

In Re Board Meeting NYC - Civilian Complaint Review Board
April 14, 2021

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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

APRIL 14, 2021

4:04 P.M.

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HELD VIA VIDEOCONFERENCE

B E F O R E:

FREDERICK R. DAVIE, CHAIR

Transcribed by:

Julia M. Speros

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PUBLIC MEETING AGENDA

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1. Welcome & Virtual Meeting Protocol
2. Call to Order
3. Adoption of the Minutes
4. Report from the Chair
5. Report from the Executive Director
6. Presentation from Outreach on the CCRB
7. Presentation from General Counsel's
Office
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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1. Rev. Frederick Davie, Board Chair
2. Angela Sung Pinsky, Board Member
3. Corrine A. Irish, Esq., Board Member
4. Esmeralda Simmons, Esq., Board Member
5. Joseph A. Puma, Board Member
6. John Siegal, Esq., Board Member
7. Michael Rivadeneyra, Esq., Board Member
8. Nathan Joseph, Board Member
9. Salvatore F. Carcaterra, Board Member
10. Willie Freeman, Board Member

Presenters:

Jahi Rose - Deputy Director of Outreach and
Intergovernmental Affairs
New York City Civilian Complaint Review Board

Elizabeth Seymour, Esq. - Assistant General
Counsel
New York City Civilian Complaint Review Board

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PROCEEDINGS

MS. ALVAREZ: Good afternoon, everyone. Thank you so much for joining us.

For those requiring ASL interpreters, today we have Felice Shays and Craig Ridgway. In the chat, we will share instructions of how to pin their video throughout the meeting.

CHAIR DAVIE: Thank you, Yojaira, and good afternoon, everyone. Thank you for joining us for this March meeting of the Civilian Complaint Review Board.

I am Fred Davie, and before we get started, I'd like to ask my colleagues on the Board if they will introduce themselves, and I would like to start, if we could, with Angela Pinsky.

MS. PINKSY: Hi, everyone. My name is Angela Pinsky. I am a mayoral appointee, formally hailing from Brooklyn and currently in Manhattan.

CHAIR DAVIE: Thank you. Corrine Irish.

MS. IRISH: Hi, everyone. I am

1 Corrine Irish here. I'm from Harlem and
2 a mayoral appointee.

3 CHAIR DAVIE: Esmeralda Simmons.

4 MS. SIMMONS: Good afternoon,
5 everyone. I am a public advocate
6 appointee and I hail from Bed-Stuy,
7 Brooklyn.

8 CHAIR DAVIE: Off camera, John
9 Siegal.

10 (No response.)

11 CHAIR DAVIE: Mr. Siegal is there
12 but he may not be able to hear us or
13 speak to us right now, but we'll note
14 his presence.

15 Joseph Puma.

16 MR. PUMA: Good afternoon, everyone.
17 My name is Joseph Puma. I'm the
18 representative on the Board designated
19 by the City Council, hailing from
20 Manhattan.

21 CHAIR DAVIE: Thank you. Michael
22 Rivadeneyra.

23 MR. RIVADENEYRA: Good afternoon,
24 everyone. Michael Rivadeneyra; I hail
25 from the Bronx and I am a City Council

1 designee -- the Bronx designee to the
2 Board.

3 CHAIR DAVIE: Great. Thanks.
4 Willie Freeman.

5 MR. FREEMAN: Good evening,
6 everyone. Willie Freeman, Police
7 Commissioner designee hailing from
8 Brooklyn.

9 CHAIR DAVIE: Thank you,
10 Mr. Freeman.

11 I think on the phone we have Sal
12 Carcaterra.

13 Sal?

14 MR. CARCATERRA: Hello?

15 CHAIR DAVIE: Yes, we can hear you.
16 Go ahead -- hi, Sal.

17 MR. CARCATERRA: Good evening,
18 everyone. Hi, I'm Sal Carcaterra and I
19 am a Police Commissioner designee for
20 the Board. Thank you.

21 CHAIR DAVIE: Thank you. Did I miss
22 anyone?

23 (No response.)

24 CHAIR DAVIE: Great. Before I say a
25 few words, I'm going to ask if we can

1 approve the minutes of the last meeting.

2 Is there a motion to approve those
3 minutes?

4 MR. RIVADENEYRA: Motion.

5 CHAIR DAVIE: Is there a second?

6 MS. PINSKY: Second.

7 CHAIR DAVIE: Great. All those in
8 favor of approving -- let me ask first
9 if there are any changes or
10 modifications to the minutes?

11 (No response.)

12 CHAIR DAVIE: Great. Hearing none,
13 all those in favor of approving the
14 minutes, please say "aye".

15 (Chorus of "Ayes".)

16 CHAIR DAVIE: Any opposed?

17 (No response.)

18 CHAIR DAVIE: Great. Hearing no
19 opposition, the minutes are approved.
20 Thank you.

21 So we're here tonight as the trial
22 of former officer Derek Chauvin
23 continues, and, sadly, as another young
24 black man, Daunte Wright, has been
25 inexplicably and indefensibly killed by

1 police in Brooklyn Center, Minnesota.

2 Derek Chauvin's trial is both a
3 reminder of the steep climb prosecutors
4 often face to achieve justice for
5 victims of police brutality, and a good
6 example of what can happen when police
7 officers, themselves, call out police
8 misconduct on the part of fellow
9 officers.

