



BILL DE BLASIO
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
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FREDERICK DAVIE
CHAIR

**Full Testimony of Rev. Frederick Davie, Chair of the Civilian Complaint Review Board
before the Public Safety Committee of the New York City Council
in the Resolution 1762**

Chairperson Adams, members of the Public Safety Committee, thank you for the opportunity to appear before you today. I am Jonathan Darche, Executive Director of the Civilian Complaint Review Board (CCRB), and am here on behalf of our Chair, Rev. Frederick Davie. He apologizes for not being here this afternoon, but he had a scheduling conflict.

I am here to testify today in support of Chair Adams resolution calling upon the New York State Legislature to pass, and the Governor to sign, S6760, legislation to allow access to sealed and protected records to civilian law enforcement oversight entities conducting investigations and disciplinary proceedings for misconduct by police and peace officers. CCRB access to sealed records is critical to our Agency’s ability to investigate all allegations of misconduct particularly as we take on the investigations of racial profiling and bias based policing. Statutes created to seal arrest records that are often sealed due to police misconduct are used to prevent the CCRB and other oversight agencies from investigating the underlying misconduct that caused the arrest to be sealed.

Records are often sealed because they are the result of unconstitutional stops which lead to arrests or they are instances where a prosecutor will decline to prosecute a case because the officer did not have a sufficient level of suspicion to warrant a stop. Cases can also be dismissed and sealed if a court finds that the police did not have probable cause to arrest or reasonable suspicion to conduct a search that yielded evidence. Allowing the CCRB access to records in



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these cases will mean that the CCRB will be able to conduct a thorough, effective, and timely investigation without being denied access to these records by the Police Department.

Currently, the CCRB is required to either seek an unsealing order or obtain a release in every case where the NYPD denies a document or BWC request on the ground that the record is sealed. This causes significant delays often resulting in the CCRB being unable to fully investigate a complaint, or the investigation not being completed within the 18-month statute of limitations.

The resolution calling upon the New York State Legislature to pass, and the Governor to sign, S6760, will allow our Agency and all civilian oversight agencies in the state to ensure that some of the most vulnerable New Yorkers, all of whom were improperly arrested or summoned to have their cases looked into by independent agencies.

It is imperative that the CCRB have access to these and all documents that enable us to investigate police misconduct. The CCRB has made great strides in the last couple of years and continues to push forward changes and policies that make the agency more effective, and police accountability fairer and swifter. I believe this resolution, and the passing of state law will help us to continue to push forward, in addressing police misconduct across the state.

Thank you.