



BILL DE BLASIO
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb

TRACY CATAPANO-FOX, ESQ.
EXECUTIVE DIRECTOR

**Testimony of Board Member Bishop Taylor
of the Civilian Complaint Review Board
before the Public Safety Committee
of the New York City Council**

March 21, 2014

Chair Gibson, members of the Public Safety Committee, my name is Bishop Mitchell G. Taylor and I am a City Council designee to the Civilian Complaint Review Board (or CCRB). As of January 1st, our Chairman Daniel Chu resigned, and we are looking forward to the Mayor's appointment of a new Chairman for the CCRB. With me today are Executive Director Tracy Catapano-Fox and members of our executive and senior staff. We will be available to answer your questions at the conclusion of my testimony.

The CCRB is mandated to investigate, mediate, make findings, recommend actions and prosecute complaints of police misconduct involving use of force, abuse of authority, discourtesy or use of offensive language. To fulfill this mandate, the CCRB thoroughly and impartially investigates all civilian complaints within eighteen months of date of incident, which encourages all parties to have confidence in the process and findings by the Board. When the Board determines misconduct has occurred, it may recommend various levels of discipline, including Instructions, Command Discipline, or most seriously, Charges and Specifications. If the Board recommends Charges, the CCRB Administrative Prosecution Unit ("APU") is tasked with prosecuting these cases before the NYPD Deputy Commissioner of Trials, and the Police Commissioner makes the ultimate determination for discipline.

The City Council has always been a strong supporter of the CCRB. In past years, when the CCRB endured severe budget cuts, the Council introduced legislation to enhance the CCRB's ability to aggressively perform civilian oversight by increasing the CCRB budget. In 2009, the Council introduced legislation (Intro 1045-2009) to give the CCRB a given percentage of the NYPD budget. In 2010, then Public Advocate de Blasio, current Speaker Melissa Mark-Viverito, members of this committee, Gentile and Williams, and many other members of the Council introduced new legislation (Intro 0095-2010 and Intro 0166-2010) to amend the New York City Charter in relation to the budget of the CCRB. The proposed legislation directed the CCRB to submit itemized financial estimates to the mayor for the mayor's recommendations and to be included in the executive budget without revision. While the Board greatly appreciates the Council's past support, it also looks forward to working with Mayor Bill de Blasio, Speaker Mark-Viverito and the Public Safety and Finance committees in developing a budget that addresses the CCRB's needs and plans for the future.

The CCRB endured recurring budget cuts from the Fiscal Year (FY) 2008 adopted budget to the FY 2012 adopted budget. In FY 2008, the CCRB had an authorized Personal Services ("PS") budget of \$9,804,507. By FY 2012, the CCRB had an authorized PS budget of \$7,977,817. In these years, CCRB's PS funding decreased by approximately 20%, or by \$1,826,730. In total value, the actual cuts amounted to more than \$3.2 million. In terms of authorized headcount, staffing decreased by 51 positions from 192 in FY 2008 to 141 in FY 2012, or 27%.

Although the CCRB did not have additional budgetary reductions in FY 2013 and FY 2014, it did not receive any restoration of funding either. However, as part of an agreement between Mayor Bloomberg and the Council, in FY 2013, the CCRB received funding for the newly established APU. In the adopted budget for FY 2014, the funding for the APU was \$1,594,901 with an authorized headcount of 20 positions. The PS funding for all other agency programs and operations was \$7,987,424, just \$9,607

higher than in FY 2012. Again, our FY 2014 PS budget for all programs, excluding the new APU, continues to be approximately 20% lower than in FY 2008.

For FY 2015, the CCRB has a current preliminary budget of \$12,241,573, \$9,588,625 for PS and \$2,652,948 for OTPS. The authorized headcount is 164 positions, 117 positions in investigations, 20 positions in the APU and 27 positions in administration, including outreach. Even with the addition of the new APU positions, the CCRB has 28 fewer positions than in FY 2008. More importantly, the Board has 36 fewer members of staff dedicated to investigations and mediation and 12 fewer members of staff dedicated to administration.

