

Civilian Complaint Review Board Meeting-Final
January 9, 2019

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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

January 9, 2019

6:36 p.m.

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99 Fort Washington Avenue
New York, New York

TRANSCRIPTS OF PROCEEDINGS:

BEFORE:

FREDERICK DAVIE, Chair

JONATHAN DARCHE, Esq., Executive Director

REPORTED BY:

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PUBLIC MEETING AGENDA:

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1. Call to Order
2. Adoption of Minutes
3. Report from the Chair
4. Report from the Executive Director
5. Presentation by Outreach on the CCRB
6. Presentation from Policy on Data
7. Comment from Community Groups
8. Public Comment
9. Old Business
10. New Business
11. Adjourn to Executive Session

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BOARD MEMBERS PRESENT:

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- FREDERICK DAVIE, Chair
 - FRANK J. DWYER, Board Member
 - JOSEPH A. PUMA, Board Member
 - LINDSAY EASON, Board Member
 - ANGELA FERNANDEZ, Board Member
 - MICHAEL RIVADENEYRA, Board Member
 - ERICA BOND, Board Member
 - RAMON PEGUERO, Board Member
 - JOHN SIEGAL, Board Member
 - MARBRE STAHLY-BUTTS, Board Member
 - NATHAN JOSEPH, Board Member
- =====
- JONATHAN DARCHE, ESQ., Executive Director

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2 MR. DAVIE: Good evening. My name
3 is Fred Davie and I am the chair of the
4 Civilian Complaint Review Board.

5 I want to welcome you all to the
6 first Civilian Complaint Review Board
7 public meeting for 2018 and say Happy New
8 Year. 2018 -- 2019 -- I'll get there.
9 Just a year behind. 2019. And wish you
10 all a very happy, prosperous, and healthy
11 new year.

12 I'm going to ask my colleagues on
13 the Board if they will introduce
14 themselves starting at my far-right with
15 Mr. Dwyer.

16 MR. DWYER: I'm Frank Dwyer. I'm
17 a police department representative to the
18 Board.

19 MR. EASON: Good evening,
20 everyone. My name is Lindsay Eason. I'm
21 a police representative to the Board.

22 MS. FERNANDEZ: Good evening. My
23 name is Angela Fernandez and I'm the
24 mayoral designee to the Board. I'm also
25 the executive director of The Northern

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2 Manhattan Coalition for Immigrant Rights,
3 which is just a few blocks north of here.

4 And I'll just say a few words in
5 Spanish about translation.

6 (Spanish speaking.)

7 MR. RIVADENEYRA: Hi. Good
8 evening. My name is Michael Rivadeneyra
9 and I am the New York City Council's Bronx
10 designee to the Board.

11 MR. DARCHE: Good evening. My
12 name is Jonathan Darche. I'm the
13 executive director of the agency.

14 MS. BOND: Good evening. My name
15 is Erica Bond. I'm a mayoral designee.

16 MR. PEGUERO: Good evening. My
17 name is Ramon Peguero. I am a City
18 Council Queens County designee.

19 MR. JOSEPH: Good evening. My
20 name is Nathan Joseph. I am a City
21 Council designee from Staten Island.

22 MR. DAVIE: Thank you all for
23 being here.

24 As many of you know 2018 marked
25 25 years of the CCRB serving as the city's

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2 independent, all civilian police oversight
3 entity. It was a great honor at the close
4 of 2018 to celebrate that anniversary by
5 honoring the former Mayor David Dinkins at
6 city hall last month for his leadership in
7 laying the foundation for the CCRB as we
8 know it today.

9 At the close of 2018 the CCRB also
10 published its semiannual report. One of
11 the two major reports that the agency
12 issues each year. This report provides
13 information on the CCRB's complaint data
14 from January through June.

15 This semiannual report shows an
16 increase in the percentage of case -- all
17 those but the most serious -- in which the
18 police commissioner and the CCRB agreed on
19 recommended discipline. That number of
20 concurrences, we call it, was up to
21 54 percent, which was higher than the
22 45 percent we saw in the first half of
23 2017.

24 Also, you should know that 9 out
25 of 10 times, again, for all but the most

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2 this year. More than half a million New
3 Yorkers live in New York City Public
4 Housing. It is important for NYCHA
5 residents in all five boroughs to have a
6 platform to talk about their experiences
7 with police on a day-to-day basis in the
8 places they call home.

9 The calendar for the next five
10 meetings that will be held in NYCHA
11 buildings this year is now available on
12 the CCRB website at NYC.gov/CCRBmeetings
13 and that's one word.

14 There are two investigators here
15 tonight who can take complaints that
16 people have about their interactions with
17 Members of the NYPD. Carina and Phillip
18 are -- I think are in the back over there.
19 Can you guys stand up and raise your
20 hands?

21 MS. CARINA: We also have Kelly.

22 MR. DARCHE: Oh, and Kelly.

23 They're here to take your
24 complaints because in a public session we
25 don't want to get into the details about

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2 situations that you might have had that
3 might be suitable for our investigation.

4 And on that note, I want to bring
5 up video that was put on the internet by
6 the Daily News either late yesterday or
7 this morning about an incident that
8 occurred not that far from here, and to
9 say that the CCRB is aware of that
10 incident and we are investigating it, but we
11 cannot comment on it at the meeting. So
12 if anyone wants to speak on it in the
13 public session as a witness we urge you
14 not to do that. But instead speak to the
15 investigators who are here and give them
16 your information.

17 Finally, this meeting -- the
18 Riverstone was very gracious to let us use
19 this facility but they have a hard stop at
20 8:30. So I'm going to ask when people
21 speak during the public comment session,
22 that their comments be limited to
23 two minutes.

24 Thank you, Mr. Chair.

25 MR. DAVIE: Thank you, Mr. Darche.

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We are now going to have a report from our outreach director Yojaira Alvarez.

Yojaira Alvarez.

MS. ALVAREZ: Hello, everyone. Thank you so much for coming. My name is Yojaira Alvarez. I'm the director of outreach and intergovernmental affairs here at the CCRB.

I just want to take a quick minute to go over our jurisdiction and a little bit more information about the department.

