



CIVILIAN COMPLAINT REVIEW BOARD

BILL DE BLASIO, Mayor

FREDERICK DAVIE, Acting Chair

JONATHAN DARCHE, Esq. Executive Director



Annual Report

JANUARY-DECEMBER

2017

TABLE OF CONTENTS

MISSION	2
LETTER FROM THE ACTING CHAIR	3
EXECUTIVE SUMMARY	4
INTRODUCTION: THE BOARD AND AGENCY OPERATIONS	7
SECTION 1: COMPLAINT ACTIVITY	8
SECTION 2: INVESTIGATIONS	20
SECTION 3: DISCIPLINARY PROCESS AND THE CCRB'S ADMINISTRATIVE PROSECUTION UNIT (APU)	29
SECTION 4: MEDIATION	36
SECTION 5: RECONSIDERATIONS	40
SECTION 6: THE IMPACT OF VIDEO	44
SECTION 7: BODY-WORN CAMERAS	48
SECTION 8: OUTREACH	51
SECTION 9: NEW INITIATIVES	53
BACKGROUND OF THE CCRB AND GLOSSARY	56
NEW YORK CITY CHARTER	58
BOARD MEMBERS	60
EXECUTIVE AND SENIOR STAFF	64

MISSION

The New York City Civilian Complaint Review Board (CCRB) is an independent Agency that is empowered to receive, investigate, prosecute, mediate, hear, make findings, and recommend action on 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.

In fulfillment of its mission, the Board pledges:

- To encourage members of the community to file complaints when they believe they have been victims of police misconduct;
- 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 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; and
- To advocate for policy changes related to police oversight, transparency, and accountability that will strengthen public trust and improve police-community relations.

LETTER FROM THE Acting CHAIR



Dear Fellow New Yorkers,

I am honored and humbled to serve as Acting Chair of the Civilian Complaint Review Board (CCRB). During my time as a Board member, I have had the opportunity to witness firsthand the important role the Agency plays in New York City, and I am excited for this opportunity to lead the CCRB into new and important initiatives. This year has provided new opportunities to move our work forward.

In April 2017, the New York City Police Department (NYPD) began the large-scale deployment of Body-Worn Cameras (BWCs). On January 31, the NYPD announced that every police officer in patrol precincts, housing commands, and transit districts will be using a BWC by the end of 2018. Video evidence significantly and positively impacts the CCRB's ability to close cases with clear resolutions of fact. The NYPD's rollout, use, and ability to make BWC footage readily available to the CCRB will continue to have a profound impact on the Agency's ability to fulfill its mission.

Similarly, the passage of The Right to Know Act in December 2017 represents a noteworthy moment in policing reform. The CCRB has continued to reach out to advocacy groups and community members to ensure they know their rights, and has expanded its Outreach Unit to include intergovernmental affairs and begin targeted education programs. The Agency is currently exploring new categories of allegations as a result of this change in law, and will track data related to the Right to Know Act when it goes into effect in October 2018.

One of the CCRB's key roles is to recommend discipline in cases in which we find misconduct. In 2017, the NYPD imposed discipline on officers in 73% of the cases where the Board recommended discipline other than Charges and Specifications. However, the discipline imposed by the NYPD concurred with that recommended by the CCRB only 42% of the time, down from 65% last year. The concurrence rate also went down in cases closed by the CCRB's Administrative Prosecution Unit (APU), from 40% in 2016 to 27% in 2017. For the first time, this year's Annual Report outlines a wide variety of categories of nonconcurrence in APU case closures, allowing the public additional insight into the outcomes of these cases. The CCRB will continue to closely monitor concurrence in 2018.

As an agency independent from the NYPD that impartially investigates, mediates, and prosecutes complaints of officer misconduct, the CCRB has a unique role in the community. As the Agency works to improve police-community relations and strengthen public trust in the CCRB, I am grateful to be at the forefront of a Board committed to working diligently toward accountability and justice.

Sincerely,

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

Fred Davie

EXECUTIVE SUMMARY

SECTION 1: COMPLAINT ACTIVITY

- In 2017, the CCRB received 4,487 complaints within its jurisdiction, marking an increase in complaints following seven straight years of declining complaint numbers (page 8). This reversal of trend is of note, but the reason for the increase in complaints is undeterminable. Possible causes could include an increase in misconduct or a rise in reporting, the latter of which could be related to the CCRB Outreach Unit's vastly higher number of outreach events over the past two years.
- The highest number of complaints stemmed from incidents occurring in the 75th Precinct (186), but the highest rate of complaints in 2017 occurred in the 25th Precinct, which has a complaint rate of 16 per 10,000 residents, compared with 11 per 10,000 residents for the 75th Precinct (page 13).
- Following a nine-year steady decline, the number of allegations of improper stops, questions, and frisks rose slightly from 871 to 901 in 2017 (page 17). This increase may be related to the overall rise in the number of complaints.

SECTION 2: INVESTIGATIVE FINDINGS

- The substantiation rate for complaints declined slightly from 23% in 2016 to 20% in 2017, commensurate with increases in the proportion of complaints that were unsubstantiated (45% in 2016 compared with 48% in 2017) and cases that were closed because subject officers could not be identified, which rose from 6% to 8% in the same time frame (page 27). Section 6 of this Report details the key role that video evidence plays in the CCRB's ability to substantiate, exonerate, or unfound complaints of misconduct (page 44).
- The truncation rate (the percentage of complaints that are closed without a full investigation or mediation or attempted mediation) remained fairly consistent between 2016 and 2017. Complaints filed directly with the CCRB are less likely to be truncated than complaints that are referred to the Agency. For example, 69% of complaints that originate with NYPD's Internal Affairs Bureau (IAB) were truncated in 2017, compared with 65% in 2016. The truncation rate for complaints that were filed directly with the CCRB, however, declined from 45% to 44% (page 23).

SECTION 3: DISCIPLINARY PROCESS

- In 2017, the Board recommended command discipline for 51% of the 367 officers against whom there was a substantiated allegation, up from 43% in 2016 (page 31).
- The NYPD imposed discipline on officers in 73% of the cases where the Board recommended discipline other than Charges and Specifications (page 32). The concurrence rate, or percentage of the time that the discipline imposed by the NYPD concurs with that recommended by the CCRB, for cases in which the Board recommended discipline other than Charges and Specifications declined from 65% to 42% (page 34).
- In 2017, 59 of the 112 cases the Administrative Prosecution Unit (APU) closed against Members of Service (MOS) resulted in disciplinary action (page 33). In 49 of those cases, loss or suspension of between one and 20 vacation days was the discipline imposed by the

Department (page 34).

- For cases closed by the APU, the concurrence rate, or the percentage of the time that the discipline imposed by the NYPD concurs with that recommended by the CCRB, declined from 40% to 27% (page 35).

SECTION 4: MEDIATION

- In 2017, 49% of cases in which mediation was attempted by the Mediation Unit were closed as completed mediations—the highest percentage in its history (page 37).
- In 2017, the Mediation Unit conducted 226 mediation sessions, resulting in 204 satisfactory resolutions, a 90% success rate. The remaining 22 complaints were returned to an investigator and closed by the Investigations Division (page 39).

SECTION 5: RECONSIDERATIONS

- Of the MOS whose reconsideration requests were closed in 2017 (a reconsideration request closed in 2017 may have stemmed from a complaint closed in a previous year), the Board downgraded the disposition for seven officers (5%), downgraded the discipline recommendation for seven officers (5%), and maintained the original decision for 13 officers (9%). In 119 cases (82%), the Board did not reconsider the case because the request was filed too late, contained no new law or evidence, and requested only a change in disciplinary recommendation rather than disposition (page 43).

SECTION 6: THE IMPACT OF VIDEO

- The availability of video evidence allows for clearer interpretation of circumstances—and thus increases the rate of substantiated, unfounded, and exonerated allegations. In 2017, 55% of allegations with video evidence were closed “on the merits” (substantiated, exonerated, or unfounded) compared to 38% without video. The Board substantiated 31% of full investigations with video evidence as compared to 14% where there was no video evidence (page 45).

SECTION 7: BODY-WORN CAMERAS

- By early January 2018, the NYPD had rolled out Body-Worn Cameras (BWC) to at least one tour of duty at 21 different precincts citywide. In 2017, the CCRB requested BWC footage in 165 complaints—a number that will only grow as the NYPD’s program expands in 2018 to include thousands more MOS on patrol assignments (page 49).

SECTION 8: OUTREACH

- In 2017, Outreach Unit staff members delivered 828 presentations (page 51). Most presentations were given at community events (43%), followed by institutions of higher education (10%).

SECTION 9: NEW INITIATIVES

- In 2017, the CCRB continued to disseminate information to scholars, researchers, public servants, members of the press, and advocates via its Data Transparency Initiative. In 2016, the CCRB became the first major police oversight organization in the United States to make key complaint data available to the public on the internet, and remains committed to

disseminating aggregate data via open data platforms (page 53).

- In 2017, the CCRB's Outreach Unit expanded its efforts to reach diversified communities by developing targeted approaches to communities in New York City. One such initiative was a pilot program in partnership with Phipps Neighborhoods Soundview Cornerstone Program in the Bronx, with the goal of educating middle school and high school students about the role of CCRB in the community (page 53). In addition, in 2017, the Outreach Unit expanded its role to include intergovernmental affairs. The CCRB remains dedicated to conducting hundreds of interactive and informative workshops throughout the five boroughs while building strategic partnerships with city agencies, educators, and service providers to better serve New York City's various populations.

SECTION 10: UPDATE ON 2017 POLICY REPORTS & FORTHCOMING 2018 POLICY REPORTS

- In 2017, the CCRB released a study examining the frequency and impact of officer interference with civilian recordings of police activity (page 55).
- In 2018, the Agency has plans to release reports on NYPD's use of body-worn cameras, allegations of officers' sexual misconduct, and police interactions with the New York City homeless population and young people (page 55).

INTRODUCTION: THE BOARD AND AGENCY OPERATIONS

The Civilian Complaint Review Board (CCRB) is an agency of the City of New York. It was made independent from the New York City Police Department (NYPD) and established in its all-civilian form in 1993. The Board investigates, mediates, and prosecutes complaints of misconduct that members of the public file against uniformed members of NYPD within four jurisdictional categories: Force, Abuse of Authority, Discourtesy, or Offensive Language (FADO).

The Board consists of 13 members who are all appointed by the Mayor. The City Council designates five Board members (one from each borough); the Police Commissioner designates three; and the Mayor designates five, including the Chair of the Board.

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

Board members review and make findings on all misconduct complaints once they have been fully investigated. From 1993 to 2013, when the Board found that an officer committed misconduct, the case was referred to the Police Commissioner with a discipline recommendation. Pursuant to a Memorandum of Understanding between the CCRB and the NYPD (effective April 11, 2013), in most cases where the Board recommends that Charges and Specifications be brought against an officer, the prosecution is handled by a team of CCRB attorneys from the Agency's Administrative Prosecution Unit. Substantiated cases in which the Board recommends discipline other than Charges and Specifications (e.g. Instructions, Formalized Training) are still referred directly to the Police Commissioner.

SECTION 1: COMPLAINT ACTIVITY

CCRB COMPLAINT INTAKE

For most New Yorkers, contact with the Civilian Complaint Review Board (CCRB) begins when they file a complaint alleging police misconduct. In this section, the report discusses the number of complaints received and their characteristics.

All complaints against New York City Police Department (NYPD) Members of Service (MOS) are entered into the CCRB's Complaint Tracking System, but only complaints that fall within the Agency's Force, Abuse of Authority,

Discourtesy, or Offensive Language (FADO) jurisdiction are investigated by the CCRB.

In 2017, the CCRB received 4,487 complaints within its jurisdiction (see Fig. 01). This is an increase from the 4,285 complaints received in 2016, and represents the first increase in the annual number of CCRB complaints since 2009. As depicted in Fig. 02, the number of complaints received fluctuates by month, and has seasonal patterns, with lower numbers of complaints received in late fall and winter months.

Figure 01: Complaints Received Within CCRB Jurisdiction, 1993–2017

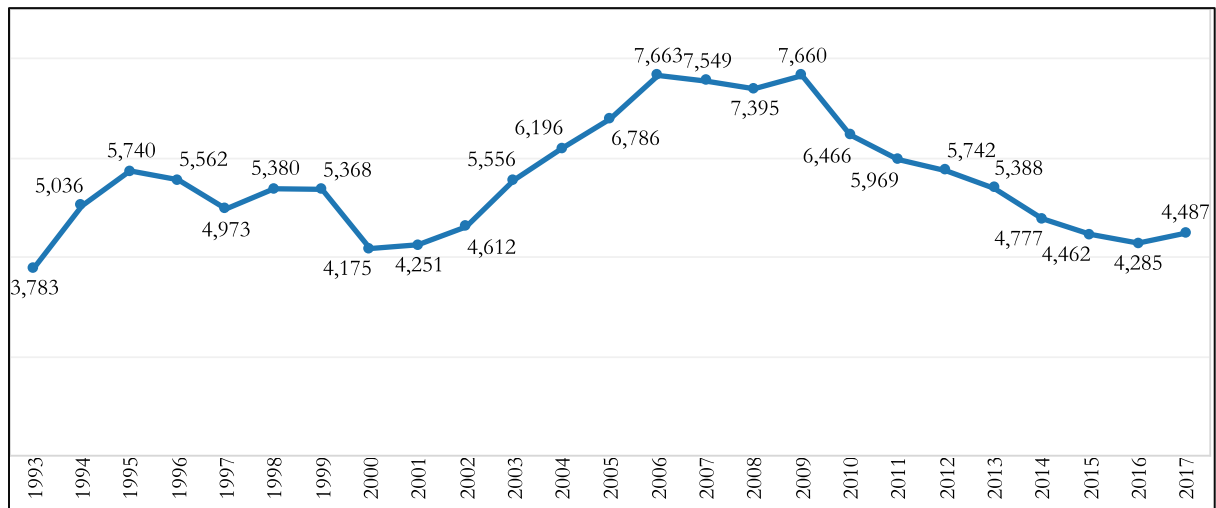
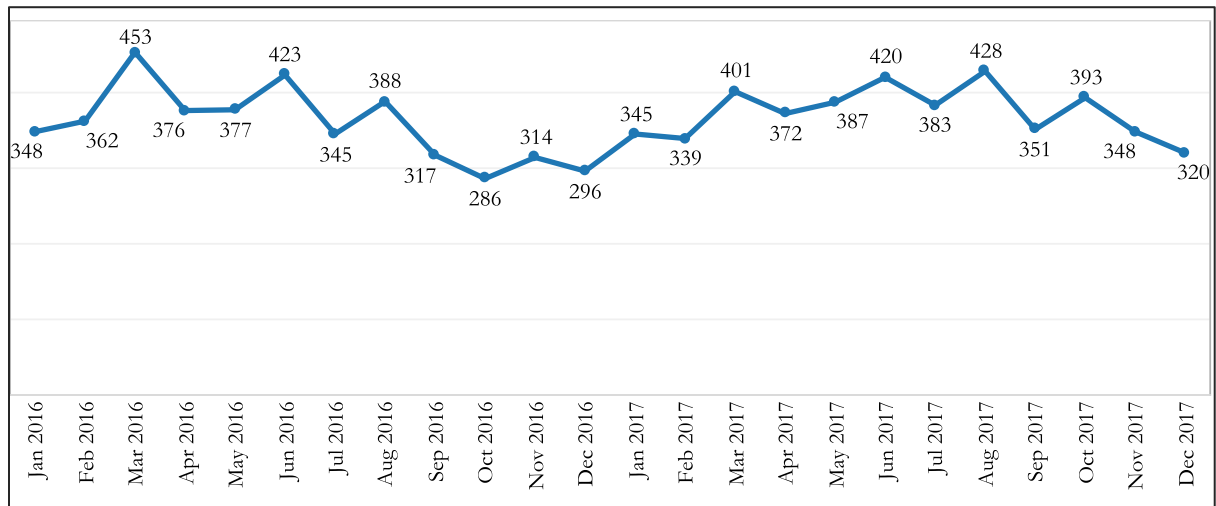


Figure 02: Complaints Received Within CCRB Jurisdiction by Month, 2016–2017

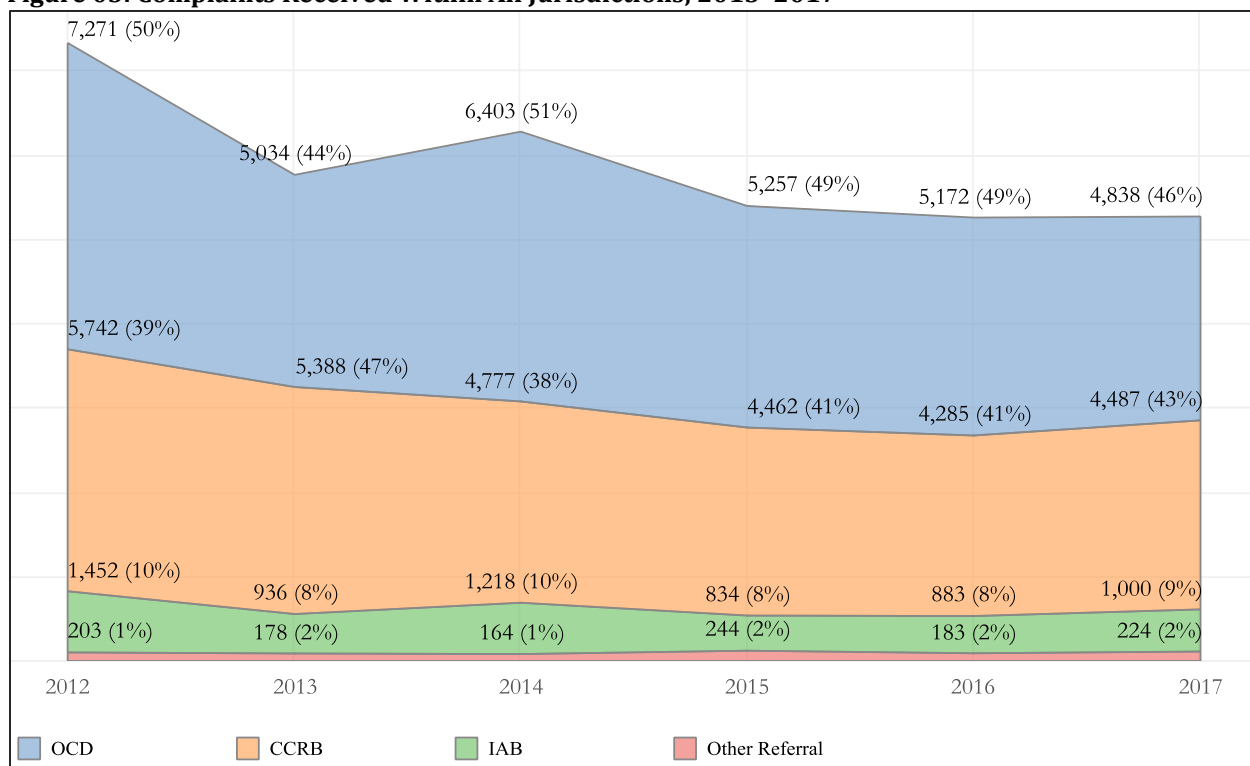


CCRB JURISDICTION AND TOTAL FILINGS

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

Examples of complaints the CCRB might receive which do not fall within the Agency's jurisdiction include: 1) complaints against Traffic Enforcement Agents and School Safety Agents; 2) complaints against an NYPD officer involving a summons or arrest dispute that does not include a FADO allegation; 3) complaints against an NYPD officer involving corruption; and 4) complaints against non-members of the NYPD. In 2017, 57% of complaints received did not fall within CCRB's jurisdiction (see Fig. 03).

Figure 03: Complaints Received Within All Jurisdictions, 2013–2017



PLACE AND MODE OF FILING

Most of the complaints filed within the CCRB's jurisdiction are received and processed directly by the CCRB's Intake Unit. The Agency also receives a high number of complaints from IAB. As depicted in Fig. 04, there has been an increase in the number of

complaints received from agencies other than OCD and IAB between 2016 and 2017.

The Agency is better able to fully investigate complaints when they are filed directly with the CCRB (see Figure 23). When complaints

are not filed directly with the CCRB, the Agency faces the additional difficulty of making initial contact with the complainant/victim, who may have not been informed by other agencies that their complaint was referred to the CCRB for investigation.

Most complaints are filed with the CCRB via phone (42%), followed by the CCRB website (27%), and the Call Processing Center (22%), which handles calls after business hours (Fig. 05).

