

Civilian Complaint Review Board - Draft  
February 14, 2018

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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

February 14, 2018

4:10 p.m.

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100 Church Street  
New York, New York

TRANSCRIPT OF PROCEEDINGS

B E F O R E:

FREDERICK DAVIE, Acting Chair

JONATHAN DARCHE, ESQ., Executive Director

PUBLIC MEETING AGENDA:

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1. Call to Order
2. Adoption of Minutes
3. Report from Acting Chair
4. Report from the Executive Director
5. Public Comment
6. Old Business
7. New Business
- \* Policy Report and Vote on Sexual Misconduct
8. Adjourn to Executive Session

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BOARD MEMBERS PRESENT:

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FREDERICK DAVIE, Acting Chair

MARBRE STAHLY-BUTTS, Board Member

- present at public comment for resolution

RAMON PEGUERO, ESQ., Board Member

FRANK J. DWYER, Board Member

JOSEPH A. PUMA, Board Member

LINDSAY EASON, Board Member

MICHAEL RIVADENEYRA, ESQ., Board Member

SALVATORE F. CARCATERRA, Board Member

ANGELA FERNANDEZ, ESQ., Board Member

- via videoconference

JOHN SIEGAL, ESQ., Board Member

=====

JONATHAN DARCHE, ESQ., Executive Director

Reported By:

Nicole Ellis

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2 THE ACTING CHAIR: I'd like to  
3 call this meeting of the Civilian  
4 Complaint Review Board to order.

5 And our first order of business  
6 is the adoption of the minutes from the  
7 last meeting.

8 Do I hear a motion to adopt the  
9 minutes?

10 MR. DWYER: So moved.

11 MR. CARCATERRA: Second.

12 THE ACTING CHAIR: All those in  
13 favor?

14 (Chorus of ayes.)

15 THE ACTING CHAIR: Opposed?

16 (No response.)

17 THE ACTING CHAIR: The minutes  
18 are adopted.

19 I want to acknowledge a board  
20 member who is joining us remotely by  
21 video, Angela Fernandez.

22 Ms. Fernandez, can you hear us?

23 MS. FERNANDEZ: Yes, thank you.

24 THE ACTING CHAIR: Welcome. And  
25 you have some colleagues here who are also

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on the verge of getting what you've got.  
So it's a tough time all around the  
City -- all around the country, I guess,  
but thank you for joining us remotely.

MS. FERNANDEZ: Thank you.

THE ACTING CHAIR: So again,  
welcome to this board meeting.

As all of you know, the City  
Charter authorizes the Civilian Complaint  
Review Board to investigate what we refer  
to as FADO allegations; allegations of  
force, abusive authority, discourtesy and  
offensive language.

Today the board will consider a  
resolution that, if passed, would  
explicitly declare sexual misconduct by  
NYPD officers one of the most egregious  
abuses of authority there is, and this  
falls under the CCRB's jurisdiction.

The Civilian Complaint Review  
Board has the power, and the moral  
obligation, to investigate these cases.

Sexual misconduct is always  
wrong, regardless of actor, but there is

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2 an additional element involved when  
3 someone has taken on oath to protect and  
4 serve the people of the city of New York  
5 and then does exactly the opposite.

6 Such action is not only a  
7 violation of an individual -- not only the  
8 violation of an individual, but also the  
9 violation of the public's trust in law  
10 enforcement.

11 We know all too well that this  
12 resolution cannot, in and of itself, put  
13 an end to sexual misconduct. We know that  
14 even with the relatively small confines --  
15 within the relatively small confines of  
16 the NYPD or the city of New York at large,  
17 this resolution will not prevent those who  
18 are intent on abusing power from doing so.

19 But at the very least, this  
20 agency can, and should, take a step toward  
21 ensuring that officers are held  
22 accountable for their actions. This step  
23 would be good for New Yorkers and I  
24 believe this level of accountability would  
25 be good for the NYPD.

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I now turn to our executive director, Mr. Darche, for his report.

EXEC. DIR. DARCHE: Thank you, Chairman Davie. Good afternoon to you all.

I have some comments regarding the resolution the board will consider, but first I'd like to discuss a few matters pertaining to the operations of our agency and provide you with highlights from our monthly statistical report.

For a full review of the agency's monthly statistics, please visit our website. Also, our March board meeting will take place on Wednesday, March 14th, and it will be held at the Adam Clayton Powell State Office Building at 163 125th Street.

In January 2018, the CCRB initiated 379 new complaints, which reflects an increase from 345 in January 2017 and 315 from December 2017.

In January, the agency's total open docket was 1,271 cases. By the end

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of January, 855 of these cases were in the investigations division, representing 67 percent of the total.

Of the total docket, 273 cases were pending board or executive staff review, down from 290 cases pending review in December.

The mediation program handles 136 cases, representing 11 percent of the open docket. There are an additional seven cases on DA hold in January.

The January 2018 docket includes 14 reopened cases, 12 of those are active investigations and one is pending board review.

Of the cases that remain in the CCRB's active docket, 84 percent have been open for four months or less and 96 percent have been open for seven months or less.

