea agreement (eight cases, or 18%).

SECTION 4: MEDIATION

- In 2018, 50% of cases in which mediation was attempted by the Mediation Unit were closed as completed mediations—an improvement over the range of 46% to 49% over the preceding four years (page 43).
- In 2018, the Mediation Unit conducted 250 mediation sessions, resulting in 231 satisfactory resolutions, a 93% success rate. The remaining 18 complaints were returned to the Investigations Division (page 45).

SECTION 5: RECONSIDERATIONS

- In 2018, the CCRB closed requests for reconsideration submitted by the Department Advocate's Office for 56 MOS (though a reconsideration request closed in 2018 may have stemmed from a complaint closed in a previous year). The Board changed the disposition for six officers (11%), downgraded the discipline recommendation for five officers (9%), maintained its original decision for 23 officers (41%), and rejected the other 22 (39%) reconsideration requests (page 48).

SECTION 6: THE IMPACT OF VIDEO

- The availability of video evidence, which includes footage from body-worn cameras (BWC),

¹ Because the APU treats each officer as a separate "case," all APU data discussed in this Report uses the same terminology. While there may be trials or incidents that involve multiple officers, the word "case" should be interpreted as "case against a single officer."

² These numbers include 2017 complaints against members of service that were closed by the APU in 2018.

private and municipal security cameras, and video recorded by witnesses, often minimizes the ambiguity of the events underlying the allegation. In 2018, 55% of allegations with video evidence were closed “on the merits” (substantiated, exonerated, or unfounded) compared to 43% without video. The Board substantiated 28% of full investigations with video evidence compared to 12% where there was no video evidence (page 55).

SECTION 7: BODY-WORN CAMERAS

- By December 31, 2018, the NYPD rolled out BWCs to 15,826 MOS across 81 commands citywide (page 57). In 2018, the CCRB requested BWC footage in 1,961 complaints. The number of footage requests is sure to increase as the NYPD completes the rollout of its BWC program to all MOS on patrol assignments (page 58).

SECTION 8: OUTREACH

- In 2018, the Outreach and Intergovernmental Affairs Unit gave 1,024 presentations—the highest number in Agency history (page 59). The largest categories of presentations were those given at libraries (10%) and community events (9%) as the Outreach Unit sought to reach as many community members as possible (page 60).

SECTION 9: NEW INITIATIVES

- In February 2018, pursuant to a resolution passed by the Agency’s Board, the CCRB began investigating allegations of sexual misconduct against MOS. Following the Board’s vote, the CCRB embarked on a two-phase program: in Phase One the Agency immediately began to investigate allegations of sexual harassment; in Phase Two the Agency would investigate sexual assault allegations once the CCRB staff was properly trained to handle those types of allegations. In spring 2018, investigators received training on handling allegations of sexual harassment and began investigating Phase One complaints. In fall 2018, investigators received more in-depth training in preparation for Phase Two implementation, including 40 hours of training from Bellevue Hospital Center’s Victim Advocacy Training Program on trauma and working with victims of sexual assault. In partnership with the NYC Alliance on Sexual Assault (the Alliance), the CCRB’s Training staff also initiated a multi-part training series on sexual misconduct. The first training, held in December 2018, focused on Understanding the Neuroscience of Trauma. Upcoming training sessions focusing on sexual assault and understanding rape culture, documenting a sexual assault investigation, and vicarious trauma are planned (page 62).
- On October 19, 2018, the Right to Know Act (RTKA) went into effect. In coordination with the rollout, CCRB staff worked with members of the City Council to develop RTKA “Know Your Rights” materials and distribute thousands of flyers outside of subway stations, schools, and at street festivals throughout the five boroughs in coordination with street team efforts. CCRB investigators also received training on the RTKA’s two main components and how to plead alleged violations of the RTKA (page 62).
- In January 2018, the Board implemented a pilot program of its Disciplinary Framework, a non-binding matrix designed to guide Board Panel discussions on disciplinary recommendations for substantiated cases. Use of the Framework does not impact whether a complaint will be substantiated by the Board—it is used only in cases where misconduct has been substantiated. The goal of the Framework is to achieve consistent and fair discipline recommendations for both civilians and MOS. The Framework outlines six

allegation types that—if substantiated—typically would result in the Board Panel recommending Charges and Specifications, the most severe level of discipline. These allegations include chokeholds, strip searches, warrantless entries, offensive language, excessive force with serious injury, and sexual misconduct. In addition, the Framework structures discussion around the subject officer’s CCRB history, if any, and the totality of the circumstances of the case. During the yearlong pilot program, the Framework has led to more consistent recommendations of Charges and Specifications, with 2018’s rate of Charges, 22%, approximating the five-year average for such recommendations, which is 25%. The Board is currently reviewing the findings of the pilot program to determine whether to expand the Framework to other types of disciplinary recommendations and whether to adopt the Framework as a permanent part of its review process (page 63).

- In April 2018, trainers from the Perception Institute (<https://perception.org>) conducted an implicit bias training with all CCRB staff. The training, which the Agency intends to make a regular component of the staff training protocol, covered the effects of implicit bias in society and the workplace. The training incorporated CCRB-specific case studies and included discussions on practical solutions for identifying when an individual’s objectivity is compromised and how to mitigate biases (page 63).

INTRODUCTION: THE BOARD AND AGENCY OPERATIONS

The Civilian Complaint Review Board (CCRB) is an agency of the City of New York. It became independent from the New York City Police Department (NYPD) and established in its current all-civilian form in 1993. Board members review and make findings on all misconduct complaints once they have been fully investigated.

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 prior experience as law enforcement professionals. No Board member may be a public employee or serve in public office. Board members serve three-year terms, which can be renewed. They receive compensation on a per-session basis, although some Board members choose to serve pro bono.

From 1993 to 2013, all cases in which the Board determined that an officer committed misconduct were referred to the Police Commissioner with a discipline recommendation. Pursuant to a Memorandum of Understanding between the CCRB and the NYPD (effective April 11, 2013), a team of CCRB attorneys from the Agency's Administrative Prosecution Unit (APU) handles most of the cases in which the Board recommends that Charges and Specifications be brought against an officer. When the Board recommends discipline other than Charges and Specifications (e.g. Instructions, Formalized Training), the case is still referred directly to the Police Commissioner.

SECTION 1: COMPLAINT ACTIVITY

CCRB COMPLAINT INTAKE

For most New Yorkers, contact with the Civilian Complaint Review Board (CCRB) begins with filing a complaint alleging police misconduct. This section covers the number of complaints received and their characteristics.

All complaints against New York City Police Department (NYPD) members of service 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 2018, the CCRB received 4,745 complaints within its jurisdiction (Fig. 01). This is an increase from the 4,486 complaints received in 2017. As depicted in Fig. 02, the number of complaints received fluctuates by month, and has seasonal patterns, with lower numbers of complaints received in late fall and winter months.

Figure 01: Complaints Received Within CCRB Jurisdiction, 2004 –2018

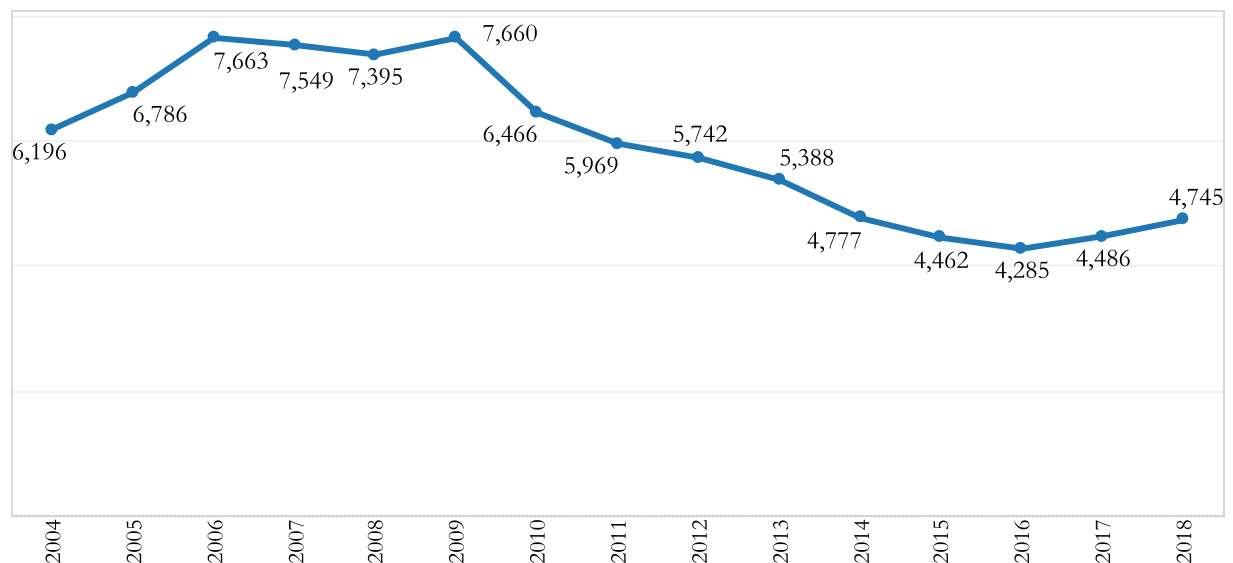
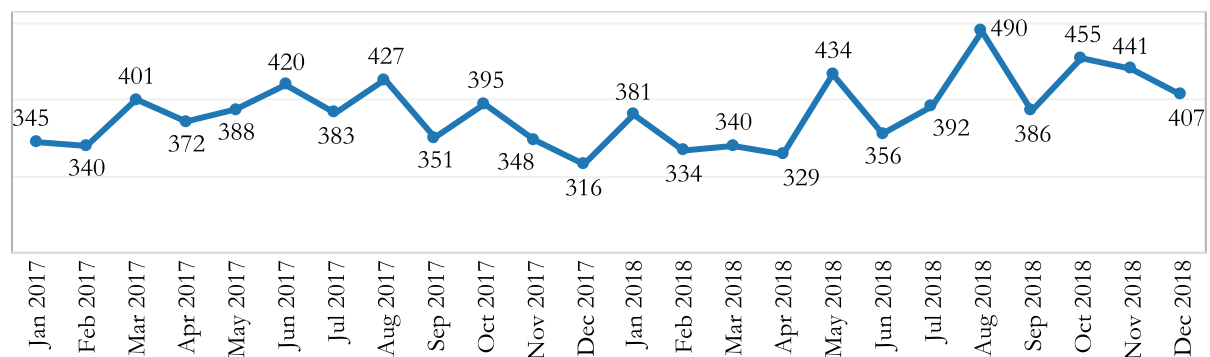


Figure 02: Complaints Received Within CCRB Jurisdiction by Month, 2017 – 2018

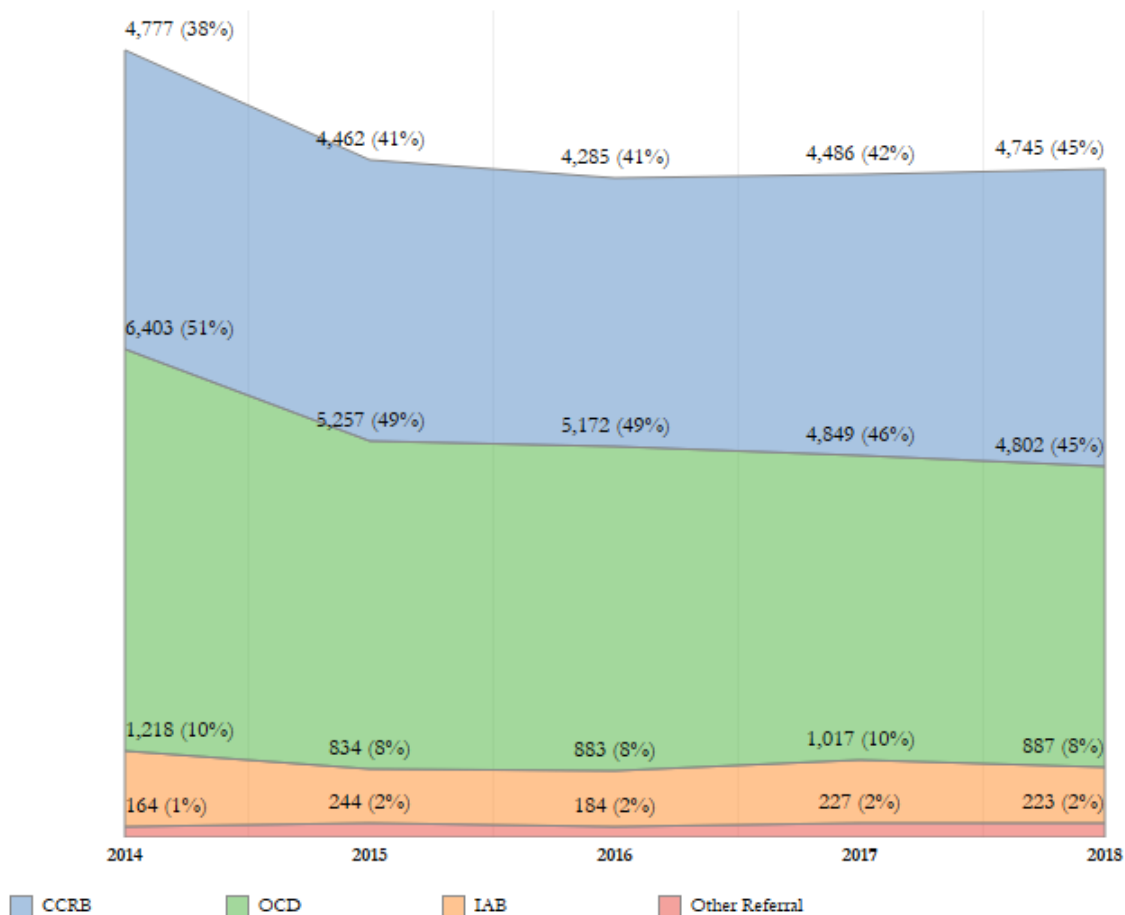


CCRB JURISDICTION AND TOTAL FILINGS

Complaints outside of the Agency's FADO jurisdiction are referred to the governmental entities with the jurisdiction to process them. The two NYPD units that are the primary recipients of CCRB referrals are the Office of the Chief of Department (OCD), which investigates alleged lower-level violations of the NYPD Patrol Guide, and the Internal Affairs Bureau (IAB), which is tasked with investigating allegations like corruption or criminal behavior. Individuals whose complaints are referred by the CCRB are mailed a tracking number so that they can follow up on their complaints with the appropriate agency.

Examples of complaints the CCRB might receive that do not fall within the Agency's 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; 3) complaints against an NYPD officer involving corruption; and 4) complaints against individuals who are not members of the NYPD, such as state police or members of federal law enforcement, including the Federal Bureau of Investigation (FBI) and U.S. Immigration and Customs Enforcement (ICE). In 2018, 55% of complaints received did not fall within CCRB's jurisdiction (Fig. 03).

Figure 03: Complaints Received in Each Agency's Jurisdiction, 2014 – 2018



PLACE AND MODE 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. As depicted in Fig. 04, there has been a slight increase in the number of complaints made directly to the CCRB between 2017 and 2018.

The Agency is better able to fully investigate complaints when they are filed directly with the CCRB (Fig. 25). When complaints are not filed directly with the CCRB, the Agency must make initial contact with the complainant/victim, who may not have been informed by other agencies that the complaint was referred to the CCRB for investigation.

Figure 04: Complaints Received by Complaint Place, 2017 and 2018

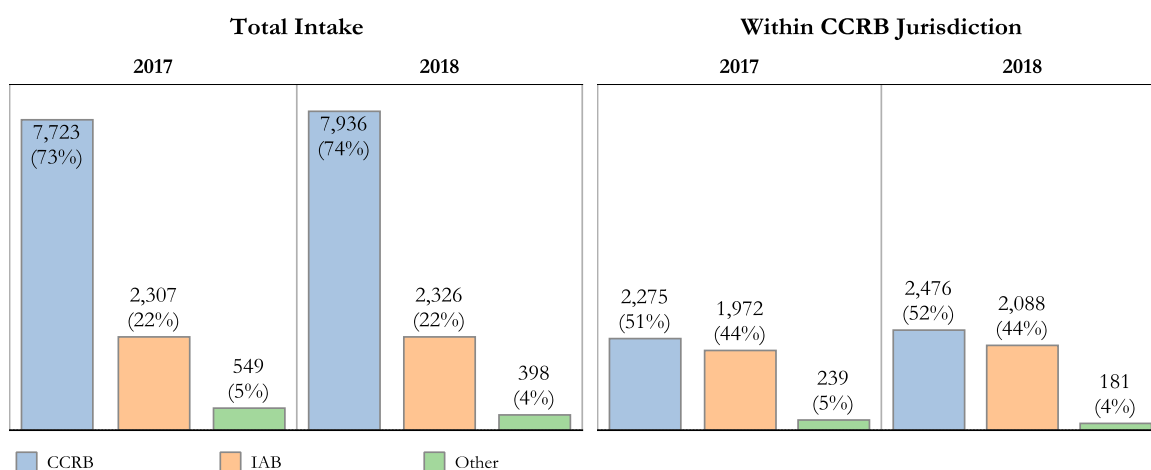
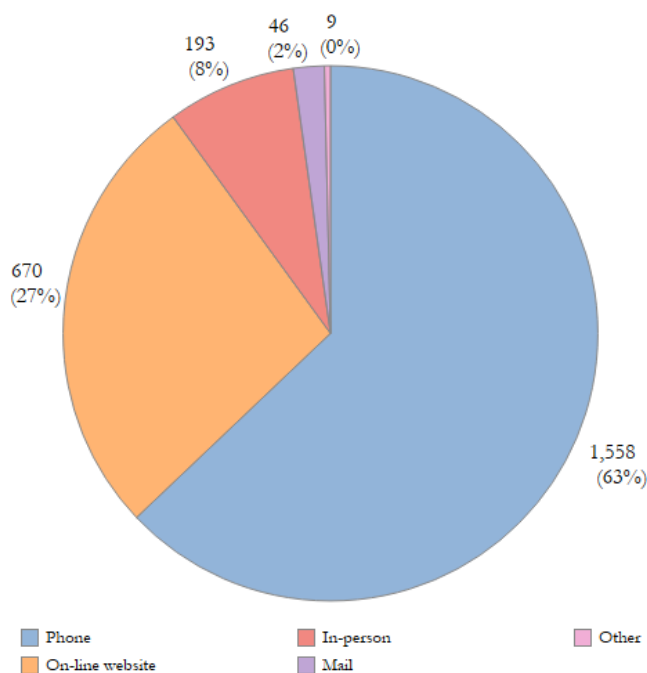


Figure 05: Complaints within CCRB Jurisdiction by Complaint Mode, 2018



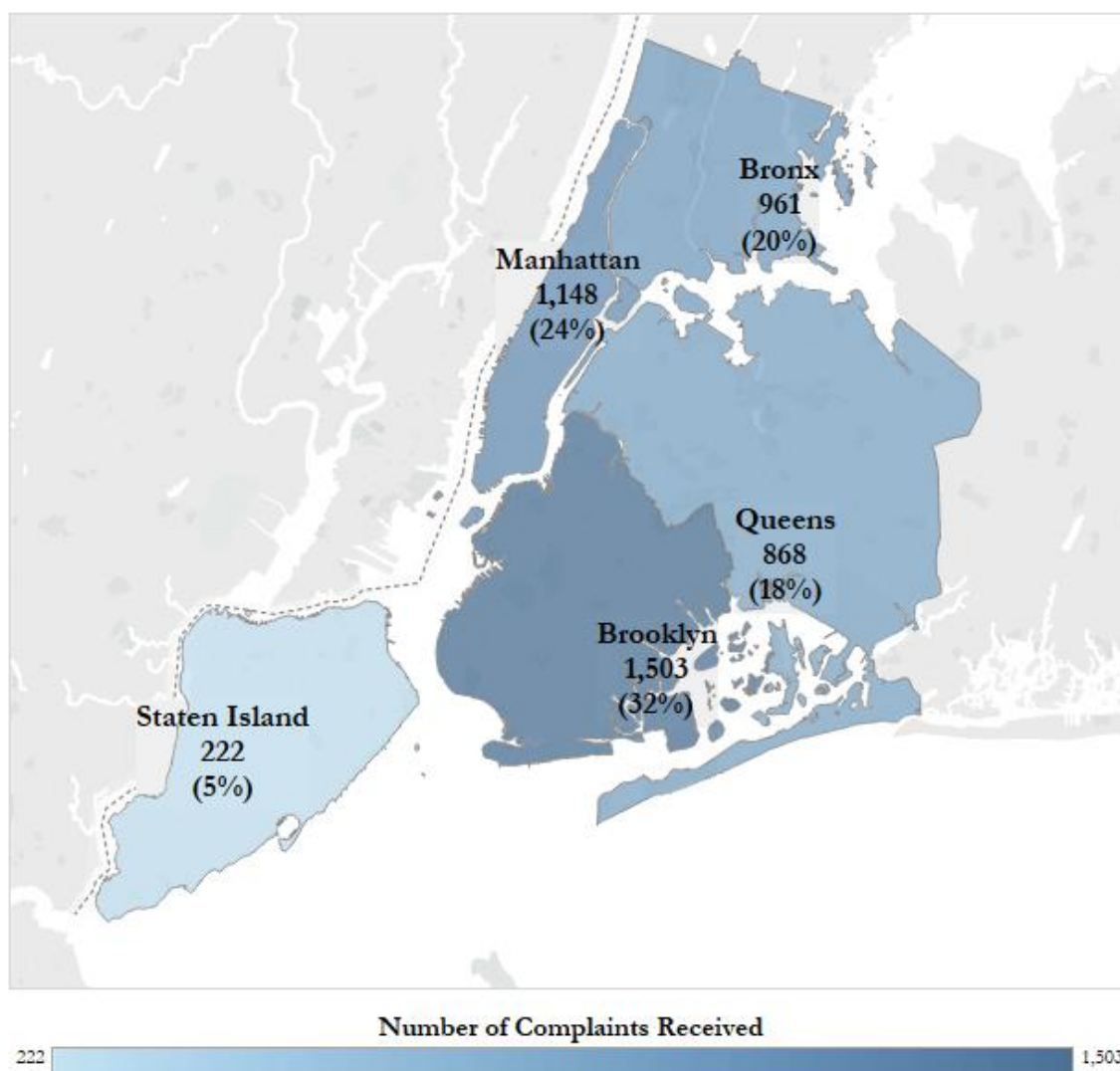
Most complaints are filed with the CCRB by phone, either during business hours or via the Agency Call Processing Center, which handles calls after business hours (63%), followed by the CCRB website (27%), and in-person visits (8%) (Fig. 05).

