

In Re Board Meeting NYC - Civilian Complaint Review Board
December 8, 2021

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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

DECEMBER 8, 2021

4:05 P.M.

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HELD VIA VIDEOCONFERENCE

B E F O R E:

FREDERICK DAVIE, CHAIR

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 Senior Counsel on
Sexual Misconduct
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. Frederick Davie, Chair
2. John Siegal, Esq., Board Member
3. Corrine A. Irish, Esq., Board Member
4. Esmeralda Simmons, Esq., Board Member
5. Joseph A. Puma, Board Member
6. Arva Rice, Board Member
7. Herman Merritt, Board Member
8. Michael Rivadeneyra, Esq., Board Member
9. Nathan Joseph, Board Member
10. Dr. Demetrius S. Carolina, Sr., Board Member

Presenters:

Jahi Rose - Director of Outreach
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

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PROCEEDINGS

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

Today we have Andria Alefhi and
Jeremy Sheffield as our ASL
interpreters. In the chat, you will
find instructions on how to pin their
videos throughout the meeting.

Thank you.

CHAIR DAVIE: Thank you, Yojaira,
and hi, everyone.

My name is Fred Davie. I want to
welcome you -- I'm the Chair of the CCRB
and I want to welcome you to this
December meeting of CCRB.

I'd like to start by having my
colleagues on the Board introduce
themselves and I will start with Arva
Rice.

MS. RICE: Arva Rice here in Harlem,
Manhattan and I'm a representative of
the Mayor's office.

CHAIR DAVIE: Thank you.

Corrine Irish.

1 MS. IRISH: Corrine Irish. I am a
2 Mayoral appointee and live in Harlem.

3 CHAIR DAVIE: Esmeralda Simmons.
4 (No response.)

5 CHAIR DAVIE: And you're on mute,
6 Esmeralda.

7 MS. SIMMONS: Esmeralda Simmons.
8 Good afternoon. I'm an appointee of the
9 Public Advocate and I live in
10 Bedford-Stuyvesant, Brooklyn.

11 CHAIR DAVIE: Great. Herman
12 Merritt.

13 MR. MERRITT: Hi, my name is Herman
14 Merritt. I'm a Brooklyn resident and
15 I'm the City Council representative from
16 Brooklyn.

17 CHAIR DAVIE: John Siegal.

18 MR. SIEGAL: Good afternoon. John
19 Siegal. I'm coming to you from my
20 office in Rockefeller Center and I'm an
21 appointee to the CCRB by Mayor Bill de
22 Blasio.

23 CHAIR DAVIE: Joseph Puma.

24 MR. PUMA: Good afternoon. My name
25 is Joseph Puma. I am a City Council

1 representative to the Board from the
2 Borough of Manhattan, the borough from
3 which I was -- at which -- excuse me --
4 the borough where I was raised and where
5 I still live.

6 CHAIR DAVIE: Great. Thank you.

7 Michael Rivadeneyra.

8 MR. RIVADENEYRA: Hi. Good
9 afternoon. Michael Rivadeneyra. I am
10 the City Council Bronx appointee to the
11 Board and I reside in the Bronx.

12 CHAIR DAVIE: Demetrius Carolina.

13 MR. CAROLINA: Hello. I'm Demetrius
14 Carolina, Mayor appointee for Staten
15 Island.

16 CHAIR DAVIE: Thank you.

17 Nathan Joseph.

18 MR. JOSEPH: Good afternoon. My
19 name is Nathan Joseph. I'm a City
20 Council appointee and I live in Staten
21 Island.

22 CHAIR DAVIE: Great. Thank you.

23 I think I got everybody; is that
24 correct?

25 (No response.)

1 CHAIR DAVIE: Well, before I start
2 my remarks, let's take care of our
3 monthly housekeeping business of
4 approving the minutes from the last
5 meeting.

6 If there is a motion to that effect,
7 I will entertain it.

8 MS. SIMMONS: So moved.

9 CHAIR DAVIE: Is there a second?

10 MR. JOSEPH: Second.

11 CHAIR DAVIE: Great. Any changes,
12 additions, comments on the minutes?

13 (No response.)

14 CHAIR DAVIE: Hearing none, are you
15 ready to vote?

16 All those in favor of approving the
17 minutes, please say "aye".

18 (Chorus of "Ayes".)

19 CHAIR DAVIE: Any opposed?

20 (No response.)

21 CHAIR DAVIE: All right. The ayes
22 have it; the minutes are approved.

23 Thank you.

24 I want to start by thanking
25 Mayor-Elect Eric Adams for including me

1 on the Transition Committee for Public
2 Safety and Justice, along with our
3 colleague, Erica Bond.

4 I should also mention that CCRB
5 members Demetrius Carolina and Arva Rice
6 are on the Education Committee of the
7 Mayor-Elect's transition team. I don't
8 know tonight if there are any other CCRB
9 Board members who are on the Transition
10 Committee, but if so, then we'll give
11 them a chance to make that known.

