



CIVILIAN COMPLAINT REVIEW BOARD

ERIC L. ADAMS, Mayor

ARVA RICE, Interim Chair

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Semi-Annual Report

2023

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MISSION

The New York City Civilian Complaint Review Board (CCRB, the Agency, or the Board) is an independent agency that is empowered to receive, investigate, prosecute, mediate, hear, make findings, and recommend action on civilian complaints 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, including biased-based policing and racial profiling, Discourtesy, and the use of Offensive Language. The CCRB is also authorized to investigate, hear, make findings, and recommend action on the Untruthfulness of an official statement made by a subject officer during the course of a CCRB investigation (FADO&U). The Agency's staff, composed entirely of civilian employees, conduct 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.



Dear Fellow New Yorkers,

I am pleased to release the NYC Civilian Complaint Review Board's 2023 Semi-Annual Report.

This has been an a very busy six months for the CCRB. In February 2023, the Agency released a report on NYPD's response to the 2020 George Floyd Protests. The report detailed patterns of misconduct that came up in the hundreds of complaints filed with the CCRB including that NYPD officers improperly "kettled" protestors, improperly deployed force against civilians, obstructed their shield numbers, failed to activate Body-Worn Cameras in accordance with department policy, and failed to complete necessary paperwork that included arrest reports and reports of injuries to civilians. We also gave concrete recommendations on how the NYPD can change these patterns of misconduct and improve how New

York polices protests. This report is on the CCRB's website along with the investigation summaries for the substantiated protests complaints at <https://www.nyc.gov/site/ccrb/complaints/closing-reports.page>.

In October of last year, new rules went into effect expanding the Agency's jurisdiction to include investigations into Racial Profiling and Bias-Based Policing (RBPB). The Agency's RBPB unit, led by leading civil rights attorney Darius Charney, investigates complaints of biased policing based on race, gender, gender identity, age, religion, sexual orientation, disability, immigration, and housing status. In the first half of 2023, many of the RBPB Unit investigations were held up by a lack of access to relevant NYPD data. CCRB has now reached a data sharing agreement with NYPD that should allow these cases to move forward once this data is received.

In March, the Agency testified before the City Council's Public Safety committee in support of local law Int 0938 which would grant the CCRB direct access to Body-Worn Camera footage and a resolution supporting the CCRB's need to be exempt from sealing statutes. We are hopeful that these laws will give CCRB the access it needs to investigate each case without delays or missing camera footage.

The CCRB Outreach Division continues to work hard to educate as many New Yorkers as possible about their civil rights, visiting underserved communities and locations that are frequent targets for excessive enforcement leading to complaints. The Civilian Assistance Unit continues to help guide New Yorkers through the complaint process who might otherwise be challenged to stay with the process.

As we enter the second half of this year, we welcome NYPD Commissioner Caban and hope our agencies can continue working together to find greater concurrence and make New York City a safer place for all New Yorkers.

I am grateful to continue representing the Board in our efforts to seek greater justice for New Yorkers.

Sincerely,

A handwritten signature in black ink that reads "Arva Rice".

Arva Rice

New Disposition Terminology

Following the Board’s adoption of changes to the Agency’s Rules in October 2022, the CCRB began using new terminology for the “Exonerated” and “Unsubstantiated” dispositions. The new disposition terminology applies to all complaints closed in, or after, February 2023.

- “Within NYPD Guidelines” has replaced the “Exonerated” disposition.
- “Unable to Determine” has replaced the “Unsubstantiated” disposition.

The Board adopted the new terminology in order to make the meaning of the dispositions more transparent (see page 25). There is no substantive or legal difference between the dispositions “Within NYPD Guidelines” and “Exonerated,” or between the dispositions “Unable to Determine” and “Unsubstantiated.”

Racial Profiling & Bias Based Policing Unit

In 2021, the New York City Council passed legislation to clarify that the CCRB’s jurisdiction included investigations of racial profiling and bias-based policing. The CCRB’s Racial Profiling & Bias-Based Policing Unit (RPBP) was created in 2022 in preparation for these investigations. At the end of Q2 2023, 241 complaints were under investigation by the RPBP Unit. In the first half of 2023, many of these investigations were held up by a lack of access to relevant NYPD data. The CCRB has reached an agreement with the NYPD regarding data access that should allow these investigations to move forward.

City Council Testimony

In March 2023, the CCRB’s Acting Chair, Arva Rice and Executive Director, Jon Darche testified before the City Council three times: first to share the CCRB’s data on NYPD’s Strategic Response Group (SRG) unit, second to present the Agency’s budget testimony, and third to comment on whether the CCRB should have direct access to body-worn camera footage and be exempted from sealing statutes. In each testimony, the Agency advocated for direct access to body-worn camera video, an exemption from sealing statutes, and increased staffing. The CCRB’s staff shortages are particularly significant given the Agency’s recent mandate to investigate racial profiling and bias-based policing.

Publication of Redacted Closing Reports

At the conclusion of a CCRB investigation, the investigator prepares a closing report summarizing the relevant evidence and providing a factual and legal analysis of the allegations. One of the most notable aspects of the CCRB’s 2020 Protest Report, issued in February 2023, was that for the first time, the CCRB was able to include a redacted closing report for the substantiated complaints mentioned¹. The redacted closing reports allow readers to learn more about the incidents that lead to complaints and the relevant evidence uncovered by the investigation. By the end of June 2023, the CCRB published more than 1,300 redacted closing reports. More redacted closing reports are made available every month at: <https://www.nyc.gov/site/ccrb/complaints/closing-reports.page>.

Youth Advisory Council

The CCRB’s Youth Advisory Council is for New Yorkers 10 to 18 years of age who want to serve their community and make their voice heard. Applications are currently closed for the Youth Advisory Council Class of 2023. The CCRB will be announcing the members of the new class shortly.

¹ Redacted closing reports are not available for cases open in CCRB’s Administrative Prosecution Unit.

INTRODUCTION: THE BOARD AND AGENCY OPERATIONS

The Civilian Complaint Review Board (CCRB, the Agency, or the Board) is an agency of the City of New York. It became independent from the New York City Police Department (NYPD or the Department) and was established in its current all-civilian form in 1993.

Board members review and make findings on misconduct complaints once they have been fully investigated. The Board consists of 15 members: the City Council appoints five Board members (one from each borough); the Police Commissioner designates three; the Public Advocate appoints one; and the Mayor appoints five. The Chair of the Board is jointly appointed by the Mayor and Speaker of the City Council.²

Under New York City Charter § 440, 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 substantiated an allegation of misconduct against an officer were referred to the Police Commissioner with a disciplinary recommendation. Pursuant to a Memorandum of Understanding between the CCRB and the NYPD³ (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 (the most severe form of discipline) be brought against an officer. When the Board recommends discipline other than Charges and Specifications (Command Discipline B, Command Discipline A, or Formalized Training), the case is still referred directly to the Police Commissioner.

² New York City Charter §440(b)1

https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/CCRB_CharterCh18A.pdf

³ https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf

SECTION 1: COMPLAINT ACTIVITY

CCRB COMPLAINTS RECEIVED

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

All complaints received are entered into the CCRB’s Complaint Tracking System (CTS), but only those complaints that fall within the Agency’s Force, Abuse of Authority, Discourtesy, or Offensive Language (FADO) jurisdiction are investigated by the CCRB.

A ballot measure revising the New York City Charter, which passed on November 5, 2019, authorized the CCRB to investigate the truthfulness of an official statement made by a subject officer during a CCRB investigation into a FADO allegation. This expanded jurisdiction—Force, Abuse of Authority, Discourtesy, Offensive Language, and Untruthful Statements (FADO&U)—went into effect on March 31, 2020.

Figure 01: Complaints Received Within CCRB Jurisdiction

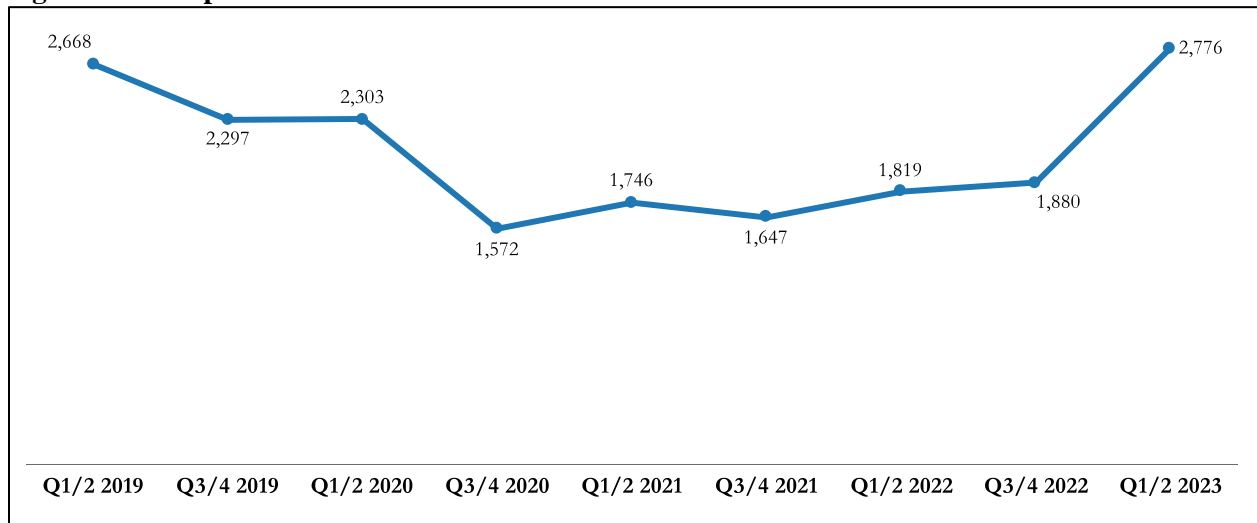
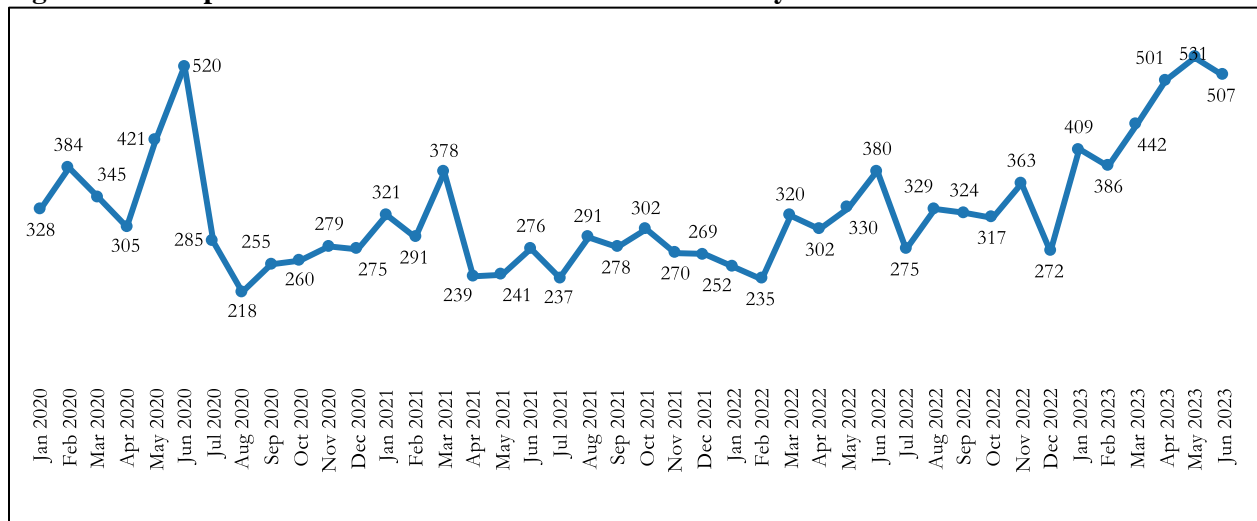


Figure 02: Complaints Received Within CCRB Jurisdiction by Month



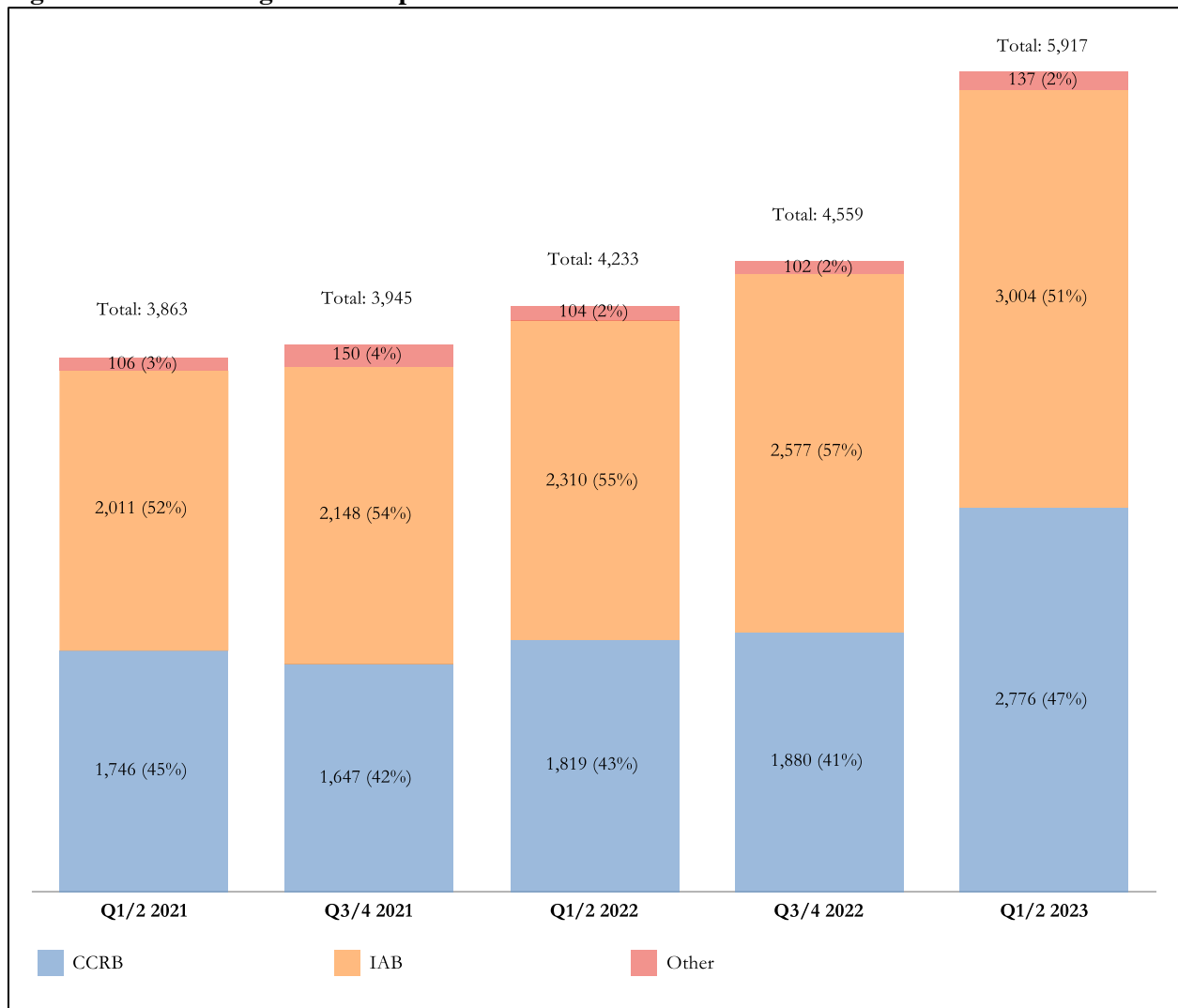
TOTAL COMPLAINT FILINGS AND REFERRALS

The CCRB receives a number of complaints that fall outside of the Agency’s jurisdiction. These complaints are referred to the governmental entities with the jurisdiction to process them.

In previous years, the CCRB distinguished between NYPD referrals made to the Office of the Chief of Department (OCD) and those made to the Internal Affairs Bureau (IAB). The Agency no longer makes this distinction because, in practice, IAB serves as the point of contact for all CCRB complainants following up on a complaint referred to the NYPD.

Examples of complaints that do not fall within the CCRB’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 law enforcement from other municipalities, state police, or members of federal law enforcement, like the Federal Bureau of Investigation (FBI).

Figure 03: Total Filings and Complaints Received



PLACE AND MODE OF FILING

The CCRB’s Intake Unit receives and processes complaints filed directly with the CCRB. The Agency also receives referrals from IAB and other government offices.

The Agency is more likely to fully investigate complaints that are filed directly with the CCRB (see Fig. 22). When complaints are not filed directly with the CCRB, the Agency may need to locate and make initial contact with an unidentified complainant/victim or a complainant/victim who has not been informed that the complaint was referred to the CCRB for investigation.

Figure 04: Complaints Received by Complaint Place

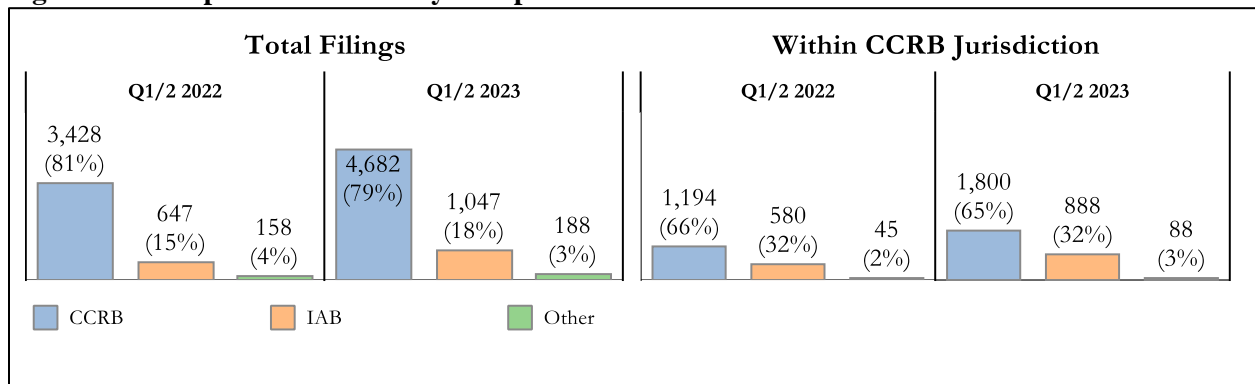
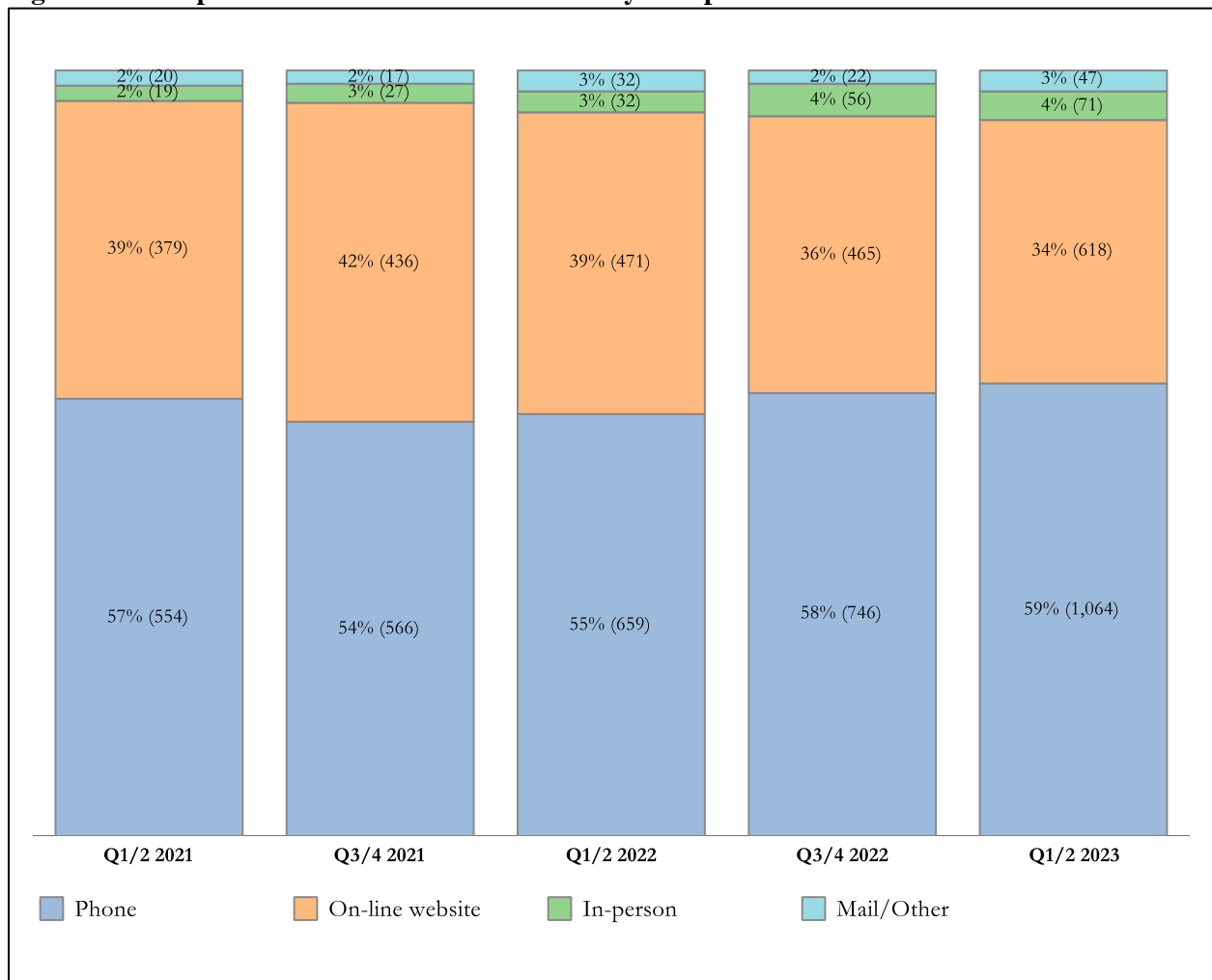
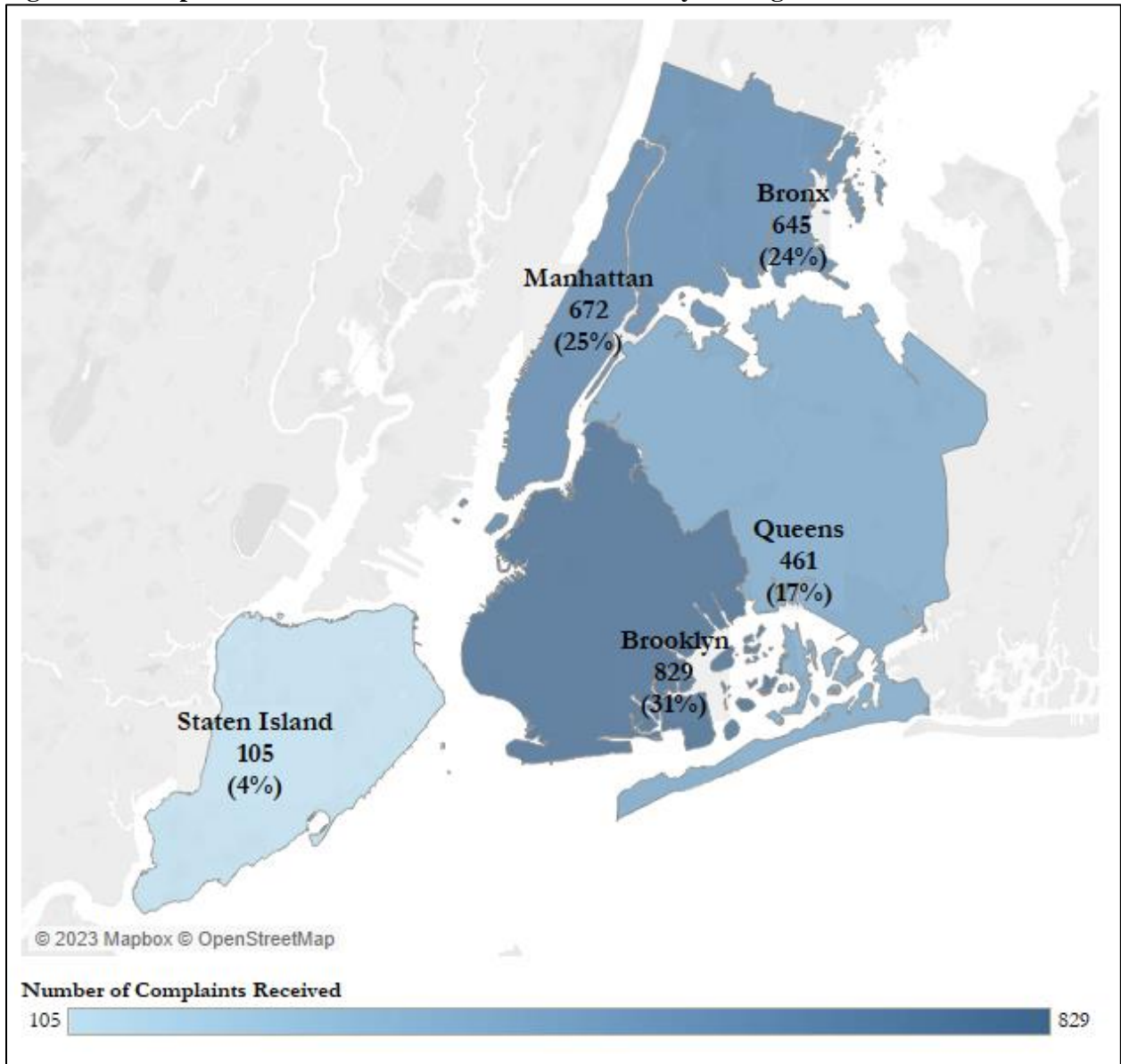