LOCATION OF INCIDENTS RESULTING IN COMPLAINTS

In 2018, 32% of the complaints received within the CCRB's jurisdiction stemmed from alleged incidents that occurred in Brooklyn, which is home to approximately 31% of the City's population (Fig. 06).³ Both the Bronx and Manhattan had complaint numbers that were disproportionately higher than their respective populations, while the complaint numbers in Queens were disproportionately

lower. Incidents occurring in the Bronx, a borough which is home to 17% of the City's residents, made up 20% of complaints. Incidents occurring in Manhattan comprised 24% of complaints, though only 19% of New York's residents live in Manhattan. Queens is home to 27% of New York City's population, but only 18% of complaints stemmed from this borough in 2018.⁴

Figure 06: Complaints Received within CCRB Jurisdiction by Borough, 2018



³ City demographic data was drawn from the United States Census by totaling the 2017 population estimates for the five counties that make up New York City (Bronx, Kings, New York, Queens, and Richmond). Census data is available at <http://factfinder.census.gov/>.

⁴ Staten Island makes up 6% of the city's population.

The CCRB's website includes an interactive Complaint Activity Map that provides information on complaints by precinct of occurrence that is updated daily.⁵ In 2018, as in many prior years, the 75th precinct in Brooklyn generated the highest number of complaints. However, standardizing the number of complaints by residential population allows for more accurate

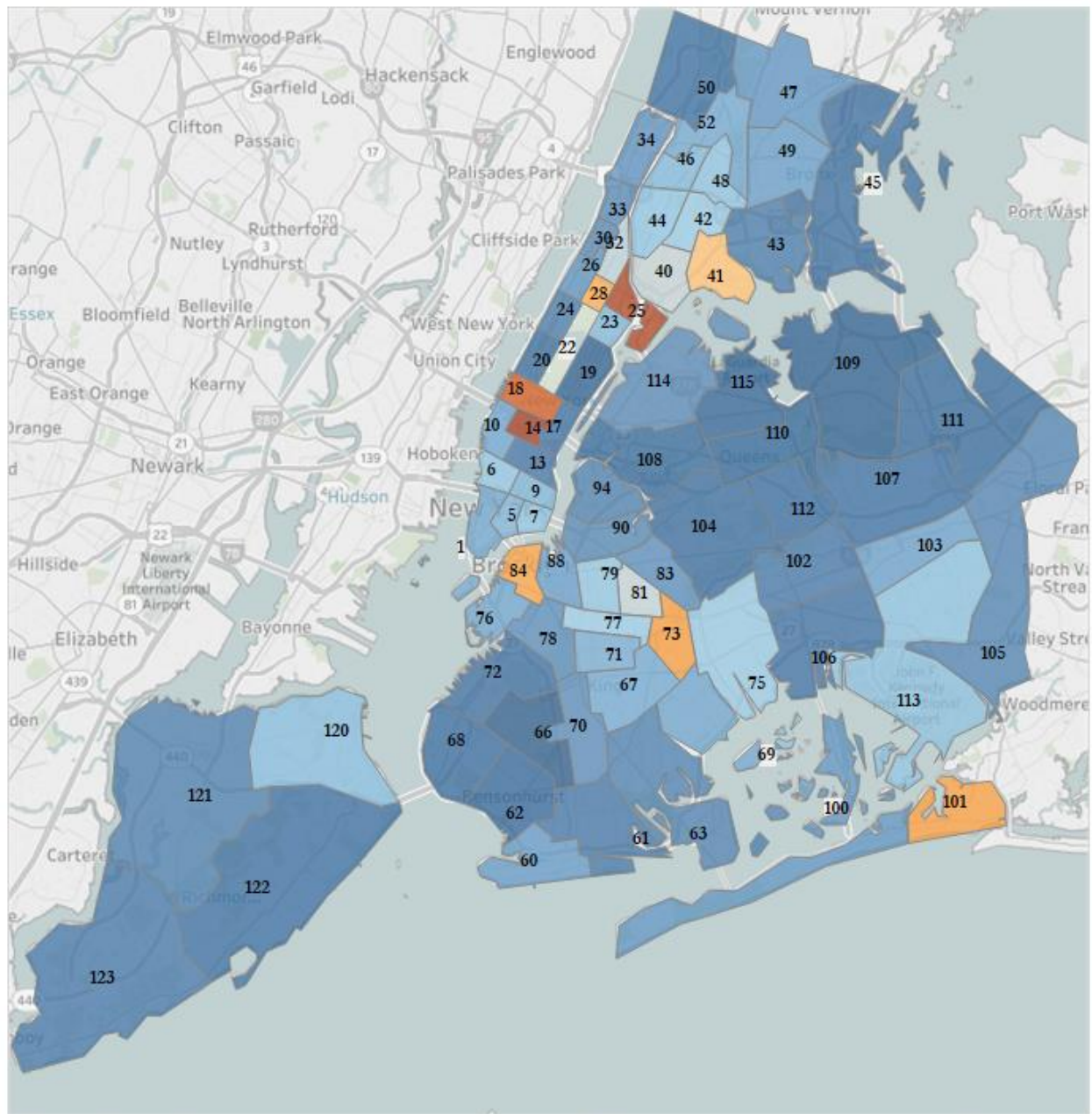
comparisons between precincts. The highest rate of complaints in 2018 occurred in the 14th Precinct in Manhattan, which had a complaint rate of 21 per 10,000 residents compared with the 75th Precinct's rate of 10 per 10,000 residents.⁶ The map in Fig. 07 depicts the relative complaint rates in individual precincts, while raw number and rate of complaints received within each precinct are listed in Fig. 08.⁷

⁵ Visit the CCRB's Data Transparency Initiative webpage, www.nyc.gov/dti, to explore the Complaint Activity Map and other data relevant to complaints and allegations.

⁶ Precinct population estimates are drawn from the 2010 Census, the most recent year for which detailed block-level population data is available. Census data is available at <http://factfinder.census.gov/>.

⁷ According to the 2010 Census, there are 25 people living within the boundaries of the 22nd Precinct (Central Park Precinct), which is why the rate per 10,000 residents depicted in Fig. 08 is so high. For ease of viewing, data from the 22nd Precinct has been removed from Fig. 07.

Figure 07: CCRB Complaint Rates by Precinct, 2018



*Precinct 22 (Central Park) is excluded. CCRB received one complaint from the Central Park precinct; its reported population is 25.

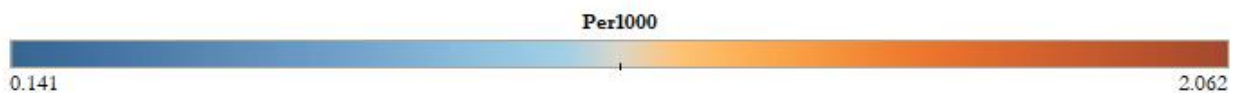


Figure 08: CCRB Complaints Received per Precinct of Occurrence, 2017 – 2018⁸

Precinct	2017		2018		Precinct	2017		2018	
	Complaint Count	Complaints per 10,000 residents	Complaint Count	Complaints per 10,000 residents		Complaint Count	Complaints per 10,000 residents	Complaint Count	Complaints per 10,000 residents
1	36	5	48	7	67	101	7	115	7
5	45	9	43	8	68	46	4	33	3
6	47	8	58	9	69	51	6	60	7
7	40	7	52	9	70	70	4	83	5
9	44	6	63	8	71	71	7	75	8
10	40	8	36	7	72	43	3	38	3
13	43	5	33	4	73	96	11	119	14
14	75	14	108	21	75	186	10	178	10
17	25	3	26	3	76	49	11	31	7
18	71	13	94	17	77	92	10	96	10
19	48	2	39	2	78	29	5	32	5
20	28	3	28	3	79	75	8	85	9
22	6	2400	9	3600	81	71	11	67	11
23	72	10	62	8	83	59	5	60	5
24	29	3	41	4	84	71	15	65	13
25	77	16	93	20	88	36	7	34	7
26	29	6	28	6	90	36	3	56	5
28	53	12	58	13	94	18	3	24	4
30	35	6	30	5	100	21	4	27	6
32	92	13	75	11	101	81	12	92	14
33	44	6	39	5	102	53	4	52	4
34	62	6	64	6	103	69	7	72	7
40	103	11	98	11	104	32	2	47	3
41	60	11	62	12	105	67	4	84	4
42	90	11	79	10	106	51	4	38	3
43	90	5	67	4	107	50	3	45	3
44	125	9	136	9	108	37	3	28	2
45	39	3	37	3	109	21	1	39	2
46	97	8	107	8	110	34	2	38	2
47	96	6	89	6	111	19	2	29	2
48	84	10	76	9	112	31	3	30	3
49	44	4	75	7	113	87	7	107	9
50	46	5	30	3	114	86	4	100	5
52	86	6	102	7	115	35	2	36	2
60	69	7	64	6	120	90	8	97	9
61	42	3	56	4	121	45	4	48	4
62	51	3	42	2	122	38	3	40	3
63	35	3	46	4	123	30	3	35	4
66	29	2	27	1					

⁸ According to the 2010 Census, there are 25 people living within the boundaries of the 22nd Precinct (Central Park Precinct), which is why the rate per 10,000 residents depicted in Fig. 08 is so high.

CHARACTERISTICS OF ENCOUNTERS RESULTING IN A COMPLAINT

When a complaint is investigated, the CCRB tries to discern the initial reason for the contact between the civilian and the officer(s). In 2018, 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 (Fig. 09).

The CCRB also tracks the outcome of encounters that lead to complaints being filed. In 2018, more than half (54%) of complaints received within the Agency's jurisdiction stemmed from encounters where no arrest was made or summons issued (Fig. 10). This is approximately the same as the 2017, when 55% of the complaints received stemmed from these types of encounters.

Figure 09: Top 15 Reasons for Initial Contact, 2017 – 2018

	2017		2018	
	Count	Percent of Total	Count	Percent of Total
PD suspected C/V of violation/crime - street	707	16%	631	14%
Moving violation	303	7%	368	8%
Report-dispute	302	7%	379	8%
Report of other crime	311	7%	386	8%
PD suspected C/V of violation/crime - auto	291	7%	260	6%
Other	287	7%	347	8%
PD suspected C/V of violation/crime - bldg	201	5%	203	4%
Report-domestic dispute	219	5%	185	4%
EDP aided case	148	3%	174	4%
Other violation of VTL	190	4%	165	4%
Execution of search warrant	145	3%	145	3%
C/V requested investigation of crime	132	3%	136	3%
PD suspected C/V of violation/crime - subway	122	3%	114	2%
CV already in custody	132	3%	113	2%
Execution of arrest/bench warrant	102	2%	119	3%
Other categories combined	799	18%	868	19%
Total	4,391	100%	4,593	100%

Figure 10: Outcome of Encounters Resulting in CCRB Complaints, 2017 – 2018

	2017		2018	
	Count	Percent of Total	Count	Percent of Total
No arrest made or summons issued	2448	55%	2645	56%
Arrest - other violation/crime	1147	26%	1260	27%
Moving violation summons issued	208	5%	244	5%
Summons - other violation/crime	191	4%	193	4%
Arrest - resisting arrest	89	2%	91	2%
Other VTL violation summons issued	104	2%	70	1%
Arrest - assault (against a PO)	76	2%	46	1%
NA	51	1%	64	1%
Parking summons issued	66	1%	52	1%
Summons - disorderly conduct	64	1%	29	1%
Arrest - OGA	20	0%	23	0%
Arrest - disorderly conduct	13	0%	22	0%
Juvenile Report	8	0%	4	0%
Arrest - harassment (against a PO)	0	0%	2	0%
Summons - harassment (against a PO)	1	0%	0	0%
Summons - OGA	0	0%	0	0%
Total	4486	1	4745	1

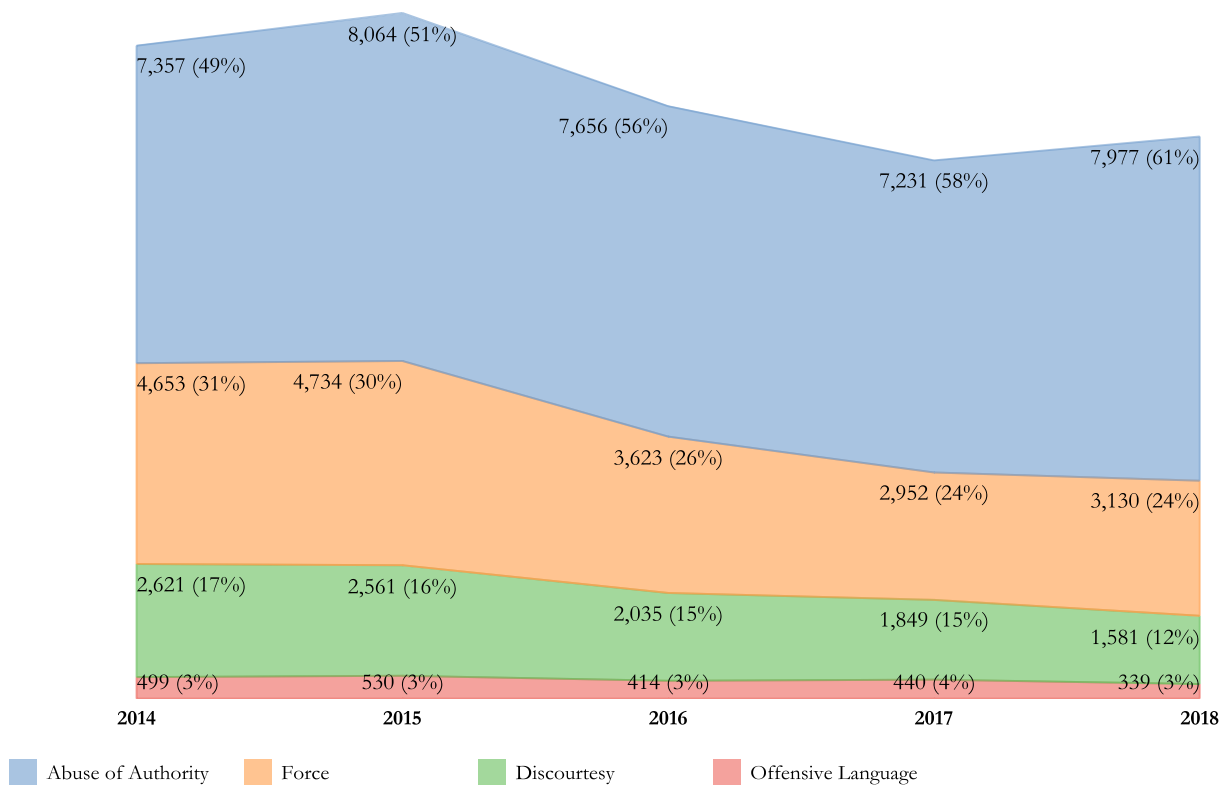
NUMBERS AND TYPES OF ALLEGATIONS RECEIVED AND CLOSED

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. As the investigation continues, different allegations may be revealed.

The most common types of allegations are Abuse of Authority allegations. In 2018,

Abuse of Authority allegations comprised more than half (61%) of allegations closed (Fig. 11). These types of allegations have increased in proportion over the last four years. Force allegations are the next most common, comprising 24% of all allegations closed in 2018 (Fig. 11).

Figure 11: Types of Allegations Closed, 2014 – 2018



The CCRB also keeps track of the specific type of sub-allegations within each FADO category (Fig. 12). In the Force category, the designation of “Physical force” remained the most common allegation received by the CCRB in 2018. This refers to an officer’s use of bodily force, such as punching, shoving, kicking, or pushing. In 2018, “Physical force” accounted for 77% of all the Force category allegations. With respect to the other FADO

Categories, in 2018, the most common Abuse of Authority allegations were “Refusal to provide name and/or shield” and “Threat of arrest.” The most common Discourtesy allegation was “Word” (e.g. profanity), accounting for 86% of those allegations. The most common Offensive Language allegation was “Race,” accounting for 35% of those allegations.

Figure 12: FADO Allegations Received by Type, 2017 – 2018⁹

Force (F) Allegations	2017		2018	
	Count	% of Total	Count	% of Total
Physical force	2,488	73%	2,919	77%
Gun Pointed	248	7%	199	5%
Chokehold	132	4%	138	4%
Nonlethal restraining device	82	2%	100	3%
Hit against inanimate object	106	3%	110	3%
Restricted Breathing	43	1%	92	2%
Nightstick as club (incl asp & baton)	71	2%	45	1%
Pepper spray	45	1%	46	1%
Handcuffs too tight	22	1%	44	1%
Other	101	3%	25	1%
Other blunt instrument as a club	20	1%	23	1%
Vehicle	27	1%	26	1%
Radio as club	8	0%	10	0%
Gun fired	7	0%	11	0%
Police shield	12	0%	5	0%
Gun as club	8	0%	1	0%
Flashlight as club	1	0%	1	0%
Animal	0	0%	0	0%

Discourtesy (D) Allegations	2017		2018	
	Count	% of Total	Count	% of Total
Word	1,738	85%	1,572	85%
Action	250	12%	244	13%
Gesture	35	2%	13	1%
Demeanor/ tone	8	0%	13	1%
Other	2	0%	2	0%

Offensive Language (O) Allegations	2017		2018	
	Count	% of Total	Count	% of Total
Race	159	34%	142	34%
Gender	126	27%	116	28%
Ethnicity	74	16%	39	9%
Other	41	9%	38	9%
Religion	16	3%	24	6%
Sexual orientation	35	8%	37	9%
Physical disability	10	2%	9	2%
Gender Identity	1	0%	11	3%

Abuse of Authority (A) Allegations	2017		2018	
	Count	% of Total	Count	% of Total
Refusal to provide name/shield number	1,034	12%	644	6%
Stop	851	10%	855	8%
Threat of arrest	1,000	11%	1,125	11%
Entry of Premises	158	2%	1,034	10%
Vehicle stop	622	7%	710	7%
Search (of person)	659	8%	614	6%
Forcible Removal to Hospital	133	2%	558	5%
Vehicle search	471	5%	503	5%
Frisk	497	6%	466	4%
Search of Premises	93	1%	480	5%
Threat of force (verbal or physical)	405	5%	412	4%
Property damaged	239	3%	353	3%
Question	207	2%	280	3%
Premises entered and/or searched	861	10%	71	1%
Other	295	3%	155	1%
Refusal to obtain medical treatment	156	2%	176	2%
Interference with recording	149	2%	138	1%
Seizure of property	112	1%	203	2%
Refusal to process civilian complaint	114	1%	168	2%
Strip-searched	138	2%	98	1%
Gun Drawn	99	1%	81	1%
Threat re: removal to hospital	11	0%	104	1%
Threat to damage/seize property	112	1%	160	2%
Refusal to show search warrant	73	1%	90	1%
Threat of summons	81	1%	114	1%
Photography/Videography	1	0%	55	1%
Threat to notify ACS	38	0%	56	1%
Sex Miscon (Sexual Harassment, Verbal)	3	0%	42	0%
Refusal to show arrest warrant	21	0%	26	0%
Search of recording device	30	0%	36	0%
Sexual Misconduct (Sexual Humiliation)	1	0%	23	0%
Sex Miscon (Sexual/Romantic Proposition)	1	0%	22	0%
Retaliatory summons	34	0%	15	0%
Electronic device information deletion	13	0%	15	0%
Threat re: immigration status	1	0%	7	0%
Questioned immigration status	3	0%	8	0%
Body Cavity Searches	0	0%	7	0%
Retaliatory arrest	12	0%	11	0%
Sex Miscon (Sexual Harassment, Gesture)	0	0%	6	0%
Disseminated immigration status	0	0%	1	0%
Sex Miscon (Sexually Motivated Frisk)	1	0%	1	0%
Improper dissemination of medical info	2	0%	0	0%
Failure to provide RTKA card	0	0%	105	1%
Refusal to provide name	10	0%	260	2%
Refusal to provide shield number	10	0%	242	2%
Sex Miscon (Sexually Motiv Strip-Search)	0	0%	1	0%

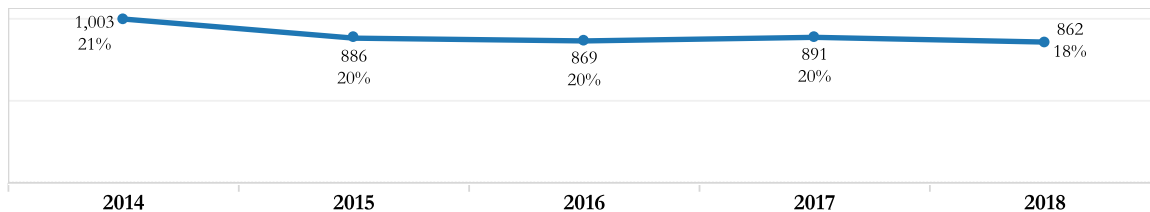
⁹ In late 2017, the CCRB separated the Abuse of Authority allegation category of “Premises entered and/or searched” into “Entry of premises” and “Search of premises,” impacting comparison across years, but improving accuracy of data. In addition, in 2018, the Agency split the allegation “Refusal to Provide name/shield” into two separate allegations, which are each reflected under Abuse of Authority. These changes should be taken into account when interpreting the data. Further, while the CCRB only began investigating sexual misconduct allegations in February 2018, there were a number of open cases that originated in 2017 to which these allegations were retroactively applied. This should be considered when interpreting numbers for both 2017 and 2018.

STOP, QUESTION, FRISK AND SEARCH (SQF) OF PERSON ALLEGATIONS

Because of the longstanding public discussion surrounding “Stop & Frisk” policing, the CCRB keeps track of all complaints containing a stop, question, frisk, or search of a person

allegation. Relative to 2017, these allegations have declined slightly, from 891 to 862 (Fig. 13).

Figure 13: Complaints Received Containing a Stop, Question, Frisk, and Search of Person Allegation, 2014 – 2018



CHARACTERISTICS OF ALLEGED VICTIMS

The CCRB compares the demographic profiles 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 the number of criminal suspects. The race and gender of alleged victims are disproportionate to the racial and gender makeup of New York City’s population (Fig. 14, next page).¹⁰

In 2018, individuals who self-identified as Black made up over half (54%) of alleged victims, while, according to 2017 census estimates, Black residents make up only 24% of the City’s population.

