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CIVILIAN COMPLAINT REVIEW BOARD
PUBLIC MEETING
OCTOBER 13, 2021
4:10 P.M.

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HELD VIA VIDEOCONFERENCE

B E F O R E:
JOHN SIEGAL, ESQ., BOARD MEMBER
JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

Transcribed by:
Julia M. Speros

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PUBLIC MEETING AGENDA

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

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BOARD MEMBERS PRESENT

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- 1. John Siegal, Esq., Board Member
- 2. Corrine A. Irish, Esq., Board Member
- 3. Esmeralda Simmons, Esq., Board Member
- 4. Joseph A. Puma, Board Member
- 5. Arva Rice, Board Member
- 6. Herman Merritt, Board Member
- 7. Erica Bond, Board Member
- 8. Michael Rivadeneyra, Esq., Board Member
- 9. Nathan Joseph, Board Member
- 10. Salvatore F. Carcaterra, Board Member
- 11. Willie Freeman, Board Member
- 12. Frank Dwyer, Board Member

Presenters:

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

Harya Tarekegn, Esq. - Senior Counsel to the
 Executive Director & Director of Policy and
 Advocacy
 New York City Civilian Complaint Review Board

PROCEEDINGS

1
2 MS. ALVAREZ: Thank you, everyone,
3 for joining us.

4 Before we begin, for those of you
5 that would like ASL services or
6 interpreters, or two interpreters today
7 are Maria Cardoza and Felice Shays. In
8 the chat, we'll share instructions on
9 how to pin their video or move them to
10 the stage.

11 Thank you.

12 MR. SIEGAL: Good afternoon.
13 Welcome to the Civilian Complaint Review
14 Board's October Board Meeting. I'm not
15 Chair Fred Davie -- I'm not Reverend
16 Davie and I'm not Chair of the Civilian
17 Complaint Review Board.

18 I am John Siegal and I'm a Mayoral
19 Appointee to the Board and I'm sitting
20 in today for the Chair, Fred Davie, who
21 had another commitment that he was
22 unable to be in both places at once.

23 We want to thank this -- we want to
24 start this meeting by thanking Marbre
25 Stahly-Butts for her service to the

1 Board.

2 She served for a number of years as
3 the Brooklyn City Council representative
4 to the Board and has now cycled off. It
5 -- I hope -- I think I speak for all the
6 Board members and staff, that it has
7 been a pleasure working with her. She
8 is -- I found her to be truly an
9 excellent lawyer and we are grateful for
10 her service to the CCRB and the City.

11 We're excited to introduce the
12 newest addition to the Board, in that
13 Brooklyn chair, Mr. Herman Merritt, and
14 we're lucky to add Mr. Merritt to our
15 ranks.

16 Born and raised in Brooklyn, Mr.
17 Merritt has served this City for nearly
18 five decades working for the Department
19 of Education for 36 years, including
20 18 years as a school principal. Adding
21 school principal to the ranks of the
22 lawyers, and administrators (sic), and
23 others on this Board, I think it's a
24 great addition.

25 He has -- since his Department of Ed

1 (sic) service, spent 21 years working
2 with the Council of School Supervisors
3 and administrators. He has always been
4 -- believed in activism and has long
5 been a strong advocate for justice and
6 fairness.

7 So, we welcome you, Mr. Merritt, and
8 we'll start the Board introductions with
9 you, sir, to introduce yourself to the
10 attendees and then we'll go around so
11 that the public has -- knows who's on --
12 who's present from the Board today.

13 (No response.)

14 MR. SIEGAL: I think you're muted.

15 MR. MERRITT: Hi. Herman Merritt.
16 I'm the Brooklyn representative to the
17 City Council. I'm honored to be
18 selected to be on the Board. I look
19 forward to working with the Board and
20 doing my best to make the CCRB shine.

21 Thank you.

22 MR. SIEGAL: And I'm glad to meet
23 you Merritt (sic) -- Mr. Merritt -- or
24 what passes for meeting another human
25 being these days -- to see your square

1 on the screen.

2 Let's go around and introduce the
3 others, starting with Arva Rice.

4 MS. RICE: Hello. I'm Arva Rice and
5 I'm appointment (sic) -- I'm appointed
6 from the Mayor's -- the Mayor's
7 appointment, and I'm a Harlemite.

8 Thank you so much.

9 MR. SIEGAL: Corrine.

10 MS. IRISH: Corrine Irish. I'm also
11 a Mayoral Appointee and also live in
12 Harlem.

13 MR. SIEGAL: Erica.

14 MS. BOND: Good afternoon all and
15 welcome to Mr. Merritt. It's great to
16 have you on the Board.

17 I'm Erica Bond. I'm a Mayoral
18 Appointee and I'm a Brooklynite (sic).

19 MR. SIEGAL: Esmeralda Simmons.

20 (No response.)

