

CIVILIAN COMPLAINT REVIEW BOARD

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CCRB Report on Youth and Police

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AGENCY MISSION

The New York City Civilian Complaint Review Board (CCRB or the Agency) is an independent Agency that is empowered to receive, investigate, prosecute, mediate, hear, make findings, and recommend action on complaints filed against members of the New York City Police Department (NYPD) that allege the use of excessive or unnecessary Force, Abuse of Authority, Discourtesy, or the use of Offensive Language (FADO). It is also authorized to investigate, hear, make findings, and recommend action on the truthfulness of an official statement made by a subject officer during the course of a CCRB investigation into a FADO. The Board's staff, composed entirely of civilian employees, conducts investigations, mediations, and prosecutions in an impartial manner.

In fulfillment of its mission, the Board pledges:

- To encourage members of the community to file complaints when they believe they have been victims of police misconduct;
- To respect the rights of civilians and officers;
- To encourage all parties involved in a complaint to come forward and present evidence;
- To expeditiously investigate each allegation thoroughly and impartially;
- To make fair and objective determinations on the merits of each case;
- To offer civilians and officers the opportunity to mediate their complaints, when appropriate, in order to promote understanding between officers and the communities they serve;
- To recommend disciplinary actions that are measured and appropriate when the investigative findings substantiate that misconduct occurred;
- To engage in community outreach in order to educate the public about the Agency and respond to concerns relevant to the Agency's mandate;
- To report relevant issues and policy matters to the Police Commissioner and the public; and
- To advocate for policy changes related to police oversight, transparency, and accountability that will strengthen public trust and improve police-community relations.

LETTER FROM THE CHAIR



Dear Fellow New Yorkers,

Over the last year, the Civilian Complaint Review Board (CCRB or the Agency) has made a focused effort to increase its outreach efforts to young New Yorkers. As part of that initiative, the CCRB launched its first ever Youth Advisory Council (YAC), a committee made up of young leaders, aged 10-24, who are committed to addressing criminal justice issues and improving police-community relations. The members of the YAC serve as agency ambassadors in their communities and meet quarterly to advise CCRB staff about their efforts to engage young New Yorkers. In conjunction with the YAC, NYU McSilver Institute for Poverty, Policy, and Research, and the New York University Law Center on Race, Inequality and the Law, the CCRB hosted “Speak Up Speak Out: A Youth Summit on Policing in New York City” on February 26, 2019. The Summit was an opportunity for young people to share their experiences with policing, identify problems, and recommend solutions. The CCRB committed to writing this Report as a memorialization of the information shared at the Summit, with a focus on complaints involving the most vulnerable youth: young people between the ages of 10 and 18.

As detailed in this Report, CCRB complaints of police misconduct involving youth stem from police encounters with young boys of color who are engaging in innocuous activities, and who often do not report misconduct without the help of an adult. The data in this Report is concerning, but timely, considering the New York City Police Department’s (NYPD) January 2020 announcement of its new youth initiative. As the NYPD continues to roll out this initiative to hire and train Youth Coordination Officers and integrate School Safety Agents into command meetings, it is my hope that Police Commissioner Dermot Shea will take the Youth Report, the Youth Summit and its findings into account.

This Report not only delves into CCRB data and cases, but also details serious concerns and imaginative solutions from the youth themselves, many of which I personally witnessed at the Youth Summit. It is my hope that this information can help the Department develop strategies for its new youth initiative in order to prevent and address police misconduct towards young New Yorkers. If we work together, we can move closer to achieving our common goals of improving community-police relations and keeping young people safe.

Sincerely,

A handwritten signature in black ink, appearing to be 'FD' with a large, sweeping flourish underneath.

Fred Davie

THE BOARD AND AGENCY OPERATIONS

The Civilian Complaint Review Board (CCRB, the Agency, or the Board) is an agency of the City of New York. It became independent from the New York City Police Department (NYPD) and established in its current all-civilian form in 1993. Board members review and make findings on all misconduct complaints once they have been fully investigated.

Due to a recent change in the New York City Charter, the Board now consists of 15 members, five appointed by City Council (one from each borough), five appointed by the Mayor, three designated by the Police Commissioner and appointed by the Mayor, one appointed by the Public Advocate, and the Chair of the Board who will be dually appointed by the Mayor and City Council. The Public Advocate appointee and the jointly-appointed Board Chair will assume their offices beginning in July 2020.

Under the New York City Charter, the Board must reflect the diversity of the City's residents, and all members must live in New York City. No member of the Board may have a law enforcement background, except those designated by the Police Commissioner, who must have had prior experience as law enforcement professionals. No Board member may be a public employee or serve in public office. Board members serve three-year terms, which can be renewed. They receive compensation on a per-session basis, although some Board members choose to serve pro bono.

From 1993 to 2013, all cases in which the Board determined that an officer committed misconduct were referred to the Police Commissioner with a discipline recommendation. Pursuant to a Memorandum of Understanding between the CCRB and the NYPD (effective April 11, 2013), a team of CCRB attorneys from the Agency's Administrative Prosecution Unit (APU) handles most of the cases in which the Board recommends that Charges and Specifications be brought against an officer. When the Board recommends discipline other than Charges and Specifications (e.g. Instructions, Formalized Training), the case is still referred directly to the Police Commissioner.

EXECUTIVE SUMMARY

The CCRB is aware that the NYPD believes it is working hard to protect the youth of New York City. Many young people, however, especially young people of color, feel targeted and mistreated by members of the New York City Police Department (NYPD or the Department). In light of that dichotomy—and due to the unique vantage point the Civilian Complaint Review Board (CCRB, the Agency, or the Board) has both as an agency that receives complaints from the public and an agency that has taken a targeted approach to focus on youth—this Report hopes to amplify youth voices and shed light on the complaints the CCRB has received involving young New Yorkers.

Given the NYPD’s new initiative to prevent and address youth crime, we encourage the Department to use this Report to identify areas for improvement in rolling out the new policy.¹ This initiative, announced on January 29, 2020, at Commissioner Dermot Shea’s first State of the NYPD address, includes the establishment of a Youth Coordination Officer (YCO) program modeled after the Neighborhood Coordination Officer program, the creation of monthly “YouthStat” meetings, and the incorporation of School Safety Agents (SSAs) into command-level strategy meetings.

The CCRB cases examined in this Report document various examples of negative encounters between law enforcement and young people, especially young boys of color. They highlight the necessity for the NYPD to have a youth-focused policing approach that minimizes excessive police contact with young boys of color. The cases include instances when young teens or pre-teens of color² were handcuffed, arrested, or held at gunpoint while participating in age-appropriate activities such as running, playing with friends, high-fiving, sitting on a stoop, or carrying a backpack. Young New Yorkers should be able to participate in such activities without fear of negative encounters with the police. The New York City Police Department (NYPD or the Department) has the potential to limit such negative encounters.

Key Findings

1. An analysis of the fully-investigated complaints selected for this Report showed that a large majority (83%) of the complaints of alleged police misconduct involving young people ages 10 to 18 were reported to the CCRB by an adult, indicating that youth rarely reported police misconduct to the NYPD’s Internal Affairs Bureau (IAB) or the CCRB themselves. Although awareness of the existence of the CCRB by the general public is a hurdle the Agency faces and seeks to address with widespread outreach efforts, lack of awareness about the CCRB is potentially an even greater obstacle amongst young New Yorkers.
2. Overall, complaints of police misconduct involving youth complainants/victims (C/Vs) predominately involve young males of color (64.8%). Compared with the racial and gender breakdown of C/Vs in all CCRB complaints from the same time period, a greater percentage of C/Vs between the ages of 10 and 18 are young males of color (64.8% in complaints involving youth compared with 42.0% in all complaints). Young people who self-identified as Black, made up over half of the C/Vs in complaints involving youth (63.9% in complaints involving youth compared with 45.6% in all complaints), followed by individuals who

¹ Press Release, NYPD, *Building on Neighborhood Policing, Commissioner Shea Outlines New Strategy to Prevent and Address Youth Crime* (January 29, 2020), <https://www1.nyc.gov/site/nypd/news/pr0129/building-neighborhood-policing-commissioner-shea-outlines-new-strategy-prevent-address#/0>.

² For the purposes of this Report, the CCRB defines “youth of color” as young people who self-identify as Black, Hispanic, Asian, or Indian-American.

identified as Hispanic (25.9% in complaints involving youth compared with 23.5% in all complaints). Young males made up almost three quarters of C/Vs in complaints involving youth (72.2% in complaints involving youth compared with 60.2% in all complaints).

3. The fully-investigated complaints, particularly those in which at least one allegation of misconduct was substantiated, include situations where C/Vs of color between the ages of 10 and 18 were policed for seemingly innocuous activities such as pushing each other around, high-fiving, running, carrying backpacks, playing with sticks, and jaywalking.

CCRB ACTIONS TAKEN AS A RESULT OF THIS ANALYSIS

1. The Agency launched several initiatives to better engage young New Yorkers:
 - a. In winter of 2018, the CCRB launched the Youth Advisory Council (YAC), a 19-member working committee made up of young leaders, ages 10 to 24, who are committed to criminal justice issues and improving police-community relations. The YAC members serve as Agency ambassadors to their communities, meet quarterly to advise CCRB staff about its efforts to engage young New Yorkers, and participate in team-building activities. The YAC was instrumental in planning and hosting “Speak Up Speak Out: A Youth Summit on Policing in New York City,” which is detailed in this Report.
 - b. The CCRB Outreach and Intergovernmental Affairs Unit focused its attention on building relationships with service providers, including those working with youth groups.
 - c. To increase youth awareness of the Agency, the CCRB Communications Unit is working to increase and diversify its social media presence on platforms like Instagram, YouTube, and Facebook.
2. In an effort to improve interactions with the civilians it serves, the CCRB is examining the feasibility of creating training for investigators on vulnerable populations, including young New Yorkers.
3. A review of the cases for this Report indicated the need for better tracking of situations in which parents were not notified that their children were brought into the precinct, and whether those children were arrested, questioned, or detained. The Policy Unit has begun tracking this issue and will report back to the Board periodically.

RECOMMENDATIONS FOR THE NYPD

Given the findings of this Report, the CCRB recommends the following actions:

1. To better enable oversight agencies to track police interactions with youth, the NYPD should break down its publicly-reported Use of Force data by combined age and race, and include the complaint dispositions and discipline imposed in School Safety Officer Complaint Reports. Data on youth and policing is hard to find, and thus is hard to analyze. As there is currently no independent oversight over School Safety Agents, IAB should include disciplinary information on agents found to have committed misconduct in the quarterly FADO reports published pursuant to the School Safety Act.

2. Due to the heightened risk of lasting trauma on youth as a vulnerable population,³ when appropriate, the age of the alleged victim should be considered by both the NYPD and the CCRB in their Discipline Frameworks as a factor that could increase the recommended and imposed discipline for officers who commit misconduct.
3. The NYPD should train all police officers on the differences between policing adults and policing youth. There is currently minimal to no information on how police officers are trained on dealing with young people. The CCRB believes that given the Department's new youth initiative, it is important that the NYPD increase its transparency about how officers, particularly Youth Coordination Officers, will be trained to interact with young people.⁴
4. The NYPD should take the findings of this Report into account when finalizing its new youth initiative. The Department should implement its new program equitably and should not over police young New Yorkers of color.
5. The NYPD should adopt CCRB's recommended changes to Patrol Guide 215-09 to create a stricter requirement on officers to notify parents or guardians when a young person is brought into the police station.

³ See Stephanie A. Wiley & Finn-Aage Esbensen, *The Effect of Police Contact: Does Official Intervention Result in Deviance Amplification?*, 62 CRIME & DELINQ. 3, 283-307 (2013), <https://doi.org/10.1177/0011128713492496>.

⁴ Most departments offer no youth-specific training aside from the brief lessons in juvenile law taught during the academy, according to a report by the International Association of Chiefs of Police (IACP), a professional association and research group. Moreover, they often do not have funding to add more training. Nearly half of the departments told the IACP that their training budgets had been cut or abolished entirely in the past five years. Meghann Casanova et. al., Int'l Assoc. of Chiefs of Police, *Law Enforcement's Leadership Role in the Advancement of Promising Practices in Juvenile Justice: Executive Officer Survey Findings* (Sept. 2013), <https://www.theiacp.org/sites/default/files/all/i-j/IACP|ExecutiveOfficerSurveyFindings.pdf>. See also Sarah Childress, *Why Some Officers are Policing Kids Differently*, FRONTLINE, June 10, 2016, <https://www.pbs.org/wgbh/frontline/article/why-some-officers-are-policing-kids-differently/>.

INTRODUCTION

In March of 2018, a group of Black and Hispanic boys ranging in age from 8 to 14 were walking home. They were talking, laughing, and some of them played with sticks picked up off the ground. While they were walking on the sidewalk, the boys were approached by multiple police cars. The officers exited their cars, one with his gun drawn, and told the group to get against the wall. All the boys complied.

Eight to ten police cars, and 10-16 officers, ended up responding to the scene. All the boys were frisked; no weapons were found. By all accounts, the children were compliant and cooperative during the stop and none of them had sticks in their hands when they were frisked. The Lieutenant on the scene and decided to have the 8-year-old and 14-year-old taken to the stationhouse and processed for disorderly conduct after hearing from the other officers that they observed the children running with sticks. At the direction of the Lieutenant, the children were transported to the stationhouse, handcuffed and in tears.⁵

During the Civilian Complaint Review Board's (CCRB or the Agency) investigation, two of the officers testified that they were the first to observe and stop the group of boys. Both officers cited a radio run reporting a group of Hispanic men in their 20s with a machete and a stick chasing and fighting other individuals as a basis for stopping the group. The officers gave inconsistent statements about what the children were doing before they were stopped, including whether the children were running, carrying anything, on the sidewalk or in the street, or matched the clothing description in the radio run. The investigation determined that none of the children matched the physical description of the men in the radio run, that the children complied with officers' instructions, and that several of the children (who did not have sticks) were also stopped. Further, the officers did not have reasonable suspicion to believe any of the boys were armed when they were frisked. Finally, the Lieutenant lacked the authority to have the two boys transported to the stationhouse and issued juvenile reports for disorderly conduct because they did not assault or menace anyone, no weapons were found, and no bystanders at the scene were alarmed. The Board substantiated the allegations and recommended Charges against the officers and the Lieutenant. These Charges are currently awaiting trial by the Agency's Administrative Prosecution Unit (APU).

The parents of both boys filed complaints with the CCRB. The mother of the 8-year-old complained that her son was not treated properly and that his dreams of being a police officer were over. The mother of the 14-year-old noted that the police officers reacted strongly even though the boys were playing amongst themselves, and that the children were not allowed to call home nor did she receive a call from the NYPD.

