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3	CIVILIAN COMPLAINT REVIEW BOARD
4	PUBLIC MEETING
5	June 12, 2019
6	4:04 p.m.
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8	100 Church Street
9	New York, New York
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12	TRANSCRIPT OF PROCEEDINGS:
13	BEFORE:
14	FREDERICK DAVIE, Chair
15	JONATHAN DARCHE, Esq., Executive Director
16	
17	REPORTED BY:
18	Kristina Trnka
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2	PUBLIC MEETING AGENDA:	
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4	1. Call to Order	
5	2. Adoption of Minutes	
6	3. Report from the Chair	
7	4. Report from the Executive Director	
8	5. New Business	
9	6. Old Business	
10	a) Charter Reform	
11	i)Update and Presentation from Policy Unit	
12	7. Public Comment	
13	8. Adjourn to Executive Session	
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2	BOARD MEMBERS PRESENT:	
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4	FREDERICK DAVIE, Chair	
5	FRANK J. DWYER, Board Member	
6	JOSEPH A. PUMA, Board Member	
7	MICHAEL RIVADENEYRA, Board Member	
8	ERICA BOND, Board Member	
9	NATHAN JOSEPH, Board Member	
10	SAL CARCATERRA, Board Member	
11	JOHN SIEGAL, Board Member	
12	LINDSAY EASON, Board Member	
13	MARBRE STAHLY-BUTTS, Board Member	
14	JOHN SIEGAL, Board Member	
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16	JONATHAN DARCHE, ESQ., Executive Director	
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1 Proceedings 2 MR. DAVIE: Hi. We'd like to call 3 this June 2019 meeting of -- the board meeting of the Civilian Complaint Review 4 5 Board to order. 6 Good evening and welcome to 7 everyone here. 8 Before we get started in full, I'd 9 like to invite my colleagues on the board 10 to introduce themselves. And I will start 11 with Mr. Joseph. 12 MR. JOSEPH: Good evening. My 13 name is Nathan Joseph. I am the city 14 council appointee from Staten Island. 15 MR. DWYER: My name is Frank 16 Dwyer. I am a police commissioner 17 appointee. 18 MR. CARCATERRA: Hi everybody. I'm Sal Carcaterra. I'm a police 19 20 commissioner appointee. 21 MS. BOND: Good afternoon, all. 22 My name is Erica Bond. I'm a mayoral 23 appointee. 24 MR. DARCHE: Jonathan Darche, 25 executive director of the agency.

1 Proceedings 2 MR. SIEGAL: John Siegal, 3 designated and appointed by Mayor de Blasio. 4 5 MR. EASON: Good evening, 6 everyone. I'm Lindsay Eason. I am 7 appointed by the police commissioner. MR. RIVADENEYRA: Good afternoon, 8 everyone. I am Michael Rivadeneyra. 9 I am 10 the Bronx City Council designee. 11 MR. DAVIE: Thank you all. 12 I'm Fred Davie, chair of the 13 board, mayoral designee and appointed by 14 the mayor. 15 We have a couple of other board 16 members who are going to join us tonight 17 before we conclude this public session. We'll have them introduce themselves when 18 19 they come in as well. 20 As many of you know the CCRB's 21 prosecution of Officer Daniel Pantaleo --22 a seven-day trial that, for reasons we're 23 not clear of, stretched over for weeks -concluded on Thursday afternoon. I want 24 25 to make just two points before I turn

6 1 Proceedings 2 things over to CCRB's Executive Director 3 Jon Darche. First, I want to commend the 4 Administrative Prosecution Unit for it's 5 6 months of dedication to this case. I 7 would be remiss --8 (Applause.) 9 MR. DAVIE: -- if I did not publically acknowledge and thank Jonathan 10 11 Fogel. Now, I don't know Jonathan. I 12 talk to him on the phone. Is he here? 13 14 MS. O'HARE: No. He's working 15 hard at his desk. MR. DAVIE: Understood. 16 17 And of course, you, Susan. Suzanne O'Hare our Deputy Chief 18 19 Prosecutor. Thank you. 20 (Applause.) 21 MR. DAVIE: Thank you for all your 22 hard work. Appreciate it. 23 MR. JOSEPH: Can I make a comment? 24 MR. DAVIE: Yes. 25 MR. JOSEPH: I would just like to

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1	Proceedings	
2	say Council Member Debi Rose had attended	
3	those hearings and was very impressed by	
4	our prosecution unit. She thought they	
5	were fantastic and she has been spreading	
6	the word to her colleagues so well done.	
7	MR. DAVIE: Great. Thank you.	
8	Thank you, Mr. Joseph.	
9	Thanks again.	
10	As chair of the board, I want to	
11	thank everyone for their professionalism	
12	and dedication to this work. And I know	
13	you're continuing to work really hard on a	
14	post-trial brief so thank you.	
15	As a New Yorker, I want to thank	
16	all of the staff. I want to thank	
17	everyone for using their considerable	
18	talents in this effort. I want to thank	
19	this board for its continued support of	
20	the work of this agency. But particularly	
21	the work that was done over the last	
22	months on this case to serve the people of	
23	the City of New York as we've been	
24	mandated by the charter to do.	
25	The second point I want to	

1	Proceedings
2	make is to zoom out a bit and highlight
3	the fact that this is a pivotal moment in
4	civilian oversight of the city's police
5	department. Commissioner O'Neill's final
6	decision in this case will influence
7	police-community relations in our city for
8	the foreseeable future.
9	The CCRB's prosecutors made the
10	case that, by placing Eric Garner in a
11	fatal chokehold, Officer Daniel Pantaleo
12	engaged in misconduct that warrants his
13	termination from the NYPD.
14	We have to wait a decision from
15	the judge and ultimately the commissioner,
16	but let's be clear: Officer Pantaleo used
17	excessive force and thereby is no longer
18	fit to the serve as a member of the NYPD,
19	and must be terminated immediately upon
20	recommendation by the judge or the police
21	commissioner must use his final authority
22	to terminate Mr. Pantaleo from the police
23	department.
24	After five long years, the Garner
25	family and the people of the City of New

1	Proceedings
2	York deserve closure on this case. The
3	CCRB prosecutors have done their job and
4	now we ask the police commissioner for
5	whom I have a great deal of respect to
6	do what the evidence demands. That is to
7	terminate Office Pantaleo.
8	Thank you. I will know turn the
9	meeting over the Mr. Darche and we will
10	proceed.
11	MR. DARCHE: Thank you, Mr. Chair.
12	I want to briefly address a case
13	that was brought to our attention during
14	the public comment portion of last month's
15	board meeting in the Bronx. There was a
16	person who spoke about how their case had
17	taken a very long time to be investigated
18	and he hadn't heard anything.
19	The CCRB investigators are still
20	working on this complaint and is with all
21	cases and complaints that come to this
22	agency, we are taking it seriously. I
23	can't get into the details of the case but
24	the difficulty we faced in closing it is in
25	large part due to the lack of access to

10 1 Proceedings 2 body-worn camera footage. 3 This is one of hundreds of cases delayed by our lack of direct access to 4 5 NYPD body camera footage. It's just a 6 reminder of why the agency needs direct 7 access and why we're been aggressive in 8 pushing for it with the department. 9 I want to add my thanks to John Fogel and Suzanne O'Hare, to the chairs 10 11 for their work on the Pantaleo trial. If you guys -- after you're done 12 13 here, the charter revision commission is 14 meeting today at 6:00 p.m. at City Hall. 15 The commission won't be taking testimony but will be discussing proposals that 16 17 included police accountability. And I think it's important that we're all aware 18 19 of how the commission's decisions affect 20 New Yorkers' lives day-to-day, especially around areas of civilian oversight. 21 22 Then there are two more pride 23 events that CCRB will be participating in this month. Bronx Global Pride on 24 25 June 23rd and NYC World Pride on

1	Proceedings
2	June 30th.
3	Finally, we have two ground rules
4	for public comment. Comments on specific
5	incidents of police conduct whether
6	you'd like to report misconduct or follow
7	up on a complaint you've already filed
8	should be directed to the investigators
9	present, Sara Griffin and Carter Salis.
10	They're in the back there. And to ensure
11	fairness and give everyone who wants the
12	opportunity to speak, please limit your
13	comments to two minutes. Thank you.
14	MR. DAVIE: Thank you.
15	We will now move to an adoption of
16	the minutes.
17	Is there a motion to adopt the
18	minutes from the last meeting?
19	MR. RIVADENEYRA: So motioned.
20	MR. DAVIE: Is there a second?
21	MR. EASON: Second.
22	MR. DAVIE: Any changes?
23	(No response.)
24	MR. DAVIE: All those in favor of
25	adopting the minutes please say aye.

