

75CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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September 22, 2025

Start: 10:13 a.m.

Recess: 1:56 p.m.

HELD AT: 250 Broadway-8th Floor, Hearing Rm 1

B E F O R E: Yusef Salaam
Chairperson

COUNCIL MEMBERS:

Joann Ariola
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Tiffany Cabán
Carmen N. De La Rosa
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A P P E A R A N C E S (CONTINUED)

Michael Gerber
NYPD Deputy Commissioner of Legal Matters

Tarek Rahman
NYPD Deputy Commissioner

Jumaane Williams
New York City Public Advocate

Muhammaed Khalid
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Jonathan Darche
Civilian Complaint Review Board Executive Director

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Equity

Nasar Bhan
Desis Rising Up and Moving

Sammy Feliz
Brother of Allan Feliz

Jackie Gosdigian
Brooklyn Defender Services

Claire Thomas
Legal Aid Society Brooklyn Trial Office

Jennvine Wong
Cop Accountability Project

D'Juan Collins
Civil Rights Union Leader at Vocal New York

Alissa Johnson
Surveillance Technology Oversight Project

A P P E A R A N C E S (CONTINUED)

Brian Ehrenpreis
New York County Defender Services

Lauren Carbajal
Legal Defense Fund

Yvonne Jennings

Michael Sisitzky
New York Civil Liberties Union

Tanesha Grant
Parents Supporting Parents

Samah Sisay
Center for Constitutional Rights

Christopher Leon Johnson

SERGEANT AT ARMS: Morning, and welcome to today's New York City Council hearing for the Committee on Public Safety. At this time, I would like to remind everyone to silence all electronic devices. Also, no one is to approach the dais. I repeat, no one is to approach the dais. If you'd like to sign up for in-person testimony or have any other questions throughout the hearing, please see one of the Sergeant at Arms by the desk in the back of the room. Chair Salaam, we are ready to begin.

CHAIRPERSON SALAAM: Good morning. I'm Councilman Yusef Salaam, Chair of the Committee on Public Safety, and I want to welcome everyone to today's oversight hearing on NYPD Officer discipline and Civilian Complaint Review Board. I'm joined by committee members Cabán, Marte and Ariola. New Yorkers deserve an NYPD that is accountable, transparent and trusted to enforce the law fairly and safely. That trust is undermined when officers engage in misconduct and when the disciplinary system falls short or fails. Today's hearing will examine the practices, the policies and the procedures and the challenges intended to hold the NYPD officers accountable, as well as the role of the CCRB in

investigating misconduct and recommending discipline.

We will review officer misconduct, including

excessive use of force, abuse of authority,

discourtesy, offensive language, and untruthful

statements, collectively referred to as FADO. We

will examine how complaints are investigated, how

body-worn camera footage is analyzed and accessed,

and how findings translate into discipline. We will

also discuss high-profile cases where recommended

discipline was down-graded or rejected, raising

questions about systemic delays, transparency, and

public trust. This hearing comes at a time when the

CCRB is receiving record level complaints and

managing complex cases under constrained staff and

budget. We will discuss the board's capacity to

fully investigate complaints, the impact of

vacancies, and interim leadership, and the importance

of community engagement. We will also explore the

CCRB's expanded authority over bias-based policing

and disciplinary guidelines. It is possible to hold

the NYPD accountable for ensuring consistent

application of discipline, timely sharing of

evidence, and meaningful response to sustained

misconduct while balancing officer rights and due

process. We will examine how the department is addressing patterns of repeated misconduct, improving concurrence with CCRB recommendations, and performing practices that allow hundreds of substantiated cases to be dismissed under the short statute of limitations policy. Finally, we will hear from advocates, community members and stakeholders on how these systems affect public trust, affect transparency and affect accountability. Our goal is to identify practical steps to strengthen oversight, to improve the fairness and consistency of discipline, and to ensure that New Yorkers can have confidence that misconduct is taken seriously at every level of the NYPD. I thank everyone here for participating in this important conversation, and I look forward to a thoughtful and constructive dialogue.

COMMITTEE COUNSEL: We're going to swear in the witnesses from the administration for their opening statements. With us today we have Deputy Commissioner Gerber, Deputy Commissioner Rahman, and Director Josh Levin. If you could all please raise your right hands? Do you affirm to tell the truth, the whole truth and nothing but the truth before this

committee and respond honestly to Council Member questions? Noting for the record that all witnesses answered affirmatively, you may begin your testimony.

DEPUTY COMMISSIONER GERBER: Good morning, Chair Salaam and members of the Council. My name is Michael Gerber and I am the Deputy Commissioner of Legal Matters for the NYPD. I am joined today by Deputy Commissioner Tarek Rahman, the NYPD's Department Advocate. On behalf of Commissioner Jessica Tisch, we thank you for the opportunity to testify regarding the NYPD's disciplinary system and the CCRB. The Department's disciplinary system must be fair and effective, and under Commissioner Tisch, the Department is taking wide-ranging steps to meet those goals. The Police Commissioner has made clear that allegations of misconduct against members of service must be rigorously investigated and promptly adjudicated. Allegations are to be addressed on the merits, consistent with the law and due process. The Police Commissioner has also made clear that the disciplinary process must move faster. Claims of misconduct must be examined with care, but undue delays undermine the credibility of the disciplinary

1 system. Of course, the participants in every
2 disciplinary case care about the outcome.
3 Disciplinary decisions can result in frustration and
4 anger. We acknowledge that. Whatever disagreements
5 there are about particular disciplinary cases, we are
6 committed to a disciplinary system in which cases are
7 carefully reviewed and resolved through a fair and
8 thorough process. The CCRB plays an important role
9 in that system. As set forth in the New York City
10 Charter, the CCRB has jurisdiction to investigate
11 certain types of misconduct that uniform members of
12 the Department are alleged to have taken against
13 members of the public in violation of Department
14 policy. These include claims of excessive force,
15 abuse of authority, discourtesy, and offensive
16 language. CCRB is also authorized to investigate
17 allegations of false statements by uniformed members
18 of service made in the course of CCRB investigations.
19 When conducting its investigations, the CCRB will
20 obtain materials from the NYPD and will conduct
21 interviews. A CCRB investigator will then write a
22 report with recommended findings. A panel of CCRB
23 board members considers the case and decides whether
24 to substantiate the allegations. When the CCRB
25

substantiates, it will also recommend discipline to be imposed by the Police Department. Critically, as a matter of state law, disciplinary proceedings must be initiated within the statute of limitations, 18 months from the incident in question, unless the conduct at issue would otherwise constitute a crime. When the CCRB substantiates an allegation against an officer and refers the matter to the Department, there are different pathways that the case will take depending on the nature of the recommended penalty. When the CCRB recommends training or command discipline, requiring an officer to forfeit up to 10 vacation days, that will generally be evaluated and processed by the Department without additional CCRB involvement. For the most serious disciplinary cases substantiated by the CCRB which result in charges and specifications against an officer, the CCRB will typically serve as the prosecutors within the Department's disciplinary system pursuant to a 2012 MOU between the Department and the CCRB. To the extent a case goes through a Department trial, a Department judge will hear evidence-- will hear testimony and receive evidence before making a recommendation to the Police Commissioner. Under the

City Charter and the Administrative Code, the Police Commissioner is responsible for discipline in the Department and is the final arbiter of all disciplinary matters. The Police Commissioner can agree with the CCRB that there was misconduct and impose the recommended penalty. The Police Commissioner can agree that there was misconduct and choose to impose a different penalty. The Police Commissioner can find that there was no misconduct, and accordingly impose no discipline. When the Police Commissioner departs from the CCRB's recommendation, she must explain her decision in writing to the CCRB. Those explanations are posted on the CCRB's website. In this process, the work of the NYPD and CCRB intersect in two critical ways. The NYPD provides materials to the CCRB in connection with CCRB investigations, and then the NYPD decides how to resolve disciplinary recommendations that have been made by the CCRB to the Department. I want to speak about the trends and data in both aspects of the Department's work with the CCRB. For the last several years, the Department's Legal Bureau has been responsible for providing materials from the NYPD that the CCRB needs to conduct its investigations,

including documents and body-worn camera video. We are providing materials to the CCRB in a timely manner and will continue to do so. Documents requested by the CCRB are generally provided in two to three weeks. Unredacted video is typically produced to the CCRB in a little over a week. To the extent video needs to be redacted in compliance with the sealing statutes, the CCRB will have that video on average within a month. The bottom line is that in most cases the CCRB has what it needs from the NYPD within 30 days. Historically, there have been concerns about the Department providing materials to the CCRB, and I want to address that here. There was a backlog in 2020. That was cleared years ago. There was a time in 2023 when the Department was not providing data at the CCRB in connection with bias-based policing investigations. That issue was long resolved. We entered into an MOU with the CCRB in June 2023 regarding information and documents to be provided in connection with those investigations, and we consistently give CCRB what it needs pursuant to the MOU. We've also made an important change in how we handle a CCRB investigation when there is a parallel criminal investigation or a parallel

investigation by our Force Investigation Division, also known as FID. Pursuant to a 2019 MOU between the NYPD and the CCRB, materials were not provided to the CCRB until after any criminal investigation or FID investigation had concluded. We recognize that this was not the right approach. And so we wrote a new MOU at the end of 2023 to ensure that when there is an ongoing criminal investigation or FID investigation, the CCRB will receive the relevant materials within 90 days of request. We have honored our obligations under that MOU without exception. There is a broader point beyond the data and the MOUs. We work closely with the CCRB to get the CCRB what it needs to investigate its cases. Members of our CCRB Liaison Unit talk with the CCRB every day. Legal Bureau executives are regularly in contact with CCRB executives. It is a collaborative relationship to ensure that the CCRB can fulfil its mandated under the Charter. Turning to cases in which the CCRB substantiates an allegation of misconduct. As Commissioner Tisch testified earlier this year, she was concerned that some of our procedures for CCRB substantiations did not reflect the core values underlying our disciplinary system. As a result, she

made two programmatic changes that have substantially altered the way in which we handle CCRB. First, until early this year, we were imposing a short SOL rule that automatically closed CCRB matters if they came to us less than 60 business days before the statute of limitations was due to expire. On March 1st, Commissioner Tisch reversed that policy in order that the Department makes substantial efforts to review every complaint substantiated by the CCRB. This has been a C change. In 2024, over 800 cases were closed because of the short SOL policy. Since March 1st of this year, there have been three CCRB cases closed because of the proximity and time to the statute of limitations and each case only after a case-specific analysis by the Department Advocate. Second, pursuant to Provision II of the 2012 MOU between the NYPD and the CCRB, there are certain circumstances in which the Police Commissioner can retain a case rather than having it prosecuted by the CCRB. This includes circumstances in which there's an ongoing parallel Department of investigation or later a criminal investigation, or in the interest of justice when an officer has no disciplinary history or prior substantiated CCRB complaints. The Police

Commissioner committed to exercising this power judiciously and the data reflects that. In 2024, the Department exercised its provision to authority 93 times. This year, that has happened 24 times. These changes and the Department's commitment to engaging with CCRB on the merits are reflected in the concurrence rate between the NYPD and the CCRB. The CCRB calculates this rate as the measure of the NYPD's agreement with the disciplinary recommendations it receives from the CCRB. In 2023, concurrence rate was 56 percent. In 2024, it was 30 percent. In the first half of 2025, it was 76 percent, and if you exclude the short SOL cases from the beginning of the year, the concurrence rate in the first half of 2025 was 91 percent. That is in 91 percent of cases, the Department imposed the discipline sought by the CCRB. While the Police Commissioner can and sometimes does, disagree with the CCRB. In most cases, the Police Commissioner adopts the CCRB's recommendation. And it is not just that the Department is agreeing with the CCRB much more often, it is also evaluating CCRB cases and imposing discipline at a much faster pace. Using the CCRB's data on adjudicated matters, and excluding the

1 short SOL cases, in 2023 the Department adjudicated
2 cases against 637 officers. In 2024, that number was
3 679. In the first half of 2025, it was 643. Under
4 Commissioner Tisch, the Department's productivity
5 when resolving CCRB matters has increased by almost
6 100 percent. While speed can never come at the
7 expense of fairness, there is tremendous value in
8 resolving cases expeditiously for the CCRB and for
9 the Department and for both complainants and
10 respondent officers. That is what we have committed
11 to do, and that is what we are doing. Thank you for
12 the opportunity to testify today. And we look
13 forward to answering your questions.

14
15 CHAIRPERSON SALAAM: Thank you for your
16 testimony. I'd like to acknowledge that we've been
17 joined also by Council Members De La Rosa, Council
18 Member Joseph, Council Member Stevens, Council Member
19 Holden, and also by the Public Advocate which I will
20 yield now for your opening statement.

21 PUBLIC ADVOCATE WILLIAMS: thank you so
22 much, Mr. Chair. First of all, there's some also
23 digs [sic] y'all got now. I didn't have this when I
24 was I was here. This is pretty cool. As mentioned,
25 my name's Jumaane Williams, Public Advocate for the

City of New York. Thank you, Chair Salaam and the members of the Committee on Public Safety, for holding this important hearing. on October 17th, 2019, Officer Jonathan Rivera shot and killed Alan Feliz [sp?] during a traffic stop in the Bronx. Mr. Feliz was unarmed, and following the shooting was lying left exposed on the street. This disregard for Alan's life and dignity was unjustified, and that is not just my opinion. The NYPD Deputy Commissioner of Trials, Rosemary Maldonado, concluded that now Lieutenant Rivera's testimony was not credible and that he did not even-- he did not have a reason to believe the lives of his fellow officers were at risk. Commissioner Maldonado found Rivera guilty of first-degree assault and violating NYPD Department guidelines on the use of force and recommended that he be terminated. I want to be clear that Rivera, who in the time since killing Alan Feliz, has been promoted, did not face any criminal charges. The only recommended consequence for unjustifiably taking a person's life was the loss of his job. Still, despite this finding and recommendation, Commissioner Tisch refused in July to terminate Rivera. Alan was a father, brother, a son, a

partner, a community member, and everyone in his life was left devastated by his death. This is not accountability and it's certainly not justice. What happened in the case of Alan Feliz is not unusual. Through the independent Civilian Complaint Review Board, CCRB, and the NYPD Internal Affairs Bureau, IAB, are responsible for investigating complaints of misconduct during-- involving NYPD officers. The NYPD Commissioner has the final say in all officer discipline. This means that even in the case of substantiated officer misconduct, the Commissioner can unilaterally decide they should face no consequences. Under Mayor Adams and former NYPD Commissioner Edward Caban, this practice increased even while misconduct complaints also rose. Even in cases where the CCRB concluded that officer misconduct likely amounted to crimes, Commissioner Caban frequently retained cases and ordered little to no discipline. Last week, a CCRB-- CCRB voted to substantiate the charges of misconduct against the officers who killed Win Rozario, a 19-year-old in mental health crisis shot in his home in Queens, Commissioner Tisch moved ahead with departmental charges against the two officers. This is a

promising stop towards some semblance of justice for the Rozario family, but as we have seen with the charges against the lieutenant who killed Alan Feliz, it's not guaranteed. I urge Commissioner Tisch to move the case forward without delay or obstruction. It is important to know that this is not a problem of one mayor or one commissioner. It is indicative of a systemic entrenched culture within the NYPD often leading to anything goes without consequence. The NYPD purposely thwarts misconduct investigations by refusing to cooperate such as withholding importance evidence while-- like body-worn camera footage until the statute of limitations has passed. Under this administration, the CCRB's been critically underfunded and understaffed. At the end of 2023, the CCRB announced that due to staffing shortages and budget cuts, it would no longer be investigating certain categories of police misconduct. Mayor Adams has repeatedly sought to neutralize oversight on law enforcement, not just the NYPD, but the Department of Corrections as well, including pushing out the former Interim Chair of the CCRB, Arva Rice, for criticizing the way the NYPD handled the investigations into the officers who killed Kawaski Trawick. She was

absolutely correct to be critical. The NYPD purposely ran out the clock on the statute of limitations, and the officers who unjustly killed Mr. Trawick should have at a minimum lost their jobs. There's another example of where the NYPD cannot be trusted to police itself. When officers know it is extremely unlikely they will face real discipline and misconduct, it creates a culture of abuse with impunity. Last year, the NYPD cost taxpayers over \$205 million in misconduct lawsuits. I think we can agree this would be money better spent on other things. I do extend my condolences and prayers, peace and comfort to the Feliz and Rozario families and all the loved ones whose families were killed or otherwise harmed by the NYPD. We must all work together to do better and ensure that we have real accountability, transparency, and justice. Transparency and accountability seems to be the two buckets where we have the most struggle, and I think that makes it hard also for police officers who actually come to work, want to do the best job that they can. The more we can hold be accountable, the more we can have more transparency, it's better for police officers and for the communities in which they

serve, and I hope we can do better. Thank you very much.

CHAIRPERSON SALAAM: Thank you. I actually want to open up with something that you had brought up with regards to the closure of these cases. When cases are closed, what is the process which surrounds the closure of those cases? Is it due to the internal workings of the NYPD, or the failure of external forces that didn't meet the expectations?

DEPUTY COMMISSIONER GERBER: You're talking about the short SOL cases?

CHAIRPERSON SALAAM: The-- well, the number, like you said, hundreds of cases were closed.

DEPUTY COMMISSIONER GERBER: Oh, yeah. Last year there were 800 closed on a short SOL, you mean.

CHAIRPERSON SALAAM: Right, right.

DEPUTY COMMISSIONER GERBER: Yeah.

CHAIRPERSON SALAAM: When they changed the--

DEPUTY COMMISSIONER GERBER: Sure. So, let me say a little bit more about that. Obviously when cases come to us shortly before the statute of

1 limitations is going to run, it does present very
2 significant challenges, it does, and we want to look
3 at every case. We want to look at it carefully, and
4 obviously if you're getting a case or large volume of
5 cases just before the statute of limitations is going
6 to run, that does present significant challenges for
7 the Department. Now, there was a rule that was put
8 in place some number of years ago, I'm not sure
9 exactly when, but it was a number of years ago. It
10 was an internal Department rule, but it was
11 communicated to the CCRB-- and they were well-aware
12 of it-- that they said, look, if cases come to us
13 less than 60 days before the statute of limitations
14 is going to run, we're not going to have time to
15 process them. We'll have time to look at them, and
16 so they're going to be administratively closed.
17 They're not going to be processed. They're not going
18 to proceed in the Department. I should say, I think
19 back in the day, even last year, that was really
20 almost never for charges and specification cases.
21 I'm not going to say zero, but I think it-- that was
22 really about the command discipline cases, primarily
23 almost exclusively. Now, I can imagine why that rule
24 was put in place. I think it is important to have a
25

clear understanding between the CCRB and NYPD about how much time the Department needs. We do want to cases in a timely fashion so we have time to process them, and that's in the interest of everyone involved. But what happened was, we had that rule in place, and then you got to a situation like we had last year, where you had hundreds and hundreds of cases that were just being summarily closed, and the Police Commissioner looked at that and realized that that was wrong. It was. And what she directed the Department to do and the Department Advocate to do was look to do our very, very, very best to process every case however close it comes to the statute of limitations. You know, obviously, if we get a case, some just a few days before the statute of limitations is going to run, that does present challenges. The Department Advocate is going to have to look at that to see if we can get it done within, you know, a very narrow time frame, but we have eliminated the rule, right? It's-- we try to process every case we possibly can no matter how close in time it is to the statute of limitations. As I said in my testimony, since March 1, since the order from Commissioner Tisch, only been three cases where we

1 had that short SOL issue such that the case was
2 closed, and so we've reversed on that rule, and now
3 basically almost every case that we are getting
4 substantiated from the CCRB we are analyzing and
5 processing accordingly.
6

7 CHAIRPERSON SALAAM: You said that-- you
8 said that cases that were brought a short time before
9 the statute of limitation was to expire. Do the
10 individuals or groups that are bringing these forth
11 get an opportunity to refile?

12 DEPUTY COMMISSIONER GERBER: No. So,
13 under state-- as a matter of state law, Civil Service
14 Law 75, subsection four, the normal course, a
15 disciplinary matter of the sort has to be brought
16 within 18 months of the incident. There's an
17 exception if we're talking about conduct that
18 otherwise would be a crime, but in most cases it has
19 to be within 18 months. If you don't bring the
20 discipline-- initiate the discipline within 18
21 months, you're barred. That statute of limitations
22 state law, it binds us. So, to the extent the CCRB
23 substantiated a case and then it was closed
24 administratively because of let's say the short SOL
25 rule, no, they would not have-- the individual who

initially brought the complaint to the CCRB wouldn't have had an opportunity to refile, because the statute of limitations would have run.

CHAIRPERSON SALAAM: Got you. So, when the NYPD receives findings from the CCRB, what is the internal review process that such cases undergo before disciplinary decisions are finalized? And step-by-step, who in the Department reviews CCRB recommendations, and to what extent does the Department conduct separate investigations before cases presented to the Commissioner for final determination?

DEPUTY COMMISSIONER GERBER: Sure. So, for that, I'm going to turn it over to the Department Advocate.

DEPUTY COMMISSIONER RAHMAN: Good morning, Chair. So, the process is the Department Advocates Office actually we have attorneys that work in the-- my office who individually review all of the substantiated cases that come from CCRB. That's talking about less than charges cases. So-- which is the majority of the cases we receive. We get all of the materials from the CCRB, effectively, materials we gave to them. They then send back to us so we

1 know exactly what they reviewed. We also get from
2 them the additional investigation materials that they
3 conducted on their own which include the interviews
4 that they conducted with multiple witnesses often.
5 So, we have to review all of those witness
6 statements. We review-- we actually listen to all of
7 the audio. We review all the body-worn camera. We
8 review all of the paperwork that they review
9 themselves, and at that point in time, the advocate
10 attorneys will make a recommendation to me as to what
11 they think should happen with the case, whether we
12 should agree with CCRB and their recommendation which
13 as Commissioner Gerber pointed out is the majority of
14 the time. I will then myself review those materials
15 and then make a recommendation first to the First
16 Deputy Commissioner's office, which then goes to the
17 Police Commissioner's office. So, I think it's
18 important to note that when you're talking about the
19 short SOLs, that gives you a little bit of a sense of
20 why it's important for us to get the materials with
21 ample time to review, because we don't simply rubber
22 stamp what CCRB sends to us. We do actually review
23 all the materials ourselves to make sure that there
24
25

is a consistent and uniform implementation of discipline across the board.

