

In Re Public Board Meeting NYC - Civilian Complaint Review Board
February 12, 2025

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-----X

CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC HEARING

February 12, 2025

4:03 p.m.

-----X

HELD VIA VIDEOCONFERENCE/
100 Church Street, 10th Floor
New York, New York 10007

B E F O R E:

DR. MOHAMMAD KHALID - INTERIM CHAIR

JONATHAN DARCHE, ESQ. - EXECUTIVE DIRECTOR

COURT REPORTER:
Sabrina Brown Stewart

1 PUBLIC MEETING AGENDA
2 =====
3 1. Call to Order
4 2. Remarks from the Interim Chair
5 3. Remarks from the Executive Director
6 4. Presentation from Outreach on the CCRB
7 5. Public Comment
8 6. Old Business
9 7. New Business
10 8. Adjourn to Executive Session
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CCRB BOARD MEMBERS PRESENT:

=====

1. DR. MOHAMMAD KHALID - INTERIM CHAIR
2. Joseph A. Puma - Board Member
3. Patrick Smith - Board Member
4. June Northern - Board Member
5. Herman Merritt - Board Member
6. Esmeralda Simmons, Esq. - Board Member
7. Joseph Fox - Board Member
8. Frank Dwyer - Board Member
9. Charlane Brown-Wyands, Esq. - Board Member
10. John Siegal - Board Member
11. AU Hogan - Board Member

PRESENTERS:

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

1 S P E A K E R S:

2 =====

3 Elijah McCormick - Member of the Public

4 Asma Abdullah - Member of the Public

5 Mari Moss - Mayor's Task Force

6 Andrew Case - Supervising Attorney, LatinoJustice
7 PRLDEF

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MS. ALVAREZ: Good evening, everyone.
2 Thank you so much for joining us. For those
3 utilizing ASL Interpretation Services, our
4 two interpreters today, Andria Lamberton and
5 Jillian Deaton. Their display names begin
6 with ASL Interpreter. If you would like CART
7 Closed Captioning Services, the link to that
8 service was provided in the chat.

9 Thank you so much for joining us.

10 MR. CRUZ: Yojaira, can you repeat that
11 one more time, please.

12 MS. ALVAREZ: Yeah, no problem.

13 Thank you, everyone, for joining us.
14 For those utilizing ASL Interpretation
15 Services, our two interpreters today are
16 Andria Lamberton and Jillian Deaton. Their
17 display names start with ASL Interpreter.
18 Instructions on how to pin their video will
19 be in the chat. For those utilizing CART
20 Closed Captioning Services, the link will
21 also be provided in the chat.

22 Thank you so much for joining us.

23 CHAIR KHALID: Good afternoon, everyone.
24 My name is Dr. Mohammad Khalid, and I am the
25 interim chair of the

1 Civilian Complaint Review Board. I would
2 like to call the CCRB February Board Meeting
3 to order.

4 Thank you for joining us. Last week,
5 Mayor Adams appointed Sherene Crawford to the
6 Board. Ms. Crawford is the chief of staff to
7 the Center for Justice Innovation and began
8 her career as a prosecutor in Manhattan.
9 Ms. Crawford will be joining us at the March
10 board meeting.

11 Will the Board please introduce
12 themselves from the right.

13 MR. SMITH: Pat Smith, mayoral
14 appointee. Good afternoon.

15 MS. SIMMONS: Good afternoon.
16 Esmeralda Simmons, I am from Brooklyn. I am
17 a Public Advocate appointee.

18 MR. DARCHE: My name is Jon Darche. I
19 use he/him pronouns, and I'm the executive
20 director of the Agency.

21 MR. MERRITT: Herman Merritt, City
22 Council designee from Brooklyn.

23 MR. DWYER: Frank Dwyer, police
24 commissioner designee.

25 MR. PUMA: Good afternoon. I'm Joseph

1 Puma. I'm the City Council designee from
2 Manhattan, and I go by he/him pronouns.

3 CHAIR KHALID: Thank you all. Adoption
4 of the minutes, seeing that we do not have a
5 quorum, so we will push the approval of the
6 January meeting to next month.

7 I would like to begin today's meeting by
8 wishing everyone a happy Black History Month.
9 This is a time to celebrate the invaluable
10 contribution black Americans have made to our
11 country, while also acknowledging the
12 challenges this community continues to face,
13 particularly in relation to the policing. The
14 CCRB 2024 report, released on Monday,
15 highlights that the black New Yorkers are
16 significantly overrepresented among victim of
17 alleged police misconduct. While black New
18 Yorkers are made up or 20.2 percent of the
19 City's population, they account for 42.48
20 percent of alleged victims.

21 The CCRB Racial Profiling and
22 Bias-Based Policing Unit was established in
23 part to address this issue and continue to
24 work diligently to identify patterns of bias
25

1 in law enforcement and investigate these
2 sensitive cases. As I mentioned, the Agency
3 published our 2024 annual report on Monday.
4 This report analyzes data on various aspect
5 of agency operations throughout the year,
6 including the complaints received,
7 investigation quality, and officer
8 discipline.

9 A key takeaway is that 2024 saw the
10 highest number of complaints filed in the
11 past 12 years. Last year also set a high
12 record, demonstrating that New Yorkers remain
13 committed to exercising their right to
14 civilian oversight. At the same time, we saw
15 a decrease in investigation timelines, a
16 testament to our investigation unit's
17 dedication to the increasing efficiency,
18 despite a high workload.

19 Looking at the data of complaints
20 received in January, this trend appears to be
21 continuing into 2025. Concerning this, it
22 remains crucial that the Agency receives
23 enough funding to meet this need and continue
24 to serve the New Yorkers. On this note, I
25 look forward to testifying at the Public

1 Safety Committee budget hearing on
2 March 11th. I will use this opportunity to
3 advocate for the Agency and request the
4 funding necessary to ensure impartial and
5 thorough investigation into the alleged
6 police misconduct.

7 I will now turn over to our Executive
8 Director, Jon Darche, to give us an update on
9 the Agency.

10 Jon.

11 MR. DARCHE: Thank you, Dr. Khalid.

12 Good afternoon, everyone. My name is
13 Jon Darche. I'm the executive director of
14 the Civilian Complaint Review Board, and I
15 use he/him pronouns.

16 During our last meeting, Board Member
17 Smith asked about the substantiated rate of
18 complaints received in 2023. Of the 5,542
19 complaints received in 2023, the CCRB
20 substantiated 764 complaints by the end of
21 2024. That leaves us with a 13.8
22 substantiation rate. We can compare this
23 number to the complaints received in 2022.
24 Of the 3,697 complaints received in 2022, the
25 CCRB substantiated 541 complaints by the end

1 of 2023. This is a substantiation rate of
2 14.6 percent. Therefore, while the number of
3 complaints received in 2024 was more than
4 49 percent higher than in 2023, the change in
5 the substantiation rate was less than
6 one percent.

7 As Dr. Khalid mentioned, one focus of
8 his testimony at the upcoming budget hearing
9 will be to advocate for funding to hire
10 additional staff. It is equally important to
11 focus on retaining our existing team and
12 encouraging high quality work. In 2024,
13 there were delays in the promotion process
14 for qualified investigators to go from
15 Level 1 investigator to Level 2.

