



CIVILIAN COMPLAINT REVIEW BOARD

BILL DE BLASIO, Mayor • MAYA D. WILEY, Esq. Chair • MINA Q. MALIK, Esq. Executive Director



Semi-Annual Report

JANUARY-JUNE

2016

Mission and Values

The New York City Civilian Complaint Review Board (CCRB) is an independent Agency that is empowered to receive, investigate, prosecute, mediate, hear, make findings, and recommend action upon complaints filed against members of the New York City Police Department (NYPD) that allege the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The Board's staff, composed entirely of civilian employees, conducts investigations, mediations, and prosecutions in an impartial manner. The City Charter gives the Police Commissioner final authority in matters of police discipline.

In fulfillment of its mission, the Board has pledged:

- To encourage members of the community to file complaints when they believe they have been victims of police misconduct
- To respect the rights of civilians and officers
- To encourage all parties involved in a complaint to come forward and present evidence
- To expeditiously investigate each allegation thoroughly and impartially
- To make fair and objective determinations on the merits of each case
- To offer civilians and officers the opportunity to mediate their complaints when appropriate in order to promote understanding between officers and the communities they serve
- To administratively prosecute misconduct allegations that the Board substantiates with charges
- To recommend disciplinary actions that are measured and appropriate, if and when the investigative findings substantiate that misconduct occurred
- To engage in community outreach in order to educate the public about the Agency and respond to concerns relevant to the Agency's mandate
- To report relevant issues and policy matters to the Police Commissioner and the public

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Background of CCRB and Glossary

The Charter of the City of New York establishes the Civilian Complaint Review Board and empowers it to receive and investigate complaints from members of the public concerning misconduct by officers of the NYPD. *See* NYC Charter § 440(a). 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.” *Id.* 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**.” *Id.* § 440(c)(1). The CCRB will also note “**other misconduct**” when it uncovers certain conduct by NYPD officers during the course of its investigation that falls outside its jurisdiction, but that the Department has requested be noted or remains important to bring to the Department’s attention. Examples of “other misconduct” include failures by officers to enter necessary information in their activity logs (memo books), failures to complete required documentation of an incident, and evidence suggesting that officers have made false official statements.

The “**Board**” consists of thirteen individuals. Of the 13 members, five are chosen by the Mayor, five are chosen by the City Council, and three members with experience as law enforcement professionals are chosen by the Police Commissioner. Apart from the members selected by the Police Commissioner, none of the Board members may have experience as law enforcement professionals or be former employees of the NYPD. The Mayor selects one of the thirteen members to serve as Board Chair.

The Executive Director is appointed by the Board and is the Chief Executive Officer, who is responsible for managing the day-to-day operations of the Agency and overseeing its 180 employees. The Agency consists of a 110-member Investigations Division responsible for investigating allegations of police misconduct within the Agency’s jurisdiction (“FADO”), and for making investigative findings. The most serious police misconduct cases are prosecuted by a 16-member Administrative Prosecution Unit. The prosecutors within the Unit are responsible for prosecuting, trying and resolving the most serious misconduct cases before a Deputy Commissioner of Trials at One Police Plaza. The Agency also includes a Mediation Unit with trained mediators who may be able to resolve less serious allegations between a police officer and a civilian. The Outreach Unit acts as a liaison with various entities, and is responsible for intergovernmental relations, outreach presentations, and community events throughout the five boroughs of New York City.

Members of the public who file complaints regarding alleged misconduct by NYPD officers are referred to as “**complainants**.” Other civilians involved in the incident are categorized as “**victims**” or “**witnesses**.” Officers who commit the actions that are alleged to be misconduct are categorized as “**subject officers**,” while those who witnessed or were present for the alleged misconduct are categorized as “**witness officers**.” The CCRB’s **Intake** team receives the complaints filed by the public in-person, or by telephone, voicemail, an online complaint form, or referred to the agency by the NYPD’s Internal Affairs Bureau.

When a complaint is filed with the CCRB, the CCRB assigns it a unique complaint identification number. The CCRB also refers to “**complaints**” as “**cases**.” The vast majority of complaints regarding improper entries, searches, or warrant executions involve only a single incident of entry or search, but a few complaints involved more than one entry or search (occurring on the same day or on different days). A single complaint or case may contain multiple “**allegations**” relating to force, abuse of authority, discourtesy, and/or offensive language. Allegations regarding improper entries, searches, or failures to show a warrant are considered allegations falling within the CCRB’s abuse of authority jurisdiction. A single complaint or case may contain multiple allegations of improper entries, searches, and/or failures to show warrants. Each allegation is reviewed separately during an investigation.

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

The “**Disposition**” is the Board’s finding of the outcome of a case (i.e. if misconduct occurred). The Board is required by its rules to use a “preponderance of the evidence” standard of proof in evaluating cases. Findings on the merits result when CCRB is able to conduct a full investigation and obtain sufficient credible evidence for the Board to reach a factual and legal determination regarding the officer’s conduct. In these cases, the Board may arrive at one of the following findings on the merits for each allegation in the case: “**substantiated**,” “**exonerated**,” or “**unfounded**.” Substantiated cases are those where there was a preponderance of evidence that the acts alleged occurred and constituted misconduct. Exonerated cases are those where there was a preponderance of the evidence that the acts alleged occurred but did not constitute misconduct. Unfounded cases are those where there was a preponderance of the evidence that the acts alleged did not occur. “**Unsubstantiated**” cases are those where the CCRB was able to conduct a full investigation, but there was insufficient evidence to establish whether or not there was an act of misconduct. In many cases, the CCRB is unable to conduct a full investigation or mediation and must “**truncate**” the case.¹

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. A case can be returned for investigation if the mediation is unsuccessful.

The CCRB’s **Administrative Prosecution Unit (APU)** prosecutes cases in which the Board has substantiated misconduct and recommended discipline in the form of Charges and Specifications. The APU began operating in April 2013, after the CCRB and the NYPD signed a Memorandum of Understanding establishing the unit.

¹ 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.”

Letter from the Chair



September 2016

Dear Fellow New Yorkers:

It is with great humility and excitement that I pen this first letter as Chair of the Civilian Complaint Review Board. I am humbled to serve one of the oldest and largest Civilian Review Boards in the country. This is a time of unprecedented national attention to the importance of police-community relations, public safety and police reform. Civilian oversight contributes to all of these. I am excited to serve at a time when such tremendous strides have been made in agency effectiveness and when commitment exists throughout the city to build on successes in community policing and reforms.

The Board and staff have my deep appreciation for the improvements in productivity represented in this report. The Agency has dedicated the first half of 2016 to continuing to implement and integrate operational reforms it created in 2015 and the statistics contained in this report show results. Complaints are down while outreach has been significantly more aggressive. Case processing times continue to improve. This is not just numbers crunching. When a New Yorker files a complaint, both the complainant and any police officers involved in the incident deserve to have the case processed fairly and efficiently. No one should have to wait lengthy periods of time to resolve a case. And NYPD action on discipline has increased accountability. Increased efficiency, along with greater collaboration with NYPD and more video evidence, means an increase in cases that result in some form of action, where appropriate.

The hard work and collaboration of the NYPD deserve our appreciation as well. It is a testament to the NYPD's commitment to improved community relations and support for reforms that this past year has brought greater collaboration between the NYPD and the CCRB.

And there is no question that we have more work to do to build upon the successes of the Agency and its effectiveness. This report's numbers gives us all pause to consider that our complainants are disproportionately Black New Yorkers. It raises questions about how we can better understand cases that do not proceed through investigation or mediation. We know that there are communities that may have unique experiences or challenges in engaging in civilian oversight. And we have more opportunities to build better understanding and increased collaboration with the NYPD. As Chair, I look forward to working with my Board colleagues, the staff, NYPD and other stakeholders to continue to examine ways the Agency can continue to improve in its effectiveness.

Our mission is and must be greater police-community relations through accountability, and also through identification of successes and areas where there are opportunities for greater progress. Our residents, visitors and our police officers must be safe and in dialogue on increasing that safety. I, along with the Board and staff of this important Agency, are passionate about what is possible to increase trust and respect between the NYPD and the diverse communities that it serves, through civilian oversight, public education and collaboration with stakeholders and information sharing and engagement with the NYPD.

Yours in service,

A handwritten signature in black ink that reads "Maya Wiley". The signature is written in a cursive, flowing style.

Maya D. Wiley, Esq.

Letter from the Executive Director



September 2016

Dear Fellow New Yorkers:

Over the past six months, the Board, the Executive Team and I have focused our efforts on improving the productivity and efficiency at which the Agency operates on all fronts. The success of the Agency is largely dependent on the trust it earns from our communities. With faster and more proactive investigations, we are able to not only build trust between us and the local community, but also between the Agency and the NYPD.

In 2015, our investigative procedures have overall benefited and improved from the restructuring of the Investigations Division. In 2016, we have placed an emphasis in further enhancing our investigative team in terms of speed and efficiency, much of which is highlighted in this Report. The percentage of complaints that were four months old or less has not only declined over the years, but has in fact reached an all-time low in the past six months. In the first half of 2016, 98% of complaints were four months old or less, compared to 77% in the first half of 2015, and 65% in the first half of 2014.

Within the Administrative Prosecution Unit, prosecutions and trials have become more frequent and efficient. In the past six months, the APU conducted 67 trials and closed 131 cases in the first half of 2016 compared to 67 closed in the first half of 2015 (a 95% increase). In addition, the Police Department disciplinary action rate has grown to 82% in the first six months of 2016, compared to 74% in the first half of 2015 and 63% in the first half of 2014. The “Department Unable to Prosecute” rate has also dropped to a mere 4%. These numbers provide an accurate portrayal of the ever-strengthening cooperation and respect between the CCRB and the Police Department, and it is this relationship that has allowed the Agency to further build our disciplinary process.

The key to evaluating the Mediation Unit’s productivity lies in the average number of days it takes to close a mediated case. In the first six months of 2016, it took on average 89 days to mediate a complaint, which is a 61% decrease from the average 145 days it took to mediate a complaint in the first half of 2015. It is my belief that the growing percentage of mediation closures is a pioneer indication of the possibility of an improved trust between the New York City Police Department and the civilian community.

The Agency has also increased its outreach efforts in the past six months. The Outreach Unit gave 572 presentations in all five boroughs of New York City from January to June 2016, a dramatic increase from the 120 presentations given in the first half of 2015. Our enhanced Outreach staff has dedicated the year to help widen the Agency’s reach throughout New York City, and it is through their efforts that the CCRB can advance the community’s trust.

The accomplishments that the Agency has achieved in the past few months are significant steps taken towards fulfilling its mission as the primary independent oversight agency of the New York Police

Department. With the continuing efforts of our dedicated staff, the Civilian Complaint Review Board is one step closer in healing police-community relations in New York City.

Sincerely,

A handwritten signature in black ink, appearing to read "Mina Q. Malik". The signature is fluid and cursive, with a large loop at the end.

Mina Q. Malik, Esq.

Executive Summary

Section 1: Complaint Activity

- In the first half of 2016, there were 2,343 complaints filed within the CCRB’s jurisdiction. This is a 12% increase from the 2,088 complaints the Agency received in the first half of 2015. Complaint activity has been steadily declining from 2010 when the Agency received over 3,000 complaints biannually.
- The average number of complaints filed per month was 391, which is higher than the 348 average complaints per month from the first half of 2015.
- There are five ways to file complaints directly with the CCRB: by phone, mail, online, fax, or in person. Filing by phone is the most popular method (including through the automated voice-messaging system). In the first half of 2016, 1,556 (66%) complaints were made by phone. This is a 2% decrease from the percentage of complaints made by phone from the first half of 2015. The second most common method of filing CCRB complaints is via the Agency’s online complaint form. In the first half of 2016, the percentage of complaints made via the online platform was 11%, a slight decrease from the 12% of complaints made via the Agency’s online platform from the first half of 2015.
- Brooklyn has consistently been the borough with the most complaints, where 708 complaints were filed from January to June of 2016, up 9% from the 650 filed in the first half of 2015. Manhattan had 593 complaints, which is a 26% increase compared to the 469 filed in the first half of 2015. The Bronx had 521 complaints, up 9% compared to the first half of 2015. Queens received 386 complaints, a 5% increase from the first half of 2015. Finally, Staten Island received 107 complaints in the first half of 2016, a 5% increase over the first half of 2015.
- The top three precincts (by location of incident) to receive the most complaints from January to June of 2016 were: the 75th in Brooklyn (109 complaints), the 73rd in Brooklyn (64 complaints), and the 40th in Bronx (62 complaints). Five of the top ten precincts for complaint activity were located in the Bronx; three in Brooklyn, two in Manhattan, and none were located in Queens or Staten Island. Of the top ten precincts, the 14th precinct saw the largest increase (percent change), from 34 complaints in the first half of 2015 to 52 complaints in the first half of 2016. The precinct with the largest decrease (percent change) was the 40th which declined 10% from 69 complaints in the first half of 2015 to 62 in the first half of 2016. This dropped the 40th Precinct from being the second precinct with the highest number of CCRB complaints to the third.
- In the first half of 2016, force allegations made up 43% of total complaints, compared to 48% in the first half of 2015. Abuse of authority allegations made up 70%, compared to 60% in the first half of 2015. Discourtesy allegations made up 31% of total complaints, compared to 34% in the first half of 2015. Finally, offensive language allegations made up 7% of the total, the same as in the first half of 2015.
- The demographics of alleged victims in CCRB complaints have traditionally deviated from the composition of the city population. New York City’s racial and ethnic breakdown is 33% white, 29% Hispanic, 25% black, 13% Asian and 1% Other. As in previous years, however, in the first half of 2016, black people constituted over half of alleged victims. When alleged victims for whom race is “unknown” are not considered (providing racial and ethnic information is optional), the CCRB’s alleged victim demographics breakdown as follows: 54% black, 25% Hispanic, 14%

white, 2% Asian, and 4% other.

- With respect to sex, 70% of alleged victims were male and 30% were female. These percentages have been consistent for at least the past 3 years.
- Unlike that of alleged victims, the racial demographics subject officers of CCRB complaints have generally reflected the composition of the Police Department. In the first half of 2016, subject officers were 49% white, 29% Hispanic, 16% black and 7% Asian. In the first half of 2015, complains were filed against subject officers who were 53% white, 27% Hispanic, 15% black and 5% Asian.
- The sex of subject officers has traditionally skewed more male than the Police Department as whole, which is 83% male. In the first half of 2016, 89% of the subject officers of CCRB complaints were male and 11% were female. The data from the past three years has been almost identical, with 91% of subject officers being male and 9% being female.

Section 2: Investigative Findings

- The average number of days to complete a full investigation was decreased by 126 days, or 48%, from 263 in the first half of 2015 to 137 in the first half of 2016. Similarly, the time to complete a substantiated investigation fell by 163 days, or 53%, from 310 in the first half of 2015 to 147 in the first half of 2016. To maintain consistency in calculating the average number of days in investigations with previous years, this number is calculated for full investigations closed in Q1 from the time a case is received at CCRB to the time a case is closed (i.e. after a panel has voted). Therefore, strictly speaking, the time spent only within the Investigations Division is a subset of this entire time.
 - Looking only at days spent within the Investigations Division, it took an average of 101 days to complete a full investigation in Q1 2016, compared to the average 222 days in Q1 2015, and the average 278 in Q1 2014.² These numbers include cases on DA hold, with subpoena actions, or those that have been reopened. Excluding cases on DA hold, with subpoena actions, or those that have been reopened, it took an average of 84 days to complete a full investigation in Q1 2016, compared to the average 196 days in Q1 2015, and the average 262 in Q1 2014.³
- The size and age of the open docket is also a good indicator of the productivity of both the Investigative Division and the Agency as a whole. At the end of June 2016, there were 998 total cases in the open docket. In the investigative docket, there were 651 open complaints with an average age of 41 days. By comparison, at the end of June 2015, there were 1,243 total cases in the open docket and 669 open complaints in the investigative docket with an average of 56 days.
- Ninety-eight percent of cases in the Agency's open docket were 4 months old or younger at the end of June 2016, making it an Agency record. By comparison, 77% of cases in the open dockets were 4 months old or younger at the end of June 2015.
- For complaints closed in the first half of 2016, 54% were truncated, 34% were fully investigated, 5% were mediated, 5% were mediation attempted and 1% was miscellaneous closure. By comparison, in the first half of 2015, 48% were truncated, 42% were fully investigated, 3% were

² For substantiated investigations these numbers are an average of 113 days in Q1 2016, 273 in Q1 2015, and 355 in Q1 2014.

³ For substantiated investigations these numbers are an average of 95 days in Q1 2016, 254 in Q1 2015, and 335 in Q1 2014.

mediated, 3% were mediation attempted and 4% were miscellaneous closure. The case resolution rate (a resolved case is one that is closed after a full investigation, a mediation or an attempted mediation) was 44% in the first half of 2016, compared to the first half of 2015, which saw a 49% case resolution rate.

- During the first half of 2016, the complaint substantiation rate for fully investigated complaints was 26%, compared to the 21% substantiation rate of fully investigated complaints in the first half of 2015.
- When an investigation reveals misconduct that falls outside of the CCRB’s jurisdiction, the Board notes the “other misconduct” and reports such alleged misconduct to the NYPD for possible disciplinary actions. Of the cases closed during the first half of 2016, the most common OMN is the failure to prepare a memo book, which accounted for 65% of all “other misconduct” allegations. The percentage of failure to prepare a memo book entry as a percentage of all OMNs has steadily declined since 2013.

Section 3: Disciplinary Process

- Out of the five dispositional outcomes for fully investigated cases (i.e. substantiated, unsubstantiated, exonerated, unfounded, officer unidentified), in the first half of 2016, the Board substantiated 215 complaints against 327 police officers, as compared to 236 complaints against 354 officers in the first half of 2015.
- For each substantiated allegation of misconduct, the CCRB recommends one of three basic types of discipline, which track the disciplinary options used by the Department. First, the lowest level of discipline is for an officer to receive “formalized training” at the Police Academy or at the Legal Bureau, or “instructions” from his or her commanding officer. The next higher level of discipline is referred to as “command discipline.” These cases are forwarded to the subject officer’s commanding officer for discipline, and can result in a penalties ranging from a reprimand up to the loss of five vacation days for a Command Discipline A, and ranging from a reprimand up to the loss of ten vacation days for a Command Discipline B. The third and most severe disciplinary option is the filing of administrative “charges and specifications.” Charges and specifications leads to a trial process in which a MOS may be found guilty or not guilty, or plead guilty beforehand. In all cases, even where the trial commissioner issued a verdict after trial or the MOS pled guilty, the Police Commissioner has final approval of all dispositions. The recent trend has been for the Board to issue more command discipline recommendations and fewer charges recommendations. In the first half of 2016, for officers against whom complaints were substantiated, the Board recommended that administrative charges be brought against 43 (13%) officers; command discipline for 164 (50%) officers; and formalized training or instructions for 120 (37%). In the first half of 2015, the Board recommended that administrative charges be brought against 104 (29%) officers; command discipline for 144 (41%) officers; and formalized training or instructions for 156 (44%) officers.
- In the first half of 2016, the Police Department reported its final disciplinary decisions for 346 subject officers, comprising both cases that were prosecuted by the APU and cases that were handled by the DAO. The Police Department imposed some form of discipline—guilty verdict after trial, guilty plea, command discipline, instructions, or formalized training—in 285 cases, resulting in an 82% disciplinary action rate, compared to a 74% disciplinary action rate in the first half of 2015. The Police Department did not impose any disciplinary action in 18% of cases for the following reasons: not guilty after trial; charges dismissed; statute of limitations expired; or the Department was unable to prosecute the case (“DUP”). The Department’s DUP rate has been

steadily declining since 2013, and was 6% in the first half of 2016.

- In the first half of 2016, the Administrative Prosecution Unit conducted 67 trials and closed 131 cases. This is an increase from the 66 conducted trials and 104 cases closed in the first half of 2015. The APU's current open docket stands at 285 cases. This included cases where the CCRB was awaiting a trial verdict or final determination of discipline by the Police Commissioner.
- During the first half of 2016, 91 of the cases closed by the APU resulted in some form of disciplinary action.
- The APU closed 130 adjudicated cases from January to June 2016. Discipline was imposed in 91 of these cases, resulting in a discipline rate of 70%.

Section 4: Mediation

- In the first half of 2016, the Mediation Unit successfully mediated 112 (48%) of the cases it closed, while 121 (52%) cases were closed as “mediation attempted.”⁴ The percentages remained the same as in the first half of 2015 where 48% of all mediation closures were mediated and 52% were attempted mediations. Separately, it is important to note that if a mediation is not successful, the case returns to the Investigations Division for a full investigation.
- The average number of days taken to mediate a case has been steadily lowering over the past three years. In the first half of 2016, it took an average of 89 days to mediate a complaint, compared to the average 145 days it took in the first half of 2015.
- The CCRB considers a case “resolved” either when it is closed after a full investigation or when it is closed as mediated or mediation attempted. In the first half of 2016, mediation closures accounted for 22% of the Agency’s resolved case closures. This is up 9% from the first half of 2015, when mediation closures accounted for 13% of resolved case closures.
- Mediation was offered in 37% (883) of cases closed from January to June 2016.⁵ Comparably, mediation was offered in 35% (932) of closed cases in the first half of 2015.
- In the first half of 2016, the mediation acceptance rate for civilians was 43%, up from the 39% mediation acceptance rate for civilians in the first half of 2015. The mediation acceptance rate for members of service during the first half of 2016 was 89%. This is up from the 82% mediation acceptance rate for members of service in the first half of 2015.
- In the first half of 2016, the Mediation Unit conducted a total of 129 mediation sessions, resulting in 112 satisfactory resolutions and making for an 87% success rate. These rates have lowered since the first half of 2015, when 90% of cases were successfully mediated.

