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CIVILIAN COMPLAINT REVIEW BOARD  
PUBLIC MEETING  
November 18, 2021  
6:35 p.m.

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HELD VIA VIDEO CONFERENCE

B E F O R E :  
FREDERICK DAVIE, CHAIR  
JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

Transcribed by:  
Stephanie O'Keefe

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PUBLIC MEETING AGENDA

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1. Call to Order
2. Adoption of Minutes
3. Report from the Chair
4. Report from the Executive Director
5. Presentation from Outreach on CCRB
6. Presentation from General Counsel's Office  
On NYPD Proposed Update to Disciplinary  
Matrix
7. Comment from Community Groups
8. Public Comment
9. Old Business
10. New Business
11. Adjourn to Executive Session

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BOARD MEMBERS PRESENT

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1. Frederick Davie, Board Chair
2. Erica Bond, Board Member
3. Corrine Irish, Esq., Board Member
4. Dr. Demetrius S. Carolina Sr., Board Member
5. Arva Rice, Board Member
6. Esmeralda Simmons, Esq., Board Member
7. Joseph A. Puma, Board Member
8. Michael Rivadeneyra, Esq., Board Member
9. Herman Merritt, Board Member
10. Nathan N. Joseph, Board Member
11. Willie Freeman, Board Member
12. Frank Dwyer, Board Member

Presenters:

Jahi Rose - Director of Outreach  
New York City Civilian Complaint Review Board

Heather Cook - Assistant General Counsel & Deputy  
Chief of Investigations New York  
City Civilian Complaint

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PROCEEDINGS

MS. ALVAREZ: Good evening,  
everyone. Thank you for joining us.

For those that are hearing  
impaired, we have two ASL interpreters,  
Raquel Pawlik and Kim Melchert. In the  
chat, you will see instructions on how  
to lock the video or pin it for your  
use. The CART services link will be in  
the chat as well.

Thank you.

CHAIR DAVIE: Thank you, Yojaira.

I want to welcome everyone to this  
meeting of the Civilian Complaint  
Review Board, our November Board  
Meeting.

I'm Fred Davie, as most of you  
know, I'm the chair of the CCRB. I  
would like to have my fellow board  
members, if they would, introduce  
themselves, and I will start with Mr.  
Carolina.

MR. CAROLINA: Demetrius Carolina,  
Staten Island Mayor's appointee.

CHAIR DAVIE: Ms. Bond.

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MS. BOND: Good evening. I'm Erica Bond. I am a mayoral appointee. I reside in Brooklyn.

CHAIR DAVIE: Ms. Irish.

MS. IRISH: Hi, everyone. Corrine Irish. I am in Harlem, Manhattan. I am a mayoral appointee.

CHAIR DAVIE: Mr. Puma.

MR. PUMA: Good evening, everyone. My name is Joseph Puma. I'm the City Council's designee to the Board from the borough of Manhattan, where I was raised, and continue to live.

CHAIR DAVIE: Mr. Rivadeneyra.

MR. RIVADENEYRA: Good evening, everyone. Michael Rivadeneyra. I am the City Council's Bronx designee and reside in the Bronx.

CHAIR DAVIE: Ms. Rice.

MS. RICE: Good evening, I'm Arva Rice, and I am a mayoral appointee for Manhattan, residing here in Harlem.

CHAIR DAVIE: Great.

It's Mr. Herman that we're

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missing. Is he in yet?

We know he's here, and we're having a little technical difficulty getting him in. As soon as he is in, we'll allow him to introduce himself.

It's been a busy month for the CCRB. First, I want to thank the APU, which is our Administration Prosecution Unit, for their work on the recent trial for Sergeant Mullins. Both the department's trial judge, trial commissioner, and Commissioner Shea agreed with our guilty findings against Sergeant Mullins.

Secondly, last week the courts affirmed that the CCRB is the proper place, the proper entity to investigate cases of sexual misconduct and untruthful statements against members of service of the NYPD. While the police unions have fought this update for three years, a judge agreed that the CCRB has the broad authority to define which allegations fall within

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2 its jurisdiction and that both types  
3 of misconducts, that is sexual  
4 misconduct and untruthful statements,  
5 fall under abuse of authority. This is  
6 a victory for the people of New York,  
7 who now have a real path to  
8 accountability if they face these kinds  
9 of misconduct by members of service of  
10 the NYPD.

11 Thirdly, the City Council has  
12 officially introduced a bill that would  
13 allow the CCRB to self-initiate  
14 complaints. I want to thank Council  
15 Member Adrienne Adams, who introduced  
16 the Bill. She's Chair of the Public  
17 Safety Committee.

18 This is a key piece of legislation  
19 that should lift the burden of  
20 responsibility off the victim of police  
21 misconduct. Misconduct should be  
22 addressed regardless of whether the  
23 people who have been affected by it  
24 have the bandwidth to act as a  
25 complainant.

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I will be testifying before the Public Safety Committee next week in support of the Bill. Jon will join me for that testimony, and I hope you will all join as well, if your schedules permit. It's a virtual hearing next Monday morning.

Today, for this evening's meeting, our Assistant General Counsel and Deputy Chief of Investigations Heather Cook will present on updates in the NYPD Disciplinary Matrix.

When NYPD proposes changes to the Matrix, there is a 30-day window for others to make comments, which the CCRB has done. Heather will give more detail on the expected and proposed changes to the Matrix.

