

In Re December Public Board Meeting - NYC - Civilian Complaint
Review Board
December 11, 2024

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CIVILIAN COMPLAINT REVIEW BOARD
PUBLIC MEETING
December 11, 2024
4:08 p.m.

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HELD VIA VIDEOCONFERENCE/
100 Church Street, 10th Floor
New York, New York 10007

B E F O R E:
HERMAN MERRITT - BOARD MEMBER
JONATHAN DARCHE, ESQ. - EXECUTIVE DIRECTOR

COURT REPORTER:
Sabrina Brown Stewart

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PUBLIC MEETING AGENDA

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1. Call to Order
2. Remarks from the Executive Director
3. Presentation from CCRB's Mediation Unit
4. Public Comment
5. Old Business
6. New Business
7. Adjourn to Executive Session

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1 CCRB BOARD MEMBERS PRESENT:

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- 3 1. Joseph A. Puma - Board Member
- 4 2. Patrick Smith - Board Member
- 5 3. June Northern - Board Member
- 6 4. Herman Merritt - Board Member
- 7 5. Esmeralda Simmons, Esq. - Board Member
- 8 6. Joseph Fox - Board Member
- 9 7. Frank Dwyer - Board Member
- 10 8. Charlane Brown-Wyands, Esq. - Board Member
- 11 9. John Siegal, Esq. - Board Member
- 12 10. AU Hogan - Board Member

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14 PRESENTERS:

15 CAROLINE HANNA - Manager of the Mediation Unit
16 New York City Civilian Complaint Review Board

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S P E A K E R S:

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Chris Dunn - Legal Director- New York Civil
Liberties Union

Michael Meyers - President- New York Civil Rights
Coalition

Mari Moss - Task force Member - Mayor's Task Force
to End Gender and Domestic Based Violence

Nick Constantino - Civilian

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1 MS. ALVAREZ: Good evening, everyone.
2 Thank you so much for joining us. For those
3 utilizing ASL interpretation services, our
4 two interpreters are Keimi Malave and Alana
5 Aloii. In the chat, you will have
6 instructions on how to pin their video
7 throughout the meeting. For those utilizing
8 CART closed captioning services, a link and a
9 URL will be in the chat as well.

10 Thank you.

11 MR. MERRITT: Good afternoon, everyone.
12 My name is Herman Merritt. I use he/him
13 pronouns. I joined this board in October
14 2021, and I am the fourth most senior member.
15 Therefore, I will be chairing today's
16 meeting. I'd like to call this CCRB's
17 December Public Board Meeting to order.

18 Thank you for joining us. I'd like to
19 start by having the Board introduce
20 themselves, starting to my right with Joe,
21 Board Member Puma.

22 MR. PUMA: Good afternoon, everyone.
23 My name is Joseph Puma. I go by he/him
24 pronouns. I'm the City Council appointee
25 from the Borough of Manhattan.

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1 MR. SMITH: Good afternoon, everyone.
2 My name is Pat Smith. I'm an appointee of
3 the Mayor, and welcome.

4 MS. NORTHERN: I'm June Northern. I'm
5 an appointee of the Mayor, and I'm from
6 Brooklyn.

7 MR. DARCHE: My name is Jon Darche.
8 I'm the executive director of the agency, and
9 I use he/him pronouns.

10 MS. SIMMONS: Good evening. My name is
11 Esmeralda Simmons. I'm an appointee from the
12 Public Advocate, Jumaane Williams, and I'm
13 from Brooklyn.

14 MR. FOX: Good evening. Joe Fox. I'm
15 an NYPD appointee.

16 MR. DWYER: Frank Dwyer, also a Police
17 Department designee.

18 MR. MERRITT: Thank you. Seeing that
19 we do not have a quorum, we will push the
20 approval of the minutes to the next board
21 meeting.

22 MR. DARCHE: So, I'm going to give my
23 remarks now.

24 Good afternoon, everyone. I'd like to
25 thank Mr. Merritt for stepping in today to

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1 run the meeting, and also thank everyone for
2 joining us this afternoon both in person and
3 online. I'll keep my remarks brief, as we
4 have a presentation today from the Mediation
5 Unit. Our office is open for walk-in
6 complaints, but it is also possible to file
7 complaints online at nyc.gov/ccrbcomplaint;
8 that is N-Y-C.G-O-V/C-C-R-B-C-O-M-
9 P-L-A-I-N-T, or by calling us on the
10 telephone at 1(800)341-2272, by calling
11 3-1-1, or by tagging the Agency on Twitter,
12 Facebook, and Instagram.

13 For those wishing to speak during the
14 public comment section of today's meeting, we
15 ask that you keep your questions and comments
16 to four minutes. If anyone wishes to file a
17 complaint right now, we have two
18 investigators on hand ready to take any new
19 complaints. The investigators on call this
20 afternoon are Emma Stydahar and Rob Bryan.
21 Ruth Villafane is also here from our Civilian
22 Assistance Unit.

23 Do any members of the Board have any
24 questions for me so far?

25 (No response).

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1 MR. DARCHE: Then, I'm going to turn it
2 over to Caroline Hanna, the manager of the
3 Mediation Unit.

4 MS. HANNA: I'll restart that.

5 My name is Caroline Hanna. I'm the
6 mediation manager here at the CCRB. I've
7 been with the agency for six years, and I go
8 by she/her pronouns. It's my pleasure to be
9 here today, to discuss our comprehensive
10 mediation program with you. The presentation
11 will consist of four parts. I will start
12 with a very brief overview of the CCRB,
13 moving to a description of what mediation
14 process is and its features, then go into a
15 more comprehensive in depth discussion about
16 how our program is structured, its goals and
17 benefits, and then wrap everything up by
18 answering any questions you might have.

