CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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May 8, 2019

Start: 11:43 a.m. Recess: 12:11 a.m.

HELD AT: Council Chambers - City Hall

B E F O R E: KAREN KOSLOWITZ

Chairperson

COUNCIL MEMBERS: Adrienne E. Adams

Margaret S. Chin

Rafael L. Espinal, Jr.

Vanessa L. Gibson Corey D. Johnson Rory I. Lancman Steven Matteo Deborah L. Rose Ritchie J. Torres

Mark Treyger

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

2 CHAIRPERSON KOSLOWITZ: [gavel] 3 Meeting on Rules is now called to order. Good 4 morning and welcome to the Committee on Rules, 5 Privileges and Elections. My name is Karen 6 Koslowitz, and I am Chair of this committee. Before 7 we begin this hearing, I would like to introduce the 8 Council Members of this committee who have joined us today. First, we are honored that out Speaker will 10 be joining us. The other members of this committee 11 who-who are present are Minority Leader Steven 12 Matteo, Council Member Adrienne Adams, Council Member 13 Margaret Chin, Council Member Rafael Espinal, Council 14 Member Vanessa Gibson, Council Member Rory Lancman, 15 and Council Member Debi Rose. I would also like to 16 acknowledge Rules Committee Counsel Elizabeth Guzman 17 and the staff of the Council's Investigative Unit 18 Chuck Davis, Director of Investigations and Andre 19 Johnson Brown, Investigator. Today, the Rules 20 Committee will consider two candidates for re-21 designation by the Council to the Civilian Complaint 22 Review Board, Mr. Joseph Puma and Mr. Nathan Joseph. 23 If re-designated and subsequently reappointed by the 24 Mayor, Mr. Puma a resident of Manhattan will serve 25 for the remainder of a three-year term that expires

July 4, 2021. If re-designated and subsequently 2 3 reappointed by the Mayor, Mr. Nathan Joseph, a resident of Staten Island will serve for a three-year 4 term beginning July 5, 2019 and expiring July, 4, 5 6 2022. Pursuant to the New York City Charter, the New 7 York Civil-City Civilian Complaint Review Board has 13 members. Of these, five are designated by the 8 Council, one from each of the boroughs. Five are 9 designated by the Mayor, one of whom is appointed 10 Review Board Chair, and three are designated by the 11 12 Police Commissioner. The three designated by the Police Commissioner must have law enforcement 13 14 experience. All appointees the Review Board serve 15 three-year terms. Review Board mandates may not hold 16 any other public office including public employment. 17 Board members are compensated per diem at a rate of 18 \$315. The Review Board is authorized to receive and investigate here, make findings and recommend action 19 20 concerning Civilian Complaints of misconduct committed by members of the New York City Police 21 2.2 Department. Complaints within the Review Board's 23 jurisdiction-jurisdiction include those that allege excessive force, abuse of authority, discourtesy or 24 use of offensive language including, but not limited 25

1	COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS 5
2	to slurs relating to race, ethnicity, religion,
3	gender, sexual orientation and disability. Welcome
4	Mr. Puma. Would you please raise your right hand to
5	be sworn in.
6	LEGAL COUNSEL: Do you swear or affirm to
7	tell the truth, the whole truth in this testimony
8	you're about to give?
9	JOSEPH PUMA: Yes.
10	LEGAL COUNSEL: Thank you.
11	CHAIRPERSON KOSLOWITZ: Well, Mr. Joseph.
12	Would you please raise your right hand to be sworn
13	in.
14	LEGAL COUNSEL: Hello. Do you swear or
15	affirm to tell the truth, the whole truth in this
16	testimony you're about to give?
17	NATHAN JOSEPH: I do.
18	LEGAL COUNSEL: Thank you.
19	CHAIRPERSON KOSLOWITZ: Mr. Puma, do you
20	wish to make an opening statement?
21	JOSEPH PUMA: Yes.
22	CHAIRPERSON KOSLOWITZ: Alright.
23	JOSEPH PUMA: Good morning, Chair
24	Koslowitz, Speaker Johnson and members of the
25	Committee on Rules, Privileges and Elections. The

