

NYC - Civilian Complaint Review Board  
November 13, 2019

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CIVILIAN COMPLAINT REVIEW BOARD  
PUBLIC MEETING  
NOVEMBER 13, 2019  
6:38 P.M.

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88 Pitt Street

New York, New York

B E F O R E:

FREDERICK R. DAVIS, CHAIR

JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

Transcribed by:

Shechinah Jackson

NYC - Civilian Complaint Review Board  
November 13, 2019

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PUBLIC 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 Presentation from Outreach on the CCRB
- 6 Presentation from General Counsel's  
Office on Civil Rights Law 50A
- 7 Comment from Community Groups
- 8 Public Comment
- 9 Old Business
- 10 New Business
- 11 Adjourn

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BOARD MEMBERS PRESENT:

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Frederick Davie, Chair

Jonathan Darche, Esq., Executive Director

Erica Bond, Board Member

Joseph Puma, Board Member

Corrine A. Irish, Esq., Board Member

John Siegal, Board Member

Marbre Stahly-Butts, Board Member

Michael Rivadeneyra, Board Member

Frank J. Dwyer, Board Member

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SPEAKERS

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Kerri Jamison  
Yojaira Alvarez  
John Mc Farlane  
Qadira Coles  
Nahal Zamani  
Michael Sisitzky  
Molly Griffard  
Charlotte Pope  
Kisha Walker  
Shuk King Cheng  
Josmar Trujillo  
Andrew Case  
Isabelle Jackson  
Adrienne Torres  
Ernest Torres  
Opal Gordan  
Terrence Byerson  
Caroline Wekselbaum  
Serrice Holman  
Marsellette Davis  
Marcus Altheus  
Joshua Lopez

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Y. Jennings  
August Grager  
Christine Berthet  
Susanna Troy  
Michael Harding

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2 CHAIR DAVIE: Good evening, everyone  
3 and welcome to the November meeting of  
4 the Civilian Complaint Review Board. I  
5 want to thank you all for coming out on  
6 this January -- I mean, November night.  
7 It is cold and brisk and the fact that  
8 you're here is evidence of your  
9 commitment and dedication to your  
10 participation in this public process.  
11 So we're really pleased that you have  
12 come out tonight for the meeting.

13 I would -- I'm Fred Davie. I'm the  
14 chair of the Civilian Complaint Review  
15 Board and I would like to ask my fellow  
16 board members to introduce themselves as  
17 well, and I'll start on my right.

18 MS. STAHLY-BUTTS: Hello, everybody.  
19 My name is Mabre. I use she and her  
20 pronouns and I am a Brooklyn appointee  
21 for the City Council. Super excited for  
22 this conversation and lots of familiar  
23 faces in this space.

24 MR. DARCHE: Jonathan Darche,  
25 Executive Director.

1  
2 MR. PUMA: Good evening. I'm Joseph  
3 Puma. I'm the City Council Designee to  
4 the CCRB from Manhattan. I also happen  
5 to be a lifelong resident of this  
6 community, four generations of my family  
7 have lived in the lower east side. I'm  
8 happy to see some familiar faces and I'm  
9 looking forward to meeting others that I  
10 don't know this evening.

11 Thank you for coming out on a cold  
12 night.

13 MR. RIVADENEYRA: Good evening.  
14 Buenos Tardes. My name is Michael  
15 Rivadeneyra. I am the City Council's  
16 Bronx designee.

17 MS. IRISH: My name is Corrine  
18 Irish. I am a Mayoral appointee.

19 MR. DWYER: My name is Frank Dwyer.

20 A VOICE: Microphone is not working.

21 MR. DWYER: No. It's certainly on.  
22 My name is Frank Dwyer. I'm a Police  
23 Department Designee.

24 CHAIR DAVIE: All right. Thank you.

25 As many of you know last week we got

1  
2 two pretty big pieces of news in the  
3 realm of policing in New York City.

4 The first was that the Police  
5 Commissioner James O' Niell announced  
6 that he's resigning from the NYPD. I've  
7 appreciated Commissioner O'Neill's  
8 leadership, his accessibility and his  
9 responsiveness in our one-on-one  
10 relations.

11 While the Commissioner and I have  
12 not always agreed, when I look at  
13 Commissioner O'Neill's three decades of  
14 dedication to the City of New York, I  
15 see a model of professionalism and  
16 public service. And I think my  
17 colleagues on the Board would agree.

18 Personally, I've never doubted our  
19 relationship and that it was rooted in  
20 mutual respect.

21 I sincerely wish Commissioner  
22 O'Neill the best and well in his new  
23 endeavors.

24 Chief Dermot Shea will take over as  
25 Commissioner in a few weeks as we all



1  
2 know, on December 1. And I look forward  
3 to a smooth transition and to working  
4 with him in our mutual efforts to  
5 improve police community relations in  
6 New York City.

7 The other major news is that last  
8 Tuesday, again, as we know, on November  
9 5th, Election Day, that there was a  
10 significant set of changes for civilian  
11 oversight of police in New York City.  
12 Almost a half of million New Yorkers  
13 showed up to vote in support of valid  
14 Question 2: A measure to improve  
15 civilian oversight of the NYPD.

16 I know our Executive Director Jon  
17 Darche will have a few comments on this  
18 shortly, but as Chair I feel compelled  
19 to highlight how important that election  
20 result is for this Agency and I think  
21 for the City of New York.

22 New Yorkers overwhelmingly raised  
23 their voices and made it clear that  
24 transparency and accountability in  
25 policing matters.

1  
2           And the work of this Agency matters  
3 as well. And I think I speak for the  
4 Board and staff when I say that that  
5 support given to us by the public  
6 matters to us, matters deeply. It  
7 drives us to seek ways to serve this  
8 City even better.

9           I look forward to working with the  
10 rest of the Board and the staff as well  
11 as elected officials, NYPD and other  
12 City agencies throughout the next few  
13 months that these changes, as approved  
14 by New York voters, are put into place  
15 and implemented.

16           Another point of discussion both  
17 here in New York City and in Albany is  
18 transparency in the police disciplinary  
19 process. This matter more specifically  
20 we call New York Civil Rights Law  
21 Section 50-a and it is something on  
22 which I actually had the opportunity to  
23 testify before the State Senate  
24 Committee a few weeks ago in Albany.

25           As many of you know, 50-a is a law

1  
2 that prohibits the CCRB from sharing  
3 information about officers' disciplinary  
4 records with the public. This is a  
5 significant issue for policing here in  
6 the State of New York and I think it's  
7 important that we here, in New York City  
8 where we have the largest police  
9 department not only in the state but in  
10 the nation, continue the conversation  
11 about what's happening in Albany around  
12 50-a.

13 That said, I am very interested in  
14 hearing what everyone here tonight has  
15 to say about 50-a and the future of  
16 transparency in policing.

17 In addition to hearing from our  
18 Outreach Unit, we will receive testimony  
19 on the impact of 50-a during the public  
20 comment section of tonight's meeting.

21 But before we get to that, we have a  
22 few other agenda items including words  
23 from our Executive Director and a  
24 presentation on 50-a from our General  
25 Counsel's office.

1  
2           Given that we have a full agenda  
3           tonight, I'll offer just one final  
4           comment before we move forward.  
5           Applications for the next class of  
6           CCRB's Youth Advisory Council, our Youth  
7           Advisory Council, a counsel who's  
8           inaugural class has impressed me and I  
9           think many of the Board members beyond  
10          measure.

11          Applications for that Youth Advisory  
12          Council are now open. The deadline this  
13          year is Friday, November 29th for us to  
14          receive those applications. We invite  
15          New Yorkers between the ages of 10 and  
16          24 to apply on-line at  
17          NYC.GOV/CCRBYouthcouncil. Again,  
18          NYC.GOV/CCRBYouthcouncil.

19          If you'd like more information you  
20          can also visit the CCRB web page or see  
21          our director of Outreach and  
22          Intergovernmental Affairs, Yojaira  
23          Alvarez, who is right up here in the  
24          front. Yojaira will -- can give you  
25          more information on the Youth Council.

1  
2 With that, I'll turn things over to  
3 our Executive Director Jon Darche.

4 Mr. Darche.

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

6 Welcome and thank all of you for  
7 coming out here tonight. And I also  
8 especially would like to thank the Grand  
9 Street Settlement and Mr. Maurice Rawls.  
10 The Board meetings are a critical part  
11 of the CCRB's outreach work.

12 As the Chair mentioned, Question 2  
13 of the City Charter Reform Efforts  
14 passed last week and I think the fact  
15 that 75 percent of the people who voted  
16 on the matter voted in favor of  
17 Proposition 2, is a testament to the  
18 public interest in civilian oversight of  
19 the NYPD.

20 Work of the staff on investigation,  
21 outreach and overall public education  
22 has led to a greater awareness of  
23 civilian oversight causing an increase  
24 in public confidence in the CCRB and the  
25 Charter changes are going to help

1  
2 advance the work that we've done  
3 already.

4 The new Charter provisions will  
5 require the Police Commissioner to  
6 provide detailed explanations when the  
7 level of discipline imposed by the  
8 Police Commissioner deviates from the  
9 CCRB's recommendation, will allow the  
10 Board to delegate subpoena -- the power  
11 to issue subpoenas to me and successive  
12 executive directors, allow the CCRB to  
13 investigate false official statements  
14 and recommend discipline in cases where  
15 we substantiate allegations of false  
16 official statements, linked our budget  
17 to the NYPD's budget and increased the  
18 size of the Board, gave the City Council  
19 the power to directly appoint its  
20 designees and gave the public advocate a  
21 designee on the board.

22 These changes are going to be taking  
23 effect in the spring of 2020 and the  
24 staff is going to be working hard to  
25 make sure that their implementation is

1  
2 smooth.

3 As the Chair mention, Section 50-a  
4 of the Civil Rights Law is extremely  
5 important to the CCRB, and I'm looking  
6 forward to hearing everyone's comments  
7 on them. But I want to point out that  
8 this is not the last conversation we'll  
9 have on this issue and people have the  
10 opportunity at future board meetings and  
11 future events to let us know their  
12 opinions on 50-a.

13 Just to set some ground rules for  
14 public comment. If you have concerns  
15 about an individual incident related  
16 directly to you, I'd ask that you talk  
17 to our investigator tonight rather than  
18 presenting testimony about it in public.

19 We have your manager, Vanessa Rosen  
20 and Investigator Barice (phonetic)  
21 Jones. Are you guys -- I think I saw  
22 you earlier -- Can you stand. There  
23 they are. So if you guys have anything  
24 about an individual incident you want to  
25 make a complaint about, they're there in

1  
2 the back and I'm going to ask everyone  
3 to please limit their comments to two  
4 minutes in the interest of fairness so  
5 that everyone can have a chance to say  
6 their peace. And thank you all again  
7 for coming out.

8 CHAIR DAVIE: Thank you, Mr. Darche.

9 We will now have a presentation from  
10 our Outreach department Yojaira Alvarez.

11 MS. ALVAREZ: Hello everyone. Thank  
12 you so much for coming out on this very  
13 cold November evening. I'm still  
14 thawing.

15 So I know some of you are familiar  
16 with the agency. My name is Yojaira  
17 Alvarez. I'm the Director of Outreach  
18 and Intergovernmental Affairs. I just  
19 want to take a few moments to give you a  
20 brief overview of our jurisdiction and  
21 to share some additional information on  
22 how we can be useful in your respective  
23 communities.

24 So, as you know, we are a City  
25 agency independent from the NYPD. We're



1  
2 responsible for investigating, mediating  
3 and administratively prosecuting  
4 allegations of police misconduct.

5 Our agency is governed by a  
6 13-member board. The full board is  
7 composed of five Mayoral designees  
8 appointees, five members appointed by  
9 the City Council and three by the Police  
10 Commissioner.

11 So we don't investigate all  
12 allegations of police misconduct. The  
13 four categories that we investigate  
14 follow under the acronym FADO, F-A-D-O.  
15 F stands for force. We investigate  
16 allegations of a police officer using  
17 force; that can include a punch, a kick,  
18 use of a taser, an impact weapon, et  
19 cetera.

