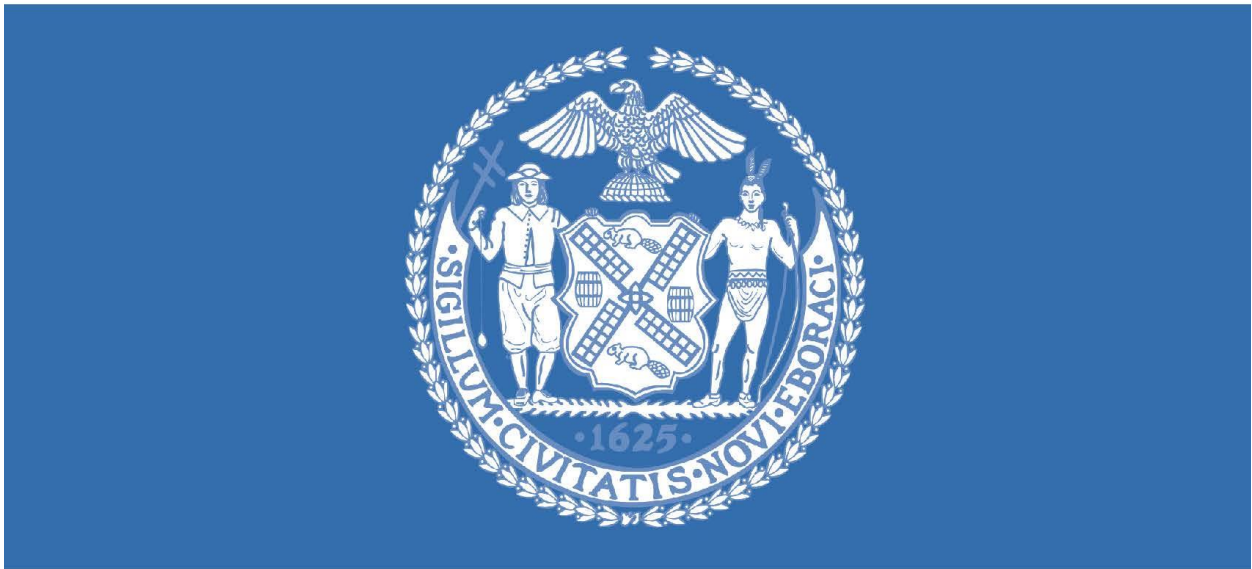


CIVILIAN COMPLAINT REVIEW BOARD

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



Semi-Annual Report

2020

TABLE OF CONTENTS

LIST OF FIGURES.....	2
MISSION	4
LETTER FROM THE CHAIR	5
EXECUTIVE SUMMARY.....	6
INTRODUCTION: THE BOARD AND AGENCY OPERATIONS	12
SECTION 1: COMPLAINT ACTIVITY	13
SECTION 2: INVESTIGATIONS.....	32
SECTION 3: DISCIPLINARY PROCESS.....	47
SECTION 4: MEDIATION	59
SECTION 5: RECONSIDERATIONS	63
SECTION 6: THE IMPACT OF BODY-WORN CAMERA FOOTAGE AND OTHER VIDEO EVIDENCE	70
SECTION 7: OUTREACH AND INTERGOVERNMENTAL AFFAIRS.....	78
BACKGROUND OF THE CCRB AND GLOSSARY.....	81
NEW YORK CITY CHARTER.....	83
BOARD MEMBERS.....	87
EXECUTIVE AND SENIOR STAFF	93
APPENDIX 1	94

LIST OF FIGURES

Figure 01: Complaints Received Within CCRB Jurisdiction, 1993 – Q1/2 2020.....	13
Figure 02: Complaints Received Within CCRB Jurisdiction by Month, 2017 – Q1/2 2020.....	13
Figure 03: Complaints Received in Each Agency’s Jurisdiction, 2018 – Q1/2 2020.....	14
Figure 04: Complaints Received by Complaint Place, Q1/2 2019 and Q1/2 2020.....	15
Figure 05: Complaints within CCRB Jurisdiction by Complaint Mode, Q1/2 2020.....	16
Figure 06: Complaints Received within CCRB Jurisdiction by Borough, Q1/2 2020.....	17
Figure 07: CCRB Complaint Rates by Precinct, Q1/2 2020.....	19
Figure 08: CCRB Complaints Received per Precinct of Occurrence Q1/2 2019 & Q1/2 2020.....	20
Figure 09: Top Reasons for Initial Contact, Q1/2 2019 & Q1/2 2020.....	21
Figure 10: Outcome of Encounters Resulting in CCRB Complaints, Q1/2 2019 & Q1/2 2020.....	21
Figure 11: Types of Allegations Closed, 2018 – Q1/2 2020.....	22
Figure 12: FADO Allegations Received by Type, Q1/2 2019 & Q1/2 2020.....	23
Figure 13: Complaints Received Containing a Stop, Question, Frisk, and Search of Person Allegation, 2018 – Q1/2 2020.....	26
Figure 14: Alleged Victim Demographics Compared to New York City, Complaints Received in Q1/2 2020.....	28
Figure 15: Subject Officer Demographics Compared to NYPD, Q1/2 2020.....	29
Figure 17: Tenure of Active MOS with Substantiated CCRB Complaints, Q1/2 2020.....	29
Figure 16: Rank of Active MOS with Substantiated CCRB Complaints, Q1/2 2020.....	29
Figure 18: Active MOS with CCRB Complaints as of December 31, Q1/2 2020.....	30
Figure 19: Active MOS with Substantiated CCRB Complaints.....	31
Figure 20: Average Days to Complete a Full Investigation, Complaints Closed, 2018 – Q1/2 2020.....	33
Figure 21: Average Days to First Interview (Full Investigations), Complaints Closed, 2018 – Q1/2 2020.....	33
Figure 22: Case Resolutions, 2018 – Q1/2 2020.....	34
Figure 23: Truncations and Full Investigations, 2018 – Q1/2 2020.....	35
Figure 24: Truncations by Type, 2018 – Q1/2 2020.....	35
Figure 25: Truncation Rates by Place of Filing, 2018 – Q1/2 2020.....	36
Figure 26: Truncation Rate by Precinct, Q1/2 2020.....	37
Figure 27: Disposition of Fully Investigated Complaints, 2018 – Q1/2 2020.....	43
Figure 28: Disposition of Fully Investigated Allegations, 2018 – Q1/2 2020.....	43
Figure 29: Other Misconduct Noted, 2018 – Q1/2 2020.....	44
Figure 30: False Official Statement OMNs, 2016 – Q1/2 2020.....	46
Figure 31: Complaints Substantiated & Officers with Substantiated Allegations, 2018 – Q1/2 2020.....	49
Figure 32: Board Recommendations for Officers with Substantiated Allegations, 2018 – Q1/2 2020.....	49

<i>Figure 33: Board Disciplinary Recommendations by Substantiated FADO Allegations, Q1/2 2019 & Q1/2 2020</i>	<i>.50</i>
<i>Figure 34: Department Advocate’s Office Disciplinary Actions on CCRB Cases, 2018 – Q1/2 2020</i>	<i>52</i>
<i>Figure 35: APU Trials Conducted and Cases Closed, 2018 – Q1/2 2020</i>	<i>54</i>
<i>Figure 36: APU Case Closures Q1/2 2020</i>	<i>55</i>
<i>Figure 37: Discipline Imposed for Adjudicated APU Cases, Q1/2 2020</i>	<i>56</i>
<i>Figure 38: Non-Charges Discipline Rate, 2018 – Q1/2 2020</i>	<i>57</i>
<i>Figure 39: APU Discipline and Penalty Concurrence Rate, 2018 – Q1/2 2020</i>	<i>58</i>
<i>Figure 40: Mediation Closures, 2018 – Q1/2 2020</i>	<i>60</i>
<i>Figure 41: Average Days to Completed Mediation, 2018 – Q1/2 2020</i>	<i>60</i>
<i>Figure 42: Percentage of Cases in which Mediation was Offered, Cases Closed 2018 – Q1/2 2020</i>	<i>61</i>
<i>Figure 43: Number of Civilians and MOS that Accepted Mediation, 2018 – Q1/2 2020</i>	<i>61</i>
<i>Figure 44: Mediation Completion Rate, 2018 – Q1/2 2020</i>	<i>62</i>
<i>Figure 45: Number of Reconsideration Requests Received, 2018 – Q1/2 2020</i>	<i>64</i>
<i>Figure 46: Total Number of MOS with Substantiated Allegations for whom Reconsiderations Were Requested and Not Requested by Case Closing Date, 2018 – Q1/2 2020</i>	<i>64</i>
<i>Figure 47: Top Listed Reasons for Reconsideration Request, Q1/2 2019 –Q1/2 2020</i>	<i>66</i>
<i>Figure 48: Reconsiderations by Date of Case Reconsideration by the CCRB, 2018 – Q1/2 2020</i>	<i>67</i>
<i>Figure 49: Reconsideration Outcomes by Reconsideration Year 2018 – Q1/2 2020</i>	<i>68</i>
<i>Figure 50: Reconsideration Decision Detail, 2018 – Q1/2 2020</i>	<i>69</i>
<i>Figure 51: Average BWC Request Turnaround Times, Requests Closed Q1/2 2020</i>	<i>72</i>
<i>Figure 52: Fully Investigated CCRB Complaints With and Without Video, 2018 – Q1/2 2020</i>	<i>73</i>
<i>Figure 53: Impact of Video on Fully Investigated Complaints Closed on the Merits, 2017– Q1/2 2020</i>	<i>75</i>
<i>Figure 54: Impact of Video on Fully Investigated Allegations Closed on the Merits, 2017 – Q1/2 2020</i>	<i>76</i>
<i>Figure 55: Impact of Video on Allegation Closures on the Merits by FADO, 2017 – Q1/2 2020</i>	<i>77</i>
<i>Figure 56: Number of Outreach Events, 2018 – Q1/2 2020</i>	<i>79</i>
<i>Figure 57: Outreach Events by Borough, Q1/2 2020</i>	<i>79</i>
<i>Figure 58: Outreach Events by Specific Organization Type, Q1/2 2020</i>	<i>80</i>

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 filed against members of the New York City Police Department (NYPD or the Department) that allege the use of excessive or unnecessary Force, Abuse of Authority, Discourtesy, or the use of Offensive Language (FADO). It is also authorized to investigate, hear, make findings, and recommend action on the truthfulness of an official statement made by a subject officer during the course of a CCRB investigation into a FADO. The Board's staff, composed entirely of civilian employees, conducts investigations, mediations, and prosecutions in an impartial manner.

In fulfillment of its mission, the Board pledges to:

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

LETTER FROM THE CHAIR



Dear Fellow New Yorkers,

In the first half of 2020, New Yorkers experienced an unprecedented pandemic, historic protests in support of the Black Lives Matter movement after the killing of George Floyd, and significant changes for our City. The CCRB also experienced a number of changes, both in response to these unprecedented times and to several legislative measures that directly impacted our work.

This tough year brought about encouraging changes for police oversight. First, the CCRB was empowered to investigate complaints filed by witnesses who were not directly present for the police interaction in question. This change allows concerned citizens to report police misconduct to the CCRB regardless of whether they witnessed it in-person or not, enabling us to investigate a wider breadth of complaints of police misconduct across the city. Second, charter changes expanding CCRB's jurisdiction to include untruthful material statements made by police officers and requiring the Police Commissioner to provide written explanations for deviations from the Board's disciplinary recommendations, took effect in March; with these changes in place, the CCRB will be able to hold officers accountable for providing untruthful statements to investigators and provide greater transparency to the public on the outcome of their complaints. Third, following the repeal of New York Civil Rights Law section 50-a by the state legislature, and the city's success in court, the public finally has access to police disciplinary records long kept secret by state statute. Finally, early this year the Board voted to adopt the guidelines within the NYPD's disciplinary matrix into our own recommendations and I signed a memorandum of understanding with Police Commissioner Shea to implement the matrix. I believe the matrix is an important way to make the Police Commissioner more accountable to this body, and to the people of New York City

I do not expect 2021 to be significantly easier for our city and its inhabitants. There is still much work to be done to strengthen civilian oversight of the NYPD, hold officers accountable for misconduct carried out during 2020's protests, and rebuild New York better than it was before the pandemic. My fellow Board members and I are committed to doing our part to help New York City recover, including holding officers who commit misconduct accountable and improving police community relations. We expect there will be many conversations during the next year about how we can change policing and civilian oversight. The CCRB is committed to ensuring New Yorkers' voices are heard and influence those discussions.

Sincerely,

Fred Davie

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

EXECUTIVE SUMMARY

AGENCY HIGHLIGHTS IN Q1/2 2020

COVID-19 and the Operations of the Civilian Complaint Review Board (CCRB)

The novel coronavirus pandemic that swept through many countries in the first half of 2020 has had an unprecedented impact on millions of people, as well as the operations of governments, businesses, and other organizations. This has been the case for the CCRB, and all of the metrics in this report will reflect the significant changes in protocols and processes undertaken by the Agency over the course of the first half of 2020.

The CCRB shifted to an almost entirely work-from-home environment for most staff in mid-March 2020 to protect Agency employees, officers, and members of the public. This shift was not without some challenges. It took several months for the Agency to reach an agreement with NYPD executives and unions to enable remote interviews of NYPD subject and witness officers. Mediations between complainants and officers were stalled as the Agency worked to resolve the challenges of an environment built on technology that many of our complainants do not have easy access to. Similarly, information requested from the NYPD, including body-worn camera footage, took much longer to receive given similar staffing limitations at the Department. CCRB worked with the Department to address the backlog, which, at the time of publication of this report, has since been resolved.

On November 22, 2019, the CCRB and the NYPD signed a Memorandum of Understanding (MOU) agreeing to a new process for the CCRB to access BWC footage.¹ That agreement aims to improve the Agency's access to BWC footage and address the backlog in evidence sharing that previously delayed investigations of police misconduct. Progress on the enactment of the provisions of this MOU were stalled by the pandemic. At the time of publication of this report, the build out of the secure search facility on the same floor as the CCRB's offices has been completed. Use of the space is on hold until there is no longer a public health concern. The Agency is optimistic about progress toward full implementation of the MOU in the coming year.

Derek Chauvin Killing of George Floyd, Black Lives Matter Protests, and Ongoing Changes to Legislation

The killing of George Floyd by former police officer Derek Chauvin in Minneapolis on May 25, 2020, captured on video footage that went viral almost immediately, was the spark that led to hundreds of protests from those demanding police reform. In New York, as well as in many other jurisdictions, there have been a large number of legal reforms aimed at improving police accountability. While none of these new laws were in effect during the first half of 2020, future reports will certainly reflect those changes. In addition, the protests themselves had an impact on

¹ Memorandum of Understanding between the New York City Police Department and the New York City Civilian Complaint Review Board (CCRB) (Nov. 21, 2019), https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/bwc_mou.pdf

the CCRB's work, as the Agency received hundreds of complaints alleging officer misconduct during the protests (depicted in Figure 2, page 13).

Third Party Complaints

On May 28, 2020, the First Department of the Appellate Division of the New York State Supreme Court issued a ruling in *Lynch v. New York City Civilian Complaint Review Board*² upholding the CCRB's rule allowing complaints to be filed by witnesses who were not directly present for the interaction they are reporting. This is an incredibly important aspect of the CCRB's work, as this interpretation of the Charter allows the Agency to investigate complaints filed by parents on behalf of their children, or incidents recorded with cell phones and posted to social media.

In addition, the Court did not dispute that sexual misconduct, an allegation type taken on by the CCRB in February 2018, is indeed an abuse of authority as interpreted by the Board. The Agency is currently working to incorporate sexual misconduct allegations into its rules, so that victims of sexual misconduct can seek justice through the CCRB.

Changes to the New York City Charter impacting the CCRB

On November 5, 2019, New Yorkers voted to implement a set of Charter changes grouped together under Ballot Question 2. These changes, many of which went into effect on March 31, 2020 make the disciplinary process more transparent, strengthen the CCRB's oversight capabilities, and improve Agency efficiency.

Previously, the Board consisted of 13 members who were all appointed by the Mayor. The City Council designated five members (one from each borough); the Police Commissioner three; and the Mayor five, including the Chair of the Board. As a result of the Charter revision, the Board now 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. In addition, the Chair of the Board is jointly appointed by the Mayor and Speaker of City Council. On May 13, 2020 the Public Advocate appointed his first Board Member, Esmerelda Simmons. On the same day, Chair Frederick Davie was re-appointed to his position as Chair, for the first time by both the Mayor and the City Council Speaker.

The CCRB's jurisdiction expanded to include untruthful material statements made by police officers.³ Previously, the CCRB referred allegations of "false official statements" made by an officer during an investigation to the NYPD.⁴ Subsequently, on April 1, 2020, the NYPD updated Patrol Guide 203-08 to differentiate types of statements which constitute "False or Misleading Statements." The Patrol Guide differentiates three types of statements which will correspond to the following allegations: False Official Statements, Misleading Official Statements, and Inaccurate Official Statements. As a result of the Charter revision and the new NYPD Patrol Guide language,

² *Matter of Lynch v NY City Civilian Complaint Review Bd.*, 183 AD3d 512 (1st Dept 2020).

³ The language of the Charter now 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."

⁴ See page 43 of this report for the outcomes of these "false official statement" referrals.

these allegations collectively constitute a new group of allegations investigated by the CCRB under the category “untruthful statements.”⁵

Finally, the Police Commissioner is now required to provide written explanations for deviations from the Board’s disciplinary recommendations in all CCRB cases, providing more transparency and accountability into disciplinary decision-making. See page 52 for metrics on these letters, and Appendix 1 for the full letters, with appropriate redactions.

KEY FINDINGS: CCRB COMPLAINTS CLOSED IN Q1/2 2020

- In Q1/2 2020, the CCRB received 2,302 complaints within its jurisdiction (page 13). This is a decrease from the 2,666 complaints received in Q1/2 2019. Fig. 02 depicts the number of complaints received each month and reveals the impact of last year’s unprecedented events on CCRB complaints. A decline in complaints during March and April, likely due to a reduction in police/civilian interactions as many New Yorkers stayed in due to the pandemic, and an unusually high spike in June (516 complaints), likely due to complaints stemming from Black Lives Matter protests following the death of George Floyd.
- In Q1/2 2020, 34% of complaints received within the CCRB’s jurisdiction stemmed from alleged incidents that occurred in Brooklyn, which is home to approximately 31% of the city’s population (page 17). In Q1/2 2020, a complaint rate of 10 per 10,000 residents or more, occurred in three precincts: the 14th Precinct (“Midtown South”) in Manhattan, the 40th Precinct in the Bronx, and the 84th Precinct in Queens. The 75th Precinct’s complaint rate was 5 per 10,000 residents, despite being the precinct with the highest number of complaints (page 19).
- For the past two years, the CCRB has experienced increasing investigation times due to increasing numbers of complaints received by the Agency. The pandemic has made the delay far more acute as the CCRB, like other agencies, has shifted operations to accommodate remote investigations. In Q1/2 2020, it took an average of 316 days to close a full investigation, and 360 days if that investigation resulted in substantiated misconduct (page 32). This is an increase from Q1/2 2019’s 245 days to close a full investigation, and 256 days to close an investigated substantiation. This is the third straight year of increasing investigation times.
- In Q1/2 2020, it took approximately 22 days on average for an investigator to conduct the first civilian interview—the same amount of time as in Q1/2 2019, as investigators and complainants were quick to adopt safe, remote, interview practices. In Q1/2 2020, on the other hand, the first officer interview took place, on average, 141 days after the complaint was received—a jump from the 90-day average of Q1/2 2019. Following an initial suspension of officer interviews due to the pandemic, it took additional time to resolve union concerns related to remote interviewing of officers,

⁵ No allegations of “untruthful statements” were recorded in the first half of 2020, and so metrics on this new allegation category do not appear in this report. These allegations will be reported on in future Annual and Semi-Annual Reports.

and interviews were delayed due to the increased time to receive BWC footage.

- The Q1/2 2020 truncation rate (the percentage of complaints that are closed without a full investigation, mediation, or attempted mediation) increased to 65% from 61% in the prior year (page 34). Complaints filed directly with the CCRB are less likely to be truncated than complaints that are referred to the Agency; 77% of complaints that originated with NYPD's Internal Affairs Bureau (IAB) were truncated in Q1/2 2020, compared with 55% of complaints that were filed with the CCRB (page 35).
- In Q1/2 2020, the proportion of complaints closed "on the merits"—complaints closed with a clear determination of fact, or those closed as substantiated, exonerated, or unfounded—increased to 59% from 53% in Q1/2 2019, largely due to the availability of BWC evidence (page 43). The substantiation rate (the percentage of full investigations in which at least one allegation of misconduct was substantiated by a preponderance of the evidence) increased to 29% in Q1/2 2020 from 23% in Q1/2 2019. The exoneration rate (the percentage of full investigations in which the officer's actions were determined to have occurred, but to have been within the boundaries of the law and the Patrol Guide) went from 22% in Q1/2 2019 to 21% in Q1/2 2020. The unfounded rate (the percentage of complaints in which the incident was determined to not have occurred as the complainant described) increased from 8% to 9%. Complaints closed "not on the merits" decreased, as complaints unsubstantiated (the percentage of full investigations in which the Board was unable to determine whether the incident involved misconduct) declined from 40% in Q1/2 2019 to 33% in Q1/2 2020, though complaints in which none of the officers were able to be identified increased from 7% to 8% between Q1/2 2019 and Q1/2 2020.
- In Q1/2 2020, the Board substantiated 183 complaints against 272 police officers, an increase from the 181 substantiated complaints against 251 officers in Q1/2 2019 (page 48). The Board recommended Charges and Specifications for 10% of the 272 officers against whom there was a substantiated allegation, Command Discipline B (a category which may result in penalties of up to ten lost vacation days) for 9%, Command Discipline A (a category which may result in penalties of up to five lost vacation days) for 16%, Formalized Training for 24%, and Instructions for 41% (page 48).
- Command Discipline A was the most common recommendation (29%) for substantiated allegations of excessive Force in Q1/2 2020, in contrast to Charges and Specifications (73%) in Q1/2 2019. The most common Board recommendation for substantiated allegations of Abuse of Authority (at 34%) or Discourtesy (at 44%) was Instructions, while for substantiated allegations of Offensive Language, the most common was Formalized Training (57%).
- For complaints in which the Board recommended Command Discipline, Formalized Training, or Instructions, the Police Commissioner imposed some type of discipline—either what the CCRB recommended or a lesser discipline—89% of the time. In those cases, the discipline imposed by the Police Commissioner concurred with the Board's recommendation 70% of the time in Q1/2 2020, up from 52% in Q1/2 2019. The

number of cases in which the Board recommended some type of discipline, but no discipline was imposed by the Police Commissioner, decreased from 14% in Q1/2 2019 to 8% in Q1/2 2020 (page 57).

- In Q1/2 2020, 15 of the 28 adjudicated cases⁶ (64%) the APU closed against members of service (MOS) resulted in disciplinary action.⁷ The most common penalty was a suspension or loss of vacation time. Eight officers received suspension for or loss of vacation time of 1 to 10 days, and two received a suspension or loss of vacation time of 11-20 days (page 53).
- For the 28 adjudicated cases closed by the APU in Q1/2 2020, the Police Commissioner’s final penalty determination concurred with the APU’s requested penalty in two cases, making the concurrence rate 7%, though the most common reason for a lack of concurrence in APU cases in Q1/2 2020 was that a “not guilty” verdict was ultimately rendered by the NYPD Trial Commissioner (ten cases, or 36%). In 18% (five cases), the penalty imposed was lower than what was requested at trial, another 18% (five cases) were retained for prosecution by the NYPD and some discipline was ultimately imposed (page 57).
- The CCRB temporarily halted mediations in the first half of 2020 due to the pandemic, but was able to resume mediating complaints toward the end of the reporting period. In Q1/2 2020, the Mediation Unit successfully mediated 29 cases (100%) and no cases (0%) were closed as “mediation attempted,” 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 (page 59).
- In Q1/2 2020, the Mediation Unit conducted 39 mediation sessions, with 29 cases (74%) where the mediation process was successfully completed. The remaining 10 complaints (14%) were returned to the Investigations Division (page 59).

KEY FINDINGS: RECONSIDERATIONS

- In Q1/2 2020, the CCRB closed requests for reconsideration submitted by the Department Advocate’s Office for five MOS, a sharp decline from the 29 in Q1/2 2019 (though a reconsideration request closed in Q1/2 2020 may have stemmed from a complaint closed in a previous year). The Board downgraded the disposition for two officers (40%) and maintained the original decision for three officers (60%, page 66).

KEY FINDINGS: BODY-WORN CAMERAS AND OTHER VIDEO EVIDENCE

- In Q1/2 2020, 83% of all fully-investigated complaints had some kind of video evidence, with 58% containing BWC evidence (page 71).

⁶ Because the APU treats each officer as a separate “case,” all APU data discussed in this Report uses the same terminology. While there may be trials or incidents that involve multiple officers, the word “case” should be interpreted as “case against a single officer.”

⁷ These numbers include complaints in which the Board recommended Charges and Specifications in prior years that were closed by the APU in this Report’s time frame.

- In Q1/2 2020, the CCRB requested BWC footage in 1,579 complaints. For requests received in Q1/2 2020, it took an average of 33 business days for the CCRB to receive either BWC footage or a “no footage found” response from the NYPD (page 70). In November of 2019, the CCRB and the NYPD entered into a Memorandum of Understanding (MOU) designed to streamline the BWC access procedure, allowing CCRB investigators to search BWC databases alongside NYPD staff and view unredacted footage. Most of the protocols outlined in the MOU have yet to be implemented due to the pandemic, and the Board will report on this new process once it goes into effect.
- The availability of video evidence, which includes BWC footage, private and municipal security camera footage, and video recorded by witnesses, often minimizes the ambiguity of the events underlying an allegation, and allows for more complaints to be closed “on the merits” (i.e., substantiated, exonerated, or unfounded). In Q1/2 2020, 64% of complaints were not closed on the merits (i.e. unsubstantiated or officer unidentified) when video was unavailable. This proportion shrinks to 25% when BWC footage is available, but was 64% for non-BWC video evidence (page 73). This latter number is influenced by the increase in videos submitted by individuals who could not identify either officers or alleged victims, and in cases in which CCRB investigators were also unable to identify individuals depicted in the video evidence. This was especially true of video evidence in complaints of misconduct during the Black Lives Matter protests.
- Of the complaints closed on the merits in Q1/2 2020, the Board substantiated 38% of full investigations where there was BWC video evidence, compared to 20% of those with non-BWC video, and 15% where there was no video evidence of any kind (page 73). BWC video increases the rate of exonerations to 24%, compared with 12% for non-BWC video, and 19% for no video. The rate of unfounded complaints increases to 13% with BWC video, compared with 5% when only non-BWC video evidence is available, and 2% in cases with no video .
- In Q1/2 2020, BWC video had the most significant impact on Force and Abuse of Authority allegations, with only 29% not closed on the merits (Fig. 55). Although BWC video has increased the exoneration rates for Force (49% compared with 25% when no video is available) and Abuse of Authority allegations (42% compared with 25% when no video is available), it has increased the substantiation rate for Discourtesy allegations (23% compared to 2% when no video evidence is available). This is primarily due to the presence of audio in BWC videos. The ability to hear what an officer is saying during a video recording allows for a much easier resolution of Discourtesy allegations.

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) and established in its current all-civilian form in 1993.

Board members review and make findings on all misconduct complaints once they have been fully investigated. The Board consists of 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 City Council.⁸

Under the New York City Charter, the Board must reflect the diversity of the City's residents, and all members must live in New York City. No member of the Board may have a law enforcement background, except those designated by the Police Commissioner, who must have had prior experience as law enforcement professionals. No Board member may be a public employee or serve in public office. Board members serve three-year terms, which can be renewed. They receive compensation on a per-session basis, although some choose to serve pro bono.

From 1993 to 2013, all cases in which the Board determined that an officer committed misconduct were referred to the Police Commissioner with a discipline recommendation. Pursuant to a Memorandum of Understanding between the CCRB and the NYPD (effective April 11, 2013)⁹, a team of CCRB attorneys from the Agency's Administrative Prosecution Unit (APU) handles most of the cases in which the Board recommends that Charges and Specifications be brought against an officer. When the Board recommends discipline other than Charges and Specifications (e.g. Instructions, Formalized Training), the case is still referred directly to the Police Commissioner.

⁸ The 2019 New York City Charter Revision Commission, following an extensive public review process, proposed five amendments to Chapter 18A of the Charter, which governs the operations of the CCRB. These amendments were included in a ballot question, as enumerated below, for New Yorkers to vote upon, and on November 5, 2019, were passed by a majority of voters. One of the changes, which went into effect on March 31, 2020, increased the size of the Board from 13 to 15 members by adding one member appointed by the Public Advocate and adding one member jointly appointed by the Mayor and Speaker of the Council who will serve as CCRB Chair. The Final Report of the 2019 Charter Revision Commission can be accessed at <https://www.charter2019.nyc/finalreport>.

⁹ Memorandum of Understanding between the New York City Police Department and the New York City Civilian Complaint Review Board (CCRB) (Nov. 21, 2019), https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/bwc_mou.pdf

SECTION 1: COMPLAINT ACTIVITY

CCRB COMPLAINT INTAKE

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

All complaints received by the Agency against New York City Police Department (NYPD) members of service are entered into the CCRB's Complaint Tracking System, but only complaints that fall within the Agency's Force, Abuse of Authority, Discourtesy, or Offensive Language (FADO) jurisdiction, and untruthful statements made by officers, are investigated by the CCRB.

In Q1/2 2020, the CCRB received 2,302 complaints within its jurisdiction (Fig. 01). This is a decrease from the 2,666 complaints received in Q1/2 2019. Fig. 02 depicts the number of complaints received each month, and reveals the impact of last year's unprecedented events on CCRB complaints. The decline in complaints during March and April is likely due to a reduction in police/civilian interactions as many New Yorkers stayed in due to the pandemic. The unusually high spike in June (516 complaints) is likely due to complaints stemming from protests following the death of George Floyd.

Figure 01: Complaints Received Within CCRB Jurisdiction, 2018 - Q1/2 2020

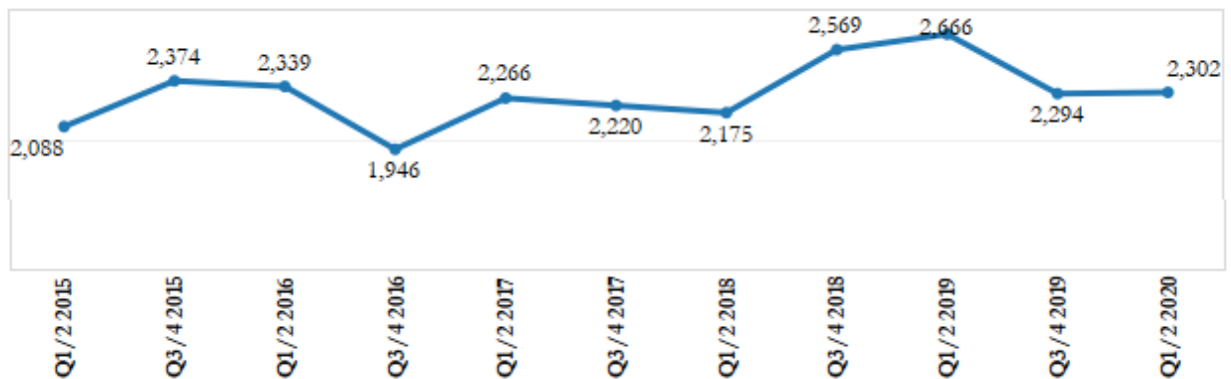
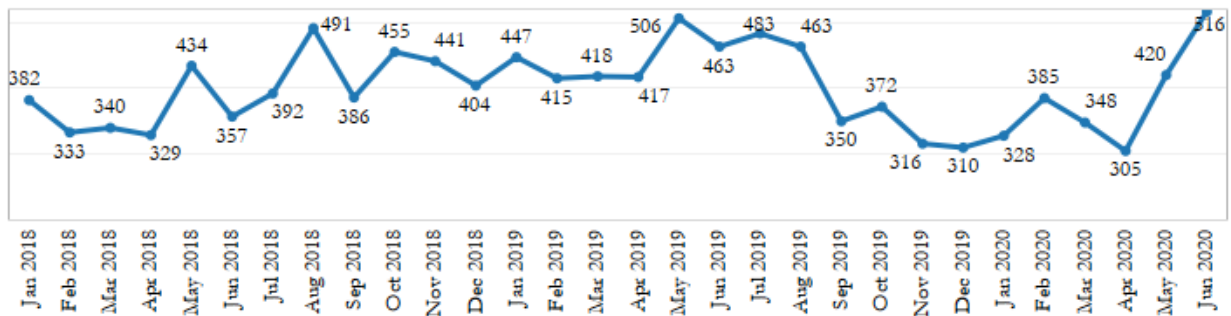


Figure 02: Complaints Received Within CCRB Jurisdiction by Month, 2018 - Q1/2 2020



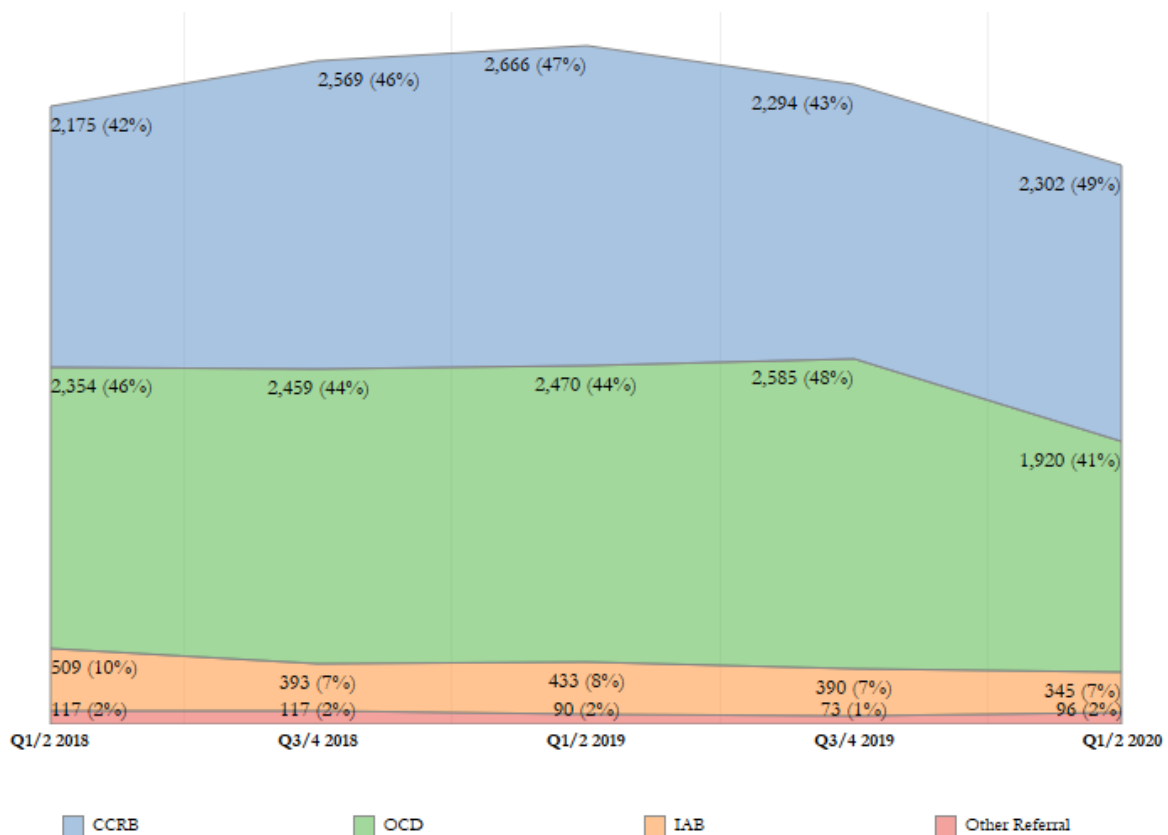
CCRB JURISDICTION AND TOTAL FILINGS

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

Examples of complaints the CCRB might receive that do not fall within the Agency’s jurisdiction include: 1) complaints against Traffic Enforcement Agents and School Safety

Agents; 2) complaints against an NYPD officer involving a summons or arrest dispute that does not include a FADO allegation; 3) complaints against an NYPD officer involving corruption; and 4) complaints against individuals who are not members of the NYPD, such as law enforcement from other municipalities, state police, or members of federal law enforcement, like the Federal Bureau of Investigation (FBI). In Q1/2 2020, 49% of the complaints received by the CCRB were within the Agency’s jurisdiction, 41% were forwarded to OCD, 7% to IAB, and 2% to other agencies (Fig. 03). Over the past two and a half years, the percentage of complaints filed with the CCRB that are within the Agency’s jurisdiction has increased to 49%, which may be attributed to the CCRB’s intensive focus on public education.

