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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

DECEMBER 9, 2020

4:00 p.m.

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B E F O R E:

FREDERICK R. DAVIE, CHAIR

JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

Transcribed by:

James Tetta

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PUBLIC MEETING AGENDA

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- 1. Call to Order
- 2. Adoption of Minutes
- 3. Report from the Chair
- 4. Report from the Executive Director
- 5. Presentation from Outreach on the CCRB
- 6. Presentation from Policy on Data
- 7. Comment from Community Groups
- 8. Public Comment
- 9. Old Business
- 10. New Business
- 11. Adjourn to Executive Session

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BOARD MEMBERS PRESENT

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Frederick Davie - Chair

John Siegal, Esq.

Erica Bond Esq.

Corrine Irish, Esq.

Joseph A. Puma

Michael Rivadeneyra, Esq.

Angela Sung Pinsky

Willie Freeman

Frank Dwyer

Sal Carcaterra

Nathan Joseph

Esmeralda Simmons, Esq.

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PROCEEDINGS

CHAIR DAVIE: I want to welcome everyone to the December board meeting of the Civilian Complaint Review Board of the City of New York.

Before we begin, I'm going to call this meeting to order. Before we go any further, we have just one housekeeping matter we need to take care of and that is to approve the minutes of the last meeting.

May I have a motion to approve those minutes?

MR. JOSEPH: Motion.

CHAIR DAVIE: Is there a second?

MR. CARCATERRA: Second.

CHAIR DAVIE: Any additions or revisions to the minutes?

(No response was given.)

CHAIR DAVIE: Hearing none, all those in favor please say aye.

(Chorus of "Ayes.")

CHAIR DAVIE: All those opposed?

(No response was given.)

CHAIR DAVIE: The minutes are

PROCEEDINGS

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2 approved.

3 I'd like to ask my fellow board
4 members if they would introduce
5 themselves. I am going to try to do
6 this on the screen which jumps around a
7 lot. I'm going to try not to leave
8 anybody out.

9 Let's start, Angela Pinsky.

10 MS. PINSKY: Hi, my name is Angela
11 Pinsky. I am a mayoral designee at the
12 CCRB.

13 CHAIR DAVIE: Erica Bond.

14 MS. BOND: Good afternoon. My name
15 is Erica Bond. I am a mayoral appointed
16 designee to the CCRB.

17 CHAIR DAVIE: Esmeralda Simmons.

18 (No response was given.)

19 CHAIR DAVIE: I think you're muted.

20 MS. SIMMONS: Esmeralda Simmons, I'm
21 a public advocate appointee and I am
22 from Brooklyn.

23 CHAIR DAVIE: Frank Dwyer.

24 MR. DWYER: Frank Dwyer, commission
25 designee, originally from Brooklyn,

PROCEEDINGS

resident of Queens.

CHAIR DAVIE: John Siegal.

MR. SIEGAL: Good afternoon. John Siegal. I'm an attorney and was appointed to this board by Mayor De Blasio and I'm coming to you from my home.

CHAIR DAVIE: Joseph Puma.

MR. PUMA: Good afternoon. My name is Joseph Puma. I'm a city council appointee to the board and life long NYCHA resident of Manhattan.

CHAIR DAVIE: Michael Rivadeneyra.

MR. RIVADENEYRA: Sorry about that. I'm having some broadband issues. Michael Rivadeneyra. I am the Bronx designee for the city council. I am from the Bronx.

CHAIR DAVIE: Nathan Joseph.

MR. JOSEPH: Good afternoon. My name is Nathan Joseph. I am a city council designee and I am from Staten Island.

CHAIR DAVIE: Sal Carcaterra.

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2 MR. CARCATERRA: Good afternoon. I
3 am Sal Carcaterra. I am police
4 commissioner designee to the board and I
5 reside on Staten Island.

6 CHAIR DAVIE: Willy Freeman.

7 (No response was given.)

8 CHAIR DAVIE: Mr. Freeman, you might
9 be on mute.

10 MR. FREEMAN: Willy Freeman, police
11 commissioner appointee. I'm from
12 Brooklyn.

13 CHAIR DAVIE: Thank you. Thank you
14 all.

15 With the holidays and the end of the
16 year fast approaching, the CCRB is
17 having year-end conversations with our
18 staff and our partners and city
19 government. One such conversation was a
20 meeting I, along with my colleagues
21 Erica Bond and Michael Rivadeneyra had
22 with the police department.

23 In this meeting, I stressed to the
24 department an agreement with our
25 disciplinary recommendations is too low.

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2 And it is unfortunate that this
3 concurrent rate continues to decrease.

4 Ultimately, I believe the department
5 should give deference to CCRB's
6 decisions and at the minimum, the police
7 commissioner should not (inaudible)
8 reached between CCRB attorneys and
9 attorneys representing the subject
10 officers.

11 I also stressed to the department
12 that the CCRB needs direct access to
13 body-worn camera footage. While the
14 department has done a good job of
15 clearing the backlog of body-worn camera
16 requests, I believe direct access is the
17 most transparent and efficient way for
18 investigators to access this body-worn
19 camera footage.

20 Finally, I spoke with department
21 leadership about concerns raised in
22 these meetings about retaliation for
23 filing CCRB complaints. Although
24 retaliation is hard to quantify, since
25 the individual's fears in retaliation

PROCEEDINGS

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2 are not filing complaints, we have seen
3 complaints withdrawn because of fear of
4 retaliation. This is an issue we will
5 continue to work on internally, and with
6 the department to ensure New Yorker's
7 rights to file a complaint with our
8 agency are not infringed upon.

9 These are just a few items that the
10 CCRB will be monitoring and working on
11 next year.

12 For more, I'd like to take a moment
13 and let board members Erica Bond and
14 Michael Rivadeneyra share what they
15 raised with the department.

16 Erica, let's start with you.

17 MS. BOND: Thank you, Chair Davie.

18 I do really appreciate the
19 opportunity to represent the board at
20 these meetings with NYPD and I think
21 it's essential that we are included in
22 these conversations about the future of
23 policing in New York City.

