



BILL DE BLASIO
MAYOR

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



FREDERICK DAVIE
CHAIR

CCRB Chair Fred Davie's January 2022 Farewell Board Meeting Remarks

Good afternoon, and welcome to the Civilian Complaint Review Board's January Board meeting—my name is Fred Davie and welcome to our first meeting of 2022.

As many of you know I have served as the Chair of the CCRB for the last 5 years. Today will be my last board meeting. In June, I reached out to Mayor Adams to congratulate him on becoming the Democratic nominee for mayor, and I informed him that in the new year, I planned to step down as Chair. I reiterated this in November and shared my decision with his key advisors. My resignation has only to do with my believing I've served in this role long enough and it's time for someone else to take the helm.

It has been an honor and a privilege to serve the City and the People of New York as part of the CCRB. I joined the board in 2016 and became chair in 2017 and over these 6 years we have made great strides. I am proud to have worked with City Hall, the City Council and the state legislature to strengthen civilian oversight of the NYPD.

Just this year, the City Council approved multiple bills expanding the Agency's powers. In April, they passed a bill expanding the CCRB's jurisdiction to include investigating bias based policing and racial profiling. This new unit will finally provide recourse for victims of bias based

policing, and is led by Darius Charney, one of the country's leading civil rights lawyers. Mr. Charney has long championed the fight against racial profiling in New York City, and I look forward to seeing him, and his new unit, continue fighting for justice for marginalized New Yorkers.

This expansion of the CCRB's jurisdiction happened shortly after the Board voted to adopt new rules, allowing the agency to investigate sexual misconduct and false official statements made by NYPD officers. While the police unions continue to fight these expanded investigative powers, just two months ago, the State Supreme Court of New York upheld the CCRB's right to investigate these types of misconduct.

In November, the City Council passed another bill, granting the CCRB the power to self-initiate complaints. Council Member, and now Speaker, Adrienne Adams spearheaded the bill which finally shifts the burden of responsibility away from the victim and back onto the Agency. It also ensures that all misconduct can be addressed, whether or not there is a viable complainant who can bear the responsibility of that role.

These new powers of investigation are critical developments and I thank our partners and my fellow board members for their work in making them happen, however, in order for the CCRB to fully investigate these additional forms of misconduct, the Agency needs access to all records of police misconduct, including sealed records. Records are often sealed due to police misconduct and it is crucial that the CCRB be exempt from sealing statutes to properly address all misconduct.

In 2019, the City proved that for some New Yorkers, the CCRB is the only form of recourse after experiencing misconduct, even if that misconduct results in death. Daniel Pantaleo, the officer responsible for Eric Garner's death, was not held accountable for his actions until the CCRB took his case to trial. Thanks to the hard work of our investigators and the Administrative Prosecution Unit, the NYPD finally terminated Pantaleo, making New York City safer for everyone.

Strengthening the Agency throughout my tenure included enhancing services to civilians and expanding personnel. For instance, we created the Civilian Assistance Unit staffed by victims' advocates, licensed social workers, and trauma services professionals who provide free and confidential assistance.

We also started the Youth Advisory Council, made up of a group of young New Yorkers who are passionate about improving policing. Given young people are often victims of police misconduct, we wanted to ensure their voice is heard as the CCRB grows.

The CCRB also worked to increase transparency for all New Yorkers. In 2020, in response to years of organizing by advocates and the protests against police misconduct after the murder of George Floyd, New York State repealed Civil Rights Law Section 50(a). The CCRB immediately began working on a way to make the work we've done for so long available to the public. Immediately after the U.S. Second Circuit Court of Appeal's order lifted the court's stay on the City and the CCRB, the Agency released its officer history in a public database available

on the CCRB website. The searchable database includes many details of the case including the Board disposition, the NYPD disposition, and the NYPD penalty imposed.

We started 2021 with hopeful signs of cooperation, such as signing the MOU on the Disciplinary Matrix with Commissioner Shea. When I joined the board, the Board only recommended that 10% of officers receive the most serious form of discipline, whereas now the Board recommends that 48% of the officers against whom it has substantiated misconduct receive charges. While this is a great success, the NYPD decisions this year have not always lived up to the MOU. The CCRB substantiated misconduct against 80 officers while investigating the Black Lives Matter Protests and of the 12 cases the NYPD closed, 9 received no discipline. In the last year, we saw non APU concurrence rates fall from 73% to 68% while APU cases only saw a concurrence rate of 27% in 2021.

However, these numbers don't account for several CCRB cases where the Department Advocate's Office is refusing to serve Charges. It is stated in the 2012 Memorandum of Understanding between the CCRB and the NYPD that, "Charges and Specifications shall promptly be drafted by CCRB and thereafter be served upon the subject officer by the DAO on behalf of the CCRB".

Recently, the DAO has refused to continue its duty to serve officers with CCRB charges in some cases. This recent development is extremely concerning and undermines the 2012 MOU. The CCRB hopes to work with Mayor Adams and the new administration to rectify this situation.

This recent development only reaffirms my belief that the only pathway to true and fair accountability of police misconduct is granting the CCRB final disciplinary authority for CCRB cases.

Until then, I am hopeful the new administration will support the CCRB and be partners in holding the NYPD accountable. Mayor Adams has said that we must stand for a commitment to justice that is fair and safe and I believe that includes a commitment to holding officers accountable for misconduct. I also want to thank Mayor Adams for including me on the Transition Committee for Public Safety & Justice which ensured the CCRB's successes and goals were heard.

I look forward to seeing the great strides the CCRB will continue to make and I will continue to support this agency and the advancement of civilian oversight in any way deemed effective and appropriate. My Sincere gratitude to Mayor de Blasio and his team; my fellow Board members; CCRB staff, especially Jon and Matt with whom I worked closely over these years; the youth advisory council; elected and public officials; key police officials; the advocates; and complainants and victims for insisting on accountability in policing in this city.