

In Re March Public Board Meeting NYC - Civilian Complaint Review
Board
March 9, 2022

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CIVILIAN COMPLAINT REVIEW BOARD
PUBLIC BOARD MEETING
MARCH 9, 2022
4:00 P.M.

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

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

Transcribed by:
Elbia Baires

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BOARD MEMBERS PRESENT

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- 1. Arva Rice - Chair
- 2. Corrine A. Irish, Esq., Board Member
- 3. Joseph A. Puma, Board Member
- 4. Willie Freeman, Board Member
- 5. Esmeralda Simmons, Esq., Board Member
- 6. Herman Merritt, Board Member
- 7. Michael Rivadeneyra, Esq. Board Member
- 8. Salvatore F. Carcaterra, Board Member
- 9. Frank Dwyer, Board Member

Presenters:

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

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

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CHAIR RICE: Good afternoon,
everyone. And welcome. My name is
Arva Rice, serving as interim chair of
the Civilian Complaint Review Board.
And I would like to call the
March 2022 CCRB meeting to order.

Would the rest of the board
please introduce yourselves. And can
we start to my left with Herman.

MR. MERRITT: Good afternoon.
My name is Herman Merritt. I am the
Brooklyn representative of the City
Council.

MR. DWYER: Good afternoon. My
name is Frank Dwyer. I'm a police
Commissioner designee.

MS. IRISH, ESQ.: Corrine Irish.
I am a mayoral appointee from Harlem.

MR. DARCHE: Jonathan Darche.
I'm the executive director of the
agency.

MR. CARCATERRA: Hello,
everyone. I'm Sal Carcaterra. And I

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am a police commissioner designee.

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MS. SIMMONS, ESQ.: Good

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afternoon, everyone. I'm Esmeralda

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Simmons from Brooklyn, New York. And

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I am Jumaane Williams' -- the public

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advocate's representative.

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MR. PUMA: -- I live on the

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Lower East Side.

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CHAIR RICE: And can we have the

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board members who are joining us on

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Webex to also introduce themselves,

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starting with Michael.

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MR. RIVADENEYRA, ESQ.: Good

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evening, everyone. Apologies for not

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being there in person today. My name

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is Michael Rivadeneyra. And I am the

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Bronx City Council designee to the

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board.

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CHAIR RICE: Seeing as we do not

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have a quorum, we will push the

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approval of the February minutes to

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next month.

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I am particularly excited to

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welcome my fellow board members and

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the public to our first in-person meeting in two years. In March 2020, CCRB staff worked tirelessly to ensure that we could continue our services and public meetings. Outreach presentations, civilian and officer interviews and our board meetings all became remote to ensure everyone's safety. But it required great agility and resourcefulness from CCRB staff to make it possible.

While we continue to be cautious, today is a landmark day for our agency in restarting in-person events. From March 2020 to today, the outreach team was still able to conduct 1,090 presentations to youth groups, congregations, advocacy groups, schools and more. The outreach team also began several new initiatives to reach community members, including Block to Block, CCRB Cares, and Barber Shop and Courtside outreach.

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As COVID restrictions began to ease, the outreach team is ready to ramp up their presence in all five boroughs, educating New Yorkers on their rights when interacting with police officers, and the resources available to them if they have encountered police misconduct.

While our outreach team is doing an excellent job increasing awareness of the CCRB, I would also like to thank the City Council for their generous funding they provided for public education last year. Many New Yorkers are unaware of the resources available to them after they have suffered or witnessed misconduct. Due to the public education funding, we were able to place advertisements on a variety of outlets and reach communities throughout the City. We will continue these efforts for greater agency awareness throughout 2022.

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We will enforce our youth outreach with two programs this year. We are currently finalizing our 2022 class of the CCRB Youth Advisory Council, or YAC, who are between the ages of 12 to 18 years old, and come from a wide variety of communities hailing from all five boroughs. The YAC will help the CCRB stay attuned to young New Yorkers' experience with the NYPD, and ensure their generation's voices are included as we advocate for new policies and practices.

We are also thrilled to announce we will, once again, be participating in the Summer Youth Employment Program, SYEP. The revitalized SYEP will offer summer jobs to 90,000 young New Yorkers across a variety of agencies, and provides young people with paid opportunities to explore potential career interests and help develop their professional, social, civic and leadership skills. Research

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shows that summer jobs save lives, cut crime and strengthen communities. And the CCRB applauds Mayor Adams' commitment to this program, and is excited to participate in it.

