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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

October 12, 2022

4:03 p.m.

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HELD VIA VIDEOCONFERENCE

100 Church Street

New York, New York, 10007

B E F O R E:

ARVA RICE, CHAIR

JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

COURT REPORTER:

Shechinah Jackson

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PUBLIC MEETING AGENDA

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Wednesday, October 12, 2022

1. Call to Order
2. Adoption of Minutes
3. Remarks from the Chair
4. Remarks from the Executive Director
5. Presentation from the Racial Profiling and Biased-Based Policing Unit
6. Presentation from Outreach on the CCRB
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. Arva Rice, Interim Board Chair
- 2. A.U. Hogan, Board Member
- 3. Corrine Irish, Esq., Board Member
- 4. Herman Merritt, Board Member
- 5. John Siegal, Esq., Board Member
- 6. Willie Freeman, Board Member
- 7. Joseph A. Puma, Board Member
- 8. Salvatore Carcaterra, Board Member
- 9. Esmeralda Simmons, Esq., Board Member
- 10. Rev. Dr. Demetrius Carolina, Board Member
- 11. Frank Dwyer, Board Member
- 12. Erica Bond, Board Member

PRESENTERS:

Racial Profiling and Biased-Based Policing Unit
 New York City Civilian Complaint Review Board
 Darius Charney - Director
 Bianca Scott- Deputy Director

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

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S P E A K E R S :

Michael Meyers - President - New York Civil
Rights Coalition Inc.

Francie Scalum- Community Member

Andrew Wilson- Community Member

Meliane Wilkerson- representing the Center for
Court Innovation

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MS. ALVAREZ: Good evening, everyone.

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For those utilizing ASL interpretation

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services, our ASL interpreters today are

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Andria Alefhi and Craig Ridgeway, in the

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chat you'll find instructions of how to

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pin their video and a link to CART

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services for close captioning for

9

today's event.

10

CHAIR RICE: Good afternoon,

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everyone and welcome. My name is Arva

12

Rice, I use she, her pronouns and I'm

13

the interim chair of the Civilian

14

Complaint Review Board. I would like to

15

call the CCRBs October public board

16

meeting to order. In honor of

17

Indigenous Peoples Day, I would like to

18

acknowledge that our offices are located

19

in ancestral Lenape (phonetic)

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homeland, let's all honor.

21

MS. SIMMONS: Lenape.

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CHAIR RICE: Lenape, thank you.

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Let's all honor the significance this

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land has to the Lenape nation, who lived

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on this land for thousands of years.

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Would the rest of the board members please introduce themselves.

MS. SIMMONS: Esmeralda Simmons, I'm an appointee from the Public Advocate's office, I live in Bed Stuy, Brooklyn.

MR. PUMA: Good afternoon, my name is Joseph Puma, Manhattan City Council representative on the board and I hail from the lower east side.

MR. MERRITT: Herman Merritt, City Council representative from Brooklyn and I live in Brooklyn.

MR. DARCHE: Jonathan Darche, he/him and I am the executive director of the agency.

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

MR. HOGAN: A.U. Hogan, appointee for Queens, I also reside in Queens.

MR. DWYER: Frank Dwyer, representative of the police department.

MR. CAROLINA: Demetrius Carolina, mayoral appointee, Staten Island.

MR. CARCATERRA: Good evening, Sal

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Carcatterra and I'm a police commissioner designee to the board.

CHAIR RICE: Thank you and if we can have John introduce himself, who is joining us online.

MR. SIEGAL: Good evening, John Siegal, I'm the mayoral appointee.

CHAIR RICE: Thank you. May I have a motion to approve the minutes -- I'm sorry, are there any changes or corrections to the minutes, first?

MS. IRISH: So moved.

MALE SPEAKER: Second.

CHAIR RICE: All right, hearing now no corrections or changes and having a motion and it be moved, hearing none, all those in favor for approving the minutes say aye.

CHORUS: Aye.

CHAIR RICE: All those opposed? The minutes are approved. Last month this board voted to approve the proposed rule changes granting the agency new powers. The new powers will go into effect on

1
2 October 22 and today the racial
3 profiling bias-based policing unit will
4 present on how they will begin their
5 investigations. I'm also excited to
6 announce that the CCRB is hosting a
7 virtual event on November 15th to
8 discuss the state of police reform in
9 New York. We will have a variety of
10 panelists to discuss the progress New
11 York has made and what still needs to be
12 done. Our youth advisory council have
13 been key partners in helping put this
14 event together and they will share the
15 youth perspective during the event. I
16 would like to thank the youth advisory
17 council, YAC for, all their work this
18 year and let everyone know that
19 applications for the 2023 YAC class will
20 open on November 1st. The YAC was
21 started in 2018 as the first youth
22 advisory counsel to a police oversight
23 agency in the country. We welcome all
24 New Yorkers between the ages of 10 to 18
25 to join us. If you know a young New

1
2 Yorker who is interested in serving
3 their community, encourage them to apply
4 to the CCRB YAC. We will now hear from
5 our executive director, Jon Darche, on
6 other agency updates, Jon.

7 MR. DARCHE: Thank you, Chair Rice,
8 I wanted to take a moment to remember
9 the life and service of the Honorable
10 Judge Sterling Johnson, Jr. Judge
11 Johnson was a former executive director
12 of this agency from 1970 to 1974 when we
13 were still a part of the NYPD. Judge
14 Johnson served both this city and this
15 nation and we thank him for his decades
16 of service to New York.

17 Last month a representative for
18 Council member Farah Louis came to this
19 meeting and asked us about our intake
20 form and said some people found it
21 confusing. The confusion centers around
22 the fact that people are allowed to file
23 complaints anonymously, but the online
24 complaint form requires a person to
25 enter a name. The agency has been

1
2 working on an overhaul of the intake
3 form for a few months, but has
4 intensified our work on revising the
5 form which will be live soon and has
6 made revisions to our revision based on
7 the feedback we got from the
8 representative from council member Farah
9 Louis' office. In addition to our own
10 IT staff, I'd like to thank the New York
11 City Office of Technology and Innovation
12 for their help with this important
13 project. The agency is still recruiting
14 to fill openings for several positions
15 and one of the CCRB's core teams, the
16 Administrative Prosecution Unit, the APU
17 handles the most serious cases of
18 misconduct and takes them to trial
19 before an administrative law judge that
20 works for the police department. We are
21 also continuing to recruit additional
22 investigators for the agency. We are
23 going to be holding a virtual
24 information session on CCRB careers,
25 October 19th at 5 p.m. You can register

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for this event by clicking the link in the chat that Jahi is going to post.

One of the things the agency is looking into is re-launching our community partners initiative that was a project in which we worked with a council member from each borough, so that we can have office hours at least once a month in each borough. We think it is an important way to engage local communities and meet the people of the city in where they are and we are in the process of rebooting that program.

Before we get started with the meat of the meeting today, a couple of updates on agency operations. The CCRB expects to have its protest report out in coming months, our office is open for walk-in complaints, but it is also possible to file complaints online at [NYC.GOV/CCRBcomplaint](https://nyc.gov/ccrbcomplaint), that is NYC dot GOV slash CCRB C-O-M-P-L-A-I-N-T, you can file a complaint by telephone at 1 (800)341-2272 or by calling 311 and if

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anyone wishes to file a complaint right now who is here with us today, we have two investigators on hand, ready to take any new complaints. Enema Steindihard and Kee Busk (phonetic), you guys want to raise y' all hands, thanks Enma and Key.

Some ground rules for this afternoon, in the public session, please limit your comments to four minutes, whether you're online or here in person and if you're online and wish to make a comment, if you can use the raise your hand feature, we will make sure to include you in the conversation, I want to thank the staff for all their hard work and thank the members of the public for joining us again today.

