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CIVILIAN COMPLAINT REVIEW BOARD

SPECIAL PUBLIC MEETING

AUGUST 6, 2020

9:24 A.M.

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HELD VIA VIDEOCONFERENCE

B E F O R E:

FREDERICK R. DAVIE, CHAIR

JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

Transcribed by:

Julia M. Speros

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PUBLIC MEETING AGENDA

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- 1. Welcome & Virtual Meeting Protocol
- 2. Call to Order
- 3. Report from the Chair
- 4. Presentation from Investigators
- 5. Public Comment
- 6. Board Discussion
- 7. Adjourn to Executive Session

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BOARD MEMBERS PRESENT

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- Fred Davie, Board Chair
- Jonathan Darche, Esq., Executive Director
- Erica Bond, Esq., Board Member
- Corrine A. Irish, Esq., Board Member
- Angela Sung Pinsky, Board Member
- Joseph A. Puma, Board Member
- Michael Rivadeneyra, Esq., Board Member
- Esmeralda Simmons, Esq., Board Member
- John Siegal, Esq., Board Member

1 PROCEEDINGS

2 MS. ALVAREZ: Good morning,
3 everyone. In our chat function you will
4 see a link to the Agenda for today.

5 We will -- if you have any
6 questions, comments, concerns, please
7 save those for our Public Comment
8 portion that you will find in the --
9 after our Presentation from
10 Investigations.

11 We will only use "Q" and "A" for
12 very specific questions, you can direct
13 them to me -- but any comments will be
14 for that portion of the meeting. You'll
15 two minutes and I'll have share some
16 additional instructions when we closer
17 to that.

18 So with that, I will be turning it
19 over to Chair Davie.

20 MR. DAVIE: Thank you, Yojaira.

21 Are you all hearing me okay?

22 (No response.)

23 MR. DAVIE: Can everyone hear me?

24 MR. DARCHE: Yes, Mr. Chair.

25 MR. DAVIE: Okay. Thank you. So

1 good morning and welcome to this meeting
2 -- emergency meeting of the Civilian
3 Complaint Review Board.

4 My name is Fred Davie and I am the
5 Chair of the Board. I'm going to ask my
6 Board members -- my fellow Board
7 members, to introduce themselves as they
8 speak this morning since we are -- we
9 have a little bit of a different setup
10 here this morning and people are both on
11 the phone and on video.

12 So as they make comments, and I
13 would encourage my fellow Board members
14 to make comments, I'm going to ask them
15 to introduce themselves.

16 So I'm very heartened this morning
17 that so many of you have invested in the
18 issue of civilian oversight of the NYPD.
19 Your presence this morning is proof of
20 how much accountability means to
21 everyday New Yorkers.

22 We called this meeting because
23 transparency is a fundamental tenet here
24 at the CCRB and we need to be
25 transparent with all of you about the

1 challenges the CCRB faces. Chief among
2 those challenges was the refusal of
3 members of the NYPD and their union
4 attorneys to participate in remote CCRB
5 interviews.

6 As all of you know, these
7 interviews, which typically take place
8 in person at the CCRB office, are an
9 important component of CCRB
10 investigation. With our office, like
11 most City offices, closed due to
12 COVID-19, the CCRB has shifted to remote
13 work.

14 We did this because we understood
15 how serious this pandemic is and we
16 prioritized the safety of our City. For
17 some, this has been personal. Many of
18 us, including some of our staff, some of
19 our Board members, and many members of
20 the NYPD -- officers of the NYPD --
21 became sick.

22 We understand that the virus -- we
23 understood that the virus would be
24 serious. We understood that that many
25 members of the NYPD would need time to

1 recover and we gave them that time, and
2 together our City has flattened the
3 curve.

4 In the meantime, the CCRB, with the
5 NYPD, developed a virtual interview
6 system with one goal in mind; ensuring
7 the health and safety our all personnel
8 while maintaining the integrity of this
9 disciplinary process.

10 By the end of May, we were prepared
11 to launch a new virtual process, but
12 then our City, as our nation, faced
13 another test as the death of George
14 Floyd sparked protest in support of
15 black lives.

16 Hundreds of complaints of police
17 misconduct came into our office and in
18 the weeks that followed, the CCRB
19 attempted to start the remote process;
20 the remote interview process that the
21 CCRB had developed with the NYPD.

22 Members of service, with the
23 guidance of their counsel, simply
24 refused to participate in this remote
25 interview process; the very remote

1 interview process the CCRB had developed
2 with the NYPD.

3 Since April, the CCRB, the agency
4 that New Yorkers expect to -- to hold
5 the NYPD accountable -- despite having
6 received hundreds of complaints, despite
7 having negotiated with the NYPD, despite
8 having worked in good faith with the
9 Police Unions -- has conducted fewer
10 than 25 officer interviews since April.

11 This is bigger than the CCRB or the
12 NYPD. This is about the fact that New
13 Yorkers have put renewed faith in this
14 over -- civilian oversight process. New
15 Yorkers are demanding change; they are
16 demanding accountability, and this
17 system owes them the impartial
18 fact-based investigations our agency is
19 mandated to pursue.

20 The City Charter requires the NYPD
21 to cooperate with the CCRB. NYPD Patrol
22 Guide requires the NYPD to cooperate
23 with the CCRB. The Patrol Guide also
24 states that a member of the NYPD who
25 fails to cooperate should be suspended

1 from the NYPD without pay.

2 And, so just yesterday, after the
3 CCRB published Public Notice of this
4 meeting to hold officers and the NYPD
5 accountable, because more than 75
6 members of the NYPD have refused to sit
7 down for a CCRB interview, the NYPD then
8 ordered members of service -- ordered
9 the officers -- to cooperate with our
10 investigations under the penalty of
11 suspension.

12 This is a welcome move. This is as
13 it should be and this is what the law
14 requires.

15 Following a brief presentation from
16 our investigative staff, the Board will
17 discuss this issue. We will also open
18 it up for public comment.

19 I'd like now to turn it over to our
20 investigative staff to discuss current
21 backlog, the plan for remote interviews
22 going forward, and the impact this
23 backlog has had on our investigations.

24 Again, I want to thank all of you
25 for joining this meeting this morning,

1 and now I'll turn it to our
2 investigative staff.

3 MR. BUCHANAN: Thank you, Chair
4 Davie. Hi, everyone. My name is Dane
5 Buchanan. I am the Deputy Chief of
6 Investigations and I have a short
7 presentation for you explaining the
8 current state of the CCRB officer
9 interviews.

10 In the course of a full
11 investigation, officer interviews are
12 (inaudible). Simply put, if we can't
13 interview officers, then we can't close
14 follow-up investigations.

15 Expedited processing times are
16 beneficial for all parties. Both
17 complainants, and victims, and officers
18 have an interest in justice and
19 expedited processing of these
20 complaints.

21 For civilians, it's to find out
22 whether or not their rights have been
23 violated. For officers, to have a fair
24 investigation and not have open
25 complaints looming over their head.

1 The NYPD and the CCRB both share an
2 interest in resolving these complaints
3 expeditiously to know what is going on
4 with their officers and these
5 complaints, and to identify any
6 patterns.

7 Additionally, for the public at
8 large, it's an issue of safety. They
9 want to know what is happening with
10 these complaints. They want them
11 resolved quickly to see what steps are
12 being taken in a case of misconduct, and
13 to hopefully build trust in the
14 officers.

15 In 2019 there was an average of 14
16 interviews of officers per day with a
17 maximum in one day of 39 officers being
18 interviewed. As we move into 2020,
19 because of the COVID crisis and other
20 things, we have been unable to proceed
21 with those cases and investigate
22 officers. This has left more than 900
23 officers needing to be interviewed.

24 At the average of 14 per day in
25 2019, it would take the CCRB 12 weeks to

1 get through these officers.

2 Additionally, this does not include the
3 number of involved officers that are a
4 part of investigations that are in their
5 earlier stages, or officers -- or cases
6 where officers are still unidentified,
7 and of course complaints to come.

8 Remote officer interviews are very
9 important to reduce the chance of COVID
10 spread, not only to the civilians who
11 come to our offices, but also to the
12 officers, their representatives, and our
13 staff.

14 More people in one place increases
15 the risk of the COVID spread, especially
16 since the CCRB has only one location for
17 the entire City and one waiting room for
18 all officers and their representatives.
19 That puts a lot of people who never
20 otherwise interact with each other, into
21 one area to further increase the spread
22 of COVID.

23 Additionally, there are few
24 interview rooms at the CCRB that can
25 accommodate four socially distanced

1 persons for protected conversation.

2 Additionally, it's important to
3 produce quality investigations. As
4 previously mentioned, the timeliness of
5 investigations is important for all
6 parties. Additionally, remote
7 interviews give face to face
8 interaction, mimicking the pre-COVID in
9 person interview, which is important for
10 investigations.

11 Remote interviews have been
12 successful. In June we did a fully
13 remote interview of a lieutenant with
14 the lieutenant and their representatives
15 at their office and with the two
16 investigators at their office. It was
17 conducted without incident and audio and
18 video was recorded using MS Teams.

19 However, recording video interviews
20 is not preferred as we do not need the
21 video and we do not have the storage
22 capacity for those videos, and the
23 deletion of video recordings may have
24 legal consequences.

25 In July, there was another remote

1 interview conducted with one
2 investigator at home and another in the
3 office with the officer and their
4 representative.

5 During that interview only audio was
6 recorded and we did so via two methods
7 for redundancy; a multidirectional
8 speakerphone and boundary mic in the
9 conference room, as well as the remote
10 investigator using (inaudible) phone
11 hardware. Both sources captured quality
12 audio recordings.

13 This method was beneficial because
14 it allowed for audio recording only and
15 the investigator being in the room is
16 not a necessary feature of that model.
17 Both investigators could be remote.

18 We want safe, effective, and
19 efficient officer interviews; when
20 possible officers at other locations
21 other than the CCRB. We want to conduct
22 them using MS Teams to have that in
23 person -- mimic that in person
24 interaction with face to face
25 interviews, and record audio only.

1 As I previously mentioned, there are
2 at least two, if not more solutions to
3 do so over MS Teams.

4 Thank you for your time. I'll now
5 direct you back to Chair Davie.

6 MR. DAVIE: Thank you, Dane. And so
7 now we're going to move to public
8 comment.

9 I'm going to ask Yojaira -- I'm
10 going to ask Yojaira Alvarez if she will
11 go to the first person on our list and
12 take us on our list. That will be
13 followed by a discussion with Board
14 members.

15 So, Yojaira, will you call on our
16 first speaker? I should also ask people
17 who want to speak to use the "raise your
18 hand" function in your "chat" function.

19 So, Yojaira.

20 MS. ALVAREZ: Thank you, Chair
21 Davie.

22 First, we'll be hearing from
23 Assemblymember Catalina Cruz.

24 Sorin, if you can un-mute her and
25 enable video if possible.

1 MR. DAVIE: Good morning.

2 MS. CRUZ: Can you see me?

3 MR. DAVIE: Yes, Councilmember.

4 MS. CRUZ: Thank you so much for
5 having me today. I can never tell with
6 these computer systems. I will keep it
7 short because I know there's a lot of
8 other folks who are getting to testify
9 or to provide public comment. Thank you
10 so much for having me today.

11 My name is Catalina Cruz and I'm the
12 Assemblymember representing Jackson
13 Heights, Corona, and Elmhurst.

14 I am here in light of the State
15 Legislature's recent passing of --
16 actually doing away with 50-a and to
17 highlight what has been truly a
18 systematic failure.

19 I think for years, the Board, which
20 was created to basically instill
21 accountability and credibility, made to
22 encourage police/community relations,
23 has had its hands tied bureaucratically
24 from being able to be effective in the
25 best way possible, and I'm here to

1 affirmatively say and unequivocally say,
2 that that time is over.

3 Police oversight is required when
4 it's evident that they're incapable of
5 policing themselves, and the most recent
6 example is that the -- I'd probably say
7 -- the ma majority of the officers who
8 should have been produced were not
9 produced. And it wasn't, as you
10 mentioned Chair, that until yesterday
11 when it was clear that this meeting was
12 going to take place, that these officers
13 began who are actually -- began to be
14 produced, but only a few.

15 When you have hundreds and hundreds
16 of complaints that need your attention,
17 you can't be chasing after one or two
18 officers, or after the union, to the job
19 that the law requires them to do.
20 Because if you look at the Patrol Guide,
21 if you look at the law, they are
22 required to comply and when they don't
23 -- because this isn't an invitation --
24 when they don't, there are consequences.

25 When I went to advocates and asked

1 for assistance in preparing today and
2 figuring out what we were going to be
3 saying, the response was that many of
4 their members, many of their clients --
5 cause I spoke to a few lawyers as well
6 -- have such little faith that there
7 would be any kind of consequences or
8 accountability, that even if the CCRB
9 were to find wrongdoing, they don't even
10 bother reporting all the cases of
11 abuses.

12 And the fact that the unions are
13 standing in between your ability to do
14 your job, it just blows my mind, because
15 ultimately, if the officer is found to
16 have had no wrongdoing, it actually
17 benefits the officer to have these
18 issues resolved fairly quickly.

19 We must start to re-instill the
20 community's faith, not only in police,
21 but in the ability of the Board to do
22 its job, and that's what we, as a State
23 Legislature, have been trying,
24 especially when we dealt with 50-a
25 earlier this year.

1 This coupled with the proactive
2 versus punitive community policing and
3 investments into programs that I see one
4 of our councilmembers actually joined,
5 that -- I think it's the job that we get
6 to do, to invest in the community.

7 But your Board was created for a
8 specific reason, and if we're giving you
9 the tools, but the unions continue to
10 stand in front of that, we need the
11 Mayor to step in. We need the
12 Commissioner to do his job and make sure
13 that the police is (sic) complying with
14 what is clear in the Patrol Guide, in
15 the law. Produce the officers; ensure
16 that they are providing you with the
17 information you need.

18 So that is all I will say, but I
19 will remind unions that we at the State
20 Legislature are watching very closely
21 cause we're not going to allow that you
22 continue to circumvent the law; you
23 continue to circumvent policy and the
24 requirements that you have.

25 We want to make sure that we can

1 instill trust again in the community,
2 and if we continue to act and make
3 excuses -- because in the era of Web-Ex,
4 there's no reason why you shouldn't
5 produce an officer for an interview --
6 then we're going to be taking action.

7 I thank you for your time today and
8 I thank you for -- (inaudible) -- for
9 this much longer than those of us who
10 have been in elected office.

11 MR. DAVIE: Thank you,
12 Assemblymember. We really appreciate it
13 and we appreciate your leadership as
14 well.

15 And I think I may have misspoken and
16 called you a Councilmember earlier, so I
17 apologize for that, but we really --

18 MS. CRUZ: -- (inaudible) -- who
19 knows.

20 MR. DAVIE: Who knows. Exactly.
21 Thank you for your leadership and for
22 standing with the agency as we attempt
23 to fulfill the mandate that the both the
24 law and the people of the City of New
25 York have given us. Thank you very

1 much.

2 MS. CRUZ: Thank so much. Have a
3 great day everyone.

4 MR. DAVIE: You too. To Yojaira,
5 our next speaker.

6 MS. ALVAREZ: Thank you so,
7 Assemblymember.

8 Next we'll have Councilmember Rory
9 Lancman.

10 MR. LANCMAN: Thank you. Good
11 morning. Can I just make sure that
12 folks can hear me?

13 MR. DAVIE: Good morning. We can,
14 yes.

15 MR. LANCMAN: Good. Terrific. So
16 I'm Rory Lancman, and I chair the City
17 Council's committee on the justice
18 system and I just wanted to pop into
19 this meeting to commend the CCRB for
20 standing up for the rule of law.

21 There is an emergency in New York
22 City related to police and policing
23 brought on by the NYPD leadership and
24 the police union.

25 I've been quoted as saying that I've

1 never seen a commissioner or any head of
2 any agency be so outwardly insubordinate
3 and disdainful of the rule of law, the
4 City Council, and the democratically
5 elected Mayor, who is their boss. I
6 have to add to that list, disdainful of
7 the CCRB.

8 More than ever, NYPD leadership and
9 police unions are implicitly and
10 explicitly telling officers that they
11 are above the law, and refusal to appear
12 for CCRB interviews is another
13 deliberate effort to suppress reforms
14 and skirt accountability.

15 Police officers have no right to
16 refuse to participate in the justice,
17 and in fact, the CCRB is not asking for
18 anything that many other organizations
19 in the justice system are seeking and
20 engaged in.

21 Virtual hearings are being conducted
22 at almost every level of the justice
23 system. Arraignments in the City's
24 criminal courts have gone on virtually
25 throughout the pandemic. OATH is

1 conducting proceedings online. The City
2 Council meets virtually. Even the
3 Supreme Court of the United States began
4 hearing arguments via teleconference.

5 The fact is, the CCRB is facing a
6 backlog of, as I understand it, at least
7 500 interviews from before the pandemic.
8 More than 1,500 new complaints were
9 filed from April through July, amid
10 widespread police violence, first from
11 social distancing enforcement, followed
12 by the Department's response to peaceful
13 protests after the murder of George
14 Floyd.

15 Is it a coincidence that the refusal
16 to participate in virtual hearings
17 coincided with four straight months of
18 over-police misconduct, including
19 unprovoked clubbings (sic), pepper
20 sprayings, vehicular assault -- and
21 that's just the stuff that we saw on
22 camera.

23 So I want to thank the Board and its
24 staff for staying true to your mission,
25 for sticking up for the rule of law, and

1 just to let you know, that I'm ready to
2 assist you in any way that I can in that
3 endeavor. Thank you very, very, much.

4 MR. DAVIE: Thank you Councilmember
5 Lancman. We really appreciate that,
6 and, again, we appreciate your continued
7 and persistent leadership in this area.
8 So thank you so much.

9 I'm going to see now if any of our
10 Board members have any comments before
11 we move on with further public comment.

