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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC BOARD MEETING

April 12, 2023

4:10 p.m.

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HELD AT CCRB HEADQUARTERS

100 CHURCH STREET,

NEW YORK, NEW YORK

AND VIA VIDEOCONFERENCE

B E F O R E :

ARVA RICE, INTERIM CHAIR

JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

Transcribed by:

Stephanie O'Keefe

PUBLIC MEETING AGENDA

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1. Call to Order
2. Adoption of Minutes
3. Remarks from the Chair
4. Remarks from the Executive Director
5. Presentation from Outreach
6. Public Comment
7. Old Business
8. New Business
  - \* Proposed Resolution on Delegating  
Authority to Initiate Complaints
9. Adjourn to Executive Session

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CCRB BOARD MEMBERS PRESENT

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- 1. Arva Rice, Interim Chair
- 2. Charlane Brown-Wyands, Esq. - Board Member
- 3. Frank Dwyer - Board Member
- 4. Joseph A. Puma - Board Member
- 5. June Northern - Board Member
- 6. AU Hogan - Board Member
- 7. John Siegal, Esq. - Board Member
- 8. Kevin Jemmott - Board Member
- 9. Herman Merritt - Board Member
- 10. Michael Rivadeneyra Esq., Board Member

Presenters:

Jahi Rose - Director of Outreach

New York City Civilian Complaint Review Board

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SPEAKERS

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1. Chris Dunn - Legal Director -  
New York Civil Liberties Union
  2. Arcelia Cook, S. Ozone Park Civic Association
  3. Michael Meyers, NY Civil Rights Coalition

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CHAIR RICE: Good evening everyone, for those utilizing ASL interpretation services, our two interpreters are online and you can pin their video, instructions are in the chat. They are labeled as "CCRB ASL," and "ASL Interpreter and slash SignNexus." Thank you.

Good evening and welcome. My name is Arva Rice. I use she/her pronouns, and I am the interim chair of the Civilian Complaint Review Board.

I would like to call the CCRB's April public board meeting to order.

Would the rest of the board members please introduce themselves starting with AU.

MR. HOGAN: Good afternoon. AU Hogan, City Council appointee.

MR. DWYER: Frank Dwyer, police commission designee.

MS. NORTHERN: June Northern, mayor appointee, Brooklyn.

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MR. MERRITT: Herman Merritt,  
City Council appointee from Brooklyn.

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MR. DARCHE: Jon Darche,  
executive director. I use he/him  
pronouns.

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MS. BROWN-WYANDS: Charlane  
Brown, police commissioner appointee.

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MR. PUMA: Good afternoon,  
Joseph Puma. I go by he/him pronouns,  
and I am the City Council appointee  
from Manhattan.

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MR. RIVADENEYRA: Good  
afternoon. I am Michael Rivadeneyra,  
I am the City Council designee for the  
Bronx, and I hail from the Bronx.

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CHAIR RICE: Thank you.

And we have two board members  
who are joining us virtually.

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John, would you introduce  
yourself, please?

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MR. SIEGAL: John Siegal, I'm  
one of the mayoral appointees.

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MR. JEMMOTT: Good afternoon,  
I'm Kevin Jemmott, I'm a mayoral

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appointee from Queens.

CHAIR RICE: I have a motion to approve the -- to approve the revised February board meeting minutes.

BOARD MEMBER: So moved.

CHAIR RICE: Do I have a second?

BOARD MEMBER: Second.

CHAIR RICE: I'm sorry, I forgot to ask, were there any changes to the minutes? Any changes to the minutes?

(No Response.)

Hearing none, all those in favor of approving the minutes, say aye.

(Chorus of Ayes.)

CHAIR RICE: All those opposed?

(No response.)

Alright, the CCRB February minutes are approved.

I also need to ask for a motion to approve the March board meeting minutes, but are there any changes to the March board meeting minutes? Any changes, amendments to the March board meeting minutes.

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(No response.)

Alright, seeing none, can I have a motion for approval of the March board meeting minutes as well?

BOARD MEMBER: I move the approval of the March Board meeting minutes.

CHAIR RICE: Thank you. Can I have a second?

(No response heard.)

Okay. All those in favor?

(Chorus of ayes.)

All those opposed?

(No response.)

Alright, the March board meeting minutes are approved.

In March, Executive Director, Jon Darche and I testified before the City Council three times. First to share CCRB's data and NYPD's SRG unit, and second to present our budget testimony, and third to comment on whether CCRB should have direct access to body-worn camera footage and an

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exemption from sealing statutes.

