CIVILIAN COMPLAINT REVIEW BOARD
PUBLIC MEETING
May 11, 2022
4:00 p.m.

HELD VIA VIDEOCONFERENCE/
100 Church Street
New York 10007

BEFORE:
ARVA RICE, CHAIR
JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

COURT REPORTER:
Sabrina Brown Stewart
PUBLIC MEETING AGENDA

1. Call to Order
2. Approval 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
BOARD MEMBERS PRESENT

1. Arva Rice, Chair
2. Rev. Dr. Demetrius Carolina, Board Member
3. Frank Dwyer, Board Member
4. Esmeralda Simmons, Esq., Board Member
5. Michael Rivadeneyra, Esq., Board Member
6. Herman Merritt, Board Member
7. John Siegal, Esq., Board Member
8. Erica Bond, Board Member
9. Corrine A. Irish, Esq., Board Member
10. Willie Freeman, Board Member
11. Joseph A. Puma, Board Member

PRESENTERS:

Jahi Rose – Director of Outreach
New York City Civilian Complaint Review Board
Good afternoon, everyone. Welcome to the May board meeting. For those that are utilizing ASL services, our two interpreters are Felice Shays and Alicia Jones; they will alternate every twenty minutes. In the chat, you will find the link to our CART services and instructions on how to pin their video.

Thank you.

Good afternoon, everyone and welcome. My name is Arva Rice. I use she/her pronouns, and I am the interim Chair of the Civilian Complaint Review Board. I would like to call the CCRB's May public board meeting to order.

Will the rest of the board members please introduce themselves. And I'm going to start on this end with Frank, please.

Frank Dwyer, I'm a Police Commissioner designee.

Good afternoon. John Siegal, Mayoral Appointee.

Herman Merritt. I'm a City Council representative from Brooklyn, pronouns he/him.
MR. DARCHE: Jonathan Darche, Executive Director, pronouns he/him.

MS. SIMMONS: Esmeralda Simmons, Public Advocate Appointee, pronouns she/her.

MR. RIVADENEYRA: Good evening. Michael Rivadeneyra, City Council designee from the Bronx, pronouns he/him.

REV. DR. CAROLINA: Demetrius Carolina, Mayoral Appointee, he/him.

MR. PUMA: Good afternoon. I'm Joseph Puma, Manhattan representative from the City Council cohort on the board, and I use he/him pronouns.

CHAIR RICE: And to those who are joining us online, could we have the board members introduces themselves, please.

MS. IRISH: Hi. Corrine Irish, I'm a mayoral appointee. I live in Harlem.

CHAIR RICE: Thank you.

Is there anyone else joining us online?

MS. ALVAREZ: No.

CHAIR RICE: Are there any changes -- I'm asking for a motion to approve the minutes.

Are there any changes or corrections to
the minutes?

(No response.)

CHAIR RICE: Any changes of corrections? No?

(No response.)

CHAIR RICE: Okay. Can I have a motion to approve the minutes as presented?

REV. DR. CAROLINA: (Raise hand.)

CHAIR RICE: Demetrius Carolina.

Can I have a second?

MR. SIEGAL: Second.

CHAIR RICE: Thank you very much.

All those in favor, please say aye.

(Chorus of ayes.)

CHAIR RICE: Any opposed?

(No response.)

CHAIR RICE: Okay. The minutes are approved as presented. Thank you very much.

As I am sure many of you know, we are quickly approaching the second anniversary of George Floyd's death. The video recording of George Floyd being killed sparked outrage around the world, leading to protest in over 60 countries.

While thousands of New Yorkers took to
the streets to protest against police brutally, hundreds of people experienced fresh instances of police misconduct. The CCRB was flooded with complaints, receiving over 300 complaints in a 48-hour period. In total, the agency received over 750 complaints that we narrowed down to 321 cases.

Investigators were faced with unprecedented challenges while investigating the highest volume of cases the agency has ever received while working remotely for the first time ever.

Our investigators worked diligently to collect all possible evidence to thoroughly and fairly investigate each and every complaint, providing the board everything they needed to make a just recommendation to the NYPD.

As some of you know, the CCRB's statute of limitations for protest cases without a crime exception passed on May 1, 2022. And I am pleased to announce that the agency completed 98 percent of all cases. Out of the 321 cases, the CCRB conducted full
investigations for 223 cases and
substantiated misconduct in 87 cases. There
are only five outstanding cases.

In the 300 cases we have closed, the
CCRB has recommended misconduct against 143
members of service, 88 of whom have been
recommended the highest level of discipline
charges and substantiations. So far, the
NYPD has closed cases for 44 officers,
imposing no discipline for 23 officers, a
lesser discipline for seven officers, and
adopting the CCRB's recommendations for ten
officers. Three officers retired without
discipline and one was disciplined prior to
the CCRB recommendation.