Figure 03: Complaints Received in Each Agency’s Jurisdiction, 2018 - Q1/2 2020



PLACE AND MODE OF FILING

Complaints filed with the CCRB are received and processed directly by the CCRB's Intake Unit. The Agency also receives a number of complaints from IAB. As depicted in Fig. 04, the proportion of complaints filed directly with the CCRB increased between Q1/2 2019 and Q1/2 2020, and the proportion referred by IAB decreased from 45% to 38%.

The Agency is better able to fully investigate complaints when they are filed directly with the CCRB (see Fig. 25). When complaints are not filed directly with the CCRB, the Agency

must make initial contact with the complainant/victim who may not have been informed that the complaint was referred to the CCRB for investigation.

Most complaints filed directly with the CCRB in Q1/2 2020 were received by phone (53%), either during business hours or via the Agency Call Processing Center, which handles calls after business hours and during work-from-home orders, followed by the CCRB website (43%), and in-person visits (8%) (Fig. 05).

Figure 04: Complaints Received by Complaint Place, Q1/2 2019 and Q1/2 2020

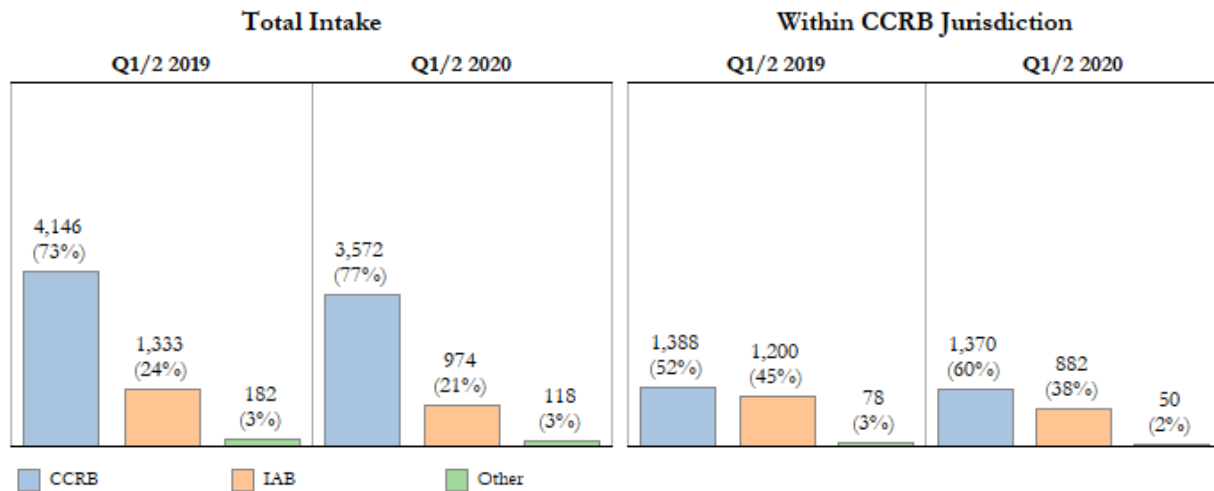
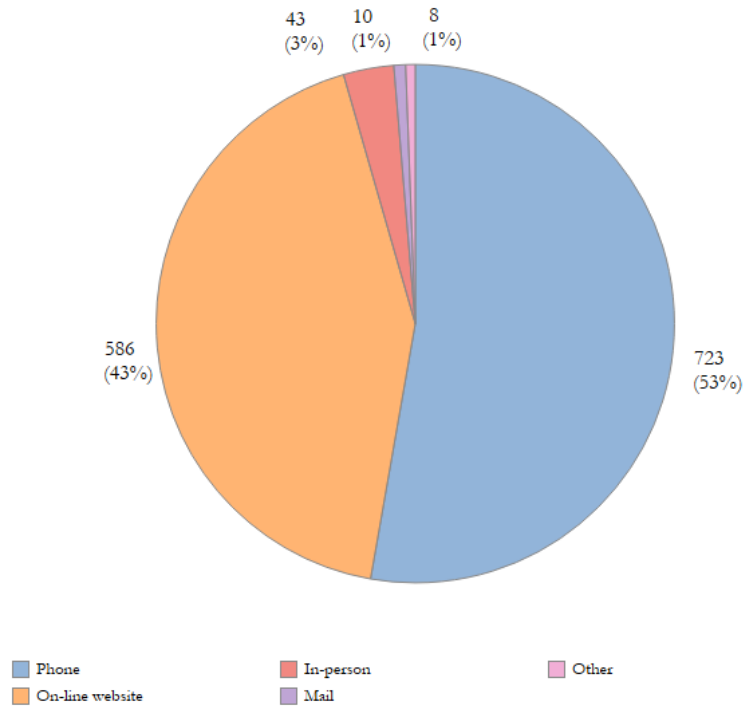


Figure 05: Complaints within CCRB Jurisdiction by Complaint Mode, Q1/2 2020

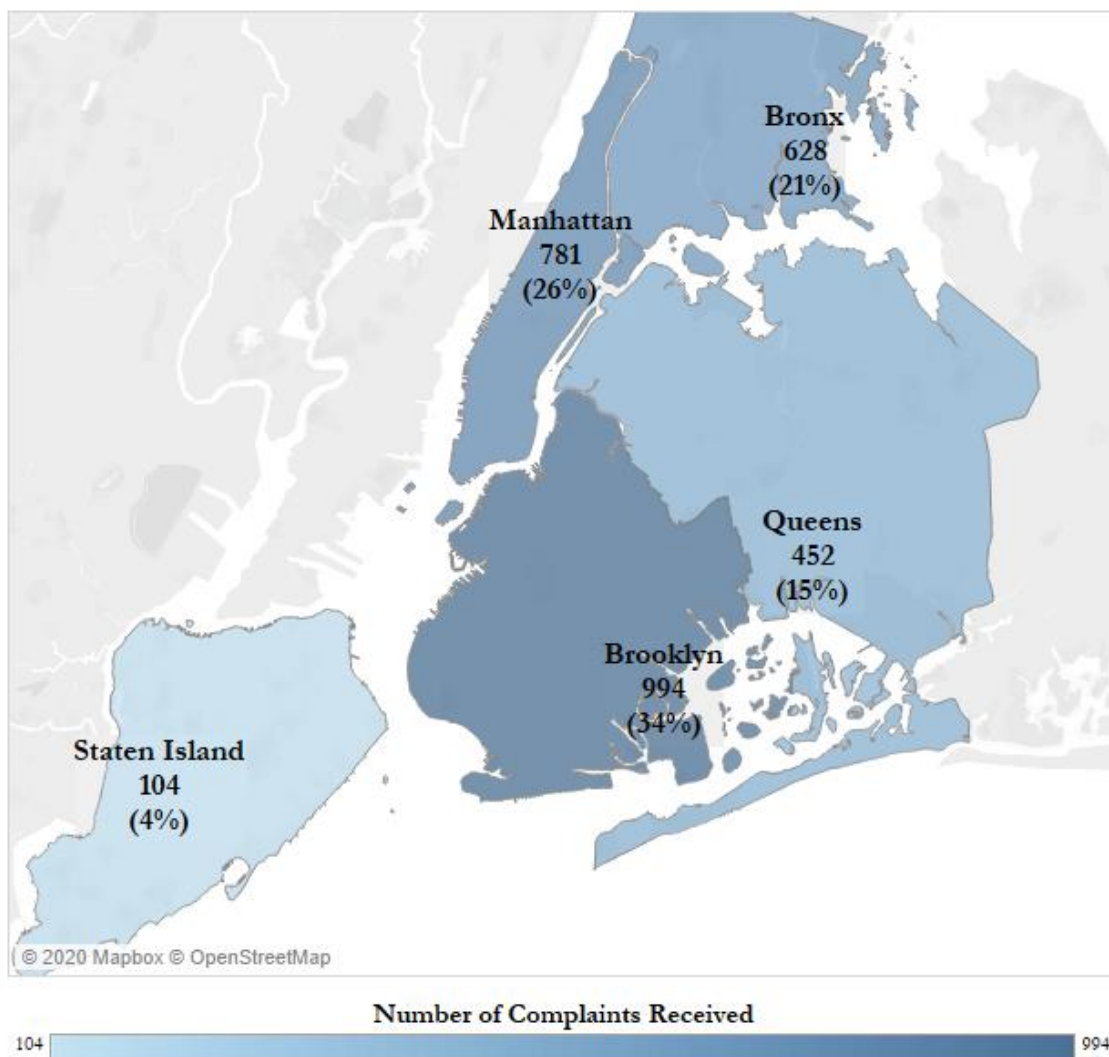


LOCATION OF INCIDENTS RESULTING IN COMPLAINTS

In Q1/2 2020, 34% of the complaints received within the CCRB’s jurisdiction stemmed from alleged incidents that occurred in Brooklyn (Fig. 06), which is home to approximately 31% of the City’s population.¹⁰ Incidents occurring in the Bronx, which is home to 17% of the City’s residents, made up 21% of complaints.

Incidents occurring in Manhattan comprised 26% of complaints, while 20% of New York’s residents live in Manhattan. Queens is home to 27% of the City’s population, but only 15% of complaints stemmed from this borough. The proportion of complaints received from Staten Island (4%) are similar to the borough’s population (6%).

Figure 06: Complaints Received within CCRB Jurisdiction by Borough, Q1/2 2020



¹⁰ City demographic data was drawn from the United States Census by totaling the 2019 population estimates for the five counties that make up New York City (Bronx, Kings, New York, Queens, and Richmond). Census data is available at <https://data.census.gov/cedsci/>.

The CCRB's website includes an interactive Complaint Activity Map that is updated daily with information on complaints by precinct of occurrence.¹¹ In Q1/2 2020, as in many prior years, the 75th precinct in Brooklyn generated the highest number of complaints (100). Standardizing the number of complaints by residential population, however, allows for more accurate comparisons between precincts. The 75th Precinct's complaint rate was five complaints per 10,000 residents,

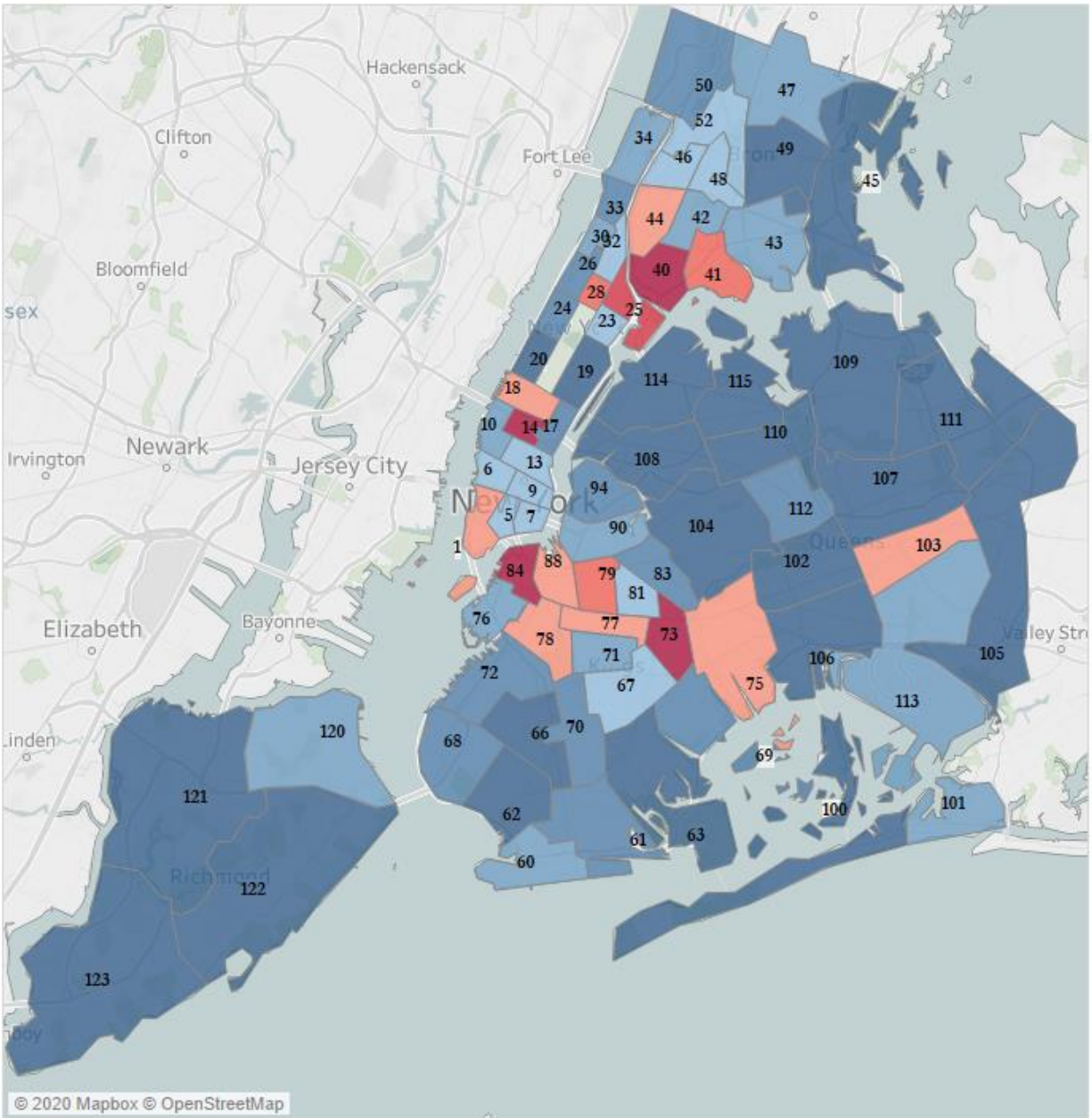
down from eight in prior year.¹² The highest rate of complaints in Q1/2 2020, occurred in three precincts: the 14th Precinct ("Midtown South") in Manhattan, 40th Precinct in the Bronx, and 84th Precinct in Queens. Each precinct saw a rate of 10 complaints per 10,000 residents. The map in Fig. 07 depicts the relative complaint rates in individual precincts, while raw number and rate of complaints received within each precinct are listed in Fig. 08.¹³

¹¹ The CCRB's "precinct" variable identifies the precinct in which the incident was alleged to have occurred, and does not necessarily indicate the subject officer's command or assignment. Visit the CCRB's Data Transparency Initiative webpage, www.nyc.gov/dti, to explore the Complaint Activity Map and other data relevant to complaints and allegations.

¹² Precinct population estimates are drawn from the 2010 Census, the most recent year for which detailed block-level population data is available. Census data is available at <https://data.census.gov/cedsci/>.

¹³ According to the 2010 Census, there are 25 people living within the boundaries of the 22nd Precinct (Central Park Precinct), which is why the rate per 10,000 residents depicted in Fig. 08 is so high. For ease of viewing, data from the 22nd Precinct has been removed from Fig. 07.

Figure 07: CCRB Complaint Rates by Precinct, Q1/2 2020



*Precinct 22 (Central Park) is excluded due to the skew of its small Census-reported population of 25 residents.

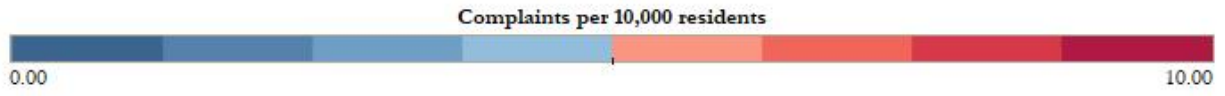


Figure 08: CCRB Complaints Received per Precinct of Occurrence Q1/2 2019 & Q1/2 2020

Precinct	Q1/2 2019		Q1/2 2020	
	Complaint Count	Complaints per 10,000 residents	Complaint Count	Complaints per 10,000 residents
1	29	4	31	5
5	25	5	23	4
6	19	3	27	4
7	19	3	21	4
9	38	5	34	4
10	12	2	16	3
13	31	3	41	4
14	56	11	50	10
17	12	2	15	2
18	55	10	28	5
19	21	1	11	1
20	20	2	8	1
22	1	400		
23	33	5	31	4
24	20	2	23	2
25	54	11	37	8
26	20	4	9	2
28	30	7	33	7
30	18	3	18	3
32	41	6	28	4
33	20	3	18	2
34	33	3	31	3
40	70	8	90	10
41	32	6	36	7
42	58	7	25	3
43	58	3	48	3
44	74	5	74	5
45	15	1	15	1
46	60	5	45	4
47	59	4	41	3
48	46	6	30	4
49	31	3	15	1
50	20	2	16	2
52	65	5	59	4
60	38	4	31	3
61	30	2	29	2
62	34	2	13	1
63	24	2	15	1
66	11	1	6	0

Precinct	Q1/2 2019		Q1/2 2020	
	Complaint Count	Complaints per 10,000 residents	Complaint Count	Complaints per 10,000 residents
67	61	4	55	4
68	29	2	19	2
69	26	3	15	2
70	41	3	37	2
71	39	4	30	3
72	28	2	20	2
73	80	9	80	9
75	141	8	100	5
76	21	5	14	3
77	50	5	46	5
78	18	3	37	6
79	51	6	60	7
81	34	5	25	4
83	35	3	24	2
84	22	5	46	10
88	17	3	26	5
90	42	4	35	3
94	14	2	9	2
100	12	3	4	1
101	28	4	23	3
102	33	2	21	1
103	35	3	58	5
104	24	1	20	1
105	39	2	27	1
106	19	2	12	1
107	14	1	15	1
108	20	2	7	1
109	21	1	20	1
110	18	1	16	1
111	8	1	6	1
112	22	2	17	2
113	49	4	40	3
114	57	3	19	1
115	27	2	18	1
120	60	5	34	3
121	24	2	14	1
122	19	1	19	1
123	17	2	8	1

CHARACTERISTICS OF ENCOUNTERS RESULTING IN A COMPLAINT

Figure 09: Top Reasons for Initial Contact, Q1/2 2019 & Q1/2 2020

When a complaint is investigated, the CCRB tries to discern the initial reason for the contact between the civilian and the officer(s). In Q1/2 2020, 11% of complaints received within the CCRB's jurisdiction stemmed from an officer suspecting a civilian of a violation or a crime while on a public street (Fig. 09).

	Q1/2 2019		Q1/2 2020	
	Count	Percent of Total	Count	Percent of Total
PD suspected C/V of violation/crime - street	326	13%	248	11%
Other	197	8%	230	10%
Demonstration/protest	1	0%	177	8%
Report-dispute	211	8%	148	7%
PD suspected C/V of violation/crime - auto	174	7%	138	6%
Moving violation	218	8%	107	5%
Report of other crime	193	7%	105	5%
Report-domestic dispute	123	5%	94	4%
PD suspected C/V of violation/crime - bldg	86	3%	91	4%
C/V intervened on behalf of/observed encounter..	62	2%	87	4%
EDP aided case	79	3%	78	4%
Other violation of VTL	87	3%	74	3%
C/V requested investigation of crime	60	2%	64	3%
C/V at PCT to file complaint of crime	50	2%	55	2%
Execution of arrest/bench warrant	80	3%	50	2%
Other categories combined	653	25%	457	21%
Total	2,600	100%	2,203	100%

Figure 10: Outcome of Encounters Resulting in CCRB Complaints, Q1/2 2019 & Q1/2 2020

The CCRB also tracks the outcome of police/civilian encounters that lead to complaints being filed. In Q1/2 2020, more than half (62%) of complaints received within the Agency's jurisdiction stemmed from encounters where ultimately no arrest was made or summons issued (Fig. 10).

	Q1/2 2019		Q1/2 2020	
	Count	Percent of Total	Count	Percent of Total
No arrest made or summons issued	1,488	56%	1,421	62%
Arrest - other violation/crime	732	27%	498	22%
Summons - other violation/crime	108	4%	118	5%
NA	34	1%	58	3%
Moving violation summons issued	133	5%	57	2%
Arrest - resisting arrest	43	2%	32	1%
Other VTL violation summons issued	49	2%	29	1%
Summons - disorderly conduct	15	1%	25	1%
Parking summons issued	24	1%	22	1%
Arrest - assault (against a PO)	15	1%	16	1%
Arrest - disorderly conduct	9	0%	11	0%
Arrest - OGA	10	0%	10	0%
Juvenile Report	4	0%	4	0%
Summons - harrassment (against a PO)	0	0%	1	0%
Summons - OGA	2	0%	0	0%
Arrest - harrassment (against a PO)	0	0%	0	0%
Total	2,666	100%	2,302	100%

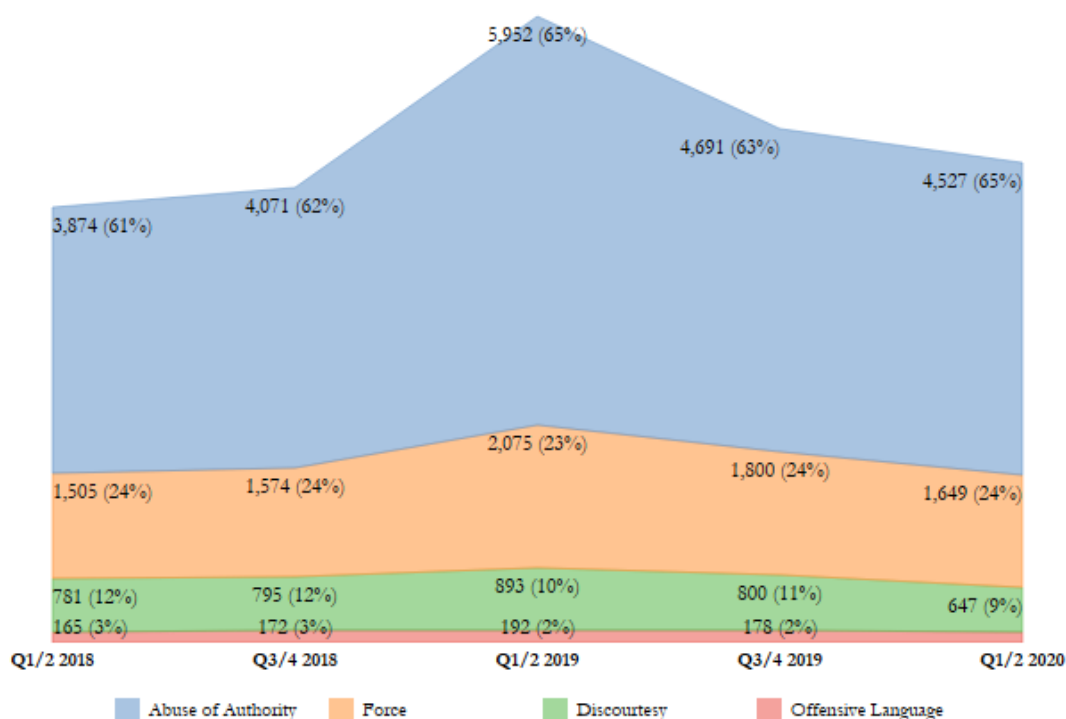
NUMBERS AND TYPES OF ALLEGATIONS RECEIVED AND CLOSED

When a complaint is filed, the claims against the MOS are considered allegations. An individual complaint may contain multiple allegations against one or more officers. As the investigation continues, different allegations may be revealed.

The most common types of allegations are Abuse of Authority allegations. Abuse of

Authority allegations comprised 65% of allegations closed in Q1/2 2020 (Fig. 11). These types of allegations have steadily increased in proportion over the last five years. Force allegations are the next most common, comprising 24% of all allegations closed in Q1/2 2020 (Fig. 11).

Figure 11: Types of Allegations Closed, 2018 - Q1/2 2020



In the Force allegation category, the designation of “Physical force” remained the most common allegation received by the CCRB in Q1/2 2020, accounting for 68% of all Force allegations (Fig. 12). This refers to an officer’s use of bodily force, such as punching, shoving, kicking, or pushing. Notably, the number of Force: Nightstick allegations was 12 times higher in Q1/2 2020 than over the same period last year, mainly due to allegations received during the 2020 Black

Lives Matter protests. The most common Abuse of Authority allegations were “Threat of Arrest” at 9% of all Abuse of Authority allegations. The most common Discourtesy allegation was “Word” (e.g. profanity), accounting for 82% of those allegations. The most common Offensive Language allegation was “Gender” (i.e. offensive language related to a person’s actual or perceived gender or gender identity), accounting for 36% of those allegations.

Figure 12: FADO Allegations Received by Type, Q1/2 2019 & Q1/2 2020¹⁴

Force (F) Allegations	Q1/2 2019		Q1/2 2020	
	Count	% of Total	Count	% of Total
Physical force	1,745	80%	1,880	68%
Nightstick as club (incl asp & baton)	18	1%	219	8%
Gun Pointed	110	5%	174	6%
Pepper spray	7	0%	89	3%
Chokehold	57	3%	66	2%
Hit against inanimate object	53	2%	65	2%
Restricted Breathing	56	3%	61	2%
Nonlethal restraining device	80	4%	60	2%
Vehicle	21	1%	34	1%
Other	6	0%	31	1%
Handcuffs too tight	14	1%	21	1%
Other blunt instrument as a club	7	0%	17	1%
Gun fired	6	0%	14	1%
Police shield	3	0%	13	0%
Radio as club	2	0%	2	0%
Gun as club	2	0%	1	0%
Animal	0	0%	0	0%
Flashlight as club	0	0%	0	0%

Discourtesy (D) Allegations	Q1/2 2019		Q1/2 2020	
	Count	% of Total	Count	% of Total
Word	781	86%	804	82%
Action	105	12%	142	14%
Gesture	18	2%	19	2%
Demeanor/ tone	6	1%	15	2%
Other	3	0%	5	1%

Offensive Language (O) Allegations	Q1/2 2019		Q1/2 2020	
	Count	% of Total	Count	% of Total
Gender	62	30%	86	36%
Race	68	33%	56	23%
Other	25	12%	35	15%
Sexual orientation	16	8%	26	11%
Ethnicity	17	8%	21	9%
Religion	3	1%	7	3%
Gender Identity	7	3%	5	2%
Physical disability	7	3%	4	2%

Abuse of Authority (A) Allegations	Q1/2 2019		Q1/2 2020	
	Count	% of Total	Count	% of Total
Threat of arrest	635	10%	524	9%
Stop	462	7%	500	8%
Refusal to provide shield number	381	6%	459	8%
Entry of Premises	610	9%	404	7%
Refusal to provide name	421	6%	400	7%
Search (of person)	319	5%	360	6%
Failure to provide RTCA card	408	6%	356	6%
Vehicle stop	384	6%	348	6%
Vehicle search	363	5%	309	5%
Threat of force (verbal or physical)	233	4%	263	4%
Frisk	298	4%	256	4%
Forcible Removal to Hospital	338	5%	243	4%
Property damaged	182	3%	192	3%
Search of Premises	320	5%	187	3%
Question	175	3%	162	3%
Seizure of property	135	2%	128	2%
Refusal to obtain medical treatment	122	2%	118	2%
Interference with recording	104	2%	110	2%
Refusal to process civilian complaint	116	2%	105	2%
Threat to damage/seize property	82	1%	60	1%
Threat of summons	68	1%	55	1%
Other	60	1%	52	1%
Strip-searched	60	1%	50	1%
Gun Drawn	38	1%	49	1%
Threat re: removal to hospital	36	1%	42	1%
Photography/Videography	38	1%	33	1%
Failed to Obtain Language Interpretation	3	0%	23	0%
Threat to notify ACS	39	1%	21	0%
Search of recording device	23	0%	18	0%
Refusal to show arrest warrant	20	0%	16	0%
Refusal to show search warrant	52	1%	13	0%
Retaliatory summons	17	0%	10	0%
Electronic device information deletion	7	0%	8	0%
Sexual Misconduct (Sexual Humiliation)	18	0%	7	0%
Body Cavity Searches	10	0%	7	0%
Sex Miscon (Sexually Motivated Search)	0	0%	4	0%
Sex Miscon (Sexual Harassment, Gesture)	9	0%	4	0%
Retaliatory arrest	3	0%	4	0%
Questioned immigration status	9	0%	4	0%
Sex Miscon (Sexual/Romantic Proposition)	9	0%	3	0%
Sex Miscon (Sexual Harassment, Verbal)	20	0%	3	0%
Improper dissemination of medical info	5	0%	3	0%
Sex Miscon (Sexually Motivated Frisk)	0	0%	2	0%
Threat re: immigration status	4	0%	1	0%
Sex Miscon (Sexually Motivated Question)	0	0%	0	0%
Sex Miscon (Sexually Motiv Strip-Search)	1	0%	0	0%
Refusal to provide name/shield number	0	0%	0	0%
Disseminated immigration status	0	0%	0	0%
Premises entered and/or searched	0	0%	0	0%

CASE ABSTRACTS: FADO EXAMPLES

The following case abstracts are taken from complaints closed in Q1/2 2020 and serve as examples of the types of misconduct allegations that fall under the CCRB's jurisdiction:¹⁵

1. Force

An individual (the Victim) was arrested and transported to Central Booking. While in custody, the Victim got into a disagreement with Department of Corrections (DOC) officers and was removed from his holding cell and escorted to a single-occupancy "remand" cell by Respondent, an NYPD officer. Upon reaching the cell, multiple law enforcement officers, from both the NYPD and DOC, knocked the Victim to the ground and fought with him; Respondent stomped on and kicked the Victim multiple times. The Victim sustained bruises, cuts, and swelling on his face. Two attorneys, Witnesses 1 and 2, observed portions of the incident. Respondent's NYPD paperwork documented the Victim's injuries and ascribed them to self-injury. In his NYPD and CCRB interviews, Respondent denied using any physical force against the Victim except for briefly pushing him. Respondent also denied seeing any other officer use force.

In her sworn CCRB statement, Witness 1 stated that she was independently in the hallway when she saw the Victim laying on the floor immediately outside his cell. At least three uniformed officers were grappling with the Victim and "were beating the hell out of him." Witness 1 saw Respondent stomp forcefully onto the Victim's body—once on the Victim's groin and multiple times on or near the Victim's head and face. The Victim was screaming in pain, and Witness 1 shouted, "Hello! There's an attorney here, you guys need to stop." Witness 1 then walked to a law firm, whose office is attached to Central Booking, and told its attorneys that officers were attacking a prisoner.

