

# AUDIT REPORT



CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
BUREAU OF MANAGEMENT AUDIT  
**WILLIAM C. THOMPSON, JR., COMPTROLLER**

## **Audit Report on the Case Management Practices of the Civilian Complaint Review Board**

*ME06-060A*

**June 30, 2006**



THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
1 CENTRE STREET  
NEW YORK, N.Y. 10007-2341

WILLIAM C. THOMPSON, JR.  
COMPTROLLER

**To the Citizens of the City of New York**

Ladies and Gentlemen:

In accordance with the responsibilities of the Comptroller contained in Chapter 5, § 93, of the New York City Charter, my office has examined whether the Civilian Complaint Review Board (CCRB) is completing its investigations of police misconduct complaints in a timely manner and whether it is performing the required steps in its investigations.

CCRB is an independent mayoral agency created in 1993 to investigate complaints concerning misconduct by City police officers. We audit agencies such as this to ensure that such agencies efficiently and effectively meet their program objectives.

The results of our audit, which are presented in this report, have been discussed with CCRB officials, and their comments have been considered in the preparation of this report. Their complete written response is attached to this report.

I trust that this report contains information that is of interest to you. If you have any questions concerning this report, please e-mail my audit bureau at [audit@comptroller.nyc.gov](mailto:audit@comptroller.nyc.gov) or telephone my office at 212-669-3747.

Very truly yours,

A handwritten signature in cursive script that reads "William C. Thompson, Jr.".

William C. Thompson, Jr.

WCT/ec

**Report: ME06-060A**  
**Filed: June 30, 2006**

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*The City of New York  
Office of the Comptroller  
Bureau of Management Audit*

**Audit Report on the Case Management Practices  
Of the Civilian Complaint Review Board**

**ME06-060A**

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**AUDIT REPORT IN BRIEF**

This report determined whether the Civilian Complaint Review Board (CCRB) is completing its investigations of police misconduct complaints in a timely manner and whether it is performing the required steps in its investigations. CCRB is an independent mayoral agency that was created in 1993 and is authorized to investigate complaints concerning misconduct by City police officers. It investigates allegations of excessive use of force, abuse of authority, discourtesy, or use of offensive language—including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation or disability. The Board, composed entirely of civilians, forwards its findings and recommendation to the New York City Police Department. In Calendar Year 2004, CCRB closed 5,818 cases. CCRB substantiated that there was police misconduct in 399 of these cases.

**Audit Findings and Conclusions**

CCRB ensured that a very high percentage of its cases were completed in a timely manner. Of the 5,818 case investigations that CCRB closed during Calendar Year 2004, 98 percent were closed within 18 months of the incident date, as generally required by State law. Significantly, however, CCRB did not consistently perform certain required steps in conducting its investigations. Many case files lacked required investigative case plans and time-triggered progress reports. In addition, some of the plans and progress reports that were prepared were not reviewed by supervisors. Therefore, important management tools to ensure efficient, thorough, and fair investigations are not being consistently used.

**Audit Recommendations**

The audit recommended that CCRB:

- Ensure that every investigation has an approved investigative case plan as outlined in its procedures.
- Ensure that all required time-triggered progress reports are prepared and reviewed, as outlined in its procedures.

**Agency Response**

In its written response to our draft report, CCRB generally agreed with the audit's findings and recommendations.

## INTRODUCTION

### **Background**

The New York City Civilian Complaint Review Board is an independent mayoral agency that was created in 1993. As set forth in Chapter 18-A, §440(a), of the City Charter, CCRB is authorized to investigate complaints concerning misconduct by City police officers. It investigates allegations of excessive use of force, abuse of authority, discourtesy, or use of offensive language—including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation or disability. The Board, composed entirely of civilians, forwards its findings and recommendation to the New York City Police Department.

The CCRB consists of 13 Board members. Five members—one from each of the boroughs—are designated, or nominated, by the City Council. Three members, with experience as law enforcement professionals, are designated by the Police Commissioner. The other five members are selected by the Mayor, who names the chairperson. The Mayor must appoint all members, even those designated by the City Council or the Police Commissioner.