16 Recently, the Office of Management and
17 Budget denied the promotions of four Level 2
18 investigators to Level 3, citing insufficient
19 time at Level 2. This, despite the fact that
20 the reason they had less time at Level 2 was
21 because the Office of Management and Budget
22 had not processed their initial promotions.
23 If the Agency is to retain high-quality
24 investigators, it is important that we reward
25 and promote staff who do good work. The

1 Agency will continue to work with OMB to
2 promote these high-quality investigators.

3 Our office is open for walk-in
4 complaints, but it is also possible to file
5 complaints online at nyc.gov/ccrbcomplaint,
6 by telephone at 1(800)341-2272, by calling
7 3-1-1, or by tagging the Agency on Twitter,
8 Facebook, and Instagram. For those wishing
9 to speak during the public comment section of
10 today's meeting, we ask you to keep your
11 questions and comments to four minutes. And
12 if anyone wishes to file a complaint now, we
13 have two investigators on hand ready to take
14 new complaints. The investigators on call
15 this afternoon are Emma Stydahar and Rob
16 Bryan. If you guys could -- they're both in
17 the back. And Ruth Villafane is also here
18 from the Civilian Assistance Unit.

19 Thank you, Dr. Khalid.

20 CHAIR KHALID: Does the Board have
21 any questions?

22 MR. SMITH: Dr. Khalid, if I may, or
23 Executive Director?

24 CHAIR KHALID: Yes, sir. MR. SMITH:

25 Thank you for the research

1 there. I mean, we're -- it is distressing
2 we're taking complaints -- 56, 55, 5,600
3 complaints, and so many of them, apparently,
4 are not valid. I mean, we're clearing our
5 sustaining at a rate of 16 or 17 percent.

6 MS. SIMMONS: 13.8.

7 MR. SMITH: 13.8.

8 MR. DARCHE: So, first of all, that is
9 of all complaints we receive, not of fully
10 investigated complaints. We closed 1,500
11 complaints this year without even looking at
12 them, just because of the allegation that's
13 alleged in them. So, if you look at the
14 substantiation rate, it is right along where
15 you would expect it to be. In 2023, the NYPD
16 arrested, approximately, 208,000 people.
17 They convicted, approximately, 25,000 people.
18 So, our rate is better than the NYPD's rate,
19 if you're comparing the number of arrests to
20 prosecution and the number of complaints to
21 substantiations.

22 Or I just don't -- what has happened is
23 that this Agency is better at determining
24 whether or not conduct we get complained
25 about is misconduct or not misconduct. So,

1 you've seen the number of cases that we
2 closed is unable to determine --

3 MR. SMITH: Right.

4 MR. DARCHE: -- go way down. And that
5 has caused an increase in the number of
6 substantiated complaints, the number of
7 complaints deemed within guidelines, and the
8 complaints determined to be unfounded, but
9 that's this Agency doing its job.

10 MR. SMITH: Jon, I absolutely agree
11 with you. Please do not misunderstand me. I
12 find no fault with you or the staff or the
13 Agency.

14 What I find troubling is, how do we
15 curb the number of spurious complaints coming
16 into these Agency --

17 MR. DARCHE: So, I think just because a
18 complaint is unfounded does not mean it is
19 spurious. Unfortunately, this city has a
20 high incidence of unaddressed mental health
21 issues, and so people may sincerely believe
22 what they are complaining about and it is not
23 true. So, just because something is
24 unfounded does not mean it is spurious or
25 malicious. And we doing our job by getting

1 those complaints and investigating them. To
2 me, a far bigger problem is when there is a
3 complaint that comes in, and because of our
4 resources, we can't even address it to begin
5 with.

6 MR. SMITH: And again, those resources
7 are stretched beca -- Jon, I'm reviewing
8 anywhere from 60 to a hundred cases a month,
9 and I'm seeing cases where, you know, a
10 person makes an allegation against a police
11 officer, that the officer, you know, made a
12 racially insensitive remark and struck the
13 complainant. And you get to the body-worn
14 camera footage, and it never happened. And I
15 say, "How can someone do something like that,
16 and how can they escape any penalty for
17 perjury for having done that?" I mean, it
18 just -- it boggles the mind. And what you
19 end up with is 5,600 complaints. You end up
20 with a staff dedicated, working hard,
21 overwhelmed by the number of the spurious
22 complaints.

23 MR. DARCHE: So, Pat, with all due
24 respect, that's just not true. The number of
25 complaints that come in that we are able to

1 fully investigate that turn out to be
2 unfounded is not what is causing the increase
3 in complaints. Because the percentage of
4 unfounded complaints has not increased higher
5 than the increase to, within guidelines or
6 substantiated complaints.

7 So, the fact that there -- like, we
8 could go to the different reasons. We don't
9 know why there has been an increase in
10 complaints. We -- I have ideas, but I have
11 no proof. Like, our look at the statistics
12 has not revealed to us why there has been an
13 increase. But there's no -- there's no
14 reason to think that it is an increase in
15 unfounded complaints that's causing the rise.

16 MS. SIMMONS: I'd like to comment as
17 well.

18 MR. DARCHE: So, Ms. Simmons, I think
19 John had raised his hand first.

20 MS. SIMMONS: Oh, sorry. Sorry.

21 MR. DARCHE: Mr. Siegal.

22 MR. SIEGAL: No, let Esmeralda go ahead
23 first.

24 MS. SIMMONS: Thanks, John. I didn't
25 see your hand. Oh, I see it now, the little

1 yellow thing.

2 MR. SIEGAL: Yeah.

3 MS. SIMMONS: Okay. I would like to
4 speak a little bit about -- well, I -- the
5 spirit in which the comments are made are,
6 obviously, concern for the Agency and for the
7 City. But I also would like to challenge the
8 use of the word "spurious" complaints because
9 that is a charge that -- that is a word that
10 is charged, that says that someone is
11 deliberately making allegation against a
12 police officer, and they're trying to harm
13 the police officer by making a complaint.
14 I'm not saying that that never happens. This
15 is a wide, big city, and sometimes it
16 happens.

17 But most of the times, and the
18 complaints that I have reviewed, and I've
19 been here a long time it seems it me, but not
20 as long as John Siegal, and the people make
21 complaints because they believe that what the
22 police officers did was unlawful, and
23 particularly around a force. I'll just make
24 up a situation. Unfortunately, this happens
25 very often.

1 The police -- an officer, member of
2 service, approaches a young person, gives the
3 young person an order, ask for ID or
4 whatever. The young person comments back,
5 you know, makes a smart comment says, you
6 know, whatever they're going to say, then
7 refuses to give ID. The police officer says
8 again, "Give the ID." It winds up that they
9 don't give the ID, and then the police
10 officer says, "Well, I'm going to take you
11 in," and then they get into a scuffle. The
12 scuffle then winds up with the person being
13 slammed to the ground, be handcuffed because
14 they're not cooperating, obviously. They
15 think this is all wrong.

16 And then, when it comes before us, we
17 see that the police officer followed the
18 rules of the Police Department. And what to
19 do in a situation like that? That is not, in
20 my opinion, a spurious complaint.

21 MR. DARCHE: Right.

22 MS. SIMMONS: That's a complaint where
23 the public is unaware of the power and the
24 responsibilities of police officers and what
25 they are charged to do in certain

1 circumstances. And they, the public, think
2 that if they get slammed to the ground, that
3 that's excessive force, and it's not
4 considered excessive force by police
5 procedure. I see many, many more of those
6 cases than I do of somebody lying or somebody
7 thinking something happened and it never
8 happened.