20 So what this means is, if there's  
21 force used in an incident, that falls  
22 under our jurisdiction and it's  
23 something that we would investigate to  
24 determine if it's excessive or  
25 unnecessary given the totality of the

1  
2 circumstances.

3 The second category is abuse of  
4 authority. That's a large category.  
5 Some of those things include an improper  
6 stop, an improper search, a police  
7 officer sexually harassing me, a police  
8 officer entering my house without a  
9 warrant, a police officer threatening to  
10 call ICE.

11 Also, if I ask a police officer for  
12 their name and badge number and they  
13 cover it up, that's something that we  
14 would investigate.

15 The third category is discourtesy.  
16 So that means a police officer using  
17 profanity or improper gestures.

18 And the last category is offensive  
19 language. So that's language that  
20 inappropriately refers to my race, my  
21 ethnicity, my sexual orientation, my  
22 gender, my religious -- my religious  
23 identity and also my disability status.

24 One thing I wanted to mention is  
25 that there's this really important paper

1  
2 outside it's all about the right to know  
3 act. So please pick it up if you  
4 haven't already. We are a year -- we're  
5 completing a year of this law taking  
6 effect. So what this means is that in  
7 most situations, police officers must  
8 proactively give you a business card.  
9 That card has their name, their command,  
10 and some information to contact 311 if  
11 you have a comment or complaint to make  
12 about that.

13 This law also impacts that in  
14 situations where a police officer does  
15 not have the legal justification to  
16 search you, they must ask for consent.  
17 That means that they must inform you  
18 that you have the right to say no.

19 That also means that a police  
20 officer using the normal protocol laid  
21 out in the language access plan must  
22 provide you with language interpretation  
23 services if needed.

24 Also I wanted to note that what Mr.  
25 Davie mentioned before that we are

1  
2 looking for youth ages 10-24 to apply  
3 for Youth Advisory Council. We're  
4 really excited about the program. So if  
5 you know of anybody is interested in  
6 police oversight in proving youth  
7 engagement with the CCRB, please go to  
8 our WWW.NYC.gov/CCRB. On the front page  
9 you'll see a tab for the YAC. If you  
10 have any questions, please reach out to  
11 me. I have my business card and I look  
12 forward to working you in the future.

13 Thanks.

14 CHAIR DAVIE: Thank you, Yojaira.

15 Just from the Board members for now,  
16 any questions or comments on Yojaira's  
17 presentation.

18 MS. BOND: Good evening, all. My  
19 apologies for being late. My name is  
20 Erica Bond. I am a Mayoral designee.

21 CHAIR DAVIE: Welcome. Thank you.

22 We'll take care of one little piece  
23 of business and that is the adoption of  
24 the minutes of the last meeting.

25 Is there a motion to approve the

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minutes from the last meeting?

MR. RIVADENEYRA: Motion.

CHAIR DAVIE: Is there a second to  
that motion.

MS. IRISH: Second.

CHAIR DAVIE: Thank you.

Are there any changes or additions  
or revisions to the minutes? Fair  
enough. Are we ready to vote? All  
those in favor of adopting the minutes  
as they've been presented to us, please  
say aye?

(Chorus of "Ayes.")

CHAIR DAVIE: Oppose.

(No response.)

CHAIR DAVIE: No. The "ayes" have  
it. Minutes are passed.

We will now hear from our General  
Counsel's office for a presentation on  
the Civil Rights Law 50-a.

MS. JAMISON: Good evening,  
everyone. My name is Kerri Jamison.  
I'm an Assistant General Counsel of the  
CCRB.

1  
2           So to facilitate the discussion  
3           today we're doing a brief presentation  
4           on 50-a and some of the proposed  
5           legislation to either repeal or reform  
6           of 50-a.

7           As it was mentioned before, Civil  
8           Rights Law 50-a is a statute that  
9           prohibits the disclosure of discipline  
10          records or the personnel records of  
11          police officers, firefighters,  
12          correction officers, among others.

13          So one of the biggest questions  
14          about Civil Rights Law 50-a is: What is  
15          a personnel record?

16          So a personnel record is any record  
17          used to evaluate performance towards  
18          continued employment and promotion. And  
19          that's a lot of words and its really  
20          hard understanding what that means, but  
21          it does include police disciplinary  
22          records.

23          And there's been a lot of litigation  
24          about Civil Rights Law 50-a and the  
25          Courts have said that the record doesn't

1  
2 actually have to ever have been used to  
3 make an employment decision as long as  
4 it could have been used, that is  
5 sufficient to bring a record within the  
6 scope of Civil Rights Law 50-a, which  
7 means it can be disclosed.

8 Civil Rights Law 50-a also applies  
9 to retired officers, so as long as the  
10 conduct while the officer was on the  
11 force. If the officer has since  
12 retired, the records are still  
13 protected.

14 That also applies to off-duty  
15 conduct. That's conduct that was  
16 engaged in by a police officer who's on  
17 the force but not acting in his or her  
18 official capacity at the time of  
19 conduct. However, once an officer  
20 leaves the force, if they engage in any  
21 conduct then obviously that would not be  
22 covered by the statute.

23 So, I think we may be having some  
24 technical difficulties here. Okay,  
25 there we go.

1  
2           So the CCRB records are considered  
3 personnel records. So our records  
4 contain information about whether or not  
5 officer was -- whether there's been a  
6 complaint against an officer in one of  
7 the FADO categories that Yojaira just  
8 mentioned.

9           And once we get a complaint against  
10 an officer it goes into the officer's  
11 personnel record or CCRB records and the  
12 courts have found that CCRB records are  
13 considered a part of NYPD records; and  
14 therefore, they are covered by the Civil  
15 Rights Law 50-a.

16           That is why when a Freedom of  
17 Information Law request is made to the  
18 CCRB records, they're often rejected  
19 pursuant to Civil Rights Law 50-a.

20           There are certain ways that  
21 information that is covered by 50-a, and  
22 I believe this was printed out for  
23 everyone so if you can't see what's on  
24 the screen, you should be able to follow  
25 along in your written materials.



1  
2           So the officer can always provide  
3 written consent to the release of his or  
4 her records, so that is one way that the  
5 records could be disclosed.

6           Another way is through a court order  
7 and that requires someone to actually be  
8 in litigation. And just to give you a  
9 little bit of history about Civil Rights  
10 Law 50-a when it first was enacted, it  
11 was really geared towards preventing  
12 defense attorney from using an officer's  
13 disciplinary record against them while  
14 they were testifying during litigation.

15           But during litigation if a party  
16 feels that an officer's disciplinary  
17 record is relevant to the litigation at  
18 hand they can seek what's called an "in  
19 camera review" from the judge. That  
20 means that the information that -- the  
21 record that the lawyer seeks to disclose  
22 is provided to the judge. The judge  
23 will do a review of it and if the judge  
24 feels that the information is material  
25 and relevant to the litigation, then the

1  
2 judge can approve disclosure of that.

3 But, again, you need to be involved  
4 in an active litigation. So it's no as  
5 though anyone can go to a judge and seek  
6 release of records.

7 And then the final category,  
8 actually is an exemption from 50-a so  
9 certain governmental agencies are exempt  
10 from 50-a so they can get access to  
11 records.

12 So a couple of examples would be the  
13 District Attorney's Office or the  
14 Attorney General's Office and also CCRB  
15 would fall under that exception so  
16 that's why we're able to set information  
17 from the NYPD about an officer.

18 So it's basically any governmental  
19 entity as long as they are exercising  
20 their official duties, they can have  
21 access to an officer's records.

22 Now we going to turn to just a few  
23 of the proposed bills in Albany about  
24 the repeal of Civil Rights Law 50-a.  
25 And just to mention Civil Rights Law

1  
2 50-a is a State statute, it's not a New  
3 York City statute. So if there's any  
4 change it would have to be by the State  
5 legislature in Albany.

6 There are few -- there's one that's  
7 proposed by Senator Bailey, that's for  
8 full repeal. CHAIR DAVIE mentioned, our  
9 Chair Davie mentioned earlier that he  
10 testified in Albany a couple of weeks  
11 ago, it was in relation to this  
12 particular proposed statute to the full  
13 repeal of 50-a.

14 Another proposal is a Parker Bill  
15 with also Assembly Member Gantt.  
16 Senator Parker has a couple of 50-a  
17 bills as you'll see as we go through.

18 This particular bill provides  
19 Civilian Review Boards with the option  
20 to petition the courts for records. So  
21 I just mentioned earlier that during the  
22 course of litigation, someone can seek  
23 to have an in camera review, this  
24 statute allowed CCRB or civil agency to  
25 be able to seek that same kind of in

1  
2 camera review to get access to records.

3 The next Parker Bill which is a  
4 Parker/Bailey bill. Would have 50-a  
5 only apply to records that were created  
6 and used solely to evaluate performance  
7 towards continued employment.

8 It's not entirely clearly exactly  
9 what that would encompass, but it could  
10 be something like an evaluation or  
11 something like that that would be  
12 considered created and used solely for  
13 evaluation of continued employment. But  
14 it would seem to be disciplinary records  
15 may not fall underneath that category,  
16 but it would remain to be more fleshing  
17 out of exactly what that means.

18 And then this Parker Bill is a  
19 little bit more nuance and it contains a  
20 lot of pieces, but to put it in a  
21 nutshell, it's basically once the  
22 administrative process for a police  
23 officer's disciplinary records is  
24 complete and the allegations have been  
25 substantiated, then those records would

1  
2 be disclosable to the public.

3 Now keep in mind, it would not apply  
4 to unsubstantiated conduct that was  
5 exonerated or conduct that was deemed  
6 unfounded.

7 There is an exception for the  
8 complainant. So if you are the person  
9 who filed the complaint against an  
10 officer, then you would be able to get  
11 more information about that officer  
12 under this proposed bill.

13 And then finally, we have this last  
14 bill by Senator Benjamin and Assembly  
15 Member Quart which would -- proposes  
16 that 50-a wouldn't apply to recordings  
17 made of officers. That would include  
18 body cameras and dash cameras.

19 So one of the big questions that  
20 comes up when people talk about 50-a  
21 repeal or reform is well, is it going to  
22 release information about officers and  
23 complainants? If 50-a were to be  
24 repealed or reformed, we still have  
25 what's called the Freedom of Information

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Law commonly known as FOIL.

And FOIL contains exceptions that would still allow for either withholding or redacted information that is sensitive and personal.

And also New York City has what's called an Identifying Information Law which limits the disclosure of identifying information such as name, date of birth, address, things like that. So there are protections for that type of information that goes for officers and complainants.

So some other relevant FOIL exceptions that could come up in the context of police officer disciplinary records are records that are exempt from disclosure by Federal, State law. So yes, 50-a falls under that category, but there are other things that come underneath that category.

So say, for instance, records that are sealed because of the defendant received a favorable outcome of the

1  
2 case. If those records are contained in  
3 a CCRB records, they're able to be  
4 prohibited from disclosure under that  
5 exemption of FOIL.

6 Same thing for victims of sex  
7 crimes, under Civil Rights Law 50-b.

8 Records that are compiled for law  
9 enforcement purposes, disclosure that  
10 could endanger the life or safety or  
11 another person or if any person; and  
12 also records that inter-agency or  
13 intra-agency materials.

14 So that's pretty much a quick  
15 overview. I know that was a lot of  
16 information but I provided that to  
17 facilitate the conversation here.

18 So if any of the Board members have  
19 questions or would like me to expand on  
20 anything that we -- I've presented on we  
21 can do so now.

22 CHAIR DAVIE: So thank you, Kerri.

23 So let's see if any of the Board  
24 members have any clarifying questions  
25 right now. We won't do comments. We'll

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do that in a bit.

Any clarifying questions for Kerri from any of the Board members?

All right. Okay, thank you. We'll hear from the public in a minute. And I'm sure there will be lots of conversations about this.

We have been joined by a new member of the Board since we got started. Not new to the Board, but new tonight.

You want to introduce yourself.

