

In Re Public Board Meeting NYC - Civilian Complaint Review Board
April 17, 2024

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CIVILIAN COMPLAINT REVIEW BOARD
PUBLIC MEETING
April 17, 2024
4:12 p.m.

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HELD VIA VIDEOCONFERENCE/
100 Church Street, 10th Floor
New York, New York 10007

B E F O R E:
ARVA RICE - INTERIM CHAIR
JONATHAN DARCHE, ESQ. - EXECUTIVE DIRECTOR

COURT REPORTER:
Sabrina Brown Stewart

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PUBLIC MEETING AGENDA

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1. Call to Order
2. Adoption of Minutes
3. Remarks from the Chair
4. Remarks from the Executive Director
5. Presentation from Outreach on the CCRB
6. Public Comment
7. Old Business
8. New Business
9. Adjourn to Executive Session

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CCRB BOARD MEMBERS PRESENT:

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1. Arva Rice - Interim Chair
2. Joseph A. Puma - Board Member
3. AU Hogan - Board Member
4. June Northern - Board Member
5. Herman Merritt - Board Member
6. Joe Fox - Board Member
7. Kevin Jemmott - Board Member
8. Pat Smith - Board Member
9. Charlane Brown-Wyands, Esq. - Board Member
10. Frank Dwyer - Board Member
11. Esmeralda Simmons, Esq. - Board Member
12. John Siegal - Board Member

PRESENTERS:

MAROUA RIGHI - Deputy Director of Outreach and Intergovernmental Affairs of the Civilian Complaint Review Board

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S P E A K E R S:
Royce Russell - NY Civil Rights Attorney
Chris Dunn - NYCLU, Legal Director
Michael Meyers - President, NY Civil Rights
Coalition
Mari Moss - Public Official
Ibrahim Ahmed - Civilian
Asma Abdallah - Civilian

1 MR. ROSE: Good evening, everyone.
2 Thank you for joining us. For those
3 utilizing ASL Interpretation Services, our
4 two interpreters today are Andria Lamberton
5 and Erika Agramonte. The display names are
6 on the screen as ASL Interpreter SignNexus
7 Andria, and ASL Interpreter SignNexus Erika.
8 For those utilizing -- if you'd like to get
9 captions for those videos, the instructions
10 will be in the chat.

11 Thank you all very much.

12 CHAIR RICE: Good evening and welcome.
13 My name is Arva Rice. I use she/her
14 pronouns, and I am the Interim Chair of the
15 Civilian Complaint Review Board. I would
16 like to call the CCRB's February (sic) Public
17 Board Meeting to order.

18 Would the Board please introduce
19 themselves now, and we will start with Pat.

20 MR. SMITH: Pat Smith, mayoral
21 appointee, Manhattan.

22 MR. HOGAN: AU Hogan, City Council
23 designee, South Jamaica, Queens.

24 MR. DWYER: Frank Dwyer, Police
25 Commissioner designee.

1 MR. MERRITT: Herman Merritt, City
2 Council designee from Brooklyn.

3 MS. BROWN-WYANDS: Good afternoon.
4 Charlane Brown-Wyands, Police Commissioner
5 designee.

6 MR. DARCHE: Good evening. My name is
7 Jon Darche. I use he/him pronouns, and I'm
8 the Executive Director of the CCRB.

9 MR. SIEGAL: John Siegal, I'm one of the
10 Mayoral appointees.

11 MS. SIMMONS: Esmeralda Simmons, Public
12 Advocate appointee from Brooklyn, New York.

13 MR. FOX: Hi. Joe Fox. I'm a Police
14 Commissioner designee.

15 MR. JEMMOTT: Good afternoon. I'm
16 Kevin Jemmott, Mayoral appointee from Queens.

17 CHAIR RICE: And we also have somebody
18 joining us.

19 Mr. Puma, would you introduce yourself,
20 please.

21 MR. PUMA: Good afternoon. My name is
22 Joseph Puma. I go by he/him pronouns, and
23 I'm the City Council designee from the
24 Borough of Manhattan.

25 CHAIR RICE: Thank you.

1 MS. NORTHERN: Good afternoon. June
2 Northern, Mayoral appointee from Brooklyn.

3 CHAIR RICE: Thank you, June.

4 I would like to ask for a motion to
5 approve the February Board Meeting minutes.

6 MS. BROWN-WYANDS: Move for the
7 approval of the February Board Meeting
8 minutes.

9 CHAIR RICE: And can I have a second.

10 MR. HOGAN: Second.

11 CHAIR RICE: Thank you.

12 Are there any changes or corrections to
13 the minutes?

14 (No response).

15 CHAIR RICE: If not, hearing none, all
16 those in favor of approving the minutes as
17 presented, say aye.

18 (Chorus of ayes).

19 CHAIR RICE: All those opposed?

20 (No response).

21 CHAIR RICE: The minutes are approved.

22 I would also like to ask for a motion
23 to approve the March Board Meeting minutes.

24 MS. BROWN-WYANDS: So moved.

25 CHAIR RICE: And can I have a second.

1 MS. SIMMONS: Second.

2 MS. NORTHERN: Second.

3 CHAIR RICE: Are there any changes or
4 corrections to the minutes?

5 (No response).

6 CHAIR RICE: Hearing none, all those in
7 favor of approving the minutes, say aye.

8 (Chorus of ayes).

9 CHAIR RICE: All those opposed?

10 (No response).

11 CHAIR RICE: The minutes are approved
12 as presented.

13 This past Sunday marked the five-year
14 anniversary of Kawaski Trawick's death at the
15 hand of Officers Thompson and Davis. Five
16 years ago, Mr. Trawick called 9-1-1 for help
17 to get back into his apartment. The Fire
18 Department came, helped him, and left without
19 incident. Officers Thompson and Davis
20 arrived minutes later, drove around the
21 block, took their time to find parking, and
22 spoke to the staff at the assisted living
23 facility that Mr. Trawick lived. The
24 officers knew it was a sensitive location,
25 and acknowledged that Mr. Trawick might be

1 classified as what NYPD calls an emotionally
2 disturbed person.

3 Officers Thompson and Davis walked up
4 to Mr. Trawick's floor, approached his door,
5 and a hundred and twelve seconds later,
6 Kawaski was on the floor, shot by
7 Officer Thompson three times. Officers Davis
8 and Thompson left Mr. Trawick on the floor,
9 closed the door and didn't call for help.
10 After Mr. Trawick was killed, the Bronx DA
11 determined they did not have enough evidence
12 to prosecute the officers for criminal
13 conduct.

14 The NYPD conducted its own internal
15 investigation, where they interviewed the
16 officers for less than 30 minutes and did not
17 ask them any questions about the footage in
18 question. When the officers made misleading
19 statements that did not match the footage,
20 nothing was done. They failed to find any
21 misconduct by either officer.

22 The CCRB received a complaint and
23 requested evidence and body-worn camera
24 footage from NYPD, but did not receive
25 anything for over 18 months. Despite the

1 interference, the CCRB investigation
2 established that both officers improperly
3 entered Kawaski's home, that Officer Thompson
4 improperly tased Mr. Trawick, that
5 Officer Thompson improperly shot Mr. Trawick
6 four times, and that both officers failed to
7 get Mr. Trawick medical attention, while they
8 left him dying on the floor of his apartment.
9 The NYPD's refusal to release the evidence in
10 this matter meant that when the CCRB's
11 prosecutors file charges against Mr. Trawick,
12 they had to use the crime exception to the
13 statute of limitations. Using the crime
14 exception imposed added requirements on the
15 prosecution, which Executive Director, Jon
16 Darche, will explain in more detail shortly.

17 In addition to having to prove that the
18 officers violated the NYPD Patrol Guide, we
19 had to prove that they broke criminal law.
20 Our talented and dedicated prosecutors rose
21 to the challenge, and they did just that.
22 But the NYPD trial commissioner, who presided
23 over this case, blamed the CCRB for the
24 delays in this case, and refuse to hold the
25 officers accountable. She did, however,

1 concede that the NYPD investigation ignored
2 sections of the Patrol Guide and left her
3 with disquieting questions about how they
4 could have cleared the officers' conduct.