Figure 05: Complaints within CCRB Jurisdiction by Complaint Mode



LOCATION OF INCIDENTS RESULTING IN COMPLAINTS BY BOROUGH

Figure 06: Complaints Received within CCRB Jurisdiction by Borough



LOCATION OF INCIDENTS RESULTING IN COMPLAINTS BY PRECINCT

Figure 07: Complaints Received within CCRB Jurisdiction by Precinct

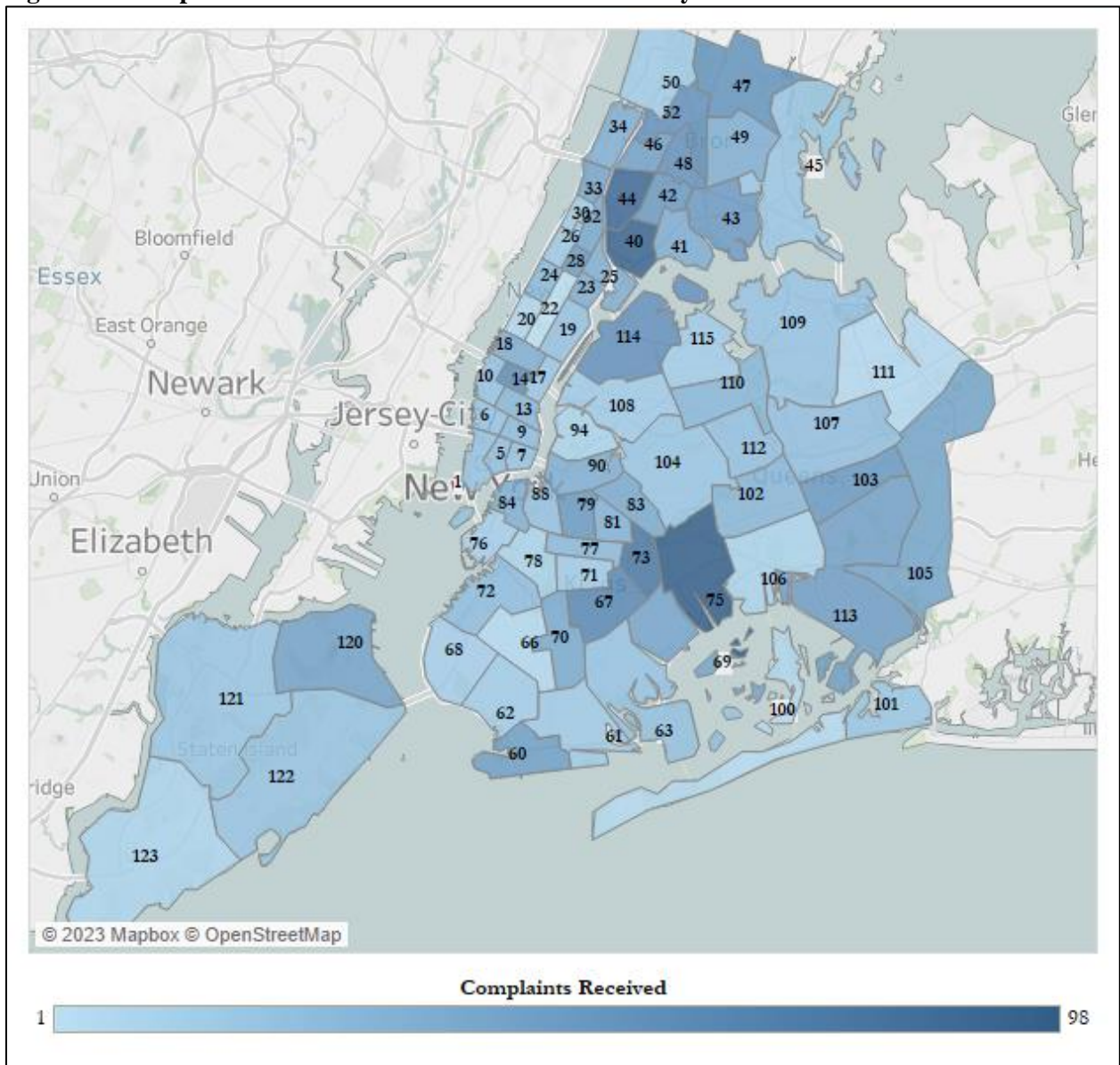


Figure 08: CCRB Complaints Received per Precinct of Occurrence

Precinct	Q1/2 2022	Q1/2 2023	Precinct	Q1/2 2022	Q1/2 2023
	Complaint Count	Complaint Count		Complaint Count	Complaint Count
1	22	24	67	41	66
5	23	26	68	19	15
6	12	23	69	26	45
7	22	23	70	31	42
9	18	28	71	20	18
10	18	23	72	17	28
13	25	32	73	34	78
14	34	62	75	60	98
17	9	20	76	7	15
18	28	38	77	18	30
19	13	23	78	19	12
20	15	10	79	38	53
22	1	1	81	34	35
23	19	38	83	13	42
24	18	29	84	25	37
25	30	37	88	24	25
26	8	19	90	26	38
28	19	51	94	11	12
30	14	17	100	11	7
32	29	43	101	21	21
33	25	44	102	15	32
34	18	37	103	40	53
40	42	94	104	15	22
41	22	39	105	21	46
42	34	53	106	20	12
43	32	52	107	16	26
44	41	90	108	17	18
45	20	21	109	21	23
46	37	48	110	24	32
47	31	57	111	9	7
48	36	58	112	32	26
49	16	38	113	18	48
50	10	17	114	24	59
52	33	58	115	8	17
60	29	50	120	26	47
61	18	19	121	16	22
62	9	17	122	20	24
63	31	23	123	11	11
66	11	8			

CHARACTERISTICS OF ENCOUNTERS RESULTING IN A COMPLAINT

Figure 09: Top Reasons for Initial Contact

	Q1/2 2022		Q1/2 2023	
	Count	% Total	Count	% Total
PD suspected C/V of violation/crime - street	138	8%	285	10%
Report-dispute	140	8%	124	4%
PD suspected C/V of violation/crime - auto	90	5%	144	5%
EDP aided case	67	4%	72	3%
PD suspected C/V of violation/crime - bldg	68	4%	60	2%
Report of other crime	160	9%	197	7%
Report-domestic dispute	91	5%	98	4%
Moving violation	62	3%	146	5%
C/V requested investigation of crime	45	2%	166	6%
PD suspected C/V of violation/crime - subway	85	5%	135	5%
CV already in custody	60	3%	93	3%
Other violation of VTL	42	2%	146	5%
C/V intervened on behalf of/observed encounter w/3rd party	62	3%	89	3%
C/V at PCT to file complaint of crime	53	3%	62	2%
Other specified categories combined	399	22%	631	23%
Not Specified	257	14%	328	12%
Total	1,819	100%	2,776	100%

Figure 10: Outcome of Encounters Resulting in CCRB Complaints

	Q1/2 2022		Q1/2 2023	
	Count	% Total	Count	% Total
No arrest made or summons issued	1,081	59%	1,517	55%
Arrest - other violation/crime	479	26%	685	25%
Summons - other violation/crime	60	3%	130	5%
Moving violation summons issued	34	2%	89	3%
Arrest - resisting arrest	41	2%	78	3%
Other VTL violation summons issued	21	1%	72	3%
Arrest - assault (against a PO)	18	1%	44	2%
Parking summons issued	19	1%	31	1%
Summons - disorderly conduct	11	1%	31	1%
Arrest - OGA	19	1%	30	1%
Arrest - disorderly conduct	4	0%	7	0%
Juvenile Report	1	0%	4	0%
Summons - OGA	0	0%	1	0%
Arrest - harrassment (against a PO)	3	0%	0	0%
Summons - harrassment (against a PO)	0	0%	0	0%
N/A	28	2%	57	2%
Total	1,819	100%	2,776	100%

NUMBERS AND TYPES OF ALLEGATIONS CLOSED AND RECEIVED

An individual complaint may contain multiple allegations against one or more officers. While each complaint is associated with a distinct report date, the allegations associated with a complaint are not static and can change over time. CCRB investigators may add or remove allegations associated with a complaint as an investigation proceeds.

Figure 11: Types of Allegations Closed

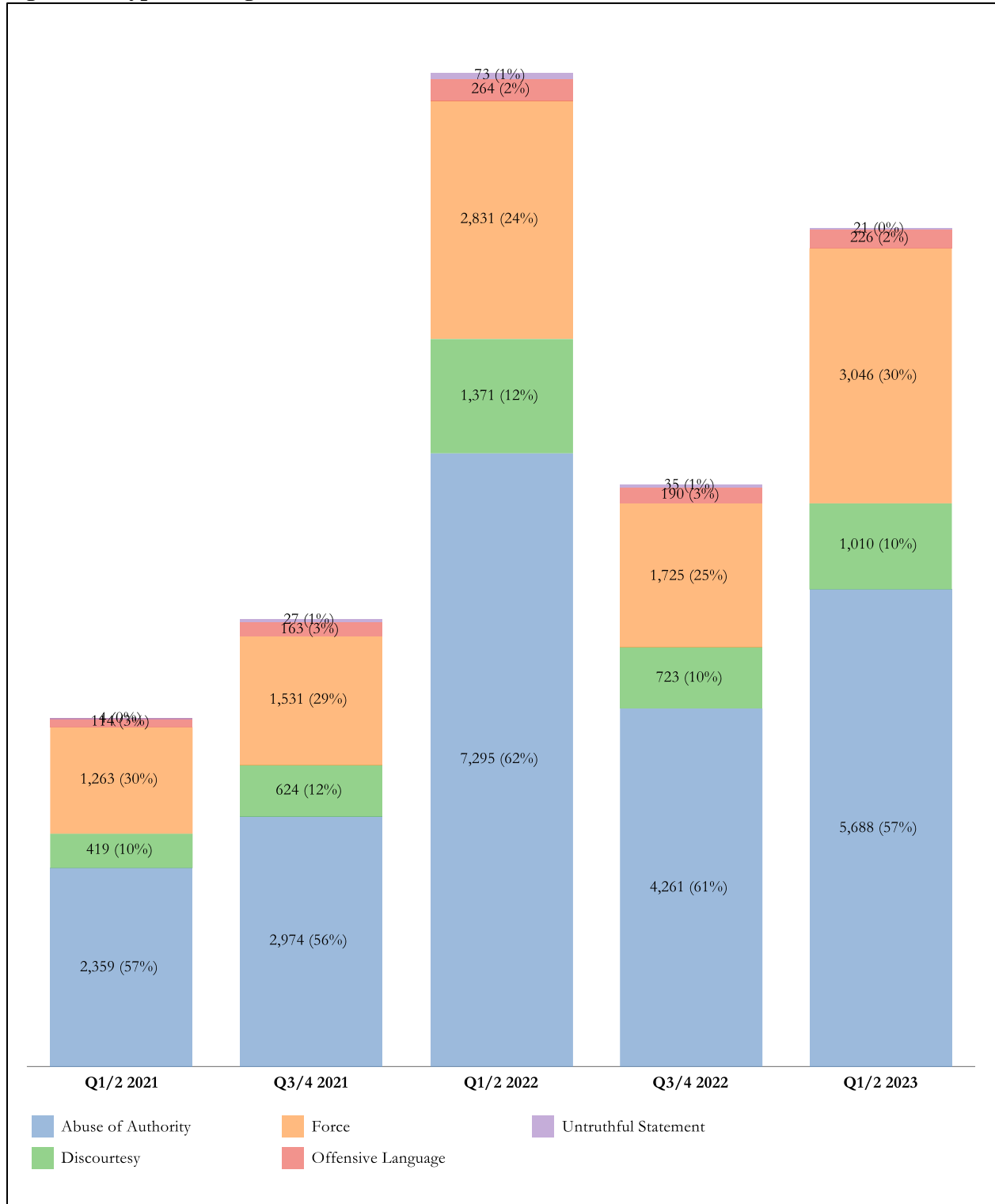


Figure 12: FADO&U Allegations in Complaints Received by Type

Force (F) Allegations	Q1/2 2022		Q1/2 2023	
	Count	% of Total	Count	% of Total
Physical force	1,506	76%	2,226	72%
Gun Pointed	87	4%	154	5%
Chokehold	61	3%	118	4%
Nonlethal restraining device	58	3%	93	3%
Hit against inanimate object	114	6%	183	6%
Restricted Breathing	78	4%	118	4%
Nightstick as club	11	1%	14	0%
Pepper spray	1	0%	23	1%
Handcuffs too tight	28	1%	46	1%
Other	20	1%	59	2%
Other blunt instrument as a club	2	0%	5	0%
Vehicle	11	1%	46	1%
Radio as club	1	0%	2	0%
Gun fired	4	0%	19	1%
Police shield	5	0%	1	0%
Gun as club	0	0%	4	0%
Flashlight as club	1	0%	1	0%
Animal	0	0%	1	0%
Less Than Lethal Force/Device	0	0%	0	0%

Discourtesy (D) Allegations	Q1/2 2022		Q1/2 2023	
	Count	% of Total	Count	% of Total
Action	150	20%	280	24%
Demeanor/tone	6	1%	13	1%
Gesture	4	1%	15	1%
Other	8	1%	19	2%
Word	572	77%	864	73%

Offensive Language (O) Allegations	Q1/2 2022		Q1/2 2023	
	Count	% of Total	Count	% of Total
Race	30	19%	55	21%
Gender	38	24%	82	31%
Ethnicity	10	6%	12	5%
Other	33	21%	51	19%
Religion	5	3%	6	2%
Sexual orientation	20	13%	19	7%
Gender Identity	7	4%	0	0%
Disability	16	10%	38	14%

Untruthful Statement (U) Allegations	Q1/2 2022		Q1/2 2023	
	Count	% of Total	Count	% of Total
False official statement	10	67%	7	64%
Impeding an investigation	0	0%	0	0%
Inaccurate official statement	0	0%	0	0%
Misleading official statement	5	33%	4	36%

Abuse of Authority (A) Allegations	Q1/2 2022		Q1/2 2023	
	Count	% of Total	Count	% of Total
Bias-Based Policing (Age)	0	0%	9	0%
Bias-Based Policing (Color)	0	0%	9	0%
Bias-Based Policing (Disability)	0	0%	11	0%
Bias-Based Policing (Gender)	0	0%	23	0%
Bias-Based Policing (Housing Status)	0	0%	19	0%
Bias-Based Policing (Immigration Status)	0	0%	3	0%
Bias-Based Policing (National Origin)	0	0%	27	0%
Bias-Based Policing (Race)	0	0%	291	4%
Bias-Based Policing (Religion)	0	0%	12	0%
Bias-Based Policing (Sexual Orientation)	0	0%	10	0%
Body Cavity Searches	6	0%	13	0%
Disseminated immigration status	0	0%	0	0%
Electronic device information deletion	5	0%	11	0%
Enforcement Action	0	0%	1	0%
Entry of Premises	519	12%	480	6%
Failed to Obtain Language Interpretation	36	1%	32	0%
Failure to Explain	13	0%	47	1%
Failure to provide RTKA card	277	6%	537	7%
False Official Statements	9	0%	10	0%
Forcible Removal to Hospital	306	7%	347	4%
Frisk	128	3%	277	4%
Gun Drawn	28	1%	66	1%
Improper dissemination of medical info	5	0%	2	0%
Improper use of body-worn camera	2	0%	419	5%
Inaccurate Statements	1	0%	1	0%
Interference with recording	74	2%	100	1%
Misleading Statements	0	0%	0	0%
Obstructed Rank Designation	0	0%	2	0%
Obstructed Shield Number	17	0%	29	0%
Other	67	2%	70	1%
Photography/Videography	11	0%	14	0%
Premises entered and/or searched	0	0%	0	0%
Property damaged	155	4%	242	3%
Question	79	2%	187	2%
Questioned immigration status	3	0%	6	0%
Refusal to obtain medical treatment	86	2%	176	2%
Refusal to process civilian complaint	87	2%	185	2%
Refusal to provide name	240	6%	417	5%
Refusal to provide name/shield number	0	0%	0	0%
Refusal to provide shield number	253	6%	404	5%
Refusal to show arrest warrant	11	0%	12	0%
Refusal to show search warrant	11	0%	25	0%
Retaliatory arrest	2	0%	6	0%
Retaliatory summons	5	0%	23	0%
Search (of person)	149	3%	327	4%
Search of Premises	197	5%	207	3%
Search of recording device	15	0%	27	0%
Seizure of property	95	2%	178	2%
Sex Miscon (Humiliation: fail to cover)	16	0%	48	1%
Sex Miscon (Sexual Harassment, Gesture)	7	0%	6	0%
Sex Miscon (Sexual Harassment, Verbal)	23	1%	35	0%
Sex Miscon (Sexual/Romantic Proposition)	8	0%	12	0%
Sex Miscon (Sexually Motiv Photo/Video)	3	0%	0	0%
Sex Miscon (Sexually Motiv Strip-Search)	0	0%	0	0%
Sex Miscon (Sexually Motivated Frisk)	2	0%	3	0%
Sex Miscon (Sexually Motivated Question)	3	0%	0	0%
Sex Miscon (Sexually Motivated Search)	1	0%	1	0%
Sexual Miscon (Forcible Touching)	20	0%	20	0%
Sexual Miscon (Inappropriate Touching)	29	1%	47	1%
Sexual Miscon (On-duty Sexual Activity)	3	0%	1	0%
Sexual Miscon (Penetrative Sex, Contact)	7	0%	4	0%
Sexual Miscon (Rape)	16	0%	7	0%
Sexual Miscon (Sexual Assault)	10	0%	9	0%
Sexual Misconduct (Sexual Humiliation)	9	0%	6	0%
Stop	271	6%	626	8%
Strip-searched	29	1%	40	1%
Threat of arrest	375	9%	515	7%
Threat of force (verbal or physical)	170	4%	284	4%
Threat of summons	32	1%	61	1%
Threat re: immigration status	1	0%	0	0%
Threat re: removal to hospital	43	1%	64	1%
Threat to damage/seize property	64	1%	87	1%
Threat to notify ACS	9	0%	18	0%
Unlawful Arrest	14	0%	23	0%
Unlawful Summons	9	0%	35	0%
Untruthful Statement	1	0%	0	0%
Vehicle search	103	2%	227	3%
Vehicle stop	117	3%	337	4%

CASE ABSTRACTS: FADO&U EXAMPLES

CCRB's allegations fall into five categories, generally simplified to the acronym FADO&U: Force, Abuse of Authority, Discourtesy, Offensive Language, and Untruthful Statements.

1. Force – when an officer uses excessive or inappropriate force against a victim. The use of force requires an analysis of the circumstances in which an officer used force in order to decide if it was appropriate and in line with the Patrol Guide. Some acts of force, such as chokeholds, are always considered dangerous and inappropriate. Examples of force are any form of physical force, including physical strikes, body tackles, punches, kicks, and the use of equipment such as chemical sprays, Tasers, shields, or batons.
2. Abuse of Authority – covers a broad category of acts where officers misuse their police powers. These can include racial profiling and biased-based policing, sexual misconduct, threats of improper actions, improper searches and seizures, refusal to process complaints, failure to abide by the Right to Know Act, and improper arrests.
3. Discourtesy – inappropriate behavioral or verbal conduct by an officer, including general profanity and the use of rude or obscene gestures.
4. Offensive language – an officer using slurs, making derogatory remarks or gestures relating to a protected category such as race, ethnicity, gender, religion, sexual orientation, or disability.
5. Untruthful statements – statements made by officers during the course of a CCRB investigation that are shown to be untruthful. A false official statement is knowingly false, rather than merely inaccurate. A misleading statement is when an officer intentionally tries to misdirect an investigator by omitting facts that they reasonably would be expected to know or remember. An inaccurate official statement is untruthful, even if the officer did not intend to deceive, where the officer makes material statements so incorrect that it constitutes gross negligence.

The following case abstracts are taken from complaints closed in 2023 and serve as examples of the types of misconduct allegations that fall under the CCRB's jurisdiction:

1. Force

An individual was riding his motorcycle when he observed Lieutenant Mingfang Ho and a group of officers parked along the highway. The individual pulled over because he understood that the officers were conducting enforcement on motorcycles, dirt bikes, and ATVs. As the individual stopped, a group of riders on four dirt bikes and two motorcycles approached the enforcement area. Lt. Ho ran into the middle of the roadway and yelled for them to stop, but none of the riders obeyed his instructions. Lt. Ho took out his baton and threw it at a dirt bike that he said was coming straight towards him. The baton hit the tire of the dirt bike. The rider looked back at Lt. Ho and continued down the highway with the other members of the group. During his CCRB interview, Lt. Ho admitted that standing in the roadway was the improper technique for pulling the bikes over and said that he threw the baton as a last-minute decision to avoid a collision with the dirt bike. The investigation found that because Lt. Ho had sufficient time to retrieve his baton, throw it, and step back to the side of the road before the dirt bike rode past him, there was no imminent threat of a collision. He could have avoided the bikes by simply stepping out of the roadway. Therefore, throwing the baton at the tire of a moving bike, which had the potential to cause serious injury, was not a reasonable use of force under the circumstances. The Board substantiated the Use of Force allegation.

2. Abuse of Authority

An individual got into a dispute with her husband after she found a hidden camera that he had installed in their bedroom. She tried to get rid of the camera and her husband called 911. Multiple officers responded, including Sergeant Casey Kolokithias, who was a supervisor. EMTs also responded to the incident. The individual spoke to the EMTs while her husband told the officers that the individual was “crazy.” The EMTs left and were then called back to the location by Sgt. Kolokithias who had spoken to another officer and agreed to remove the individual to a hospital. The incident was captured on BWC. The individual did not display behavior that would have classified her as an emotionally disturbed person and the EMTs that she spoke to did not classify her as such. When Sgt. Kolokithias was interviewed, he stated that it was the husband telling him that the individual had been diagnosed with a mental illness that caused him to believe that she could have posed a threat to herself or her husband. The investigation found that Sgt. Kolokithias did not articulate to the EMTs why he believed that the individual required another evaluation and removal to a hospital. The Board substantiated the Abuse of Authority allegation.

3. Discourtesy

An individual was at a district attorney’s office to get assistance from a member of the civilian services unit. The individual told the DA office employee that she had been getting advice from a precinct that was counter to what the DA office employee previously had given her. The DA office employee called the precinct’s front desk and put the call on speaker. Police Officer Joseph Amato answered the phone. The individual had a previous interaction with PO Amato, so she was able to recognize his voice. The DA office employee told PO Amato that she was with the individual and PO Amato responded, “oh yeah, she’s a pain in the ass.” The DA office employee informed PO Amato that he was on speakerphone and that the individual was in the room. At his interview, PO Amato recalled answering the call from the DA’s office but did not recall what was said during the call. When interviewed, the DA office employee stated that she made the call to PO Amato and asked if he knew the individual, which he indicated that he did. Before she could tell him why she was calling or that her phone was on speaker, PO Amato said, “oh, pain in the ass.” The investigation found that PO Amato made the discourteous statement with the intent to belittle the individual. The Board substantiated the Discourtesy allegation.

4. Offensive Language

An individual was riding a Citibike when he saw Police Officer Frank Faber and another officer issuing a summons to a bicyclist. The individual shouted to the officers to stop harassing bikers. The individual moved to bypass a cyclist and PO Faber stopped the individual. PO Faber explained to the individual that he was stopped because he was riding on the wrong side of the bike lane. PO Faber asked for the individual’s identification, and he provided it. The individual was standing close to the police vehicle. The individual made a phone call and heard PO Faber call him a foreigner. Then, audibly over the car speakers, the song “God Bless America” played in its entirety, with PO Faber increasing the volume to drown out the individual’s voice as he was speaking on his phone. The incident was recorded on the individual’s cellphone. The video shows PO Faber’s partner scrolling through a cellphone while PO Faber types something into a tablet on a center console. PO Faber’s cellphone is on his thigh and there is no audible music playing. PO Faber continues to type and the screen changes to populate with items. PO Faber briefly scrolls, makes a selection, and then “God Bless America” starts playing. At his interview, PO Faber stated that he wanted to avoid making any comments to the individual who had made comments about race, so he played a song to drown out the sound of the individual speaking. The

investigation determined that PO Faber caused the song to be played and intentionally turned the volume up. The investigation also determined that PO Faber was aware that the individual was not from the United States and that using the “God Bless America” song served the specific purpose of belittling the individual. The Board substantiated the Discourtesy and Offensive Language allegations.

