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FREDERICK DAVIE
CHAIR

September 19, 2019

The Honorable Jerrold Nadler
Chairman, Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Doug Collins
Ranking Member, Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Re: Civilian Oversight of Law Enforcement

Dear Chairman Nadler, Ranking Member Collins, and Members of the House Judiciary Committee:

In July 2015, following several high-profile incidents of police misconduct and excessive use of force, the Obama Administration convened a forum on community policing and police reform. The President's Task Force on 21st Century Policing recommended, among many proposals, that some form of civilian oversight is essential to strengthening trust between the police and the communities they serve.¹ Some localities have made progress, but challenges remain. I know this because I am the Chair of the New York City Civilian Complaint Review Board, the largest independent, all-civilian police oversight agency in the country.

In August 2019, our investigation into the death of Eric Garner and our independent prosecution resulted in a guilty verdict, and the termination of Daniel Pantaleo from the New York City Police Department. Pantaleo's actions were captured on video and broadcast to the world. That video was essential to our case. It was our attorneys—not the Staten Island District Attorney and not the Department of Justice—who ultimately were able to prosecute Daniel Pantaleo and hold him accountable. Additionally, unlike the grand jury and Department of Justice processes, the CCRB process was public and unearthed new information, including that one NYPD lieutenant said Mr. Garner's death was "not a big deal." I believe none of this would have been possible without civilian oversight of the NYPD—and video evidence to back it up.

Today, one of the biggest challenges the CCRB faces is in attaining unfettered access to body worn camera footage. In numerous recent cases of police misconduct across the nation, video evidence has proven invaluable to oversight. Acquiring body-worn camera footage in New York City requires the CCRB to first request it from the NYPD, whose representatives serve as a gatekeeper, unilaterally determining who may access footage of its officers. In New York City, the percentage of open CCRB investigations that have unfulfilled requests from NYPD for video evidence increased from 8% in December 2018 to 32% in August 2019, after reaching a peak of 37% in June.² This percentage never

¹ President's Task Force on 21st Century Policing. 2015. Final Report of the President's Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services.

² New York City Civilian Complaint Review Board. September 2019. Executive Director's Monthly Report. New York, New York.

exceeded 12% in 2018. Unless there is a significant change, the backlog of CCRB requests for video evidence will continue to increase and impair the CCRB's ability to complete investigations within the 18-month statute of limitations under New York State law. The advent of body-worn cameras in the wake of high-profile incidents of police misconduct has better enabled the CCRB to make conclusive determinations about what happened in these incidents, but this will only remain true if we continue to receive that body-worn camera footage and receive it in a timely fashion. My fellow board members and I are constantly advocating for improvements, and in the near-term, the biggest improvement for our agency's work would be direct access to body-worn camera footage. If civilian oversight agencies cannot guarantee their access to essential evidence, investigations may not be completed and the ideals of accountability and transparency to which we should all aspire may never be realized.

The Civilian Complaint Review Board has been the all-civilian, independent agency responsible for oversight of the New York City Police Department, the largest police department in the United States of America, since 1993. At the CCRB, we are tasked with ensuring allegations of misconduct against NYPD officers are fully and impartially investigated. Our Administrative Prosecution Unit is the only entity of its kind in the country, and as a result of our investigations over the past 25 years, thousands of officers whose misconduct may otherwise have been overlooked have been disciplined. The CCRB has increased transparency and accountability for New Yorkers and is a national leader among civilian oversight agencies, but our investigators still face too many bureaucratic obstacles to fully and impartially investigating allegations of misconduct.

Civilian oversight and video evidence can make a difference in our nonpartisan pursuit of transparency and accountability. It is my hope that in your oversight hearing on police practices, the value of civilian oversight is recognized, and policy solutions are developed that encourage the implementation and empowerment of agencies like the New York City Civilian Complaint Review Board across the country.

Sincerely,

A handwritten signature in black ink, appearing to be 'FD', written over a horizontal line.

Frederick Davie, Chair,
New York City Civilian Complaint Review Board