CHAIR RICE: Jon, I have a question for you, but I will hold it until -- do any board members have any questions for the executive director? Do the board members have any questions, no, okay. Jon, I wanted to ask, you didn't mention

1
2 the PEG that was mentioned in the last
3 board meeting, the plan to eliminate
4 some of the gaps and so I just wanted to
5 know if you can give us just a quick
6 update.

7 MR. DARCHE: Thank you for that
8 opportunity, Madam Chair, so the
9 agency's current budget is approximately
10 \$23,500,050, of that amount roughly
11 \$18,950,000 is salary benefits for
12 employees, which we also know as PS or
13 personal services. The remaining
14 amount, approximately \$4.6 million is
15 everything else we spend money on,
16 including rent, paper, water, computers,
17 stuff like that. We call that OTPS, or
18 other than personal services, the agency
19 was given instructions by the Office of
20 Management and Budget or OMB to cut
21 \$706,000 from this fiscal year's budget
22 and \$1.1 million from next fiscal year's
23 budget. The plan we've submitted known
24 as a Program to Eliminate the GAP, or
25 PEG has not been approved. This has

1
2 impacted current agency operations
3 because OMB isn't allowing the agency to
4 hire new personnel until the PEG is
5 approved. The unit most impacted by
6 this delay is the APU. We identified
7 four high-quality candidates to join the
8 APUs prosecutors, we made offers to
9 these folks back to August, conditional
10 on OMB approval. We have not been able
11 to move forward because OMB needs to
12 complete its analysis of our PEG before
13 it can authorize these new hires.

14 One year ago there were 199 open
15 cases in the APU, today there are 630,
16 open cases in the APU. This increase is
17 caused by a variety of factors, but
18 mostly the implementation of the NYPD's
19 discipline matrix. We need these
20 additional prosecutors to move cases
21 forward in the discipline process, both
22 the people who were victims of police
23 misconduct and subject officers deserve
24 to have these cases heard in a timely
25 manner; the agency needs these four

1
2 prosecutors in order to do so. My fear
3 Madam Chair, is that we are going to
4 lose these candidates if the delay
5 extends further. To that end, our
6 deputy executive director for
7 administration Jeanine Marrie and our
8 budget director David Douek have been
9 working closely with our opposite
10 numbers at the office of manage and
11 budget. I'm confident that our teams
12 will resolve this issue in a
13 constructive manner and will be able to
14 bring those people on board soon.

15 CHAIR RICE: All right, any other
16 questions? All right, we have been
17 joined by another member of our board,
18 if you can introduce yourself.

19 MS. BOND: Good afternoon, apologies
20 for the delay, my name is Erica Bond and
21 I'm a mayoral appointee.

22 CHAIR RICE: All right, we're going
23 proceed with the meeting with a
24 presentation from our Racial profiling
25 and Racial Profiling Bias-based Unit,

1
2 Darius Charney and Bianca Scott,
3 respectively, will make the presentation
4 for us today.

5 MS. SCOTT: Good afternoon, all, I'm
6 Bianca Victoria Scott. I am deputy
7 director of the racial profiling and
8 bias-based policing unit. It's a
9 pleasure to finally meet all of you face
10 to face. So today we're going to go
11 over again what our unit is about, how
12 we're going to prepare in investigating
13 these cases, we're ten days away from
14 being live, and I will also go over
15 again the composition of our team. So
16 I'm going to speak for a second, then it
17 will be Darius and then I'll be back, so
18 -- let's see here, perfect, so again,
19 the City Charter amendments from April
20 2021, it did two different things.
21 First, it clarified that CCRB has the
22 power, through its abusive authority
23 jurisdiction to investigate claims of
24 racial profiling and bias-based policing
25 and secondly, it now has jurisdiction to

1
2 investigate past professional conduct of
3 current and former NYPD members who have
4 previously been found by the CCRB and
5 also other covered entities to have
6 committed an act of bias or severe act
7 of bias within the past five years, to
8 determine if that act was part of a
9 larger pattern of bias conduct. Darius?

10 MR. CHARNEY: So -- thanks, so just
11 real briefly, I want to kind of lay out
12 the differences between these two areas
13 of jurisdiction. So the first is, you
14 know, with respect to complaints of
15 racial profiling and bias-based policing
16 which fall under charter section 440-C1,
17 which is the same charter section that
18 covers the other categories of
19 misconduct FADO. CCRB power under this
20 section will, you know, just as it's
21 true with the other FADO allegations, we
22 have the power to investigate the
23 complaint, to make findings, recommend
24 discipline and, when appropriate, to
25 prosecute those cases just as we do with

1
2 other FADO allegations. The same
3 18-month statute of limitations will
4 apply and just like with our FADO cases,
5 we don't pursue investigations against
6 retired members of service. Now the
7 past professional conduct investigations
8 which fall under a separate section of
9 the charter the new section 441, These
10 cases are not going to be triggered by
11 complaints from the public in other
12 words, a member of the public cannot
13 contact the CCRB and say, I want to make
14 a past professional conduct complaint
15 against an officer. The only way that
16 these investigations are going to happen
17 is if and when the CCRB or another
18 covered entity and I'll talk about what
19 those other covered entities are, have
20 already made a final determination after
21 a full investigation that occurred or
22 for or retired member of service
23 committed an act in bias within the last
24 five years. So only if there has
25 already been an investigation that has

1
2 been completed and a final determination
3 has already been made, either by us or
4 by another agency, that an officer
5 committed an act of bias, that would be
6 only if that happens, will we then have
7 jurisdiction to commence a past
8 professional conduct investigation. And
9 the focus of these past professional
10 conduct investigations is not that prior
11 act of bias because remember, that prior
12 act of bias has already been
13 investigated and a final determination
14 has already been made. The focus on the
15 past professional conduct
16 investigations, will be to look into
17 whether this prior act of bias is
18 actually part of a broader pattern of
19 bias conduct and in terms of the
20 outcomes of these past professional
21 conduct investigations, discipline is
22 one possible outcome, but there are
23 other recommendations and interventions
24 that CCRB can propose, and discipline is
25 only again possible if the 18

1
2 month-statute of limitations has not
3 expired. So that's kind of the
4 difference between the two different
5 kinds of allegations -- I'm sorry,
6 investigations -- and I mentioned
7 before, you know, the charter uses this
8 term "covered entity." Covered entity
9 includes the CCRB, the NYPD, if they
10 investigate and make a finding that an
11 officer has committed an act of bias,
12 Department of Investigation, the city
13 Department of Investigation, the city
14 Commission of Human Rights, state and
15 federal courts in New York State, if
16 they were to issue a ruling that found
17 that an officer had committed an act
18 of bias that could trigger a past
19 professional conduct investigation,
20 other state and federal agencies that
21 investigate law enforcement misconducts,
22 such as the New York State Attorney
23 General's office, New York State
24 Division of Human Rights, United States
25 Department of Justice, United States

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2 Equal Employment Opportunity Commission
3 (inaudible). It's important to
4 emphasize that each of these agencies
5 has their own investigative process,
6 their own way of resolving these kinds
7 of allegations and so it's only after
8 those agencies have reached the end of
9 their processes and made a final
10 determination as they define final
11 determination would that trigger our
12 jurisdiction.