We have partnered with the Manhattan Transition and College Access Center, who will assign us 15 students to join our ranks this summer. Aside from working with these 15 students, we will also offer workshops for their parents and be part of training program staff.

If you know any young New Yorker between the ages of 14 to 24, please direct them to NYC.gov/SYEP to apply for the program.

We will now hear from CCRB Executive Director, Jonathan Darche.

MR. DARCHE: Thank you, Chair Rice. My name is Jon Darche, and I use he and him pronouns. As Chair Rice mentioned, the agency is focused on increasing awareness of the agency

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and transparency. I'm going to be talking a little bit today about the work the agency is doing to increase transparency for the public to understand what we do here.

Since the repeal of Civil Rights Law 50-A, the agency released documents in response to 443 FOIL requests. And there are more pending. We have actually hired staff to expedite the response for FOIL requests. In addition, we are posting deviation letters from the police department on our website. In the coming year, we plan to expand upon the information that we proactively post on our website so that we aren't waiting for people to make FOIL requests, but instead are putting the information out there for the public to have access to.

While the CCRB is trying to make our operations more visible to the public, we are oftentimes hampered by

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state sealing statutes. This is even more of a problem because while the CCRB used to be confined to investigating cases where we had a complaint, last year, the City Council changed the City Charter so that we can now self-initiate complaints.

While this is a major step for our agency, our ability to investigate all cases of misconduct is often hindered by sealing statutes, and that will be more so in cases where we are self-initiating complaints or in profiling cases, which are also now in our jurisdiction because of Council changes to the Charter made last year. Sealed arrest records often include alleged incidents of police misconduct. In order to truly act as oversight over the NYPD, the CCRB needs to be exempt from the sealing statutes.

State Senator Cleare reintroduced a key piece of

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legislation in Albany that would exempt the CCRB from current statutes. We hope for support from the legislature and the governor in passing this bill.

The CCRB is continuing to review protest cases. We expect to have the protest report done in coming months, and we hope to have an updated snapshot before the end of this month. If you need to file a complaint in person, you can do that. Our office is now open for civilians to walk in. If you would prefer to file your complaint online or over the phone, that is also available.

Some ground rules for this afternoon. If you are here in person and you would like to make a comment, please make a member of the staff aware of that. Also, if you are joining us online and you would like to make a comment, please use the raise your hand feature. And finally,

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please, I would ask individuals to keep their comments to four minutes in length. And I'd like to thank the staff for all their hard work and to thank members of the public for participating in today's meeting.

CHAIR RICE: Thank you.

Do any members of the board have any questions of our executive director?

(No response.)

CHAIR RICE: Any questions?

(No response.)

CHAIR RICE: Any questions? Any questions?

(No response.)

CHAIR RICE: All right. Seeing none, we will proceed to the presentation from the director of outreach, Jahi Rose.

MR. ROSE: Hello, can you hear me? Thank you very much, Chair Rice. My name is Jahi Rose. I go by pronouns he/him. And I'm just waiting

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for my authorization to share my
screen.

Okay. Can you see my screen?

Thank you all very much for
joining us. As you may know, the
Civilian Complaint Review Board is the
nation's largest independent entity
over the largest -- over the largest
police force in the City -- in the
country. The CCRB investigates,
mediates and prosecutes complaints of
misconduct against members of the
NYPD.

The agency is governed by a
15-member board. You have met many of
our board members here. Five members
are appointed by the New York City
Mayor, five are appointed by the New
York City Council, three are
designated by the police commissioner,
one is appointed by the public
advocate, and the Chair is jointly
appointed by the Mayor and the City
Council.

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The CCRB's jurisdiction follows force, abuse of authority, discourtesy and offensive language. A helpful reminder for this jurisdiction is the term FADO.

Just wanted to provide you with a little bit of information regarding the Right to Know Act. The Right to Know Act is a law that went into effect in October 19th of 2018. This law impacts such interactions with police officers, such as stop and frisk, sobriety checks and other encounters. The rules include officers identifying themselves by providing their name and other information, such as rank, command and shield number. With some exemptions explaining the purpose of the encounter or the interaction, informing you of your right to say no when asking for a consent to search your person, property, vehicle or home. And offering a business card

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with an officer's information, such as -- which explains how to file a comment, how to make a comment or complaint about the encounter with the police officer. Civilians can request this information, this business card in all encounters.

This is what a copy of the business card looks like.