12 All right. We want to thank
13 everybody for their service and we look
14 forward to, obviously, working with the
15 incoming Mayor.

16 It has been an important opportunity
17 for me to highlight recent initiatives
18 the agency has undertaken in the last
19 few years, such as signing the MOU on
20 the Disciplinary Matrix with
21 Commissioner Shea, creating the Youth
22 Advisory Council, and partnering with
23 the Young Men's Initiative.

24 The CCRB is steadily growing --
25 going through hundreds of complaints

1 stemming from the Black Lives Matter
2 protest, and has so far found 65
3 officers guilty of misconduct and
4 finally getting accountability for so
5 many wronged New Yorkers.

6 We will continue to investigate and
7 prosecute these cases in a fair and
8 unbiased manner.

9 I also have been able to emphasize
10 the agency's legislative priorities,
11 such as exempting the CCRB from the
12 sealing statutes and giving the agency
13 the final authority over discipline in
14 CCRB cases. We're excited to work with
15 this next administration in fighting for
16 justice and accountability for all New
17 Yorkers.

18 One major win for the CCRB this year
19 was the litigation win confirming our
20 right to investigate sexual misconduct.
21 For three years, the CCRB worked to
22 expand its investigations to include
23 this highly egregious form of abuse of a
24 power -- of abuse of power. While the
25 CCRB was fighting for this right, we

1 found other ways to assist victims of
2 sexual assault through our Civilian
3 Assistance Unit.

4 The CAU is staffed by victims'
5 advocates, licensed social workers, and
6 trauma services professionals who
7 provide free and confidential assistance
8 to our complainants. They work
9 diligently to connect our most
10 vulnerable civilians with desperately
11 needed City resources, such as social
12 and psychological support services.

13 While the CAU has supported
14 civilians who have experiences sexual
15 misconduct at the hands of the NYPD,
16 there was a lack of recourse when it
17 came to investigating and disciplining
18 that behavior. Therefore, despite
19 lawsuits and pushback, the CCRB
20 continued to fight for the right to
21 investigate sexual misconduct and in
22 December 2020, we persevered.

23 At the year mark, as it is coming up
24 on a year, on this momentous decision to
25 expand our investigations, our Senior

1 Counsel to the Executive Director, Harya
2 Tarekegn, will soon give us all an
3 update on how the agency is moving
4 forward with these types of
5 investigations.

6 We'll have this presentation by
7 Harya in the public session shortly.

8 Continuing to expand CCRB's
9 investigative jurisdiction is critical
10 to improving accountability within the
11 NYPD. The Board also has the authority
12 to investigate untruthful statements.

13 Just from the 2020 protest cases,
14 nine officers have been recommended for
15 discipline due to untruthful statements.
16 Without this expanded power, these
17 officers might have walked away without
18 so much as a reprimand.

19 It is key that the Mayor and the
20 incoming administration -- that the
21 incoming Mayor and the incoming
22 administration support the CCRB in
23 expanding its powers to include final
24 disciplinary authority, an exemption
25 from the sealing statutes and

1 self-initiating complaints in order to
2 properly address police misconduct.

3 I want to thank Chair Adams of the
4 Public Safety Committee for introducing
5 a bill that would allow the CCRB to
6 self-initiate complaints, and thank you
7 to Council Members Justin Brannan,
8 Vanessa Gibson, Carlos Menchaca, Keith
9 Powers, Kevin Riley, and Ydanis
10 Rodriguez for adopting this bill in
11 committee.

12 The bill is now forwarded to the
13 full council and we implore the full
14 council to pass this legislation at
15 tomorrow's stated meeting. The power to
16 self-initiate complaints is key to
17 shifting the burden away from the victim
18 and creating pathways for all misconduct
19 to be addressed.

20 And as we prepare to welcome new
21 leadership in New York, I would like to
22 thank Commissioner Shea and Deputy
23 Commissioner Tucker -- Dermot Shea and
24 Ben Tucker -- for their years of service
25 and the working relationship I've had

1 with both of them during their tenure,
2 as they both have indicated publicly
3 that they plan to resign at the end of
4 this calendar year.

5 So, thanks to both of those members
6 of the NYPD Executive Staff -- the
7 Commissioner and the First Deputy -- who
8 have worked very closely with this
9 agency and very closely with me to
10 ensure that we're able to represent the
11 people of New York as we've been charged
12 to do.

13 On that note, I will pass it to our
14 CCRB Executive Director, Jonathan
15 Darche.

16 Jon.

17 MR. DARCHE: Thank you, Chair Davie.

18 As the Chair mentioned, the agency
19 has several legislative goals that we
20 believe are crucial to effectively
21 investigating and disciplining NYPD
22 misconduct, and in this past month,
23 we've testified regarding two of those
24 legislative goals.