9 MR. DARCHE: So, technically, in
10 addition to Mr. Siegal, I think Joe Fox is
11 also online with us now, if you wanted to --

12 CHAIR KHALID: Yes.

13 MR. DARCHE: -- have him introduce
14 himself.

15 CHAIR KHALID: Okay. Joe? Joe Fox?

16
17 MS. ALVAREZ: He was joining us via
18 phone, so we'll reach out on how to unmute.

19 CHAIR KHALID: I don't think he's on.
20 He's not on.

21 John, do you have a question?

22 MR. SIEGAL: Yes.

23 CHAIR KHALID: John Siegal,
24 board member.

25 MR. SIEGAL: Thank you, Dr. Khalid. I

1 don't have much to add after Ms. Simmons'
2 very factual and specific presentation.

3 I would only urge, as I have in our
4 hearing panels, that there's a very big
5 deference between finding that something
6 doesn't meet the standard for a misconduct by
7 a preponderance of the evidence on the one
8 hand, and assuming that a witness or a
9 complainant is providing false or certainly
10 malicious information.

11 And we see this both in terms of
12 dealing with investigations of both civilian
13 statements and police statements, and I've
14 urged that we have to be very careful and
15 precise in the rare instances when there are
16 allegations of false official statements by
17 officer. And I think we need to be just as
18 careful and precise before we start labeling
19 civilians who come to this Agency with
20 complaints about the policing and using words
21 like "spurious" or "malicious" or "false."

22 And I think that the rates that you're
23 describing show that this Board, by and
24 large, does a careful and good job, and I
25 don't see that the rate -- that the number of

1 unsubstantiated cases is a negative thing. I
2 think it's indication of how careful and
3 thorough we're being in the work, so I thank
4 you for the opportunity. Nothing more.

5 CHAIR KHALID: Thank you,
6 John.

7 Joe Fox, are you still there?

8 (No response).

9 MS. ALVAREZ: IT is still reaching out
10 to be able to unmute him.

11 CHAIR KHALID: Should we wait for him
12 or move on?

13 MR. FOX: Can you hear me?

14 MR. DARCHE: Yes. Now we can. Now we
15 can.

16 CHAIR KHALID: Go ahead.
17 Yes.

18 MR. FOX: Sorry about that. It's a
19 different mute button.

20 Joe Fox. Thank you for catching that
21 I'm here. Joe Fox, NYPD police commissioner
22 rep. Glad to be here. And thank you for
23 this substantive conversation that I'll allow
24 to continue.

25 Thank you.

1 CHAIR KHALID: Thank you, Joe. Go
2 ahead.

3 Do you have any comments?

4 MR. FOX: No, I'm just listening
5 carefully, and thank you.

6 CHAIR KHALID: Okay. Anybody else has
7 any question?

8 Yes, sir.

9 MR. DWYER: Whatever the numbers,
10 whether they be ten or a thousand, there is no
11 recourse when film shows that one allegation
12 or multiple allegations did not occur. And it
13 is certainly understandable that different
14 people remember things different ways, but I
15 have had enough cases where people said I was
16 dropped on my head twice, for example, I was
17 punched in the face multiple times, and we
18 watch five films, three films, eight films,
19 and they weren't.

20 So, what my fellow board member is
21 alluding to is these cases are real, whatever
22 their numbers. It would be good to know their
23 numbers. I mean, to some degree, it could
24 come up under unfounded. But again,
25 unfounded, I totally accept, that different

1 people remember things different ways. But
2 that doesn't change the fact that there was
3 some cases that there was more than one thing
4 that one would think wouldn't be
5 misremembered if it never happened.

6 So, I don't know what the appropriate
7 recourse is, but it just does seem to me that
8 the fact that there was no recourse, maybe
9 the recourse is a civil tort. I don't know,
10 but it is not not an issue.

11 MR. DARCHE: So, I just don't
12 understand where the harm is to a member of
13 service who has been accused of misconduct,
14 and then we find that the misconduct did not
15 occur. There's no harm there because we're
16 saying definitively there was no misconduct.

17 MR. DWYER: Yeah, see, I disagree with
18 you, and I'll give you one reason why: The
19 fact that there are -- that these allegations
20 themselves are then publicly put on the
21 internet by some outside agencies, who I
22 guess, whirl them -- you can tell me. But
23 when some child looks up their father and
24 mother and sees that there have been five
25 allegations against their father for beating

1 up people, even if all five of them are
2 unsubbed or exonerated, there is still harm
3 there.

4 MR. FOX: Jon, can I just add to that?

5 CHAIR KHALID: Yes, go
6 ahead.

7 MR. FOX: Yeah. Thank you, Dr. Khalid.

8 Yes, Jon, it's no harm in the fact that
9 the case is found substantiated or
10 unsubstantiated within the guidelines, but
11 Frank is right, there's harm on multiple
12 levels. There's sometimes the year to 18
13 months that the case is pending, is the fact
14 that even if it's within guidelines or
15 unfounded, the case still exists. And you
16 know that concept that you can't unsee
17 something, as much as it should not weigh
18 against, you know, choice assignments and
19 things like that, the number is still there.

20 And if a cop has 18 civilian
21 complaints -- I mean, we've seen cases where
22 police officers are appropriately aggressive
23 in communities where there's been organized,
24 you know -- not so much organized, but a
25 number of people making complaints to try

1 and, like, cool the activity down, and a cop
2 like that could wind up with a lot of
3 complaints. And then, back to Frank, it's on
4 the internet, so I think --

5 MR. DARCHE: If you look at what
6 happens to police officers who have large
7 number of complaints, they get promoted.
8 They end up running the NYPD. So, I don't --
9 I just -- I understand that it might feel
10 badly, but in the same way that we don't --
11 like, there are oftentimes officers who come
12 in and give a version of events that we
13 determine is untrue, but we don't bring an
14 untruthful statement allegation against them.
15 We just substantiate the misconduct, right?

16 If we are going to somehow take
17 punitive action against the civilian for
18 giving incorrect information, then should we
19 also take punitive action against members of
20 service for giving incorrect information?
21 Like, it seems like we are trying to come up
22 with a problem that there isn't one. We have
23 complaints. We investigate them. We make
24 the best determinations we can. We are not
25 perfect. We make mistakes.

1 In the same way that three quarters of
2 the people who are arrested don't get
3 convicted, only -- right, like these are
4 numbers that happen when you have a large
5 organization doing large numbers of
6 investigations. And in any system where
7 you're trying to make true/false
8 determinations, there are two kinds of
9 errors; you can make a true determination
10 when the event is false, and you can make a
11 false determination when the event is true.
12 And I think our system is set up properly to
13 not come up with false positives.

14 MR. FOX: You know, Jon -- I'm sorry.

15 MR. DARCHE: Go ahead.

16 CHAIR KHALID: Go ahead. MR. FOX: You
17 know, like I said in the
18 beginning of this, it's a very substantive
19 conversation, and everybody who has spoken
20 has made actually very correct and good
21 points, including the beginning with Pat.
22 And like Frank said, I'm not sure what the
23 solution is. I hear the obstacles to just
24 coming up with a blanket policy, Jon.

