

NYC - Civilian Complaint Review Board
March 10, 2021

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2 CIVILIAN COMPLAINT REVIEW BOARD

3 PUBLIC MEETING

4 MARCH 10, 2021

5 6:35 P.M.

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8 HELD VIA VIDEOCONFERENCE

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15 B E F O R E:

16 FREDERICK R. DAVIE, CHAIR.

17 JONATHAN DARCHE, ESQ.,
EXECUTIVE DIRECTOR

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23 TRANSCRIBED BY:

24 DANIELLE M. RIVERA

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1 PUBLIC MEETING AGENDA

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

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NYC - Civilian Complaint Review Board
March 10, 2021

1 BOARD MEMBERS PRESENT

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3 FREDERICK DAVIE,
CHAIR

4 JOHN SIEGAL, ESQ.
BOARD MEMBER

5 ERICA BOND, ESQ.
BOARD MEMBER

7 CORRINE IRISH, ESQ.
BOARD MEMBER

8 JOSEPH A. PUMA
BOARD MEMBER

10 MICHAEL RIVADENEYRA, ESQ.
BOARD MEMBER

11 ANGELA SUNG PINSKY
BOARD MEMBER

13 WILLIE FREEMAN
BOARD MEMBER

14 FRANK DWYER
BOARD MEMBER

16 ESMERALDA SIMMONS, ESQ.
BOARD MEMBER

17 NATHAN JOSEPH
BOARD MEMBER

19 PRESENTERS:

20 JAH I ROSE,
21 DEPUTY DIRECTOR OF OUTREACH &
INTERGOVERNMENTAL AFFAIRS
22 CIVILIAN COMPLAINT REVIEW BOARD

23 HARYA TAREKEGN, ESQ.
24 SENIOR COUNSEL FOR POLICY & ADVOCACY
NYC CIVILIAN COMPLAINT REVIEW BOARD (CCRB)

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1 MS. ALVAREZ: Good evening,
2 everyone. Thank you so much for joining
3 us. For those that need ASL
4 interpretation, our interpreters today
5 are Beth Zuriff and Craig Ridgway. In
6 the chat, we will provide instructions
7 on how to pin their videos. We'll also
8 include a CART services link for you to
9 follow along as well.

10 CHAIR DAVIE: Thank you, Yojaira.
11 Good evening, everyone. Welcome to the
12 March meeting of the Civilian Complaint
13 Review Board. I am Fred Davie, and I am
14 the Chair of the Board.

15 Before I get started, I would like
16 for my fellow Board Members to introduce
17 themselves. Why don't I start with
18 Ms. Irish?

19 MS. IRISH: Hi, everyone. My name
20 is Corrine Irish. I am a mayoral
21 appointee. I live in Harlem.

22 CHAIR DAVIE: Mr. Rivadeneyra.

23 MR. RIVADENEYRA: Hi. Good evening,
24 everyone. My name is a Michael
25 Rivadeneyra. I am the City Council

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1 Bronx appointee to the Board, and I hail
2 from the Bronx.

3 CHAIR DAVIE: Mr. Puma.

4 MR. PUMA: Good evening, everyone.
5 My name is Joseph Puma. I am a City
6 Council representative to the Board
7 hailing from Manhattan, and a lifelong
8 NYCHA resident.

9 CHAIR DAVIE: Mr. Dwyer.

10 MR. DWYER: I am Frank Dwyer,
11 Brooklyn born and raised, a Queens
12 resident, and I am a Police Commissioner
13 designee.

14 CHAIR DAVIE: Ms. Bond.

15 MS. BOND: Good evening, all. I'm
16 Erica Bond. I am a mayoral appointee
17 and a Brooklynite.

18 CHAIR DAVIE: Mr. Joseph.

19 MR. JOSEPH: Good evening, everyone.
20 My name is Nathan Joseph. I am a City
21 Council designee, and I live in Staten
22 Island.

23 CHAIR DAVIE: Mr. Freeman.

24 MR. FREEMAN: Good evening,
25 everyone. I'm Willie Freeman. I'm a

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1 Police Department designee.

2 CHAIR DAVIE: Thank you. Did I get
3 everyone who is here? Did I miss
4 anyone?

5 (No response.)

6 CHAIR DAVIE: All right. Thank you
7 all. Before we proceed with comments
8 tonight. We just have a little bit of
9 housekeeping to do. We need to approve
10 the minutes of the last meeting. Is
11 there a motion to approve those minutes?

12 MS. IRISH: So moved.

13 CHAIR DAVIE: Is there a second?

14 MR. RIVADENEYRA: Second.

15 CHAIR DAVIE: Are there any changes
16 or amendments, addendums, subtractions?

17 (No response.)

18 CHAIR DAVIE: Hearing none, all
19 those in favor of approving the minutes,
20 please say "aye."

21 ALL: Aye.

22 CHAIR DAVIE: All those opposed,
23 "no."

24 (No response.)

25 CHAIR DAVIE: All right. The

1 minutes are approved.

2 I want to begin tonight by
3 acknowledging all those New Yorkers who
4 have been lost to COVID-19, and those
5 who have lost someone to the virus. We
6 are a year into this immense crisis, and
7 we know that many, many people out there
8 are hurting, even whom are recovered,
9 many will still continue to hurt. Some
10 were hurting even before this pandemic
11 began.

12 To that end, we must do everything
13 we can to make New York City better than
14 what it was before; from jobs and the
15 economy to education and public housing,
16 and yes, even policing and civilian
17 oversight. The City is tackling these
18 issues head on, and I am encouraged by
19 many of the plans and proposals put
20 forth by the Mayor in his Dinkins' plan
21 in his draft response to the Governor's
22 Executive Order and by the City Council.

23 One piece of the Mayor's plan that I
24 am particularly excited about is the
25 administration support for changing

1 State Law to broaden the CCRB's access
2 to sealed records.

3 While we have made significant
4 progress with the NYPD in several key
5 areas, the Department often rejects our
6 request for evidence and police work and
7 paperwork, including video and prisoner
8 logs, if that evidence contains
9 information that the Department feels
10 could be sealed or kept confidential,
11 due to ongoing or completed criminal
12 proceedings.

13 This is problematic because police
14 misconduct is often a reason why arrests
15 end up sealed in the first place. If
16 our Agency is denied access to critical
17 information because of the Department's
18 interpretation of sealing statutes, that
19 negatively impacts the CCRB's ability to
20 fairly and thoroughly decide cases.

21 The intent of this sealing law was
22 to protect the privacy of civilians,
23 something the CCRB deeply values and
24 strives to protect. However, these
25 sealing statutes should not have the

1 effect of shielding officers from
2 scrutiny or misconduct. I am glad the
3 Administration is advocating for this
4 change.

5 The other proposal I strongly
6 support is the City Council's resolution
7 calling on the State Legislature to give
8 the CCRB final disciplinary authority in
9 CCRB cases. The Bill sponsored by
10 Assembly Member Cruz and Senator Bailey
11 will turn this idea into reality. I
12 believe this will give the CCRB the
13 teeth it needs to bring greater
14 accountability to the NYPD.

15 Making CCRB's oversight even more
16 independent from the Department, from
17 complaint to penalty, will only improve
18 the public's trust in the disciplinary
19 system and repair the fractured
20 relationship between community and
21 police.

22 These are simple, common sense
23 solutions that the State could take to
24 empower civilian oversight in New York.
25 These changes could serve as an example

1 to other jurisdictions across the
2 country that are paying close attention
3 to how we re-shape the nation's largest
4 police force.