In 2018, 65% of alleged victims were male, while men make up only 48% of the City’s

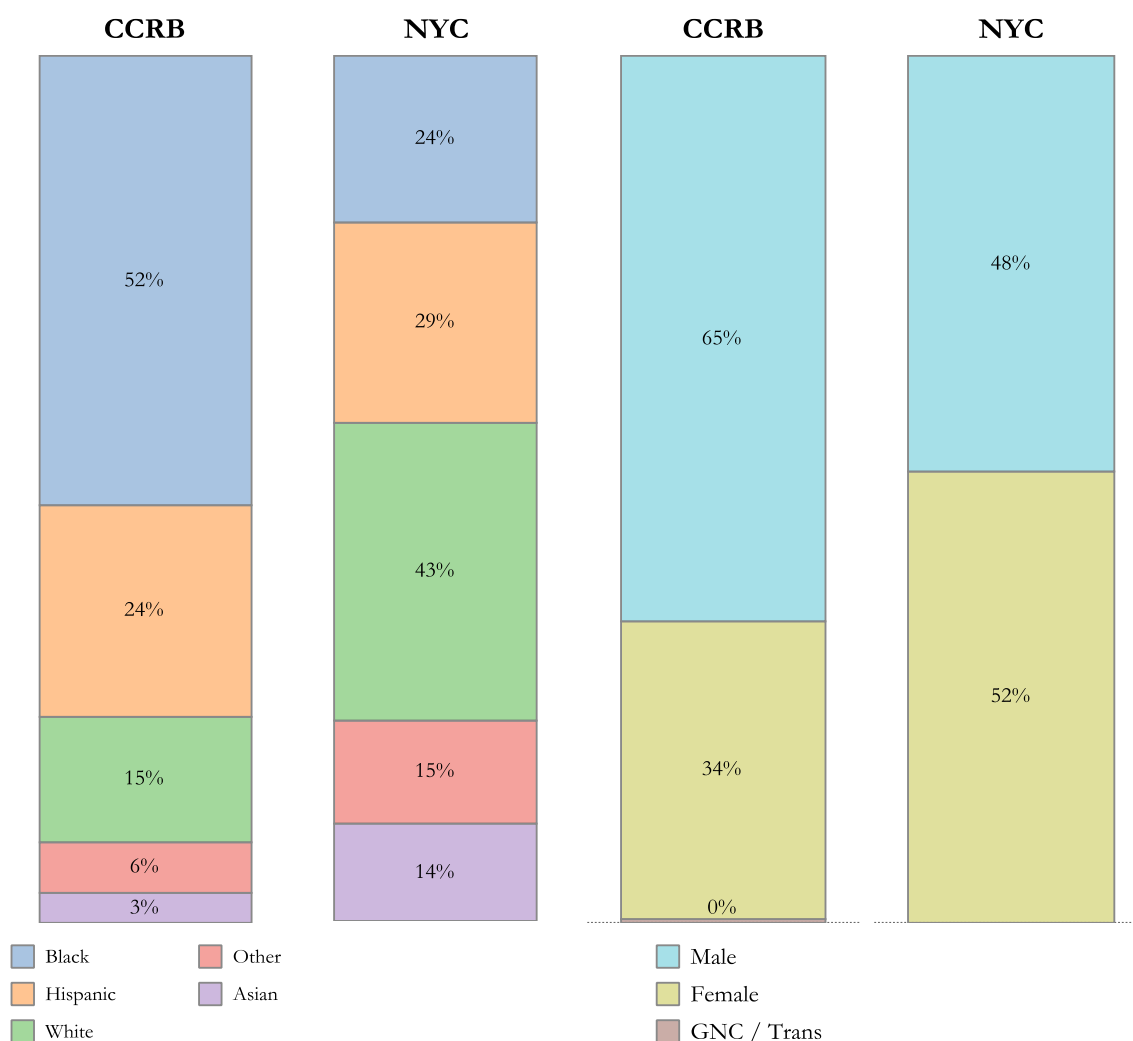
population (Fig. 14, next page).¹¹ In 2017, the Agency included “gender nonconforming” as an option when complainants/victims are reporting their gender, and revised its case management system to generate gender neutral honorifics, whenever appropriate, in communications to complainants.¹² While not depicted in Fig. 14 due to rounding, 0.2% of alleged victims self-identified as gender nonconforming or transgender in 2018. The Agency is committed to working on building trust with the transgender and gender nonconforming community, and intends to focus additional resources on outreach in 2019 and beyond.

¹⁰ City demographic information is drawn from the 2017 United States Census estimate. All race demographics are inclusive of Hispanic origin. For example, “Black” includes both “Black Hispanic” and “Black Non-Hispanic.” Census data is available at <http://factfinder.census.gov/>.

¹¹ The census does not count gender, but instead counts biological sex of respondents (see <https://factfinder.census.gov/help/en/gender.htm>). As such, comparisons between the CCRB’s data and census data are not exact.

¹² The number of CCRB complainants who identify as gender nonconforming and transgender is less than 1%.

Figure 14: Alleged Victim Demographics Compared to New York City, Complaints Received in 2018^{13 14}



CHARACTERISTICS OF SUBJECT OFFICERS

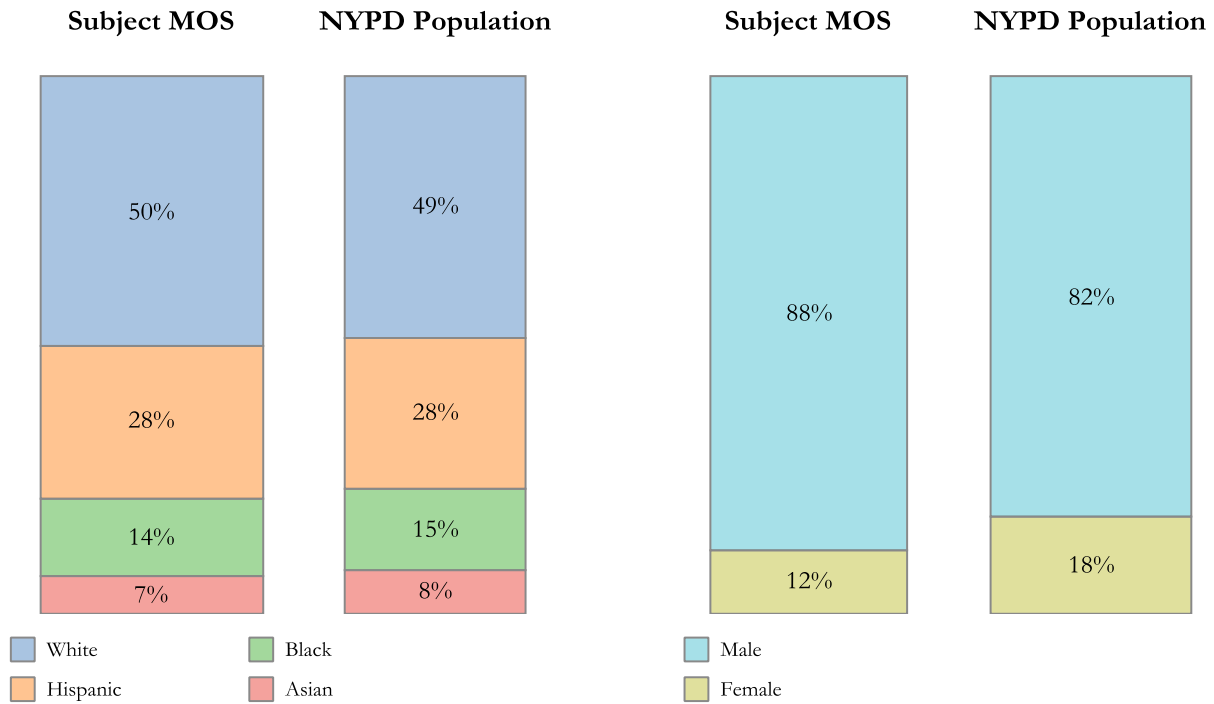
The race and gender makeup of officers who are the subject of CCRB complaints largely reflects the demographic composition of the NYPD as a whole (Fig. 15). In 2018, white officers accounted for 50% of the subject

officers in CCRB complaints and 49% of the NYPD as a whole. Male officers accounted for 88% of the subject officers in CCRB complaints and 82% of the NYPD as a whole.

¹³ The percentages for race of New York City residents do not add up to 100% because the Census allows respondents to self-report Hispanic ethnicity separate from race. Someone may, for instance, indicate that they are both Black and Hispanic. This means that some individuals are counted in these categories twice. Since current CCRB race/ethnicity categories are not precisely aligned with Census categories, comparisons should be made with caution.

¹⁴ GNC is an acronym that stands for Gender Nonconforming. Trans includes individuals who identify as Transmen and Transwomen.

Figure 15: Subject Officer Demographics Compared to NYPD, 2018



In 2018, the CCRB substantiated allegations against 233 police officers, 63 sergeants, seven lieutenants, 22 detectives, and one

captain (Fig. 16). Approximately 39% of these officers had between zero and five years on the job at the time of the incident (Fig. 17).

Figure 16: Rank of Active MOS with Substantiated CCRB Complaints

	2018
Police Officer	233
Sergeant	63
Detective	22
Lieutenant	7
Captain	1

Figure 17: Tenure of Active MOS with Substantiated CCRB Complaints

	2018	
	Count	Percent
0-3 Years	50	15%
4-5 Years	78	24%
6-10 Years	92	28%
11-15 Years	73	22%
16-20 Years	20	6%
21+ Years	13	4%

TOTAL COMPLAINTS AGAINST ACTIVE MEMBERS OF SERVICE (MOS)

As of December 31, 2018, there were 36,420 active MOS on the NYPD roster. The charts below depicts how complaints are distributed among MOS.

Figure 18: Active MOS with CCRB Complaints

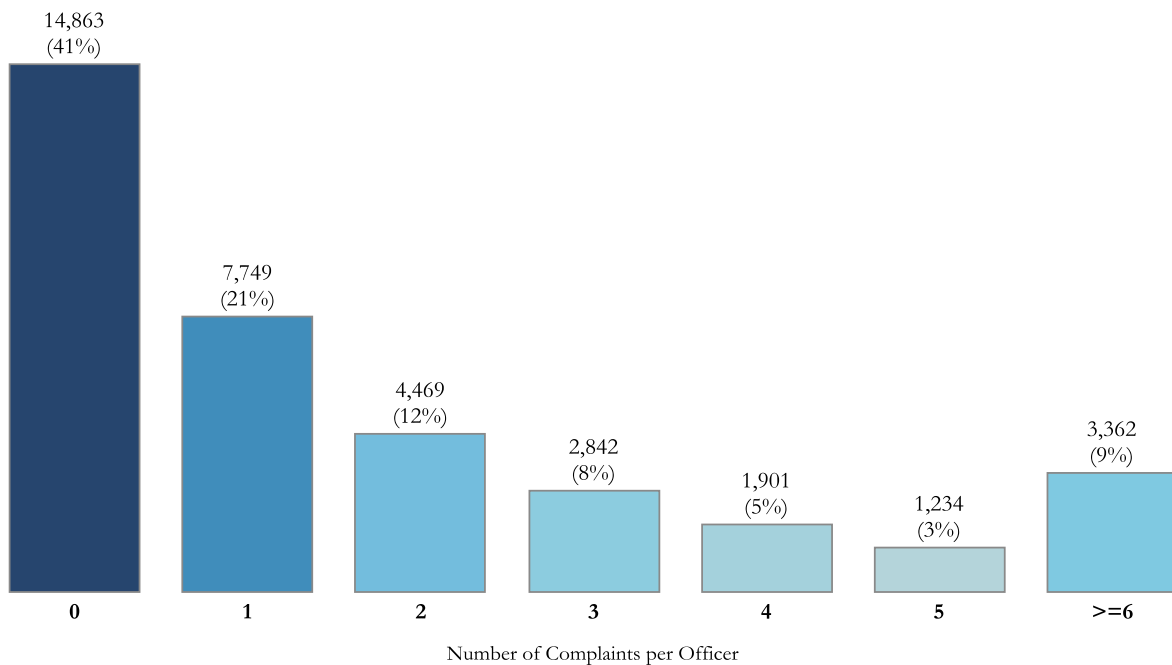
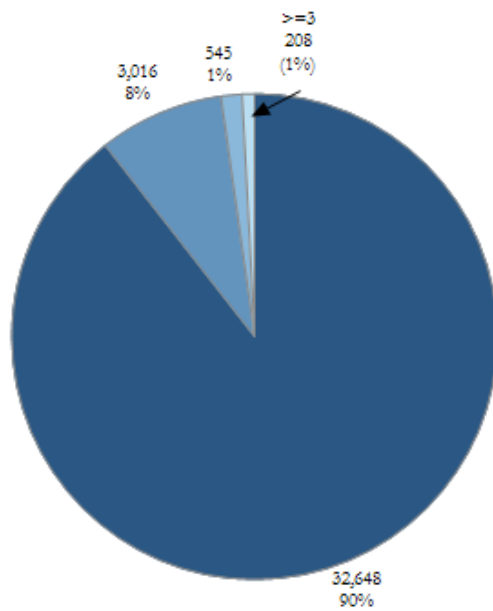


Figure 19: Active MOS with Substantiated CCRB Complaints



The vast majority of active MOS (90%) have never had a CCRB complaint substantiated. Of all active MOS, 41% have never been the subject of a CCRB complaint, and 41% have been the subject of between one and three complaints (Fig. 18). Just under one-tenth (9%) have been the subject of six or more CCRB complaints. For MOS who have been the subject of a complaint, 8% have had one complaint substantiated, and 208 (approximately 1%) have had three or more complaints substantiated (Fig. 19).

SECTION 2: INVESTIGATIONS

Investigations are the core function of the Civilian Complaint Review Board (CCRB). Every complaint passes through the Investigations Division, even if it is ultimately resolved through mediation.

At the beginning of an investigation, an investigator interviews the complainant and any witnesses, collects evidence, and attempts to identify the police officer(s) involved in the encounter. In many instances, the officers' identities are unknown at the outset of the investigation, though investigators interview any subject and witness officers identified in the course of their investigations. Once all the necessary interviews are conducted and the collected evidence is reviewed, the investigative team makes a recommendation to the Board. In the majority of cases, a panel of three Board members, comprised of one mayoral designee, one City Council designee, and one Police Commissioner designee, reviews the case and votes on the Investigations Division's recommendations. In certain

limited circumstances, the full Board will consider a case.¹⁵

In order to resolve investigations fairly and in accordance with local law, the CCRB generally needs the cooperation of at least one civilian complainant/alleged victim related to the case. The New York City Charter states that CCRB's findings and recommendations cannot "be based solely upon an unsworn complaint or statement."¹⁶ When a complainant or alleged victim is available for an interview, the Agency deems the resulting investigation a "full investigation." However, when a complaint is withdrawn, or there is no complainant or alleged victim available for an interview and there is no additional evidence upon which the investigation can proceed, 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 outcomes of complaints made to the CCRB.

INVESTIGATIONS DIVISION PERFORMANCE

The CCRB tracks the amount of time that it takes to close a full investigation, measured from the date the CCRB receives a complaint to the date the complaint is closed by the Board, and the time that it takes to close a full investigation for substantiated cases, which are typically the most complicated and time consuming. In 2018, full investigations were closed in an average of 211 days (Fig. 20). Full investigations that resulted in at least one

allegation being substantiated were closed in an average of 230 days (Fig. 20).

Another key metric is the number of days before the first civilian and officer interviews take place. In 2018, the first civilian interview in a full investigation took place, on average, 19 days after the CCRB received the complaint (Fig. 21). The first officer interview took place, on average, 75 days after the complaint was received. These numbers are higher than they have been in the recent past.

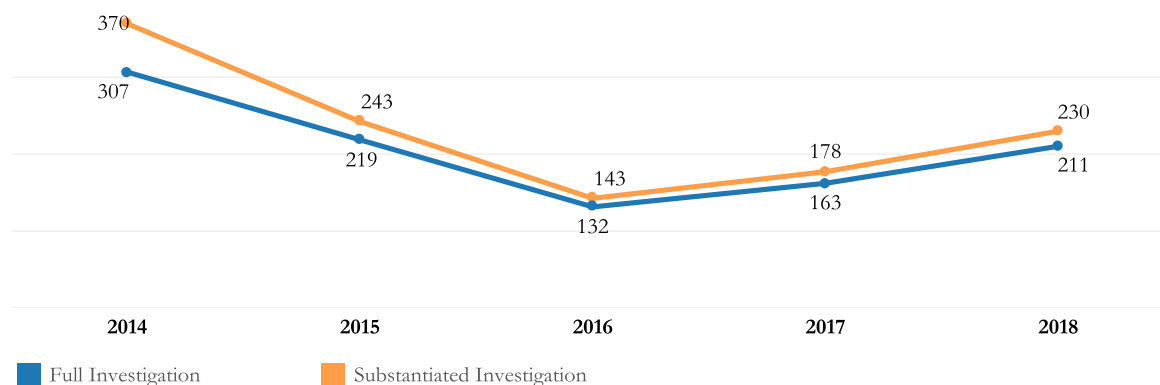
¹⁵ In 2018, one case was reviewed by the full Board.

¹⁶ New York City Charter Chapter 18-A §440(c)(1).

This is due to several factors, including the Agency improving the quality of video evidence analysis by providing investigators with advanced training in forensic analysis techniques,¹⁷ the Board's decision to begin investigating allegations of sexual

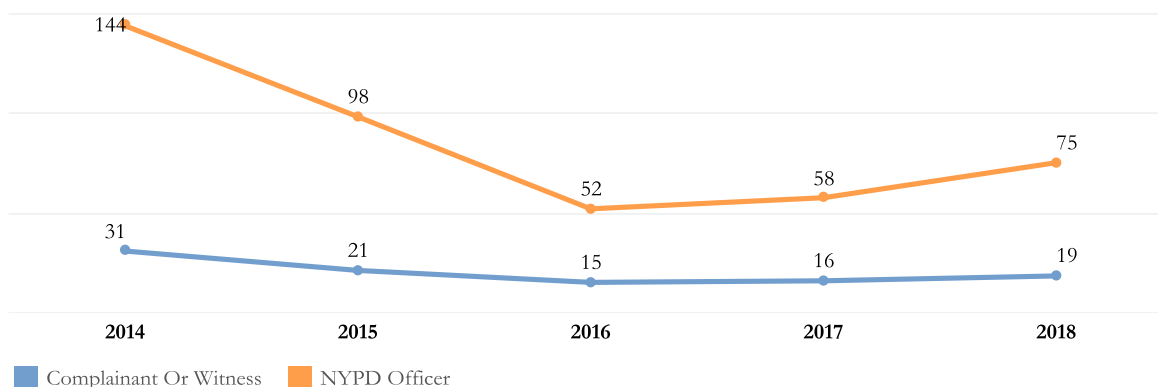
misconduct, resulting in an increase in allegations pled and complaints filed, and due to the NYPD's failure to provide, or providing only in a redacted form certain documents previously made available to the CCRB unredacted.

Figure 20: Average Days to Complete a Full Investigation, Complaints Closed, 2014 – 2018



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

Figure 21: Average Days to First Interview (Full Investigations), Complaints Closed, 2014 – 2018



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

CASE RESOLUTION AND INVESTIGATIVE OUTCOMES

A CCRB complaint can be resolved in various ways. 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 in which the subject officer left the Department before an investigation could be completed.

¹⁷ The CCRB's investigative protocols require that all immediately available video evidence be analyzed and all relevant documents be reviewed prior to conducting subject and witness officer interviews. The figures in both Fig. 20 and Fig. 21 are impacted by delays resulting from the increased amount of video evidence that investigators must review and the time it takes to obtain relevant documents.

An investigation is truncated when it is closed without a full investigation (generally because the complainant withdraws the complaint, the complainant is uncooperative or unavailable, or the victim could not be identified).¹⁸ “Mediation attempted” is a designation for a case in which both the officer and the civilian agree to mediate, but the civilian either fails to appear twice for a scheduled mediation session or fails to respond to attempts to schedule a mediation session, and does not request that the case be sent back for a full investigation.

For complaints closed in 2018, 30% of complaints were fully investigated and 58% were truncated (Figs. 22 & 23). The majority of truncations (51%) are closed as “Complainant/Victim/Witness Uncooperative” (Fig. 24). This occurs in cases in which the investigator made initial contact with the complainant, victim, or witness, but

was unable to obtain either an official statement or other evidence.

In 2018, the CCRB began tracking cases that were withdrawn by complainants or victims upon the advice of counsel. Sometimes when a complainant is involved in criminal or civil litigation, their attorney advises against making sworn statements in another venue until the conclusion of the court case. When a complaint is closed due to pending litigation, CCRB investigators will periodically check court records to determine if the case has ended, and if so, attempt to reconnect with the complainant. In 2018, the CCRB reopened 27 cases that had previously been closed due to pending litigation. To date, approximately 10% (39 of 341) of complaints that were previously closed pending litigation have been reopened as a result of this new protocol.

Figure 22: Case Resolutions, 2014 – 2018

	2014		2015		2016		2017		2018	
	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Truncated	2,964	55%	2,480	47%	2,417	55%	2,242	55%	2,341	58%
Full Investigation	1,884	35%	2,177	42%	1,514	34%	1,348	33%	1,208	30%
Mediation Attempted	205	4%	222	4%	227	5%	213	5%	231	6%
Mediated	185	3%	192	4%	208	5%	204	5%	232	6%
Misc. Closure	109	2%	161	3%	54	1%	44	1%	17	0%
Grand Total	5,347	100%	5,232	100%	4,420	100%	4,051	100%	4,029	100%

¹⁸ Miscellaneous closures are not included in the truncation rate.

