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**Testimony of Chair Maya Wiley and Executive Director Mina Q. Malik
of the Civilian Complaint Review Board before the Public Safety Committee
of the New York City Council**

October 21, 2016

Chairperson Gibson, members of the Public Safety Committee, thank you for the opportunity to appear before you today. On July 18, 2016, Mayor Bill de Blasio appointed me Chair of the Civilian Complaint Review Board (“CCRB”). It is a critical time for police oversight in New York and the nation. The last two years have been marked by devastating videos of police involved shootings across the nation and the disturbing murders of police officers simply for wearing the badge. We have not been immune in New York City. Names roll off the tongue all too easily of names of residents and police officers alike killed in the last few years. It is with great sadness and sense of purpose that the Board and staff of the CCRB tackle the task of police oversight and accountability and support for improved police and community relationships. Public safety requires it.

The CCRB is the largest civilian police oversight agency in the country, one of the oldest, and has become a model for other jurisdictions. And in these times of greater scrutiny of Police Departments and the increased attention to the need for reforms that can improve public safety and police community relationships, we have an obligation to support a safe and fair city and continue to serve as a model for the nation. We take that obligation very seriously.

As you know, the City Charter Charges the Board with fair and independent investigation of civilian complaints against sworn members of the New York City Police Department (“NYPD”), make findings and, where the evidence supports disciplinary action, the Board makes a recommendation of discipline to the Commissioner of the NYPD. Our jurisdiction includes allegations involving the use of force, abuse of authority, discourtesy and the use of offensive language. By far the largest unit in the CCRB is its Investigations Unit. We take very seriously our responsibility to fully and fairly investigate complaints. It is the Board that determines whether misconduct has occurred and may recommend various levels of discipline, including Instructions, Formalized Training, Command Discipline, or most seriously, Charges and Specifications.

If the Board recommends Charges, the CCRB's Administrative Prosecution Unit ("APU") prosecutes these cases before the NYPD Deputy Commissioner of Trials. For all other disciplinary recommendations, the Department Advocate's Office handles the case. In all cases, the Police Commissioner makes the ultimate determination for discipline. Today, you will hear the impressive improvements the agency has made in these and other areas of the CCRB's work.

While investigations is the best known function of the Agency, we also make public data and analysis on trends in complaints we receive. This helps us help the Police Department and the public identify opportunities to improve policing. We issue a lot of data and reports. You will hear more about our increased production, but we are not stopping there. We will continue to look for opportunities to increase the public's understanding of trends we see and recommended reforms. We also recognize that the NYPD has instituted new training and other policy reforms to improve policing. We will work to identify how these reforms are being implemented based on a review of our data. And it is critical that when we see improvement, we share the good news, not just the areas where attention is needed. If we only report the bad news and not any positive trends, we may unintentional impede the improvement of police community relations. But we also want to continue to build our understanding of where the Police Department must do more. We have the ability to build on the successful outreach the agency has engaged in over the past year to build more dialogue with communities on policing, their experiences with policing. The capable and committed staff here with me today, and the almost one hundred and eighty employees they supervise have worked hard for the impressive improvements you will hear today. And we know that we can and must continue to build on these successes to create increased visibility of the agency, effectiveness of its operations and relationships with stakeholders to support reform efforts.

Chair Gibson, members of the Public Safety Committee, my name is Mina Q. Malik and I am the Executive Director of the Civilian Complaint Review Board ("CCRB"). We will describe CCRB's case processing times, outreach efforts, and new procedures.

The Agency has undergone a tremendous transformation and implemented new policies and procedures to ensure that investigations and prosecutions are more effective, that the CCRB is interacting with the community it serves, and that all divisions of the Agency are performing at or close to their top level.

Greater Transparency and Public Education

The Policy Unit has made additional data more accessible to the public. For example, the Agency now has a new and improved website launching the Data Transparency Initiative (DTI). The DTI provides descriptive data 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. Visitors can view, interact with and download CCRB data on four key areas of the Agency's work: (a) complaints; (b) allegations; (c) victims and alleged victims; and (d) members of service.

The DTI presents 10 years of CCRB data covering more than 66,000 complaints, 192,000 allegations of police misconduct, 86,000 victims and alleged victims, and encompasses the approximate 36,000 current NYPD officers over their entire career.

Reports

This year the Policy Unit published three issue-based reports in addition to our Semi-Annual and Annual Reports. These include a report on searches and entries that was published in March entitled, *“Crossing the Threshold: An Evaluation of Civilian Complaints of Improper Entries and Searches by the NYPD from January 2010 to October 2015.”* Search and entry is one of the most common forms of Abuse of Authority that the Agency deals with each year.

