

*Police
Benevolent
Association*

Of The City Of New York, Inc.



OFFICE OF THE PRESIDENT

October 31, 2019

VIA U.S. Mail

The Reverend Frederick Davie
Chair
Civilian Complaint Review Board
100 Church Street
New York, New York 10007

Re: CCRB Improper Political Engagement Regarding Civil Rights Law 50(a)

Dear Chairman Davie:

On behalf of the nearly 50,000 active and retired New York City police officers who are members of the Police Benevolent Association of the City of New York, Inc. (the "PBA"), I write to express our serious concern regarding the recent political activism you and the CCRB have been engaged in regarding Civil Rights Law 50-a. Specifically, you have recently publicly stated your support for a full repeal of 50-a, announced that the issue will be discussed at CCRB's next board meeting, and suggested that the board will soon take an official position on this contentious political question. Such political activity, undertaken by a City agency and its chair, is improper for several reasons and must cease immediately.

By wading into this political issue, CCRB has once again strayed far beyond the bounds of its authority, not only because it falls far outside of the purview of the CCRB's Charter mandate to "receive, investigate, hear, make findings and recommend action upon complaints by members of the public" that are within its limited jurisdiction, but also because these activities violate relevant conflict of interest laws. New York conflict of interest law not only prohibits political activity during City working hours, but also unequivocally prohibits City employees from using any City resources for any political activity. *See* Conflict of Interest Board ("COIB") Advisory Opinion Number 2017-1; *see also* COIB Advisory Opinion 2017-4 (citing Advisory Opinion No. 2012-5 and stating that "[t]here is an absolute ban on the use of City time and resources for political

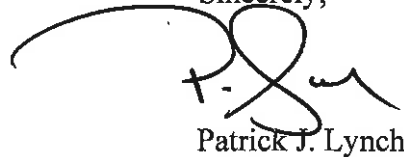


activities.”). By openly advocating for a full repeal of Civil Rights Law 50-a,¹ you, as Chair of a City agency, have inappropriately taken a position on a contentious political issue that is under consideration by the legislature at this very moment. By retweeting your statement, the CCRB appears to have officially endorsed it. Moreover, your stated intention to make 50-a a focus of CCRB’s November Board meeting and suggestion that the CCRB will soon take an official position on the matter compounds the violation by using the space, resources, time, and platform of a City agency to engage in political advocacy during official CCRB working hours. Such political advocacy is impermissible.

Moreover, these actions are yet further evidence of the bias that pervades the CCRB at every level. By taking such an extreme position on 50-a, CCRB has gone out of its way to publicly announce its full alignment with anti-police advocates on this contentious political issue. It should also be noted that CCRB’s position of “full repeal” goes beyond what even the De Blasio administration has proposed.

As the foregoing makes clear, CCRB has once again shown itself to be unwilling and unable to satisfy its Charter mandate to conduct its duties “in a manner in which the public and the police department have confidence.” Rather, CCRB has become a politicized and biased body that has strayed far from its Charter mandate. CCRB must take immediate measures to rectify this situation, including by ceasing all political activism and adhering to the limitations that the Charter and other relevant laws and rules impose upon the agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Lynch". The signature is fluid and cursive, with a large initial "P" and "L".

Patrick J. Lynch

cc: Mayor Bill de Blasio
Police Commissioner James P. O’Neill
Richard Briffault, Chair of the New York City Conflicts of Interest Board

¹ Such advocacy includes, but is not limited to, multiple public statements, two of which were recently made on Twitter and are attached hereto as Exhibit A. The tweets in question – which state your support for full repeal and one of which was retweeted by the CCRB’s official account – are themselves problematic inasmuch as they entirely erase the line between a personal opinion and an official public statement made on behalf of a City agency. The Conflicts of Interest Board has expressly held that “[p]ublic servants, other than elected officials, who reference their City positions on personal social media accounts may not imply that they are speaking on behalf of the City or are invoking the authority of their City positions.” COIB Advisory Opinion 2017-1. Nonetheless, the tweets do precisely that: expressing a position impliedly made on behalf of the CCRB. Moreover, by using the tweet to set the agenda for an official CCRB Board meeting, you are expressly and unmistakably invoking your authority as Chair.

Exhibit A



Fred Davie (personal) @fdavie430 · Oct 24

Because of constraints of Civil Rights Law 50-a, @CCRB_NYC is limited in information it can provide about complaints and outcomes of investigations. I favor repeal. Full airing of all implications of 50-a change at CCRB November meeting.



NYPD, CCRB testify on repeal of law shielding cop records
Top NYPD and Civilian Complaint Review Board officials were finally allowed to weighed in Thursday on the law that keeps police personnel ...
[nypost.com](https://www.nypost.com)



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Retweeted by Fred Davie (personal)



NYC CCRB @CCRB_NYC · Oct 19

The CCRB's next board meeting will take place on Wednesday, November 13, 2019 from 6:30 PM to 8:30 PM at the Grand Street Settlement, 80 Pitt Street, New York, NY 10002.

Fred Davie (personal) @fdavie430 · Oct 19

Lots of discussion about 50-a. I personally support repeal. I'm proposing a public discussion at @CCRB_NYC Nov meeting.



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