⁴ “Mediation attempted” is a designation for a case in which both the officer and the civilian agree to mediate, but the civilian fails to appear twice at the scheduled mediation session, or fails to respond to attempts to schedule the mediation session.

⁵ Mediation is not offered in all cases. Reasons why a complainant may not be offered mediation include: the encounter led to an arrest; the encounter led to a serious physical injury; or the encounter is the subject of a pending lawsuit.

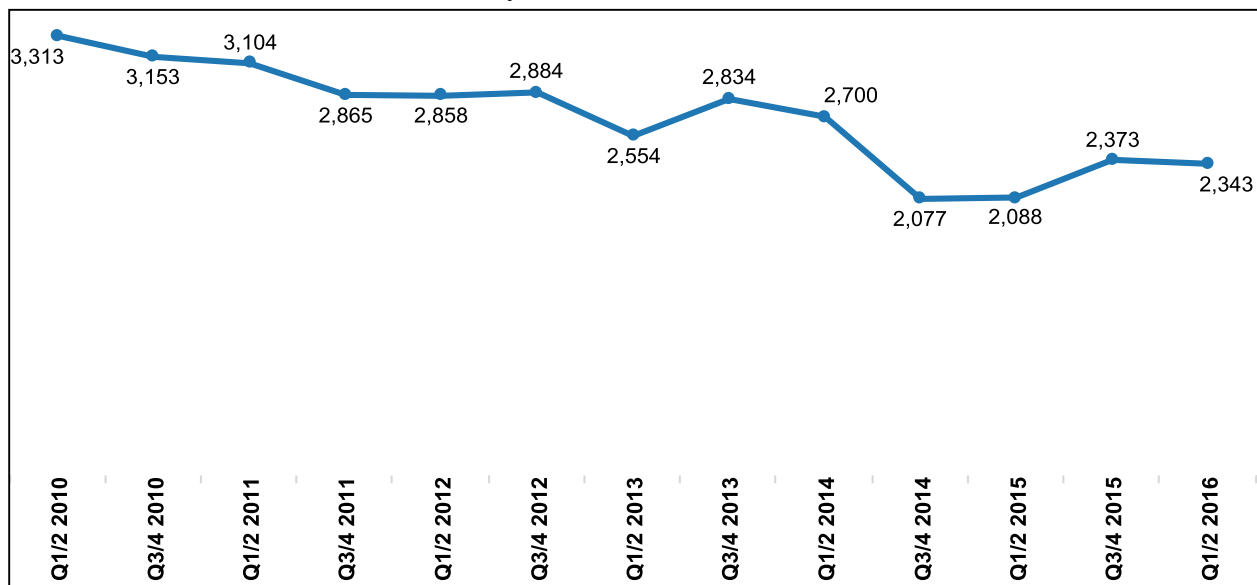
Section 5: Outreach

- In the first half of 2016, the Outreach Unit gave 572 presentations as compared to 120 presentations in the first half of 2015.
- Through its Outreach efforts, the CCRB seeks to connect with a broad diversity of groups. Presentations given by the Outreach Unit in the first half of 2016 have been made to a large variety of audiences including school groups, precinct council meetings, probationary groups, homeless organizations, formerly incarcerated individuals, NYCHA residents and LGBTQ groups. In the first half of 2016, most presentations were given at community events (29%), followed by high schools (14%).
- In the first half of 2016, 27% of Outreach events were held in Brooklyn; 27% in Queens, 23% in Manhattan, 22% in Bronx, and 2% in Staten Island.

Section 1: Complaint Activity

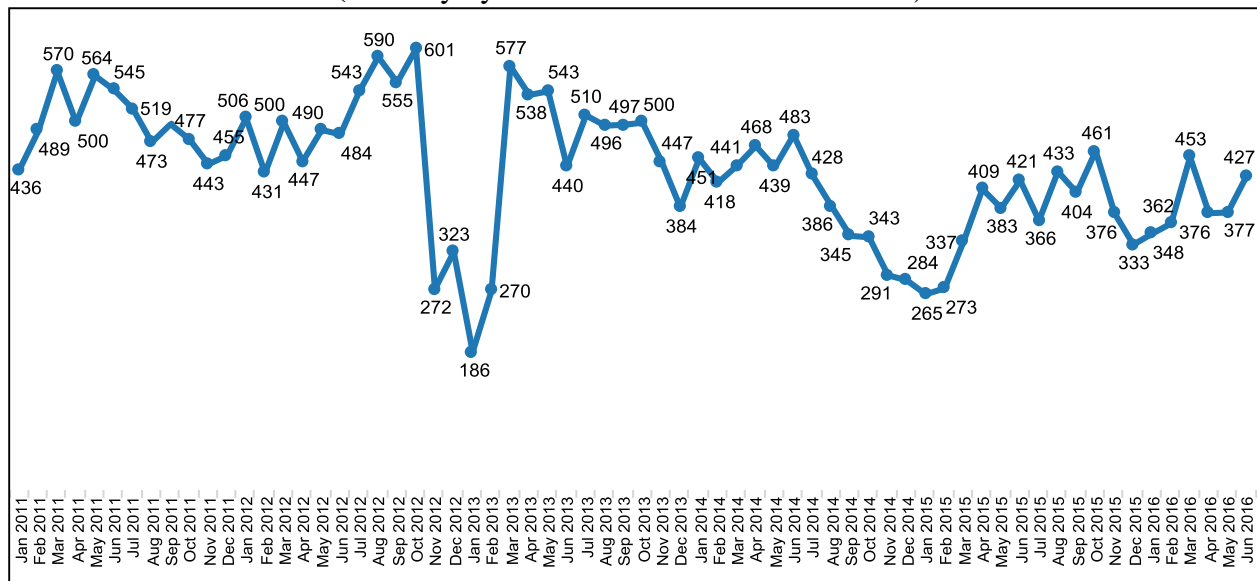
For most New Yorkers, contact with the CCRB begins when they file a complaint alleging police misconduct. In this chapter we discuss the number of complaints received and their characteristics. In the first half of 2016 the CCRB received 2,343 complaints within its jurisdiction.

Figure 1: Complaints Received Within CCRB Jurisdiction
(Semi-annual by received CCRB date 2010-2016)



The monthly data shown below reflects two anomalous periods: the drastic decrease in complaint numbers in 2012 was largely due to Hurricane Sandy in October. The drop in complaint numbers at the end of 2014 and beginning of 2015 occurred around the time of the officer slowdown in New York, the effects of which continued to be noticeable into February 2015.

Figure 2: Complaints Received Within CCRB Jurisdiction by Month
(Monthly by CCRB received date 2011-2016)

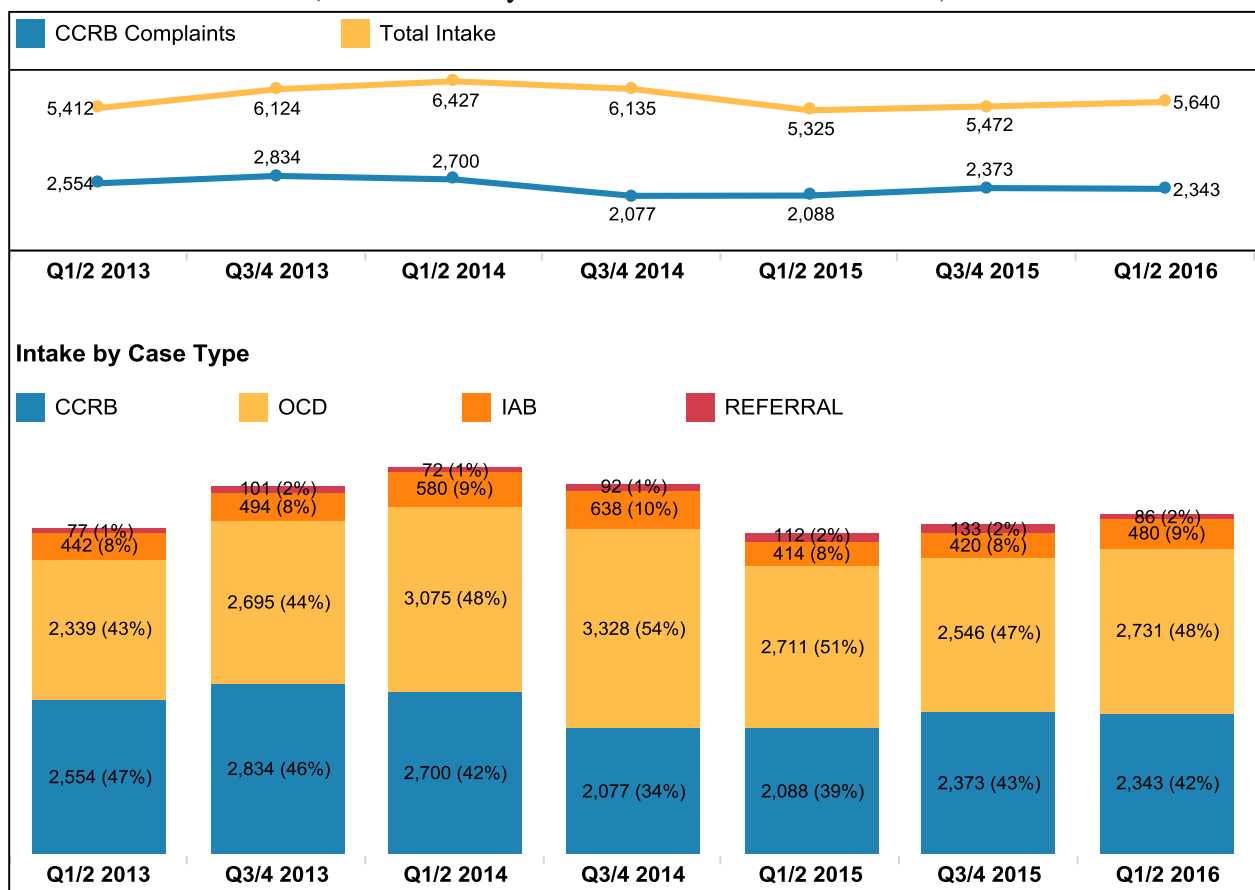


Total Filings

It is important to understand the distinction between complaints within the CCRB’s jurisdiction (FADO complaints) and total complaints (i.e. total intake). All complaints are entered into the Agency’s Complaint Tracking System (CTS); however, only complaints within FADO jurisdiction are investigated by the CCRB.

Complaints outside of FADO jurisdiction are referred to the appropriate governmental entities that have the jurisdiction to process them. There are two units at the Police Department that are the primary recipients of the Agency’s referrals: the Office of the Chief of Department (OCD) and the Internal Affairs Bureau (IAB). People whose complaints are referred elsewhere are mailed a tracking number so that they can follow their complaints at the appropriate agency.

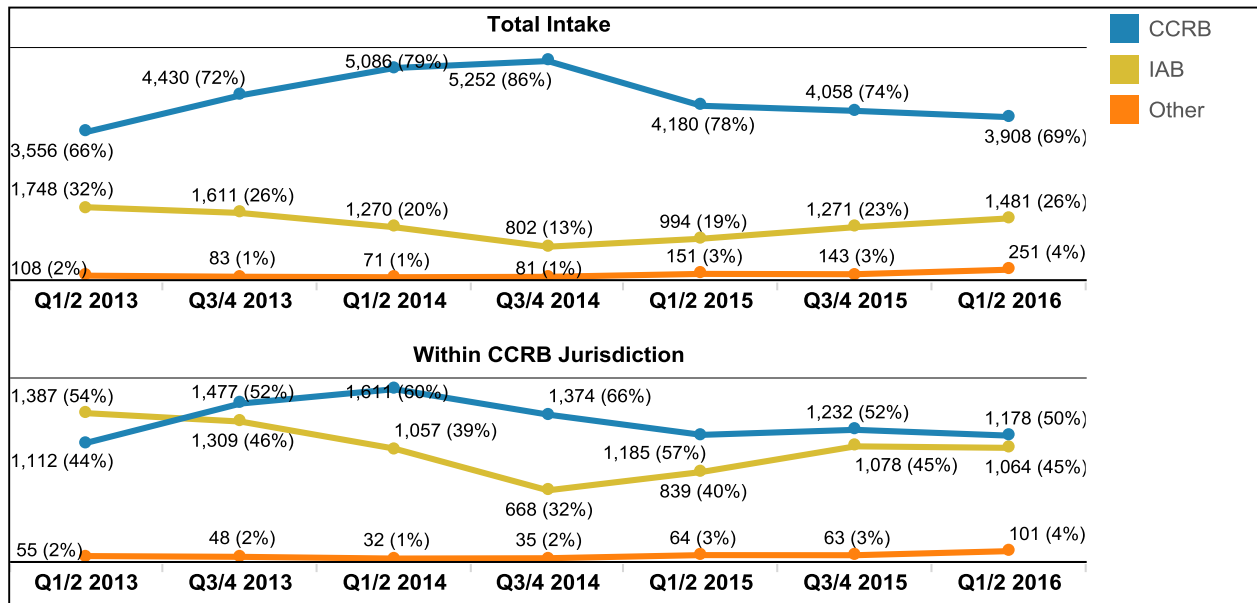
Figure 3: Complaints Received Within All Jurisdictions
(Semi-annual by received CCRB date 2013-2016)



Place of Filing

Most of the complaints filed within CCRB jurisdiction are received and processed directly by the CCRB’s Intake unit. The Agency also receives a high number of complaints within CCRB jurisdiction from the NYPD’s Internal Affairs Bureau (IAB).

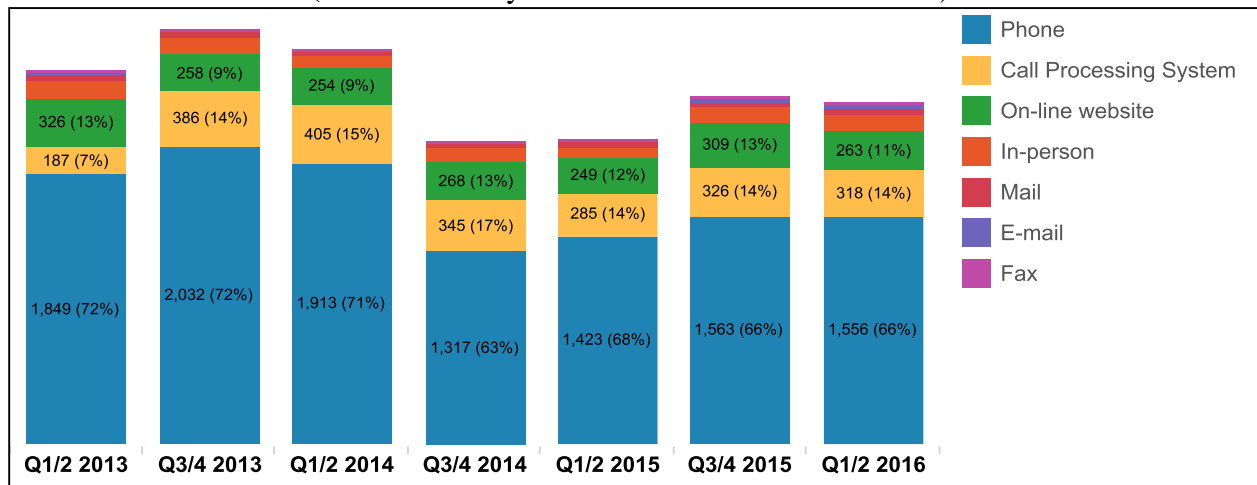
Figure 4: Complaints Received by Complaint Place
(Semi-annual by received CCRB date 2013-2016)



Mode of Filing Complaints within the CCRB’s Jurisdiction

There are five ways to file complaints directly with the CCRB: by phone, mail, online, fax, or in person. Filing by phone is the most popular method. This includes filing through the automated voice-messaging system which is available in English, Spanish, Chinese and Russian. During business hours, the CCRB staffs phone lines to take complaints. Language Line can be used to accommodate complainants who do not speak English, or to aid in cases where a member of the intake staff does not speak the language needed by the complainant.

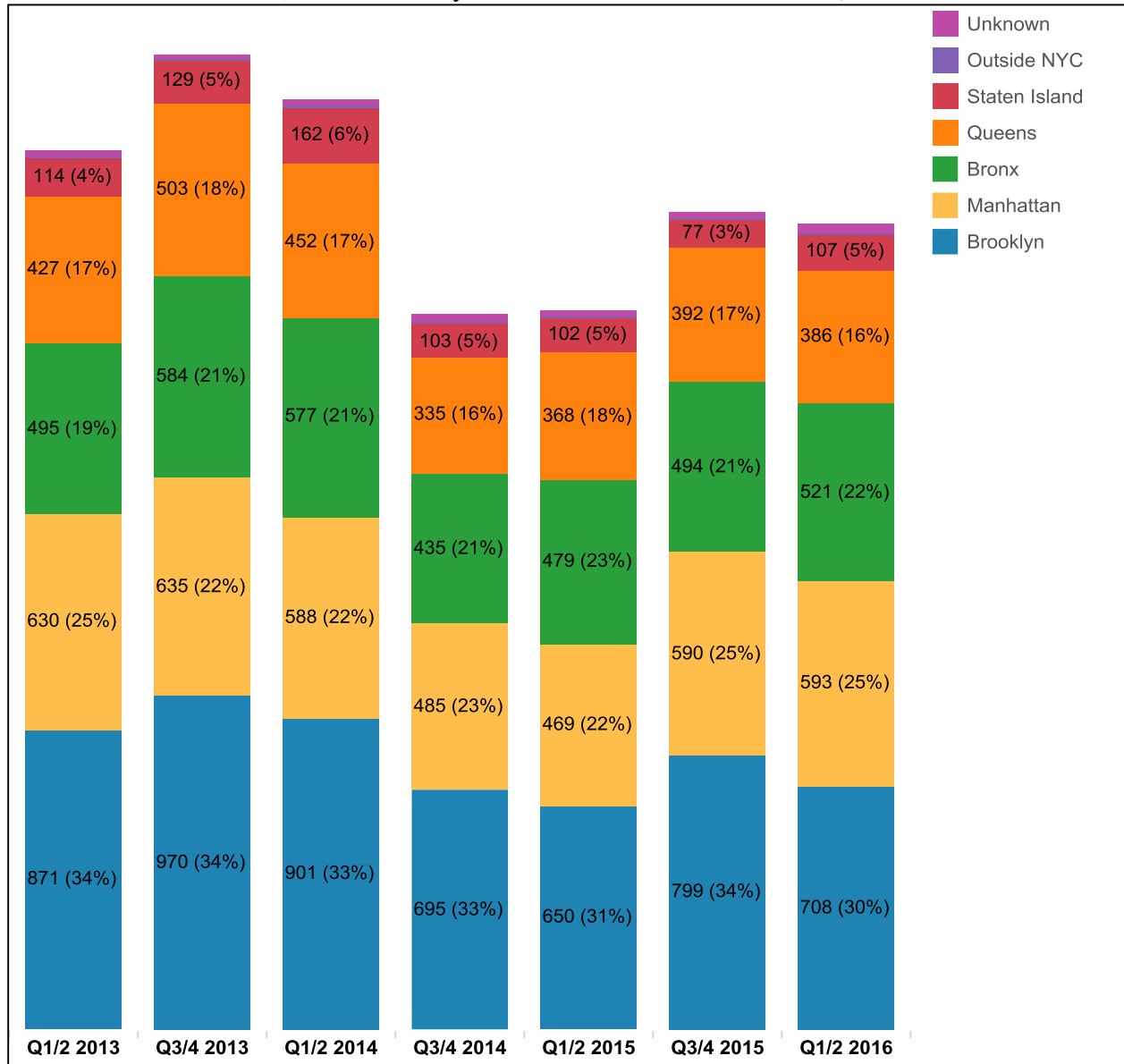
Figure 5: Complaints Received Directly to CCRB within CCRB Jurisdiction by Complaint Mode
 (Semi-annual by received CCRB date 2013-2016)