5 This past Friday, just before the fifth
6 anniversary of Kawaski's death, the NYPD
7 announced the police commissioner's decision
8 to endorse the trial commissioner's flawed
9 recommendation. The Trawick family was not
10 informed of the decision in advance, and
11 heard the decision through the media. Had
12 NYPD conducted a legitimate investigation and
13 held their officers accountable, Kawaski's
14 family could have avoided the last five years
15 of fighting for justice, and would not have
16 had to sit through a trial, watching their
17 son being killed over and over again.

18 To their credit, the NYPD recognized
19 that their delays in this case were
20 obstructing the disciplinary process and many
21 other investigations, and both agencies
22 agreed to a policy which limited the NYPD to
23 90 days to respond to the CCRB's request for
24 evidence. While this MOU is an excellent
25 start, it is not enough to ensure that we

1 have comprehensive police accountability.

2 Last month, Executive Director Darche
3 and I testified before the City Council, and
4 we asked for a historic 37.7 million budget
5 for the CCRB. The CCRB has been chronically
6 underfunded since its inception. In the last
7 several years, the Board, the City Council,
8 and people of New York have voted to expand
9 the CCRB's jurisdiction and increase its
10 responsibilities. This included
11 investigating racial profiling and bias-based
12 policing, body-worn camera misuse, sexual
13 misconduct, untruthful statements and more.
14 Instead of receiving more funds to hire the
15 investigators and secure the resources we
16 need to complete these cases efficiently in a
17 timely manner, we face budget cuts. For the
18 first time, the CCRB has not had a sufficient
19 budget to investigate allegations within its
20 jurisdiction.

21 I would like to thank the City Council,
22 who last week publicly supported the CCRB's
23 request for a \$5 million increase. We hope
24 that the Office of Management and Budget will
25 support the CCRB and the City Council to

1 ensure that all components of public safety
2 are adequately funded in the City. For
3 people to trust in the police, they must have
4 faith that there's a system that holds police
5 officers responsible for misconduct. The
6 CCRB is an unbiased, independent civilian
7 voice in the police disciplinary system, and
8 failing to adequately fund the CCRB
9 shortchanges public safety in the City.

10 I will now pass it to Executive
11 Director, Jonathan Darche, who will explain
12 the crime exception rule in more detail.

13 Jon.

14 MR. DARCHE: Thank you, Chair.

15 The crime exception to the statute of
16 limitations is often misunderstood. I'm
17 going to attempt to explain it to you all
18 now.

19 New York State Civil Service Law
20 Section 75 establishes the statute of
21 limitations for disciplinary actions against
22 members of the NYPD as 18 months from the
23 date of the incident. The only exception to
24 this is also found in Section 75, "Such
25 limitations shall not apply where the

1 incompetency or misconduct complained of and
2 described in the charges would, if proved in
3 a court of appropriate jurisdiction,
4 constitute a crime." We refer to that
5 language as the crime exception to the
6 statute of limitations.

7 When the CCRB brings charges under the
8 crime exception, it adds to the CCRB's burden
9 as the Agency must prove the elements of a
10 crime that constitutes the alleged
11 misconduct. This also means the CCRB must
12 disprove the defenses available to that
13 crime. What doesn't change is the burden of
14 proof, which is a preponderance of the
15 evidence, more likely than not. In criminal
16 court, the burden of proof is beyond a
17 reasonable doubt.

18 I'm going to focus on a single
19 specification from the trial against the two
20 officers who killed Kawaski Trawick.
21 Specification 6, against Police Officer
22 Thompson, to illustrate how the crime
23 exception works, Specification 6 alleges that
24 Police Officer Brendan Thompson, on or about
25 April 14, 2019, at approximately 2300 hours,

1 while assigned to the 46th Precinct and on
2 duty in the vicinity of 1616 Grand Avenue,
3 Bronx County, wrongfully used force in that
4 with intent to cause physical injury to
5 Kawaski Tyrone Trawick, Officer Thompson
6 caused such injury by intentionally firing a
7 dart from a conducted electrical weapon into
8 Kawaski Tyrone Trawick without police
9 necessity.

10 If you were to have the charges in
11 front of you, you would note that the CCRB
12 listed the appropriate Patrol Guide sections
13 221-08, Use of a Conducted Electrical Weapon,
14 and 221-02, Use of Force, underneath that
15 particular specification. The CCRB also
16 listed Penal Law Section 120.05, assault in
17 the second degree, subsection two; "A person
18 is guilty of assault in the second degree
19 when: With intent to cause physical injury
20 to another person, they cause such injury to
21 such person or to a third person by means of
22 a deadly weapon or a dangerous instrument."

23 The CCRB presented evidence that proved
24 every element of assault in the second
25 degree. Article 10 of the New York State

1 Penal Law defines physical injury as
2 impairment of physical condition or
3 substantial pain. A Taser, or a conducted
4 electrical weapon, delivers 50,000 volts of
5 electricity into a person's body. It
6 overrides a person's central nervous system
7 and causes uncontrollable muscle contraction.
8 The preponderance of the evidence, based upon
9 our knowledge of what a Taser does, and
10 Mr. Trawick's reaction to being shot with the
11 Taser on the body-worn camera footage of
12 Police Officer Thompson, indicates that this
13 action caused Mr. Trawick substantial pain.

14 New York State's Penal Law definition
15 of a deadly weapon does not include Tasers,
16 but the Penal Law defines a dangerous
17 instrument as "any instrument, article or
18 substance, including a vehicle which, under
19 the circumstances in which it is used, is
20 attempted to be used, or is threatened to be
21 used, is readily capable of causing death or
22 other serious physical injury." We already
23 determined a Taser can cause physical injury,
24 but can it cause death or serious physical
25 injury? New York State Penal Law defines a

1 serious physical injury as one that "creates
2 a substantial risk of death, or which causes
3 death, or serious and protracted
4 disfigurement, protracted impairment of
5 health, protracted loss or impairment of the
6 function of any bodily organ."

7 Between 2010 and 2021, more than 500
8 people in the United States were killed by
9 police officers using Tasers. The NYPD
10 Patrol Guide also states the following about
11 Tasers; "Members should consider that the
12 exposure to the CEW for longer than 15
13 seconds, whether due to multiple applications
14 or continuous cycling, may increase" --
15 increase -- "the risk of death or serious
16 injury." If prolonged use of the Taser
17 increases the risk of death, that implies the
18 regular use carries with it a risk of death.
19 Put more plainly, if a vehicle can be a
20 dangerous instrument, then clearly a Taser is
21 a dangerous instrument.

22 Finally, Respondents have the
23 opportunity to use all defenses available to
24 them under the Penal Law. In the trial
25 commissioner's decision, they stated that the

1 Respondents could invoke the justification
2 defense under Penal Law Section 35.15 (1).
3 The justification defense reads, "A person
4 may use physical force upon another person
5 when and to the extent he or she reasonably
6 believes such to be necessary to defend
7 himself, herself or a third person from what
8 he or she reasonably believes to be the use
9 or imminent use of unlawful physical force by
10 such other person, unless; the latter's
11 conduct was provoked by the actor with the
12 intent to cause physical injury to another
13 person; or the actor was the initial
14 aggressor; except in such case the use of
15 physical force is nevertheless justifiable if
16 the actor has withdrawn from the encounter
17 and effectively communicated such withdrawal
18 to such other person but the latter persists
19 in continuing the incident by the use or
20 threatened imminent use of unlawful physical
21 force."

22 The fact that Police Officer Thompson
23 is a member of the NYPD does not eliminate
24 the initial aggressor exception to his
25 eligibility or the justification defense.

1 Let's examine the evidence presented at
2 trial; Police Officer Davis and Police
3 Officer Thompson entered Mr. Trawick's home
4 in an assisted living facility for
5 individuals with mental health challenges.
6 Mr. Trawick was cooking in his studio
7 apartment and was holding a knife when the
8 officers entered his apartment. Almost
9 immediately upon entering the apartment,
10 Police Officer Thompson drew his Taser.

11 Mr. Trawick made no threats, but Police
12 Officer Thompson hit him with the Taser.
13 Mr. Trawick made no motion toward the
14 officers to suggest he was about to use
15 physical force, but Police Officer Thompson
16 hit him with the Taser. Mr. Trawick was not
17 physically resisting either Police
18 Officer Thompson or Police Officer Davis, but
19 Police Officer Thompson decided to put
20 50,000 volts of electricity into Mr. Trawick.

