

In Re July Public Meeting NYC - Civilian Complaint Review Board
July 10, 2024

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CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC BOARD MEETING

July 10, 2024

4:00 P.M.

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HELD AT 100 CHURCH STREET, 10TH FLOOR

NEW YORK, NEW YORK AND

VIA WEBEX VIDEOCONFERENCE

BEFORE:

JOHN SIEGAL, ESQ, INTERIM CHAIR

JONATHAN DARCHE, ESQ., EXECUTIVE DIRECTOR

Transcribed by:

Eleanor P. King

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PUBLIC MEETING AGENDA:

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

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CCRB BOARD MEMBERS PRESENT:

1. JOHN SIEGAL, ESQ. - Board Member
2. JOE FOX - Board Member
3. KEVIN JEMMOTT - Board Member
4. JOSEPH A. PUMA - Board Member
5. ESMERALDA SIMMONS, ESQ - Board Member
6. AU HOGAN - Board Member
7. JUNE NORTHERN - Board Member
8. PAT SMITH - Board Member
9. FRANK DWYER - Board Member
10. HERMAN MERRITT - Board Member
11. CHARLANE BROWN, ESQ. - Board Member

Presenters:

- Jahi Rose - Director of Outreach - New York City
Civilian Complaint Review Board
- Natasha Diaz - Queens Outreach Coordinator -
New York City Civilian Complaint Review Board

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SPEAKERS

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1. NYC COUNCIL MEMBER TIFFANY CABAN
 2. NYS SENATOR JABARI BRISPORT
 3. CHRISTOPHER DUNN - Legal Director -
New York Civil Liberties Union
 4. LYDIA WOOLLEY - Civilian
 5. MARI MOSS - Taskforce Member - Mayor's
Taskforce to End Gender and Domestic
Based Violence
 6. MICHAEL MEYERS - President and
Executive Director - New York Civil
Rights Coalition

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MS. ALVAREZ: Good evening,
everyone. Thank you so much for joining
us today.

For those utilizing ASL interpreting
services, we have two ASL interpreters
today. ASL Interpreter Craig Ridgway
and ASL Interpreter Erika Agramonte.

Instructions on how to pin the video
can be found in the chat. Thank you.

CHAIR SIEGAL: Good afternoon,
everyone. My name is John Siegal, I use
he/him pronouns and I have been a member
of the Civilian Complaint Review Board,
working on this board since 2016.

I am sitting today for the Chair who
is unavailable. And I thank you for
joining us today on the hottest CCRB
meeting of the year.

Let's have the board members
introduce themselves, why don't we start
from the right.

MR. FOX: Hi, Joe Fox, NYPD rep,
Commissioner's representative. Thank

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you.

MR. JEMMOTT: Good afternoon, Kevin Jemmott, Mayoral designee.

MR. PUMA: Good afternoon. My name is Joseph Puma, I go by he/him pronouns, and the City Council designee from Manhattan.

MS. SIMMONS: Good afternoon, Esmeralda Simmons, Public Advocate appointee from Bed-Stuy Brooklyn.

CHAIR SIEGAL: John Siegal, I am a Mayoral appointee.

MR. DARCHE: Jon Darche, Executive Director of the CCRB. I use he/him pronouns.

MR. HOGAN: Au Hogan, representative of City Council.

MS. NORTHERN: Good afternoon, June Northern, Mayoral appointee from Brooklyn.

MR. SMITH: Good afternoon Pat Smith, Mayoral appointee.

MR. DWYER: Good afternoon, Frank Dwyer, Police Commissioner designee.

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CHAIR SIEGAL: The first order of business is the adoption of the minutes of the June meeting. Are there any changes or corrections that any member of the board wishes to make?

We have two board members who are joining us virtually. Let's have them introduce themselves, starting with Herman Merritt.

If you are there and want to introduce yourself, please, go ahead.

MS. BROWN: I am sorry, Charlane Brown, Police Commissioner Designee.

CHAIR SIEGAL: Thank you. I will ask for a motion to approve the June Board minutes. Is there a second?

(Second.)

CHAIR SIEGAL: Any opposition?

CHAIR SIEGAL: The minutes are approved.

We will begin this meeting by acknowledging that July 2024 marks ten years since the murder of Eric Garner. I and probably, I think, two other

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members of this board, remember voting on the case involving Mr. Garner's death.

And, I believe, it exemplifies the importance of the independent and impartial oversight in this Board's role.

We have had thousands of cases since, high profile, low profile, no profile. The investigators, the staff, the board, treat them all diligently and seeking fair and appropriate outcomes.

On behalf of the Board, I would like to thank the City Council and the Mayor's office for recognizing the importance of the CCRB, through not only restoring our budget, but also providing additional funding for personnel.

We are all eager to hear the Executive Director's report, where he will detail that. So I turn it over to you Mr. Darche.

MR. DARCHE: Thanks, John. And thank you for stepping in today.

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On June 30th the City Council voted to adopt the new budget for the fiscal year 2025. This budget which totals \$27,802,694 for the CCRB and sets the agency's head count of 247 individuals, as a baseline for further use as well.

As a result, the agency is moving forward to hire an additional 18 individuals, including, most importantly, a new class of investigators.

At the June board meeting, a member of the public asked for information of New York State Senate bill 3515. This bill seeks to shift the financial burden of police misconduct settlements away from New York City taxpayers, to officers implicated in the lawsuits.

The bill will also require all police officers to maintain personalized liability insurance plans that would cover any claims made against them while on duty.

