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**Testimony of Frederick Davie, Chair of the Civilian Complaint Review Board
before the Public Safety Committee of the New York City Council
January 22, 2019**

Chairperson Richards, members of the Public Safety Committee, thank you for the opportunity to appear before you today. I am Reverend Frederick Davie, Chair of the New York City Civilian Complaint Review Board (“CCRB”).

The City Charter charges the CCRB with the fair and independent investigation of civilian complaints against sworn members of the New York City Police Department (“NYPD” or the “Department”). The CCRB is the largest police oversight entity in the country, overseeing the investigation, mediation, and administrative prosecution of misconduct in the largest police department in the country. Our jurisdiction includes allegations involving the use of force, abuse of authority, discourtesy and the use of offensive language (referred to as “FADO”). Where the evidence supports disciplinary action, the Board recommends specific categories of discipline to the Police Commissioner.

In 2018, the CCRB received 4,745 complaints within its jurisdiction, marking the second year of an increase in complaints following seven straight years of declining complaint numbers. While there are multiple possible reasons for what is driving this growth, one possible explanation is the Agency’s focused commitment to better serving vulnerable and diverse communities in New York. The last few years have seen a tremendous expansion of the work of the CCRB Outreach Unit, which delivered over 1,000 presentations in 2018—the largest number in Agency history—to audiences including high school students, immigrant populations, probationary groups, homeless service organizations, formerly incarcerated individuals, NYCHA residents, and LGBTQ groups. Outreach staff has met members of the public where they are, from marching in New York City’s Pride Parade alongside the City’s LGBTQ communities to developing productive partnerships with community service providers including homeless shelters, schools, and organizations servicing youth.

All Agency Board meetings are open to the public and half of those are conducted in the City’s various communities, where residents can attend and meet with our staff and express to the Board their issues and concerns in a local setting. Board meeting locations range from schools and faith centers to New York City Housing Authority (“NYCHA”) facilities and senior centers.

Part of the CCRB's renewed efforts to better serve the public includes additional focus on its public education mandate. In anticipation of the Right to Know Act becoming effective in October of 2018, the CCRB constructed a full public education campaign in partnership with members of City Council that involved creation of educational materials and distribution of these materials via street team efforts, participation in press and social media efforts, and working with elected officials to help provide information to constituents. These efforts appear to have been timely: 2018 saw the highest number of fourth-quarter complaints received in the CCRB's jurisdiction (1,301) since 2013 (1,331). The proportion of complaints received in the fourth quarter compared with the rest of the year went from 23.6% of complaints received in 2017 to 27.4% of complaints received in 2018.

The CCRB strives to be a model in the field of police accountability, pursuing new initiatives to enhance the efficacy of investigations and prosecutions and to more effectively serve the people of New York City. One of these initiatives includes the Board's pilot program of its Disciplinary Framework, initiated in January 2018. The Framework is a non-binding matrix designed to guide Board Panel discussions on disciplinary recommendations for substantiated cases. The goal of the Framework is to achieve consistent and fair discipline recommendations for both civilians and members of service. The Framework outlines six allegation types that—if substantiated by a three-member Board Panel—typically would result in the panel recommending Charges and Specifications, the most severe level of discipline. These allegations include chokeholds, strip searches, warrantless entries, offensive language, excessive force with serious injury, and sexual misconduct. Under the Framework, Board Panels also discuss the subject officer's CCRB history and the totality of the circumstances of the case as a way to guide its determination of the appropriate disciplinary recommendation. As the pilot program reaches its first full year of implementation this month, Agency staff will examine data related to its impact and make recommendations to the Board based on these findings.

As a national leader in police oversight, the Board also periodically reviews its allegation categories to determine whether they fully serve the needs of the public. In February 2018, the Board adopted a resolution directing Agency staff to begin investigating certain allegations of sexual misconduct that had previously been referred to the NYPD's Internal Affairs Bureau ("IAB") and to develop a plan to investigate allegations of criminal sexual misconduct. Since then, the Agency has received complaints of more than 80 allegations of sexual harassment, sexual or romantic propositions, sexual humiliation, and sexually motivated strip searches, and has created an internal working group to determine how best to incorporate investigations and prosecutions of sexual assault into Agency operations.

The Agency takes seriously its commitment to protecting the mental health and well-being of these, and all, complainants. The CCRB serves some of New York's most vulnerable communities, including youth, the homeless, LGBTQ individuals, those with mental illnesses, people living with disabilities, and people of low income. In 2018, we have worked diligently to develop strong relationships with mental health and community support service providers to more responsibly serve the needs of complainants, victims, and witnesses.

In April 2018, the CCRB adopted a new policy of providing civilians with information about NYC Well, a City program that provides free support and assistance to people experiencing stress and trauma as well as more serious mental, psychological, and emotional health challenges. The CCRB Training Unit collaborated with Dr. Lynn Kaplan, Psy. D, the director of

training and public education for Vibrant Emotional Health, to develop training for the Investigations Division to learn additional skills for effective call management, and face-to-face communication skills, including active listening, emphatic response, the mechanics of making a warm-transfer to NYC Well, and the steps an investigator should take when a civilian presents an imminent risk to themselves or to others. Additionally, investigators learned how to engage civilians in conversations about mental wellness, including how to introduce NYC Well into conversations. Further, in accordance with best practices recommended by service providers to victims of violence, the Agency recently began providing forensic experiential trauma interview (“FETI”) training to the Investigations Division. This type of interview technique allows for interviewing complainants and victims in ways that empower them, providing investigators with better information and complainants with a more productive and caring experience at the CCRB.

Approximately 17% of the complaints received in 2018 in the CCRB’s jurisdiction involved complainants and victims between the ages of 14 and 24. Young people, particularly young people of color, have a disproportionately higher likelihood of contact with police. The Agency has begun a number of new initiatives aimed at giving younger complainants and victims a voice in how the CCRB investigates, prosecutes, and reports on police-youth interactions. In December 2018, the CCRB selected 20 New Yorkers between 11 and 24 years old to be members of its inaugural Youth Advisory Council (“YAC”) following an open citywide application process. This group, which meets quarterly, advises the Agency on its policies and outreach efforts to young members of the public. One of the YAC’s current tasks is to work with Agency staff to facilitate an event on February 26, 2019 entitled, “Speak Up, Speak Out: A Youth Summit on Policing in New York.” This summit will include panels of youth activists and advocates and breakout groups to discuss the types of interactions young people report having with police in New York, and brainstorming on next steps for police accountability efforts in this area. From this summit, the CCRB hopes to gain insight into aspects of police-youth relations to inform an upcoming Policy Unit report on complaints the Agency receives from people ages 14 through 24.

The CCRB is committed to providing strong, effective, and independent civilian oversight for the New York City Police Department, and to continuing to lead the way in civilian oversight nationally.

Thank you for your time and continued support.

The members of the Executive Staff and I will be happy to answer any questions you may have.