21 Mr. Trawick genuinely had no idea why
22 the police were there because the Fire
23 Department had already resolved the issue
24 that had caused him to called 9-1-1. And
25 rather than take the time to explain what had

1 happened, Police Officer Thompson hit him
2 with the Taser. Police Officer Thompson
3 completely ignored the de-escalation training
4 given by the Department and the requirements
5 of the Patrol Guide when he fired the Taser
6 at Mr. Trawick. Even the trial commissioner
7 in her decision referred to police officer's
8 decision to fire the Taser as tactically
9 premature. Police Officer Davis testified he
10 would not have fired his own Taser at
11 Mr. Trawick. And, in fact, Police
12 Officer Davis did not fire the Taser. All of
13 those factors point to the fact that Police
14 Officer Thompson was the initial aggressor.
15 It is clear that the preponderance of the
16 evidence rebuts the Respondents' claim that
17 the use of the Taser was justified.

18 The CCRB is committed to making as much
19 of the material from the trial as possible
20 available on our website, so that the public
21 can review the matter, review the evidence
22 and determine whether or not Police
23 Officer Thompson was guilty of
24 Specification 6. The public will be able to
25 make their own determination whether Police

1 Officer Davis and Police Officer Thompson
2 committed misconduct by a preponderance of
3 the evidence, and the public will be able to
4 determine whether justice was served.

5 CHAIR RICE: Does the Board have any
6 questions?

7 Oh, I'm sorry. Did you make your --

8 MR. DARCHE: I can answer questions
9 about that, and then I'll finish up.

10 CHAIR RICE: Okay. Does the Board have
11 any questions?

12 MR. SMITH: Is there any further course
13 of action to be taken here?

14 MR. DARCHE: I don't believe so. I
15 think the family might have their own civil
16 case, but there's nothing that the City can
17 do now.

18 MR. SMITH: Is there anything for this
19 body to be doing here?

20 MR. DARCHE: No.

21 MR. SMITH: Okay.

22 MR. DARCHE: Well, we'll be making the
23 materials available on our website.

24 MR. SMITH: And what is the point of
25 making those materials available if there is

1 no course of action for this body to
2 undertake?

3 MR. DARCHE: So, I think under our
4 procedures, we're trying, since Civil Rights
5 Law 50a has been repealed, to make as much
6 information about what our investigations
7 determine public. And so, now that the
8 matter is closed, that's what we'll do. It's
9 not -- we're not treating this case special.

10 MR. SMITH: Okay.

11 MR. HOGAN: What does that mean, with
12 that last thing, that we're not treating this
13 case special?

14 MR. DARCHE: We're not making an
15 exception to the -- making the materials
16 public.

17 MR. HOGAN: Okay.

18 MR. DARCHE: This is what we did.

19 MR. HOGAN: Okay. Was there a
20 possibility to refile this under racial bias
21 or prejudicial policing at the time when --
22 Trawick is/was a young black man, correct?

23 MR. DARCHE: Yes.

24 MR. HOGAN: And when they -- 'cause I
25 believe that the approach inside the

1 apartment would have been a lot different if
2 he was not a young black man. And so, if we
3 can't go forward with what we went forward
4 with already, could we look at it another
5 way? Because it seems to be such an
6 injustice to the family; one, that it's been
7 five years; and two, the way they found out
8 about it. And if there's any way that we
9 could -- I don't know why the federal
10 government has not looked at this cases, you
11 know?

12 And so, is there any way that we can
13 look at charging these police officers from
14 this Board through bias policing and racial
15 profiling?

16 MR. DARCHE: The staff and I have
17 discussed that. We have not seen an angle
18 where that is possible, but we can revisit
19 and report back to the Board on that
20 question.

21 MR. SMITH: Following up on AU.

22 Is it possible that this Board votes to
23 call on the Justice Department to pursue a
24 civil rights investigation here, as they have
25 done in other cases around the country? When

1 the local municipalities have acted
2 inappropriately or failed to act, the Justice
3 Department steps in and revisits this as a
4 civil rights violation. Can this Board go on
5 the record as calling on the Justice
6 Department to do that? Something that we are
7 actually doing something, to express our
8 obvious disagreement with what the City has
9 done here --

10 MR. HOGAN: And if not, why not?

11 MR. SMITH: -- I'm not a lawyer. I
12 don't --

13 MR. HOGAN: Excuse me.

14 MR. DARCHE: The truth is, I would want
15 to do more research and get the general
16 counsel's feedback on that, to make sure I'm
17 giving the Board accurate information. I
18 don't have an answer right now.

19 MR. HOGAN: 'Cause, Jon, I don't want
20 it to set a particular precedent that these
21 things aren't anomalies. I mean, these
22 things, if they're accepted once, then they
23 reoccur.

24 And so, how do we make sure that these
25 things don't reoccur, you know, in this

1 municipality?

2 MR. SMITH: Right.

3 MR. HOGAN: That definitely was
4 erroneous and then looking at the case, it
5 definitely was lethargic, the time that it
6 took for them to even consider because of all
7 the things that I was hearing, you know,
8 through the case as it was going on, that
9 NYPD took as long as they wanted to even look
10 at the case. And then, by the time it get to
11 the case, we almost can't fight for this
12 young man, and his family, who lost his life
13 senselessly.

14 MR. DARCHE: I hear what you're saying,
15 AU, and I will talk with the general counsel
16 and get a -- actually, informed legal
17 opinion, rather than making one up right here
18 on the spot.

19 MR. HOGAN: Thank you.

20 CHAIR RICE: Jon, would you mind
21 restating what we've done with the memo with
22 the Police Department?

23 MR. DARCHE: So, at the end of last
24 year, the CCRB entered into a memorandum of
25 understanding with the NYPD, so that when we

1 make a request for evidence, that in a matter
2 that is being investigated by the Force
3 Investigations Division, or FID, which is
4 the -- generally investigates the most
5 serious uses of force by members of the NYPD.
6 In the past, CCRB would have to wait until
7 the investigation was completely concluded,
8 that the police commissioner had signed off
9 on that investigation, before CCRB could get
10 the paperwork in that matter. But pursuant
11 to the MOU, within 90 days of us making a
12 request now, the Department will provide us
13 with the evidence that they're in possession
14 of and that we've requested, and the
15 Department is treating those requests as
16 ongoing.

17 And so, if we make a request in an
18 investigation for evidence and at the time we
19 request that evidence it's not in the
20 Department's possession, but it gets into
21 their possession, they're going to provide it
22 to us. I should have the exact numbers, but
23 I believe there were 33 investigations where
24 we have made requests for evidence pursuant
25 to the MOU since it was signed, and only two

1 of them are past 90 days, and one of them was
2 partially responded to, and the other one
3 on -- the last time I got an update, it was
4 on day 90, and the Department, the NYPD
5 Legal, had the materials and were copying
6 them and preparing them to come to us. So, I
7 think that the MOU we've entered into is
8 working. And so, hopefully, things -- there
9 will not be investigations that are hampered
10 in the same way that the investigation into
11 the officers in this matter was hampered.

12 MR. SMITH: Good commendation to you
13 and whatever staff were involved in achieving
14 that result.

15 CHAIR RICE: Are there any other
16 questions or comments from the members of the
17 Board?

18 MR. HOGAN: Yes, I have one.

19 CHAIR RICE: Uh-huh.

20 MR. HOGAN: It's like this -- it is
21 great that this happened, but it's like
22 almost on the back of this young man. And I
23 think, you know, if the MOU becomes a
24 particular moral contract, it's not a
25 contract that is being recognized and being

1 with respected, we're not going to be able to
2 have any kind of authenticity without
3 autonomy. And it's very important that we
4 look at this and say -- 'cause I don't know
5 how everyone else feels, but I almost feel
6 like in a vulnerable spot in being a member
7 of this board, and that atrocious act seems
8 so regular.

9 And if we don't have the ability to
10 find some -- I don't want to use "wobble
11 room," because it sounds too light in this
12 case, but finds a way to identify what is a
13 proper way to fight when we know that they're
14 playing games; that's all.