12 Any members of the Board wish to
13 comment, and so just un-mute yourselves.

14 MR. SIEGAL: Fred, it's John Siegal.

15 MR. DAVIE: Hi, John.

16 MR. SIEGAL: Can you hear me?

17 MR. DAVIE: Yes. Good morning.

18 MR. SIEGAL: I want to add two quick
19 points to what we've heard so far as --
20 (inaudible) -- the rest of the public
21 comments.

22 The first is, as Councilman Lancman
23 said, there's nothing -- and we've
24 emphasized all along -- there's nothing
25 at this point unusual, or even

1 innovative, about the proposal for
2 officer interviews that this CCRB
3 developed, agreed to, and then had to
4 continue to negotiate over and over
5 again, and, frankly, I think this is
6 one -- this is something that is going
7 to need to continue post-pandemic.

8 There's no reason for police
9 officers to spend a full shift or a half
10 a shift at full pay to travel to 100
11 Church Street to give half-hour or an
12 hour interview when they can do it
13 remotely by video from a station house
14 and be on active duty the rest of their
15 shift, and these are the sorts of
16 pandemic innovations that are going to
17 have to be implemented.

18 But the two points I wanted to make
19 were, one, I wanted to commend our
20 Executive Director, Jon Darche, who has
21 been the point person in negotiating
22 with all the stakeholders in this
23 complex process of civilian oversight,
24 but in a system where the Police
25 Commissioner maintains command

1 discipline and final disciplinary
2 authority.

3 And the system relies on the good
4 faith adherence to the rule of law and
5 legal process by all the participants,
6 which, as the Councilman indicated, and
7 I think quite clearly, was a breakdown
8 in the rule of law in this process over
9 the last several months.

10 And Executive Director Darche, whose
11 negotiations I was monitoring, did a
12 fantastic, persistent, and patient job
13 of negotiating with all the
14 stakeholders, maintaining professional
15 relationships with them while he did
16 frankly triple backward twisting
17 summersaults to try to get this worked
18 out with counterparties, who in the end,
19 did not appear to be agreeable. And I
20 just want to commend his effort, his
21 very judicious temperament in carrying
22 out those negotiations that have reached
23 a point where, hopefully, now this is
24 all going to go forward.

25 The second point I want to make is

1 this:

2 Let there be no mistake about how we
3 got to this point and in the continuing
4 discussion and litigation over how the
5 repeal of Section 50-a is going to be
6 implemented.

7 This situation over the last several
8 months is the absolute best evidence
9 that this system can only work and can
10 only instill public trust if it
11 completely public and transparent.

12 And the efforts to cloak CCRB
13 determinations -- final agency
14 determinations by this independent
15 agency -- in continued secrecy, even
16 though the State Legislature repealed
17 50-a, will be a continuing element of
18 what we have seen in the last couple of
19 months of an attempt to erode the rule
20 of law here.

21 And this situation, which was only
22 resolved through Public Notice, public
23 inquiry, media inquiry, and transparency
24 on the decision-makers of City
25 leadership, is the norm that has to be

1 maintained in this system to have public
2 trust and a functioning rule of law in
3 this system.

4 And so going forward, as the Board,
5 as the CCRB has, it's critical that
6 efforts to roll back that transparency
7 were and otherwise require the support
8 of the opposition to those efforts by
9 the Corporation Counsel, by the Mayor,
10 and by all leadership of the City of New
11 York. Thanks.

12 MR. DAVIE: Thank you, Mr. Siegal.
13 I want to echo your compliments to our
14 Executive Director and his team.

15 I think Matt Kadushin also joined
16 Jon in those negotiations -- Jerika
17 Richardson has played a key role in the
18 agency's ongoing functioning in this
19 very tough time.

20 So I want to thank Jon and the team
21 for the hard work and echo your
22 compliments of him in these
23 negotiations. I also want to offer my
24 support for your comments about the need
25 of the support of all the leadership of

1 the City to make this open, and
2 transparent, and accountable process
3 work. Cause otherwise, as you said, the
4 people of New York City are deprived of
5 what the law requires.

6 So thank you and thank you for your
7 leadership on this as well.

8 Any other Board members wish to make
9 comments before we go back to public
10 comment?

11 MS. SIMMONS: Esmeralda Simmons. I
12 simply wanted to thank the staff and you
13 as well, Chair, for persistently
14 pursuing the ability for this Board and
15 this agency to fulfill our mandate.

16 I was actually quite surprised that
17 anyone at this point in time would
18 object to remote interviews. Everything
19 is being done on Zoom or on Web-Ex, so I
20 don't see why this agency's procedures
21 should be anything different.

22 But I am not phased and I'm not -- I
23 am not -- I do not believe that this was
24 really about that issue at all. I think
25 it was simply a temper tantrum, and we

1 as adults, agencies, cannot tolerate
2 temper tantrums by any parties,
3 particularly officers' unions or
4 benevolent societies, because they
5 simply do not like the law.

6 So I am very pleased to be part of
7 this body and standing up for the rule
8 of law, and letting folks know that
9 everyone will be treated fairly, but we
10 need the process to operate, otherwise
11 why have government.

12 MR. DAVIE: Thank you, Esmeralda --
13 thank you, Ms. Simmons.

14 Other Board members?

15 MS. IRISH: Hi, Corrine Irish,
16 Mayoral Appointee.

17 I just wanted to add that having had
18 family members who have passed away due
19 to COVID, including a cousin of mine who
20 was only 44 years old, this represents,
21 for me, a very personal and direct
22 threat to people that I care about.

23 COVID is a real danger and I think
24 that we have to always be aware, and
25 keep in mind, and not allow ourselves to

1 relax as to how important it is to take
2 the necessary precautions and not allow
3 it to become a political --

4 We have to be careful and take
5 precautions for the health of our staff,
6 as well as for the health of NYPD
7 officers.

8 So just the health threat can't be
9 understated, and I know that there have
10 been people on this panel who have been
11 impacted -- whose health has been
12 impacted because of COVID.

13 So it's just incredibly important
14 that we do not relax and allow this to
15 become a theoretical as opposed to a
16 very real and direct threat to people's
17 lives.

18 MR. DAVIE: Thank you, Ms. Irish --
19 thank you.

20 Other Board members before we go
21 back to public comment?

22 (No response.)

23 MR. DAVIE: All right. So, Yojaira,
24 will you announce our next person who
25 wants to speak from the public?

1 MS. ALVAREZ: Yes, next we'll be
2 hearing from Councilmember Adrienne
3 Adams.

4 MR. DAVIE: Councilmember, welcome.

5 MS. ADAMS: Thank you so much and
6 good morning again.

7 To you, Chair Davie, I know this has
8 been such a trying time.

9 I wanted to be here this morning,
10 primarily to lend my support as a member
11 of the Public Safety Committee, and just
12 hearing, Corrine Irish, a minute ago
13 really resonated with me, as one who
14 lost my father to COVID during this
15 pandemic at the height of budget season.

16 Having to participate in numerous
17 budget hearings, stated meetings -- you
18 name it -- seemed like 24 by 7. I
19 participated; I really didn't skip a
20 beat, and to know that that excuse is
21 being used not to comply with the law,
22 to me, is outrageous.

23 The CCRB was created to be that
24 balance between NYPD and the people. If
25 we can't trust the process, then what do

1 we trust?

2 So I just wanted to make sure that I
3 lent my voice this morning and at least
4 showed up for this hearing just to hear
5 the statistics, just to hear the
6 noncompliance by the unions, and just to
7 echo what my colleague in the Assembly
8 said, if there's no wrong, then the
9 unions should want to bring their
10 officers before this Board happily so
11 that they can be heard, they can be
12 heard out, and that they can prove that
13 what everyone has been saying is just
14 not true.

15 We want to hear the facts. This
16 Board was developed so that the facts
17 could be heard and heard with full
18 transparency. And just to know that it
19 took public -- that it took all this to
20 brought to public attention for there to
21 finally be compliance, again, is the
22 height of disrespect.

23 So I just wanted this Board to know
24 that we appreciate your work. We
25 appreciate our tenacity, the work that

1 you do. We can get these meetings in
2 remotely. We've been doing it for
3 months. COVID or no COVID, they can be
4 brought before you, and they can be
5 brought and heard in full transparency.

6 So I just wanted to say thank you
7 and let's get this done. It can be
8 done.

9 MR. DAVIE: Thank you,
10 Councilmember, again for your support.
11 We're very appreciative. We're also
12 appreciative for the support that we've
13 received over time from the Public
14 Safety Committee of the Council -- and
15 the Chair, Chair Donovan of that
16 Committee -- so thank you all and we --
17 this agency depends on the City Council
18 and its support. So we really
19 appreciate your showing up today.

20 Are there other public comments,
21 Yojaira?

22 MS. ALVAREZ: Yes, we -- next we
23 will be hearing from Assemblymember
24 Bichotte.

25 MR. DAVIE: Assemblymember, welcome.

1 MS. BICHOTTE: Hi, can you hear me?

2 MR. DAVIE: Yes.

3 MS. BICHOTTE: Okay. We cannot --
4 your webcam it's saying. Okay. I don't
5 know what's going on. All right. We --
6 just try again. Okay.

7 All right. Hello, everyone. This
8 is Assemblymember Rodneyse Bichotte. I
9 just wanted to first thank all of you,
10 Chair Davie, and CCRB for having this
11 emergency hearing on the failure of the
12 NYPD members doing what they need to do
13 in terms of appearing before the Board
14 in addressing many of the complaints.

15 I represent the Flatbush community,
16 as well as I'm the head of the Brooklyn
17 Democratic Party, so anything that's
18 happened across Brooklyn is my issue as
19 well.

20 So, again, I want to certainly thank
21 all of you for putting this together.

22 You know, I just want to mention
23 that it's really important why we need
24 the CCRB and I know there has been
25 conversation of making it more robust

1 because we just had situations over and
2 over where complaints are going through,
3 and for some reason a number of the
4 complaints are not substantiated.

5 CCRB should have some more, I would
6 say, leverage and power in making some
7 decisions that's inclusive to the
8 community, in making some decisions that
9 will impose some remediation.

10 The tension, from a long history of
11 racial injustice in America, has really
12 opened our eyes, most recently, with
13 occurrences from "I can't breathe", Eric
14 Garner, the murder of Breonna Taylor,
15 most recently George Floyd.

16 We, as elected officials from the
17 City and state, have gathered to not
18 only put police reform, but to certainly
19 allow our budget to address how we can
20 find ways to minimize the interaction
21 between police officers and civilians --
22 the very negative interactions between
23 police officers and civilians that has
24 certainly impacted our community, mostly
25 minority communities, you know, in a

1 very negative way.

2 Now, the system for evaluating
3 complaints, we know is not working.
4 Okay. The fact that no cops have been
5 interviewed by CCRB, probably since the
6 pandemic hit, is an issue.

7 I'm hearing that there's 1,100
8 complaints and more than 500 of the
9 investigation that have been put on hold
10 because police unions and officers are
11 refusing to testify at remote hearings,
12 should not be an issue because now that
13 we have virtual hearings, it should
14 allow police officers to come before --
15 before us for these hearings.

16 We're not asking police officers to
17 be at risk and to go out into a physical
18 hearing room. We're saying, "Appear
19 before us in your kitchen, in your
20 living room". And then, more than 750
21 complaints alleging abuses by the police
22 during the protests alone have been
23 filed. You know that's an issue.

24 You know, this is something that
25 should be demanded in terms of having

1 these hearings and it should not be a
2 choice.

3 I would like to know, you know, how
4 long have the entire complaints have
5 been pending. We have 750 complaints as
6 a result of the protests. Okay. So we
7 have about 400 complaints prior to that.

8 How long were these other
9 complaints, prior to the protests, were
10 pending? What was the excuse before
11 pandemic for the police officers not
12 appearing?

13 So, you know, the unions contend
14 that the online option doesn't let
15 lawyers see their client's body
16 language, which can make it difficult to
17 advise them. However, that has not
18 stopped the State's court system from
19 conducting arraignments and bail
20 hearings. Even the U.S. Supreme Court
21 is conducting hearings via
22 teleconference. What is the issue?

23 Attorney General Letitia James have
24 (sic) recommended that CCRB be expanded
25 to address rising complaints in an

1 independent and transparent way. She
2 also said that the CCRB's jurisdiction
3 should be explicitly expanded to include
4 investigating allegations of bias
5 policing and racial profiling.

6 Now, we can talk about racial
7 profiling because, again, it's a very
8 fundamental issue that still yet has to
9 be resolved on the state level. And
10 when we don't have data, as I mentioned
11 -- when police officers are stop,
12 questioning, and frisk or approaching a
13 civilian, and we don't have forms and we
14 don't have data to review the
15 interactions between a police officer
16 and a civilian, that becomes a problem
17 in carrying this out in the court system
18 and the burden of proof will be held
19 on -- will be on the actual civilian.

20 So the excuse provided by NYPD union
21 spokesperson is not the real reason the
22 NYPD won't comply with the CCRB. The
23 Department simply does not want to face
24 accountability, especially during this
25 unprecedented time in our City. And

1 these excuses must end today.

2 I'm here to help deliver the
3 accountability and justice, and if
4 there's any way I can be of use, please
5 certainly use me.

6 I am -- I have a working
7 relationship Commissioner Shea. I have
8 a working relationship with de Blasio,
9 and we can have conversations on how do
10 we reform the way we conduct these
11 hearings; how do we make it mandatory?
12 You know, do we need to write
13 legislation that will have a penal code
14 attached to it so that these police
15 officers' unions are bound to making
16 sure that they're responsible in coming
17 before these hearings.

18 So anyway, I just wanted to say
19 thank you so much for working diligently
20 and please call on me.

21 MR. DAVIE: Thank you very much,
22 Assemblywoman, and we will, and we
23 appreciate your support of this process.

24 I will just reiterate that as of
25 yesterday, the Department had -- the

1 NYPD has issued an order that these
2 hearings are mandatory, and reminding
3 the officers that they face suspension
4 if they don't do them -- both remote and
5 in person.

6 And so your vigilance with us over
7 that process to make sure it moves
8 forward effectively and expeditiously is
9 very much appreciated and will be
10 appreciated, so that we don't flag and
11 they don't flag in the efforts to get
12 these interviews done, done well, and
13 done expertly.

14 So thank you and thank you for your
15 leadership.

16 MS. BICHOTTE: Thank you so much and
17 it's really great to hear that coming
18 from you and again, I'm -- see, my video
19 is finally up -- whatever you need,
20 please call on me. I'm here. Thank
21 you.

22 MR. DAVIE: Thank you -- thanks so
23 much.

24 So, Yojaira, our next speaker.

25 MS. ALVAREZ: Thank you so much

1 Assemblymember.

2 I would like to acknowledge that
3 Assemblymember Andrew Hevesi had joined
4 us. I'm not sure if he wants to send
5 some greetings or leave a remark?

6 MS. ARECCHI: Hi, yes. This is
7 actually Alexa. I'm his Chief of Staff.
8 I believe the Assemblymember is on the
9 line, having dialed in. He just had
10 some computer issues, but we just want
11 to thank everyone for putting this
12 together and thank you to the CCRB for
13 having this gravely important meeting.

14 MR. DAVIE: Well, thank you and
15 thanks to the Assemblymember as well,
16 and, again, appreciate the support.

17 MS. ALVAREZ: Thank you so much.

18 Next we'll be hearing from Jen Wong
19 (phonetic).

20 MS. WONG: Thank you. Can you hear
21 me?

22 MR. DAVIE: Yes.

23 MS. WONG: Okay. Thank you so much.

24 So first of all, I want to thank the
25 Board for holding this emergency meeting

1 and the opportunity to comment on this
2 important issue this morning, and I want
3 to thank the Board and CCRB for your
4 dedication to police accountability.

5 The uprisings this past summer
6 highlight acutely for greater police
7 accountability. The repeal of Civil
8 Right Law 50-a and the flood of
9 complaints that have been filed in the
10 CCRB aftermath of these protests,
11 confirms the widespread (inaudible), and
12 yet these reports about potential NYPD
13 obstruction of CCRB investigations is
14 troubling.

15 But even more troubling is that
16 their failure to cooperate it similarly
17 met with little accountability and
18 (inaudible) enforcement. If it had not
19 been for the CCRB's vigilance,
20 dedication, and persistence in
21 negotiating the appearance of police
22 officers for these investigations, would
23 there be accountability?

24 While NYPD's own Patrol Guide
25 explicitly addresses the cooperation of

1 the CCRB's investigation, it's typical
2 for NYPD to clout their own guidelines
3 in the Patrol Guide and they regularly
4 do so with impunity.

5 So NYPD's willful obstruction of
6 CCRB investigations is not just a
7 discreet issue that's before the Board
8 today. Their resistance to (inaudible)
9 oversight undermines the trust in the
10 Department and in our city leadership.

11 So, again, while the CCRB has been
12 able to reach a solution on this
13 particular issue recently, flagrant
14 (inaudible) of the law is a pandemic
15 within the NYPD.

16 So what is the solution? Does this
17 mean that lawmakers have to go in and
18 figure out new legislation? Will the
19 CCRB recommend that it powered with a
20 contempt (inaudible) discipline? Should
21 failure to cooperate with a CCRB
22 investigation be considered an adverse
23 inference relevant to the findings of
24 substantiated claims against members of
25 service? Should disciplinary

1 consequences (inaudible) failure to
2 cooperate be codified even further
3 rather than being left to the Patrol
4 Guide, and what role should Corporation
5 Counsel play in the (inaudible) to
6 cooperate?

7 In other jurisdictions, there are
8 stronger mechanisms when members of
9 service fail to cooperate in an
10 investigation by a civilian oversight
11 committee, and in other jurisdictions
12 and other organizations or agencies,
13 like CCRB, metropolitan police officers
14 are not only required to show up by
15 statute, but the statute also requires
16 that discipline -- that the officer be
17 disciplined for their failure to not
18 appear and remote have been happening on
19 a regular basis.

