

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

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**WILLIAM C. THOMPSON, JR.**  
*Comptroller*

**Follow-up Audit Report on the  
Case Management Policies and Procedures  
of the Civilian Complaint Review Board**

**MH01-183F**

*May 21, 2002*



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**SUMMARY OF FINDINGS AND CONCLUSIONS**

This is a follow-up audit to determine whether the Civilian Complaint Review Board (CCRB) has implemented recommendations made in an earlier audit, *Audit Report on Case Management Policies and Procedures of the Civilian Complaint Review Board* (Audit #MH96-181A, issued June 25, 1998). The earlier report evaluated the CCRB's performance in relation to its case management policies and procedures. Specifically, the earlier audit determined whether the CCRB processed and completed its investigations of civilian complaints of alleged police misconduct in time for the New York City Police Department (NYPD) to take action within the mandatory 18-month statute of limitations. The audit also evaluated the adequacy and effectiveness of the CCRB's case management policies and procedures. In addition, it assessed the reliability of the CCRB's computer operations and the effectiveness of the agency's performance and case processing indicators. The earlier audit did not evaluate the quality of CCRB investigations.

The earlier report noted that overall, the CCRB had increased its effectiveness and made gains in meeting its civilian oversight goal of investigating complaints of police misconduct, based on reviews of case files and data from July 1993 through June 1997. However, the audit concluded that the agency still had considerable room for improvement in case management. Too many cases still exceeded the 18-month statute of limitations, and many cases, although completed within 18-months, were at-risk because they were sent to the NYPD too late for the NYPD to complete its own investigations and take disciplinary actions. The previous audit also determined that the CCRB had serious data reliability problems involving the accuracy of information in its computerized database. However, the audit noted that the CCRB had taken a number of steps to correct those problems, resulting in significant improvements in data reliability.

The earlier report made ten recommendations for the CCRB to improve the performance of its case management procedures and policies, computer operations, and reporting of operational effectiveness.

This follow-up audit determined that five of the ten recommendations made in the previous audit were implemented, three were partially implemented (or partially implemented—improvement noted), one was not implemented, and one was no longer applicable. The recommendations and their current implementation status are as follows. The CCRB should:

1. Ensure that it sends all substantiated cases to the NYPD well enough in advance so that the NYPD has sufficient time to commence and complete its own review of alleged police misconduct before the end of the 18 month statute of limitations. **PARTIALLY IMPLEMENTED—SIGNIFICANT IMPROVEMENT NOTED.**
2. Continue to track and monitor the age of its case docket and develop further refinements that may be necessary to ensure efficient case management, so that all old cases are closed and all new cases are investigated in a timely manner. **IMPLEMENTED.**
3. Adopt more realistic case processing indicators or thresholds to define the backlog of cases. The CCRB should discontinue its current 4-month or more threshold that is now being used in the City’s Mayor’s Management Report, replacing it with a more relevant indicator. **NOT IMPLEMENTED.**
4. Begin reporting on the length of time that it takes to conduct full investigation cases, either in addition to, or instead of, its current measures. This would present a much more accurate and relevant performance measurement of the real efficiency of the CCRB’s case management in the most critical category of its cases. **IMPLEMENTED.**
5. Continue to work with the NYPD to expedite the process for obtaining investigation-related documents from the NYPD’s Internal Affairs Bureau. **PARTIALLY IMPLEMENTED—IMPROVEMENT NOTED.**
6. Convene a panel of experts in the area of effectiveness and law enforcement to develop and recommend a comprehensive set of relevant performance indicators that the CCRB should use to measure its effectiveness. **NO LONGER APPLICABLE.**
7. Work with the NYPD to set up a systematic procedure to get formal feedback from the NYPD to learn the reasons for the final actions for each case submitted. **IMPLEMENTED.**
8. Begin reporting in its semiannual Status Reports on the final outcome of its substantiated cases that match or link the cases that the CCRB sends to the NYPD with the NYPD’s final actions in each of those cases. This information would provide management—and the public—with more results-based data as well as a valuable tool for measuring the CCRB’s effectiveness. **PARTIALLY IMPLEMENTED.**
9. Design a plan of action to improve the accuracy and completeness of its computer-based data so that its data can be used as an effective and a dependable management tool for compiling, analyzing, and reporting information. **IMPLEMENTED.**

10. Institute quality control and review procedures to verify that data entry is accurate and complete, and promptly reconcile any errors that are identified. **IMPLEMENTED.**

During this current audit, we determined that the CCRB has shown marked improvement in its ability to manage its caseload in a timely and efficient manner. A number of factors have contributed to its success, including a greater ability to obtain from the NYPD information needed to complete investigations and a new time-triggered case review system. These improvements notwithstanding, the audit determined that CCRB investigative managers and supervisors did not consistently make a notation entry in the computerized case log to validate that the required periodic reviews were conducted. Therefore, there is no assurance that all cases are undergoing supervisory review at the specified intervals. Moreover, the CCRB has still not developed more realistic indicators to define the backlog of cases.

To address weaknesses that still exist, we restate the previous recommendations that the CCRB should:

- Continue to work to maintain compliance with its case management procedures and process cases expeditiously to ensure that all substantiated cases are referred to the NYPD with sufficient time remaining on the 18-month statute of limitations for the NYPD to take action.
- Meet with the Mayor's Office of Operations to discuss discontinuing the "operational backlog" indicator that is now being used in the Mayor's Management Report (MMR), replacing it with a more relevant indicator that would provide a clearer measure of the agency's productivity in processing cases. For example, the CCRB could report the age of its caseload from the date the case was reported to CCRB, using intervals (i.e., 0-4 months, 5-12 months, 13-17 months, etc.) similar to those already used in the MMR to report the age of caseload from the date of the incident.
- Continue to work with the NYPD to expedite the process for obtaining investigation-related documents from the NYPD Internal Affairs Bureau.
- Report on a case-by-case basis the NYPD's final actions on CCRB cases in addition to reporting the number of police officers involved in each case. This could provide a clearer gauge of CCRB effectiveness regarding the outcome of substantiated cases.

To further improve its case processing procedures and management, we now recommend that the CCRB:

- Continue to work to obtain direct CCRB desktop access to the NYPD database.
- Remind investigative supervisors and managers in the time-triggered review procedures or retrain them in these procedures; emphasize that each case log should be validated by supervisory personnel upon the completion of each required case review.

- Consider adding an indicator to the Complaint Tracking System (CTS) database that could be used to evidence the completion of supervisory case reviews at specified intervals. This feature could also be used to flag cases still requiring review.

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 City Comptroller's audit responsibilities as set forth in Chapter 5, § 93, of the New York City Charter.

### **CCRB Response**

The matters covered in this audit report were discussed with officials from the CCRB during and at the conclusion of this audit. A preliminary draft report was sent to CCRB officials and was discussed at an exit conference held on March 22, 2002. On March 27, 2002, we submitted a draft report to CCRB officials with a request for comments. We received a written response from CCRB officials on April 10, 2002. The CCRB generally agreed with all seven recommendations made in this audit, stating:

“Thank you for giving the board the opportunity to formally review and comment upon the New York City Comptroller's draft of its ‘Follow-up Audit Report on the Case Management Policies and Procedures of the Civilian Complaint Review Board’ (audit number MH01-183F). I also want to thank your audit staff for its diligence and effort in preparation of the audit report.

“The CCRB concurs with the audit conclusion that ‘the CCRB has shown marked improvement in its ability to manage its caseload in a timely and efficient manner. . . .The CCRB also believes that our improvement was and is in part dependent upon the CCRB's ability to obtain records and other information more expeditiously from the New York City Police Department.’”

The full text of the CCRB's comments appears as an addendum to this report.

**NEW YORK CITY  
OFFICE OF THE COMPTROLLER  
Date Filed: May 21, 2002**

# INTRODUCTION

## **Background**

The CCRB is an independent, non-law enforcement agency with the authority to investigate civilian complaints of alleged misconduct against members of the NYPD. Any person may make complaints, whether or not the individual is a victim of or witness to an incident. The CCRB is empowered to receive, investigate, hear, make findings, and recommend action on civilian complaints that allege misconduct involving excessive or unnecessary force, abuse of authority, discourtesy, or use of offensive language, including slurs relating to race, ethnicity, religion, gender, sexual orientation, and disability.

The CCRB was established as an independent agency in January 1993, when the City Council amended § 440 of the City Charter to create an all-civilian, non-police Review Board.

The CCRB consists of 13 Board members: five—one from each borough—designated by the City Council; five selected by the Mayor; and three selected by the Police Commissioner, each with experience as law enforcement professionals. Except for the three selected by the Police Commissioner, no member can be a former law enforcement professional or a former employee of the NYPD.

In fiscal year 2002, the CCRB budget was \$11.0 million. As of July 31, 2001, 119 (69.6%) of the agency's 171 staff members were investigative personnel. There are four CCRB responsibility centers involved in processing civilian complaints:

- **Complaint Response Unit (CRU)**: Complainants have initial contact with the CRU, which receives and reviews all complaints reported by mail, telephone, e-mail, through the Internet, or in person. The CRU also reviews complaints filed in person at NYPD precincts. CRU staff must initiate a case docket and log each complaint in the CCRB computerized Complaint Tracking System (CTS), which assigns the complaint a unique case identification number. Once the CRU logs the complaint, the case is passed on to the Investigative Unit. If the allegation does not fall under the CCRB's jurisdiction, the CCRB refers the case to the appropriate department or agency.
- **Investigative Unit**: There are nine investigative teams, each consisting of a manager, a supervisor, an assistant supervisor, and approximately ten investigators. Team managers receive a case from the CRU and assign it to an investigator, who must attempt to contact the complainant within 24 hours of receipt of the complaint. Each investigator assembles as much evidence as possible on an assigned case by locating and interviewing witnesses and police officers. The team manager, supervisor, and assistant supervisor assist the investigator throughout the course of the investigation. At the conclusion, the investigator writes a closing report, which includes a summary of the complaint, a synopsis of the incident, results of interviews, conclusions, and recommended disposition. When an investigation is completed or terminated, the case is forwarded to the Case Management Unit for processing and scheduling.