12 1 Proceedings 2 (Chorus of ayes.) 3 MR. DAVIE: Opposed, no. (No verbal response given.) 4 5 MR. DAVIE: The ayes have it, 6 minutes are adopted. 7 Is there new business to come before the board? 8 9 (No verbal response given.) 10 MR. DAVIE: I see we have old 11 business and we're going to have a charter 12 reform and update and presentation from 13 the policy unit. 14 MS. NAPOLITANO: Good evening. 15 Can everyone hear me? All right 16 then. 17 My name is Nicole Napolitano. I'm the director of policy and advocacy here 18 19 at the CCRB. 20 In our last board meeting that was held here at the CCRB's offices I gave a 21 22 presentation on what we collectively refer 23 to in-house as a duty to cooperate. We 24 discuss this in two different ways here. It's either the police agencies 25

1	Proceedings
2	responsibility to provide to the oversight
3	agency documents and other evidence and
4	make available witnesses and subject
5	officers, which is related to the
6	oversight agency's subpoena power.
7	What I discussed in a little bit
8	more depth was how the CCRB compared to
9	other agencies on the second piece which
10	is the statutory requirement of the police
11	chief or the police commissioner to comply
12	with findings or disciplinary
13	recommendations of the oversight agency.
14	So here in New York the CCRB makes
15	recommendations for discipline for
16	individual acts of substantiated
17	misconduct and the police commissioner has
18	final disciplinary authority.
19	There were several questions that
20	came up from board members during that
21	meeting and a part of my presentation this
22	evening is going to be to deliver updates
23	on all of those questions the many
24	varied questions.
25	So the items that were requested

		14
1	Proceedings	
2	were the number of uniformed members of	
3	service in the police department that the	
4	particular oversight agency that we are	
5	comparing the CCRB to oversees; whether	
6	any of them have elected boards; the types	
7	of misconduct in that agencies	
8	jurisdiction; if the police commissioner	
9	or the police chief in the jurisdiction	
10	must document the reasons for departure	
11	from board recommendations and whether	
12	that's the case for all or only some	
13	allegations of misconduct; and how the	
14	particular agency handles false	
15	statements. Adjacent to that were	
16	follow-up questions that were not quite	
17	related to those specific agencies but I	
18	was asked to provide updates on what Los	
19	Angeles and Newark have been up to lately	
20	with their police oversight; what the	
21	impact of having the police commissioner	
22	or chief be the sole arbiter of discipline	
23	is on outcomes, if that's known; and what	
24	local members of the public think of their	
25	oversight agency, public perception.	

1	Proceedings
2	So I realize this is pretty small
3	font on a large screen now.
4	The agencies that I had initially
5	reviewed and then presented some detailed
6	information on a smaller handful of those
7	ranged from Detroit to Cincinnati; Long
8	Beach, California; Oakland, California;
9	San Diego, California, Springfield,
10	Massachusetts; Syracuse, New York;
11	Pittsburgh, Pennsylvania; Providence,
12	Rhode Island; Berkley, California;
13	Chicago, Illinois.
14	And then since then I've been able
15	to identify five additional agencies that
16	are investigative oversight agencies that
17	have boards that are sat by civilians that
18	also have subpoena power.
19	Those are in San Francisco,
20	California. They have their department of
21	police accountability, which is supervised
22	by the police commission. They have the
23	office of police complaints in Washington,
24	D.C.; the Atlanta citizen review board in
25	Atlanta, Georgia; and the civilian police

		16
1	Proceedings	
2	oversight agency in Albuquerque, New	
3	Mexico; as well as a civilian	
4	investigative panel in Miami, Florida.	
5	So briefly, of the five additional	
6	agencies profiled five had stronger	
7	that's not right three had stronger	
8	duty to cooperate powers than the CCRB.	
9	That's a typo.	
10	San Francisco's police	
11	accountability is supervised by what's	
12	called the police commission. They	
13	investigate all civilian complaints of	
14	police use of force, misconduct, or	
15	allegations that a member of the police	
16	department has not properly performed a	
17	duty so very broad misconduct. Also	
18	has authority to conduct performance	
19	audits or reviews of whether the police	
20	department personnel and management have	
21	complied with federal and state laws, city	
22	ordinances and polices, and police	
23	department policies.	
24	While the chief of police in San	
25	Francisco has disciplinary power to issue	

		17
1	Proceedings	
2	a ten-day suspension or less, the police	
3	commission holds all greater disciplinary	
4	power, including the power to hear appeals	
5	from the chief's disciplinary decisions.	
6	In both Albuquerque and Miami	
7	they have boards that recommend discipline	
8	but in both cities the police chief has a	
9	set amount of time it's 30 and 45 days	
10	respectively to document the reasons	
11	for any disciplinary downgrades for the	
12	board. In Miami the board also has the	
13	authority to independently place an	
14	officer who has been the subject of three	
15	or more complaints within the past year on	
16	a public monitoring list.	
17	Then regarding the summary	
18	findings from the follow up. So the	
19	number of uniformed members of service	
20	ranged from 182 in Berkley, California to	
21	11,944 in Chicago. New York City has	
22	36,000.	
23	And while I was reviewing some of	
24	the statutes and ordinances related to	
25	these agencies I noted something kind of	

		18
1	Proceedings	
2	interesting that I thought you all might	
3	be interested in as well. In San	
4	Francisco, their city ordinance requires	
5	the city to budget for one investigator at	
6	the department of police accountability	
7	for every 150 sworn police officers. If	
8	New York had that same ratio, that would	
9	mean nearly tripling the number of	
10	investigators that we have on staff here.	
11	None of the boards that I reviewed	
12	were elected. All were appointments by	
13	local mayors, city councils, or a	
14	combination of those. Most frequently it	
15	was a combination. In Cincinnati those	
16	nominations come from the city's 52	
17	community councils, business, civic,	
18	social service, and other agencies and	
19	organizations, and individual city	
20	residents anyone can submit a	
21	nomination for the board.	
22	Of the 16 agencies that I	
23	reviewed, only one, Washington, D.C.,	
24	allows a member of the police department	
25	current member of the police department	

		19
1	Proceedings	
2	to serve on the board. Only one, Miami,	
3	allows the police chief to appoint a	
4	member.	
5	In Miami the civilian	
6	investigatory panel selects and submits	
7	the pool of nominations from which the	
8	mayor and city council must choose board	
9	members together. Atlanta, different bar	
10	associations, the league of women voters,	
11	the Atlanta business league each have an	
12	individual appointment. So appointments	
13	vary from city to city.	
14	Of the agencies that were	
15	reviewed, only four had limits on the	
16	types of alleged police misconduct in	
17	their jurisdictions. Most of them have	
18	pretty board investigatory powers for	
19	generally any type of misconduct or	
20	violation of law.	
21	In Springfield it's all civilian	
22	complaints involving allegations of	
23	harassment; use of unreasonable or	
24	excessive force; use of language that is	
25	insulting, demeaning, or humiliating;	

		20
1	Proceedings	
2	discriminatory treatment based on a	
3	person's race, religion, national origin,	
4	sex, age, sexual orientation, or	
5	disability; or retaliation against a	
6	person for filing a citizen's complaint.	
7	In Chicago they receive and	
8	register all complaints that come in.	
9	However, they only investigate biased	
10	based verbal abuse; coercion; death or	
11	serious bodily injury in custody; domestic	
12	violence; excessive force; improper search	
13	and seizure; firearm discharge; Taser	
14	discharge that results in death or serious	
15	bodily injury; pattern or practices of	
16	misconduct; and, what they refer to as,	
17	awful denial or access to counsel. No,	
18	that's not right it's lawful.	
19	Atlanta, complaints lodged by	
20	members of the public regarding alleged	
21	abuse with language; false arrest; false	
22	imprisonment; harassment; use of excessive	
23	force; serious bodily injury; death, which	
24	is alleged to be the result of the actions	
25	of a sworn employee of the police	

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1	Proceedings	
2	department or corrections they have	
3	both police and corrections under the	
4	Atlanta commission.	
5	In Washington, D.C. they only	
6	investigate complaints alleging	
7	harassment; inappropriate language or	
8	conduct; retaliation; unnecessary or	
9	excessive force; discrimination; and	
10	failure to identify meaning the police	
11	officer failing to identify themselves to	
12	the civilian.	
13	Of the 16, 6 also had additional	
14	specified review duties apart from just	
15	the individual investigation of	
16	complaints. I'm not going to go through	
17	all of these in that amount of detail just	
18	for the sake of time. But San Diego,	
19	Pittsburgh, Berkley, San Francisco,	
20	Albuquerque, and Miami all have different	
21	requirements, generally policy review.	
22	But Miami is interesting in that they have	
23	the authority to investigate incidents of	
24	uses of force by officers of the city's	
25	police department resulting in death or	

