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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC BOARD MEETING

February 15, 2024

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. FRANK DWYER - BOARD MEMBER
4. JOSEPH A. PUMA - BOARD MEMBER
5. CHARLANE BROWN-WYANDS, ESQ - BOARD MEMBER
6. AU HOGAN - BOARD MEMBER
7. HERMAN MERRITT - BOARD MEMBER
8. JOSEPH FOX - BOARD MEMBER
9. JUNE NORTHERN - BOARD MEMBER
10. PAT SMITH - BOARD MEMBER

Presenters:

VENUS SCANTLEBURY - Outreach Coordinator
New York City Civilian Complaint Review Board

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SPEAKERS

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1. Christopher Leon Johnson
2. Raul Rivera - NYC Driver Unite

1 MS. RIGHI: Good afternoon everyone. For
2 those utilizing ASL interpretation, our two
3 interpreters today are Beth and Andria. The
4 display names on the screen are ASL
5 interpreter, Beth and ASL interpreter, Andria.
6 The CART services, if you would like to
7 utilize those, are going to be in the chat and
8 instructions how to pin videos will also be
9 found there. Thank you.

10 Whereupon, at this time, there was
11 temporary technical difficulties with the
12 audio feed.

13 CHAIR RICE: We're asking the Board members
14 that are joining us virtually, if they may
15 introduce themselves.

16 MS. NORTHERN: June Northern, mayoral
17 appointee from Brooklyn.

18 MS. BROWN- WYANDS: Good afternoon,
19 Charlane Brown, Police Commissioner designee.

20 CHAIR RICE: Are there any others joining
21 us virtually?

22 (No response.)

23 CHAIR RICE: As we are in the middle of
24 celebrating Black History Month and creating
25 spaces to celebrate the --contributions that

1 Black Americans have made to this country.
2 I also want to take some time to recognize
3 the outside challenges faced by Black New
4 Yorkers and how the CCRB is working to --
5 at least 42 percent of --victims of CCRB
6 complaints are. Black New Yorkers make up
7 20 percent of the city's population.

8 Last year was the first full year the
9 CCRB investigated allegations of racial
10 profiling, bias-based policing. The racial
11 profiling team has been specifically
12 trained to analyze evidence to recognize
13 bias. While we were hampered in some
14 investigations due to the lack of data the
15 NYPD and the CCRB signed an MOU committing
16 to a data sharing agreement. Now that we
17 are receiving data on these cases, the data
18 scientists are analyzing that data to
19 determine if there are patterns of bias by
20 police officers. Black New Yorkers should
21 know that if they believe they were
22 discriminated against because of their
23 race, the CCRB will investigate it. That
24 commitment, however is strained by the
25 current budget situation.

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CCRB testified to the City Council in 2021 that it would need a unit of 50 people, investigators and data scientists to effectively investigate complaints involving racial profiling and bias-based policing.

Originally, the unit was funded with 30 individuals. The current budget proposal would cap the unit at 13 individuals. That is not sufficient to effectively investigate the current number of complaints we are receiving of racial profiling and bias-based policing. Furthermore, the Charter now envisions that the CCRB will investigate past professional conduct of members of the NYPD who have been found to have committed acts of bias by the CCRB and/or other entities such as NYPD or the courts.

The CCRB has not and will not be able to conduct those investigations without significantly more resources than what was budgeted at the start of the current fiscal year. Let alone the reduced

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support that is currently budgeted and for the current and next fiscal years.

CCRB is one of the only resources for vulnerable New Yorkers, and without adequate funding we cannot serve the community to the degree they deserve. In order to make New York safer for all its people, the CCRB needs to be fully funded

I will be testifying at the Public Safety Committee Budget Hearing on March 20th, and look forward to continuing to advocate for the CCRB to be funded to the level that it will enable it to guarantee a fair and impartial investigation to our neighbors who feel they are victims of police misconduct.