So as some of you know, we are the nation's largest civilian oversight of the nation's largest police department. It's a -- we are governed by a 13 member board. The board has introduced themselves. They come from a variety of backgrounds representing New York City.

And what the agency is tasked in doing is investigating, mediating, and administratively prosecuting allegations of police misconduct in a fair and balanced and unbiased way. But we don't

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investigate all allegations of misconduct. There are four categories that fall under our jurisdiction. The way of remembering that is the acronym FADO, F-A-D-O.

The F stands for force. So if you experience or witness a civilian experiencing force -- so that could mean a punch, a kick, a use of a taser or baton -- that falls under our jurisdiction. We would investigate to determine if misconduct occurred. If it was excessive or unnecessary based off of evidence and legal guidelines and the patrol guidelines as well.

We also investigate allegations of abuse of authority. This is a big category. It can include improper stop, improper search, improper entry, refusal to provide name and badge number, refusal to provide a card in certain situations which I'll talk about in a second, and also threatening to call ICE. So please if you have any of those allegations, feel free to contact us.

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And as of February of last year, we are also investigating allegations of Sexual Harassment. Which can mean improper photographs, improper stops based off of those allegations. And we will be handling those cases thoroughly.

The last category -- the third category is discourtesy. We investigate allegations of profanity, an improper gesture. That can include a police officer requesting for my ID, I give it to her and her throwing it on the ground. That would be something that we would investigate.

And the last category is offensive language. So this is language that inappropriately refers to my race, ethnicity, sexual orientation, religion, or disability status.

As some of you have heard, there's a new law that went into effect in October called the Right to Know Act. So with that act there are certain situations a police officer at the conclusion of that

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2 interaction should proactively provide a
3 business card. That business card
4 provides that police officer's name and
5 command. And on the back of that card it
6 gives you additional information on how to
7 request some information but also how to
8 file -- to make a comment or file a
9 complaint using 311, which would be
10 referred to us.

11 Also, under certain situations, if
12 a police officer doesn't have the legal
13 justification to search they must
14 proactively ask for that consent. Now
15 this -- there's a lot of nuance to this
16 law. In the front you'll find a two-page
17 document outlining a lot more of this
18 information. And again, we'll be happy to
19 relay this information in a variety of
20 different spaces for you including
21 after-school programs, churches,
22 alternative to incarceration programs,
23 basketball tournaments, really any
24 situation or event that's happening in the
25 community, we'll be happy to come out and

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2 everybody. My name is Brian Natali
3 (phonetic). I'm the executive officer of
4 the 33rd Precinct, which is right here.
5 My precinct encompasses 155th Street to
6 179th Street from river to river.

7 I've been here for about three
8 years. So if you guys have any questions
9 later, feel free to come by. Thank you.

10 MR. DAVIE: Thank you.

11 Any other representatives from the
12 NYPD who'd like to speak?

13 (No response.)

14 MR. DAVIE: All right. We are
15 going to go back to our confirmed list.

16 Angie Woody.

17 MS. WOODY: Hi. I'm Angie Woody.

18 I work with New York Harm Reduction
19 Educators with my colleagues here Terrell
20 Jones and Sky Dedaniel (phonetic).

21 And we're here today as two
22 organization that work with people who use
23 drugs. So New York Harm Reduction
24 Educators and Washington Heights Corner
25 Project both serve people who use drugs

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officers are confiscating the Lanoxin from our individuals. And here we are in the midst of an overdose crisis. And the problem that made us hurt so bad was the police gave us the wrong name. He didn't want to be identified and he did not give the participant an ID card at the end.

The other matter too -- we understand that there's an issue with syringes. And we understand -- and we'll work with the NCOs and our community to address those issues.

But here it is you have other police officers that are watching the fake news. And then they are talking about, oh, as of 14th of this month they are going to be sending out special undercover narcotics agents to arrest these individuals in the park. But we talked about we can't arrest our way out of this. How do we work with those individuals? How do we work with individuals that's homeless? We send them to a program and

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2 when they come out the program they don't
3 send them to a place where they can live.
4 But the first thing we do is arrest them.

5 This is the issues that we have
6 that need to be addressed. When the
7 police officers -- when they give false
8 names and take somebody stuff away from
9 them and we are trying to build
10 relationships with NCOs in our community.
11 How does that look?

12 MR. DAVIE: Thank you.

13 MR. DARCHE: Sir, if you could --
14 if you could speak with our investigators
15 in the back --

16 MR. JONES: No thank you.

17 MR. DARCHE: So one of the issues
18 that we have at the CCRB, is we can only
19 be so effective if we don't get
20 information about cases. And I understand
21 that it is tough and difficult to go
22 through our process but as a leader in the
23 community we need this information if
24 we're going to do our jobs.

25 So I can only urge you to speak

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with the investors that are here to hear from you.

MS. WOODY: We filed a report for a reported confiscation on the 5th and one again on 7th.

MR. DARCHE: With this agency?

MS. WOODY: With the agency.

But unfortunately, the issue is that our clients are anonymous and confidential. So that means that we cannot provide their name. We cannot provide their phone number.

So that's the issue that we're consistently in, is that we have to protect the agency of our clients -- their anonymity -- and so that makes it difficult for there to be an investigation because that's your formal process.

MR. DARCHE: But if you -- if you can at least tell us when and where and the information that you can give us, we can see what we can find out. So I just urge everyone, especially someone like in your position where you're hearing these

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complaints, if you would let the agency know it will -- it will -- maybe we won't be able to complete an investigation, we wouldn't be able to find it out, but we're very good at -- even with limited amounts of information -- identifying officers and identifying victims. So I urge you to file complaint.

MS. WOODY: We have and we will continue to do so.

MR. DARCHE: With this agency. With the CCRB not with NYPD.

MS. WOODY: Yes. We did it with CCRB.

MR. DARCHE: Thank you.

MR. DAVIE: Thank you.

Thank you, John.

We have on the list now Al-Hajj Jawad -- Jawad, I'm sorry. How close am I? I know. I know. I'm sorry. Let me try again. Al-Hajj Jawad Abdul Wadud.

MR. WADUD: Now you got it.

MR. DAVIE: Thank you.

MR. WADUD: As-salamu alaykum.