Location of Incidents Resulting in Complaints

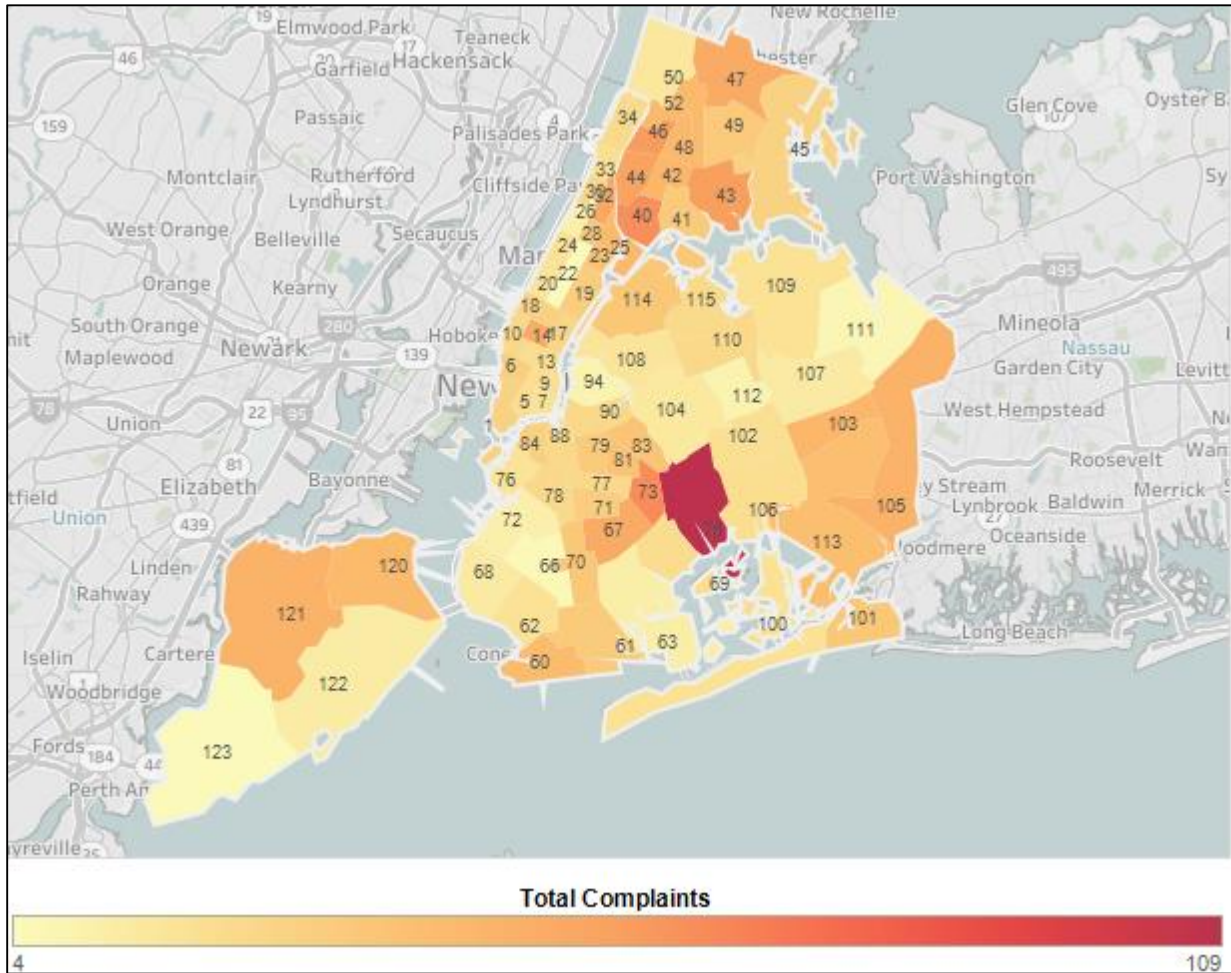
In the first half of 2016, 30% of the complaints received within the CCRB’s jurisdiction stemmed from incidents which occurred in Brooklyn.

Figure 6: Complaints Received within CCRB Jurisdiction by Borough
(Semi-annual by received CCRB date 2013-2016)



The CCRB’s website includes a weekly-updated interactive Complaint Activity Map (CAM) that provides information on complaints by precinct of occurrence.⁶ In the first half of 2016, the 75th precinct in Brooklyn generated the highest number of complaints.

**Figure 7: Complaints Received within CCRB Jurisdiction by Precinct
(Cases received Q1, Q2 2016)**



⁶ <http://www.nyc.gov/html/ccrb/html/news/complaint-maps.shtml>

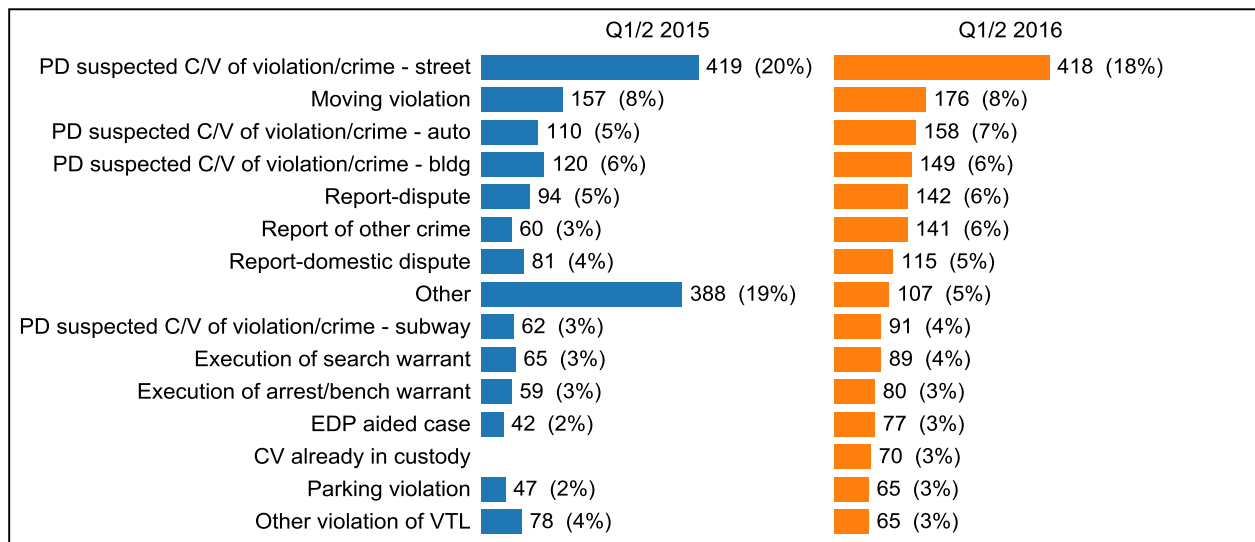
Figure 8: Top 10 Precincts with the Highest Number of CCRB Complaints
(CCRB received Q1, Q2 2015 vs. CCRB received Q1, Q2 2016)

Precinct	Q1,Q2 2015	Q1,Q2 2016	Percent Change
75	102	109	7%
73	52	64	23%
40	69	62	-10%
43	47	59	26%
46	40	58	45%
32	37	54	46%
44	48	54	13%
14	34	52	53%
47	55	51	-7%
67	42	50	19%

Characteristics of Encounters Resulting in a Complaint

When a complaint is being investigated, the CCRB tries to discern the initial reason for the contact between the civilian and the officer(s). In the first half of 2016, 18% of the complaints received within the CCRB jurisdiction stemmed from the officer suspecting the civilian of a violation or a crime.

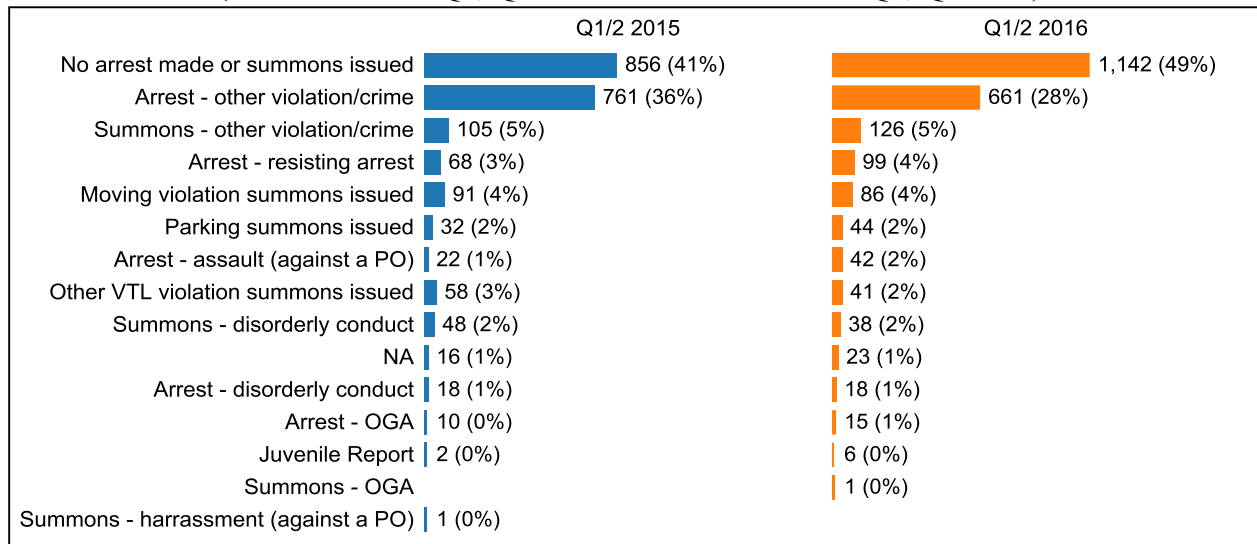
Figure 9: Top Fifteen Reasons for Contact⁷
(CCRB received Q1, Q2 2015 vs. CCRB received Q1, Q2 2016)



The CCRB also tracks the charges resulting from the encounters that lead to complaints within the Agency’s jurisdiction. In the first half of 2016, 49% of the complaints received stemmed from encounters where no arrest was made or summons issued. This compares to the first half of 2015, when 41% of the complaints received stemmed from encounters where no arrest was made or summons issued.

⁷ The “Other” category has been a catchall for reasons for contact not covered by the other categories. Since fall 2015, the Agency has placed a strong emphasis on more specifically categorizing reasons for contact and this has led to a dramatic decrease in this category in Q1 2016. For each first quarter, the “Other” category was 27% in 2010, 23% in 2011, 20% in 2012, 21% in 2013, 13% in 2014, 19% in 2015, and 5% in 2016.

Figure 10: Charges Resulting from Encounters
 (CCRB received Q1, Q2 2015 vs. CCRB received Q1, Q2 2016)

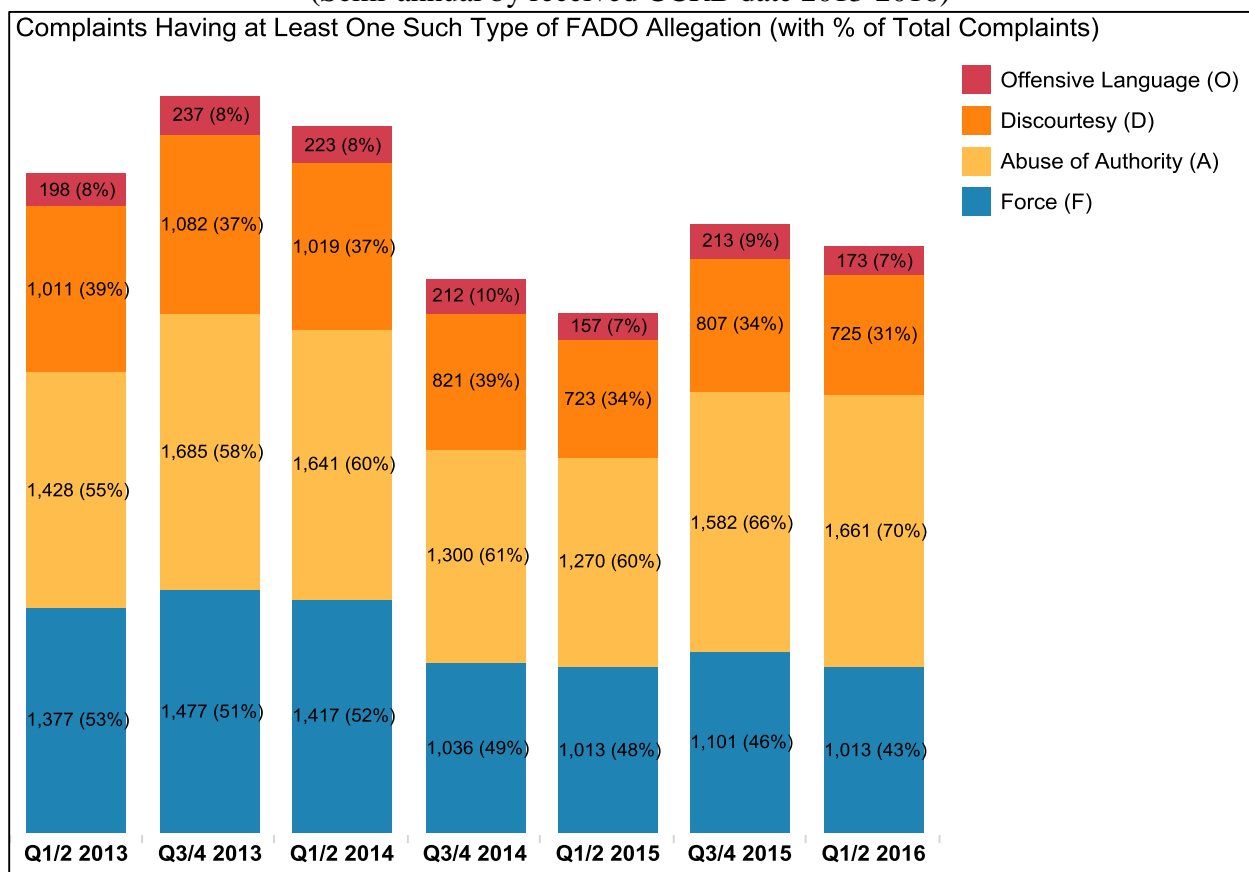


Type of Allegations in Complaints Received

To better understand complaint activity, it is important to note the distinction between a “complaint” and an “allegation.” An individual complaint received by the CCRB may contain multiple allegations against one or more officers. Each allegation the Agency investigates falls within one of four categories: force, abuse of authority, discourtesy and offensive language (FADO).

The most common types of allegations are abuse of authority allegations. In the first half of 2016, 70% of the complaints received contained at least one abuse of authority allegation. Force allegations are the next most common, and in the first half of 2016, 43% of the complaints received contained at least one force allegation.

Figure 11: Types of Allegations in Complaints Received
(Semi-annual by received CCRB date 2013-2016)

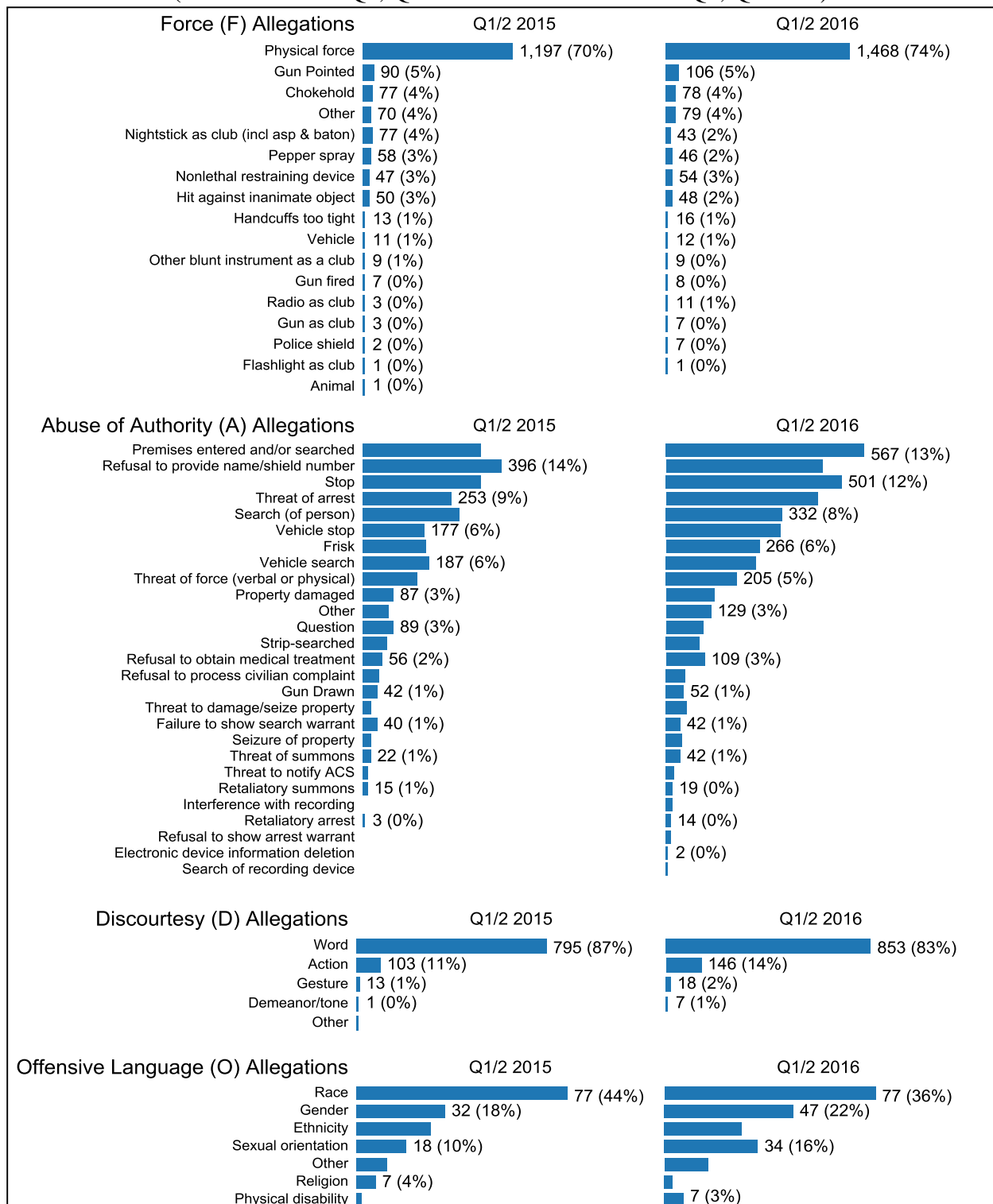


Note: The sum of percentages is greater than 100%. One complaint may include multiple FADO allegations.

The CCRB also keeps track of specific type of allegations within each FADO category. In the force category, the designation of “physical force” remains the most common allegation. This refers to an officer’s use of bodily force such as punching, shoving, kicking and pushing. In the first half of 2016, “physical force” allegations accounted for 74% of all the force category allegations.

Similarly, in the first half of 2016, the most common abuse of authority allegation was “premises entered and/or searched” accounting for 13% of the allegations in the category; the most common discourtesy allegation was “word” accounting for 83% of all discourtesy allegations; and the most common offensive language allegation was “race” accounting for 37% of the offensive language allegations.

