

THE COUNCIL OF THE CITY OF NEW YORK



Hon. Melissa Mark-Viverito
Speaker of the Council

Hon. Vanessa L. Gibson
Chair, Committee on Public Safety

Report on the Fiscal 2016 Preliminary Budget and the
Fiscal 2015 Preliminary Mayor's Management Report

Civilian Complaint Review Board

March 12, 2015

Ellen Eng, Legislative Financial Analyst

Finance Division

Latonia McKinney, Director

Regina Poreda Ryan, Deputy Director

Nathan Toth, Deputy Director

Table of Contents

Civilian Complaint Review Board Overview.....	1
Fiscal 2016 Preliminary Budget Highlights	1
Fiscal 2015 PMMR Performance Measures.....	3
Appendix A: Budget Actions in the November and the Preliminary Plans.....	6
Appendix B: Contract Budget	7

Civilian Complaint Review Board Overview

The Civilian Complaint Review Board (CCRB) receives, investigates, holds hearings, and recommends actions to the Police Commissioner on complaints by members of the public against members of the New York City Police Department (NYPD). Complaints handled by CCRB include allegations of misconduct involving excessive use of force, abuse of authority, discourtesy and the use of offensive language, including, but not limited to, references to race, ethnicity, religion, sexual orientation and disability. These are collectively referred to as FADO allegations.

This report provides a review of the Civilian Complaint Review Board's Preliminary Budget for Fiscal 2016. The first section details highlights of the \$14.5 million Fiscal 2016 expense budget. The report then outlines several budget actions introduced in the Fiscal 2016 November and Preliminary Financial Plans. Finally, the report discusses several relevant performance indicators from CCRB's Fiscal 2015 Preliminary Mayor's Management report. CCRB has no capital budget.

Fiscal 2016 Preliminary Budget Highlights

CCRB Financial Summary

<i>Dollars in Thousands</i>	2013	2014	2015	Preliminary Plan		*Difference
	Actual	Actual	Adopted	2015	2016	2015 - 2016
Spending						
Personal Services						
Full-Time Salaried - Civilian	\$7,841	\$8,361	\$9,504	\$10,201	\$10,930	\$1,426
Additional Gross Pay	58	114	57	57	57	0
Overtime - Civilian	418	320	0	0	0	0
Unsalaries	340	364	297	305	309	12
Subtotal	\$8,657	\$9,159	\$9,859	\$10,562	\$11,296	\$1,438
Other Than Personal Services						
Contractual Services	\$114	\$231	\$119	\$248	\$119	\$0
Fixed & Misc. Charges	2	0	2	9	2	0
Other Services & Charges	1,260	1,501	2,443	2,457	2,443	0
Property & Equipment	424	145	40	66	40	0
Supplies & Materials	151	167	296	274	628	333
Subtotal	\$1,952	\$2,043	\$2,899	\$3,055	\$3,232	\$333
TOTAL	\$10,609	\$11,202	\$12,758	\$13,617	\$14,528	\$1,770
Funding						
City Funds	\$10,609	\$11,202	\$12,758	\$13,617	\$14,528	\$1,770
TOTAL	\$10,609	\$11,202	\$12,758	\$13,617	\$14,528	\$1,770
Budgeted Headcount						
Full-Time Positions - Civilian	157	152	167	178	178	11
TOTAL	157	152	167	178	178	11

**The difference of Fiscal 2015 Adopted Budget compared to Fiscal 2016 Preliminary Budget.*

CCRB's Fiscal 2016 Preliminary Budget of \$14.5 million reflects an increase of 14 percent or \$1.7 million in City funds when compared to the Fiscal 2015 Adopted Budget of \$12.7 million. Since Fiscal 2015 Adoption, \$1.4 million has been added to the Fiscal 2016 Personal Services (PS) budget and \$333,000 has been added to the Fiscal 2016 Other Than Personal Services (OTPS)

budget. The Board's staffing level increases by 11 for a total of 178 personnel in the Fiscal 2016 budget. CCRB relies entirely on City tax-levy.