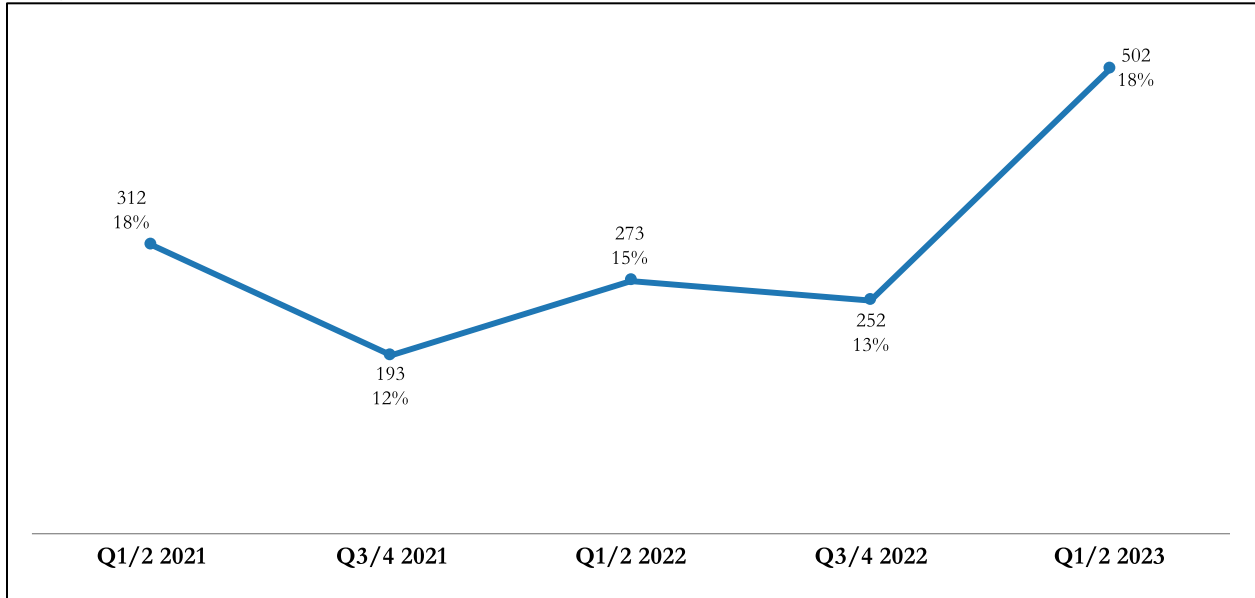
5. Untruthful Statement

An individual was walking to a bodega with two friends at about midnight. He noticed an unmarked vehicle following them. The individual was wearing a fanny pack across his chest. The individual entered the bodega by himself to make a purchase. After his purchase, he left the area and returned half an hour later. Sergeant Juan Cabrera and Police Officer George Layng approached the individual and stopped and frisked him. The subject officer, Police Officer James Talbert was also present at the scene of the stop. The individual began to record the officers and asked them all for their names and badge numbers; Sgt. Cabrera and PO Layng provided their information while PO Talbert did not. At a CCRB interview, PO Talbert stated that the officers yelled out their names and shield numbers to the individual. The individual’s cellphone video shows that did not occur, and that PO Talbert had not provided the requested information. Upon viewing the video, PO Talbert identified himself in the video, noted that no officer yelled out information to the individual, and that he himself did not provide his name and badge number as requested. PO Talbert maintained that his description of the interaction was correct. The investigation determined that by adhering to his initial statement, PO Talbert created a false description of events and made a statement about a material fact that he knew to be both untrue and material to the outcome of the investigation. The Board substantiated the Untruthful Statement allegation.

STOP, QUESTION, FRISK AND SEARCH 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.

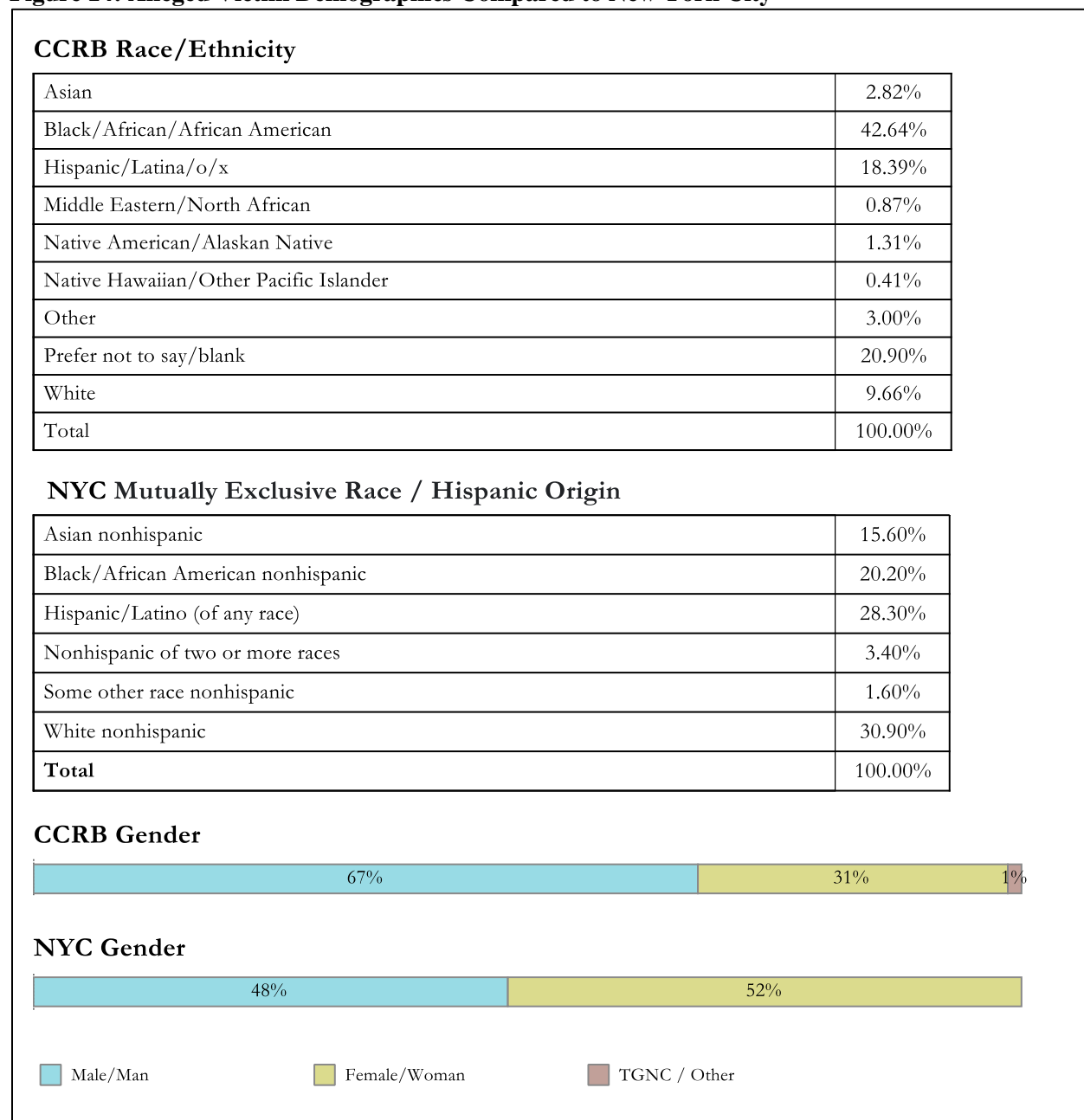
Figure 13: Complaints Received Containing a Stop, Question, Frisk, and Search of Person Allegation



CHARACTERISTICS OF ALLEGED VICTIMS

In September 2022, the CCRB updated the way it collects race/ethnicity information from civilians. Previously, civilians could only identify as one race/ethnicity category. The CCRB now asks civilians to select all racial/ethnic categories that apply. The race/ethnicity percentages for alleged victims shown below use the total number of race/ethnicity selections made as the denominator, rather than the total number of alleged victims.

Figure 14: Alleged Victim Demographics Compared to New York City^{4 5}



⁴ NYC Mutually Exclusive Race / Hispanic Origin: <https://popfactfinder.planning.nyc.gov/explorer/cities/NYC>: NYC Gender: <https://www.census.gov/quickfacts/newyorkcitynewyork>.

⁵ “TGNC” is an acronym that stands for Gender Nonconforming. “Trans” includes individuals who identify as Transmen and Transwomen in CCRB records.

CHARACTERISTICS OF SUBJECT OFFICERS

Figure 15: Subject Officer Demographics Compared to NYPD Officer Population

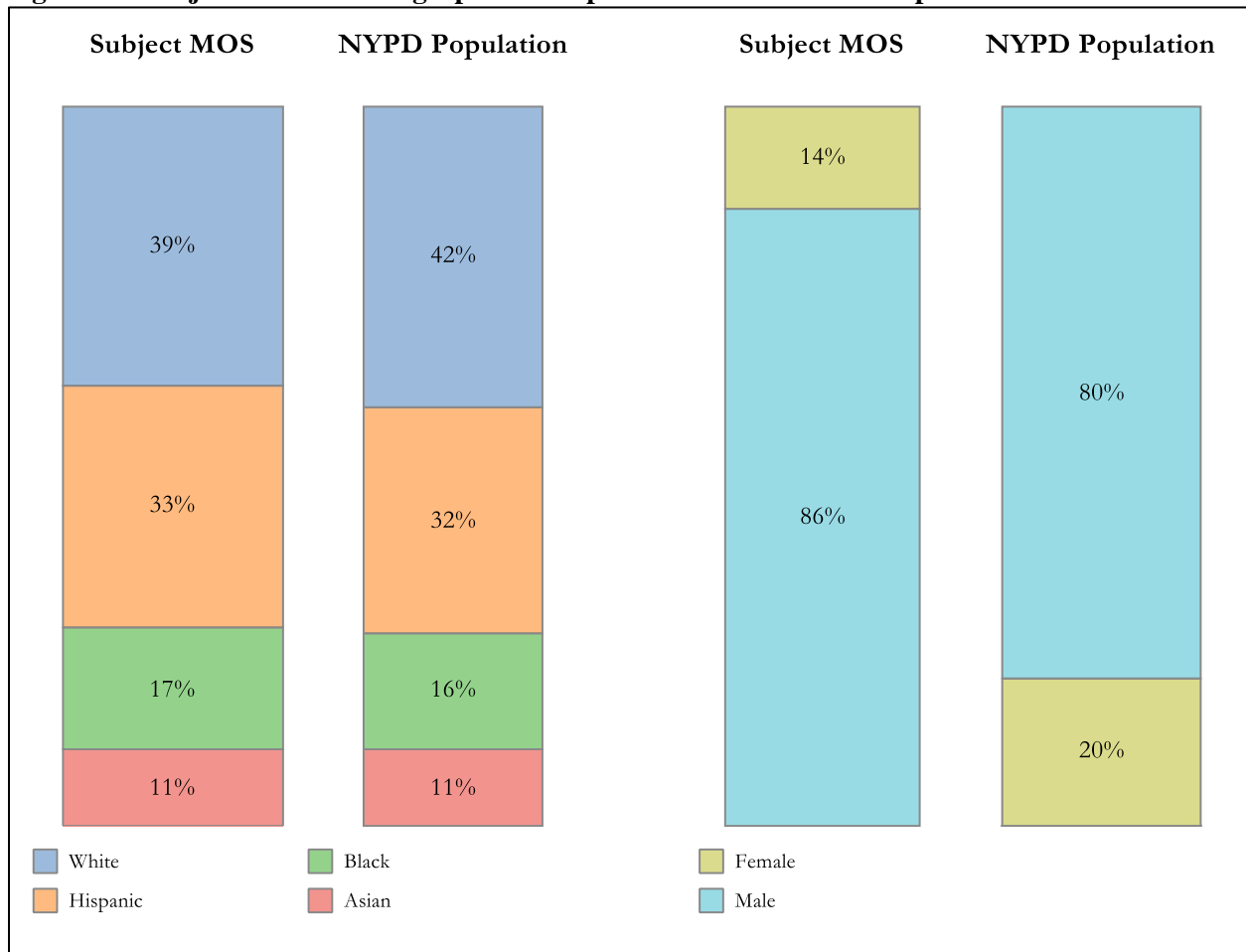


Figure 16: Rank and Tenure of Active MOS with Recently Closed Substantiated CCRB Complaints

Rank	Q1/2 2023	
	Count	Percent
Captain	4	1%
Chiefs and other ranks	1	0%
Detective	49	9%
Lieutenant	27	5%
Police Officer	352	67%
Sergeant	92	18%

Tenure	Q1/2 2023	
	Count	Percent
0-3 Years	87	17%
4-5 Years	136	26%
6-10 Years	119	23%
11-15 Years	91	17%
16-20 Years	80	15%
21+ Years	12	2%

TOTAL COMPLAINTS AGAINST ACTIVE MEMBERS OF SERVICE (MOS)

The charts below depict how complaints are distributed among active members of service.

Figure 17: Active MOS with CCRB Complaints

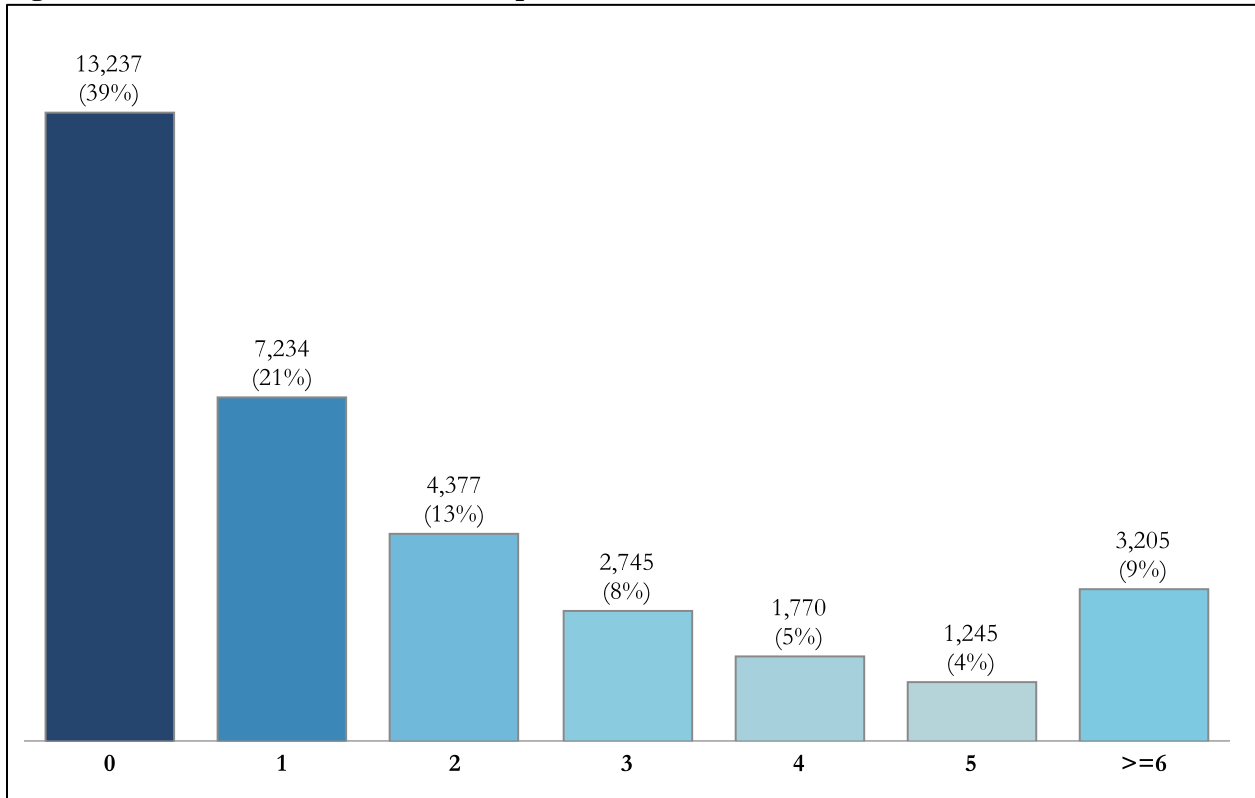
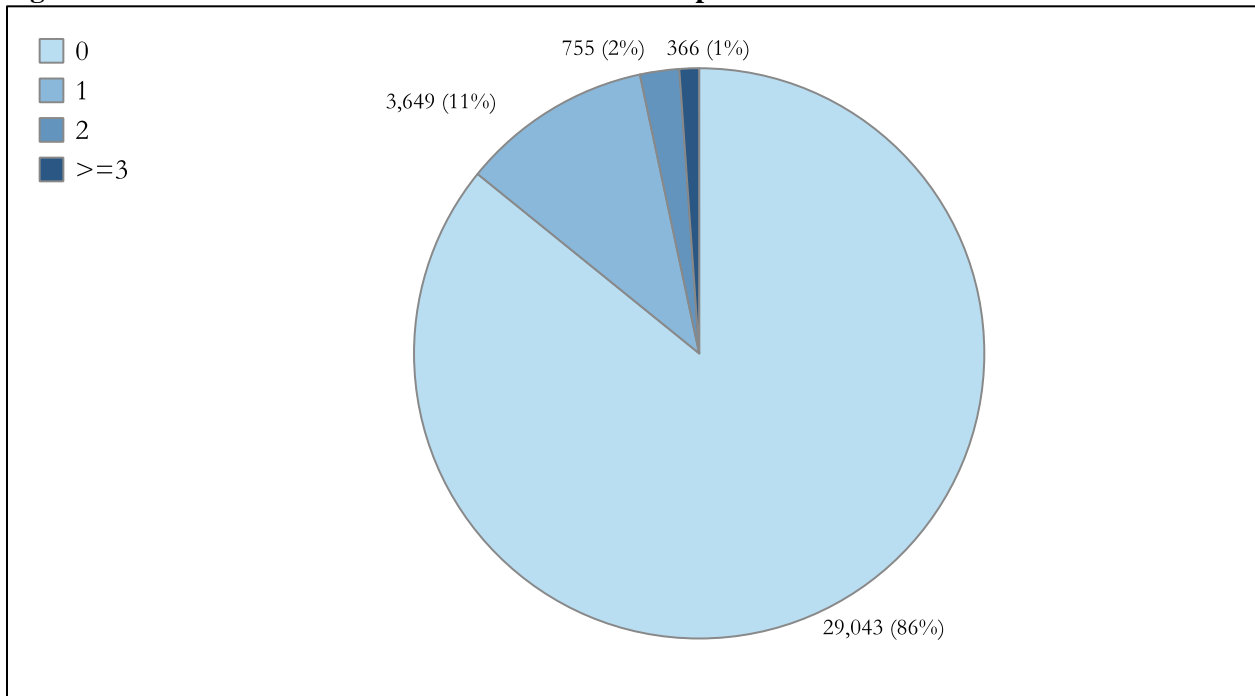


Figure 18: Active MOS with Substantiated CCRB Complaints



SECTION 2: INVESTIGATIONS

Investigating misconduct allegations is the core function of the CCRB. The Agency’s primary goal is to complete full and fair investigations.

At the beginning of an investigation, an investigator interviews the complainant and any witnesses, collects evidence, and attempts to identify and interview the police officer(s) involved in the encounter. In many instances, the officers’ identities are unknown at the outset of the investigation.

Once all the necessary interviews are conducted and the collected evidence is reviewed, the investigative team recommends a disposition to the Board for each allegation in the case. In most instances, 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 allegations.⁶ In certain limited circumstances, the full Board will consider a case.⁷

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 the CCRB’s findings and recommendations cannot “be based solely upon an unsworn complaint or statement.”⁸ When a complainant or alleged victim is available for an interview, the Agency deems the resulting investigation a “full investigation.” If 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 closed as “Unable to Investigate.” The Investigations Division makes every effort to fully investigate cases.

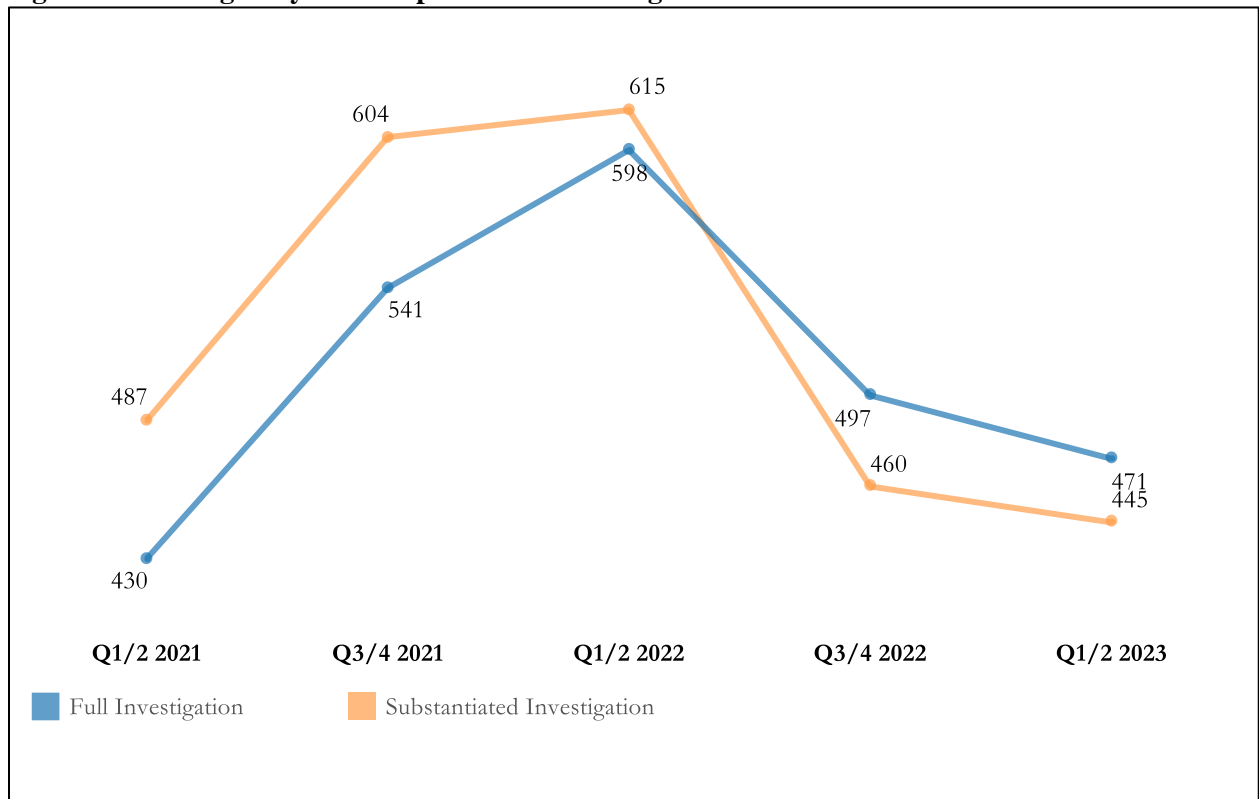
Every complaint passes through the Investigations Division, even if it is ultimately resolved through mediation. This section covers the performance of the Investigations Division and the outcomes of complaints received by the CCRB.

⁶ 38-A RCNY § 1-31.

⁷ 38-A RCNY § 1-32.

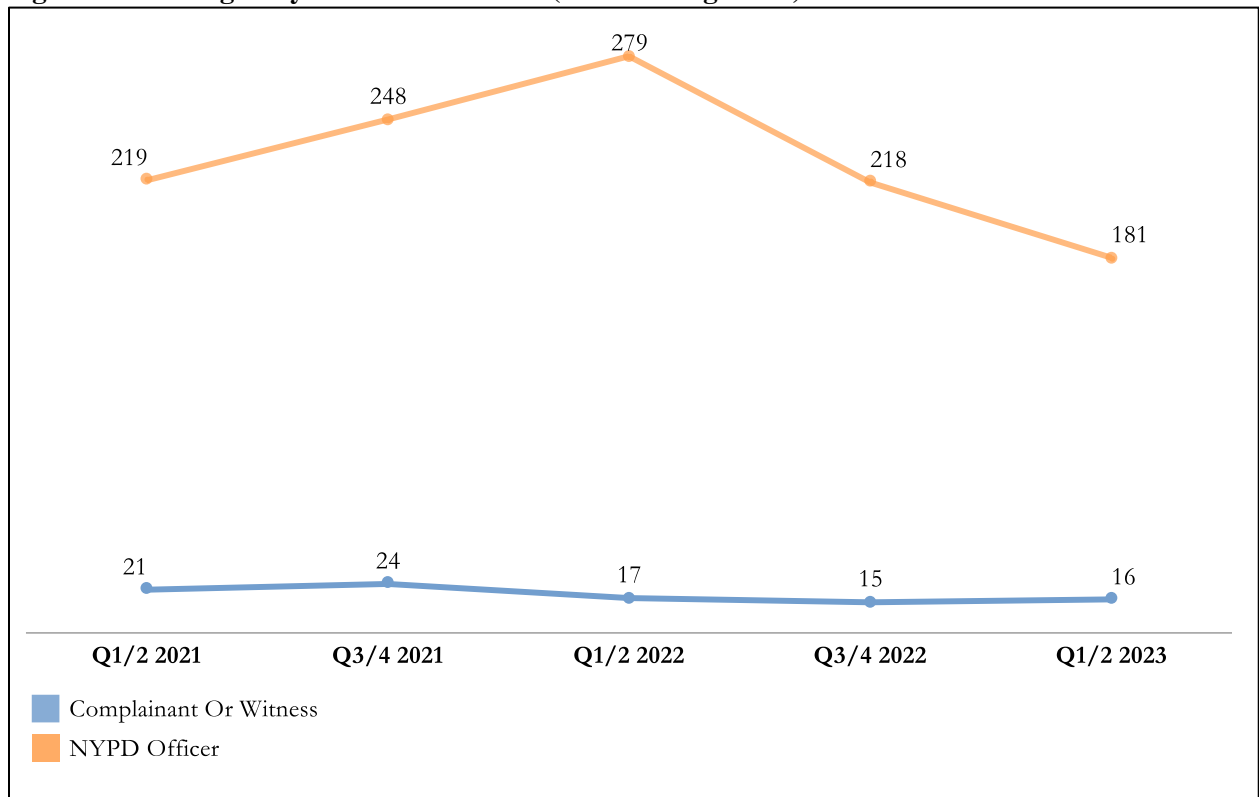
⁸ New York City Charter §440(c)(1).