The public can also submit their own requests and edits until December 5th by visiting the NYPD website, clicking policies, and filling out the comment submission form.

On that note, I will pass it to



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our Executive Director Jon Darche.  
Jon.

MR. DARCHE: Thank you, Mr. Chair.

First, I want to tell people about the Youth Advisory Council. CCRB's 2022 Youth Advisory Council application period is open to all. And we are asking all 10 to 18-year-olds, who are interested, to apply. This is an opportunity for youth to share their voice and be part of the nation-leading police reform efforts here at the CCRB.

We have regular meetings with a final presentation or summit at the end of the year.

Please go to the CCRB website to apply. Applications will be accepted until December 15th.

Next, the CCRB has officially updated its disposition letters. We believe the new disposition letters are easier to read and provide needed resources to civilians.

The letters also include

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information on how to file a reopen request. And samples either will be put or have just been put on the website, so if you want to see what one will look like, you can go to our website and check it out.

Before we get started this afternoon, a few updates on agency operations. CCRB continues to review protest cases and expect to have a protest report out in the coming months.

Then some ground rules for this evening, please use the raise-your-hand function if you would like to make a comment, and please keep your comments to two minutes maximum.

I would like to thank the members of the public for participating, and, Mr. Chair, I believe some new -- not new board members, but some additional board members have logged on since we started.

CHAIR DAVIE: Yes indeed.

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I noticed Mr. Joseph. Would you like to introduce yourself?

MR. JOSEPH: Yes. My name is Nathan Joseph. I am the City Council appointee from the borough of Staten Island, and I live in Staten Island.

CHAIR DAVIE: Great.

Mr. Dwyer.

MR. DWYER: Frank Dwyer. Born and raised in Brooklyn. Live in Queens. I'm the Police Department rep.

CHAIR DAVIE: Mr. Freeman. Mr. Freeman is not quite with us yet.

Then is Mr. Merritt on yet? Not yet.

Alright, when they get here, we will allow them to introduce themselves as well.

Before we hear from our Director of Outreach, Jahi Rose, we have to do this monthly housekeeping business, and that is to approve the minutes from the last meeting.

I understand there were some edits

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made to the minutes by Board Member Jon Siegal, and we all received his proposed revisions to the minutes.

I'll entertain a motion to approve the minutes with those revisions, if that's where we are.

Is there a motion?

MS. IRISH: So moved.

MR. CAROLINA: Second.

CHAIR DAVIE: Any discussion on the minutes? Any more changes, revisions, additions?

(No response.)

Hearing none, all those in favor of approving the minutes with the proposed changes from Mr. Siegal, please say aye.

(Chorus of "Ayes".)

Opposed?

(No response.)

The ayes have it. The motion carries.

Mr. Freeman, it seems as if your mic is on now, if not your camera.

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Would you like to introduce yourself?

MR. FREEMAN: I'm Willie Freeman.  
I'm a Police Department designee.

CHAIR DAVIE: Great.

Is there anybody else I missed?

(No response.)

Looks like that's it, so we will  
turn the meeting over now to Jahi Rose,  
our Director of Outreach at CCRB, who  
will give his report.

MR. ROSE: Thank you very much,  
Chair Davie.

I am going to share my screen.

Can you see my screen?

CHAIR DAVIE: Not yet.

MR. DARCHE: Not yet, Jahi.

(Shared screen.)

Can you see it now?

CHAIR DAVIE: Yes.

MR. DARCHE: Yes.

MR. ROSE: Thank you, Chair Davie.  
My name is Jahi Rose, as previously  
mentioned, I'm the Director of Outreach  
for the Civilian Complaint Review

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Boards.

As you all may know, the Civilian Complaint Review Board is the nation's largest independent oversight entity over the largest police force in the country. The CCRB investigates, mediates, and prosecutes allegations of police misconduct made against officers of -- members of the New York City Police Department.

You have met a few of our Board members. The agency is governed by a 15-member board, with five seats appointed by the Mayor, five appointed by the New York Council, three designated by the police commissioner, and one appointed by the public advocate. The Chair, as you have met, Chair Davie, is jointly appointed by the Mayor of the City of New York and the City Council.

The CCRB has four types of allegations that we have the ability to investigate. An easy reminder is the

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acronym FADO, F-A-D-O, which stands for force, abuse of authority, discourtesy, and offensive language.

Just to give you a little bit of information regarding the Right-To-Know Act. The Right-To-Know Act was a law that went into effect on October 19th of 2018. This pertains to searches, frisks, sobriety stops, and other police encounters. This includes, under certain circumstances, where police officers should identify themselves by providing a name and other information, such as rank, command, and shield number. With some exceptions, officers can explain -- should explain the purpose of the encounter, or the interaction. They should inform you of your right to say no when asking for a consent search of your person, property, vehicle, or home. And they should also, under certain circumstances, offer you a business card with the officer's

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information that explains how to make the comment or complaint about the interaction with a New York City police officer. Civilians can request this business card at all interactions. This is a copy of what the Right-To-Know Act card looks like.

There are a few ways to file a complaint with the CCRB about misconduct. Two of the easiest ways are, one, by using the CCRB's website, that's NYC.gov/ccrbcomplaint. Also by calling the CCRB's hotline at 1-(800)341-CCRB or 1(800)341-2272.

Remember, if you see footage of misconduct on social media or in the news, you can file a complaint, even if you weren't there in person. Feel free to tag the CCRB in the social media video using @CCRB\_NYC.