13 Okay, so I wanted to talk a little
14 bit about how the CCRB may use data in
15 its racial profiling and bias-based
16 policing investigations. I think as
17 everyone is probably aware, direct
18 evidence of discriminatory intent is
19 rare, in other words, it's very rare
20 that a police officer is going to admit
21 that they, you know, stopped somebody
22 because of their race or gender or, you
23 know, use the language, during that
24 encounter, which would directly
25 demonstrate their bias. So what that

1
2 means is that most discrimination claims
3 that come up in courts are proven
4 through a combination of different kinds
5 of circumstantial evidence, the totality
6 of the circumstances, which I think the
7 board is pretty familiar with that
8 concept in a lot of our search and
9 seizure cases. In other words, you look
10 at all the different kind of evidence to
11 determine if the totality establishes,
12 by a preponderance of evidence, that the
13 officer engaged in bias policing. And
14 one form of circumstantial evidence,
15 which a lot of state and federal courts
16 have frequently relied on is data on
17 disparate pattern of enforcement
18 activity. That kind of evidence in
19 combination with other circumstantial
20 evidence has been relied on by the
21 courts to sustain profiling and bias
22 policing claims against individual
23 police officers. So kind of following
24 that model, we are going to try to use
25 data as one piece of the puzzle as we

1
2 investigate this -- these cases. When
3 we get a case of alleging bias policing,
4 The CCRB will now have that capacity to
5 conduct data analysis for these bias
6 police allegations. That is something
7 that we're very excited about. We
8 brought a really and fantastic chief
9 data scientist, who we'll introduce you
10 to later, I think she is in the room,
11 but in order to do these kinds of
12 analysis the really critical piece is
13 that we have access to the necessary
14 NYPD data sets. Without that, we
15 obviously can't do those kinds of
16 analysis. We are currently in
17 discussion with the NYPD about making
18 sure we get access and we're hopeful
19 that we will be able to do so, but that
20 is really, I think, the next important
21 step for us, is to make sure that we
22 have the access to the data sets that we
23 would need to be able to do these kinds
24 of analysis. So now I think Bianca is
25 going to talk to you a little bit about

1
2 the unit and how we're structured and
3 how we're getting ready for these
4 investigations.

5 MS. SCOTT: Thanks, Darius -- yeah,
6 okay, so our unit, the Racial Profiling
7 and Bias-Based Policing unit was created
8 after the passage of the new amendments
9 and as you know, we are housed with a
10 new investigations division and will
11 conduct all of the racial profiling and
12 bias-based policing and past
13 professional conduct investigations and
14 we'll investigate the cases that have
15 both racial profiling and bias-based
16 policing claims and FADO allegations.
17 So the entire case will come to us
18 regardless of whether it has FADO. So
19 currently we have one director, Darius
20 Charney experienced civil rights police
21 misconduct attorney, as you know, with
22 Floyd v. City of New York, there is me,
23 I was previously at the New York City
24 Commission on Human Rights for multiple
25 years as policy council to the chair

1
2 there and before that I was an
3 investigating attorney in the law
4 enforcement bureau, investigating claims
5 of discrimination and employment housing
6 in public foundations, based on all
7 various kinds of protective categories
8 that overlap with the covered categories
9 we have here now for claims of bias and
10 racial profiling. We have our chief
11 data scientist, Alex Winter, she is over
12 there, I'm very happy to have her, she
13 has over nine years of client data
14 research experience with racial and
15 other inequalities, we have two
16 investigator managers, one whom which is
17 here Carlmasis, Tessa is here too, so
18 they're both here, their multiple years
19 of CCRB experience, we're very lucky to
20 have them as well and our leadership
21 team, they each supervise a team of
22 investigators and investigating
23 attorneys, we have three level 3
24 investigators, all of them have at least
25 two to four years' experience

1
2 investigating law enforcement misconduct
3 in various capacities. Is there anyone
4 else in here, no, great, then we got six
5 investigating attorneys who all have
6 prior experience in criminal law
7 antidiscrimination law and/or policing
8 and we got three of them here, so we
9 have Ken Crouch (phonetic), we got
10 Robick Vertaval (phonetic), and Delali
11 Madison, who is behind this column, can
12 you see her? We are really excited
13 about our team and we are still
14 currently looking for two level 3
15 investigators, one investigating
16 attorney and one data analyst, we are in
17 the process of interviewing and
18 reviewing applications and everything
19 right now. We are really happy with
20 everyone we have and excited to get
21 started in ten days and actually
22 investigate our cases. Okay, so all of
23 our unit staff have received or are
24 currently receiving the following
25 training; The recognize new investigator

1
2 training that CCRB has lead by Jen
3 Johnson and specializing in training on
4 the legal standards and investigative
5 strategies for racial profiling and bias
6 policing cases which Darius and I lead
7 our investigators and investigating
8 attorneys through and also hands-on
9 experience with investigating active
10 CCRB and FADO cases. Also, every
11 closing report in our RPBP investigation
12 will be reviewed and proved by both
13 investigating managers either Carlmais
14 or Tessa and either Darius or myself
15 before submission to the board and that
16 is the end of the current presentation.

17 We are happy to receive any
18 questions you may have, anything we can
19 answer now or we can also, if we don't
20 have the answer currently, we can
21 definitely get back to you.

22 MR. DARCHE: One quick addition, the
23 director of training is Jen Jarrett
24 (phonetic) not John Johnson.

25 MS. SCOTT: My mistake, my mistake,

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I misspoke --

MR. DARCHE: So she doesn't get mad at us.

MS. SCOTT: Of course, Jen, if you're listening, I apologize.

MR. CARCATERRA: Quick question.

MS. SCOTT: Yes.

MR. CARCATERRA: The (inaudible) to the make up of the unit, as far as the numbers, how did you come about, do you have any prediction on number of cases or the amount of work, how did you come about from a director all the way down to investigative attorneys, how did you come about this format?

MR. CHARNEY: In terms of the size of the unit?

MR. CARCATERRA: Correct.

MR. CHARNEY: Well, I think, the first thing I would say, we've actually downsized, originally we were funded for, I think it was 33 positions and then through the PEG, we cut it to 18. We're hopeful that is going to be

1
2 enough. You know, in the last, I
3 believe, seven years, looking at the
4 amount of bias-based policing cases that
5 went to the NYPD, it was something like
6 3,400, which comes out to roughly four
7 or five hundred a year, which is a fair
8 amount of cases because these are --
9 yeah.

10 MR. CARCATERRA: Did you look at
11 those cases, as far as they went over
12 and what the outcome was of those cases?

13 MR. CHARNEY: Went over, meaning --

14 MR. CARCATERRA: You said 3,400,
15 what happened with those cases?

16 MR. CHARNEY: They were fully
17 investigated. As I understand, the
18 NYPD, I think substantiated a total of
19 four out of the 3,400 but they did
20 investigate all of them.

21 MR. CARCATERRA: And if you can,
22 just very quickly, just walk me through
23 how you envision this unit getting a
24 case, the intake part of it, how do you
25 get this get --

1
2 MR. CHARNEY: Well, we actually just
3 talked to intake about this yesterday, I
4 mean, obviously if somebody's come to
5 the CCRB and they allege that they were
6 profiled or discriminated against that
7 case would be sent to us, along with any
8 other FADO allegations because our -- as
9 Bianca mentioned, our staff has already
10 had a fair amount of experience
11 investigating FADO and obviously we're
12 talking about a single incident with
13 several allegations arising out of it,
14 so we think it makes the most sense to
15 have one investigator investigate all
16 the allegations, just as it happens in
17 our FADO investigations. The case would
18 be reviewed by an investigative manager,
19 just as happens in all of our FADO
20 investigations and then as in our FADO
21 investigations, there is an attorney one
22 of the deputy general council who
23 reviews the case and, you know, checks
24 to make sure everything is legally
25 correct. Bianca and I, who are both

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attorneys, would be playing that same role and we anticipate that we would also be interfacing with you all when a case is brought to the panel, just as is happening now with the FADO cases and we would be there to answer any questions that the board has.