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1	Proceedings	
2	great bodily harm to a person. They are	
3	mandated to automatically investigate	
4	police shootings or other uses of force	
5	resulting in death or serious injury.	
6	While all of the investigative	
7	agencies profiled have requirements in	
8	their city ordinances and police	
9	procedures to cooperate fully and honestly	
10	with investigations of police misconduct	
11	by that civilian oversight agency, none of	
12	the them in their most recent annual	
13	reports publically reported on the number	
14	of false statements made to them or the	
15	outcomes of any investigations into those	
16	statements.	
17	Updating on the individual	
18	agencies the police oversight agencies	
19	in Newark and in LA. Newark in March	
20	2016 created the Newark CCRB, the civilian	
21	complaint review board. That board would	
22	have been an 11 member board that was	
23	appointed by the mayor with the advice and	
24	consent of the municipal council the	
25	city council. There is a pretty broad	

		23
1	Proceedings	
2	range here but what the issue with Newark	
3	hinged on was the number of board numbers	
4	who were to be appointed directly from	
5	nominated and then appointed directly from	
6	specific organizations. That included the	
7	New Jersey ACLU, the NAACP, the People's	
8	Organization for Progress, La Casa De Don	
9	Pedro, Ironbound Community Corporation,	
10	and Newark Anti-Violence Coalition.	
11	They had a pretty broad authority	
12	to investigate any allegations of	
13	misconduct involving inappropriate	
14	behavior or actions. They also had	
15	concurrent jurisdiction with the Newark	
16	Police Department investigations. The	
17	power to review NPD investigations of	
18	misconduct, to consider and make	
19	recommendations regarding policies and	
20	procedures of NPD and it's disciplinary	
21	process, as well as police-community	
22	relations, and a requirement to used an	
23	established disciplinary matrix, and had	
24	subpoena power as well. The board's role	
25	in discipline was to provide its findings	

1	Proceedings
2	of fact to the city's public safety
3	director who was to accept their findings
4	of fact absent any clearer error and to
5	make disciplinary recommendations to the
6	public safety director and who was to make
7	all disciplinary decisions based on those
8	findings and consistent with the matrix.
9	The fraternal order of police,
10	however, in this case filed an injunction
11	in March 2018 Judge Donald Kessler ruled
12	that the Newark CCRB violates state
13	attorney general guidelines because it
14	would infringe on the day-to-day duties of
15	the police chief. Stripped the agency of
16	its subpoena and investigatory power.
17	Appeals in this case are still pending and
18	the most recent hearing was held on May
19	13th.
20	Los Angeles, so under the city
21	charter the board of police commissioners
22	in Los Angeles sets overall policy. The
23	chief of police manages daily operations
24	of the department and implements the
25	board's policies or policy, directions,

1	Proceedings
2	and goals. And there are five civilian
3	commissioners appointed by the mayor and
4	confirmed by city council on that board.
5	However, the board does not have
6	the authority to impose discipline though
7	it can investigate particular cases and
8	may director the city's inspector general
9	to take on special projects. It's not
10	quite what we do here at the CCRB.
11	The office of the inspector
12	general for the LAPD reviews the LAPD's
13	internal disciplinary process, receives
14	and reviews complaints of misconduct, and
15	functions mainly as a systemic audit model
16	of police oversight.
17	More recently the city of Los
18	Angeles finalized qualifications for
19	residents who are going to serve on the
20	boards that review officer misconduct. So
21	the change in LA is that it used to be
22	that it would be one civilian and two
23	LAPD command staff who would sit on the
24	panels that would review allegations of
25	misconduct, that would review these

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1	Proceedings	
2	complaints. The more recent change is	
3	that the member of service can choose to	
4	have a panel of three civilians instead.	
5	So they were recently finalizing	
6	qualifications and selecting civilian	
7	board members to serve on those panels.	
8	And again, that's a situation that's still	
9	pending.	
10	The broader questions that I was	
11	asked were about public perception of	
12	oversight agencies and the police	
13	commissioner as final arbiter of	
14	discipline. So there were not a lot of	
15	studies I'm sorry to say on these	
16	issues. However, these are related to key	
17	concepts of procedural justice and police	
18	legitimacy, as well as the effectiveness	
19	of civilian oversight bodies.	
20	So these two questions in the	
21	literature are linked wherever they are	
22	discussed. So procedural justice meaning	
23	the individual feels like the process that	
24	they went through was fair, was just.	
25	They have trust, they have faith in the	

	27
Proceedings	
system. And police legitimacy means that	
they believe that the officers they	
interacted with have lawful authority to	
engage in the activity that they do. Key	
issues that I found in that literature	
involved issues of public knowledge and	
complainant satisfaction.	
Across the board complainant	
satisfaction in places that have civilian	
oversight agencies or internal PD agencies	
that review complaints have pretty low	
levels of satisfaction in the process	
itself. The few studies that have	
compared the two have found slightly	
higher levels of satisfaction in places	
where there are civilian boards. Where	
there was a new civilian investigative	
agency that was put in place, afterwards	
civilians seemed to feel better about the	
process. They had more satisfaction.	
But long turnaround times for	
investigations, a lack of transparency, a	
lack of communication, and generally a	
burdensome process are all things that	
	system. And police legitimacy means that they believe that the officers they interacted with have lawful authority to engage in the activity that they do. Key issues that I found in that literature involved issues of public knowledge and complainant satisfaction. Across the board complainant satisfaction in places that have civilian oversight agencies or internal PD agencies that review complaints have pretty low levels of satisfaction in the process itself. The few studies that have compared the two have found slightly higher levels of satisfaction in places where there are civilian boards. Where there was a new civilian investigative agency that was put in place, afterwards civilians seemed to feel better about the process. They had more satisfaction. But long turnaround times for investigations, a lack of transparency, a lack of communication, and generally a

1	Proceedings
2	negatively impacted satisfaction.
3	Particularly among those people who
4	engaged in that complaint process. So if
5	they went through the complaint process,
6	those complainants were not very happy
7	with the process. And for those who went
8	in with a more punitive mindset, they were
9	much more likely to be dissatisfied if the
10	officers allegations were not
11	substantiated.
12	Things that improved satisfaction
13	included increased transparency and an
14	increase in communications with the
15	complainant to help them understand the
16	breath and the extent of the process. And
17	any complaint resolution that was actually
18	not a full investigation. So higher rates
19	of satisfaction were found when the agency
20	engaged in mediation or when the agency
21	was able to directly communicate with or
22	allow the civilian to directly communicate
23	with either the officer or the officer's
24	supervisor. There was an interesting
25	correlation there that multiple studies

		29
1	Proceedings	
2	found.	
3	In the review of news articles	
4	that I was able to put together in a	
5	pretty limited amount of time, it did also	
6	seem that public knowledge was an issue.	
7	So people understanding whether or not	
8	these agencies existed in the first place	
9	and knew how to file complaints was a real	
10	problem.	
11	There was nothing specific on	
12	whether a police commissioner has final	
13	say on discipline that I was able to find.	
14	But the key concept that was able to	
15	identify here was whether people feel like	
16	the civilian oversight body is a more	
17	effective mode than an internal oversight	
18	body. So whether an internal affairs	
19	bureau is something that people prefer	
20	comparative to a civilian board.	
21	Generally, people seemed to feel	
22	like they preferred the civilian approach	
23	but lacked faith in that particular	
24	process. They laced faith in the	
25	disciplinary process overall. And a key	

1	Proceedings
2	issue here seemed to be a lack of
3	transparency in the process. So what
4	mattered more to people was whether the
5	disciplinary process was understandable to
6	them; whether they felt like the
7	resolutions were derived from a fair and
8	just and independent process. And belief
9	in independence of civilian boards waxes
10	and wanes over time in different places
11	and is pretty varied by geography as well.
12	Collectively, I think there was
13	some very interesting issues that came up,
14	although nothing that was sort of directly
15	on the nose for the specific questions
16	that were asked.
17	An adjacent issue that across the
18	board numerous researchers reported on was
19	a lack of resources for civilian agencies.
20	While quality investigations uncover
21	misconduct, they are extremely resource
22	intensive. That would implicate for a lot
23	of different agencies an increase not just
24	in investigators but in some places an
25	increase in board members who review the

1	Proceedings
2	complaints as well. I found in several
3	places references to the limited number of
4	board members being problematic for the
5	number of complaints that the agency was
6	getting.
7	And then also several agencies
8	several researchers, rather, reported
9	agency deficiencies being related to a
10	lack of ability to engage in widespread
11	policy review. And I swear I'm not saying
12	that because I'm a policy person. But
13	they noted that real change comes from
14	reviewing the patterns and the trends that
15	arise in individual cases of misconduct.
16	And that having the authority in one's
17	ordinance or one's charter to engage in
18	that, kind of, widespread policy review is
19	something that can result in, sort of,
20	broad scale changes in police training,
21	for example, that would impact a lot of
22	individuals rather than just the one case.
23	MR. DARCHE: Nicole, there are
24	some people that are waiting to sit down.
25	Would you mind if we interrupt you for a

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1	Proceedings	
2	minute?	
3	MS. NAPOLITANO: Of course.	
4	That was part one.	
5	Part two, I've also been asked to	
6	present a little bit on the New York City	
7	Council Charter revision process. Just to	
8	briefly outline what has been recommended	
9	by charter commissions staff regarding the	
10	CCRB and what impact that might have on	
11	the agency.	
12	So there were six areas in which	
13	there were staff recommendations. Those	
14	included changing the structure of the	
15	board. So giving city council CCRB	
16	appointees rather than designees subject	
17	to mayoral approval. Having the CCRB	
18	chair jointly selected by the mayor and	
19	city council and making public advocate	
20	responsible for designating or appointing	
21	one or more CCRB members. Requiring	
22	explanations when the police commissioner	
23	deviates from CCRB recommended discipline	
24	cases, not just those closed by the CCRB's	
25	administrative prosecution Unit, the APU.	