21 MR. SIEGAL: You're muted -- you're
22 going to need to un-mute.

23 MS. SIMMONS: Good evening,
24 everyone. Sorry about that.

25 I'm the Public Advocate's Appointee.

1 I live in Brooklyn and I welcome Herman
2 to the Board.

3 MR. SIEGAL: And next is our -- I
4 guess our senior member, but only in
5 terms of duration of service, Joe Puma.

6 MR. PUMA: Good afternoon, everyone.
7 I am Joseph Puma. I'm the Manhattan
8 City Council's representative on the
9 Board and I am born and raised in
10 Manhattan and I send a welcome to
11 Mr. Merritt. Looking forward to working
12 with you.

13 Thank you.

14 MR. SIEGAL: I believe we also have
15 two Board members who are present by
16 audio, not on screen. Hopefully, they
17 can hear us and respond.

18 First would be Sal Carcaterra.

19 (No response.)

20 MS. ALVAREZ: I believe he's still
21 trying to log in.

22 MR. SIEGAL: All right. Hopefully,
23 Sal will be joining us soon.

24 And, Frank Dwyer, are you -- have
25 you been able to call in?

1 MR. DWYER: I am, John. Can you
2 hear me?

3 MR. SIEGAL: I can hear you great,
4 yes.

5 MR. DWYER: Good. Yeah, I'm Frank
6 Dwyer and I am trying to log-in, but I'm
7 hitting technical problems that might be
8 cause I'm using an iPad.

9 But, in any case, I'm Brooklyn born
10 and raised, Queens resident, and I'm a
11 Police Commissioner designee.

12 MR. SIEGAL: Great. I don't -- I
13 think that's it for Board members
14 present and thank you all --

15 MR. DARCHE: Mr. Carcaterra has been
16 having a problem logging in on the
17 phone. I don't know if he has logged in
18 yet. It doesn't sound like it, but when
19 he does, we'll let you know so you can
20 introduce him.

21 MR. SIEGAL: Yeah, and I know we've
22 got at least one Board member who will
23 probably be a late arrival today.

24 Mr. Merritt, I understand that you
25 joined the CCRB Youth Advisory Council

1 Summit on youth and policing last week,
2 which we all appreciate. The 20 young
3 New Yorkers who have stepped up to
4 represent their communities put on an
5 incredible summit tackling some of the
6 most complex issues facing police reform
7 in this country.

8 This was the final event for 2021 --
9 the 2021 class of Youth Advisors and we
10 thank them for their service. Executive
11 Director Darche will share a few more
12 impressions from the Youth Submit during
13 his report.

14 Last month at the Board meeting, a
15 member of the public asked Chair Davie
16 about who Mr. Davie had communicated
17 with at the People's Lab at University
18 of California Berkeley.

19 I wanted to state on the record,
20 that person's name is Maura Smith, who
21 is with the Goldman School at UC
22 Berkeley, and while we already shared
23 this information with the citizen
24 attendee who asked shortly after the
25 Board meeting, Chair Davie wanted to

1 ensure that this information was
2 publicly shared as well. So, I've done
3 that.

4 We will, today at the meeting, as
5 part of our public agenda, take the
6 opportunity to update the public on the
7 implementation of the Disciplinary
8 Matrix that the CCRB and NYPD agreed to
9 earlier this year, which is one of the
10 most important and positive steps
11 forward in the police discipline process
12 this year and we have some preliminary
13 results of the impact of that matrix to
14 share today.

15 In 2019, the NYPD concurred with
16 only half of the non-APU cases --
17 recommendations made by CCRB, showing a
18 deep need for better collaboration and
19 reform. In February of this year, CCRB
20 and NYPD came together, signed the
21 Memorandum of Understanding reforming
22 the disciplinary categories and adopting
23 the NYPD Disciplinary Matrix.

24 The entire agency worked together to
25 quickly adjust our processes and

1 incorporate the matrix, which took some
2 doing, including for the IT people to do
3 a really substantial re-work of the
4 software that we use for hearings, which
5 was quite complex and took some doing,
6 but got done. Since that time, the
7 Board has substantiated misconduct
8 against 123 officers in seven
9 complaints, applying the Disciplinary
10 Matrix to our recommendations on those
11 findings.

12 Since January of this year, the
13 concurrence rate of non-APU cases is up
14 to 75 percent. So, it's up from
15 50 percent previously to 75 percent now,
16 showing a positive trend and, hopefully,
17 a positive impact from the adoption of
18 the Disciplinary Matrix.

19 The agency will continue to closely
20 monitor the data to determine the impact
21 and success of the new system. Please
22 look to our quarterly, semi-annual, and
23 annual reports for these updates.

24 Harya Tarekegn, the Senior Counsel
25 to Executive Director Darche, will,

1 shortly in this meeting, give a
2 presentation expanding on this
3 information and updating the Board and
4 public on the progress under the matrix.