MR. CARCATERRA: Thank you, just last, you said no investigation of retired MOS' but then you spoke about the five-year look back period, so --

MR. CHARNEY: (Inaudible) can we put the (inaudible) back up because I think it's important to understand there are two different kinds of cases we are talking about it, one is complaints that we investigate from the public and the other is past professional conduct, which are not going to be generated by complaints from the public. Um -- all right, so as I think as you know I said the profiling and bias policing cases are under abuse of authority under section 440, so those are the cases that

1
2 are going to come in through complaints
3 from the public. The five-year look
4 back only applies to the past
5 professional conduct investigations and
6 those are not going to be cases that the
7 public comes in and says, I want to
8 complain about somebody's past
9 professional conduct. That is not how
10 that's going to happen. The only way we
11 can do a past professional conduct
12 investigation is if either the CCRB or
13 another governmental agency has already
14 investigated an officer for bias, then a
15 full investigation and make a final
16 determination that the officer did
17 commit that act of bias. In those
18 cases, that would trigger our
19 jurisdiction, so there is not going to
20 be a past professional conduct
21 investigation unless an officer has
22 already been investigated and already
23 found to have committed an act of bias.

24 MR. CARCATERRA: That's where that
25 retired thing, that you can go back --

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MR. CHARNEY: Then as the statute does say, you can look at retired officers, if they were found within the past five years to have committed an act of bias.

MR. CARCATERRA: If you can or if you want to -- I'm just curious would the data scientist give me some idea of what the data scientist in this unit is looking at, what are the matrix, what information, where are they looking?

MR. CHARNEY: I think it depends on the case, you know, but if the case is about traffic stops or that the officer is accused of committing a bias traffic stop, you would want to look at that officer's recent traffic stops, maybe compare it to officers who work the same assignment, to see are there disparities here or not, you know, that is one example. But the idea is to really look to see, you know, does this officer have a pattern of, you know, treating people from certain demographic groups

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2 differently and if so, is there a way to
3 control for all the different factors
4 that may have influenced that pattern,
5 so this is not simply like, put up some
6 numbers, look at it, see there is
7 (inaudible), we're going to
8 substantiate, I mean, that's why we hire
9 the data scientist, 'cause a data
10 scientist looks at a lot of different
11 verbals, runs tests, controls for a
12 whole bunch of things and is very
13 careful and meticulous about drawing any
14 conclusions unless all those kinds of
15 factors and controls have been put into
16 place because that is not something that
17 I, as a lawyer, is qualified to do or
18 certainly our investigators, so that's
19 why we felt the need to bring in someone
20 that really understands how to analyze
21 data and control for the relevant stuff.

22 MALE SPEAKER: Appreciate it,
23 thanks.

24 MR. CHARNEY: Yes.

25 MS. IRISH: I'm curious, once you

1
2 get on your way and just understanding
3 more about the past professional conduct
4 investigations and what they look like
5 and I'm particularly interested and a
6 little concerned about whether the data
7 is going to be preserved in the manner
8 that allows you to do that work and I
9 almost feel like it has to be preserved
10 in advance in knowing that you're going
11 to be looking at X, Y, Z and I'm just
12 curious if that happens.

13 MR. CHARNEY: That's a great
14 question, I mean, that is one of the
15 things that we are discussing with the
16 police department, is trying to figure
17 out a way to get, to your point, make
18 sure we are getting the data in a timely
19 fashion and also that we're getting it
20 in a way we can hold on and use it down
21 the road, as opposed to like waiting
22 until we get that case and then asking
23 for something that is no longer being
24 preserved. We are absolutely, that is a
25 really great point and we are discussing

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that with them.

MS. SIMMONS: At the end of each report, investigative report, it is a question, does this -- are these allegations -- I call it the trouble, some questions represent a pattern of practice, nothing else, just rolled out there that the officer has a history, is that question going to be eliminated from the reports, so that we can do better in analysis, a pattern in practice and not just eyeballing it.

MR. CHARNEY: The thing at the end, it says prior CCRB history, I mean I think that is a larger question for the agency as a whole because I know that is something that is part of the investigation report, I mean, I can say for our unit, I mean, we are going to look at officers history obviously, if an officer has prior bias policing complaints that have been substantiated, we think that's relevant evidence, it's again, a piece of the puzzle as I talked

1
2 about earlier, totalling the
3 circumstances, so I think we will
4 absolutely look at history, whether we
5 are going to have a separate section
6 just on that, I don't know, but I know
7 that is something that the agency
8 currently does and I don't know Jon, if
9 you want to speak to why -- I think
10 there are definitely things I can think
11 of as to why that information is
12 relevant, but -- yes.

13 MR. DARCHE: I think the idea of why
14 we include the section on past officers
15 CCRB history is separate from profiling
16 allegations because the CCRB history is
17 useful, for one, seeing if there is a
18 pattern in how the member of service
19 acted, but it doesn't necessarily
20 indicate profiling. And then the other
21 point, if the CCRB has substantiated
22 misconduct in the past and the officer's
23 repeated that misconduct, it may be
24 important to know that information for
25 the purposes of progressive discipline.

1
2 Do you want to have an increased penalty
3 or an increase level of discipline from
4 the -- from what the case would normally
5 warrant, that has been a little,
6 necessity of that information has been
7 taken away a little bit by the
8 discipline matrix, which is formalizing
9 the process and it's not as a more
10 amorphous as it used to be when we
11 included that information, so I don't
12 think it is a bad idea, Ms. Simmons, to
13 look at it and see if we need it in our
14 -- in certainly in all of our reports.

15 FEMALE VOICE: (Inaudible).

16 MS. BOND: In the current
17 presentation, I just have one question
18 because I noticed something in the
19 slides about there being, at least for
20 past professional conduct cases, the
21 possibility or rather the discipline is
22 only one possible outcome and I'm just
23 curious about how you all are thinking
24 about that. That is not something that
25 I think that's been within our, on our

1
2 menu previously and so it might be early
3 days for this, but I think I would love
4 to hear what you're thinking.

5 MR. CHARNEY: No, I mean you're
6 absolutely right because this is a new,
7 kind of new world for the CCRB, I mean
8 we've historically been focused on
9 singular individual incidents of
10 misconduct and how to address those and
11 now we're talking about what if that
12 single incident is part of a bigger
13 pattern and so what are the right kinds
14 of interventions. Unfortunately, the
15 Charter doesn't give us much guidance,
16 but I think as we're thinking about it,
17 if our investigation uncovers that the
18 pattern kind of goes beyond the one
19 officer and maybe it's their whole unit
20 or maybe it's a command or just even a
21 larger problem, the intervention has to
22 be more like a policy or a training
23 level and of course, the CCRB doesn't
24 have the power to order the police
25 department to make those kinds of

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2 changes, but I can foresee us
3 recommending things and hopefully,
4 starting really important discussions
5 amongst the policy makers as to what
6 kind of change would have to happen, but
7 that's as of today. Where I sit today,
8 that's kind of what I'm thinking maybe,
9 but we're going to have to see.

10 MR. DWYER: So a comment and a
11 question. One of the things I've always
12 objected to, which has nothing do with
13 your unit, which is historical, is that
14 when I read a case, at the end it tells
15 me how many prior complaints the officer
16 has and even if there were all
17 exonerated or unsubstantiated, they
18 create an unconscious bias in the system
19 and our board members have acknowledged
20 that, well, it's not affecting my
21 judgment, I have read that the officer
22 has X, Y and Z, so as I've always said,
23 I think that should be removed and that
24 information should only be provided
25 after a decision is made on the

1
2 individual case. So I raise that, Madam
3 Chair and executive director, as I have
4 many times in smaller sessions before,
5 but I think particularly relevant to
6 part of an organization that is
7 specifically investigating bias, that
8 the accusatory instrument, if you will,
9 should have a bias written in, since we
10 don't tell juries what a person's prior
11 allegations or convictions are, it
12 shouldn't be written in, so I raise
13 that, for starters. And second thing, I
14 want to ask, do you know how many cases
15 you have in the pipeline that in 10 days
16 you're going to start investigating?