The bill was introduced in January

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of 2023, it was sponsored by State Senator Nathalia Fernandez and assembly member Alicia Hyndman. No action has happened on the bills on either House during the past session and I do not know what is going to happen with them in the next session.

In our public session today, we are going to hear from folks who are online and then folks who are physically present.

Regardless of which method that you are going to be giving statements tonight, please limit your comments to four minutes.

Our office is open for walk-in complaints, but it is also possible to file complaints online at NYC.GOV/CCRBComplaint.

You can also file complaints over the phone by calling 1-800-341-2272 or by dialing 311. The CCRB also accepts complaints via social media, which you can make by tagging the agency at

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CCRB_NYC on Instagram and I still call it Twitter.

If you would like to make an in-person complaint this afternoon, investigators Rob Ryan and Emma Stydahar are here and ready to speak with you. Amy O'Sullivan is also here from the Civilian Assistance Unit. Thanks John.

CHAIR SIEGAL: Question for Mr. Darche, to exercise the prerogative since I have the Chair today.

What did you mean by the budget being based on for future years; what does that mean?

MR. DARCHE: Like every year when the City Council passes a budget, they don't just vote on the upcoming year's budget, they vote on budget for future years as well, for planning purposes.

In the 2024 -- in the fiscal year 2024 adopted budget, the CCRB's budget was actually -- I knew the headcount numbers exactly, was set at 259 for the fiscal year that just ended. But that

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was not baseline, so it dropped again to 237, which it was before the adopted budget for the out years.

In this year's budget, not only was our headcount increased to 247, it's set that way for the out years that were also voted on, which was at least three years afterward. And that is also true for the dollar side of the budget as well.

CHAIR SIEGAL: Any other questions for the Executive Director?

MR. SMITH: Mr. Chair, I would like to move that this board commend the Chair Arva Rice and our Executive Director, Jonathan Darche, for their diligence and persistence in securing the funding needed for this agency to continue its work.

CHAIR SIEGAL: All in favor for that resolution to commend the leadership?

(Chorus of ayes.)

CHAIR SIEGAL: Any opposed?

(No response.)

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CHAIR SIEGAL: I will call the first speaker who is lined up virtually, she is the New York City Council Representative for the 22nd District in northeast Queens, Tiffany Caban.

Welcome to our meeting and the floor is yours.

MS. ALVAREZ: Apologies, Councilmember, we are unable to hear you.

MS. CABAN: Can you hear me now?

MS. ALVAREZ: Yes.

MS. CABAN: Is that better?

MS. ALVAREZ: Yes.

MS. CABAN: Beautiful, thank you. I just want to start by saying, thank you for having me and thank you for the work that you have been doing.

Like was mentioned, my name is Councilmember Tiffany Caban, I represent the 22nd District in the northwestern part of Queens and my district also include Rikers Island.

I am also a former public defender

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who practiced in New York County criminal courts and I am here to briefly address a practice of the CCRB, that I do find deeply concerning.

It's the widely reported requirement, that investigators list the complainant's entire criminal legal history in their final reports. This practice was publicly criticized by the chair of the CCRB seven years ago, but inexplicably, it is yet to change.

It is something that happens regardless of whether a complainant's criminal legal background is relevant to the investigation or not. And it's done without informing the complainant, getting their consent or even letting them know their history is being assessed.

Meanwhile, the CCRB investigators are asked to include the accused offices CCRB history, which lists past complaints against them, but not their criminal history.

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So, you know, I find it to be a hypocrisy and a double standard at work here. The practice of dredging up this irrelevant information and using it against complainants is intended to paint them in a negative way, before their complaints are even considered. It prejudices and taints the procedure. It has the effect of reinforcing racial inequalities within the criminal legal system and in addition it discourages people from filing complains.

If civilians who comes forward with legitimate concerns about police misconduct fears their past will unfairly be used against them, they are less likely to report problems, and it undermines the entire purpose of the CCRB to hold police accountable.

I am going to close by saying that the CCRB should focus on the fact in the case not unrelated, irrelevant and prejudicial background information.

And thank you for allowing me the

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time to testify today.

CHAIR SIEGAL: Did you want to respond, or anyone have comments?

MR. DARCHE: First, I want to thank the Councilmember for bringing this to our attention. It is actually an issue that our staff has been concerned about for sometime, and bring it up -- we have been discussing it in meetings, how best to address it, and it's something that if the board would like, we can come back in September and maybe have a little more wholesome conversation about it.

CHAIR SIEGAL: Any other board members. Ms. Simmons?

MS. SIMMONS: I certainly would like -- I have a question or two. I certainly would like us to have a full conversation with it with some factual background from staff and administration.

It's thrown in there at the end, some people pay attention to it, some don't. But I also -- if complainants

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knew that was going to happen, many of them would not file complaints.

CHAIR SIEGAL: Any other comments:
(I will second.)

CHAIR SIEGAL: I don't remember a case where a civilian's criminal history has been a subject of discussion. Nor do I think it has affected, at least, my considering of cases. Of course, what I can't know is what's in the head of other board members that may not express, and I certainly understand the concern you are raising. And I don't think there there is opposition to the staff coming back with the recommendation on how to deal with this.

MR. HOGAN: Thank you, Councilmember for that. I think that one of the things that she said also, the investigations, whether they look at it in a biased way when they get it.

