

Board Meeting NYC - Civilian Complaint Review Board
September 9, 2021

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CIVILIAN COMPLAINT REVIEW BOARD
PUBLIC MEETING
September 9, 2021
10:00 A.M.
WEBEX VIDEO CONFERENCE
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B E F O R E:
FREDERICK R. DAVIE, Chair
JONATHAN DARCHE, ESQ., Executive Director

Transcribed by:
Shechinah Jackson

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PUBLIC MEETING AGENDA

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 the Outreach Department
7. Presentation from the Chief of Investigations
8. Comments from Community Groups
9. Public Comment
10. Old Business
11. New Business
12. Adjourn to Executive Session

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BOARD MEMBERS PRESENT:

- Frederick Davie, Chair
- Willie Freeman, Board Member
- Joseph Puma, Board Member
- Corrine A. Irish, Esq., Board Member
- Arva Rice, Board Member
- Rev. Dr. Demetrius S. Carolina Sr., Board Member
- Esmeralda Simmons, Esq., Board Member

Presenter:

- Jahi Rose - Director of Outreach
New York City Civilian Complain Review Board
- Mercer ("Monte")Givhan - Chief of Investigations
New York City Civilian Review Board

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MS. ALVAREZ: Good morning, everyone. Thank you so much for joining us. For those that will like to utilize our ASL interpreter service, our ASL interpreters today are Aisha Simpson and Candice Davider. In the chat we will set instructions on how to pin videos in the chat. Thank you so much.

CHAIR DAVIE: Thank you, Yojaira, can everyone hear me okay?

FEMALE SPEAKER: Yes.

CHAIR DAVIE: Excellent, so good morning everyone and welcome to the Civilian Complaint Review Board September board meeting. My name is Fred Davie and as many of you know, I am the Chair of the CCRB. I'd like to begin by introducing our newest board member Arva Rice. Arva is the president and CEO of the New York Urban League and is the only second woman to ever hold that position. Ms. Rice has dedicated much of her life to the advancement of women and girls and has been

1
2 instrumental in advancing the Urban
3 Leagues' mission of empowering African
4 Americans and other underserved
5 communities to secure a first class
6 education and economic opportunity.
7 Arva we are thrilled to have you on
8 board and would like to ask you to
9 introduce yourself and say a few more
10 words, if you like and then we'll ask
11 your colleagues on the board to
12 introduce themselves as well, so Arva
13 Rice.

14 And I think you are muted, Arva.

15 MS. RICE: Good morning, thank you
16 so much for that warm introduction. I
17 am indeed thrilled to join the CCRB,
18 this esteemed panel of members and also
19 just this very important mandate to
20 serve the community and so I take it
21 with humbleness and appreciate the
22 opportunity to continue to serve. As
23 you mentioned, I'm Arva and I'm
24 originally from the midwest, but I say I
25 got to Harlem just as soon as I can and

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so I live in Harlem and look forward to working with you all.

CHAIR DAVIE: Thank you, thank you for joining us and it's great to have this opportunity to work closely together. I will ask Ms. Simmons, if she'll introduce herself.

MS. SIMMONS: Good morning everybody, it's really great to see everyone back here, thank you for your interest in the Civilian Complaint Review Board. My name is Esmeralda Simmons. I'm a civil rights attorney from Brooklyn and I am the appointee of the New York City public advocate Jumaane Williams.

CHAIR DAVIE: Dr. Carolina, Dr. Carolina?

MR. CAROLINA: Good morning, everyone, glad to -- yes, can you hear me?

CHAIR DAVIE: Yes.

MR. CAROLINA: Good morning, everyone, it's a pleasure to be here,

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certainly, with this wonderful committee and panel as well. I'm Demetrius Carolina, the executive director of the Central Family Life Center in Staten Island, also a pastor of the First Central Baptist Church in Staten Island, I'm a mayor's appointee, again good morning.

CHAIR DAVIE: Good morning, Mr. Puma.

MR. PUMA: Good morning, everyone, my name is Joseph Puma. I'm the City Council representative on the board from the Borough of Manhattan and I hail from the lower east side.

CHAIR DAVIE: Mr. Freeman? And I think you're muted, Mr. Freeman.

MR. FREEMAN: Good morning.

CHAIR DAVIE: Good morning.

MR. FREEMAN: Okay, good morning again, good morning everyone, William Freeman, I'm the police commissioner designee, I hail from Brooklyn.

CHAIR DAVIE: Great, welcome. And

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we have on the phone with us Corrine Irish. Corrine?

MR. IRISH: Hello, can you hear me?

CHAIR DAVIE: Yes, Corrine.

MS. IRISH: Hi, Corrine Irish, mayoral appointee, I live in Harlem, New York.

CHAIR DAVIE: Great, thank you, Corrine. I think that's everyone, so I want to thank you all again and thank the public for joining us this morning. By way of my remarks, I'd like to say that despite all the uncertainty and hardship that the City has faced in the last 18 months, this agency has continued to make great achievements. We have released a database of officers, CCRB disciplinary history and seen an expansion in authority to hold officers accountable for sexual misconduct, false official statements, police profiling and bias-based policing. We published one of the first-ever comprehensive reports on the use of body-worn camera

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2 footage by an oversight agency, issued a
3 report on NYPD interaction with youth
4 accompanied by the first-ever public
5 service announcements with our youth
6 advisory counsel, hired our first-ever
7 director of our new civilian assistance
8 unit and recently hired our director of
9 the racial profiling and bias-based
10 policing unit who Monte will introduce
11 shortly. In fact, our staff has
12 increased to over 200 and they're remain
13 key positions that the agency still
14 needs the City to support. We continue
15 to investigate thousands of cases a
16 year, including hundreds of complaints
17 related to police misconduct at the
18 Black Lives Matter protest last summer.
19 We recommend discipline when we find
20 misconduct occurred and prosecute
21 officers in the most egregious cases of
22 misconduct. Today we have fully
23 investigated 116 complaints from the
24 protest and substantiated 38 complaints,
25 containing 75 allegations against 58

