

In Re November Public Meeting NYC - Civilian Complaint Review
Board
November 15, 2023

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CIVILIAN COMPLAINT REVIEW BOARD
PUBLIC BOARD MEETING
November 15, 2023
4:00 P.M.

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HELD AT 100 CHURCH STREET, 10TH FLOOR
NEW YORK, NEW YORK
AND VIA WEBEX VIDEOCONFERENCE

B E F O R E:
ARVA RICE, INTERIM CHAIR
JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

Transcribed by:
Vanessa Walker

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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 the Director of Outreach
on the CCRB
6. Public Comment
7. Old Business
8. New Business
9. Adjourn to Executive Session

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CCRB BOARD MEMBERS PRESENT

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1. ARVA RICE - INTERIM CHAIR
2. KEVIN JEMMOTT - BOARD MEMBER
3. JOHN SIEGAL, ESQ. - BOARD MEMBER
4. FRANK DWYER - BOARD MEMBER
5. JOSEPH A. PUMA - BOARD MEMBER
6. CHARLANE BROWN-WYANDS, ESQ - BOARD MEMBER.
7. ESMERALDA SIMMONS, ESQ. - BOARD MEMBER
8. HERMAN MERRITT - BOARD MEMBER
9. JOSEPH FOX - BOARD MEMBER
10. JUNE NORTHERN - BOARD MEMBER

Presenters:

JAHl ROSE - Director of Outreach
New York City Civilian Complaint Review Board

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SPEAKERS

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1. Eric Dym, Retired NYPD Lieutenant
2. Michael Meyers, President, New York
Civil Rights Coalition

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MS. ALVAREZ: Good evening, everyone.
For those joining us virtually, we have
2 ASL interpreters joining us today,
Ariel and Erika Agramonte. There are
instructions in the chat on how to pin
their video, for those utilizing closed
captioning services, a link to that
service will be provided in the chat.
Thank you.

CHAIR RICE: Good evening, 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 November's public
meeting to order.

I'd just like to start today by
introducing our new board member,
Patrick Smith. Mr. Smith has lived in
New York for decades with a wealth of
experience across journalism
communications and public policy and New
York City politics. He will bring a
valuable perspective to our work and I
look forward to working alongside him to

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make the City safer for all people.

I would also like to congratulate board members, Joe Fox and Kevin Jemmott, on being appointed to the board. Thank you both for your service and commitment to this city. I'm going to ask the board members to --

MR. MEYERS: Tell us who they are.

CHAIR RICE: Yes, I would have the board members to like the start to our right with Joe Fox.

MR. FOX: Joe Fox, I'm the Police Commissioner designee of the board - the board member which I have been doing I believe since April and glad to be here tonight. Thank you.

MS. SIMMONS: Esmeralda Simmons, I am a Public Advocate designee from Brooklyn, New York.

MR. MERRITT: I'm Herman Merritt, City Council designee from Brooklyn.

MR. DWYER: Frank Dwyer, Commissioner designee.

MR. SMITH: Pat Smith, mayoral

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appointee.

MR. SIEGEL: John Siegel, mayoral
appointee.

CHARLANE BROWN-WYANDS: Good
evening, Charlane Brown-Wyands, Police
Commissioner appointee.

CHAIR RICE: Terrific. And we are
also joined virtually. Joe would you
like to introduce yourself?

MR. PUMA: Good afternoon, everyone.
My name is Joseph Puma, I am the
Manhattan City Council's designee to the
board.

CHAIR RICE: We will be joined in a
few moments by Kevin Jemmott, who is
having traffic issues, but he will be
joining us in a few.

I'd like to ask are there any
changes or corrections to the board
minutes for the month of October? Any
changes or corrections to the minutes?

(No response.)

CHAIR RICE: Okay. Seeing that we
have none, I'm going to ask for a motion

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to approve the October board meeting minutes?

BOARD MEMBER: Motion.

CHAIR RICE: All those in favor in approving the board minutes presented say aye.

(Chorus of ayes).

CHAIR RICE: Opposed?

(No response.)

CHAIR RICE: The board minutes have been approved.

