

Civilian Complaint Review Board Meeting-Final
April 10, 2019

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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

APRIL 10, 2019

4:05 p.m.

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100 Church Street
New York, New York

TRANSCRIPT OF PROCEEDING:

BEFORE:

FREDERICK DAVIS, Chair

JONATHAN DARCHE, Esq., Executive Director

REPORTED BY:

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PUBLIC MEETING AGENDA:

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1. Call to Order
2. Adoption of Minutes
3. Report from the Chair
4. Report from the Executive Director
5. New Business
6. Old Business
 - a. Charter Reform
 - i. Report from Policy on Duty to Cooperate Laws in other Jurisdictions
7. Public Comment
8. Adjourn to Executive Session

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BOARD MEMBERS PRESENT:

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FREDERICK DAVIE, Chair

NATHAN JOSEPH, Board Member

SALVATORE F. CARCATERRA, Board Member

JOHN SIEGEL, ESQ., Board Member

LINDSAY EASON, Board Member

MARBRE STAHLY-BUTTS, Board Member

JOSEPH PUMA, Board Member

MICHAEL RIVADENEYRA, ESQ., Board Member

RAMON PEGUERO, ESQ., Board Member

FRANK J. DWYER, Board Member

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JONATHAN DARCHE, ESQ., Executive Director

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MR. DAVIE: Good afternoon.

Welcome everyone.

We'd like to call this meeting of the Civilian Complaint Review Board to order.

My name is Fred Davie. I am the Chair of the CCRB. And I am very pleased to be here this afternoon and to see everyone who has come out to this meeting.

Before I have a few brief remarks, I'm going to ask the other members of the board if they will introduce themselves.

And I will start with Mr. Carcaterra on my right.

MR. CARCATERRA: Hi everyone.

I'm Sal Carcaterra. And I'm a police commissioner designee to the board.

MR. SIEGEL: Good afternoon.

John Siegel, I'm one of the mayoral designees on the board.

MR. EASON: Good afternoon, everyone.

Lindsay Eason. I'm a police commissioner representative.

MR. DARCHE: Johnathan Darche, Executive

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Director.

MS. STAHLY-BUTTS: Hello.

My name is Marbre Stahly-Butts. I use she and her pronouns. And I am repping Brooklyn from the City Council.

MR. PUMA: Good afternoon, everyone.

I'm Joseph Puma. I am the City Council designee to the board from the Borough of Manhattan.

MR. PEGUERO: Good afternoon.

My name is Ramon Peguero. I'm the City Council designee from the Borough of Queens.

MR. DWYER: Good afternoon also.

I'm Frank Dwyer. I'm a police commissioner designee.

MR. DAVIE: And we're going to give you a chance to introduce yourself.

MR. JOSEPH: I'm Nathan Joseph. I'm the City Council designee from Staten Island.

Hi.

MR. DAVIE: Thank you.

Thank you all.

As many of you know, April is sexual awareness month. A month for raising public

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awareness about sexual misconduct. Taking action to stop sexual misconduct, and working to ensure that those who have experienced sexual misconduct know that there are safe places for them to report it.

The CCRB conducted years of research and had extensive conversations with advocates, before passing it's sexual misconduct resolution last year.

Before passing that resolution -- but passing that resolution was not the end of the work that we had to do, it was only the beginning. It was the beginning of a new era in the City of New York, with the declaration that sexual misconduct by members of the NYPD is an abuse of authority. The CCRB affirmed New Yorker's right to report it to an independent all civilian agency.

Since the passage of the resolution, CCRB investigators have gone through forensic experiential trauma interview training or FETI training, which is the standard for science-based interviewing that prioritizes information collection as well as fairness and equity for the

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2 civilian.

3 That was a critical step in ensuring
4 that every investigator understands how best to
5 engage with individuals who may have experienced
6 trauma.

7 Our agency has hired a prosecutor with
8 strong background in handling sex crimes, to work
9 within our administrative prosecution unit.

10 We are also in the process of
11 establishing a complaint witness assistance unit,
12 a division of the CCRB outside of the
13 investigations division, that will be dedicated
14 solely to providing emphatic -- or empathetic --
15 I think that's the word -- empathetic support to
16 civilians who have complained -- who have filed a
17 complaint of sexual misconduct or any other event
18 that may induce trauma.

19 The agency currently has a request for
20 a proposal out to establish this unit, which
21 would execute a free and confidential program to
22 pair civilians with trained advocates who would
23 help them mitigate post event trauma and navigate
24 the City's resources in a meaningful way.

25 As a liaison to support services in the

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2 City, the unit staff would help complainants and
3 victims stay connected with the CCRB, connect
4 them to City-wide services they may not be aware
5 of, and leave investigators to focus on
6 investigating.

7 Finally, I would like to take this
8 opportunity to remind everyone here that if you
9 have experienced sexual misconduct, and everyone
10 watching on Live Stream, by a NYPD officer, you
11 have a right to report it to the CCRB.

12 I want to thank all of the staff and
13 the advocates and everyone who worked so
14 diligently to implement this new policy, and to
15 take seriously the mandate that's before us to
16 investigate one of the more serious issues that
17 people could find in their encounters with
18 members of the NYPD.