15 Thank you.

16 CHAIR RICE: Thank you.

17 MR. DARCHE: Can I just give some
18 ground rules --

19 CHAIR RICE: Sure.

20 MR. DARCHE: -- for the rest of the
21 meeting?

22 CHAIR RICE: Absolutely.

23 MR. DARCHE: Just a few administrative
24 reminders. Our office is open for walk-in
25 complaints. It is also possible to file

1 complaints online at nyc.gov/ccrbcomplaint,
2 by telephone at 1(800)341-2272, or by calling
3 3-1-1. If anyone online or here wishes to
4 file a complaint right now, we have three
5 investigators on hand ready to take
6 complaints; Julian Bevins, Emma Stydahar, and
7 Rob Bryan, and also a member of our Civilian
8 Assistance Unit, Ivonne Torres.

9 And then, just some ground rules for
10 the rest of the meeting: We're going to
11 limit comments to four minutes, whether
12 you're here or online. If you're going to
13 join online and want to participate, please
14 use the raise-your-hand feature, and we will
15 get to you.

16 And that's all I got, Madam Chair.

17 CHAIR RICE: Thank you.

18 We're going to hear a presentation from
19 our Deputy Director of Outreach and
20 Intergovernmental Affairs, Maroua Righi.

21 MS. RIGHI: Good afternoon. My name is
22 Maroua, and I'll be giving a brief
23 presentation.

24 So, the CCRB is the nation's largest
25 independent oversight entity over the largest

1 police force in the country. The CCRB
2 investigates, mediates, and prosecutes
3 complaints of misconduct against members of
4 the NYPD. The Agency is governed by a
5 15-member board with five seats appointed by
6 the Mayor, five appointed by the New York
7 City Council, three designated by the Police
8 Commissioner, one appointed by the Public
9 Advocate, and lastly, the Chair is appointed
10 jointly by the Mayor and City Council.

11 So, the CCRB investigates abuses of
12 force, authority, discourtesy, and offensive
13 language. So, there is an important update
14 that we want to share with everyone. As of
15 on September 9, 2023, the Office of
16 Management and Budget announced citywide
17 budget cuts. So, as a result, the CCRB is no
18 longer able to fully investigate certain
19 cases within its jurisdiction. After careful
20 consideration, effective January 1, 2024, the
21 CCRB suspended investigating the following:
22 Failure to provide the Right to Know Act
23 cards with no other allegations; refusal to
24 provide name or shield number with no other
25 allegations; discourteous words or actions

1 with no other allegations; threats with no
2 other allegations; refusal to process a
3 civilian complaint with no other allegations;
4 property seizures with no other allegations;
5 forcible removal to hospital with no other
6 allegations; untruthful statements with no
7 other allegations; and lastly, any complaints
8 that has only the above-referenced
9 allegations.

10 The CCRB will resume investigating
11 these cases as soon as the City allocates
12 sufficient funding to do so. If a complaint
13 contains one of the above allegations, in
14 addition to other allegations that still fall
15 within CCRB jurisdiction, every allegation in
16 the complaint will still be investigated.
17 So, if a person would like to file a
18 complaint or report police misconduct, you
19 can do so by visiting our website
20 nyc.gov/ccrbcomplaint. You can also call the
21 CCRB at 1(800)341-CCRB. And remember, if you
22 see footage of misconduct on social media or
23 in the news, you can still file a complaint,
24 even if you weren't there in person.

25 There are additional ways to file a

1 complaint, so you can call our hotline, you
2 can call 3-1-1, you can visit us at our
3 office. We are located at 100 Church Street,
4 New York, New York 10007. You can file a
5 complaint on our website again at
6 nyc.gov/ccrbcomplaint. You can also DM us on
7 social media. We have the same username;
8 CCRB_NYC on Facebook, Twitter and Instagram.
9 You can also mail a complaint in to our
10 office at the same address.

11 You can also file a complaint at your
12 local precinct. NYPD is required to accept
13 CCRB complaints at any precinct. And you can
14 request a complaint form and a postage-free
15 envelope. If anyone would like to request a
16 CCRB presentation, you can reach out to us at
17 outreach@ccrb.nyc.gov, and please be sure to
18 follow us on social media, again, Instagram,
19 Twitter, and Facebook, same username,
20 CCRB_NYC.

21 Any questions?

22 (No response).

23 CHAIR RICE: Does the Board have any
24 comments or questions?

25 (No response).

1 CHAIR RICE: All right. Seeing none,
2 thank you so much.

3 MS. RIGHI: Thank you.

4 CHAIR RICE: We will now enter the
5 public comment portion of the meeting, and we
6 will begin with those joining us virtually,
7 who would like to make a comment, followed by
8 those who are joining us in person. For
9 those joining virtually, we please ask that
10 you use the raise-the-hand feature, and keep
11 your comments to four minutes, as you heard
12 before.

13 Okay. Jahi, would you please call on
14 the first person.

15 MR. ROSE: We'll be hearing from Royce
16 Russell.

17 MR. RUSSELL: Thank you for today's
18 meeting. I would say, as the attorney for
19 the Trawick family, I can appreciate the
20 comments that were made here today. Once I
21 heard the make up of what the Board was or
22 what the Board is, I would say that mostly I
23 was disappointed in that it was appointments
24 by the Mayor and the City Council and the
25 Public Advocate, and not really anyone from

1 the community, such as members of the Justice
2 Committee or Until Freedom or Justice NYC.
3 However, hearing the comments that were made
4 in reference to this tragedy, I was
5 encouraged that despite titles and despite
6 appointments, that this board is trying to
7 get to the heart of the matter of the lack of
8 humanity and the lack of justice in this
9 particular case.

10 I've been doing this for a very long
11 time, fighting for those that have been
12 subject to excessive force and wrongful death
13 in New York City, and at a time where I can
14 tell you the CCRB really didn't have any
15 bite, and that has changed. And I can see
16 the bite and I can see the effort, and I
17 commend this current staff for doing almost
18 the impossible, really fighting a fight with
19 one arm tied behind their back, and that
20 being their best arm.

21 It is not beyond the community at large
22 that Internal Affairs would come back with a
23 decision, or the Use of Firearm Committee or
24 whatever title you want to give the internal
25 mechanisms of the Police Department, would

1 come back with no finding against their own.
2 It's the only organization that I'm aware of
3 where those who are police officers have to
4 judge themselves. And how does that work out
5 when you can see the internal conflict? It
6 is also a conflict to see the DA's Office
7 play a role in this. But I think the
8 community and, in particular, the Trawick
9 family, has been prepared and has been
10 climbing up that hill, understanding that
11 justice may not be in the forefront of this
12 administration or at least the hearing
13 officer's tablet, and that something like
14 this could happen.

15 What they weren't prepared for, as we
16 look at MOUs and Memorandums Of Understanding
17 of what will happen in reference to the
18 statute of limitations of getting evidence is
19 that maybe we could look at a humanity MOU,
20 which clearly states that when a decision is
21 going to happen, that the family is afforded
22 some time and space to have an understanding
23 of what the decision would be, what the
24 decision may be, and not just have CCRB try
25 to figure that out and try to be a conduit or

1 a liaison to ease the pain of families that
2 suffer the death of a loved one by the hands
3 of the police; that is something that needs
4 to be looked into.

5 Moreover, when I heard the comments of
6 what can this board do? How much can this
7 board play a role in showing its
8 dissatisfaction with the rubber stamp that we
9 have seen throughout history and continues
10 today? Where we know that there was
11 infractions and there were violations of
12 Patrol Guide procedures, where we know there
13 was infractions and violations of just
14 training concerning the emotionally
15 disturbed, and just basic training of
16 de-escalation and safety and isolation and
17 conversation, rather than barking orders to
18 an individual when we know that there was
19 really no threat of violence.

20 Because you wouldn't be laughing as you
21 take the elevator upstairs to approach the
22 individual for where there is an issue, and
23 where we know that there was no exigent
24 circumstances when you are responding to, at
25 worse, a misdemeanor, and at the very least,

1 an harassment call. And we know that the
2 FDNY was present with this individual, and
3 so, therefore, he was no threat to those
4 individuals, so why would he be a threat to
5 you?

6 There is something that is
7 systematically wrong with the lack of
8 humanity in this particular case. But what
9 the Board can do or can think about is making
10 its own statement and making a statement loud
11 and clear by way of the press and by way of
12 print of its dissatisfaction, of its lack of
13 understanding how someone can come to this
14 conclusion, given the facts that were
15 presented. And when, if ever, will the
16 Police Department, and the internal
17 mechanisms for which it works, will hold
18 their own accountability, and speak to the
19 fact that police officers have the ability to
20 resign just before a decision is made one way
21 or the other, and how they get the inside
22 call before everybody else gets a chance to
23 have an understanding of what has taken
24 place, which leads to the lack of
25 transparency among the folks in the

1 community.