CHAIRPERSON SALAAM: Thank you. On disciplinary cases or decisions from the NYPD extend for years beyond-- before reaching a final disciplinary decision such as in the case of the shooting of Alan Feliz, what are some reasons within the NYPD's control that can explain those delays?

DEPUTY COMMISSIONER GERBER: So, in any given case, there may be multiple potential causes for delay, and sometimes, there are delays on the CCRB end, and sometimes there are delays on the NYPD end. And-- I mean, one thing I was talking about a few minutes ago is, you know, we've obviously gotten a very clear mandate from Commissioner Tisch that we need to move cases along, and the event there have been delays on our end, we need to shorten those delays, eliminate those delays. Obviously, there are times when cases need to be reviewed, but you know, undue delays, again, undermine the credibility of the entire system. And I will say, I think, you know, what does happen sometimes-- and again, this is going to vary case by case, is certainly when you have charge and specifications-- so, CCRB is-- CCRB will

be the prosecutors in that case pursuant to the MOU.

And the question is when does the trial going to

happen. And you know, that's going to vary a

tremendous amount. It's going to depend both on what

the CCRB as prosecutors want to do. It also is

affected by, you know, what extent the respondent

officer is looking to go quickly to trial or not.

Sometimes there are extensive plea discussions that

can take place over an extended period of time. It

really varies case by case. I will say that once

charge and specifications have been brought, you have

the -- you know, the prosecution is proceeding. You

know, to the extent the parties are not going to be

able to settle the case, they're asking for a trial

date, you know, as a general matter, our trial

judges, once they're asked to set a trial date can

set it-- typically it's been two to three months.

But a lot of that, again, that depends on both of the

parties, you know, sort of saying yes, we're ready

for trial. We want to go to trial. We don't-- we're

not looking to get additional materials which

sometimes happens. We're not looking to try to

settle this thing, or times they want more time to

1 settle. So, it really-- it does vary from case to
2 case.
3

4 CHAIRPERSON SALAAM: During these lengthy
5 delays, what communications does the NYPD provide to
6 the complainants or their families regarding the
7 status of the Department's internal review process?

8 DEPUTY COMMISSIONER GERBER: I think
9 those communications will typically happen from the
10 CCRB to the complainants. I actually-- I'm not
11 really the one to speak to that. CCRB, I think, can
12 speak to that directly. I know they're testifying
13 later. But I think in the normal course, the
14 complainant went to the CCRB or the complainant's
15 complaint was referred to the CCRB. They're in
16 communication with the CCRB. The CCRB, again, in the
17 charge and specifications cases, they are the
18 prosecutors pursuant to the MOU. So, well, because
19 the pre-existing relationship and because of their
20 role as the prosecutors in the case, I think actually
21 does make sense that the CCRB would be the one sort
22 of in communication with them.

23 CHAIRPERSON SALAAM: How does the NYPD
24 account for adjudicating allegations of misconduct by
25 individuals who themselves play a role in reviewing

disciplinary cases? For example, allegations of misconduct by the Chief of the Department.

DEPUTY COMMISSIONER GERBER: So, the Chief of the Department does not review disciplinary matters. The chain of command on this is very clear. You know, the Department Advocate reports to the First Deputy Commissioner who reports to the Police Commissioner. The Chief of IAB reports directly to the Police Commissioner. I report directly to the Police Commissioner. So, you know, the operational chain of command, Chief of Department or otherwise, is not in the chain of command when it comes to disciplinary matters.

CHAIRPERSON SALAAM: Well, no, I mean, the question is in regards to I guess the process-- not necessarily the process of the chain of command, but the process of reviewing those allegations that are in reference to, say for instance, the Chief of the Department in cases like that. Like, what is the-- how do they account for that allegation?

DEPUTY COMMISSIONER GERBER: Sure. So, obviously, when you have an allegation against a high-ranking member of the Department, that's is of course significant and sensitive, but I think the

1 whole point is, right, the Police Commissioner has
2 preliminary authority of discipline. She is
3 responsible for discipline in the Department. She is
4 the decider in every case whatever the person's rank,
5 whether it's a police officer who just started or
6 it's a Chief of Department. The Police Commissioner
7 is responsible as per the Charter. She's responsible
8 for the good order of the Department, for discipline
9 in the Department, and ultimately when it comes to
10 disciplinary matters, she is the decider.

12 CHAIRPERSON SALAAM: To what extent is
13 the Mayor of Labor Officials consulted on individual
14 disciplinary decisions?

15 DEPUTY COMMISSIONER GERBER: Sorry,
16 Chair, could you just-- I didn't hear the question.
17 Could you just repeat that, please. I didn't hear
18 the question. I'm sorry.

19 CHAIRPERSON SALAAM: Oh. To what extent
20 is the Mayor of Labor Officials consulted on
21 individual disciplinary decisions?

22 DEPUTY COMMISSIONER GERBER: I'm not
23 familiar with that occurring at all. I can't-- I
24 mean, our process does not account for consulting
25 with-- I'm not sure anybody-- labor officials. You

mean the unions? I mean, the unions will certainly communicate writ large with the Department on matters of concerns of the unions. If there are things they think are unfair at a general level, that's-- the union is doing frankly what they're supposed to do which is advocating for their members in terms of policies and practices. But in terms of speaking about individual cases, no, that should not be happening.

CHAIRPERSON SALAAM: Any mayoral involvement?

DEPUTY COMMISSIONER GERBER: Surely not to my knowledge, no.

CHAIRPERSON SALAAM: Or consultation? Okay. Almost exactly one year ago today, the Yates Report was published as part of the ongoing stop and frisk litigation. This comprehensive report included 51 recommendations to improve NYPD's disciplinary system. Can you let us know what if any of these recommendations have been implemented by the Department?

DEPUTY COMMISSIONER GERBER: Sure. So, there is-- to answer your question, there is an ongoing process with the Monitor where there's

1 essentially-- we're with the Monitor all the time on
2 a variety of matters. There is a working group that
3 exists that meets regularly involving member of the
4 Monitor's team and members of the Department and
5 members of the plaintiff's team in the stop,
6 question, frisk monitorship. Actually, going through
7 those recommendations, discussions, consensus, where
8 there's disagreement, you know, working to find
9 common ground-- so that process has been ongoing and
10 that was at the direction of the Monitor. That is
11 what she wanted us to do and that is what we are
12 doing, and ultimately, that working group will
13 complete its work, and then you know, the Monitor
14 will then sort of tell us how she wants to proceed in
15 terms of kind of the output from that working group,
16 but that's ongoing.

18 CHAIRPERSON SALAAM: I'm going to open up
19 to the other committee members starting with the
20 Public Advocate Jumaane Williams. Any questions?
21 Oh, I'll come back. Okay, I'll come back. So, we'll
22 start with Council Member Cabán.

23 COUNCIL MEMBER CABÁN: Thank you. Okay,
24 great. There's one over here, too. Getting used to
25 the new room and tech. Thank you, Chair. I'm going

to start with what the Public Advocate mentioned in his remarks. In 2019, Lieutenant Jonathan Rivera violated NYPD department guidelines when he killed Alan Feliz at a traffic stop. So, just for the background for the record. The NYPD's own Deputy Commissioner of Trials recommended firing the Lieutenant following a disciplinary trial, initiated by the CCRB, which obviously is in line with the NYPD disciplinary matrix. I think it's also worth mentioning that this was the second time in history that an NYPD trial judge had made this finding and recommended the firing of an officer, and in the stated that they found that the circumstances, the evidence supported a finding of guilt to assault in the first degree, which is a Class B violent felony. Basically, it requires that there be intent to cause physical injury, and that they-- the person does so with a deadly weapon. And to be clear, if somebody were charged and found guilty of that in our criminal courts, they would be facing mandatory upstate prison time. So, with the novelty of that finding-- very, very rare-- and the serious charges that were substantiated, my question is this: why should the Police Commissioner's judgement be substituted for

the Deputy Commissioner of Trials who is the fact-finder in an NYPD trial room?

DEPUTY COMMISSIONER GERBER: Right. So, I guess there are a few different aspects of that. As you know, as per the Charter, right, the Police Commissioner is the final arbiter of discipline, and the way the framework works, right-- and this is not unique to the Police Department in terms how you have a fact-finder who conducts a trial, who hears evidence, who takes testimony, writes an opinion, and then you know, the same way that the-- in the criminal justice system you have, you know, you have appellate courts or appellate review-- I'm saying it's not identical to the [inaudible] system, of course, as you know, but-- but the idea is you have a fact-finder--

COUNCIL MEMBER CABÁN: [interposing]
Wait. In an appellate review, by the way, in the criminal--

DEPUTY COMMISSIONER GERBER: [interposing]
in the trial record--

COUNCIL MEMBER CABÁN: courts, that person would be in upstate prison awaiting the outcome of their appeal, not-- not only not still on

the force, but given a promotion and continue to police in our streets.

DEPUTY COMMISSIONER GERBER: Look, I--

COUNCIL MEMBER CABÁN: [interposing] But my question is really simple.

DEPUTY COMMISSIONER GERBER: I understand.

COUNCIL MEMBER CABÁN: Like, why should the Police Commissioner's judgment, this Police Commissioner's judgement be substituted for the Deputy Commissioner of Trials who is the fact-finder in the NYPD trial room? Why?

DEPUTY COMMISSIONER GERBER: If you're asking why in sort of a system generally, it is not uncommon to have a fact-finder who makes findings and recommendations and to have someone else who's ultimately reviewing that and making a final determination.

COUNCIL MEMBER CABÁN: But it is historically uncommon for an NYPD trial judge to find an officer guilty of a Class B violent felony and say that that person should be fired. It had only happened once before in the history of this process, and so given how serious that is, give the novelty of

that, given the threshold that has to be met, why--
why should the Commissioner be able to ignore that?

DEPUTY COMMISSIONER GERBER: She did not ignore that. What the Police Commissioner did, as she is required to do, as the-- under the Charter, as the person responsible for discipline, the Police Commissioner--

COUNCIL MEMBER CABÁN: [interposing] Well, then--

DEPUTY COMMISSIONER GERBER: [interposing] Hold on. I'm answering your question. The Police Commissioner looked at the facts, and I-- [inaudible] have an opportunity to read the Police Commissioner's decision, because I understand you think she got it wrong, I get that. But anybody who reads the Police Commissioner's decision will come away, I think, with the-- [inaudible] conclusion that she looked very carefully at the facts, carefully analyzed the trial record, look at the testimony of witnesses, the documents in--

COUNCIL MEMBER CABÁN: [interposing] Heard, so let me follow--

DEPUTY COMMISSIONER GERBER: [interposing] Carefully-- hold on.

COUNCIL MEMBER CABÁN: up with this question.

DEPUTY COMMISSIONER GERBER: Carefully looked at Commissioner Maldonado's opinion--

COUNCIL MEMBER CABÁN: [interposing] She looked at things carefully, and did something different.

DEPUTY COMMISSIONER GERBER: And she-- there were places--

COUNCIL MEMBER CABÁN: [interposing] I only have a little bit of time left, and you're--

DEPUTY COMMISSIONER GERBER: [interposing] No, no, Chair? Chair?

COUNCIL MEMBER CABÁN: taking-- you're taking up the time on the record.

DEPUTY COMMISSIONER GERBER: Please give Council Member Cabán some additional time. I would like the opportunity to answer her question, and then you could have additional time, please, to ask me questions. I just-- I do want to give her a full answer.

CHAIRPERSON SALAAM: Sure.

DEPUTY COMMISSIONER GERBER: Anybody who reads the Police Commissioner's decision, whether you

1 agree with it or you disagree with it, I think anyone
2 who reads that will fairly come away with the
3 conclusion that the Police Commissioner thought long
4 and hard about this case, looked very carefully at
5 the facts and at the law, carefully reviewed the
6 entire trial record which included, you know, the
7 AG's determination as well, but looked incredibly
8 carefully at the trial record, considered in a very
9 granular way, Commissioner Maldonado's analysis
10 pointed out places where she agreed with Commissioner
11 Maldonado, pointed out places where she disagreed,
12 and ultimately, the Police Commissioner did what she
13 is required to do which is look at the facts, apply
14 the law to those facts, and then ultimately make the
15 decision that she thought was correct on the facts
16 and on the law. That is what she was obligated to
17 do, and that is what she did.

19 COUNCIL MEMBER CABÁN: Thank you. So, to
20 provide more context on that-- you made the analogy
21 around the appellate courts. I will say that by rule
22 the appellate courts give deference to the fact-
23 finder in a way the Commissioner did not give any
24 deference to the fact-finder. In fact, Commissioner
25 Tisch dismissed the findings point by point. The

1 actual language of the letter substituted her own
2 credibility assessment for the DCR. So, I don't
3 think that that flies, but I'm going to move on. I
4 want to sign up for a second round. But I want to at
5 least end with this, right? Again, we found two--
6 that the Commissioner decided to overrule not just
7 her own Deputy Commissioner of Trials, but also the
8 CCRB. So, my question also is like should the Police
9 Commissioner have unfettered discretion to overrule
10 and reverse findings from two independent oversight
11 agencies? And again, in a situation where we're
12 talking about assault in the second degree. Anybody
13 else found guilty of that would have to be serving
14 upstate prison time, and what we're asking for is for
15 this officer, who right before this incident had shot
16 a 15-year-old and had over 40 other complaints, to
17 not be on the force to be that kind of danger to our
18 community. You know, in the testimony it says
19 whatever disagreements there are about particular
20 disciplinary cases, we're committed to a disciplinary
21 system in which cases are carefully reviewed and
22 resolved through a fair and thorough process.
23 Throwing away the rulings and findings of two
24 independent oversight entities in a case where this
25

has never really been found before, because the threshold is so high in protecting people with a badge when they inflict violence. That does not sound like-- I mean, it just-- if that reflects the core values underlining your disciplinary system or this Commissioner's disciplinary system as is stated in your testimony, that's a problem.

DEPUTY COMMISSIONER GERBER: Council Member--

COUNCIL MEMBER CABÁN: [interposing]
Thank you, Chair.

DEPUTY COMMISSIONER GERBER: If I may just respond to one point very quickly. Again, if you read the Police Commissioner's opinion, she did not just throw away the findings by Commissioner Maldonado. She looked at them incredibly closely, incredibly carefully, said where she agreed, said where she disagreed. Where she disagreed she explained why.

CHAIRPERSON SALAAM: Thank you. We'll come back for a second round, for sure. Now going to pass it to Public Advocate.

PUBLIC ADVOCATE WILLIAMS: Thank you so much, Mr. Chair. I'm going to probably stay a little

1 bit on this. But I first want to just put context,
2 because sometimes the public does not understand the
3 nuances of things that I've said. And so what the
4 Police Department often says when we're pushing on
5 these issues that there's tremendous amount of
6 oversight on NYPD, and they mention CCRB. They'll
7 mention IAB. They'll mention other things
8 [inaudible]. What the public may not understand that
9 most of that often doesn't matter, because the one
10 person that can make a decision is the Police
11 Commissioner. And I say that so hopefully if someone
12 is hearing is, when they hear all these things about
13 all the oversight, the main problem is one person can
14 override all of it. So, it's almost as if we don't
15 even need the Deputy Commissioner as a judge. We
16 don't need CCRB. We don't need anybody. All we need
17 is the Commissioner. That is a problem. And the way
18 you mischaracterized what the Commissioner did I
19 think is inaccurate. I think what the Commissioner
20 did was decide to agree with the Attorney General's
21 decision, and the Attorney General had no trial. The
22 Attorney General also had a higher threshold of which
23 to make a decision. The judge, administrative judge,
24 actually conducted a trial and had much more facts
25

than the AG ever did. We had a judge that actually said she believes this police officer lied on the stand. So, she said that this person did not follow departmental policy, lied on the stand. As we mentioned, had a history before this case, and we have a Commissioner that still decide to override two independent areas, one of which is in her own department. That is a problem when we have to go back to our communities and say trust the process, because no matter what you say, the process absolutely did not work in this case, and we have someone who killed someone, who lied on the stand, who was found guilty of violating departmental policies and is still on the force, except at a higher level making more money. That sends a horrible chilling feeling to a community. But even when you have a case where the departmental judge never agrees. Where everything lines up, you have a Commissioner that still overrode them. My first question is-- you mentioned in the testimony the amount of times that the NYPD is now matching CCRB. I just want make sure. You said that in the first half of 2025, it was 91 percent. Is that correct?

DEPUTY COMMISSIONER GERBER: Yes, and I just want to emphasize that in doing this, as I said in the testimony, we're relying on the CCRB's data, right? This is not just the NYPD saying we agree. The CCRB regularly publishes its concurrence rate, and if you look at their reports, they actually -- they sort of-- they really show how they get there and there's a lot of analysis. So, if you take the CCRB's data, excluding the short SOL cases from the beginning of the year, and I think that is fair because we really-- we have stopped doing that. So, yes, on the CCRB's data, if you take out the short SOL cases, we're talking about a concurrence rate in the first half of 2025 of 91 percent.

PUBLIC ADVOCATE WILLIAMS: Is there a breakdown on the type of charges, or lower level, high-level charges where the percentages may differ.

DEPUTY COMMISSIONER GERBER: Yes, I have that. So, okay. So, I'm going to do it sort of apples to apples. Again, I'm taking CCRB's data and I'm excluding the short SOL cases. So, the concurrence rate, if the overall concurrence rate is 91 percent, the concurrence rate for the non-APU cases, the cases that are not charges and

specifications, is actually 95 percent. And the concurrence rate for the charges and specifications cases is 71 percent.

PUBLIC ADVOCATE WILLIAMS: And what's happening with-- explain what's happening with the sort SOL cases.

DEPUTY COMMISSIONER GERBER: So, the short SOL cases, you know, we've-- the Police Commissioner reversed that policy.

PUBLIC ADVOCATE WILLIAMS: Yeah.

DEPUTY COMMISSIONER GERBER: There is no longer any sort of short SOL rule or policy. There have been-- and that occurred on March one. So, since March one, there have been three cases that came in right before the short-- before the SOL was about to run. The Department Advocate for various circumstances involving those particular cases, the timing, the circumstances, and nature-- a variety of things, those three cases were administratively closed. Not because of some rule, but because of analysis and work that the Department Advocate did. So, the short SOL rule, policy, practice no longer exists.

PUBLIC ADVOCATE WILLIAMS: Okay. I'm going to just-- I'm going to ask these two questions and you can just answer them. I'm going to look into these numbers, so I appreciate it and have my team just kind of dig in. one, I did want to just have a better understanding of when the Department-- how you make decisions of when you're going to deviate from CCRB, what are those reasonings? And this has to do with in-custody deaths which are increasing, which are very much troubling. But how are officers, especially trained ones, determining medical urgency? Because obviously, it's not working while folks in custody-- and they're dying. So, I just want to understand those two. And I'll just end with commentary. One of my most disappointing moments with Commissioner Tisch was the Alan Feliz case. It was very disheartening. She made a terrible decision, and then shortly after decided to fire 31 officers who were hired through no fault of their own, because of the decisions that the Police Department made, even though those officers had no known cases of doing anything wrong, and a lot of them happen to be Black and Brown. So, I'm looking very much forward to what she's going to do in the

DEPUTY COMMISSIONER GERBER: Sure. Well, I could tell you, in terms of the Department policies and when prisoners have medical needs, we're actually-- we do have very significant important policies in that regard. Neither Commissioner Rahman or myself are really the right people to answer that question. So, what I'd like to do is we'll send a letter sort of to you with your office sort of walking through some of those policies to answer your question. And then in terms of the Police Commissioner's decision to depart from the CCRB, it is very much case by case. The goal here is to look, you know, look at the facts, to look at the relevant policies, and as I said earlier, there are moments when the Police Commissioner agrees that there was misconduct, but disagrees about precisely what the penalty should be. There are other times-- rare-- it does happen with the Police Commissioner believes that there was no misconduct. I will say, you know, one thing that does structure this for us and the

CCRB is the disciplinary matrix. So, CCRB can make a recommendation outside the matrix. That is incredibly rare. The-- on a finding of misconduct, the Department can deviate from the matrix. That is also incredibly rare. Any time the Department finds misconduct and then imposes a penalty that deviates from the matrix, when the Police Commissioner does so, we-- there's a letter that we write, that we post on the Department website. I think maybe it's happened once this year. It is incredibly rare.

PUBLIC ADVOCATE WILLIAMS: Thank you. Mr. Chair, can I ask one additional question? Thank you. I just wanted to get on the record, it-- is my assessment correct that the Commissioner chose to align her decision more of the Attorney General than of the Department judge?

DEPUTY COMMISSIONER GERBER: So-- and I appreciate the question. So, I think there are two different things happening here I'd like to address. The Attorney General, as you said of course, in deciding whether or not to bring a criminal case, 100 percent higher burden of proof. You know, a higher burden of proof [inaudible] higher burden than an administrative proceeding. The Attorney General

1 wrote a report. In that report I think it's actually
2 very clear that the Attorney General in the report
3 goes well beyond the question of just proof beyond a
4 reasonable doubt and says-- that report does say that
5 in the report's estimation, Lieutenant Rivera
6 reasonably believed-- reasonably believed that he had
7 to use deadly force in order to save the life of a
8 fellow officer. The report does say that.

10 PUBLIC ADVOCATE WILLIAMS: I was just
11 going to say, it's a long way to say yes. My
12 assessment--

13 DEPUTY COMMISSIONER GERBER: [interposing]
14 No, no, but-- no, no, but-- no, I'm sorry. I'm not
15 finished. If I may?

16 PUBLIC ADVOCATE WILLIAMS: Okay.

17 DEPUTY COMMISSIONER GERBER: So, she did
18 reach the same conclusion as the Attorney General,
19 that is true, right? The Attorney General reached a
20 conclusion applying the law to the facts, and the
21 Police Commissioner did reach the same conclusion.
22 They are in agreement, but-- but, again, I think
23 anybody who reads the opinion will see that the
24 Commissioner relied on the record before her, right?
25 She's relying on the record before her, citing the

record before her, documents and testimony, and is-- the entire essentially is engaging with the facts and the law and Commissioner Maldonado's analysis, and explaining where she agreed, where she disagreed, and when there are points of disagreement, the Police Commissioner explained why. So, did she agree with the Attorney General in terms of the conclusion? Yes. To the extent you are suggesting that she simply adopted the Attorney General's view, I don't think that's the case at all.