5 As we continue to pursue these
6 changes, it is also important for us to
7 reflect and receive feedback on the
8 changes we are already putting into
9 place.

10 Last week, the CCRB released its
11 Officer History Database, the first of
12 its kind in our State and the Nation.
13 This effort was made possible by the
14 repeal of 50(A) last summer and the
15 Court's validation of CCRB's ability to
16 release these records.

17 CCRB Staff will speak more about
18 this tonight, but I want to take this
19 opportunity to thank all who've worked
20 tirelessly advocating for the repeal of
21 50(A).

22 I also want to thank Lincoln
23 MacVeagh, our Director of Analytics and
24 New Application Development, and his
25 entire team for working on CCRB's

1 database for weeks and months at a time,
2 and for pulling data for these meetings
3 and for members of the public.

4 This new day of transparency could
5 not have happened without all of you in
6 and outside of the CCRB. This City
7 should be extremely grateful for all of
8 your efforts, and I hope we will be, not
9 only during this period, but in years to
10 come.

11 I now would like to turn this
12 meeting over to the CCRB Executive
13 Director, Jon Darche. Jon.

14 MR. DARCHE: Thank you, Chair Davie.
15 As the Chair said, the database is now
16 live. We are already receiving feedback
17 on how to improve it. We are looking
18 forward to releasing more information
19 through FOIL and proactively in the
20 database.

21 I am extremely proud of the Agency
22 and the work the entire staff does every
23 day that leads to this data collection.
24 The Chair already mentioned Lincoln and
25 his team, but I am also grateful to the

1 folks at DoITT, from Commissioner Tish
2 all the way down the roster, for the
3 assistance they gave the Agency on this
4 matter, and frankly, throughout the
5 pandemic. The Agency and the City are
6 in their debt.

7 In addition to discussing specifics
8 about policing in Staten Island tonight,
9 the Agency will also present on the new
10 database.

11 I just wanted to give you all a few,
12 quick updates on Agency operations.
13 Investigators are still working remotely
14 and the CCRB is prioritizing the health
15 and safety of staff, civilians and
16 members of service.

17 We've also recently created a social
18 media canvassing policy. A number of
19 our investigations still require more
20 information. Please check our social
21 media if you have information on
22 incidents involving police misconduct.

23 The CCRB is implementing the
24 disciplinary matrix into our internal
25 complaint tracking system, and Board

1 panels will soon begin using the matrix
2 when assessing complaints. That process
3 has already started, but it will go much
4 smoother once we've assimilated the
5 matrix into the case tracking system.

6 Some ground rules for tonight; when
7 we get to the public comment portion of
8 the meeting, please use the
9 raise-the-hand feature to make a
10 comment, and please keep your comments
11 to two minutes.

12 Thank you again to staff, and thanks
13 again to members of the public for
14 participating.

15 CHAIR DAVIE: Thank you, Jon. We
16 will now have a presentation from our
17 Deputy Director for Outreach and
18 Intergovernmental Affairs, Jahi Rose.
19 Jahi.

20 MR. ROSE: Okay, thank you very
21 much. Can everyone hear me?

22 CHAIR DAVIE: Yes, we can. Hi.

23 MR. ROSE: Okay. Thank you very
24 much, Chair Davie. I've also added a
25 copy of the Outreach presentation into

1 the chat so everyone could follow along.

2 Let me share my screen.

3 As you all may know, the Civilian
4 Complaint Review Board is, in fact, the
5 largest independent oversight entity of
6 the largest police department in the
7 nation. The CCRB investigates, mediates
8 and prosecutes complaints of misconduct
9 against police officers.

10 You've met a few Board Members, but
11 the Agency is governed by a
12 fifteen-member Board; five seats are
13 appointed by the Mayor, five are
14 appointed by the New York City Council,
15 three designated by the Police
16 Commissioner, one appointed by the
17 public advocate and the Chair is jointly
18 appointed by the City Council and the
19 Mayor's Office.

20 The CCRB is allowed to intake
21 complaints about police misconduct.
22 However, we have a very specific
23 jurisdiction. We use an acronym called
24 "FADO" to remember it; the "F" stands
25 for force, "A" stands for abuse of

1 authority, "D" stands for discourtesy
2 and "O" stands for offensive language.

3 Just to give you a little bit of
4 information regarding the Right to Know
5 Act. The Right to Know Act is a law
6 that was passed in 2018, in the month of
7 October. That law pertains to police
8 encounters.

9 With those police encounters, under
10 certain circumstances, police officers
11 should identify themselves providing
12 their name and other information, such
13 as, their rank, command and shield
14 number.

15 Additionally, with some exceptions,
16 they should explain the purpose of the
17 interaction. Additionally, inform an
18 individual of the right to say no when
19 asked for their consent to a search
20 their person, property, vehicle or home.

21 And lastly, offer a business card
22 with the officer's information that
23 explains how comment and/or complaint
24 can be made about their interaction with
25 NYPD.

1 Civilians can request a business
2 card in all interactions. This is what
3 the business card may look like, the
4 front and back.

5 Now, there are many ways to file a
6 complaint about police misconduct. Just
7 to name a few, you can file one of these
8 reports online at nyc.gov/ccrbcomplaint.
9 You can also call our hotline at
10 1(800)341-CCRB.

11 Now, remember, if you see footage of
12 misconduct on social media or the news,
13 you can file a complaint, even if you
14 were not there in person.

15 The other ways to file a complaint
16 with the CCRB include contacting 311.
17 You could also come to our office at
18 100 Church Street, on the 10th Floor in
19 Manhattan, New York, zip code 10007.
20 You can also send the CCRB a complaint
21 via mail at the same address at
22 100 Church Street.

23 Now we would like to provide you
24 with some information regarding our
25 investigations unit.

1 The CCRB's investigators (Level 1),
2 are responsible for investigating
3 civilian complaints against the NYPD
4 alleging police misconduct. A large
5 part of their career opportunities
6 include extensive writing, interviewing
7 witnesses and police personnel,
8 researching, juggling competitive
9 priorities, working independently and
10 drafting compelling closing reports.

11 Our investigative staff is comprised
12 of more than ninety-plus investigators
13 with various socioeconomic backgrounds,
14 and they speak ten-plus languages. Our
15 team is comprised of the best and
16 brightest undergrad and graduate
17 students from various educational
18 institutions nationwide.

19 To learn more about our
20 Investigations Unit, please visit our
21 official website at nyc.gov/CCRB. There
22 are a couple of ways for you to apply to
23 be part of the Investigative Unit. The
24 CCRB has an ongoing commitment to hire
25 investigators in this role. They could

1 be viewed on Idealist, www.idealists.org,
2 and Handshake, which is
3 www.joinhandshake.com.

4 Alternatively, if you don't see
5 these roles posted, you are encouraged
6 to submit a cover letter and resume via
7 e-mail at careers@ccrb.nyc.gov for
8 future interest.

9 Now, if you would like an Outreach
10 presentation for organizations, members
11 of your community, feel free to reach
12 out to Outreach@ccrb.nyc.gov. Feel free
13 to send us an e-mail, and you could also
14 follow the CCRB on social media on
15 Instagram, Twitter and Facebook. Thank
16 you very much, Chair.

17 CHAIR DAVIE: Thank you, Jahi. Let
18 me just see if any of the Board Members
19 have any questions for Jahi. I can't
20 see all of you. So, if you do, please
21 just unmute yourself and ask, of course.
22 Any questions for Jahi?

23 (No response.)