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officers. I'd like to say that again. We've fully investigated 116 complaints from the protest, substantiated 38 complaints containing 75 allegations against 58 officers coming out of the Black Lives Matter protest from last June. The board has recommended serving charges in 21 of those complaints command discipline B in 6 and command discipline A in 11 of those complaints. When New York State issued New York On Pause, our outreach team rapidly pivoted to remote and conducted nearly 700 presentations since March 2020. They have also launched several initiatives including CCRB Courtside, CCRB Block By Block and CCRB Cares, where they partner with local community-based organizations and trusted community members to ensure New Yorkers know what resources are available to them and how the CCRB can help. In the past year, we have worked to implement a disciplinary matrix in order to create a transparent framework

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2 with set penalties for misconduct
3 consistent across agencies, conducted
4 almost 700 presentations to community
5 groups, even during the global pandemic
6 and increased our partnerships of
7 oversight agencies in New York and
8 across the country to improve civilian
9 oversight of law enforcement throughout
10 the United States. And we publicly
11 signed the MOU with the police
12 commissioner to ensure adherence to CCRB
13 discipline recommendations and we won't
14 stop here.

15 Our teams are constantly working to
16 improve public safety and the criminal
17 justice system for all New Yorkers. Our
18 investigators are working diligently to
19 investigate new complaints that come in
20 daily, ensuring that all parties
21 involved are fairly evaluated. Our
22 prosecutors recently filed charges
23 against the officers who took Kawaski
24 Trawick's life and are fighting for
25 justice and accountability with every

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case they take on.

As New York City reopens, our outreach team is hitting the streets to conduct as many -- to connect with as many New Yorkers as possible. Our policy team continues to analyze the hundreds of cases filed as a result of the protest to best understand how we can improve policing at protests and give recommendations to the NYPD, our intergovernmental relation team is fighting an uphill battle to allow the CCRB to self-initiate complaints, exempt the CCRB from sealed statutes laws and finally give the CCRB final authority over discipline in CCRB cases. I will continue to secure greatest safety and accountability for New Yorkers, I will update you every step of the way in the meantime and with that, I would like to turn the virtual floor over to CCRB's executive director, Jon Darche, Jon.

MR. DARCHE: Thank you, Chair Davie. I want to thank Chair Davie and the

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2 board for all the support they have
3 given staff over the last 18 months and
4 enabled us to make the progress Chair
5 Davie described and enabled us. I'd
6 like to take a minute to remember Jordan
7 Wouk, who, sadly, passed away on July
8 9th. He spent over a decade serving the
9 City with the Central Park Conservancy,
10 historic society who would (inaudible)
11 Jordan was deeply dedicated to
12 increasing police accountability that
13 would again much of his time and energy
14 to move the mission forward. He would
15 often speak at these meetings, suggest
16 improvements and offer his assistance
17 whenever possible and I think he will be
18 missed and I know personally I will miss
19 him. Some of the changes that we have
20 made to how we do business, in little
21 ways and in large ways, are a result of
22 his suggestions and they were always
23 kept in mind, making sure that the
24 agency was explaining itself for who
25 might not understand the jargon we use,

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2 as we investigate and prosecute these
3 cases. On behalf of the agency, I want
4 to extend to his wife of 45 years, Kathy
5 and their children our deepest
6 sympathies.

7 On October 7th, we are going to host
8 CCRB's third annual Youth Summit. This
9 Summit is an opportunity for young
10 people ages 10 to 24 and across New York
11 City to share their experiences with
12 policing, identify problems in their
13 communities and recommend solutions to
14 public safety and police oversight
15 practitioners (inaudible) it will be a
16 panel made up of varios representatives
17 from the youth justice organizations.
18 Civilian oversight agencies and youth
19 activists from across the country will
20 share their insight on youth and
21 policing. You can register, participate
22 online at our website. As the chair
23 mentioned, we are thrilled to launch a
24 pioneering new unit that Monte will
25 speak about shortly and announce the

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2 director we are honored to have on
3 board. The preparatory work we've done
4 so far, the serious issues around sealed
5 information, in order to investigate
6 profiling allegations or the bias-based
7 allegations covered under new charter
8 section 441 and that will require us to
9 review past conduct, the agency needs
10 access to information about sealed
11 cases, if the state sealing statutes
12 apply to CCRB, we will not be able to
13 investigate the cases assigned to us,
14 City Council Law 2212. Currently these
15 statutes caused the NYPD to deny CCRB
16 certain information and certain
17 documents that they give us, citing
18 state sealing statutes. These problems
19 directly to prevent the new unit from
20 accomplishing the task set forth for us
21 by the City Council and the
22 administration. And the agency is going
23 to work with the legislature and the new
24 governor to see if there is a solution
25 to those -- this problem. Before we get

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2 started tonight I just want to remind
3 you that the CCRB continues to review
4 protest cases and expects to have a
5 protest report out this year for
6 individuals who need to file a complaint
7 in person. Our office is open, but we
8 still prefer complainants to file online
9 and over the phone if possible. When we
10 have the public comment session, please
11 use the raise a hand function, that will
12 allow you to make a comment and I would
13 like to thank the staff for continuing
14 to work under difficult conditions and
15 we thank the members of the public for
16 participating in today's meeting.

17 CHAIR DAVIE: Thank you, Jon and now
18 we're going to hear from our director of
19 outreach, Jahi Rose. I don't ever
20 remember referring to Jahi as director
21 of outreach before, so is this a
22 promotion, Jahi Rose?