19 Now, before we move on to other
20 things, I'd like to turn this meeting over to
21 Mr. John Darche to give us a few words.

22 Mr. Darche.

23 MR. DARCHE: Thank you, Mr. Chair.

24 I'd like to join the Chair in
25 welcoming you all to the board meeting.

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The agency is very glad to welcome a new class of investigators last week. They all come from different backgrounds and bring different experiences which show one thing in common, a passion for making the City of New York better by working to hold members of the New York City Police Department accountable for misconduct, by conducting fair and impartial investigations.

And I'm confident that the work that there are going and do for this agency is going to help us continue to conduct those fair and impartial investigations for this City.

Last month we had a symposium at John Jay College. I see some of the speakers and panelists from that presentation in the room today. And it was a really wonderful meeting. I feel like a lot of people learned a lot.

It was keynote speech by the State's Attorney for Baltimore, Marilyn Mosley, that was really, really thoughtful and moving.

And I want to thank all of the people who worked to put that event together, and who presented at that event.

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And footage of the proceedings from that day are available on the CCRB's website.

We have two ground rules for public comment. If you have specific incidents of police misconduct, whether you'd like to -- that you want to speak about, whether you want to follow up on a complaint you've made or report a new complaint, we're going to ask that you make those remarks to investigators who are present here today for the purpose of taking your complaints, Orlando Vasquez and Major Ridge.

If you guys could -- they're in the back of the room right there. So, if you have complaints or that you want to make or that you want go follow up on, you can talk to them.

And to ensure fairness and give everyone who wants the opportunity to speak to speak, please limit your comments to two minutes.

Thank you, Mr. Chair.

MR. DAVIE: Thank you, Mr. Darche.

Before we go any further, let me have Mr. Rivadeneyra introduce himself.

MR. RIVADENEYRA: Hi, good afternoon.

Apologies for my tardiness.

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I am Michael Rivadeneyra, the Bronx Council designee to the board.

MR. DAVIE: Thank you.

And then we should adopt the minutes.

Is there a motion to adopt the minutes from the last meeting?

MR. REUBEN: (Inaudible.)

I'll get them to you later.

MR. DAVIE: Is there a motion to adopt the minutes?

MR. DWYER: So motioned.

MR. DAVIE: Is there a second?

MR. JOSEPH: Second.

MR. DAVIE: Are there any corrections or additions or revisions?

MR. DARCHE: So, I think Mr. Reuben sent the correction. I'm pretty certain I forwarded them on to the people, to make sure that they were made. I have not checked.

So, I think if you adopt them, if there's a problem I'll come back to them next month.

MR. DAVIE: Okay, so we will modify a motion to adopt the minutes with the

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understanding that we may have to reconsider them based on some information that we've received.

Who made the motion?

MR. DWYER: Frank Dwyer.

MR. DAVIE: Will you accept that as a friendly amendment?

MR. DWYER: Absolutely, so motioned.

MR. DAVIE: Thank you.

And it's been seconded.

Any other comments on it.

(No response.)

MR. DAVIE: All those in favor, please say aye.

(A chorus of ayes.)

MR. DAVIE: Opposed?

(No response.)

MR. DAVIE: No.

Ayes have it, motion is passed.

The next item of business is new business.

Is there any new business to come before the board?

(No response.)

MR. DAVIE: All right.

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Old business, we have charter reform.

Are we ready for that report?

MR. DWYER: Yes, Nicole will be giving the report. Ms. Napalatonno.

MS. NAPALATANO: My apologies for the technical difficulties.

My name is Nicole Napalitano. I'm the Director of Policy and Advocacy here at the CCRB.

And I just wanted to run through one particular question that came up related to a topic that we've been discussing real recently. One of the ongoing discussions about the sort of current talks about revising the New York City Charter, under the CCRB's section of the charter, has been to sort of clarify and expand the NYPD's duty to cooperate with the CCRB's Operations and Investigations.

And so what one of the angles of what has been discussed, is to talk through how the police commissioner might provide a written rationale for any downward departures from the CCRB board's recommendations for discipline.

So, the policy unit took a look at how other oversight agencies that are similar to ours

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2 in other jurisdictions handle disciplinary
3 recommendations. So, when we're talking about
4 duty to cooperate, it means a couple of different
5 things here. So, it could either refer to the
6 police agencies responsibility to provide
7 oversight agency documents or other evidence make
8 available witnesses and subject officers. And so
9 that is often related to the extent to which that
10 oversight agency has subpoena power.

11 The second is closer to what we're
12 going to be talking about this evening, which is
13 the statutory requirement of either the police
14 chief or the police commissioner of the
15 jurisdiction to comply with the findings or the
16 disciplinary recommendations of the oversight
17 agency.

18 And so in New York City the CCRB makes
19 recommendations for discipline for individual
20 acts of substantiated misconduct, but the police
21 commissioner has final disciplinary authority.

22 So, I know this is a bit small, so I
23 will read this out.

24 Our methodology was that we used an
25 existing list of oversight agencies that we

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2 maintained within the policy unit. And we try to
3 keep updated on an annual basis. There are a lot
4 of new oversight rules agencies in the United
5 States.