As mentioned above, CCRB's core function is to investigate and to recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. At prior budget hearings, CCRB has often discussed issues with investigator hiring and retention. In fact, CCRB has identified the salary structure for investigators as problematic. The starting salary for an investigator at CCRB is \$36,000, whereas at other investigative agencies the starting salary is on average \$50,000. The limited number of higher level investigator positions has also raised concerns with retention. There are no financial plan actions that address concerns of investigator hiring and/or retention.

The following are major financial plan actions for Fiscal 2015 and Fiscal 2016 introduced in both the November Plan and Preliminary Plan.

- **Community Outreach Expansion.** The Fiscal 2015 PS budget adds \$75,673 for five additional staff in the Community Outreach Division. The Fiscal 2015 budget also adds \$24,950 in OTPS funding. The total value for the community outreach expansion grows to \$328,730 in Fiscal 2016 and in the outyears. The Fiscal 2016 PS budget for the additional six staff is \$302,690 and the OTPS budget is \$26,040. The total headcount for the community outreach division will increase to eight. CCRB will have a dedicated outreach staff in each borough in order to coordinate community engagement, presentations, and board meetings. In addition, the division will be trained to receive complaints, conduct interviews, and take witness statements. In 2014, the Community Outreach Division made over 300 presentations at schools, community boards, precinct councils, and NYCHA developments. CCRB hopes to increase its presence in the boroughs and the quality of its presentations with this expansion. For the coming year, CCRB plans to focus its outreach activities on neighborhoods with higher levels of complaints and in NYCHA developments.
- **Policy Unit.** The Fiscal 2015 Budget includes half-year funding of \$137,914 for a new two-person policy unit. The Fiscal 2015 Budget includes \$130,914 for personnel and \$7,000 for OTPS expenses related to this unit. This baseline funding grows to full year value of \$233,743 in Fiscal 2016. The PS budget for the policy unit is \$212,743 and the OTPS budget is \$21,000 in Fiscal 2016 and in the outyears. The new policy unit will help CCRB deliver more reports based on its investigations and statistics and make policy recommendations to the NYPD. The policy unit will also expand its public reporting and use tools like its complaint activity mapping tool to develop policy recommendations.
- **Training Unit.** The Fiscal 2015 budget includes \$117,500 for a new training unit. The PS funding for Fiscal 2015 is \$80,000 for three dedicated training staff and \$37,500 in OTPS funding for the training unit. The Fiscal 2016 PS budget grows to \$320,000, while the Fiscal 2016 OTPS budget grows to \$150,000. The total baselined budget for the training unit is \$470,000. The unit seeks to provide uniform and consistent investigator training that was previously provided by existing legal staff. By having a dedicated training unit, CCRB hopes to improve the quality of investigations and decrease staff turnover.
- **Collective Bargaining Increase.** A total of \$417,040 was added to the Fiscal 2015 PS budget for collective bargaining increases. This funding grows to \$602,149 in Fiscal 2016 and \$882,881 in Fiscal 2017.

- OTPS Expenses.** The Fiscal 2015 budget adds \$75,805 in OTPS funding, which grows to \$135,829 in Fiscal 2016 and in the outyears. This funding supports a variety of OTPS expenses such as transcription services, video conferencing at its outer borough board meetings, and custodial services.

Fiscal 2015 PMMR Performance Measures

The Fiscal 2015 Preliminary Mayor’s Management Report outlines the responsibilities and goals of CCRB. According to the Fiscal 2015 PMMR, CCRB is an independent, non-police agency with authority to investigate allegations of police misconduct and to recommend action directly to the police commissioner. The Board strives to resolve complaints efficiently through investigation and its mediation program.

In CCRB’s “Focus on Equity” message, CCRB started several initiatives to deliver equitable and quality services in the City. First, to address concerns about CCRB’s location and accessibility, CCRB now has investigators work during the evenings and conduct interviews closer to complainants. Second through CCRB’s new Complaint Stat, the agency has made intake and investigations efficient, transparent, and fair. Part of this program includes handling complaints about police misconduct through the 311 app for mobile devices. CCRB’s website includes a feature that allows complainants to check the status of their complaint online. Lastly, the outreach unit has made several presentations across the City regarding CCRB’s role and mission.

