

In Re December Public Meeting NYC - Civilian Complaint Review
Board
December 13, 2023

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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

December 13, 2023

4:22 p.m.

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HELD VIA VIDEOCONFERENCE

B E F O R E :

ARVA RICE, INTERIM CHAIR

JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

Transcribed by:

Stephanie O'Keefe

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PUBLIC MEETING AGENDA

1. Call to Order
2. Adoption of Minutes
3. Remarks from the Chair
4. Remarks from the Executive Director
5. Presentation from Outreach on the CCRB
6. Public Comment
7. Old Business
8. New Business
9. Adjourn to Executive Session

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BOARD MEMBERS PRESENT

1. Arva Rice, Interim Board Chair
2. Joseph Fox, Board Member
3. Herman Merrit, Board Member
4. Pat Smith, Board Member
5. Kevin Jemmott, Board Member
6. Charlane Brown-Wyands, Board Member
7. AU Hogan, Board Member
8. Joseph Puma, Board Member
9. Frank Dwyer, Board Member
10. Esmeralda Simmons, Esq., Board Member

Presenters:

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

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SPEAKERS

1. Eric Dym - Retired Lieutenant Special
Assignment
2. Chris Dunn - Legal Director - New York Civil
Liberties Union
3. Jennvine Wong - Staff Attorney - Legal Aid
Society, Cop Accountability Project
4. Michael Meyers - President and Executive
Director - New York Civil Rights Coalition
(NYCRC)
5. Bahar Ostadan - Reporter - WNYC News
6. Ms. Jennings Community Member

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PROCEEDING

MS. ALVAREZ: Good evening, everyone. Thank you so much for joining us today. For those who would like ASL interpretation services, the two interpreters today are Beth Zuriff and Allison Zilg. Instruction on how to pin their video will be in the chat. If you're utilizing CART services, CART captioning services, that link will be in the chat, too.

CHAIR RICE: Good evening, everyone. I would like to call th December 13, 2023 meeting of the CCRB to order.

Good evening and welcome my name is Arva Rice, I use she/her pronouns and I am Interim Chair of the Civilian Complain Review Board. I would like to call the CCRB meeting to order, which I already did, and I'm gonna ask the Board members if they could please introduce themselves, and we're gonna start on this end with Joe.

MR. FOX: I'm Joe Fox, I'm the NYPD rep.

MR. MERRIT: Herman Merrit, City Council Designee from Brooklyn.

MR. SMITH: Pat Smith, Mayoral appointee.

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2 MR. JEMMOTT: Good evening, Kevin Jemmott,
3 Mayoral appointee from Queens.

4 MR. DARCHE: Jon Darche, I use he/him
5 pronouns, and I'm the Executive Director of the
6 CCRB.

7 MS. BROWN-WYANDS: Good evening, Charlane
8 Brown-Wyands, Police Commissioner designee.

9 MR. HOGAN: Good evening, AU Hogan, City
10 Council Appointee from South Jamaica Queens.

11 MR. DWYER: Good evening, Frank Dwyer,
12 Police Commissioner designee.

13 CHAIR RICE: Terrific. Do we have anyone
14 on the line tonight?

15 MR. PUMA: Yes, my name is Joseph Puma, I
16 go by he/him pronouns, and I'm the City Council
17 designee from Manhattan.

18 CHAIR RICE: Thank you, Joseph.

19 Anyone else on the line?

20 (No response.)

21 Okay, terrific. I'd like to ask for a
22 motion to approve the November Board meeting
23 minutes as presented.

24 MR SMITH: Madam Chair, I'd like to amend
25 the minutes to reflect that I was here

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2 last month.

3 CHAIR RICE: Okay. We will definitely
4 make that change. Any other --

5 MR SMITH: I want to be on that list on
6 page 3.

7 CHAIR RICE: Okay, we will definitely make
8 that change. Thank you.

9 Any of changes to the Board minutes?

10 (No response.)

11 Alright. So I would like to then present
12 a motion that we would accept the November
13 Board meeting minutes with the change in the
14 attendees of our board members.

15 Is there anyone who would like to make a
16 motion to accept the Board minutes as amended?

17 MR. JEMMOTT: Second it.

18 CHAIR RICE: Okay. All those in favor?

19 (Chorus of ayes.)

20 Opposed?

21 (No response.)

22 Alright. The minutes with the --

23 MALE SPEAKER: (NO MIC.)

24 MR. DARCHE: If there is anyone who would
25 like a copy, we'll get them for you but they

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are also posted on the website. And we'll get the corrected copy up as well.

Would you like a copy?

MALE SPEAKER: (NO MIC.)

MR. DARCHE: We'll get you a copy.

CHAIR RICE: Thank you.