Following our search and entry report, in May 2016, the Agency released a short report on cases with juvenile victims as a separate section of the 2015 Annual Report. During Pride Month in June of this year, the Agency published a report specific to the LGBTQ community entitled, *“Pride, Prejudice and Policing: An Evaluation of LGBTQ-Related Complaints.”*

Record-Breaking Increase in Outreach Presentations

The Agency has dramatically increased its community outreach. As of October 19, 2016, the Outreach Unit has already held 801 Outreach presentations, compared to 272 in 2015, 311 in 2014 and 159 in 2013. We hope to conduct 900 presentations by this year’s end, which will represent a two hundred and thirty percent (230%) increase from the previous year a four hundred and sixty-six (466%) increase from 2013.

Outreach is a vital and essential means of communicating with the public about what CCRB does and how we as an Agency serve the community. Outreach presentations include information about the CCRB, its complaint process and jurisdiction, and provide de-escalation tactics, as well as frequently asked questions regarding officer-civilian interactions.

The Agency’s increased visibility is also due to the consistent and concerted efforts to focus on a variety of specific groups that have been disenfranchised and disproportionately subject to police misconduct and abuse. These groups include LGBTQ members, probationers, the homeless, formerly incarcerated individuals and residents of public housing, to name a few. For example, on June 15, 2016, the CCRB hosted a one-day symposium entitled, *“The Rainbow Crossing: Police Accountability and the LGBTQ Community”* at the Lesbian, Gay, Bisexual, Transgender Community Center in New York City. The symposium was an extension of a CCRB forum event in November 2014 entitled, *“Let’s Talk It Out: Working Together to Improve LGBTQ-Police Encounters,”* which was a candid conversation between the CCRB leadership and members of LGBTQ advocacy groups.

The Agency has also expanded the Community Partners Initiative (CPI) in collaboration with the New York City Council. The CCRB now holds special evening office hours in participating Council Members’ district offices across the five boroughs to accommodate individuals who do not have access to our main office during regular business hours. Participating Council Members include Speaker Melissa Mark-Viverito and Council Members Vanessa Gibson, Donovan

Richards, Debi Rose, Carlos Menchaca, and Robert Cornegy. We are happy to work with any Council Members who might be interested in participating.

Increased Number of Successful Mediations

The Mediation Unit provides a valuable alternative method of resolving civilian complaints of police misconduct, and is a win-win scenario for both the civilian and the member of service. Mediation sessions focus on fostering discussion and mutual understanding between the civilian and the subject officer. After a successful mediation, the complaint is closed as “mediated,” meaning that there will be no further investigation and the officer will not be disciplined. If the mediation is not successful, the case returns to the Investigations Division for a full investigation. Successful mediations can benefit communities because a measure of trust and respect often develops between the parties. That, in turn, can lead to better police-community relations.

The CCRB has simultaneously increased the number of successful mediations it handles while also decreasing the number of days that the process takes. For example, the average number of days to mediate a case has steadily declined from 274 days in 2013, to 191 days in 2014, and 115 days in 2015. The number of successful mediations has also increased over time from 132 in 2013, to 182 in 2014, and 192 in 2015. Mediations had a 90% success rate in 2015.

Enhanced Investigations and Improved Investigative Times

In the last 20 months, the CCRB has improved investigations and dramatically decreased the amount of time it takes the Agency to investigate complaints and allegations. From January through September, 2016, 95% of complaints were four months old or less, compared to 59% at the end of 2014, despite only a very minor decrease (6%) in the total number of complaints that CCRB receives.

With regard to how quickly the Agency is closing cases, looking only at days spent within the Investigations Division, it took an average of 101 days to complete a full investigation in Q1 2016, compared to the average 222 days in Q1 2015, and the average 278 in Q1 2014.¹ These numbers include cases which have longer investigative times that are outside of our control, such as: cases on hold as requested by a District Attorney, those with subpoena actions, or those that have been reopened. These types of cases tend to take more time. Excluding cases on DA hold, with subpoena actions, or those that have been reopened, it took an average of 84 days to complete a full investigation in Q1 2016, compared to the average 196 days in Q1 2015, an 80% decrease. The average was even higher in Q1 2014 at 262 days.²

The Agency has been able to conduct better and faster investigations due to improved cooperation with the New York City Police Department, the availability of more video evidence, and new processes that were implemented after March 2015.

¹ For substantiated investigations these numbers are an average of 113 days in Q1 2016, 273 in Q1 2015, and 355 in Q1 2014.