6 We came up with 18 investigative
7 oversight agencies. And that means these are
8 oversight agencies that conduct their own
9 independent investigations into police misconduct
10 in the way that the CCRB does.

11 There are lots of other oversight
12 models. The most common ones are those that do
13 either audits or systemic reviews of police
14 related policies in those jurisdictions. But
15 even more common than that is the review model,
16 which interagency will review the internal
17 affairs disciplinary procedures of whatever
18 police agency they oversee.

19 So, from those 18 that we had pulled,
20 we omitted seven that did not have subpoena
21 power. Because we were only going to pull the
22 ones that were the most like this particular
23 agency here. And so we ended up with 11 agencies
24 for comparison.

25 And those are:

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2 The Board of Police Commissioners in
3 Detroit; Citizen Complaint Authority in
4 Cincinnati; The Citizen Police Complaint
5 Commission in Long Beach; Community Police Review
6 Agency in Oakland; The County of San Diego
7 Citizen's Law Enforcement Review Board in
8 San Diego; Community Police Hearing Board in
9 Springfield, Massachusetts; and Citizen Review
10 Board in Syracuse; Citizen Police Review Board in
11 Pittsburgh; the Providence External Review
12 Authority, Providence, Rhode Island; Police
13 Review Commission in Berkeley; and the Civilian
14 Office of Police Accountability in Chicago, which
15 is a pretty new oversight agency.

16 The vast majority of these have powers
17 that are very similar to CCRB, but some are
18 merely advisory. So, that means that that board
19 will conduct independent investigations and then
20 will make sort of these advisory recommendations
21 that aren't quite disciplinary recommendations.

22 But for the majority of the
23 Springfield, Providence, Pittsburgh function very
24 similarly to how the CCRB does.

25 There were three, however, that had

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pretty broad duty to cooperate powers. And so I'll focus on those this evening.

The first is the Board of Police Commissioners in Detroit. This is a board of 11 civilian commissioners, four appointed by the mayor subject to the approval of city council, seven elected, one from each non-at-large police commission district. They serve five-year terms of membership.

And the city charter here that governs this particular boards authority. And included in the duties of the board are the power to "act as final authority in imposing and reviewing discipline inquiries of the department." And this is probably the broadest power that we've found that exists nationally.

The board powers also include in consultation with their chief of police and with approval of the mayor to establish the policies, rules, and regulations of the police department. The chief of police actually has to submit rules, regulations, and procedures to that board for approval before putting those in place. They review and approved the departmental budget

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2 before it's submitted to the mayor.

3 The mayor appoints the chief of police
4 from a list of qualified candidates provided by
5 the board. And that person is put in place with
6 approval of city council.

7 Deputy chiefs are appointed by the
8 chief with the consent of the board. Promotions
9 must also be approved by the board. And when the
10 department conducts it's own trials, the
11 decisions of those trial boards may be appealed
12 to the Board of Commissioners as well.

13 In Cincinnati, where they have a
14 seven-person board entirely appointed by city
15 council. CCA disciplinary recommendations are
16 submitted to the police chief and the city
17 manager for review.

18 So, in all of those cases, they do not
19 make a final decision on discipline until after
20 the CCA Disciplinary Authority reports to them.
21 And they must, agree, disagree in part with any
22 of those findings and recommendations. And shall
23 inform the Executive Director of the Board in
24 writing of any reasons for agreeing in part or
25 disagreeing with said findings and

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2 recommendations.

3 So, it doesn't quite go as far as
4 Detroit, but those are recommendations that must
5 be -- departures from recommendations that must
6 be documented.

7 And finally, we have COPA, the
8 Civilian Office of Police Accountability in
9 Chicago, Illinois.

10 And so in Chicago, the police
11 superintendent has to respond to the COPA chief
12 administrators disciplinary and remedial action
13 recommendations within 60 days. And that
14 response has to include: a confirmation that the
15 recommendation was followed, and if applicable
16 description of any additional disciplinary or any
17 other action that's imposed; a request that the
18 chief administrator conduct additional
19 investigation if they decide that that's a
20 necessary component specifying and agency
21 investigation requested and whatever reasons they
22 have for that request; or if the superintendent
23 intends to take no action or take action that
24 differs in substance and scope from the
25 recommendation, there's additional information

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2 that is required to be provided for that. So,
3 the reasons for a downward departure must be
4 documented here as well; and in addition to that,
5 the different action, specifically in the written
6 response.

7 If there's a dispute on discipline
8 between the superintendent and the chief
9 administrator in Chicago, a member of the Chicago
10 Police Board, which is a group of nine-private
11 citizens that's appointed by the mayor with the
12 advise and consent of city council, that decides
13 disciplinary cases. So, it functions a little
14 different than New York, where the board sort of
15 exists complete separate from COPA and decides on
16 all discipline and where that discipline comes
17 from. But in any case, a member of the Chicago
18 Police Board reviews that case and will make a
19 final decision in the event of any dispute.