25 The first is to exempt the CCRB from

1 state sealing statutes. This is
2 especially important with the coming of
3 the new bias-based policing unit. If
4 that unit is going to be able to do the
5 job that the City Council and the people
6 of the City expect it to do, this agency
7 needs relief from the sealing statutes
8 so it can have access to all the
9 information it needs in order to conduct
10 those investigations.

11 And the second issue was to give the
12 agency power to self-initiate
13 complaints. This takes the burden off
14 of victims who are often members of
15 populations that are extremely
16 vulnerable because of other things that
17 have happened to them, other than being
18 victims of police misconduct, so that
19 this agency can take the initiative and
20 begin investigations and complete them
21 despite not having heard from the
22 civilian.

23 We hope for support on these two
24 initiatives from the new administration
25 as we work for these much needed

1 changes.

2 Our 2022 Youth Advisory Council is
3 accepting applications. The Council is
4 open to all 18 -- 10 to 18-year-olds.
5 It's an opportunity for youth to share
6 their voices, to be part of a nation
7 leading police reform effort.

8 We have regular meetings with a
9 final presentation or summit at the end
10 of the year. If you're interested, go
11 to the CCRB website to apply and
12 applications are -- we're accepting
13 applications until December 15th.

14 The CCRB continues to review protest
15 cases and we expect to have a protest
16 report out in the coming months.

17 Some ground rules for this
18 afternoon:

19 Please use the raise your hand
20 feature to make comments during the
21 public session, and please keep your
22 comments to two minutes, and I'm going
23 to ask you to stay with us through other
24 people's comments so that when we do
25 call on you, you're there and able to

1 give your comment.

2 And I want to thank the staff and
3 members of the public for making this
4 meeting possible. Have a nice day.

5 CHAIR DAVIE: Thank you, Jon.

6 Are there any questions or comments
7 based on either my remarks or Jon's?

8 (No response.)

9 CHAIR DAVIE: All right. Hearing
10 none, we will proceed to a report
11 from our -- a presentation, actually,
12 from our Director of Outreach, Jahi
13 Rose.

14 Jahi.

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

17 I'm going to share my screen.

18 (Document shared.)

19 MR. ROSE: Okay. Can you see my
20 screen?

21 (No response.)

22 MR. ROSE: Perfect. Thank you very
23 much, Chair Davie. Thank you all very
24 much for attending. My name is Jahi
25 Rose. I'm the Director of Outreach for

1 the CCRB.

2 As you all may know, the CCRB,
3 Civilian Complaint Review Board, is the
4 largest -- is the nation's largest
5 independent oversight body over the
6 largest police force in the country.

7 The CCRB investigates, mediates, and
8 in some cases administratively
9 prosecutes complaints of police
10 misconduct against officers of the New
11 York City Police Department.

12 The agency is governed by a
13 15-member Board with five seats
14 appointed by the Mayor, five appointed
15 by the New York City Council, three
16 designated by the Police Commissioner,
17 one appointed by the Public Advocate,
18 and the Chair is jointly appointed by
19 the Mayor and the City Council. You all
20 have met a significant portion of our
21 Board so far.

22 The CCRB has the ability to
23 investigate four categories of
24 jurisdiction. Those four -- the four
25 categories are -- we use an acronym

1 called FADO in order for us to be able
2 to remember them. It's a helpful
3 reminder.

4 "F" stands for "force", "A" stands
5 for "abuse of authority", "D" stands for
6 discourtesy, "O" stands for "offensive
7 language".

8 I just wanted to provide you with
9 some brief information about the Right
10 to Know Act. The Right to Know Act is a
11 law that went into effect as of
12 October 19, 2018.

13 This pertains to police encounters,
14 which includes stop and frisk and other
15 police encounters, where police
16 officers, under certain circumstances,
17 should identify themselves by providing
18 their name and other information such as
19 a rank, command, and shield number with
20 some exceptions.

21 They can explain the purpose of the
22 encounter. Depending on the
23 circumstances, they should inform you of
24 your right to say no when asking for
25 consent to search your person, property,

1 vehicle, or home. And depending on the
2 circumstance, they can offer you a
3 business card with the officer's
4 information, which explains how to make
5 a comment and/or complaint about the
6 interaction with the police officer --
7 with the NYPD officer.

8 Civilians can request this business
9 card in all encounters. This is an
10 example of what the Right to Know Act
11 card looks like.

12 Now, there are several different
13 ways to file a complaint about police
14 misconduct. To name the easiest ones
15 would be to file the complaint online at
16 nyc.gov/ccrbcomplaint or you can call
17 the CCRB's hotline at 1-800-341-CCRB or
18 1-800-341-2272.

19 Remember, if you see footage of
20 misconduct on social media or in the
21 news, you can file a complaint, even if
22 you were not there in person. If you
23 want to file the complaint -- or notify
24 us of that on social media, feel free to
25 tag the CCRB at @ccrb_nyc.

1 Additional ways to file a complaint
2 about misconduct to our agency would be
3 to call 311. You can also visit our
4 office at 100 Church Street in lower
5 Manhattan on the 10th Floor, New York,
6 New York, zip code 10007.

