



# NYC CIVILIAN COMPLAINT REVIEW BOARD



The NYC Civilian Complaint Review Board is the nation's largest independent oversight entity of the largest police force in the country.

The CCRB investigates, mediates, and prosecutes complaints of misconduct against members of the NYPD.

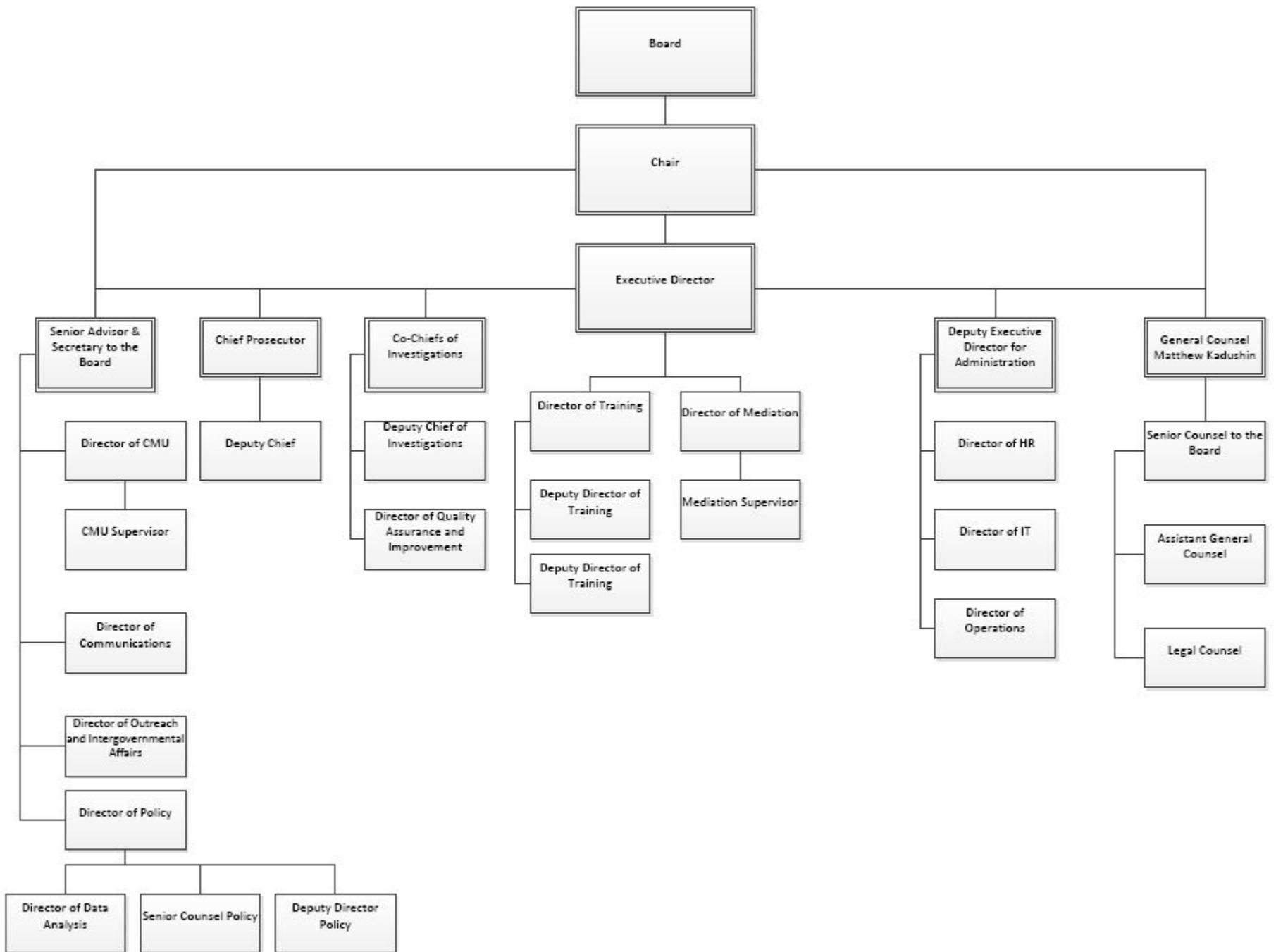
The CCRB is staffed entirely with civilian employees who are primarily investigators and attorneys.