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For those that don't know what that means, that means peace be upon you. Jesus when he went in many circles he said, peace be upon you, and when he left he said, may peace be upon you.

You know I'm here today, I was invited by Terrell, Timothy from the outreach. And you asked me questions, with your experience on the ground and in the community, what police community relations issue would you suggest we examine in the future.

Well, I think you should examine in the future police awareness. See because nowhere in the world -- see because, you know, I wish we could get back those Officer Joe Bolden guys. You know, that interact with the community, know the neighbors in the community. You know, member's names, you know. That type of officer. Now officers just want to rush in and grab somebody and get a collar. You know what I'm saying?

And, you know, interact with the

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2 clergy and the neighbors. I mean really
3 interact with them. Because some -- some,
4 you know, because I had made a suggestion
5 before and I'm not trying to go into a
6 bias saying here, but the people -- the
7 officers of the community can better
8 relate with the people in the community so
9 you should bring them in that community.
10 You understand, but you bring in -- I
11 don't want to be disrespectful to the
12 police or anything -- but you bring in
13 guys that don't know how to interact with
14 the community.

15 And, you know -- you know, because
16 off the record, I am going to say I want
17 this off the record, my son's a police
18 officer. And something was said about
19 some of the neighborhood and he said, man,
20 I come from the hood, what are you talking
21 about? You understand, he's the type to
22 let them know that that's not right what
23 you said, you know what I'm saying.

24 So, you know, police officers have
25 to get some type of relationship with the

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2 category, 27 percent were under the force
3 category -- those are the two largest
4 categories. Compared to New York City as
5 a whole, 62 percent of the complaints that
6 we got in all of New York City were in
7 abuse of authority and 22 percent were
8 force complaints. The other two
9 categories were very similar, so about the
10 same percentage. 13 percent for both on
11 discourtesy. And approximately 3 percent
12 for offensive language.

13 And you'll notice that this chart
14 is the percent of fully investigated
15 allegations broken down by FADO -- the
16 acronym that we use to describe those
17 types of allegations. Fully investigated
18 allegations, that's a term that we use to
19 describe cases that go through a full
20 investigation process.

21 The dispositions for each of these
22 allegations is on the next chart. And so
23 again Manhattan's on the left, New York
24 City's on the right. And these charts are
25 exactly the same. So for both -- one tiny

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percentage point off -- so for
substantiations in both Manhattan and New
York as a whole, that's about 10 percent
of all allegations fully investigated in
2018. 31 percent were exonerated.
Exonerated is a term that we use to
describe when the incident occurred as the
complainant described but the officer's
actions were within the boundaries of the
law or the patrol guide. Unfounded is
8 percent. And that's a designation that
we use to describe a situation in which
the incident did not occur as the
complainant described. 40 percent here
are unsubstantiated. Meaning we don't
know with a preponderance of the evidence,
meaning more likely than not, we don't
know what happened in that incident.
10 percent of allegations in Manhattan and
11 percent in New York City were closed as
MOS or member of service unidentified.
That means is we couldn't identify the
officer in question.

These two charts compare the

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2 complaints that we received and the felony
3 crimes that we received in -- I'm sorry --
4 the complaints we received in 2018 and the
5 felony crime rate from 2017. So the
6 complaint rate in 2018 -- you'll notice
7 some of these are higher and these are the
8 number of complaints we got from each
9 precinct in Manhattan per ten thousand
10 residents. And so for some of the
11 precincts you'll note that the darker red
12 colors are the higher rates here.

13 So for the 14th Precinct, for
14 instance -- the 14th Precinct has a higher
15 complaint rate but also a higher crime
16 rate. And that's significant because when
17 we see more interactions between the
18 police and the public, typically in those
19 areas, we do see more complaints come our
20 way. But that's not necessarily always
21 the case. So the 18th Precinct, for
22 instance, has a higher crime rate compared
23 to its complaint rate. That's fewer
24 complaints than we would expect given the
25 number of interactions there, which can

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2 indicate a need for additional outreach on
3 our part. The 23rd, 25th, 28th, and 32nd
4 Precincts have a higher complaint rate
5 compared to the crime rate. That's more
6 than we would expect given those relative
7 crime rates. And those could indicate
8 either higher rates of misconduct
9 occurring there or higher rates of
10 reporting, meaning that those residents
11 may be more aware of the CCRB and its
12 functions.

13 This chart depicts the number of
14 complaints that we received from those
15 over the age of 65 in 2018. And there
16 some precincts that appear to be much,
17 much higher than others. The 120th
18 Precinct, Staten Island, for example, you
19 can see there and then the precincts that
20 are in upper Manhattan as well. But these
21 are also pretty low raw numbers. So no
22 precinct in 2018 received more than nine
23 total complaints from folks who are over
24 the age of 65.

25 One of the things that I did want

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2 to focus on a bit here is also the
3 complaints that we have on the younger end
4 of the spectrum as well. So in Manhattan
5 14 percent of our complainants and victims
6 come from Manhattan compared with about 15
7 percent of the New York City population
8 total according to the last census. One
9 of things that we're focussing on in the
10 policy unit this year is to take a look at
11 interactions between police and young
12 people, ages approximately 14 to 24.

13 However, we've expanded this for
14 an upcoming event currently we have
15 scheduled on February 26th a Youth Summit
16 called Speak Up, Speak Out. This will be
17 at NYU's Kimmel Center. It's an all day
18 event that we are partnering with NYU on
19 to discuss with young people between the
20 ages of 10 and 24, from all over New York
21 City what they feel is working or not
22 working so well in their interactions with
23 the police in New York City.

24 So we have this information
25 available on the CCRB website and if

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2 anyone is interested in additional
3 information on this or any of the
4 initiatives, please feel free to reach out
5 to us so. All of our data, by the way, is
6 available on what we call the data
7 transparency initiatives. It's
8 NYC.gov/DTI. So much of our complaint
9 data is available there, updated every
10 single month. You can see it pretty
11 rapidly after we compile that data. And
12 any additional information can also be
13 found in our annual and semiannual reports
14 and in our monthly statistical reports.
15 Thank you.

16 MR. DAVIE: Thank you, Nicole.

17 Any comments or questions from the
18 Board members?

19 (No response.)