² For substantiated investigations these numbers are an average of 95 days in Q1 2016, 254 in Q1 2015, and 335 in Q1 2014.

The CCRB has also improved investigations by providing better training to investigative staff and being more proactive in investigating civilian complaints. Our new training consists of an in-house, competency-based, multi-week training program for all new investigators, which include topics such as: the NYPD Patrol Guide, investigative and interviewing techniques, evidence gathering, and substantive issues surrounding the types of cases that fall within our jurisdiction under FADO.

Furthermore, investigations are generally more fruitful when an investigator strikes while the iron is hot, and begins a proactive investigation as soon as possible after a complaint is filed. Our relatively new Field Evidence Collection Team is able to collect evidence in the field in a timely manner and ostensibly before evidence is destroyed. Such evidence includes: video from commercial or privately-owned surveillance cameras, cell phone video taken by private citizens, or NYPD surveillance cameras. In addition, our investigators are better-equipped to canvass for witnesses and obtain witness statements in the field. By being more proactive and better-trained, we are able to investigate citizen complaints more effectively and efficiently, thereby improving both investigations and investigative times, as well as improving confidence in the CCRB by officers and civilians alike.

Increased Substantiation Rate

Along with faster and more effective investigations, the Agency has seen a greater number of substantiations and increasing video evidence. The case substantiation rate increased to 24% in 2015 from 14% in 2012, 15% in 2013, and 17% in 2014. Remembering that a CCRB complaint can have more than one allegation, our data shows that the number of officers with substantiated allegations has increased over time since 2011. The number of officers with substantiated allegations has increased by 69% compared to 2014.

Number of Officers with Substantiated Allegations	
2011	213
2012	243
2013	463
2014	467
2015	790

Increased Prosecutions before the NYPD Deputy Commissioner for Trials

The Administrative Prosecution Unit (APU), which processes the Agency’s most serious cases, has conducted more trials and closed more cases in the past year. As you may know, all charges and specifications recommended by the Board are prosecuted by the APU. Comprised of attorneys, the APU prosecutes misconduct before the NYPD Deputy Commissioner for Trials (“DCT”). The APU closed 186 cases in 2015, compared to 112 in 2014 (a 66% increase). Year to date, the APU has closed 196 cases. Finally, the APU completed trials against 130 officers in 2015, compared to trials against 82 officers in 2014 (a 59% increase).

NYPD Disciplinary Decisions, Discipline Rates, and Department Unable to Prosecute Rate

When the CCRB recommends Instructions, Formalized Training, or Command Discipline against a member of service, that recommendation is sent to the Department Advocate's Office (DAO). All substantiated cases where the Board recommends Charges and Specifications are prosecuted by the CCRB's APU. In 2015, the Police Department reported its final disciplinary decisions for 440 subject officers, comprising both cases that were prosecuted by the APU and cases that were handled by the DAO. The Police Department imposed some form of discipline — forfeiture of vacation, command discipline, instructions, or formalized training in 350 cases, resulting in an 80% disciplinary action rate for APU and non-APU cases together.

In 2015, the DAO's disciplinary action rate for non-APU cases was 92%, much higher than in previous years. For example, it was 70% in 2014. In 2015, the DAO declined to seek discipline in fewer cases over time. That dropped to 8% in 2015, from 21% in 2014. The discipline rate for APU cases in 2015 was 61%, similar to the prior year (65%).

New Initiatives

As an agency, we have strived to do more and become better in what we do and will continue to do so. The Agency has also implemented several exciting new initiatives in the past year and a half. For example, to reduce the number of people missing their interview appointments, the CCRB enabled a text messaging service on October 7, 2015. Additionally, in order to continue work harder to include NYC's diverse communities, optional questions related to sexual orientation and gender identity were added to the complaint forms in late 2015. This year, the Agency also made complaint walk-in forms available in five additional languages: Arabic, Chinese, Haitian Creole, and Russian, which help to round out the Agency's language access and complement forms that have been traditionally available only in English and Spanish. Finally, the Agency has brought itself into modern times by creating its own Twitter account, which was launched in September 2016.

Conclusion

We are in a better position to meet our objectives in fulfilling the CCRB's mission to provide thorough, quality, and fair investigations into police misconduct for the citizens of New York. We are grateful that the Administration and the Council are committed to ensuring that the Agency has all the assistance needed for the future success of the CCRB. Thank you for your time and continued support.

Chair Wiley, members of the Executive and Senior Staff, and I will be happy to answer any questions you may have.