Figure 23: Truncations and Full Investigations, 2014 – 2018

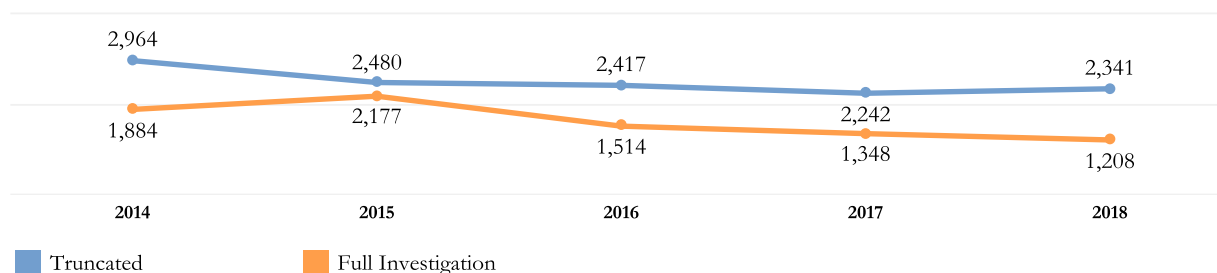
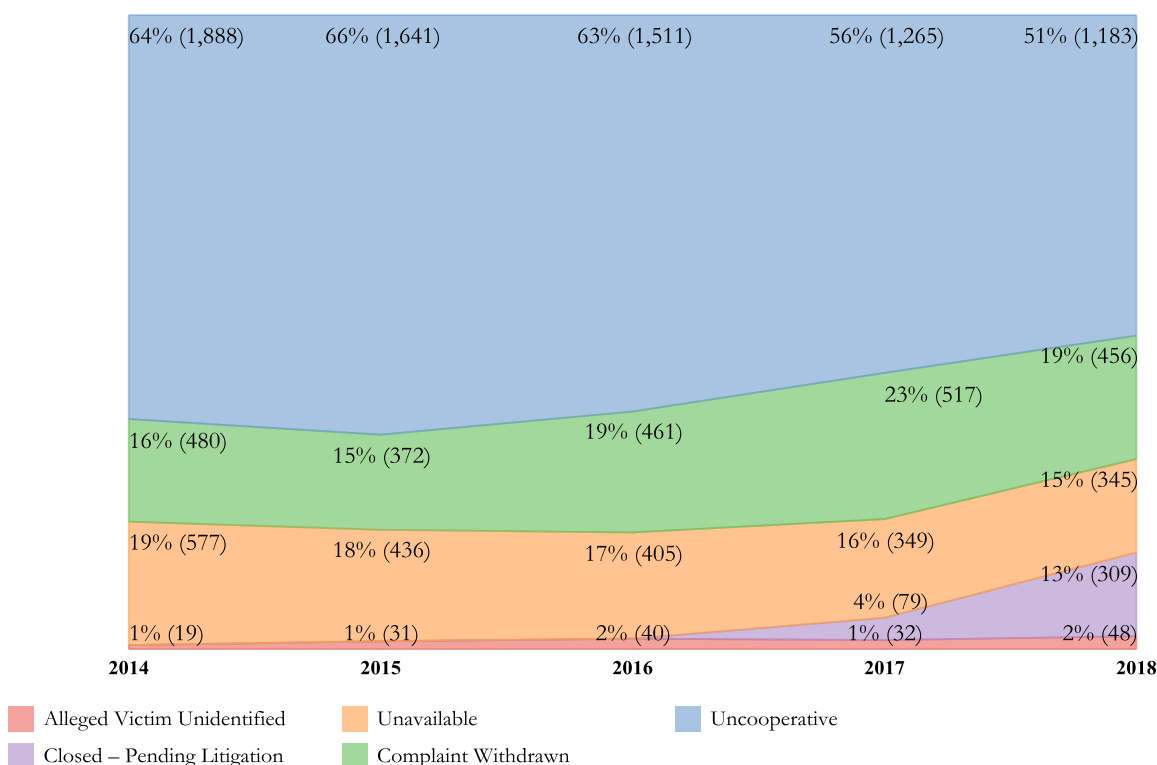


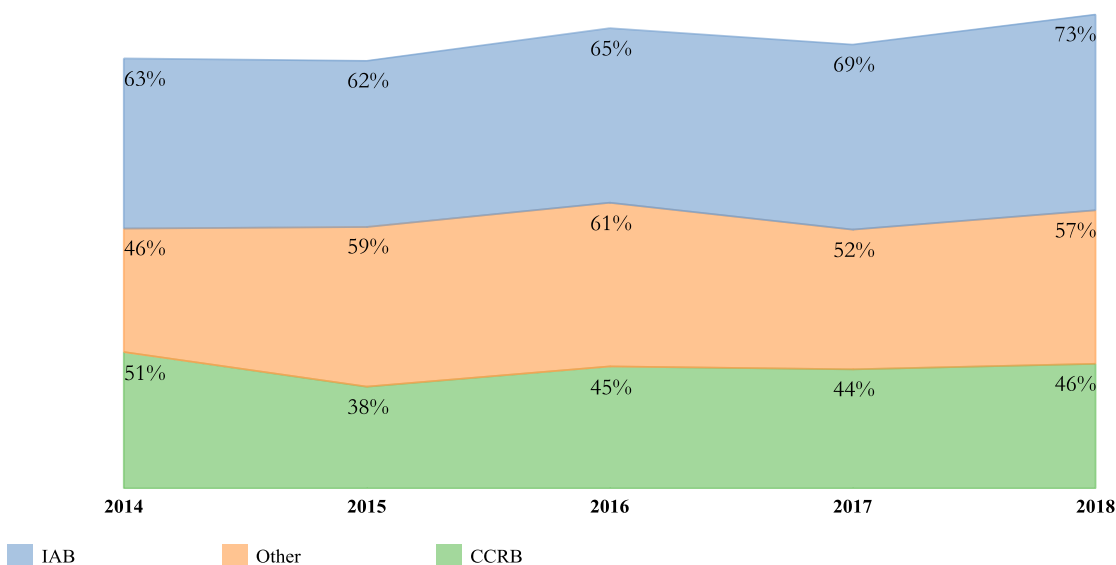
Figure 24: Truncations by Type, 2014 – 2018



Complaints filed directly with the CCRB are less likely to be truncated than complaints that are referred to the CCRB by another agency (Fig. 25). When complaints are filed elsewhere, it is often difficult for the CCRB to make contact with the complainant or victim,

as other agencies may not notify complainants and victims that their complaint was referred to the CCRB. This can cause confusion, and may reduce the likelihood that complainants will cooperate when contacted by CCRB investigators.

Figure 25: Truncation Rates by Place of Filing, 2014 – 2018



The Agency is dedicated to lowering the truncation rate, where possible, and initiated several steps toward achieving that goal in 2018. The CCRB began 1) increasing outreach efforts in precincts with high rates of police interactions, but incongruously low rates of complaints, which will help community members better understand the CCRB investigative process; and 2) examining how outreach efforts may be better targeted to

vulnerable communities that traditionally have had lower rates of reporting misconduct, such as youth, people who are transgender and/or gender nonconforming, and the homeless. Finally, the CCRB continues to be committed to working with agencies that refer complaints to the CCRB in order to improve interagency communication with complainants who may be unaware that their allegations were referred.

COMPLAINT AND ALLEGATION DISPOSITIONS FOR FULLY INVESTIGATED CASES

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

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

- An allegation is **substantiated** if the alleged conduct is found to have occurred and be improper based on a preponderance of the evidence.
- An allegation is **exonerated** if the alleged conduct is found to have occurred but was not found to be improper by a preponderance of the evidence.
- An allegation is **unfounded** if the alleged conduct is found not to have occurred 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.
- An allegation is **unsubstantiated** if there is not enough evidence to determine whether or not misconduct occurred by a preponderance of the evidence.

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

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

CASE ABSTRACTS

The following case abstracts are taken from complaints closed in 2018 and serve as examples of what the different case dispositions mean in practice:

1. Substantiated

A civilian was arrested for violating an order of protection. During the arrest, the civilian requested medical treatment. Video evidence showed the request for medical treatment. Officers did not call for an ambulance and took the civilian to the stationhouse. While at the stationhouse, the civilian's condition worsened and the civilian allegedly requested medical treatment a second time. Officers denied that the civilian requested medical treatment at the stationhouse, but acknowledged that the civilian was exhibiting signs of physical distress. The civilian was not provided medical treatment while in custody. Given that the civilian needed medical treatment and had requested medical treatment upon arrest, the Board determined that the officers violated the Patrol Guide procedures for securing medical treatment. The allegations were substantiated.

2. Exonerated

A detective contacted a civilian to request that the civilian voluntarily appear at the stationhouse due to an open criminal complaint. The civilian refused and the detective informed the civilian that failure to appear at the stationhouse would result in arrest. The detective had probable cause to arrest the civilian due to the open criminal complaint, and therefore would have been justified had he arrested the civilian. The Board exonerated the threat of arrest allegation.

3. Unfounded

A civilian called 911 to have two individuals removed from the civilian's home. Officers arrived and allegedly threatened to arrest the 911 caller and the other two individuals if the 911 caller did not stop complaining. Video evidence shows that no officer ever threatened to arrest anyone during the incident. The Board unfounded the allegation.

4. Officer Unidentified

A civilian was driving in Brooklyn and honked her horn at a minivan that had stopped abruptly. In response, an unidentified officer allegedly spoke discourteously to the civilian. The officer then entered the driver's seat of a black town car and drove off. No police documents were prepared in regards to this incident and no video footage was found. Records requested from the potential command did not reflect any officers assigned to unmarked vehicles or traveling to the area of the incident. An NYPD Fleet Services request yielded negative results for any police vehicles that matched the vehicle description provided. An additional query for vehicles present at the incident location at the time of the incident also yielded negative results. Due to unsuccessful attempts at photo viewing sessions with the alleged victim, and the inability to identify potential subject officers, the Board closed the allegation as officer unidentified.

5. Unsubstantiated

An officer stopped a civilian for speeding. During the interaction, the officer allegedly threw the civilian's license at him. The officer denied throwing the license. Due to the lack of video evidence of the incident, as well as the inconsistent statements, the Board unsubstantiated the allegation.

DISPOSITION OF COMPLAINTS AND ALLEGATIONS

Over the last two years, the substantiation rate (the percentage of full investigations in which the Board votes to substantiate at least one allegation) has remained stable at 19% (Fig. 26, next page). The unsubstantiation rate (the percentage of cases in which the Board could not determine whether the alleged misconduct occurred) was 48% in 2018.¹⁹

When a complaint is closed with a disposition of substantiated, unfounded, or exonerated, it is deemed to be a “finding on the merits.” Complaints closed as unsubstantiated or officer unidentified are not considered closed on the merits. Of the complaints closed in 2018, 44% were closed on the merits, of

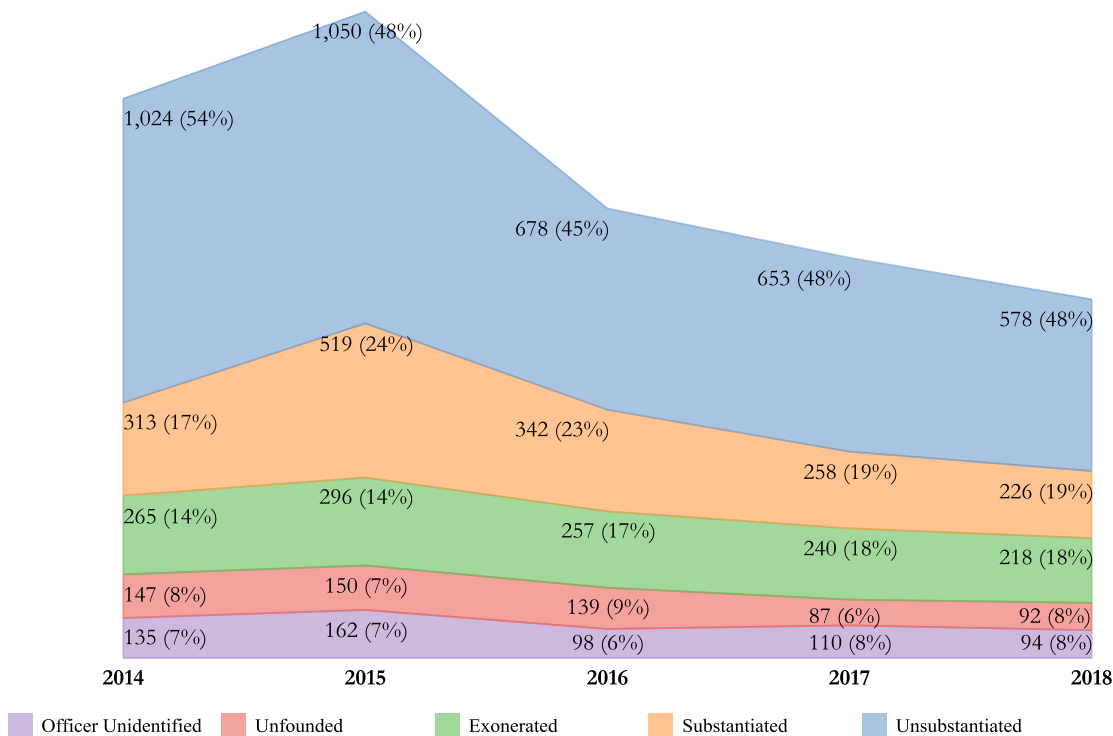
which 19% were substantiated, 8% were unfounded, and 18% were exonerated (Fig. 26, next page).

A 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. Of the allegations closed in 2018, 49% were closed on the merits, of which 10% were substantiated, 8% were unfounded, and 31% were exonerated (Fig. 27, next page).²⁰

¹⁹ As a point of comparison to other NYPD oversight, in calendar year 2015 and the first eight months of 2016, the Internal Affairs Bureau’s most serious cases, “corruption” cases, had an 8.5% substantiation rate, a 16.5% partial substantiation rate, and a 50.8% unsubstantiation rate. See the 18th Annual Report of the New York City Commission to Combat Police Corruption, <http://www1.nyc.gov/assets/ccpc/downloads/pdf/18th-Annual-Report.pdf>.

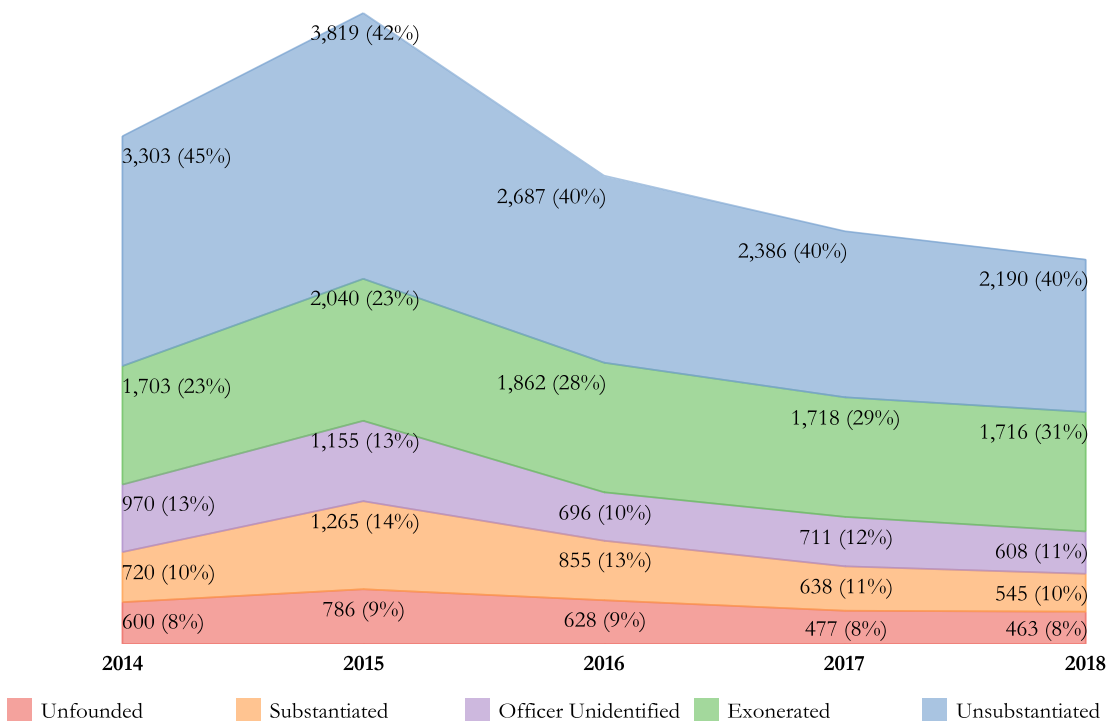
²⁰ A low substantiation rate for allegations is not unusual—in order to consider all possible allegations, investigators thoroughly document each allegation separately, though upon a full investigation, not all of these allegations can be proven.

Figure 26: Disposition of Fully Investigated Complaints, 2014 – 2018



Due to the reconsideration process, counts for 2017-2018 are subject to change. See Section 5.

Figure 27: Disposition of Fully Investigated Allegations, 2014 – 2018

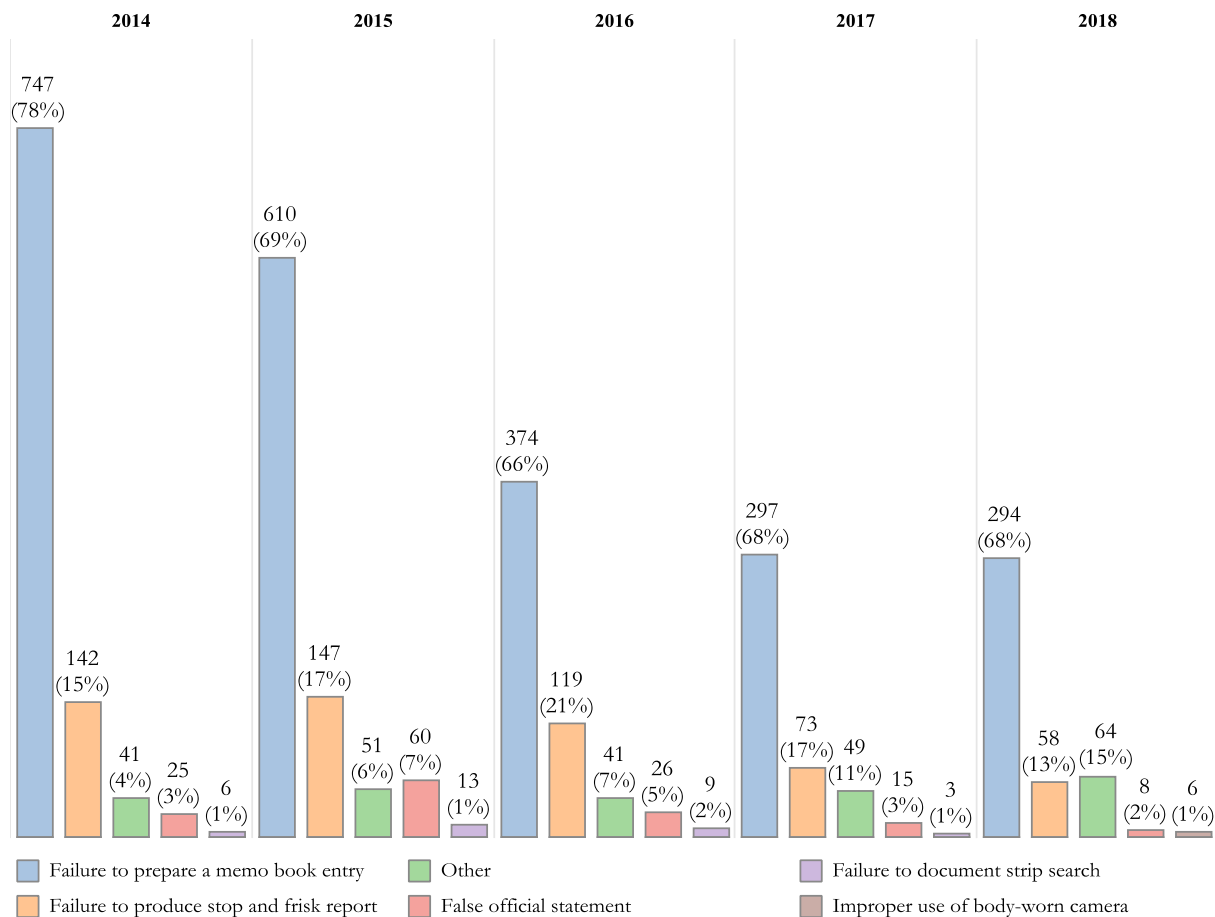


Due to the reconsideration process, counts for 2017-2018 are subject to change. See Section 5.

OTHER MISCONDUCT NOTED

Where a CCRB investigation reveals evidence of possible misconduct that falls outside of the CCRB’s jurisdiction, as defined in Chapter 18-A § 440(c)(1) of the New York City Charter, the Board notes the “other misconduct” (OMN), and reports it to the NYPD for further investigation and possible disciplinary action. OMN allegations should not be confused with allegations of corruption or potential criminal conduct, which are referred to Internal Affairs Bureau. Figure 28 lists the top categories of OMN referrals over the past five years. An officer’s failure to properly document an encounter or other activity in his or her memo book as required by the Patrol Guide²¹ accounted for 68% of all OMN allegations in cases closed in 2018.

Figure 28: Other Misconduct Noted, 2014 – 2018



²¹ http://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide1.pdf

SECTION 3: DISCIPLINARY PROCESS

DISCIPLINARY PROCESS AND THE CCRB'S ADMINISTRATIVE PROSECUTION UNIT (APU)

After the Civilian Complaint Review Board (CCRB) substantiates an allegation of misconduct, the New York City Police Department (NYPD) portion of the disciplinary process that ultimately leads to the penalty, if any, that the member of service (MOS) will face begins. Although the CCRB

can recommend the discipline that it deems appropriate, under the New York City Charter, New York City Administrative Code, and New York State Civil Service Law,²² the Police Commissioner has final approval over all MOS discipline. The Commissioner can accept, reject, or modify any discipline recommendation made by the CCRB.

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

1. **Instructions:** guidance issued by a commanding officer.
2. **Formalized Training:** given at the Police Academy or the Legal Bureau.
3. **Command Discipline A:** issued by the commanding officer and may include a penalty ranging from instructions up to the MOS forfeiting five vacation days.²³ A Command Discipline A is automatically removed from a MOS' Central Personnel Index after one year.²⁴
4. **Command Discipline B:** issued by the commanding officer and may include a penalty ranging from instructions up to the MOS forfeiting 10 vacation days. A MOS can request that a Command Discipline B be removed from his or her Central Personnel Index after three years.
5. **Charges and Specifications:** leads to a prosecutorial process in which a MOS may either enter a guilty plea or go to trial before the NYPD Deputy Commissioner of Trials (DCT) or an Assistant Deputy Commissioner of Trials (ADCT), who makes a guilty or not guilty determination. In all cases, the Police Commissioner has final approval of all dispositions, but generally follows the recommendation of the DCT or ADCT.²⁵

²² NYS Civil Service Law § 75(3-a).

²³ Prior to 2014, the Board did not distinguish between "Command Discipline A" and "Command Discipline B." The corresponding disciplinary recommendation was simply "Command Discipline."

²⁴ A Central Personnel Index is a MOS' personnel record.

²⁵ In 2018, the Police Commissioner dismissed the trial verdict in one case (Fig. 33).

OVERVIEW OF DISCIPLINARY PROCESS

When the Board 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 recommends to the Police Commissioner whether to impose or modify the discipline recommended by the CCRB.

When the Board recommends Charges and Specifications, in most instances the substantiated allegations are prosecuted by the Administrative Prosecution Unit (APU). The development of the APU in 2013

increased the CCRB's role in determining discipline for officer misconduct.

Under the terms of a Memorandum of Understanding (MOU) between the CCRB and the NYPD, signed in 2012 and in effect since 2013, the APU prosecutes misconduct before the DCT or ADCT. The MOS can accept a plea offer from an APU prosecutor in lieu of a trial. If the MOS chooses to go to trial and is found guilty, the trial commissioner will recommend a penalty. The Police Commissioner may accept, reject, or modify any plea or trial verdict or penalty recommendation.

CCRB DISCIPLINARY RECOMMENDATIONS

In 2018, the Board substantiated 226 complaints against 326 police officers (Fig. 29). This is down slightly from 2017, when the Board substantiated 258 complaints against 355 police officers. A single substantiated complaint may contain substantiated allegations against more than one officer.