24 CHAIR DAVIE: All right. Thanks
25 again, Jahi. Much appreciated. We are

1 scheduled to have a presentation from
2 our Acting Senior Counsel to the
3 Executive Director and the Director of
4 Policy and Advocacy, Harya Tarekegn, but
5 I understand she may be having technical
6 issues; is that right, Yojaira? Are
7 those technical issues still there?

8 MS. ALVAREZ: Yes. We can circle
9 back in just a moment while she is
10 sorting that out.

11 CHAIR DAVIE: Okay. Let's go to
12 community comment. Would you invite any
13 guests we have, Yojaira, to speak?

14 MS. ALVAREZ: Thank you, Chair. So,
15 first we will be hearing from Assembly
16 Member Charles Fall's office, Ruben
17 Sibri.

18 CHAIR DAVIE: Mr. Sibri, the floor
19 is yours.

20 (No response.)

21 CHAIR DAVIE: So, Yojaira, should we
22 go to our next speaker and come back to
23 Ruben?

24 MS. ALVAREZ: Yes, we'll circle back
25 with Ruben. Next, we will be hearing

1 from Kevin Cruz.

2 MR. CRUZ: Hello?

3 CHAIR DAVIE: Yes, how are you?

4 MR. CRUZ: How is everyone doing
5 tonight?

6 CHAIR DAVIE: Doing well, please go
7 ahead.

8 MR. CRUZ: So, I was supposed to
9 pick out of the three questions,
10 correct?

11 CHAIR DAVIE: The floor is yours,
12 and you can proceed as you wish.

13 MR. CRUZ: To be quite honest with
14 you guys right now, I'm actually in the
15 middle of driving. So, I just honestly
16 wasn't too prepared because I have a lot
17 going on. But I was honestly hoping for
18 some questions that I could answer.

19 CHAIR DAVIE: Well, why don't we
20 have you speak to the Board at another
21 time when you are better situated; how
22 does that sound?

23 MR. CRUZ: That's perfect, sir. I
24 appreciate that.

25 CHAIR DAVIE: Sure, absolutely.

1 Yojaira, is there another speaker?

2 MS. ALVAREZ: We've sorted out the
3 issue with Harya's presentation. So,
4 Sorin, can you upgrade Harya?

5 MS. TAREKEGN: Hi, everyone. Sorry
6 about that, and thank you, Sorin. I am
7 going to share my screen and start my
8 presentation.

9 So, we wanted to give you all a
10 snapshot of the data we have from Staten
11 Island. The way that CCRB collects our
12 data, and our Outreach team specifically
13 targets areas for doing outreach and
14 making sure the community knows about us
15 is a little bit imperfect, but the best
16 that we have, which is that we use
17 arrest data to see where there is police
18 activity.

19 And so, you will see here the four
20 precincts that fall on Staten Island and
21 how many arrests there were per 10,000
22 and they correlate with the complaints
23 that we've received in 2019. So, as you
24 see, we've received more complaints in
25 2019 than we did in 2018. We have been

1 out, even during COVID, doing
2 presentations virtually and making sure
3 the community knows about us.

4 The rest of the data is from 2020
5 because we used our own data, and so
6 it's more up to date. As you can see,
7 we had two cases that were mediated,
8 fourteen cases that were closed/other.

9 But the important numbers here are
10 forty-six full investigations and
11 seventy-six truncated cases. We are
12 always trying to lower the number of
13 cases that are truncated by making sure
14 that people who file complaints with us
15 know exactly how to go through the
16 process, are supported while they go
17 through the process and are able to get
18 what they need. And this is something
19 that the Agency works on every year.

20 For fully investigated cases, each
21 case that we get can have several
22 allegations. But this is for our
23 complaints, you can see that out of the
24 complaints that we've received,
25 thirty-two percent of them were

1 substantiated, which means that we found
2 that misconduct did occur and the Board
3 recommended some sort of discipline.

4 Eight cases were exonerated where
5 misconduct was found not to occur
6 because it was within police guidelines.
7 Five, unfounded where we found that what
8 was alleged did not occur at all. Four
9 officers unidentified.

10 And finally, fourteen cases where we
11 weren't able to determine with a
12 preponderance of the evidence whether
13 misconduct occurred or not.

14 Like I said, each complaint can have
15 several allegations. So, you will see
16 that in the fifteen substantiated
17 complaints, there were actually
18 sixty-six substantiated allegations of
19 misconduct, and seventy-three were
20 exonerated, thirty unfounded, thirty-six
21 officer unidentified and seventy-eight
22 unsubstantiated.

23 Finally, I want to take some time to
24 go over how our database works and show
25 an example of how to use it. So, when

1 you click over to our database, which is
2 in the chat, you will see a webpage like
3 this.

4 When you scroll down, this is where
5 you can put in the fields that you want
6 to search. I have just picked the 121st
7 Precinct because that's in Staten
8 Island, and I want to look at officers
9 with at least one substantiated
10 complaint.

11 And it pulls up a list, for me, of
12 the officers. It tells me what command
13 they're in; I picked the 121st Precinct,
14 so this will be officers in the 121st
15 Precinct, their last name, their first
16 name, rank and their shield numbers.

17 Now, if I want to see any more
18 information, I just click on one of the
19 rows. And I will see that this officer,
20 Joseph Dipaolo, has five total
21 complaints and one substantiated
22 complaint.

23 If I want any further information, I
24 click on "Detail," and that will show me
25 that he has -- here is his substantiated

1 complaint. You will see that there were
2 two separate allegations; one for abuse
3 of authority, forceful removal to a
4 hospital and one for the use of physical
5 force. The Board substantiated both of
6 those and recommended training. The
7 NYPD also imposed training.

8 However, you will see that the
9 officer also has seven total complaints
10 with five of them that were not
11 substantiated. So, one is pending
12 litigation; in one, the alleged victim
13 was uncooperative, one was exonerated,
14 one was unfounded and, again, another
15 one where the complainant was
16 uncooperative.

17 Then, I can go back to main, which
18 will send me back to my original search.
19 But I can change that to see officers
20 with two substantiated complaints. I
21 can change that to see officers in the
22 122nd Precinct, or if I know a specific
23 officer, I can look them up by their
24 first name or last name. I can look up
25 officers by rank or by shield number.

1 So, it's a really interactive tool.
2 We encourage the public to use it, look
3 around and see how best to use it. And
4 like Jon mentioned earlier, if there is
5 information that is not on here, our
6 FOIL office, although small, is mighty
7 and we look forward to being able to
8 respond to our FOIL requests as they
9 come in.

10 I just want to share a few
11 additional resources. We do share a lot
12 of other data on our website as well,
13 and that will show you maps of our
14 complaints, a lot more information
15 that's not just about officer history,
16 but where our complaints come from, the
17 demographics of our complainants, et
18 cetera.

19 Then, from the Policy Unit, we
20 publish reports, both annual and
21 semiannual, but also issue-based
22 reports, and those are up on the website
23 as well.

24 Finally, if you have a complaint and
25 want to track it, you can go to

1 NYC.gov/ccrbcomplaints. Thank you so
2 much. I'm here if you have any
3 questions.

4 CHAIR DAVIE: Thank you, Harya.
5 Questions for Harya, Board Members?

6 (No response.)

7 CHAIR DAVIE: All right. Hearing
8 none, we thank you for the presentation,
9 and we hope that the public will make
10 good use of the database. Thank you.
11 So, Yojaira, should we go back to public
12 comment?