Now, there are various ways to file a complaint about police misconduct. The easiest way is to file a complaint online, as mentioned by Jonathan Darche. That's going on our website, at [NYC.gov/ccrbcomplaint](https://nyc.gov/ccrbcomplaint). You can also call the CCRB at 1800-341-CCRB, or 1800-341-2272.

Remember, if you see footage of misconduct on social media or in the news, you can file a complaint. Even if you were not there in person. Feel free to tag the CCRB in the complaint and you will receive a response.

Additional ways to file a

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complaint to the CCRB include calling 3-1-1. You can visit our office in lower Manhattan at 100 Church Street on the 10th Floor. You can also DM us or direct message us on social media, on Facebook, Instagram and Twitter. You can also send a letter to the CCRB's office at 100 Church Street, 10th Floor, New York, New York, Zip code 10007. And you can also file a complaint at a local police precinct. It does not have to be the precinct where the encounter may have taken place.

If you would like to request an outreach presentation to have your neighbors or members of your community know more about the CCRB, feel free to contact the outreach unit at outreach@CCRB.NYC.gov. Also feel free to follow us on Instagram, Twitter and/or Facebook.

Thank you, Chair.

CHAIR RICE: Thank you.

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2 Do any members of the board have
3 any questions from our director of
4 outreach, Mr. Rose?

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(No response.)

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CHAIR RICE: Any questions from
7 our board?

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(No response.)

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CHAIR RICE: Okay. Seeing none,
we will progress to the public
11 comment. We will now enter the public
12 comment portion of the meeting. If
13 you are interested in making a public
14 comment, please, you may line up
15 behind the podium or use the raise
16 your hand feature. And we will go in
17 order of which you all indicate so.

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Please keep your comments to
19 four minutes.

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Yojaira, will you please call on
21 the first person?

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MS. ALVAREZ: Thank you, Chair.

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We will first be hearing from
24 Shawn Randall Thomas. And as we
25 upgrade them, I just want to give

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thanks to Council member Espaillat's office for attending, as well as Council member Shekar Krishnan. The office of Assembly member and speaker Carl Heastie, the Queens DA's office, as well as members from the NYPD.

Shawn?

MR. THOMAS: Hello. Can you hear me? Hello. Can you hear me?

CHAIR RICE: Yes, we can.

MR. THOMAS: Okay. I have five questions. I'll ask them and wait for your answers. My first question is to the backlog. I understand there's a backlog. Can you explain what that looks like, the time frame?

My next question, second question is, do the CCRB investigators and the board members all have sworn signed oaths on file?

And my next question would be, the third question is, from the time of investigation, through the conclusion of the investigation to the

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time that it goes -- the case goes to the board, does the investigators or the board members look for criminality on the part of anyone within the police department. And if not, why not.

And also, the fourth question would be -- is, does the board member --

CHAIR RICE: Sir, I'm sorry, sir, my -- my pen actually ran out a little bit. So if you can just slow down just slightly. And can you tell me the second one? You asked first about the backlog, your second question was about the board and investigators having sworn --

MR. THOMAS: Oaths.

CHAIR RICE: Oaths. Thank you.

MR. THOMAS: And then the third question was, do you guys, the investigators or the board, look for criminality on part of the police officers, even if the criminality was

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not in the complaint of the complainant. Do you look for that? And if not, why not?

And then the next question would be, is, do the board or the investigators recognize an obligation or duty to report criminality to either state or federal officials? And if not, the fifth question would be, does that implicate misprision or felony?

And that's the five questions.

MR. DARCHE: Can you repeat your last question, sir?

MR. THOMAS: If you -- the last question, which is related to the fourth question, if you do not recognize the duty or obligation to report criminality to state and especially federal officials, does that implicate the federal crime of misprision or felony?

CHAIR RICE: I'll ask our executive director to take on the

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first three as they are somewhat related. And then we can come back to the fourth and the fifth since they're related on the backlog. The sworn oath signed file. And if you are looking at the criminality of police officers.

MR. DARCHE: So at this point, there's approximately a backlog of 800 cases. We expect to have cleared up before the end of May.

I'm sorry. Was that -- you need me to take off my mask or was this --

So we have a backlog of approximately 800 cases that we expect to be resolved by the end of May. I will have to find out about the oath question. Because I just don't know. But if someone could get the individual's information so that we can reach back out to him with an answer. I will also give the board an answer in the next board meeting so the individual won't have to wait a

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month to get an answer to his question about the sworn oaths.