In 2018, the Board recommended Command Discipline for 39% (128) of the 326 officers against whom there was a substantiated allegation, compared with 50% in 2017 (Fig.

30, next page). The Board recommended Charges and Specifications for 22% of officers against whom there was a substantiated allegation in 2018, compared with 11% in 2017. As depicted in the CCRB's 2017 Annual Report,²⁶ the proportion of cases for which the Board recommends Charges and Specifications has fluctuated over the past five years, with this year's 22% rate approximating the five-year average of 25%. The Agency attributes this return to the median to the pilot program of the CCRB Disciplinary Framework (see Section 9).

²⁶ All CCRB Annual and Semi-Annual Reports, Monthly Statistical Reports, and issue-based reports, can be found at <http://www.nyc.gov/ccrbreports>

Figure 29: Complaints Substantiated & Officers with Substantiated Allegations, 2014 – 2018²⁷

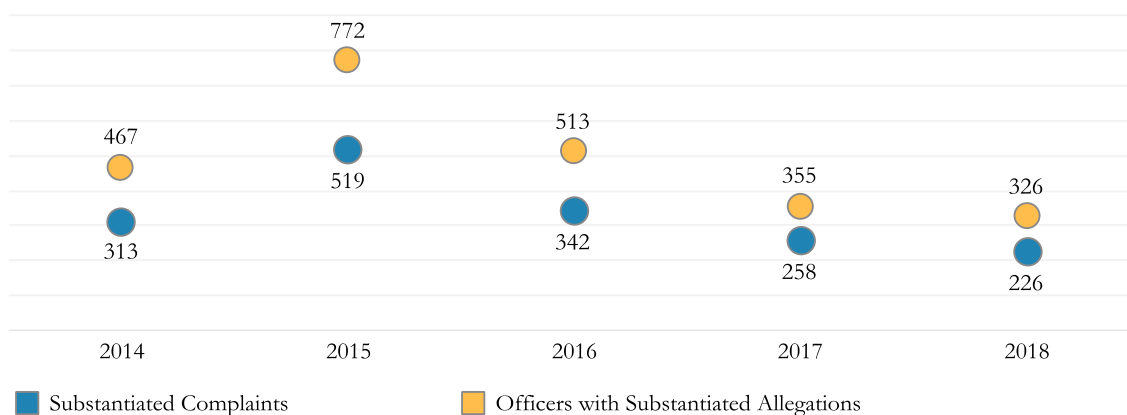
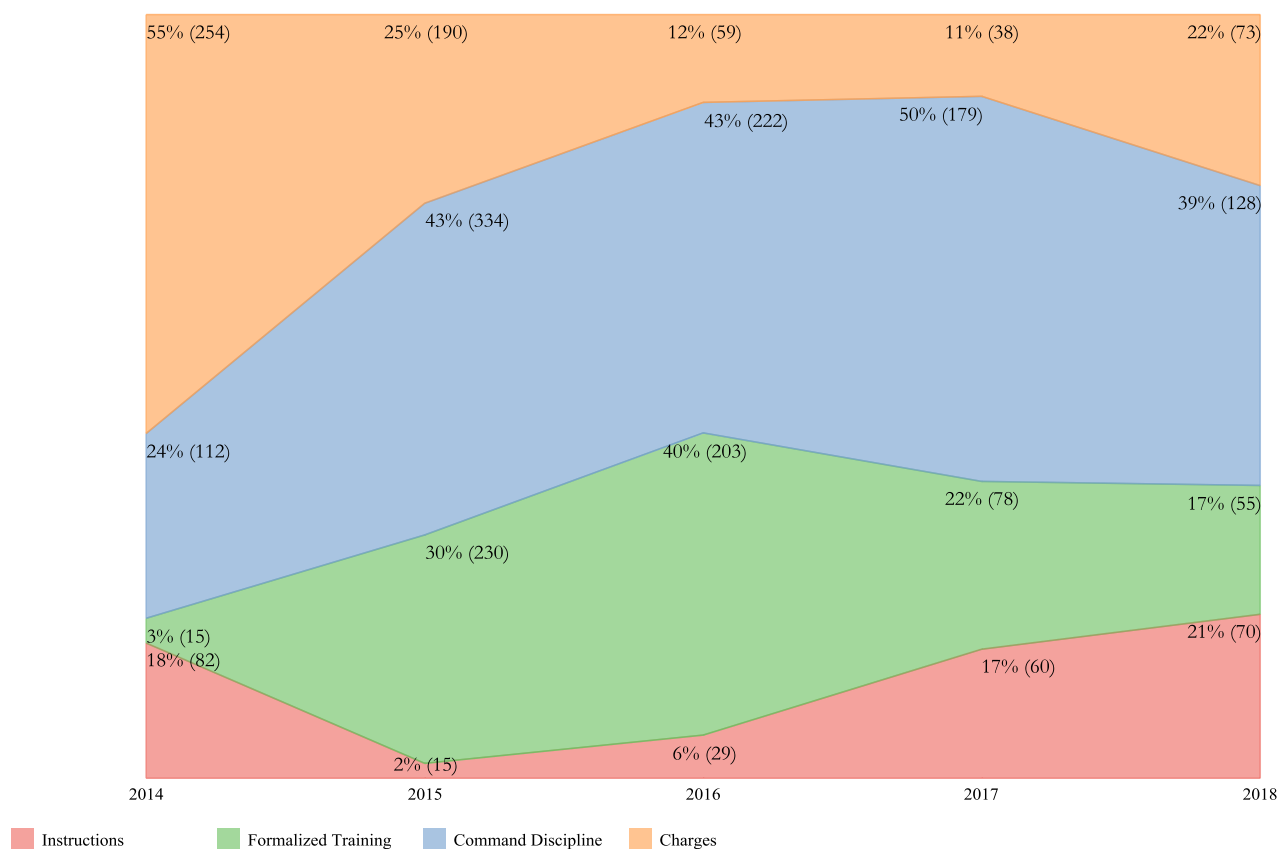


Figure 30: Board Recommendations for Officers with Substantiated Allegations, 2014 – 2018²⁸



²⁷ Due to the reconsideration process, 2018 counts are subject to change (see Section 5).

²⁸ Due to the reconsideration process, 2018 counts are subject to change (see Section 5).

NYPD DISCIPLINARY DECISIONS

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

When a substantiated allegation against an officer is referred to the DAO, the CCRB 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.²⁹ In 2018, the NYPD took some form of disciplinary action against 78% of the officers for whom discipline was recommended by the CCRB, including APU-prosecuted cases, up from 72% in 2017 (Fig. 31). In cases where the NYPD pursued discipline, the most common form of discipline imposed was Formalized Training (40%), followed by Command Discipline (23%).³⁰

Figure 31: Department Advocate's Office Disciplinary Actions on CCRB Cases, 2014 – 2018³¹

NYPD Disciplinary Action	2014		2015		2016		2017		2018	
	Count	% Total	Count	% Total	Count	% Total	Count	% Total	Count	% Total
NYPD Pursued Discipline: Charges	9	6%	2	1%	3	1%	8	2%	3	1%
NYPD Pursued Discipline: Command Discipline	30	22%	105	39%	122	29%	108	27%	81	23%
NYPD Pursued Discipline: Formalized Training	3	2%	75	28%	190	45%	128	32%	142	40%
NYPD Pursued Discipline: Instructions	61	44%	64	24%	66	16%	42	11%	55	15%
NYPD Pursued No Discipline (DUP)	26	19%	19	7%	28	7%	91	23%	58	16%
Statute of Limitations Expired	10	7%	1	0%	5	1%			4	1%
Filed (officer resigned before PD action)			4	1%	4	1%	11	3%	5	1%
Administratively Closed							5	1%	9	3%
Dismissed							2	1%	1	0%

*Prior to 2014, the CCRB did not distinguish between Instructions and Formalized Training.
"Administratively closed" typically indicates that DAO is already investigating the incident itself.*

²⁹ While the CCRB receives notification of the final category of discipline, the Agency does not receive specifics on the penalty that the Police Commissioner ultimately imposes. For instance, the NYPD reports to the CCRB whether an officer was given a Command Discipline A, but not the number of vacation days forfeited. Similarly, the Agency is made aware of the fact that training was given to an officer, but not the exact training module.

³⁰ In a small number of cases, the CCRB does not recommend Charges and Specifications in cases that DAO determines should be tried in an administrative trial. This may be due to many factors, including that the officer rejected a Command Discipline and elected to go to trial.

³¹ The cases in this table are depicted by the penalty report date, not the year in which the cases were closed. In other words, the numbers reported for 2018 are cases in which NYPD reported final discipline in 2018, though the CCRB may have closed these cases in prior years.

ADMINISTRATIVE PROSECUTION UNIT

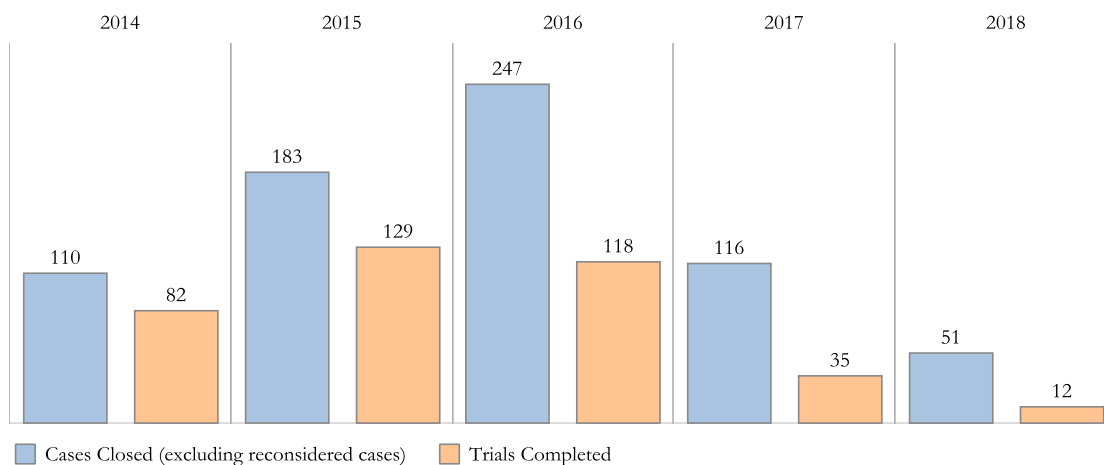
When the Board recommends Charges and Specifications against an officer in a substantiated case, the APU prosecutes the case unless the NYPD retains the case. Retained cases are those in which the NYPD keeps jurisdiction pursuant to Section 2 of the MOU between the NYPD and the CCRB.³² When the NYPD 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.³³ A single CCRB complaint may generate more than one APU case depending on the

number of officers against whom the Board recommends Charges and Specifications. As seen in Fig. 32, in 2018, the APU completed 12 trials and closed a total of 51 cases (excluding cases reconsidered by the Board). Of the cases closed by APU in 2018, 39 (76%) resulted in some form of disciplinary action (Fig. 33, next page). Nine of the closed cases resulted in guilty verdicts following trial, while 24 were resolved by plea agreement.

Of the 39 APU cases in which discipline was imposed in 2018, 32 resulted in a suspension or loss of vacation time of one to 20 days (Fig. 34).

Figure 32: APU Trials Conducted and Cases Closed, 2014 – 2018



³² Section 2 of the MOU states, "...in those limited instances where the Police Commissioner determines that CCRB's prosecution of Charges and Specifications in a substantiated case would be detrimental to the Police Department's disciplinary process, the Police Commissioner shall so notify CCRB. Such instances shall be limited to such cases in which there are parallel or related criminal investigations, or when, in the case of an officer with no disciplinary history or prior substantiated CCRB complaints, based on such officer's record and disciplinary history the interests of justice would not be served." For the full text of the MOU, see http://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf

³³ Because the APU treats each officer as a separate "case," all APU data discussed in this Report uses the same terminology. While there may be trials or incidents that involve multiple officers, the word "case" should be interpreted as "case against a single officer." This means, for example, that Figure 33's depiction of 51 cases closed in 2018 refers to the 51 officers against whom the APU prosecuted charges.

Figure 33: APU Case Closures 2018

Disciplinary Action	Not guilty after trial but Discipline Imposed	0
	Guilty after trial	9
	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	24
	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	5
	Total	39
No Disciplinary Action	Not guilty after trial	3
	Trial verdict reversed by PC, Final verdict Not Guilty	1
	Plea set aside, Without discipline	0
	**Retained, without discipline	2
	Dismissed by APU	0
	SOL Expired in APU	0
	Total	6
Not Adjudicated	Charges not filed	0
	Deceased	0
	Other	6
	***Previously adjudicated, with discipline	0
	***Previously adjudicated, without discipline	0
	†Reconsidered by CCRB Board	4
	Retired	0
	SOL Expired prior to APU	0
	Total	10
Total Closures†		55

*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.

Figure 34: Discipline Imposed for Adjudicated APU Cases, 2018

Terminated	0
Suspension for or loss of vacation time of 31 or more days and/or Dismissal Probation	1
Suspension for or loss of vacation time of 21 to 30 days	0
Suspension for or loss of vacation time of 11 to 20 days	4
Suspension for or loss of vacation time of 1 to 10 days	28
Command Discipline B	0
Command Discipline A	3
Formalized Training**	2
Instructions***	1
Warned & Admonished/Reprimanded	0
Disciplinary Action Total	39
No Disciplinary Action	6
Adjudicated Total	45
Discipline Rate	87%
Closed - Not Adjudicated	10
Total Closures	55

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

*** Instructions are conducted at the command level

DISCIPLINE CONCURRENCE RATES

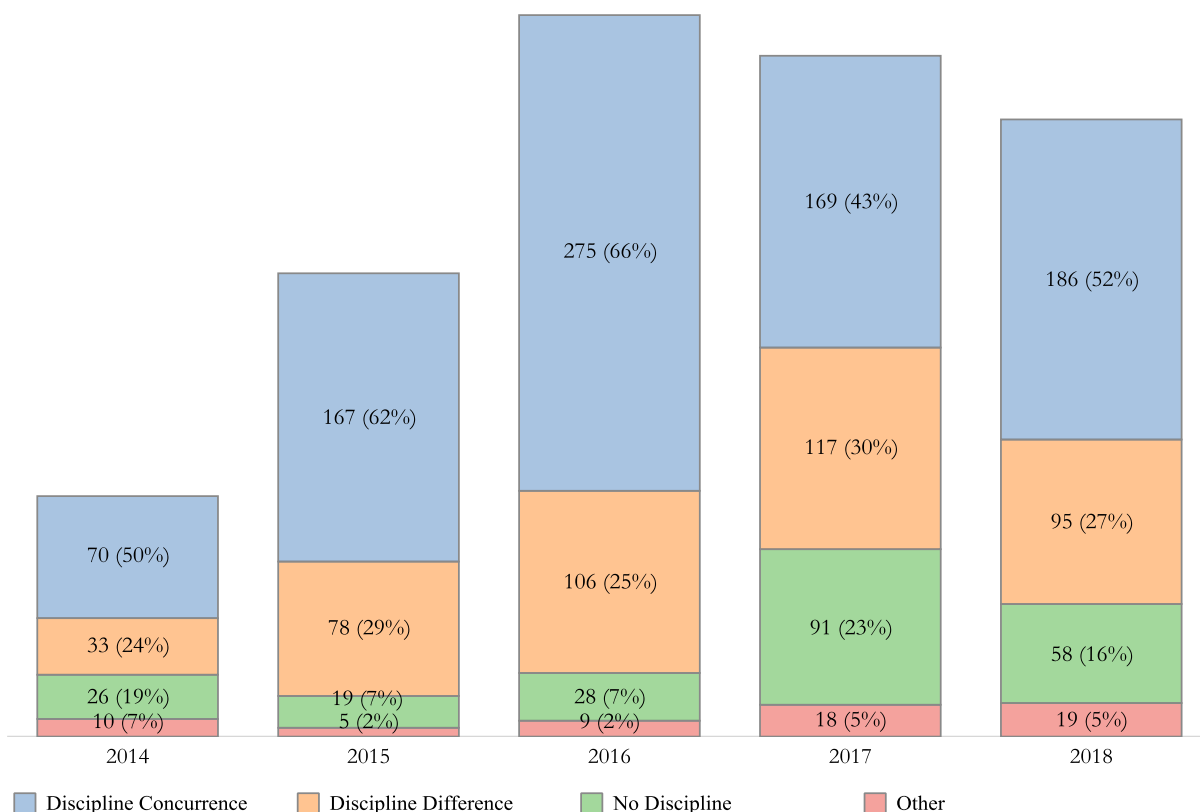
In addition to the overall rate of discipline imposed by the Police Commissioner, the Agency tracks whether the discipline imposed was in concurrence with that recommended by the Board. When the Police Commissioner's discipline is less severe than the Board's recommendation, the discipline is not in concurrence.

For cases in which the Board did not recommend Charges and Specifications, the Police Commissioner imposed the same discipline recommended by the Board 52% of the time in 2018 (Fig. 35).³⁴ This is higher than the 43% concurrence rate for the 2017.

Cases in which the Board recommended some type of discipline, but no discipline was imposed by the Police Commissioner, decreased from 23% in 2017 to 16% in 2018.

For cases in which Charges and Specifications were recommended by the Board and were subsequently prosecuted by the APU, the concurrence rate was 38% in 2018 (Fig. 36). In 7% of the cases, this was due to a not guilty verdict at trial, however in 55% of the cases, the lack of concurrence was due to a downgrade of discipline by the Police Commissioner (Fig. 36).³⁵

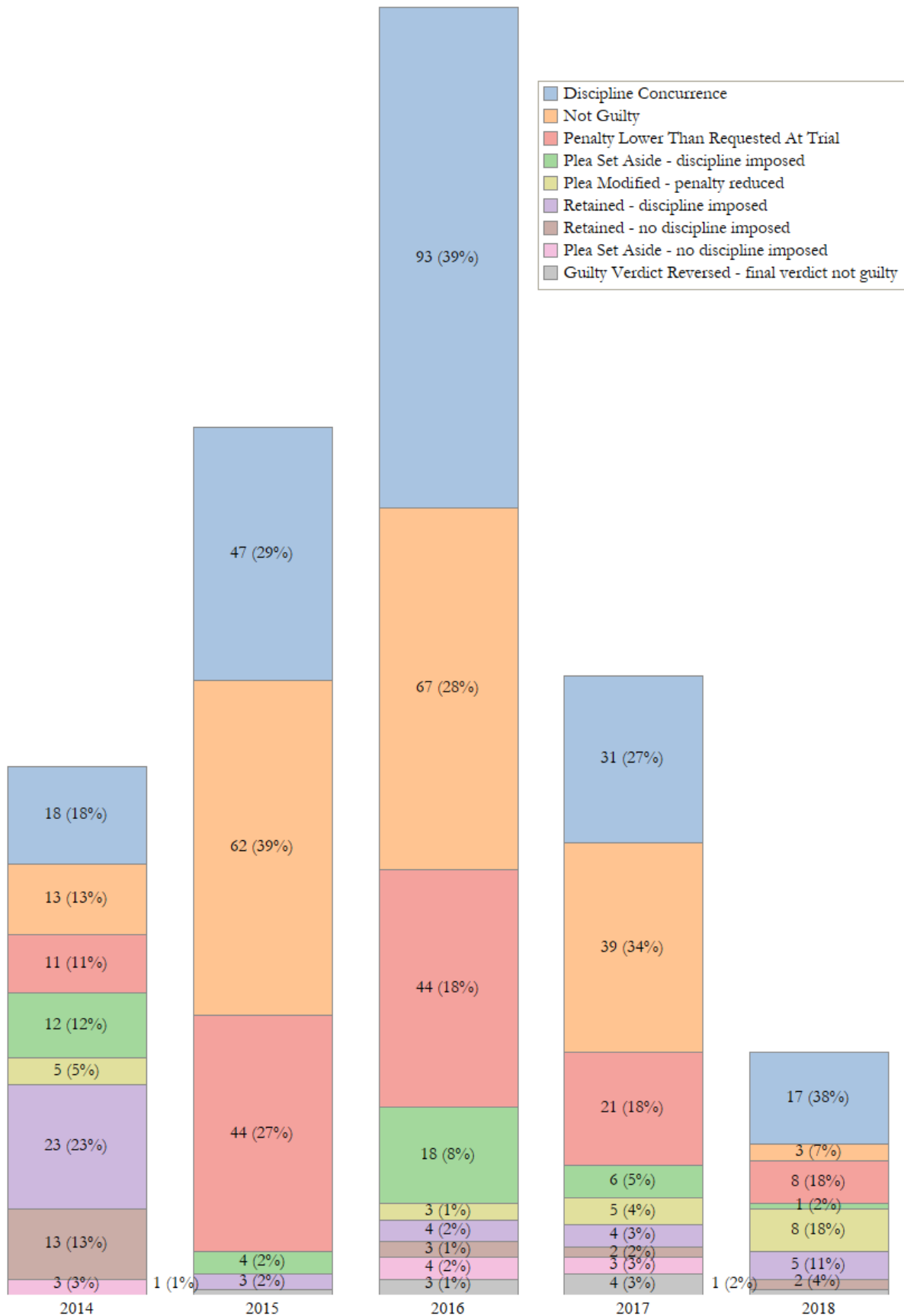
Figure 35: Non-Charges Discipline Rate, 2014 – 2018



³⁴ The "Other" category include cases in which the MOS resigned before discipline could be imposed, the statute of limitations on the case expired before discipline could be imposed, cases that were administratively closed, and cases where the Charges and Specifications were dismissed. See Figure 33 for a numeric breakdown of those cases.

³⁵ Cases in which the Police Commissioner modified a plea but increased the penalty are included in the concurrence rate. The "Penalty Lower than Requested at Trial" category also includes cases in which the officer was found not guilty of some (but not all) allegations, leading to the overall reduction of penalty.

Figure 36: APU Discipline and Penalty Concurrency Rate, 2014 – 2018



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 a face-to-face meeting, with the assistance of a neutral mediator.

The Agency seeks to offer mediation to a civilian in every suitable case. Mediation is not offered in all cases because there are some factors that render a complaint unsuitable for the Mediation Program. These include allegations of serious physical injury or property damage, a pending criminal case or a civil lawsuit, or a concurrent Internal Affairs Bureau investigation. Since 2009, one of the strategic priorities of the Board has been to strengthen and expand the Mediation Program.

Mediation is complainant-driven and voluntary—a case will only go to the Mediation Unit if the complainant wants to participate in a mediation. Investigators are required to fully describe both the mediation process and the investigative process to complainants in mediation-eligible cases. After being provided with both options, the complainant can choose the process in which to participate. Once the complainant agrees to mediation, the option is then presented to the officer. Mediations only take place when both the complainant and the officer have voluntarily agreed to mediate the complaint. Further, complainants reserve the right to have the case sent back to the investigation process if they feel unsatisfied with the mediation.