Last week, Commissioner -- Police Commissioner Caban and I signed an important memorandum of understanding that will help ensure cases are close within the statute of limitations.

Before last week, NYPD did not share document or footage of a case that was under review by the Force Investigation Division, or FID. This would cause detrimental delays in CCRB cases that were exceeding the 18-month state-mandated statute of limitation.

Most recently, this affected the investigation into the killing of Kawaski Trawick. The trial commissioner who oversaw this case's trial is citing the delays as the reason why the two officers responsible for Kawaski Trawick's death should not face discipline.

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Moving forward, NYPD agreed to release all requested evidence within 90 days of an FID investigation. We are pleased to have come to this agreement with NYPD and hope it will ensure officers who commit misconduct cannot avoid discipline due to a technicality.

This MOU is part of a long list of successes throughout this year for the agency. In 2023, the CCRB received the highest number of complaints since 2012. We received 5,296 complaints, 43 percent more than last year, with the same number of investigators. Thank you so much to our investigative unit which has taken on this challenging number of cases.

As complaint numbers go up and our investigative work-load increases, we have also increased the number of Board panels held in order to vote the ever-increasing number of cases. Thank you so much to my fellow Board members for dedicating more of your time to accountability in the City.

Our Policy Team has also worked to expedite the release of agency reports. Our annual, semiannual, and quarterly reports are

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all being released in record time to increase transparency and timely data with the public. We have also added more than 2,200 closing reports to our website and have completed 506 new FOIA requests.

Our Outreach Team conducted over 1,200 presentations and canvassing events this year, the largest number of events in the Agency's history. They traverse all five boroughs to engage with New Yorkers and inform them of their rights. In our annual Week of Awareness the Outreach Team conducted 30 events in five languages. They partnered with elected officials to canvass in their districts and with community-based organizations, schools, libraries, and even local businesses to meet New Yorkers where they are.

The CCRB also had it's fifth class of youth advisers who hosted an exceptional event that invited young people from around the world to discuss the problems of policing in their countries and brainstorm solutions together. The application for the 2024 class of the Youth Advisory Council is currently open and

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we welcome all ten to 18-year-old New Yorkers to apply.

2023 is the 30th anniversary of the CCRB, and we are honored to have been a part of making New York City safer for all people for three decades. We continue to fight for better police accountability in the City, including testifying before the City Council to support direct access to body-worn camera footage, exemptions from statutes, increased budget and final disciplinary authority over our cases. We will continue to advocate for these rights and hope City and state legislators will support these important bills.

As we enter 2024, we hope to build on and exceed the work we did this year, though the whole City is facing budget cuts.

We will now hear from Executive Jonathan Darche on what this might mean for the CCRB.
Jon.

MR. DARCHE: Thank you, Chair Rice.

On September 9, 2023, the Office of Management and Budget directed all City Agencies to cut spending by 15 percent for the

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2 start of fiscal year 2025. The CCRB is
3 committed to serving the people of New York the
4 highest quality of work, completing timely
5 thorough investigations, maintaining our
6 transparency efforts by publishing detailed
7 reports and fulfilling FOIA requests,
8 prosecuting cases in the trial room, meeting
9 New Yorkers where they are to inform them of
10 their rights and ensure that they know the CCRB
11 is a recourse for them if they have experienced
12 police misconduct. Unfortunately, it will not
13 be possible to maintain this level of work with
14 the budget as proposed.

15 Currently, the CCRB has a staff of 237
16 full-time employees and a Board of 12 part-time
17 members. Although, Frankly, many of them work
18 more than what you would think a part-time
19 person works. The enacted budget for fiscal
20 year 2024 allocated \$25,400,000 to the CCRB and
21 set the level of staff at 259 people, including
22 staff in the racial profiling and biased-based
23 policing unit at 33 individuals.

24 OMB announced a series of cuts, the last of
25 which will be in effect by June 30, 20--

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2 July 1, 2024, approximately 18 months away.
3 I'm sorry, June 30, 2025, approximately 18
4 months away. The initial cut that was
5 currently in effect is the removal of 22
6 positions and \$1,272,000. That means the
7 agency will be unable to fill any currently
8 vacant positions in the agency, including in
9 the racial profiling unit. Further, OMB's
10 future cuts will cut an additional \$2,000,300
11 from the Agency's budget and leave the Agency's
12 headcount 228 on July 1, 2024.

13 This is the fiscal environment the CCRB is
14 facing even, as Chair Rice just mentioned the
15 number of complaints we received went up 43
16 percent this year over last.