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last time I appeared before this committee in April 2016, the CCRB was in the midst of significant leadership transition. Despite the immense uncertainty of that period, I retained hope that the agency including its very dedicated and capable staff would rebound and even prosper once the new the issue took the helm. I am happy to report and to bear witness that reality that three years later the CCRB despite its undeniable constraints and continued opportunities for improvement is more equipped to fulfill and indeed has been fulfilling its Charter mandate more faithfully than at any time I can recall over the past five years of my CCRB service. During the past five years, I've had the unique opportunity to excise fair minded hands-on principles and collaborative leadership during a time when vast swabs of the public and numerous leaders in government and law enforcement have looked to repair and improve police community relations. During this time I have seen the agency through five changes in in the Board's chair, an ad hoc Executive Committee that temporarily performs the duties of Chair when the agency had no one named, and three changes in Executive Director. At pivotal times I've been able

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to help shape the face of upper management by serving on committees to vet and advise selection on Executive Director, General Counsel, Senior Advisor candidates and by offering incoming chairs or acting chairs, perspectives and recent institutional memory as they transitioned into their roles. Seeds that were sewn in recent years such as the creation of the Administration-Administrative Prosecution Unit and the funding of Outreach, Training and Policy Units have borne and continue to bear fruit. The agency continues to be blessed with a highly capable staff that is dedicated to the agency's mission, and in my experience earnestly receives, solicits, considers and yes even voluntarily implements suggestions for improvement from internal and external stakeholders. One recent example of the latter is the Board's Resolution to receive and investigate complaints of certain types of sexual misconduct, which the agency has begun in a first stage for cases they have deemed can be appropriately handled within our existing resources and capacity. For years the agency had been referring all sexual misconduct allegations to the NYPD's Internal Affairs Bureau. Although there were strong cases being made that sexual misconduct

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falls under the CCRB's fatal jurisdiction, it was through community engagement particularly with organizations that serve female victims of sexual violence, and the LGBTQ community that the agency began to consider this reform. It was a sense of the Board that such allegations fall under the agency's fatal jurisdiction, and I was a proud supporter of this long overdue reform. I firmly believe the CCRB should be an option for civilians to suggest this in these cases. I also strongly believe the agency would need more resources to adequately and responsibly investigate the more complex and sensitive so-called Phase 2 cases of sexual misconduct that it currently does not investigate. This is just one, but certainly a significant example of some of the sweeping reforms that have resulted in sweeping gains for the agency in terms of its efficiency and effectiveness, and that has incrementally improved the perception of an agency for-for which much of its existence has not lived up to its full potential as an important and uniquely situated player in the city's police oversight landscape with potential to foster improved policecommunity relations in the city. This unrealized

potential has been notwithstanding various earnest
efforts, scores of the agency's forebears, staff and
board included and also exacerbated by real setbacks
and challenges of the years. Although rights Stop,
Question and Frisk has been abandoned as official
practice is to its unconstitutionality and racial-
racially discriminatory impacts. Although there have
been moves to relax penalties for certain low-level
offenses, and in spite of initiatives like the NTO
Committee Policing approach, and the recent enactment
of the Right to Know Act, it seems the public
discussion has rightly turned to reforming the laws,
the mechanisms and even the internal processes that
could yield greater transparency and meaningful
accountability regarding alleged police misconduct.
This includes Charter reforms to the CCRB as one
option. All these efforts exist in a milieu of
discourse and debate focused on questions and
collective values such as how best to promote and
maintain public safety impacts on the day-to-day
practice of law enforcement creating better and more
equitable outcomes for individuals and groups
upholding Constitutional and civil rights and
understanding and initiating positive reforms to law