24 As Chair Davie noted, we felt it was
25 important to raise a number of issues

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2 with the department at this meeting.
3 And on behalf of the board, I raised a
4 couple of issues we'd like to see
5 addressed that I think will both aid our
6 work and better address community
7 members' needs.

8 The first issue is respect to
9 disciplinary history. Currently, we
10 only have access to CCRB's disciplinary
11 history and we don't have an
12 understanding of whether and how an
13 officer that's been disciplined by the
14 department for issues that have not come
15 before the CCRB.

16 And I believe knowing an officer's
17 disciplinary history is really important
18 for us when we're contemplating whether
19 to reprimand discipline and particularly
20 the level of discipline. And it's also
21 particularly important that we get this
22 information right now because NYPD is
23 getting ready to implement a
24 disciplinary matrix that takes into
25 consideration an officer's disciplinary

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2 history.

3 So it is Chair Davie's point that
4 it's going to be harder to align and
5 discipline what they opposed and what we
6 recommend if we don't have access to
7 disciplinary history information that is
8 going to feed into the disciplinary
9 matrix.

10 So we feel it's really important
11 that we have access to this information
12 and we request that the department
13 provide that access to us moving
14 forward.

15 The second issue that I touched on
16 was with respect to NYPD and officer
17 interaction with a mental health crisis.
18 I think everyone on this board knows a
19 substantial number involve people that
20 are in crisis or have mental health
21 issues of some kind.

22 What we communicated to NYPD is
23 we're encouraging that the city is
24 launching a power program in a few
25 precincts that will send mental health

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2 teams instead of officers as the first
3 line respondents to such said crisis.
4 We really do believe this program needs
5 to be expanded and extended rapidly and
6 and we think that reducing interactions
7 between officers and people in crisis
8 will be better for the community and
9 lower misconduct, like I said, which we
10 get very many that are related to these
11 kinds of interactions.

12 Thank you again, Chair Davie for
13 including me in that meeting.

14 And with that, I'll turn it over to
15 board member Michael Rivadeneyra.

16 MR. RIVADENEYRA: Thank you.

17 Thank you, Chair Davie, also for
18 including me in this conversation. That
19 is, like Erica said, in terms of the
20 need for CCRB to be part of these
21 conversations and have these public
22 meetings about various different
23 encounters with the police and the
24 recommendations from the public.

25 It's good to be part of the

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2 conversation. I touched on two topics
3 with the police in the conversations
4 with them. The first topic being how
5 the department handled interactions with
6 our youth. Definitely shared that we
7 were encouraged that the department is
8 adopting the recommendation from the
9 youth appointment that we released over
10 the summer.

11 However, we still hear from the
12 public that NYPD and young people when
13 they're having an encounter, they
14 escalate unnecessarily. We stress the
15 fact that there should be more training,
16 training that should not be just limited
17 to those youth coordinating officers, it
18 should be broader throughout the
19 department.

20 We recognize the fact that the
21 department, they are not in the youth
22 development sphere, but we definitely
23 know that these are problems we need to
24 address. And we don't want to have
25 these escalation issues occur because

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2 unfortunately, they can go pretty badly
3 pretty quickly.

4 The other issue that I brought up
5 was, you know, the protest engagement
6 that we saw -- all saw how public this
7 was, how the department handled protest
8 and we wanted to have a conversation
9 about that. Not just over the summer,
10 but moving forward, how will the
11 department look at their tactics when it
12 comes to handling protest matters.

13 We shared that we had concerns on
14 our ability to identify officers that
15 may have done misconduct, because they
16 were either carrying their badge numbers
17 or failed to turn on their body-worn
18 cameras.

19 That has made it a challenge for us
20 to do our investigations and we want the
21 department to understand that we need
22 their assistance to hold officers
23 accountable for any misconduct that may
24 have occurred over the summer and we can
25 help ensure that we're able to move our

PROCEEDINGS

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2 investigations based on those incidents
3 that have been reported to us.

4 Again, I thank Chair Davie for
5 including me in these conversations, and
6 I return to the chair.

7 CHAIR DAVIE: Thank you both.

8 I appreciate you taking your time
9 out of your day to join in these
10 conversations with the department about
11 issues that the CCRB believes are
12 critically important to our ongoing and
13 effective functioning in our -- and
14 especially our relationship with the
15 NYPD. Thank you both again.

16 Another recent year in conversation
17 that CCRB staff participated in,
18 speaking of youth as the board member
19 Mr. Rivadeneyra just did, was in a youth
20 led conversation our youth advisory
21 council had with the NYPD.

22 Many young people raised a lot of
23 issues in these conversations. Their
24 older counterparts have raised concerns
25 about the use of military grade

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2 equipment by the police. The need to
3 reallocate resources from the department
4 and social services. The need for
5 ongoing honest engagement between police
6 and young people, to build trust between
7 police and the youth committee.

8 From this conversation, it was clear
9 that our young people are listening to
10 the conversations we were having about
11 policing in America today. It's
12 important that we give these young
13 people the time and space to have their
14 own conversations and to prioritize what
15 they have to say as well.

16 Finally, as we enter into what is
17 expected to be a tough winter for our
18 city as COVID cases are rising, I want
19 to take a moment to thank all of our
20 essential workers, that includes the
21 members of the NYPD, for keeping us safe
22 and healthy during this crisis.

23 I also want to thank the CCRB staff
24 for doing this work every day,
25 particularly during such a hard year as

PROCEEDINGS

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2 2020 has been. And I want to thank all
3 of you for being here tonight. Your
4 participation in this process this year
5 and every year is essential to the CCRB.

6 With that, I will turn it over to
7 Executive Director of the CCRB,
8 Executive Director Jon Darche, who has a
9 few words that he'd like to share with
10 us. Jon.

11 MR. DARCHE: Thank you, Mr. Chair.
12 Thank you all for attending.

13 Last month, the CCRB proposed new
14 rules that will enable us to investigate
15 sexual misconduct, false official
16 statements made about civilians by NYPD
17 officers in official proceedings or on
18 official paperwork.

