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2 MEETING OF  
3 THE CIVILIAN COMPLAINT REVIEW BOARD  
4 -----x

5 January 13, 2010  
6 10:10 a.m.  
7 40 Rector Street, 2nd Floor  
8 New York, New York 10006

9

10 ERNEST F. HART, ESQ., CHAIR

11 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

12 PUBLIC MEETING AGENDA:

- 13 1. Call to Order  
14 2. Adoption of Minutes  
15 3. Report from the Chair  
16 a. Dennis deLeon  
17 b. Location of February Board  
18 Meeting  
19 c. Year in Review  
20 4. Report from the Executive Director  
21 5. Committee Reports  
22 6. Old Business  
23 7. New Business  
24 8. Public Comment

25 Reported By: Jason Gottlieb

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2 BOARD MEMBERS PRESENT WERE:

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4 DANIEL D. CHU, ESQ.

5 JAMES DONLON, ESQ.

6 DR. MOHAMMAD KHALID

7 WILLIAM F. KUNTZ II, ESQ.

8 DAVID G. LISTON, ESQ.

9 MICHAEL McCANN, ESQ

10 TOSANO J. SIMONETTI

11 BISHOP MITCHELL G. TAYLOR

12 YOUNGIK YOON, ESQ.

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1           THE CHAIR: Let's get started. First  
2 item on the agenda is the adoption of minutes.  
3 Do I hear a motion?

4           MR. KUNTZ: So moved.

5           THE CHAIR: Anybody second?

6           BISHOP TAYLOR: I second.

7           THE CHAIR: All in favor?

8           IN UNISON: Aye.

9           THE CHAIR: Any opposed?

10          MR. DONLON: I'm abstaining.

11          MR. LISTON: I'm abstaining as well.

12          THE CHAIR: Two abstentions. Next item.

13 Next item on the agenda is a report from the  
14 chair. First of all, I'd like to take the  
15 opportunity to start with a moment of silence  
16 in honor of our colleague, Dennis deLeon, who  
17 died in December. I believe this is the first  
18 board meeting we've had since his death.

19 Anybody who wishes to see the program from the  
20 funeral, I have it here. You're welcome to  
21 look at it.

22          Next item, the location of the February  
23 board meeting which will be in Queens Borough  
24 Hall. Joan, want to give the details on that?

25          MS. THOMPSON: Yes. It will be at Queens

1 Borough Hall. I will give out the address to  
2 everyone, it's 120-55, Queens Boulevard,  
3 Room 213. And it will be at the same time, at  
4 10 a.m., and that's February 10th.

5 THE CHAIR: At this time, I would like to  
6 take this opportunity to thank the board and  
7 our very able staff for, I believe, performing  
8 extraordinarily well in 2009 under a very  
9 complex set of circumstances.

10 2009, there were many changes in the  
11 composition of the board, including the chair.  
12 We lost one of our colleagues and many other  
13 board members struggled with illness and  
14 demanding jobs and a difficult economic  
15 climate but we have many accomplishments to  
16 report and I would like to highlight some of  
17 the achievements today.

18 This was a record year in terms of  
19 complaint filings, 7,674 cases, a four percent  
20 increase over 2008. The board responded with  
21 a record number of case closures, 8,088, up  
22 sixteen percent from 2008.

23 The second half of the year was  
24 particularly productive, 4,384 cases were  
25 closed versus 3,704 closures in the first

1 half, eighteen percent. As a result, the  
2 agency reduced its open docket by 351 cases, a  
3 ten percent reduction. Again, the second half  
4 proved more productive than the first, with  
5 the open docket falling from 4,120 cases on  
6 June 30th to 3,358 on December 31st, a  
7 nineteen percent reduction. We will continue  
8 to work hard to reduce the agency's open  
9 docket.

10 In addition to closing more cases, both  
11 more full investigations and truncated cases  
12 in 2009, the board reduced the truncation rate  
13 from sixty-five percent to sixty-four percent.  
14 This decrease was more marked in the second  
15 half of 2009 with a -- with the rate slightly  
16 decreasing from sixty-six percent in the first  
17 half to sixty-four percent in the second half.

18 The average time to complete a full  
19 investigation increased ten percent from 316  
20 days in 2008 to 349 in 2009. Again, however,  
21 there were improvements in the second half of  
22 the year with a five percent fall from 359  
23 days to 340 days. It is important that we  
24 continue to do everything we can to complete  
25 investigations in a timely way.

1           The length of time to complete a  
2 substantiated investigation fell more steeply,  
3 from 422 days in the first half to 373 days in  
4 the second, a twelve percent reduction. As a  
5 result, the percentage of substantiated cases,  
6 which were fifteen months and older, fell from  
7 forty-five in the first half of 2009 to  
8 twenty-nine in the second. And the comparable  
9 figures for eighteen months and older showed a  
10 reduction from eight percent to four percent.  
11 These are important quantitative indicators  
12 and we will seek to improve them.