78 cases should be sent to the
Administrative Prosecution Unit. The agency
learned a great deal from these
investigations, and we will release a
comprehensive report this summer detailing
our key takeaways.

I look forward to working with the NYPD
and Commissioner Sewell to increase NYPD
adoption of CCRB recommendations and improve
safety, fairness and accountability
throughout our city.

We will now hear from our Executive Director, Jon Darche.

Jon?

MR. DARCHE: Thank you, Chair Rice.

Last month, I updated everyone on the current status of the CCRB case involving Officer Wayne Isaacs, after his lawyer requested that Commissioner Sewell use her power under Provision 2 of the 2012 MOU that created an APU to retain the case and stop the CCRB's prosecution.

Since then, Commissioner Sewell denied this request, ensuring the CCRB can continue with its prosecution of Police Officer Isaacs. Separately, the CCRB moved to unseal the criminal case that resulted from this incident. The agency continues to wait on this ruling before we can schedule the disciplinary trial.

The agency is eager to move forward with this case, as Mr. Small's families wait for accountability has almost reached six years. The agency hopes to have an answer from the Court soon.
While Chair Rice gave an update on where the CCRB is currently on the protest cases, I want to reiterate that the agency plans to release a protest report in the coming months that will detail the lessons that the agency learned from the protest investigations.

Currently, our office is open for walk-in complaints, but it is also possible to file complaints online at nyc.gov/ccrbcomplaint. That's nyc.gov/ccrbC-O-M-P-L-A-I-N-T, or by telephone by calling 3-1-1 or 1(800)341-2272.

If there are members of the public here today who also would like to file complaints, we have Investigators Chris Holmsten and David Wall with us today.

Just some ground rules for this afternoon: If you would wish to speak, please sign up with a member of our staff. If you are online and wish to speak, please use the "raise the hand" feature and we will make sure you're called upon to make a comment. We're asking that comments be capped at four minutes.
I want to thank the staff for their hard work, and thanks again to the members of public for participating in our meeting.

CHAIR RICE: Thank you, Jon.

Board Members, do you have any questions of our executive director?

MR. SIEGAL: In regards to the figures that were given about the protest cases, do you know whether the CCRB recommendation recommended discipline in any of those cases deviated from the -- from the recommendations set forth in the Matrix or did the CCRB discipline recommendations all comply with the matrix?

Jon?

MR. DARCHE: (Inaudible) we complied with the Matrix involving those cases, but I will doublecheck and make sure there's a full report for the board meeting.

CHAIR RICE: Any other questions?

MS. IRISH: Mr. Darche, did we get any explanation for the cases where the NYPD did not take action with regards to the protest -- the recommendations in the protest cases that they did not impose discipline?
MR. DARCHE: The NYPD has been complying with the statutory mandated requirement (inaudible) inform the CCRB's recommendation --

THE INTERPRETER: Excuse me. It's very difficult to hear Mr. Darche.

MR. DARCHE: The NYPD has been complying with the statutory requirement that the Department informed the CCRB if they're not -- if they're not imposing the discipline requested, recommended by this agency, the CCRB has been posting those -- that correspondence online as has the NYPD.

MR. PUMA: For Executive Director Darche. On the number of cases that were sent to the APU of the protest cases, I heard 78 was the number cited.

What is the status of those now in the APU? I know that charges have to be served. I know the APU process, you know, kind of has its own set of steps; could you shed more light on those?

MR. DARCHE: So, it's too early to really sort out exactly where the cases stand right now, but I look forward to reporting on
that in the future.

CHAIR RICE: Questions from the board? Any questions for the executive director from online?

(No response.)

CHAIR RICE: If nothing else, then I'm going to ask for a presentation from our Director of Outreach, Jahi Rose.

MR. ROSE: Hello, good afternoon. Bear with me for one moment, Chair Rice, while I share my screen.

Can you see my screen?

MS. IRISH: Not yet.

CHAIR RICE: We can only see you on the screen.

(Whereupon, the screen is being displayed.)

MR. ROSE: Okay. Can you see my screen now?

CHAIR RICE: Now we see it. Thank you.

MR. ROSE: Thank you very much, Chair Rice, and thank you all for attending. I'm Jahi Rose, the Director of Outreach for the CCRB. I go by he/him pronouns.

As you may know, the Civilian Complaint
Review Board is the nation's largest independent oversight entity over the largest police force in the country. The CCRB investigates, mediates and prosecutes complaints of misconduct made against members of the NYPD.

The agency is governed by a 15-member board. You've met many of the board members on this call. There's five that are appointed by the New York City Mayor and five that 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.

The CCRB investigates claims of misconduct. We have a jurisdiction. The acronym FADO, F-A-D-O, is a helpful reminder; that stands for force, abuse of authority, discourtesy, and offensive language.

