

1 -----  
 2 MEETING OF  
 3 THE CIVILIAN COMPLAINT REVIEW BOARD  
 4 -----X

5 March 14, 2012  
 6 10: 10 a.m.

7  
 8 40 Rector Street  
 9 2nd Floor  
 10 New York, New York 10006

11  
 12 DANIEL D. CHU, ESQ., CHAIR  
 13 JOAN THOMPSON, EXECUTIVE DIRECTOR

- 14  
 15 PUBLIC MEETING AGENDA:  
 16 1. Call to Order  
 17 2. Adoption of Minutes  
 18 3. Report from the Chair  
 19 4. Report from the Executive Director  
 20 5. Committee Reports  
 21 6. Old Business  
 22 7. New Business  
 23 8. Public Comment

24  
 25 Reported By: Erwin Fried

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2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 YOUNGIK YOON, ESQ.

6 ALPHONZO A. GRANT, ESQ.

7 JULES A. MARTIN, ESQ.

8 DAVID G. LISTON, ESQ.

9 JANETTE CORTES-GOMEZ, ESQ.

10 MARY E. MULLIGAN, ESQ.

11 BISHOP MITCHELL G. TAYLOR

12 RUDOLPH LANDIN

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1 THE CHAIR: Let's get started. I'm  
2 going to call this meeting to order.

3 First order of business, adoption of  
4 the February 2012 minutes. Is there a  
5 motion?

6 BISHOP TAYLOR: I make a motion

7 THE CHAIR: Is there a second?

8 MS. MULLIGAN: Second.

9 THE CHAIR: All right. All those in  
10 favor of adoption of the February  
11 minutes?

12 IN UNISON: Aye.

13 THE CHAIR: Any opposition?

14 Any abstentions?

15 Okay, the minutes are adopted.

16 Before I go into anything else I  
17 want to welcome to the board Mr. Rudolph  
18 Landin. He is certainly no stranger to  
19 police oversight. He began his legal  
20 career in 1970 with the Transit  
21 Department. In '73 he joined the NYPD.  
22 He's been there for thirty-four years.  
23 He worked his way up and was assigned to  
24 the Civilian Complaint Review Board in  
25 the 1980s, when it was still part of the

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1 Police Department.

2 We want to thank the Police  
3 Commissioner for his nomination and  
4 appointment. And, also, the Mayor's  
5 office.

6 He is certainly bringing to us a  
7 wealth of knowledge, and we expect him to  
8 hit the ground running and fill a vital  
9 position that has been vacant since Mr.  
10 McCann's departure.

11 He is a graduate of John Jay  
12 College. Also has additional training  
13 from the FBI National Academy. And we  
14 welcome him with open arms.

15 (Applause)

16 MR. LANDIN: Thank you.

17 THE CHAIR: We, also, are welcoming  
18 Lieutenant Lee Albano.

19 Mr. Albano joined the NYPD in 1994.  
20 He also worked his way up. He was involved  
21 with Internal Affairs Bureau, Group Number  
22 54 where he actively investigated cases  
23 involving excessive -- allegations of  
24 excessive force, death in custody and  
25 other high profile cases.

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1           From that point on he was assigned  
2           to other assignments. Rising to the rank  
3           of lieutenant in 2005. Later as a  
4           platoon commander. And then back to  
5           Internal Affairs in 2006. And,  
6           ultimately, in 2009 was promoted to  
7           lieutenant commander detective.

8           So he, also, will be a great  
9           addition, I am sure, to our agency and we  
10          welcome him as the new CCRB liaison.

11          (Applause)

12          THE CHAIR: All right. In terms of  
13          agency business I'm very happy to report  
14          that one of the most pressing issues that  
15          needed to be addressed at the agency was  
16          the vacancy rate. The vacancy rate had  
17          consistently crept to a point where it  
18          was over twenty percent. And we've been  
19          working to try to bring in and hire new  
20          investigators to fill the vacancy and the  
21          anticipated rollover that happens in this  
22          agency, given people leaving to go back  
23          to school and obtain graduate degrees.

24          Through the hard work of Joan  
25          Thompson, our Executive Director,

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1 coordinating with the administration and  
2 OMB, we've gotten authorization now to  
3 hire twenty new investigators. So while  
4 we still have a ways to go to fill all of  
5 the vacancies, that certainly is a great  
6 start.

7 And I think it's -- it's going to show  
8 in the numbers. At this point being down  
9 with the vacancy rate of over twenty  
10 percent, the numbers have started  
11 slipping, and hopefully this will kind of  
12 stem that negative tide.