19 Very well. So, to begin, the New York
20 City Civilian Complaint Review Board is the
21 largest independent oversight entity of the
22 largest police force in the country. The
23 CCRB investigates, mediates, and prosecutes
24 allegations of misconduct against members of
25 the NYPD. The Agency's mediation program was

1 established in 1997, and it is the leader
2 among police oversight alternative dispute
3 resolution programs in the nation.

4 What is mediation? The mediation is an
5 informal process in which a trained mediator
6 facilitates a conversation between
7 individuals in a conflict. This alternative
8 dispute resolution process is designed to
9 encourage direct communication and
10 understanding between participants. It
11 empowers the parties to find voluntary
12 solutions that meets their needs and
13 interests.

14 There are four main features for
15 mediation; first, the process is completely
16 voluntary. All victims and subject officers
17 must agree to participate before a session
18 can be scheduled. In other words, we cannot
19 compel anyone to participate. Second, the
20 process is completely confidential. We do
21 not record our mediation sessions. We do not
22 allow anyone to record the sessions, and the
23 information shared during these conversations
24 cannot be used in any other legal proceedings
25 or CCRB investigation.

1 Third, mediation is nondisciplinary in
2 nature. What that really means is, if the
3 session is successful, the parties will sign
4 a resolution agreement, and at that point,
5 the case is closed. We do not send it back
6 to investigation. Mediated complaints do not
7 appear on the officer's visible record, which
8 is the MOS database on our website. But I
9 will stress here that we always keep track of
10 every single complaint filed with out agency
11 internally.

12 And finally, the neutral mediator, they
13 are trained in alternative dispute
14 resolution. They are independent, are not
15 affiliated with the CCRB or the NYPD, their
16 role is not to give legal advice or decide
17 who is at fault. They are really there, like
18 I mentioned earlier, to facilitate the
19 conversation.

20 Now, moving on to the CCRB's mediation
21 program. It all starts by screening cases
22 for mediation, which falls on the
23 investigators. Whenever that is applicable,
24 the investigators will present both options;
25 investigation and mediation, to all available

1 victims. If all victims agree, then the case
2 is referred to our unit. So, not every case
3 that's filed with the CCRB or falls under our
4 jurisdiction is suitable for mediation.
5 There are many reasons why. The chief
6 categories that we consider unsuitable for
7 mediation include cases that involve deadly
8 force, cases that involve serious physical
9 injury or extensive property damage, cases
10 that involve sexual misconduct or racial
11 profiling and bias policing allegations,
12 complaints that have opened civil or criminal
13 litigation regarding the matter, and
14 complaints that have concurrent NYPD
15 investigation regarding the same incident.

16 Now, once the case is referred to our
17 unit, our staff begin reaching out to all the
18 victims and all the officers to discuss the
19 process in a lot more detail with them. We
20 have clear benchmarks that allow us to timely
21 process complaints while in mediation. Once
22 all the parties agree to mediate, then we can
23 begin the scheduling process. We offer both
24 virtual and in-person options. The victims
25 choose the format, but we always accommodate

1 officers' schedules before setting up any
2 mediation session.

3 Mediations are considered successful
4 when the parties agree that the issue is
5 resolved. If it is not resolved or
6 otherwise, the cases are returned to
7 investigation whenever the session is
8 unsuccessful, any party rejects mediation at
9 any point during the process, or we exhaust
10 all our scheduling and rescheduling attempts.

11 Now, there are several benefits to our
12 CCRB mediation program, chief among them is
13 that our investigators take statements from
14 victims before the cases are referred to us.
15 For 2024, the first 11 months of 2024, on
16 average, every case stayed about 27 days in
17 the mediation unit. So, another way of
18 looking at this is even when mediation is
19 unsuccessful and we have to return to case to
20 investigation, there's no significant impact
21 on the overall investigation timeline.

22 Like I mentioned, we offer virtual
23 mediation now, which provides us with more
24 flexibility and increases participation,
25 especially among civilians post-pandemic. In

1 2024, just to give you some numbers, we have
2 processed 157 complaints thus far. Of those,
3 39 percent made it to a mediation session.
4 And of those 39 percent, three out of four of
5 those were successfully mediated. Generally
6 speaking, 29 percent of overall complaints
7 that were referred to us were successfully
8 mediated, and another 20 percent were either
9 withdrawn or closed as victim uncooperative,
10 which means we could not reach the civilian
11 to either ascertain whether they want to
12 mediate, schedule a session, or prefer an
13 investigation.

14 Now, we have several goals for our
15 program. Among them is we'd like to educate
16 civilians and officers on options available
17 for them to handle their disputes. We want
18 to empower parties to represent themselves.
19 We do not involve attorneys or union reps
20 because the process is confidential, and
21 mediation really encourages direct human
22 interactions and improve communication. On
23 top of that, we hope that through that
24 process, we can bridge the gap and restore
25 the trust and repair relationships and

1 promote healing, which goes to the point of
2 restorative justice.

3 And finally, because we are the oldest
4 ADR program, among all oversight agencies
5 around the country, we do serve as a role
6 model. Over the last three years, we've
7 shared our experience and expertise with
8 other agencies and organizations around the
9 country, including those in Oakland, Fort
10 Worth, Phoenix, Cincinnati, Boston -- just to
11 mention a few. And that -- if anybody has
12 any questions, of course, they can always
13 reach us at CCRB Mediation at ccrb.nyc.gov or
14 by phone at (212)912-3480 or (212)912-7201.

15 And that concludes my presentation.
16 Happy to take any questions.

17 MR. MERRITT: Are there any questions
18 from Board Members?

19 MS. SIMMONS: I got a question.

20 I was under the erroneous impression
21 that the mediators were CCRB employees. So,
22 since they are not, where do we get them from
23 and who pays them?