20 MR. DAVIE: Let's introduce
21 quickly the members of the Board who have
22 just come in starting to my right.

23 MR. PUMA: Good evening, everyone.
24 I'm sorry I'm hidden by this column here
25 but my name is Joseph Puma. I am the City

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2 Council representative to the Board from
3 Manhattan.

4 MR. DAVIE: And to my far left.

5 MR. SIEGAL: Good evening. John
6 -- John Siegal, good evening. I'm a
7 mayoral designee on the CCRB.

8 I live on the 1 train. I ride it
9 every day. You'd think I know how to get
10 here on time. But you might -- it's not
11 all that reliable so I apologize for my
12 tardiness.

13 MS. STAHLY-BUTTS: Hello. Good
14 evening, everybody. My name is Marbre
15 Stahly-Butts. I am a council appointee
16 from Brooklyn.

17 And I also apologize, the A train
18 was acting a fool so my apologizes for the
19 delay.

20 MR. DAVIE: Well, welcome. And
21 we're glad you're here.

22 So we are going to go back to our
23 speakers list. I have Maria Luna whose
24 the District Leader for Assembly District
25 71 Part A.

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MS. LUNA: Good evening,
everybody. I am welcome all of you to be
here tonight. And to pick out Riverstone
and the treasury -- treasury of this
organization. So if you have donations,
you know, see me on the side here. We'll
take it.

I'm also the president of the
police council, the 33rd Police Community
Council. You'll see fliers that are
inviting you to our meeting.

I am a little concerned about some
of the issues that we are, you know,
listening to tonight. The cornerstone
project -- I invite a lot of you to come
back to Community Board 12. I am also a
member of Community Board 12, which is 530
West 166th Street, tomorrow night. We
have the Health Housing Community, which
is involved in using information from your
people -- the anonymous people that you
have, to come and speak with us. We don't
take names, addresses, things like that.
We need to know what is the issue that are

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concerning.

The needle issue is extremely terrible. You know, if you go to any of the parks up here -- and we are surrounded by parks -- you will find syringes all over the place. We are not going to accuse anybody but the people have to have some responsibility. It's not just the police or anyone else -- the agency. That each individual and if they need help, help is available. Not only the community board, the police council but also the hospital that have a program that can deal with that.

One of the other things that I need to address is that we have -- how many people knows the name of the police officer, the NCO that is on our areas. We are divided by, you know, corners. We need to get involved with them. We need to get their names. They are familiar with us.

We have monthly meetings where we hear all these complaints. You don't have

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to go that far unless it's really, really,
really serious because we can take care of
that in our meetings and everything is
private. You don't have to, you know, to
be afraid. Sometimes, listen, police
officers are human beings. Every family
have one person that you don't want to
deal with in our families. There is
always an uncle, a cousin, things like
that but we have to put up with them. We
have to put up with them. So make sure
that when you contact our police officers
and deal with that at a level before it
gets to more serious consequences.

So what I'm saying is that also
the Iman said something about
responsibility about religious things.
Our families are falling apart. It's from
the top to the bottom. We need to get
involved and we need to know each other,
our neighbors and just see how we can
straighten out. It's not going to be a
pure, pure culture. There's going to be
always a problem. So I urge everybody to

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2 MS. MULLEN: Hello. Good evening.
3 So my name is Selena Mullen. I'm from
4 AALUSC, African Ancestral Lesbians United
5 for Societal Change. I'm kind of speaking
6 as a member from the LGBTQ community.

7 And I was invited here to speak.
8 I was given a couple of questions so the
9 ones that I'm going to address is: What
10 can the CCRB do to foster the public's
11 trust? And I'm going to say -- I'm
12 guessing the first thing is be visible.
13 Is visibility in the LGBTQ community and
14 let them know that you exist.

15 So when I explained to the
16 community -- because I also sit on a
17 couple of boards for the LGBTQ community
18 -- that when I was coming here to speak
19 and I posed questions to the community via
20 social media and email and when people
21 responded with some of their responses, no
22 one -- they thought this was a new
23 initiative. No one really knew that this
24 existed. So I was like, no, they've been
25 around for awhile.

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with the community? So when you -- I say that because it's about if you -- when ya'll come -- when you come out to -- if somebody did file a complaint and you're coming out to engage with them to find out what's going on are you using correct pronouns? Do you care what their pronouns and identities and the terms of the community is? Because if you come out and you may have good intentions in your heart but you mislabel somebody, they've going to shut down already because they just don't need that more traumatizing.

Do you know what the concerns and the needs are of the community? So if a complaint is filed and you're coming and you're listening the complaint but the history or, you know, is not being done on the needs and concerns of the community can you properly address or understand where the complaint is coming from? Why it's a complaint and how to address the complaint? You know, from that perspective understanding fully what the

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gaps? If they see that you're helping to bridge the gaps and to reduce the incidents so are we -- once again, are you meeting with the leadership to talk about how to reduce incidents. So even before an incident come up, how are you preventing the incidents? And bridging gaps with the community and community leaders to talk about what their concerns are, that would help reduce the incidents.

Are you talking with the police and training -- and also offering trainings to the police on how to engage with this community so that incidents never come up. And how are you bringing both sides together to address the historic -- the historical tension to the mistrust and things of that sort within the community so that these things are not coming up.

Be transparent that always forces trust. If you're transparent people believe what you're saying and they believe that they -- they believe in what

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2 MR. DAVIE: So we're trying to
3 keep this to two minutes --

4 MS. MULLEN: This is real quick,
5 real quick.

6 MR. DAVIE: Okay. All right.

7 MS. MULLEN: All right. So how
8 you're engaging and handling LGBTQ youth
9 and incidents involving LGBTQ youth,
10 that's huge. How police engage with and
11 handle trans community. We have a lot of
12 trans death among the color -- among color
13 people so how are you -- so that's a
14 concern. And then people don't want to
15 file reports when crimes happen against
16 them because they don't trust police. So
17 like how do you address -- so that's a
18 concern. And lastly, the last one is just
19 the homophobia within the NYPD so that's
20 something.

21 MR. DAVIE: Thank you very much.

22 Let me just say the CCRB does have
23 an initiative for the LGBTQ community and
24 we take the -- so the historic less than
25 productive relationship between the NYPD

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2 and the LGBTQ community very seriously.