And we might not vote in a panel in such a way, but we don't know if the investigator see and, I never knew what

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was really the cause for that record to even be on it. So I think we should really convene to have another conversation. I am glad this conversation was brought up by the Councilmember Caban, because it's in a sense been troubling to me. And also questioning to me, why it was ever there. Thank you.

CHAIR SIEGAL: Any other board comments?

MR. SMITH: Councilmember, a slightly related subject. This is a 15-member body, but has only 12 members at this point, we are three members short. That means one full panel that is not hearing cases. We have three member panels who review cases every month. We are one panel short.

The City Council speaker is responsible for two of those vacancies. Could you please urge upon the City Council speaker to make some appointments to get this up to

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strength, so that complainants and officers get justice in a more speedy fashion. Thank you.

MS. CABAN: Absolutely; I would be happy to not just ask the speaker to do that, but I think there are plenty of good folks, that you would be ready and willing to serve in the next capacity.

CHAIR SIEGAL: Thank you, Councilmember. I am not sure you have used your whole four-minutes allotments, which is rare for speakers at our meetings. Is there anything you wanted to add?

MS. CABAN: That's okay. I am defining the expectations of a lawyer and a politician and I am just trying to be succinct and I am not going to belabor it, especially when it seems that there is consensus among the members, that this is something that needs to be revisited.

So just thank you for the time.

CHAIR SIEGAL: And thank you for

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Zooming in, we appreciate your participation today.

Next we have a presentation from the Director of Outreach, Jahi Rose.

MR. ROSE: Good evening, everyone. As mentioned, my name is Jahi Rose. I go by he/him pronouns. I am the Director of Outreach for the Civilian Complaint Review Board. I just want to give you some brief information of what the agency does and provide you with some updates about what we have been doing in the Borough of Queens.

So the CCRB 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 alleged against members of the NYPD.

The agency is governed by a 15-member Board, many of which you have met today. Five seats are appointed by the New York City Mayor. Five are appointed by the New York City Council.

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Three are designated by the Police Commissioner and one is appointed by the New York City Public Advocate. The Chair is jointly appointed by the Mayor and the New York City Council.

The agency can investigate four types of complaints. FADO is an acronym that is helpful to remember what our jurisdiction is: That's force, abuse of authority, discourtesy and offensive language.

If you would like to report complaints of police misconduct, as previously mentioned, you can feel free to file a complaint online at NYC.gov/ccrbcomplaint, you can also call the CCRBs' hotline at 1-800-341-CCRB.

If you see footage of misconduct on social media or news media, you can feel free to file a complaint with our agency as well, even if you are not there in person. The agency handle is normally at CCRB_NYC.

Other ways to file a complaint with

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the agency include calling 311, you can also visit the office at our headquarters at 100 Church Street, in Lower Manhattan, 10007. You can also file a complaint also tag the CCRB social media that's on Facebook, we call it Twitter over there, also called X the CCRB, you can also tag us or direct message us on Instagram.

You can also send us a complaint through mail at 100 Church Street, New York, New York, 10th Floor, ZIP code is 10007.

You can also file a complaint at any police precinct. You can also request a self-addressed envelope and complaint form and they will mail the complaint straight to us. Officers are required, precincts is required to take that complaint in the building.

So I will hand this over to our Queens Outreach coordinator, Natasha Diaz, to give you the Queens update.

MS. DIAZ: Good evening, everyone. My name is Natasha, I am the Queens

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Outreach Coordinator.

So far for this year, we've connected with 2,396 New Yorkers. We had 93 outreach events. I have been able to partner with 40 new partners. We received 429 complaints in 2024. 472 of them were closed and 110 of them were substantiated.

A few of the notable partnerships that I have been able to make in Queens has been with the New York City Campaign Finance Board.

Using the CCRB's block-by-block initiative, we assisted with voters' registration, while educating the public on the authority and jurisdiction of the CCRB.

I also partnered with the Community Capacity Development, with NYCHA Astoria Housing this year, they celebrated 365 days of, no fatalities due to gun violence. So they included us in their celebration. And we were out there tabling and educating the public.

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And they also invited us to participate in the Safe Summer 2024, for Queensbridge, Astoria, and Woodside NYCHA Housing. I was also able to partner with the LGBT Network. They even invited us to facilitate a couple of presentations and table at a couple of their events.

And I have had an awesome experience partnering with Jamaica Community Partnership, they invited us so far to participate in about eight events, and we have been able to educate 339 members of the public.

The first picture is of me out with Community Capacity Development at their Occupy the Corner, that usually happens at 11:00 p.m. to 1:00 a.m. in the morning, specifically targeting those people that are out at that time, making sure that we get as much a broad community engagement as possible.

I also was able to do a lot of block-by-block participation with New

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York City Campaign Finance Board. We were out in East Elmhurst, Corona, quite a bit of neighborhoods that speak multiple languages and we were able to educate in multiple languages. And that has been my experience in New York.

Oh, let's not forget, we participated in the 2024 New Queens Pride Parade. That's also with the LGBT Network and we had an awesome time. A couple of our Outreach team went out and we had a great time also. So thank you for that. I am going to pass it over to Jahi.

MR. ROSE: So if you would like to -- I'm proud of the work my Team is doing in Queens, connecting with members of the public, if you would like to request an Outreach presentation from the CCRB, feel free to contact us on outreach@ccrb.nyc.gov. And also remember you can follow us on Instagram, Twitter and Facebook. Thank you.

CHAIR SIEGAL: Any board members

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have questions or comments for Jahi or
Natasha?

(No response.)