20 The continued disregard that NYPD
21 has for independent oversight,
22 widespread (inaudible) Patrol Guide
23 should alert members of the public and
24 lawmakers that the need to strengthen
25 the CCRB's oversight in matters.

1 Not only should the CCRB be granted
2 unfettered access to the evidence that
3 they're investigators need to review
4 these complaints, but the power to
5 impose discipline should not solely rest
6 with the Police Commissioner, who has
7 already demonstrated that he has little
8 appetite for meaningful accountability
9 and true transparency. No other public
10 service professional is able to so
11 flagrantly flout meaningful oversight
12 than NYPD officers.

13 It's unacceptable that NYPD is
14 allowed to obstruct CCRB investigations
15 at every turn and that NYPD retains the
16 level of control that they do over the
17 CCRB's (inaudible) investigations.

18 Once again, I commend the work and
19 advocacy that the CCRB is engaging in to
20 ensure that quality investigations are
21 being done. I commend the CCRB for
22 their vigilance and their persistence in
23 ensuring that the NYP officers are not
24 able to flout the rule of law with
25 impunity, but we must do more to hold

1 them accountable.

2 So thank you for this opportunity.
3 Thank you again for your dedication and
4 advocacy. You know, I look forward to
5 the work that CCRB is going to continue
6 to do on this forum.

7 MR. DAVIE: Thanks. We appreciate
8 your comments, in particularly the
9 supportive comments of the work that
10 we've tried to do, and your advocacy,
11 and we will continue, with your support
12 and the support of others, to move this
13 process forward.

14 So, Yojaira, can you call on our
15 next speaker?

16 MS. ALVAREZ: Yes. Next we'll be
17 hearing from Roger Clark.

18 MR. CLARK: Yes, good afternoon,
19 ladies and gentlemen. I wanted to also
20 to share my outrage as to why the NYPD
21 is refuse -- can you hear me?

22 MR. DAVIE: Yes, we can hear you.
23 Please proceed.

24 MR. CLARK: Yes. Well, I also would
25 like to share my outrage that the NYPD

1 is refusing, you know, even though they
2 are required by law, to actually
3 participate and do everything they can
4 to give you all the information so that
5 you all can make a determination if
6 they're guilty or not guilty of
7 committing any wrongdoing.

8 This has been something that police
9 officers has been doing -- not for
10 years, but for decades -- they have been
11 able to use the law to their advantage
12 to oppress minorities and simply to get
13 away with impunity to do whatever they
14 want.

15 They're not only doing it to the
16 CCRB, but recently we found out that
17 they are also breaking the laws in other
18 ways.

19 Like the Bronx Defenders recently
20 found out that they have been using
21 material -- they have been using sealed
22 information that the court -- that the
23 legislator, back in the 70s,
24 specifically stated that police officers
25 should not -- should not have access to

1 information of sealed record, and if
2 they have any type of information on
3 somebody whose records are sealed, that
4 they're supposed to return it either to
5 the person who the sealed record belongs
6 to or they're supposed to destroy.

7 They could have never seen the type
8 of digital things that they do; now they
9 have it at their fingertips -- the
10 cellphone things that they have, all of
11 the equipment that every officer has in
12 New York State, they can look at any
13 type of material, you know, and that's
14 outrageous -- that's outrageous for them
15 to do that.

16 They're even able to use photos from
17 sealed records to show to the victims of
18 crimes, and that's why now the Bronx
19 Defender took them to court with good
20 reason.

21 So we need to be able to reign in on
22 all of these abuses from officers to
23 stop them from doing -- from causing
24 harm to the community because it's not
25 right. You know, if anybody in the

1 community do anything even remotely the
2 minute stuff, they are ready to fling
3 the handcuffs on them and they are ready
4 to throw them in court, as sometimes
5 even lie and say other stuff that didn't
6 happen just to throw them under (sic)
7 the jail.

8 So it is really hypocritical that
9 their -- now they don't want to
10 cooperate; now they are upset that the
11 law is not working -- now the law is
12 going to be a little bit fearer (sic).
13 They are -- they should be able to --
14 they want to know everything about the
15 public, but when the public try to find
16 anything about them, now they want to
17 take us to court because of the 50-a
18 provision.

19 So we need -- we need to be able to
20 hold these guys accountable and we
21 expect that for the CCRB to hold them
22 accountable and substantiate any
23 wrongdoing that they do. Thank you.

24 MR. DAVIE: Thank you. And that's
25 exactly -- we -- that's exactly our

1 mandate and exactly what we will do is
2 -- the accountability is key to this and
3 that's why we had this hearing this
4 morning, to make sure that we continue
5 to promote the fundamental principles of
6 accountability and transparency in this
7 process and we thank you for your
8 comments.

9 Yojaira, for our next speaker?

10 MS. ALVAREZ: Thank you. Next we'll
11 be hearing from Daniel Bodah.

12 I just want to remind everyone to
13 keep their comment to two minutes, and
14 if you're calling in, you can use the
15 "*9" to raise your hand in case you want
16 to make a comment during the public
17 session.

18 So Daniel Bodah.

19 MR. BODAH: Hi. Are you able to see
20 me?

21 MR. DAVIE: We can hear you, so
22 let's proceed.

23 MR. BODAH: Okay. That's great.
24 Thank you very much, Chairman.

25 MR. DAVIE: I think we may have lost

1 you.

2 Okay. Let's go to our next speaker,
3 and if he comes back, Yojaira, we can
4 reconnect.

5 MS. ALVAREZ: Okay. Perfect. Next
6 on the list we have Andrew case.

7 MR. DAVIE: Two minutes, please,
8 yes.

9 MR. CASE: I will keep it to two
10 minutes. I can't see if I have video on
11 or not.

12 I want to thank you all for the hard
13 work you've done to resolve this issue
14 and I think it's apparent that even
15 though the negotiations went on for a
16 long time, and I know you've all spoken
17 how well the negotiations were handled
18 from your side, and apparently not from
19 the PD side, what actually got them to
20 make the decision to let officers come
21 in was this meeting, and the fact that
22 there was going to be a slew of
23 complaints substantiated against
24 officers who didn't show up, and the
25 fact that that was going to be in the

1 press.

2 And I think that it's a great lesson
3 to the CCRB to use a little more force
4 and a little more strength when making
5 these petitions.

6 And I think, currently, you know,
7 there are tons of body-worn camera
8 footage that has not been released, that
9 is not going to be released, and using
10 the same strategy of telling the Police
11 Department that you will take action
12 against officers when they will not
13 produce body-worn camera footage, would
14 be a great follow-up to this meeting.

15 That's all. Thank you.

16 MR. DAVIE: Thank you.

17 Yojaira, next speaker.

18 MS. ALVAREZ: Thank you. Next we
19 have Josmar Trujillo.

20 MR. DAVIE: Please go ahead speaker.

21 (No response.)

22 MR. DAVIE: All right. Yojaira, it
23 looks like that speaker is not there, so
24 let's go to the next one.

25 MS. ALVAREZ: We're going to go back

1 to --

2 MR. TRUJILLO: Can you hear me?

3 MR. DAVIE: Oh, yes. Go ahead, Mr.
4 Trujillo.

5 MR. TRUJILLO: All right. Thank
6 you.

7 MR. DAVIE: And a reminder of two
8 minutes.

9 MR. TRUJILLO: Great. Just, off the
10 bat, I wasn't going to say this, but
11 it's been going on in CCRB meetings for
12 years, and I think this practice of
13 front-loading elected officials to speak
14 at the beginning needs to be done away
15 with. We're an hour into this meeting
16 and the New Yorkers who have taken our
17 time to participate have had to listen
18 to politicians grandstanding for 60
19 minutes.

20 Last time I checked, it wasn't the
21 politicians in the streets who brought
22 the conversation that we're having now
23 about accountability and about police
24 unwilling to be part of a process that
25 is legally mandated of them.

1 About the NYPD, what happened the
2 last couple of weeks is part of a
3 history that goes back at least to the
4 creation of this agency when police
5 officers were jumping on cars outside of
6 City Hall like maniacs at just the idea
7 of creating accountability.

8 In 2014-2015, when people were
9 marching in the streets for at least
10 Daniel Pantaleo to be held accountable,
11 the unions, the NYPD, and the Mayor's
12 Office delayed that for five years.
13 Five years of that one individual
14 officer collecting taxpayer paychecks.

15 So delays is nothing new and it's
16 not just police unions. The Police
17 Commissioner only yesterday decided that
18 he would actually enforce the laws about
19 them participating in CCRB interviews.

20 So it's not just police unions.
21 That's -- the low hanging fruit is the
22 NYPD and the Police Commissioner.

23 The CCRB, as someone mentioned
24 before, needs the take an active public
25 voice in saying it needs independence,

1 and it needs the power to actually hold
2 officers accountable, and that is a
3 weakness that has been baked into this
4 agency from the very beginning.

5 And I challenge all of the Board
6 members to publicly ask that this agency
7 not just fulfill its obligations under
8 its mandate, but to actually have more
9 power so that we can actually do the
10 work that this agency was actually
11 created to do.

12 And that would be something that
13 would be in line with the tone of the
14 nation right now in going beyond what
15 we're done in the past, and it would
16 actually go towards -- go toward s
17 dispelling the bad reputation that this
18 agency has had of not being strong
19 enough to actually do what it says it
20 can do. Thank you.

21 MR. DAVIE: Understood. And we will
22 take your comments -- various of them --
23 various components of your comments,
24 under advisement. So thank you.

25 Yojaira, our next speaker?

1 MS. ALVAREZ: We're going to go back
2 to Daniel Bodah, and after that we'll be
3 hearing from Jon -- Jonathan Logan.

4 MR. DAVIE: Okay.

5 MR. BODAH: Hi. Good morning.
6 Thank you for coming back to me. Are
7 you able to hear me now?

8 MR. DAVIE: Yes, Daniel. Please
9 proceed.

10 MR. BODAH: Thank you. Good morning
11 to you, Chairman Davie, and members of
12 the Board.

13 I want to thank you for calling this
14 meeting today. I think it's very
15 important to see the agency taking an
16 assertive position when there's a crisis
17 like this crisis that revolved around
18 police refusing to come to their
19 interviews.

20 Just briefly, I want to let you
21 know, my name is Daniel Bodah. I was a
22 CCRB investigator from 2000 to 2007.
23 I'm an attorney now and -- in the
24 criminal -- in the Criminal Justice PhD
25 program at John Jay where I research

1 police accountability, and I would like
2 to echo the outrage that Mr. Trujillo
3 just expressed and that the elected
4 officials and representatives who were
5 on the call have also expressed.

6 I just want to make two really brief
7 comments.

8 The first is that I would ask the
9 Board to consider amending its rules to
10 provide specifically for remote
11 interviews during emergencies. There
12 have be situations, for instance 9/11,
13 when I was working at the agency,
14 Superstorm Sandy, where the agency's
15 offices have been shut down for a period
16 of time, and I think an explicit rule
17 would for forestall any kind of similar
18 obstructions on the part of the police
19 unions in the future.

20 Secondly, I would also like to raise
21 up this issue of the ongoing reluctance
22 of the NYPD to provide the CCRB with
23 body-worn camera footage.

24 It looks like, in my research, I've
25 found that complaints are three times

1 more likely -- more than three times as
2 likely -- to be fully investigated when
3 there's video footage and the CCRB
4 statistics show a great increase in
5 substantiations, exonerations, a
6 decrease in unsubstantiated cases.

7 So video footage is absolutely
8 crucial and there's an ongoing crisis
9 over the NYPD's refusal to provide rapid
10 and transparent access to those videos
11 to the CCRB. That's a crisis underneath
12 this crisis.

13 I hope that the elected officials
14 who are on the call are aware of that
15 and take it to heart, that there is
16 still a critical situation of the CCRB
17 over this issue that needs to be
18 addressed, and that kind of reluctance
19 of the PD needs to be overcome. Thank
20 you.

21 MR. DAVIE: Thank you. And I want
22 to say that we have now an agreement
23 about access to body-worn camera
24 footage.

25 I still continue to believe that

1 direct and unfettered access
2 for investigators would be the best way
3 to proceed, but we've come up with an
4 approach now that we've all agreed to
5 and we're to pursue that with vigor and
6 -- as well as this -- the agreement on
7 remote interviews.

8 But we all have to be vigilant and
9 we know that, otherwise it is the sort
10 of nature of things to resort to their
11 former status and we can't afford to do
12 things as we used to them, both on
13 body-worn camera footage access and on
14 these remote interviews.

15 We've got to -- we've just got to
16 stay persistent and vigilant.

17 And, again, I thank the staff at
18 CCRB for negotiating both of these
19 agreements, and now it's our job to make
20 sure that they go forward.

21 And, again, we're going to need the
22 support of everybody in the City, from
23 the Commissioner, to the Mayor, to Corp
24 (sic) Counsel, to everyone to ensure
25 that these processes proceed the way

1 they are intended to and are directed to
2 by law and regulations.

3 So thanks for those comments.

4 Yojaira, the next speaker, please.

5 MS. ALVAREZ: Before we move onto
6 Jonathan Logan, I just wanted to pass it
7 over to Board member Bond.

8 MR. DAVIE: Sure. Ms. Bond.

9 MS. BOND: Thank you, Yojaira. Good
10 morning, Chair Davie and all that have
11 joined us this morning.

12 As I mentioned to you earlier,
13 unfortunately, I have to actually step
14 off the call in order to deal with child
15 care responsibilities, which is
16 something I think a lot of New Yorkers
17 can empathize with these days.

18 But before I go, I really just
19 wanted to thank you, Chair Davie, and
20 Jon Darche, the rest of the leadership
21 team at CCRB, for all the work that
22 you've done to help come to a resolution
23 on this issue.

24 I also am in complete agreement with
25 all of the comments from the other Board

1 members that were made today and thank
2 them also for all of their hard work in
3 ensuring that we can actually provide
4 the kind of meaningful civilian
5 oversight that we are tasked with
6 providing.

7 And one sort of final comment, I
8 really just want to thank the staff
9 publicly.

10 This has been a really hard few
11 months and I think we've acknowledged
12 the leadership, but we've got lots of
13 folks who are working day in and day out
14 in difficult circumstances who I'm sure
15 have been frustrated over the last few
16 months by the lack of participation on
17 the part of members of service and have
18 continued to do their jobs with
19 diligence and have continued to conduct
20 investigations while working from home,
21 while trying to keep their families
22 safe, and while continuing to serve the
23 City of New York.

24 So I just -- I really do want to
25 thank the entire staff of the CCRB for

1 all the work that they've done. So
2 thank you very much.

3 MR. DAVIE: Thank you -- thank you,
4 Erica. We appreciate your leadership as
5 well, and the public should know that
6 the Board members engage behind the
7 scenes when the cameras are not on and
8 -- or we're not at a Board meeting, and
9 we all take seriously the responsibility
10 that we've been given.

11 And so the contributions that get
12 made in the midst of a pandemic, in the
13 midst of having to care for family and
14 others by the members of this Board is
15 also really appreciated, and
16 particularly when we are charged now
17 with moving a process forward where
18 there has been a lot of resistance to
19 its progress.

20 So I appreciate your being there and
21 -- particularly for me and others, so
22 thank you.

23 Yojaira, to public comment.

24 MS. ALVAREZ: Yes, we're going to go
25 back to Jonathan Logan. After that,

1 John Sonda (phonetic), and if anybody
2 wants to leave a comment, just use the
3 raise the hand function.

4 MR. DAVIE: Mr. Logan.

5 MR. LOGAN: Yeah, hello, good
6 morning.

7 MR. DAVIE: Good morning.

8 MR. LOGAN: All right. So
9 frequently I don't praise NYPD
10 executives or officials, but I'd like to
11 acknowledge Chris Monahan, President of
12 the CEA Union, who by way of a letter --
13 he wrote to the PC -- he wrote to the
14 Mayor and explicitly called for a change
15 in police culture.

16 In that letter, he highlights how he
17 believes, and I quote -- he highlights
18 how -- CompStat to be the primary
19 driving force that is undermining and
20 community relations in New York City.

21 In that letter he wrote to the
22 Police Commissioner and to the Mayor, he
23 goes on to state that the fact that it's
24 notwithstanding the repeal of
25 Stop-and-Frisk, CompStat puts pressure

1 on precinct and division commanders to
2 go into minority neighborhoods for
3 targeted enforcement, "precision
4 policing", by way arresting summons.

5 This inherently creates tension
6 between black and brown communities and
7 the police because their subordinate
8 officers are expected to produce
9 activity, which we all know is dog
10 whistle for quotas. And these are all
11 quotes by the way.

12 So further, going to his letter, he
13 states CompStat has always been used as
14 a means of embarrassing and coercing
15 commanders into more proactive policing,
16 which has a direct consequence to
17 community/police relations with
18 disparate impact on minority
19 communities.

20 Okay. Here's the thing that I'd
21 like to really get at:

22 As other elected officials have
23 previously stated, okay -- and this is
24 common thread here -- we have to break
25 down --

1 MR. DAVIE: I think we lost
2 Mr. Logan. So, Yojaira, let's go to the
3 next speaker. While that's speaker is
4 coming in, I'll just say, I think the
5 reform that we continue to need in
6 policing has to come both from the
7 inside out and the outside in.

8 And so all efforts at improving
9 police/community relationships are --
10 (inaudible) -- when they emerge from
11 within the Department itself.

12 So our next speaker, Yojaira.

13 MS. ALVAREZ: Next we have John
14 Sonda and that will conclude our public
15 portion.

16 MR. DAVIE: Great.

17 MR. SONDA: Hi. On May 14, 2017,
18 Executive Director Jonathan Darche
19 emailed me, "I just wanted to let you
20 know that we have re-opened the request
21 that Chris Benito (phonetic) sent me on
22 1/27/17. I denied the reconsideration
23 and request on this same date. I will
24 be reviewing the request again this
25 week".