13           The findings on the merits rate improved  
14 in 2009 from forty-eight percent in 2008 to  
15 fifty-three percent in 2009. Again, increase  
16 was more marked in the second half of 2009,  
17 the percentage rising from fifty percent in  
18 the first half to fifty-six in the second.

19           One significant complaint trend was that  
20 the proportion of cases filed with at least  
21 one allegation of discourtesy rose forty-one  
22 percent, compared to an average of thirty-nine  
23 percent over the period from 2006 to 2008.  
24 Discourtesy complaints are ideal cases for  
25 mediation and the board has made increasing

1 the number of mediated cases a priority for  
2 2010. The Police Commissioner and the PBA  
3 have both urged police officers to accept  
4 mediation when it is offered and the board  
5 will extend its outreach efforts to civilians  
6 so to increase the civilian acceptance rate as  
7 well.

8 In 2009, the number of mediated cases  
9 rose from 112 to 118 but we will continue to  
10 work towards increasing this number. The  
11 mediation unit received 424 cases -- mediation  
12 referrals in 2009, compared with 319 in 2008.  
13 The percentage of officers who've accepted the  
14 offer to mediate rose from sixty-eight in 2008  
15 to seventy-four in 2009. The trend has been  
16 more noticeable since the Police Commissioner  
17 issued his press release supporting  
18 mediation in September, with acceptance  
19 rates now reaching seventy-seven percent.  
20 The acceptance rate for civilians  
21 rose from forty-eight percent to fifty-six  
22 percent.

23 We'd like to thank our investigative  
24 staff for their excellent performance in 2009.  
25 As we all know, the number of frontline

1 investigators has fallen in the last two years  
2 as a result of reductions in our budget. In  
3 2008, the CCRB had, on average, 120 active  
4 investigators, excluding supervisory and  
5 managerial staff. In 2009, the number was  
6 110. In spite of this, investigators closed  
7 sixty-six more cases on average in 2009, up  
8 fifty -- up from fifty-seven in 2008.

9       As I reflect on my nine-month tenure as  
10 chair, I would be remiss if I did not  
11 acknowledge and thank those with whom I've  
12 worked most closely.

13       Dawn Fuentes, you have taken the concept  
14 of outreach to levels not seen by the agency  
15 in quite some time.

16       Beth Thompson, our Director of Personnel,  
17 continues to successfully manage the human  
18 resource needs of a fluid and diverse  
19 workforce.

20       Denise Alvarez, who's our Director of  
21 Case Management, arguably holds the most  
22 difficult position in the agency. She has  
23 ensured that this board disposes of its  
24 caseload in as efficient a manner as possible  
25 despite our various personalities and work



1 schedules.

2           Marcos Soler, our Director of Strategic  
3 Initiatives, keeps track of the various  
4 statistical trends associated with the board's  
5 work and translates these stats into  
6 recommendations for process improvement.

7           Our Director of Mediation, Lisa Cohen,  
8 whose efforts and commitment to the concept of  
9 mediation will continue to contribute to the  
10 better understanding of New Yorkers with their  
11 police department.

12           Graham Daw, who holds the unenviable  
13 position of serving as Counsel to the board of  
14 mostly attorneys who always know as much as he  
15 does.

16           Brian Connell, Deputy Executive Director  
17 for Administration, who has managed a  
18 difficult budget process with skill and  
19 creativity.

20           Meera Joshi, the First Deputy Executive  
21 Director who is responsible for the day-to-day  
22 operations in the investigative division, who  
23 has done an outstanding job managing the  
24 investigative process to increasing levels of  
25 productivity and continues to use ingenuity

1 and grace on her way to becoming an  
2 outstanding leader.

3 And Joan Thompson, who as CCRB's Chief  
4 Executive Officer, has not only been  
5 invaluable to the board in the development of  
6 its policies but has implemented them in a  
7 professional and collegial manner and has made  
8 my introduction to the board and its work a  
9 pleasure.

10 And lastly, my colleagues on the board,  
11 it has been an honor to serve with such  
12 professionally distinguished individuals and I  
13 look forward to my continued service with you.

14 The success of the agency in 2009 is also  
15 due to the support staff, the MIS for keeping  
16 our computers running and introducing new  
17 technologies, including digital recording and  
18 web links, CMU for keeping up with our ever-  
19 increasing trail of paper, Operations for  
20 ensuring that we have the equipment and  
21 supplies we need. And last but not least,  
22 Personnel, whose primary goal is to ensure  
23 that our employees receive all to which they  
24 are entitled.