- **The Case Management Unit (CMU):** The CMU is responsible for managing cases reviewed by Board panels and ensuring that substantiated cases are forwarded to the NYPD. The CMU receives the case files (“dockets”) from the investigative unit upon completion of the unit’s work. The CMU is responsible for the electronic imaging of the case docket, the preparation of copies of the case docket, and the assignment of cases to an upcoming Board review panel. Copies of the docket for each scheduled case are provided to Board panel members for their review and consideration.
- **Board Review Panels:** There are four review panels, each consisting of three Board members: one mayoral designee, one City Council designee, and one Police Commissioner designee. Each panel meets once a month to review cases submitted by the CMU and to vote on whether misconduct occurred. The Board panels review both fully investigated and truncated cases. A separate Alternative Dispute Resolution (ADR) panel reviews ADR cases. If the Board finds a case to be substantiated, it sends the case to the Police Commissioner. If a Board review panel is unable to reach a majority decision about a case, that case is sent to the full Board for a vote.

The CCRB review panels handle three types of cases:

- **Full investigation cases.** These cases involve civilian complaints that are subject to a full review by CCRB investigative staff and a review panel, starting when a complainant has met with a CCRB investigator and has given a complete statement concerning the alleged misconduct.
- **Truncated investigation cases.** These cases involve civilian complaints for which investigations are started but not completed. Truncated cases may result from a variety of circumstances, such as an uncooperative complainant or witness.
- **Alternative Dispute Resolution (ADR).** The CCRB offers mediation to resolve many types of civilian complaints, thus obviating the need for a formal investigation of the complaint and discipline.

The dispositions of investigations completed by the CCRB investigative staff are made by Board review panels. After reviewing a fully investigated case, the panel may adopt one of the following findings for each allegation in the complaint:

- **Substantiated.** There is sufficient evidence to believe that the subject officer committed the act of misconduct contained in the allegation. The Board review panel can recommend a disciplinary action to the Police Commissioner.
- **Exonerated.** The subject officer was found to have committed the act alleged, but the act was determined to be lawful and proper.
- **Unfounded.** The act that is the basis of the allegation did not occur.



- **Unsubstantiated.** The available evidence is insufficient to either substantiate the allegation, exonerate the officer, or conclude that the allegation is unfounded.

The CCRB considers substantiated, exonerated, and unfounded cases as affirmative findings since the Board can reach a clear determination in these cases. Unsubstantiated cases are considered non-affirmative findings, since they lack enough conclusive evidence to reach clear determinations. (Chart I, in Appendix A, illustrates the flow of civilian complaints from intake to final disposition.)

CCRB findings and recommendations for substantiated cases are referred in writing to the Police Commissioner for consideration and a final decision. Concurrently, all parties to a complaint, including the subject officer, are notified by mail of the CCRB's findings and recommendations.

In its report to the Police Commissioner, the CCRB may note any other misconduct identified during the investigation of the complaint and make recommendations for appropriate disciplinary action, such as Instruction, Command Discipline, or Charges and Specifications. The CCRB can recommend disciplinary measures, but it can not impose them on police officers. The Police Commissioner has the sole authority to penalize officers who have engaged in misconduct.

There is no legal requirement for the CCRB to complete its investigations and to submit cases to the NYPD in a prescribed amount of time. However, expedient completion and referral of cases to the NYPD is important because of a provision in the New York Civil Service Law that mandates an 18-month time constraint regarding the imposition of disciplinary action against a police officer.<sup>1</sup>

Pursuant to this law, any disciplinary action against a police officer must be commenced within 18 months of the date of the alleged incident. However, if the officer's action is criminal in nature, the 18-month statute of limitation does not apply. In the event that the NYPD receives a case with little time remaining on the statute of limitations, and the complaint against the subject officer is severe with good reason to believe the charge, the NYPD may serve the officer with Charges and Specifications. This action stops the statute of limitations, and allows the NYPD to complete its review of the case and to seek disciplinary action against the officer, if warranted. Ideally, to ensure that the NYPD has sufficient time to act upon CCRB recommendations, the CCRB should refer a substantiated case to the Police Commissioner with at least three months remaining on the statute.

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<sup>1</sup> New York Civil Service Law, § 75, Subdivision 4.

## **Objective, Scope, and Methodology**

The objective of this follow-up audit was to determine whether the CCRB implemented recommendations made in a previous report, *Audit Report on Case Management Policies and Procedures of the Civilian Complaint Review Board* (Audit #MH96-181A, issued June 25, 1998). The scope of this audit was fiscal year 1998 through fiscal year 2001. Neither the previous audit nor this current audit attempted to assess the quality of CCRB investigations.

To accomplish our objectives and to determine whether the CCRB implemented the recommendations made in the earlier audit, we:

- Interviewed CCRB officials to determine the agency's organizational structure, the job responsibilities of personnel assigned to the various units, and the resources available to the agency to investigate complaints made by the public against police officers. We also interviewed the Management Information Systems (MIS) Director to obtain an understanding of the agency's computerized Complaint Tracking System. We obtained and reviewed the CCRB's Investigative Standards and Procedures, semiannual Status Reports, and other relevant documentation.
- Analyzed CCRB data for substantiated cases referred to the NYPD for the period July 1998–June 2001 to determine the age of the cases at the time it was referred to the NYPD.
- Tested 20 randomly selected cases that were initiated between January 2000 and August 2001 to determine whether the investigative supervisors or managers made entries in the case logs validating that supervisory case reviews were conducted at established review intervals.
- Reviewed the semiannual Status Reports and MMRs for fiscal years 1997 through 2001 to determine whether the CCRB reported on the length of time it takes to complete full investigations cases, whether it had developed a comprehensive set of relevant performance indicators, and to identify stated CCRB goals and objectives.
- Met with officials of the NYPD Department of Advocate Office to develop an understanding of NYPD procedures for handling and processing substantiated cases referred by the CCRB. We reviewed correspondence between the agencies regarding CCRB access to investigation-related information; and we reviewed the NYPD's final actions in substantiated cases to determine whether improvements were made in the sharing of information between the agencies.
- Analyzed Police Disposition Data, Disciplinary Actions, and Penalty Information reported in the CCRB's semiannual Status Reports from fiscal years 1998 through 2001 to determine whether the CCRB matched or linked this information to substantiated cases referred to the NYPD.

- Compared minutes from CCRB review panels that indicate case dispositions for the six-month period January through June 2001 to data reported by the computerized CTS to ensure the accuracy and reliability of the database.

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 City Comptroller's audit responsibilities as set forth in Chapter 5, § 93, of the New York City Charter.

## **CCRB Response**

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“The CCRB concurs with the audit conclusion that ‘the CCRB has shown marked improvement in its ability to manage its caseload in a timely and efficient manner. . . .The CCRB also believes that our improvement was and is in part dependent upon the CCRB's ability to obtain records and other information more expeditiously from the New York City Police Department.’”

The full text of the CCRB's comments appears as an addendum to this report.

## RESULTS OF THIS FOLLOW-UP AUDIT

The CCRB has shown marked improvement in its ability to manage its caseload in a timely and efficient manner. A number of factors have contributed to its success, including a new time-triggered case review system, greater ability to obtain information from the NYPD to complete its investigations, improved communication between the CCRB and the NYPD, the hiring of additional CCRB investigators, and better training of these new staff members. However, the CCRB has still not developed more realistic indicators to define the backlog of cases.

**PREVIOUS FINDING:** “Nearly 29 percent of the CCRB's full investigation/substantiated cases were ‘at risk’ because they were completed too late for the NYPD to take disciplinary action”

The earlier audit noted that “ the CCRB closed a large majority of all its cases within the 18-month statute of limitations deadline, [but] some cases were ‘at risk’ of being completed too late for the NYPD to complete its own review and take disciplinary action. Under New York State Civil Service law, any disciplinary action against a Police Officer must be commenced within 18 months of the date of the alleged incident. . . . However, if the officer's action is criminal in nature, the 18-month statute of limitations does not apply. . . .”

“CCRB closed 92.4 percent of all the 3,031 cases (within 18 months from the date of the alleged incident) it reviewed between January and June 1997; however, nearly 19 percent (616) of these cases were between 15 and 18 months old at completion. Moreover, nearly 29 percent (78 cases) of the 271 substantiated cases closed between January and June 1997 were between 15 and 18 months old at completion. Thus, these cases were ‘at risk’ of being completed too late for NYPD to take disciplinary action . . . given the NYPD’s contention that it requires an average of 3 to 4 months to complete its own review of substantiated cases received from the CCRB.”

The earlier audit noted that during the course of the audit, the CCRB had enacted a “number of initiatives intended to give it better overall control and tracking of its cases and to ensure the expeditious closure of old cases and the timely investigation of newer ones. . . . [The CCRB] instituted a central computerized file system and stricter inventory controls to better track, monitor, and control the age of its cases and to better prioritize its case management.”

**Previous Recommendation #1:** “To improve its ability to complete cases within the 18-month statute of limitations and improve its compliance with other case management procedures, the CCRB should ensure that it sends all substantiated cases to the NYPD well

enough in advance so that the NYPD has sufficient time to commence and complete its own review of alleged police misconduct before the end of the 18 month statute of limitations.”

**Previous CCRB Response:** The CCRB agreed with this recommendation, stating that “it is essential to make such referrals well before the eighteen month statute expires in order to allow the NYPD sufficient time to review the case.” The CCRB noted that its most recent statistics showed that it had already begun to implement this recommendation.

**Current Status:** PARTIALLY IMPLEMENTED- SIGNIFICANT IMPROVEMENT NOTED

Since the previous audit, the CCRB has demonstrated marked improvement in expediting its investigation of civilian complaints and referring substantiated cases to the NYPD with sufficient time remaining on the 18-month statute of limitations for the NYPD to complete its own review of the cases and impose disciplinary action deemed appropriate. Our analysis of case data indicated the CCRB has reduced the number of substantiated cases whose investigations exceeded 15 months and increased the number of cases with three months or more remaining on the statute when the agency referred them to the NYPD.

As reported in the earlier audit, the CCRB must refer a substantiated case to the NYPD with no less than three months remaining on the statute to ensure that the NYPD has sufficient time to review the case and act upon the CCRB’s recommendations. Using this as a standard, we reviewed CCRB case data for the period July 1998–June 2001 to determine the ages of substantiated cases at the time they were completed and referred to the NYPD—calculating the age of the case from the date of alleged incident. We then compared this aging information to case data for the period July 1994–June 1997 that was reported in the previous audit.