23 MR. ROSE: I'm very honored; yes, it
24 is a promotion. And I definitely thank
25 the CCRB in trusting this responsibility

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2 to me. I will be sharing my screen.
3 Good morning all, thank you very much
4 for joining us. As you all know, we are
5 the Civilian Complaint Review Board. We
6 are the largest independent oversight
7 entity over the largest police force in
8 the country. The CCRB investigates,
9 mediates and in some cases, as the chair
10 previously mentioned, administratively
11 prosecutes complaints of police
12 misconduct against members of NYPD. The
13 agency is governed by a 15-member board,
14 some of which you have met on this call,
15 of which five are appointed by the New
16 York City mayor, five are appointed by
17 the New York City Council, three are
18 designated by the New York City police
19 commissioner and one is appointed by the
20 New York City public advocate. The
21 Chair, you have met Fred Davie, is
22 jointly appointed by the mayor and the
23 New York City Council. The CCRB intakes
24 complaints about police misconduct. We
25 have the ability to investigate four

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2 types of categories of police
3 misconduct, which include force, abuse
4 of authority, discourtesy and offensive
5 language, two additional categories have
6 been added on as previously mentioned by
7 Chair Davie, that would include sexual
8 misconduct and in addition to that,
9 racial profiling and bias-based
10 policing, which will be spoken to at
11 length by the next presenter. We also
12 wanted to provide you with some
13 information regarding the Right to Know
14 Act. The Right to Know Act is a law
15 that went into effect that affects New
16 York City police officers and encounters
17 that include stop and frisk, checkpoints
18 and other such encounters. That
19 includes police officers identifying
20 themselves under certain circumstances
21 and it includes police officers
22 identifying themselves by providing name
23 and other information, such as rank,
24 command and shield number, in some
25 circumstances in the purpose of the

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2 interaction should inform an individual
3 of their right, to ask for consent to
4 search a person, an individual's person,
5 property, vehicle or home. In addition
6 to that, they should under certain
7 circumstances offer a business card on
8 with the officer's information which
9 explains how to file a comment or
10 complaint and provide any interaction
11 with the police officer and any
12 encounter a civilian would be able to
13 request a business card. This is what
14 the business cards looks like front and
15 back. Now, there are a few ways to file
16 a complaint about police officer
17 misconduct, the easiest way would be to
18 file it online [NYC.gov/ccrb/complaint](https://nyc.gov/ccrb/complaint),
19 you can also file a complaint by calling
20 our hotline 1-800-341-CCRB,
21 1-800-341-2272. Remember if you see
22 footage of misconduct on social media or
23 in the news, you can file a complaint,
24 you can tag CCRB in that video. In
25 addition to that and that's also

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2 including if you weren't there
3 personally. Other ways to file a
4 complaint to the CCRB include calling
5 311, you can also go to any local police
6 precinct in the City of New York, does
7 not have to be the one where the
8 encounter may have taken place. You can
9 visit our office at 100 Church Street on
10 the 10th, floor New York, New York, zip
11 code 10007, you can also send us a
12 letter to the same address, 100 Church
13 Street on the 10th Floor, New York, New
14 York, zip code 10007. Now the CCRB is
15 looking for New York City residents to
16 be a part of our investigative unit our
17 rules and responsibilities include the
18 investigative unit that we have now
19 comprised of the best and brightest
20 undergraduate and graduate students from
21 various educational institutions
22 citywide; they also speak various
23 languages upwards of 10. There are
24 different ways to apply. Feel free to
25 go to the New York City careers portal

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2 at NYC.gov search for Civilian Complaint
3 Review Board, you can also go to
4 idealist, www.idealists.org, you can also
5 check handshake or you can feel free to
6 e-mail us at careers at CCRB.nyc.gov.
7 As Jon Darche previously mentioned, the
8 CCRB will be hosting our third annual
9 Speak Up Speak Out Youth Summit,
10 registration is open, so that event will
11 take place on Thursday, October 7th from
12 5 p.m. to 7 p.m. and you can feel free
13 to register, the link was provided
14 inside the chat, we will provide the
15 link again. Individuals can register
16 online, if you would like a CCRB
17 Outreach presentation, feel free to
18 e-mail us at Outreach at CCRB.nyc.gov,
19 feel free to also follow us online on
20 Instagram, Twitter and Facebook. Thank
21 you very much, Chair Davie.

22 CHAIR DAVIE: Thank you, Jahi, do
23 any of the board members have any
24 questions for Jahi? All right, seeing
25 none, Jahi, thank you for your

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2 presentation, we will now turn next to
3 our chief of investigations, Monte
4 Givhan. I'm very excited about the
5 presentation Monte is about to make. It
6 will take -- make a huge leap for us
7 into the CCRB's ability to investigate
8 bias-based policing and racial
9 profiling, no better person to be
10 overseeing this than Monte and no better
11 person to be executing the actual work
12 of the new division than the person
13 Monte is about to introduce. So Monte,
14 the floor is yours.

