

# EXECUTIVE DIRECTOR'S REPORT TO THE BOARD

(Remarks as written for delivery)

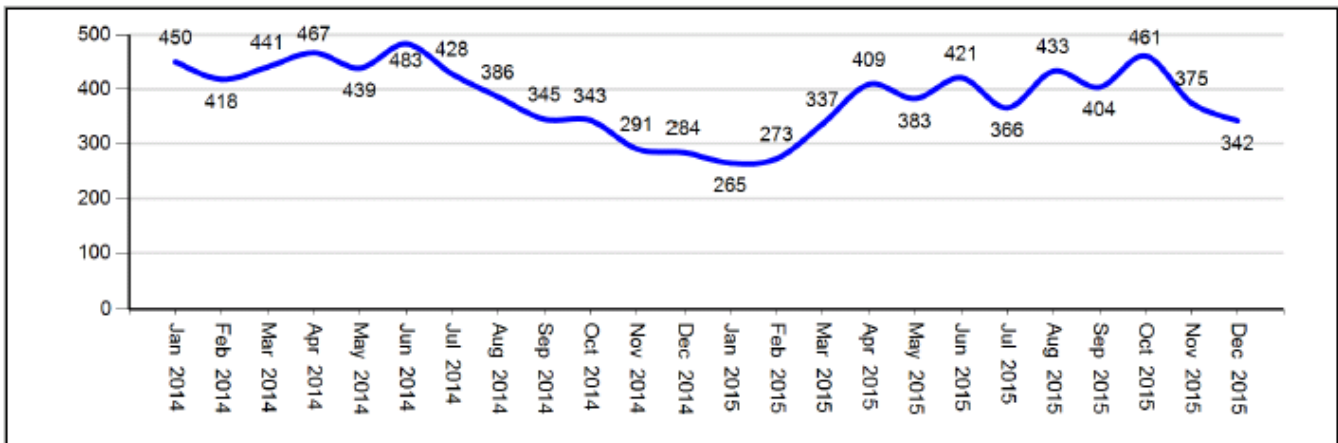
January 13, 2016

(Statistics for December 2015)

Good evening. My name is Mina Malik and I am the Executive Director of the Civilian Complaint Review Board (CCRB). I would like to thank Tienya Smith, Community Library Manager; Jonathan Chung, Director of Government Affairs; and Larry Gallegos, Community Affairs Manager for assisting us in being here tonight. Please note that the next Board meeting on February 10<sup>th</sup> will be held at 671 Prospect Place, Brooklyn NY 11216.

I will discuss matters pertaining to the operations of our agency, and provide you with highlights from our monthly statistical report. For a full review of the Agency's monthly statistics, please visit our website.

**Figure 1: Year-to-date, average complaints per month are down. Yet more cases were opened in December 2015 than in December 2014 (#)**