Complaints of police misconduct may be reported directly to the CCRB by telephone, letter, e-mail, in person, through the CCRB website, or through the City 311 system. Complaints are logged in the CCRB computerized Complaint Tracking System (CTS), then forwarded to team managers and supervisors who review the complaints to determine whether the allegations fall within CCRB jurisdiction. If the complaint does not fall within CCRB jurisdiction, it is sent to the appropriate agency. For example, allegations of corruption are referred to the Police Department Internal Affairs Bureau. If the complaint falls within CCRB's jurisdiction, it is forwarded to an investigator who must attempt to contact the complainant within 24 hours of receipt of complaint. The CCRB Investigations Unit consists of eight investigative teams, each of which is directed by a team manager who works with supervisors to monitor approximately 15 investigators. In Fiscal Year 2005, CCRB had 180 employees, including 142 investigators, and an operating budget of \$9,734,146.

Under State Civil Service Law §75(4), police officers who are the subjects of CCRB investigations must be served with disciplinary charges within 18 months of the date of the incident. If the officer is not served within the required time, the officer cannot be disciplined. The only exception to the 18-month statute of limitation occurs when the alleged misconduct committed by the officer would, if proved in court, constitute a crime.

The CCRB reported that it received 6,210 complaints in Calendar Year 2004, a 12 percent rise over the number received in 2003 and a 35 percent rise over the number filed in 2002. CCRB officials attribute the increase in complaints in part to the implementation of the 311 telephone service, which provides information on non-emergency services. The 311 telephone service received 10,477 CCRB-related calls in Calendar Year 2005, a 54 percent rise over the number received in 2004, which was the first full year of the 311 telephone service. In Calendar Year 2004, CCRB closed 5,818 cases. CCRB substantiated that there was police misconduct in 399 of these cases. In Calendar Years 2002 and 2003, CCRB closed 4,831 and

4,884 cases respectively; CCRB substantiated that there was police misconduct in 224 and 294 of these cases respectively.

### **Objective**

The audit objectives were to determine whether the CCRB is completing its investigations of police misconduct complaints in a timely manner and whether it is performing the required steps in its investigations.

### **Scope and Methodology**

The scope of the audit was January 1, 2004 through June 30, 2005.

To obtain an understanding of CCRB policies, procedures and practices, we reviewed the *CCRB Investigator Training Manual*. We also interviewed CCRB officials and conducted walk-throughs of the CCRB Investigations Unit.

As part of our review of controls, we assessed the reliability of selected data from CCRB's Complaint Tracking System. A list was obtained of all the cases that CCRB recorded on CTS as closed during Fiscal Year 2005. The list contained the dates each incident occurred, that each incident was reported to CCRB, that the case investigation was completed, as well as the dates of the Board decision and the disposition of each case. From this list, we selected and reviewed a random sample of 50 cases and compared them to the hard copy case files. Information in a separate random sample of 50 case files was compared to the data contained in CTS.

To determine whether CCRB is completing its investigation of cases in a timely manner, we analyzed a list of the 5,818 cases that CCRB closed during Calendar Year 2004. For each case, the time from the date of incident to the date that the Board made a decision on the case was tracked. The time frames from the date that the complainant reported the incident to CCRB to the date that CCRB completed its investigation was also tracked.

To determine whether the CCRB Investigative Unit performed certain required steps in its investigations, we selected and reviewed a sample of 75 cases closed in Fiscal Year 2005. Of the 75 sampled closed cases: 50 were randomly selected from the entire population of 5,803 closed cases and 25 were randomly selected from a list of 498 closed cases that were completed more than 12 months from the date of the incident. We also selected 5 of the 13 cases that had been open for longer than 18 months as of August 31, 2005. Of the five sampled open cases: the oldest of the 13 cases was judgmentally selected and 4 of the remaining 12 cases were randomly selected. For the total of 80 cases, the timeliness of the investigations was reviewed. In addition, we determined whether investigators completed and submitted investigative case plans to their supervisors, and whether time-triggered progress reports were prepared and reviewed as required.