In his sworn statement, Witness 2 stated that he was working in the law firm's office when he heard Witness 1's announcement. He left the attorneys' office and walked to the door that connected to the jail cells. He saw the Victim prone on the floor, surrounded by approximately five or six uniformed NYPD and DOC officers. Respondent kicked the Victim in the torso and head approximately three or four times. After approximately five seconds, Witness 2 asked, "What's going on?" The officers did not reply, but Respondent stopped kicking the Victim. The officers then filed out of the remand cell and walked down the hall. Witness 2 kept his vision focused on Respondent and read his name tag, which was attached to his chest along with a silver shield. He then spoke to the Victim, who was still inside the remand cell, and observed his facial injuries. Later that evening, Witness 2

¹⁴ Several changes have been made to allegation categorization in the last few years that inhibit cross-year comparisons. In 2018, the Agency split the allegation "Refusal to Provide name/shield" into two separate allegations, which are each reflected under Abuse of Authority. In late 2018, the allegation "Failure to provide RTKA card" was added to account for new requirements under the New York City Right to Know Act (RTKA). These changes should be taken into account when interpreting the data in this figure.

¹⁵ Each of the cases described in this section were substantiated complaints, intended to illustrate the difference between types of allegations the Board investigated and found to be misconduct. See page 39 for case examples of other Board dispositions.

handwrote, signed, and dated a short summary. It reads, "I observed Respondent kicking the Victim in the head while the Victim was confined in the remand cell at Central Booking. The Victim was bleeding heavily from his face after the incident. He begged to be taken to a hospital."

Based on the Complainant and witness testimonies, the investigation determined by a preponderance of the evidence that Respondent repeatedly kicked the Victim in the torso and face while he was being restrained on a jail cell floor. Respondent denied these actions along with their entire context, and provided no reasons why such force would have been reasonable. The Board substantiated the Force allegation.

2. Abuse of Authority

Officers responded to a 911 call from a third party. The caller reported that an individual, whom she had an Order of Protection against, was standing outside her building with a knife. When officers responded, they saw the individual standing with his family and friends outside of the building. The individual tried to walk away, but an officer told him he could not leave and was being detained. Officers made attempts to contact the 911 caller through her door, but were unsuccessful in doing so and therefore left the location approximately 20 minutes later without taking any law enforcement action. None of the officers provided the individual with a business card. Under the Right to Know Act, at the conclusion of law enforcement activities, such as pedestrian stops where an officer has an individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime, officers must offer a business card to such person at the conclusion of any such activity that does not result in an arrest or summons. Given that it is undisputed that the officer initiated the stop of the individual and the individual was not arrested or summonsed, the officer was required to offer the individual a business card. The Board substantiated the Abuse of Authority allegation.

3. Discourtesy

Department of Homeless Services (DHS) officers prevented the CCRB complainant from entering a shelter, because they believed he was intoxicated. DHS officers called for NYPD assistance and two police officers, both of the 40th Precinct, responded. Officer 1 told the complainant, "I don't have time for this shit," and that he, "did not want to hear shit." Officer 1 also allegedly stated that he was an Israelite and that he, "did not have time for this shit, [N-word]."

Officer 1 then threw the complainant to the ground. After handcuffing the complainant, Officer 1 lifted him up from the ground using the hood of his sweatshirt, which pulled the neck of the sweatshirt against his neck. After the complainant was handcuffed, he was transported via ambulance to the hospital. While in the ambulance, Officer 1 stated to the complainant, "I don't give a fuck." The investigation determined that Officer 1 improperly used his body worn camera as required by Patrol Guide Procedure 212-123. The Board determined that Officer 1 spoke discourteously to the civilian and used a chokehold against the civilian by lifting his sweater in that manner and substantiated the allegation. The Board was unable to determine whether Officer 1 made the offensive remark.

4. Offensive Language

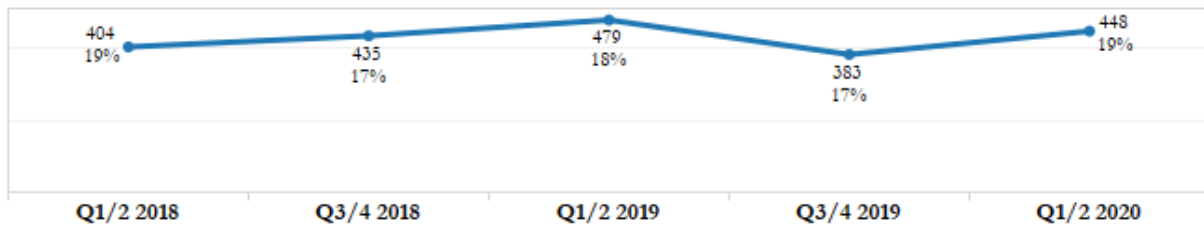
The Complainant, a cashier at a 7-Eleven, called 911 to report a robbery. The suspect, a 12-year-old male, was restrained by the complainant and his boss. Four officers, all of the 9th Precinct, responded. The officers refused to take any police action against the individual or file a report, and demanded that the Complainant and his boss release him. The Complainant told an officer (Officer 1) that he had been assaulted by the juvenile, and that officers in his country would have been obligated to act. Officer 1 responded that if the Complainant felt that way, he “should go back to his country.” While Officer 1 denied that he had intended the comment to be offensive, he admitted to making it. In speaking with members of the public, officers are prohibited from making discourteous or disrespectful remarks regarding another person’s ethnicity. The Board substantiated the Offensive Language 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 an allegation of stop, question, frisk, or search of

a person. Complaints containing at least one of these allegations have decreased from 479 to 448 between Q1/2 2019 and Q1/2 2020. (Fig. 13).

Figure 13: Complaints Received Containing a Stop, Question, Frisk, and Search of Person Allegation, 2018 - Q1/2 2020



CHARACTERISTICS OF ALLEGED VICTIMS

The CCRB compares the demographic profiles of the alleged victims to the demographics of the city as a whole, without controlling for any other factors such as the proportion of encounters with the police or the number of criminal suspects. The race and gender of alleged victims are disproportionate to the racial and gender makeup of New York City's population (Fig. 14).¹⁶

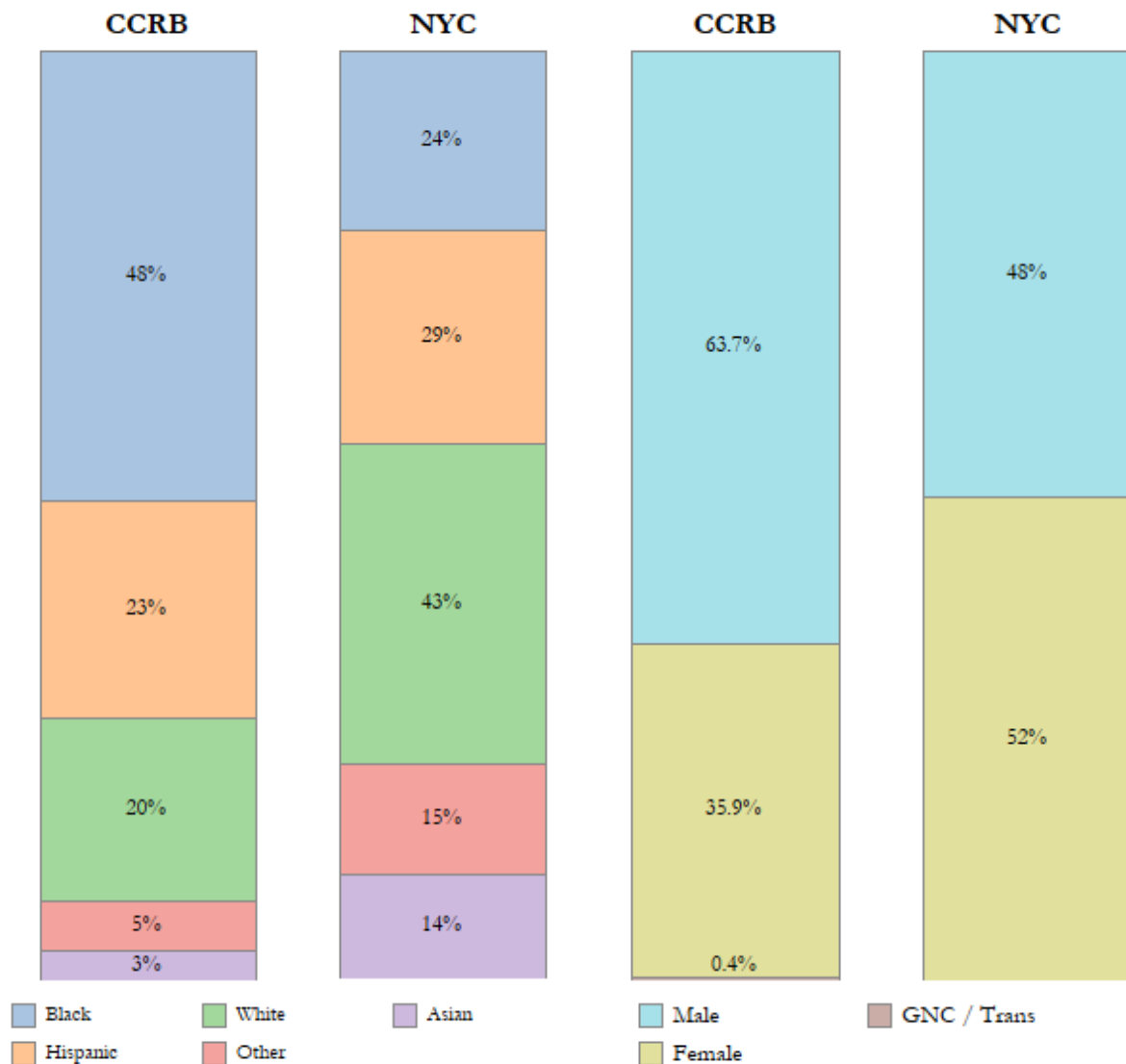
In Q1/2 2020, individuals who self-identified as Black made up 48% of alleged victims, while, according to 2019 census estimates, Black residents make up only 24% of the City's population.

In Q1/2 2020, just under 64% of alleged victims were male, while men make up only 48% of the City's population (Fig. 14).¹⁷ In 2017, the Agency included "gender nonconforming" as an option when complainants/victims are reporting their gender, and revised its case management system to generate gender neutral honorifics, whenever appropriate, in communications to complainants. While not well-depicted in Fig. 14 due to small raw numbers, 0.4% of alleged victims self-identified as gender nonconforming or transgender in Q1/2 2020.

¹⁶ City demographic information is drawn from the 2019 United States Census estimate. All race demographics are inclusive of Hispanic origin. For example, "Black" includes both "Black Hispanic" and "Black Non-Hispanic." Census data is available at <https://www.census.gov/quickfacts/newyorkcitynewyork>.

¹⁷ The census does not count gender, but instead counts biological sex of respondents (*see* <https://www.census.gov/topics/population/age-and-sex/about.html>). As such, comparisons between the CCRB's data and census data are not exact.

Figure 14: Alleged Victim Demographics Compared to New York City, Complaints Received in Q1/2 2020^{18 19}



CHARACTERISTICS OF SUBJECT OFFICERS

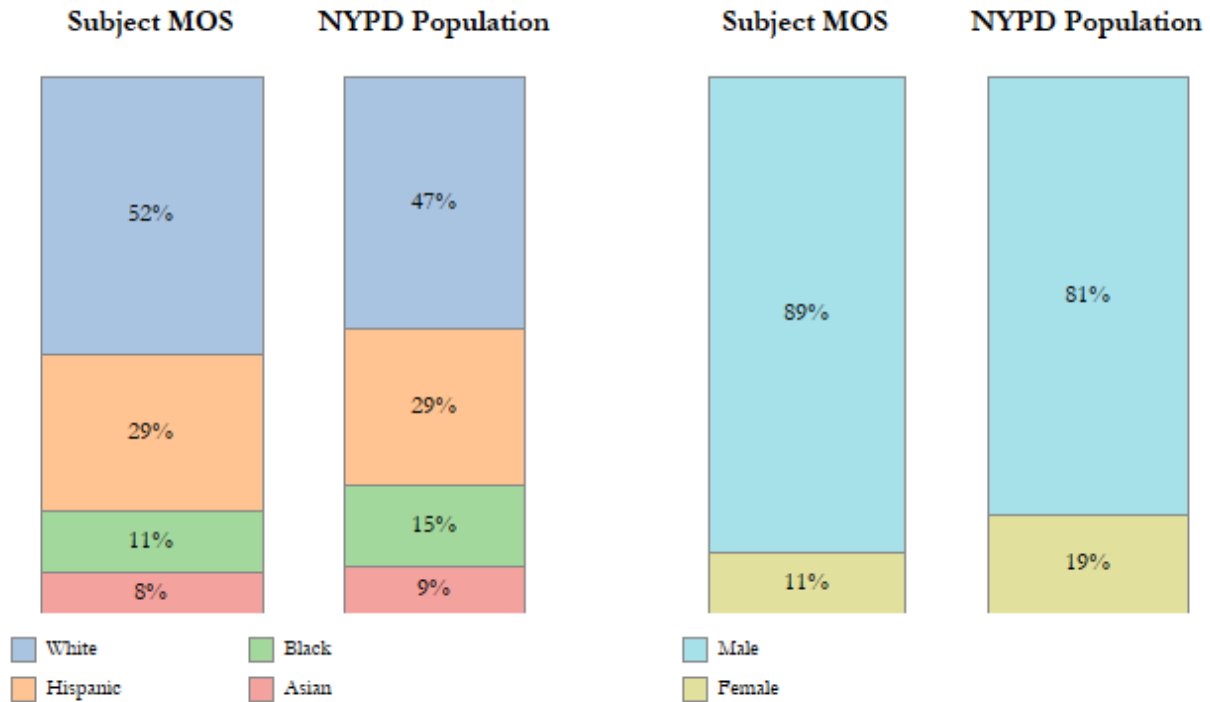
Officers who are the subject of CCRB complaints are slightly more likely to be white and male compared with the demographic composition of the NYPD as a whole (Fig. 15). In Q1/2 2020, white officers

accounted for 52% of subject officers in CCRB complaints and 47% of the NYPD as a whole. Male officers accounted for 89% of the subject officers in CCRB complaints and 81% of the NYPD as a whole.

¹⁸ The percentages for race of New York City residents do not add up to 100% because the Census allows respondents to self-report Hispanic ethnicity separate from race. Someone may, for instance, indicate that they are both Black and Hispanic. This means that some individuals are counted in these categories twice. Since current CCRB race/ethnicity categories are not precisely aligned with Census categories, comparisons should be made with caution.

¹⁹ “GNC” is an acronym that stands for Gender Nonconforming. “Trans” includes individuals who identify as Transmen and Transwomen in CCRB records.

Figure 15: Subject Officer Demographics Compared to NYPD, Q1/2 2020



RANK OF SUBJECT OFFICERS

In Q1/2 2020, the CCRB substantiated allegations against 189 police officers, 50 sergeants, 21 detectives, nine lieutenants, two

captains, and one deputy inspector (Fig. 16). Most of these officers had ten years or fewer on the job at the time of the incident (Fig. 17).

Figure 16: Rank of Active MOS with Substantiated CCRB Complaints, 2019

	Q1/2 2020
Police Officer	189
Sergeant	50
Detective	21
Lieutenant	9
Deputy Inspector	2
Captain	1

Figure 17: Tenure of Active MOS with Substantiated CCRB Complaints, 2019

	Q1/2 2020	
	Count	Percent
0-3 Years	42	15%
4-5 Years	75	28%
6-10 Years	60	22%
11-15 Years	66	24%
16-20 Years	24	9%
21+ Years	5	2%

TOTAL COMPLAINTS AGAINST ACTIVE MEMBERS OF SERVICE (MOS)

As of June 30, 2020, there were 34,705 active MOS on the NYPD roster. The charts below depict how complaints are distributed among these MOS.

Of all active MOS at the end of Q1/2 2020, 38% had never been the subject of a CCRB

complaint, while 22% had been the subject of one complaint, 13% had two complaints, and 8% had three complaints (Fig. 18). As of June 30, 2020, one in ten MOS (10%) had been the subject of six or more CCRB complaints.

Figure 18: Active MOS with CCRB Complaints as of December 31, Q1/2 2020

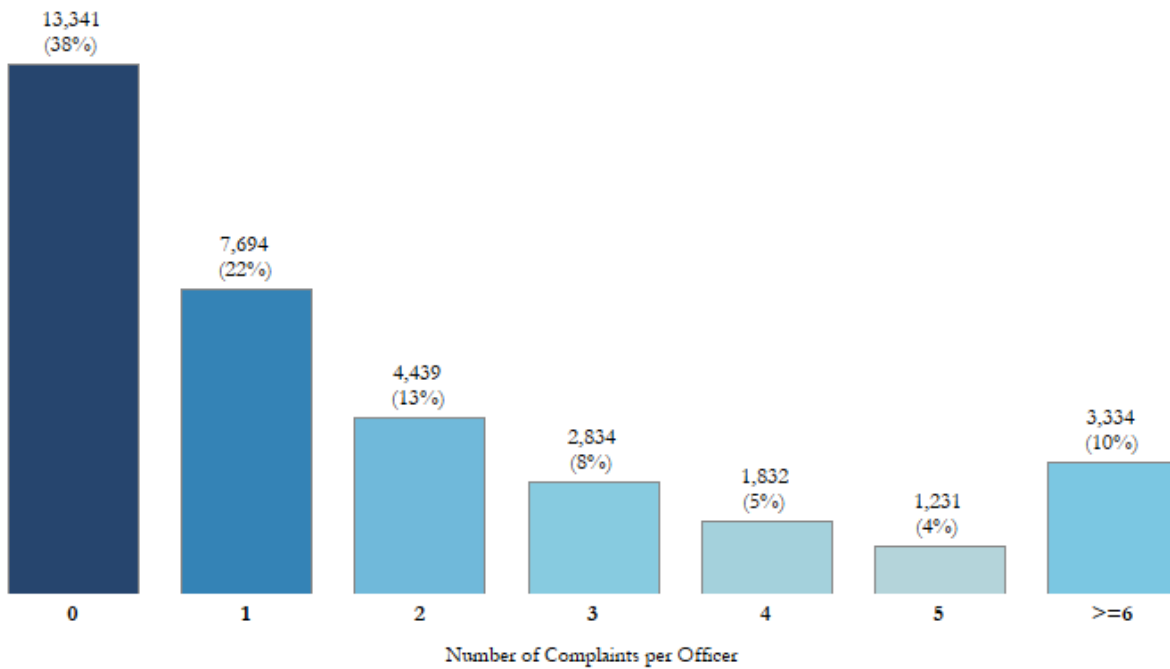
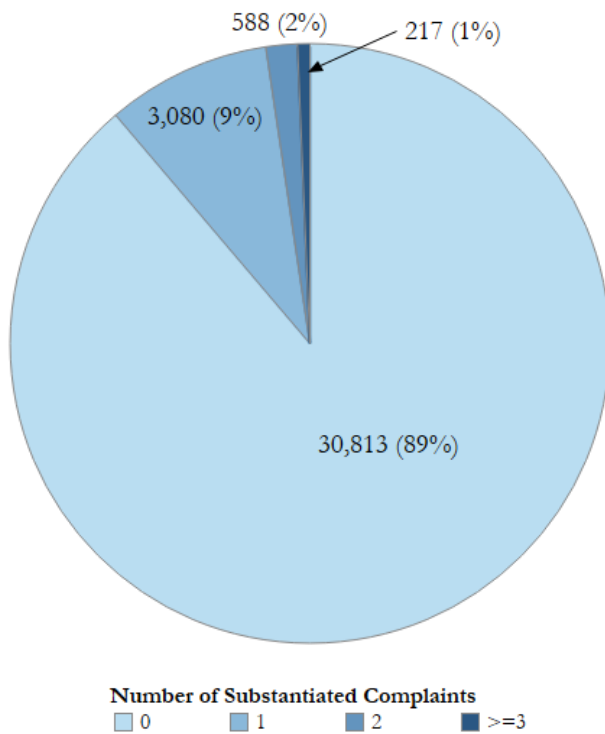


Figure 19: Active MOS with Substantiated CCRB Complaints



While 62% of MOS have had at least one CCRB complaint filed against them, the vast majority (89%) have never had any substantiated complaints (Fig. 19). Nine percent of MOS on duty at the end of Q1/2 2020 had one substantiated complaint, 2% had two substantiated complaints, and 1% had three or more substantiated complaints.

SECTION 2: INVESTIGATIONS

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

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

Once all the necessary interviews are conducted and the collected evidence is reviewed, the investigative team makes a disposition recommendation to the Board for each allegation in the case. In the majority of cases, a panel of three Board members, comprised of one mayoral appointee, one City Council appointee, and one Police Commissioner designee, reviews the case and votes on the investigator's recommendations.

INVESTIGATIONS DIVISION BENCHMARKS

The CCRB tracks the amount of time that it takes to close a full investigation, measured from the date the CCRB receives a complaint to the date the complaint is closed by the Board. It also tracks the time that it takes to close a full investigation for substantiated cases, which are typically the most complicated and time consuming. For the past two years, the CCRB has experienced increasing investigation times due to increasing numbers of complaints submitted

In certain limited circumstances, the full Board will consider a case.

In order to resolve investigations fairly and in accordance with local law, the CCRB generally needs the cooperation of at least one civilian complainant/alleged victim related to the case. The New York City Charter states that CCRB's findings and recommendations cannot "be based solely upon an unsworn complaint or statement."²⁰ When a complainant or alleged victim is available for an interview, the Agency deems the resulting investigation a "full investigation." If a complaint is withdrawn, or there is no complainant or alleged victim available for an interview and there is no additional evidence upon which the investigation can proceed, the investigation is "truncated." The Investigations Division always seeks to keep truncated investigations to a minimum; its primary goal is to complete full and fair investigations.

This section covers the performance of the Investigations Division and the outcomes of complaints received by the CCRB.

to the Agency, but the pandemic has worsened this trend as the CCRB, like other agencies, has shifted operations to accommodate remote investigations. In Q1/2 2020, it took an average of 316 days to close a full investigation, and 360 days if that investigation resulted in substantiated misconduct (Fig. 20).

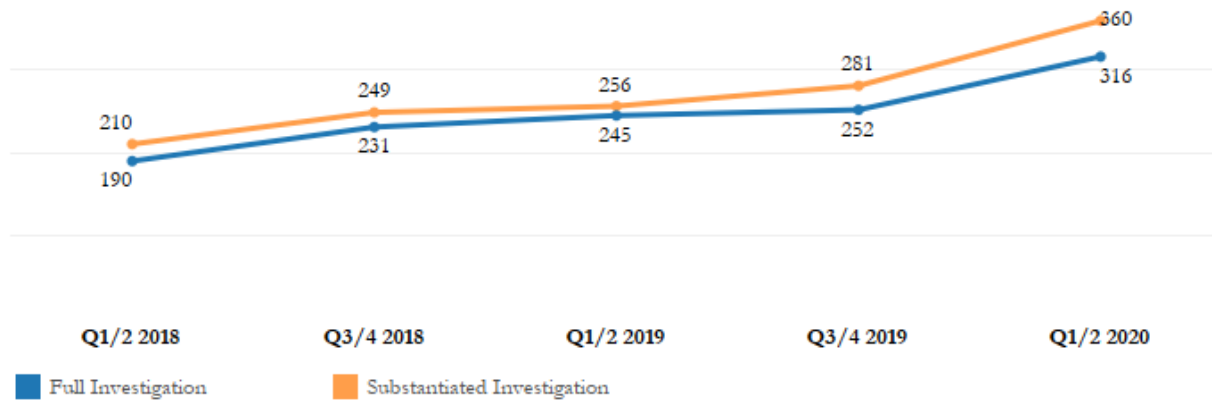
The above factors increase the average number of days before the first civilian and

²⁰ New York City Charter Chapter 18-A §440(c)(1).

officer interviews take place in an investigation. In Q1/2 2020, it took approximately 22 days on average for an investigator to conduct the first civilian interview—the same amount of time it took in Q1/2 2019, as CCRB investigators were able to adapt quickly to remote interviewing of complainants. The average number of days

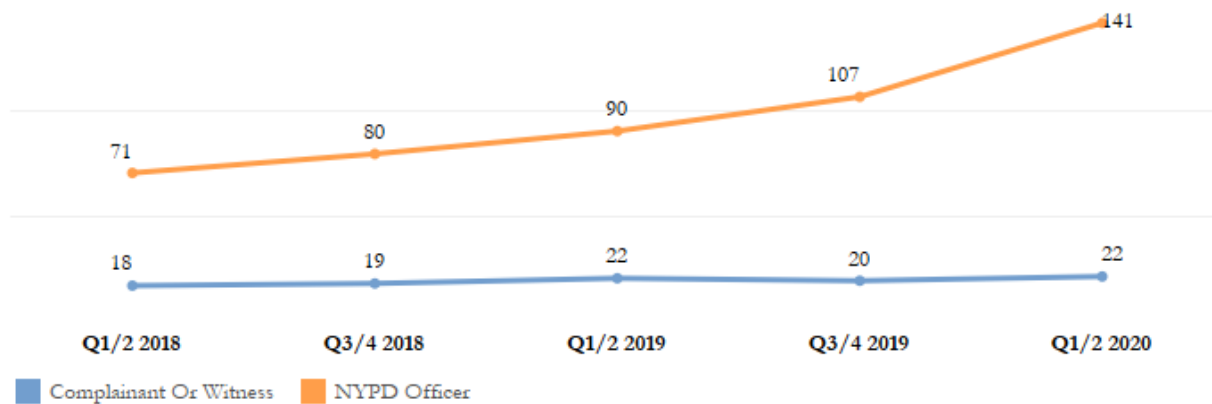
before the first member of service (MOS) is interviewed has risen much more steeply due to the time it took to resolve remote interviewing of officers. In Q1/2 2020, the first officer interview took place, on average, 141 days after the complaint was received—a significant jump from the 90-day average of Q1/2 2019.

Figure 20: Average Days to Complete a Full Investigation, Complaints Closed, 2018 – Q1/2 2020



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

Figure 21: Average Days to First Interview (Full Investigations), Complaints Closed, 2018 – Q1/2 2020



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

CASE RESOLUTION AND INVESTIGATIVE OUTCOMES

A civilian complaint can be resolved in various ways. The complaint may be fully investigated, mediated, closed after mediation is attempted,²¹ or closed as “truncated” (complainant is unwilling to cooperate with a full investigation or cannot be reached for an interview). There are also a small number of miscellaneous closures,²² which include administratively-closed complaints and complaints in which the subject officer left the Department before investigation or mediation was completed.²³

For complaints closed in Q1/2 2020, 33% of complaints were fully investigated and 65% were truncated (Figs. 22 & 23). The majority of truncations (49%) were closed as “Complainant/Victim/Witness Uncooperative,” the same percentage as Q1/2 2019 (Fig. 24). This occurs when the investigator made initial contact with the complainant, victim, or witness, but was unable to obtain an official statement or other

relevant evidence. The proportion of complaints withdrawn by complainants declined from 21% in Q1/2 2019 to 19% in Q1/2 2020, and those truncated due to the complainant being unavailable after their initial complaint was filed decreased from 17% to 16% (Fig. 24).

Sometimes when a complainant is involved in criminal or civil litigation, their attorney advises against making sworn statements until the conclusion of the court case. When a complaint is closed due to pending litigation, CCRB investigators periodically check court records to determine if the case has ended, and if so, attempt to reconnect with the complainant. In Q1/2 2020, the CCRB reopened 18 cases that had been closed due to pending litigation. Since the CCRB began tracking and following up on these cases in 2018, approximately 11% (81 of 765) of complaints that were closed pending litigation have been reopened.

Figure 22: Case Resolutions, 2018 – Q1/2 2020

	Q1/2 2018		Q3/4 2018		Q1/2 2019		Q3/4 2019		Q1/2 2020	
	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total	Count	% of Total
Truncated	1,090	56%	1,227	59%	1,659	61%	1,143	55%	1,230	65%
Full Investigation	592	30%	616	30%	792	29%	747	36%	627	33%
Mediation Attempted	132	7%	99	5%	151	6%	89	4%		
Mediated	120	6%	112	5%	90	3%	97	5%	29	2%
Misc. Closure	8	0%	9	0%	17	1%	15	1%	9	0%

²¹ “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.

²² Miscellaneous closures are not included in the truncation rate.

²³ The New York City Charter only gives the CCRB jurisdiction over current uniformed members of service.

Figure 23: Truncations and Full Investigations, 2018 – Q1/2 2020

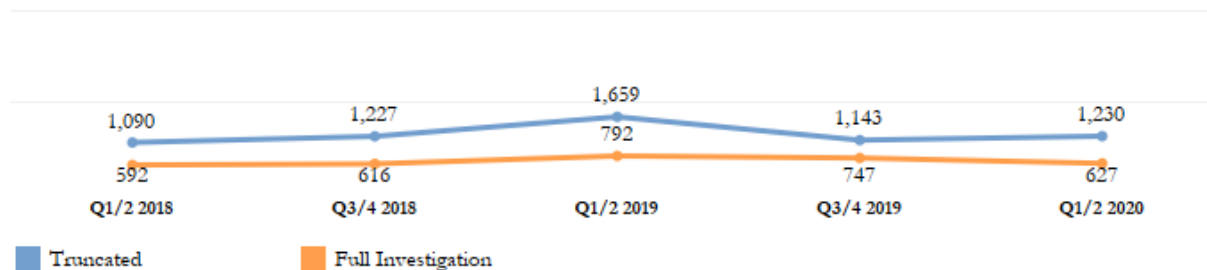
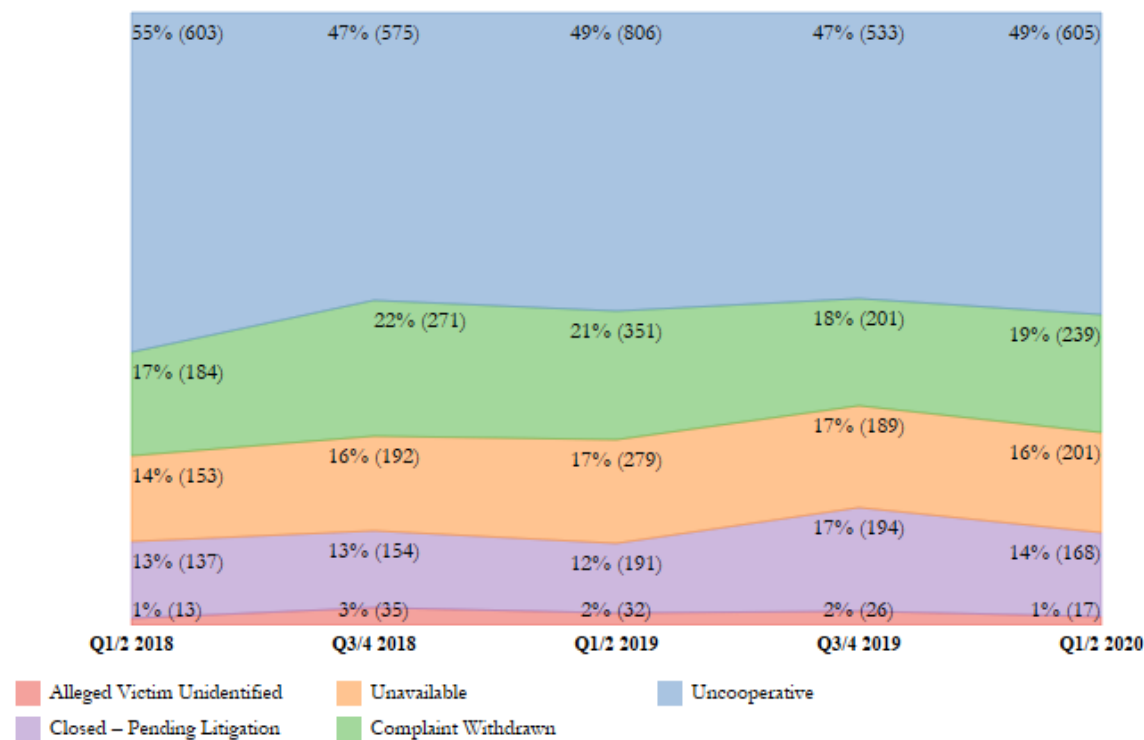


Figure 24: Truncations by Type, 2018 – Q1/2 2020



Complaints filed directly with the CCRB are less likely to be truncated than complaints that are referred to the CCRB by another agency (Fig. 25). In Q1/2 2020, 55% of complaints filed with the CCRB were truncated, compared with 77% of complaints referred to the CCRB by NYPD’s Internal Affairs Bureau (IAB), and 72% of the complaints that were referred from other

government agencies and organizations. When complaints are filed elsewhere, it is often difficult to make contact with the complainant or victim, as other agencies may not have notified them that their complaint was referred to the CCRB. This can cause confusion and may reduce the likelihood that complainants will cooperate when contacted by CCRB investigators.