PUBLIC ADVOCATE WILLIAMS: I believe it was. Thank you, Mr. Chair.

CHAIRPERSON SALAAM: Thank you. We're going to go now to Council Member De La Rosa.

COUNCIL MEMBER DE LA ROSA: Thank you, Chair, and I want to thank the Public Advocate and my colleagues for uplifting Alan. Alan was actually my constituent. So, I have the responsibility of going back to my community and explaining to people who we're supposed to build these relationship, especially in the face when the NYPD is launching units like the Quality of Life Units that are disproportionately targeting communities of color like the one I represent in Washington Heights. How

do I go back and say to my constituents, "Trust them, they're going to do the right thing." When one of ours was killed on the streets of New York City. A trial judge found the officer guilty, and the Police Commissioner basically said no punishment. I want to also emphasize about the Attorney General's report that the Attorney General's report had a higher burden and also talks to criminality. The Commissioner of Trials and the Police Commissioner should have suggested misconduct was present and a punishment for that misconduct. Instead, Jonathan Rivera is still patrolling our streets, can still patrol our streets, and has been promoted to Lieutenant. That's lost trust in our community. That fails our communities in terms of building trust. And so my question to you is what is the message to New Yorkers, like the Feliz family who's watching us right now, when they say we cannot trust the NYPD for these reasons. What is the message that we are sending to New Yorkers at this time?

DEPUTY COMMISSIONER GERBER: I understand that you think the Police Commissioner got it completely wrong. I get that. You know, obviously in terms of the Feliz-- the loss that the Feliz family

1 has experienced, I have no words for their loss. I
2 wouldn't presume to try. The Police Commissioner has
3 a duty to analyze the facts and apply the law to
4 those facts as fairly and as thoroughly as she can.
5 That is what she did. And I understand, again, that
6 you and others-- there are people who strongly
7 disagree with her, I get it, and of course, I respect
8 that, but in terms of the process of how the Police
9 Commissioner went about doing this, she was doing her
10 job which she is obligated to do under the Charter,
11 and she applied the law to the facts and reached the
12 conclusion that she believed was the correct
13 conclusion on the law and the facts before her.

14 COUNCIL MEMBER DE LA ROSA: The message
15 to New Yorkers is that there is no accountability,
16 and that the police cannot police themselves, and
17 that we cannot rely on Commissioner Tisch to police
18 her police. That was the test for Commissioner
19 Tisch, and she unfortunately failed, and I was one of
20 those people that actually thought that she would
21 root out corruption. But we have the opportunity to
22 bring justice to other families, and there have been
23 delays, like Win Rozario who hasn't had a trial set
24 yet. Like, Delrawn Smalls who also is waiting for
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ongoing investigations, there really is a tension and a balance that needs to be struck on the one hand with the interest that you're talking about, which is keeping a family informed, keeping them up to date. To the event you have an ongoing investigation, right, you have to balance, right? You don't want to get out ahead of things. You don't want to give inaccurate information. To the extent you're exploring this or that, you don't want to compromise anything involving the investigation. So, I think-- and that a tension exists in so many cases. I think the Department-- the Department tries to strike the appropriate balance, but I agree, there's a real tension there, between the transparency that a victim or a victim's family is looking for on the one hand, and on the other hand, the needs of investigators to figure out what transpired. And again, I do want to come back to what I said earlier, you know, I appreciate there's very strong disagreement about certain disciplinary decisions, anger about those decisions, but in terms of what the message would be to New Yorkers, the message coming from Commissioner Tisch is we are committed to-- she is committed to doing this to the best of her ability, the Department

doing it to the best of its ability to have a fair and thorough process. We are committed to that. We do believe in that. It is what we are trying to do.

COUNCIL MEMBER DE LA ROSA: I appreciate your comments, and I think that all of us want safe communities. We all want to be able to walk down the street, but that shouldn't be a right that's afforded to just some. You know, as a mother on this dais-- I know I'm not the only one, when our children leave our homes, we want to make sure that they can come back home. And this is part of that conversation, especially in Black and Brown communities. So, I would ask you to take a look at your procedures, to take the questions of my colleagues seriously, and to make the appropriate changes in order to get these families the answers that they deserve, because no one will bring their children back, but we can do better for the next generation of New Yorkers that is growing up here.

CHAIRPERSON SALAAM: Thank you. I think we are-- this is a heavy moment, and the heaviness of it is, you know, as a father of 10, I'm also in alignment with what is being said and what is desired and requested of the Police Department. And what we

1 want, of course, is to make sure that we do have a
2 Police Department that is, as it said, the best
3 Department in the world, the finest that offers
4 courtesy, professionalism and respect as was on the--
5 I would say the older model cars. It's still on some
6 of the newer ones. But we definitely have an
7 opportunity I think to really align with the moment
8 of being able to put the supports around the
9 community to be able to protect and serve them in a
10 really powerful way. I'm going to move to Council
11 Member Stevens.

12 COUNCIL MEMBER STEVENS: Good morning.

13 DEPUTY COMMISSIONER GERBER: Good
14 morning.

15 COUNCIL MEMBER STEVENS: You know, I've
16 said this so many times in these hearings, and I'm
17 going to just say it again. We have to address the
18 trauma in the communities that NYPD has created, and
19 it's these moments that we talk about. So, when I
20 say the trauma, this is a trauma again that is being
21 caused in the Black and Brown communities that we say
22 we don't trust you, that we say we don't feel safe.
23 This is the moment. Every time we come, we hear the
24 same thing. And so even saying, like, what's the
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1 message too New Yorkers? The message is that NYPD is
2 above the law. That's the message. It's not that the
3 Commissioner took all the things into consideration.
4 It is that NYPD is above the law, and this is why we
5 don't trust you when we're in the communities, and
6 it's a rep [sic]. And what this does is, it makes us
7 not safe. It makes us say I'm not calling you in the
8 moment when I need you the most, so this is the
9 moment. So please take that back to the Commissioner
10 that this is where-- this is why for years we say we
11 don't trust you, because when we are shot dead like
12 dogs in the street, you say we took everything into
13 consideration. That's why. I have a couple of
14 questions. The first question is on July 5th, 2025,
15 Saniyah, and 18-year-old from the Bronx, died while
16 in the custody of NYPD, Police Department. As for
17 you testifying we must rely on the Commissioner to
18 make investigation a priority. Can you tell me as of
19 today if the investigation has become a priority and
20 whether any officer has been disciplined?

21
22 DEPUTY COMMISSIONER GERBER: So, I'm not
23 familiar with the particulars of that investigation,
24 and quite frankly, to the extent, you know, we're
25 looking at any of these matters, it would not be

1 appropriate for me to speak about this hear. What I
2 will say, though, is that DOI is looking at deaths
3 in custody in the Department generally. They're
4 going to, you know, look into this. My understanding
5 is they're going to do a report and that is under
6 way.
7

8 COUNCIL MEMBER STEVENS: I will follow up
9 with you offline, because I definitely would like
10 more details around where we are and what that looks
11 like and what the outcomes we should be expecting.
12 When DAO is reviewing CCRB cases, are they merely
13 evening it for consistency, or is it a
14 reinvestigation. And to what extent does CCRB have
15 an opportunity to review any decisions to divert in a
16 downward departure from recommendations for
17 discipline. So, are they able to review any of these
18 things.

19 DEPUTY COMMISSIONER GERBER: Yeha, so you
20 want to go first?

21 DEPUTY COMMISSIONER RAHMAN: Sure. As far
22 as what DAO does, we do not conduct a fresh
23 investigation. In other words, we do not gather
24 additional evidence. There's no effort to
25 reinterview anybody, anything like that. We simply

DEPUTY COMMISSIONER GERBER: And then as to your second question, certainly in the charge and specifications world, right, whether it's pursuant to P2 of paragraph two, provision two, excuse me, of the 2012 MOU or provision six, cases where the Police Commissioner is considering departing from CCRB's recommendation, yes, they'll be a letter to the CCRB. They will then write a letter back, typically, right? There's a whole back and forth, and that correspondence actually is public. It's on the CCRB website, and every one of those cases, CCRB will post it, post it-- I think typically they post it quarterly.

COUNCIL MEMBER STEVENS: Yeah. It's so interesting when I was in Oakland and they were talking about the CCRB where the Commissioner and the Chair of the CCRB, they're seen as the same, and so they have to come to a decision together, and it sounds like that's where we need to be moving, because having letters going back and forth doesn't seem very productive, especially when one can trump

1 the other. So, it seems like we need to be moving at
2 a direction where CCRB actually has power to not make
3 recommendation, but also be seen as an authority in
4 the room, because that seems counter productive to
5 me. What would improve-- so, I know especially with
6 like the investigators for CCRB, there's not a lot of
7 retention rate. So, could you talk to me about like
8 what are you guys doing pertaining to retention rates
9 and keeping your investigations at CCRB--
10 investigators at CCRB, and you know, what does that
11 look like, the attrition?

12
13 DEPUTY COMMISSIONER GERBER: So, I think
14 that's really a question for CCRB. Those are CCRB
15 employees. They're not Department employees. We do
16 have a CCRB Liaison Unit, a full-time unit. What
17 they do is they deal with the CCRB, and a few of them
18 actually do sit over at the CCRB office.

19 COUNCIL MEMBER STEVENS: How many people
20 are in that unit?

21 DEPUTY COMMISSIONER GERBER: It is-- I
22 believe it's around 18. Yes, 18, 18 members in that
23 unit, and we have a team of--
24
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COUNCIL MEMBER STEVENS: [interposing] And those are-- and are those officers, or are those administrative positions?

DEPUTY COMMISSIONER GERBER: On the Department side it's a mix.

COUNCIL MEMBER STEVENS: On the Department side.

DEPUTY COMMISSIONER GERBER: Yeah, yeah. So, our CCRB Liaison Unit is a mix of uniform and civilians. We have--

COUNCIL MEMBER STEVENS: [interposing] How many are uniformed and how many civilians? I'm wrapping up right now, Chair.

DEPUTY COMMISSIONER GERBER: I don't have the breakdown here, but I certainly can get it for you.

COUNCIL MEMBER STEVENS: Send that over, please.

DEPUTY COMMISSIONER GERBER: We-- yeah, sure. We have a few members of our CCRB Liaison Unit who actually sit with the CCRB which really does facilitate getting them materials. But then in terms of the CCRB Investigators, those are CCRB employees, and in terms of--

COUNCIL MEMBER STEVENS: [interposing]

Yeah, but on your side, could you talk about the liaisons on your side? So--

DEPUTY COMMISSIONER GERBER: [interposing]

Yeah, sure. It's-- I mean, I don't think we've had a retention issue there, and I think the relationship actually I think is very, very good. My hope is that CCRB will see the same thing when they testify. It's an incredibly productive relationship. When there are any points of disagreement or issues in terms of getting documents, what they need, timing, I think we have a great system in place where there's communication. If there's disagreement, it gets elevated. I got to tell you, I cannot remember the last time when there was some document request or video request or something of that sort that we were not able to sort out. It's actually a very, very productive relationship.

COUNCIL MEMBER STEVENS: And could you give me the breakdown of how many actual officers and civilians are in the Department? I would love to know what that breakdown looks like.

DEPUTY COMMISSIONER GERBER: We will get that for you, sure.

CHAIRPERSON SALAAM: Thank you. We'll now hear from Council Member Holden-- Council Member Joseph, sorry.

COUNCIL MEMBER JOSEPH: Thank you, Chair. I have to-- I just have a few questions. What is the current disciplinary matrix used by the NYPD, and when was the last time it was updated?

DEPUTY COMMISSIONER RAHMAN: It was last updated in September of '24.

COUNCIL MEMBER JOSEPH: 2024?

DEPUTY COMMISSIONER RAHMAN: Correct.

COUNCIL MEMBER JOSEPH: And what new things were added to that matrix?

DEPUTY COMMISSIONER RAHMAN: I'm not sure, actually. Previous--

COUNCIL MEMBER JOSEPH: [interposing] Can you share? Or can you get back to the committee on that?

DEPUTY COMMISSIONER RAHMAN: Sure. From previous iteration, what was updated in September '24, we can get that for you.

COUNCIL MEMBER JOSEPH: Thank you. How many officers have been terminated on misconduct--

for misconduct in the past three years, and what type of violations were those?

DEPUTY COMMISSIONER RAHMAN: As far as-- I can give you the numbers-- as far as terminations you want to know?

COUNCIL MEMBER JOSEPH: Terminations, violations.

DEPUTY COMMISSIONER RAHMAN: 2023 terminations were in total 63, in 2024 46, and thus far in 2025 it's 48. As far as what the specific breakdown of what the violations were, I'd have to get back to you on that.

COUNCIL MEMBER JOSEPH: Okay. Chair, we'll be writing for this from them. What is the average time between a complaint and a final disciplinary action? How long does that take?

DEPUTY COMMISSIONER RAHMAN: You're talking about CCRB or--

COUNCIL MEMBER JOSEPH: [interposing] Yes, sir.

DEPUTY COMMISSIONER RAHMAN: Well, generally speaking, you have-- we at least-- CCRB at least will run very close to the 18 months of the statute of limitations before that matter is brought

1 to us. So, if it's a less-than charges cases,
2 meaning something that isn't handled by APU, you can
3 figure that the-- effectively the entire 18-month
4 period is generally how long it takes. For an APU
5 case, meaning if the charges and specs are
6 recommended by CCRB, that's prosecuted by APU. So,
7 once we serve the charges on their behalf, those
8 cases can run many, many months if not years before
9 they're actually brought to trial.
10

11 COUNCIL MEMBER JOSEPH: What's the
12 average year a case can take?

13 DEPUTY COMMISSIONER RAHMAN: I'm sorry?

14 COUNCIL MEMBER JOSEPH: What's the
15 average?

16 DEPUTY COMMISSIONER RAHMAN: I don't have
17 that for you, but I-- based on--

18 COUNCIL MEMBER JOSEPH: [interposing] So,
19 you will get back to the committee on that.

20 DEPUTY COMMISSIONER RAHMAN: Anecdotally,
21 I can say that they-- when I look at cases that come
22 in for settlement negotiations, right, because not
23 everything goes to trial, I have seen cases that were
24 charged-- incidents from 2022, 2023, they're now
25

1 hitting my desk for plea negotiations. So, it takes-

2 -

3 COUNCIL MEMBER JOSEPH: [interposing]

4 About three-year average.

5 DEPUTY COMMISSIONER RAHMAN: I would say
6 that's fair to say.

7 DEPUTY COMMISSIONER GERBER: Council
8 Member, I just want to add one point on that, I think
9 it's important. You know, sometimes that-- those
10 delays are not in our control, right? It just
11 depends. It really does depend on the case, but
12 sometimes--

13 COUNCIL MEMBER JOSEPH: [interposing] And
14 what is in your control? If those are not, what's in
15 your control?

16 DEPUTY COMMISSIONER GERBER: No, so for
17 example, obviously if-- when you have a charge--
18 charge and specifications have been served, right?
19 So, you've got-- you have CCRB as the prosecutors.
20 Obviously, we don't control kind of how they think
21 about timing and when they want to go to trial. You
22 have the respondent and the respondent's counsel. We
23 don't control them either when they want to go to
24 trial. And again, there are various things that can
25

1 go into that. Is one of the sides looking to the
2 additional evidence? Do they want to talk to another
3 person they're hoping to find? Do they want to have
4 plea discussions which can-- depending can be done
5 quickly. It can take a long time. So, both of those
6 parties in terms of what they want to do, in terms of
7 going to trial and timing, we don't control. Now,
8 once the parties are asking for a trial date, then we
9 obviously definitely do control or the trial judge
10 controls when that trial date is set, and my sense of
11 it-- I don't have precise data for you, but my sense
12 of it is once the parties want a trial, I think
13 typically within two to three months they're getting
14 a trial date.

16 COUNCIL MEMBER JOSEPH: Okay. How do you
17 handle repeat offenders who accumulate multiple
18 complaints or violations?

19 DEPUTY COMMISSIONER GERBER: So, the
20 matrix accounts for this. And the way the matrix
21 works is you have your presumptive penalty, you have
22 a mitigated penalty, you have an aggravated penalty,
23 and you know, what goes into mitigation and
24 aggravation, you can imagine a number of different
25 types of things. But one of those things most

1 definitely is the person's disciplinary history, and
2 that makes sense. Obviously, it matters what kind of
3 misconduct we're talking about. There's an
4 incredibly wide range of misconduct, but it matters
5 if someone has no disciplinary history versus someone
6 has an extensive disciplinary history, and the matrix
7 actually accounts for that.

8
9 COUNCIL MEMBER JOSEPH: I'm going to
10 deviate a little bit. What are the procedures for
11 running of CCRB investigation when a Force
12 Investigation Division isn't closed? Does all the
13 material get shared? Especially in this-- for
14 example, in the Saniyah Cheatham case?

15 DEPUTY COMMISSIONER GERBER: So, since
16 the new MOU the end of 2023, right, the way it'll
17 work, there's an FID investigation. You know, that's
18 just ongoing, right? Materials will be provided
19 within 90 days of request. I think we've been doing
20 it in less than that. I think-- like I don't have
21 precise data, but I think you'd find it around
22 probably like 70 days typically. And the way the MOU
23 works, and this-- by the way, it's available on the
24 CCRB website. It's public. So, all materials are
25 provided. The fact there's an ongoing FID

1 investigation does not prevent anything from being
2 shared. What the MOU says is to the extent you have-
3 - not FID, but if there is any criminal investigation
4 ongoing-- it could be by the Attorney General's
5 Office or the DA's Office, whatever it may be. CCRB
6 is to communicate with the-- in any criminal
7 investigative entity before they go and talk to
8 witnesses, right? So, and PD is not involved in it.
9 In other words, if CCRB, they have the materials now.
10 They want to go talk to a particular witness.
11 There's some sort of ongoing criminal investigation.
12 CCRB is supposed to go to the prosecuting or
13 investigating entity and say, DA's Office, AG's
14 Office-- hey we want to go talk to this witness.
15 Will that be a problem for your case? And there's a
16 dialogue between the prosecuting or the investigating
17 agency and CCRB. NYPD does not play a role in that
18 process.
19

20 COUNCIL MEMBER JOSEPH: When do you get
21 involved in that?

22 DEPUTY COMMISSIONER GERBER: No, we don't
23 get involved.

24 COUNCIL MEMBER JOSEPH: You don't get
25 involved at all.

DEPUTY COMMISSIONER GERBER: That's by design. The whole point with the MOU is we provide the materials, and in terms of witnesses, you know, CCRB has to go and talk to, again, the AG's Office or the DA's Office to figure out what CCRB wants to do consistent with not in any way interfering with a criminal investigation.

COUNCIL MEMBER JOSEPH: Earlier you said DOI is looking at it and probably release the report. Did the Commissioner request that, or you're not mandated to do that? Do you think that needs to be changed?

DEPUTY COMMISSIONER GERBER: Do I think that what needs to be changed?

COUNCIL MEMBER JOSEPH: Earlier when you talked about the change looking at-- to release the report?

DEPUTY COMMISSIONER GERBER: I'm sorry. To be clear, DOI-- as I under-- my understanding is that DOI is looking at-- is going to do a report on deaths in Department custody. I can't speak to the scope of their report or what they're going to look at precisely, but I know that DOI is going to be looking at that.

COUNCIL MEMBER JOSEPH: Thank you, Chair.

CHAIRPERSON SALAAM: Thank you. We'll now hear from Council Member Holden.

COUNCIL MEMBER HOLDEN: Thank you, Chair, and thank you, Deputy Commissioner. Nice to see you again. And I want to-- I know the Police Commissioner for maybe eight, nine years now or more, and I find her to be fair. I find her to be intelligent and hard-working. But what does the Police Commissioner generally bring to the table in these discussions of investigations? Let's say, where-- let's say a trial judge might disagree. What insight would a Police Commissioner have that you feel that the decision could be overturned, or the recommendation from the CCRB shouldn't be followed?

DEPUTY COMMISSIONER GERBER: Right.

COUNCIL MEMBER HOLDEN: Like that talents?

DEPUTY COMMISSIONER GERBER: Yeah, sure. Sure. So, and I'm not sure if you mean Commissioner Tisch in particular or the Police Commissioner in general.

COUNCIL MEMBER HOLDEN: It doesn't have to be the current Commissioner. I'm just saying generally.

DEPUTY COMMISSIONER GERBER: Yeah, so the Police Commissioner-- and I think this is the idea, it's what underlies the Charter and frankly the New York Court of Appeals has talked about this repeatedly, as a very strong New York State interest in having the person who's ultimately responsible for the Police Department being-- the one that's ultimately responsible for discipline, right? The Police Commissioner-- particularly, we are a-- you know, we have a very strong chain of command as you know. And the Police Commissioner is the person who is responsible for giving the orders, for setting policy, for setting procedure for the good order of the Department, and ultimately, the Police Commissioner is the person who is responsible to the public in terms of the functioning of the Department in all respects. That's true in terms of fighting crime. That's true in terms of policing misconduct and imposing discipline, and I think it makes-- I think it makes a lot of sense, particularly, in a Police Department to make sure the person who is

ultimately responsible for that, person who is accountable for that is the ultimate decision-maker.

COUNCIL MEMBER HOLDEN: Now, let me talk about officers and CCRB complaints. Is it true, generally, that officers that are in more high-pressure situations, they have more intense jobs let's say within the NYPD-- they're in sort of communities that have higher crime. They're investigating many more cases. Do they generally have more CCRB complaints than officers that are, obviously, not in high-pressure area or precinct?

DEPUTY COMMISSIONER GERBER: Well, I think everything else being the same-- you know, if you are-- if officers are taking or engaged in more enforcement action, [inaudible] the same, they're more likely to get CCRBs.

COUNCIL MEMBER HOLDEN: They're more active.

DEPUTY COMMISSIONER GERBER: Yeah, and to be clear, I mean-- I don't want to paint with too broad a brush. You can officers--

COUNCIL MEMBER HOLDEN: [interposing]
Right, of course.