7 You can also go to a local police
8 precinct. It does not have to be the
9 precinct where the interaction may have
10 taken place.

11 You can also send a letter to the
12 CCRB in the mail to the same address,
13 100 Church Street, 10th Floor, New York,
14 New York 10007.

15 The CCRB is consistently hiring for
16 investigators. Our investigative unit
17 is comprised of more than 90
18 investigators of various socioeconomic
19 backgrounds that speak 10 plus different
20 languages.

21 Our team is comprised of the best
22 and brightest undergrad and graduate
23 students from a variety of educational
24 institutions nationwide. For more
25 information about the Investigative

1 Unit, feel free to visit our website at
2 nyc.gov/ccrb.

3 There are a couple of different ways
4 for you to be able to apply for the
5 investigative role at the CCRB.

6 One is by using the New York City
7 Careers Portal by visiting www.nyc.gov.
8 Interested applicants should search for
9 Civilian Complaint Review Board to view
10 all openings.

11 You can also go to Idealist Website.
12 That's www.idealists.org, or Join
13 Handshake at www.joinhandshake.com.

14 For all inquiries, if you don't see
15 these job listings posted, feel free to
16 send us an email to
17 careers@ccrb.nyc.gov.

18 As our Executive Director, Jon
19 Darche mentioned, the CCRB does have
20 open applications for our 2022 class for
21 the Youth Advisory Council. These are
22 young New Yorkers that are advising the
23 CCRB about better ways to be able to
24 relate to young people and improving
25 police and community relations on behalf

1 of -- really on behalf of young people.

2 So, applications are open for New
3 Yorkers ages 10 to 18. The applications
4 will be open until December 15th. If
5 you would like more information about
6 the application process, feel free to
7 email the Outreach Team at
8 outreach@ccrb.nyc.gov.

9 And if you would like an outreach
10 presentation, feel free to connect with
11 us at the same email,
12 outreach@ccrb.nyc.gov. Also, feel free
13 to follow us on social media -- on
14 Instagram, Twitter and social media.

15 Thank you very much, Chair Davie.

16 MR. DARCHE: Mr. Chair, can I add
17 one thing to Jahi's presentation?

18 CHAIR DAVIE: Absolutely.

19 MR. DARCHE: You know, as we're
20 coming to the end of the year, there may
21 be people who are thinking about
22 changing their careers or starting a new
23 career, and the CCRB is actively hiring
24 a new class of investigators, plus also
25 staffing-up its racial profiling

1 bias-based policing unit.

2 And so I urge -- if this is an
3 agency -- if this is an issue that you
4 care about, please go to that site, see
5 if there are jobs that interest you
6 cause we are looking for good people to
7 help us continue to work this important
8 work in the next year.

9 CHAIR DAVIE: All right. Thank you
10 -- thanks both, Jahi Rose and Jonathan
11 Darche.

12 Now, are there any questions or
13 comments for either Jahi or Jon?

14 (No response.)

15 CHAIR DAVIE: All right. Well,
16 thanks again, Jahi, and we'll now move
17 to the next item on our agenda, which is
18 a presentation from our Senior Counsel,
19 Harya Tarekegn, and Harya will present
20 our latest statistics on investigations
21 related to sexual misconduct.

22 Harya.

23 MS. TAREKEGN: Thank you, Chair
24 Davie. I'm also going to share my
25 screen and good afternoon, everyone.

1 (Document shared.)

2 MS. TAREKEGN: So, I will be going
3 over our sexual misconduct
4 investigations and just giving an
5 overview of what we've done and where we
6 are now.

7 So, on February 4, 2018, the CCRB
8 Board unanimously voted to take on the
9 investigation of sexual misconduct
10 allegations as abuses of authority.

11 On May 28, 2020, the First
12 Department, which is the Appellate Court
13 of New York State, held that CCRB must
14 go through the rulemaking process before
15 exercising its abuse of authority
16 jurisdiction to investigate those
17 complaints.

18 The CCRB did so in January of 2021
19 and the rulemaking process was upheld by
20 the court in November of 2021.

21 The Board and the agency defines the
22 term "sexual misconduct" as encompassing
23 misconduct of a sexual nature alleged by
24 a civilian against a member of the
25 Police Department, and this includes,

1 but is not limited to:

2 Verbal sexual harassment; sexual
3 harassment using physical gestures;
4 sexual humiliation; sexually motivated
5 police actions, such as stops,
6 summonses, searches, or arrests; sexual
7 or romantic propositions; and any
8 intentional bodily contact of a sexual
9 nature, including, but not limited to,
10 inappropriate touching, sexual assault,
11 rape, and on-sexual (sic) activity --
12 on-duty sexual activity -- excuse me.

13 Since taking on sexual misconduct
14 investigations, the agency has received
15 233 complaints within its jurisdiction
16 containing 335 allegations of sexual
17 misconduct.