15 MR. GIVHAN: Thank you so much,
16 Chair Davie. My name is Monte Givhan.
17 I am the chief of investigations with
18 the CCRB. I've worked in that compacity
19 since last November. Prior to that, I
20 was the trainer director since summer
21 2016. And it's a real pleasure to be
22 here today to update members of the
23 public and members of the board on the
24 agency progress towards launching a new
25 bias-based policing and racial profiling

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2 unit. Let me quickly turn off my video
3 and share my screen. First, a little
4 bit of background, back on March 25 of
5 2021, the New York City Council passed
6 intro 2212A, which became law in April
7 of 2021. Intro 2212A where local law 47
8 clarifies that displaying complaint
9 review board jurisdiction to investigate
10 allegations that members of the NYPD
11 abuse their authority, also includes the
12 power to investigate allegations that
13 members of service engaged in racial
14 profiling and bias-based policing.
15 Among the motivating factors for 2212
16 was a June 2019 report produced by the
17 NYPD office of inspector general that
18 identified glaring deficiencies and how
19 the NYPD handled complaints of biased
20 policing. The report's findings include
21 that NYPD had failed to substantiate a
22 single instance of racial profiling for
23 bias-based policing since the monitoring
24 of stop, question and frisk lawsuit
25 ordered them to investigate such

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2 complaints in 2014. Upon the passage of
3 2212 the CCRB formed a working group
4 chaired by CCRB assistant general
5 counsel Elizabeth Seymore that included
6 members of the agency's various units.
7 The purpose of the working group was
8 three-fold. First, to determine how
9 CCRB could responsibly begin to
10 investigate bias-based policing and
11 racial profiling, which is qualitatively
12 different than the investigations that
13 CCRB currently undertakes. Secondly, to
14 get a sense of the staffing and
15 resources we would need to investigate
16 these claims responsibly and confidently
17 and probably, most importantly, to
18 identify the background, experience and
19 skill set that we would need and a
20 director who can lead our efforts to
21 create and lead the 2212 investigations
22 unit. In all, we spoke to over 20
23 subject matter experts this summer.
24 These included Professor Christie Lopez,
25 who is a professor in Georgetown Law

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2 School and previously served as the
3 deputy chief in the special litigation
4 section of the civil rights division,
5 from the Obama Administration, Corey
6 Stoughton who is the director of special
7 litigation of the Legal Aid Society,
8 Professor Jack Glaser who is a social
9 psychologist, on the faculty of UC
10 Berkeley and Professor Jeff Bacon, who
11 is a professor of epidemiology and law
12 at Columbia University, both of whom
13 participated in the remedy phase of the
14 Floyd litigation right here in NYC,
15 Lenny Noisette, who is the former
16 executive director of the Neighborhood
17 Defender Service of Harlem and is
18 currently a division director of US
19 programs at the Open Society Foundation,
20 Cynthia Conti-Cook, who I think you all
21 know well was a civil rights litigator
22 and public defender, most recently at
23 the Legal Aid Society in New York, who
24 has lead individuals civil rights and
25 both in federal and state courts. Ms.

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2 Conti-Cook currently serves as a Ford
3 Foundation tech fellow, Professor Tracey
4 Meares, Jorge Camacho (phonetic) of the
5 Justice Collaboration at Yale law school
6 both of whom are nationally recognized
7 experts in urban policing and several
8 legal staff members from night clue
9 including Christopher Dunn. That's just
10 to name a few of them. We also had
11 opportunities to speak with our own
12 board member Esmeralda Spaldwin, who is
13 extremely helpful also. What were the
14 takeaway's, what did we learn? One of
15 the things that we learned through these
16 conversations is that these cases are
17 incredibly difficult to investigate and
18 prove and that the investigation can
19 take a very long time to complete. We
20 also learned that in order for us to
21 effectively, responsibly and
22 successfully investigate bias-based
23 policing and racial profiling, the CCRB
24 will be funding to fully staff the unit,
25 we will need exceptions from sealing

1
2 statutes, we will need direct and
3 unfettered access to body-worn camera
4 footage and funding for the software
5 that will permit us to analyze large
6 quantities of data.

7 We also learned that we'll need
8 access to tons of NYPD data and the
9 capacity to effectively analyze that
10 data. Data analysis helps to identify
11 patterns, which will then enable us to
12 discern intent in an individual case.
13 Examples of the types of data that CCRB
14 will need access to include body-worn
15 camera footage, NYPD COMPSTAT data and
16 NYPD personal files. We also learned
17 that in order to effectively analyze and
18 interpret the data we will need to hire
19 data analysts who have a rich and
20 voluminous understanding of policing and
21 police culture and can conduct
22 multi-various data analysis. And then
23 finally, we learned that outreach will
24 be extremely important, the agency will
25 have to strengthen and cultivate

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2 relationships with community members, so
3 that we can learn how they experience
4 profiling and bias-based policing and so
5 that they can point out to us who the
6 truly problematic MOS are, truly bad
7 actors that they encounter on a regular
8 basis. After a very long process in
9 July, we made an offer to Darius Charney
10 and are very pleased and very proud to
11 announce that he has accepted the offer.
12 Darius comes to us from the Center of
13 Constitution Rights, where he is the
14 senior staff attorney, working on
15 government misconduct and racial justice
16 cases. Among his many high-profile
17 cases, Darius was lead counsel on Floyd
18 Vs City of New York, the landmark
19 federal civil rights class action
20 lawsuit that found that NYPD stop and
21 frisk practices were racially
22 discriminatory and otherwise
23 unconstitutional. Darius has a deep
24 understanding of racial profiling and
25 bias-based policing and he knows the

1
2 NYPD. His work in Floyd demonstrates
3 his ability to investigate and prove
4 these unlawful practices. Darius will
5 bear a primary responsibility for
6 spearheading the creation of a new 2212
7 unit, including identifying staffing
8 needs, hiring and training staff,
9 directing investigations and managing
10 the day-to-day investigative activities
11 of the unit. The agency is excited and
12 humbled that he has agreed to join our
13 team and to take on this challenge.
14 Darius officially comes on board on
15 September 27th.