Figure 04: Complaints Received by Complaint Place, 2016 and 2017

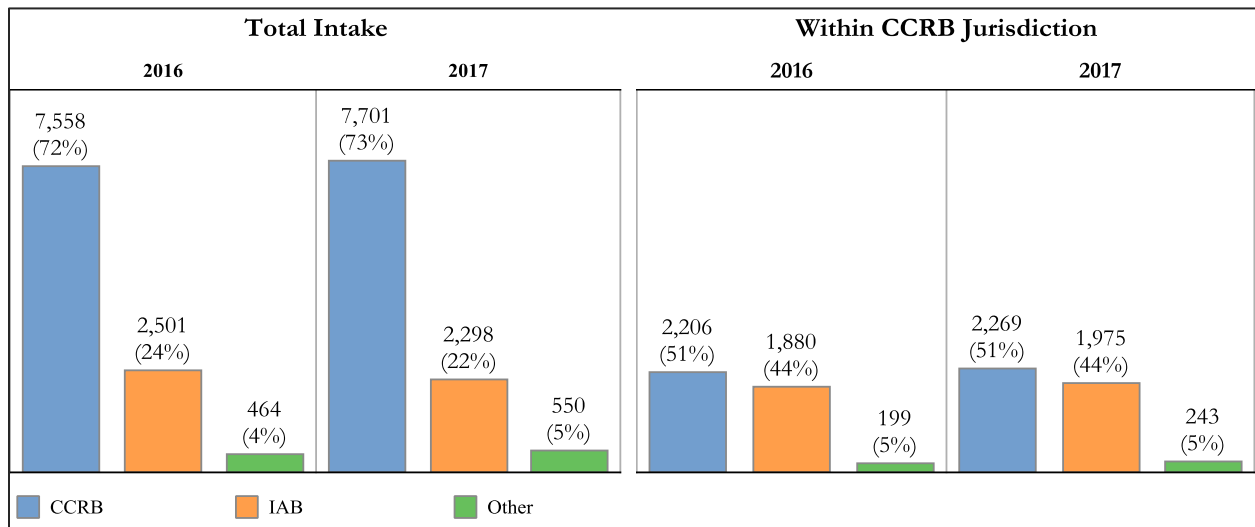
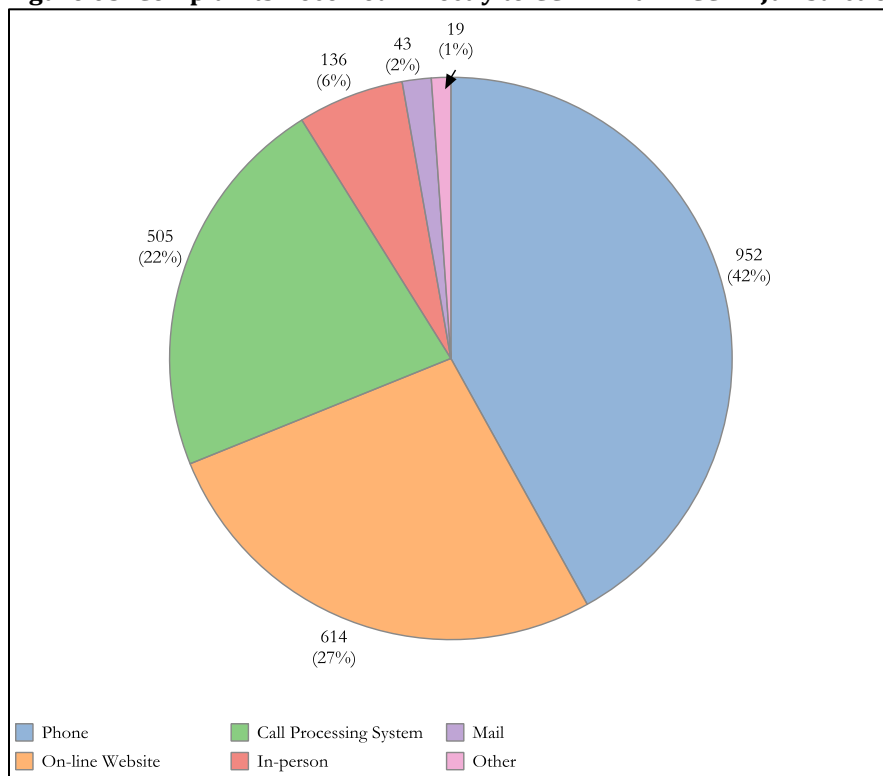


Figure 05: Complaints Received Directly to CCRB within CCRB Jurisdiction by Complaint Mode, 2017

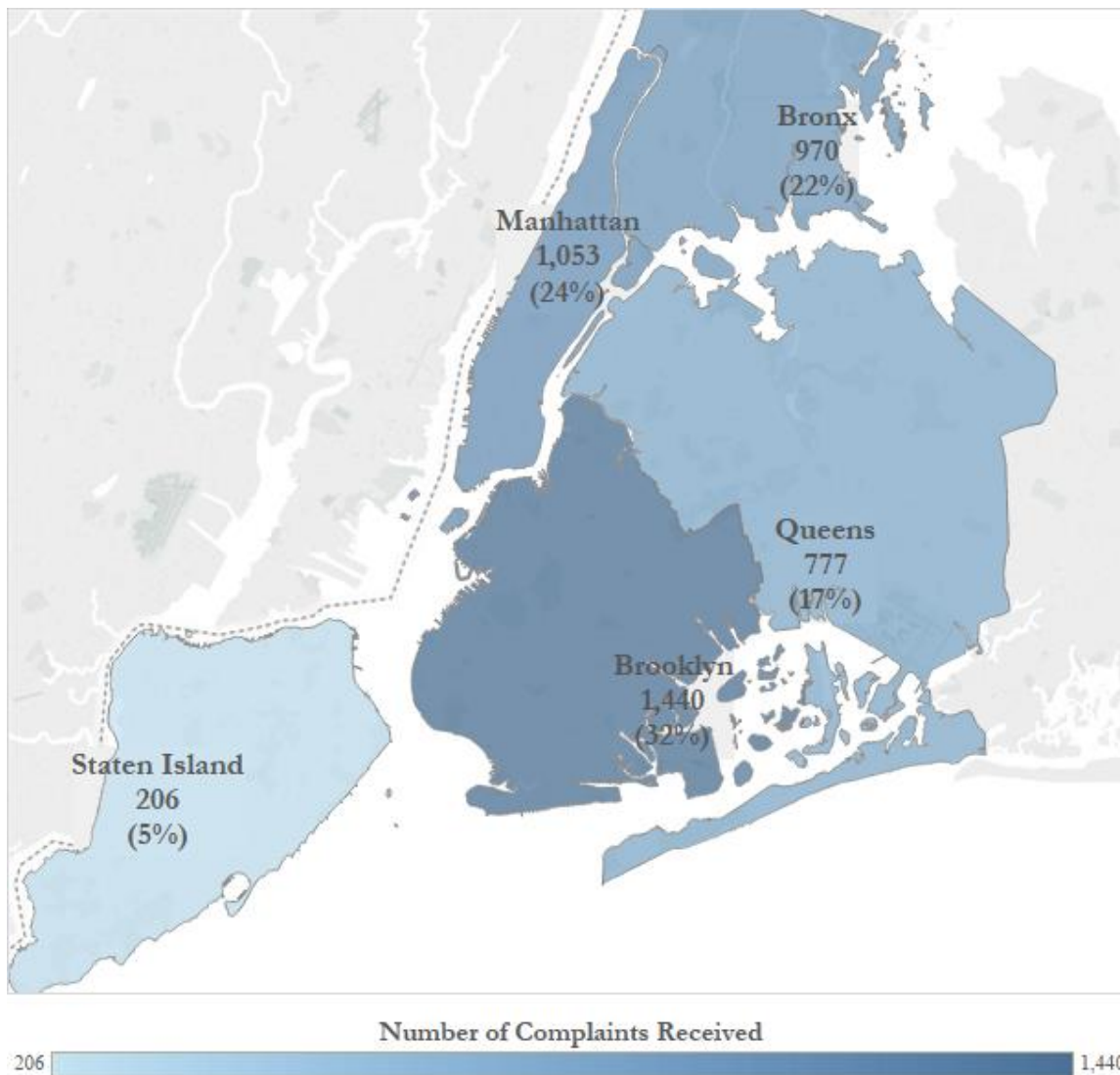


LOCATION OF INCIDENTS RESULTING IN COMPLAINTS

In 2017, 32% of the complaints received within the CCRB's jurisdiction stemmed from alleged incidents that occurred in Brooklyn, which is home to approximately 31% of the city's population (Fig. 06).¹ Both the Bronx and Manhattan had complaint numbers that were disproportionately higher than their respective populations, while the complaint numbers in Queens were disproportionately

lower. Incidents occurring in the Bronx, a borough which is home to 17% of the city's residents, made up 22% of complaints. Incidents occurring in Manhattan comprised 24% of complaints, and 19% of New York's residents live in Manhattan. Queens is home to 27% of New York's population, but only 17% of CCRB complaints stemmed from this borough in 2017.²

Figure 06: Complaints Received within CCRB Jurisdiction by Borough, 2017



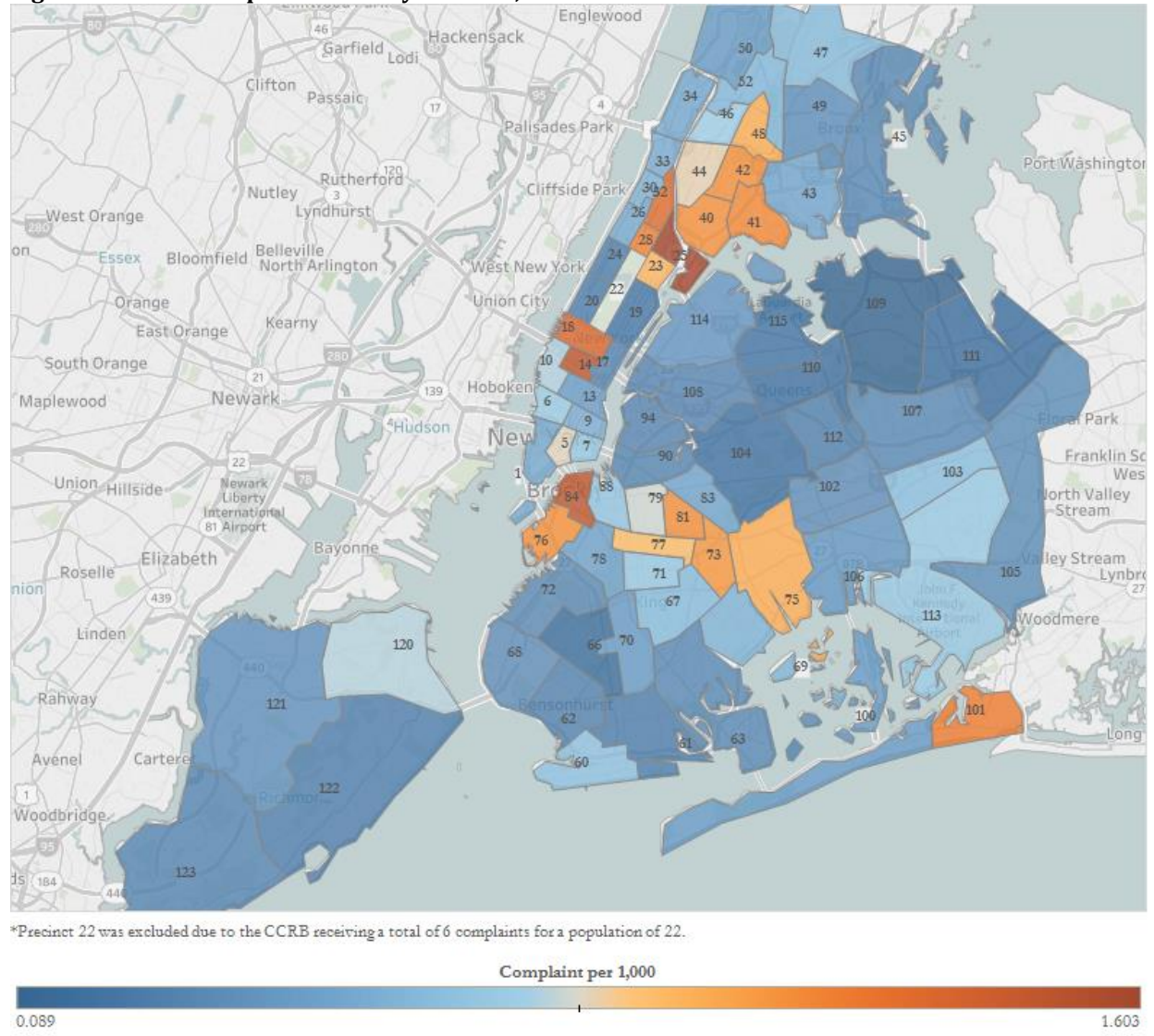
¹ City demographic data was drawn from the United States Census by totaling the 2016 population estimates for the five counties that make up New York City (Bronx, Kings, New York, Queens, and Richmond). Census data is available at <http://factfinder.census.gov/>.

² Staten Island makes up 6% of the city's population.

The CCRB’s website includes a frequently-updated interactive Complaint Activity Map that provides information on complaints by precinct of occurrence.³ In 2017, as in many prior years, the 75th precinct in Brooklyn generated the highest number of complaints. However, standardizing the number of complaints by residential population, which allows comparisons from precinct to precinct,

shows that the highest rate of complaints in 2017 occurred in the 25th Precinct, which has a complaint rate of 16 per 10,000 residents compared with the 75th Precinct’s rate of 10 per 10,000.⁴ The map in Figure 07 depicts the relative complaint rates in individual precincts, while raw number and rate of complaints received within each precinct are listed in Figure 08.⁵

Figure 07: CCRB Complaint Rates by Precinct, 2017



³ Visit the CCRB’s website, www.nyc.gov/ccrb, to explore the Complaint Activity Map and other data relevant to complaints and allegations via the CCRB Data Transparency Initiative.

⁴ Census data is available at <http://factfinder.census.gov/>. Precinct population estimates are drawn from the 2010 Census, the most recent year for which detailed block-level population data is available.

⁵ According to the 2010 Census, there are 25 people living within the boundaries of the 22nd Precinct (Central Park Precinct), which is why the rate per 10,000 residents depicted in Fig. 08 is so high. For ease of viewing, data from the 22nd Precinct has been removed from Fig. 07.

Figure 08: CCRB Complaints Received per Precinct of Occurrence, 2016 and 2017⁶

Precinct	2016		2017		Precinct	2016		2017	
	Complaint Count	Complaints per 10,000 residents	Complaint Count	Complaints per 10,000 residents		Complaint Count	Complaints per 10,000 residents	Complaint Count	Complaints per 10,000 residents
1	47	7	36	5	67	102	7	99	6
5	32	6	45	9	68	26	2	46	4
6	50	8	46	7	69	50	6	50	6
7	30	5	40	7	70	66	4	70	4
9	39	5	44	6	71	61	6	71	7
10	44	9	40	8	72	26	2	43	3
13	36	4	44	5	73	120	14	95	11
14	95	18	77	15	75	207	11	186	10
17	40	5	25	3	76	24	5	49	11
18	57	11	72	13	77	57	6	92	10
19	43	2	48	2	78	32	5	30	5
20	33	3	28	3	79	75	8	75	8
22	7	2,800	6	2,400	81	70	11	71	11
23	70	10	71	10	83	63	6	58	5
24	36	3	29	3	84	45	9	71	15
25	74	16	76	16	88	47	9	36	7
26	17	3	27	5	90	41	4	36	3
28	58	13	53	12	94	16	3	18	3
30	54	9	36	6	100	39	8	21	4
32	88	12	92	13	101	61	9	81	12
33	42	5	44	6	102	40	3	53	4
34	41	4	61	5	103	85	8	69	7
40	111	12	102	11	104	24	1	32	2
41	61	12	60	11	105	74	4	68	4
42	100	13	90	11	106	41	3	51	4
43	88	5	90	5	107	37	2	50	3
44	99	7	127	9	108	33	3	36	3
45	43	4	40	3	109	35	1	22	1
46	96	7	98	8	110	43	2	33	2
47	90	6	96	6	111	18	2	19	2
48	67	8	84	10	112	16	1	31	3
49	51	4	43	4	113	78	6	87	7
50	36	4	46	5	114	55	3	85	4
52	94	7	86	6	115	35	2	35	2
60	66	6	70	7	120	80	7	91	8
61	54	3	42	3	121	74	6	45	4
62	34	2	52	3	122	27	2	38	3
63	28	3	36	3	123	12	1	30	3
66	24	1	29	2					

⁶ According to the 2010 Census, there are 25 people living within the boundaries of the 22nd Precinct (Central Park Precinct), which is why the rate per 10,000 residents depicted in Fig. 08 is so high.

CHARACTERISTICS OF ENCOUNTERS RESULTING IN A COMPLAINT

Figure 09: Top 15 Reasons for Initial Contact, 2016 and 2017

When a complaint is investigated, the CCRB tries to discern the initial reason for the contact between the civilian and the officer(s). In 2017, the highest percentage of complaints received within the CCRB's jurisdiction stemmed from an officer suspecting a civilian of a violation or a crime while on a public street (Fig. 09).

The CCRB also tracks the outcome of encounters that lead to complaints being filed. In 2017, more than half (55%) of the complaints received by the CCRB stemmed from encounters where no arrest was made or summons issued (Fig. 10). This is higher than 2016, when 51% of the complaints received stemmed from such encounters.

	2016		2017	
	Count	Percent of Total	Count	Percent of Total
PD suspected C/V of violation/crime - street	750	18%	704	16%
Report of other crime	267	6%	313	7%
Moving violation	322	8%	304	7%
Report-dispute	253	6%	300	7%
Other	212	5%	295	7%
PD suspected C/V of violation/crime - auto	278	7%	291	7%
Report-domestic dispute	193	5%	219	5%
PD suspected C/V of violation/crime - bldg	242	6%	197	4%
Other violation of VTL	112	3%	189	4%
Execution of search warrant	173	4%	145	3%
EDP aided case	141	3%	144	3%
CV already in custody	133	3%	133	3%
C/V requested investigation of crime	130	3%	132	3%
PD suspected C/V of violation/crime - subway	150	4%	120	3%
C/V intervened on behalf of/observed encounter w/3rd party	95	2%	111	3%
Other categories combined	763	18%	785	18%
Total	4,214	100%	4,382	100%

Figure 10: Outcome of Encounters Resulting in CCRB Complaints, 2016 and 2017

	2016		2017	
	Count	Percent of Total	Count	Percent of Total
No arrest made or summons issued	2170	51%	2457	55%
Arrest - other violation/crime	1195	28%	1146	26%
Moving violation summons issued	178	4%	209	5%
Summons - other violation/crime	223	5%	190	4%
Other VTL violation summons issued	68	2%	104	2%
Arrest - resisting arrest	156	4%	89	2%
Arrest - assault (against a PO)	57	1%	73	2%
Parking summons issued	73	2%	65	1%
Summons - disorderly conduct	70	2%	63	1%
NA	38	1%	50	1%
Arrest - Obstructing Govt. Admin.	27	1%	20	0%
Arrest - disorderly conduct	21	0%	12	0%
Juvenile Report	7	0%	8	0%
Summons - Obstructing Govt. Admin.	1	0%	0	0%
Summons - harassment (against a PO)	0	0%	1	0%
Arrest - harassment (against a PO)	1	0%	0	0%
Total	4285	100%	4487	100%

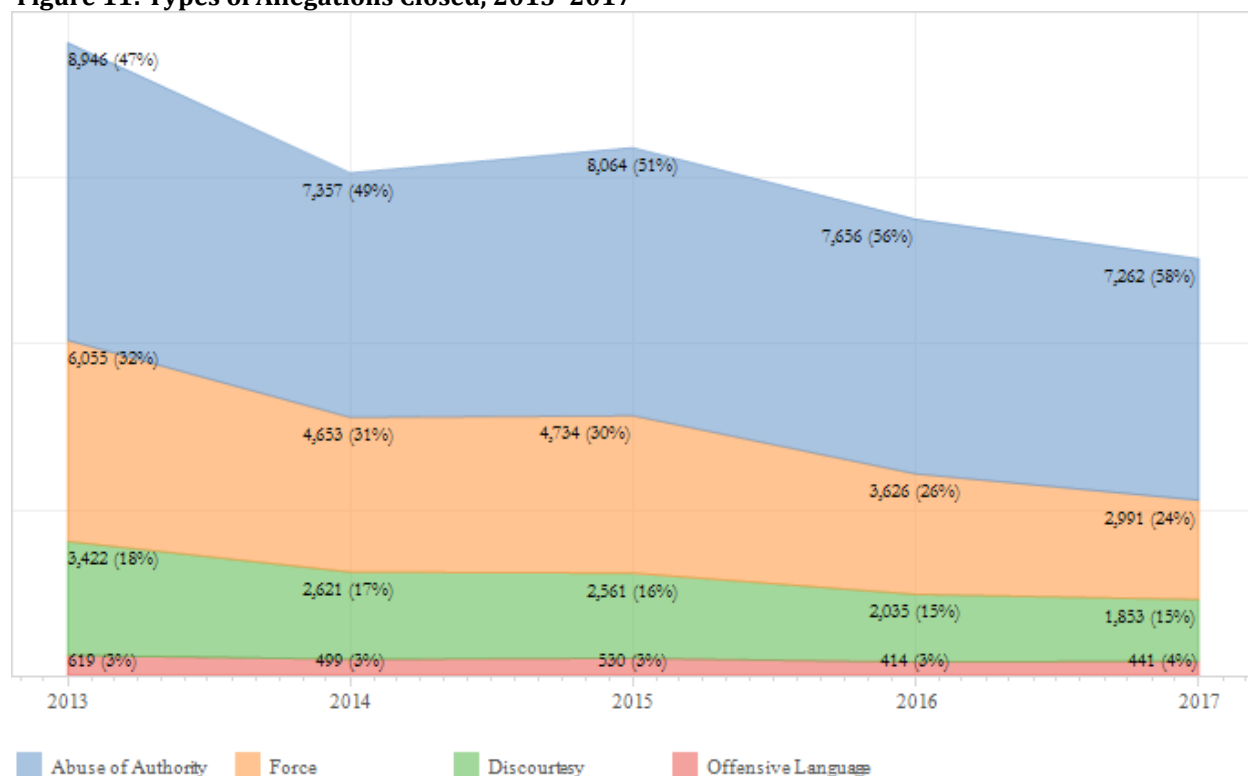
NUMBERS AND TYPES OF ALLEGATIONS RECEIVED

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

The most common types of allegations are Abuse of Authority allegations. In 2017, more

than half (58%) of allegations closed were allegations of an Abuse of Authority (Fig. 11). These types of allegations have increased in proportion over the last four years. Force allegations are the next most common at 24% of all allegations closed in 2017. This is the fifth year that the proportion of such allegations has seen a decline.

Figure 11: Types of Allegations Closed, 2013–2017



The CCRB also keeps track of the specific type of sub-allegations within each FADO category (see Fig. 12). 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, or pushing. In 2017, “physical force” accounted for 74% of all the Force category allegations. With respect to the other FADO Categories, in 2017, the most

common Abuse of Authority allegation was “Premises entered and/or searched,” accounting for 13% of the allegations in that category; the most common Discourtesy allegation was “Word” (e.g. profanity), accounting for 85% of those allegations; and the most common Offensive Language allegation was “Race,” accounting for 40% of those allegations.

Figure 12: FADO Allegations Received by Type, 2016 and 2017

Force (F) Allegations			Abuse of Authority (A) Allegations		
	2016	2017		2016	2017
Physical force	2601	2630	Premises entered and/or searched	1032	1164
	74%	74%		14%	13%
Gun Pointed	188	253	Refusal to provide name/shield number	855	1070
	5%	7%		11%	12%
Chokehold	139	144	Threat of arrest	772	1003
	4%	4%		10%	11%
Other	134	118	Stop	859	883
	4%	3%		11%	10%
Hit against inanimate object	87	105	Search (of person)	578	709
	2%	3%		8%	8%
Nonlethal restraining device	87	78	Vehicle stop	537	661
	2%	2%		7%	7%
Nightstick as club (incl asp & baton)	80	73	Frisk	429	491
	2%	2%		6%	5%
Pepper spray	69	44	Vehicle search	414	479
	2%	1%		5%	5%
Handcuffs too tight	38	30	Threat of force (verbal or physical)	399	423
	1%	1%		5%	5%
Vehicle	22	30	Other	207	371
	1%	1%		3%	4%
Other blunt instrument as a club	18	21	Property damaged	225	291
	1%	1%		3%	3%
Restricted Breathing	0	17	Question	188	238
	0%	0%		2%	3%
Police shield	11	11	Refusal to obtain medical treatment	161	166
	0%	0%		2%	2%
Gun as club	12	8	Interference with recording	70	156
	0%	0%		1%	2%
Radio as club	18	8	Strip-searched	147	143
	1%	0%		2%	2%
Gun fired	10	7	Seizure of property	78	135
	0%	0%		1%	1%
Flashlight as club	5	1	Threat to damage/seize property	108	120
	0%	0%		1%	1%
			Refusal to process civilian complaint	99	118
				1%	1%
			Gun Drawn	105	94
				1%	1%
			Refusal to show search warrant	68	97
				1%	1%
			Threat of summons	75	83
				1%	1%
			Forcible Removal to Hospital	0	81
				0%	1%
			Threat to notify ACS	44	41
				1%	0%
			Retaliatory summons	30	47
				0%	1%
			Search of recording device	20	34
				0%	0%
			Failure to show arrest warrant	24	21
				0%	0%
			Retaliatory arrest	25	15
				0%	0%
			Electronic device information deletion	12	15
				0%	0%
			Threat re: removal to hospital	0	14
				0%	0%
			Questioned immigration status	0	3
				0%	0%
			Improper dissemination of medical info	1	2
				0%	0%
			Threat re: immigration status	0	1
				0%	0%

Discourtesy (D) Allegations		
	2016	2017
Word	1,650	1,776
	84%	85%
Action	269	262
	14%	13%
Gesture	35	39
	2%	2%
Demeanor/tone	11	11
	1%	1%
Other	0	1
	0%	0%

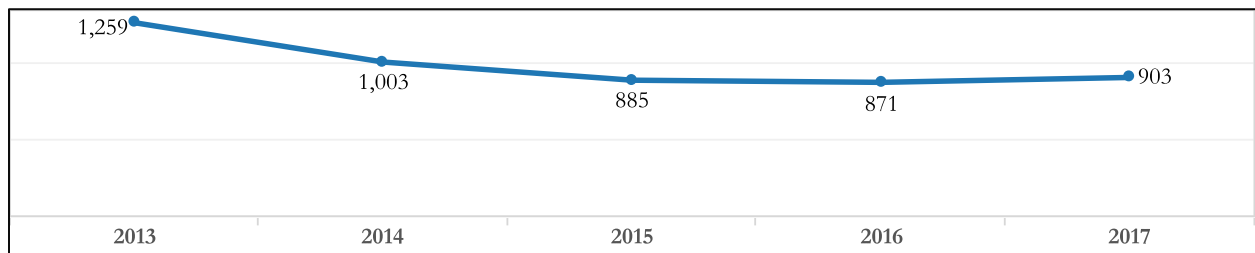
Offensive Language (O) Allegations		
	2016	2017
Race	166	164
	35%	40%
Gender	127	100
	26%	24%
Ethnicity	76	59
	16%	14%
Other	50	26
	10%	6%
Sexual orientation	35	50
	7%	12%
Religion	15	7
	3%	2%
Physical disability	11	9
	2%	2%

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

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

a person. Following a nine-year steady decline (not depicted), the number of such allegations rose slightly from 871 to 903 in 2017 (Fig. 13).

