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NYC Civilian Complaint Review Board Unanimously Votes to Investigate Allegations of NYPD Sexual Misconduct

Agency Will Begin Investigating Complaints That Include Allegations of Verbal Sexual Harassment; Developing Plan for Investigating Allegations of Sexual Assault

New York, NY – Following a groundbreaking vote, the Civilian Complaint Review Board (CCRB), the nation’s largest independent police oversight entity, on Wednesday confirmed that it will begin investigating allegations of sexual misconduct by New York City Police Department (NYPD) officers. As per a resolution the Agency’s Board passed during its second meeting of 2018, the CCRB will begin to investigate sexual harassment and to develop a plan for the investigation of sexual assault by police officers. This action makes the CCRB a pioneer among law enforcement oversight agencies in the United States.

“Any sexual misconduct dehumanizes its victim and tarnishes the reputation of the NYPD,” said CCRB Acting Chair Frederick Davie. “With this vote, the Board has declared that performing independent and impartial reviews of these kinds of allegations is a necessary role for the CCRB to play in order to ensure accountability and to continue to foster respectful police-community relations.”

Prior to this change in CCRB policy, the NYPD’s Internal Affairs Bureau (IAB), a unit whose members are employees of the police department, was responsible for investigating all allegations of sexual misconduct by members of the NYPD. As such, the CCRB referred sexual misconduct complaints to IAB upon receipt.

Following the Board’s vote, the CCRB, an independent agency with an all-civilian staff, will now embark on a two-phase program: Phase One will allow for the CCRB to investigate allegations of sexual harassment; Phase Two will allow for the CCRB to investigate sexual assault. The CCRB will develop a plan to train and equip investigators to handle Phase Two complaints. The Executive Director will report back to the Board when it believes that Phase Two is ready for implementation.

Under the New York City Charter, which defines the functions, organization, powers, obligations and liabilities of the City's government, the CCRB has the authority to investigate excessive use of force, abuse of authority, discourtesy, or use of offensive language by NYPD members of service. The resolution serves as the Agency's official declaration that sexual misconduct by a member of the NYPD is an abuse of authority and thus falls under the CCRB's jurisdiction.

"Part of the CCRB's charter-mandated mission is to investigate abuse of authority, and sexual misconduct by a police officer falls into that category" said Darche. "As Executive Director, I am committed to making sure the Agency investigates these complaints quickly, thoroughly, and impartially."

As per the resolution the Board passed Wednesday, the CCRB will begin accepting and investigating complaints of sexual harassment (e.g. verbal sexual harassment, sexual or romantic propositions) immediately. All current investigators at the Agency will be required to receive basic competency training on processing and investigating these complaints, which no longer will be forwarded to IAB. Such training will be mandatory for new hires going forward.

Due to the sensitive nature of complaints of sexual assault in Phase Two (e.g. groping, rape, coercive on-duty sexual activity), the resolution initiates a comprehensive process through which the Board and staff will assess how to pursue these allegations. This will include designating a group of experienced CCRB senior investigators who will receive specialized training in trauma-informed care from certified professionals. Until a process has been developed and implemented, the CCRB will continue to refer cases of alleged sexual assault to IAB, which retains its jurisdiction on these matters. IAB can still conduct parallel investigations of police sexual misconduct.

"The CCRB is sensitive to the distrust, fear and humiliation that many individuals feel after experiencing sexual assault and other forms of sexual misconduct. It is imperative that our investigators acquire the skills necessary to ensure that complainants who come forward feel safe and can trust that our process will be fair," said Darche. "The Agency takes this new responsibility very seriously and will do everything in its power to ensure investigators are prepared to collect evidence in a professional and efficient manner."

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The New York City Civilian Complaint Review Board (CCRB) is the largest police oversight entity in the nation and is empowered to investigate, mediate, prosecute, and recommend disciplinary action for complaints alleging misconduct by NYPD officers. See NYC Charter § 440(c)(1). The agency's jurisdiction includes excessive and unnecessary force, abuse of authority, discourtesy, and use of offensive language. To further this mission, CCRB issues monthly, biannual, and special statistical and qualitative reports analyzing trends and recurring issues arising from the many thousands of civilian complaints it receives each year.