CHAIR SIEGAL: The public comment
portion in the meeting, we will begin
with those joining us virtually who
would like to make a comment, followed
by those who are joining us in person.
If you are participating virtually,
please use the raise-the-hand feature
and please keep your comment to four
minutes.

Yojaira, can you please call your
first participant.

MS. ALVAREZ: Thank you, Chair
Siegall. We will first be hearing from
Senator Jabari Brisport.

MR. BRISPORT: Thank you so much,
for having this hearing, and for also
giving me time to speak, and also for
the work you do. I will be brief,
because I actually came here without
knowing that Councilmember Caban would
echo the same concerns. So I just

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wanted to reiterate her comments.

Thank you for your responses. I am looking forward to seeing if you are able to produce a recommendation for the September meeting.

As I heard, I do see this practice as a potential form of victim blaming, and also potential character assassination, if the criminal history is unrelated to the case and wait for that to impact the justice that complainants are seeking.

Once, again, thank you for hearing both of us out, same concerns. I won't use my full four minutes. I did hear your responses to the Councilmember earlier and I did appreciate them. Thank you.

CHAIR SIEGAL: Thank you, Senator. Yojaira, who is next?

MS. ALVAREZ: Next we will be hearing from Chris Dunn.

MR. DUNN: Can you folks hear me?

MS. ALVAREZ: Yes, your volume is a

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little low and we can hear you.

MR. DUNN: Hopefully, it will get a little better. Good afternoon, my name is Chris Dunn, with the New York Civil Liberties Union. Thank you John and Jon. And John Siegal, nice to see you in the captain's chair.

I do want to first note my appreciation of you noting the ten-year anniversary of the Garner, that was an important moment in the CCRB history in terms of the work the agency did, which was important.

And it was a tragedy that reverberates to this day in New York City, so I appreciate your acknowledging that.

Jon Darche, I did have a question for you about the budget, which is good news. I think that the public would be interested in hearing, does that mean the agency would be able to restore its practice of investigating call complaints?

MR. DARCHE: Our goal is to do that

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as soon as possible. The timing is going to be on how fast we are able to hire up at least one new class of the investigators. So that we have the capacity to do the work that the public expects us to do.

MR. DUNN: Okay, thank you. And then John Siegal, I don't want to get ahead of the agenda, but I am curious if the board is going to be discussing the disclosures that appeared on the front page of the Times last week, concerning the NYPD's retention of cases. Because if that's going to be on the agenda, I would just wait to hear the conversation. But if it's not, I would like to encourage discussion about that, particularly in hearing from the police department representatives about their view about the Police Commissioner's practices as detailed in that reporting.

CHAIR SIEGAL: Well, you have just put it on the agenda. It's on the agenda, Chris. Anyone want to comment

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on the issue?

CHAIR SIEGAL: I would just say that I had a question that I want to raise with the staff and that's whether there has been any analysis done of the types of cases that are being retained or if there is any pattern to that. I didn't see that in the press reports and I don't know if that's something that has been analyzed but would be interesting to know.

MR. DARCHE: So, we have looked for patterns. But none have jumped out, and there had not been a statistical level analysis to see if there is a significant difference in types of cases. But just as a layperson looks at the types of case, nothing pops out as a pattern. I think it's important to note that this Police Commissioner has closed more cases overall in, I guess, now exactly a year, than his predecessor did in a year and a half. So some of the, when you look at the raw numbers, they

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are higher than, not just his immediate predecessor, but predecessors generally, but the volume of cases that he is closing is much higher. So it bears more analysis and I am not prepared to get into the details right now.

CHAIR SIEGAL: Any other comments on it? Did you have other comments that you wanted to make on that or other subjects with your time?

MR. DUNN: Well, I am surprised and disappointed there is no board conversation about this. This is a major issue, I have been troubled recently the CCRB gets little attention. This agency should have a lot more attention. That's the most attention -- there are not too many times the CCRB is above the full two columns on the front page of the New York Times. And I am taken aback that there is no Board discussion about that reporting.

One thing that I will say, in terms of thinking ahead, I don't know if the

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Board is going to think about this, I don't know if the staff is going to think about this. We are certainly going to think about the issue as to whether or not the City should be revisiting the Police Commissioner's authority to retain cases, given these reports. And given what we see in your reporting, which is always good. I always commend the CCRB about its reporting, about the practices we are now seeing with this administration, and this Police Commissioner and as Jon mentions, a lot of cases are getting closed, they are huge cleaned SOLs closures or holding of cases, there is the retention problem and I think the time has come for the Board to start thinking of whether or not it needs to revisit the agreements with the Police Commissioner, under which the Police Commissioner is allowed to retain cases in the way that he is. Because it certainly appears that it is becoming

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significant barrier to police accountability and to the work of the CCRB.

CHAIR SIEGAL: Any other questions or comments?

MS. SIMMONS: I look forward to the report from staff on the retention of cases, and we have what is in the director's report. And reporting to us regarding the short SOLs, which is very troubling.

MR. DARCHE: This month I want to commend the policy they broke out on the monthly report for the first time, the closures for short SOL by the department, and I think it's interesting to note the timelines on some of these cases that are being closed short SOL. I am trying to remember the figure number to point to it. If you give me one second.

MS. SIMMONS: For most of you that don't speak CCRB verb, SOL means statute of limitations, that means only six months on from the statute of

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limitations.