18 So far, the agency has completed 62
19 full investigations against 86 officers.

20 The CCRB has also made 384 sexual
21 misconduct referrals to Internal Affairs
22 and several DAs' Offices.

23 263 of those referrals have been
24 Phase II referral, and the other 121
25 were Phase I referrals that were done

1 before the CCRB had jurisdiction.

2 Since May of 2021, the CCRB has made
3 no referral to Internal Affairs, but has
4 continued to refer criminal sexual
5 misconduct to the DAs' offices.

6 Coming down to our substantiated
7 complaints, the Board has substantiated
8 28 allegations against 23 officers so
9 far, and all of these cases were decided
10 before the NYPD Matrix was in place.

11 The Board recommended charges
12 against 12 officers, Command B
13 discipline for two officers, Command A
14 discipline for five officers, training
15 for one officer, and instructions for
16 three officers.

17 This chart shows the Board's
18 disposition, recommendations, and what
19 the NYPD penalty was. We have received
20 NYPD penalties in cases against 14
21 officers.

22 So, of the 14 officers, the NYPD has
23 deviated downwards when imposing
24 discipline against five officers. Four
25 of those officers were involved in the

1 same incident.

2 In the next couple of slides, I'm
3 just going to go through the cases where
4 officers were -- the Board recommended
5 charges against the officers and talked
6 through what happened in those.

7 In case one, a sergeant and three
8 officers were at a Duane Reade when a
9 store employee screamed that someone was
10 stealing items. The officers pursued
11 the victim, pulled him down to the
12 ground, punched him, pepper-sprayed him,
13 and handcuffed him.

14 The officers then stood near the
15 victim, who was laying on his side with
16 his pants lowered to his knees exposing
17 his buttocks and genitals. No officer
18 attempted to pull -- to help pull up the
19 victim's pants or cover his exposed
20 private areas for approximately eight
21 minutes until a transporting vehicle
22 arrived on scene.

23 So, the Board substantiated the
24 allegations of sexual humiliation
25 against the officers, but NYPD did not

1 impose discipline. None of the officers
2 received discipline for allegations
3 substantiated by the Board.

4 The NYPD argued that there was no
5 evidence to suggest that the officers
6 had taken actions to expose the
7 individual and explained that although
8 the officers could be seen laughing and
9 smiling, there was nothing to suggest
10 that they were laughing at the
11 individual.

12 Finally, the Department found that
13 there was no indication that the
14 officers were exposing the individual to
15 public sexual humiliation.

16 The sergeant did receive a Command
17 Discipline A from the Department, but it
18 was for a separate and distinction
19 allegation of failure to render services
20 with courtesy and civility.

21 The second case, a detective engaged
22 in a text message conversation with a
23 domestic violence victim in regard to a
24 case he was investigating. In the
25 course of the text conversation, the

1 detective made a sexually suggestive
2 remark to the victim calling her a "hot
3 scientist".

4 The CCRB substantiated charges
5 against the officer, but the Department
6 informed the agency that the matter was
7 handled at the Borough level and,
8 therefore, the Department Advocate's
9 Office was not going to serve charges
10 recommended by the Board and they
11 administratively closed the case.

12 The Department Advocate's Office let
13 the agency know that a captain
14 instructed the detective that all
15 members of service have a duty to uphold
16 the standards of professionalism,
17 courtesy, and respect towards all
18 individuals that they encounter in the
19 course of performing their duties.

20 He was also informed that the text
21 messages were inappropriate and
22 misconduct of that nature would not be
23 tolerated.

24 Those are our closed investigations,
25 but the agency continues to investigate

1 allegations of sexual misconduct and
2 currently has over 80 open
3 investigations into alleged sexual
4 misconduct.

5 Finally, I want to end the
6 presentation by talking a little bit
7 about discourtesy and gender-based
8 offensive language.

9 While investigating sexual
10 misconduct, something that has come up
11 in the agency, and the Investigations
12 Division has talked about a lot, is when
13 something is discourtesy versus when
14 something is gender-based offensive
15 language.

16 And really the crux of the question
17 comes from where does the word get its
18 power from. Meaning, is the word that
19 is being used by the officer gendered
20 and does it get its power from
21 referencing gender.

22 In the Charter, offensive language
23 is defined as a slur or discourteous
24 language related to a protective class.
25 In this particular presentation, we are

1 only talking about those related to
2 gender, or gender expression, or gender
3 identity.

4 Some examples that we pulled from
5 our cases are the use of words like
6 "bitch" or phrases like "suck my balls".

7 From the Merriam-Webster dictionary,
8 the definition for the word "bitch" is a
9 lewd or immoral woman or malicious
10 spiteful overbearing woman, sometimes
11 used as a generalized term of abuse.

12 And why I chose to highlight this is
13 because the word, regardless of who uses
14 it or who it's used against here, is a
15 term that is specifically referencing
16 gender.