25 Again, thank you all.

1 (Applause)

2 THE CHAIR: The next item on the agenda  
3 is -- yes?

4 MR. SIMONETTI: Mr. Chairman, first of  
5 all I'd like to thank you for giving such a  
6 comprehensive report. In my thirteen years on  
7 the board, and maybe Bill can speak after I  
8 do, with his many more years than I, but in my  
9 thirteen years on the board, I've never had --  
10 we've never had a chair give that type of  
11 report.

12 First of all, it's very encouraging. By  
13 the way, you know, I think the board members  
14 know that the staff are doing a tremendous  
15 job. And I think it was great that you  
16 acknowledged that great work that was done in  
17 2009.

18 You know, in the past, all the reports  
19 that came from the chair, or many of the  
20 chairs, were very negative kind of stuff, you  
21 know, always dealt on the negative. Yours is  
22 a very upbeat, positive kind of report, not  
23 only because you talked about all the things  
24 that were done and the great advances made in  
25 2009 but just the tone in which it was

1 delivered also. So I certainly, as an  
2 individual board member, appreciate that  
3 report. Thank you.

4 THE CHAIR: Thank you. Bill?

5 MR. KUNTZ: I would like to echo what  
6 Commissioner Simonetti has just said and I'd  
7 like to add my personal thanks to the chair  
8 for bringing judgment and wisdom and a very  
9 business-savvy and efficient model to the work  
10 of this board. It's very difficult work.  
11 He's acknowledged the individuals on the  
12 staff, as well as the board, but he's done it  
13 with grace and with tact and with leadership.  
14 And I admire that tremendously and I think  
15 that we, as a board, who with the staff and I  
16 think the public, owe you a vote of confidence  
17 and a vote of thanks for your work in the past  
18 nine months.

19 I know at times it seemed that nine  
20 months was perhaps longer than nine months but  
21 it's enough time to deliver a child and you  
22 have certainly advanced this agency and  
23 enhanced its working on a professional and  
24 personal basis. It's an honor to work with  
25 you and I want to thank you for your

1 leadership and I urge you to continue. And  
2 I'm sure each of us will rededicate ourselves  
3 to doing a better job but your sage leadership  
4 has meant a tremendous amount to each of us  
5 and I thank you.

6 THE CHAIR: Thank you. Yes?

7 MR.MCCANN: If I may speak for the new  
8 members of the board, or as one of the newer  
9 members of the board, I would particularly  
10 like to thank, without mentioning names, the  
11 people that you mentioned who have been very,  
12 very helpful to me when I raised some --  
13 hopefully, some good questions and some of the  
14 bad questions that I raised and they've been  
15 very responsive and I've been able to reach  
16 out with them personally and on the telephone  
17 and I really want to thank you, personally,  
18 for helping me become more familiar with the  
19 process. Thank you.

20 THE CHAIR: Thank you. Next item on the  
21 agenda is the report from the Executive  
22 Director.

23 MS. THOMPSON: Thank you. In the last  
24 three months of the year, complaint activity  
25 has decreased significantly compared to the

1 first half of the year, in which we received  
2 an average of 670 complaints per month. In  
3 December, the board received 547 complaints,  
4 which was a one percent decrease in complaint  
5 filings in relation to December of 2008, when  
6 the board received 551 complaints. Similarly,  
7 the updated number for November shows that the  
8 board received 544 cases in that month, which  
9 is a six percent decrease compared to the 583  
10 complaints filed in November of 2008.

11 In December, the board closed 891 cases.  
12 For the end of the year, the board closed  
13 8,088 cases. The Chair has already indicated  
14 that this a substantial sixteen percent  
15 increase compared to 2008. Of the year-end  
16 closures, 2,673 cases were full  
17 investigations, 5,211 were truncated and 204  
18 cases were closed through our mediation  
19 program. In the same period of last year, the  
20 board closed 2,673 full investigations. For  
21 2009, the substantiation rate was 7.4 percent.  
22 In December, the CCRB substantiated twenty-  
23 five cases involving fifty-four allegations  
24 against thirty-five officers. In 2009, CCRB  
25 substantiated 197 cases involving 446

1 allegations against 266 officers.

2           While the board -- closing this month 480  
3 more cases than it received, the agency's open  
4 docket showed a 12.5 percent decrease in  
5 relation to the previous month's open docket.  
6 The docket stands at 3,358 cases. About  
7 ninety-three percent of our open  
8 investigations were filed within the last  
9 year. Of the open cases in the current  
10 docket, 1,153 cases are awaiting panel review.