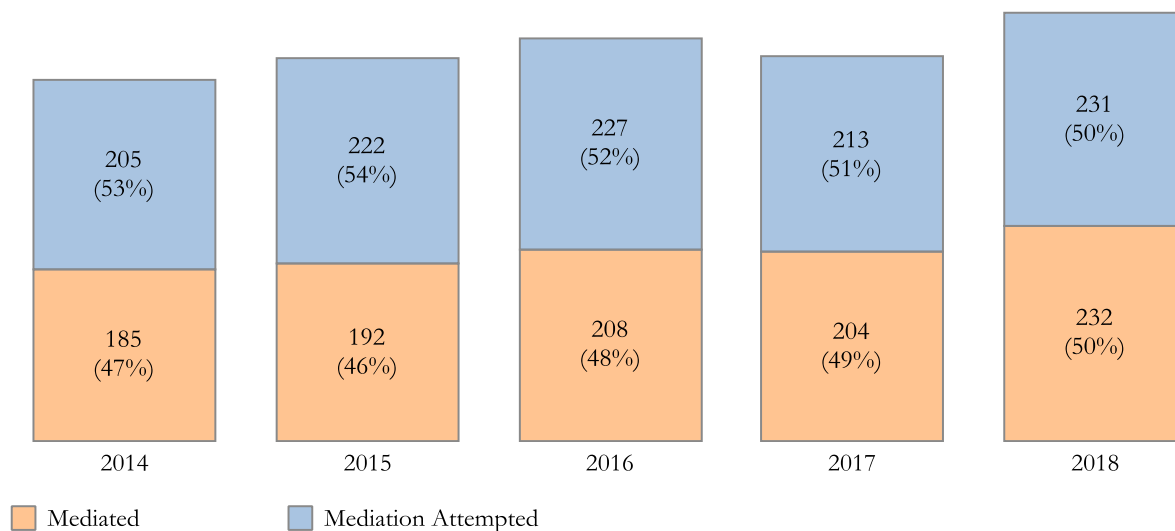
A mediation session ends when all parties involved agree that they have had an opportunity to discuss the issues in the case.

In the vast majority of cases that were mediated, the parties resolve the issues raised in 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.

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 is forward-looking with the goal of fostering discussion and mutual understanding between the civilian and the 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 leading to the complaint.

In 2018, the Mediation Unit successfully mediated 231 cases, returned 18 cases to the Investigative Division, and 232 cases were closed as “mediation attempted” (Fig. 37, next page). Mediation attempted is a designation for a case in which both the officer and the civilian agree to mediate, but the civilian either fails to appear twice for the scheduled mediation session or fails to respond to attempts to schedule a mediation session, and the civilian does not request that the investigation resume. In 2018, 50% of all mediation closures were attempted mediations.

Figure 37: Mediation Closures, 2014 – 2018



In a similar manner to how the CCRB tracks the number of days to close a full investigation, the Agency also measures the average number of days it takes to close a successfully mediated case. In 2018, it took an

average of 113 days to mediate a complaint (Fig. 38).

As noted, mediation is not offered in all cases. Mediation was offered in 38% of cases closed in 2018 (Fig. 39, next page).

Figure 38: Average Days to Successful Mediation, 2014 – 2018

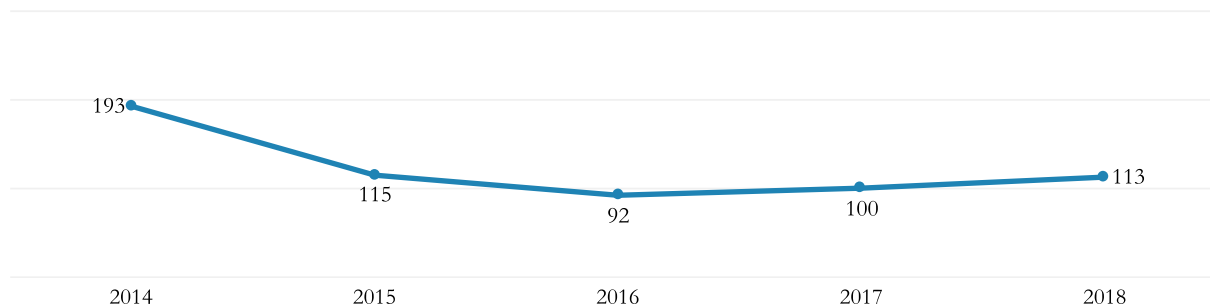
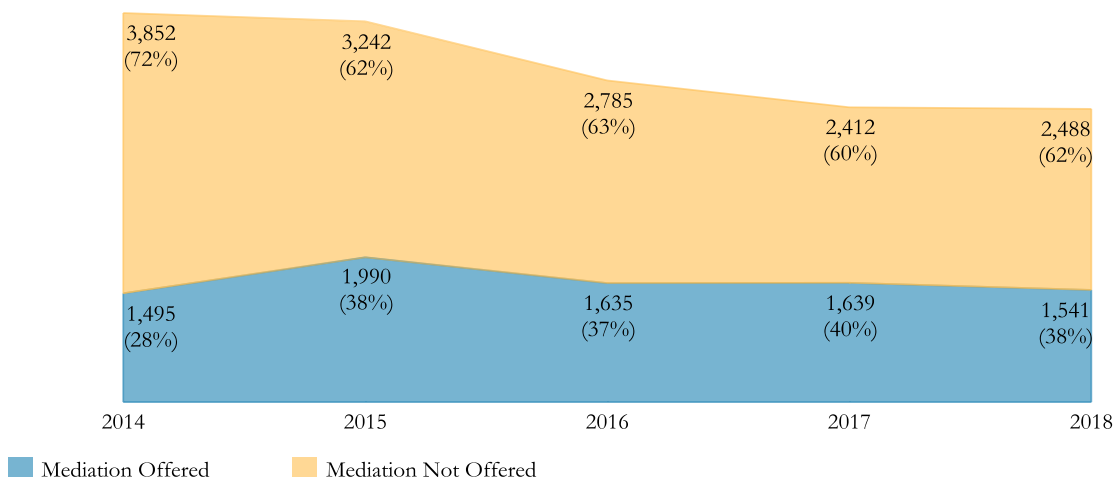
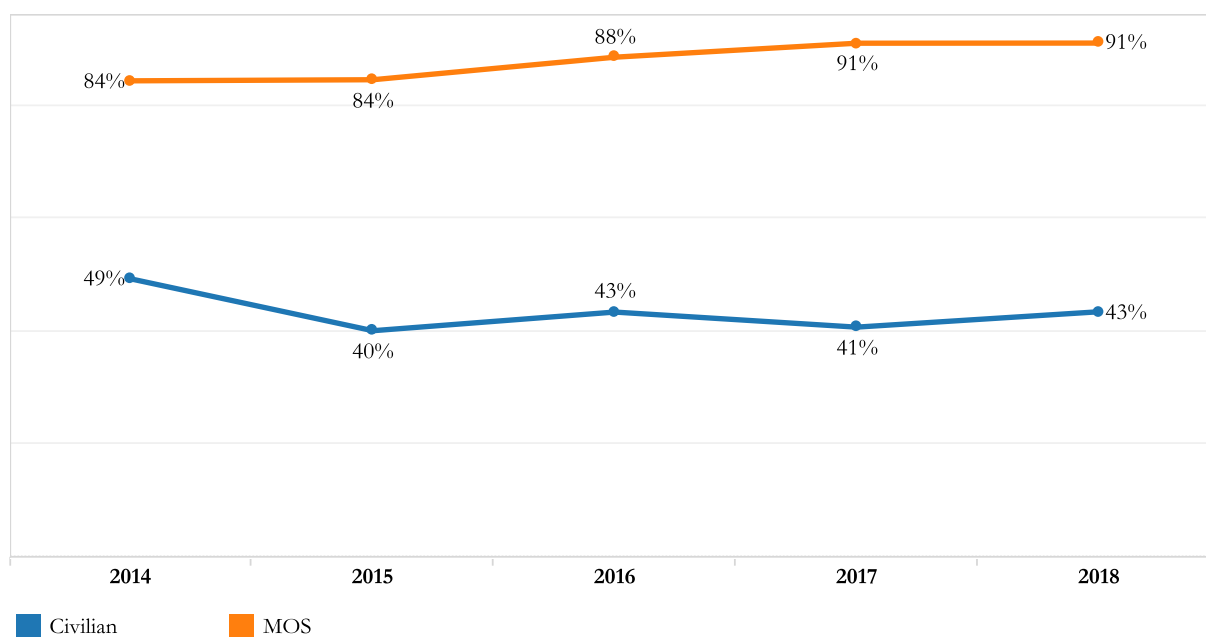


Figure 39: Percentage of Cases in which Mediation was Offered, Cases Closed between 2014 – 2018



For a mediation to occur, both the complainant and the officer must agree to the session. For cases closed in 2018, the mediation acceptance rate for civilians was 43% (Fig. 40, next page). Officers who were offered the chance to mediate a complaint accepted mediation 91% of the time.³⁶

Figure 40: Civilian and MOS Acceptance of Mediation, Cases Closed 2014 – 2018



Number of Civilians and MOS that Accepted Mediation

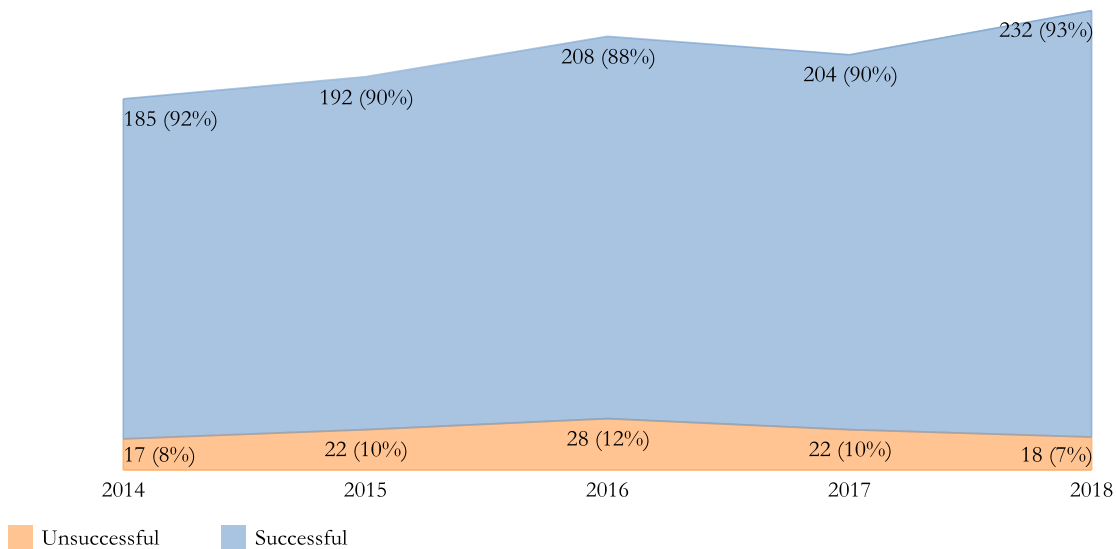
	2014	2015	2016	2017	2018
Civilian	735	796	708	666	668
MOS	539	601	640	637	719

³⁶ Allegations contained in mediated complaints are not reflected in the officer's NYPD disciplinary record.

When both parties agree to mediate, mediation is a very effective way of resolving complaints and facilitating productive discussion between complainants and officers. In 2018, the Mediation Unit conducted 250 mediation sessions, resulting

in 231 satisfactory resolutions, a 93% success rate—an all-time high (Fig. 41). The remaining 18 complaints were returned to an investigator and closed by the Investigations Division.

Figure 41: Mediation Success Rate, 2014 – 2018



SECTION 5: 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 case. 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 changing substantiation decisions only when doing so is in the interest of fairness.

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

- (a) The discipline recommended against any subject officer is determined upon reconsideration to be inappropriate or excessive; and³⁷
- (b) 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
- (c) There are matters of law that were overlooked, misapprehended, or incorrectly applied by the Board 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 change the disposition of a case.

In 2017, the reconsideration process required that reconsideration requests be submitted to the CCRB within 90 days of the Department's receipt of the case. In February 2018, new Board rules went into effect, and the time limit to submit a reconsideration request is

now 30 business days. 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 Board Panel can be reconvened to reconsider the case. If a reconsideration request is submitted after the 30-business day deadline, the CCRB will deny the Department's request unless the Executive Director determines that the request merits consideration by the Board Panel.

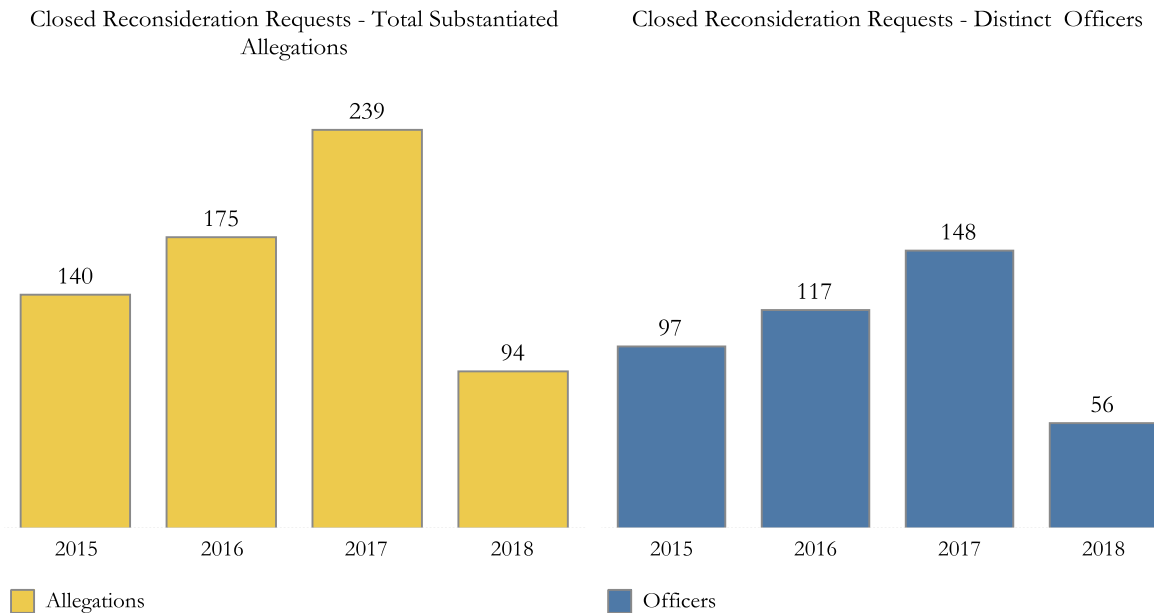
In 2018, the CCRB closed reconsideration requests for 56 officers (a reconsideration request closed in 2018 may have stemmed

³⁷ In some cases, the Board may reconsider a decision based upon additional disciplinary information provided by the NYPD. Board members may consider a MOS' CCRB history when they initially vote, but reconsideration requests typically include a summary of the MOS' entire disciplinary history within NYPD.

from a complaint closed in a previous year), a decrease from 148 in 2017 (Fig. 42). 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 42: Reconsiderations by Date of Case Reconsideration, 2015 – 2018³⁸

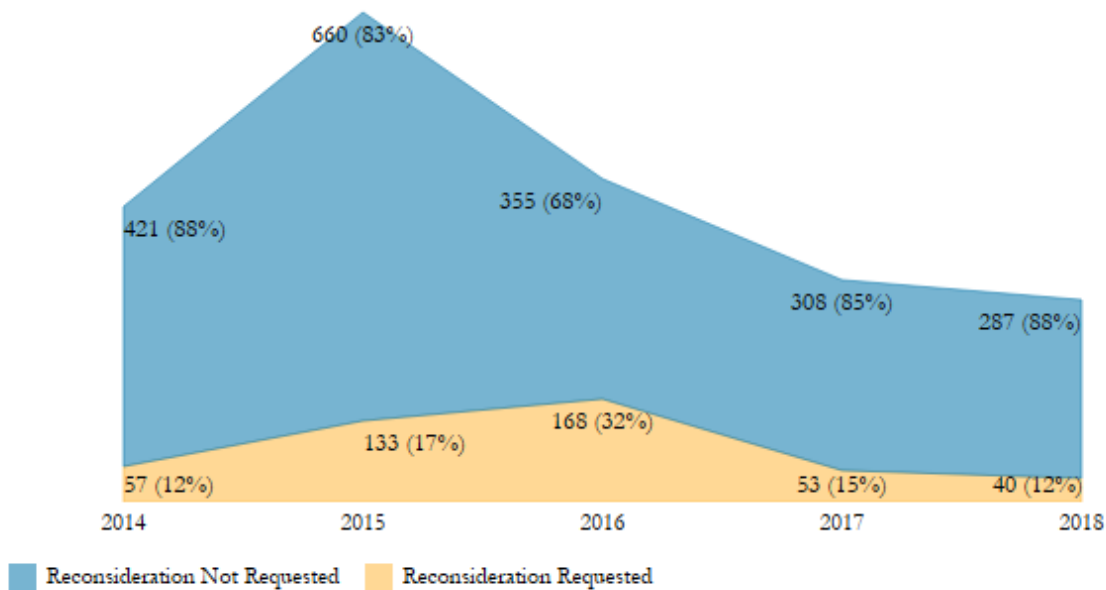


OUTCOMES OF RECONSIDERATION REQUESTS

One of the most common questions about the reconsideration process is how many members of service (MOS) with substantiated allegations have those allegations reconsidered. Of the 327 distinct MOS against whom an allegation was initially substantiated in 2018, the Department has requested reconsideration for 40 of those officers (12%, Fig. 43).

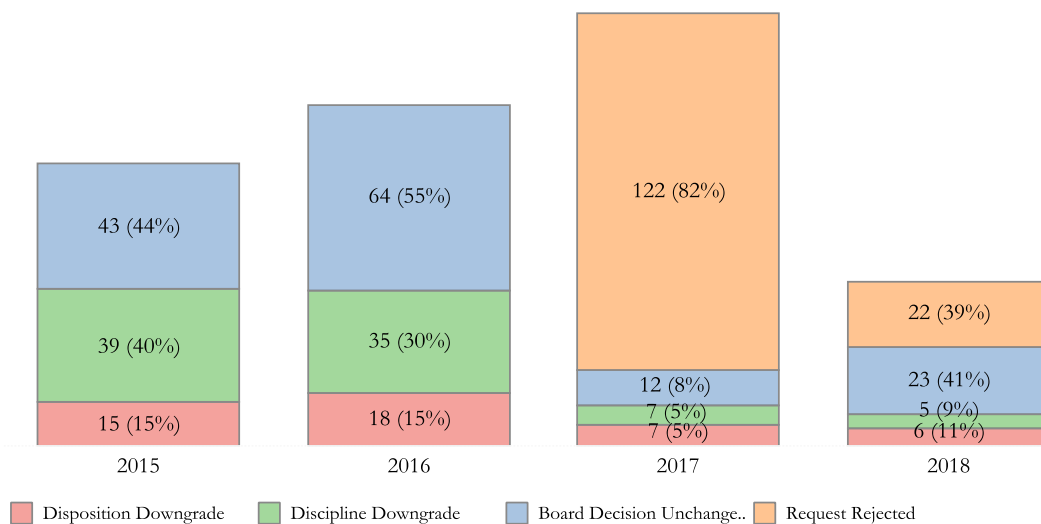
³⁸ Due to the length of time it takes for the NYPD to submit requests for reconsideration, the CCRB expects the Reconsideration Requested numbers for cases closed in 2018 to rise.

Figure 43: Total Number of MOS with Substantiated Allegations for whom Reconsiderations Were Requested and Not Requested in the Same Year, 2018



Of the 56 officers whose reconsideration requests were closed in 2018, the Board downgraded the disposition for six officers (11%), downgraded the discipline recommendation for five officers (9%), maintained the original decision for 23 officers (41%), and rejected the request for 22 officers (39%) (Fig. 44).

Figure 44: Reconsideration Outcomes by Reconsideration Year 2015 – 2018



The table in Fig. 45 gives a complete breakdown of the changed Board decisions over the last four years. For example, the first row of the table shows that in 2015, the

Board changed the vote on substantiated allegations from “Substantiated (Charges)” to “Substantiated (Command Discipline B)” with respect to two MOS.

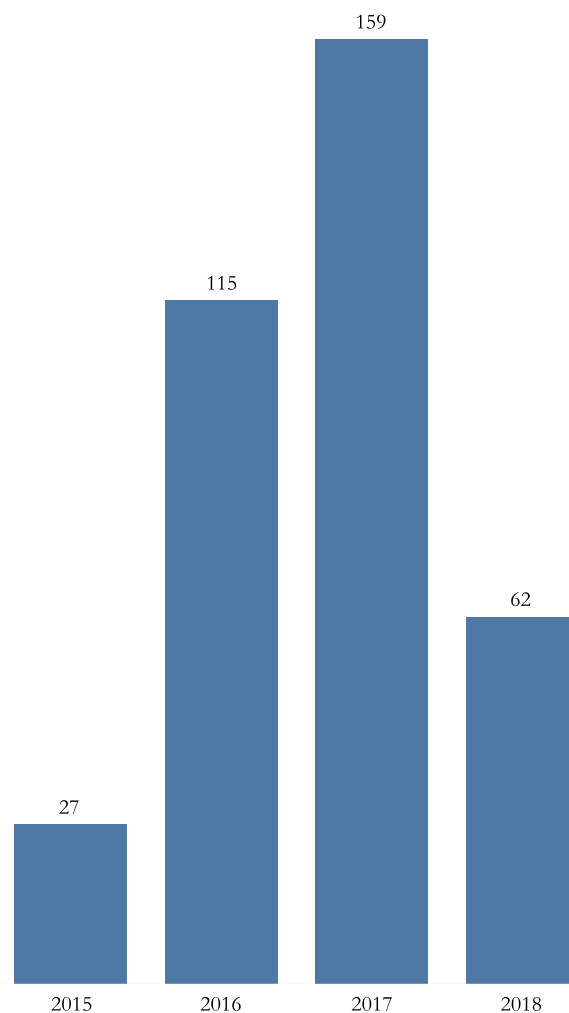
Figure 45: Reconsideration Decision Detail, 2015 – 2018

Initial Disposition to Final Disposition (after Reconsideration)	2015	2016	2017	2018
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)	3	4		1
Substantiated (Charges) to Substantiated (Instructions)		1		
Substantiated (Charges) to Substantiated (No Recommendations)	1			
Substantiated (Charges) to Exonerated		2		
Substantiated (Charges) to Unsubstantiated	1	1		
Substantiated (Command Discipline) to Substantiated (Formalized Training)	13		1	
Substantiated (Command Discipline) to Substantiated (Instructions)	1	2		
Substantiated (Command Discipline) to Exonerated	1			
Substantiated (Command Discipline) to Unsubstantiated	6			
Substantiated (Command Discipline B) to Substantiated (Command Discipline A)	3	10	1	1
Substantiated (Command Discipline B) to Substantiated (Formalized Training)	3	7	1	2
Substantiated (Command Discipline B) to Substantiated (Instructions)	1			1
Substantiated (Command Discipline B) to Substantiated (No Recommendations)	1			
Substantiated (Command Discipline B) to Exonerated				1
Substantiated (Command Discipline B) to Unfounded			1	
Substantiated (Command Discipline B) to Unsubstantiated		1		4
Substantiated (Command Discipline A) to Substantiated (Formalized Training)	10	4	3	
Substantiated (Command Discipline A) to Substantiated (Instructions)		2		
Substantiated (Command Discipline A) to Exonerated		2	1	
Substantiated (Command Discipline A) to Unsubstantiated	3	4	2	
Substantiated (Formalized Training) to Substantiated (Instructions)		3		
Substantiated (Formalized Training) to Exonerated		4		
Substantiated (Formalized Training) to Unsubstantiated		4	2	1
Substantiated (Command Lvl Instructions) to Unsubstantiated			1	
Substantiated (Instructions) to Exonerated	1			
Substantiated (Instructions) to Officer(s) Unidentified	1			
Substantiated (Instructions) to Unsubstantiated	2			
Grand Total	54	53	14	11

When the NYPD requests reconsideration, it sends a letter to the CCRB outlining the case and the underlying reasons for the request. In 2018, the CCRB received a total of 62 reconsideration requests for MOS with substantiated allegations (Fig. 46).³⁹ The table in Fig. 47⁴⁰ depicts the reasons given for reconsideration requests, broken down by year. While each request may feature several

reasons, up to three reasons provided for each officer and allegation are represented in Fig. 47. In 2018, the most common reason given for a reconsideration request received by the CCRB was the absence of prior substantiations (44, or 26%).