17 Similarly, one of the things that
18 investigators use to guide them when
19 making this call of whether something is
20 discourteous or offensive language are
21 EEOC guidelines.

22 For example, the EEOC guidelines
23 prohibit the use of words that can be
24 used as terms of endearment; for example
25 "honey", "dear", "sweetheart", or

1 similar expressions, and here it is the
2 effect of the word that the agency is
3 focusing on, rather than the intent.
4 Meaning, even if the person doesn't mean
5 anything by it, it is -- the focus is on
6 whether or not the expression is
7 inappropriate.

8 Thank you so much. That is my
9 presentation and I'm here to answer any
10 questions you or any of the other Board
11 members may have.

12 CHAIR DAVIE: Thank you, Harya.

13 Are there any questions for our
14 Senior Counsel?

15 (No response.)

16 CHAIR DAVIE: I just sort of have a
17 kind of general observation and that is,
18 I think it's extremely important that
19 the agency investigate sexual
20 misconduct.

21 I think in a world and a Department
22 that has been so heavily male-dominated
23 for so long -- and it's not to suggest
24 that non-male persons aren't also
25 capable of and are not guilty of from

1 time to time engaging in sexual
2 misconduct -- but I think in a
3 male-dominated institution that has that
4 kind of deeply ingrained culture,
5 sometimes there are certain assumptions
6 that are taken that are -- that in that
7 particular context can appear normal.

8 And it's just really important, I
9 think, for the CCRB, as an oversight
10 agency, to continue to point out in its
11 investigations where what might've been
12 normal behavior can be highly offensive
13 and extremely inappropriate, and we live
14 in diverse pluralistic society and our
15 institutions and our conduct have to and
16 should reflect that.

17 So, in addition to that, officers of
18 the NYPD who violate the Patrol Guide
19 and engage in inappropriate behavior,
20 particularly when it comes to abuse of
21 authority, and perhaps force, and
22 offensive language around sexually
23 related issues, they need to be held
24 accountable and that's our job.

25 So, I want to commend the staff on

1 their work today. I also want to
2 commend the staff on the work that they
3 are doing to make sure that the victims
4 of sexual misconduct have the
5 appropriate support that they need in
6 order to redirect their lives, as well
7 as to stay engaged with the
8 investigations to allow us to bring them
9 to conclusion.

10 So, thank you, Harya and staff, for
11 your good work and it is very much
12 appreciated.

13 Member Simmons.

14 MS. SIMMONS: Yes, I just wanted to
15 add my personal thanks to the Senior
16 Counsel for the presentation.

17 I think it is very important that
18 the public hears the standards that we
19 are enforcing and that the public
20 understands that things that they
21 considered benign in the past are not
22 benign and that they will be considered
23 violations and that -- we all know from
24 the Me Too movement, that that extends
25 way beyond CCRB's jurisdiction to

1 everyday life.

2 So, I really appreciated the
3 presentation and I think that you're
4 highlighting what's acceptable and
5 what's not acceptable, even if the
6 conversation is a little difficult for
7 other people to get. It's better for
8 them to hear it upfront and learn than
9 to be accused or a victim of such a
10 violation.

11 Thank you.

12 MS. TAREKEGN: Thank you, Ms.
13 Simmons.

14 CHAIR DAVIE: Thank you, Esmeralda.
15 Any other comments, questions?

16 (No response.)

17 CHAIR DAVIE: Hearing none, we will
18 then go to -- thank you again, Harya.
19 Really appreciate the presentation and
20 we'll look forward to more updates.

21 MS. TAREKEGN: Thank you, Chair
22 Davie.

23 CHAIR DAVIE: Thank you.

24 And now we will go to public
25 comment.

1 If you're interested in making a
2 public comment, please use the raise
3 your hand feature and we will go down
4 the list. Please keep your comments to
5 two minutes.

6 Yojaira, would you please call on
7 the first person who has used the raise
8 your hand feature?

9 MS. ALVAREZ: Thank you, Chair.

10 First, we'll be hearing from Cristal
11 Calderon, followed by John Lewis Green.

12 CHAIR DAVIE: Is Cristal Calderon
13 there?

14 MS. CALDERON: Hi. Can you hear me?

15 CHAIR DAVIE: Yes, we can. Please
16 go ahead.

17 MS. CALDERON: Okay. Great. I was
18 hoping you could see me as well, but I
19 just want to make sure that I make it
20 clear that I'd really love for the Eric
21 Adams' representatives to pay close
22 attention please.

23 So, I'll start now. I've been
24 harassed by my landlord, her son, and
25 their acting agents for over the past

1 five years in an effort to get me out of
2 my rent stabilized apartment and
3 intimidate me into dropping litigation
4 we're involved in.

5 I've been threatened on many
6 occasions that I was going to be raped,
7 demanded blow jobs from and other sexual
8 acts, and I was sexual assaulted in the
9 hallway of the Kings County Housing
10 Court by my landlord's son, who is the
11 manager of the building that I live in.