Figure 25: Truncation Rates by Place of Filing, 2018 – Q1/2 2020

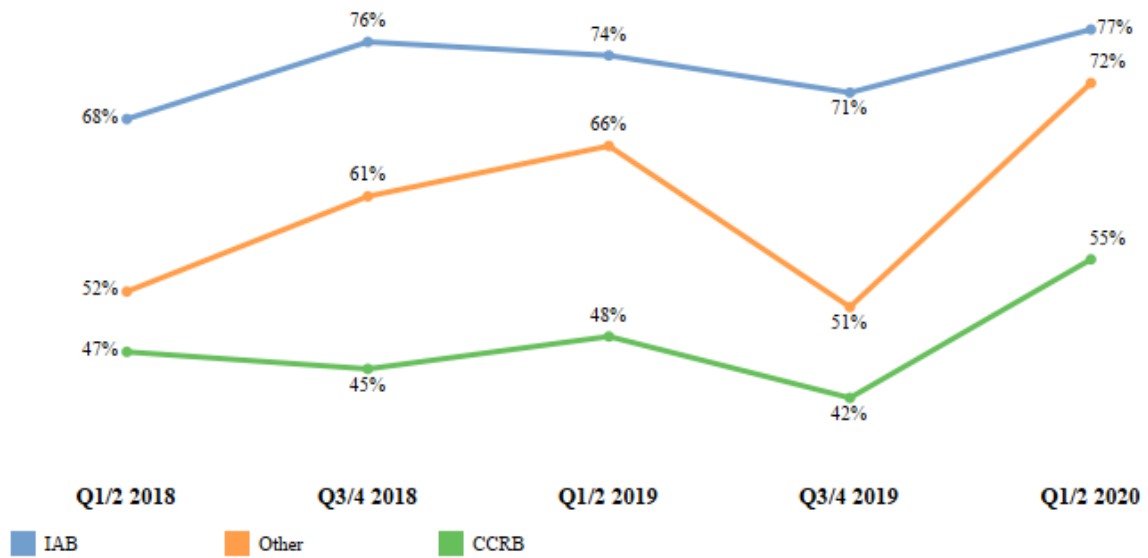
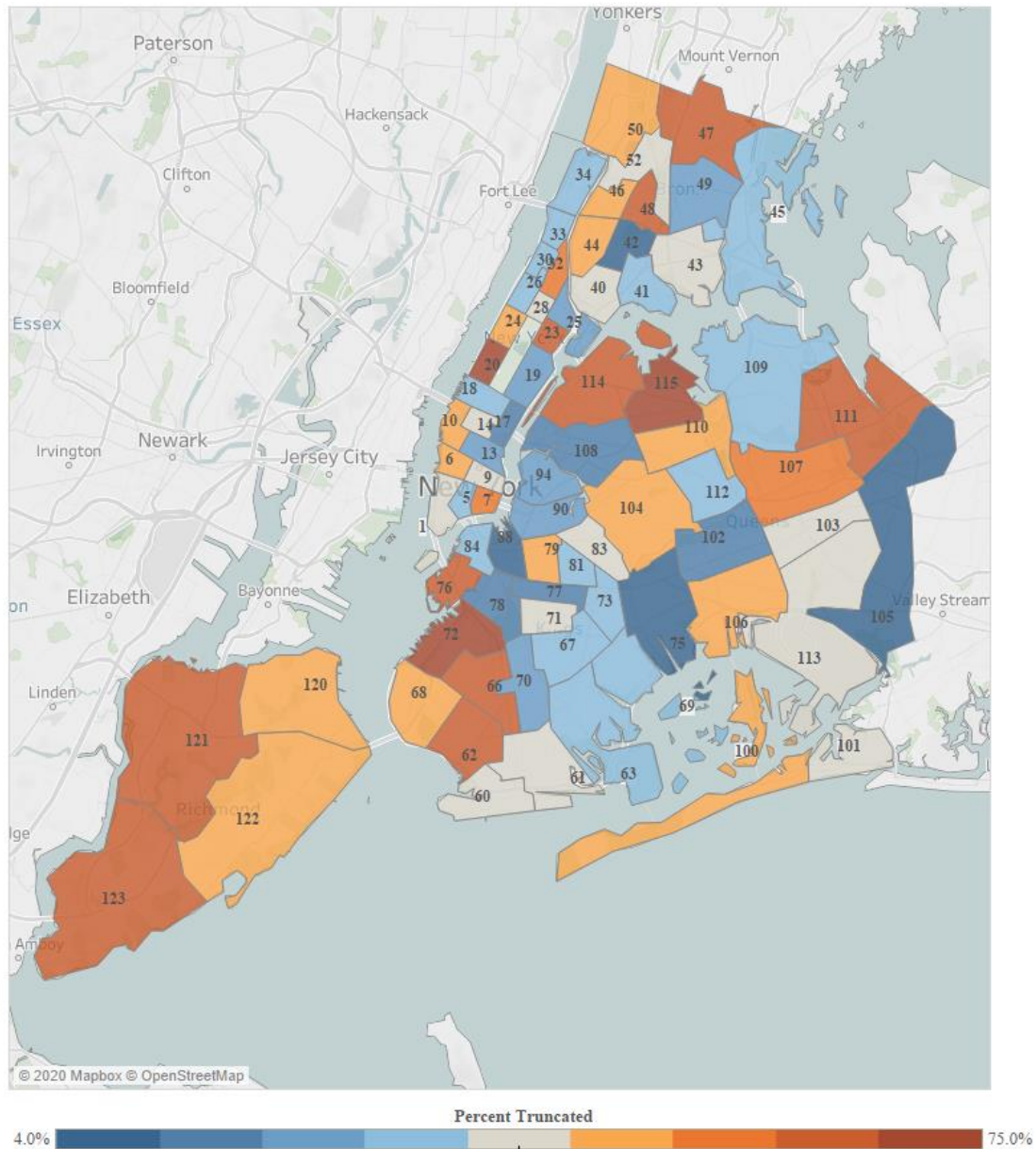


Figure 26: Truncation Rate by Precinct, Q1/2 2020



Truncation rates vary widely by precinct (Fig. 26). Distance from the CCRB offices and proportion of complaints filed directly with the CCRB appear to impact these rates, but more analysis is needed.

The Agency is currently working on reducing truncations through two initiatives that began Q1/2 2019. In February 2018, the

Agency's Blake Fellow began analyzing the factors contributing to truncations. The first Blake Fellow Report detailing findings and recommendations based on this work was issued on November 23, 2020.²⁴ Additionally, the Agency hired a Civilian Witness Assistance Unit Director, who works to support complainants and witnesses through

²⁴ New York City Civilian Complaint Review Board James Blake Fellow Report 2020
https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/issue_based/CCRB_BlakeFellow_Report.pdf

CCRB processes and connect them to needed support services.

COMPLAINT AND ALLEGATION DISPOSITIONS FOR FULLY INVESTIGATED CASES

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

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

- An allegation is **substantiated** if the alleged conduct is found to have occurred and be improper based on a preponderance of the evidence.²⁵
- An allegation is **exonerated** if the alleged conduct is found to have occurred but was not found to be improper by a preponderance of the evidence. Allegations may be exonerated if the officer's behavior was found to be allowed under the law and/or the Patrol Guide. 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.
- 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 **unsubstantiated** if there is not enough evidence to determine whether or not misconduct occurred by a preponderance of the evidence.

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

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

²⁵ "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").

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

CASE ABSTRACTS

The following case abstracts are taken from complaints closed in Q1/2 2020 and serve as examples of what the different case dispositions mean in practice:

1. Substantiated

Two officers, a Field Training Officer (FTO) and his trainee, arrested the Complainant for operating an illegal taxicab. While en-route to the stationhouse, the Complainant suffered a seizure. The FTO did not call for medical assistance. After the Complainant was taken back to the stationhouse and lodged in the cells, he suffered another seizure. The Complainant was removed by the desk sergeant to the hospital for treatment.

Cell phone video footage captured the initial confrontation and body-worn camera (BWC) footage was retrieved. BWC footage showed the Complainant seizing in the backseat of the police vehicle with aspirated breathing, uncontrolled shaking, and his head slamming into various windows. After arriving at the stationhouse, the FTO can be seen trying to coax the visibly disoriented Complainant out of the vehicle by telling him, "We'll get an ambulance for you. Come out." Once at the desk, the FTO asks the Complainant, "You said you want an ambulance?" and the Complainant says, "Yeah." The FTO, however, did not call an ambulance. During his CCRB interview, the FTO stated that he believed the Complainant was faking the seizure and told his trainee that the Complainant was "acting up." The FTO added that per NYPD procedure an ambulance would never be called in the field, because a sick prisoner needs to be searched at the stationhouse before going to the hospital.

NYPD Patrol Guide Procedure 210-04, "Prisoners Requiring Medical/Psychiatric Treatment" states, in all caps, "IN ALL LIFE-THREATENING SITUATIONS, APPARENT HEART ATTACK . . .EPILEPSY . . A PRISONER WILL BE REMOVED TO THE NEAREST HOSPITAL." In this instance, the FTO failed to call an ambulance for the Complainant or remove him to the nearest hospital despite witnessing the Complainant's seizure. Additionally, his repeated references and offers to call an ambulance for the Complainant in order to coax the Complainant into following his instructions, without actually calling an ambulance, shows that he clearly understood that the Complainant wanted and needed medical care. The Board substantiated the allegation.

2. Exonerated

Domestic Violence (DV) officers regularly conducted check-ups at a residence in regard to an on-going dispute involving the Complainant and her estranged husband. The Complainant's husband, who was paralyzed from the neck down, was confined to a hospital bed that had been set up in the main living area of their shared house. This room was considered to be her husband's private bedroom, and the Complainant and her husband had a verbal agreement that the Complainant would enter the house through the back entrance. The Complainant's husband often called 911 to make complaints against the Complainant, and prior to the incident, the Complainant had spoken with a DV officer at

least two times. On each occasion, the DV officer told the Complainant that she should enter the house through the back entrance to avoid provoking her husband into calling 911 again.

On the day of the incident, the Complainant entered her house through the front door. The DV officer the Complainant had previously spoken to, and Respondent, the DV officer's assistant, were already there and speaking with her husband. The officers asked the Complainant why she had entered the house through the front door instead of the back door to avoid walking through her husband's personal space. Respondent asked the Complainant, "You want to get arrested for burglary? Because you're in his room."

The officers' body-worn camera footage and the Complainant's cell phone video footage captured the incident. In his interview, Respondent stated that after he and his partner entered the house, his partner spoke with the Complainant's husband, who told his partner that the Complainant was constantly harassing him. The husband told the officers that there was a court order in place prohibiting the Complainant from entering his personal space, as well as a verbal agreement that she would not walk through his bedroom. While Respondent did not see the court order, he noted that since the Complainant was harassing her husband and trespassing in his room, Respondent could have arrested the Complainant for harassment, trespass, or burglary.

The investigation determined that by entering her husband's room, the Complainant knowingly alarmed and annoyed her husband, which constituted harassment. As the officer had probable cause to arrest the Complainant for harassment, the officer did not abuse his authority by telling the Complainant she could be arrested. The Board exonerated the allegation.

3. Unfounded

At approximately 3:00 a.m., the Complainant was sitting with two unidentified individuals in front of a residential building. Two officers approached the Complainant and accused her of drinking alcohol from an open container. The officers asked the Complainant for her identification. When she refused to provide it, the officers told her that she would be taken to the stationhouse if she did not provide it. An officer also allegedly told the Complainant, "I live for this shit." One of the unidentified individuals started recording the incident on his cell phone. The two officers allegedly told this individual to stop recording. The investigation obtained six clips of body-worn camera (BWC) footage capturing the incident. Based on the BWC footage, the investigation determined that neither officer used profanity towards the Complainant or told any civilians to stop recording the incident or to delete footage that they recorded. The Board unfounded the Discourtesy and two Abuse of Authority allegations.

4. Officer Unidentified

An individual was walking when three plainclothes officers in an unmarked, blue van stopped him. An officer frisked the individual and asked if he was hiding a bottle. Another officer frisked the individual and searched his pockets. The officers removed the individual's wallet, a hammerhead and a notebook from his jacket pocket. The officers then

returned the individual's property and left the scene. The individual was not provided with any business cards, and was not summonsed or arrested. The investigation reviewed a wide range of documents associated with this incident. However, none of these documents yielded evidence of officers at the alleged date, time, and place, fitting the descriptions the individual provided. The investigation identified one blue van that may have held the subject officers. However, there were no record of which officers operated that vehicle on the incident date. Consequently, the subject officers were not identified. Without additional evidence, the investigation could not identify the subject officers in this case. The Board closed the allegation as Officer Unidentified.

5. Unsubstantiated

Officers stopped a vehicle for having a defective headlight. During the course of the stop, an officer allegedly told the Complainant, "You are lucky that you did not get a shotgun to the face and I did not drag you out of the car." The investigation obtained body-worn camera footage regarding this incident; however, the footage did not capture the period during which misconduct was alleged to have occurred. In their CCRB interview, the officer denied threatening to use force against the individual or making the alleged statement. The officers' partner also denied hearing the subject officer making the alleged statement. Given the absence of additional documentary evidence or the testimony of an independent witness, the investigation could not determine by a preponderance of evidence that the officer threatened the Complainant with force. The Board unsubstantiated the Abuse of Authority allegation.

DISPOSITIONS OF COMPLAINTS AND ALLEGATIONS

In Q1/2 2020, the substantiation rate (the percentage of fully-investigated complaints in which the Board substantiated at least one allegation) increased to 29% from 23% in Q1/2 2019 (Fig. 27, next page). The exoneration rate (the percentage of cases in which all allegations in the complaint were exonerated) declined from 22% in Q1/2 2019 to 21% in Q1/2 2020. The rate of unfounded case closures (the percentage of cases in which there were no substantiated or exonerated allegations, but at least one unfounded allegation) increased from 8% to 9%. When a complaint is closed with a disposition of substantiated, unfounded, or exonerated, it is deemed to be a finding “on the merits,” meaning that the Board was able to make a determination of fact based on a preponderance of the evidence.

The unsubstantiation rate (the percentage of cases in which the Board could not determine whether the alleged misconduct occurred) dropped to 33% from 40% during the same time last year.²⁶ The percentage of cases the Board closed without being able to identify any of the officers involved increased from 7% to 8%. Complaints closed as unsubstantiated or officer unidentified are cases in which the Board could not determine whether misconduct occurred, either because

the officers could not be identified or because there was not enough evidence to make a finding of fact.

A single complaint may contain one or more allegations. The complaint disposition, as previously noted, is a composite of the dispositions of all the distinct allegations within the complaint. In addition to complaint dispositions, the CCRB also tracks the disposition of each individual allegation. Substantiated allegations increased between Q1/2 2019 and Q1/2 2020, with 13% of allegations substantiated compared with 12% the year prior (Fig. 28, next page).

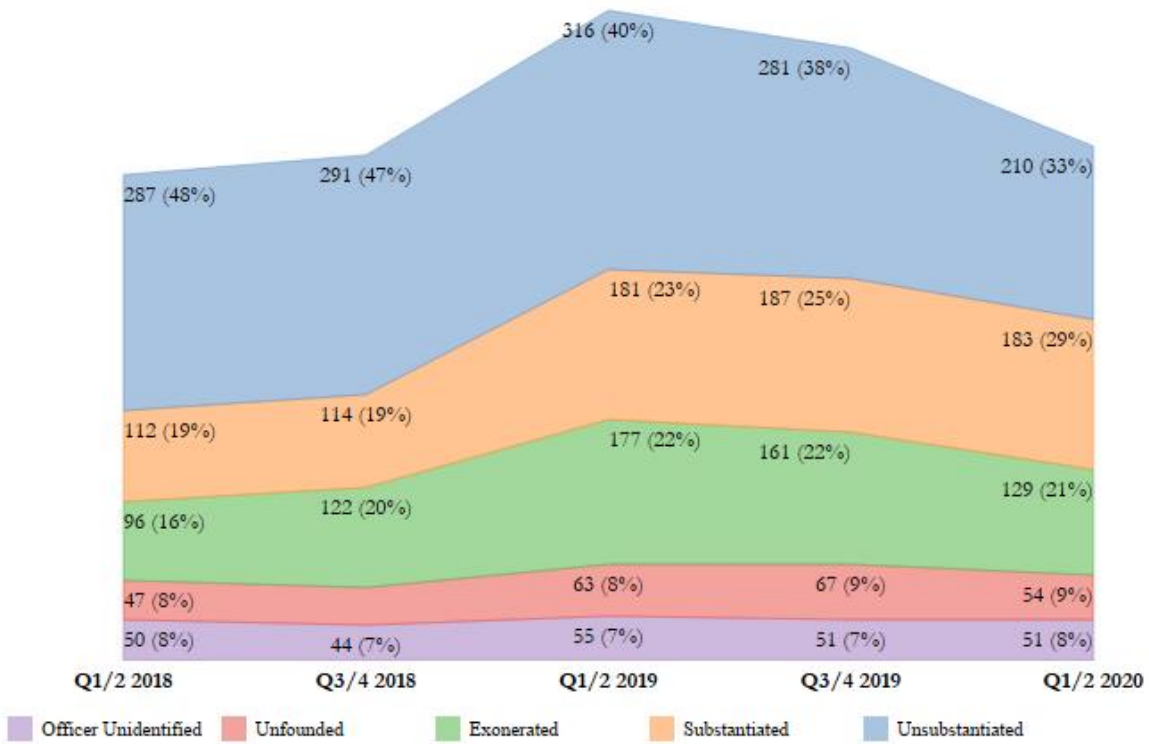
Exonerations decreased from 36% to 35%, while unfounded allegations increased from 9% to 10% during that time period.²⁷ Unsubstantiations decreased from 33% to 31%, and officer unidentified allegations remained the same at 11%.

The general increase in the proportion of complaints and allegations closed on the merits, and the corresponding decrease in the cases closed without a clear determination of fact, are largely connected to the improved quality of evidence the Board received as a result of BWCs. Section 6 of this Report further details the impact that BWCs continue to have on CCRB investigations.

²⁶ As a point of comparison to other NYPD oversight, in 2018, the Internal Affairs Bureau’s most serious cases, “corruption” cases, had an 11.3% substantiation rate, an 18.2% partial substantiation rate, and a 61.4% unsubstantiation rate. See NYC Commission to Combat Police Corruption, Nineteenth Annual Report of the Commission (December 2019, p. 22), <https://www1.nyc.gov/assets/ccpc/downloads/pdf/Annual-Nineteen-Report.pdf>

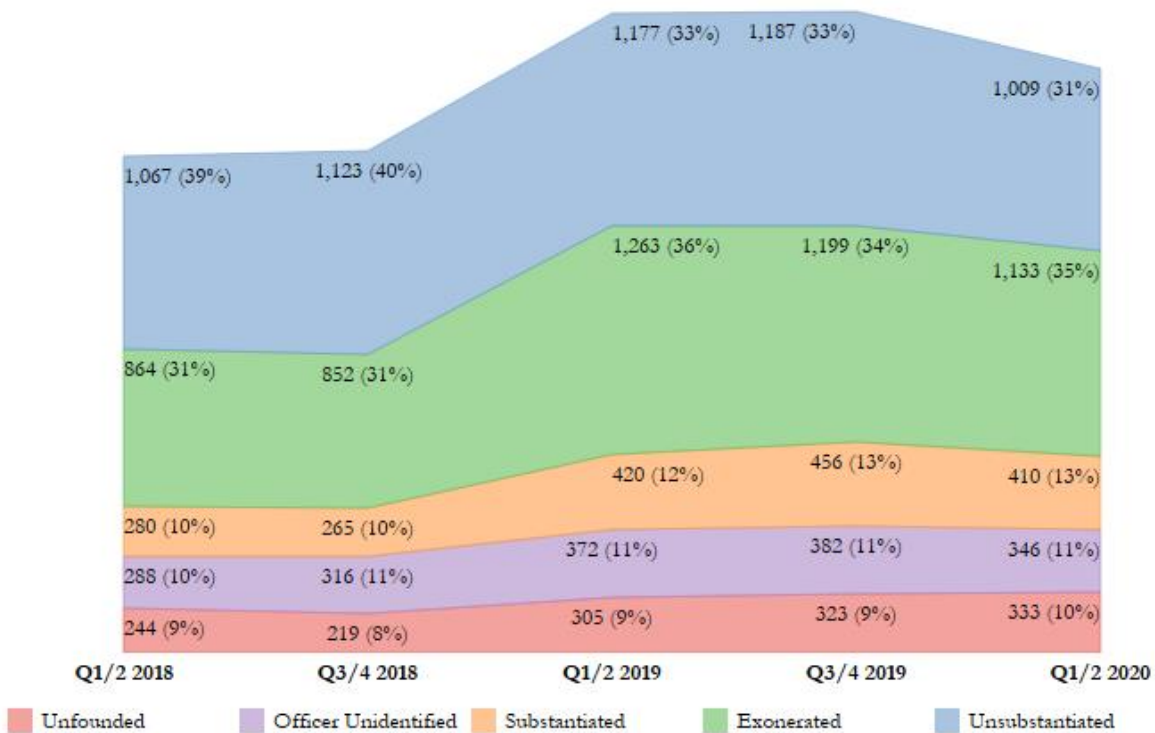
²⁷ A low substantiation rate for allegations is not unusual—in order to consider all possible allegations, investigators thoroughly document each allegation separately, though upon a full investigation, not all of these allegations can be proven.

Figure 27: Disposition of Fully Investigated Complaints, 2018 - Q1/2 2020



Due to the reconsideration process, some counts are subject to change. See Section 5.

Figure 28: Disposition of Fully Investigated Allegations, 2018 - Q1/2 2020



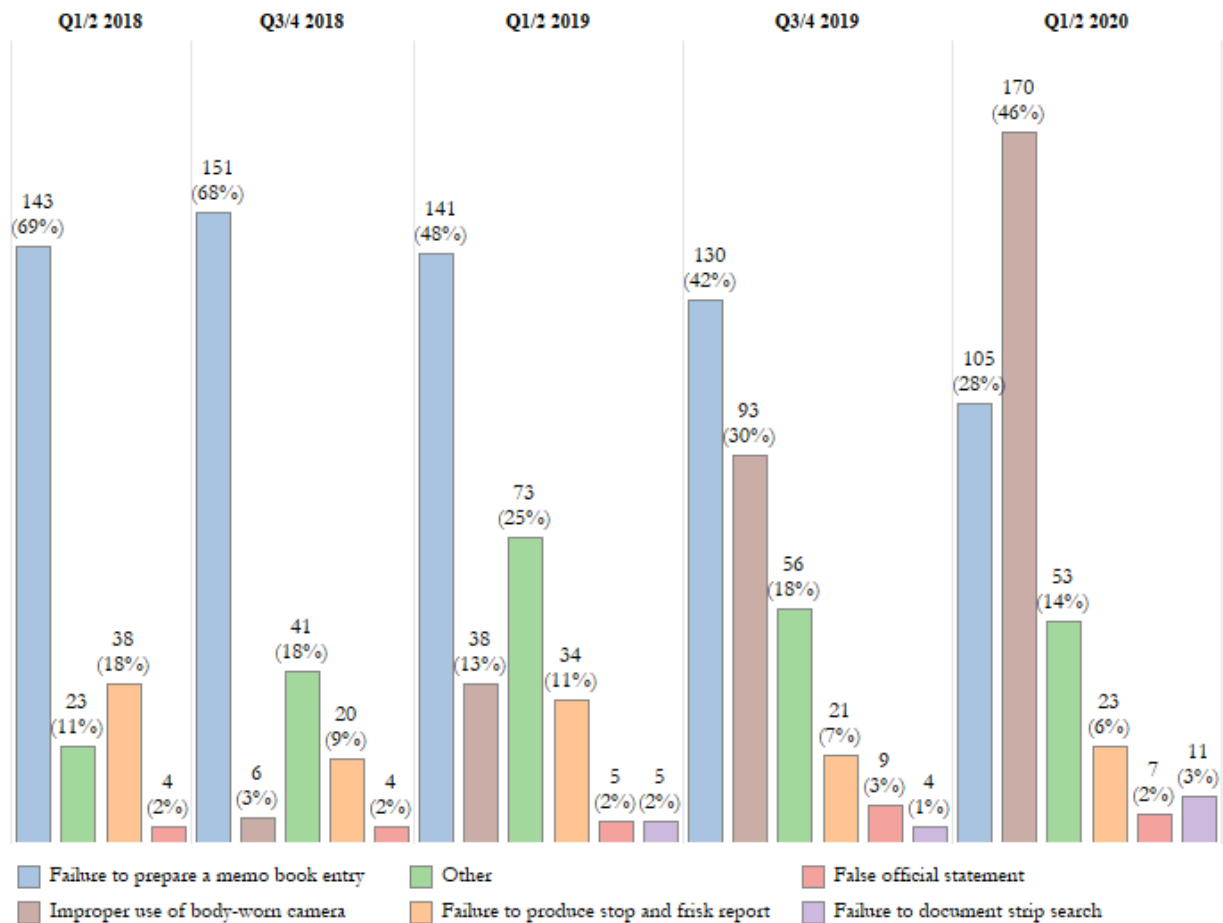
Due to the reconsideration process, some counts are subject to change. See Section 5.

OTHER MISCONDUCT NOTED AND FALSE OFFICIAL STATEMENTS

Where a CCRB investigation reveals evidence of possible misconduct that falls outside of the CCRB’s jurisdiction, the Board files this possible misconduct as “other misconduct noted” (OMN), and reports it to the NYPD for further investigation and possible disciplinary action. OMN allegations should not be confused with allegations of corruption or potential criminal conduct, which are also referred to IAB. Figure 29 lists

the top categories of OMN referrals. The most frequent OMN referred to IAB was for improper use of a body-worn camera (170, or 46% of all OMNs in Q1/2 2020), an OMN the CCRB began tracking in late 2018. These OMN referrals, which were 13% of the total in Q1/2 2019, were sent to the NYPD when BWC footage revealed, for instance, that officers had turned their cameras off in the middle of an incident.

Figure 29: Other Misconduct Noted, 2018 – Q1/2 2020



In February of 2016, the CCRB began receiving IAB dispositions of the false official statement OMNs that the CCRB had referred to the NYPD for investigation. These statements, while relatively rare (see Fig. 29), are instances in which an officer made a statement in the course of a CCRB investigation that is demonstrably false. These statements had not been within the CCRB's jurisdiction to investigate until the approval of Charter revision proposals by voters in November 2019, when the CCRB's jurisdiction expanded to include untruthful material statements made by police officers.²⁸ As of March 31, 2020, the CCRB has the authority to investigate the truthfulness of official material statements made by subject officers during the course of a CCRB investigation. On April 1, 2020, the NYPD

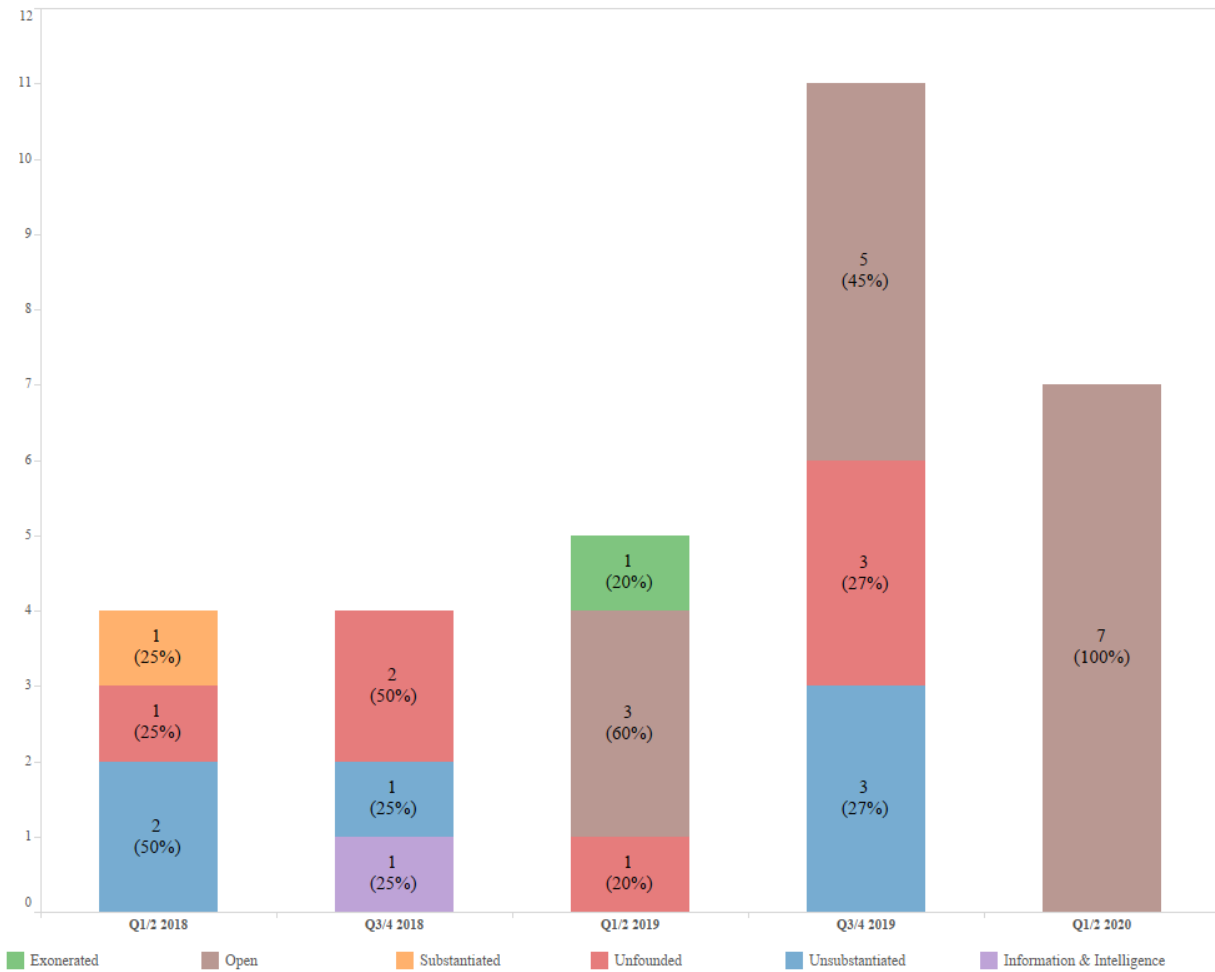
updated Patrol Guide §203-08 to differentiate types of statements which constitute "False or Misleading Statements." The Patrol Guide differentiates three types of statements which will correspond to the following allegations: False Official Statements, Misleading Official Statements, and Inaccurate Official Statements. As a result of the Charter revision and the new NYPD Patrol Guide language, these allegations collectively constitute a new group of allegations investigated by the CCRB under the category "untruthful statements."²⁹

Figure 30 depicts the IAB dispositions of all false official statement OMNs referred to the NYPD since 2016. The CCRB recorded no untruthful statements in Q1/2 2020, but future reports will document metrics on these allegations as they may arise.

²⁸ The language of the Charter now 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."

²⁹ No allegations of "untruthful statements" were recorded in the first half of 2020, and so metrics on this new allegation category do not appear in this report. These allegations will be reported on in future Annual and Semi-Annual Reports.

Figure 30: False Official Statement OMNs, 2016 - Q1/2 2020



SECTION 3: DISCIPLINARY PROCESS

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

After the Civilian Complaint Review Board (CCRB, the Agency, or the Board) substantiates an allegation of misconduct, the New York City Police Department (NYPD) portion of the disciplinary process begins. Although the CCRB can recommend the discipline that it deems appropriate, pursuant

to the New York City Charter, New York City Administrative Code, and New York State Civil Service Law,³⁰ 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.

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

1. **Instructions:** guidance issued by a commanding officer.
2. **Formalized Training:** given at the Police Academy or the Legal Bureau.
3. **Command Discipline A:** issued by the commanding officer and may include a penalty ranging from instructions up to the MOS forfeiting five vacation days.³¹ A Command Discipline A is automatically removed from a MOS' Central Personnel Index after one year.³²
4. **Command Discipline B:** issued by the commanding officer and may include a penalty ranging from instructions up to the MOS forfeiting 10 vacation days. A MOS can request that a Command Discipline B be removed from his or her Central Personnel Index after three years.
5. **Charges and Specifications:** leads to a prosecutorial process in which a MOS may either enter a guilty plea or go to trial before the NYPD Deputy Commissioner of Trials (DCT) or an Assistant Deputy Commissioner of Trials (ADCT), who makes a guilty or not guilty determination. The Police Commissioner has final approval of all dispositions, but generally follows the recommendation of the DCT or ADCT.³³

OVERVIEW OF DISCIPLINARY PROCESS

In January 2018, the Board began utilizing a Disciplinary Framework, a non-binding matrix designed to guide Board Panel discussions on discipline recommendations. Use of the Framework does not impact whether a complaint will be substantiated by

the Board—it is only used once cases have been substantiated. The goal of the Framework is to achieve consistent and fair discipline recommendations for both civilians and MOS. The Framework outlines six allegation types that, if substantiated,

³⁰ NYS Civil Service Law § 75(3-a).

³¹ Prior to 2014, the Board did not distinguish between “Command Discipline A” and “Command Discipline B.” The corresponding disciplinary recommendation was simply “Command Discipline.”

³² A Central Personnel Index is a MOS' personnel record.

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

typically would result in the recommendation of Charges and Specifications—the most severe level of discipline. These allegations include chokeholds, strip searches, warrantless entries, offensive language, excessive force with serious injury, and sexual misconduct. Under the Framework, Board Panels discuss the subject officer’s CCRB history and the totality of the circumstances of the case as a way to guide its determination of the appropriate disciplinary recommendation.

When the Board recommends Instructions, Formalized Training, or Command Discipline against a MOS, that recommendation is sent to the Department Advocate’s Office (DAO). The DAO is the unit within the NYPD that reviews these disciplinary recommendations and recommends to the Police Commissioner whether to impose or modify the discipline recommended by the CCRB.

CCRB DISCIPLINARY RECOMMENDATIONS

In Q1/2 2020, the Board substantiated 183 complaints against 272 police officers (Fig. 31). This is an increase from Q1/2 2019, when the Board substantiated 181 complaints against 251 police officers. A single substantiated complaint may contain substantiated allegations against more than one officer, or multiple substantiated allegations against a single officer.

