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Recommendations based on James Yates’ report regarding the NYPD discipline process

Experience: Former CCRB Investigator, Former Supervised Release Clinical Case Manager, Current Legislative Fellow for New York City Council. Member of LAS/NAACP LDF Davis NYCHA Roundtable for 2.5 years. Interviewer for the hiring of the Community Liaison and part of the team who chose Germain Thompson for the position.

*CCRB Racial Profiling Unit:*

**Questions/recommendations:**

1. What are the criteria for which complaints get investigated as racial profiling/bias based policing/discrimination? CCRB should have to share how they decide this, both publicly and with the complainant.
2. Furthermore, if a complainant requests their allegation be investigated by this unit, or alleges racial profiling/discrimination in their statement, and it gets denied, they should be given a reason why CCRB did not classify it as such.

*General NYPD Discipline:*

**Overall recommendations:**

1. Private detail and off duty NYPD officers should still be subjected to discipline, and the CCRB should be able to investigate complaints of misconduct and recommend corrective action, even if they are not acting in their NYPD Officer capacity.
2. It should be clearly defined when and where the police manual and patrol guide apply, and it situations where it is not applicable, there should be an explanation why, provided publicly, and to CCRB complainants.
3. NYPD appointees to the Board should be removed because there is automatic bias and it is much harder to impose discipline. Appointees should come from the Mayor, Speaker, Comptroller, and Public Advocate, but the Police Commissioner should have no say in who sits on the board and makes decisions on cases.
4. The NYPD and CCRB should keep track of misconduct and implement a “Three Strikes Rule”- there must be discipline if there is a third instance of misconduct, and the discipline must be more severe than training.
   1. Every time an officer commits misconduct, there should be an increasing severity of discipline. For example, start with loss of vacation days, next time increase to suspension without pay, and if the behavior continues, the result should be termination and loss of pension.
5. Officers should not be allowed to get promoted if they have substantiated misconduct, especially for serious issues or repeat offenses.
6. A higher percentage of the NYPD budget should go to the CCRB, so they have the resources to do the work, including having the headcount to investigate every allegation of misconduct.
7. NYPD lawsuits should be paid out by the police, not taxpayer dollars.
8. If officers have a case of misconduct that ends in a lawsuit, they should be terminated.
9. Currently, there are jurisdictional issues between IAB and the CCRB, but CCRB should have jurisdiction over all complaints, and the IAB should not have investigational powers, because police policing police, never works.
10. There should be a list made available to the public of what is considered misconduct, what the CCRB can and cannot investigate or enforce, and what the IAB investigates, as well as disciplines that can be recommended for each type of offense.
11. For complaints that end in mediation between the c/v and the officers, it does not count as misconduct and there is no information available about it, not even to CCRB investigates. These cases should still be counted as misconduct, because the officers still engaged in wrongdoing, even if the complainant agreed to speak to them about it.
12. If a complaint is substantiated and the officer is given training, and then repeats the same offense, they should automatically get more severe discipline without any input or override from the police commissioner.
13. If an officer kills somebody, causes great bodily harm or injury (e.g., paralysis, brain damage, shooting, etc.), or causes somebody to be hospitalized, they should be fired automatically, without any investigation, and the commissioner should have no say in this matter. This should include the discharge of a gun, even if the bullet does not make contact with anybody.
14. If an officer uses a weapon other than a gun, such as taser, pepper spray, or baton, they should be automatically suspended without pay pending a full investigation. The same should go for use of force without a weapon, such as punching, kicking, choking, etc. The same should also apply to pointing a gun at somebody, but only if they do not fire.
15. If an officer puts somebody in a chokehold, they should be automatically fired.
16. CCRB should have the final say in discipline for officers, and the NYPD should be removed from having input, and the commissioner should not be allowed to override the CCRB’s findings. If discipline is recommended, it should be automatically imposed, and the commissioner should not be allowed to decide who gets disciplined and who does not.
17. CCRB should have access to all NYPD records, and there should be a more streamlined process for investigators to get the paperwork they need, without having to deal with multiple barriers imposed by the police, who are never forthcoming with information, nor cooperative with investigations.
18. Officers should only be allowed to have one union representative or PBA lawyer with them during CCRB questioning.
19. Officers with three substantiated cases of misconduct for force or abuse of authority should be automatically fired.
20. Officers should only be excused with the “good faith mistake” exception once in their career, and this should not apply to cases of force or abuse. If it is determined to be a good faith mistake, they should have to do additional training, and if the same misconduct occurs again, they should have more serious discipline, such as loss of vacation days. The officers should not be allowed to use good faith in serious situations, in cases of repeat offenses, and if they have already received training regarding the type of misconduct the complaint alleges.
21. Officers should have to undergo a yearly exam demonstrating their competency, knowledge, and understanding of the law, patrol guide, and police manual, to illustrate that they know how to do their job.
22. Officers should only be allowed to reschedule a CCRB interview once, and if they do it again, that should be tacked on to the discipline they receive.