16 In the meantime, the 2212 working
17 group will continue to cultivate
18 relationships with subject matter
19 experts outside of the agency, so that
20 we continue to educate ourselves about
21 the work and have institutional mentors
22 that we can collaborate and strategize
23 with, once we begin investigating these
24 allegations. We will also continue our
25 outreach to hear prospective and

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2 concerns from a broad range of
3 stakeholders including organizations
4 that represent LGBTQ+, New Yorkers,
5 Muslim and other ethnic and marginalized
6 religious communities, youth groups, as
7 well as the NYPD. Darius has made
8 himself available to participate in
9 these conversations even before his
10 official start.

11 And finally, the CCRB will continue
12 to advocate for legislation of resources
13 that are necessary for the unit to
14 succeed, that includes funding to fully
15 staff the unit, exemptions from sealing
16 statutes, direct and unfettered access
17 to body-worn camera footage And funding
18 for data analysis software. And if
19 there are any questions, I'll be happy
20 to take them and I know that Darius is
21 here and hopes that he can say a few
22 words as well.

23 CHAIR DAVIE: Great, thank you
24 Monte, lets see if we can bring Darius
25 in, if he wants to say a few words and

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then we'll take questions and comments from the board members. So it looks like Darius is on the screen, how are you?

MR. CHARNEY: Good; good morning.

CHAIR DAVIE: Do you want to say a few words and then we'll see if the board members have questions or comments, Darius?

MR. CHARNEY: Sure. I guess I just want to start by saying how excited and honored I am to be joining what is definitely the premier, oversight agency in the United States and an agency whose work I reviewed and admired for many, many years.

As Monte mentioned, you know, I come to this position with a fair amount of experience working on issues of biased policing, racial profiling, both in litigation as well as legislative advocacy and I hope I can bring those skills and that knowledge to this work and I look forward to working very

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2 closely with the agency staff and the
3 great investigators that are already at
4 the CCRB, as well as the board to, you
5 know, hopefully create a really robust
6 and effective system for investigating
7 these cases, that will not only, I
8 think, make a big difference here in New
9 York, but hopefully can serve as a model
10 nationally and yes, I'll be happy to
11 answer any questions and I know we'll be
12 talking again very soon and continue to
13 discuss these issues as we go forward.

14 CHAIR DAVIE: Thank you, Darius,
15 we're really, really extremely pleased
16 to have you on board. As I said in my
17 opening remarks, I think this puts us in
18 a completely different orbit when it
19 comes -- your appointment puts us in a
20 completely different orbit when it comes
21 to investigating bias-based policing and
22 racial profiling. I'm so glad that we
23 can have someone of your caliber and
24 experience in this role. Really pleased
25 for Monte's leadership again in the

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investigations unit and in the agency as a whole and for what Jon and Matt and the other staff are doing as well. So let's see if other board members has comments or questions, but welcome aboard, we're very glad to have you, anyone else? Esmeralda Simmons, and you might be on mute?

MS. SIMMONS: Thank you, I can't tell you how thrilled I am that you're joining our team, you're definitely going to pull very very strong investigative skills together to make this a win. Thank you very much for coming on board.

MR. CHARNEY: Thank you and I look forward to working with you as we move forward.

CHAIR DAVIE: Any comments, questions? All right, well, thank you again, Darius, thank you Monte, looks like Mr. Puma has a question.

MR. PUMA: Just another welcome to Darius and I have a technical question

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which Darius or Monte can answer perhaps and that is, when do those provisions of local law 47 come into effect next year, like around what month or date?

MR. GIVHAN: January of 2022, so it's not far away at all.

MR. PUMA: Thank you.

CHAIR DAVIE: All right, Well, welcome again Darius, thank you again Monte and we look forward to working with you both because it's a great day in the life of civilian oversight, not only for New York City, but the nation as well, so thank you.

MR. GIVHAN: Thank you, Chair Davie.

CHAIR DAVIE: So now we will have comments from community groups and I will turn it over to Yojaira, who may have a list of people who want to speak, so Yojaira, it's yours.

MS. ALVAREZ: Thank you, Chair Davie. First, we'll be hearing from Sharemah Harvell, she is the director of community engagement and outreach at

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Exodus Transitional Services.

CHAIR DAVIE: Sharemah, I see you, we see that you're with us, if you can turn on your video, there you are.

MS. HARVELL: There, good morning, I can't see myself can you see me?

CHAIR DAVIE: Yes, please go.

MS. HARVELL: Good morning, my name is Sharemah Harvell. I am the director of community engagement outreach here at Exodus. I'm also an East Harlem resident and I just wanted to say a few words before I have to hop off. What I've noticed in my time of community service and community work is that -- well, closer for me is the PSA5, right, I want to talk about what I know. And what I found was that we embrace PSA5, we embraced our police officers and they embraced us, so it's kind of like a family kind of situation there, if I would have to say there was any complaints I have none in this moment. I believe they've been open, willing to

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2 help anything that I or any other
3 community leaders have needed. They
4 were able to be, to assist, ready,
5 willing, and able. They engage our
6 youth, they engage our developments, you
7 know, they do like -- what was
8 something, we did a cleanup recently,
9 which engaged more youth for the clean
10 up, you know, they're just there and I
11 feel like it's because we allow them to
12 be there, you know, we open the door and
13 say hey, how are you doing and you know,
14 embrace and have a conversation and
15 don't just treat them like they're just
16 standing at post, we treat them like
17 they're human and um -- that's all I
18 wanted to say, thank you.

19 CHAIR DAVIE: Thank you, Sharemah;
20 just two comments on my part. One, I
21 know the organization and its executive
22 director well, you guys do extraordinary
23 work --

24 MS. HARVELL: Thank you.

25 CHAIR DAVIE: I remember when Julio,

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Julio Medina, who is the founding executive director, was forming this community organization more than 20 years now --

MS. HARVELL: Right.

CHAIR DAVIE: So that's great work and it's always good to hear when the experience of a community-based organization with a precinct or a portion of the precinct is/or a unit of the NYPD is going well because we often hear the other side of that --

MS. HARVELL: Right.