In each of these testimonies, we advocated for a greater budget, direct access, exemption from sealing statutes, and highlighted other issues facing the agency.

The City Council seemingly agreed with our testimony because last week, they published their response to City Hall's proposed budget. While the Office of Management and Budget proposed that the CCRB should cut nearly 1 million and 22 headcount, the City Council recommended adding 6.5 million to CCRB's personnel services budget and 1.5 million to CCRB's other-then-personnel services budget. This would allow the Board to hire 92 positions. Our reasoning for the additional budget and headcount is largely due to the expanded powers and jurisdiction the CCRB has received in recent years.

In 2021, the City Council passed

1  
2 a bill giving the CCRB the power to  
3 investigate racial profiling and  
4 bias-based policing. The CCRB also  
5 voted internally to change the rules  
6 that define our jurisdiction. In  
7 2021, we voted to begin investigating  
8 untruthful statements and sexual  
9 misconduct as abuses of authority. In  
10 2022, we voted to implement the  
11 charter changes regarding profile and  
12 bias-based policing and investigate  
13 body-worn camera misuse as an abuse of  
14 authority.

15 These changes are all key steps  
16 towards improving accountability in  
17 New York City, and ensuring all police  
18 misconduct is addressed. Yet, with  
19 these expanded powers, some of which  
20 are charter-mandated responsibility,  
21 comes the need for more budget and  
22 staff. These new powers have added  
23 hundreds of cases to our docket a  
24 year.

25 Last week, the OMB announced its

1  
2 third peg, asking us to cut 4 percent  
3 on top of the 3 percent they asked us  
4 to cut in January. We were very clear  
5 that even the January cut would  
6 prevent us from being able to fulfill  
7 our charter-mandated responsibilities  
8 with the efficiency the public  
9 deserves. This new cut would be  
10 detrimental to our agency. It would  
11 require a further cut of 22 positions,  
12 bringing us below the charter-mandated  
13 requirement. Even OMB acknowledges  
14 that these new cuts may result in a  
15 decline in the Agency's quality of  
16 work.

17 OMB recently approved our  
18 request to post job openings for the  
19 June investigator class, but as of  
20 today, we have no money to hire those  
21 people disrupting our entire  
22 investigative unit.

23 These cuts deny the important  
24 part that civilian oversight plays in  
25 public safety. For people to trust in

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the police, they must have faith that there is a system that holds police officers accountable and responsible for misconduct. The CCRB is the independent civilian voice in the police disciplinary system, and failing to adequately fund the CCRB shortchanges public safety in the City.

We thank the City Council for recognizing the CCRB's importance and needs and we hope City Hall will give us the same support.

We will now hear from Executive Director Jon Darche on our other agency updates.

Jon.

MR. DARCHE: Thank you, Chair Rice.

(Technical interruption.)

-- suffered a tragic loss on Friday night.

(Technical interruption.)

On Friday night, one of our own,

1  
2 David Douek, died in a motor vehicle  
3 accident. David has been a dedicated  
4 colleague and passionate civil servant  
5 with the CCRB for the last six years.  
6 As director of operations and budget,  
7 he was instrumental in advocating for  
8 the CCRB, pushing this agency forward  
9 and ensuring we have the budget and  
10 resources to do our job effectively.  
11 If any of you have been regular  
12 attendees of our Board meeting, you  
13 probably recognize David. Despite his  
14 title, he was never above doing the  
15 grunt work necessary to make these  
16 meetings work. And a lot of people  
17 here are going to miss him. We're  
18 going to miss him deeply, and the  
19 thoughts of the entire CCRB community  
20 are with his wife, Jessica and their  
21 daughter, Leora.

22 There has been some confusion  
23 about our concurrence rate with NYPD  
24 and the hundreds of cases closed due  
25 to a statute of limitations dispute.

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2 Last year, the NYPD closed over 300  
3 cases, stating that the agency  
4 delivered those cases too close to the  
5 SOL for the department to properly  
6 review the cases. Despite the fact  
7 that half of these cases were sent to  
8 the NYPD with 20 or more days prior to  
9 the SOL, the NYPD closed them without  
10 any review. This means there was no  
11 judgment made on the merits of the  
12 case and hundreds of officers who the  
13 CCRB found committed misconduct were  
14 not held accountable.