MR. SIEGEL: Is that on? Sorry about that. Good evening. My name is John Siegel. I'm one of Mayor de Blasio's appointees to the Board. I'm please to be here for this important hearing. I apologize for my tardiness, I was locked in a room asking a witness questions and I had to finish before I came here. So I'm glad to be here. I really appreciate the very large turn out here tonight.

CHAIR DAVIE: Thank you, John.

We're going to have a few people



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    speak if they wish. Is Senator Brad  
    Hoylman here? Did I see him?

        So a representative for him,  
    Caroline Wekselbaum, is that correct?  
    Not close. Do you want to speak? You  
    want to stand up? Do you want to say  
    hello? Welcome.

        Would you like -- if you want to  
    speak, you'll need to come to the mic so  
    that we can pick it up.

        MS. WEKSELBAUM: Hi. I'm Caroline  
    Wekselbaum from State Senator Brad  
    Hoylman's office. And I just wanted to  
    thank you very much for holding a  
    hearing. I don't have any prepared  
    remarks, but I just wanted to say thank  
    you for having us.

        CHAIR DAVIE: Sure. Welcome.

        MS. WEKSELBAUM: Thank you.

        CHAIR DAVIE: Thank you.

        Isabelle Jackson who is from Council  
    Woman Rivera's office, are you here?  
    Would you like to say anything? You  
    have to do it from here.

1  
2 MS. JACKSON: Hello everyone. I'm  
3 representing Council Woman Carlina  
4 Rivera. I like to share testimony, that  
5 she wrote for tonight.

6 I would like to thank the members of  
7 the Civilian Complaint Review Board for  
8 holding a meeting on New York State  
9 Civil Rights Law 50-a, and for the  
10 opportunity to the submit testimony on  
11 the rule's impact on our City.

12 We are here today because a law that  
13 originated as a means to protect police  
14 officers who cooperated in court cases  
15 has now become a tool for the NYPD to  
16 conceal nearly all police records from  
17 public view.

18 Many of us became familiar with the  
19 law in the aftermath of Eric Garner's  
20 death in 2014, when his mother was  
21 prevented from finding out if the  
22 officer who killed her son had a prior  
23 history of misconduct.

24 By using 50-a as a way to shield  
25 officers and the department from

1  
2 scrutiny, we will only amplify the  
3 tensions and distrust that exist between  
4 our police and our communities.

5 We need our police department to  
6 transparent and accountable. And  
7 Commissioner O'Neill made a concerted  
8 effort to do this; however, we need  
9 reform at the state level.

10 These calls for greater transparency  
11 are not new and the NYPD's own 2018  
12 report on 50-a, advocated for  
13 legislation to amend 50-a to improve  
14 public confidence in the department.

15 When considering this necessary  
16 reform, I would also like to call to  
17 mind the recent incidents where police  
18 officers have unnecessarily and unfairly  
19 targeted poor and working class New  
20 Yorkers.

21 The CCRB must examine the NYPD's  
22 heightened role in controlling our  
23 subway system.

24 Improving police community relations  
25 has been one of priorities since taking

1  
2 office. My office works with  
3 neighborhood coordinating officers on a  
4 daily basis to ensure that our  
5 communities feel safe, but the  
6 Department's lack of transparency is  
7 major barrier to this community  
8 building.

9 This is why, in addition, for  
10 pushing for better police community  
11 relation in the council, I will continue  
12 to support our law makers in Albany as  
13 they seek to reform this crucial issue.

14 Thank you.

15 CHAIR DAVIE: Are there questions  
16 from the Board members for Ms. Jackson  
17 at this point.

18 All right. Thank you.

19 We'll now hear from Kisha Walker.

20 MS. WALKER: Good evening everyone.  
21 My name is Kisha Walker. I am the God  
22 sister of Sean Bell who was killed in a  
23 hail of 50 shots on his wedding day in  
24 November 26, 2000 -- November 25, 2006.

25 I'm also a member of the Justice

1  
2 Committee who is also part of the  
3 leadership for communities of the -- I'm  
4 sorry.

5 MR. DARCHE: United for police  
6 reform?

7 MS. WALKER: Yes. Excuse me, can I  
8 come back?

9 CHAIR DAVIE: Would you like to come  
10 back.

11 MS. WALKER: Yes.

12 CHAIR DAVIE: Sure. No worries.  
13 Okay. We'll hear from Shuk King Cheng,  
14 who is the director of the Chinese  
15 American Planning Council.

16 MS. CHENG: Good evening. My name  
17 is Shuk King Cheng. I come here as a  
18 civilian. I do not come here to  
19 represent my organization. So I would  
20 like to share my views on, you know, the  
21 police actions and involvement with my  
22 community. I worked at lower east side  
23 and I also grew up on the lower east  
24 side.

25 I feel that, you know, I have --

1  
2 personally, I have no issues with the  
3 police officers but like, today, I also  
4 -- I feel that there's definitely need  
5 to be transparency, there needs to be  
6 rules and regulations and definitely  
7 needs, you know, additional -- like,  
8 normal barriers. Right? We need to  
9 penetrate into all these rules that they  
10 try to conceal from the public.

11 And just, like, for example, today,  
12 I saw a man, he was crossing the street  
13 on Delancey and Essex -- Eldridge and  
14 Delancey. So it was one individual. He  
15 has nothing on him. I don't even think  
16 he have a thick jacket, and then I saw a  
17 police car rush over into the curb, even  
18 though there was another police officer  
19 there already. There's another car  
20 coming and then I see another officer  
21 like coming from the other side, rushing  
22 over. It was just one man. Is it  
23 necessary to have -- it was seven cops  
24 there when the individual had nothing on  
25 there hand at all or not even carrying

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anything. I think that is just over --  
over do.

So I understand from both sides that  
there are just doing our job, but at the  
same time I think there is a need for  
training.

Thank you.

CHAIR DAVIE: Thank you.

Any comments or questions from the  
Board members?

All right. We'll hear from Kisha  
Walker again.

MS. WALKER: Good evening. Once  
again. Thank you for being patient with  
me.

My name is Kisha Walker. I'm the  
God the sister of Sean Bell who was  
killed in a hail of 50 shots on his  
wedding day on November 25, 2006. And  
I'm also a member of the Justice  
Committee which is part of the  
Leadership of Communities United for  
Police Reform.

I'd like to begin by thanking CCRB

1  
2 Board Chair Fred Davie for personally  
3 stating his support for the full repeal  
4 of the New York's Police secrecy law  
5 50-a.

6 I'm here to say that we need the  
7 CCRB to take the position to support the  
8 full repeal of 50-a.

9 50-a is a police secrecy law that  
10 protects police who kill, brutalize and  
11 harm New Yorkers. It hides police  
12 misconduct and it hides the fact that  
13 NYPD and other police departments around  
14 New York State do not discipline or fire  
15 officers in a timely or meaningful way  
16 when they harm New Yorkers. This is  
17 dangerous for everyone.

18 It has been 13 years since Shawn was  
19 murdered in a hail of 50 shots,  
20 50 shots. And my family deals with this  
21 pain everyday. Part of how my family  
22 deals with this pain is to fight to try  
23 to make sure that families do not go  
24 through the same thing that we've gone  
25 through. That's why my Godmother



1  
2 Valerie Bell testified at two New York  
3 State Senate hearings last month calling  
4 for legislature to fully repeal 50-a at  
5 the start of the legislative session.

6 Under de Blasio, the New York Police  
7 interpretation of 50-a has expanded and  
8 the City has gone to court to the defend  
9 the backwards interpretation.

10 Basically, they are trying to keep  
11 secret almost everything about police  
12 misconduct.

13 The public should have the right to  
14 know about all misconduct, complaints  
15 against officers, and whether any  
16 discipline action was taken. 50-a  
17 prevents this and 50-a must be repealed.

18 Thank you for your time, and I hope  
19 that the CCRB will help demand the full  
20 repeal of 50-a. Thank you.

21 CHAIR DAVIE: Thank you very much.

22 So since you referenced my personal  
23 position as opposed to the position of  
24 the board on 50-a, I just want to speak  
25 briefly to that and say that I do

1  
2 personally believe that complete repeal  
3 of 50-a will be the most effective way  
4 for getting the kind of information to  
5 the public that we need to get about  
6 police discipline.

7 I do believe that we should protect  
8 the privacy, the appropriate privacy, of  
9 police officers, and I've been convinced  
10 that the Freedom of Information Law  
11 would allow for that protection of the  
12 privacy of police officer as is  
13 appropriate.

14 I should just also say that I think  
15 the repeal of 50-a would allow the CCRB  
16 to share more information with  
17 complainants about substantiated cases,  
18 substantiated allegations that have been  
19 -- that have been approved by this Board  
20 against -- substantiated allegations  
21 against, obviously, New York City police  
22 officers.

23 And right now there's lots of  
24 information about why particular  
25 decisions were made, what went into the

1  
2 making of those decisions, et cetera,  
3 that we are not allowed to share with  
4 people who filed complaints;  
5 particularly, where the allegations have  
6 been substantiated.

7 And I just think it would better  
8 serve transparency and accountability if  
9 the CCRB were in a position to share  
10 that information.

11 A change or a repeal in 50-a does  
12 not mean that CCRB would necessarily  
13 provide on any kind of routine, ongoing  
14 basis public information about officers  
15 unless it was done through a FOIL  
16 request. So not much of what we  
17 currently do in terms of providing  
18 public information about this these  
19 cases would change unless it' FOIL; but  
20 what it would allow us to do and what I  
21 think is really important, if people are  
22 going to have confidence in this agency,  
23 is it would allow us to provide  
24 information to the people who bring  
25 complaints and particularly when those

1  
2           allegations within those complaints are  
3           substantiated. I think we owe that to  
4           the people of the City of New York to be  
5           able to share that kind of information.

6           That said, let's go back to hearing  
7           from you. And I have on the list now  
8           from Vocal New York, John Mc Farlane.

9           And as Mr. McFarlane is coming up,  
10          we're going to ask girls for Gender  
11          Equity Qadira Coles, will you stand next  
12          in line and be ready to speak?

13          Mr. McFarlane?

14          MR. MCFARLANE: Thank you.

15          Good evening, Board members and  
16          attendees. My name is John McFarlane.  
17          I'm 51 years old. I'm a lifelong  
18          resident of Queens County, and I'm also  
19          a leader at Vocal New York.

20          As a resident of the State of New  
21          York, I have huge stake in seeing that  
22          50-a, a law that unnecessarily restricts  
23          access to police misconduct, records and  
24          files is repealed.

25          Once 50-a is repealed, the Freedom

1  
2 of Information Law will become the  
3 limiting statue, appropriately  
4 protecting the types of law enforcement  
5 records that should not be exposed to  
6 the public at large.

7 Police misconduct files and reports  
8 to the extent that certain sensitive  
9 information is redacted should not be  
10 hidden from public scrutiny simple to  
11 save the NYPD or other law enforcement  
12 agencies from any embarrassment.

13 In a similar vain, these documents  
14 should not be concealed in an attempt to  
15 cloak officers who's credibility should  
16 be questioned when circumstances arise  
17 that tend to create such an inquiry.

18 Shielding law enforcement files in  
19 such a way is akin to shielding employee  
20 files from the employer. After all,  
21 NYPD and correction officers are public  
22 servants, employed by the people, the  
23 public. Why would we not want to see  
24 how these employees conduct themselves  
25 while on the job.

1  
2 In testimony before the New York  
3 State Senate Codes Committee on  
4 October 17, 2019, Valerie Bell the  
5 mother of NYPD murder victim Sean Bell,  
6 stated, "The part that was terrible was  
7 not getting the answers on who killed my  
8 son." That's why I'm here testifying  
9 today and why I have been fighting to  
10 repeal 50-a.

11 People of color continue to be  
12 killed by the police. And I understand  
13 what it's like for the families to have  
14 fought tooth and nail for transparency,  
15 closed quote.

16 Gwen Carr the mother of NYPD murder  
17 victim, Eric Garner stated over  
18 five years later repeal 50-a, I don't  
19 have full information about the roles,  
20 the misconduct or the names of many of  
21 the officers involved. 50-a makes it  
22 close to impossible for me to truly  
23 fight for justice for Eric, closed  
24 quote.