The results of the above tests, while not statistically projected to their respective populations, provided a reasonable basis for us to assess the timeliness of CCRB case

management practices and whether required investigative steps were being performed. It should be noted that an assessment of the qualitative aspects of CCRB's investigations was beyond the scope of the audit.

This audit was conducted in accordance with generally accepted government auditing standards (GAGAS) and included tests of the records and other auditing procedures considered necessary. This audit was performed in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

### **Discussion of Audit Results**

The matters in this report were discussed with CCRB officials during and at the conclusion of this audit. A preliminary draft report was sent to CCRB officials on April 20, 2006, and was discussed and an exit conference held on May 4, 2006. On May 22, 2006, we submitted a draft report to CCRB officials with a request for comments. We received a written response from CCRB officials on June 7, 2006. In its response, CCRB officials generally agreed with the audit's findings and recommendations. With regards to the audit's two recommendations, CCRB stated that it will reemphasize to its investigative supervisors the importance of preparing investigative case plans and of conducting time-triggered reviews. CCRB also stated that its executives will review quarterly reports listing all cases in which investigative case plans and time-triggered reviews are required in order to ensure compliance.

The full text of CCRB's comments is included as an addendum to this report.



## FINDINGS AND RECOMMENDATIONS

CCRB ensured that a very high percentage of its cases were completed in a timely manner. Of the 5,818 case investigations that CCRB closed during Calendar Year 2004, 98 percent were closed within 18 months of the incident date, as generally required by State law. In addition, CCRB presented data and documentation that indicated that of the very small percentage of cases that were not completed in a timely manner, many were delayed due to circumstances beyond CCRB's control. Furthermore, our data reliability assessment concluded that the CTS data were generally reliable.

Significantly, however, CCRB did not consistently perform certain required steps in conducting its investigations. Many case files lacked required investigative case plans and time-triggered progress reports. In addition, some of the plans and progress reports that were prepared were not reviewed by supervisors. Therefore, important management tools to ensure efficient, thorough, and fair investigations are not being consistently used.

### **98 Percent of Case Investigations Were Completed within 18 Months of Incident**

When police officers are being investigated by the CCRB, they generally must be served with disciplinary charges within 18 months of the date of the incident, as required by the State Civil Service Law. The only exception to the 18-month statute of limitation occurs when the alleged misconduct committed by the officer would, if proved in court, constitute a crime. If the officer is not served within the generally required time of 18 months, the officer cannot be disciplined. Of the 5,818 CCRB case investigations closed during Calendar Year 2004, 98 percent were closed within 18 months of the incident date. Of the 399 case investigations in which the complaints were substantiated, 97 percent were completed within 18 months.

If a case proceeds through the entire investigative process, it is considered a full investigation. When cases are closed without being fully investigated, they have either been truncated<sup>1</sup> or settled by mediation.<sup>2</sup> Table I, below, shows the number of full, truncated and mediated case investigations (of the 5,818 cases closed during Calendar Year 2004) that were closed within 18 months of the incident date.

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<sup>1</sup> Cases are truncated when the complaint is withdrawn or the complainant or victim is unavailable or uncooperative. The Investigations Unit is still required to submit truncated cases to the Board before these cases are closed.

<sup>2</sup> Mediation offers complainants and subject officers an opportunity to constructively resolve, without a full investigation, the dispute that led to the filing of the complaint.

