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The Public Ought to Know:

Re-engineer the CCRB to Police the NYPD

by **Corey Bearak***

Few who follow and know the issues disagree that “New York needs a strong, independent agency to investigate serious complaints about the city’s police.” (New York Times editorial, “Can They Police Themselves?,” November 7, 2011). More than a decade ago I developed a strategic plan that would provide the City of New York with just that kind of Independent NYPD monitor. The Mayor and City Council should embrace this sound 10-point NYPD reform initiative, crafted while I served as Legislative Counsel to then Bronx Borough President Fernando Ferrer, to re-engineer the Civilian Complaint Review Board (CCRB) as the City's chief police oversight agency.

The retooled independent agency would not only look at both systemic misconduct and individual cases, it would perform ongoing oversight of police policies and their implementation such as recruitment, training, tactics, managerial strategy (community policing), and staff supervision.

The plan's development followed a thorough examination of the recommendations to improve police accountability by the 1994 Mollen Commission among others, and the issues concerning NYPD tactics and police shootings of civilians including Amadou Diallo, which occurred shortly after I joined the Borough President's office in 1999 following a stint as counsel/chief of staff to the Queens Council Member who chaired the Council's Committee on Public Safety. Subsequent shootings resulted in the deaths of Gidone Busch later that year and Patrick Dorismond in March 2000. After two May 2003 shooting deaths, Alberta Spruill and Ousmane Zongo, I wrote of the need for reforms and cited the \$106 million paid out by the City as a result of claims against the police from 1998-2000.

Then Mayor Rudolph Guiliani and the Police Commissioner Howard Safir supported key elements of this plan. Six months after the Mayor's Commission to Combat Police Brutality recommended our call for CCRB prosecutions, the Mayor concurred. The Police Commissioner embraced another piece of the plan, assigning independent city (administrative law) judges to adjudicate police misconduct cases. The NY Civil Liberties Union report released at the end of the 2000 further supported the need to implement this recommendation for a CCRB independent not only of One Police Plaza, but of City Hall.

This plan to re-engineer the CCRB would establish it as a fully independent agency with a budget set as a percent of the NYPD budget. The CCRB requires a budget insulated from political influence. It would maintain CCRB subpoena power and empower it to prosecute substantiated complaints, a provision embraced by then Mayor Giuliani.

Consider the 10-point plan to re-engineer the CCRB:

- 1) Establish the CCRB as a fully independent agency with each appointment subject to Council confirmation;
- 2) Set a budget for CCRB as a percent of the NYPD budget;
- 3) Maintain CCRB subpoena power;
- 4) Empower the CCRB to prosecute its substantiations;
- 5) Require investigations be completed within six months as follows: CCRB investigations and recommendations within 120 days; Office of Administration Trials and Hearings (OATH) decision within 30 days of receipt from CCRB; Police Commissioner action within 30 days of receipt from the OATH;
- 6) Report data in the Mayor's Management Report concerning complaint intakes, length of investigations and investigation results;
- 7) Require CCRB to study and recommend practices of the NYPD that affect members of the public; this includes tracking systemic patterns of abuse;
- 8) Hold the NYPD, its units, commanders and commissioners accountable for their actions or non-actions;
- 9) Conduct oversight to ensure that the NYPD appropriately trains and supervises its police officers; and
- 10) Conduct periodic CCRB reviews of NYPD operations.

This independent NYPD monitor would help assure the public and the police that cases involving charges of police brutality and misconduct get handled objectively. After its initial proposal at the December 8, 1999 CCRB Bronx meeting and the City Council Committee on Public Safety the next day, eight NYC community boards in four boroughs (Bronx Boards 4, 5, 6, 8, and 12; Manhattan Board 3; Brooklyn Board 9; and Queens Board 13] and civic groups including the Queens Civic Congress (part of its Platform) supported the plan which perhaps got lost in the politics following the 2001 election and perceived changes in the political climate over the several years that followed.

All New Yorkers appreciate the complex challenges confronting our outstanding police officers in their efforts to keep citizens safe. An important facet of preserving the police-community partnership includes maintaining a high level of trust between the police and the communities they serve. This requires building upon the level of mutual trust and respect sustained at beat and precinct levels and effectively addressing allegations of misconduct. The CCRB as a fully independent police monitor would assure the public and the police of objective handling of cases involving charges of police brutality and misconduct.

The November 6, 2011 New York Times editorial made the case for reform in citing recent NYPD corruption cases -- "seven narcotics investigators convicted of planting drugs on people; three officers convicted of robbing a perfume warehouse; and eight current and former officers charged with smuggling guns and other items into the state." New York City must seize this opportunity to make the changes to strengthen the CCRB as an independent and effective police monitor.

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