# Quick Facts About the CCRB

- The CCRB became independent from the NYPD since 1993.
- Largest civilian oversight agency in the U.S.
- Only civilian oversight agency in the U.S. with its own Administrative Prosecution Unit (APU).
- NYPD officers are required - by law - to provide official statements to the CCRB.
- The Agency is governed by a 13-member board with five seats appointed by the Mayor, five designated by NYC City Council, and three by the Police Commissioner.

# City Charter, MOU & Rules

- New York City Charter Chapter 18-A Civilian Complaint Review Board
- Memorandum of Understanding between the Civilian Complaint Review Board (CCRB) and the Police Department (NYPD) of the City of New York
- Rules of the Civilian Complaint Review Board



# What Types of Allegations are Within the CCRB's Jurisdiction?

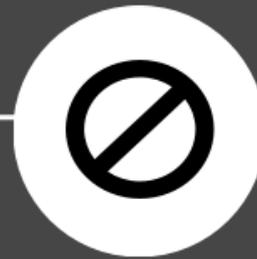
The acronym FADO is a helpful reminder!



**F**  
FORCE



**A**  
ABUSE OF  
AUTHORITY



**D**  
DISCOURTESY



**O**  
OFFENSIVE  
LANGUAGE

# How to File a Complaint

## Three Ways to Report Police Misconduct to the New York City Civilian Complaint Review Board

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Call our hotline  
**1-800-341-2272**  
or **311**



Visit our office  
a local council member  
**[nyc.gov/ccrbcpi](https://nyc.gov/ccrbcpi)**  
or your local  
police precinct



File online  
**[nyc.gov/ccrbcomplaint](https://nyc.gov/ccrbcomplaint)**  
or mail a complaint  
to our office

# The Life of a CCRB Case

- **Intake** speaks with the complainant.
- The matter is sent to **Investigations**.
- The matter is either **mediated** or **investigated**.
- If **investigated**, the investigator presents their recommendations to a 3-member panel.
- The panel reviews the investigator's findings and makes a final recommendation.
- If the panel substantiates one or more allegations against an officer and then recommends charges and specifications, the matter goes to the **Administrative Prosecution Unit**.

# Mediation

- Mediation is a voluntary process that gives complainants the chance to meet the officer and discuss the incident.
- The meeting is facilitated by a trained, neutral, third-party mediator .
- Mediation is a non-disciplinary process.
- Mediations are confidential.
- Mediations do **not** appear on MOS' disciplinary record.
- Civilians report a high level of satisfaction.

# CCRB Conducts a Thorough Investigation

Investigators gather evidence and may canvass the scene of the incident.

- Obtain witness statements
- Obtain video footage
- Photographs of the scene, victim, or injuries
- Obtain police documentation
- Interview subject and witness officers
- Conduct photo array interview

The investigator then provides a written recommendation to the Board with a recommended disposition.

# Dispositions

DISPOSITION	LEGAL MEANING	IN A NUTSHELL
<b>SUBSTANTIATED</b>	There is <b>sufficient credible evidence</b> to prove by a preponderance of evidence that the officer committed the alleged act, and <b>that it constitutes misconduct.</b>	Misconduct occurred
<b>UNSUBSTANTIATED</b>	There is <b>not sufficient credible evidence</b> to prove by a preponderance of the evidence that the officer committed the alleged act.	Unclear if misconduct occurred
<b>UNFOUNDED</b>	There is sufficient credible evidence to prove by a preponderance of the evidence that the <b>officer did not committed the alleged act.</b>	Incident did not happen
<b>EXONERATED</b>	There is sufficient credible evidence to prove by a preponderance of the evidence that the <b>officer engaged in the alleged act, but that he/she was justified in doing so and therefore, it does not constitute misconduct.</b>	Conduct occurred and was lawful

# Discipline

- Discipline recommendations range from Instructions to Charges.
  - Instructions
  - Formalized Training
  - Command Discipline
  - Charges
- If the Board recommends Charges, the matter is then sent to the [Administrative Prosecution Unit](#).