15 What has not been made clear is  
16 that the NYPD could have reviewed  
17 these cases and assigned training to  
18 correct these officers' behavior, even  
19 though the SOL expired. Training can  
20 be assigned even past the SOL, as it's  
21 not recognized as an official form of  
22 discipline under State Law. The  
23 Department could also have served  
24 charges in these cases, which stops  
25 the clock on the SOL and giving

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themselves more time to review the cases as they see fit and then assign whatever level of discipline the police commissioner chose. Instead, the Department chose to close these cases without any review, without any attempt to hold the officers accountable.

Today, the CCRB published its 2022 annual report, which includes detailed data on the cases closed last year. You can find updated concurrence rates, both including and excluding the cases closed due to SOL disputes.

There has been some confusion around what caused the delay in these CCRB cases, some have been blaming the CCRB's process. The vast majority of these closed cases came from 2020. Cases were delayed in part by the pandemic, but they were also delayed by difficulties in identifying members of service, refusal by members of

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service to participate in remote CCRB interviews and delays by the NYPD in turning over key evidence.

In June of 2020, the NYPD had a backlog of over 1,000 body-worn camera footage requests. Body-worn camera footage requests for the 2020 protest cases often came back with false negatives, telling us the footage didn't exist, when it later turned out to exist, and false positives, sending us footage that was not relevant to our investigations. This created extra work for our investigators and unnecessarily slowed down investigations.

This is not a matter of figuring out who to blame for what happened in prior years; this is a problem going on right now. The CCRB has over 100 racial profiling investigations, in which the NYPD rejected data requests for items, both data and other records, that are needed for profiling

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2 investigations. The data and  
3 documents we are asking for are the  
4 same that NYPD recommended its own  
5 investigators use when looking into  
6 cases of racial profiling and bias.

7 Some cases have been on hold for  
8 over six months now, which is why the  
9 issue of how the Department treats the  
10 short SOL cases is not academic.

11 The CCRB is still in  
12 negotiations with the NYPD regarding  
13 the data needed to investigate racial  
14 profiling and bias-based policing  
15 cases. We began these discussions  
16 last summer in order to avoid delays  
17 in investigations, and over eight  
18 months later, we have not received the  
19 data or records we need to conduct  
20 these investigations. The CCRB  
21 submitted over 100 requests for data  
22 and documents, all of which have been  
23 rejected. This is why it is so  
24 important for the Agency to have  
25 direct access to NYPD data and this is

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why the SOL issue is not a history lesson, it is a crystal ball.

I want to update the Board on the complaint about the killing of Kawaski Trawick by two members of the NYPD. This Board substantiated allegations against Police Officer Thompson and Police Officer Davis for the incident. Last month, the police commissioner rejected a defense motion, allowing the disciplinary trial to proceed. That schedule -- that trial is scheduled to begin on April 24th.

Just a few housekeeping notes. We're asking that people keep their comments to four minutes today. There are two investigators here with us tonight, Emma Stydahar, Ethan Waterman -- oh Ethan, now I see you in the back. So if there are folks here who wish to file a complaint, we'll have you talk to Ethan and Emma, so you can do so.

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So there was a person in the front row who wanted to file a complaint against the police commissioner. So, sir, the police commissioner is not considered a uniformed member of the NYPD. So if you file a complaint with us, we will forward it to the Department and/or the Department of investigation, depending on who the -- depending on the nature of the allegations.

And I want to thank the staff for all their hard work, despite trying times we're going through. And I want to thank the members of the public who are here today and who are joining us online.

Thank you, Madam Chair.

CHAIR RICE: Thank you, Jon.

Does anyone have any questions of our executive director?

MR. RIVADENEYRA: Madam Chair.

CHAIR RICE: Yes, please.

MR. RIVADENEYRA: It's a

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question and apologies if it was mentioned during your report out. In regards to PEGs and how it's impacting the staff, does that also include the racial profiling unit? I know that OMB had approved hiring and we were staffing up, so I just wanted to know, sort of, what is the impact of these new PEGs on that particular unit, knowing that there is a PEG impact on the investigating unit as a whole, but specifically racial profiling.

MR. DARCHE: I think we were able to onboard two people into the Racial Profiling and Bias-Based Policing Investigations Unit prior to the second PEG being announced. But essentially, it is going to cap it at those people, and even if members of that unit leave the Agency, I do not know if we will be able to replace them.

If I can just add one thing, Madam Chair, the Agency will not have

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to lay people off as a result of these PEGs. We will be able to deal with it through attrition and other cuts to services. But I just want to reassure staff that, if you are here, we are not going to let you go because of the PEG.