DEPUTY COMMISSIONER GERBER: who are very active who don't have a lot of CCRBs. But just the nature of things, because CCRBs are by definition about civilian complaints, and if you think about the categories that fall within CCRBs jurisdiction, yes, if an officer is making more arrests, if an officer is more active, everything else being the same, yes, it is more likely that an officer will get CCRB complaints.

COUNCIL MEMBER HOLDEN: And had they made a number of arrests, maybe more than some other individuals in the Police Department-- I know some have made hundreds and hundreds of arrests, and so they're put in a position in harm's way many more times. Both split-second decisions, also. We're human, and there are cases where you can't second-guess. You have to make a decision in a split second. But let me just talk about-- there was some criticism of how the NYPD communicates with victim's families. What's appropriate and what's not appropriate? What can you do in the NYPD to communicate with a victim of a police shooting? Let's say the family of a police victim. What can you do during a-- let's say a trial?

DEPUTY COMMISSIONER GERBER: Right. So, I think-- a very important distinction is a case open, is a case closed. That's a crucial, crucial distinction. I think once a case is closed, you know, whatever the posture, right-- in a criminal case, right, our detectives investigate some crime, right, and they're talking to-- there's a victim or, you know, a victim's family whatever it may be, obviously we have a lot more latitude once a case is closed. When a case is ongoing, I think as I said before this, a real tension or a balance that has to be struck. Obviously, you don't want to keep a victim in the dark. You don't want the victim's family to be in the dark. Nobody wants that. You also have to be very careful about not-- first of all, not compromising an ongoing investigation. That would be a terrible thing. You also want to make sure you're giving an accurate information. In the nature of investigations, you know, things change over time. You have a suspect. You think that person committed a crime. Then you realize, hey, they didn't do it. It someone else. The last thing you want to do is to be giving a victim inaccurate information and have to come back to them and say oh

1
2 yeah, sorry, never mind. We told you this, but now
3 we realize something else.

4 COUNCIL MEMBER HOLDEN: Right.

5 DEPUTY COMMISSIONER GERBER: No one wants
6 that.

7 COUNCIL MEMBER HOLDEN: Right, right.
8 Thank you. Thank you, Chair.

9 CHAIRPERSON SALAAM: We'll now hear from
10 Council Member Ariola.

11 COUNCIL MEMBER ARIOLA: Thank you, Chair.
12 Thank you, Commissioner, for always keeping your cool
13 and giving good solid facts. Thank you both. So, in
14 reading your testimony, it shows that there have been
15 many changes during Commissioner Tisch's
16 administration as Commissioner, and I want to thank
17 you for that, because it takes a person of courage
18 too admit that previous policies were perhaps not
19 correct and make those changes. And it is not easy
20 when you're deciding on someone's fate, especially
21 when as Council Member Holden mentioned, it's often a
22 chaotic scene when these officers are going in. And
23 I'd just like to say, with the Win Rozario case, the
24 Commissioner saw fit to bring disciplinary action for
25 excessive force for Officers Alongi and Cianfrocco.

1 So, there is times when the Commissioner feels that
2 she is within her rights no matter what other--
3 whether it's the AG or anyone else does, and reports.
4 The investigation is still ongoing with the AG, but
5 she's seen fit for that. That being said, what I'd
6 like to address really is the Q Teams. It was
7 mentioned earlier that there was an issue with, you
8 know, maybe fear of the Q Teams. Now, the Q Teams
9 went out to every Council Member, or they should have
10 because they were instructed to do so, and explained
11 what their role was, and their role as far as I am
12 concerned is to diffuse and address quality of life
13 issues before they accelerate into something like
14 we've had with many of the issues that we spoke about
15 today and the cases. Perhaps you could just redefine
16 for us the Q Teams and their mission of what their
17 duties are.

18
19 DEPUTY COMMISSIONER GERBER: Sure. And I
20 should say at the outset, neither I nor Commissioner
21 Rahman are really the experts on the Q Teams, but I
22 can say that, you know, the Q Teams at the bottom, at
23 core, about responding to 311 complaints. I mean,
24 that is the heart of what the Q Teams are supposed to
25 do, and that's-- that's how I think about success for

1 the Q Teams. That is, are they're responding to 311
2 complaints? Are they resolving those complaints in
3 at timely fashion? You know, now, of course, can
4 there be circumstances when you're responding to a
5 311 complaint and that escalates into something else,
6 that can happen, yes. So, I'm not going to say, oh,
7 the Q Teams never end up getting involved in, you
8 know, responding to more significant criminal matter
9 or taking enforcement action. I'm not suggesting
10 that, but at bottom, sort of the Q Team's purpose and
11 goal and how to think about success is responding to
12 311 complaints.
13

14 COUNCIL MEMBER ARIOLA: Right. And that
15 is their core--

16 DEPUTY COMMISSIONER GERBER: [interposing]
17 Core mission.

18 COUNCIL MEMBER ARIOLA: Core mission is
19 to do that.

20 DEPUTY COMMISSIONER GERBER: Yes.

21 COUNCIL MEMBER ARIOLA: Thank you very
22 much.

23 CHAIRPERSON SALAAM: Thank you. What
24 criteria does the Department use when determining
25 whether extraordinary circumstances justify deviating

from the presumptive penalties outlined in the disciplinary matrix?

DEPUTY COMMISSIONER GERBER: That's actually a hard question to answer, because it's so fantastically rare. I think it's like once this year it happened. I'll answer it I guess more conceptually. You know, the matrix accounts for various things. You know, I would think if you had a situation, and this would be a rare situation in which the matrix-- there was some unusual fact pattern, very unusual fact pattern, unaccounted for by the matrix. Right? The matrix is thinking about, you know, again, someone's disciplinary history, aggravating and mitigating circumstances, but it's the nature of, you know, nature of things. Sometimes certain things are just unaccounted for. This is-- you know, you had some very unusual fact pattern where the Police Commissioner were to say, you know, because of this very unusual fact pattern, the matrix-- you know, the folks who drafted the matrix just never thought about this. it wasn't contemplated. So, I think there would be appropriate to deviate from the Matrix, but again, it's hard to answer because it just happened so rarely.

CHAIRPERSON SALAAM: What steps is the NYPD taking to ensure that penalties are consistent across different precincts and commands, given concerns about uneven applications of discipline?

DEPUTY COMMISSIONER GERBER: Right, so I think the matrix is a very important piece of that, right? That's part of the point, right, is to have a single matrix for the Department for discipline across the Department, and that matrix applies in whatever command you're in, and then I think-- I think, you know, critically when DAO is-- in the a non-APU cases, DAO is processing CCRB substantiations, and then again in most cases, not all, but in a vast majority of cases concurring with CCRB, those-- let's say it's a command discipline, that will go out to the command, but it's at the direction of DAO, right? You do have that consistency from DAO which really helps to ensure that you have consistency across the Department.

CHAIRPERSON SALAAM: Are we there yet? And if we're not, how close are we? Meaning, if we are already aligned with the same thing across departments and commands, that's great, but if we're not there yet, how close are we to getting there?

DEPUTY COMMISSIONER GERBER: So, I think-

- I think in terms of the CCRB cases and DAO's work, I do very much think we're there structurally because of what I just described. I think there's a whole separate issue, which I think, maybe it's like you're getting at is you also have command disciplines that has nothing to do with CCRB now. Command disciplines, and again, these are by definition lower level. We're not talking about charges and specifications. So, the lower-level discipline that happens at the command level, right? The commanding officer in the command finds that someone who works in that command engaged in some sort of low-level misconduct and then imposes discipline. So, I think there because you don't have centralized DAO sort of controlling across the Department, it is happening at the command level, and there-- by the way, there are very good reasons to have sort of command level discipline. If you're the CO, you're running a command, it's important for you to be able to unilaterally impose discipline, but I agree with you-

- I think it is fair to say that when you're talking about that, you are going to see potentially a lack of consistency across the department because of

individual CO's who are making these calls. So, I think that is a place where there's still work to be done.

CHAIRPERSON SALAAM: Thank you. I just want to also mention for the record that we've been joined by Council Member Restler. Does the NYPD track patterns of officers who have repeated allegations of misconduct, and to what extent does the NYPD evaluate the effectiveness of disciplinary penalties and reducing the occurrence of specific misconduct? And also, does the NYPD believe that current disciplinary penalties are sufficient to deter officer misconduct, and if so, what data exists to support that belief?

DEPUTY COMMISSIONER GERBER: There are a lot of different-- there are a lot of different questions there. Certainly, when you have repeated misconduct, I mean, there are various things we're going to do, right? So, this is not disciplinary. When you have discipline, right, those play out in individual cases. Officers have due process rights. There's a whole structure of both laws and policies that govern those cases. They play out over time. You know, separately, a variety of non-disciplinary processes and procedures that are going on. You

1 know, there's-- we have performance monitoring. We
2 have early intervention. We have ComplianceStat
3 which is less about individual officers and more
4 about supervisory oversight at the command and
5 borough level. And so, you know, the issues-- those
6 things are playing out in parallel, right,
7 potentially in parallel. You can have an officer who
8 has multiple allegations, and again, in the nature of
9 things, CCRB's work, the Department's work, due
10 process, that can play out over years. That can
11 happen. At the same time the question is okay, what
12 is the nature of that person's supervision? You
13 know, are they in the right assignment? And we
14 definitely do look at that.

16 CHAIRPERSON SALAAM: So, you're saying
17 that there's a method of tracking misconduct
18 allegations.

19 DEPUTY COMMISSIONER GERBER: Yeah, no, we
20 certainly have data on that 100 percent. I think it
21 gets complicated, right? You-- imagine an officer
22 who has multiple allegations that are pending.
23 Nothing's been substantiated yet. Maybe it will,
24 maybe it won't. And that-- you know, from a
25 disciplinary perspective, you know, in fairness

1 there's been no finding against the officer,
2 nothing's been substantiated. You have multiple
3 allegations, but they're only allegations, and that's
4 going to play out over time. You know, but then
5 separately, the separate question, okay, officer is
6 getting multiple allegations. Well, why is that?
7 how's this officer talking to people? Is there some
8 area of the law where this officer, you know, needs
9 retraining. Is there a supervisory issue? Is this
10 officer not getting the supervision that the
11 supervisor needs-- that the officer needs? Is the
12 officer in the right assignment? So, those two things
13 can play out in parallel. I think it is incredibly
14 Important, both at-- we have to let the disciplinary
15 process play out as a matter of law and due process
16 and fairness. I think it is also fair and necessary
17 if you have outliers. Officers who are accumulating
18 lots of allegations, you got to ask why and look at
19 why. I think both of those things are happening.

21 CHAIRPERSON SALAAM: So, the
22 effectiveness of the disciplinary penalties, how do
23 you all-- I mean, is there a method that you all are
24 using and say, you know what, this is actually
25

working, and if not, how do we get there to that space?

DEPUTY COMMISSIONER GERBER: Yeah. So, I think there are a lot of different data sets and inputs that come into that, right? I will give one example which I think is worth pointing out. I think it's just interesting. And I want to be clear, I'm not suggesting that what I'm about to say is like the be-all and end-all through the analysis. But for example, if you look at CC-- allegations coming into CCRB year-to-date, allegations are actually down pretty substantially. I mean, allegations year-to-date are down 12 percent, and what we're seeing very interestingly is that in certain types of allegations and things that we have sort of focused on at ComplianceStat are down dramatically. So, for example, just give [inaudible]. So, body-worn camera miss-use is something that we have been really focused on, you know. Late activations or early deactivations, it's really been a theme at ComplianceState. You know, I think every supervisor in the Department knows when they're coming to compliance, [inaudible] we're going to focus on is, you know, body-worn camera usage. Right? So, body-

1 worn camera-- allegations of body-worn camera
2 misconduct are down 28 percent, you know, in the
3 first half of this year. You know, we've been
4 focusing a lot on working with the Monitor on issues
5 in terms of frisks when there are improper frisks,
6 really focusing on that in ComplianceStat, right?
7 Allegations of improper frisks in the first half of
8 2025 down 38 percent with the CCRB. You know, again,
9 that's one data point, and you really can't look at
10 allegations alone. The question is okay, are the
11 allegations going to be substantiated. So, it's very
12 complicated, and part of the issue quite frankly is
13 you have this long timeframe, right? Allegation
14 comes in. We may not know about whether it's
15 substantiated or not by the CCRB for another 15
16 months, 16 months. That's a long time. It is. But I
17 think looking at the patterns with allegations and
18 seeing some of these decreases, I think it's a cause
19 for some optimism.

21 CHAIRPERSON SALAAM: So, just following
22 up, does the NYPD believe that the current
23 disciplinary penalties are sufficient to deter
24 officer misconduct, and if so, what data exists to
25 support that?

DEPUTY COMMISSIONER GERBER: Yeah, so in terms of the matrix, you know, I think if we come--if we conclude-- if we think that matrix penalties are mis-calibrated, then we'll change them. You know, the matrix has only been in existence for a few years. And I think one of the things that we-- it's an ongoing sort of discussion internally is are those ranges correct, right? And that's something you learn over time. I think the reality is you create a matrix sort of in the abstract, but then you sort of have-- the lived experience of seeing what happens with cases and looking at the facts, seeing what the matrix says. Does that actually hold up? That's an ongoing process. So, I think, you know, we've made changes to the Matrix before. You know, it's certainly possible to make-- I imagine we will make changes again. But that's a very sort of fluid ongoing process.

DEPUTY COMMISSIONER RAHMAN: One stat that does, I think, lead to the conclusion that we're on the right track is that 80 percent of officers that have faced disciplinary history do not get charges against them again.

CHAIRPERSON SALAAM: And the 20 percent?

DEPUTY COMMISSIONER RAHMAN: Well, it's not perfect, but again, 80 percent that are served charges, they don't have a second case where charges were served.

CHAIRPERSON SALAAM: How does the NYPD coordinate with the Law Department to address the systemic issues that lead to recurrent civil lawsuits tied to office misconduct?

DEPUTY COMMISSIONER GERBER: So, we talk to the Law Department a lot, obviously, in a variety of contexts, and that plays out in a variety of ways. So, obviously, there are certain types of issues, you know, which we're focused on in a very systemic way, Stop, Question and Frisk being I think probably at the-- maybe at the top of that list. We work with the Monitor on that. We work with the Law Department on that all the time in terms of how to improve our procedures and practices and alike. And then sometimes, you know, we-- obviously, there's data that the Law Department puts out that's available to the public, available to us as well, and of course, we look at that. And then frankly, there are-- you know, and there are situations where, you know, if the Law Department's, you know, not going to

1 represent, indemnify someone, we're obviously going
2 to look at that. there are times when the Law
3 Department will call, and we appreciate those calls,
4 right? They'll say hey, you know, we're concerned
5 about a case that's coming. We're concerned about
6 something that we're seeing, and you know, those are
7 very important calls to get, and then we engage on
8 this issues. We take a deep-dive on those issues.

10 CHAIRPERSON SALAAM: You know, the most
11 common way of bad Stop and Frisk is addressed is with
12 the command discipline. Does the Department view
13 constitutional fourth amendment violations as low-
14 level?

15 DEPUTY COMMISSIONER GERBER: No. I mean,
16 obviously-- obviously, Stop, Question, Frisk is
17 incredibly important in terms of constitutionality,
18 doing things the right way. We are putting
19 tremendous time and energy and resources, trying to
20 move things forward with the Monitor. I think--
21 like, I don't speak for the Monitor. Let me be very
22 clear about that. the Monitor speaks to her reports.
23 I do think if you look a the reports, what you will
24 see is the Monitor-- in the published reports--
25 saying that we are very engaged on these issues,

1 working with the Monitor and her team to move the
2 ball forward. ComplianceStat is a huge part of that.
3 Now, in terms of, you know, when officers make
4 mistakes, I think, you know, this an area of the law
5 which is incredibly complicated. It is. There are
6 easy cases, for sure, but there are also area of
7 grey. There are hard cases. The law is you don't
8 have [inaudible], incredibly fact specific. There
9 are literally thousands of cases in the New York
10 State courts. There are times when officers get the
11 laws wrong and it's egregious, but there also are
12 times, and this happens, you know, not infrequently,
13 where the officer makes a mistake in terms of, you
14 know, the fourth amendment issues, but-- and it's an
15 error and it has to be corrected. And frankly, if it
16 happens repeatedly, there has to be, you know,
17 significant consequences. But sometimes these are
18 issues where, you know, lawyers might disagree or
19 judges might disagree. I mean, the reality is in the
20 fourth amendment space, you look at the case law, you
21 can have what seems like often similar fact patterns
22 and two different judges come out differently. It's
23 sort of the nature of the reasonableness inquiry. It
24 doesn't-- it often does not allow for, sort of,
25

1 bright line [sic] rules. So, I think that has to be
2 factored in. our policy accounts for that.
3 Obviously, if someone is engaged in significant
4 misconduct, or just repeated misconduct, there have
5 to be significant consequences, and quite frankly,
6 the question becomes, you know, are they in the right
7 role if they can't get this right. Flip side is, if
8 someone makes a one-time good faith mistake, we need
9 to acknowledge that for what it is, a one-time good
10 faith mistake, and there are times when the right
11 answer is training. It really depends. You have to
12 look at these things on a case-by-case basis. I think
13 that's right, and I think that's fair.

14
15 CHAIRPERSON SALAAM: Thank you. I'm going
16 to pass it to Council Member Restler.

17 COUNCIL MEMBER RESTLER: Thank you so
18 much, Chair Salaam. Greatly appreciate your
19 leadership here, and thank you Deputy Commissioner
20 and team for joining us. Just a few-- there are two
21 topics I'd like to cover, so just we'll ask for
22 brevity in responses as much as possible. Forty-five
23 deaths in NYPD custody over the last two-plus years.
24 It's a phenomenal number, disturbing number. I'm
25 particularly concerned about what's happening in

1 Criminal Court. I represent the courthouse in
2 downtown Brooklyn where we've seen two people die
3 this year, including one of my constituents. When--
4 do you believe we have the-- we have adequate medical
5 treatment and medical professionals on-site in
6 Criminal Court today?

8 DEPUTY COMMISSIONER GERBER: You know,
9 Council Member, I can speak to the Department side of
10 things in this candor. In terms of sort of more
11 broadly in the system, I actually don't know the
12 answer either way, and I say that not because like--

13 COUNCIL MEMBER RESTLER: [interposing] No,
14 no, no.

15 DEPUTY COMMISSIONER GERBER: It's nothing
16 I'm familiar with, so you know, you should read into
17 anything in that in my response. I do think-- I do
18 think that, you know, from the Department side of
19 things-- look, we have responsibility to prisoners
20 who are in our custody, obviously.

21 COUNCIL MEMBER RESTLER: Indeed. Our
22 most fundamental and basic responsibility is to keep
23 people alive.

DEPUTY COMMISSIONER GERBER: A hundred percent, yes. A hundred percent. Yes, a thousand percent.

COUNCIL MEMBER RESTLER: And this extraordinary increase in the number of people who've died in NYPD custody, has that led to a Department review? Is there a significant change in policy, in enhanced medical services that are being made available to ensure that people are just kept alive?

DEPUTY COMMISSIONER GERBER: So, again, we-- I mean, every one of these cases is thoroughly investigated by the Force Investigation Division, every one of them, any death in custody.

COUNCIL MEMBER RESTLER: Then why is that information not made transparently available to people like me?

DEPUTY COMMISSIONER GERBER: I'm sorry, what do you mean?

COUNCIL MEMBER RESTLER: We want to know what happened. I mean, when people die in my district because of a lack of NYPD oversight or for whatever reason the person may have died-- it seems like we see a major trend here where people are dying in NYPD custody, but I want to know what happened and what's

being done to fix it. None of that information is being shared with the Council or made available to the public more generally. It's a totally opaque process.

DEPUTY COMMISSIONER GERBER: So, a few things. Well, I just want to say this for a moment. I want to answer your question also. But I do want to say, right, I mean, any death in police custody is tragic.

COUNCIL MEMBER RESTLER: Yes.

DEPUTY COMMISSIONER GERBER: There can be circumstances--

COUNCIL MEMBER RESTLER: [interposing]
Understood.

DEPUTY COMMISSIONER GERBER: There are circumstances when it is totally out of the Department's control.

COUNCIL MEMBER RESTLER: Right.

DEPUTY COMMISSIONER GERBER: If someone has a pre-existing condition, a medical episode, for example, we can do everything right and the person still dies.

COUNCIL MEMBER RESTLER: Yes. But in the case of Mr. Nieves [sp?], for example, who requested

1 medical help from the NYPD, who requested medical
2 help from his attorneys, who was desperately seeking
3 assistance, and was left to die in Brooklyn Criminal
4 Court, I just-- I'd like to see the report on what
5 occurred. But we saw this gentleman who was arrested
6 for shoplifting from Whole Foods, who dies in NYPD
7 custody. We saw Soso Ramishvili who shoplifted power
8 tools and dies in NYPD custody in Criminal Court
9 where, you know, we see the full diversity of
10 Brooklyn that's going through the criminal justice
11 process, coming to arraignment, yet we don't have the
12 medical expertise and assistance on-site there. I
13 just don't get it. So, Council Member Williams has a
14 great bill, Intro 98, that would guarantee that
15 medical care is on-site to people alive, and I really
16 want the NYPD to support it, or I want to understand
17 what your plan is for how you're going to keep people
18 alive. Because this trend is profoundly disturbing
19 to me. It's-- and I as the representative for the
20 Brooklyn Criminal Courthouse, I feel a degree of
21 personal responsibility that we need to fix this now.
22 So, it sounds like this is not your wheelhouse, but I
23 do want to say that I will be following up with the
24 Commissioner's office, and we want to get clear
25

answers on what's happened in these recent cases and what's being done to fix it. With that, I'd like to shift gears more directly to your wheelhouse for my last minute and 24 seconds. So, I am just very concerned that we've seen a 60 percent increase in the number of complaints against the NYPD that have gone to the CCRB since Mayor Adams took office, from about 3,483 to FY25 where we saw 5,575-- 60 percent increase since Mayor Adams took office, annual CCRB complaints. I'm concerned the number of substantiated complaints have nearly tripled since pre-COVID. So, when we go back to FY20, 370 annual substantiated complaints. Now, we're well over a thousand annual substantiated complaints. And then I'm just as concerned that we're seeing an increase in non-concurrence, where we're seeing the Commissioner overturn complaints in much larger numbers than ever before. 783 times the NYPD overturned the CCRB recommendation in FY25 for misconduct by police officer. So, I recognize it's a big department. I recognize that overwhelmingly men and women of NYPD are doing good work every day to help keep our community safe, but when there are people that act the wrong way that are disrespectful

1 to our communities and misuse their force and their
2 responsibility, there has to be accountability. And
3 for 783 non-concurrences to occur just this past
4 fiscal year is deeply concerning to me. So, I would
5 just like for you to help me understand. We're
6 seeing a huge number in increase in substantiated
7 complaints, a huge number of total complaints against
8 the NYPD, 60 percent since the Mayor came into
9 office. We're seeing three times as many
10 substantiated complaints where the CCRB found the
11 officer did the wrong thing relative to pre-COVID,
12 and we're seeing the non-concurrence rate is five
13 times higher than it was pre-COVID when there were
14 150 cases overturned in FY20 by the NYPD-- CCRB
15 recommendations. This year, 783. Doesn't that send
16 a message to the NYPD officers that they can get away
17 with wahtver they want, and if they act irresponsibly
18 or are responsible for misconduct or rude or actually
19 harmful to members of my community, that there's no
20 accountability whatsoever?