13 In other news we will be testifying  
14 before City Council on budgetary matters  
15 tomorrow, I believe at 2 PM.

16 MS. THOMPSON: Yes, 2 PM.

17 THE CHAIR: So that's in the works,  
18 as well as we are continuing interviews  
19 for the Administrative Prosecution Unit.  
20 The interviews are going well, we hope to  
21 get that wrapped up sooner rather than  
22 later. And we will have more details as  
23 we get closer to the final rounds.

24 I'm going to now turn the floor over  
25 to our Executive Director Joan Thompson.

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1 MS. THOMPSON: Okay. I'll first  
2 begin with the monthly stats.

3 In February 2012 the CCRB received  
4 447 complaints. This is forty-two fewer  
5 complaints than it received in February  
6 2011 when the agency received 489  
7 complaints or a nine percent decrease in  
8 month-to-month complaint activity.

9 Year-to-date complaints are up by  
10 three percent. We received 953  
11 complaints from January through February  
12 2012, which are twenty-eight more  
13 complaints than we received in the same  
14 period of 2011, when we received 925.

15 Year-to-date the board has closed  
16 845 cases. The truncation rate is sixty-  
17 four percent. And the substantiation  
18 rate is eight percent. The board has  
19 substantiated eighteen cases in the first  
20 two months of the year. During this  
21 period the number of cases resolved by  
22 the mediation unit was approximately  
23 twenty-one percent of the total number of  
24 cases resolved by the CCRB.

25 The agency's docket at the end of

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1 February stood at 2,746 cases. About  
2 ninety-five percent of our open  
3 investigations were filed within the last  
4 year, and sixty-five percent were filed  
5 in the first four months.

6 Of the open cases 591 cases are  
7 awaiting panel review, or twenty-two  
8 percent of all cases. 1,952 cases are  
9 being currently investigated. And 203  
10 cases are in the mediation programs.

11 By date of occurrence of the  
12 incident twelve cases in the CCRB's open  
13 docket are eighteen months and older, or  
14 .4 percent of the open docket. This is  
15 two fewer cases than in previous months.

16 We have disposed of six cases, and  
17 have added four new cases. One case is  
18 on DA hold, three cases are pending board  
19 review, three cases were filed late in  
20 the process, and in one case the board  
21 requested further work after the case was  
22 submitted for board review. Two delays  
23 are due to the complexity of the  
24 investigation and in one case the delay  
25 is an investigative lag without



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1 justification.

2 In January 2012 the Police  
3 Department disposed of twenty-seven CCRB  
4 substantiated cases. The department  
5 imposed disciplinary action against  
6 twenty-five officers, which is a  
7 discipline rate of ninety-three percent.  
8 The department did not impose discipline  
9 in two cases. One officer was found not  
10 guilty. And in one case, the department  
11 declined to prosecute.

12 The department's unable to prosecute  
13 rate is now -- now stands at four  
14 percent.

15 THE CHAIR: All right. Thank you,  
16 Joan.

17 Let's move on to committee reports.  
18 Are there any committees that wish to  
19 make a report at this time?

20 BISHOP TAYLOR: Outreach is proud to  
21 announce that we're going to be going  
22 into our second year of the CCRB  
23 Ambassador's Program. The first year was  
24 very successful in Queens. And we're  
25 going to be continuing in our second year

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1 in Brooklyn.

2 Plus, we're going to be using the  
3 senior ambassadors from the Queens first  
4 cohort program to do the outreach and the  
5 training of the new ambassadors, which is  
6 a great segue into the training of a new  
7 cohort that will likewise do the same for the  
8 next cohort which will come on in 2013.

9 THE CHAIR: And are we looking at  
10 more or less the same segment of college  
11 bound kids from Brooklyn?

12 BISHOP TAYLOR: Yes we are. We're  
13 going to be tapping eleventh and twelfth  
14 graders, starting with eleventh grade  
15 cohorts. We'll have them for two years.  
16 So the first year will be training for  
17 them, and the second year will be  
18 execution. And, then, orientation and  
19 outreach on their part for the new  
20 cohort. So the program continues to  
21 evolve. And so the ambassadors that we  
22 connect to the CCRB program actually  
23 become lifelong ambassadors. And, who  
24 knows, maybe when they go to college and  
25 come back they'll apply for an

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1 investigator job!

2 But it's -- the other thing is that  
3 we also have another foundation that is  
4 possibly interested in funding that work  
5 as well. So we'll have a further report  
6 on that as that evolves.