1 On October 16, 2017, he subsequently
2 emailed, "I assigned Dane Buchanan to
3 review your complaint and determine
4 whether or not there were any
5 (inaudible) in the complaint. We
6 determined that the complaint of those
7 allegations are within the CCRB's
8 jurisdiction. As a result, I instructed
9 Mr. Buchanan to re-open that complaint
10 and to handle it himself".

11 But according to the CCRB Charter,
12 under the section, reconsideration or
13 re-opening of cases upon receipt of a
14 written request to re-open a case from a
15 complainant, alleged victim, victim, or
16 subject police officer, a panel, Chair,
17 or Executive Director may re-open any
18 case previously closed without a full
19 investigation.

20 Now, Dane Buchanan is not any of
21 those and so basically, Executive
22 Director Jonathan Darche's actions
23 violated the CCRB Charter by assigning
24 an employee of the CCRB to conduct the
25 business of a panel, a Chair of the

1 Board, or the Executive Director.

2 Now, at the last Board meeting, I
3 asked Chairperson, what -- if somebody
4 has evidence that the Executive Director
5 violated the CCRB Charter, who should
6 that person supply the evidence to, and
7 Mr. Davie did not say that I should
8 provide or somebody should provide that
9 evidence to the person that has the
10 hiring and firing responsibilities of
11 the Executive Director.

12 Is that still the case?

13 MR. DAVIE: So if you will email me
14 your complaint, I will respond and refer
15 it to the appropriate agency.

16 MR. SONDA: Is there a reason why
17 you did not want the evidence last
18 month?

19 MR. DAVIE: I think we instructed
20 you how to provide that evidence.

21 MR. SONDA: Do you have hiring and
22 firing authority of the Executive
23 Director?

24 MR. DAVIE: Mr. Sonda, I'm not going
25 to discuss personal matters with you in

1 the public, like this --

2 MR. SONDA: That's just --

3 (Cross-talk.)

4 MR. SONDA: -- general question; who
5 has the hiring -- (inaudible) --

6 MR. DAVIE: Sorin, will you mute the
7 mic of the speaker so that we can
8 proceed with the meeting, please?

9 (Complying.)

10 MR. DAVIE: Thank you.

11 So I want to thank all of you who
12 have come out this morning to be a part
13 of this meeting, for your advocacy and
14 support of accountability and
15 transparency and policing in New York,
16 for your support of the effort to get
17 officers and unions to comply with what
18 is the -- what the law mandates for this
19 agency, and that is the ability to
20 interview officers in the course of the
21 investigations, which is fundamental to
22 these investigations.

23 I want to thank the staff, again,
24 for its hard work and the leadership,
25 particularly Jon Darche, and Matt

1 Kadushin, and Jerika Richardson for
2 their leadership. And I know the late
3 nights of phone calls and the early
4 mornings of phone calls, and I know the
5 conversations, as Mr. Siegal has noted,
6 that Jon Darche and others have had with
7 all the parties involved in trying to
8 resolve this issue.

9 It is unfortunate that we even got
10 here, but it looks like we've taken the
11 step we need to take. I'm going to
12 suggest that this not become a pattern,
13 that the ability to -- of the CCRB to do
14 its job not be thwarted in the ways that
15 have been attempted so far.

16 It is not fair to the people of New
17 York City. It reflects poorly on the
18 part of those who engage in such efforts
19 to thwart the work of this agency, and
20 it simply needs to stop.

21 And we need all the leadership of
22 the City to step up and support this
23 agency, not out of the side of their
24 mouths, not under their breaths, not
25 behind the scenes, but publicly support

1 this agency and acknowledge the work
2 that it has done, acknowledge the work
3 that the staff does, and continue to
4 provide the agency with the resources
5 and the support it needs to do its job.

6 The law demands no less and the
7 people of the City of New York deserve
8 no less.

9 So I'll entertain a motion now that
10 we adjourn to executive session.

11 Is there such a motion?

12 MR. SIEGAL: So moved.

13 MR. DAVIE: Is there a second.

14 MS. IRISH: Second.

15 MR. DAVIE: Motion has been made and
16 seconded.

17 All those in favor, please say
18 "aye".

19 (Chorus of "Ayes".)

20 MR. DAVIE: Any opposition?

21 (No response.)

22 MR. DAVIE: No. The "ayes" have it.
23 We are adjourned to executive session.

24 (Time noted: 10:46 a.m.)

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CERTIFICATION

I, JULIA M. SPEROS, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 6th day of August,
2020.



Julia M. Speros

<p>& 2:4</p> <p>50a 16:16 18:24 27:5,17 43:8 50:17 (6)</p> <p>6th 72:18</p> <p>70s 48:23</p> <p>===== ===== ===== ===== 2:3</p> <p>===== ===== ===== ===== 3:3</p> <p>ability 18:13,21 29:14 69:19 70:13 (5)</p> <p>able 16:24 44:12 46:10,24 48:11 49:16,21 50:13,19 51:19 57:7 (11)</p> <p>about 5:25 8:12 25:1 27:2 28:24 29:24 30:22 38:7 39:6 43:12 50:14,16 54:23,23 55:1,18 59:23 (17)</p> <p>above 22:11</p> <p>absolute 27:8</p> <p>absolutely 59:7</p> <p>abuses 18:11 37:21 49:22</p> <p>access 46:2 48:25 59:10,23 60:1,13 (6)</p> <p>accommodate 12:25</p> <p>according 67:11</p>	<p>accountability 5:20 8:16 16:21 18:8 22:14 39:24 40:3 43:4,7,17,23 46:8 51:2,6 54:23 55:7 58:1 69:14 (18)</p> <p>accountable 8:5 9:5 29:2 47:1 50:20,22 55:10 56:2 (8)</p> <p>acknowledge 42:2 64:11 71:1,2 (4)</p> <p>acknowledged 62:11</p> <p>across 35:18</p> <p>act 20:2</p> <p>action 20:6 53:11 72:14</p> <p>actions 67:22</p> <p>active 25:14 55:24</p> <p>activity 65:9</p> <p>actual 39:19</p> <p>actually 16:16 17:13 18:16 19:4 29:16 42:7 48:2 52:19 55:18 56:1,8,9,10,16,19 61:13 62:3 (17)</p> <p>acutely 43:6</p> <p>adams 32:3,5</p> <p>add 22:6 24:18 30:17</p> <p>additional 4:16</p> <p>additionally 11:7</p>	<p>12:2,23 13:2,6 (5)</p> <p>address 36:19 38:25</p> <p>addressed 59:18</p> <p>addresses 43:25</p> <p>addressing 35:14</p> <p>adherence 26:4</p> <p>adjourn 2:10 71:10</p> <p>adjourned 71:23</p> <p>adrienne 32:2</p> <p>adults 30:1</p> <p>advantage 48:11</p> <p>adverse 44:22</p> <p>advise 38:17</p> <p>advisement 56:24</p> <p>advocacy 46:19 47:4,10 69:13 (4)</p> <p>advocates 17:25</p> <p>affirmatively 17:1</p> <p>afford 60:11</p> <p>after 4:9 9:2 17:17,18 23:13 57:2 63:25 (7)</p> <p>aftermath 43:10</p> <p>afternoon 47:18</p> <p>again 9:24 20:1 24:6 25:5 32:6 33:21 34:10 35:6,20 39:7</p>	<p>41:18 42:16 44:11 46:18 47:3 60:17,21 66:24 69:23 (19)</p> <p>against 44:24 52:23 53:12</p> <p>agencies 30:1 45:12</p> <p>agency 8:3,18 20:22 22:2 27:13,15 29:15 34:17 55:4 56:4,6,10,18 57:15 58:13 68:15 69:19 70:19,23 71:1,4 (21)</p> <p>agency's 28:18 29:20 58:14</p> <p>agenda 2:2 4:4</p> <p>ago 32:12</p> <p>agreeable 26:19</p> <p>agreed 25:3 60:4</p> <p>agreement 59:22 60:6 61:24</p> <p>agreements 60:19</p> <p>ahead 53:20 54:3</p> <p>alert 45:23</p> <p>alexa 42:7</p> <p>allegations 39:4 67:7</p> <p>alleged 67:15</p> <p>alleging 37:21</p> <p>allow 19:21 30:25 31:2,14 36:19 37:14 (6)</p>	<p>allowed 14:14 46:14</p> <p>almost 22:22</p> <p>alone 37:22</p> <p>along 24:24</p> <p>already 46:7</p> <p>also 8:23 9:17 12:11 15:16 28:15,23 34:11 39:2 45:15 47:19,24 48:17 58:5,20 61:24 62:2 63:15 (17)</p> <p>alvarez 4:2 15:10,20 21:6 32:1 34:22 41:25 42:17 47:16 51:10 52:5 53:18,25 57:1 61:5 63:24 66:13 (17)</p> <p>always 30:24 65:13</p> <p>am 1:6 5:4 10:5 16:14 29:22,23 30:6 40:6 61:24 71:24 72:12,15 (12)</p> <p>amending 58:9</p> <p>america 36:11</p> <p>amid 23:9</p> <p>among 6:1</p> <p>andrew 42:3 52:6</p> <p>angela 3:8</p> <p>announce 31:24</p> <p>another 7:13 13:25 14:2 22:12 (4)</p>
--	--	---	--	--

<p>anybody 49:25 64:1</p> <p>anyone 29:17</p> <p>anything 22:18 29:21 35:17 50:1,16 (5)</p> <p>anyway 40:18</p> <p>apologize 20:17</p> <p>apparent 52:14</p> <p>apparently 52:18</p> <p>appear 22:11 26:19 37:18 45:18 (4)</p> <p>appearance 43:21</p> <p>appearing 35:13 38:12</p> <p>appetite 46:8</p> <p>appointee 30:16</p> <p>appreciate 20:12,13 24:5,6 33:24,25 34:19 40:23 42:16 47:7 63:4,20 (12)</p> <p>appreciated 41:9,10 63:15</p> <p>appreciative 34:11,12</p> <p>approach 60:4</p> <p>approaching 39:12</p> <p>appropriate 68:15</p> <p>april 8:3,10 23:9</p>	<p>are 4:21 5:8,10 6:8 8:15,15 10:11,15 11:11 12:3,4,6,8,23 15:1 16:8 17:13,21,24 18:12 19:16,20 22:9,11,19,21 25:15,16 29:4 34:20 36:2,4 37:10 39:11 40:15 41:2 45:7,14 46:20,23 48:2,17 49:3 50:2,3,10,13 51:19 53:7 57:6 58:25 59:14,14 61:1,1 62:5,13 63:7,16 65:8,10 66:9 67:7 71:23 (64)</p> <p>area 12:21 24:7</p> <p>arecchi 42:6</p> <p>arguments 23:4</p> <p>around 57:17</p> <p>arraignments 22:23 38:19</p> <p>arresting 65:4</p> <p>ask 5:5,14 15:9,10,16 56:6 58:8 (7)</p> <p>asked 17:25 68:3</p> <p>asking 22:17 37:16</p> <p>assault 23:20</p> <p>assembly 33:7 15:23 16:12 20:12 21:7 34:23,25 35:8 42:1,3,8,15 (11)</p>	<p>assemblywoman 40:22</p> <p>assertive 57:16</p> <p>assigned 67:2</p> <p>assigning 67:23</p> <p>assist 24:2</p> <p>assistance 18:1</p> <p>attached 40:14</p> <p>attempt 20:22 27:19</p> <p>attempted 7:19 70:15</p> <p>attention 17:16 33:20</p> <p>attorney 38:23 57:23</p> <p>attorneys 6:4</p> <p>audio 13:17 14:5,12,14,25 (5)</p> <p>august 1:5 72:18</p> <p>authority 26:2 68:22</p> <p>average 11:15,24</p> <p>aware 30:24 59:14</p> <p>away 16:16 30:18 48:13 54:14 (4)</p> <p>aye 71:18</p> <p>ayes 71:19,22</p> <p>b 1:11</p> <p>back 15:5 28:6 29:9 31:21 48:23</p>	<p>52:3 53:25 55:3 57:1,6 63:25 (11)</p> <p>backlog 9:21,23 23:6</p> <p>backward 26:16</p> <p>bad 56:17</p> <p>bail 38:19</p> <p>baked 56:3</p> <p>balance 32:24</p> <p>basically 16:20 67:21</p> <p>basis 45:19</p> <p>bat 54:10</p> <p>beat 32:20</p> <p>became 6:21</p> <p>because 5:22 6:14 9:5 11:19 14:13 16:7 17:20,23 18:14 20:3 30:4 31:12 36:1 37:10,12 39:7 49:24 50:17 65:7 (19)</p> <p>become 31:3,15 70:12</p> <p>becomes 39:16</p> <p>before 23:7 24:10 29:9 31:20 33:10 34:4 35:13 37:14,15,19 38:10 40:17 44:7 55:24 61:5,18 (16)</p> <p>began 17:13,13 23:3</p> <p>beginning 54:14 56:4</p>	<p>behind 63:6 70:25</p> <p>being 11:12,17 14:15 16:24 22:21 29:19 32:21 45:3 46:21 56:18 63:20 (11)</p> <p>believe 29:23 42:8 59:25</p> <p>believes 64:17</p> <p>belongs 49:5</p> <p>beneficial 10:16 14:13</p> <p>benefits 18:17</p> <p>benevolent 30:4</p> <p>benito 66:21</p> <p>best 16:25 27:8 60:2</p> <p>between 18:13 32:24 36:21,22 39:15 65:6 (6)</p> <p>beyond 56:14</p> <p>bias 39:4</p> <p>bichotte 34:24 35:1,3,8 41:16 (5)</p> <p>bigger 8:11</p> <p>bit 5:9 50:12</p> <p>black 7:15 65:6</p> <p>blasio 40:8</p> <p>blood 72:14</p> <p>blows 18:14</p> <p>board 1:3 2:9 3:2 ,4,6,7,8,9,10,11,12</p>
---	---	---	--	--

5:3,5,6,6,13 6:19 9:16 15:13 16:19 18:21 19:7 23:23 24:10,12 28:4 29:8,14 30:14 31:20 33:10,16,23 35:13 42:25 43:3 44:7 56:5 57:12 58:9 61:7,25 63:6,8,14 68:1,2 (47)	bring 33:9 bronx 48:19 49:18 brooklyn 35:16,18 brought 21:23 33:20 34:4,5 54:21 (5) brown 65:6 buchanan 10:3,5 67:2,9,20 (5) budget 32:15,17 36:19 build 11:13 burden 39:18 bureaucratically 16:23 business 67:25 call 2:5 15:15 40:20 41:20 47:14 58:5 59:14 61:14 (8) called 5:22 20:16 64:14 calling 51:14 57:13 calls 70:3,4 came 7:17 camera 23:22 53:7,13 58:23 59:23 60:13 (6) cameras 63:7 can 4:12,23 12:24 15:24 16:2,5 19:25 21:11,12,13	24:2,16 25:12 27:9,9 33:11,11,12 34:1,3,4,7 35:1 36:19 38:16 39:6 40:4,9 42:20 47:14,21,22 48:3,5 49:12 51:14,21 52:3 54:2 56:9,20 61:17 62:3 69:7 (44) can't 10:12,13 17:17 31:8 32:25 36:13 52:10 60:11 (8) cannot 30:1 35:3 capacity 13:22 captured 14:11 care 30:22 61:15 63:13 careful 31:4 carrying 26:21 39:17 cars 55:5 case 11:12 51:15 52:6,9 67:14,18 68:12 (7) cases 11:21 12:5 18:10 59:6 67:13 (5) catalina 15:23 16:11 cause 18:5 19:21 29:3 causing 49:23 ccrb 5:24 6:1,4,8,9,12 7:4,18,21 8:1,3,11,21,23 9:3,7 10:8 11:1,25	12:16,24 14:21 18:8 21:19 22:7,12,17 23:5 25:2 27:12 28:5 32:23 35:10,24 36:5 37:5 38:24 39:22 42:12 43:3,10,13 44:6,11,19,21 45:13 46:1,14,19,21 47:5 48:16 50:21 53:3 54:11 55:19,23 57:22 58:22 59:3,11,16 60:18 61:21 62:25 67:11,23,24 68:5 70:13 (71) ccrb's 39:2 43:19 44:1 45:25 46:17 67:7 (6) cea 64:12 cellphone 49:10 certainly 35:20 36:18,24 40:5 (4) certification 72:2 certify 72:6,12 chair 1:12 2:6 3:4 4:19,24 5:5 10:3 15:5,20 17:10 21:16 29:13 32:7 34:15,15 35:10 61:10,19 67:16,25 (20) chairman 51:24 57:11 chairperson 68:3 challenge 56:5 challenges 6:1,2 chance 12:9	change 8:15 64:14 charged 63:16 charter 8:20 67:11,23 68:5 (4) chasing 17:17 chat 4:3 15:18 checked 54:20 chief 6:1 10:5 42:7 child 61:14 choice 38:2 chorus 71:19 chris 64:11 66:21 church 25:11 circumstances 62:14 circumvent 19:22,23 city 6:11,16 7:2,12 8:20 12:17 20:24 21:16,22 22:4 23:1 27:24 28:10 29:1,4 34:17 36:17 39:25 44:10 55:6 60:22 62:23 64:20 70:17,22 71:7 (26) city's 22:23 civil 43:7 civilian 1:3 5:2,18 8:14 25:23 39:13,16,19 45:10 62:4 (10) civilians 10:21
---	--	--	--	--