CHAIR DAVIE: So it's good to hear that piece of good news and we appreciate you coming to present it.

MS. HARVELL: Thank you.

CHAIR DAVIE: Sure. Anything, comments, questions from board members. I will turn it back then to Yojaira.

MS. ALVAREZ: Thank you, next we'll be hearing from Ms. Darlene Waters.

CHAIR DAVIE: Ms. Darlene Waters, you may need to turn on your --

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MS. WATERS: Can you hear me?

CHAIR DAVIE: We can; please go ahead.

MS. WATERS: Okay, sorry, I can't seem to get the start for the video.

CHAIR DAVIE: No worries.

MS. WATERS: My name is Darlene Waters. I'm president of Elliot Chelsea Houses in um --- I would like to say and I'm very proud that the police officers that we work with here are doing a very good job. We're under the 10 precinct in PSA4. We talk to each other all the time, if there something wrong we go to them, they'll have a meeting with us, they're always at our tenants association meeting and also we have a meeting with them today in the park, if they haven't cancelled yet, but we have lots of meetings with them, anything goes on, we actually exchange what's happening in the community, we say hello to each other all the time, if there just parked outside, they say hello

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2 back. I love when we had our Family Day
3 and they were there playing ball with
4 our young people there and we need more
5 of that, but I'm glad to say they are on
6 the ball and they are here, I see them
7 going up and down the buildings and all
8 around the neighborhood and I'm glad
9 that they're here and doing a very good
10 job, thank you.

11 CHAIR DAVIE: Thank you for your
12 comments and I will repeat what I said
13 when the previous speakers presented,
14 it's good to hear that these community
15 police relations are improving in some
16 neighborhoods around the city. Yojaira,
17 our next speaker.

18 MS. ALVAREZ: Next we'll be hearing,
19 oh, sorry, next will be hearing from
20 Justin Myers.

21 MR. MYERS: Hello, my name is
22 Justin. I'm from Manhattan, I live in
23 Clinton and I'm 19 years old, attending
24 Lehman College.

25 Within my community, the

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2 relationship between the cops and the
3 people is almost nonexistent. There are
4 many reasons why the people and the
5 police do not have a good relationship,
6 such as the police not patrolling the
7 area correctly. What I mean by that
8 statement is the police will sometime
9 patrol one area with a group of people
10 and then control -- patrol the same area
11 with not none people at all. This is a
12 problem because when crimes happen
13 within our area, no one shows up to stop
14 it and recently around my area crimes
15 have increased, making me and the people
16 in my apartment feel unsafe. Overall,
17 the police should be more responsible in
18 order for the people to trust them and
19 we can have a good relationship with
20 them.

21 CHAIR DAVIE: Thank you, Justin --

22 MR. MYERS: Yes.

23 CHAIR DAVIE: Have you concluded
24 your presentation?

25 MR. MYERS: Say that again?

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CHAIR DAVIE: I was just making sure that you concluded your presentation.

MR. MYERS: Yes, I concluded my presentation.

CHAIR DAVIE: Thank you so much, any questions or comments from members of the board?

MR. CAROLINA: I just had one question for Justin and that is if he is aware of any local community organizations in his immediate area that deal with community police relations.

MR. MYERS: I do not currently know any local places that deal with the police at this moment.

CHAIR DAVIE: Thanks for letting us know and perhaps through Jahi, we might be able to make that connection and it also seems as if maybe the unit in your area could take some perhaps best practice lessons from the work that is being done in other the areas of city, as we've heard from the first two speakers and apply those best practices

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to that community work in your neighborhood, but we'll try to get you connected with Jahi and perhaps Jahi can recommend community-based organizations in your neighborhood that are trying to connect with the local precinct. Dr. Carolina, thank you for that question, any follow-up.

MR. DARCHE: Jahi will definitely reach out to the speaker and connect him, as you suggested.

CHAIR DAVIE: Great, thank you Jon. Anybody else?

MS. ALVAREZ: That concludes our community speakers. We can move on to public comments.

CHAIR DAVIE: Thank you. Are there any comments, questions from board members? All right, hearing none, I am going to make a brief statement about what we're going to do in our --

MS. ALVAREZ: I'm sorry, Chair, we do have a few folks from the public comment.

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CHAIR DAVIE: I'm sorry, I missed that, all right, please go ahead.

MS. ALVAREZ: Next we'll be hearing from Chris Dunn. Just as a reminder, please keep your comments to two minutes.

MR. DUNN: Good morning, Fred, can you hear me.

CHAIR DAVIE: Yes, I can Chris, welcome.

MR. DUNN: Thank you, nice to see all of you and I want to welcome Ms. Rice. I know -- we haven't -- we don't know each other, but I spent a long time talking to your colleagues, so welcome to the board. Fred, I appreciated your comments, the CCRB is a different place under your leadership and not that we don't have concerns, of course we always do, but as your comments suggested, there's been sea change in the way the CCRB operates and you get a lot of credit for that, just as Jon and other members of the agency, but I want to

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particularly note that --

CHAIR DAVIE: Thank you.

MR. DUNN: -- we're not typically in the business of praising a government agency, but you have done some terrific things and thank you for that --

CHAIR DAVIE: Thank you, Chris.

MR. DUNN: But the real thing I want to talk about is, perhaps the most remarkable thing you have done just recently, which is to hire Darius. I'm not quite sure what to make of that and I'm deeply disappointed Sal is not here because Sal and Darius are really going to hit it off. I just want to say, it is terrific that you've hired, Darius, there is no better person who can take on racial profiling with the NYPD. I have known Darius for many, many years, he is a colleague and someone who I have the utmost respect for, he is going to make your life very difficult and he is going to make the NYPD lives even more difficult, it will be good for the

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public, it will be good for the department and I want to thank you and congratulate you for bringing him on board and I want to say to, Darius as I have said to him directly, I wish you the best of luck, I look forward to working with you in your position, welcome to the other side, thank you.