25 In the aftermath of criminal justice

1  
2 reforms passed by the New York State  
3 Assembly in April and signed by Governor  
4 Cuomo, the District Attorneys  
5 Association of New York also known as  
6 DASNY has filed a despicable campaign of  
7 opposition rather than implementation of  
8 the new law.

9 Part of this strategy includes  
10 recording training sessions that teach  
11 New York State District Attorneys how to  
12 circumvent the elements of reform built  
13 into the law.

14 Please note the NYPD walks in lock  
15 step with DASNY's strategy. Thus, it is  
16 imperative that going forward the public  
17 have access to all the tools and  
18 resources available to combat this state  
19 wide campaign of fear mongering.

20 Part of this arsenal will necessary  
21 include public access to NYPD officer  
22 misconduct files and documents.

23 Now, there has been some talking and  
24 grumbling about the public having access  
25 to complaints that were unfounded or not

1  
2 substantiated against police officers.  
3 This argument is nothing more then a red  
4 herring designed to confuse and detract  
5 from the real issue at hand.

6 Note that if a complaint has been  
7 unfounded how does that designation put  
8 an officer's reputation in a bad light?  
9 How would public access to  
10 unsubstantiated allegations against a  
11 law enforcement officer impune that  
12 officer's integrity?

13 Stated differently if the public has  
14 access to the complete file which  
15 contains the boards rational for  
16 clearing an officer. This will enable  
17 the public to understand the logic or  
18 reasoning that went into such a  
19 decision.

20 Ultimately some debate may emerge  
21 regarding whether the Board was correct  
22 in absolving officers named in a  
23 particular complaint. But that debate  
24 would be premised on facts in the record  
25 rather than on pure speculation.



1  
2 As of the current process due to an  
3 officers record of misconduct, not being  
4 accessible to the public at all.

5 In closing, I state there is no  
6 legitimate reason to continue the  
7 abysmal practice of shielding police  
8 officer misconduct file from the public.

9 All interested stakeholders can  
10 agree that proponents of 50-a repeal do  
11 not desire familia data, such as wife or  
12 children demographics, we are not  
13 concerned with the location of the  
14 officer's residence and we certainly  
15 have no interest in any document germane  
16 into an officer's private or personal  
17 life. To suggest otherwise would be  
18 quite disingenuous.

19 With that, I urge the New York City  
20 Civilian Complaint Review Board to  
21 support the repeal of 50-a today.

22 CHAIR DAVIE: Thank you very much.

23 I thank you for the testimony. I  
24 will remind the speakers that you have  
25 two minutes.

1  
2 MS. COLES: Good evening, Chair  
3 Davie, members of CCRB. My name is  
4 Qadira Coles and I'm the policy manger  
5 at Girls for Gender Equity.

6 Thank you for receiving testimony  
7 from the public today on the impact of  
8 50-a.

9 Girls for Gender Equity is a  
10 intergenerational advocacy and youth  
11 development organization that is  
12 committed to the physical,  
13 psychological, social and economic  
14 development of girls and woman.

15 We work daily with young woman and  
16 transgender non-conforming youth of  
17 color who are policed at every juncture  
18 of their lives on their way to and from  
19 school, in school, while assessing City  
20 services or simply being in public  
21 space.

22 Young women and transgender  
23 non-conforming young people are  
24 criminalized for everyday behavior that  
25 are regularly policed because of their

1  
2 race, ethnicity, sexual orientation,  
3 gender identity and/or gender  
4 expression.

5 The full repeal of 50-a is necessary  
6 to advance true community safety for  
7 girls and transgender non-conforming  
8 youth of color in New York.

9 As an organization that has worked  
10 to address gender-based violence for  
11 over 16 years, we understand that acts  
12 of gender-based violence are often  
13 pattern and repetitive.

14 Survivors who report sexual  
15 misconduct by police officers are met by  
16 disciplinary system that benefits from  
17 hiding misconduct, especially repeated  
18 misconduct from the public eye.

19 This secrecy unnecessarily causes  
20 undo onus on the survivors of police  
21 misconduct including families who have  
22 lost loved ones to police violence.

23 We deserve to know if there are any  
24 police officers in our community who  
25 have sexually harassed or assaulted

1  
2 someone or have repeatedly been  
3 disciplined for the use of excessive  
4 force or have displayed a pattern of  
5 behavior that can escalate to put the  
6 safety of our community at risk.

7 The NYPD itself has admitted that  
8 the disciplinary process is deeply  
9 flawed with Commissioner O'Neill stating  
10 in February that the process suffered  
11 from a fundamental and pervasive lack of  
12 transparency.

13 Without a full repeal of 50-a, the  
14 public cannot know whether remedial  
15 efforts are effective or accountability  
16 processes are happening in the NYPD.

17 Anything short of repealing 50-a  
18 will fail to address the concerns we are  
19 testifying to today, and will only lead  
20 to new measures by the NYPD to prevent  
21 against disclosing police misconduct or  
22 patterns of concerning behavior to the  
23 public.

24 For all these reasons, we urge the  
25 Board to support a full repeal.

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CHAIR DAVIE: Thank you very much.

So we're going to ask the next two speakers, if they'll come forward:  
Nahal Zamani from the Center for Constitutional Rights and Michel Sisitzky from the NYCLU.

MS. ZAMANI: Good evening and thank you for the opportunity to testify today.

My name is Nahal Zamani. I'm an advocacy program manager with the Center for Constitutional Rights.

Today I'm here to comment on the Board's contemplation of the repeal of 50-a which is absolutely a crucial matter of public debate today.

As we all know, New York City's interpretation of 50-a hides the outcomes of police disciplinary proceedings including crucial information such as the names of officers involved police misconduct and how, if at all, they were punished.

Despite how little is public, what

1  
2 we have learned, reveals extensive  
3 disciplinary failure that require  
4 significant and immediate changes.

5 These problems include, but are not  
6 limited to, the NYPD's preference for  
7 low or no disciplinary penalties; the  
8 NYPD downgrading of the discipline  
9 that's been recommended by this body,  
10 the CCRB; the NYPD's disagreement with  
11 this Board regarding substantiating  
12 misconduct findings; and some of the  
13 phenomena that's been tracked in the AP  
14 review reports by this Board as well.

15 And we know this from a lot of the  
16 independent bodies that have oversight  
17 over the NYPD, the CCRB's public  
18 reporting, from media leaks; and from  
19 this, there's a very disturbing painting  
20 that has emerged about failures with  
21 regards to the NYPD.

22 So here are a few reasons why the  
23 Board needs to come out in support of a  
24 full repeal of 50-a:

25 Number 1, the top two meet your

1  
2 mandate. The CCRB is one of the most,  
3 if not the most, powerful oversight  
4 agencies in the country overseeing the  
5 conduct of police departments, and  
6 investigating and addressing police  
7 misconduct. In fact, through your work  
8 and tracing the ark of the complaints  
9 that comes through on your guys' desk  
10 through to their final disciplinary  
11 disposition by NYPD, many problems have  
12 emerged. But because of 50-a, many of  
13 the Boards actions and steps are not  
14 really known. And also what the NYPD  
15 does is actually shielded.

16 Another reason. This would really  
17 illuminate the work of the APU, which is  
18 what sets the CCRB across -- apart from  
19 other civilian oversight bodies  
20 nationally. Particularly, around the  
21 charges and specification cases, and how  
22 those were ultimately resolved.

23 It would also look at the wide  
24 number of cases that are before the CCRB  
25 which are not charges and specification

1  
2 cases. And we would argue that the  
3 policy analysis of the CCRB could become  
4 more robust through a full repeal of  
5 50-a. So that we can see kind of more  
6 broadly trends and disturbing  
7 allegations.

8 The CCRB should support a full  
9 repeal of 50-a, not a modification.  
10 Why?

11 Well, recently the NYPD posited that  
12 50-a should be reformed and only allow  
13 for public disclosures around charges  
14 and specifications, but that's a  
15 problematic position. For the CCRB to  
16 maintain it's engagement with  
17 communities, you -- and that can only be  
18 achieved with the full repeal of this  
19 law. Merely modifying 50-a would still  
20 shield important information about  
21 discipline and misconduct and lead to  
22 the same abuses and issues that my  
23 co-panelists have testified too.

24 Additionally, as I said, charges and  
25 specs are just a sliver of the bodies



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that you guys -- of the cases that you handle.

We are equally concerned around the NYPD's use of the reconsideration process. We've testified to that effect and knowing more with a full repeal of 50-a.

In conclusion, I want to thank you guys for your consideration and call for the Board for a full repeal.

Thank you.

CHAIR DAVIE: And just reminding you, Michael, two minutes.

MR. SISITZKY: Good evening. My name is Mike Sisitzky, Lead Policy Counsel of the New York Civil Liberties Union.

The core component of our work is protecting a New Yorker's right to be free from the discriminatory and abusive policing, and there is no greater legal barrier to that work than Section 50-a.

The NYCLU's position is that the only way to address this statute is full

1  
2 legislative repeal.

3 The types of records that 50-a  
4 shrouds in secrecy are vitally important  
5 to public conversations, about the  
6 impact that policing has in the  
7 communities throughout New York.

8 And they're also essential if we're  
9 going to ask the public to have any  
10 confidence in agencies like the CCRB  
11 that are empowered to investigate and  
12 attempt to hold officers accountable for  
13 their misconduct.

14 But because of 50-a, we don't get to  
15 turn to the CCRB for detailed  
16 information about specific cases about  
17 officers, about what goes wrong in the  
18 process. Instead, we're forced to rely  
19 on the media, on leaks to the press  
20 instead of being able to turn directly  
21 to our public officials.

22 And this is not a process that  
23 inspires much public trust or confidence  
24 in public agencies.

25 And what have we learned from these

1  
2 leaks. We learned in 2017 that the  
3 officer who killed Eric Garner had an  
4 extensive history of misconduct that was  
5 known to the NYPD. And once made  
6 public, Pantilaio history of CCRB  
7 complaints have been described as  
8 amongst the worst on the force.

9 The fact that an officer who later  
10 went on to kill someone using a banned  
11 procedure already had a noteworthy  
12 history of engaging misconduct, and that  
13 the NYPD had a noteworthy history of  
14 downgrading CCRB recommendations for  
15 that officer, is something that the  
16 public had clear interest in knowing.

17 In 2018, through another leak. We  
18 learned about a database of more than  
19 300 officers who were still on the force  
20 despite they committed fireable offenses  
21 including officers that have committed  
22 perjury, lied on official statements,  
23 and this is despite the fact that the  
24 NYPD's own policy generally requires  
25 officers to be fired for having

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committed such misconduct.

Without this leak, the public would have no -- no idea of the NYPD was failing to adhere to it's own disciplinary rules in that manner.

It's already been discussed that 50-a really serves no purpose in terms of protecting officer privacy and safety those are all addressed clearly in FOIL. So 50-a as it exist now serves the only purpose of hiding vitally important public information about public officials which is why it's full repeal is necessary. It shouldn't be this difficult to have public conversations about misconduct.

And we invite the CCRB to join us in calling for these conversations to happen in the public and to support the repeal of 50-a.

Thank you.

CHAIR DAVIE: Thank you.

I'm going to ask the next two speakers to come up, Molly Griffard from

1  
2 the Legal Aid Society and Charlotte Pope  
3 from Girls for Gender Equity.

4 MS. GRIFFARD: Good evening. And  
5 thank you for having us here tonight.

6 My name is Molly Griffard. I'm a  
7 legal fellow at the Legal Aid Society.  
8 And we echo the concerns raised by our  
9 colleagues who have already spoken. And  
10 I'll keep my remarks short and focussed  
11 on the unique perspective that the Legal  
12 Aid Society brings to this issue which  
13 is how 50-a harms our clients. And also  
14 how it contributes to the injustices of  
15 a criminal legal system that  
16 disproportionately arrests, prosecutes  
17 and incarcerates low income people of  
18 color.

