



**For Immediate Release**  
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**CITIZENS UNION COMMENDS CITY AGREEMENT ALLOWING CIVILIAN POLICE COMPLAINTS TO BE PROSECUTED INDEPENDENTLY**

**REPORT BY CITIZENS UNION SHOWS WHY THESE REFORMS ARE NEEDED:  
Large Number of CCRB Substantiated Cases in Which  
Recommended Penalties are Downgraded**

**Agreement Will Bring Greater Independence and Transparency  
To The Handling Of Police Misconduct**

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Yesterday's announcement by Mayor Bloomberg, City Council Speaker Quinn and Police Commissioner Kelly that the Civilian Complaint Review Board's (CCRB) authority is now expanded to include prosecuting many of its cases of substantiated police misconduct is good news to the many New Yorkers who have pressed for greater public oversight and independence in the process of handling incidents of police misconduct.

In commending the agreement, Citizens Union released a [report](#) noting the need for these important reforms. The report finds that the NYPD in more than 92 percent of cases has not followed the CCRB's recommendation that officers guilty of misconduct be disciplined with the most serious penalty (which is called "charges and specifications" and includes the loss of more than ten vacation days, probation, suspension or termination). Between 2002 and 2010, in substantiated cases, the CCRB recommended 2,078 officers receive the most severe penalty (charges and specifications) for alleged misconduct, yet the NYPD only followed that suggested discipline for 151 officers, or just 1 in 13 officers recommended for the penalty.

This disconnect between CCRB recommended discipline and the NYPD's actual punishment continued in 2011, the most recent year for which data is made publicly available. Of the cases closed in 2011 between January and August, only 13 of 143 officers recommended for charges and specifications actually received that discipline – amounting to only 9 percent. Of those officers, 93 were recommended by the CCRB to receive the most severe discipline for improper searches, including some for improper stop and frisks, yet only 6 received that penalty; 45 of those officers were instead disciplined by being told the proper procedures informally by their commanding officer.

The NYPD's deviation from CCRB recommended punishment occurs despite the fact that the CCRB

shows great discretion in accepting and investigating complaints against police officers. The CCRB has recommended that the most severe penalty of charges and specifications be levied by the NYPD in just 5 percent of all allegations of police misconduct made to the CCRB during the Bloomberg administration.

“Public confidence in the police’s ability to keep New York safe and secure is high,” said Dick Dadey, “But unfortunately that confidence does not extend to the way the department handles officers who are charged with violating the public trust when they use excessive force, abuse their authority, are discourteous or use offensive language. New Yorkers trust can possibly be restored because now when a police officer commits misconduct, it will be addressed with appropriate and proportionate discipline.”

“In far too many instances, the NYPD has not followed the CCRB’s recommendations to significantly punish police misconduct,” said Alex Camarda, Director of Public Policy and Advocacy. “This prevents justice from being administered for particular complainants and undercuts the police force’s otherwise stellar record in reducing crime and preventing terrorist attacks.”

The agreement giving the CCRB prosecutorial power is an important milestone in the on-going march forward to bring greater accountability to the way in which the NYPD polices itself. It builds upon a pilot program that allowed CCRB lawyers to prosecute cases, and aids in making the police department less self-regulating in handling police misconduct. The agreement also contains a measure requiring the police commissioner to explain his reasons if he determines that the CCRB should not prosecute certain limited cases, which is a welcome addition that creates public pressure on him to permit CCRB prosecution.

The police commissioner also will be required to publicly explain any punishment that deviates from the trial judge’s penalty recommendations. This is another necessary achievement that will help to repair public confidence in the police department’s handling of misconduct.

Citizens Union has championed giving the CCRB such responsibility since the spring of 2008 when it released its issue brief and position statement [Public Oversight of Police Misconduct](#). Citizens Union’s issue analysis and position development were led by Luis Garden Acosta, vice chair of the CU board of directors.

Soon after the 2008 report’s release, Speaker Quinn announced her support for such authority and felt that granting such authority would best be achieved with the issuance of a Memorandum of Understanding (MOU) between Mayor Bloomberg and Commissioner Kelly. Legislation was later introduced into the City Council which Citizens Union assisted in drafting, sponsored by Councilmember Dan Garodnick and now Public Advocate Bill de Blasio, and received support from a majority of council members signing on as co-sponsors. Citizens Union proposed a charter change in 2010 to bring about this reform, but it was not addressed by the City Charter Commission at that time.

Citizens Union believes the agreement announced today granting the CCRB the authority to prosecute allegations of police misconduct for which it has made substantiated findings will have a greater impact

than the current system in holding officers accountable. This agreement will both ensure a greater level of independence and also combat the perception of or actual bias that the NYPD may exercise in the resolution of substantiated cases by the CCRB. The greater level of CCRB independence will strengthen public perception of the agency, and encourage the public to file complaints when incidents occur, knowing that they will be handled with independence and that they will have more information regarding the ultimate outcome of their case. It will recognize in practice that the NYPD should not serve as prosecutor, judge and jury for alleged misconduct of its own officers.

The agreement will also create more efficient government by eliminating the duplication that occurs when the NYPD reinvestigates cases already investigated by the CCRB. The funds from such savings should be directed to the CCRB itself so that it may hire an adequate number of prosecutors to administer its newly granted authority.

This agreement between Mayor Bloomberg and Commissioner Kelly mirrors a recommendation made by former Mayor Giuliani's Commission to Combat Police Corruption in 2000 that was chaired by former CU board leader Richard J. Davis, and a Memorandum of Understanding (MOU) signed in April of 2001 between the NYPD and the CCRB. The MOU's creation followed an investigation by the U.S. Attorney's office in Brooklyn and the Justice Department's Civil Rights Division in Washington, D.C.

Read Citizens Union's report: [Diminished Accountability: How Discipline for Police Misconduct is Downgraded by the NYPD.](#)



Citizens Union of the City of New York, a nonpartisan force for good government for more than 100 years, works to inform and engage New Yorkers, to ensure local and state government values its citizens, addresses critical issues, and operates in a fair, open, and fiscally sound manner.