CHAIR DAVIE: Thank you, Chris and we take it as high praise when we do hear praise from you, so we really appreciate it, as I said before, very excited about having Darius on board, in the spirit of John Lewis, we'll hopefully make good trouble to make the agency better and to hold the department even more accountable and as you've said, to better serve the public, so all this is really exciting and in many ways a very big day for the agency and for civilian oversight and law enforcement. Let me just say one more thing in relation to that I think it's a -- it is a vote of confidence, I think, in this

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2 board and Jon and Matt's leadership that
3 we're able to make this kind of step
4 with this caliber of individual, the
5 great work that Monte has been doing as
6 chief of investigations, you know, opens
7 the door, provides an opportunity for us
8 to bring someone like Darius on board,
9 so we're looking forward to a lot of
10 good trouble, that's what were all in
11 the business about and in the process
12 better serve the public and create more
13 accountability in policing not only in
14 New York City but across the nation, so
15 thank you for your comments. Any other
16 comments, board members, on the last
17 speaker's comments? All right, so do we
18 have another speaker, Yojaira?

19 MS. ALVAREZ: Yes, next we'll be
20 hearing from Chad Royer.

21 CHAIR DAVIE: Please go ahead,
22 speaker.

23 MR. ROYER: Hi, Good morning, this
24 is Chad Royer. First off is, I'm
25 honored and privileged to have joined

1
2 this meeting today with the CCRB. This
3 is one I had been looking for quite a
4 few years. Um-- I wear many hats in the
5 neighborhood, an executive member of
6 Bronx Community Board 7 and I'm
7 fortunate to have our chair on the call
8 as well. Just a few questions that I
9 have, if anyone can answer, so for
10 anyone to make use of the CCRB to
11 request their help, does the person have
12 to live or reside in the State of New
13 York or the City of New York? I just
14 want to find out what the boundaries are
15 there and how far back can a CCRB
16 complaint be made, like for example, if
17 something happened in 2014, what would
18 be the statute of limitation by which
19 the CCRB could be of assistance to
20 somebody who requires the help. I ask
21 this question because many of my
22 neighbors and residents who live, work
23 and play with us in our zip code, some
24 of us are primary residents, some are
25 not citizens, some have been here for a

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long time, some may not speak English as their first language. Just wanted to find out those basic things, what are the boundaries by which one has to live and reside in order for the CCRB to work and how far back can CCRB look into a complaint of conduct.

CHAIR DAVIE: Sure.

MR. ROYER: Thank you all for your time and hopefully, we'll be able to do more things in our neighborhood.

CHAIR DAVIE: Thank you, let me just take a stab at the first and then I'll ask Jon if he will speak to the question of how far back we can go. So anyone who had an encounter with the NYPD, no matter citizenship status, place of residence, can file a complaint with the CCRB. Anyone, period. As to how far back in statute of limitations. Jon, I'll ask you, if you can speak to that.

MR. DARCHE: So, we have -- there is a statute of limitations of a year and a half from the date of the incident until

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when charges are filed against the member of service. There is an exception to that, which is if the conduct that the officer engaged in could have been charged as a crime there is no statute of limitations as all, so what I would advise people is, if you have a complaint about a member of service, file it with us and if it is within our jurisdiction and it's within the time frame that we can investigate, we will investigate and if not, we will explain to you why we can't investigate.

CHAIR DAVIE: Thank you, Jon. Any questions, comments, go ahead.

MR. DARCHE: I just wanted to remind people the way to -- the easiest way to file a complaint is go to the website and log in and you can file a complaint online, you can upload video there, it's the best way to file.

CHAIR DAVIE: Thank you. Other speakers, Yojaira?

MS. ALVAREZ: Next we'll be hearing

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from John Sonda.

CHAIR DAVIE: Mr. Sonda, are you there Mr. Sonda? Yojaira, lets go to the next speaker and if Mr. Sonda connects we'll come back to him.

MS. ALVAREZ: All right, next we'll be hearing from Abena Smith.

MS. SMITH: Hi, good morning.

CHAIR DAVIE: Good morning.

MS. SMITH: I was trying to use the question feature but I was -- it wasn't working for me, but I just wanted to ask, does the CCRB, do you handle complaints that relate to community affairs officers with the NYPD?

CHAIR DAVIE: Yes, Jon.

MS. SMITH: And more specifically, in terms of their practices with the community through their precinct community councils.

CHAIR DAVIE: Yes, Jon, you want to speak to that?

MR. SMITH: So we --the agency has jurisdiction over all sworn members of

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service which includes community affairs officers.

MS. SMITH: Um-hum.

MR. DARCHE: Depending on what the -- you're saying the officer did wrong, will determine whether we have jurisdiction. So if an officer was discourteous or an officer used offensive language, if an officer abused their authority, those are things that we can investigate. If a community affairs officer inappropriately used force against you, that's something we can look into.

MS. SMITH: Okay, thank you, I guess I would need to just look at the complaint process or what have you -- the concern that I have is very -- I guess it's a bit complicated, I do feel that involves an abuse of authority, it's just the manner in which it was done and the specific place and forum, where it caused -- where I feel it had a significant impact in our community with

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respect to the precinct council --

MR. DARCHE: Ms. Smith, I'm going to ask if you can hang on and Jahi is going to try and connect you with an investigator --

MS. SMITH: Thank you.

MR. DARCHE: So that we can take the information from you. I will be able to give you a better answer.