Figure 12: Allegations By Type
(CCRB received Q1, Q2 2015 vs. CCRB received Q1, Q2 2016)

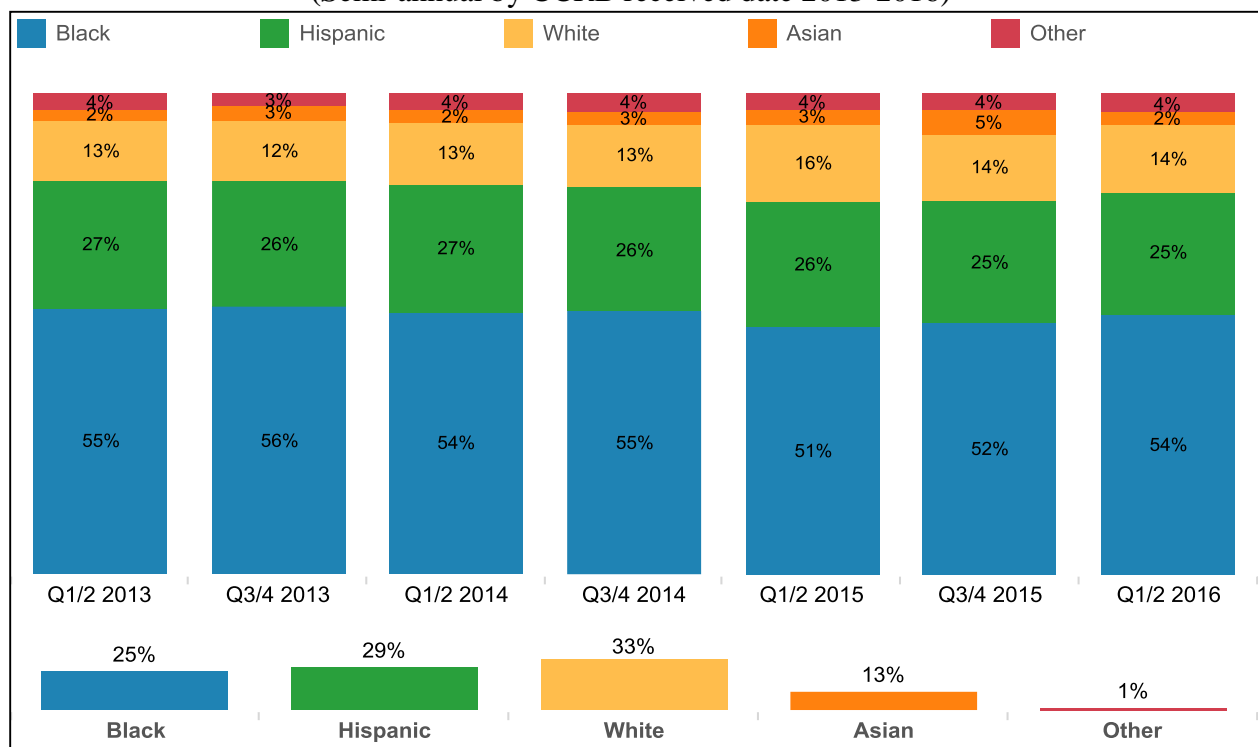


Characteristics of Alleged Victims

Characteristics of alleged victims in terms of race and gender have been consistent over time and have categorically differed from the New York City population as reported in the most recent United States Census. The CCRB compares the demographic profile of the alleged victims to the demographics of the City as a whole, without controlling for any other factors such as the proportion of encounters with the police or percentage and number of criminal suspects

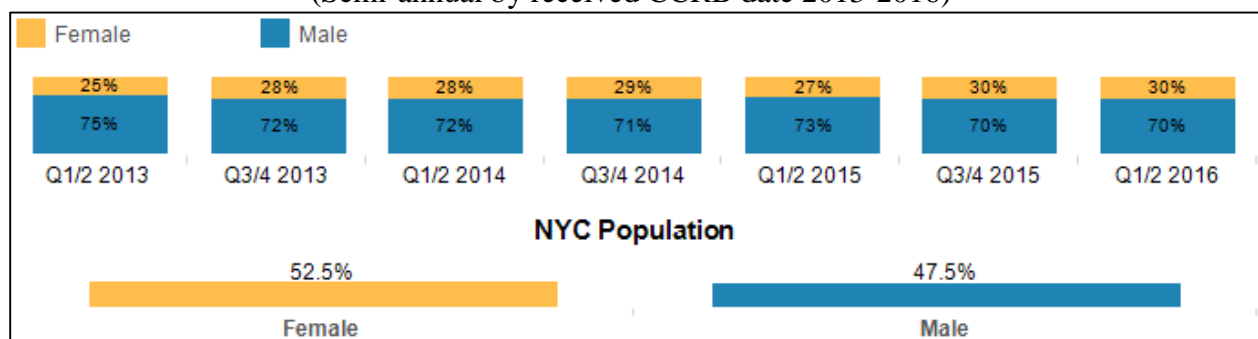
In the first half of 2016, black people made up over half (54%) of alleged victims, while according the 2010 census, black people make up 25% of the city's population. This is a disparity.

Figure 13: Alleged Victim Demographics Compared to New York City Demographics
(Semi-annual by CCRB received date 2013-2016)



As regards the gender of alleged victims, in the first half of 2016 70% of alleged victims were male, while men make up only 47.5% of the city's population.

Figure 14: Alleged Victim Gender Compared to New York City Demographics
(Semi-annual by received CCRB date 2013-2016)

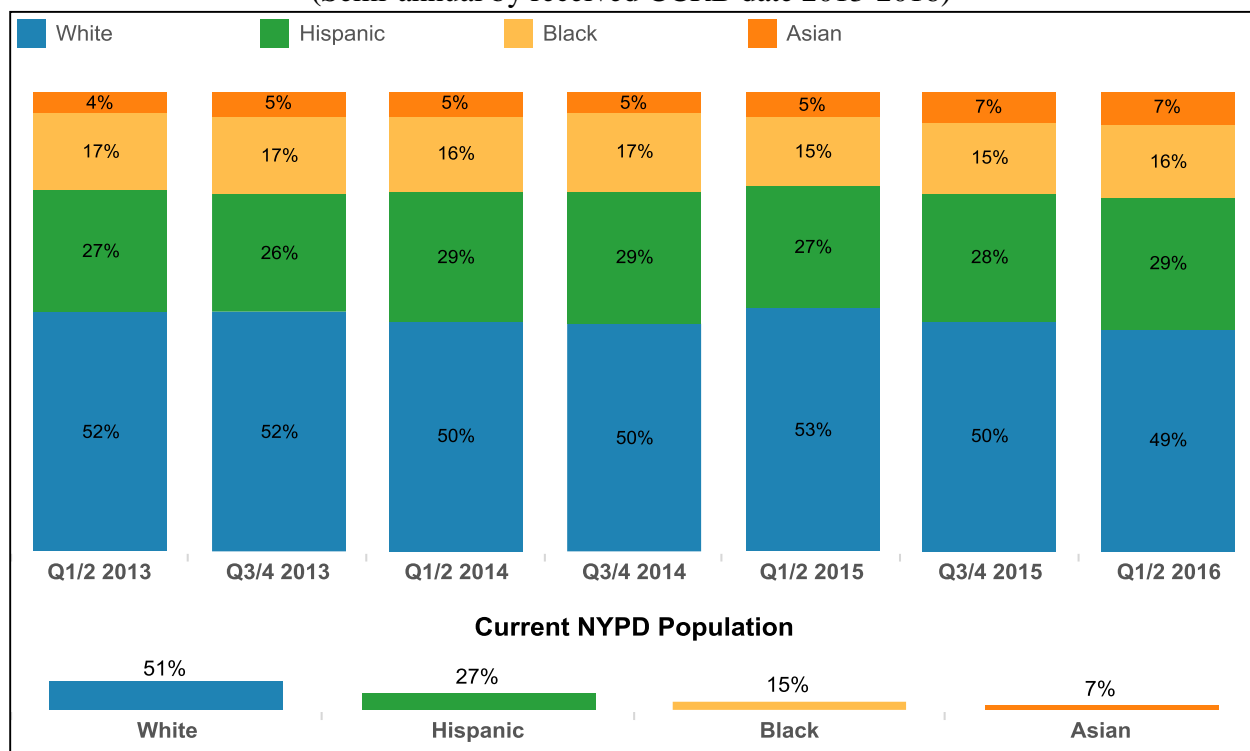


Characteristics of Subject Officers

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

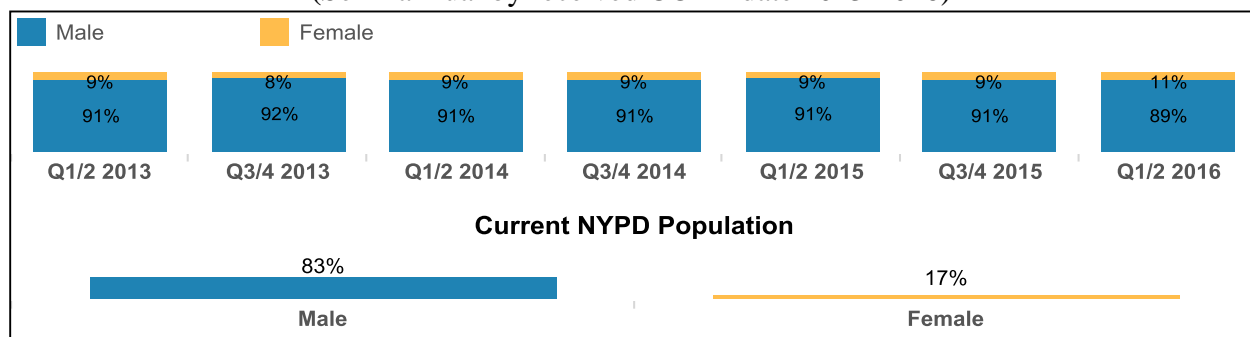
In the first half of 2016, white officers accounted for 49% of the subject officers in CCRB complaints and 51% of the NYPD as a whole.

Figure 15: Subject Officer Demographics Compared to New York City PD
(Semi-annual by received CCRB date 2013-2016)



In the first half of 2016, male officers accounted for 89% of the subject officers in CCRB complaints and 83% of the NYPD as a whole.

Figure 16: Officer Gender Compared to New York City PD
(Semi-annual by received CCRB date 2013-2016)



Section 2: Investigative Findings

Investigations are the core function of the Civilian Complaint Review Board. Every complaint that is not referred out of the CCRB will pass through an investigative team, even if it is ultimately resolved through Mediation. The goal of an investigation is to obtain the truest version of events in which an alleged act of misconduct occurred.

To begin an investigation, an investigator interviews the complainant and witnesses, collects evidence, and identifies the police officer(s) involved in the encounter, whose names are usually unknown at the outset of the investigation. Once the subject and witness officers have been identified, they are interviewed on the record, after which the investigative team makes a recommendation to the Board. A panel of three Board members then studies the case and votes on the investigative team's recommendations.

A CCRB investigation could involve a single police officer and a single complainant, who captured the incident on his cell phone, or an investigation could involve a brawl on a dimly lit street corner without independent evidence. The Agency seeks to resolve all its investigations fairly and efficiently, and in order to do so the CCRB needs the cooperation of at least one complainant/victim related to the case. When a complainant/victim makes him or herself available for an interview, the Agency deems the resulting investigation a "full investigation." On the other hand, when a complaint is withdrawn or there is no complainant/victim available for an interview the investigation is "truncated." The Investigations Division always seeks to keep truncated investigations to a minimum, but its primary focus is on full investigations.

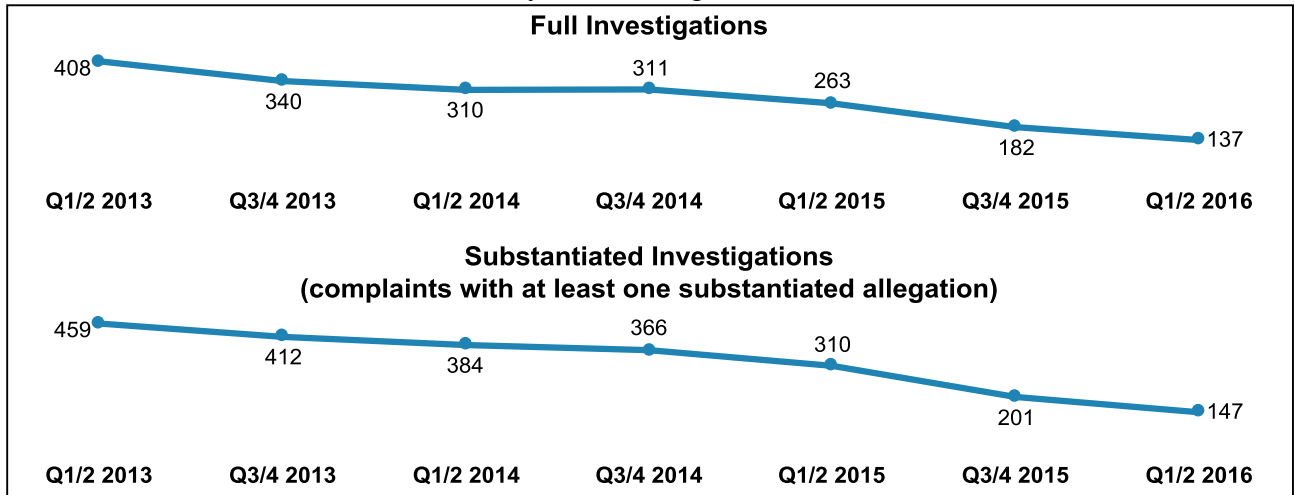
This section will cover the performance of the Investigations Division and the outcome of complaints made to the CCRB.

Investigative Division Performance

A key indicator of the performance of the Investigative Division is the time it takes to close a full investigation. This indicator measures the length of time from the date the CCRB receives a complaint to the date a complaint is closed by the Board. Of equal importance is the time it takes to close a full investigation for Substantiated cases, which are typically the most complicated and time consuming. In the first half of 2016, full investigations were closed in an average of 137 days; Substantiated cases were closed in an average of 147 days.⁸

⁸ To maintain consistency in calculating the average number of days in investigations with previous years, this number is calculated for full investigations closed in Q1 from the time a case is received at CCRB to the time a case is closed (i.e. after a panel has voted). Therefore, strictly speaking, the time spent only within the Investigations Division is a subset of this entire time. Looking only at days spent within the Investigations Division, it took an average of 101 days to complete a full investigation in Q1 2016, compared to the average 222 days in Q1 2015, and the average 278 in Q1 2014 (For substantiated investigations these numbers are an average of 113 days in Q1 2016, 273 in Q1 2015, and 355 in Q1 2014). These numbers include cases on DA hold, with subpoena actions, or those that have been reopened. Excluding cases on DA hold, with subpoena actions, or those that have been reopened, it took an average of 84 days to complete a full investigation in Q1 2016, compared to the average 196 days in Q1 2015, and the average 262 in Q1 2014 (For substantiated investigations these numbers are an average of 95 days in Q1 2016, 254 in Q1 2015, and 335 in Q1 2014).

Figure 17: Average Days to Complete a Full Investigation
(Semi-annual by case closing date 2013-2016)



Another key performance indicator for the Investigative Division is the number of days before the first civilian and officer interviews take place. In the first half of 2016, the first civilian interview in full investigations took place, on average, 21 days after the CCRB received the complaint. The first officer interview took place, on average, 57 days after the complaint was received.

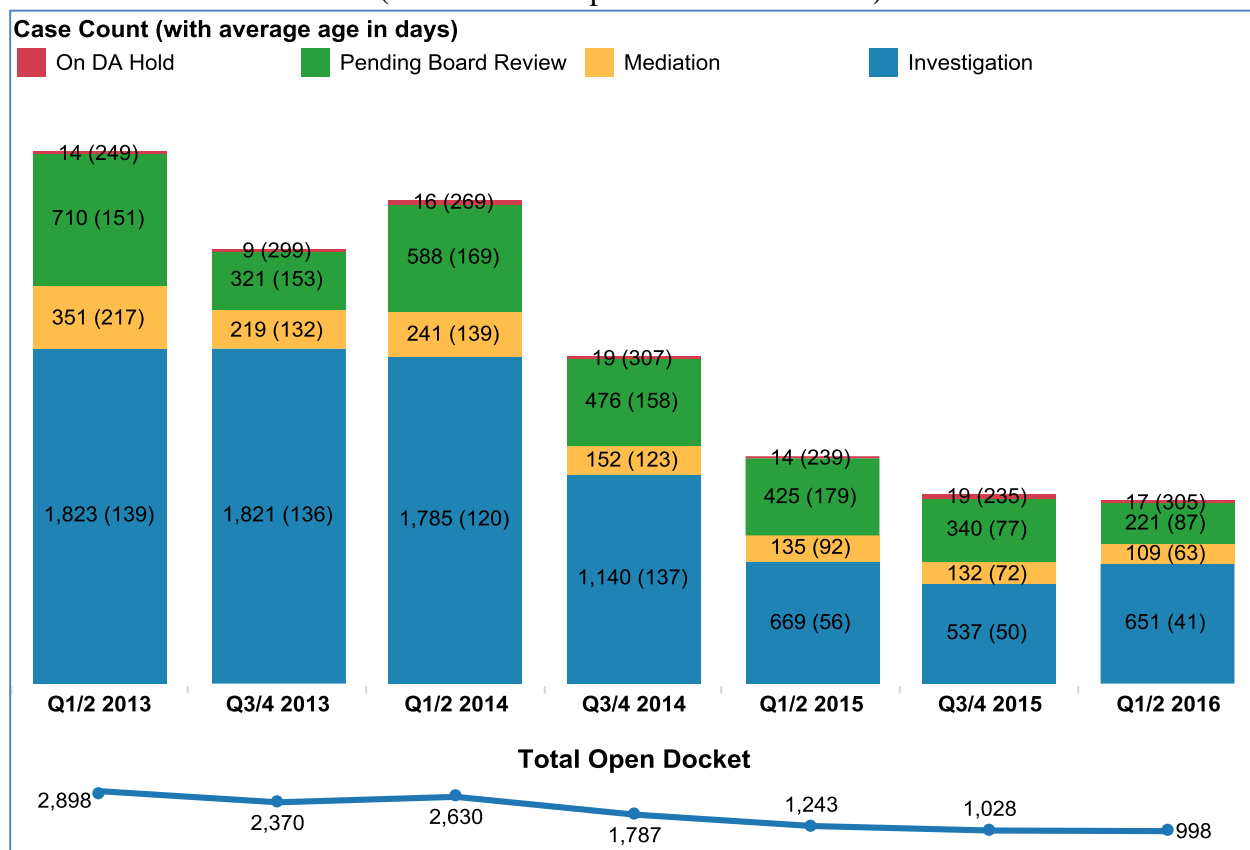
Figure 18: Average Days to First Interview (full investigations)
(Semi-annual by case closing date 2013-2016)



Open Docket and Age of Open Docket

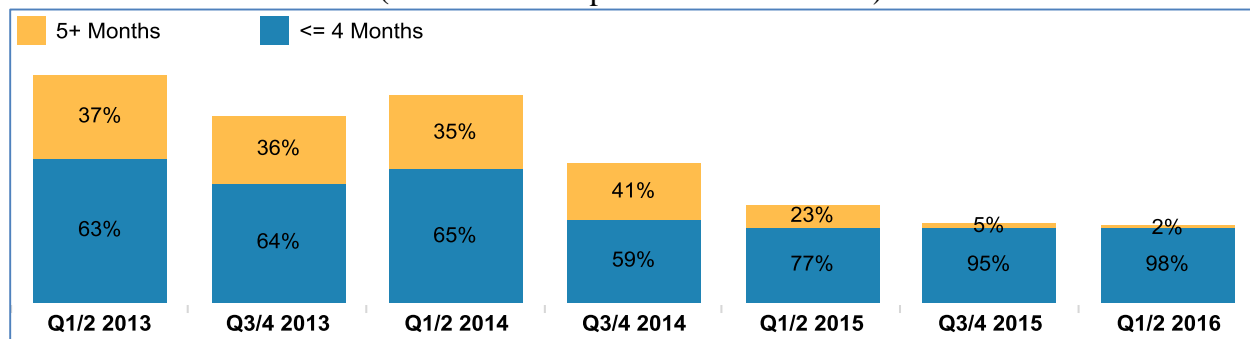
The size and age of the open docket is also a good indicator of the productivity of both the Investigative Division and the Agency as a whole. The greater the percentage of newer complaints in the open docket, the greater the productivity, the faster complaints are handled the smaller the total open docket will be. At the end of Q2, 2016 there were 998 total cases in the open docket. In the investigative docket there were 651 open complaints, with an average age of 41 days.

Figure 19: Open Docket Snapshots
(Semi-annual at period end 2013-2016)



At the end of Q2, 2016 98% of cases in the Agency's open docket (excluding cases that are or have been placed on DA Hold) were 4 months old or younger. This is an Agency record.

Figure 20: Percentage of Open Docket 4 Months Old or Younger
(Semi-annual at period end 2013-2016)

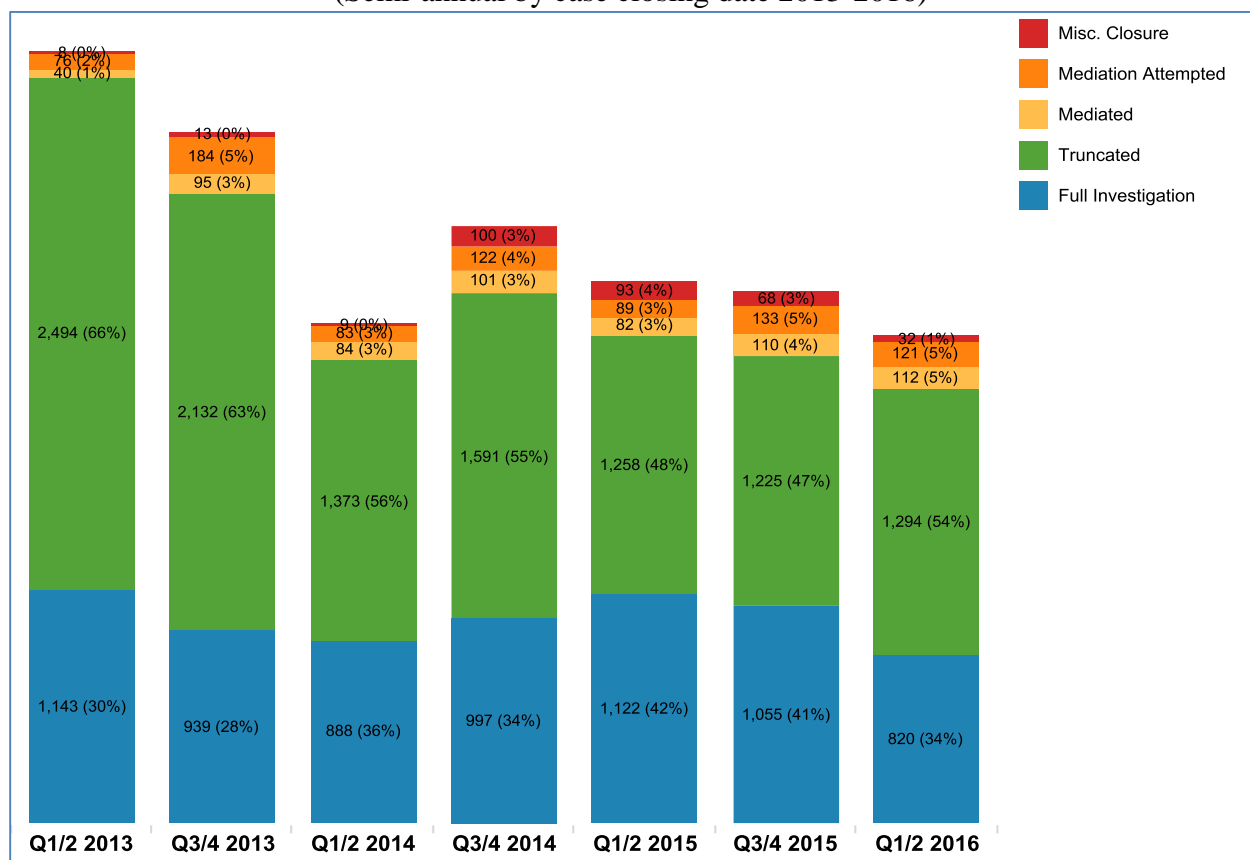


Case Resolution and Investigative Outcomes

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

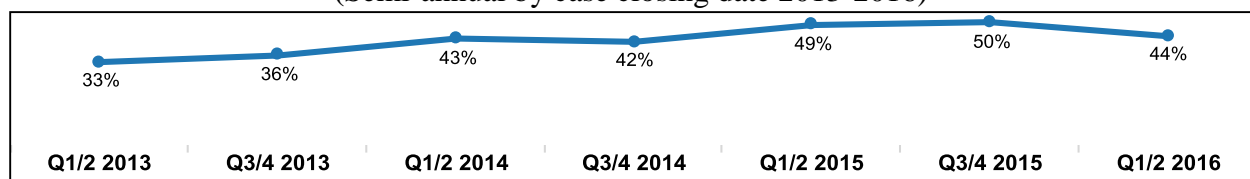
Truncated investigations have always comprised a significant percentage of CCRB complaint closures. An investigation is truncated when the complaint is withdrawn, the complainant is uncooperative or unavailable, or the victim cannot be identified. For complaints closed in the first half of 2016, the truncation rate was 54%.