17 In order to maintain a high quality value
18 work we need to focus our resources. After
19 careful consideration, the CCRB will no longer
20 investigate: Failure to provide Right to Know
21 Act cards with no other allegations, complaints
22 where refusing to provide name or shield number
23 is the only allegation, complaints where
24 discourteous words or actions have no other
25 allegations, threats by a member of service with

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2 no action and no other allegations, refusal to
3 process a civilian complaint with no other
4 allegations, property seizures with no other
5 allegations, forcible removable to the hospital
6 with no other allegation, and untruthful
7 statements with no other allegations, and,
8 finally, any complaint that only has the above-
9 referenced allegations. We believe that
10 approximately 800 complaints currently under
11 investigation fall into the first eight
12 categories. I want to be very clear, if one of
13 these allegations is part of a larger complaint
14 that includes other allegations outside this
15 list that are still in the Agency's
16 jurisdiction, the Agency will investigate the
17 allegation. For example, if a civilian says
18 they were forcibly removed to a hospital and
19 claims that they were a victim of excessive
20 force, the Agency will investigate both
21 allegations.

22 These cuts are potentially the first of
23 many. The Agency intends to carefully monitor
24 our resources to ensure we have the proper
25 resources available to conduct high-quality

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investigations. This was a last resort. If it were possible, we would continue investigating all civilian complaints within our jurisdiction (unintelligible) public to provide subpar service.

We will continue to work with City Hall, NYPD, and any other agency to ensure these complaints are still looked into, and to get the CCRB funding that will allow us to fulfill our charter mandate.

If you wish to file a complaint with the CCRB, our office is open for walk-in complainants, but it's also possible to file complaints online at nyc.gov/ccrbcomplaint, via telephone at 1(800) 341-2272, or by calling 311, or by mailing us your complaint to CCRB 100 Church Street, New York, New York. If anyone wishes to file a complaint here now, we have two investigators ready to take any new complaints Kat White and Emma Stydahar (phonetic).

We also have a member of our Civilian Assistance Team, Ruth Villafane (phonetic) here as well.

Some ground rules for this afternoon, we

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2 will hear from folks who are at the meeting in
3 person first, before going to the people who
4 join online and wish to comment. Regardless of
5 whether you are joining online or here in
6 person, please keep your comment to four
7 minutes. If you are joining online or want to
8 participate, please use the raise-your-hand
9 feature.

10 I want to thank the staff for their hard
11 work. Thanks again to the members of the
12 public for participating in tonight's meeting.

13 CHAIR RICE: Thank you, Jon for that
14 report.

15 Does any member of our Board have any
16 questions of our executive director?

17 (No response.)

18 Any questions for our executive director?

19 (No response.)

20 Okay, not seeing any, I'm gonna ask for a
21 presentation from our Director of Outreach,
22 Jahi Rose.

23 MR. ROSE: Thank you very much, Chair
24 Rice.

25 Hello, my name is Jahi Rose, I am the

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2 Director of Outreach. I go by he/him pronouns.
3 I am just going to provide a brief overview of
4 the CCRB.

5 The Civilian Complaint Review Board is
6 nation's largest independent oversight entity
7 over the largest police force in the country.
8 CCRB investigates, mediates, and prosecutes
9 complaints of misconduct alleged against
10 members of the New York City Police Department.
11 The Agency is governed by a 15-member board, a
12 number of which you met tonight on the dais.
13 Five are appointed by the New York City Mayor,
14 five are appointed by the New York the Council,
15 three are designated by the Police Commissioner,
16 one is appointed by the Public Advocate, and the
17 Chair is jointly appointed by the Mayor and the
18 City Council.

19 The CCRB investigates allegations of
20 police misconduct that fall under the following
21 categories, FADO is a helpful reminder, force,
22 abuse of authority, discourtesy, and offensive
23 language.

24 As previously mentioned, if you see any
25 misconduct or would like to report police

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2 misconduct, feel free to file a complaint on
3 the Agency's website at nyc.gov/ccrbcomplaint
4 or by calling (800 341-CCRB or 1(800)341-2272.

5 Remember, if you see footage of misconduct
6 on social media or on the news, you can file a
7 complaint, even if you are not there in person.
8 A typical handle for the CCRB is @CCRB_NYC.
9 Other ways to file a complaint with the CCRB
10 include calling 311. You can also visit the
11 CCRB's headquarters at 100 Church Street on the
12 10th floor in Lower Manhattan. Feel free to DM,
13 or direct message, the CCRB on our social media
14 platforms, which is Facebook, X, formerly known
15 as Twitter, or Instagram. You can also send a
16 letter to the CCRB at 100 Church Street, 10th
17 Floor, New York, New York 10007. Complaints can
18 also be filed within New York City at any local
19 police precinct, it does not have to be the
20 precinct where the interaction took place. The
21 NYPD is required to accept complaints at the
22 precinct. You can also request a complaint
23 form and a self-addressed envelope.