5 While the matrix is an excellent
6 step forward, as Chair Davie has
7 frequently advocated for the City of New
8 York to optimize civilian oversight, the
9 Chair has repeatedly emphasized the need
10 to grant CCRB final authority over
11 disciplinary decisions and to codify
12 that final authority and sufficiently
13 from CCRB, which shows fairness and
14 justice for all New Yorkers, and I
15 repeat on his behalf and in his absence
16 that call.

17 My own view is that independent
18 civilian oversight requires independent
19 civilian final authority over
20 disciplinary depositions. The two
21 logically and legally need to go
22 together.

23 We will continue to work diligently,
24 scrupulously, and cooperatively to try
25 to improve the current process, while we

1 also continue to advocate for what is
2 needed to properly serve this City.

3 On that note, I hand the mic, if you
4 will -- the virtual mic -- over to
5 Executive Director, Jonathan Darche, for
6 his Executive Director Report.

7 MR. DARCHE: Thank you, Mr. Siegal.

8 I think I heard Mr. Carcaterra, if
9 you want to -- if he's on, maybe he
10 could introduce himself.

11 MR. CARCATERRA: Sure. Can you hear
12 me, Jon?

13 MR. DARCHE: Yes -- oh, I think he
14 meant --

15 MR. CARCATERRA: Sure. Good
16 evening, everyone. Actually, I was on
17 from the beginning. I heard, John, your
18 opening remarks also.

19 So, everyone, I'm Sal Carcaterra and
20 I'm a Police Commissioner Designee to
21 the Board. Brooklyn born and raised and
22 live on Staten Island.

23 Thank you.

24 MR. SIEGAL: And, Jon, before you do
25 your report, let me just -- I neglected

1 to move the adoption of the minutes from
2 the last meeting.

3 So, I move the adoption of the
4 minutes from the last meeting. If
5 someone has a second of that.

6 MS. IRISH: Second.

7 MR. SIEGAL: And is there any
8 opposition for adopting the minutes from
9 the September meeting?

10 (No response.)

11 MR. SIEGAL: Okay. So, they're
12 adopted.

13 Jon, now, I turn it over to you for
14 your review.

15 MR. DARCHE: Thank you, Mr. Seigal.

16 This past Thursday, the YAC put on
17 the first nationwide submit on youth and
18 policing. We heard from young people
19 across the country -- Seattle, Denver,
20 Louisiana -- to better understand what
21 young people's and America's
22 relationship with law enforcement looks
23 like and how to improve it.

24 The CCRB often influences police
25 oversight reform around the country and

1 these New Yorkers are ensuring their
2 generation is part of that reform.

3 Our Youth Council stepped up to the
4 plate and moderated two panels on the
5 greatest issues facing police reform and
6 what solutions young people hope to see.
7 They fielded question and answer
8 sections and helped shape the open forum
9 at the end.

10 If you want to watch this
11 fascinating evening, you can find a
12 recording online.

13 We heard from one young man about
14 how he felt his city of Chicago came
15 together during the Black Lives Matter
16 protests last summer. We also heard a
17 compelling argument of a young woman who
18 believes that Critical Race Theory
19 should be a mandatory part of training
20 for all officers.

21 We held polls to better understand
22 how our young audience feels about
23 police in their schools, their comfort
24 level approaching an officer, and how
25 hopeful they are for future reform.

1 So, I want to thank you -- say thank
2 you so much to the 2021 class of Youth
3 Advisors to the CCRB. If you, or any
4 young people you know, are interested in
5 joining the CCRB Youth Advisory Council,
6 please email our Outreach Team.

7 Some of you may have learned about
8 issues that members of the Detectives
9 Endowment Association have with the
10 CCRB. Everyone at the CCRB is deeply
11 committed to being impartial and fair
12 throughout all investigative processes,
13 whether collecting evidence,
14 interviewing or deliberating a final
15 recommendation.

16 Due to the City's social distancing
17 rules, we have to continue remote
18 interviews, which requires us to use
19 some of the larger offices in our space.
20 One of those offices used for these
21 interviews is the pressroom, which
22 naturally had press clippings around.

23 Some members of service were upset
24 by these clippings. So, we have removed
25 them while officers use the room for

1 interviews.

2 We guarantee civilians and officers
3 alike unbiased investigations and we
4 will continue to work with the NYPD, the
5 public, and the member of service unions
6 on adjusting to new post-pandemic
7 procedures.

8 Before we get started this
9 afternoon, some quick updates on agency
10 operations:

11 The CCRB continues to review protest
12 cases and we expect to have a protest
13 report out this year. If you need to
14 file a complaint in person, our office
15 is open to that, however, we still
16 prefer complainants file online or over
17 the phone, if possible.