25 Thank you.

1 MR. SMITH: Jon, can I ask you -- you
2 had mentioned there's 1,500 cases that are
3 just dismissed and out of hand or something
4 that you mentioned --

5 MR. DARCHE: Yes.

6 MR. SMITH: Tell us, how do you get to
7 one of those case, what are they?

8 MR. DARCHE: So, we have a strategic
9 resource allocation determination, and there
10 are approximately nine allegations where if
11 that is the sole allegation in the complaint
12 or if it is the -- one second, because I have
13 the list of those allegations in front --

14 MR. SMITH: That goes back to what we
15 did during the budget cutting --

16 MS. SIMMONS: Yes, exactly.

17 MR. SMITH: Okay. Fine. That was it.
18 I understand. Thank you.

19 MR. DARCHE: Do you want me to read the
20 allegation?

21 MR. SMITH: No. No. I understand it,
22 yeah. When you said 1,500, you know, I
23 didn't know where it connected. Go ahead.
24 You've connected the dot.

25 Thank you.

1 MS. SIMMONS: I'd like to just follow
2 up the line of reasoning of the conversation
3 we're having, and I think it's very good
4 we're having it at the public meeting, so I
5 thank you for raising it.

6 MR. SMITH: Thank you.

7 MS. SIMMONS: Because one of the things
8 I think that's the underpinning of this
9 agency, and the reason why I'm willing to
10 serve on it, is because the City's public has
11 decided that they would like the public to
12 have an opportunity to raise issues about
13 policing in New York, and they want to
14 encourage people to come forward. And we go
15 through a lot of effort work to encourage
16 people to come forward and make a complaint
17 if they think that the policing has not been
18 correct.

19 Some communities, actually, are still
20 afraid to do that. They're afraid of
21 retaliation. They're afraid that ICE is
22 going to come get them. They're just afraid.
23 They're afraid the police are going to come
24 after them if they make a complaint against
25 the police. But it has instilled some level

1 of feeling of justice within the City
2 populous, that the fact that the CCRB exists
3 and is historically such a well-reputed
4 organization, institution, agency, that they
5 could actually bring the complaints, the
6 investigations occur, you know, people aren't
7 always happy with the results, but they
8 occur. They see people take them seriously,
9 and this has been going on for over 20 years.

10 And that's the reason this institution
11 exists, is to instill within the public the
12 fact that they can say something if they
13 think policing is not done correctly. We
14 don't want to put a chilling effect on that.
15 We have a hard enough time to get people to
16 make complaints. What we don't want to do is
17 to discourage people for making complaints by
18 saying, you're going to be pushed if we find
19 that what we found -- that what you believed
20 is true, is not true.

21 So, I think that things are actually --
22 we have a balancing act to do here. I think
23 that officers may feel burdened, but the
24 public -- the people who make the complaint
25 obviously feel burdened, too. So I think the

1 balancing act is one that we have to do and,
2 of course, the burden is on us and our
3 fabulous staff to do a good investigation,
4 and make sure the police officers are cleared
5 when the complaints are not substantiated,
6 and to make sure that the public knows that
7 if we find that there was something wrong,
8 that we took action.

9 Now, the only step missing is that we
10 don't actually do the administration of
11 discipline, and I'll pick up on that another
12 time.

13 MR. SMITH: I agree with everything
14 that Esmeralda says here, but I would say one
15 thing, I think we would be better served, I
16 think this city would be better served if
17 complainants were required to give their
18 statement under oath with a penalty for
19 perjury. And again, if there's a
20 misunderstanding, it gets cleared up. If
21 it's not a misunderstanding, if it's a
22 malicious act, then there's a penalty.

23 MR. HOGAN: May I say something to some
24 of this conversation? Hello?

25 MR. DARCHE: Yes, AU.

1 MR. HOGAN: Yes. Good afternoon, I
2 just think, really, it is good to have this
3 conversation with the public, but I think
4 what Pat might be saying -- and I don't mean
5 to be facetious by saying that, this is the
6 Civilian Complaint Review Board, right? And
7 civilians, they trust us to make these
8 complaints. And a lot of the complaints,
9 that's a very low percentage to me, 13.8
10 percent, 14.2 percent, you know, as far as
11 that substantiated, to me, if we're going to
12 correct misconduct.

13 Right now, I have a commanding officer
14 at my precinct who had 17 allegations and
15 five of them substantiated, two weeks ago
16 he's promoted inside Southeast Queens into
17 113th Precinct. So, the things that is on
18 their records, although might say -- I think
19 it was Jon. I don't know who -- I think it
20 was Frank that made a statement about, that
21 mommy or daddy, the kids would see that
22 they're saying something wrong about their
23 parent. This officer, this commanding
24 officer, is the deputy inspector now at 113th
25 Precinct with those allegations and with

1 those substantiations.

2 I think we do a good job here at the
3 Civilian Complaint Review Board of trying to
4 look at the facts objectively and then
5 putting our request. Unfortunately, as
6 Esmeralda said, that even if we put in our
7 request -- and this is why we'd have to
8 annihilate even the concept of someone being
9 charged with perjury because even if we put
10 in our request, the Police Department has the
11 final call here.

12 That -- and my last statement is that
13 if we're going to say take the position --
14 maybe there needs to be another board where
15 there's a police review board where they see
16 things, and we have the power to see whether
17 or not somebody that might make a false
18 allegation, and we'll look at was it
19 intentional or it was somebody that was
20 experiencing trauma and don't know exactly
21 what happened to them at that time, you know.

22 Because when someone's sitting you on
23 your back and turning you over, you might
24 think you got punched in your face. You
25 might think you were chokehold, held. So,

1 there's a lot of things that we have to look
2 into before we make some of these wide
3 statements about charging the public who
4 we're trying to gain trust, to say that we're
5 going to do the right thing and look at all
6 these cases.

7 Thank you for the time.

8 CHAIR KHALID: Thank you. Anybody else
9 has a question?

10 MR. DWYER: I just want to add, lest
11 the public misunderstand. And Jon, you said
12 a lot, so I would suggest that -- I just want
13 to make sure there's not a misinterpretation.

14 If there's evidence that a police
15 officer in his or her interview intentionally
16 lie to the investigator here, we do recommend
17 charges, correct?

18 MR. DARCHE: Yes.

19 MR. DWYER: Because I think there was
20 enough complexity in your explanation that
21 some could have understood it otherwise.

22 MR. DARCHE: Okay.

23 MR. DWYER: I encourage you to watch it
24 on the video later.

25 MR. DARCHE: All right.

1 CHAIR KHALID: Anybody else have any
2 question?

3 (No response).

4 CHAIR KHALID: Well, you know, the
5 Agency has been established
6 30 years ago by Mayor Dinkins, and certain
7 things were put into -- and we're lucky, New
8 Yorkers are very lucky that we have an
9 independent agency, and we have great staff,
10 that the complaints comes into the system and
11 they look into it. I mean, we added another
12 untruthfulness, besides F.A.D.O. So, we look
13 at every complaint, and I think the staff
14 looks at it. The investigator looks at it.
15 The Board looks at it. Yes, we are not
16 hundred percent perfect. We can make
17 mistakes.

18 But I think that my colleague here said
19 that if we prevent people from complaining,
20 making a complaint, and telling them that this
21 will be the penalty, I guess people will not
22 come to complain. Even they will just hold
23 that thing in their heart and head and say
24 that no, I will be penalized for that, making
25 a complaint. So, I think we are lucky

1 that this Agency is there to help the
2 New Yorkers. And I am proud of the Board
3 Members, and also Jon Darche, that he's being
4 a great executive director in trying to run
5 the agency in a proper way, so that we can
6 help the New Yorkers with a better
7 investigation.

8 So, I noted all these things. We'll
9 discuss that. The issue, Pat, of asking the
10 complainant, signing a document, I think that
11 will be better that we discuss that and send
12 it to the Law Department.