The CCRB expects a significant increase in operations and activity in the upcoming fiscal year. Since the beginning of his term, Mayor de Blasio and this Council have demonstrated a strong desire to improve relations between the NYPD and the community, and to ensure that the rights of New Yorkers are not infringed upon. The CCRB is a stakeholder both in the new Inspector General legislation and in the independent judicial monitoring of stop and frisk activity, and we look forward to collaborating with these new oversight entities. The CCRB will continue to prosecute substantiated complaints of serious police misconduct through its Administrative Prosecution Unit. Further, the CCRB will be tasked to further reach out to all communities in New York City to make citizens aware of their rights and responsibilities when involved in police interactions, and provide them greater access to filing civilian complaints of police misconduct.

For these reasons, we have submitted a request for additional new needs for FY 2015 to the administration. The new needs request is currently being evaluated by the administration. The CCRB has asked for the funding of four new outreach positions to launch “the CCRB in the Five Boroughs” initiative, the funding of seven investigative positions for our new “Field Investigators” initiative and the restoration of three attorney positions that were lost in the cuts I mentioned earlier.

Initiatives for FY 2015

Our first new initiative is “CCRB in the Five Boroughs” and we are requesting four outreach positions to launch this new program. This initiative will increase the number of outreach presentations by 50% and, provide civilians with greater access and information about how the CCRB operates and assists them.

In recent years, with only one full-time member of staff and under the leadership and direction of the CCRB Outreach Committee, the agency continued its Charter mandate of informing the public about the CCRB and developing educational community outreach programs. This member of staff received assistance from unpaid college interns and other members of the staff who volunteered to conduct outreach.

In Calendar Year (CY) 2013, the CCRB outreach program made 204 presentations. This number of presentations was a significant increase from the 47 presentations made in CY 2008 and the 49 presentations made in CY 2009. However, the Board feels that there are substantial limitations to the long-term sustainability of an outreach program running almost solely on interns and volunteers.

The Board believes that community outreach is an essential element of our agency’s mission and that with additional support and funding, the CCRB can elevate its community outreach program for the betterment of the citizens of New York City. To that end, the Board has recently requested funding from the administration for four new positions to work with the one current full-time outreach employee the CCRB retains. The goal is to develop what we define as “CCRB in the Five Boroughs Initiative.” In order to better reach all NYC communities, each week an outreach staff member will be assigned to a different borough, along with a CCRB investigator. The outreach staff member will be able to provide information, answer questions, and meet with complainants, while the investigator can interview complainants and accept new complaints from civilians in the community. This program will provide citizens with

easier access to the CCRB and develop a stronger relationship with the communities we serve.

This new proposal, in addition to our ongoing outreach presentations, will be invaluable in developing stronger relationships within New York City's diverse population and assisting such communities in understanding legal and practical information for police interactions. In order to best serve the people of New York City, though, it is imperative that we receive funding for the four requested positions to pursue these worthy programs.

The new "Field Investigators" team is our second program for FY 2015. The intent of this initiative is to create a field team that can collect an ever-increasing number of video, witness testimony and evidence within hours of an incident while reducing the number of days it takes to interview complainants that are unable to travel to our central offices.

The central mission of the CCRB is to investigate and resolve claims of police misconduct in a timely and efficient manner. Past budget cuts and hiring restrictions have limited the CCRB's capacity to timely and fully investigate allegations of police misconduct. The recently released FY 2014 PMMR identified the main challenges we currently face. The cumulative effect of the loss of 33 investigators, from 153 in CY 2008 to 120 in CY 2014, has contributed to a significant deterioration of most of these critical performance indicators. The time to complete substantiated investigations suffered greatly during this period. In CY 2008, it took the CCRB 351 days to close a substantiated investigation. In that year, 24% of substantiated complaints were 15 months or older and 2% were referred to the Police Department after the statute of limitations ("SOL") had expired. Only three cases were referred after the SOL expired. In CY 2013, it took the CCRB an average of 436 days to close a substantiated investigation, a 24% increase in time. Furthermore, 57% of substantiated complaints were 15 months or older, an increase of 33 percentage points, and 7% were referred to

the Police Department after the statute of limitations expired, an increase of five percentage points. In CY 2013, 21 cases were referred after the SOL expired.

Since CY 2008, the board's case resolution rate (the rate at which cases are either fully investigated or mediated as opposed to truncated) has been at approximately 35%. In CY 2013, the rate remained unchanged at 35%, which essentially means that we are only able to fully investigate slightly more than 1/3 of complaints. The Board is committed to increasing our case resolution rate, by getting earlier access to video and audio evidence, interviewing complainants and witnesses earlier, and decreasing time for mediations to occur. To address this systemic problem, the CCRB has created a new intake unit that has reallocated resources around investigative teams to more promptly receive and respond to complaints. However, our ability to increase our case resolution rate depends on our ability to reach complainants earlier and obtain interviews, as well as obtain video and locate witnesses to fully investigate cases.

