



MEMORANDUM OF SUPPORT

Int. No. 2440-2021 and 2297-2021

November 22, 2021

Summary of provisions

Citizens Union supports the implementation of Int. Nos. 2440-2021 and 2297-2021 to increase police accountability in New York City. Int. No. 2440 would allow the Civilian Complaint Review Board (CCRB) to receive, investigate, make findings, and recommend action upon complaints initiated by the agency against officers that allege misconduct, without first receiving a civilian complaint. Int. No. 2297 would prohibit the New York Police Department (NYPD) from employing officers previously dismissed from any police force due to charges of misconduct. Any person who resigned while under investigation for misconduct would also be barred from joining the NYPD.

Statements of support

Int. 2440-2021 (Adams), authorizing the Civilian Complaint Review Board to initiate complaints

Under the New York City Charter Chapter Section 440(c), the CCRB has the power to investigate and recommend action upon complaints issued by members of the public that allege wrongdoing by NYPD staff. Since its inception in 1993—and even in its earlier iterations going back to the 1950s—the CCRB was tasked with investigating civilian complaints, which have historically been left unheard. Three decades later, it is now the largest police oversight agency in the country. It processes thousands of complaints and handles hundreds of investigations and prosecutions each year, and it has become a center of expertise and knowledge on police misconduct.

As a watchdog group that has been monitoring good government in the police force for decades, Citizens Union believes the CCRB holds an essential function in maintaining civic oversight over the NYPD. It is trusted by many communities across New York City for its meaningful attempts to rein in abuse of force and authority by police officers, which have plagued the city throughout its history.

To allow the CCRB to continue this vital mission, Citizens Union believes that the agency should be authorized to act upon evidence of misconduct without having to wait for a complaint to be filed.

Such an expansion of jurisdiction would allow the agency to investigate alleged misconduct in cases where citizens were unable or unwilling to file a complaint on their own, where the agency is in possession of clear evidence such as videos, or where possible cases of misconduct are reported in the press.

The proposed bill would improve police accountability in several ways. It would allow for faster responses to possible cases of misconduct before further instances can occur. It would additionally relieve some of the bureaucratic burdens that arise under the current procedure, where citizens must fill out a report, file it, and wait for their report to progress through the proper channels of the agency before any action can be taken. Altogether, it would allow the CCRB to take a more active role in fighting police misconduct.

To note, although the CCRB receives over 10,000 filings a year,¹ less than half of these complaints fall within the agency's jurisdiction (the use of excessive or unnecessary force, abuse of authority, discourtesy, and offensive language) and are therefore referred to the entities with the jurisdiction to process them.² Most complaints filed with the CCRB are received by phone (about 64% in the four years prior to 2020), but a substantial number of complaints are referred from the Internal Affairs Bureau (IAB).³ If the CCRB is empowered to initiate its own investigations, it will do so only for cases that fall within its jurisdiction.

Int. 2297-2021 (Moya), in relation to qualification for service with the Police Department

City Charter, city law, and state statute sets several qualifications for people who wish to join the NYPD: applicants must be U.S. Citizens, be 21 to 35 years old, speak English, live in New York City or within nearby counties, attain a minimum level of higher education or military service, and own a driver's license. The law also prescribes reasons to disqualify people from service. Candidates cannot serve in the police department if they were convicted of a felony, domestic violence misdemeanor, if they hold public office, or if they have been dishonorably discharged from the military.⁴

The proposed bill would add another reason to disqualify a candidate from service—if they served in another police force but were dismissed due to misconduct or resigned while being investigated for misconduct. City law already acknowledges that officers who have conducted wrongdoing should not be permitted back on the force. Section 14-109(a) of the administrative code bans NYPD officers who were dismissed for any reason from being reappointed to the department. Officers who have been decertified from other police departments, however, can still be employed by the NYPD. This loophole undermines the goal of this provision, allows for misconduct to propagate across law enforcement, and harms the public's trust in the Police Department. **Citizens Union supports barring such former police officers from serving in the NYPD.**

Though there is little public data regarding prior de-certifications among current NYPD officers, evidence from across the state suggests this is a common practice. A recent Intercept report found 27 law enforcement officers who were decertified by New York state regulators and subsequently rehired by other police departments or public safety agencies in the state.⁵ This is only partial data due to lack of

¹ In 2020 only 8,414 filings were received, but this year was an outlier due to the pandemic.

² The New York City Civilian Complaint Review Board 2020 Annual Report https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/annual_bi-annual/2020_Annual.pdf

³ In 2019, 21% of total complaints filed in the CCRB were referred by the IAB

⁴ "Hiring Process." NYPD, 2021 <https://www1.nyc.gov/site/nypd/careers/police-officers/po-hiring.page>, NYC Administrative Code Section 14-109(a) <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYAdmin/0-0-0-24922>

⁵ New York Regulations Allow Cops Stripped of Training Credentials to be Rehired. The Intercept, 07/08/21. <https://theintercept.com/2021/07/08/new-york-police-decertification/>

systematic tracking. Last year, the New York Times identified one New Jersey police officer with multiple disciplinary records who moved between nine departments.⁶

Research suggests that officers with records of misconduct who move between groups within a police force increase the likelihood that those around them will also be accused of bad behavior. Keeping those officers in service could propagate misconduct.⁷

We note that this proposed provision would only be effective if proper procedures are established to ensure that the Department of Citywide Administrative Services is able to prevent relevant candidates from taking the police civil service exam. We acknowledge that this issue ultimately requires an action by the state legislature or state government. Citizens Union supports a statewide process that would keep track of certification and decertification of police officers and would bar officers who have been dismissed due to misconduct from being employed in another police department. This has also been recommended by New York State Attorney General Letitia James.⁸

⁶ 9 Departments and Multiple Infractions for One New Jersey Police Officer. The New York Times, 06/24/21.

<https://www.nytimes.com/2020/06/24/nyregion/new-jersey-police.html>

⁷ "Study finds misconduct spreads among police officers like contagion." NOVA-PBS, 05/27/19.

<https://www.pbs.org/wgbh/nova/article/police-misconduct-peer-effects/>

⁸ <https://ag.ny.gov/sites/default/files/2020-nypd-report.pdf>