**Table I**  
Disposition of CCRB Cases in Calendar Year 2004

<b>Disposition</b>	<b>Number of Cases</b>	<b>Number of Cases Closed Within 18 Months</b>	<b>Percentage of Cases Closed Within 18 Months</b>
Full Investigation	2,444	2,343	95.9%
Mediation	210	210	100%
Truncated	3,164	3152	99.6%
<b>Total</b>	<b>5,818</b>	<b>5,705</b>	<b>98.1%</b>

As shown in Table I, above, 5,705 (98.1%) of the 5,818 investigations were closed within 18 months. As also shown, 2,444 (42%) of the 5,818 cases resulted in full investigations. If CCRB fully completes the investigation, the Board makes one of the following findings with respect to each allegation:

- Substantiated: There is sufficient credible evidence to believe that the subject officer committed misconduct.
- Unsubstantiated: There is insufficient evidence to establish whether an act of misconduct occurred.
- Unfounded: The act that is the basis of the allegation did not occur.
- Exonerated: Although the act at issue occurred, the subject officer's actions were lawful and proper and within the scope of the subject officer's authority under police guidelines.

In addition, there are miscellaneous dispositions in which the officer retired, resigned, could not be identified, or was terminated.

At the exit conference, CCRB officials told us that their efforts to complete investigations within 18 months of the incident date are often hampered by the fact that many of the cases are reported to them well after the date of incident, thereby shortening the time that they have to complete investigations. After the exit conference, CCRB officials presented data indicating that of the 113 cases that were closed after the 18-month timeframe,<sup>3</sup> 45 (40%) were reported to CCRB more than six months after the date of incident. Had these cases been reported sooner, the officials stated that CCRB would have been in a better position to complete these investigations within 18 months.

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<sup>3</sup> Of the 5,818 cases closed in Calendar Year 2004, 5,705 were closed within 18 months of the incident date. Therefore, 113 cases were closed more than 18 months after the incident date.

Table II, below, shows the number of full investigation cases that resulted in findings in which the complaints were substantiated, unsubstantiated, or unfounded; the officer was exonerated; or there was a miscellaneous disposition. Also shown are the number and percentage of these cases that were closed within 18 months of the date of incident.

**Table II**  
Findings of CCRB Full Investigation Cases  
Closed During Calendar Year 2004

<b>Finding</b>	<b>Number of Cases</b>	<b>Number of Cases Closed Within 18 Months</b>	<b>Percentage of Cases Closed Within 18 Months</b>
Substantiated	399	389	97%
Unsubstantiated, Unfounded, or Exonerated	1,865	1,784	96%
Miscellaneous Disposition	180	170	94%
<b>Total</b>	<b>2,444</b>	<b>2,343</b>	<b>96%</b>

As shown in Table II, above, 2,343 (96%) of CCRB's full investigations were closed within 18 months.

After the exit conference, CCRB officials also presented data that indicated that of the 101 full investigation cases that were closed after the 18-month timeframe,<sup>4</sup> 35 (35%) were reported to CCRB more than six months after the date of incident. Had these cases been reported sooner, CCRB officials stated that they would have been in a better position to complete these investigations within 18 months. CCRB officials also stated that cases that are placed on hold pending investigations by a District Attorney's (DA) office or cases that are delayed pending NYPD internal investigations may close beyond the 18-month timeframe because investigators have less time to work on these cases. CCRB officials provided documentation to show that 6 of the 10 substantiated cases that were closed after 18 months were at some point in time on hold or delayed due to DA or NYPD investigations. CCRB officials also argued that the alleged misconduct in these six cases would have, if proved in court, constituted criminal acts and would not have been covered by the 18-month statute of limitations.

When the Board substantiates one or more allegations of misconduct, it generally makes a disciplinary recommendation and forwards its findings and the investigative file to the Police Department. The Board makes one of three types of recommendations based on the substantiated allegation. First, the Board may recommend that the Police Department lodge formal administrative charges against the officer who, as a result, may face suspension or termination. Second, the Board may recommend that the subject officer's commanding officer impose a command discipline, ranging from an oral warning and admonishment to a forfeiture of

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<sup>4</sup> Of the 2,444 full investigation cases closed in Calendar Year 2004, 2,343 were closed within 18 months of the incident date. Therefore, 101 cases were closed more than 18 months after the incident date.

up to 10 days of vacation time. Third, the Board may recommend that the commanding officer instruct the officer on proper police procedures relating to the substantiated allegation.