Our analysis, reflected in Table I below, determined that overall, the CCRB has demonstrated continued improvement and, therefore, greater efficiency in completing its investigations and submitting substantiated cases to the NYPD in a timely manner. Our analysis of the two periods indicated that the CCRB reduced the percentage of substantiated cases exceeding 15 months that it referred to the NYPD from an average of 56.8 percent for the period July 1994–June 1997 to an average of 17.3 percent for the period July 1998–June 2001, an improvement of 39.5 percentage points.

**Table I**  
**Quantity and Age of Substantiated CCRB Cases, from the**  
**Date of the Alleged Incident to the Date of Referral to the NYPD**  
**Comparison of July 1994 –June 1997 Data with July 1998–June 2001 Data**

Aging Interval	Period I		Period II	
	Total July 1994– June 1997	Average July 1994– June 1997	Total July 1998 – June 2001	Average July 1998 – June 2001
(a) Cases aged less than 15 months <i>(3 months or more remaining on the statute)</i>	401 (43.2%)	67 (43.2%)	632 (83.2%)	105 (82.7%)
(b) Cases aged 15 to 18 months <i>(3 months or less remaining on the statute)</i>	386 (41.5%)	64 (41.3%)	112 (14.7%)	19 (14.9%)
(c) Cases aged over 18 months <i>(statute expired)</i>	142 (15.3%)	24 (15.5%)	16 (2.1%)	3 (2.4%)
<b>Sub-Total- Cases over 15 months</b> <i>(b + c)</i>	528 (56.8%)	91 (56.8%)	128 (16.8%)	21 (17.3%)
<b>Total Cases</b> <i>(a + b + c)</i>	929 (100%)	155 (100%)	760 (100%)	127 (100%)

In addition, there was a marked improvement during the period July 1998–June 2001 in the percentage of substantiated cases referred to the NYPD that had three months or more remaining on the statute. An average of 82.7 percent of the substantiated cases that the CCRB referred to the NYPD during this period had three months or more remaining on the statute as compared with the earlier period, July 1994–June 1997, when an average of 43.2 percent of the substantiated cases had three months or more remaining on the statute.

Further details of our analysis of CCRB case data for the six 6-month periods between July 1998 and June 2001, are shown in Table II, following.

**Table II**  
**Quantity and Age of Substantiated CCRB Cases, from the**  
**Date of the Alleged Incident to the Date of Referral to the NYPD**  
**during Six Consecutive 6-Month Periods, July 1998–June 2001**

<b>Aging Interval</b>	<b>July – Dec. 1998</b>	<b>Jan.– June 1999</b>	<b>July– Dec. 1999</b>	<b>Jan.– June 2000</b>	<b>July– Dec. 2000</b>	<b>Jan.– June 2001</b>	<b>Total (July '98– June '01)</b>	<b>Average (July '98– June '01)</b>
(a) Cases aged less than 15 months	153 (88.9%)	132 (92.3%)	114 (86.4%)	50 (56.2%)	70 (71.4%)	113 (89.7%)	632 (83.2%)	105 (82.7%)
(b) Cases aged 15 to 18 months	17 (9.9%)	9 (6.3%)	16 (12.1%)	35 (39.3%)	25 (25.5%)	10 (7.9%)	112 (14.7%)	19 (14.9%)
(c) Cases aged over 18 months	2 (1.2%)	2 (1.4%)	2 (1.5%)	4 (4.5%)	3 (3.1%)	3 (2.4%)	16 (2.1%)	3 (2.4%)
Sub-Total Cases over 15 months (b + c)	19 (11.1%)	11 (7.7%)	18 (13.6%)	39 (43.8%)	28 (28.6%)	13 (10.3%)	128 (16.8%)	21 (17.3%)
Total Cases (a + b + c)	172 (100%)	143 (100%)	132 (100%)	89 (100%)	98 (100%)	126 (100%)	760 (100%)	127 (100%)

As shown above, during the period January–June 2000, there was a marked increase in the percentage of substantiated cases that exceeded 15 months at the time of the CCRB referral to the NYPD. According to CCRB officials, the increase was a temporary occurrence. As a precursor to the full implementation of new time-triggered review procedures (discussed below), the Board initiated a program in May 2000 to review all cases more than one year old. According to CCRB officials, this review temporarily reduced the rate of case completion and was the primary reason for the increase in cases exceeding 15 months to 43.8 percent from 13.6 percent in the previous 6-month period. However, once the new procedures were fully integrated into CCRB case management and processing, the number of cases exceeding 15 months decreased to 28.6 percent during the period July–December 2000.

As of June 30, 2001, 10.3 percent of the CCRB caseload exceeded 15 months. This is a marked improvement in comparison with the previous report's finding noted above, that "nearly 29 percent (78 cases) of the 271 substantiated cases closed between January and June 1997 were between 15 and 18 months old at completion." Notwithstanding the improvement shown as of June 30, 2001, the CCRB has room for further improvement; it must continue to pay close attention to the age of its caseload and the expeditious completion of cases.

A number of factors have contributed to the CCRB's success in increasing the timeliness of its case processing, including: (1) implementation of a time-triggered case review procedure; (2) greater ability to obtain information from the NYPD (discussed later); (3) increases in the

operating budget and investigative staffing; and (4) implementation of incentives to retain seasoned investigative staff members.

In July 2000, the CCRB implemented a new time-triggered case review procedure that requires investigative unit supervisors to review each case at prescribed time age intervals from the date cases are reported to the CCRB, namely: after 4 months, 7 months, 10 months, 12 months, and every month thereafter.

Furthermore, an increase in the CCRB operating budget has enabled the agency to expand its investigative staff and training program. As of December 31, 2000, the CCRB employed 120 investigative staff members—46 (62.1%) more than the 74 investigative staff members employed at the beginning of 1998. Also, in 1998, the Board completed a hiring and promotional plan designed to improve the quality of CCRB investigations. According to the CCRB, these new promotional opportunities, along with the policy requiring a two-year commitment from newly hired investigators, contributed to the greater retention of seasoned investigators. Also during this period, the CCRB devoted substantial resources to an overtime program for investigators to improve the timely processing, investigation, and completion of cases.

In its semiannual Status Reports for the fiscal years 1998 through 2001, the CCRB reported that investigator training became more rigorous. New investigators are required to undergo three weeks of intensive training to learn about CCRB jurisdiction and rules, interviewing techniques, and methods for acquiring documentary evidence. Training topics also include the structure of the NYPD as well as legal principles governing the use of force, search and seizure, and discourtesy. Under the enhanced training, investigators are required to complete a two-day training class at the Police Academy. Investigative staff members also receive training in accessing information relevant to CCRB cases from NYPD databases at the Internal Affairs Bureau (IAB).

In conclusion, the CCRB has shown improvement in expediting the timeliness with which it completes its investigations and closes cases. This has enabled the CCRB to reduce the number of cases “at-risk” because of the statute of limitations and to afford the NYPD sufficient time to review the cases and take action.

### **Recommendation**

The CCRB should:

1. Continue to work to maintain compliance with its case management procedures and process cases expeditiously to ensure that all substantiated cases are referred to the NYPD with sufficient time remaining on the 18-month statute of limitations for the NYPD to take action.

**CCRB Response:** The CCRB generally agreed, stating: “As the follow-up audit states, the CCRB has significantly improved its ability to refer cases it substantiates to the police



department in a timely manner, a goal we agree is extremely important. However, it is unrealistic to expect that the CCRB will ever be able to ensure that **all** cases it substantiates will be referred to the NYPD within the period defined by the statute of limitations.” The CCRB response described a number of factors that might delay or prevent it from ensuring that all substantiated cases are referred to the NYPD in a timely manner, such as cases being reported well after the date of the incident, delays in the NYPD’s release of information to the CCRB, and investigations delayed at the request of a prosecutor’s office.

**Auditor Comment:** We recognize that circumstances exist that may delay or prevent CCRB from completing all investigations in a timely manner, and that result in the NYPD’s not having sufficient time to take action. However, even in those instances beyond CCRB control, the CCRB should do everything within its power to limit the number of cases exceeding the 18-month statute of limitations.

**Previous Recommendation # 2:** “The CCRB should continue to track and monitor the age of its case docket and develop further refinements that may be necessary to ensure efficient case management, so that all old cases are closed and all new cases are investigated in a timely manner.”

**Previous CCRB Response:** The CCRB tacitly agreed with this recommendation, noting that “the CCRB has been steadily reducing both the age of the caseload and the time it takes to complete an investigation.”

**Current Status:** IMPLEMENTED

In June 2000, the CCRB implemented a new time-triggered case review procedure that imposed more rigorous time deadlines for the completion of investigative tasks, such as interviewing witnesses and officers, requesting records, and writing closing reports. Under these new procedures, investigative supervisors are required to review each case at specified intervals from the date cases are reported to the CCRB, namely: after 4 months, 7 months, 10 months, and 12 months, and every month thereafter. For each of the specified review periods, investigators are required to update the investigative case plan and submit the entire investigative file to the team’s manager or supervisor. The team manager or supervisor has three days to review the file and document the thoroughness and timeliness of investigative steps. The manager or supervisor then makes modifications to the updated case plan as needed, issues appropriate instructions, and discusses the case with the investigator.

CCRB data related to the aging of the caseload, discussed above, strongly suggest that the new time-triggered review procedure has been effective in helping the CCRB to expedite case processing.

**PREVIOUS FINDING:** “The CCRB has reduced its operational backlog of cases substantially but it needs to use more relevant case tracking indicators”

The earlier audit noted that “according to the Mayor’s Management Report for fiscal year 1996, the total number of backlogged cases stood at 3,406 as of June 1995. By June 1996, this had dropped to 2,135, a decline of 37 percent. According to the June 1997 Executive Director’s Report, there were 1,127 cases that were more than four months old as of July 1, 1997. In all, this represents a total decline of 67 percent in backlogged cases.” In part, this reduction was attributable to the CCRB’s change in its definition of “backlogged” cases.