BACKGROUND

Police interactions can be traumatic and have long-lasting negative impacts on civilians. This is especially true for young people, particularly when police misconduct occurs. As noted by the International Association of Chiefs of Police, "youth interactions present a unique set of challenges and opportunities for law enforcement. For many youth, their first encounter with anything justice-related—whether in school, their neighborhoods, or social service settings—is through law enforcement. The nature and circumstances of this contact can have a significant and lasting

⁵ At the precinct the officers found a cell phone and box cutter on the 14 year old and a cell phone and loose change on the 8 year old.

impression on a young person.”⁶ Young people have a heightened risk of trauma,⁷ are less likely to know their rights, and are more likely to escalate situations due to impulsivity and troubled relationships with authority.⁸ Young boys of color who are stopped more often by police are also more likely to commit crimes six, 12, and 18 month later. That correlation is stronger the younger the boys are when they are stopped the first time.⁹

Several studies have documented the strained relationship between law enforcement and youth, specifically youth who are (1) from urban environments, (2) from lower socio-economic areas, (3) male, and (4) minorities. These studies demonstrate that police officers may hold unconscious biases against minority youth and make assumptions about young people based on their race, age, dress, and appearance.¹⁰

Over the last five years, approximately 24% of complaints within the CCRB’s jurisdiction were complaints involving young people ages 10 to 24. In 2018, the CCRB began a focused effort to better serve young people in New York through targeted outreach in schools, holding a youth summit, and creating a Youth Advisory Council (YAC) to advise the Agency on its policies, protocols, and youth engagement.

Police officers are usually the first law enforcement officials young people encounter because they are the first to respond to crime on the street, in malls, in schools, in homes, and other settings.¹¹ In New York City, these encounters will generally involve either NYPD officers (both uniformed and plainclothes, some of whom are assigned to schools and some assigned to local sectors) or School Safety Agents (SSAs). The CCRB only has jurisdiction over uniformed members of service (MOS) of the NYPD. As such, this Report focuses exclusively on complaints about NYPD police officers. This

⁶ *Practices in Modern Policing: Police-Youth Engagement*, Int’l Assoc. of Chiefs of Police 1 (Nov. 30, 2018), <https://www.theiacp.org/resources/document/practices-in-modern-policing-police-youth-engagement>.

⁷ Police interactions can also significantly reduce test scores for African American boys, consistent with their greater exposure to policing. Joscha Legewie & Jeffrey Fagan, *Aggressive Policing and the Educational Performance of Minority Youth*, 84 AM. SOCIOLOGICAL REV. 2, 220 (Feb. 11, 2019).

⁸ Dev. Serv. Grp., Inc., Off. of Juv. Just. and Delinq. Prevention, *Interactions between Youth and Law Enforcement* (2018), <https://www.ojjdp.gov/mpg/litreviews/Interactions-Youth-Law-Enforcement.pdf>. See also Lisa H. Thureau, *Rethinking How We Police Youth: Incorporating Knowledge of Adolescence into Policing Teens*, 29 CHILD. LEGAL RTS J. 3, 30 (2009); Tom R. Tyler & Yuen Huo, Russell Sage Fdn. *Trust in the Law: Encouraging Public Cooperation with the Police and Courts* (2002); Tom R. Tyler, Jeffrey Fagan, & Amanda Geller, *Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men’s Legal Socialization*, 11 J. OF EMPIRICAL LEGAL STUD. 4, 751 (2014).

⁹ Juan Del Toro et. al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys*, 116 PROCEEDINGS OF THE NAT’L ACAD. OF SCI. 17, 8261 (Apr. 2019), <https://www.pnas.org/content/116/17/8261>.

¹⁰ Elena T. Broaddus et. al., *Building Connections between Officers and Baltimore City Youth: Key Components of a Police-Youth Teambuilding Program*, 3 J. OF JUV. JUST. 13, 49 (2013), <https://www.questia.com/library/journal/1P3-3688515171/building-connections-between-officers-and-baltimore>.

¹¹ Dev. Serv. Grp., Inc., Off. of Juv. Just. and Delinq. Prevention, *Interactions between Youth and Law Enforcement* (2018), <https://www.ojjdp.gov/mpg/litreviews/Interactions-Youth-Law-Enforcement.pdf>. See also Lisa H. Thureau, *Rethinking How We Police Youth: Incorporating Knowledge of Adolescence into Policing Teens*, 29 CHILD. LEGAL RTS J. 3, 30 (2009); Tom R. Tyler & Yuen Huo, Russell Sage Fdn. *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*, (2002); Tom R. Tyler, Jeffrey Fagan, & Amanda Geller, *Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men’s Legal Socialization*, 11 J. OF EMPIRICAL LEGAL STUD. 4, 751 (2014).

Report does not cover policing or police misconduct in schools because SSAs are considered civilian members of the NYPD, and thus do not fall under the CCRB's jurisdiction.¹²

On February 26, 2019, the CCRB, in conjunction with the New York University McSilver Institute for Poverty, Policy, and Research and the New York University Law Center on Race, Inequality and the Law, hosted "Speak Up Speak Out: A Youth Summit on Policing in New York City." This gathering was an opportunity for young people from New York City to share their experiences with policing, identify problems in their communities, and recommend solutions to public safety and police oversight practitioners and academics. The day was comprised of two youth-led panel discussions on policing in schools and stop-and-frisk, an art show, and twelve breakout sessions co-led by YAC members and academics, advocates, and attorneys. Over 250 young people from across the city attended.

"Our complaints and our remarks are valid. We are the ones having the daily interactions. We are the ones that are interacting with the system. Therefore, we are the ones that are speaking out against the system."

- 2019 Youth Summit Participant

It is noteworthy that some young people perceive SSAs no differently than they do uniformed officers. Youth in more than one breakout session mentioned that they often felt disrespected and overly policed by the agents present in their schools.¹³ One panelist, Mendy Mendez, shared a particularly powerful story about a negative interaction a young female student had while trying to use a school bathroom. An SSA accused the student of skipping class, and escorted the student to the bathroom, announcing that she would not leave until she heard the student use the bathroom. Mr. Mendez used the story of his classmate to highlight that he and other students feel fear not only because of the weapons officers have, but because of the negative attitude officers have towards young people, the lack of respect they have for youth, and their perception that young people are always up to no good. After his panel, Mendy got the opportunity to have a productive conversation with NYPD Chief of Community Affairs Nilda Hofmann and discuss his experiences with the SSAs in his school.

At the Summit, Mendy shared that he felt "the presence of police in schools is totally unnecessary at the level it is right now." In June of 2019, the NYPD and the Department of Education (DOE) signed

¹² There is no independent civilian oversight for misconduct allegations against SSAs.¹² Complaints of misconduct against SSAs are made to, and handled by, NYPD's Internal Affairs Bureau (IAB). New York City has around 5,550 SSAs, and 1.1 million public school students, which means that there are more SSAs per student than most other cities have police officers per citizen (e.g., Houston has one police officer for every 440 residents whereas New York has one SSA for approximately every 200 students).¹² By comparison, the Los Angeles School Police Department has one officer for every 1,500 students.¹² The NYPD publishes legally-mandated quarterly reports on "data related to NYPD activity in New York City Schools."¹² Those reports include information on restraints used by SSAs, and the type of intervention disaggregated by precinct, gender, age, and race. During the six (6) quarters covered by this Report (January 1, 2018 to June 30, 2019), the NYPD reported 15,279 interventions with children ages 10-18.¹² Of those, 13,511 (88%) children were Black or Hispanic, and 901 (6%) were white.¹² Velcro or metal restraints were used on 2,118 (14%) of the children; 1,947 (92%) of those children were Black or Hispanic and 102 (4%) were white. In that same time period, the NYPD received 276 FADO¹² complaints against SSAs, the vast majority of which (198) were complaints of improper use of Force by an SSA. Those complaints also included one (1) Abuse of Authority complaint, 67 Discourtesy complaints, and 10 Offensive Language complaints.¹² Although the report notes the number of cases still pending further investigation, the NYPD does not report on the outcome of any of these complaints or the discipline imposed on any SSA.

¹³ Section 2 of this Report's findings contains additional analysis from the Summit.

an updated Memorandum of Understanding (MOU), and the Department amended the Patrol Guide, to discourage police officials from sending students into the criminal justice system for low-level offenses.¹⁴ The MOU limits the role of police in schools, identifies categories of behavior in which officers should not make arrests, creates restorative justice programs, caps school suspensions, and invests in additional support staff. In February 2019, teens from across the city participated in rallies, calling for “more counselors than cops” in schools. Mendy was one of the students who participated, saying he’s glad the city has decided to “prioritize caring for the education and mental wellbeing of students.”¹⁵

“Maybe we can have NYPD teach in the schools, come up with a class. The money is not being spent correctly.”

- 2019 Youth Summit Participant

METHODOLOGY AND SCOPE

The CCRB approached this issue-based Report with the objectives of 1) analyzing and reporting on complaints involving young New Yorkers, and 2) reporting on the Speak Up; Speak Out Youth Summit held in 2019.

The first part of the Report focuses on data from complaints involving youth. To identify complaints for this Report, the CCRB searched the Agency’s database for all cases received from January 1, 2018 through June 30, 2019, and closed as of December 31, 2019, where at least one of the complainants, victims, or alleged victims involved was between the ages of 10 and 18 at the time of the incident. This search identified a total of 407 complaints. Once false positives,¹⁶ cases that went to mediation, and cases that were truncated¹⁷ were removed, a total of 112 fully-investigated complaints remained, which are the exclusive focus of this Report. By conducting an in-depth analysis of the full case files, this Report aims to provide a deeper insight into police interactions with young people in the complaints that CCRB investigates.

¹⁴ On June 20, 2019, the NYPD and DOE released an updated MOU dictating the Police Department’s authority over SSAs. The MOU limits the role of police in schools, identifies categories of behavior in which officers should not make arrests, creates restorative justice programs, caps school suspensions, and invests in additional support staff. Memorandum of Understanding Among Department of Education of the City of New York, New York Police Department of the City of New York, and the City of New York on the Performance of School Security Functions by the New York City Police Department for the Benefit of the City School District of the City of New York and its Students and Staff (June 19, 2019), <https://drive.google.com/file/d/1cWroXdguo4u00gCTkOF0i8sFkLyPEyNu/view>. See also Press Release, ACLU, *Landmark New Agreement Reached Between NYPD and DOE on Police Officer’s Role in Schools* (June 20, 2019), <https://www.aclu.org/press-releases/landmark-new-agreement-reached-between-nypd-and-doe-police-officers-role-schools>.

¹⁵ Zipporah Osei, Chalkbeat New York, *‘It’s About Time’: New York City Students Respond to New Rules for School Safety Officers and Curbs on Harsh Discipline* (June 20, 2019), available at <https://ny.chalkbeat.org/2019/6/20/21108373/it-s-about-time-new-york-city-students-respond-to-new-rules-for-school-safety-officers-and-curbs-on>.

¹⁶ A false positive refers to a case where the birthdate was incorrectly input by the investigator making it appear as though a young person was involved in the complaint.

¹⁷ A complaint may contain one or more allegations, and may or may not result in a full investigation of those allegations. Cases that are not fully investigated are closed as “truncated,” which means that the complainant withdrew the complaint, the complainant was uncooperative or unavailable, or the alleged victim could not be identified. Some types of complaints, like complaints that are sent from IAB to the CCRB, are more likely to be closed as truncated because they have no listed complainant.

Although the CCRB has not separately reported on issues regarding complaints involving youth since the 2015 Annual Report, the CCRB’s 2018 APU quarterly reports¹⁸ have included disturbing cases that highlighted the need for greater transparency into police encounters with youth in New York City. Cases of note from the 2018 APU reports include: 1) a case retained by the Police Commissioner without discipline,¹⁹ where officers arrived at the end of a fight in a school cafeteria. The officers grabbed a young Hispanic student in a cafeteria and one of the officers pointed a Taser at the crowd and in the faces of two Hispanic students;²⁰ 2) a case retained by the Police Commissioner with discipline, where an 11-year-old Black boy and 13-year-old Black girl were playing basketball in the park when they were approached by officers. When the children ran to their guardian, the officers pursued them. One officer stopped the children at gun point, asserting that they matched the description in a 911 call of “two black males with dark complexions, with their hands in their pockets” in the park with a gun;²¹ and 3) a plea set aside by the Police Commissioner with discipline,²² where a 17-year-old Black boy was confronted by several plainclothes officers while at a bakery with his father. One of the officers explained that he stopped, frisked, and searched the boy because he matched the description of a perpetrator. During the investigation, however, the CCRB determined that the radio run was for an “Asian male.”²³

The other purpose of this Report is to document the immense amount of information the CCRB received directly from young people at the Youth Summit held in February 2019, and to amplify the voices of the young people present at the conference. Through conversations with over 200 young people from all over New York City, the CCRB gained valuable insight into issues facing the youth and their perceptions of how they are policed in their communities.

DEFINING “YOUTH”

While the Agency’s youth outreach efforts focus on young people ages 10 to 24, and the definition of youth varies across agencies and research institutions, this Report focuses on complaints involving 10 to 18-year-olds. Young people in that age range face particular challenges, including interacting with police in and around their schools, developmental characteristics such as impulsivity, self-

¹⁸ All of the CCRB’s policy reports can be found online at www.nyc.gov/ccrbreports. APU reports can be found online at <https://www1.nyc.gov/site/ccrb/prosecution/apu-quarterly-reports.page>.

¹⁹ Pursuant to Provision two of the April 2, 2010 MOU between the CCRB and the NYPD, in limited instances where the Police Commissioner determines that the CCRB’s prosecution of a case would be detrimental, the Commissioner has the authority to retain the case and not allow the APU to prosecute. Memorandum of Understanding between the Civilian Complaint Review Board (CCRB) and the Police Department (NYPD) of the City of New York Concerning the Processing of Substantiated Complaints (April 2, 2012), https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf.

²⁰ CCRB, *Report on the Administrative Prosecution Unit (“APU”) Second Quarter of 2018: Case One, Retained without Discipline APU 2Q18* (Mar. 12, 2020), https://www1.nyc.gov/assets/ccrb/downloads/pdf/prosecution_pdf/apu_quarterly_reports/20190312_APU_2Q18.pdf.

²¹ CCRB, *Report on the Administrative Prosecution Unit (“APU”) Second Quarter of 2018: Case Three, Retained without Discipline APU 2Q18* (Mar. 12, 2020), https://www1.nyc.gov/assets/ccrb/downloads/pdf/prosecution_pdf/apu_quarterly_reports/20190312_APU_2Q18.pdf.

²² The Police Commissioner, as the final arbiter of discipline, can choose to set aside a plea negotiated by the APU.