17 MR. CHARNEY: At this point the
18 answer is zero the reason is that until
19 our jurisdiction officially goes into
20 effect, we are not allowed to accept
21 cases, so what has been happening over
22 the course of time, we have been
23 referring to those to Internal Affairs
24 because their still investigating them,
25 so we're not allowed to, kind of, save

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them up and then go live on the 22nd, so I'm not sure.

MR. DWYER: That's what I was expecting, honestly, so my question would then be to the executive director, if I heard correctly, we have six attorneys on staff, plus supervision thereof, we have 631 cases sitting in the APU, would it be appropriate for the first three, four, six months, to take some of the six attorneys, who are going to be working in this unit and assign three of them or two of them or four of them to help in clearing the APU backlog? That would be a service to the complainants, a service to the accused and I would also add that it would give the attorneys a much more rounded experience of the working of this organization.

MR. DARCHE: So I think in the last couple of months the agency staff talked about the best way to use the racial profiling unit while they were still

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2 getting up to speed and hadn't yet had
3 the cases and we made a determination it
4 made more sense to focus on
5 investigating current FADO cases
6 because, number one, they were going to
7 have to do those types of investigations
8 once they start receiving the -- start
9 receiving the bias-based policing cases
10 that will include FADO allegations, and
11 number 2, unfortunately, the timeline of
12 the APU cases is long enough that you
13 would end up getting people up to speed
14 on cases and then they would get yanked
15 out and it would create more of a mess,
16 in a way then, if we would just get the
17 staff on that we need to actually do the
18 APU cases. I'll be honest with you, my
19 first instinct when we were trying to
20 figure out how to get ready and what
21 were the best ways to use the racial
22 profiling staff, my first instinct was
23 your instinct now, is to use this
24 resource to stop that problem, but it
25 was not -- we made a determination -- I

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made a determination it wasn't the most constructive use of their time and expertise.

MS. IRISH: I just wanted to make sure, I understood you said if, so if there is a racial bias allegation within a complaint and there is other FADO, it will go to you to investigate all of it?

MR. CHARNEY: Yes.

MR. PUMA: Now that we've gotten somewhat in the weeds of how some of this might work, I have another such question.

MR. CHARNEY: Yes.

MR. PUMA: Related to past professional conduct investigations, there was a slide with all of the covered entities, all the agencies from which we may get a case, could you talk more about how the agency would receive a case. I know very differently whether a matter came from a Court or from CCHR, does boil down to sort of relationship-building between CCRB and

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2 these entities or is there a sufficient
3 amount of information in the public
4 *realm that would be coming from these
5 entities.

6 MR. CHARNEY: It is absolutely the
7 former. So we have reached out to every
8 one of those covered entities, we've had
9 discussions, I think, with all of them
10 now, about insuring that if and when
11 they do make a final determination that
12 we are going to find out about it right
13 away. In the discussions, for example,
14 with the City Commission of Human Rights
15 and Department of Investigations,
16 they've been very agreeable to that and
17 said absolutely, we will let you know as
18 soon as, if and when we make such a
19 determination. Similarly, I know Bianca
20 had conversations, at least preliminary
21 conversations, with AG's office, some of
22 the district attorneys' office also, to
23 see if they can make sure if there is a
24 court decision, that they're telling us
25 in a timely fashion. We also have begun

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2 discussion with the NYPD about this, so
3 I think the answer is absolutely we have
4 to rely on our relationship because some
5 of that stuff will be in the public
6 record. Obviously if it's a very
7 high-profile case, but sometimes it may
8 not be and so it's really incumbent upon
9 those agencies to notify us in a timely
10 fashion and also I think what we'll
11 probably do every few months is check in
12 as well, not just wait for them to tell
13 us, but check in every few months to see
14 if there had been any new cases that we
15 may have made final determinations in.

16 MS. SIMMONS: Will a final
17 determination include a settlement?

18 MR. CHARNEY: Well a settlement,
19 usually a court settlement, is usually
20 not a finding of liability, so I don't
21 think so, I know we talked in detail
22 with the city commission and also
23 Department of Investigations about how
24 they define final determinations, so
25 we're pretty clear on that, they have an

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2 investigative process and they have the
3 steps they have to go through to make
4 something a final decision. I don't
5 believe that a settlement counts as a
6 final decision or a final determination
7 of bias. So I think the answer is
8 probably no on that.

9 MR. CAROLINA: Please reiterate us a
10 stat that you gave us, out of 3,200
11 cases --

12 MR. CHARNEY: 3,400, I think the
13 NYPD substantiated four since 20 -- I
14 believe it's since 2014.

15 MR. CAROLINA: I think that's just
16 something I wanted to bring light on, I
17 think it deserves another conversation,
18 it deserves the public hearing that, it
19 deserves some in depth study, again just
20 repeat that one more time, out of?

21 MR. CHARNEY: 3,400 there I think
22 they substantiated four, I believe. If
23 you're interested, there are a couple of
24 um -- I guess I called them studies that
25 have been done, one by the Inspector

1
2 General, of the New York Police
3 Department, I think in 2019, they put
4 out a report on the NYPD's bias policing
5 investigations and then separately the
6 federal monitor in the Floyd stop and
7 frisk litigation, I think in 2020 put
8 out a report on the NYPD's
9 investigations, which for us have
10 actually been valuable teaching tools
11 because it, kind of, points out things,
12 kind of potential land mines and things
13 that you really need to make sure you're
14 doing in these investigations, in terms
15 of like, following up on different
16 evidentiary leads and making sure you're
17 asking the right kind of questions, but
18 those two studies are public, I think
19 you can find them on the internet, if
20 you're interested.

21 MR. CAROLINA: Thank you.

22 MS. SIMMONS: I know it's quite
23 belated, but congratulations on Floyd,
24 how do you think that this -- no, it's
25 so serious.

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MR. CHARNEY: Yeah, thank you.

MS. SIMMONS: How do you think that this unit can go beyond the Floyd settlement, what it actually accomplished, because I know we're still looking.

MR. CHARNEY: I feel like this is something that came up in my job interview, one of the reasons why I wanted to take this job because I really felt like the next step is to make sure that all of the changes that the court ordered actually take hold in the real world at the street level, so I think one of the most important ways we can ensure that is to make sure that, if in fact officers are violating the law and behaving in a discriminatory way, that we can hold them accountable because that's kind of the last frontier, you know, you change the policy on paper, you train people on the new policy, that's great, but when they run afoul of it because humans always do, are you

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going to hold them accountable? So I think, for me, this is the next step in that process.

MS. IRISH: You said you're interviewing people, are you guys also on hold in hiring because of the PEG?

MR. CHARNEY: Yes, so that's --

MR. DARCHE: We are going through our process as if the hold is going to be lifted because there is no other way for us to function, because if we don't bring in new people, it's going to be devastating for this agency. So we are confident that we are going to get the PEG approved by the Office of Management and Budget, we've been working closely with them and we are proceeding with our interviewing process, not only in the APU, but also in the racial profiling unit and investigations generally in all across the agency.

CHAIR RICE: Any other thoughts or questions?

MS. BOND: One question and forgive

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me if this was addressed before I got here, but what kind of communication are we doing to the public to help them understand that we are taking on these kinds of cases?

MR. CHARNEY: That's probably a question best answered by Jahi, who put together a really fantastic outline of all the stuff their going to do, that we got to see last week, I mean I think, it's a lot of pounding the pavement outreach, press strategies, social media strategies, partnering with a lot of community groups that CCRB has good relationships with, to really get the word out, translating all those materials into, hopefully, 10 different languages, so yeah, that's something that I know the outreach unit is really thinking about.