In Q1/2 2020, the Board recommended Command Discipline A for 16% (102) and

When the Board recommends Charges and Specifications, in most instances the substantiated allegations are prosecuted by the Administrative Prosecution Unit (APU). The development of the APU increased the CCRB’s role in determining discipline for officer misconduct.

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

Command Discipline B for 9% (90) of officers against whom there was a substantiated allegation, down from 21% and 16% respectively in Q1/2 2019 (Fig. 32, next page). The Board recommended Charges and Specifications for 10% of officers against whom there was a substantiated allegation in Q1/2 2020, compared with 19% in Q1/2 2019. The Board recommended Instructions 41% of the time, and Formalized Training 25% of the time, up from 23% and 20% respectively in Q1/2 2019.

Figure 31: Complaints Substantiated & Officers with Substantiated Allegations, 2018 – Q1/2 2020³⁴

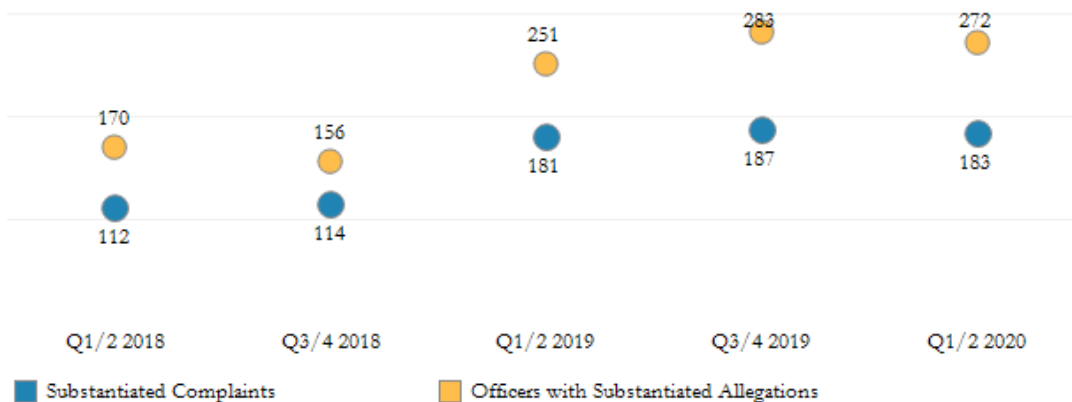
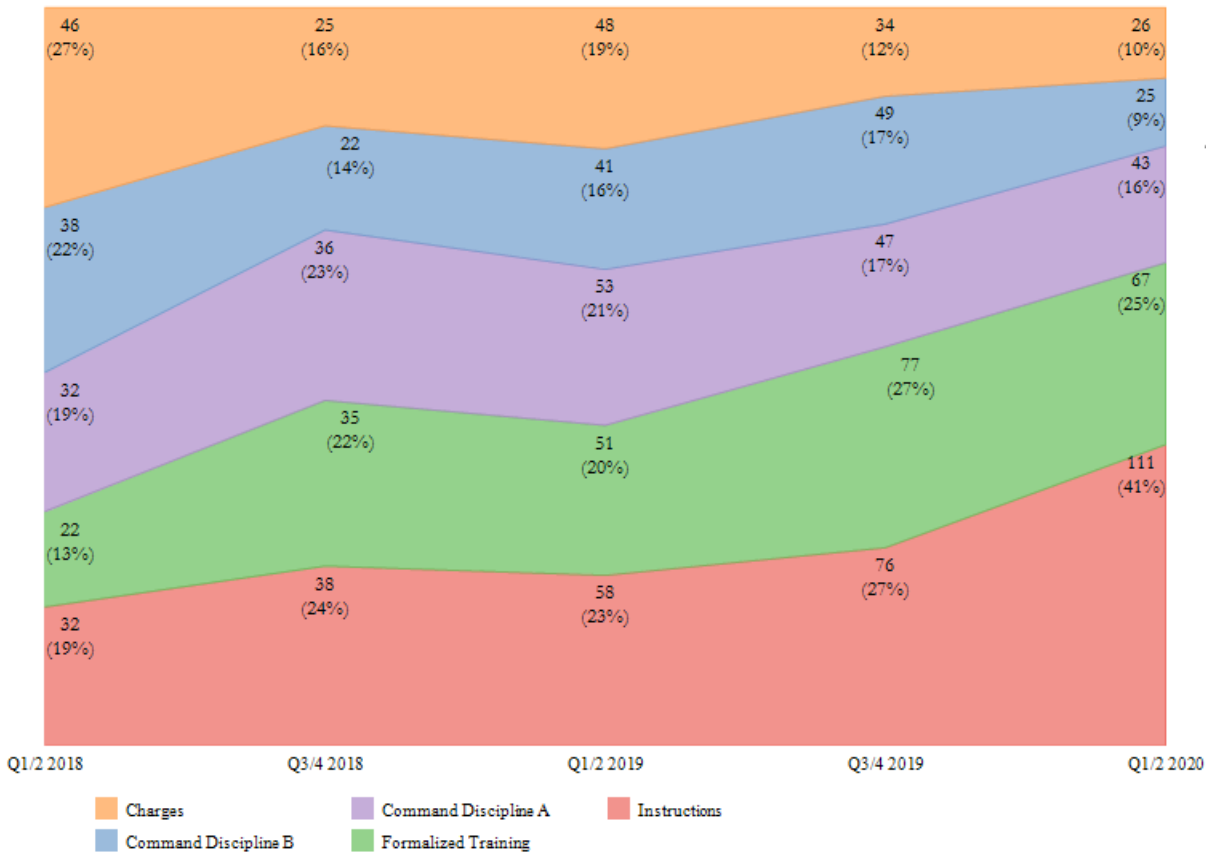


Figure 32: Board Recommendations for Officers with Substantiated Allegations, 2018 – Q1/2 2020³⁵



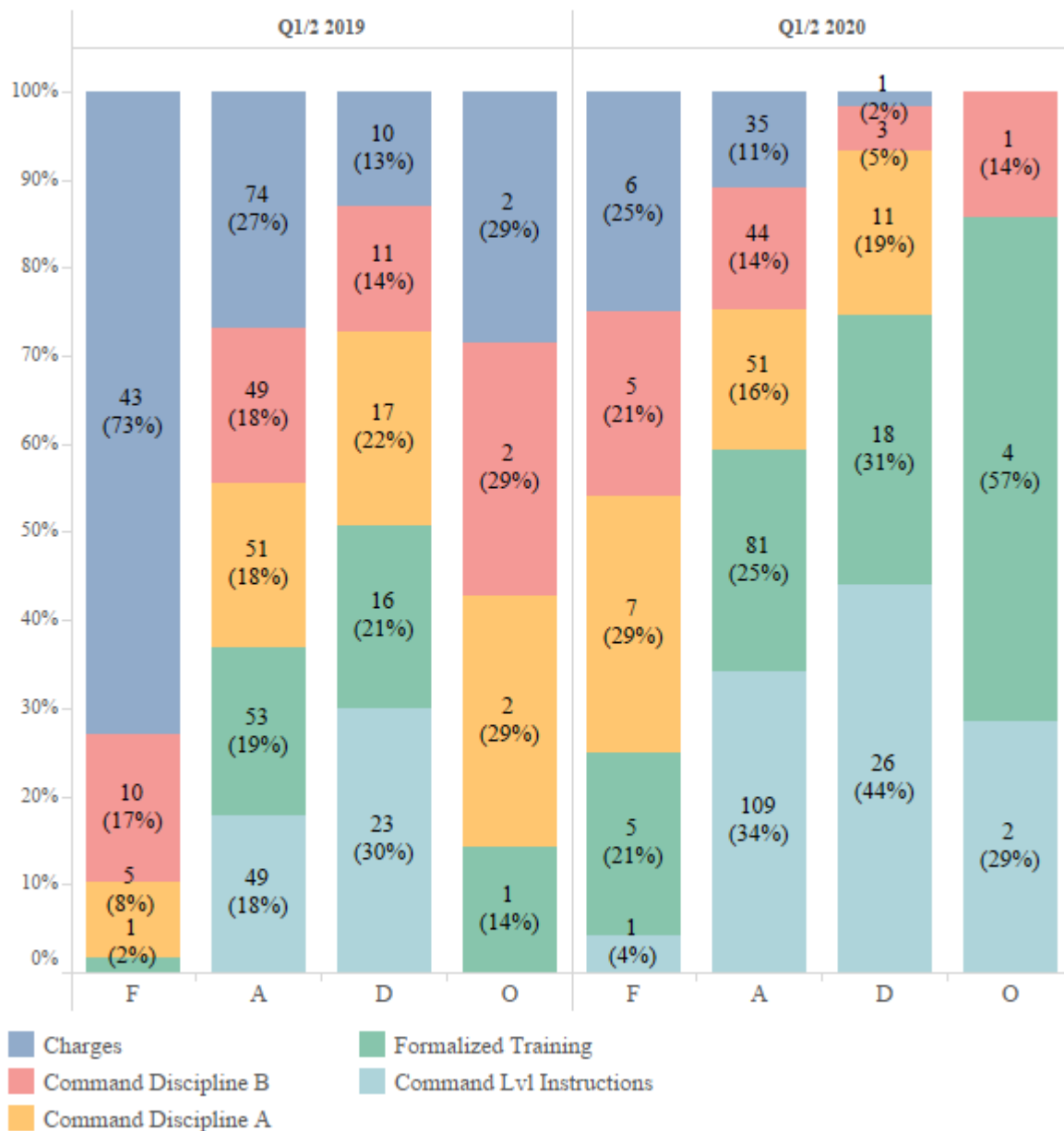
³⁴ Due to the reconsideration process, these counts are subject to change (see Section 5).

³⁵ Due to the reconsideration process, these counts are subject to change (see Section 5). In order to simplify viewing of this graphic, a previously-used CCRB category of “Command Discipline” has been excluded. There were seven officers with substantiations who received this disciplinary recommendation in 2015 and one in 2016.

As depicted in Fig. 33, Command Discipline A was the most common recommendation (29%) for excessive Force allegations substantiated in Q1/2 2020, in contrast to the most common recommendation in Q1/2 2019, Charges and Specifications (73%). The

most common Board recommendation for Abuse of Authority (at 34%) and Discourtesy (at 44%) was Instructions, while the most common Board recommendation for Offensive Language allegations was Formalized Training (57%).

Figure 33: Board Disciplinary Recommendations by Substantiated FADO Allegations, Q1/2 2019 & Q1/2 2020



NYPD DISCIPLINARY DECISIONS

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

When a substantiated allegation against an officer is referred to the DAO, the CCRB makes a recommendation regarding what disciplinary action should be taken. The DAO reports the final discipline imposed by the Police Commissioner, if any, back to the

CCRB.³⁶ In Q1/2 2020, the NYPD took some form of disciplinary action (Charges, Command Discipline, Formalized Training, or Instructions) against 89% of the officers for whom discipline was recommended by the CCRB (including APU cases), up from 81% in Q1/2 2019 (Fig. 34). In cases where the NYPD imposed discipline, the most common form of discipline imposed was Instructions (42%, up from 27% in Q1/2 2019), followed by Command Discipline (25%, up from 20% in Q1/2 2019).³⁷ Formalized Training was given 22% of the time, down from 33% in Q1/2 2019.

³⁶ While the CCRB receives notification of the final category of discipline, the Agency does not receive specifics on the penalty that the Police Commissioner ultimately imposes. For instance, the NYPD reports to the CCRB whether an officer was given a Command Discipline A, but not the number of vacation days forfeited. Similarly, the Agency is made aware of the fact that training was given to an officer, but not the exact training module.

³⁷ In a small number of cases (labeled as “NYPD Pursued Discipline: Charges” in Figure 34), the CCRB does not recommend Charges and Specifications, but DAO determines the case should be tried in an administrative trial. This may be due to many factors, including that the officer rejected a Command Discipline and elected to go to trial, or the DAO determines that the case is serious enough to rise to the level of charges. These should not be confused with cases in which the Board recommended Charges and Specifications and the case was processed by the APU; discipline in these cases are included in the other categories in Fig. 34, and broken down in more detail in the next section of this report.

Figure 34: Department Advocate’s Office Disciplinary Actions on CCRB Cases, 2018 – Q1/2 2020³⁸

NYPD Disciplinary Action	Q1/2 2018		Q3/4 2018		Q1/2 2019		Q3/4 2019		Q1/2 2020	
	Count	% Total	Count	% Total	Count	% Total	Count	% Total	Count	% Total
NYPD Pursued Discipline: Charges	2	1%	2	1%	1	1%	1	1%		
NYPD Pursued Discipline: Command Discipline	49	26%	32	19%	27	20%	43	26%	72	25%
NYPD Pursued Discipline: Formalized Training	77	41%	65	38%	46	33%	41	25%	64	22%
NYPD Pursued Discipline: Instructions	29	16%	26	15%	37	27%	45	27%	122	42%
NYPD Pursued No Discipline (DUP)	18	10%	39	23%	20	14%	26	16%	23	8%
Statute of Limitations Expired	4	2%					1	1%		
Filed (officer resigned before FD action)	2	1%	3	2%	2	1%	5	3%	2	1%
Administratively Closed	5	3%	4	2%	5	4%	5	3%	7	2%
Dismissed			1	1%						

POLICE COMMISSIONER DOWNWARD DEPARTURE LETTERS

As a result of the November 2019 revised language of the New York City Charter, the Police Commissioner must submit letters to the CCRB explaining any downward departures from the Board’s disciplinary recommendations. While these letters have always been part of cases closed by the APU, the Charter change extends this requirement to all CCRB cases.

In Q1/2 2020, the CCRB received downward departure letters for 37 MOS across 26 complaints. Of these 37 MOS, 19 received no discipline, nine received formalized training, five received Command Discipline,

³⁸ The cases in this table are depicted by the penalty report date, not the year in which the cases were closed. In other words, the numbers reported in this Report are cases in which NYPD reported final discipline in this time frame, though the CCRB may have closed these cases in prior years. “Administratively closed” typically indicates that DAO is already investigating the incident itself.

and four received Instructions. Appendix 1 contains redacted copies of each of these letters.³⁹ In Q1/2 2020, the CCRB did not receive downward departure letters for 34 MOS across 30 complaints. This includes 33 instances where the Board recommended Formalized Training as the form of discipline and the Department issued Command Level Instructions.⁴⁰

ADMINISTRATIVE PROSECUTION UNIT

When the Board recommends Charges and Specifications against an officer in a substantiated case, the APU prosecutes the case unless the NYPD retains the case. Retained cases are those in which the NYPD elects, pursuant to Section 2 of the MOU between the NYPD and the CCRB, to keep a case.⁴¹ When the NYPD keeps a case pursuant to Section 2, it may or may not impose discipline on the officer.

The APU treats each officer against whom an allegation is substantiated as a separate case.⁴² A single CCRB complaint may generate more than one APU case depending on the number of officers against whom the Board

recommends Charges and Specifications. As seen in Fig. 35, in Q1/2 2020, the APU completed 5 trials and closed a total of 29 cases, excluding cases reconsidered by the Board. Of the cases closed by the APU in Q1/2 2020, 28 were adjudicated, and 15 (54%) of those resulted in some form of disciplinary action (Fig. 36, next page).

Of the 15 APU cases in which discipline was imposed in Q1/2 2020, the most common penalty was a suspension or loss of vacation time. Eight officers received suspension for or loss of vacation time of 1 to 10 days, and two received a suspension or loss of vacation time of 11-20 days (Fig. 37).

³⁹ One departure letter which involved three officers, including an undercover officer, has been removed from the Appendix.

⁴⁰ The Department informed the CCRB that it is their position that “Instructions from the Commanding Officer is a type of training as is Formal Training at the Academy or from the Legal Bureau. The type of “training”, is fact specific, based on the category of misconduct. Therefore, Departure letters are not required.” The CCRB is working with the Department to resolve this issue.

⁴¹ Section 2 of the MOU states, “...in those limited instances where the Police Commissioner determines that CCRB’s prosecution of Charges and Specifications in a substantiated case would be detrimental to the Police Department’s disciplinary process, the Police Commissioner shall so notify CCRB. Such instances shall be limited to such cases in which there are parallel or related criminal investigations, or when, in the case of an officer with no disciplinary history or prior substantiated CCRB complaints, based on such officer’s record and disciplinary history the interests of justice would not be served.” For the full text of the MOU, see http://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf.

⁴² Because the APU treats each officer as a separate “case,” all APU data discussed in this Report uses the same terminology. While there may be trials or incidents that involve multiple officers, the word “case” should be interpreted as “case against a single officer.”

Figure 35: APU Trials Conducted and Cases Closed, 2018 – Q1/2 2020

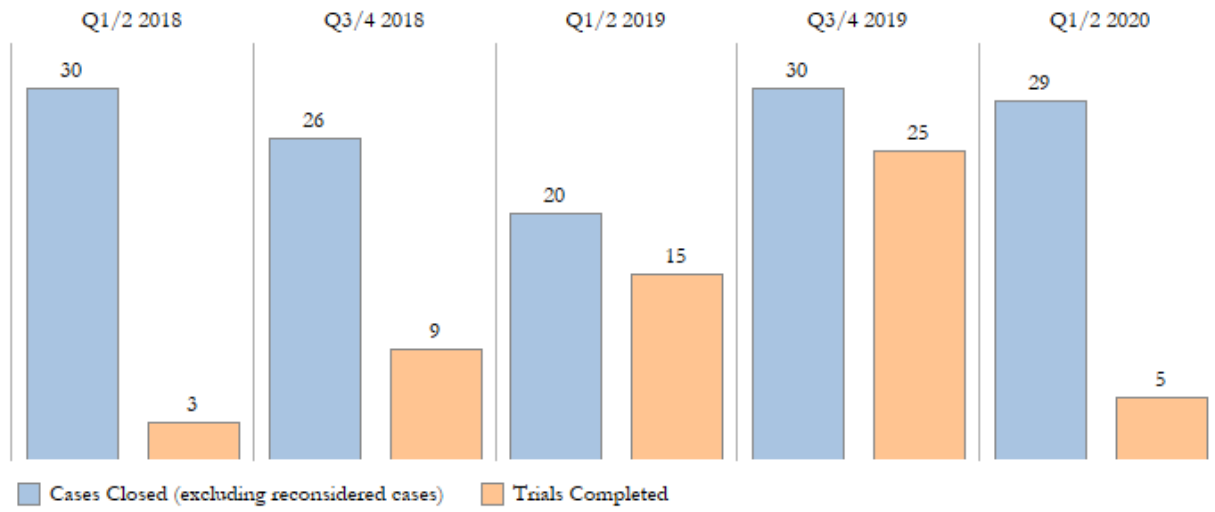


Figure 36: APU Case Closures Q1/2 2020

		Q1/2 2020
Disciplinary Action	Not guilty after trial but Discipline Imposed	0
	Guilty after trial	7
	Trial verdict dismissed by PC, Comm. Disc. A imposed	0
	Trial verdict dismissed by PC, Comm. Disc. B imposed	0
	Trial verdict dismissed by PC, Formalized Training imposed	0
	Trial verdict dismissed by PC, Instructions imposed	0
	Trial verdict reversed by PC, Final verdict Guilty	0
	Resolved by plea	3
	Plea set aside, Comm. Disc. B	0
	Plea set aside, Comm. Disc. A	0
	Plea set aside, Formalized Training	0
	Plea set aside, Instructions	0
	*Retained, with discipline	5
	Total	15
No Disciplinary Action	Not guilty after trial	10
	Trial verdict reversed by PC, Final verdict Not Guilty	3
	Plea set aside, Without discipline	0
	**Retained, without discipline	0
	Dismissed by APU	0
	SOL Expired in APU	0
Total	13	
Not Adjudicated	Charges not served	0
	Deceased	0
	Other	1
	***Previously adjudicated, with discipline	0
	***Previously adjudicated, without discipline	0
	†Reconsidered by CCRB Board	0
	Retired	0
	SOL Expired prior to APU	0
Total	1	
Total Closures†	29	

*Retained cases are those in which the Department kept jurisdiction pursuant to Section 2 of the April 2, 2012 Memorandum of Understanding between the NYPD and the CCRB.

** When the Department keeps jurisdiction pursuant to Section 2 and does not impose any discipline on the officer, it is the equivalent of a category referred to as "Department Unable to Prosecute" (DUP). Cases are referred to as DUP when the Department decides that it will not discipline an officer against whom the Board recommended discipline other than charges.

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

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

Figure 37: Discipline Imposed for Adjudicated APU Cases, Q1/2 2020

Terminated	0
Suspension for or loss of vacation time of 31 or more days and/or Dismissal Probation	0
Suspension for or loss of vacation time of 21 to 30 days	0
Suspension for or loss of vacation time of 11 to 20 days	2
Suspension for or loss of vacation time of 1 to 10 days	8
Command Discipline B	2
Command Discipline A	3
Formalized Training**	0
Instructions***	0
Warned & Admonished/Reprimanded	0
Disciplinary Action Total	15
No Disciplinary Action	13
Adjudicated Total	28
Discipline Rate	54%
Closed - Not Adjudicated	1
Total Closures	29

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

*** Instructions are conducted at the command level

DISCIPLINE CONCURRENCE RATES

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

For cases in which the Board recommended Command Discipline, Formalized Training, or Instructions, the Police Commissioner imposed the discipline recommended by the Board 70% of the time in Q1/2 2020, compared with 52% in Q1/2 2019 (Fig. 38).⁴³ Cases in which the Board recommended

discipline but no discipline was imposed by the Police Commissioner decreased to 8% from 14% in Q1/2 2019.

For cases in which Charges and Specifications were recommended by the Board and were subsequently prosecuted by the APU, the concurrence rate was 7% (2 cases) in Q1/2 2020 (Fig. 39). In 36% (10) of the cases, this was due to a "not guilty" verdict at trial, in 18% (5 cases), the penalty imposed was lower than what was requested at trial, and in 18% (5 cases), the case was retained for prosecution by the NYPD and some discipline was imposed (Fig. 40).⁴⁴

Figure 38: Non-Charges Discipline Rate, 2018 – Q1/2 2020

	Q1/2 2018	Q3/4 2018	Q1/2 2019	Q3/4 2019	Q1/2 2020
Discipline Concurrence	101 (54%)	87 (51%)	72 (52%)	83 (50%)	204 (70%)
Discipline Difference	56 (30%)	38 (22%)	39 (28%)	46 (28%)	54 (19%)
No Discipline	18 (10%)	39 (23%)	20 (14%)	26 (16%)	23 (8%)
Other	11 (6%)	8 (5%)	7 (5%)	11 (7%)	9 (3%)
Grand Total	186 (100%)	172 (100%)	138 (100%)	166 (100%)	290 (100%)

⁴³ The "Other" category include cases in which the MOS resigned before discipline could be imposed, cases where the statute of limitations expired before discipline could be imposed, cases that were administratively closed, and cases where the Charges and Specifications were dismissed. See Figure 33 for a numeric breakdown of those cases.

⁴⁴ Cases in which the Police Commissioner modified a plea but increased the penalty are included in the concurrence rate. The "Penalty Lower than Requested at Trial" category includes cases in which the officer was found not guilty of some (but not all) allegations, leading to the overall reduction of penalty.

Figure 39: APU Discipline and Penalty Concurrence Rate, 2018 – Q1/2 2020

	Q1/2 2018	Q3/4 2018	Q1/2 2019	Q3/4 2019	Q1/2 2020
Discipline Concurrence	6 (23%)	11 (50%)	7 (39%)	7 (27%)	2 (7%)
Not Guilty		3 (14%)	6 (33%)	7 (27%)	10 (36%)
Penalty Lower Than Requested At Trial	5 (19%)	3 (14%)	3 (17%)	6 (23%)	5 (18%)
Plea Set Aside - discipline imposed	1 (4%)				
Plea Modified - penalty reduced	10 (38%)			1 (4%)	3 (11%)
Retained - discipline imposed	2 (8%)	4 (18%)	2 (11%)	2 (8%)	5 (18%)
Retained - no discipline imposed	2 (8%)			2 (8%)	
Guilty Verdict Reversed - final verdict not guilty		1 (5%)		1 (4%)	3 (11%)
Grand Total	26 (100%)	22 (100%)	18 (100%)	26 (100%)	28 (100%)

SECTION 4: MEDIATION

The New York City Charter mandates that the Civilian Complaint Review Board (CCRB, the Agency, or the Board) offer mediation as an option for resolving allegations of police misconduct. The goal of the Mediation Program is to allow civilians and officers the opportunity to voluntarily resolve the issues contained in the complaint through a face-to-face meeting, with the assistance of a neutral mediator.

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

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. Once the complainant agrees to mediation, the option is then presented to the officer. Mediations only take place when both the complainant and the officer have voluntarily agreed to mediate the complaint. Complainants reserve the right to have the case sent back to the investigation process if they are unsatisfied with mediation.

A mediation session ends when all parties involved agree that they have had an opportunity to discuss the issues in the case. In the vast majority of 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, the case returns to the Investigations Division for a full investigation. Mediations can lead to better police-community relations because a measure of trust and respect often develops between the parties during the mediation.

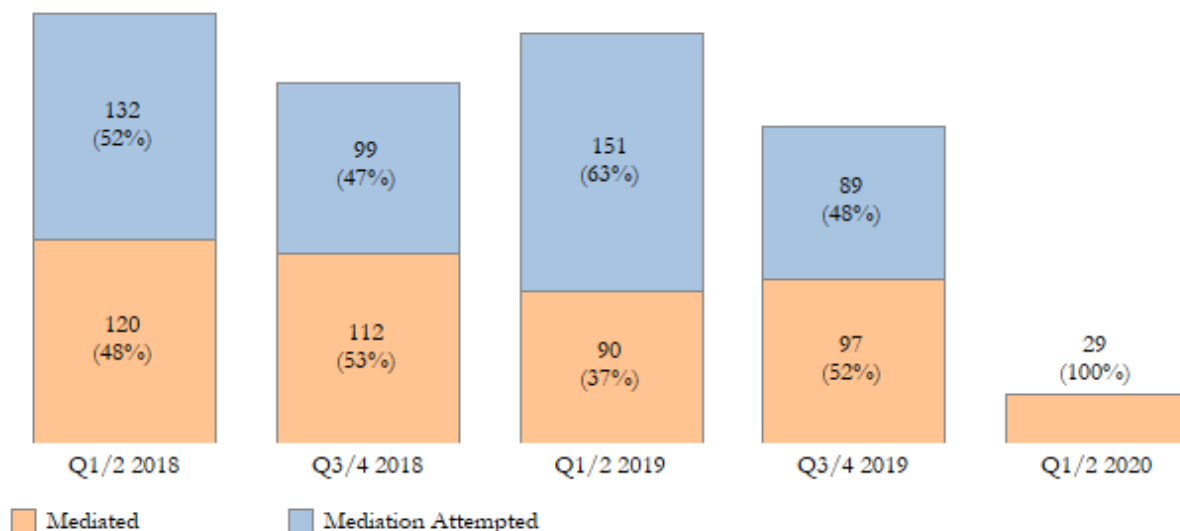
The Mediation Unit provides a valuable alternative method for resolving complaints. While an investigation is focused on evidence-gathering, fact-finding, and the possibility of discipline, a mediation session is forward-looking with the goal of fostering discussion and mutual understanding between the civilian and the officer.

Mediation gives civilians and officers the chance to meet as equals, in a private, neutral, and quiet space. A trained, neutral mediator contracted by the CCRB guides the session and facilitates a confidential dialogue about the circumstances leading to the complaint.

The CCRB temporarily halted mediations in the first half of 2020 due to the pandemic, and was able to resume them toward the end of the reporting period. Thus, no data in this section are easily comparable to prior years, though they are reported here for transparency nonetheless. In Q1/2 2020, the Mediation Unit successfully mediated 29 cases (100%) and no cases (0%) were closed as “mediation attempted” (Fig. 40, next page). Mediation attempted is a designation for a case in which both the officer and the civilian agree to mediate, but the civilian either fails to appear twice for the scheduled mediation session without good cause, or fails to

respond to attempts to schedule a mediation session, and the civilian does not request that the investigation resume.

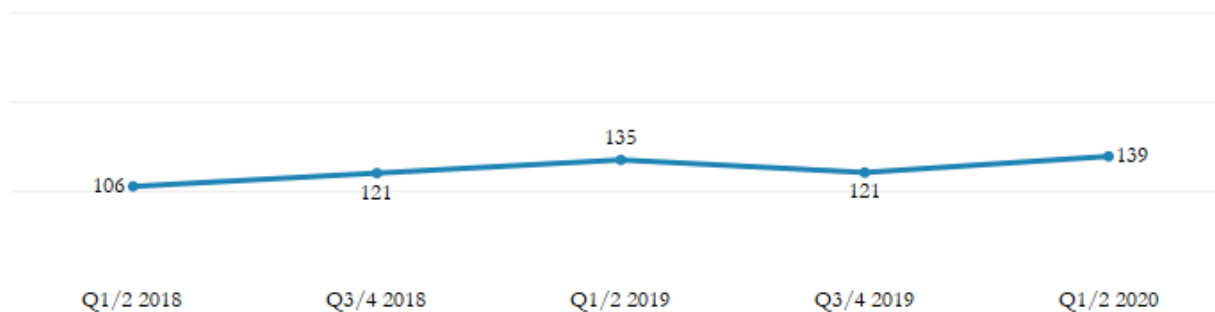
Figure 40: Mediation Closures, 2018 – Q1/2 2020



In Q1/2 2020, it took an average of 139 days to mediate a complaint (Fig. 41). This is related both to the previously-discussed increase in overall investigation times at the CCRB, and the increase in the proportion and

raw number of mediated cases, leading to higher caseloads and longer processing times for Mediation Unit staff, though the pandemic most certainly has impacted these numbers, as well.

Figure 41: Average Days to Completed Mediation, 2018 – Q1/2 2020



As noted, mediation is not offered in all cases. Mediation was offered in 33% of cases closed in Q1/2 2020 (Fig. 42, next page). For cases closed in Q1/2 2020, the mediation acceptance rate for civilians was 25%, down

from 39% in the same time frame the previous year (Fig. 43). Officers who were offered the chance to mediate a complaint accepted mediation 70% of the time, down from 83% a year prior.⁴⁵

⁴⁵ Allegations contained in mediated complaints are not reflected in the officer’s NYPD disciplinary record.

