

**Testimony of Daniel D. Chu, Chairman,
Civilian Complaint Review Board
Before Public Safety Committee
of the New York City Council**

March 12, 2013

Chair Vallone, members of the Public Safety Committee, my name is Daniel D. Chu. I am the Chairman of the Civilian Complaint Review Board (or CCRB). With me today are the agency's Executive Director, Joan M. Thompson, and members of our executive and senior staff. Ms. Thompson and I will be available to answer your questions at the conclusion of my testimony.

The CCRB is an independent board that investigates and mediates police misconduct complaints involving excessive force, abuse of authority, discourtesy, and use of offensive language (or FADO). In April, we will begin to prosecute substantiated police misconduct cases in which the board has recommended that Charges and Specifications be brought against the officer.

The Preliminary Budget for Fiscal 2014 stands at \$11,303,657, of which \$9,585,325 (or, 85% of funds) are allocated to Personal Services. It authorizes a headcount of **164 full-time positions**, of which **118 positions** are in the Investigations Division and **20 positions** are in the Administrative Prosecution Unit (or APU). The November 2012 and the January 2013 Financial Plans did not alter the Fiscal 2014 budget as it was adopted in June of 2012. We believe that the Board has the financial resources it needs to perform its core function of investigating, mediating and prosecuting complaints in Fiscal 2014.

I will now outline two issues that the Board wants to bring to the attention of the Committee. The first is a brief description of the effect that Hurricane Sandy had on our operations and the second is an update on the new prosecution unit.

The Effect of Hurricane Sandy on Operations

On October 28, 2012, in preparation for Hurricane Sandy, Mayor Bloomberg ordered evacuations from the city's most vulnerable zones. The evacuation order included the section of Lower Manhattan where our office is located. During the storm, 40 Rector Street was flooded and the agency's basic services, including phone and electrical services, were severely disrupted. As a result, we temporarily lost all access to our computer servers and were forced out of our offices.

DCAS was able to find temporary space for us at One Metro Tech in Brooklyn. However, the space presented its own set of challenges for the agency. The initial space could not accommodate our entire staff. It needed to be wired for internet access. It needed reconfiguring for phone service. Our staff had to relocate all physical investigative files, computer servers and computer terminals to the new location. In the face of the seemingly unrelenting challenges, our staff worked together to minimize the effects of the disruption as much as possible. We also continued our search for a new Executive Director, APU hiring and making plans for our scheduled move to 100 Church later this year.

As basic building services at 40 Rector were restored, the staff enthusiastically returned to our office in January.

The main effect of these operational challenges has been a short-term increase of our open docket. The Investigations Divisions' staff has aggressively worked towards processing the backlog of cases and the Division's docket has now decreased to fewer cases than it had before Sandy.

I want to assure you that our staff worked to effectively resolve the temporary increase in the docket without compromising the quality, impartiality and thoroughness of our investigations.

The Administrative Prosecution Unit

On April 2, 2012, Police Commissioner Kelly and I signed a Memorandum of Understanding (or MOU) establishing the APU. The agency then submitted a "New Needs" request to the Office of Management and Budget. In the Executive and Adopted Budget plans of 2012, the Administration and the City Council provided the funding of \$1.6 million that the Board requested.

The MOU provides that the conferral of prosecutorial power will take place 30 days after the CCRB and the Police Department have published the amendments to their respective rules. In recent months, the CCRB and the Department have worked closely together on the complex task of amending these rules and putting new procedures in place. Last week, we submitted the rules for publication and I am happy to announce that they are being published in the City Record today.

The APU consists of a chief prosecutor; a deputy chief prosecutor; ten attorneys; five investigators; one policy analyst; and other support staff to assist in managing a new database. All prosecutor positions have now been filled. They are all experienced trial attorneys drawn largely from the city's various

District Attorney's Offices as well as the Corporation Counsel. They have expertise prosecuting cases ranging from child abuse, domestic violence, narcotics, sex crimes, human trafficking, to violent felonies. They have already received in-house training, in addition to observing numerous disciplinary trials at Police Headquarters in order to familiarize themselves with the procedures in place there. This week, they are being trained by Police Department's attorneys who currently prosecute substantiated CCRB cases for the Department. Our APU attorneys are an accomplished group who are ready to take on the responsibility of trying substantiated CCRB complaints in the Department's Trial Room.

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 APU and the overall mission of the CCRB.

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