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1	Proceedings	
2	Requiring the police commissioner to	
3	establish a nonbinding disciplinary matrix	
4	for all police disciplinary cases,	
5	including suggestions to solicit public	
6	comment, incorporate recommendations from	
7	the public advocate and OIG NYPD, the	
8	Office of the Inspector General for the	
9	NYPD, or provide a rational for not	
10	incorporating those. And also to	
11	incorporate recommendations from the CCRB	
12	or provide a rational for not	
13	incorporating those recommendations	
14	regarding any misconduct that falls within	
15	the CCRB's jurisdiction. Allowing CCRB to	
16	delegate its subpoena power to high	
17	ranking staff. Giving CCRB explicit	
18	jurisdiction over false statements. And	
19	protecting the CCRB's budget either via an	
20	independent or guaranteed budgeting	
21	system.	
22	So with regard to changing the	
23	structure of the board. The way that the	
24	board currently operates is that board	
25	members meet in panels of three, one from	

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1	Proceedings	
2	each type of designee so one mayoral	
3	designee, one city council designee, and	
4	one police commissioner designee to	
5	review all of our complaints. So as those	
6	panels meet, typically there are a few	
7	panels a month that meet, they review a	
8	case docket on average of about 50 cases	
9	per individual meeting.	
10	The city charter currently	
11	requires that the panels not be made up of	
12	any one type of designee and that is one	
13	of the limitations places on the charter,	
14	although it doesn't specify which designee	
15	should sit on panels. The implication for	
16	the agency if any of these and I'll	
17	just go back since it's outline a little	
18	bit here if any of these were	
19	implemented, particularly to add another	
20	type of category, would change up how the	
21	board structures its panels. So panels of	
22	three required to meet but being able to	
23	slot in, for example, a single individual	
24	appointed by the public advocate could	
25	theocratically impact the composition of	

1	Proceedings
2	panels and the number of panels that we
3	would be able to hold in a given month.
4	While there's no specific impact
5	that would relate to having the CCRB chair
6	jointly selected by the mayor and the
7	council, perhaps for the chair. That is
8	more common in other jurisdictions to have
9	those types of positions jointly selected.
10	And to have board members jointly selected
11	as well.
12	Requiring the police commissioner
13	to explain all deviations from the board's
14	disciplinary recommendations was actually
15	something that the CCRB had discussed
16	previously under the mayoral charter
17	revision commission process as well. So
18	the current process that exists now is
19	that only for APU cases is the police
20	commissioner required by the MOU,
21	memorandum of understanding, between the
22	CCRB and the NYPD to report back on
23	reasons for deviations.
24	However, for non-charges cases,
25	for cases in which the board recommends

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1	Proceedings	
2	command discipline or training or	
3	instructions that is not a requirement, it	
4	is not something that currently occurs.	
5	It is something that the CCRB had	
6	advocated via one of the charter change	
7	charter changes. Those explanations could	
8	be reported on our semiannual and annual	
9	reports in a way that would be aggregated,	
10	statistical, and we would be able to	
11	compare over time and would increase	
12	transparency with regard to the decision	
13	making process of the police commissioner.	
14	The third change requiring the	
15	police commissioner to establish a	
16	nonbinding disciplinary matrix. So the	
17	CCRB, the board, has a disciplinary	
18	framework that it has been using to help	
19	guide decision making in the panels in	
20	which they discuss the complaints. So	
21	disciplinary framework identifies specific	
22	allegations that more frequently warrant	
23	charges under the board's review. It also	
24	encourages the board to then take into	
25	account an officer's complaint history	

1	Proceedings
2	their disciplinary history here at the
3	CCRB little pop up window thanks.
4	As well as take in the totality of the
5	circumstances for the complaint so that
6	their discussion is guided by those areas.
7	Currently this framework exists
8	for the cases in which the board
9	recommends charges and specifications but
10	the board is reviewing expanding that to
11	all complaints, all different types. The
12	NYPD has a disciplinary matrix working
13	group that the CCRB is part of. So we
14	send staff members from the agency to meet
15	with the department to help them to
16	construct a disciplinary framework or
17	matrix that connects with the jurisdiction
18	that the agency has. This was also one of
19	the recommendations of the Blue Ribbon
20	Panel Report.
21	Allowing the CCRB to delegate its
22	subpoena power to high ranking staff.
23	Currently the city charter requires the
24	board to vote on subpoenas but this can
25	take a significant amount of time. In any

1	Proceedings	
2	given month there can be nearly 200	
3	subpoenas that the board needs to issue to	
4	obtain things like documents and footage,	
5	for example. So the delay in having an	
6	entire board get together to vote on a	
7	subpoena can add a significant amount of	
8	time to an investigation. The board being	
9	able to designate that power to a high	
10	ranking member of the executive staff here	
11	at the agency would significantly cut down	
12	on that time. This was also one of the	
13	recommendations that the CCRB made.	
14	Giving the CCRB explicit	
15	jurisdiction over false statements made by	
16	officers in connection with CCRB matters.	
17	So false statement means that there is	
18	significant evidence that investigators	
19	find in a given case that the officer made	
20	a statement that was untrue and related	
21	to the misconduct in question.	
22	I don't know what just happened	
23	that	
24	MR. DARCHE: We're not trying to	
25	have you shut down.	

1 Proceedings 2 MS. NAPOLITANO: I mean I would 3 understand if you were. So currently the CCRB handles 4 5 false official statements by referring the 6 evidence for that false official statement 7 to the NYPD, which has a patrol guide 8 provision that specifically prohibits 9 making false official statements to the CCRB as an agency. We do get back the 10 11 outcome of those investigations. Very few of those cases are substantiated. 12 13 So giving the CCRB explicit jurisdiction over false statements would, 14 15 I suppose, change the acronym from FADO --16 excessive force, abuse of authority, 17 discourtesy, and offensive language -- to FADO, adding the additional F for false 18 19 statements. Although it's possible that 20 if the board discussed the issue and 21 wanted to include false official 22 statements in its jurisdiction that that 23 would be something that the policy unit 24 would also be able to review for you. 25 Making such a charter change would then

1	Proceedings
2	require the agency to investigate these
3	cases in house. And would also then
4	extend NYPD's duty to cooperate with those
5	individual investigations as well.
6	Protecting the CCRB's budget. The
7	staff of the charter revision commission
8	did not specifically pick a way to protect
9	the CCRB's budget. The noted that the
10	agency could be guaranteed an independent
11	budget or break apart the budgeting in a
12	way that would connect it either, for
13	example, to the budget of the New York
14	City Police Department. That was one of
15	the CCRB's recommendations, that the
16	agency receive one percent of whatever the
17	NYPD is allocated. So we can better keep
18	up with changes at the department.
19	But the staff report did not
20	specifically state that. It didn't
21	specifically state a number or it did not
22	specifically state how the budget should
23	be made independent, just advocating that
24	it should. Noting that there is an
25	inherent political process involved in

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1	Proceedings	
2	budgeting. So if a future administration,	
3	for example, wanted to weaken police	
4	oversight in New York, all it would really	
5	need to do would be to decrease the	
6	budget. Which would significantly hamper	
7	the agency's ability to be responsive to	
8	complainants in a timely fashion. Our	
9	resources would take a hit for that.	
10	Increasing the CCRB's budget would	
11	help us with some really, I think,	
12	significant issues including expanding	
13	investigative staff, expanding into the	
14	various boroughs instead of just having	
15	one headquarters in Manhattan. That would	
16	allow us to do additional outreach and	
17	additional policy and data analytics work	
18	and would keep the budget independent and	
19	protected in a way that is pretty similar	
20	to how some other jurisdictions have done	
21	it.	
22	Chicago, for example, COPA has	
23	their budget as 1 percent of the Chicago	
24	Police Department's budget. And there are	
25	several other cities that have budgets	

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1	Proceedings	
2	that are tied to either the police	
3	department in that jurisdiction or have a	
4	specific minimum amount of money allocated	
5	for police oversight as a statutory	
6	requirement. So this is something that	
7	would significantly impact I think in a	
8	very, very positive way the way that	
9	the CCRB is able to do its work.	
10	All right. Yes?	
11	I did reach the question slide so	
12	we're ready.	
13	MR. JOSEPH: Perfect timing.	
14	MS. NAPOLITANO: Yes.	
15	MR. DAVIE: Mr. Joseph, do you	
16	want to use your microphone?	
17	MR. JOSEPH: Can you hear me now?	
18	All right.	
19	Just to go back to statement five,	
20	giving the CCRB jurisdiction over false	
21	statements. I'm not clear on what happens	
22	now if an officer makes a false statement	
23	and we can prove that it was false. I'm	
24	not really clear on what we can actually	
25	do and what actually happens.	