MR. DARCHE: So, in 2024, so far, the police department has closed 45 cases against members of the service who have at least one substantiated complaint from the CCRB, at least one substantiated allegation from the CCRB of those 45 officers, only two had the complaints that were voted on between ten and 20 days of the expiration of the SOL.

In 32 of those 45 complaints, the board voted within between 60 and 90 days of the SOL. So to call these cases being closed short of SOL, is a little bit of a misnomer. And these are cases of discipline in which the board has conducted an investigation, reviewed them, and determined that misconduct occurred and it appears that the department closes them without reviewing them at all.

So that is troubling, that between two to three months is not enough time

1 to review cases that had already gone
2 through a full investigation.

3 MR. DWYER: -- from the position of a
4 Police Department designee, it doesn't
5 surprise me (unintelligible) disagree with
6 my colleagues here on the board on whether
7 a case should be substantiated or not, it
8 doesn't surprise me that the Police
9 Commissioner disagrees. We each vote from
10 our own experience, our own knowledge of
11 the law, our own knowledge of the
12 procedures. I think each of us on the
13 board votes from a place of authenticity.
14 So, it doesn't surprise me at all that in
15 many of the cases (unintelligible) that
16 the police department has a different
17 disposition as decided upon.

18 CHAIR SIEGAL: I think Mr. Merritt,
19 might want to say something online.

20 MS. ALVAREZ: Mr. Merritt, you are muted.

21 CHAIR SIEGAL: Let me just add a
22 response to the last comment. We work very
23 hard, all of us here, to decide cases
24 on the merits. We understand we are in the
25 system where finally disciplinary
decision-making is with the

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Commissioner. But I know, speaking solely, it is both frustrating and contrary to the purpose that we serve, to have cases retained and not decided on the merits. If the Police Commissioner wants to exercise his discretion to reach a different outcome, that's his power. But that should be to the maximum extent possible. Meritorious decisions with reasoned actions following from them.

CHAIR SIEGAL: Anything else, Chris?

MR. DARCHE: There is a distinction between closed short SOL, and then cases that are retained. Cases closed short SOL are complaints which at least one allegation is substantiated against a member of service and the board is recommending either a command discipline level B, a command discipline level A or a formalized training being imposed on that officer. So those are not retained cases, those are non-APU cases, cases that aren't covered by the 2012 MOU, and the Department

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Advocate's office is the one that handles those disciplinary matters and they routinely and the cases there are closing as short SOL, they are not reviewing at all.

In retained cases the Police Commissioner makes a determination on APU cases, whether or not to allow the CCRB to have jurisdiction on the matter or if the police department will retain jurisdiction and then move forward with a disciplinary process on its own.

So, so far in 2024, the Police Commissioner has retained 20 cases against members of the service, but has imposed discipline of some type upon those officers. And then a further 14 members of service where the Police Commissioner retained the case and then decided not to issue any discipline at all. So while there are 34 cases that were retained this year, there was discipline imposed in 20 of them.

CHAIR SIEGAL: Thank you for that.

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Anything else, Chris? Who is next?

MS. ALVAREZ: Next we will be hearing from Michael Meyers.

CHAIR SIEGAL: Why don't we circle back and wait for him to appear.

MS. ALVAREZ: That's the last person with his hand raised, in the meantime if Mr. Merritt was able to unmute.

CHAIR SIEGAL: Mr. Merritt, did you have a comment?

MS. ALVAREZ: Mr. Meyers, are you able to hear us? We can conclude our session. We can give Michael Meyers one more chance. He was briefly unmuted. Unfortunately, Mr. Meyers, it looks like you are unmuted and we are unable to hear you. It looks like we have some technical issues preventing Mr. Meyers to speak.

CHAIR SIEGAL: Good afternoon, first speaker.

MS. WOOLLEY: Good afternoon, thank you so much for the board for holding this meeting and for listening

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to all of us.

I am here to talk about the same things as Councilmember Caban, and Senator Brisport. I won't belabor the point either, I think that they laid out the issue really compellingly and clearly.

My name is Lydia Woolley, I am here as a former investigator and a current member of the public, so ideally I can offer a little bit more context, some details that may be useful to you.

It underscores the urgency of this issue, because as much as I don't want to belabor it, and I believe that you will address it in a further meeting, it is disturbing to me that this seemingly bends the will to change this practice for the past seven years at least, but it hasn't changed. So I hope I can offer some useful points in that direction. So for those who don't know, but Councilmember Caban did lay this out. Every single civilians whose

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complaint that is investigated by the CCRB has their entire life-long criminal history in the State of New York revealed in the closing report. And those closing reports are accessible to the entire agency and ultimately submitted to the board, which reviews them in order to recommend whether officers should face discipline or not. This is not the best practice in police misconduct investigations, it's proven to be discriminatory, and has no relevance to the investigations themselves. I am not talking about convictions that are relevant to the CCRB's cases, because, of course, when a complainant has been convicted of a crime and that conviction is directly relevant to the allegation of the misconduct, investigators include details of that conviction in the body of the closing report. I am talking about a laundry list of convictions included on the very last page.

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After all arguments have already been rigorously made based on facts and evidence, an addendum which serves only to leave a vague impression that perhaps the complainant is bad or not credible or doesn't deserve to be treated with civility and respect.

More than anything, the criminal history section amounts to a huge waste of time. Each investigator spends anywhere between 15 minutes to an hour on every single case, finding and writing up criminal histories, but they and their supervisors have deemed it to be completely irrelevant to the facts of the case.