20 In a little bit more detail on the
21 Chicago Police Board, because I found this
22 interesting and I though you all might too, the
23 Chicago Police Board's primary powers and
24 responsibilities include deciding on disciplinary
25 cases when the superintendent of police files

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2 charges to discharge a sworn officer or to
3 suspend and office for more than 30 days;
4 resolving any matters in which the chief
5 administrator and the superintendent disagree on
6 discipline; holding monthly meetings and provide
7 an opportunity for members of the public to
8 present questions and comments; nominating
9 candidates for the position of superintendent of
10 police to the mayor; and adopting rules and
11 regulations for governance of the police
12 department.

13 So, here too a civilian board has a
14 lot of input into the rules and regulations of
15 the police department.

16 And that's it. There's one last slide
17 but it says "questions."

18 So, if there are any questions, I'm
19 happy to discuss that also.

20 MS. STAHLY-BUTTS: I'm just curious about
21 Newark, New Jersey. I now that they have a very
22 progressive and powerful board that's caught up
23 in the courts. But just curious about the kind
24 of comparison point with them.

25 MS. NAPALATANO: So, we -- I can come

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back with some additional detailed analysis of Newark specifically, if you'd like that. But I don't have that information. It wasn't included in our similar agency that we had.

MS. STAHLY-BUTTS: That would be helpful.

I don't know if it's because of the appeals kind of suspension of the powers, but I believe they have investigatory and subpoena powers and --

MS. NAPALATANO: Yes, I will come back with how it stands now. And yes, perhaps an analysis of --

MS. STAHLY-BUTTS: (Inaudible.)

MS. NAPALATANO: -- right, ongoing dispute.

MS. STAHLY-BUTTS: That would be dope.

MR. DAVIE: Any other?

(Members raise their hands.)

Mr. Joseph and then Mr. Siegel.

MR. JOSEPH: Do these boards -- they seem to be very aggressive, which is great.

Do they also have aggressive outreach? Do they have known advertising? Are they part of the whole fabric of city government, that the

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citizens know that these boards exist and what the functions are? Do you know?

MS. NAPALATANO: So, I don't know the extent to which Detroit and Cincinnati do. They do have outreach components, but I don't know the extent to which the general members of the public know who they are.

COPA's a little different in that it's new. They have a pretty expensive budget, because they have one percent of the police departments budget. So, those budgets are tied together.

And so their advertising has also been, I think, benefited by -- not only have they increased budget, but also the fact that it's new enough to frequently be in the press in Chicago.

MR. JOSEPH: Okay.

MR. DAVIE: Mr. Siegel.

MR. SIEGEL: So, as member of this board, I think that a requirement of a reasoned description for any downward departure would be extremely helpful in terms of facilitating coordination of approach between the CCRB and the police department.

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2 But with respect to these different
3 schemes, and we've probably all heard the
4 arguments about whether the discipline finding
5 here should be advisory or whether it's a better
6 system to have the police commissioner make those
7 determinations.

8 Is there any research or any learning
9 that you can offer as to the affects of those
10 different systems?

11 I mean, so there's different
12 approaches but, you know, who's is better in
13 terms of outcomes, and in terms of command
14 discipline, and in terms of cohesion of all these
15 factors?

16 Is there any research on that?

17 MS. NAPALATANO: There is some that's
18 been done. I think it would have to -- we would
19 probably depend on the specific outcome that
20 we're looking for.

21 In terms of whether there's agreement
22 between the two, I'd have to look more closely at
23 the annual reports for those particular --
24 probably, actually a wider sample to compare.

25 And I know that different

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jurisdictions define success in very different ways.

And so I'm happy to sort of go back to the research and provide a deeper analysis on outcomes in terms of reductions in misconduct, if there is anything.

Chicago might have sort of a before and after, it's hard to tell what impact anything really has. Because all these jurisdictions are so very different in the related issues.

But I'll take a look. I can pull the literature on it and I'll get back to you.

MR. CARCATERRA: I have a question.

MR. DAVIE: Sure.

MR. CARCATERRA: Can you tell me the size of the accord in Detroit and Chicago? What's their uniform headcount on both departments, each one?

MS. NAPALATANO: That is a good question. I'm going to have to get back to you on that one.

AUDIENCE MEMBER: (Inaudible.)

MS. NAPALATANO: Yeah, you're right.

Chicago is 15,000.

MR. CARCATERRA: Okay, Chicago, again, is

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2 one of the larger ones. I would say Detroit
3 drops off significantly.

4 And just, you know, in looking at
5 overall numbers and how it's set up, I think it's
6 important to look into complaints and the number
7 of complaints coming in.

8 MS. NAPALATANO: Sure.

9 MR. CARCATERRA: That's going to be a
10 lot.

11 Thank you.

12 MS. NAPALATANO: Sure.

13 MR. DAVIE: Any other questions or
14 comments?

15 We'll go to the audience in a minute.

16 (Audience members raise their hands.)

17 Any others from the board?

18 Mr. Rivadeneyra.

19 MR. RIVADENEYRA: So actually not related
20 to this particular issue, but related to charter
21 reform.

22 I'm aware that the advocates have a
23 lot of false statements. And sort of our
24 referral process to investigation of false
25 statements. And I do recall reading in the Blue

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Ribbon Report that that was a concern, that they highlighted and applied for the department.