1 Proceedings 2 MS. NAPOLITANO: So when an 3 officer makes a statement that is false based on comparison with other evidence 4 5 so, for example, with body-worn camera 6 footage. The investigator will document 7 all of that and we send as much of that 8 evidence as possible over to the NYPD for 9 them to investigate. 10 And so that's -- it's an 11 allegation that is investigated separately 12 outside of the CCRB. Once they complete 13 their investigation they will let us know 14 what the outcome of that is, whether it 15 was substantiated or exonerated or 16 unfounded or unsubstantiated. 17 MR. JOSEPH: Really? MS. NAPOLITANO: Yes. 18 19 MR. JOSEPH: Okay. 20 MR. DAVIE: Are there other 21 questions? Comments? 22 MR. CARCATERRA: Nicole, I don't 23 need it right now, just when you did the 24 comparison with the numbers and the 25 agencies -- the 16 agencies -- you went

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1	Proceedings	
2	from the low to the high. Do you have	
3	each agency's numbers.	
4	MS. NAPOLITANO: Yes, I do. I can	
5	send that to you.	
6	MR. CARCATERRA: Okay. Also, do	
7	we have each agency's number of complaints	
8	they get yearly compared to the NYPD?	
9	MS. NAPOLITANO: I didn't record	
10	it but I'll get that to you as well.	
11	MR. CARCATERRA: Just so there is	
12	a baseline and we are looking at apples to	
13	apples here. So when we are talking about	
14	what can be done and what other agencies	
15	are doing what's just prohibitive just	
16	based on size and scope of the work.	
17	MS. NAPOLITANO: Will do.	
18	MR. CARCATERRA: Thanks.	
19	MR. DWYER: Also, did you come	
20	across what standards of proof they use?	
21	MS. NAPOLITANO: You know, it's	
22	not something that I recorded although I	
23	did it was sort of a mental note every	
24	time I saw something that was	
25	preponderance of the evidence. But I can	

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document that if that's something that	
you're interested in for each of those.	
MR. DWYER: If it's a lot of work,	
don't do it. If it's easy, it's helpful.	
MS. NAPOLITANO: I did already	
save all the	
MR. DWYER: You would think you	
would think it's a preponderance cause	
it's a civil thing.	
MS. NAPOLITANO: Right.	
MR. DWYER: But it could be clear	
and convincing evidence, it could be	
beyond a reasonable doubt.	
MS. NAPOLITANO: Yeah.	
MR. SIEGAL: I don't know if you	
I don't know if you reviewed for this	
but which, if any, of these other agencies	
had any confidentiality scheme akin to	
50A.	
MS. NAPOLITANO: There was nothing	
that I noted that was as expansive as 50A	
is here. I didn't note whether there were	
any other limits but the vast majority of	
ordinances the vast majority of	
	<pre>document that if that's something that you're interested in for each of those.</pre>

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1	Proceedings	
2	jurisdictions did speak to public	
3	education. So I noted one of them, for	
4	example, Miami I think it was, where they	
5	were to publically document officers that	
6	had more than three complaints in a	
7	calendar year. So the public reporting	
8	didn't seem to be as much of a	
9	MR. SIEGAL: Restriction.	
10	MS. NAPOLITANO: of a	
11	restriction for them, yeah. But I can get	
12	those specific ordinances.	
13	MR. SIEGAL: I think I know the	
14	answer to this but I may have the history	
15	wrong, don't all of these agencies	
16	postdate the creation of CCRB?	
17	MS. NAPOLITANO: That is a good	
18	question. At least some do and, in fact,	
19	some were created within the last five	
20	years?	
21	MR. SIEGAL: Right. Okay.	
22	Thanks.	
23	MR. DAVIE: Any other comments?	
24	Questions?	
25	Nicole, do you know the size of	

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1	Proceedings	
2	the budget of the Chicago Police	
3	Department?	
4	MS. NAPOLITANO: You know, off the	
5	top of my head I don't. But it was in the	
6	documentation that we provided for the	
7	mayor's charter revision commission	
8	testimony and so I can get that to you.	
9	MR. DAVIE: Great. Thank you.	
10	Anyone Mr. Puma. You can	
11	introduce yourself as well.	
12	MR. PUMA: Sure.	
13	Good afternoon, everyone. I'm	
14	Joseph Puma. I am the Manhattan City	
15	Council designee on the board. I'm sorry	
16	for be tardy. I'm glad I was able to	
17	catch the bulk of this very important	
18	presentation.	
19	Thank you, Nicole.	
20	I had a question about whether in	
21	your research you encountered sort of the	
22	ways that the different ways that some	
23	of these entities issue policy or	
24	statements? You know, whether it be	
25	reports or resolutions or other sorts of,	

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2	kind of, official recommendations that	
3	are, I guess, more in the policy area	
4	which is definitely your area in our	
5	agency.	
6	MS. NAPOLITANO: There are	
7	generally two formats. Either more	
8	extensive policy reports. Some of these	
9	have, sort of, a concurrent auditing	
10	function as well. So they'll issue annual	
11	reports, for example, and also reports on	
12	specific issues.	
13	Then the other format is policy	
14	briefs, which is more common in places	
15	like D.C. They are also police	
16	complaints. Their policy recommendations	
17	are specific to a particular issue, like a	
18	trend in complaints, let's say, that they	
19	see. And then they will issue a pretty	
20	short two or three page document detailing	
21	that and recommending a specific policy.	
22	MR. PUMA: Was there anything, I	
23	guess maybe not not speaking to	
24	substance but was there any, sort of, I	
25	guess, form of policy statement that some	

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1	Proceedings	
2	of the other entities used that maybe	
3	seemed interesting to you or is something	
4	that maybe we could adopt?	
5	MS. NAPOLITANO: Sure.	
6	I mean, I think, I limited this to	
7	investigative agencies but the other	
8	models of oversight tend to lend	
9	themselves a little bit more to that,	
10	especially the systemic review model. So	
11	looking at things form a 30,000-foot	
12	perspective I think is helpful.	
13	We tend to be a little limited in	
14	at least how our policy reviews begin. We	
15	start with the complaints that we get.	
16	But the complaints that we get are not	
17	necessarily indicative of the incidents	
18	that are happening. Because not everybody	
19	complains to us. Not everyone knows that	
20	the CCRB exists. Some people don't feel	
21	comfortable complaining, particularly to a	
22	government agency. That's the case, I	
23	think, in a lot of jurisdictions.	
24	The particular issues range but a	
25	lot of agencies are very interested in use	

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1	Proceedings	
2	of force issues. So one of the reports	
3	that we are working on now is an update to	
4	our 2016 Taser report. So issuing a	
5	report that looks at the complaints that	
6	we have gotten about NYPD Taser use and	
7	doing, kind of, a deep dive into those	
8	cases is something that is similar to how	
9	some of these other agencies operate.	
10	They will look at the complaints they got	
11	but also then compare it to something	
12	else, some other data point. So	
13	connecting, for example, complaints to 311	
14	calls here or 911 calls or comparing it	
15	more broadly to various legal issues that	
16	are part of that jurisdiction's, kind of,	
17	overarching set of issues.	
18	Those are things that I think are	
19	really important in policy reviews, going	
20	past the, sort of, descriptive nature of	
21	the statistics, which is something we	
22	report on our statistics on a monthly basis	
23	and annual and semiannual. I think our	
24	issue-based reports are really more	
25	designed that had model that has a	

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1	Proceedings	
2	connection, not just to policy	
3	recommendations deriving solely from the	
4	complaints that we get but also to	
5	interviews and site visits and talking	
6	with advocates and community service	
7	providers. All of the reports that we're	
8	currently working on use that model, which	
9	I think is probably a good standard to use	
10	from the one that I've seen that I've	
11	really liked.	
12	MR. PUMA: Thank you.	
13	MS. BOND: Just one quick	
14	question.	
15	Thanks for this presentation,	
16	which was very helpful.	
17	You noted, I think, at least one	
18	of the agencies had a disciplinary matrix.	
19	I think it was Newark, which sounds like	
20	it hasn't really gotten off the ground.	
21	But I'm curious whether you came across	
22	other agencies that had such matrices and	
23	also whether they're public or not.	
24	Because I think it would be an interesting	
25	reference for us and also for the city of	