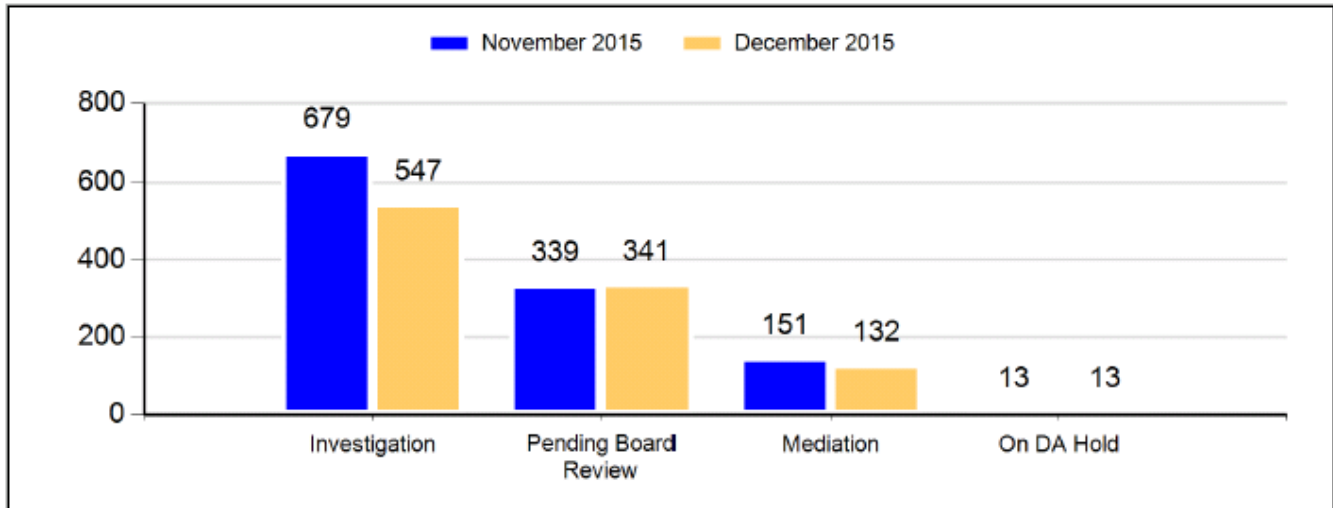


Year-to-date civilian complaints against the police have decreased by 6%. From January through December 2015, the CCRB received 4,469 complaints, compared to 4,775 complaints for the same time period in 2014. By category of allegation, year-to-date discourtesy complaints have decreased by 17%, force complaints by 13%, offensive language complaints by 15%, and abuse of authority complaints by 3%.

From January through December 2015, the Agency has received a monthly average of 372 complaints, compared to an average of 398 complaints per month for the same time period in

2014. In December, the CCRB opened 342 new cases, which reflects a decrease from 375 in November and an increase from 284 in December of 2014.

**Figure 2: Open Docket Analysis (#)**



In December, the CCRB’s total open docket was 1,033 cases. By the end of December, 547 of these cases were in the Investigations Division representing 53% of the total – down from 679 in November. Of the total docket, 341 cases were pending Board and/or Executive Staff review representing 33% - up from 339 cases pending review in November. The Mediation Program handled 132 cases representing 13% of the open docket – down from 151 cases in November. There were an additional 13 cases on DA hold in December. The December 2015 docket includes 13 reopened cases: 9 of these cases are active investigations, and 4 are pending board review.

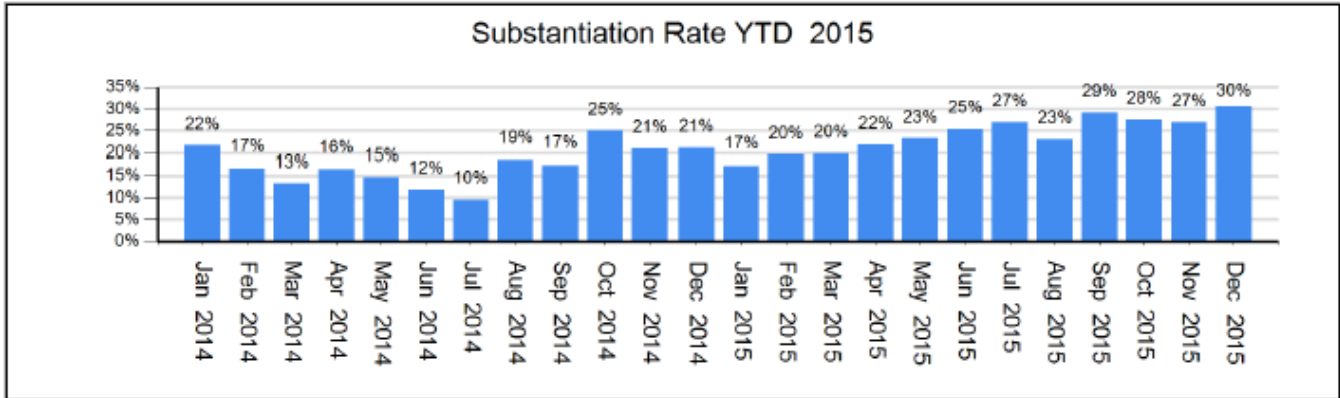
The CCRB continues to close its cases more efficiently. Of the cases that remain in the CCRB active docket, 95% have been open for four months or less, and 99% have been open for seven months or less. These docket numbers continue to represent the best docket numbers since the creation of this agency in 1993.

