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The Public Ought to Know: CCRB must be made fully independent

By Corey Bearak

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Corey Bearak

One of my very first columns discussed the need to strengthen the Civilian Complaint Review Board and make it a truly independent police monitor. One might ask: Why discuss a police monitor when newspapers report murders this year may reach the lowest numbers in four decades?

No doubt, Police Commissioner Raymond Kelly presides over a police department that continues to reduce crime. Crime prevention and public safety, including quality of life issues, remain the order of the day. At the same time, NYPD monitors appear lacking. In place to ensure the department remains corruption-free and respectful of the rights of all citizens and others who reside or work in or visit our city, these disparate agencies lack the tools to do their job. No agency, including the NYPD, should be immune to oversight.

Last month the chairman of the mayor's Commission to Combat Police Corruption resigned. The non-paid chairman, a former federal prosecutor and partner at a major law firm, wanted to focus on his law practice. He also told *The New York Times* that his commission duties required more time than he could devote. Former Mayor Rudy Giuliani established the commission after the Mollen Commission recommended an independent police monitor with subpoena power. Giuliani never gave the commission that power to demand information.

That shortcoming came to light at a City Council Public Safety Committee hearing chaired last month by Councilman Peter Vallone, Jr., an Astoria Democrat. The councilman's dad, the former Council speaker, tried to legislate an Independent Police Investigation and Audit Board. That board, which had subpoena power, never saw the light of day as Giuliani successfully sued to block it despite Council overrides of his vetoes.

I recall the audit board because Mark Pomerantz, before his resignation, testified before Vallone Jr.'s panel that Commissioner Kelly's NYPD stymied his commission's ability to investigate such matters as fraudulent police overtime, sexual misconduct and domestic violence by police officers, and the accuracy of the department crime reporting. The mayoral commission chairman cited withholding of information by the NYPD as the impediment to these investigation.

While Mayor Bloomberg can direct his police commissioner to comply with requests for information by a mayoral commission, City Hall should not be involved in these matters. Lacking subpoena power and with a budget running about \$.5 million for a staff that includes four lawyers, it lacks the ability to meaningfully review in a timely way NYPD operations and activities.

Another agency investigates non-criminal police misconduct and trends there often indicate how the department fares in improving police community relations. Interestingly, despite a smaller police force, the CCRB reported a 12 percent increase in civilian complaints from calendar year 2003 (5,557) to the calendar year 2004 (6,237). The 2004 number represents a more than 50 percent increase against calendar 2000 (4,121) when complaints decreased 14 percent from 1999.

The NYPD arrests of legal demonstrators and others at the Republican National Convention and other events certainly suggest a need to look at the department's practices. One should attend a rally, protest, vigil and other public events without fear of arrest. Civilian review remains paramount when it comes to protecting public safety and the tactics law enforcement agencies may use.

Rather than a mayoral commission with no teeth and CCRB beholden to City Hall, it makes even greater sense today to implement the 10-point plan proposed five years ago this past December at a CCRB meeting in the

Bronx to re-engineer it as an independent NYPD monitor:

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

Corey Bearak is an attorney and adviser on government, community and public affairs. He is also active in Queens civic and political circles. He can be reached via e-mail at Bearak@aol.com. Visit his web site at CoreyBearak.com.