MS. SCOTT: Just to add on to that as well, the week of October 24th, so that Monday after we go live is going to be all dedicated to outreach and press

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and everything to raising awareness for

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our unit and the fact that we are now

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making cases and what's it's about and

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everything like that, so yeah, we had a

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couple of our meetings with head of

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outreach and also Yojaira and Clio, head

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of press.

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MR. CHARNEY: And as Monte reminded

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me over the past, really 12 months,

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we've met with two or three dozen groups

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around the city and around the country

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to talk about this new unit and what

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we're going to do and also really get

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feedback from them about how we should

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proceed in terms of like, who we need to

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be doing outreach to and that kind of

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thing, so it's a really good, important

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question, so thank you. Any other

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questions?

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CHAIR RICE: Thank you, Darius and

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Bianca, for a very through presentation

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and Q and A session. As you can tell,

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there is a lot of interest, not only on

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our board, but members of the community,

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so we will continue to invite you back to provide updates to the board and the general community. I wanted to also welcome Mr. Freeman, my apologies, I know you have been on the line for this presentation, but if you can formally introduce yourself.

MR. FREEMAN: Good evening, I'm Willie Freeman, I'm police commissioner designee and I am from Brooklyn.

CHAIR RICE: Thank you, Mr. Freeman. Okay, we are now going to enter into the public comment portion of the meeting. If you are interested in making a public comment, please line up behind the podium, if you are joining us in person or use the raise your hand feature, if you are joining us virtually and we will go in order. Please keep your comments, once again, to four minutes. Yojaira, would you please call on the first person.

MS. ALVAREZ: Thank you, Madam Chair, I believe Jahi --

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CHAIR RICE: I skipped over the presentation from Jahi Rose, so my apologies for that, we are going to have a presentation from our director of outreach, which was just referenced and so Jahi, if you can proceed before we go into the public comment.

MR. ROSE: Thank you very much, Chair Rice, bear with me for one moment while I share my screen. Okay, can everyone see my screen.

CHAIR RICE: Yes.

MR. ROSE: Can you repeat that?

MS. ALVAREZ: It's good, Jahi.

MR. ROSE: Good afternoon, everyone, thank you all very much for attending. My name is Jahi Rose, I go by he, him pronouns. I am the director of outreach for the CCRB. The CCRB, Civilian Complaint Review Board is the nations largest oversight entity, over the largest -- of the largest police force in the country. CCRB investigates, mediates and prosecutes allegations of

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2 misconduct made against members of the
3 NYPD. The agency is governed by a 15
4 member board, you met many of them in
5 this call today, five seats are
6 appointed by the mayor, five were
7 appointed by the New York City Council,
8 three are designated by the police
9 commissioner, one is appointed by the
10 Public Advocate and the chair is jointly
11 appointed by the mayor and the city
12 council. The CCRB investigate
13 allegations of police misconduct, we use
14 an acronym FADO as a helpful reminder,
15 FADO stands for force, abuse of
16 authority, discourtesy and offensive
17 language. Just some details regarding
18 the Right to Know Act. The Right to Know
19 Act is a law. Which went into effect in
20 October of 2018. This laws impacts
21 stop, frisk encounters, sobriety
22 checkpoints and other encounters with
23 New York City law enforcement. The
24 components include officers identifying
25 themselves by providing their name and

1
2 other information such as rank, command
3 and shield number, with some exceptions.
4 I'll explain to you the purpose of an
5 interaction and informing an individual
6 of their right to say no when asking for
7 their consent to search a person's --
8 person, property, vehicle or home and
9 with certain circumstances, officers
10 should offer business cards with their
11 information, which explains how to file
12 a comment or complaint about their
13 interaction with them and that officer.
14 Civilians can request this business card
15 in all encounters, this is what the
16 front of the business card looks like
17 and the back has helpful information as
18 well. There are various ways to file
19 complaints regarding police misconduct,
20 some of the easier ways are online at
21 NYC.GOV/CCRBcomplaint, another way is
22 calling the CCRB hotline which is
23 1(800)341-CCRB or 1(800)341-2272.
24 Remember, if you see footage of
25 misconduct on social media or on the

1
2 news, you can file a complaint, even if
3 you weren't there in person, typical
4 handle for the CCRB, is CCRB_NYC. Other
5 ways to file a complaint to the CCRB
6 includes filing them at -- making a call
7 to 311, coming in, in person at 100
8 Church Street on the 10th floor at the
9 CCRB headquarters. You can file a
10 complaint by direct messaging the CCRB
11 on social media, our platforms are
12 Facebook, Twitter and Instagram. You
13 can also send a letter to the CCRB at
14 100 Church Street, 10th floor, New York,
15 New York, zip code 10007. You can also
16 file a complaint at any local precinct.
17 The precinct does not have to be in the
18 area where the incident may have
19 occurred; NYPD is required to accept
20 CCRB complaints at any precinct or you
21 can request a complaint form and the
22 postage-free envelope. CCRB is hiring
23 as previously mentioned, for various
24 positions including investigators,
25 outreach coordinators, APU and for the

1
2 bias-based (inaudible) profiling bias
3 policing units. If you are interested
4 in applying for position with the CCRB,
5 feel free to go to the NYC.GOVjobs
6 website and put CCRB into the search
7 engine. If you have any questions or
8 would like to submit a cover letter or
9 resume, also feel free to send an e-mail
10 to careers@CCRB. NYC.GOV. As
11 previously mentioned, the CCRB will have
12 it the fourth week of awareness. The
13 CCRB will partner with elected officials
14 and community organizations to
15 coordinate an outreach and social media
16 campaign to educate the public about the
17 agency's ability to investigate racial
18 profiling and bias-based policing
19 allegations. The week of awareness will
20 take place between October 24 and
21 October 28 it will include mass flyer
22 distributions, at well-known hot spots,
23 such as transportation hubs and other
24 heavily populated locations. We'll also
25 have various info sessions with various

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2 community partners and will have a
3 social media campaign requesting elected
4 officials, community organizations and
5 the general public to share information
6 about the agency's expanded powers. If
7 you look at the bottom, the photos are
8 the photos of last year's outreach,
9 which included very heavily, as
10 previously mentioned, pounding the
11 pavement and meeting people where
12 they're at, regarding providing
13 information to them about the CCRB. If
14 you'd like to request an outreach
15 presentation, feel free to reach us at
16 outreach@CCRB.NYC.GOV; you can also
17 follow us on Instagram, Twitter and
18 Facebook. Thank you.

19 CHAIR RICE: Do you have any
20 questions? All righty, thank you so
21 very much for that presentation,
22 appreciate it. So, once again, we will
23 now enter the public comment portion of
24 the meeting. If you are interested in
25 making a public comment, please line up

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behind the podium, if you are joining us in person, or use the raise your hand feature if you are joining us virtually and we will go in order. Please keep your comment to four minutes, would you please call the on the first person, Yojaira.

MS. ALVAREZ: Thank you, Chair Rice. We will first be hearing from Michael Meyers, joining us visually.