Investigators closed 180 full investigations in January. The average days to close a full investigation, excluding reopened and DA hold cases, was

1 Proceedings

2 174 days.

3 In January 2018, the CCRB fully  
4 investigated 42 percent of the cases it  
5 closed and resolved 51 percent of the  
6 cases it closed.

7 The truncation rate was  
8 48 percent in January 2018.

9 I'm just going to highlight a few  
10 more statistics.

11 The substantiation rate was  
12 16 percent in January.

13 With regard to fully investigated  
14 allegations in January, the board  
15 substantiates 7 percent of force  
16 allegations, 11 percent of abusive  
17 authority allegations, 5 percent of  
18 discourtesy allegations and 5 percent of  
19 offensive language allegations.

20 Investigations with video  
21 evidence, either substantiated, exonerated  
22 or unfounded allegations in 53 percent of  
23 fully investigated cases in January,  
24 compared to 37 percent of cases in which  
25 video was not available.

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The discipline rate for non-APU cases was 71 percent in January for cases in which police misconduct was substantiated by the board and sent to the Police Department Advocate's Office with discipline recommendations.

The department's decline to prosecute rate for non-APU cases in January was 24 percent.

In January, the police commissioner finalized decisions against eight officers in APU cases, all of which were resolved by plea. The APU conducted one trial in January 2018.

As the chair noted today, the board will consider a resolution that would empower the agency to begin investigating allegations of sexual misconduct.

This has been an issue of significant concern for community members and advocates who have brought this issue to the board in the past.

No resident of New York City

1 Proceedings

2 should experience sexual harassment or  
3 assault at the hands of those who swore to  
4 serve and protect them.

5 The CCRB's Charter-mandated  
6 mission authorizes the agency to  
7 investigate abuse of authority. There are  
8 fewer abuses of authority greater than an  
9 officer entrusted with power over  
10 civilians engaging in an act of sexual  
11 misconduct.

12 Regardless of whether a sexual  
13 demand is implicit or explicit, when an  
14 officer is on duty it is always wrong and  
15 it diminishes public confidence in the  
16 police.

17 Should the board pass this  
18 resolution, the CCRB staff will begin to  
19 investigate sexual harassment complaints  
20 immediately. The agency will not begin  
21 investigating cases of sexual assault  
22 immediately. It will, however, begin  
23 active pursuit of competency training for  
24 investigators, who upon completion of this  
25 training, will be prepared to handle cases

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2 involving sexual assault.

3 This is a charge that the staff,  
4 the agency will welcome. And as executive  
5 director, I commit to you that I will  
6 assure the agency investigates these  
7 complaints quickly, thoroughly and  
8 impartially.

9 Before I turn it back over to the  
10 chair, I just wanted to let everyone know  
11 that we have two investigators here today  
12 to take complaints from members of the  
13 community who wish to do so. Anna Simpson  
14 and Justin Francis, if you guys could  
15 stand up so people will see where you are.  
16 They are in the back over there.

17 THE ACTING CHAIR: Thank you.

18 Before we do the public comment,  
19 I failed to recognize the newest member to  
20 this board, and that is Michael  
21 Rivadeneyra.

22 Michael and I have been able to  
23 spend some time together so it almost  
24 feels like you've been here for a long  
25 time, at least from where I sit. So we

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2 want to welcome you to the board.

3 MR. RIVADENEYRA: Thank you for  
4 the welcome.

5 I come to the board from just an  
6 experience of 13 years with the City  
7 Council and various other non-profits. So  
8 I hope I can bring all my experience to  
9 help with the task that we are charged  
10 with here at the board. Thank you.

11 THE ACTING CHAIR: Thank you.

12 So we'll open it up for public  
13 comment, and I'm sure some people are here  
14 to speak to the resolution. So if you  
15 want to speak to the resolution, you'll  
16 hold off.

17 If you're here to comment in  
18 general, you'll be allowed to comment. I  
19 have a list here and I'm not sure if the  
20 people -- you're not on the list?

21 MALE SPEAKER: No, I'm not.

22 EXEC. DIR. DARCHE: If you could  
23 talk to someone in the back and sign in.

24 THE ACTING CHAIR: So I'm going  
25 to call your name. And, again, if you're

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here to comment on the resolution, then hold off. If you're here for to comment on anything else, now is the time.

And if you're here to comment on the resolution and I call your name, just let us know that.

And I'm going to try this, Nate Sherber.

MR. SHERBER: I think that's me. I didn't intend to comment on anything.

THE ACTING CHAIR: Okay. Is it Kylin Greer.

MS. GREER: I'm here to comment on the resolution.

THE ACTING CHAIR: Okay, great. Chris Dunn.

MR. DUNN: As am I.

THE ACTING CHAIR: Okay. Jordan Woke.

MR. WOKE: In the executive director's report for this month, on pages 13 and 14, there are marvelous explanations of the kinds of things which come before you and the reason for the

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2 disposition. In my field I would call  
3 this de-identified data, it might be called  
4 sanitized data.

