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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

May 11, 2022

4:00 p.m.

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HELD VIA VIDEOCONFERENCE/
100 Church Street
New York 10007

B E F O R E:

ARVA RICE, CHAIR

JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

COURT REPORTER:

Sabrina Brown Stewart

1 PUBLIC MEETING AGENDA

2 =====

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

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1 BOARD MEMBERS PRESENT

2 =====

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

14
15 PRESENTERS:

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

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1 MS. ALVAREZ: Good afternoon, everyone.
2 Welcome to the May board meeting. For those
3 that are utilizing ASL services, our two
4 interpreters are Felice Shays and Alicia
5 Jones; they will alternate every
6 twenty minutes. In the chat, you will find
7 the link to our CART services and
8 instructions on how to pin their video.

9 Thank you.

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

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

19 MR. DWYER: Frank Dwyer, I'm a Police
20 Commissioner designee.

21 MR. SIEGAL: Good afternoon. John
22 Siegal, Mayoral Appointee.

23 MR. MERRITT: Herman Merritt. I'm a
24 City Council representative from Brooklyn,
25 pronouns he/him.

1 MR. DARCHE: Jonathan Darche, Executive
2 Director, pronouns he/him.

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

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

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

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

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

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

19 CHAIR RICE: Thank you.

20 Is there anyone else joining us online?

21 MS. ALVAREZ: No.

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

25 Are there any changes or corrections to

1 the minutes?

2 (No response.)

3 CHAIR RICE: Any changes of
4 corrections? No?

5 (No response.)

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

8 REV. DR. CAROLINA: (Raise hand.)

9 CHAIR RICE: Demetrius Carolina.
10 Can I have a second?

11 MR. SIEGAL: Second.

12 CHAIR RICE: Thank you very much.
13 All those in favor, please say aye.
14 (Chorus of ayes.)

15 CHAIR RICE: Any opposed?

16 (No response.)

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

19 As I am sure many of you know, we are
20 quickly approaching the second anniversary of
21 George Floyd's death. The video recording of
22 George Floyd being killed sparked outrage
23 around the world, leading to protest in over
24 60 countries.

25 While thousands of New Yorkers took to

1 the streets to protest against police
2 brutally, hundreds of people experienced
3 fresh instances of police misconduct. The
4 CCRB was flooded with complaints, receiving
5 over 300 complaints in a 48-hour period. In
6 total, the agency received over 750
7 complaints that we narrowed down to 321
8 cases.

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

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

20 As some of you know, the CCRB's statute
21 of limitations for protest cases without a
22 crime exception passed on May 1, 2022. And I
23 am pleased to announce that the agency
24 completed 98 percent of all cases. Out of
25 the 321 cases, the CCRB conducted full

1 investigations for 223 cases and
2 substantiated misconduct in 87 cases. There
3 are only five outstanding cases.

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

16 78 cases should be sent to the
17 Administrative Prosecution Unit. The agency
18 learned a great deal from these
19 investigations, and we will release a
20 comprehensive report this summer detailing
21 our key takeaways.

22 I look forward to working with the NYPD
23 and Commissioner Sewell to increase NYPD
24 adoption of CCRB recommendations and improve
25 safety, fairness and accountability

1 throughout our city.

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

4 Jon?

5 MR. DARCHE: Thank you, Chair Rice.

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

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

21 The agency is eager to move forward
22 with this case, as Mr. Small's families wait
23 for accountability has almost reached
24 six years. The agency hopes to have an
25 answer from the Court soon.

1 While Chair Rice gave an update on
2 where the CCRB is currently on the protest
3 cases, I want to reiterate that the agency
4 plans to release a protest report in the
5 coming months that will detail the lessons
6 that the agency learned from the protest
7 investigations.

8 Currently, our office is open for
9 walk-in complaints, but it is also possible
10 to file complaints online at
11 nyc.gov/ccrbcomplaint. That's nyc.gov/ccrb
12 C-O-M-P-L-A-I-N-T, or by telephone by calling
13 3-1-1 or 1(800)341-2272.