²³ CCRB, *Report on the Administrative Prosecution Unit (“APU”) First Quarter of 2018: Case Eight, Plea Set Aside, Discipline Imposed* (Mar. 12, 2019), https://www1.nyc.gov/assets/ccrb/downloads/pdf/prosecution_pdf/apu_quarterly_reports/20190312_APU_1Q18.pdf.

centeredness, resistance to authority,²⁴ and their status as a juvenile in the criminal justice system. Although some agencies include people aged 18 to 24 in their definition of youth, people under the age of 18 are considered juveniles in almost all states. In April of 2017, New York State raised the age of criminal responsibility from 16 to 18 years of age, to be phased in over a two-year period. Until the law was passed, New York was one of only two states in the country that automatically processed 16 and 17-year-olds as adults in the criminal justice system, regardless of their crime.²⁵

²⁴ Lisa H. Thureau, *Rethinking How We Police Youth: Incorporating Knowledge of Adolescence into Policing Teens*, 29 CHILD. LEGAL RTS. J. 30 (2009).

²⁵ New York State Raise the Age Implementation Task Force, *Raising the Age of Criminal Responsibility: First Annual Report* (Aug. 2019), https://www.ny.gov/sites/ny.gov/files/atoms/files/NYS_RTA_Task_Force_First_Report.pdf.

FINDINGS

SECTION 1: YOUTH-RELATED COMPLAINTS AND ALLEGATIONS

This Report highlights complaints received by the Civilian Complaint Review Board (CCRB or the Agency) between January 1, 2018 and June 30, 2019, and closed by December 31, 2019, that involved at least one complainant, victim, or alleged victim who was between the ages of 10 and 18. In that time period, the CCRB received 407 complaints involving at least one young person, and closed 112 fully-investigated complaints.²⁶

Overall, complaints of police misconduct involving youth complainant/victims (C/Vs)²⁷ predominately involved males of color (64.8%). As depicted in Figure 1, compared with the racial and gender breakdown of C/Vs in all CCRB complaints from the same time period, a greater percentage of C/Vs between the ages of 10 and 18 were young males of color (64.8% compared with 42%). C/Vs who self-identified as Black made up over half of the alleged victims in complaints involving youth (63.9% compared with 45.6%), followed by individuals who identified as Hispanic (25.9% compared with 23.5%).^{28,29} Young males made up almost three quarters of C/Vs (72.2% compared with 60.2%). The percentage of young C/Vs who identify as Black is particularly stark when compared the NYC population; only 24% of New Yorkers self-identify as Black according to the 2017-2019 Census estimates.³⁰

²⁶ The CCRB collects a large quantity of descriptive data about complaints the Agency investigates, mediates, and prosecutes. This Report contains only descriptive data findings that indicate a finding that differs from a comparison to a larger body of CCRB data, e.g., all complaints received/closed in the same time frame as the sample reviewed for this Report.

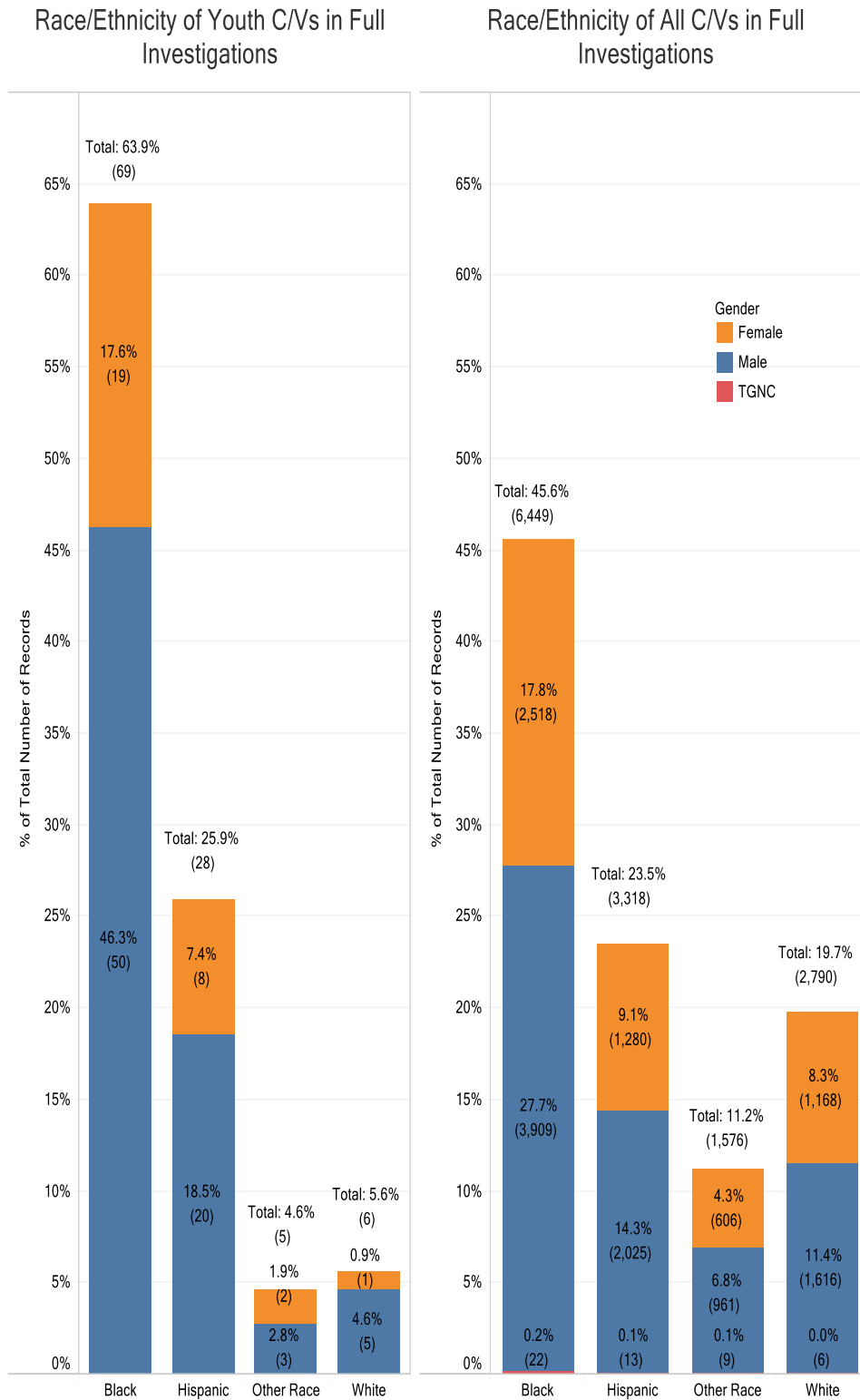
²⁷ This includes complaints the CCRB received between January 1, 2018 and June 30, 2019 and closed by December 31, 2019, that involved at least one complainant, victim, or alleged victim who was between the ages of 10 and 18 that.

²⁸ The CCRB collects self-reported demographic data from C/Vs. The data in this Report represents only those who chose to respond to these questions.

²⁹ As in all CCRB's reports, demographic data for complainants and subject officers is provided as descriptive data only. No statistical comparisons have been drawn that can indicate statistical significance or any other patterns.

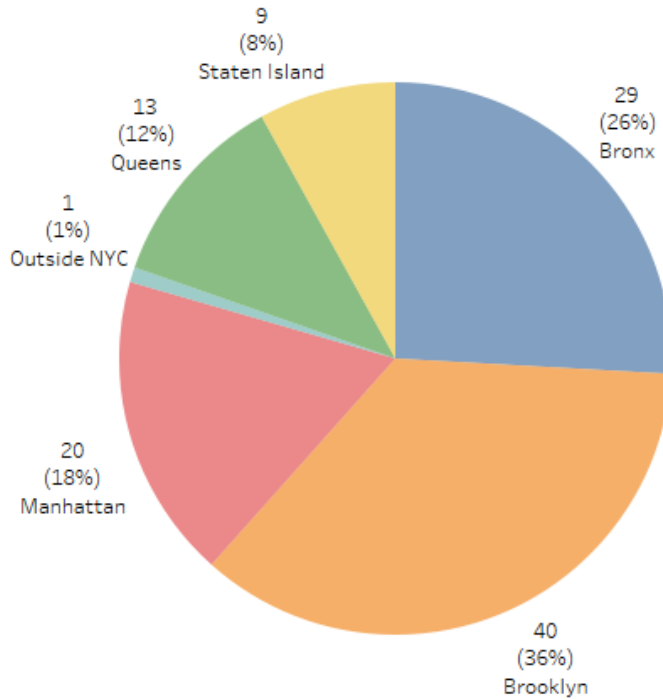
³⁰ City demographic information is drawn from the 2017-2019 United States Census estimate. All race demographics are inclusive of Hispanic origin. For example, "Black" includes both "Black Hispanic" and "Black Non-Hispanic." Census data is available at <http://factfinder.census.gov/>.

Figure 1: Sex and Race/Ethnicity of Youth in Fully-Investigated Cases³¹



As seen in (Figure 2) below, the largest percentage of complaints involving youth received by the CCRB were from Brooklyn (36%) and the Bronx (26%). In the same time-period, 33% of all fully-investigated complaints received within the CCRB’s jurisdiction stemmed from incidents that occurred in Brooklyn, and 18% of complaints stemmed from incidents occurring in the Bronx.

Figure 2: Geographic Dispersion of All Fully-Investigated Complaints Involving Youth



³¹ In four of the complaints, the CCRB did not collect any race data for any of the civilians involved in the complaint.

DISPOSITIONS OF YOUTH-RELATED COMPLAINTS AND ALLEGATIONS

At the conclusion of an investigation, the CCRB's Investigations Division recommends a disposition for each allegation to the Board.³² Allegations that are fully investigated by the CCRB generally result in one of five outcomes:

- An allegation is substantiated if the alleged conduct is found to have occurred and be improper based on a preponderance of the evidence.³³
- An allegation is exonerated if the alleged conduct is found to have occurred but was not found to be improper by a preponderance of the evidence. Allegations may be exonerated if the officer's behavior was found to be allowed under the law and/or the Patrol Guide. This does not mean that the complainant was being untruthful in their account of the incident, however. Many members of the public are not aware of the range of law enforcement activities that are legally permissible and within the boundaries of proper NYPD protocol.
- An allegation is unfounded if the alleged conduct is found by a preponderance of the evidence not to have occurred as the complainant described.
- An allegation is closed as officer unidentified if the CCRB was unable to identify the officer accused of misconduct.
- An allegation is unsubstantiated if there is not enough evidence to determine whether or not misconduct occurred by a preponderance of the evidence.

The disposition of a fully-investigated complaint depends on the disposition of the fully-investigated allegations within the complaint:

- A complaint is substantiated if any allegation within the complaint is substantiated.
- A complaint is exonerated if all the allegations made against identified officers are exonerated.

³² A CCRB complaint can be resolved in various ways. The complaint may be fully investigated, mediated, closed after mediation is attempted, or closed as "truncated," which occurs when complainants are unwilling to cooperate with a full investigation or become unreachable before they can be interviewed. "Mediation attempted" is a designation for a case in which both the officer and the civilian agree to mediate, but the civilian either fails to appear twice for a scheduled mediation session without good cause, or fails to respond to attempts to schedule a mediation session, and does not request that the case be sent back for a full investigation. Sections 2 and 3 of the CCRB's Annual and Semi-Annual Reports, available at www.nyc.gov/ccrbreports, further detail the process of investigations and disciplinary recommendations of the Board.

³³ A "preponderance of the evidence" standard is an evidentiary standard used in civil cases, and is commonly interpreted to mean that the fact in question was determined to be more likely than not true. *See e.g., Taxi & Limousine Commission v. Wakefield*, OATH Index 1315/18, at 4 (Feb. 18, 2018) (*quoting* Prince, Richardson on Evidence § 3-206) ("the 'burden of proving a fact by a preponderance of the evidence' means 'the existence of the fact is more likely than its non-existence'"); *Dep't of Correction v. Jones*, OATH Index 393/04, at 9 (May 3, 2004) (*citing Foran v. Murphy*, 73 Misc. 2d 486 (Sup. Ct. N.Y. Co. 1973)) ("preponderance of the evidence standard is proper for section 75 disciplinary proceeding").

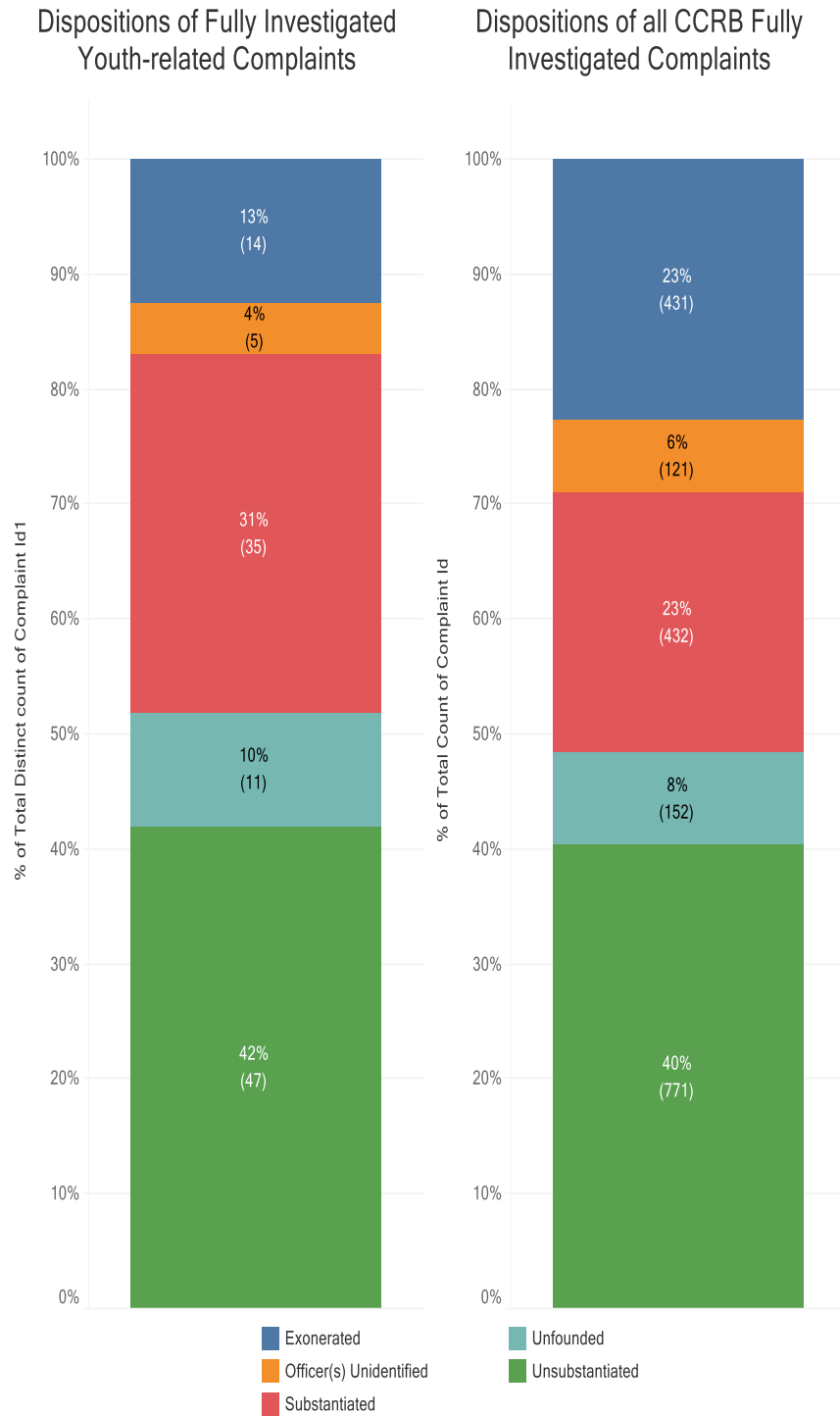
- A complaint is unfounded if there are no substantiated or unsubstantiated allegations and there is at least one unfounded allegation.
- A complaint is closed as officer unidentified if the CCRB was unable to identify any of the officers accused of misconduct.
- A complaint is unsubstantiated if there are no substantiated allegations and there is at least one unsubstantiated allegation.