21
22 DEPUTY COMMISSIONER GERBER: So, let me
23 respond to-- there are a few different pieces there.
24 I don't want to-- I want to address them. So, first,
25

with regard to the concurrence rate or non-concurrence rate for Fiscal Year 2025--

COUNCIL MEMBER RESTLER: [interposing]

Yes.

DEPUTY COMMISSIONER GERBER: What that's doing-- really what you're talking about there is the second half of 2024 and the first half of 2025.

COUNCIL MEMBER RESTLER: Fiscal year.

DEPUTY COMMISSIONER GERBER: Yes.

COUNCIL MEMBER RESTLER: The fiscal year.

DEPUTY COMMISSIONER GERBER: Yeah.

COUNCIL MEMBER RESTLER: We live in fiscal years here.

DEPUTY COMMISSIONER GERBER: Of course. But so, it's really-- what's that doing is obscuring the two very different stories. When you look at the data for the second half of 2024 and the first half of 2025 is radically different, radically different in terms of the concurrence rate. So, if you look at it for just-- you know, again, looking at the CCRB's data on concurrence, right, and then taking out the short SOL cases, because we stopped doing that. I think that's fair.

COUNCIL MEMBER RESTLER: Let me do this differently--

DEPUTY COMMISSIONER GERBER: [interposing]
Wait, no--

COUNCIL MEMBER RESTLER: [interposing] No, no, no. I just-- no, no, you're saying that things have dramatically improved over the last six months of FY25, of calendar year-- the first-- you're saying over the last-- the first six months, the latter six months of FY25, so the first six months of this fiscal year.

DEPUTY COMMISSIONER GERBER: Calendar year, yes.

COUNCIL MEMBER RESTLER: Calendar year, excuse me. Things dramatically improved. How many non-concurrence decisions were overturned by the NYPD in the first six months of this year total.

DEPUTY COMMISSIONER GERBER: I'm getting that for you.

COUNCIL MEMBER RESTLER: Please.

DEPUTY COMMISSIONER GERBER: Right.

Alright, so--

COUNCIL MEMBER RESTLER: [interposing]

This calendar year, first six months of this calendar year, how many?

DEPUTY COMMISSIONER GERBER: So, I'm using-- I want to be clear about what I'm doing. I'm taking the CCRB data. So, it's CCRB, not the PD saying [inaudible], the CCRB saying those numbers, okay? I'm excluding the short SOL cases. We did do quite a few of those in the beginning of the year, but we stopped. And then so out of-- the CCRB finds a concurrence rate using-- of 91 percent in the first half of 2025, okay? Their data says discipline-- you know, they recommended some form of discipline against 643 officers, and the NYPD did what the CCRB recommended in terms of disciplinary recommendation in 585 out of those 643 for a 91 percent concurrence rate, right? Now, I want to be very clear, in the second half of 2024, it wasn't 91 percent, not even close, but that-- the fiscal year is actually obscuring the shift we've seen from the second half of 2024 to the first half of 2025. So, that's--

COUNCIL MEMBER RESTLER: [interposing]

We'll dig in--

1 COMMITTEE ON PUBLIC SAFETY 101

2 DEPUTY COMMISSIONER GERBER: [interposing]

3 Yeah, no--

4 COUNCIL MEMBER RESTLER: more to the data.

5 DEPUTY COMMISSIONER GERBER: Just so you
6 know where it's coming from.

7 COUNCIL MEMBER RESTLER: But I just want--
8 - yeah, go ahead.

9 DEPUTY COMMISSIONER GERBER: So, you
10 know, it's coming from-- this is from the CCRB semi-
11 annual report 2025, page 45 if that helps.

12 COUNCIL MEMBER RESTLER: No, look, what
13 I'm looking at, as you probably know, is the Mayor's
14 Management Report which was--

15 DEPUTY COMMISSIONER GERBER: [interposing]
16 Yes.

17 COUNCIL MEMBER RESTLER: released less
18 than-- what's the date today, the 22nd?

19 DEPUTY COMMISSIONER GERBER: I'm aware.
20 I know what it says.

21 COUNCIL MEMBER RESTLER: Five days ago.

22 DEPUTY COMMISSIONER GERBER: Yes.

23 COUNCIL MEMBER RESTLER: So, you know
24 what it says. That's the data I'm citing. It's
25 deeply troubling data.

1 COMMITTEE ON PUBLIC SAFETY 102

2 DEPUTY COMMISSIONER GERBER: No, 100
3 percent.

4 COUNCIL MEMBER RESTLER: You're claiming
5 that things have dramatically improved. So, let's
6 just for the argument sake--

7 DEPUTY COMMISSIONER GERBER: [interposing]
8 Well, I'm saying that-- be clear that the CCRB is
9 saying.

10 COUNCIL MEMBER RESTLER: Well, I haven't
11 seen that data. All I'm going on is the data that
12 was released five days ago by the CCRB and the
13 Mayor's Office claiming that there is a dramatic 783
14 non-concurrence decisions where the NYPD overturned
15 the CCRB's recommendations over the previous 12-month
16 period.

17 DEPUTY COMMISSIONER GERBER: Understood.

18 COUNCIL MEMBER RESTLER: So, you're
19 saying it's 60 over a six-month period which is, you
20 know, close to a-- which is a significant decline.
21 If it's true, I'm happy.

22 DEPUTY COMMISSIONER GERBER: If I may
23 [inaudible] other question?

24 COUNCIL MEMBER RESTLER: Please.
25

DEPUTY COMMISSIONER GERBER: About the increase in complaints. So, I just-- I understand what you're saying, of course. I understand the question, but I do think there's some very important-- there's a very important point here that's getting lost a little bit in the discussion. I think it needs to be at least part of the discussion. If you look at the data, CCRB's data, on complaints, complaints coming in-- you go back to 2009, it was like over 7,000 complaints. The number is falling over time. It's not a straight line, but it's trending down.

COUNCIL MEMBER RESTLER: During the de Blasio years, yes.

DEPUTY COMMISSIONER GERBER: Trending down, you--

COUNCIL MEMBER RESTLER: [interposing] And then they re-- and then they increase significantly differently during the Adams' years, just coincidental.

DEPUTY COMMISSIONER GERBER: No, but there's something else.

COUNCIL MEMBER RESTLER: Yes, please.

DEPUTY COMMISSIONER GERBER: There's another piece. There's another piece.

COUNCIL MEMBER RESTLER: Yeah, no, I was here for those years.

DEPUTY COMMISSIONER GERBER: Another piece that I think is very important which is the spike is at the beginning of 2023. You see it in the graphs. It's actually quite striking. You see it on an annual basis, even on a monthly basis. In 2023, beginning of 2023, everything goes up. At the end of 2022--

COUNCIL MEMBER RESTLER: [interposing]
Eric Adams first full fiscal year in office, yes.

DEPUTY COMMISSIONER GERBER: Council Member, if I could just--

COUNCIL MEMBER RESTLER: [interposing]
Please.

DEPUTY COMMISSIONER GERBER: answer your question, please. What happened at the end of 2022 was the CCRB actually implemented its new regulations for its expanded jurisdiction, and that includes body-worn camera misuse, bias-based policing, and racial profiling, and the ability to self [inaudible]. What you had at the end of 2022 was a

1 very significant increase in CCRB's jurisdiction. As
2 a statutory matter, it happened earlier, but in terms
3 of the regulations actually being in place and CCRB
4 actually being able to do these cases, it only
5 happens in October of 2022. And so, all I want to
6 say-- and I'm not saying this is the only cause-- I'm
7 not. I'm not. But if you take an investigative
8 agency and you dramatically expand its jurisdiction,
9 that is going to contribute to an increase in
10 complaints. I'm not saying that's the entirety of
11 the increase, but like, that has to be part of that
12 story. If you expand jurisdiction--

14 COUNCIL MEMBER RESTLER: [interposing] But
15 Deputy Commissioner, with all due respect, we've seen
16 the number of civil summons dramatically increase.
17 We've seen the number of criminal summons
18 dramatically increase. We've seen the number of
19 arrests dramatically increase. We've seen the number
20 of incarcerated people dramatically increase since
21 Eric Adams came into office. Those increased
22 engagements with New Yorkers, especially Black and
23 Brown New Yorkers, have led to more complaints
24 against the CCRB-- more complaints against the NYPD.
25 There's no question that NYPD has shifted their

1 approach to policing during this administration, and
2 as a result, more people are complaining about
3 misconduct. My issue is that the CCRB hasn't had the
4 resources or the capacity to actually investigate
5 these complaints. When the CCRB came before this
6 committee during our budget testimony this past
7 fiscal year, they told us that whenever an officer
8 curses at someone, acts disrespectfully to somebody,
9 does all kinds of really problematic things, they
10 just close the case automatically, because they don't
11 have the capacity to investigate. We pushed, and
12 thanks to the leadership of Chair Salaam and most of
13 all our Speaker, we secured administration resources
14 in this budget for the CCRB, and I hope they will
15 have more capacity to put-- to look into allegations
16 of misconduct and work to hold the NYPD accountable,
17 but we all know how the system works. As a result of
18 state law, it's ultimately up to the Police
19 Commissioner, and if she's overturning 783 cases in a
20 year, that's a lot. I'm happy to hear about the
21 progress. We will do our own due diligence on the
22 data. The Chair has been incredibly gracious to let
23 me go long, and I want to thank you, Chair, for that.
24
25

DEPUTY COMMISSIONER GERBER: Chair, if I may, just [inaudible] to add one minute really quick. You know, Council Member, you asked about the CCRB data and the increase in complaints, particularly in 2023. I do think the expanded jurisdiction needs to be part of that discussion. The other point, that I think also needs to be made is with regard to if you look at data on force allegations, what happened from 2022 to 2023, and this continued on for several years, it is true that the number of force allegations went up very significantly. The substantiation rate, CCRB's substantiation rate for those force allegations fell from around 12 to 13 percent to around five to six percent. Now, just if I may, 12 to 13 percent, frankly, is pretty low. Five to six percent is like really, really, really low. All I'm saying is as part of this discussion it is important I think to acknowledge that yes, you have this increase in allegations, but you also have a significant decrease in a substantiation--

COUNCIL MEMBER RESTLER: [interposing] I would argue that you have an agency that has been, like, deliberately and severely under-resourced where the investigators are unable to conduct

investigations with the time and care that is necessary. And when even they're only substantiating five or six percent of cases which is--

DEPUTY COMMISSIONER GERBER: [interposing]
Force cases. Force cases.

COUNCIL MEMBER RESTLER: troubling. Use
of force cases.

DEPUTY COMMISSIONER GERBER: Force
allegations.

COUNCIL MEMBER RESTLER: I'm concerned
that we have such a high percentage of these cases
being overturned by this Police Department over the
past four years. So, even when they're only confirm-
- you know, substantiating a relatively small
percentage of the cases, because they have such few
staff, because they're spread so thin, because they
have such limited capacity, still the NYPD is
overturning them at alarming rates. Thank you very
much.

CHAIRPERSON SALAAM: Thank you. We'll
now hear from Council Member Cabán.

COUNCIL MEMBER CABÁN: Thank you. I'm
going to follow up a little bit on the Council
Member's line of questioning. I do want to say that

1 I'm glad that I heard that DOI is going to be doing a
2 report on in-custody deaths, and I know that the
3 Legal Aid Society and others sent a 10-point plan to
4 the NYPD, so I'm hoping that they take that seriously
5 and implement it. We know about this alarming string
6 of NYPD in-custody deaths. Are officers that were
7 responsible for the wellbeing of people who died
8 current-- are they currently suspended pending
9 investigation or are they on modified duty, anything
10 else?
11

12 DEPUTY COMMISSIONER GERBER: So, again,
13 I'm not going to speak to any one particular case. I
14 think the question becomes in any particular case, is
15 there a reason to think, believe, conclude that an
16 officer engaged in misconduct. I do want to
17 emphasize what I said before. The fact that someone
18 dies any time-- any time someone dies in police
19 custody that is a tragedy. It does not mean that the
20 officers who responded or who had the person in
21 custody necessarily did something wrong.

22 COUNCIL MEMBER CABÁN: I'm asking,
23 though, right? I'm not saying divulge the details of
24 any particular-- I'm asking are there any officers
25

currently suspending pending any investigations related to any of these deaths.

DEPUTY COMMISSIONER GERBER: I do not know the answer to that.

COUNCIL MEMBER CABÁN: Can you get back to this committee with that information?

DEPUTY COMMISSIONER GERBER: Sure.

COUNCIL MEMBER CABÁN: And currently, the FID is investigating those deaths like you mentioned. Will you commit to making the findings and the records of those investigations and to any and all of those in-custody deaths available to the public once they're done?

DEPUTY COMMISSIONER GERBER: I can certainly say that we will share with the public the conclusions from those investigations. I can't say that I'm going to give you the work product that goes into that, but if you're asking are we going to be transparent with the public about the conclusion from FID, yes.

COUNCIL MEMBER CABÁN: Not just the conclu-- it's like we want to see the math, right? Not just the end result, but how you got there. So that's what I'm asking for a commitment on.

DEPUTY COMMISSIONER GERBER: So, then you're asking that we're going to include-- sort of necessarily produce like any and all materials in connection with an investigation, no.

COUNCIL MEMBER CABÁN: I didn't say that. I didn't say that.

DEPUTY COMMISSIONER GERBER: Council Member,--

COUNCIL MEMBER CABÁN: [interposing] That wasn't my question, right? And now I'm clarifying and saying, listen, I want something beyond just where you landed, but to show how you got there. Now, that doesn't mean that I'm asking for a 1,000-page document with every single piece of information. But I'm asking will the NYPD show the public their math?

DEPUTY COMMISSIONER GERBER: When you say their math do you mean-- I'm not sure what you mean by that.

COUNCIL MEMBER CABÁN: Will you show the things that led to the final decision?

DEPUTY COMMISSIONER GERBER: What I can tell you--

COUNCIL MEMBER CABÁN: [interposing] The framework--

DEPUTY COMMISSIONER GERBER: [interposing]
Council Member--

COUNCIL MEMBER CABÁN: the principles,
the policies that were implicated and say hey, this
is how we got here. This is the framework we're
operating under so you know how we got to this
answer.

DEPUTY COMMISSIONER GERBER: Yes, but
what I can tell you is that we'll be transparent with
the public about our findings and why we concluded
what we did. I can tell you that.

COUNCIL MEMBER CABÁN: I don't think
that's good enough. Moving on. What training do
officers receive to identify when a person in custody
needs immediate medical assistance?

DEPUTY COMMISSIONER GERBER: So, we will
give you that information. Again, Commissioner
Rahman and I are not the right people to answer that
question. You're talking to the lawyers here. But
yes, we will-- we will send a letter to the
Committee, to you, walking through kind of what that
policy is.

COUNCIL MEMBER CABÁN: Can you answer
this? So, not knowing what that training is, is it a

failure to render-- is a failure to render medical aid, right? Is that considered serious misconduct?

DEPUTY COMMISSIONER GERBER: If an officer knows, understands that someone is in medical distress and they fail to give aid, yes, that is serious misconduct, 100 percent.

COUNCIL MEMBER CABÁN: Okay. And then what are the consequences for failing to render medical aid?

DEPUTY COMMISSIONER GERBER: Extremely serious discipline, I mean, I think rising potentially to level of termination if-- if an officer understood that someone was in medical distress and stood by and did nothing, and particularly if that resulted in someone's-- harm to that person or even death, that is incredibly serious misconduct.

COUNCIL MEMBER CABÁN: And at this moment you don't know whether any of the officers that were present during the NYPD in-custody deaths that we have referenced. You're not-- you don't know whether they have been put on modified duty or suspended or anything pending investigation?

DEPUTY COMMISSIONER GERBER: I do not know.

COUNCIL MEMBER CABÁN: But you will get that information back to us.

DEPUTY COMMISSIONER GERBER: I will.

COUNCIL MEMBER CABÁN: Okay. How many complaints have you received over the past three years for failure to render medical aid?

DEPUTY COMMISSIONER GERBER: We can get that. I don't have that here, but we certainly can get that for you.

COUNCIL MEMBER CABÁN: Okay. And then in addition to that, just as a follow-up, when you get that information and give it to the Council, I'd love to know how many of those complaints there was a serious injury or death that occurred in NYPD custody. Are FID investigations into in-custody deaths automatic? I think you said it was, but I want to be-- make sure that we're clear on that, that they are automatic, correct?

DEPUTY COMMISSIONER GERBER: There's a death in custody, FID's investigating, period.

COUNCIL MEMBER CABÁN: And does FID retain jurisdiction over the investigation if it's for failure to provide medical assistance?

DEPUTY COMMISSIONER GERBER: I believe the answer to that is yes. If you have a death in custody, FID has to get a look at that holistically and including if there's an officer who failed to provide medical assistance.

COUNCIL MEMBER CABÁN: Chair, if I may, a couple more questions? Thank you. Does the law require NYPD to publish the data that I'm talking about to the Open Data Portal in New York City?

DEPUTY COMMISSIONER GERBER: Which are you referring to?

COUNCIL MEMBER CABÁN: The data that I just asked about. So, like, the number of complaints that have been received, what the nature of the injury was, the investigations, all of those things, the penalties, is that published in the Open Data Portal? Or does the law require NYPD to publish this into the Open Data Portal?

DEPUTY COMMISSIONER GERBER: I'm not sure I totally understand the question. I mean, in other words, if you're talking about, like, allegations

coming in, CCRB publishes that material. If you're talking about, you know, charges and specifications and disciplinary outcomes, that is certainly public.

COUNCIL MEMBER CABÁN: So, in relation to failure to render medical aid, is there any law that exists currently that the NYPD must publish certain data to the Open Data Portal, and if that's the case, what do they publish and what doesn't currently get published?

DEPUTY COMMISSIONER GERBER: Yeah, off the top of my head I do not know the answer to that. obviously, we can get an answer to that very quickly and we could let the Council know. But you're asking about-- make sure I have the question right. You're asking in particular about failure to render medical assistance.

COUNCIL MEMBER CABÁN: Yes.

DEPUTY COMMISSIONER GERBER: Are there reporting requirements, if so what are they?

COUNCIL MEMBER CABÁN: Yes.

DEPUTY COMMISSIONER GERBER: Okay, we'll get back to you on that.

COUNCIL MEMBER CABÁN: Great. And then my last question on this is that why-- why has NYPD

1 decided to contract a third-party vendor Rock Daisy
2 [sp?] to build and maintain the NYPD Officer Profile
3 Portal instead of publishing in Open Data Portal NYC,
4 and publishing on that portal?
5

6 DEPUTY COMMISSIONER GERBER: I actually--
7 I know nothing about this. I don't really know.

8 COUNCIL MEMBER CABÁN: Okay, well I would
9 like to know the answer to that. You know, until
10 recently the data wasn't posted on Open Data Portal
11 in New York City at all, so I'm just-- I want to know
12 why the NYPD would prioritize utilizing a non-secure
13 vendor instead of complying with New York City's Open
14 Data Law, and what the total cost of that is. I think
15 that's super relevant. Chair, that's the last of my
16 questions, but I wanted to end with a comment. There
17 was on the record-- I think one of my colleagues
18 asked about what makes the Commissioner, sort of
19 like, what talent do they have or what makes them
20 special in being able to make a determination that
21 they could-- with the confidence of the public
22 overturn the decision made by two independent
23 oversight bodies. And I just want to put this on the
24 record to think about. We should also think about
25 why the Commissioner should not be the person who

1 does that, and specifically I think it's in part
2 because they are the Commissioner of a workforce with
3 a union that is the only union that they have to lead
4 and keep under control, right-- that is the only
5 union that bargains for a right to kill without
6 license, right? With impunity, without discipline.
7 And so balancing the struggle of maintaining control
8 of the largest police force in the country and
9 dealing with the biggest most powerful union that
10 literally is the only union that collectively
11 bargains to be able to get to kill people without
12 there being a consequence, and saying, well should
13 this person under those circumstances have the
14 ability to overturn the independent fact-finding
15 judge and the CCRB, and I would submit that she
16 probably shouldn't. Thank you.

18 DEPUTY COMMISSIONER GERBER: I just do
19 want to say, just for the record, the law, not
20 collective bargaining, the law speaks to officers'
21 use of force, officers use of deadly force, when it
22 is justified, when it is not.

23 CHAIRPERSON SALAAM: Thank you. I'm now
24 going to pass it to Council Member Joseph.

COUNCIL MEMBER JOSEPH: Thank you, Chair.

I just want to do a really quick follow-up. Should someone not automatically be investigated in the death, and does the Commissioner or the Mayor requested that the death of Saniyah Cheatham be investigated by the Department, yes or no?

DEPUTY COMMISSIONER GERBER: Can you just repeat the question. I'm sorry.

COUNCIL MEMBER JOSEPH: This is the follow-up similar to what my colleague just said. Should someone-- should not automatically be investigated when someone dies in custody, or does the Mayor or the Commissioner have to request that?