2 I'm going to do my part. The people in
3 the community, the Bronx community, is going
4 to hear about this case by way of litigation,
5 and they'll make the determination how much
6 the City will have to pay one way or the
7 other in reference to this man losing his
8 life for no apparent reason. And they'll be
9 the judge of how incestuous the protocol and
10 the procedures within the Police Department
11 can yield the result where we now change the
12 standards to a criminal standard as to
13 whether or not these police officers should
14 be punished, versus an administrative
15 standard, which is whether or not this young
16 man would still be alive had they followed
17 the police Patrol Guide.

18 Once again, I commend Jon and his
19 staff, Attorney Applewhite for fighting a
20 good fight and his staff. There is faith in
21 the CCRB, from my perspective, that there is
22 bite with the bark. But there's a hill to be
23 climbed, and if the Board could make this
24 statement and make this statement loud and
25 clear, that will be helpful. And we all

1 know, as board members, we have networks and
2 we have insight to those that are within the
3 power structure, that can try to make this
4 family whole in some shape, form or fashion,
5 and we ask that you use all your power to do
6 that, given the lack of respect and the
7 disrespect and the lack of humanity shown to
8 this family.

9 So, thank you for my time, and I
10 appreciate the opportunity to speak on behalf
11 of the Trawick family, on behalf as the
12 family attorney to this tragedy.

13 CHAIR RICE: Thank you, Mr. Russell,
14 for your comments. Once again, our
15 condolences to the Trawick family. Thank you
16 for the strong recommendation for us to make
17 a statement, which we made the initial
18 statement when the decision was made on
19 Friday evening, but we will revisit that as
20 well. And I also wanted to also thank the
21 incredible staff at the CCRB for their work
22 on this case and the continued work that they
23 do, the hours that they spend and dedicate.

24 And to this board, we all introduced
25 ourselves by saying who our confirmation is

1 from, but this group also represents folks
2 who are leadership coaches, who are
3 educators, who are attorneys, who are social
4 justice advocates, and so that is who also
5 makes up this grouping of people.

6 So, I wanted to say that before I ask
7 Jon if he wanted to add anything in the
8 comments?

9 MR. DARCHE: No.

10 CHAIR RICE: Okay. Thank you.

11 Any other members of the Board?

12 (No response).

13 CHAIR RICE: All right. Jahi.

14 MR. ROSE: Next, we will be hearing
15 from Chris Dunn.

16 MR. DUNN: Arva, can you hear me? I'm
17 sorry. Can you hear me?

18 CHAIR RICE: Yes, we can hear you.

19 MR. DUNN: Good afternoon, everyone.
20 For those who don't know me, I'm Chris Dunn.
21 I'm the legal director of the NYCLU. I also
22 want to speak to the Trawick conversation and
23 start by expressing my appreciation that the
24 Board is discussing it. There have been too
25 many meetings, in my view, recently where

1 there has not been much substantive
2 discussion, so I'm very pleased to hear this
3 discussion, as tragic as the topic is. And I
4 think the question of what more the Board can
5 do is an important question. I think the
6 Agency gets enormous credit for what you have
7 done so far in this case, but there is more
8 to be done, starting with today.

9 And Arva, I think that your comments
10 are an important starting point. I also
11 think the notion about the CCRB making a
12 request of the Department of Justice is a
13 terrific suggestion. It's a bold suggestion.

14 Jon, I'm not quite sure what you meant
15 by asking Matt about his legal opinion about
16 this, but I certainly want to encourage the
17 Board of that. I think there are two things
18 that are going on here; the first is the
19 question about the Department choosing not to
20 discipline these officers, that raises
21 obvious and serious questions; and the
22 Department has a terrible track record in
23 cases like this. Daniel Pantaleo having been
24 Exhibit A, and this is now a close second.
25 But beyond that, there's the question about

1 this took five years, and on a Friday night,
2 they announced their decision.

3 And whatever one may think about the
4 merits of a particular prosecution or
5 disciplinary action, the way the Department
6 approaches these things is very important.
7 The very fact that the process is flawed and
8 completely undermine the legitimacy of the
9 decision, whatever the decision is. And I
10 know the police representatives on the Board,
11 I can guess what your views are about the
12 substantive decision. I think it was Frank
13 who was asking the question. I'm sorry. I
14 couldn't quite tell.

15 But I would like to hear what the
16 police representatives think about the
17 process here, and I would like to hear what
18 the police representatives have to say about
19 why it's defensible or appropriate for the
20 Department to have taken five years to decide
21 this. Because I think that while there are
22 many people who are upset, and rightly upset,
23 about the ultimate decision, I think almost
24 everybody will be asking questions about the
25 process and how in the world it could have

1 taken five years. What does that mean about
2 the Department's approach to this? And what
3 does this mean about the Department's actual
4 interest in accountability?

5 So, I would like to hear from the
6 police representatives about their views
7 about why it would have taken five years to
8 come to this decision. And I want to urge,
9 again, the suggestion that the Board make a
10 request to the Department of Justice to have
11 a look at this case.

12 Thank you.

13 CHAIR RICE: Thank you, Mr. Dunn. I
14 appreciate that, and I wanted to see if the
15 police representatives did want to make a
16 comment, or if you all wanted to -- go ahead,
17 Frank, please.

18 MR. DWYER: Am I on? Yeah.

19 The only comment I can make without
20 having a chance to go back and go through the
21 record -- I don't remember.

22 Jon, maybe you remember. When did we
23 look at this case? Was it a year and a half
24 ago? I just -- I remember going through the
25 case, but I just can't remember the time and

1 date. The one thing I will say from
2 experience is that it's long been the policy
3 to wait for the prosecutors in the individual
4 boroughs or the federal prosecutors to finish
5 their work before proceeding. And Mr. Dunn,
6 you're certainly, as a member, you know, as
7 an attorney, understand why that is. Without
8 having the chance to go through the record
9 and -- I can't speak to the specific, but
10 certainly in a lot of these cases, they wait
11 until the prosecutors say, "We have completed
12 our review. We have no objection to the
13 Police Department proceeding."

14 CHAIR RICE: Charlane, did you want to?

15 MS. BROWN-WYANDS: Yeah. I think I can
16 echo what Mr. Dwyer said, and again with not
17 having been a member of the Board during the
18 time this case was investigated, and also not
19 knowing all of the reasons why there were
20 delays. Some of the delays do relate to
21 referrals to other agencies. That does not
22 excuse other delays, but again, until there's
23 a complete review of the record, I can't
24 really speak to the delays. But I think the
25 Board has spoken when it relates to this

1 Board's position about delays that are
2 unnecessary.

3 MR. DARCHE: So, just to answer
4 Mr. Dwyer's question, Mr. Trawick was killed
5 on April 14, 2019. The Board voted in June
6 of 2021, but our investigation only lasted
7 five months, so we probably were finally
8 given the evidence we needed to conduct our
9 investigation in January of 2021.

10 CHAIR RICE: Unless anyone has any
11 other questions, I'm going to go ahead and
12 ask Jahi to call on the next person.

13 MR. ROSE: There are no more hands
14 raised for the public comment section online,
15 so that will conclude public comment online.

16 CHAIR RICE: Thank you.

17 For those joining us in person and
18 interested in making a public comment, if you
19 could please line up behind the podium, and
20 we're going to ask you to please keep your
21 comments to four minutes.

22 MR. MEYERS: I'm Michael Meyers,
23 president, New York Civil Rights Coalition.
24 I am -- first of all, I want to say that a
25 month or so ago, I was with the mayor. I'm

1 very rarely with the mayor. I don't like
2 him, for the record. But this was an
3 anti-Semitism rally, he showed up to speak.
4 He spoke for more than three or four minutes,
5 I could tell you that. So, in the short time
6 that I have, I didn't have the time or the
7 inclination to speak to him then about the
8 acting Chair.