5 And I'd like to ask that  
6 dispositions from the police department,  
7 especially when they come up with a  
8 different result, we should have examples  
9 of them. I'm not asking for anything  
10 which is identified, that's not a good  
11 idea. But just so that, as the public, we  
12 can understand here is the rationale in a  
13 case, it doesn't have to be specific.

14 So these identified cases are  
15 very helpful to me and I would appreciate  
16 including such cases from the police  
17 department.

18 EXEC. DIR. DARCHE: So sir, if  
19 you would go to page 32 and -- 31 and 32  
20 of the report, it has the discipline -- it  
21 has the final NYPD discipline disposition  
22 of those cases. But you're asking for  
23 squibs about what type of cases?

24 MR. WOKE: In particular,  
25 sometimes the police department does not

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agree with the CCRB's recommendation. And that's the way it works here, they have the ultimate authority.

And so I would like to see samples of reasons why they disagreed and took the stance that they did. Does that make sense?

EXEC. DIR. DARCHE: It does, sir.

We'll -- we've been working on how to provide that information. We will hopefully have something for you shortly.

MR. WOKE: Thank you.

THE ACTING CHAIR: So the other name I have here is Isabelle Zaits-Mortin, do I have that right? Are you for the resolution?

MS. ZAITIS-MORTIN: No, I don't have a comment.

THE ACTING CHAIR: All right.

Any other public comments not on the resolution?

(No response.)

THE ACTING CHAIR: Is there any old business to come before this board?

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MR. PUMA: I just wanted to remind -- let me start over.

I just wanted to recall, a few meetings ago I asked about if there were any -- if there was any notable increase in complaints against non-NYPD police forces that are operating in the city.

Sometimes complainants call us, not maybe knowing which police force they were interacting with or, you know, it becomes quickly apparent that we need to refer the complainant to another agency because it's not within our jurisdiction. 'Cause there had been reports of, you know, more activity by ICE agents and even state troopers in the city.

So I just wanted to -- I brought that up a few meetings ago and just wanted to follow up with that publicly.

EXEC. DIR. DARCHE: Mr. Puma, we will -- I don't know about at the next meeting, but we will definitely have something for you at the April meeting.

MR. PUMA: Thank you.

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THE ACTING CHAIR: Thank you.

Any other old business to come  
before this group?

(No response.)

THE ACTING CHAIR: All right.

We will now hear the policy  
report on sexual misconduct and then we  
will move there to comment.

MS. NAPOLITANO: Hi, everyone.

I'm the director of policy and advocacy,  
Nicole Napolitano.

In the advance of the board's  
discussion and vote on the question of  
whether the CCRB will begin investigating  
allegations of sexual misconduct, I'll be  
presenting a brief summary of the issues  
for the board and those who are in the  
attendance at the meeting in this room or  
via Livestream.

It has been a longstanding  
practice of the CCRB to refer all  
allegations of sexual misconduct, from  
sexual harassment to sexual assault of  
civilians, to the NYPD's Internal Affairs

1 Proceedings

2 Bureau, or IAB, for investigation.

3 Recently the CCRB policy unit,  
4 with the input and assistance of the CCRB  
5 investigations division, training unit,  
6 and administrative prosecution unit, put  
7 together a memo containing a proposal for  
8 the CCRB to begin investigations of these  
9 allegations.

10 This vote -- I'm sorry, this memo  
11 reflects a common and emerging national  
12 stain in policing and police oversight  
13 that as the international association and  
14 chief of police has advised law  
15 enforcement agencies and officers  
16 intentionally using his or her position in  
17 power to engage in sexual conduct with a  
18 civilian is inherently an abuse of  
19 authority.

20 In 2016, and the first half of  
21 2017, the agency received 117 complaints  
22 with allegations of possible sexual  
23 misconduct, all of which were referred to  
24 IAB.

25 The CCRB is a national leader in

1 Proceedings

2 police oversight and has both a unique  
3 opportunity and an ethical responsibility  
4 to investigate these allegations, thereby  
5 giving survivors of sexual harassment and  
6 assault a voice.

7 The agency has jurisdiction to  
8 begin investigating sexual misconduct and  
9 abuse of authority under the New York City  
10 Charter. And a number of advocates,  
11 including attorney and advocate Andrea  
12 Ritchie, who presented to the board on  
13 this in October 2016, and umbrella  
14 coalition Communities United For Police  
15 Reform, directed the CCRB to began  
16 investigating these allegations.

17 However, these investigations  
18 should not be undertaken lightly. As any  
19 inquiry into sexual misconduct allegations  
20 should take seriously the responsibility  
21 to avoid re-traumatizing victims.

22 Agency staff therefore created a  
23 two-phase plan to begin these  
24 investigations. Most allegations we have  
25 received are noncriminal and quite similar

1 Proceedings

2 to some other allegations the agency  
3 already investigates. These allegations,  
4 which include verbal sexual harassment;  
5 sexual harassment using physical gestures;  
6 taking unwarranted photographs or videos;  
7 sexual humiliation; sexually motivated  
8 traffic stops, street stops, summonses or  
9 arrests; and sexual or romantic  
10 propositions would be investigated in  
11 Phase I and could be undertaken almost  
12 immediately.