18 Some ground rules for this
19 afternoon:

20 For the public session, use the
21 "raise the hand" feature to make a
22 comment, and we are going to ask you to
23 limit your comments to two minutes.

24 I want to thank the staff for all
25 their hard work and thanks again to the

1 members of the public for participating
2 in today's meeting.

3 MR. SIEGAL: Next, we have a
4 presentation from Director of Outreach,
5 Jahi Rose.

6 MR. ROSE: Okay. Thank you very
7 much, Mr. Siegal. Thank you all very
8 much for attending.

9 I'm going to share my screen.

10 (Whereupon, a document was shared.)

11 MR. ROSE: Okay. Can you see my
12 screen?

13 MR. SIEGAL: Yes, I can. Hopefully,
14 everyone can.

15 MR. ROSE: Okay. The Civilian
16 Complaint Review Board is the nation's
17 largest independent oversight entity of
18 the largest police force in the country.
19 The CCRB investigates, mediates, and
20 prosecutes complaints of misconduct
21 against members of the NYPD.

22 As you may have met some of our
23 Board members, the agency is governed by
24 a 15-member Board with five seats
25 appointed by the Mayor, five appointed

1 by the New York City Council, three
2 designated by the Police Commissioner,
3 one appointed by the Public Advocate,
4 and the Chair -- Chair Davie -- is
5 appointed, jointly, by the Mayor and the
6 City Council.

7 The CCRB's jurisdiction includes
8 four categories. The helpful reminder
9 is FADO; force, abuse of authority,
10 discourtesy, and offensive language.

11 I would like to share some
12 information with you also about the
13 Right to Know Act.

14 The Right to Know Act is a law that
15 went into effect on October 19, 2018.
16 This takes place -- affects police
17 encounters. That includes stop
18 searches, sobriety checkpoints, and
19 other encounters where police officers
20 should, in certain cases, identify
21 themselves by providing their name and
22 other information, such as their rank,
23 command, and shield number, with some
24 exceptions.

25 They should explain the purpose of

1 their interaction, inform you of your
2 right to say no when asking for a
3 consent search of your person, property,
4 vehicle, or home, and in certain
5 circumstances, they should offer a
6 business card with the officer's
7 information that explains how a comment
8 or a complaint can be made about the
9 interaction with the NYPD. Civilians
10 can request this business card in all
11 interactions.

12 This is a copy of what the Right to
13 Know Act card looks like.

14 There are a few ways to file a
15 complaint about police misconduct. One
16 -- the easiest way to file is by going
17 to the CCRB's website,
18 nyc.gov/ccrbcomplaint. Also, you can
19 call the CCRB's hotline at
20 1-800-341-CCRB -- 1-800-341-2272.

21 Remember, if you see footage of
22 misconduct on social media or on the
23 news, you can also file a complaint,
24 even if you weren't there in person.
25 You can do so simply by tagging the CCRB

1 with the tag used below, @ccrb_nyc.

2 A couple of additional ways to file
3 a complaint include calling 311. You
4 can also visit the CCRB's office at 100
5 Church Street on the 10th floor in lower
6 Manhattan, zip code 10007. You can also
7 visit a local police precinct. It does
8 not have to be the precinct where the
9 altercation took place -- or the
10 interaction took place.

11 You can also send a letter to the
12 CCRB at the same address, 1-800 -- I'm
13 sorry -- 100 Church Street, on the 10th
14 floor, New York, New York, zip code
15 10007.

16 CCRB is hiring and the investigatory
17 roles -- we have investigator staff that
18 are comprised of more than 90 plus
19 investigators with socio (sic) -- with
20 different socioeconomic backgrounds and
21 speak more than 10 languages. Our team
22 is comprised of the best and brightest
23 undergrad and grad students from a
24 variety of educational institutions
25 nationwide.

1 If you would like more information
2 regarding applying for the CCRB's
3 Investigative Unit, Level 1, you can
4 feel free to check the New York City
5 careers portal. You can also check
6 Idealist at www.idealists.org or
7 Handshake at www.joinhandshake.com. You
8 also can send an email with your
9 inquiries to careers@ccrb.nyc.gov.

10 If you would like an Outreach
11 presentation, feel free to email the
12 Outreach Unit at outreach@ccrb.nyc.gov.
13 Feel free to also follow us on social
14 media, on Instagram, Twitter and
15 Facebook.

16 Thank you very much.

17 MR. SIEGAL: Thank you.

18 Any questions from the Board
19 members?

20 (No response.)

21 MR. SIEGAL: I see Mr. Willie
22 Freeman on screen. Mr. Freeman, if you
23 can hear me, you want to take a moment
24 and introduce yourself to the attendees.
25 We've gone around the -- had the other

1 Board members go.

2 (No response.)

