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FREDERICK DAVIE
CHAIR

Dear Public Safety Committee,

Thank you for inviting me to testify today on behalf of the Civilian Complaint Review Board. Today, I am testifying in support of the resolution calling on the New York State Legislature to pass legislation that gives the CCRB final authority over discipline in CCRB cases. As stated in the resolution, allowing the CCRB to impose discipline in certain cases would be a concrete step in increasing accountability and public trust in the City's commitment to hold officers accountable when they commit misconduct.

Over the last month, the CCRB has adopted the NYPD Disciplinary Matrix, signed a MOU with the NYPD ensuring CCRB's access to officer employment history in substantiated cases and committing the Department to CCRB's recommendations except in extraordinary circumstances, adopted new rules allowing us to investigate cases of sexual misconduct and untruthful statements, and continued to fight for the release of all police disciplinary records after the repeal of 50a. City Hall and the Mayor have encouraged these changes and others, including the Mayor's announcement of the David Dinkins Plan to expand and strengthen the CCRB. While all of these changes represent significant steps to improving transparency and greater accountability, I believe that granting the CCRB final authority to impose discipline in CCRB cases is a concrete change that can truly transform police accountability in New York City.



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Every CCRB investigation entails a thorough evaluation of the conduct in question, with the Board ultimately scrutinizing the evidence to determine whether a member of the NYPD violated the law, the Patrol Guide, or both. However, New Yorkers continue to see examples of substantiated misconduct that ultimately resulted in little to no penalty from the NYPD. In an effort to change this dynamic, New Yorkers voted to change the Charter and require the Police Commissioner to provide an explanation to the CCRB whenever the NYPD does not follow the Board's disciplinary recommendations. Similarly, the newly adopted Matrix and MOU also include provisions requiring the Police Commissioner to provide an explanation when the NYPD does not follow the agency's recommendations. However, even with these steps in the right direction, many people in this city, and I count myself among them, believe final authority for CCRB cases resting with the CCRB is the only sure way to restore and maintain the public's trust in this disciplinary process. I've made this point to the Police Commissioner, to the Mayor and I make here again today. I believe the proposed resolution calling on the State legislature to grant the CCRB final disciplinary authority would be the culmination of the initial steps taken by these other reforms.

Absent legislative changes in Albany, I believe the City has done the extent of what it can to solve the issues that contribute to the lack of concurrence between the CCRB's recommendations and the department's final decisions. The Disciplinary Matrix published in January and the Memorandum of Understanding Commissioner Shea and I signed on February 4th are steps the City was able to take on its own, and were the right, significant



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and even breakthrough steps to improve the NYPD's concurrence with our recommendations. However, until we address the issue of the Police Commissioner's broad discretion over discipline in impartial, independent civilian investigations, these issues will persist regardless of the composition of the Board, the City Council, the Police Department, or City Hall. It is my concern that until the issue of final disciplinary authority is dealt with, any additional efforts to improve community-police relations through oversight will falter. We cannot let that happen.

I want to thank you all for having me here today to discuss this important issue, and I want to echo the language within the proposed resolution: to those lawmakers in Albany who may be contemplating this change—the time to act is now. Complete the work begun by New York City's first and only Black mayor, a man that I am proud to have worked for, the late Mayor David Dinkins, who created the Civilian Complaint Review Board: that is, provide the Agency with binding disciplinary authority.

Thank you.