Just to give you a little bit of information regarding the Right to Know Act. The Right to Know Act was a law that went into effect in October of 2018. This relates to stop-and-frisk encounters, sobriety checks
and additional encounters with police officers. Where it relates, the officer, depending on the circumstance, is required to identify themselves by providing their name and other identifying information; such as rank, command and shield number.

With some exceptions, officers should explain the purpose of the interaction. Officers should inform someone of their right to say "No" when asking for consent to search their person, property, vehicle or home.

And last, but not least, an offer a business card with the officer's information which explains how an individual can make a comment and/or complaint about the interaction with them and that officer or for any other officer. And civilians can request this business card and all encounters, all interactions. This is a copy of what the business card looks like (indicating).

There are a few ways to contact the Civilian Complaint Review Board, as previously mentioned by Executive Director Darche. Some simple ways are by utilizing our website, nyc.gov/ccrbcomplaint. This
information is also in the chat. You could also call the CCRB's hotline at 1(800)341-CCRB or 1(800)341-2272.

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 or you can feel free to tag the CCRB on social media @CCRB_NYC.

Couple of additional ways to file a complaint with the CCRB, by calling 3-1-1, you can visit the CCRB at our headquarters at 100 Church Street on the 10th floor. Or you can also direct message the CCRB on social media. We have Facebook, Instagram and Twitter. Add the comment at the handle @CCRB_NYC. You can also send a letter to the CCRB at 100 Church Street, New York, New York. Zip code 10007.

You can also file a complaint at your local police precinct. It does not have to be the precinct where the encounter took place. Police officers are required to accept CCRB complaints at any precinct. And officers -- and you can also request a complaint form with postage-free envelope.
Now, the CCRB is also hiring. The CCRB is also hiring. The agency is hiring for level-one investigators, outreach and additional positions within the Civilian Complaint Review Board.

If you are interested in working with us, feel free to check out our open positions at ccrb@nyc -- search for "CCRB" at nyc.gov/jobs. Alternatively, if you don't see the link posted or you have questions regarding the interview process or the application process, feel free to e-mail careers@ccrb.nyc.gov. This information will also be shared in the chat.

And lastly, if you would like to request an outreach presentation for your neighborhood, for your neighbors, for any -- really, any type of organization, then feel free to reach out to the Civilian Complaint Review Board's outreach unit at outreach@ccrb.nyc.gov. Feel free to also follow us on Instagram, Twitter and Facebook.

Thank you very much, Chair.

CHAIR RICE: Anyone have any questions for Mr. Rose?
MS. SIMMONS: Mr. Rose, are we still having mobile units with the increase of the COVID virus? Are they still going to boroughs?

MR. ROSE: The outreach unit is still in the boroughs doing in-person presentations, yes.

MS. SIMMONS: Thank you.

CHAIR RICE: Any questions?

(No response.)

CHAIR RICE: We will now enter the public comment portion of the meeting. If you are interested in making a public comment, please line up behind the podium, if you are joining us in person. Or use the "raise your hand" feature if you are joining us virtually, and we will go in the order in which those hands are presented. Please keep your comments to four minutes.

Yojaira, would you please call on the first person.

MS. ALVAREZ: Thank you, Chair.

As we wait for folks to line up behind the podium, Sorin, can you please upgrade Michael Meyers. And while we're bringing him
up, I would like to thank New York State Senate
ator Brad Hoylman's office, Congress
Member Grace Meng's office, the Queens DA and
Manhattan DA's offices, and also the Seattle
Police Commission for attending today.

Michael?

MR. MEYERS: Can you hear me?

MS. ALVAREZ: Yes. And if you would like, you can turn on your video.

MR. MEYERS: I have my video on, I thought.

I'm Michael Meyers. I'm the president of the New York Civil Rights Coalition. I have a couple of questions.

Number one, at the last meeting, I sent an e-mail to the executive director and several members of the board requesting answers to some basic questions. I never got even acknowledgment from anybody that these -- the executive director or -- and/or the board members to those questions. Simple courtesy, it seems to me, I should get acknowledgment at least -- at least of the questions I put to you in writing and send to you by e-mail.
Secondly, I suggest that we have a public session of the CCRB with the Police Commissioner, so that the public can actually listen in on the discussion between the CCRB members and the new Police Commissioner.

Because she has to be held accountable and she has to report to the public about the inaction that we've heard in terms of Police Department acting or not acting on complaints substantiated by the CCRB.

Finally, I have a problem with your rules change. You keep changing these rules down to two minutes for public presentation and then change it to four minutes. But there are no public ac -- there's no public accountability, there's no report to the public about the proposed rules change, so we'll have an opportunity to even comment on your proposed rules, changes in the rules, and I think that's improper.

And unless you have something in writing that says this is the new rules that was formally adopted by the board itself, not by the executive director or the executive director's assistant or not by one member of
the board. We got to have a process for having rules before the public.