The earlier audit stated, “The term ‘backlog,’ prior to the 1997 Mayor’s Management Report, had been used to refer to cases that were four months old or older from the date of the occurrence of an incident. However, the Mayor’s Management Report maintained that this definition of backlog was not an accurate gauge of productivity for the CCRB because some cases were reported months after the date of the incident. . . . As a result, the definition of the term backlog was revised with the intent of providing a ‘a more realistic measure’ of the CCRB’s productivity for completing reported complaints. Under the new definition, backlogged cases were defined as cases that are four months old or older from the date the complaint is received by the CCRB. This new definition applies to all cases, regardless of whether they are assigned to an investigator.”

The earlier audit concluded that, despite the change in the CCRB’s definition of “backlogged cases,” “the CCRB’s use of the current indicator for cases that have remained open for four months or longer to define its operational backlog is essentially useless as a management tool . . . given the time that it currently takes for the CCRB to initiate, investigate, and close its cases. . . . It is virtually certain that every case that the CCRB receives that is not dismissed or dropped early on from the caseload—i.e., either administratively closed or truncated—will, inevitably, remain open for more than four months.”

The earlier report went on to say: “The use of the term ‘backlog’ is so all-encompassing that it no longer serves as a useful or meaningful indicator. Under the definition used by the CCRB and the City, in the annual Mayor’s Management Reports, backlog is really referring to the total number of cases that are under full investigation, rather than, as might be presumed, the number of cases yet to be assigned to, or reviewed by, an investigator, or the number closed out. . . . The CCRB does not have any unassigned cases because its current intake procedures require that all complaints, when received, be immediately assigned to an investigator.”

During the earlier audit, CCRB officials “agreed that the four-month operational backlog indicator used in the Mayor’s Management Report was ‘obsolete’ and that it ‘did not make much sense’. . . [However,] the

decision to use this indicator emanates from the Mayor's Office of Operations.”

**Previous Recommendation #4:** “To improve its performance, the CCRB should adopt more realistic case processing indicators or thresholds to define the backlogs of cases. The CCRB should discontinue its current 4-month or more threshold that is now being used in the City's Mayor's Management Report, replacing it with a more relevant indicator.”

**Previous CCRB Response:** The CCRB disagreed, stating: “Given the recent and sustained improvements in reducing both the age of the caseload and the time it takes to complete a full investigation, the CCRB will continue its use of the current case processing indicators to define the backlog of cases until it becomes more certain that the four month definition is inappropriate.”

**Current Status:** NOT IMPLEMENTED

Since the previous audit, the CCRB has not adopted more realistic case processing indicators or thresholds to define the backlogs of cases. The CCRB has continued to report the “operational backlog” of its cases in the MMR as the number of cases aged four months or more from the date of the incident being reported to the CCRB (date of report), as opposed to the date of incident.

We still maintain that the “operational backlog” is misleading and open to misinterpretation as an indicator of the CCRB's productivity in processing cases. For example, a reader of the MMR could interpret the “operational backlog” indicator to mean the number of cases more than four months old that remain unassigned. Alternatively, as noted in the earlier report, a reader could presume that the CCRB expects to complete casework on a complaint within four months. Therefore, the “operational backlog” indicator could be interpreted as the number of cases in which the CCRB exceeded its targeted period for completing cases. Neither of these examples reflects the true nature of the CCRB's case processing productivity. CCRB procedures require that each case be assigned to an investigator within 24 hours of the time the complaint is received, and the investigator must attempt to contact the complainant within the first 24 hours thereafter. Furthermore, the CCRB attempts to expedite its investigations and complete each case as quickly as practicable; however, there is no established deadline for case completion. Some cases may be completed in a relatively short time, and other, more complex cases, may extend for a year or more.

The “operational backlog” indicator serves no valid purpose for measuring CCRB effectiveness or case processing productivity and should be replaced. A useful alternative indicator would be one that reports the age of the caseload from the date the complaint was reported to the CCRB. For example, the CCRB could use the time intervals already established in the new time-triggered review procedures. The CCRB already reports an indicator in the MMR that reflects the age of its caseload from the date of incident. That indicator provides a measure of CCRB timeliness in its case processing in relation to the 18-month statute of

limitation, but it does not provide sufficient information about agency productivity in processing cases.

## **Recommendation**

The CCRB should:

2. Meet with the Mayor's Office of Operations to discuss discontinuing the "operational backlog" indicator that is now being used in the Mayor's Management Report (MMR), replacing it with a more relevant indicator that would provide a clearer measure of the agency's productivity in processing cases. For example, the CCRB could report the age of its caseload from the date the case was reported to CCRB, using intervals (i.e., 0-4 months, 5-12 months, 13-17 months, etc.) similar to those already used in the MMR to report the age of caseload from the date of the incident.

**CCRB Response:** The CCRB agreed, stating: "Since Mayor Bloomberg has announced his intention to revise the MMR, the CCRB will explore with the Mayor's Office of Operations how it might more precisely measure its performance in processing cases, measured by the date of report to the CCRB."

**PREVIOUS FINDING:**“The CCRB’s presentation of data does not provide an accurate representation of the length of time that it takes to conduct investigations. For full investigation cases, the length of time is especially critical because in such cases the CCRB must conclude its work within the 18-month statute of limitations.”

The earlier audit report noted that although the information reported in the MMR for fiscal year 1997 might have been accurate, it was misleading in conveying the length of time to takes to complete an investigation.

The earlier report noted that CCRB data indicated that it took an average of 180 days, or six months, to close a case in fiscal year 1997, as compared with 243.2 days, or eight months, in fiscal year 1996. However, the report pointed out that the CCRB based its data on an analysis of all cases, including those not fully investigated (i.e., cases administratively closed, conciliated, or truncated) which require considerably less time.

When the previous audit analyzed only those cases that went to full investigation, it determined that it took the CCRB an average of 410 days (13.6 months) to complete a case in fiscal year 1997.

**Previous Recommendation #5:** “The CCRB should begin reporting on the length of time that it takes to conduct full investigation cases, either in addition to, or instead of, its current measures. This would present a much more accurate and relevant performance measurement of the real efficiency of the CCRB’s case management in the most critical category of its cases.”

**Previous CCRB Response:** The CCRB agreed with this recommendation and noted that it had “in its most recent Semiannual Report reported on the average time it takes [to] complete a full investigation, in addition to the average time to complete truncated and conciliation cases . . . . [W]e plan to report such data separately in the next MMR.”

**Current Status:**       IMPLEMENTED

In fiscal year 1999, the CCRB began reporting in the MMR the length of time it takes to conduct full investigation cases. The CCRB now reports the average number of days for case completion by category of case completion: all cases, full investigations, truncated cases, and conciliation/mediations. It continues to report the average case number of days for case completion by category of offense. Table III, following, illustrates presentation of the above data in the MMR for fiscal years 1999 through 2001.

**Table III**  
**Average CCRB Case Completion Time (Days)**  
**by Case Completion Category and by Category of Offense**  
**Reported in the MMR for Fiscal Years 1999–2001**

Category	Fiscal Year 1999	Fiscal Year 2000	Fiscal Year 2001
	AVERAGE TIME IN DAYS		
<b>I. By Case Completion Category</b>			
All Cases	174	206	189
Full Investigations	233	296	275
Truncated Cases	114	122	98
ADR- Conciliation/Mediation	146	138	136
<b>II. By Category of Offense</b>			
Force	198	232	206
Abuse of Authority	152	196	180
Discourtesy	147	157	141
Offensive Language	138	164	188

The CCRB also reports in its semiannual Status Reports, under “Efficiency Indicators,” the average number of days to complete full investigation cases, truncated, conciliation/mediation, and all cases based on types of allegation. By reporting this information in the MMR as well as in the agency’s Semi-Annual Reports, the CCRB presents a much more accurate and relevant measure of its case management performance in the most critical category of its case—full investigations.

**PREVIOUS FINDING:** “The CCRB cites NYPD delays in providing documents”

The earlier audit report noted CCRB management’s assertion that there were major impediments to further reducing the time it takes to complete investigations. According to CCRB officials, “The biggest obstacle that CCRB faced is the extensive time involved in waiting to obtain critical investigation-related documents from the Police Department, including mug shots, photos of police officers, tape recordings of police radio communications, stop and frisk reports, police officer memo books, etc. The process for requesting and obtaining such documents from the NYPD is cumbersome and time-consuming and generally takes 2-3 months at a minimum.

“The NYPD requires that all requests for documents be in writing and submitted to the NYPD’s Internal Affairs Bureau (IAB). The CCRB is not even allowed to make any requests for documents by telephone or go directly to specific commands or precincts to obtain needed documents. NYPD will in some cases try to speed up this process. In certain CCRB cases involving police officers with a prior history of CCRB complaints—cases to which the CCRB assigns a high priority—the Police Department

has been able to provide the CCRB with its requested documents within one month.”

The earlier report noted that the NYPD had implemented a number of changes intended to reduce the time it takes to provide documents to the CCRB. Changes included: an increase in staff assigned to process CCRB requests; a new procedure requiring a command to assemble essential documents at the time the CCRB reports the allegation to the NYPD—when the documents are more readily available; acquisition of a computerized employee photo imaging system to expedite CCRB requests for photo-arrays; transmittal of selective documents to the CCRB by fax machine; and concentrated effort by the IAB Investigative Support Division to provide documents for priority cases or those approaching the 18-month statute of limitations.

**Previous Recommendation #6:** “Continue to work with the NYPD to expedite the process for obtaining investigation-related documents from the NYPD’s Internal Affairs Bureau.”

**Previous CCRB Response:** The CCRB agreed with this recommendation, reporting that “the CCRB’s executive staff continues to work with senior NYPD officials to reduce the time it takes for NYPD to produce requested documents. The CCRB has instituted a uniform report for all investigative teams to track and report out the time document requests are outstanding. Furthermore, the executive staff at the CCRB attends monthly meetings with the senior staff of the NYPD to improve communications between the two agencies.”

**Current Status:** PARTIALLY IMPLEMENTED-IMPROVEMENT NOTED

Since the previous audit, the CCRB has continued to work with the NYPD to expedite the process of obtaining investigation-related documents and information from the IAB. In October 1997, the Mayor issued an executive order requiring the CCRB and the NYPD to establish standards for the timely processing and resolution of civilian complaints and the sharing of necessary information between the agencies.<sup>2</sup> We interviewed CCRB officials, reviewed various reports and memoranda sent between the CCRB and the NYPD, and determined that sharing information between the two agencies has improved.

