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**Testimony of Maya Wiley, Chair**  
**of the Civilian Complaint Review Board before the Public Safety Committee**  
**of the New York City Council**  
**March 21, 2017**

Chairperson Gibson, members of the Public Safety Committee, thank you for the opportunity to appear before you today. It has been my privilege to serve as Chair of the Civilian Complaint Review Board (“CCRB”) for the last eight months. Its history alone makes it a privilege. Communities and their advocates fought hard and for years to create an agency that is now one of the oldest and the largest civilian police oversight agencies in the country. It is a model for other jurisdictions. With a new administration in Washington proclaiming its intent to step back from oversight of local police forces, enticing police departments around the country to consider aggressive “stop and frisk” policies that New York City has been working to transform, it is more critical than ever that we stand shoulder to shoulder to support improved police and community relationships for a fair and safe City for all our residents and visitors.

The CCRB has been working hard to continue to find ways to build upon our increased effectiveness and efficiency, during a time of change in Board and senior management of the Agency and a time of great division in the country over issues of policing. We have reduced the time it takes to complete an investigation by 60%; we have increased outreach presentations by 259%; we have created a new Training Unit; and three of the seven Board meetings held since I became Chair have been in communities with community partners. We have more work to do. We embrace the challenge and the opportunity of the moment we are in. And we do it with a new Board and new staff leadership.

As you know, the CCRB is an independent agency governed by its Board, which has undergone a significant transformation in the past year. Of the 12 members, currently serving, seven have been on the Board for less than one year. Three members have served for less than three years. We have been working to fill some management positions, including the Executive Director position. This has meant a significant amount of internally focused work to become a Board and staff team that works effectively together toward our mission.

The City Charter charges the Board with fair and independent investigation of civilian complaints against sworn members of the New York City Police Department (“NYPD”). Our jurisdiction includes allegations involving the use of force, abuse of authority, discourtesy and the use of offensive language (“FADO”). We take that role very seriously, evaluating each case

individually. The Board makes findings and, where the evidence supports disciplinary action, the Board recommends discipline to the Police Commissioner.

In 2016, the Agency fully investigated 1,516 cases. It is the Board that determines whether misconduct occurred, and it is the Board which recommends various levels of discipline. In cases where the Board recommends that an officer receive the most serious of discipline -- Charges and Specifications -- the Administrative Prosecution Unit (“APU”) prosecutes the case in the NYPD’s trial room. As far as we have been able to ascertain, the CCRB is the only civilian oversight agency in the country that prosecutes cases in the Department’s Trial section. The CCRB also mediates cases where both the complainant and the officer agree to participate, which is also less common than other jurisdictions.

For the upcoming Fiscal Year (“FY”) 2018, the CCRB has a budget of \$16,483,506: \$12,988,809 for Personal Services (“PS”) and \$3,494,697 for Other Than Personal Services (“OTPS”). This total budget reflects an increase of \$307,440 above this Fiscal Year’s Budget, which was \$16,176,066. The authorized headcount for Fiscal Year 2018 is 185 positions: 114 positions in Investigations; five positions in Mediation; 24 positions in the APU; six positions in Policy; six positions in Outreach; three positions in Training; and 27 positions in Administration.

### **Mediation**

In addition to investigating cases, the Agency also has a robust mediation program, successfully mediating 208 cases in 2016. The mediation program is an important tool for the CCRB, helping to improve police-community relations. Mediation sessions focus on fostering discussion and mutual understanding between the civilian and the subject officer. After a successful mediation, the complaint is closed as “mediated,” meaning that there will be no further investigation and the officer will not be disciplined. If the mediation is not successful, the case returns to the Investigations Division for a full investigation. Successful mediations can benefit communities because a measure of trust and respect often develops between the parties. That, in turn, can lead to better police-community relations. In 2016, the mediation success rate dropped from 90% to 88.1%. The Mediation Unit is implementing changes in how it prepares both civilians and members of the NYPD for mediations sessions in an effort to improve the mediation success rate.

### **Policy**

In addition to its annual and semi-annual reports, the Agency produces reports on a variety of issues. In 2016, the Agency released three reports:

- Crossing the Threshold: An Evaluation of Civilian Complaints of Improper Entries and Searches by the NYPD from January 2010 to October 2015;
- Pride, Prejudice and Policing: An Evaluation of LGBTQ-Related Complaints; and
- Tasers: An Evaluation of Taser-Related Complaints from January 2014 through December 2015.

The Agency is committed to updating all three reports in 2017. CCRB also intends to release its “Bystander Report” in 2017. In addition, the Agency keeps making innovations to its Data Transparency Initiative (“DTI”). The DTI is featured on the Agency’s website and provides descriptive data on FADO complaints against New York City police officers. Visitors can view,

interact with and download CCRB data on four key areas of the Agency's work: (a) complaints; (b) allegations; (c) victims and alleged victims; and (d) members of service. The DTI presents 10 years of CCRB data covering more than 66,000 complaints, 192,000 allegations of police misconduct, 86,000 victims and alleged victims, and encompasses the approximate 36,000 current NYPD officers over their entire career.