And finally, I want to say that the time has passed for the executive director's reports to come out the same day of the meeting. You have to give the public the opportunity to evaluate, to read and to, yes, question and criticize the monthly reports of the executive director. They should not be coming out the same day of the meeting.

CHAIR RICE: Thank you so much. I think you brought up four different points. I don't know if we're going to take them all at one time or if we want to take them each, but I wanted to acknowledge the fact that I did receive your e-mail while I was traveling internationally. And so, my apologies for not getting back to you.

And you're right. You do deserve a response. And so, I did want to publicly acknowledge that I did receive it and do apologize for not getting back to you.

MR. DARCHE: I want to also apologize because I was a recipient of the e-mail and I should have responded. And it was -- and I
will get you an answer to those questions by tomorrow. There's no excuse for it.

With regard to the -- when my reports are posted online, I think it's a good point. I'm going to talk to the staff about seeing how much in advance we can get them posted online, at least 48 hours would seem to make sense, rather than the same day, and I'll talk to the team about getting that done.

With regard to the time limits on public comment, I understand what Mr. Meyers is saying about the requirement that our rules changed through the open -- through the rule-making process. I did not think that the -- setting the length of time for public comment rose to the level of needing to go through the rule-making process. I will check with the general counsel and report back to the board next month.

CHAIR RICE: A question or a suggestion that Mr. Meyers made was about having a public session with the new Police Commissioner, and I did not know if that possible, so I just wanted to bring that up.

MR. DARCHE: I don't know if it's
possible, so I will have to look into it.

MR. MEYERS: Of course it's possible.

CHAIR RICE: Yojaira, are you there?

MS. ALVAREZ: Hi, yes.

Next, we'll be hearing from Helene Redd, joining us virtually.

MS. REDD: Hi. How are you doing?

My name is Helene Redd. I am co-chair of the Veterans Committee of Community Board 7.

I'm new to all this, and I'm listening to people and I heard of the CCRB. I want to thank you for having -- you know, for allowing us to comment. But I have a question.

I heard one of the panelists say -- I don't know if his name was Jahi Reid -- whatever his name was, that complaints -- that police officers -- I mean, precincts take complaints for the CCRB. They should take a -- do you think they actually -- they are going to give the complaint in?

I need to know that question because they're police officers. And at the end of the day, they're going to protect their
police officer.

So, if I -- say if I go in there with a complaint, you actually think they're going to give that complaint in?

CHAIR RICE: So, you heard from Jahi Rose and he's a staff person here at the CCRB, and he's the director of outreach. I'm going to have our executive director respond to the question.

MR. DARCHE: Ms. Redd, thank you very much for that question.

It is a concern that when people make complaints they are forwarded to the agency. But we do regularly get complaints that are filed with the Department forwarded to the CCRB. And that's something I don't have the numbers in front of me, but I will at next month's public meeting, bring those numbers so that you can have them.

MS. REDD: And I have one more question.

With the handling of the Floyd case, right, that came to -- when it came to the CCRB, how was that handled? How do you -- if I complain about a police officer, right,
doing something or whatever, like the George Floyd -- how is that handled? Do you got to go through channels of -- chains of command? Or it just -- it just sits there and they say, "Oh well, complaint come in."

How do y'all review these complaints? 'Cause see, I'm new so I would like to know that. I'm new to all of this, so I would like to know how -- do it go through chain of command? Do it sit there? Do a person review it automatically? How does that go?

MR. DARCHÉ: Ms. Redd, when we -- the CCRB has jurisdiction over our complaints against sworn members of the NYPD. So, the first thing that we do when we get a complaint is we look to make sure that the complaint is actually against a member of the NYPD.

Once we establish that, we try and determine whether or not the officer was on duty or -- should I take off my mask? Can you all hear me?

So, whether the officer was on duty or if they were off duty, they invoke their authority as a police. The next step is we
begin collecting as much information as we can about the case, if it is in our jurisdiction. If the case was outside of our jurisdiction, we'd refer it to the appropriate agency, the appropriate entity to investigate the complaint.

But if it is against a member of the NYPD who was either on duty or invoke their authority as a police officer, we speak to as many civilians or the people who filed the complaint and other alleged victims and witnesses to the incident, we collect as much paperwork as we can on the incident, both NYPD paperwork, medical records, surveillance videos, cell phone videos, body-worn camera footage from the Police Department, and we try and assemble as much evidence as we can before we reach the ultimate step in our investigation, which is interviewing members of service to determine what happened in a case.

MS. REDD: Last question --
MR. DARCHE: Once the invest --
MS. REDD: Oh, I'm sorry. Go ahead.
I'm sorry.
MR. DARCHE: Collected all that evidence, their next step is to create a closing report in which they marshal the evidence and make recommendations to the board about what the board should do.

But the board, which can meet as a whole, but generally meets in panels of three, reviews that evidence, reviews the closing report and then they make the final determination about whether or not to substantiate misconduct. And if the board substantiates misconduct, it also makes a recommendation for the level of discipline that should be imposed on that police officer.