13 Phase II would involve  
14 allegations of potentially criminal sexual  
15 misconduct, including over-the-clothing  
16 groping during frisks; sexual assault;  
17 forceable rape; on-duty sexual activity;  
18 and penetrative sexual contact.

19 Due to the extremely serious  
20 nature of these allegations, these  
21 investigations would be limited to a  
22 smaller group of senior investigators with  
23 specialized training. And if the  
24 resolution before the board passes, steps  
25 would be taken to ensure that victims are

1 Proceedings

2 connected with appropriate service  
3 providers and counseling.

4 The planning process for Phase II  
5 will include substantial outreach to local  
6 organizations who provide support for  
7 sexual assault survivors, development of a  
8 plan for referral to counseling, and  
9 creation of a detailed training plan.

10 During the implementation of  
11 Phase I, the CCRB would stop sending  
12 noncriminal sexual misconduct cases to  
13 IAB, but would continue to send those that  
14 would be potentially criminal. In  
15 addition, cases will also be referred to  
16 the appropriate district attorney's  
17 office.

18 Following implementation of  
19 Phase II, some allegations of serious  
20 sexual misconduct could be spun off to IAB  
21 with CCRB conducting a concurrent  
22 investigation, similarly to how concurrent  
23 investigations are conducted in some  
24 serious force cases. The board would also  
25 retain the power to decide to refer an

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2 entire case if deemed necessary.

3 If the resolution before the  
4 board this evening is passed, would  
5 authorize the agency staff to, one,  
6 commence investigation and administrative  
7 prosecution of Phase I allegations;

8 Two, develop a logistical plan,  
9 which includes a review of comprehensive  
10 training, staffing and budgetary needs for  
11 Phase II;

12 Three, report to the board in a  
13 public meeting, like this one, on  
14 Phase I's progress and any issues noted,  
15 as well as the status of the staff's  
16 progress toward planning for Phase II;

17 And ultimately upon report from  
18 the executive director to the board that  
19 the agency is ready for Phase II, to then  
20 begin in the investigation and  
21 administrative prosecution of those  
22 allegations as well.

23 It should be noted that we  
24 believe that the preparation for Phase II  
25 should be undertaken with deliberate and

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2 careful consideration of the needs and  
3 well-being of those who come to the CCRB  
4 with allegations of sexual misconduct.  
5 This planning may take some time, but we  
6 would proceed methodically and  
7 thoughtfully and with respect for the  
8 people of the City of New York to whom we  
9 serve.

10 I'm happy to take questions, if  
11 there are any, in advance of the  
12 presentation of the resolution and public  
13 comment and the vote.

14 THE ACTING CHAIR: Are there any  
15 questions for Nicole?

16 (No response.)

17 THE ACTING CHAIR: All right.  
18 Thank you.

19 And so now for public comment or  
20 comment on the resolution.

21 I'd like to call first Julia  
22 Salazar.

23 MS. SALAZAR: I'll be presenting  
24 the testimony of a young woman who  
25 couldn't be here today from Girls For

1 Proceedings

2 Gender Equity. Her name is Amber Santiago  
3 and she's a 20-year-old Puerto Rican and  
4 black woman of trans experience.

5 First of all, thank you to the  
6 Civilian Complaint Review Board for your  
7 time, which we greatly appreciate.

8 Girls For Gender Equity is an  
9 intergenerational organization committed  
10 to physical, psychological, social and  
11 economic development of girls and women  
12 through education, organizing and physical  
13 fitness. GGE encourages communities to  
14 remove barriers and create opportunities  
15 for girls and women to live  
16 self-determined lives.

17 As a member of GGE's Young  
18 Women's Advisory Council, I completely  
19 agree that the CCRB should have oversight  
20 over NYPD sexual misconduct. The New York  
21 Police Department is a strong force and  
22 ultimately holds a lot of power. And with  
23 that power comes control, and it's fair to  
24 say that there are too many incidents  
25 around the world that portray police

1 Proceedings

2 officers' misuse of controls as an  
3 innocent situation in which one side is  
4 perceived as having much higher  
5 credibility than the other.

6 This issue directly effects  
7 myself and my community. As a young  
8 transgender woman of color, I worry about  
9 the safety of just getting from point A to  
10 B. So imagine how I and my transgender  
11 sisters feel after hearing and seeing the  
12 stories in which police misuse their  
13 control.

14 Sexual misconduct by the police  
15 is both gendered and racialized. In the  
16 2011 National Transgender Discrimination  
17 Survey, trans women and men reported  
18 experiencing sexual assault and harassment  
19 by police officers.

20 The survey found that 38 percent  
21 of black trans and gender nonconforming  
22 people who interacted with police reported  
23 harassment, 15 percent declared physical  
24 assault and 7 percent claimed sexual  
25 assault. Roughly two to four times higher

1 Proceedings

2 than the rate of all trans and gender  
3 nonconforming people who interacted with  
4 police.