12 When I have reported the many --
13 this is throughout over the past five
14 years -- the many instances of sexual
15 harassment and the sexual assault, I've
16 been told by police officers that
17 according to the Penal Law, you can be
18 kicked, pushed, spit on, and slapped,
19 and it's only considered harassment --
20 what I'm experiencing is only harassment
21 and this is a landlord/tenant issue for
22 housing court.

23 When I had a one on one meeting with
24 Captain Fahey at the 94th precinct in
25 Greenpoint in Brooklyn, she said, "I

1 guess you can file a sexual harassment
2 complaint". She also reiterated that
3 this is -- and she said that very
4 passively and like she seemed very
5 annoyed -- she also reiterated that this
6 is a housing court issue and that it was
7 just harassment.

8 I made her aware of a criminal law
9 passed in 2019 that made it up to a
10 felony to harass a rent-regulated tenant
11 in an effort to get them to vacate their
12 apartment. The definition in that law
13 of harassment is the disturbance of
14 quiet peace and repose.

15 She warned me that if an
16 investigation were to happen, if she
17 could somehow miraculously make that
18 happen, I could potentially be found to
19 be guilty of inciting harassment because
20 I didn't walk away while I was being
21 harassed even though I was 90 percent of
22 the time in my own home.

23 She and the precinct have since
24 stonewalled me and they do not respond
25 to my calls. When they do rarely, they

1 gaslight and they victim-blame me.

2 On another occasion, a Caucasian man
3 I'd never seen before, who was accosting
4 me at my apartment door at 2 in the
5 morning -- and kicking and banging on my
6 door on behalf of the landlord -- while
7 he walked by me and an officer speaking
8 to me after the police came, he stopped
9 and leaned toward me -- and I have this
10 all on a video recording -- and he blew
11 me a kiss and the officer standing right
12 next to me said nothing.

13 Again, this is in front of my
14 apartment door -- the threshold of my
15 bedroom, in front of an officer at 2 in
16 the morning and I did not know this man.

17 No one was -- I got an Incident
18 Report filed and that was it -- and
19 actually the person harassing me got an
20 Incident Report filed for them for --
21 because they claimed drunkenly that I
22 harassed them.

23 After speaking out -- and this is
24 the last thing. I'm almost done.

25 After attending and speaking out at

1 a Community Precinct Meeting -- 94th
2 Community Precinct Meeting -- a
3 different Caucasian man accosted me and
4 repeatedly -- and repeated personal
5 information about me that he said the
6 police had just given him.

7 When I immediately reported that
8 incident to Captain Fahey about
9 20 seconds after the incident happened,
10 Lieutenant Frangatos hurried me out of
11 the church and began addressing me as
12 "my dear" while smirking and telling me
13 to go home because they have real work
14 to do.

15 He continued calling me "my dear"
16 even though I gave him my real name --
17 my actual name and asked him to stop.
18 Captain Fahey just stood there and
19 waited for him to escort her to her car.

20 So, the law that I'm talking about
21 is Chapter 40, Part III, Title N,
22 Article 241, Section 241.02 and 241.05.

23 I'm done. Thank you.

24 CHAIR DAVIE: Thank you -- thank
25 you. I'm really sorry that you've had

1 to go through what you had to go
2 through. You do have a case before us
3 and we will continue to investigate it
4 thoroughly and we'll report to you on
5 the outcome of our investigation, I
6 suspect, very soon.

7 Next speaker, please, Yojaira.

8 MS. ALVAREZ: Thank you.

9 Next we'll be hearing from
10 John-Martin Green.

11 MR. GREEN: Hi, there. I am
12 John-Martin Green, Community Board 9
13 member and Co-Artistic Director of
14 Blackberry Productions, a documentary
15 theatre company which in partnership
16 with New Professional Theatre and the
17 Community Affairs Division of the NYPD
18 have recently commenced a dual-focused
19 community engagement intervention
20 between black and brown youth in Harlem
21 and the police called COPP, C-O-P-P,
22 which is an acronym for Communities
23 Organizing in Partnership for Peace and
24 alternately called Commonalities and
25 Opposites in Partnership for Peace,

1 involving a series of theatre-based
2 workshops we're conducting, the focus of
3 which involves shifting the culture of
4 community policing and the creation of a
5 theatre piece reflecting the experiences
6 of the participants.

7 And just want the CCRB to know what
8 we're doing and want to thank you for
9 what you're doing as a matter of course.

10 CHAIR DAVIE: Thank you, sir, and
11 just let me say that any efforts to
12 improve police community relations,
13 particularly the relationship between
14 the members of the NYPD and young people
15 in our communities, and neighborhoods,
16 and the City as a whole, is very much
17 appreciated.

18 So, thank you for the work that you
19 and your colleagues are doing in that
20 regard.

21 Any comments from any of the Board
22 members -- questions?

23 (No response.)