19 We republished those proposed rules
20 in public comment on Monday. And if you
21 have not yet had a chance to make your
22 voice heard on these rules, you now have
23 more time. You can submit a comment
24 online or by mail, and our staff is
25 going to put up a link in the WebEx chat

PROCEEDINGS

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2 with more information on how to do that.

3 The CCRB will be taking public
4 comment on the new rules at our January
5 13th board meeting. You can reserve
6 time to comment on the rules either for
7 the January board meeting or send us
8 something in writing.

9 Finally, the CCRB is going to be
10 convening a panel of investigations for
11 discussion of potential police reforms
12 in New York City. The panel discussion
13 is being convened in response to
14 Governor Cuomo's Executive Order 203.

15 Other discussions have been
16 happening across the city based on that
17 executive order, such as the one Chair
18 Davie and board members discussed
19 earlier. That executive order requires
20 each local government in New York State
21 to adopt a police reform plan that is
22 going to maintain public safety to build
23 public trust between police in the
24 communities they serve.

25 Our panel discussion is going to

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2 hopefully inform the city's response to
3 that executive order. And I'm excited
4 that it's going to be very informative
5 for everyone and I urge all of you to
6 tune in.

7 Just to give an update on the status
8 of the CCRB as the COVID-19 situation
9 gets worse, the health of complainants,
10 staff and members of service (inaudible)
11 of operations. I strongly encourage
12 individuals to contact us by telephone
13 and email or website, if possible. To
14 file a complaint, go to
15 nyc.gov/ccrbcomplaint or call us at
16 1-800-341-2272. Investigators are now
17 able to continue their work, including
18 interviewing civilians and members of
19 the NYPD remotely.

20 Now finally for public comment,
21 please use the raise the hand feature if
22 you would like to make a comment. To
23 discuss a problematic encounter with a
24 police officer, please provide us with
25 contact information so that our

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2 investigators can follow up with you.
3 And if you could, reserve questions and
4 comments unrelated to presentations to
5 the public session.

6 I want to thank our staff for all
7 their work on the continuing operation.
8 And thanks again to the members of the
9 public for participating in this
10 hearing.

11 CHAIR DAVIE: Thank you, Executive
12 Director Darche.

13 Let me see if any of the board
14 members have any questions or comments
15 about any of the remarks that have been
16 made so far.

17 (No response was given.)

18 CHAIR DAVIE: All right. Hearing
19 none, we will turn to our Outreach
20 Director at CCRB, Jahi Rose -- I'm
21 sorry, the Deputy Director of Outreach,
22 I just promoted you. Deputy Director of
23 Outreach, Jahi.

24 MR. ROSE: Thank you so much, Chair
25 Davie.

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2 Thank you everyone for attending our
3 meeting today. Can everyone see my
4 screen?

5 CHAIR DAVIE: Yes, we can see it.

6 MR. ROSE: The Civilian Complaint
7 Review Board is the nation's largest
8 oversight body over the largest police
9 department and largest force in the
10 nation.

11 The CCRB investigates, mediates and
12 processes complaints of misconduct
13 against members of the New York City
14 Police Department.

15 You already met some of our board
16 members today. Our agency is governed
17 by a 15-member board; five seats
18 appointed by the mayor, five appointed
19 by city council, three designated by the
20 police commissioner and one appointed by
21 the New York City public advocate. And
22 the chair, Chair Davie, is appointed by
23 the mayor and city council.

24 The Civilian Complaint Review Board
25 investigates allegations of misconduct.

PROCEEDINGS

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2 However, we do not investigate all
3 allegations of misconduct. A way to
4 remember this is an easy acronym called,
5 FADO. FADO stands for force, abuse of
6 authority, discourtesy and offensive
7 language.

8 We wanted to provide you with a
9 little bit of information regarding the
10 Right to Know Act. The Right to Know
11 Act is a law that was passed -- that was
12 enacted in October 19, 2018. This law
13 requires police that they must identify
14 themselves in providing their name and
15 information; such as rank, command and
16 shield number.

17 In some instances, they must explain
18 the purpose of the encounter, the
19 interaction. They should inform the
20 individuals of their right to say no
21 when asking for consent to search an
22 individual's person, property, vehicle
23 or home. And they should offer a
24 business card with the police officer's
25 information that explains how a comment

PROCEEDINGS

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2 or a complaint can be made about an
3 interaction with an NYPD officer and
4 civilians can request these business
5 cards in all interactions. This is a
6 copy of what the business card may look
7 like.

8 Now, there are a few ways to make a
9 complaint about police misconduct. One
10 was mentioned by Executive Director Jon
11 Darche, and that includes the website,
12 which is nyc.gov/ccrbcomplaint. You can
13 also call the CCRB at 1-800-341-CCRB.
14 And remember, if you see footage of
15 misconduct on social media or the news,
16 you can file a complaint even if you are
17 not in person.

18 Additionally, another way of filing
19 a complaint to our agency is by calling
20 3-1-1. You can also visit our local
21 office and you can also send a letter to
22 the Civilian Complaint Review Board.
23 You also have an ability to go to the
24 local precinct and make a complaint as
25 well. You can visit our office at 100

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2 Church Street, 10th floor, New York, New
3 York 10007.

4 If you'd like to request an outreach
5 presentation, you can feel free to reach
6 us at outreach@ccrb.nyc.gov. You can
7 also follow the CCRB's social media on
8 Instagram, Twitter and Facebook.

9 Thank you very much, Chair Davie.

10 CHAIR DAVIE: Thank you, Jahi.

11 Let me see if any of our board
12 members have a question for Jahi.

13 (No response was given.)

14 CHAIR DAVIE: Hearing none, we will
15 now go to our public comment section of
16 the meeting. I want to remind those who
17 would like to comment to use the raise
18 your hand feature that is part of this
19 WebEx function here. So use the raise
20 your hand feature.