And since last year, the board has been basing those discipline recommendations on the NYPD's new discipline matrix.

MS. REDD: I have just one last question. You know, 'cause like I said, I'm new to this.

How many cases have you guys had that -- that -- that resulted in dismissal of a police officer?

Can you hear me? Hello, can you hear
MR. DARCHE: Yes, Madam Chair. And yes, Ms. Redd.

So, I believe that there is at least one, but maybe two members of service who have been fired from the Police Department based on a CCRB complaint. But it is -- it is -- the CCRB can only recommend discipline when it substantiates misconduct, the Police Commissioner is the final arbiter in all matters of police discipline.

MS. REDD: Okay. Thank you.

MS. ALVAREZ: Thank you so much.

Next, we'll be hearing from Nicolyn Plummer.

Hi, Nicolyn. You'll need to unmute. And Nicolyn, you can turn on your video.

(No response.)

MS. ALVAREZ: So, Nicolyn, while we sort -- sort that technicality out, Chair, we have someone from the public joining us in person, Ms. Jennings, that will be addressing the board.

Nicolyn, I'll send you a text on how to turn on your video.
And Chair, while Ms. Jennings is walking over, we're joined by Board Member Freeman.

CHAIR RICE: If we can have -- Mr. Freeman, if you could introduce yourself. We've been joined by another member of our board.

Mr. Freeman, can you go ahead and introduce yourself.

MR. FREEMAN: My name is Willie Freeman. I'm a Police Commissioner designee. Can everyone hear me?

CHAIR RICE: Thank you very much. Appreciate it.

And joined by somebody in the room who has a question for us.

You want to approach the podium, please?

MS. JENNINGS: Can you hear me? Okay. Can you hear me? All right.

I know you don't hear these stalking cases because I try to reach out to Mr. Darche many, many years. But on May 11, 2006, is the official start date of this --

CHAIR RICE: Introduce yourself.
MS. JENNINGS: Ms. Jennings,
J-E-N-N-I-N-G-S.

And I tried to reach you -- I tried to reach -- I don't know how many different people I probably tried to reach to no avail.

It's a stalking issue, everybody knows that. It started May 11, 2006.

Unfortunately, CCRB doesn't handle it here. It's gotten to the point now that I've told Mr. Darche years ago, "I fear for my life and safety." I'll do it in a couple of minutes.

Typical day. Friday, I was out doing my letters, what Mr. Darche was saying, and at 42nd Street, Booth R-145, around 9:30, I see three officers, one in white whose name is Blackman. I asked, "Could you please put on your body cam?" They don't do that.

I hobbled downstair, it's from 9:30, I'm at the cameras 'cause I stay at the camera. You always notice me at a camera.

Mobs came in to me, just came in to me 'cause that's what they do, under the camera. A man came to me, kind of close, and I don't know if I put my hand on him first, but remember him pushing me, not hurting me but
just pushing at me.

After he did it, there was some cursing out by me at him, he sat on a bench, 'cause they can just act like they don't have a clue. I then tried to call task force, 'cause, you know, I write everything down, many times with my phone, so unfortunately rerouted my calls along with my computer. I guess it was K-4135, and I guess it's 3-1-1, many calls to task force.

Okay. Now, Monday -- on Monday, I went to task force at 42nd Street. It turns out that they don't have anything to do with this. I was given the runaround, if I am. When I went in there and spoke to K-H-A-N about a Badge 15463, he had -- I showed him some information -- that's all right. He acted like he didn't have a clue about me being stalked.

But I do one thing for 15 years, watch who's near me. When it started, I watched the unmarks follow me 'cause you could tell with the blocked out rides, you know, you could tell. And I watched as MTA, even the honored MTA, coming up to every corner,
15 years.

The amount of complaints that are in this diary that don't go to the Mayor or to the Governor, Mr. Darche knows, they go to the White House. Every time I go anywhere, it goes here. It's my diary. And the letters have gone there since 2009. They go at every bus and train camera, top of the notices in case anything happens to me.

Okay. So, once task force --

CHAIR RICE: Are you aware that the CCRB does not --

MS. JENNINGS: I understand, but I'm just enlightening everybody 'cause --

CHAIR RICE: Do you have a question of us?

MS. JENNINGS: I understand. I'm just enlightening you of a situation that I know you're unaware of.

But I asked, "could someone --" I think I did ask what was in these files and maybe, you know, not to a wonderful staffer, but to someone at the top because I just watched the police. When I went into the task force, it was shocking. I just -- I was supposed to
get a -- they thought of a form, you know, to 
send somewhere, and they said to pick it up 
at the 10th Precinct.

I spoke to Taylor, his name, showed him 
the letters and we had a moment of speaking. 
That's the day I called, runaround again, all 
sort of people, different people, nobody seem 
to get the complaint, have any information 
about it, no nothing. And that has been now 
15 years.