CHAIR RICE: Any other questions for the executive director?

(No response.)

Any other questions?

(No response.)

Alright. Seeing none, we will have a presentation from our Director of Outreach, Mr Jahi Rose.

MR. ROSE: Thank you all very much for attending. My name is Jahi Rose. I go by he/him pronouns. I go by pronouns he/him. I am the director of outreach for the Civilian Complaint Review Board. I just want to share some details about the Agency. Bear with me for one moment while I share

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my screen.

(Screen shared.)

So the Civilians Complaint Review Board is the nation's largest independent oversight entity over the largest police force in the country. The CCRB investigates, mediates, and prosecutes complaints of misconduct against members of the NYPD.

This Agency is governed by a 15-member board, some of which you have met today. Our five seats are appointed by the New York City Mayor, five are appointed by the New York City Council, three are designated by the New York City Police Commissioner, one is appointed by the New York City public advocate, and the chair is jointly appointed by the Mayor and the City Council.

The CCRB has the ability to investigate specific types of allegations which fall within the jurisdiction FADO, F as in -- F stands

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for force, A stands for abuse of authority, D stands for discourtesy, and O stands for offensive language. The acronym, as I mentioned, FADO is a helpful reminder of our jurisdiction.

Just a few details about the Right to Know Act. The Right to Know Act is a law that went into effect in October of 2018. It impacts interactions with the public and New York City police officers, which include, under certain circumstances, officers should identify themselves by providing their name and other information, such as their rank, command, and shield number. With some exceptions, officers should explain the purpose of the interaction. The officer should inform members of the public of their right to say no when asking for their consent to search their person, property, vehicle, and/or home, that's also under certain circumstances. And officers should,

1  
2 under certain circumstances, offer a  
3 business card with the officer's  
4 information, which explains how to  
5 submit a comment and/or complaint  
6 about an interaction with an officer.  
7 Civilians can request this  
8 information, this business card in all  
9 interactions. This is a copy of what  
10 the business card looks like.

11 There are various ways to file a  
12 complaint with the Civilian Complaint  
13 Review Board if you witness or  
14 experience police misconduct. Two of  
15 the easier ways are to file using our  
16 website, that's [nyc.gov/ccrbcomplaint](https://nyc.gov/ccrbcomplaint).  
17 You can also call the CCRB's Hotline  
18 at 1(800)341-CCRB or 1(800)341-2272.  
19 You can also reach -- and remember, if  
20 you do see footage of misconduct  
21 either on social media or in the news,  
22 you can feel free to file a complaint,  
23 you do not have to be there in person.  
24 You can file a complaint with us on  
25 social media, typical handle is

1  
2 CCRB\_NYC. Other ways to file a  
3 complaint with the CCRB include  
4 calling 311. You can also visit the  
5 CCRB at our office at 100 Church  
6 Street on the 10th floor in Lower  
7 Manhattan. You could DM, or direct  
8 message, the CCRB on social media. We  
9 are on Facebook, Twitter, and  
10 Instagram. As I mentioned, the handle  
11 would be CCRB\_NYC. You can also send  
12 a -- send us a letter in the mail at  
13 100 Church Street, 10th Floor, New  
14 York, New York, zip code 10007. You  
15 can file a complaint at a local police  
16 precinct, it does not have to be the  
17 precinct where the interaction took  
18 place. Officers are required to  
19 accept CCRB complaints in any  
20 precinct. You can also request a  
21 complaint form with a postage-free  
22 envelope.

23 If you would like to request an  
24 outreach presentation for your  
25 neighbors, organizations in your

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2 community, friends, family, you can  
3 feel free to reach out to the CCRB's  
4 outreach unit at  
5 outreach@ccrb.nyc.gov. You can also  
6 follow the CCRB on our social media  
7 platforms, Instagram, Twitter, and  
8 Facebook.

9 Thank you very much, Chair.

10 CHAIR RICE: Do any members of  
11 the Board have any questions of Jahi?

12 (No response.)

13 Any questions?

14 (No response.)

15 Okay. We will now enter the  
16 public comment portion of the meeting.  
17 We will begin with those joining us  
18 virtually, who would like to make a  
19 comment, followed by those who are  
20 joining us in person.

21 For those joining virtually, can  
22 you please use the raise-your-hand  
23 feature, and we're asking you to  
24 please keep your comments to four  
25 minutes.