Figure 13: Complaints Received Containing a Stop, Question, Frisk and Search of Person Allegation, 2013-2017



CHARACTERISTICS OF ALLEGED VICTIMS

The CCRB compares the demographic profiles of the alleged victims to the demographics of the City as a whole, without controlling for any other factors such as the proportion of encounters with the police or percentage and number of criminal suspects. The race and gender of alleged victims are disproportionate to the gender and racial makeup of New York City’s population (Fig. 14, next page).⁷

In 2017, individuals who self-identified as Black made up half (50%) of alleged victims, while, according to 2016 census estimates, Black residents make up only 24% of the city’s population.

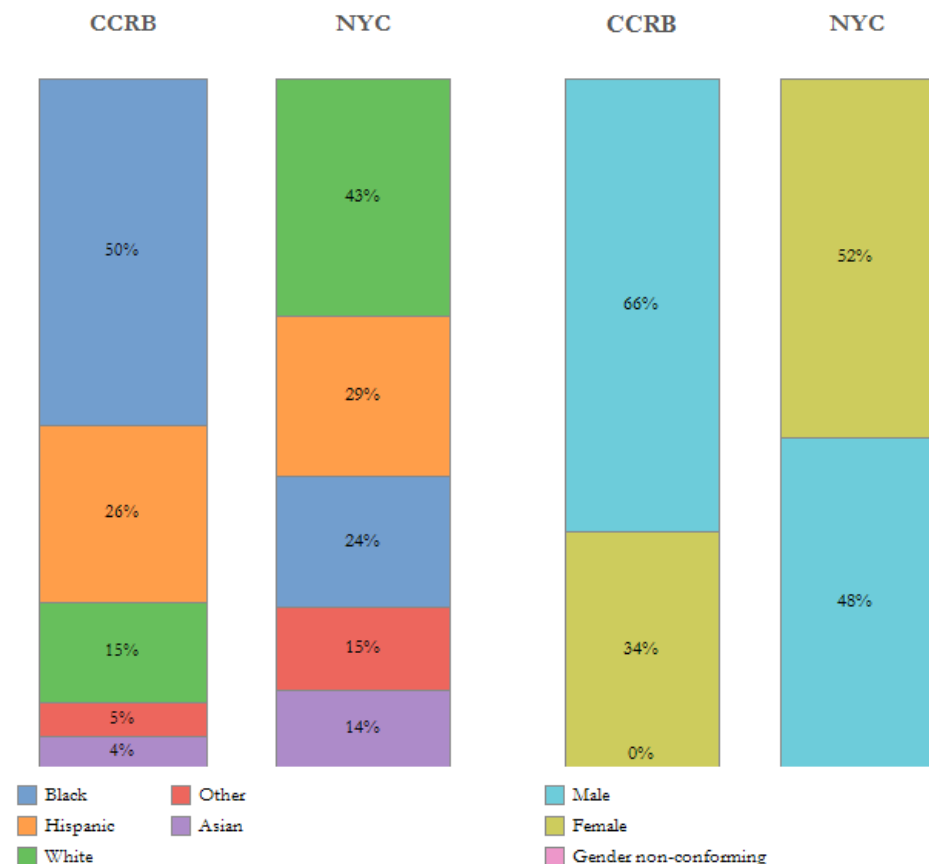
In 2017, 66% of alleged victims were male, while men make up only 48% of the City’s population (Fig. 14, next page).⁸ This is also the first year that the CCRB has included “gender nonconforming” as an option when complainants/victims are reporting their gender, and has also revised its case management system to generate gender neutral honorifics whenever appropriate in communications to complainants.⁹ The Agency is committed to working on building trust with the transgender and gender nonconforming community, and intends to focus additional resources on outreach in 2018 and beyond.

⁷ City demographic information is drawn from the 2016 United States Census estimate—the most recent year for which such data is available. All race demographics are inclusive of Hispanic origin. For example, “Black” includes both “Black Hispanic” and “Black Non-Hispanic.” Census data is available at <http://factfinder.census.gov/>.

⁸ The census does not count gender, but instead counts biological sex of respondents (see <https://factfinder.census.gov/help/en/gender.htm>). As such, comparisons between the CCRB’s data and census data are not exact.

⁹ The number of gender nonconforming CCRB complainants is less than 1%, and does not appear on the graphic in Fig. 14.

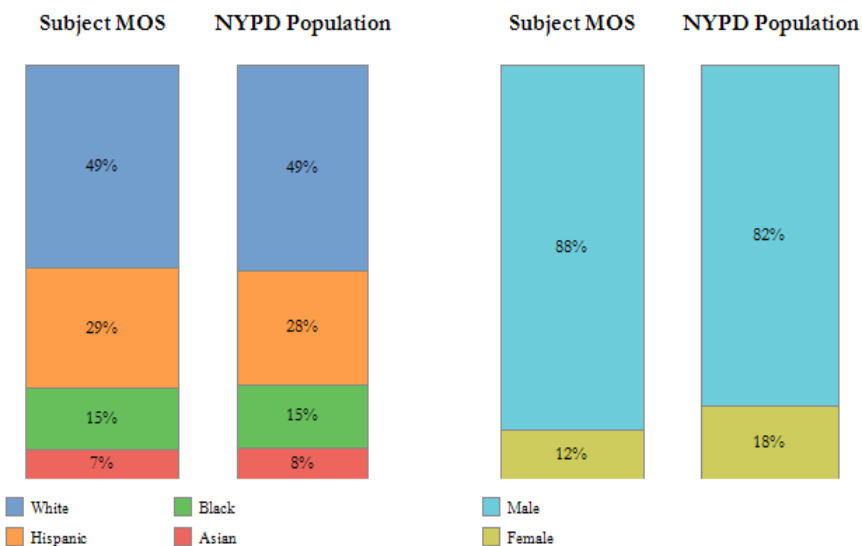
Figure 14: Alleged Victim Demographics Compared to New York City, Complaints Received in 2017¹⁰



CHARACTERISTICS OF SUBJECT OFFICERS

Figure 15: Subject Officer Demographics Compared to NYPD, 2017

The race and gender makeup of subject officers of CCRB complaints largely reflects the demographic composition of the NYPD as a whole (Fig. 15, next page). In 2017, white officers accounted for 49% of the subject officers in CCRB complaints and 50% of the NYPD as a whole. Male officers accounted for 88% of the subject officers in CCRB complaints and 82% of the NYPD as a whole.



¹⁰ The percentages for race of New York City residents do not add up to 100% because the Census allows respondents to self-report Hispanic ethnicity separate from race. Someone may, for instance, indicate that they are both Black and Hispanic. This means that some individuals are counted in these categories twice. Since current CCRB race/ethnicity categories are not precisely aligned with Census categories, comparisons should be made with caution.

TOTAL COMPLAINTS AGAINST ACTIVE MEMBERS OF SERVICE (MOS)

As of December 31, 2017, there were 36,126 active members of service (MOS) on the NYPD roster. It can be helpful to look at how complaints are distributed among them.

Figure 16: Active MOS with CCRB Complaints

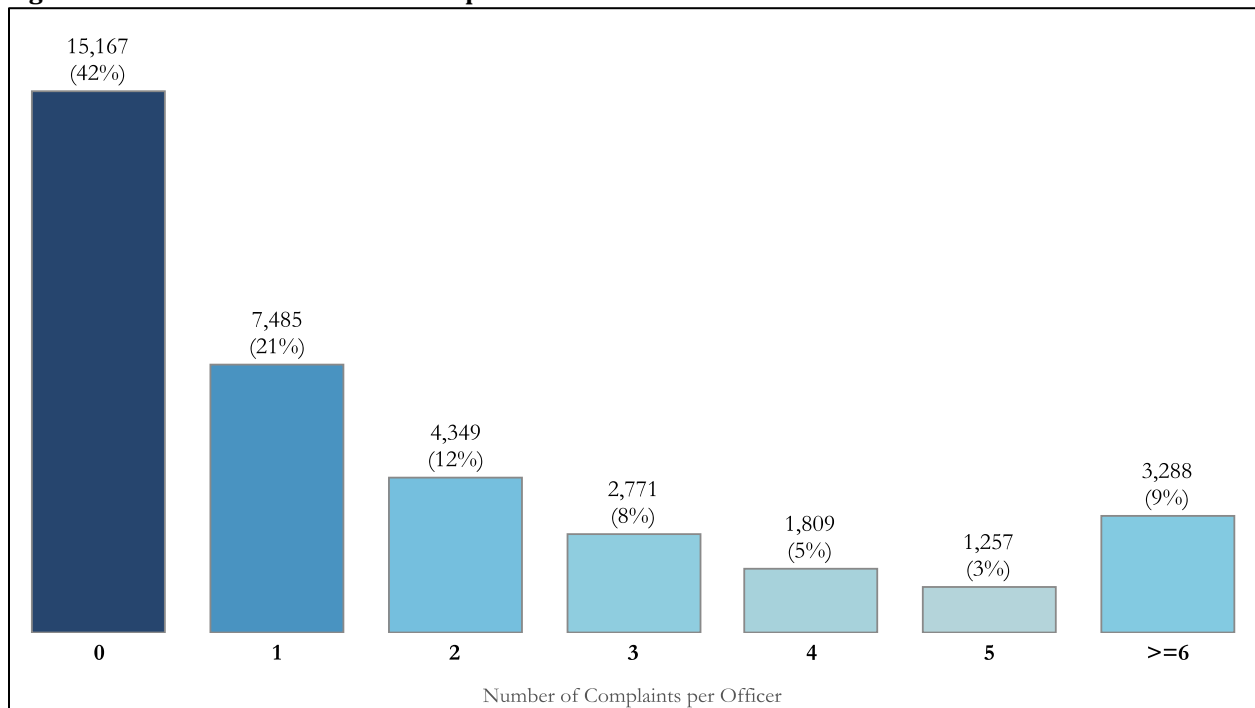
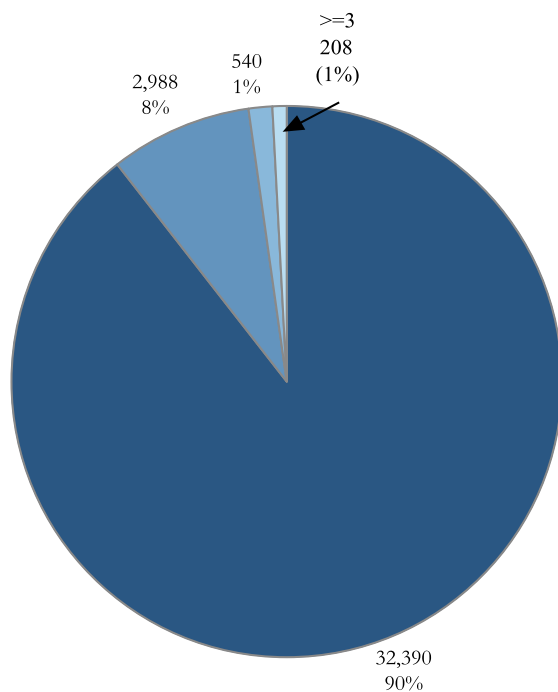


Figure 17: Active MOS with Substantiated CCRB Complaints



Of all active MOS, 42% have never had a CCRB complaint made against them, while 41% have had between one and three (Fig. 16). Just under one-tenth (9%) have had six or more CCRB complaints made against them.

The vast majority of active MOS, however, (90%) have never had a substantiated CCRB complaint, while 8% have had one substantiated complaint, and 208 MOS have had three or more (Fig. 17).

SECTION 2: INVESTIGATIONS

Investigations are the core function of the Civilian Complaint Review Board (CCRB). Every complaint that is not wholly referred out to another agency will pass through an investigative team, even if it is ultimately resolved through mediation.

At the beginning of an investigation, the investigator interviews the complainant and any witnesses, collects evidence, and identifies the police officer(s) involved in the encounter. In many instances, the officers' identities are unknown at the outset of the investigation. Once the subject and witness officers have been identified and interviewed and all evidence reviewed, the investigative team makes a recommendation to the Board. In the majority of cases, a panel of three Board members, comprised of a combination of members who had been appointed by the mayor, City Council, and the police commissioner, then studies the case and votes on the Investigations Division's recommendations. In some circumstances, the full Board will consider a case.¹¹

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

This section covers the performance of the Investigations Division and the outcomes of complaints made to the CCRB.¹²

INVESTIGATIONS DIVISION PERFORMANCE

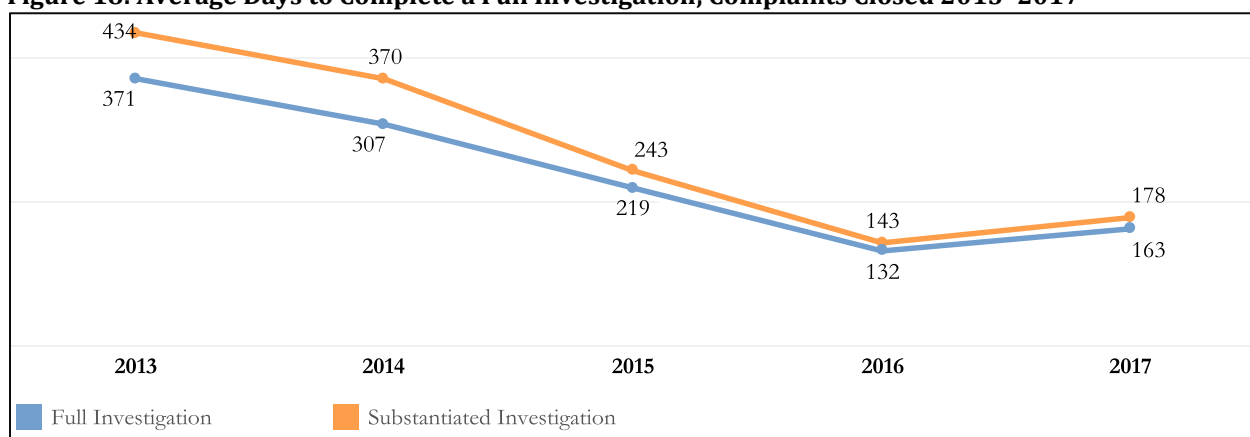
The CCRB tracks the amount of time that it takes to close a full investigation, measured from the date the CCRB receives a complaint to the date a complaint is closed by the Board, and the time that it takes to close a full investigation for substantiated cases, which are typically the most complicated and time consuming. In 2017, full investigations were closed in an average of 163 days, and substantiated cases were closed in an average of 178 days (Fig. 18).

Another key metric is the number of days before the first civilian and officer interviews take place. In 2017, the first civilian interview in a full investigation took place, on average, 16 days after the CCRB received the complaint (Fig. 19). The first officer interview took place, on average, 58 days after the complaint was received.

¹¹ In 2017, three cases were reviewed by the full Board.

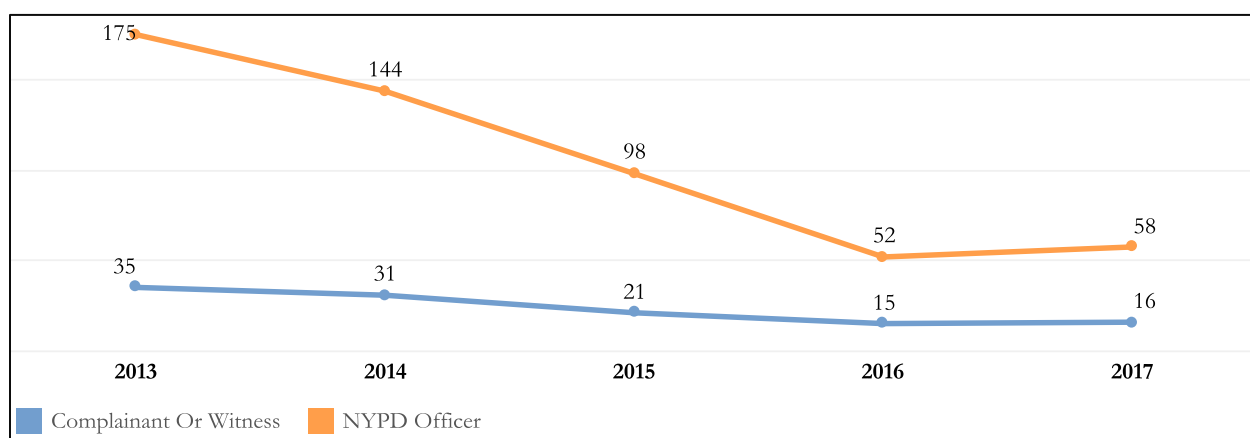
¹² New York City Charter Chapter 18-A § 440.c.1

Figure 18: Average Days to Complete a Full Investigation, Complaints Closed 2013-2017



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

Figure 19: Average Days to First Interview (Full Investigations), Complaints Closed 2013-2017



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

CASE RESOLUTION AND INVESTIGATIVE OUTCOMES

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

An investigation is truncated when it is closed without a full investigation (because the

complainant withdraws the complaint, the complainant is uncooperative or unavailable, the victim cannot be identified, or the case is closed as an attempted mediation).¹³ “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 for the scheduled mediation session or fails to respond to attempts to schedule a mediation session, and does not request that the case return to an investigation. For complaints closed in 2017,

¹³ Miscellaneous closures are not included in the truncation rate. In prior years, the CCRB had also not included attempted mediations as truncated cases. The calculation of truncations was changed for the 2017 Annual Report to more accurately reflect the status of these cases. The CCRB periodically reviews its methodology as part of regular efforts to consistently strengthen the precision of the Agency’s metrics.

33% of complaints were fully investigated and 55% were truncated (Figs. 20 & 21). The majority of truncations (56%) are closed as “Complainant/Victim/Witness Uncooperative” (Fig. 22). This occurs in cases in which the investigator made initial contact with the complainant, victim, or witness but was ultimately unable to obtain an official statement or other evidence.

In 2017, the CCRB also began tracking cases that were withdrawn by complainants or

victims upon advice of their attorneys. Sometimes, when a complainant is involved in a criminal or civil case, they are advised by counsel to avoid making any sworn statements in any other venue until the conclusion of the criminal or case. Beginning in 2018, in the event that a complaint is closed due to pending litigation, CCRB investigators will periodically check court records to determine if the case has ended, and if so, attempt to reconnect with the complainant.

Figure 20: Case Resolutions, 2013–2017

	2013		2014		2015		2016		2017	
Truncated	4625	65%	2964	55%	2480	47%	2420	55%	2256	55%
Full Investigation	2082	29%	1884	35%	2177	42%	1514	34%	1349	33%
Mediation Attempted	260	4%	205	4%	222	4%	227	5%	213	5%
Mediated	135	2%	185	3%	192	4%	208	5%	204	5%
Misc. Closure	21	0%	109	2%	161	3%	54	1%	44	1%

Figure 21: Truncations and Full Investigations, 2013–2017

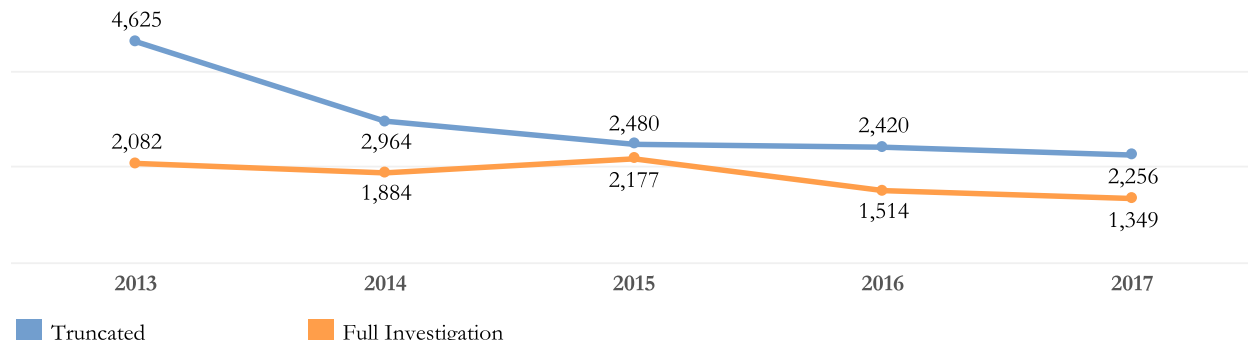
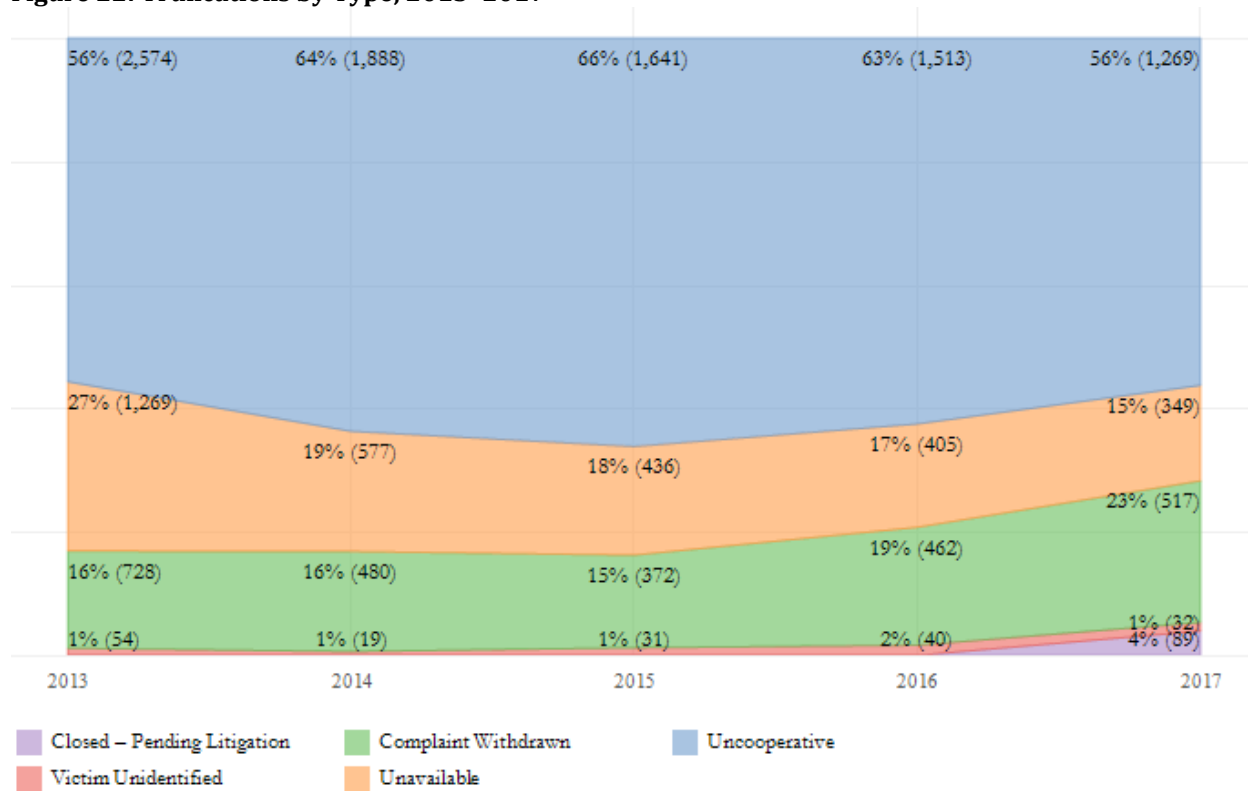


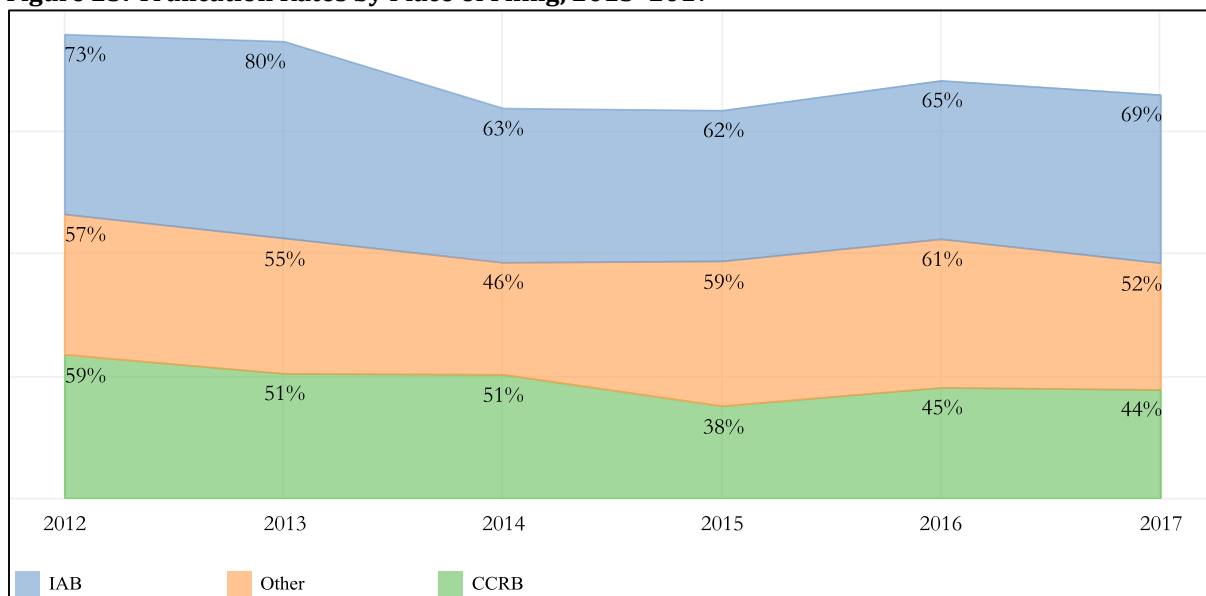
Figure 22: Truncations by Type, 2013–2017



Complaints filed directly with the CCRB are less likely to be truncated than complaints that are referred to the CCRB from another agency (Fig. 23). When complaints are filed elsewhere, it is often difficult for the CCRB to make contact with the complainant or victim.