7 THE CHAIR: Great.

8 MS. THOMPSON: We're also looking  
9 at, to add to what the Bishop had said, we  
10 have already begun discussions about groups.  
11 We're now looking at specific groups in  
12 Brooklyn that as ERDA has a college bound  
13 component to it, one that is a well established  
14 group. And those are the kinds of groups  
15 that we'll be looking for to see if we  
16 can partner with. And the Bishop has  
17 been very instrumental in helping us get  
18 to different funding sources and to some  
19 of these groups. And we will continue our  
20 discussions with him.

21 MR. SIMONETTI: And what happened if  
22 that funding source doesn't come through?

23 MS. THOMPSON: Well, we have the  
24 existing one that we have that said they  
25 might be interested in going to another

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1           borough to fund us, which is the New York  
2           Community Trust, that's one. And then  
3           the Bishop has two others right now that  
4           we just -- we just discussed yesterday.  
5           So we're going to go and look at those as  
6           well.

7           MR. SIMONETTI: Community Trust I  
8           thought the contract was for one year?

9           MS. THOMPSON: It is for one year,  
10          but they said they might be interested if  
11          we replicate it and take it to another  
12          borough. So we will be, having discussions  
13          with them about that as well.

14          THE CHAIR: Now, just to be clear,  
15          is the Brooklyn program in addition to  
16          Queens? Will Queens still be continued  
17          or --

18          BISHOP TAYLOR: No.

19          THE CHAIR: Okay.

20          BISHOP TAYLOR: No, well, Queens  
21          will continue in the capacity that they  
22          will train the next cohort.

23          THE CHAIR: Train them.

24          BISHOP TAYLOR: And help with  
25          outreach.

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1           So the purpose of embedding it in  
2           existing college access programs is that  
3           these programs already exist, so CCRB  
4           adds a real asset to these young  
5           people that may not get that kind of  
6           internship in urban communities before  
7           going to college. So, you know, moving  
8           it around I think gives it an even  
9           opportunity for young people in the city.

10           THE CHAIR: I think that's great.  
11           And I would love it if we can kind of  
12           keep track of, you know, what things  
13           these people, these kids in the program  
14           ultimately move on to. When they go to  
15           college, when they come back. So please  
16           let us know.

17           MS. THOMPSON: And I know that  
18           several of them from your cohort -- Dawn  
19           was telling me yesterday, have gotten  
20           acceptances to college. And I know one,  
21           for instance, is going to York, which  
22           is -- you know, part of the City  
23           University, and there have been other  
24           acceptances as well.

25           BISHOP TAYLOR: Yes.

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1 MS. THOMPSON: So I truly believe that  
2 this experience will really be an integral  
3 part of their resumes as they move on.

4 BISHOP TAYLOR: It really will.

5 MS. THOMPSON: It will look good on an  
6 application as they apply to colleges.

7 THE CHAIR: Great, thank you.

8 Any other committees reporting?

9 MR. DONLON: Well, the ADR committee  
10 on the mediation program. Lisa Cohen has  
11 prepared a memo which covers, for the  
12 most part, the 2011 mediation program,  
13 and some of the numbers.

14 I won't give all of the numbers that  
15 she's put together, but in 2011 the  
16 number of cases resolved by the Mediation  
17 Unit was approximately 16.3 percent of  
18 the total number of cases resolved by  
19 CCRB. This mediation resolution rate  
20 represents an approximately thirty-three  
21 percent increase over the rate achieved  
22 in 2010. And more than 100 percent  
23 increase over the 2008 rate. So there's  
24 been a steady increase in the number of  
25 cases resolved by mediation.

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1           The total number of cases closed by  
2           the Mediation Unit in 2011, as a  
3           percentage of total CCRB closures, rose  
4           by 121 percent over the four-year period,  
5           2008 through 2011. In 2011, the Mediation  
6           Unit closed 376 cases where in 2008 it  
7           closed 192 cases. But over that four-  
8           year period there's been a steady  
9           increase in the number of cases that were  
10          closed by the Mediation Unit.

11          In 2011, the number of cases  
12          processed by the unit was 630. In 2010,  
13          the number was 550. And 2009, 342. And  
14          in 2008, 386. Accordingly, the Mediation  
15          Unit processed sixty-three percent more  
16          cases in 2011 than in 2008.

17          The rate at which mediation was  
18          offered to complainants has increased  
19          from thirty-one percent in 2008 to 59.5  
20          percent in 2011.

21          And some additional points, the  
22          Mediation Unit has implemented regular  
23          training sessions of the investigative  
24          staff. And this contributes to the  
25          increase in the mediation offering rate.

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1           They've enlarged the pool of cases  
2           eligible for mediation by identifying  
3           additional categories of cases, which  
4           should be eligible, including vehicle  
5           stops and searches. There have been  
6           efficiencies obtained by revising the  
7           mediation referral report, and mediation  
8           offering presentation. There's more  
9           frequent contact by the Mediation Unit  
10          and complainants. There's a monthly  
11          status update letter that's utilized to  
12          do that.