MS. SIMMONS, ESQ.: Excuse me, I remember signing a paper when I was first appointed, saying that I would abide by the constitution, et cetera, et cetera, as part of my intake.

MR. DARCHE: Thank you. Thank you, Ms. Simmons. The --

With regard to looking for criminality, when we get complaints about, which in addition to being misconduct, there could be criminal activity, for example in some cases involving sexual misconduct, we will oftentimes refer matters to the police department, and then state prosecutors.

So the -- not -- we will refer them to the DA's offices in most cases. So that is -- that is not a statewide office. But it is a -- it is not a City official. They're -- they're the senior law enforcement

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official of their county. So we do that with sexual misconduct and other times when we have evidence that a crime has been committed.

In several of the local prosecutors such as New York County, Queens County, and Kings County, we've been working to share information with them to make them aware in cases where there -- in addition to being evidence of misconduct, there is an allegation or an appearance that there could be criminal activity.

And then I -- I have no -- no idea about misprision. I just don't. I can report back to the board.

MS. IRISH, ESQ.: I just googled it, and it requires affirmatively taking steps to conceal a crime which would not apply because we don't do that. But in any event, we also report it to the authorities. So would also not apply for that on that basis.

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CHAIR RICE: Thank you,
Ms. Irish, for that clarification.
And thank you, sir, for that
list of thoughtful questions.
Yojaira, can we ask for the next
speaker.
MS. ALVAREZ: Thank you, Chair.
Next, we'll be hearing from
Cristal Calderon.
MS. CALDERON: Can you all hear
me?
CHAIR RICE: Yes.
MS. CALDERON: Okay. Great. If
you want to put my image up, I'm fine
with that, too. But if not, that's
okay.
So I've spoken to the board
before, and I'll speak today about
what -- where I am recently.
Sorry. Got a pop-up about
muting.
My name is Cristal Calderon.
That's C-R-I-S-T-A-L, C-A-L-D-E-R-O-N,
for anyone that wants to reach out to

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me after. I hope that my information is shared.

So I have -- I've been -- being harassed by my landlord, and my landlord's acting agents for coming up on six years now. It's been pretty vile harassment, pretty savage harassment. I was sexually assaulted in the hallway of the Kings County Housing Court, I've been called a spic, a wetback, a whore. I've been told I was going to be raped. I've been told not to walk around my neighborhood -- which is Greenpoint, Brooklyn -- because I'm not safe. And a lot of other things, but we don't have time for that.

I have tried very hard to get help from my local police precinct, which is the 94th precinct, from the very beginning of the harassment. And I have been met with apathy, negligence, misconduct, stonewalling and obstruction of justice.

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I have been told by police officers, many, that it's my fault for not walking away from these incidents. And therefore, I -- I am -- it's my fault for being harassed because I haven't removed myself from the situation. I'm inciting the harassment. It's my fault because I haven't moved out of my rent regulated apartment. That's the whole reason I've been -- I'm being harassed. I started litigation over my rent regulated apartment.

I've been told that this is what comes with living in New York, and this is what I should expect. I should leave if I don't like it. I've been victim blamed and told that I shouldn't wear the things that I wear if I don't want to be sexually harassed. And I don't -- I dress pretty conservatively, in my opinion. I've been told that by recording the incidents and opening my door when I

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do to record these incidents to provide proof to the police, that I'm also inciting the harassment by -- by doing so.

Captain Fahey of the 94th precinct, I met with her at the beginning of her tenure. So that was 2020. And it was after a really big incident had occurred, and I had video footage, and she told me that if an investigation was to be held, that I could be found to be guilty, basically, for everything that I just said before, which is not removing myself from the situation and recording these incidents.

She told me that it's just harassment. It's not a criminal violation. And that all of this belongs in housing court and it's a civil matter. Which is when I introduced a criminal law to her, and --

I can't operate the -- oh, I can

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operate the chat now. So in the chat,
I'm going to just copy/paste the
criminal law that I discovered --
okay. I can't use the chat now.

So the criminal law is Chapter
40, Part Three, Title N -- as in
Nancy -- Article 241.02 and 241.05.

So this in criminal law, it
makes it up to a felony to harass any
rent regulated tenant in any capacity.
The definition for harassment in this
law is the disturbance of quiet, peace
and repose. The Class A misdemeanor
offense is doing this to one tenant,
and it's a felony to do it to more
than one tenant.