24 MS. HANNA: So, we have a budget for
25 the mediation program. Our mediators are

1 independent contractors. They are paid per
2 session. As for where do we get them, there
3 is no single body that certifies mediation,
4 um -- mediators. Many of our mediators are
5 attorneys, some are professors, and some have
6 been in the ADR field for ten plus years.
7 They mediate with other agencies and
8 organizations, including OATH, CMS, FINRA,
9 Family Court, et cetera.

10 MS. SIMMONS: Are they referred to us?

11 MS. HANNA: Some mediators do refer
12 other mediators, some professors refer
13 mediators to us, and I do a lot of outreach
14 myself to locate mediators, discuss the
15 program with them, and then see which ones
16 would like to join us. We generally look for
17 mediators who are trained in advanced ADR
18 practices and have at least one to two years
19 of experience in the field. And once we do
20 have them, they go through an onboarding
21 process, where they get to observe many of
22 our sessions before they take on cases on
23 their own.

24 MS. SIMMONS: And are they paid a
25 standard rate for mediators for the City?

1 MS. HANNA: I'm not sure what the
2 standard rate is, but we do pay differently
3 for virtual versus in-person mediation, just
4 to encourage more participation and get a
5 broader pool of mediators to work with us.

6 MS. SIMMONS: Thank you.

7 MS. HANNA: Of course.

8 MR. SMITH: Yes, ma'am.

9 Why are racial profiling bias policing
10 allegations not suitable for mediation?

11 MS. HANNA: The thinking behind that is
12 those types of allegations are often
13 indicative or have other pattern of behavior,
14 rather than a single incident, and so we do
15 not feel that it would be appropriate to
16 address those types of allegations in a
17 single mediation session that last a maximum
18 of two hours.

19 MR. SMITH: Do you think that's
20 constructive?

21 MS. HANNA: I will say that whenever
22 our RPBP unit feels that we can make an
23 exception, we are happy to do that.
24 Sometimes civilians specifically ask to try
25 mediation, regardless of the actual

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1 allegation. So, we try to accommodate people
2 as much as possible, but generally speaking,
3 that is the thought behind it.

4 MR. SMITH: And am I correct in
5 assuming that you've successful resolved 45
6 cases so far in '24, 2024?

7 MS. HANNA: Let me get you the exact
8 number. We have successfully 46 cases, yes.
9 16 were unsuccessful, another 12 were
10 withdrawn, and 19 were closed as alleged
11 victim uncooperative, so...

12 MR. SMITH: What can we do to get that
13 number up? I mean, we're talking how many
14 thousands of complaints has the CCRB handled
15 to achieve 45, 46?

16 MS. HANNA: Understood.

17 So, because mediation is voluntary,
18 like I said, we cannot compel people. So,
19 even though some cases could be suitable for
20 mediation, if one of the parties reject,
21 there is no way for us to force the issue.
22 We do a lot of outreach to officers directly
23 to explain the process to them and get them
24 more comfortable to participate. We attend
25 various functions and conferences to get the

1 word out, and we're always happy to talk with
2 civilians who are interested in the process,
3 to address any issues they have at the front
4 end, to make sure that they are making an
5 informed decision. But ultimately, it is
6 their decision whether they want to pursue
7 that option or not.

8 MR. SMITH: Could the NYPD do a better
9 job educating its officers to the benefits of
10 mediation before they're looking down a
11 specific case?

12 MS. HANNA: Well, of course, more
13 education is always beneficial for everyone.
14 I will say that based on our experience and
15 the feedback we were getting from different
16 parties, including our mediators, we found
17 that sometimes officers were coming to
18 mediation not knowing what the incident was
19 about, not being fully aware that it was a
20 voluntary process, and that was not very
21 inductive to a successful conversation. So,
22 we tweaked our process, so even though we have
23 to go through the official channels by
24 involving their supervisors when we make the
25 offer, we now additionally to that, we reach

1 out to the officers directly to discuss the
2 program with them, answer any questions they
3 have, and make sure that if they do opt in to
4 participate, they're at least making, like I
5 said, an informed decision, and the
6 conversation will be successful as much as
7 possible. But ultimately, it's up to the
8 parties whether that is successful or not.

9 MR. SMITH: What percentage of
10 mediation offers are rejected by
11 complainants, and what percentage are
12 rejected by the officers?

13 MS. HANNA: So, if we are looking at
14 the first 11 months of this year, 27 percent
15 of all the cases that were referred to us
16 were rejected by either civilians or
17 officers. The rejection does happen to be
18 twice as much from civilians than it is from
19 officers, but both. The rejections come from
20 both sides for variety of reasons. So, for
21 civilians, for example, I can tell you that
22 some of them find the prospect or the idea of
23 confidentiality to be a reason why they don't
24 want to participate, because they feel like
25 it will prevent them from using something

1 they discovered during that conversation
2 outside the meeting. Some do not believe
3 that an informal mediation process best suits
4 their needs or the reason why they filed a
5 complaint in the first place. Some prefer an
6 investigation because it carries the
7 potential of disciplinary actions, and then
8 others do not feel comfortable just coming
9 face-to-face with the person who
10 quote/unquote wronged them.

11 As for the officers, some reject
12 mediation at the advice of their union. Some
13 just do not think that the process would be
14 beneficial to them, and then we have the
15 majority who actually feel that their actions
16 were lawful or within the Patrol Guide, and
17 they would prefer to go through an
18 investigation to quote/unquote clear their
19 name. So, we get rejections on both sides,
20 just for different reasons.

21 MR. SMITH: Thank you very much.

22 MS. HANNA: Of course.

23 MR. FOX: Great presentation.

24 And does the process begin with the
25 complainant? In other words, if the

1 complainant does not agree to mediation, it
2 doesn't go any further, so it really starts
3 with them, correct?