13                 There's been a revision of the  
14          information that's put out to NYPD in the  
15          form of a Frequently Asked Questions  
16          brochure. There have been numerous  
17          training and outreach sessions to raise  
18          awareness of the mediation program among  
19          NYPD members and civilians, including  
20          presentations made as part of NYPD's  
21          Cultural Conversion Program.

22                 And despite that sixty-three percent  
23          increase in total cases processed from  
24          2008 to 2011, the unit was able to  
25          achieve these increases basically using



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1 the same number of staff, which include  
2 Director of Mediation, Mediation  
3 Supervisor and two Mediation  
4 Coordinators.

5 And, finally, I'll conclude. The  
6 rate at which mediation was accepted by  
7 complainants have increased from forty-  
8 eight percent in 2008 to fifty-three  
9 percent in 2011. The police officer  
10 acceptance rate has increased from sixty-  
11 eight percent in 2008 to almost seventy-  
12 seven percent in 2011. And in 2010 it  
13 was at an all time high of 81.6 percent.

14 The number of mediated cases has  
15 increased from eighty in 2008 to 145 in  
16 2011, which is an increase of eighty-one  
17 percent.

18 Mediation attempted cases increased  
19 by 106 percent from 2008. And the  
20 total -- although, total cases processed  
21 by the mediation unit from 2008 to 2011  
22 has increased by sixty-three percent the  
23 processing time for mediation -- or for  
24 mediated cases and mediation attempted  
25 cases, only increased by seven percent,

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1 and seventeen percent respectively.

2 With a 14.5 percent increase in  
3 total cases processed, the processing  
4 times for these cases only increased by  
5 1.1 percent.

6 So, overall, I think it's a good --  
7 certainly, a good report. Indicates the  
8 mediation program is doing well. And I  
9 think, certainly, an important part of  
10 what CCRB does.

11 So thank you to Lisa for preparing  
12 those --

13 MR. SIMONETTI: Yeah, Jim, thanks  
14 for that report, it sounds encouraging.

15 Just anecdotally I want to tell you  
16 what happened last Saturday. I had an  
17 opportunity to talk to a class of  
18 students from Empire State College, which  
19 is part of the SUNY system; the State  
20 University system. And included in that  
21 class there were six current members of  
22 the NYPD, rather young. I don't think  
23 any one of them had more than three or  
24 four years in the department.

25 And one young man during the course

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1 of my presentation he said to me you know  
2 what I would like to see at CCRB ? I said  
3 what would you like to see? And what he  
4 went on to describe is the mediation  
5 programs, exactly, to a tee. Obviously, I  
6 hadn't gotten to that point yet in my  
7 discussion. So I said well, the good  
8 news is we have a program in place. The  
9 bad news is how come you didn't know  
10 about it, you know. He said well, to  
11 tell you the truth, I never got a  
12 civilian complaint, so that could account  
13 for.

14 So I'm just hoping that, you know,  
15 here at CCRB, you probably had the best  
16 opportunity for mediation staff to talk  
17 to either the delegates; the PBA  
18 delegates, because they come and  
19 represent the police; the officers, or  
20 their attorneys. So I know the general  
21 consensus is that a lot of cops even  
22 coming in and ask me for mediation, that  
23 their case is being mediated. But the  
24 point is maybe we should try to spread  
25 that word a little more. Because I think

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1 mediation is really the way to go, you  
2 know.

3 And I know, Jim, your committee has  
4 been looking at even increasing the  
5 number of cases. You know, we had  
6 discussions on that, like on force cases  
7 and things like that, whether or not they  
8 should be mediated, we got to get  
9 clearance from the PD to make sure that  
10 they're eligible for mediation.

11 But good reporting. Thank you for  
12 things you do in mediation.

13 THE CHAIR: I want to echo that.  
14 Thank you, Jim, for the report. And also  
15 thank you to Lisa and her staff. I would  
16 have to agree that it's become an  
17 increasingly important component of what  
18 we do. And it's not just this agency, a  
19 lot of courts are also encouraging and  
20 sometimes even making arbitration or  
21 mediation mandatory before litigation  
22 continues. So this clearly is one of the  
23 trends of the future, and I think it's  
24 very encouraging based on that report.  
25 So thank you for that.

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1           Are there any other committee  
2           reports?

3           Okay. Any old business?

4           MR. MARTIN: I would just like to  
5           congratulate and celebrate the teams of  
6           the investigators who really stepped up  
7           to the plate during very difficult and trying  
8           times. And kept this agency afloat.