19 As the largest provider of indigent  
20 defense in this state, we at the Legal  
21 Aid Society see how 50-a harms our  
22 clients on a daily basis. Our job as  
23 defense attorneys is to thoroughly  
24 investigate our clients cases including  
25 investigating the credibility of all the

1  
2 witness against our clients.

3 Without access to the conduct  
4 records of involved officers, we cannot  
5 effectively examine and cross-examine an  
6 officer as a witness when we do not  
7 whether they've been disciplined for  
8 making false statements, falsifying  
9 evidence or lying under oath in the  
10 past.

11 Under 50-a, the burden is on the  
12 defense to make a motion to a judge to  
13 issue a subpoena for an officer's  
14 misconduct record; however, the defense  
15 must allege a specific good faith basis  
16 to believe that that relevant misconduct  
17 material exists.

18 In order words, the City and the  
19 NYPD are able to shield officer  
20 misconduct behind 50-a and the judge,  
21 according to the law, expects the  
22 defense to be able to point out specific  
23 incidents of misconduct to get those  
24 misconduct records. If it sounds like  
25 an absurd chicken and egg situation,

1  
2           that's because it is.

3           And the problem with this is how the  
4           law was written in the first place, and  
5           also how the law has been broadly  
6           interpreted by the courts. And because  
7           of this broad interpretation by the  
8           courts, there really is not a way to  
9           amend or fix the bill, a full repeal is  
10          absolutely necessary.

11          Sufficient privacy protection for  
12          all government employees including  
13          police officers are already in existence  
14          in FOIL as you've heard from many of my  
15          colleagues tonight. And in such, 50-a  
16          is just not necessary.

17          Our clients at Legal Aid are some of  
18          the most vulnerable New Yorkers and bear  
19          the cost of this badly written, badly  
20          interpreted law and they pay for it with  
21          their liberty.

22          That is why we at the Legal Aid  
23          Society urge the CCRB Board to  
24          wholeheartedly endorse the full repeal  
25          of Section 50-a. A law that is

1  
2 unnecessary, erodes trust in the  
3 criminal legal system and harms our  
4 communities and clients at Legal Aid.

5 Thank you.

6 CHAIR DAVIE: Thank you.

7 MS. POPE: Good evening, Chair,  
8 members of the Board, staff, and  
9 everyone. My name is Charlotte Pope.  
10 I'm also here with Girls for Gender  
11 Equity. Thank you for the opportunity  
12 to comment on the need to repeal 50-a.

13 My comments current focus on the  
14 thousands police interventions  
15 experienced by girls and gender  
16 non-conforming youth in their schools  
17 every year. While the CCRB does not  
18 investigate incidents involving the  
19 5,000 school safety agents stationed in  
20 schools, we know there were over 190  
21 fatal complaints made against agents  
22 last year because of the reporting  
23 requirements passed by City Council,  
24 school policing also includes 200  
25 uniformed police officers in the school



1  
2 safety division in addition to the  
3 unreported number of officers that are  
4 called into schools that otherwise enter  
5 or patrol schools on a daily basis.

6 Students citywide have long raised  
7 alarm for the oppressive and violent  
8 conduct of police in and around their  
9 schools. And it is essential to end  
10 police secrecy for these students who  
11 experiences police violence in the very  
12 places they must be able to feel safe in  
13 order to learn.

14 As mention, the work of the media  
15 has shown that the NYPD has  
16 institutional issues with imposing  
17 meaningful and adequate discipline.

18 The Buzzfeed database in particular  
19 revealed serious misconduct including  
20 206 school-base cases of substantiated  
21 charges there were 52 instances of  
22 physical contact with students such as  
23 unnecessary and excessive force and  
24 quote, dragging a student by the arm.  
25 With the harshest response being the

1  
2 forfeiture of vacation days.

3 Students and their caregivers and  
4 families should be able to know whether  
5 police officers have been disciplined by  
6 the department and should have access to  
7 what that discipline was.

8 The NYPD is not able to police  
9 itself and the secrecy of 50-a  
10 jeopardizes community safety including  
11 the safety and education and well being  
12 of young people in theirs schools.

13 A full repeal of 50-a is critical  
14 for the goal of the CCRB. In addition  
15 to accountability for officers who harm  
16 young people and the safety of young  
17 people in their homes and schools.

18 Thank you again.

19 CHAIR DAVIE: Thank you very much.

20 So the next two speakers Oron  
21 Christamonte and Joshua Flores are  
22 coming up together. Are you here? Oron  
23 Christamonte and --

24 I'm sorry. You don't want to speak.  
25 Okay.

1  
2 Opal Gordan and Terrence Byerson, if  
3 you could just get in line here.

4 MS. GORDAN: Good evening. My name  
5 is Opal. I'm a deaf advocate for the  
6 deaf community of New York.

7 Last summer, my friend who is deaf,  
8 informed me and I was shocked, shocked.  
9 My friend informed me and I was shocked  
10 now some cops know about cell phones,  
11 cell phones apps. You click the app and  
12 there's a language line. They have  
13 international languages. You tap the  
14 app and there's an ASL interpreter.  
15 That is the idea, there's a picture.  
16 It's on the phone.

17 Two cops showed up at the a deaf  
18 person's home. The man had his cell  
19 phone and the deaf woman and another  
20 deaf man and another cop behind them  
21 already clicked the app.

22 The apps up. The language line, the  
23 interpret ready to interpret and on  
24 hold. The deaf person is right there,  
25 the interpreter said Hello, turn the

1  
2 phone to the deaf person. And they did  
3 not listen to the interpreter on the  
4 phone. And the interpreter kept saying,  
5 hello, turn the phone, face it to the  
6 deaf person.

7 The other deaf person try to signal  
8 but was a little afraid, didn't want to  
9 touch the cop, grab the -- didn't want  
10 the cop thinking they were going to get  
11 harassed.

12 The second cop said nothing and just  
13 stood there.

14 The deaf man didn't know what to do.  
15 He had an idea. He picked up his own  
16 cell phone out of his pocket and started  
17 to text. To show the police officer  
18 what he was texting, the policewoman  
19 said, oh, turn the phone that way. Oh,  
20 oh, oh, okay.

21 That's lack of communication.  
22 There's no training. I feel that that  
23 wasn't right. This is a serious issue  
24 and needed communication, but there was  
25 a misunderstanding.

1  
2           The point is what? The point is I  
3 want all the cops to have a school  
4 training on to use technology and  
5 appropriateness and how to click an app  
6 to face deaf people and not hold into  
7 their ear and actually pay attention to  
8 the person on the phone he was basically  
9 ignoring the phone.

10           This is a serious problem. You  
11 know, if there was domestic violence or  
12 someone blacked out; many, many  
13 different issues. Many different  
14 reasons.

15           The police must have training. Some  
16 cops do know and they're willing and  
17 they'll volunteer to learn, but I would  
18 prefer all the cops in school, learn  
19 some type of training on how to use  
20 specific apps, language line and  
21 interpreting services and deaf culture  
22 to learn how to communicate. It's quite  
23 important for everyday.

24           Thank you.

25           CHAIR DAVIE: Thank you.

1  
2 Terrence Byerson?

3 MR. BYERSON: Good evening,  
4 everyone. How y'all doing? My name is  
5 Terrence Byerson and I represent -- I  
6 work for STRIVE which is non-profit  
7 organization. I run a program for young  
8 men and woman that have been impacted by  
9 the criminal justice system 18 to 24 and  
10 I'm also a member of 100 Black Men where  
11 I mentor a lot of young men for the  
12 Eagle Academy of Young Men which is a  
13 school that we created.

14 I'll like to say thank you to the  
15 CCRB because I use you guys as part of  
16 my curriculum for my work force  
17 development with my kids 18 to 24. I  
18 feel as though it's important. When  
19 we're teaching them how to interview,  
20 how to dress, how to do a 30-second  
21 pitch, how to get a job and how to keep  
22 a job.

23 But on the other side of that, once  
24 they get out of the street, they should  
25 know their rights as it pertains to when

1  
2           you get stopped by the police, if you're  
3           being harassed by the police, such young  
4           -- because most of the kids that I work  
5           are men and woman that look like me and  
6           I think that's another barrier that they  
7           have to deal with.

8           They learn how to get a job and get  
9           on the job where they feel is safe, but  
10          they go outside, they could be dressed  
11          just like I am going to work, got over  
12          one barrier because they had a record  
13          and now they have to deal with police  
14          interactions.

15          So I applaud you guys for giving me  
16          someone Timothy Harroll, I don't know if  
17          he's here, but he's great at what he  
18          does. And to come in and talk to my  
19          youth, it's very informative and it's  
20          helpful for them to understand. And we  
21          also employ that at the Eagle Academy  
22          for young men.

23          So I just have a question for you  
24          guys. I want to know if anyone of you  
25          have ever been impacted by 50-a; and if

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so, what do you feel about that?

CHAIR DAVIE: Let me just reiterate and I'll my colleagues talk, but the agency is impacted by 50-a as we've said and it prohibits us from sharing crucial information that we think would go to our being as accountable to the public as we can be, in particularly those people who file complaints, for which there are substantiated allegations.

We would like maybe share more information with them about those substantiated allegations and we cannot now do that. I'll let my colleagues speak.

MR. BYERSON: Okay. All right.

MR. PUMA: Not personally but to the extent, kind of echoing what the Chair said that the agency has been affected. I recall that the last time we actually held a community meeting in this neighborhood was about four and a half years ago. And at that time, one of the advocates had brought it to the



1  
2 attention of the entire Board that some  
3 of the -- that 50-a was impacting some  
4 of the ways that our agency was  
5 communicating with complainants about  
6 their own complaint in which, because of  
7 the way that 50-a had been reinterpreted  
8 to be shield things like officer names.

9 I wasn't even aware that letters  
10 that were coming from our agency to  
11 complainants were excluding things like  
12 that.

13 Imagine getting your own complaint  
14 against Police Officer Smith, but it  
15 doesn't have Police Officer Smith's name  
16 in it? You know, and I knew that, you  
17 know, say, I'm the complainant, I know  
18 it's Police Officer Smith but my letter  
19 doesn't even mention his name.

20 So I know that we had different  
21 leadership at that time, different  
22 chair, different executive director and  
23 I don't think our practice is that any  
24 more.

25 But this just goes to show. So when

1  
2 I heard about that at the last community  
3 meeting in this neighborhood, it was  
4 June so Albany's legislative session was  
5 pretty much over at that point, and I  
6 said let's make this an item. Let's  
7 take a stand on this.

8 And so I'm happy -- it's taken a  
9 little bit too long, but we're able to  
10 have this discussion and hopefully  
11 advocate for change in Albany around  
12 this law.

13 CHAIR DAVIE: Thank you.

14 MR. DARCHE: One of the areas that  
15 50-a really makes it tough for the  
16 agency to communicate with people is  
17 when the agency exonerates conduct  
18 because that sounds to people as if  
19 we're saying that the conduct did not  
20 happen.

21 When, in fact, the agency is saying  
22 that the conduct alleged by the civilian  
23 happened, but it was within the law and  
24 departmental guidelines. And that is a  
25 very different message than saying it

1  
2 did not happen.

3 And I feel like we need to have --  
4 the CCRB needs to have a better way to  
5 explain to people what happened and I  
6 think if you can explain to someone,  
7 yes, you were stopped, but we were able  
8 to determine this is why you were  
9 stopped and therefore, it was lawful,  
10 that may go a long way to helping people  
11 understand what happened and increase  
12 their appreciation for what the CCRB  
13 does and also make -- lower their  
14 dissatisfaction with that interaction  
15 they had.

16 CHAIR DAVIE: Will John.

17 MR. SIEGAL: I appreciate that  
18 comment by the Executive Director  
19 because 50-a applies to all cases before  
20 us. And while many of the comments have  
21 been about the impediments for people to  
22 learn about recommendations and  
23 discipline determinations against  
24 officers who we recommend for discipline  
25 because of what they've done, the vast

1  
2 majority of the cases filed before this  
3 agency result in determinations that the  
4 officer's exonerated of any wrongdoing  
5 or that we were unable to make a finding  
6 regarding any wrongdoing.