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25 Under CCRB's Youth Advisory Council

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2 applications are still live. CCRB's Youth
3 Advisory Council is a committee of young people
4 that are committed to criminal justice issues
5 and providing -- and improving police community
6 relations. Young people ages, that live in New
7 York City, ages 10 to 18 are eligible to apply.
8 The new deadline is December 30th -- 31st. If
9 you would like more information, feel free to
10 e-mail yac@ccrb.nyc.gov.

11 If you would like to request an outreach
12 presentation by the CCRB's Outreach Team, feel
13 free to e-mail us at outreach@CCRB.nyc.gov.
14 Once again, you could also contact us and
15 follow us on our social media platforms,
16 Instagram, Twitter or X, and Facebook.

17 Thank you, Chair Rice.

18 CHAIR RICE: Thank you.

19 Does anyone have any questions for
20 Mr. Rose?

21 (No response.)

22 Any questions?

23 (No response.)

24 Alright. Thank you so much for that
25 presentation. Appreciate it.

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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, followed by those who are joining us in person. For those joining virtually, please use to Raise Your Hand feature and please keep your comments to four minutes.

Yojaira, would you please call on the first person?

MS. ALVAREZ: Thank you, Chair Rice.

We will first be hearing from Eric Dym, followed by Chris Dunn.

MR. DYM: Good evening, everyone. I am Retired Lieutenant Special Assignment Eric Dym, coined as the most-complained cop to the NYPD.

This Civilian Complaint Review Board of New York City has emerged into a new role in the investigation of racial -- racial profiling and bias policing by members of the NYPD.

With that being said, the New York City Council is on the verge of having a proposed bill known as the How Many Stops Bill led by Public Advocate Jumaane Williams. The bill

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would require the New York City Police Department to document all encounters with the public, which, in my opinion, could cause animosity for the civilian residence towards the New York City Police Department.

John Macari and I, with the New York's Finest have been trying to build a podcast, also known as The Finest Unfiltered, we have attended numerous meetings with the Civilian Complaint Review Board virtually, and what we have heard, mainly, as the biggest complaint from community is the relationship with cops and the public. We have heard complaints as not feeling the humanity between cops and the public, such as greetings, or just having organic conversations.

This bill would destroy any potential for organic and healthy relationships. The Neighborhood Coordination Officers Program was a good step in the right direction; however, it was too extreme and eliminated intrusive police work. This will be a new phenomenon and destroy all potential intrusive police work in everyday encounters.

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2 Therefore, I would kindly like to ask,
3 what is the Civilian Complaint Review Board's
4 position in regards to this proposed bill, and
5 how will the Civilian Complaint Review Board
6 play a role if this bill is ultimately passed?
7 How does this bill improve public safety? Is
8 public safety a concern for the Civilian
9 Complaint Review Board in regards to this
10 particular bill? Has the Civilian Complaint
11 Review Board had a role, or any input, in this
12 particular bill that may be passed?

13 Of course, I would like to thank the
14 participants and the Civilian Complaint Review
15 Board themselves in regards to this meeting,
16 meetings in the past, and meetings in the
17 future. I do believe communication breaks
18 barriers and opposition beats opportunity.

19 In my opinion, this bill is further
20 demonization of the New York City Police
21 Department. It will create unnecessary
22 overtime in a City of financial crisis, which I
23 just heard the Civilian Complaint Review Board
24 is directly affected by it as well. I do
25 believe it will deteriorate the profession as a

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2 whole. This bill will retract from any decent
3 humanity between the public and the police. It
4 is unhealthy, it will be toxic and destroy
5 organic interactions with police and community.

6 Again, I'd like thank you for the time I
7 have had to speak, and please, if you're able
8 to answer some of these questions, I would
9 appreciate it, and thank you to everyone.

10 Thank you very much.

11 CHAIR RICE: Thank you for your comments
12 and presenting those questions. I'm gonna ask
13 our executive director to respond.

14 MR. DARCHE: Thank you, Chair.
15 The CCRB has not taken a position on the bill
16 from the Public Advocate. The CCRB -- if it's
17 passed, the CCRB will use the documentation,
18 beyond that, I don't know if it will have any
19 impact on the CCRB itself.

20 CHAIR RICE: Yojaira, is there anyone
21 else?

22 MS. ALVAREZ: Next we will be hearing from
23 Chris Dunn.

24 MR. DUNN: Arva, can you hear me?

25 CHAIR RICE: I can hear you Mr. Dunn.

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MR. DUNN: Good afternoon, and hello to everybody else. For those who don't know me, I'm Chris Dunn. I'm the legal director for the New York Civil Liberties Union.