9           The amount of work that you took on  
10          in terms of increased caseload was a  
11          demonstration of your commitment to this  
12          agency. So I, personally, would like to  
13          thank you very much.

14          MR. DONLON: Now, one other thing,  
15          Reports and Recommendations Committee.

16          The annual report is still a work in  
17          progress. There's been an awful lot of  
18          things going on with the staff and the  
19          executive staff in terms of City Council  
20          testimony and interviewing for various  
21          positions. So the annual report is still  
22          in the works. And, hopefully, next month  
23          we'll have some more progress to report.

24          THE CHAIR: Great, thank you --  
25          thank you for that, Jim.

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1           And I would also have to just  
2           follow-up with what Jules said. I think  
3           that the authorization to hire twenty is  
4           great, but we clearly need to try to get  
5           up to having a full house here. We  
6           anticipate further departures every year,  
7           and so we're far from being up to our  
8           full capacity, at a full authorized  
9           number. But that's something that we are  
10          coordinating and trying to make happen,  
11          sooner rather than later.

12          But, really, thanks to the staff for  
13          stepping up. And we know that your  
14          investigative caseloads have really  
15          started expanding. And we know that you  
16          guys are stepping up and meeting the  
17          challenge.

18          Any new business from any members?

19          If not, we are moving to public  
20          comment.

21          First up, Michele Moore.

22          MS. MOORE: Good morning. My name  
23          is Michele Moore. You can see what I do  
24          at [Happinesshabit.com](http://Happinesshabit.com), and also  
25          [Reportingwhatimdoing.com](http://Reportingwhatimdoing.com).

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1           And I want to thank the board for of  
2           your excellent work. This program is the  
3           envy of Americans throughout the country  
4           who wish they could have similar  
5           oversights. So thank you, and thank you  
6           for all the incredibly good, good things  
7           that you're doing.

8           With all of the recent controversy  
9           that surrounded the surveillance against  
10          students. A lot of -- there's been a lot  
11          of questions about perhaps bringing in  
12          additional oversight, either through an  
13          inspector general or expanding the role  
14          of this board. And I'd like to speak  
15          very briefly, if I may, about how the  
16          citizens of New York could benefit from  
17          expanding and enhancing your role. Would  
18          that be agreeable?

19                 THE CHAIR: You have the floor.

20                 MS. MOORE: Great.

21                 MS. MULLIGAN: I'd like to hear a  
22          little bit more about you, though, before  
23          you start, if that's okay. Because --

24                 MS. MOORE: I'll include that in my  
25          comments.

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1 MS. MULLIGAN: Okay.

2 MS. MOORE: Okay.

3 MS. MULLIGAN: Okay, thank you.

4 MS. MOORE: So right now if you or I  
5 commit a crime or assist with the  
6 commission of a crime, if we cooperated  
7 with it, or if we helped to cover it up,  
8 that is the same as committing the crime  
9 in New York State's complicity, I  
10 believe.

11 And I grew up on Long Island, I've  
12 been leaving in Georgia for the past  
13 twenty years, and just recently come back  
14 up to New York.

15 So I really believe that by  
16 expanding and enhancing your role we can  
17 all benefit, and I'll explain why.

18 I'm a bank whistleblower. I went to  
19 the Securities and Exchange Commission  
20 during a major investigation that cost  
21 three executive vice presidents their  
22 jobs because they were -- for accounting  
23 irregularities. And I've been hired by  
24 the bank for their first McKenzie client  
25 team, so I saw their operations from a



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1 very privileged perspective for the  
2 twenty years that I worked for them.

3 After talking to the Securities and  
4 Exchange Commission -- again, this is  
5 Georgia and it's gotten politically more  
6 right than it used to be, a long string  
7 of thefts, threats, vandalism and  
8 sabotage started that's continued for a  
9 number of years. It's included the  
10 hacking of my cell phone and e-mail. And  
11 I literally have watched phone calls come  
12 into my BlackBerry and seen by the  
13 calling number and the voicemail message  
14 disappear in front of my eyes. And so  
15 that's the sort of thing that's going on.

16 THE CHAIR: Ms. Moore, I don't mean  
17 to interrupt, but it sounds like you've  
18 had some personal issues. And with  
19 maybe, you know, your text messages or  
20 your cell phone. If I could suggest,  
21 we'll have an investigator speak to you  
22 instead of having you air your personal  
23 information on the public record.

24 MS. MOORE: Absolutely, I'm sorry.  
25 When there was a question about who I was

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1 and why I was here I expanded that more  
2 than I intended. I certainly had not  
3 planned to go into that.