Again, I want to congratulate our Youth Advisory Council or the YAC on their international summit that they hosted a few weeks ago. The YAC is made up of youngsters between the ages of 10 and 18 of age who reside all across the five boroughs. This is the fifth YAC Summit to highlight the new perspective on policing.

This year was unique, however, because it expanded to a worldwide conversation. They had young representatives from the UK, Mexico,

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Guatemala, Kenya, Nigeria and Zambia, who shared their experiencing on policing in their countries. They discussed the shared and different issues and brainstormed solutions. I want to thank these young leaders for sharing their perspectives in working to improve their communities.

The applications for the 2024 YAC are now open, and we encourage all New Yorkers to apply. Visit the CCRB website to learn more an to apply. We will now hear from our executive director, Jonathan Darche.

MR. DARCHE: Thank you, Madam Chair.

My name is Jon Darche, I use he/him pronouns, I am the executive director of the agency. This week I've been at the annual conference of the National Association for the Civilian Oversight Law Enforcement in Chicago. So far the trip has been extremely rewarding. Similar to how New York City's police oversight system has seen major changes

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in recent years, so has Chicago. One of the most important features was Chicago's complex police discipline system is that civilians have final disciplinary authority.

When the Chicago Office of Police Accountability or COPA, finds misconduct and recommends discipline, if the police superintendent disagrees with that discipline, a member of the all civilian police board determines whether or not to use the COPA recommendation or the police disciplinary recommendation. Which could either be lesser discipline or no discipline at all.

Then, in cases where it has been decided that a member of the Chicago Police Department should be fired, there's a full disciplinary hearing in front of the nine-member police board. Which the defense is allowed to cross examine witnesses and present its own evidence. In addition to allowing for a final authority to be in civilian hands,

1
2 Chicago's oversight system shows that
3 radical transparency is possible. All
4 evidence gathered by COPA that doesn't
5 personally identify a civilian of --
6 that doesn't personally identify a
7 member of the public is put on the COPA
8 website within 90 days of an incident;
9 911 calls, police communication as well
10 as video of all kinds, cell phone video,
11 surveillance video, and most importantly
12 body worn video.

13 In addition to COPA and the police
14 board, Chicago's oversight system has
15 two other important civilian components;
16 the Community Commission for Police
17 Safety and Accountability, and the
18 Deputy Inspector General for Public
19 Safety. These groups have an important
20 partner in the Chicago Police
21 Department's Internal Affairs Bureau.
22 These groups meet regularly to ensure
23 there is, not only an effective
24 oversight system for individual
25 misconduct, but that patterns of

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misconduct are recognized.

New York has a similarly complicated civilian oversight system. In the city, the CCRB has partners including the Inspector General for the New York City Police Department, the New York City Commission to Combat Police Corruption, and the Law Enforcement Misconduct of the New York State General's office. While at NACOLE, I liaise with folks from oversight entities from Albany, Schenectady, Rochester and Suffolk County, I pledge to work more closely with our partners in the City and upstate to develop ways to work together to improve our agency's capabilities.

It is also interesting to discuss funding issues with leaders from oversight entities from around the nation. Again, the COPA is an interesting entity to compare to the CCRB. Currently, the CCRB's budget is approximately \$244 million and COPA's annual budget is \$16 million. Yet, COPA

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investigated 600 complaints this year. And CCRB is going to try and fully investigate more than 2,400 complaints in 2023. The CCRB's budget right now is approximately 50 percent larger than COPA's, but we are going to endeavor to investigate more than four times as many complaints as COPA this year.

Unfortunately, the cuts announced by the administration today make that unlikely. The CCRB is currently facing a 15 percent program to eliminate the gap and is under a hiring freeze. This is going to impact our ability to do the work that this agency has been doing to investigate, mediate and prosecute complaints of police misconduct. It is going to impact the strides this agency has made in recent years.

The staff and I have been working on finding ways the continue to provide the services this City deserves and expects even under extreme budgetary pressure and to discuss these contingencies at

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the December meeting.

