



Cesar A. Perez  
Chair

July 26, 2012

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Preliminary Determination Pursuant to the Audit of the Civilian Complaint Review Board (CCRB) and its compliance with the City's Equal Employment Opportunity (EEO) Policy and Federal, State and City equal employment opportunity requirements for the period from January 1, 2009 to December 31, 2011.

Dear Ms. Thompson:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women. (New York City Charter, Chapter 36, sections 831(d)(2) and (5).)

The Charter defines city agency as any "city, county, borough, or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..." The Civilian Complaint Review Board is therefore considered a city agency pursuant to Chapter 36, Section 831(a) of the New York City Charter.

This Commission is empowered by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment programs for minority group members, women and other protected groups. This audit measures your office's compliance with the City's EEO Policy and Discrimination Complaint and Investigations Procedure as well as Commission policies and EEO standards expressed in the Federal, State and City Human Rights Laws.

This letter contains the preliminary determinations of the EEPC staff

pursuant to its audit. All recommendations for corrective actions are consistent with both the audit's findings, the parameters set forth in the City's EEO Policy and Discrimination Complaint and Investigation Procedures and the equal employment opportunity requirements of Federal, State, and City laws.

The purpose of this audit is to evaluate the agency's compliance, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

### **Scope and Methodology**

Given that the Civilian Complaint Review Board's permanent headcount is 150 or less, this Commission considers it a small city agency. This Commission has established an audit methodology for small city agencies.

The audit methodology included an analysis of the CCRB's responses to the *Document and Information Request Form for Audit of Small City Agency* and responses to the *Interview Questionnaire* for agency EEO Officer and Co-EEO Officer. The EEPC auditor also conducted a follow-up discussion/interview with the agency's EEO Officer when appropriate.

The following preliminary determinations indicate where the CCRB has or has not complied, in whole or in part, with the EEO Policy and Discrimination Complaint and Investigation Procedures as well as the equal employment opportunity requirements of Federal, State, and City laws.

### **Description of the Civilian Complaint Review Board**

Established on July 5, 1993, the Civilian Complaint Review Board (CCRB) is an independent agency with the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public against members of the New York City Police Department that allege misconduct involving the use of excessive or unnecessary force, abuse of authority, discourtesy or use of offensive language. All personnel on staff are civilians.

The Board is comprised of 13 civilians members, five members selected by the Mayor, including the chair; five members designated by the City Council (one representative for each borough) and three members designated by the Police Commissioner. Police Commissioner designees are the only members permitted to have law enforcement backgrounds. Board members serve for three-year terms and until a replacement is appointed.

### **Personnel Activity during the Audit Period**

According to workforce data provided by the agency, the agency's workforce decreased from 178 to 117 employees during the audit period. (See Attachments 1- 1b) The CCRB currently has 123 employees: 42 Caucasians, 31 African Americans, 21 Hispanics, 8 Asians, and 21 "Other/Unknown". Seventy-one of these employees are female. (See Attachments 1-1b)

## **Discrimination Complaint Activity during the Audit Period**

No discrimination complaints were filed internally. One external discrimination complaint, which received a no probable cause determination, was filed during the period in review. It was based on sexual harassment.

## **Legal Issues**

No EEO judgments or settlements occurred during the audit period or two years prior.

## **PRELIMINARY DETERMINATION**

Following are the preliminary determinations with the required corrective actions and recommendations:

### **Issuance, Distribution, and Posting of Equal Employment Opportunity Policy Statement**

The CCRB is in compliance with the following requirements:

1. The CCRB follows the *Citywide Equal Employment Opportunity Policy Standards and Procedures to be Utilized by City Agencies* (Citywide EEOP 2005).
2. The CCRB distributed the *EEO Policy Statement* memorandum reiterating commitment to EEO and supplying contact information for the agency's EEO professionals in August 2008. Included in the Statement are instructions on how to access the EEO and workplace materials --including the Citywide EEOP--on the employees' desktop computer. Employees who do not have access to these documents via their computers were instructed to contact the EEO Officer, Co-EEO Officer or EEO Counselor for paper copies. In addition, the EEO Policy Statement was provided in the "new-hire" package.

The EEO handbook, *About EEO: What You May Not Know* was distributed to all employees through the "new-hire" package and available via a desktop short-cut on every employee's computer.

3. The agency's EEO Policy/Statement, which reiterated the agency head's commitment to EEO and listing the name and phone number of the EEO professionals was posted on the agency's bulletin board. The EEO Officer and Co-EEO Officer ensured that the documents remained clearly posted and current.

