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FREDERICK DAVIE
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CCRB TESTIMONY BEFORE THE NYC RACIAL JUSTICE COMMISSION

Dear Members of the Racial Justice Commission,

My name is Harya Tarekegn, I am the Senior Counsel to the Executive Director at the Civilian Complaint Review Board, the independent agency that provides civilian oversight over the NYPD. As an agency dedicated to holding police officers accountable for misconduct, and providing recommendations to the New York City Police Department on ways to improve policing and reduce negative interactions between the police and the public, I am here to present policy reforms related to police accountability that will advance racial justice and equity. With the stated goal of the commission being one of dismantling structural racism for all New Yorkers it is imperative that we make changes in the way police officers who commit misconduct are held accountable. In 2020, over 80% of the individuals who alleged to have experienced police misconduct identified as people of color. Individuals who self-identified as Black made up 49% of alleged victims, while, Black residents make up only 24% of the City’s population. To that end, the CCRB believes there are four concrete changes, within the power of this Commission, that can have a real effect on improving public safety and the criminal justice system for all New Yorkers. First, the Commission can change the Charter to allow the CCRB to self-initiate complaints. With this power, the CCRB could proactively open investigations without placing the burden on those most vulnerable to file a complaint themselves. Second, the Commission can exempt the CCRB from sealing statutes. Currently, statutes created to seal arrest records that are



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often sealed due to police misconduct are used to prevent the CCRB from investigating the underlying misconduct that caused the arrest to be sealed. These documents will be particularly important as the Agency embarks on investigating allegations of racial profiling and bias based policing. Third, the Commission can ratify the Dinkins Plan by updating the Charter and empowering the CRRB to conduct systemic reviews of NYPD policy and practices, including racially biased policing, and make recommendations for reform. Finally, the Commission can update the Charter to give the CCRB final authority over discipline in CCRB cases, a concrete step in increasing accountability and public trust in the City's commitment to hold officers accountable when they commit misconduct. Of course, all of these policy changes come coupled with an understanding that the CCRB needs unfettered and direct access to the underlying police documents needed to investigate a case including Body Worn Camera Footage, police personnel records, and police documents documenting interactions with the public.

While some of these changes will also require changes to state law, by instituting these policy changes in the Charter, this Commission, will ensure that there are explicit protections for the most vulnerable New Yorkers on the City level.

The CCRB has made great strides in the last couple of years and continues to push forward changes and policies that make the agency more effective, and police accountability fairer and swifter. Over the years, the CCRB has remained central to the conversation of how we achieve a fairer, more equitable, and more accountable public



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safety system in New York City. We have grown to over 200 staff, released a database of officers CCRB disciplinary history, and seen and expansion in authority to hold officers accountable for sexual misconduct, false official statements, racial profiling and bias based policing. 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, hired our first ever Director of our new Civilian Assistance Unit, and recently hired our Director of the Racial Profiling and Bias Based Policing Unit. We continue to investigate thousands of cases a year, including hundreds of complaints related to the police misconduct at the Black Lives Matter protests last summer, recommend discipline when we find misconduct has occurred, and prosecute officers in the most egregious cases of misconduct. In the past year, we have worked to implement a Disciplinary Matrix in order to create a transparent framework with set penalties for misconduct consistent across agencies, conducted almost 700 presentations to community groups even during a global pandemic, and increased our partnerships with oversight agencies in New York and across the country to improve oversight throughout the United States.

When thinking about how to address structural racism in policing, it is important to acknowledge the history. Beginning as slave patrols in the South, and informal watch units in the North, modern day police departments have a history entrenched racism. As the enforcers of white supremacy, police departments' long and deep seeded history must be



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acknowledged if the structural racism inherent in their creation is to be dismantled. Last year, 80% of the alleged victims of police misconduct in CCRB cases self-identified as people of color. As recently as January 6th, 2021, the entire country watched as white supremacists stormed the capital. A number of those rioters included sworn police officers from across the United States, including the NYPD. Last year, during the Black Lives Matter protests, New Yorkers watched as members of the NYPD displayed white power gestures. The CCRB investigated and has filed Charges against an officer threw up a white power sign while on duty, sworn to protect and serve. Finally, Commissioner Shea himself acknowledged and apologized for racist policing and role NYPD has played in “the mistreatment of communities of color.” It is time for the Charter to reflect the desire of those in the City who wish to dismantle the systems created to uphold and preserve systemic racism.

While the Racial Justice Commission will not be able to end systemic racism through Charter amendments, these four concrete changes of empowering the CCRB to self-initiate complaints, exempting the Agency from sealing statutes, codifying the Agency’s ability to conduct systemic reviews of NYPD policy and practices, and granting the CCRB final authority over its own cases are straightforward changes that will truly change police accountability in New York City.

I want to thank you all for having me here today to discuss this important issue, and I want to reiterate that including these four policy changes will help complete the work of New



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York City's first and only Black mayor, Mayor David Dinkins, who created the Civilian Complaint Review Board.

Thank you.