## **Outreach**

The Agency depends on citizens reporting incidents of misconduct if it is to effectively accomplish its mission. This requires that citizens know they can report incidents to the Agency and have faith that complaints will be fairly and efficiently investigated, and that when misconduct is substantiated, effective disciplinary actions are taken against the officer responsible. Outreach is a vital and essential means of communicating with the public about what CCRB does and how we as an Agency serve the community. Outreach presentations present information about the CCRB, its complaint process and jurisdiction, and provide de-escalation tactics, as well as frequently asked questions regarding officer-civilian interactions. The Agency has dramatically increased its community outreach. In 2016, the Outreach Unit held 977 Outreach presentations, compared to 272 in 2015, a 259% increase.

The Agency increased efforts to a variety of specific groups that have been disenfranchised and disproportionately subjected to police misconduct and abuse. These groups include the LGBTQ community, probationers, the homeless, formerly incarcerated individuals, and residents of public housing, to name a few. For example, on June 15, 2016, the CCRB hosted a one-day symposium entitled, "The Rainbow Crossing: Police Accountability and the LGBTQ Community" at the Lesbian, Gay, Bisexual, Transgender Community Center in New York City. The Agency intends to focus on the homeless and immigrants in 2017.

The Agency also expanded its Community Partners Initiative ("CPI") in collaboration with the New York City Council. The CCRB now holds special evening office hours in participating Council Members' district offices across the five boroughs to accommodate individuals who do not have access to our main office during regular business hours. Participating Council Members include Speaker Melissa Mark-Viverito and Council Members Vanessa Gibson, Donovan Richards, Debi Rose, and Robert Cornegy. We are happy to work with any additional Council Members who might be interested in participating.

## **Investigations**

In 2016, the CCRB continued to maintain the gains it made in the speed of investigations in 2015. In 2016, it took an average of 140 days to close a full investigation, as compared to 224 in 2015. That is a 60% decrease in the time to close a full investigation.

The Agency has been able to conduct better and faster investigations due to improved cooperation with the New York City Police Department, the availability of more video evidence, and new processes that were implemented after March 2015.

The CCRB also improved investigations by providing better training to investigative staff and being more proactive in investigating civilian complaints. The new Training Unit completely revamped new investigator training, which is now an in-house, competency-based, multi-week training program for all new investigators, including topics such as: the NYPD Patrol Guide, investigative and interviewing techniques, evidence gathering, and substantive issues

surrounding the types of cases that fall within our jurisdiction under FADO. The Agency remains committed to expanding and improving the training given to new investigators, as well as implementing expanded and more sophisticated training for more experienced investigators.

One of the challenges to successfully determining what happened in any incident under investigation is the spoliation of evidence: whether it is video from commercial or privately-owned surveillance cameras, cell phone taken by private citizens, or NYPD surveillance cameras. The Field Evidence Collection Team proactively gathers evidence of these types. In addition, our investigators are better-equipped to canvass for witnesses and obtain witness statements in the field. By being more proactive and better-trained, we are able to investigate citizen complaints more effectively and efficiently, thereby improving both investigations and investigative times, as well as improving confidence in the CCRB by officers and civilians alike.

Along with faster and more effective investigations, the Agency has seen a greater number of substantiations. The Agency continued to maintain a historically high substantiation rate, increasing steadily since 2011, except for a slight drop from 24% in 2015 to 23% in 2016. The number of officers with substantiated allegations decreased 33% from 2015. This is due to the drop in cases closed in 2016. In 2015 we were closing older cases, so we had a higher than usual number.

<b>Number of Officers with Substantiated Allegations</b>	
2011	213
2012	243
2013	463
2014	467
2015	773
2016	516

### **APU**

The Administrative Prosecution Unit prosecutes all cases where the Board recommended Charges and Specifications. Comprised of attorneys, the APU prosecutes misconduct before the NYPD Deputy Commissioner for Trials (“DCT”). The APU completed trials against 120 officers in 2016, compared to trials against 133 officers in 2015 (a 10% decrease).

### **NYPD Discipline in Non-APU Cases**

When the CCRB recommends Instructions, Formalized Training, or Command Discipline against a member of service, that recommendation is sent to the Department Advocate’s Office (DAO). All substantiated cases where the Board recommends Charges and Specifications are prosecuted by the CCRB’s APU. In 2016, the Police Department reported its final disciplinary decisions for 648 subject officers, comprising both cases that were prosecuted by the APU and cases that were handled by the DAO. The Police Department imposed some form of discipline – forfeiture of vacation, command discipline, instructions, or formalized training – in 536 cases, resulting in an 83% disciplinary action rate for APU and non-APU cases together, an increase from 81% in 2015.

In 2016, the DAO’s disciplinary action rate for non-APU cases was 91%, the same as in 2015, and significantly higher than 2014 when the rate was 74%.

## **New Initiatives**

The Agency has started to take steps to reduce the rate of investigations that we are not able to complete (“truncation” rate). Generally, we are unable to complete investigations because complainants become hard to reach and do not continue to participate in the investigation. The Quality Assurance Staff is now reviewing all truncated cases to make sure that all required steps were taken and to see if additional steps could result in a full investigation. The Agency also now sends text messages to people to remind them of their appointments.

The Agency is also looking for ways to increase our public education and awareness work. One step has been the launch of our new Twitter account in September 2016.

## **Conclusion**

Due to the support of the Administration and the Council, the Agency is stronger than ever and better able to accomplish its mission, to provide strong, effective, and independent civilian oversight for the New York City Police Department. Thank you for your time and continued support.

The members of the Executive Staff and I will be happy to answer any questions you may have.