Investigators closed 2,178 full investigations from January through December 2015, compared to 1,885 for the same period in 2014, which resulted in 16% more full investigations. Year to date, the average days to close a full investigation has decreased 28% from 2014, before the reforms, to 2015.

In December 2015, the CCRB fully investigated 35% of the cases it closed, and resolved (fully investigated, mediated or mediation attempted) 46% of the cases it closed. The Agency continues to face the challenge of truncations with a rate of 54% for the month of December.

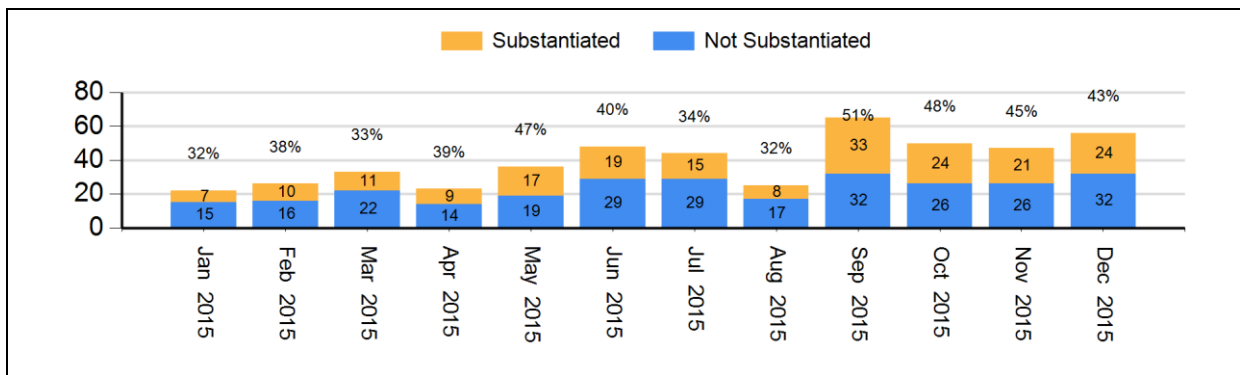
Now I would like to highlight other key statistics for the month of December:

