



New York City Council

Christine C. Quinn, Speaker

Finance Division

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Hearing on the Mayor's Fiscal Year 2011 Preliminary Budget

Civilian Complaint Review Board

March 11, 2010

Committee on Public Safety

Hon. Peter F. Vallone Jr., Chair

Andy Grossman, Deputy Director, Finance Division

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Summary and Highlights

	2008 Actual	2009 Actual	2010 Adopted	2010 Jan. Plan	2011 Preliminary	Difference 2010 – 2011
Personal Services	\$8,936	\$9,417	\$8,479	\$8,303	\$8,117	(\$362)
Other Than Personal Services	2,137	1,884	1,792	1,769	1,499	(\$293)
Total	\$11,074	\$11,300	\$10,271	\$10,073	\$9,616	(\$655)

Highlights of CCRB's Fiscal 2010 January Financial Plan

- The January Plan proposes almost \$1 million in budget reductions relating to the CCRB. These reductions would lead to the loss of 12 positions: 9 through attrition and 3 through layoffs.
- As per the January Plan, the Board would eliminate one mediation contract.
- The Board proposes to reduce its expenditures on supplies and materials in order to generate OTPS savings.
- The NYPD has announced a pilot program which will allow the CCRB to prosecute some of its own cases in the Police Department's Trial Room. At present, the NYPD prosecutes such cases with CCRB attorneys assisting, or "second seating," as it is referred to, in some instances.
- Proposed reductions to the CCRB's staff could cause the Board's per capita investigative caseload to increase from 30 to 33 per month, and the average days to complete an investigation could increase from 350 to 380.
- Current reduction proposals may increase the number of cases reaching 18 months -- the point at which cases reach their statute of limitations -- from five percent of all cases to 10 percent.

Civilian Complaint Review Board

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 the Board 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.

Key Public Service Area

- Investigate and resolve claims of police misconduct in a timely and efficient manner.

Critical Objectives

- Improve the quality, thoroughness and timeliness of case investigations.
- Increase the number of cases mediated while decreasing the mediation completion time.

SOURCE: Mayor’s Management Report

Civilian Complaint Review Board

Dollars in Thousands

	2008 Actual	2009 Actual	2010 Adopted	2010 Jan. Plan	2011 Jan. Plan	*Difference 2010–2011
Budget by Unit of Appropriation						
Personal Services	\$8,936	\$9,417	\$8,479	\$8,303	\$8,117	(\$362)
Other Than Personal Services	2,137	1,884	1,792	1,769	1,499	(\$293)
TOTAL	\$11,074	\$11,300	\$10,271	\$10,073	\$9,616	(\$655)
Funding						
City Funds			\$10,271	\$10,073	\$9,616	(\$655)
TOTAL			\$10,271	\$10,073	\$9,616	(\$655)
Positions						
Full-Time Positions	176	175	160	145	149	(11)
TOTAL	176	175	160	145	149	(11)

Expense Budget Summary

The CCRB's Fiscal 2011 Preliminary Budget is approximately \$9.6 million, which is a decrease of about \$655,000 below the agency's Fiscal 2010 Adopted appropriation of approximately \$10.3 million. If the Fiscal 2011 Preliminary Budget PEG reduction program is implemented, the Board would sustain an overall budget reduction of approximately 6.8 percent compared with its Fiscal 2010 Adopted Budget, along with a reduction of 11 positions. These reductions may have dire consequences for the Board's ability to close complaints and are projected to increase the length of time required to close cases in addition to adding to the Board's already sizable backlog of cases.

Pilot Program: Extension of Prosecutorial Authority to the CCRB

The Department has agreed to a pilot program which will allow the CCRB to prosecute cases stemming from complaints against uniformed officers which it investigates rather than sending the results of those investigations (along with its own recommendations) to the Department to be tried in the Department's Trial Room by Department advocates, and assisting or "second seating" the prosecution of those cases. In calendar 2009, there were 130 administrative trials, all of which were prosecuted by NYPD advocates. Of those, 20 were submitted to the Department by the CCRB. The CCRB's attorneys served as co-counsel in some of these trials. It is not yet known how long the pilot period will be or how the parameters for its success or failure will be measured.