13 MR. SMITH: Yeah.

14 CHAIR KHALID: And let them, their
15 input in it, that whether technically we can
16 do this thing without any penalties to the
17 CCRB. And so, I will definitely have all the
18 Board discuss on this, and maybe we can get an
19 opinion from the Law Department.

20 MR. DARCHE: I will -- our general
21 counsel is sick with COVID, so he is not here
22 today. But I will let Matt know, and he will
23 reach out to the law Department.

24
25 Dr. Khalid, there are two board members

1 who joined us online, who have not had the
2 opportunity to introduce themselves. If you
3 wanted to call on Ms. Northern and Ms. Brown.

4 CHAIR KHALID: Go ahead, please,
5 introduce yourself.

6 MS. NORTHERN: Hi. I'm June Northern.
7 A mayoral appointee from Brooklyn. Sorry I
8 couldn't be there today.

9 MS. BROWN-WYANDS: Good afternoon. My
10 name is Charlane Brown. I'm a police
11 commissioner designee. Unfortunately, I'm
12 under the weather, so I didn't want to spread
13 that to the audience and our board members,
14 but happy to be online.

15 MR. DARCHE: Thank you, Charlane.

16 CHAIR KHALID: Thank you. Thank you so
17 much.

18 Any other questions before we go
19 further?

20 (No response).

21 CHAIR KHALID: Now, I would like to ask
22 --

23 MR. DWYER: Sorry. I just want to make
24 one more comment to emphasize the point I
25 made. To the best of my knowledge, the NYPD

1 is the only city agency that is required to
2 post the disciplinary records of the agency.
3 And then, of course, as we know, other people
4 take them and put them on the internet
5 forever. Well, I guess it's up to whomever,
6 the council or whoever, whether to post that,
7 but we don't even do that.

8 MR. DARCHE: So, if we have
9 disciplinary cases that go to OATH, where
10 every other city agency has their case go to
11 OATH, OATH posts those disciplinary hearings
12 online. You can go find every other
13 agencies' disciplinary matters at the OATH
14 website.

15 MR. DWYER: But we don't post. I mean,
16 I can do a search through, right?

17 MR. DARCHE: But you said that they're
18 not available. Those disciplinary records
19 are available. If someone goes to OATH for a
20 trial, they'd get tried. That will be there,
21 so I guess only the most serious ones.

22 MR. DWYER: Hear my point, though, that
23 the transparency we demand of the Police
24 Department, even we don't emulate. And when
25 I say "we demand," I guess it was the City

1 Council who passed the law to do it. But,
2 you know, why not every city agency? I mean,
3 we publish even if the officers get
4 instructions, even if they get a Schedule A,
5 we publish it. We make it public, you know?

6 MS. SIMMONS: Unfortunately, I think
7 that's because of the duty that police
8 officers have to serve and protect. I think
9 that's why people feel that they want to know
10 if there are allegations against officers.
11 Because we feel that they may not take that
12 duty that we all want them to take seriously,
13 as seriously and effectively. As great as
14 the staff of the CCRB are, they're not here
15 to serve.

16 CHAIR KHALID: Any other questions?
17 It's a nice, interesting discussion.

18 MS. SIMMONS: It goes to the core of
19 what this agency is about.

20 CHAIR KHALID: The next item is the
21 outreach presentation by Director of Outreach,
22 Jahi Rose.

23
24 Jahi.

25 MR. ROSE: Hello. Good evening,

1 everyone. As mentioned, my name is Jahi
2 Rose. I'm the director of outreach for the
3 Civilian Complaint Review Board. I go by
4 he/him pronouns. I'm just going to provide a
5 brief overview of our agency.

6 The Civilian Complaint Review Board is
7 a city agency. We are the largest oversight
8 entity over the largest police force in the
9 country. CCRB investigates, mediates, and in
10 some cases, administratively prosecutes
11 allegations of misconduct alleged against
12 members of the New York City Police
13 Department. Our agency is governed by a
14 15-member board, many of which you've met
15 today, that are comprised of members that are
16 appointed by the Mayor, five members that are
17 appointed by the City Council, three that are
18 designated by the Police Commissioner, and
19 one that is appointed by the Public Advocate.
20 The Chair is jointly appointed by the Mayor
21 and the City Council.

22 The CCRB can investigate allegations of
23 abuse of authority, force, discourtesy, and
24 offensive language. A helpful acronym is
25 FADO. As previously mentioned, if you'd like

1 to report misconduct, there are a few ways to
2 do it. Some of the easiest ways are to file
3 that complaint online at nyc.gov/CCRB
4 complaint. You can also file that complaint
5 by calling the CCRB's hotline, 1(800)341-CCRB
6 or 1(800)341-2272. Remember, if you see
7 footage of police misconduct on social media
8 or on news media, you could file a complaint,
9 even if you were not there in person. The
10 typical CCRB handle is @CCRB_NYC.

11 Additional ways to file a complaint
12 include calling 3-1-1. You could also come
13 to the CCRB's headquarters at 100 Church
14 Street, that's on the 10th floor, New York,
15 New York, ZIP code 10007. You could also go
16 to a local police precinct. It does not have
17 to be the precinct where the incident took
18 place. Police officers are required to
19 accept the complaints in the precinct. You
20 could also just ask for a self-addressed
21 envelope and a complaint form, and you could
22 send that complaint directly to the Agency.
23 You could also file a complaint online, and
24 you can go to our agency's social media
25 platform to file the complaint as well.

1 If you'd like to request a CCRB
2 presentation by our outreach team, feel free
3 to request that presentation by sending us an
4 e-mail to outreach@ccrb.nyc.gov. Also, feel
5 free to follow us on our social media
6 platforms -- Facebook, Instagram, and Twitter
7 or X.

8 Thank you very much.

9 CHAIR KHALID: Thank you,
10 Jahi.

11 When the budget allows us, I'm sure as
12 a outreach, we will certainly be going into
13 all the boroughs and have the public meeting
14 there in every borough. But that we cannot
15 determine until -- there's a lot of
16 preparation and a lot of resources needed.
17 So, when we have enough budget, we will
18 certainly make that effort to go into every
19 borough and do the public meeting.

20 Now, we will enter into the public
21 comment portion of the meeting. We'll begin
22 with those joining us virtually who would
23 like the make a comment, followed by those
24 who are joining us in person. For those
25 joining virtually, please use raise-your-hand

1 feature. Please keep your comment to
2 four minutes.

3 MS. ALVAREZ: First online, we'll be
4 hearing first from Elijah McCormick.

5 MR. MCCORMICK: Yes, can everyone hear
6 me?

7 CHAIR KHALID: Yes. Please go ahead.

8 MR. MCCORMICK: Yes. My name is Elijah
9 McCormick. I'm just, you know, a member of
10 the public, and also I've filed complaints
11 myself, I've complained myself, that's been
12 substantiated. And I wanted to respond on the
13 topic y'all was mentioning about possible
14 having a means to, I guess, filter complaints
15 that come in, to make sure that, you know, the
16 obvious, what seems to be obvious, complaints
17 of lies about officer, accusation against
18 officer, that they don't meet the desk, and
19 that it doesn't increase the number of
20 complaints that needs to be reviewed.

21 I want to respond to that by saying I
22 hope none of the staff members, board members,
23 are motivated by a sense of overwhelming
24 number of cases to oversee and
25

1 misdirecting that frustration to the people
2 and civilians or the public who are making
3 these complaints.