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CCRB QUESTION AND ANSWER TRANSCRIPT BEFORE THE RACIAL JUSTICE COMMISSION:

COMMISSION QUESTION: I have one more question/comment that perhaps any of you can reflect upon or provide some follow up information. So, as I listen. I appreciate all that's been said, and I agree with a lot. And at the same time, I'm also anxious about shifting or diversifying, diluting power, without, and I'm thinking of what Miss. Humphrey said about that underlying, not accounting for the shift in mindset, attitudes, values or beliefs. So, we could diversify the power base or we could rest more power within the CCRB, but if the mindset of the people in power and position in the CCRB is not race conscious in the sense of trying to control, you know, develop more anti-racist attitudes values and beliefs, we are just moving the chairs around. And so, again, this may be in the moment you have thoughts about it. Just kind of, what are some of the other controls that we would need to have in place to ensure that we aren't just moving the chairs around.

HARYA TAREKEGN ANSWER: I agree with Public Advocate Williams, that, you know, these are things that have to change simultaneously. Specifically with the CCRB, one of the benefits of final authority with the CCRB is that it's not moving one chair to one chair. Right? The police department right now, the police commissioner is appointed by the mayor, however the CCRB board has members appointed by the city council, Public Advocate, the Mayor and the Police Commissioner. And so part of moving final authority to the CCRB also diversifies where that power comes from, and our board reflects New



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Yorkers and are appointed by several members of the public. On top of that, I think one of the other suggestions which is giving CCRB the power to initiate complaint addresses a key issue that is a structural problem in most governments which is it relies on the most vulnerable people to know how government works, to know how systems work and to be able to have access to a lot of different things. We try to make it as easy as possible for complainants to file their complaints of misconduct but it is still incredibly difficult for those who are housing insecure, for those where English is not their first language, for a number of different reasons, and so giving the CCRB the power to self-initiate puts the onus on the city agency to be out there making sure that we are protecting those who are most vulnerable. And I think that should be true of most city agencies, all city agencies, but is particularly true in instances where a vulnerable person has been met with police misconduct and is wary of government, probably for some very right reasons and could be wary of the CCRB for those same reasons. It puts the onus back on the city agency to act for the people instead of waiting and knowing that there are significant barriers, a lot of them systemic and racist that exist to stop people from filing a complaint themselves.

COMMISSION QUESTION: Could you just describe in greater detail what that self-activation process would and could look like?

Sure, so right now, if, for example, there is, an interaction between a member of the public and the police that is reordered and is for example posted on Twitter, the CCRB would have



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to wait for either the individual who experienced the police misconduct, someone who witnessed it, or someone who saw that video on Twitter to call us and file a complaint. Even if we saw it ourselves, we would still have to wait for a member of the public to call our office and file the complaint. That is not something that should exist. Similarly, if there is something that happens that NYPD knows about, NYPD has to send it over to us. There are all these barriers that exist for a complaint to come to us, and giving the CCRB the ability to self-initiate that complaint will remove a lot of those barriers and allow us to move forward with an investigation.

COMMISSION RESPONSE: Thank you, that explanation was helpful.

COMMISSION QUESTION: To continue on the CCRB for a second and on the membership. Ultimately, do you believe that the system we have now for appointing members of the CCRB is adequate and why does the police commissioner have any say in that.

HARYA TAREKEGN ANSWER: So it is one that is constantly evolving. Until last year, we didn't have a member appointed by the public advocate, now we do. That has been a huge improvement to our board. Ms. Simmons is a huge asset to our board and brings a lot to our board. I think that it is something that can be constantly looked at and I think that there are pros and cons to any and all appointments but I do think that the diversity is one that brings a lot of power to the board in the sense that it brings buy in from a lot of different



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groups. But also, individuals can truly look at it and understand that there is impartiality in our board because so many voices are present in our board.

COMMISSION RESPONSE: If I can build on the point she made about the appointments. I will disclose that I serve on the board of corrections and there are board members that are appointed by different branches of government. That doesn't mean that that they are representative of the community. And so, when you speak about there being diversity in the appointment process, is there anything currently that requires that the CCRB appointees represent the demographics of New York City.

HARYA TAREKEGN ANSWER: Formally I don't believe so. I definitely think that's something that the commission can look into. I do know that the diversity of board is something that our chair has spoken about and that is very important when we are looking at empty seats on the board. And looking for additional appointments that the board reflect the members of New York city, that is something that is constantly talked about amongst staff and amongst the board.

HARYA TAREKEGN CLOSING STATEMENT: Can I just add one thing. I'm not sure if the commission has done this yet, but something that has been tremendous at the CCRB that we did is we had a youth advisory council, and if you ever want people to tell you what



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does not make sense at all, what really makes sense and what future facing solutions look like, I recommend you bring together a group of youth because it has been invaluable for us. It is totally different voices, and they do not hesitate to tell you, that actually makes no sense. Regardless of what beautiful language you are using to try and make this sound right. It doesn't make any sense. We should look at it this way. And they're really facing a lot of the challenges on the ground all at once and so they'll let you know exactly what it is. And it has been great for the CCRB and I recommend the commission try to reach out.