Of the 112 fully-investigated complaints, 47 (42%) of the complaints were unsubstantiated, 32 (29%) were substantiated, 14 (13%) were exonerated, 11 (10%) were closed as unfounded,³⁴ in 5 (4%) of the complaints none of the officers could be identified, and in 3 (2%) of the complaints the only substantiated allegation was misconduct committed against an adult.³⁵ Notably, the substantiation rate for cases involving youth is higher (29% compared to an average of 23%) and the exoneration rate for cases involving youth is lower (13% compared to 23%).

³⁴ Due to the way that the CCRB calculates unfounded complaints, it is sometimes the case that complaints closed as unfounded also contain exonerated allegations. In the 11 unfounded complaints mentioned, three included exonerated allegations, indicating that the interaction between the C/V and the police officer occurred, but not entirely as the complainant described, resulting in some unfounded allegations.

³⁵ In two of these three substantiated complaints, the CCRB was not able to fully investigate the allegations of misconduct towards the young person because the young person did not cooperate with the investigation. They are included in the rest of the data because the young person was present for a portion of the police encounter.

Figure 3: Disposition of Fully-Investigated Complaints Involving Youth



When a complaint is filed, the claims against the officer are considered allegations. An individual complaint may contain multiple allegations against one or more officers. As the investigation continues, different allegations may be revealed. The 112 fully-investigated complaints involving youth considered for this Report contained 751 allegations. Of those, 41% of the allegations were unsubstantiated, 24% were exonerated, the officer was unidentified in 14%, 11% were substantiated, and 10% were unfounded. These disposition breakdowns largely mirror what is seen in all CCRB closed cases in the same time-period.

Figure 4: Dispositions of Fully-Investigated Allegations Involving Youth

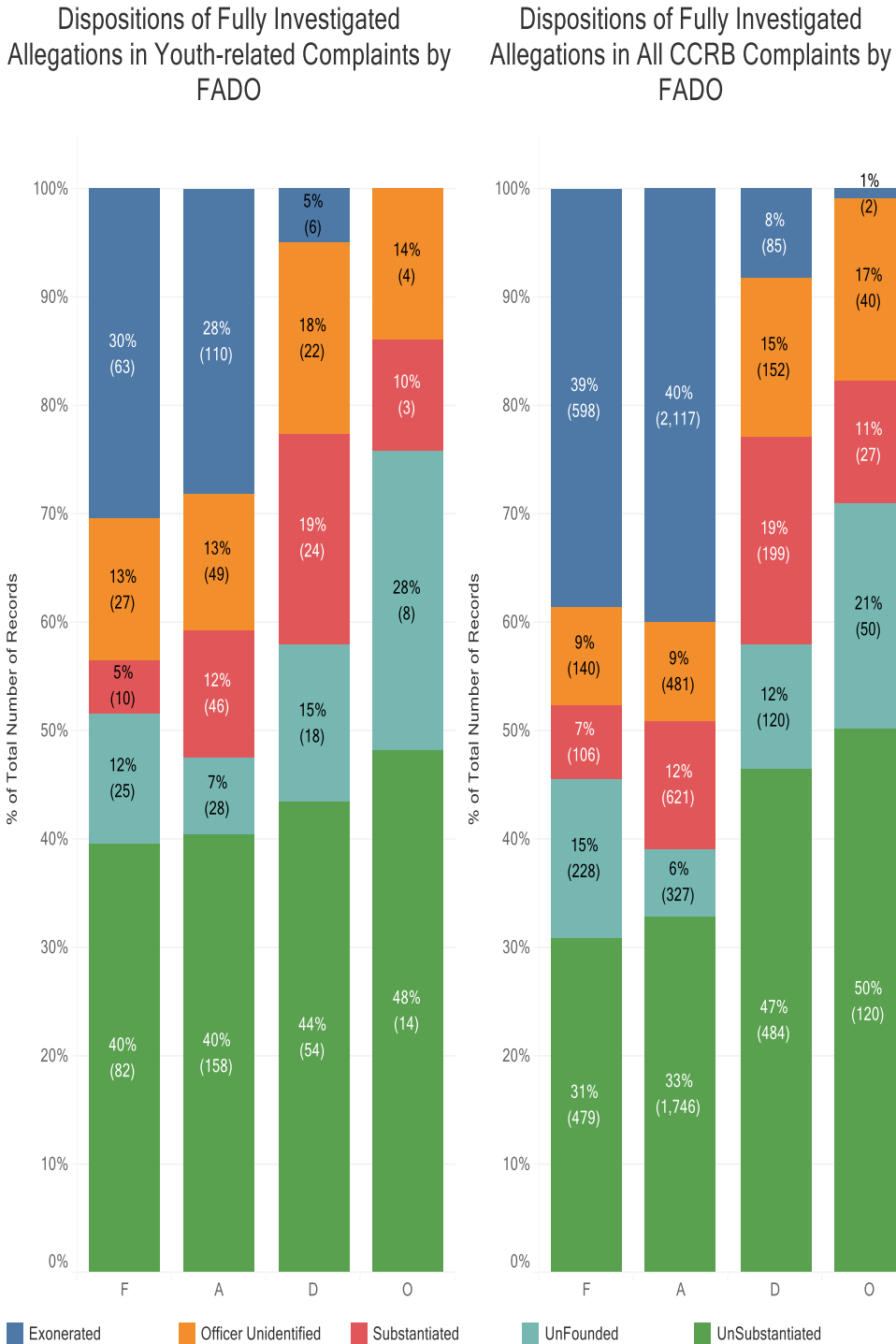


Figure 5: Overview of the Substantiated Cases Involving Youth

The following table provides a detailed overview of 32 complaints that had at least one substantiated allegation against a police officer for misconduct committed against a young person or in the presence of a young person. In the 32 complaints, the CCRB substantiated 79 allegations against 42 officers. In 28 of the cases, there was some type of video evidence, including 17 cases that had body-worn camera (BWC) footage. In a majority of cases, the police interactions with young people were officer-initiated and occurred on the street.

Borough	Who Filed the Complaint	Location	Allegation	Case Disposition
Queens	Adult	Residential building	Physical force	Charges
Manhattan	Adult	Subway station/train	Physical force	Charges
Bronx	Adult	Street/highway	Frisk	Charges
			Gun Drawn	
			Other	
			Stop	
Manhattan	Adult	Street/highway	Entry of Premises	Charges
Manhattan	Adult	Street/highway	Gender	Charges
			Threat of force (verbal or physical)	
			Word	
Bronx	Adult	Street/highway	Frisk	Charges
			Search (of person)	
Brooklyn	Adult	NYCHA	Chokehold	Charges
			Restricted Breathing	
Brooklyn	Adult	Street/highway	Pepper spray	Command Discipline B
			Physical force	
Bronx	PD Sgt.	NYCHA	Action	Command Discipline B
			Gender	
			Physical force	
			Word	
Manhattan	Adult	NYCHA	Physical force	Command Discipline B
			Stop	
Queens	Adult	NYCHA	Frisk	Command Discipline B
			Stop	
Bronx	Adult	Police building	Word	Command Discipline B
Bronx	PD Sgt.	Street/highway	Frisk	Command Discipline B
			Question	
			Search (of person)	
Brooklyn	Adult	Street/highway	Refusal to provide name/shield number	Command Discipline A
			Refusal to provide shield number	

Borough	Who Filed the Complaint	Location	Allegation	Case Disposition
			Word	
Brooklyn	Adult	Apartment/house	Other	Command Discipline A
Manhattan	Adult	Street/highway	Action	Command Discipline A
			Threat of force (verbal or physical)	
			Word	
Brooklyn	Adult	Hospital	Physical force	Command Discipline A
			Word	
Manhattan	Adult	NYCHA	Threat of force (verbal or physical)	Command Discipline A
Brooklyn	Youth	Apartment/house	Seizure of property	Command Discipline A
			Threat of arrest	
			Word	
Brooklyn	Adult	Apartment/house	Word	Formalized Training
Brooklyn	Adult	Street/highway	Frisk	Formalized Training
Brooklyn	Youth	Street/highway	Stop	Formalized Training
			Threat of force (verbal or physical)	
			Word	
Brooklyn	Youth	Street/highway	Threat of arrest	Formalized Training
Bronx	attorney	Street/highway	Interference with recording	Command Lvl Instructions
Bronx	Adult	Street/highway	Word	Command Lvl Instructions
Staten Island	Adult	Street/highway	Word	Command Lvl Instructions
Queens	Adult	Street/highway	Threat of arrest	Command Lvl Instructions
			Threat of force (verbal or physical)	
Queens	Adult	Residential building	Word	Command Lvl Instructions
Bronx	Adult	Street/highway	Threat of force (verbal or physical)	Command Lvl Instructions
			Word	
Brooklyn	PD by Cpt.	Police building	Word	Command Lvl Instructions
Queens	Youth	Street/highway	Search (of person)	Command Lvl Instructions
Brooklyn	Adult	Street/highway	Word	Command Lvl Instructions

The fully-investigated cases, and particularly the substantiated cases, include cases where youth between the ages of 10 and 18 were policed while participating in seemingly innocuous activities

such as playing, high-fiving, running, carrying backpacks, and jaywalking.³⁶ Police encounters for typical youth conduct like these can, and have, lead to police misconduct, even in circumstances when the initial contact was appropriate. The demographics of the young people involved in these encounters are also worth highlighting. In all fully-investigated cases, 18 out of the 32 substantiated cases involved Black or Hispanic youth, and 23 of the 32 substantiated cases involved young boys.³⁷

The following case summaries provide examples of the types of activities youth C/Vs were engaged in when they were approached by officers.

³⁶ Between January 1, 2019 and September 30, 2019, the NYPD issued 316 summonses for jaywalking. Of these, 89.5% went to Blacks or Hispanics, and 44% went to people aged 18-25. In the first three quarters of 2018, 161 out of the 192 individuals who received a ticket and whose race was known were Black or Hispanic. See Martin Samoylov & Gersh Kuntzman, *NYPD Targets Blacks and Latinos for 'Jaywalking' Tickets*, STREETS BLOG NYC (Jan. 8, 2020), <https://nyc.streetsblog.org/2020/01/08/nypd-targets-blacks-and-latinos-for-jaywalking-tickets/>.

³⁷ Of the substantiated cases 42% of the young people involved self-identified as Black, 13% self-identified as Hispanic, 4% identified as White, 6% identified as Other, and 35% either did not self-identify, or their race was unknown.

SUBSTANTIATED CASE EXAMPLES

Case One: Handshake/High Five, Substantiated

On a spring evening, the Victim, an 11-year old Black boy, was walking to meet his mother on the grounds of a New York City Housing Authority (NYCHA) complex. While walking, the Victim encountered a group of adult men whom he recognized from the neighborhood. As the Victim greeted one of the men with a quick handshake/high-five, plainclothes Anti-Crime officers exited their vehicle and approached the group. The group of adult men dispersed. The officer approached the Victim and asked his age. The Victim replied that he was 11 years old. The officer then frisked the Victim's upper body and waist. One of the bystanders told the officer that he should not be searching the Victim as he was under the age of 13, but an officer replied that drugs can be given to younger children. The officers then got back into their vehicle and drove away.

In his statement to the CCRB, the officer first claimed that he approached the group to try to determine if they were drinking alcohol and smoking marijuana. However, the officer could not point to any observations that would have led him to stop the Victim on suspicion of drinking alcohol or smoking. The officer then noted that according to his stop and frisk report, the Victim appeared to have passed "contraband." When further questioned by the CCRB, however, the officer admitted to having made no observations that would have led to that suspicion. The officer then claimed that his stop of the Victim ultimately was based upon his observation of a bulge in the Victim's pocket. A bulge, such as the officer described, absent any additional factors, does not provide sufficient grounds on which to form reasonable suspicion that an individual is armed. Additionally, this bulge was not mentioned in any of the officers' police documents. The investigation determined by a preponderance of the evidence that the officer lacked sufficient justification to stop and frisk the Victim. The Board substantiated the abuse of authority allegations and recommended Command Discipline B. The Police Commissioner reviewed the case and downgraded the discipline, imposing Formalized Training.

Case Two: Jaywalking. NYPD requested reconsideration

An officer and a Sergeant, both plainclothes Anti-Crime officers, were driving in an unmarked vehicle when they observed the Victim, a 16-year-old Hispanic boy, jaywalking. After stopping the Victim, the officer, the Sergeant, and another plainclothes officer, positioned themselves in front of the Victim and asked if he had anything on him the officers should know about. The Victim stated he had nothing on his person. The officer grabbed the Victim's arm and asked for his consent to check him. The Victim consented and the officer frisked him. The officer felt an object in the Victim's pant leg that the Victim identified as a small knife. The officer removed the small knife from the Victim's pant leg. The Victim was not issued a summons or arrested. Six BWCs were returned for this incident and video footage corroborated the Victim's account.

In addition to the video footage, the CCRB investigator obtained relevant police documents and interviewed the officers and other officers on scene. In their interviews, neither the Sergeant nor the officer mentioned any suspicious actions or observations that led them to conclude that the Victim was armed or a threat to their safety, other than he seemed nervous. While the officers legitimately stopped the Victim for jaywalking, their subsequent questions and requests did not pertain to jaywalking. The investigation determined by a preponderance of the evidence that the officer wrongfully invoked her police authority because the Victim's behavior did not amount to founded suspicion of criminality allowing the officer to question the Victim. The officers also lacked reasonable suspicion that the Victim was armed and they did not fear for their safety, therefore they wrongfully frisked and searched the Victim. Further, because he was surrounded by officers who continued to ask him questions despite him stating that he was not armed, the Victim would not have felt free to leave or refuse to comply with the officers' request for consent, especially given that the officer grabbed his wrist prior to asking. The Board substantiated the abuse of authority allegations and recommended Command Discipline B.