The request for adding seven investigators will allow the CCRB to conduct more field operations. Under the "field investigators" initiative, the CCRB will be able to designate investigators to go to the field every day and collect video and civilian statements within two days of the complaint being filed. This will enhance the quality of the investigations, by ensuring we quickly obtain objective video evidence and witness information from the onset of the investigation. Further, this will help increase the case resolution rate, as well as enable the CCRB to conduct more investigative steps (conduct witness interviews, collect video, photograph the incident location, etc.) in a timely manner, thus lowering the days required to complete a full investigation.

The final initiative is the restoration of the attorney lines we lost through budgetary cuts during the previous administration. These experienced attorneys will be well positioned to identify, through their review of cases, those areas ripe for board policy recommendations, which can improve the overall quality of policing in New York City, and provide high quality legal review of a greater number of cases.

During the Executive budget for FY 2008, the CCRB proposed hiring a team of five experienced attorneys to review the work of its investigative teams. The purpose of the new legal team was to improve the quality of CCRB investigations and the legal analysis of the evidence gathered during the course of investigations, as well as increased training for investigators. The Bloomberg administration funded this initiative with \$460,330 in FY 2008 but cut the funding for three attorneys in FY 2009.

The volume of complaints the CCRB receives makes executive and legal oversight of the Investigations Division challenging at best. In FY 2013, the CCRB closed 7,051 cases. It has closed an average of 6,786 cases since FY 2007. The Deputy Executive Director for Investigations is currently responsible for overseeing these cases and 6 investigative teams with 113 investigators. To assist the Deputy, the current attorneys review all the agency's substantiated and sensitive cases (i.e., shootings, death in custody cases, and cases receiving press attention).

From CY 2009 to CY 2013, the volume of cases submitted for legal review has increased. Attorneys reviewed 250 cases in CY 2009, 190 in CY 2010, 220 in CY 2011, 261 in CY 2012 and 383 in CY 2013. The median time it took attorneys to conduct these reviews increased from 14 days in CY 2009 to 29 days in CY 2013. The average time also increased from 24 in 2009 to 35 days in 2013. The proportion and number of substantiated cases has also increased since the implementation of the legal team. From CY 2007 to CY 2009, when the Board hired the legal team of five attorneys, the CCRB substantiated 190 cases at an average substantiation rate of 7%. In CY 2013, the Board substantiated 300 cases at a substantiation rate of 14%.

The Board believes that adding attorneys will add value and quality to the investigative process. First, it will increase the number of full investigations reviewed by an attorney by requiring attorneys to review all fully investigated cases, not just those with substantiated allegations. In CY 2009, attorneys reviewed 9% of all fully investigated cases, 8% in CY 2010, 11% in CY 2011, 20% in CY 2012 and 18% in CY 2013. The Board is committed to having all full investigations reviewed by an attorney,

to ensure that these cases are handled with the highest quality investigative and legal review.

The second reason is the nature of our CCRB investigations. In recent years, approximately two thirds of all full investigations involve at least one allegation of an improper search and seizure, allegations that always require legal analysis. When attorneys review investigative files with these types of allegations, they frequently request that investigators acquire additional evidence, correct the pleading language of allegations and strengthen evidentiary analysis.

Improving the quality of CCRB investigations will also assist the APU and the DAO in disciplining officers who have committed misconduct. In addition to reviewing staff investigations, team legal advisors answer ad-hoc questions and participate in formal and on-the-job training of investigators, including observing interviews with civilians and officers.

Finally, in order to hire and retain our excellent staff, we must invest in their professional development and training, which can be done by these additional attorneys. By having attorneys provide intensive and ongoing legal and investigative training to investigators, we will enhance their skills and give them greater job satisfaction, and reduce staffing turnover.

With the support and funding for these initiatives, we are confident that we can meet the objectives of Mayor de Blasio and the City Council in fulfilling the CCRB's mission to provide quality, impartial and thorough investigations into police misconduct for the citizens of New York. We are grateful that the Administration and the Council are committed to ensuring that the Board has all the resources needed for the future success of the CCRB.

Thank you for your time and continued support. I will be happy to answer any questions you may have.