A couple of additional ways to file a complaint about misconduct include calling 311. You can also feel free to file a complaint at a local



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precinct; it does not have to be the precinct where the incident may have occurred. You can also file a complaint by sending a letter to the CCRB, or coming in person to 100 Church Street on the 10th floor, that's in Manhattan, New York, zip code 10007.

The CCRB is hiring. These are the roles and responsibilities of the Investigative Unit. Our investigative staff is comprised of more than 90 plus investigators from various socioeconomic backgrounds, that speak ten-plus languages. Our team is comprised of the best and the brightest from undergrad and graduate schools and a variety of educational institutions nationwide.

If you would like more information regarding how to apply for the Investigations Unit, you can feel free to check on the New York City Careers portal at NYC.gov. You can also check on Idealist, which is [www.idealists.org](http://www.idealists.org)

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or handshake at [www.joinhandshake.com](http://www.joinhandshake.com).  
You can also send an e-mail -- for any  
questions that you may have about  
applying for this position, you can  
also send an e-mail to  
[careers@ccrb.nyc.gov](mailto:careers@ccrb.nyc.gov).

As previously mentioned, the  
CCRB's Youth Advisory Council is, the  
applications are open. As Jon  
previously mentioned, the Youth  
Advisory Council is a group of young  
people that work with the CCRB. They  
have done phenomenal work to show us  
better ways to be able to engage young  
people and to provide information  
regarding how the New York City Police  
Department can improve interactions  
with young people.

The age requirement for applying  
for the Youth Advisory Council is 10 to  
18. If you would like additional  
information about applying, feel free  
to e-mail us at [outreach@ccrb.nyc.gov](mailto:outreach@ccrb.nyc.gov).  
Applications will be accepted up until

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December 15th, and the application link will be put into the chat.

If you would like a CCRB outreach presentation, feel free to e-mail the outreach unit at outreach@ccrb.nyc.gov. Also feel free to follow us on social media, on Instagram, Twitter, and Facebook.

Thank you very much, Chair Davie?

CHAIR DAVIE: Thank you, Jahi.

Let's see if any of the Board members have any questions or comments on your presentation.

MR. JOSEPH: I have a question. It's Nathan.

CHAIR DAVIE: Sure, Mr. Joseph.

MR. JOSEPH: Jahi, good to see you. Excellent job.

I hope you know about this, the fliers that -- or the posters that go up in the police precincts that list how complaints can be filed against the police department, have they been updated to include that complaints can

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be made at the precinct level, and that the precincts are responsible for accepting and processing those complaints?

MR. ROSE: The request is in process`. I have those printed and sent back to the CCRB, so we can deliver those to the precincts directly.

MR. JOSEPH: Thank you.

MR. ROSE: You're welcome.

CHAIR DAVIE: Any other questions or comments?

I can't see everybody, so if you have one, just jump in.

(No response.)

Alright. Thank you, Jahi. We appreciate your presentation.

We will now turn to our Deputy General Counsel, Assistant General Counsel Heather Cook for a presentation on the Disciplinary Matrix and proposed changes.

Before we do that, do I see

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Mr. Merritt?

Yes, I do.

Would you like to introduce  
yourself, sir?

MR. MERRITT: My name is Herman  
Merritt. I'm the Brooklyn  
representative of the New York Council.  
Lifelong Brooklyn resident.

CHAIR DAVIE: Great. Good to see  
you.

Alright, so Heather.

MS. COOK: Thank you, Chair Davie.  
Good evening, everybody.

I'm going to also attempt to share  
my screen right now.

(Shared screen.)

Okay. Can everybody see my  
screen?

CHAIR DAVIE: Yes. thanks.

MS. COOK: Okay. So good evening,  
I'm Heather Cook, I'm Assistant General  
Counsel and Deputy Director of  
Investigations at the CCRB. And  
tonight, I'm gonna be talking to you

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guys a little bit about the New York City Police Department's proposed revisions to their discipline Matrix.

Earlier this month, on November 5th, the NYPD issued proposed revisions to their for public comment. The public comment time limit is 30 days. This document was six pages, and it updated four sections, and so I'm just gonna go through the two sections that are important to the CCRB, abuse of authority and progressive discipline.

So, under abuse of authority, the NYPD has proposed adding five additional allegations of misconduct: Stop and question or question of a person, refusal to show arrest or search warrant, improper or wrongful questioning of person's immigration status, failure to provide language interpretation services, and improper or wrongful damage of a person's property.

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The second section that they have proposed revisions to is their progressive discipline section. This is a section that deals with calculating penalty enhancements for a second or further act of misconduct, and they added clarifying language to that section, which we'll get into in a little bit.

Before NYPD released these updates, the CCRB met with NYPD, and we proposed the following revisions. We also proposed clarifying language in the progressive discipline section.

We proposed a one-time penalty deviation option for junior officers, seven additional allegations for abuse of authority, one additional allegation in the improper use of force category, and we asked for additional training and compliance for the deputy commissioner of trials trial commissioner.

So I'm gonna start with the most

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confusing section, that's the progressive discipline calculation section. And as I said before, it's very confusing because it has one discretionary range, rather than fixed penalties, like the rest of the Matrix.

And, two, the calculations are based on the penalties that were imposed for the first act of misconduct, which was generally pre-matrix.