The NYPD requested reconsideration of the penalty in this case asking for a reduction to Training instead of Command Discipline B. The Department acknowledged that the officer had no basis to frisk or request to frisk the Victim based on her observations, the Victim's consent appeared to be involuntary, he said was scared of the officers multiple times, and he was repeatedly told that he was not free to leave. Taking into consideration that the officers had no prior substantiated CCRB complaints or Department disciplinary history, however, the Department asked for the reduction in the penalty recommendation. The Board maintained its recommendation that the officer receive Command Discipline B. Ultimately, the Police Commissioner reviewed the case and downgraded the discipline to Formalized Training on the ground that "although the [officer]'s actions were incorrect they were made in good faith and they [the officer] would benefit from Training in order to be guided in future actions."

Case Three: Walking with Backpacks, Substantiated

Victim 1, a 17-year-old boy, Victim 2, and three of their male friends were walking through a NYCHA housing complex talking and listening to music. Victim 1 was carrying a backpack. Victim 2 observed a marked police vehicle driving behind them and the group stepped to the side to allow the vehicle to pass. When the vehicle did not pass, the group continued walking. A Lieutenant and an officer exited the vehicle and stopped Victim 1 and Victim 2.

In his CCRB interview, the Lieutenant reported that he suspected Victim 1 and Victim 2 of criminal possession of a weapon based on his prior knowledge of gang activity in the housing complex, his initial observations of their age, the fact that they were carrying book bags “despite the fact that it was long after the end of the school day,” and the statements they and their companions made when the officers first approached. The Lieutenant testified that he was informed by his Captain that there was a large group of individuals from a known gang who were filming a music video in a NYCHA housing complex. Members of that gang were known to conceal firearms in book bags. The Lieutenant and the officer were on patrol when the officer observed Victims 1 and 2 and their friends pushing each other and running back and forth. The Lieutenant assessed that the individuals were “acting kind of suspicious,” noting that he assessed their behavior to be indicative of either fighting or playing. He also noted the following factors: they were walking together as a group, they looked back at the officers as they walked forward, and they were tightly gripping their book bags. The officer did not recognize anyone in the group or have any indication that they were members of a gang. The Lieutenant directed the officer to approach Victim 1 and Victim 2 and inquire if they had any information about the individuals reported to have been filming a music video. The officer approached Victim 1 and Victim 2 and asked them, “What’s going on?” and if they had any other information.

Partial video footage of this portion of the incident was obtained. The first clip of footage shows Victim 1, Victim 2, and a group of individuals walking along a walkway inside a housing complex. The footage shows the group stopping as the police vehicle pulls up behind them before continuing to walk forward. The Lieutenant and the officer then exit their vehicle and walk behind the individuals, several of whom look back at the officers. The officer jogs behind Victim 1 and Victim 2, seizes hold of them, and presses them against a fence. Based on the statements of complainants, victims, and witnesses as well as the video footage, the investigation determined that the Lieutenant and officer’s observations did not provide reasonable suspicion to stop Victim 1 and Victim 2 for possible possession of a weapon. The Board substantiated the abuse of authority allegations and recommended Command Discipline B. The Police Commissioner reviewed the case and downgraded the discipline, imposing Command Discipline A.

Case Four: Walking Home from the Deli, Substantiated

The Victim, a 15-year-old Black boy, was walking back to his homeless shelter carrying a white deli bag with a cheese roll and a piece of cake when an unmarked, dark blue sedan stopped next to him. A Detective, a Sergeant, and an officer, all plainclothes Anti-Crime officers, exited the car without announcing they were police officers, and approached the Complainant. Scared, and not knowing who the men were, the Complainant ran into the street. The Detective and the officer stopped the Complainant by allegedly taking him to the ground, causing minor injuries. After placing the Complainant in handcuffs, the Detective frisked the Complainant while the officer searched the Complainant's bag. No summons or arrest resulted from this incident. The Complainant returned to his shelter and called 911 to report what happened to him. An ambulance was dispatched to the scene to take the Complainant to the hospital to clean and bandage his wounds.

The investigation determined based on police records, officer statements, and video footage that the officers stopped the Complainant because he generally matched the description of a robbery suspect (approximately 20-year-old Black or Hispanic male wearing a long-sleeve sweater, carrying a black plastic bag, with a black beanie), and the Complainant was in close temporal and spatial proximity to the location of the robbery. As a result, the investigation found that the officers had reasonable suspicion to stop and frisk the Complainant. It is notable, however, that in the BWC footage, another officer on the scene could be heard telling the officers, "You know it doesn't fit at all right? You know that right? It doesn't fit at all. Not even close. It's not even close to the script."

The investigation found that although the description the officers relied on was incorrect, because they had not heard the correction, they had reasonable suspicion to stop the Complainant and were permitted to use a reasonable amount of force to place him in handcuffs. The Board exonerated the abuse of authority and force allegations.

In regard to the search allegation, however, although the officer denied searching the Complainant's bag, BWC footage captured him holding the Complainant's plastic bag open with one hand and plastic rustling could be heard in the background. BWC footage also showed the officer holding a USB cord, which the Complainant later found inside of his bag. The officer was not permitted to search the Complainant's bag because at the time of the search, the Complainant was not under arrest and had not provided consent for the search. The Board substantiated the abuse of authority allegation and recommended Command Level Instructions. The Police Commissioner has yet to impose final discipline.

These four case examples, in addition to the previously-detailed substantiated complaint in which the children were playing with sticks, demonstrate instances where young boys of color were policed for innocuous activities. High-fiving, walking back from a deli, jaywalking, playing, and carrying a backpack are all activities in which children regularly engage. In the instances described in this Report, however, the young people faced troublesome interactions with the police ranging from being stopped, to being handcuffed, detained, and arrested. It is important to note, that in some of these cases, the officers often had additional information that informed their behavior, of which the young person was unaware. From the point of view of the young person, however, they did nothing that would lead to an interaction with the police. In some of these cases, the additional information officers had, such as radio calls or suspect descriptions, played a factor in their decision to interact with the young person.

A number of the substantiated cases also show that even when the initial contact by the police was legally justifiable, the continued interaction led to misconduct. The following case summaries are examples of complaints in which the officer was justified in initially approaching the individual, but the officer went on to frisk, search, or use force against the young person in an unjustified manner.

Case Five: Marijuana leads to frisk & search. Substantiated

The Victim, a 17-year old Black boy, and another individual were sitting on a stoop smoking marijuana when they were stopped by four plainclothes Anti-Crime officers. One officer frisked and searched the Victim while another officer frisked the other individual. The stop, frisk, and search were captured by surveillance video. No one was arrested or summonsed.

During his CCRB interview, the first officer did not recall seeing any bulges on the individual's person or suspecting either of the individuals of being armed. The officer stated that he patted the Victim down because he suspected him of having marijuana, but while frisking the Victim, he felt a hard object. The officer could not recall the shape, size, or any identifying characteristics of the object. The second officer also did not recall believing that the individual had a weapon on his person; she frisked him as a precautionary measure for the officers' safety.

An officer may conduct a frisk when they reasonably suspect that the individual is armed and the officer's safety is at risk. To justify a search, an officer must have probable cause to believe that the person has committed a crime. As neither officer suspected that either the Victim or the other individual were armed, the frisks were not legally justified. Additionally, as the first officer could only describe the object he felt on the Victim as hard, and did not point to anything that may have led to him suspect that the Victim had a weapon, the officer did not have probable cause to search the Victim. The Board substantiated the frisk and search allegations and recommended Charges against both officers. The Police Commissioner reviewed the case and determined that pursuing Charges would be detrimental to the Department's disciplinary process. Although he found that the officers were not justified in conducting the frisks, the Police Commissioner retained the case in the interests of justice because the officers did not have prior disciplinary history. He downgraded the discipline and imposed Command Discipline A and Formalized Training on both officers.

Case Six: Arrest following a dispute leads to discourtesy. Substantiated

Officers responded to a dispute involving a knife. Upon arriving on scene, officers attempted to arrest the Complainant, an 18-year old Black girl, who fled the scene. When officers apprehended her, she used her knee to strike one of the officers in the chest. The Complainant was subsequently handcuffed and then searched. BWC footage captured the Complainant telling the officer, "You don't have to manhandle me." In response, the officer told the Complainant, "Don't fucking kick me bitch," while holding her hand up to the Complainant's chin and pushing the Complainant's head back. The Complainant then used her head to strike the officer in the back of her head. In response, the officer punched the Complainant in her face. As the Complainant was being escorted out of the building, the officer said, "Fuck out of here."

The Board substantiated an offensive language allegation, finding that the officer's use of the word "bitch," did not serve a law enforcement purpose and officers are prohibited from making disrespectful remarks regarding gender. The Board also substantiated a discourteous action allegation because the officer making physical contact with the Complainant's face and pushing her head back was unnecessary and discourteous and did not serve a law enforcement purpose. At the time of action, the Complainant was not moving towards the officer or threatening the officer's safety.

The Board also substantiated force allegation. The BWC footage showed that the officer did not use any de-escalation techniques to quell the situation. Further, while an officer is allowed to use force when it is reasonable to do so based on the totality of the circumstances, punching a Complainant who is already restrained in handcuffs was not reasonable because it did not serve a law enforcement purpose.

For the discourtesy allegation, the officer's interaction with the Complainant had concluded once the Complainant was escorted out of the area by several officers. The officer saying, "Fuck out here," twice did not serve a law enforcement purpose and was not coupled with any lawful commands. The Board substantiated the allegation and recommended Command Discipline B. The Police Commissioner has yet to impose final discipline.

Case Seven: Responding to a report of a fight leads to excessive force and use of pepper spray on a crowd. Substantiated

A large group of students from a local high school were congregating after school dismissal when a fight broke out between two unidentified young women. Multiple police officers, including a mix of uniformed and plainclothes officers, responded to the scene. The officers attempted to disperse the crowd and two officers discharged pepper spray, hitting the Victim, a 16-year-old Black girl. After she was pepper sprayed, officers grabbed the Victim, who struggled against the officers as they forcibly placed her in handcuffs. Video footage obtained from Facebook showed that one officer punched the Victim in the face while she was being handcuffed.

The investigation found that the use of pepper spray by the two officers fell outside the guidelines of the Patrol Guide because the officers were not involved in a physical struggle or trying to gain compliance of someone resisting arrest. Additionally, while the force used by the officers involved in the Victim's arrest was appropriate in overcoming her resistance to being handcuffed, punching the Victim in the face was unnecessary and excessive. The Board substantiated both force allegations and recommended Command Discipline B. The Police Commissioner reviewed the case and imposed Command Discipline A on the officers.

PLAINCLOTHES OFFICERS AND YOUTH

While plainclothes officers (MOS who work assignments that do not require them to be in uniform, including those working in Anticrime, detective squads, and undercover units) interact with CCRB C/Vs of all ages, members of the YAC and youth advocates have expressed particular concern about interactions with MOS who are not in uniform. Some young people have reported to the CCRB that they do not always respond to orders from plainclothes officers because they are unaware that they are members of the NYPD.

Investigating allegations of misconduct against plainclothes MOS poses additional hurdles because it can be far more difficult for the CCRB to identify officers who are in plainclothes. In the cases the CCRB analyzed, 44 (39%) of the fully-investigated youth cases involved plainclothes officers. Four out of the five Officer Unidentified cases involved officers in plainclothes. The following case highlights the difficulty of identifying plainclothes officers, which prevents effective oversight.

Unidentified Plainclothes Officers

The Complainant, a 15-year-old Black boy, left a birthday party at midnight. As he was walking towards the subway, he passed an altercation involving a crowd of eight attendees from the party. After about two blocks, the Complainant heard yelling behind him and noticed an unidentified uniformed white male officer, Unidentified Officer 1, chasing him. Unidentified Officer 1 allegedly grabbed hold of the Complainant's arm, but the Complainant backed away from the officer and ran because he was scared. Unidentified Officer 1 entered an unmarked vehicle and allegedly pursued the Complainant. After about two blocks, the Complainant was allegedly struck by a different black, unmarked vehicle containing four white plainclothes officers. After allegedly being hit by the car, the Complainant was pursued on foot by two of the unidentified plainclothes officers, Unidentified Officers 2 and 3. Unidentified Officer 2 allegedly conducted a forcible takedown of Complainant and pressed his knee against the Complainant's body, restricting his breathing. While the Complainant was on the ground, Unidentified Officers allegedly punched, kicked, and used profanity towards him. Video footage was not obtained for this case. The Complainant was not arrested or issued any summonses as a result of this incident.

The Complainant's only recollection of the subject officers was that they were white males. Using police documents, the investigation identified potential subject officers from three different precincts. Eight officers who were responding to a shots fired job were interviewed by the CCRB in regard to this incident. All officers interviewed acknowledged familiarity with various aspects of this incident, including the party leading to a crowd being outdoors, the officer request for assistance via radio, and the officer interactions with the Complainant. Four officers acknowledged directly interacting with the Complainant or seeing an officer do so, but denied using physical force against the Complainant, or using a vehicle to make contact with the Complainant. Of these four officers, two stated that they saw plainclothes officers, whose identities and commands they were unfamiliar with, struggling to handcuff the Complainant. Due to the inability to identify potential subject officers or attribute any allegation to a specific officer or officers, the Board closed the allegation as officer(s) unidentified.

ADULTS FILING ON BEHALF OF YOUTH

A vast majority of the analyzed CCRB complaints involving youth (83%) were initially reported by adults. Of the 32 substantiated cases, 28 were reported by adults, including some reported by NYPD senior officers. Out of the four substantiated cases reported by youth, two were reported by 18-year-olds, one by a 17-year-old, and one by a 15-year-old. The CCRB data shows that young people are significantly less likely to report police misconduct. In a 2016 National Survey, the CATO Institute found that nearly half of Americans (46%) believe police are not "generally held accountable for misconduct" when it occurs: a view that was held by larger shares of young people, Black and Hispanic Americans, lower income individuals, and Democrats.³⁸ From conversations at the Youth Summit and with the YAC, we learned that young people may fear getting in trouble if they report misconduct. They may be afraid to admit to adults that they had an interaction with the

³⁸ Emily Ekins, CATO Inst., *Policing in America: Understanding Public Attitudes Toward the Police. Results from a National Survey* at 41 (Dec. 2016), <https://www.cato.org/survey-reports/policing-america>.

police, or blame themselves for any interactions with the police. poses a large hurdle for police oversight. Understanding that the failure to report could also be due to lack of knowledge of the CCRB as a resource by young people, the Agency's Outreach team remains focused on reaching young New Yorkers in their communities, including less conventional spaces like barbershops and basketball courts.