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1	Proceedings	
2	New York to understand and the public more	
3	broadly, kind of, how discipline is being	
4	treated in other jurisdictions and	
5	potentially provide some kind of	
6	benchmarks for us as well.	
7	MS. NAPOLITANO: I'll go back and	
8	I'll note that.	
9	MS. BOND: That'd be great. Thank	
10	you.	
11	MR. DAVIE: Anyone else?	
12	MR. DWYER: Do all of these have	
13	investigatory bodies attached to them?	
14	MS. NAPOLITANO: Yeah. I limited	
15	the review to solely the oversight models	
16	that had an investigative function and	
17	subpoena power.	
18	MR. DWYER: So the LA thing where	
19	so the investigatory body then reports	
20	to two chiefs and one civilian unless the	
21	officer chooses otherwise?	
22	MS. NAPOLITANO: No. LA was just	
23	a it was a question that came up. LA	
24	was not one of the agencies reviewed that	
25	was an investigatory body. It was a	

53 1 Proceedings 2 separate question. MR. DWYER: Thank you. 3 MR. DAVIE: Anybody else? 4 5 (No verbal response given.) 6 MR. DAVIE: All right. Thank you, 7 Nicole. MS. NAPOLITANO: Thank you. 8 9 (Applause.) 10 MR. DAVIE: We're had -- we've heard from Mr. Puma who has come in since 11 12 we got started. I think --13 Ms. Stahly-Butts, do you want to introduce 14 yourself? 15 MS. STAHLY-BUTTS: Sure. 16 Hello everybody. My name is 17 Marbre Stahly-Butts. I am the Brooklyn 18 rep of the city council. Sorry to be 19 late. A pleasure to be here. 20 MR. DAVIE: Thank you. 21 We are going to open it up for 22 public comment. I'll see first if there's 23 anyone -- we'll go through the sign-up sheet and then we'll open it up to the 24 25 floor.

1 Proceedings 2 I have Jordan Woke, Jose LaSalle 3 or LaSalle Jose -- I can't figure out -and then I have a Y. Jennings. 4 5 MR. WOKE: Good afternoon. I'm 6 Jordan Woke. 7 Rather trivial compared to the 8 things that you talked about but I've been 9 going over the minutes and I gave 10 Mr. Darche a list of over twenty comments 11 on the minutes from the most recent 12 meeting up there. 13 And one annoyance in the minutes 14 was that at least two of the web --15 MR. DAVIE: Go ahead. We're listening. Go ahead. 16 MR. WOKE: -- that at least two of 17 18 the web addresses as printed in the 19 minutes, didn't work. It didn't work in 20 my browser. 21 There was a point at which a woman 22 who had a son -- a black son -- 18 years 23 old who presented as but, in fact, was 24 autistic. She was very afraid that this 25 son was going to get involved with the

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2	police and because he couldn't communicate	
3	there would be a troubling outcome. Now,	
4	Mr. Siegal, among, responded and he	
5	mentioned the meeting that we had here in	
6	which disability was talked about, in	
7	particular people with hearing disability.	
8	And he made a very good point. The	
9	problem for me was that in the minutes it	
10	was attributed to Mr. Darche.	
11	The next one up spoke about why do	
12	the police kill and not maim both deputy	
13	inspectors got involved. It was a long	
14	discussion and at the end the next member	
15	of the public was about to speak when	
16	Mr. Joseph turned on his microphone and	
17	said, "Your son is my grandson. I've been	
18	through what you're going through. I'm	
19	still going through it. Maybe we can talk	
20	later. I can tell you some of the things	
21	we've done." A rather extraordinary	
22	statement in my mind. Unfortunately it	
23	was attributed to a different member of	
24	the board.	
25	Now the reason why I think	

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1	Proceedings	
2	attribution matters is I can imagine	
3	somebody take an activity which says let's	
4	look at the last interval of minutes	
5	let's look at attendance, let's see who	
6	contributes and the manner in which they	
7	do contribute. There is the concordance	
8	at the back so it's very easy to see where	
9	a person spoke and how often they spoke.	
10	So I think that getting the attribution is	
11	correct.	
12	On a lighter note,	
13	Ms. Stahly-Butts came in and I'm not a	
14	stenographer, I'm a detail oriented person	
15	but in the text it says her name was	
16	actually misspelled. Once it's spelled	
17	right and once it's spelled wrong, which	
18	means when you get to the concordance you	
19	only find one.	
20	Then when she introduced herself	
21	it was recorded as the name was	
22	indiscernible and Ms. Stahly-Butts was	
23	labeled as female one. This apparently	
24	wasn't corrected in the final version.	
25	The stenographer had difficulty	

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1	Proceedings	
2	understanding the project that had delayed	
3	Ms. Stahly-Butts from coming. And then at	
4	one point the minutes record	
5	Ms. Stahly-Butts as saying, "I've been	
6	fighting with the shell in Colorado all	
7	afternoon."	
8	Now, I didn't know what the shell	
9	was. I assumed maybe it's like we have a	
10	Sachem (phonetic) here in New York, which	
11	it Native American, maybe there's a false	
12	cognate. No, it turns out if you listen	
13	to the tape, it was the sheriff with whom	
14	she'd been talking. But the minutes are	
15	wrong in that regard.	
16	Mr. Siegal, just to make sure, is	
17	your last name A-L or E-L?	
18	MR. SIEGAL: AL.	
19	MR. WOKE: It's completely wrong	
20	in the minutes.	
21	MR. SIEGAL: It's a name asking	
22	for typos. I'm used to it.	
23	MR. DAVIE: Thank you, Mr. Woke.	
24	We now have is it Jose Lasalle?	
25	UNKNOWN SPEAKER 1: You know who	

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1	Proceedings	
2	he is.	
3	MR. LASALLE: Yeah, Jose LaSalle.	
4	MR. DAVIE: All right.	
5	I'm sorry?	
6	UNKNOWN SPEAKER 1: You know who	
7	he is.	
8	MR. DAVIE: Actually, I don't but	
9	I'm glad he's here.	
10	MR. LASALLE: How you doing?	
11	My name is Jose LaSalle I'm the	
12	hello. How you doing? Good afternoon.	
13	My name is Jose LaSalle. I'm the	
14	founder of Copwatch Patrol Unit, which is	
15	a group of brothers ands sister that we	
16	patrol basically every precinct, we	
17	document police and civilian activity on a	
18	daily basis.	
19	And like I always say when I come	
20	to the board when we're out there and we	
21	threaten police with CCRB, it doesn't	
22	carry any weight. But since we're been	
23	doing it doing copwatch out there and	
24	documenting police, we have become a force	
25	to be reckoned with. So when they see us	

		5
1	Proceedings	
2	they actually start following NYPD patrol	
3	guidelines, they start following proper	
4	procedures and protocol.	
5	And one reason I'm saying that is	
6	because like I always say, no one in this	
7	board ever comes into the community, no	
8	one lives in the community so no one has a	
9	clear picture what goes on every day in	
10	the community where NYPD. All ya'll could	
11	go by is the videos you get and the CCRB	
12	complaint.	
13	Now, for that I'm going to take it	
14	to my case. The CCRB looked over my case.	
15	They investigated for almost for	
16	almost, like, three years or two years,	
17	the case. And with all the evidence I	
18	mean they had two stacks of book like this	
19	(indicating) that (inaudible) the whole	
20	investigative team had with so much	
21	information in there and all they could	
22	come up with I mean with the evidence.	
23	I mean the CCRB report states that	
24	they have evidence that the police officer	
25	lied to the CCRB, police officer lied to	

1	Proceedings
2	the district attorney, and this is all on
3	record. It's all in the CCRB report. And
4	and all the evidence was there because
5	I gave a tape an audio recording that,
6	kind of, recorded for one hour where
7	officers talked about planting guns. It
8	was in the CCRB report. Where officers
9	talked about when they falsely arrested me
10	that I was not even 15 feet close to them,
11	I was 15 feet away. And all this
12	evidence that the CCRB had hello?
13	Hello?
14	All this evidence that the CCRB
15	had, this is the only conclusion that it
16	was able to come out with so they
17	recommended A and B discipline to officers
18	for abuse of authority three officers.
19	They recommended Command Discipline A for
20	discourtesy, discourtesy, discourtesy.
21	No, they substantiated this so
22	so what I'm trying to say is out of all
23	the evidence that was given to them and
24	all the evidence they themselves collected
25	like I said, two stack of files like

		61
1	Proceedings	
2	this (indicating) that they investigated	
3	within the two years no one in the CCRB	
4	or the investigators at CCRB recommended	
5	for any of these officers to be what is	
6	it called? To be charged to be charged	
7	or anything of that nature. And I wonder	
8	why that did not take place.	
9	And I settled this case for close	
10	to a million dollars. Close to million	
11	dollars they settled this case. The first	
12	time a copwatcher didn't get beat up or	
13	nothing settled a case for almost a	
14	million dollars.	
15	I just feel that the CCRB did not	
16	do their job. I have all the evidence in	
17	the world that shows that CCRB could have	
18	done a lot more and because of the 50h and	
19	because of the not sharing with the public	
20	about these officers. These officers has	
21	already CCRB complaint. It's in the file	
22	with the CCRB report.	
23	So these officers all had CCRB	
24	complaint. These officers had lawsuits.	
25	I mean the officers that try to set me up	