So, I was wondering if we could have an analysis of sort of our processes, of how we identify the rates that we're referring, and if there's any other jurisdictions and how they handle false statements?

MS. NAPALATANO: I can get that to you, sure.

MR. DAVIE: Mr. Joseph.

MR. JOSEPH: Yes, I was wondering if while you're doing all this research and finding out, another thing would be the public's perception of these agencies as compared to us.

Does the public perceive them as being more effective, less effective? Do they think these are agencies that they want to avail themselves of, or do they feel like unfortunately too many residents here feel, it's a wast of time?

So, if they have any research like that, I'd appreciate it.

MS. NAPALATANO: I'll take a look.

I don't know that many agencies

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actually do have that sort of analysis, but I can also pick up the phone and call.

MR. JOSEPH: Okay.

MR. DAVIE: And I'd like to -- go ahead Mr. Puma.

MR. PUMA: I had a question about the other agencies that you took a closer look at.

I noticed Detroit had a contingent on it's board that's actually elected. And I'm wondering if you also encountered that with some of these other agencies from your list of 11?

I know there is one contingent of advocates that are proposing that the board in New York City have elected officials in our seats essentially. So, I was just wondering how common of a model that is and what you examined?

MS. NAPALATANO: So, I actually didn't take a look at that particular question for the ones that we did not profile.

But I can go back and just pull those again, and I'll let you know.

MR. DAVIE: Ms. Stahly-Butts.

MS. STAHLY-BUTTS: Just to add to your list, I'm so sorry.

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MS. NAPALATANO: It's turning into another dissertation but it's fine.

MS. STAHLY-BUTTS: Also in LA County, which I know just passed a really amazing LA Sheriff's Oversight Board.

So, I'm also interested in how that's looking.

MS. NAPALATANO: Sure, I will add that to the descriptive list.

MR. DAVIE: And just to show that I'm doing more than just moderating this meeting, if you can also look at the type of offenses and see how they line up to our FATO, as well as whether or not explanations of downward departures are done on all offenses or a certain categories.

MS. NAPALATANO: Okay.

MR. DAVIE: Anything else from the board on this?

(No response.)

MR. DAVIE: From our visitors on this particular?

Yes, please come up here.

And either a question or comment, and it's two minutes on this topic.

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MS. COLON: Good afternoon.

My name is Grace Colon. I'm from Hell's Kitchen.

One of the interesting things that I heard Nicole talk about, the different community review boards, is that we're in the Tri-State area, New Jersey, Connecticut, Pennsylvania.

And it would be much more helpful for some of us that go to these different areas to see -- I mean, I know when I used to drive before I got sick, you get on the Jersey Turnpike, I'm scared stiff from the way some of the police officers and stuff react.

And you're not familiar with their process and procedure. And you feel kind of like a little like taken aback. And sometimes the way they talk to you, the way procedurally they're very intimidating.

So, it would be interesting to have sort of an analysis and maybe in the future have some kind of partnership or something in terms of how citizens are treated in the Tri-State area.

That's all.

MR. DAVIE: Thank you.

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Any other comments from the public on this one?

Yes.

MR. REUBEN: My first question is the detailed information that's requested in Chicago. I know that very often commissioner provides some statements, in New York City, but they don't have enough content.

Any idea as to what those rules are, as to how specific they have to be as opposed to saying, "well, we disagree with your interpretation of the law" for example?

Do you want my second question now?

MR. DAVIE: Sure, go ahead.

Nicole, did you hear that one? I just want to make sure that you heard the question.

MS. NAPALATANO: We can also follow up and stay in communication.

MR. DAVIE: Okay.

Sure, go ahead.

MR. REUBEN: The second one has to do with the third slide with the methodology, which refers to the number of cities that had this.

Were there a lot of cities beyond

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those that could have been considered?

And the reason I ask, is the geographic distribution is rather striking. If you go back and look at the states, it's bicoastal, it's a little bit to the north, but fully half of the country doesn't appear on that at all.

And I'm asking just in case it was convenient or actually was a fairly exhaustive look.

MR. DAVIE: Thank you.

MS. NAPALATANO: So, I can answer that last question.

That was just sort of how it turned out from the investigative agencies specifically. But that -- the list of investigative agencies came from a much longer list of over 110 different oversight agencies with widely different powers and jurisdictions. But they are -- they're very much centered around the larger cities. And so that might explain some of the geography there.

But if you'd like the list, I can provide the list.

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MR. DAVIE: Any other questions or
comments from the public.

Chris?

MR. DUNN: Sure, okay.

I can't resist. I apologize for being
so absent.

But I want to pick up on John's point.
And this is an interesting discussion, and I
think I know where Sal stands on this.

But I'm just wondering if there's
going to be a board discussion about what the
board thinks should be the board's authority --
the police commissioner.

So, as John notes, there's quite a lot of
information. My guess is that nobody's going to
draw a conclusion about what is the better
outcome. But there are people who feel very
strongly about whether or not the police
commissioner should have final authority, or as a
matter of the governance outside and inside or
whether the CCRB should have that authority

And I count one vote against that.