1 10 2 enforcement and the Criminal Justice System holistically. If reappointed, I intend to help shape 3 constructive policy informed by stakeholder input and 4 CCRB staff regarding developments such as the NYPD's 5 Blue Ribbon Panel's recommendations on the Police 6 7 Disciplinary system, proposals and preparation for any Charter revisions affecting the agency, possible 8 Civil Rights Law 50-A reform or repeal in Albany 9 regarding the confidentiality of police personnel 10 records, and efforts to reduce truncations (sic) and 11 12 ensure more Police Department concordance with CCRB recommendations. Since I began serving on the Board, 13 I estimate I have reviewed over 2,500 cases. I bring 14 15 an engaged fair minded, hands-on and collegial 16 approach to working with my fellow board members and staff. I bring an open mind, sensitivity, and 17 18 compassion to my review of cases, which bear real world consequences to police officers and civilians 19 20 alike. My perspective and my experience as a community advocate, life-long public housing resident 21 2.2 of Manhattan and as an Ivy educated openly gay bi-23 cultural Latino identified cisgender man has aided the agency in its outreach efforts for example to 24

NYCHA communities, Manhattan communities, LGBTQ

2 serving organizations of other community-based organizations. My previous experience as a civil 3 rights paralegal, logic and policy analyst and 4 intergovernmental liaison has enriched internal 5 6 conversations about topics such as the budget and 7 legislative process, and has helped the CCRB forge new contacts with partisan government, my long-time 8 involvement with Good Old Lower Eastside, also known 9 as GOLES, sensitizes me to the social forces that can 10 lead to displacement of the most vulnerable, low and 11 12 moderate income mostly of color residents of neighborhoods all over New York City, I'm seeking 13 14 professional opportunities currently in the non-not-15 not-for-profit and private sectors or for self-16 employment after having earned a Masters Degree from 17 Union Theological Seminary in 2017. The Masters 18 Thesis explored issues of the stigmatization and criminalization of public housing and its residents. 19 20 I have lived the experience and struggled with these pressures myself and still do. I care deeply about 21 2.2 forging spaces for healing, understanding justice and 23 reconstruction of the fracture itself. As frontline public servants in their communities, Council Members 24 25 have been vital partners in spreading the message of

2 the CCRB, inviting the agency to events in their districts and distributing our informational 3 4 literature in multiple languages. I'm pleased that under Speaker Johnson's leadership the Council has 5 6 continued its partnership with the CCRB in its 7 Community Partners Initiative, which began during the tenure of former Council Speaker Melissa Mark-8 Viverito. The Community Partners Initiative allows 9 10 members of the public to access CCRB services during special evening office hours in five participation 11 12 Council Members district offices throughout the city 13 where community members can file complaints, give 14 sworn statements and obtain information about the 15 CCRB without needing to travel to the CCRB's Lower 16 Manhattan Office during normal-during normal business 17 I'm grateful for the participation Council 18 Members in this expanded Initiative, Council Members Ayala, Gibson, Richards, Rose, and Cornegy. 19 20 gratitude also goes out to several other Council Members not listed here who participated in earlier 21 2.2 phases of that Initiative, and who-and those who 23 would like to explore further future participation. You are well aware that the Council only recently 24 achieved its full complement of CCRB members with the 25

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appointment Staten Island representative after a four-year vacancy. I'm pleased to sit alongside Mr. Nathan Joseph as you consider our reappointments I might add that in addition to being a today. thoughtful and engaged member who quickly embraced the roles and responsibilities of a CCRB board members, Mr. Joseph has probably one of the best last names that a person could ever have besides Puma. [laughter] Joking aside, I was deeply honored to receive news in December 2018 of the Manhattan Delegation of the City Council's wish to reappoint me as their designee on the CCRB. My last reappointment in May 2016 left me with a little over two years in my term, which expired on July 4, 2018. Current City Charter, CCRB Board members serve terms of three years, and the Public Officers Law commits certain appointed officials to serve in their official roles beyond their stated terms until a replacement is named. Seeking reappointment has afforded me the opportunity to review and validate my unique contribution to and commitment to helping the CCRB fulfill its Charter mandate. Again, I was quite humbled to receive the renewal-renewed support of the Manhattan Delegation as their potential designee and

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would be most grateful for the support of this committee and the full Council in recommending me to the Mayor for re-appointment. Thank you very much for the opportunity to speak with you today. forward to answering any questions you may have.