4 MS. HANNA: That is correct, yes.

5 MR. FOX: Makes sense. Thank you.

6 MS. HANNA: Of course.

7 MS. SIMMONS: How many mediators? How
8 many staff members do we have to mediate?

9 MS. HANNA: So, it's myself and my
10 three staff members right here with us today;
11 that's Michael Saint Filipo, Hermina Douglas,
12 and Andrew Lieu. And currently, we have 13
13 active mediators on our roster, but we're
14 always looking to expand when we get busier,
15 and because finding mediators and onboarding
16 them takes time, so we're always looking.

17 MS. SIMMONS: How do we handle
18 alternative to English and Spanish language?

19 MS. HANNA: We work with our operations
20 department to provide interpretation services
21 during the mediation sessions, and when we're
22 reaching out to our civilians, we always --
23 we have access to the language line, to make
24 sure that whatever information they need is
25 portrayed to them in the best way possible,

1 and whatever documents we're asking them to
2 sign they're fully aware what it is -- what
3 it means.

4 MS. SIMMONS: And can they bring
5 someone with them to be a private
6 interpreter?

7 MS. HANNA: No. We prefer providing
8 our own, to make sure that it is
9 professionally done, and that nothing
10 important is missed because we are asking
11 them to sign legal documents that have legal
12 implications, which include the
13 Confidentiality Agreement and Potentially the
14 Resolution Agreement, if they do reach a
15 resolution.

16 MS. SIMMONS: And we have all of the --
17 that's pretty difficult -- at of New York
18 City languages, all 127 New York City
19 languages?

20 MS. HANNA: The language line has all
21 languages, and we have not run into a
22 situation where we could not find a language,
23 so hopefully that doesn't come up.

24 MS. SIMMONS: That's great. That's
25 just great.

1 MS. NORTHERN: You mentioned that you
2 keep track. How often do you see the same
3 officer in mediation?

4 MS. HANNA: Not often, which is great
5 news, so hopefully the process is working.
6 Our goal is always to improve communication
7 between the parties. Of course, when the
8 incident is happening, emotions are running
9 high, there's not a chance to really sit down
10 and talk about it. By the time people come
11 here, they want to talk about what happened.
12 We always tell them, "We can't tell you what
13 to say. We can only provide the space for
14 you to have these kinds of conversation with
15 the help of our mediators, and then you take
16 it from there. It's really in your hands."

17 So, for a lot of people, some
18 participate in mediation because they want an
19 apology, others want an explanation. They
20 are not familiar with the NYPD guidelines or
21 procedures, so that allows the officer the
22 opportunity to actually explain that in a way
23 that was not possible when the incident was
24 taking place. And for a lot of people, the
25 process itself is the goal. It's very

1 therapeutic, almost, to have the power to
2 speak face-to-face with the person who
3 quote/unquote, again, wronged you, share your
4 experience, your thought process, hear from
5 them, for people to see one another as human
6 beings. And then, it's always great to see
7 them shake hands and walk out of the CCRB
8 together.

9 MS. NORTHERN: Have you invited the PBA
10 to a presentation, so that they could see the
11 benefit? Because a lot of the cases that we
12 see could benefit from mediation.

13 Have you invited them, someone, a
14 representative, to a presentation, so they
15 can see?

16 MS. HANNA: We have not, but that's --
17 thank you for that. We'll definitely look
18 into that. But we have had discussions with
19 some union reps when they are here in the
20 office and they're accompanying the officers,
21 to answer any potential issues they might
22 have, explain the process for them. And so,
23 anybody who reaches out to us, whether it's
24 from the NYPD, from the PBA, other police
25 unions, we're always happy to have this

1 conversation with them, to put them at ease
2 and answer -- make sure that they know what
3 they're getting into.

4 MS. NORTHERN: Thank you.

5 MR. MERRITT: Any other questions?

6 MR. PUMA: Thank you, Mr. Merritt.

7 My questions have to do with
8 scheduling. My understanding was that once
9 upon a time, mediation took place Monday
10 through Friday in person here at CCRB
11 headquarters. But I was very pleased to see
12 in the presentation that there are virtual
13 options.

14 I want to ask, do those still take
15 place Monday through Friday, and just how did
16 you get to that point? Because that had
17 always been a concern of mine, is that
18 scheduling can be a challenge for civilians
19 and officers, actually, and officers work
20 varied schedules as well.

21 MS. HANNA: Thank you for that.

22 MR. DARCHE: Can I step in here,
23 Caroline?

24 MS. HANNA: Please.

25 MR. DARCHE: Because I think Caroline

1 deserves a lot of credit for that improvement
2 that the Agency made as a result of the
3 pandemic, and the work that Caroline did when
4 she took over the unit, to get us to the
5 point where we could offer virtual mediation,
6 and that the unions were willing to buy into
7 the concept of virtual mediation is really a
8 credit to the work that Caroline did, and so
9 I just wanted to give you -- to say thank you
10 for your hard work. And, you know, there are
11 a lot of people who work in government who
12 would be happy to claim that kind of
13 achievement, to say that you started
14 something like that, and that it's -- it's a
15 big deal, so thank you.

16 MS. HANNA: Thank you, Jon.

17 I just want to clarify that coming out
18 of the pandemic, of course, everything was in
19 person pre-pandemic, no body heard about the
20 virtual option back then. We were kind of
21 forced into the virtual option at some point.
22 It started before I joined the mediation
23 unit, so to be very honest. So, people who
24 came before me pioneered that. We just took
25 it to the next level and expanded on it. So,

1 once we were back fully operational, not that
2 we were not, but back in the office, it
3 became clear that to simply disregard that
4 option would be a real disservice to our
5 constituents and our officers, because we now
6 can mediate with civilians who are not just
7 outside of New York City, in other states and
8 other countries, and we've had that come up.
9 Those individuals in the old day, olden days,
10 would not have been able to participate, so
11 that's what we talk about, about flexibility
12 and increasing participation.