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

18 Just some ground rules for this
19 afternoon: If you would wish to speak,
20 please sign up with a member of our staff.
21 If you are online and wish to speak, please
22 use the "raise the hand" feature and we will
23 make sure you're called upon to make a
24 comment. We're asking that comments be
25 capped at four minutes.

1 I want to thank the staff for their
2 hard work, and thanks again to the members of
3 public for participating in our meeting.

4 CHAIR RICE: Thank you, Jon.

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

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

15 Jon?

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

20 CHAIR RICE: Any other questions?

21 MS. IRISH: Mr. Darche, did we get any
22 explanation for the cases where the NYPD did
23 not take action with regards to the
24 protest -- the recommendations in the protest
25 cases that they did not impose discipline?

1 MR. DARCHE: The NYPD has been
2 complying with the statutory mandated
3 requirement (inaudible) inform the CCRB's
4 recommendation --

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

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

14 MR. PUMA: For Executive Director
15 Darche. On the number of cases that were
16 sent to the APU of the protest cases, I heard
17 78 was the number cited.

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

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

1 that in the future.

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

5 (No response.)

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

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

12 Can you see my screen?

13 MS. IRISH: Not yet.

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

16 (Whereupon, the screen is being
17 displayed.)

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

20 CHAIR RICE: Now we see it. Thank you.

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

25 As you may know, the Civilian Complaint

1 Review Board is the nation's largest
2 independent oversight entity over the largest
3 police force in the country. The CCRB
4 investigates, mediates and prosecutes
5 complaints of misconduct made against members
6 of the NYPD.

7 The agency is governed by a 15-member
8 board. You've met many of the board members
9 on this call. There's five that are
10 appointed by the New York City Mayor and five
11 that are appointed by the New York City
12 Council. Three are designated by the Police
13 Commissioner. One is appointed by the Public
14 Advocate and the Chair is jointly appointed
15 by the Mayor and the City Council.

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

21 Just to give you a little bit of
22 information regarding the Right to Know Act.
23 The Right to Know Act was a law that went
24 into effect in October of 2018. This relates
25 to stop-and-frisk encounters, sobriety checks

1 and additional encounters with police
2 officers. Where it relates, the officer,
3 depending on the circumstance, is required to
4 identify themselves by providing their name
5 and other identifying information; such as
6 rank, command and shield number.

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

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

21 There are a few ways to contact the
22 Civilian Complaint Review Board, as
23 previously mentioned by Executive Director
24 Darche. Some simple ways are by utilizing
25 our website, nyc.gov/ccrbcomplaint. This

1 information is also in the chat. You could
2 also call the CCRB's hotline at
3 1(800)341-CCRB or 1(800)341-2272.

4 If you see footage of misconduct on
5 social media or in the news, you can file a
6 complaint, even if you were not there in
7 person or you can feel free to tag the CCRB
8 on social media @CCRB_NYC.

9 Couple of additional ways to file a
10 complaint with the CCRB, by calling 3-1-1,
11 you can visit the CCRB at our headquarters at
12 100 Church Street on the 10th floor. Or you
13 can also direct message the CCRB on social
14 media. We have Facebook, Instagram and
15 Twitter. Add the comment at the handle
16 @CCRB_NYC. You can also send a letter to the
17 CCRB at 100 Church Street, New York, New
18 York. Zip code 10007.

19 You can also file a complaint at your
20 local police precinct. It does not have to
21 be the precinct where the encounter took
22 place. Police officers are required to
23 accept CCRB complaints at any precinct. And
24 officers -- and you can also request a
25 complaint form with postage-free envelope.

1 Now, the CCRB is also hiring. The CCRB
2 is also hiring. The agency is hiring for
3 level-one investigators, outreach and
4 additional positions within the Civilian
5 Complaint Review Board.

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

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

23 Thank you very much, Chair.

24 CHAIR RICE: Anyone have any questions
25 for Mr. Rose?

1 MS. SIMMONS: Mr. Rose, are we still
2 having mobile units with the increase of the
3 COVID virus? Are they still going to
4 boroughs?

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

8 MS. SIMMONS: Thank you.

9 CHAIR RICE: Any questions?

10 (No response.)

