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**Full Testimony of Arva Rice, Interim Chair of the Civilian Complaint Review Board, before the Public Safety Committee of the New York City Council  
March 20, 2023**

Chairperson Hanks, members of the Public Safety Committee, thank you for the opportunity to appear before you today. I am Arva Rice, I use she/her pronouns and I am the Interim Chair of the Civilian Complaint Review Board (CCRB). I am joined by the CCRB’s Executive Director Jonathan Darche.

I have been proud to lead this Agency for over a year now and have witnessed first hand the exceptional level of work being produced by our small team. He and I are here today to explain that in order to adequately do its work, the historic underfunding of the CCRB needs to be corrected.

Currently, the CCRB’s current budget is \$23,548,261, of which \$18,952,568 is allocated to our Personnel Services, or PS budget. Our current headcount is 259 individuals. The proposed Budget for FY24 would cut the CCRB’s budget to \$22,412,497, almost all of which is coming from the Agency’s PS budget. If the proposed budget is enacted, our headcount will fall to 237 positions. While this number comports with the minimum funding level established in the City Charter, it does not allow the CCRB to function appropriately.

Our current full time equivalent headcount is 223 positions but costs \$17,990,968. That number does not include compensation for Board Members or overtime. When the proposed budget reduced our headcount by 22 positions, it also cut \$930,000 from our budget, leaving the CCRB with a proposed FY 24 PS budget of \$18,022,126 to pay for a roster of \$17,990,968. That would leave the CCRB with \$31,157 to pay Board Members and overtime. Investigative overtime is consistently more than \$200,000. Under prior administrations, when the Council added positions to the CCRB’s headcount, those positions were funded at the lowest possible salary. In addition, prior budgets did not account for promotions given to investigators. That is why the total compensation owed to CCRB staff exceeds the amount budgeted per position. That is also why there was often a difference between the number of positions filled at the CCRB and the number of positions in our allotted headcount.

Furthermore, these cuts deny the important part that civilian oversight plays in public safety. For people to trust in the police, they must have faith that there is a system that holds police officers responsible for misconduct. The CCRB is the independent, civilian voice in the police disciplinary system, and failing to adequately fund the CCRB shortchanges public safety in this city. We are calling for the City to increase the CCRB’s budget to \$30,421,570, of which \$24,534,199 would be PS and to increase the CCRB’s authorized headcount to 315 positions.

The CCRB was established in its current form thirty years ago. Since then, it has grown in power and size, and this council has been instrumental in enacting some of the most meaningful changes in the CCRB's jurisdiction. In 2021, this council passed a bill giving the CCRB the power to investigate Racial Profiling and Bias-Based Policing. In 2020, the City Council even passed a resolution calling on Albany to give us final disciplinary authority in the complaints that are substantiated by the Board. The Board consists of 15 members, appointed by the Mayor, the Council, and the Public Advocate. Having members appointed by such a diverse group avoids having one interest group, including the unions that represent members of the Police Department, dominate the Board, no matter who is the Mayor.

The CCRB also voted internally to change the rules that define our jurisdiction. In 2021, we voted to begin investigating Untruthful Statements and Sexual Misconduct as Abuses of Authority. In 2022, we voted to implement the charter changes regarding Profiling and Bias- Based Policing and investigate Body-Worn Camera (BWC) misuse as an Abuse of Authority.

These changes are all key steps toward improving accountability in New York City and ensuring all police misconduct is addressed. Yet with these expanded powers, some of which are charter mandated responsibilities, comes the need for more budget and staff.

In 2021 and 2022, we investigated 139 allegations of untruthful statements. Additionally, the Agency received 160 allegations of sexual misconduct during that time. Since October, we investigated 153 allegations of BWC misuse. Currently, the Agency has 154 open investigations into racial profiling or bias-based allegations, profiling or bias-based policing.

When this Council passed the bill giving us the power to investigate racial profiling and bias-based policing, the Council also agreed that a dedicated team would need to be created for these investigations. The CCRB's testimony before the Council regarding the bill explained the Agency would need a team of 50 investigators, attorneys, and data scientists to conduct this work properly. The FY2022 budget funded a new unit for these investigations with 33 positions. Today's staffing levels allow for 13 people.

In the last few years, we faced the highest volume of the most complicated cases that have come through the Agency, largely stemming from the 2020 protests. In the first 48 hours of the protests, hundreds of complaints streamed in. The Agency spent the next two years doing its utmost to complete these cases, along with the nearly 7,000 other cases that came into the agency. Investigation timelines expanded, making the process longer and less efficient for all parties involved. Officers and civilians alike benefit from a quick process.

Shortening investigations timelines has been a priority for the Agency since 2020 and the length of time decreased by 17% from the first half of 2022 to the second half of 2022. We are working hard to continue this trend.

Part of the reason for the longer timeline is the increase in BWC footage. 48% of cases in 2022 included some form of BWC footage compared with 29% in 2021. In 2020, BWC footage requests were taking months to be fulfilled and often needed to be re-requested. We have worked closely with NYPD to improve the request and fulfillment process for BWC footage and the turnaround for a request is now down to 7 days. At its worst, the backlog was 1,012 at the end of the 2020 Fiscal Year, and today it is at 137. This was achieved working closely with the NYPD and by creating an internal team dedicated solely to the management and tracking of these requests.

A few weeks ago, the City Council introduced a bill that would give us direct access to BWC footage. This would be revolutionary to the efficiency of our investigations and Agency as a whole. Investigators, who have the most detailed understanding of what footage they are looking for, should be the ones to search for the video they need.

