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ARVA RICE
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**Full Testimony of Arva Rice, Interim Chair of the Civilian Complaint Review Board
before the Public Safety Committee of the New York City Council
March 18, 2022**

Chairperson Hanks, members of the Public Safety Committee, thank you for the opportunity to appear before you today. I am Arva Rice and I am the Interim Chair of the Civilian Complaint Review Board (CCRB). I am joined by Jonathan Darche, our Executive Director.

I would like to begin by thanking the City Council for your continued support and trust in the Agency over the years. The City Council has been instrumental in strengthening and expanding the Agency in size and power. Last year, the City Council passed a bill to grant the CCRB the power to investigate bias-based policing and racial profiling, a key measure to ensure some of the most complicated cases of misconduct have a form of recourse. The City Council also passed a bill allowing the CCRB to self-initiate complaints. This means the Agency will no longer put the onus on victims and witnesses, but can bear the brunt of responsibility themselves. Misconduct will not be ignored because a victim does not have the bandwidth to serve as a complainant, and the CCRB will do its part to ensure all misconduct is addressed. Finally, I would like to thank the City Council for the funding you provided for public education last year. With that budget, the Agency was able to place advertisements on a variety of outlets to reach communities throughout the City. As the new Interim Chair of the board, I look forward to working with the City Council to ensure the CCRB is upholding its duty to the City of New York.

I joined the CCRB as a board member last year and am very proud to now serve as interim chair. I have spent most of my career serving New Yorkers. As current President and CEO of the New York Urban League, I work to enable underserved communities to secure a first-class education, economic self-reliance and equal respect of their civil rights through programs, services and advocacy. Before joining the NYUL, I served as Executive Director of Project Enterprise, an organization that provides business loans, technical assistance and peer support to New York City entrepreneurs who lack adequate access to business financing. Under the last administration, I served as a commissioner for the NYC Equal Employment Practices Commission and Mayor DeBlasio's Commission for Gender Equity.

Before joining the CCRB, I worked with former Police Commissioner Shea and Mayor de Blasio on a department wide initiative to reform the NYPD. In March of last year, the City Council passed a resolution adopting our final Police Reform and Reinvention Collaborative Plan. After decades working to make New York City a fairer, more equitable, and safer city, I am pleased to use my expertise to lead the CCRB into its next chapter.

The CCRB is a uniquely important Agency that is key to fulfilling this great City's mission to protect New Yorkers. The Agency is empowered to receive, investigate, mediate, hear, make findings, prosecute and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The Board's investigative staff is made up of over 150 civilian employees who conduct diligent and impartial investigations. The Board forwards its findings to the police commissioner who can concur with our recommendation, deviate from our recommendation and impose a lesser penalty, or retain the case completely and refrain from any discipline. As it grows in numbers and powers, the Agency continues to expand its services to those in need.

At the end of calendar year 2021, the CCRB's projected budget for FY23 was \$24,323,000. In an effort to comply with the new administration's request to cut 3% from our budget, the Agency submitted a PEG to the OMB which reduced our budget to \$23,547,977. We reached this target by reallocating certain positions within the agency, and I'm pleased to be able to tell you that we recently got approval from OMB to hire 15 additional positions for the CCRB.

The updated fiscal plan the Agency submitted to OMB would allow us to accomplish all the work set forth for us by the charter and the City Council, and we expect to be able to onboard the new hires before the end of April.

Over the last few years, the Board made great strides expanding the CCRB's powers. Just in the last year, the board has expanded its powers to investigate sexual misconduct and untruthful statements. Thanks to the City Council, we have also been granted the power to investigate bias-based policing and the ability to self-initiate complaints. This brings us one step closer to addressing all misconduct without placing the burden on victims.

While these have all been important steps forward, the CCRB needs the City's support for these new teams and powers to be viable.

This year, we hope to fully build out the new unit investigating bias-based policing and racial profiling in order to fulfill our task to investigate these incidents of alleged misconduct dating back to 2016. Last year, we hired Darius Charney, a leading expert in racial profiling, to be the director of this unit. This new investigative branch is particularly pressing given the new administration's intent to reform anti-crime units and expand stop and frisk. While these are legal tactics when used properly, they have been abused in the past, and the people of New York need to know that there is sufficient oversight in place to address any incidents of misconduct.