But I look forward to hearing the conversation
about the rest of the board and what you think

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about that.

MR. DAVIE: Well, what we'll do it let's get some answers to some of these other questions we had related to it. And then we'll schedule another conversation at some point, I won't guarantee it will be at the next meeting. But at some point on that very topic.

MR. DUNN: Do you know what Sal's second job is? Does anyone know that?

Detroit. The guy spends a lot of time in tiny Detroit.

MR. CARCATERRA: You don't have to tell everyone.

MR. SIEGEL: That's where the tan comes from.

MR. DAVIE: That's --

MR. DUNN: That's a Detroit tan?

MR. DAVIE: It's a Detroit tan. There's something about Detroit you're keeping a secret, Mr. Carcaterra.

Ms. Stahly-Butts.

MS. STAHLY-BUTTS: I just have a follow up to that.

So, I know that part of this convo is

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in regards to the timeline on the city charter and our own recommendations. And my understanding was up to this point, we were not taking a position or a stand on advocating for our own authority in this way.

So, I'm just curious to that question, when is the timeline. If want to make, I don't know, in this charter revision process to incur the conversation sooner, I think. I don't think that these answers actually answer the question that we have to answer about what should our authority be? What is legitimate for us to have in the City, both outward and inward facing.

I'm just curious where we are at in that process, and what kind of decision-making process will lead us to a final recommendation. And if not now and here then when?

MR. DAVIE: So, I don't think we will be ready to take a position on this issue prior -- given what I know about the timing of the city charter -- before the recommendations.

There are four recommendations before the commission that we support. Most of them -- all of them have to do with strengthening the

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agency.

This particular one, so the final authority of the commissioner is not among them. I don't think we will be in a position to have that one included in the timeframe that this commission has set for the consideration. I just think it's too --

MS. STAHLY-BUTTS: And why --

MR. DAVIE: I think it's too weighty.

MS. STAHLY-BUTTS: -- not?

Because we are taking a position by not taking a position. Right, so we are against it by virtue of not coming out for it.

So, I'm just curious about the process to come to that decision was and what the timeline was.

MR. DAVIE: So, there's been no process to come to that decision. I mean, if the board wanted to vote now, then we could certainly take a position. I certainly would entertain that motion, I mean.

But I think we need to be very thoughtful about this, because it's a huge step. And I think we need some time to deliberate

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ourselves as a board about it, to see where we stand. And we need time to hear from the public and other stakeholders in this. And I would not want us to take the step without sort of thoughtful consideration.

It's a good point that Mr. Dunn has raised, it's a good point that you've raised. But I think we need to be thoughtful and careful.

MS. STAHLY-BUTTS: So, I would just name I brought this up more than three months ago at this point.

And also just name that, again, inaction in this area is a form of action. And so what you're actually saying is, because we haven't created time, you can create a time to have this discussion or to have a full board discussion, you're taking by default a position of not having authority in this area. And I just object vehemently to that.

MR. DAVIE: And I object to that characterization of at least what this board has done. I don't think that's -- I don't think we are taking no position simply -- I don't think we're taking a position against our having final

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authority. I just think we need time to carefully consider it.

MS. STAHLY-BUTTS: Well, we haven't created that time.

MR. DAVIE: Because it's one of those -- we have not. And we can do it.

But it's one of those things that we could make a misstep on, that would set us back for a very long time. And I would just like us to take some time for --

MS. STAHLY-BUTTS: Well, I support that and I brought it up more than two months ago because I thought it was important to have that time.

I think we've pinned ourselves in a position now, that we don't have enough time to do that. We haven't created the time. And I do think taking no position on that is a fairly rare opportunity for us to make innovation around this at the City Charter level, is in fact taking a position.

MR. DAVIE: That's where we disagree.

But we will come up with a process for discussing, okay.

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MS. STAHLY-BUTTS: What is the actual timeline for us to make that decision though?

I just -- because I feel we talk about this last month.

MR. DAVIE: Mr. Siegel.

MR. SIEGEL: Yes, I just want to note that the question I asked about outcomes and how they're affected by this is a sincere question that really goes to the heart of what position I would have if we were addressing this.

The second thing I want to note is, some of the other positions that CCRB is advocating for Charter change might very well affect how we would feel on this issue and on our capability to deal with this issue if it were going to change.

So, it may be -- it may be better for it to be an incremental process.

MR. DAVIE: I'm sorry, just repeat the last part you said.

MR. SIEGEL: That some of the other positions that the CCRB is advocating for Charter change, including the budgetary provision, might be a necessary pre-condition to making any other

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change on advisory versus mandatory on agency capacity and other issues. Because it's not just what do we think is right and abstract, it's what do we think is effective in implementation.

MR. DAVIE: And that's the deliberation I would like the board to have, Ms. Stahly-Butts.

I want to take seriously your concern, and we will do it. I promise you we will do it.

MS. STAHLY-BUTTS: Can you share -- and I guess I just, I hear that and I appreciate that. I also have brought this up now for the last two and a half months --

MR. DAVIE: I understand.