May 11, 2006. All the complaints to 
MTA that then go to everybody. And if you 
check out the complaints, you'll see -- well, 
she's there, Booth R-145. Yes, she's there 
today at Booth R-331 as Transit 1285 pulled 
up 2-something. As many officers were there, 
as I'm standing again at the cameras at the 
booth and I'm looking at the cameras and 
that's where I make my calls at. When I 
call --

CHAIR RICE: Ma'am, as you know we're 
on a time constraint --

MS. JENNINGS: I know, but I'm just 
saying, I want to know who here could help me 
speak to someone at One Police Plaza, or the
Mayor's office. 'Cause, of course, I did try
to reach out to de Blasio many, many times.

When I saw the former Governor Paterson
on the last year Obama was in office, I said
to him, "My name is Ms. Jennings, and to your
last day, I have reached out to you." Do you
remember Ms. Kate -- I said this is a
stalking issue, he seems to be -- 'cause you
know he's blind, somewhat like taken aback,
like he had no idea that I had been reaching
out to him for X amount of years.

So, I'm just trying to figure out,
maybe someone here could help me to get to
speak to someone in One Police Plaza. Maybe
the new person, Sewell, you know, or maybe
Eric Adams, which I did reach out to him, you
know, five years ago. Laurie Cumbo had a --
I reach out to her. She had a bullying
event. It didn't phase her.

And I reached out to Adams, nothing.
Now he's the Mayor. But I went to Bloomberg,
de Blasio, now Adams, which is former police.
So, if someone can help me out to what I just
said, to speak to someone, you know, at One
Police Plaza or the wonderful mayor.
CHAIR RICE: Thank you.

MS. JENNINGS: I know he don't cover stalking, but I know you know people somewhere and it's too many years of this. Okay.

CHAIR RICE: Thank you. Thank you.

MS. JENNINGS: For my life and safety. Thank you.

CHAIR RICE: Thank you, Ms. Jennings for your comments.

Yojaira, may I ask, who's next on our list?

MS. ALVAREZ: Next, we'll be hearing from Melanie Wilkerson, followed by Christopher Werth.

And as we're upgrading Melanie Wilkerson, Chair, we are joined by Board Member Bond.

Melanie Wilkerson, can you hear us?

CHAIR RICE: Ms. Wilkerson, you've been upgraded to speak.

MS. WILKERSON: I was unable to unmute my audio. This is Melanie Wilkerson.

Can you all hear me?

MS. ALVAREZ: We can see and hear you,
Ms. Wilkerson. Thank you.

MS. WILKERSON: Thank you very much.

So, good afternoon, everyone. My name is Melanie Wilkerson. I work for the Center for Court Innovation at our Staten Island Justice Center site. I am familiar with a few of you on the call and have been a part of these meetings over the past year or so myself. They have been very informative.

And so, I suppose today upon, you know, hearing some of the latest statistics as it relates to officer complaints, in my reflection, I was particularly jolted today because when I heard the statistic laid out of the number of substantiated complaints and then a review of the NYPD's resulting action following the CCRB's recommendations, I was taken aback by the kind of stark disparity there.

And so, I wanted to propose this question to the panel, just as a reflection of someone that is grounded in the justice reform landscape and, you know, has certainly recommended clients to take advantage of the CCRB's existence as an entity to move forward
their complaints. I hate to pose this kind of question, but I feel like it must be asked.

Reflecting on these statistics, how does the CCRB feel, currently feel, about its efficacy as an agency to be able to influence accountability that the NYPD would hold against officers with substantiated complaints?

CHAIR RICE: Thank you, Ms. Williams (sic). And I certainly understand your question. I'm going to ask our executive director to take that first and see if any other members of the panel wanted to respond as well.

MS. WILKERSON: Okay.

MR. DARCHE: So, I think when you look at the history of this agency, the strength of the agency has increased over time, and the amount of discipline that is imposed on police officers as a result of CCRB complaints has increased over time. And it is still too soon to have a full picture of what happened in the protest cases because so many of them were newly closed and we just
don't have a full picture.

    But I am -- if you look at what has happened in this city over the years and the amount of discipline that resulted from CCRB complaints historically, I think that we are making progress towards being an effective oversight tool in this city.

    MS. SIMMONS: All right. Thank you, Ms. Williamson (sic), for raising the issue.

    When I first joined this board, one thing I said to the "then" Chair is that I would like us to strive to get power to actually implement our recommended discipline, rather than simply recommending them to a police department, which in the past have done very -- substantially less discipline than what we have imposed.

    While we are moving in that direction, every year we say we're moving in closer to that direction. I am glad that you recognize that we're putting in a lot of effort and making sure that everybody knows what we find, is well aware of the Police Department or who would deal with the officers that have misacted and sometimes that fall on deaf
ears. But the good part is we're putting the facts out there.