CHAIRPERSON KOSLOWITZ: Thank you. Joseph, do you have an opening statement?

[laughter] He does. NATHAN JOSEPH: was-thank you. I didn't expect that. It caught me off guard. Good morning, Chair Koslowitz and, Speaker Johnson and Council Members. I come before you today to be considered for re-appointment to the Board of the New York City CCRB. I have served on the CCRB for only seven months. I'm the newest member of it, and this is oldest member. fascinating. It has been an enlightening and very rewarding experience. There are no easy solutions to the issues of community police relations. It will take time and dedication to not only maintain the gains, but to move forward with initiatives to improve that relationship. An aspect of improving that relationship is educating communities about the role of the CCRB. I say this because the majority of the people I speak with do not know that the CCRB

exists or if they have heard of it, they believe it for filing general complaints like no heat, trash in the streets, potholes, tolls, all kinds of things except police/community relations. Then there are those who know something about us but feel we are an extension of the Police Department, and we will not really help them, and then there are those who know about us, but won't deal with us because they feel we are totally ineffective since the Police Commissioner has final say on discipline for substantiated misconduct allegation. More people need to know that we exist, and that we are here to serve them by addressing their concerns related to interactions with the police. This requires increased outreach events as well as greatly increased advertising, and this requires a close collaborative relationship with the City Council. I hope you will allow me to continue to be a part of this effort by reappointing me to the CCRB. I thank you for your consideration, and I'm ready for your questions.

CHAIRPERSON KOSLOWITZ: Thank you. Mr.

Puma, as a long-term member of the Civilian Complaint

Review Board, can you tell us how your work has

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contributed to improving the way the NYPD handles
policemen's conduct?

JOSEPH PUMA: Yes, I mean, I-I think those efforts are ongoing but what I've seen during my time has been a-an effort to increase communication between the agencies. It is a bit of a David and Goliath relationship. I don't think that's a secret, and though—and—and we are certainly integrated into the-we are part of the disciplinary system, a much larger disciplinary system that resides with the department. There has been efforts such as introducing the reconsideration process to begin to, which have helped I guess facilitate dialogue about specific cases and specific penalties that have been recommend-that have been recommended by the Board. The Board has also even unilaterally created things like memoranda-I think you call them variance memoranda where if a board panel departs from example it substantiates a case that the CCRB investigator did not originally recommend for substantiation, the Board panel with the help of-of staff drafts a memo explaining that, and because that's a case that's eventually going to get brought to the department. So, if it arrives there, they

COUNCIL MEMBER ROSE:

They sit there.

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NATHAN JOSEPH: I'll take the two, and it was—it was more than one person. I'll put it that way okay [laughter] and so with 40 or 50 cases it can take you three weeks 4, 5, 6 hours a day just to go through those cases. I'm also very much involved in outreach. I feel I must go out to community, see what's actually happening on the ground, what people think, what they feel about the police/community relationship and that takes time and that takes effort, but I don't mind. I—I love it. It's been really, really great.

CHAIRPERSON KOSLOWITZ: Thank you, thank you, and any-any of my colleagues have questions or statements? Council Member Rose.

COUNCIL MEMBER ROSE: Thank you. Mr.

Joseph, in your opening statement you talked a lot about the need for outreach and increased outreach.

Is there—do you have some way in mind that you would like to see this happen, and what—what do you see that needs extended outreach that need to be—?

NATHAN JOSEPH: Yeah. Fortunately, the CCRB, which I didn't know when I joined has an Outreach Unit, and I would like—and the Outreach Unit goes out in the community, speaks at schools,

2 community events, and—and other things like that,

3 sets up its own outreach events. That needs to be

4 expanded because there aren't enough outreach unit

5 members to cover all five boroughs, all of the

6 schools, all of the things that we want to do. One of

7 | the things we want to do is have a-a barber shop

8 tour. We want to go to all the barber shops on

9 Staten Island--

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COUNCIL MEMBER ROSE: That's where I'm

11 at. [laughter]

NATHAN JOSEPH: --and speak with the men and some women that hang our at the barber shops, find out what they feel about police/community relationships. The reason we want to do that is because when you go to events that are hosted by organizations that are involved in politics, they pretty much know about us. Okay, they know what we do and how we do it, but we don't get to those people who are involved in that, who are having, you know, the most direct contact with—with—with the police. So, we're trying to do more of those grassroots talking directly to the people's efforts. We also want to do more advertising I think on the subways.