4 Because as we know, as this last
5 meeting that I've reviewed, that the CCR
6 Board is actually missing board members that
7 could be helping and assisting with these
8 cases, and there's only specific people, I
9 believe it was the Mayor, Eric Adams, and
10 then there's another -- there's other people
11 who was supposed to have been appointed for a
12 seat, that you are not occupying all 15
13 seats. So, I can understand when your cases
14 are being overloaded on your desk and you may
15 feel overwhelmed, that I hope that each and
16 every one of the board members doesn't take
17 that frustration and mistarget it towards the
18 people who are making the complaints.

19 And number 2, I also want to make
20 mention that you gotta realize this -- it
21 sounds like to ask that there be some type of
22 penalty for a blatant lie against an officer,
23 it sounds like what we're asking for is
24 citizen accountability. When we -- when the
25 Board is -- that the reason for CCRB

1 existence is for police accountability. When
2 I was arrested, penalty was given to me by
3 accusation, a false accusation, without any
4 trial, without any review, without any, you
5 know, a third-party oversight. And I was
6 placed in handcuffs and placed in a cell, and
7 I had to wait to get -- I was not trusted
8 enough, you know, to move about freely until
9 I see a judge.

10 Pretty much, I felt I was penalized for
11 somebody else's false accusations. And when
12 I -- when my charges was dismissed, that
13 record is still there. From my
14 understanding, there is still records of this
15 dismissal on my record for the false
16 allegation of this officer. And I believe
17 that -- and also, it affected my job. The
18 arrest affected my job. So, I don't really
19 think that we should even entertain a concept
20 of accountability to be placed -- a
21 responsibility to hold citizens or people who
22 put the complaints in accountable when
23 there's so much hope, so much power, and so
24 much immunity and lack of accountability when
25 an officer makes the exact same allegation as

1 we so-call saying that citizens are doing.

2 So, I just want to make sure everybody
3 is on the same page because this -- if I'm
4 understanding, this is a Board for police
5 accountability, not civilians accountability.

6 CHAIR KHALID: Thank you, sir. Noted
7 very well.

8 And Jon, do you have anything you want
9 to tell him?

10 MR. DARCHE: I think this gentleman
11 said it better than I did earlier, so I
12 should have -- we should have just called on
13 him.

14 (Laughter).

15 CHAIR KHALID: Next online, Yojaira.

16 MS. ALVAREZ: Thank you, Chair.
17 Currently, no folks have raised their hand --
18 no more folks have raised their hand, so that
19 concludes the online portion for the public
20 session.

21 CHAIR KHALID: Thank you very much.

22 For those joining us in person and are
23 interested in making a public comment, please
24
25

1 line up behind the podium, and please keep
2 your comment to four minutes.

3 MR. DARCHE: So, would you like to
4 speak first? Come on up. Can you speak into
5 the microphone, so people can hear you.

6 MS. ABDULLAH: Good afternoon,
7 everybody. I just -- I don't want to just
8 speak of everything I have before. Just I
9 want to just ask some questions, maybe you
10 can just a little understand what's going on.
11 Because the City run this agency, and as much
12 as --

13 MS. SIMMONS: I'm sorry. You have to
14 give us your name.

15 MS. ABDULLAH: Oh, sorry. Because I
16 know that I am famous right now. Everybody
17 know me.

18 MS. SIMMONS: No. No.

19 MS. ABDULLAH: Trust me, everybody in
20 the street, Asma Abdullah, trust me. Okay.
21 It's my name, Asma Abdullah.

22 Just I need to understand, if you said
23 that you're trying to run your agency so much
24 as -- I mean, like much better or whatever,
25 anything, and they dismiss some stuff and

1 just they close it, depend about what -- from
2 where you get the clue or wherever they get
3 the evidence or get the proof, from where?
4 And even you get it, why you don't want to
5 show it to the other people you have
6 something against him or them or any person,
7 to let us know that this is truth or not?
8 How we didn't know that they make something
9 like fake or using the AI or using some
10 stuff? Because that is what happened to me.
11 Because I'm trying my best to understand
12 what's going on. It's not only for the
13 situation you have it before.

14 It's -- I just -- I figured out
15 recently that they already distribute some
16 picture from different cases before. And I
17 didn't even understand what is the reason,
18 even I didn't understand why. Just every
19 single time I call them to get help, they
20 come to arrest me. Like that, they love me
21 so much. That's why I love them so much,
22 too. At the same time, I just I'm trying to
23 understand, from where they get this stuff
24 because I'm asking everybody. They gave that
25 is what they have against us. They said, "We

1 don't have something against you." How come
2 that is even we're going to take our right
3 from the lawyer, they come like crazy behind
4 us, they give them some fake information,
5 fake report, fake a lot of things, and after
6 that, says we're criminal? Okay. We're
7 criminal everything, we're everything, so why
8 you don't want to show it to us? And they
9 just said -- you are there. You are just in
10 this situation or we done this situation or
11 whatever we did this criminal stuff, so why?

12 Just I need to understand because every
13 single time right now, and they always like
14 that. Before Ramadan, before any holy
15 months, they keep continually squeezing us
16 too much, to bother us to make anything is
17 wrong. They try their best to make us so
18 crazy. Anything is wrong because they try
19 just to prove that we are just like criminal.
20 Even back home, everybody in this meeting,
21 they understand that if you want to help us,
22 I know for sure that you would help us, but
23 I'm sorry to say something that everyone in
24 this room, they don't want to like to help
25 us. Just to listen, follow the case, it's

1 not related to us, give it to IAB, the IAB
2 close it, never just call us for anything,
3 anything.

4 Recently, just I called to make a
5 report, they just without -- even I didn't
6 finish my complaint, they -- he transferred
7 at the same moment to the IAB. How come like
8 that? That's why I'm always mad. And the
9 people when I get mad, "Oh, see she's
10 psycho." Okay. I'm psycho. I don't care
11 about the people they say something like
12 that. They don't have what I have. They
13 don't feel what I felt. So, I don't care
14 about anyone. Just I care just about -- I
15 need the truth.

16 If you have something, just give it to
17 me, show it to me. Why you just hide it?
18 Why you always behind us? Why you always
19 just following us? Why always you say
20 something not true? I already keep
21 continuing calling the IAB. "Please, if you
22 have something against us, show it to us. I
23 want to see. If I did something wrong you
24 punish me." They said, "We don't have
25 something against you." So, why you follow

1 me? Why every single time I call you to get
2 help, you come to arrest us? Just because I
3 didn't afraid from you? Okay. I'm not going
4 to afraid of anyone from you, because I know
5 myself. I'm proud of myself. After even
6 they do a lot of arrests, even they gonna
7 kill me. I'm proud of myself. I'm not going
8 to afraid of them. The only thing I need is
9 just I need the truth. You are here, so why
10 you don't want to help us? Because I know
11 that if you really make serious investigate
12 or you make something really serious, it will
13 show everything and they will know the truth.