Thank you for paying close attention.

We're trying to move the line here.

MS. WILKERSON: Thank you.

CHAIR RICE: Thank you so much for asking the tough question. We appreciate it.

MS. IRISH: I would add that I do think, to your question, it does impact our efficacy. And I think that we have to be more vocal about the fact that our recommendations are sitting there without an ultimate determination. And I think that we have to be evaluating the decisions not to prosecute, and we have to be more transparent about -- and summarizing the reasons why that's happening and why -- what we're getting from the Police Department as to why that's not happening. And I think our agency is about accountability and we have to press for accountability.

CHAIR RICE: Thank you.

Any other comments?

I just want to reiterate once again what our executive director -- is that this
The story is still one that is unfolding, and we will be releasing a report later on in the next couple of months talking about the totally because this process is still in place, and also providing some recommendations and learnings from going through this process.

Yojaira, who is next up?

MS. BOND: Chair, sorry to interrupt. This is Erica Bond. I just wanted to add one comment here.

CHAIR RICE: Would you please introduce yourself and then ask the question.

MS. BOND: Sure. And apologies to all, that I joined a little bit late today.

My name is Erica Bond. I'm a mayoral appointee. Again, I want to thank the speaker for her question.

One thing that I just want to note in looking at some of these protest cases, I think it's expected that there isn't always going to be agreement between the board and the Department on the level of discipline that needs to be imposed. But I will just say I am troubled by the number of cases
where we recommended fairly significant
discipline, Command Discipline A's or B's as
well as charges when no discipline at all
were imposed.

And so, I just want to -- I want to
flag back because I do think that that's a
conversation we need to be having with the
Department about why there's such a
discrepancy between, kind of, what we're
seeing and the ultimate outcomes.

So, again, I thank the speaker for
raising this question about accountability,
'cause I do think that this is something that
we need to continue to press on. I
appreciate the executive director's comments
that this story is not complete yet in terms
of the ultimate outcomes for all these cases.

But even in looking at the ones where
decisions have been made, there is a
significant difference, and it's not just
about the level of discipline. It's about
whether discipline should be imposed at all.

Thank you.

CHAIR RICE: Thank you. That point
well taken.
Is there anyone else before I move on to the next question?

(No response.)

CHAIR RICE: Now, Yojaira, who is next on the list?

MS. ALVAREZ: Next, we'll be hearing from Christopher Werth.

MR. WERTH: Hi. I just have two questions, kind of two separate areas.

One, I'm just hoping to clarify -- you said that, I believe, 87 cases were substantiated in the protest cases out of 321. I just wanted to confirm that and ask if you can tell me how many of those cases were closed because the officer couldn't be identified.

And then, my second question is about the disciplinary matrix. In the last board meeting last month, Mr. Darche, you said that you had been meeting with the NYPD on changes to the Matrix, and I'm curious whether or not you have had further meetings since the last board meeting, and whether or not you can update us on the outcome or the development of those changes?
CHAIR RICE: I'm going to take the first part of you first question, hand it over to our executive director and then I will take the second question on comments with the NYPD on the discipline matrix.

So, what I said in the opening comments was, out of the 321 cases, that the CCRB has conducted full investigations for 223 cases and substantiated misconduct in 87 cases, and that there are five currently outstanding.

And I'm going to let our executive director -- I'm not sure if he has the information in front of him in terms of how many CAD officers were unidentified in those cases, which was the question.

MR. DARCHÉ: So, there were 59 cases in which officers were unidentified out of the 223 full investigations.

CHAIR RICE: Then the second question was about the discipline matrix. And so, we have started conversations, myself and the CCRB staff, directly with NYPD staff, in regards to the discipline matrix.

They're just beginning and will be doing -- right now to begin meetings twice a
month and then going into monthly meetings in order that we can figure out a process that makes sense for us to both review the discipline matrix and also to develop more streamline processes as we move forward.

MR. WERTH: Thank you.

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

MS. ALVAREZ: That concludes our participants virtually. And Nicolyn had accidental raised her hand.

But, Chair, if anyone from in-person joining us would like to say anything, please line up behind the podium.

MS. GREENBERG: I just wanted to ask you all -- well, Ms. Rice, in the release that you sent out today, you said there were numerous roadblocks. And despite those roadblocks, your investigation managed to have complete 179 full investigations.

What were those roadblocks that you encountered?

CHAIR RICE: Since COVID, this will be the first time staff members were working out of the office and having to conduct those
interviews virtually. There were some challenges with getting access to the members of service, and so that was one of the challenge, the roadblocks, that were there.

It was in, oftentimes, a chaotic environment, and so there would be a body-worn camera footage. Also, looking at extensive interviews, both of the body-worn camera footage, as well as civilians who had submitted documentations.

So, it was just the largest number of cases that came up at a time when the staff was not in the office, and so that's part of the challenge that was there.