3 MR. SIEGAL: I think you're muted.
4 You want to un-mute and try again, that
5 will be helpful.

6 MR. FREEMAN: Okay. I'm Willie
7 Freeman, Police Commissioner designee.
8 I derive out of Brooklyn.

9 MR. SIEGAL: Thanks, and good to see
10 you on screen.

11 Next presentation will be from CCRB
12 Chief of Policy, Harya Tarekegn,
13 regarding the Disciplinary Matrix.

14 Harya.

15 MS. TAREKEGN: Thank you so much,
16 Mr. Siegal. I'm also going to share my
17 screen.

18 (Whereupon, a document was shared.)

19 MS. TAREKEGN: All right. Thank
20 you, everybody, for joining us. I am
21 going to give a brief update on the
22 Disciplinary Matrix and the use by CCRB
23 on NYPD so far.

24 So, for those of you who might not
25 be familiar with the Disciplinary

1 Matrix, it exists online. If you just
2 Google, "NYPD Matrix", you can find it.

3 On February 4th of this year, the
4 CCRB signed a Memorandum of
5 Understanding with the NYPD and agreed
6 to adopt the NYPD's Disciplinary Matrix
7 that went into effect on January 15,
8 2021.

9 Like Mr. Siegal said, it took us a
10 couple of months to put the matrix into
11 effect, but our Board's first meeting
12 that used the matrix was on April 8th.
13 Since then the Board has used the matrix
14 123 times.

15 Now, after the CCRB adopted the
16 matrix, the agency took the next two
17 months to incorporate the matrix into
18 our case tracking system, which is our
19 tracking -- online tracking system where
20 all of our case information is held.
21 The Board members were also trained on
22 how to use the new matrix and also the
23 new features of that case tracking
24 system. And, finally, the prosecutors
25 of our Administrative Prosecution Unit

1 were also trained on how to use the
2 matrix.

3 Since April of 2021, like I said,
4 we've used it 123 times in 70 complaints
5 and this has resulted in 96 officers --
6 the Board recommending charges for 96
7 officers, Command Discipline B for 11
8 officers, Command Discipline A for 13
9 officers, and training for 3 officers.

10 The Board has deviated from the
11 matrix two times, and those were in
12 situations where they recommended
13 training for officers where the panel
14 thought that the officers were on the
15 force for less than two years and would
16 benefit more from receiving training
17 than a command discipline.

18 Since January 15, 2021, there have
19 been 19 APU cases -- Administrative
20 Prosecution Unit cases -- where the NYPD
21 has imposed final discipline. For the
22 CCRB, 17 of those cases were decided
23 before the implementation of the matrix.

24 That means in 17 of those cases, the
25 Board sent a recommendation before using

1 the matrix. In that -- two cases where
2 the Board did apply the matrix, the
3 officers retired before discipline was
4 imposed and so we don't have, currently,
5 any APU data where both the CCRB Board
6 recommended discipline using the matrix
7 and the NYPD imposed discipline using
8 the matrix.

9 In that -- 17 remaining cases, one
10 was "closed other", one was closed as
11 "previously adjudicated with
12 discipline", one was "retained, without
13 discipline", and 14 of those cases went
14 to trial.

15 In those remaining 14 cases, two
16 resulted in not guilty verdicts. Seven
17 were cases where the NYPD applied the
18 Disciplinary Matrix, and five were cases
19 where the NYPD did not apply the
20 Disciplinary Matrix.

21 By this, I mean, in the seven cases
22 where we were able to see the Trial
23 Commissioner, the Deputy Trial
24 Commissioner, or the Police
25 Commissioner, talk through how they used

1 the matrix to impose discipline, and in
2 five, we did not see that in the
3 decisions.

4 So, in the seven cases where the
5 NYPD applied the matrix, you will see a
6 little asterisk on the side for cases
7 where there was concurrence, which means
8 the penalty that was recommended by the
9 agency was also the penalty imposed by
10 the Police Commissioner or the penalty
11 imposed by the Police Commissioner was
12 higher than that.

13 In case one, there were four
14 charges; threat of arrest, retaliatory
15 summons, vehicle stop, discourtesy. The
16 CCRB recommended dismissal probation and
17 the Police Commissioner imposed the
18 aggravated penalty of the matrix of
19 10 days. Therefore, the charges were --
20 the officer was found guilty.

21 In case two, there were two charges
22 of physical force. The APU recommended
23 25-days and dismissal probation and the
24 Police Commissioner imposed the
25 presumptive penalty of 10 days.

1 In case three, for vehicle stop,
2 vehicle search, retaliatory summons, the
3 APU recommended two days and the Police
4 Commissioner overturned the Assistant
5 Deputy Trial Commissioner's presumptive
6 penalty of 10 days and gave two days. I
7 will talk about this case a little bit
8 more in detail in the next slide -- or
9 in two slides.