5 Police sexual misconduct and  
6 violence is prevalent in our society, as  
7 these actions have become normalized in  
8 how people and police officers interact.

9 It is important that police  
10 officers are held accountable for sexual  
11 misconduct because there is a victim in  
12 the story and the victim deserves closure  
13 and justice as well.

14 Could you imagine being a victim  
15 of police sexual misconduct and then  
16 having to suffer while the police officer  
17 walks away without facing any charges or  
18 accountability.

19 I completely agree that the CCRB  
20 needs to pass this proposal to better hold  
21 police accountable when they harm  
22 community members.

23 Thank you for your time and I  
24 encourage the CCRB to take action to  
25 address police sexual misconduct and hold

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police officers accountable for their actions.

THE ACTING CHAIR: Thank you very much.

We will now have Kylin Greer.

(Whereupon, Ms. Stahly-Butts entered the room at this time.)

MS. GREER: I'm Kylin Greer. I work at Girls For Gender Equity as the policy manager. I'm also testifying on behalf of a young person.

To give some more context, the Women's Advisory Council is a program that serves cis and trans folks of color and gender nonconforming folks of color between the ages of 12 and 24. And its inception started with the Young Women's Initiative in partnership with City Council.

Good evening. My name is Megan and I'm a sophomore at Macaulay Honors College at Brooklyn College studying biomedical ethics and cross-cultural psychology.

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I'm a member of Girls For Gender Equity. GGE is an intergeneration organization committed to physical, psychological, social and economic development of girls and women. Through education, organizing and fitness, GGE encourages communities to remove barriers and create opportunities for girls and women to live self-determined lives.

Thank you for your time to listen to why I believe we must address police sexual misconduct in New York City.

The Civilian Complaint Review Board plays one of the most instrumental roles in ensuring the public's trust in the New York City Police Department. As such, the CCRB should hold oversight on NYPD for sexual misconduct. The public should be aware of ways to report crimes committed by police officers.

Research on police sexual misconduct concludes that it is a systemic issue. In 2000, a survey of nearly 1,000 New York City youth found that two in five

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2 women, almost half of who were black,  
3 Latinx or Asian, reported sexual  
4 harassment by officers. Police also  
5 target women they don't think would be  
6 believed if they came forward, including  
7 women of color, transgender women, women  
8 who use drugs or alcohol, and women  
9 involved in the sex trade.

10 No survivor of sexual violence  
11 should be ignored simply because  
12 her/his/their perpetrator was a police  
13 officer. Even if such cases make the  
14 news, it's not enough to stop sexual  
15 misconduct. We need to hold our police  
16 officers accountable.

17 Police officers yield significant  
18 power and discretion and are protected by  
19 a wall of silence when they abuse  
20 civilians. The Civilian Complaint Review  
21 Board needs to have the ability to break  
22 through this wall and allow victims to be  
23 heard.

24 Please vote to allow the CCRB to  
25 hold oversight on NYPD for sexual

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misconduct. Thank you for your time and I'm hopeful that the CCRB will take steps to ensure accountability and transparency for the NYPD. Thank you.

THE ACTING CHAIR: Thank you.

Chris Dunn.

MR. DUNN: Good afternoon.

Michael, welcome to the CCRB. I'm Chris Dunn with the New York Civil Liberties Union.

As your colleagues know, I've been coming to CCRB meetings for a very long time. I've stopped coming recently because in my view nothing has been happening at the CCRB. But today something is happening and I'm here to support that.

I do want to start off by acknowledging Andrea Ritchie's work on this. She's the one who brought this issue to the board. I remember the board meeting where she spoke. And as Nicole pointed out, she was a pivotal player in this and she deserves a lot of credit.

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The issue of sexual harassment is an issue of the moment in this country. But for anyone who knows anything about policing, and that includes all of you and that includes many of the people in this room, we all understand that sexism has long been a part of policing around the country and in the NYPD. And if there's any surprise here, it's that the CCRB is only now getting to the point where it recognizes that sexual harassment by NYPD officers is something that the board has to be dealing with. But I'm glad that you are confronting it now.

In the policy paper, you note that there are 117 reports involving some sort of sexual misconduct in an 18-month period. I'm quite surprised, by that number not because that it's high, but because it's so low.

90 percent of the subject officers who come through this agency are men, nearly a third of the complainants are women. And I would wager that in about half of those complaints, there is

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an issue of sexual misconduct that is not being captured.

And one thing that I hope comes out of this, and this is something I've always said the CCRB is very good at, is its reporting and data collection; to be contrasted with the police department, which is very bad at that.

And one thing that I would really encourage as part of the implementation, assuming it passes, is that the CCRB devotes itself to very comprehensive reporting about sexual misconduct allegations it receives, how it processes them, how it sends them to the department, and what happens when it goes to the department.

Because as my friends from the police department know, the IAB reporting is, shall we say, a little bit skeletal and opaque. And if one looks at an IAB annual report, one will learn little or nothing about what IAB actually does with complaints that it receives including

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2 complaints from the CCRB.