Before we continue with the meetings, some updates on agency operations: Our office is open for walk-in complaints, but it is also possible to file a complaint online at NYC dot GOV forward slash CCRB complaint or NYC dot GOV forward slash CCRB C-O-M-P-L-A-I-N-T; by telephone by calling 1-800-341-2272 or just dialling 311 and saying you would like to file a complaint about a member of the NYPD. Also, if anyone wishes to file a complaint tonight, you have two investigators on hand ready to take your complaints, Emma Stydahr and Rob Bryan. We also have a member of our Civilian Assistant Unit here, Amy O'Sullivan.

Please if you are online and would like to make a comment, use the raise your hand feature and whether you are online or in person at 100 Church, please keep your comments to four minutes maximum. I would like to thank

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the staff for their hard work and thank again, the members of the public for participating.

CHAIR RICE: Does anyone have any questions for your executive director?

(No response.)

CHAIR RICE: I have a quick one. If you could just restate; you said that the Chicago entity that was responsible for processing 600 cases last year. Could you tell me the budget size again?

MR. DARCHE: They are roughly 16 million.

CHAIR RICE: Okay.

All right, we have been joined by Ken Jemmott, if you would introduce yourself.

MR. JEMMOTT: Good evening, everyone. My name is Kevin Jemmott, and I'm the Queens appointee by the Mayor.

CHAIR RICE: If we do not have any other questions, I'm going to ask for our Director of Outreach, Mr. Jahi Rose, if he would make his presentation today.

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MR. ROSE: Thank you very much. My name is Jahi Rose, I go by he/him pronouns. I am the Director of Outreach for the Civilian Complaint Review Board. I would just provide some brief overview of what CCRB is, and some interesting updates.

So Civilian Complaint Review Board is the nation's largest independent oversight entity over the largest police force in the country. What CCRB investigates, mediates and prosecutes complaints of misconduct against members of the NYPD. The agency is governed by a 15-member board, many of which you met on the board today. The seats are appointed by the Mayor; five seats appointed by the Mayor, five by the New York City Council, three designated by the Police Commissioner, one by the Public Advocate and the Chair is generally appointed by the New York City Council and the Mayor. CCRB investigates allegations of misconduct

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2 -- a helpful is FADO force, abuse of
3 authority, offensive language and
4 untruthful statements.

5 Just a couple of facts about the
6 Right to Know Act. Right to Know Act is
7 a law that went into effect the
8 October 19th, 2018; this law impacts
9 interactions with members of the New
10 York City Police Department. Under
11 certain circumstances officers should
12 identify themselves by providing their
13 name and information, such as their
14 rank, command and shield number. With
15 some exceptions, the officer should
16 explain the purpose of the interaction.
17 They should inform them of their right
18 to say no when asking for consent to
19 search the person, property or vehicle
20 or an individual's home. Under certain
21 circumstances offer a business card
22 bearing the officer's name and
23 information, it also shows how to make a
24 comment and/or complaint about the
25 interaction with that individual and the

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officer.

Civilians can request the business cards in all encounters. This is what the business card looks like.

(Whereupon, the aforementioned document was presented.)

MR. ROSE: It has also has information on the back indicates how you can obtain body-worn camera footage, in addition to information about Crime Stoppers and how to contact counter-terrorism.

Remember, if you do see -- if you'd like to file a complaint just this mentioned by executive director, John Darche, file a complaint by going to CCRB's website, NYC dot GOV forward slash CCRB complaint. So call the hotline at 1-800-341-CCRB or 1-800-341-2272.

Remember, if you see footage of misconduct on social media, you can file a complaint even if you wasn't there or in person. CCRB handles on social media

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2 are CCRB under score NYC. Couple of
3 other ways to file a complaint include
4 calling 311, visiting CCRB at our
5 headquarters at 100 Church Street in
6 Lower Manhattan on the 10th floor. You
7 can also direct message the Civilian
8 Complaint Review Board on Facebook,
9 Twitter, X and Instagram. As mentioned,
10 the typical handle is at CCRB underscore
11 NYC. You can send CCRB a letter to 100
12 Church Street, 10th floor, New York, New
13 York 103007.

14 You can also file a complaint at a
15 local precinct. It doesn't have to be
16 the precinct where the interaction took
17 place -- officers are required to take
18 the complaint at the precinct. You can
19 also file a complaint to the precinct.
20 You can also request a CCRB complaint
21 form and you can get a postage free for
22 your envelope.