3 And it would be good if you could talk to

4 Yojaira Alvarez before you go and make

5 sure that you all exchange contact

6 information.

7 I can say also, I know that the

8 NYPD is doing a lot of work itself on

9 making sure that biases and prejudices

10 against communities get addressed. I know

11 we here at the CCRB have had our own

12 implicit bias training around these

13 issues.

14 I can tell you from the Board to

15 the staff the LGBTQ community is

16 represented. I can say that personally.

17 I'll stop there so that that sinks in.

18 So we take this -- we take it very

19 seriously. And we appreciate your coming

20 out to share your views on this. And we'd

21 like to continue to work with you to

22 improve the relationships between the

23 communities.

24 I understand that Council Member

25 Kallos is here.

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2 (Applause.)

3 COUNCILMAN KALLOS: As I was
4 coming I was asked to share a little bit
5 of my own personal experience and just
6 some of what we've been able to do in the
7 district. So I see a lot of faces of all
8 ages and what I'll tell you, just to not
9 give away too much, is I grew up in New
10 York City during the Giuliani and
11 Bloomberg administrations. Which meant
12 being a teenager meant getting stopped and
13 issued violations frequently. And when I
14 ran for city council I took a stand
15 against stop and frisk and it was used
16 against me in my campaign.

17 In fact, they went as far as
18 sending a mailer to my entire district
19 saying a vote for Kallos equals a vote for
20 more murder. And I want to thank our
21 administration -- I'm proud to be apart of
22 it -- when we put an end to this
23 discriminatory practice and I want to
24 thank our NYPD because the city is safer
25 than it has ever been. They deserve an

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2 applause for that as well, please.

3 (Applause.)

4 COUNCILMAN KALLOS: Now, I share a
5 concern with a lot of folks about broken
6 windows and I'm a firm believer in the
7 constitution. So one quick question, who
8 here knows their 5th Amendment right? 5th
9 Amendment right? Show of hands.

10 Okay. All the way in the back.
11 What is it?

12 UNKNOWN SPEAKER 1: I believe the
13 5th means, like, you don't -- you don't
14 have to, like, state something that is
15 like --

16 COUNCILMAN KALLOS: That is
17 correct. It is your right to remain
18 silent and we see it on TV every single
19 night.

20 Who here can tell me their 4th
21 Amendment right?

22 (No response.)

23 COUNCILMAN KALLOS: And I did not
24 see any -- I saw a hand in the back.

25 UNKNOWN SPEAKER 2: YOU have the

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right to equal protection under the law.

COUNCILMAN KALLOS: That is the 14th Amendment, I said the 4th Amendment but that is a good one.

So the 4th Amendment is the right against unwarranted search and seizure. And as a member of the progressive caucus I've been fighting for what we've called the Right to Know Act. And I actually did something in the city council, it was called a motion to discharge. It's where seven members of the council get together and they say, we don't care what they do to us but we're going to go around the speaker because this is that important.

And what I thought was important is that every time you have an interaction with a police officer -- and this is now the case -- you should get a card from that police officer with their information so you can comment on how that went. I believe those cards include information with the CCRB on it. Is that not correct?

So that is now -- the law has gone

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2 into effect and one other piece -- which I
3 think is the most important piece because
4 I'm an attorney, I love the Constitution
5 -- when they don't have cause you have --
6 they have to tell you that you can refuse
7 a search. And that I think is the most
8 important piece. And I want it to be more
9 famous than the Miranda warning.

10 And so I want to talk a little bit
11 about my community and what we've been
12 able to do there. In my community I do
13 something -- I do house calls. Anyone
14 ever met anyone doing house calls? Even
15 doctors, does anyone know a doctor that
16 does house calls in the modern age?

17 That is awesome. I want your
18 doctor's number.

19 But I do house calls. We call it
20 Ben in Your Building. And so I go to
21 NYCHA tenant meetings. I go to people's
22 co-op or condo board meetings. I go to
23 rental meetings. And we talk to people.
24 And in the NYCHA's in my district -- I
25 have Isaacs and Holmes, I have Lexington

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We also have in my neighborhood we brought NYPD to the communities' meetings. So I'm sorry to all the community affairs officers but -- so that means whether it's the NCO or the community officers, whether it's the 72nd Street Neighborhood Association, the 60th Street Neighborhood Association, the 79th Street Neighborhood Association, the 86th Street Neighborhood Association, the East 84th Street Block Association, the East 96th Street Neighborhood Association, this tenant association, that tenant association I see my CAU officers -- sometimes I see them more than I see my wife. We are at so many meetings together and so I encourage you to work with your local precinct to bring folks there. And that allows them to focus on the issues that are important to you.

In my district one of the things we get complaints about every day is people ride up on the sidewalks on their bikes, sometimes they're on the eBikes;

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2 going to do a rally. And the police came
3 back and said, what if we mentor the
4 children, what if we go to the at-risk
5 youths. So we have a partnership with the
6 police explorers we funded in my district.
7 And they've gone to the at-risk youth and
8 they've said, we will mentor you, we will
9 give you after-school activities, you will
10 get your college paid for if you're
11 interested in becoming a police officer,
12 and then you're going to make fifty-grand
13 four years from now. And so that has been
14 very helpful.

15 And last but not least is I'm a
16 big fan of the CCRB. I'm a big fan of
17 many of the people serving on CCRB. I
18 think that the CCRB should be more
19 powerful and we are currently looking at
20 the city charter revision. You can go to
21 charter2019.com, you can email me at
22 policy@benkallos.com, you can call me at
23 212-860-1950 if you have ideas whether
24 you're in the audience or on that side of
25 the table for what we can do to make the

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MS. SEKOU: Close.

MR. DAVIE: How'd I do?

MS. SEKOU: You did pretty good.

(Applause.)

MR. DAVIE: You got it.

MS. SEKOU: Peace and blessings.

How's everyone doing? Thank you to the CCRB for the invitation to come.

My name is Iesha Sekou. I-E-S-H-A S-E-K-O-U, in case you happen to look for me. The NYPD is, I'm sure, clear about who we are.