21 And I also want to remind anyone who
22 speaks that you have two minutes to
23 speak. And we hope you will keep your
24 comments to two minutes so that we can
25 get to as many speakers as possible. I

1 PROCEEDINGS

2 will turn it to Yojaira to see if we
3 have any of you who would like to speak.

4 MS. ALVAREZ: Thank you, Chair
5 Davie.

6 First, we will hearing from Chris
7 Dunn. And while Sorin upgrades his
8 settings, I want to take time to
9 acknowledge that Latoya Legrand from
10 State Senator Comrie's office is here as
11 well as Isabelle Chandler from
12 Councilmember Carlina Rivera's office is
13 here.

14 MR. DUNN: Hello, can you hear me?

15 CHAIR DAVIE: Yes, we can.

16 MR. DUNN: How is everybody? Thank
17 you very much.

18 Fred, I had a couple of questions.
19 I hope the answers won't count against
20 my time.

21 First, thank you for describing the
22 meeting, it sounds like an important
23 meeting. Can you tell us who from the
24 department was there? And we heard a
25 lot about what you raised, which sounds

1 PROCEEDINGS

2 quite important, but we didn't hear
3 anything about what the department had
4 to say. I think people would like to
5 hear about that.

6 CHAIR DAVIE: I'm going to allow my
7 board members to help me with this, as
8 well as Jon. I know that Deputy
9 Schlanger was there, Chief Maddrey was
10 there, on the department side. And then
11 from the committee on reform, we had
12 Jennifer Jones.

13 Am I missing anybody? Erica, Jon,
14 or Michael?

15 MR. DARCHE: Wasn't Chief Maddrey
16 also there?

17 CHAIR DAVIE: Right. Chief Maddrey
18 was there for the committee affairs of
19 relations.

20 MR. DUNN: Anything to disclose or
21 did they just listen to what you had to
22 say?

23 CHAIR DAVIE: It was -- I would say
24 they mostly listened. I think that Ms.
25 Jones-Austin was probably the most

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1 engaged with us. She asked lots of
2 questions of the department. I think
3 when it comes to the issue of
4 retaliation that was raised, she did
5 not -- she did not relay -- I indicated
6 that they did not have a lot of evidence
7 or hear -- or they had not been hearing
8 a lot of about retaliation.
9

10 I tried to make the point that we
11 were raising it as something we were
12 hearing on a consistent basis and that
13 it was important for us all to pay
14 attention to it.

15 Let me turn to Michael and Jon and
16 see if they want to comment.

17 MR. DARCHE: We were also there. I
18 think Deputy Commissioner Parker,
19 Chauncey Parker.

20 CHAIR DAVIE: That's right.

21 MR. DARCHE: They were also there.

22 CHAIR DAVIE: Any other thing you
23 want to add to this, Jon?

24 MR. DARCHE: I think they mostly
25 listened and they -- I think that this

PROCEEDINGS

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2 facilitator tried to get us to get real
3 with her and be upfront about what the
4 challenges in relationship are and that
5 -- I thought that was helpful.

6 CHAIR DAVIE: By facilitator, you
7 mean Jennifer Jones-Austin?

8 MR. DARCHE: Yes. And I thought it
9 made for a more productive engagement
10 from both sides.

11 CHAIR DAVIE: Anything to add,
12 Erica?

13 MS. BOND: I don't think so. I
14 think my senses that this was mostly
15 intended to gather a number of different
16 entities on a variety of issues and I
17 would expect there would be more
18 conversations. And I think there will
19 be a push on the issues that we care
20 about.

21 And I think there were interesting
22 conversations about the extent that the
23 department looks systematically from the
24 recommendations that we made. And the
25 rates of agreement and whether there is

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2 more to be done for the department at a
3 certain system's level and to think
4 about what civilian complaints can tell
5 them what interactions in the community
6 look like, as opposed to treating these
7 as kind of one-off cases that need to be
8 responded to with specific discipline
9 because there are two levels of utility.

10 One is getting justice in particular
11 cases. But the other is thinking about
12 there are broader issues in the cases as
13 a whole reflect in terms of the
14 communities that they're interacting
15 with. And so I thought that was a
16 particular useful part of the
17 conversation.

18 CHAIR DAVIE: Thank you.

19 Michael, anything.

20 MR. RIVADENEYRA: Just, you know, to
21 the effect it was more information
22 gathering, but what was helpful was that
23 we shared information. We see from the
24 community at these meetings especially
25 the fact that -- which I -- I think was

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2 received in creating different spaces
3 and having spaces for adults to come in
4 and share their opinions of police
5 interactions and the Build It Back
6 program that they're running that the
7 NCO's are doing, so they've felt
8 encouraging that they wanted to learn
9 about that and see what issues they can
10 go and (inaudible) the initiative and
11 definitely share the fact that young
12 people can come into that breach of
13 trust. It was good to have that
14 conversation with them for gathering
15 information and exercising.

16 CHAIR DAVIE: Thank you, Michael.

17 MR. DUNN: Okay. Thank you.

18 (Inaudible). I hear what you're
19 saying, and I did have another question
20 and I have something nice I want to say.
21 But before I get to that, I want to ask
22 about something we have complained about
23 in the past.

24 Jon, it seems you guys have done a
25 remarkable job keeping your

PROCEEDINGS

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2 investigations going in the face of the
3 pandemic and I'm encouraged that you are
4 now allowing complainants to participate
5 remotely. Are you thinking about making
6 that permanent because we have long
7 complained and thought it was a huge
8 driver to our truncation rate that
9 people had to come in person. Is there
10 a contemplation -- and I'm sorry if it's
11 been announced, but are you guys
12 thinking of making the remote option a
13 permanent option?

14 MR. DARCHE: It is something we are
15 discussing on the table.

16 MR. DUNN: I'm going to nail that to
17 your table that it would be an important
18 reform. It's a new thing.

19 CHAIR DAVIE: Understood.

20 MR. DUNN: Here's the nice thing I
21 want to say. From my perspective, the
22 two biggest things that happened this
23 year. Policing involves your role in
24 policing the violence by the NYPD with
25 the George Floyd protests, at least

PROCEEDINGS

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2 since May.