Figure 21: Case Resolutions
(Semi-annual by case closing date 2013-2016)



The Agency considers a case resolved if it is closed after a full investigation, a mediation or an attempted mediation. In the first half of 2016, the case resolution rate was 44%.

Figure 22: Case Resolution Rate
(Semi-annual by case closing date 2013-2016)



Case Dispositions for Fully Investigated Cases

Cases fully investigated by the CCRB generally receive one of five outcomes:

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

To understand the data presented in the following section, it is important to understand the CCRB terminology used in case dispositions.

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

Case Abstracts

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

1. Substantiated

Three detectives conducted a vehicle stop, reporting that the occupants seemed lost. The detectives said it was never their intention to conduct a vehicle stop and reportedly only turned on their turret lights and approached the car after it came to a halt. The driver stated that a street closure en route to his destination caused him to circle the block multiple times and he was stopped by the detectives while his vehicle was still in motion. Regardless, if the vehicle was in motion or stopped, the driver was asked to step outside of his car without reasonable suspicion of criminality established. Due to the detectives having no other reason to suspect criminality and order the driver out of the vehicle, the Board recommended to "Substantiate" the vehicle stop against the detectives.

2. Unsubstantiated

A man was riding his bike during a protest when an officer told him to clear the street. The man alleged he told the officer that he was not part of the protest and the officer responded, "I don't give a f----. Get on the sidewalk." The officer denied making this statement to the man. Additionally, no other officers in the vicinity acknowledged hearing the statement and none of the civilians that witnessed the incident corroborated the allegation. Due to the discrepancies between the testimonies of the officer and the man, and a lack of independent testimony to corroborate either account, the Board was unable to determine by a preponderance of the evidence if the officer spoke discourteously and therefore the allegation was "Unsubstantiated."

3. Unfounded

An officer arrested a man for driving with a suspended license, during which time the officer smelled alcohol and reported that the man exhibited signs of intoxication. When the officer and his partner transported the man to the nearest precinct with an Intoxicated Driver Testing Unit, he became irate and

started screaming at the officers. Due to the man's erratic behavior at the precinct, the desk officer recommended the man be transported to a hospital by an ambulance. The man alleged that when first placed in the police car the officer gripped his neck so hard he lost consciousness, and later when admitted to the hospital he said the officer placed a plastic bag over his face. Due to the man's inconsistent and unclear timeline of events and denial of being intoxicated during the incident - a fact directly contradicted by medical records, police documents and in dispute with the officers' testimony - his statements were deemed to lack credibility. Therefore, the force allegations in question were "Unfounded" by the Board.

4. Exonerated

A woman was stopped by an officer when writing down license plate numbers of vehicles parked in a restricted area on the street. When the officer initially asked what the woman was doing, she at first ignored his questions and later admitted to writing down license plate numbers. The officer asked to see the woman's identification, and upon determining she was not a threat allowed her to leave the scene. Because the officer was assigned to a unit that is tasked with preventing and handling issues related to terrorism, the Board determined he was justified to stop the woman and inquire about her intentions and "Exonerated" the stop allegation.

5. Officer Unidentified

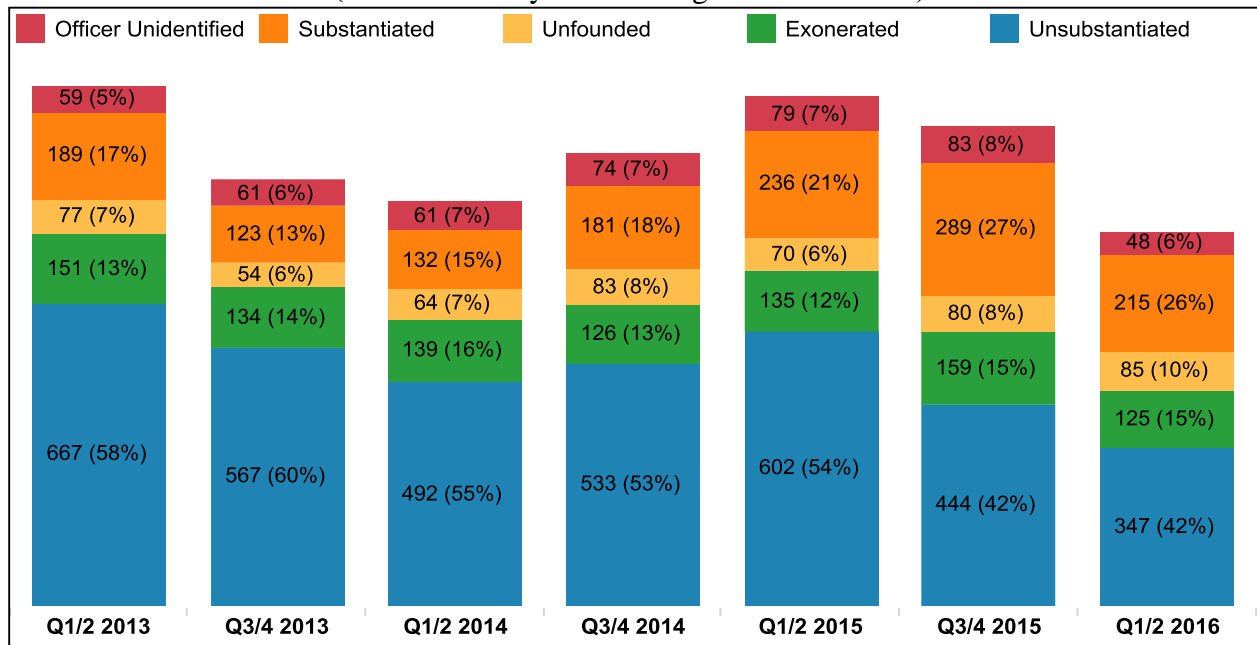
Officers responded to shots fired and stopped a man near the incident. After questioning the man about the incident, the officers asked if they could search him for a gun. The man agreed to a frisk and his identification was returned when no weapons were found on his person. An additional group of officers arrived at the scene and ran in the direction of the gunshots, with one of the officers allegedly pushing the man to the ground. When the man followed the officers asking for their name and shield numbers, one officer told him, "Don't make a big deal out of it", while three other officers threatened to arrest the man if he continued to follow them. Because the investigation was not able to determine which officers interacted with the man in the alleged manner, the Board closed the case as "Officer Unidentified."

Disposition of Complaints

Over the last several years, the substantiation rate (i.e. the percentage of full investigations in which the Board votes at least one substantiated allegation) has risen steadily. The substantiation rate was 17% for cases closed in the first half of 2013. In the first half of 2016, the substantiation rate was 26%. In actual numbers, the Board substantiated 215 complaints in the first half of 2016.

However, it is important to note that the increase in the substantiation rate is due largely to the CCRB conducting better and faster investigations, increased cooperation with the NYPD, and an increase in video evidence. The substantiation rate is not a direct indicator of police misconduct. Rather, the figure that most accurately reflects police misconduct is the number of complaints that the CCRB receives, and the data shows that the number of complaints received within CCRB jurisdiction fallen in recent years (see Figure 1 on page 1).

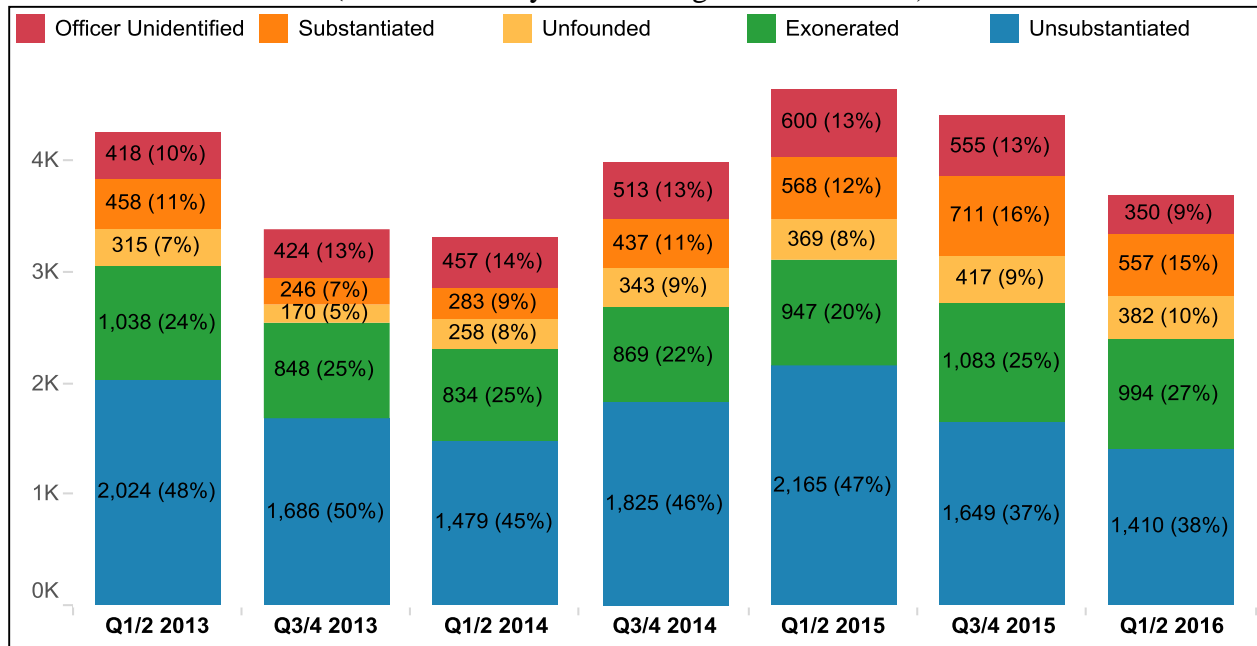
Figure 23: Disposition of Fully Investigated Complaints
(Semi-annual by case closing date 2013-2016)



Disposition of Allegations

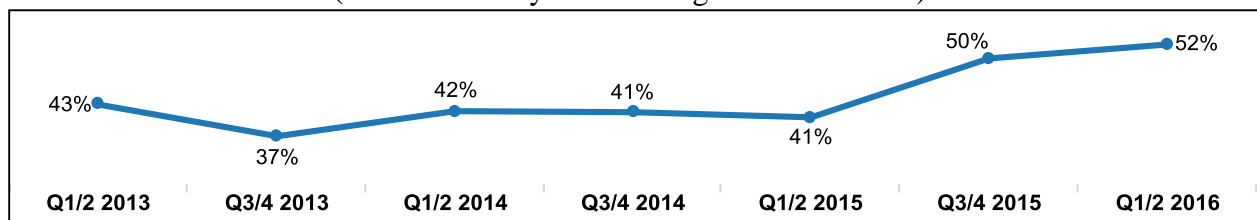
A CCRB complaint may contain one or more allegations. The complaint disposition is a composite of the dispositions of all the distinct allegations within the complaint. In addition to complaint dispositions, the CCRB also tracks the disposition of each individual allegation. In the first half of 2016, 15% of all fully investigated allegations were substantiated.

Figure 24: Disposition of Allegations in Fully Investigated Complaints
(Semi-annual by case closing date 2013-2016)



When an allegation is closed with a disposition of substantiated, unfounded or exonerated, it is deemed to be a “finding on the merits.” This is in contrast to allegations closed as unsubstantiated (meaning there is not enough evidence to determine whether or not misconduct occurred) or officer unidentified, which are not “findings on the merits.” Of the allegations closed in the first half of 2016, 52% were closed with a “finding on the merits.” This contrasts with the first half of 2015 when 41% of the allegations closed were closed with a finding on the merits.

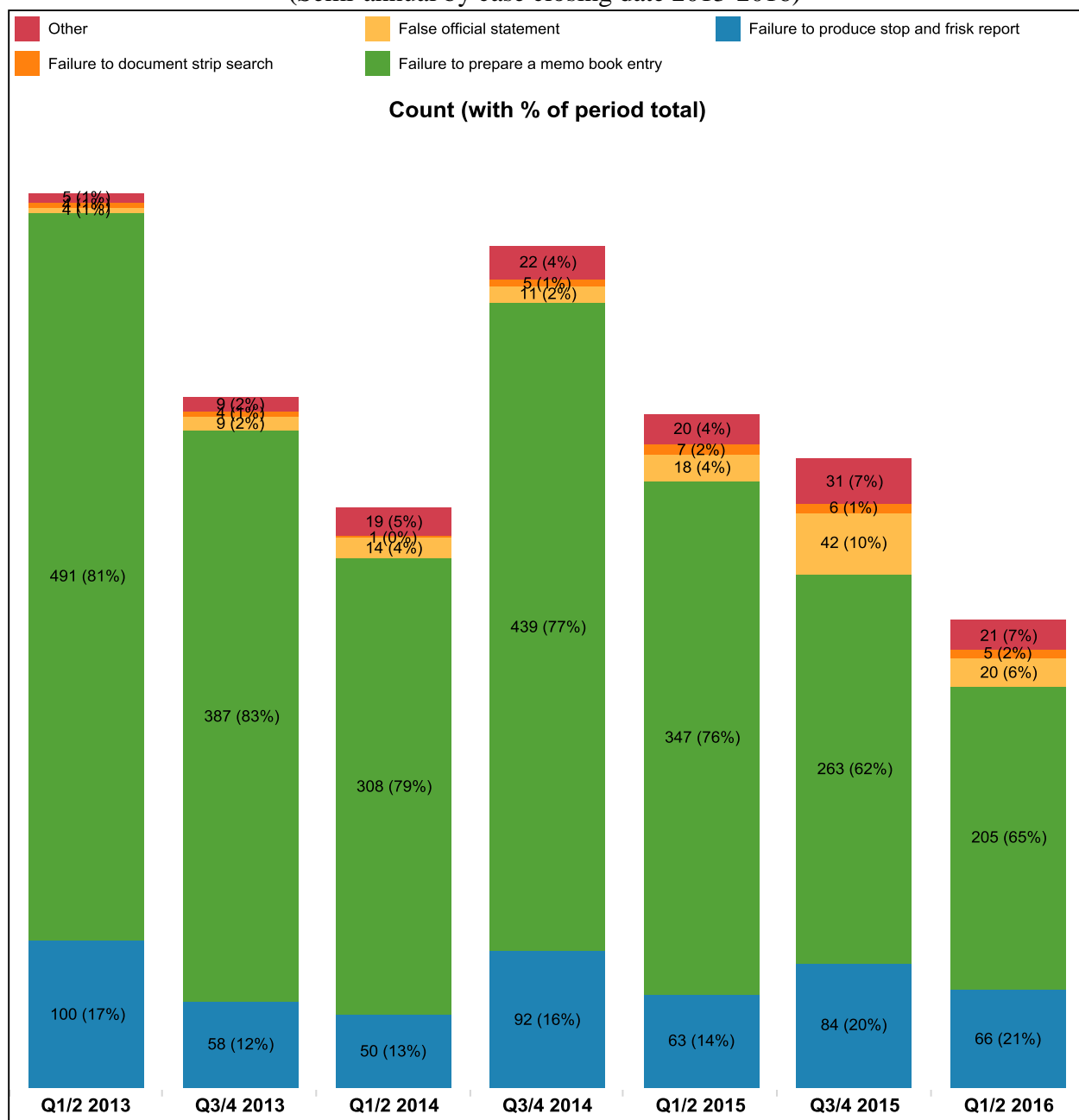
Figure 25: Percentage of Allegations Closed with a “Finding on the Merits”
(Semi-annual by case closing date 2013-2016)



Other Misconduct Noted

Where an investigation reveals that the police officer committed misconduct that falls outside of the CCRB’s jurisdiction, as defined in Chapter 18-A § 440 (c)(1) of the New York City Charter, the Board notes the “other misconduct” (OMN), and reports such alleged misconduct to the NYPD for possible disciplinary action. Examples of OMN allegations include an officer’s failure to properly document an encounter or other activity in his or her memo book as required by Patrol Guide procedure. Allegations of other misconduct should not be confused with allegations of corruption, which are referred to the Police Department’s IAB. The most common OMN is the failure to prepare a memo book, which accounted for 65% of all OMN allegations in cases closed during the first half of 2016.

Figure 26: Other Misconduct Noted
(Semi-annual by case closing date 2013-2016)



Section 3: The Disciplinary Process

When the CCRB substantiates an allegation of misconduct, it initiates a disciplinary process to determine the penalty the Member of Service (MOS) will face. Under the City Charter, the Police Commissioner has final approval over all disciplinary matters. For many years the disciplinary process has been opaque, and the Agency had little control over the final penalties received by MOS for CCRB-related misconduct. Over the past few years, however, the NYPD has consistently increased its acceptance of CCRB recommendations, and the development of the CCRB's Administrative Prosecution Unit ("APU") has given the Agency an increased role in seeking appropriate penalties for misconduct. Over the past year the CCRB has sought to better understand the disciplinary process, and moving forward the Agency will be evaluating its effectiveness on deterring misconduct.

Overview of Disciplinary Process

For each substantiated allegation of misconduct, the CCRB recommends one of three basic types of discipline, which track the disciplinary options used by the Department. First, the lowest level of discipline is for an officer to receive "formalized training" at the Police Academy or at the Legal Bureau, or "instructions" from his or her commanding officer. The next higher level of discipline is referred to as "command discipline." These cases are forwarded to the subject officer's commanding officer for discipline, and can result in a penalties ranging from a reprimand up to the loss of five vacation days for a Command Discipline A, and ranging from a reprimand up to the loss of ten vacation days for a Command Discipline B. The third and most severe disciplinary option is the filing of administrative "charges and specifications." Charges and specifications leads to a trial process in which a MOS may be found guilty or not guilty, or plead guilty beforehand. In all cases, even where the trial commissioner issued a verdict after trial or the MOS pled guilty, the Police Commissioner has final approval of all dispositions.

When the CCRB recommends instructions, formalized training, or command discipline against a MOS, that recommendation is sent to the Department Advocate's Office ("DAO"). The DAO is the unit within the NYPD that reviews this set of CCRB's disciplinary recommendations and decides whether to impose or modify the discipline recommended by the CCRB. Of penalty recommendations made by the CCRB in cases that were closed by the DAO in 2015, 88% resulted in the NYPD issuing final penalties against the MOS, and 62% of the final penalties upheld the specific CCRB-recommended penalties.

All charges and specifications substantiations are prosecuted by the CCRB's APU.⁹ Comprised of attorneys, the CCRB's APU prosecutes misconduct in the trial room at police headquarters, following the terms of a Memorandum of Understanding signed between the CCRB and the NYPD in 2012. The APU and MOS may agree to a plea agreement in lieu of trial. At trial, the MOS may be found guilty or not guilty. If the MOS is found guilty, the trial commissioner will recommend a penalty. No matter what happens in the trial room, the Police Commissioner is the final arbiter on all matters of police discipline.