14 But I'm sorry to say something like
15 that. You keep continue like, oh, these
16 people is not like in our related, like is
17 not our family or maybe not from anyone
18 related to us, so they don't care about us.
19 That's why they keep continuing bother us.
20 And I'm sorry to say that they didn't even
21 respect us or they didn't respect anyone from
22 the Government. That's why they keep
23 continuing. They want to let us -- okay.
24 You see, we'll prove that we're going to keep
25 continuing to bother you until you're going

1 to give up, until you're going to kill
2 yourself, but that is not going to happen.
3 It's going to happen in their dream because I
4 am already religion, and I respect my
5 religion. And I'm not -- I never going to do
6 something wrong. Even I'm going to do
7 something wrong, trust me I cannot prove that
8 I do it, because it's mine. Like, just I
9 don't want to just use this time for nothing,
10 just the only thing --

11 CHAIR KHALID: You have passed four
12 minutes. Yes --

13 MS. ABDULLAH: Okay. So --

14 CHAIR KHALID: Your four
15 minutes passed, and can you conclude, please.

16 MS. ABDULLAH: Okay. That is fine.
17 Just give me just the result or whatever, give
18 me any answer for my question, because every
19 single time like that.

20 CHAIR KHALID: Last month, you came in
21 and you expressed yourself, and this was not
22 related to CCRB. It was related to --

23 MR. DARCHE: The Commission on Human
24 Rights.

25

1 CHAIR KHALID: Human Rights.

2 MS. ABDULLAH: (Inaudible).

3 CHAIR KHALID: Well, you know, the
4 religious part of the issue, like the
5 executive director said that, it's a human
6 rights, you know, commission that you need to
7 -- and I think we were trying to help you with
8 that. Jon --

9 MR. DARCHE: So, Mr. Rose has been
10 working to get someone at the Commission on
11 Human Rights to hear your complaints about the
12 restaurants and your place of worship where
13 you had issues. If you're saying that police
14 have been coming up behind -- police, not
15 civilians, if you're saying -- so, Rob will --
16 sorry, Rob, but you're the one in my eyeline.

17 So, if you would go talk with Rob and
18 explain to him when a police officer has
19 committed misconduct against you, allegedly,
20 then we will investigate that. But we have
21 had a -- we have, to this time, not -- you
22 haven't given us reason to think that it's
23 police officers and not the private

24

25

1 institutions, whether they're houses of
2 worship or restaurants.

3 But Rob, if you could talk with this
4 individual and get her information. And if
5 we can sort it out and there are allegations
6 against police officers, we will investigate
7 them.

8 So, go talk to the investigator.

9 MS. ABDULLAH: Thank you.

10 CHAIR KHALID: Thank you
11 very much as well.

12 The next person.

13 MS. MOSS: Hi. Thank you for
14 mentioning Black History earlier, Black
15 History Month. My name is Mari Moss. I'm
16 the mother of Calia, Sophia, and Anya. I
17 serve on the task force to end gender and
18 domestic-based violence, and I serve on the
19 community action board that gives federal
20 funding to nonprofit organizations within the
21 community.

22 I want you to imagine something,
23 imagine being handcuffed, shackled at the
24 ankles, trapped in a system that is supposed
25 to protect you. Now, imagine electricity

1 surging through your body, not because you
2 were a threat or not because you had
3 committed a crime, but because those in power
4 decided they could get away with it. I don't
5 have to imagine it because it happened to me.
6 In May, I was brutalized by the very people
7 who were sworn to uphold the law. I was
8 wrongfully arrested on a legal court order,
9 shackled, and then subjected to intimidation,
10 psychological abused, and finally,
11 electrocuted, all while I was restrained,
12 unable to defend myself.

13 I want to be clear, this was not an
14 accident. This was not a misunderstanding.
15 This was a system flexing its power, trying
16 to silence me, trying to strip me of my
17 dignity, my rights, my humanity. But they
18 failed, because I am standing here. But not
19 everyone gets to stand here and tell their
20 story. Some are stolen from us too soon.
21 And today, I want to take a moment to honor
22 Robert Brooks, a life lost to the same broken
23 system we are fighting against. Before I say
24 another word, I ask all of you to join me in
25 a moment of silence for Robert Brooks and for

1 every victim of police brutality who should
2 still be here with us today.

3 (Brief moment of silence).

4 MS. MOSS: I am here today because I
5 survived, but survival is not enough.
6 Justice is the only answer. And I'm not just
7 speaking for myself. I'm speaking for every
8 mother, every woman, every person who has
9 been brutalized and ignored. For every
10 survivor of domestic violence who dares to
11 stand up and demand protection, only to be
12 met with punishment instead.

13 The real question is, how many more of
14 us will it take before the system is held
15 accountable? How many more mothers will be
16 torn from their children? How many more of
17 us have to suffer before something actually
18 changes?

19 I'm here today to say, "No more." No
20 more courts weaponized against survivors. No
21 more police using their badges as shield for
22 abuse. No more children being separated from
23 their mothers who fought to protect them.
24 And if you sit here and listen but you do
25 nothing, you are complicit. If you have the

1 power and refuse to use it, you're part of
2 the problem.

3 So, I ask you, what will you do? Will
4 you let another mother be silenced? Will you
5 let another woman be shackled and
6 electrocuted while pleading for her rights?
7 Or will you stand with me and fight with me
8 and make sure this never happens again? I
9 was just at a meeting last month with Council
10 Member Althea Gibbs -- sorry, Stevens. Thank
11 you. And she had people in the room talking
12 about how they were brutalized by police
13 officers in Rikers Island.

14 If you would have heard some of the
15 things that people were saying happened to
16 them at Rikers Island, the human rights
17 violations, and the overwhelming abuse. We
18 have to do something about holding people
19 accountable. And to sit here and listen to
20 the fact that a lot of these officers get
21 promoted after they have 17 offenses, you can
22 go through the list. I just sat here and
23 went through the list, and you see a repeat
24 of the same names over and over again, and
25 there's nothing being done about it.

1 So, we're looking to you, as the agency
2 that Mayor David Dinkins enacted, that we
3 need to hold police accountable. So, I ask
4 you to please do so.

5 Thank you.

6 CHAIR KHALID: Thank you very much for
7 your presentation. Just a question that --
8 have you filed any reports on this thing with
9 the CCRB? Just curious.

10 MS. MOSS: Yes.

11 CHAIR KHALID: Yes. And
12 did you receive the results?

13 MS. MOSS: I last checked on -- forgive
14 me. When I went onto the online -- you know,
15 to check on my case, it said that the
16 information was not available at the moment.

17 MR. DARCHE: Ms. Moss, I'll have Rob
18 check on that for you, or Emma. Emma will go
19 check on it and get you -- if you go talk to
20 her right now, she'll get you the updates on
21 your case.

22 MS. MOSS: Okay. Thank you.

23 CHAIR KHALID: Thank you. Thank you
24 very much.

25 Now, we've come to --

1 MR. DARCHE: There's one more person.

2 CHAIR KHALID: Sure.

3 MR. CASE: Good afternoon. Andrew
4 Case, supervising attorney at LatinoJustice
5 PRLDEF, he/him pronouns. Happy Black History
6 Month.

7 I want to talk a little bit about the
8 punishment for unfounded cases issue that has
9 come up. This has been something that has
10 been discussed at the CCRB as far back as the
11 1992 City Council hearings. I think people
12 should go read those. There are very good
13 reasons that people are not prosecuted for
14 perjury for complaining about police
15 officers. It creates a terrible disincentive
16 and scares people off to believe that they
17 will be arrested if they raise issues with
18 police, because they do not trust that they
19 will be heard fairly and that they will not
20 be subject to retaliation.