9 What is the delay in getting a
10 permanent Chair of the CCRB? I think -- you
11 know, I shouldn't say this because I'm
12 nonpartisan. I shouldn't say this, but I
13 think your acting Chair has been doing a
14 terrific job. So, if you're going to be
15 doing anything today, how about sending a
16 letter to the mayor, saying "What's the delay
17 in appointing a permanent Chair to the CCRB?"
18 This is important to the public, not just to
19 this committee, and not just to the Chair.
20 So, I want to briefly say in my passing time
21 that I recommend excellence as a rating for
22 our Chair, acting Chair, as well as for the
23 executive director.

24 What you continue to do here is beyond
25 me. I don't understand the courage, and I

1 don't know courage, but your courage, given
2 the political situation in this City, and
3 given the power of the Police Department to
4 stand up for themselves. But nobody is
5 speaking up for us, for the public, other than
6 this Board. And this Board is already at
7 least partially divided. I mean, how can
8 Chris Dunn call upon the Police
9 representatives? You're not the police
10 representatives on this body. Yeah, you're
11 appointed to the body by the Police
12 Commissioner, but you're the representative of
13 the People. This is the Civilian Complaint
14 Review Board, "civilian complaint." So, you
15 know, we don't care about the Police
16 Department's viewpoint, and I'm disgusted that
17 the Legal Director of the NYCLU should think
18 that you have a different point of view in
19 terms of your public responsibility as a
20 member of this committee, this board.

21 CCRB, I recommend again that the CCRB
22 understand what's going on in the streets. I
23 don't ever hear anything about what's going on
24 on the subways, the streets, the marches, the
25 rallies. There's nobody in the CCRB

1 there. There used to be. CCRB used to
2 represent, like the NYCLU representatives,
3 used to come to the rallies and marches and
4 wear their bands, so there would not be
5 disgraceful, disrespectful conduct on the
6 part of the Police Department towards the
7 protesters and demonstrators.

8 So, I suggest that CCRB reintroduce
9 going to these rallies, going to these
10 marches, so there can be control on the
11 street corners, and on the sidewalks, and in
12 the subways, there should be some control,
13 some monitoring, some surveillance of the
14 Police Department by you guys, not just the
15 civil rights community, because nobody listen
16 to us anymore. The CCRB has many ways of
17 serving as a watchdog, so I suggest you be a
18 little more resourceful in terms of how to be
19 a watchdog, directly observe the police
20 officers, so it's not just my word against
21 them or the persons in the streets word
22 against them, you're going to be there
23 providing your own testimony. Not you,
24 personally, but your representatives will be
25 a presence as the watchdogs.

1 I have to say, also, that the police on
2 the subways, all I see them -- not monitoring
3 the subways, not walking the cars in the
4 subways, they're talking. They're yacking,
5 playing around. They're not supervising
6 themselves, and I don't see anybody
7 monitoring the bad behavior in the subways,
8 at least in terms of the Police Department.
9 And I watch. Every day, I'm on the subways,
10 and they're standing there congregating with
11 each other on the platform, talking, not even
12 looking in the subway cars when the train
13 comes in the station. Ridiculous. It's
14 ridiculous.

15 As far as the MOU is concerned, yeah,
16 you know, with all respect, Mr. Executive
17 Director and Madam Acting Chair, we don't
18 need another MOU. Those things are paper
19 thin. Paper thin. The Police Department,
20 the police commissioner knows what they're
21 supposed to do, and they just don't do the
22 right thing. I am so upset with the case
23 that you have brought to our attention,
24 Mr. Executive Director. I am so upset by
25 that because they knew what they should have

1 done. The administrative law judge should
2 have done better, but nobody is criticizing
3 her. What the hell is going on here? People
4 know the facts, they have the evidence, and
5 they still delay. And they delay and delay
6 and delay until time is up, and we got the
7 head of the Chair of the CCRB, or the Acting
8 Chair of the CCRB, the Executive Director of
9 the CCRB who serves at the pleasure of, you
10 know who, we gotta remind them, and goad
11 them, and criticize them. Nobody can
12 criticize the Mayor. Nobody can criticize
13 the Police Department, like the people who
14 are in charge of the Mayor and the Police
15 Department. The people are in charge of the
16 mayor, and the Mayor in charge of the Police
17 Department. Do something or resign.

18 CHAIR RICE: Thank you for your
19 comments.

20 MS. MOSS: Wow. It's hard to follow
21 that, but yeah. Prevention is far better
22 than the cure. Oh, thank you.

23 My name is Mari Moss, and I want to
24 talk to you about how our police are doing
25 with -- the last time I was here, the police

1 dealing with domestic violence in our city.
2 And this is for Catherine Kassenoff and all
3 women mothers who have stood up for
4 themselves in time of injustice and paid
5 dearly for it. And like I said, the last
6 time I was here, I was talking about how
7 police had handled a domestic violence
8 situation.

9 When I think about our police, we, the
10 People, we expect our police to protect and
11 serve and to do that honorably. The word
12 "honorable" means to have some morals, to
13 have some values, and to have some integrity.
14 And sometimes our police seem to be lacking
15 that. And what I have seen, though, since
16 the last time I was here, is an improvement
17 in some of our police who are trying to do
18 what's right and have some humanity and have
19 some morals and some values.

20 But if police had done the right things
21 from the very beginning -- and I'm talking
22 about a personal situation in 2017 -- there
23 are so many things that could have been
24 prevented today. We put a lot of our faith
25 and trust in our police, and this body is the

1 watchdog body that is supposed to make sure
2 that our police are acting in the proper
3 ways, and this is about saving lives, this is
4 about our future generations, and this is
5 about making sure that our young people, and
6 especially mothers, women who are dealing
7 with domestic violence, anybody who's dealing
8 with domestic violence has their rights
9 protected now into the future, and this is
10 important for our society.

11 So, I'm just asking that you all please
12 do everything that you can to ensure the
13 safety of our people, and especially in
14 domestic violence situations. And I did --
15 and I'm just going to end this with this: I
16 sent a letter to the Mayor's Office, and I
17 said they need to make Arva Rice the Chair of
18 the CCRB. No more delays. We need action.

19 Thank you.

20 CHAIR RICE: Thank you.

21 MR. DARCHE: I'll just respond real
22 quick.

23 Victims of domestic violence are one of
24 the number of groups who are very vulnerable
25 when they encounter police. And so, our

1 Agency makes a real effort to understand the
2 trauma they are facing when they come to us,
3 and to make sure that we are treating them in
4 a way that does not re-traumatize them, while
5 still taking their complaint seriously and
6 moving forward with our investigation of
7 their complaint.

8 So, you mentioned that you had a
9 personal situation, and if there's someone
10 you would like to speak to here, we have a
11 staff here that would be happy to do so. So,
12 just if you tell us, we'll be right there.

13 CHAIR RICE: Thank you, Jon.

14 Is there anyone else who would like to
15 make a comment, you want to step to the
16 podium?

17 MR. AHMED: Good afternoon. I'm here
18 just for -- actually, for a point. I have to
19 start with NYPD. The problem is not --

20 MR. DARCHE: Your name.

21 MR. AHMED: Oh. I'm sorry. My name is
22 Ibrahim Ahmed. And I have, by the way, a
23 case in CCRB. It was actually more than one,
24 but the real one is this happened in, I
25 believe, January -- no, sorry. November 26,

1 '23. The problem we have is not starting
2 from CCRB. The problem starts from NYPD.
3 NYPD follow every single one, if they have.
4 And every single one making complaint for the
5 CCRB, two things we have; close the case, or
6 no action. And even if the case have
7 something, there's no action. That's what
8 they give the power to NYPD in the street to
9 do whatever they want to do for the public.

10 I'm personally got hurt inside my
11 apartment. I got hurt and I have a problem
12 with my kidney. I can't even find a lawyer
13 to take my case to the Court because every
14 single way I go --

15 MR. SMITH: This person has a case
16 before the CCRB, that ultimately it's going
17 to be judged by three people on this panel
18 now.

19 So, should we be discussing this?

20 MR. AHMED: No, I'm just saying this.
21 I'm just saying general. I'm not saying
22 about my case. I'm saying general. The
23 problem start with NYPD because if we have an
24 action for every single case, go to CCRB and
25 they find out that this person or this police

1 officer is guilty, and we have an action, the
2 other will never do this. I won't have no
3 action. A lot of people got hurt, complain,
4 make a -- I just want to let you know, most
5 of the people, when they get hurt, not all of
6 them they go to CCRB to make a complaint,
7 some of them. And some of them, most of
8 these people when they make a complaint to
9 CCRB, two things; sometimes you ask, case is
10 closed or no action. What you expect for
11 NYPD to do with the public in the street? Am
12 I right or wrong? So, the problem start with
13 NYPD.