Figure 19: Average Days to Complete a Full Investigation



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

Figure 20: Average Days to First Interview (Full Investigations)



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

CASE RESOLUTION AND INVESTIGATIVE OUTCOMES

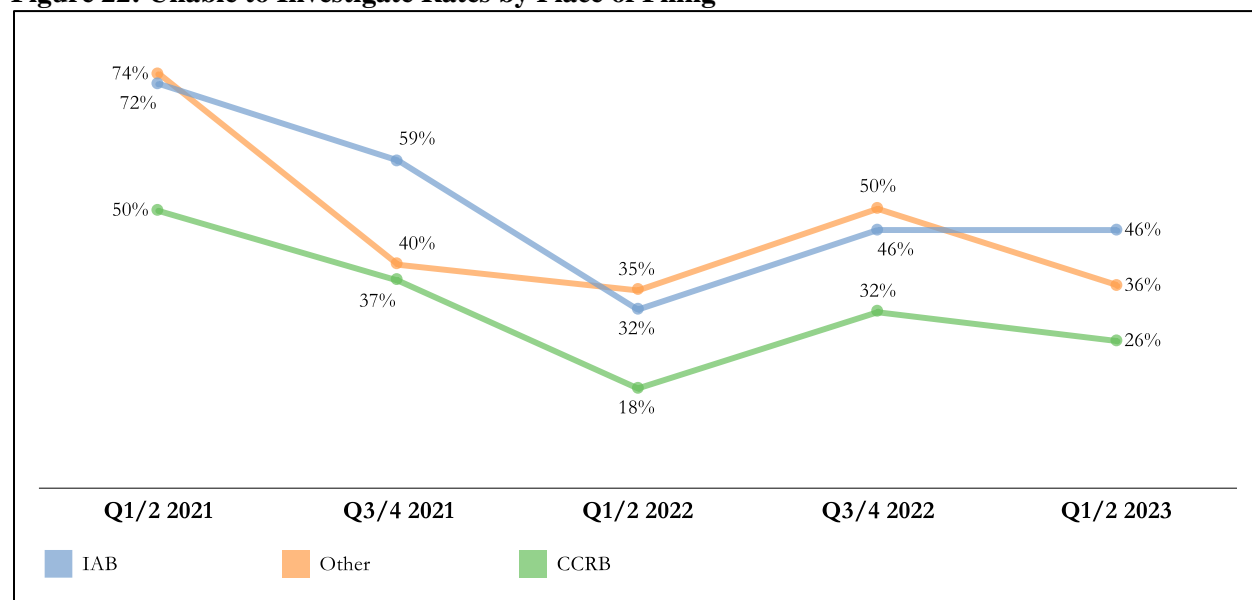
A complaint can be resolved in various ways. The complaint may be fully investigated, mediated, closed after mediation is attempted,⁹ or closed as “Unable to Investigate” (the complainant is unable or unwilling to cooperate with a full investigation or cannot be reached for an interview). There are also a small number of cases where the complainant asks to withdraw their case or where the complaint is closed as a miscellaneous closure,¹⁰ which includes administratively closed complaints and complaints in which the subject officer left the Department before an investigation or mediation was completed.

Figure 21: Case Resolutions

	Q1/2 2021		Q3/4 2021		Q1/2 2022		Q3/4 2022		Q1/2 2023	
	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Full Investigation	241	19%	371	27%	1,480	67%	862	51%	1,279	50%
Unable to Investigate	574	45%	485	35%	388	18%	480	28%	681	27%
Closed - Pending Litigation	164	13%	144	10%	110	5%	165	10%	311	12%
Complaint Withdrawn	208	16%	150	11%	108	5%	150	9%	178	7%
Mediated	43	3%	77	6%	42	2%	37	2%	54	2%
Mediation Attempted	34	3%	106	8%	44	2%				
Misc. Closure	25	2%	55	4%	25	1%	10	1%	36	1%

When complaints are not filed directly with the CCRB, it is often difficult to contact the complainant or victim, as they may not be aware that their complaint was referred to the CCRB. Complaints filed directly with the CCRB are less likely to be closed as “Unable to Investigate.”

Figure 22: Unable to Investigate Rates by Place of Filing



⁹ “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 without good cause, 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.

¹⁰ Miscellaneous closures are not included in the Unable to Investigate rate.

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 is improper based on a preponderance of the evidence.¹¹
- An allegation is **Within NYPD Guidelines** if the alleged conduct is found to have occurred but was not found to be improper by a preponderance of the evidence.¹² Allegations may be **Within NYPD Guidelines** if the officer's behavior was found to be allowed under the law and/or the Patrol Guide.¹³
- An allegation is **Unfounded** if the alleged conduct is found by a preponderance of the evidence not to have occurred as the complainant described.
- An allegation is closed as **Officer Unidentified** if the CCRB was unable to identify the officer accused of misconduct.
- An allegation is closed as **Unable to Determine** if there is insufficient evidence to determine whether or not misconduct occurred by a preponderance of the evidence.¹⁴

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 **Within NYPD Guidelines** if all the allegations made against identified officers are Within NYPD Guidelines.
- A complaint is **Unfounded** if there are no Substantiated or Unable to Determine 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 **Unable to Determine** if there are no substantiated allegations and there is at least one unable to determine allegation.

The following section provides case abstracts to help readers better understand the distinctions between the different dispositions of fully investigated allegations.

¹¹ "Preponderance of the evidence" is an evidentiary standard used in civil cases, and is commonly interpreted to mean that the fact in question was determined to be "more likely than not" true. *See Foran v. Murphy*, 73 Misc.2d 486 (2d Dept 1973) ("In a disciplinary proceeding, . . . it is sufficient if respondent finds the specifications established by a fair preponderance of the evidence."); *Dep't of Correction v. Jones*, OATH Index No. 393/04 (May 3, 2004) ("burden of proof in this administrative proceeding to prove misconduct by a preponderance of the credible evidence").

¹² Within NYPD Guidelines is reported to the Commissioner as Exonerated.

¹³ This does not mean that the complainant was untruthful in their account of the incident. Many members of the public are not aware of the range of law enforcement activities that are legally permissible and within the boundaries of proper NYPD protocol.

¹⁴ Unable to Determine is reported to the Commissioner as Unsubstantiated.

The following case abstracts are taken from complaints closed in Q1/Q2 of 2023 and serve as examples of what the different case dispositions mean in practice.

1. Substantiated

An individual was walking home and stopped to tie his shoelaces. As he stood up, he noticed an unmarked vehicle pull up on the street. Three officers stepped out of the vehicle. The individual resumed walking. BWC video captured Police Officer Amadeo Oktrova and Police Officer Christina Moncion approaching the individual, grabbing his hands, and walking him to a nearby fence. The individual is heard asking if he was being detained and one of the subject officer's confirmed that he was being detained. PO Oktrova and PO Moncion stated that they stopped the individual after they saw him walk and then crouch to the ground. The investigation found that such behavior did not satisfy the reasonable suspicion standard necessary to stop the individual. The Board substantiated the Abuse of Authority allegations.

2. Within NYPD Guidelines

An individual was driving a box truck when he was pulled over by subject officer 1 and subject officer 2. He stated that subject officer 1 opened the driver side door of the truck and looked at the interior door. The subject officers were assigned to a unit that was tasked with stopping and inspecting trucks to confirm their compliance with city, state, and federal transportation requirements. BWC footage showed that the subject officers stopped the individual's truck and informed him of their inspection assignment. They conducted the inspection, as prescribed by law. The officers opened the truck's door and looked at the door's interior in order to verify the VIN and truck's weight limit because the individual could not provide paper documentation for those inspection points and that information is on stickers located on the interior door frame. The Board found the subject officers' conduct to be within the Department's guidelines and closed the Abuse of Authority allegations as being Within NYPD Guidelines.

3. Unfounded

An individual was stopped by multiple officers while driving his friend's vehicle after he improperly merged into a turning lane. The individual alleged that the subject officer told him that he could be arrested. BWC footage showed the individual stopped in the vehicle as multiple officers informed him that the vehicle was not registered. It also showed the subject officer telling the individual to exit the vehicle. The subject officer told the individual that he should be happy that he was not being placed under arrest and that he could go home, but that the officers would have to take the vehicle because it was unregistered. The investigation determined that the subject officer did not threaten the individual with arrest at any point, and his reassurance that the individual would not be arrested served to deescalate the tension between the individual and the officers. The Board closed the Abuse of Authority allegation as Unfounded.

4. Officer Unidentified

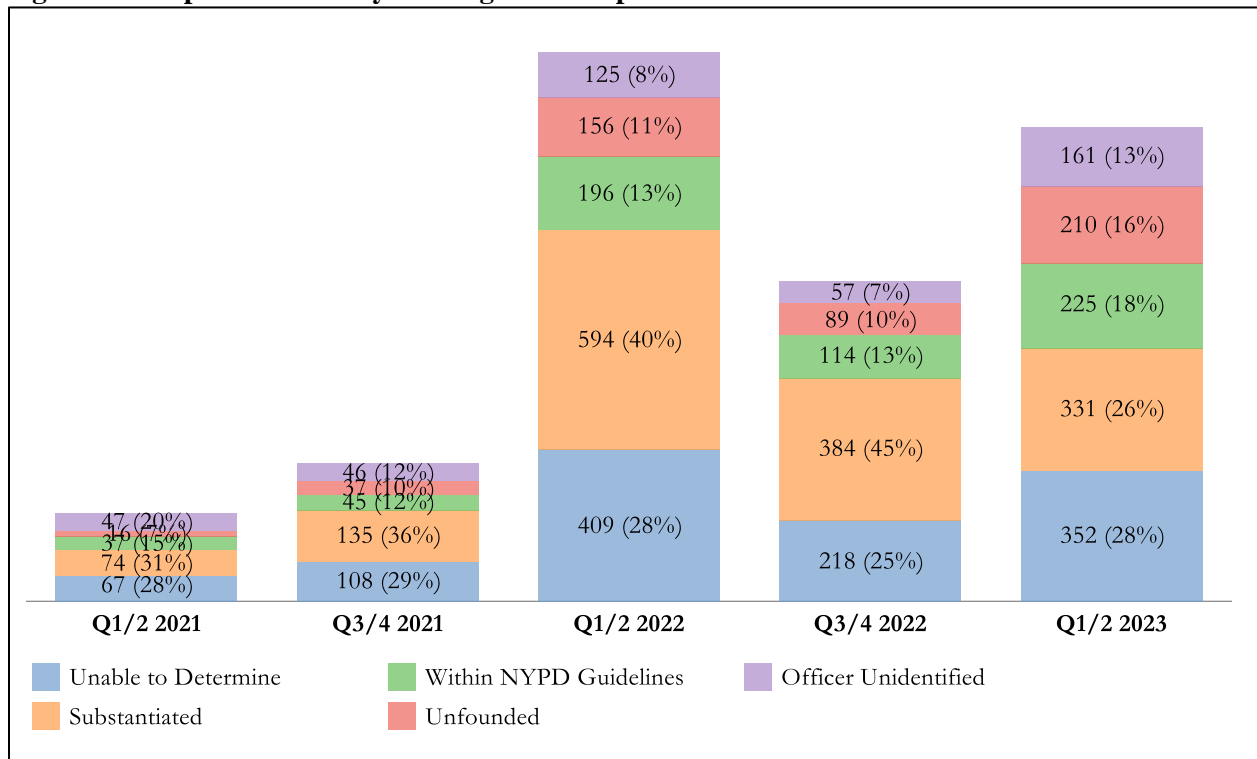
An individual was at home when an unidentified woman came to his building saying that she was delivering a letter on behalf of the Staten Island District Attorney's office. The individual stated that the woman pushed a door into him, forced her way into the building, and swore at him. According to the individual, the woman showed him a shield, which caused him to believe that she was an officer. He was able to give a general description of the woman. The investigation contacted the Staten Island DA's office, which stated that they could not track who made deliveries on the office's behalf. The investigation also contacted the individual's local precinct and found no entries relating to the incident. No officers who matched the woman's description had memo book entries concerning the individual. Without additional information, the investigation could not identify the subject officer. The Board closed the Use of Force, Abuse of Authority, and Discourtesy allegations as Officer Unidentified.

5. Unable to Determine

An individual received two calls in quick succession. She answered the second call, and the caller said the individual's full name and told her to return car license plates that were in her possession. She asked the caller to identify themselves and the caller stated that they were a police officer and gave a name that she did not hear. She asked the caller to repeat his name and asked for his badge number. The caller disconnected the call without providing the information. The subject officer was identified by a third person who heard him call the individual, but they could not recall the date of the call. The subject officer did not recall contacting the individual about the license plate complaint or refusing to provide his information to the individual. Without additional witness testimony, the investigation was unable to determine if the subject officer refused to provide his name and badge number to the individual or if he hung up the phone on her. The Board closed the Abuse of Authority and Discourtesy allegations as Unable to Determine.

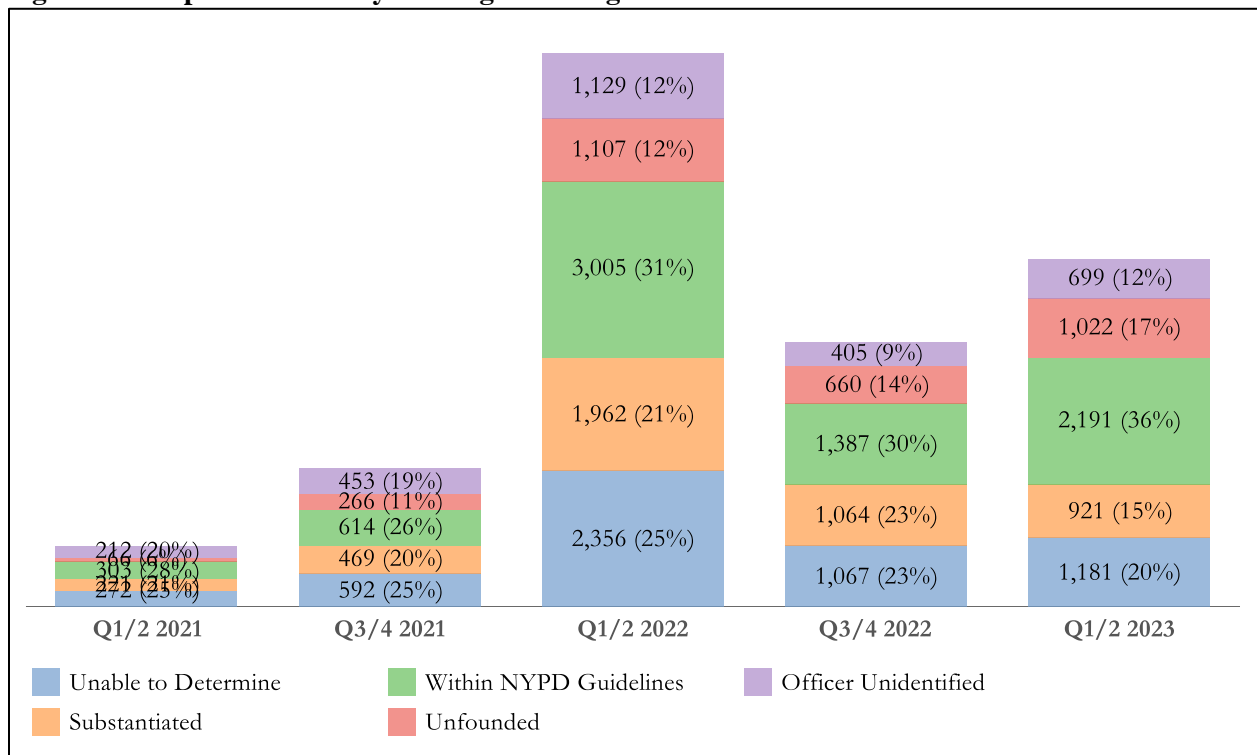
DISPOSITIONS OF COMPLAINTS AND ALLEGATIONS

Figure 23: Disposition of Fully Investigated Complaints



A CCRB complaint may contain one or more allegations. The complaint disposition is a composite of the dispositions of all the distinct allegations within the complaint (see page 25).

Figure 24: Disposition of Fully Investigated Allegations



UNTRUTHFUL STATEMENTS

On November 5, 2019, New Yorkers voted to revise the New York City Charter and expand the CCRB’s jurisdiction to include untruthful material statements made by NYPD members of service to the CCRB.

The Charter revision reads as follows:

The board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received by the board, if such statement was made during the course of and in relation to the board’s resolution of such complaint.

Following the Charter revision, the CCRB created the “Untruthful Statement” allegation type. There are four distinct “Untruthful Statement” allegations:

1. **False Official Statement:** The false official statement allegation requires a showing of three elements by a preponderance of the evidence: (1) the officer who was the subject of a CCRB complaint made an intentional statement during the course of the CCRB investigation; (2) the officer knew the statement to be untrue; and (3) the statement was material to the outcome of the investigation.
2. **Misleading Official Statement:** Misleading statements are statements in which the officer intends to misdirect the fact finder and materially alter the narrative by omitting material facts, stating repeatedly that they do not recall the event or specific actions that a reasonable person would be expected to recall or have been aware, or materially altering their statement after being confronted with evidence that contradicts their initial statement.
3. **Inaccurate Official Statement:** The officer’s testimony includes material statements so incorrect, about information that the officer ought to have knowledge, that it constitutes gross negligence. This allegation does not require an intent to deceive.
4. **Impeding an Investigation:** This allegation is reserved for instances when “an officer engages in impeding actions” such as destroying digital or material evidence or refusing to provide said evidence. The CCRB will not doubly charge an officer for the same untruthful act.

Figure 25: Substantiated Untruthful Statement Allegations

YearQtr	Board Disposition	Inaccurate Official Statement	Misleading Official Statement	Impeding an Investigation	False Official Statement
Q1/2 2021	Substantiated (Charges)		2		1
	Substantiated (Formalized Training)	1			
Q3/4 2021	Substantiated (Charges)		5	2	13
Q1/2 2022	Substantiated (Charges)		32		34
	Substantiated (Command Discipline A)	1			
Q3/4 2022	Substantiated (Charges)		12		18
Q1/2 2023	Substantiated (Charges)		2		14
	Substantiated (Command Discipline B)	3			

RACIAL PROFILING & BIAS-BASED POLICING

In March 2021, Local Law 47 (2021) amended the New York City Charter to clarify that investigating allegations of “racial profiling and bias-based policing” falls under the CCRB’s “abuse of authority” jurisdiction.

Following the enactment of this amendment, the CCRB established its Racial Profiling and Bias Based Policing (“RPBP”) Unit. The RPBP Unit investigates civilian complaints of profiling/biased policing by uniformed members of the NYPD based on 10 protected categories: race, national origin/ethnicity, color, religion, age, immigration or citizenship status, gender/gender identity, sexual orientation, disability, and housing status.

Racial profiling occurs when an officer takes law enforcement action against a person (for example: vehicle stop, stop of a person on the street, arrest, summons, search, or move-along order) because of a person’s actual or perceived race, ethnicity, national origin, or color. Bias-based policing occurs when an officer takes law enforcement action against a person because of their religion, age, immigration or citizenship status, gender/gender identity, sexual orientation, disability, or housing status.

Below are some examples of profiling/bias-based policing:

1. A civilian, who wears a turban, is pulled over in his vehicle after doing a rolling stop at a stop sign. Most other drivers, who do not appear to be wearing turbans, are not pulled over by the NYPD when they do a rolling stop at the stop sign.
2. After school dismissal, NYPD officers tell Black students from a middle school to leave the neighborhood. White students from the same school are allowed to remain in the area.
3. On a weekend night, two women are standing on the same corner checking their mobile phones. The first, a transgender woman, is stopped by officers, questioned about her activities, and asked for identification. The second, who appears to be cisgender, is not stopped, questioned, or asked for identification.
4. On a subway car late at night, NYPD officers remove a sleeping man who appears to be homeless and issue him a summons. Two other men who are also sleeping in the subway car, but who do not appear to be homeless, are allowed to remain on the train.
5. Two officers stop a group of three young Latino men around 2 a.m., ask them if they have any weapons, and pat them down. When they ask why they were stopped, the officers explain that there have been several recent shootings in the area committed by Latino men in their 20s and that the three men should not be walking around so late at night.
6. A male civilian enters a police station to report domestic abuse by his partner, a woman. The officer on duty refuses to accept the civilian’s complaint, saying that he should “man up.”

BIAS-BASED COMPLAINTS & ALLEGATIONS CLOSED

In 2023, the CCRB began closing complaints containing allegations of bias-based policing. Most of these complaints were closed without the CCRB being able to complete a full investigation.

Many bias-based policing investigations were held up by a lack of access to the necessary NYPD data.¹⁵ The CCRB recently reached a data-sharing agreement with the NYPD that should allow these cases to move forward.

Figure 26: Disposition of Closed Complaints Containing a Bias-Based Policing Allegation

Year	Investigation Type	Disposition	Count
2023	Fully Investigated Complaint	Unfounded	1
	Not Fully Investigated Complaint	Closed - Pending Litigation	10
		Complaint Withdrawn	9
		Miscellaneous - Subject Retired	1
		Unable to Investigate	34
Total Bias Complaints Closed			55

Figure 27: Disposition of Closed Bias-Based Policing Allegations

Year	Investigation Type	Disposition	Allegation	Count
2023	Fully Investigated Allegations	Unfounded	Bias-Based Policing (Gender)	1
			Bias-Based Policing (Race)	1
	Not Fully Investigated Allegations	Closed - Pending Litigation	Bias-Based Policing (Gender)	3
			Bias-Based Policing (Race)	12
		Complaint Withdrawn	Bias-Based Policing (Gender)	1
			Bias-Based Policing (National Origin)	1
			Bias-Based Policing (Race)	9
		Miscellaneous - Subject	Bias-Based Policing (Race)	1
		Unable to Investigate	Bias-Based Policing (Color)	2
			Bias-Based Policing (Disability)	2
			Bias-Based Policing (Gender)	2
			Bias-Based Policing (Housing Status)	7
	Bias-Based Policing (National Origin)		2	
		Bias-Based Policing (Race)	29	
		Bias-Based Policing (Religion)	1	
Total Bias Allegations Closed				74

In the event that the Board, the NYPD, the City Commission on Human Rights, the Department of Investigation, or a state or federal court in New York finds an officer to have engaged in an act of bias, the CCRB is also legally empowered to investigate possible bias in the past professional conduct of that officer.¹⁶ To date, no such investigations into the past professional conduct of an officer have been opened.

¹⁵ In the first half of 2023, NYPD rejected bias related information requests in 104 RBPB investigations.

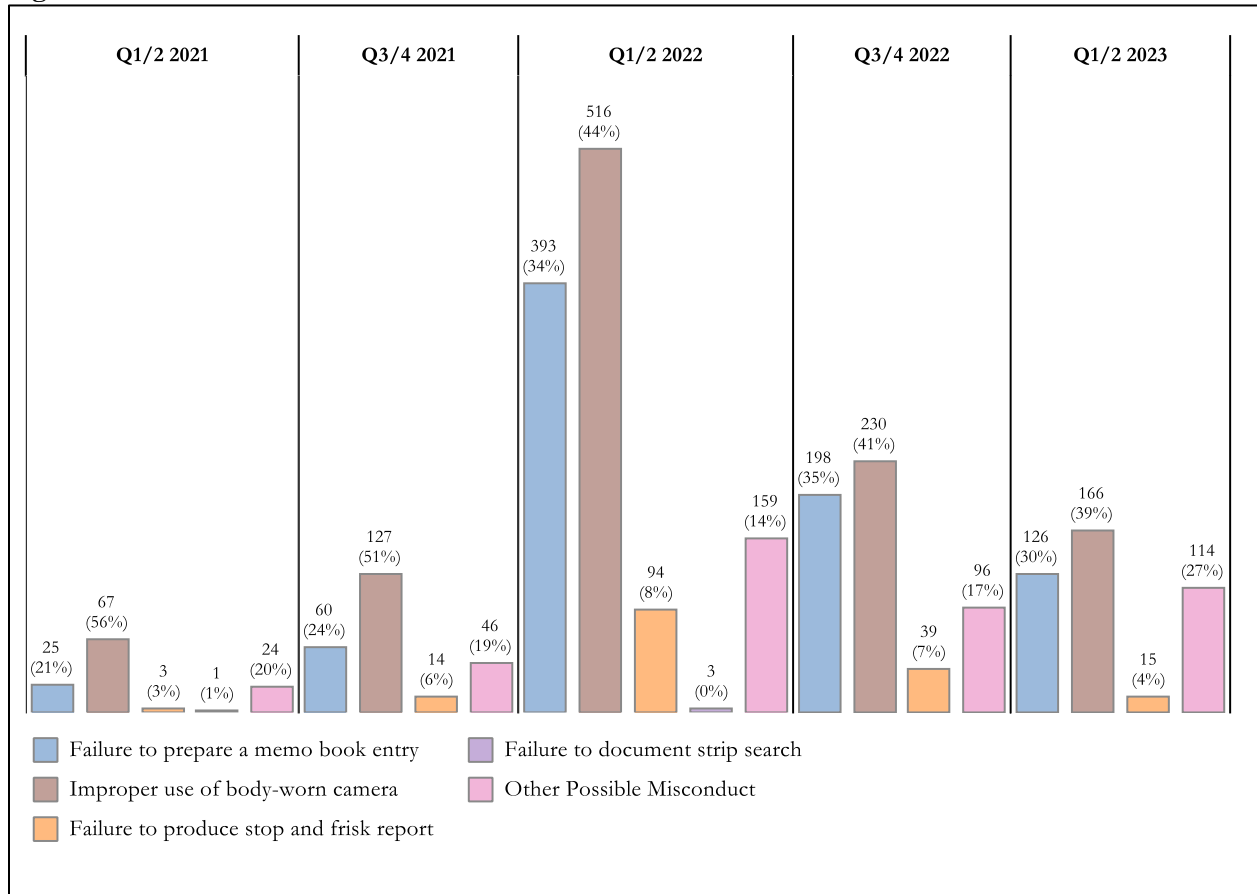
¹⁶ New York City Charter § 441.