Arva, I appreciate your noting the 30th Anniversary of the CCRB. I think I've been to most of the meetings during those 30 years, so it's a body that we care about deeply and we appreciate the work.

Arva, I want to note that you spoke out publicly about the Police Commissioner's dismissal of two prominent cases earlier this month, and I appreciate your continued independence from City Hall and the Police Department. I don't know if that's good in the longterm for your position, but I appreciate you doing it.

I do want to comment on Jon's announcement about impact of the budget cuts, and I know that you do not do these things lightly.

Taking categories of complaints off the table is a nuclear option when it comes to dealing with budget cuts, and these particular

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types of complaints will have particular resonance with many people in the public, given the complaints themselves. I think it would be helpful if you could talk a little bit about how it is that you were forced into this position and what you're thinking was about this response to the budget cuts.

CHAIR RICE: Mr. Dunn, was that your solitary question, it's a very good one but -- or did you have another one?

MR. DUNN: That's my only question.

CHAIR RICE: Thank you. I'm going to have Jonathan respond to that.

MR. DARCHE: It was a long process that got us to this point. And it really started back in the early budget process for the FY24 budget, when we were, again, facing real cuts, and we were proposing rolling back the investigation of racial profiling, and the City Council then responded by making funding to the CCRB a priority and actually, not just restored the cuts from the proposal, but strengthened the budgetary support for the Agency in the current enacted budget.

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2 When the 15-percent cuts were announced by
3 the Office of Management and Budget, because of
4 our situation where a lot of our headcount is
5 vacant because we are dealing with a new unit
6 that is taking on new responsibilities, it
7 almost immediately, combined with the hiring
8 freeze, meant we couldn't -- we knew we were
9 going to be very short staffed going forward.
10 And with the increase in complaints, we were at
11 the breaking point of our staff, who worked
12 extremely hard and extremely diligently over
13 the last year to do the work that they had
14 done, but it was just not sustainable.

15 And so we tried to look at the complaints
16 and see what are some of the areas where, that
17 are more recent to our jurisdiction, and it was
18 very -- it was very difficult, and there was a
19 lot of conversation internally about how to get
20 to a place where we think we can still
21 investigate a lot of the can complaints that
22 are the highest priority for the people of the
23 City. And that is a painful thing for me to
24 say was, whether or not you were walking down
25 the street and felt a member of service was

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2 discourteous to you, youthful that worthy of
3 investigation, but, like, we have to look at
4 the -- we have to be realistic about the
5 resources we have, and if we weren't, we would
6 have spread ourselves thin and everything would
7 have potentially been subject to a
8 lower-quality investigation.

9 MR. DUNN: I appreciate that.

10 MR. DARCHE: We do not want to layoff our
11 staff. The major asset this Agency has is the
12 people who work here, and we don't want to give
13 up the racial profiling portion of our
14 jurisdiction, so we are looking for areas in
15 which there are small numbers of
16 single-allegation complaints that we could look
17 at that would still have a meaningful impact on
18 the workload of our investigators.

19 MR. DUNN: The one thing I would like to
20 say is, perhaps the obvious, which is, the
21 dollars you were talking about are nominal in
22 terms of the City budget. More importantly, it
23 is pocket change compared to the Police
24 Department's budget, and I think a responsible
25 view about this, and I'm hoping that the three

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2 Police Commissioner reps will go back to the
3 Department and convey this message, this
4 nominal piece of money should come out of the
5 Police Department budget, CCRB budget should
6 remain intact, the public, the CCRB, and the
7 Police Department has a genuine interest in the
8 CCRB continuing to function the way that it has
9 and I'd be happy to work with the Police
10 Commissioner to identify the few millions of
11 dollars this you need because that would be a
12 simple straightforward solution.

13 CHAIR RICE: Thank you, Mr. Dunn, for that
14 suggestion.

15 Did anyone else on the Board have a
16 comment?

17 (No response.)

18 Thank you. Thank you for that.

19 Yojaira, is there anyone else on the line?

20 MS. ALVAREZ: Yes. Next we will be
21 hearing from Jennvine Wong.

22 MS. WONG: Jennvine Wong, staff attorney
23 with the Legal Aid Society, Cop Accountability
24 Project.

25 You know, I echo much of what Chris just

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2 mentioned, specifically about the nominal --
3 you know, the nominal amount that this winds up
4 being, especially in comparison to the money
5 that is spent on the NYPD and in comparison to
6 the larger City budget, and it's really
7 disheartening that there seems to be a lack of
8 commitment for police accountability in the
9 form of making sure that the CCRB funding is
10 intact to continue these important
11 investigations.