14 If we have an action for every single
15 person, make -- actually, making serious
16 things to person, to any person, we don't see
17 nothing. The only thing show up in the
18 public, two things; when you come in the
19 newspaper or somebody got death or killed.
20 You see anyone, one, from the public gets
21 hurt or got beat up from NYPD and something
22 happened or any action come to this person?
23 No. Only thing comes and show up, and they
24 show on the case for the people get death,
25 get killed, get shot. That's what you guys

1 talk about, but you don't talk about the
2 others. What happened to the people get hurt
3 and nobody knows about them? Nobody knows
4 about them. Even if you make a complaint,
5 the complaint has already been closed.

6 Thank you.

7 CHAIR RICE: I'm not sure if we have
8 any comments based on this.

9 MR. DARCHE: I do.

10 Mr. Ahmed -- so, if you want to speak,
11 ma'am, you can, but can I just say one thing
12 first?

13 So, the CCRB investigates all the cases
14 in its jurisdiction, except until recently.
15 As Maroua described, there are certain types
16 of complaints that we just don't have the
17 resources to investigate now. But until
18 January of this year, if you came to us with
19 a complaint, we would look at the
20 allegations, and if they're in our
21 jurisdiction, which is governed by the
22 Charter and the CCRB's rules, then we will
23 investigate it. And sometimes we will
24 substantiate misconduct, and sometimes we
25 won't. But we look at every complaint that

1 we get that's within our jurisdiction, except
2 now because of the budget situation, there
3 are certain complaints that we just can't
4 look at.

5 The complaints we get that are not
6 within our jurisdiction, we refer to the
7 appropriate investigatory body. Sometimes we
8 get complaints that are not about the NYPD,
9 sometimes they're about the Marshal Service,
10 or ICE, or the different -- like CUNY has its
11 own police, or court officers. And so, we
12 will refer those complaints to the right body
13 to do an investigation. But when we get
14 complaints about the NYPD that aren't within
15 our jurisdiction, we refer them to the NYPD.

16 And so, one of the things -- because
17 someone else had recently brought to my
18 attention, the difficulties that folks have
19 when they make a complaint to us that we then
20 refer to the Department because they're
21 outside our jurisdiction, how they can follow
22 up with the Department. So, internally, our
23 staff is looking at a way to streamline the
24 process, so that folks could better able
25 follow up with the Department on complaints

1 that have been made to us, that are outside
2 our jurisdiction.

3 Ma'am, if you -- you wanted to speak.
4 (Indiscernible - away from
5 microphone).

6 MR. DARCHE: So, just to be clear, if
7 you're just speaking about the general topic,
8 that's one thing.

9 MS. ABDALLAH: Good afternoon, first.
10 And my name is Asma Abdallah, but I'm not
11 sure if this one it will be like I supposed
12 to speak or not, but if we can make it as a
13 general, that is fine. But because I don't
14 understand, so I am here just this first
15 time. I have no idea about anything. The
16 only thing I needed, if really, if
17 somebody -- so, again, I state it as general,
18 so I'm going to try. But first, I can't
19 speak English very well, so I'm going to try
20 my best to speak better.

21 I have so many issues with the NYPD
22 still. Until this moment, it's not solved,
23 even I already contacted the CCRB. Seems
24 like, as he said before, whatever they have a
25 serious, serious situation, they always

1 transfer to the IAB, and IAB relate it to
2 NYPD, so we still keep continue on like that
3 in the circles. And after that, they close
4 it. Even I never heard anyone from the IAB
5 told me what's going on, what is the
6 investigation, what's going on, why they
7 close it. Even sometimes I have so many
8 proof, they never listen to us. They listen
9 to themselves, and they never get any help
10 from them.

11 But let's just say I'll be here, even
12 when I have something and when I try to say I
13 came here before, they said, "Anything
14 related to the misconduct, NYPD is relate it
15 to us." I said, "That is fine." And after I
16 did this one with them, the complaint, they
17 never told me what's going on. They said,
18 "We're going to transfer it to the other
19 section, and after that we can send it like
20 lotto," but I didn't understand anything,
21 it's just like that, and I have more than
22 like three cases or maybe from so many years
23 I didn't get any solution.

24 Plus, please, if you allowed me to
25 speak for one minute for something so

1 serious, please just allow to me, even if
2 it's not supposed to be I speak, they should
3 treat me like just as person. I am like a
4 terrorist or I am criminal or I am crazy, or
5 I'm taking my clothing off, like I am really
6 crazy, just like question. If you see
7 something like that, you can let me go outside
8 because I don't want to feel bad. Because
9 every single time I'm trying to speak with the
10 NYPD for something happen to me, they told me,
11 "If you don't like NY -- if you like to live
12 here in New York, go back your country." Even
13 the neighbor, they keep continuing to scare
14 me, and they say, "Okay. Go back your
15 country," that is already discrimination.

16 This country is for everybody, not for
17 anyone just like -- if you like me, you're
18 going to leave me like that. If you don't
19 like me even I did something wrong or I did
20 something right, you're going to hurt me every
21 single time. And the other thing that I
22 wanted to speak with you, and please try to
23 make it as serious. I have here so many cases
24 in the CCRB, I didn't feel that they're

25

1 going to do anything. They're not going to
2 make any action. Trust me, I leave here
3 right now, if I'm going to call them, they
4 said, "Okay. We'll transfer you to the IAB,"
5 then they're going to close it, like every
6 single time.

7 I'm going to speak for something
8 private. I don't have to speak it, but
9 please just -- you can see that I am like
10 anyone from your neighbor and they're going
11 to feel sorry for me. We got arrest for
12 nothing. The people broke in my apartment.
13 I tried to call 9-1-1. Do you know what
14 happened? The police came, more than ten,
15 like ten peoples. I don't know why for only
16 woman. They came arresting me. They cut
17 already my shoulder, and when I tried to
18 prove this one, even they took my
19 information, they canceled the appointment
20 for the MRI. Them, not me.

21 And after that, I still have like pain
22 in all my body. I still have like cut. I
23 have hurt. No one helping me. Still, until
24 this moment, the NYPD hurting us. Nothing.
25 I want to know what's going on because until

1 this moment, why is a woman can be arrested
2 for nothing? And until this moment, no one
3 take action.

4 The NYPD is living on me till everyone
5 in my apartment and my neighbor, they keep
6 continuing hurting me. And after that said,
7 "Go back to your country." They heard that
8 in the proof. I have video. The police
9 came, they hurt my husband for nothing.
10 Nothing. Just as he said, "Why you broke in
11 our apartment?" Why you are entering our
12 apartment?" They arrested him, too. Is that
13 make sense? Is that make sense? And after
14 that, the neighbor now, they're trying to
15 scare me, they said -- okay. "We are going
16 to call your police for us," for us, for
17 nothing. They have the personal numbers. Is
18 that what's supposed to be happening in
19 New York? Supposed to be no one here above
20 the law. Supposed to be no one here above
21 the law. The law is the law. But why is the
22 NYPD always doing something like that?
23 Because no one try to charge them, until we
24 get killed.

25 MR. DARCHE: Ms. Ahmed, so I hear what

1 you're saying. I understand how upset you
2 are, and it pains me that you made a
3 complaint like that to this agency, and you
4 feel that we did not treat you properly. So,
5 I apologize to you that you feel we did not
6 take your complaint seriously. We have
7 investigators here today who will -- if you
8 want to speak in the language that you're
9 more comfortable in than English, although I
10 have to say, you seem pretty comfortable in
11 English, we will get an interpreter, so that
12 we can make sure we understand exactly what
13 you're saying.

14 MS. ABDALLAH: That is fine. If you
15 don't understand me right now, we can.

16 MR. DARCHE: No, I understood you. And
17 we're going to get to the bottom of it, but
18 to do the investigation, we need to take a
19 recorded statement with an investigator. And
20 they're here, and they're going to do that
21 right now.

22 Right? Excellent.

23 So, if you could stand up, those are
24 the investigators who are going to talk to
25 you right now, and they're going to take your

1 complaints. And if it's about something that
2 we already have, they're still going to take
3 full statements.