I was gonna go into a whole hypothetical about offensive language and the problems that that can cause, and I'm happy to do that at the end of the presentation, but it can get a little unwieldy. What I'm just gonna say is that the calculations were very confusing, and so what could result is that your second act of misconduct could actually end up with a lower penalty than the first act of misconduct, which is in direct contrast to a system of progressive discipline.



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What NYPD did was, they attempted to fix this by adding a footnote to that section, and I'm just gonna read you what the footnote says. It says, "In the event that the penalty in the progressive discipline schedule for a second incident is less than the presumptive penalty for the act of misconduct, the progressive penalty shall be up to the aggravated penalty or a penalty that is greater than the original penalty and is consistent with the goals of progressive discipline."

You can see here, that footnote didn't necessarily clarify much; it made it a little bit more confusing. We're gonna just continue to sort of monitor how this is going to be calculated moving forward.

What the CCRB currently does is that we take whatever penalty the Board votes for the second act of misconduct and we enhance that penalty with the penalty range as it currently stands,

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if the penalty is going to be less.

Again, it's a very complicated system, I can go into it at the end, but the footnote doesn't appear to have done much to clarify.

The next recommendation that we made was a one-time penalty for junior officers; it was a one-time penalty deviation for junior officers. And this was going to be a very limited carve out. It's something that the Board sees often and that the Board struggles with, is when there's a member of services who has been on the force for less than two years, and, generally, this means, six months of that was in the academy. So they've been out on the force for less than two years, and they commit an act of misconduct, their first act of misconduct where the mitigated penalty under the Matrix would be a Schedule A command discipline, which is anywhere from zero to five penalty days, and it

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is the lowest form of formal discipline that the Department issues.

The Board was recommending a one-time penalty reduction to training for that first act of misconduct. This was something we suggested as a curve out to the Matrix, and it was not incorporated in NYPD's November 2021 proposed revisions.

We recommended seven allegations of abuse of authority be added to the Matrix. We requested an allegation for property damage, refusal to show arrest and search warrant, failure to obtain language interpretation services, question, question about immigration status, which is different, body cavity search allegation, and a gun drawn allegation. We also asked for one addition to the use of force allegation for gun pointed.

NYPD took a number of our recommendations. Property damage is now included in the updated Matrix and

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the penalties are consistent with what we recommended: Presumptive penalty ten days, aggravated penalty twenty days, and mitigated penalty of five penalty days.

Refusal to show arrest or search warrant, same thing, consistent with our recommendation: three days presumptive penalty, five days aggravated, formalized training mitigated, failure to obtain language interpretation services same thing, incorporated our recommendation completely.

Question became -- is a little bit different. It's partially incorporated into the Matrix revision. What they did was, they basically have said if the question -- if the misconduct allegation is a question alone, then that will stand on its own, the question, and it will have a presumptive penalty of three days, and aggravated penalty of five days, and a

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mitigated penalty formalized training;  
and that is consistent with the  
penalties in the Matrix for stop and  
frisk as well.

But if the question occurs along  
with a stop, then rather than being two  
separate allegations, the question will  
now be incorporated into the stop. So  
unlike a stop and frisk, where the  
penalties would run consecutively, a  
stop and a question will have the  
effect of running concurrently, and  
that's different than stop and frisk,  
stop and search, frisk and search. So  
that was partially incorporated. We  
asked for it to be a standalone.

Question about immigration status.  
This was another one that was partially  
incorporated into the Matrix revision.  
It was -- the allegation itself was  
incorporated by NYPD, but we had asked  
for a higher penalty. So NYPD came  
back with a presumptive penalty of five  
days, aggravated fifteen days,

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mitigated training. We had requested that the presumptive penalty be ten days, aggravated twenty, and mitigated five.

CCRB asked for an allegation for body cavity search to be included in the update of the Matrix, and this was not incorporated in any way.

There were some discussions with NYPD, when we were making our suggestions about, this might be a little bit more difficult because you deal, sometimes, with health implications. If someone is trying to swallow a substance that could be deadly, reaching into the mouth would be considered a body cavity search, as well as other more private -- more private places on a person.

So there were some issues with that, about whether or not body cavity search would just be what the penalty could be and how it could incorporate both mouth searches and other more

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serious invasive searches.

Our suggestion was that, this could have been addressed exactly the way the Matrix addresses entry allegations. So if you look at the Matrix, entry allegations are broken up into a number of categories, there's entry for wellness checks, there's entry de miniums, which means just putting a foot over the doorway but not fully entering; there is an entry for a substantial presence, meaning officers went into the location; and then there is another entry for prolonged or other misconduct committed while inside.

You can see, they broke up entry by the severity of the misconduct. Body cavity searches could have been broken up in that same way. The problem with not including it, is that, there is no good category for us to put it in. You'll see I'll go through some of the other things they didn't include that we already have categories we can

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put it in terms of a force category or an abuse of authority. The problem here is that, there could be -- we could put it in a general abuse of enforcement action, but that penalty is actually less than a strip search, and a body cavity search would be a more serious infraction than a strip search. So without even having the allegation, it's gonna be very difficult for us to find a way to plead this allegation and then have it run consistent and give both officers and civilians knowledge and notice about what type of penalty that misconduct would carry, and that was sort of the whole premise behind this Matrix to begin with.