12 What the CCRB does is important in
13 building trust between the public and the
14 police in investigations and in building trust
15 that police officers who engage in misconduct
16 are actually investigated by an independent
17 agency and are going to be somehow you know,
18 held accountable in some way. Part of that has
19 been helped by CCRB's commitment to
20 transparency. I can tell you that our clients,
21 Legal Aid clients have been heartened by
22 transparency efforts that the CCRB has engaged
23 in, especially when it comes to the
24 investigations of police officer misconduct.

25 So, I wanted to just ask the -- I just ask

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for a little bit more clarification around what specific, I guess, categories were being considered to be scaled back on for investigations or what else will be considered before that, kind of, nuclear option is undertaken, and just to clarity if it was only specifically focused on complaints of single allegations, and I would really appreciate if the Board would be able to answer that question.

CHAIR RICE: I'm sorry, Ms. Wong, I didn't hear the very beginning of your question. You were asking what categories we were looking at in terms of the cases that we would not take on with the budget cuts?

MS. WONG: Yes.

CHAIR RICE: But I didn't hear the first part of the question.

MS. WONG: Yes, to just clarify which categories they were and if there were any other categories that were going to be considered, what factors would be taken into consideration in that decision.

CHAIR RICE: Thank you.

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2 MR. DARCHE: So, the categories, again,
3 are failure to provide Right To Know Act cards
4 with no other allegation, refusal to provide
5 name or shield number with no other allegation,
6 discourteous words or actions with no other
7 allegation, refusal to process a civilian
8 complaint with no other allegation, property
9 seizures with no other allegation, forcible
10 removal to the hospital with no other
11 allegation, untruthful statements with no other
12 allegation, and then any complaint that only
13 has allegations that were just listed. So it
14 might have multiple allegations, but they would
15 all be one of those eight categories I just
16 listed.

17 If a complaint has an allegation that is
18 currently in your jurisdiction and one of those
19 allegations -- one or more allegations that are
20 currently on that list, we will investigate
21 that allegation.

22 So, for example, if someone says they were
23 the victim after excessive force while being
24 taken -- forcibly removed to a hospital, we
25 would investigate the forcible removal to the

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2 hospital.

3 And, Madam Chair, while I was -- while we
4 were talking, the general counsel just texted
5 me and reminded me, I forgot to say, this is --
6 we plan to put this into effect January 1,
7 2024.

8 MS. WONG: I'm sorry, I just wanted to
9 clarify the categories, so only -- of those
10 eight categories, if those are standalone
11 allegations in and of themselves, then the CCRB
12 would not be able to investigate at that time?

13 (Audio did not pick up response.)

14 CHAIR RICE: Thank you, Ms. Wong, for that
15 question Jon for clarifying.

16 Yojaira, the next person on the line.

17 MS. ALVAREZ: That concludes the virtual
18 portion.

19 I just want to note that Board Member
20 Simmons has joined us virtually.

21 CHAIR RICE: Board Member Simmons, could
22 you introduce yourself. Esmeralda.

23 MS. SIMMONS: I'm getting on I'm glad to
24 be here. I heard all the questions. My name
25 is Esmeralda Simmons. I am an appointee of the

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2 Public Advocate, and I hail from Bed-Stuy,
3 Brooklyn.

4 CHAIR RICE: Thank you. We are now going
5 to enter into the public comments session for
6 those who are here in the room, so Mr. Meyers,
7 you have already stepped to the podium, but if
8 you have a comment, you can step to the podium,
9 we do ask you to keep your comments four
10 minutes. Thank you.

11 MR. MEYERS: Michael Meyers,
12 (unintelligible)Constitutional Rights coalition.

13 I was not gonna comment today, I really
14 wasn't; I was gonna sit here in silence. Out of
15 respect for my (unintelligible) as opposed to
16 the members of this Board, but I'm forced to do
17 so because I don't understand what's going on
18 here. I really don't.

19 I heard this executive director talk about
20 public comments, people present in attendance in
21 the meeting coming first, and then going to the
22 phone call, but -- and you have a right, because
23 I'm not a member of this Board to make a point
24 of order, but somebody should have said, wait a
25 minute, the people took their time out

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2 to come to the meeting to be first, as the
3 executive direct, you already said
4 (unintelligible). Now, I still think the
5 people present at the meeting should have
6 priority.

7 Separately, with respect to the policy
8 decision, sounds to me like it's a power
9 decision on the part of the executive director,
10 so my question is, without yielding the floor,
11 is whether or not the CCRB has voted these
12 policies -- as these decisions as a policy
13 change, or it just an executive prerogative now
14 not to investigate complaint that have been
15 categorized by the CCRB Board? What the hell
16 is going on here? You're not gonna answer that
17 question, but I'm not ready for the answer.