13 We do hold sessions, whether it's
14 virtual or in persons Monday to Friday
15 between 9:00 a.m. and 6:00 p.m. So, we work
16 with people, whether they want to do it
17 before they start work, during their lunch
18 break, after work. We try to accommodate
19 their schedules as much as possible, and we
20 always take the officers' schedules into
21 consideration. So, we reach out to their
22 roll call, find out what their schedule is
23 like, if they have any upcoming course,
24 training, vacations, details -- any days we
25 need to avoid because it's really not fair to

1 expect them to appear here on a day they
2 cannot be here.

3 But because we also know that things
4 happen, life happens and things can come up,
5 we do have rescheduling attempts within
6 reason, again, for the civilians and the
7 officers. But like I said, once we exhaust
8 those, because we want to be very mindful of
9 the timeline, the overall timeline to SOL, so
10 once we exhaust those, we send the case back
11 to investigation if we're unsuccessful, to get
12 the parties together for a conversation.

13 MR. SMITH: I want to commend you for
14 the hard work you're doing, the great work.

15 Are the officers compensated for their
16 time here in mediation, or they're coming on
17 their own time?

18 MS. HANNA: No. They come when they're
19 working, during their tour. So, let's say an
20 officer works the night tour, of course,
21 yeah, we can't hold the session at 4:00 a.m.
22 in the morning, so we send the notification,
23 and then roll call switches their tour.
24 Sometimes they prefer to send them and give
25 them OT, but that's not our decision. That's

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1 for their command, their ICO and assistant
2 ICO to decide.

3 MR. DWYER: Let's say somebody, you
4 know, lives on City Island and make a
5 complaint, you want to offer mediation.

6 Do you say to them -- you can come down
7 here and we can offer to do it through
8 whatever Zoom base. And then, if the person
9 says, "Well, I would, but I just don't
10 understand the technology," do we have -- and
11 I realize, you know, this is not simple, but
12 do we have a way to respond to that kind of
13 thing?

14 MS. HANNA: Yes. That's part of what
15 we do in the unit. We walk people through
16 the process. They can either opt to come in
17 here to use our computer in a scenario like
18 this, if they wish. Or where we set them up
19 in a room and put everything together, so all
20 they have to do is just log in and have the
21 mediation. But a lot of times we reach out
22 to people, we walk them through the process
23 of how to install Zoom or Teams, which are
24 the two main programs we use. We run test
25 meetings with them, to make sure everything

1 is working and in order before the actual
2 session takes place, and then work with them
3 from there. So, it's really up to them, but
4 we've had situations where technology is
5 really difficult the way it's progressing so
6 fast, but we do work with people. It's a
7 part of our role in the Mediation Unit.

8 MR. DWYER: My colleagues will tell you,
9 sitting endless hours on panels with me,
10 having been born in the Luddite tradition,
11 Teams and Zooms, it would be enough for me to
12 say I give up. And I don't expect you to have
13 an easy answer, you know. I wish the answer
14 was, you know -- yes, they could go down to, I
15 don't know, the public library and sit in a
16 room and use it there, but --

17 MS. HANNA: Some do choose that, yes.

18 MR. DWYER: -- I could just imagine a
19 lot of folks saying, I just -- you know?
20 And, obviously, if I'm calling in from City
21 Island, I don't want to come down the City,
22 you know? That's the whole reason I want to
23 do it remotely. And again, you can't fix
24 every problem in the world. I know that.

25 MS. HANNA: And I will just add that,

1 of course, I have to give props to our MIS
2 Department, so when all else fails and we
3 need help, we always refer to them to see if
4 they can also help us and our civilians, to
5 accommodate them as much as we can.

6 MR. MERRITT: Thank you very much,
7 Ms. Hanna.

8 MS. HANNA: Thank you.

9 MR. MERRITT: Excellent presentation.

10 As Board Member Northern said, we
11 review a lot of cases, and it's so good to
12 hear win-win cases because that's very, very
13 important. It's very important.

14 Before we continue, we have two board
15 members that have joined us virtually.
16 Charlane and John, can you introduce
17 yourself.

18 MS. BROWN-WYANDS: This is Charlane
19 Brown-Wyands, and I am a Police Commissioner
20 designee. And I just want to just make one
21 comment about the presentation. It was an
22 excellent presentation, and I'm not sure if
23 this presentation goes on the road, but I
24 would like to make a recommendation that you
25 add a bit more information about some of the

1 benefits that Caroline so eloquently
2 discussed; the therapeutic benefit, the
3 opportunity sometimes to just receive an
4 apology or an explanation or police policies
5 and procedures. So, I think maybe that, and
6 if you can ever share some success stories in
7 these presentations, it might go a long way
8 in gaining more trust and support for this
9 great process.

10 Thank you.

11 MR. DARCHE: So, I just want to say I
12 think there's a problem with the idea of
13 sharing success stories 'cause
14 confidentiality is a key part of the
15 mediation process. But definitely, we'll
16 look back about enhancing the presentation
17 for when Caroline gives it again.

18 MR. SIEGEL: John Siegal. I'm a
19 mayoral appointee. I appreciate the
20 opportunity to participate virtually. I want
21 to add my appreciation of the prior
22 presentation. Very informative.

23 MR. DARCHE: We will now enter the
24 public comment portion of the meeting. We
25 will begin with those joining us virtually

1 who would like to make comment, followed by
2 those who are joining us in person. For
3 those joining virtually, please use the
4 raise-your-hand feature, and please keep your
5 comments to four minutes.