Time is, of course, as we all know, it is an extremely valuable resource to the CCRB and even after it was determined that investigators don't have the resources to investigate misconduct within their jurisdiction, they are still expected to search up criminal histories which has nothing to do with

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their investigations.

As Councilmember Caban mentioned, and I think this is a really important point, investigators don't tell complainants that their conviction history will be revealed to the board, much less ask their permission to review it. That's a huge breach of privacy and trust.

So as well as being a waste of time and a breach of privacy and a breach of trust, this is a blatantly racist practice, there is endless evidence that black and non-white people are much more likely to be arrested and charged for a crime than white people who commit the same crime. And by including conviction histories and closing reports, the CCRB is citing a system that has proven to be biased against people of color.

Stop and frisk arrests, for example, which have been deemed unconstitutional, still exists on people's records and are cited in the CCRB's closing reports.

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But even in an alternate universe where race is not central to criminal convictions, no one should feel afraid to request an investigation into police misconduct based on their personal history with the law.

Police oversight is particularly important for those who have regular contact with the police, and they should not be made to feel like this institution is more interested in digging up their past than serving them as members of the public.

This is so widely understood, that even when the Internal Affairs Bureau investigates things like biased policing, they do not include the complainant's criminal histories in the closing report. That makes the CCRB an independent agency far less progressive on this issue than the NYPD investigative unit itself.

As an investigator, I was always embarrassed to write up conviction

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histories, it potentially biased the board. Although, I do trust all of your judgment, but I worked extremely hard to write fact-based and impartial reports and this felt that the only real instruction of bias. I had been hired to investigate police misconduct and along the way had somehow fallen into investigating those who has experienced it.

So I will reiterate, I am almost done. But I will reiterate that I am here because I really believe in this work and I believe in this agency and all of my amazing and hard working colleagues here, well, former colleagues but in order for the CCRB to effectively investigate police misconduct, the agency must maintain credibility in the eyes of the public. It's only a matter of time before the inclusion of criminal histories and closing reports breaks the bond of trust between the CCRB and the public.

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So I believe that the board needs to take the extremely simple and crucial step of removing the criminal history section from closing reports, both for the sake of the public and the integrity of the agency.

Thank you all so much for being here.

CHAIR SIEGAL: Thank you for your perspective and sharing your experience as an agency investigator. Anyone else have any other questions, comments?

MS. SIMMONS: I believe that the criminal history of not only complainants but victims, they are not always the same are included as well. I would like to make sure that is covered as well

MR. DARCHE: There are two points I would like to make. First is, that any change to the closing report won't really save much time on the investigator side, because you are still going to need to do the searches, because you can't evaluate if the

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history is relevant without having the history.

So, just to my colleagues who are currently investigating cases, I don't want you to think that you are not going to have to get the criminal histories, even if this policy does change.

I also want to point out to members of the public, that when we get FOIL requests for closing reports, we do not turn over civilian criminal history. So while the board maybe has it, it is not accessible to people just by filing a FOIL request.

But as I said, we will do a more focused analysis on how the inclusion of the criminal history may impact whether or not the investigation is substantiated or not.

CHAIR SIEGAL: Next speaker.

MS. MOSS: Hello, Ms. Mari Moss and I just wanted to cover a few things that I heard today. That last piece and especially what Senator Jabari

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Brisport and Councilmember Tiffany Caban and what the young lady before me, Lydia, stated is very disturbing to hear on a number of things, just even thinking of Eric Garner, you know, the fact that people would blame the victim for being harmed, killed by the police. Blaming the victim is never a good scenario for, not even public trust, but even for humanity. So, hopefully this policy is changed. Again, I want to commend the CCRB for getting funding in the budget, that is a good thing.

I am hoping that there is going to be more outreach in the communities, especially Harlem. So this past Saturday, as I was coming from choir rehearsal, I seen a young African-American man getting pulled over -- well, he was just walking down the street with a friend, and you know, first it was two police officers and then there were four police officers, and then there were four police cars.

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2 Then there were 12 officers, all for
3 this one person and I am, you know, I am
4 watching the whole thing and people are
5 taking out their video cameras and
6 videotaping and so forth. But you
7 didn't hear what the young man was
8 charged for. You didn't see anything
9 that had happened. Whatever happened,
10 happened some blocks away. You know,
11 it's just what is happening with our
12 police force when they are coming to
13 arrest someone they need 12 officers on
14 one person and four to five cop cars.
15 As I was scanning the police cars, they
16 are coming from all these different
17 precincts. We are in the 3-2 Precinct,
18 they are coming from PSA6, they are
19 coming from other precincts that are out
20 of the jurisdiction. You know, what is
21 going on here? And this young man looks
22 like -- and his friend is yelling, he is
23 a victim, he is a victim. But nobody
24 knows what's going on or what the
25 charges are, so on and so forth. So I

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would love to ask for the outreach of the CCRB to come and just do more outreach in Harlem. I know that the community board is on hiatus over the But summer months. if there is a special meeting that can take place at the Schomburg or even in some churches or community centers, I think it's worth it, because people needs to know what their rights are when they are being arrested and I'm going to be fully transparent.

Even with this new budget piece, I would love to see any domestic violence designee, you know, someone that focuses primarily on cases where people are arrested on domestic violence, because what you find is, police themselves don't seem to know a lot of the laws and even though I serve on a Mayor's task force that is supposed to train police officers on what the laws are, ways to handle domestic violence or intimate partner violence cases, they don't seem to know, so they arrest both the victim

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and the perpetrator and then there is no way to know which is which. And then that is further harm done to the person who is the victim. Because if the victim is arrested and they had already been abused, now there is future abuses that can take place.

