



CCRB'S RACIAL PROFILING, BIAS-BASED POLICING AND PAST PROFESSIONAL CONDUCT INVESTIGATIONS

CITY CHARTER AMENDMENTS (April 2021)

- CCRB will now investigate civilian complaints of racial Profiling and bias-based policing under its Abuse of Authority jurisdiction (Charter §440(c)(1));
- CCRB now has jurisdiction to investigate the past professional conduct of current and former NYPD members who have previously been found by the CCRB or certain other “covered entities” to have committed an act of bias or “severe act of bias” within the past 5 years to determine if that act was part of a larger pattern of biased conduct (Charter § 441)

**RACIAL
PROFILING/
BIASED POLICING
vs
PAST
PROFESSIONAL
CONDUCT
INVESTIGATIONS**

- When CCRB receives complaints alleging racial profiling/biased policing (Charter § 440(c)(1)):
 - CCRB will investigate, make findings, recommend discipline and, when appropriate, prosecute, as we do with any other FADO allegations
 - Same 18-month SOL applies
 - No investigations of retired MOS

**RACIAL
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(cont.)**

- Past Professional Conduct Investigations (Charter § 441)
 - Not triggered by complaints from the public
 - Will only happen if and when the CCRB or another “covered entity” has already made a final determination, after a full investigation, that a current or retired MOS committed an act of bias w/in the past 5 yrs
 - Focus of the investigation is not the prior act of bias itself, but whether this prior act is part of a broader pattern of biased conduct
 - Discipline is only one possible outcome of the investigation (CCRB can make other recs), and only if the 18-month SOL has not expired.

**RACIAL
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(cont.)**

“Covered” Entities Include:

- CCRB
- NYPD
- DOI
- CCHR
- State and Federal Courts in NY State
- NY State Attorney General’s Office
- NY State Div. of Human Rights
- US DOJ
- US EEOC

USE OF DATA IN CCRB'S RACIAL PROFILING/ BIASED POLICING INVESTIGATIONS

- Direct evidence of discriminatory intent is rare
- Most discrimination claims are proven through a combination of several pieces of circumstantial evidence (“the totality of the circumstances”)
- State and federal courts have frequently relied on data on disparate patterns of enforcement activity, in combination with other circumstantial evidence, to sustain profiling/biased policing claims against individual police officers.
- CCRB will now have the in-house capacity to conduct data analyses for its profiling/biased policing investigations (RPBP Chief Data Scientist and Data Analyst), BUT
- **Getting access to the necessary NYPD data sets will be crucial**

THE CCRB'S RACIAL PROFILING/ BIASED POLICING INVESTIGATIONS UNIT

Following the passage of the City Charter Amendments, CCRB created the **Racial Profiling/Biased Policing Investigations (RPBP) Unit** to execute its new investigative authority

Housed within the Investigations Division, the **RPBP Unit**:

- Will conduct all CCRB racial profiling/biased policing and past professional conduct investigations
- Will investigate cases that have both racial profiling/biased policing and traditional FADO allegations

THE RPBP UNIT STAFF

At present, the RPBP Unit Includes:

- **1 Director**, experienced civil rights/police misconduct attorney, former plaintiffs counsel in *Floyd v. City of NY*
- **1 Deputy Director**, experienced human rights/anti-discrimination attorney, former policy counsel to the Chair of the City Commission on Human Rights
- **1 Chief Data Scientist**, more than 9 yrs of quantitative research experience with racial and other inequalities
- **2 Investigative Managers**, very experienced CCRB investigators who will each supervise a team of investigators and investigating attorneys
- **3 Level 3 Investigators**, all have 2-4 years experience investigating law enforcement misconduct
- **6 Investigating Attorneys**, prior experience in criminal law, anti-discrimination law, and/or policing

In addition, the RPBP Unit is in the process of hiring:

- **2 Level 3 Investigators, 1 Investigating Attorney, and 1 Data Analyst**

THE RPBP UNIT STAFF (cont.)

- All RPBP Unit staff have received or are currently receiving the following training:
 - CCRB's nationally recognized New Investigator Training
 - Specialized training on the legal standards and investigative strategies for racial profiling/biased policing cases
 - Hands-on experience w/ investigating active CCRB FADO cases
- Every closing report in an RPBP Investigation will be reviewed and approved by both an Investigative Manager and either the RPBP Unit Director or Deputy Director before submission to the Board