MR. MEYERS: Yes I'm Michael Meyers, I'm the president of the New York Civil Rights Coalition. For four minutes let me just say this. I found that report about four substantiated out of 3,400 complaints to be a very serious question. Somebody else other than me, somebody on the board should be saying what the hell is going on here, four, four out of the 3,400, there is something wrong. So my point here is that you don't just need to have a meeting with the police commissioner to ask these questions of her, you got to

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2 summon, invite the Mayor of New York to
3 your meetings and ask him directly, what
4 the hell is going on? I think this is a
5 signal that somebody over there at NYPD
6 is not taking the CCRB seriously. And
7 it's very annoying and very upsetting to
8 hear this kind of report, four out of
9 3,400 and nobody is saying, what the
10 hell is going on, is anybody else over
11 there angry, furious, upset, concerned.
12 Has anybody sent a letter an e-mail to
13 the mayor, to the police commissioner
14 about this matter? With respect to the
15 police commissioner, I'm sorry I missed
16 her, the first minute or two of the
17 meeting, I was on a call, but I have to
18 repeat, when are we meeting, when are we
19 meeting you, having a meeting with the
20 police commissioner in public session of
21 the CCRB? And I might add, you ought to
22 have invite summon the mayor himself to
23 your public meeting to ask him about
24 your concerns, about the budget, about
25 the four substantiated out of 3,400.

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2 Maybe the police commissioner and the
3 mayor should both should be there and
4 face the public. The public has to hear
5 from them, I don't want you behind the
6 scenes and have private sessions with
7 the mayor and the police commissioner,
8 they need to be up front with the
9 public, they need to be at a public
10 meeting of the CCRB and hear your
11 concerns, hear your questions. And
12 about the budget, the budget, I didn't
13 hear anybody say they objected to the
14 imperative from the mayor, you're just
15 complying and waiting for the approval
16 of you're complying, can anybody make a
17 case that we can't cut, that we need the
18 staff now, who is making that case, I
19 don't get it, who is making the case,
20 who is speaking up for the CCRB, for the
21 people, for the public, to get an agency
22 that is not only -- well, personnel and
23 efficient and capable, but is taken
24 seriously. And the way you find out
25 with whether an agency is being taken

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2 seriously is through its budget, through
3 its personnel and the response of the
4 police commissioner and the mayor to the
5 complaints that are substantiated by the
6 CCRB. My time is up, but it ain't,
7 thank you.

8 CHAIR RICE: Thank you, Mr. Meyers,
9 for your comments, please note that the
10 four out of 3,400 was asked to be
11 repeated a number of times by our
12 commissioner Rev Carolina. We may not
13 be able to speak in as strident a tone
14 as you are able to, but please know that
15 your outrage is something that is
16 shared, I believe, by members of this
17 board as well. In terms of the question
18 about getting the police commissioner to
19 come and speak to the board is something
20 we are in conversation about and
21 figuring out if that is the best
22 strategy for us going forward and you
23 should know that the mayor has been
24 invited to participate in the
25 conversation that the young people

1
2 themselves are having on November 15th.
3 And so I wanted to provide that as a
4 quick bit of feedback and see if our
5 executive director wanted to add.

6 MR. DARCHE: On the budget issue, I
7 just wanted to add that the agency's
8 proposed PEG does not cut our personnel
9 services budget at all, it does not --
10 our proposed PEG does not cut our PS
11 budget and so if it is approved, we can
12 go about hiring the folks that the
13 council and the executive of this city
14 have determined that we can have, so it
15 is a matter of, I believe if our PEG is
16 approved, we will be able to save money
17 as we've been requested to do, as every
18 city agency was requested to do, but
19 also still provide the services to this
20 city. But while that is being worked
21 out, it is a potential hazard that we
22 are trying to negotiate around. If we
23 loose these prosecutors it will be very
24 tough to find other folks to take their
25 place.

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MR. MEYERS: Right, got you, thank you.

CHAIR RICE: Yojaira, who is next on the list?

MS. ALVAREZ: Next we'll be hearing from Francie Scalum (phonetic).

MS. SCALUM: Yes, thank you. As you all may be aware, December 27th of this year will mark the 50th anniversary of the issuance of the final Knapp Commission report. I'm wondering if you have any opportunity or inclination to seize on that benchmark date 50 years out to reflect and consider and even engage the public in feedback about where the progress has been made, where recommendations that were made have not been yet realized and how that commission's final report still bears light on today's circumstance, thank you.

CHAIR RICE: Thank you so much for bringing attention to that anniversary. I was not aware it was the 50th

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anniversary of the Knapp Commission, so does our executive director have any response to that?

MR. DARCHE: I also had not realized it was the 50 anniversary and I missed, I don't know if it was Francie or Ms. Francie, I think it is something that we should keep in mind for using as a way to educating the public, using that anniversary as a way to somehow educate folks.

CHAIR RICE: Yojaira, who is next on the list?

MS. ALVAREZ: Thank you, Madam Chair. Currently there are no more folks virtually that would like to speak, I just want to thank the office of Manhattan DA's office, the office of Congress member Grace Meng, the office of Speaker of the Assembly Carl Heastie (phonetic), the office of Council member Farah Louis and the office of Assembly member Hyndman for all attending and I will pass it over to, you Madam Chair,

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for in-person comment.

CHAIR RICE: We have somebody who has stepped to the mic to address us.

MR. ANDREW: Hello, how are you, excuse me, my name is Andrew, I came up here several times, Andrew, A-N-D-R-E-W, I came up here several times asking for investigation to be opened for September 4, 2018 for law enforcement had brutally assaulted me, put me in the hospital and put me in the psych ward against my will, so I think Mr. Durche, I think that's how to pronounce your last name --

MR. DARCHE: Darche.

MR. ANDREW: Darche, sorry, Mr. Darche answered my question, are they planning on reopening the investigation?

MR. DARCHE: Sir, you had filed several complaints --

MR. ANDREW: No, no, no, September 4, 2018, that's what I'm asking about.

MR. DARCHE: You asked a question

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and I'm going to answer.

MR. ANDREW: Okay.

MR. DARCHE: You had filed several complaints, we sat down with you and some investigators on the one complaint that we thought we could reopen, that case we interviewed you on, we reopened that case. I don't remember the date off the top of my head for the case that we reopened, but it was, of all the complaints you made, we thought that there was one that we can move forward with your cooperation and I want to thank you for sitting down with our investigators. So we were able to move forward with that case, with that investigation.

MR. ANDREW: So I'm asking September 4, 2018.

MR. DARCHE: I don't, I know there were several dates that you made allegations about and there was one that we were able to move forward on, so if you'll be kind enough to wait, we'll

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have someone go look it up and I'll tell you which one we got reopened.

MR. ANDREW: Every time I keep coming up here, you keep saying I need to wait, I feel like you may think that I might be embarrassed how law enforcement keep attacking people, no, no, no, just let me ask you this question, you think that I'm embarrassed that I got fired from my job that (inaudible) in 2013, that I have been followed around by terrorist organizations trying to get me fired and I got fired in 2016, do you think that I'm embarrassed that I'm homeless because -- I'm homeless or do you think I'm embarrassed that law enforcement make people homeless and get people fired from their job like Colin Kaepernick, the mayor of (inaudible) California law enforcement terrorism, the councilman will call them law enforcement terrorism. Rest assured I'm not embarrassed of what people in law

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2 enforcement are doing to me or the
3 American public. I want everybody to
4 know that these people are criminals,
5 they're terrorists and there terrorizing
6 the American public. President Joe
7 Biden called the people who storm the
8 Capitol terrorists and thugs, which
9 included a couple of people in law
10 enforcement. These people are terrorist
11 organization and they in danger to the
12 society, raping women, planting drugs on
13 people and murdering people and they
14 attacked me as well. So I'm not mad at
15 a couple of people in law enforcement,
16 all I'm saying is that action needs to
17 be taken against them for their
18 terrorism. They attacked me September
19 4, 2018 and according to the CCRB
20 website, your own website, it says that
21 you supposed to do a proper
22 investigation. The CCRB did not do a
23 proper investigation. It says on your
24 own website that you supposed to talk to
25 witnesses, get camera, get video, you

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2 guys did not do that. I told you about
3 the video, I told you about the cameras,
4 the CCRB did not do that. So I'm asking
5 that the investigation be reopened for
6 2004, September 4, 2018 because the CCRB
7 did not talk to the witness, did not go
8 out to check out the cameras, like your
9 own website says, your own website says
10 that you would go and check out the
11 cameras, check out the videos, you did
12 not do that. I captured another
13 recording device and the CCRB did not
14 check out my recording device. So the
15 CCRB did not do a through investigation
16 as the website says.