4 THE CHAIR: Sure.

5 MS. MOORE: And so thank you for  
6 that.

7 So, currently, a person who is,  
8 perhaps, concerned because NYPD has not  
9 appeared to investigate an issue, because  
10 of your jurisdiction limitations you  
11 refer it back to NYPD who, of course, is  
12 in charge with investigating themselves.

13 So if the opportunity presents  
14 itself where, in the discussions going on  
15 about how we can enhance and extend the  
16 oversight of NYPD, I just would just urge  
17 you to support extending the CCRB's role.  
18 Because they're doing an excellent job.  
19 And by extending the jurisdiction I think  
20 all New Yorkers could conceivably  
21 benefit.

22 Thank you very much.

23 THE CHAIR: Thank you very much.

24 MR. SIMONETTI: Thank you.

25 THE CHAIR: Next up Mr. Dunn.

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1 MR. DUNN: Okay. Good morning.

2 THE CHAIR: Good morning.

3 MR. DUNN: First I want to welcome  
4 Mr. Landin.

5 MR. LANDIN: Thank you.

6 MR. DUNN: I feel like I'm in the  
7 presence of history, being on the CCRB in  
8 the '80s. I can't wait to hear about  
9 that.

10 But I am interested in hearing -- I  
11 mean, I heard Dan say when you came into  
12 the department and your experience at  
13 Transit. Can you tell us a little bit  
14 about your actual career at the  
15 department, itself? I understand that  
16 you were at one point the Executive Officer  
17 at the Staten Island command, obviously  
18 (indiscernible). What happened in-  
19 between?

20 MR. LANDIN: That was my last  
21 assignment, I started as an officer  
22 in Washington Heights. And spent a lot  
23 of my career in Manhattan, 19th Precinct,  
24 mostly patrol. And it wasn't until I  
25 made lieutenant that I ended up being

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1 assigned to the OMCCRB. I investigated  
2 cases and also supervised investigations.  
3 And from there I became captain, became a  
4 precinct commander. Assigned to the  
5 borough level. And that's where -- and I  
6 worked in Brooklyn for several years. So  
7 most of my time was on patrol, and about  
8 three years in the OMCCRB.

9 MR. DUNN: Great. Well, I think  
10 that experience should be enormously  
11 helpful. And I look forward to hearing  
12 you talk during the meetings and hear  
13 your views about some of these issues.

14 One thing I don't want you to have  
15 the wrong impression about this meeting.  
16 And this is a -- as the others have  
17 heard, this is a staple of mine, concerns  
18 about the board. And was kind of touched  
19 upon by various important issue.

20 You've been hearing discussion of  
21 broader police policies, you heard  
22 discussion about the numbers for the  
23 agency, mediation. And it is a constant  
24 concern of mine that the board is not  
25 talking enough about broader police

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1 misconduct issues. And I would encourage  
2 you as a new member of the board to keep  
3 that in mind and hopefully you will be  
4 part of a broader discussion on these  
5 issues while you're on the board.

6 All right. I just wanted to mention  
7 a couple of things. First, the vacancy  
8 waiver, that's great. Good for the  
9 Mayor's office if that's who made it  
10 happen. I don't think you mentioned,  
11 Dan, what number does that leave you with?

12 MS. THOMPSON: It's seven  
13 investigators and the two vacancies at  
14 the APU.

15 THE CHAIR: Right.

16 MR. DUNN: So that's nine. I  
17 thought you said twenty, right?

18 MS. THOMPSON: Yes, we have  
19 twenty- nine vacancies.

20 THE CHAIR: We're down twenty-nine.

21 MR. DUNN: I see.

22 MS. THOMPSON: We're down twenty-  
23 nine in total, we've gotten twenty  
24 approvals.

25 MR. DUNN: Okay.

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1 MS. THOMPSON: And we also have two  
2 approvals for the APU, but we have not  
3 selected -- made those selections at the  
4 present time.

5 MR. DUNN: And how does that work  
6 with attrition? You know, you constantly  
7 got people who are being (indiscernible).

8 MS. THOMPSON: It has nothing to do  
9 with attrition. The current vacancy rate  
10 as of now, is twenty - percent.

11 We suspect in April, May and June  
12 when we do have our usual attrition  
13 that those numbers will increase again.

14 MR. DUNN: I see. And they're  
15 still -- the freeze is still in effect --

16 MS. THOMPSON: Yes.

17 MR. DUNN: -- for those vacancies,  
18 as they become available.

19 MS. THOMPSON: Yes.

20 MR. DUNN: So we have to go back --

21 MS. THOMPSON: We have to go back to  
22 pleading.

23 MR. DUNN: Okay. The eighteen  
24 months cases, I said this before, I think  
25 you guys have done much better on it.