DEPUTY COMMISSIONER GERBER: So, I know you said yes or no, but I actually can't do this one yes or no. I'm sorry. So, again, FID will always investigate every death in custody. I also should point out, the State Commission of Correction does have the authority and mandate to investigate deaths in, you know, local correctional facilities which would encompass some, though not all, of the cases that you're talking about. So, they do have a mandate there. And then again, DOI as I understand it is going to be looking at these cases.

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2 COUNCIL MEMBER JOSEPH: Alright. One
3 quick question about your Q Team. I know it was
4 designed by focus on community complaints made with
5 311. Is there data kept on pick-up jobs that are
6 outside of the 311 calls?

7 DEPUTY COMMISSIONER GERBER: There may
8 be. I'm just not sure. I think there is. I just--
9 again, I'm not the-- neither Commissioner Rahman nor
10 I are really sort of the experts on the Q Teams.

11 COUNCIL MEMBER JOSEPH: But you can get
12 that data to the committee, right?

13 DEPUTY COMMISSIONER GERBER: yes.

14 COUNCIL MEMBER JOSEPH: You got a lot of
15 stuff to give to the committee--

16 DEPUTY COMMISSIONER GERBER: [interposing]
17 Yes.

18 COUNCIL MEMBER JOSEPH: and we'll be
19 waiting and I'll be watching. Thank you.

20 COMMITTEE COUNSEL: Council Member
21 Ariola?

22 COUNCIL MEMBER ARIOLA: Thank you. I
23 want to kind of flip the narrative, because we're
24 talking about a lot of information that's being
25 shared that would provide information for a person

1 who's incarcerated, the person's who's been arrested.
2 But I'd like to know what the Department is doing to
3 facilitate trial dates for officers who there has
4 been a substantiated evidence, and they're waiting
5 sometimes three years. And in conversation with
6 unions such as the Lieutenant's Benevolent
7 Association, some of their lieutenants are waiting
8 three years for a resolution, and they've been
9 pushing for trial dates.

11 DEPUTY COMMISSIONER GERBER: Yeah, no,
12 It's a fair question. So, as I was saying before,
13 once someone is asking for a trial date, our trial
14 judges are under a mandate to do that very quickly.
15 The delay here is not coming from our trial judges.
16 They are-- they have a very busy docket. They're
17 scheduling things two to three months out, which I
18 think is actually pretty reasonable in terms of trial
19 scheduling. Again, there is a challenge here which
20 is that in the APU cases, the charge and
21 specifications cases, we are not the prosecutors.
22 CCRB prosecutes those cases, and to the extent CCRB
23 as the prosecutor is for whatever reason choosing to
24 delay-- I'm not weighing in on whether they're good
25 reasons or bad reasons, but to the extent CCRB is

whatever reason not expeditiously moving forward with a prosecution, you know, that's not something that we have control over in this process. So, I think that piece is really a question for CCRB.

COUNCIL MEMBER ARIOLA: Thank you.

CHAIRPERSON SALAAM: Thank you for your testimony. That concludes that portion of the hearing. Thank you.

DEPUTY COMMISSIONER GERBER: Thank you.

CHAIRPERSON SALAAM: Thank you. We're going to just take a brief pause and then hear from CCRB.

[break]

CHAIRPERSON SALAAM: Thank you for joining us. We will now hear from the CCRB. I'll pass it to Committee Counsel to administer the oath and swearing in.

COMMITTEE COUNSEL: Thank you, Chair. With us from the CCRB we have Jonathan Darche, and Dr. Muhammed Khalid. If you could please raise your right hands? Do you affirm to tell the truth, the whole truth and nothing but the truth before this committee and respond honestly to Council Member questions?

EXECUTIVE DIRECTOR DARCHE: I do.

INTERIM CHAIR KHALID: I do.

COMMITTEE COUNSEL: Noting for the record that all witnesses answered affirmatively. You may begin your testimony.

INTERIM CHAIR KHALID: Good afternoon to you, Chair Yusef Salaam, and to the entire committee. Thank you for the privilege and honor of being here today. My name is Dr. Mohammad Khalid, and I am currently the Interim Chair of the Civilian Complaint Review Board. First, I wish to take a moment to read to you a few news headlines from this year in the papers from different parts of the country. From St. Louis: "City Tells Police Oversight Board to Stop Providing Oversight, or Face Penalties." From Iowa: "Iowa City to Dissolve Community Police Review Board to Comply with New State Ban." From Florida: "Civilian Oversight in Florida Crumbles After New Law Kicks In." Across the country, we are seeing more stories like these, but here in New York City, we are seeing more complaints of police misconduct. Police oversight is seemingly under attack, but it is also more needed than-- more than ever. As the nation's largest civilian police oversight board, our most

important role is to work on behalf of New Yorkers to provide accountability and oversight of the New York City Police Department. But we also serve as an example for the rest of the country, working to achieve the goal of better police-community relations. Others look to us as a model that they can follow. How do we do this? Perhaps the most importantly, this Council's proposal-- Charter Revision, proposed Charter Revision Commission would help us in ways that would profoundly impact police oversight here in New York. But crucially, they would also serve as an example for the other cities around the country. First, the proposal modify our minimum budget from a headcount-based model to a model based on the personnel costs of the Police Department which will help our work dramatically. Even as the number of police officers has grown, the CCRB has not been able to keep up. This new model would revolutionize our ability to reduce the time it takes to investigate cases. Secondly, the proposal to add two new additional members to our board, one designated by the Police Department and appointed by the Mayor, and one appointed by the Public Advocate, would further help our Agency more efficiently

handling our sizable workload. This would also help us by expanding the diversity views on our board, enabling us to demonstrate the importance of thought leadership and the discussion of our counterparts around the country. Lastly, the proposal to alter the quorum requirements to a simple majority, not including vacant seats, would allow the Board to convene more often and at greater convenience, once again giving us the tools to more efficiently complete the vital work that our agency undertakes. It is hard to overstate how transformative these proposals would be to the CCRB. We are pleased to see the City Council's support of our mission, and its desire to back that support up with the specific policies. We appreciate the work of the Police Commission to Strengthen Local Democracy. These proposals alone will not enable the CCRB to fulfill its mission to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers. We are the largest police oversight board in the country, and the scale of our work is even larger. In 2024, we recorded the highest number of complaints in over a decade. Many of these complaints represent the worst

1 days of someone's life, whether they are being
2 accused of a crime, suffering a mental health crisis,
3 or simply going about their business. At present,
4 two things constrain our ability to fully represent
5 the people of New York as they request accountability
6 from the NYPD for alleged misconduct. The first is
7 that we do not have direct access to all the
8 information our investigations require. For example,
9 after we begin investigating a complaint, our
10 investigators must request access to body-worn camera
11 footage from the police department. While this delay
12 has decreased over time, it still represents a
13 significant roadblock in completing our
14 investigations in a timely manner. The same is true
15 for other types of records within the NYPD that may
16 come up during an investigation. And many of the
17 records we do request are sealed under statute. This
18 means legally we cannot view them, and we may not be
19 unable to investigate serious allegations. We cannot
20 truly begin our investigation in full until we have
21 access to all necessary records. Having direct
22 access to all records, including access to sealed
23 records, would make the Agency much more efficient
24 and able to fully investigate our cases. The CCRB
25

having direct access also means the CCRB being exempt from New York State's sealing statutes. Second, the CCRB is empowered by law to make recommendations for discipline to the Police Commissioner, but we do not impose that discipline ourselves. We have seen this recently in CCRB cases which as Lieutenant Jonathan Rivera's killing of Allan Feliz. Without final disciplinary authority in these cases we investigate, even the most serious substantiated allegations of police misconduct cannot go unchecked. When this happens, public trust is weakened. People do not trust the CCRB, and they do not trust the other systems of public safety. This weakening of this public trust also weakens the relationship between the police and the people they serve. This is exactly what the CCRB was designed to help fix. It is a great privilege to lead the CCRB as Interim Chair. Every day, I see the New Yorkers who my Agency serves walk down the street, waiting in line at the store, even sitting across from me in this hearing room right now. We are pleased to have partners in this work throughout the government, including in this chamber. We believe that together, we're able to be the voice of accountability on

behalf of New Yorkers, and to be a model for other cities around the country to follow. New Yorkers lead, and we always lead. Thank you again for the opportunity to join you here today at this vital hearing. I look forward to your questions.

CHAIRPERSON SALAAM: Thank you. So, I want to begin my line of questions by asking how have staffing reductions and funding shortfalls affected CCRB's backlog and case closure times?

EXECUTIVE DIRECTOR DARCHE: Thank you, Chair. The CCRB's staffing shortfalls led us to implement a policy called the Strategic Resource Allocation Determination in which the agency closed complaints that had certain types of allegations, and we've closed approximately 4,000 complaints without any investigations that would normally have fallen within our jurisdiction. As a result, some of our case processing times have gone down, but it is still a major obstacle that the agency has in investigating complaints that we are not staffed at the level we need to conduct our investigations and our prosecutions. The CCRB is truly appreciative of the work the Council did to increase our budget and our headcount. We already have a new investigative class

of 12 investigators that has begun since the budget was implemented, and we plan to have at least one more class in calendar year 2025, but we are waiting until we actually have the folks on board and able to investigate complaints before we make changes to strategic resource allocation determination. And there's another area in which budget questions come up. One of your colleagues asked a question in the prior panel to the NYPD about trials and how long it takes to get a trial. Right now, the average case load for administrative prosecution use-- prosecution unit team member is 1,100 cases. And so we are waiting on approval to hire three more prosecutors and we've been working diligently with the Department to get cases on the calendar and get them tried as soon as possible. But it is a real challenge, and we are striving to meet it and get cases scheduled for trial and resolved as soon as possible.

CHAIRPERSON SALAAM: Thank you. CCRB relies on NYPD for access to critical investigative materials such as body-worn camera footage. So, to what extent does CCRB feel constrained by its reliance on the NYPD for evidence, and what

1 additional authority or access to evidence would most
2 immediately strengthen your investigations?
3

4 EXECUTIVE DIRECTOR DARCHE: So, the CCRB
5 needs, as Doctor Khalid testified to, direct access
6 to the NYPD's records. In order to have that direct
7 access, we need to be exempt from New York State
8 ceiling statutes. There's a bill in Albany that
9 sponsored by Senator-- by Assembly Member Cruz and
10 Senator Bailey that would exempt CCRB from ceiling
11 statutes in a way that would make direct access
12 possible, and that is a real priority for this agency
13 going forward. The NYPD has made significant strides
14 in getting CCRB information in a timely way. There
15 is a memorandum of understanding that between the two
16 agencies regarding sharing information from cases
17 that were investigated by the Force Investigations
18 Division that was signed I'm pretty sure at the end
19 of 2024, and that resulted in sharing information in
20 a way that the CCRB was able to close the
21 investigation into the killing of Win Rozario before
22 the expiration of the statute of limitations which is
23 something that is very, very difficult-- had been
24 very, very difficult to do in cases resulting-- in
25 investigations resulting from deaths of civilians

1 prior to the signing of that memorandum of
2 understanding. Also, the times in which the NYPD
3 turns over body-worn camera footage to the agency
4 have gone significantly down. This is a result of
5 changes made structurally to the CCRB and the NYPD
6 that committed resources on both sides into
7 requesting and obtaining body-worn camera footage and
8 other documents, other information from the
9 Department, and it's-- it had real progress. I don't
10 want to diminish the nature of the cooperation we've
11 received from the NYPD, but the CCRB needs direct
12 access, and we need to be exempt from ceiling
13 statutes as the Chair testified to.

14
15 CHAIRPERSON SALAAM: Thank you. I'm now
16 going to pass it to Cabán to ask her questions.

17 COUNCIL MEMBER CABÁN: Thank you very
18 much. I know we've been asking the last several
19 hearings about being able to provide y'all with
20 direct access to NYPD records and databases, so it's
21 not surprising that it's come up again, and I think
22 that's incredibly important. I want to start by
23 asking how does CCRB go about enforcing any of the
24 various MOUs with NYPD if NYPD violates the terms or
25

delays producing the record subject to an existing MOU?

EXECUTIVE DIRECTOR DARCHE: So, if the CCRB and the NYPD have a dispute over the interpretation of the MOU, we try and talk to one another and have conversations at an executive level. Two-- the two most recent Memorandums of Understanding were over following the discipline matrix, and sharing information from Force Investigations Division investigations. Oh, and also data sharing for the Racial Profiling Unit. Of the first two that I mentioned, there have been no issues, so that there hasn't-- it hasn't even come up to have that higher level conversation. With regard to data sharing, there was a meeting to work out that Memorandum of Understanding between the administration, the Department and leadership at the CCRB. And then there have been continual meetings with NYPD Legal since then, and Deputy Commissioner Gerber's team has been very open to listening and trying to work out ways in which we can resolve issues that have come up. And recently, we discussed actually having conversations about making changes to the data that we are given under that MOU, and the

Department is showing a willingness to enter into those negotiations and move forward in making changes.

COUNCIL MEMBER CABÁN: Thank you. Is there something that this council could do to ensure that NYPD complies any MOUs that are currently existing with CCRB?

EXECUTIVE DIRECTOR DARCHE: So, I don't know of any, but that doesn't mean that there aren't any, and so we'll get back--

COUNCIL MEMBER CABÁN: [interposing] Think about it and then get back to us.

EXECUTIVE DIRECTOR DARCHE: Yes, yes, ma'am.

COUNCIL MEMBER CABÁN: I know this was said before, but I just want to make sure again it's really clear for the record. I think you were asked, like, what is the thing that would make a difference, and it is that direct access to these records and databases. Is it fair to say that being able to have direct access, and like, let's use body-worn cameras as the example. Would it help address the problem for potential compounding delays with request for records? If you had direct access, would it save

more time? Would it reduce some of the strain on your resources if direct access were granted? Is it fair to say that those-- that would be the case?

EXECUTIVE DIRECTOR DARCHE: So, I think the number one way it would changes things is it would improve the public's trust in the system. It is unclear whether or not those would actually make things go faster or reduce the stress on CCRB's resources, because that is a significant amount of work that the NYPD is doing that would have to be done by CCRB. So, I don't want to minimize the amount of work that is being done by the Department, but I think the work that would have to be done by the CCRB would be worth it for the increase in public trust.

COUNCIL MEMBER CABÁN: Heard. And obviously the need is more resources, more staff. I'm trying to think of what else I want to ask. Does CCRB have the requisite experience and knowledge to investigate NYPD in-custody deaths? We've spent a lot of time talking about in-custody deaths.

INTERIM CHAIR KHALID: I think currently we don't have-- whatever the law permits that we investigate any CCRB-related cases, the

1 custody issue if it falls within jurisdiction, then
2 we'll be happy to do it, but if it doesn't, then
3 probably we will not be able to, but should it happen
4 we'll be happy to investigate.
5

6 EXECUTIVE DIRECTOR DARCHE: As Doctor
7 Khalid just said, there are currently-- the CCRB is
8 currently investigating some complaints that we've
9 received about deaths in custody. Mr. Chair, do you
10 mind if I-- thank you. We don't systematically
11 investigate every complaint of a death in custody.
12 There was a recent letter sent by the Legal Aid
13 Society to the Department of Investigations that
14 recommended the CCRB routinely initiate its own
15 complaint into all deaths in custody. That would
16 require a significant increase in resources for us to
17 do that. And I think if you look back, the-- in 2021
18 when we were discussing how to-- whether the CCRB
19 could handle racial profiling and bias-base police
20 complaints, I said we would need a unit of
21 approximately 50 people to do those complaints.
22 Right now, we have a total of 22 personnel
23 investigating those complaints. To systematically
24 address every death in custody which-- and we've-- we
25 heard the numbers during the earlier session are

significant-- would require additional resources and we haven't even been able to get to the point where we're able to do the complaints currently in our jurisdiction. So, it is--

COUNCIL MEMBER CABÁN: [interposing]

Right.

EXECUTIVE DIRECTOR DARCHE: While it is within our-- it would be a less significant lift for us to take those allegations on as it was-- than it was for racial profiling. It would still be a significant change, and we're just not prepared at this time. We just got the letter late last week to give you an estimate of how much more resources it would require for us to do those type of investigations.

COUNCIL MEMBER CABÁN: I mean, this is an aside. But Chair, may I have just an extra moment. This is kind of an aside, but I think it also makes the point earlier between the itnr-- the questioning that Council Member Restler did in terms of the story we can tell with the data that's given, because you guys do not have the resources to take up and investigate and every complaint that comes in, right?

EXECUTIVE DIRECTOR DARCHE: Correct.

COUNCIL MEMBER CABÁN: Thanks. For-- in terms of training and retention, and then I'll be done. It's just a couple more questions. But how long does it take to train CCRB investigators?

EXECUTIVE DIRECTOR DARCHE: So, the initial training is approximately six weeks long, but generally speaking they're working under close supervision of their squad leaders and supervising investigators for at least six months before they're really-- have the training wheels taken off so to speak.

COUNCIL MEMBER CABÁN: Right.

EXECUTIVE DIRECTOR DARCHE: So, it is-- and as level one investigators, they are seeing the least complicated of the complains that the CCRB receives.

COUNCIL MEMBER CABÁN: And so it-- I mean, in order to really have also an impact is that those folks have to stick around a while. I'm going to liken it to my experience as public defender, right? Like, my-- when I was a baby lawyer, the first couple years of my practice I could only do the misdemeanors, and so, you know, it didn't solve for the problem that we had more seasoned attorneys

1 taking on-- it was going to be years before I could
2 help with the problem of more experienced attorneys
3 having way too many felonies, violent felonies in
4 their caseloads. It's kind of the same as that,
5 right? It takes some time for them to be able to
6 take on some of these more serious cases. So, that
7 leads me to my next question which is what's the
8 attrition rate of investigators?

9
10 EXECUTIVE DIRECTOR DARCHE: It's
11 approximately four percent.

12 COUNCIL MEMBER CABÁN: Okay, and how--
13 what would improve retention so that the CCRB is able
14 to retain and invest in experienced staff, to carry
15 out the mandate, to be able to take on, you know,
16 more complicated cases, things like that?

17 INTERIM CHAIR KHALID: I think, again, it
18 comes through that promoting the investigators. We
19 need more resources. In order to keep them, we have
20 to give them the promotion and better resources to
21 provide them, and I think that would really help us
22 reducing the attrition rate. John, you wanted to add
23 some?

24

25

EXECUTIVE DIRECTOR DARCHE: The starting salary for a level one investigator is \$49,148 a year, and--

COUNCIL MEMBER CABÁN: [interposing]
Nobody can live on that in New York City.

EXECUTIVE DIRECTOR DARCHE: It-- so I think--

CHAIRPERSON SALAAM: [interposing] You didn't say \$49,000?

EXECUTIVE DIRECTOR DARCHE: Yes, but that's a negotiated amount between DC37 and the City, and so it is something that the Agency has made clear that we think needs to be a higher number. The other issue is the CCRB is submitted to-- I'll be honest with you, I don't know exactly where in the process we are. We are asking for the creation of a level four investigator. Right now, there are currently three levels of investigator, because we think that having an additional level of promotion available to our investigators would encourage people to stay around longer, especially if you have a seasoned investigator who isn't interested in managing other people, but is a high-quality investigator who can handle extremely complicated complaints.

COUNCIL MEMBER CABÁN: Thank you. Thank you, Chair.

CHAIRPERSON SALAAM: Definitely concerning. How has the discipline matrix improved or failed to improve consistency between CCRB recommendations and NYPD outcomes?

EXECUTIVE DIRECTOR DARCHE: So, the matrix has improved consistency in CCRB recommendations, but I think there is still-- I don't think it has any effect on the Department's concurrence and discipline rates, because when they do believe discipline is merited, they also use the matrix. So, I don't believe they're ignoring the matrix, but there is a difference in whether they feel disciplined as warranted or not, and the matrix can't control that.

CHAIRPERSON SALAAM: High profile cases demonstrate that NYPD often rejects or downgrades CCRB's recommendations. Do you have an opinion on what tools or authority CCRB needs to ensure its substantiated findings lead to meaningful accountability, especially in case of serious misconduct?

INTERIM CHAIR KHALID: Chair, the--

looking at the current conditions what is happening in few of the cases, I think time has come that the City Council or whatever the authorities are-- the whole discipline authority should be given to the CCRB for a proper disciplinary action instead of giving to the Police Commissioner. We have seen in cases that-- this case was the Deputy Police Commissioner Maldonado did a case that it was told that the police officer should be dismissed, but our recommendation went and the Police Commissioner turned the other way. So, I think that we investigate cases. We know what's in there, and I think it's plus 30 years that this agency was established, and now-- I will characterize it this way. We are tiger but we don't have the teeth. So, I think it's the time that we should be given the full authority of investigating and making determination. What we should be giving to the police officer, their discipline-wise, so it should not be given everything to the Police Commissioner to make a decision. I think 30 more years have passed. It's time now that we should be doing the

disciplinary action as well since we investigate Police Department personnels.

CHAIRPERSON SALAAM: I think we should take those recommendations and try to become a perfect world regarding those things. I'm not sure if you have any secondary questions? So, that concludes are--

EXECUTIVE DIRECTOR DARCHE: Thank you, Mr. Chair.

INTERIM CHAIR KHALID: Thank you, Mr. Chair.

CHAIRPERSON SALAAM: Thank you all as well. Thank you. I'm now going to open up the hearing for public testimony. I remind the members of the public that this is a formal government proceeding, and that decorum shall be observed at all times. As such, members of the public shall remain silent at all times, and the witness table is reserved for those people who wish to testify. No video recording or photography is allowed from the witness table. Further, members of the public may not present audio or video recordings as testimony, but may submit transcripts of such recordings to the Sergeant at Arms for inclusion in the hearing record.

If you wish to speak today at today's hearing, please fill out an appearance card if you have not already done so with the Sergeant at Arms and wait to be recognized. When recognized, you will have two minutes to speak on today's hearing topic. If you have a written statement or additional written testimony that you wish to submit for the record, please provide a copy of that testimony to the Sergeant at Arms. You may also email written testimony to testimony@council.nyc.gov within 72 hours of this hearing. audio and video recordings will not be accepted there. I'll now call the first panel.

COMMITTEE COUNSEL: We'll first hear from Linda Tijani from the Commission on Racial Equity.