It should be noted that although the CCRB's review of BWC footage is time consuming, it is extremely important in allowing us to determine what happened, especially because of the software our investigators use to analyze BWC footage. The ability of the CCRB to continue to license this software and train investigators to use this software will be severely limited by the proposed cut of \$200,000 from the Agency's Other Than Personnel Services, or OTPS, budget.

Other cities such as Chicago and Washington DC have already given direct access to their oversight bodies. Relying on the Police Department for all documents and BWC footage necessary to completing our investigations compromises our independence. We are supposed to be a completely independent entity from the NYPD, yet we are dependent on them for access to any paperwork, transcripts, evidence, and footage. With direct access, investigations and the Agency as a whole would be more efficient with its time and resources. We appreciate the City Council taking this issue on and in the meantime, we will continue to advocate for direct access to all NYPD evidence.

Another form of legislation that would speed up our investigations is a bill that would exempt the CCRB from sealing statutes. The CCRB currently does not have a legal right to sealed records, even if the sealed record contains evidence of police misconduct. Just this month, we were granted access to a sealed case after waiting a year and a half for a judge to make a decision. Even though the decision has been issued, union attorneys filed an appeal causing further delays. While we appreciate the judge's ruling, this should not happen on a case by case basis. The CCRB should have direct access to the evidence it needs to determine, or rule out, police misconduct in an incident. Administrative delays like these are harmful to both the civilians and officers involved.

The Agency's Investigations Division currently has 15 squads of investigators to handle non-profiling cases. In order to accurately and rapidly investigate the growing number of non-profiling cases, the CCRB needs an additional 2 squads of investigators. In addition, the Agency needs to attract and retain experienced investigators. Not every investigator whom the Agency employs can be a Level 1 investigator.

The APU has faced a significant jump in the number of cases since the implementation of the NYPD's Disciplinary Matrix. The APU takes on all substantiated cases that receive the highest level of discipline: Charges and Specifications. Since the implementation of the Matrix, the number of cases that received Charges jumped from 8% to 48%. This has increased the APU's workload six times over and left them with a backlog of hundreds of cases. While OMB approved four new prosecutors this fall, we need at least four more to keep up with this increased workload.

The APU currently has 1 Chief Prosecutor, 2 Deputy Chief Prosecutors, and 10 prosecutors. This leaves the average prosecutor with a docket of 71 cases. This results in the delays in the resolution of APU cases, which is harmful both to the victims of misconduct and the members of service who committed misconduct.

The CCRB regularly conducts its Board Meetings at locations around the City in an effort to hear from people who might not be able to come downtown to make their voices heard. One of the concerns regularly voiced by community members who attend our Board Meetings is that they and their families, friends, and neighbors do not know what the CCRB does or that it even exists. The CCRB's outreach team has grown over the last few years and implemented outstanding programs to reach New Yorkers in all five boroughs. In 2022, the outreach team conducted nearly 900 presentations to help raise awareness of the agency and inform New Yorkers of the resources available to them and their rights when interacting with police officers. The Outreach team is currently working with 5 outreach coordinators to reach a city of more than 8 million. This Fiscal Year, the CCRB used \$100,000 in City funds to provide public education on radio stations and online to raise awareness about the CCRB. While the City funded \$100,000 for the CCRB to use for paid media in the next fiscal year, the proposed budget eliminates \$200,000 in other OTPS funding that would prevent the CCRB from giving its investigators the training and software they need to do their jobs. Under the proposed budget, the CCRB will use the YMI funding to make up that deficit. In order to properly inform civilians of their rights and resources, the CCRB needs greater support from other agencies and an expanded budget for more events and promotions.

Another new resource the CCRB now offers is the Civilian Assistance Unit or the CAU. The CAU is staffed by victims' advocates, licensed social workers, and trauma services professionals who provide free and confidential assistance. They work diligently to connect our most vulnerable civilians with desperately needed city resources, such as social and psychological support services. In 2022, the CAU made 2154 referrals helping 200 victims seeking support, yet this unit does not have the staff to respond to the ever-increasing demand as quickly as they would like. Currently, one third of the staffing of the CAU is supported by state funding which may expire in FY26. In order to adequately support the most vulnerable victims coming to the CCRB, we need additional headcount for this unit.

We have also made a specific effort to connect with young New Yorkers. The Agency is about to launch its 5<sup>th</sup> class of the Youth Advisory Council. The YAC is a group of young New Yorkers who engage with the CCRB for a year to learn about city government and share their experiences interacting with officers. We also took part in the Summer Youth Employment Program this year, hosting over a dozen interns. Our SYEP interns worked with our outreach team to engage with the community and helped lead a collection of supplies for unhoused New Yorkers.

In the last two years, the Agency has also undertaken a substantial transparency initiative. In 2021, we published a member of service database that allows anyone to look up an officers complaint history. We have begun routinely redacting and publishing closing reports and NYPD disciplinary decisions to ensure the public can examine the Agency's work and the Department's willingness to follow CCRB recommendations. Currently, the CCRB has 3 staff members working full time to respond to the public's FOIL requests and data requests from state and federal prosecutors. In order to keep the CCRB's actions visible to the public, the Agency needs 6 additional staff members.

The CCRB is expected to conduct oversight of the largest police force in the United States. There are over 34,000 members of the NYPD. Other cities such as Chicago and Miami have their budget tied to their local Police Department's budget. They are guaranteed to maintain at least 1% of the budget of the entity they are overseeing. If New York were to adopt this same rule, the CCRB's projected budget for FY24 would be over \$51 million, more than double what the

proposed budget is. While we are often looked to as a national leader in police oversight, we fall starkly behind when it comes to direct access and budget.

We continue to look for ways to improve the disciplinary process and expand our relationship with the public, but as our powers and initiatives continue to grow, we need more budget and headcount to fulfill our mandate.