7 And the one thing I know about this  
8 agency having been on the board for a  
9 couple of years, and this is applies to  
10 the board members in particular and the  
11 staff as well, is that it's a group of  
12 people who take this very seriously, who  
13 work very hard at it, who make  
14 fact-based investigative recommendations  
15 and fact-based determinations. And  
16 while we come from different experiences  
17 and different perspectives and we're  
18 appointed by different municipal  
19 leaders, the one thing that I know is  
20 that everybody involved in this process  
21 works in good faith and makes  
22 determinations based on the facts.

23 And I feel like what we do is not  
24 understood by the public and is  
25 criticized from all perspectives because

1  
2 we're unable to explain large amounts of  
3 this and what we do.

4 And I think that under the current  
5 interpretation of 50-a, disservices people  
6 who filed complaints before us and I  
7 think it disservices police officer as  
8 well as just the public discussion  
9 generally and I'd like you all to know  
10 how fact-based and nonideological and  
11 careful and in good faith the work this  
12 agency does, but we can tell you about  
13 much of it.

14 CHAIR DAVIE: Thank you, Mr. Siegal.

15 MS. STAHLY-BUTTS: Thank you. I  
16 would then just add to answer your  
17 question. I think that Kisha and John  
18 and both have spoken about a family who  
19 was brutalized and killed can speak on  
20 personal impacts in profound ways, but  
21 as a black woman who lives in Bed-Sty,  
22 once of the most policed areas and one  
23 of the highly policed areas in New York  
24 City. I think, the daily occurrence of  
25 police conduct both by where I live and

1  
2 across the city are all impacted by the  
3 lack of transparency and accountability  
4 that might and 50-a is at the heart of  
5 that.

6 CHAIR DAVIE: Thank you Ms.  
7 Stahly-Butts. Anyone else.

8 Thank you.

9 We'll here from Andrew Case and  
10 following Andrew, Josmar Trujillo.

11 MR. CASE: My name is Andrew Case.  
12 I started working at the CCRB in 1997.  
13 I served as the Director of  
14 Communications and the spokesman of this  
15 agency from 2006 until 2009.

16 You want to talk about personal  
17 effects of CCRB of Civil Rights Law of  
18 50-a. It may as well, during that  
19 period, have written to say Andrew Case  
20 shall not.

21 The perspective I bring is that of a  
22 press officer barred by this law. But  
23 the most important thing you see as a  
24 press officer when you see how this law  
25 operates, it's not how it stops the

1  
2 CCRB, but it is how the New York Police  
3 Department regularly, casually and  
4 unapologetically violates Law 50-a when  
5 it serves the NYPD's interests while the  
6 CCRB and other oversight agencies are  
7 gagged from even responding to the  
8 NYPD's messaging.

9 For example, in July 2017,  
10 Commissioner O'Neill declined to punish  
11 an officer who used a choke hold after  
12 an NYPD administrative law judge  
13 recommended that he did so.

14 The NYPD's response was to release  
15 limited surveillance video and claim  
16 that the CCRB and the NYPD's own  
17 administrative law judge were wrong to  
18 call for discipline. It did not release  
19 the ALJ's decision. It did not release  
20 any further information.

21 The CCRB was gagged by 50-a from  
22 responding to this release.

23 Just days after police shot Miguel  
24 Antonio Richards in September 2017, the  
25 officer's body-cam footage was released

1  
2 to the press even though it could have  
3 been used in later disciplinary  
4 proceedings. This was messaged by the  
5 NYPD as exonerating the officer before  
6 any investigation had even begun.

7 Less than two weeks ago, after the  
8 NYPD had testified in support of 50-a  
9 and against full repeal in Albany, the  
10 department announced that Detective Josh  
11 R. Olan (phonetic) had been placed on  
12 desk duty for releasing a celebrity mug  
13 shot.

14 The NYPD officers who gave Detective  
15 Olan's name to the press, quote,  
16 requested anonymity; to discuss a  
17 confidential disciplinary matter.

18 When a CCRB employee violate 50-a,  
19 they are fired. The investigator who  
20 leaked Pantaleo's CCRB history was  
21 forced to resign in early 2017, a former  
22 executive director of this agency was,  
23 according to the new reports, forced to  
24 resign for violating 50-a.

25 The department of investigation



1  
2 issued a subpoena to the investigator  
3 who released Pantaleo's information and  
4 Pat Lynch said that, quote, the DA  
5 should investigate because the release  
6 of a police officer's confidential  
7 personal records is a crime, unquote.  
8 There are no criminal provisions to  
9 Section 50-a.

10 The day before firing Officer  
11 Pantaleo, the NYPD released the entire  
12 47-page decision by Deputy Commissioner  
13 of Trials Rosemarie Maldonado. Clear  
14 50-a material, there's been no question  
15 or investigation as to how that material  
16 came out.

17 Make no mistake this video footage,  
18 the Deputy Commissioner of Trial's  
19 decision, all of this material should be  
20 public and should be reported on, but  
21 the existence of 50-a and the NYPD's  
22 refusal to abide by this law itself  
23 allows for one way ratchet in  
24 information.

25 CHAIR DAVIE: Thank you, Andrew.

1  
2 I just want to remind the speakers  
3 that it's two minutes.

4 Mr. Trujillo?

5 MR. TRUJILLO: Good evening. I'll  
6 make my remarks short. Course, I'm  
7 going to give the remainder of my time  
8 to my friend Joshua Lopez, who I'm here  
9 to support. His uncle was killed in  
10 2011, in a case where some people maybe  
11 familiar with, when an undercover shot  
12 John Collato (phonetic) in the stomach.  
13 His family just received a civil suit  
14 where the police officer who killed John  
15 Collato, who was since prompted to  
16 sergeant, lied in front of a trial jury.

17 It has come to my understanding the  
18 City -- the members of the City of New  
19 York voted to give you guys the power to  
20 investigate police officers for lying.  
21 So what I'm here today for is not to ask  
22 you to support a legislative agenda, but  
23 to do something specific to your job  
24 which is to hold police accountable. In  
25 this instance specifically, Sergeant

1  
2 James Connolly.

3 And this is a case where the officer  
4 lied just within the last year and this  
5 agency wants to tell the members of this  
6 public that it is series about holding  
7 police officers accountable and is going  
8 to value the power to investigate police  
9 officers for lying then it must  
10 investigate this officer who lied to the  
11 City of New York and continually lied to  
12 this man's family and not only had not  
13 been held accountable.

14 This is not an issue of police  
15 officers where we do not have  
16 information about them, this is an  
17 officer that we have the information  
18 about him, he killed someone before he  
19 killed John Collato, so this is not just  
20 about his transparency, this is about  
21 accountability and this well within what  
22 you are guys are commissioned to do.

23 And so what I'm asking for is a  
24 commitment from this agency to meet with  
25 Joshua and meet with the family to

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actually take this new power that you guys were just given seriously.

Because as some of you know, I've been coming here religiously. I stopped coming here once I realized that the agency was not designed really to hold police accountable, in my opinion; but with the exception of Mr. Puma, I've been coming here before many of the faces here were here.

This is something that you guys can do know and can take seriously and actually bring some level of accountability and justice for his family.

MR. LOPEZ: I would like to thank Joe. My name is Joshua Lopez. I'm the nephew of John Collato and I would like to hand out these letters to each member if that's possible and I would like to -- for you guys to start an immediate investigation into this officer's lying.

And I thank you for your time.

CHAIR DAVIE: Thank you.

1  
2 And Mr. Darche will have a  
3 conversation with you before you leave  
4 tonight.

5 Thank you.

6 We'll hear from Adrienne Torres and  
7 Ernest Torres.

8 MS. TORRES: Good evening to the  
9 members of the board of the CCRB and to  
10 the public as well.

11 There have been so many speakers.  
12 I'm Adrienne Torres. This is my husband  
13 Ernesto. I've lived here in Imagine  
14 Towers for four years, although I was  
15 born in Brooklyn.

16 At my age, at 60 plus, I've been  
17 through it all as far as the NYPD is  
18 concerned. I am a graduate of the  
19 civilian police department and I have  
20 been a member of my seventh precinct  
21 community council for over 20 years  
22 until five years ago.

23 And I have members, family members  
24 who are police officers, and I have one  
25 brother who is a fire fighter in the

1  
2 NYFD.

3 I don't hate anyone and as a person  
4 of color, as a woman of color, I have  
5 been on the receiving end of terrifying,  
6 life-threatening situations with police.  
7 So it took me the better part of my  
8 adult life to be able to go to become a  
9 graduate of the police academy as a  
10 civilian and to realize that all police  
11 officers are like those that police me  
12 up in Washington Heights when I was  
13 growing up.

14 In any event, what I want to say is  
15 that we were suppose to be at the Puerto  
16 Rico heritage celebration tonight at  
17 City Hall, but because Joe Puma e-mailed  
18 to tell us that this was going on  
19 tonight, we knew the critical importance  
20 of this meeting, so we cancelled out on  
21 our having fun and said we have to be  
22 here tonight to address this issue  
23 because it is one of such serious  
24 import.

25 I've read many articles over periods

1  
2 of time and more in the last couple of  
3 days about 50-a, and certainly I watch  
4 every news report every single night,  
5 read online news and hear all the things  
6 that I going through in my community  
7 here in lower east side and beyond, of  
8 all the terrible tragedies that have  
9 occurred.

10 And inevitably, I have found myself  
11 coming always on the side of the people  
12 that have been injured or murdered or  
13 abused or all manner of things with  
14 police.

15 And I have to say that no matter how  
16 old I'm and how long I have lived, I'm  
17 constantly shocked and appalled and just  
18 when I think I heard the worst possible  
19 thing, something else goes on that's  
20 even more horrible.

21 I'm crying all the time over all the  
22 stuff that goes on in this City and  
23 beyond with the police and people. And,  
24 you know, I really am a very measured  
25 person, a very reasonable person, a very

1  
2 intelligent person, and a very well-read  
3 person, but all of the things that I  
4 see, all of the arguments that I see,  
5 just seem to complicate stuff for us.

6 And what I really have come down to  
7 reason about 50-a is that it has to be  
8 thrown out entirely because if we try to  
9 reform it in any reasonable sense or if  
10 we have try to amend it in any way, the  
11 NYPD will inevitably find it's way or  
12 the courts will find their way to pick  
13 at it and, you know, make holes through  
14 it so big that a whole room full of  
15 people can walk through it.

16 So, you know, in the end analysis, I  
17 just feel sometimes you do have to  
18 through the baby out with the bath  
19 water. And, you know, the old saying  
20 that if it looks like a duck and walks  
21 like a duck and quacks like a duck, then  
22 it's a duck.

23 CHAIR DAVIE: Thank you, Ms.

24 Torres--

25 MS. TORRES: So if you see an



1  
2 officer who abusing his power -- his or  
3 her power is pushing people around,  
4 mistreating the public that person  
5 doesn't deserve for the City of New York  
6 for the taxpaying people because they  
7 don't belong in the public forum. They  
8 don't know how to conduct themselves in  
9 an professional manner in an appropriate  
10 way, and they usually, almost inevitably  
11 have a history of having this type of  
12 conduct before the incident that is  
13 being discussed.

14 CHAIR DAVIE: Thank you.

15 MS. TORRES: So I really believe in  
16 my heart that we must do the best that  
17 we can and we must do the right thing  
18 and even though the CCRB has had mixed  
19 results and has had bad reputation  
20 before this present Board, you know, it  
21 seems that together with what the  
22 voters, what we all voted for recently,  
23 and together with legislative work, we  
24 can do better in the future and we can  
25 hopefully save lives, especially those

1  
2 of people of color.

3 CHAIR DAVIE: Thank you so much.

4 MS. TORRES: Thank you very much.

5 CHAIR DAVIE: Thank you, Ms. Torres.

6 Just remind, again, two minutes.

7 MR. TORRES: First, I'd like to say  
8 thank you to the Board and thank you for  
9 everyone who's spoken tonight. A lot of  
10 people said very powerful thing and I  
11 will try to keep it to two minutes.