6 Yojaira, would you please call on the
7 first person.

8 MS. ALVAREZ: First person we'll be
9 hearing from is Chris Dunn, joining us
10 virtually.

11 MR. DUNN: Good afternoon, Jon.
12 Can you hear me?

13 MR. DARCHE: Yes.

14 MR. DUNN: Great. Thank you.

15 Good afternoon, everyone. This is
16 Chris Dunn from the New York Civil Liberties
17 Union. This will be my last CCRB board
18 meeting. I've been, on behalf of the NYCLU,
19 attending meetings for 25 years now, and that
20 reflects the deep commitment that we, the
21 NYCLU, have to the CCRB and civilian
22 oversight. For those who were around back in
23 1993, we were very much involved with the
24 effort to bring the CCRB out of the Police
25 Department and create an independent agency.

1 And while over the years we have had plenty
2 of ups and downs with the work of the agency,
3 and particularly with the boards, we deeply
4 believe in civilian oversight, and it is
5 something that we hope will continue and will
6 continue to improve over the years.

7 I do want to note that while we have
8 had some chairs that we have had significant
9 disagreements with, I do want to note
10 particularly the two most recent chairs, Arva
11 Rice and Fred Davie who, from our
12 perspective, were models in terms of leading
13 the Agency. I also want to note that the
14 staff has been uniformly terrific throughout
15 my time working with the CCRB. I want to
16 recognize Jon's work and Matt Kadushin's
17 work, and the work of other people in the
18 agency staff who have really been terrific.

19 Starting in January, my colleague, Lupe
20 Aguirre, will start attending board meetings,
21 hopefully in person, as things get back to
22 more in person. So, I am signing off, and,
23 again I want to commend the Board for the
24 work that it is doing, and I hope that the
25 Agency continues to perform the essential

1 oversight function that it needs to do. And
2 I am certainly hoping that the Mayor will
3 appoint a permanent chair. It's been one of
4 my great disappointments, that Eric has not.
5 Back in the late '90s, I worked closely with
6 Eric Adams when he was in the Police
7 Department. He was someone who was very
8 supportive of and vocal about police
9 oversight and independent oversight and
10 accountability, and it is a tremendous
11 disappointment that he seems to have lost
12 that commitment, but we can still hope that
13 he will come around on that, and we will be
14 watching closely in the coming years.

15 Thank you very much.

16 MR. DARCHE: Mr. Chair, if I could
17 just -- when I first came to my first CCRB
18 meeting, Chris Dunn was here, and it is tough
19 to imagine CCRB meetings without Chris Dunn.
20 But I want to thank him for the personal
21 assistance he's given me in understanding
22 some of the ins and outs of civilian
23 oversight and the time he's taken with me.

24 So, thank you, Chris.

25 MR. MERRITT: Thank you, Mr. Dunn.

1 Next speaker.

2 ALVAREZ: That concludes our online
3 comment.

4 Thank you so much, Chris. You will be
5 missed.

6 MR. DARCHE: Who's joining us in person
7 who are interested in making a public
8 comment, please line up behind the podium.
9 Please keep your comments to four minutes.

10 MR. MEYERS: Yes. I'm Michael Meyers.
11 I'm the president of New York Civil Rights
12 Coalition.

13 To Chris Dunn, see ya. You know, he
14 represents New York Civil Liberties Union.
15 It's not supposed to be I, I, I, my, my, my.
16 It's New York Civil Liberties Union. When he
17 speaks to you, he's supposed to be speaking
18 on behalf of the New York Civil Liberties
19 Union, and I never have agreed with what he
20 says. When I was on the board of NYCLU for
21 over 25 years, and I didn't count 25 years of
22 service on Chris Dunn's part coming here. I
23 just didn't count that. Maybe I miscounted.

24 I understand we still do not have a
25 chair of the CCRB. This is ridiculous.

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1 There is no praise to be given to anybody,
2 much less the representative of New York
3 Civil Liberties Union. For this in -- on the
4 part of Mayor Adams, you've given him notice
5 that of -- first of all, he pushed out the
6 other chair, the interim chair, who was a
7 wonderful representative. The woman from the
8 New York Urban League, he pushed her out. I
9 didn't hear the Board make a complaint,
10 resolve, some resolution, anything, going to
11 the Mayor.

12 What are you doing? This is our chair.
13 We respect her. She's done marvelous work.
14 I didn't hear the NYCLU or anybody in the
15 civil rights and civil liberties community, a
16 big mouth, other than us. This is
17 outrageous. Has the CCRB at long last
18 written to the Mayor, as I have requested you
19 to do? Requesting him when or asking him
20 when are you going to appoint a chair of the
21 Civilian Complaint Review Board? The more
22 days, weeks, and years pass, months pass,
23 it's an act of disrespect for each of you and
24 all of you, and disrespect for civilian
25 review of the Police Department. He

1 identifies with the police officers, whether
2 he's a former police officer or not, it
3 doesn't matter to me. He identifies with
4 them, not with the people. And I'm sick and
5 tired of hearing people come in here and
6 acting like they're apologists for the Mayor
7 of this City, who ought to resign, not just be
8 convicted.

9 So, I ask again, has the CCRB scheduled
10 a meeting with the new Police Commissioner?
11 She's brand-new. At least as police
12 commissioner. It used to be the police
13 commissioners met with you in public
14 sessions, so the members of the public can be
15 here to listen to you, hear what you have to
16 say to her and what she has to say to you.

17 Have you asked for a meeting, a public
18 meeting, with the Police Commissioner? I
19 know you supposedly asked. I asked you to
20 ask the two former police commissioners who
21 never responded to anything you got to say,
22 other than to say, "I don't like what you
23 recommend about my police officers." All
24 this my, my, my, I, I, I stuff, it's got to
25 stop. The Police Commissioner represents the

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1 City of New York, the People of New York, and
2 I'm sick of it. I'm sick of these apologies
3 from so-called civil rights and civil
4 liberties groups, apologies and kissing your
5 butts because you listen to their nonsense,
6 in person and on the video.