10 It is heartening to witness use of
11 force experts in law enforcement and
12 officers in the Minneapolis Police
13 Department taking the stand and saying
14 plainly what we all are thinking. The
15 conduct was egregious, unacceptable, out
16 of bounds of departmental policy, and
17 should render Derek Chauvin criminally
18 liability and incapable of being on any
19 police force ever again.

20 I hope the officer who killed Daunte
21 Wright gets the same degree of review.
22 I'm personally finding it hard to
23 believe that given the rigorous training
24 officers receive, in 26 years of
25 experience on the force, that the

1 officer in this case could not
2 distinguish the difference between a
3 taser and a firearm.

4 Closer to home in the wake of George
5 Floyd's death and the protests in
6 support of black lives, jurisdictions
7 across New York State are exploring ways
8 to reform their police departments and
9 increase police oversight, some taking
10 the task more seriously than others, and
11 it is still clear we have a lot of work
12 to do.

13 New York City and State are
14 undertaking this effort with elected
15 officials proposing changes that are
16 sorely needed to policing and oversight
17 systems. One fundamental change that I
18 have spoken about many times before is
19 the need for final disciplinary
20 authority to become independent from the
21 police department, particularly in CCRB
22 cases.

23 I empathize with the due process
24 concerns that many officers may have
25 about the transferal of final authority

1 on CCRB cases out of the department.
2 However, the current status quo itself
3 respects due process far less than if a
4 different body were to have this
5 authority.

6 Presently, the Police Commissioner
7 can overrule the CCRB's investigations
8 and findings, the recommendations of the
9 trial commissioner, and even the plea
10 deals our prosecutor reach with the
11 officer's legal representation. The
12 Commissioner, as we know, can even
13 decide whether or not a trial is held in
14 cases of serious misconduct.

15 And while I profoundly appreciate
16 the recent signing of an MOU, and
17 adoption of the disciplinary matrix --
18 unprecedented in the history of the City
19 of New York -- I still believe more
20 change is needed, and this current
21 system is not one that necessarily
22 supports the due process officers want.

23 One solution I support is a state
24 bill introduced by State Assembly Member
25 Catalina Cruz and Senator Jamaal Bailey.

1 This bill would make the disciplinary
2 authority independent by providing final
3 disciplinary authority to the CCRB in
4 CCRB cases by establishing an external
5 hearing officer for the APU cases, and
6 by affording officers the opportunity to
7 appeal final decisions, both through
8 reopening requests and by petitioning
9 for an Article 78 proceeding in New York
10 State Court.

11 Not only would this proposal respect
12 due process, it would enhance it. It
13 would ensure disciplinary decisions are
14 fair, consistent, and worthy of a
15 public's trust. I strongly support the
16 proposal before the State Legislature.

17 Another change I have previously
18 spoken about is the need to exempt the
19 CCRB from state sealing statutes. Right
20 now, there ask a world of evidence and
21 potential misconduct that is withheld
22 from CCRB scrutiny as a result of these
23 sealing statutes.

24 Evidence such as sealed affidavits,
25 holding pin rosters, certain video

1 footage, and other documents containing
2 information pertinent to our
3 investigations is often kept from agency
4 investigators. The sealing statutes
5 make it difficult for our staff to
6 fulfill the agency's mandate and will
7 make it nearly impossible to fulfill the
8 additional mandates put on our staff
9 through recent reforms.

10 Thankfully, City Hall is urging
11 state lawmakers to exempt CCRB from
12 these statutes, and I welcome this
13 support.

14 Dozens of jurisdictions have sent
15 their policing plans -- reform plans to
16 Albany. These changes that New York
17 City has identified are necessary and
18 urgent. The City is sending its plan --
19 the City, sending its plan to Albany,
20 should signify the beginning of a larger
21 reform process, and I urge state
22 lawmakers to use the rest of the
23 legislative session to enact meaningful
24 reforms to policing and police oversight
25 in New York City and across our state.

1 Other states around the country are
2 also showing us what leadership on these
3 issues can look like. I commend the
4 Maryland Legislature for passing a truly
5 significant policing and oversight
6 reform plan last week. In the meantime,
7 we will continue our work here.

8 The Board currently has
9 approximately 50 protest cases on our
10 docket to review. We should review
11 these as quickly and as judicially as
12 possible so that we can continue to
13 provide New Yorkers with updates on the
14 protest cases, particularly as the
15 anniversary of these protests
16 approaches.

17 We will provide another update on
18 these cases in the coming weeks, and in
19 a few months, we will look forward to
20 issuing a full report on the protest
21 conduct by members of the NYPD.

22 With that, I would now like to turn
23 in over to our Executive Director,
24 Jonathan Darche.

25 Jon.

1 MR. DARCHE: Mr. Chair, I think we
2 should probably let Assembly Member Cruz
3 go first cause I think her time is
4 limited.

5 CHAIR DAVIE: Very good. Assembly
6 Member Cruz, we're very glad you're with
7 us.

8 (No response.)

9 CHAIR DAVIE: I think you're on
10 mute.

11 MS. CRUZ: Can you hear me now?

12 CHAIR DAVIE: Yes, thank you.
13 Welcome.

14 MS. CRUZ: All right. There you go.
15 Technology these days. Thank you, Mr.
16 Chairman, and Jonathan. Always good to
17 see you.

18 I just wanted to stop by and thank
19 you for -- not only for the support, but
20 for guidance along the path as we work
21 on a bill that I really think is a
22 longtime coming.

23 You know, if we're really going to
24 have accountability for the actions that
25 a police officer takes that lead to the

1 death of someone, to possible criminal
2 charges, etcetera, etcetera, etcetera,
3 we should not have a law that allows the
4 Commissioner to undo all of the work of
5 the CCRB.