Buses, ferries so that everyone knows about the CCRB.

Koslowitz.

1	COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS 21
2	CHAIRPERSON KOSLOWITZ: I vote aye and
3	good luck.
4	JOSEPH PUMA: Thank you.
5	CLERK: Matteo.
6	COUNCIL MEMBER MATTEO: Aye.
7	CLERK: Gibson.
8	COUNCIL MEMBER GIBSON: Aye.
9	CLERK: Chin.
10	COUNCIL MEMBER CHIN: I vote aye and
11	thank you for all your hard work.
12	JOSEPH PUMA: Thank you.
13	CLERK: Espinal.
14	COUNCIL MEMBER ESPINAL: I vote aye.
15	CLERK: Lancman.
16	COUNCIL MEMBER LANCMAN: Aye.
17	CLERK: Rose.
18	COUNCIL MEMBER ROSE: Permission to
19	explain my vote, Madam Chair.
20	CHAIRPERSON KOSLOWITZ: Yes.
21	COUNCIL MEMBER ROSE: Permission to
22	explain my vote.
23	CHAIRPERSON KOSLOWITZ: [off mic] It's
24	not addressing that. (sic)

2 COUNCIL MEMBER ROSE: Well, I just—I
3 wanted to explain my vote but—

CHAIRPERSON KOSLOWITZ: We're very, very late.

COUNCIL MEMBER ROSE: We're late. Okay.

CHAIRPERSON KOSLOWITZ: Deborah Rose has joined the Rules Committee.

COUNCIL MEMBER ROSE: [laughter]

CHAIRPERSON KOSLOWITZ: We can't forget about Deborah Rose.

Say that I think we're really lucky to have Mr. Puma and Mr. Joseph. Their resumes speak volumes in terms of their ability to get the job done, the fact that Mr. Puma has been on there a long time, and has a distinguished record, and I've spoken with Mr. Joseph and in—and in the short seven months he's reviewed over 500 cases, and he's been to many outreach events that he's been ranked as an exemplary board member by the CCRB. So, I—I happy vote aye for Mr. Puma and Mr. Joseph's re-appointment.

CHAIRPERSON KOSLOWITZ: Thank you. We will hold off for a few minutes.

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COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS 1 23 2 CLERK: Council Member Adams, 3 Preconsidered and in regards to Mr. Puma. 4 COUNCIL MEMBER ADAMS: I must say that I am also partial to the name Joseph. That's my 5 husband's name just for the record. [laughter] I am 6 7 so enthused and impressed by the both of you. The CCRB is indeed very, very privileged to have you 8 both. I enthusiastically vote age and thank you for 9 your service. 10 CLERK: By a vote of 7 in the 11 12 affirmative, 0 in the negative and no abstentions, the Preconsidered M in relation to Mr. Puma has been 13 14 adopted by the Committee. [background 15 comments/pause] 16 CHAIRPERSON KOSLOWITZ: Nobody leave. 17 [background comments/pause] 18 CLERK: Continuation roll call, Preconsidered M in relation to Mr. Puma. 19 20 Speaker-Speaker Johnson. SPEAKER JOHNSON: I vote aye on all. 21 2.2 CLERK: The vote now currently stands at 23 8 in the affirmative, 0 in the negative and no

Joseph, roll call. Chair Koslowitz. 25

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abstentions. Preconsidered in relation to Mr.

once again, thank you very much for your service.

CLERK: Now it is.

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS CHAIRPERSON KOSLOWITZ: Oh.

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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 June 6, 2019