7 As far as the mediation, I don't
8 believe in mediation processes. I don't
9 believe in inviting people to shake hands
10 with the guy or the woman who they have
11 complained about, you know? I don't want
12 anyone shaking hands. Go to a panel, file a
13 complaint. None of this mediation BS. I
14 mean, is there any penalties for mediation on
15 the police officers? Penalties, no, other
16 than -- why don't you go and apologize and
17 smile, and let everybody know that the Police
18 Department represents you, the People. It's
19 nonsense. And when you do it, -- it's a --
20 when you guys do it, so we don't need any more
21 mediation. And I'm not impressed with
22 mediation reports. I don't know how many
23 times you do it.

24 What's the status of the website? How
25 long has it been now, Mr. Executive Director?

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1 How long, a year or two years, I have
2 complained that the damn thing doesn't work,
3 that's why I come down here. You can't say
4 that we don't come to meetings. I come here
5 because I can't -- the technology doesn't
6 work. And I've asked and I've asked. I
7 haven't demanded yet. I've asked. I've
8 asked. Why don't you get a new website
9 management or whatever you call it? I get no
10 responses. At least I got the compensation
11 report, the per diem, because I asked for the
12 compensation for and all of you, and all of
13 you who are not here, but before you, and I'm
14 still looking at it. So, next year, early
15 next year, I'll have my comments about the
16 kind of per diem expenses I see or payments.
17 They call it in the report salary, that you
18 guys have gotten and some of you -- some of
19 you, have refused.

20 Finally, I wish you happy holidays.

21 MR. DARCHE: Thank you, Mr. Meyers, you
22 as well.

23 MR. MERRITT: There's another board
24 member, that hasn't introduced himself. AU,
25 please introduce yourself.

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1 MS. ALVAREZ: AU, you can unmute.

2 (No response).

3 MS. ALVAREZ: It appears the audio
4 isn't working.

5 MR. MERRITT: Okay.

6 MS. MOSS: Well, happy holidays to
7 everyone. I'll start with that. My name is
8 Mari Moss. I serve on the Mayor's Task Force
9 to End Gender and Domestic Based Violence. I
10 am also regional representative of the
11 community action board that gets federal
12 funding to nonprofit organizations throughout
13 our city and concentrating in Harlem and
14 East Harlem.

15 I think that this board should be proud
16 of the accomplishments that it's made over
17 this past year, but I'm hoping that we're
18 going to increase those things next year,
19 with additions, that I'm going to agree with
20 my -- the gentleman that spoke before me on
21 some of their statement. First, I want to
22 say I applaud the CCRB for involving our
23 youth. I saw a lot of youth involvement this
24 past year, and young people are our future,
25 so it's amazing that they're getting the

1 opportunity to work at this as interns, to
2 have the Youth Speak that they had in Harlem.
3 I thought that was phenomenal. I also think
4 the outreach has done great work, especially
5 in the domestic violence areas in our
6 community and my community of the Harlem, so
7 I'm grateful for that.

8 But the no chair part, Arva Rice, even
9 Chris Dunn stated that she was an exemplary
10 model, and to not have someone that amazing
11 be confirmed is really just appalling. Our
12 city -- I always brag to my friends that live
13 in other states and cities, that this is the
14 greatest city in the world, and we have to
15 always demonstrated that by making sure that
16 we're doing what's right, so I hope that that
17 will happen. I also hope that going forward
18 in the future and the next coming year, we
19 have expedient investigations.

20 I mean, I sit on the Mayor's Task Force
21 to end gender and domestic based violence,
22 but I also have experience with police
23 brutality, so just seeing the expedition of
24 investigations. And on the Task Force,
25 yesterday, we were talking about, you know,

1 police officers who also are dealing with
2 domestic violence from within. What do they
3 do? And then, I said, "I know. Let's
4 partner with the CCRB. Let's meet with the
5 executive director. Let's make some things
6 happen there." And I think that that is an
7 opportunity for our city to really come
8 together in a positive way towards positive
9 action.

10 No consultation was given to the CCRB
11 about the new police commissioner. I think
12 last meeting was when we first found out that
13 we have a new police commissioner. Well,
14 that's great, but I think that you all should
15 have been consulted. That's just -- and that
16 there definitely should be a meeting that
17 takes place in making that happen. So, I'm
18 looking forward to what will happen in the
19 future, 2025. I think this is maybe some of
20 our last chance to see each other. I'm
21 surprised there were no Christmas cookies or
22 anything, but next time.

23 God bless you all.

24 MR. CONSTANTINO: Hello, everyone. My
25 name is Nick Constantino. Am I allowed to

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1 ask a question?

2 Excuse me, ma'am. You said you sat
3 here six years. How many times you gave that
4 speech within the six years? Not all of
5 them. Okay. No problem. Thank you.

6 Now, dear Board Members, my experience
7 with this agency, and specifically with
8 Executive Director Jon Darche, has exposed a
9 complete disregard for transparency,
10 accountability, and integrity. The executive
11 director deliberately obstructed my ability
12 to uncover the truth, violating my rights and
13 allowing critical evidence to be suppressed.
14 These actions are not only -- well, this
15 agency's mission, but endorse public trust in
16 its leadership. I urge the Board to
17 investigate the executive director's conduct
18 thoroughly and hold him, as well as other
19 individuals in this cover up.

20 Measures must be allowed to be taken
21 ensuring this kind of misconduct should never
22 happen again. The executive director of this
23 board. This board is a cluster fuck.
24 Anybody want to see my proof that he perjured
25 himself when he fucked with evidence? I

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1 would be more than happy to show everybody.
2 You're exposed, you piece of shit. No, I'm
3 not going to go out of here. I'm going to
4 stay right here. I want to see his response.