12 You know, basically, my opinion is  
13 that there is no half stepping. This  
14 has to be repealed. It just has to be.

15 You know, I also am a graduate of  
16 the civilian police academy and the FBI  
17 civilian police academy as well. And I  
18 know that there are -- you know, most  
19 police are okay. They do their job and  
20 it's a tough job, but there are some  
21 that, you know, unfortunately, abuse  
22 that power, and they have to be held  
23 accountable. They can't hide behind the  
24 curtain and that's what happening now,  
25 they're hiding behind a curtain and

1  
2 they're getting -- you know, they're  
3 getting away with all kinds of things.

4 You know, where in an environment  
5 now where we're trying to make everybody  
6 accountable. You know, we have the "Me  
7 Too" movement. I mean what's happening  
8 in Washington. We're trying to make  
9 someone in Washington accountable for  
10 their lies and what they're been trying  
11 to hide. So, you know, we need to do  
12 this.

13 The public needs to feel safe and,  
14 you know, there are all kinds of, you  
15 know, things to protect police officers'  
16 identities. But this law should not be  
17 one of them.

18 So, again, please, do within your  
19 power to repeal this and everyone in  
20 this room keep on fighting to make this  
21 happen. Our voices need to be heard  
22 and, again, thanks everyone.

23 CHAIR DAVIE: Thank you. Thank you.

24 So we'll here from Jordan Wouk and  
25 Suzannah Troy. Again, remember two

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minutes, please.

MR. WOUK: I'm Jordan Wouk. I'm a resident of Manhattan well not this part of Manhattan. I notice that there are many seats here which were originally designated for the New York Police Department and I notice that the seats are empty.

I've been to many of these meetings in different boroughs and very often they do show up, so it's disappointing that none of the local police showed up.

As an interested member of the public, I have attended a number of police trials at One Police Plaza. Some of them, the prosecution is the police department itself and some of the prosecution is the Board the CCRB and these are called APU trials, so I know something about them.

I really wanted to hear the trial of Mr. Pantaleo and what I'm about to tell you I think is an extreme example of what happens with 50-a currently.

1  
2 For the first day I showed up at  
3 7:15 in the morning. I was the first  
4 member of the public in line. Slowly  
5 they moved us in and at 10:00, the trial  
6 began and we were all still downstairs.

7 After a while I went up to somebody  
8 who I thought had authority and said,  
9 hey, listen, I was the first one here, I  
10 was here at 7:15, they sent me up so  
11 that I got to here the beginning of the  
12 defense opening statement.

13 The next person to be lead up was  
14 not lead up until lunch and the law is  
15 that the public must be present for  
16 these trials.

17 So I requested a transcript of the  
18 trial for the part that I missed and  
19 under 50-a, that cannot be released. I  
20 was permitted to be at the trial. I  
21 could listen, the reporters can make  
22 notes, but no one could get a transcript  
23 of the trial due to 50-a and I'm sure  
24 that's not the most absurd result, but  
25 it's an absurd result.

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Thank you.

CHAIR DAVIE: Thank you.

MS. TROY: Hi. My name is Susanna Troy. I've been dealing with CCRB since 2013. I was a victim in 2012, contacted CCRB, immediately there's audio in 2012 at the first precinct where I'm told I can't record my attackers false cross-complaint because I'm not from the DA and I'm not a detective and that's simply a lie. It's obstruction of justice, a violation of my civil rights to report a crime, discrimination and you hear me call CCRB internal affairs.

I love my CCRB investigator, he left. He went to go work for the MTA because he said at least I can get to people from point A to point B. I love that guy. Awesome, awesome person.

And I know from then he called in one of Bloomberg's bodyguards that was verbally abusive to me. As much as I am the biggest criticism -- critic of Michael Bloomberg, things are worse

1  
2 under de Blasio because on the  
3 survivor's rally, the steps of City  
4 Hall, Charlene McCray, State of New York  
5 NYPD tried to remove me.

6 Again, immediate discrimination by  
7 the NYPD intelligence detective body  
8 guards of the Mayor and his wife. And I  
9 was -- also an official from city  
10 government or he's NYPD photograph, I  
11 don't know who they are, they tried to  
12 remove me. There were 300 woman that  
13 did not allow that to happen.

14 So anyway, I've been asking CCRB  
15 year after year to please take back my  
16 case. So I handed you all the ones that  
17 were here on time, what I expect in  
18 terms of changes for you. Yes, I voted.  
19 I'm one of 20 percent of the registered  
20 voters that showed up. Yes, I said  
21 repeal 50-a. I'm saying that. I'm  
22 saying, give CCRB more power. I want to  
23 give you more power. I want you to be  
24 able to call Deputy Inspector Ed Winski,  
25 if he hasn't retired. I want you to be

1  
2           able to call in chiefs. And why?

3           Because eight years ago to today, you  
4           can call in police officers and  
5           sergeants and lieutenants and question  
6           them under oath. Otherwise, Internal  
7           Affairs protects them.

8           I've got Eric Garner's handwritten  
9           lawsuit. If you want to read it, you  
10          will cry. It was sent to me anonymously  
11          and legally I have a right to share what  
12          "It stops today" means. It will give  
13          you chills. It will make you cry and  
14          devastate you, written from Rikers'  
15          Island.

16          So what I'm telling you is you can  
17          take my case, rewind eight years and you  
18          can map those cops and the precinct. If  
19          you feel you legally are bound by 50-a,  
20          your hands are bound, you can map to  
21          protect the children that -- transgender  
22          or anybody who comes to you and says --  
23          for me it was the 1st Precinct, a gang.  
24          From detectives to supervisors, the  
25          commander and 50-a you can't say their



1  
2 names. I didn't know what they looked  
3 like. They hid from me like Ku Klux  
4 Klan. You can map it. From eight years  
5 ago to now, you can map it without using  
6 their names.

7 And then someone else goes, oh, that  
8 happened to me. And then when you use  
9 50-a, you can release their names. So  
10 you can start now by mapping. I gave  
11 you all the lists, people can take it  
12 from me, my extras. Looking me up  
13 Susanna Troy, S-U-Z-A double N-A 8 Troy,  
14 T-R-O-Y.

15 CHAIR DAVIE: Thank you.

16 MS. TROY: Top of my blog, radical  
17 reform, I want you to explain, what is  
18 chief of department?

19 CHAIR DAVIE: Thank you.

20 MS. TROY: You keep sending my cases  
21 to chief of department.

22 CHAIR DAVIE: All right. We have  
23 your written --

24 MS. TROY: It needs to be on your  
25 web site.

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CHAIR DAVIE: -- information.

MS. TROY: What does that mean, and you have to say how many of my cases you send to Internal Affairs and check in with them because and hold them accountable because Internal Affairs won't talk to me.

CHAIR DAVIE: Sure.

MS. TROY: They're like there own 50-a.

Thank you so much.

CHAIR DAVIE: Thank you.

MS. TROY: Anybody want these?

CHAIR DAVIE: Thank you.

MS. TROY: Thanks everybody.

CHAIR DAVIE: We'll now hear from Marcus Altheus and Joshua Lopez.

MR. MARCUS: My name is Altheus Marcus. I was a former candidate for the 87 Assembly District. I'm a community advocate.

I believe strongly, and let me say this before I even go. I started the NCO programs, as well as the build the

1  
2 block program. I've dealt with issues  
3 against the community. I'm responsible  
4 for maybe six percent of the high  
5 profile cases in the Bronx leading to  
6 convictions and arrest. I've also been  
7 apart of holding the police accountable  
8 for some of the actions that have taken  
9 place within the black communities.

10 I think your position here within  
11 the City is more of the pacification to  
12 the community that's actually affected  
13 by some of these oppressive abuse and it  
14 needs to be broaden, and it's not  
15 through City legislation, I believe  
16 y'all should be broaden by State  
17 legislation as well because, again, as a  
18 City agency, y'all are, from what I've  
19 heard and what I've seen, y'all are just  
20 there for one purpose, to make the  
21 people feel we got somebody, but feel we  
22 really have nobody.

23 I think you need to be more active  
24 within the communities especially of  
25 color is affected by some of these

1  
2 abuse. I believe strongly that any  
3 appointment by some of these elected  
4 officials need to start building jobs  
5 and not pacify the elected the officials  
6 that put y'all in office.

7 A lot of these elected officials  
8 know who I am. I hold them accountable  
9 throughout the City. And I would love  
10 for y'all to really go inside this  
11 communities.

12 One of the precinct or several of  
13 the precincts, 48 Precinct in the Bronx,  
14 28th Precinct in Manhattan, the 25th  
15 Precinct, as well as the recent 71st  
16 Precinct or 73rd Precinct in Brooklyn.  
17 This way you get a real response of  
18 what's going on because these people are  
19 scared and they don't now y'all to  
20 actually go out there to say, we need  
21 somebody to help us.

22 Y'all need to be visible as well as  
23 diligent within what y'all roles.

24 Thank you.

25 CHAIR DAVIE: Thank you very much.

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Mr. Lopez.

Marcella Davis and L. August, you can come up to the mic, if you want to speak.

All right. Marsellette Davis and L. August. Okay.

Serrice Holman?

MS. DAVIS: Hello. My name is Marselette Davis. I'm here, I'm representing for black and brown deaf community, and I want to advocate for all.

I've been listening to different people who struggle to understand why cops do this and cops are doing that. I'm trying my best to explain, based on one of the cops perceive, at the same time I'm trying explain to cops, based on what the deaf perceive. So both -- there are two ways -- two extremes.

Both have lack of resources by not having proper interpreters who have certifications. Same thing with deaf communities, the deaf community

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struggles to find times to express their concerns to you.

Now, I want to pass it on to Nicolyn. So I'm here to ask CCRB to have different times and different dates specific for the deaf community to come together so you are able to hear from each, maybe -- maybe different type --

I'm asking CCRB to find time and day for specific deaf community to come together, so we can share our concerns like tonight.

Thank you.

CHAIR DAVIE: Thank you very much.

L. August?

MR. DARCHE: May I?

CHAIR DAVIE: Sure. Mr. Darche.

MR. DARCHE: I think that makes a lot of sense and something that Ms. Alvarez will reach out to you and to other people in the community, we should set like that up. That's a very good idea.

CHAIR DAVIE: Thank you.

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Serrice Holman?

MS. HOLMAN: Hi. Good evening. My name is Serrice Holman. I am here in representation of my own organization, Army of Diamond Entertainment film in production and music production company.

So my recent experience with the NYPD is I was arrested unlawfully. I was harassed, brutalized.

CHAIR DAVIE: Ms. Coleman.

MS. HOLMAN: Yes.

CHAIR DAVIE: Have you filed a complaint with the CCRB.

MS. HOLMAN: Yes. So I'm --

CHAIR DAVIE: So I'm going to suggest that you might not want to discuss your case in public right now. Has that case been resolved.

MS. HOLMAN: I just recently received an e-mail from the CCRB --

By the way, I want to first say thank you for being the organization that you are in regards to trying to get the people's voices heard. I appreciate

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the investigator that took the time to have me come in and record my case.

However, like I was saying, I just recently received some information, an e-mail from the CCRB, in regards to the 50-a, which I just learned about tonight. I didn't even know it was any kind of repeal and the affect about it.

CHAIR DAVIE: Okay.

MS. HOLMAN: This is way --

CHAIR DAVIE: Has your case been resolved.

MS. HOLMAN: It has been resolved to the point where CCRB is saying that most of the officers who attacked me and brutalized me were exonerated and then the ones which are the sergeants, they're -- most of there information is redacted. So this is important for my case because I would not have learned about this information had I not come out here.

CHAIR DAVIE: Sure.

MS. HOLMAN: And I didn't even know



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I would be here tonight, which does not  
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CHAIR DAVIE: We're glad you're  
here. But I'm going to -- since we  
don't now the status of your case --

MS. HOLMAN: The status is  
exonerated plus unidentified sergeants.

CHAIR DAVIE: All right.

MS. HOLMAN: So I mean, I did hear  
several people speak about sergeants not  
being here. I don't want to be  
silenced, I'm here to express my voice.