MS. SMITH: I appreciate that, thank you.

CHAIR DAVIE: All right, the next speaker, Yojaira?

MS. ALVAREZ: Thank you, the speaker is John Sonda.

MR. SONDA: Yes, can you hear me?

CHAIR DAVIE: Yes, Mr. Sonda, go ahead.

MR. SONDA: I apologize if it was stated during the first time into (inaudible) today's board meetings, but why were the July, August meetings cancelled?

CHAIR DAVIE: We had to make

1
2 adjustments due to COVID-related issues,
3 we thought we were going to be coming
4 back in person, so we needed to spend
5 time figuring out how best to do that,
6 we are given an opportunity to only do,
7 10 meetings a year, if we need to do
8 that and so we chose to use that time to
9 invest in reconvening publicly and then,
10 of course, now we have the Delta variant
11 that has up ended that, so that's the
12 reason we choose not to have meetings in
13 August.

14 MR. SONDA: Is there a reason why
15 the videos of the May and June board
16 meetings have not been uploaded onto the
17 CCRB website?

18 CHAIR DAVIE: I was not aware that
19 they weren't, but I assume they'll be up
20 soon.

21 MR. SONDA: Very good. And
22 Executive Director Darche, has the CCRB
23 completed a process of changing the
24 disposition letters to inform
25 complainants in victims of reopening

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process in their disposition letter.

MR. DARCHE: Not yet.

MR. SONDA: During the June board meeting your response to the question, does CCRB intend to contact any prior complainants who were not provided the proper information to make a reopening request and if yes, how far back is the CCRB considering and Director Darche stated, we haven't considered that yet. Has the CCRB considered that yet or made a decision on that yet?

MR. DARCHE: No.

MR. SONDA: You haven't considered it yet at all?

MR. DARCHE: We haven't made a decisions on that yet.

MR. SONDA: But you have been having discussion about it?

MR. DARCHE: I have thought about it and I engaged in some discussions.

MR. SONDA: With you?

CHAIR DAVIE: Mr. Sonda --

MR. DARCHE: The members of the

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staff.

MR. SONDA: Director Darche stated that he believed the Goldman School of the University of California, Berkeley had reached out to the CCRB to offer to help with exam all external communications with civilians, Executive Director Darche, do you know the individual at the Goldman School of University of Berkeley, who you had reached out to CCRB?

MR. DARCHE: No.

CHAIR DAVIE: They reached out to me, actually.

MR. SONDA: Do you know the name of the ind -- okay, so you're the individual at the CCRB that was -- was contact -- whose that person at the Goldman School, University of California Berkeley?

CHAIR DAVIE: Can you ask me why you want to know, Mr. Sonda? Because before I publicly say who that is, I think I owe it to them to let them know. Can

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you tell me why it's important for you to know at this moment.

MR. SONDA: I don't understand why this information is confidential.

CHAIR DAVIE: I didn't say it was confidential, I'm just asking --

MR. SONDA: So it's not confidential, so you need to provide the answer to me, thank you.

CHAIR DAVIE: I will provide you the answer at the appropriate time.

MR. SONDA: And when's that?

CHAIR DAVIE: Today, I just want to make the person aware that I'm going to make it and then at the next public meeting, I will give you their name, I just think it's only fair to them that I'll let them know that I'm going to do that and you're right, it should be public and it's not confidential, but I think as a courtesy I should let them know that I will tell the public that we had the initial conversation that brought Goldman school in, so I will

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send you an e-mail with the persons' names and I just want to give them a heads up, is that satisfactory, in the next meeting you will remind me that I said I would tell the public what it is I promise. Does that work?

MR. SONDA: Not really, I prefer -- if it's not confidential and you're not just giving it as courtesy --

CHAIR DAVIE: Mr. Sonda, I just told you how I'm going to do it and the public will know, so we'll do it that way and we'll move on, okay. I will send you an e-mail within an hour and then I will let it be known at the next public meeting. Yojaira, next speaker?

MS. ALVAREZ: That concludes our public session.

CHAIR DAVIE: Thank you. Any more comments from board members, any questions? Is there any old business to come before the board? Is there any new business to come before the board? I can't see all of you, so please mute if

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2 you want to. So based on the fact that
3 we've been asked to be a little more
4 explicit about -- I'm sorry, I'm hearing
5 someone, the fact we've been asked to be
6 a little more explicit about what it is
7 we do in executive sessions, I'm going
8 to share with the public the items that
9 we will discuss in executive sessions,
10 so I'm going to ask for a motion that we
11 move to adjourn to executive sessions
12 and that the agenda for the executive
13 sessions is an executive director update
14 and an update from a general counsel,
15 the executive director will discuss the
16 following three items, scheduling issues
17 for panels and full board cases, update
18 on open cases and the status of
19 investigations and then COVID-19
20 protocols for board members and staff.
21 The general counsel will discuss the
22 following item, I think that is an
23 update on current litigation involving
24 CCRB. So do I have a second to that
25 motion that we are adjourning to

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executive session with those agenda items?

MR. CAROLINA: So moved, chair.

CHAIR DAVIE: Is there a second?

MS. SIMMONS: Second.

CHAIR DAVIE: All those in favor, please say aye?

Chorus: Aye.

CHAIR DAVIE: Any opposition? All right, we will adjourn to executive session, I want to thank the public, thank the staff for all their hard work, thank you, the board members and we will sign off here and then reconnect to executive sessions and the link to the executive session is in your e-mail or in your calendar. So again, thanks to the public, thanks to the staff, thanks to all of you, bye.

(TIME NOTED: 11:07 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

Ss:

COUNTY OF BRONX)

I, Shechinah Jackson, 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 09/09/2021.

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 9th day of September 2021.

Signature