So gun drawn is another one of the allegations that we had asked for that was not put into the Matrix revisions. There was no real explanation given. And CCRB has been analyzing this as an abuse of authority, threat of force, and we will continue to analyze it that



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way until such time as an allegation is placed in the Matrix.

Gun pointed, similar, we asked for it to be added as a force allegation. It was not added, no explanation. CCRB will continue to analyze this as use of deadly force with no injury under the current Matrix.

One thing I want to emphasize is that these recommendations are by no means exhaustive. We have only been using the Matrix for a little over six months, so our sample size is very small. We anticipate that, as we continue using the Matrix, more issues will arise, more allegations will arise, and we expect to have ongoing conversations among the Board and with NYPD about additional changes and updates that we would like to see.

So moving forward, the CCRB should continue to comply with the Memorandum of Understanding that we signed with the Police Department to

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use the Matrix in our discipline recommendations. Staff will continue to track issues and missing allegations. We will continue to review the DCT decisions for Matrix implementation. Staff will continue to monitor the concurrence rate of penalty and positions.

And lastly, we encourage everyone in the public to comment on these proposed revisions. You can go -- I put the website right here. You can go there any time before, before December 5th, when the comment period closes, and make your recommendations.

And that's it. I'm happy to take questions if anybody has them.

CHAIR DAVIE: If anyone does -- thank you, first of all, Heather, for the presentation.

If anyone has questions, again, it is not possible to see everyone, so please, just open your mic and ask any questions that you wish.

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Are there any questions or  
comments?

MR. DWYER: Yes. This is Frank  
Dwyer.

To say gun drawn is use of deadly  
physical force, no injuries is to  
equate it with a shot fired that the  
Board thinks is inappropriate, and  
where there are no injuries.

Is that the intent, that those two  
are equal?

MR. DARCHE: Mr. Chair, can I  
answer Mr. Dwyer?

CHAIR DAVIE: Absolutely, yes.

MR. DARCHE: So I think we  
distinguish between gun drawn and gun  
pointed. And the reason why we asked  
for the additional allegation is  
because I think you're correct, it is  
not identical, there are significant  
differences.

So we think there should be a  
separate allegation in the Matrix that  
shows, while pointing your gun at

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someone is serious, it is less serious than actually firing it. That's why we think it would be better if a separate allegation was added to the Matrix so that we could better calibrate discipline and penalty recommendations.

MR. DWYER: And what you just said, but a gun pointed -- so, for example, something like this agreed on at times is, it has been the position of the CCRB that car stops, grand larceny autos are not dangerous events; even though, when you look at the national statistics of where police officers are killed, it ranks highly when police officers are killed. But I have been told that grand larceny and grand larceny autos are not dangerous events, and do not warrant guns being drawn.

So having said that, to go back to what -- maybe I didn't ask, I may have misspoken. What I'm asking is, is a gun drawn and pointed at a person, at

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the moment, being equated with a gun being drawn, pointed at a person and a shot being fire that doesn't hit him or her?

MR. DARCHE: So gun drawn, not pointed at anyone is not considered the same as firing your weapon and missing; but gun drawn and pointed is, for the purposes of the Matrix, currently considered the same because it needs its own category and doesn't have it.

That's why we continue to request the Department add one to the Matrix.

CHAIR DAVIE: Say that again, Jon, you said that we ask the department, just broke up.

MR. DARCHE: It needs it's own category. I think Mr. Dwyer is correct. It should not be considered in that way, but it is more serious than merely drawing your weapon and pointing it at an individual is more serious than merely drawing your weapon.

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If it's inappropriate, right.  
Like, there are times when an officer draws their weapon or points their weapon and the CCRB exonerates that conduct. So it is not always that drawing your weapon is going to be misconduct, and it's not always that pointing your weapon is going to be misconduct.

But when it is misconduct, and the Board is trying to recommend fair penalties for the member of service and for the civilians involved, we think there needs to be an additional allegation or row in the Matrix so that you don't have to equate firing the weapon with pointing it.

MR. DWYER: I certainly agree, the two are different things, firing a weapon and pointing a weapon.

What I would just say is, rather than saying we have to shove everything into the Matrix categories, there will always be events that don't fit, and

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it's more than reasonable for us to then look at the individual incident and say, it doesn't seem to fit into this individual category; therefore, we think a fair penalty would be X; rather than saying, the Matrix says you're either blue or green. Therefore, even though we stare and say, you are not blue and green, we will shove you into one category or another.

MR. DARCHE: I think you're right and that if there is -- I forget the language now in the MOU, but if there is the extraordinary circumstance where something deserves to be a deviation from the Matrix, then that is something the Board, or the Board, when it is meeting, should decide. The Board has the power to do that, but it should only deviate from the Matrix in the extraordinary circumstance that requires it. And you may be describing something that meets that threshold.

CHAIR DAVIE: And that is the

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language.

Are there any more comments,  
questions?

Mr. Puma and Ms. Irish.

MR. PUMA: Thank you, Chair. Bear  
with me as I try to form this question.

So I guess, I wanted to get an  
idea of how many -- this is, I guess,  
more of a statistical question. When  
we talk about, you know, these --  
making sure that certain allegations  
are included in the Matrix, I think  
it's just -- it's worth saying, I  
guess, for the purpose of the public  
record, that these are allegations,  
allegation categories that CCRB has  
plead and investigated and made  
findings on in the past. So nothing is  
new really in that regard. And I  
suppose the NYPD has also, you know,  
issued discipline, or meted out  
discipline in cases prior to the  
Matrix, where we had those allegations.

