



CITY COUNCIL MEMBERS
DAN GARODNICK &
BILL DE BLASIO



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Garodnick, de Blasio and Citizens Union Call for Greater Civilian Handling of Police Misconduct Cases

New Council Bill Would Improve Independence and Public Confidence in Civilian Complaint Oversight System

Council Member Dan Garodnick, along with Council Member Bill de Blasio, today introduced legislation supported by Citizens Union to strengthen public confidence in the handling of police misconduct cases by transferring the power to prosecute those cases from the Police Department to the Civilian Complaint Review Board.

The Police Department last year pursued no discipline against officers in 33 percent of the cases where the CCRB determined that there was reasonable evidence of misconduct (“substantiated” cases). That figure has increased exponentially from just 1 percent in 2003—even as the cases substantiated by the Board dropped from 357 to 265 over the same period.

Meanwhile, the Police Department in 2008 undertook only 19 administrative trials against officers, down from 90 in 2003, and 88 in 2004.

Taken together, these numbers indicate that even as the CCRB is being more careful about recommending only the strongest cases for discipline, the Police Department has become less aggressive in its disposition of cases.

“Inaction by the Police Department in the face of substantiated cases of officer misconduct threatens to undermine accountability and public trust in the system of civilian oversight,” **said Council Member Garodnick.** “We have made extraordinary progress in fighting crime. Now, we must ensure that record is not tarnished by a perception that the Police Department will not discipline its own officers. The Police Department can only benefit from public confidence that we have a robust system of civilian review.”

“This legislation is an important step forward in our work to repair and strengthen police community relations,” **said Council Member de Blasio.** “In far too many cases, the CCRB is substantiating complaints of police misconduct but no further action is taken. New Yorkers deserve an independent body they can trust to conduct thorough investigations that lead to fair and meaningful results. By granting the CCRB the authority to prosecute its own cases, we will help to restore public confidence in this critical oversight body.”

“As the City recognizes the 16th anniversary of the CCRB’s creation, it unfortunately cannot celebrate its success in establishing a truly independent system for addressing allegations of police misconduct,” **said Dick Dadey, executive director of Citizens Union.** “The CCRB since its inception has been limited in its power and responsibilities to the detriment of the public who file complaints with the belief that they will be appropriately and timely addressed. In the face of an unprecedented level of complaints expected this year, strengthening the CCRB is long overdue. In the handling of the police misconduct cases, the NYPD has served as prosecutor, judge and jury with the CCRB essentially serving only as the grand jury. That arrangement needs to change to give greater independence and integrity to this judicial process of discipline and to improve public confidence in the handling of such cases.”

Today’s legislation followed the release of the Police Department’s most recent quarterly report on “Stop, Question and Frisk Activity,” which showed that the officers are on pace to make 626,767 stops of people on the streets in 2009. That would be a nearly 100,000 stops greater than the previous record, set in 2008.

In 2008, 2,421 complaints—33 percent of all complaints reported to the CCRB—stemmed from stop-and-frisks. While the Board has historically found fault in only a small number of these cases, Garodnick said the increased volume of stop and frisk complaints necessitated measures to increase public confidence in the CCRB.

“New York’s streets are safer than ever. Crime continues to fall while substantiated allegations of abuse have gone down. That’s an enormous credit to the professionalism of our uniformed officers,” **said Council Member Garodnick.** “But with more than half a million people being stopped and frisked on the street, we need to take steps to instill greater public confidence in the Civilian Complaint Review Board and its ability to pursue complaints of misconduct. People need to know that when they call the CCRB with a complaint and it is substantiated that it will be treated seriously. That requires giving the CCRB the power to prosecute its own cases.”

The bill introduced by Garodnick and de Blasio would improve the independence of the civilian review by granting the CCRB the power to prosecute misconduct cases rather than simply refer them to the Police Department. In that role, the CCRB could offer settlements to accused officers, similar to a plea bargain, or take the most serious incidents to trial. This change would in no way interfere with the Police Department’s authority to serve as judge and jury in those trials, and to levy the penalties.

Allowing the CCRB the power to prosecute its cases would also comply with federal recommendations and eliminate bureaucratic waste in the system. It would streamline the review process by eliminating a duplication of the CCRB’s efforts by the Office of the Department Advocate in the Police Department. The ODA often re-investigates cases already substantiated by the CCRB when deciding which cases to pursue.

In 2001, in the wake of the Amadou Diallo case, the U.S. Department of Justice advised the City to turn prosecutions of police abuse cases over to the CCRB. Under then-Mayor Giuliani, the Police Department entered into a Memorandum of Understanding with the CCRB to let the Board handle prosecution of all civilian complaints against officers. The MOU was never implemented, even after its legality was upheld by the Appellate Division of the New York State Supreme Court.

The new legislation would, for the first time, implement the formal agreement.

The bill is one of a number of recommendations made by Citizens Union in its issue brief and position statement issued in May 2008 for reforming the way police misconduct and corruption are handled by the City.

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