6 We should not have given them --
7 them -- and I say "them" because there
8 has been many commissioners along the
9 way -- the opportunity to turn around
10 and undo a recommendation decision.
11 It's just simply not the way that it
12 should be. We want the CCRB to have the
13 ability to do the job that we put you
14 there to do as a community, and this
15 bill is very much needed.

16 I am proud to have been working on
17 this with Senator Bailey, who has had a
18 long history of working on these issues,
19 and I think it's a gigantic step in
20 truly ensuring that our community
21 sees -- sees the processes by which we
22 attempt to hold officers accountable for
23 their actions as a real process, because
24 when you make a recommendation and the
25 Commissioner can turn around and place

1 his own words, if you will, over your
2 decisions, which he has done as recent
3 as this last year, then it undermines
4 you and your ability to do your job, Mr.
5 Chairman, as well as your members.

6 And so, thank you for the support --
7 thank you for that, and we look forward
8 to having -- to having it passed, to
9 having it become law, and to having a
10 CCRB that is strong and steady.

11 CHAIR DAVIE: Well, thank you so
12 much, and we really appreciate your
13 leadership on this and we'll look
14 forward with -- to the passage of the
15 legislation this session, and obviously
16 anything that we can do to help, within
17 the bounds of what the City Charter will
18 allow us to do, we will certainly do it.

19 So, thank you for your support.

20 MS. CRUZ: Thank you, Mr. Chairman,
21 and for the folks who may be watching
22 me, cause I know -- I actually got a
23 couple of texts from reporters earlier
24 today, the bill number is A06012.

25 And so if you would like your local

1 state assembly member to sign onto it, I
2 urge you to call and get them to support
3 a truly independent CCRB.

4 CHAIR DAVIE: Thank you so much and
5 thank you for your time.

6 MS. CRUZ: Thank you. Have a good
7 one, everyone.

8 CHAIR DAVIE: All right. Take care.
9 So, Jon, before we proceed, I see
10 we've been joined by Mr. Joseph.

11 Mr. Joseph, you want to introduce
12 yourself?

13 MR. JOSEPH: Good evening. My name
14 is Nathan Joseph. I am a City Council
15 appointee and I live in Staten Island,
16 and I apologize for being late.

17 CHAIR DAVIE: No worries. We're
18 glad you're here.

19 Jon?

20 MR. DARCHE: Thank you, Chair Davie,
21 and Assembly Member Cruz.

22 In addition to the desired reforms
23 the Chair mentioned, CCRB is preparing
24 to implement reforms recently passed
25 through the rules process and in the

1 City's policing reform plan,
2 specifically Council Bill 2212 mandates
3 CCRB investigate racial profiling and
4 the agency's new rules for sexual
5 misconduct investigations. Both changes
6 will require a significant amount of
7 additional resources to properly
8 implement.

9 We are working with OMB to secure
10 the necessary resources and personnel,
11 and as Ms. Seymour will tell you all
12 later, the Office of Management and
13 Budget recently approved us hiring two
14 civilian advocates, who we're very
15 excited about that.

16 Sexual misconduct perpetrated by
17 police officers and racial profiling are
18 bot extremely serious and sensitive
19 matters, and all of us at CCRB want to
20 make sure that we have the resources it
21 will take to handle these allegations
22 the way they need to be handled.

23 Also, an update on the repeal of
24 50-a:

25 All of the police unions officially

1 withdrew their lawsuit, and so the CCRB
2 will be able to continue with our
3 process of responding to FOIL and making
4 information public -- available to the
5 public as we have been since the stay
6 was lifted, and that is the huge victory
7 for police accountability in our state,
8 and it was a real relief to see the
9 repeal affirmed by the courts.

10 Before I go, I just want to give
11 some quick updates on agency operations.

12 The CCRB finished incorporating the
13 disciplinary matrix into our internal
14 complaint tracking system. Board panels
15 had paused while we engaged in this
16 process and they recently resumed.
17 Investigators are still working
18 remotely, and the CCRB is prioritizing
19 the health and safety of staff,
20 civilians, and members of service, but
21 the CCRB is preparing to return to
22 office in May in a manner consistent
23 with the Mayor's directive, and we are
24 working with City Hall and the relevant
25 City agencies, and our staff, and the

1 unions that represent them, to ensure
2 our safe return.

3 And finally, an update about the
4 availability of positions here at CCRB.

5 On Tuesday, April 27th from 6 to
6 7 p.m., the CCRB will host a virtual
7 recruitment event moderated by our
8 Director of Recruitment, LaShawn
9 Lindsey, with panelists from our
10 Investigations Unit.

11 All interested applicants are
12 invited to join us as we discuss CCRB's
13 hiring process, our culture, a day in
14 the life of an investigator, the
15 investigator career path, and the CCRB's
16 continued commitment to support our
17 staff in the wake of COVID-19.

18 You can sign up for our virtual
19 recruitment event and submit your
20 questions for our panelists by sending
21 an email to ccrbevents@ccrb.nyc.gov no
22 later than 1 p.m. on Tuesday,
23 April 27th.

24 Additionally, you can also view our
25 current Investigator 1 job posting at

1 www.nyc.gov/ccrb, and you should search
2 under the job ID 459397.