21 And it's not special to police
22 officers. My sister is a New York City high
23 school teacher. You will not be surprised to
24 learn that people file complaints against
25 New York City high school teachers that turn

1 out to be unfounded. People file complaints
2 against taxi drivers that turn out to be
3 unfounded. And we believe in this city that
4 the City employees are mature enough and able
5 enough to withstand the possible hard
6 feelings of being accused of something,
7 particularly if they're eventually exonerated
8 or unfounded.

9 When I was the spokesman for the CCRB,
10 Paul Brown, who was the DCPI, called me a
11 liar in the New York Times, and I had no
12 recourse against him. I just had to grow up
13 about it. So, I will say, if you look at the
14 body-worn camera and a complaint is purely
15 unfounded, maybe you can find a way to not
16 bring the police officer in for an interview,
17 just to have them be interviewed and then
18 unfounded, that could be a time waste.

19 But the idea that their feelings are so
20 special and other New York City employees'
21 feelings are -- have to withstand this, it
22 creates this, sort of, special notion that
23 police believe and are entitled something
24 different. In fact, police officers have
25 special responsibilities. They have special

1 duties. They carry guns. They can arrest
2 people. They should be held to a higher
3 standard than just about anyone else in the
4 City. I'll speak -- the Department of
5 Corrections and the things that you say about
6 Rikers are particularly horrible in there.

7 On transparency about these complaints,
8 one of the reasons that there is such
9 transparency now about police complaints is
10 that for 30-40 years, there was a law on the
11 books specifically exempting police
12 misconduct complaints from FOIL, Civil Rights
13 Law 50-a, which kept anyone from knowing
14 anything about what actually happened in
15 places like the CCRB, and the response to the
16 repeal of 50-a has been a large demand to know
17 what actually happens. And you could FOIL the
18 Department of Education and find out teachers
19 complaints. It's not posted online unless
20 they go to OATH, but it is publicly available.
21 And the reason it's posted for the NYPD is
22 there's a long history involved of people not
23 disclosing that.

24 I want to speak very briefly about what
25 I was going to talk about before I heard

1 other things in the meeting, which is the
2 short statute of limitations and the
3 retaining of the cases under Section 2 of the
4 MOU. I saw that the January stats are much,
5 much better for discipline than they have
6 been. I hope that is a trend that is going
7 to continue. Michael Gerber has told me it
8 is. Jessica Tisch has said it is. I hope
9 that that's actually true and they're not
10 blowing smoke. But I think you should be
11 watching closely the Police Department's
12 failure to punish officers when you find that
13 they have committed misconduct.

14 We are currently suing the NYPD over a
15 case where you substantiated an allegation
16 and they dismissed it, even though there was
17 no ongoing criminal investigation and the
18 officer had previous complaints. And the
19 NYPD is saying that we don't have the right
20 to bring that suit. We believe we do, on
21 behalf of James Harvin, who was tased
22 unlawfully and you guys substantiated it.
23 But if the NYPD continues and prevails in
24 that regard, the only people that can hold it
25 accountable are you. This NYPD has acted

1 arbitrary and capricious in dismissing
2 complaints. And if it comes to it, you
3 should consider bringing action against them
4 for that.

5 Thank you guys all so very much.

6 CHAIR KHALID: Thank you, sir. Thank
7 you very much.

8 Anybody else to speak?

9 (No response).

10 CHAIR KHALID: If none,
11 we --

12 MR. SMITH: Mr. Chair, may I offer a
13 statement under old business, please?

14 CHAIR KHALID: Absolutely, please.
15 That's what we're going to do, old business.

16 MR. SMITH: I'm sorry.
17 Colleagues, the CCRB D-panel scheduled
18 for February 26th was canceled because there
19 were not enough CCRB members to fill the panel
20 and vote on the cases. Now, we learned today
21 there has now been a new appointee, but didn't
22 know that when I wrote this. This is the
23 second time in five months a D-panel was
24 canceled because of a lack of CCRB members.

25

1 A brief explanation: Under the New York City
2 Charter, the CCRB should have 15 members.
3 Currently, there are only 11 members. By
4 next month, we hope to have 12, because the
5 Mayor and City Council have not made
6 appointments.

7 These members are divided into
8 three-member panels, each of which reviews 50
9 to 60 cases a month by computer. Each panel
10 meets virtually once a month and votes to
11 accept or revise the recommendation of the
12 CCRB staff which has investigated the cases.
13 Right now, there are three panels reviewing
14 cases, instead of five. Hundreds of
15 civilians are waiting for justice, most for
16 15 months or more, because we're missing four
17 CCRB members. After this new appointment,
18 we're still missing three.

19 Each month, there is a D-panel, 50 or
20 60 cases in which CCRB staff investigators
21 have cleared the officers of the charges
22 against them. In 99 percent of these cases,
23 the three CCRB members on the D-panel vote to
24 accept the staff recommendation and the
25 officer is cleared. In many cases, charges

1 are made against several officers. So, now
2 there are up to 100 officers whose names will
3 not be cleared because we do not have enough
4 CCRB members to do the job. Up to 100
5 officers who wake up every morning, often for
6 more than a year, wondering about the CCRB
7 case against them.

8 Some of these officers have pending
9 promotions which are delayed until the CCRB
10 case is cleared. Some officers have
11 transfers which are delayed until their name
12 is cleared. Some of these charges are based
13 on honest misunderstandings in police work.
14 In many cases, however, these officers are
15 victims of malicious lies by people who just
16 want to stick it to a cop. They can do that
17 because there is no punishment for a member
18 of the public to lie to the CCRB.

19 There is no requirement for
20 complainants to swear to the truth of their
21 statement. Anyone can make the most
22 outrageous allegations against a police
23 officer, and it can take more than a year for
24 the officer to have his or her name cleared
25 by CCRB members voting in three-member

1 panels, especially the D-panel.

2 Our Mayor and our City Council must do
3 their duty and appoint members to the CCRB.
4 We have a solemn obligation to our citizens,
5 including our police officers, to administer
6 justice in a timely manner.

7 Thank you.

8 CHAIR KHALID: Thank you,
9 Pat.

10 Let me say this thing, that we have a
11 new board member joining us next month, but
12 we are working on -- to get more board
13 members. We're going to be making a request
14 to the Mayor and to the Speaker, to put more
15 members as required by law, so we can do the
16 work needed by the panels. So, I assure you
17 that we'll work on that as soon as possible,
18 to remind them that this is an important step
19 needed to fulfill all the board members.

20 MR. SMITH: Thank you, Mr. Chair. I
21 appreciate that.

22 CHAIR KHALID: Any new business that
23 we have before the Board?

24 (No response).

25 CHAIR KHALID: Hearing

1 none, I'm going to move now that we break
2 into Executive Session. The agenda for the
3 Executive Session is, the executive director
4 will discuss pending personnel actions, and
5 the general counsel, who is not here today,
6 will be having some updates regarding the
7 pending litigation.

8 MR. DARCHE: Mr. Chair, I'll fill in
9 both roles.

10 CHAIR KHALID: Okay. Thank you, sir.
11 Is there a motion to adjourn to
12 Executive Session?

13 MR. SMITH: So moved.

14 CHAIR KHALID: Do I have a second?

15
16
17 MR. SMITH: Second.

18 CHAIR KHALID: This meeting
19 is now adjourned. Thank you.

20 (TIME NOTED: 5:15 p.m.)
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Sabrina Brown Stewart, a Notary Public
within and for the State of New York, do hereby
certify:

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

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

IN WITNESS WHEREOF, I have hereunto set my
hand on this 20th day of February, 2025.

Sabrina Brown Stewart
Sabrina Brown Stewart