LINDA TIJANI: Hi. Good afternoon. My name is Linda Tijani. I serve as the Chair and Executive Director for the New York City Commission on Racial Equity. We are an independent commission, and I lead CORE in partnership with 14 Commissioners and 12 staff members. The primary means through which CORE fulfills its mandate is by shaping, evaluating, and monitoring the City's biannual racial equity planning process whose centrality to our work

remains undiminished by the Mayor's ongoing delinquency in releasing it to ensure that this process is guided by the priorities of those who have been historically under-represented in or underserved by government and its processes. CORE has engaged over an estimated 7,000 New Yorkers and supported 300 local community conversations, raising recommendations for what actions government must take to improve the wellbeing of communities harmed by racism and social injustice. These conversations have a real de-palpable frustration with the lack of accountability for a history of the New York City Police Department actions resulting in the killing, sexual assault, harassment, and false imprisonment of Black and Brown New Yorkers. of the 4,212 New Yorkers surveyed during our first round of engagement, 83.6 percent agreed that holding police officers accountable for the harm and abuse they commit is critical to improving the wellbeing of New Yorkers, leading CORE Commissioners to vote in November of 2024 in favor of a community equity priority 16, ensure all city employees and their agencies including the police and social service providers are held accountable for any harm and abuse

of power. Now, in our second round of engagement, we've received feedback from 4,550 residents about the relative urgency of each. Our data, our preliminary data, shows that 94 percent of respondents believe that CEP16 is an urgent task for New York City government to address. Considering that my time is almost out, I am going to just quickly share the recommendations from the Commission on Racial Equity.

CHAIRPERSON SALAAM: Sure. Thank you.

LINDA TIJANI: Allow for the Civilian Complaint Review Board to have final authority over police officer discipline; develop and implement a police officer and member of service discipline matrix that is transparent, publicly available and agreed upon by survivors of police violence and family members who have lost loved ones to police violence and communities harmed by racism and social injustice; require the NYPD comply with existing laws to turn over footage and information to existing oversight bodies to ensure timely and complete investigations to police misconduct; institute accountability practices that account for the wellbeing of survivors and family members harmed by

1 police misconduct through the investigation and after
2 a decision has been rendered; and lastly conduct an
3 anti-racist review of 911 scripts to ensure that
4 racial bias and bias against people experiencing
5 mental health episode yields a response that is
6 trauma-informed and encompassing of all the services
7 that New York City has to offer, not just the police
8 responders. I do provide a additional
9 recommendations that align with the New York City
10 Council's Charter to strengthen democracy and that is
11 noted in my testimony. I do want to add before I
12 close out, that earlier today we heard NYPD use a
13 phrase that there is such a thing as a good faith
14 mistake by our officers. I want to be clear for the
15 record that murder, rape, assault, false
16 imprisonment, allowing our people to die in custody
17 can never ever be considered a good faith mistake by
18 any human being, especially those who are paid by New
19 York City tax dollars to serve the public. Thank
20 you.

21
22 CHAIRPERSON SALAAM: Thank you for your
23 testimony. Yes, I'm sorry, you can--

24 COUNCIL MEMBER CABÁN: I just quickly want
25 to--

CHAIRPERSON SALAAM: [inaudible] for a second.

COUNCIL MEMBER CABÁN: thank you for your testimony. And to your point, you know, even in the context of mistakes in the workplace, whether-- and this is being generous to the NYPD-- whether intended or not, we all experience consequences for mistakes that are made and have guardrails to make sure that those same mistakes don't happen again. So, I just wanted to put a finer point on that, and appreciate the work that you're doing and your testimony. Thank you.

LINDA TIJANI: Thank you.

CHAIRPERSON SALAAM: Thank you.

COMMITTEE COUNSEL: Thank you. Next we'll hear from Nasar Bhan and Sammy Feliz.

CHAIRPERSON SALAAM: Just press the--

NASAR BHAN: [interposing] Oh, sorry.

CHAIRPERSON SALAAM: Thank you.

NASAR BHAN: Good afternoon. I'm Nasar Bhan with Desis Rising Up and Moving, DRUM, and [inaudible] work closely with Win Rozario's family and Win's family was planning to testify today, but were unable to take off work. I'll read their

1 testimony. "My name is Notan Eva Costa and I am Win's
2 Rozario's mother. No mother should ever have to deal
3 with the pain and unimaginable loss of watching their
4 son gunned down by police in what should have been
5 the safety of our home, while I tried to protect him
6 from the dangerous police. As you may know, my son
7 Win was a teenager when Officer Salvatore Alongi and
8 Matthew Cianfrocco tased him multiple times and shot
9 him five times in less than two minutes from when
10 they got to our apartment. It was terrifying. I was
11 relieved to hear that the NYPD served the CCRB's
12 charges on Alongi and Cianfrocco, but I wish me and
13 my family and so many others did not have to fight to
14 make that happen. Alongi and Cianfrocco should
15 already have been fired, and it's painful that we
16 still have the whole discipline process ahead of us
17 when they killed my son in cold blood. It's wrong
18 that the NYPD never updated us about their FID
19 investigation in the past year and a half, and now
20 they seem to be deflect because CCRB did their job
21 and substantiated misconduct while we have no idea if
22 NYPD even did it a thorough investigation, including
23 on misconduct that's not [inaudible] jurisdiction. I
24 hope NYPD finally serving the CCRB's charges means
25

the NYPD and the Police Union won't try to play more tricks in the month ahead and that Alongi and Cianfrocco are fired as soon as possible. Without Win this past year and a half, I have felt like part of myself is gone." [inaudible] time--

CHAIRPERSON SALAAM: [interposing] Yeah, the time did expire. What I would like though is for that testimony from her to be submitted to be included in the record for sure, because it's very, very important. Thank you.

SAMMY FELIZ: Thank you for allowing us to speak Chair Salam, and Council Member Cabán. Thank you for being here and speaking well about my bother. I have a lot to say. The time won't cover it, but I'll start. My name is Sammy Feliz. I'm the brother of Allan Feliz who was killed by NYPD Lieutenant Jonathan Rivera. I'm here to make sure that Commissioner Tisch has not tricked you into believing that she cares about accountability or New Yorker's safety. She made it very clear she only cares about protecting herself and abusive officers when she refused to fire Lieutenant Rivera despite her own Deputy Commissioner's guilty verdict. Many of you know Allan's story. On October 17th, 2019

1 then Sergeant Rivera and officers pulled Allan over
2 for allegedly not wearing a seatbelt which he was.
3 Within minutes they threatened, beat, tased, and
4 Rivera shot him at point blank range in the chest.
5 For almost six years my family and I have rallied and
6 protested instead of mourning. We thought our
7 struggle was finally ending when Deputy Commissioner
8 Rosmary Maldonado found Rivera guilty and recommended
9 that he be fired this past February. Finally, we
10 thought we could tell Alan's six-year-old son that
11 his father's killer will no longer have a badge and
12 gun. Then after dragging her feet for another six
13 months, Commissioner Tisch overturned her own Deputy
14 Commissioner's ruling, a decision that was first
15 reported by the NYPD's-- in the New York Post, I'm
16 sorry, alongside calls from three different police
17 units all singing Tisch's praises. Tisch tossed
18 Maldonado's credibility finding without sitting
19 through the trial, by relying on a five-year-old
20 report from a different investigation with a
21 different legal standard. At best, this is an
22 arbitrary joke. At worst, it is catering to police
23 unions for political gain. Tisch's decision makes it
24 clear that the sole authority to discipline officers
25

1 must be stripped from the Police Commissioner. We
2 hoped Tisch would listen to the cries of the
3 community members, organizations, elected officials,
4 especially after her promises to clean up the NYPD.
5 Instead, she proved that she is no different than
6 Mayor Adams and his other corrupt commissioners. The
7 devastation my family has felt in this corrupt
8 decision is hard to describe. My family has lost all
9 trust in the NYPD. The thought of being pulled over
10 terrifies us. This fear is not an overstatement.
11 Since killing Allan, Rivera has continued to harm New
12 Yorkers. in 2023, the CCRB substantiated yet another
13 fireable [sic] charge against him. So, the question
14 remains, why is he still on the force? Thank you for
15 allowing me to exceed my time as well.

17 CHAIRPERSON SALAAM: Thank you as well.
18 And I would definitely like to-- if you have any more
19 to submit, please do.

20 SAMMY FELIZ: Will do. Thank you so
21 much.

22 CHAIRPERSON SALAAM: Thank you both. If
23 there are no more questions from the other members--
24 thank you.

COMMITTEE COUNSEL: Next panel we'll hear from D'Juan Collins, Jackie Gosdigian, Claire Thomas, and Jennvine Wong.

CHAIRPERSON SALAAM: Alright, you may begin in whichever order.

JACKIE GOSDIGIAN: Is it on? Okay. My name is Jackie Gosdigian and I'm the Senior Supervising Policy Counsel with Brooklyn Defender Services. I want to thank the Committee on Public Safety and Chair Salaam for holding this critical hearing. The NYPD Commissioner can and regularly does reject or downgrade CCRB and internal NYPD recommendations for officer misconduct. In light of the demonstrated inefficacy of the current system at reigning police abuse, neglect, and biased policing, City Council should explore utilizing every option at its disposal to allow for a more active role for the Council and the selection and approval of the NYPD Commissioner and removing a Police Commissioner's final authority over NYPD discipline. As the Council's aware, there has been a surge of NYPD in-custody deaths, and NYPD has not been held accountable for the lives lost. Part of this conversation includes accountability and oversight of

NYPD's unlawful police/citizen encounters, use of Broken Windows policing, increasing policing of poverty, and unlawful use of custodial arrests.

Because these tactics and policies increase the risk of custodial arrests, they also increase the risk of inability to access medical care in NYPD custody.

NYPD is increasing its policing of poverty, and what's compounding this is that NYPD continues to routinely violate criminal procedure law when they're issuing-- failing to issue appearance tickets in lieu of arresting individuals for low-level offenses.

Custodial arrests for these low-level offenses are on the rise, and according to our arraignment

supervisors, desk appearance tickets are down to about a third of what they used to be. one problem in particular is that NYPD has its own exceptions to issuing desk appearance tickets in the Patrol Guide.

Specifically, these exceptions include something like not having a verifiable address. Many of these low-level cases are also not bail-eligible. So that

means that the person will be in the custody of NYPD and then released after arraignment. NYPD, however, claims that while they are in custody, they still

need to be accompanied by an NYPD officer to receive

1 medical treatment-- I'll just sum up this paragraph--
2 or go to the hospital. NYPD claims that they don't
3 have enough officers to provide escorts, even if
4 there is an ambulance on site. So, people in custody
5 are not receiving medical care, and now NYPD officers
6 are asking attorneys to rush through their cases in
7 arraignment, because NYPD is going to wait on
8 providing medical treatment until after the person is
9 arraigned. So, either DOC can take custody of the
10 person or the judge will release them from NYPD
11 custody. Also, NYPD can-- officers can avoid having
12 to escort someone to receive medical treatment and
13 pass liability and responsibility for care onto
14 someone else. We thank the Council for the
15 opportunity to testify and for addressing the lack of
16 oversight and accountability of NYPD practices
17 related to police/citizen encounters, custodial
18 detention and arrest, and the crisis of deaths in
19 NYPD custody. Thank you so much.

20
21 CHAIRPERSON SALAAM: Thank you for your
22 testimony.

23 CLAIRE THOMAS: Good afternoon. My name
24 is Claire Thomas. I'm a public defender with Legal
25 Aid Society Brooklyn Trial Office, and I represented

Christopher Nieves who is the most recent person to die in NYPD custody. Today I will share my experience in arraignments on August 29th to highlight the impact that a culture of impunity and lack of accountability creates. A Police Department that refused to recognize the dignity and humanity of the people that they have derived into their custody. Deprivation of liberty should not result in deprivation of life. on August 29th, I arrived at Criminal Court arraignment and picked up the file for Mr. Nieves who was being detained after being arrested for taking food from Whole Foods, a low-level offense. At around 5:00 p.m. I went to the holding area which is controlled by NYPD and it's behind the courtroom to speak with Mr. Nieves. This area is grim, dirty, generally always crowded, has a lack of seating which often forces people to have to sit on the floor for hours at a time. There were at least three NYPD officers there that night. When I met Mr. Nieves, I immediately realized that he wasn't well. His skin was a sickly yellow color. He was disoriented, and he told me had just been in the hospital for a few months being treated for a staph infection. He then showed me his foot which is all

bandaged up, and he was very clearly in pain. There was a real possibility that bail would be set. despite the charges being low-level, the DA was requesting bail which would force Mr. Nieves to go to Rikers. I wanted to ensure that Mr. Nieves would go to the hospital, not Rikers. So, I told the arraignment ADA that he needed immediate medical assistance. The ADAs were both unperturbed and insisted they would request bail anyway. While trying to negotiate a favorable outcome for Mr. Nieves, I continued to check on him and his condition each time and with NYPD officers present in the holding area, I saw him lying on the ground on his side. A few people in the back told me that they were worried about him because he kept passing out. At around 6:45-- just wrapping up, sorry-- I advised Mr. Nieves to ask NYPD to be taken to the hospital. I checked in with NYPD as well shortly after, and they told me they were handling it. It wasn't until closer to midnight that I heard anything else. One of the NYPD officers came to the courtroom requesting Mr. Nieves' file. I asked her if Mr. Nieves had in fact been brought to the hospital. She didn't say anything and just made this gesture towards me like she was

1 cutting her throat. She then walked away from us
2 without saying anything else. It was deeply
3 disturbing, but I didn't assume the worst because I'd
4 already been told he had been brought to the hospital
5 hours ago. So I finished the shift. I went home. We
6 never heard anything, and the next day I found out
7 from Instagram that he had died in the courthouse
8 that night. Mr. Nieves died alone in a cell after
9 10:00 p.m., hours after he and I both requested that
10 he receive medical attention, but NYPD refused to
11 give him medical help that could have saved his life.
12 I'm calling on the City Council to please hold NYPD
13 responsible for Mr. Nieves' death. I'm demanding
14 that not another life is lost by NYPD's failure to
15 act and by the City's inability to hold officers
16 accountable and responsible for misconduct,
17 especially when either action or inaction results in
18 death of one of our community members. Thank you.

19
20 CHAIRPERSON SALAAM: I do have a
21 question.

22 CLAIRE THOMAS: Yes.

23 CHAIRPERSON SALAAM: For those of you who
24 have run out of time that had more testimony to speak
25 on, definitely please submit that testimony to

testimony@council.nyc.gov. My question is-- and I don't know this. I'm a person who of course as you all may know was arrested and sent to prison for a crime that I didn't commit, but I don't know the answer to this question. Do you know if there is an opportunity for individuals being held in police custody to eat? And I'm asking that, because I know if you're on Rikers Island, yes, there's breakfast, lunch and dinner served and so forth and so on. I'm just wondering because it's occurring to me that when it's a low-level offense like someone stealing food, is there food at the precinct?

CLAIRE THOMAS: They have bags of peanut butter jelly sandwiches and water.

CHAIRPERSON SALAAM: So, there is--

CLAIRE THOMAS: [interposing] That's it. Spoiled usually.

JACKIE GOSDIGIAN: I've seen it to be like ham and cheese that isn't refrigerated. So, I don't think--

CHAIRPERSON SALAAM: [interposing] So, non-refrigerated--

JACKIE GOSDIGIAN: [interposing] Yes.

CHAIRPERSON SALAAM: spoiled milk or--

JENNVINE WONG: [interposing] The Patrol Guide does require that officers honor requests for food and water, especially within the NYPD holding cells before-- even before they make it to central booking, but oftentimes, our clients have reported to us the poor conditions of the food that they've had, sometimes completely inedible. They've often been served milk that has gone bad, food that has been left out, ham and cheese sandwiches that have gone bad, or not having their own dietary restrictions honored, and there have been multiple reports of that kind of treatment. Also, multiple reports of when they request water, sometimes they get water in like the tiniest cup or sometimes they only get it once. Often times our clients are also quite afraid that they might have their DNA collected surreptitiously by the NYPD if they even accept water or some other beverage from the NYPD or the NYPD holding cells.

D'JUAN COLLINS: Not to mention that the holding cells are [inaudible]

CHAIRPERSON SALAAM: [interposing] Your microphone is--

D'JUAN COLLINS: Not to mention that the holding cells are very nasty, bugs, rodents, feces in

the toilet because it's clogged up, water doesn't work in the holding cells. So, it's very decrepit in there.

CHAIRPERSON SALAAM: Wow, I thought conditions might have changed since 36 years ago. I was introduced to the system. But thank you for your answer to my question.

JENNVINE WONG: I just wanted to add one more thing ot that question, and [inaudible] part of the answer to your question. Things should have changed, because they have been sued previously for the conditions in pre-arraignment holding, and there is a settlement in place where they are supposed to ensure some basic dignity in the pre-arraignment holding area. But the consistency of their compliance with that settlement has been I would say at best poor.

CHAIRPERSON SALAAM: Thank you. And you have testimony, and we said ladies first, so I'm just-- you know.

JENNVINE WONG: Yes, thank you.

COUNCIL MEMBER CABÁN: Chair, may I before--

CHAIRPERSON SALAAM: [interposing] Yes.

COUNCIL MEMBER CABÁN: I just want to say
can you remind me your name, the attorney for Mr.
Nieves?

CLAIRE THOMAS: Claire Thomas.

COUNCIL MEMBER CABÁN: Yeah. What
happened to Mr. Nieves is just disgustingly horrific,
but I also want to point out that the effects of this
go much further. I was in your position not that
long ago, and I remember-- I'm pretty sure it was in
my first year of being a defender. I working the
night court arraignment shift, and there was a client
in the back who during the shift attempted to hang
himself, and everything had to stop and all the court
officers had to run into the back to take him down
from the belt that he was hanging from, and it is
just a horrifically traumatic experience for the
people who work and advocate for these folks as well.
So, I am sorry that you experienced that, that you're
continuing to have to process that and deal with
that. I hope that you get any support that you need.
Vicarious trauma is very, very real, and you know, it
just-- I just want to make a finer point of
establishing like, yeah, the deaths in and of
themselves are horrific and must stop, but the pain

and the trauma and the impact is felt by a wide, wide set of folks and certainly affects the work that you're trying to do every day. So, I'm sorry.

JENNVINE WONG: My name is Jennvine Wong. I'm a Supervising Attorney with the Cop Accountability Project within the Legal Aid Society, and as we've heard just now, as public defenders we are witnesses to the impact that police misconduct can have on a person's liberty and ability to live with dignity. I want to point out for this council first and foremost, that we are now over a decade since the decision in the stop and frisk litigation. NYPD is still under federal monitorship, not in compliance. And our public defenders across all five boroughs continue to hear about rampant harassment and unconstitutional stops and frisk by NYPD officers every day. I will note that we have submitted written testimony that details our recommendations to strengthen accountability more broadly as well as our 10-point plan that we released with our sister defender organizations this morning. But I would like to take the opportunity to highlight the growing crisis we face today, and that it is a part of the larger history of NYPD's culture of impunity. We've

noted that 40 people have died in NYPD custody in 2023 and 2024, the highest two-year toll in nearly a decade, and this year alone at least nine people have tragically lost their lives, including Legal Aid clients while in the custody of NYPD. And despite those deaths, NYPD still has yet to provide any comprehensive information about it, or the steps that they're taking to prevent similar tragedies. Now, I want to note that in stark contrast after the repeal of 50A, the CCRB made a wealth of information available to the public in order for the public to meaningfully analyze how misconduct was being treated in this city. In stark contrast, NYPD has not done so. And in fact to this day they still have not done so. They have released select information that they have deemed important to the public, but they have not released information that we need to assess their effective-- whether or not the disciplinary system is effective or not. We've heard a lot about the Force Investigation Division, and I want to highlight that. we don't know anything about the Force Investigation Division investigations generally because we don't have that information. It's not posted publicly. What we do know is public reporting, and for many of

the families of these high-profile deaths, we have learned that FID investigations have been deficient to put it shortly. FID was created 10 years ago to restore public trust, but it has failed to do so. And I want to note that the FID was actually created as a response to the death of Eric Garner, and now after all of these additional deaths over the past 10 years, so many high-profile deaths, FID investigations are still deficient. And so that is why the Legal Aid Society is calling for an independent agency to be the primary investigator in these instances, because NYPD cannot be trusted to police itself. One last thing I wanted to note, and it is in our written testimony, so I'll wrap up very shortly. From 2021 until today, there have been 46 substantiated cases for failure to render medical aid. The most common penalty for that was less than five days. That's it. Failure to render medical aid should be serious mis conduct and should be treated as such. Less than five penalty days shows a disregard for the fact that people who are in NYPD custody, who are entirely reliant on NYPD to render medical aid to make sure they get medical assistance. They're not doing it. NYPD is not taking this

seriously. Thank you for the time today. I wanted to just say that the current administration's revival of Broken Windows policing is what coincides with all of these increases of misconduct complaints and of these high-profile deaths.

CHAIRPERSON SALAAM: Thank you for your testimony. You may begin.

