



CCRB 101

By: Suzanne D. O'Hare, Esq.
*Assistant General Counsel & Deputy
Chief of Investigations*

CCRB Jurisdiction

- CCRB has jurisdiction over civilian complaints alleging misconduct that includes:
 - **Force**
 - **Abuse of Authority**
 - **Discourtesy** (i.e., curse words)
 - **Offensive Language** (i.e., remarks based on ethnicity, race, religion, gender, etc.)
 - **Truthfulness of Officer Statements** (November 2019 ballot initiative)
 - **Racial Profiling/Biased Based Policing** (March 2021 City Council resolution)

CCRB Basics

- 15-member board
 - 5 seats appointed by the Mayor
 - 5 seats appointed by the NYC City Council
 - 1 seat appointed by the Public Advocate
 - 3 seats designated by the Police Commissioner
 - Board Chair appointed jointly by the Mayor and the Speaker of the NYC City Council.

CCRB Basics

- The Board is responsible for making disciplinary recommendations to the Police Commissioner
- Only the Police Commissioner can impose discipline

The Law Governing CCRB

➤ **NYC Charter Chapter 18A**

- What we do / How we do it

➤ **FOIL**

- What we can disclose
- Civil Service Law Section 50-a no longer applicable

➤ **NYS CLS Civil Service Law § 75**

- Statute of Limitations & Disciplinary Processes
 - Crime exception to SOL

➤ **Memorandum of Understanding w/NYPD (“MOU”)**

- Governs our Administrative Prosecution Unit

Intake Receives Complaints

- Direct Call
- Website
- 311/911 diverted
- IAB referral
- In person walk-in
- Referrals from other City Agencies, e.g., Mayor's Office

Initial Case Screening

- Intake staff speaks with the complainant and determines whether the allegation contains a FADO or whether it is something that should be referred out to either:
 - Office of the Chief of the Department (OCD)
 - NYPD Internal Affairs Bureau (IAB)
 - Other Agencies such the Port Authority, MTA, FBI, etc.
- If the case contains FADO allegations, the intake unit submits it to the Investigations Unit.

Investigative Actions

- Investigators review individual complaints to determine whether police misconduct occurred
 - Interview Complainant
 - Locate and interview any other civilian witnesses
 - Field Team
- Obtain any video evidence
 - Field Team
- Obtain necessary NYPD Documents
- Interview Officers
- Consult with an agency attorney regarding any legal issues

Documents Requested

- Memo books
 - UF-250s
 - BWC
- Command Log
- Tactical Plans
- Officer Photos
- Motor Vehicle Pool information
 - IAB documents
- Aided Reports / Medical Treatment of Prisoner forms
 - TRIs (Threat Resistance or Injury Report)
 - 911 and Sprint Reports

Closing Report

- Once the investigation is completed, the investigator drafts the closing report.
- The Squad Leader reviews a draft of the closing report and makes any suggestions and edits.
- After the Squad Leader signs off on the closing report, the case is sent to an Assistant General Counsel (AGC) for legal sufficiency review.
- When the AGC is satisfied, the case is then sent to the Board Panel.

Board Panel Review

- Panels of three – 1 Mayoral appointee, 1 Police Department designee, 1 City Council appointee
 - Public Advocate appointee and the Chair can sit on a panel in either the Mayoral or City Council capacity
- The Board members review approx. 30-50 cases per panel.
 - Cases can be referred to full board.



Board Panel Vote

5 Types of Dispositions:

- **Substantiated** – the investigation found by a preponderance of the evidence that misconduct occurred.
- **Unable to Determine** – the investigation could not uncover sufficient facts to determine by a preponderance of the evidence whether misconduct occurred or not.
- **Unfounded** – the investigation determined by a preponderance of the evidence that the alleged misconduct never occurred.
- **Within Guidelines** – the investigation determined by a preponderance of the evidence that the officer engaged in the alleged conduct but was justified in doing so.
- **Other Possible Misconduct Noted (OPMN)** – the investigation observed alleged misconduct outside of CCRB's jurisdiction and recommends that the misconduct be referred to NYPD for additional action.

NYPD Discipline Matrix

- January 2021 Implementation
- MOU February 2021
- Presumptive/Aggravating/Mitigating penalties
- Progressive Discipline – NYPD/CCRB history will be a factor in all recommendations

Administrative Prosecution Unit

“APU”

- All cases where Board recommends Charges & Specifications
 - Carve Out / P2
 - Other recommendations handled by DAO
- Files charges through DAO
- Clock stops when MOS is served
- Can make plea offers
 - Most cases resolved by loss of vacation days

MOS History Databases

- Repeal of Civil Service Law § 50-a (June 2020)
- LOOK UP YOUR OFFICERS!
- CCRB Database
 - <https://www1.nyc.gov/site/ccrb/policy/MOS-records.page>
- NYCLU Database
 - <https://www.nyclu.org/en/campaigns/nypd-misconduct-database>
- NYPD Database
 - <https://nypdonline.org/link/2>
- LAS Cop Accountability Project
 - <https://www.capstat.nyc/officers>

THE END!!