3 The second is the repeal of 50-a.
4 And I think it very much remains to be
5 seen that your work lands with respect
6 to the complaints that you got around
7 protests. And I don't think I've seen a
8 recent number, but I know very early on
9 you had hundreds of complaints. I
10 encourage you all to do a report of
11 those complaints as they grew.

12 But what I want to talk about is --
13 this is a subtle change, New York State,
14 New York City, including the mayor's
15 office and the police department
16 fighting on 50-a. There is one city
17 agency that I think is doing the right
18 thing on 50-a, for the most part, the
19 CCRB.

20 And Fred, I know, in particular,
21 that you were publicly speaking about
22 the repeal of 50-a at a time where I
23 don't think you were inline with the
24 mayor's office and I give you much
25 credit for that. And I give the board

PROCEEDINGS

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2 credit for supporting you, I'm assuming
3 they're supporting you. I note that.

4 And I also note that right out of
5 the box as soon as 50-a was repealed,
6 CCRB did extraordinary in honoring the
7 letters of the repeal. And to my
8 knowledge, it's the only city agency
9 that has done that. And to be sure that
10 there's a lot of litigation around that,
11 a litigation is ongoing, but I want to
12 acknowledge here it's not my business to
13 be singing the praises of New York City
14 agencies in general and the CCRB, but
15 I'm singing praises in this instance.

16 You guys did the right thing on
17 50-a. We appreciate that and I think
18 the public appreciates that greatly.

19 When litigations are over, I look
20 forward to your continuing to do the
21 right thing, even if other agencies are
22 going to have to be dragged, kicking and
23 screaming. So instead of leaving a lump
24 of coal in your stockings for the
25 holidays, I want to say thank you for

PROCEEDINGS

1
2 that.

3 CHAIR DAVIE: You're welcome.

4 MR. DUNN: And I'm going to close
5 with one final question.

6 CHAIR DAVIE: Sure.

7 MR. DUNN: Unless you guys want to
8 say "you're welcome."

9 CHAIR DAVIE: I said thank you.

10 MR. DUNN: I don't know if you want
11 to address this as a personnel matter
12 but if you want an opportunity to
13 address it, I will give you the
14 opportunity. There was significant
15 reporting about some employees that were
16 dismissed and allegations were dismissed
17 in the retaliation. Some criticisms
18 that they made internally with the
19 agency's position for the police
20 department.

21 People in the public who have been
22 paying attention to CCRB will all write
23 about this and know about it. And often
24 times, voices don't get to be heard in
25 this conversation. So I just want to

1 PROCEEDINGS

2 say if you guys want to address that,
3 members of the public will be hearing
4 what you have to say.

5 CHAIR DAVIE: Thank you, sir.

6 Let me just say a word about that.
7 It's inappropriate to discuss details
8 of -- of personnel matters in a public
9 forum like this. I will say
10 unequivocally that no one was in this
11 restructuring engaged in any kind of
12 negative way because of any comments
13 they might have had to say about the
14 ways of which the board and the staff
15 engages the department. That, I can say
16 unequivocally.

17 I think the statement is pretty
18 clear, the agency is reorganizing in
19 order to be able to do some other things
20 that they we wanted to do, including
21 hiring additional investigators so that
22 we could deal with the cases that we
23 have before us.

24 But I think that's as much as -- I
25 think it's appropriate to say in public

1 PROCEEDINGS

2 about an HR issue. Let me see if the
3 other board members have comments or
4 questions on this, or staff.

5 (No response was given.)

6 CHAIR DAVIE: Hearing none, thank
7 you, Chris, for your -- for your
8 compliment. We'll take it. And the
9 only thing I'd say in regard to that is
10 it's always going to be our task to
11 serve this agency and its mission as
12 best as we can.

13 And I should have acknowledged in my
14 remarks the passing of Mayor David
15 Dinkins who gave us this Civilian
16 Complaint Review Board in its current
17 form at much political cost. And if for
18 no other reason, upholding his memory in
19 giving appropriate due to what we
20 accomplished, I share and I think I can
21 speak for some, if not all of my board
22 members, we will do everything we can to
23 make sure this agency lives up to his
24 mission.

25 Thank you again.

PROCEEDINGS

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2 Yojaيرا, any other public speakers?

3 MS. ALVAREZ: Yes.

4 Next, we'll be hearing from Diane
5 Banks and Lauren is queueing her and
6 would like to announce Councilmember
7 Rosenthal's office and just wondering if
8 the office would like to say hello or
9 anything.

10 AUDIENCE MEMBER: Thank you. I'm in
11 the middle of eating lunch.

12 No. I'm listening. I'm here to
13 listen today. I'll be testifying at
14 your next meeting.

15 Thank you as always for your work
16 you always do. I'm going to go back to
17 eating now.

18 CHAIR DAVIE: Next time bring some
19 for the rest of the board. But thank
20 you.

21 MS. ALVAREZ: Thank you for coming,
22 Diane.

23 MS. BANKS: Hi. Good afternoon
24 everybody. My name is Dr. Diane Banks.
25 I just have three questions.

1 PROCEEDINGS

2 The first question I did submit in
3 the question and answer chat, I said
4 "Could training for police include
5 better de-escalating protocol, and how
6 to walk away as opposed to being
7 arrogant and authoritative."

8 The second question I have for the
9 CCRB and I wanted to know is what are
10 guys doing to basically try to get teeth
11 in the agency? I ask that because it
12 goes into my third question. There was
13 several CCRB complaints that I filed and
14 the police actually taunted me to file
15 the complaint. And then once I filed
16 the complaint, nothing happened after
17 that. CCRB was not able to report to me
18 in terms of what disciplinary actions
19 took place. That was the third
20 question.

21 How could members of the community
22 find out what disciplinary actions took
23 place that specifically relates to a
24 complaint that the constituent filed?

25 So there's three questions that I'm

PROCEEDINGS

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2 asking. Again, the first question is,
3 could training for police include better
4 de-escalating protocols and how to walk
5 away as opposed to being arrogant and
6 authoritative?