13 MS. ALVAREZ: Yes. Next we will be
14 hearing from Vernon Dyverse Wooten. He
15 is a Senior Case Manager and Head of
16 United Activities Unlimited Fatherhood
17 Matters Program.

18 CHAIR DAVIE: Great. The speaker
19 can go ahead.

20 MR. WOOTEN: Hello?

21 CHAIR DAVIE: Yes, please go ahead.

22 MR. WOOTEN: Good evening, and
23 thanks for having me. I had a question,
24 if that's okay?

25 CHAIR DAVIE: Sure.

1 MR. WOOTEN: After looking at the
2 young lady's presentation, my question
3 became, what is the criteria for cases
4 that are founded and unfounded and
5 unsubstantiated? Like, what is the
6 measurement to determine that; is it a
7 matter of access to information? Is it
8 a matter of follow-through from the
9 person complaining? What is, you know,
10 -- I just want to know, what is the
11 determining factor?

12 CHAIR DAVIE: Sure. For
13 substantiated cases, it means that we
14 looked at the evidence and there was a
15 preponderance of the evidence that
16 suggested that the action that was
17 complained about did actually happen and
18 that it did violate policy or law.

19 For unsubstantiated allegations, it
20 means that, looking at a preponderance
21 of the evidence, there was not enough
22 evidence to decide one way or the other
23 about whether or not the action happened
24 at all.

25 Exonerated means that we looked at a

1 preponderance of the evidence, the
2 action happened, but it was not a
3 violation of either the patrol guide or
4 the law. Then, unfounded means that we
5 looked at the evidence and the action
6 didn't happen at all.

7 MR. WOOTEN: Yes, thank you. I
8 appreciate that, and I understand that
9 clearly.

10 Based on what you just explained to
11 me, which lends itself to my question,
12 when it comes to unsubstantiated cases,
13 and you said that is based on not having
14 the preponderance of evidence to make
15 that determination, is that impacted by
16 the same thing you mentioned earlier
17 about police access to information; is
18 that impacted by that, unsubstantiated
19 cases?

20 CHAIR DAVIE: It could be impacted
21 by any number of things, and it perhaps
22 could be impacted by sealed evidence. I
23 don't know the number of cases that
24 actually are impacted by sealed
25 evidence, evidence that we can't get

1 access to. I think we can talk about
2 that at a future date.

3 But more likely than not, it just
4 means that the evidence that we were
5 able to gather at the time, -- and I
6 will ask our Executive Director, or any
7 other staff speak to this, or Board
8 Members, if they want -- but more likely
9 than not, it just means that the
10 evidence that we looked at was not
11 sufficient enough. There was not a
12 preponderance that allowed us to make a
13 determination one way or the other on a
14 complaint.

15 Jon, do you want to talk to this, or
16 any other Board Members?

17 MR. DARCHE: So, when we're
18 determining whether to substantiate or
19 unsubstantiate an allegation, the
20 evidence that's generally looked at are
21 the statements given by the civilian,
22 the statements given by police officers,
23 police officer paperwork, body-worn
24 camera footage, other videos; often cell
25 phone video or surveillance video,

1 medical records, and also statements
2 from witnesses who might not be
3 complainants or victims, but just other
4 civilian witnesses we are able to find
5 and speak with about the incident.

6 So, when those are the types of
7 evidence that the Board looks at when
8 it's trying to determine whether or not
9 to substantiate an allegation, and there
10 are pieces that the Chair said, I don't
11 have those statistics in front of me,
12 where not having access to sealed
13 information can impact, or information
14 that the Department is treating as
15 sealed will impact our ability to reach
16 a determination on the merits of the
17 case.

18 MR. WOOTEN: Can I just say, in
19 closing, that I hope that for future
20 reference, and going along with the
21 newfound power of the CCRB, that you
22 start to track that statistic to see how
23 legitimately that impacts the outcome.
24 I hope that's part of the data that you
25 guys track going forward. Thank you.

1 CHAIR DAVIE: Thank you, thank you.
2 And I do suspect that we have the data.
3 It will probably take a while to pull it
4 together, and we can talk about that at
5 a future meeting, but thank you.

6 Yojaira, our next speaker.

7 MS. ALVAREZ: Thank you so much,
8 Dyverse. Next we will be hearing from
9 Melanie Wilkerson, Youth Justice
10 Coordinator at the Staten Island Justice
11 Center.

12 CHAIR DAVIE: The speaker can go
13 ahead. Melanie.

14 MS. WILKERSON: Okay. Can you hear
15 me now?

16 CHAIR DAVIE: Yes, we can.

17 MS. WILKERSON: All right. And can
18 you see me now?

19 CHAIR DAVIE: Yes, we can.

20 MS. WILKERSON: All right. This is
21 my first time using Webex. Forgive me.

22 CHAIR DAVIE: No worries.

23 MS. WILKERSON: This is also my
24 first time attending this meeting. So,
25 I'm really glad to be here and be

1 learning a lot with you all. And also,
2 on behalf of my Agency, I prepared a
3 statement for the Board tonight, really
4 with some general reflections that we've
5 had at our Agency, and hopefully can
6 maybe inspire any further dialogue.

7 CHAIR DAVIE: Sure.

8 MS. WILKERSON: So, as a provider
9 working at the Staten Island Justice
10 Center, which is actually part of a
11 larger Agency, the Center for Court
12 Innovation, I work in the Youth Programs
13 Department.

14 My work particularly is in support
15 of court-involved young people in our
16 Alternative to Detention Program, which
17 has allowed me to learn a lot from those
18 young people's direct experiences going
19 through the justice system.

20 I also operate the Youth Impact
21 Program, which was formerly known as
22 Youth Court, which connected our young
23 people with a number of juvenile justice
24 partners and even hosted police
25 community dialogues.

1 And so, really what I wanted to
2 bring here as a point of reflection for
3 this evening is that I'm coming to this
4 discussion shaping my perspective based
5 on the experiences of my young people.
6 And CCRB has run workshops educating our
7 young people on the work they do, which
8 I would say has been, generally, very
9 well-received and informative.

10 And my young people kind of
11 regularly share with me that they feel
12 if they saw any more visibility where
13 CCRB staff were more frequently tabling
14 in public areas or offering education in
15 schools, it would be really helpful.

16 And, again referring to my
17 experience as a provider, I feel that
18 young people really need this
19 information as much as the adults, as
20 they have developed opinions on the
21 police and justice systems. And we
22 also, as a Center, work with young
23 people who experience direct contact
24 with officers in the justice system.

25 And, you know, basically with some

1 further reflection, I think the CCRB
2 has, at least from the outside looking
3 in, continued to struggle with a lack of
4 image and image problem. So, to quote
5 my own words here, to share with you
6 all, as a community-facing resource, we
7 share with our young people and clients
8 at the Center that the CCRB exists as an
9 avenue of support when applicable in
10 police-civilian incidents.

11 When I bring it up, most people are
12 still not aware that the CCRB exists.
13 There continues to be doubt if the CCRB
14 is well-positioned to assist with
15 holding officers accountable.

16 And specifically on Staten Island,
17 and as a native Staten Islander myself,
18 there are many high-profile incidents,
19 or even lesser known, here on the Island
20 where officers have not been held
21 accountable on whatever spectrum of what
22 accountability looks like, particularly
23 towards people of color that has led to
24 further distrust in the system.

25 And so, I really wanted to frame my

1 statement on behalf of my Agency to also
2 iterate that I feel the CCRB needs to
3 continue providing increased
4 transparency around your investigatory
5 and disciplinary processes when a
6 complaint for officers have been made.