We are a Cure Violence. The organization is Street Corner Resources and we've been doing antiviolence in this city, particularly Harlem within the confines of the 32nd Precinct. But even before that the 25, the 28, and once in awhile we come in the 30s and do National Night Out, and respond sometimes to some of the violence in those areas. That's before we were commissioned by the Mayor's Office on Criminal Justice to take one hardened area and that areas is where I

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live, where I work, where my organization is, and also where we are commissioned to reduce and deescalate violence, real violence working with young people who at the highest risk of shooting.

So my concerns are: One -- and the team that you see behind me is the team that is on the street in the dark of the night whenever there is an issue. Responding to the hospital because we have a contract with Health and Hospitals Corporation, with Harlem Hospital. So whenever there is any major violent act no matter what precinct area it comes out of, we respond. Slashings, stabbings, shootings, beatings, and what have you. So just to give you a snapshot.

Cure Violence is part of the Mayor's Office of Crisis Management. So you can kind of see and you'll probably hear tomorrow if you are at the State of the City Address with the Mayor you'll here a little bit about our impact. But I'm going to make sure that I say, because

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2 park and it's a park that's right across
3 the street from where we -- where we
4 occupy. Actually, not across the street.
5 We occupy in front of that park and I live
6 in that area. I'll say that.

7 Often in the summer there are
8 barbecues, cookouts, all kinds of
9 craziness. The park is not locked. The
10 police ride by it. And on the day that we
11 have an antiviolence event -- you can
12 check it, it's on the Instagram -- they
13 come in. This officer -- maybe they
14 didn't have anything to do -- with 25
15 other officers with children tap dancing,
16 balloons, cotton candy, you know, kids
17 that we had lined up to perform. And it
18 was really ugly.

19 And I'll tell you the ugliest
20 thing, not that they harassed me for about
21 nothing -- really, it was one officer. I
22 have to be honest about that. But the
23 worst part was, was that the children
24 asked if they were going to be killed by
25 the police. As a mother and a

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grandmother, that broke my heart. That they were tapping people on the leg, are they going to kill us. Because the aggression was not warranted for the event. You understand what I mean, like, they showed up for a battle that wasn't even happening.

And this particular officer said he happened to be in the 32nd Precinct for 13 years. I had never seen this guy, ever and I know most of the officers there. They will say, that's Sister Iesha. I can say that's Collodo (phonetic), that's (inaudible). I know them.

So my concern here is not just the incident with me -- I can take care of myself, pretty much. And the community was willing to take care of me, pretty much. And so I think that that was the saving grace because the cameras went up and people were upset about the interaction because it was not necessary.

We fed some people. People danced. We had the peace. A man actually

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2 had been urinating and had his private
3 parts out, we moved him. I moved him
4 myself. We didn't have to call. We did
5 our own policing in that park for that
6 event. All of the vagrants were given a
7 place to be and it was protected.

8 So my concern is, is that these
9 kinds of incidents and interactions with
10 the police that are oftentimes overly
11 aggressive. That the reaction of the
12 police during the incident or whatever, or
13 their approach or they need to tell
14 somebody to shut a grill down or they need
15 to approach a young person becomes a
16 bigger thing because the officers are not
17 familiar with who the indigenous leaders
18 are, who the people in the neighborhood
19 are.

20 And I'm not talking about -- they
21 don't even have to have an organization or
22 be like -- like how I am, they are just
23 people who live there. They're called
24 indigenous leaders. And even when I said
25 that at the academy they didn't know what

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2 policing mind on both sides. Don't expect
3 the community to just give way to you
4 jumping double dutch, doing the wobble,
5 dancing the salsa or do bachata and not
6 have real relationships because that's
7 fake. It is fake. And it doesn't do
8 anything but make people think on Facebook
9 and on Instagram and on the nightly news
10 that something happened that really did
11 not happen. You understand?

12 This is not a beat up. This is --
13 if we're going to make better community
14 for real, we have to have real
15 relationships. And that starts with
16 knowing people's names in the community
17 and knowing who lives where and who's the
18 principal of the school. And not just the
19 principal when you got to go in and arrest
20 kids but on a day that's a good day and
21 showing up for the graduation and things
22 like that.

23 So I guess that on behalf of young
24 people, I just wanted to say that
25 relationships have to be created. I know

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2 the work in our community that is not just
3 about making arrests for quality of life
4 issues to think that you're going to get
5 rid of the issue because of the arrest. I
6 heard people talk about that with drug
7 use. I'll say the same thing around
8 issues of violence. Because kids live in
9 neighbors where violence has occurred, it
10 does not make -- my grandson in particular
11 whose in our neighborhood when he's home.
12 He plays for Kanas University. He has a
13 full ride. He's in college in his last
14 year. But he looks like every other kid,
15 every other kid. And you wouldn't know
16 that unless you had a conversation with
17 him and he's -- you know, he's hard headed
18 too sometimes but basically is a decent
19 kid. And I think most of them can be
20 decent kids if we put time with them.

21 So I just want to challenge the
22 police department to stand up in that way.
23 Again, don't just criminalize kids. NCOs
24 really get to know people, really get to
25 know people. I can't call the names of

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2 what I mean.

3 I keep it real. I'm on the
4 street, like, that stop and frisk, all
5 your new rules -- half of them don't mean
6 nothing. They do what they want. You
7 know what I mean? They beat you up. I
8 just had got into an incident not too long
9 ago on 166 in the Bronx. Got invited to
10 an event. I'm one of the kids that's at
11 the parties. I'm out. I come to the
12 event and I'm already caught up in police
13 action, already a fight going down. A kid
14 winds up in a coma up there, you know what
15 I'm saying, one of my young boys.

16 So I was quickly, you know,
17 worried what's going on, how he's doing,
18 and everything. I was quickly bum rushed.
19 I guess there's no time for conversation
20 from these guys, you know what I'm saying.
21 They don't know what their call was about.
22 But they came -- as I'm worried and
23 looking out for someone else, I get pushed
24 over, scratched up, you know what I'm
25 saying, hurt, beat on, and arrested, you

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2 also, like, been to, like, local precincts
3 too to, like, get more information on this
4 stuff. Like, it's crazy.