3 Some ground rules for tonight:

4 Please use the raise the hand
5 feature to make a comment, and please
6 keep your comments to two minutes.

7 Thank you, Mr. Chair.

8 CHAIR DAVIE: Thank you, Jon.

9 Before we go on, I want to see if
10 there are any questions or comments
11 either on Assembly Member Cruz's comment
12 or yours, Jon -- any -- from the Board
13 members.

14 MR. PUMA: (Indicating.)

15 CHAIR DAVIE: Joe -- Mr. Puma.

16 MR. PUMA: Thanks -- thank you,
17 Mr. Chair. I would direct this question
18 to Mr. Darche.

19 This week -- just a few days ago,
20 there was an article about a specific
21 case that had gone through the agency.

22 Now that we have more -- we're more
23 at liberty to discuss a case in public,
24 I thought I'd take the opportunity --
25 and in that article, it was describing a

1 situation of a civilian who had alleged,
2 among other things, improper entry and
3 search of his home, and the article
4 noted that the Board had exonerated it
5 and held -- if you read on, there seem
6 to have been some sort of problem with
7 the underlying affidavit, which I guess
8 gives the police department, you know,
9 information about the address.

10 And so I guess -- it surprised me to
11 read such an article because I know that
12 the staff that investigate such
13 allegations take entry and search of a
14 home very seriously. I know the Board
15 members do as well, and the agency even
16 issued a report several years ago that I
17 thought was very -- quite eloquent and
18 strong on the topic of an improper entry
19 and search of residences.

20 So, I was wondering if Mr. Darche
21 could just maybe shed some light about
22 what happened in this case or what we
23 know, and what was going on with the
24 underlying affidavit.

25 I think the article also talked

1 about maybe the issue that the Chair
2 raised about sealing records and how
3 that might be an impediment to CCRB
4 work. So, it seems to relate to the
5 Chair's points as well.

6 MR. DARCHE: Thank you. That's a
7 very important question, Mr. Puma.

8 Search warrants are public
9 documents, and in fact, if an officer is
10 executing a warrant in your home, you're
11 allowed to request a copy of that
12 warrant and the officers have to give
13 you a copy of the warrant.

14 Search warrant affidavits, which are
15 the documents that -- document the
16 information provided to the judge before
17 the judge issued the warrant almost
18 always are sealed in this state, and in
19 this case, the investigator had the
20 search warrant, which was for the
21 location entered and searched by the
22 police.

23 The reporter obtained a copy of the
24 affidavit from the civilian's civil
25 attorney who had obtained the affidavit

1 as a result of discovery during this
2 civil litigation, and that showed flaws
3 in the process by which the warrant was
4 issued.

5 In this case, all the investigator
6 had was the search warrant, and,
7 therefore, determined to exonerate the
8 allegations for improper entry and
9 improper search. As long as the CCRB is
10 subject to sealing statutes, this type
11 of information is going to be hidden
12 from the CCRB investigators, and,
13 therefore, from this Board.

14 This is going greatly hinder the
15 investigation of profiling cases and
16 other cases under Charter Section 441
17 because the CCRB won't even have the
18 identity of the civilians, where the
19 current law requires the CCRB to obtain
20 consent before reviewing the paperwork
21 associated with the arrest or stop. And
22 so it will be almost impossible for us
23 to accomplish the tasks, given to us by
24 the Council in this recent Charter
25 change, unless the sealing statutes are

1 passed.

2 CHAIR DAVIE: So, Jon, just to be
3 clear, in this particular case where
4 we -- where the CCRB exonerated the
5 entry allegation, we had the warrant,
6 but the -- that had the address of the
7 particular residence that was entered,
8 but had we had access to additional
9 information, we would have seen what;
10 what would have made the difference
11 there?

12 MR. DARCHE: We would've seen that
13 the information that was provided to the
14 judge supported entry to a different
15 address.

16 CHAIR DAVIE: Understood,
17 understood. And in terms of the
18 additional responsibilities that the
19 agency has been given as a result of
20 both -- as a result of legislation
21 passed by the Council, what is the
22 impact of -- what would be the impact of
23 the unsealing legislation that the Mayor
24 and City Hall are proposing that the
25 State Legislature pass? Just do that

1 again.

2 MR. DARCHE: Right now, if Chair
3 Davie, you were walking down the street
4 and you were stopped by Officer Darche,
5 and you filed a complaint with the CCRB
6 alleging that you were stopped because
7 you were profiled, one of the first
8 things we would do is start to look at
9 what Officer Darche had done in my
10 enforcement history, and what other
11 officers had done at similar times and
12 similar locations around the City.

13 But the vast majority of arrests and
14 summonses issued in this City result in
15 sealed -- sealed arrests or sealed
16 summonses, and we will not be able to
17 obtain the basic information to let us
18 determine whether there was profiling
19 used in your stop -- whether there was a
20 pattern and practice of profiling
21 without access to that information.

22 CHAIR DAVIE: Understood. Thank
23 you.

24 Any other comments, questions in
25 regard to this or the Assembly Woman, or

1 even my comments?

2 (No response.)

3 CHAIR DAVIE: All right. Well, we
4 hope the State Legislature will follow
5 City Hall's recommendation, and the
6 recommendation of the Council, as much
7 as the Council endorsed the report, to
8 pass this legislation to exempt the CCRB
9 from these sealing statutes. So, thank
10 you.

11 I think we're going to hear from
12 Jahi Rose now -- and I'm not finding my
13 addenda (sic) -- but Jahi is our Deputy
14 Director of Outreach and
15 Intergovernmental Affairs.

