



# DETECTIVES' ENDOWMENT ASSOCIATION, INC.

POLICE DEPARTMENT • CITY OF NEW YORK

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NYC Civilian Complaint Review Board

100 Church Street, 10th Floor

New York, New York 10007

September 30, 2021

## Re: Objections To, and Deficiencies During, Investigative Interviews

Dear Mr. Davie:

As you know, I am the President of the Detectives' Endowment Association, Inc. ("DEA"), which is the certified/recognized bargaining representative for all employees of the New York City Police Department ("NYPD") serving in the rank of Detective. I am writing to bring to your attention several issues vitally important to our membership involving both the conduct of interviews by CCRB Investigators, as well as the delay in resolving charges and specifications brought by CCRB's Administrative Prosecution Unit.

Initially, as you know, at the beginning of the COVID-19 pandemic, the Investigators in your office began conducting their interviews with the DEA membership virtually, via online platforms such as Microsoft Teams. Yet, a year-and-a-half later, with municipal workers back in their offices, there are still CCRB Investigators working from home conducting remote interviews of our members. This is unacceptable to the DEA for several reasons.

First, I have been apprised of numerous technological failures of the virtual platforms the Investigators in your office have been utilizing. Specifically, the connection between the DEA member and the Investigator conducting the interview often drops out, or the DEA member is prevented from entering the virtual interview room. These interruptions of service can last several minutes and can be easily remedied by on-site IT staff. However, more often than not, these interruptions last an hour or more, because your office does not always have the IT staff readily available and the causes for the service interruptions are not easily detectable, and/or fixable. In addition, these service interruptions have occurred multiple times throughout a single day. There are also numerous examples of interviews being delayed, forcing our members and

representatives to wait around because a computer is not available to conduct the interview.

These operational issues at your office cause DEA members to be taken away from their extremely important, public-safety duties of investigating crimes and bringing criminals to justice. An hour wasted waiting for your office to fix a computer issue is an hour wasted of a Detective who would be solving crimes, helping the victims of crimes, and keeping the City safe. Moreover, this inefficient use of our DEA members' time also carries with it operational and logistical problems within their respective commands, as some Detectives have to be removed from their regularly scheduled tours to accommodate your Investigators' schedules.

I am writing you to request that you direct your Investigators to conduct these interviews in-person at the CCRB offices, as it would result in more efficient use of the time of both the Investigators and the Detectives. Additionally, the return of in-person interviews would further the goal of the Mayor to have the City-wide workforce return to in-person activities.

Secondly, and very importantly, there are times when CCRB Investigators call in Detectives who they know were *not* present at an incident. Through a simple roll call check or view of other objective evidence, the CCRB Investigators are aware the Detective(s) summoned were either on vacation or simply not present at the scene of the incident, and this is a terrible waste of our members' valuable time and a waste of the City's resources. Calling our members down to CCRB, ostensibly to "just put that on the record," when they could make a finding based on the objective, documentary evidence, is inefficient and unnecessary.

Thirdly, I am informed that when your Investigators are conducting remote interviews, our members are often brought to a conference room which has objectionable material placed in view of our members. Specifically, there are framed press clippings celebrating the firing of Police Officer Daniel Pantaleo and mocking the statements of an NYPD Lieutenant made during that investigation. These are prominently displayed directly in front of our members when conducting the interview. We can only assume this is being done in an effort to intimidate our members when providing statements. At a minimum, it is disrespectful to all members of the Department. CCRB is statutorily charged with conducting unbiased investigations in a manner in which both the public

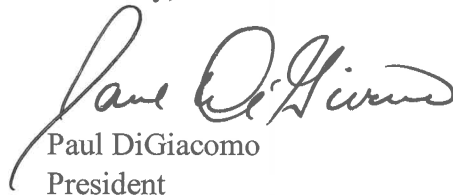
*and* the police can have confidence. This tactic makes a mockery of that mandate and furthers our members' belief that CCRB investigations are anything but fair and impartial.

Finally, we have received complaints from our members that CCRB is taking several years to take any action on cases in which they have been served charges and specifications. In the case of one of our Detectives (CCRB Case No.: 201507115), he was served by the CCRB with charges in 2018 involving an incident that occurred in 2015. Yet, nothing has happened on that case in over *three years*. How is this possible? There are numerous other examples of inexplicable delays in investigations. What has your Administrative Prosecution Unit been doing for the past eighteen (18) months? This is not a matter of funding and resources; it is a matter of your attorneys actually coming to work, as New York City Detectives have been doing since the first day of the pandemic, often at direct risk to themselves and their families. To bring charges against our members – which affects their careers and their reputations – and then essentially file them away for years is a terrible abuse of CCRB's power and we demand that you take steps to ensure a more timely resolution of these charges. Our members and fundamental fairness demands nothing less.

In the interim, while you investigate the operational deficiencies in your office, please feel free to contact me to discuss any questions you may have in connection with these issues.

Thank you for your prompt attention.

Sincerely,



Paul DiGiacomo  
President

PDG/sfk

CC: Jonathan Darche, Executive Director