**Figure 3: Percentage of Cases Substantiated Year-to-Date (January 2014 - December 2015)**

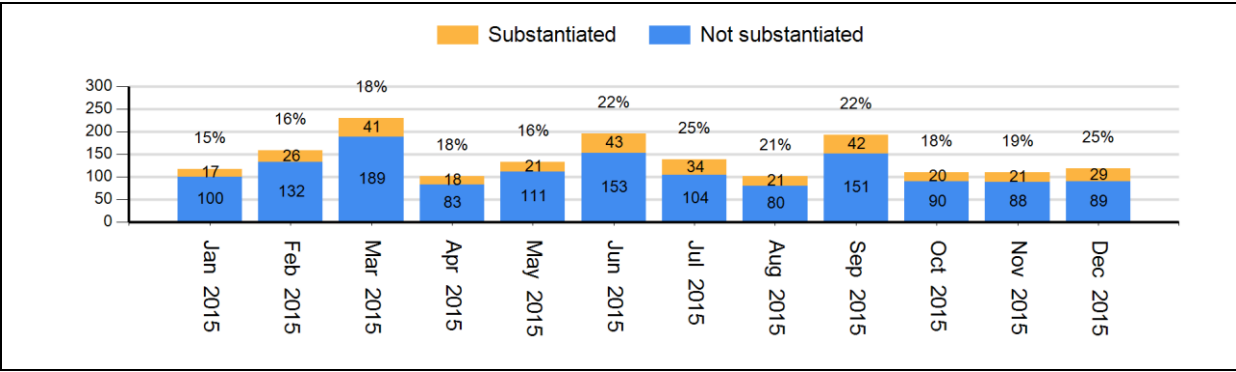


1. The December 2015 case substantiation rate of 30% is highest in the CCRB’s 23-year history. December marks the ninth straight month that the CCRB has substantiated more than 20% of cases it fully investigates. The CCRB also substantiated 21% of its allegations in December.
2. With regard to fully investigated allegations in December, the Board substantiated 14% of Force allegations, 27% of Abuse of Authority allegations, 17% of Discourtesy allegations, and no Offensive Language allegations.