23 The CCRB conducted our Week of
24 Awareness from October 23rd to Friday,
25 October 27th. In recognition of our one

1
2 year anniversary of our ability to be
3 able to investigate biased based
4 policing and racial profiling -- we also
5 partnered with 23 organizations during
6 that time; conducted 30 events, included
7 info sessions in various languages,
8 Chinese, French, Fulani, Wolof, and
9 Spanish. The CCRB also partnered with
10 elected officials, Assembly member
11 Khaleel Anderson, Assembly member
12 Monique Chandler-Waterman, Assembly
13 member Emily Gallagher, Assembly member
14 Stefani Zinerman and the Office of
15 Assembly member, Al Taylor.

16 If you would like to request an
17 outreach presentation from the CCRB's
18 outreach unit, you can feel free to
19 contact us at outreach at CCRB dot NYC
20 dot GOV, or follow the CCRB on our
21 social media platforms, Instagram,
22 Twitter or X and Facebook. Thank you.

23 CHAIR RICE: Does the board have any
24 questions for Mr. Rose?

25 (No response.)

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CHAIR RICE: Thank you so much for that presentation. It was a great work on the outreach week.

MR. ROSE: Thank you so much.

CHAIR RICE: We will now enter the public comment portion of the meeting. We will begin with those who are joining us virtually, who would like to make a comment following those who are joining us in person. Those who are joining us virtually, we ask that you use the raise your hand feature and ask that you please keep your comments to four minutes.

Yojaira, would you like to call on the first person.

MS. ALVAREZ: Thank you, Madam Chair. First, we'll be hearing from Eric Dym.

MR. DYM: Thank you for giving me the opportunity to speak here. My name is Eric Dym, I'm a former lieutenant for the NYPD and I'm retired. I've been coined as the most complained cop,

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2 according to the city newspaper
3 reflective of an overzealous targeted by
4 the Civilian Complaint Review Board. I
5 did intrusive police work my entire
6 career as a SPEC lieutenant anti crime
7 sergeant, and also an active police
8 officer throughout New York City. The
9 last part of my tenure, I was working
10 the south Bronx for almost an entire
11 decade where I was responsible for
12 retrieving illegal firearms off the
13 street, saving lives day in and day out.
14 Now what I hear is constant push
15 outreach from the Civilian Complaint
16 Review Board to the community about how
17 to make a complaint against a police
18 officer, if you see alleged misconduct.

19 Now what I never hear is about
20 mending a relationship with the
21 community and the police officers to
22 improve public safety. So I'd like to
23 ask the Civilian Complaint Review Board
24 is the Civilian Complaint Review Board
25 willing to admit that the outreach that

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the Civilian Complaint Review Board pushes to make complaints against police officers. Let me circle back for a second and say this: Police officers are provided with a survey on a yearly basis to improve public safety, improve morale, improve things amongst the police department.

One of the questions that is asked of a police officer and rank and file is the pressure of the Civilian Complaint Review Board or the fear of a substantiated complaint withholds your ability to do intrusive or proactive police work which means addressing broken windows theory, or going out and detaining potential persons of interests, subjects based on people versus the board which is a case of 1976 which is the right to search and seizure. Which is mostly uncomfortable for people, but it's necessary to do intrusive police work. And the answer is yes. That we see a phenomena that I

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foreshadowed over a year ago, that police officers would now be attacked and assaulted on a constant basis. And we're seeing a lieutenant two days ago, recently, viciously attacked, beaten; you can see his bloody face beaten.

The following day again, happened to be in the same borough in the Bronx where a police officer was again, physically attacked on a subway. And I think it's matter of a time and it's unfortunate that we lose a cop to the NYPD to the hands of another without a firearm but from a physical confrontation.