The idea of allowing the CCRB to prosecute its own cases dates back to an MOU (Memorandum of Understanding) between the CCRB and the Department issued in 2001 during the Giuliani Administration. At that time, it was stipulated that the trials would be held at OATH (Office of Administrative Trials and Hearing). The Patrolman's Benevolent Association (PBA), the Department's largest union, challenged the proposed policy and the New York State Court of Appeals ruled that disciplinary trials for police officers had to be held within the Department and that OATH was not a legally permissible venue for these proceedings. Subsequently, political support for the agreement waned and it was never implemented. Other questions regarding disciplinary trials against police officers have been raised in the intervening years such as whether resources to enact such a policy would be reallocated from the Department to the CCRB in order to properly implement the policy and, how large a prospective "Administrative Prosecution Unit" should be in order to handle the potential caseload.

Personal Services (PS) & Other Than Personal Services (OTPS)

<i>Dollars in Thousands</i>	2008 Actual	2009 Actual	2010 Adopted	2010 Jan Plan	2011 Jan Plan	Difference 2010 - 2011
Spending						
Personal Services						
Full-Time Salaried - Civilian	\$8,526	\$8,784	\$8,027	\$7,833	\$7,646	(\$381)
Other Salaried and Unsalari ed	278	317	276	294	294	19
Additional Gross Pay	114	83	81	81	81	0
Overtime – Civilian	18	232	0	0	0	0
Subtotal, PS	\$8,936	\$9,417	\$8,479	\$8,303	\$8,117	(\$362)
Other than Personal Services						
Supplies and Materials	\$177	\$149	\$81	\$158	\$197	\$116
Property and Equipment	166	70	34	46	34	0
Other Services and Charges	1,634	1,531	1,559	1,445	1,165	(394)
Contractual Services	156	129	117	120	102	(15)
Fixed and Miscellaneous Charges	4	4	1	0	1	0
Subtotal, OTPS	\$2,137	\$1,884	\$1,792	\$1,769	\$1,499	(\$293)
TOTAL	\$11,074	\$11,300	\$10,271	\$10,073	\$9,616	(\$655)
Funding						
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Performance Measures

	FY 07	FY 08	FY 09	FY 10 4-Month Actual	Target FY 11
Total civilian complaints against uniformed members of the NYPD (Preliminary)	7,662	7,488	7,661	2,577	*
Full investigations as a percentage of total cases closed (%)	36%	34%	31%	36%	*
Closed allegations with findings on the merits (%)	63%	56%	48%	56%	*
Average number of days to complete a full investigation	291	306	343	341	280
Case closures per investigator	51	58	64	26	*
Age of docket (by date of report) (%)					
- 0-4 months	67%	64%	64%	63%	70%
- 5-12 months	28%	31%	29%	32%	26%
- 13 months or older	5%	5%	7%	6%	4%
Age of cases when substantiated (by date of incident) (%)					
- 0-5 months	20%	8%	1%	3%	14%
- 5-12 months	47%	44%	36%	45%	48%
- 12-14 months	19%	28%	26%	25%	28%
- 15 months or older	14%	20%	37%	28%	10%
Officers disciplined (excluding pending and filed cases) (%)	75%	55%	56%	56%	*
Average successful mediation case completion time (days)	153	164	158	163	150
Percent of cases mediated	1.7%	1.2%	1.8%	1.3%	*
Age of mediation docket (by date of referral to mediation)					
- 0-11 months	100%	100%	100%	100%	100%
- 12 months or older	0%	0%	0%	0%	0%

*No target number was published for this indicator.

Preliminary Mayor's Management Report (PMMR) Performance Indicator Highlights

- The CCRB received 7,661 complaints in Fiscal 2009. During the first four months of Fiscal 2010, the Board has received 2,577 complaints, 72 (2.8%) less than during the same period in Fiscal 2009.
- During the reporting period, CCRB closed 15 percent more cases -- from 2,436 cases closed in the first four months of Fiscal 2009 to 2,869 closures during the same period of Fiscal 2010.
- The number of full investigations as a percentage of total cases closed increased 6 percentage points during the reporting period. Full investigations increased 41 percent, from 730 full investigations during the first four months of Fiscal 2009 to 1,029 investigations in the same period of Fiscal 2010. However, the average number of days to complete a full investigation increased 7 percent to 341 days.
- More than 44 percent of substantiated investigations were closed in less than 12 months, 7 percentage points less than last year. Substantiated cases closed at 12 to 14 months increased by 3 percentage points, and substantiated cases closed at 15 months or older increased by 4 percentage points. To meet its Fiscal 2010 timeliness targets, CCRB has implemented changes to the way it processes cases and

submits them for Board review, including videoconferencing panel meetings, as well as a series of initiatives to review time management strategies more closely.