**Figure 4: Substantiation Rates for Full Investigations without Video (Jan 2015 - Dec 2015) (% Substantiated shown)**

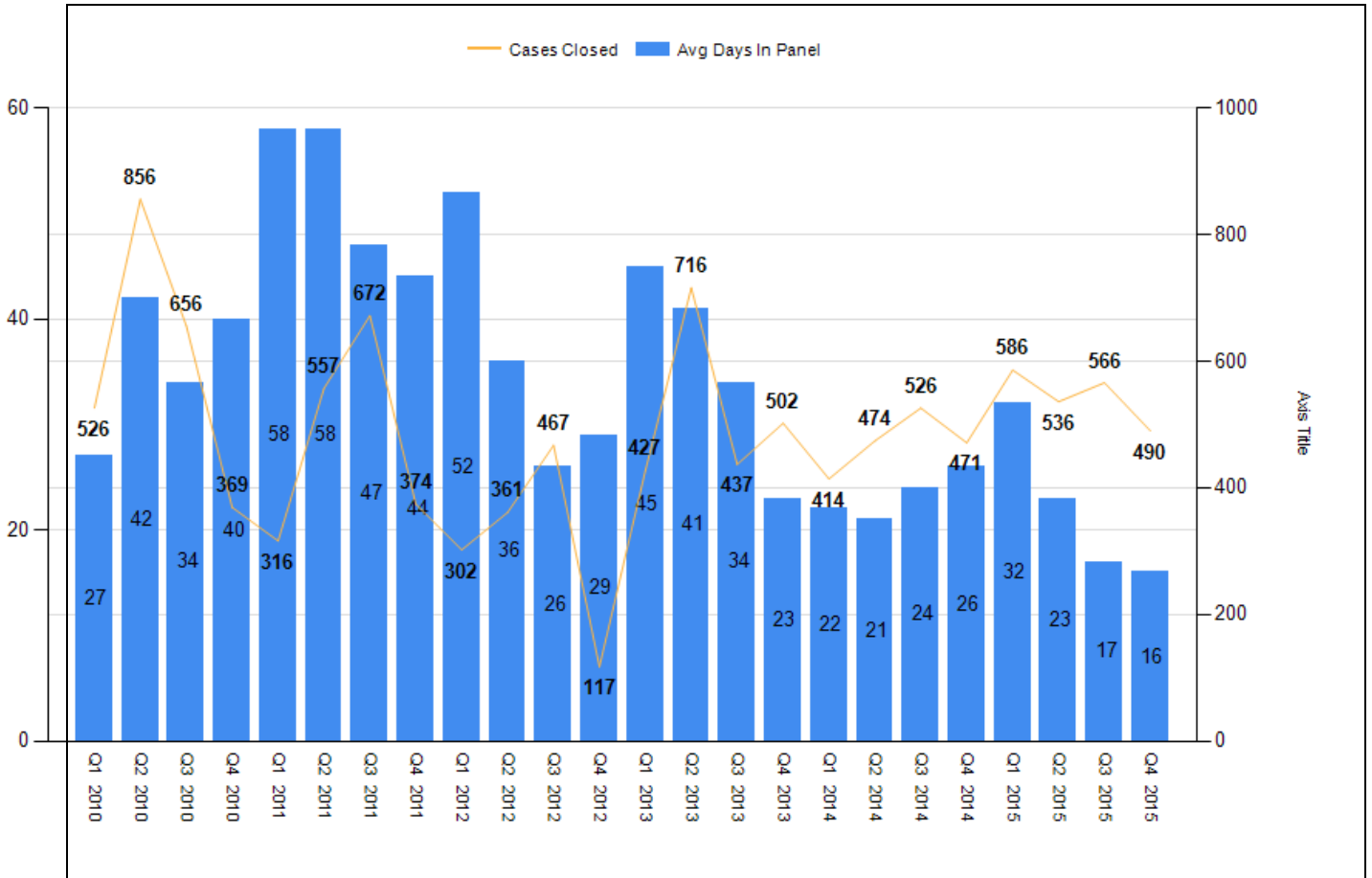


**Substantiation Rates for Full Investigations with Video (Jan 2015 - Dec 2015) (% Substantiated shown)**



3. Investigations with video evidence substantiated allegations in 43% of cases – compared to 25% of substantiated cases in which video was not available.
4. The discipline rate for non-APU cases was 90% in December for cases in which police misconduct was substantiated by the Board and sent to the Police Department Advocate’s Office with penalty recommendations. The Department decline-to-prosecute rate for non-APU cases for this time period was 5%.
5. In December, the Police Department notified the Agency that the Police Commissioner would be reversing a trial judge’s guilty verdict in one case to rule the officer not guilty. Despite our agency’s opposition, the PC overturned this guilty verdict. Fifty-eight cases closed as guilty after trial have been reviewed and finalized in 2015. The APU has conducted trials against 131 respondent officers year-to-date, and trials against 23 respondent officers in December.

**Figure 5: Average Number of Days for Panel to Vote (Q1 2010-Q4 2015)**



6. The average number of days it takes for panels to vote after they receive a complete case load has continued to decrease. It took 16 days for the fourth quarter of 2015 below the Agency’s benchmark of 21 days.
  
7. Finally, this month’s report includes new features and data previously requested. In 2014, the Board began recommending Formalized Training more often than Instructions. Therefore, Figures 28 and 30 on pages 20 and 22, respectively, now break-out instructions and formalized training in separate rows. The legend for Figure 29 shows "Formalized Training/Instructions" together since the numbers for instructions are too small for percentages to be legible. Figure 3 shows CCRB complaints by year from 2010-2015. Figure 27 shows the count of substantiated cases with and without video. A column showing year-to-date 2014 has been added to Figures 28 and 30 regarding Board discipline recommendations for substantiated complaints and allegations. A new column has been added for specific description of FADO allegation to Figure 31 regarding substantiated allegations by borough and precinct. Figure 21 on the disposition of cases now shows comparative data for 2014, so that the number of cases substantiated can be more easily compared. Figure 22 follows suit.

8. There are a few additional changes to the APU tables for further clarification. Figure 42 on APU case closures now identifies rows according to disciplinary action, no disciplinary action, and not adjudicated. This Figure includes a note defining retained cases, previously adjudicated cases, and reconsidered cases. The Figure also differentiates between SOL Expired in APU and SOL Expired Prior to APU. Several case stages have also been added. These include "Not guilty after trial but Discipline Imposed" to distinguish between other cases that are not guilty after trial with no discipline, as well as "Trial verdict reversed by PC, final verdict not guilty" and "Trial verdict reversed by PC, final verdict Guilty".
9. Figure 43 on discipline imposed for adjudicated APU cases includes a row repeating the disciplinary action total, and no disciplinary action total, as well as the total number of adjudicated cases which are used (as the denominator) to calculate the discipline rate with a note for explanation. The not adjudicated total, and total number of case closures are also shown.
10. Figure 44 on discipline imposed for non-APU cases now includes a new column to more easily distinguish between disciplinary action and no disciplinary action groups. Items within no disciplinary action are clearly shown so that this category is not only shown in aggregated form. Finally, notes have been added to explain "Not guilty" and "Filed" line items.