10 In case four, an officer was charged
11 with physical force and discourtesy.
12 The APU recommended 20-days and the PC
13 proposed the presumptive penalty of 10
14 suspension days and 10 vacation days.

15 So, in case three, although the
16 Police Commissioner agreed with the ADCT
17 -- that the police officer was guilty of
18 the charges -- he deviated from the
19 penalty recommendation and the matrix
20 due to the officer's excellent
21 employment history, limited intrusion of
22 the search, search and issuance of the
23 summons, which were conducted in the
24 presence of a supervisor, and he said
25 this was the same penalty originally

1 sought by CCRB.

2 If you remember, this was a case
3 where CCRB recommended penalty before
4 the matrix was imposed, and so the
5 Police Commissioner agreed with a pre --
6 pre-matrix penalty recommended by the
7 CCRB, although during trial, the APU did
8 argue that the presumptive penalty of
9 the matrix should apply.

10 Then, in case five, two search of
11 premises, two entry of premises, and
12 four retaliatory arrests, the APU
13 recommended 25 days and the PC
14 overturned the trial judge's improperly
15 applied penalty of 15 days and correctly
16 applied the aggravated penalty of
17 45 days to the matrix.

18 Case six, the officer was charged
19 with three discourtesies, a threat of
20 force, a nightstick as a club, physical
21 force, and threat of arrest. The APU
22 recommended 20 suspension days and 30
23 vacation days and the PC endorsed the
24 Trial Commissioner's improperly applied
25 aggravated penalty of 10 suspension days

1 and 15 vacation days.

2 Case seven was a strip search where
3 the APU recommended 20 days and
4 dismissal probation and the PC imposed a
5 presumptive penalty of 20 days and
6 probation. I know that this is a lot of
7 information, particularly to the --
8 reading so quickly, but this
9 presentation is also available on the
10 CCRB website.

11 Finally, in the five cases where the
12 CCRB did not use the Disciplinary Matrix
13 in its decision by either the Trial
14 Judge or the Police Commissioner, you
15 will see that there was concurrence in
16 one of these cases, but not in the other
17 five.

18 To read them out once again, case
19 one, the charges were nightstick as a
20 club, physical force. APU recommended
21 20 days and the PC imposed 12 days.
22 Case two, there's a charge of physical
23 force where the APU recommended 15 days
24 and the PC imposed 10 days. Case three
25 was a stop and frisk. APU recommended

1 eight days and the Police Commissioner
2 imposed eight days.

3 Case four was a vehicle stop,
4 vehicle search, threat of summons, and
5 search of a person. APU recommended
6 20 days and the PC imposed 10 days. And
7 finally, case five, which was a stop and
8 frisk, where the APU recommended seven
9 days and the PC imposed six days.

10 One of the interesting things, when
11 looking at these cases, is taken
12 together, it would look like the
13 concurrence rate was about 33 percent,
14 but actually if you look at the cases
15 where the Disciplinary Matrix was
16 applied, the concurrence rate is at 50
17 percent as opposed to the cases where
18 the Disciplinary Matrix wasn't applied,
19 the concurrence is right around
20 33 percent. And so we do see a positive
21 trend in using the Disciplinary Matrix
22 in APU cases.

23 In non-APU cases, since January 15th
24 of 2021, the NYPD has imposed discipline
25 against 188 officers and the concurrence

1 rate is 75 percent. That is up slightly
2 from 73 percent in 2020 and an
3 improvement from the 51 percent
4 concurrence rate in 2019.

5 So, in conclusion, although it's
6 very early, the matrix data is still
7 coming in, for us to be able to say
8 whether it is effective or not, but we
9 do believe that the preliminary data
10 shows a positive impact on the PC
11 implementing CCRB's penalty
12 recommendations.

13 The agency continues to track this
14 data and will continue to report on the
15 impact of the matrix in our quarterly
16 APU reports, as well as the semi-annual
17 reports, and our annual reports.

18 That is the end of my presentation,
19 so I will stop sharing my screen, but I
20 am here to answer any questions that
21 anyone might have.

22 MR. SIEGAL: Thank you, Harya.

23 Any Board members have follow-up
24 questions regarding that presentation?

25 MR. DARCHE: Mr. Siegal, can I --

1 can I ask Harya a question?

2 MR. SIEGAL: Absolutely, Jon.

3 MR. DARCHE: So, in the slide that
4 had the five cases that -- where the
5 department did not apply the matrix, how
6 many of them were decided in February
7 right after the imposition of the
8 matrix?

9 MS. TAREKEGN: So, four out of the
10 five of them were decided in February,
11 right after the decision of the matrix,
12 and one was decided in June.

13 MR. DARCHE: So, it's really only
14 one where they had the opportunity and
15 they did not apply the matrix.

16 MS. TAREKEGN: Yeah.

17 MS. IRISH: I was wondering, are we
18 getting explanations regarding
19 deviations from the matrix and why those
20 decisions were made?