3 So not only is this an  
4 opportunity for the CCRB to be  
5 investigating, in a serious way,  
6 complaints of sexual misconduct, but it's  
7 an opportunity for the CCRB -- and,  
8 therefore, the City of New York, for the  
9 first time -- to be reporting in a serious  
10 and thorough way the extent of sexual  
11 misconduct by members of the NYPD.

12 So with those considerations in  
13 mind, I commend you for taking this up. I  
14 support the resolution. And I would  
15 simply say that at this point moving  
16 forward, the issue in my mind is not  
17 whether you should do this, of course you  
18 should do it, the issue is how quickly can  
19 you do it and with what sort of resources  
20 can you do it because this is a paramount  
21 problem. It has been a problem for a  
22 long, long time. It is now time to turn  
23 to it. Thank you.

24 THE ACTING CHAIR: Thank you.

25 We have one more speaker, Kelly

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2 Grace -- we got part of your last name,  
3 but not the whole thing.

4 MS. PRICE: My name might be  
5 familiar to the board because over the  
6 last seven years, I've launched maybe 20  
7 CCRB complaints. I'm literally that  
8 person. And I've had a number of them  
9 substantiated.

10 THE ACTING CHAIR: Are you  
11 speaking to the resolution?

12 MS. PRICE: I am. I'm speaking  
13 from experience; the good, the bad and the  
14 ugly. I'm also the communications chair  
15 for the Jails Action Coalition, it's been  
16 a big day for us.

17 But when I heard about this  
18 resolution, I had mixed feelings. And I  
19 e-mailed the different people on the  
20 Downstate Coalition to Prevent Sexual  
21 Violence; (inaudible) from Sanctuary For  
22 Families; Christopher Bromson, who is the  
23 director of the Crime Victims Treatment  
24 Center. And they hadn't heard that this  
25 was happening and will be discussing it

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tomorrow at the Attorney General's office  
when the Downstate Coalition meets  
monthly.

But I see both good and bad --  
first of all, do I only have three  
minutes? At the Board of Correction I  
only have three minutes to speak.

THE ACTING CHAIR: I think we are  
giving you five.

MS. PRICE: Thank you.

So I'm excited about this  
resolution because in the past I have  
experienced egregious sexual misconduct by  
the NYPD. I've made complaints through  
the CCRB, the IAB and they just  
disappeared.

I've made complaints about other  
things, I won't go into it, but I'm  
concerned about the process for reporting  
back to the people that are making  
complaints. You get a letter after some  
amount of time saying your complaint is  
only substantiated, unsubstantiated or  
unfounded. And it's my understanding that

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2 that same workflow will still be in place  
3 for the oversight of sexual misconduct, am  
4 I incorrect?

5 So I'm worried about that because  
6 as a survivor of many different types of  
7 abuse and trauma, you need more than just  
8 a letter after some ephemeral amount of  
9 time. It could be three weeks,  
10 three months, nine months and you need  
11 more than that.

12 So I would ask moving forward  
13 maybe in the second phase, I don't want to  
14 slow down the train because this is a  
15 really great idea, but maybe you can  
16 really find a better workflow for  
17 reporting back to the complainant.  
18 Because getting a piece of mail, which may  
19 or may not reach you. A lot of people  
20 that are in the space where they are the  
21 target of sexual harassment or violence by  
22 the NYPD are usually people that and --  
23 this is a very ubiquitous statement -- but  
24 we're usually people that are already  
25 marginalized and we are not in a place

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where we are stable, where we have a permanent mailbox, where we even have a place to live.

Usually we are the people that are harassed because we all know the NYPD has their Palm Pilot now and all they have to do at any intersection with us is swipe our IDs and type in our name and they have the technology and entire data dump on who we are.

In some cases, that data dump says that we potentially could be sex workers, and we are the people that are targeted by the NYPD. I have gone back and forth, I'm no longer a sex worker, I was trafficked a number of years ago by a member of the NYPD or someone who was working with the NYPD and it was a hellacious experience.

And so I'm just saying there's a lot of problems with using the same uniform process that the CCRB uses when dealing with victims. And I'm asking maybe to reach out to Mary Havilind, she's

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the director of Downstate Coalition or Michael Polenberg from Safe Horizon to maybe coordinate a trauma-related workflow. There's all kinds of resources available, I'm happy to provide them to you, but I would ask that.

Now the second part moving forward that is not in place right now of this resolution, the part two, the commenced development of a logistical plan to oversee more serious crimes really worries me. The CCRB does not have the technologies that the NYPD and the district attorneys have, you guys don't, you just don't.

I'm very worried about -- anyway, I'd like to be very much -- I would like you to involve the Coalition, the Downstate Coalition in moving forward because -- for instance, right now what's happening in Brooklyn with the woman who made the complaints about the NYPD raping her in the back of a police van two and a half months ago. To have that process

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2 hidden inside of the CCRB investigation  
3 instead of for all the public to see in  
4 the courthouse, I'm not really confident  
5 that that's the best track. I'm not  
6 saying that that's where you're going or  
7 but it looks like potentially -- am I  
8 wrong? -- potentially where this could go.