16 Jahi.

17 MR. ROSE: Thank you very much,
18 Chair Davie. I'm going to share my
19 screen -- bear with me for one moment.

20 (Document shared.)

21 MR. ROSE: Okay. Can you see my
22 screen?

23 CHAIR DAVIE: Yes, please go ahead.

24 MR. ROSE: Okay. Thank you so much.

25 As many of you may know, the

1 Civilian Complaint Review -- my name is
2 Jahi Rose. I'm the Deputy Director of
3 Outreach and Intergovernmental Affairs.

4 As you may know, the CCRB is a City
5 agency. We are the largest independent
6 oversight entity for the largest police
7 force in the country.

8 The CCRB investigates, mediates, and
9 prosecutes complaints of misconduct
10 against the members the New York City
11 Police Department. The agency is
12 governed by a 15-member Board, who many
13 of you have met. The Chair is Chair
14 Davie, who was appointed by the City
15 Council and the New York City Mayor.

16 There are five appointees that are
17 appointed by the City Council, five
18 appointees that are -- three -- five
19 appointees that are appointed by the New
20 York City Mayor, three that are
21 designated by the New York City Police
22 Commissioner, and one that is appointed
23 by the Public Advocate -- the New York
24 City Public Advocate.

25 The CCRB is able to intake

1 complaints about police misconduct. We
2 have a very specific jurisdiction, which
3 includes force, abuse of authority,
4 discourtesy, and offensive language. A
5 helpful reminder is the word "FADO",
6 which would be able to help you to
7 remember those -- the four categories of
8 jurisdiction.

9 I would also like to provide you
10 with some information regarding the
11 Right-to-Know Act. The Right-to-Know
12 Act was a law that came into effect
13 October 19th of 2018. It impacts how
14 police officers interact with members of
15 the public.

16 In certain circumstances, officers
17 should identify themselves by providing
18 their name and other information, such
19 as rank, command and shield number, with
20 some exemptions -- and they should
21 explain the purpose for the encounter --
22 for the interaction.

23 They should inform you of your right
24 to say no when asking for your consent
25 to search your person, property,

1 vehicle, or home, and officers should be
2 asked -- should be providing you with or
3 offering you a business card with
4 information that explains how to
5 complain or -- how to make a comment
6 and/or complaint about an interaction
7 with a New York City police officer.
8 Civilians may request this business
9 cards in all interactions.

10 This is an example of what the
11 business card looks like, front and
12 back. (Indicating.)

13 There are a few ways to file a
14 complaint about police misconduct. To
15 name two, one is to file the complaint
16 online at nyc.gov/ccrbcomplaint.
17 Secondly, you can a complaint by
18 phone by calling 1-800-341-CCRB or
19 1-800-341-2272.

20 Remember, if you see footage of
21 misconduct on social media or in the
22 news, you can file a complaint -- even
23 if you're not there in person -- feel
24 free to @ccrb_nyc on Twitter.

25 Additional ways to file a complaint

1 about misconduct are calling 311. You
2 can also visit our office at 100 Church
3 Street on the 10th floor. That's in New
4 York, New York, zip code 10007.

5 You can also file a complaint at any
6 local precinct throughout the five
7 boroughs. You can also feel free to
8 send a letter to the CCRB, once again,
9 at 100 Church Street, 10th Floor, New
10 York, New York, zip code 10007.

11 Now, I'd like to provide you with
12 some information regarding our
13 Investigations Unit. Our Investigations
14 Unit, level 1, are responsible for
15 investigating civilian complaints
16 against NYPD alleged misconduct.

17 The largest part of the career
18 opportunity includes extensive writing,
19 interviewing witnesses and police panel,
20 researching, juggling competitive
21 priorities, working independently, and
22 drafting compelling and closing
23 statements -- closing reports.

24 Our investigative staff is comprised
25 of more than 90 plus investigators with

1 various socioeconomic background who
2 speak more than 10 languages. Our team
3 is comprised of the best and the
4 brightest undergrad and grad students
5 with a variety of educational,
6 institutional -- of educational
7 institutions nationwide. You can learn
8 more about our Investigation Unit by
9 visiting our official site at
10 nyc.gov/ccrb.

11 If you're interested in applying for
12 a position with the Investigative Unit,
13 feel free to. As our ongoing commitment
14 to hiring investigators, this role can
15 be viewed at idealist.org and
16 www.joinhandshake.com.

17 Alternatively, if you don't see
18 these roles posted, we encourage you to
19 submit your cover letter and resume via
20 email to careers@ccrb.nyc.gov for future
21 interest.

22 If you are interested in receiving
23 an Outreach Presentation, feel free to
24 contact us at outreach@ccrb.nyc.gov.
25 You can also follow us on social media

1 on Instagram @ccrb._nyc, Twitter
2 @ccrb._nyc, and on Facebook.

3 Thank you very much.

4 CHAIR DAVIE: Thank you, Jahi.

5 Are there any questions or comments
6 from any other of the members for Jahi?

7 (No response.)

8 CHAIR DAVIE: All right. Hearing
9 none, we will go to the next thing on
10 our agenda, which is a presentation from
11 our Assistant General Counsel, Liz
12 Seymour, who will give us an update on
13 our sexual misconduct investigations.

14 Assistant General Counsel Seymour --
15 Liz.

16 MS. SEYMOUR: Thank you, Chair
17 Davie. Good afternoon to everyone.

18 It's good to see all of you at our
19 first Board meeting since CCRB's new
20 rules went into effect. One of these
21 rule changes empowered CCRB to
22 investigate allegations of sexual
23 misconduct by police officers. For the
24 past three years, I have brought
25 together agency leadership in a working

1 group to prepare for sexual misconduct
2 investigations.