<p>12:10 36:21,23 (4)</p> <p>claims 44:24</p> <p>clark 47:17,18,24</p> <p>clear 17:11 19:14</p> <p>clearly 26:7</p> <p>client's 38:15</p> <p>clients 18:4</p> <p>cloak 27:12</p> <p>close 10:13</p> <p>closed 6:11 67:18</p> <p>closely 19:20</p> <p>closer 4:16</p> <p>clout 44:2</p> <p>clubbings 23:19</p> <p>code 40:13</p> <p>codified 45:2</p> <p>coercing 65:14</p> <p>coincided 23:17</p> <p>coincidence 23:15</p> <p>colleague 33:7</p> <p>collecting 55:14</p> <p>come 12:7,11 37:14 52:20 57:18 60:3 61:22 66:6 69:12 (9)</p> <p>comes 52:3</p> <p>coming 40:16 41:17 57:6 66:4 (4)</p>	<p>command 25:25</p> <p>commanders 65:1,15</p> <p>commend 21:19 25:19 26:20 46:21 (4)</p> <p>comment 2:8 4:7 9:18 15:8 16:9 24:11,13 29:10 31:21 43:1 46:18 51:13,16 62:7 63:23 64:2 (16)</p> <p>comments 4:6,13 5:12,14 24:10,21 28:24 29:9 34:20 47:8,9 51:8 56:22,23 58:7 61:3,25 (17)</p> <p>commissioner 19:12 22:1 25:25 40:7 46:6 55:17,22 60:23 64:22 (9)</p> <p>committee 21:17 32:11 34:14,16 45:11 (5)</p> <p>committing 48:7</p> <p>common 65:24</p> <p>communities 36:25 65:6,19</p> <p>community 19:2,6 20:1 35:15 36:8,24 49:24 50:1 64:20 (9)</p> <p>community's 18:20</p> <p>65:17</p>	<p>complainant 67:15</p> <p>complainants 10:17</p> <p>complaint 1:3 5:3 67:3,5,6,9 68:14 (7)</p> <p>complaints 7:16 8:6 10:20,25 11:2,5,10 12:7 17:16 23:8 35:14 36:2,4 37:3,8,21 38:4,5,7,9,25 43:9 46:4 52:23 58:25 (25)</p> <p>complete 61:24</p> <p>completely 27:11</p> <p>complex 25:23</p> <p>compliance 33:21</p> <p>compliments 28:13,22</p> <p>comply 17:22 32:21 39:22 69:17 (4)</p> <p>complying 19:13 69:9</p> <p>component 6:9</p> <p>components 56:23</p> <p>compstat 64:18,25 65:13</p> <p>computer 16:6 42:10</p> <p>concerns 4:6</p> <p>conclude 66:14</p>	<p>conduct 14:21 40:10 62:19 67:24 (4)</p> <p>conducted 8:9 13:17 14:1 22:21 (4)</p> <p>conducting 23:1 38:19,21</p> <p>conference 14:9</p> <p>confirms 43:11</p> <p>consequence 65:16</p> <p>consequences 13:24 17:24 18:7 45:1 (4)</p> <p>consider 58:9</p> <p>considered 44:22</p> <p>contempt 44:20</p> <p>contend 38:13</p> <p>continue 19:9,22,23 20:2 25:4,7 47:5,11 51:4 59:25 66:5 71:3 (12)</p> <p>continued 24:6 27:15 45:20 62:18,19 (5)</p> <p>continuing 27:3,17 62:22</p> <p>contributions 63:11</p> <p>control 46:16</p> <p>conversation 13:1 35:25 54:22</p> <p>conversations 40:9 70:5</p>	<p>cooperate 8:21,22,25 9:9 43:16 44:21 45:2,6,9 50:10 (10)</p> <p>cooperation 43:25</p> <p>cops 37:4</p> <p>corona 16:13</p> <p>corp 60:23</p> <p>corporation 28:9 45:4</p> <p>corrine 3:7 30:15 32:12</p> <p>could 14:17 33:17 49:7</p> <p>council 22:4 23:2 34:14,17 (4)</p> <p>council's 21:17</p> <p>councilman 24:22 26:6</p> <p>councilmember 16:3 20:16 21:8 24:4 32:2,4 34:10 (7)</p> <p>councilmembers 19:4</p> <p>counsel 7:23 28:9 45:5 60:24 (4)</p> <p>counterparties 26:18</p> <p>couple 27:18 55:2</p> <p>coupled 19:1</p> <p>course 10:10 12:7 69:20</p>
---	---	---	--	---

<p>court 23:3 38:18,20 39:17 48:22 49:19 50:4,17 (8)</p> <p>courts 22:24</p> <p>cousin 30:19</p> <p>covid 11:19 12:9,15,22 30:19,23 31:12 32:14 34:3,3 (10)</p> <p>covid19 6:12</p> <p>created 16:20 19:7 32:23 56:11 (4)</p> <p>creates 65:5</p> <p>creating 55:7</p> <p>creation 55:4</p> <p>credibility 16:21</p> <p>crimes 49:18</p> <p>criminal 22:24 57:24,24</p> <p>crisis 11:19 57:16,17 59:8,11,12 (6)</p> <p>critical 28:5 59:16</p> <p>crosstalk 69:3</p> <p>crucial 59:8</p> <p>cruz 15:23 16:2,4,11 20:18 21:2 (6)</p> <p>culture 64:15</p> <p>current 9:20 10:8</p> <p>currently 53:6</p>	<p>curve 7:3</p> <p>dane 10:4 15:6 67:2,20 (4)</p> <p>danger 30:23</p> <p>daniel 51:11,18 55:10 57:2,8,21 (6)</p> <p>darche 1:14 3:5 4:24 25:20 26:10 61:20 66:18 69:25 70:6 (9)</p> <p>darche's 67:22</p> <p>data 39:10,14</p> <p>date 66:23</p> <p>davie 1:12 3:4 4:19,20,23,25 5:4 10:4 15:5,6,21 16:1,3 20:11,20 21:4,13 24:4,15,17 28:12 30:12 31:18,23 32:4,7 34:9,25 35:2,10 40:21 41:22 42:14,22 47:7,22 50:24 51:21,25 52:7 53:16,20,22 54:3,7 56:21 57:4,8,11 59:21 61:8,10,19 63:3 64:4,7 66:1,16 68:7,13,19,24 69:6,10 71:13,15,20,22 (68)</p> <p>day 11:16,17,24 21:3 62:13,13 72:18 (7)</p> <p>days 61:17</p> <p>de 40:8</p> <p>deal 61:14</p>	<p>dealt 18:24</p> <p>death 7:13</p> <p>decades 48:10</p> <p>decided 55:17</p> <p>decision 52:20</p> <p>decisionmakers 27:24</p> <p>decisions 36:7,8</p> <p>decrease 59:6</p> <p>dedication 43:4,20 47:3</p> <p>defender 49:19</p> <p>defenders 48:19</p> <p>delayed 55:12</p> <p>delays 55:15</p> <p>deletion 13:23</p> <p>deliberate 22:13</p> <p>deliver 40:2</p> <p>demanded 37:25</p> <p>demanding 8:15,16</p> <p>demands 71:6</p> <p>democratic 35:17</p> <p>democratically 22:4</p> <p>demonstrated 46:7</p> <p>denied 66:22</p> <p>department 39:23 40:25 44:10</p>	<p>53:11 66:11 (5)</p> <p>department's 23:12</p> <p>depends 34:17</p> <p>deprived 29:4</p> <p>deputy 10:5</p> <p>deserve 71:7</p> <p>designee 3:4</p> <p>despite 8:5,6,7</p> <p>destroy 49:6</p> <p>determination 48:5</p> <p>determinations 27:13,14</p> <p>determine 67:3</p> <p>determined 67:6</p> <p>developed 7:5,21 8:1 25:3 33:16 (5)</p> <p>dialed 42:9</p> <p>didn't 32:19 50:5 52:24</p> <p>different 5:9 29:21</p> <p>difficult 38:16 62:14</p> <p>digital 49:8</p> <p>diligence 62:19</p> <p>diligently 40:19</p> <p>direct 4:12 15:5 30:21 31:16 60:1 65:16 (6)</p>	<p>directed 61:1</p> <p>director 1:14 3:5 25:20 26:10 28:14 66:18 67:17,22 68:1,4,11,23 (12)</p> <p>disciplinary 7:9 26:1 44:25</p> <p>discipline 26:1 44:20 45:16 46:5 (4)</p> <p>disciplined 45:17</p> <p>discreet 44:7</p> <p>discuss 9:17,20 68:25</p> <p>discussion 2:9 15:13 27:4</p> <p>disdainful 22:3,6</p> <p>disparate 65:18</p> <p>dispelling 56:17</p> <p>disregard 45:20</p> <p>disrespect 33:22</p> <p>distanced 12:25</p> <p>distancing 23:11</p> <p>division 65:1</p> <p>does 12:2 39:23 44:16 71:3 (4)</p> <p>doesn't 38:14</p> <p>dog 65:9</p> <p>doing 16:16 34:2 35:12 48:9,15 49:23 (6)</p> <p>done 29:19 34:7,8 41:12,12,13</p>
---	---	---	--	---

46:21 52:13 54:14 56:15 61:22 63:1 71:2 (13)	(7)	ensure 19:15 46:20 60:24	everything 29:18 48:3 50:14	expressed 58:3,5
donovan 34:15	element 27:17	ensuring 7:6 46:23 62:3	evidence 27:8 46:2 68:4,6,9,17,20 (7)	eyes 36:12
down 9:7 58:15 65:25	elmhurst 16:13	entertain 71:9	evident 17:4	f 1:11
driving 64:19	email 68:13	entire 12:17 38:4 62:25	exactly 20:20 50:25,25 51:1 (4)	face 13:7,7 14:24,24 39:23 41:3 (6)
due 6:11 30:18	emailed 66:19 67:2	equipment 49:11	example 17:6	faced 7:12
duly 72:8	embarrassing 65:14	era 20:3	excuse 32:20 38:10 39:20	faces 6:1
during 14:5 32:14 37:22 39:24 51:16 58:11 (6)	emerge 66:10	eric 36:13	excuses 20:3 40:1	facing 23:5
duty 25:14	emergencies 58:11	erica 3:6 63:4	executive 1:14 2:10 3:5 25:20 26:10 28:14 66:18 67:17,21 68:1,4,11,22 71:10,23 (15)	fact 8:12 18:12 22:17 23:5 37:4 52:21,25 64:23 (8)
e 1:11,11	emergency 5:2 21:21 35:11 42:25 (4)	erode 27:19	executives 64:10	factbased 8:18
each 12:20	empathize 61:17	esmeralda 3:11 29:11 30:12	exonerations 59:5	facts 33:15,16
earlier 12:5 18:25 20:16 61:12 (4)	emphasized 24:24	especially 12:15 18:24 39:24	expanded 38:24 39:3	fail 45:9
early 70:3	employee 67:24	esq 1:14 3:5,6,7,9,10,11,12 (8)	expect 8:4 50:21	fails 8:25
echo 28:13,21 33:7 58:2 (4)	enable 15:25	evaluating 37:2	expected 65:8	failure 16:18 35:11 43:16 44:21 45:1,17 (6)
effective 14:18 16:24	encourage 5:13 16:22	even 18:8,9 23:2 24:25 27:15 38:20 43:15 45:2 48:1 49:16 50:1,5 52:14 70:9 (14)	expedited 10:15,19	fair 10:23 70:16
effectively 41:8	end 7:10 26:18 40:1	every 22:22 46:15 49:11	expertly 41:13	fairly 18:18 30:9
efficient 14:19	endeavor 24:3	everybody 60:22	explaining 10:7	faith 8:8,13 18:6,20 26:4 (5)
effort 22:13 26:20 69:16	enforce 55:18	everyone 4:3,23 10:4 21:3 30:9 33:13 35:7 42:11 51:12 60:24 (10)	explicit 58:16	families 62:21
efforts 27:12 28:6,8 41:11 66:8 70:18 (6)	enforcement 23:11 43:18 65:3	everyday 5:21	explicitly 22:10 39:3 43:25 64:14 (4)	family 30:18 63:13
either 49:4	engage 63:6 70:18	ever 22:8	expedited 10:15,19	fantastic 26:12
elected 20:10 22:5 36:16 54:13 58:3 59:13 65:22	engaged 22:20	evaluating 37:2	expeditiously 11:3 41:8	far 24:19 70:15
	engaging 46:19	even 18:8,9 23:2 24:25 27:15 38:20 43:15 45:2 48:1 49:16 50:1,5 52:14 70:9 (14)	expertly 41:13	father 32:14
	enough 56:19	every 22:22 46:15 49:11	explaining 10:7	favor 71:17
		everybody 60:22	explicit 58:16	fearer 50:12
		everyday 5:21	explicitly 22:10 39:3 43:25 64:14 (4)	
		everyone 4:3,23 10:4 21:3 30:9 33:13 35:7 42:11 51:12 60:24 (10)		

feature 14:16	floyd 7:14 23:14 36:15	frontloading 54:13	give 13:7 25:11 48:4	gravely 42:13
fellow 5:6,13	folks 16:8 21:12 30:8 62:13 (4)	fruit 55:21	given 20:25 63:10 72:10	great 21:3 41:17 51:23 53:2,14 54:9 59:4 66:16 (8)
few 12:23 17:14 18:5 62:10,15 (5)	followed 7:18 15:13 23:11	frustrated 62:15	giving 19:8	greater 43:6
fewer 8:9	following 9:15	fulfill 20:23 29:15 56:7	go 15:11 26:24 29:9 31:20 37:17 44:17 52:2 53:20,24,25 54:3 56:16,16 57:1 60:20 61:18 63:24 65:2 66:2 (19)	greetings 42:5
figure 44:18	followup 10:14 53:14	full 10:10 25:9,10 33:17 34:5 67:18 (6)	goal 7:6	guidance 7:23
figuring 18:2	footage 53:8,13 58:23 59:3,7,24 60:13 (7)	fully 13:12 59:2	goes 55:3 64:23	guide 8:22,23 17:20 19:14 43:24 44:3 45:4,22 (8)
filed 23:9 37:23 43:9	force 53:3 64:19	function 4:3 15:18,18 64:3 (4)	going 5:5,14 9:22 11:3 15:7,9,10 17:12 18:2 19:21 20:6 24:9 25:6,16 26:24 27:5 28:4 35:5 36:2 47:5 50:12 52:22,25 53:9,25 54:10,11 56:14 57:1 60:21 63:24 65:12 68:24 70:11 (34)	guidelines 44:2
final 26:1 27:13 62:7	forestall 58:17	functioning 28:2,18	gone 22:24	guilty 48:6,6
finally 33:21 41:19	former 60:11	fundamental 5:23 39:8 51:5 69:21 (4)	good 4:2 5:1 8:8 16:1 21:10,13,15 24:17 26:3 32:6 47:18 49:19 57:5,10 61:9 64:5,7 (17)	guys 50:20
find 4:8 10:21 18:9 36:20 50:15 (5)	forms 39:13	further 12:21 24:11 45:2 65:12 72:12 (5)	got 27:3 52:19 60:15,15 62:12 70:9 (6)	half 25:9
findings 44:23	forth 72:8	future 58:19	government 30:11	halfhour 25:11
fingertips 49:9	forum 47:6	garner 36:14	grandstanding 54:18	hall 55:6
firing 68:10,22	forward 9:22 26:24 28:4 41:8 47:4,13 60:20 63:17 (8)	gathered 36:17	granted 46:1	hand 15:18 51:15 64:3 72:18 (4)
first 15:11,16,22 23:10 24:22 35:9 42:24 58:8 (8)	found 18:15 48:16,20 58:25 (4)	gave 7:1		handcuffs 50:3
five 55:12,13	four 12:25 23:17	general 38:23 69:4		handle 67:10
flag 41:10,11	frankly 25:5 26:16	gentlemen 47:19		handled 52:17
flagrant 44:13	fred 3:4 5:4 24:14	george 7:13 23:13 36:15		hands 16:23
flagrantly 46:11	frederick 1:12	get 12:1 19:5 26:17 34:1,7 41:11 48:12 63:11 65:21 69:16 (10)		hanging 55:21
flatbush 35:15	frequently 64:9	getting 16:8		happen 50:6
flattened 7:2	frisk 39:12			happened 35:18 55:1
fling 50:2	front 19:10			happening 11:9 45:18
flood 43:8				happily 33:10
flout 46:11,24				hard 28:21 52:12