In the CCRB’s semiannual Status Reports for the periods July–December 2000 and January–June 2001, the CCRB reported that periodic meetings between the agency and the Police Commissioner have continued. According to the semiannual Status Reports, those meetings resulted in “several positive outcomes,” including improvements in the sharing of information between the CCRB and the NYPD. A review of inter-agency correspondence revealed that at one such meeting on October 26, 1999, CCRB officials requested greater access to NYPD databases and other records. On February 9, 2000, a similar request was repeated in a letter to the Police Commissioner. In that correspondence, the CCRB stated that “a major factor

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<sup>2</sup> Executive Order No. 40, *Notification and Processing of Civilian Complaints*, effective October 21, 1997.

contributing to the delay in completing CCRB investigations is [CCRB] investigators' limited access to Police Department information." In that correspondence, the CCRB also requested specific items from the NYPD, including direct CCRB desktop access to various NYPD on-line databases, investigations, and reports.

In a letter dated March 9, 2000, the Police Commissioner denied many of the CCRB requests, citing security and confidentiality issues. The Police Commissioner denied the CCRB access to NYPD's databases citing the need to secure and monitor them and to protect confidential information unavailable to non-law enforcement personnel. The Commissioner also denied the CCRB's request that its investigators be able to contact NYPD commands directly to obtain investigation-related information or documents. He stated that "the use of IAB as a contact and as a 'paperwork conduit' benefits both agencies since information requests are fully documented, and IAB personnel are accountable for tracking the requests and ensuring the result." The Commissioner stated that it would be inappropriate and potentially damaging to release information on internal investigations by granting the CCRB access to investigations of open or pending criminal prosecutions. According to CCRB officials, despite the NYPD's initial refusal, the NYPD agreed in June 2000 to give the CCRB access to certain databases on a single computer terminal at the IAB Headquarters. The IAB also assigned an NYPD liaison to assist CCRB investigators in obtaining requested information.

On November 14, 2001, CCRB officials told us that they were in preliminary discussion with the NYPD about the possibility of CCRB investigators being provided direct access from their desktops to many of the NYPD's on-line databases. However, these plans were interrupted by the World Trade Center tragedy of September 11, 2001. According to CCRB officials, the two agencies are currently in the process of renewing their discussion of this project.

We believe the ongoing improvements in the communication between the CCRB and the NYPD have had a positive impact on CCRB investigations. By reducing the time spent in waiting for information from the NYPD, the CCRB has been able to investigate substantiated cases more quickly, and thus to forward these cases to NYPD with enough time remaining on the statute for the NYPD to reach final decisions on them. (See earlier Tables I and II that show the marked increase in substantiated cases referred to the NYPD.)

### **Recommendations**

The CCRB should:

3. Continue to work with the NYPD to expedite obtaining investigation-related documents from the NYPD's Internal Affairs Bureau.

**CCRB Response:** "The CCRB agrees with the Comptroller's recommendation."

4. Continue to work to obtain direct CCRB desktop access to the NYPD databases.

**CCRB Response:** "The CCRB agrees with the Comptroller's recommendation."



**PREVIOUS FINDING:** “The CCRB does not have measurable effectiveness goals or sufficient effectiveness indicators to fully assess the quality and impact of its operations”

The earlier report noted that “the CCRB does attempt to use some indicators in an effort to assess its operational effectiveness. The closest variable the CCRB has to what it considers a valid effectiveness indicator is the number of its affirmative disposition cases, which it measures in relation to the total number of its completed full investigations. . . . An affirmative disposition means that the CCRB’s investigation of the allegation reached a conclusive finding or outcome; substantiated, unfounded, or exonerated. . . . [However,] those indicators of effectiveness are, by themselves, inadequate and insufficient and provide, at best, only a suggestive and partial analysis of its effectiveness that, in the end, can be misused or misinterpreted.”

The earlier report also noted that “the issue of the CCRB’s effectiveness is admittedly complex, difficult to define or measure, subject to many variables, and filled with pitfalls. After all the CCRB is not the end of the oversight process and does not—and cannot—operate in a vacuum. It can only recommend, not mandate, disciplinary action against police officers. In any event, we found that relying on substantiated cases as a key indicator is itself subject to any number of pitfalls—i.e., questionable assumptions, debatable statistical analysis, and counter-arguments.”

The earlier audit concluded: “Ultimately, we could not reach any conclusive findings in this audit about the CCRB’s effectiveness because it did not have well-defined and measurable goals or sufficient effectiveness indicators that would be essential to assess the effectiveness of its operations. . . . Furthermore, we did not find any measurable effectiveness-related goals or objectives in the CCRB’s authorizing legislation that were delineated in enough detail from which any indicators could be clearly derived. In addition, we did not find any indicators currently reported by the CCRB, either individually or taken as a whole, that were sufficient enough for us to form an opinion on its effectiveness.”

**Previous Recommendation #7:** “The CCRB should convene a panel of experts in the area of effectiveness and law enforcement to develop and recommend a comprehensive set of relevant performance indicators that the CCRB should use to measure its effectiveness.”

**Previous CCRB Response:** The CCRB disagreed with this recommendation, offering only to “continue to explore various alternatives with outside entities interested in studying performance criteria for civilian oversight organizations.” The CCRB stated that “while this

may be a useful recommendation, the CCRB believes that the single most telling measure of our effectiveness does not lie in a complicated statistical formula but in the quality of our investigations.” The CCRB criticized the audit’s use of the substantiation rate as an indicator of effectiveness, stating it is only one of three components of the affirmative finding rate used to assess the CCRB’s effectiveness and “is in [and] of itself not a meaningful indicator of performance. Each case must be judged on its own merits. A substantiation rate is no more or less important [than] rates of exoneration and unfounded findings.”

**Current Status:** NO LONGER APPLICABLE

We met with CCRB officials who restated their disagreement with the earlier recommendation. They maintained that their use of affirmative findings—the number of substantiated, unfounded, and exonerated cases—speaks to the CCRB’s overall effectiveness. Furthermore, they consider the indicators reported in the MMR sufficient to measure the improvements the CCRB has made in its case processing.

We reviewed the MMR for fiscal years 1997 through 2001 and the CCRB’s semiannual Status Reports covering the same period to determine whether the CCRB had, since the earlier audit, established new goals or adopted new indicators to measure the agency’s effectiveness. With the exception of two new indicators—the Age of Caseload indicator and Police Disposition of CCRB Cases indicator (discussed later in this report)—the CCRB has not adopted any new indicators that would measure the agency’s overall operational effectiveness.

However, the CCRB has tightened measurable components of their performance objectives. For example, the target for the performance objective “to reduce the average completion time for full investigation cases” was changed from 214 days in fiscal year 1999 to 204 days in fiscal year 2000. In another example, the target for the performance objective “to increase the number of fully investigated cases” was increased from 50 percent in fiscal year 1997 to 60 percent in fiscal year 1998.

We contacted the civilian oversight boards of the five other major U.S. cities contacted in the earlier audit to determine whether they had established any new effectiveness indicators since that audit.<sup>3</sup> They all stated that they continued to have no meaningful measures to evaluate their operational effectiveness. Based upon our current review, we no longer make this recommendation.

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<sup>3</sup> Chicago, Detroit, Houston, Los Angeles, and Philadelphia.

**PREVIOUS FINDING:** The earlier audit stated there were “a number of significant disagreements between the CCRB and the NYPD as to timeliness of cases, quality of investigations, legal sufficiency of evidence, and other matters.”

During the earlier audit, the auditors met with members of the “CCRB Team” of the NYPD Department Advocate’s Office (DAO) to obtain the NYPD’s views of the accuracy and reliability of CCRB investigations, findings and recommendations. The NYPD noted that it “cannot always locate witnesses identified in the CCRB case file,” a problem it attributed to the lateness in the NYPD’s “getting cases.” The NYPD noted that some “cases are submitted by the CCRB too close to the statute of limitations deadline,” with too little time left for the NYPD to conduct its own investigation. Moreover, the NYPD noted that its “attorneys often find that the evidence submitted by the CCRB is legally insufficient to make a prima facie case for submission to an administrative trial.”

In addition to CCRB’s assertion of NYPD delays in providing requested documents as an obstacle to completing investigations expeditiously, as discussed above, the earlier audit noted with regard to witnesses becoming unreachable that the CCRB “had begun providing an updated witness contact list to the NYPD. . . . Just prior to submitting substantiated cases to the NYPD, the CCRB re-contacts witnesses that it interviewed during its investigation to verify that the identifying information is still accurate.”

The earlier audit concluded: “Clearly there is a need for these agencies to ‘hash out their difference.’ The CCRB needs to hear and take seriously the NYPD’s views, assessments, or opinions, and the NYPD needs to hear and take seriously the CCRB’s views on the Police Department in terms of its procedures for obtaining investigation-related documents and other matters.”

**Previous Recommendation #8:** “The CCRB should work with the NYPD to set up a systematic procedure to get formal feedback from the NYPD to learn the reasons for the final actions for each case submitted.”

**Previous CCRB Response:** The CCRB agreed with the recommendation, but noted that its past efforts in this area had not been successful, stating: “In the past, the CCRB has requested regular meetings with staff from the NYPD’s Department Advocate’s Office as a way to systematize the exchange of information and consistently asked the NYPD to inform the CCRB in more meaningful detail as to why certain cases are dismissed. Unfortunately, the NYPD has not provided the CCRB with the requested information. The CCRB will continue to work with the NYPD to secure more meaningful information and explanations in the future.”

**Current Status : IMPLEMENTED**

Since the previous audit, the CCRB has been successful in working with the NYPD to develop a process for obtaining formal feedback regarding the final outcome of substantiated cases referred by the CCRB. Through this process, the NYPD provides information about the final disposition of cases and disciplinary actions imposed on officers named in CCRB substantiated cases and found guilty of misconduct.