In some cases, other agencies do not notify complainants and victims that their complaint was referred to the CCRB. This can cause confusion, and may reduce the likelihood that complainants will cooperate with CCRB investigators.

Figure 23: Truncation Rates by Place of Filing, 2013–2017



The CCRB is dedicated to lowering the truncation rate wherever possible, and has initiated several steps toward that goal in 2018. First, the Agency has commenced the hiring process for the first Blake Fellow, a position which will include a rigorous analysis of data related to truncations. Second, the CCRB has begun to 1) employ data to better focus its outreach efforts on precincts with high rates of police interactions but incongruously low rates of complaints, which will help explain the CCRB investigative process to community members

at the outset of their introduction to the CCRB, and 2) examine how outreach efforts may be better targeted to vulnerable communities that have traditionally lower rates of reporting misconduct, including young people, people who are transgender and gender nonconforming, and the homeless. Finally, the CCRB is committed to working with other agencies that refer complaints to the CCRB for investigation to improve interagency communication to complainants who may be unaware that their allegations were referred.

COMPLAINT AND ALLEGATION DISPOSITIONS FOR FULLY INVESTIGATED CASES

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

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

- An allegation is **substantiated** if the alleged conduct is found to have occurred and be improper based on a preponderance of the evidence.
- An allegation is **exonerated** if the alleged conduct is found to have occurred but was not found to be improper by a preponderance of the evidence.
- An allegation is **unfounded** if the alleged conduct is found not to have occurred by a preponderance of the evidence.
- An allegation is closed as **officer unidentified** if the CCRB was unable to identify any of the officers accused of misconduct.
- An allegation is **unsubstantiated** if there is not enough evidence to determine whether or not misconduct occurred.

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

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

CASE ABSTRACTS

The following case abstracts are taken from complaints closed in the second half of 2017 and serve as examples of what the different CCRB dispositions mean in practice:

1. Substantiated

Officers entered a man's backyard and searched the area. The man was on the front steps of his house, holding a bag of chips, when the officers parked their marked van across from his house. When the officers arrived, the man opened the gate leading to his backyard, and entered his property. The man and the officers conversed through the gate. The officers told the man they had received a complaint that his car was blocking the driveway; the man responded that his car was parked in front of his own driveway. The officers exited their vehicle and entered the man's backyard looking for the bag of chips. The officers later said there had been an anonymous 311 call about a man selling drugs out of a bag of chips. A 311 and 911 call index from the date and time of the incident do not reveal a call reporting drug activity. The investigation found evidence from multiple sources that contradicted the officers' statements about the anonymous complaint. Even if the anonymous tip were true, the investigation determined that the officers did not have probable cause to arrest when they entered and searched the man's backyard. As a result, the Board substantiated the entry and search allegations.

2. Exonerated

Officers conducted a vehicle stop on a man who was double parked. The man stated he was parked in the street waiting to pick up a sick relative to drive to the hospital when officers stopped his vehicle. The officers took the man's license and registration and later released the man without writing him a summons. The officers stated they drove past the parked vehicle and observed a window tint that did not allow them to see inside the car. Turning around, the officers stopped the car to investigate because it was double parked and they could not see inside. When the officers determined everything was alright they admonished the man for double parking and released him without writing a summons. From the description provided by the man and the consistent testimony of the officers, the investigation determined the man was double parked and in violation of the law. Because the officers were determined to have acted within their authority, the Board exonerated the vehicle stop allegations.

3. Unfounded

Officers allegedly threatened to arrest a woman after responding to a family dispute. The woman said she was awoken by two officers and did not know how they entered the house. At one point during the interaction, the woman said the officers threatened to arrest her when she said she was going to call her neighbor who was an attorney. The officers stated they were responding to a call that a woman was harassing people over the phone at late hours of the night and denied threatening to arrest her. The woman's son verified the officer's account and stated that during the interaction one of the officers told the woman she was not under arrest and did not need to call people to disturb them. Based on the conflicting testimony between the woman and her son, which aligned with the officers', the investigation credited the officers' account and unfounded the allegation.

4. Officer Unidentified

A man said he entered a stationhouse to report that a woman against whom he had an active Order of Protection had made verbal threats against him on the street. The man said the officer replied that no report could be filed because the encounter had occurred in a public place, and refused to provide his name and shield number. The man provided limited identifying information about the officer. The one officer that does fit the description has no recollection of the incident and said they went immediately to a post outside the stationhouse after roll call, which is supported by a memo

book entry. A sole civilian that was in the stationhouse at the time had heard raised voices emanating from the front of the stationhouse, but could not see who was involved. The one officer constitutes the only officer identified by the investigation as a possible subject officer, but in the absence of other evidence that positively places this officer at the scene does not allow the investigation to positively identify the officer as the subject officer. As a result, the Board closed the investigation as officer unidentified.

5. Unsubstantiated

Officers executing a no-knock search warrant allegedly spoke discourteously to a woman. The woman stated that during the execution of the search warrant, officers issued profanity-laced commands. The officer admitted to issuing commands such as, “Get on the ground,” but denied using profanity during the incident. Given the conflicting statements and lack of corroborative testimony supporting either party, the investigation could not determine by a preponderance of the evidence whether the officer spoke discourteously to the woman. Without additional evidence, the Board closed the discourtesy allegations as unsubstantiated.

DISPOSITION OF COMPLAINTS AND ALLEGATIONS

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 fluctuated between 15% and 24% (Fig. 24). The substantiation rate—complaints in which misconduct was determined to have occurred based on a preponderance of the evidence—was 20% for cases closed in 2017. The unsubstantiation rate, which reflects cases in which it could not be determined whether the alleged misconduct occurred, was 48% in 2017.¹⁴

When a complaint 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 complaints closed as

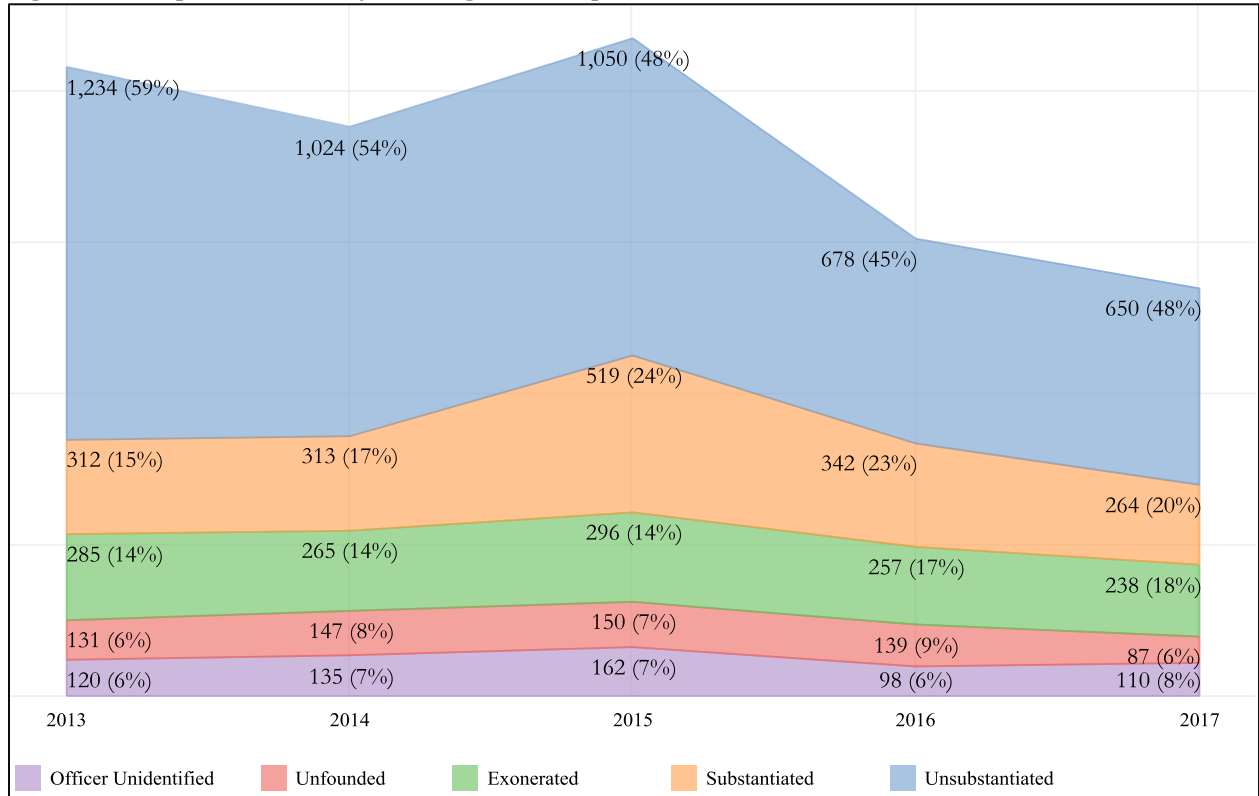
unsubstantiated (meaning there is not enough evidence to determine whether or not misconduct occurred) or officer unidentified. Of the complaints closed in 2017, 44% were closed on the merits: 20% were substantiated, 6% were unfounded, and 18% were exonerated (Fig. 24).

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. Of the allegations closed in 2017, 48% were closed on the merits: 11% were substantiated, 8% were unfounded, and 29% were exonerated (Fig. 25).¹⁵

¹⁴ As a point of comparison to other NYPD oversight, in calendar year 2015 and the first eight months of 2016, IAB’s most serious cases, “corruption” cases, had a substantiation rate of 8.5%, a partial substantiation rate of 16.5%, and an unsubstantiation rate of 50.8%. See the 18th Annual Report of the New York City Commission to Combat Police Corruption, <http://www1.nyc.gov/assets/ccpc/downloads/pdf/18th-Annual-Report.pdf>.

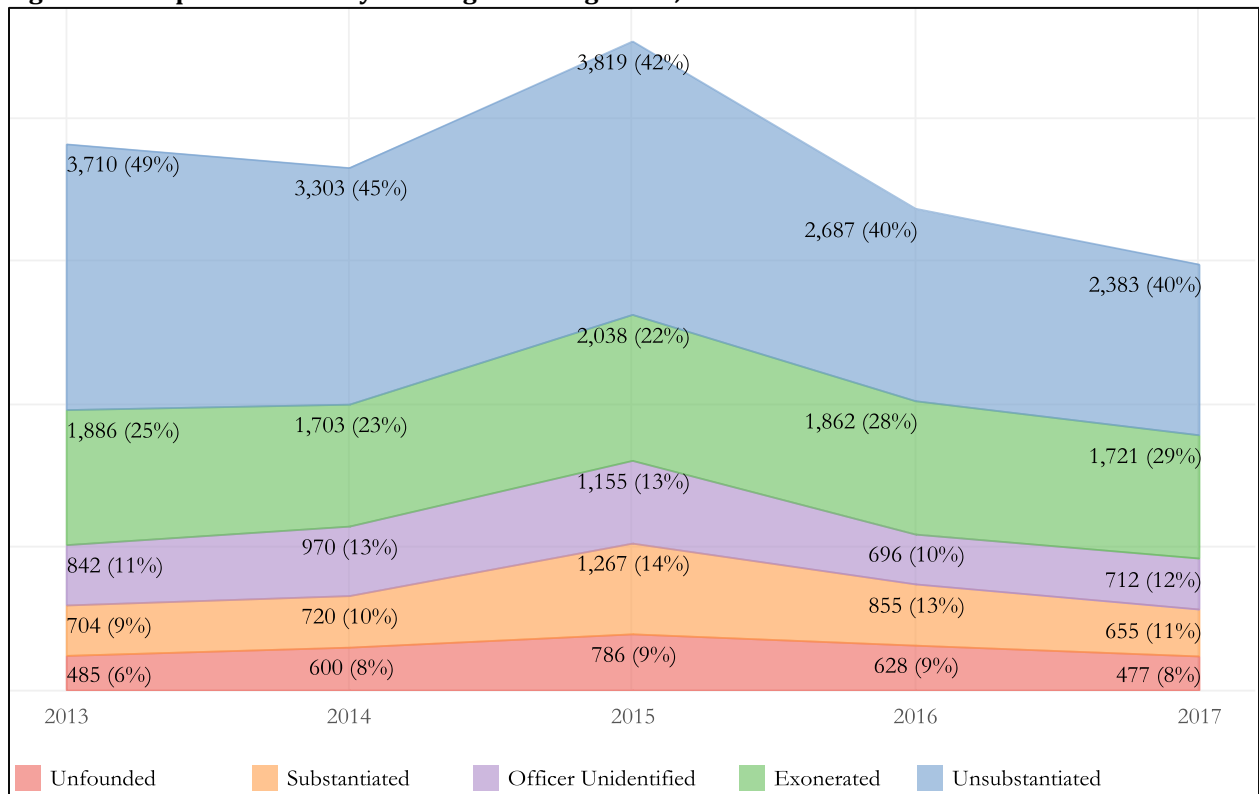
¹⁵ A low substantiation rate for allegations is not unusual—in order to consider all possible allegations, investigators thoroughly document all allegations separately, though upon a full investigation, not all of these allegations can be proven.

Figure 24: Disposition of Fully Investigated Complaints, 2013-2017



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

Figure 25: Disposition of Fully Investigated Allegations, 2013-2017



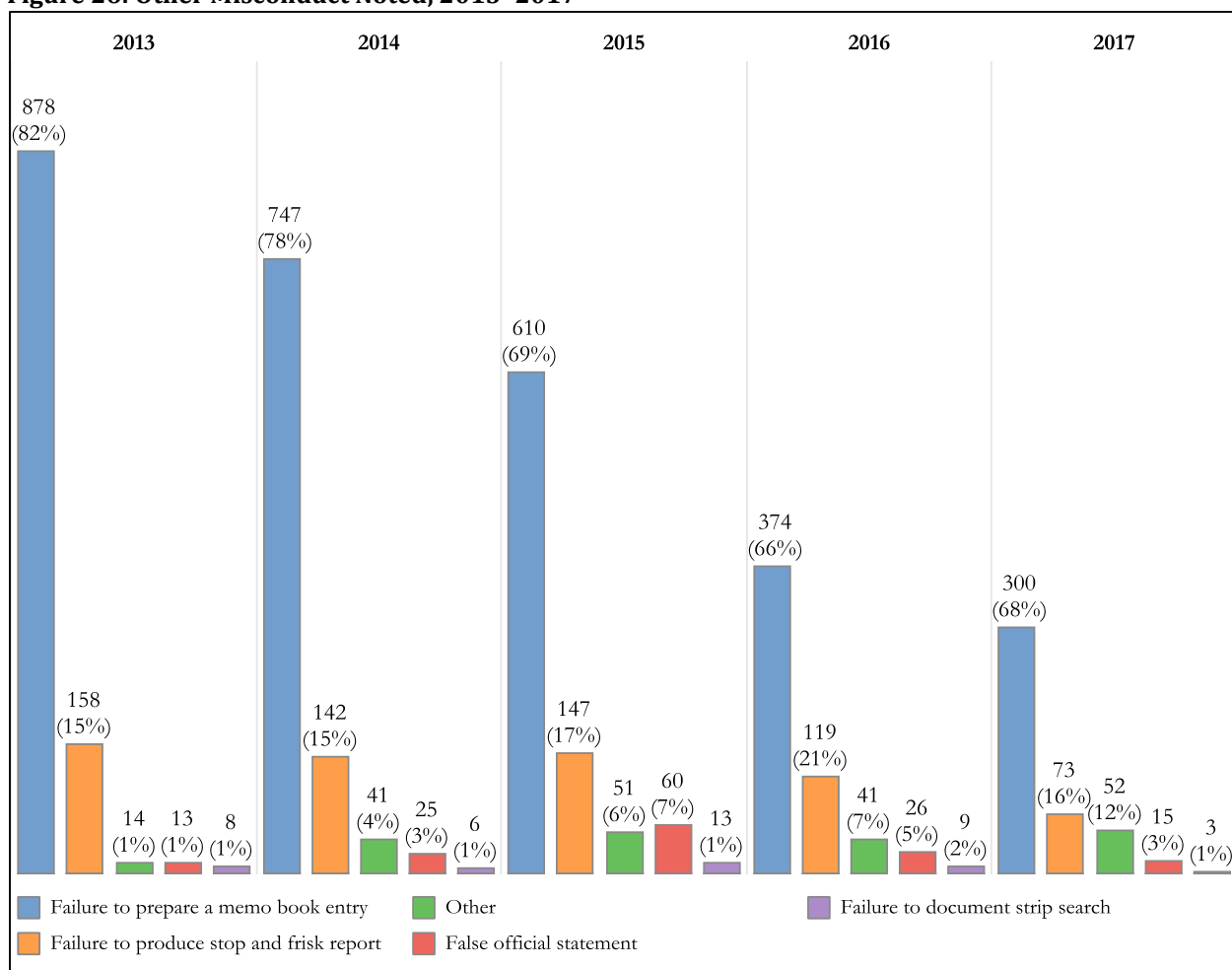
Due to the reconsideration process, counts for 2017 are subject to change. See Section 5.

OTHER MISCONDUCT NOTED

Where a CCRB investigation reveals evidence of possible misconduct that falls outside of the CCRB’s jurisdiction, as defined in Chapter 18-A § 440 (c)(1) of the New York City Charter, the Board notes the “other misconduct” (OMN), and reports it to the New York City Police Department for further investigation and possible disciplinary action. OMN allegations should not be confused with

allegations of corruption or potential criminal conduct, which are referred to Internal Affairs Bureau. Figure 26 lists the top categories of OMN referrals over the past five years. An officer’s failure to properly document an encounter or other activity in his or her memo book as required by the Patrol Guide¹⁶ accounted for 68% of all OMN allegations in cases closed in 2017.

Figure 26: Other Misconduct Noted, 2013–2017



¹⁶ http://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide1.pdf

SECTION 3: DISCIPLINARY PROCESS AND THE CCRB'S ADMINISTRATIVE PROSECUTION UNIT (APU)

When the Civilian Complaint Review Board (CCRB) substantiates an allegation of misconduct, it initiates a disciplinary process which ultimately leads to the penalty that the member of service (MOS) will face. Although the CCRB can recommend the discipline it

deems appropriate, under the New York City Charter and New York State Civil Service Law,¹⁷ the Police Commissioner has final approval over MOS discipline. The Commissioner can accept, reject, or modify the recommendation made by the CCRB.

OVERVIEW OF DISCIPLINARY PROCESS

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

1. **Instructions:** Guidance issued by a commanding officer.
2. **Formalized Training:** Formalized Training is given at the Police Academy or the Legal Bureau.
3. **Command Discipline A:** Command Discipline A is issued by the commanding officer and may include a penalty ranging from Instructions up to the MOS forfeiting five vacation days.¹⁸ A Command Discipline A automatically leaves a MOS's Central Personnel Index after one year.¹⁹
4. **Command Discipline B:** Command Discipline B is issued by the commanding officer and may include a penalty ranging from Instructions up to the MOS forfeiting 10 vacation days. A MOS can request that a Command Discipline B be removed from their Central Personnel Index after three years.
5. **Charges and Specifications:** Charges and Specifications lead to a trial process in which a MOS may either enter a guilty plea or go to trial before the NYPD Deputy Commissioner of Trials (DCT) or an Assistant Deputy Commissioner of Trials (ADCT) and be found guilty or not guilty. In all cases, the Police Commissioner has final approval of all dispositions, but generally follows the recommendation of the DCT or ADCT.²⁰

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 these types of disciplinary recommendations and recommends to the Police Commissioner whether to impose or

modify the discipline recommended by the CCRB.

When the CCRB recommends Charges and Specifications, the substantiated allegations are prosecuted by the Administrative Prosecution Unit (APU), which became operational in 2013. The development of the

¹⁷ NYS Civil Service Law 75, §3.a

¹⁸ Prior to 2014, the Board did not distinguish between "Command Discipline A" and "Command Discipline B." The corresponding disciplinary recommendation was simply "Command Discipline."

¹⁹ A Central Personnel Index is a member of service's personnel record.

²⁰ In 2017, the Police Commissioner dismissed the trial verdict in 4 cases (4%, Fig. 34 on p. 35).

APU increased the CCRB’s role in seeking appropriate discipline for misconduct.

Under the terms of a Memorandum of Understanding signed in 2012 between the CCRB and the NYPD, and in effect since 2013, the APU prosecutes misconduct before the DCT or ADCT. The APU and MOS may also

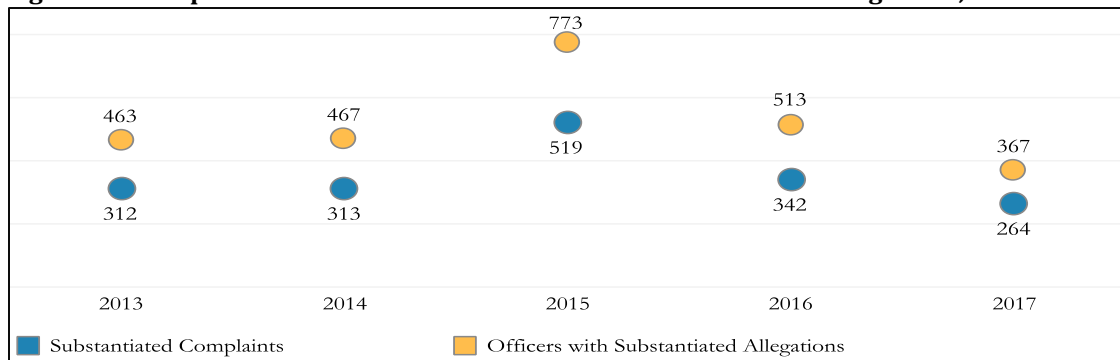
enter into a plea agreement in lieu of trial. If the MOS chooses to go to trial rather than entering a plea agreement and is subsequently found guilty, the trial commissioner will recommend a penalty. The Police Commissioner may accept, reject, or modify any trial verdict or plea.