Another obstacle standing in the way of the racial profiling unit is the City's current sealing statutes. These statutes block CCRB access to sealed arrest records, which often times are sealed due to police misconduct. The CCRB must be granted access to sealed arrest records in order to identify cases of bias-based policing and racial profiling.

We will also use this year to continue to improve our investigative process. Every year, we improve our training and make our operations more efficient, and through the pandemic we have gathered many learnings on how to optimize our investigations. Part of this relies on collaboration with the NYPD on getting Body Worn Camera footage and other records more quickly and cooperation in scheduling interviews with officers. We also continue to seek increased budget for highly specialized investigative skills.

One of the largest influx of cases the Agency has seen, stemmed from allegations of officer misconduct during the 2020 Black Lives Matter protests. These protests resulted in 319 cases, 269 of which are closed. Thus far, we have found 104 officers guilty of misconduct, 61 of whom have been recommended the highest level of discipline. When we finish the pending cases, the CCRB will release a report with recommendations for the NYPD on how to improve training and tactics when responding to protests.

The CCRB and NYPD must work together to hold police misconduct accountable which will in turn help rebuild police community relations. We look forward to working with the new administration and the new police commissioner to improve the disciplinary process. The concurrence rate is an important metric for the Agency. The Concurrence rate measures how often the NYPD abides by CCRB recommendations. In January 2021, the NYPD introduced its new discipline matrix. In February 2021, the Agency signed an MOU with the NYPD agreeing that we would both follow the new matrix when recommending and imposing discipline with the hopes that we could increase concurrence. Unfortunately, results were not what the Agency hoped for. Concurrence in non-APU cases dropped from 73% in 2020 to 68% in 2021 and concurrence in APU cases was only 27% in 2021. These low concurrence rates for cases where misconduct has been substantiated is an argument for why final disciplinary authority should not be left with the NYPD. Commissioner Sewell has a reputation from her time in Nassau County as a strong advocate for discipline. I am hopeful that I can build a relationship with her to reverse this trend and increase the power and effectiveness of civilian oversight of law enforcement in NYC.

With the implementation of the Matrix, more cases will be sent to the Administrative Prosecution Unit (APU). The APU is responsible for trying the most serious instances of misconduct that have been substantiated by the Board. They hold administrative trials to prove allegations of NYPD misconduct which can result in a loss of vacation days, suspension, or even termination. The APU is currently short staffed and without a sufficient number of prosecutors, the most egregious instances of misconduct go unaddressed.

Yet, all the additional services will be redundant if civilians do not know that the CCRB is an available resource. The CCRB's outreach team has grown over the last few years and implemented outstanding programs to reach New Yorkers in all five boroughs. Since the pandemic hit, the outreach team conducted over 1,090 presentations to help raise awareness of the agency and inform New Yorkers of the resources available to them and their rights when interacting with police officers. The Outreach team is currently working with a scant budget to raise awareness. In order to properly inform civilians of their rights and resources, the CCRB needs greater support from other agencies and an expanded budget for more events and promotions.

Another new resource the CCRB now offers is the Civilian Assistance Unit or the CAU. The CAU is staffed by victims' advocates, licensed social workers, and trauma services professionals who provide free and confidential assistance. They work diligently to connect our most vulnerable civilians with desperately needed city resources, such as social and psychological support services. Since June, the CAU has helped 152 victims seeking support, an ever-increasing number, and need more staff to serve all New Yorkers in need.

Finally, with the exciting new bill that grants the CCRB the power to self-initiate complaints, the Agency will now have the power to address any instance of misconduct that arises. This will dramatically increase our caseload and will require many more investigators on staff to address this influx of cases.

We hope for the support of the new administration and the Council to better serve New Yorkers and adequately fulfill our duty to hold NYPD misconduct accountable. Much of the public has lost faith in the police department and in the City to hold officers accountable. With your support and proper funding for staffing, training and public education, the CCRB will be instrumental in rebuilding that trust and help lead the national conversation around police oversight. Thank you for your time and consideration.