		62
1	Proceedings	
2	for felony and try to plant talk about	
3	planting gun on me, they're already	
4	they already cost the city close to a	
5	million dollars or more, these officers.	
6	They have all that information but	
7	they these are information that the	
8	CCRB, which I'm starting to hear from	
9	CCRB, that the public will never get this	
10	information. CCRB will meet with the	
11	NYPD, we won't know what's happening.	
12	We're never going to know what's happening	
13	because they use the 50h to to be able	
14	to justify why they can't show the	
15	community or show the public what they	
16	doing.	
17	That is a big problem in the	
18	community because the simple fact is we	
19	are blinded to what ya'll doing. We have	
20	no idea what well now I know what	
21	you're doing. But believe me, those two	
22	files there gave me a clear picture what	
23	ya'll doing. Believe me, it's just be a	
24	matter of time before the world knows too.	
25	So it's sad that the CCRB is not	

		63
1	Proceedings	
2	clear and is not being open with the	
3	people that they're supposed to serve.	
4	And the CCRB was put together	
5	it's a civilian complaint review board.	
6	It's supposed to be for the civilians.	
7	They're not supposed to be in reality	
8	it's not supposed to be 50/50 side here.	
9	You know what I'm saying, they are	
10	supposed to lean to the civilian and take	
11	what the civilian say as 100 percent true	
12	until NYPD can prove it to be not.	
13	That's how it should be. Not what the	
14	civilian say to be false until you know	
15	what I'm saying NYPD cannot prove that	
16	it is true.	
17	So this is a big problem we have	
18	with the CCRB and I don't know see it	
19	changing because it hasn't changed since	
20	I've been a part of it. We're going to	
21	continue, me and my team to do copwatch.	
22	We are going to continue to expose police,	
23	continue to put the pressure that ya'll	
24	not going to be able to ever put on them.	
25	Basically, you know, it hurts me	

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1	Proceedings	
2	to understand that my case when ya'll	
3	looked at it it didn't go nowhere. It	
4	did not go nowhere with all the evidence	
5	that ya'll had, tons of evidence.	
6	Ya'll need to go back and look at	
7	the reports so ya'll could see what was	
8	written in this report that Riggy	
9	(phonetic) did and the investigation team,	
10	that they did. Read it because ya'll did	
11	not do your job on that. And the sad	
12	thing about it there is probably	
13	thousands, thousands of other civilians	
14	out there, aight, that they didn't even	
15	had the chance I had or the evidence that	
16	I had. But even if you have the evidence	
17	I see that there ain't nothing going to be	
18	done.	
19	It's sad because right now these	
20	officers are still working. I still	
21	recording them. Still violating people's	
22	rights every single day. And probably	
23	falsely charging people like they were	
24	trying to falsely charge me. And ya'll	
25	did nothing to stop that because your	

		6
1	Proceedings	
2	investigation did nothing to stop it.	
3	They laugh at this.	
4	And I'm just going to continue to	
5	push the issue with the Department of	
6	Justice and hopefully they'll they'll	
7	take the case thanks to all of the	
8	investigation that ya'll did with the	
9	report that ya'll put out that I have	
10	possession of now. Hopefully with that	
11	I'm able to get these officers fired or	
12	arrested for committing a crime.	
13	But I just want people to	
14	understand that this is what happens in	
15	the CCRB, aight, they settle for close to	
16	a million dollars. They was wrong. They	
17	did not even I mean within two and a	
18	half years they settled. This is unheard	
19	of and there's a reason why they settled.	
20	Because they didn't want those audios to	
21	get there into the open, which they out	
22	there in the open any way. Not all of it	
23	but a lot of it.	
24	MR. DAVIE: Thank you,	
25	Mr. LaSalle.	

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1	Proceedings	
2	MR. LASALLE: So I just want to	
3	say that ya'll need to look into that and	
4	hopefully these type of mistakes ya'll	
5	don't continue to do because ya'll been	
6	doing a lot of them.	
7	MR. DAVIE: Thank you.	
8	Questions or comments on this	
9	speaker's comments?	
10	(No verbal response given.)	
11	MR. DAVIE: Thank you.	
12	We'll now hear from it just	
13	says Y. Jennings.	
14	MS. JENNINGS: I can't think of	
15	how to get this to work. Am I doing it	
16	right?	
17	MR. DAVIE: You're fine.	
18	MS. JENNINGS: I was here February	
19	and I was here May. You up there know	
20	what's going on. I don't know what's	
21	going I got off the train and whatever	
22	been put on me like electricity. So you	
23	see me sit over there like this. I need	
24	to talk to somebody about this but ya'll	
25	don't want to talk to me about any of this	

		67
1	Proceedings	
2	and you know what's going on.	
3	This scared the out of me	
4	whatever it was. So I sat over there as	
5	ya'll were doing whatever you're doing	
6	because it's very scary.	
7	Let's see, I'll make this quick.	
8	Booth R331 I called Ed Torre (phonetic)	
9	spoke to a lady and the lady said she	
10	hadn't spoke to me recently I forgot what	
11	I said to her. But I said to her let's	
12	see, let me get this right.	
13	I called 911 as I stood next to a	
14	police officer asking him for some help	
15	but not getting any. And I said to her	
16	that was at Window 10. Just before that I	
17	called the office of Phil Ang (phonetic)	
18	spoke to Cara. Said to Ms. Cara, does he	
19	get any of those messages? And I always	
20	end whoever I speak to that I fear for my	
21	life.	
22	Now, you've already gotten	
23	information about this but I'm looking at	
24	the foxes in the hen house. I don't get	
25	it. Mr. Darche knows one thing about me,	

68 1 Proceedings 2 every day a letter goes somewhere -- I'm 3 not going to say where -- 1600 Penn, goes in every camera. 4 5 I got in a little trouble in 2011 6 with the library. Not that I did 7 anything. I did just what you saw me 8 doing over there -- trying to do my 9 work -- as all of this was going on, 2011 --10 11 MR. DAVIE: Ms. Jennings, what 12 would you have the board to do about --13 MS. JENNINGS: This is an issue 14 that is One Police Plaza; this is Police 15 Commissioner O'Neill; this is the mayor's 16 issue of the stalking, (inaudible), and 17 harassment. This is (inaudible) Union 100 that was allowed to give me up to every 18 19 corner. 20 MR. DAVIE: Understood. 21 MS. JENNINGS: As police stand and 22 watch as people touch and grab at me and I 23 ask for help and nothing is done about it. 24 So I've not seen anything here and I'm 25 wondering what's going on.

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1	Proceedings	
2	MR. DAVIE: We'll have someone	
3	talk to you.	
4	MS. JENNINGS: We've done done	
5	that. We do a lot of talking. When I get	
6	outside people touch me and run at me and	
7	grab at me, I'm a little lost.	
8	MR. DAVIE: Okay. Thank you.	
9	MS. JENNINGS: Have a good day.	
10	MR. DAVIE: Thank you so much.	
11	Any questions or comments? No?	
12	(No verbal response given.)	
13	MR. DAVIE: It looks like we one	
14	other speaker.	
15	Shannon Jones.	
16	MS. JONES: Good afternoon.	
17	For those who do not know me, my	
18	name is Shannon Jones. I'm the cofounder	
19	of Bronxites for NYPD Accountability. In	
20	the streets we are known as Why	
21	Accountability.	
22	We were born after the chokehold	
23	murder of Eric Garner captured on video by	
24	Ramsey Auto on July 17, 2014. Since that	
25	day we have made it our life's work in	

		70
1	Proceedings	
2	order to foster the freedom of African	
3	people in the Unites States; as well as	
4	the abolition of police departments	
5	throughout the United States; as well as	
6	raise the consciousness and	
7	self-determination of Africans all over	
8	the United States, particularly New York	
9	City and within the five boroughs where we	
10	continue to be abused by the New York	
11	Police Department. Just so folks know who	
12	I am. Some folks on the board are	
13	familiar with me. I haven't been here in	
14	awhile but we're working against	
15	relentless oppression in the street.	
16	So my first order of business is	
17	this: Why is the meeting at 4:00? Do you	
18	want people to come or you don't want them	
19	to come? Do you want it to be front	
20	loaded with politicians and interns and	
21	press that have all the time in the world?	
22	Every other month at 6:30 doesn't cut it.	
23	These meetings should not be	
24	taking place at 4:00 p.m. If you believe	
25	a meeting needs to take place in the early	