So I guess I'm wondering, if we



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had a case, for example, prior to these proposed changes that had, I don't know, failure to obtain language services, which I can recall over the last few months, that was an allegation in one of my panels, one of my cases and one of my panels, is it possible that that discipline would not be, I guess, meted out if there was substantiated -- if the allegation was substantiated now under the current, sort of, set up?

MR. DARCHE: Can I answer that, Mr. Chair?

CHAIR DAVIE: Yes.

MR. DARCHE: That's a very interesting question, Mr. Puma, and I think it bears -- I'll have to check the statistics and get back to you.

I don't know that the Department has closed an allegation for failure to obtain language services. While it is not a brand new allegation, it is certainly a new allegation.

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So far, since the Board decided to follow the Matrix in February of 2021, there have been 60 members of service where the Board recommended discipline and the Police Department then had a chance to impose discipline. So it's only -- it's still a tiny number of cases where we have data on the success of the Matrix in improving the concurrence rate. We're, as a staff, monitoring it closely, but there is much less data than we need at this point to make conclusions like the one that you're asking.

But we will -- I can assure you, Harya is here listening, and it's something that we'll monitor and report back at future meetings.

CHAIR DAVIE: Ms. Irish.

MS. IRISH: Heather, I just wanted to say, I thought that was an excellent, excellent presentation, and to thank you for that.

The last slide said that the CCRB

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should be following the MOU, and I just want to -- I think it's important to emphasize, like, for me, that's a question mark still because we still don't have information. The MOU, the purpose of it was that we would follow this Matrix, even if we disagreed with it, and the NYPD would adopt these recommendations, the recommendations under the Matrix that we put forth, except in unusual circumstances.

And my understanding is, we just don't have information on whether that is happening. At least I haven't seen it. So I don't know whether this is working or not. I think that it's important to be transparent about the fact that we don't know whether these recommendations are being accepted and whether all of this work we are putting in the Matrix, how it's bearing fruit at this point in time.

MS. COOK: I think that was one of the reasons why, the MOU, we said we

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2 would do it to get a year's worth of  
3 data. And that's why, I think, I was  
4 trying to emphasize the fact that they  
5 did a six-month update, and that just  
6 didn't give us a large-enough sample  
7 size to really have the depth and the  
8 breadth of recommendations. You know,  
9 we just haven't been using it long  
10 enough to have, probably, fuller  
11 recommendations than what we have now.  
12 Because I think even the thing that we  
13 have now, you know, these are the first  
14 things that have come up in the six  
15 months, right, but it's by no means  
16 exhaustive in the same way that what  
17 Mr. Puma was talking about. There may  
18 be allegations, or even like when I was  
19 talking about body cavity searches. We  
20 have had body cavity search cases, we  
21 just haven't had them in the six  
22 months, so we don't know where they  
23 would go. Right. So it's like we  
24 do --

25 The reason I put that in there

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about the MOU is because the MOU, what we said in the beginning as part of the MOU, is that we would do it -- in February we said we would do it for a year, and then we would reevaluate, so this is sort of the halfway point, where we realize, okay, we may not have enough data, and the situation may be different in another six months.

MS. IRISH: My understanding was that we would be reviewing at six months, and that I'm just surprised we don't have discussions from the NYPD at this point in time.

CHAIR DAVIE: Actually, we do.

MS. IRISH: We have some, I know we have some.

CHAIR DAVIE: We just don't have a critical mass.

MS. IRISH: -- we don't have a lot based on, you know, six-months plus of work that we have done in making recommendations.

So I think at a year, I don't know

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how many decisions we will have. We may be saying the same thing at a year and that's troubling to me.

CHAIR DAVIE: Let's see where we are. There's still a lot of work to be done. This is very new. I don't think it's been tried anywhere in the nation, so let's see where we are six months from now.

It's a point well taken, and I think if -- we will have many more cases in the pipeline. Hopefully many more cases that the Department will have, will have signed off on and thus more data to tell whether or not this is actually working the way it was intended.

Are there other questions or comments?

(No response.)

Anyone?

(No response.)

Alright. Thank you, Heather. And we'll talk about it again sometime next

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spring.

MS. COOK: Thank you. Good night,  
everyone.

CHAIR DAVIE: So what do we have  
next here on the agenda?

MR. DARCHE: I think Ms. Simmons  
is on.

CHAIR DAVIE: Yes. Ms. Simmons,  
would you like to introduce yourself to  
the public.

I lost you on my screen. I think  
she's gone. No, there you are, I see  
you, you're muted.

MS. SIMMONS: I am Esmeralda  
Simmons. I am an appointee of the  
public advocate. I'm sorry to be late  
on the screen, but was onboard trying  
to get on for like half an hour and  
participating like the rest of the New  
York City folks that aren't on the  
Board.

Thank you so much. And it's been a  
good meeting so far.

CHAIR DAVIE: Thank you, and sorry

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for the technical difficulties.

We're now going to hear from community groups, and I will ask Yojaira if she'll introduce our invited speakers.

MS. ALVAREZ: Thank you, Chair Davie.

As a reminder, for folks speaking tonight, please keep your comments to two minutes.

Our first speaker will be Tiffany Viruet, she is a Bronx based program mentor at Summer Search NYC.

CHAIR DAVIE: Is the speaker with us?