4 MS. ABDALLAH: Even, I have proof. I
5 still have the proof and this keep continuing
6 make something report to fake report for us.
7 I want to see what I have done, if they said I
8 am terrorist or criminal or crazy, why they
9 don't want to show to us what I have done? Is
10 this supposed to be happen right, but like
11 that --

12 MR. DARCHE: So, ma'am?

13 MS. ABDALLAH: Okay.

14 MR. DARCHE: So, one of the things that
15 we do is if we have evidence that you would
16 like us to give to you, then at the
17 conclusion of your case, of our investigation
18 into your complaint, we will provide that
19 material to you. If you provide us with
20 material, we'll provide it to you regardless
21 of what state our investigation is in. But
22 if there is information that we've gathered
23 from the Department while we're pursuing your
24 investigation, then we will release it to
25 you, if you just e-mail me, frankly, and I

1 will make sure it's taken care of.

2 There is often a delay, just because we
3 have one person in our whole agency, for the
4 whole City, who's in charge of making those
5 FOIL requests, of responding to those FOIL
6 requests. So, it takes some time, but we'll
7 make sure you get the information that you're
8 entitled to from us.

9 MS. ABDALLAH: Thank you, but if you
10 don't mind, please try to take it as much as
11 you can, like for, to self with this issue.
12 Because until this month, I wanted to
13 understand why is it doing this stuff for me,
14 and even I get sometimes help from people
15 working with the mayor. Do you know what
16 they told them? They threatened them and
17 they said, "That is bigger than you." So,
18 how it's bigger? Who is -- I don't
19 understand how it's bigger.

20 Is that the NYPD scared everyone and
21 they said, don't get touch with this lady
22 because there's suspicion. Why I'm
23 suspicion? Why? I want to understand why.

24 MR. DARCHE: So, I hear what you're
25 saying, but we have to do an investigation.

1 We can't just make up hearing you --

2 MS. ABDALLAH: But I have proof. I can
3 show it to you right now in front of
4 everybody.

5 MR. DARCHE: But we have a process, and
6 it's important that you give the information
7 to the investigators and we'll conduct an
8 investigation.

9 MS. ABDALLAH: Thank you. Thank you so
10 much.

11 MR. DARCHE: You guys should go with
12 them right now because they're going to start
13 right now, the statements.

14 Oh, you want to still -- can you guys
15 hold on? They want to finish the --

16 CHAIR RICE: The meeting.

17 MR. AHMED: Sure.

18 MR. DARCHE: You can wait?

19 CHAIR RICE: Thank you. Thank you for
20 your comments.

21 Do we have any other public comments
22 this evening?

23 (No response).

24 CHAIR RICE: Any other public comments
25 this evening?

1 (No response).

2 CHAIR RICE: All right. Do we have any
3 old business to come before the Board this
4 evening, any old business?

5 (No response).

6 CHAIR RICE: Okay. Do we have any new
7 business to come before the Board?

8 Yes, Esmeralda.

9 MS. SIMMONS: I wanted to bring up the
10 fact that I've raised before, I have not seen
11 any change. Our jurisdiction has been
12 increased over the last three years
13 dramatically. Yet, when we talk to the
14 public, we are continuing to use the acronym,
15 FADO, which does not include some of the new
16 jurisdictions that we have, some of the
17 newest jurisdictional basis for complaints;
18 sexual misconduct by police officers, patent
19 and practice, and profiling by police
20 officers, untruthful statements by police
21 officers, and we also have, you know,
22 refusing to provide an ID card. But I know
23 what's happened with the budget, so we don't
24 have to advertise something we're not going
25 to investigate. All right?

1 I hate to say that publicly, but it's
2 real. I would like for our public
3 announcements to let people know that our
4 enlarged jurisdiction -- about our enlarged
5 jurisdiction, and make sure that they know
6 that they can file complaints against police
7 officers that violate them on any of these
8 grounds, as well as force and the other FADO,
9 you know? I understand that cost money,
10 everything cost money. So, that means that
11 we have to change the video, change some of
12 our handout statements, et cetera. But I
13 would rather it be accurate and let people
14 know it exists, than for us to continue to go
15 by what we had and continue to have, but only
16 limited to what we used to have.

17 So, that's what I would like, all of
18 our communications to the public to iterate
19 the fact that we now have an enlarged
20 jurisdictional area on which people could
21 file complaints.

22 CHAIR RICE: Good enough.

23 MS. SIMMONS: And that's no complaint
24 against the wonderful outreach team who are
25 doing everything they can. I want them to be

1 able to, as well -- not to be able to. I
2 want them to explicitly make those comments
3 when they're talking to the public.

4 CHAIR RICE: Thank you, Esmeralda, for
5 that. It is true. We very much have
6 expanded our jurisdiction over the course of
7 the last couple of years, and FADO may not be
8 as inclusive as it has been in the past. So,
9 I think that that's something that we should
10 be taking up and having more conversation
11 about.

12 MR. DARCHE: So, if I would quibble
13 like a lawyer, as I still am, our
14 jurisdiction, except for the expansion by the
15 City Council to allow the CCRB to investigate
16 untruthful statements made to the CCRB, is
17 still abuse of authority. What has changed
18 is that both the CCRB and the City Council
19 have expanded what is considered abuse of
20 authority. And so, I think while I did have
21 a small quibble, the idea that we need to
22 change how we communicate with folks, so that
23 the extent of abuse of authority is more
24 broadly understood, no question about that,
25 Ms. Simmons.

1 And it's something that the Chair has
2 brought to my attention recently, and I've
3 been speaking to the outreach team and the
4 comms team about it, but it's going to take
5 us some time on our public messaging to pivot
6 and because it's not -- it's important to
7 change in a constructive way that actually
8 makes it better, rather than change that
9 doesn't actually effectively communicate what
10 we want to communicate.

11 MS. SIMMONS: Well, I am dealing with
12 communication issues on the other -- on other
13 projects, so I understand that completely,
14 but I do not believe that the public when
15 they hear abuse of authority naturally go to
16 patent and practice, sexual misconduct. And
17 since we had that acronym, since we had abuse
18 of authority jurisdiction before, once it's
19 been expanded, I think we have to be explicit
20 about expanding. We can say, "And our abuse
21 of authority has been expanded to include" --

22 MR. DARCHE: A hundred percent.

23 MS. SIMMONS: -- but it has to be said
24 because people are thinking we don't have the
25 jurisdiction. If we don't tell them, they

1 won't know.

2 MR. DARCHE: And I think when I was
3 speaking with Jahi about this, and when we
4 are doing presentations that are longer, not
5 what's here being done for the board
6 meetings, they more fully go into how -- I
7 can see one of our outreach people nodding at
8 me. They do more fully explain how the abuse
9 of authority encompasses more than it used
10 to. But from a legal point of view, which is
11 important, from when you're thinking about
12 whether the Agency is acting within its legal
13 jurisdiction, while the abuse of authority
14 has -- it's definition has changed and grown,
15 it's still abuse of authority.

16 CHAIR RICE: Okay. Thank you.

17 Does anyone else have any thoughts or
18 questions on that?

19 (No response).

20 CHAIR RICE: Okay. Interesting.

21 Any other new business?

22 (No response).

23 CHAIR RICE: Any other new business
24 this evening?

25 (No response).

1 CHAIR RICE: Okay. Hearing none, I'm
2 going to move now that we're going to break
3 into Executive Session. The agenda for the
4 Executive Session is the Board will hear from
5 the executive director about pending
6 personnel actions, and the general counsel
7 provide updates regarding pending litigation.

8 I'd like to accept a motion.

9 MS. BROWN-WYANDS: Motion to move.

10 CHAIR RICE: Okay. Do I have a second?

11 MR. HOGAN: Second.

12 CHAIR RICE: All right. So moves.

13 I'm going to conclude that the public
14 session for the board meeting for April is at
15 conclusion. Thank you.

16 (TIME ADJOURNED: 5:35 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Sabrina Brown Stewart, a Notary Public within and for the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such an examination is a true record of the testimony given by such a witness.

I further certify that I am not related to any of these parties to this action by blood or marriage, and that I am not in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand on this 1st day of May, 2024.

Sabrina Brown Stewart
Sabrina Brown Stewart