As discussed in the previous section, the CCRB disciplinary process also results in the issuance of other misconduct noted that is outside the Agency's jurisdiction. Examples include false statements, failure to fill out U-250 reports, and failure to fill out memo books to document policing encounters. The CCRB

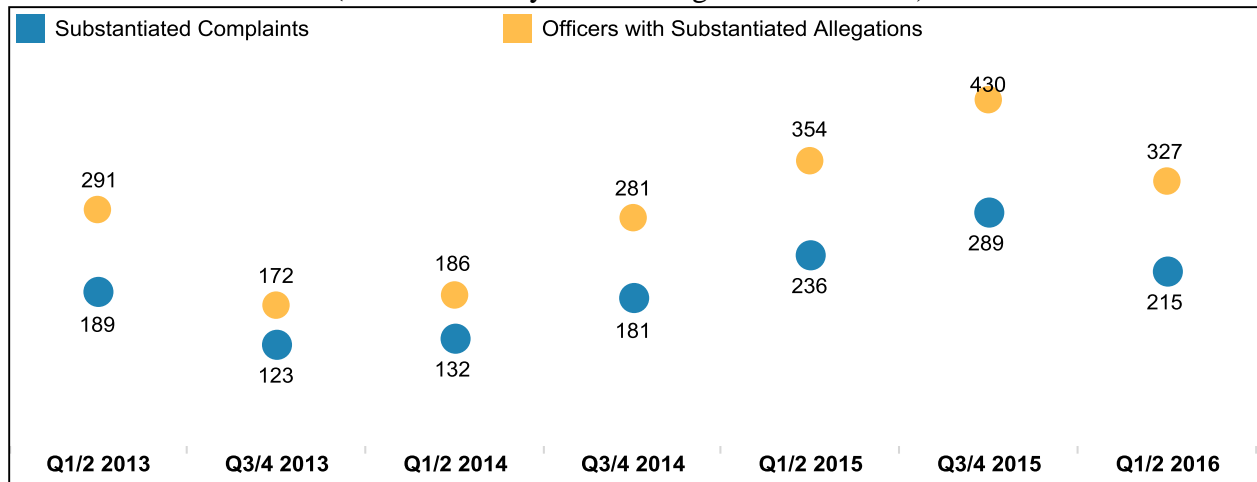
⁹ There are exceptions when the Department initiated its own prosecution for the same conduct prior to the APU filing charges or when the Police Commissioner exercises his authority to retain cases under Section Two of the MOU.

refers those allegations to the DAO, the NYPD’s Internal Affairs Bureau (IAB), or the Office of the Chief of the Department (OCD).

CCRB Disciplinary Recommendations

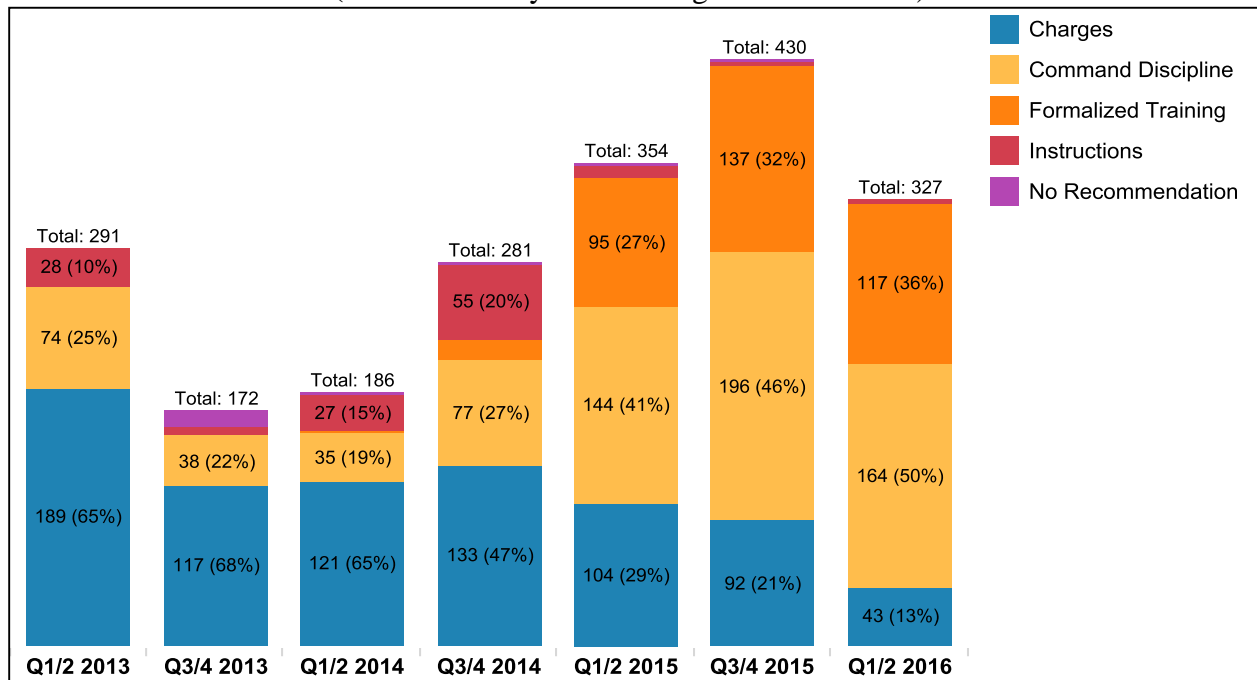
In the first half of 2016, the Board substantiated 215 complaints against 327 police officers. This is slightly down from the first half of 2015 when the Board substantiated 236 complaints against 354 police officers. A single substantiated complaint may contain substantiated allegations against more than one officer.

Figure 27: Complaints Substantiated & Officers with Substantiated Allegations
(Semi-annual by case closing date 2013-2016)



In the first half of 2016, the Board recommended command discipline for 50% (164) of the 327 officers against whom there was a substantiated allegation.

Figure 28: Board Recommendations for Officers with Substantiated Allegations
(Semi-annual by case closing date 2013-2016)

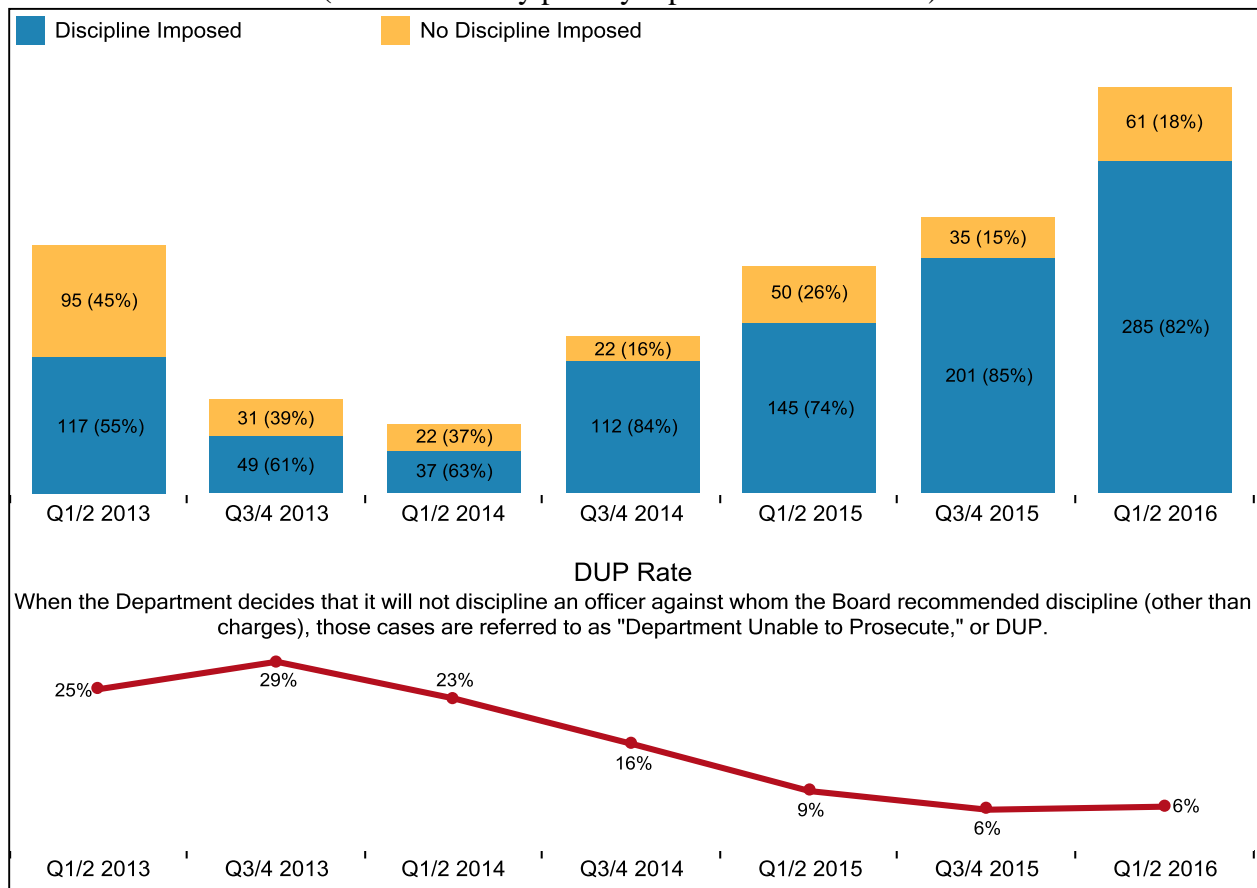


NYPD Disciplinary Decisions

There are two paths for discipline after CCRB substantiates misconduct, depending on the type of discipline recommended for the officer. The APU handles cases where the CCRB has recommended charges and specifications, and the DAO handles cases where the CCRB has recommended command discipline, formalized training or instructions.

In the first half of 2016, the Police Department reported its final disciplinary decisions for 346 subject officers, comprising both cases that were prosecuted by the APU and cases that were handled by the DAO. The Police Department imposed some form of discipline — forfeiture of vacation, command discipline, instructions, or formalized training in 285 cases, resulting in an 82% disciplinary action rate. The Police Department did not impose any disciplinary action in 18% cases for the following reasons: not guilty after trial; charges dismissed; statute of limitations expired; and the Department was unable to prosecute the case (“DUP”). The Department’s DUP rate was 6% in the first half of 2016.

Figure 29: Department Discipline Rate and DUP Rate
(Semi-annual by penalty report date 2013-2016)

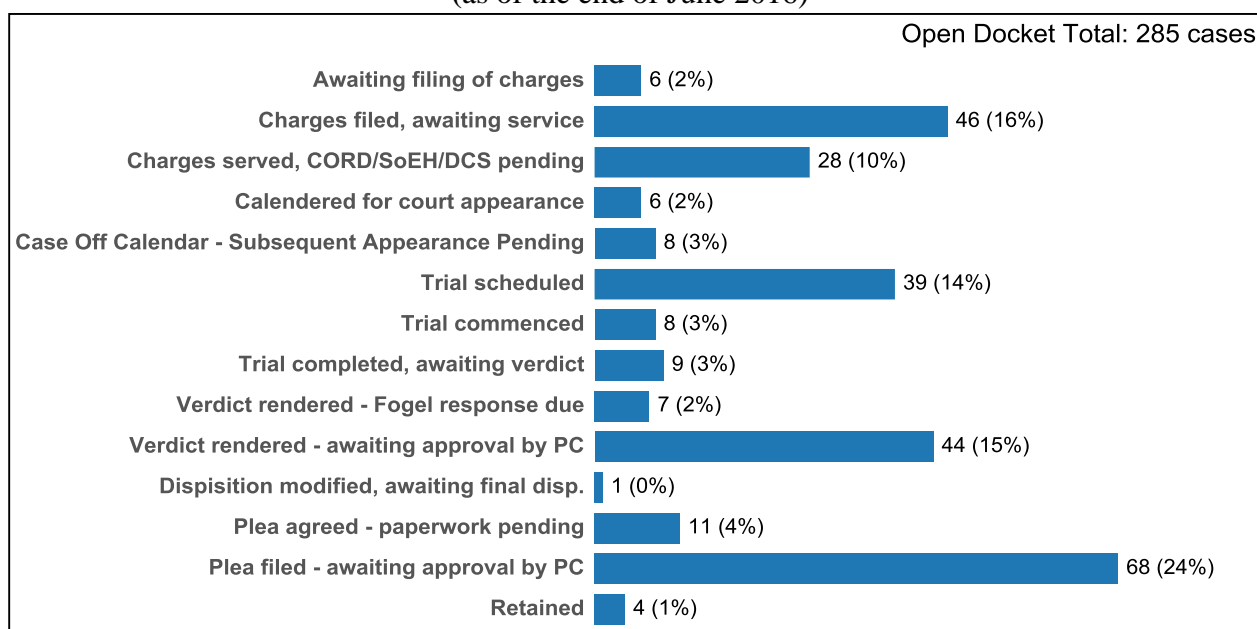


Administrative Prosecution Unit (APU)

When the Board votes charges against an officer in a substantiated case, the Agency's Administrative Prosecution Unit (APU) prosecutes the case in the Department's Administrative Court. The APU became operational in March 2013 and today has 285 cases in its open docket, including 4 retained cases. Retained cases are those in which the Department keeps jurisdiction pursuant to Section 2 of the April 2, 2012 MOU 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 DUP.

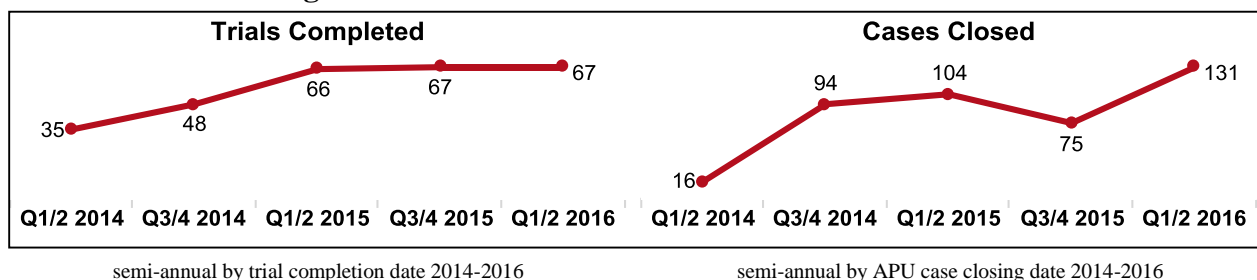
It is important to note that the APU treats each officer against whom an allegation is substantiated as a separate case, so that a single CCRB complaint may generate more than one APU case depending on how many officers the Board recommends charges against.

Figure 30: APU Open Docket
(as of the end of June 2016)



In the first half of 2016, the APU conducted 67 trials and closed a total of 131 cases (excluding cases reconsidered by the Board).

Figure 31: APU Trials Conducted and Cases Closed



In the first half of 2016, 91 of the cases closed by the APU resulted in some form of disciplinary action.

Figure 32: APU Case Closures 2016 (Q1, Q2)
(APU case closing dates January – June 2016)

Disciplinary Action	Guilty after trial	46
	Resolved by plea	28
	Plea set aside, Formalized Training	13
	Plea set aside, Comm. Disc. A	2
	Retained, with discipline	1
	Trial verdict reversed by PC, Final verdict Guilty	1
	Not guilty after trial but Discipline Imposed	0
	Plea set aside, Comm. Disc. B	0
	Plea set aside, Instructions	0
	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
	Total	91
No Disciplinary Action	Not guilty after trial	36
	Plea set aside, Without discipline	1
	Retained, without discipline	1
	Trial verdict reversed by PC, Final verdict Not Guilty	1
	Dismissed by APU	0
	SOL Expired in APU	0
	Total	39
Not Adjudicated	Reconsidered by CCRB Board	8
	Previously adjudicated, with discipline	1
	Charges not filed	0
	Deceased	0
	Other	0
	Previously adjudicated, without discipline	0
	Retired	0
	SOL Expired prior to APU	0
Total	9	
Total Closures	139	

In the first half of 2016, the APU closed 130 adjudicated cases. Discipline was imposed in 91 of these cases, resulting in a discipline rate of 70%.

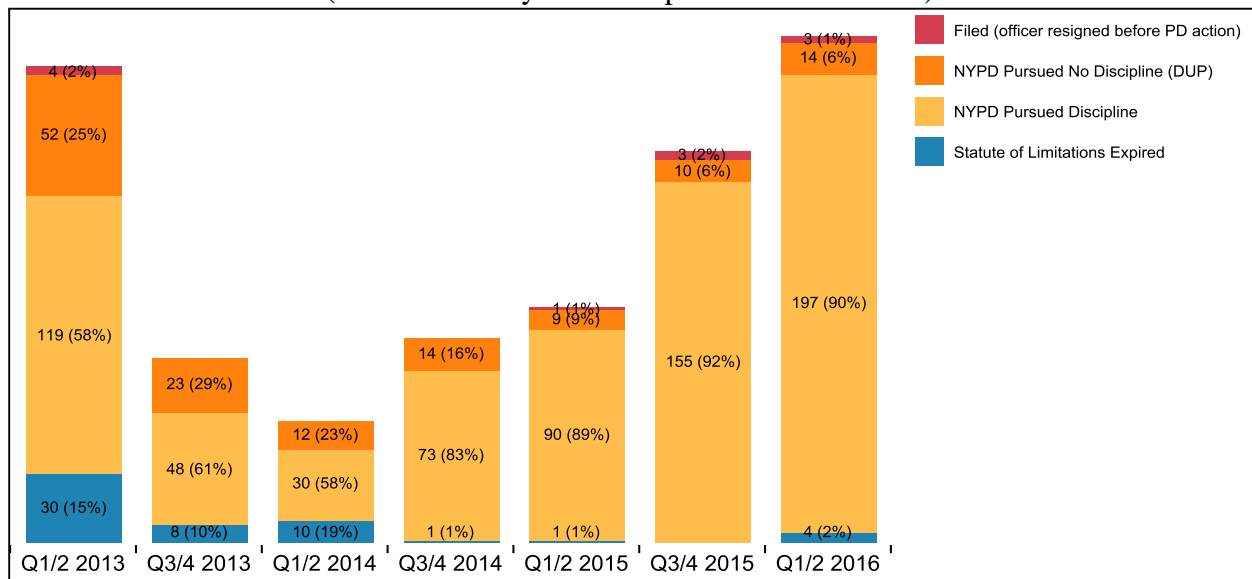
Figure 33: Discipline Imposed for Adjudicated APU Cases: 2016 (Q1, Q2)
(APU case closing dates January – June 2016)

Terminated	0
Suspension for or loss of vacation time of 31 or more days and/or Dismissal Probation	0
Suspension for or loss of vacation time of 21 to 30 days	2
Suspension for or loss of vacation time of 11 to 20 days	8
Suspension for or loss of vacation time of 1 to 10 days	51
Command Discipline B	0
Command Discipline A	2
Formalized Training**	14
Instructions***	6
Warned & admonished/Reprimanded	8
Disciplinary Action Total	91
No Disciplinary Action	39
Adjudicated Total	130
Discipline Rate	70%
Closed - Not Adjudicated	9
Total Closures	139

Department Advocate’s Officer Disciplinary Actions on CCRB Cases

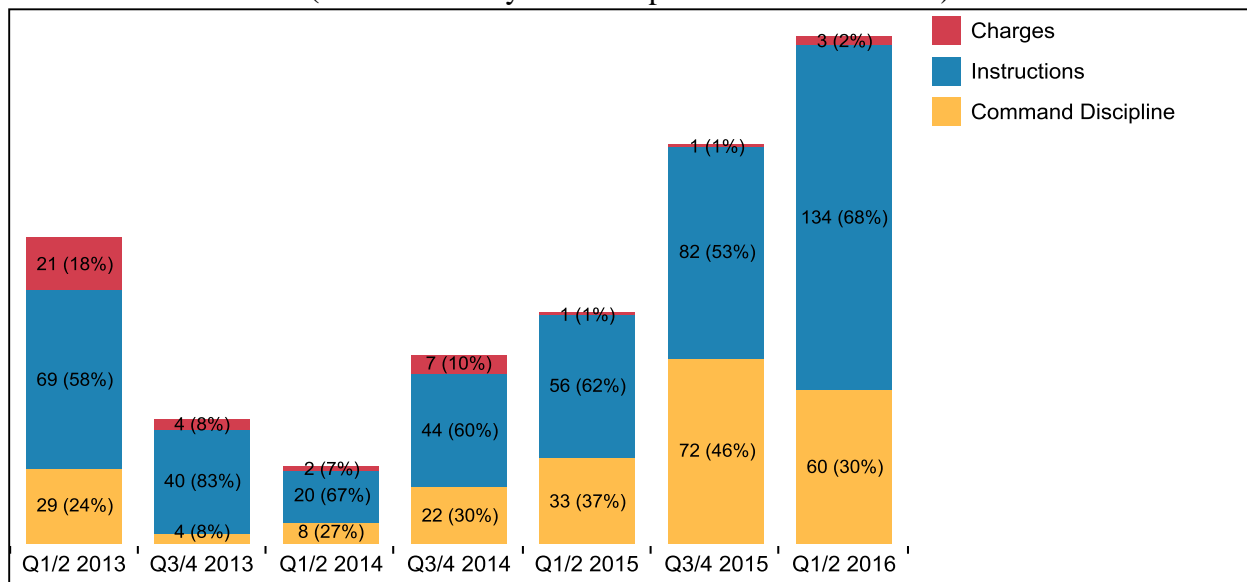
While the APU handles cases against officers whom the Board has recommended charges, the Department Advocate’s Office (DAO) reports on the discipline issued for cases in which the CCRB has recommended instructions, formalized training, or command discipline, or cases prior to the creation of the APU in which the Board recommended charges. In the first half of 2016 the NYPD pursued discipline in 90% of the non-charges cases referred to it.