OTHER POSSIBLE MISCONDUCT NOTED AND FALSE OFFICIAL STATEMENTS

When a CCRB investigation reveals evidence of a Patrol Guide violation that falls outside of the CCRB’s jurisdiction, the Board files this as “other possible misconduct noted” (OPMN) and reports it to IAB for further investigation and possible disciplinary action.

OPMN allegations should not be confused with allegations of corruption or potential criminal conduct, which are also referred to IAB.

Figure 28: Other Possible Misconduct Noted



SECTION 3: DISCIPLINARY PROCESS

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

After the CCRB substantiates an allegation of misconduct, the NYPD portion of the disciplinary process begins. Although the CCRB recommends the discipline that it deems appropriate, pursuant to the New York City Charter,¹⁷ New York City Administrative Code,¹⁸ and New York State Civil Service Law,¹⁹ the Police Commissioner has final approval over all member of service (MOS) discipline. The Commissioner can accept, reject, or modify any discipline recommendation made by the CCRB.

In 2021, pursuant to Memorandum of Understanding (MOU) with the NYPD,²⁰ the Board began using the NYPD's Disciplinary System Penalty Guidelines, often referred to as the Disciplinary Matrix,²¹ to determine its discipline recommendations. Using the Disciplinary Matrix should result in more consistent discipline recommendations from the CCRB, and consequently, less deviations by the Police Commissioner.

The CCRB follows this three-step process to determine its Disciplinary Matrix recommendation for each officer:

1. Using the Disciplinary Matrix, the CCRB assigns a penalty day value to each substantiated allegation.
2. The penalty day value of all the substantiated allegations against the officer is summed to arrive at an overall penalty day value.
3. Based on the overall penalty day value, the CCRB selects one of the following disciplinary recommendations:
 - Less than 1 day: Formalized Training²²
 - 1–5 days: Command Discipline A²³
 - 6–10 days: Command Discipline B²⁴
 - 11+ days: Charges and Specifications²⁵

In the first half of 2023, the CCRB closed substantiated allegations against 525 officers. The Board's discipline recommendation did not deviate from the Disciplinary Matrix guidelines in any cases.

¹⁷ New York City Charter § 440(d)3.

¹⁸ New York City Administrative Code §§ 15-08; 15-17.

¹⁹ NYS Civil Service Law § 75(3-a).

²⁰ The MOU can be found here: https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/nypd-ccrb-discipline-matrix-mou-final.pdf

²¹ The version of the NYPD Disciplinary Guidelines that went into effect in January 2021 can be found here: https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/disciplinary-system-penalty-guidelines-effective-01-15-2021-compete-.pdf The updated Guidelines, effective February 15, 2022, can be found here: https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/nypd-disciplinary-penalty-guidelines-effective-2-15-2022-final.pdf

²² Examples include training delivered at the command, the Legal Bureau, and the Police Academy.

²³ Issued by the commanding officer and may include a penalty ranging from warning and admonishment up to the officer forfeiting five vacation days.

²⁴ Issued by the commanding officer and may include a penalty ranging from warning and admonishment up to the officer forfeiting ten vacation days.

²⁵ Leads to a prosecutorial process in which officer may either plead guilty or go to trial before the NYPD Deputy Commissioner of Trials or an Assistant Deputy Commissioner of Trials.

After the Board sends its disciplinary recommendation to the Police Commissioner, the case against that officer can be resolved in one of the following ways:

1. If the Board recommends Instructions,²⁶ Formalized Training, Command Discipline A, or Command Discipline B:
 - a. The recommendation is sent to the Department Advocate's Office, the unit within the NYPD that reviews the CCRB's disciplinary recommendations.
 - b. The Police Commissioner determines what discipline to impose, if any.
 - c. If the Police Commissioner chooses not to impose discipline, or imposes a lesser penalty than recommended, the CCRB is informed in writing of the reason for the decision.²⁷
2. If the Board recommended Charges and Specifications:
 - a. The Police Commissioner can retain the case and choose whether to impose discipline.²⁸
 - b. The officer can accept a guilty plea, subject to Police Commissioner approval.²⁹
 - c. The officer can be prosecuted by the APU at an administrative trial. The Police Commissioner can accept or reject the trial verdict and decide whether to impose discipline.

POLICE COMMISSIONER DOWNWARD DEPARTURE LETTERS

As a result of the November 2019 amendments to the New York City Charter, the Police Commissioner must submit a letter to the CCRB explaining any downward departures from the Board's disciplinary recommendations.³⁰ While these letters had always been submitted for APU cases, the Charter amendment extends this requirement to all CCRB cases.

²⁶ With the adoption of the NYPD's Disciplinary Matrix, the Board no longer issues "Instructions" as a penalty recommendation.

²⁷ This letter differs from the letter sent when the Police Commissioner deviates from the Board's recommendation.

²⁸ Pursuant to a MOU between the CCRB and the NYPD, the Police Commissioner can retain a case when the Police Commissioner determines that the CCRB's prosecution of a case would be detrimental to the NYPD's disciplinary process. The MOU can be found here:

https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf.

²⁹ The APU may reach an agreed upon disposition with the subject officer that is different from the Board-recommended penalty if there are new aggravating or mitigating facts.

³⁰ New York City Charter § 440(d)3.

Figure 29: Complaints Substantiated & Officers with Substantiated Allegations

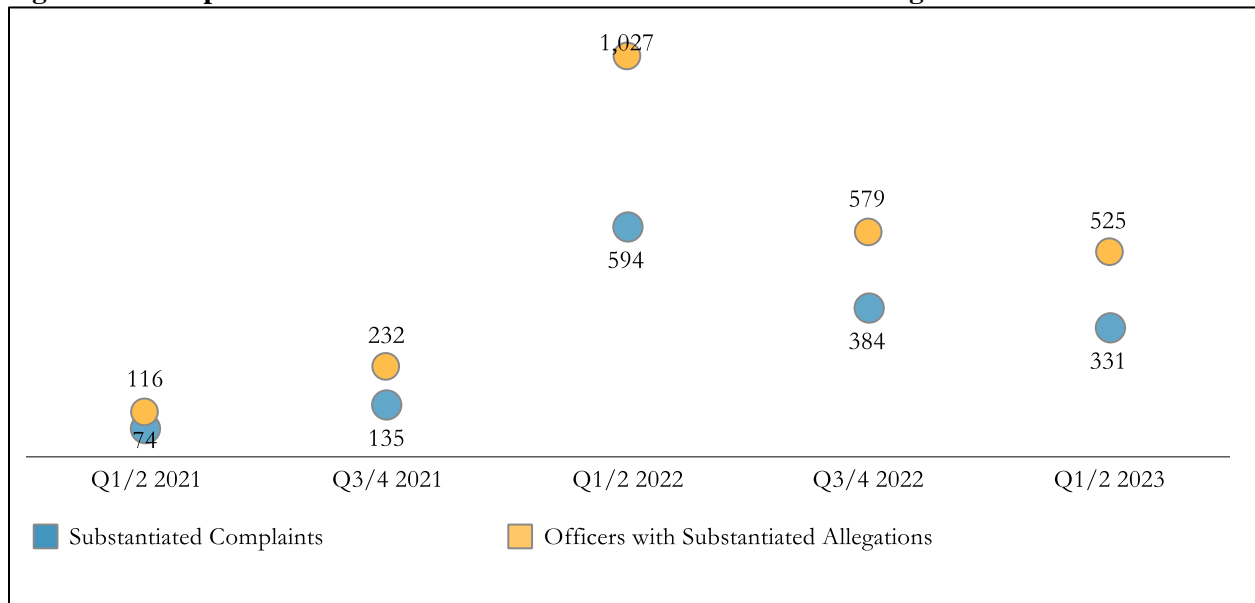


Figure 30: Board Recommendations for Officers with Substantiated Allegations

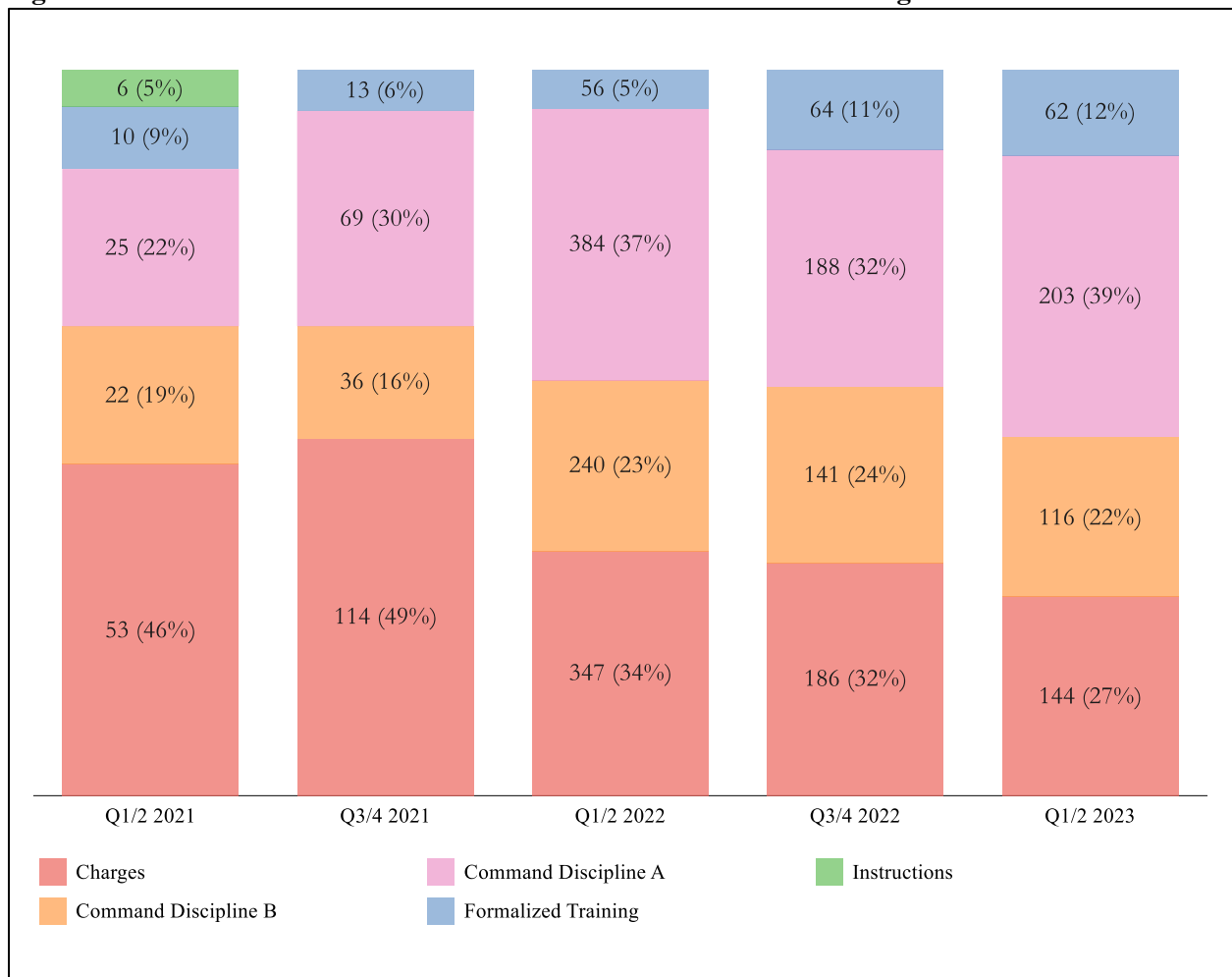
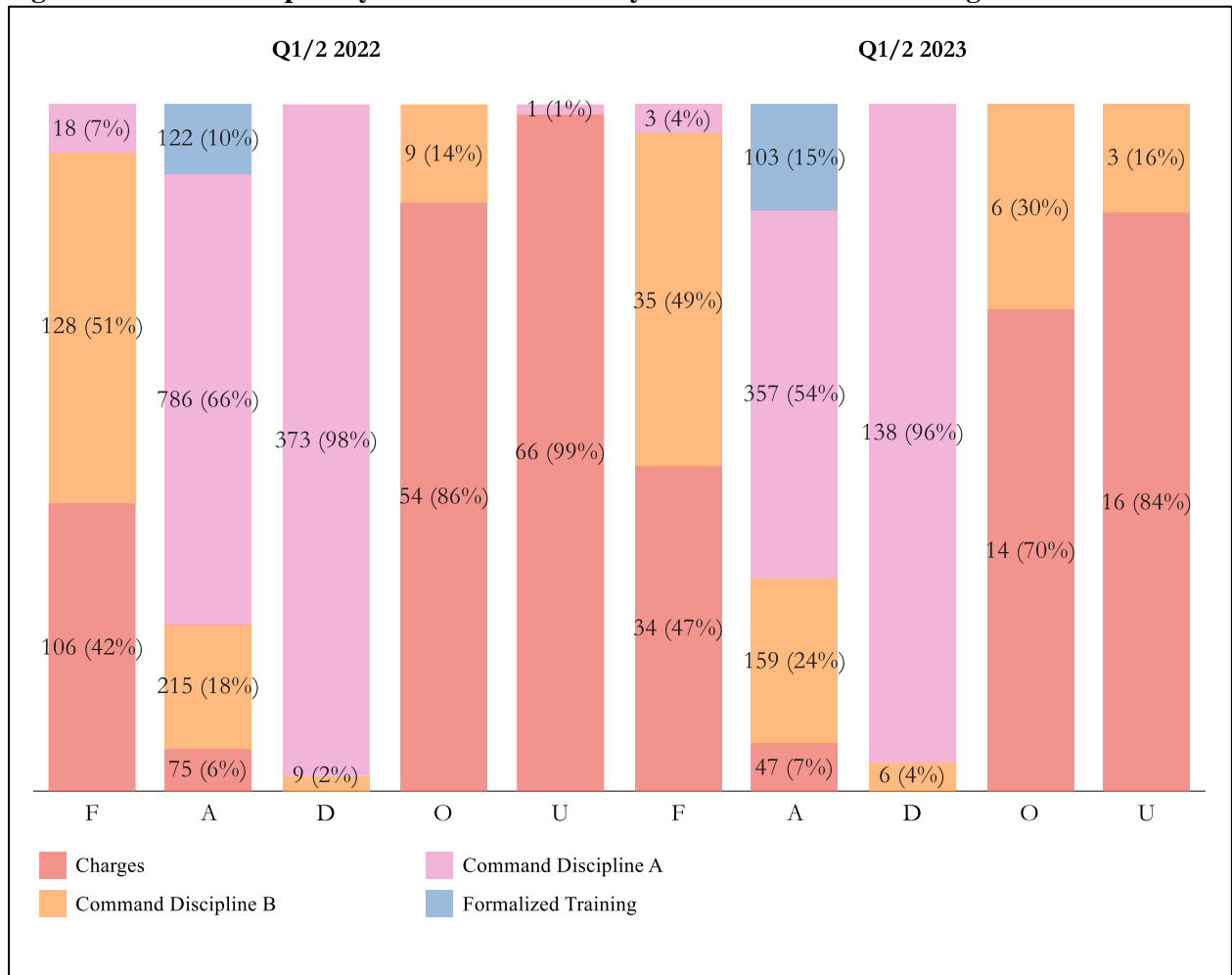


Figure 31: Board Disciplinary Recommendations by Substantiated FADO Allegations



NYPD DISCIPLINARY DECISIONS IN NON-CHARGES CASES

When the Board recommends Command Discipline B, Command Discipline A, or Formalized Training, the case is handled by the NYPD's Department Advocate's Office (DAO). DAO reports the final disposition of each case, along with the discipline imposed by the Police Commissioner, if any, back to the CCRB.

DAO case outcomes in non-charges cases are shown in Figure 32 on the following page. Explanations of some of the terms used in Figure 32 are as follows:

1. "Closed Administratively" – the officer's conduct was previously adjudicated, or is currently being adjudicated, by DAO.
 - a. Prior to 2021, DAO did not report the final outcome of previously adjudicated cases.
 - b. Final outcomes are not reported while a case is being adjudicated by DAO.
 - c. Where no final outcome was reported to the CCRB, the case appears as "Closed Administratively: No penalty reported."
2. "Guilty – DCT" and "No Disciplinary Action – DCT Not Guilty/Dismissed" – reference a guilty or not guilty verdict by an NYPD trial commissioner where charges were filed because the officer refused to accept a Command Discipline A/B penalty issued by the Police Commissioner.
 - a. Officers have the right to refuse a Command Discipline penalty and opt for a trial.
 - b. As of 2022, these cases are prosecuted by the APU.
3. "No Disciplinary Action – DUP" – the Department chose not to take any disciplinary action.
 - a. "DUP" stands for "Department Unable to Prosecute."
4. "No Disciplinary Action – Short SOL" – the Department did not pursue discipline because DAO felt that the CCRB's disciplinary recommendation was made too close to the expiration of the statute of limitations (SOL) period.
 - a. DAO closed an unusually large number of cases as "No Disciplinary Action – Short SOL" in 2022.
 - b. These cases are discussed in greater detail in the following section (see Figure 33 and Figure 34).

Figure 32: Department Advocate’s Office Outcomes by Board Discipline Recommendation

		Q1/2 2021	Q3/4 2021	Q1/2 2022	Q3/4 2022	Q1/2 2023
Substantiated (Command Discipline B)	Command Discipline - B: Detail not reported	5 (4%)	7 (4%)	1 (0%)	3 (1%)	7 (2%)
	Command Discipline - B: Vacation < 6 days		10 (6%)	10 (3%)	25 (5%)	41 (9%)
	Command Discipline - B: Vacation >= 6 days	1 (1%)	3 (2%)	7 (2%)	2 (0%)	3 (1%)
	Guilty - DCT: Vacation < 10 days	1 (1%)		1 (0%)		
	Guilty - DCT: Vacation >= 10 days	1 (1%)		3 (1%)		
	Command Discipline - A: Detail not reported	2 (1%)	2 (1%)	1 (0%)		
	Command Discipline - A: Vacation < 6 days		1 (1%)	6 (2%)	3 (1%)	1 (0%)
	Formalized Training/Instructions		7 (4%)	6 (2%)	7 (2%)	1 (0%)
	No Disciplinary Action - DCT Not Guilty/Dismissed		1 (1%)			
	No Disciplinary Action - DUP		12 (7%)	13 (4%)	21 (5%)	35 (8%)
	No Disciplinary Action - Short SOL		11 (6%)	51 (15%)	91 (20%)	72 (16%)
	Closed Administratively (Command Discipline - A)				2 (0%)	2 (0%)
	Closed Administratively (Command Discipline - A) / Vacati..					1 (0%)
	Closed Administratively (Instructions)				1 (0%)	
	Closed Administratively: Detail not reported	3 (2%)				
	Closed Administratively: Suspension/Probation				1 (0%)	
	No Disciplinary Action - SOL Expired	1 (1%)		6 (2%)	3 (1%)	5 (1%)
	Retired/Resigned		3 (2%)	3 (1%)	4 (1%)	4 (1%)
	Substantiated (Command Discipline A)	Command Discipline - A: Detail not reported	29 (21%)	41 (23%)	73 (22%)	92 (20%)
Command Discipline - A: Vacation < 6 days		1 (1%)	5 (3%)	23 (7%)	18 (4%)	19 (4%)
Command Discipline - B: Detail not reported		5 (4%)				
Guilty - DCT: Vacation < 10 days		2 (1%)		1 (0%)		
Formalized Training/Instructions		1 (1%)	4 (2%)		2 (0%)	3 (1%)
No Disciplinary Action - DCT Not Guilty/Dismissed				1 (0%)		
No Disciplinary Action - DUP			4 (2%)	4 (1%)	5 (1%)	7 (2%)
No Disciplinary Action - Short SOL			18 (10%)	82 (25%)	110 (24%)	78 (17%)
Closed Administratively (Command Discipline - A)					1 (0%)	2 (0%)
Closed Administratively (Command Discipline - B)		1 (1%)	1 (1%)	2 (1%)		
Closed Administratively (Instructions)				5 (2%)	1 (0%)	
Closed Administratively: Detail not reported		3 (2%)			2 (0%)	1 (0%)
No Disciplinary Action - SOL Expired				9 (3%)	14 (3%)	8 (2%)
Retired/Resigned		1 (1%)	4 (2%)	4 (1%)	13 (3%)	11 (2%)
Substantiated (Training/ Instructions)	Command Discipline - A: Vacation < 6 days	1 (1%)	1 (1%)			
	Formalized Training/Instructions	75 (54%)	39 (22%)	9 (3%)	25 (5%)	60 (13%)
	No Disciplinary Action - DUP		1 (1%)		1 (0%)	
	No Disciplinary Action - Short SOL		3 (2%)	8 (2%)	1 (0%)	6 (1%)
	Closed Administratively: Detail not reported	2 (1%)				1 (0%)
	No Disciplinary Action - SOL Expired			1 (0%)	4 (1%)	5 (1%)
	Retired/Resigned	3 (2%)		1 (0%)	3 (1%)	2 (0%)
Substantiated..					1 (0%)	

■ Concurrence	■ Non-Concurrence w/out Discipline
■ Non-Concurrence w/ Discipline	■ Not Adjudicated

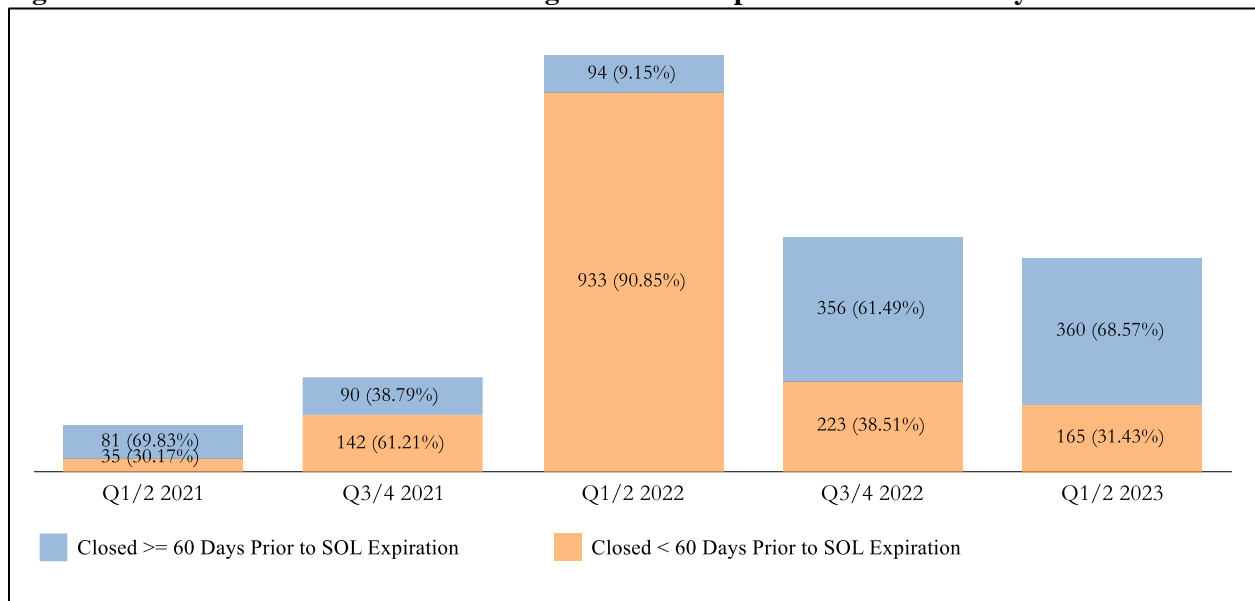
STATUTE OF LIMITATIONS & NYPD’S “SHORT SOL” DISCIPLINARY DECISIONS

In the first half of 2023, DAO reported 125 cases as “No Disciplinary Action – Short SOL.” This means that the Department decided not to pursue disciplinary proceedings against an officer because DAO felt that the CCRB’s disciplinary recommendation was made too close to the expiration of the statute of limitations (SOL) period. Under Civil Service Law § 75(4), disciplinary proceedings for misconduct generally must be commenced within 18 months of the incident.³¹

The CCRB experienced extended case closure times throughout 2021 and 2022 due to the COVID crisis and the complicated 2020 protest investigations. As a result, a large number of complaints involving substantiated misconduct allegations were closed by the Board within 60 days of the SOL expiration date.

As shown in Figure 33, in the first half of 2023, the CCRB substantiated allegations against 154 officers in complaints that were closed within 60 days of the SOL expiration, a significant improvement over 933 officers whose complaints were closed within 60 days of the SOL expiration in the first half of 2022.

Figure 33: Officers with Substantiated Allegations in Complaints Closed < 60 Days Prior to SOL



In the first half of 2023, DAO reported the final outcome as “No Disciplinary Action – Short SOL” in 94 cases where the complaints were closed 30 or more days prior to the SOL expiration.

