



**TESTIMONY OF  
CITIZENS UNION OF THE CITY OF NEW YORK  
Before the New York City Council Committee on Governmental Operations re: Int. 1025  
December 11, 2009**

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Good morning Chair Sears and other members of the Committee on Governmental Operations. My name is DeNora Getachew, and I am the director of public policy and legislative counsel for Citizens Union of the City of New York and I am joined by my colleague Rachael Fauss, policy and research associate for the organization. Citizens Union is an independent, nonpartisan, civic organization of New Yorkers who promote good government and advance political reform in our city and state. For more than a century, Citizens Union has served as a watchdog for the public interest and an advocate for the common good. We thank you for holding this public hearing meeting and giving us the opportunity to present Citizens Union's thoughts regarding Int. No.1025 and how best to address the rising trend and cost of civil lawsuits against the New York Police Department (NYPD) relating to, among other things, police misconduct.

As you know, Citizens Union has weighed in on issues involving political reform and those of good and effective government and is increasingly weighing in on issues that rise to a level of significant citywide importance. For example, the organization recently extensively reviewed New York City's policies and procedures governing the handling of alleged police misconduct and the subsequent internal disciplinary action and issued a series of recommendations about how to improve that process in our Report and Recommendations on Public Oversight of Police Misconduct (Report) which was released in April 2008. Believing that the vast majority of police officers are honest, hard-working individuals who perform the vital and dangerous function of protecting our city, our Report proposed a series of reforms geared towards creating additional public confidence and support in the police force. Most notable of our recommendations is to transfer prosecutorial authority to the Civilian Complaint Review Board (CCRB) to substantiate the cases it prosecutes, which we believe will go a long way towards improving public confidence and integrity of the system, as well as overall making the system more efficient, functional and transparent. The other components of our five point plan for legislation and regulations to reform the civilian oversight system, as first provided in our Report, are as follows:

1. Expand the range of penalties available to the Police Commissioner;
2. Reinstate the Zero Tolerance penalty for False Statements;
3. Provide the CCRB with the authority to prosecute officers found guilty of lying during CCRB investigations; and
4. Create of a permanent and stronger Commission to Combat Police Corruption.

Speaking more specifically to the subject of today's hearing, the organization is concerned about the rising trend of police claims over the last several years, especially the data from Comptroller Thompson's March 2009 Claims Report indicating that there were 2,863 new police action claims filed in Fiscal Year 2008, up by fifteen percent (15%) from FY 2007 totaling \$35.2 million. When Citizens Union reviewed the number of complaints filed with the CCRB alleging

police misconduct during the same period, the claims had declined to 7,405 – still a relatively high number of complaints for the CCRB. If we look at the complaint data available for 2009, year to date the number of claims has increased by about five percent (5%) above last year's numbers. When viewed together, this data may be indicative of a trend towards increased claims filings for both civil and disciplinary actions with allegedly aggrieved parties believing it is necessary to pursue civil claims more frequently as an alternative to or in conjunction with filing disciplinary claims.

Citizens Union supports Int. 1025 being considered by this committee today because by mandating that the corporation counsel file quarterly reports with the council regarding police action claims hopefully will create greater transparency regarding such claims. This requirement, in addition to Citizens Union's 5 point plan outlined above, will also create an opportunity for the council, the administration, and the public to more transparently view trends between allegations of police misconduct and civil actions in order to establish best practices for how to mitigate this important issue going forward in a more holistic manner.

We thank you for the opportunity to testify today at this important hearing and look forward to working with you to accomplishing meaningful reform. Citizens Union plans to continue to advance Int. No. 1048 prime sponsored by Councilmembers Garodnick and de Blasio, among others, which would transfer prosecutorial power over substantiated cases to the CCRB, and looks forward to continuing to work with the council and the administration on this and other important issues.