I -- my neighbor has been going
through the same thing. He's a Black,
gay man and he's been called a nigger,
a fagot and an AIDS patient by the
landlord, and I have that in an audio
recording. I have many witnesses. I
have other audio, video and
photographic pieces of evidence to

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prove this harassment and other
harassment as well.

Like I said, I've been
stonewalled, and I only was able to
recently speak to Chief Harrison.
She's the Brooklyn North NYPD Chief,
and I met with her after de Blasio
ordered her to meet with me in person.
And this was on his way out. This was
last November.

She met with me. And after
seeing a lot of the evidence they had,
she told me that I had, in her
opinion, more than enough evidence to
present to the district attorney for
them to move forward with charges and
arrests. She said that she would make
a phone call herself --

CHAIR RICE: Ms. Calderon?

MS. CALDERON: Yes?

CHAIR RICE: I'm recognizing
that we are at our time.

MS. CALDERON: Okay. That's
fine.

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CHAIR RICE: And I wanted to, first of all, acknowledge the issues that you've been experiencing. And to, you know, be able to articulate to you that I'm sorry that you're experiencing this at this time. And I wanted to be able to have our executive director to be able to respond to some of the issues that you've raised, that are issues with your landlord but seem to somehow have a connection with issues with the police department. But I wanted him to be able to respond to that.

And so my apologies for interrupting you. But I just wanted to be respectful of the time boundary that we'd approached.

MS. CALDERON: No problem. Can I have 10 more seconds?

CHAIR RICE: Yes.

MS. CALDERON: Thank you.

After my meeting with Chief Harrison, I met with the detective

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from the 94th precinct. She -- that was because of Chief Harrison. And the detective stonewalled me. Completely ghosted me for two months until I complained to Chief Harrison again. And then the detective wrote me a letter saying she had been trying to reach me. Which is a lie. I have phone records to prove that. And she said that she met with the DA herself, and there's no evidence of harassment.

So I'm -- I'm done, but I'm still being stonewalled. I'm still being harassed every single day, and I can't call the police because they're an additional layer of trauma in this entire situation.

MR. DARCHE: Thank you, Ms. Calderon. I share the Chair's sentiment about -- I'm sorry that you had to experience this.

Again, the CCRB is limited in what it can do in your case because we only have jurisdiction over police

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involved with -- that you've been dealing with. And then only in the jurisdiction of excessive force, abuse of authority, discourtesy, offensive language and untruthful statements.

So I believe you did file a complaint with the agency, and we investigated it. And I believe that case is now at our administrative prosecution unit, based on the investigation that we conducted. But it also sounds like you have issues with -- that are more current that were conducted -- that were not included in the investigation that we conducted originally.

So if you will hold on, we'll get your information again and I'll have an investigator reach out to you to see what the current issues are and if they fall in your jurisdiction.

MS. CALDERON: I actually filed several more complaints for this current stuff earlier today. So thank

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you for that offer. I wanted to speak today because I know there are people outside of CCRB that are on the line representing other offices, and I want to make sure that they hear me, they know my name. And I hope that if they try and get ahold of me through CCRB, that CCRB will share my contact information.

CHAIR RICE: Before I ask, Yojaira, to go to the next person on the list, I believe we've been joined by another board member, Mr. Freeman.

MR. FREEMAN: Good evening. My name is Willie Freeman. I'm a police Commissioner designee.

CHAIR RICE: Thank you. Yojaira, who is next on the list?

MS. ALVAREZ: That concludes our public portion today.

CHAIR RICE: I'm going to move that we now make our way into the -- our executive session.

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The agenda for the executive session is the -- the executive session is an update from the executive director and the general council. And the executive director will discuss the following three items. Scheduling issues for panels, full board cases, an update on pending personnel actions. And the general council will discuss the following items and update on current litigation.

Can I have a motion to adjourn the meeting?

MS. SIMMONS, ESQ.: Move.

CHAIR RICE: Do I have a second?

MS. IRISH, ESQ.: Second.

CHAIR RICE: Thank you.

This meeting is concluded.

MR. DARCHE: Ask all in favor.

CHAIR RICE: Oh, sorry. All in favor?

(Chorus of ayes.)

CHAIR RICE: So moved. This

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meeting is formally concluded.

(TIME NOTED: 4:41 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS


COUNTY OF SUFFOLK)

I, Elbia Baires, a Notary Public within
and for the State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true record of such proceedings to
the best of my ability.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 17th day of March, 2022.


Elbia Merino (Baires)