### **Appointment and Training of EEO Officer**

The CCRB is in compliance with the following requirements:

1. During the audit period, the Mediation Supervisor was the agency's EEO Officer and the Director of Strategic Initiatives was Co-EEO Officer. Both individuals report to the Executive Director. The EEO Officer's responsibilities include: ensuring the agency is in

compliance with federal, state, and local laws, investigating discrimination complaints, preparing reports and recommendations for corrective action, and keeping abreast on current EEO issues and amendments.

2. In September 2008, EEO Officer and Co-EEO Officer completed the *Basic EEO Training for EEO Representatives* provided by the Department of Citywide Administrative Services (DCAS) - Office of Citywide EEO (OCEEO). The Co-EEO Officer also attended the *DCAS Computer Based Training for Managers (2011)*. The EEO Officer remains abreast of EEO topics and issues through training and meetings provided by the Office of Citywide EEO, attending NYC Agencies' EEO Support Group meetings, conducting online research, and communicating with other EEO professionals. In addition, both the EEO Officer and Co-EEO Officer attended regular training sessions organized by the DCAS.

The CCRB is in partial compliance with the following requirement:

Although, the agency has appointed an EEO Officer, its organization chart did not include this title or its reporting relationship. Corrective action is required.

Recommendation: Because the EEO Officer should report directly to the agency head (or to a direct report to the agency head), the agency should update its organizational chart to reflect this title and reporting relationship. (EEPC/Sect. 831, City Charter)

### **Agency EEO Training**

The CCRB is in compliance with the following requirement:

1. In April 2009 and July 2010 the agency conducted EEO training for CCRB non-managerial/non-supervisory employees. The training topics included anti-discrimination laws, sexual harassment definition and types of sexual harassment, conduct to be avoided, retaliation, maintaining a respectful work environment, and other protected classes/characteristics. In 2011, supervisors and managers received *DCAS Computer Based Training for Managers (2011)* to facilitate understanding and accountability for EEO related responsibilities. The training topics included supervisor responsibilities, liabilities for supervisor misconduct, setting the right tone, responding properly to complaints, and preventing retaliation.
2. The Co-EEO Officer conducts training for new and existing employees. His qualifications include EEO certification from the DCAS (OEEEO).

### **Complaint Intake and Investigation**

The CCRB is in compliance with the following requirements:

1. A person of each gender (female EEO Officer and male Co-EEO Officer) is available for complaint intake/investigation.

2. The agency follows the *City of New York's Discrimination Complaint Procedure Investigation Guidelines*.

### **Reasonable Accommodations and EEO for Persons with Disabilities**

The CCRB is in compliance with the following requirements:

1. The agency adheres to the City's reasonable accommodation procedure, which is an addendum to the Citywide EEOP. No reasonable accommodations were requested during the audit period in review.
2. The agency's facilities on the 2<sup>nd</sup> floor of 40 Rector Street are accessible to, and useable by, applicants/employees with disabilities (i.e., street accessible entrances, wheelchair accessible elevators, and Braille/bell in elevators and wide restroom stalls/grab bars and low sink/fixtures in bathrooms, where applicable).
3. The CCRB participates in the Section 55-A Program. It disseminates information about the program in its "new-hire" package.

The CCRB is not in compliance with the following requirement:

The CCRB did not designate a Disability Rights Coordinator (DRC). Corrective action is required.

Recommendation: The agency head should designate a Disability Rights Coordinator, whose responsibility it will be to ensure compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities. The Disability Rights Coordinator and/or EEO Officer should receive, or be notified of, requests for accommodations and recommend appropriate action to the agency head regarding EEO-related issues. (Sect. VB and VC, EEOP)

### **Posting of Job Vacancies**

The CCRB is in compliance with the following requirements:

1. The CCRB posted job vacancy notices internally on CCRB's Bulletin Board/website and citywide. During the audit period, the CCRB advertised for an Executive Agency Counsel M1 and M4, Investigator Level 1 and II, and Community Assistant.
2. The CCRB included the EEO tag line *The City of New York is an Equal Opportunity Employer* in all job recruitment literature.

## SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS:

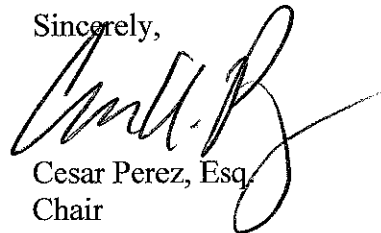
1. Because the EEO Officer should report directly to the agency head (or to a direct report to the agency head), the agency should update its organizational chart to reflect this title and reporting relationship. (EEPC/Sect. 831, City Charter)
2. The agency head should designate a Disability Rights Coordinator, whose responsibility it will be to ensure compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities. The Disability Rights Coordinator and/or EEO Officer should receive, or be notified of, requests for accommodations and recommend appropriate action to the agency head regarding EEO-related issues. (Sect. VB and VC, EEOP)

## Conclusion

Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations in relation to the EEPC's audit of compliance by the Civilian Complaint Review Board, we respectfully request your response to the aforementioned preliminary determinations. Your response should indicate how the Office of the Civilian Complaint Review Board will implement these recommendations. Please forward your response within thirty days of receipt of this letter.