7 The second question is, what is CCRB
8 doing to improve the teeth for the
9 agency?

10 And the third question is, how can
11 the public who files for complaints be
12 informed in terms of what's going on
13 with these complaints and disciplinary
14 actions that ensued?

15 Thank you for your time.

16 CHAIR DAVIE: Thank you.

17 Let me just address the CCRB and
18 teeth question and then I'll turn it to
19 Jon and maybe others who want to address
20 the training question and the issue of
21 sharing information with the public
22 about this complaint.

23 I think I said in my remarks about
24 the conversation that we had with the
25 department and the committee for reform,

PROCEEDINGS

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2 the issue on authority and disciplinary
3 balance is a big one. Because at the
4 end of the day, the police commissioner
5 has the right to accept, reject or
6 modify any disciplinary recommendation
7 that this board makes and we are working
8 really, really hard to get close to
9 concurrent between what we recommend and
10 what the department ultimately does.

11 It's problematic at the moment, but
12 we are engaged in conversations and
13 actions to try to improve that. There
14 are some thoughts with this new
15 disciplinary matrix that the police
16 department is developing. If we align
17 that with the CCRB disciplinary
18 framework, we will get closer
19 concurrence. And I hope that works and
20 I hope it's actually true.

21 But I think as long as we have a
22 department that has this kind of
23 authority to make the ultimate decision
24 about discipline, we run the risk of
25 having these -- having the public wonder

PROCEEDINGS

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2 whether or not the agency has the type
3 of authority it should have in terms of
4 what happens when it comes to
5 discipline. That's an ongoing
6 conversation.

7 But let me see if there are any
8 comments on the training and
9 de-escalation or on making information
10 public.

11 Jon, you want to --

12 MR. DARCHE: Sure.

13 Mr. Chair, I'm going to tackle the
14 disposition question first, if that's
15 okay with you, Chair.

16 CHAIR DAVIE: Absolutely.

17 MR. DARCHE: So, we have been -- the
18 agency has been criticized in the past
19 for the letters we sent to people
20 explaining the outcomes of the case
21 being very tough to read and not
22 providing information that is useful to
23 them.

24 In fact, there is criticism of that
25 in the last board meeting. The agency,

PROCEEDINGS

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2 in an effort led by Harya Tarkegan, our
3 senior counsel director, is looking at
4 all of our communications with
5 civilians, especially disposition
6 letters to make sure that, A, they are
7 accurate, and B, they are written in a
8 way that is easy to understand and can
9 be -- information that people need that
10 in a way they can readily understand it.

11 And we're working with advocacy
12 groups in the city to make sure that
13 it's not just our opinion of what we
14 think people need to know and it's in
15 language that people can easily
16 understand. The groups that are out
17 there fighting for people to get that
18 information and that as well.

19 It is an ongoing process right now
20 and it is going to be a multistep
21 process because some of the letters are
22 so important that they need to be
23 improved quickly so we make some quick
24 changes and then we visit them later to
25 fine tune them.

PROCEEDINGS

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2 With regard to training, I
3 apologize, Ms. Bond, if I steal what you
4 were going to say. One of the things
5 she brought up in the meeting with the
6 facilitator and the NYPD was that the
7 board needs discipline information. And
8 one of the reasons we need that
9 information is if an officer receives
10 training, we need to know what that
11 training was so we can determine if it
12 was effective.

13 Because if an officer receives
14 training and has a similar issue
15 subsequently, that's one way of -- that
16 the officer has a major problem or you
17 can look and say "Well, maybe that
18 training isn't that effective." That is
19 a data point that the board feels it
20 needs.

21 So I apologize, Erica, for stealing
22 your thunder.

23 MS. BOND: No, that's okay.

24 I don't know if you addressed this,
25 but my understanding is that much of the

PROCEEDINGS

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2 department has received de-escalation
3 training and that there is an effort
4 made to train officers on de-escalation.

5 But to Jon's point, we don't yet
6 know what the impact of that training
7 is, which is part of why it's important
8 to get information of whether the
9 department has imposed discipline and
10 whether it's imposed training. But the
11 specific type of training, which can be
12 helpful in assessing whether that
13 training is addressed and what the
14 underlying misconduct is.

15 The only thing that I would add here
16 is that it sounds like the speaker had
17 specific cases that she wasn't aware of
18 how they were resolved. I don't think
19 we should do that in a public forum.
20 But I would just encourage her to reach
21 out. I'm going to volunteer you, Jon,
22 to --

23 MR. DARCHE: Tell her to write in
24 the chat so we can get the information
25 we need.

1 PROCEEDINGS

2 MS. BOND: Okay. Great. I just
3 want to make sure because it sounds like
4 we should go back because it sounds like
5 there were specific cases here.

6 And thank you to the participant for
7 raising these issues with us.

8 CHAIR DAVIE: Thank you.

9 Anybody else? Any other board
10 member that wants time to comment to
11 reflect on this?

12 (No response was given.)

13 CHAIR DAVIE: Thank you.

14 I'm sorry, Joseph?

15 MR. PUMA: Yes.

16 It's a question for Jon. The issue
17 of the disposition letters, I think it's
18 great that we're -- we have Harya and
19 the team looking at how we can make them
20 better. It's been a concern of mine for
21 as long as I've been on the board. And
22 I know that at one point, 50-a was
23 expecting the information that was
24 appearing or not appearing on the
25 letters.

1 PROCEEDINGS

2 Is there anything, now that 50-a is
3 repealed that -- is there an impact of
4 that on the disposition of the letters
5 foreseen?