3 CCRB can now accept and investigate
4 sexual misconduct allegations within our
5 jurisdiction. We are beginning by
6 investigating allegations of noncriminal
7 sexual misconduct, such as verbal
8 harassment. Within the agency, we refer
9 to these allegations as phase one sexual
10 misconduct.

11 We are now working steadily towards
12 undertaking allegations of potentially
13 criminal sexual abuse. We refer to
14 these allegations as phase two sexual
15 misconduct.

16 I wanted to update you all briefly
17 on CCRB's progress and next steps.

18 We hired an experienced social
19 worker to develop and lead our Civilian
20 Assistance Unit. This unit provides
21 confidential support and resources to
22 civilians. As Jon mentioned, we
23 anticipate that the Civilian Assistance
24 Unit will hire staff advocates within
25 the next four to six weeks, which is a

1 very exciting moment for this agency.

2 Our Administrative Prosecution Unit,
3 the APU, hired a dedicated sexual
4 misconduct prosecutor.

5 Our Training Division prepared a
6 group of senior investigators to
7 undertake these cases. Each of these
8 investigators has completed an intensive
9 training course called FETI, standing
10 for Forensic Interview Training
11 Experience. We recently selected five
12 additional investigators to complete
13 this training. It was a competitive
14 process with a lot of interests.

15 Our Investigations Division prepared
16 internal procedures to follow in these
17 cases. Investigations leadership
18 regularly gathers the phase two
19 investigators and managers to discuss
20 best practices, schedule simulations,
21 and offer refresher trainings. we've
22 also developed relationships with
23 subject matter experts, such as the New
24 York City Alliance Against Sexual
25 Assault, and the Sex Crimes Bureaus of

1 the local District Attorneys' offices.

2 Our Community Outreach Division has
3 built relationships with advocates and
4 community groups across the City. They
5 plan to work with communications and our
6 -- and the Policy Unit to roll-out a
7 public education plan when we are ready
8 to accept phase two allegations.

9 As an agency, we are dedicated to
10 communicating with civilians
11 thoughtfully and respectfully about
12 these and all allegations. We are also
13 dedicated to investigating all
14 allegations fairly and impartially.

15 As to our next steps, we anticipate
16 being ready to begin investigating phase
17 two sexual misconduct allegations by our
18 June Board meeting. At that point, we
19 anticipate the Civilian Assistance Unit
20 being fully staffed, and our five
21 additional investigators completing
22 their FETI training.

23 At the June meeting, Jon will
24 provide an update to the Board and
25 public and invite questions. If all

1 goes according to plan, Jon hopes to
2 inform the Board at that time that CCRB
3 is ready to investigate all sexual
4 misconduct allegations within our
5 jurisdiction.

6 Now, I'm glad to answer any
7 questions.

8 CHAIR DAVIE: Thank you, Liz.

9 Any questions or comments for Liz?

10 (No response.)

11 CHAIR DAVIE: All right. Hearing
12 none, thank you, Liz.

13 We are now going to go to public
14 comment. I will remind the public that
15 if you're interested in making a
16 comment, please use the raise your hand
17 feature and we will go down the list.
18 I'm going to also remind you to keep
19 your comments to two minutes so that
20 everyone gets a chance to speak -- and
21 I'm going to ask Yojaira Alvarez if she
22 will call on the first person to speak.

23 Yojaira.

24 MS. ALVAREZ: Thank you so much,
25 Chair.

1 First, we'll be hearing from Chris
2 Dunn (phonetic).

3 CHAIR DAVIE: Hi, Chris.

4 MR. DUNN: Hi there. Can you hear
5 me?

6 CHAIR DAVIE: Yes, we can. Please
7 proceed.

8 MR. DUNN: Okay. Great.

9 Okay. Good afternoon. Fred, I want
10 to start off with your comments, and I
11 particularly appreciate your comments
12 about George Floyd and Daunte Wright.
13 You continue to be a leading world
14 figure when it comes to police abuse in
15 New York City and the New York City
16 government, and we appreciate your
17 speaking out and wish the rest of City
18 government were speaking out more
19 forcefully about these things.

20 So, thank you for your leadership on
21 that.

22 Your comments about the protest
23 activity and the investigations the
24 Board has completed, that's all very
25 important. We look forward to hearing

1 and receiving the final report.

2 I will just note what we all know,
3 which is the Derek Chauvin trial in
4 undoubtedly going to produce a lot of
5 protest activity here in the City.
6 We've already seen some of it, and I
7 hope the CCRB will be aggressively out
8 there working with the public to allow
9 it to file complaints when that is
10 appropriate.

11 With respect to the sexual
12 misconduct rule from the racial
13 profiling investigations, thank you. We
14 look forward to the agency taking those
15 on. I did have one question.

16 When the Board approved the sexual
17 harassment rules, there were a number of
18 requests made about modifications to
19 those rules, and the Board announced
20 that it was not going to make changes in
21 conjunction with its vote last month,
22 but would consider new additional rules,
23 and I'd to know what the Board actually
24 contemplates in terms of thinking about
25 modifying or amending the adopted rules.

1 CHAIR DAVIE: Sure. Let me first
2 say with regard to your first comments,
3 thank you, but I also want to note that,
4 you know, we have very strong and
5 consistent support from my colleagues on
6 the Board for a robust civilian
7 oversight of the NYPD, and I feel like
8 -- that I'm representing the collective
9 voice, or at least the overwhelming
10 majority of the Board members, when I
11 speak to these issues.