17 CHAIR RICE: Thank you, Andrew, for
18 your question, I believe you get
19 additional information on whether, what
20 case you're able to go forward --

21 MR. DARCHE: We are currently
22 investigating the incident that occurred
23 on March 5, 2022, we did not reopen your
24 case from the 2018 date.

25 MR. ANDREW: I'm asking since the

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CCRB did not go out to check out the video cameras, that's on your website that you guys would do, you guys didn't do, so I'm asking you to reopen the case because you guys did not --

MS. IRISH: The statute of limitations has passed, we can't reopen it.

MR. ANDREW: If the statute of limitations passed, then whose fault is that, is that my fault or is that the CCRB fault that they didn't do a proper job?

MS. IRISH: It may be, but we can't, we don't have jur --

MR. ANDREW: It may be what?

MS. IRISH: I don't know the case specifically, but we can't, we just can't reopen it at this point.

MR. DARCHE: So I did review the cases --

MR. ANDREW: Okay --

MR. DARCHE: Sir, I reviewed the cases, I explained to you that we could

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not investigate the cases from before the March 2022 date and I understand that you're upset and I apologize that you're upset. I will not be changing my determination that we cannot reopen your earlier complaint.

MR. ANDREW: I never said that I was upset, all I said was can the case be reopened and you said, she said that it passed the statute of limitations and whose fault is that, that's not my fault, you guys did not do a proper investigation.

MR. DARCHE: I'm not going to get into the details of why that case was closed from 2018 and I understand that you were saying that you are not embarrassed by them, but I'm still not prepared to discuss --

MR. ANDREW: No, I'm not embarrassed by terrorists, no, go ahead.

MR. DARCHE: I'm telling you I'm not, I considered the matter closely, I looked at all the complaints that you

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filed and we are moving forward on the one that we can move forward on.

MR. ANDREW: The CCRB are not checking out the cameras as your website claims, your website claims that you check out the video cameras, you refuse to do it, which means you refuse to do a proper investigation, so that raises question is the CCRB --

CHAIR RICE: Your time is up --

MR. ANDREW: Going to -- and how many cases they done that to in the past and are they going to continue to do that in the future, refuse to do a proper investigation, you see now that's on camera and I have the video that they had assaulted me that you refuse to check out.

MR. DARCHE: Sir, I'm sorry, if you are concerned --

MR. ANDREW: It's on camera, you didn't do a proper investigation and you refuse to open a case --

MR. DARCHE: I'm not conceding that

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the agency didn't do a proper job, I'm telling you that the case --

MR. ANDREW: You didn't do a proper job, look on your website, you want me to read it to you?

MR. DARCHE: Sir, I know what is required of our investigations --

CHAIR RICE: We're going to go to the next person. Thank you, Andrew for your presentation, we understand and we will be going forward with the case that we can, okay, thank you very much for your presentation. Can we have next person come to the mic, please.

MS. WILKERSON: Good afternoon, my name is Meliane Wilkerson, and I represent the Center for Court Innovation our Staten Island Justice Center Site. I wasn't expecting to come up to ask questions today, but related to the presentation from the racial bias investigative unit, I did have three questions, primarily directed to Mr. Charney, but also for any further

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insight or reflection from the board.
So the first question I have related to
the reference statistic of 3,400
bias-related cases since 2014, I wanted
to know how many cases in total over the
course of that time as well is that
statistic measured against?

MR. DARCHE: So the 3,400 cases were
racial profiling cases that were
investigated by the NYPD.

MS. WILKERSON: Right.

MR. DARCHE: They were not CCRB
cases.

MS. WILKERSON: Okay.

MR. DARCHE: So one of the reasons
why the City Council made the decision
to have the CCRB again investigating
these types of cases was it did not
think it was an appropriate percentage
of substantiated allegations. The
council felt that, based on the number
of substantiated cases, they thought a
different agency might be able to do
differently. We did not investigate

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those cases, it may have been that our agency had the same results, we'll have to see Mr. Charney, Ms. Scott laid out how we intend to proceed with our cases when we start getting them on October 24th and we're able to move forward.

MS. WILKERSON: Thank you, Mr. Darche. My second question is related to the creation of the unit and how they would then obtain cases. Would there be any define parameters of what gets brought to their attention as a bias-related case, so does it, meaning does it solely need to be referenced that there might have been potential bias in the, within the person's complaints or are there checkpoints similar to how FADO is constructed.

MR. DARCHE: I'm going to ask Darius to come up and answer that in more detail, but the short answer is no, it's not solely upon the point of the -- it's absolutely a burden on the complainant to bring it up. I'm going to ask Darius

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or Bianca whoever you feel is best situated to answer it.

MR. CHARNEY: That is a great, great question and this is something we were actually talking about with our intake unit yesterday, because obviously some people may come to the CCRB and they'll still use the magic words and say like, I was profiled and I was discriminated against and those are obviously the most straightforward, but sometimes people don't necessarily use those words, so then it really becomes about what are they saying happened to them and really, then, looking at that and then maybe asking some follow-up questions, not leading follow up questions, but questions to kind of get information about what happened during that incident, to see in fact maybe they were treated worse than somebody else who was of a different race or so forth. So I think that's kind of how we are going to approach it, not solely, to Mr. Darche's

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point, not solely expect the complainant to say the magic words, but asking questions to understand what did they say happened to them and whether or not maybe bias was at play.

MS. IRISH: Your final question.

MS. WILKERSON: Thank you, Mr. Charney. Again, Mr. Darche, so my final question again referencing the statistic of the 3,400 cases with only four, approximately four disciplinary actions, more so as a reflection-based question for the board or Mr. Charney. Might this data serve as a catalyst for interrupting the NYPD's current bias investigative unit. I do feel that it does seem intervention is necessary and I think the public would be interested in further analysis of the implications related to that finding. I would hope that makes sense, that question.

MS. IRISH: I think that the unit is the intervention, the unit that we have is the intervention to what has

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been done in the past.

MR. DARCHE: You stole my answer,
Ms. Irish.

CHAIR RICE: All righty.

MR. CAROLINA: Great question, by
the way, great question.

MR. DARCHE: That's cause she is
also from Staten Island.

CHAIR RICE: Do we have anyone else
in the room who has a question? Anyone
else who has a question in the room?

MALE SPEAKER: (Inaudible).

CHAIR RICE: No.

MALE SPEAKER: (Inaudible).

CHAIR RICE: Okay, do we have any
old business to come before the board,
any old business? Do we have any new
business to come before the board
hearing? Hearing none, I'm going to
move now that we break into the
executive session, the agenda for
executive session is the board may
deliberate on full board cases, receive
an update on litigation from the general

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2 council and the executive director will
3 provide an update on pending personnel
4 actions. I'd like to make a motion to
5 adjourn the meeting, this portion of the
6 meeting.

7 MALE SPEAKER: Motion.

8 CHAIR RICE: Do I have a second?

9 MR. CAROLINA: Second.

10 CHAIR RICE: So moved, thank you.

11 (Whereupon, the meeting was
12 concluded at 5:23 p.m.)
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C E R T I F I C A T E

STATE OF NEW YORK)

: ss

COUNTY OF BRONX)

I, SHECHINAH JACKSON, a Notary Public within and for the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such an examination is a true record of the testimony given by such a witness.

I further certify that I am not related to any of these parties to this action by blood or marriage, and that I am not in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of October, 2022.

Shechiah Jackson
Shechiah Jackson