Figure 34: “Short SOL” Decisions Returned by Days to SOL Expiration

	Q1/2 2021	Q3/4 2021	Q1/2 2022	Q3/4 2022	Q1/2 2023
03 <= Days from CCRB Case Closing to SOL Expiration < 05			8	0	
05 <= Days from CCRB Case Closing to SOL Expiration < 10		3	10	6	
10 <= Days from CCRB Case Closing to SOL Expiration < 20		7	29	120	67
20 <= Days from CCRB Case Closing to SOL Expiration < 30	0	7	37	32	27
30 <= Days from CCRB Case Closing to SOL Expiration < 40		4	41	23	25
40 <= Days from CCRB Case Closing to SOL Expiration < 50	0	9	13	18	14
50 <= Days from CCRB Case Closing to SOL Expiration < 60	0	2	3	3	23
Total	0	32	141	202	156

³¹ During the COVID crisis, Emergency Executive Orders issued by the Governor tolled most statutory time limits from March 20 to November 3, 2020.

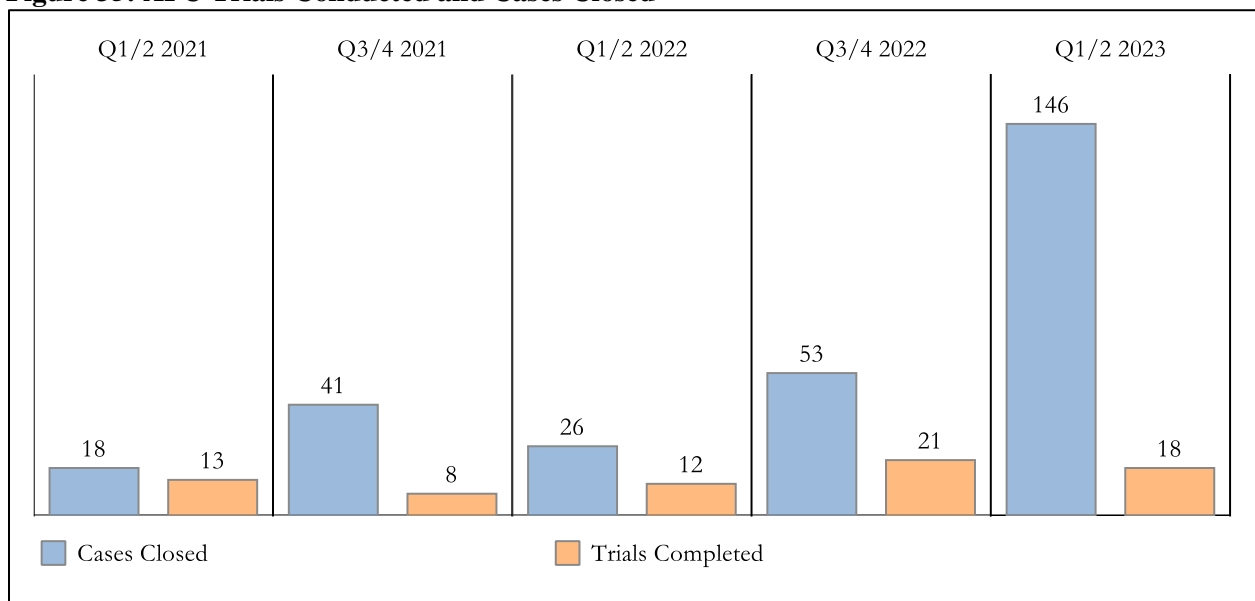
ADMINISTRATIVE PROSECUTION UNIT

When the Board substantiates a misconduct allegation(s) and recommends Charges and Specifications, in most instances the case is prosecuted by the CCRB’s Administrative Prosecution Unit (APU) pursuant to a Memorandum of Understanding (MOU) between the CCRB and the NYPD.³² The Police Commissioner may retain a case under the limited circumstances specified in Section 2 of the MOU.³³

The APU prosecutes cases before the NYPD Deputy Commissioner of Trials (DCT) or an Assistant Deputy Commissioner of Trials (ADCT). The member of service (MOS) can accept a plea offer in lieu of a trial. If the MOS goes to trial and is found guilty, the NYPD trial commissioner will recommend a penalty. The Police Commissioner may accept, reject, or modify any plea agreement, trial verdict, or penalty recommendation.

The APU treats each officer against whom an allegation is substantiated as a separate case.³⁴ 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.

Figure 35: APU Trials Conducted and Cases Closed



³² The full text of the MOU, which was signed in 2012 and became effective in 2013, can be found here: https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf.

³³ 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.

³⁴ The APU treats each officer’s substantiated allegations 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.”

APU CASE CLOSURES

APU cases can close in one of four ways: (1) trial; (2) plea bargain; (3) the Police Commissioner retained case; and (4) “Other.”

Cases are typically closed as “Other” when the incident has already been subject to a disciplinary review by the Department, or the officer left the Department before the disciplinary process was complete.

Figure 36: APU Case Outcomes

		Q1/2 2021	Q3/4 2021	Q1/2 2022	Q3/4 2022	Q1/2 2023
Trial	Guilty after trial: Dismissal Probation		1 (2%)			
	Guilty after trial: Forfeit Vacation >= CCRB Reqstd Days	6 (33%)	4 (10%)	2 (8%)	3 (6%)	4 (3%)
	Guilty after trial: Suspension 10 days / Forfeit vacation 10 days		1 (2%)			
	Guilty after trial: Suspension 10 days / Forfeit vacation 15 days		1 (2%)			
	Guilty after trial: Dismissal Probation < CCRB Reqstd			1 (4%)		
	Guilty after trial: Forfeit Vacation < CCRB Reqstd Days		2 (5%)			
	Dismissed by Police Commissioner: No penalty			1 (4%)	2 (4%)	
	Not guilty after trial: No penalty	1 (6%)	5 (12%)	1 (4%)	9 (18%)	10 (7%)
	Trial verdict reversed by PC, Not Guilty: No penalty		4 (10%)	1 (4%)		
Plea	Plea Renegotiated by PC: Forfeit vacation 10 days					1 (1%)
	Plea set aside, Formalized Training: Command Discipline A / ..					1 (1%)
	Plea set aside, Formalized Training: Formalized Training					8 (6%)
	Resolved by plea: Command Discipline A 3 days					1 (1%)
	Resolved by plea: Command Discipline A 5 days					1 (1%)
	Resolved by plea: Command Discipline B 10 days					3 (2%)
	Resolved by plea: Dismissal Probation					1 (1%)
	Resolved by plea: Forfeit vacation <= 10 days	3 (17%)	1 (2%)	2 (8%)	5 (10%)	2 (1%)
	Resolved by plea: Forfeit vacation > 10 days		1 (2%)	2 (8%)	5 (10%)	3 (2%)
	Resolved by plea: Suspension			1 (4%)		
	Resolved by plea: Training/Instructions					1 (1%)
	Plea set aside, Comm. Disc. A: Command Discipline A				3 (6%)	
	Plea set aside, Without discipline: No penalty				1 (2%)	4 (3%)
	Retained	Retained, with discipline: Command Discipline (A/B)		2 (5%)		
Retained, with discipline: Dismissal Probation		1 (6%)				
Retained, with discipline: Forfeit vacation <= 10 days				2 (8%)	2 (4%)	
Retained, with discipline: Training/Instructions			1 (2%)			
Retained, without discipline: No penalty		1 (6%)	5 (12%)	3 (12%)	2 (4%)	4 (3%)
Other	Charges not served: No penalty		2 (5%)		2 (4%)	53 (39%)
	Other: No penalty		1 (2%)			
	Prev. adjudicated, with discipline: CD (A/B) / Training/Inst.	1 (6%)		2 (8%)		1 (1%)
	Prev. adjudicated, with discipline: Dismissal Probation	1 (6%)			1 (2%)	
	Prev. adjudicated, with discipline: Forfeit vacation <= 10 days	2 (11%)	2 (5%)			
	Prev. adjudicated, with discipline: Forfeit vacation > 10 days		1 (2%)			
	Retired / Resigned: Dismissal Probation				1 (2%)	
	Retired / Resigned: Retired/Resigned	2 (11%)	7 (17%)	7 (27%)	11 (22%)	14 (10%)
	SOL Expired prior to APU: No penalty				3 (6%)	22 (16%)
Terminal leave: No penalty			1 (4%)			

■ Concurrence	■ Non-Concurrence w/out Discipline
■ Non-Concurrence w/ Discipline	■ Not Adjudicated

CONCURRENCE AND DISCIPLINE RATES

The concurrence rate measures how often the Police Commissioner imposes the same (or more severe) discipline as recommended by the Board. The discipline rate measures how often the Police Commissioner imposes discipline of any kind on officers for whom the Board recommended discipline. Certain “Not Adjudicated” case outcomes, such as when a case was previously adjudicated or when the officer left the force prior to discipline being imposed, do not factor into the concurrence or discipline rate. See Figure 32 and Figure 36 for a complete breakdown of the case outcomes that factor into the concurrence and discipline rates.

Figure 37: Concurrence Rates

	Q1/2 2021			Q3/4 2021			Q1/2 2022			Q3/4 2022			Q1/2 2023		
	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%
Non-APU	124	121	98%	170	106	62%	300	128	43%	406	165	41%	416	213	51%
APU	12	4	33%	28	6	21%	16	6	38%	32	11	34%	46	22	48%
CCRB	136	125	92%	198	112	57%	316	134	42%	438	176	40%	462	235	51%

Figure 38: Discipline Rate

	Q1/2 2021			Q3/4 2021			Q1/2 2022			Q3/4 2022			Q1/2 2023		
	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%
Non-APU	124	124	100%	170	120	71%	300	141	47%	406	177	44%	416	218	52%
APU	12	10	83%	28	14	50%	16	10	63%	32	18	56%	46	28	61%
CCRB	136	134	99%	198	134	68%	316	151	48%	438	195	45%	462	246	53%

Due to the high number of cases returned to the CCRB as “No Disciplinary Action – Short SOL,” it is helpful to see what the concurrence and discipline rates would be with these cases removed from consideration.

Figure 39: Concurrence Rates Excluding “No Disciplinary Action – Short SOL”

	Q1/2 2021			Q3/4 2021			Q1/2 2022			Q3/4 2022			Q1/2 2023		
	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%
Non-APU	124	121	98%	138	106	77%	159	128	81%	204	165	81%	260	213	82%
APU	12	4	33%	28	6	21%	16	6	38%	32	11	34%	46	22	48%
CCRB	136	125	92%	166	112	67%	175	134	77%	236	176	75%	306	235	77%

Figure 40: Discipline Rates Excluding “No Disciplinary Action – Short SOL”

	Q3/4 2020			Q1/2 2021			Q3/4 2021			Q1/2 2022			Q1/2 2023		
	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%	Total	Cnt	%
Non-APU	184	184	100%	124	124	100%	138	120	87%	159	141	89%	260	218	84%
APU	14	13	93%	12	10	83%	28	14	50%	16	10	63%	46	28	61%
CCRB	198	197	99%	136	134	99%	166	134	81%	175	151	86%	306	246	80%

SECTION 4: MEDIATION

The New York City Charter mandates that the CCRB offer mediation as an option for resolving allegations of police misconduct. The goal of mediation is to allow civilians and officers the opportunity to voluntarily resolve the issues contained in the complaint by means of a face-to-face meeting with the assistance of a neutral mediator.

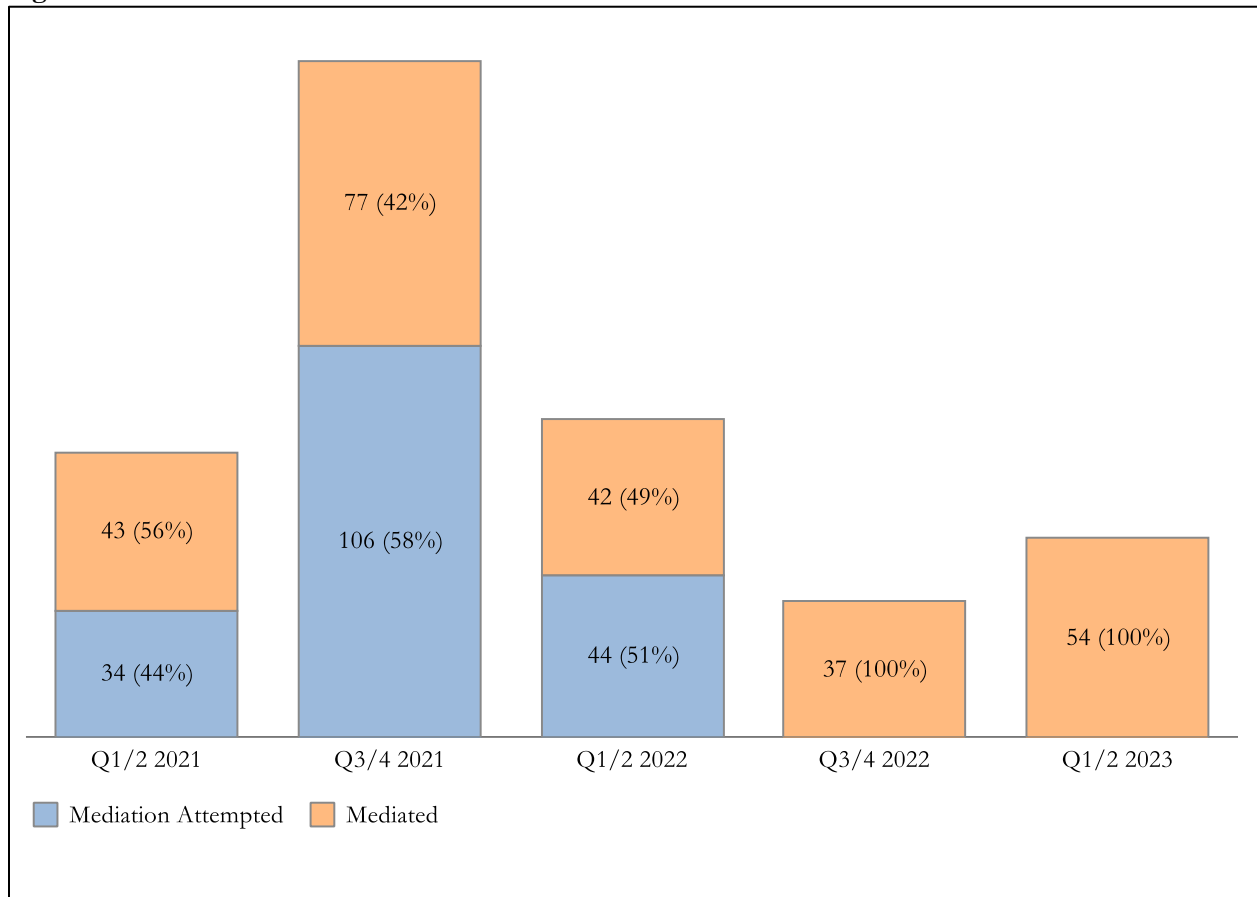
Mediation is not offered in all cases because there are some factors that render a complaint unsuitable for the Mediation Program, these include allegations of serious physical injury or property damage, a pending criminal case or a civil lawsuit, or a concurrent Internal Affairs Bureau investigation.

Mediation is complainant-driven and voluntary; a case will only go to the Mediation Unit if the complainant wants to participate in mediation. Investigators are required to fully describe both the mediation process and the investigative process to complainants in mediation-suitable cases. After being provided with both options, the complainant can choose the process in which to participate. If the complainant selects 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. Complainants reserve the right to have the case returned to the investigative process if they change their mind prior to a mediation or are unsatisfied with the outcome of 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 most mediated cases, the parties resolve the allegations raised in the complaint. After a completed 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 completed or not successful, the case returns to the Investigations Division for a full investigation, unless the complainant fails to appear twice for the scheduled mediation session without good cause or fails to respond to attempts to schedule a mediation session and does not request that the investigation resume.

Mediation provides members of the public an additional option for resolving their complaints. A trained, neutral mediator contracted by the CCRB guides the session and facilitates a confidential dialogue between the complainant and the member of service about the circumstances leading to the complaint.

Figure 41: Mediation Closures



“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 without good cause or fails to respond to attempts to schedule a mediation session and the civilian does not request that the investigation resume.

Figure 42: Average Days to Completed Mediation

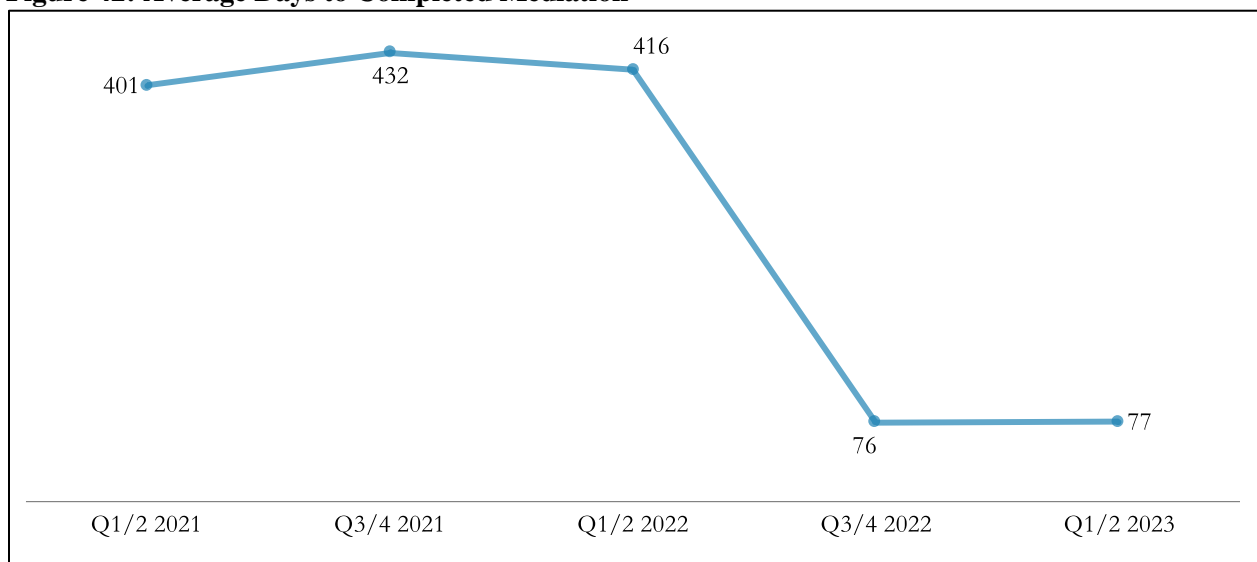


Figure 43: Percentage of Cases in which Mediation was Offered

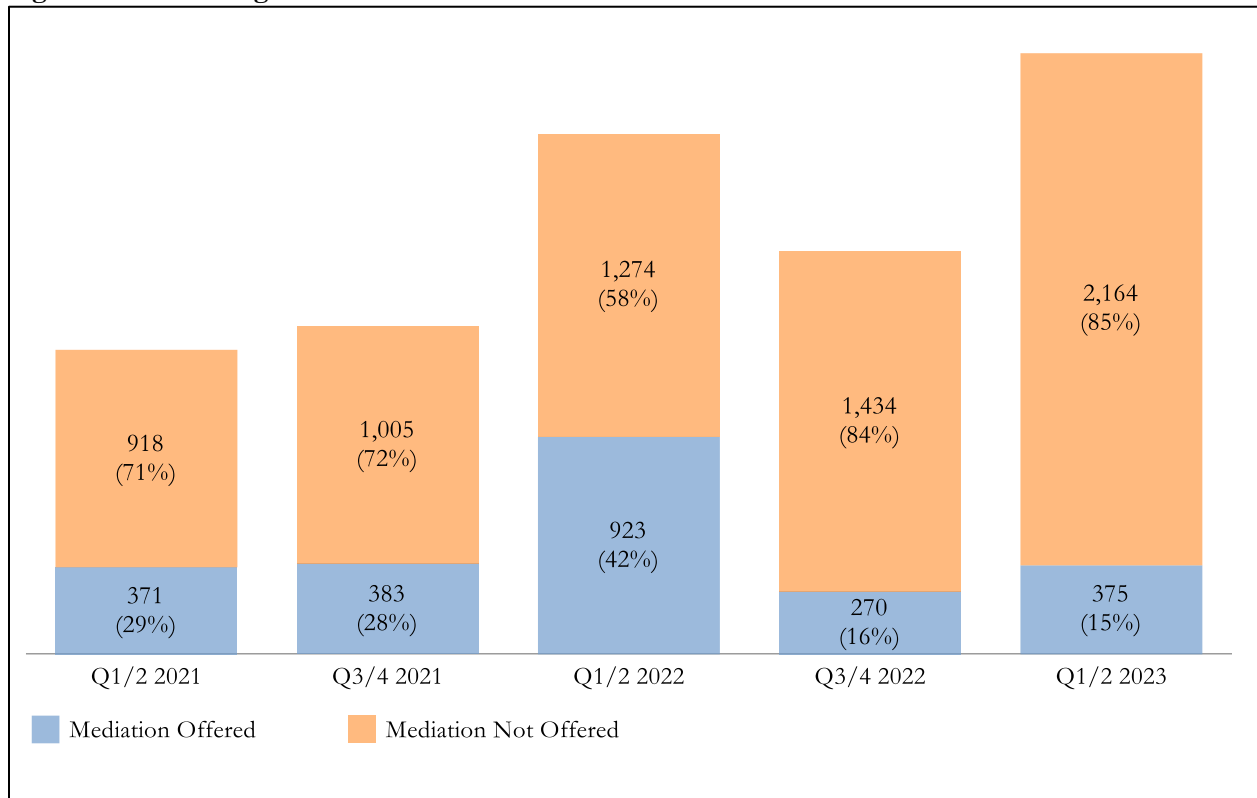


Figure 44: Number of Civilians and MOS that Accepted Mediation When Offered

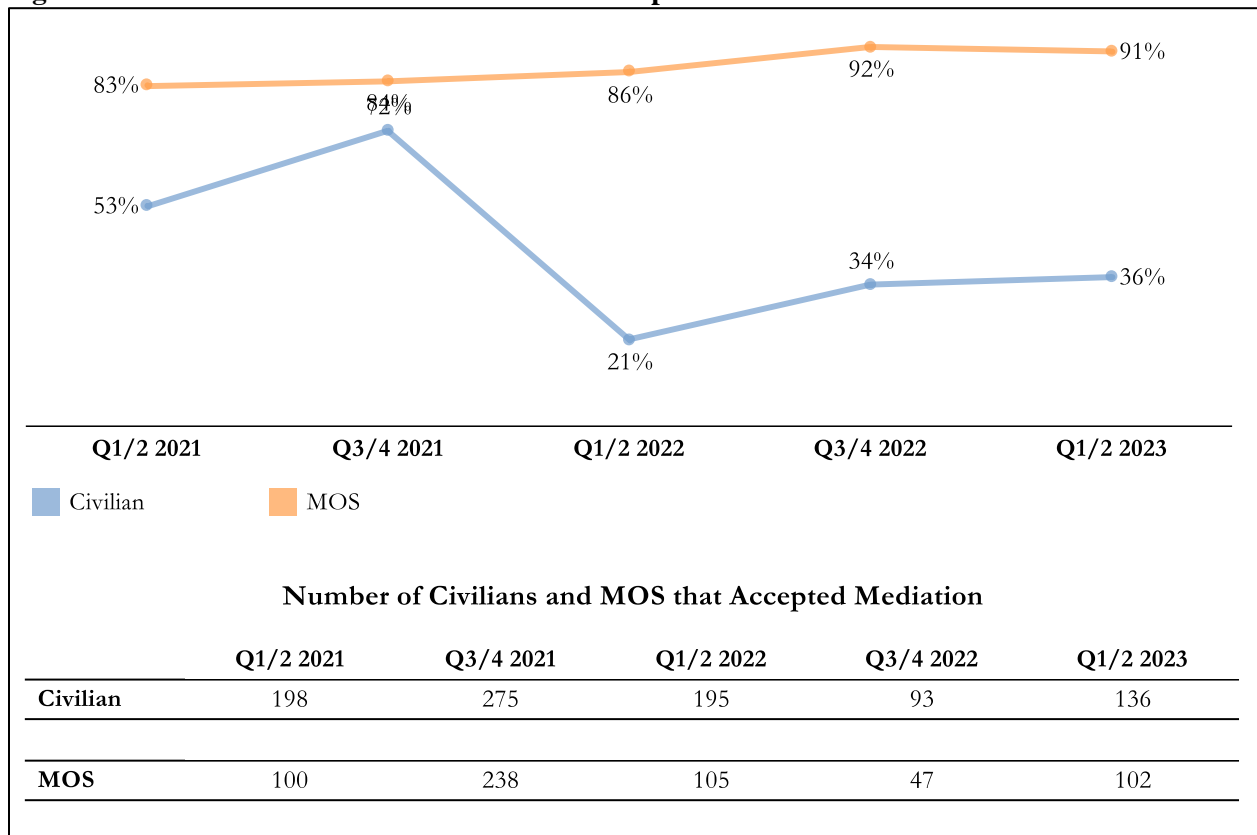
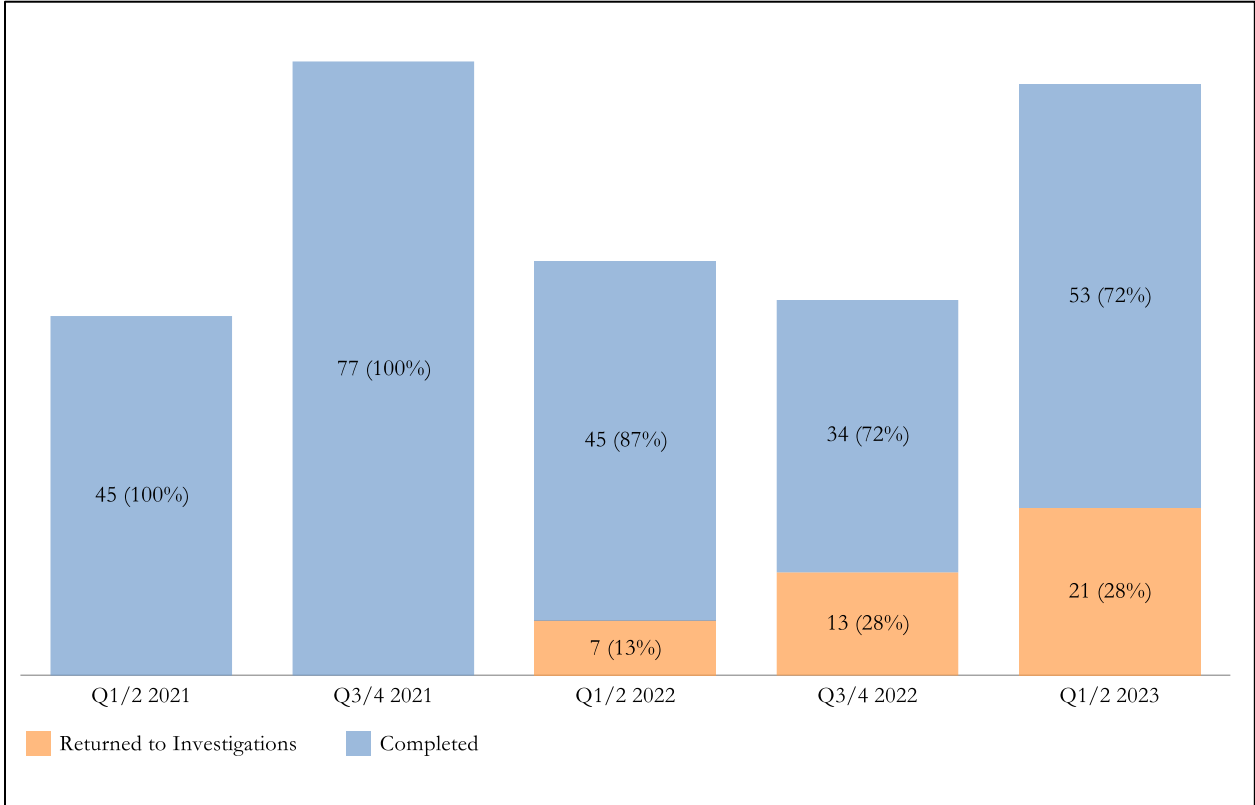


Figure 45: Mediation Completion Rate



SECTION 5: THE IMPACT OF BODY-WORN CAMERA FOOTAGE AND OTHER VIDEO EVIDENCE

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*,³⁵ found that the 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. Today the NYPD’s BWC program is the largest in the United States with over 24,000 members of the Department equipped with BWCs.