Police Department officials told us that they prefer that CCRB cases be provided to them within 17 months—one month prior to the 18-month timeframe. They stated that this one-month period provides sufficient time for them to review the CCRB report and serve charges on the officer. Thus, we also measured whether cases were completed within 17 months and found that in Calendar Year 2004, 2,293 (94%) of the 2,444 full investigations were completed within this timeframe. Furthermore, 381 (95%) of the 399 substantiated cases—those recommending disciplinary action by the Police Department—were completed within 17 months.

In summary, CCRB ensured that a very high percentage of its cases were completed in a timely manner. In addition, CCRB presented data and documentation that indicated that of the very small percentage of cases that were not completed in a timely manner, many were delayed due to circumstances beyond CCRB's control. Please note that this audit did not assess the quality of investigations. Nevertheless, weaknesses identified in CCRB's investigations, which may negatively affect their quality, will be discussed in the following sections.

### **Investigative Case Plans Are Not Consistently Prepared and Reviewed**

Review of a sample of 75 cases completed during Fiscal Year 2005 revealed that CCRB was not consistently performing certain required steps in conducting its investigations. According to the *CCRB Investigator Training Manual*, an investigative case plan must be prepared if the complainant or victim has been interviewed in person following the initial filing of the complaint. Based on our sample review, 48 percent of the cases lacked the required investigative case plans.

The preparation and review of investigative case plans is important for many reasons. First, case plans provide a systematic strategy for conducting efficient, thorough, and fair investigations. Second, the need for case plans is heightened by the fact that, as CCRB officials told us, there is a high turnover rate for investigators at the agency. The turnover rate increases the likelihood that an inexperienced investigator will be assigned to a case or that a case will be reassigned to another investigator before it is completed. In such cases, it is of great importance that a clear plan of action be in place to guide the investigation. Finally, a case plan provides a good opportunity for supervisory feedback. The plan offers a mechanism whereby the team supervisor can provide the investigator with constructive and objective advice to enhance investigator performance and thus enhance the quality of each investigation.

CCRB procedures provide clear, detailed instructions regarding the preparation and review of investigative case plans. As stated in the *CCRB Investigator Training Manual*:

“...within three days of interviewing the complainant and/or victim(s), the investigator must summarize the interview(s), prepare document requests and subpoenas, and draft an investigative case plan. The case plan, which is generated through CTS, should outline the known facts, the allegations raised by the

complaint, the issues presented by the complaint, and the actions required to investigate the complaint. Team supervisors are required to review the case file, the document requests and subpoenas, and the case plan. Within the CTS, supervisors are required to comment upon the plan; ultimately both the investigator and supervisors have to sign the plan.”

Of the 75 closed cases in our sample, 44 required that investigative case plans be prepared because the complainant or victim was interviewed in person by the investigator. For the other 31 cases, the case was truncated, either because the investigator could not identify or contact the complainant or victim, or because the complaint was withdrawn. For the 44 cases requiring case plans, 21 (48%) of the cases did not have plans. Furthermore, for 5 of the remaining 23 cases that did have plans, there was no evidence of a review by the team supervisor.

Of the five cases in our sample of cases open for more than 18 months as of August 31, 2005, all five had been on hold for some length of time, pending the completion of an investigation by the District Attorney’s Office or the Internal Affairs Bureau of the Police Department. Only 2 of the 5 open cases had investigative case plans, both of which were reviewed by the supervisor.

CCRB should make certain that it follows its own procedures by requiring that investigators provide timely and complete investigative case plans to ensure that each case is properly planned and monitored. The process of properly planning and monitoring investigations helps ensure that they are completed in an efficient, thorough, and fair manner.

**CCRB Response:** “Of the 5,803 cases the CCRB closed in fiscal year 2005, the audit staff reviewed just 75 cases, 44 of which required an investigative case plan. Although the audit report found that investigative case plans were prepared in only 52% of these 44 cases, the CCRB’s data (which the auditors found reliable after assessing it) show that of the 2,576 cases closed during fiscal year 2005 in which investigative case plans were required, investigators prepared the plans in 1,677 cases, a compliance rate of 65%.”