Figure 34: Police Department Action in Substantiated CCRB Cases
(Semi-annual by NYPD report date 2013-2016)



In cases where the department pursued discipline, Instructions is the most common result. Of the disciplinary decisions reported in the first half of 2016, 134 (68%) of the decisions resulted in Instructions.

Figure 35: Discipline Pursued* by Police Department in Substantiated CCRB Cases
(Semi-annual by NYPD report date 2013-2016**)



* The pursuit of charges by the Department does not necessarily mean that the MOS was found guilty of charges.

** The Department reports the pursuit of charges only on cases closed by the CCRB prior to April, 2013. All subsequent cases involving charges are handled and reported by the APU.

Section 4: Mediation

The City Charter mandates that the Board offer mediation to both civilians and police officers. The goal of the mediation program is to allow civilians and officers to resolve the issues contained in the complaint “by means of informal conciliation” should they voluntarily choose to do so. The Agency seeks to offer mediation to every civilian, in appropriate cases, as soon as the civilian has been interviewed by an investigator.

The Mediation Unit provides a valuable alternative method of resolving civilians’ complaints of police misconduct. While an investigation is focused on evidence-gathering, fact-finding, and the possibility of discipline, a mediation session focuses on fostering discussion and mutual understanding between the civilian and the subject officer. Mediation gives civilians and officers the chance to meet as equals, in a private, neutral, quiet space. A trained, neutral mediator guides the session and facilitates a confidential dialogue about the circumstances that led to the complaint.

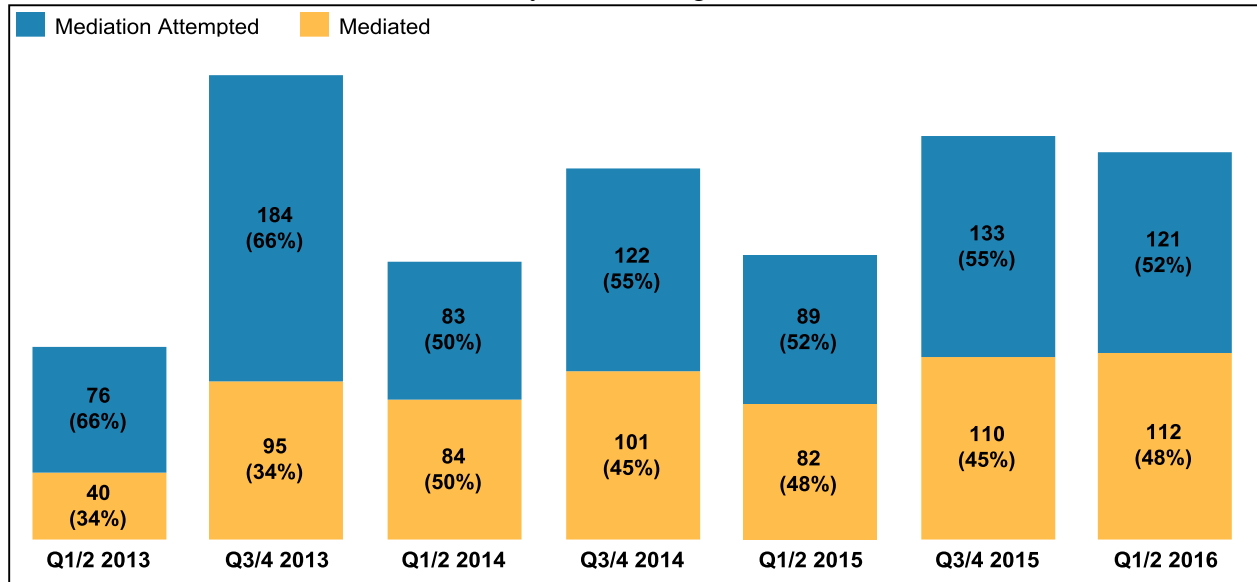
The mediation session ends when the parties agree that they have had an opportunity to discuss the issues. In the vast majority of cases, the parties resolve the issues raised by the complaint. After a successful mediation, the complaint is closed as “mediated,” meaning that there will be no further investigation and the officer will not be disciplined. If the mediation is not successful, the case returns to the Investigations Division for a full investigation. Successful mediations can benefit communities because a measure of trust and respect often develops between the parties. That, in turn, will lead to better police-community relations.

Mediation Statistics

The Mediation program has significantly grown since it began in 1997, when only two complaints were resolved through mediation. Beginning in 2009, one of the strategic priorities of the Board has been to strengthen and expand the mediation program.

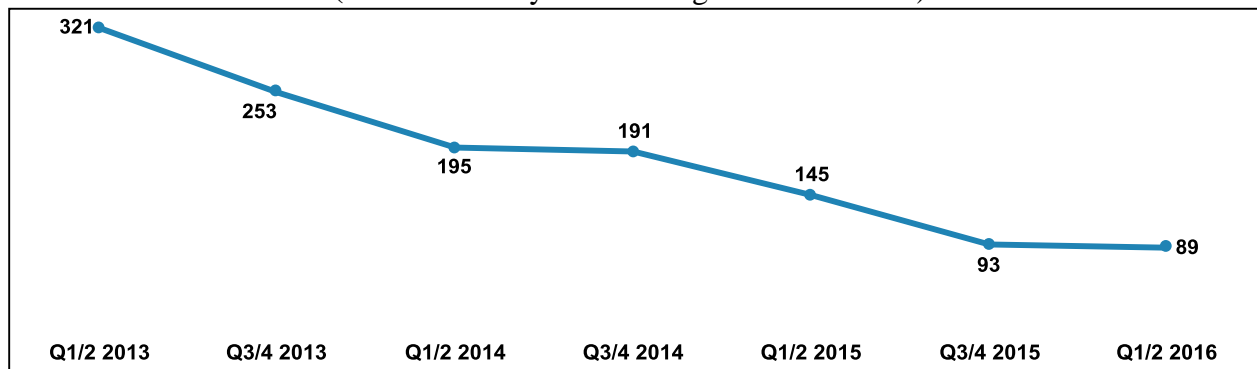
In the first half of 2016, the Mediation Unit successfully mediated 112 cases while 121 cases were closed as “mediation attempted”. “Mediation attempted” is a designation for a case in which both the officer and the civilian agree to mediate, but the civilian fails to appear twice at the scheduled mediation session, or fails to respond to attempts to schedule the mediation session. In the first half of 2016, 52% of all mediation closures were attempted mediations.

Figure 36: Mediation Closures
(Semi-annual by case closing date 2013-2016)



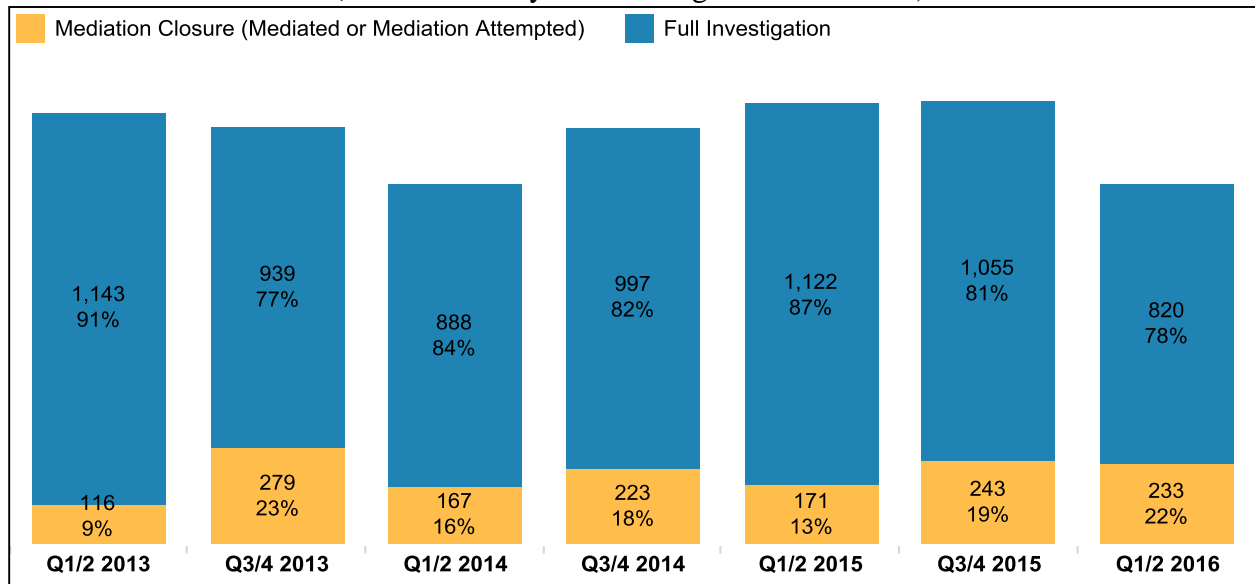
A key measure of the Mediation Unit’s productivity is the average number of days it takes to close a mediated case. This measure has been improving over the last three years. In the first half of 2016, it took an average of 89 days to successfully mediate a complaint.

Figure 37: Average Days to Mediate a Complaint
(Semi-annual by case closing date 2013-2016)



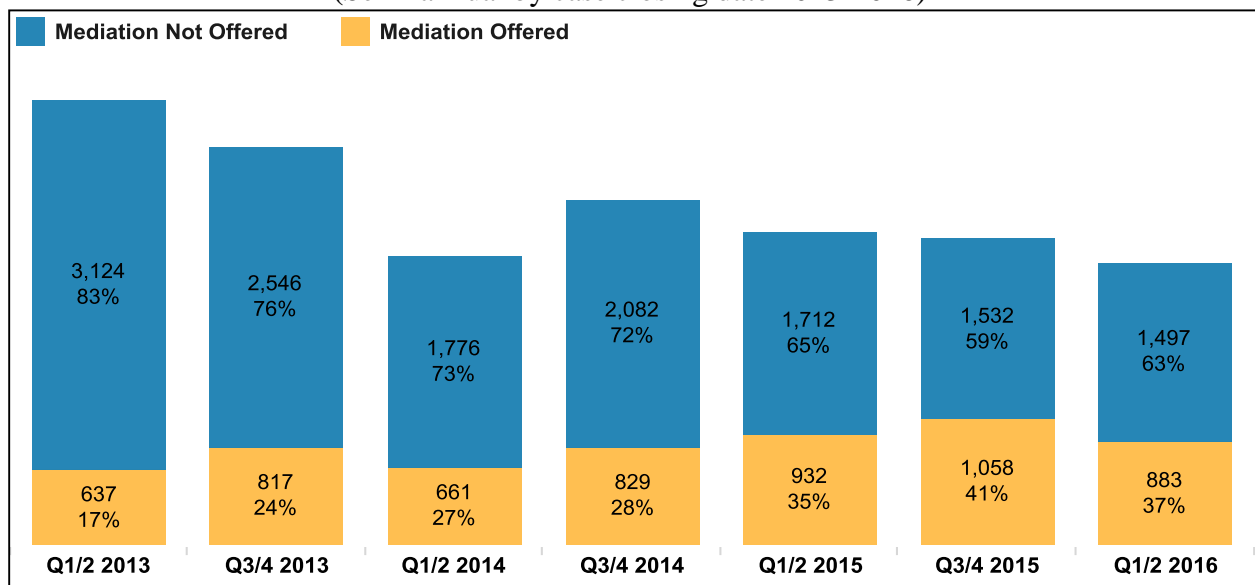
The CCRB considers a case “resolved” either when it is closed after a full investigation or when it is closed as mediated or mediation attempted. In the first half of 2016, mediation closures accounted for 22% of the Agency’s resolved case closures.

Figure 38: Mediation Closures as a Percentage of Resolved Cases
(Semi-annual by case closing date 2013-2016)



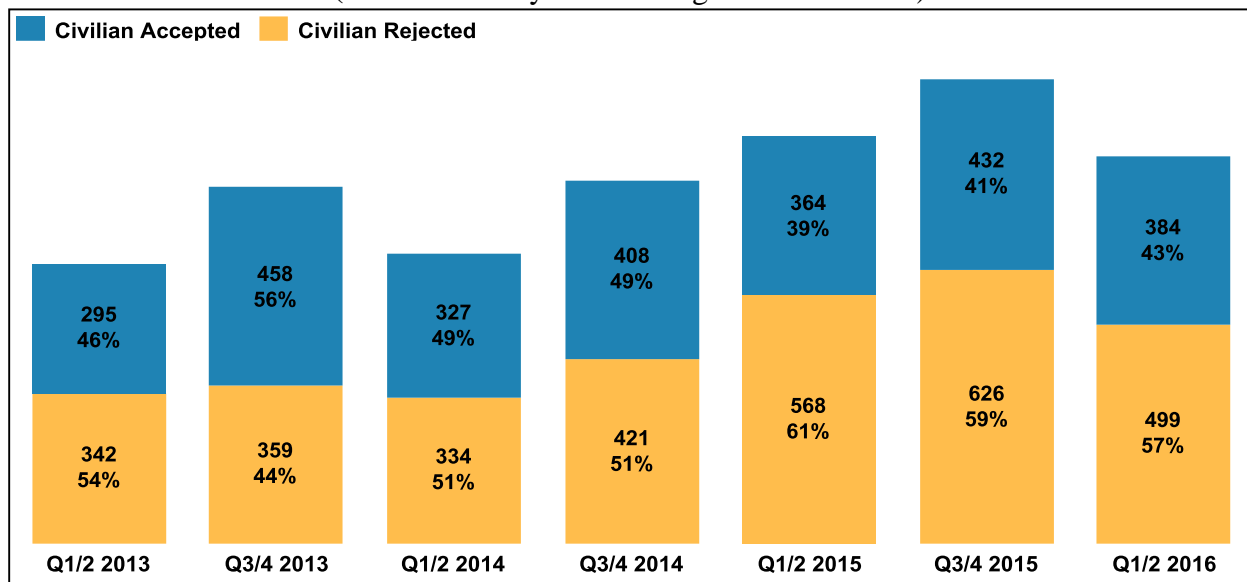
Mediation is not offered in all cases. Reasons why a complainant may not be offered mediation include: the encounter led to an arrest; the encounter led to a serious physical injury; or the encounter is the subject of a pending lawsuit. For cases closed in the first half of 2016, mediation was offered in 37% of those cases.

Figure 39: Percentage of Cases in which Mediation was Offered
(Semi-annual by case closing date 2013-2016)



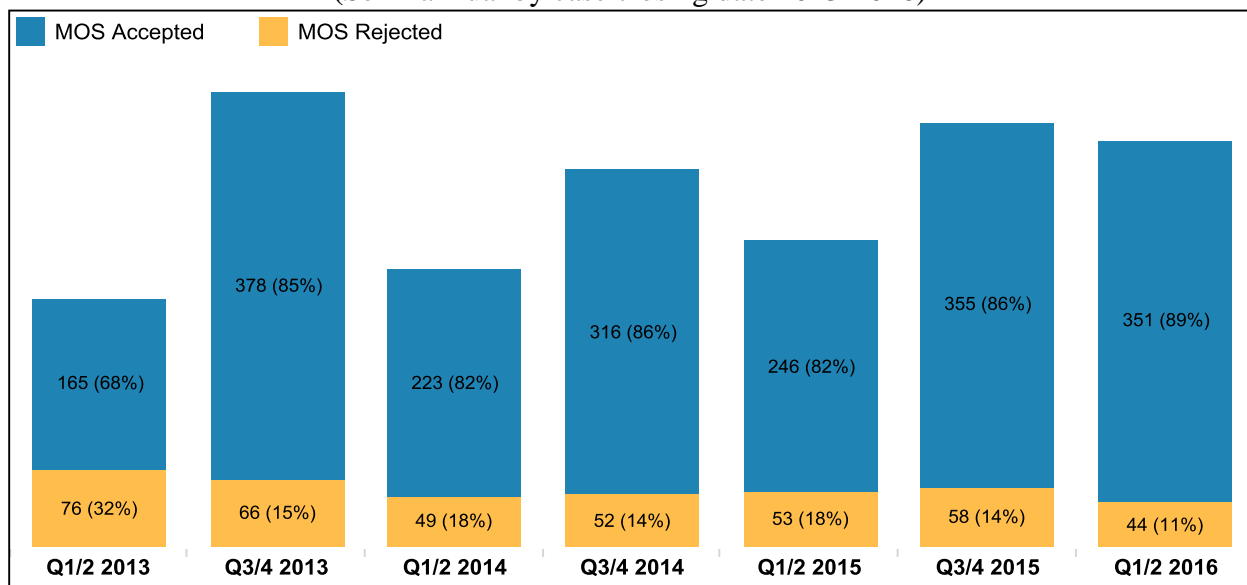
Once mediation is offered, it is up to the complainant to decide whether or not to pursue mediation. For cases closed in the first half of 2016, the mediation acceptance rate for civilians was 43%.

Figure 40: Civilian Acceptance of Mediation
(Semi-annual by case closing date 2013-2016)



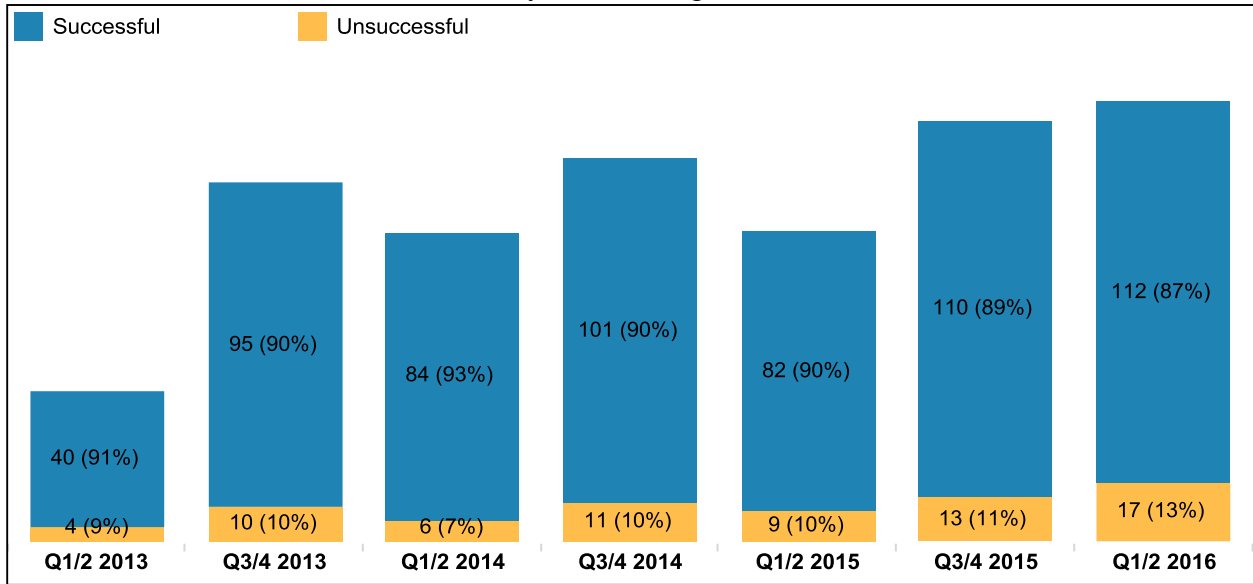
After the civilian accepts mediation, the member(s) of service involved in the encounter are offered the opportunity to mediate the complaint. Mediation can be an attractive option for members of service, in part because mediated allegations are not reflected in their department disciplinary record. For cases closed in the first half of 2016, members of service who were offered the chance to mediate a complaint accepted mediation 89% of the time.

Figure 41: MOS Acceptance of Mediation
(Semi-annual by case closing date 2013-2016)



When both parties agree to mediate, mediation is a very effective way of resolving complaints. In the first half of 2016, the Mediation Unit conducted 129 mediation sessions, resulting in 112 satisfactory resolutions and making for a 87% success rate.

