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FREDERICK DAVIE  
CHAIR

**Full Testimony of Rev. Frederick Davie, Chair of the Civilian Complaint Review Board  
before the Public Safety Committee of the New York City Council  
March 16, 2021**

Chairperson Adams, members of the Public Safety Committee, thank you for the opportunity to appear before you today. I am Rev. Frederick Davie, Chair of the Civilian Complaint Review Board (CCRB). I am joined by Jonathan Darche, our Executive Director.

The last year has been one of significant change for the world, the city, and for the conversations about what policing and public safety can look like. Oversight has always been integral to public safety, and the last year has highlighted the need for strong, independent oversight yet again.

During my tenure as Chair, the Civilian Complaint Review Board made significant strides in service to all New Yorkers and remained central to the conversation of how we achieve a fairer, more equitable, and more accountable public safety system in New York City. During my three years, the CCRB grew to over 200 staff, released a database of officers CCRB disciplinary history, and expanded its authority to hold officers accountable for sexual misconduct and false official statements. We published one of the first ever comprehensive reports on the use of body worn camera footage by an oversight agency, issued a report on NYPD's interactions with the youth accompanied by the first ever public service announcement with our Youth Advisory Council, and hired our first ever Director of our new Civilian Assistance Unit.

Caused primarily by the pandemic, the Agency saw a 22% decrease in complaints received dropping from 4,962 complaints received in 2019 to 3,875 complaints received in 2020. However, the Agency saw a tremendous influx of complaints due to the violent clashes between the NYPD and peaceful protestors following the killing of George Floyd.

Our Agency received over 750 complaints of police misconduct at the Black Lives Matter protests resulting in 297 individual cases. We have worked diligently throughout the year to investigate these cases despite a number of challenges particularly around access to information from the Police Department, the inability to identify officers as a result of the Police Department not keeping track of where officers were deployed and officers wearing helmets with improper shield numbers, and new challenges stemming from remote work. To date, we have closed 112 of those complaints including 37 full investigations, 50 truncations, and 24 which are closed pending litigation. Of the fully investigated cases, CCRB substantiated misconduct in 38% of the

cases. As we continue to bring the remaining 185 cases to a close in the coming months, we will share our findings with the public and prosecute officers where the Board recommends Charges.

At the beginning of 2021 we adopted the Police Department's Disciplinary Matrix, and signed an MOU that will enable us to recommend discipline in a more transparent and independent manner for all cases, including the majority of the cases stemming from the peaceful summer protests. I am particularly proud that after the repeal of Civil Service Law 50a, on March 4, our Agency published an online database containing the CCRB disciplinary histories of NYPD officers, marking a true change in the community's ability to have transparent public safety. As we continue to advocate for final authority over discipline in CCRB cases, the Agency is encouraged by the direction in which it is headed, and hopes to see that direction supported with funding from the Administration.

In 2020 as a result of the Charter changes New Yorkers voted to implement, we now have one member appointed by the Public Advocate and I was jointly appointed by the Mayor and the Speaker of the City Council. The Police Commissioner is now required to provide written explanations for deviations from the Board's disciplinary recommendations in all cases and our jurisdiction has been expanded to include false official statements made to the CCRB. Finally CCRB's headcount has been linked to 0.65% of the NYPD's uniformed officer headcount.

After an initial estimated budget increase, the Agency's budget was revised by the Administration, due to the pandemic, as the Charter allows. Just like the rest of the City, the Agency has had to make some tough decisions, including fundraising from private donors to fund the production of the Agency's first ever public service announcement with our youth, working creatively to ensure staff were able to successfully transition to work from home, and restructuring the Agency by consolidating senior roles in order to hire much-needed additional classes of investigators.

As the Agency works to incorporate the new Disciplinary Matrix, and take on the prosecution of highly sensitive sexual misconduct cases, we will need to make sure our one of a kind Administrative Prosecution Unit is no longer operating with a staffing deficit to take on the increase in cases and workload, while making sure we don't retraumatize victims. Similarly, now that 50-a has been repealed, we will need additional FOIL officers to ensure timely responses to New Yorker's requests for information.

Recently, the Administration announced the David Dinkins Plan, which is the largest expansion of the Board's authority since its creation in 1993. This includes consolidating all oversight under one entity, which will ensure that oversight is more effective and efficient. This plan presents an opportunity to significantly enhance oversight in the City. CCRB supports this plan, and looks forward to working with the Administration and other stakeholders to successfully implement it. We note that the mere consolidation of the agencies will not be a step forward without several key changes that also require funding. We are working with City Hall and OMB to ensure that the Agency has adequate levels of funding.

In order to implement the Dinkins' Plan, the CCRB will need increased access to NYPD records. To increase our access to evidence, the Administration proposed changing State law to exempt the CCRB from sealing statutes. This would allow the CCRB to obtain documents so that Agency investigators can properly investigate all cases.

Recently, the Council has introduced a bill that would allow the CCRB to investigate any officers who have engaged in severe acts of bias including acts exhibiting prejudice, intolerance or bigotry, or of unlawful discrimination against any person or group of persons, on or after January 1, 2016. This would be a drastic change in responsibility for the CCRB. OMB is working with us to get the tens of millions of dollars we would need to implement this change.

Furthermore, after year-long litigation, the Agency will resume its investigation of allegations of sexual misconduct. Taking on sexual misconduct allegations is one of the reasons the Agency worked to create a Civilian Assistance Unit. This innovative unit which will support complainants by assisting them in understanding and navigating the investigatory and disciplinary processes and provide complainants with connections to critical city resources like housing assistance and mental health services. We are currently in the process of hiring advocates to staff this program.

These are significant increases in responsibilities for the CCRB, which currently has fewer than 150 investigators investigating the Police Department that has over 36,000 sworn officers. As an already underfunded agency, our overall budget would have to be increased to ensure effective, independent, and thorough investigation of our current and expanded mission.

As the Agency continues to become stronger and more transparent, we look forward to the support of the Administration and the Council, to be better able to accomplish its mission, to provide strong, effective, and independent civilian oversight of the New York City Police Department. As a result, we will need adequate resources to continue to provide effective oversight of the NYPD, including staffing, training, and public education. I am confident that with your help, the CCRB will continue to flourish, improve, and lead the way in civilian oversight nationally. Thank you for your time and continued support.