Based on the above, the high percentage of complaints involving youth being made by adults could suggest that if there is no adult around, or if the young person is too afraid to tell an adult about the incident, complaints of police misconduct may go unreported. In the sample of complaints analyzed in this Report, this means that only 21 (17%) of the complaints of police misconduct would have been reported, and that none of the cases in which the Board ended up recommending Charges and Specifications (the most serious disciplinary recommendation available) would have come to light.

In 29 (26%) of all of the analyzed complaints, the adults who reported the case to the CCRB were reporting non-witnesses, highlighting that if the young people did not tell an adult about the police interaction, the misconduct would not have been reported.

One of the major hindrances to parents and guardians knowing that their child interacted with the police is that officers may not contact parents or guardians. According to Patrol Guide 215-09, officers are required to contact a parent/guardian when a child under the age of 18 is brought into the precinct.³⁹ The CCRB has received complaints that this notification is not occurring. Following the review of cases for this Report, the CCRB is committed to tracking complaints that officers failed to notify parents/guardians when their children were brought into a precinct.

Although the Patrol Guide (PG) states that the desk officer must immediately notify a parent/guardian, the Patrol Guide does not have strict guidelines as to how much time can elapse before a parent or guardian is notified. Such guidance would provide greater protections for minors who are taken into police custody. The following case highlights the impact of the lack of clear restrictions on the amount of time a minor can be in custody before a parent/guardian is called. The CCRB recommends a change to PG 215-09 to create a stricter requirement on officers to notify parents or guardians when a young person is brought into the police station.

Currently, the PROCEDURE section of PG 215-09 states that the Desk Officer "Have parent/guardian notified" as Step 6 "[w]hen a juvenile less than 18 years of age commits an offense."

It is not until later, in the ADDITIONAL DATA section of PG 215-09 that it notes: "When a juvenile is arrested and taken into custody, the desk officer is required to immediately notify a parent/guardian that the juvenile has been taken into custody and the juvenile's location."

It is CCRB's recommendation that PG 215-09 be updated to reflect the following:

Current: "Have parent/guardian notified."

Recommendation: "Notify parent/guardian that juvenile is in custody and location of juvenile."

³⁹ "When a juvenile is arrested and taken into custody, the desk officer is required to immediately notify a parent/guardian that the juvenile has been taken into custody and the juvenile's location." NYPD, Patrol Guide 215.09, *Offense Committed by a Juvenile Under 18 Year of Age (Other Than a Juvenile Offender or Adolescent Offender)* (Jan. 1, 2020), available at: https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide3.pdf.

The additional data section should also be updated as follows:

Current: *“When a juvenile is arrested and taken into custody, the desk officer is required to immediately notify a parent/guardian that the juvenile has been taken into custody and the juvenile’s location.”*

Recommendation: *“When a juvenile is arrested and taken into custody, the desk officer is required to immediately notify a parent/guardian that the juvenile has been taken into custody and the juvenile’s location. The desk officer shall make every reasonable effort to contact the parent/guardian, and document the notification to the parent/guardian.”*

These recommendations, reflecting language directly pulled from PG 215-10 “Arrest of Juvenile Offender or Adolescent Offenders,” will create stricter requirements for officers and ensure that parents and guardians are notified in a timely manner.

Case 1: Delayed contact of parents

Alleged Victim 1, a 16-year-old girl, and Alleged Victim 2, a 15-year-old Black girl, were stopped and detained by officer 1 and officer 2 at a bus stop regarding an assault. Alleged Victims 1 and 2 were handcuffed and transported to a stationhouse where they were placed in the Juvenile Room. After being in the Juvenile Room for over three hours, Alleged Victims 1 and 2 were released to their parents. The parents did not see or speak to their children until after they were released. While the investigation found that the officers were justified in stopping the Alleged Victims and temporarily detaining them while an investigation into an assault was conducted, the officer admitted that the parents were not called until after the children were handcuffed to a bar in the Juvenile room, frisked, searched, the Juvenile Desk and the District Attorney’s office called, and a Juvenile Report written up charging them with misdemeanor assault.

Because the Patrol Guide does not specify when the parents must be notified, the over three-hour delay to contact the Alleged Victims’ parents is not considered misconduct. It is the view of the CCRB that the NYPD should ensure that parents and guardians are notified in a timely manner to avoid minors sitting in the precinct alone for several hours.

On February 26, 2018, the CCRB, in conjunction with the NYU McSilver Institute for Poverty Policy & Research and the NYU Law Center on Race, Inequality & the Law, hosted Speak Up, Speak Out: A Youth Summit on Policing in New York City. The Summit was an opportunity for over 250 young people, ages 10 to 24, from across New York City to share their experiences with policing, identify problems in their communities, and recommend solutions to public safety and police oversight practitioners, academics, and NYPD Chief of Community Affairs Nilda Hofmann.

The Summit consisted of two panels, one on policing in and around schools and the second on street encounters and stop-question-and frisk, followed by an afternoon of roundtable discussions on improving policing in New York City led by academics, practitioners, and advocates from a variety of fields. Youth moderators began each panel by polling the audience on different topics including, feelings about police officers and the presence of metal detectors in schools, and knowledge of programs like NYPD's Neighborhood Coordination Officers (NCO) program. Several key issues emerged from the Summit, including young people's concern of being treated disrespectfully by officers, brown and Black young boys feeling targeted by officers purely because of their skin tone, and the overwhelming desire to have more guidance counselors, resources, and activities for young people instead of an increased police presence.

The Summit was particularly important in the drafting of this Report as it allowed the CCRB and others to hear stories from youth, regardless of whether they had filed a complaint with the CCRB. Furthermore, as the first Summit on policing focused entirely on youth and led by young people, it amplified the voices of young New Yorkers and enabled them to share their experiences with their peers. It also connected them with practitioners who helped them workshop their proposed solutions to policing and repairing the fractured police-community relations in New York City.

Panel One: Policing in and Around Schools

The first panel consisted of young people ages 12 to 16 who discussed police presence in and around their schools. During that discussion, the young people often did not draw a distinction between police officers and School Safety Agents (SSAs).⁴⁰ They discussed the need for mental safety in schools over physical safety, and talked about rethinking the mission of school—focusing more on education rather than incarceration.

“My Blackness is the weapon that they fear.”

- 2019 Youth Summit Participant

The panelists highlighted the difference in school atmospheres and connected that to race. They noted that metal detectors and a larger police presence were often seen in schools where the students were brown and Black, as opposed to schools where the students were predominantly white or Asian. They also commented that despite socioeconomic status or borough, the racial demographic of the students was the key factor in determining the level of police presence in and around a school as well as the type of police response when there was a disturbance at the school. The panelists had a debate about the presence of metal detectors in their schools, highlighting long delays, being treated like inmates, assumed criminality, and the need to create safer spaces. They noted that they not only wanted to be safe from students bringing weapons or dangerous items into

⁴⁰ The young people at the Summit often did not distinguish between SSAs and police officers when making observations about their behavior. They often referred to “the officers in my school” or “the police at my school.”

schools, but also wanted their schools to be spaces where they were safe from police officers, SSAs, and private security guards.

“Kids make mistakes. We shouldn’t be mistreated or talked down to, we should be guided.”

- **2019 Youth Summit Participant**

The panelists proposed three overarching solutions to the problems discussed during Panel One. First, the need for civic education in schools and the desire to have “Know Your Rights” programs integrated into their curriculums. Second, increased diversity amongst teachers, principals, superintendents, and importantly, the individuals writing the curriculums. Third, they asked for more guidance counselors, highlighting that schools often had only one guidance counselor who is responsible for hundreds of students. This suggested that more guidance counselors, instead of officers and SSAs, would lead to safer and healthier school environments.

Panel Two: Street Encounters and Stop-and-Frisk

The second panel consisted of young people ages 18 to 24 who discussed street encounters with police. The panelists all shared personal stories about their interactions with police officers, highlighting the ongoing presence of stop-and-frisk practices in communities of color. Panelists brought up profiling and hyper-policing in urban communities. Young boys of color felt like they always met “the description,” and noted that their interactions with the police depended heavily on the neighborhood. One panelist shared that he was often stopped by police in the Bronx and Brooklyn, but was never stopped on 42nd Street.

When proposing solutions, the panelists imagined a world where not all 36,000 NYPD officers were armed, noting that it would force officers to de-escalate situations by removing the option of using a firearm. They proposed that New York City create a system with different numbers to call so that the NYPD was not responding to all issues, noting for example, that not all officers are properly trained or situated to deal with individuals experiencing mental health crises.

“It’s an abuse of power by the police to step to you and act to you like you are inferior when in fact you’re actually superior. You’re told that you’re going to be the future of the world, so why aren’t you superior now?”

- **2019 Youth Summit Participant**

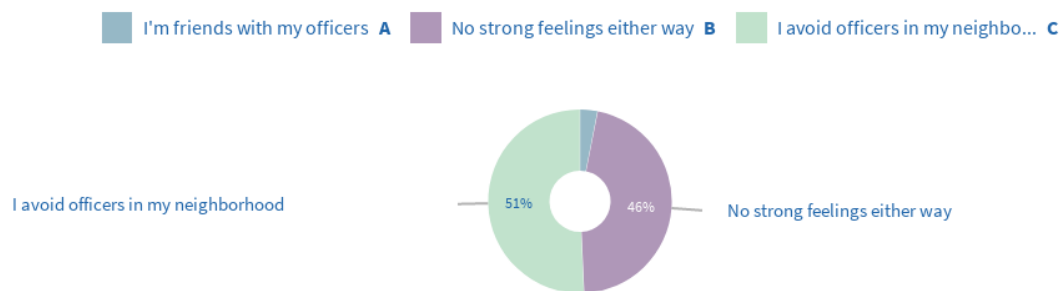
Polling Results

Each panel began with the moderators polling the audience on questions about policing. With over 200 people in the room, participants were able to share their opinions through Poll Everywhere. This program allowed individuals to download an app, go to a website, or send a text responding to different questions, including whether or not they felt safe calling the police, their knowledge of the NYPD Neighborhood Coordination Officer (NCO) program, and their feelings about police presence in schools.⁴¹

⁴¹ Polling data collected from the Youth Summit audience members should not be used to draw broad inferences about the City.

Most individuals in the room responded that they either avoid officers in their neighborhoods or had no strong feelings either way about officers. Less than 3% said that they were close with the officers in their neighborhoods.

How close are you to the police officers in your neighborhood?



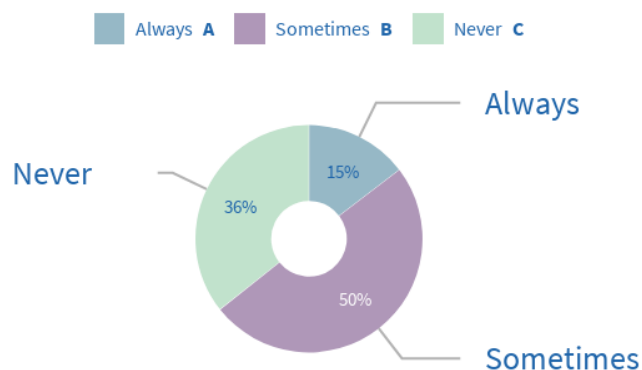
Total Results: 199

Poll Everywhere

Answers to this poll are anonymous

Only 15% of the individuals in the room said they always felt safe calling the police. Half of the room said they only sometimes felt safe calling the police.

Do you feel safe calling the police?



Total Results: 199

Poll Everywhere

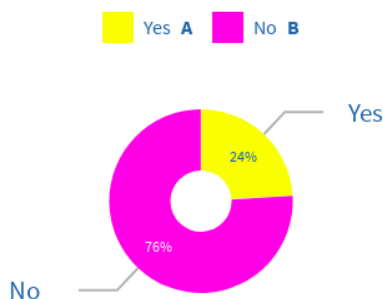
Answers to this poll are anonymous

When the people in the room were asked if they knew the name of their NCO, 76% said “No.” Some individuals asked what an NCO officer is because they had never heard of the NCO program.

Young people noted that they often felt comfortable and had positive interactions with police officers who were polite, who put in the effort to get to know them, and officers who looked like them.

“I don’t feel like the mass mission of the NYPD is to keep kids safe.”
- 2019 Youth Summit Participant

Do you know the name of your Neighborhood Coordination Officer?



Total Results: 200

Poll Everywhere

Answers to this poll are anonymous

On January 29, 2020, Police Commissioner Dermot Shea, at his first State of the NYPD address, announced the Department’s strategy to prevent and address youth crime.⁴² The strategy includes the establishment of a Youth Coordination Officer (YCO) program modeled after the Neighborhood Coordination Officer program, the creation of monthly “YouthStat” meetings, and the incorporation of School Safety Agents (SSAs) into command-level strategy meetings.

Advocates came out strongly against the initiative, asserting that the YCO program is an attempt to expand racial profiling and the unwarranted surveillance of Black and other youth of color. According to advocates, the NYPD should focus on holding officers accountable for misconduct instead of what they see as profiling and criminalizing children.⁴³ Advocacy group Communities United for Police Reform called for the Mayor and City Council to end the YCO program and reallocate the funding to resources for young people and their families, including housing, youth-led justice programs, and employment.

⁴² Press Release, NYPD, Building on Neighborhood Policing, Commissioner Shea Outlines New Strategy to Prevent and Address Youth Crime (January 29, 2020), <https://www1.nyc.gov/site/nypd/news/pr0129/building-neighborhood-policing-commissioner-shea-outlines-new-strategy-prevent-address#/0>.

⁴³ Press Release, Communities United for Police Reform, Communities United for Police Reform Slams Commissioner Shea’s Announcement of New NYPD Initiative to Racially Profile and Track Youth (Jan. 29, 2020), <https://www.changethenypd.org/releases/communities-united-police-reform-slams-commissioner-shea%E2%80%99s-announcement-new-nypd-initiative>.

The changing landscape of the NYPD's approach to interactions with youth, including its new YCO initiative and increased police attention on youth in New York City, indicates that this is a particularly important time to track and report on allegations of police misconduct against young people. The CCRB will continue to examine the impact of these changes on oversight and discipline of police officers and SSAs who interact with New York City's youth.

Breakout Sessions

The second half of the day was dedicated to engaging the attendees in practical workshops where they were teamed up with academics, practitioners, and experts to identify ways for young people to get involved and make an impact on policing. The CCRB called upon experts in various fields including, media, law, politics, consulting, mental health, and the arts to emphasize that no matter their academic interest, young people could be involved in creative solutions to policing issues. The attendees brought their own solutions to workshop and explored questions like what better policing would look like, how to change police perceptions of a particular community, and how to build long-term solutions to police brutality.

“If the NYPD really wants to keep the kids safe, they will come up and spend money for other youth resources.”