MS. STAHLY-BUTTS: -- and we have not taken the time.

But I'm just curious, when is the actual timeline for us to end in this decision process?

MR. DAVIE: I don't quite know.

Do you know?

MR. DARCHE: Probably a couple of months at most.

MR. DAVIE: At most.

MS. STAHLY-BUTTS: I think it's essential

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for at least a vote and a public conversation where we invite folks to. Because I know advocates do have a position on this, we haven't created a space to hear that.

MR. DAVIE: Right, so -- all right, let me give it some thought. And then we'll be back to the public with this at the next meeting with some explanation.

Any other comments on this issue?

Please.

MS. CLASSON: Hi, thank you.

And since the conversation was raised, my name is Carolyn Classon. I'm here on behalf of Communities United for Police Reform. An unprecedented campaign working to end discriminatory policing practices in New York City.

We believe the 2019 Charter revision process is represents an important opportunity to make changes to the charter that can better advance safety along with increased police accountability and transparency.

On behalf of CPR member organizations, we ask that the CCRB formally considers

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supporting our formal recommendations for CCRB related Charter changes being currently advanced by CPR through the Charter revision process.

We're advancing for additional changes related to NYPD physical transparency, but my comments will be focused on those related to the board.

Amongst low income communities of color, which include immigrants, woman, LGBT and gender non-conforming people, homeless individuals and others, it's no secret that there's a systemic crisis and that could use a timely and meaningful and transparency.

As has been documented in the New York Times, in the Daily News, Buzzfeed and elsewhere. The routine lack of time and meaningful discipline is incredibly troubling, particularly in the communities most impacted by police violence and misconduct.

The City Charter needs to be revised to strengthen transparency and to promote meaningful timely discipline when officers engage in misconduct.

Unfortunately, the status quo enables

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and promotes a systemic lack of accountability within the NYPD and other officers that the department trains and supervises, including school safety agents.

The Charter revision commission presents a significant opportunity to improve government transparency and accountability, while making the City safer for all New Yorkers. And that will require greater transparency and accountability from the NYPD.

While CPR supports CCRB's calls for the codification of the APU through the Charter, we believe that the -- if that's the only thing that happens through the Charter process, it will be a serious wasted opportunity. And we fear it will not result in any meaningful changes to the status quo.

In addition to qualifying the APU, Communities United for Police Reform are supporting a number of key reforms related to the Civilian Complaint Review Board, which include enabling the CCRB to determine discipline cases that they prosecute as part of the APU. CCRB is tasked with doing thorough independent

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2 investigations of NYPD officers who engage in
3 misconduct. That process is deliberative and is
4 developed for the sake of a less biased outcome
5 in the disciplinary process.

6 Unfortunately, because the
7 commissioner has ultimate say in the disciplinary
8 outcome of the cases prosecuted by CCRB.

9 Regardless of the discipline recommendations of
10 the board, the investigative disciplinary process
11 is undermined because outcomes are often watered
12 down or all together ignored.

13 We're also pushing for expanding CCRB
14 authority to prosecute unrelated misconduct in
15 cases that the CCRB already prosecutes, instead
16 of referring those findings to IAB.

17 We're also advocating to expand CCRB
18 authority to explicitly include school safety
19 agents and other peace officers.

20 Currently the CCRB is only allowed to
21 prosecute exclusively NYPD officers, and not
22 those who fall into the categories of agents or
23 peace officers, despite the fact that those peace
24 officers are often trained by NYPD.

25 The lack of transparency regarding the

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discipline of peace officers is deeply worrisome, particularly because peace officers include officers working with populations most vulnerable to police violence; like school safety agents, agents of the Department of Homeless Services, and Human Resource officers.

We're also advocating for a requirement that when the commissioner deviates on CCRB findings and discipline recommendations, that that reason for the deviation be made public.

We thank you for the opportunity to submit comment. And we look forward to working together with the CCRB in the coming months on concrete proposals to amend the City Charter to show greater police transparency and accountability.

It cannot be understated how important it is that this board support these kinds of really momentous changes that can be achieved in this unique moment.

So, thank you.

MR. DAVIE: Thank you.

Any other comments on the presentation

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that we just had or the discussion that has
ensued on this topic?

Okay, sure.

ELENA: Hi.

My name is Stephanie Elena. And I'm
one of the outreach liaisons with the 2019
Charter revision.

And I just wanted to say that we've
been hearing a lot about CCRB and police
accountability. And one of the things that we
want to do is we want to open up and offer
comments of the public hearing that we're going
to be having fairly soon, starting at the end of
April.

In addition, you can make public
comments on our website, which is
www.charter2019.nyc, as well as our Twitter and
social media which is @charternyc. And I believe
we have a couple of fliers around.

So, if you would like to engage us,
I'm here with my two other colleagues, and we
offer that as well.

Thank you.

MR. DAVIE: Thank you.

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2 MR. DARCHE: Do you know when the process
3 will end?

4 We've been trying to figure out how
5 long the board has to make a decision. So, how
6 long is the commission going to have it's
7 timeline for?

8 ELENA: Certainly.

9 Unfortunately I can't give you a
10 precise deadline at this point. But I can always
11 run that question up the chain and let you know.