Figure 42: Percentage of Cases in which Mediation was Offered, Cases Closed 2018 – Q1/2 2020

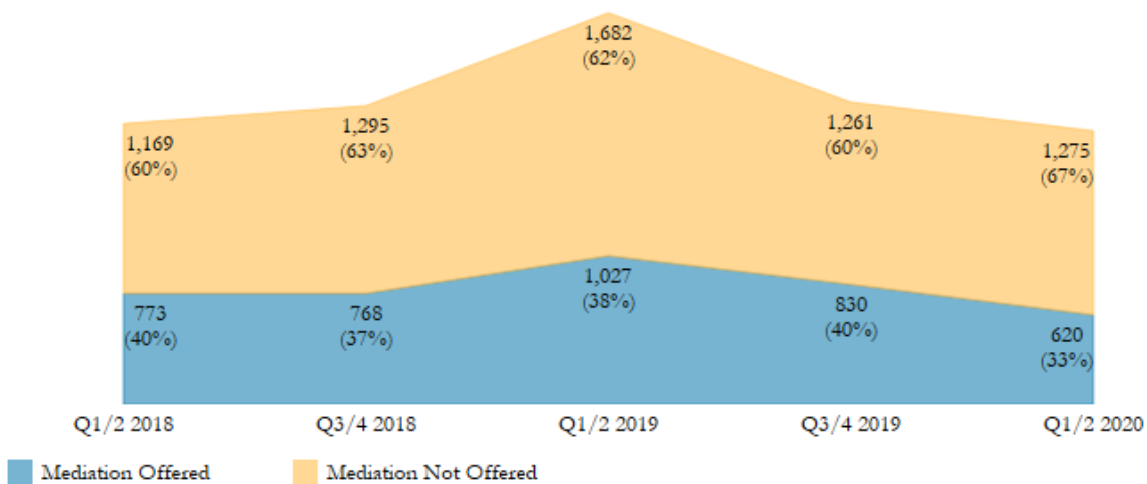
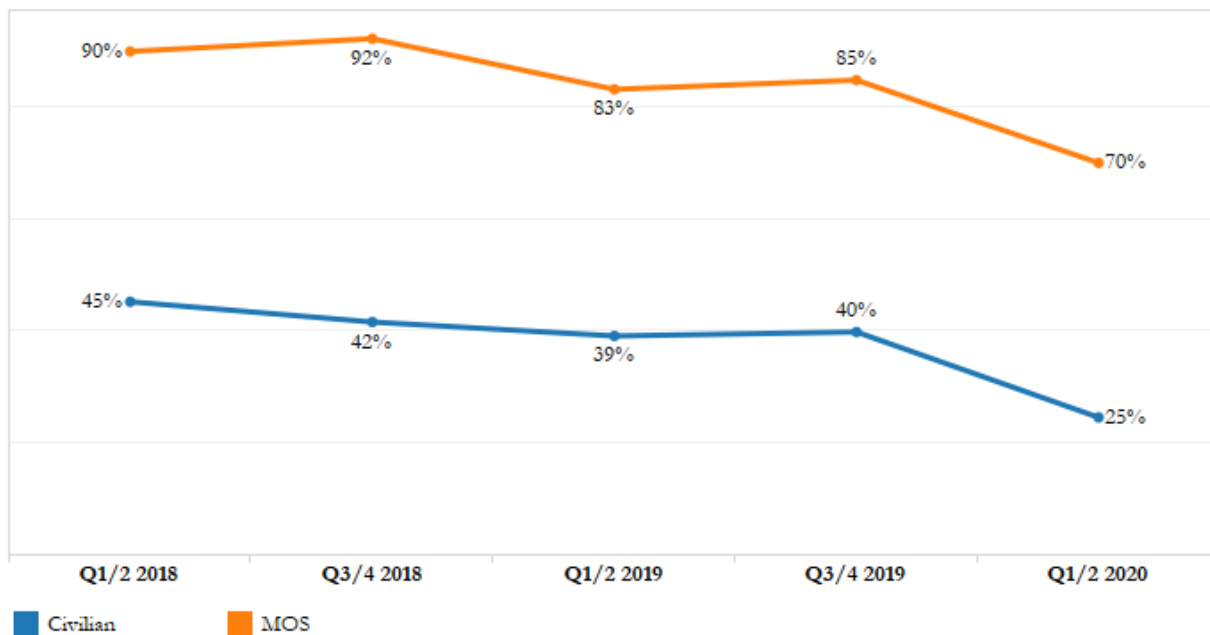


Figure 43: Number of Civilians and MOS that Accepted Mediation, 2018 – Q1/2 2020

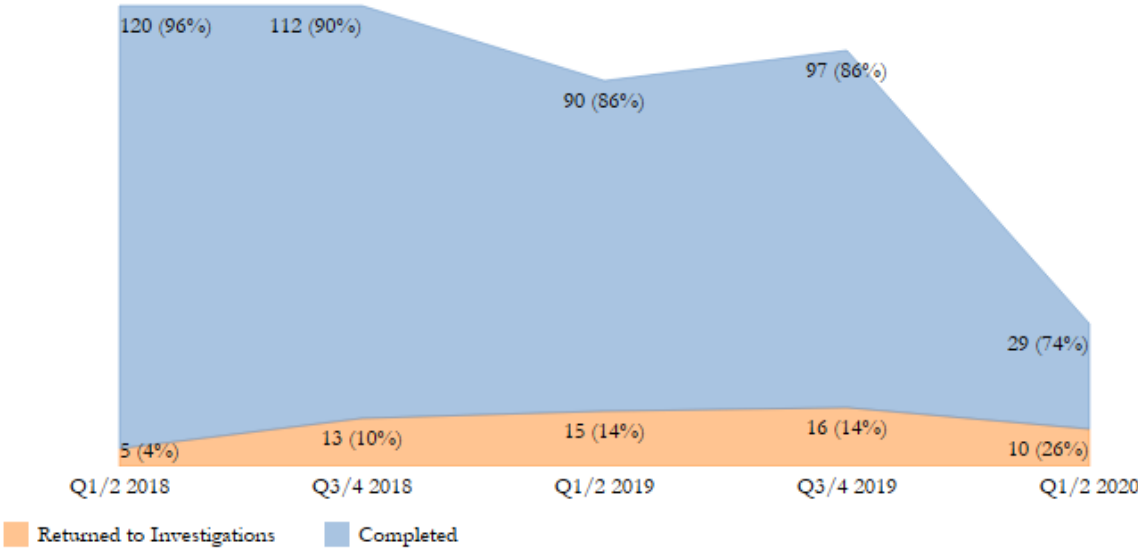


Number of Civilians and MOS that Accepted Mediation

	2015	2016	2017	2018	2019
Civilian	796	708	666	668	731
MOS	601	640	637	719	724

When both parties agree to mediate, mediation is a very effective way of resolving complaints and facilitating productive discussion between complainants and officers. In Q1/2 2020, the Mediation Unit conducted 39 mediation sessions, resulting in 29 satisfactory resolutions, a 74% success rate (Fig. 44). The remaining 10 complaints were returned to an investigator and closed by the Investigations Division.

Figure 44: Mediation Completion Rate, 2018 – Q1/2 2020



SECTION 5: RECONSIDERATIONS

CCRB-NYPD RECONSIDERATION PROCESS

Since December 2014, the Civilian Complaint Review Board (CCRB, the Agency, or the Board) and the New York City Police Department (NYPD) have engaged in a formal reconsideration process. The process allows the Department Advocate's Office (DAO) to write a letter requesting that the Board reconsider its findings and/or discipline

recommendations for a substantiated allegation or case. The Board does not automatically reverse its decision upon the NYPD's request. As an independent oversight agency, the CCRB only changes its case disposition determination or discipline recommendation when doing so is in the interest of fairness.

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

- (a) The discipline recommended against any subject officer is determined upon reconsideration to be inappropriate or excessive; and⁴⁶
- (b) There are new facts or evidence that were not previously known to the Board Panel, and such facts or evidence could reasonably lead to a different finding or recommendation in the case; or
- (c) There are matters of law that were overlooked, misapprehended, or incorrectly applied by the Board Panel.

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

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

limit to submit a reconsideration request is now 30 business days. If a reconsideration request is submitted after the 30-business day deadline, the CCRB will deny the Department's request unless the NYPD submits new facts or applicable laws.

When the NYPD requests reconsideration, it first sends a notification of such to the CCRB, and then sends a letter to the CCRB outlining the case and the underlying reasons for the request. The number of reconsideration requests received by the CCRB has precipitously declined, though it is unclear whether this is solely due to the pandemic. In Q1/2 2020, the CCRB received five requests for members of service (MOS) with

⁴⁶ In some cases, the Board may reconsider a decision based upon additional disciplinary information provided by the NYPD. Board members may consider a MOS' CCRB history when they initially vote, but reconsideration requests typically include a summary of the MOS' entire disciplinary history within NYPD.

substantiated allegations (Fig. 45).⁴⁷ Figure 46 depicts the number of MOS against whom the CCRB substantiated allegations over the past five quarters. None of the 272 MOS

against whom the Board substantiated allegations have been the subject of a reconsideration request by the close of the reporting period.⁴⁸

Figure 45: Number of Reconsideration Requests Received, 2018 – Q1/2 2020

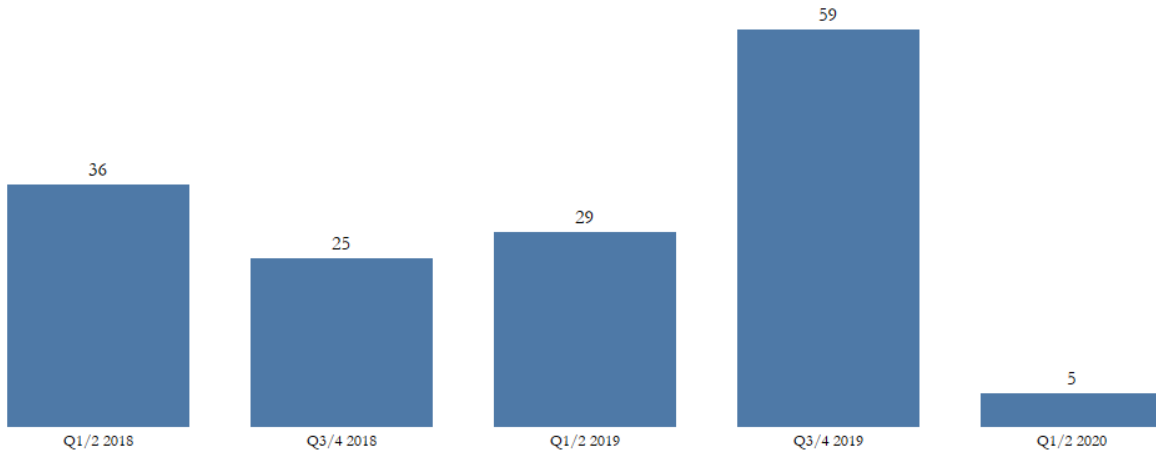
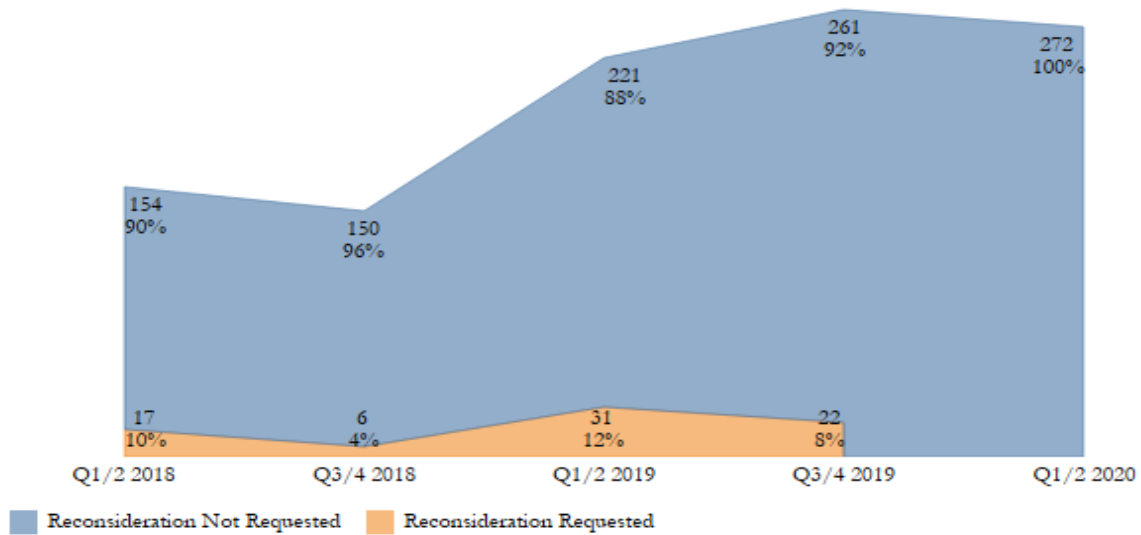


Figure 46: Total Number of MOS with Substantiated Allegations for whom Reconsiderations Were Requested and Not Requested by Case Closing Date, 2018 – Q1/2 2020

⁴⁷ One complaint may feature multiple allegations against multiple MOS. Reconsideration requests received in any given reporting period may be related to complaints closed in prior quarters/years.

⁴⁸ In 2020, the CCRB upgraded its Case Tracking System, an internally-programmed piece of software that tracks all of the Agency’s investigations, mediations, and prosecutions, and holds all of the CCRB’s data. During this process, corrections were made to previously manually-tracked reconsideration request numbers to ensure accuracy. As such, some of the numbers in this section may be close, but not identical, to those reported in previous Annual and Semi-Annual Reports.



The table in Fig. 47⁴⁹ depicts the most common reasons given for reconsideration requests, broken down by year. While each request may feature several reasons, up to three reasons provided for each officer and

allegation pair are represented in Fig. 47. In Q1/2 2020 only four reasons were given for reconsideration requests, within the categories “No departmental disciplinary history” and “No prior CCRB substantiations.”.

⁴⁹ The reasons given by the DAO for the reconsideration requests depicted in Fig. 48 do not match the number of total requests received because multiple reasons may be given in the same request.

Figure 47: Top Listed Reasons for Reconsideration Request, Q1/2 2019 –Q1/2 2020

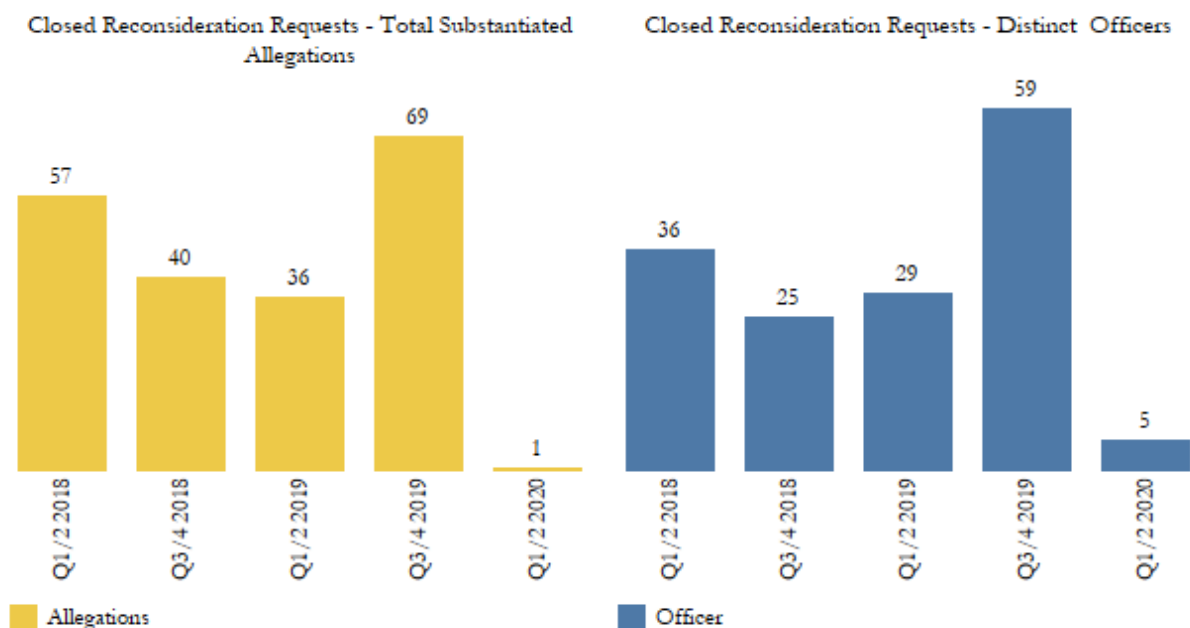
Reasons for Reconsideration		Q1/2 2019		Q3/4 2019		Q1/2 2020	
		Number	Percent of Total	Number	Percent of Total	Number	Percent of Total
New Fact							
	New Evidence			6	8%		
	Specific Facts and Circumstances of Case						
New Law							
	Case Precedent						
	Improper case law applied						
	Improper interpretation of Patrol Guide			1	1%		
	Incorrect pleading of allegation						
Disciplinary History							
	No related disciplinary history						
	No departmental disciplinary history	11	22%	8	11%	2	50%
	No related CCRB history						
	No prior CCRB complaints/disciplinary history			9	12%		
	No prior CCRB substantiations	19	37%	6	8%	2	50%
	CCRB allegation history does not show pattern of similar conduct						
	Highly rated officer	1	2%				
Other							
	Disagree with CCRB findings	15	29%	33	45%		
	Not sufficient evidence						
	Previously investigated by PD						
	Officer was not acting in bad faith	5	10%	10	14%		
	Outside CCRB jurisdiction			1	1%		
	No sworn statement from complainant						
	Civilian abuse of CCRB						
Total		51	100%	74	100%	4	100%

OUTCOMES OF RECONSIDERATION REQUESTS

In Q1/2 2020, the Board closed reconsideration requests for 5 officers (a reconsideration request closed in Q1/2 2020 may have stemmed from a complaint closed in a previous year), a sharp decline from 29 in Q1/2 2019 (Fig. 48). Because the Department

may request reconsideration of multiple substantiated allegations against a single officer involved in a complaint, the total number of allegations reconsidered exceeds the number of officers who have had allegations reconsidered.

Figure 48: Reconsiderations by Date of Case Reconsideration by the CCRB, 2018 – Q1/2 2020⁵⁰



One of the most common questions about the reconsideration process is how many MOS with substantiated allegations have those allegations reconsidered. Of the seven officers whose reconsideration requests were closed by the CCRB in Q1/2 2020, the Board downgraded the disposition for two officers (29%), downgraded the discipline

recommendation for two officers (29%), and maintained the original decision for three officers (43%, Fig. 49). Figure 50 details the specific change in either disposition or disciplinary recommendation that the NYPD requested, and compares this request with the Board’s final decisions.

⁵⁰ Due to the length of time it takes for the NYPD to submit requests for reconsideration, the CCRB expects the Reconsideration Requested numbers for cases closed in this Report’s time period to rise.

Figure 49: Reconsideration Outcomes by Reconsideration Year 2018 – Q1/2 2020

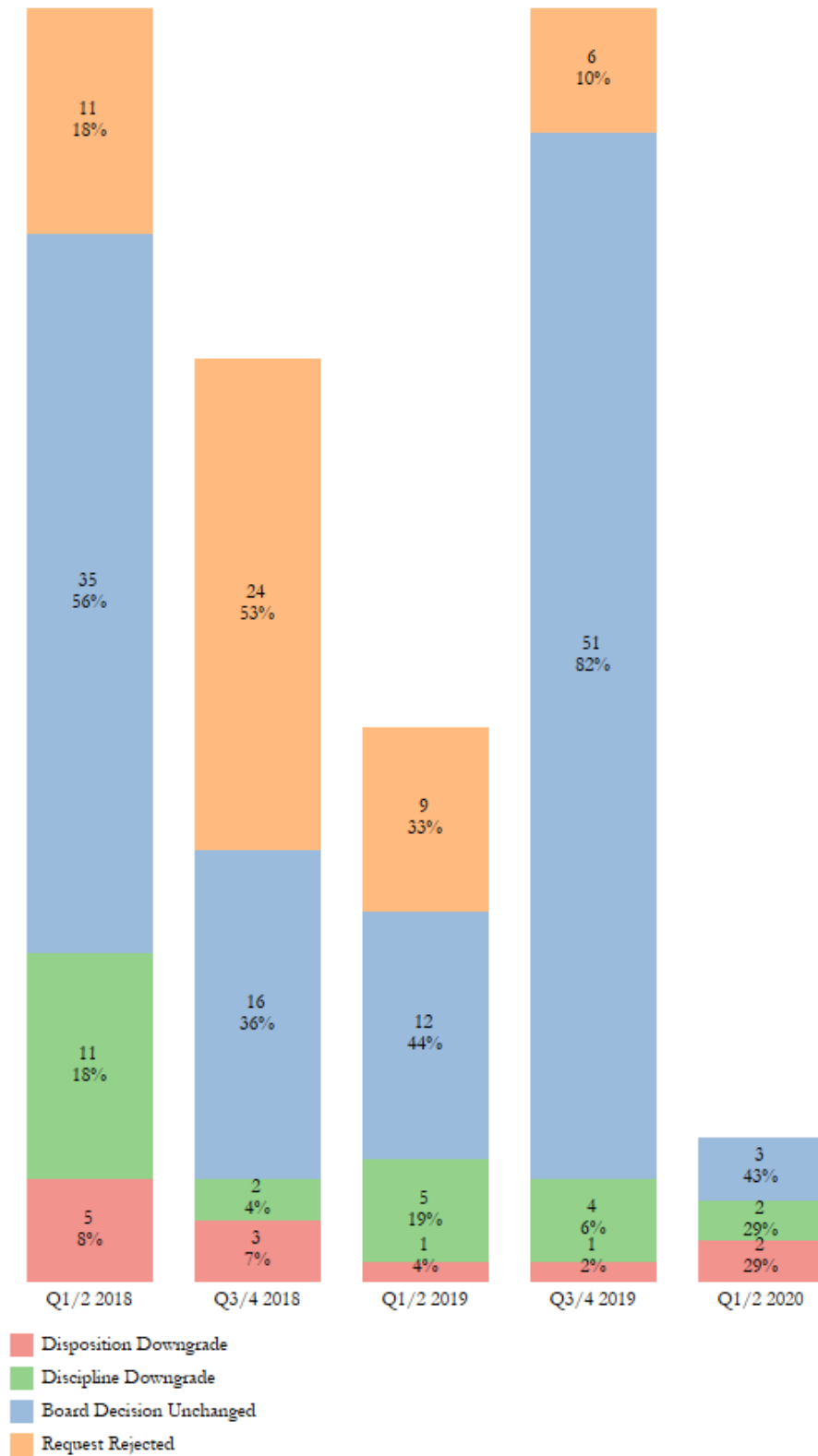


Figure 50: Reconsideration Decision Detail, 2018 – Q1/2 2020

Initial Disposition to Final Disposition (after Reconsideration)	Q1/2 2018	Q3/4 2018	Q1/2 2019	Q3/4 2019	Q1/2 2020
Substantiated (Charges) to Substantiated (Command Discipline B)				1	
Substantiated (Charges) to Substantiated (Command Discipline A)			1		
Substantiated (Charges) to Substantiated (Formalized Training)	1				
Substantiated (Charges) to Unsubstantiated			1		
Substantiated (Command Discipline B) to Substantiated (Command Discipline B)	11	9	10	14	1
Substantiated (Command Discipline B) to Substantiated (Command Discipline A)		2	2	1	
Substantiated (Command Discipline B) to Substantiated (Formalized Training)	8		2	1	
Substantiated (Command Discipline B) to Substantiated (Command Lvl Instructions)	2				
Substantiated (Command Discipline B) to Exonerated	2				
Substantiated (Command Discipline B) to Unsubstantiated	2	3			
Substantiated (Command Discipline A) to Substantiated (Command Discipline A)	8	3		10	
Substantiated (Command Discipline A) to Substantiated (Command Lvl Instructions)				1	2
Substantiated (Formalized Training) to Substantiated (Formalized Training)			2	1	2
Substantiated (Formalized Training) to Exonerated				1	
Substantiated (Formalized Training) to Unsubstantiated	1				2
Substantiated (Command Lvl Instructions) to Substantiated (Command Lvl Instructi..				1	
Grand Total	35	17	18	31	7

SECTION 6: 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*,⁵¹ found that the New York City Police Department (NYPD) violated the Fourth and Fourteenth Amendments through its use of unconstitutional stop, question, and frisk practices. The court also found that the NYPD had a “policy of indirect racial profiling” that disproportionately targeted Black and Hispanic individuals for stops. As a result, the court ordered changes to certain policies, practices, and training curricula, and appointed a monitor to oversee these reforms. The court also ordered a one-year Body-Worn Camera (BWC) pilot to determine whether BWCs were effective in reducing unconstitutional stops.

From December 2014 through March 2016, the NYPD conducted a small BWC experiment utilizing 54 volunteer police officers. After reviewing the results of this experiment, the

NYPD began the larger-scale court-ordered pilot on a precinct-by-precinct basis starting in April 2017. The NYPD, in collaboration with the court-appointed monitor, is evaluating its procedures and the effectiveness of the program. The NYPD has also voluntarily expanded deployment of BWCs to additional commands in addition to the pilot program. By December 31, 2018, BWCs had been deployed to 15,826 members of service (MOS) across 81 commands, and at present, the rollout of BWCs across all intended recipients is complete.

The NYPD provides informational videos in several languages, including sign language, about the BWC rollout on its website,⁵² 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.⁵³

HOW THE CCRB OBTAINS BWC EVIDENCE

In Q1/2 2020, the Civilian Complaint Review Board (CCRB) obtained BWC footage from the NYPD via the following process:

1. If a misconduct complaint stems from a precinct in which BWCs have been deployed, the CCRB investigator submits a records request to the NYPD Relations Unit for BWC footage.
2. The NYPD Relations Unit then forwards the request to the Internal Affairs Bureau (IAB) and the NYPD Legal Bureau, which is responsible for approving the request and locating the footage.

⁵¹ *Floyd v. City of N.Y.*, 959 F. Supp. 2d 540 (S.D.N.Y. 2013).

⁵² NYPD, Body-Worn Cameras, <http://www1.nyc.gov/site/nypd/about/about-nypd/equipment-tech/body-worn-cameras.page> (last visited Apr. 7, 2020).

⁵³ 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.

3. Once the Legal Bureau has approved the request and located the BWC footage, the video is sent back to IAB, which then uploads the footage to a network drive shared with the CCRB.
4. The CCRB downloads the footage from the shared network drive.
5. If, upon examination, the BWC footage reveals the existence of additional officers on the scene who had BWCs, or other evidence suggests that the NYPD's response that it was unable to locate BWC footage may have been a false negative, the CCRB investigator must submit a new request specifying the additional BWC footage that is needed.

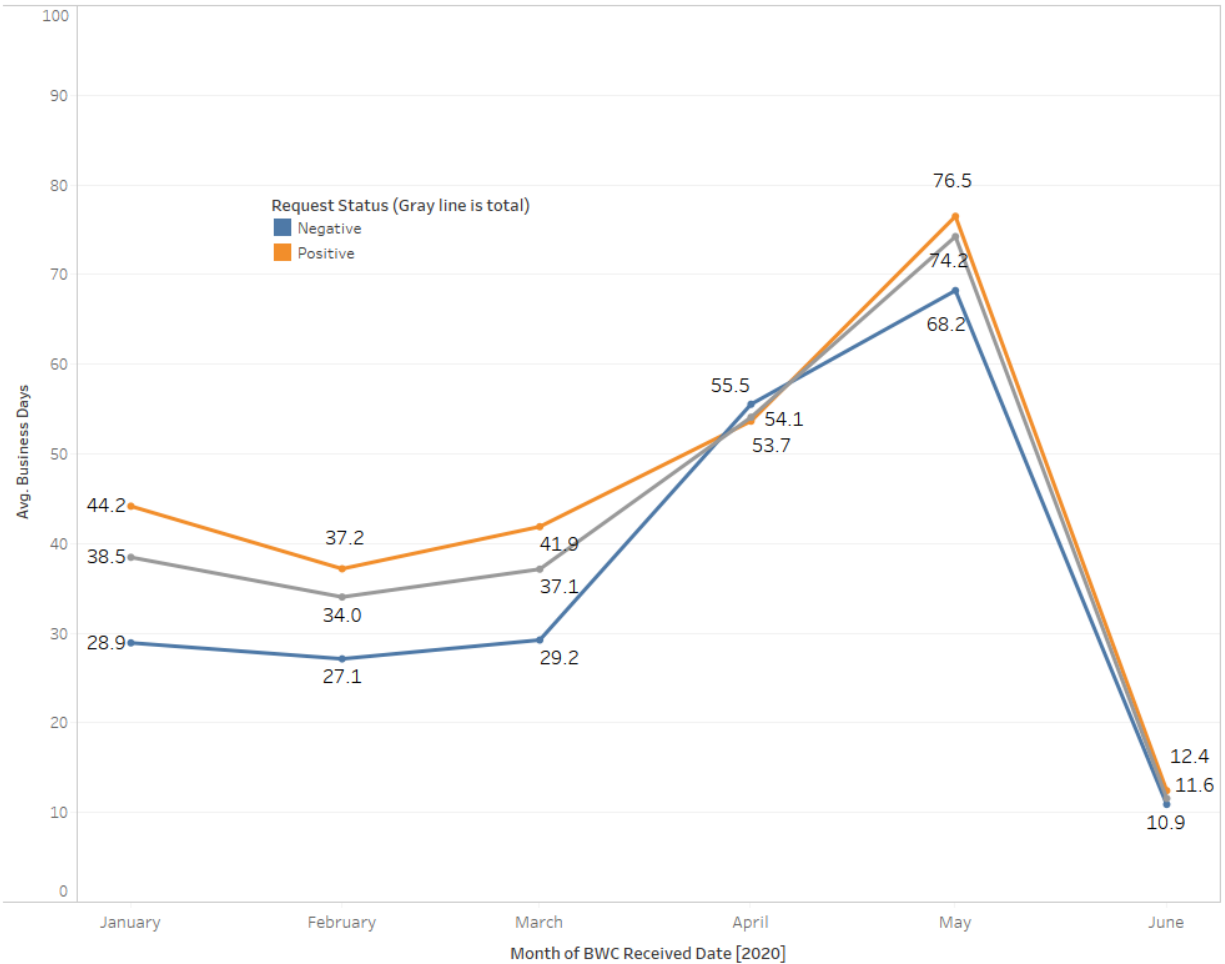
In Q1/2 2020, the CCRB requested BWC footage in 1,579 complaints. For requests received in Q1/2 2020, it took an average of 33 business days for the CCRB to receive either BWC footage or a "no footage found" response from the NYPD.

Figure 52 depicts BWC request turnaround times by month of Q1/2 2020. While the response rate was highest in May 2020, BWC requests responded to in June 2020 (coinciding with complaints surrounding the Black Lives Matter protests) were received much more quickly. For more information on the delivery and current status of open BWC requests, see the CCRB Monthly Statistical Reports.⁵⁴

In November of 2019, the CCRB and the NYPD entered into a Memorandum of Understanding (MOU) designed to streamline the BWC access procedure, allowing CCRB investigators to search BWC databases alongside NYPD staff and view unredacted footage. At the time of publication of this report, the build out of the secure search facility on the same floor as the CCRB's offices has been completed. Use of the space is on hold until there is no longer a public health concern. The Agency is optimistic about progress toward full implementation of the MOU in the coming year and will report further on this new process once it goes into effect.

⁵⁴ CCRB, Monthly Statistical Reports, <https://www1.nyc.gov/site/ccrb/policy/monthly-statistical-reports.page>.

Figure 51: Average BWC Request Turnaround Times, Requests Closed Q1/2 2020

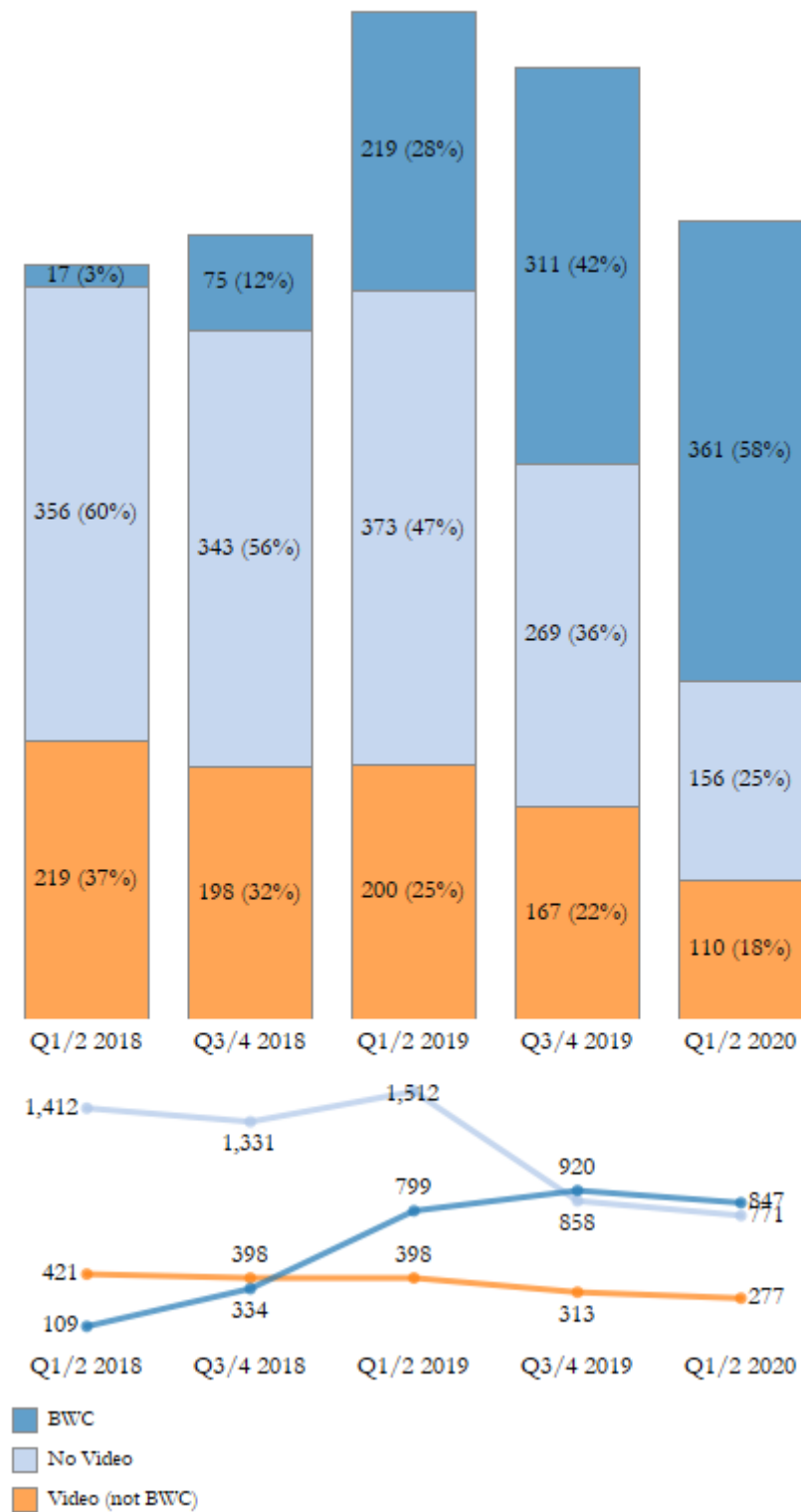


THE IMPACT OF BWC AND OTHER VIDEO EVIDENCE

Over the last few years, the amount of video evidence collected by the CCRB has increased dramatically. As seen in Figure 52, complaints without video evidence are now in the minority, having decreased to 25% of the full investigations closed, compared with 47% in

Q1/2 2019, and 60% in Q1/2 2018. In Q1/2 2020, BWC is the most common kind of video evidence used in CCRB investigations, with 58% of closed full investigations featuring BWC footage (Fig. 52).

Figure 52: Fully Investigated CCRB Complaints With and Without Video, 2018 – Q1/2 2020



The availability of video evidence allows for clearer interpretation of the circumstances surrounding an encounter. Video evidence,

especially BWC footage, can have a substantial impact on the final outcome of a CCRB investigation, particularly the rate of

allegations closed “on the merits” (i.e. substantiated, exonerated, or unfounded). In Q1/2 2020, 64% of complaints were not closed on the merits (i.e. unsubstantiated or officer unidentified) when video was unavailable. This proportion shrinks to 25% when BWC footage is available, but was 64% for non-BWC video evidence (Fig. 53). This latter number is influenced by the increase in videos submitted by individuals who could not identify either officers or alleged victims, and in cases in which CCRB investigators were also unable to identify individuals depicted in the video evidence. This was especially true of video evidence in complaints of misconduct during the Black Lives Matter protests.