CCRB DISCIPLINARY RECOMMENDATIONS

In 2017, the Board substantiated 264 complaints against 367 police officers (Fig. 27). This is down from 2016, when the Board substantiated 342 complaints against 513 police officers. A single substantiated complaint may contain substantiated allegations against more than one officer.

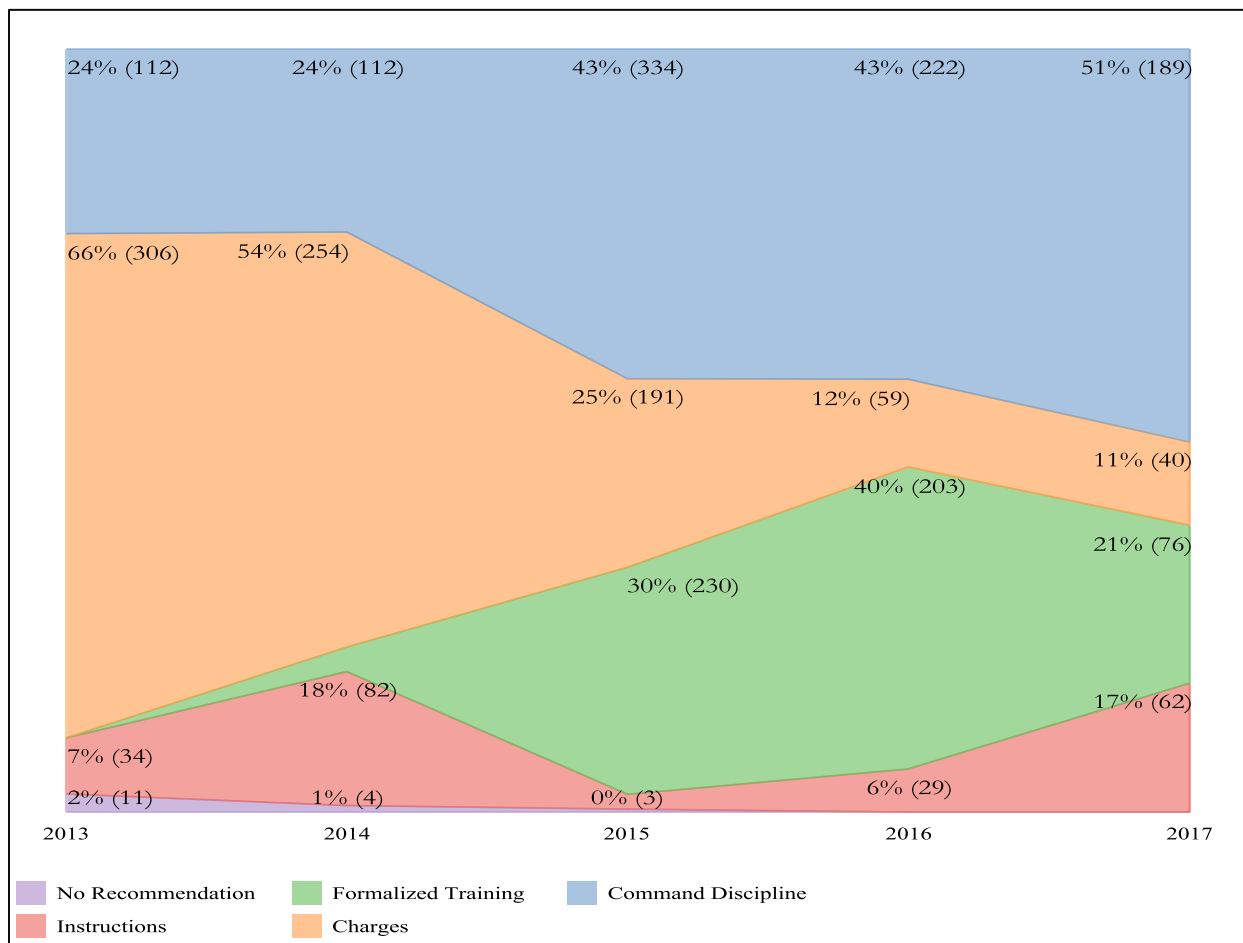
In 2017, the Board recommended Command Discipline for 51% (189) of the 367 officers against whom there was a substantiated allegation (Fig. 28). Since 2015, the Board has issued more command discipline recommendations and fewer Charges and Specifications recommendations against officers.

Figure 27: Complaints Substantiated & Officers with Substantiated Allegations, 2013–2017²¹



²¹ Due to the reconsideration process, counts for 2017 are subject to change. See Section 5.

Figure 28: Board Recommendations for Officers with Substantiated Allegations, 2013–2017²²



NYPD DISCIPLINARY DECISIONS

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

When a substantiated allegation against an officer is referred to the DAO, the CCRB

makes a recommendation to the Police Commissioner regarding what, if any, disciplinary action should be taken. The DAO then reports the Commissioner’s final decision back to the CCRB. In 2017, the DAO took some form of disciplinary action against 73% of the officers referred to it (Fig. 29).²³ In cases where the NYPD pursued discipline, the most common form of discipline imposed was Formalized Training (128, or 32%), followed by Command Discipline (108, or 27%).²⁴

²² Due to the reconsideration process, counts for 2017 are subject to change. See Section 5.

²³ Prior to 2014, the CCRB did not distinguish between Instructions and Formalized Training.

²⁴ In a small number of cases, the CCRB does not recommend charges in cases that DAO determines should be tried in an administrative trial. This may be due to the fact that the NYPD has access to additional information in the officer’s personnel file that the CCRB does not have available during its determination of disciplinary recommendation, and has determined that the officer’s internal disciplinary history warrants more serious discipline in the case at hand or that the officer rejected a command discipline and elected to go to trial.

Figure 29: Department Advocate’s Office Disciplinary Actions on CCRB Cases, 2013–2017²⁵

NYPD Disciplinary Action	2013		2014		2015		2016		2017	
	NYPD Pursued Discipline: Command Discipline	33	12%	30	22%	105	39%	122	29%	108
NYPD Pursued Discipline: Formalized Training		0%	3	2%	75	28%	189	45%	128	32%
NYPD Pursued Discipline: Instructions	109	38%	61	44%	64	24%	66	16%	43	11%
NYPD Pursued No Discipline (DUP)	75	26%	26	19%	19	7%	28	7%	91	23%
Statute of Limitations Expired	38	13%	10	7%	1	0%	5	1%		0%
NYPD Pursued Discipline: Charges	25	9%	9	6%	2	1%	4	1%	10	3%
Filed (officer resigned before PD action)	4	1%		0%	4	1%	4	1%	14	4%

(Prior to 2014, the CCRB did not distinguish between Instructions and Formalized Training.)

ADMINISTRATIVE PROSECUTION UNIT (APU)

When the Board recommends Charges and Specifications against an officer in a substantiated case, the APU prosecutes the case in the Department’s Trial Room unless the NYPD retains the case. Retained cases are those in which the NYPD keeps jurisdiction pursuant to Section 2 of the MOU between the NYPD and the CCRB.²⁶ When the NYPD keeps jurisdiction pursuant to Section 2, it may or may not impose discipline on the officer.

The APU treats each officer against whom an allegation is substantiated as a separate case.²⁷ A single CCRB complaint may generate more than one APU case depending on the number of officers involved in a single incident against whom the Board

recommends Charges. As seen in Fig. 30, in 2017, the APU conducted 37 trials and closed a total of 112 cases (excluding cases reconsidered by the Board). Of the cases closed by APU in 2017, 59 (53%) resulted in some form of disciplinary action (Fig. 31). Just under half of these (28, or 47%) were the result of guilty verdicts following trial, while 41% (24 cases) were resolved by plea agreement.

Of the 59 APU cases in which discipline was imposed in 2017, two resulted in a suspension or loss of 21 to 30 vacation days, and 33 resulted in a suspension or loss of vacation time of one to 10 days (Fig. 32).

²⁵ The cases in this table are depicted by penalty report date, not cases closed in these years. In other words, the numbers reported for 2017 are cases in which NYPD reported final discipline in 2017, though the CCRB may have closed these cases in prior years.

²⁶ Section 2 of the MOU states, “...in those limited instances where the Police Commissioner determines that CCRB’s prosecution of Charges and Specifications in a substantiated case would be detrimental to the Police Department’s disciplinary process, the Police Commissioner shall so notify CCRB. Such instances shall be limited to such cases in which there are parallel or related criminal investigations, or when, in the case of an officer with no disciplinary history or prior substantiated CCRB complaints, based on such officer’s record and disciplinary history the interests of justice would not be served.” For the full text of the MOU, see http://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf

²⁷ Because the APU treats each officer as a separate “case,” all APU data discussed in this Report uses the same terminology. While there may be trials or incidents that involve multiple officers, the word “case” should be interpreted as “case against a single officer.” This means, for example, that Figure 31’s depiction of 112 cases closed in 2017 refers to the 112 officers against whom the APU prosecuted charges.

Figure 30: APU Trials Conducted and Cases Closed, 2014–2017

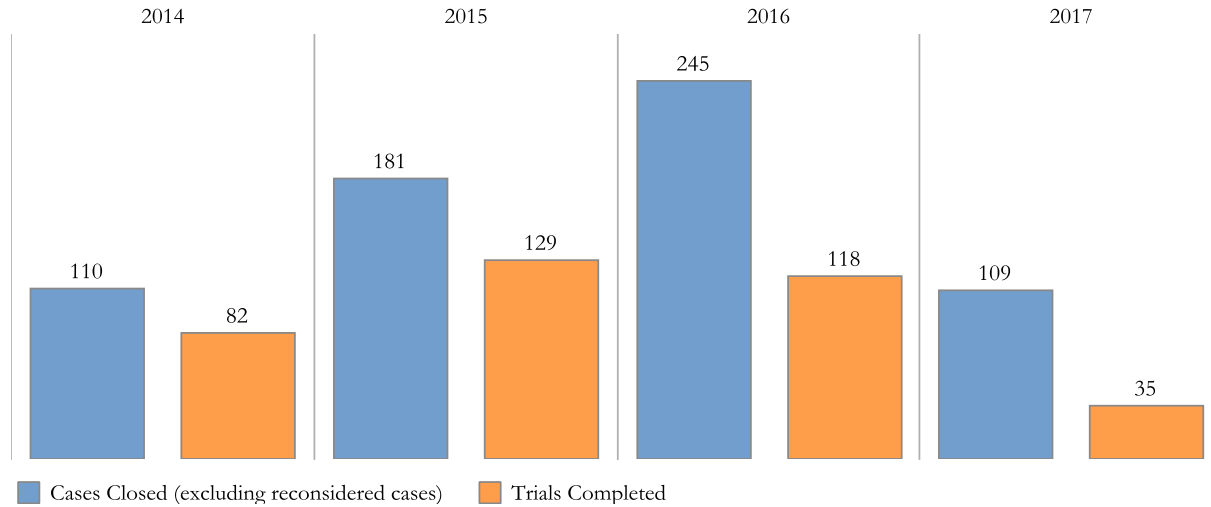


Figure 31: APU Case Closures 2017

Disciplinary Action	Not guilty after trial but Discipline Imposed	0
	Guilty after trial	28
	Trial verdict dismissed by PC, Comm. Disc. A imposed	0
	Trial verdict dismissed by PC, Comm. Disc. B imposed	0
	Trial verdict dismissed by PC, Formalized Training imposed	0
	Trial verdict dismissed by PC, Instructions imposed	0
	Trial verdict reversed by PC, Final verdict Guilty	0
	Resolved by plea	24
	Plea set aside, Comm. Disc. B	0
	Plea set aside, Comm. Disc. A	0
	Plea set aside, Formalized Training	2
	Plea set aside, Instructions	1
	*Retained, with discipline	4
	Total	59
No Disciplinary Action	Not guilty after trial	39
	Trial verdict reversed by PC, Final verdict Not Guilty	4
	Plea set aside, Without discipline	3
	**Retained, without discipline	3
	Dismissed by APU	0
	SOL Expired in APU	0
Total	49	
Not Adjudicated	Charges not filed	0
	Deceased	0
	Other	1
	***Previously adjudicated, with discipline	0
	***Previously adjudicated, without discipline	0
	†Reconsidered by CCRB Board	3
	Retired	0
	SOL Expired prior to APU	0
Total	4	
Total Closures	112	

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

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

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

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

Figure 32: Discipline Imposed for Adjudicated APU Cases, 2017

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	16
Suspension for or loss of vacation time of 1 to 10 days	33
Command Discipline B	0
Command Discipline A	0
Formalized Training**	6
Instructions***	1
Warned & Admonished/Reprimanded	1
Disciplinary Action Total	59
No Disciplinary Action	49
Adjudicated Total	108
Discipline Rate	
Closed - Not Adjudicated	4
Total Closures	112

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

*** Instructions are conducted at the command level

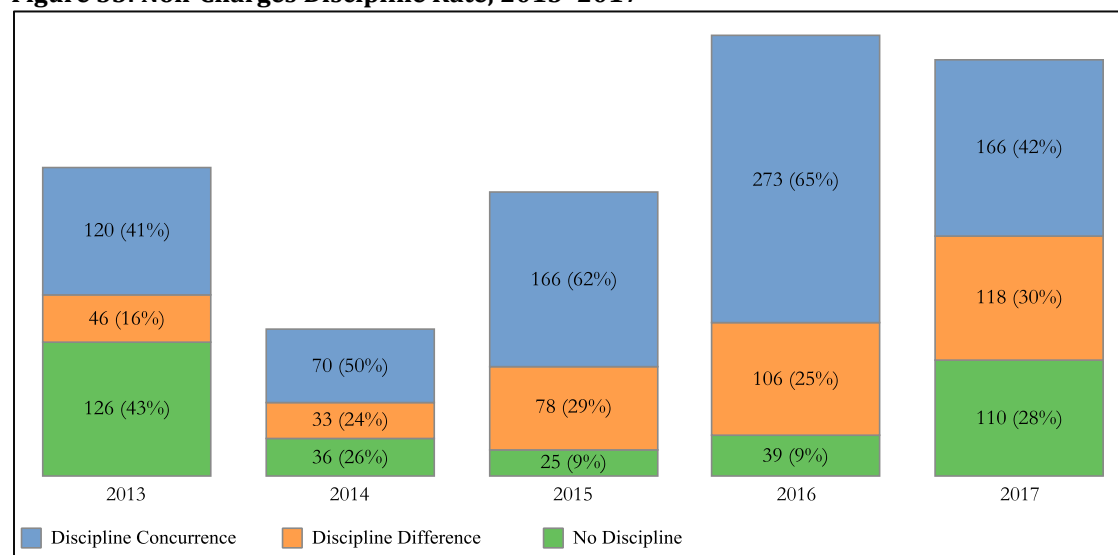
DISCIPLINE CONCURRENCE RATES

In addition to the overall rate of discipline imposed by the Police Commissioner, the CCRB tracks whether or not the discipline imposed was in concurrence with that recommended by the CCRB. When the Police Commissioner's discipline is of lesser severity than that recommended by the CCRB, the discipline is not in concurrence.

For complaints in which the Board did not recommend Charges and Specifications, the

discipline imposed by the Police Commissioner was the same as that recommended by the Board 42% of the time in 2017 (Fig. 33). This is the lowest concurrence rate for these types of cases since 2013. Cases in which the Board recommended some type of discipline, but no discipline was imposed by the Police Commissioner, increased from 9% in 2016 to 28% in 2017.

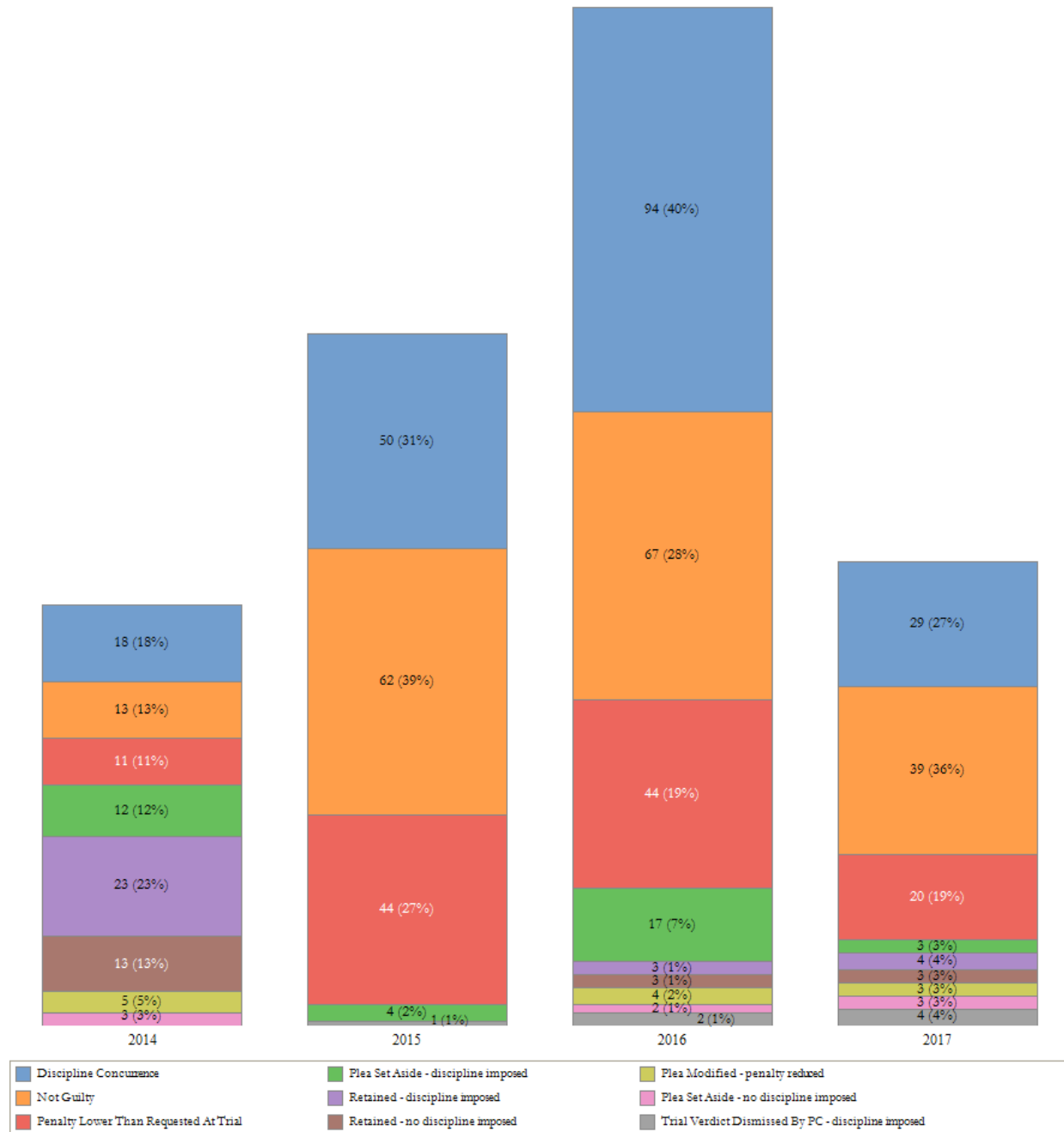
Figure 33: Non-Charges Discipline Rate, 2013-2017



For cases in which Charges and Specifications were recommended by the Board and were subsequently prosecuted by the CCRB's APU, the concurrence rate was 27% in 2017.²⁸ When there is a difference between the

discipline recommended by the APU and the ultimate penalty imposed by the Police Commissioner, the main cause is cases in which the administrative trial resulted in a not guilty verdict (36% of the time, Fig. 34).²⁹

Figure 34: APU Discipline and Penalty Concurrence Rate



²⁸ Cases in which the Police Commissioner modified a plea but increased the penalty are included in the concurrence rate. There were four such cases closed in 2016, and one in 2014.

²⁹ The "Penalty Lower than Requested at Trial" category also includes cases in which the officer was found not guilty of some (but not all) allegations, leading to the overall reduction of penalty.

SECTION 4: MEDIATION

The New York City Charter mandates that the Civilian Complaint Review Board (CCRB) offer mediation as an option for resolving allegations of police misconduct. The goal of the Mediation Program is to allow civilians and officers the chance to voluntarily resolve the issues contained in the complaint by means of informal conciliation.

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

Mediation is complainant-driven and voluntary—a case will only go to the Mediation Unit if the complainant wants to participate in a mediation. Investigators are required to fully describe both the mediation process and the investigative process. After having been provided with both alternatives, the complainant can choose which process they would like to participate in. The complainant must first agree to the mediation before it is presented to the officer as an option. Mediations only take place when both the civilian and officer have voluntarily agreed to mediate the complaint. Further, complainants reserve the right to have the case sent back through the investigations process if they feel unsatisfied by the mediation.

A mediation session ends when all of the involved parties agree that they have had an opportunity to discuss the issues in the case. In the vast majority of cases, the parties resolve the issues raised in the complaint. After a successful mediation, the complaint is

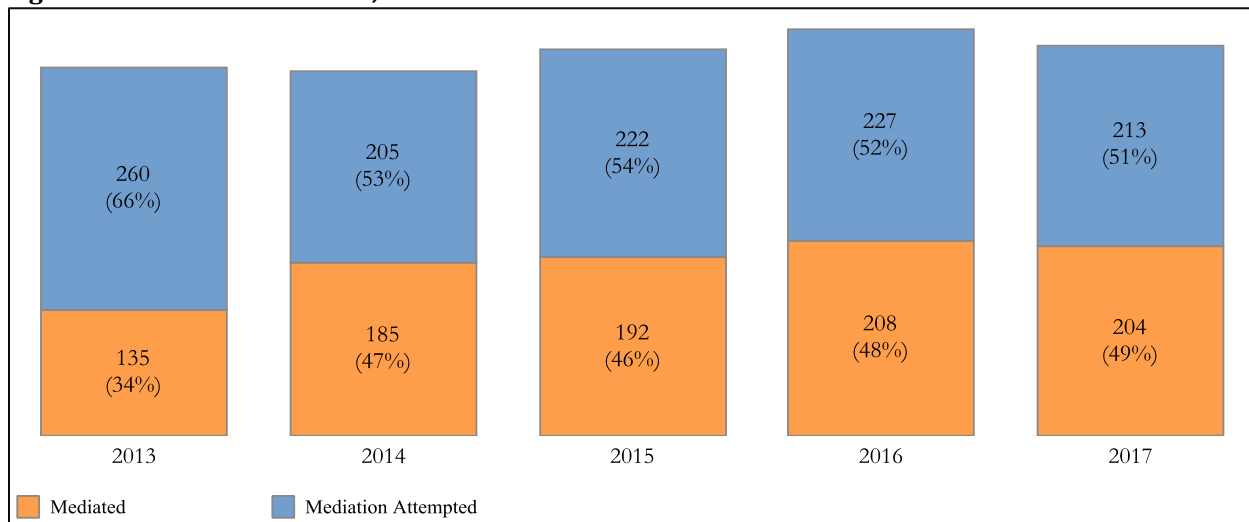
closed as “mediated,” meaning that there will be no further investigation and the officer will not be disciplined. If the mediation is not successful, the case returns to the Investigations Division for a full investigation. Successful mediations can benefit communities because a measure of trust and respect often develops between the parties. That, in turn, can lead to better police-community relations.

The Mediation Unit provides a valuable alternative method for resolving complaints. While an investigation is focused on evidence-gathering, fact-finding, and the possibility of discipline, a mediation session is victim-focused and similar to restorative justice processes. The goal is to foster 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, and quiet space. A trained, neutral mediator contracted by the CCRB guides the session and facilitates a confidential dialogue about the circumstances that led to the complaint.

Since 2009, one of the strategic priorities of the Board has been to strengthen and expand the mediation program.

In 2017, the Mediation Unit successfully mediated 204 cases while 213 cases were closed as “mediation attempted” (Fig. 35). 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 for the scheduled mediation session or fails to respond to attempts to schedule a mediation session, and does not request that the investigation resume. In 2017, 51% of all mediation closures were attempted mediations.