		71
1	Proceedings	
2	a.m., then you need to have two meetings a	
3	month instead of one. You must meet the	
4	needs of the community and not serve the	
5	needs of yourselves. That's the first	
6	order of business.	
7	The second order of business,	
8	after listening to the comparison made by	
9	employees with regard to other police	
10	departments and all of the kicking the can	
11	down the road that I heard for about a	
12	half an hour, it's nonsense. You guys	
13	know full well that this board and the	
14	agency itself has absolutely no teeth	
15	none whatsoever.	
16	This board the agency itself	
17	has no control over what the police	
18	commissioner does. So it's a waste of	
19	taxpayers money and it's a dog and pony	
20	show because through the Copwatch and the	
21	interaction in the community that	
22	Bronxites for NYPD Accountability has	
23	done, the CCRB fails to protect anyone	
24	that makes a report against a police	
25	officer to this agency, okay. The CCRB	

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1	Proceedings	
2	fails to take any proaction in	
3	investigating any allegations or visuals	
4	of misconduct that are not directly	
5	reported to them, even though social media	
6	is hot with videos not only from Jose	
7	LaSalle's Copwatch patrol unit but random	
8	citizens on the street.	
9	It has been requested now for five	
10	years that the CCRB take proaction in	
11	investigating misconduct that they see in	
12	the community and a large part of the	
13	problem with that is, you're not from the	
14	community. And also part of that	
15	comparison is this: If we want to use	
16	Newark I've been coming here so long	
17	that I remember when the gentleman from	
18	Newark came in order to craft the civilian	
19	review board over there.	
20	What this board does not contain	
21	is this board contains no grass root	
22	organization representation like Newark	
23	does. There's People's Organization for	
24	Progress. You have nothing replicating	
25	that up there. It's a bunch of ex-cops,	

		7
1	Proceedings	
2	a bunch of republicans, and mayoral	
3	appointments and people that get favors.	
4	This is just your chess piece move to a	
5	better private employment or a better	
6	political appointment. It has nothing to	
7	do with relieving the abuse that people in	
8	the City of New York East New York,	
9	Brownsville, Morris, Mount Haven, South	
10	Side Jamaica Queens, Lower East Side,	
11	Harlem places that are gentrifying,	
12	places where white people don't want to	
13	live with black people, where police	
14	presence is out of control.	
15	In the 67, Flatbush area, where	
16	you have the second highest number of stop	
17	and frisk in the entire city taking place,	
18	the CCRB is unwilling and unable to do	
19	anything about that. My taxpayer dollars	
20	are going to a dog and pony show using	
21	sick dogs.	
22	So what I will offer to this board	
23	and to this body that some of you excuse	
24	yourselves in favor of grass roots	
25	organizations that all have a connection	

		7
1	Proceedings	
2	with the community and actually do the	
3	work that you should be doing. If it were	
4	not for organizations such as myself,	
5	Copwatch Patrol Unit, New York City Shut	
6	It Down Crew, and others that are in the	
7	community highlighting police misconduct	
8	you guys would just be able to continue	
9	your online shopping 9:00 to 5:00 that you	
10	probably do at your desk time because	
11	you're not doing the work of the people.	
12	My third issue is the Eric Garner	
13	case. I had the displeasure of presenting	
14	with my own physical body for June 5th,	
15	Eric Garner trial, APU trial, okay. It's	
16	plan to see that the CCRB has no interest	
17	in bringing this process to the public.	
18	And I will explain how.	
19	One, the biggest, most	
20	international spotlight on police murder,	
21	operational terrorism in the City of New	
22	York since the murder of Sean Bell	
23	internationally televised that sparked	
24	mass African movement in the United States	
25	and around the world, gave about eight	

1	Proceedings
2	seats to the public for the trial. What's
3	up with that? What's up with that? Why
4	was the room allowed to be front loaded
5	with PBA? Why was the room allowed to be
6	front loaded with press that didn't even
7	bother checking in? If you were already
8	on the criminal beat and saunter around
9	One PP any way, you were able to take a
10	seat. Meanwhile, scores of people were
11	left downstairs waiting outside wondering
12	what will happen.
13	That trial belonged to the public
14	not the PBA, not police officers, and
15	really not even the press that are
16	controlled by the police department.
17	Because every news report that I read
18	regarding the Eric Garner trial days did
19	not effectively capture the goings on in
20	those room, nor did they contextualize
21	[sic] it appropriately for the freedom of
22	the people. And I offer that that is by
23	design not by coincidence.
24	There's a trial room right next
25	door not used, much bigger. What's up

		70
1	Proceedings	
2	with that? Did you want people in there	
3	or not? Did you want a frenzy outside or	
4	did you want people to educate themselves?	
5	Issue 3a, the prosecution itself	
6	and the trial of Officer Daniel Pantaleo.	
7	The CCRB allowed that man to submit, for	
8	which I was present this is not	
9	something I read in the mass-mind	
10	controlled media I was present. He was	
11	allowed to submit a statement. And at	
12	this point since we already know that the	
13	CCRB does not control any discipline or	
14	punishment for any officer, legal strategy	
15	is out the window, it doesn't matter.	
16	That man should have been made to	
17	take the stand and face the inquiry of the	
18	entire world. He should have been made to	
19	do that. And the reason for which he was	
20	not, I contend, is to continue to cloak	
21	and protect the police. CCRB, yes you	
22	did. Because who cares about a legal	
23	strategy that does not control his fate	
24	either way.	
25	The people have already decided	

		7
1	Proceedings	
2	that he is fired, not the CCRB and not	
3	Jimmy O'Neill. We've already decided that	
4	he is fired whether he's fired or not.	
5	MR. DAVIE: Ms. Shannon	
6	MS. JONES: The CCRB please do	
7	not interrupt the African woman while she	
8	is speaking. Your board members can tell	
9	you who I am. Don't do it. I will	
10	continue to say what I have to say. You	
11	allowed your policy person to speak ad	
12	nauseam while you kicked the can down the	
13	block asking dumb questions about Chicago,	
14	the most corrupt police department running	
15	neck with LA and NYPD.	
16	Please do not interrupt me, sir.	
17	You guys got all the time in the world.	
18	This did not start at 6:30. It's not	
19	nighttime and you're not missing the game.	
20	That's not till tomorrow.	
21	So then my next issue is this	
22	MR. DAVIE: Ms. Shannon, I would	
23	ask that you would respect	
24	MS. JONES: Hopefully the	
25	entire board is being treated with respect	

1 Proceedings 2 because if they were treated with 3 disrespect this meeting would not be taking place. 4 5 MR. DAVIE: I'm not worried about 6 the board. I'm worried about the other 7 people who are here. 8 MS. JONES: Other people that are 9 here, are you guys interested in what else 10 I have to say? 11 UNKNOWN SPEAKERS: Absolutely. 12 Absolutely. 13 MS. JONES: Are we interested in 14 what I have to say? Do we have the 15 patience and the willingness and ability to listen to the rest of what I have to 16 17 say? 18 MR. DAVIE: Ms. Shannon --19 MS. JONES: Do we have a second on 20 that from anyone in the room? 21 MR. DAVIE: Ms. Shannon --22 Ms. Shannon, you have two minutes. 23 MS. JONES: No. I have as much time as I need to address this board. 24 25 MR. DAVIE: You do not.

79 1 Proceedings 2 MS. JONES: No. I absolutely do. 3 Again, you don't know who I am. Issue 4 --4 5 MR. DAVIE: Two minutes. MS. JONES: -- is the CCRB case 6 7 against Mr. Jose LaSalle. Why would I bring that up? Why would Shannon Jones 8 9 form a completely separate, radical 10 African liberation organization bring up 11 another CCRB case about someone else 12 totally different? You know why? Because 13 this letter that was written by the 14 executive director cites one of the 15 allegations -- actually, two. Those 16 allegations and let me state for the record -- this case number is 201606760 --17 MR. DARCHE: Ms. Jones --18 19 Ms. Jones -- Ms. Jones --20 MS. JONES: -- those allegations 21 detail --22 MR. DARCHE: Ms. Jones --23 (Inaudible crosstalk.) MR. DARCHE: Can I talk -- if I 24 can talk for one minute --25

80 Proceedings 1 2 (Inaudible crosstalk.) 3 MR. DARCHE: I'm just reiterating the 4 ground rules. I just want to make 5 sure you understand --6 MS. JONES: How many times have you 7 seen me at a board meeting, sir? (Inaudible crosstalk.) 8 MR. DAVIE: I would ask that the 9 10 board take a break. Motion to adjourn. Can I get a 11 12 motion? 13 MR. DWYER: So moved. 14 MR. DAVIE: Is there a second? 15 Thank you. (Time noted: 5:19 p.m.) 16 17 18 19 20 21 22 23 24 25

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2		
3		
4		
5	CERTIFICATE	
6		
7	I, KRISTINA TRNKA, a shorthand reporter and	
8	Notary Public within and for the State of New York,	
9	do hereby certify:	
10	That the within statement is a true and	
11	accurate record of the stenographic notes taken by	
12	me.	
13	In witness whereof, I have hereunto set my	
14	hand this 30th day of June, 2019.	
15		
16		
17	Kristina Trnka	
18	KRISTINA TRNKA	
19		
20		
21		
22		
23		
24		
25		

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