



**CITIZENS UNION OF THE CITY OF NEW YORK**  
**Testimony to the New York City Charter Revision Commission 2019**  
**Meeting on Police Accountability**  
**March 7, 2019**

Good evening Chair Benjamin and distinguished members of the New York City Charter Revision Commission. My name is Rachel Bloom and I am the Director of Public Policy and Programs at Citizens Union. We thank you for holding this meeting on police accountability, and for giving Citizens Union the opportunity to publicly share our recommendations with you.

As a watchdog group for the public interest and a historic advocate of open and honest government in New York City, Citizens Union (CU) urges amendments to the City Charter that will strengthen the accountability of the New York City Police Department (NYPD) to the public and, consequently, improve the relationship between the NYPD and the public.

Since 2008, Citizens Union has been exploring the issue of police accountability with particular emphasis on establishing clarity and consistency across the police oversight system, and strengthening the Civilian Complaint Review Board (CCRB) to bolster independent oversight of the police. In 2016, we released a comprehensive position paper outlining failures in the police oversight system and urging the enactment of laws and the adoption of new rules and regulations to ameliorate them.<sup>1</sup> The following are recommendations for Charter reform, which we believe are urgent and should be taken up by this Charter Revision Commission. These changes, if adopted, would amend Section 440 of Chapter 18-A of the New York City Charter.

1. **Codify the CCRB's power to file and handle the prosecution of complaints it substantiates with the recommendations of Charges and Specifications, instead of NYPD lawyers from the Department Advocate's office.** The CCRB should be given full authority and responsibility in the law for developing its own team of qualified and experienced lawyers to litigate the substantiated cases. A 2012 memorandum of understanding (MOU) between the NYPD and CCRB gave the CCRB this authority by establishing an Administrative Prosecution Process, but this does not have the force of law and the extent to which certain features of the MOU are being followed is questionable. Using the City Charter revision process to effectuate such a change would allow the public to decide on this issue of great concern, particularly within communities where police-community relations have been or continue to be less than optimal.
2. **Require the Police Commissioner to provide to the CCRB and respondent the rationale when diverging from CCRB disciplinary recommendations.** The 2012 MOU requires that

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<sup>1</sup> The policy position can be accessed at <https://bit.ly/2XN7kSy>.

the Police Commissioner notify the CCRB in writing with “a detailed explanation of the reasons for deviating from CCRB’s recommendation including but not limited to each factor the Police Commissioner considered in making his determination.” Citizens Union was involved in the negotiation of this MOU and believes this requirement would provide an appropriate and meaningful expansion of the CCRB’s independent oversight of the NYPD. However, it is unclear the extent to which this portion of the agreement is being followed.

3. **Amend the Charter to permit the CCRB to initiate an investigation into reported or known incidents of police misconduct within its jurisdiction in the absence of a complaint.** Such authority would track the authority of the Police Department’s Internal Affairs Bureau. With this authority, the CCRB would no longer be forced to remain on the sidelines when there is a notorious or sensitive incident that has become the focus of community and police concern.
4. **Empower the CCRB to investigate complaints filed by the public against members of the police department’s school safety division, a unit of public safety officers under the supervision and control of the Police Department, as well as other divisions overseen and controlled by the police department.** While there have been differing views concerning the role of the school safety division officers in the City’s schools there should be no doubt or confusion as to how members of the public who believe they have been aggrieved by a school safety officer can file a complaint.
5. **Safeguard the independence and integrity of CCRB investigations and standardize the effects of participation in an investigation for complainants, witnesses, and officers.**  
This should be done by:
  - a. requiring the CCRB to inform complainants, witnesses, and officers that their statements to the CCRB may be used against them in corresponding court cases, and of the associated risks;
  - b. reinstating the “zero tolerance” policy for false official statements; and
  - c. granting the CCRB authority to prosecute officers who lie under oath during the course of its investigations.

Our last recommendation on this topic is to require greater transparency in the budgets of city agencies, including the NYPD, before being voted on by the Council. To that end, the words “program,” “purpose,” “activity,” and “institution” need to be defined in the Charter (Chapter 6, Section 100) in relation to units of appropriation so that units of appropriation will be made more narrow and finite, rather than continue as catch-all categories reflecting numerous programs or an entire agency’s budget.

We thank the Commission for its consideration of these important reforms to expand the transparency and public accountability of the police department, and look forward to continuing to work with you on this issue.