21 MS. TAREKEGN: So, we have been
22 getting departure letters since the
23 Charter change, and those haven't
24 changed, and that's where we're seeing
25 explanations.

1 Otherwise, in APU cases, we get a
2 letter from the Police Commissioner
3 explaining his decision in all cases.
4 And so, yes, we are receiving those.

5 MR. SIEGAL: Any other questions
6 from the Board?

7 MR. PUMA: I have a question.

8 MR. SIEGAL: Sure.

9 MR. PUMA: Yes, what is the status
10 of the 96 cases that were -- where the
11 Board -- the Board's recommendation per
12 the matrix was charges; are they -- are
13 trials getting scheduled right now?

14 What's the situation with, I guess,
15 the internal tribunal at the department
16 and the APU and how is that affecting
17 their work?

18 MS. TAREKEGN: So, I can get back to
19 you with a full breakdown of where those
20 cases are, but they are somewhere in
21 between APU looking at the charges and
22 deciding whether or not to -- or -- and
23 figuring out the surface of charges, or
24 charges are with DAO, or charges have
25 been served.

1 So, there are cases in all of those
2 categories and I can get back to you
3 with a breakdown.

4 MR. PUMA: Thank you.

5 MR. SIEGAL: We have a couple other
6 Board members joining to complete the
7 introductions.

8 Let's start with Mr. Joseph. You
9 can just introduce yourself to the
10 public, as the rest of us have earlier.

11 MR. JOSEPH: Good evening. I
12 apologize for being late.

13 My name is Nathan Joseph. I am a
14 City Council designee from Staten
15 Island.

16 MR. SIEGAL: And, Michael, you're
17 up.

18 MR. RIVADENEYRA: Hi. Good evening.
19 Michael Rivadeneyra. Apologies for
20 being tardy as well.

21 I am the City Council designee from
22 the Bronx.

23 MR. SIEGAL: Right. Thank you,
24 guys.

25 Any other questions from the Board

1 on the matrix at this point?

2 MS. BOND: (Indicating.)

3 MR. SIEGAL: Erica.

4 MS. BOND: I just have one question
5 about how long it's taking for the
6 department to actually impose
7 discipline; whether we have information
8 about the department's responsiveness
9 once we've made recommendations or once
10 the APU has made a determination -- or
11 rather, the trial process is complete.

12 MR. DARCHE: So, we can get you that
13 data, but it's not a simple issue of it
14 being entirely within the department's
15 control. There are issues involving our
16 agency and the police unions.

17 So, it's not -- it's not -- you
18 know, those processes are ongoing and
19 they're affected by a variety of factors
20 and -- but we'll get you the numbers
21 before the next meeting.

22 MS. BOND: Okay. Great. Yeah, I
23 think it would be interesting, certainly
24 for me and I think for the public, to
25 understand kind of how long this process

1 takes and what the various steps in the
2 process are. So, thank you for that.

3 MR. SIEGAL: Any other questions?

4 MS. IRISH: (Indicating.)

5 MR. SIEGAL: Corrine.

6 MS. IRISH: It also seems like the
7 concurrence rate -- the 123 officers --
8 it's not necessarily matrix-based
9 decisions, right -- is that right?

10 I'm just trying to clarify, do we
11 have an understanding since -- of our
12 matrix decisions that are non-APU, how
13 many have actually been applied with or
14 what the concurrence rate is with those?

15 MS. TAREKEGN: So, we haven't
16 received Police Commissioner decisions
17 on any -- or maybe -- we've probably
18 received the PC determination in two of
19 the 123 cases.

20 So, the concurrence rate is on cases
21 where the NYPD made a decision after
22 January 15th, which is when they
23 implemented the matrix. So, a lot of
24 that is cases where the Board hadn't
25 used the matrix yet.

1 We don't yet have a concurrence rate
2 for cases where the Board recommended
3 penalties in the matrix and the Police
4 Commissioner used the matrix to
5 recommend penalty. We will see that in
6 coming months, but we don't yet have
7 that concurrence rate.

8 MR. SIEGAL: Great. Okay. We'll
9 now enter the public comment portion of
10 the meeting.

11 If you're interested in making a
12 public comment or asking a question,
13 please use the raise your hand feature
14 and we will go down the list of people
15 who asked to be recognized. Please keep
16 your comments to two minutes.

17 Yojaira, could you please call on
18 the questioners?

19 MS. ALVAREZ: Thank you, John.

20 As a reminder for those that would
21 like to speak, as John mentioned, please
22 use the raise your hand feature, and
23 while folks are doing that, I just
24 wanted to acknowledge and thank staff
25 members from the following elected

1 officials' offices:

2 The Office of Assemblymember Alicia
3 Hyndman, Assemblymember Carl Heastie,
4 Chair of Public Safety Committee and the
5 City Council, Adrienne Adams, State
6 Senator James Sanders, and State Senator
7 Leroy Comrie. Thank you so much.

