



ERIC L. ADAMS
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb



ARVA RICE
INTERIM CHAIR

May 25, 2023

Honorable Adrienne E. Adams
New York City Council
City Hall
New York, NY 10007

Dear Speaker Adams,

I am compelled to correct the record after hearing the misleading and inaccurate comments made by several New York City Police Department (NYPD or “the Department”) officials during last week’s budget testimony. To briefly correct the record:

- The CCRB has internal benchmarks for conducting investigations;
- The CCRB investigation into the death of Kawaski Trawick took five months once the NYPD provided the CCRB with key evidence. They NYPD’s delays in providing evidence caused charges to be filed after the statute of limitations expired; and
- The NYPD has more than enough time to conduct the appropriate level of review before disciplining its members that the CCRB found committed misconduct. The NYPD’s internal process is Byzantine and unnecessary.

Their contention that officers are escaping discipline because the Civilian Complaint Review Board (CCRB) is not investigating complaints quickly enough is false. They refused to acknowledge the ways in which the Department undermines the disciplinary process by refusing to provide, or delaying access to, information the CCRB needs to conduct its investigations.

I was particularly appalled at the Department’s assertion that the potential dismissal of the unlawful entry allegations against the officers involved in the killing of Kawaski Trawick was due to the CCRB’s failure to file charges within the statute of limitations period. What the Department failed to mention is that, for over 19 months, it refused to provide the CCRB with the body-worn camera (BWC) footage and other pertinent records. During this time, the Department’s Force Investigation Division (FID) was conducting its own investigation, although—according to the testimony from the FID Chief at the administrative trial and recent news reports—the FID investigators only questioned the officers involved for 30 minutes and did not ask them key questions about their actions that were captured on video.

Despite the Department’s testimony that the CCRB was the cause of the delay in charges being brought against officers Brendan Thompson and Herbert Davis for the misconduct that caused Mr. Trawick’s death, the fact is that once the NYPD finally provided the BWC footage (in January 2021) and the FID case file (in February 2021), it took the CCRB only five months to conduct and close its investigation. The CCRB’s Board voted to substantiate the charges against officers Thompson and Davis on June 9, 2021. The trial proceedings were further delayed because the

Department allowed the FID Chief to go on vacation rather than testify in the originally scheduled timeframe in April.

This is just one example of how the Department's policies and practices cause delays that result in police misconduct going unpunished, especially in the more complex force cases. For example, it is the NYPD's policy that it will not give the CCRB information about an incident or allow the officers to be interviewed until the FID investigation is complete and the Police Commissioner signs off on the FID recommendation. This subjects the CCRB to the whims and delays of the Department. As the CCRB cannot compel the NYPD to turn over evidence the CCRB deems necessary for investigations, the Agency's hands are effectively tied until the Department decides to provide information. The Department cannot complain on one hand that the CCRB is taking too long to close cases while on the other hand refusing or delaying access to information that is the cause of the extended investigation times. While overall the wait time for BWC footage has decreased, there are still many cases where it takes longer than five to seven business days to receive footage and other documents. And there are other factors, besides the time to receive BWC footage, that result in investigative delays. Until the CCRB has full and direct access to BWC recordings and other records, and until the Department stops withholding evidence during FID investigations, these delays will continue to occur.

Finally, I want to address the Department officials' testimonies that when the CCRB substantiates allegation(s) close to the 18-month statute of limitations period, that does not allow the Department sufficient time to review and process the case. There is simply no reason why, after the CCRB has conducted a thorough investigation and the Board has determined, by a preponderance of the evidence, that the alleged misconduct occurred, that NYPD should be conducting an extended, full-scale review of a case before moving forward with the disciplinary process. Any review should be minimal, and the Department should be giving deference to the CCRB's credibility determinations—as stated by the Federal Monitor assigned in the *Floyd v. City of New York* litigation.

The CCRB is committed to conducting fair and impartial investigations, and where misconduct has occurred, making recommendations that provide civilians with a modicum of justice and hopefully deter other members of service from engaging in similar misconduct. As such, it will not shorten or conduct incomplete investigations that do a disservice to officers and civilians alike. If the CCRB did not have to await NYPD compliance with its requests for information, investigations could be completed more quickly.

Sincerely,

A handwritten signature in black ink, appearing to read "Arva Rice". The signature is fluid and cursive, with a large initial "A" and "R".

Arva Rice
Interim Chair
New York City Civilian Complaint Review Board

CC: Honorable Keechant L. Sewell, Commissioner, New York City Police Department
Honorable Kamillah Hanks, Justin Brannan, Erik Bottcher, Carmen De La Rosa, Althea

Stevens, Tiffany Cabán, Robert F. Holden, Joann Ariola, Rita Joseph, Darlene Mealy, Keith Powers, Gale A. Brewer, Diana Ayala, Marjorie Velázquez, Pierina Ana Sanchez, Amanda Farías, Francisco Moya, Julie Won, Nantasha Williams, Selvena N. Brooks-Powers, Crystal Hudson, Chi Ossé, Charles Barron, Farah N. Louis, and David Carr, Council Member, New York City Council

Honorable Jumaane Williams, Public Advocate, New York City