12 MR. DARCHE: Thank you.

13 MR. DAVIE: Any other comments on this
14 topic?

15 (No response.)

16 MR. DAVIE: All right.

17 Is there any other old business to
18 come before the board?

19 Thank you, Nicole.

20 Any other old business?

21 I'm sorry, go ahead.

22 MR. PUMA: A couple of months ago we --
23 I think I mentioned at our board meeting, that we
24 were still --

25 MR. DAVIE: He's going to turn the mic

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on.

MR. PUMA: -- the Blue Ribbon Commission released it's report at the beginning of February.

We had our board meeting shortly afterwards. And I think we were still looking at the report, analyzing it, and we were named a few times, clearly.

And I was wondering if there was an actual response or if things happened since the release of the report that we can report on?

MR. DAVIE: Yes.

(Inaudible.)

So, John and I had a meeting with the commissioner's staff, I don't know, maybe a month and a half ago.

MR. DARCHE: The police commissioner, not the commission.

MR. DAVIE: Yes, the police commissioner. That's what I meant to say if I didn't.

And he had -- he said to us, and I think this is public, that he intends to implement -- if it's not, it is now, right?

He intends to implement all the

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recommendations of the Blue Ribbon Commission.
And that on those that are most relevant to the CCRB, they will work with us and give us an opportunity to be a part of their working group on those issues.

Do you want to say more about that?

MR. DARCHE: So, the two issues that are closest to CCRB are the reconsideration process and the discipline matrix that they were referring to that we call discipline framework that you have.

And I know that we've been in communication with the first deputy commissioner's office, so that CCRB staff will be involved in those working groups. And I think the first meeting is April 18th, so next week and we'll report back on how the progress is on that.

But the Police Commissioner assured the Chair that there would be CCRB involvement, and the follow up indicates that we will be in the room when the conversations are being conducted.

MR. DAVIE: Any other comments on this?

(No response.)

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2 MR. DAVIE: Any other old business to
3 come before the board?

4 (No response.)

5 MR. DAVIE: All right.

6 So, for public comment I have one
7 person on my list, and that -- is it Shaelle
8 Camille?

9 MS. CAMILLE: No.

10 That is me but I probably signed the
11 wrong sheet, no.

12 MR. DAVIE: Okay, it just has a big "yes"
13 beside it and it's circled.

14 All right.

15 Any other business to come before --
16 yes?

17 MR. REUBEN: I didn't sign up yes, but
18 may I?

19 MR. DAVIE: Sure, please, go ahead.

20 MR. REUBEN: One of the board members
21 said something about the ECRB, the Elected
22 Complaint Review Board for somebody from the CCRB
23 to give a report about them might be a conflict
24 of interest since they're very often criticizing.

25 I happen to have spent a lot of time

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here and spent some time with the ECRB. And I'm going to give you Jordan's view. I do not represent them. I do not support them. But these are some of the things that I've learned.

The elevator statement would probably the board members will be elected, the commissioner implements the recommendations on discipline from the board, and there's a special prosecutor who deals with criminal activity by the police. Those are to me the three main points.

The election turns out to be interesting, because there will be 17 districts for electing these commissioners. Now, there are currently 51 council-matic districts. So, that means each commissioner elected would have three districts that there are three council-matic districts. Eight and a half million divided by 17 happens to be half a million.

So, each of these people will represent potentially half a million, but they will have to campaign. And they have no idea, because I asked, how the financing for something

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like that would happen.

Now, I can't imagine anybody here wanting to go through the process of running for the position on this board. It's a full-time job, you potentially need to raise thousands of dollars.

A comment was made at the Public Safety Committee about different -- I guess it may be said -- a union would want to influence as much as possible. So, there is a fundamental issue there.

One of the people talking about how they'd elect. And I said, "have you read the bio's of the people on the CCRB?" And the answer was "no."

And that sort of surprised me, because I have read them and -- this is a joke -- all of you but one person is highly qualified to be on the board. That was a joke. I think everyone is.

But the fact that they haven't made the effort to learn who you are and what your backgrounds are and what you bring to the job, I think is -- it was very surprising to me and raised a question in my mind.

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MR. DAVIE: Thank you, Mr. Ruben.

Any other comments, public comments?

(No response.)

MR. DAVIE: All right.

So, the Chair will entertain a motion to
adjourn to executive session

Is there such a motion?

MR. SIEGEL: So moved.

MR. DAVIE: Is there a second?

MS. STAHLY-BUTTS: Second.

MR. DAVIE: Any questions or comments?

(No response.)

MR. DAVIE: All those in favor of the
motion, please say aye.

(A chorus of ayes.)

MR. DAVIE: All those opposed?

(No response.)

MR. DAVIE: No.

The ayes have it.

The motion is carried, we are
adjourned to executive session.

Thank you.

(Whereupon, the above-entitled matter
concluded at 4:55 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

I, BONITA RICHARDS, a Notary Public within and for the State of New York, do hereby certify:

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

I further certify that I am not related to any of the parties to this action by blood or 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 18th of April 2019.

Bonita Richards
BONITA RICHARDS

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