

March 2022

Funding for Staff at City’s Police Review Agency Meets Mandated Level, But Many Positions Vacant

Two years ago voters approved a revision to the City Charter requiring that funding for staff at the Civilian Complaint Review Board (CCRB)—the city agency charged with investigating police misconduct—be tied to the number of uniformed police officers in the city. After a reduction of three positions at the CCRB as part of the Adams Administration’s Program to Eliminate the Gap, the Preliminary Budget includes funding for 265 CCRB staff, which exceeds that Charter-mandated requirement. Current headcount data show, however, that about a quarter of the budgeted positions at CCRB are vacant—meaning in terms of actual staffing—the ratio of CCRB staff to uniformed police is below what is defined in the City Charter.¹ In addition, data released by the city show that the time that it takes CCRB to complete its investigations of police misconduct has ballooned this fiscal year, although this is largely due to pandemic-related delays, according to the CCRB.

Growing Responsibilities for CCRB, But Many Vacant Positions. The CCRB is an independent city agency that investigates allegations of unnecessary use of force, abuse of authority, discourtesy, or other complaints against NYPD uniformed personnel (i.e., police officers, including plain clothes, and those of higher rank). In November 2019, voters approved a revision to the City Charter requiring that the CCRB be funded to allow for a staffing level equal to at

least 0.65 percent of the total budgeted NYPD uniformed staffing. This translates into roughly one CCRB staff member at the review board for every 154 NYPD personnel at the rank of police officer or above.

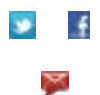
The current financial plan includes funding for 35,030 uniformed NYPD personnel and 265 CCRB staff positions, yielding a ratio of one CCRB position for every 132 uniformed personnel (0.76 percent) and exceeding the mandated staffing level. This reflects changes due to the Adams Administration’s Program to Eliminate the Gap (PEG), which reduced the city’s vacant headcount at most city agencies, including at the CCRB. The headcount for vacant uniformed positions at the NYPD, however, was not reduced in the Mayor’s Preliminary Budget.²

While the budgeted headcount meets the City Charter standard, vacancies within the CCRB are high and continue to yield staffing ratios that fail to meet the 1:154 ratio. Using actual headcount, as of December 31, 2021, there was one CCRB staff member for every 177 uniformed police officers. According to the CCRB, the scores of vacancies at the agency involve numerous job titles, including investigative and legal staff. A high vacancy rate is not unique to the CCRB, [IBO has found vacancy rates](#) at many agencies citywide have been rising through the pandemic. However, based on actual staffing levels as of December 2021 and headcount levels

Actual and Budgeted Headcount, Civilian Complaint Review Board and New York City Police Department					
	Actual End-of-Year Staffing* by Fiscal Year			Fiscal Years 2022-2026	
	2019	2020	2021	Current Plan**	Actual***
Civilian Complaint Review Board Personnel	178	203	191	265	196
New York City Police Department Uniformed Personnel	36,461	35,910	34,858	35,030	34,771
CCRB:NYPD Staffing Ratio	1:205	1:177	1:183	1:132	1:177

NOTES: *Actual end-of-year (June 30th) full time and full time equivalent staffing. **Reflects planned staffing as of the Fiscal Year 2023 Preliminary Budget.. ***Filled full time and full time equivalent positions numbered 196 as of December 31, 2021, the most recent date for which the Office of Management and Budget (OMB) has made actual staffing figures available.

New York City Independent Budget Office



Civilian Complaint Review Board Performance Measures (July-October)				
Fiscal Years 2019-2022				
	2019: July-October 2018	2020: July-October 2019	2021: July-October 2020	2022: July-October 2021
Civilian Complaint Review Board Complaints Received	1,724	1,669	1,018	1,114
Number of Full Investigations Completed Resulting in Substantiated Complaint Against NYPD Personnel	88	132	74	91
Average Number of Days Required to Complete Full Investigations Resulting in Substantiated Complaint Against NYPD Personnel	255	292	381	586
SOURCES: Civilian Complaint Review Board; Preliminary Mayor’s Management Report				
<i>New York City Independent Budget Office</i>				

funded in the Preliminary Budget, the current vacancy rate at the CCRB is notably higher than that for uniformed police, at about 26 percent for CCRB staff compared with 1 percent for uniformed police.³

While actual staffing levels have remained below the 1:154 ratio, the responsibilities of the agency have recently increased. Of particular significance was enactment of Local Law 47 of 2021, which expanded the scope of CCRB’s jurisdiction to include bias-based policing and racial profiling complaints made by the public. In addition, the CCRB in November 2021 prevailed in a lawsuit brought by the police officers’ union, with the state Supreme Court ruling CCRB is allowed to investigate complaints of sexual misconduct against NYPD officers. Lastly, a vote by the City Council in December 2021 granted the CCRB ability to self-initiate complaints against officers based on video documentation and other evidence, whereas it had previously relied on official complaints filed by civilians.

Agency Data Indicates Slowdown in CCRB Investigatory Activity. The Preliminary Mayor’s Management Report (PMMR), released each February, provides an analysis of an agency’s performance in a number of areas during the first four months of a fiscal year (July through October). In the period from July through October 2020 there was a marked decline from the prior year in the number of new complaints against NYPD uniformed personnel received by the CCRB, presumably in large part resulting from the disruption brought on by the pandemic. Complaint activity rose somewhat during the same period in 2021, but has remained significantly lower than the rate prior to the pandemic’s onset.

Despite the drop in the volume of new complaints received by the CCRB, there has been a noticeable increase in

the average number of days required to complete full investigations of complaints. While the number of days to complete an investigation resulting in a substantiated complaint has been ticking up each year in the recent past, it increased dramatically this fiscal year: in the July 2021 through October 2021 period this process rose to an average of 586 days (more than 19 months). During the same period last fiscal year, investigations that resulted in a substantiated claim took an average of 381 days to complete. The agency’s target is for these investigations to be completed in an average of 140 days.

While the CCRB largely attributes the slowdown to Covid-19 protocols (for example, to ensure the safety of all parties, there have been delays in scheduling interviews), it has acknowledged that the high number of staff vacancies also has contributed to delays.

The statute of limitations that requires commencement of removal or disciplinary proceedings against officers within 18 months of an incident makes timely completion of investigations crucial. The CCRB has indicated that the statewide tolling of statutes of limitations from March through November 2020 meant that removal or disciplinary proceedings could proceed for substantiated investigations that took longer than 18 months to complete during the PMMR reporting period. It remains to be seen what will happen to completion times now that pandemic restrictions and the tolling of statutes of limitations have been lifted.

Prepared by Bernard O’Brien

Endnotes

¹CCRB filled full time and full time equivalent positions numbered 196 as of December 31, 2021, the most recent date for which staffing figures are available.

²While the Mayor’s Program to Eliminate the Gap did not reduce the NYPD’s uniform headcount (the headcount used in the calculation for the staffing ratio) it did reduce the number of the NYPD’s civilian headcount.

³The city’s budgeted headcount is projected as of June 30, 2022, it is therefore possible that increased hiring over the next several months could reduce both agencies’ vacancy rates.