12 So, I want to acknowledge their
13 contribution, and their hard work, and
14 their commitment to a more just and fair
15 New York City in saying thank you for
16 your comments, Chris, but also thank the
17 Board members.

18 I want to also recognize, you know,
19 the steps that both City Hall has taken,
20 particularly around the unsealing
21 legislation and the proposal that
22 they've made in police reform for that,
23 and the numerous ways in which the City
24 Council has been supportive -- you know,
25 not the least of which -- supporting the

1 unsealing legislation, but also
2 supporting the CCRB having final
3 authority on CCRB cases.

4 So, it's a collective effort on all
5 of our parts, and I hope -- and the
6 staff at the CCRB, you know, who work
7 hard every day under -- during COVID --
8 some really trying circumstances to
9 ensure that the agency moves forward and
10 does the work that we've been mandated
11 to do by the City Charter and the
12 elected officials who put us here.

13 So, it's a collective effort to try
14 to make civilian oversight of policing
15 what it should be, not only in New York
16 City, but perhaps throughout the nation,
17 and advocates, such as yourself, keeping
18 us honest in what we do is an important
19 part of this process. We don't -- we
20 won't always agree on everything, but it
21 will continue to engage conversation
22 around this really important issue and
23 continue to sort of push for the ideals
24 that I think we all desire.

25 That said, I'm going to ask Jon, or

1 if he wants to designate someone else,
2 to answer your question about what will
3 be done with the comments about some
4 changes in the regulations governing how
5 CCRB will investigate sexual misconduct.

6 So, Jon, you want to speak to that?

7 MR. DARCHE: So, we recently
8 submitted a proposed general agenda to
9 the Mayor's Office of Operations, which
10 then forwarded it to the Law Department,
11 and that agenda did contemplate
12 addressing the issues from -- that were
13 not addressed in -- that were commented
14 upon but not addressed in the last
15 rulemaking process.

16 MR. DUNN: Okay. Thank you very
17 much.

18 And, Fred, I appreciate your
19 spreading the credit around and I
20 appreciate the graciousness with which
21 you did that. I stand by what I said
22 about your leadership.

23 The other thing I wanted to ask is
24 on a nuts and bolts things, but on the
25 subject of something we sometimes take

1 different views of.

2 Now, that you're going back to the
3 office, what is the agency's thinking
4 about allowing complainants to do their
5 interviews virtually as opposed to
6 having them come down to 100 Church
7 Street?

8 CHAIR DAVIE: Let me make a personal
9 point, and then, Jon, I'm going to turn
10 this over to you and hope I'm not going
11 to muddy your waters.

12 I really hope that we can find a way
13 that helps to maintain the integrity of
14 the investigative process to do more of
15 these interviews virtually.

16 With that, you'll get the real
17 answer from our Executive Director, Jon
18 Darche.

19 Jon.

20 MR. DARCHE: The short answer is
21 yes, we intend to continue them. For
22 the foreseeable future, even though
23 staff is coming back to the office,
24 they're not going to be able to meet in
25 the same offices as people.

1 There are no meetings permitted, so
2 things will still be done virtually,
3 so there's -- we are not planning on
4 switching from remote interviews at this
5 time, and it's one of the major changes
6 that we undertook during the pandemic,
7 that showed real merit, and I think it's
8 something we're going to look very hard
9 at keeping when it's no longer a
10 requirement and is merely something we
11 can do because it is helpful, not for
12 the life and safety of all involved.

13 MR. DUNN: I cast my vote with Fred.
14 It's a terrific thing to be doing. I
15 feel it will be terrific thing
16 (inaudible). So, thank you for
17 considering that.

18 CHAIR DAVIE: Thank you, Chris.
19 Thank you for your comments.

20 Any questions or comments with
21 regard to what Mr. Dunn has shared from
22 the Board?

23 (No response.)

24 CHAIR DAVIE: All right. Thanks
25 again, Chris.

1 And -- so, Yojaira, our next
2 speaker, please.

3 MS. ALVAREZ: Thank you, Chair.
4 Thank you, Chris.

5 If you would like to make a comment,
6 please raise your hand. I'm going to
7 give folks a couple of seconds to do
8 that.

9 I just want to acknowledge that we
10 have representatives from the office of
11 State Senator Sepulveda, Congresswoman
12 Rivera, Assemblyman Tannousis, and
13 Assembly Member Jackson. So, thank you
14 all for being here.

15 As of now, Chair, I don't see
16 anybody else with their hands raise.
17 So, we can conclude our public session.

18 CHAIR DAVIE: Excellent. Thank you.

19 With that, there being no more
20 public comment, let me ask if there is
21 any old business to come before the
22 Board.

23 (No response.)

24 CHAIR DAVIE: Hearing none, is there
25 any new business to come before the

1 Board?

2 (No response.)

3 CHAIR DAVIE: All right. Are we
4 ready to adjourn to executive session --
5 is there a motion to that affect?

6 MS. SIMMONS: (Indicating.)

7 CHAIR DAVIE: All right. So, moved
8 by Ms. Simmons.

9 Is there a second?

10 MS. PINSKY: Second.

11 MR. JOSEPH: Second.

12 MR. CHAIR: Great. The motion has
13 been made and seconded.

14 All those in favor of adjourning to
15 executive session, please say "aye".

16 (Chorus of "Ayes".)