I will now pass it to executive director, Jonathan Darche, to speak to the recently released 2023 annual and APU

MR. DARCHE: Thank you, Chair Rice. On Monday, the CCRB released 2023 annual report along with the fourth quarter 2023 APU report. Like to start by thanking our policy team who worked tirelessly to

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improve your reporting system and ensure that our reports come out in a timely manner for the public. Also want to thank our staff at large for the incredible work they've done breaking a number of agency records. The Civilian Assistance Units served more civilians that we ever had before. Linking them to vital city services. As discussed last month, our Outreach team conducted more presentations and events than ever before.

Last year, the CCRB received 5,550 complaints, a ten-year record and a 50 percent increase of complaints from the year before -- investigators were able to decrease average time to investigate a complaint to 123 days. The prosecution unit has conducted 36 percent more trials than the year before and close to five times more than the number of cases as it did the year before.

The CCRB worked with the NYPD to improve our processes where we signed

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two new memorandums of understanding that will hopefully improve these timelines and efficiency for both agencies. The CCRB is also continuously working to improve transparency with the public. We now post redacted Closing reports for our website. There are over 2500 Closing reports to our website and we're going to continue adding them.

While we saw amazing gains last year, much of this happened after we were budgeted more money and before our budget was hit with a programs to eliminate the gap in November. With our new reduced budget it will be impossible to match the work we did last year let alone improve upon it. We already had to cut certain investigations and we want to the maintain our commitment to serve New York at a high quality.

Our office is open for walk-in complainants. But it's also possible to file complaints online at NYC dot GOV slash CCRB complaint; by telephone at 1-800-341-2272 or by calling 311.

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Anyone who wish to file a complaint today. We have two investigators on hand. Ready to take any new complaints; Rob Bryan and Emma Stydahar, and Amy O'Sullivan from our CAU team to assist them.

We're going to hear first from folks who are online first before we listen to folks here at 100 Church Street. With the comments, regardless of whether you're joining us online or here in person, please keep your comments to four minutes.

MR. SMITH: I want to commend the executive director for the outstanding work they've done. I know how difficult this is. Can I ask, how many of the 5,550 reports, complaints were substantiated?

MR. DARCHE: The complaints -- unit -- 2023 doesn't directly correlate to the complaints closed in 2023. We did substantiate approximately 700 complaints in 2023 involving -- we substantiated at least one allegation against approximately 1,000 members of service.

MR. SMITH: How many were substantiated

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in 2022?

MR. DARCHE: Hold on one second. I have that number for you.

We substantiated 702 complaints last year which is down from 977 in 2022 but above the five-year average of 590.

CHAIR RICE: Before is ask if there are any other Comments or questions? -- We have been joined by board member.

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

CHAIR RICE: Are there any Members of the board any questions in regards to the report -- by our Executive Director -- at this point I'm going to ask for Venus Scantlebury, who is our Brooklyn Outreach Coordinator. She's come to read her report.

MS. SCANTLEBURY: Good afternoon everyone. My name is Venus Scantlebury. I'm the Brooklyn Outreach coordinator for the Civilian Complaint Review Board. It's great to be here. A brief overview of who we are as an agency. Who we are?

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The New York City Civilian Complaint Review Board is the agency's largest independent oversight entity of the largest police force in the country. The CCRB investigates, mediates and prosecute complaints of misconduct against members of the NYPD. The agency is governed by a 15-member board with five seats appointed by the mayor, five appointed by New York City Council, and three designated by the Police Commissioner and one appointed by the Public Advocate, and the Chair is appointed jointly by the Mayor and City Council.

What types of allegations are within the CCRB's jurisdiction? so we investigate force, abuse of authority, discourtesy, and offensive language and use FADO and a helpful reminder. We have an important update, As of January 1, 2024, on September 9, 2023 the Office of Management and Budget announced citywide budget cuts. As a result, the CCRB is no longer able to fully investigate certain cases within its

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jurisdiction. After careful consideration, effective January 1, 2024, the CCRB suspended investigating: Failure to provide Rights to Know cards with no other allegations; refusal to provide name or shield number with no other allegations; discourteous words or actions with no other allegations; threats with no actions --, refusal to process a civilian complaint; property seizures with no other allegations; forcible removal to hospital, untruthful statements, and any complaint that has on the above referenced with no other allegations.