In its 1999 semiannual Status Report, the CCRB reported that for the first time that the NYPD provided the CCRB with information concerning the precise punishment exacted on police officers found guilty of misconduct. Based on our meetings with CCRB officials and NYPD DAO officials, and on a review of documentation provided by both, we verified that the NYPD systematically shares information on case dispositions with the CCRB. The DAO forwards reports to the CCRB advising them of the NYPD's final actions in each substantiated case. Furthermore, the NYPD provides copies of the decisions by the Deputy Commissioner of Trials on cases that were dismissed at trial or on which no disciplinary action was taken. These decisions provide the bases of the final case outcomes.

During this current audit, DAO officials stated that the quality of CCRB investigations has clearly improved resulting in fewer cases being returned to the CCRB. According to DAO officials, in the past some substantiated cases referred by the CCRB did not meet the evidentiary standards followed by the NYPD, or the cases lacked credibility. This, among other things, resulted in some cases being dismissed or prevented the NYPD from taking disciplinary actions. Moreover, in late 1999, the Police Commissioner acknowledged the improved quality and credibility of CCRB investigations of civilian complaints of police misconduct and discontinued the NYPD's practice of re-investigating CCRB cases. Currently, if the NYPD disagrees with CCRB findings, it returns the case to the CCRB and asks the agency to reconsider its findings or to undertake additional investigative work.

**PREVIOUS FINDING:** The CCRB semiannual Status Reports did not present a case-by-case comparison of substantiated cases sent to the NYPD with the corresponding NYPD final actions on each of those cases.

The earlier audit stated: "The reason for this is that the CCRB semiannual Status Reports provide two separate sets of disposition data, one for its own investigations and another for the NYPD's final actions. However, the reports do not link these two groups of cases together, so it is not possible to match, case by case and reporting period by reporting period, the final outcome of each substantiated case."

**Previous Recommendation #9:** "The CCRB should begin reporting in its semiannual Status Reports on the final outcome of its substantiated cases that match or link the cases that the CCRB sends to the NYPD with the NYPD's final actions in each of those cases.

This information would provide management—and the public—with more results-based data as well as a valuable tool for measuring the CCRB’s effectiveness.”

**Previous CCRB Response:** The CCRB agreed: “The CCRB’s most recent Semiannual Report contains an expanded discussion of NYPD outcomes, including a table that shows the monthly total of cases substantiated at the CCRB and their status at the NYPD. It also includes a table that documents the disposition of cases closed by the Police Commissioner in 1997. Starting in July 1997, the CCRB has published at its monthly public hearings a year-to-date report which details by command of the subject officer and the number of subject officers against whom the Board has substantiated allegations of misconduct. This report also details the type of allegation (excessive force, abuse of authority, discourtesy or offensive language) substantiated by the Board panel, its recommendation and the date on which it acted. The report also provides for the publication of the Police Commissioner’s disposition and the date of the Police Commissioner’s action.”

**Current Status:** PARTIALLY IMPLEMENTED

In its 1998 semiannual Status Report, the CCRB began reporting on NYPD actions regarding the disposition of substantiated cases referred by the CCRB. The CCRB reports the status of open cases, disciplinary action, and penalty information exacted on police officers found guilty of misconduct. In addition, the CCRB compares its recommendations to NYPD final dispositions. However, the CCRB reports on NYPD final outcomes in terms of individual police officers, rather than in terms of CCRB cases. The difficulty with this presentation is that one CCRB case may involve more than one officer, whereas each NYPD final disposition refers to an individual police officer. Therefore, the CCRB’s presentation does not directly match or link NYPD final actions to the corresponding CCRB recommendations in substantiated cases. As a result, management does not have a clear case-to-case measure of CCRB effectiveness in relation to NYPD final actions.

NYPD final actions are presented in CCRB semiannual Status Reports in both text and tables under the following headings:

**Police Department Open Cases:** The CCRB compares the number of substantiated cases referred to the NYPD to the number of those cases still open at the NYPD at the end of the reporting period.

**Disciplinary Action:** The CCRB presents data regarding the number and percentage of police officers involved in substantiated cases against whom disciplinary action was imposed.

**Penalty Information:** This section of the report speaks to NYPD final actions and the various penalties imposed in terms of the number of police officers in a given reporting period.

Although these three areas provide important information, they are of limited use in determining the CCRB’s effectiveness, as they speak more to the NYPD’s effectiveness in the handling of substantiated CCRB cases.

The data presentation in the CCRB semiannual Status Report that most closely associates NYPD final actions with CCRB recommendations is a presentation that reports the number of police officers against whom allegations are substantiated and the related CCRB disciplinary recommendations. Table V, following, illustrates this presentation.

**Table V**  
**“Subject Officers Against Whom Allegations Were**  
**Substantiated and Related CCRB Disciplinary Recommendations”**  
**1996–2000**

<b>CCRB RECOMMENDATIONS</b>					
<b>Recommendation</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>
No Recommendation	268	19	0	0	9
Charges	60	317	235	199	124
Command Discipline	27	222	139	122	77
Instructions	12	65	38	45	32
<b>Total</b>	<b>367</b>	<b>623</b>	<b>412</b>	<b>366</b>	<b>242</b>
<b>POLICE DEPARTMENT ACTION ON ABOVE CASES</b>					
<b>Recommendations</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>
No Action ( Pending)	0	73	41	113	167
Command Discipline	51	177	155	129	32
Instructions	23	21	33	44	33
Trial – Guilty	46	58	37	17	3
<b>DISCIPLINARY ACTION TOTAL(a)</b>	<b>120</b>	<b>256</b>	<b>225</b>	<b>190</b>	<b>68</b>
Trial – Not Guilty	29	70	50	37	2
Dismissed	77	156	41	11	0
NDA – DUP	86	19	25	0	1
NDA – SOL	36	31	5	3	1
Mediated	0	1	0	0	0
Filed	19	17	25	12	3
<b>TOTAL</b>	<b>367</b>	<b>623</b>	<b>412</b>	<b>366</b>	<b>242</b>
<b>% SUBJECT OFFICERS DISCIPLINED(b)</b>	<b>34.5%</b>	<b>48.0%</b>	<b>65.0%</b>	<b>78.8%</b>	<b>94.4%</b>

Source: CCRB 2001 semiannual Status Report, January–June 2001, Table #48

*Note:*

(a) The total number of officers against whom disciplinary action was imposed excludes the number of officers classified as “No Action (Pending).”

(b) The calculation for determining the percent of subject officers disciplined excludes the number of officers classified as “No Action (Pending).”

This presentation also provides important information about the number and percentage of officers disciplined and the distribution of officers disciplined by the type of disciplinary action imposed. However, it fails to directly link or match the number of substantiated cases referred by the CCRB to NYPD final outcomes. Consequently, this presentation of disposition data does not provide a clear measurement of the CCRB's effectiveness.

At the exit conference on March 22, 2002, CCRB officials stated that the annual Status Report for January through December 2001 will include extensive information about NYPD dispositions relative to CCRB substantiated cases referred to the NYPD. They provided us a draft copy of the 2001 annual Status Report. It included a five-year (1997–2001) analysis of NYPD dispositions of CCRB cases and of associated actions taken regarding subject officers against whom the CCRB substantiated allegations.<sup>4</sup> This new case-by-case presentation of disposition data will provide a clearer measure of the CCRB's effectiveness regarding the outcomes of substantiated cases.

### **Recommendation**

The CCRB should:

5. Report on NYPD final actions relative to CCRB cases on a case-by-case basis, in addition to reporting the number of officers involved in these cases. This could provide a clearer gauge of CCRB effectiveness regarding the outcomes of substantiated cases.

**CCRB Response:** The CCRB generally agreed, stating: “The CCRB’s Semiannual Status Report January 2001-December 2001 reports for the first time on each officer against whom the CCRB substantiated allegations from 1997 through 2001, the board’s disciplinary recommendation and disciplinary action, if any, taken by the police department . . . The CCRB believes that publishing such data . . . fully complies with the comptroller’s recommendation.”

**PREVIOUS FINDING:** The earlier audit determined that the CCRB could not rely solely on its database in all cases to provide accurate information on disposed cases because of continuing reliability problems of its computer-based data.

The audit stated that the “lack of reliability applies primarily to the case disposition data reported in the CCRB’s semiannual Status Report in Table V: ‘Dispositions of Cases Reviewed by Board Panels.’ Consequently, to assure itself of the accuracy of the data that goes into its Semi-Annual Reports, the CCRB manually reviews panel review sheets and manually collates and compiles the disposition data—a process that may itself be prone to human error.”

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<sup>4</sup> The CCRB expects to release the final version of its 2001 annual Status Report in May 2002.

The audit's data reliability testing determined that the CCRB database was not accurate or reliable and was continually plagued by significant error rates: "We did not find a single instance between July 1993 and June 1997 in which the number of cases shown in the CCRB's Semi-Annual Reports completely matched the number of cases shown in the database. Even more troubling, the CCRB's data reliability between January and June 1997 has actually gotten worse in three of the four categories of cases, when compared to the earlier July 1993 to December 1996 averages. In all, we found that the total percent of error in the CCRB's database has continued to fluctuate widely, increasing in some years and declining in others, but never achieving any steady and sustained gains in the level of accuracy and reliability. The CCRB database's error rate averaged about 26 percent for the entire July 1993 to June 1997 period—an unacceptably high level of inaccuracy for an EDP system. As a matter of basic EDP standards, there should not be any errors in the accuracy of an agency's computer-based data."

The earlier audit noted: "In response to these problems, the CCRB has taken a number of steps intended to improve its controls and edit checks to ensure greater reliability of its computer-based data. Basically, these controls consisted of reassigning the responsibility for coding the review panel's case disposition on the minutes sheets from clerical staff to the CCRB's Director of Case Management."

**Previous Recommendation #10:** "The CCRB should design a plan of action to improve the accuracy and completeness of its computer-based data so that its data can be used as an effective and a dependable management tool for compiling, analyzing, and reporting information."

**Previous CCRB Response:** The CCRB agreed. It stated: "Concerned about past errors and the unreliability of its database, CCRB has developed a plan to improve its data. Statistics staff has been organized into a team to check the database for errors and to correct all errors that are found. Supervised by the Director of Research and Statistics and working backward from 1997, we expect to complete this review and make the necessary corrections of the data by the end of 1998."

**Current Status: IMPLEMENTED**

According to CCRB officials, since the earlier audit the CCRB has implemented a number of initiatives to ensure the accuracy and completeness of its computer database. These initiatives have also contributed to increased efficiency in the CCRB's case processing.