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1           There's still a handful of cases on here  
2           that are really old, which are not  
3           D A Hold cases. And maybe --  
4           (indiscernible) conflicts investigation,  
5           I'm not quite sure what that's covered  
6           for. But there are cases there that were  
7           filed immediately, like a day or two days  
8           after the incident, and they're now like  
9           over a year and a half old. I mean,  
10          there just has to be some way to get  
11          those cases on the clock. Because, one,  
12          the clock runs this month on it, maybe  
13          they got one today, but we just have to  
14          get those things down to zero if at all  
15          possible.

16                 Mr. Taylor, on the Ambassador  
17          Program, you know why I like this  
18          program, I've said good things about it.  
19          I don't think I've seen any reporting on  
20          what they're actually doing. And you  
21          just talked about what they're going to  
22          do to replicate themselves for next year.  
23          Has there been -- is there anything that  
24          the CCRB has put out about the actual  
25          work of the ambassadors?

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1           BISHOP TAYLOR: We're putting  
2           together a -- an annual report that's  
3           going to reflect -- a small annual report  
4           that's going to reflect the work of the  
5           program. We're putting that together  
6           now.

7           MR. DUNN: Do you have any idea when  
8           that's going to be available?

9           BISHOP TAYLOR: I would say probably  
10          by spring.

11          MR. DUNN: Okay. You know I like  
12          that program, so I'm just --

13          BISHOP TAYLOR: No, no, no, I know  
14          you do. I know you do.

15          MR. DUNN: All right. On the issue  
16          of surveillance there's been reporting  
17          recently about particular controversies  
18          and (indiscernible) OWS. Again, last few  
19          meetings you had reported to OWS. I am  
20          curious since this is the -- well, not  
21          the -- one of the big controversies of  
22          the department's currently embroiled in.  
23          Has the agency gotten any complaints  
24          about the surveillance?

25          THE CHAIR: You know, this is public



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1           comments, so we're going to give you a  
2           forum, but I don't think it's going to be  
3           a question and answer at this point.

4           MR. DUNN: All right. Well, fair  
5           enough. They do have in the past, just  
6           tell us whether or not there have been  
7           complaints about particular  
8           controversies. I think the public would  
9           want to know, just as you thought the  
10          public would want to know about the  
11          Occupy Wall Street --

12          THE CHAIR: Good point.

13          MR. DUNN: -- complaints. I think  
14          the public would want to know about this.

15          THE CHAIR: And we are monitoring  
16          and we will follow up with additional  
17          facts when they are put together.

18          MR. DUNN: I was monitoring and  
19          you're monitoring this.

20          All right, concerning OWS. I know  
21          it's kind of disappeared from the  
22          headlines for the moment, but the plan is  
23          for it to come back. And I think there's  
24          a rally, actually on Friday. So I think  
25          that the agency has actually been quite

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1           attentive to OWS and the concerns about  
2           police misconduct in conjunction with  
3           those demonstrations. And I would  
4           encourage you to be very conscious about  
5           Occupy Wall Street events may be coming.  
6           I think they will continue to be a lot of  
7           police interaction. The department  
8           clearly still (indiscernible) of OWS.  
9           And I think that's going to be an issue.

10                   And the final thing I wanted to  
11           mention is on mediation. Jim, I  
12           appreciate the report that you gave.  
13           And, by the way, is that memo going to  
14           become public?

15                   MR. DONLON: I don't know if I have  
16           an answer for that. I think the numbers  
17           certainly should not -- there's not much  
18           reason why they shouldn't be public, I  
19           would say. But I don't know.

20                   MR. DUNN: Well, I would encourage  
21           you to make it public only because --

22                   THE CHAIR: Yes, the numbers are  
23           clearly public. You know we'll make them  
24           available if they're not already.

25                   MR. DUNN: Okay. I would appreciate

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1           that.

2                   I do want to say that --  
3           particularly to the new members of the  
4           board, mediation is a disputed part of  
5           the board's operations. We believe that  
6           mediation is perfectly appropriate for  
7           certain types of cases. But you need to  
8           understand and keep in mind that cases  
9           mediated, are not investigated. The more  
10          cases that are mediated, fewer cases are  
11          investigated. Which means there are more  
12          and more complaints of police misconduct  
13          about which there is no investigation and the  
14          agency actually doesn't know what happened beyond  
15          the allegations of the complainant, and  
16          whatever happens in mediation, which  
17          never comes out.