**Auditor Comment:** Our data reliability test covered only selected data from CTS, such as case numbers, case dispositions, and incident, complaint, and case closing dates. We did not test the reliability of CTS data with regards to which cases required investigative plans and which cases had them.

### **Recommendation**

1. CCRB should ensure that every investigation has an approved investigative case plan as outlined in its procedures.

**CCRB Response:** “The CCRB is committed to improving its compliance with its own internal requirement that investigative case plans be prepared following the initial interview with the complainant and/or alleged victim. While the agency’s compliance rate with this particular internal procedure has been lower than ideal, data from the

CCRB's Complaint Tracking System (CTS) indicate that the rate is greater than that indicated in the audit report. . . .

“While the CCRB believes that its preparation of investigative case plans is greater than what the audit report found in a relatively small sample of cases, the agency agrees that the plans must be prepared when required by internal agency policy. The CCRB will reemphasize to its investigative supervisors the importance of investigative case plans. In addition, CCRB executive staff will review a report, generated on a quarterly basis, listing all cases in which investigative case plans required to determine whether investigative supervisors are ensuring that case plans be prepared. CCRB executives will then discuss their findings with team supervisors.”

### **Required Time-triggered Progress Reports Are Not Consistently Prepared and Reviewed**

Investigators did not prepare progress reports in 68 percent of the instances in our sample where such reports were required. For those reports that were prepared, 23 percent lacked evidence of supervisory review.

If an investigation remains open for four months after the date of the complaint, CCRB investigators are required to submit progress reports to their supervisors. Those progress reports are also required at the eight- and twelve-month stages of the investigation. If the case remains open more than 12 months, investigators are required to submit monthly progress reports until the case is closed. (Prior to April 2004, CCRB required that progress reports be submitted for review at the fourth, seventh, tenth, and twelfth month, and every month thereafter. Some cases in our sample were open prior to 2004, and thus needed to meet those criteria.)

Review of a sample of 75 cases closed during Fiscal Year 2005 revealed that CCRB investigators were not consistently preparing time-triggered progress reports. Forty-three (57%) of the 75 case files required at least one time-triggered progress report. For those 43 cases, there was a total of 108 instances where a progress report was required. Investigators did not prepare progress reports in 73 (68%) of the 108 instances. Consequently, there is no assurance that CCRB managers and supervisors properly monitored the progress of the cases. As with the investigative case plans, this indicates that CCRB managers and supervisors are not properly monitoring the cases to ensure that their investigators complete the investigations in an efficient, thorough, and fair manner.

Though team supervisors can review cases at any time, CCRB requires investigators to prepare progress reports for their supervisors to review at specific times in the investigation. The CTS system permits investigators to file these reports for as long as the case remains open. On the time-triggered progress reports, the investigator is required to state the tasks that have been completed, the tasks that are pending, new tasks to be completed, and the projected date of closure. Supervisors are to review and make comments on those reports. Both the investigator and the supervisors are required to sign the reports.

Table III, below, shows the number and percentage of 4-, 7-, 8-, 10- and 12-month progress reports that were completed for the case files we reviewed.

**Table III**  
Time-triggered Progress Reports  
Required and Prepared for the 75 Sample Cases

Time of Progress Report	A	B	C	D	E
	Number of Progress Reports Required	Number of Progress Reports Prepared	Percentage of Progress Reports Prepared (Col B ÷ Col A)	Number of Progress Reports Not Prepared	Percentage of Progress Reports Not Prepared (Col D ÷ Col A)
Fourth Month	43	20	47%	23	53%
Seventh Month	16	5	31%	11	69%
Eighth Month	19	5	26%	14	74%
Tenth Month	13	1	8%	12	92%
Twelfth Month	17	4	24%	13	76%
<b>Totals</b>	<b>108</b>	<b>35</b>	<b>32%</b>	<b>73</b>	<b>68%</b>

As shown in Table III, above, 73 (68%) of the 108 progress reports were not prepared as required. Furthermore, for the 35 case files for which progress reports were prepared, there was a lack of evidence of supervisory review for 8 (23%). For the sample cases reviewed, Table IV, below, shows the number and percentage of prepared progress reports that were reviewed by a supervisor.