9 So I would warn you before moving  
10 into a more ubiquitous oversight into all  
11 sexual assault, sexual abuse processes,  
12 moving those here is problematic.

13 I've been working hand-in-hand  
14 with the Board of Correction for the past  
15 three years to implement the Prison Rape  
16 Elimination Act on Rikers Island. And you  
17 can talk to Stanley or Jennifer  
18 Jones-Austin or others on that board about  
19 that process. We have been fighting with  
20 these same issues.

21 So I would just -- I don't want  
22 to be the fly in the ointment here, but I  
23 see a lot of problems if we just ran this  
24 through quickly. You all look like you're  
25 very thoughtful people, but there are a

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2 lot of other people who have been working  
3 on similar issues citywide and I would  
4 like to bring them into this.

5 Again, I'm Kelly Grace Price,  
6 thank you for listening to me. I'm a  
7 little tired by the sound of my voice, so  
8 I'm going to step down. But thank you for  
9 your service to the City.

10 THE ACTING CHAIR: Thank you.

11 And let me just speak to two things.

12 One is that when we get to Phase  
13 II and when we're ready to implement it,  
14 just because we will consider an  
15 allegation that we believe falls under  
16 FADO, does not mean that it can't also be  
17 investigated by other authorities.

18 And then secondly, we will give  
19 very, very, very careful thought to  
20 Phase II. So we have given a lot of  
21 thought to this approach, and we will be  
22 diligent in making sure that we have  
23 understood, as best we can, and put in  
24 place, as well as we can, the things we  
25 need to do to be effective in Phase II.

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So thank you for your comments,  
but I want to reassure you that the issues  
you've raised we've considered.

EXEC. DIR. DARCHE: And if I  
could just ask you to stick around until  
after, 'cause I know Nicole would love to  
talk to you more about who we should reach  
out to from the Downstate Coalition.

Because it's something that -- I  
think you heard in Nicole's  
presentation -- we intend to work closely  
with advocacy groups to make sure that we  
are following best practices to help the  
populations that most need the protection  
of the CCRB's oversight in this area.

THE ACTING CHAIR: So I'm going  
to move in a second that we adopt this  
resolution. If it's seconded, then I'm  
going to ask the board members if they  
would like to comment, and then after that  
we will take a vote.

So I'm going to move passage of  
the sexual misconduct resolution as we  
have it in our packets and as it has been

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2 reported to us.

3 Is there a second?

4 MR. PEGUERO: Second.

5 MS. FERNANDEZ: Second.

6 THE ACTING CHAIR: Thank you,  
7 Mr. Peguero. Thank you, Ms. Fernandez.

8 Are there comments?

9 MR. CARCATERRA: I actually -- I  
10 agree with this and I think we should go  
11 forward with it. It's a very topical  
12 issue, it's a very sensitive issue and  
13 it's very important.

14 So that said, the only thing I'd  
15 like to see, if we can -- and we are  
16 talking about Phase I now and we're  
17 talking about that we are almost  
18 immediately ready to go. Maybe we are,  
19 maybe we aren't.

20 I would like to see, even before  
21 Phase I begins -- and it doesn't have to  
22 be long and drawn out, but I would like to  
23 see the investigators that will be  
24 handling this, that we alluded, to get  
25 very specific training in that matter

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2 before even Phase I begins.

3 I think we are putting the  
4 investigators in a bad spot and I think we  
5 are putting the complainants in a spot  
6 where, even though (inaudible) under  
7 Phase I, these are different  
8 investigations. They are intricate in a  
9 lot of ways and I think they need some  
10 very specific training in that. If that  
11 happens -- I'm still for it, but I would  
12 like to see that under Phase I.

13 Going to Phase II. I agree,  
14 Kelly, what she just spoke about. I don't  
15 know if we should be taking cases that  
16 actually have criminal potential that IAB  
17 would get, and then IAB deals with the  
18 district attorney's office and then they  
19 deal with this. We have special victims  
20 detectives that have been doing this for a  
21 very long time, that are very specially  
22 trained, that have been in this arena.

23 And because you're also talking  
24 about concurrent investigations. So why  
25 are we doing this? We are doing this for

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the complainants, right? We're doing it for the transparency. How many interviews and how many times are the complainants and victims of these cases going to have to speak to someone? I mean, we don't want to compound what we're trying to do in a good way by that.

So the Phase II, I just have some serious concerns with Phase II. And I'd like to hear if Jon or anybody here on the board, but as far as -- have we spoken to the district attorney's offices? Have we spoken to, you know, the normal players in this, in these serious investigations and where we should be going with that.

So yes, I do, I think we should be doing this. Those are my caveats. That's what I'd like to see, how I think it should proceed.

EXEC. DIR. DARCHE: So we've not yet done that, but that's clearly part of Phase II, is to make sure that the procedures we put in place do not negatively impact the complainants and

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2 also don't impact potential criminal  
3 investigations.