Figure 35: Mediation Closures, 2013–2017



In a similar manner to how the CCRB tracks the number of days to close a full investigation, the Agency also measures the average number of days it takes to close a successfully mediated case. In 2017, it took an average of 100 days to mediate a complaint (Fig. 36).

As noted, mediation is not offered in all cases. Mediation was offered in 40% of cases closed in 2017—the highest percentage of cases in the history of the Mediation Unit (Fig. 37).

Figure 36: Average Days to Successful Mediation, 2013–2017

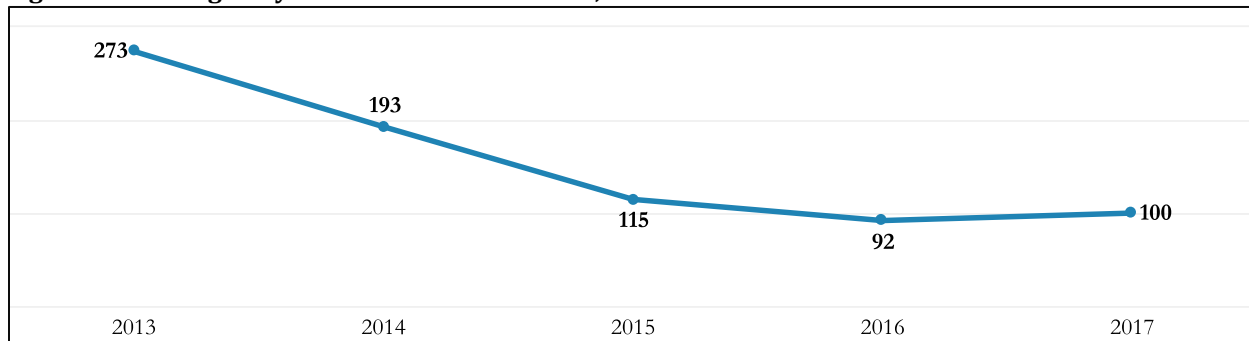
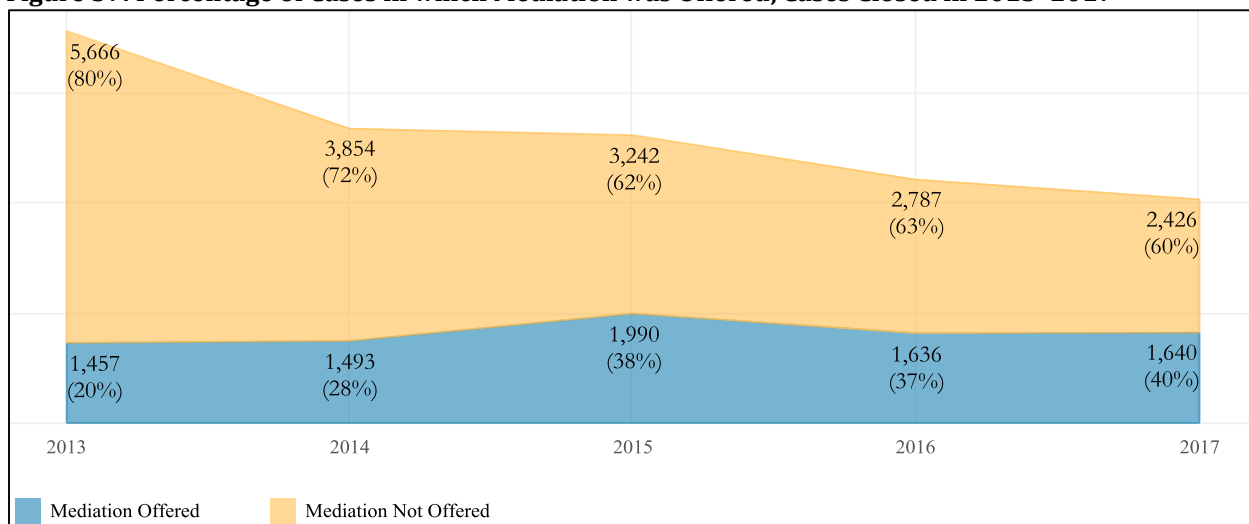


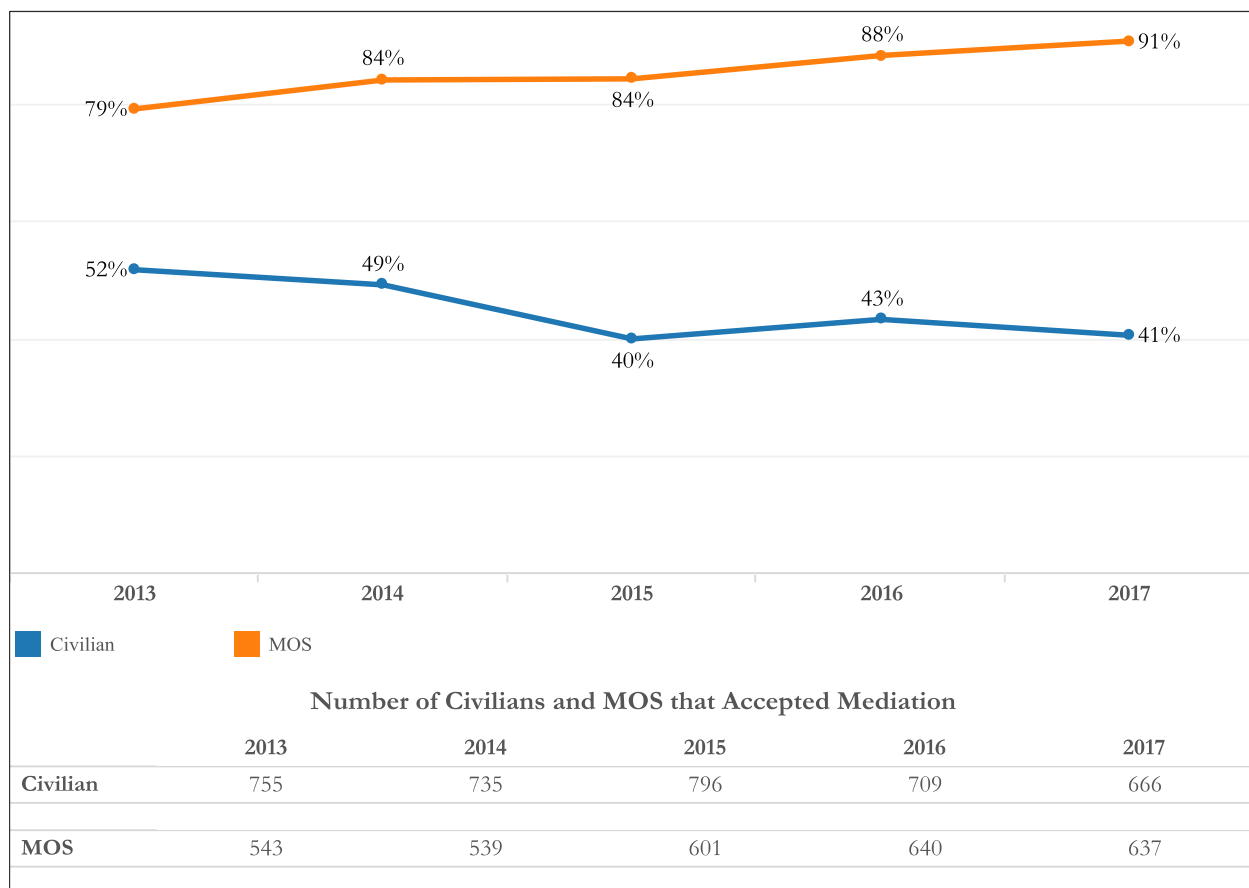
Figure 37: Percentage of Cases in which Mediation was Offered, Cases Closed in 2013–2017



For a mediation to occur, both the complainant and the officer must agree to the session. For cases closed in 2017, the mediation acceptance rate for civilians was

41% (Fig. 38). Officers who were offered the chance to mediate a complaint accepted mediation 91% of the time—an all-time high.³⁰

Figure 38: Civilian and MOS Acceptance of Mediation, Cases Closed in 2013–2017

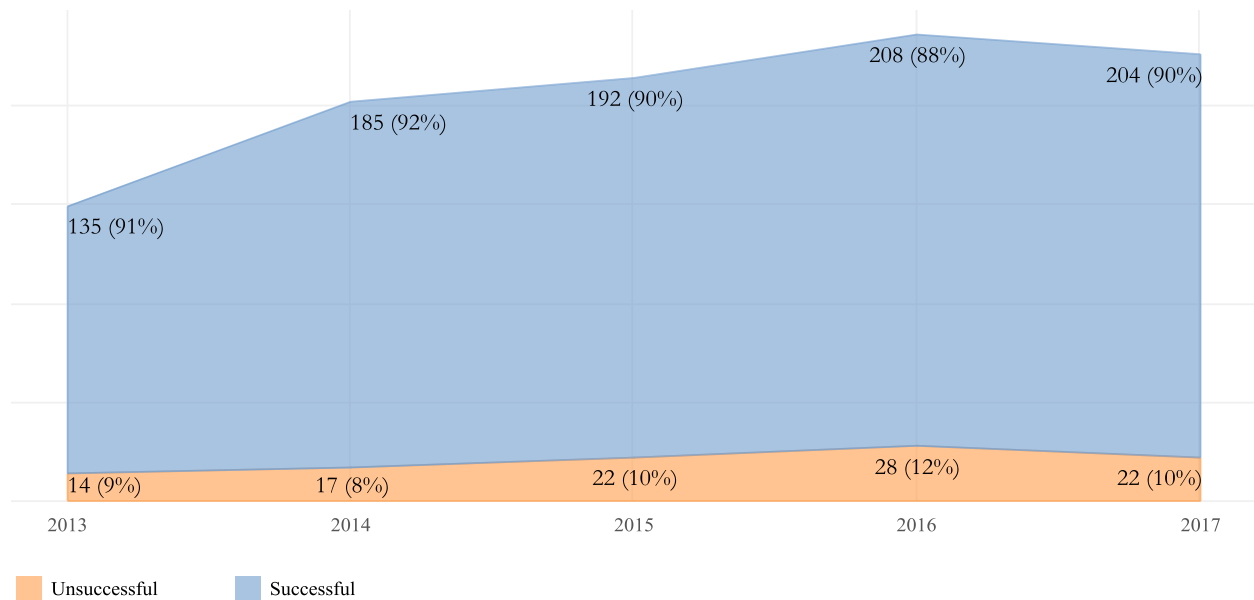


³⁰ Allegations contained in mediated complaints are not reflected in the officer’s NYPD disciplinary record.

When both parties agree to mediate, mediation is a very effective way of resolving complaints and facilitating productive discussion between complainants and officers. In 2017, the Mediation Unit

conducted 226 mediation sessions, resulting in 204 satisfactory resolutions, a 90% success rate (Fig. 39). The remaining 22 complaints were returned to an investigator and closed by the Investigations Division.

Figure 39: Mediation Success Rate, 2013–2017



SECTION 5: RECONSIDERATIONS

CCRB-NYPD RECONSIDERATION PROCESS

Since December 2014, the Civilian Complaint Review Board (CCRB) and the New York City Police Department (NYPD) have engaged in a formal reconsideration process. The CCRB-NYPD reconsideration process allows the Department Advocate's Office (DAO) to request that the Board reconsider its findings and/or discipline recommendations for a previously-substantiated allegation.

To initiate this process, the DAO must write a letter requesting that the Board reconsider the discipline recommendation and/or disposition of an allegation. This does not mean, however, that the Board will automatically reverse its decisions upon the DAO's request. As an independent oversight agency, the CCRB is committed to reversing substantiation decisions only when doing so is in the interest of fairness.

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

- (a) The discipline recommended against any subject officer is determined upon reconsideration to be inappropriate or excessive; and³¹
- (b) There are new facts or evidence that were not previously known to the Board panel, and such facts or evidence could reasonably lead to a different finding or recommendation in the case; or
- (c) There are matters of law which are found to have been overlooked, misapprehended, or incorrectly applied to a particular case by the deciding panel.

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

In 2017, the reconsideration process required that reconsideration requests be submitted to the CCRB within 90 business days of the

Department's receipt of the case. As of February 2018, new Board rules have gone into effect, and that time limit is now 30 business days. However, if there is enough time to reconvene a panel before the Statute of Limitations expires and there are extenuating circumstances, such as a misinterpretation or misapplication of the law or new evidence provided by the Department, the process allows for exceptions, and a panel can be reconvened to reconsider the case. As a matter of practice, if a reconsideration request is submitted after the 30-day deadline and merely requests reconsideration of the CCRB's disciplinary

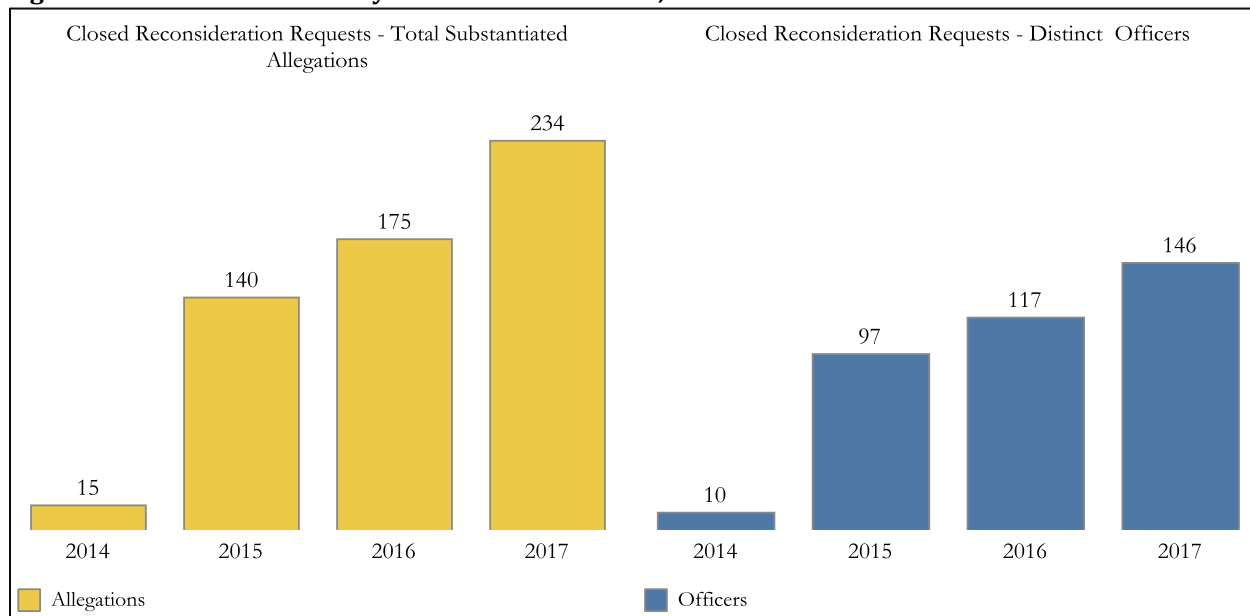
³¹ In some cases, the Board may reconsider a decision based upon additional disciplinary information provided by the NYPD. Board members may consider a MOS' CCRB history when they initially vote, but reconsideration requests typically include a summary of the MOS' entire disciplinary history within NYPD.

recommendation, the CCRB will automatically deny the Department's request.

In 2017, the CCRB closed reconsideration requests for 146 officers, an increase from 117 in 2016 (Fig. 40). Because the

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

Figure 40: Reconsiderations by Reconsideration Date, 2014–2017



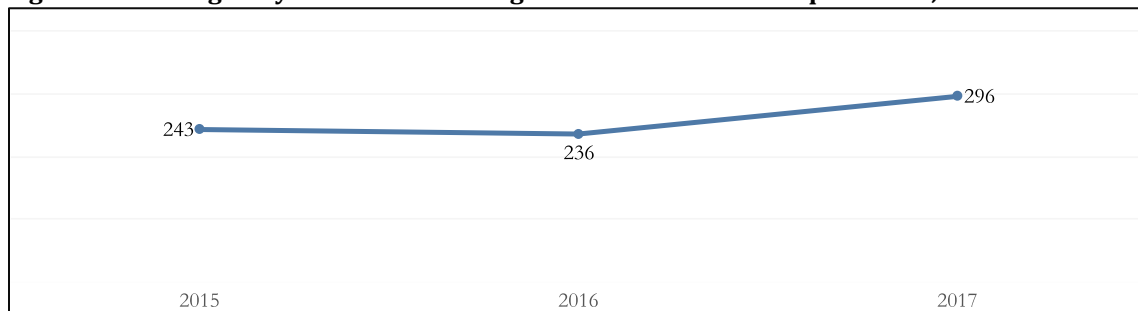
While there is a 30-day deadline for reconsideration requests, the average length of time between the Board's initial decision and the DAO's request for reconsideration was 296 days in 2017 (Fig. 41).³²

A significant difficulty facing the CCRB with respect to the reconsideration process is the time it takes for the DAO to review newly-

substantiated allegations and decide whether or not to request reconsideration by the Board. The DAO continues to process old cases at the same time that it was processing new cases. This, combined with the CCRB's new method of assessing cases received after the expiration of the 30-day period, should reduce the time it takes to complete the review process.

³² Because there are sometimes multiple members of service (MOS) per complaint, as of this Report, the CCRB has begun calculating reconsideration request times by MOS rather than by complaint. This methodological change may impact comparison of past numbers to the numbers included in this report.

Figure 41: Average Days from Case Closing to Reconsideration Request Date, 2015–2017



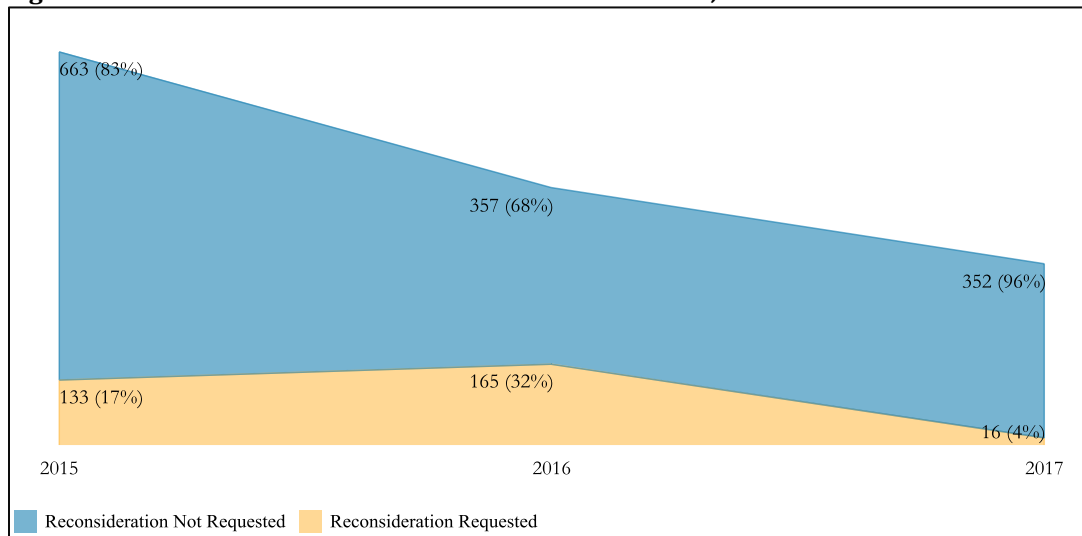
OUTCOME OF RECONSIDERATION REQUESTS

One of the most common questions about the reconsideration process is how many MOS with substantiated allegations have their substantiated allegations reconsidered.

Of the 523 distinct MOS against whom an allegation was initially substantiated in 2016, the Department has thus far requested reconsideration for 165 MOS (32%, Fig. 42). To date, the Department has requested reconsideration for 16 members of service (MOS) against whom an allegation was substantiated in 2017³³, but the Agency expects that figure to rise as more reconsideration requests come in.

Of the 88 MOS whose reconsideration requests were closed in 2017 (a reconsideration request closed in 2017 may have stemmed from a complaint closed in a previous year), the Board downgraded the disposition for seven officers (5%), downgraded the discipline recommendation for seven officers (5%), and maintained the original decision for 13 officers (Fig. 43, 9%). Reconsideration requests for 119 officers (82%) were rejected because 1) they arrived later than the 90-day rule that was in place in 2017, 2) contained no new law or evidence, and 3) requested only a change in disciplinary recommendation rather than a disposition change.

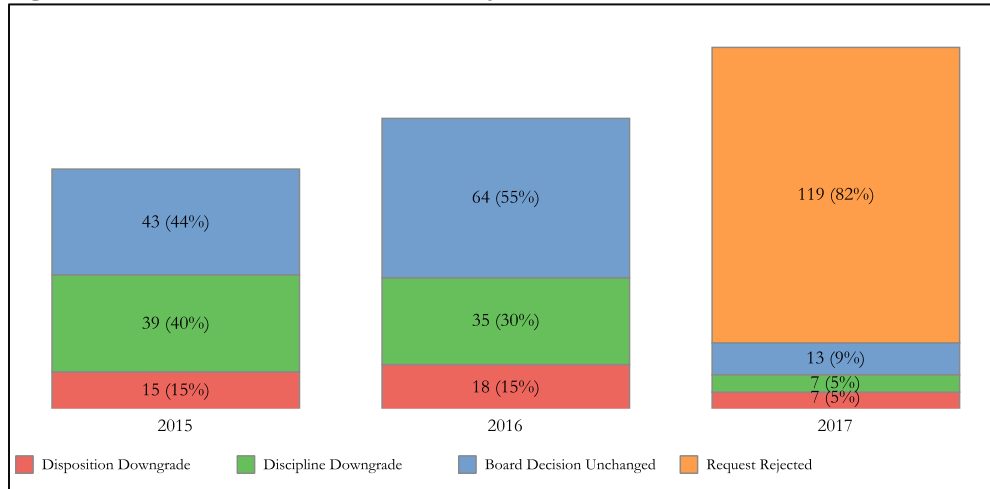
Figure 42: Total MOS Substantiated vs. Reconsidered MOS, 2015–2017³⁴



³³ Because of the time it takes for reconsideration requests to be submitted, complete reconsideration request data about substantiated allegations closed in 2017 is not yet available.

³⁴ Due to the length of time it takes for NYPD to request reconsiderations, the CCRB expects the Reconsideration Requested numbers for cases closed in 2016 and 2017 to rise.

Figure 43: Reconsideration Outcomes by Reconsideration Year 2015-2017



The table in Fig. 44 gives a complete breakdown of the changed Board decisions over the last three years. For example, the first row of the table shows that since the reconsideration process was introduced, the

Board change the vote on substantiated allegations from “Substantiated (Charges)” to “Substantiated (Command Discipline B)” with respect to three MOS (two in 2015 and one in 2016).