7 So, that is what I wanted to share
8 with you all tonight. I would hope that
9 could be dialogued more.

10 CHAIR DAVIE: Thank you. Just a
11 few, quick comments. First, getting the
12 message out about the CCRB is something
13 that we continuously try to do. I would
14 agree with you, we are not as known
15 throughout the City as we should be as
16 an Agency for people to engage when they
17 have complaints about interactions with
18 members of the NYPD.

19 So, we have a strong, but small
20 outreach team that's doing a lot of
21 work. As you said, they've done
22 trainings with your organization. It
23 would be more effective for us to be in
24 schools and places like that, and we
25 will keep pushing the City Council for

1 more resources so that we can do more.

2 I would also say that we have a
3 Youth Advisory Council that's going to
4 be doing more and more outreach to young
5 people. There is a PSA that they've
6 done that's on the website and that has
7 been promoted by the Mayor's Young Men's
8 Initiative as a way of trying to reach
9 more young people and let them know
10 about CCRB.

11 So, we clearly still have a good
12 deal of work to do to make the CCRB a
13 household name in the City of New York,
14 but we are committed to that. We are
15 also very committed to working with
16 public officials to strengthen the
17 Agency.

18 I think we've done a lot over the
19 last four years to make the Agency even
20 more effective. There are some other
21 things we want to try do to continue
22 that.

23 But we appreciate your work. We
24 appreciate what you do with young people
25 in Staten Island, and I want to thank

1 you for your time.

2 Let me see if any of the other Board
3 Members or staff have any comments or
4 questions.

5 (No response.)

6 CHAIR DAVIE: Thank you, Melanie.
7 We really appreciate you, and we will
8 continue to be engaged with you and the
9 work that you do. Thank you. Yojaira,
10 our next speaker.

11 MS. ALVAREZ: Thank you so much.
12 Next we will be hearing from Kevin Cruz
13 again. He is a NYCHA resident on Staten
14 Island. Kevin.

15 MR. CRUZ: Hello?

16 CHAIR DAVIE: Yes. Please go ahead.

17 MR. CRUZ: How are you guys doing
18 again? All right. So, I'm from a
19 Staten Island neighborhood. I grew up
20 in West Brighton, and I also grew up in
21 Brooklyn. I've been around all the
22 neighborhoods.

23 Honestly, the only thing I could
24 really say right now is cops, you see
25 police everywhere in our neighborhoods

1 as if they're part of community, but
2 they aren't actually a part of our
3 community. They don't get out their
4 cars. They don't converse with us.
5 They don't talk, like ask how our day
6 went.

7 Like, they're there every day.
8 They're there all day. They bother
9 people. They get out their cars and
10 they go in our stores like they're a
11 part of us, but they're not really part
12 of us, you know.

13 It starts with the young kids. As I
14 was growing up, they never did stuff
15 like that, you know what I mean. When I
16 was a kid, I've been arrested several
17 different times on bogus charges that
18 never really ever made any sense, and
19 you know what I mean.

20 I don't think cops really have the
21 empathy and care enough to really sit
22 there and think about the things that
23 they're doing to these children.
24 Honestly, I just feel like they need to
25 be more a part of our community, if they

1 are going to be in our communities all
2 the time. If they're going to be there
3 as much as we are, they need to be more
4 part of it.

5 And honestly, that's all I really
6 have to say right now at this moment.
7 So, I appreciate you guys allowing me to
8 speak and giving me the chance.

9 CHAIR DAVIE: Absolutely, thank you.
10 Thank you very much. Do any of the
11 Board Members have any questions or
12 comments for Kevin?

13 (No response.)

14 CHAIR DAVIE: All right. Thank you,
15 Kevin. Thank you for your comments.
16 Next speaker, please, Yojaira.

17 MS. ALVAREZ: Thank you, Kevin.
18 Next we will be hearing from Gabriela
19 Herbst from Staten Island.

20 CHAIR DAVIE: The speaker can go
21 ahead. Gabriela.

22 MS. HERBST: Hi, can you guys hear
23 me?

24 CHAIR DAVIE: Yes, please go ahead.

25 MS. HERBST: Okay. I'm Gabriela

1 from Staten Island. I work at the
2 Staten Island Justice Center with
3 Melanie. I just had a question for the
4 Board.

5 My question is, how does the CCRB
6 ensure that any person that goes through
7 the process of making a complaint feel
8 respected and that the process was fair?
9 And also, how does CCRB ensure the same
10 for police officers?

11 CHAIR DAVIE: That's a very good
12 question. I've talked a lot tonight.
13 Do any of my fellow Board Members want
14 to respond to the speaker?

15 MR. DARCHE: I can respond, Chair.

16 CHAIR DAVIE: Yes. Go ahead, Jon.

17 MR. DARCHE: So, I think, as a
18 staff, we try and treat people with
19 respect and get back to them quickly
20 when they reach out to us. It is an
21 aspiration. There are times when people
22 are not satisfied with their treatment
23 by the Board and by the staff, and we
24 try to talk to them and improve on our
25 performance.

1 And it is difficult because when
2 people come to the Agency, they want
3 their case to be substantiated. So, it
4 often leads to anger and frustration
5 when their cases are not substantiated.
6 In the same vein, with police officers,
7 we strive to treat them with respect and
8 professionalism, but they are sometimes
9 frustrated at the mere act of being
10 questioned on their behavior.

11 So, it is a tough road to balance,
12 but our staff does a very good job of
13 being impartial and unbiased and
14 listening to the people who they are
15 speaking to, asking good questions,
16 getting the answers that the Board needs
17 to make determinations, gathering the
18 evidence and presenting it in ways so
19 that the Board can make conclusions on
20 whether or not misconduct occurred.

21 And if it did occur, the appropriate
22 discipline that should be given to the
23 member of the NYPD.

24 CHAIR DAVIE: Thank you, Jon. Any
25 other comments or questions from any of

1 the Board Members? Any responses?

2 MR. RIVADENEYRA: Mr. Chair.

3 CHAIR DAVIE: Sure, go ahead.

4 MR. JOSEPH: Go ahead, Michael.

5 MR. RIVADENEYRA: I just wanted to
6 add, then I will definitely allow
7 Mr. Joseph to go, since this is his
8 borough that we're touching on. But I
9 just wanted to share that in our
10 reports, we do read them, we do see the
11 investigators really are sensitive to
12 the particular identities and sort of
13 how the complainants identify
14 themselves, how they want to be referred
15 to.

16 So, I think there is a level of
17 sensitivity that our investigators try
18 to present during their interviews that
19 are reflected in their closing reports.
20 And I do also see that the same is
21 presented on behalf of the officers to
22 try to present an unbiased position so
23 this way we are able to evaluate as
24 fairly as possible.

25 And Mr. Joseph now.

1 MR. JOSEPH: You've pretty much said
2 what I was going to say, and Chair Davie
3 also said what I was going to say, and
4 Jon.

5 We are in a difficult position. We
6 have to follow the evidence we have to
7 be unbiased. And many times, neither
8 side is satisfied with where the
9 evidence leads us or the lack of
10 evidence, where we can't prove it one
11 way or another.

12 And it's difficult, so we really do
13 try to be very sensitive to that when we
14 present this information to the officers
15 involved, as well as the civilians.

16 MR. DARCHE: Mr. Chair, there was
17 one other piece of the answer that I
18 left out. And that is, approximately
19 three, three and a half, years ago, the
20 Agency embarked on the program of adding
21 sexual misconduct to the Board's
22 jurisdiction.