6 MR. DARCHE: Yes.

7 MR. PUMA: Great.

8 CHAIR DAVIE: For the better, I
9 assume.

10 MR. DARCHE: Yes.

11 CHAIR DAVIE: Thank you, Mr. Puma.
12 Anything else? Anyone else on this?
13 (No response was given.)

14 CHAIR DAVIE: All right.
15 Our next speaker, Yojaira.

16 MS. ALVAREZ: Thanks again, Diane.
17 Next, we'll be hearing from Sean
18 Abbott.

19 MR. ABBOTT: Hello, my name is Sean
20 Abbott.

21 Can you all hear me?

22 CHAIR DAVIE: Yes.

23 MR. ABBOTT: Excellent. Thank you.
24 I'm going to commence with a
25 quotation from Confucius. (Inaudible)

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2 of what was just being discussed, which
3 is people are very confused about the
4 language they received in response to
5 their reasonable complaints. Confucius
6 says "If language is not used rightly,
7 then what is said is not what is meant.
8 If what is said is not what is meant,
9 then what then that which ought to be
10 done is left undone. Justice will go
11 awry. And if justice goes awry, the
12 people will stand about in helpless
13 confusion."

14 Now, I said at the October meeting
15 that the people will not stand about in
16 helpless confusion. They will rise up
17 in anger. And one reason to be angry as
18 a civilian is this question on the
19 intake form. So if you have a problem
20 with a cop, you go to the intake form on
21 the CCRB and it asks you this question
22 on the third page, "To thoroughly
23 investigate your incident, the CCRB
24 might need to obtain body-worn camera
25 video from the NYPD including video that

PROCEEDINGS

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2 is related to a sealed case or may
3 otherwise require your permission. The
4 board can be lawfully disclosed. Do you
5 consent to the CCRB getting access to
6 these videos to do this investigation?"

7 There is an asterisk which goes
8 nowhere and then there are two bubbles,
9 a bubble that says yes and a bubble that
10 says no. I have an active complaint
11 against the officers of the 33rd
12 Precinct in Manhattan. I checked no. I
13 checked no.

14 As a consequence of my conversations
15 with two CCRB investigators, I found out
16 that this language that investigates
17 your incident, what I just said, doesn't
18 mean what any reasonable person would
19 expect it to mean. Especially given
20 that yes, no, check. I said no. I'm
21 not interested in finding out what these
22 officers did so loathsomely, so
23 aggressively with their body cameras.
24 Excuse me, it was one officer. Although
25 I'm not sure what the other officer was

PROCEEDINGS

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2 doing that night.

3 I have this to say very clearly. I
4 am asking the board to overrule Jonathan
5 Darche's determination to me in an
6 October 22nd email. "After reviewing
7 your case, I determine it is unsuitable
8 for mediation."

9 That's not why I was contacting the
10 CCRB board. I was contacting the CCRB
11 board to complain about this language
12 which is so obscurely written. It had
13 nothing to do with my full participation
14 as a civilian in the workings of the
15 CCRB. I want mediation with these
16 officers at the 33rd Precinct.

17 Now, because I have done this
18 insanely, brought my concerns about this
19 legal language to the board, Jonathan
20 Darche has said "After reviewing your
21 case, I determine that it is unsuitable
22 for mediation." He also adds later in
23 his email, "The reason that there is not
24 more definite language used in the
25 waiver is because there may be cases

PROCEEDINGS

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2 where there is a dispute between the
3 CCRB and NYPD as to whether a waiver is
4 necessary."

5 But I'm sorry, it does not say that
6 on the intake form. As a civilian, when
7 you go there, states "I have been abused
8 by the police tonight."

9 I want to close by saying that
10 #defundthepolice is a political
11 disaster. It has lost people elections
12 all across the continent. I say
13 #reservethepolice. I am not someone who
14 disrespects the police. I believe the
15 police have an important part in our
16 community and in my community.

17 But when I walk my dog by the same
18 corner every single night and I see cops
19 parked from the 33rd or from who knows
20 where, parked in their car, with the
21 windows rolled up and the engine on and
22 hearing nothing and seeing nothing and
23 scrolling porn on their iPhones, I know
24 one thing, #defundthepolice makes more
25 sense. It makes a lot of sense.

PROCEEDINGS

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2 But here's what I want from this, I
3 want the board to overrule Jonathan
4 Darche in his saying after reviewing
5 your case, I determined it was
6 unsuitable for mediation. I want to
7 talk to those cops that I had that
8 confrontation with that night who were
9 scrolling porn on their phone and I
10 knocked on the window and I said "I walk
11 by this corner every night at this time
12 and you guys are never looking out for
13 my best interest."

14 CHAIR DAVIE: Thank you, sir. We
15 get the point and we hear what you're
16 saying. We appreciate you coming to the
17 public and we'll have a conversation
18 with Mr. Darche in --

19 MR. ABBOTT: Mr. Darche said he
20 reported his -- he reported this to the
21 executive session of the November 9th
22 board meeting. So what was the result?

23 CHAIR DAVIE: Thank you, speaker. I
24 will have a conversation with him and
25 we'll be back in touch with you. Thank

PROCEEDINGS

1
2 you.

3 Yojaira, our next speaker.

4 MS. ALVAREZ: Thank you, Sean.

5 I want to remind everyone to keep
6 comments to two minutes.

7 Next, we'll be hearing from John
8 Sonda.

9 MR. SONDA: Executive Director
10 Darche stated, "Generally, I don't
11 review the audio recordings of the
12 telephone conversations between the
13 investigator and the person who filed
14 the complaint. Although sometimes I
15 do."

16 Executive Director Darche, since
17 that all -- since that all (sic) audio
18 recordings are reviewed, not all reviews
19 are treated equally with the same due
20 diligence and procedures; is that
21 correct?

22 CHAIR DAVIE: Jon --

23 MR. DARCHE: Some reopened requests
24 are simpler than other requests, so I
25 deal with that in different ways.

1 PROCEEDINGS

2 MR. SONDA: How do you decide which
3 audio recordings? Do you have a
4 criteria to determine which audio
5 recordings are more deserving of being
6 reviewed?

7 MR. DARCHE: Yes. I look at the
8 request and I look at the recommendation
9 from the squad leader who initially is
10 doing the evaluation of the request.
11 And if the squad leader -- if I disagree
12 with the squad leader's decisions or
13 recommendations, I generally go and
14 listen to the audio recordings and look
15 deeper into the case before I decide to
16 reverse the squad leader's
17 recommendation.