Figure 44: Reconsideration Decision Detail, 2015-2017

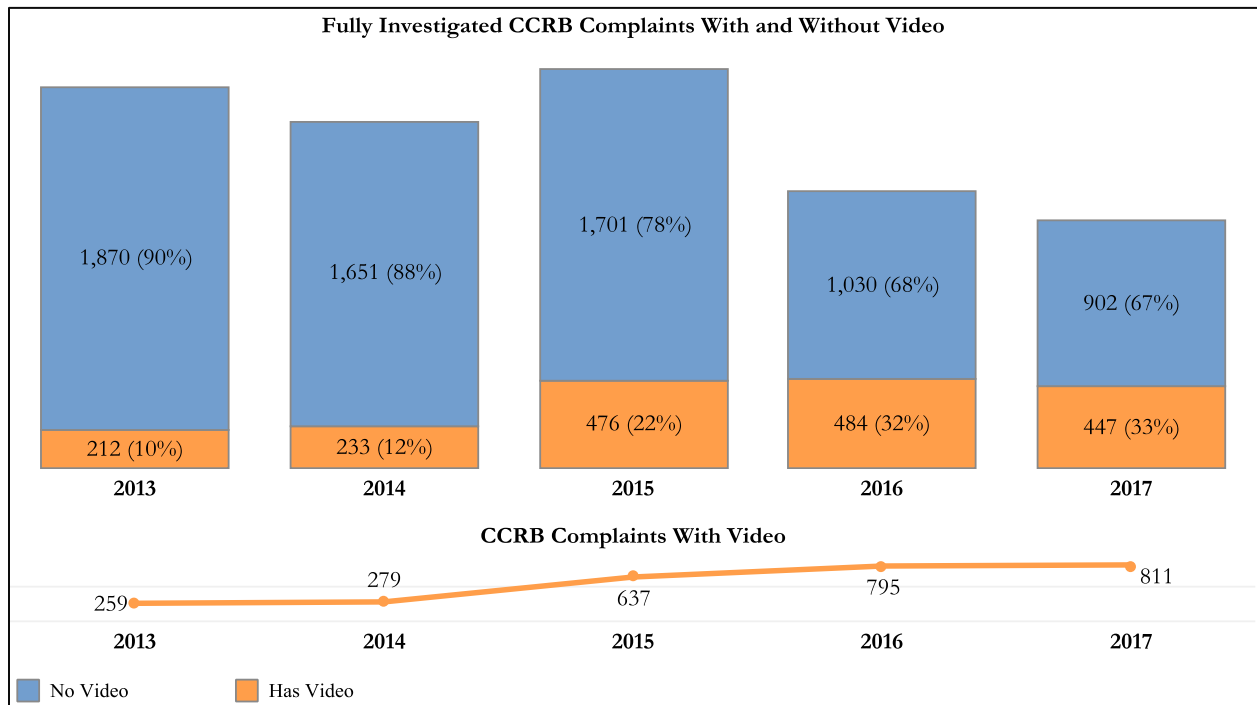
Initial Disposition to Final Disposition (after Reconsideration)	2015	2016	2017
Substantiated (Charges) to Substantiated (Command Discipline B)	2	1	
Substantiated (Charges) to Substantiated (Command Discipline A)	1	1	1
Substantiated (Charges) to Substantiated (Formalized Training)	3	4	
Substantiated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

SECTION 6: THE IMPACT OF VIDEO

Over the last few years, the amount of video evidence collected by the Civilian Complaint Review Board (CCRB) has increased dramatically. In 2013, 10% of the fully

investigated complaints closed included video evidence. In 2017, complaints with video evidence accounted for 33% of the full investigations closed (Fig. 45).

Figure 45: Fully Investigated CCRB Complaints With and Without Video, 2013–2017



CCRB data suggests that video evidence can have an impact on the final outcome of an investigation. In 2017, the Board substantiated 31% of full investigations where there was video evidence as compared to 14% where there was no video evidence (Fig. 46). Video evidence has not only influenced substantiation rates. In 2017, 55% of allegations with video evidence were closed “on the merits” (substantiated, exonerated, or unfounded) compared to 38%

without video.³⁵ Because there may be multiple allegations in a single complaint, the CCRB also tracks allegation closures with and without video. In 2017, 55% of allegations were closed on the merits when the investigation involved video, compared with 43% for those without video (Fig. 47). The availability of video evidence allows for clearer interpretation of circumstances—and thus increases the rate of substantiated, unfounded, and exonerated allegations.

³⁵ Investigations closed “not on the merits” are those closed as unsubstantiated or officer unidentified.

Figure 46: Complaint Closures on the Merits With and Without Video, Full Investigations 2013–2017

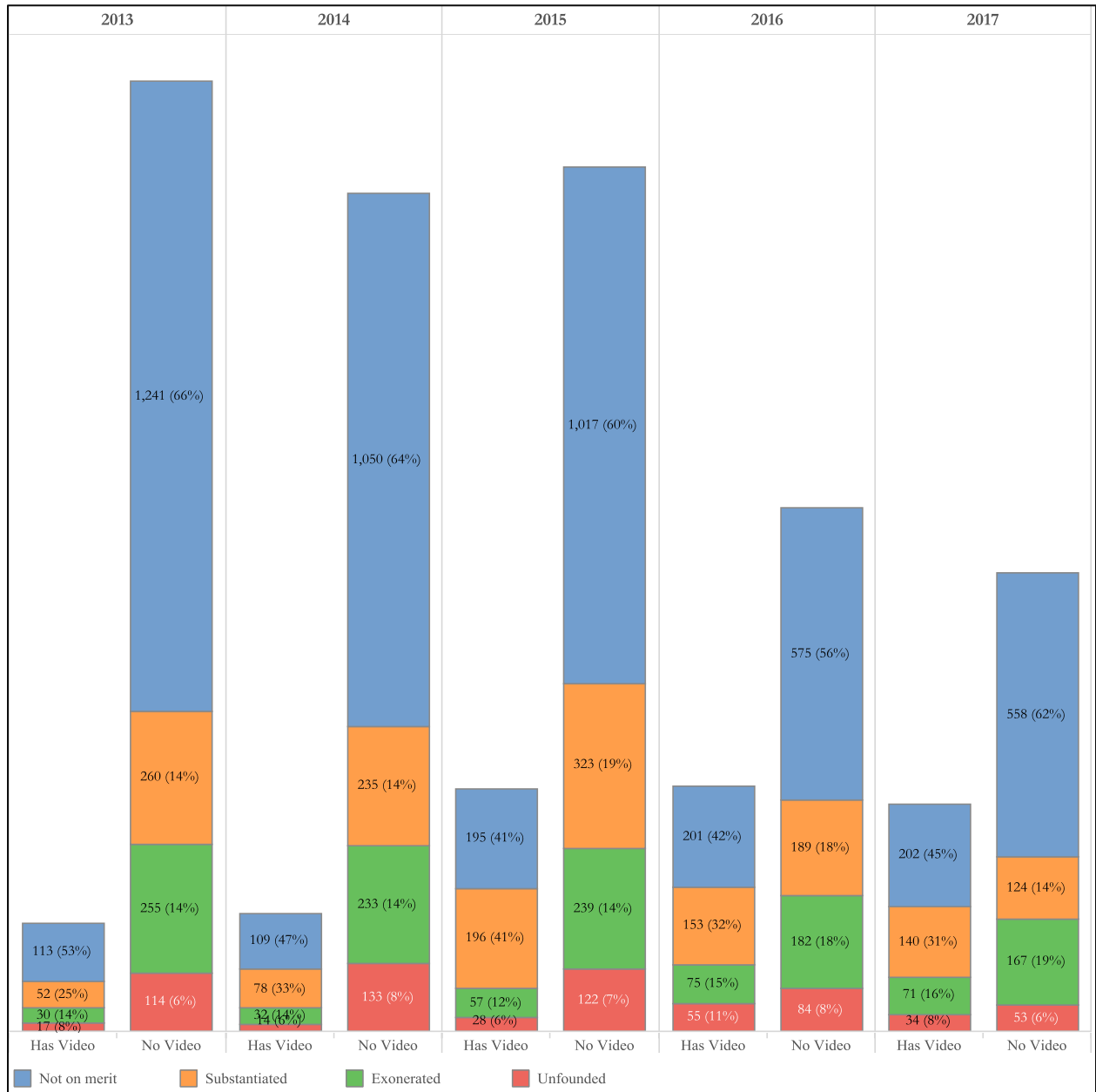
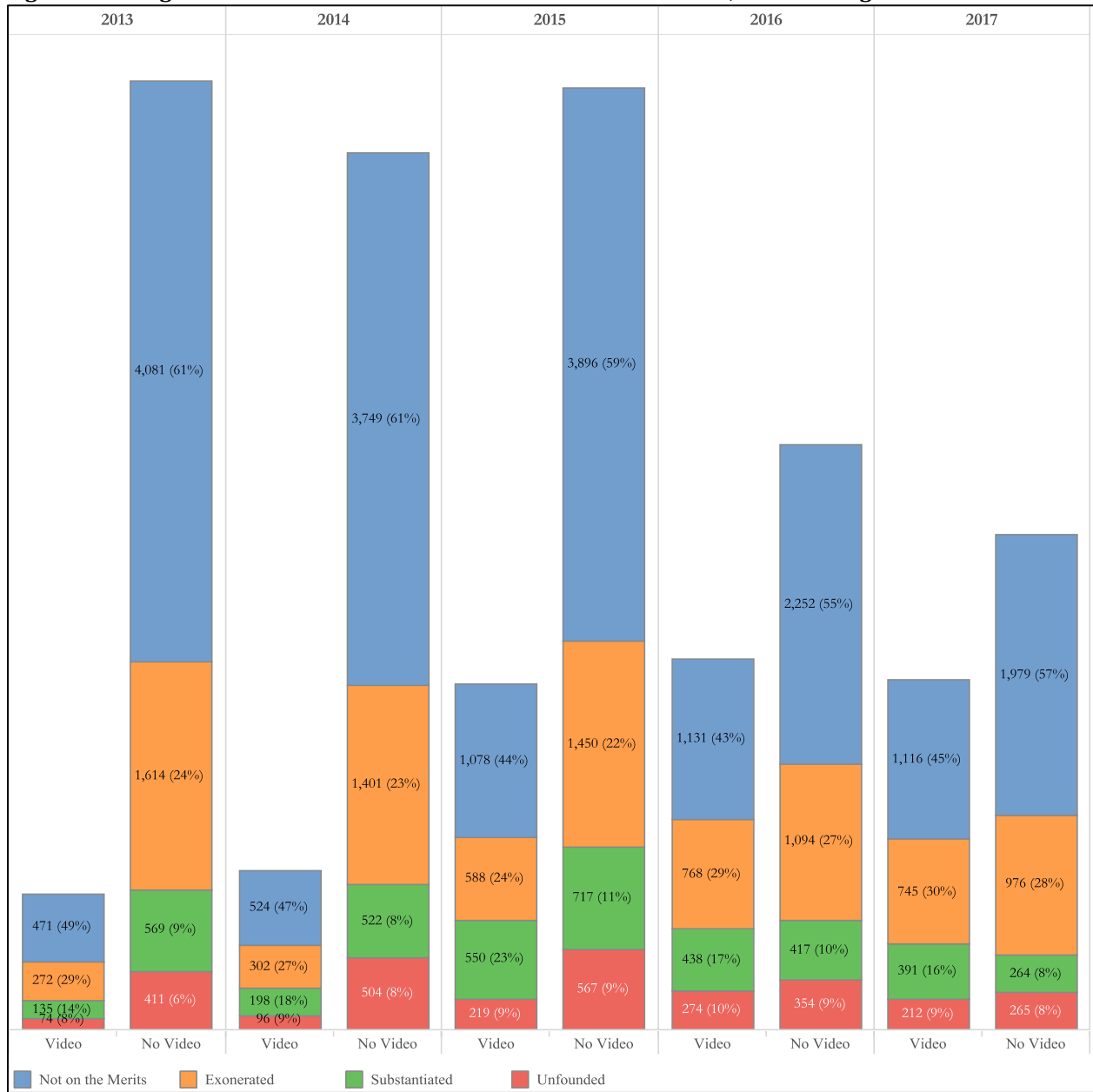


Figure 47: Allegation Closures on the Merits With and Without Video, Full Investigations 2013-2017



Video evidence seems to have the biggest impact on allegations of excessive force, with 64% of allegations closed in 2017 on the merits when video is involved, compared with only 51% when video is not involved (Fig. 48). However, over the past five years, video has played an increasing role in helping the CCRB close offensive language allegations on the merits. In 2017, 33% of allegations of this type were closed in 2017 on the merits with video, compared with 18% without. This is more than double the percentage of

closures on the merits with video compared to 2013's 14%. This is because video provides a crucial component to offensive language allegations: audio. When a CCRB investigator can hear what an officer is saying, clear resolutions of allegations are far easier. With the NYPD's expansion of its body-worn camera initiative, the CCRB expects that cases closed on the merits will rise along with the availability of video evidence of this type.

Figure 48: Allegation Closures on the Merits with and Without Video by FADO, 2013–2017

Board Disposition	2013		2014		2015		2016		2017		
	Video	No Video	Video	No Video	Video	No Video	Video	No Video	Video	No Video	
Force	Not on the Merits	156 38%	855 47%	169 39%	771 46%	320 39%	931 53%	305 38%	456 48%	245 36%	360 49%
	Exonerated	199 49%	750 41%	178 41%	601 36%	273 33%	531 30%	306 38%	310 33%	284 42%	234 32%
	Unfounded	34 8%	193 11%	53 12%	255 15%	113 14%	263 15%	129 16%	157 17%	93 14%	120 16%
	Substantiated	17 4%	28 2%	36 8%	36 2%	121 15%	46 3%	57 7%	24 3%	59 9%	24 3%
Abuse of Authority	Not on the Merits	178 51%	2043 59%	204 45%	2004 61%	457 40%	1942 54%	513 38%	1218 49%	575 42%	1060 51%
	Exonerated	59 17%	821 24%	106 23%	736 22%	289 25%	903 25%	446 33%	778 31%	448 33%	725 35%
	Substantiated	93 27%	489 14%	129 28%	431 13%	343 30%	587 16%	319 24%	358 14%	272 20%	217 10%
	Unfounded	18 5%	103 3%	16 4%	112 3%	53 5%	165 5%	75 6%	117 5%	67 5%	91 4%
Discourtesy	Not on the Merits	113 68%	997 85%	124 64%	822 79%	252 63%	846 81%	273 67%	480 84%	246 71%	460 86%
	Unfounded	20 12%	93 8%	24 12%	103 10%	43 11%	110 10%	61 15%	58 10%	35 10%	38 7%
	Substantiated	19 11%	44 4%	27 14%	46 4%	82 20%	78 7%	57 14%	30 5%	52 15%	17 3%
	Exonerated	14 8%	43 4%	18 9%	64 6%	26 6%	16 2%	16 4%	6 1%	13 4%	17 3%
Offensive Language	Not on the Merits	24 86%	186 86%	27 75%	152 79%	49 78%	177 83%	39 74%	98 78%	50 67%	99 82%
	Unfounded	2 7%	22 10%	3 8%	31 16%	10 16%	29 14%	9 17%	22 18%	17 23%	16 13%
	Substantiated	2 7%	8 4%	6 17%	9 5%	4 6%	6 3%	5 9%	5 4%	8 11%	6 5%

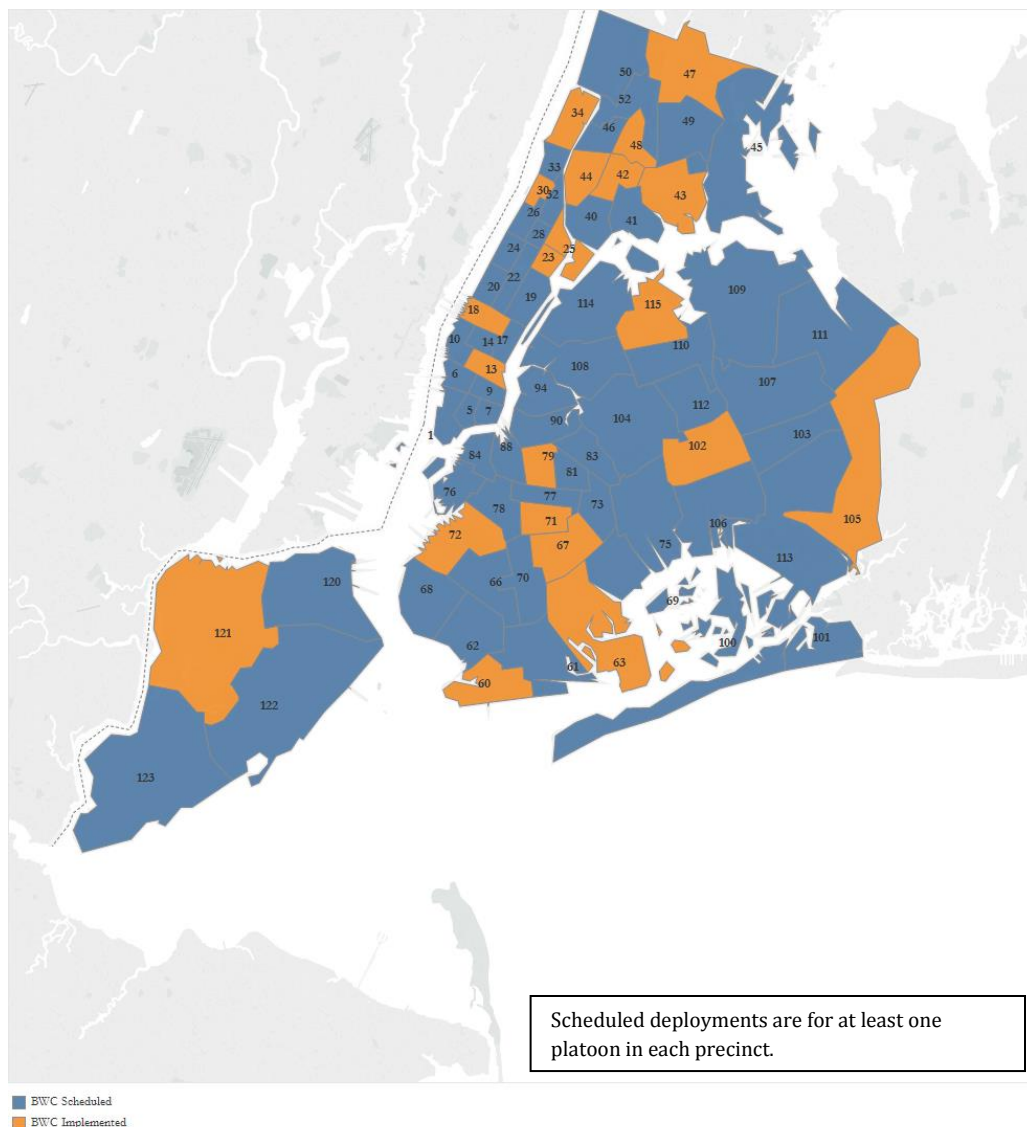
SECTION 7: BODY-WORN CAMERAS

In 2013, Judge Shira Scheindlin of the United States District Court for the Southern District of New York, presiding over *Floyd v. City of New York*, found that the New York City Police Department (NYPD) violated the Fourth and Fourteenth Amendments through its use of stop, question, and frisk practices. The court also found that the NYPD had a “policy of indirect racial profiling” that disproportionately targeted Black and Hispanic individuals for stops. As a result, the court ordered changes to certain policies, practices and training curricula, and appointed a monitor to oversee these

reforms. The court also ordered a one-year Body-Worn Camera (BWC) pilot to determine whether BWCs were effective in reducing unconstitutional stops.

From December 2014 through March 2016, the NYPD conducted a small BWC experiment utilizing 54 volunteer police officers. After reviewing the results of this experiment, the NYPD began the larger-scale court-ordered pilot on a precinct-by-precinct basis starting in April 2017. By January 5, 2018, BWCs had been deployed to 1,448 members of service (MOS) across 21 precincts (Fig. 49).

Figure 49: Deployment of Body-Worn Cameras as of January 5, 2018



The NYPD, in collaboration with the court-appointed monitor, will evaluate its procedures and the effectiveness of the program at the end of its first year, but will continue deployment of BWCs to new precincts while the pilot program is ongoing. It is expected that 18,000 BWCs will be in use by the end of 2018, and that all patrol officers will be equipped with BWCs by the end of 2018.

The NYPD provides informational videos in several languages, including sign language, about the BWC rollout on its website,³⁶ and a copy of the Draft Operations Order governing the use of BWCs is included in Appendix B of the NYPD Response to Public and Officer

Input on the Department's Proposed Body-Worn Camera Policy report.³⁷

The NYPD's rollout of BWCs presents both an opportunity and a challenge for the work of the CCRB. Footage from BWCs has the potential to improve investigations, helping to definitively resolve a large number of complaints that might otherwise be closed as unsubstantiated or officer unidentified.

If the procedure through which the CCRB gains access to BWC footage is cumbersome and slow, the Agency's ability to investigate complaints in a timely manner could be greatly hampered. Broad restrictions in gaining access to BWC footage will also significantly compromise the integrity of CCRB's investigations.

At present, the CCRB gains access to BWC footage as follows:

1. If a misconduct complaint stems from a precinct in which BWCs have been deployed, the CCRB investigator submits a records request to IAB for BWC footage.
2. IAB forwards the request to the Body-Worn Camera (BWC) Unit of the NYPD Legal Bureau, which is responsible for approving the request and locating the footage.³⁸
3. Once the Legal Bureau has approved the request and located the BWC footage, the video is sent back to the IAB, which then uploads the footage to a network drive shared with the CCRB.
4. The CCRB downloads the footage from the shared network drive and forwards it to the investigator.
5. If, upon examination, the BWC footage reveals the existence of additional BWCs on the scene that were not covered in the initial request, the CCRB investigator must submit a new request specifying the additional BWC footage that is needed.

In 2017, the CCRB requested BWC footage in 165 complaints. Currently, it takes an average of 6.6 business days for the CCRB to receive BWC footage from the NYPD. Although the BWC deployment is still in its infancy, and the

footage-access procedures are still a work in progress, the Agency is concerned that request response times will lengthen rather

³⁶ <http://www1.nyc.gov/site/nypd/about/about-nypd/equipment-tech/body-worn-cameras.page>

³⁷ http://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/body-worn-camera-policy-response.pdf

³⁸ For the majority of 2017, IAB forwarded requests to the NYPD Risk Management Bureau (RMB). Beginning in early October 2017, the NYPD changed the protocol to have the BWC Unit begin handling requests and searches for footage.

than shorten as the volume of footage requests greatly increases throughout 2018.

The CCRB is working with the NYPD to streamline the access procedure. The CCRB believes that the continued effectiveness of its investigations involving BWCs depends upon CCRB's ability to obtain footage relevant to its investigations directly from the NYPD's BWC video storage systems. Direct access to BWC video for oversight agencies is already standard in some police departments,

including in Washington D.C. Such access can take any number of forms, from remote access to footage databases, to a limited number of police-owned computer servers set up in oversight agencies, to oversight investigators going directly to police headquarters or precincts to conduct searches. Direct access to BWC footage in some form, with appropriate safeguards, will lead to faster and more thorough CCRB investigations, which is vital to ensuring the public's confidence in the Agency's work.

SECTION 8: OUTREACH

Over the past several years, the Civilian Complaint Review Board (CCRB) has sought to increase the scope and scale of its Outreach program to raise awareness of the Agency's mission and foster the trust of both the public and members of service (MOS) in the CCRB's investigative process. With dedicated funding from the Mayor and City Council, the Outreach Unit expanded from one person to a staff of six people by the end of 2017. The CCRB now has one outreach coordinator for each borough to act as that borough's 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 other groups, in all five boroughs. The Unit's outreach presentations provide an overview of the complaint process, explain the basic

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

In 2017, staff members delivered 828 presentations (Fig. 50). The Outreach Unit has made presentations to a large variety of audiences including: high school students, immigrant populations, precinct community council meeting attendees, probationary groups, homeless service organizations, formerly incarcerated individuals, NYCHA residents, and lesbian, gay, bisexual, transgender, and queer (LGBTQ) groups (Fig. 51). Most presentations were given at community events (43%), followed by institutions of higher education (10%).

In 2017, Outreach made presentations in all five boroughs, reaching much of the City's diverse demographic. The most presentations were made in Brooklyn (276), followed by Manhattan (236).