-2019 Youth Summit Participant

The Summit attendees walked away feeling heard, empowered, and having made connections with other young people and practitioners who were similarly interested in policing issues. The CCRB received feedback from several young attendees who were excited that they were able to suggest solutions themselves and hear the opinions and experiences of their peers. From the Agency's perspective, it was important to hear from young people and make sure that they are aware that the CCRB is an independent agency they can come to with a complaint about the police. The turnout, quality of conversation, and feedback received, highlighted the need for future conversations with young people and the importance of including the youth in policy decisions, legislation, and all conversations regarding their safety and security.

CCRB ACTIONS TAKEN AS A RESULT OF THIS ANALYSIS

1. The CCRB launched several initiatives to better engage young New Yorkers with the Agency:
 - a. In winter of 2018, the CCRB launched the Youth Advisory Council (YAC), a 19-member working committee made up of young leaders, ages 10 to 24, who are committed to criminal justice issues and improving police-community relations. The YAC meets quarterly to advise CCRB staff about its efforts to engage young New Yorkers, serve as Agency ambassadors to their communities, and join team-building activities. The YAC was instrumental in planning and hosting “Speak Up Speak Out: A Youth Summit on Policing in New York City,” which is detailed in this Report.
 - b. The CCRB Outreach and Intergovernmental Affairs Unit focused its attention on building relationships with service providers, including those working with youth groups.
 - c. To increase youth awareness of the Agency, the CCRB Communications Unit has begun working to increase and diversify its social media presence on platforms like Instagram, YouTube, and Facebook.

2. As part of an effort to provide better services for all civilians, the CCRB is examining the feasibility of creating training for investigators on vulnerable populations, including the youth.
3. A review of the cases for this Report indicated the need for better tracking of situations in which parents were not notified that their children were brought into the precinct, and whether those children were arrested, questioned, or detained. The Policy Unit has begun tracking this issue and will report back to the Board periodically.

RECOMMENDATIONS FOR THE NYPD

Given the findings of this Report, the CCRB recommends the following actions:

1. To better enable oversight agencies to track police interactions with youth, the NYPD should break down its publicly-reported Use of Force data by combined age and race, as well as by including complaint dispositions and discipline imposed in School Safety Officer Complaint Reports. Data on youth and policing is hard to find, and thus is hard to analyze. As there is currently no independent oversight over School Safety Agents, IAB should include disciplinary information on agents found to have committed misconduct in the quarterly Force, Abuse of Authority, Discourtesy, and Offensive Language reports published pursuant to the School Safety Act.
2. Due to the heightened risk of lasting trauma on youth as a vulnerable population,⁴⁴ when appropriate, the age of the alleged victim should be considered by both the NYPD and the CCRB in their Discipline Frameworks as a factor that could increase the recommended and imposed discipline for officers who commit misconduct.
3. The NYPD should train all police officers on the differences between policing adults and policing youth. There is currently minimal to no information on how police officers are trained on dealing with young people. The CCRB believes that given the Department's new youth initiative, it is important that the NYPD increase its transparency about how officers, particularly Youth Coordination Officers, will be trained to interact with young people.⁴⁵
4. The NYPD should take the findings of this Report into account when finalizing its new youth initiative. The Department should implement its new program equitably and should not over police young New Yorkers of color.
5. The NYPD should adopt CCRB's recommended changes to Patrol Guide 215-09 to create a stricter requirement on officers to notify parents or guardians when a young person is brought into the police station.

⁴⁴ See Stephanie A. Wiley & Finn-Aage Esbensen, *The Effect of Police Contact: Does Official Intervention Result in Deviance Amplification?*, 62 CRIME & DELINQ. 3, 283-307 (2013), <https://doi.org/10.1177/0011128713492496>.

⁴⁵ Most police departments offer no youth-specific training aside from the brief lessons in juvenile law taught during the academy, according to a report by the International Association of Chiefs of Police (IACP), a professional association and research group. Moreover, they often do not have funding to add more training. Nearly half of the departments told the IACP that their training budgets had been cut or abolished entirely in the past five years. Meghann Casanova et. al., Int'l Assoc. of Chiefs of Police, *Law Enforcement's Leadership Role in the Advancement of Promising Practices in Juvenile Justice: Executive Officer Survey Findings* (Sept. 2013), <https://www.theiacp.org/sites/default/files/all/i-j/IACP|ExecutiveOfficerSurveyFindings.pdf>. See also Sarah Childress, *Why Some Officers are Policing Kids Differently*, FRONTLINE, June 10, 2016, <https://www.pbs.org/wgbh/frontline/article/why-some-officers-are-policing-kids-differently/>.

BACKGROUND OF THE CCRB AND GLOSSARY

The Charter of the City of New York established the Civilian Complaint Review Board (CCRB) and empowered it to receive and investigate complaints from members of the public concerning misconduct by members of the New York City Police Department (NYPD). The CCRB is required to conduct its investigations “fairly and independently, and in a manner in which the public and the police department have confidence.” Under the City Charter, the CCRB has jurisdiction to investigate the following categories of police misconduct: Force, Abuse of Authority, Discourtesy, and Offensive Language, collectively known as FADO. The CCRB also has the authority to investigate and make recommendations about the truthfulness of material statements made by a subject officer during the course of a CCRB investigation of a FADO allegation. The CCRB will note other misconduct it uncovers during the course of its investigation that falls outside its jurisdiction, which the Department has requested be noted or is considered important to bring to the Department’s attention. Examples of other misconduct include failures by officers to enter necessary information in their activity logs (memo books), and failures to complete required documentation of an incident.

The Board now consists of 15 members, five appointed by City Council (one from each borough), five appointed by the Mayor, three designated by the Police Commissioner and appointed by the Mayor, one appointed by the Public Advocate, and the Chair of the Board who will be dually appointed by the Mayor and City Council. The Public Advocate appointee and the jointly-appointed Board Chair will assume their offices beginning in July 2020. Under the City Charter, the Board must reflect the diversity of the city’s residents and all members must live in New York City. No member of the Board may have a law enforcement background, except those designated by the Police Commissioner, who must have had a law enforcement vocation. No Board member may be a public employee or serve in public office. Board members serve three-year terms, which can be, and often are, renewed.

The Executive Director is appointed by the Board and is the Chief Executive Officer, who is responsible for managing the day-to-day operations of the Agency and overseeing its nearly 200 employees. The Agency consists of a 90-member Investigations Division responsible for investigating allegations of police misconduct within the Agency’s jurisdiction (FADO), and for making investigative findings. The most serious police misconduct cases, for which the Board has substantiated misconduct and recommended discipline in the form of Charges and Specifications, are prosecuted by a 14-member Administrative Prosecution Unit (APU). The APU began operating in April 2013, after the CCRB and the NYPD signed a Memorandum of Understanding establishing the unit. The prosecutors within the unit are responsible for prosecuting, trying, and resolving cases before a Deputy Commissioner of Trials or Assistant Deputy Commissioner of Trials at One Police Plaza.

The Agency also includes a Mediation Unit with trained third-party mediators who may be able to resolve less serious allegations between a police officer and a civilian. A complainant may mediate his or her case with the subject officer, in lieu of an investigation, with the CCRB providing a neutral, third-party mediator. The Outreach and Intergovernmental Affairs Unit acts as a liaison with various entities, and is responsible for intergovernmental relations, outreach presentations, and community events throughout the five boroughs of New York City.

Members of the public who file complaints regarding alleged misconduct by NYPD officers are referred to as complainants. Other civilians involved in the incident are categorized as victims or witnesses. Officers who are alleged to have committed acts of misconduct are categorized as subject officers, while officers who witnessed or were present for the alleged misconduct are categorized as

witness officers. The CCRB's investigators in the Intake Unit receive complaints filed by the public in-person, by telephone, voicemail, online complaint form, or referred to the Agency by the NYPD. When a complaint is filed, the CCRB assigns it a unique complaint identification number. The CCRB also refers to complaints as cases. A single complaint or case may contain multiple FADO allegations.

Allegations regarding improper entries, searches, or failures to show a warrant are considered allegations falling within the CCRB's Abuse of Authority jurisdiction. The vast majority of complaints regarding improper entries, searches, or warrant executions involve only a single incident of entry or search, but some complaints involve more than one entry or search (occurring on the same day or on different days). Each allegation is reviewed separately during an investigation.

During an investigation, the CCRB's civilian investigators gather documentary and video evidence and conduct interviews with complainants, victims, civilian witnesses, subject officers, and witness officers in order to determine whether the allegations occurred and whether they constitute misconduct. At the conclusion of the investigation, a closing report is prepared, summarizing the relevant evidence and providing a factual and legal analysis of the allegations. The closing report and investigative file are provided to the Board before it reaches a disposition. A panel of three Board members (a Board Panel) reviews the material, makes findings for each allegation in the case, and if any allegations are substantiated, provides a recommendation as to the discipline that should be imposed on the subject officer(s).

The Disposition is the Board's finding on the outcome of a case (i.e., if misconduct occurred). The Board is required to use a preponderance of the evidence standard of proof in evaluating cases. Findings on the merits result when CCRB is able to conduct a full investigation and obtain sufficient credible evidence for the Board to reach a factual and legal determination regarding an officer's conduct. In these cases, the Board may arrive at one of the following findings on the merits for each allegation in the case: substantiated, exonerated, or unfounded. Substantiated cases are those where it was proven by a preponderance of evidence that the alleged acts occurred and the acts constituted misconduct. Exonerated cases are those where it was shown by a preponderance of the evidence that the alleged acts occurred, but the acts did not constitute misconduct. Unfounded cases are those where there was a preponderance of the evidence that the acts alleged did not occur. Unsubstantiated cases are those where the CCRB was able to conduct a full investigation, but there was insufficient evidence to establish by a preponderance of the evidence whether or not an act of misconduct occurred. In some cases, the CCRB is unable to conduct a full investigation or mediation and must truncate the case.⁴⁶

⁴⁶ Fully-investigated cases comprise complaints disposed of as substantiated, unsubstantiated, exonerated, unfounded, officers unidentified, or miscellaneous. Miscellaneous cases are those where an officer retires or leaves the Department before the Board receives the case for decision. Truncated cases are disposed of in one of the following ways: complaint withdrawn, complainant/victim uncooperative, complainant/victim unavailable, and victim unidentified.

NEW YORK CITY CHARTER

Chapter 18-A, Civilian Complaint Review Board

§ 440 Public complaints against members of the police department.

(a) It is in the interest of the people of the city of New York and the New York City police department that the investigation of complaints concerning misconduct by officers of the department towards members of the public be complete, thorough and impartial. These inquiries must be conducted fairly and independently, and in a manner in which the public and the police department have confidence. An independent civilian complaint review board is hereby established as a body comprised solely of members of the public with the authority to investigate allegations of police misconduct as provided in this section.

(b) Civilian complaint review board.

1. The civilian complaint review board shall consist of 15 members of the public. Members shall be residents of the city of New York and shall reflect the diversity of the city's population. The members of the board shall be appointed as follows: (i) five members, one from each of the five boroughs, shall be appointed by the city council; (ii) one member shall be appointed by the public advocate; (iii) three members with experience as law enforcement professionals shall be designated by the police commissioner and appointed by the mayor; (iv) five members shall be appointed by the mayor; and (v) one member shall be appointed jointly by the mayor and the speaker of the council to serve as chair of the board.

2. No member of the board shall hold any other public office or employment. No members, except those designated by the police commissioner, shall have experience as law enforcement professionals, or be former employees of the New York City police department. For the purposes of this section, experience as a law enforcement professional shall include experience as a police officer, criminal investigator, special agent, or a managerial or supervisory employee who exercised substantial policy discretion on law enforcement matters, in a federal, state, or local law enforcement agency, other than experience as an attorney in a prosecutorial agency.

3. The members shall be appointed for terms of three years, except that of the members first appointed, four shall be appointed for terms of one year, of whom one shall have been designated by the council and two shall have been designated by the police commissioner, four shall be appointed for terms of two years, of whom two shall have been designated by the council, and five shall be appointed for terms of three years, of whom two shall have been designated by the council and one shall have been designated by the police commissioner.

4. In the event of a vacancy on the board during the term of office of a member by reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

(c) Powers and duties of the board.

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of Force, Abuse of Authority, Discourtesy, or use of Offensive Language, including, but not limited to, slurs relating to race, ethnicity, religion, gender,

sexual orientation and disability. The board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received by the board, if such statement was made during the course of and in relation to the board's resolution of such complaint. The findings and recommendations of the board, and the basis therefore, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation.

2. The board shall promulgate rules of procedure in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which a member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of complaints, and to hear, make findings and recommend action on such complaints. No such panel shall consist exclusively of members designated by the council, or designated by the police commissioner, or selected by the mayor.

3. The board, by majority vote of its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints submitted pursuant to this section.

4. The board shall establish a mediation program pursuant to which a complainant may voluntarily choose to resolve a complaint by means of informal conciliation.

5. The board is authorized, within appropriations available therefore, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all complaints.

6. The board shall issue to the mayor and the city council a semi-annual report which shall describe its activities and summarize its actions.

7. The board shall have the responsibility of informing the public about the board and its duties, and shall develop and administer an on-going program for the education of the public regarding the provisions of this chapter.

(d) Cooperation of police department.

1. It shall be the duty of the police department to provide such assistance as the board may reasonably request, to cooperate fully with investigations by the board, and to provide to the board upon request records and other materials which are necessary for the investigation of complaints submitted pursuant to this section, except such records or materials that cannot be disclosed by law.

2. The police commissioner shall ensure that officers and employees of the police department appear before and respond to inquiries of the board and its civilian investigators in connection with the investigation of complaints submitted pursuant to this section, provided that such inquiries are conducted in accordance with department procedures for interrogation of members.

3. The police commissioner shall report to the board on any action taken in cases in which the board submitted a finding or recommendation to the police commissioner with respect to a matter within its jurisdiction pursuant to this section. In any case substantiated by the board in which the

police commissioner intends to impose or has imposed a different penalty or level of discipline than that recommended by the board or by the deputy commissioner responsible for making disciplinary recommendations, the police commissioner shall provide such written report, with notice to the subject officer, no later than 45 days after the imposition of such discipline or in such shorter time frame as may be required pursuant to an agreement between the police commissioner and the board. Such report shall include a detailed explanation of the reasons for deviating from the board's recommendation or the recommendation of the deputy commissioner responsible for making disciplinary recommendations and, in cases in which the police commissioner intends to impose or has imposed a penalty or level of discipline that is lower than that recommended by the board or such deputy commissioner, shall also include an explanation of how the final disciplinary outcome was determined, including each factor the police commissioner considered in making his or her decision.

(e) The provisions of this section shall not be construed to limit or impair the authority of the police commissioner to discipline members of the department. Nor shall the provisions of this section be construed to limit the rights of members of the department with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law or otherwise.