The CCRB will resume investigating these cases as soon as the City allocates additional funding to do so. If a complaint contains one of the above allegations in addition to other allegations that still fall within the CCRB's jurisdiction, the allegation or complaint will still be investigated.

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File a report to -- misconduct.

First you can file a complaint online, our website, NYC dot GOV slash CCRB complaint you can also call CCRB at 1-800-341-CCRB. There's other ways to file. The first four is the call, 1-800-341-2272 or you can dial 311. You can visit our office at 100 Church Street, Lower Manhattan, 10th Floor, New York, New York 10007.

Like I said previously, the most common way to file is online at NYC dot GOV slash CCRB Complaint. In the world of social media, you can DM us, direct message us on the social medias of Facebook, Instagram, Twitter at CCRB underscore NYC. Or you can mail a complaint to our office. Or lastly you can file at your local precinct. NYPD is required to accept CCRB complaints at any precinct or request a complaint form and postage free envelope.

Lastly, if you want the Outreach team to come and present at a community

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center or school, religious institution, PTA meetings, you can e-mail us at Outreach at CCRB dot NYC dot GOV. You can also follow us on the CCRB's on our socials, our Instagram, Twitter at CCRB underscore NYC.

We're doing some amazing great work at Outreach. Last week, Thursday the unit hosted Meyers Levins Public School for Performing Arts. We had 30 middle school students come and tour the agency. We spoke of the racial profiling and policing unit, the APU, they spoke with CAU as well. So it's great work and the students were also learning to civically engage, they had lots to say, so that's type of work that we do. If anyone's interested. I hope you have a great rest of your day.

CHAIR RICE: You have any questions or concerns?

(No response.)

MS. SCANTLEBURY: Thank you.

CHAIR RICE: We will now enter the public comment portion of the meeting. We begin with those joining us virtually would like

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to make a comment followed by those who are joining us in person. For those joining virtually, please use the raise your hand feature and we're going to ask you to keep your comments to four minutes. Maroua, will you please call on the first person.

MS. RIGHI: At this time I don't see anyone who has their hand raised to speak.

CHAIR RICE: -- public comment-- line up behind the podium -- to keep your comments to four minutes. There are two folks who want to make comments -- let's start with Christopher Johnson.

MR. JOHNSON: Good afternoon. My name is Christopher Leon Johnson. -- passing today but I want to make this complaint about the situation that's going in the Mayor's office and how to treat people that's not their agenda. What I'm talking about is yesterday I was so disgusted of what I saw. I was in my personal capacity but I'm a member of the press. I had my press pass on, but it really doesn't matter. What I saw yesterday was so

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2 disgusting. -- next. Which looks --
3 disgusting what I heard. So the NYPD and
4 they have an executive detailing unit
5 that protects the mayor and certain
6 members of the NYC mayor's office. I
7 believe that yesterday was a private
8 attack because they know that people who
9 are against the agenda and they don't
10 want to be embarrassed, it's ridiculous
11 that we have members of the Mayor's
12 office executive detail that refused to
13 identify themselves. At the end of day,
14 they are NYPD officers, they are all
15 under the Rights to Know Act. We have
16 people that have a right to know who
17 these guys and gals are. These officers
18 refused to identify themselves.

19 Yesterday there was an African
20 American female and I think she's a
21 security detail for Phil Banks, the real
22 commissioner of NYPD. And you have this
23 Caucasian male who is part of the mayor's
24 office executive detail they both refused
25 to identify themselves.

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Now.

The reason I want to say this because the CCRB need to start cracking down on every member of the mayor's office, the mayor's executive detail unit. Because those guys and gals, they act real arrogant, act like they can do what they want to do with straight impunity they don't have to identify themselves, they can break whatever rule they want to break because they protecting the mayor.

The Mayor is not God. The Mayor is just one man. He's only the elected official that fully covers New York City. But it gives these of the NYPD executive detail no rights to abuse people, arrest people for no apparent reason, escort people out of public funded buildings that they say everybody pay taxes. It shouldn't have happen at all.