I ask the Civilian Complaint Review Board, do you believe, are you willing to admit that the pressure of a civilian complaint is holding the police officers back and their inability to do their work to keep themselves safe, which ultimately is reflective of the safety of the residents of New York City. Now I understand, I have been an advocate to

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1
2 fight for change of the Civilian
3 Complaint Review Board. I never say to
4 abolish the Civilian Complaint Review
5 Board. Why? Because I understand with
6 great power comes great responsibility.
7 And I used to teach my personnel, this
8 is one of the few jobs or few
9 employments in the entire world where
10 you can walk outside and say I'm going
11 to get a cup of coffee and you end up
12 with a gun powder and you have to take
13 someone's life for the better of the
14 city and to keep everyone safe. And
15 immediately after, still get that cup of
16 coffee.

17 Now, I don't mean to say that in a
18 cold way, but it's unfortunate, but it's
19 necessary. So yes, we should be
20 questioned by various bodies to show
21 accountability and responsibility. But
22 it must be fair and we all deserve due
23 process. So I just want to know if the
24 Civilian Complaint Review Board is
25 willing to admit contribution in that

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with the police officer when it comes to public safety.

Thank you everyone. I know my time is up. Thank you for listening. I appreciate it. If you'd like to listen to more, please listen at New York Finest Retired Unfiltered podcast, I am the co-host at the Finest Unfiltered. Thank you.

CHAIR RICE: Thank you so much Mr. Dym for your comments. I'm going to let our executive director respond to them as well. I did want to say, as we will know the role of the Civilian Complaint Review Board is to be responsive to our community members have negative interaction with the police department. As we go out for community conversations, we are always asked to make sure that folks know that we exist. That's the role of the outreach team is to let folks know that the Civilian Complaint Review Board is here, and a resource for New Yorkers. That is all I

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am willing to take accountability for
because that is in the scope of our
work. Jon, did you want to respond?

MR. DARCHE: If I added anything
now, it could take away from what you
said.

CHAIR RICE: Yojaira, who is the
next person on the line?

MS. ALVAREZ: No other folks have
raised their hands to speak. We will
move to the public, in-person session.

CHAIR RICE: For those of us who are
joining us in person, if you are
interested in making a public comment,
you can line up by the podium. And once
again, I ask to keep your comments to
four minutes or less.

MR. MEYERS: Good afternoon, I am
the President of the New York Civil
Rights Coalition.

I'm going to be a broken record
today. As I have been for the last six
or seven public meetings of the CCRB. I
am going to -- when I say public, I'm

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saying that, I keep saying the same thing and nothing ever changes.

First I want to welcome -- again and hope that eventually the chair becomes chair. Tell me if the Mayor, he's so busy that he can't appoint a chair -- it's ridiculous -- it's ridiculous. Honestly, if I had been in your chair, I would be embarrassed. Maybe that's his intent to embarrass the chair of the CCRB -- to make sure that the public that's understands -- he's doing -- the time. They can't hear. I don't understand why the chair -- is this on?

I don't understand why it's taking so long to appoint a chair of this panel. It is insulting to the chair to the members of this board that don't have a permanent chair. It's ridiculous. Why has this Mayor -- frivolous with his responsibility to appoint people. He appoints, there are designees from the city council and other stuff, but he appoints everything

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2 to his committee and he appoints the
3 chair. So why is it taking so damn
4 long. Second -- commission -- to have a
5 meeting with you. -- I come here every
6 -- looking for you every other meeting,
7 looking waiting to have a public session
8 with the CCRB. I want to know know what
9 he's got to say -- Is he different from
10 his predecessor with respect to the
11 CCRB -- Your decisions were respect --
12 to him -- no -- no there's no difference
13 -- peas in the same pod -- both -- inept
14 and incompetent -- can't say that -- the
15 chair and every -- say that -- never
16 comes to the public sessions because he
17 doesn't want to get booed by -- of the
18 public -- I appreciate the members who
19 are here from the police department.