18                   And so I just want to make it clear,  
19          at least from our perspective, while  
20          there are categories of cases that are  
21          appropriately mediated. This notion that  
22          a larger and larger, perhaps substantial  
23          portion, of complaints should be mediated  
24          is going down the wrong road, because  
25          that is going to cut off from the support

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1           and functions this agency serves which is  
2           to actually investigate complaints about  
3           misconduct and then be able to do  
4           something on the basis of those  
5           investigations. Either to propose  
6           discipline to police officers, or, more  
7           importantly, from our perspective, think  
8           about police policies, that need to  
9           be changed and practices that need to be  
10          changed. And you can not do that as more  
11          and more complaints get mediated. Thank  
12          you.

13                 BISHOP TAYLOR: Mr. Chair, can I  
14          just say that I think it's important that  
15          we highlight the fact that there are  
16          specific stop checks that are in place,  
17          so that if there are cases that, you  
18          know, don't meet those specific  
19          criteria, they won't be mediated. But  
20          the whole idea of mediation is successful  
21          when an officer can sit down with a  
22          complainant and understand the dynamics  
23          of what happened during that whole  
24          exchange. I think that's so successful,  
25          and been proven successful.

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1           So I think that with cases that fit  
2           the criteria, I think expanding that and  
3           having more of that is only positive.

4           MR. DUNN: Well, I understand that,  
5           but here's the point.

6           You're not just here to resolve  
7           disputes between a police officer and a  
8           civilian. Okay, there's a second  
9           function which you serve. Which is to  
10          develop insights into problematic police  
11          department policies and practices, and to  
12          recommend the things that can be done in  
13          conjunction with that.

14          And you know you could say -- you  
15          might be completely successful, mediated  
16          100 percent of the cases, everyone walked  
17          out of the building shook hands and said  
18          thank you very much, that would be a form  
19          of success. But that is also an approach  
20          that will lead to getting zero  
21          information about what's actually  
22          happening. Because there's no  
23          investigation that ever gets conducted.

24          And mediation's confidential, so  
25          nothing ever comes out, nothing goes to

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1 the department about the particulars of  
2 the incident. And I understand there are  
3 checks in place, there's been a lot of  
4 discussion about this. Tony, for  
5 instance, when you talk about expanding  
6 force complaints as part of mediation,  
7 that is something that, as you know, we  
8 are concerned about. I made this whole  
9 issue a couple of years ago, and the  
10 Times did a big story about a  
11 (indiscernible) case. They got a  
12 mediator and that prompted a whole  
13 discussion by the board about that.

14 So I just want to say, that for  
15 instance, when I hear things like we're  
16 thinking about adding force complaints to  
17 the mediation program --

18 MR. SIMONETTI: That's me.

19 MR. DUNN: I understand that, you  
20 just raised the issue.

21 MR. SIMONETTI: Not the rest of the  
22 board, just me.

23 MR. DUNN: I heard that. I also  
24 heard you say that the Police Department  
25 has to sign off on that. I didn't quite

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1 understand what that was in reference to.

2 MR. SIMONETTI: Well, my understanding  
3 is it goes to the department to see  
4 if an officer is eligible for  
5 mediation?

6 MS. THOMPSON: We send them all  
7 eligible cases.

8 MR. SIMONETTI: All cases.

9 MS. THOMPSON: All mediation cases.

10 MR. SIMONETTI: Yes.

11 THE CHAIR: Well, I think as a  
12 board, we're in agreement that it's  
13 certainly fact specific, and on a case-  
14 by-case. It's a useful tool. Not all  
15 cases are going to fit within that  
16 paradigm. And likewise I think we're in  
17 agreement that part of the value of  
18 investigations is also we collect some  
19 very useful data, and we look forward to  
20 utilizing that data as you indicated, to  
21 speak to some of the broader issues.

22 With respect to conversations on the  
23 broader issues, we are, obviously, fair  
24 and impartial in terms of our  
25 investigation. So sometimes that limits

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1           us from individually coming out and  
2           saying well, this is what I think about  
3           surveillance, this is what I think about  
4           Occupy Wall Street.

5           But, you know, we do read, we have  
6           very good news clippings every day. We  
7           are up to speed and we do monitor all of  
8           the broader issues. So, you know, I just  
9           want the public to know that.

10           MR. DUNN: Okay. I hear you saying  
11           that and I just want that monitoring to  
12           turn into just some conversations and  
13           action that the public sees.

14           THE CHAIR: Thank you very much.

15           Anyone else? I don't see anyone  
16           else?

17           Nothing else. We're going to break  
18           into Executive Session, we'll take five  
19           minutes. Thank you very much for coming.

20           (Meeting concluded)

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C E R T I F I C A T I O N

I, Esther Accardi, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:  
March 23, 2012.

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ESTHER ACCARDI (CET\*\*D-485)  
AAERT Certified Electronic Transcriber