

P.G. 211-14 Investigations By Civilian Complaint Review Board

Date Effective: 08/01/13

PURPOSE

To facilitate investigations conducted by the Civilian Complaint Review Board; to protect the rights of members of the service who are the subject of Civilian Complaint Review Board investigations and witnesses to incidents under investigation by the Civilian Complaint Review Board; and to process Department records requested by the Civilian Complaint Review Board.

PROCEDURE

Whenever a member of the service (uniformed or civilian) has been directed to appear before the Civilian Complaint Review Board and/or respond to a Civilian Complaint Review Board request for Department records.

APPEARANCE CONTROL UNIT

1. Notify member of the service to appear at the Civilian Complaint Review Board.

MEMBER OF THE SERVICE

2. Appear at Civilian Complaint Review Board, as directed.

a. Bring ACTIVITY LOG (PD112-145) that corresponds to the date of incident.

NOTE: Members of the service who are questioned about incidents being investigated by the Civilian Complaint Review Board shall fully cooperate in the investigation. When interviewed by a Civilian Complaint Review Board investigator, or when appearing at the Civilian Complaint Review Board as the subject of a complaint or a witness to an incident in connection with an official Civilian Complaint Review Board investigation, all pertinent information, facts and observations shall be reported. All questions posed by the Civilian Complaint Review Board investigator, Board panel, or Board member in accordance with Civilian Complaint Review Board rules and regulations for the conduct of interviews shall be answered fully and truthfully. Failure to do so shall be grounds for disciplinary action.

UPON NOTIFICATION THAT A MEMBER OF THE SERVICE HAS REFUSED TO ANSWER QUESTIONS DURING A CIVILIAN COMPLAINT REVIEW BOARD INTERVIEW OR PROCEEDING:

SUPERVISORY/RANKING OFFICER CONCERNED

3. Determine if Civilian Complaint Review Board is requesting that member of the service be directed by the supervisory/ranking officer to answer questions.

4. Ascertain if member of the service has been notified by the Civilian Complaint Review Board that answers given in an interview or proceeding may not be used against the member in a later criminal action.

5. Advise member of the service that refusal to cooperate with the Civilian Complaint Review Board will result in immediate suspension and preparation of

disciplinary charges.

6. Direct member of the service to answer questions posed by the Civilian Complaint Review Board.

7. Suspend member if member of the service refuses to answer questions.

DEPARTMENT RECORDS REQUEST:

I.A.B. MGMT. RESOURCES SECTION, CCRB LIAISON

8. Forward a REQUEST FOR RECORDS AND/OR INFORMATION REGARDING CCRB CASE (PD149-164) to commands concerned.

COMMANDING OFFICER

9. Designate a member of the service to photocopy all pertinent documents.

NOTE: Under no circumstances will a command reproduce documents from a request received directly from the Civilian Complaint Review Board. All such requests, whether verbal or written, will be referred to the Management Resources Section, Civilian Complaint Review Board Liaison. In addition, under no circumstances will original Department records be removed from a Department facility to comply with documentation requests from the Civilian Complaint Review Board. Only photocopies will be made and forwarded in this regard.

MEMBER OF THE SERVICE

10. Forward completed request and documents via Department mail within ten days of receipt to:

a. Internal Affairs Bureau, Management Resources Section, CCRB Liaison, 315 Hudson Street, New York, New York 10013.

NOTE: Upon receipt, the Civilian Complaint Review Board Liaison will review all documents submitted by commands concerned to ensure that the request has been satisfied. Thereafter, the Internal Affairs Bureau will forward all pertinent documents to the requesting Civilian Complaint Review Board investigator.

ADDITIONAL DATA

The following Department records may not be released to the Civilian Complaint Review Board:

a. Records concerning a case that has been sealed pursuant to Criminal Procedure Law 160.50.

b. Records of sex crimes per Civil Rights Law 50-b.

c. Psychiatric records (without patient consent).

d. Alcohol counseling records (without patient consent).

e. Medical records (without patient consent).

f. P.G. 206-13, "Interrogation Of Members Of The Service" interviews (without permission of Deputy Commissioner - Legal Matters).

g. Personnel records of police officers as per Civil Rights Law 50-a.

h. Juvenile records as per Family Court Act 381.3.

The Civilian Complaint Review Board Liaison will confer with the Document Production Unit, Legal Bureau, whenever questions arise pertaining to Civilian Complaint Review Board access to sensitive or confidential records. Exceptions to the general rule of non-disclosure may be made with the necessary approval of the Legal Bureau.

Subpoenas for records received directly from the Civilian Complaint Review Board will be accepted and a telephone notification will be made to the Civilian Complaint Review Board Liaison, (212) 741-8409 or 8448. If there is no response, the Internal Affairs Bureau Command Center will be notified, at (212) 741-8401. The subpoena will then be hand delivered to the Civilian Complaint Review Board Liaison in a sealed envelope without delay.

When records being requested are not available at the command, the specific reason why the request cannot be satisfied must be indicated on Line 16 of the REQUEST FOR RECORDS form. For example, if a particular COMPLAINT REPORT is requested in connection with an incident, and a comprehensive review of command records indicates that no such report was prepared, the assigned member will indicate "Complaint Report not prepared" on the REQUEST form. Similarly, if a document is lost or missing, this finding will likewise be indicated on the form. Generic terms, such as "unable to locate" or "not available" will not be accepted. If a document has been forwarded or is located in another command, this information must be included on the form. The Civilian Complaint Review Board Liaison will redirect all such requests to the appropriate command.

RELATED PROCEDURES

Interrogation Of Members Of The Service ([P.G. 206-13](#))

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT REPORT (PD313-152)

REQUEST FOR RECORDS AND/OR INFORMATION REGARDING CCRB CASE (PD149-164)