MS. ALVAREZ: Looks like there may be some technical difficulties, while we sort that out, Sorin, can you upgrade Jose Torres, Associate Director at Neighborhood Safety Initiative at the Center for Court Innovations.

CHAIR DAVIE: Mr. Torres is on. If you want to turn your camera on and your mic on, Mr. Torres.



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MR. TORRES: Hi, folks, how are you all doing today? I can't turn my camera on, it seems that will give me a problem.

But I wanted to thank you all for having me here to speak on the behalf of the community that we service. You know, I'm definitely gonna keep my comments very succinct.

I do think, as we're discussing reviewing the Matrix for misconduct, I do think it's also really important on how we allocate the force throughout the community. It's gonna be really important, and I think it's something that may be beneficial that the hiring practices of NYPD are kind of opened up and, maybe, just maybe, that there could be an opportunity for communities to have decisions on who is actually representing them in the precincts of their communities, so I think it's gonna be -- it would be really important.

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And actually, I think, really groundbreaking if there would be hiring panels for these officers, when they are coming into our communities, that our community members feel the people who are protecting them are actually folks they had relationships with and they actually made that decision.

As you all can hear, I'm actually on the road right now, but I do think that that is -- at least for me, as somebody who has been working on the ground in an initiative that is focused on community development and community empowerment and kind of melding of both city and community infrastructure, that this can be a way to kind of resolve some of the questions and some of the issues that some of our communities are having in terms of the relationship -- some of the relationships that is happening in our communities, right.

There's the NCO program that's worked well in some of the communities

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that we work in because there is a familiarity and a relationship there. But I think that that relationship can get taken to a further elevation if there is some opening up of the hiring practices of NYPD and residents of these communities can make these decisions of who is serving in their forces.

I will leave it at that.

CHAIR DAVIE: Thank you, Mr. Torres.

Any questions or comments from Board members?

(No response.)

Thank you.

Yojaira, our next speaker, please.

MS. ALVAREZ: Thank you, Jose.

Next, we'll try Tiffany one more time who will be calling in.

CHAIR DAVIE: I don't see her on the screen, Yojaira, so should we go to the next speaker?

MS. ALVAREZ: Next, we'll be

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hearing from Shian James. She is a student and member of Summer Search NYC as well.

CHAIR DAVIE: I see -- I don't see her -- yes.

MS. ALVAREZ: Sorin just needs one second.

CHAIR DAVIE: Okay.

MS. ALVAREZ: Alright. I think the call may have dropped.

Next we'll be hearing from -- is that -- no, still disconnected.

Next we'll be hearing from Tyrone Reilly.

CHAIR DAVIE: Alright, Mr. Reilly, you are up. You might need to unmute. Okay. Go ahead.

CHAIR DAVIE: Mr. Reilly, Tyrone Reilly?

This seems to be a night for technical difficulty. We're going to try one more time and then we'll go to the next speaker.

Tyrone Reilly, can you hear us?

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CHAIR DAVIE: I think he may not know that he is on, so can we go to the next speaker?

MS. ALVAREZ: Yeah, no problem. Next we'll be hearing from Karon Jenkins.

CHAIR DAVIE: Is Ms. Jenkins there? I think we -- Ms. Jenkins.

I think Tyrone Reilly is still connected, Yojaira. Let's see if Sorin can mute him, and let's see if we can get Ms. Jenkins.

Should we try again?

MS. ALVAREZ: We'll try Tyrone one more time, if not, we'll proceed to the public session.

CHAIR DAVIE: Okay. Is Tyrone Reilly there? I just think he is trying to speak, Yojaira, and the connection is not good.

MS. ALVAREZ: I think that sounds about right.

We'll make sure to invite them to the next Board meeting, so we can move

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to the public session.

CHAIR DAVIE: We will do that, we'll move to the public comment. We need to do some reminders. If you're interested in making a public comment, please use the raise-the-hand feature, and we will go down the list. We'll ask you again to please keep your comments to two minutes.

Yojaira, would you please call on the first person, and maybe we'll have a little better luck this time than we did last time.

Who is the first speaker?

MS. ALVAREZ: We have Christopher Worth.

CHAIR DAVIE: Christopher Worth, are you there?

MR. WORTH: Can you hear me?

CHAIR DAVIE: Yes, please go ahead.

MR. WORTH: My name is Christopher Worth, I'm a journalist with WNYC Gothamist, and I actually just have a

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question for the Board in regards to the statute of limitation for the protest complaints that came in last summer. I think we are approaching 18 months on some of those earliest cases, and I would like to know how the statute of limitations will work, given the various extensions that were placed during the pandemic.

CHAIR DAVIE: I'm going to turn to Jon Darche, our executive director to answer that.

MR. DARCHE: Under the executive orders issued by the governor at the time, the statute of limitations for cases that occurred during the pandemic is May 4th, so they will all be coming due on May 4th.

CHAIR DAVIE: Say that again, Jon.

MR. DARCHE: May 4th.

MR. WORTH: That's May 4, 2022, is that right?

MR. DARCHE: That is correct.

MR. WORTH: Mr. Darche, are you

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able to cite the specific executive orders that, you know, make that possible, that provide that extension?

MR. DARCHE: No. But we'll have our people send it to you.

MR. WORTH: Great. Thank you very much.

CHAIR DAVIE: Thank you.

Any comments or questions from the Board?

(No response.)

Thanks.