<p>62:2,10 69:24 (5)</p> <p>hardware 14:11</p> <p>harm 49:24</p> <p>has 6:12,17 7:2 8:9 9:23 11:22 12:16 16:17,23 25:20 27:25 28:5,17 31:11 32:7 33:13 35:24 36:11,23 38:17 39:8 41:1 44:11 45:21 46:6,7 48:8,9 49:11 53:8 56:3,18 62:10 63:18 65:13,16 66:6 68:4,9 69:5 70:5 71:2,15 (43)</p> <p>having 8:5,7,8 16:5,10 30:17 32:16 35:10 37:25 42:9,13 54:22 63:13 (13)</p> <p>he 26:15 42:4,9 46:7 52:3 55:18 6 4:13,13,16,16,17,2 1,22 65:12 67:1 (15)</p> <p>head 10:25 22:1 35:16</p> <p>health 7:7 31:5,6,8,11 (5)</p> <p>hear 4:23 21:12 24:16 33:4,5,15 35:1 41:17 42:20 47:21,22 51:21 54:2 57:7 (14)</p> <p>heard 24:19 33:11,12,17,17 34:5 (6)</p> <p>hearing 4:21 15:22 23:4 32:2,12 33:4 34:23 35:11</p>	<p>37:7,18 42:18 47:17 51:3,11 57:3 (15)</p> <p>hearings 22:21 23:16 32:17 37:11,13,15 38:1,20,21 40:11,17 41:2 (12)</p> <p>heart 59:15</p> <p>heartened 5:16</p> <p>height 32:15 33:22</p> <p>heights 16:13</p> <p>held 1:9 39:18 55:10</p> <p>hello 35:7 64:5</p> <p>help 40:2 61:22</p> <p>her 15:24</p> <p>here 5:10,23 16:14,25 27:20 32:9 40:2 41:20 65:24 70:10 (10)</p> <p>here's 65:20</p> <p>hereby 72:6</p> <p>herein 72:8</p> <p>hereunto 72:17</p> <p>hevesi 42:3</p> <p>hi 10:4 24:15 30:15 35:1 42:6 51:19 57:5 66:17 (8)</p> <p>highlight 16:17 43:6</p> <p>highlights 64:16,17</p>	<p>him 28:22</p> <p>himself 67:10</p> <p>hiring 68:10,21 69:5</p> <p>his 19:12 26:20,20 28:14 42:7 65:12 (6)</p> <p>history 36:10 55:3</p> <p>hit 37:6</p> <p>hold 8:4 9:4 37:9 46:25 50:20,21 56:1 (7)</p> <p>holding 42:25</p> <p>home 14:2 62:20</p> <p>hope 59:13</p> <p>hopefully 11:13 26:23</p> <p>hour 25:12 54:15</p> <p>house 25:13</p> <p>how 5:20 6:15 27:2,4 31:1 36:19 38:3,8 40:9,11 52:17 64:16,18 68:20 (14)</p> <p>however 13:19 38:17</p> <p>hundreds 7:16 8:6 17:15,15 (4)</p> <p>hypocritical 50:8</p> <p>i'd 9:19 17:6 64:10 65:20 (4)</p> <p>i'll 4:15 10:1 15:4 66:4 71:9 (5)</p>	<p>i'm 5:5,14,16 15:9,9 16:11,25 21:16 24:1,9 29:22 35:16 37:7 40:2 41:18,20 42:4,7 57:23 62:14 68:24 70:11 (22)</p> <p>i've 21:25,25 58:24</p> <p>idea 55:6</p> <p>identify 11:5</p> <p>impact 9:22 65:18</p> <p>impacted 31:11,12 36:24</p> <p>impartial 8:17</p> <p>implemented 25:17 27:6</p> <p>implicitly 22:9</p> <p>important 6:9 12:9 13:2,5,9 31:1,13 35:23 42:13 43:2 57:15 (11)</p> <p>impose 36:9 46:5</p> <p>improving 66:8</p> <p>impunity 44:4 46:25 48:13</p> <p>inaudible 10:12 14:10 20:8,18 24:20 43:11,18 44:8,14,20 45:1,5,22 46:17 66:10 67:5 69:5 (17)</p> <p>incapable 17:4</p> <p>incident 13:17</p>	<p>include 12:2 39:3</p> <p>including 6:18 23:18 30:19</p> <p>inclusive 36:7</p> <p>increase 12:21 59:4</p> <p>increases 12:14</p> <p>incredibly 31:13</p> <p>independence 55:25</p> <p>independent 27:14 39:1 45:21</p> <p>indicated 26:6</p> <p>individual 55:13</p> <p>inference 44:23</p> <p>information 19:17 48:4,22 49:1,2 (5)</p> <p>inherently 65:5</p> <p>injustice 36:11</p> <p>innovations 25:16</p> <p>innovative 25:1</p> <p>inquiry 27:23,23</p> <p>inside 66:7</p> <p>instance 58:12</p> <p>instill 16:20 20:1 27:10</p> <p>instructed 67:8 68:19</p> <p>instructions 4:16</p>
--	---	--	--	--

<p>insubordinate 22:2</p> <p>integrity 7:8</p> <p>intended 61:1</p> <p>interact 12:20</p> <p>interaction 13:8 14:24 36:20</p> <p>interactions 36:22 39:15</p> <p>interest 10:18 11:2</p> <p>interested 72:15</p> <p>interview 7:5,20,25 8:1 9:7 10:13 12:24 13:9,13 14:1,5 20:5 25:12 69:20 (14)</p> <p>interviewed 11:18,23 37:5</p> <p>interviews 6:5,7 8:10 9:21 10:9,11 11:16 12:8 13:7,11,19 14:19,25 22:12 23:7 25:2 29:18 41:12 55:19 57:19 58:11 60:7,14 (23)</p> <p>into 7:17 11:18 12:20 19:3 21:18 37:17 54:15 56:3 65:2,15 (10)</p> <p>introduce 5:7,15</p> <p>invest 19:6</p> <p>invested 5:17</p> <p>investigate 11:21</p> <p>investigated 59:2</p>	<p>investigating 39:4</p> <p>investigation 6:10 10:11,24 37:9 44:1,22 45:10 67:19 (8)</p> <p>investigations 4:10 8:18 9:10,23 10:6,14 12:4 13:3,5,10 43:13,22 44:6 46:14,17,20 62:20 69:21,22 (19)</p> <p>investigative 9:16,20 10:2</p> <p>investigator 14:2,10,15 57:22 (4)</p> <p>investigators 2:7 13:16 14:17 46:3 60:2 (5)</p> <p>investments 19:3</p> <p>invitation 17:23</p> <p>involved 12:3 70:7</p> <p>irish 3:7 30:15,15 31:18 32:12 71:14 (6)</p> <p>is 5:4,19,23 6:15 8:11,12,18 9:12,12,13 10:4 11:3,9 13:5,9,20 14:15 16:11 17:2,3,6 18:15 19:13,14,18 21:21 22:5,12,17,25 23:5,5,15 24:22 25:5,6,6 26:23,25 27:5,8,25 29:19 30:23 31:1 32:20,22 33:13,21 35:8,18 37:3,6,24 38:21,22 39:21</p>	<p>41:8,19 42:6,8 43:13,15 44:6,14,16 46:10,13,19 47:5,21 48:1 50:8,11,11 51:1,2 53:9,23 54:25 55:2,15,21 56:2 57:21 58:8 59:7,15 60:9 61:15 63:14 64:19 65:9,23 66:3 67:20 68:12,16 69:18,19,21 70:9,16 71:11,13 72:9 (106)</p> <p>isn't 17:23</p> <p>issue 5:18 9:17 11:8 29:24 35:18 37:6,12,23 38:22 39:8 43:2 44:7,13 52:13 58:21 59:17 61:23 70:8 (18)</p> <p>issued 41:1</p> <p>issues 18:18 42:10</p> <p>its 16:23 18:22 23:23 34:18 56:7,8 58:9 63:19 69:24 70:14 71:5 (11)</p> <p>itself 66:11</p> <p>jackson 16:12</p> <p>jail 50:7</p> <p>james 38:23</p> <p>jay 57:25</p> <p>jen 42:18</p> <p>jerika 28:16 70:1</p> <p>job 17:18 18:14,22 19:5,12</p>	<p>26:12 60:19 70:14 71:5 (9)</p> <p>jobs 62:18</p> <p>john 3:12 24:14,15 57:25 64:1 66:13 (6)</p> <p>joined 19:4 28:15 42:3 61:11 (4)</p> <p>joining 9:25</p> <p>jon 25:20 28:16,20 57:3 61:20 69:25 70:6 (7)</p> <p>jonathan 1:14 3:5 57:3 61:6 63:25 66:18 67:22 (7)</p> <p>joseph 3:9</p> <p>josmar 53:19</p> <p>judicious 26:21</p> <p>julia 1:18 72:4</p> <p>july 13:25 23:9</p> <p>jumping 55:5</p> <p>june 13:12</p> <p>jurisdiction 39:2 67:8</p> <p>jurisdictions 45:7,11</p> <p>just 9:2 18:14 21:11,18 23:21 24:1,13 26:20 30:17 31:8,13 32:11 33:2,4,5,6,1 3,18,23 34:6 35:6,9,22 36:1 40:18,24 42:9,10 44:6 50:6 51:12</p>	<p>54:9 55:6,16,20 56:7 57:20 58:3,6 60:15 61:6,18 62:8,24 64:2 66:4,19 69:2 (48)</p> <p>justice 10:18 21:17 22:16,19,22 40:3 57:24 (7)</p> <p>kadushin 28:15 70:1</p> <p>keep 16:6 30:25 51:13 52:9 62:21 (5)</p> <p>key 28:17 51:2</p> <p>kind 18:7 58:17 59:18 62:4 (4)</p> <p>kitchen 37:19</p> <p>know 6:6 11:3,9 16:7 24:1 30:8 31:9 32:7,20 33:18,23 35:5,22,24 36:25 37:3,23,24 38:3,3,13 40:12 47:4 48:1 49:13,25 50:14 52:16 53:6 57:21 60:9 63:5 65:9 66:20 70:2,4 (36)</p> <p>knows 20:19,20</p> <p>lack 62:16</p> <p>ladies 47:19</p> <p>lanman 21:9,10,15,16 24:5,22 (6)</p> <p>language 38:16</p> <p>large 11:8</p> <p>last 26:9 27:7,18 54:20 55:2 62:15</p>
--	---	---	--	--

68:2,17 (8)	16:15	listen 54:17	26:14	20:15 51:25 66:17 67:17 (6)
late 70:2	lend 32:10	litigation 27:4	maintains 25:25	mayor 19:11 22:5 28:9 60:23 64:14,22 (6)
launch 7:11	lent 33:3	little 5:9 18:6 43:17 46:7 50:12 53:3,4 (7)	majority 17:7	mayor's 55:11
law 9:13 17:19,21 19:15,22 20:24 21:20 22:3,11 23:25 26:4,8 27:20 28:2 29:5 30:5,8 32:21 43:8 44:14 46:24 48:2,11 50:11,11 61:2 69:18 71:6 (28)	less 71:6,8	lives 7:15 31:17	make 5:12,14 19:12,25 20:2 21:11 25:18 26:25 29:1,8 33:2 38:16 40:11 41:7 48:5 51:4,16 52:20 58:6 60:19 (20)	mayoral 3:4 30:16
lawmakers 44:17 45:24	lesson 53:2	living 37:20	making 35:25 36:6,8 40:15 53:4 (5)	me 4:13,21,23 16:2,5,10 21:12 24:16 30:21 32:13,22 35:1 40:5,20 41:20 42:21 47:21 51:20 54:2 57:6,7 63:21 66:19,21 68:13 72:8 (26)
laws 48:17 55:18	let 24:1 27:2 38:14 52:20 57:20 66:19 (6)	location 12:16	mandate 20:23 29:15 51:1 56:8 (4)	mean 44:17
lawyers 18:5 38:15	let's 34:7 51:22 52:2 53:24 66:2 (5)	locations 14:20	mandated 8:19 54:25	meaningful 46:8,11 62:4
leadership 20:13,21 21:23 22:8 24:7 27:25 28:10,25 29:7 41:15 44:10 61:20 62:12 63:4 69:24 70:2,21 (17)	letitia 38:23	logan 57:3 61:6 63:25 64:4,5,8 66:2 (7)	mandates 69:18	means 5:20 65:14
least 15:2 23:6 33:3 55:3,9 (5)	letter 64:12,16,21 65:12 (4)	long 36:10 38:4,8 52:16 (4)	mandatory 40:11 41:2	meantime 7:4
leave 42:5 64:2	letting 30:8	longer 20:9	maniacs 55:6	mechanisms 45:8
left 11:22 45:3	level 22:22 39:9 46:16	look 17:20,21 47:4 49:12 (4)	many 5:17 6:17,19,24 18:3,4 22:18 35:14 (8)	media 27:23
legal 13:24 26:5	leverage 36:6	looks 53:23 58:24 70:10	marching 55:9	meeting 1:4 2:2,4 4:14 5:1,2,22 9:4,25 17:11 21:19 42:13,25 52:21 53:14 54:15 57:14 63:8 68:2 69:8,13 (21)
legally 54:25	lie 50:5	looming 10:25	marriage 72:14	meetings 32:17 34:1 54:11
legislation 40:13 44:18	lieutenant 13:13,14	lost 32:14 51:25 66:1	material 48:21 49:13	meets 23:2
legislator 48:23	light 16:14	lot 12:19 16:7 61:16 63:18 (4)	matt 28:15 69:25	member 3:6,7,8,9,10,11,12 8:24 32:10 61:7 (10)
legislature 18:23 19:20 27:16	like 6:10 9:19 30:5 32:18 38:3 42:2 45:13 47:25 48:19 53:23 55:6 57:17 58:1,20,24 64:10 65:21 69:1 70:10 (19)	lots 62:12	matter 72:16	
legislature's	likely 59:1,2	low 55:21	matters 45:25 68:25	
	line 42:9 56:13	m 1:18 72:4	maximum 11:17	
	link 4:4	ma 17:7	may 7:10 13:23	
	list 15:11,12 22:6 52:6 (4)	made 16:21 62:1 63:12 71:15 (4)		
		maintained 28:1		
		maintaining 7:8		

<p>members 3:2 5:6,7,13 6:3,19,19,25 7:22 9:6,8 15:14 18:4 24:10,12 29:8 30:14,18 31:20 35:12 44:24 45:8,23 56:6 57:11 62:1,17 63:6,14 (29)</p> <p>mention 35:22</p> <p>mentioned 13:4 15:1 17:10 39:10 55:23 61:12 (6)</p> <p>met 43:17</p> <p>method 14:13</p> <p>methods 14:6</p> <p>metropolitan 45:13</p> <p>mic 14:8 69:7</p> <p>michael 3:10</p> <p>midst 63:12,13</p> <p>mimic 14:23</p> <p>mimicking 13:8</p> <p>mind 7:6 18:14 30:25</p> <p>mine 30:19</p> <p>minimize 36:20</p> <p>minorities 48:12</p> <p>minority 36:25 65:2,18</p> <p>minute 32:12 50:2</p> <p>minutes 4:15 51:13 52:7,10</p>	<p>54:8,19 (6)</p> <p>misconduct 7:17 11:12 23:18</p> <p>mission 23:24</p> <p>misspoken 20:15</p> <p>mistake 27:2</p> <p>model 14:16</p> <p>monahan 64:11</p> <p>monitoring 26:11</p> <p>month 68:18</p> <p>months 23:17 26:9 27:8,19 34:3 62:11,16 (7)</p> <p>more 9:5 11:22 12:14 15:2 22:8 23:8 35:25 36:5 37:8,20 43:15 46:25 53:3,4 56:8 59:1,1 65:15 (18)</p> <p>morning 4:2 5:1,8,10,16,19 9:25 16:1 21:11,13 24:17 32:6,9 33:3 43:2 51:4 57:5,10 61:10,11 64:6,7 69:12 (23)</p> <p>mornings 70:4</p> <p>most 6:11 17:5 36:12,15 (4)</p> <p>mostly 36:24</p> <p>motion 71:9,11,15</p> <p>mouths 70:24</p> <p>move 9:12 11:18 15:7 24:11 47:12</p>	<p>61:5 (6)</p> <p>moved 71:12</p> <p>moves 41:7</p> <p>moving 63:17</p> <p>ms 4:2 13:18 14:22 15:3,20 16:2,4 20:18 21:2,6 29:11 30:13,15 31:18 32:1,5 34:22 35:1,3 41:16,25 42:6,17,20,23 47:16 51:10 52:5 53:18,25 57:1 61:5,8,9 63:24 66:13 71:14 (37)</p> <p>much 5:20 16:4,10 20:9 21:1,2 24:3,8 32:5 40:19,21 41:9,16,23,25 42:17,23 51:24 63:2 (19)</p> <p>multidirectional 14:7</p> <p>murder 23:13 36:14</p> <p>must 18:19 40:1 46:25</p> <p>mute 69:6</p> <p>my 5:4,5,6,13 10:4 16:11 18:14 28:23 32:10,14 33:3,7 35:18 41:18 47:20,25 57:21 58:24 72:18 (19)</p> <p>name 5:4 10:4 16:11 32:18 57:21 (5)</p> <p>nation 7:12 56:14</p>	<p>nature 60:10</p> <p>necessary 14:16 31:2</p> <p>need 5:24 6:25 13:20 17:16 19:10,11,17 25:7 28:24 30:10 35:12,23 40:12 41:19 45:24 46:3 49:21 50:19,19 60:21 66:5 70:11,21 (23)</p> <p>needing 11:23</p> <p>needs 54:14 55:24,25 56:1 59:17,19 70:20 71:5 (8)</p> <p>negative 36:22 37:1</p> <p>negotiate 25:4</p> <p>negotiated 8:7</p> <p>negotiating 25:21 26:13 43:21 60:18 (4)</p> <p>negotiations 26:11,22 28:16,23 52:15,17 (6)</p> <p>neighborhoods 65:2</p> <p>never 12:19 16:5 22:1 49:7 (4)</p> <p>new 5:21 7:11 8:4,12,14 20:24 21:21 23:8 28:10 29:4 44:18 49:12 54:16 55:15 61:16 62:23 64:20 69:15 70:16 71:7 72:5 (21)</p> <p>next 21:5,8 31:24</p>	<p>32:1 34:22 41:24 42:18 47:15,16 51:9,10 52:2,5 53:17,18,24 56:25 61:4 66:3,12,13 (21)</p> <p>nights 70:3</p> <p>no 4:22 18:16 20:4 22:15 25:8 27:2 31:22 33:8 34:3 37:4 46:9 53:21 71:6,8,21,22 72:15 (17)</p> <p>noncompliance 33:6</p> <p>norm 27:25</p> <p>notary 72:4</p> <p>noted 70:5 71:24</p> <p>nothing 24:23,24 55:15</p> <p>notice 9:3 27:22</p> <p>notwithstanding 64:24</p> <p>now 9:19 10:1 15:4,7 24:9 26:23 37:2,12 39:6 49:8,18 50:9,10,11,16 54:22 56:14 57:7,23 59:22 60:4,19 63:16 67:20 68:2 71:9 (26)</p> <p>number 12:3 36:3</p> <p>numerous 32:16</p> <p>nyp 46:23</p> <p>nypd 5:18 6:3,20,20,25</p>
--	---	---	--	---