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

20 Yojaira, would you please call on the
21 first person.

22 MS. ALVAREZ: Thank you, Chair.

23 As we wait for folks to line up behind
24 the podium, Sorin, can you please upgrade
25 Michael Meyers. And while we're bringing him

1 up, I would like to thank New York State
2 Senator Brad Hoylman's office, Congress
3 Member Grace Meng's office, the Queens DA and
4 Manhattan DA's offices, and also the Seattle
5 Police Commission for attending today.

6 Michael?

7 MR. MEYERS: Can you hear me?

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

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

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

15 Number one, at the last meeting, I sent
16 an e-mail to the executive director and
17 several members of the board requesting
18 answers to some basic questions. I never got
19 even acknowledgment from anybody that
20 these -- the executive director or -- and/or
21 the board members to those questions. Simple
22 courtesy, it seems to me, I should get
23 acknowledgment at least -- at least of the
24 questions I put to you in writing and send to
25 you by e-mail.

1 Secondly, I suggest that we have a
2 public session of the CCRB with the Police
3 Commissioner, so that the public can actually
4 listen in on the discussion between the CCRB
5 members and the new Police Commissioner.
6 Because she has to be held accountable and
7 she has to report to the public about the
8 inaction that we've heard in terms of Police
9 Department acting or not acting on complaints
10 substantiated by the CCRB.

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

21 And unless you have something in
22 writing that says this is the new rules that
23 was formally adopted by the board itself, not
24 by the executive director or the executive
25 director's assistant or not by one member of

1 the board. We got to have a process for
2 having rules before the public.

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

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

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

23 MR. DARCHE: I want to also apologize
24 because I was a recipient of the e-mail and I
25 should have responded. And it was -- and I

1 will get you an answer to those questions by
2 tomorrow. There's no excuse for it.

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

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

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

25 MR. DARCHE: I don't know if it's

1 possible, so I will have to look into it.

2 MR. MEYERS: Of course it's possible.

3 CHAIR RICE: Yojaira, are you there?

4 MS. ALVAREZ: Hi, yes.

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

7 MS. REDD: Hi. How are you doing?

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

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

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

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

1 police officer.

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

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

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

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

20 MS. REDD: And I have one more
21 question.

22 With the handling of the Floyd case,
23 right, that came to -- when it came to the
24 CCRB, how was that handled? How do you -- if
25 I complain about a police officer, right,

1 doing something or whatever, like the George
2 Floyd -- how is that handled? Do you got to
3 go through channels of -- chains of command?
4 Or it just -- it just sits there and they
5 say, "Oh well, complaint come in."

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

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

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

23 So, whether the officer was on duty or
24 if they were off duty, they invoke their
25 authority as a police. The next step is we

1 begin collecting as much information as we
2 can about the case, if it is in our
3 jurisdiction. If the case was outside of our
4 jurisdiction, we'd refer it to the
5 appropriate agency, the appropriate entity to
6 investigate the complaint.

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

22 MS. REDD: Last question --

23 MR. DARCHE: Once the invest --

24 MS. REDD: Oh, I'm sorry. Go ahead.
25 I'm sorry.

1 MR. DARCHE: Collected all that
2 evidence, their next step is to create a
3 closing report in which they marshal the
4 evidence and make recommendations to the
5 board about what the board should do.

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

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

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

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

25 Can you hear me? Hello, can you hear

1 me?

2 MR. DARCHE: Yes, Madam Chair. And
3 yes, Ms. Redd.

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

12 MS. REDD: Okay. Thank you.

13 MS. ALVAREZ: Thank you so much.

14 Next, we'll be hearing from Nicolyn
15 Plummer.

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

18 (No response.)

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

24 Nicolyn, I'll send you a text on how to
25 turn on your video.

1 And Chair, while Ms. Jennings is
2 walking over, we're joined by Board Member
3 Freeman.

4 CHAIR RICE: If we can have --
5 Mr. Freeman, if you could introduce yourself.

6 We've been joined by another member of
7 our board.

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

10 MR. FREEMAN: My name is Willie
11 Freeman. I'm a Police Commissioner designee.

12 Can everyone hear me?

13 CHAIR RICE: Thank you very much.
14 Appreciate it.

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

17 You want to approach the podium,
18 please?

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

21 I know you don't hear these stalking
22 cases because I try to reach out to
23 Mr. Darche many, many years. But on May 11,
24 2006, is the official start date of this --

25 CHAIR RICE: Introduce yourself.

1 MS. JENNINGS: Ms. Jennings,

2 J-E-N-N-I-N-G-S.

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

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

8 Unfortunately, CCRB doesn't handle it here.

9 It's gotten to the point now that I've told
10 Mr. Darche years ago, "I fear for my life and
11 safety." I'll do it in a couple of minutes.