18 Now, with respect to the chair, I still
19 don't know, and I didn't hear, somebody
20 introduce her as -- or announce her as the
21 chair that has been appointed by the mayor and
22 City Council, whatever that person is, key
23 speaker or whatever. Are you permanent chair
24 or the acting chair? I just need clarification
25 on that. I keep asking every meeting, what is

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it that you don't make a decision on the chair (unintelligible) with respect, not just to you, the member of th Board, but to the public. We expect to have the chair of the Civilian Complaint Review Board (unintelligible) and advise the City Council or whoever you have to advise to make the appointment. I'm getting disgusted.

Now, my other point is that the NYPD commissioner, I have written to him three times, at least three times, maybe four times, the guy doesn't even answer, doesn't even acknowledge, much less answer my queries of him. What kind of police commissioner is this? He runs his mouth on the subways for PR purposes, but he's not acting like a police commissioner. I resent it. I really resent it.

You said you were inviting me to a public session of the CCRB, I come to as many, if any more than whatever his name is, the Legal Director of NYCLU, who keeps talking about I, I, I as opposed to we, we, we, so I assume he speaks for himself and not for the New York

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Civil Liberties Union.

So, has the police commissioner committed to coming to a public meeting of the CCRB and engaging with the public so we can hear him talking with you and you talk to him? We want to know what he has to say, it's the public's right. He has been hiding from us.

As far as the public comment is concerned, I want to reiterate my point of order, my point of order, these are people that come here, who come to the meetings want to have the respect that is due us and get called on first to speak, as opposed to getting into technical difficulties of hearing people on the phone, people connect, I stopped talking on the phone because I couldn't get through, so I decided to come down to the meetings. So I thought I heard the executive director say the public would be first, people in attendance first in terms of the comments, but if the fact is, I did not hear right, I take my hat off. Not out of respect, but out of disgust and disgrace.

CHAIR RICE: Thank you for your comments. We appreciate them. Just to answer a couple of

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2 questions about the things that you raised and
3 then I will turn it over to our executive
4 director to talk about the list of charges that
5 we are making tough decision about not being
6 able to address as a agency and as a Board.

7 First of all, I did want to let you know
8 that we have not invited the commissioner to a
9 public session, that has not happened. I
10 believe you stated that it may have happened
11 already and you're waiting for him.

12 I do want to let you know, I am still
13 serving as interim chair of the Civilian
14 Complaint Review Board and will continue to do
15 that as long as I am requested to serve in that
16 role.

17 Then I am gonna turn it over to Jon to
18 talk a little bit about these really difficult
19 decisions that we're having to make in the face
20 of budget cuts.

21 MR. DARCHE: Before I get to the difficult
22 decisions, I want to apologize to Mr. Meyers, I
23 did state that it would go to the folks in the
24 room first and then online, but I did not
25 follow through and coordinate with our team to

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make that happen, so the chair rightfully kept the original schedule, so I'm going to try and have it fixed for next month, but the chair did the right thing, that error was on me. She kept things rolling as was as we heard it.

With regard to the -- this is not a rule change, this is what we hope to be a temporary policy change, based on the funding levels that the Agency is currently facing. I made the decision based on my authority as the executive director. I consulted with the chair, she was aware of this decision and hopefully we will be able to change it back when we have the funding required do the level of investigation that this City expects.

MR. MEYERS: The Board, the Board has to make those decisions, the Board needs to know in advance, not just you conferring with the chair, the Board needs to make these decisions because it's the Board to whom the public, the public looks to have answers, and responsiveness to our complaints of police misconduct in all the categories, not just some of the categories, all the categories. I don't

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2 want get out of jail free card going to any
3 police officer who insults people, who does any
4 of those things, eight levels that you -- eight
5 things that you lists. I don't want them to
6 get off because they refuse to obey your rules.
7 This is outrageous, and the Board should say
8 something. This is outrageous. What are you
9 people doing here?

10 CHAIR RICE: Thank you, Mr. Meyers for
11 your comments, and we will definitely take
12 this -- continue the conversation during
13 executive session, but as our executive
14 director mentioned, this is not a rules change,
15 so as a result of it not being a rules change,
16 it is not something that needed to be voted
17 publicly in the Board meeting.

18 Do we have anyone else who wanted to make
19 a comment?

20 MR. DARCHE: I don't think we'll be
21 discussing the policy in the executive session
22 because it's -- it's not appropriate for
23 executive session. In executive session we'll
24 be discussing some HR issues and some general
25 counsel updates. The conversation about the

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2 policy will be here.