<p>7:5,21 8:2,5,7,12,20,21,22,24 9:1,4,6,7 11:1 21:23 22:8 31:6 32:24 35:12 39:20,22 41:1 43:12 44:2,15 45:20 46:12,13,15 47:20,25 55:1,11,22 58:22 64:9 (42)</p> <p>nypd's 43:24 44:5 59:9</p> <p>o 1:11</p> <p>oath 22:25</p> <p>object 29:18</p> <p>obligations 56:7</p> <p>obstruct 46:14</p> <p>obstruction 43:13 44:5</p> <p>obstructions 58:18</p> <p>occurrences 36:13</p> <p>october 67:1</p> <p>off 54:9 61:14</p> <p>offer 28:23</p> <p>office 6:8,10 7:17 13:15,16 14:3 20:10 55:12 (8)</p> <p>officer 8:10 10:8,11 12:8 14:3,19 18:15,17 20:5 25:2 39:15 45:16 49:11 55:14 67:16 (15)</p> <p>officers 6:20 9:4,9 10:17,23 11:</p>	<p>4,14,16,17,22,23 12:1,3,5,6,12,18 14:20 17:7,12,18 19:15 22:10,15 25:9 31:7 33:10 36:21,23 37:10,14,16 38:11 39:11 41:3 43:22 45:13 46:12,23 48:9,24 49:22 52:20,24 53:12 55:5 56:2 65:8 69:17,20 (50)</p> <p>officers' 30:3 40:15</p> <p>offices 6:11 10:13 12:11 58:15 (4)</p> <p>officials 36:16 54:13 58:4 59:13 64:10 65:22 (6)</p> <p>oh 54:3</p> <p>old 30:20</p> <p>once 46:18</p> <p>one 7:6 11:17 12:14,16,17,21 14:1 17:17 19:3 25:6,19 32:13 53:24 55:13 62:7 (15)</p> <p>ongoing 28:18 58:21 59:8</p> <p>online 23:1 38:14</p> <p>only 4:11 12:10,16 14:5,14,25 17:14 18:20 27:9,10,21 30:20 36:18 45:14 46:1 48:15 55:17 (17)</p> <p>onto 61:5</p> <p>open 9:17 10:24</p>	<p>29:1</p> <p>opened 36:12</p> <p>operate 30:10</p> <p>opportunity 43:1 47:2</p> <p>opposed 31:15</p> <p>opposition 28:8 71:20</p> <p>oppress 48:12</p> <p>option 38:14</p> <p>order 2:5 41:1 61:14</p> <p>ordered 9:8,8</p> <p>organizations 22:18 45:12</p> <p>other 11:19 12:20 14:20,21 16:8 22:18 29:8 30:14 31:20 34:20 38:8 45:7,11,12 46:9 48:17 50:5 61:25 65:22 (19)</p> <p>others 47:12 63:14,21 70:6 (4)</p> <p>otherwise 12:20 28:7 29:3 30:10 60:9 (5)</p> <p>our 4:3,7,9 6:10,16,18,19 7:2,7,12,12,17 8:18 9:9,16,19,23 10:1 12:11,12 15:11,12,15 19:4 21:5 24:9 25:19 28:13 29:15 31:5,24 33:25 36:12,19,24 39:25 41:24 44:10 47:14 50:25 51:9 52:2</p>	<p>54:16 56:25 60:19 66:12,14 (47)</p> <p>ourselves 30:25</p> <p>out 10:21 18:2 26:18,22 33:12 37:17 39:17 44:18 48:16,20 62:13 66:7 69:12 70:23 (14)</p> <p>outcome 72:15</p> <p>outrage 47:20,25 58:2</p> <p>outrageous 32:22 49:14,14</p> <p>outside 55:5 66:7</p> <p>outwardly 22:2</p> <p>over 4:19 8:14 9:19 10:25 15:3 17:2 25:4,4 26:8 27:4,7 34:13 36:1,2 41:6 46:16 59:9,17 61:7 62:15 (20)</p> <p>overcome 59:19</p> <p>overpolice 23:18</p> <p>oversight 5:18 8:14 17:3 25:23 44:9 45:10,21,25 46:11 62:5 (10)</p> <p>owes 8:17</p> <p>own 43:24 44:2</p> <p>pandemic 6:15 22:25 23:7 25:16 32:15 37:6 38:11 44:14 63:12 (9)</p> <p>panel 31:10 67:16,25</p>	<p>pantaleo 55:10</p> <p>part 12:4 30:6 54:24 55:2 58:18 62:17 69:12 70:18 (8)</p> <p>participants 26:5</p> <p>participate 6:4 7:24 22:16 23:16 32:16 48:3 54:17 (7)</p> <p>participated 32:19</p> <p>participating 55:19</p> <p>participation 62:16</p> <p>particular 44:13</p> <p>particularly 30:3 47:8 63:16,21 69:25 (5)</p> <p>parties 10:16 13:6 30:2 70:7 72:13 (5)</p> <p>party 35:17</p> <p>pass 61:6</p> <p>passed 30:18</p> <p>passing 16:15</p> <p>past 43:5 56:15</p> <p>patient 26:12</p> <p>patrol 8:21,23 17:20 19:14 43:24 44:3 45:3,22 (8)</p> <p>pattern 70:12</p> <p>patterns 11:6</p>
---	--	--	---	--

<p>pay 9:1 25:10</p> <p>paychecks 55:14</p> <p>pc 64:13</p> <p>pd 52:19 59:19</p> <p>peaceful 23:12</p> <p>penal 40:13</p> <p>penalty 9:10</p> <p>pending 38:5,10</p> <p>people 5:10 12:14,19 15:16 20:24 29:4 30:22 31:10 32:24 55:8 70:16 71:7 (12)</p> <p>people's 31:16</p> <p>pepper 23:19</p> <p>per 11:16,24</p> <p>perfect 52:5</p> <p>period 58:15</p> <p>persistence 43:20 46:22</p> <p>persistent 24:7 26:12 60:16</p> <p>persistently 29:13</p> <p>person 6:8 13:9 14:23,23 15:11 25:21 31:24 41:5 49:5 68:6,9 (11)</p> <p>personal 6:17 30:21 68:25</p> <p>personnel 7:7</p> <p>persons 13:1</p>	<p>petitions 53:5</p> <p>phased 29:22</p> <p>phd 57:24</p> <p>phone 5:11 14:10 70:3,4 (4)</p> <p>phonetic 42:19 64:1 66:21</p> <p>photos 49:16</p> <p>physical 37:17</p> <p>pinsky 3:8</p> <p>place 6:7 12:14 17:12</p> <p>plan 9:21</p> <p>play 45:5</p> <p>played 28:17</p> <p>please 4:6 40:4,20 41:20 47:23 52:7 53:20 57:8 61:4 69:8 71:17 (11)</p> <p>pleased 30:6</p> <p>point 24:25 25:21 26:23,25 27:3 29:17 (6)</p> <p>points 24:19 25:18</p> <p>police 7:16 8:9 17:3 18:20 19:13 21:22,24 22:9,15 23:10 25:8,24 36:18,21,23 37:10,14,16,21 38:11 39:11,15 40:14 43:4,6,21 45:13 46:6 48:8,24 53:10 54:23</p>	<p>55:4,16,16,20,22 57:18 58:1,18 64:15,22 65:7 67:16 (44)</p> <p>16:22 66:9</p> <p>policing 17:5 19:2 21:22 39:5 65:4,15 66:6 69:15 (8)</p> <p>policy 19:23</p> <p>political 31:3</p> <p>politicians 54:18,21</p> <p>poorly 70:17</p> <p>pop 21:18</p> <p>portion 4:8,14 66:15</p> <p>position 57:16</p> <p>possible 14:20 15:25 16:25</p> <p>postpandemic 25:7</p> <p>potential 43:12</p> <p>power 36:6 46:4 56:1,9 (4)</p> <p>powered 44:19</p> <p>practice 54:12</p> <p>praise 64:9</p> <p>precautions 31:2,5</p> <p>precinct 65:1</p>	<p>precision 65:3</p> <p>precovid 13:8</p> <p>preferred 13:20</p> <p>prepared 7:10</p> <p>preparing 18:1</p> <p>presence 5:19</p> <p>present 3:2</p> <p>presentation 2:7 4:9 9:15 10:7 (4)</p> <p>president 64:11</p> <p>press 53:1</p> <p>pressure 64:25</p> <p>previously 13:4 15:1 65:23 67:18 (4)</p> <p>primarily 32:10</p> <p>primary 64:18</p> <p>principles 51:5</p> <p>prior 38:7,9</p> <p>prioritized 6:16</p> <p>proactive 19:1 65:15</p> <p>probably 17:6 37:5</p> <p>problem 39:16</p> <p>procedures 29:20</p> <p>proceed 11:20 47:23 51:22 57:9 60:3,25 69:8 (7)</p> <p>proceedings 4:1 23:1</p>	<p>process 7:9,11,19,20,25 8:1,14 25:23 26:5,8 29:2 30:10 32:25 40:23 41:7 47:13 51:7 54:24 63:17 (19)</p> <p>processes 60:25</p> <p>processing 10:15,19</p> <p>produce 13:3 19:15 20:5 53:13 65:8 (5)</p> <p>produced 17:8,9,14</p> <p>professional 26:14 46:10</p> <p>profiling 39:5,7</p> <p>program 57:25</p> <p>programs 19:3</p> <p>progress 63:19</p> <p>promote 51:5</p> <p>proof 5:19 39:18</p> <p>proposal 25:1</p> <p>protected 13:1</p> <p>protest 7:14</p> <p>protests 23:13 37:22 38:6,9 43:10 (5)</p> <p>protocol 2:4</p> <p>prove 33:12</p> <p>provide 16:9 58:10,22 59:9 62:3 68:8,8,20 71:4 (9)</p>
--	--	---	---	--

<p>provided 39:20</p> <p>providing 19:16 62:6</p> <p>provision 50:18</p> <p>public 1:4 2:2,8 4:7 9:3,18 11:7 15:7 16:9 24:11,20 27:10,11,22,22 28:1 29:9 31:21,25 32:11 33:19,20 34:13,20 45:23 46:9 50:15,15 51:16 55:24 63:5,23 66:14 69:1 72:4 (35)</p> <p>publicly 56:6 62:9 70:25</p> <p>published 9:3</p> <p>puma 3:9</p> <p>punitive 19:2</p> <p>pursue 8:19 60:5</p> <p>pursuing 29:14</p> <p>put 8:13 10:12 36:18 37:9 (4)</p> <p>puts 12:19 64:25</p> <p>putting 35:21 42:11</p> <p>quality 13:3 14:11 46:20</p> <p>question 69:4</p> <p>questioning 39:12</p> <p>questions 4:6,12</p> <p>quick 24:18</p>	<p>quickly 11:11 18:18</p> <p>quite 26:7 29:16</p> <p>quotas 65:10</p> <p>quote 64:17</p> <p>quoted 21:25</p> <p>quotes 65:11</p> <p>r 1:11,12</p> <p>racial 36:11 39:5,6</p> <p>raise 15:17 51:15 58:20 64:3 (4)</p> <p>rapid 59:9</p> <p>rather 45:3</p> <p>reach 44:12</p> <p>reached 26:22</p> <p>ready 24:1 50:2,3</p> <p>real 30:23 31:16 39:21</p> <p>really 20:12,17 24:5 29:24 32:13,19 34:18 35:23 36:11 41:17 50:8 58:6 61:18 62:8,10,24 63:15 65:21 (18)</p> <p>reason 19:8 20:4 25:8 36:3 39:21 49:20 68:16 (7)</p> <p>receipt 67:13</p> <p>received 8:6 34:13</p> <p>recent 16:15 17:5</p>	<p>recently 36:12,15 44:13 48:16,19 (5)</p> <p>recommend 44:19</p> <p>recommended 38:24</p> <p>reconnect 52:4</p> <p>reconsideration 66:22 67:12</p> <p>record 14:25 49:1,5 72:10 (4)</p> <p>recorded 13:18 14:6</p> <p>recording 13:19 14:14</p> <p>recordings 13:23 14:12</p> <p>records 49:3,17</p> <p>recover 7:1</p> <p>reduce 12:9</p> <p>redundancy 14:7</p> <p>refer 68:14</p> <p>reflects 70:17</p> <p>reform 36:18 40:10 66:5</p> <p>reforms 22:13</p> <p>refusal 6:2 22:11 23:15 59:9 (4)</p> <p>refuse 22:16 47:21</p> <p>refused 7:24 9:6</p> <p>refusing 37:11 48:1 57:18</p>	<p>regular 45:19</p> <p>regularly 44:3</p> <p>regulations 61:2</p> <p>reign 49:21</p> <p>reinstall 18:19</p> <p>reiterate 40:24</p> <p>related 21:22 72:13</p> <p>relations 16:22 64:20 65:17</p> <p>relationship 40:7,8</p> <p>relationships 26:15 66:9</p> <p>relax 31:1,14</p> <p>released 53:8,9</p> <p>relevant 44:23</p> <p>relies 26:3</p> <p>reluctance 58:21 59:18</p> <p>remark 42:5</p> <p>remediation 36:9</p> <p>remind 19:19 51:12</p> <p>reminder 54:7</p> <p>reminding 41:2</p> <p>remote 6:4,12 7:19,20,24,25 9:21 12:8 13:6,11,13,25 14:9,17 29:18 37:11 41:4 45:18 58:10 60:7,14 (21)</p>	<p>remotely 25:13 34:2 50:1</p> <p>renewed 8:13</p> <p>reopen 67:9,14,17</p> <p>reopened 66:20</p> <p>reopening 67:13</p> <p>repeal 27:5 43:7 64:24</p> <p>repealed 27:16</p> <p>report 2:6</p> <p>reporting 18:10</p> <p>reports 43:12</p> <p>represent 35:15</p> <p>representative 14:4</p> <p>representatives 12:12,18 13:14 58:4 (4)</p> <p>representing 16:12</p> <p>represents 30:20</p> <p>reputation 56:17</p> <p>request 66:20,23,24 67:14 (4)</p> <p>require 28:7</p> <p>required 17:3,22 45:14 48:2 (4)</p> <p>requirements 19:24</p> <p>requires 8:20,22 9:14 17:19 29:5</p>
---	--	--	---	---

45:15 (6)	(5)	(5)	seemed 32:18	52:24 59:4 (4)
research 57:25 58:24	reviewing 66:24	said 24:23 29:3 33:8 39:2 72:10 (5)	seen 22:1 27:18 49:7	showed 33:4
resistance 44:8 63:18	revolved 57:17	same 53:10 66:23	send 42:4	showing 34:19
resolution 61:22	richardson 28:17 70:1	sandy 58:14	sent 66:21	shut 58:15
resolve 52:13 70:8	right 22:15 31:23 35:5,7 43:8 49:25 53:22 54:5 56:14 64:8 (10)	save 4:7	serious 6:15,24	sic 19:13 23:19 38:24 50:6,12 60:24 (6)
resolved 11:11 18:18 27:22 39:9 (4)	rights 10:22	saw 23:21	seriously 63:9	sick 6:21
resolving 11:2	rising 38:25	say 17:1,1,6 19:18 34:6 36:6 40:18 50:5 54:10 59:22 66:4 68:7 71:17 (13)	serve 62:22	side 52:18,19 70:23
resonated 32:13	risk 12:15 37:17	saying 18:3 21:25 33:13 35:4 37:18 55:25 (6)	service 7:22 9:8 44:25 45:9 46:10 62:17 (6)	siegal 3:12 24:14,14,16,18 28:12 70:5 71:12 (8)
resort 60:10	rivadenevra 3:10	says 56:19	session 2:10 51:17 71:10,23 (4)	signature 72:22
resources 71:4	robust 35:25	scenes 63:7 70:25	set 72:8,18	similar 58:17
respond 68:14	rodneise 35:8	sealed 48:21 49:1,3,5,17 (5)	setup 5:9	similarly 43:16
response 4:22 18:3 23:12 31:22 53:21 71:21 (6)	roger 47:17	season 32:15	several 26:9 27:7	simmons 3:11 29:11,11 30:13 (4)
responsibilities 61:15 68:10	role 28:17 45:4	second 26:25 71:13,14	share 4:15 11:1 47:20,25 (4)	simply 7:23 10:12 29:12,25 30:5 39:23 48:12 70:20 (8)
responsibility 63:9	roll 28:6	seconded 71:16	she 15:10 39:1	since 5:8 8:3,10 12:16 37:5 (5)
responsible 40:16	room 12:17 14:9,15 37:18,20 (5)	secondly 58:20	shea 40:7	sit 9:6
rest 24:20 25:14 46:5 61:20 (4)	rooms 12:24	secrecy 27:15	shift 25:9,10,15	situation 27:7,21 59:16
result 38:6 67:8	rory 21:8,16	section 27:5 67:12	shifted 6:12	situations 36:1 58:12
retains 46:15	rule 21:20 22:3 23:25 26:4,8 27:19 28:2 30:7 46:24 58:16 (10)	see 4:4 11:11 16:2 19:3 24:9 29:20 38:15 41:18 51:19 52:10 57:15 (11)	short 10:6 16:7	skip 32:19
return 49:4	rules 58:9	seeking 22:19	should 8:25 9:13 15:16 17:8 29:21 33:9 36:5 37:12,13,25 38:1 39:3 44:20,25 45:4,23 46:1,5 48:25,25 50:13 63:5 68:5,7,8 (25)	skirt 22:14
rev 3:4	s 56:16		shouldn't 20:4	slew 52:22
review 1:3 5:3 39:14 46:3 67:3	safe 14:18 62:22		show 45:14 49:17	
	safety 6:16 7:7 11:8 32:11 34:14			