And full transparency, this happened to me in front of my children. I am being arrested for checking up with my children. The police officers take me into the precinct, I get arrested, I get zapped with a taser while I was handcuffed. They shackled me at the ankles, you know. Until I end up in Rikers Island prison. And Rikers Island prison is a whole new way of hostility or traumatization, because they want you to take all off your clothes off and look into your faculties. And I think when you are going through a domestic violence situation and you are treated in that way by the police that are supposed to protect and serve or protect

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us from situations that are happening in our lives, it causes further grief, further devastation, further traumatization.

So, I would just like to, again, hone up on the fact that more community education in our communities. More outreach in our communities that are going to help citizens know what their actual rights are, how police officers are supposed to approach them. And do we really need 12 officers to arrest one person, when they are not even armed, they have no weapons, they have no, anything. So do we really need to be -- do we need that many police officers on one person. So those are the things I wanted to say. Thank you.

CHAIR SIEGAL: Thank you. Go ahead, Jon.

MR. DARCHE: I just wanted to say first, thank you for sharing your experience with us. I think it was very powerful, and important for us to hear

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what happened to you.

And you mentioned something about a domestic violence designee, I was hoping that you could explain that more to me, because I am not quite sure what you mean by that?

MS. MOSS: I would like to see someone who is sensitive to the natures of intimate partner violence, is well versed in how to triage those situations and if they are arrested and there are some police misconduct that takes place, that they are able to, with the proper training lens, would be able to provide stronger oversight in those particular cases.

I think those cases should even be tracked, we can even track how many people are being arrested for reporting domestic violence, because I saw an article that said 86 percent of women that are in Rikers Island are there because they reported abuse.

So if there are all these, you know,

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people that are arrested for abuse, how many of them are sending in complaints to the CCRB, or how many police officers -- if we can just track that data, somebody as a designee focus on that, it could be a way to track that data.

MS. NORTHERN: a Staff member or board member? I guess that's what we are trying to understand when you say "designee".

MS. MOSS: Both, if we could have a board member that is skilled in that realm, as well as an investigator that can ensure that those numbers are being tracked and that the disciplinary actions are taken properly.

MS. NORTHERN: Jon, with the budget being restored, are we going to go back to the communities like we did last year? I know that we are already in July, but I mean, is that a future thing?

MR DARCHE: This is something that we are looking forward to

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restarting in 2025.

MS. SIMMONS: I would like to make a distinction between -- thank you for your testimony. Between cases that the CCRB receives that alleged sexual violence or domestic violence, or are involved in a domestic violence situation and cases that NYPD receives that are domestic violence or are partner violence.

First of all, we don't track every case that goes to the NYPD. I think that they do track them. I will put it like this, I thought that they were tracking them, I thought that they had speciality officers for those cases. I would say, thought, because maybe it went out the window with some other stuff, several police administrations before. I don't follow the police department that closely. I just remember vaguely, maybe 20 years ago, that this was a big issue, and I thought that the unit set

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up for domestic violence victims to be interviewed and even if they are arrested, to be interviewed in a sensitive way by someone who has a history and maybe to get the situation resolved whether they are in Rikers or whatever.

So that is something that I am putting to the side, and I do think that since we are on this commission, that you need to flex your elbow grease with the department to get that information.

I am very concerned with our cases, because we have jurisdiction over sexual misconduct by officers, and not necessarily in a domestic violence situation, but if it occurs in a domestic violence situation, it would still be under our jurisdiction and that we do track.

I am thankful for you really raising this, because when we received the jurisdiction, there were advocates that urged us from the CCRB to have special dedicated people, or at least one person

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that was going to handle these cases or at least advise on these cases and maybe advise the complainant. That was not something that was imposed upon us, it was something that we could do if we wanted to do it. I am separating that now from NYPD, the jurisdiction of CCRB, particularly around police misconduct and sexual misconduct. And that is something that you may want to hone in on a little more with us, you know.

Again, I would like, obviously, administration to talk about what we have done, it was not adopted by this board to hire people just to do that, but I do believe that we have taken some action in that regard, so I would like that question to be responded to, because I know that we do not have the stats on what NYPD does.

MS. MOSS: The problem also is that you have abusers who are able to use the system to further victimize the victim. And that is what we got to be watchful

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of.

MR. DARCHE: So I appreciate both what you said and what Ms. Simmons said. But it is difficult, I think, as Ms. Simmons said, they are not quite the same issue, because the use of the criminal justice system by an abuser is not necessarily an issue that the CCRB can handle. But people who were victims of intimate partner violence or domestic violence, are often more susceptible to sexual harassment by authority figures, such as a member of service.

And, so, when we do get complaints about sexual harassment or other types of sexual misconduct against victims of domestic abuse, we do investigate those, we have special investigators who have gone through special training. We tried to incorporated that training into the general level of training that we give our investigators, but we do make sure that before we assign those sensitive type of cases that they are the sexual

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misconduct, the eligible investigators.

The other thing we have is the community assistance unit, which works with not just complainants and victims who come to CCRB who are victims of domestic violence, really a lot of different type of victims who might be in need of services, and we try to help them get the services they need, other than just CCRB investigation into the incident that brought them to the CCRB.

So those are the things that we are doing on the sexual misconduct front, Ms. Simmons, and they don't directly line up to what the speaker brought up right now, but you are correct that they are connected.