4 So we don't -- we are not ready  
5 to report back to the board on what our  
6 procedures are going to be because we  
7 don't have them yet.

8 MR. CARCATERRA: And Phase I,  
9 Jon, what I alluded to before as far  
10 -- it seems like tomorrow you want to  
11 turn the switch and go.

12 In your opinion, and you've done  
13 this, is there something a little more  
14 that these investigators can get to help  
15 them with these kinds of investigations?

16 EXEC. DIR. DARCHE: So this is  
17 going to be something new for  
18 investigators, it's going to be a  
19 challenge for investigators. But we went  
20 through carefully the types of allegations  
21 that are in Phase I and Phase II and there  
22 was a lot of discussion.

23 This has shifted. There were  
24 allegations that were originally in  
25 Phase I that we moved to Phase II because

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we realized that they -- we did need -- they did need more training before they could do it. We think that once we give people the basic training on what the new allegations are and what they should be looking for, they'll be able to go.

So there's going to be a very -- there's going to be training done initially on what these new allegations are and how to plead them. But right now if someone were to call our hotline or file a complaint online and make a complaint with those Phase I allegations, we would investigate those Phase I allegations.

MR. CARCATERRA: Just to clarify my last question. Will the investigators be like one team and one supervisor that will be handling them all?

EXEC. DIR. DARCHE: Not for Phase I, no.

MR. CARCATERRA: They will not. So it's going to be across the board?

EXEC. DIR. DARCHE: Correct.

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MR. CARCATERRA: Okay.

THE ACTING CHAIR: Let me just also make one comment, and that is we -- and it's to Kelly's comment -- we have cases now that are also cases that are handled by other authorities.

And we try to exercise a great degree of prudence in terms of whether or not we go forward with those cases so that we don't jeopardize those cases if they are before other authorities.

Other comments from the board members?

MR. EASON: Mr. Chair, for all the reasons stated here today, I support it also.

My concern is similar to my colleagues. I want to ensure that the -- I support the board doing it. I want to ensure that the victim and the accuser here, the playing field is level. So for that reason, and the seriousness of these type of allegations and the training that needs to be given to our investigators, I

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2 support -- if we are not ready to go, that  
3 we do some final tweaking to ensure that  
4 everyone's rights are protected here.

5 THE ACTING CHAIR: Thank you.

6 Other comments?

7 MR. PEGUERO: I'm ecstatic over  
8 the fact that we are finally taking  
9 ownership of this issue, it's long  
10 overdue.

11 But I also believe that we should  
12 tread lightly and consider the training  
13 that is involved 'cause the possibility  
14 exists that if a Phase I allegation turns  
15 into a Phase II during the investigation,  
16 and whether or not the investigators have  
17 the training necessary to identify those  
18 differences and move them to the next  
19 level.

20 So I do believe that it's the  
21 right thing to do. I'm 100 percent in  
22 agreement, but I believe that we should  
23 have some sort of training and assessment  
24 of investigators before we start. Because  
25 a Phase I, like I said earlier, could turn

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into a Phase II relatively quickly, and we want to make sure the investigators have the skill sets necessary to handle those issues.

THE ACTING CHAIR: Thank you.

MR. PUMA: Yes, my point is a bit simpler.

The agency started making more concerted efforts to reach out to the LGBTQ community. There was a gathering here in this room with several organizations that serve that community directly. And this was pretty much the resounding issue that was brought up especially. And it was particularly acute for women and trans-women.

And so, you know, now that this has been a long time coming, and I just wanted to remind and encourage the staff, the outreach staff in particular, that have built these relationships with these other organizations, and other relationships that are yet to be built to, you know, continue the outreach efforts because that's a particular community

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that, you know, has been seeking this type  
of justice really for a while.

So thank you.

THE ACTING CHAIR: Thank you.

Anyone else?

(No response.)

THE ACTING CHAIR: Are we ready  
to vote?

All those in favor of the  
resolution, please say aye.

(Chorus of ayes.)

THE ACTING CHAIR: Any  
opposition?

(No response.)

THE ACTING CHAIR: The resolution  
passes unanimously, thank you.

And thanks to my colleagues.  
Thanks to the staff. Thanks to the  
community for the work that you've put in  
this. And I feel confident that the staff  
here will work doubly hard to ensure that  
both Phase I and Phase II are implemented  
as professionally and as expertly as they  
possibly can be. So thank you all.

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I think I'll hear a motion to  
adjourn to executive session.

MR. PEGUERO: So moved.

MR. DWYER: Second.

THE ACTING CHAIR: All in favor?

(Chorus of ayes.)

THE ACTING CHAIR: Opposed?

(No response.)

THE ACTING CHAIR: We stand  
adjourned.

(Time noted: 4:58 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, NICOLE ELLIS, a Notary Public for and within  
the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter, and that the within  
transcript is a true record of such proceedings.

I further certify that I am not related to any  
of the parties to this action by blood or by  
marriage and that I am in no way interested in the  
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 24th day of February 2018.

---

NICOLE ELLIS

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