So I believe the CCRB needs to do something with the mayor's executive protection unit. Because they are running around the City treating people

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like they are garbage. And nothing never happens here. Because it's for some reason. Well we come here. You can't do anything about it because it's the mayor's office, it's a mayor's thing. It's not a mayor thing. It's NYPD. Those guys and gals in the New York City Police Department. I know I'm a nobody in the situation, but like I said, those are non -- for a certain stakeholder New York City and they have a situation on their hands, and the NYPD's executive detail, which should be all vetted it would be all hell breaking loose because those people have a lot of votes and political power. But folks like me who have no political power and without voting blocks we get scrubbed under the rug. I get scrubbed underneath the rug.

Like I said, the NYPD executive detail needs to be checked on more by the CCRB and this meeting sent the City Council to and know there is a public safety committee that meets next week on the 31st

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or 1st. Yusef Salaam, I'm going to make this clear about the NYPD executive detail, that they are running around the City breaking individual -- people's first amendment rights and then they refuse to identify themselves.

I had it on video yesterday and nothing ever happened because I think you guys here, you guys are appointed by the mayor and don't want to cross the mayor. So nothing ever is going to happen to those guys and gals -- and you guys aren't going to do anything about it. This is getting ridiculous. They are going to do to the wrong people and it's not going to be my fault. I made this clear today. I think a lot of people very soon will be going to make it more clear about the NYPD executive detail. And this has to stop. You guys need to investigate these guys. Because these guys are real crooked. So thank you.

CHAIR RICE: Thank you, Mr. Johnson --Whether it was to the level--

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jump in. I want to clarify in terms of our board. Our board there are five people that are appointed by the Mayor, but there are five by the City Council, one by the Public Advocate and one by the police commission -- so I want you to know we're not all appointed by the mayor --.

MR. DARCHE: Mr. Johnson have you filed a complaint with the agency today.

MR. JOHNSON: Not yet --

MR. DARCHE: So the investigator here right now, Rob, will meet with Mr. Johnson, will take down his information and --.

You may want to call for the next speaker -- and then maybe both of them do it.

MR. RIVERA: Good afternoon. My name is Raul Rivera I'm a Bronx native, from the NYC --I'm an advocate for the NYC taxi drivers -- for -- time -- City Council --

Just so you know, a few points that I got down. We oppose Intro 586 the "How Many Stops Act" we advocated against that. A lot

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of council members and -- and we surrender that -- we because we -- we can't have a city without our cops. Just -- city council -- have so many people of color have nobody -- speaking about congestion pricing. That's going to effect the New Yorker. So we asked the City Council to stop gaslighting us, to stop --frustrating -- transportation -- that so -- a state issue -- it's a state issue -- pass the 2 train, 5 train, -- the fact that they are council members and not -- they are not advocates, they are not speaking for New Yorkers when you testify to council -- they New Yorkers,-- happens, Adrienne Adams is the Speaker -- she was for that, the 586 -- democrat -- they call themselves the Progressive Caucus, that's they -- that's what they are --getting testimony had transportation hearing -- as I was leaving I noticed that the -- mayor was having a press conference.

So I took the opportunity to stand there and -- because he was having an online. It

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was online talking about how -- toxic to
kids. So I stood there I wanted to see
what he had to say --security detail
approached me and --council -- point me
and so -- saying that I need a press pass
-- saying that I'm not allowed to be
there. And I said that's not true. I'm a
Native New Yorker -- I was born in the
city, I'm 54 years old. City Council
knows who I am. I have every right to
look and see --about my City -- and we
came here to file a complaint that
apparently that doesn't fall under the
CCRB. I'm disappointed that it wasn't.
You can actually grab physically and
thrown against the city -- room -- this
video proof this happened to me. I didn't
say anything. I didn't do anything. I
think that's just despicable. And the
mayor doesn't have the guts to face me. I
have his number I could text him. I don't
do that. I don't do that. I send him
some videos sometimes. I support the
mayor when he was running for

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office. But no more. No more because he would not lift those vaccine mandates -- for congestion pricing -- he's for the developers -- signed my petition -- for the Taxi and Limousine Commission and he's not standing by -- continued to -- I hope the CCRB can do something to protect our civil rights -- to -- I was referred to internal affairs -- where you file a complaint and -- the cops -- when the cops in the city -- if they try to censor me, I'm just going to be more vocal. And I think it's pretty despicable that the security detail to have me escorted out of City Hall, thank you so much.