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Yojaira, would you please call on the first person?

MS. ALVAREZ: Thank you, Chair. We'll be hearing from Chris Dunn.

MR. DUNN: Good afternoon, everybody.

I wanted to start with a moment of silence for Pat Lynch, as he moves on to the PBA afterlife.

And I want to express the hope that the new PBA leadership will take a more constructive approach to the CCRB. And I would love Arva to see the CCRB make an effort at a reset in dealing with the PBA. I recognize that's a tall order. The PBA should not be the sworn enemy of the CCRB and vice versa, so I'm hoping the new leadership will have a different approach to the CCRB. I certainly hope it will be more representative of the police officers, male and female, and the vast racial diversity of

1  
2 police officers than the PBA  
3 leadership has been for the past 20  
4 years under Pat Lynch, so let's hope  
5 it's a new day.

6 Jon, you mentioned the issue  
7 about the bias-based policing, and  
8 many of us are very concerned about  
9 the fact that the police department is  
10 not only not cooperating, but is  
11 actually obstructing the CCRB's work  
12 in this area. And I'm curious and I  
13 think -- I'm sorry, I think Frank is  
14 the only police department rep who I  
15 see. I am curious what the police  
16 commissioner reps on the CCRB are  
17 doing to help deal with this problem.

18 MR. DARCHE: Chris, Ms. Brown is  
19 here.

20 MR. DUNN: Okay.

21 MS. BROWN-WYANDS: There are two  
22 designees present.

23 MR. DUNN: Do either of you want  
24 to offer any insights about what you  
25 might be able to do to help deal with

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this problem?

MR. DWYER: Two comments, one is the police commissioner recently testified before the Council and offered some of her thoughts on this.

The second is, when I have discussed these matters with the legal folks in the police department, they express legal concerns that I think are best worked out by having their legal folks and our legal folks at CCRB work on it together because they're more qualified to do that than I am.

CHAIR RICE: Do you want to add anything to your comments? Mr. Dunn, did you have another comment or question?

MR. DUNN: I just had one other thing I wanted to raise, which is Jon's comments about the cases that were dismissed for statute of limitations issues, and Jon, I think it's an important point that you make

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that the Department can still require training because training, under State Law, is not considered to be a form of discipline.

We have always taken the view that training is not a form of discipline. When we calculate disciplinary rates in CCRB cases, we do not include training. And I think this may be a moment, Jon, for the Agency to reconsider the way it is categorizing training outcomes in its reports, which I believe, but you'll correct me if I'm wrong, the Agency treats as a form of disciplinary outcome when counting the Department dispositions.

MR. DARCHE: When the Board substantiates allegation against a member of service, we consider training to be a type of discipline that the Board recommends, and we do so when it is deemed by the Board members to be the appropriate level of

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discipline under the matrix.

MR. DUNN: Okay. I think I understand that. What I'm saying is, I feel like that is resulting in an overstatement about the actual discipline being imposed by the Department. And to the extent that the Department is actually trying to avoid imposing training in the name of the statute of limitations, I think the Agency would be advancing its interest if it, as does State Law, stop treating training as a form of discipline. It should not be reporting when a reports discipline imposed by the Department cases a result only in training.

Those are my comments, Arva. Thank you very much, everybody.

CHAIR RICE: Yeah, no. So noted. Thank you so much for your comments, Mr. Dunn, as always, very much appreciated.

Yojaira, can we hear from the

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next speaker?

MS. ALVAREZ: Next, we'll be hearing from Arcelia Cook from the South Ozone Park Civic Association.

MS. COOK: Thank you for this timely meeting. This is the first time I'm actually on this meeting.

But I did have a cause of concern that if we are talking about, with the CCRB Board and they make their recommendations and then it goes back to the police department to decide what form of discipline an officer should receive, how is the public to have faith in that, if they -- if it's going back to the police department to make whatever recommendation, form of discipline? Shouldn't that be done from an independent agency or organization to work in conjunction with all agencies that's involved with that to make sure that justice is really being met on all -- on all angles, for all

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individuals?

The other thing, I noticed that in the report, some of the reports for the precincts, you may have individuals who may have maybe one allegation, one -- or from ranging from one to maybe thirty-three. Now, I know, to me, one allegation is really not alarming to me. But someone who has thirty-three allegations, twenty-two allegations, and you only have one substantiated, I mean, how does that come about? And how can you really discipline someone because it seems like the oversight is lacking?