And I think, ma'am, what you said before about abusers using the system, that is, I think you are correct, and I think a lot of the changes that were implemented, I am showing my age, I would say late '70s, early '80s, that was supposed to make -- because in the

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past we would have people that respond to domestic violence, the members of service would walk someone around the block and then go on with their day, and it evolved into a must-arrest. And when people filed cross-complaints in a must-arrest situation, then everyone gets arrested. So it is what you were describing as a situation where discretion was removed from police officers and that may have created a new problem as compared to the old problem when that was fixed by removing that discretion from folks.

So I think it is very complicated, it is not within our ability to address, but I think that you are correct that it is something that we should look at and see how we are addressing it and look at it further.

CHAIR SIEGAL: Yojaira, we are going to try to access Michael Meyers.

MS. ALVAREZ: Correct. Mr. Meyers, can you hear us or can you unmute.

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MR. MEYERS: Well, the technical problem is on your end and not mine, I just want you all to know that. You can get rid of this WebEx, whatever you are using, because it doesn't work. I don't know who is contracting, who is related, who is connected with it, you got to get rid of it and get a new system. Now, I am angry now.

Okay, why do we have to wait for public comment, for the staff and the board members to speak on issues that we raised on the public session. You should be bringing to us your comments, your criticisms of the Police Commissioner, your comments, your observations about the articles in the New York Times and elsewhere. We shouldn't have to wait for the public comment section of the CCRB to bring these matters to your attention. Somebody on the staff and somebody on the board should be furious. Somebody should be at least curious, if you are

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not furious.

Secondly, what's the status of the chair of the CCRB? We heard that the mayor was demanding your resignation, yet still I am still seeing everything that I read from your website, she is still acting chair. So has a new chair been appointed? Why are we waiting so long? Why is the mayor being permitted to be lackadaisical and arrogant in terms of getting a permanent chair as opposed to an interim chair or acting chair of the CCRB?

With respect to the guidelines, I heard some of the comments from the executive director about the restoration of the budget and the budget cuts. And so that means to me, if I heard you correctly, all those things that you changed that you couldn't investigate fully. All those complaints to the CCRB, that now should be remedied, remedied in less than three months' time. Because you got the budget, you

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got the budget restored, is that not right? So why are we pussy footing around in terms of getting this agency back on board and back in the business of correcting misbehavior?

Finally, with respect to this Police Commissioner, nobody else is appalled by this guy, why am I the only one who is complaining and criticizing this guy? This guy is for the police, he is not for the public. He is not a public person. He is not for the public, he is for the police department. He is representing the uniformed police officers, because he ignores the CCRB's recommendations. He ignores the administrative law judge's recommendation. He overrides you guys, ain't nobody else insulted, ain't nobody else pissed off? How come nobody is demanding his resignation? You guys need to stop pussy footing, you are all a public body, you are all there to represent the public, not the City

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Council, not the Public Advocate, not the Police Commissioner, you are supposed to represent the public. And we are furious with you guys, you guys got to get off your rumps and do your jobs. I'm finished.

CHAIR SIEGAL: Let me just note that Mr. Meyers, when you read things in the newspaper, that reporting is often based on information that is provided by and that is transparently published by this agency. So the fact that something appears in the newspaper doesn't do that, it's the first time that it is coming to light.

MR. MEYERS: Well, it's not coming from you. It's not coming from you, even before the article in the New York Times or after the article in the New York Times.

CHAIR SIEGAL: -- reading the data that we publish monthly, correct.

MR. MEYERS: You guys are just not outraged, those seats must be very

1 comfortable, very comfortable you are
2 sitting over there. Because nobody is
3 getting up, you should be getting up and
4 getting out. If you can't do your jobs
5 correctly and angrily, get the hell off
6 the board.

7 MR. DARCHE: I was just pointing out
8 that while the budget was passed last
9 week, we now have to recruit and train
10 new investigators. So I understand, Mr.
11 Meyers' eagerness, to reverse the
12 policy. I share his eagerness if not
13 his anger, and we will move as fast as
14 we can. But we have developed over the
15 last three or four years, I am very
16 proud of the recruiting process which
17 gets us high quality people that reflect
18 the City that we serve.

19 So I am not, in my desire to get
20 back up to speed, going to throw out the
21 progress that we have made in improving
22 our recruitment of investigators.

23 CHAIR SIEGAL: I assume there is
24 training time involved too?

25 MR. DARCHE: Yes.

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CHAIR SIEGAL: Are there any other speakers physically present which is to be heard?

(No comment.)

CHAIR SIEGAL: I think we have exhausted the list. Do we have any old business to come before the board?

(No comment.)

CHAIR SIEGAL: Hearing none, do we have any new business?

(No comment.)

CHAIR SIEGAL: Hearing none, I am going to ask for a motion that we break into executive session. The agenda for executive session is that the board will consider one full board case. The executive director will discuss pending personnel actions, and the General Council will provide updates regarding pending litigation; is there a motion?

MR. SMITH: I make a motion.

CHAIR SIEGAL: Is there a second?

MS. NORTHERN: Second.

Chorus of ayes.)

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CHAIR SIEGAL: None opposed? So we
are adjourned to executive session.
Thank you all.

(TIME NOTED: 5:13 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, ELEANOR P. KING, a Notary Public for
and within the State of New York, do hereby
certify:

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

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 10th day of July 2024.

Eleanor P. King
ELEANOR P. KING