Figure 42: Mediation Success Rate
(Semi-annual by case closing date 2013-2016)

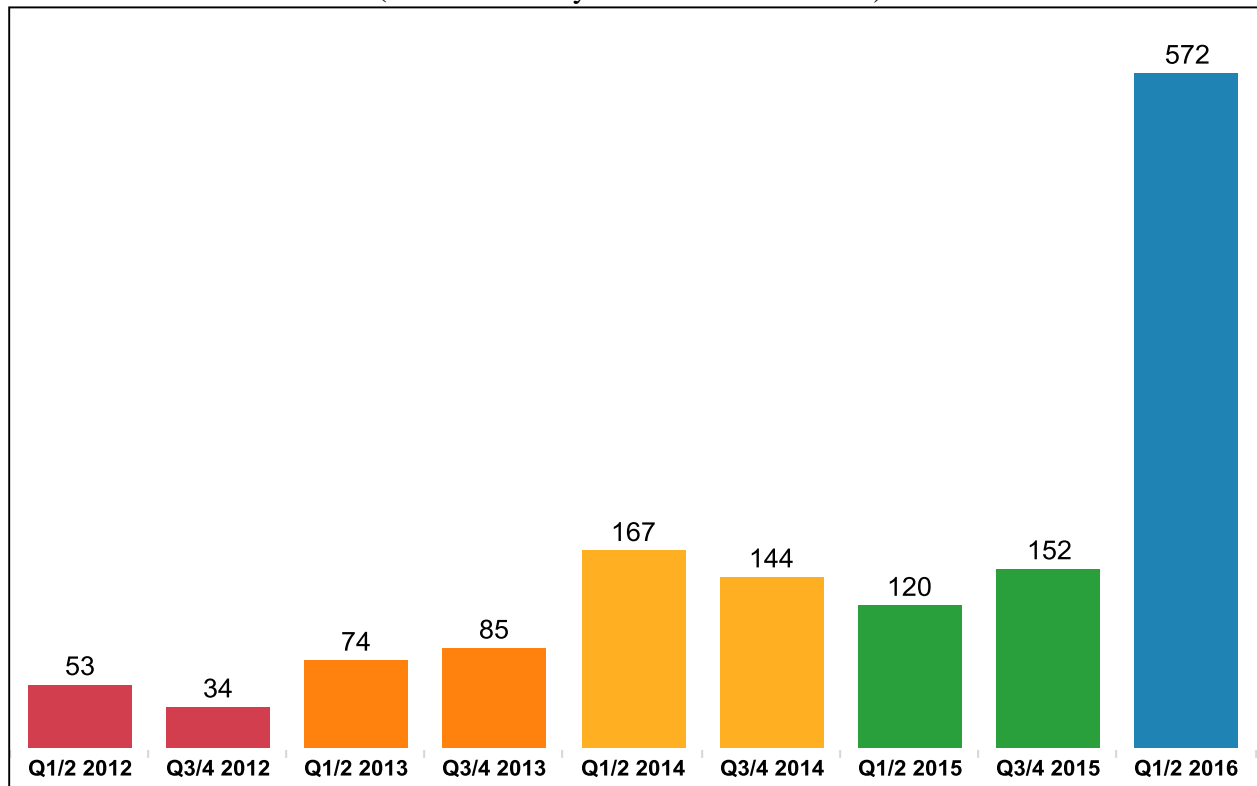


Section 5: Outreach

In the first half of 2016, the Agency has continued working to develop an effective outreach program aimed at making public presentations to increase awareness of the CCRB's mission, and gaining trust from both the public and MOS in the CCRB's investigative process. With an infusion of funding from the Mayor, in 2015 the Outreach Unit expanded from one person to a full-time staff of six people, thus assigning one Outreach Coordinator to each borough to act as the main liaison for the Agency. The Outreach Unit visits schools, public libraries, tenant associations, advocacy organizations, cultural groups, religious organizations, community boards, and precinct community councils, among others, in all five boroughs. The presentations provide an overview of the CCRB process, an explanation of the basic legal contours of police encounters, a discussion of how to interact with police, and stress the importance of de-escalation.

In the first half of 2016, staff members gave 572 presentations as compared to 120 presentations in the first half of 2015.

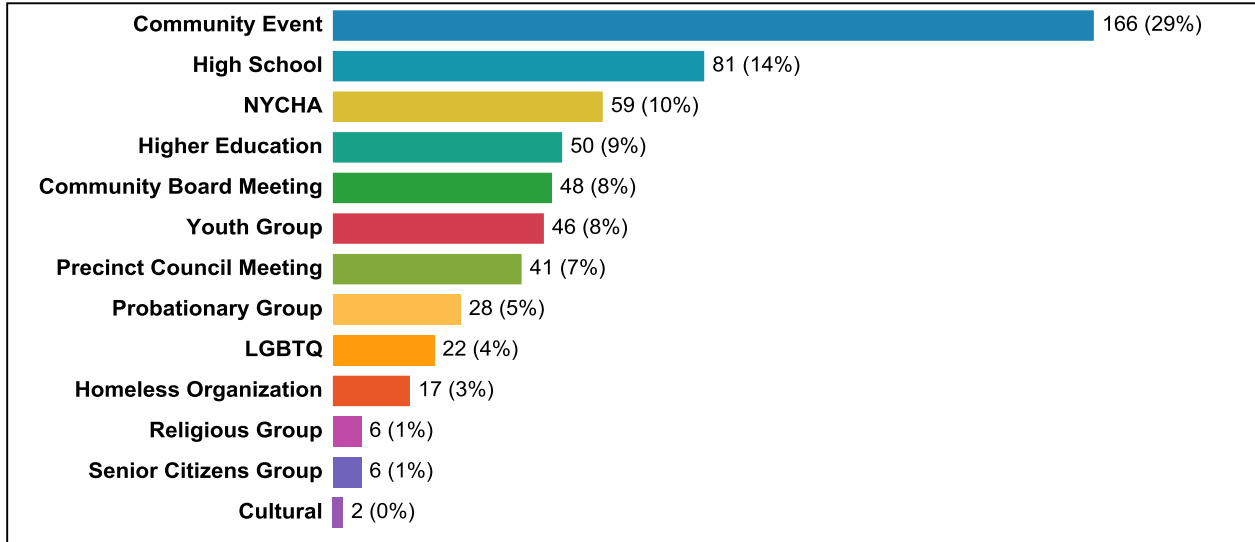
Figure 43: Number of Outreach Events
(Semi-annual by event date 2013-2016)



The CCRB seeks to connect with a broad diversity of groups through its Outreach efforts and in the first half of 2016 has made presentations to a large variety of audiences including: school groups, precinct council meetings, probationary groups, homeless organizations, formerly incarcerated individuals, NYCHA residents and LGBTQ groups.

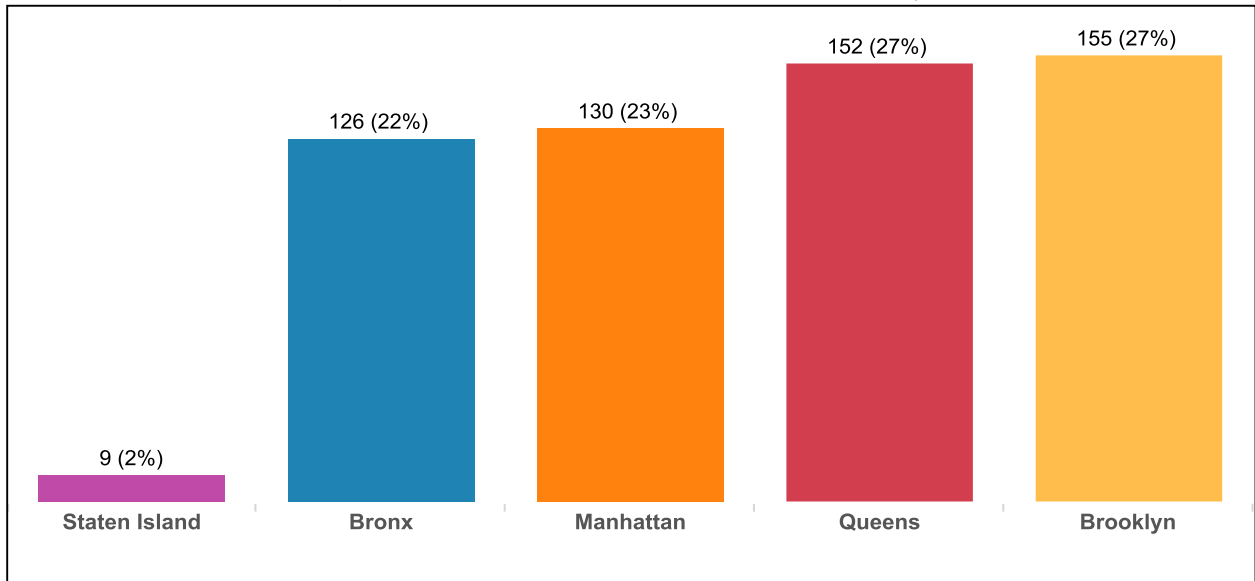
In the first half of 2016, most presentations were given at community events (166 at 29%), followed by high schools (81 at 14%).

Figure 44: Outreach Events by Specific Organization Type
(Outreach events held in the first half of 2016)



The Outreach Unit also seeks to reach out to the city’s diverse geography and in the first half of 2016 the Agency has made presentations in all five of the city’s boroughs. The largest number of presentations were made in Brooklyn (155) followed by Queens (152).

Figure 45: Outreach Events by Borough
(Outreach events held in the first half of 2016)



Board Members

Maya D. Wiley, Esq.



Chair Wiley is the Henry J. Cohen Professor of Urban Policy and Management at the Milano School for International Affairs, Management and Urban Policy at the New School. She also serves as the Senior Vice President for Social Justice at the New School. Ms. Wiley is former Counsel to the Mayor of New York City, where she advised the Mayor on legal matters pertaining to City Hall and the Mayor's policy agenda. She was the City's Director of Minority/Women Business Enterprises and the lead on Broadband access for all New Yorkers. Ms. Wiley also oversaw the City Commission on Human Rights and the Commission on Gender Equity (formerly the Commission on Women's). She served as the Mayor's liaison to the Mayor's Advisory Committee on the Judiciary, a Member of the Board of the Fund to Advance the City of New York and the New York City Procurement Policy Board. Prior to being appointed Counsel to the Mayor in 2014, Ms. Wiley was the Founder and President of the Center for Social Inclusion, a policy advocacy organization that is dedicated to ending racial inequities through structural reform. Ms. Wiley has also served as the senior advisor on race and poverty to the Director of U.S. Programs of the Open Society Institute (now called the Open Society Foundation) and led the establishment of the Criminal Justice Program for the Open Society Foundation – South Africa. She has litigated cases as an Assistant United States Attorney in the Civil Division of the U.S. Attorney's Office for the Southern District of NY, as an Associate Counsel at the NAACP Legal Defense and Educational Fund, Inc., and as the Karpatkin Fellow at the American Civil Liberties Union National Legal Department. She is a mayoral designee and was appointed as Chair to the Board by Mayor Bill de Blasio. Ms. Wiley began her tenure at the CCRB on July 18, 2016.

J.D., 1989, Columbia University School of Law; B.A., 1986, Dartmouth College

Deborah N. Archer, Esq.



Ms. Archer is Professor of Law and Dean of Diversity and Inclusion at New York Law School. Dean Archer was previously an assistant counsel at the NAACP Legal Defense and Educational Fund, Inc. where she litigated at the trial and appellate level in cases involving affirmative action in higher education, employment discrimination, school desegregation, and voting rights. She was also a Marvin H. Karpatkin Fellow with the American Civil Liberties Union, where she was involved in federal and state litigation on issues of race and poverty. Prior to joining New York Law School, Dean Archer was a litigation associate at Simpson, Thacher & Bartlett LLP. Dean Archer is also Director of the New York Law School Racial Justice Project and Co-Director of the Impact Center for Public Interest Law. She has participated as amicus counsel in several cases before the U.S. Supreme Court and U.S. Courts of Appeal, including *Ricci v. DeStefano*, *Fisher v. University of Texas*, and *Shelby County v. Holder*. Dean Archer clerked for Judge Alvin Thompson in the United States District Court for the District of Connecticut. She is a mayoral designee and was appointed to the Board by Mayor Bill de Blasio on October 1, 2014.

J.D., 1996, Yale Law School; B.A., 1993, Smith College

Bennett Capers, Esq.

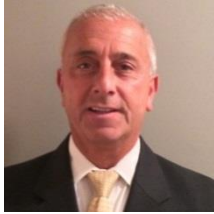


Mr. Capers is the Stanley A. August Professor of Law at Brooklyn Law School. Prior to teaching, Capers worked as an Assistant U.S. Attorney in the Southern District of New York. Mr. Capers' work trying several federal racketeering cases earned him a nomination for the Department of Justice's Director's Award in 2004. He also practiced with the firms of Cleary, Gottlieb, Steen & Hamilton and Willkie Farr & Gallagher. He clerked for the Honorable John S. Martin, Jr. of the Southern District of New York, and has also taught at Hofstra University School of Law and Fordham Law School. Mr. Capers is an elected member of the American Law Institute, an appointed member of the New York State Judicial Screening Committee, and he served as Chairperson of the American Association of

Law Schools (AALS) 2013 Conference on Criminal Justice. In September 2013, Mr. Capers was named Chair of the 13-member Academic Advisory Council formulated by Judge Shira Scheindlin to help the court-appointed monitor and facilitator implement reforms to NYPD stop-and-frisk practices. He is a mayoral designee and was appointed to the Board by Mayor Bill de Blasio on October 1, 2014.

J.D., 1991, Columbia University School of Law; B.A., 1988, Princeton University

Salvatore Carcaterra



Mr. Carcaterra currently works as President of SFC Security & Intelligence, a private security consulting firm. With over ten years of experience in assuring security, stability, and protection for corporate and personal clients. Prior to his security consulting work, Mr. Carcaterra spent over twenty years with the NYPD, where he served as the Executive Officer to the Chief of the Department. During time, he helped to manage the Department, conducted and planned counter-terrorism operations, including the implementation of the NYPD's overall terrorism response after the 9/11 attacks on the World Trade Center. Mr. Carcaterra also monitored major internal and criminal investigations, and served as Commanding Officer for several different divisions of the NYPD, including the Fugitive Enforcement Division, the Office of Deputy Commissioner of Operations, the Hate Crimes Task Force, and the 66th Precinct. He also worked as an Executive Officer for the 70th Precinct and the NYPD Detective Bureau. Mr. Carcaterra fills the third seat on the Board designated by Commissioner, appointed to the Board by Mayor Bill de Blasio in June 2015.

B.S. John Jay College of Criminal Justice, City University of New York; F.B.I. National Academy; Police Management Institute at Columbia University.

Frank Dwyer



Mr. Dwyer currently consults and teaches with police departments and educational institutions throughout the United States. A Brooklyn native and current Queens resident, he attended Cathedral Prep High School in Brooklyn, Cathedral College in Queens, and Fordham University in the Bronx. In 1983, he joined the NYC Police Department and served in Queens, Brooklyn, and Manhattan in a variety of assignments including as a police academy law instructor, the commanding officer of the 7th Precinct on the lower eastside of Manhattan, and the commanding officer of Office of the Deputy Commissioner Operations. He worked in lower Manhattan on 9-11 and the subsequent 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 to several police departments including Newark, New Jersey and Wilmington Delaware. He has also taught at or consulted at 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, appointed to the Board by Mayor Bill de Blasio on May 13, 2016.

MSW, 2013, Hunter College; MSt, 2002, Cambridge University; MPA, 1993, Harvard University; M.A., 1988, Fordham University; B.A., 1983, Cathedral College

Lindsay Eason



Mr. Eason currently works as Director of Field Operations for Grand Central Partnership, a private 501(c)(3) not-for-profit organization. From 2011-2012, Mr. Eason served as an International Police Training Manager for The Emergence Group in Tajikistan, where he was contracted to design and implement training for Police Departments. Mr. Eason was appointed to New York City Sheriff in 2002, where he developed and implemented *SheriffStat*, leading to new procedures that promoted greater accountability and professional development. Mr. Eason began his career in law enforcement as a uniformed member of the NYPD. He earned his B.S. from John Jay College of Criminal Justice, and is a graduate of the New York Police Academy and the FBI's National Academy. Mr. Eason is a Police Commissioner designee, appointed to the Board by Mayor Bill de Blasio on

October 1, 2014.

B.S., 2005, John Jay College of Criminal Justice, City University of New York; 1991, F.B.I. National Academy

Joseph A. Puma



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 (LDF), Mr. Puma worked on litigation teams handling cases involving criminal justice, voting rights, employment discrimination and school desegregation. Prior to joining LDF, he worked for over six years at the NYC Office of Management and Budget (OMB), where he served as an intergovernmental liaison, policy and budget analyst, and legislative reference assistant. At OMB he monitored the potential effect of proposed federal, state, and city legislation on New York City's budget and coordinated OMB's response to myriad bills. From 2003 to 2004, he served as a community liaison for former City Council member Margarita López. Since 2007 Mr. Puma has been involved with Good Old Lower East Side (GOLES), a community organization helping residents with issues of housing, land use, employment, post-Sandy recovery and long-term planning, and environmental and public health. A lifelong New York City public housing resident, Mr. Puma currently serves on GOLES's Board of Directors, and has participated in Washington DC-based national efforts related to public housing preservation. Mr. Puma is now pursuing full-time a Master of Arts degree at Union Theological Seminary. Mr. Puma is the City Council designee from Manhattan and was appointed to the Board in December 2013.

Certificate (Legal Studies), 2009, Hunter College; B.A., 2003, Yale University

Ramon Peguero



Ramon A. Peguero, Esq. is the Executive Director of Southside United HDHC (Los Sures), the largest multi-service organization in Williamsburg, Brooklyn focused on the development of affordable homes and housing, preventing tenant displacement, running a senior center and food pantry and managing affordable housing projects. Mr. Peguero's responsibilities include overseeing all aspects of the organization's business practices and neighborhood visioning processes. His organization currently works with over 6,000 neighborhood residents in its various capacities. Prior to joining Los Sures, Ramon spent the first 15 years of his professional life working in grass-roots organizations that tackled the most serious and challenging issues facing the low income residents of New York: From HIV/AIDS awareness, child and substance abuse, child development issues as well as health and nutrition education. In addition to extensive community work, Ramon serves on several Boards of Directors of organizations that are focused on enhancing the lives of New Yorkers. He is a Mayoral appointee to the Board of Directors of the Brooklyn Navy Yard Development Corporation; Founder and Director of an Annual Community Thanksgiving Dinner (13 years); Founder and Director of an Annual Dominican Independence Day Celebration (13 years); Chairperson of the Board of Nuestros Ninos Preschool Center; Served on and was the first president of the Community Education Council (formerly the School Board) for 11 years (2004-2015); Past Board Member of Brooklyn Legal Services Corp.

B.A., 1990, Stony Brook University; M.A., 1998, Metropolitan College; J.D., 2004, CUNY School of Law at Queens College

Youngik Yoon, Esq.



Mr. Yoon is a partner at Yoon & Hong, a general practice law firm in Queens. His areas of practice include immigration, matrimonial, real estate and business closings, and criminal defense. Mr. Yoon has provided legal services to the diverse communities of Queens and beyond since 1994. Mr. Yoon has been the City Council designee from the Bronx since December 2003.

B.A., 1991, City College, City University of New York; J.D., 1994, Albany Law School

Executive Director

Mina Q. Malik, Esq.



Ms. Malik was appointed by the Board to serve as the Executive Director in February, 2015. She is a strong leader with exceptional organizational and interpersonal skills who has been able to implement positive changes in the agencies in which she has worked. Ms. Malik has been a life-long dedicated public servant with a proven track record as a superb prosecutor and creative innovator. Most recently, Ms. Malik served as Special Counsel to the District Attorney in the Kings County District Attorney's Office where she counseled and assisted the newly-elected Brooklyn District Attorney in the day-to-day operations of the agency consisting of 1,200 employees. Ms. Malik was a vital member of the executive team and advised the District Attorney on the restructuring and reorganization of the agency, personnel matters, policy issues and wrongful conviction cases.

Prior to her work in Brooklyn, Ms. Malik served as a Senior Assistant District Attorney in the Queens County District Attorney's Office where she prosecuted a broad range of felony cases and argued numerous appeals. Her concentration was in Special Victims where she oversaw the investigation, prosecution, and litigation of child homicides, child physical and sexual abuse, sex trafficking, and adult sex crimes. Ms. Malik was a law clerk in the Law Offices of Plato Cacheris in Washington, D.C.; a judicial law clerk for the Honorable Reggie B. Walton of the District of Columbia Superior Court; and a Criminal Investigator for the D.C. Public Defender Service. Ms. Malik also serves as a faculty member of the Trial Advocacy Workshop at Harvard Law School's Criminal Justice Institute.

J.D., 1998, The American University Washington College of Law; B.A., 1993, Bates College

Executive Staff

Mina Q. Malik, Esq., Executive Director

Brian Connell, Deputy Executive Director, Administration

Jonathan Darche, Esq., Chief Prosecutor, Administrative Prosecution Unit

Thomas U. Kim, Chief of Investigations

Robia Charles, Ph.D., Deputy Executive Director, Policy and Strategic Initiatives

"It is in the interest of the people of the City of New York and the New York City Police Department that the investigation of complaints concerning misconduct by officers of the department towards members of the public be complete, thorough and impartial. These inquiries must be conducted fairly and independently, and in a manner in which the public and the police department have confidence. An independent civilian complaint review board is hereby established..."

(NYC Charter, Chapter 18-A, effective July 4, 1993)

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CIVILIAN COMPLAINT REVIEW BOARD

100 Church St., 10th Floor, New York, NY 10007

Complaints: 1-800-341-2272 or 311 | Outside NYC: 212-New-York

General Information: 212-912-7235

www.nyc.gov/ccrb