Of the complaints closed on the merits in Q1/2 2020, the Board substantiated 20% of full investigations where there was non-BWC video evidence and 38% of those with BWC video, compared to 15% where there was no video evidence (Fig. 53). BWC video increases the rate of exonerations to 24%, compared with 12% for non-BWC video and 19% for no video. The rate of unfounded complaints increases to 13% with BWC video, compared with 2% in cases with no video and 5% when only non-BWC video evidence is available.

Because there may be multiple allegations in a single complaint, the CCRB also tracks

allegation closures with and without video. In Q1/2 2020, the Board substantiated 9% of fully-investigated allegations where there was non-BWC video evidence and 15% of those with BWC, compared to 8% where there was no video evidence (Fig. 54). BWC increases the rate of exonerations to 41%, compared with 29% for non-BWC video and 22% for no video. The rate of unfounded allegations increases to 14% with BWC video, compared with 4% in cases with no video and 4% when only non-BWC video evidence is available.

In Q1/2 2020, BWC video had the most significant impact on Force and Abuse of Authority allegations, with only 29% not closed on the merits (Fig. 55). Although BWC video has increased the exoneration rates for Force (49% compared with 25% when no video is available) and Abuse of Authority allegations (42% compared with 25% when no video is available), it has increased the substantiation rate for Discourtesy allegations (23% compared to 2% when no video evidence is available). This is primarily due to the CCRB investigator being able to hear what an officer is saying during a BWC recording. With the NYPD’s expansion of its BWC initiative, the Agency expects that the percentage of cases closed on the merits will continue.

Figure 53: Impact of Video on Fully Investigated Complaints Closed Q1/2 2019 & Q1/2 2020

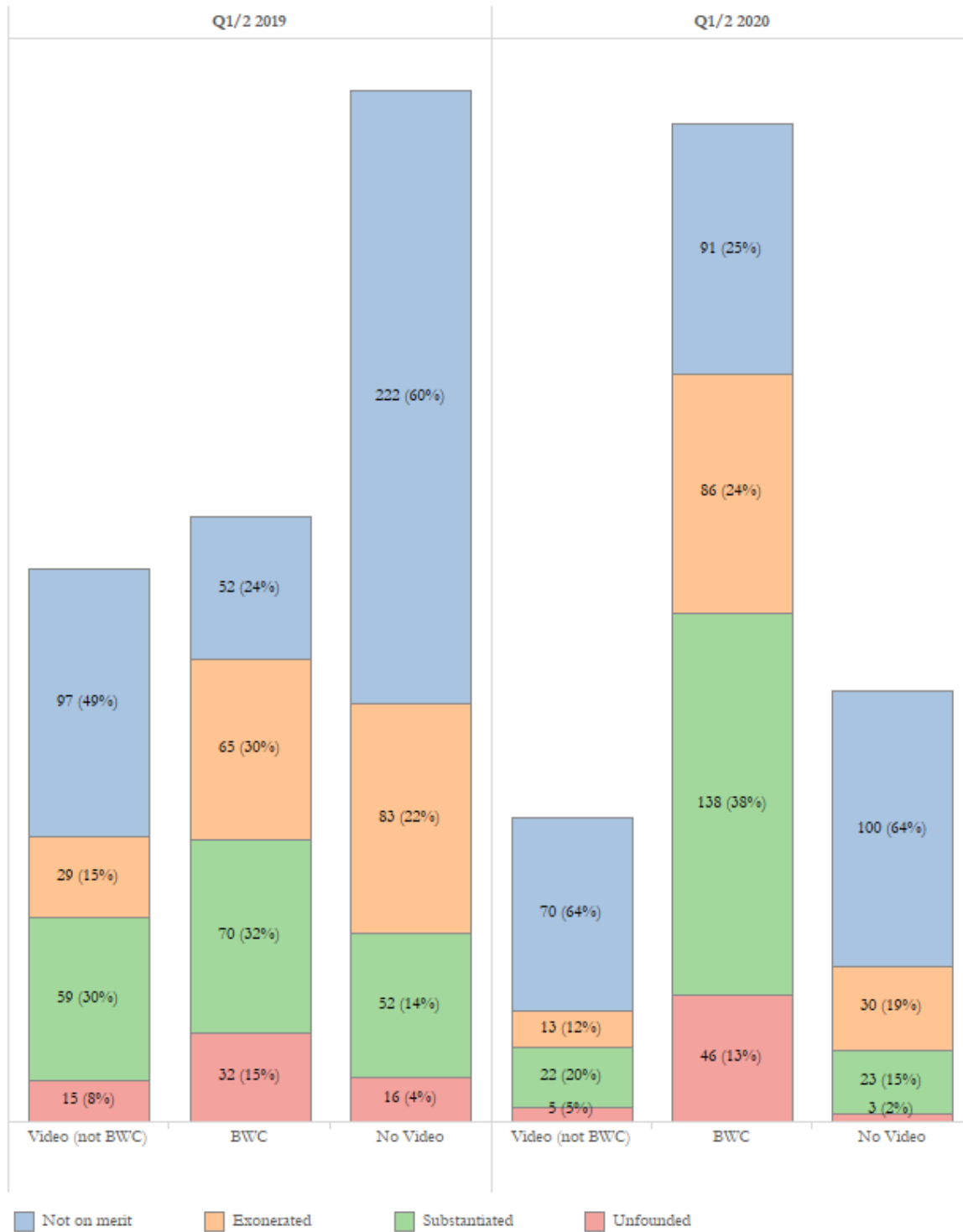


Figure 54: Impact of Video on Fully Investigated Allegations Closed Q1/2 2019 & Q1/2 2020

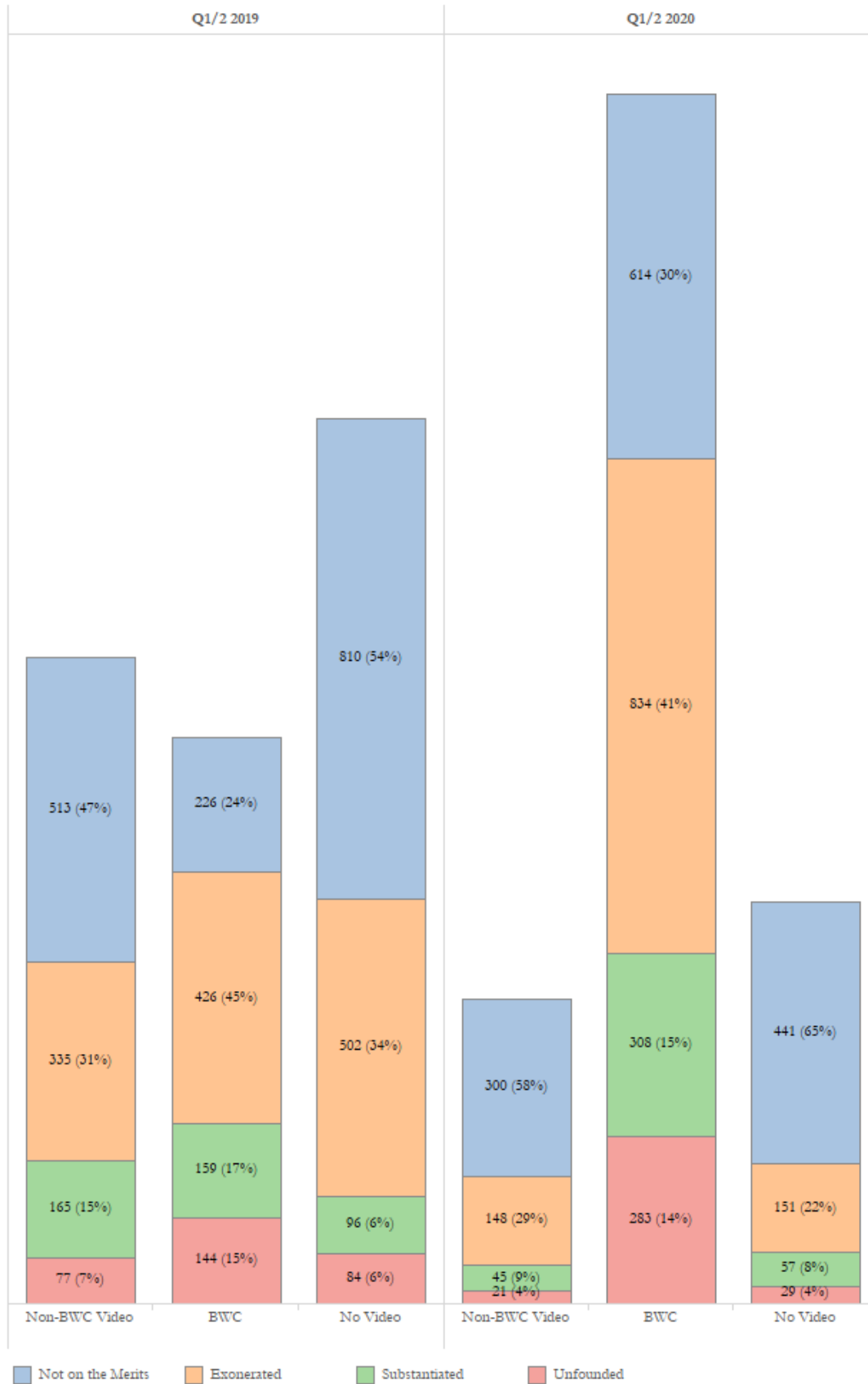


Figure 55: Impact of Video on Allegation Closures on the Merits by FADO, 2017 – Q1/2 2020

FADO Type	Board Disposition	Q1/2 2019						Q3/4 2019						Q1/2 2020					
		Non-BWC Video		BWC		No Video		Non-BWC Video		BWC		No Video		Non-BWC Video		BWC		No Video	
Force	Not on the Merits	106	41%	70	26%	126	51%	87	50%	87	27%	79	51%	37	40%	135	29%	43	52%
	Exonerated	85	33%	124	46%	88	36%	57	33%	156	49%	51	33%	40	43%	224	49%	21	25%
	Unfounded	43	16%	46	17%	29	12%	20	12%	51	16%	20	13%	8	9%	85	19%	18	22%
	Substantiated	27	10%	28	10%	4	2%	9	5%	25	8%	4	3%	8	9%	15	3%	1	1%
Abuse of Authority	Not on the Merits	285	42%	104	20%	545	51%	300	53%	233	24%	450	57%	200	59%	385	29%	323	63%
	Exonerated	246	37%	279	53%	411	39%	166	30%	466	48%	248	31%	104	31%	563	42%	129	25%
	Unfounded	25	4%	61	12%	32	3%	25	4%	100	10%	37	5%	5	1%	149	11%	8	2%
	Substantiated	115	17%	86	16%	75	7%	70	12%	174	18%	53	7%	29	9%	240	18%	51	10%
Discourtesy	Not on the Merits	96	76%	44	32%	108	75%	62	60%	104	41%	102	89%	53	76%	72	35%	55	87%
	Exonerated	4	3%	22	16%	3	2%	9	9%	37	15%	7	6%	4	6%	47	23%	1	2%
	Unfounded	7	6%	27	20%	19	13%	16	16%	30	12%	5	4%	6	9%	40	19%	3	5%
	Substantiated	20	16%	43	32%	14	10%	16	16%	81	32%			7	10%	48	23%	4	6%
Offensive Language	Not on the Merits	26	84%	8	38%	30	83%	14	64%	21	44%	30	94%	10	77%	22	61%	20	95%
	Exonerated			1	5%					1	2%								
	Unfounded	2	6%	10	48%	4	11%	5	23%	12	25%	1	3%	2	15%	9	25%		
	Substantiated	3	10%	2	10%	2	6%	3	14%	14	29%	1	3%	1	8%	5	14%	1	5%

SECTION 7: OUTREACH AND INTERGOVERNMENTAL AFFAIRS

Over the past several years, the Civilian Complaint Review Board (CCRB, the Agency, or the Board) 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. With an outreach team of seven, the CCRB has a director, deputy director, and one outreach coordinator for each borough to act as that borough's main liaison for the Agency.

The Outreach and Intergovernmental Affairs (IGA) Unit visits schools, public libraries, tenant associations, advocacy organizations, cultural groups, religious organizations, community boards, and precinct community councils, among other groups, in all five boroughs. Through the Agency's Community Partners Initiative (CPI), before the pandemic, CCRB investigators and outreach staff would hold monthly office hours at City Council Members' offices, allowing the Agency to reach civilians in their communities. The Outreach and IGA Unit's 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.

In Q1/2 2020, the Outreach and IGA Unit leveraged the use of technology, and gave 401 presentations (Fig. 56), focusing its attention on reaching larger audiences and building relationships with community stakeholders, service providers, elected officials, and advocates. These partnerships will foster improvements in how the CCRB interacts

with members of various communities in New York City.

One such initiative is the CCRB Youth Advisory Council (YAC). Launched in winter of 2018, the YAC is a working committee made up of young leaders, aged 10-24, who are committed to addressing criminal justice issues and improving police-community relations. The members of the YAC serve as agency ambassadors in their communities, and meet quarterly to advise CCRB staff about its efforts to engage young New Yorkers and join team-building activities. The YAC also produced the Agency's first Public Service Announcement (PSA), released on June 7, 2020, aimed at teaching young people what the CCRB is and how to file a complaint.

While the Outreach and IGA Unit continues to make presentations virtually in all five boroughs (Fig. 57) to a large variety of audiences, including high school students, immigrant populations, precinct community council meeting attendees, probationary groups, homeless service organizations, formerly-incarcerated individuals, NYCHA residents, and lesbian, gay, bisexual, transgender, and queer (LGBTQ) groups (Fig. 58), the Unit's new approach to reaching New Yorkers shifted the types of events that staff members attend. In Q1/2 2020, the most frequent presentations were given at Community Board Meetings, community organizations or programs, community events, high schools, youth groups, and civic associations.

Figure 56: Number of Outreach Events, 2018 - Q1/2 2020

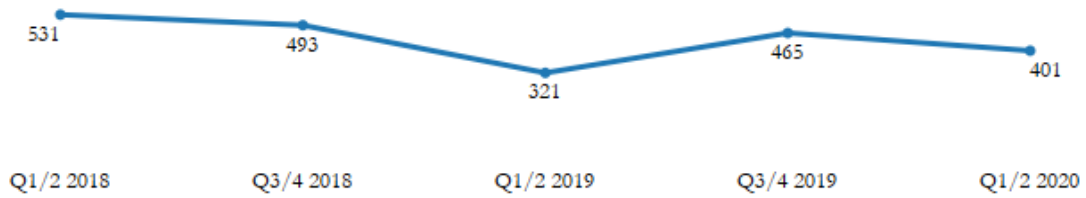


Figure 57: Outreach Events by Borough, Q1/2 2020

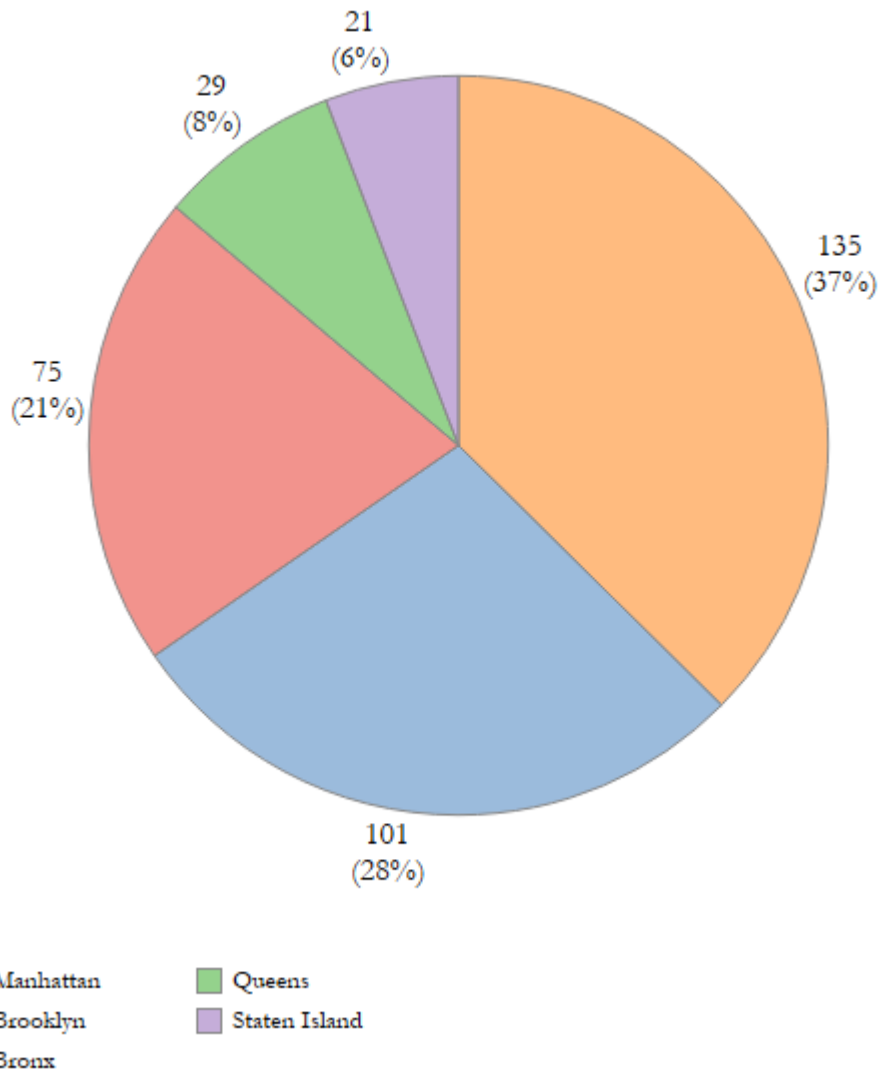
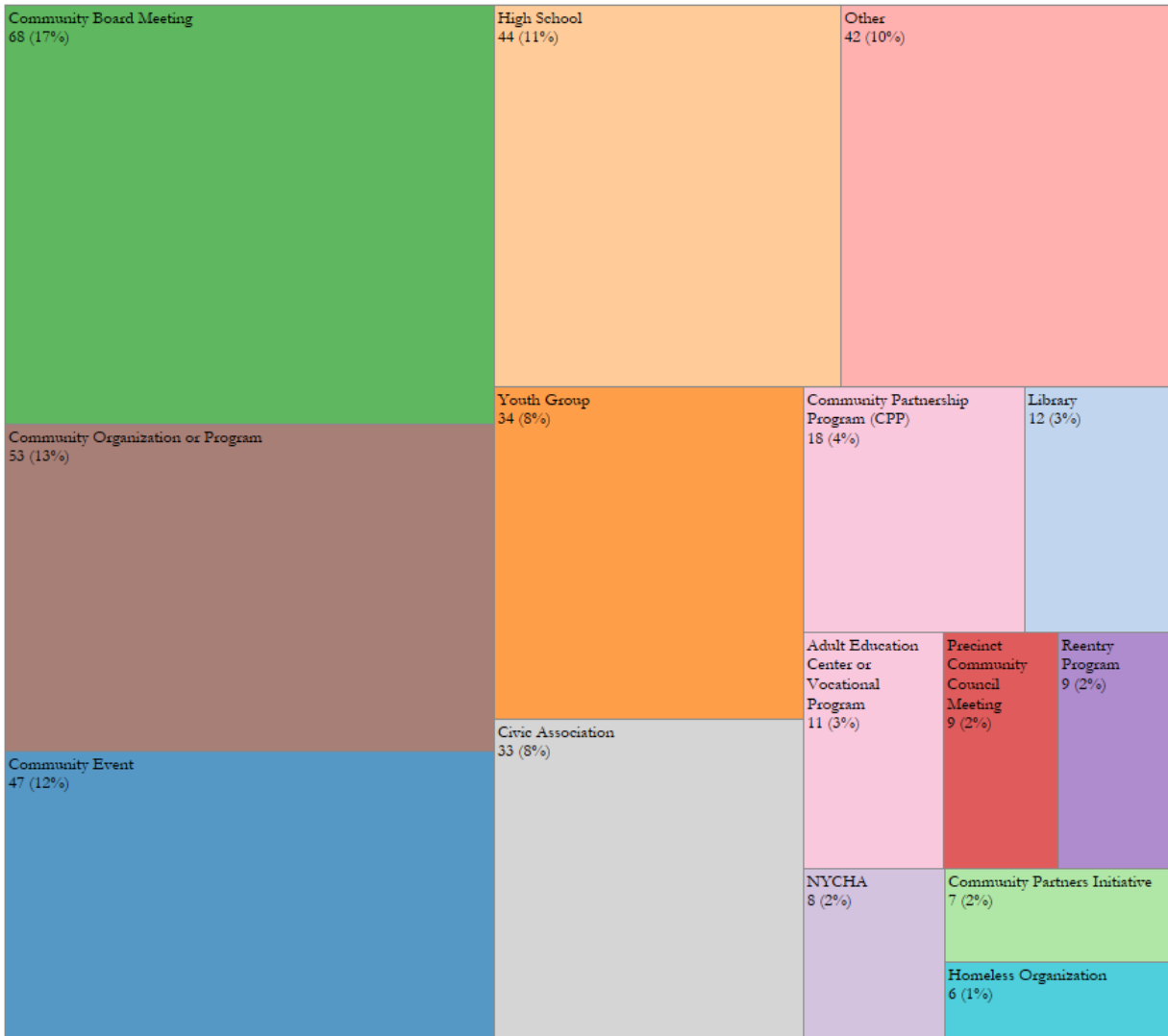


Figure 58: Outreach Events by Specific Organization Type, Q1/2 2020



BACKGROUND OF THE CCRB AND GLOSSARY

The Charter of the City of New York established the CCRB and empowered it to receive and investigate complaints from members of the public concerning misconduct by members of the NYPD. The CCRB is required to conduct its investigations “fairly and independently, and in a manner in which the public and the police department have confidence.” Under the City Charter, the CCRB has jurisdiction to investigate the following categories of police misconduct: **Force**, **Abuse of Authority**, **Discourtesy**, and **Offensive Language**, collectively known as **FADO**. The CCRB also notes other **misconduct** when it uncovers conduct by officers that is outside its jurisdiction, but warrants the attentions of the Department. Examples of other misconduct include failures by officers to enter necessary information in their activity logs (memo books), and failures to complete required documentation of an incident. The CCRB also has the authority to investigate and make recommendations about the truthfulness of material statements made by a subject officer during the course of a CCRB investigation of a FADO allegation.

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. Under the City Charter, the Board must reflect the diversity of the city’s residents and all members must live in New York City. No member of the Board may have a law enforcement background, except those designated by the Police Commissioner, who must have had a law enforcement vocation. No Board member may be a public employee or serve in public office. Board members serve three-year terms, which can be, and often are, renewed.

The **Executive Director** is appointed by the Board and is the Chief Executive Officer, who is responsible for managing the day-to-day operations of the Agency and overseeing its nearly 200 employees. The Agency consists of a 90-member **Investigations Division** responsible for investigating allegations of police misconduct and for making investigative findings. The most serious police misconduct cases, for which the Board has substantiated misconduct and recommended discipline in the form of Charges and Specifications, are prosecuted by a 14-member **Administrative Prosecution Unit (APU)**. The APU began operating in April 2013, after the CCRB and the NYPD signed a **Memorandum of Understanding** establishing the unit. APU attorneys are responsible for prosecuting, trying, and resolving cases before a Deputy Commissioner of Trials or Assistant Deputy Commissioner of Trials at One Police Plaza.

The Agency also includes a **Mediation Unit** that works to resolve less serious allegations between a police officer and a civilian. A complainant may **mediate** his or her case with the subject officer, in lieu of an investigation, with the CCRB providing a neutral, third-party mediator. The **Outreach and Intergovernmental Affairs Unit** acts as a liaison with various entities and is responsible for intergovernmental relations, outreach presentations, and community events throughout the five boroughs.

Members of the public who file complaints regarding alleged misconduct by NYPD officers are referred to as **complainants**. Other civilians involved in the incident are categorized as **victims** or **witnesses**. Officers who are alleged to have committed acts of misconduct are categorized as **subject officers**, while officers who witnessed or were present for the alleged misconduct are

categorized as **witness officers**. Investigators in the **Intake Unit** receive complaints from members of the public, which are filed in-person, by telephone, voicemail, an online complaint form, or are referred to the Agency by the NYPD. When a **complaint** is filed, the CCRB assigns it a unique complaint identification number. The CCRB also refers to complaints as **cases**. A single complaint or case may contain multiple FADO **allegations**.

Allegations regarding improper entries, searches, or failures to show a warrant are considered allegations falling within the CCRB's Abuse of Authority jurisdiction. The vast majority of complaints regarding improper entries, searches, or warrant executions involve only a single incident of entry or search, but some complaints involve more than one entry or search (occurring on the same day or on different days). Each allegation is reviewed separately during an investigation.

During an **investigation**, the CCRB's civilian investigators gather documentary and video evidence and conduct interviews with complainants, victims, civilian witnesses, subject officers, and witness officers in order to determine whether the allegations occurred and whether they constitute misconduct. At the conclusion of the investigation, a **closing report** is prepared, summarizing the relevant evidence and providing a factual and legal analysis of the allegations. The closing report and investigative file are provided to the Board before it reaches a disposition. A panel of three Board members (a **Board Panel**) reviews the material, makes findings for each allegation in the case, and if allegations are substantiated, provides recommendations as to the discipline that should be imposed on the subject officer(s).

The **Disposition** is the Board's finding of the outcome of a case. The Board is required to use a **preponderance of the evidence** standard of proof in evaluating cases. Findings **on the merits** result when CCRB is able to conduct a full investigation and obtain sufficient credible evidence for the Board to reach a factual and legal determination regarding the officer's conduct. In these cases, the Board may arrive at one of the following findings on the merits for each allegation in the case: **substantiated**, **exonerated**, or **unfounded**. Substantiated cases are those where it was proven by a preponderance of evidence that the alleged acts occurred and the acts constituted misconduct. Exonerated cases are those where it was shown by a preponderance of the evidence that the alleged acts occurred, but the acts did not constitute misconduct. Unfounded cases are those where there was a preponderance of the evidence that the alleged acts did not occur. **Unsubstantiated** cases are those where the CCRB was able to conduct a full investigation, but there was insufficient evidence to establish by a preponderance of the evidence whether or not an act of misconduct occurred. In some cases, the CCRB is unable to conduct a full investigation or mediation and must **truncate** the case.⁵⁵

⁵⁵ Fully-investigated cases comprise complaints disposed of as substantiated, unsubstantiated, exonerated, unfounded, officers unidentified, or miscellaneous. Miscellaneous cases are those where an officer retires or leaves the Department before the Board receives the case for decision. Truncated cases are disposed of in one of the following ways: complaint withdrawn, complainant/victim uncooperative, complainant/victim unavailable, and victim unidentified.

NEW YORK CITY CHARTER

Chapter 18-A

Civilian Complaint Review Board

§440 Public complaints against members of the police department.

(a) It is in the interest of the people of the city of New York and the New York city police department that the investigation of complaints concerning misconduct by officers of the department towards members of the public be complete, thorough and impartial. These inquiries must be conducted fairly and independently, and in a manner in which the public and the police department have confidence. An independent civilian complaint review board is hereby established as a body comprised solely of members of the public with the authority to investigate allegations of police misconduct as provided in this section.

(b) Civilian complaint review board.

1. The civilian complaint review board shall consist of 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 unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation.

2. The board shall promulgate rules of procedure in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which a member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of 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. Q1/2 2020/215, 12/11/Q1/2 2020, eff. 12/11/Q1/2 2020 and 3/31/2020)

BOARD MEMBERS

CHAIR OF THE BOARD: JOINT MAYORAL/CITY COUNCIL SPEAKER APPOINTEE

Fred Davie, Chair of the Board

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

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

MAYORAL APPOINTEES

Erica Bond, Esq.

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

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

Corinne A. Irish, Esq.

Corrine Irish is an attorney with the international law firm Squire Patton Boggs, where she litigates and counsels clients on a variety of complex commercial matters, ranging from contract disputes to enforcing intellectual property rights to advising clients on regulatory compliance. Ms. Irish is also a founding member of the firm's Public Service Initiative, where she has litigated death penalty,

criminal, and civil rights cases involving a miscarriage of justice or a denial of fundamental rights on behalf of indigent clients. She also has served as counsel for amici clients before the U.S. Supreme Court in important cases of criminal constitutional law. Ms. Irish previously served as a law clerk, first to the Honorable William G. Young of the U.S. Court for the District of Massachusetts and then to the Honorable Barrington D. Parker of the U.S. Court of Appeals for the Second Circuit. Ms. Irish is a lecturer-in-law at Columbia Law School, where she has taught since 2012. She was also an adjunct professor at Brooklyn Law School in 2008 and 2009. Ms. Irish was recognized for six consecutive years as a Rising Star in New York Super Lawyers and recently has been named to The National Black Lawyers – Top 100. Ms. Irish is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

J.D. Harvard Law School; B.A., University of Pennsylvania

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. He has been admitted to practice law in New York since 1987. Mr. Siegal's public service experience includes working as an Assistant to Mayor David N. Dinkins and as a Capitol Hill staff aide to Senator (then Congressman) Charles E. Schumer. Throughout his legal career, Mr. Siegal has been active in New York civic, community, and political affairs. Mr. Siegal is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

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

Angela Sung Pinsky

Angela Sung Pinsky is a dedicated public servant who is committed to the promotion of civic dialogue in New York City. Most recently, Ms. Pinsky serves as Executive Director for the Association for a Better New York (ABNY), where she drove public policy and managed a \$1.8 million budget.

Prior to joining ABNY, Angela served as Senior Vice President for Management Services and Government Affairs at the Real Estate Board of New York (REBNY), where she was responsible for REBNY's commercial and residential Management Divisions, and was the lead on building code, sustainability and energy, and federal issues that impact New York City real estate.

Ms. Pinsky also previously served as Deputy Chief of Staff at the Office of the Deputy Mayor for Economic Development and Rebuilding during the Bloomberg administration. While at the Deputy Mayor's office, she designed and created the Mayor's Office of Environmental Remediation, an innovative office dedicated to remediation of contaminated land in economically-disadvantaged areas of New York City.

M.A. New York University; B.A. Johns Hopkins University

CITY COUNCIL APPOINTEES

Nathan N. Joseph

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

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

A.A.S Staten Island Community College

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 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.

Puma is the Manhattan City Council designee to the Board first appointed by Mayor Michael Bloomberg and reappointed by Mayor Bill de Blasio.

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

Michael Rivadeneyra, Esq.

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

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

Marbre Stahly-Butts, Esq.

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

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

PUBLIC ADVOCATE APPOINTEE

Esmerelda 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.

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

POLICE COMMISSIONER DESIGNEES

Salvatore F. Carcaterra

Salvatore F. Carcaterra began his law enforcement career in 1981 with the NYPD, where he served for 21 years. Starting as a Patrol Officer, he was promoted through the ranks to the position of Deputy Chief. As a Deputy Chief, he served as the Executive Officer to the Chief of Department, where, among many duties, he organized and implemented the NYPD's overall response to the threat of terrorism following the 9/11 attack on the World Trade Center. Prior to that, Mr. Carcaterra was a Deputy Inspector in command of the Fugitive Enforcement Division. As a Deputy Inspector, he also served in the Office of the Deputy Commissioner for Operations, managing COMPSTAT, and commanding the Hate Crimes Task Force, increasing its arrest rate by over 50 percent. He served in the NYPD Detective Bureau as a Captain in the 70th Precinct and as Deputy Inspector in the 66th Precinct. After retiring from the NYPD, Mr. Carcaterra became the president of a security firm and now heads his own security company, providing personal and physical protection to individuals and corporations. Mr. Carcaterra is a police commissioner designee to the Board appointed by Mayor Bill de Blasio.

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

Frank Dwyer

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

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

Willie Freeman

Willie Freeman began his 22-year law enforcement career in 1974 as a Patrol Officer in the New York City Police Department. He served in the 78th and 84th Precincts in Brooklyn. In 1979, he was assigned to the Police Academy, where he taught physical education, police science, and performed administrative duties as a Squad Commander. He was promoted to Sergeant and, subsequently, assigned to the Organized Crime Control Bureau. Mr. Freeman served in the 70th Precinct as a Platoon Commander and Integrity Control Lieutenant. He worked in myriad divisions in Brooklyn

and Manhattan including Narcotics and the Internal Affairs Bureau. Mr. Freeman retired in the rank of Lieutenant.

During his tenure with the NYPD, Mr. Freeman recruited and trained thousands of officers and taught police instructions, policy, and procedure. The Department recognized his service with Excellent Police Duty and Meritorious Police Duty medals. After retiring from the Department, Mr. Freeman spent 17 years as the Director of Security Services/Chief Investigator for the Newark Public School District, where he managed security personnel and served as the primary liaison between the police, the community and the schools. He has since worked as a public school security consultant for Newark, Hempstead, and New York State. He successfully assists large urban districts in designing and evaluating school safety plans, performing facility audits, and initiating community-based violence prevention programming.

Mr. Freeman is a Police Commissioner designee to the Board appointed by Mayor Bill de Blasio.

M.S., Long Island University; B.S., Saint John's University; Graduate, Federal Bureau of Investigations National Academy, 182nd Session

EXECUTIVE AND SENIOR STAFF

Executive Staff

Executive Director: Jonathan Darche, Esq.

General Counsel: Matt Kadushin, Esq.

Chief Prosecutor: Andrea Robinson, Esq.

Deputy Executive Director of Administration: Jeanine Marie

Acting Chief of Investigations and Director of Investigative Training: Mercer (“Monte”) Givhan, Esq.

Acting Senior Advisor to the Executive Director and Director of Outreach and Intergovernmental Affairs: Yojaira Alvarez

Acting Senior Counsel to the Executive Director and Director of Policy and Advocacy: Harya Tarekegn, Esq.