Figure 46: Number of Reconsideration Requests Received, 2015 –2018



³⁹ One complaint may feature multiple allegations against multiple MOS. Reconsideration requests received in 2018 may be related to complaints closed in prior quarters.

⁴⁰ The reasons given by the DAO for the reconsideration requests depicted in Fig. 47 do not match the number of total requests received because multiple reasons may be given in the same request.

Figure 47: Top Listed Reasons for Reconsideration Request, 2017 –2018

	2017		2018	
	Number	Percent of Total	Number	Percent of Total
Case precedent	0	0%	1	1%
CCRB allegation history does not show pattern of similar conduct	0	0%	2	1%
Civilian abuse of CCRB	4	1%	0	0%
Disagree with CCRB findings	123	30%	37	22%
First CCRB complaint	0	0%	1	1%
Highly Rated Officer	68	17%	4	2%
Improper case law applied	23	6%	0	0%
Improper interpretation of Patrol Guide	5	1%	0	0%
Incorrect Pleading of Allegation	0	0%	2	1%
Limited CCRB disciplinary history	8	2%	0	0%
New evidence	2	0%	0	0%
No departmental disciplinary history	0	0%	31	19%
No prior CCRB complaints/disciplinary history	82	20%	11	7%
No prior CCRB substantiations	13	3%	44	26%
No reason provided	4	1%	0	0%
No related CCRB history	3	1%	3	2%
No related disciplinary history	0	0%	2	1%
No Sworn Statement from Complainant	8	2%	0	0%
Not in CCRB Jurisdiction	1	0%	0	0%
Not sufficient evidence	14	3%	5	3%
Officer was not acting in bad faith	49	12%	18	11%
Outside CCRB Jurisdiction	2	0%	2	1%
Previously Investigated by PD	2	0%	0	0%
Specific facts and circumstances of case	0	0%	1	1%
Total	411	100%	167	100%

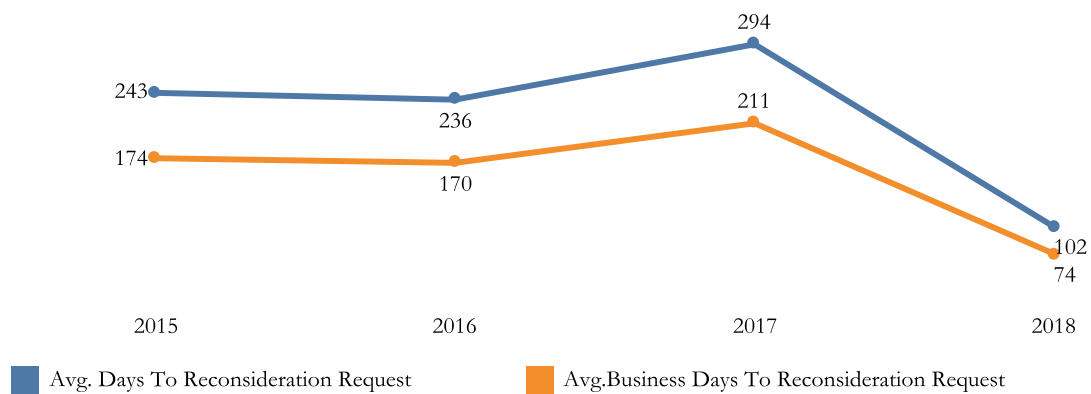
TIMING OF RECONSIDERATION REQUESTS

As of February 2018, the deadline to submit a reconsideration request is 30 business days from the date the Board recommendation is received by the Department. In 2018, the average length of time between the Board's initial decision and the DAO's request for reconsideration was 102 days, which translates to 74 business days (Fig. 48).⁴¹

The DAO continues to reduce its backlog of requests by processing old cases at the same time that it is processing new cases. This, combined with the CCRB's new method of assessing cases received after the expiration of the 30-business day period, should reduce the time it takes to complete the review process.

⁴¹ Because there may be multiple members of service (MOS) per complaint, as of the 2018 Semi-Annual Report, the CCRB began calculating reconsideration request times by MOS rather than by complaint. This methodological change may impact comparison of past numbers with the numbers included in this report.

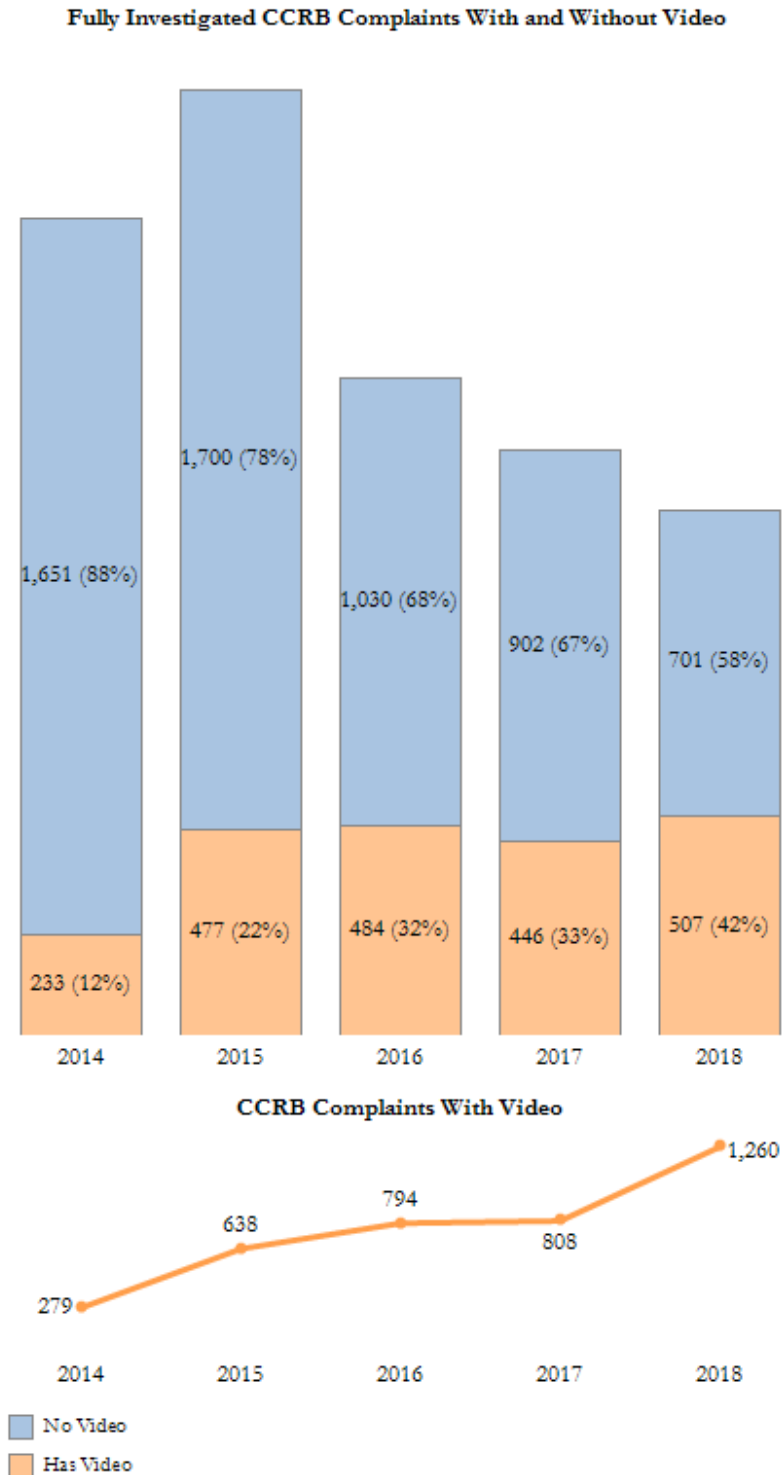
Figure 48: Average Days from Case Closing to Reconsideration Request Date for Cases Reconsidered and Closed by Year, 2015 – 2018⁴²



⁴² This graphic is depicted by year the Board considered the request, which is not necessarily the same as when it received the request.

SECTION 6: THE IMPACT OF VIDEO

Figure 49: Fully Investigated CCRB Complaints With and Without Video, 2014 – 2018



Over the last few years, the amount of video evidence collected by the Civilian Complaint Review Board (CCRB) has increased dramatically. In 2013 (not depicted), 10% of the fully-investigated complaints closed included video evidence. In 2018, complaints with video evidence accounted for 42% of the full investigations closed (Fig. 49).

CCRB data suggests that video evidence can have an impact on the final outcome of an investigation. In 2018, the Board substantiated 28% of full investigations where there was video evidence as compared to 12% where there was no video evidence (Fig. 50, next page). Video evidence has not only influenced substantiation rates, but also impacted the rate of allegations closed “on the merits” (substantiated, exonerated, or unfounded). In 2018, 54% of allegations with video evidence were closed “on the merits” compared to 38% without video (Fig. 50, next page).⁴³ Because there may be multiple allegations in a single complaint, the CCRB also tracks allegation closures with and without video. In 2018, 55% of allegations were closed on the merits when the investigation included video

⁴³ Investigations closed “not on the merits” are those closed as unsubstantiated or officer unidentified.

evidence, compared with 38% for those without (Fig. 51). The availability of video evidence allows for clearer interpretation of

circumstances surrounding the encounter, and thus increases the rate of substantiated, unfounded, and exonerated allegations.

Figure 50: Complaint Closures on the Merits With and Without Video, Full Investigations, 2014 – 2018

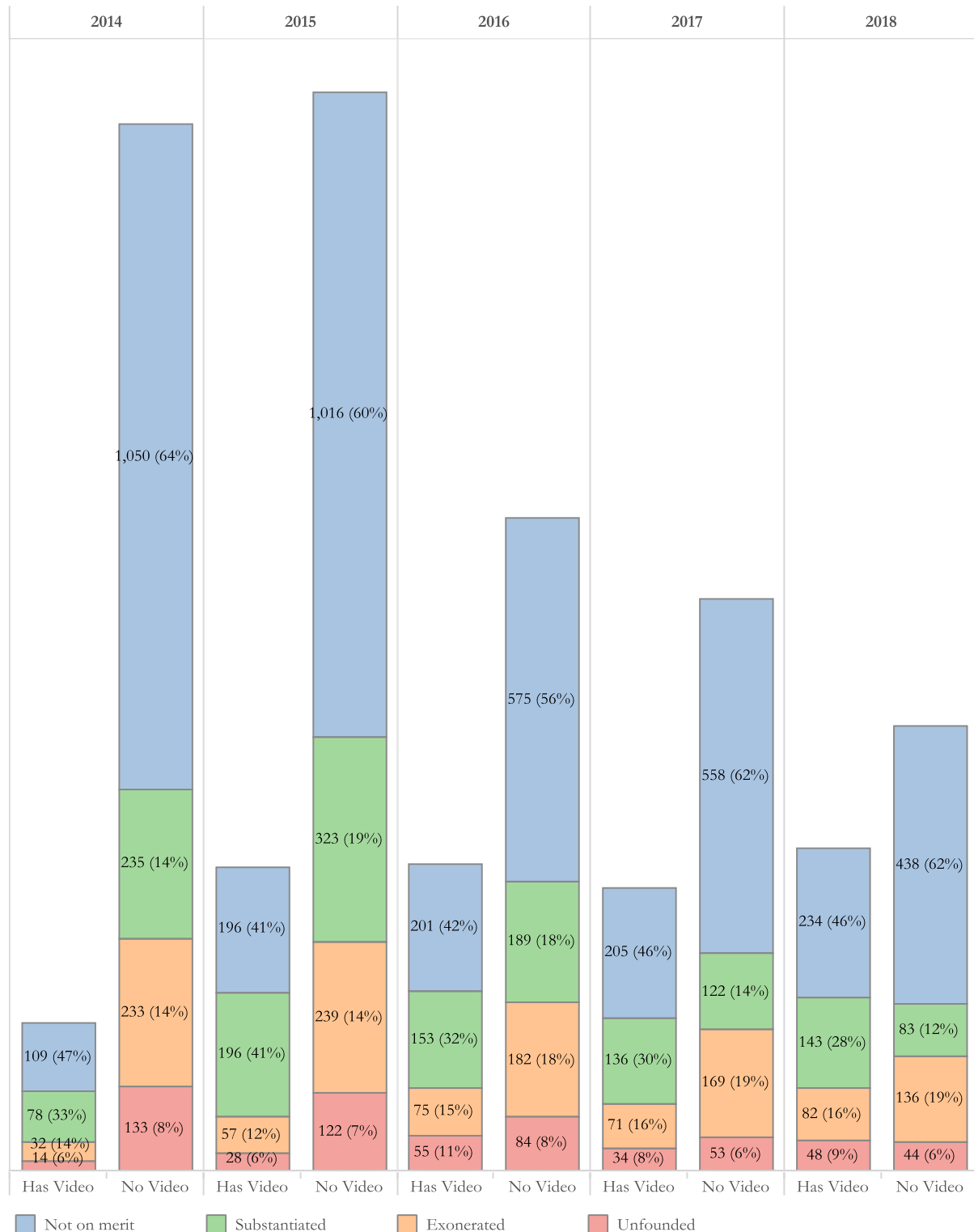
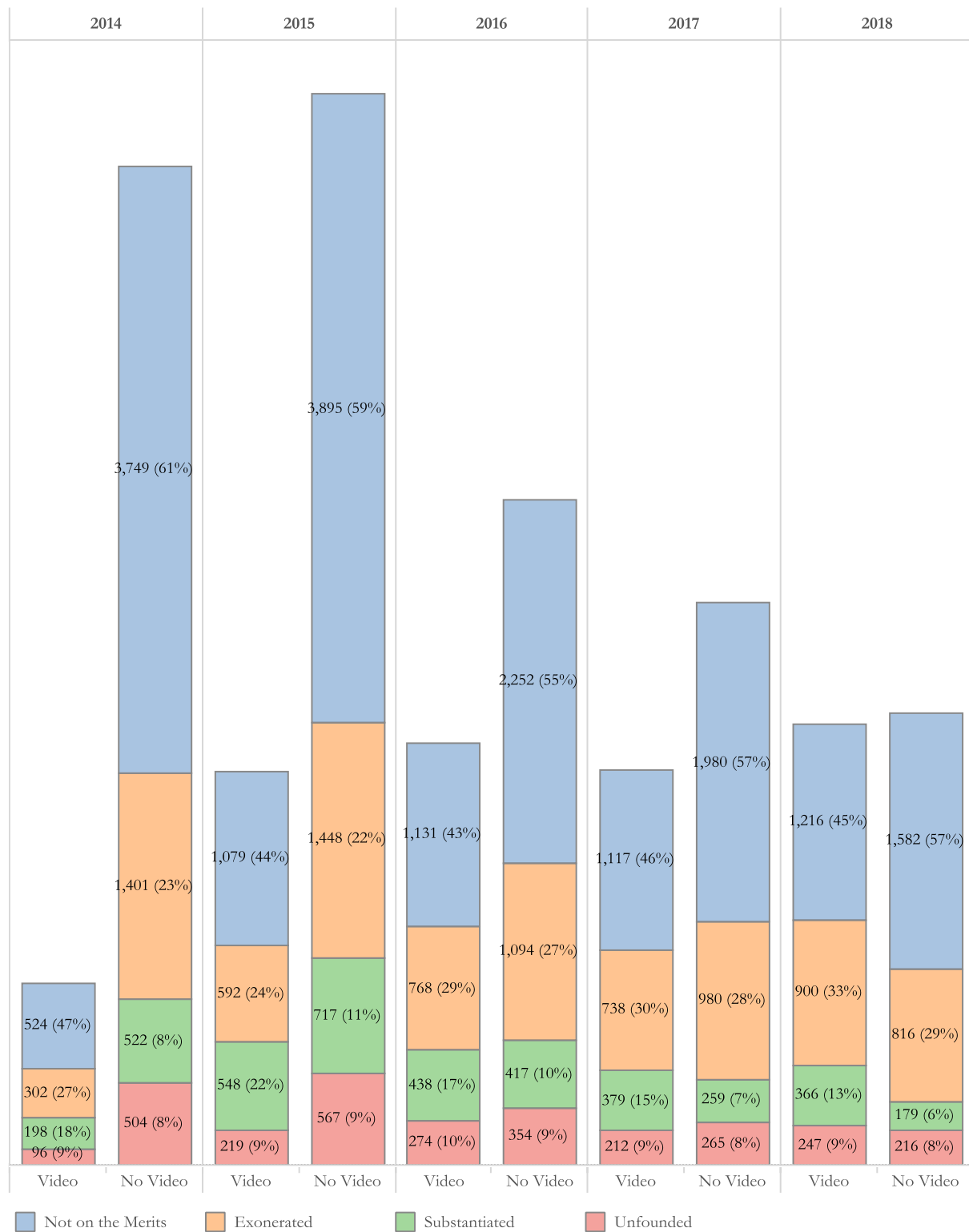


Figure 51: Allegation Closures on the Merits With and Without Video, Full Investigations, 2014 – 2018



Video evidence seems to have the biggest impact on allegations of excessive force, with 63% of those allegations closed on the merits in 2018 when video is involved, compared with only 44% when video is not involved (Fig. 52). Video has also played an increasing role in helping the CCRB close discourtesy allegations on the merits. In 2018, 32% of allegations of this type were closed on the

merits with video, compared to 14% of allegations without video. The ability of a CCRB investigator to hear what an officer is saying during a video recording allows for a much easier resolution of discourtesy allegations. With the NYPD's expansion of its BWC initiative, the Agency expects that the percentage of cases closed on the merits will also rise.

Figure 52: Allegation Closures on the Merits With and Without Video by FADO, 2014 –2018

FADO Type	Board Disposition	2014				2015				2016				2017				2018			
		Video		No Video		Video		No Video		Video		No Video		Video		No Video		Video		No Video	
Force	Not on the Merits	169	39%	771	46%	321	39%	930	53%	305	38%	456	48%	247	36%	360	49%	262	37%	296	56%
	Exonerated	178	41%	601	36%	273	33%	531	30%	306	38%	310	33%	284	42%	234	32%	280	40%	149	28%
	Unfounded	53	12%	255	15%	113	14%	263	15%	129	16%	157	17%	93	14%	120	16%	102	15%	66	13%
	Substantiated	36	8%	36	2%	121	15%	46	3%	57	7%	24	3%	57	8%	24	3%	58	8%	15	3%
Abuse of Authority	Not on the Merits	204	45%	2004	61%	457	40%	1942	54%	513	38%	1218	49%	575	43%	1061	51%	655	41%	937	51%
	Exonerated	106	23%	736	22%	293	26%	901	25%	446	33%	778	31%	441	33%	729	35%	601	38%	662	36%
	Unfounded	16	4%	112	3%	53	5%	165	5%	75	6%	117	5%	67	5%	91	4%	95	6%	88	5%
	Substantiated	129	28%	431	13%	341	30%	587	16%	319	24%	358	14%	263	20%	212	10%	245	15%	149	8%
Discourtesy	Not on the Merits	124	64%	822	79%	252	63%	846	81%	273	67%	480	84%	246	71%	460	86%	250	68%	284	86%
	Exonerated	18	9%	64	6%	26	6%	16	2%	16	4%	6	1%	13	4%	17	3%	19	5%	5	2%
	Unfounded	24	12%	103	10%	43	11%	110	10%	61	15%	58	10%	35	10%	38	7%	43	12%	31	9%
	Substantiated	27	14%	46	4%	82	20%	78	7%	57	14%	30	5%	51	15%	17	3%	58	16%	11	3%
Offensive Language	Not on the Merits	27	75%	152	79%	49	78%	177	83%	39	74%	98	78%	49	66%	99	82%	49	80%	65	65%
	Unfounded	3	8%	31	16%	10	16%	29	14%	9	17%	22	18%	17	23%	16	13%	7	11%	31	31%
	Substantiated	6	17%	9	5%	4	6%	6	3%	5	9%	5	4%	8	11%	6	5%	5	8%	4	4%

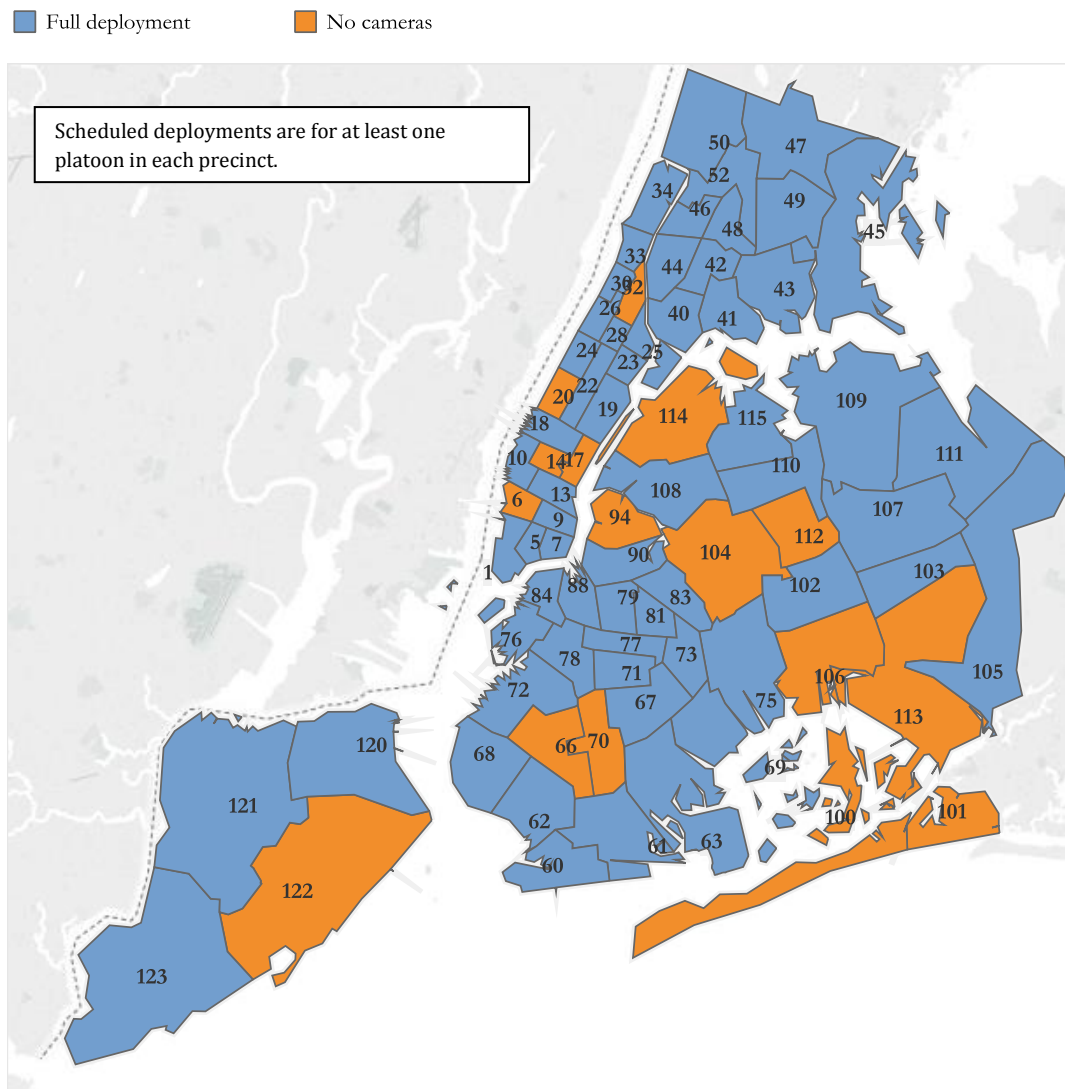
SECTION 7: BODY-WORN CAMERAS

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 Fourth and Fourteenth Amendments through its use of unconstitutional 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 December 31, 2018, BWCs had been deployed to 15,826 members of service (MOS) across 81 commands (Fig. 53).