D'JUAN COLLINS: First of all, I want to say thank you, Council Member Salaam and members of the Public Safety Committee for allowing me to be here today. My name is D'Juan Collins, and I'm a civil rights union leader with Vocal New York. Misconduct in the NYPD is out of control. It's unchecked and a massive abuse of power, from fabricating felony complaints to body-cam footage, and manufacturing evidence, anything else they need to justify an arrest to shape their narrative to bring it to their final conclusion. I have experienced NYPD misconduct firsthand for the 34 precinct in my own case. A now retired sergeant of the NYPD, Lorraine Ramos, falsely accused me of strangling my ex-girlfriend in 2018 to the point of unconsciousness. That never happened. Ramos has a history of fabricating felony complaints from civil

cases from Malik Stewart [sp?] versus the NYPD 19CV05499, and Collins versus the NYPD 19CV7156 and internal NYPD records, yet despite this, Ramos treachery was covered up in the lawsuit in the Steward case where the City of New York settled. Ramos was promoted to Sergeant soon after my arrest and allowed to retire with a sergeant's pension at the taxpayer's expense. Is it just for the NYPD officer that allegedly fabricated felony complaints to be promoted to Sergeant and allowed to retire with a pension at the taxpayer's expense? Is it just for the Manhattan District Attorney to prosecute a fabricated felony complaint by the NYPD? Is it just for New Yorkers to pay millions of dollars of settlement suits due to intentional misconduct by the NYPD? According to a 2025 analysis data released by the Legal Aid Society, from 2018 to 2024 it cost New Yorkers approximately \$750 million dollars in alleged misconduct lawsuit. Misconduct in the NYPD works hand-in-hand with misconduct in the DA's office. Once police fabricate their records, the very public servants that are supposed to intervene to prevent a constitutional violation go along with the status quo of doing business as usual, because of a benefit

promise or recede [sic], or fear of reprisal and loss of a benefit. As a result of misconduct, the cover up ensues by other agencies. A wrongful conviction is born and Black or Brown families are destroyed like mine. This misconduct happens constantly because there aren't any real oversight committee with final and binding authority over the Commissioner of New York-- over the commissioner of-- over the Commissioner of the NYPD, no checks and balances for police officers. They have qualified immunity. Complete cooperation is from other agencies. The idea of even giving the average citizen qualified immunity, protecting them from accountability due to the levels of crimes perpetrated upon innocent New Yorkers or their constitutional rights being violated, would receive disdain, scoffing and ridicule. Would it not? There's no respect for the rule of law in New York when it comes to the NYPD. They feel they're above the law because when it comes to the police-- I'm sorry. They feel they're above the law because no one will hold the police accountable. There's definitely no equal protection of the law to allow NYPD unfettered power over the citizens of New York

1 is to abolish the rights of New Yorkers. Let's face
2 it, absolute power corrupts absolutely. Even when
3 cops are held accountable, which is rare, their
4 discipline is only a slap on the wrist. If a doctor
5 commits medical negligence, they lose their license.
6

7 CHAIRPERSON SALAAM: I do have a
8 question, being that the time has expired. Are there
9 any recommendations that you offer as a
10 representative of the people that you are
11 representing as well?

12 D'JUAN COLLINS: Oh, yes. We have a
13 recommendation to support our bill to end qualified
14 immunity. That is one. Another recommendation is--

15 CHAIRPERSON SALAAM: [interposing] And do
16 you have that bill number just so that it's part of
17 the testimony?

18 D'JUAN COLLINS: I can get that.

19 CHAIRPERSON SALAAM: If not, you can get
20 it to us, you know, later on.

21 D'JUAN COLLINS: Yeah. So, that's one of
22 the recommendations. Another recommendation is to
23 strip the Commissioner of a final making decision
24 authority when it comes to police misconduct. So, if
25 I can continue?

CHAIRPERSON SALAAM: Well, actually, because the time did expire, I just kind of wanted you to wrap if you could, because we do have the standard of two minutes.

D'JUAN COLLINS: Okay, got you.

CHAIRPERSON SALAAM: And we do also offer the testimony to definitely be included in the transcript. So it's not like it wouldn't be, but that's why I wanted to maybe ask that question, and if there is a way to summarize as you end, that'll be perfect.

D'JUAN COLLINS: Alright. I'll just--

CHAIRPERSON SALAAM: [interposing] But then also submit your testimony.

D'JUAN COLLINS: Okay. So, I just want to say in closing this. I want to leave with the famous dissenting opinion from Justice Louis Brandeis in the Olmstead Decision of 1928. If the government becomes a law-breaker, it breathes contempt for the law. It invites every man to become a law to himself. It invites anarchy. Olmstead versus United States 277US438 at 485. Thank you for your time.

CHAIRPERSON SALAAM: Well, thank you. I appreciate that. If there are no questions-- thank you for your testimony.

COMMITTEE COUNSEL: Next panel we'll hear from Alissa Johnson, Brian Ehrenpreis, Barbara Manu [sp?], and Yvonne Jennings. After this panel we'll be moving to Zoom testimony.

ALISSA JOHNSON: Good afternoon and thank you for organizing this important hearing. My name is Alissa Johnson and I'm a legal fellow with the Surveillance Technology Oversight Project. The Surveillance Technology Oversight Project is a civil rights and anti-surveillance group that advocates and litigates against discriminatory surveillance. Lack of meaningful oversight for NYPD misconduct harms all of us and costs lives. It also hamstring attempts to hold police accountable for misuse of surveillance technologies such as pervasive over-policing of communities of color using technologies like Shot Spotter, identification and tracking of protestors using drones, circumventions of prohibitions of facial recognition technology by outsourcing requests to other departments like FDNY, and continued non-compliance with the POST Act's reporting

requirements. Under existing toothless disciplinary procedures, NYPD officers feel empowered to violate our civil liberties, securing the knowledge that it will likely cost them at worst a handful of vacation days. STOP joins other advocates testifying today in asking the City Council to implement major reforms to disciplinary processes. Among them, we ask that NYPD require-- be required to promptly charge officers upon confirmation of charges by the CCRB to avoid delays and hitting the statute of limitations. We also ask that the City Council reissue a resolution similar to Resolution 1538 urging that the legislature pass a bill giving final adjudicatory authority over discipline to the CCRB rather than the Police Commissioner. We also recommend as CCRB requested today that they be granted direct access to NYPD camera footage and other evidence. Fourth, we also recommend that the Council continue to allocate increased funds for staffing at CCRB. And finally, we'd ask that the City take steps to end police officers' qualified immunity in civil suits. Thank you for the opportunity to testify today.

CHAIRPERSON SALAAM: Thank you as well.

Yes?

BRIAN EHRENPREIS: Good afternoon. My name is Brian Ehrenpreis and I'm an attorney with New York County Defender Services. I'm here to talk to you all today, because two men that I knew and represented can't speak for themselves. Those men were named Musa Cetin and Diallo Ibrahim. Both of these men died in the custody of the NYPD this year. One of them died in an arraignment holding cell several blocks that way, 100 Center Street, and the other died in an NYPD holding cell in a Midtown precinct. The deaths of both of these men are directly attributable to a culture of apathy and neglect and impunity in the NYPD. This is a culture that the CCRB can do something about. And I'm here to tell you all that we are at a crisis point in terms of these in-custody deaths, and those of us who are attorneys on the front lines of the system have known that for some time now. Any public defender in any borough of the City will tell you that they have arraigned too many clients who are sick, who are experiencing dangerous medical symptoms, who are in a mental health crisis, or are dealing with untreated injuries from an arrest by the NYPD. This overwhelmingly sick group of individuals is then

forced to sit in a squalid cage in the custody of the NYPD, often times upwards of 24 hours before they even see a judge. There are no medical personnel on-site to attend to our client's medical needs during this time. There are no doctors on-site making sure our clients don't die. And the NYPD doesn't care to do this, nor are they qualified to do so. I have personally arraigned clients with bloody faces, with open wounds. I've arraigned clients too weak to even stand up in front of the judge. And there are few public defenders in the City without a story of this kind. Our clients are uniquely vulnerable in terms of their health, and such a blatant disregard of their needs by the NYPD. It's no wonder people are dying at an alarming rate. Why would the NYPD have any incentive to change this, to investigate this, when they themselves are the ones doing the investigation. As you know, it's the Force Investigation Division that does this. They're accountable only to themselves, and we don't see that information. This is not an acceptable situation, and the City Council does not have to accept it. City Council must require the CCRB to investigate automatically these in-custody deaths whenever they

occur. That is one of the only ways we're going to get to the truth of these incidents and prevent them from occurring again, and to break the cycle of neglect and apathy that is increasingly transforming an arrest in New York City into a death sentence.

Thank you.

CHAIRPERSON SALAAM: Thank you as well.

You may begin. Just press the button to the-- yes.

LAUREN CARBAJAL: Hi, good afternoon.

Sorry about that mix-up. My name is Lauren Carbajal and I'm speaking on behalf the Legal Defense Fund.

I'm assistant counsel there. We thank the Committee for the opportunity to provide testimony today.

Today, we're calling on the City Council to empower the CCRB, particularly its racial profiling and bias-based policing unit to carry out its important mission of investigating and issuing findings related to bias policing. First, the CCRB must be fully staffed and funded. CCRB suffers from a lack of resources to effectively hold the NYPD accountable and they face an increasing amount of complaints each year, yet their budget and headcount have not correspondingly increased. This makes it impossible to keep up with the growing caseload which could

allow misconduct to go unaddressed. We appreciate the City Council's recognition of the importance of a fully-funded CCRB and Racial Profiling Unit. As evidence by 2024 request to increase CCRB's baseline by \$15 million. we urge you to stand strong in such requests. The Racial Profiling Unit also needs direct, unfettered access to NYPD databases and records. Currently, CCRB must formally request that data such as body camera footage, complaint histories, performance evaluations, and data sets on past conduct from the NYPD itself, and they are only entitled to access such data within one year of proceeding the events alleged at a complaint. This is insufficient for the RPB Unit to conduct a meaningful analysis. When access to information is blocked or constrained to such a short timeframe, these investigations are severely hindered. The RPB Unit can be a powerful tool to ensure that officers engaging in racial profiling and discriminatory unconstitutional conduct are held accountable. The City Council must ensure that it can fulfil its mandate. Finally, for decades the NYPD has ignored the or undermined CCRB recommendations which disproportionately harms Black communities. The NYPD

1 substantiates only about 10 percent of CCRB
2 recommendations, leaving the vast majority of
3 misconduct unaddressed, especially racial profiling
4 complaints. Almost finished. The NYPD's refusal to
5 discipline officers, even when the CCRB substantiates
6 misconduct, is not only an abstract failure, it is a
7 devastating trauma for families. Too many Black New
8 Yorkers have buried loved ones while watching the
9 officers responsible remain in uniform. The family
10 of Allan Feliz was very recently confronted by the
11 NYPD's decision not to impose discipline even where
12 the CCRB substantiated claims of officer misconduct.
13 As the primary oversight body of the NYPD, the City
14 Council must ensure that these instances of violence
15 and miscarriages of justice stop. Thank you so much
16 for your time.

18 CHAIRPERSON SALAAM: Thank you as well.

19 You may begin.

20 YVONNE JENNINGS: Hello, sir. I've spoke
21 here at least three times, Public Safety. And
22 Jonathan Darche, I met with years ago. The stalking
23 of me by this coat [sic] started May 11, 2006-- drug
24 related. I don't do drugs. It turns out I had a
25 client-- which I client I had who had a part of a

1 cartel. I don't do drugs. I reached out to all of
2 y'all for help, got nothing. I came to your
3 wonderful office, Sir Yusef, last year and showed
4 some letters that have gone to the Whitehouse.
5 They're 5,000+. I just showed them to Ms. Cabán, and
6 I said to her, the letters-- nothing. And the emails
7 now are on overtime [inaudible] Pam Bondi-- Kash is
8 his name? Matt Fraiser [sp?]- what's the name
9 Varlack [sp?], the Chief of Staff to the Mayor, all
10 get the same email, that we on overtime to everyone,
11 and they're resent. I'm being electrocuted by the
12 man over me. I went to the 47 precinct on the 16th,
13 Tuesday. They were horrendous to me, and I am the
14 way I am now, unless you piss me off. I get really
15 not nice. The next day I had to go to the hospital
16 to have a cardio, and I almost fainted by the
17 elevator. I went to NAN on Saturday, National Action
18 Network. There's a young man that was back there,
19 and I reached out to some people there. But the
20 peace to resistance-- on the first of August, I
21 almost had my third heart attack. My second heart
22 attack was caused by the man upstairs, along with
23 almost the third, and that one, my pressure was 156
24 in the ambulance. In the hospital it went to 216
25

1 over 109 at 3:27 a.m., of which they marched around
2 in there. It was a Tuesday. It wasn't busy. No one
3 was in there, and they left me to die. So, what I
4 just said to you, I'm not saying a tenth of any of
5 this. I fear for my life and safety, and I had
6 reached out to you, tried to speak to you privately
7 for like 10 minutes to show you some letters that
8 were given to your-- Herrera? Yes. Last year, right
9 after my heart attack-- very important, the letters
10 that went to Biden. Yes. I ask again, could you
11 spare 10 minutes of your time sometime that we could
12 talk? Very urgent. Thank you. Because I really
13 don't know what to do, because I reached the CCRB.
14 You know, that's Jonathan Darche, and I reached out
15 to him in the start of 2006. I reached out to him
16 probably-- how old is his child? When his child was
17 three or four-- but they don't handle stalking. No
18 one does. But I'm just sitting watching. When I
19 leave here, I'm harassed horrendously, horrendously,
20 and I'm always at the camera. So, we got a problem.
21 I don't understand. So, if you could help me out, I
22 greatly appreciate it, okay? Thank you.

23
24 CHAIRPERSON SALAAM: Thank you for your
25 testimony as well.

YVONNE JENNINGS: Yes, thank you.

CHAIRPERSON SALAAM: We're going to now open for virtual panelists. We'll be calling individuals one-by-one to testify. Once your name is called, a member of our staff will unmute you, and the Sergeant at Arms will set the timer and give you the go-ahead to begin. Please wait for the Sergeant at Arms to announce that you may begin before delivering your testimony. Thank you.

COMMITTEE COUNSEL: Thank you. We're going to start with Michael Sisitzky. Then we'll move to Tanesha Grant, and then Christopher Leon Johnson. Start with Michael.

SERGEANT AT ARMS: You may begin. Michael, if you can hear us, please unmute and you may begin your testimony.

UNIDENTIFIED: I think he was unable to unmute.

CHAIRPERSON SALAAM: We're going to move to Tanesha Grant.

MICHAEL SISITZKY: There we go. It just allowed me to unmute.

CHAIRPERSON SALAAM: Oh, perfect.

MICHAEL SISITZKY: Thanks so much. So, good afternoon. I'm Michael Sisitzky, Assistant Policy Director with the New York Civil Liberties Union. So, we really can't separate the increase in complaint activity that we've seen in recent years from this administration's really aggressive approach to policing. Stop and frisk activity has surged to levels that we've not seen since 2014 of staggering racial disparities. Low-level summonses and arrests have increased. Vehicle stops have increased. The NYPD keeps creating specialized unit after specialized unit, Neighborhood safety Teams, Public Safety Teams, Community Response Teams, Quality of Life Teams, euphemisms to obscure the reality of what they're doing which is a full-throated embrace of Broken Windows policing, driving an unacceptably high number of unconstitutional and racially-biased stops with little supervisor review, and no consequences or any kind of discipline, meaningful discipline when these officers are violating New Yorkers' constitutional rights. And alongside all of this, we've seen a systematic effort by this administration to weaken external oversight. While some of the more egregious attacks on this oversight have been

1 addressed, under this administration we saw the CCRB
2 forced to suspend entire categories of investigations
3 due to budget cuts. We saw the NYPD invent deadlines
4 out of thin air to justify their short statute of
5 limitations policy. We've seen and still see a
6 severe reduction in staffing for the Office of the
7 Inspector General for the NYPD, having gone from 37
8 staff members at their peak in 2017 to just three
9 filled positions as of last month. Three people for
10 an office meant to oversee the policies and practices
11 of a department that employs around 34,000 uniformed
12 officers and thousands more civilian employees.
13 Whatever the NYPD professed here today about its
14 commitment to discipline and accountability, we know
15 that we will not find accountability from within the
16 NYPD itself. There's hundreds of pages in the
17 Federal Monitor's report on NYPD discipline that
18 paint a full picture of a discipline system that is
19 simply uninterested in disciplining officers. The
20 CCRB and the Office of Inspector General are by no
21 means perfect entities, but they provide something--

22
23 SERGEANT AT ARMS: [interposing] Your time
24 is expired. Thank you for your testimony.
25

MICHAEL SISITZKY: that the public desperately needs which is independent investigations into the NYPD. Those agencies need to be resourced. They need to have the tools they need. They need to have the direct access to the information that they need to complete their investigations and fulfill their mandate, and the Council must also be doing more to reigning in the abuse of tactics being employed by officers themselves that are driving misconduct. We need that accountability on the back end, but we also need to be doing more to cut off the harms, the harassment, the racial profiling, and the excessive force that officers are using in communities in the first place. Thank you.

COMMITTEE COUNSEL: Thank you. Next, we'll go to Tanesha Grant.

SERGEANT AT ARMS: You may begin.

TANESHA GRANT: Hello. Give me a second. Hello, Chair Salaam and fellow Public Safety Committee Council-- City Council Members. My name is Tanesha Grant and I am the founder and Executive Director of Parents Supporting Parents New York. We are one of the organizations supporting the family of Saniyah Cheatham who died in police custody at the

very tender age of 18. Supporting the family of Saniyah has been very difficult. Ms. Thomasina Cheatham has lost her only daughter. Saniyah's brothers have lost their only sister. After having a great day, Saniyah somehow ended up dead in the 41st precinct in the early hours of July 5th. Her family are still waiting for answers. Death in police custody is more than traumatic. It is often avoidable, and it more often than not goes unpunished. It is the NYPD's job to keep folks safe while they are in custody. This young Black girl has been given very little attention and compassion by this administration. Ms. Thomasina remains in limbo trying to figure out why her 18-year-old Black daughter is dead. The police are not above the law. Our billionaire commissioner hired by a corrupt Mayor is not above the law. Actions speak louder than words, and the actions of the police and the so-called oversight are non-existent. CCRB findings are often overturned. Like in my good friend, Delrawn Small case, when the officer who killed him on video is still a police officer. Delrawn was a childhood friend I met while both-- while we both were in foster care as children. we are still greiving that

transparency and answers on what happened to Saniyah.
Thank you for listening to my testimony.

CHAIRPERSON SALAAM: Thank you.

COMMITTEE COUNSEL: Next, we'll go to
Samah Sisay.

SERGEANT AT ARMS: You may begin.

SAMAH SISAY: thank you. Good
afternoon, Chair Salaam and members of the City
Council. My name is Samah Sisay. I'm an attorney at
the Center for Constitutional Rights. And I'm going
to just really build on what a lot of the other
attorneys and Michael from NYCLU talked about which
is the NYPD's refusal to adequately discipline
officers who engage in unconstitutional stop and
frisk practices. So, the Center for Constitutional
Rights along with Beldock, Levine and Hoffman have
been unfortunately over a decade lead plaintiff
counsel in the Floyd versus City of New York
litigation that led to the current federal
monitorship of the NYPD's stop, question and frisk
practices. Something that's often not discussed
about the court's order in Floyd is that the decision
really pointed to the fact that discipline was
important and remains important to stopping unlawful

1 SQF practices in New York City. One of the orders
2 that the court made of the NYPD was to give more
3 deference to the investigations being conducted by
4 the CCRB, because the CCRB is independent, right, an
5 independent city agency that's staffed with
6 experienced lawyers and investigators who are able to
7 do the work that they've been tasked to do. The CCRB
8 has jurisdiction to investigate improper stop,
9 question and frisk allegations under the abuse of
10 authority category, but over 11 years later after
11 this court order, the NYPD has failed to comply.
12 NYPD officers are rarely disciplined for
13 unconstitutional stop and frisk, even when
14 substantiated by the CCRB. And Chair Salaam
15 mentioned the Yates Report which is the recent
16 discipline report that was submitted to the judge in
17 the Floyd monitorship, and in the report they show
18 that the CCRB findings are not given deference as
19 required by the court order. Often times they're
20 ignored. NYPD Police Commissioners have consistently
21 exercised their unfettered authority over discipline
22 to excuse officers of SQF misconduct by stating that
23 they're just acting in good faith. And even when the
24 misconduct--
25

SERGEANT AT ARMS: [interposing] Thank you for your testimony. Your time is expired.

SAMAH SISAY: Thank you. What I will add at the end is that we submitted-- my testimony has been submitted on the record, but also the plaintiff's counsel and the Floyd federal monitorship. We put together a list of various recommendations regarding the NYPD discipline system as it relates to stop, question and frisk, and that was included and submitted as well, and we would really appreciate the City Council's reviews of the recommendations in that document. Thank you.

CHAIRPERSON SALAAM: Thank you.

COMMITTEE COUNSEL: Next we'll go to Christopher Leon Johnson.

SERGEANT AT ARMS: Begin.

CHRISTOPHER LEON JOHNSON: Yeah. Hello. My name is-- hello. My name is Christopher Leon Johnson, and I want to make this clear. I know that very soon that I won't be able to say the stuff I want to really say, but while I'm at it I might as well say it. But I think that this hearing today was nothing but a sham, because the CCRB-- let's make that clear, that the CCRB works with the NYPD. Why

won't the committee start calling out the CCRB themselves for really working with the NYPD to where that the reason that they cops and these committees, these NYPD cops can do what they want, because the CCRB are complicit with what they do. We go to these hearings at CCRB, make our complaints, and nothing ever happens because we start finding out that these guys and gals work together and some of these guys are [inaudible] the same cliques, and-- cliques like Free Masonry and Rotary Clubs and Lions Clubs and all these types of clubs and these other cliques, and they work together. And I'm calling on-- and the City Council should make it aware that the Police Commissioner should not appoint any member of the CCRB because that's like a big conflict of interest. Why you have a committee where you have Joe Fox on the committee and everybody know that guy is so-- has a history, and it's like, yeah, he's going to protect the cops. He's going to protect-- he's going to protect the cops that works-- that he's boys and gals with. And it's-- like I said, people got to start really looking into these cliques, to these-- what is it? These fraternal organizations that work hand-in-hand with the police unions. People got to start

1 calling out these ethical-- like the New York
2 Dominican [sic] organization and New York Hispanic,
3 and the Guardians and all these organizations that
4 work hand-in-hand with the police, working hand-in-
5 hand with the unions and that go work hand-in-hand
6 with the CCRB. And like I said-- people, like I said
7 before, no-- this is about to happen soon, because
8 the Raul Rivera rule that-- I'm say this right now
9 before I end here. Like I said, people got to start
10 calling out the Free Masons in the City Council,
11 because when you get-- when you [inaudible] City
12 Council, this really picks up all the stuff that
13 happens-- picks up all that happens with the police
14 corruption and how the City Council is complicit.

16 SERGEANT AT ARMS: Thank you for your
17 testimony. Your time is expired.

18 CHRISTOPHER LEON JOHNSON: [inaudible]
19 the police corruption. Thank you. Thank you so
20 much. Thank you.

21 CHAIRPERSON SALAAM: Thank you. If there
22 are anyone that has not been recognized that wishes
23 to be recognized, you may use the raise hand feature
24 virtually, and if there's no one that has raised
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their hand, that concludes today's business. Thank
you for your testimony.

[gavel]

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COMMITTEE ON PUBLIC SAFETY

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 29, 2025