MR. DARCHE: So the CCRB doesn't have jurisdiction over the mayor and the City Council. We do have jurisdiction over the NYPD; the uniformed members of the NYPD. If Mr. Johnson would just wait a little bit. We have an investigator who is going to take a statement from you. And we can investigate the conduct of the police officers you encountered

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yesterday. And after the investigation, we will tell you what we found out. I understand you have your side of the story. But we have to get all the information from not just you, and any other witnesses, but from the police officers, too. Once all the evidence is gathered, the investigator will synthesize that evidence, put it in a report to this board, and then either this board or a panel of three board members will make a determination.

MR. RIVERA: Regardless what you guys cover or touch on. They are the cops, they are NYPD officers. That's why I'm here. I want you to be aware of their behavior. And in particular the Mayor's behavior. I can text him and let him know that's uncalled for. But he should not be doing that. These officers know me. They should not censor me like that and escort me out of City Hall.

MR. DARCHE: I want to be clear. We

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will investigate the conduct of the police officers you encountered yesterday.

MR. RIVERA: We do have a complaint that was already filed. This gentleman here is a witness to that. There's a lot of things that are going on. I'm a native New Yorker. I'm struggling to stay in my city. That's basically what I'm trying to do. I'm trying to survive in the city I was born in. I slept in my vehicle, I slept in hotels and motels.

I'm currently -- in Brooklyn -- I'm originally from the Bronx. And we're losing access to our city. We're being pushed out. I'm not asking for special treatment. But as a native New Yorker, give me that. Let me stay in the city I was born in. Let me leave when I want to leave. Don't push me out, don't censor me. Let me be who I am. Let me be the New Yorker I am. I love the City. I don't hate the City.

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CHAIR RICE: Thank you for your comments. And as our executive director said, we are available in order to hear the complaints from you and your colleague.

Do we have anyone else who would like to make a comment, if they would step to the podium. Anyone else? Part of the public comment period?

(No response.)

CHAIR RICE: Okay.

Seeing none I'm going to ask for a motion to approve the December board meeting minutes.

BOARD MEMBER: So moved.

CHAIR RICE: Can I have a second?

BOARD MEMBER: Second.

BOARD MEMBER: Second.

CHAIR RICE: Any changes or corrections to the minutes?

(No response.)

CHAIR RICE: So hearing none, I'm going to ask for all those in favor of approving the December meetings as

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presented say aye.

BOARD MEMBER: Aye.

BOARD MEMBER: Aye.

CHAIR RICE: Opposed?

(No response.)

CHAIR RICE: These December board minutes are approved. I'm going to also ask for a motion to approve the January motion minutes. May I have a motion.

BOARD MEMBER: So moved.

CHAIR RICE: Can I have a second.

BOARD MEMBER: Second.

CHAIR RICE: All those in favor of approving the January board meetings say aye.

BOARD MEMBER: Aye.

CHAIR RICE: All those opposed?

(No response.)

CHAIR RICE: The January board minutes are approved as presented.

Thank you.

Do we have any old business to come before the board this evening?

(No response.)

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CHAIR RICE: Any old business?

Okay.

(No response.)

CHAIR RICE: Do we have any new business to come before the board this evening?

(No response.)

CHAIR RICE: All right. Hearing none, I'm going to move now that we break into executive session.

The agenda for the executive session is the board will deliberate on two full board cases. The executive director will discuss pending personnel actions and the general counsel will update the board on pending litigations.

Can I have permission to close the February board meeting?

BOARD MEMBER: So moved.

CHAIR RICE: A second?

BOARD MEMBER: Second.

CHAIR RICE: The February board member of the CCRB is concluded. Thank you very much.

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(TIME NOTED: 4:43 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 02/15/2024.

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 February, 2024.

VANESSA WALKER