<p>so 4:18,25 5:12,16,17 9:2 14:6 15:3,6,15,19 16:4,10 19:18 20:16 21:2,6,15 22:2 23:23 24:8,8,13,19 28:4,20 29:6,19 30:6 31:8,13,23 32:5 33:2,10,16,23 34:6,16,18 35:17,20 38:6,13 39:20 40:14,18,19 41:6,10,14,16,22,2 4,25 42:17,23,24 44:4,5,11,16 46:10 47:2,14 48:4 49:21 50:8,19 51:18,21 53:23 55:15,20 56:9,24 59:7 61:3 62:24 63:1,11,20,21 64:8 65:12 66:2,8,12 67:21 68:13 69:7,11 70:15 71:9,12 (95)</p> <p>social 23:11</p> <p>socially 12:25</p> <p>societies 30:4</p> <p>solely 46:5</p> <p>solution 44:12,16</p> <p>solutions 15:2</p> <p>some 4:15 6:17,18,18 36:3,5,6,8,9 42:5,10 (11)</p> <p>somebody 49:3 68:3,8</p> <p>someone 55:23</p> <p>something 25:6 37:24 48:8 56:12 61:16 (5)</p>	<p>sometimes 50:4</p> <p>sonda 64:1 66:14,17 68:16,21,24 69:2,4 (8)</p> <p>sorin 15:24 69:6</p> <p>sort 60:9 62:7</p> <p>sorts 25:15</p> <p>sources 14:11</p> <p>sparked 7:14</p> <p>speak 5:8 15:17 31:25 54:13 (4)</p> <p>speaker 15:16 21:5 41:24 47:15 51:9 52:2 53:17,20,23 56:25 61:4 66:3,3,12 69:7 (15)</p> <p>speakerphone 14:8</p> <p>special 1:4</p> <p>specific 4:12 19:8</p> <p>specifically 48:24 58:10</p> <p>spend 25:9</p> <p>speros 1:18 72:4</p> <p>spoke 18:5</p> <p>spoken 52:16</p> <p>spokesperson 39:21</p> <p>sprayings 23:20</p> <p>spread 12:10,15,21</p>	<p>staff 6:18 9:16,20 10:2 12:13 23:24 29:12 31:5 42:7 60:17 62:8,25 69:23 71:3 (14)</p> <p>stages 12:5</p> <p>stakeholders 25:22 26:14</p> <p>stand 19:10</p> <p>standing 18:13 20:22 21:20 30:7 (4)</p> <p>start 7:19 18:19</p> <p>state 10:8 16:14 18:22 19:19 27:16 36:17 39:9 49:12 64:23 72:5 (10)</p> <p>state's 38:18</p> <p>stated 32:17 48:24 65:23</p> <p>states 8:24 23:3 65:13</p> <p>station 25:13</p> <p>statistics 33:5 59:4</p> <p>status 60:11</p> <p>statute 45:15,15</p> <p>stay 60:16</p> <p>staying 23:24</p> <p>step 19:11 61:13 70:11,22 (4)</p> <p>steps 11:11</p> <p>sticking 23:25</p> <p>still 12:6 39:8</p>	<p>59:16,25 68:12 (5)</p> <p>stop 39:11 49:23 70:20</p> <p>stopandfrisk 64:25</p> <p>stopped 38:18</p> <p>storage 13:21</p> <p>straight 23:17</p> <p>strategy 53:10</p> <p>street 25:11</p> <p>streets 54:21 55:9</p> <p>strength 53:4</p> <p>strengthen 45:24</p> <p>strong 56:18</p> <p>stronger 45:8</p> <p>stuff 23:21 50:2,5</p> <p>subject 67:16</p> <p>subordinate 65:7</p> <p>subsequently 67:1</p> <p>substantiate 50:22</p> <p>substantiated 36:4 44:24 52:23</p> <p>substantiations 59:5</p> <p>successful 13:12</p> <p>such 18:6 32:8 70:18 71:11 (4)</p> <p>suggest 70:12</p>	<p>summer 43:5</p> <p>summersaults 26:17</p> <p>summons 65:4</p> <p>sung 3:8</p> <p>superstorm 58:14</p> <p>supply 68:6</p> <p>support 7:14 28:7,24,25 32:10 34:10,12,18 40:23 42:16 47:11,12 60:22 69:14,16 70:22,25 71:5 (18)</p> <p>supportive 47:9</p> <p>supposed 49:4,6</p> <p>suppress 22:13</p> <p>supreme 23:3 38:20</p> <p>sure 19:12,25 21:11 33:2 40:16 41:7 42:4 51:4 60:20 61:8 62:14 (11)</p> <p>surprised 29:16</p> <p>suspended 8:25</p> <p>suspension 9:11 41:3</p> <p>sworn 72:8</p> <p>system 7:6 8:17 21:18 22:19,23 25:24 26:3 27:9 28:1,3 37:2 38:18 39:17 (13)</p> <p>systematic 16:18</p>
--	--	--	--	--

<p>systems 16:6</p> <p>take 6:7 11:25 15:12 17:12 31:1,4 50:17 53:11 55:24 56:22 59:15 63:9 70:11 (13)</p> <p>taken 11:12 54:16 70:10</p> <p>taking 20:6 57:15</p> <p>talk 39:6</p> <p>tantrum 29:25</p> <p>tantrums 30:2</p> <p>targeted 65:3</p> <p>tasked 62:5</p> <p>taxpayer 55:14</p> <p>taylor 36:14</p> <p>team 28:14,20 61:21</p> <p>teams 13:18 14:22 15:3</p> <p>teleconference 23:4 38:22</p> <p>tell 16:5</p> <p>telling 22:10 53:10</p> <p>temper 29:25 30:2</p> <p>temperament 26:21</p> <p>tenacity 33:25</p> <p>tenet 5:23</p> <p>tension 36:10</p>	<p>65:5</p> <p>terms 35:13 37:25</p> <p>terrific 21:15</p> <p>test 7:13</p> <p>testify 16:8 37:11</p> <p>testimony 72:7,10</p> <p>than 8:10,11 9:5 11:22 14:21 22:8 23:8 37:8,20 45:3 46:12 59:1 (12)</p> <p>thank 4:20,25 9:24 10:3 15:4,6,20 16:4,9 20:7,8,11,21,25 21:2,6,10 23:23 24:3,4,8 28:12,20 29:6,6,12 30:12,13 31:18,19 32:5 34:6,9,16 35:9,20 40:19,21 41:14,14, 16,20,22,25 42:11, 12,14,17,20,23,24 43:3 47:2,3 50:23,24 51:7,10,24 52:12 53:15,16,18 54:5 56:20,24 57:6,10,13 59:19,21 60:17 61:9,19 62:1,8,25 63:2,3,3,22 69:10,11,23 (84)</p> <p>thanks 28:11 41:22 42:15 47:7 61:3 (5)</p> <p>their 6:3 7:23 10:22,25 11:4 12:4,12,18 13:14,15,16 14:3 18:4,4 22:5 25:14 33:9 38:15 43:16 44:2,8 45:17</p>	<p>46:22,22 48:11 49:9 50:9 51:13 57:18 60:10 62:2,18,21 65:7 70:2,23,24 (37)</p> <p>them 4:13 5:14 7:1 8:17 11:10 14:22 17:19 26:15 38:17 41:4 47:1 49:14,19,23 50:3,4,6,16,21 52:19 54:25 55:19 56:22 60:12 62:2 (25)</p> <p>themselves 5:7,15 17:5</p> <p>theoretical 31:15</p> <p>there's 16:7 20:4 24:23,24 25:8 33:8 37:7 40:4 57:16 59:3,8 (11)</p> <p>these 6:6 10:19 11:2,4,10 12:1 16:6 17:12 18:17 25:15 28:22 34:1 37:15 38:1,8 40:1,10,14,17 41:1,12 43:10,12,22 46:4 49:22 50:20 53:5 60:14,18,25 61:17 65:10 69:22 (34)</p> <p>they're 17:4 40:16 46:3 48:6,15 49:4,6,16 (8)</p> <p>they've 63:1</p> <p>thing 65:20</p> <p>things 11:20 49:8,10 60:10,12 (5)</p> <p>think 16:19 19:5 20:15 25:5 26:7</p>	<p>28:15 29:24 30:23 51:25 52:14 53:2,6 54:12 57:14 58:16 61:16 62:11 66:1,4 68:19 (20)</p> <p>those 4:7 6:2 11:21 13:22 20:9 26:22 28:8,16 59:10 61:3 67:6,21 70:18 71:17 (14)</p> <p>though 27:16 48:1 52:15</p> <p>thread 65:24</p> <p>threat 30:22 31:8,16</p> <p>three 58:25 59:1</p> <p>through 12:1 23:9 27:22 36:2 (4)</p> <p>throughout 22:25</p> <p>throw 50:4,6</p> <p>thwart 70:19</p> <p>thwarted 70:14</p> <p>tied 16:23</p> <p>time 6:25 7:1 15:4 17:2 20:7 28:19 29:17 32:8 34:13 39:25 52:16 54:17,20 58:16 71:24 (15)</p> <p>timeliness 13:4</p> <p>times 10:15 58:25 59:1</p> <p>today 4:4 16:5,10 18:1 20:7 34:19</p>	<p>40:1 44:8 57:14 62:1 (10)</p> <p>together 7:2 35:21 42:12</p> <p>tolerate 30:1</p> <p>tone 56:13</p> <p>tons 53:7</p> <p>too 21:4</p> <p>took 33:19,19 49:19</p> <p>tools 19:9</p> <p>tough 28:19</p> <p>toward 56:16</p> <p>towards 56:16</p> <p>transcribed 1:17</p> <p>transcript 72:9</p> <p>transparency 5:23 27:23 28:6 33:18 34:5 46:9 51:6 69:15 (8)</p> <p>transparent 5:25 27:11 29:2 39:1 59:10 (5)</p> <p>travel 25:10</p> <p>treated 30:9</p> <p>tried 47:10</p> <p>triple 26:16</p> <p>troubling 43:14,15</p> <p>true 23:24 33:14 46:9 72:9 (4)</p> <p>trujillo 53:19</p>
---	--	---	--	---

54:2,4,5,9 58:2 (6)	23:6	23:25 30:7 33:4 34:19 41:19 45:14 52:24 58:21 60:3 70:22 (12)	13:18,19,21,23 15:25 25:13 41:18 52:10 59:3,7 (11)	33:2,23 34:6 35:9 40:18 47:19 61:6,19 66:19 (15)
truly 16:17	understated 31:9	upon 67:13	videoconference 1:9	wants 31:25 42:4 64:2
trust 11:13 20:1 27:10 28:2 32:25 33:1 44:9 (7)	understood 6:14,23,24 56:21 (4)	uprisings 43:5	videos 13:22 59:10	wasn't 17:9 54:10,20
try 26:17 35:6 50:15	unequivocally 17:1	upset 50:10	vigilance 41:6 43:19 46:22	watching 19:20
trying 18:23 32:8 62:21 70:7 (4)	unfettered 46:2 60:1	us 6:18 15:12 20:9,25 37:15,19 38:20 41:6 42:4 50:17 61:11 (11)	vigilant 60:8,16	way 16:25 24:2 37:1 39:1 40:4,10 60:2,25 64:12 65:4,11 72:15 (12)
turn 9:19 10:1 46:15	unfortunate 70:9	use 4:11 15:17 40:4,5 48:11 49:16 51:14 53:3 64:2 (9)	vigor 60:5	ways 36:20 48:18 70:14
turning 4:18	unfortunately 61:13	used 32:21 60:12 65:13	violated 10:23 67:23 68:5	we'll 15:22 21:8 32:1 42:18 47:16 51:10 57:2 (7)
twisting 26:16	unidentified 12:6	using 13:18 14:10,22 48:20,21 53:9 (6)	violence 23:10	we're 15:7 19:8,21 20:6 34:11,11 37:16,18 53:25 54:15,22 56:15 57:1 60:5,21 63:8,24 (17)
two 4:15 13:15 14:6 15:2 17:17 24:18 25:18 51:13 52:7,9 54:7 58:6 (12)	union 6:3 17:18 21:24 39:20 64:12 (5)	various 56:22,23	virtually 22:24 23:2	we've 24:19,23 34:2,12 47:10 60:3,4,15,15 62:11,12 63:10 70:10 (13)
type 49:2,7,13	unions 8:9 18:12 19:9,19 22:9 30:3 33:6,9 37:10 38:13 40:15 55:11,16,20 58:19 69:17 (16)	vehicular 23:20	virus 6:22,23	weakness 56:3
typical 44:1	united 23:3	versus 19:2	voice 33:3 55:25	webcam 35:4
typically 6:7	unmute 15:24 24:13	very 4:12 5:16 7:25 12:8 19:20 20:25 24:3,3 26:21 28:19 30:6,21 31:16 34:11 36:22 37:1 39:7 40:21 41:9 51:24 56:4 57:14 63:2 (23)	waiting 12:17	webex 20:3 29:19
ultimately 18:15	unprecedented 39:25	via 1:9 14:6 23:4 38:21 (4)	want 9:24 11:9,10 14:18,21 15:17 19:25 23:23 24:18 26:20,25 28:13,20,23 33:9,15 35:20,22 39:23 42:10,24 43:2 48:14 50:9,14,16 51:12,15 52:12 57:13,20 58:6 59:21 62:8,24 68:17 69:11,23 (38)	week 66:25
unable 11:20	unprovoked 23:19	victim 67:15,15	wanted 21:18 25:18,19 29:12 30:17 32:9	weeks 7:18 11:25 55:2
unacceptable 46:13	unsubstantiated 59:6	victims 10:17 49:17		welcome 2:4 5:1 9:12 32:4 34:25 (5)
under 9:10 50:6 56:7,24 67:12 70:24 (6)	until 17:10	video 5:11		
undermines 44:9	unusual 24:25			
undermining 64:19	unwilling 54:24			
underneath 59:11	up 9:18 21:20			
understand 6:22				

<p>well 14:9 18:5 20:14 29:7,13 31:6 35:16,19 41:12 42:14,15 47:24 52:17 60:6 63:5 (15)</p> <p>went 17:25 52:15</p> <p>what 9:13 11:3,9,11 16:17 18:2,22 19:14 24:19 27:18 29:5 32:25 33:7,13 35:12 38:10,22 44:16 45:4 51:1 52:19 55:1 56:14,19 68:3 69:17,18 (27)</p> <p>what's 35:5</p> <p>whatever 41:19 48:13</p> <p>when 4:16 14:19 17:3,11,15,22,24,2 5 18:24 25:12 39:10,11 45:8 50:15 53:4,12 55:4,8 57:16 58:13 59:2 63:7,16 66:10 (24)</p> <p>where 12:6 25:24 26:23 36:2 57:25 58:14 63:17 (7)</p> <p>whereof 72:17</p> <p>whether 10:22 67:4</p> <p>which 6:7 13:9 16:19 26:6 27:21 38:16 61:15 65:9,16 69:21 (10)</p> <p>while 7:8 26:15 43:24 44:11 62:20,21,22 66:3 (8)</p>	<p>whistle 65:10</p> <p>who 8:24 12:10,19 15:17 16:8 17:7,13 20:9,18,20 22:5 25:20 26:18 30:18,19 31:10,24 32:13 46:6 49:5 52:24 54:16,21 58:4 59:14 62:13,14 64:12 68:5 69:4,11 70:18 (32)</p> <p>whose 26:10 31:11 49:3 72:7 (4)</p> <p>why 20:4 29:20 30:11 35:23 47:20 49:18 51:3 68:16 (8)</p> <p>widespread 23:10 43:11 45:22</p> <p>will 4:3,5,8,11,13,18 9:16,17 15:10,12,15 16:6 19:18,19 27:17 30:9 31:24 34:23 36:9 39:18,19 40:13,22,24 41:9 44:18 47:11 51:1 52:9 53:11,12 56:21 66:14,23 68:13,14 69:6 (37)</p> <p>willful 44:5</p> <p>wish 24:12 29:8</p> <p>within 44:15 66:11 67:7 72:5,9 (5)</p> <p>without 9:1 13:17 67:18</p> <p>witness 72:7,11,17</p>	<p>won't 39:22</p> <p>wong 42:18,20,23</p> <p>work 6:13 27:9 28:21 29:3 33:24,25 46:18 47:5,9 52:13 56:10 61:21 62:2 63:1 69:24 70:19 71:1,2 (18)</p> <p>worked 8:8 26:17</p> <p>working 37:3 40:6,8,19 50:11 58:13 62:13,20 (8)</p> <p>would 5:13 6:23,25 11:25 18:7 29:17 36:5 38:3 42:2 43:22 47:24 53:13 55:18 56:12,13,15 58:1,8,17,20 60:2 (21)</p> <p>write 40:12</p> <p>written 67:14</p> <p>wrong 33:8</p> <p>wrongdoing 18:9,16 48:7 50:23 (4)</p> <p>wrote 64:13,13,21</p> <p>x 1:2,7</p> <p>yeah 64:5</p> <p>year 18:25</p> <p>years 16:19 30:20 48:10 54:12 55:12,13 (6)</p> <p>yes 4:24 16:3 21:14 24:17 32:1 34:22 35:2</p>	<p>42:6,22 47:16,18,22,24 52:8 54:3 57:8 63:24 (17)</p> <p>yesterday 9:2 17:10 40:25 55:17 (4)</p> <p>yet 39:8 43:12</p> <p>yojaira 4:20 15:9,10,15,19 21:4 31:23 34:21 41:24 47:14 51:9 52:3 53:17,22 56:25 61:4,9 63:23 66:2,12 (20)</p> <p>york 20:25 21:21 28:11 29:4 49:12 62:23 64:20 69:15 70:17 71:7 72:5 (11)</p> <p>yorkers 5:21 8:4,13,15 54:16 61:16 (6)</p> <p>you'll 4:14</p> <p>you're 51:14</p> <p>you've 52:13,16 61:22</p> <p>your 5:19 15:4,17,18 17:16 18:13,14 19:7 20:7,13,21 23:24 24:6 28:13,21,24 29:6 33:24 34:10,19 35:4 37:19,19 40:23 41:6,14 43:3 47:3,8,10,11 51:7,15 52:18 56:22,23 63:4,20 67:3 68:14 69:13,16 (42)</p> <p>yourselves 24:13</p>	<p>zoom 29:19</p> <p>400 38:7</p> <p>500 23:7 37:8</p> <p>750 37:20 38:5</p> <p>900 11:22</p> <p>911 58:12</p> <p>924 1:6</p> <p>1046 71:24</p> <p>1100 37:7</p> <p>1500 23:8</p> <p>2000 57:22</p> <p>2007 57:22</p> <p>2017 66:17 67:1</p> <p>2019 11:15,25</p> <p>2020 1:5 11:18 72:19</p> <p>12717 66:22</p> <p>20142015 55:8</p>
--	--	--	--	--