The NYPD provides informational videos in several languages, including sign language, about the BWC rollout on its website,³⁶ 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.³⁷

³⁵ *Floyd v. City of N.Y.*, 959 F. Supp. 2d 540 (S.D.N.Y. 2013).

³⁶ NYPD, Body-Worn Cameras, <https://www1.nyc.gov/site/nypd/about/about-nypd/equipment-tech/body-worn-cameras.page>

³⁷ NYPD, NYPD Response to Public and Officer Input on the Department’s Proposed Body-Worn Camera Policy (Apr. 2017), https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/body-worn-camera-policy-response.pdf.

HOW THE CCRB OBTAINS BWC EVIDENCE

The CCRB currently obtains BWC footage from the NYPD via the following process:

1. The CCRB investigator submits a records request to the CCRB's NYPD Relations Unit for BWC footage.
2. The NYPD Relations Unit forwards the request to the Internal Affairs Bureau (IAB) and the NYPD Legal Bureau. The NYPD Legal Bureau is responsible for fulfilling the request and locating the footage.
3. Once the Legal Bureau has approved the request and located the BWC footage, it sends the footage to the NYPD Relations Unit.
4. The NYPD Relations Unit makes the footage accessible to the requesting CCRB investigator.
5. If other information suggests that the NYPD's response that it was unable to locate BWC footage may have been a false negative (or that additional footage may be available), the CCRB investigator must submit a new request specifying the additional BWC footage that is needed.

Figure 46: Average BWC Request Turnaround Time in Days, Requests Closed



Figure 47: Complaints With Video

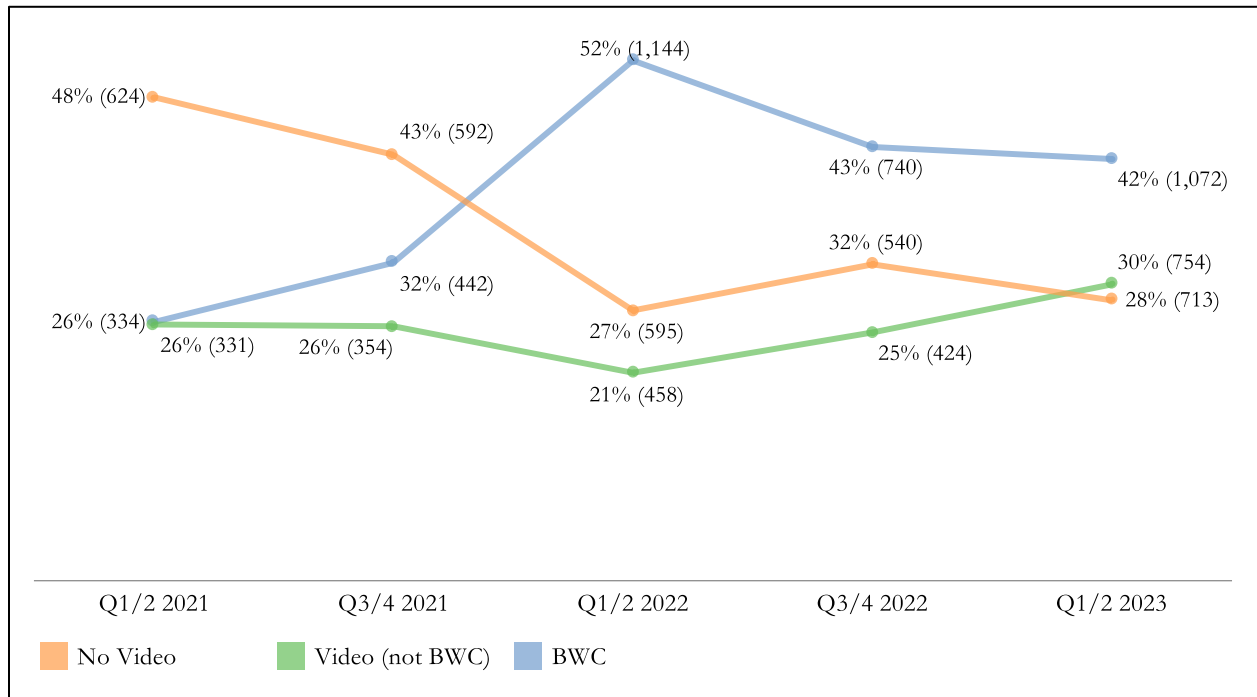
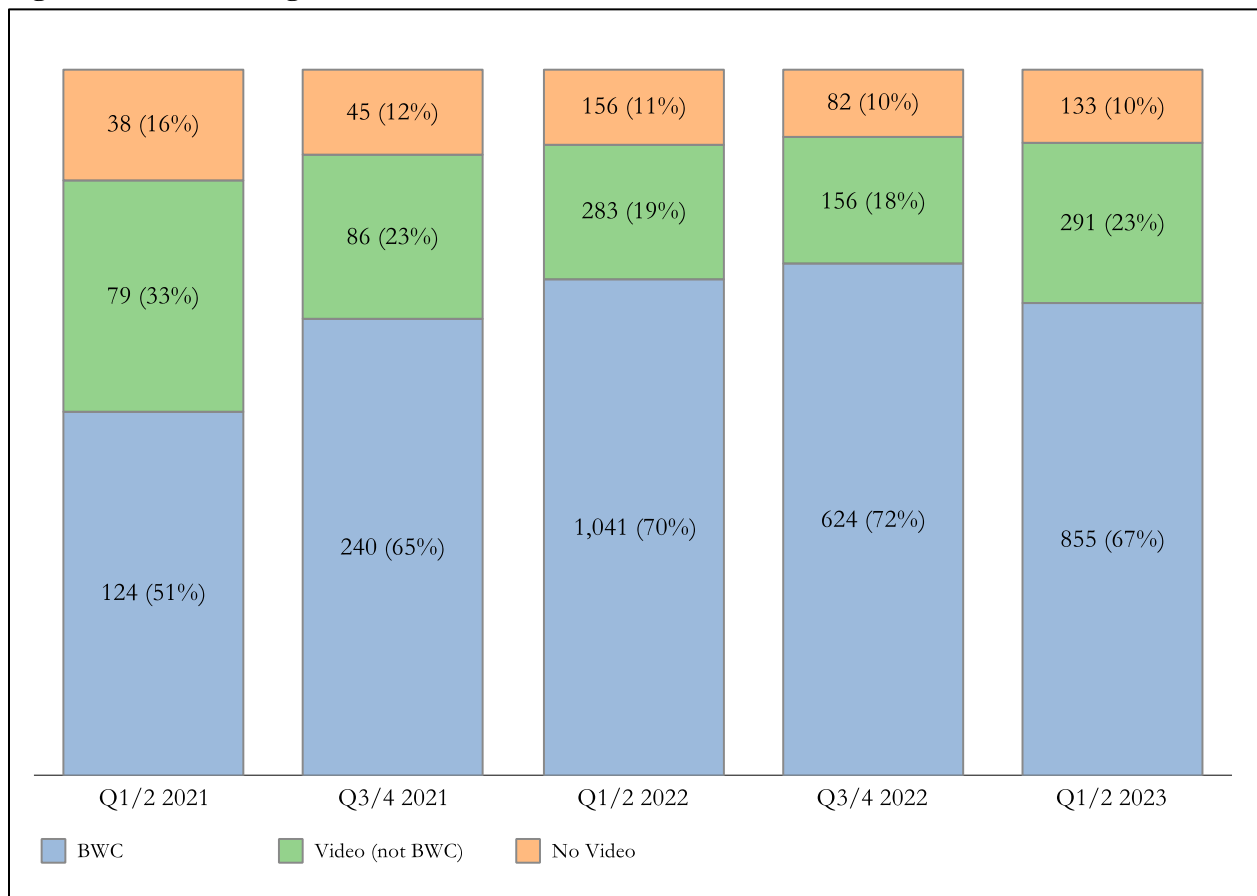


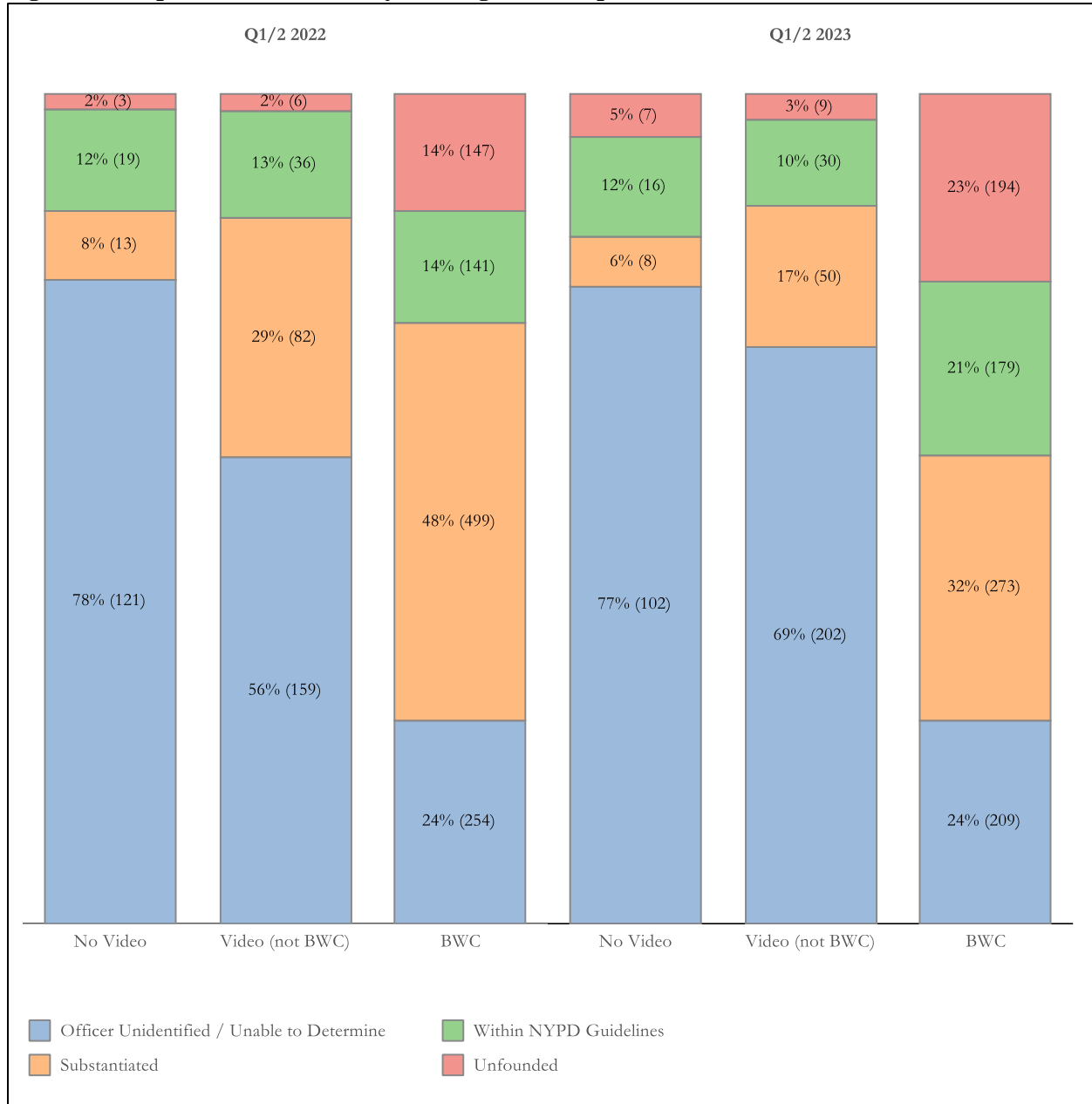
Figure 48: Full Investigations With and Without Video



THE IMPACT OF BWC AND OTHER VIDEO EVIDENCE

The availability of video evidence allows for a more robust interpretation of the circumstances surrounding an encounter. Video evidence, especially BWC footage, can have a substantial impact on the outcome of a CCRB investigation, particularly the rate of allegations closed “on the merits” (i.e., Substantiated, Within NYPD Guidelines, or Unfounded).

Figure 49: Impact of Video on Fully Investigated Complaints Closed on the Merits



The availability of BWC evidence has a particularly significant impact on the Board’s ability to decide Discourtesy and Offensive Language allegations on the merits. In the absence of video, and any accompanying audio, the Board often has no means of resolving the conflicting testimony of officers and complainants about what was said during an encounter.

Figure 50: Impact of Video on Allegation Closures on the Merits by FADO

FADO Type	Board Disposition	Q1/2 2022						Q3/4 2022						Q1/2 2023					
		No Video		Video (not BWC)		BWC		No Video		Video (not BWC)		BWC		No Video		Video (not BWC)		BWC	
Force	Officer Unld'd / Unable to Determine	38	81%	81	51%	618	32%	16	100%	58	62%	178	22%	25	89%	96	70%	184	15%
	Substantiated			19	12%	233	12%			8	9%	94	11%	1	4%	7	5%	64	5%
	Within NYPD Guidelines	9	19%	49	31%	736	38%			16	17%	333	41%			26	19%	639	51%
	Unfounded			11	7%	336	17%			12	13%	217	26%	2	7%	8	6%	362	29%
Abuse of Authority	Officer Unld'd / Unable to Determine	264	72%	580	61%	1325	28%	177	69%	247	57%	470	21%	189	71%	432	64%	502	18%
	Substantiated	18	5%	147	15%	1033	22%	53	21%	79	18%	623	28%	8	3%	107	16%	551	20%
	Within NYPD Guidelines	79	22%	179	19%	1789	38%	23	9%	98	22%	852	38%	63	24%	119	18%	1229	45%
	Unfounded	5	1%	46	5%	532	11%	4	2%	12	3%	286	13%	7	3%	20	3%	458	17%
Discourtesy	Officer Unld'd / Unable to Determine	66	92%	133	76%	253	28%	42	81%	79	81%	119	29%	65	93%	129	83%	161	31%
	Substantiated	3	4%	31	18%	348	39%	10	19%	12	12%	129	32%	3	4%	15	10%	126	24%
	Within NYPD Guidelines			5	3%	156	17%					65	16%	1	1%	4	3%	109	21%
	Unfounded	3	4%	5	3%	143	16%			6	6%	91	23%	1	1%	8	5%	123	24%
Offensive Language	Officer Unld'd / Unable to Determine	14	100%	46	79%	61	43%	9	90%	20	80%	52	50%	19	100%	31	97%	45	46%
	Substantiated			10	17%	53	38%	1	10%	3	12%	22	21%					20	20%
	Within NYPD Guidelines					3	2%											1	1%
	Unfounded			2	3%	24	17%			2	8%	30	29%			1	3%	32	33%

SECTION 6: OUTREACH AND INTERGOVERNMENTAL AFFAIRS

Over the past several years, the 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 its investigative process. The CCRB Outreach and Intergovernmental Affairs (IGA) Unit has a director, a deputy director, and a coordinator for each borough who acts as that borough’s main liaison for the Agency.

The Outreach and IGA Unit’s does presentations at schools, public libraries, tenant associations, advocacy organizations, cultural groups, religious organizations, community boards, and precinct community councils, among other groups, in all five boroughs. These presentations provide an overview of the CCRB complaint process, explain the basic legal contours of police encounters, and stress the importance of de-escalation when interacting with the police.

Figure 51: Number of Outreach Events

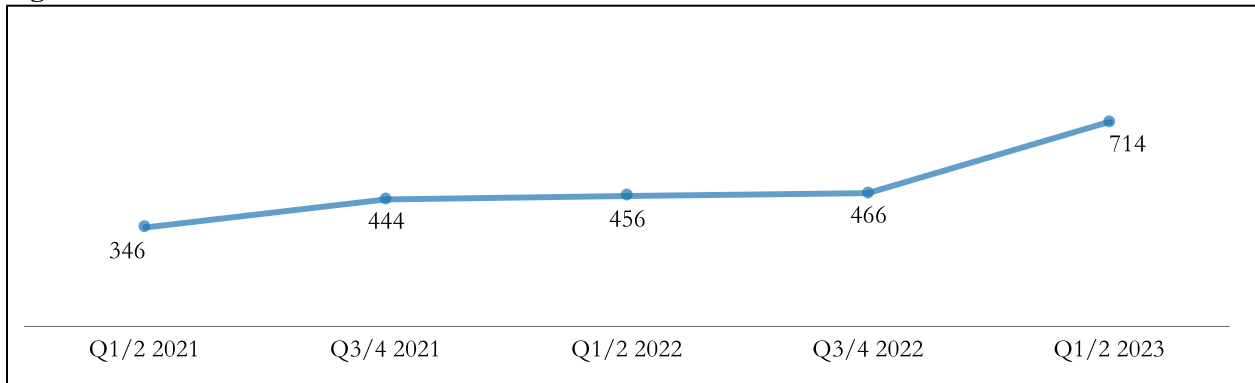


Figure 52: Outreach Events by Borough

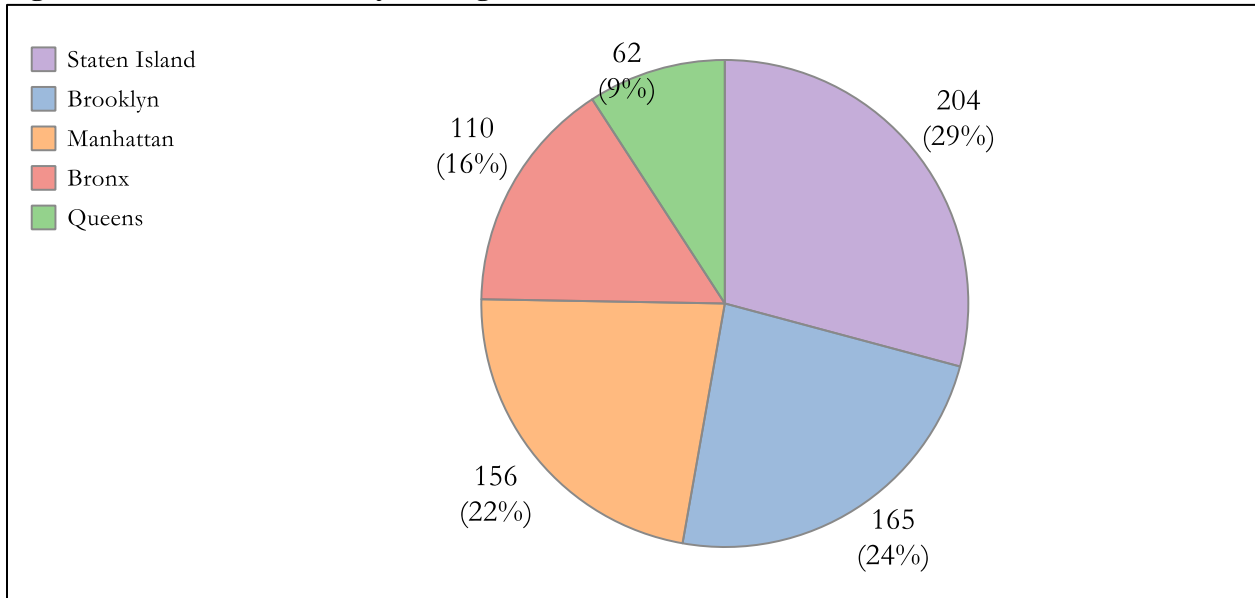
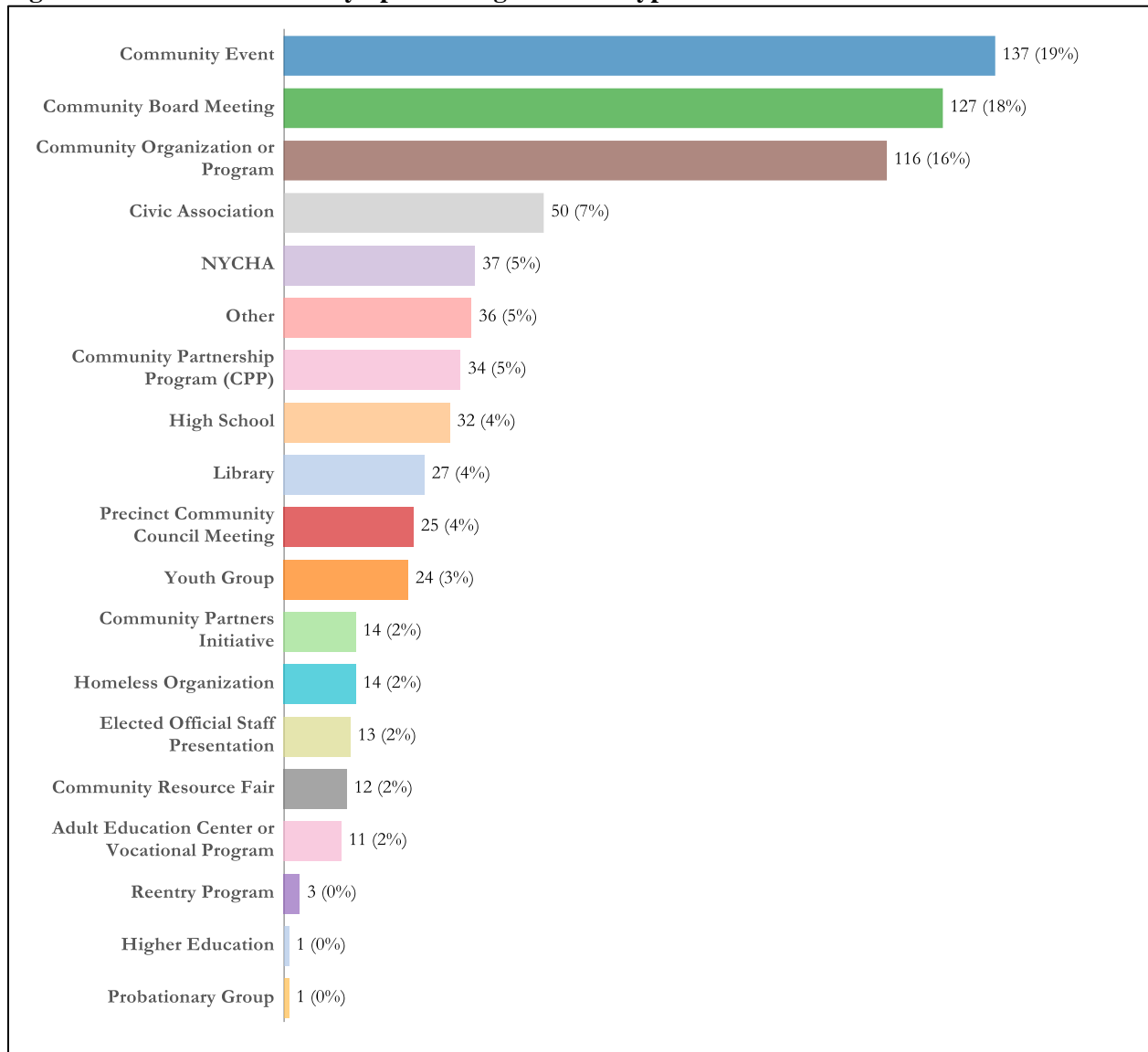


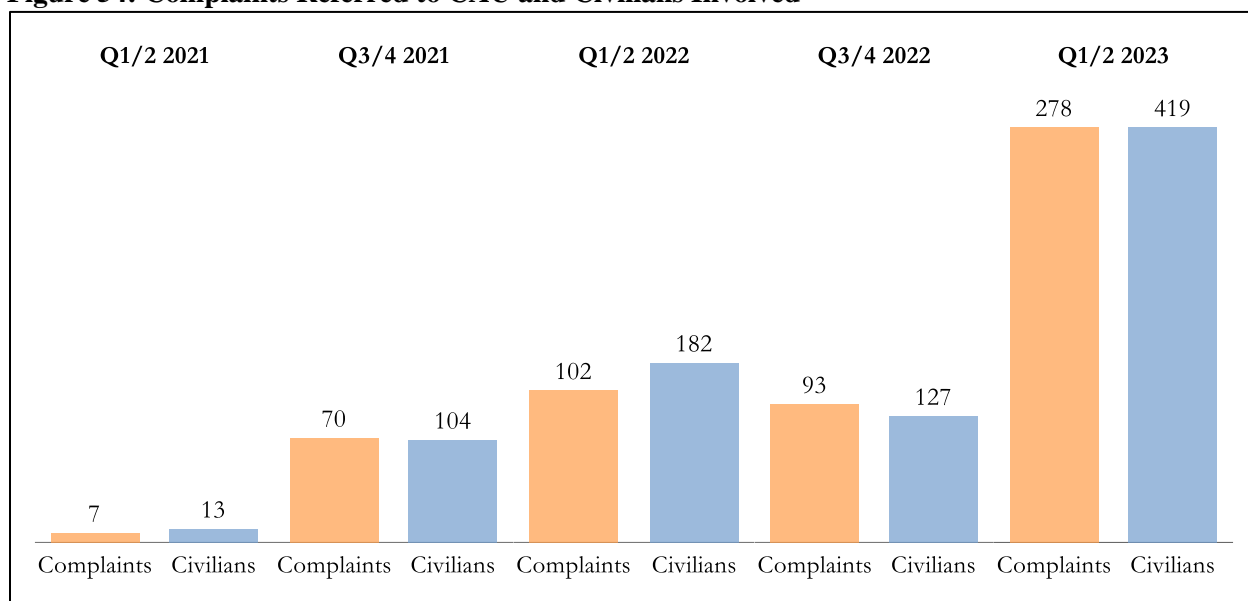
Figure 53: Outreach Events by Specific Organization Type



SECTION 7: CIVILIAN ASSISTANCE UNIT

Launched in 2021, CCRB’s Civilian Assistance Unit (CAU) provides services to civilians who require social and psychological support while navigating the Agency’s investigative process.