**Table IV**  
Progress Reports Reviewed by  
Supervisors for the 75 Sample Cases

Time of Supervisory Review	A	B	C	D	E
	Number of Progress Reports Completed	Number of Progress Reports Reviewed by Supervisor	Percentage of Progress Reports Reviewed (Col B ÷ Col A)	Number of Progress Reports Not Reviewed	Percentage of Progress Reports Not Reviewed (Col D ÷ Col A)
Fourth Month	20	15	75%	5	25%
Seventh Month	5	3	60%	2	40%
Eighth Month	5	5	100%	0	0%
Tenth Month	1	1	100%	0	0%
Twelfth Month	4	3	75%	1	25%
<b>Totals</b>	<b>35</b>	<b>27</b>	<b>77%</b>	<b>8</b>	<b>23%</b>

\*In two cases not included in this table, the investigators did not prepare progress reports; however, the supervisors prepared progress review comments.

Of the 75 closed cases in our sample, 10 cases required one or more monthly progress reports after the completion of the first year of the investigation.<sup>5</sup> For these 10 cases, none of the 25 required monthly progress reports was prepared.

Of the five cases in our sample of cases open for more than 18 months as of August 31, 2005, all five, as stated above, had been on hold or delayed for some length of time, pending the completion of an investigation by the District Attorney's Office or the Internal Affairs Bureau of the Police Department. One case was still on hold as of January 2006. For the remaining four cases, we concluded that CCRB adequately prepared and reviewed progress reports since the holds were lifted.

While investigators provide information in CTS on the day-to-day investigative actions taken on each case, this information does not provide a clear overview of the status and direction of the case. Time-triggered progress reports are an important mechanism by which investigators can provide such an overview. Experienced supervisors can then provide guidance to help ensure efficient, thorough, and fair investigations.

### **Recommendation**

2. CCRB should ensure that all required time-triggered progress reports are prepared and reviewed, as outlined in its procedures.

**CCRB Response:** "The CCRB agrees that time-triggered reviews must always be conducted when required by internal agency policy. In an effort to improve the consistency with which time-triggered reviews are completed, in January 2006 the CCRB programmed its Complaint Tracking System to generate an email on the 24<sup>th</sup> of each month to all investigative team supervisors. The email lists all the cases in a team's docket in which time-triggered reviews are due the following month. The CCRB will reemphasize to its investigative supervisors the importance of conducting time-triggered reviews. In addition, CCRB executive staff will review a report, prepared on a quarterly basis, listing all cases in which time-triggered reviews were required to determine whether investigative supervisors are ensuring that time-triggered reviews are conducted. CCRB executives will discuss their findings with team supervisors."

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<sup>5</sup> If a closing report was prepared on the case prior to the end of the 14<sup>th</sup> month of the investigation, we did not expect a monthly progress report to have been prepared after the completion of the first year of the investigation.





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June 6, 2006

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1 Centre Street  
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-by hand and mail-

Dear Mr. Graham:

Thank you for giving the board the opportunity to formally review and comment upon the New York City Comptroller's draft of its "Audit Report on the Case Management Practices of the Civilian Complaint Review Board" (audit number ME06-060A). I also want to thank your staff for its diligence and effort in preparation of the audit report and, in particular, your staff's responsiveness to suggestions the CCRB made regarding the preliminary draft of the report.

As the audit report points out, the number of complaints filed with the CCRB rose 35% from 2002 through 2004. The rise in the number of complaints continued in 2005; the number of complaints lodged last year represents a 47% increase over the number filed in 2002. At the same time, as the audit report also acknowledges, the CCRB improved its productivity—measured by total case closures—by 20% between 2002 and 2004. In 2005 the CCRB closed even more cases than in 2004, improving its productivity by another 12%. Given the agency's tremendous effort to handle responsibly the unprecedented demand for its services in the absence of increases to its budget, the board appreciates the audit report's recognition that "the CCRB ensured that a very high percentage of its cases were completed in a timely manner."