23 And as a result, the Agency staff
24 started working with FETI on
25 trauma-informed interviewing skills, and

1 I think we have managed to incorporate a
2 lot of those skills in the training
3 we've given our investigators. And we
4 continue to send people to those
5 trainings, and I believe those listening
6 skills make our investigators better
7 interviewers, both for when they're
8 interviewing civilians and members of
9 service.

10 CHAIR DAVIE: Thank you. Thanks to
11 all of you. Ms. Bond, did I see your
12 hand?

13 MS. BOND: Yes. I just wanted to
14 add one quick thing, which is, the
15 Agency offers another avenue for both
16 officers and complainants to have their
17 complaints resolved, and I think it's an
18 important option, which is mediation.

19 So, I think that not every
20 complainant wants to simply file a
21 complaint and hear back at the end, sort
22 of, how the case was decided. And I
23 think mediation is a great opportunity
24 for complainants and for officers to be
25 able to engage in a more meaningful way

1 and come to a resolution that does not
2 necessarily just result in discipline,
3 but, I think, in a better understanding
4 between the parties as to what happened
5 and what the concerns were.

6 So, I would just flag that, I think,
7 as another way that the Agency tries to
8 balance of all the interests and the
9 concerns from the folks we deal with.

10 CHAIR DAVIE: Thank you very much.
11 Anyone else?

12 (No response.)

13 CHAIR DAVIE: All right. That
14 concludes comments from community
15 groups. We are going to go to the
16 public comments section of the meeting.

17 And if you would like to make a
18 public comment, please use the
19 raise-your-hand feature. Then, we will
20 go down the list.

21 We remind all of you, please keep
22 your comments to two minutes. We'll try
23 to time that. And I am going to ask
24 Yojaira if she will call on the first
25 speaker for the public.

1 MS. ALVAREZ: Thank you, Chair. We
2 will first be hearing from Jordan Woque
3 (phonetic).

4 MR. WOQUE: Good evening.

5 CHAIR DAVIE: Good evening.

6 MR. WOQUE: To the woman who just
7 asked the question about, are people
8 satisfied. I am a member of the public,
9 and I've been attending CCRB meetings
10 for quite a while. It started because I
11 was attending meetings with the
12 community in the West Broadway part of
13 Manhattan hearing complaints.

14 Then, once I asked the women, "Well,
15 why don't you take your complaint to
16 CCRB?" And the response was, "Why
17 bother?" So, this has brought me here
18 to try to learn about what's going on.

19 But this evening when you were going
20 through the data, you showed a value
21 which was complainant was uncooperative
22 or nonresponsive, something like that.

23 For a long time, I've been aware
24 that unsubstantiated included those
25 cases where the complainant maybe just

1 contacted the Board once and never
2 contacted again or didn't respond. And
3 I think that is an important statistic
4 which should be elevated because
5 unsubstantiated includes when the
6 complainant is uncooperative.

7 And I think that should be made
8 visible much higher up, rather than just
9 being, "We couldn't identify the member
10 of service." So, I liked seeing that in
11 the data, and I would suggest consider
12 moving it up so that it's more visible
13 in the summaries. Thank you.

14 CHAIR DAVIE: Thank you. Anyone
15 have any comments for Mr. Woque's
16 suggestion?

17 (No response.)

18 CHAIR DAVIE: All right. Thank you,
19 Jordan. Yojaira, next speaker, please.

20 MS. ALVAREZ: Thank you, Jordan.
21 Next we will be hearing from Jennvine
22 Wong followed by Eric Umansky.

23 MS. WONG: Hi, thank you. First I
24 wanted to commend the CCRB on the recent
25 release of your database. It's a great

1 tool for the public. It's so important
2 for the public to have access to this
3 database and it's really a good faith
4 show of the CCRB's commitment to
5 transparency with respect to police
6 misconduct and accountability.

7 I wanted to address something that
8 Chair Davie had mentioned earlier with
9 respect to, basically, NYPD obstructing
10 CCRB investigations. And I believe that
11 it was with respect to the sealing
12 statutes and the Department's
13 interpretation of those sealing statutes
14 negatively impacting the CCRB's ability
15 to investigate.

16 I was wondering if anyone would be
17 able to elaborate a little bit more,
18 specifically how the NYPD has utilized
19 the sealing statutes and their
20 interpretation of it to obstruct CCRB
21 investigations, what the CCRB has done
22 so far to combat it, and to talk a
23 little bit about what the public can do
24 to support an end to this kind of NYPD
25 obstruction.

1 And related to that, a little bit
2 more broadly, whether or not there could
3 be a dialogue that could start about how
4 the extent of which NYPD obstruction of
5 CCRB investigations plays into the
6 ability of CCRB to substantiate and
7 fully investigate allegations of
8 misconduct.

9 CHAIR DAVIE: So, let me just make a
10 general comment. Then, Jon, I will ask
11 you to comment more specifically on the
12 speaker's questions, then we can see if
13 any of the Board Members want to comment
14 as well.

15 The general comment is that we work
16 with the NYPD every day on scores, if
17 not hundreds of cases, and we are
18 working hard and we think there are
19 areas, as I said in my remarks, there
20 are areas of improved cooperation and
21 sharing of information, evidence and
22 other things that the Agency needs to do
23 its job and to do it well.

24 But this is a particular area that
25 is creating issues for the Agency and

1 its ability to do its work. And we are
2 pleased to see that the Mayor, in
3 addition to the CCRB, the Mayor himself
4 has also taken the initiative in his
5 report related to the Executive Order
6 that the Governor issued for all
7 municipalities and other government
8 entities that have police departments to
9 issue a report by April 1 on, broadly
10 speaking, police reform.

11 So, we are pleased to see that the
12 Mayor is taking the initiative in his
13 report to propose that there be
14 legislation that would allow for the
15 unsealing of documents so that CCRB can
16 pursue its cases.

17 So, there is cooperation in many
18 ways from the Department. City Hall has
19 taken the lead to help us address this
20 one, but it is a significant one and
21 another area that needs to be addressed.

22 So, with that, I'll see if Jon wants
23 to make comments, then any other Board
24 Members.

25 MR. DARCHE: So, I think the

1 clearest example of where the sealing
2 issue impacts CCRB cases are when
3 incidents happen in holding cells.
4 There may be other people who are in the
5 holding area, who we don't know who they
6 are, but because their cases have been
7 dismissed and sealed, the arrest
8 paperwork and the prisoner movement
9 slips and the logs of who is in the
10 precinct will be redacted so that we
11 don't find out who the other people in
12 the cell are.

13 Then, going forward, as part of the
14 Dinkins' plan, as it will call on us to
15 investigate profiling, where in most
16 cases right now where we have a
17 complainant, we can get waivers and
18 affidavits that will allow us to get
19 access to records.

20 But when we are looking at incidents
21 that are related to the incident we are
22 getting a complaint about, but aren't
23 directly related to those cases, there
24 is no way to get the affidavit that will
25 let us unseal the case. And so, unless

1 we get this relief in Albany, it makes
2 investigating, profiling, extremely
3 difficult.

4 CHAIR DAVIE: Thank you, Jon.
5 Anybody else want to comment on this
6 issue?

7 MR. DWYER: I'll comment, and I
8 haven't studied this issue deeply enough
9 to have real, real wisdom about it. But
10 I do know that when I've talked to the
11 Police Department, they feel that
12 releasing some of the things that are
13 requested would be a violation of the
14 law.