18 MR. SONDA: Okay. If a person files
19 a complaint and they provide video
20 evidence of police misconduct with their
21 written reopen request, does the
22 executive director generally review the
23 video evidence or always review the
24 video evidence?

25 MR. DARCHE: I don't always review

PROCEEDINGS

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2 the evidence that's submitted because I
3 don't always need to.

4 MR. SONDA: Even video evidence?

5 MR. DARCHE: I don't always need to
6 review the evidence to make a decision
7 on a request.

8 MR. SONDA: What would that be?

9 CHAIR DAVIE: What's your point?

10 MR. SONDA: I'm asking for an
11 answer. That's my point.

12 CHAIR DAVIE: I think he gave you an
13 answer.

14 MR. SONDA: I didn't understand --

15 CHAIR DAVIE: You might not agree
16 with it, but you got an answer.

17 Do you have another point you want
18 to make?

19 MR. SONDA: Yes.

20 When was it determined that two
21 co-chiefs of investigations as well as
22 the deputy chief for investigations was
23 redundant?

24 CHAIR DAVIE: That's a question I
25 don't think we need to answer here.

1 PROCEEDINGS

2 Do you have another question?

3 MR. SONDA: You said you can't
4 answer here. Where is a place you can
5 answer it?

6 CHAIR DAVIE: Well, we'll have it in
7 the executive session where it belongs.

8 Do you have another question?

9 MR. SONDA: Yes.

10 The agency rules allow the chair or
11 panel to review or reopen a request in
12 addition to the executive director. But
13 at last month's board meeting, the
14 executive director said "I reviewed the
15 reopen requests."

16 First, are you aware of what the
17 original intent was to allow the panel
18 or the executive directors to review or
19 reopen the request and not just
20 (inaudible) --

21 MR. DARCHE: Mr. (Inaudible name)?

22 MR. SONDA: Yes.

23 MR. DARCHE: Do you mind if I
24 discuss your case? One second. I can
25 give you a direct answer, but I don't

PROCEEDINGS

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2 know if you'll like the answer.

3 MR. SONDA: I'm trying to get a
4 general answer to my question here.

5 MR. DARCHE: Are you giving me
6 permission to discuss your case?

7 CHAIR DAVIE: If you're trying to
8 ask a question about where the authority
9 lies, it lies with the board and staff
10 on any number of these issues.

11 Son, I understand that you're not
12 satisfied with how your situation was
13 resolved and I can appreciate the
14 frustration. But taking up the public's
15 time at every board meeting because your
16 case was not resolved to your
17 satisfaction, is not the way to deal
18 with this.

19 It's -- it's not fair to the general
20 public. And it's certainly not fair,
21 you know, to people who show up here
22 really wanting to get their concerns
23 before the board. We've heard you.
24 You're -- you're -- you're unhappy with
25 the process. It's not a perfect process

PROCEEDINGS

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2 and we're not perfect people, but what
3 we've given you is -- is what we believe
4 is the most appropriate and the best
5 that this agency can provide you.

6 I'm sorry that that's not good
7 enough. But you can't come -- you
8 shouldn't come to these meetings every
9 month and take up this amount of time
10 because your personal situation was not
11 resolved to your satisfaction. It's not
12 right and it's not fair.

13 I'm going to give you a chance for
14 one more question and then we are going
15 to have to move on.

16 MR. SONDA: What do you suppose that
17 might be beneficial that the board or
18 staff will also be allowed to review and
19 reopen requests?

20 CHAIR DAVIE: The board and the
21 senior staff have the right to review
22 the reopening of a case upon request.

23 And if the board has a confidence
24 that there's a substantive issue that
25 requires a reopening of a case, then we

PROCEEDINGS

1
2 will hear from our executive staff the
3 need to do that.

4 If we ever lose that confidence,
5 then we'll have another executive staff.

6 Thank you, sir, for your comments
7 and your questions. And again, I'm
8 sorry that things have not evolved as
9 you would have liked them, but sometimes
10 life is just like that.

11 Thank you.

12 Yojaira, can we have the next
13 speaker, please.

14 MS. ALVAREZ: Thank you, Mr. Sonda.
15 That concludes the public session
16 for today.

17 CHAIR DAVIE: Thank you.

18 Any comments or any questions from
19 any of the board members before we move
20 to see if there's any old business?

21 (No response was given.)

22 CHAIR DAVIE: Anyone?

23 If you have something you would like
24 to say, I'm going to pause and give you
25 a chance to comment.

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(No response was given.)

CHAIR DAVIE: Is there any old business to come before the board?

(No response was given.)

CHAIR DAVIE: Any new business to come before the board?

(No response was given.)

CHAIR DAVIE: Hearing none, can I have a motion that we adjourn to executive session?

MS. SIMMONS: Motion.

CHAIR DAVIE: Is there a second?

MS. BOND: Motion.

CHAIR DAVIE: All those in favor of adjourning to executive session, please say aye.

(Chorus of "Ayes.")

CHAIR DAVIE: No?

(No response was given.)

CHAIR DAVIE: The ayes have it. We are adjourned.

Thank you all. Thanks to the public. Thank you for coming out tonight and we will see you next month,

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if not before.

(Thereupon, the meeting was
concluded at 5:06 p.m.)

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PROCEEDINGS

C E R T I F I C A T E

STATE OF NEW YORK)

: ss

COUNTY OF NASSAU)

I, JAMES A. TETTA, a Notary Public within
and for the State of New York, do hereby
certify:

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

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

IN WITNESS WHEREOF, I have hereunto set my
hand this 9th day of December, 2020.


James Tetta

50:10,24	28:3,20,22 29:4,11 30:9,22,22 31:5 32:12,21 34:15,23,23 35:6,13 36:2 39:22,23 40:24 47:3,12,15 49:11,18 56:8 (43)	44:15	36:25 39:2 46:16 58:7 (8)	although 8:23 48:24 52:14
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