5 MR. DARCHE: Mr. Morales, I
6 appreciate what you're saying and while I
7 think there is movement to legalize
8 eBikes, I think they are illegal. The
9 police can tell me if I'm wrong? I
10 understand that people sell them in New
11 York and people use them but that's --
12 that is one of problems, that the law has
13 not caught up with the use. And so --

14 MR. MORALES: I feel like I'm -- I
15 feel like I'm being targeted for my \$1,500
16 bike.

17 MR. DARCHE: That's true.

18 MR. MORALES: And there's also,
19 like --

20 MR. DARCHE: But the way it is
21 right now, the bike is illegal.

22 MR MORALES: I'm not going to lie
23 I get, like -- I get good compliments
24 actually from the NYPD and stuff like
25 that. And I'm like -- they're just

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2 like -- they're just like, don't drive
3 like an asshole, don't, like -- like,
4 don't be fucking stupid, you know like,
5 and also stuff like that.

6 I'm sorry for cursing but I'm
7 actually very passionate about this
8 because I'm actually really upset that
9 over, like, 15,000 bikes have been, like,
10 confiscated over, like, something that,
11 like, it's, like --

12 MR. DAVIE: It might -- it might
13 be helpful if you were to talk to the
14 Council Member Kallos who was just here
15 about getting the city's laws changed.
16 But as Mr. Darche has said, the bikes are
17 illegal.

18 Now, that said --

19 MR. MORALES: Wait, not all of
20 them are.

21 MR. DAVIE: That said, you still
22 should be treated well by officers. So if
23 you've got a complaint --

24 MR. MORALES: Oh, yeah -- no,
25 yeah, I've actually gotten, like, you

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2 it's being -- the law is being enforced,
3 it's just not clear. But you have to talk
4 to your City Council people about changing
5 the law.

6 MR. MORALES: I just get a lot of
7 -- I'm sorry.

8 MR. DAVIE: But I just think for
9 tonight, we've heard the issue. And given
10 that the hour's late, we need to hear from
11 other people who have also signed up to
12 speak. Thank you very much.

13 (Applause.)

14 MR. DAVIE: So now we have Juan
15 Rosa from -- who is a community school
16 director of High School for Media and
17 Communications.

18 MR. ROSA: So I'm not here repping
19 the DOE just so everybody knows.

20 Thank you, Commissioner Davie.
21 I'm glad that you've here in the home of
22 one of your board members, Angela
23 Fernandez. We're very proud of her. And
24 she does great work in her other endeavors
25 as executive director of Northern

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2 Manhattan Coalition for Immigrant Rights.

3 And we're very proud her.

4 So I'm Juan Rosa. One of the hats
5 that I wear is I'm the community school
6 director through Catholic Charities
7 Community Services at the High School for
8 Media and Communications. And one of the
9 things I do want to commend you, besides
10 coming up here to Washington Heights and
11 taking the show on the road per se, is
12 that this week your outreach coordinator
13 Timothy Harrell spend the whole -- a whole
14 day at my school going through -- going to
15 classes to -- teaching students what the
16 CCRB is. So he had really interesting
17 conversations with students about what
18 their place in the law is, what their
19 rights are as citizens, and I guess he
20 would say -- I don't want to speak for him
21 -- that our students were very bright and
22 really interested in what this subject
23 matter was.

24 So I do want to say that I work
25 often in my role -- in my particular role

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-- as community school director, I do work closely with officers for the 34th Precinct. That's where the school is located, 49 Audubon Avenue. And the officers from the 34th, they come often. We do basketball games with our students. We have cops and kids. We don't call them cops versus kids for obvious reasons. We say cops and kids basketball games so we mix the teams. And we do that a couple of times a year. Once a year we have our career fair and the 34th Precinct and the patrol board send a bunch of officers to the school to talk to students about careers in law enforcement.

So we have a very productive, healthy relationship at the school adult to adult, professional to professional in our community. But I must say that, you know, like Iesha mentioned -- I'm sad that she left -- Sister Iesha left -- sometimes when you work particularly with boys of color -- and I say particularly -- and I'm not a parent yet -- but there is that

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2 feeling when, you know, you come home from
3 a trip with your students and everybody's
4 going home at 9:00 p.m. and they're
5 getting on the trains. You do get the
6 feeling that, you know, will my young men
7 be harassed by officers or, you know,
8 attacked by bandits. And until they get
9 home -- until they check in with you that
10 they're home, there is that feeling in
11 your heart that everything is not right.

12 It is very particular to young men
13 of color -- black and brown boys. I can
14 say that three and a half years doing this
15 work and it never goes away, it never goes
16 away. And, you know, one of things that,
17 you know, I wish that would not happen
18 anymore is that when some of our young
19 people have warrants, officers will
20 actually go to the school to arrest them.
21 And I would like for society to understand
22 that schools nowadays are places of
23 stability for our students. They are
24 places of safety and comfort. My job is
25 -- you know, I get paid a bunch of money a

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2 year to create that sense of comfort and
3 safety for each one of my students.

4 When one of them is arrested at
5 the place where they feel most safe and
6 most validated it can be life wrecking,
7 right. So it's not only that you get
8 picked up that day, everybody sees you
9 being escorted out the building in
10 handcuffs. You have to go back to that
11 place and now everybody looks at you a
12 different way, right.

13 So, you know, I -- and, again, I
14 thank the 34th Precinct. I was allowed to
15 ride in the back of a car with one of my boys
16 that was arrested two years ago, right,
17 because I didn't feel that the safety was
18 ensured because of some arguments that
19 were going on. And I'm glad that they
20 allowed me to do so.

21 But I hope that -- I don't know if
22 this is a NYPD regulation, I don't know if
23 it's a city law, I don't if a DOE
24 ordinance needs to go on but the idea that
25 our students can get arrested in the

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2 school -- I get that if you get into a
3 fight in the school and there's some level
4 of violence that is intolerable that goes
5 beyond a suspension or an education
6 department regulation, that yes, the
7 police can be called and you can be
8 arrested or whatnot. But that a warrant
9 is out for you and you go around trying to
10 make your life as normal and regular as
11 possible and you go into school and you
12 get arrested in front of everyone and
13 escorted out in handcuffs at the age of
14 15, 16, 17 that can be life wrecking. And
15 I've see that way too much in the three
16 years that I've been at the school where I
17 am.