Figure 50: Number of Outreach Events, 2013–2017

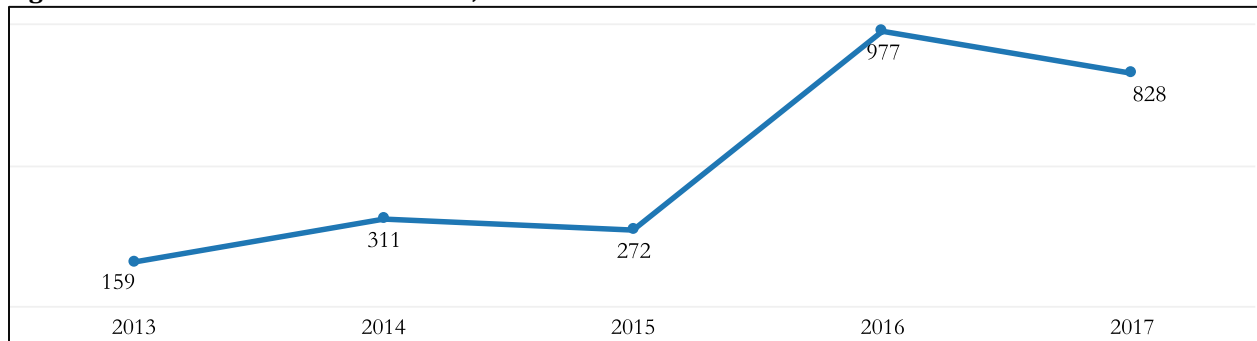


Figure 51: Outreach Events by Specific Organization Type, 2017

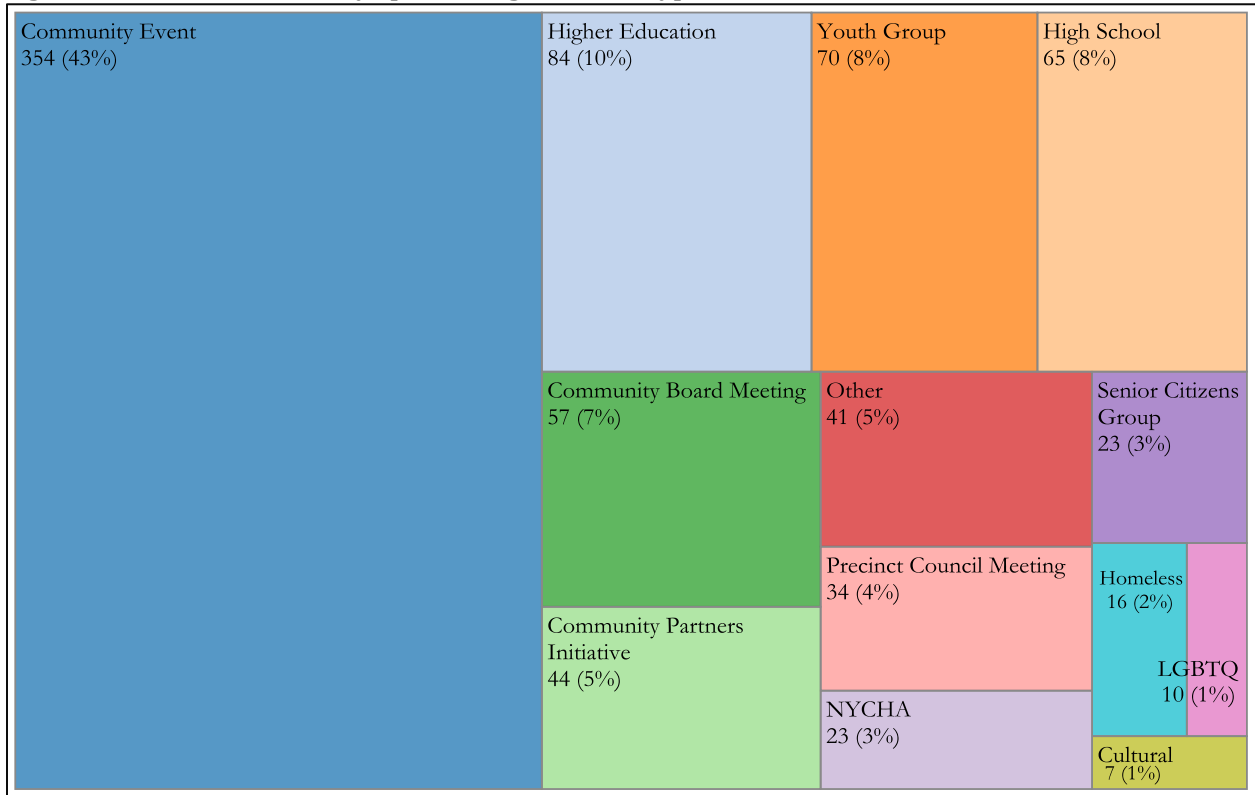
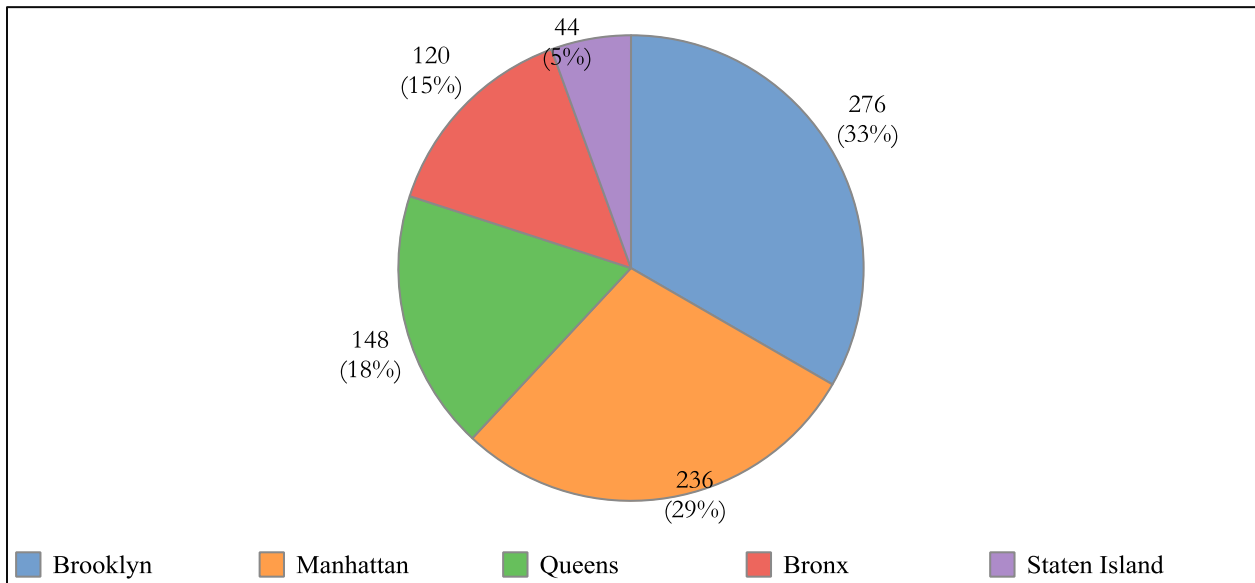


Figure 52: Outreach Events by Borough, 2017



SECTION 9: NEW INITIATIVES

The Civilian Complaint Review Board (CCRB) always strives to improve its responsiveness and effectiveness, and 2017 has been an important year for the Agency. In 2016, the CCRB introduced its Data Transparency Initiative, greatly expanded its outreach and training efforts, and worked to ensure quality and uniformity in its investigative practices.

Data Transparency Initiative

In 2016, the CCRB set a national benchmark for transparency by becoming the first major police oversight organization in the United States to make key complaint data available to the public. The Agency continued this work in 2017 with its web-based Data Transparency Initiative (DTI), which presents descriptive data on four main areas of the Agency's work: 1) Complaints, 2) Allegations, 3) Victims and Alleged Victims, and 4) Members of Service (MOS). By utilizing over 10 years of data from more than 67,000 complaints of police misconduct, the CCRB has created 50 distinct data visualizations, all of which are publicly accessible on the Agency's website, and each of which provides comprehensive information on more than 198,000 misconduct allegations. In addition, the data pertaining to all complaints and allegations closed since 2006 is available to download. Finally, in order to ensure that the DTI remains responsive to the community's needs, the website provides a public feedback form, allowing the CCRB to continue to incorporate public input.

Outreach

In 2017, the Outreach Unit expanded its efforts by developing targeted approaches to communities in New York City.

The Outreach Unit began a pilot program in partnership with Phipps Neighborhoods Soundview Cornerstone Program in the Bronx. Working closely with John Campos, Director of Soundview Cornerstone, the department developed a curriculum specifically targeting middle school and high school students as to the role of CCRB in the community. A fully implemented plan is set to roll out in 2018 and will include facilitated workshops, interactive activities and the use of multimedia to better engage youth throughout New York City.

In partnership with Generation Citizen, an organization that empowers youth through civic engagement, the CCRB hosted three high school Community Change Fellows for eight weeks. Outreach coordinators tailored an enriching internship program in which young fellows led CCRB presentations in the community, directly interacted with residents and community organizations, attended Administrative Prosecution Unit trials, and gained invaluable professional work experience.

The CCRB hosted a Dominican Heritage Breakfast in February and a South Asian Dinner in June that informed leaders about the structure and function of the Agency and served as a forum for CCRB Board members and executive staff to hear insights on improving relations in those respective communities.

In addition to conducting outreach presentations, the Outreach Unit expanded its role to include intergovernmental affairs. The CCRB remains dedicated to conducting hundreds of interactive and informative workshops throughout the five boroughs while building strategic partnerships with city agencies, educators, and service providers to better serve New York City's various populations.

Training Unit

The CCRB employs more than 80 investigators, each of whom is responsible for a sizeable caseload of police misconduct complaints. The CCRB's Training Unit is tasked with teaching and reinforcing investigative skills and technique throughout investigators' tenure at the CCRB. All new investigators participate in a comprehensive, multi-week, in-house training program that utilizes multiple teaching modalities and techniques consistent with best practices in facilitating adult learning. New investigators are introduced to key concepts and taught to execute investigative tasks through a combination of substantive lectures, readings and other assignments. Throughout the New Investigator Training program, trainees participate in individual and group simulations, and exercises designed to replicate scenarios that investigators will be faced with during their own investigations. Trainees also shadow and observe experienced investigators, and report to the class on these observations through frequent structured debriefing and reflection. The New Investigator Training program covers all aspects of the job in which investigators are expected to be proficient through the duration of their probationary period and beyond, including field work, forensic interviewing skills, video analysis, search and seizure doctrine, use of force doctrine, legal research and analysis, and much more.

In addition, the Training Unit facilitates on-going training and professional development programs for experienced investigators. This continued training reinforces and supplements the new investigator training curriculum as well as the lived experiences of CCRB investigators. Content is approached in a progressively more sophisticated manner appropriate for investigators' levels of experience. The Training Unit also collaborates with the New York Police Department (NYPD) so that CCRB investigators have opportunities to gain insight into how MOS are trained. This perspective provides valuable context for investigators when evaluating complaints against MOS.

Finally, the Training Unit regularly hosts external speakers to share their expertise with the CCRB's staff. These guest presenters include noted academics, activists, scholars, thinkers, and practitioners with expertise in policing, forensics, investigative skills, police-community relations, criminal justice, civil rights, implicit bias, cultural competency, mental health, and many other areas. These outside speakers serve the dual function of providing concrete and practical instruction related to investigators' day-to-day work as well as broadening investigators' perspectives about the many ways that the CCRB's work intersects with a range of other issues in the lives of individuals and communities most directly impacted by policing practices.

2017 Policy Reports & Forthcoming 2018 Policy Reports

Throughout the year, the Civilian Complaint Review Board (CCRB) issues monthly, semi-annual, and annual reports to fulfill its mandate to inform the public and New York City elected officials about the Agency's operations, complaint activity, case dispositions, and Police Department discipline.

The CCRB also issues special subject reports on points of interest concerning New York Police Department (NYPD) policies, procedures, and training. In 2016, the CCRB issued two such ad hoc reports, both of which are available on the Agency's website.³⁹

³⁹ <http://www1.nyc.gov/site/ccrb/policy/issue-based-reports.page>

In June 2017, the CCRB released “Worth a Thousand Words: Examining Officer Interference in Civilian Recordings of Police.” The Agency’s report, published in June 2017, examined CCRB complaints from civilians who had reported that officers had interfered with their ability to record police activity.

In 2018, the CCRB plans to release an update to its October 2016 Taser report, “Tasers: An Evaluation of Taser-Related Complaints from January 2014 Through December 2015.” In addition, the Agency has plans to release reports on NYPD’s use of body-worn cameras, allegations of officers’ sexual misconduct, and police interactions with the New York City homeless population and young people.

BACKGROUND OF THE CCRB AND GLOSSARY

The Charter of the City of New York established the CCRB and empowered it to receive and investigate complaints from members of the public concerning misconduct by officers of the NYPD. The CCRB is required to conduct its investigations “fairly and independently, and in a manner in which the public and the police department have confidence.” Under the City Charter, the CCRB has jurisdiction to investigate the following categories of police misconduct: **Force**, **Abuse of Authority**, **Discourtesy**, and **Offensive Language**, collectively known as **FADO**. The CCRB 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 is considered 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 13 members all appointed by the Mayor. The City Council designates five Board members (one from each borough); the Police Commissioner designates three; and the Mayor designates five, including the Chair of the Board. Under the New York City Charter, the Board must reflect the diversity of the City’s residents and all members must live in New York City. No member of the Board may have a law enforcement background, except those designated by the Police Commissioner, who must have had a law enforcement vocation. No Board member may be a public employee or serve in public office. Board members serve three-year terms, which can be and often are renewed.

The **Executive Director** is appointed by the Board and is the Chief Executive Officer, who is responsible for managing the day-to-day operations of the Agency and overseeing its 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, for which the Board has substantiated misconduct and recommended discipline in the form of Charges and Specifications, are prosecuted by a 16-member **Administrative Prosecution Unit (APU)**. The APU began operating in April 2013, after the CCRB and the NYPD signed a **Memorandum of Understanding (MOU)** establishing the unit. The prosecutors within the Unit are responsible for prosecuting, trying, and resolving 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. A complainant may **mediate** his or her case with the subject officer, in lieu of an investigation, with the CCRB providing a neutral, third-party mediator. The **Outreach and Intergovernmental Affairs Unit** acts as a liaison with various entities, and is responsible for intergovernmental relations, outreach presentations, and community events throughout the five boroughs 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 officers who witnessed or were present for the alleged misconduct are

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

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

During an **investigation**, the CCRB's civilian investigators gather documentary and video evidence and conduct interviews with complainants, victims, civilian witnesses, subject officers, and witness officers in order to determine whether the allegations occurred, and whether they constitute misconduct. At the conclusion of the investigation, a **closing report** is prepared, summarizing the relevant evidence and providing a factual and legal analysis of the allegations. The closing report and investigative file are provided to the Board 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 officer(s).

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 it was proven by a preponderance of evidence that the alleged acts occurred and they constituted misconduct. Exonerated cases are those where it was shown by a preponderance of the evidence that the alleged acts occurred, but they 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 an act of misconduct occurred. In many cases, the CCRB is unable to conduct a full investigation or mediation and must **truncate** the case.⁴⁰

⁴⁰ Fully investigated cases comprise complaints disposed of as substantiated, unsubstantiated, exonerated, unfounded, officers unidentified, or miscellaneous. Miscellaneous cases are those where an officer retires or leaves the Department before the Board receives the case for decision. Truncated cases are disposed of in one of the following ways: complaint withdrawn, complainant/victim uncooperative, complainant/victim unavailable, and victim unidentified.

NEW YORK CITY CHARTER

Chapter 18-A

Civilian Complaint Review Board

§ 440 Public complaints against members of the police department.

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

(b) Civilian complaint review board.

1. The civilian complaint review board shall consist of thirteen members of the public appointed by the mayor, who shall be residents of the city of New York and shall reflect the diversity of the city's population. The members of the board shall be appointed as follows: (i) five members, one from each of the five boroughs, shall be designated by the city council; (ii) three members with experience as law enforcement professionals shall be designated by the police commissioner; and (iii) the remaining five members shall be selected by the mayor. The mayor shall select one of the members to be chair.

2. No member of the board shall hold any other public office or employment. No members, except those designated by the police commissioner, shall have experience as law enforcement professionals, or be former employees of the New York City police department. For the purposes of this section, experience as a law enforcement professional shall include experience as a police officer, criminal investigator, special agent, or a managerial or supervisory employee who exercised substantial policy discretion on law enforcement matters, in a federal, state, or local law enforcement agency, other than experience as an attorney in a prosecutorial agency.

3. The members shall be appointed for terms of three years, except that of the members first appointed, four shall be appointed for terms of one year, of whom one shall have been designated by the council and two shall have been designated by the police commissioner, four shall be appointed for terms of two years, of whom two shall have been designated by the council, and five shall be appointed for terms of three years, of whom two shall have been designated by the council and one shall have been designated by the police commissioner.

4. In the event of a vacancy on the board during the term of office of a member by reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

(c) Powers and duties of the board.

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of Force, Abuse of Authority, Discourtesy, or use of Offensive Language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefore, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded

or withdrawn complaints be the basis for any such finding or recommendation.

2. The board shall promulgate rules of procedure in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which a member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of complaints, and to hear, make findings and recommend action on such complaints. No such panel shall consist exclusively of members designated by the council, or designated by the police commissioner, or selected by the mayor.

3. The board, by majority vote of its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints submitted pursuant to this section.

4. The board shall establish a mediation program pursuant to which a complainant may voluntarily choose to resolve a complaint by means of informal conciliation.

5. The board is authorized, within appropriations available therefore, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all complaints.

6. The board shall issue to the mayor and the city council a semi-annual report which shall describe its activities and summarize its actions.

7. The board shall have the responsibility of informing the public about the board and its duties, and shall develop and administer an on-going program for the education of the public regarding the provisions of this chapter.

(d) Cooperation of police department.

1. It shall be the duty of the police department to provide such assistance as the board may reasonably request, to cooperate fully with investigations by the board, and to provide to the board upon request records and other materials which are necessary for the investigation of complaints submitted pursuant to this section, except such records or materials that cannot be disclosed by law.

2. The police commissioner shall ensure that officers and employees of the police department appear before and respond to inquiries of the board and its civilian investigators in connection with the investigation of complaints submitted pursuant to this section, provided that such inquiries are conducted in accordance with department procedures for interrogation of members.

3. The police commissioner shall report to the board on any action taken in cases in which the board submitted a finding or recommendation to the police commissioner with respect to a complaint.

(e) The provisions of this section shall not be construed to limit or impair the authority of the police commissioner to discipline members of the department. Nor shall the provisions of this section be construed to limit the rights of members of the department with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law or otherwise.

(f) The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of members of the department for violations of law by any court of competent jurisdiction, a grand jury, district attorney, or other authorized officer, agency or body.

BOARD MEMBERS

MAYORAL DESIGNEES

Fred Davie, Acting Chair of the Board

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

Angela Fernández, Esq.

Angela Fernández is the Executive Director and Supervising Attorney of the Northern Manhattan Coalition for Immigrant Rights. Ms. Fernández is a first-generation Dominican whose mother migrated to the United States from Baitoa of Santiago de los Caballeros, Dominican Republic. She brings to the Board 20 years of experience in law, media, non-profit management, government, policy development, and advocacy. Her legal experience has been primarily focused on representing and advocating for immigrants and refugees in the United States and abroad. Ms. Fernández founded and managed elementary schools in the South Bronx and in Washington D.C., taught Women's Studies in Spanish to female detainees at Rikers Island Correctional Center, and was a staffer for U.S. Senator Bill Bradley and District Chief of Staff for U.S. Representative Jose Serrano. Ms. Fernández co-led the effort to end New York State's participation in the Secure Communities program, and co-developed the first-in-the-nation universal court-appointed representation program for detained immigrants. She is Chair of the Dominican Day Parade, an Executive Committee Member of the New York Immigration Coalition, and an Executive Committee Member of CommonWise Education. Fernandez is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

J.D., Columbia University School of Law; B.A., Boston University

John Siegal, Esq.

John Siegal is a partner in BakerHostetler, a national business law firm, where he handles litigation, arbitrations, and appeals for clients in the financial services, media, and real estate industries. Mr. Siegal's practice also includes constitutional rights, civil rights, Article 78, and other cases against government agencies. He has been admitted to practice law in New York since 1987. Mr. Siegal's public service experience includes working as an Assistant to Mayor David N. Dinkins and as a Capitol Hill staff aide to Senator (then Congressman) Charles E. Schumer. Throughout his legal career, Mr. Siegal has been active in New York civic, community, and political affairs. Mr. Siegal is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

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

CITY COUNCIL DESIGNEES

Joseph A. Puma

Joseph A. Puma's career in public and community service has been exemplified by the various positions he has held in civil rights law, community-based organizations, and local government. As a paralegal with the NAACP Legal Defense and Education Fund, Mr. Puma handled cases involving criminal justice, voting rights, employment discrimination, and school desegregation. Prior to joining NAACP LDF, he worked for over six years at the NYC Office of Management and Budget, where he served in roles in intergovernmental affairs, policy, and budget. From 2003 to 2004, he served as a community liaison for former NYC Council Member Margarita López. Since 2007, Mr. Puma has been involved with Good Old Lower East Side (GOLES), a community organization helping residents with issues of housing, land use, employment, post-Sandy recovery and long-term planning, and environmental and public health. A lifelong City public housing resident, Mr. Puma currently serves on GOLES's Board of Directors, and has participated in national public housing preservation efforts. Mr. Puma is a city council designee to the Board first appointed by Mayor Michael Bloomberg and reappointed by Mayor Bill de Blasio.

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

Ramon A. Peguero, Esq.

Ramon A. Peguero is the Executive Director of Southside United HDFC (Los Sures), the largest multi-service organization in Williamsburg, Brooklyn focused on developing affordable housing, preventing tenant displacement, running a senior center and food pantry, and managing affordable housing projects. His organization currently works with over 6,000 neighborhood residents. Ramon spent 15 years working in grassroots organizations that tackled the most challenging issues facing low income residents in New York: HIV and AIDS awareness, child and substance abuse, child development issues, and health and nutrition education. Mr. Peguero also serves on the boards of several organizations focused on enhancing the lives of New Yorkers. He is a mayoral appointee to the Board of Directors of the Brooklyn Navy Yard Development Corporation; founder and director of an annual community Thanksgiving Dinner; founder and director of an Annual Dominican Independence Day Celebration; Board Chair of Nuestros Niños Preschool Center; and was the first President of the Community Education Council (formerly the School Board); and past Board Member of Brooklyn Legal Services Corp. A. Mr. Peguero is a city council designee to the Board appointed by Mayor Bill de Blasio.

J.D. CUNY School of Law, Queens College; M.A., Metropolitan College; B.A., Stony Brook University, State University of New York

Marbre Stahly-Butts, Esq.

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

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

Michael Rivadeneyra, Esq.

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

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

POLICE COMMISSIONER DESIGNEES

Lindsay Eason

Lindsay Eason currently works as Director of Field Operations for Grand Central Partnership, a not-for-profit organization. From 2011-2012, 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 Sherriff in 2002, where he developed and implemented SherriffStat, leading to new procedures that promoted greater accountability and professional development. Mr. Eason began his career in law enforcement as a uniformed member of the NYPD. Mr. Eason is a police commissioner designee the Board appointed by Mayor Bill de Blasio.

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

Salvatore F. Carcaterra

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

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

Frank Dwyer

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

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

EXECUTIVE AND SENIOR STAFF

Executive Staff

Executive Director: Jonathan Darche, Esq.

Senior Advisor & Secretary to the Board: Jerika L. Richardson

General Counsel: Matt Kadushin, Esq.

Chief Prosecutor: Andrea Robinson, Esq.

Co-Chief of Investigations: Chris Duerr

Co-Chief of Investigations: Winsome Thelwell

Deputy Executive Director of Administration: Jeanine Marie

Senior Staff

Deputy Chief of Investigations: Dane Buchanan

Deputy Chief Prosecutor: Suzanne O'Hare, Esq.

Deputy Director of Human Resources: Naeem Pervaiz

Director of Case Management: Eshwarie Mahadeo

Director of Communications: Vincent Paolo Villano

Director of Data Processing: Lincoln MacVeagh

Director of Information Technology: Carl Esposito

Director of Intake and Field Evidence Collection Unit: Jacqueline Levy

Director of Mediation: Lisa Grace Cohen, Esq.

Director of NYPD Relations: Jayne Cifuni

Director of Operations and Budget: David B. Douek

Acting Director of Outreach and Intergovernmental Affairs: Yojaira Alvarez

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

Director of Quality Assurance and Quality Improvement: Nicholas Carayannis

Director of Training: Monte Givhan

“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)



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

nyc.gov/ccrb

twitter.com/ccrb_nyc