



NYCLU

NEW YORK CIVIL LIBERTIES UNION

125 Broad Street
New York, NY 10004
(212) 344-3005
Fax (212) 344-3318
www.nyclu.org

BY FACSIMILE AND FIRST CLASS MAIL

Christopher Dunn
Associate Legal Director
(212) 607-3300, ext. 326
cdunn@nyclu.org

November 9, 2006

Franklin Stone
Chair
Civilian Complaint Review Board
40 Rector Street, 2nd Floor
New York, N.Y. 10006

Florence Finkle
Executive Director
Civilian Complaint Review Board
40 Rector Street, 2nd Floor
New York, N.Y. 10006

Dear Ms. Stone and Ms. Finkle:

On behalf of the New York Civil Liberties Union, we write to follow up on the discussion at yesterday's public meeting with Chris Dunn about delays in the completion of CCRB investigations. In particular, we write to request that the Board investigate a serious problem about which we recently learned and institute new public reporting.

As we understand it, a CCRB investigation generally consist of two stages. First, CCRB staff members investigate a complaint, prepare various documents, and then make a recommendation about a CCRB finding, which might include substantiating the complaint and sending the case to the Police Department for discipline. Afer completion of that initial step, the case is referred to a "panel" of three appointed Board members, who must make a final determination about the agency's disposition of the case. Until the Board panel acts, the case does not move forward.

We recently learned that one Board panel did not meet for approximately six months last year. According to internal CCRB documents made available to us, when that panel finally met on October 19, it disposed of approximately 812 cases in a single day. Those 812 cases represented over 12% of all the investigations the CCRB closed in 2005.

We have not been provided with any information about why this serious backlog developed, and we have no independent information about how it developed. We therefore ask that the Board investigate this matter, determine what steps may be appropriate to assure that this problem does not recur, and publicly report about its findings.

Regardless of the reason for the backlog, it raises three serious concerns. First, a large number of cases did not move forward for many months. Because police officers must be disciplined within 18 months of an incident, this creates the distinct possibility that officers escaped discipline simply because the Board did not complete its work in a timely manner.

Second, we are deeply concerned about the limited time and attention that may have been afforded to these cases. No matter how capable the members of the panel, it seems virtually impossible that over 800 cases could be meaningfully reviewed in one day.

Finally, to the extent this backlog is indicative of ongoing delays in Board review of cases, that matter needs to be addressed immediately. The report at yesterday's meeting that 1,455 cases are awaiting Board review suggests that there may be a continuing problem.

In addition to requesting that you investigate this backlog, we have asked that the CCRB start including in its written monthly reports detailed information about cases pending before Board panels. The agency already reports information about the status of its overall caseload, and we see no reason why it cannot report similar information about the cases pending before Board panels. Specifically, we ask that the agency add to its monthly status reports information about the number of cases pending before panels by the length of time that those cases have been pending before panels.

We want to emphasize that we are not suggesting Board members have been negligent in their work. We fully understand that Board members are under intense pressure in light of the ongoing surge of civilian complaints about police misconduct. In light of this, it may be time to reassess CCRB processes and structures -- including the agency's budget and other resources -- to assure that investigations can be completed in a timely and effective manner. The first step, however, is to provide full reporting about the extent of delays at the Board level.

If you have any questions about our request, please let us know. Otherwise, we look forward to working with the Board to address these important issues.

Sincerely,



Christopher Dunn
Associate Legal Director



Donna Lieberman
Executive Director

c: Criminal Justice Coordinator John Feinblatt