Thank you.

CHAIR RICE: Thank you so much, Ms. Cook, for your comments.

I'll take the first one because it's the easier one and leave the second to our executive director because it's a little bit more complicated.

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The first one, the Board and the CCRB has maintained that final disciplinary decisions should rest in the independent body of the CCRB rather than in the police commission, and so we have advocated for that. We do believe that that would have a higher level of accountability, but the fact is that it still remains with the police commissioner at this time. So we ask individuals who believe also in that to make their voices heard. But we have been fairly consistent in the fact that we do brief that there should be an independent body, who is ourselves, who should be responsible for final disciplinary decisions.

Jon.

MR. DARCHE: So when the Agency considers complaints, there are often multiple allegations against multiple members of service, and we look at the evidence and the law and the patrol guide for each individual allegation.

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And if we are able to determine by a preponderance of the evidence, which is more likely than not the misconduct occurred, the Board will substantiate the allegation and then recommend discipline based on that allegation and what is recommended in the NYPD's discipline matrix.

So just because someone has allegations against them, does not mean that those allegations are misconduct, and the Board is very quick to either -- not very quick. The Board is very careful to examine the evidence and the law and if it determines by a preponderance of the evidence that misconduct occurred, it substantiates the allegation.

If it determines that the conduct alleged occurred, but was within NYPD's guidelines, that doesn't mean it's good police work, but it meant that it is appropriate under the law and the NYPD's own guidelines,

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then the Board will determine that the conduct was within guidelines.

And then if there are allegations and the Board can determine by a preponderance of the evidence that those allegations did not occur, it will unfound those allegations.

And, unfortunately, there are times where, despite all the evidence that we gather, including body-worn cameras, we are unable to reach a determination by a preponderance of the evidence. And in those cases, the Board is -- will let people know we are unable to determine what happened and that is the basis for our allegations and how our investigations work.

CHAIR RICE: Thank you, Ms. Cook, for that question. Yojaira, who is next on our list?

MS. ALVAREZ: That concludes the

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virtual public session.

We would like to also thank the office of State Senator Roxanne Persaud and also the office of New York State Assembly Member Inez Dickens offices for attending this evening.

CHAIR RICE: Thank you.

If you're interested in making a public comment, we're going to ask you to please line up behind the podium. And as a reminder, we're asking you to please keep your comments to four minutes.

MR. MEYERS: My name is Michael Meyers, I'm the president and executive director of the New York Civil Rights Coalition. Excuse my mask, every time I come into a public building, I have to wear it.

I am very, very congratulatory to the executive director of this agency and to the chair. You have patience, unbelievable patience, the

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patience of Job dealing with this damn police commissioner, and I used the word "damn."

She responds to not you, not to the public. She thinks she's better than you. She thinks she knows better than you. She thinks she knows more than you. She takes your reports and puts them in the garbage, so to speak. I don't know if she reads them. I don't know if she understands them. But I'm telling you now, I'm furious.

So I congratulate the executive director and the chair of the Board for tolerating that, such nonsense on the part of the police commissioner, and I want to know why do you do that. Is it because she's black? Is it because she's a woman? Is it because she's new? Is it because you're giving her a learning curve? This woman is not possible to be taught. She doesn't have a learning curve.

I tell you now, as the time

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runs, that I do not respect this person. She needs to be hounded out of office. You need to call, when I say you, meaning the board of -- the Civilian Complaint Review Board, need to demand her resignation; otherwise, she is not gonna have your respect. She's not gonna pay any attention to your report.

And I look to the police commissioner appointees for your help. I'm not here to condemn you, you're brand new, you're not. But you have been sitting here and you have been listening to these reports as I have been listening to the reports. I came down here because I -- the phone system doesn't work. I tried to get involved. I tried to contact you, the phone system doesn't work.

I am saying to you that you have got to demand her resignation, you've got to. Because you're our agency, our, meaning the public's agency, and

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she has disrespected you. She ignores you. She has contempt for you, which means she has contempt for us. And I'm shocked that the mayor, who some of you elected, puts up with this nonsense but he identifies with her more than he identifies with you, the people's representatives.

So in conclusion let me say, aside from you demanding her resignation, and I suggest that you do that.