(f) The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of members of the department for violations of law by any court of competent jurisdiction, a grand jury, district attorney, or other authorized officer, agency or body.

(g) 1. Beginning in fiscal year 2021 and for each fiscal year thereafter, the appropriations available to pay for the personal services expenses of the civilian complaint review board during each fiscal year shall not be less than an amount sufficient to fund personal services costs for the number of full-time personnel plus part-time personnel, calculated based on full-time equivalency rates, equal to 0.65 percent of the number of uniform budgeted headcount of the police department for that fiscal year, as determined consistent with published budgeted headcount documents of the office of management and budget. The calculation to determine the minimum appropriations for the personal services expenses of the civilian complaint review board pursuant to this paragraph shall be set forth in the preliminary expense budget, the executive expense budget, and the adopted budget.

2. Notwithstanding paragraph 1 and in addition to any action that may be undertaken pursuant to section 106, the appropriations available to pay for the personal services expenses of the civilian complaint review board may be less than the minimum appropriations required by paragraph 1 provided that, prior to adoption of the budget pursuant to section 254 or prior to the adoption of a budget modification pursuant to section 107, the mayor determines that such reduction is fiscally necessary and that such reduction is part of a plan to decrease overall appropriations or is due to unforeseen financial circumstances, and the mayor sets forth the basis for such determinations in writing to the council and the civilian complaint review board at the time of submission or adoption, as applicable, of any budget or budget modification containing such reduction.

BOARD MEMBERS

MAYORAL DESIGNEES

Fred Davie, Chair of the Board

Fred Davie serves as the Executive Vice President for the Union Theological Seminary located in New York City, which prepares students to serve the church and society. Additionally, he is a member of the Mayor's Clergy Advisory Council (CAC) and is co-convenor of its Public Safety Committee, which is focused on building community safety and improving police-community relations. Before working at Union Theological Seminary, Mr. Davie served as Interim Executive Director and Senior Director of Social Justice and LGBT Programs at the Arcus Foundation, which funds organizations worldwide that advance an inclusive, progressive public policy agenda. Mr. Davie served on President Barack Obama's transition team and was later appointed to the White House Council of Faith-based and Neighborhood Partnerships. Mr. Davie has served the City as Deputy Borough President of Manhattan and Chief of Staff to the Deputy Mayor for Community and Public Affairs. Mr. Davie is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

M. Div., Yale Divinity School; B.A., Greensboro College

John Siegal, Esq.

John Siegal is a partner in BakerHostetler, a national business law firm, where he handles litigation, arbitrations, and appeals for clients in the financial services, media, and real estate industries. Mr. Siegal's practice also includes constitutional law, civil rights, Article 78, and other cases against government agencies. He has been admitted to practice law in New York since 1987. Mr. Siegal's public service experience includes working as an Assistant to Mayor David N. Dinkins and as a Capitol Hill staff aide to Senator (then Congressman) Charles E. Schumer. Throughout his legal career, Mr. Siegal has been active in New York civic, community, and political affairs. Mr. Siegal is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

J.D., New York University School of Law; B.A., Columbia College

Erica Bond, Esq.

Erica Bond has experience in the government, non-profit, public policy, and legal sectors. Most recently, Ms. Bond served as Special Advisor for Criminal Justice to the First Deputy Mayor of New York City. In this role, she advised and supported the First Deputy Mayor in management of the City's criminal justice agencies. Prior to joining city government, Ms. Bond was a Director of Criminal Justice at the Laura and John Arnold Foundation, where she worked to develop new research, policy reforms, and evidenced-based innovations with the goal of transforming criminal justice systems nationwide. In this role, she partnered with criminal justice practitioners, researchers, and policymakers on initiatives to improve community safety, increase trust and confidence in the criminal justice system, and ensure fairness in the criminal justice process. After graduating from law school, Ms. Bond began a legal career as a Litigation Associate at Kaye Scholer (now Arnold & Porter Kaye Scholer LLP), an international law firm where she represented clients on a variety of matters, including government investigations, regulatory compliance issues, and commercial disputes. Ms. Bond is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

J.D. Fordham University School of Law; B.A., Wesleyan University

Corinne A. Irish, Esq.

Corrine Irish is an attorney with the international law firm Squire Patton Boggs, where she litigates and counsels clients on a variety of complex commercial matters, ranging from contract disputes to enforcing intellectual property rights to advising clients on regulatory compliance. Ms. Irish is also a founding member of the firm's Public Service Initiative, where she has litigated death penalty, criminal, and civil rights cases involving a miscarriage of justice or a denial of fundamental rights on behalf of indigent clients. She also has served as counsel for amici clients before the U.S. Supreme Court in important cases of criminal constitutional law. Ms. Irish previously served as a law clerk, first to the Honorable William G. Young of the U.S. Court for the District of Massachusetts and then to the Honorable Barrington D. Parker of the U.S. Court of Appeals for the Second Circuit. Ms. Irish is a lecturer-in-law at Columbia Law School, where she has taught since 2012. She was also an adjunct professor at Brooklyn Law School in 2008 and 2009. Ms. Irish was recognized for six consecutive years as a Rising Star in New York Super Lawyers and recently has been named to The National Black Lawyers – Top 100. Ms. Irish is a mayoral designee to the Board appointed by Mayor Bill de Blasio.

J.D. Harvard Law School; B.A., University of Pennsylvania

Angela Sung Pinsky

Angela Sung Pinsky is a dedicated public servant who is committed to the promotion of civic dialogue in New York City. Most recently, Ms. Pinsky serves as Executive Director for the Association for a Better New York (ABNY), where she drove public policy and managed a \$1.8 million budget. Prior to joining ABNY, Angela served as Senior Vice President for Management Services and Government Affairs at the Real Estate Board of New York (REBNY), where she was responsible for REBNY's commercial and residential Management Divisions, and was the lead on building code, sustainability and energy, and federal issues that impact New York City real estate. Ms. Pinsky also previously served as Deputy Chief of Staff at the Office of the Deputy Mayor for Economic Development and Rebuilding during the Bloomberg administration. While at the Deputy Mayor's office, she designed and created the Mayor's Office of Environmental Remediation, an innovative office dedicated to remediation of contaminated land in economically-disadvantaged areas of New York City.

M.A. New York University; B.A. Johns Hopkins University

CITY COUNCIL DESIGNEES

Joseph A. Puma

Joseph Puma's career in public and community service has been exemplified by the various positions he has held in civil rights law, community-based organizations, and local government. As a paralegal with the NAACP Legal Defense and Education Fund, Mr. Puma handled cases involving criminal justice, voting rights, employment discrimination, and school desegregation. Prior to joining NAACP LDF, he worked for more than six years at the NYC Office of Management and Budget, where he served in roles in intergovernmental affairs, policy, and budget. From 2003 to 2004, he served as a community liaison for former NYC Council Member Margarita López. Since 2007, Mr. Puma has been involved with Good Old Lower East Side (GOLES), a community organization helping residents with issues of housing, land use, employment, post-Sandy recovery and long-term planning, and environmental and public health. A lifelong city public housing resident, Mr. Puma currently serves on GOLES's Board of Directors, and has participated in national

public housing preservation efforts. Mr. Puma is a City Council designee to the Board first appointed by Mayor Michael Bloomberg and reappointed by Mayor Bill de Blasio.

Certificate, Legal Studies, Hunter College, City University of New York; B.A., Yale University

Marbre Stahly-Butts, Esq.

Marbre Stahly-Butts is a former Soros Justice Fellow and now Policy Advocate at the Center for Popular Democracy. Her Soros Justice work focused on developing police reforms from the bottom up by organizing and working with families affected by aggressive policing practices in New York City. Ms. Stahly-Butts also works extensively on police and criminal justice reform with partners across the country. While in law school, Ms. Stahly-Butts focused on the intersection of criminal justice and civil rights, and gained legal experience with the Bronx Defenders, the Equal Justice Initiative, and the Prison Policy Initiative. Before law school, Ms. Stahly-Butts worked in Zimbabwe organizing communities impacted by violence, and taught at Nelson Mandela's alma mater in South Africa. Ms. Stahly-Butts is a City Council designee to the Board appointed by Mayor Bill de Blasio.

J.D., Yale Law School; M.A., Oxford University; B.A., Columbia University

Michael Rivadeneyra, Esq.

Michael Rivadeneyra is the Senior Director of Government Relations at the YMCA of Greater New York, where he develops the legislative and budgetary agenda for the organization. Prior to this role, Mr. Rivadeneyra served in various capacities as a legislative staffer to Council Members James Vacca, Annabel Palma, and Diana Reyna. While in law school, Mr. Rivadeneyra served as a legal intern at Main Street Legal Services, where he represented immigrant survivors of gender violence and advocated on behalf of undergraduate students from disadvantaged backgrounds. Mr. Rivadeneyra also worked to advance immigrants' rights as an intern at the New York Legal Assistance Group during law school. Mr. Rivadeneyra is a City Council designee to the Board appointed by Mayor Bill de Blasio.

J.D., CUNY School of Law, Queens College; B.A., State University of New York at Albany

Nathan N. Joseph

Nathan N. Joseph is a retired physician assistant who served New York City as a health care administrator and practitioner. Mr. Joseph most recently was a facility administrator at DaVita South Brooklyn Nephrology Center in Brooklyn, where he conducted budget analysis and staff training and development. Prior to working as a facility administrator, Mr. Joseph was an associate director for ambulatory services at Kings County Hospital Center, where he previously was a physician assistant. Mr. Joseph's experience in health care also includes work in detention facilities within New York City, including the Manhattan Detention Complex, the Spofford Juvenile Detention Center, and Rikers Island Prison, where he provided daily sick call and emergency treatment of inmates. Mr. Joseph is the Staten Island City Council designee to the Board appointed by Mayor Bill de Blasio.

A.A.S Staten Island Community College

POLICE COMMISSIONER DESIGNEES

Salvatore F. Carcaterra

Salvatore F. Carcaterra began his law enforcement career in 1981 with the NYPD, where he served for 21 years. Starting as a Patrol Officer, he was promoted through the ranks to the position of Deputy Chief. As a Deputy Chief, he served as the Executive Officer to the Chief of Department, where, among many duties, he organized and implemented the NYPD's overall response to the threat of terrorism following the 9/11 attack on the World Trade Center. Prior to that, Mr. Carcaterra was a Deputy Inspector in command of the Fugitive Enforcement Division. As a Deputy Inspector, he also served in the Office of the Deputy Commissioner for Operations, managing COMPSTAT, and commanding the Hate Crimes Task Force, increasing its arrest rate by over 50 percent. He served in the NYPD Detective Bureau as a Captain in the 70th Precinct and as Deputy Inspector in the 66th Precinct. After retiring from the NYPD, Mr. Carcaterra became the president of a security firm and now heads his own security company, providing personal and physical protection to individuals and corporations. Mr. Carcaterra is a police commissioner designee to the Board appointed by Mayor Bill de Blasio.

B.S., John Jay College of Criminal Justice, City University of New York; Graduate, Federal Bureau of Investigation National Academy; Graduate, Columbia University Police Management Institute

Frank Dwyer

Frank Dwyer, a Brooklyn native and current Queens resident, consults with and teaches at police departments and educational institutions throughout the United States. In 1983, he joined the NYPD and served in Queens, Brooklyn, and Manhattan in a variety of assignments including as a Police Academy Law Instructor, the Commanding Officer of the 7th Precinct on the Lower East Side of Manhattan, and the Commanding Officer of the Office of the Deputy Commissioner for Operations. He worked in Lower Manhattan on 9/11 and in months that followed. Retiring in 2012 at the rank of Deputy Inspector, Mr. Dwyer is currently pursuing a doctorate in Criminal Justice. He has consulted for several police departments, including Newark, New Jersey and Wilmington, Delaware. He has also taught at or consulted for the following educational institutions: John Jay College of Criminal Justice, Teachers College, Boston College, Morgan State University, and the University of San Diego. Mr. Dwyer is a police commissioner designee to the Board appointed by Mayor Bill de Blasio.

M.S.W., Hunter College, City University of New York; M.St., Cambridge University; M.P.A., Harvard University; M.A., Fordham University; B.A., Cathedral College

Willie Freeman

Willie Freeman began his 22-year law enforcement career in 1974 as a Patrol Officer in the New York City Police Department. He served in the 78th and 84th Precincts in Brooklyn. In 1979, he was assigned to the Police Academy, where he taught physical education, police science, and performed administrative duties as a Squad Commander. He was promoted to Sergeant and, subsequently, assigned to the Organized Crime Control Bureau. Mr. Freeman served in the 70th Precinct as a Platoon Commander and Integrity Control Lieutenant. He worked in myriad divisions in Brooklyn and Manhattan including narcotics and the Internal Affairs Bureau. Mr. Freeman retired in the rank of Lieutenant.

During his tenure with the NYPD, Mr. Freeman recruited and trained thousands of officers and

taught police instructions, policy, and procedure. The Department recognized his service with Excellent Police Duty and Meritorious Police Duty medals.

After retiring from the Department, Mr. Freeman spent 17 years as the Director of Security Services/Chief Investigator for the Newark Public School District, where he managed security personnel and served as the primary liaison between the police, the community and the schools. He has since worked as a public school security consultant for Newark, Hempstead, and New York State. He successfully assists large urban districts in designing and evaluating school safety plans, performing facility audits, and initiating community-based violence prevention programming. Mr. Freeman is a Police Commissioner designee to the Board appointed by Mayor Bill de Blasio.

M.S., Long Island University; B.S., Saint John's University; Graduate, Federal Bureau of Investigations National Academy, 182nd Session

EXECUTIVE AND SENIOR STAFF

Executive Staff

Executive Director: Jonathan Darche, Esq.

Senior Advisor & Secretary to the Board: Jerika L. Richardson

General Counsel: Matt Kadushin, Esq.

Chief Prosecutor: Andrea Robinson, Esq.

Co-Chief of Investigations: Chris Duerr

Co-Chief of Investigations: Winsome Thelwell

Deputy Executive Director of Administration: Jeanine Marie

Senior Staff

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Deputy Chief Prosecutor: Suzanne O'Hare, Esq.

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Director of Data Processing: Lincoln MacVeagh

Director of Human Resources: Jennelle Brooks

Director of Information Technology: Carl Esposito

Director of Intake and Field Evidence Collection: Jacqueline Levy, Esq.

Director of Mediation: Lisa Grace Cohen, Esq.

Director of NYPD Relations: Jayne Cifuni

Director of Operations and Budget: David B. Douek, Esq.

Director of Outreach and Intergovernmental Affairs: Yojaira Alvarez

Director of Policy and Advocacy: Nicole M. Napolitano, Ph.D.

Deputy Director and Senior Counsel of Policy and Advocacy: Harya Tarekegn, Esq.

Deputy Chief of Special Operations: Olas Carayannis

Director of Training and Staff Development: Monte Givhan, Esq.