18 So in the one hand, I will say,
19 you know, my testimony is that we have a
20 very healthy relationship with our local
21 precinct in a professional capacity. They
22 do come in and they do those things that
23 try to build bridges between the students
24 and them. A lot of my students want to be
25 law enforcement professionals. A lot of

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them want to be officers. A lot of them want to be detectives. And we always look for opportunities to make them -- to have them spend time with offices.

But, you know, if something happens to you, you know, at 34th Street and your skin color is not brown or black and they officer approaches you as sir or ma'am, does that happen to you if you're black or brown at 191st Street or 181st Street or 143rd Street or 137th Street? There are very little things -- what people like to call microaggressions -- that happen to our kids every day that, again, they transform lives, transform attitudes.

And I would urge my partners -- my friends in law enforcement that when you do approach that 17 year old knucklehead, you have to say sir, you have to say ma'am. It's the same way that you say sir or ma'am to a 62 year old white person downtown. I mean it's -- it's the duty of having courtesy, professionalism, and

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respect and it goes a long way, right. It goes a long way in establishing relationships. Like Iesha was saying, again, establish real relationship with relations that we police.

Again, I want to close by commending the CCRB, again, for coming uptown, for taking the hearing outside of -- outside of downtown. And I want to thank you for the effort that you've doing in going into the school. I'm going to call Timothy again to come back next year, maybe before the school years over. Because it was very helpful and it was really interesting to see our young people listen. Because they don't really listen to me too much. But when you get an outside -- especially someone with a passion and professional of Timothy coming into your school and talking to them about their rights and about processes that are in place to protect them, it goes a long way.

And this is not a beat up of cops.

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Washington. I haven't been able to reach him. He began by saying, I'm here to speak truth to power. And then he used the term "jurisdictional justice," which he defined as the type of justice you get depends upon the zip code where you live. And he later gave an example. The community is calling for our community to get treated the same way 72nd and Park gets treated. For some strange reason the weed arrests down there don't seem to be as high, right.

I was struck by how specific he was, 72nd and Park. I actually don't know why he choose it but I've learned a lot in coming up with it and I'm sure other people can help me.

I'll start with the issue arrest for smoking in public. Mr. Washington choose an extremely wealthy area. On the west side of Park Avenue between 72nd and 71st Street is 740 Park Avenue, you can look it up in wikipedia. David Koch has an 18-room apartment in the building and

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it's not the smallest building -- smallest apartment. These apartments are so big that if you want to you can find a room to smoke in. You don't have to smoke outside. And if you can't do it because people are home, you can go to a friend.

Another difference is obtaining product. In that neighborhood you get home delivery. A young person with a backpack arrives, dressed so as not to attract attention. He says, I'm a friend and the doorman checks, yes, you're a friend. The person goes up, two or three minutes comes down, he's on his way. The point is that the deal occurred on private property. The police can't possibly see it.

I'm going to talk about two trials I observed a year and a half ago. Two officers were driving down a street in Harlem they came to a vacant lot with a chain link fence. And there were a bunch of males doing something and they saw that a transaction was happening. The officers

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2 got out an arrest was made.

3 Another one had to do with two
4 police officers who were in a NYCHA
5 project. Again, they see a bunch of young
6 men over there. Maybe they're playing
7 dice. They decide to go to the top of a
8 building. So they go to the top of a
9 building, they take out their binoculars,
10 and they look and they see improper
11 behavior. So they go down and this person
12 is arrested.

13 The idea here is it's out in
14 public for other people and for 72nd and
15 Park Avenue, it just disappears. Okay.
16 Two minutes.

17 MR. DAVIE: Yes. Thank you.

18 Thank you very much. We have --

19 (Applause.)

20 MR. DAVIE: We have Mercedes but
21 no last name.

22 (No response.)

23 MR. DAVIE: All right. Is this
24 Maris -- I can't read this. Marsellette
25 Davis?

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2 (No response.)

3 MR. DAVIE: All right. Francozs
4 Aziz?

5 (No response.)

6 MR. DAVIE: And Gray Tone?

7 (No response.)

8 MR. DAVIE: All right. That's our
9 list. Is there anybody who did not make
10 the list that would like the speak?

11 (No response.)

12 MR. DAVIE: Is there any new
13 business to come before this Board?

14 (No response.)

15 MR. DAVIE: Mr. Peguero?
16 Is there any old business to come
17 before this Board?

18 (No response.)

19 MR. DAVIE: Is there a motion to
20 approve the minutes?

21 UNKNOWN SPEAKER 3: So moved.

22 MR. DAVIE: Is there a motion from
23 one of the board members to approve the
24 minutes?

25 MR. RIVADENEYRA: So moved.

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2 MR. DAVIE: Is there a second.

3 UNKNOWN BOARD MEMBER 1: Aye.

4 MR. DAVIE: Are there any changes
5 or revisions? And questions or comments
6 from the board?

7 (No response.)

8 MR. DAVIE: All those in favor of
9 approving the minutes please say aye.

10 (Chorus of ayes.)

11 MR. DAVIE: Opposed, no.

12 (No response.)

13 MR. DAVIE: The ayes have it. The
14 minutes are approved.

15 Is there a motion to adjourn to
16 executive session?

17 MR. SIEGAL: So moved.

18 MR. DAVIE: By the board.

19 Is there a second to that motion?

20 UNKNOWN BOARD MEMBER 2: Second.

21 MR. DAVIE: All those in favor of
22 adjourning to executive session please say
23 aye.

24 (Chorus of ayes.)

25 MR. DAVIE: Opposed, no.

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(No response.)

MR. DAVIE: The ayes have it. We
are adjourned. Thank you all for coming.

(Time noted: 8:14 p.m.)

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C E R T I F I C A T E

I, KRISTINA TRNKA, a shorthand reporter and
Notary Public within and for the State of New York,
do hereby certify:

That the within statement is a true and
accurate record of the stenographic notes taken by
me.

In witness whereof, I have hereunto set my
hand this 27th day of January, 2019.

Kristina Trnka

KRISTINA TRNKA

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