Figure 54: Complaints Referred to CAU and Civilians Involved



In October 2022, the CCRB developed a system to categorize the types of services provided by CAU.

Figure 55: Specific Services Provided by CAU

	Q1/2 2023
Assistance with restitution	1
Criminal advocacy/accompaniment	1
Individual advocacy	458
Individual counseling	93
Information about the criminal justice process	23
Information about victim rights	106
Interpreter services	2
Referral to other services	60
Referral to other victim service programs	4
Therapy	2
Vocational or Housing Intervention	1
Total	751

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**, and **Untruthful Statements**, collectively known as **FADO&U**. The CCRB notes **other possible misconduct** when it uncovers conduct by officers that is outside its jurisdiction but warrants the attention of the Department. Examples of other possible misconduct include failures to enter necessary information in memo books and failures to complete required documentation of an incident.

The **Board** consists of 15 members, five appointed by City Council, five appointed by the Mayor, three designated by the Police Commissioner, and one appointed by the Public Advocate. The Chair of the Board is dually appointed by the Mayor and City Council Speaker. 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 more than 200 employees. The Agency consists of a 150-member **Investigations Division** responsible for investigating allegations of police misconduct 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 the **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. APU attorneys are responsible for prosecuting and resolving cases before an NYPD Deputy Commissioner of Trials or Assistant Deputy Commissioner of Trials at One Police Plaza.

The Agency also includes a **Mediation** program that works to resolve less serious allegations between a police officer and a civilian. A complainant may **mediate** their 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 of 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**. The **Intake Unit** receives complaints from members of the public, which can be filed in-person, by telephone, voicemail, online, or referred by another agency. 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&U **allegations**.

Allegations regarding improper entries, searches, or failures to show a warrant fall 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 multiple entries or searches (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 (**Board Panel**) reviews the material, makes findings for each allegation, and if any allegations are substantiated, makes recommendations as to the discipline that should be imposed on the subject officers.

The **Disposition** is the Board’s finding of the outcome of a case. The Board is required to use a **preponderance of the evidence** standard of proof in evaluating cases. Findings **on the merits** result when the 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**, **Within NYPD Guidelines**, 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. Within NYPD Guidelines 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. **Unable to Determine** 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 close the case as **Unable to Investigate**.³⁸

³⁸ Fully-investigated cases comprise complaints disposed of as Substantiated, Unable to Determine, Within NYPD Guidelines, 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. Unable to Investigate cases are disposed of in one of the following ways: complainant/victim uncooperative, complainant/victim unavailable, and victim unidentified.

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 15 members of the public. Members 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 appointed by the city council; (ii) one member shall be appointed by the public advocate; (iii) three members with experience as law enforcement professionals shall be designated by the police commissioner and appointed by the mayor; (iv) five members shall be appointed by the mayor; and (v) one member shall be appointed jointly by the mayor and the speaker of the council to serve as chair of the board.

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. The public advocate shall make the public advocate's first appointment to the board on or before May 6, 2020. The board member so appointed shall assume office on July 6, 2020. The mayor and the speaker of the council shall make their initial joint appointment to the board on or before May 6, 2020. The member so appointed shall serve as the board's chair and shall assume office on July 6, 2020.

4. Members of the board shall serve until their successors have been appointed and qualified. 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 within 60 days from the date such vacancy occurred. A member appointed to fill a vacancy shall serve for the balance of the unexpired term. During any period in which the office of the chair is vacant, the mayor shall select a member of the board to serve as interim chair until such vacancy has been filled.

(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 board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received by the board, if such statement was made during the course of and in relation to the board's resolution of such complaint. The findings and

recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior Unable to Determine, 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 matters within the board's jurisdiction pursuant to this section, and to hear, make findings and recommend action on such matters. No such panel shall consist exclusively of members appointed by the council, or designated by the police commissioner, or appointed 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 matters within its jurisdiction pursuant to this section. The board may request the corporation counsel to institute proceedings in a court of appropriate jurisdiction to enforce the subpoena power exercised pursuant to this section, and the board itself may, subject to chapter 17 of the charter, institute such proceedings. The board may, subject to any conditions it deems appropriate, delegate to and revoke from its executive director such subpoena authority and authority to institute proceedings.

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 therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all matters within its jurisdiction.

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 investigations undertaken 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 investigations undertaken 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 in writing on any action taken, including the level of discipline and any penalty imposed, in all cases in which the board submitted a finding or recommendation to the police commissioner with respect to a matter within its jurisdiction pursuant to this section. In any case substantiated by the board in which the police commissioner intends to impose or has imposed a different penalty or level of discipline than that recommended by the board or by the deputy commissioner responsible for making disciplinary recommendations, the police commissioner shall provide such written report, with notice to the subject officer, no later than 45 days after the imposition of such discipline or in such shorter time frame as may be required pursuant to an agreement

between the police commissioner and the board. Such report shall include a detailed explanation of the reasons for deviating from the board's recommendation or the recommendation of the deputy commissioner responsible for making disciplinary recommendations and, in cases in which the police commissioner intends to impose or has imposed a penalty or level of discipline that is lower than that recommended by the board or such deputy commissioner, shall also include an explanation of how the final disciplinary outcome was determined, including each factor the police commissioner considered in making his or her decision.

(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.

(g) 1. Beginning in fiscal year 2021 and for each fiscal year thereafter, the appropriations available to pay for the personal services expenses of the civilian complaint review board during each fiscal year shall not be less than an amount sufficient to fund personal services costs for the number of full-time personnel plus part-time personnel, calculated based on full-time equivalency rates, equal to 0.65 percent of the number of uniform budgeted headcount of the police department for that fiscal year, as determined consistent with published budgeted headcount documents of the office of management and budget. The calculation to determine the minimum appropriations for the personal services expenses of the civilian complaint review board pursuant to this paragraph shall be set forth in the preliminary expense budget, the executive expense budget, and the adopted budget.

2. Notwithstanding paragraph 1 and in addition to any action that may be undertaken pursuant to section 106, the appropriations available to pay for the personal services expenses of the civilian complaint review board may be less than the minimum appropriations required by paragraph 1 provided that, prior to adoption of the budget pursuant to section 254 or prior to the adoption of a budget modification pursuant to section 107, the mayor determines that such reduction is fiscally necessary and that such reduction is part of a plan to decrease overall appropriations or is due to unforeseen financial circumstances, and the mayor sets forth the basis for such determinations in writing to the council and the civilian complaint review board at the time of submission or adoption, as applicable, of any budget or budget modification containing such reduction.

(Am. L.L. 2019/215, 12/11/2019, eff. 12/11/2019 and 3/31/2020)

§ 441. Investigating past professional conduct by members of the police department.

a. Definitions. As used in this section, the following terms have the following meanings:

Act of bias. The term “act of bias” means an act stemming from a specific incident:

- (i) that is motivated by or based on animus against any person on the basis of race, ethnicity, religion, gender, sexual orientation or disability, and
- (ii) that the board is empowered to investigate pursuant to paragraph 1 of subdivision c of section 440.

Board. The term “board” means the civilian complaint review board.

Covered entity. The term “covered entity” means the police department, the board, the commission on human rights, the department of investigation, a court of competent jurisdiction or any other officer or body designated by the board.

- b. 1. The board: (i) shall conduct an investigation of past conduct in the course of performance of official duties by a current or former member of the police department whom a covered entity has found, in a final determination reached after such member was afforded an opportunity to respond to the relevant allegations, to have engaged in a severe act of bias, regardless of whether such member was on or off duty when engaging in such act, if the date that such investigation commences would be less than five years after such final determination was made; and (ii) may conduct an investigation of past conduct in the course of performance of official duties by a current or former member of the police department whom a covered entity has found, in a final determination reached after such member was afforded an opportunity to respond to the relevant allegations, to have engaged in an act of bias other than a severe act of bias, regardless of whether such member was on or off duty when engaging in such act, if the date that such investigation commences would be less than five years after such final determination was made.
2. For the purposes of initiating such investigations, the board shall define what constitutes a severe act of bias and, in consultation with each covered entity, what constitutes a covered entity’s final determination that such a member engaged in an act of bias or severe act of bias, provided that off-duty conduct may be the basis for initiating such investigation only if (i) such conduct could have resulted in removal or discipline by the police department, (ii) the board reasonably believes such conduct has had or could have had a disruptive effect on the mission of the police department, and (iii) the police department’s interest in preventing actual or potential disruption outweighs the member’s speech interest.
3. Within 10 days after making or changing a definition made pursuant to paragraph 2 of this subdivision, the board shall communicate such definition or change to each covered entity and shall make such definition or change publicly available online.
4. If a covered entity that is an agency makes a final determination that such a member engaged in an act of bias or a severe act of bias, such covered entity shall promptly provide notice to the board in a time, form and manner designated by the board in consultation with such covered entity.
5. Within 120 days after the effective date of sections one through four of the local law that added this section, each covered entity that is an agency shall, to the extent practicable, provide the board with a written list of such members whom such covered entity has finally determined to have engaged in an act of bias or severe act of bias before such effective date and on or after January 1, 2016; provided that such list shall be provided in a form and manner, and shall include such additional information, as the board may require in consultation with such covered entity.
6. At least once every 4 months after the effective date of sections one through four of the local law that added this section, the board shall request from each covered entity that is not an agency, except a court with jurisdiction within the state of New York, information about final determinations made by such entity that such a member engaged in an act of bias or severe act of bias, including final determinations made on or after January 1, 2016.
7. The board shall consult with the law department to obtain information about final determinations by a covered entity that is a court with jurisdiction within the state of New York that such a member has engaged in an act of bias or severe act of bias, including final determinations made on or after January 1, 2016.

- c. The board shall determine the scope of past conduct in the course of performance of official duties by such member to investigate based on the member's professional rank and assigned roles and the nature of the member's act of bias. The board shall investigate all or a representative sampling of such member's past conduct within such scope beginning from the date of hire by the police department until and including, for a former member of the police department, the last day of employment by the police department, or, for a current member of the police department, the date of initiation of an investigation pursuant to this section.
- d. 1. Within 10 days after the board initiates such investigation, the board shall provide written notice to the member being investigated and to the relevant covered entity.
2. Within 10 days after the completion of such investigation, the board shall provide a written statement of final determination to the member being investigated. Such statement shall include (i) the investigation's details, when it was initiated and concluded, the identity of its subject and a summary of the materials reviewed by the board during the investigation; (ii) the board's investigative findings, including the identification of any threat to the safety of an individual or the public and whether the board found evidence of any additional past acts of bias committed in the course of performance of official duties; (iii) if applicable, any recommendations of the board for remedial action, including training, discipline, where consistent with section 75 of the civil service law, or both; and (iv) if applicable, a statement that the board has determined to terminate the investigation and an explanation why.
3. The board shall provide an opportunity for the member being investigated to answer in writing, within a time period established by rule, any findings or recommendations made by the board. If such member timely submits such an answer, the board shall consider it and determine whether to revise any such findings or recommendations in response.
4. Within 10 days after finalizing the written statement of final determination pursuant to paragraphs 2 and 3 of this subdivision, the board shall submit such written statement to the police commissioner, any other parties to whom notice was sent pursuant to paragraph 1 of this subdivision and any other appropriate agency or official as determined by the board. Within 120 days after receiving such written statement, the police commissioner shall report to the board in writing on any action taken or planned to be taken in response, including the level of discipline and any penalty imposed or to be imposed upon such member, as well as any other remedial action. If such action taken or planned to be taken differs from that recommended by the board, the police commissioner shall provide in such written report a detailed explanation for deviating from the board's recommendations and an explanation of how the final disciplinary or remedial decision was determined, including each factor the police commissioner considered in making such decision. If the police commissioner takes action in response to such written statement of final determination after such 120-day period, the police commissioner shall provide an updated version of such written report to the board within 30 days after taking such action.
- e. 1. The board may, subject to any conditions it deems appropriate, delegate to and revoke from its chair or executive director any responsibility or authority assigned by this section to the board.
2. The board may, subject to any conditions it deems appropriate, designate a third party to assist with any investigation conducted under this section. Any such third party shall keep confidential and is prohibited from disclosing except to the board any information it obtains in the course of such investigation, except as otherwise required by law.
- f. The board shall, in accordance with subdivisions b, c and d of this section, promulgate rules that further prescribe the manner in which the board is to conduct investigations, present findings, make recommendations, provide notice and provide an opportunity for the member being investigated to be heard.

g. This section shall not be construed to limit or impair the police commissioner's authority to discipline members of the police department at any time. Nor shall 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.

h. This section shall not be construed to prevent or hinder any investigation or prosecution undertaken by any covered entity.

(L.L. 2021/047, 4/25/2021, eff. 1/20/2022)

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The data in this report is as of 08/05/2023.

BOARD MEMBERS

CHAIR OF THE BOARD: MAYORAL APPOINTEE

Arva Rice

Arva Rice has more than 15 years' experience in the non-profit arena, ranging from working with New York City entrepreneurs in a micro lending program to working with young people as a counselor, mentor and tutor. She has extensive experience in collaboration building, strategic planning, fundraising and marketing. Arva is President & CEO of the New York Urban League (NYUL) an organization that has a rich history and long legacy of service to New Yorkers. Today, the mission of the NYUL is to enable African Americans and other underserved communities to secure a first-class education, economic self-reliance, and equal respect of their civil rights through programs, services and advocacy.

Prior to joining the League, she served as the Executive Director of Project Enterprise, an organization that provides business loans, technical assistance and peer support to New York City entrepreneurs who lack adequate access to business financing.

Arva is a member of the Women's Forum and Greater New York Chapter of The Links Incorporated. She is on the Board of Trustees of First Corinthians Baptist Church. In the past she has served on the Board of Directors of the Central Brooklyn Partnership (CBP) a non-profit dedicated to financial literacy and education in Bedford-Stuyvesant. Arva was appointed to the board by Mayor Bill de Blasio and appointed as Interim Chair by Mayor Adams.

B.A. Northwestern University

MAYORAL APPOINTEES

Kevin Jemmott

Kevin Jemmott is a lifelong New Yorker and Queens resident with extensive experience in communications, technology, and civic engagement. Mr. Jemmott has been part of the Cambria Heights Civic Association for decades where he served both as Vice President and President. While leading the Association, he advocated for, and achieved investment in many community initiatives, namely education and zoning changes. Mr. Jemmott believed investment in the local Cambria Heights economy to be a priority, as well as the regulation of overdevelopment and building of illegal residences. Under his oversight, the Cambria Heights Civic Association furnished numerous college scholarships for local students and negotiated improvements in local schools. Mr. Jemmott also utilized his expertise from his career in technology to better the community when he designed TownsUnited.org, a website that, for years, connected the numerous civic and community groups in Eastern Queens.

Mr. Jemmott received a bachelor's degree from SUNY and a master's degree from Polytechnic University

June Northern

June Northern is a born and raised New Yorker based in Brooklyn. After her education and career brought her to Texas, she returned to New York in 2015 to work for Evolution Medical Communications. June has decades of experience in the healthcare and hospitality sectors: "I am honored to have been selected to serve on this prestigious board and have the opportunity to give back to my city. I look forward to working alongside my fellow board members to make New York City safer and fairer for everyone."

Ms. Northern received an Associate Degree from Austin Community 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 both for and against government agencies and authorities. 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 was appointed to the Board by Mayor Bill de Blasio.

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

CITY COUNCIL APPOINTEES

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, Puma handled cases involving criminal justice, voting rights, employment discrimination, and school desegregation. Prior to joining the NAACP LDF, he worked for over six years at the NYC Office of Management and Budget, where he served in roles in intergovernmental affairs, policy, and budget.

From 2003 to 2004, Puma served as a community liaison for former NYC Council Member Margarita López. Since 2007, he 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, Puma currently serves as GOLES's Board President and has participated in national public housing preservation efforts. Mr. Puma was appointed to the Board by the Manhattan City Council.

M.A., Union Theological Seminary; Certificate, Legal Studies, Hunter College, City University of New York; B.A., Yale University

AU Hogan

AU Hogan is the Queens City Council Appointee. Mr. Hogan was born and raised in Queens and has spent over thirty years serving and investing in his local community. Between getting his BA at York College and his masters at Queens College, Mr. Hogan began his career working for NYC Parks and Recreation before pivoting to education. For the last ten years, Mr. Hogan has worked at Life Camp, a non-profit dedicated to providing youth and families that have been impacted by violence tools they need to stay in school and out of the criminal justice system. Mr. Hogan served as Assistant Executive Director and Chief Team Leader before taking on his current role as Chief of Streets. Through his work at Life Camp, Mr. Hogan has created a burgeoning community police partnership with the goal of improving public safety.

M.A., Queens College, B.A., York College

Herman Merritt

Herman Merritt is a lifelong New Yorker who has served the city throughout his career. Mr. Merritt worked for the Department of Education (DOE) for 36 years, first as a teacher, then an assistant principal and finally as an elementary school principal for 18 years. After leaving the DOE, Mr. Merritt joined the Council of School Supervisors and Administrators as their Political Director, where he is currently the Assistant Political Director.

Born and raised in Brooklyn, Mr. Merritt attended New York University on a Martin Luther King scholarship and has long considered himself an activist. He joined the DOE right after graduating, aspiring to reform the New York public education system. He is deeply proud of what he accomplished while working for the city and hopes to continue his activism by bringing a fair, impartial perspective to the board. He is excited to give his community a voice and help the CCRB gain awareness. Mr. Merritt was appointed to the board by the Brooklyn City Council.

Professional Diploma, City College of New York; M.A., New York University; B.A., New York University

PUBLIC ADVOCATE APPOINTEE

Esmeralda Simmons, Esq.

Esmeralda Simmons is an accomplished lawyer and public servant who has spent decades fighting for human and civil rights on the federal, state, and municipal levels. Ms. Simmons founded the Center for Law and Social Justice at Medgar Evers College, a community-based racial justice advocacy center that focuses on legal work and research on civil rights and domestic human rights violations. Recently retired, she advocated for equity in public education, voting, policing, and the child welfare system as the Center's executive director for 34 years. Through the Center, Simmons provided community organizations with legal counsel and research assistance.

Before founding and directing the Center for Law and Social Justice, Ms. Simmons served as First Deputy Commissioner at the New York State Division of Human Rights, where she developed and led the implementation of policy in support of New Yorkers' human and civil rights, and as an Assistant Attorney General for the State of New York. In addition, she has served on several major public boards in New York City government, including the NYC Board of Education and the NYC Districting Commission.

Ms. Simmons also volunteers her skills and currently serves on the board of directors of UPROSE, a climate justice organization; the Council of Elders for African Cultural Heritage; and Little Sun People, an African-centered early childhood education center. In the recent past, she has served on several boards of national organizations: the Applied Research Center (now "Race Forward"); Vallecitos Mountain Retreat Center; the Child Welfare Fund; and the Poverty and Race Research Action Council (PRRAC).

Ms. Simmons has served as counsel or co-counsel on numerous major federal Voting Rights Act cases and election law cases and has secured victories before the United States Supreme Court. She is a member of the Metropolitan Black Bar and American Bar associations, Ile Ase, Inc., and the New York Voting Rights Consortium. Ms. Simmons was appointed to the Board by the Public.

J.D., Brooklyn Law School; B.A., Hunter College, City University of New York

POLICE COMMISSIONER DESIGNEES

Charlane Brown, Esq.

Charlane Brown is a lifelong New Yorker, born and raised in Queens. Following in her father's footsteps, she joined the NYPD in 1986 and served the people of New York for 26 years. While serving as a police officer, Ms. Brown obtained a law degree from New York Law School and rose up the ranks in the police department, eventually becoming one of the NYPD's first African American woman to serve as a Captain and Deputy Inspector. She was awarded a Fulbright Fellowship in police studies and, among other things, is an expert in internal investigations, police community relations, training, bias based policing and equal employment opportunity laws. Since retiring from the NYPD, Ms. Brown has continued to practice law and is a professor of criminal justice and law enforcement at Berkeley College. Ms. Brown has also contributed to numerous publications about counterterrorism and policing. She is a member of the NYC Bar Association, the NYS Bar Association, Linc Inc., and Alpha Kappa Alpha Inc.

Upon appointment to the Civilian Complaint Review Board, Ms. Brown said: "Joining the Civilian Complaint Review Board is the perfect opportunity for me to utilize all the skills I have acquired throughout my life, as an officer, a lawyer, a professor, a New Yorker and someone who has raised young boys of color in this great city. I want to thank Commissioner Sewell and Mayor Adams for once again giving me the opportunity to serve the people of New York."

Ms. Brown received a bachelor's degree from the City University of New York and a law degree from New York Law School.

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 eastside of Manhattan, and the Commanding Officer of the Office of the Deputy Commissioner for Operations. He worked in lower Manhattan on 9/11 and in the months that followed. Retiring in 2012 at the rank of Deputy Inspector, Dwyer is currently pursuing a doctorate in Criminal Justice. He has consulted for several police departments including Newark, New Jersey, and Wilmington. He has also taught at or consulted to 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

Joseph Fox

Mr. Fox joined the NYPD in 1981, serving 37 years, rising to a three-star Chief. Mr. Fox spent the last seven years of his career in the NYPD as Chief of the Transit Bureau and invested much of his time in personal and professional development of executives and younger officers, as well as strengthening police community relationships throughout the City. Since retiring from the department, Joe serves on a number of boards and travels the country as an executive coach, life coach, leadership trainer and public speaker.

Mr. Fox received a bachelor's degree from John Jay College and is a graduate of the Police Management Institute at Columbia University.

EXECUTIVE AND SENIOR STAFF

EXECUTIVE STAFF

Executive Director: Jonathan Darche, Esq.

General Counsel: Matt Kadushin, Esq.

Deputy Executive Director of Administration: Jeanine Marie

Chief of Investigations: Mercer (“Monte”) Givhan, Esq.

Senior Advisor to the Executive Director & Director of Intergovernmental Affairs: Yojaira Alvarez

SENIOR STAFF

Deputy Chief Prosecutor: Andre Applewhite, Esq.

Deputy Chief Prosecutor: Claudia Avins, Esq.

Director of Human Resources: Jennelle Brooks

Senior Communications Advisor: Clio Calvo-Platero

Deputy Chief of Special Operations: Lily Carayannis

Director of Racial Profiling and Bias Policing Unit: Darius Charney, Esq.

Deputy Chief of Investigations: Heather Cook, Esq.

Director of NYPD Relations: Christopher DeNitto

Director of Information Technology: Carl Esposito

Director of Investigative Training: Jennifer Jarett

Director of Analytics and Application Development / Acting Director of Policy: Lincoln MacVeagh

Director of Case Management: Eshwarie Mahadeo

Deputy Chief of Investigations: Suzanne O’Hare, Esq.

Director of Outreach: Jahi Rose

Director of Civilian Witness Assistant Unit: Baiana Turat, LCSW, CCM