5 What do you have to respond to that
6 Mr. Director, executive director? And
7 everybody should be embarrassed. I called
8 your office, nobody wanted to the talk to me.
9 I called your office, nobody wanted to talk
10 to me. Your office, I went in public, nobody
11 even knew there was a seat on the Board.
12 Every agency should be embarrassed. Who's
13 representing you? You're representing who,
14 the Public Advocate, correct? So, I went to
15 the Public Advocate's Office. Why doesn't
16 the Public Advocate know that there's a seat
17 here?

18 The Public Advocate didn't even want to
19 take my report. They sent me an e-mail, but
20 nobody's responding to it. Like I said, not
21 only this agency, but every agency and every
22 member of this board is cluster fuck.
23 Enough. I'm done with my time. I want to
24 see who have the kahunas to ask me questions
25 now. Yeah, but everything is a coverup in

1 here. Accountability, that's private seat,
2 you guys don't have no leg to stand on. The
3 executive director himself has no leg to
4 stand on. The man in charge of this agency
5 has no leg to stand on. I'd be happy to show
6 a video proof of everything, that he puts his
7 foot in his mouth and -- oh, please,
8 continue. Let me hear more nonsense with
9 this agency, more bullshit.

10 MR. MERRITT: Thank you,
11 Mr. Constantino.

12 MR. CONSTANTINO: Coverups, I can prove
13 every coverup you want. Go ahead, continue
14 with your bullshit in this agency.

15 MR. MERRITT: Thank you,
16 Mr. Constantino.

17 MR. CONSTANTINO: And your office
18 should have more respect when people call you
19 and want to speak to you about a matter about
20 the CCRB, they should automatically take my
21 information down and call you, not brush me
22 off like I'm nobody.

23 MR. MERRITT: Excuse me, but what
24 office is that?

25 MR. CONSTANTINO: Your office. You're

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1 a City Council member, aren't you?

2 MR. MERRITT: No, I'm not.

3 MR. CONSTANTINO: You're not a city
4 councilman?

5 MR. MERRITT: No, I'm not.

6 MR. CONSTANTINO: How long have you
7 been appointed here?

8 MR. MERRITT: No, I'm a representative
9 of the Brooklyn City Council delegation.

10 MR. CONSTANTINO: Delegation. Okay.
11 No problem. I understand. I understand the
12 devotion in here. Everybody has a law degree
13 in here. So, they think everybody who
14 doesn't have a law degree, they can abuse
15 them. The position of the executive director
16 doesn't mean you can pull a wool over our
17 eyes because you're an executive director and
18 you have a law degree. Please, nobody from
19 the board members going to ask what happened
20 or to see what's going on? Nobody is going
21 to ask, right? Violating my 14th Amendment
22 Right, violating my 1st Amendment Right.

23 Now I understand why the employees are
24 suing you. Same allegations I'm pursuing,
25 violation of 1st Amendment, 14th and a

1 coverup -- and you deliberately knew about it
2 and you covered that. I can prove that. I'm
3 not no regular dummy, like you thought I was.

4 MR. DWYER: Mr. Constantino, if you
5 have specific allegations --

6 MR. CONSTANTINO: I have two legs to
7 stand on. Wish I could say the same about
8 the executive director.

9 MR. DWYER: Okay. I would encourage you
10 to put them in writing very specifically to
11 lay them out --

12 MR. CONSTANTINO: You're going to try
13 to weigh my evidence, Frank?

14 MR. DWYER: It's your choice.

15 MR. CONSTANTINO: You're appointed from
16 the City. Nobody that's appointed by the
17 Mayor should be in this agency. It should be
18 nothing but civilians, all civilians.

19 Commissioner, Mayor's Office. No, no excuse.

20 MS. SIMMONS: I'm going to repeat what
21 was just said, as I have not seen your
22 allegation. If you would put them in writing
23 and send --

24 MR. CONSTANTINO: Set a meeting, let me
25 put in my allegation, and you can see how

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1 this agency -- transparency, you guys are
2 useless. Your agency is useless. I proved
3 that and the head honcho himself proved it.

4 MS. SIMMONS: Or you could video it, if
5 you wish, and send it to the board members,
6 so that we can review it.

7 MR. CONSTANTINO: Don't worry.
8 Everybody is going to see the video. You can
9 review it all over.

10 MS. SIMMONS: Thank you.

11 MR. CONSTANTINO: You're very welcome.
12 And I got video with your office as well.

13 MS. SIMMONS: I don't have an office,
14 sir.

15 MR. CONSTANTINO: Well, the office that
16 appointed you to that position. They should
17 be knowledgeable about people they have on
18 this board, not brush me off like I'm nobody.

19 MR. MERRITT: That concludes the public
20 meeting portion.

21 Do we have any old business that needs
22 to come in front of the Board?

23 (No response).

24 MR. MERRITT: Do we have any new
25 business that needs to come in front of the

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1 board?

2 (No response).

3 MR. MERRITT: Hearing none, I'm going to
4 move that we break into Executive Session. The
5 agenda for the Executive Session, the Board
6 will consider one full board case. The
7 executive director will discuss pending
8 personnel actions, and the general counsel
9 will provide updates regarding pending
10 litigation.

11 Is there a motion?

12 MR. FOX: So moved.

13 MS. NORTHERN: Second.

14 MR. MERRITT: The meeting is now
15 adjourned.

16 (TIME NOTED: 5:01 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 Notary Public within and for the State of New York, do hereby certify:

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

I further certify that I am not related to any of these parties to this action by blood or marriage, and that I am not in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand on this 22nd day of December, 2024.

Sabrina Brown Stewart
Sabrina Brown Stewart