15 Now, people in CCRB, also
16 experienced attorneys, I believe,
17 disagree and say it's not. So, I mean
18 this is the quagmire of having two
19 groups of people of good faith honestly
20 having a different legal opinion.
21 Certainly, if a piece of legislation
22 passes, that, I believe, resolves the
23 issue.

24 CHAIR DAVIE: Thank you, Mr. Dwyer.
25 Anyone else?

1 (No response.)

2 MS. WONG: Thank you for those
3 answers. Would the Board, or would
4 anyone else, be able to address any
5 other ways or the extent to which NYPD
6 may engage in other actions that
7 obstruct CCRB independent
8 investigations --

9 For example, I believe this was an
10 issue over the summer with some of the
11 protest cases, it had to do with the
12 delay of producing body-worn camera or
13 not showing up -- which I believe they
14 have now, but at the time, I believe it
15 was over the summer, officers were not
16 showing up for interviews in a timely
17 fashion.

18 -- and whether or not those issues
19 or other issues of NYPD obstruction has
20 been persisting?

21 CHAIR DAVIE: I would say that those
22 issues around body-worn camera footage,
23 in terms of access to it as reported by
24 the staff have been resolved.

25 Although, I do want to reiterate for

1 you and the public that CCRB continues
2 to believe that unfettered access,
3 direct access, to body-worn camera
4 footage is the best way to go and we
5 will continue to advocate for that.

6 As for the interviews, those are
7 going forward. So, I think we have made
8 great progress since those protests this
9 summer. There's always more progress to
10 be made, and any place that we see that
11 there is an obstacle to the Agency being
12 able to pursue and fulfill its mission,
13 please rest assured that we are going to
14 address it and make it public, and do so
15 in a way that it gets addressed.

16 MR. WONG: Thank you, Chair Davie.

17 CHAIR DAVIE: Thank you. Yojaira,
18 next speaker, please.

19 MS. ALVAREZ: Next we will be
20 hearing from Eric Umansky, followed by
21 John Teufel.

22 MR. UMANSKY: Thanks very much. I'm
23 a Journalist at ProPublica. I've just
24 published a story this morning on some
25 of these issues, actually, involving

1 access, particularly with regard to the
2 investigations into NYPD abuse of
3 protesters last summer.

4 And I asked the CCRB for any
5 statistics on progress into those
6 investigations, and most fundamentally,
7 how many officers have been charged with
8 misconduct. The CCRB has declined to
9 offer any figures on that.

10 So, no figures -- put individual
11 cases aside, no overarching figures on
12 number of cases opened, number of cases
13 closed, number of cases in which
14 officers have been charged.

15 And my question, simply, is, why? I
16 understand, and I reflected in the
17 story, that you guys noted you would do
18 so once investigations are closed and
19 lawsuits about the protests are over.

20 But can you explain to me, and
21 everyone, why the need to wait for that
22 is? It could be a significant amount of
23 time. Thank you.

24 CHAIR DAVIE: Sure, thank you. So,
25 let me just make comment, then, again, I

1 will turn to Jon and to other Board
2 Members.

3 That information will be made
4 available. We just want to make sure
5 that we do it well and do it right and
6 not rush to get it out there. The cases
7 have to be closed, and then we will make
8 -- as we have done and as you have seen
9 with about 300,000 incidents that were
10 downloaded prior to the stay being
11 issued by the DA, and then, I think,
12 another 83,000 or so since the stay has
13 been lifted are on the database.

14 We will continue to make that
15 information available. We just want to
16 do it right and do it well and not rush
17 to get information out there in a way
18 that's not going to be helpful to this
19 process. There will also be a full
20 report on what the Agency has learned on
21 the back end of this.

22 But it's still going to take a
23 little bit of time. This will not
24 happen tomorrow because we want to be
25 deliberate and smart about this and make

1 sure that we deliver really, sort of,
2 sound information to the public.

3 I can understand the desire to know
4 more and to know it now, and you will
5 know it, you will know it in as much
6 detail as the law allows us to make
7 public, but we are going to be careful
8 about how we do it.

9 So, let me see if Jon, Mr. Darche,
10 wants to make a comment. Then, I'll see
11 if my fellow Board Members want to make
12 a comment.

13 MR. DARCHE: I'm good, Chair.

14 CHAIR DAVIE: I'm sorry?

15 MR. DARCHE: I'm good, Mr. Chair.

16 CHAIR DAVIE: Sure. Anyone else?

17 MS. IRISH: I would just say, I
18 think it's an important issue that
19 obviously is important to the public,
20 and I do think that we should make every
21 effort to provide interim reports on
22 this, to the extent that we can and can
23 do it in a way that is thorough and
24 accurate.

25 CHAIR DAVIE: Thank you, Ms. Irish.

1 Anyone else? Anyone else on the Board?

2 (No response.)

3 CHAIR DAVIE: All right. So, thank
4 you, speaker, and there will be
5 information made public as soon as we
6 have concluded that we've done our best
7 to ensure that we're getting the best
8 information we can to the public, but
9 you will get it.

10 Yojaira, next speaker, please.

11 MS. ALVAREZ: Next we will be
12 hearing John Teufel, followed by Jessica
13 Epting.

14 MR. TEUFEL: Yes, hello. Can you
15 hear me?

16 CHAIR DAVIE: Yes, please go ahead.

17 TEUFEL: Okay. So, I just wanted to
18 follow up on what Mr. Umansky raised in
19 the ProPublica report today. I have two
20 questions that thankfully do not involve
21 any sort of investigatory details or any
22 substance of an investigation, but
23 rather an internal issue that hopefully
24 can be addressed right now.

25 My first question is, back in

1 October, the Head of Investigations,
2 Dane Buchanan asked to interview Chief
3 of the Department Monahan when he had a
4 complaint filed against him. This was
5 in October. He asked Executive Director
6 Darche if he should go ahead and
7 schedule this. Executive Director
8 Darche said that he would follow up on
9 it himself.

10 We now find out that Chief Monahan
11 was not scheduled for an interview until
12 this month, after he announced his
13 retirement and after Bill DeBlasio has
14 already appointed him to new position.
15 So, this was a gap of about four months
16 from when he first was to be interviewed
17 and Mr. Buchanan kept following up to
18 try and schedule this to no avail.

19 So, why did Mr. Darche delay this
20 for so many months until after Monahan
21 could not be disciplined because he has
22 announced his retirement?

23 Second, why was Nicole Napolitano
24 barred from asking the NYPD about their
25 policies for the retention of body-worn

1 camera footage from the recent protests?
2 That's also another disturbing claim
3 made in today's ProPublica article.

4 I think just generally speaking,
5 there have been 750 complaints made to
6 the CCRB. These protests, and the
7 police response to them, were the
8 biggest new story concerning the NYPD in
9 the last year. It was brutal.

10 And the CCRB on this has been
11 nowhere to be found. So, that indicates
12 a reason why the public does not have
13 faith in this organization. So, I would
14 like Mr. Darche to respond to those
15 issues specifically. Thank you.

16 CHAIR DAVIE: Thank you. Let me
17 speak to them first and then we can see
18 if Jon wants to respond.

19 First, let me say again, the public
20 will get the information. I can
21 understand the desire to have it now,
22 but it will come. And to Ms. Irish's
23 point, if there is a way to do interim
24 reports on cases that have been closed,
25 that will happen.

1 The second point, I just want to
2 say, I have asked directly, "Was the
3 interviewing of Chief Monahan delayed
4 for any purpose, other than one that had
5 to do with the internal processes that
6 pertain to that investigation, or those
7 investigations related to him?"