8 First, we'll be hearing from John
9 Sonda.

10 MR. SIEGAL: Mr. Sonda.

11 MR. SONDA: Hi. Mr. Siegal, can you
12 kindly repeat the name of the individual
13 that contacted Fred Davie from the
14 Goldman School of the University of
15 California Berkeley and can you kindly
16 spell the name?

17 MR. SIEGAL: Maura Smith, which I
18 think is spelled the usual way. It's
19 spelling "Maura" and "Smith".

20 MR. SONDA: And how is --
21 (disruption in transmission) --

22 MR. SIEGAL: I think we disconnected
23 somewhere there on your follow-up
24 question, Mr. Sonda.

25 (No response.)

1 MR. SIEGAL: All right. We'll --
2 you can monitor if we're able to get him
3 back, but why don't we move onto the
4 next person in line at this point.

5 MS. ALVAREZ: Thanks, John.
6 Currently, we don't have any folks with
7 their hands raised.

8 If anyone calling in would like to
9 raise their hand, they can press *3 and
10 I will give that a minute.

11 If -- Sorin, if you can un-mute John
12 Sonda again.

13 MR. SONDA: Thank you. You can hear
14 me now?

15 MR. SIEGAL: Yes, we hear you. You
16 started to ask a follow-up question and
17 we got disconnected.

18 MR. SONDA: Yes, I asked you to
19 spell the name. Do you have the
20 spelling of the name?

21 MR. SIEGAL: Yeah, it's "Smith",
22 S-M-I-T-H, first name Maura, M-A-U-R-A.

23 MR. SONDA: Thank you. Did you ask
24 Chair Fred Davie any questions about
25 this individual?

1 MR. SIEGAL: I didn't, no. I was
2 simply providing the information as to
3 whose name it was, as I understand you
4 had asked and that had been previously
5 provided to you.

6 MR. SONDA: So, you did not have any
7 discussions with Chair Fred Davie about
8 this individual?

9 MR. SIEGAL: I have not, no. I'm
10 simply providing the public record with
11 who the person referred to in last
12 month's meeting was.

13 MR. SONDA: So, you did not ask Fred
14 Davie about any other information that
15 you should know concerning this
16 individual before coming to this Board
17 meeting, such as did Fred Davie have any
18 previous contact with this individual?

19 MR. SIEGAL: Is that a question
20 you're asking, sir, cause I have not
21 asked it.

22 MR. SONDA: That's a question that
23 I'm asking, did you ask him.

24 MR. SIEGAL: No, I haven't spoken to
25 him about this --

1 MR. SONDA: How --

2 MR. SIEGAL: -- last month's Board
3 meeting and I don't even personally have
4 the context of whatever issue you raised
5 last month.

6 I was simply reporting the name so
7 it's public record and who the person is
8 and their academic background
9 information is available.

10 MS. ALVAREZ: Thank you, John.

11 MR. SIEGAL: Yojaira, any other
12 questions?

13 MR. SONDA: Am I still --

14 MS. ALVAREZ: Currently, there are
15 no other questions from the audience.

16 MR. SIEGAL: Okay. Do any members
17 of the Board have any old business that
18 they wish to raise?

19 (No response.)

20 MR. SIEGAL: Any new business?

21 (No response.)

22 MR. SIEGAL: Okay. With that, I'm
23 going to move that we break into
24 executive session.

25 The agenda for the executive session

1 will be the Executive Director's Update
2 and the General Counsel's Update. The
3 Executive Director will discuss with the
4 Board in executive session the following
5 three items:

6 Scheduling issues for Board hearing
7 panels and for Board cases, an update on
8 open cases and status of investigations,
9 update on certain pending personnel
10 matters, as well as a discussion of
11 COVID-19 protocols for Board members and
12 staff. And General Counsel will provide
13 his update on current litigation
14 involving CCRB.

15 Is there a second to move to
16 executive session?

17 MS. IRISH: Second.

18 MR. SIEGAL: So moved. All in
19 favor, raise your hand.

20 (All hands raised.)

21 MR. SIEGAL: And with that, we will
22 adjourn to executive session.

23 We -- the Board members are to log
24 off and use the separate log-in for the
25 executive session.

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Thank you, everyone, for
participating and I'll see at the
November meeting.

(Time noted: 4:54 p.m.)

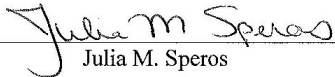
1
2 CERTIFICATION

3
4 I, JULIA M. SPEROS, a Notary Public
5 for and within the State of New York, do
6 hereby certify:

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

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

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 13th day of October,
19 2021.

20
21
22 

Julia M. Speros