The audit report's two recommendations concern the CCRB's compliance with internal agency policies requiring preparation of investigative case plans and time-triggered reviews. These particular policies require that supervisors review open cases at critical junctures and are designed to ensure that investigations are completed in a timely and thorough manner. While the CCRB realizes that compliance with these policies has not been consistent, readers of the audit report should be aware of the burdens being placed on CCRB investigative supervisors, who shoulder the responsibility for implementing these policies. Due to budget cuts, the CCRB was

forced to disband its ninth investigative team in March 2003. As complaint filings increased, the number of investigators and cases each of the eight teams' supervisors manages has exploded. In 2002, there were an average of 12 line investigators on each of the nine teams and the average team docket stood at 188 cases. During 2005, fifteen line investigators were assigned to each team and the average team's docket was comprised of 283 cases, an increase in each team's workload of 51%. As a result, the investigative manager, the supervisor of investigators, and the assistant team supervisor have struggled to hire, train, and evaluate their staffs and to properly oversee all the cases on their teams. The CCRB has repeatedly requested without success that the Office of Management and Budget add money to the agency's current and out-year budgets to fund a supervisory staff for a ninth investigative team.

With respect to the audit report's two specific recommendations, the CCRB offers the following comments:

### **Recommendation #1**

CCRB should ensure that every investigation has an approved investigative case plan as outlined in its procedures.

### **CCRB comments and agency implementation plan**

The CCRB is committed to improving its compliance with its own internal requirement that investigative case plans be prepared following the initial interview with the complainant and/or alleged victim. While the agency's compliance rate with this particular internal procedure has been lower than ideal, data from the CCRB's Complaint Tracking System (CTS) indicate that the rate is greater than that indicated in the audit report.

Of the 5,803 cases the CCRB closed in fiscal year 2005, the audit staff reviewed just 75 cases, 44 of which required an investigative case plan. Although the audit report found that investigative case plans were prepared in only 52% of these 44 cases, the CCRB's data (which the auditors found reliable after assessing it) show that of the 2,576 cases closed during fiscal year 2005 in which investigative case plans were required, investigators prepared the plans in 1,677 cases, a compliance rate of 65%.

While the CCRB believes that its preparation of investigative case plans is greater than what the audit report found in a relatively small sample of cases, the agency agrees that the plans must be prepared when required by internal agency policy. The CCRB will reemphasize to its investigative supervisors the importance of investigative case plans. In addition, CCRB executive staff will review a report, generated on a quarterly basis, listing all cases in which investigative case plans were required to determine whether investigative supervisors are ensuring that case plans be prepared. CCRB executives will then discuss their findings with team supervisors.

**Recommendation #2**

CCRB should ensure that all required time-triggered progress reports are prepared and reviewed, as outlined in its procedures.

**CCRB comments and agency implementation plan**

The CCRB agrees that time-triggered reviews must always be conducted when required by internal agency policy. In an effort to improve the consistency with which time-triggered reviews are completed, in January 2006 the CCRB programmed its Complaint Tracking System to generate an email on the 24<sup>th</sup> of each month to all investigative team supervisors. The email lists all the cases in a team's docket in which time-triggered reviews are due the following month. The CCRB will reemphasize to its investigative supervisors the importance of conducting time-triggered reviews. In addition, CCRB executive staff will review a report, prepared on a quarterly basis, listing all cases in which time-triggered reviews were required to determine whether investigative supervisors are ensuring that time-triggered reviews are conducted. CCRB executives will discuss their findings with team supervisors.

Again, I thank you and your staff for the audit you have conducted and respectfully request that you include the full text of these comments when you release your final audit report. If you have any further questions, please call me at (212) 442-8731.

Sincerely,



Florence L. Finkle  
Executive Director

c: Board members