24 CHAIR DAVIE: All right. Yojaira,
25 we'll go to your next speaker, please.

1 MS. ALVAREZ: Thank you so much,
2 Mr. Green. We'll be sure to follow-up
3 and continue working with you and the
4 Community Board.

5 As of now, we do not have anyone
6 else that has utilized the raise the
7 hand function. I will just folks just a
8 couple more seconds.

9 In the meantime, we would like to
10 thank staff from Council Member Adrienne
11 Adams' Office, Senator Comrie's Office,
12 as well as Council Member Dinowitz.

13 CHAIR DAVIE: Thank you, and I just
14 want to also express my thanks.

15 I want to thank Council Member
16 Adams, again, for her leadership on the
17 Public Safety Committee and the ways in
18 which we've been able work with her and
19 her staff to ensure that the CCRB has
20 sufficient support at the council level
21 for our jurisdiction over any number of
22 issues.

23 And as I said in my remarks, we're
24 really appreciative of her and those
25 Council Members who voted to -- who

1 voted to send to the full council --
2 they voted to approve the
3 self-initiation of complaints by the
4 agency. It now goes to the full council
5 for a vote tomorrow.

6 And, again, I want to thank her and
7 her fellow Council Members for their
8 support for the agency, not only in this
9 work, but in other areas as well.

10 Are there any other comments from
11 Board members?

12 MS. ALVAREZ: Chair Davie, we do
13 have one more member from the public.

14 CHAIR DAVIE: Sure.

15 MS. ALVAREZ: Sorin, can you upgrade
16 Lynda Brilliant?

17 MS. BRILLANT: Yes, hello.

18 CHAIR DAVIE: Please go ahead.

19 MS. BRILLANT: All I'm going to say
20 is that my aunt is dead. You hear me --

21 CHAIR DAVIE: Yes, please go ahead.

22 MS. BRILLANT: -- and I'm going to
23 put papers about CCRB -- I've already
24 put papers about CCRB by the Haitian
25 radio station. Do you guys understand

1 me?

2 CHAIR DAVIE: Sure.

3 MS. BRILLANT: Do you guys
4 understand -- do you guys understand
5 that the Haitian person was assassinated
6 inside their damn home; do you get that
7 message?

8 CHAIR DAVIE: We understand. Thank
9 you very much -- thank you.

10 Are there anymore comments; anymore
11 speakers?

12 (No response.)

13 CHAIR DAVIE: Any old business to
14 come before the Board?

15 (No response.)

16 CHAIR DAVIE: Any new business to
17 come before the Board?

18 (No response.)

19 CHAIR DAVIE: Well, before we
20 adjourn, I want to take the opportunity
21 to thank one of our Board members who at
22 -- some of us know -- after the last
23 meeting -- that effective December 31 of
24 this year, he is resigning his seat on
25 the CCRB and that is Mr. Nathan Joseph.

1 I personally want to thank him for
2 his commitment to this agency, for his
3 wisdom, his good humor, his hard work,
4 and just for his friendliness and
5 collegiality.

6 And, Mr. Joseph, I want to give you
7 a chance to say anything you might like
8 to have to say before we adjourn to
9 executive session.

10 Nathan Joseph.

11 MR. JOSEPH: You put me on the spot
12 there.

13 Yeah, it really has been a pleasure
14 working with all of you. I've learned a
15 lot. I've made some new friends and
16 I've really, really appreciated it.

17 And I realize how hard the work that
18 we do here is, and I wish you all the
19 luck and hope that you get more support
20 for all of the things that still need to
21 be done.

22 And thank you and good-bye.

23 CHAIR DAVIE: Thank you, Mr. Joseph.
24 We really appreciate all your
25 contributions in your leadership -- your

1 collegiality. Thank you so much.

2 All right. Is there a motion to
3 adjourn to executive session for the
4 purpose of -- I think we're going to do
5 only two things here.

6 We're going to -- we need to have a
7 conversation about sort of Board member
8 status and then we're going to have a
9 full case that the entire Board will
10 review, and those will be -- it looks
11 like those may be the only two things.
12 The other things we may have had on our
13 agenda, we will not do. If we have
14 time, we will do updates on litigation.

15 But, for right now, the two primary
16 things are Board member status and a
17 full case that we need to review.

18 Is there a motion to adjourn to
19 executive committee to consult on these
20 things?

21 MR. SIEGAL: So moved.

22 CHAIR DAVIE: It has been moved.

23 Is there a second?

24 MR. JOSEPH: Second.

25 CHAIR DAVIE: Okay. Any questions

1 -- all those in favor of adjourning to
2 executive session, please say "aye".

3 (Chorus of "Ayes".)

4 CHAIR DAVIE: All those opposed?

5 (No response.)

6 CHAIR DAVIE: No, the ayes have it.

7 We are adjourned to executive session.

8 Thanks to the public; thanks to all
9 who came out and we will see you next
10 month. Thank you.

11 (Time noted: 4:51 p.m.)

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CERTIFICATION

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 8th day of December,
2021.



Julia M. Speros