17 CHAIR DAVIE: All those opposed?

18 (No response.)

19 CHAIR DAVIE: Any opposed -- all
20 right. Hearing none, we are now
21 adjourned to executive session.

22 I want to thank the public for
23 coming out and joining the meeting. I
24 want to thank the staff, again, for all
25 of their hard work, for -- and the Board

1 members -- the colleagues on the Board
2 for their commitment to civilian
3 oversight of the NYPD and the betterment
4 of the City we all love, New York City.

5 So, with that, we'll adjourn to
6 executive session. Thanks, everyone.
7 Bye.

8 (Time noted: 4:50 p.m.)

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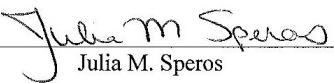
CERTIFICATION

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April, 2021.



Julia M. Speros

<p>& 2:4</p> <p>10th 31:3,9</p> <p>14th 48:18</p> <p>15member 28:12</p> <p>1800341ccrb 30:18</p> <p>19th 29:13</p> <p>27th 20:5,23</p> <p>50a 18:24</p> <p>=====</p> <p>=====</p> <p>=====</p> <p>=====</p> <p>===== 2:3</p> <p>=====</p> <p>=====</p> <p>=====</p> <p>===== 3:3</p> <p>@ccrbnyc 30:24 33:1,2</p> <p>a06012 16:24</p> <p>ability 15:13 16:4</p> <p>able 5:12 19:2 26:16 28:25 29:6 43:24 (6)</p> <p>about 9:18,25 11:18 18:15 20:3 21:20 22:9,21 23:1,2 29:1 30:6,14 31:1 32:8 36:11 38:12,19,22 39:18,24 42:2,3,22 43:4 (25)</p> <p>abuse 29:3 34:13 38:14</p> <p>accept 34:3 36:8</p> <p>access 25:8 26:21</p>	<p>accomplish 24:23</p> <p>according 37:1</p> <p>accountability 14:24 19:7</p> <p>accountable 15:22</p> <p>achieve 8:4</p> <p>acknowledge 40:12 45:9</p> <p>across 9:7 12:25 36:4</p> <p>act 29:11,12</p> <p>action 48:14</p> <p>actions 14:24 15:23</p> <p>activity 38:23 39:5</p> <p>actually 16:22 39:23</p> <p>addenda 27:13</p> <p>addition 17:22</p> <p>additional 12:8 18:7 25:8,18 30:25 35:12 36:21 39:22 (8)</p> <p>additionally 20:24</p> <p>address 22:9 25:6,15</p> <p>addressed 42:13,14</p> <p>addressing 42:12</p> <p>adjourn 2:15 46:4 47:5</p>	<p>adjourned 46:21</p> <p>adjourning 46:14</p> <p>administrative 35:2</p> <p>adopted 39:25</p> <p>adoption 2:6 10:17</p> <p>advocate 5:5 28:23,24</p> <p>advocates 18:14 34:24 36:3 41:17 (4)</p> <p>affairs 3:18 27:15 28:3</p> <p>affect 46:5</p> <p>affidavit 22:7,24 23:24,25 (4)</p> <p>affidavits 11:24 23:14</p> <p>affirmed 19:9</p> <p>affording 11:6</p> <p>afternoon 4:2,11 5:4,16,23 33:17 38:9 (7)</p> <p>again 8:19 26:1 31:8 44:25 46:24 (5)</p> <p>against 28:10 31:16 35:24</p> <p>agencies 19:25</p> <p>agency 12:3 19:11 21:21 22:15 25:19 28:5,11 33:25 34:8 35:1 36:9 39:14 41:9 (13)</p>	<p>agency's 12:6 18:4 43:3</p> <p>agenda 2:2 33:10 42:8,11 (4)</p> <p>aggressively 39:7</p> <p>ago 21:19 22:16</p> <p>agree 41:20</p> <p>ahead 6:16 27:23</p> <p>albany 12:16,19</p> <p>allegation 25:5</p> <p>allegations 18:21 22:13 24:8 33:22 34:4,6,9,12,14 36:8,12,14,17 37:4 (14)</p> <p>alleged 22:1 31:16</p> <p>alleging 26:6</p> <p>alliance 35:24</p> <p>allow 16:18 39:8</p> <p>allowed 23:11</p> <p>allowing 43:4</p> <p>allows 15:3</p> <p>almost 23:17 24:22</p> <p>along 14:20 15:8</p> <p>already 39:6</p> <p>also 13:2 18:23 20:24 22:25 29:9 31:2,5,7 32:25 35:22 36:12 37:18 40:3,16,18 41:1 (16)</p>	<p>alternatively 32:17</p> <p>alvarez 4:2 37:21,24 45:3 (4)</p> <p>always 14:16 23:18 41:20</p> <p>am 4:14,20,25 5:5,25 6:19 15:16 17:14 48:12,15 (10)</p> <p>amending 39:25</p> <p>among 22:2</p> <p>amount 18:6</p> <p>andor 30:6</p> <p>angela 3:5 4:18,20</p> <p>anniversary 13:15</p> <p>announced 39:19</p> <p>another 7:23 11:17 13:17</p> <p>answer 37:6 42:2 43:17,20 (4)</p> <p>anticipate 34:23 36:15,19</p> <p>anybody 45:16</p> <p>anyone 6:22</p> <p>anything 16:16</p> <p>apologize 17:16</p> <p>appeal 11:7</p> <p>applicants 20:11</p> <p>applying 32:11</p>
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