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

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

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

1 just pushing at me.

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

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

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

1 15 years.

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

10 Okay. So, once task force --

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

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

15 CHAIR RICE: Do you have a question of
16 us?

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

20 But I asked, "could someone --" I think
21 I did ask what was in these files and maybe,
22 you know, not to a wonderful staffer, but to
23 someone at the top because I just watched the
24 police. When I went into the task force, it
25 was shocking. I just -- I was supposed to

1 get a -- they thought of a form, you know, to
2 send somewhere, and they said to pick it up
3 at the 10th Precinct.

4 I spoke to Taylor, his name, showed him
5 the letters and we had a moment of speaking.
6 That's the day I called, runaround again, all
7 sort of people, different people, nobody seem
8 to get the complaint, have any information
9 about it, no nothing. And that has been now
10 15 years.

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

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

23 MS. JENNINGS: I know, but I'm just
24 saying, I want to know who here could help me
25 speak to someone at One Police Plaza, or the

1 Mayor's office. 'Cause, of course, I did try
2 to reach out to de Blasio many, many times.

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

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

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

1 CHAIR RICE: Thank you.

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

6 CHAIR RICE: Thank you. Thank you.

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

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

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

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

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

19 Melanie Wilkerson, can you hear us?

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

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

24 Can you all hear me?

25 MS. ALVAREZ: We can see and hear you,

1 Ms. Wilkerson. Thank you.

2 MS. WILKERSON: Thank you very much.

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

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

20 And so, I wanted to propose this
21 question to the panel, just as a reflection
22 of someone that is grounded in the justice
23 reform landscape and, you know, has certainly
24 recommended clients to take advantage of the
25 CCRB's existence as an entity to move forward

1 their complaints. I hate to pose this kind
2 of question, but I feel like it must be
3 asked.

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

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

16 MS. WILKERSON: Okay.

17 MR. DARCHE: So, I think when you look
18 at the history of this agency, the strength
19 of the agency has increased over time, and
20 the amount of discipline that is imposed on
21 police officers as a result of CCRB
22 complaints has increased over time. And it
23 is still too soon to have a full picture of
24 what happened in the protest cases because so
25 many of them were newly closed and we just

1 don't have a full picture.

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

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

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

18 While we are moving in that direction,
19 every year we say we're moving in closer to
20 that direction. I am glad that you recognize
21 that we're putting in a lot of effort and
22 making sure that everybody knows what we
23 find, is well aware of the Police Department
24 or who would deal with the officers that have
25 misacted and sometimes that fall on deaf

1 ears. But the good part is we're putting the
2 facts out there.

3 Thank you for paying close attention.
4 We're trying to move the line here.

5 MS. WILKERSON: Thank you.

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

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

22 CHAIR RICE: Thank you.

23 Any other comments?

24 I just want to reiterate once again
25 what our executive director -- is that this

1 story is still one that is unfolding, and we
2 will be releasing a report later on in the
3 next couple of months talking about the
4 totally because this process is still in
5 place, and also providing some
6 recommendations and learnings from going
7 through this process.

8 Yojaira, who is next up?

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

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

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

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

19 One thing that I just want to note in
20 looking at some of these protest cases, I
21 think it's expected that there isn't always
22 going to be agreement between the board and
23 the Department on the level of discipline
24 that needs to be imposed. But I will just
25 say I am troubled by the number of cases

1 where we recommended fairly significant
2 discipline, Command Discipline A's or B's as
3 well as charges when no discipline at all
4 were imposed.

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

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

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

23 Thank you.

24 CHAIR RICE: Thank you. That point
25 well taken.

1 Is there anyone else before I move on
2 to the next question?

3 (No response.)