Figure 53: Deployment of Body-Worn Cameras as of December 2018



The NYPD, in collaboration with the court-appointed monitor, will evaluate its procedures and the effectiveness of the program, but will continue deployment of BWCs to new precincts while the pilot program is ongoing.

The NYPD provides informational videos in several languages, including sign language, about the BWC rollout on its website,⁴⁴ 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.⁴⁵ The NYPD's rollout of 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.

In 2018, the CCRB obtained BWC footage as follows:

1. If a misconduct complaint stems from a precinct in which BWCs have been deployed, the CCRB investigator submits a records request to the NYPD Relations Unit for BWC footage.
2. The NYPD Relations Unit then forwards the request to the Internal Affairs Bureau (IAB) and the NYPD Legal Bureau, which is responsible for approving the request and locating the footage.
3. Once the Legal Bureau has approved the request and located the BWC footage, the video is sent back to 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, or other evidence suggests that a negative response to an initial NYPD search for BWC footage may be a false negative, the CCRB investigator must submit a new request specifying the additional BWC footage that is needed.

In 2018, the CCRB requested BWC footage in 1,884 complaints—a number that reflects the NYPD's program expansion, which included thousands more cameras assigned to MOS on patrol. In 2018, it took an average of ten business days for the CCRB to receive BWC footage from the NYPD—a significant increase from the 6.6 days reported in the CCRB 2017 Annual Report.

The CCRB is working with the NYPD to streamline the access procedure, including

working toward its ability to obtain footage relevant to its investigations directly from the NYPD's BWC video storage systems. Direct access to BWC footage in some form, 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.

⁴⁴ <http://www1.nyc.gov/site/nypd/about/about-nypd/equipment-tech/body-worn-cameras.page>

⁴⁵ http://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/body-worn-camera-policy-response.pdf

SECTION 8: OUTREACH

Over the past several years, the Civilian Complaint Review Board (CCRB) has sought to increase the scope and scale of its Outreach Program to raise awareness of the Agency's mission and foster the public's trust in the CCRB's investigative process. With an outreach team of five, the CCRB has one outreach coordinator for each borough to act as that borough's main liaison for the Agency.

The Outreach and Intergovernmental Affairs 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. Through the Agency's Community Partner Initiative, CCRB investigators and outreach staff hold monthly office hours at City Council Members' offices in the boroughs, allowing the Agency to reach individuals where they are. The Unit's outreach presentations provide an overview of the complaint

process, explain the basic legal contours of police encounters, and stress the importance of de-escalation.

In 2018, staff members gave 1,024 presentations (Fig. 54). The Outreach Unit has made presentations to a large variety of audiences, including high school students, immigrant populations, precinct community council meeting attendees, probationary groups, homeless service organizations, formerly-incarcerated individuals, NYCHA residents, and lesbian, gay, bisexual, transgender, and queer (LGBTQ) groups (Fig. 55, next page). Most presentations were given at libraries (10%) and community events (9%).

In 2018, Outreach made presentations in all five boroughs, reaching much of the City's diverse demographic. Most presentations were made in Manhattan (310), followed by Brooklyn (266) (Fig. 56).

Figure 54: Number of Outreach Events, 2014 – 2018

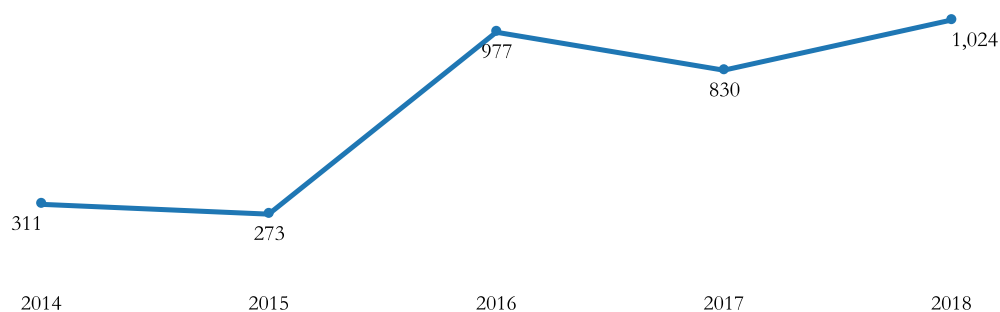
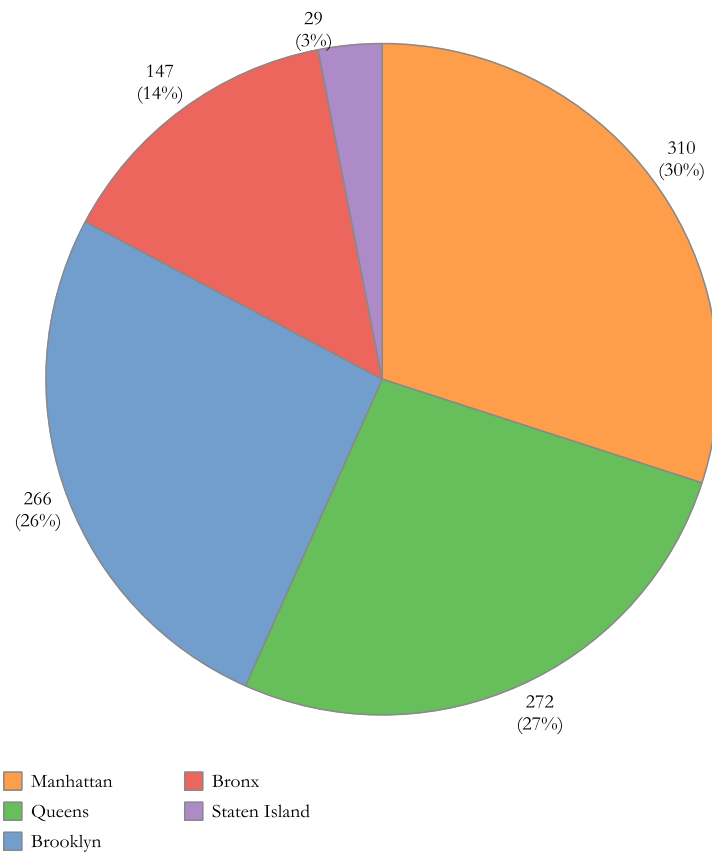


Figure 55: Outreach Events by Specific Organization Type, 2018



Figure 56: Outreach Events by Borough, 2018



SECTION 9: NEW INITIATIVES

The Civilian Complaint Review Board (CCRB) always strives to improve its responsiveness and effectiveness, and 2018 has been an important year for the Agency. In 2018, the Agency expanded the scope of its investigations and training efforts, conducted public education around the Right to Know Act, and took concrete steps to better engage young New Yorkers.

Sexual Misconduct

In February 2018, pursuant to a resolution passed by the Board, the CCRB began investigating allegations of sexual misconduct against New York City Police Department (NYPD) officers. Following the Board's vote, the CCRB embarked on a two-phase program: in Phase One the Agency immediately began investigating allegations of sexual harassment; in Phase Two the Agency will begin investigating sexual assault allegations once the CCRB staff is properly trained to handle those types of allegations. In Spring 2018, investigators received training on handling allegations of sexual harassment and began investigating Phase One complaints. In Fall 2018, investigators received more in-depth training in preparation for Phase Two implementation, including training in forensic experiential trauma interviewing (FETI) techniques. In October 2018, select investigations staff received 40 hours of training from Bellevue Hospital Center's Victim Advocacy Training Program on trauma and working with victims of sexual assault. In partnership with the NYC Alliance on Sexual Assault, Training staff also began a multi-part training series on sexual misconduct. The first training, held in December 2018, focused on Understanding the Neuroscience of Trauma. Upcoming training sessions focusing on: sexual assault and understanding rape culture, documenting a sexual assault investigation, and vicarious trauma are planned.

Right to Know Act

On October 19, 2018, the Right to Know Act (RTKA),⁴⁶ took effect. Ahead of the effective date, CCRB staff worked with the RTKA's co-sponsors, Council Members Antonio Reynoso (34th District) and Ritchie J. Torres (15th District) as well as the City Council's Progressive Caucus to conduct a public education campaign, including the development of RTKA Know Your Rights materials. CCRB staff also distributed thousands of flyers outside of subway stations and schools, and at street festivals throughout the five boroughs, in coordination with street team efforts by Council Members Carlina Rivera (2nd District), Carlos Menchaca (38th District), and Keith Powers (4th District). CCRB

⁴⁶ The RTKA, in effect as of October 19, 2018, is made up of two components. The first outlines New York City Police Department (NYPD) officers' obligation to identify themselves, including by providing their name, rank, command, and shield number to civilians at the beginning of certain interactions. The law also requires officers to have business cards that contain this information. These business cards provide information on how a civilian can comment or complain about an encounter with an officer and where to request body-worn camera footage of their interaction. Under the RTKA, civilians may always ask an officer for a business card, but officers are only required to offer the card in certain circumstances, such as during a frisk, searches of a person, property, vehicle, or home, or at sobriety checkpoints. The second component of the law addresses situations in which officers seek to perform a search and do not have legal justification to do so without consent. In these circumstances, the RTKA requires that officers explain that a search will not be conducted if the person refuses to provide consent to the search. In addition, the law requires that officers document these search requests. As is required in all encounters, including when seeking consent for a search, officers are instructed to use language interpretation services pursuant to the NYPD's language access plan prior to the search. This can include the use of bilingual officers and telephonic interpretation.

investigators also received training on the RTKA's two main components and how to plead alleged violations of the RTKA.

Youth Advisory Council (YAC)

In winter of 2018, the CCRB launched its Youth Advisory Council (YAC), a 19-member working committee made up of young leaders, ages 10-24, who are committed to criminal justice issues and improving police-community relations. The YAC meets quarterly. Throughout its inaugural year, the YAC will advise CCRB staff about its efforts to engage young New Yorkers, serve as ambassadors to their communities about the Agency, and join team-building activities. The YAC also served as part of the planning committee for the CCRB's spring 2019 event, "Speak Up, Speak Out: A Youth Summit on Policing in NYC," the CCRB's first ever summit focused exclusively on youth. The CCRB will use information learned from the YAC and the Youth Summit to inform the Agency's issue-based report on police interactions with young people in New York City.

Better Serving Citizens with Mental and Emotional Challenges

In 2018, the CCRB conducted extensive trainings to better serve citizens with mental and emotional challenges. In April and October 2018, the CCRB partnered with NYC Well, a City program that provides free support and assistance to people experiencing stress and trauma as well as more serious mental, psychological, and emotional health challenges, to conduct two trainings focused on active listening skills, emphatic response, the mechanics of making a warm-transfer to NYC Well, and the steps an investigator should take when a civilian presents an imminent risk to themselves or to others. In September 2018, CCRB staff participated in an eight-hour Mental Health First Aid Certification Training (MHFA), bringing the total number of MHFA Certified staff members to 150. CCRB representatives from the Policy, Legal, Investigations, and Training Units also audited 40 hours of NYPD Crisis Intervention Training (CIT) at the NYPD Academy in College Park.

Forensic Video Analysis Training

To address the growing amount of video footage received by the Agency, in 2018 the CCRB acquired licenses for iNPUT-ACE Video Analysis Software, a multimedia workflow engine for police investigators that assists in streamlining the analysis and processing of video evidence. In October 2018, CCRB investigators, members of the Training Unit, and Administrative Prosecution Unit (APU) attorneys participated in a two-day training on forensic video analysis. The training, conducted by Occam Video Solutions, focused specifically on video examinations relating to use of force, motion, timing, image refresh rate reliability, and the interpretation of police body worn and in-car video systems.

CCRB Disciplinary Framework

In January 2018, the Board implemented a six-month pilot program of its Disciplinary Framework, a non-binding matrix designed to guide Board Panel discussions on disciplinary recommendations on substantiated cases. Use of the Framework does not impact whether a complaint will be substantiated by the Board—it is only used in cases that have been substantiated. The goal of the Framework is to achieve consistent and fair discipline recommendations for both civilians and New York City Police Department (NYPD) members of service. The Framework outlines six allegation types that—if substantiated by a three-member Board Panel—typically would result in the panel recommending Charges and Specifications, the most severe level of discipline. These allegations include chokeholds, strip searches, warrantless entries, offensive language, excessive force with

serious injury, and sexual misconduct. Under the Framework, Board Panels also discuss the subject officer's CCRB history and the totality of the circumstances of the case as a way to guide its determination of the appropriate disciplinary recommendation. In August 2018, the Board decided to extend the pilot through the remainder of 2018.

Forthcoming Policy Reports

Throughout the year, the CCRB issues monthly, semi-annual, and annual reports to fulfill its mandate to inform the public and New York City elected officials about the Agency's operations, complaint activity, case dispositions, and Police Department discipline. The CCRB also issues special subject reports on points of interest concerning NYPD policies, procedures, and training.

In 2019, the CCRB plans to release an update to its October 2016 Taser report, "Tasers: An Evaluation of Taser-Related Complaints from January 2014 Through December 2015," as well as a report on NYPD's use of body-worn cameras. In addition, the Agency currently is working on reports pertaining to police interactions with youth and the New York City homeless population.

BACKGROUND OF THE 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 members 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 also notes other **misconduct** when it uncovers conduct by officers that is outside its jurisdiction, but warrants the attentions of the Department. 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 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 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 nearly 200 employees. The Agency consists of a 90-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 14-member **Administrative Prosecution Unit (APU)**. The APU began operating in April 2013, after the CCRB and the NYPD signed a **Memorandum of Understanding** establishing the unit. The prosecutors within the unit are responsible for prosecuting, trying, and resolving cases before a Deputy Commissioner of Trials or Assistant Deputy Commissioner of Trials at One Police Plaza.

The Agency also includes a **Mediation Unit** with trained third-party 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 and Intergovernmental Affairs Unit** acts as a liaison with various entities, and is responsible for intergovernmental relations, outreach presentations, and community events throughout the five boroughs.

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 are alleged to have committed acts of misconduct are categorized as **subject officers**, while officers who witnessed or were present for the alleged misconduct are categorized as **witness officers**. Investigators in the **Intake Unit** receive complaints from members

of the public, which are filed in-person, by telephone, voicemail, an online complaint form, or are referred to the Agency by the NYPD. 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**.

Allegations regarding improper entries, searches, or failures to show a warrant are considered allegations falling within the CCRB's Abuse of Authority jurisdiction. 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). 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 are provided to the Board before it reaches a 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 officer(s).

The **Disposition** is the Board's finding of the outcome of a case (i.e., if misconduct occurred). The Board is required 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 the acts constituted misconduct. Exonerated cases are those where it was shown by a preponderance of the evidence that the alleged acts occurred, but the acts did not constitute misconduct. Unfounded cases are those where there was a preponderance of the evidence that the alleged acts did not occur. **Unsubstantiated** cases are those where the CCRB was able to conduct a full investigation, but there was insufficient evidence to establish by a preponderance of the evidence whether or not an act of misconduct occurred. In some cases, the CCRB is unable to conduct a full investigation or mediation and must **truncate** the case.⁴⁷

⁴⁷ 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

Fred Davie, Chair of the Board

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-convenor of its 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 Social Justice and LGBT Programs at the Arcus Foundation, which funds organizations worldwide 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 law, 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

Erica Bond

Erica Bond has experience in the government, non-profit, public policy, and legal sectors. Most recently, Ms. Bond served as Special Advisor for Criminal Justice to the First Deputy Mayor of New York City. In this role, she advised and supported the First Deputy Mayor in management of the City's criminal justice agencies. Prior to joining city government, Ms. Bond was a Director of Criminal Justice at the Laura and John Arnold Foundation, where she worked to develop new research, policy reforms, and evidenced-based innovations with the goal of transforming criminal justice systems nationwide. In this role, she partnered with criminal justice practitioners, researchers, and policymakers on initiatives to improve community safety, increase trust and confidence in the criminal justice system, and ensure fairness in the criminal justice process. After graduating from law school, Ms. Bond began a legal career as a Litigation Associate at Kaye Scholer (now Arnold & Porter Kaye Scholer LLP), an international law firm where she represented clients on a variety of matters, including government investigations, regulatory compliance issues, and commercial disputes. Ms. Bond is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

J.D. Fordham University School of Law; B.A., Wesleyan University

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 more than 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 A. Peguero, Esq.

Ramon Peguero is the Executive Director of The Committee for Hispanic Children and Families, Inc. Prior to this role, Mr. Peguero served as 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. Mr. Peguero 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 Niños Preschool Center; and was the first President of the Community Education Council (formerly the School Board); and past Board Member of Brooklyn Legal Services Corporation 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*

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

Michael Rivadeneyra, Esq.

Michael Rivadeneyra is the Senior Director of Government Relations at the YMCA of Greater New York, where he develops the legislative and budgetary agenda for the organization. Prior to this role, Mr. Rivadeneyra served in various capacities as a legislative staffer to Council Members James Vacca, Annabel Palma, and Diana Reyna. While in law school, Mr. Rivadeneyra served as a legal intern at Main Street Legal Services, where he represented immigrant survivors of gender violence and advocated on behalf of undergraduate students from disadvantaged backgrounds. Mr. Rivadeneyra also worked to advance immigrants' rights as an intern at the New York Legal Assistance Group during law school. Mr. Rivadeneyra is a City Council designee to the Board appointed by Mayor Bill de Blasio.

J.D., CUNY School of Law, Queens College; B.A., State University of New York at Albany

Nathan N. Joseph

Nathan N. Joseph is a retired physician assistant who served New York City as a health care administrator and practitioner. Mr. Joseph most recently was a facility administrator at DaVita South Brooklyn Nephrology Center in Brooklyn, where he conducted budget analysis and staff training and development.

Prior to working as a facility administrator, Mr. Joseph was an associate director for ambulatory services at Kings County Hospital Center, where he previously was a physician assistant. Mr. Joseph's experience in health care also includes work in detention facilities within New York City, including the Manhattan Detention Complex, the Spofford Juvenile Detention Center, and Rikers Island Prison, where he provided daily sick call and emergency treatment of inmates. Mr. Joseph is the Staten Island City Council designee to the Board appointed by Mayor Bill de Blasio.

A.A.S Staten Island Community College

POLICE COMMISSIONER DESIGNEES

Lindsay Eason

Lindsay Eason currently works as Director of Field Operations for Grand Central Partnership, a not-for-profit organization. From 2011 to 2012, Mr. Eason served as an International Police Training Manager for The Emergence Group in Tajikistan, where he was contracted to design and implement training for police departments. Mr. Eason was appointed to New York City Sheriff in 2002, where he developed and implemented SheriffStat, leading to new procedures that promoted greater accountability and professional development. Mr. Eason began his career in law enforcement as a uniformed member of the NYPD. 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.

Carcatterra 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 70th Precinct and as Deputy Inspector in the 66th Precinct. After retiring from the NYPD, Mr. Carcatterra became the president of a security firm and now heads his own security company, providing personal and physical protection to individuals and corporations. Mr. Carcatterra 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 7th Precinct on the Lower East Side 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.

Chief of Investigations: Chris Duerr

Chief of Investigations: Winsome Thelwell

Deputy Executive Director of Administration: Jeanine Marie

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Deputy Chief Prosecutor: Suzanne O'Hare, Esq.

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Director of Intake and Field Evidence Collection: Jacqueline Levy

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Director of NYPD Relations: Jayne Cifuni

Director of Operations and Budget: David B. Douek

Director of Outreach and Intergovernmental Affairs: Yojaira Alvarez

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

Deputy Director and Senior Counsel of Police and Advocacy: Harya Tarekegn, Esq.

Director of Quality Assurance and Quality Improvement: Olas Carayannis

Director of Training and Staff Development: Monte Givhan