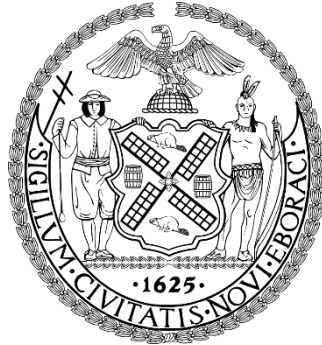


Committee on Public Safety:
Joshua Kingsley, *Counsel*
Matthew Thompson, *Policy Analyst*
Nevin Singh, *Financial Analyst*
Jack Storey, *Financial Analyst*



THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE REPORT OF THE JUSTICE DIVISION

Jeffrey Baker, *Legislative Director*

COMMITTEE ON PUBLIC SAFETY
Hon. Adrienne E. Adams, *Chair*

December 6, 2021

I. INTRODUCTION

On December 6, 2021, the Committee on Public Safety, chaired by Council Member Adrienne E. Adams, will conduct a hearing on Resolution. No. 1762, sponsored by Council Member Adrienne E. Adams, calling upon the New York State Legislature to pass, and the Governor to sign, S6760, legislation to allow access to sealed and protected records to civilian law enforcement oversight entities conducting investigations and disciplinary proceedings for misconduct by police and peace officers. The Committee is expecting testimony from

representatives from the Civilian Complaint Review Board (“CCRB”), public defenders, advocates and members of the public.

II. BACKGROUND:

Civilian law enforcement oversight entities throughout New York State, including, but not limited to the CCRB, are responsible for investigating and recommending disciplinary action on complaints against police officers related to allegations of misconduct. The CCRB, in particular, is authorized to receive, investigate, mediate, hear, make findings, and recommend action on complaints made against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language.¹

Currently, there are legal barriers contained in the State’s criminal procedure, civil rights, and the family court law, that prevent CCRB, and other civilian law enforcement oversight entities in New York from obtaining the release of sealed and protected records for investigative purposes. CCRB Chairman Frederick Davie has reportedly petitioned state lawmakers for exemptions from state sealing statues, calling it a necessary action for the agency to achieve their legal mandates and improving police oversight.²

¹ From the Official Website of the Civilian Complaint Review Board, available at: <https://www1.nyc.gov/site/ccrb/about/about.page>

² Slattery, D. S. (2021, May 14). *Sen. Brian Benjamin’s bill would grant CCRB greater access to NYPD records.* New York Daily News. <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-ccrb-nypd-police-complaints-sen-brian-benjamin-20210514-lrpqh26i7ffqtl45xskbecbai-story.html>.

Res. No. 1762

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S6760, legislation to allow access to sealed and protected records to civilian law enforcement oversight entities conducting investigations and disciplinary proceedings for misconduct by police and peace officers.

By Council Member Adams

Whereas, Civilian law enforcement oversight entities throughout New York State, including, but not limited to the Civilian Complaint Review Board (“CCRB”), are responsible for investigating and recommending action on complaints against police officers related to misconduct; and

Whereas, The CCRB, specifically, is empowered to receive, investigate, mediate, hear, make findings, and recommend action on complaints made against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language; and

Whereas, Legal barriers currently exist that prevent civilian law enforcement oversight entities, such as the CCRB, from meeting their essential goals, by precluding their ability to compel the release of sealed and protected records for investigative purposes; and

Whereas, CCRB Chairman Frederick Davie has petitioned state lawmakers for exemptions from state sealing statues, calling it a necessary action for the agency to achieve their legal mandate to probe racial profiling and patterns of bias policing within the New York City Police Department (“NYPD”), according to the New York Daily News; and

Whereas, Over 279,000 misconduct complaints filed against NYPD officers since the CCRB's creation, fewer than 20,000, or just about 7 percent, have been substantiated, according to the New York Civil Liberties Union's NYPD Misconduct Complaint Database; and

Whereas, Allowing civilian law enforcement entities access to sealed and protected records that may contain information pertinent to their misconduct investigations has the potential to improve the accuracy of substantiation rates; and

Whereas, S6760, originally introduced by former Senator Brian Benjamin, would, if passed, improve the ability of civilian law enforcement entities to thoroughly investigate police misconduct by amending the criminal procedure law, the civil rights law, and the family court law to allow them access to sealed and protected police records; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S6760, legislation to allow access to sealed and protected records to civilian law enforcement oversight entities conducting investigations and disciplinary proceedings for misconduct by police and peace officers.