Whatever happened to that public meeting we were looking for with the police commissioner? Did she ever come down? Did she ever talk with you? Did she ever say I will have a meeting in May or June or July? Or is she just not answering you? She's not answering a request for meeting, a meeting that will be held in public so we can see her face and hear her nonsense. We want to see her. We want to hear her nonsense and let her

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know that she doesn't report just to you, she reports to the public and we, the public, are furious and fed up with her nonsense, her idiocy, her contempt for a Board that the people got appointed through legislative change of the City Charter.

Finally, let me say this, you have so many complaints for CCRB, and as I listen to the executive director, people are not paying attention to them. The police commissioner, what you gonna, supposed to do when she has contempt for you, when she doesn't take your recommendations that you have duly come to, in to consideration? What are you gonna do about it when she has such contempt for your recommendations? What do you want the people to do, the public to do about this police commissioner when she refused to meet with us?

I'm furious, and I know that a letter, public letter to her is not

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going to do any good because she's a police officer. She represents the police department, not you, and not us, and it makes me angry that the mayor of the City puts up with this kind of nonsense, this idiocy on her part.

CHAIR RICE: Thank you, Mr.

Meyers for your thoughtful comment and your feedback, and your anger, which I completely understand. It is a challenging time for us here at CCRB. As you know, our concurrence rate has gone down with the current administration, with this current commissioner. We are committed to making sure that the requests that we submit are given to us and have gone through a number of different external and internal strategies to help to put those into place. And this is the mechanism that we have, the Civilian Complaint Review Board, in order to push forward and push for

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accountability, so we'll continue to push as hard as we can.

MR. MEYERS: (Unintelligible.)

CHAIR RICE: Okay.

MR. MEYERS: (Unintelligible)  
your so-called (unintelligible) then maybe.

CHAIR RICE: That is certainly your opinion, so thank you for that. Like I said, I understand the anger, I understand the frustration, and I don't know if any other members of the Board wanted to weigh in as well.

(No response.)

No. Okay.

We can move forward. Jon, did you want to say anything?

MR. MEYERS: Nobody's angry?

CHAIR RICE: I don't think it's that people are not angry. I think that it's that we're all working hard in order to deal with the hand that we're dealt, right, and in order to push for accountability in the

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2 greatest ways that we can possible,  
3 and so we have been given extended  
4 powers that we pushed through the City  
5 Council. The City Council has been  
6 very supportive of our efforts, and so  
7 based on the additional powers that we  
8 have, we have been trying to push the  
9 NYPD to be responsive to it, and  
10 you're right, they have not been  
11 responsive. And people can say that's  
12 disrespectful, people can say that  
13 they can call for my resignation as a  
14 result of that, and that's fine, you  
15 can do so. But we're within the  
16 boundaries that we have, using the  
17 levers that we have of power in order  
18 to help to move forward the additional  
19 powers that we add.

20 MR. MEYERS: For a meeting, did  
21 she ever answer you?

22 CHAIR RICE: We have not  
23 requested a public meeting with the  
24 police commissioner, we have not made  
25 that request.

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The Board decided that that was not a direction that we wanted to go into at this particular time. We do have ways in which we can directly communicate with the NYPD and with the commissioner herself, and so we have had those conversations, but we have not requested a public meeting.

MR. DARCHE: Is there anyone else here who would like to make a public comment?

(No response.)

CHAIR RICE: Is there anyone else that would like to make a public comment? They should come to the podium.

And if not, do we have any old business to come before the Board?

(No response.)

Any old business?

Alright. I will answer the question of, do we have any new business to come before the Board.

I do.

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I have one item of new business before the Board for consideration today.

Last year the City Council amended Section 440 of City Council to allow the Board to initiate complaints against members of service. Prior to this charter amendment, the CCRB could only investigate an allegation of police misconduct if a member of the public contacted the agency to file a complaint. Now, if the CCRB becomes aware of potential misconduct that needs to be investigated, it can commence an investigation even if no member of the public comes forward to initiate a complaint. The Charter allows the Board to appoint agency employees to carry out its power to initiate complaints. CCRB Rule 1-14, which was adopted by the Board in September 2022, authorizes the Board to delegate this power and appoint employees to exercise that power.

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2           Before the Board for  
3           consideration today is a resolution  
4           that, if adopted -- you all have that  
5           in your packages. Before the Board  
6           for consideration today is a  
7           resolution that, if adopted, would  
8           delegate the Board's authority to  
9           initiate complaints and appoint the  
10          CCRB's executive director to exercise  
11          that power.