Senior Staff

Deputy Chief Prosecutor: Suzanne O’Hare, Esq.

Director of Case Management: Eshwarie Mahadeo

Acting Senior Communications Advisor: Ethan Teicher

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

Director of Data Processing: Lincoln MacVeagh

Director of Human Resources: Jennelle Brooks

Director of Information Technology: Carl Esposito

Director of Mediation: Lisa Grace Cohen, Esq.

Director of NYPD Relations: Jayne Cifuni

Director of Operations and Budget: David B. Douek

Director of Recruitment: LaShawn Lindsey

Deputy Chief of Special Operations: Olas Carayannis

Acting Director of Investigative Training and Deputy Director of Investigative Training: Jennifer Jarett

APPENDIX 1



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

January 8, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201804621 regarding Police Officer Jonathan Cancel, Tax No. [REDACTED] (DADS No. 2019-20622) and Police Officer Robert Delaney, Tax No. [REDACTED] (DADS No. 2019-20623)

Dear Mr. Darche:

After reviewing the facts and circumstances in this case, the Police Commissioner has determined that Police Officer Cancel and Police Officer Delaney will receive no disciplinary action for searching the complainant. Upon responding to the restaurant for a disorderly person refusing to leave the location, the respondents found the complainant asleep at a table. After awakening, the complainant attempted to punch PO Delaney and a conducted electrical weapon was used on the complainant. At this juncture the complainant had committed the offenses of trespass and attempted assault. The complainant was then handcuffed, searched and removed to [REDACTED] Hospital.

The Respondents justifiably searched the complainant because their actions were consistent with Patrol Guide Procedure 221-13 (Mentally Ill or Emotionally Disturbed Persons). Step 39 of that Procedure directs a Uniformed Member of the Service to "remove property that is dangerous to life or will facilitate escape" after an emotionally disturbed person has been restrained and prior to that person being removed to the hospital. It should be noted that the complainant had a screwdriver on his person that was discovered because of the searches.

Therefore, no disciplinary action will be taken against Police Officer Cancel and Police Officer Delaney.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read 'C. Wade', written in a cursive style.

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

January 8, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201804810 regarding Sergeant Carl Scogmanillo, Tax No. [REDACTED] (DADS No. 2019-21233)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this case. Sergeant Scogmanillo authorized the arrest of two individuals who resided at a location where a search warrant was being executed, and where a loaded firearm was recovered. The warrant was obtained after a complainant informed responding officers that she had been menaced with a firearm by a previously apprehended individual and had seen the firearm being placed inside a sofa at the residence. Upon securing the residence and obtaining the warrant, a search was conducted and Sergeant Scogmanillo authorized the arrest of the two individuals who were in the common area of the residence where the couch and firearm were located. The decision to arrest the two individuals was made in good faith, although additional investigation at the scene could have led to a different decision. While the Kings County District Attorney's Office subsequently decided to exercise its discretion to decline to prosecute the two individuals, based on its determination that there was insufficient evidence to prosecute the arrests, this use of prosecutorial discretion does not function to de-legitimize the decision to make the arrests. The District Attorney's decision regarding the sufficiency of the evidence to successfully prosecute a case is a separate and distinct decision from an officer's decision to arrest based upon probable cause.

Therefore, in light of the issues raised in CCRB's investigation of this matter, Sergeant Scogmanillo will receive Training from the Police Academy in order to assist him in addressing future similar incidents.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,



Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

January 8, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENT

Re: CCRB Case No. 201805247 regarding Police Officer Andrew Cummings, Tax No. [REDACTED]
(DADS No. 2019-20258)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this case, and has determined that Police Officer Cummings will receive no disciplinary action for his actions in this matter. Police Officer Cummings was engaged in a vehicle stop with his partner and observed that the vehicle operator was failing to comply with his partner's directions. Body Worn Camera video clearly shows that the vehicle operator was asked over a dozen times to provide his New York State Driver License by Officer Cummings' partner, without achieving compliance. His partner then demanded several times that the vehicle operator exit the vehicle, and again failed to gain compliance. The vehicle operator continued to refuse to comply with these directions, and Officer Cummings, who was located on the opposite side of the stopped vehicle, chose to draw his Taser to both ensure his partner's safety and to gain compliance from the uncooperative vehicle operator. This tactic worked as intended, as the vehicle operator immediately began to comply with Officer Cummings' partner's directions, after having turned to see Officer Cummings pointing the Taser in his direction.

As this reasonable use of the Taser successfully diffused an otherwise tense situation, no disciplinary action is warranted.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read 'Cecil Wade', written in a cursive style.

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

January 7, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201805295 regarding Police Officer Kiel Sui, Tax No. [REDACTED] (DADS No. 2019-20448) and Police Officer Santinderpal Singh, Tax # [REDACTED] (DADS No. 2019-20449)

Dear Mr. Darche:

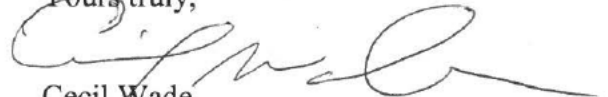
The Police Commissioner has reviewed the facts and circumstances of this matter, including Body Worn Camera video. As acknowledged by CCRB, this matter was a separate incident from the original complaint CCRB was investigating. The actions of Police Officer Singh and Police Officer Sui were recorded on Body Worn Camera video which CCRB solely relied upon to make its recommendation. This type of circumstance has been addressed in the Memorandum of Understanding between the New York City Police Department and the New York City Civilian Complaint Review Board, dated November 21, 2019, and would generally not fall under the purview of the CCRB. Therefore, no disciplinary action will be taken against the officers in connection with CCRB's findings and recommended penalty in this matter.

Nevertheless, the Department has an obligation to address the actions of officers when the misconduct is clearly established, as was unmistakably demonstrated in this instance by Body Worn Camera video evidence. In this matter, Police Officer Sui was required to provide his name to the arrested individual when it was requested. There was no legitimate law enforcement reason that would have abated that requirement. Therefore, the Police Commissioner has determined that Police Officer Sui will receive Instructions from his Commanding Officer for violating Patrol Guide Procedure No. 203-09 (1) (Public Contact-General/Failure to Provide Name) for failing to provide his name to an individual upon request.

Additionally, Police Officer Singh used profanity toward an individual without a legitimate law enforcement purpose and, thus, his language was gratuitous in nature. Therefore, the Police Commissioner has determined that Police Officer Singh shall receive a Schedule "A" Command Discipline for violating Patrol Guide Procedure No. 203-09 (Public Contact-General/Discourtesy).

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,



Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

January 10, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201806187 regarding Police Officer Konti Markvukaj, Tax No. [REDACTED] (DADS No. 2019-20184) and Police Officer Nicholas Kourounis, Tax No. [REDACTED] (DADS No. 2019-20183)

Dear Mr. Darche:

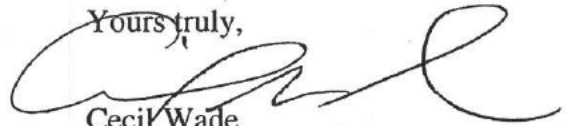
The Police Commissioner has reviewed the facts and circumstances of this matter, including surveillance video of the incident. Police Officer Markvukaj grabbed an individual's face, to address what he perceived as an effort on the part of the individual to hide or swallow evidence. This action was in violation of the Department's procedure for handling such situations, and therefore Officer Markvukaj will receive a Schedule "A" Command Discipline for the substantiated misconduct in this matter.

Separately, an individual alleged that Police Officer Kourounis spoke discourteously to him in connection with the incident in this matter, but that allegation was uncorroborated. Neither officer acknowledged hearing any profanity used by Officer Kourounis, and an independent witness, who corroborated the remainder of the details described in the incident, stated that no officer used any profanity when speaking to the individuals.

Therefore, without corroboration, and given the exculpatory statement of this independent witness, no disciplinary action will be taken against Officer Kourounis in connection with the substantiated allegation in this matter.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read 'Cecil Wade', written in a cursive style.

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

January 8, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201806458 regarding Police Officer Merita Hoxha, Tax No. [REDACTED] (DADS No. 2019-20244) and Sergeant Victor Velez, Tax No. [REDACTED] (DADS No. 2019-20245)

Dear Mr. Darche:

After reviewing the facts and circumstances in this case, the Police Commissioner has determined that Police Officer Hoxha will receive Training from the Police Academy in Patrol Guide Procedure 212-11 (Investigative Encounters/Question, Frisk, Search) and Sergeant Velez will receive Training from the Police Academy in Patrol Guide Procedure 212-11 (Investigative Encounters/Question). The Respondents justifiably stopped the complainant for jaywalking. However, when they asked the complainant whether he possessed weapons or "anything he should not have" their questions were improper based on the nature of the stop. Further, the frisk and search were also improper since the complainant did not provide a valid consent but rather merely submitted to police authority due to the officers surrounding him. Although the Respondent's actions were incorrect they were made in good faith and they would benefit from Training in order to be guided in future actions.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office

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Website: <http://nyc.gov/nypd>



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

January 24, 2020

POLICE COMMISSIONER'S PENALTY DEPARTURE

Re: CCRB Case No. 201806460 regarding Police Officer Evelyn Oropeza-Zuniga, Tax No. [REDACTED] (DADS No. 2019-20644) and Police Officer Kyle Ting, Tax No. [REDACTED] (DADS No. 2019-20646)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter, including body worn camera video. In this matter, the officers, along with Sergeant Luis Rodriguez, Tax No. [REDACTED], arrested an individual for petit larceny. During the apprehension of the individual a struggle ensued and the individual's pants fell exposing his private areas. After successfully handcuffing the individual he was left rear cuffed laying in a prone position, while his private areas continued to be exposed. It should be noted that the individual made no sworn statements to CCRB and refused to cooperate.

In reviewing the body worn camera video and the statements made by the officers it is apparent the officers did not purposefully pull the individual's pants down or had any intent to do so, rather the pants apparently fell as the struggle ensued. It is clear from the record that there were no overt acts committed by the officers to expose the individual's private areas or to humiliate him in any way. There was no ridicule directed at the individual by any of the officers or by the public that can be observed on the copious body worn camera footage. Additionally, no other person interviewed made any statements about the individual's private areas. Therefore, the Police Commissioner has determined that no disciplinary action will be taken against Police Officer Ting and Police Officer Oropeza-Zuniga in connection with CCRB's findings and recommended penalty in this matter.

Nevertheless, the Department has an obligation to address the actions of officers when the actions of the officers would warrant retraining or instructions, as was unmistakably demonstrated in this instance by video evidence. In this matter, Police Officers Evelyn Oropeza-Zuniga and Ting, although there was no malicious intent, did not demonstrate courtesy or civility towards the arrested individual when they failed to cover or shield his exposed private areas after he was in their control and the struggle had abated. It is clear from the record that the officers would benefit from receiving instructions on courtesy and civility.

Therefore, separately and distinctly from CCRB's findings, the Police Commissioner has determined that Police Officer Ting and Police Officer Oropeza-Zuniga will receive Instructions from their Commanding Officer regarding Patrol Guide Procedure No. 200-02 "Mission, Vision, and Values of the New York City Police Department," specifically as it pertains to respecting the dignity of each individual and rendering services with courtesy and civility.

The disciplinary matter as it pertains to Sergeant Luis Rodriguez, Tax No. [REDACTED] (DADS No. 2019-20645) will be addressed under a separate cover.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,



Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

January 27, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENT

Re: CCRB Case No. 201806477 regarding Police Officer Ilan Marhasin, Tax No. [REDACTED] (DADS No. 2019-20881)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter and has determined that Police Officer Marhasin will receive no disciplinary action for allegedly being discourteous.

There are narrow circumstances where the use of profanity is permissible during stressful encounters in order to gain compliance including its use to emphasize a lawful order. In this case, the Respondent was dealing with a stressful situation and only used profanity to get the arrestee to comply with a lawful order.

The Police Commissioner agrees with the CCRB's investigator that this allegation should have been closed as Exonerated. The CCRB's investigative recommendation report states, "...BWC footage shows that [REDACTED] was irate and made threatening remarks towards the Dollar Tree employee. It also showed that [REDACTED] ignored multiple commands to open his hands. Under these circumstances, Police Officer Marhasin was justified in using profanity to gain [REDACTED] [REDACTED] compliance during a stressful and dynamic situation."

Therefore, Police Officer Marhasin will receive no disciplinary action for allegedly being discourteous.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read 'Cecil Wade', with a small 'x' mark above the 'i' in 'Wade'.

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

January 30, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENT

Re: CCRB Case No. 201806532 regarding Police Officer James Titus, Tax No. [REDACTED] DADS
No. 2019-21337)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter and determined that Police Officer Titus will receive no disciplinary action for use of the Conducted Electrical Weapon (CEW) and a Schedule "A" Command Discipline for failing to prepare a Stop Report.

Police Officer Titus was pursuing an individual he believed was wanted in connection with an assault. The individual was hiding in a rear yard when officers found him. Police Officer Titus, upon hearing his fellow officers ordering the individual to show his hands, made a decision to enter the rear yard to apprehend the individual. Upon entering the yard, Police Officer Titus decided to use the CEW to safely apprehend what he perceived to be an uncompliant individual.

The decision to use a CEW on an individual must be taken in consideration of all the relevant available information, however, it must also be considered that each individual officer perceives information differently. In this matter, Police Officer Titus believed that the wanted individual was not complying with the other officers' commands to show his hands, additionally he believed and that the individual posed a significant danger to those officers based on the nature of the suspected crime, a violent assault. Police Officer Titus also stated that he could not see one of the hands of the individual upon approaching the individual. It should be noted that the use of the CEW was in good faith with no malicious intent on the part of Police Officer Titus.

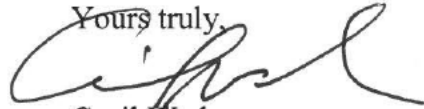
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Therefore, the Police Commissioner directs that Police Officer Titus receive no disciplinary action for the allegation of violating Patrol Guide Procedure No. 212-08 (Use of Conducted Electrical Weapons). However, the Police Commissioner directs that Police Officer Titus be issued a Schedule "A" Command Discipline for violating Patrol Guide Procedure No. 212-11 (43) (Investigative Encounters/Stop Report).

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read "Cecil Wade", written in a cursive style.

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

January 29, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENT

Re: CCRB Case No. 201806550 regarding Police Officer Andrei Nijnic, Tax No. [REDACTED] (DADS No. 2019-21453)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this case, including Body Worn Camera footage, and has determined that Police Officer Nijnic will receive no disciplinary action for his actions in this matter. Police Officer Nijnic admitted to utilizing his Taser in order to intimidate an individual who was resisting arrest into complying with other officers who were trying to handcuff him. While Officer Nijnic did draw his Taser and point it toward the individual's face, he did not discharge the Taser, and in fact, he indicated that he did not have the intention to do so. This use of the Taser, to intimidate and coerce an individual into compliance with arresting officers is neither unreasonable nor prohibited. This tactic worked as intended, as the individual was able to be handcuffed almost immediately after Officer Nijnic pointed his Taser toward the individual. As this reasonable use of the Taser successfully assisted in diffusing an otherwise tense situation, no disciplinary action is warranted.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office

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POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

February 14, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENT

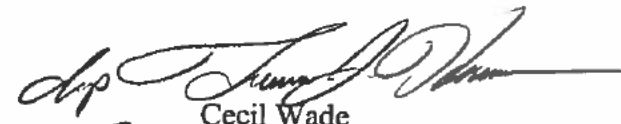
Re: CCRB Case No. 201806938 regarding Police Officer Willem Edouard, Tax No. [REDACTED]
(DADS No. 2019-20853)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter, and has found that Police Officer Edouard acted reasonably, under confusing circumstances which provided contradictory evidence and diverse claims by several present parties. However, Officer Edouard would nonetheless benefit from Training from the Police Academy both in the law regarding Unlawful Evictions and in the Department's Emotionally Disturbed Persons procedures, in order to best guide him in future similar situations.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,


Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office

DEPT. ADVOCATE
115
N.Y.P.D.

2020 FEB 28 4:14 PM



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

February 12, 2020

POLICE COMMISSIONER'S PENALTY DEPARTURE

Re: CCRB Case No. 201807080 regarding Police Officer Manuel Martinez, Tax No. [REDACTED]
(DADS No. 2019-20515)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter, including Body Worn Camera Video evidence. In this matter, Police Officer Martinez was arresting an individual who was actively resisting arrest. After taking the individual to the ground, Police Officer Martinez struck the individual to gain compliance.

The CCRB investigator, while exonerating the majority of the force used by Police Officer Martinez, determined that only the strikes to the individual's head and neck area while the individual was face down on the ground were unreasonable. The CCRB investigator only found that the strikes were unreasonable due to the proximity of the individual's head to the street. However, as captured on video, the individual was not complying and his hands were not visible. Police Officer Martinez could clearly not gain control of the actively resisting individual, only being able to do so when backup officers arrived to assist.

As the video evidence demonstrates, Police Officer Martinez used only the necessary amount of force to gain control of an actively resisting individual. Therefore, the Police Commissioner has determined that no disciplinary action will be taken against Police Officer Martinez.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read 'C. Wade', written in a cursive style.

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

February 10, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201807266 regarding Police Officer John Anthony Alexander, Tax No. [REDACTED] (DADS No. 2019-20089)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter and determined that Police Officer Alexander will receive no penalty for discourtesy.

Police Officer Alexander was faced with an individual who was brought into the 40th Precinct following a tumultuous arrest on the street. Once at the precinct, the individual continued to curse and yell at the arresting officers. The individual also actively refused to be searched in front of the desk officer when he voluntarily dropped to the floor and refused to stand up.

The use of discourteous language by an officer may be reviewed in consideration of all the available information. Here, Police Officer Alexander was faced with an unruly and uncooperative individual. It was only while attempting to get the individual to voluntarily stand up that Police Officer Alexander used discourteous language. Such language was not used before the individual dropped to the floor or after he was helped upright by arresting officers. Thus, given the totality of the circumstances, Police Officer Alexander's use of discourteous language is not in violation of the Patrol Guide.

Therefore, the Police Commissioner directs that Police Officer Alexander receive no disciplinary action for the allegation of violating Patrol Guide Procedure No. 203-09 (Public Contact—General/Discourtesy).

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read 'Cecil Wade', with a large, sweeping flourish extending to the right.

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

2/2

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

DEPT. ADVOCATE
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February 19, 2020

POLICE COMMISSIONER'S PENALTY DEPARTURE

Re: CCRB Case No. 201807283 regarding Police Officer Tiffany Bruce-Watson, Tax No. [REDACTED]
(DADS No. 2019-21578)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter and determined that Police Officer Bruce-Watson will receive no disciplinary action for the alleged violation of Patrol Guide Procedure 221-01 (Force Guidelines), Patrol Guide Procedure 221-02 (Use of Force) and Patrol Guide Procedure 221-08 (Use of Conducted Electrical Weapons).

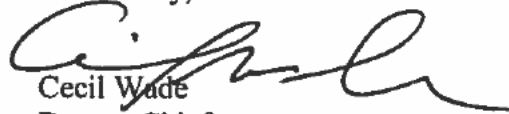
The Police Commissioner has reviewed the facts and circumstances of this matter, including Body Worn Camera video evidence, and determined that Police Officer Bruce-Watson will receive no disciplinary action for the alleged violation of Procedure 221-01 (Force Guidelines), Patrol Guide Procedure 221-02 (Use of Force) and Patrol Guide Procedure 221-08 (Use of Conducted Electrical Weapons).

Police Officer Bruce-Watson did admit to stating that she may need to use a Conducted Electrical Weapon (CEW). However, at no time was the CEW displayed, and she only stated that as [REDACTED], who fit the description of a suspect in a violent family assault, was actively walking away from the officers and refusing to listen to the officer's repeated commands to stop. It should be noted that Police Officer Bruce-Watson's second statement regarding the use of a CEW mere moments later as [REDACTED] was actively resisting arrest was unsubstantiated by the CCRB Board.

Therefore, the Police Commissioner has determined that Police Officer Bruce-Watson will receive no disciplinary action.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read 'C. Wade', written over the typed name.

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

March 2, 2020

POLICE COMMISSIONER'S PENALTY DEPARTURE

Re: CCRB Case No. 201807668 regarding Sergeant Anthony Donato, Tax No. [REDACTED] (DADS No. 2019-21010)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts, circumstances, and body-worn camera footage in this case, and agrees with the Civilian Complaint Review Board's findings that Sergeant Donato did not act reasonably under the circumstances when he was discourteous and used offensive language towards an individual. Specifically, Sergeant Donato's statement was made after the individual was already under control and restrained and therefore served no legitimate law enforcement purpose.

However, the Police Commissioner disagrees with the proposed Civilian Complaint Review Board penalty as it does not rise to the level of a Schedule "B" Command Discipline. Instead, the Police Commissioner directs that Sergeant Donato receive a Schedule "A" Command Discipline for the allegations substantiated by the Civilian Complaint Review Board.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office

DEPT. ADVOCATE'S OFFICE
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POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

March 23, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201808152 regarding Police Officer Russell Lewis, Tax No. [REDACTED] (DADS No. 2019-20689)

Dear Mr. Darche:

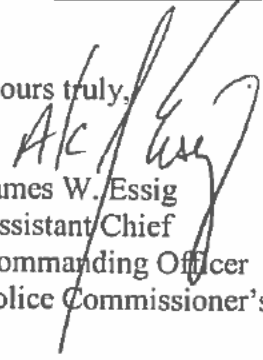
The Police Commissioner has reviewed the facts and circumstances of this matter. In this case the respondent was followed into a Dunkin' Donuts by the complainant. During the entry the complainant made an inappropriate sexual remark in the presence of a female customer. Additionally, once inside the complainant approached the respondent and asked "Officer, do you have your taser on you? Cause I'm off my meds. You're going to have to tase me today." When the complainant made this comment he was walking toward the respondent in an aggressive manner and approaching the side of the respondent's body where his gun was holstered. The combination of the complainant's words and actions caused the respondent to believe that the complainant was a threat to himself and others. The respondent attempted to escort the complainant out of the store but the complainant began flailing his arms and spilled a beverage on the respondent. The two men began grappling and fell to the floor and the store window was broken during this time.

The use of force exercised by the respondent was appropriate based on the complainant's actions of flailing his arms and spilling a beverage on the respondent. Likewise, based on the complainant's actions the decision to arrest him was not improper. Therefore, the Police Commissioner directs that Police Officer Lewis receive no disciplinary action in this matter.

Therefore, the Police Commissioner directs that Police Officer Lewis receive no disciplinary action in this matter.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read 'A/C Essig', written over the typed name and title.

James W. Essig
Assistant Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

February 25, 2020

POLICE COMMISSIONER'S PENALTY DEPARTURE

Re: CCRB Case No. 201808410 regarding Sergeant Teara Wilson, Tax No. [REDACTED] (DADS No. 2020-21735)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts, circumstances, and body-worn camera footage available in this matter, and has found that Sergeant Wilson did not sexually humiliate an individual in this case. Sergeant Wilson acted appropriately when she secured a t-shirt and feminine hygiene products for the individual and also had subordinate officers request an ambulance to examine the individual at the precinct. However, the Police Commissioner agrees that Sergeant Wilson should receive instructions from her Commanding Officer regarding use of discourteous language that arose when Sergeant Wilson spoke discourteously in the presence of the individual.

If you have any questions, please feel free to contact me at [REDACTED]

DEPT. ADVOCATE
N.Y.C.D.
2020 FEB 31 4:10

Yours truly,

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

April 13, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENT

Re: CCRB Case No. 201808628 regarding Police Officer Ryan Jones, Tax No. [REDACTED] (DADS No. 2019-21057)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts, circumstances, and Body-Worn Camera footage of this matter and has determined that Police Officer Ryan Jones will receive No Disciplinary Action for allegedly speaking discourteously to an individual and will receive Instructions from his Commanding Officer for failing to prepare required Activity Log entries.

The totality of the recorded circumstances of the interaction between Police Officer Jones and the individual support the finding that the officer's statement was not intended to be discourteous. Instead, the statement was made in order to gain the individual's compliance during removal from the scene of an arrest. Therefore, Police Officer Jones will receive no disciplinary action in connection with his statement.

DEPT. ADVOCATE'S OFFICE
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If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,
[Signature]
James W. Essig
Assistant Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

April 14, 2020

POLICE COMMISSIONER’S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201808784 regarding Police Officer Christian Cayenne, Tax No. [REDACTED] (DADS No. 2019-21126), Police Officer Matthew Sabella, Tax No. [REDACTED] (DADS No. 2019-21128), and Police Officer Matthew Kelly, Tax No. [REDACTED]

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter, including the Body-Worn Camera footage, and has determined that Police Officer Cayenne, Police Officer Sabella, and Police Officer Kelly each receive Training from the Police Academy.

Contrary to the penalties proposed by the CCRB, the above penalties more accurately address the level of misconduct alleged in this case. Specifically, none of the alleged misconduct warrants the issuance of a Schedule B Command Discipline to any of the officers.

Instead, given the totality of the circumstances, the Police Commissioner has determined that while the officers’ actions were improper, training is a more appropriate tool to prevent such misconduct in the future.

Specifically, the Police Commissioner has found that Police Officer Cayenne and Police Officer Sabella improperly stopped an individual and each would therefore benefit from receiving training from the Police Academy as it relates to stopping individuals during street encounters. Additionally, the Police Commissioner found that Police Officer Sabella would also benefit from receiving training from the Police Academy in Department’s Use of Force Guidelines given that Police Officer Sabella improperly used force against an individual. Furthermore, the Police

OFFICE OF THE POLICE COMMISSIONER
ADVISORY BOARD
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Commissioner has found that Police Officer Kelly used discourteous language, without necessity, toward an individual and should therefore receive training from the Police Academy as well.

Thus, Police Officer Cayenne, Police Officer Sabella, and Police Officer Kelly will each receive Training from the Police Academy to address their respective misconduct in this case.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,



James W. Essig
Assistant Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

April 13, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201808925 regarding Sergeant Michael Straniere, Tax No. [REDACTED] (DADS No. 2019-20556)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter, including Body Worn Camera video evidence and determined that Sergeant Straniere will receive no disciplinary action.

In this matter, Sergeant Straniere entered the room of the complainant and directed EMS to remove her to the hospital for evaluation. Sergeant Straniere entered the room of the complainant after he was notified that the complainant suffered from mental health issues, including past suicidal tendencies, was a danger to herself, and had ripped signs/posters off of the wall in a residential facility for persons with a history of mental illness. Additionally, Sergeant Straniere entered the room only after attempts to communicate with the complainant failed. This was reasonable in that the complainant may have needed medical assistance.

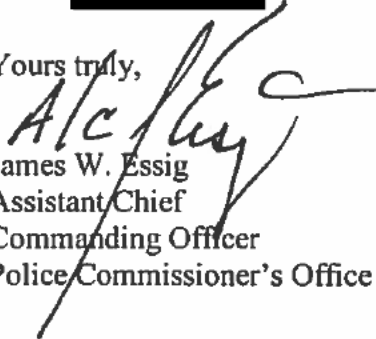
Further, Sergeant Straniere's decision to have EMS remove the complainant for evaluation was also reasonable, as it was not retaliatory or in an effort to harm the complainant. rather it was a decision to have the complainant professionally evaluated because it was reasonably possible the complainant may have been a danger to herself or others.

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Therefore, the Police Commissioner directs that Sergeant Straniere receive no disciplinary action for this matter.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,


James W. Essig
Assistant Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

April 13, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201809275 regarding Police Officer Christopher Pierre, Tax No. [REDACTED]
(DADS No. 2019-20777)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts, circumstances, and audio recordings of this matter and has determined that Police Officer Christopher Pierre will receive no disciplinary action for the allegation that he made a remark to an individual based upon the individual's perceived mental disability.

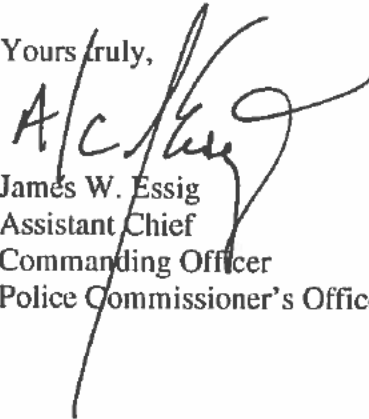
The totality of the recorded circumstances of the interaction between Police Officer Pierre and the individual support the finding that the officer's comment was not intended as an insult. Police Officer Pierre acted calmly and professionally when faced with an individual who was acting erratically in a bank lobby. His statement to the individual was not profane, hostile, or offensive and was not made to denigrate the individual.

Therefore, the Police Commissioner directs that Police Officer Christopher Pierre receive no disciplinary action in this case.

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If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read 'A/C Essig', written over the typed name and title.

James W. Essig
Assistant Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

February 6, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201810201 regarding Police Officer Christian Cayenne, Tax No. [REDACTED]
(DADS No. 2019-21006)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this incident and disagrees with the penalty regarding Police Officer Cayenne as it relates to the search of the bag. While, the facts regarding the method of the search differ, it is agreed that Police Officer Cayenne had no legal justification for the search. However, it should be noted that Police Officer Cayenne had no prior substantiated CCRBs at the time of this incident.

Therefore, in light of Police Officer Cayenne's discipline history, the Police Commissioner has determined that a lower penalty would be warranted and directs that Police Officer Cayenne receive a Schedule "A" command Discipline for the improper bag search. Additionally, Police Officer Cayenne made a notation of the stop on the blank side of the Activity Log page, which is to be reserved for notes, diagrams, etc., and not in the lined portion of the Activity Log. Thus, the Schedule "A" Command Discipline will include the failure to make proper Activity Log entries.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office

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POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

June 18, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201810824 regarding Police Officer Edwin Lau, Tax No. [REDACTED] (DADS No. 2019-21016)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter, including internal stationhouse surveillance video footage of the incident, and has determined that Police Officer Lau will receive No Disciplinary Action for the allegation that he used physical force against an individual. The arrested individual in this matter made no complaint regarding the manner in which he was transported to the holding cell area. The officers involved indicated that the arrested individual refused to walk, either into the stationhouse, or to the cell area of the stationhouse, and that therefore, they had to carry him. Both the statements of the officers present and the video footage of the incident support this reasonable conclusion. While the CCRB views the individual as being dragged, the officers, reasonably, viewed themselves as carrying the individual, as most of his weight was being held off the ground by their efforts to move him safely.

Therefore, the Police Commissioner directs that Police Officer Lau receive no disciplinary action.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,


James W. Essig
Assistant Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

April 14, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENTURE

Re: CCRB Case No. 201901734 regarding Police Officer Vincent Mauro, Tax No. [REDACTED] (DADS No. 2019-20870) and Police Officer Jorge Flores, Tax No. [REDACTED] (DADS No. 2019-20869)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter, including the Body-Worn Camera footage, and has determined that Police Officer Mauro and Police Officer Flores each receive Training from the Police Academy.

Contrary to the penalty proposed by the CCRB, the above penalty more accurately addresses the level of misconduct alleged in this case. Specifically, none of the alleged misconduct warrants the issuance of a Schedule A Command Discipline to either of the officers.

Instead, given the totality of the circumstances, the Police Commissioner has determined that while the officers' actions were improper, training is a more appropriate tool to prevent such misconduct in the future. Therefore, the Police Commissioner has directed that both Police Officers receive training from the Police Academy to address their respective misconduct in this case.

If you have any questions, please feel free to contact me at [REDACTED]

DEPT. ADVOCATE'S OFFICE
ADMIN UNIT
NYPD
2020 APR 14 2:58

Yours truly,

James W. Essig
Assistant Chief
Commanding Officer
Police Commissioner's Office



POLICE DEPARTMENT

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

February 21, 2020

POLICE COMMISSIONER'S PENALTY DEPARTMENT

Re: CCRB Case No. 201902829 regarding Sergeant Jose Santory, Tax No. [REDACTED] (DADS No. 2020-21732)

Dear Mr. Darche:

The Police Commissioner has reviewed the facts and circumstances of this matter, including multiple Body Worn Camera videos and other video evidence, and has determined that Sergeant Santory will receive no disciplinary action for the allegation that he threatened an individual with the use of force. Sergeant Santory was supervising other officers while engaged in a car stop with an uncooperative vehicle operator.

After an extended period, a determination was made to remove the uncooperative vehicle operator from his vehicle, and while that difficult process was being undertaken, a civilian approached the officers near the vehicle operator's open door, despite having been directed to remain on the sidewalk multiple times. After the individual failed to comply with multiple directives to get back on the sidewalk, Sergeant Santory turned away from the vehicle operator and confronted the individual who had refused to back away from the officers who were engaged with the vehicle operator. Sergeant Santory can be seen on multiple Body Worn Camera videos holding his Conducted Energy Weapon (C.E.W.) in his hand while he was assisting other officers in removing the vehicle operator. When he turned to address the individual who had refused to back away from the officers, Sergeant Santory still had the C.E.W. in his hand and he chose to utilize the C.E.W. to gain compliance from the individual who, by failing to back away as instructed, posed a potential threat to the officers who were engaged in a physical struggle to remove the vehicle operator from his vehicle.

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Sergeant Santory's use of the C.E.W. as a deterrent successfully diffused a tense situation and was appropriate under the totality of the circumstances. Therefore, Sergeant Santory will receive no disciplinary action in connection with this matter.

If you have any questions, please feel free to contact me at [REDACTED]

Yours truly,

A handwritten signature in black ink, appearing to read 'Cecil Wade', written in a cursive style.

Cecil Wade
Deputy Chief
Commanding Officer
Police Commissioner's Office