According to the Fiscal 2015 PMMR, the Board’s primary service involves investigating, prosecuting and resolving claims of police misconduct. The Board has two primary service goals which are 1) improve the quality and timeliness of investigations; and 2) increase the use of mediation to resolve complaints. The chart below from the PMMR provides performance statistics for Fiscal 2012 to 2014, target data for Fiscal 2015 to Fiscal 2016, and four-month actual data for Fiscal 2014 and Fiscal 2015.

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY12	FY13	FY14	FY15	FY16	FY14	FY15
Total civilian complaints against uniformed members of the New York City Police Department	5,724	5,455	5,573	*	*	2,003	1,526
Average age of open docket (days)	NA	147	135	*	*	133	144
Age of docket (by date of report) (%) - 0-4 months	63%	63%	65%	72%	75%	66%	64%
- 5-12 months	33%	30%	31%	25%	24%	27%	32%
- 13 months or older	5%	6%	4%	3%	1%	7%	4%
Age of docket by date of report (1 year and older) (%)	8%	9%	6%	*	*	8%	6%
Age of docket by date of report (18 months and older) (%)	NA	0%	0%	*	*	0%	0%
★Average time to complete a full investigation (days)	293	386	324	280	200	343	303
★Full investigations as a percentage of total cases closed (%)	31%	32%	32%	40%	40%	27%	37%
Cases closed	5,637	5,506	5,810	*	*	2,143	1,639
Case closures per investigator	68	63	61	*	*	21	19
★Closed allegations with findings on the merits (%)	46%	42%	39%	55%	55%	34%	42%
★Average time to complete a substantiated investigation (days)	384	438	394	300	220	410	365
Age of cases when substantiated (by date of incident) (%) - 0-5 months	2%	0%	5%	10%	50%	3%	7%
- 6-11 months	35%	17%	28%	50%	40%	24%	33%

CCRB Performance Indicators	Actual			Target		4-Month Actual	
	FY12	FY13	FY14	FY15	FY16	FY14	FY15
- 12-14 months	32%	27%	25%	32%	7%	23%	31%
- 15 months or older	31%	55%	43%	8%	3%	50%	29%
Age of cases when substantiated by date of incident (1 year and older) (%)	63%	83%	67%	*	*	73%	60%
★ Substantiated cases in which the statute of limitations expired (%)	1%	10%	3%	0%	0%	5%	1%
★ Officers disciplined (excluding pending and filed cases) (%)	83%	62%	60%	*	*	51%	75%
Cases referred to mediation	576	468	522	*	*	158	161
Age of mediation docket (by date of referral to mediation) (%) - 0-11 months	100%	97%	100%	100%	100%	94%	99%
- 12 months or older	0%	4%	0%	0%	0%	6%	1%
Cases with mutual agreement to mediate	315	244	446	*	*	204	103
Officers who accepted mediation (%)	N/A	79%	83%	*	*	83%	88%
Civilians who accepted mediation (%)	N/A	57%	51%	*	*	50%	53%
Cases successfully mediated	112	61	179	*	*	75	63
★ Average mediation case completion time (days)	181	284	225	150	120	267	204
★ Mediation satisfaction rate (%)	N/A	97%	90%	94%	94%	94%	88%
Completed requests for interpretation	843	525	613	*	*	N/A	N/A
Letters responded to in 14 days (%)	76%	70%	73%	*	*	78%	82%
E-mails responded to in 14 days (%)	93%	79%	94%	*	*	97%	95%
CORE facility rating	69	81	100	*	*	N/A	N/A

The indicators below reflect a few operational statistics.

- During the first four months of Fiscal 2015 the public filed 24 percent fewer complaints than in the same period of Fiscal 2014.
- The Board closed 1,639 or 24 percent less cases in the first four months of Fiscal 2015 when compared to the first four months of Fiscal 2014.