12           I will now read the resolution  
13          into the record.

14           WHEREAS, by passing Local Law 24  
15          of 2022, Local Law 24, the New York  
16          City Council amended paragraphs 1, 2,  
17          and 5 of subdivision C of section 440  
18          of Chapter 18-A of the New York City  
19          Charter.

20           WHEREAS, Local Law 24 amended  
21          paragraph 1 of subdivision C of  
22          section 440 of Chapter 18-A of the New  
23          York City Charter to permit the  
24          Civilian Complaint Review Board, CCRB,  
25          to receive, investigate, hear, make

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2 findings and recommend action upon  
3 complaints initiated by the Board  
4 against members of the police  
5 department that allege misconduct  
6 involving excessive use of force,  
7 abuse of authority including  
8 bias-based policing and racial  
9 profiling, discourtesy, or use of  
10 offensive language, including, but not  
11 limited to, slurs relating to race,  
12 ethnicity, religion, gender, sexual  
13 orientation and disability, and to  
14 investigate, hear, make findings and  
15 recommend action regarding the  
16 truthfulness of any material official  
17 statement made by a member of the  
18 police department who is the subject  
19 of a complaint initiated by the board;  
20 and

21 WHEREAS, Local Law 24 amended  
22 paragraph 5 of subdivision C of  
23 section 440 of Chapter 18-A of the New  
24 York City Charter to authorize the  
25 board to appoint such employees as are

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necessary to exercise its powers,  
including but not limited to, the  
power to initiate complaints in  
accordance with paragraph 1 of  
subdivision C of section 440 of  
Chapter 18-A of the New York City  
Charter; and

WHEREAS, on July 13, 2022, the  
Board held a public hearing and  
accepted public comment on proposed  
changes to the rules of the CCRB,  
including rule changes that reflected  
the amendments to the New York City  
Charter made by Local Law 24; and

WHEREAS, on September 14, 2022,  
the Board approved the adoption of the  
amended rules of the CCRB, which  
included the amendment of Rule Section  
1-02 Jurisdiction, to reflect that the  
CCRB's jurisdiction included  
complaints initiated by the Board and  
that the Board is "authorized to  
appoint such Agency staff as necessary  
to exercise its powers, including, but

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2 not limited to, the power to initiate  
3 complaints and fulfill its duties,"  
4 and the addition of Rule 1-14 Board  
5 initiated Complaints, which provides  
6 that the Board "may delegate its power  
7 to initiate complaints to the Civilian  
8 Complaint Review Board's Chair,  
9 Executive Director, General Counsel,  
10 or Board member panel, subject to any  
11 conditions deemed appropriate by the  
12 Board. The authority delegated to the  
13 Chair, Executive Director, General  
14 Counsel, or Board member panel to  
15 initiate complaints may be revoked by  
16 the Board;" and

17 WHEREAS, the adopted amended  
18 rules of the CCRB were published in  
19 the City Record on September 22, 2022,  
20 and became effective on October 22,  
21 2022.

22 BE IT RESOLVED, that pursuant to  
23 section 440 of Chapter 18-A of the New  
24 York City Charter and CCRB Rules 1-02  
25 and 1-14, the Board hereby delegates

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its authority to initiate complaints and appoints the CCRB's Executive Director to exercise that power; and be it further resolved, that pursuant to section 440 of Chapter 18-A of the New York City Charter and CCRB Rules Sections 1-02 and 1-14, the Board may, upon a majority vote of its members, revoke this delegation of authority or appoint additional or alternate employees to exercise its power to initiate complaints.

Do the Board members have any questions?

(No response.)

Do the Board members have any questions?

Seeing none, I'd like to ask for a motion to approve the resolution as presented.

MS. BROWN-WYANDS: I move for the adoption of Civilian Complaint Resolution delegating authority to initiate complaints to the executive

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director.

CHAIR RICE: Can I have a second?

MR. PUMA: Second.

CHAIR RICE: All those in favor approve by voting aye.

(Chorus of ayes.)

CHAIR RICE: All those opposed?

(No response.)

Okay, the resolution is approved.

Alright, I'm going to move now that we move -- that we break into our executive session.

The agenda for the executive session is, the Board will deliberate on two full cases, receive an update from the executive director on training, and the general counsel will update us on litigation.

Can I have a motion to adjourn the meeting?

MR. MERRITT: So moved.

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CHAIR RICE: Do you have a  
second?

MR. HOGAN: Second.

CHAIR RICE: Alright. The April  
Board meeting of the CCRB is  
adjourned. Thank you.

(Time Noted: 4:57 p.m.)