- During the reporting period, the number of mediations decreased from 53 to 36 cases, and the number of cases mediated as a percentage of total closed cases decreased to 1.3 percent. The average completion time for mediated cases increased slightly to 163 days. The CCRB is evaluating internal processes with the goal of increasing the number of cases that are referred to mediation.

Relevant Budget Actions

- **Layoff Savings.** In order to meet its reduction targets for the Fiscal 2011 Preliminary Budget, the Board proposes to layoff 3 staffers (1 administrative employee and 2 supervising investigators). The two supervising investigators will be laid-off in Fiscal 2010 with the administrative employee following beginning in Fiscal 2011. This proposal would yield the Board \$31,000 in savings in Fiscal 2010, growing to \$264,000 in Fiscal 2011, \$287,000 in Fiscal 2012, \$290,000 in Fiscal 2013 and \$293,000 in Fiscal 2014. These savings include the cost of fringe benefits for each position.
- **Attrition Savings.** In order to meet its PEG target, the Board proposes to eliminate 13 vacancies in Fiscal 2010 to generate a total half-year value large enough to meet its reduction target. Beginning in Fiscal 2011, the Board will fill 4 of the vacancies with Investigators and will meet their target going forward into the outyears with a baseline headcount reduction of nine positions. This will generate savings totaling \$389,000 in Fiscal 2010, \$672,000 in Fiscal 2011, \$652,000 in Fiscal 2012, \$659,000 in Fiscal 2013 and \$668,000 in Fiscal 2014. These savings include the cost of fringe benefits for each position.
- **Mediation Cost Reduction.** The Board proposes to eliminate funding for 1 mediator contract saving the Board \$7,500 in fiscal 2010, growing to \$15,000 in Fiscal 2011 and into the outyears.
- **PS Accruals.** The CCRB will delay the hiring of one investigative attorney until Fiscal 2011 thereby generating \$15,500 worth of accrued PS savings in Fiscal 2010.
- **OTPS Savings.** The Board proposes to reduce its appropriation for supplies and materials thereby saving \$15,000 in Fiscal 2010 growing to \$22,500 in Fiscal 2011 and into the outyears.
- **Collective Bargaining.** The Preliminary Budget includes an annual baseline increase in City funds of approximately \$169,000 beginning in Fiscal 2010 for collective bargaining adjustments for various titles throughout the Board. These funds would be transferred from the Labor Reserve in the Miscellaneous Budget to the Department's budget to cover the costs associated with recent collective bargaining settlements.

Appendix A: Budget Actions in the November and January Plans

<i>Dollars in Thousands</i>	FY 2010			FY 2011		
	City	Non-City	Total	City	Non-City	Total
Agency Budget as of June 2009 Plan	\$10,271	\$0	\$10,271	\$10,241	\$0	\$10,241
Program to Eliminate the Gap (PEGs)						
Attrition Savings	\$0	\$0	\$0	(\$672)	\$0	(\$672)
Layoff Savings	(31)	0	(31)	(264)	0	(264)
Layoff Savings - Senior Investigative Staff	0	0	0	0	0	0
Legal Team Attrition	(389)	0	(389)	0	0	0
Mediation Cost Reduction	(8)	0	(8)	(15)	0	(15)
OTPS Savings	(15)	0	(15)	(23)	0	(23)
Personal Service Accruals	(16)	0	(16)	0	0	0
Total, PEGs	(\$458)	\$0	(\$458)	(\$974)	\$0	(\$974)
Other Adjustments						
Fringe Offsets	\$260	\$0	\$260	\$349	\$0	\$349
Total, Other Adjustments	\$260	\$0	\$260	\$349	\$0	\$349
Agency Budget as of January 2010 Plan	\$10,073	\$0	\$10,073	\$9,616	\$0	\$9,616