CHAIR DAVIE: All I want to do is  
make sure that we didn't do anything to  
jeopardize your case. But it sounds  
like it's been resolved. So go ahead.

I mean, resolved in the sense that  
we've communicated with you the outcome  
of your investigation; is that right?

MS. HOLMAN: Yes.

CHAIR DAVIE: Okay.

MS. HOLMAN: So you did communicate  
with me which is great. However, I need  
to move forward in having the

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information about the officers and the sergeants who have not been revealed to me. I need that to be transparent. Because in order for me to move forward, I need to know the full transparency of the whole situation.

They should not be protected. They did something wrong, you should be accountable -- held accountable for what you have done to people. I'm a public member. I should not have been snatched off the street, arrested unlawfully, and actually detained for several months because of these officers and sergeants' gang mentality. It's not right.

I think the people need transparency so I'm for full support of the repeal of 50-a.

CHAIR DAVIE: Thank you very much.

MS. HOLMAN: Thank you so much.

CHAIR DAVIE: And I'm sorry you had to go through what you went through.

Mr. August?

MR. GRAGER: Good evening. My name

1  
2 is August Grager (phonetic). I was born  
3 in Spanish Harlem in 1940. The  
4 atrocities I saw during my years is  
5 unbelievable. You guys didn't exist  
6 then.

7 Very quickly, just let me say this:  
8 The police department has put cameras on  
9 themselves, so when they take the  
10 criminal to justice, they cannot deny  
11 what they did. However, they were not  
12 expecting the camera to come back and  
13 bite them in the butt. When they got  
14 caught murdering a man and he was  
15 subdued by more than five or six people  
16 who will not walk on the carpet. This  
17 is unacceptable.

18 These people -- these people need to  
19 serve some time. You want the public to  
20 believe in you, put those people in  
21 jail. Make them -- make them go to  
22 jail. That's right. You're here,  
23 powerful. Use your power. Make them go  
24 to jail and you'll have the respect and  
25 they'll give you the respect.

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Thank you very much.

CHAIR DAVIE: Thank you.

Chisk Berthet. And, of course, one of my favorite New Yorkers, if she's still here, Ms. Jennings. I think I saw her leave.

MS. BERTHET: So my name is Christine Berthet and I am representing Check Peds which is Pedestrian Safety Organization in Manhattan.

I was not prepared to discuss 50-a, I was coming for a different subject but indeed 50-a seems to be one thing that totally undermines the integrity and reputation of the NYPD. And I just for that reason it should be removed.

I was here to ask you for your help for a systematic behaviors of the NYPD vis-à-vis the pedestrians and bicyclists.

We have observed in the recent months or recent years a lot of bias and discriminatory actions. These are some examples, every time there's a crash

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2 between a car and a pedestrian or  
3 cyclist, the NYPD blames the victim.  
4 Indeed the victim is plastered down on  
5 the ground and cannot speak and the  
6 driver do speak. They publish that to  
7 the press, the press, you know, then  
8 publish it. The family are distraught  
9 and then everybody goes scurrying trying  
10 to find cameras and prove that they were  
11 wrong. And it happens all the time.

12 And indeed, pedestrian and  
13 bicyclists have a large proportion of  
14 people of color and woman, et cetera,  
15 and this is the further discrimination  
16 from what we already know is  
17 discrimination.

18 For example, very recently there was  
19 an example where a bicyclist was killed  
20 and people were there and said we want  
21 to give our testimony and the NYPD  
22 refused to take the testimony, refused.  
23 This is just shocking. Okay.

24 And I can't speak about this lady  
25 who went for months in jail, I mean, I

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would be clearly upset.

So that's -- obviously, it's abusing their powers, abusing their, you know, placard, their fake placard everywhere, parking in bike lanes, putting people at risk in bike lanes.

So I was here to ask what you can do for us and I'm open to anything. I don't understand totally everything you do. You have new powers, it's terrific. I want to understand what you can do for this population that feels really discriminated about, although it's nothing compare to what other discrimination in the City.

CHAIR DAVIE: Thank you.

So anyone of your group or anyone else has an encounter with a police officer that they feel like was not as it should have been, you should dial 311 or go online and file a complaint and our investigators will investigate.

So thank you.

And Ms. Jennings, you will round out

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the speakers for the night.

MS. JENNINGS: Transparency is what we call it? Transparency. It's transparency, right?

I had a birthday recently. The stalking, taunting, hunting of me. I had a birthday, and on my birthday, mobs hunted me at 149th Street -- I'll make it quick -- Third Avenue, two wonderful officers stood there and watched. They watched. They watched. I told the nice young man back there you can speak to him later. I'm not well to do this. I was in the emergency room, my pressure went 200 over 300 pushing that way. And that was from the behavior equivalent to all these wonderful people.

So on my birthday, mobs came at me and the two officers watched. I stood there with my wonderful letters to go to the White House for ten years, the top of the letter says in case anything happens to me.

I called Transit. I called Hector

1  
2 Torre. I called Transit 12 Police. I  
3 called 911 that was the span of. Two  
4 issued started at the 240. ID 1176911.  
5 Booth -- Booth R310. I then went to  
6 Transit at 2 Broadway. Around the  
7 corner, there's a little complaint room  
8 and a man, guy over here, the last one,  
9 gray hair, glasses, 12 years ago when  
10 this started, filled out a form and that  
11 was the second time recently I was  
12 there, and I asked if someone can come  
13 from upstairs to speak me, no one came.  
14 That was Booth 200, 4 o'clock-ish.

15 I left there went to 14th Street  
16 because, Darche, and this nice man write  
17 took everything down, and at 14th Street  
18 I couldn't move, can't see straight or  
19 whatever, Booth R221, 4:50ish. I stood  
20 in front of the precinct with those  
21 wonderful letters --

22 CHAIR DAVIE: Thank you, Ms.  
23 Jennings.

24 MS. JENNINGS: Transparency, right?

25 CHAIR DAVIE: Yes, ma'am.



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MS. JENNINGS: Really?

CHAIR DAVIE: Yes.

MS. JENNINGS: You have cameras, you  
know what's going on. Transparency.

Maybe we can speak when we get a chance

CHAIR DAVIE, Mr. Darche. I don't know.

CHAIR DAVIE: Absolutely. Sure.

MS. JENNINGS: Transparency. I fear  
for my life.

CHAIR DAVIE: Thank you so much.

So that's the end of the speaker  
lists as we have it.

Was there anyone who felt like they  
were on the speaker's list and did not  
get a chance to speak?

Yes, sir.

MR. HARDING: I will try to be just  
very brief.

MR. DAVIES: Two minutes, if you  
would, sir.

MR. HARDING: I guess there might  
have been some miscommunication there.  
Anyway, I'm Michael Harding, I'm the  
General Counsel for National Action

1  
2 Network. National Action Network is a  
3 social justice organization here in New  
4 York City and across the nation lead by  
5 the Reverend Doctor Al Sharpton.

6 We have, as an organization, of  
7 course, been one of the lead  
8 organizations in so many of the police  
9 misconduct cases from Michael Griffin to  
10 Abner Louima to Amadou Diallo, Sean Bell  
11 and Eric Garner.

12 Our support for repealing 50-a is  
13 longstanding. We live in an age of  
14 transparency from Me Too to social  
15 media. The public needs to know bad  
16 actors that are in official position  
17 then within our communities. In fact,  
18 even as a side note, as attorneys the  
19 public has the right to know of  
20 misconduct.

21 And if you go to the court web site  
22 for attorneys, whether there's any  
23 public discipline would be noted there  
24 for the public's benefit and there's no  
25 reason why police should not be in that

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same position.

At the end of the day, what everyone looks for is for better police community relations and for every community to feel as though the police really are there to protect and serve. And 50-h -- 50-a stands in the way of that.

The New York legislature has been changed by the people of the State of New York. The CCRB has been given extended powers by the people of the City of New York and it is now time for the State legislature to honor the trust and commitment that the voters of this state has put into them to effectuate the full repeal of 50-a.

Thank you.

CHAIR DAVIE: Thank you. Thank you so much.

Anyone else?

Do any of the Board members have any comments at the end of this conversation? Any of you, questions or comments before we move to any other

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agenda items?

Sure.

MS. BOND: I just wanted to thank you everyone that came out tonight to help educate the Board on 50-a. I personally am in support of repeal of 50-a for many of the reasons that were stated tonight. And also add that I think repeal is important to hold the CCRB accountable. Which is an issue that may of you raised this evening.

And also note that there are many other states that have more permissive laws with respect to disclosure of police misconduct records and those laws do not in any way impinge on the ability of those states to have fair and justice criminal justice systems nor have I heard of significant issues surrounding police safety in those states.

So there are at least 12 other states that have more permissive statues with respect to police misconduct including Alabama, Florida, our

1  
2 neighboring State of Connecticut, and I  
3 think that's important to take into  
4 account when we're talking about the  
5 repeal of 50-a because this would not be  
6 an experiment New York State would be  
7 embarking.

8 There is precedence in doing this  
9 and doing this in a manner that is safe  
10 and fair both for civilians but also for  
11 police officers.

12 So, again, I thank everybody for  
13 their time and for their testimony  
14 tonight.

15 CHAIR DAVIE: Thank you, Ms. Bond.

16 Any other members? Hearing no other  
17 comment from Board members, we will not  
18 take a vote on this tonight. We'll more  
19 discussion and then we will decide soon  
20 whether or not there would be any formal  
21 action on the part of the CCRB.

22 Is there any old business to come  
23 before the Board?

24 Any new business to come before the  
25 Board?

1  
2 Mr. Puma?

3 MR. PUMA: It's not exactly new  
4 business, but I just want to highlight  
5 that in our statics on page 12, we  
6 report on our request for body-worn  
7 camera footage and there have been some  
8 articles in the press about how our  
9 agency sometimes experience delays with  
10 our requests in the NYPD for body-worn  
11 camera footage.

12 And I just wanted to highlight about  
13 56 and a half percent of our requests  
14 for providing body-worn camera footage  
15 are 30 days or older. They're 30 days  
16 old or older. And so that continues to  
17 be a problem.

18 I understand there may be some --  
19 some developments as far as more  
20 cooperation in terms of getting that  
21 footage and there is now new leadership  
22 in NYPD, so I hope that doesn't delay  
23 any progress that we're trying to make  
24 on this front, but I just want to keep  
25 that in focus as well.

1  
2 CHAIR DAVIE: Thank you. And I  
3 appreciate you're bringing it up. I've  
4 been one to publicly say that I really  
5 hope that the NYPD would get this one  
6 right. I can say that we've made  
7 considerable process in developing a set  
8 of protocols by which the CCRB will get  
9 it's body-worn camera footage with more  
10 alacrity than we've been currently able  
11 to get it and I hope that Mr. Darche and  
12 his staff can conclude those  
13 negotiations with the NYPD around those  
14 protocols very soon.

15 So thank you for bringing it up.

16 Any other -- I'm going to --

17 MS. TORRES: I just have one  
18 comment. To say thank you --

19 CHAIR DAVIE: So for the people who  
20 are watching live stream, were being  
21 thanked for providing the instantaneous  
22 translation is not the right word, but  
23 transcription capturing of the  
24 conversation, so it can actually read  
25 and understood.

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Thank you to Mr. Darche and his  
staff for making it happen.

Any other comments from the Board?

Hearing none, is there a motion that  
we adjourn to executive session.

MR. SIEGAL: Moved.

CHAIR DAVIE: Is there a second.

MS. IRISH: Aye.

CHAIR DAVIE: All those in favor of  
adjourning for executive session, say  
Aye.

(Chorus of "Ayes.")

CHAIR DAVIE: Oppose no.

Ayes have it, we are adjourned to  
executive session.

Thank you all for coming out  
tonight.

(Concluded at 8:36 p.m.)



C E R T I F I C A T E

STATE OF NEW YORK)

:ss

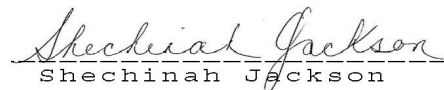
COUNTY OF BRONX )

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

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

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 13th day of November, 2019.

  
Shechinah Jackson

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