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

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

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

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

17 And then, my second question is about
18 the disciplinary matrix. In the last board
19 meeting last month, Mr. Darche, you said that
20 you had been meeting with the NYPD on changes
21 to the Matrix, and I'm curious whether or not
22 you have had further meetings since the last
23 board meeting, and whether or not you can
24 update us on the outcome or the development
25 of those changes?

1 CHAIR RICE: I'm going to take the
2 first part of you first question, hand it
3 over to our executive director and then I
4 will take the second question on comments
5 with the NYPD on the discipline matrix.

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

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

16 MR. DARCHE: So, there were 59 cases in
17 which officers were unidentified out of the
18 223 full investigations.

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

24 They're just beginning and will be
25 doing -- right now to begin meetings twice a

1 month and then going into monthly meetings in
2 order that we can figure out a process that
3 makes sense for us to both review the
4 discipline matrix and also to develop more
5 streamline processes as we move forward.

6 MR. WERTH: Thank you.

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

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

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

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

21 What were those roadblocks that you
22 encountered?

23 CHAIR RICE: Since COVID, this will be
24 the first time staff members were working out
25 of the office and having to conduct those

1 interviews virtually. There were some
2 challenges with getting access to the members
3 of service, and so that was one of the
4 challenge, the roadblocks, that were there.

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

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

15 MS. GREENBERG: Got it.

16 MR. DARCHE: In addition to all the
17 challenges in investigating all the protest
18 cases, there were some challenges
19 specifically around identifying officers from
20 these complaints due to failure to follow
21 proper protocols when assigning or assigning
22 arrests or summonses, officers covering their
23 names and shield, officers wearing protective
24 equipment that the shield numbers on the
25 protective equipment did not correspond to

1 the officer, the lack of proper use of
2 body-worn camera -- body-worn cameras, and
3 finally, incomplete severely delayed
4 paperwork.

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

11 CHAIR RICE: I have not (inaudible).

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

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

23 MS. GREENBERG: Got it.

24 CHAIR RICE: And the preliminary
25 numbers.

1 MS. GREENBERG: Okay. Wonderful.

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

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

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

10 MR. DWYER: (Inaudible).

11 MS. GREENBERG: Okay. And just to
12 clarify, I know you just said that there were
13 321 cases substantiate -- misconduct was
14 substantiated in 87.

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

20 So, are these two separate things?

21 MR. DARCHE: We'll check the number in
22 the release.

23 MS. GREENBERG: Okay. Got it.

24 Thank you so much. Appreciate it.

25 MS. SIMMONS: I ask you to please stay

1 in touch with us regarding your inquiries.
2 From what is stated, the report has not been
3 published as yet. We would appreciate if you
4 already know you have questions to give us
5 the questions, so we can answer them.

6 MS. GREENBERG: Sounds good. Thank
7 you.

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

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

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

16 Is it Pantaleo and one other person?

17 MR. DARCHE: Yes.

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

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

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

24 Is there a reason those aren't listed
25 on the allegations for April 2022 --

1 MR. DARCHE: I'm not aware of that.

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

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

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

12 MR. DARCHE: Yes.

13 MR. QUIGLEY: Okay.

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

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

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

22 MR. QUIGLEY: Okay. And the last thing
23 is -- oh. So, for this table that I
24 mentioned on page 20, this is all just last
25 month -- false official statement, misleading

1 official statement, 17 on each, would be just
2 April 2022?

3 MR. DARCHE: That is my understanding.

4 MR. QUIGLEY: Thank you.

5 CHAIR RICE: Thank you.

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

8 (No response.)

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

12 (No response.)

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

16 (No response.)

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

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

24 Update on full board case, scheduling
25 issues for panels, update on pending

1 personnel actions, reminder on COIB filing
2 deadline, so the Conflicts of Interest
3 Board's filing deadline.

4 Can I have a motion to adjourn the
5 meeting?

6 MS. SIMMONS: So moved.

7 CHAIR RICE: Do I have a second?

8 MR. RIVADENEYRA: Second.

9 CHAIR RICE: All right. All in favor?

10 (Chorus of ayes.)

11 CHAIR RICE: Thank you.

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

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C E R T I F I C A T E

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