In 1998, as part of the implementation of more stringent case management controls, the CCRB instituted strict data entry controls to ensure that the correct dispositions are entered in the computer system. The CCRB now requires a receipt for every case that is forwarded to the



NYPD. This receipt is signed by NYPD officials and returned to CCRB to validate that the file was in fact submitted to the NYPD and is used in monthly and semi-annual reconciliations of cases forwarded to the NYPD.

In July 1999, the CCRB began development of its new computerized Complaint Tracking System (CTS) and an Electronic Document Management System (EDMS). EDMS became operational in November 1999. EDMS includes an electronic archive of all printed materials in a case file. According to the CCRB, EDMS provides for the instant accessibility of files, which in turn minimizes the handling of hard copy, or paper, files. EDMS has assisted the CCRB to increase accessibility to case files and reduce the potential for inventory problems associated with storing hard copy case files. CCRB reported that all cases from 1999 to the present have been archived on EDMS.

The CTS became operational in early 2000. The CTS is a central electronic database and workflow tool that allows for detailed case management of each complaint as it moves through the investigative process to final disposition by the Board. The system maintains the details of each complaint, such as the date of complaint or date of report, and all the investigative actions taken by the investigative team. The CTS has assisted the investigative teams to monitor case processing closely. The CCRB integrated the use of the CTS with the agency's time-triggered case management plan to prompt investigators to complete their investigations in a thorough and timely manner.

Based on our meetings with CCRB officials and independent audit testing of the system, we concluded that the CCRB maintains adequate logical controls that enhance the reliability of its database. Once data are entered in the database, except for comment fields, users are restricted from changing data (such as complaint number, date fields, etc.) in the database. Also, accessibility to the database to make program changes and conduct file maintenance is restricted to the CCRB MIS director and programmer.

In conclusion, this follow-up audit determined that CCRB has adopted adequate controls and implemented technology that have enhanced its case management processing. The new CTS system has provided the agency with an effective and a dependable management tool for compiling, analyzing, and reporting information.

**Previous Recommendation #11:** “Institute quality control and review procedures to verify that data entry is accurate and complete, and promptly reconcile any errors that are identified.

**Previous CCRB Response:** The CCRB acknowledged that its database had errors and agreed with the recommendation, stating: “[N]ew procedures for entering data have been undertaken to eliminate data entry errors. Data is now entered into the database by specially trained staff and new entries are now reviewed two separate times to ensure accuracy.”

**Current Status :**      IMPLEMENTED

Since the earlier audit, the CCRB has instituted quality control, review, and reconciliation procedures that ensure the accuracy and completeness of its computerized data.

During each Board review panel meeting, a member of the CMU staff manually records the disposition (i.e., substantiated, unsubstantiated, etc.) of each case on minute sheets. Thereafter, the case disposition is recorded in the CTS. According to CCRB officials, the minute sheets are reconciled to CTS data to ensure its accuracy. As discussed above, to ensure that the correct dispositions are entered into the CCRB computer system, staff must conduct monthly and semi-annual reconciliation of cases forwarded to the NYPD. Also, the CCRB Research and Statistical Unit generates various periodic (monthly and semi-annual) reports. The unit also performs a range of independent checks regarding the operations of the CMU, including verifications of the case disposition and the monthly and semi-annual reconciliation of cases referred to the NYPD. The CCRB believes that the many levels of verification that it has imposed in its case management processing ensure that the case dispositions are accurately recorded in the computer system.

To assess the accuracy and reliability of the CTS database, we compared hard copies of Board review panel minutes listing the disposition of cases during the six-month period January through June 2000, to data reported by the CTS. We also compared hard-copy case-file data (i.e., date of incident, date of report, and disposition information) from 30 randomly selected cases to that entered in the database. In all instances, we determined that the CTS accurately reflected the information recorded in the source documentation. Therefore, we are reasonably assured that the CCRB computerized database reflects accurate and complete case information.

## NEW FINDING AND RECOMMENDATIONS

### Inconsistent Compliance with New CCRB Review Procedure

As discussed previously, in June 2000, the CCRB implemented a new time-triggered case review procedure that imposes more rigorous time deadlines for the completion of investigative tasks. Under these new procedures, investigative supervisors are required to review each case at specified intervals from the date cases are reported to the CCRB, namely: after 4 months, 7 months, 10 months, and 12 months, and every month thereafter. Upon completing a review, the supervisor or manager must make an entry in the computerized case log to validate that the review was conducted.

Our review of the computerized case logs for 20 randomly selected cases initiated between January 2000 and August 2001 showed that across the established case review intervals, the CCRB investigative managers or supervisors did not consistently make a notation entry in the case log to validate that the required periodic reviews were conducted.<sup>5</sup> In fact, at three different intervals, the noncompliance rate ranged from 60 percent to as high as 92 percent. Table VI, following, summarizes the results of our analysis.

**Table VI**  
**Analysis of 20 Computerized Case Logs for Proof of Supervisory Review**  
**Cases Initiated between January 2000 and August 2001**

	<b>4-Month Review</b>	<b>7-Month Review</b>	<b>10-Month Review</b>	<b>12-Month Review</b>	<b>13-Month Review +</b>
Total cases required to be reviewed of the 20 sample cases (based on age of case)	10	20	14	12	3
Total cases <b>with</b> notations verifying managerial review	10 (100%)	8 (40%)	3 (21%)	1 (8%)	0 (0%)
Total cases <b>without</b> notations verifying managerial review	0 (0%)	12 (60%)	11 (79%)	11 (92%)	3 (100%)

When we brought this finding to the CCRB's attention, CCRB officials stated that the CTS does not have a function to flag cases or report cases without notations of periodic reviews in case logs. Instead, the Director and Assistant Director of the Investigative Unit review case logs randomly to ensure that the reviews are conducted. CCRB data related to the aging of the caseload strongly suggest that the new time-triggered review procedures are being applied and have been

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<sup>5</sup> Of the 20 cases in our sample, 10 cases were initiated before July 2000. For these 10 cases, the 4-month case interval had already passed. The remaining 10 cases were initiated after July 2000 and fell within the 4-month case interval.

effective in helping the CCRB to expedite its case processing. However, without evidence of supervisory reviews through notations in the computerized case log, the CCRB has no assurance that all of the required case reviews are conducted at the established intervals.

### **Recommendations**

The CCRB should:

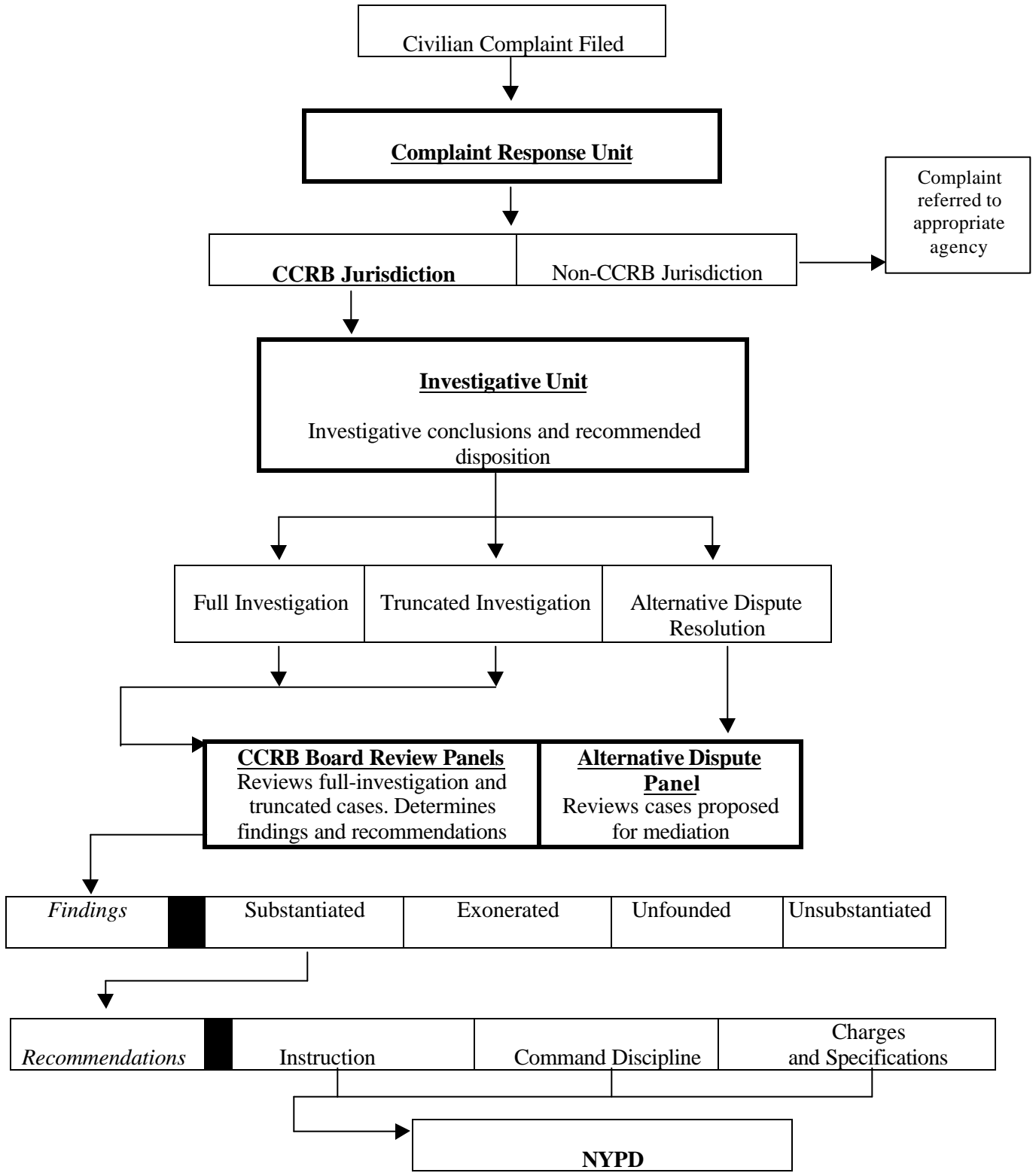
6. Remind investigative supervisors and managers of the time-triggered review procedures or retrain them in these procedures; emphasize that each case log should be validated by supervisory personnel upon the completion of each required case review.