Yojaira, our next speaker, please.

MS. ALVAREZ: Next we'll be hearing from Crystal Calderone (phonetic).

CHAIR DAVIE: Is Crystal Calderone there? Crystal?

Alright. Should we try the next speaker, Yojaira?

MS. ALVAREZ: Yes. Sorin, can you actually try Crystal one more time?

MS. CALDERONE: Hi, can you hear me?



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CHAIR DAVIE: Yes. Please go ahead.

MS. CALDERONE: Hi. Thank you so much.

I just want to say a little bit about my situation. This is going to be very vague.

I've been dealing with the NYPD in Brooklyn, in Greenpoint, for the past five years over pretty savage harassment from my landlord, and that's as a result of a rent-overcharge-fraud scheme. I live in a rent stabilized apartment. They have been trying to get me out for five years.

The harassment has included racial slurs like -- well, you guys know what that is, so I won't say them, towards myself, and I'm of Hispanic descent and my neighbor is an African American. I have been threatened that I was gonna be raped. I have been followed, photographed, I was sexually assaulted in the hallway of the Kings County

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1 Courthouse by my landlord. And  
2 throughout the entire five years, I  
3 have been calling 911 and the precinct  
4 local office number. I have had  
5 hundreds of police officers come to my  
6 apartment, and not only did they not  
7 help the situation, they were apathetic  
8 and neglectful, and there was a lot of  
9 misconduct, so from the police -- so  
10 now moving on from my landlord to the  
11 police, I have been told that I was  
12 gonna get arrested if I called the  
13 police one more time for help. I guess  
14 because I called so many times because  
15 that's how much help I have needed. I  
16 have been told, well, asked what I was  
17 wearing to incite the sexual  
18 harassment, even though I have been in  
19 my own home throughout 90 percent of  
20 the time that I have been harassed. I  
21 have been gaslit. I have been told  
22 that I deserve, not deserve -- that  
23 filing landlord tenant issues are a  
24 result of something that the tenant is  
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doing, and that essentially, I could stop everything if I just move. I've been told it's my fault.

My two minutes are up, but that's just an overview.

CHAIR DAVIE: Ms. Calderone, we know you have a case before us, it is under consideration, so we are not going to be able to comment, but just know your case is being adjudicated.

MS. CALDERONE: Right. I know all of this, I just wanted the people on this phone call to be aware of that.

CHAIR DAVIE: Understood. Thank you. Thank you.

MS. CALDERONE: Thank you.

CHAIR DAVIE: Next speaker, please, Yojaira.

MS. ALVAREZ: Thank you, Chair.

I will give folks a second in case they want to raise their hands. In that time, I want to thank Assembly Member Chantel Jackson for attending, as well as staff from Council Member

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Adrienne Adams and the Queens District Attorney.

As of now, we don't have -- sorry Rudy Racine. Sorin, if you can upgrade them.

MR. RACINE: Hi, good evening. This is Rudy Racine. Can you hear me?

CHAIR DAVIE: Yes. Go ahead.

MR. RACINE: First and foremost, I want to thank you all for dedicating your time to host this meeting. It's been very informative.

I'm the founder of an app, a business called Watch the Block. My business is a mobile application that allows users to rate their interaction with the police officer. And the app actually assigns those ratings to police precincts, the local police precinct responsible for policing the area that the user is in.

I'm, basically, attending this call because I would love an opportunity to work alongside the CCRB

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and see if there is an opportunity for the data that Watch the Block collects to support your initiative. I know outreach is sometimes a challenge, so just curious to see how Watch the Block can align itself with New York City CCRB and assist with, you know, providing accountability but also tracking the positive success stories with officers in the community, as well as the negative stories where officers might be abusing their power.

CHAIR DAVIE: We'll ask Mr. Darche to have the appropriate staff be in touch with you.

Jon, do you want to comment any further.

MR. DARCHE: Yes. Mr. Racine, I'm going to ask Jahi to get your contract information, and we'll have somebody from our information technology unit reach out to you and set up a meeting.

MR. RACINE: Excellent. Thank you so much.

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CHAIR DAVIE: Thank you.

Any other speakers, Yojaira?

MS. ALVAREZ: That concludes our public portion.

CHAIR DAVIE: Thank you.

So now we are going to move into Executive Session, assuming there are no further comments from Board members, questions for Board members for the public.

(No response.)

Alright. We will move into Executive Session. The agenda for the Executive Session is that the Board will deliberate on a full Board case. We're going to receive an update from the Executive Director and General Counsel.

And the Executive Director will discuss the following items:  
Scheduling issues for panels and full Board cases, update on cases and status of investigations, update on pending personnel actions, and COVID-19

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protocols for Board members and staff.

The General Counsel will discuss the following: update on rules to litigation and update on current litigation.

Is there a motion to adjourn to Executive Session with these items as our agenda?

MR. CAROLINA: So moved.

MR. JOSEPH: Second.

CHAIR DAVIE: It's been seconded.

All those in favor of adjourning to Executive Session with this agenda, please say aye.

(Chorus of "Ayes.")

Any opposed?

(No response.)

Ayes have it.

We will adjourn to Executive Session.

We will remind the Board members that there is a link, another link for Executive Session, so we will see you shortly.

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Thank you to the public, to  
everybody who turned out, and we will  
see you next month.

We will now go to Executive  
Session.

Thank you.

(Time Noted: 7:37 p.m.)