3 BAHAR: Hi, my name is Bahar (phonetic), I
4 am a reporter with WNYC News covering the NYPD.
5 I just had a clarifying question on the MOU.
6 So is it 90 days within the start of an FID
7 investigation that will require turning video
8 evidence.

9 MR. DARCHE: Thank you, Madam Chair.

10 It's not just video evidence, it's all
11 evidence and its 90 days from when we make the
12 request.

13 BAHAR: Okay.

14 MR. DARCHE: And the other thing is that
15 we have approximately 15 complaints open right
16 now that are currently on FID hold, where we
17 have made evidence requests in the past, and so
18 90 days from December 5 will be receiving that.
19 And I'm sure that, based on my conversation
20 with the Department, they're gonna not wait
21 until the 90th day to get us this evidence, but
22 we'll expect to the 15 cases that are currently
23 on hold, ID hold, to have that evidence within
24 90 days.

25 BAHAR: Of the 5th. Okay great.

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And is there something in the memorandum stating what happens if the Department doesn't turn over evidence within 90 days.

MR. DARCHE: No.

BAHAR: Thank you.

CHAIR RICE: Any other people with questions?

MS. JENNINGS: Hi, Ms. Jennings.

It's unfortunate that the start date of me being stalked is May 11, 2006, which mean it's been 17 years. It's 17 years, unfortunately nothing's changed with CCRB, you don't handle stalking cases. So when I (unintelligible) exhausted people to reach out to, attorney said CCRB doesn't handle it. (Unintelligible) I have a phone that's hacked, a computer that's hacked (unintelligible) something for many, many years, many years. The back of the house was a sound, my relatives said it was the washing machine, I was it was a generator. The generator sound went from the back of the house to the side of the house to the middle of the house. I can hear them on. I can hear them turn it on. ConEd came and something about

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2 electric (unintelligible) all those letters
3 going to White House with a (unintelligible)
4 about the sonic attacks. There are some
5 conditions going on now (unintelligible) moment
6 other things going on due to the
7 (unintelligible) I have sit in to see what's
8 going on, I had to sit quietly and calmly
9 because I don't want to get in trouble.
10 (Unintelligible) to a Town Hall event that the
11 Mayor had, I spoke David Johnson, who is the
12 scheduler and assistant to the mayor, and I
13 showed him the (unintelligible) and I tole him
14 little bit about my drama. I said, on
15 September 1st I went to MTA Transit
16 (inaudible), there's cameras on the top
17 (unintelligible) the cameras, (unintelligible)
18 traffic in front of the train station, the
19 amount of cars is unreal. I was there for a
20 while calling presidents office
21 (unintelligible) 1 Police Plaza, I wasn't
22 allowed in the precinct (unintelligible) say to
23 get a complaint in the precinct, when that day
24 I was there for a while GDX7767, unmarked
25 showed up, (unintelligible) next to me with a

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piece of paper (unintelligible) the people I
ran to about being harassed (unintelligible)
kind of like marching into me.

Let's go back for a second, I'll make it
quick, on the day of (unintelligible) was
there, commissioners were there, and people
asked them questions, they had no answer to
them, any of the questions, puppets of the
Mayor's office.

I'm going to (unintelligible) Mr. Darche
if he could find time to talk to me, if he can,
you know, I'll have a word with him. This is
very important (unintelligible) my life and
safety. If you're going to spend the day
watching me, what you saw (unintelligible) and
what you see now is nothing compared to
(unintelligible) how we're gonna cover this up
because there's som many different people
(unintelligible) business. I asked you inside
for help, 17 years, something is wrong with
this because I am at the camera, and I'm crying
in the camera, so I'm at the camera, saying I'm
at the camera, you see what's going on.
Nothing. So maybe Mr. Darche can find time,

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you know, he could speak to me, we can have a meet, you know, I don't, anything, because I do fear for my life and safety and the sonic attacks are quite bad because I didn't sleep at night, so I can hear when they click it on, I have a rumble underneath me, I have a tingling, whatever's been put on me.

Thank you, Dear, have a good day.

CHAIR RICE: Thank you, Ms. Jannings.

Is there anyone else who has a public comment?

(No response.)

Anyone else?

(No response.)

Alright, do we have any old business to come before the board? Any old business?

(No response.)

Do we have any new business?

(No response.)

Okay. Hearing none, I'm going to move that we break into executive session. The agenda for executive session is the Board will deliberate on a full Board case, the executive director will discuss pending personnel

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actions, and the general counsel will update the Board litigation and on the FID MOU.

I would like to move that the meeting is adjourned.

MALE SPEAKER: Second.

CHAIR RICE: All in favor?

(Chorus of ayes.)

So moved. The December meeting of the CCRB is adjourned. Thank you.

(Time Noted: 5:17 p.m.)