# Administrative Prosecution Unit (APU)

- Established in 2013, the CCRB's APU independently tries officers for the most serious allegations of misconduct.
- In the year and a half before the APU took over prosecutions from the Department Advocate's Office **no officer** stood trial for allegations substantiated by the CCRB. By contrast, **187 officers** faced trial in the year and a half following the formalization of the APU.
- APU prepares cases for trial by reviewing information obtained during the investigation.
- Cases are tried at NYPD Headquarters.
- Administrative prosecutions impact an officers standing within the NYPD and consist of discipline and personnel actions.
- CCRB prosecutions are not connected to civil or criminal actions against the NYPD or its officers.

# Importance of Filing a Complaint

- There are some issues that suggest a need for a change in police department policy, procedures, or training.
- Policy recommendations can only be made on complaints received.
- It is important to not only initiate the process but follow through in order to avoid truncated complaints.
- Policy staff conducts data analysis to examine issues and develop recommendations to address them.
- CCRB complaints may impact an officer's standing within the NYPD.

# Policy Department

- Comprised of data analysts and lawyers
- Dedicated to gathering data and developing data-driven solutions to policy challenges that impact the CCRB
- Implements a portfolio of policy initiatives
- Issues 12 reports a year
  - Including statistical reports, annual and semi-annual reports, as well as issue-based reports on topics related to police misconduct
- Maintains a Data Transparency Initiative

# Outreach

## **Public Education**

- After-school programs
- Educational institutions
- Churches
- Community organizations
- Alternative to Incarceration programs
- Youth courts

## **Legal Community**

- Public defenders
- District Attorneys Offices
- Affinity groups
- Civil legal service providers
- Bar associations
- Advocacy organizations



# 2019 Charter Revision Commission

# Proposed Amendments

- The 2019 New York City Charter Revision Commission has decided to present voters with proposed amendments to the Charter in five ballot questions at the November 5, 2019 general election.
- The second ballot question contains five amendments to the section of the Charter that relates to the Civilian Complaint Review Board.

# 1. Structure of the Board

- Increase the size of the Civilian Complaint Review Board (CCRB) from **13** to **15** members.
  - Add one member appointed by the **Public Advocate**
  - Add one member **jointly** appointed by the **Mayor** and **Speaker of the Council** who would **serve as chair**
  - Provide that the Council directly appoint its CCRB members rather than designate them for the Mayor's consideration and appointment

## 2. Protected CCRB Budget

- Require that the CCRB's **annual personnel budget** be high enough to fund a CCRB employee headcount equal to **0.65%** of the Police Department's uniformed officer headcount.
  - unless the Mayor determines that fiscal necessity requires a lower budget

# 3. Deviation from Disciplinary Recommendations

- Require that the Police Commissioner **provide the CCRB with a written explanation** when the Police Commissioner intends to depart or has departed from discipline recommended by the CCRB.
  - the Police Commissioner’s report to CCRB would need to describe any discipline or penalties that are imposed
  - provide a detailed explanation of the reasons for the deviation
  - the explanation must show how the Police Commissioner arrived at the decision and include each factor he or she considered

# 4. False Official Statements

- Allow the CCRB to **investigate the truthfulness of any material statement** that is made within the course of the CCRB's investigation or resolution of a complaint by a police officer who is the subject of that complaint, and recommend discipline against the police officer when appropriate.

# 5. Delegation of Subpoena Power

- Allow the CCRB members, by a majority vote, to **delegate the board's power to issue and seek enforcement of subpoenas** to compel the attendance of witnesses and the production of records for its investigations to the CCRB Executive Director.



**More Information: [www.nyc.gov/ccrb](http://www.nyc.gov/ccrb)**

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