

FOR IMMEDIATE RELEASE:

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**FERRER'S BILL WOULD AUTHORIZE CCRB PROSECUTIONS;
Takes First Step To Legislate The CCRB As Independent NYPD Monitor**

Borough President Fernando Ferrer today proposed legislation to empower the Civilian Complaint Review Board (CCRB) to prosecute police misconduct cases it currently investigates. At a CCRB meeting, Ferrer unveiled the three-word change to Local Law 1 of 1993 – the law establishing this police oversight agency – in reaction to recent proposal by Mayor Giuliani to implement prosecutions that would seriously compromise the CCRB's independence.

Ferrer criticized the Giuliani scheme to have the Police Commissioner delegate authority to the CCRB to prosecute its cases and use police department lawyers until the CCRB gets its own prosecutors in place. "This scheme's reliance on a Memorandum of Understanding raises questions about the Giuliani administration's commitment to strengthen the CCRB," said Ferrer who developed a [10-point](#) plan to strengthen the Civilian Complaint Review Board (CCRB). "Reforms this critical ought not to be implemented at the behest of the Mayor and his police commissioner, but must be done and protected by local law. I urge the CCRB to stand fast and reject the administration's misguided approach."

"Two months after the Mayor and the Police Commissioner announced that the CCRB would prosecute its substantiations, eight months after a mayoral commission recommended this and 16 months after I unveiled my 10-point plan to strengthen the CCRB that included this reform, the administration only proposes to use police attorneys working under delegation from the Police Commissioner," said Ferrer. "New Yorkers see through this sham attempt to compromise what ought to be an independent CCRB. That's why I call on City Hall and the City Council to adopt my plan to make the CCRB fully independent."

"The failure to fully empower the CCRB to perform this new function raises serious questions about the administration's commitment to real reform," Ferrer said. It would be open to revocation and manipulation and seriously compromise the role of the CCRB."

Ferrer added, "New Yorkers seek leadership to bridge the divide of distrust between police and the communities they are sworn to serve. An important step would be to embrace my entire plan."

After the CCRB held its first public meeting in The Bronx over a year ago, Ferrer examined experts' recommendations and framed his 10-point reform initiative. Ferrer's plan to establish the CCRB as a fully independent agency and would set its budget as a percent of the New York Police Department budget and maintain CCRB subpoena power. It would also assign independent city administrative law judges to adjudicate police

misconduct cases and empower the CCRB to prosecute substantiated complaints – provisions already embraced by City Hall.

JUST THREE WORDS

Int. No.

A LOCAL LAW

To amend the New York city charter, in relation to the powers of the civilian complaint review board relating to authorizing the prosecution of substantiated complaints against members of the police department.

Be it enacted by the Council as follows:

Section 1. Subsection (c) of §440 of chapter 18 of the City Charter as established by Local Law 1 of 1993 is amended as follows:

(c) Powers and duties of the board.

1. The board shall have the power to receive, investigate, hear, make findings, *prosecute* and recommend action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation.

2. The board shall promulgate rules of procedure in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations *and prosecutions* are to be conducted and recommendations made and the manner by which a member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of complaints, and to hear, make findings and recommend action on such complaints. No such panel shall consist exclusively of members designated by the council, or designated by the police commissioner, or selected by the mayor.

§2. This local law shall take effect 60 days after its enactment into law.