**CCRB Response:** The CCRB agreed, stating, “The CCRB will retrain supervisory personnel as recommended and will reemphasize the importance of documenting the completion of the review.”

7. Consider adding an indicator to the Complaint Tracking System database that could be used to evidence the completion of supervisory case reviews at specified intervals. This same feature could also be used to flag cases still requiring review.

**CCRB Response:** The CCRB agreed, stating: “The CCRB will explore with MIS personnel the comptroller’s recommendation that the CCRB’s computer database track the completion of these time-triggered reviews.”

**APPENDIX A**  
**Chart I: CCRB Civilian Complaint Case Processing**







MICHAEL R. BLOOMBERG  
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD  
40 RECTOR STREET, 2<sup>ND</sup> FLOOR  
NEW YORK, NEW YORK 10006 • TELEPHONE (212) 442-8833

FLORENCE L. FINKLE  
ACTING EXECUTIVE DIRECTOR

April 10, 2002

Mr. Roger D. Liwer  
Assistant Comptroller for Audits  
Office of the Comptroller  
1 Centre Street, room 1100 north  
New York, New York 10007-2341

-by fax and by hand-

Dear Mr. Liwer:

Thank you for giving the board the opportunity to formally review and comment upon the New York City Comptroller's draft of its "Follow-up Audit Report on the Case Management Policies and Procedures of the Civilian Complaint Review Board" (audit number MH01-183F). I also want to thank your audit staff for its diligence and effort in preparation of the audit report.

The CCRB concurs with the audit's conclusion that "[t]he CCRB has shown marked improvement in its ability to manage its caseload in a timely and efficient manner." The audit attributes the CCRB's "marked improvement" to many of the same factors upon which the CCRB has focused over the last several years, including "the hiring of additional investigators," "better training of these new [investigators]," and "a new time-triggered case review system." Like you, the CCRB also believes that our improvement was and is in part dependent upon the CCRB's ability to obtain records and other information more expeditiously from the New York City Police Department.

In specific response to some of your current findings regarding the original eleven recommendation as well as your new findings and recommendations, the CCRB offers the following comments:

**PREVIOUS RECOMMENDATION #1**

To improve its ability to complete cases within the 18-month statute of limitations and improve its compliance with other case management procedures, the CCRB should ensure that it sends **all** substantiated cases to the NYPD well enough in advance so that the NYPD has sufficient time to commence and complete its own review of alleged police misconduct before the end of the 18 month statute of

limitations. (emphasis added).

**Current status**

Partially implemented—significant improvement noted

**Current recommendation**

“Continue to work to maintain compliance with its case management procedures and process cases expeditiously to ensure that **all** substantiated cases are referred to the NYPD with sufficient time remaining on the 18-month statute of limitations for the NYPD to take action.” (emphasis added).

**CCRB comments**

As the follow-up audit states, the CCRB has significantly improved its ability to refer cases it substantiates to the police department in a timely manner, a goal we agree is extremely important. However, it is unrealistic to expect that the CCRB will ever be able to ensure that **all** cases it substantiates will be referred to the NYPD within the period defined by the statute of limitations. First, it is important to keep in mind that the 18-month statute of limitation runs from the date of occurrence rather than the date of report. The CCRB receives numerous cases each year that are reported well after the date of the incident. The CCRB is obligated to investigate and make findings on most of these complaints, unless they are reported to the CCRB more than 18 months after the date of the incident. Second, when the CCRB and the NYPD both investigate the same allegation of misconduct, the CCRB often has to delay its investigation until the NYPD releases to the CCRB its investigative files. The NYPD does not release to the CCRB its files pertaining to open misconduct investigations. Third, some investigations are delayed at the request of a prosecutor’s office, which may be investigating or prosecuting the officer(s) or civilian(s) involved in the CCRB case.

In the body of the follow-up report (p. 13), the report notes that during the first six months of 2000, the CCRB experienced a temporary increase in the number of cases it referred to the NYPD 15 months or older, as measured from the date of occurrence. The follow-up audit report indicates that CCRB officials said that “the board’s plan in May 2000 temporarily reduced the rate of case completion and was the primary reason for the increase in cases” substantiated 15 months or older, as measured from the date of occurrence. However, as we explained at the exit conference and in the CCRB Semiannual Status Report January-June 2000, the board’s decision in May 2000 to review all open investigations more than one-year old, as measured from the date of occurrence, expedited the completion of older cases, so that a higher number of such cases were closed during that time period. It did not, as asserted, reduce the rate of case completion.

**PREVIOUS RECOMMENDATION #4**

“To improve its performance, the CCRB should adopt more realistic case processing indicators or thresholds to define the backlogs (sic) of cases. The CCRB should discontinue its current 4-



month or more threshold that is now being used in the City's Mayor's Management Report, replacing it with a more relevant indicator."

**Current status**

Not implemented

**Current recommendation**

The CCRB should:

Meet with the Mayor's Office of Operations to discuss discontinuing the "operational backlog" indicator that is now being used in the Mayor's Management Report (MMR), replacing it with a more relevant indicator that would provide a clearer measure of the agency's productivity in processing cases. For example, the CCRB could report the age of its caseload from the date the case was reported to the CCRB, using intervals (i.e., 0-4 months, 5-12 months, 13-17 months, etc.) similar to those already used in the MMR to report the age of caseload from the date of the incident.

**CCRB comments**

Since Mayor Bloomberg has announced his intention to revise the MMR, the CCRB will explore with the Mayor's Office of Operations how it might more precisely measure its performance in processing cases, measured by the date of report to the CCRB.

**PREVIOUS RECOMMENDATION #6**

"Continue to work with the NYPD to expedite the process for obtaining investigation-related documents from the NYPD's Internal Affairs Bureau."

**Current status**

Partially implemented—improvement noted

**Current recommendations**

The CCRB should:

"Continue to work with the NYPD to expedite obtaining investigation-related documents from the NYPD's Internal Affairs Bureau."

"Continue to work to obtain direct CCRB desktop access to the NYPD databases."

**CCRB comments**

The CCRB agrees with the comptroller's recommendations. Over the past few years, the police department has shortened the time it takes for the CCRB to obtain police department records. However, the CCRB could further reduce the time it takes to complete investigations if it had greater access to police department records, particularly through the use of technological innovations to directly access police department databases.

**PREVIOUS RECOMMENDATION #9**

The CCRB should begin reporting in its semiannual Status Reports on the final outcome of its substantiated cases that match or link the cases that the CCRB sends to the NYPD with the NYPD's final actions in each of those cases. This information would provide management—and the public—with more results-based data as well as a valuable tool for measuring the CCRB's effectiveness.

**Current status**

Partially implemented

**Current recommendation**

The CCRB should:

"Report on NYPD final actions relative to CCRB cases on a case-by case basis, in addition to reporting the number of officers involved in these cases. This could provide a clearer gauge of CCRB effectiveness regarding the outcomes of substantiated cases."

**CCRB comments**

The CCRB's Semiannual Status Report January 2001-December 2001 reports for the first time on each officer against whom the CCRB substantiated allegations from 1997 through 2001, the board's disciplinary recommendation and disciplinary action, if any, taken by the police department took. As noted in your report, the CCRB provided to your staff a draft of this CCRB Status Report, which we expect to publish in April 2002. The CCRB believes that publishing such data, as illustrated by the excerpt below, fully complies with the comptroller's recommendation.

**Excerpt from charts to be published in CCRB Semiannual Status Report January 2001-  
December 2001**

**Table 65**

**NYPD Dispositions of Officers against whom the CCRB Substantiated Allegations in 1999**

Seq No	Pet/Cmd of Assignment at time of Incident	Panel Recommendation	FADO	Panel Date	PC Disposition	PC Dispo Date
1	26	Charges	F - Beat	1/20/99	OATH Trial Not Guilty	2/28/01
2	40	Charges	F - Bent fingers, Kick and knee; A - Threat of arrest; Refused to give name and shield number	1/20/99	OATH Trial Not Guilty	1/31/00
3	20	Instructions	A - Unauthorized closing of taxi driver's trip sheet	1/20/99	Instructions	4/30/00
4	DB QSVS	Command Discipline	D - Curse, Nasty words	1/20/99	Pending	
5	TD11	Charges	F - Push, Grab; A - Improper person search, Threat of force, Illegal frisk, Refused medical attention	1/20/99	OATH Negotiation Guilty-10 vacation days	12/31/99
6	AUTO CD	Charges	F - Gun pointed, Push; A - Left victims in RMP for a long time; D - Curse	1/20/99	DCT Trial Guilty - 10 vacation days	9/30/00
6	AUTO CD	Charges	F - Gun as club, Gun Pointed, Threw against fence; A - Threat of arrest; D - Curse	1/20/99	DCT Trial Guilty - 20 vacation days	9/30/00
6	AUTO CD	Charges	A - Threat of force	1/20/99	DCT Trial Not Guilty	9/30/00
6	AUTO CD	Charges	A - Threat of force	1/20/99	DCT Trial Not Guilty	9/30/00
7	HWY03	Charges	A - Threat of force; D - Curse; O - Ethnic slur	1/20/99	OATH Negotiation-20 vacation days	4/30/00

**NEW RECOMMENDATION**

The CCRB should:

"Remind investigative supervisors and managers of the time-triggered review procedures or retrain them in these procedures; emphasize that each case log should be validated by supervisory personnel upon the completion of each required case review."

"Consider adding an indicator to the Complaint Tracking System database that could be used to evidence the completion of supervisory case reviews at specified intervals. This same feature could also be used to flag cases still requiring review."

**CCRB comments**

Though the follow-up audit report asserts that case-processing data indicates that investigative team managers and supervisors are in fact conducting time-triggered reviews of cases, the CCRB agrees that these reviews must always be conducted when required by internal agency policy. The CCRB will retrain supervisory personnel as recommended and will reemphasize the importance of documenting the completion of the review. In addition, the CCRB will explore with MIS personnel the comptroller's recommendation that the CCRB's computer database track the completion of these time-triggered reviews.

Again, I thank you and your staff for the audit you have conducted and 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  
Acting Executive Director

c: Board members