8 I asked it pointblank, and I was
9 told, "No, it was not delayed for any
10 other reason, but that." So, I don't
11 want the public to think that somehow
12 Chief Monahan's investigation was
13 delayed so that he could have time to
14 retire and no longer be subject to
15 discipline. That was not the case here,
16 and he actually has been interviewed.

17 Then, as for the personnel issue,
18 since there is current outstanding
19 litigation surrounding that, I am going
20 to encourage no comment on that. But,
21 let me turn it over to Mr. Darche.

22 MR. DARCHE: I think to get into the
23 internal mechanisms of how it worked,
24 Mr. Chair, we'd have to get into the
25 personnel, that litigation. So, I think

1 we need to leave it at your statement.

2 CHAIR DAVIE: Sure, thank you. Any
3 other comments from any other Board
4 Members?

5 (No response.)

6 CHAIR DAVIE: Thanks. Again, I just
7 want to say, there's going to be a full
8 reporting of this. You are going to
9 have all of the information. I mean, we
10 wouldn't have pushed as hard as we did
11 around 50(A) only to say now we're not
12 going to share information.

13 That's going to happen, but it's
14 going to be done in a way that is
15 responsible so that, like the
16 information you have now; 320,000 on the
17 first release, 83,000 on the second
18 release, it will be solid information
19 that you can depend on. You will get
20 it.

21 Yojaira, our next speaker.

22 MS. ALVAREZ: Next we will be
23 hearing from Jessica Epting.

24 MS. EPTING: Hi, everyone. Good
25 evening. I'm really thankful to be in

1 this meeting, mostly just because it's a
2 first step for myself to finally get
3 some information from the CCRB.

4 And I would like to echo the
5 previous caller who said that the reason
6 that the public doesn't feel like they
7 can trust the whole process of CCRB, and
8 in turn the NYPD in general, is because
9 it doesn't seem like there's a lot of
10 answers that are given.

11 And I keep hearing, "It will come.
12 It will come." So, I'm curious, when it
13 comes, this report we are talking about,
14 how will it be delivered to the public?

15 I've never even heard of CCRB
16 meetings before, which brings me to
17 another question. So, the question
18 becomes around the public perception of
19 CCRB, the public information about CCRB
20 and how the information is being
21 delivered, and if it's effective.

22 In my opinion, at this point, it's
23 not because, again, I have been looking
24 into all of these situations for months
25 and have never even heard about a

1 meeting.

2 Tonight's meeting I see is primarily
3 about Staten Island. I live in the
4 Bronx. I would be quite curious to see
5 all of the reports for the Bronx, as
6 well as just knowing, hearing from you
7 guys, about how we're going to change
8 the public's perception of an Agency
9 that's saying, "We will give you the
10 information, but on our terms and when
11 we feel comfortable and when it's in due
12 process and we're sure that there's no
13 other reason why Monahan wasn't
14 interviewed."

15 It just doesn't feel very
16 believable. It doesn't incite much
17 trust in an Agency that we're supposed
18 to trust to investigate.

19 CHAIR DAVIE: Thank you, speaker.
20 Any comments on the speaker's comments?

21 (No response.)

22 CHAIR DAVIE: All right. Yojaira,
23 our next speaker, please.

24 MS. ALVAREZ: Next we will be
25 hearing from John Osonda.

1 MR. OSONDA: When was the 2019
2 annual report issued?

3 CHAIR DAVIE: You can go on the
4 website and find that.

5 MR. OSONDA: There was no press
6 release.

7 CHAIR DAVIE: Do you have another
8 point to make Mr. Osonda?

9 MR. OSONDA: There was no press
10 release, so I can't find it on the
11 website.

12 CHAIR DAVIE: Isn't the case that
13 all of our annual reports are on the
14 website?

15 MR. OSONDA: Yes, but the date of
16 the annual report, when it was issued,
17 is not on the website.

18 CHAIR DAVIE: So, do you have
19 another point to make Mr. Osonda?

20 MR. OSONDA: Do you know when it was
21 issued?

22 CHAIR DAVIE: I think you can go to
23 the website and find that report fairly
24 easily.

25 MR. OSONDA: Whose decision was it

1 to not issue a press release?

2 CHAIR DAVIE: Mr. Osonda, you show
3 up at a lot of meetings. There are a
4 lot of people who have given their time
5 to this. You've got bones to pick with
6 the Agency, we understand that, but I
7 will tell you like I told you before, --

8 MR. OSONDA: I'm reclaiming my --

9 CHAIR DAVIE: -- this is not going
10 to be --

11 MR. OSONDA: I'm reclaiming my time,
12 please. I'm reclaiming my time.

13 CHAIR DAVIE: -- this is not the way
14 to do it. You asked a question, I'm
15 giving you an answer. That's part of
16 your time.

17 MR. OSONDA: Yes. I asked it a
18 minute ago, and I still haven't got an
19 answer to it.

20 CHAIR DAVIE: And the report that
21 you want is on the website.

22 MR. OSONDA: On April 12, 2018, the
23 CCRB issued a press release announcing
24 that it had released its 2017 annual
25 report. The CCRB released the 2019

1 annual report in December of 2020; is
2 that correct?

3 CHAIR DAVIE: It's on the website.

4 MR. OSONDA: Okay. Who is
5 responsible at the CCRB for compiling
6 the data that is presented in the annual
7 report?

8 CHAIR DAVIE: There is a Policy
9 Department.

10 MR. OSONDA: Why did the 2019 annual
11 report take approximately eight months
12 longer to issue than it did just two
13 years earlier?

14 CHAIR DAVIE: I don't know the
15 answer to that, but we can --

16 MR. OSONDA: Who would have the
17 answer to that?

18 CHAIR DAVIE: We will get it for
19 you.

20 MR. OSONDA: How will I be provided
21 with that answer?

22 CHAIR DAVIE: Let me talk to the
23 staff, and we will get back to you.

24 MR. OSONDA: Executive Director
25 Darche, at a prior Board meeting, you

1 stated, "We are in the process of
2 changing our disposition letters;" when
3 did this process begin?

4 CHAIR DAVIE: Mr. Osonda, your time
5 is up. If you want to submit your
6 questions in writing, I invite you to do
7 that. Thank you. Are there more
8 speakers, Yojaira?

9 MS. ALVAREZ: That concludes our
10 public comment portion.

11 CHAIR DAVIE: Thank you. Is there
12 any old business to come before the
13 Board?

14 (No response.)

15 CHAIR DAVIE: Is there any new
16 business to come before the Board?

17 (No response.)

18 CHAIR DAVIE: Is there a motion to
19 adjourn to executive session?

20 MS. IRISH: So moved.

21 CHAIR DAVIE: A second?

22 MS. BOND: Second.

23 CHAIR DAVIE: All those in favor,
24 please say, "aye."

25 ALL: Aye.

1 CHAIR DAVIE: Opposed, "no."

2 (No response.)

3 CHAIR DAVIE: The aye's have it. We
4 will adjourn to Executive Session.
5 Thank you. Thanks to the public.
6 Thanks to everyone for coming out. We
7 appreciate your interest, your
8 questions, and we will continue to
9 provide you with as much information as
10 we possibly can about the CCRB and the
11 work that we do here. Thank you all.

12 (TIME NOTED: 7:48 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

ss:

COUNTY OF NEW YORK)

I, Danielle Rivera, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on 03/10/2021.

I further certify that I am not related to any of the parties to this action by blood or by 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 10th day of March 2021.



DANIELLE RIVERA

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