As discussed earlier, CCRB's core function lies in investigation. In CCRB's Fiscal 2015 PMMR, CCRB has begun implementing new investigative procedures to expedite case handling and investigations. With a focus on smaller investigative units and direct supervisory accountability, the indicators below highlight some of the achievements of these new operations.

- The average time to complete a full investigation has decreased by 11 percent in the first four months of Fiscal 2015. The average time is 303 days.
- The age of CCRB's docket that was between 13 months or older decreased 42 percent when compared to the same reporting period in Fiscal 2014.

Investigative staff may also be tasked with supporting the mediation unit. Below are relevant mediation performance indicators.

- During the reporting period, the average time to mediate a case decreased from 267 to 204 days.

- The number of cases with mutual agreement to mediate decreased by 49 percent in the first four months of Fiscal 2015 when compared to the same reporting period in Fiscal 2014.
- In the first four months of Fiscal 2015, the Board referred 161 cases to mediation, three more than in the same period of Fiscal 2014. Acceptance rates have increased for both civilians and officers. However, the number of cases with mutual agreement to mediate declined from 204 to 103, a decrease of 50 percent, and the number of cases successfully mediated decreased from 75 to 63. This is due to a significant decrease in the number of cases referred to mediation at the end of Fiscal 2014.

Appendix A: Budget Actions in the November and the Preliminary Plans

<i>Dollars in Thousands</i>	FY 2015			FY 2016		
	City	Non-City	Total	City	Non-City	Total
CCRB's Budget as of the Adopted 2015 Budget	\$12,758	\$0	\$12,758	\$12,758	\$0	\$12,758
New Needs						
Community Outreach Expansion	\$101	\$0	\$101	\$329	\$0	\$329
OTPS Expense	76	0	76	136	0	136
Policy Unit	138	0	138	234	0	234
Training Unit	118	0	118	470	0	470
Subtotal New Needs	\$432	\$0	\$432	\$1,168	\$0	\$1,168
Other Adjustments						
DC37 Collective Bargaining Increases	\$255	\$0	\$255	\$398	\$0	\$398
OTPS Adjustment	10	0	10	0	0	0
PS Adjustments	162	0	162	204	0	204
Subtotal Other Adjustments	\$427	\$0	\$427	\$602	\$0	\$602
Total All Changes	\$859	\$0	\$859	\$1,770	\$0	\$1,770
CCRB's Budget as of the Preliminary 2016 Budget	\$13,617	\$0	\$13,617	\$14,528	\$0	\$14,528

Appendix B: Contract Budget

The New York City Charter mandates the preparation of a Contract Budget to identify expenditures for contractual services, which are defined as any technical, consultant or personal service provided to the City by means of a contract. The Contract Budget is actually a subset of the Other Than Personal Services (OTPS) portion of the City's Expense Budget. The Administration prepares a Contract Budget twice each fiscal year. In January, it is prepared with the Departmental Estimates, and in late April it is submitted to the Council with the Executive Budget.

The following table provides the CCRB's Preliminary Contract Budget for Fiscal 2015.

CCRB Fiscal 2016 Preliminary Contract Budget				
Category	Fiscal 2015 Adopted	Number of Contracts	Fiscal 2016 Preliminary	Number of Contracts
Contractual Services General	\$25,000	1	\$25,000	1
Maintenance & Repair, General	4,997	6	4,997	6
Data Processing Equipment	3,712	3	3,712	3
Printing Contracts	30,000	2	30,000	2
Temporary Services	15,000	5	15,000	5
Cleaning Services	25,950	2	25,950	2
Training Programs for City Employees	2,456	2	2,456	2
Professional Services: Legal Services	6,000	1	6,000	1
Professional Services: Other	6,000	1	6,000	1
Total	\$119,115	23	\$119,115	23

The City's Contract Budget, as proposed, totals \$12.4 billion in Fiscal 2016, an increase of \$437.8 million or 3.65 percent when compared to the Fiscal 2015 Adopted Budget of \$11.9 billion. CCRB's contract budget for Fiscal 2016 Preliminary Plan is approximately \$119,115 with 23 contracts, and remains unchanged from Fiscal 2015.