In closing, we want to thank you and your staff for your cooperation.

Sincerely,

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

Cesar Perez, Esq.  
Chair

Attachment

Attachment - 1

Statistical Profile of Agency Workforce  
Start and End of Audit Period

Agency: CCRB

<b># Employees</b>	<b>Start of Audit Period: <u>1/1/2009</u></b>	<b>End of Audit Period: <u>12/31/2011</u></b>
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<b>Male</b>	<b><u>76</u></b>	<b><u>50</u></b>
<b>Female</b>	<b><u>102</u></b>	<b><u>67</u></b>

<b>Caucasian</b>	<b><u>106</u></b>	<b><u>48</u></b>
<b>African American</b>	<b><u>33</u></b>	<b><u>31</u></b>
<b>Hispanic</b>	<b><u>21</u></b>	<b><u>21</u></b>
<b>Asian</b>	<b><u>8</u></b>	<b><u>8</u></b>
<b>Native American</b>	<b><u>0</u></b>	<b><u>0</u></b>
<b>Unknown</b>	<b><u>10</u></b>	<b><u>9</u></b>

<b>Total # of Employees</b>	<b><u>178</u></b>	<b><u>117</u></b>
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Attachment - 1a

Workforce Composition by EEO Job Group

Agency: CCRB

Indicate EEO Job Group: (e.g. 001 Administrators)	Gender/Ethnicity						Total of Job Group	# of Females
	Caucasian	African Am.	Hisp.	Asian	Native Am.			
<u>001 Administrators (Executive Staff)</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>4</u>	<u>2</u>	
<u>002 Managers (Team managers and directors)</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>9</u>	<u>5</u>	
<u>008 Lawyers</u>	<u>3</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4</u>	<u>2</u>	
<u>009 Public Relations</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>	
<u>012 Clerical supervisors</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>3</u>	<u>3</u>	
<u>013 Clerical</u>	<u>1</u>	<u>7</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>11</u>	<u>9</u>	
<u>010 Technicians (MIS)</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>3</u>	<u>1</u>	
<u>007 Social/Case Workers (Investigators)</u>	<u>36</u>	<u>17</u>	<u>14</u>	<u>7</u>	<u>0</u>	<u>82</u>	<u>44</u>	
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*Ethnic and Gender Breakdown of  
Civilian Complaint Review Board Personnel  
June 30, 2012*

**Investigators**

	WHITE		BLACK		HISPANIC		ASIAN		OTHER/UNK		TOTAL	
MALE	12	35%	4	12%	6	18%	4	12%	8	24%	34	47%
FEMALE	9	23%	11	28%	6	15%	3	8%	10	26%	39	53%
TOTAL	21	29%	15	21%	12	16%	7	10%	18	25%	73	100%

**Supervisory Investigative Staff**

	WHITE		BLACK		HISPANIC		ASIAN		OTHER/UNK		TOTAL	
MALE	7	70%	1	10%	2	20%	0	0%	0	0%	10	42%
FEMALE	6	43%	5	36%	2	14%	0	0%	1	7%	14	58%
TOTAL	13	54%	6	25%	4	17%	0	0%	1	4%	24	100%

**Administrative/Clerical Support Staff**

	WHITE		BLACK		HISPANIC		ASIAN		OTHER/UNK		TOTAL	
MALE	3	75%	0	0%	1	25%	0	0%	0	0%	4	29%
FEMALE	1	10%	6	60%	1	10%	1	10%	2	20%	10	71%
TOTAL	4	29%	6	43%	2	14%	1	7%	2	14%	14	100%

**Executive & Administrative Supervisory Staff**

	WHITE		BLACK		HISPANIC		ASIAN		OTHER/UNK		TOTAL	
MALE	2	50%	1	25%	1	25%	0	0%	0	0%	4	33%
FEMALE	3	38%	3	38%	2	25%	0	0%	0	0%	8	67%
TOTAL	5	42%	4	33%	3	25%	0	0%	0	0%	12	100%

**Agency Total**

	WHITE		BLACK		HISPANIC		ASIAN		OTHER/UNK		TOTAL	
MALE	24	46%	6	12%	10	19%	4	8%	8	15%	52	42%
FEMALE	18	25%	25	35%	11	15%	4	6%	13	18%	71	58%
TOTAL	42	34%	31	25%	21	17%	8	7%	21	17%	123	100%