MS. GREENBERG: Got it.

MR. DARCHE: In addition to all the challenges in investigating all the protest cases, there were some challenges specifically around identifying officers from these complaints due to failure to follow proper protocols when assigning or assigning arrests or summonses, officers covering their names and shield, officers wearing protective equipment that the shield numbers on the protective equipment did not correspond to
the officer, the lack of proper use of
body-worn camera -- body-worn cameras, and
finally, incomplete severely delayed
paperwork.

MS. GREENBERG: And have any of you
received a response from the NYPD when coming
forth with this report saying that there were
a lot of issues when it comes to following
proper protocol? Have they responded in any
way?

CHAIR RICE: I have not (inaudible).

MS. GREENBERG: Is that something that
you plan to bring up with them when you do
discuss the recommendations?

CHAIR RICE: The formal report has not
been released, and we have, as I mentioned,
we've already had a meeting with the Police
Commissioner, as well as with her chief, and
planning on doing ongoing meetings with them
in order to be able to talk about these
issues, but the report has not formally been
released.

MS. GREENBERG: Got it.

CHAIR RICE: And the preliminary
numbers.
MS. GREENBERG: Okay. Wonderful.

And in terms of the recommendations, what do you anticipate those to be when you do submit this formal report?

MR. DWYER: It's too soon to have a recommendation.

MS. GREENBERG: But probably consisting of something along the lines of following proper protocol, I'm assuming.

MR. DWYER: (Inaudible).

MS. GREENBERG: Okay. And just to clarify, I know you just said that there were 321 cases substantiate -- misconduct was substantiated in 87.

I'm just seeing a discrepancy in the release that was sent today. It said, "There are 319 complaints. Thus far, 269 have been closed resulting in a 187 substantiated allegations."

So, are these two separate things?

MR. DARCHÉ: We'll check the number in the release.

MS. GREENBERG: Okay. Got it.

Thank you so much. Appreciate it.

MS. SIMMONS: I ask you to please stay
in touch with us regarding your inquiries. From what is stated, the report has not been published as yet. We would appreciate if you already know you have questions to give us the questions, so we can answer them.

MS. GREENBERG: Sounds good. Thank you.

CHAIR RICE: Thank you, Ms. Greenberg. Is there anyone else in the room?

MR. QUIGLEY: My name is Liam Quigley. I'm just -- I have a couple questions.

Mr. Darche, you mentioned that there were one -- at least one, maybe two members of service separated from NYPD as a result of CCRB complaints.

Is it Pantaleo and one other person?

MR. DARCHE: Yes.

MR. QUIGLEY: Okay. So, that's two for the duration of the existence of CCRB?

MR. DARCHE: As far as I'm aware.

MR. QUIGLEY: Okay. On page 20, I'm looking at figure 27, which is disposition of untruthful statements, false and misleading.

Is there a reason those aren't listed on the allegations for April 2022 --
MR. DARCHE: I'm not aware of that.

MR. QUIGLEY: Okay. And is there anything that prevents CCRB from including the names of officers in that table that starts on page 25?

MR. DARCHE: I'm not aware of anything.

MR. QUIGLEY: Is that something that could be looked at to list the names of -- if an allegation was substantiated in the monthly report, to include the name of the officer involved in those allegations?

MR. DARCHE: Yes.

MR. QUIGLEY: Okay.

MR. DARCHE: But then you can also find that information online.

MR. QUIGLEY: Where? Where would one find that?

MR. DARCHE: On our website, we have MOS -- you know what? I'll check on that. It's a good question. We should be able to make that --

MR. QUIGLEY: Okay. And the last thing is -- oh. So, for this table that I mentioned on page 20, this is all just last month -- false official statement, misleading
official statement, 17 on each, would be just April 2022?

MR. DARCHE: That is my understanding.

MR. QUIGLEY: Thank you.

CHAIR RICE: Thank you.

Is there anyone else that we have in the room that has a question?

(No response.)

CHAIR RICE: Do we have any old business to come before the board? Any old business to come before the board?

(No response.)

CHAIR RICE: No? Do we have any new business to come before the board, new business?

(No response.)

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

The agenda for the executive session is, the board will receive an update from the general counsel, and the executive director will discuss the following items:

Update on full board case, scheduling issues for panels, update on pending
personnel actions, reminder on COIB filing
deadline, so the Conflicts of Interest
Board's filing deadline.

Can I have a motion to adjourn the
meeting?

MS. SIMMONS: So moved.

CHAIR RICE: Do I have a second?

MR. RIVADENEYRA: Second.

CHAIR RICE: All right. All in favor?

(Chorus of ayes.)

CHAIR RICE: Thank you.

(TIME NOTED: 5:07 p.m.)
CERTIFICATE

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Sabrina Brown Stewart, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on May 11, 2022.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of May 2022.

Sabrina Brown Stewart

Sabrina Brown Stewart