20 That's all I can say about that. I
21 appreciate your presence. But you
22 didn't have to get the Police
23 Commissioner to get on board with your
24 recommendations. Why is it routine now
25 for the Police Commissioner to ignore --

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2 recommendations to downgrade -- by the
3 way, I did file a complaint. I'm not
4 going to say how many months ago. It's
5 too damn long. The police officer,
6 based on the video of a police officer
7 who interfered people's rights at the
8 Roosevelt Hotel. A complaint was made
9 to the deputy Mayor, a complaint was
10 made to the CCRB. You haven't
11 investigated -- and nothing happened yet
12 -- no appointed -- nothing -- what the
13 hell is going on should take so long to
14 investigate a complaint that's on
15 videotape? A police officer interfering
16 with civilian's lives. -- CCRB's and we
17 still get tickets -- this is very --

18 And you want to have meetings and
19 sessions with the youth and stuff like
20 that. Tell me about what are you doing.
21 Finally, let me say this: The roster of
22 our sessions here. We have a close --
23 roll -- not just who is present but who
24 is doing what and saying what. Is
25 anybody, are any of you replying on

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1
2 behalf of CCRB to your police
3 commissioner. Has anybody demanded that
4 he come here and meet with the public
5 and public session and meeting with the
6 CCRB -- why can't you talk to your own
7 police commissioner? He's the --
8 representing the -- representatives --
9 this is outrageous. This is an insult
10 to the public process to CCRB's agenda
11 to the -- CCRB's. You just don't get
12 accountability. And the powers that be
13 -- and the police commissioner and why
14 do you put up with it -- one, two,
15 three, four, all of you. We get
16 nothing, we get crickets.

17 CHAIR RICE: Thank you, Mr. Meyers.
18 What I heard is the concern about the
19 continuing role as myself as an interim
20 chair; the request for the NYPD
21 Commissioner be part of a public
22 session; concern about our concurrence
23 rate, the case that you still have out
24 cite pending, and also the role of all
25 the people that are here. Which is

1
2 where I want to start, I want to let you
3 all know, this is one thing that we do
4 as numbers of the -- is having these
5 public meetings on a monthly basis. But
6 every one of these single spends hours
7 and hours time reviewing cases. So
8 every single of this board is active in
9 the role and the work of the CCRB and
10 takes that work very seriously. And I
11 want to thank them publicly for the role
12 they take here. There's not a single
13 one of us who does not sit on a panel
14 and multiple panels every month. So I
15 want to thank them for their dedication
16 to this work.

17 I want to ask Jon if he wanted to
18 respond to some of the other questions
19 that were related to either the
20 concurrence rate and also in regards to
21 Mr. Meyers case specifically.

22 MR. DARCHE: With regard to
23 Mr. Meyer's case, it is pending a panel
24 review. Soon as it's closed, which will
25 certainly be before the end of this

1
2 year, we will notify Mr. Meyers of what
3 happened in that investigation. We will
4 get right on it. With regard to the
5 concurrence rate is -- it is still very
6 early in this commissioner's term to
7 know if there is going to be a change in
8 how the current commissioner handles the
9 CCRB's cases compared to their
10 predecessors. What I can say is a
11 noticeable difference is the pace at
12 which the police commissioner is closing
13 cases. The police commissioner may have
14 already closed more cases than their
15 predecessors. But we'll have a more
16 detailed analysis of that data at that
17 end of year meeting in December.

18 CHAIR RICE: Thank you, Jon, for
19 that. In terms of the interim chair
20 role, Mr. Meyers, I will continue to
21 serve as long as the City of New York
22 will have me.

23 Is there anyone else who has a
24 public comment, if they would like to
25 come to the podium?

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PERSON: (Inaudible).

CHAIR RICE: We have not made that request. We're going to meet with the police commissioner first. I'll let you know how that goes.

Any other comments from the public?

(No response.)

CHAIR RICE: Okay, no response.

Do you have any old business to come before the board? Any Old business.

(No response.)

CHAIR RICE: Do we have any new business to come before the board.

(No response).

CHAIR RICE: All right. Hearing none.

I am going to move into executive session.

The agenda for the executive session this evening, the board will receive an update from the executive director on pending personnel actions and update on general counsel on litigation.

Do I have a motion to adjourn the

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November meeting?

BOARD MEMBER: Second.

CHAIR RICE: So moved. The
November 2023 meeting of the CCRB is
currently adjourned. Thank you.

(Time noted: 4:38 P.M.)

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C E R T I F I C A T E

STATE OF NEW YORK)

ss:

COUNTY OF NEW YORK)

I, VANESSA WALKER, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on 11/15/2023.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of November, 2023.

Vanessa Walker
Vanessa Walker

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