11           In November 2009, the Police Department  
12 disposed of sixteen cases, fifteen officers  
13 received disciplinary action and one case  
14 against an officer was closed as filed because  
15 the subject officer is no longer a member of  
16 the NYPD. Year-to-date, the disciplinary rate  
17 is sixty-one percent, which is five points  
18 higher than the rate for year-to-date 2008.

19 In November, the department disciplined eight  
20 officers with command discipline and seven  
21 officers with instruction. The year-to-date  
22 declined to prosecute rate is thirty-one  
23 percent.

24           I just also want to say that Spring 3100,  
25 which is a magazine that is produced by the

1 Police Department that goes out to all of its  
2 members, both active and retired, in this  
3 month's issue had the mediation brochure  
4 reprinted so there's an article about  
5 mediation in Spring 3100 if anyone would like  
6 to see that. That's it.

7 THE CHAIR: Any comments? Next item on  
8 the agenda is committee reports.

9 BISHOP TAYLOR: Outreach, so we have made  
10 some progress since our last meeting. We have  
11 a scheduled board meeting in February at the  
12 Queens Borough Hall in Queens, of course. And  
13 on this Saturday, the Outreach Committee,  
14 along with other board members, will be going to  
15 the largest public housing development in the  
16 country, Queensbridge Houses, to have an  
17 information session with the residents to  
18 inform them of their rights to use CCRB as a  
19 resource for complaints. And we'll be  
20 replicating that model in other high-density  
21 public housing neighborhoods across the city.

22 We've also -- we have our prototype for  
23 our Facebook posting already in play. We're  
24 just waiting for Legal to approve and we can  
25 move forward with that. And we've had



1 extensive meetings in terms of electronic  
2 partnerships that will enable us to raise the  
3 profile and disseminate our services more  
4 broadly but we're, of course, trying to manage  
5 that based on our capacity as well and looking  
6 at it from a strategic point of growth, you  
7 know, if there's room to grow.

8 MR. DONLON: Reports and Recommendations  
9 Committee, we have reviewed the draft  
10 semiannual report and it's in the process of  
11 being circulated to the board.

12 THE CHAIR: Tony, want to give a little  
13 on the Operations' Meeting?

14 MR. SIMONETTI: Operations? Sure.  
15 the Operations Committee met this morning and  
16 the first item of the discussion where there  
17 was no discussion was on budget matters. And  
18 maybe that's a good sign because OMB didn't  
19 tell us we have to cut further. But we have  
20 absolutely no news from OMB on budget so it  
21 was really a non-issue.

22 The semiannual report, as indicated by  
23 Jim, members have received a draft copy. It  
24 should be in your folder and hopefully, we can  
25 -- if you see -- you can -- by the way, just

1 take this copy and mark it up as you see fit  
2 and please get it back because we'd like to  
3 try to get it back within a week.

4 By the way, it's been condensed  
5 tremendously and once that process has been --  
6 I think the timetable is within probably a  
7 month and a half, two months, this should be  
8 available to the public. It's to be printed  
9 and available to the public.

10 February board meeting, as described by  
11 our Executive Director, will be held out at  
12 Queens Borough Hall next month. And then the  
13 following meeting held outside of this  
14 location will be in Brooklyn and that will  
15 take place in --

16 MS. THOMPSON: April.

17 MR. SIMONETTI: -- April. And when we  
18 get information on that, we'll put it on the  
19 website and we'll get it out to board members.

20 MR. KUNTZ: Well, that will also be in  
21 Borough Hall?

22 MR. SIMONETTI: Borough Hall, yes.

23 THE CHAIR: Any other old business? Any  
24 new business? I want to welcome back David  
25 Liston --

1 MR. LISTON: Thank you.

2 THE CHAIR: -- who had literally a tough  
3 bout --

4 MR. LISTON: Right.

5 THE CHAIR: -- with a charity event and  
6 was really in serious -- in seriously  
7 dangerous condition but we're happy to see him  
8 back --

9 MR. LISTON: Thank you.

10 THE CHAIR: -- and waiting for his  
11 caseload.

12 MR. LISTON: Thank you. It's good to be  
13 back.

14 MR. SIMONETTI: And Jim's successful hip  
15 surgery.

16 THE CHAIR: Yes, a lot of stuff going on.

17 MR. SIMONETTI: You guys are getting too  
18 old.

19 (Laughter)

20 MR. MCCANN: Wisdom from the young men  
21 here.

22 MR. KUNTZ: Yeah.

23 THE CHAIR: Anything -- any other running  
24 business? Public comment?

25 MR. DUNN: Good morning. I'm going to

1 start with Dennis. I'm actually a little  
2 surprised that nobody had anything to say  
3 about Dennis. We are all noticing, of course,  
4 noticing his passing. You know, Dennis was on  
5 the board for many years. I think for many of  
6 you, you don't know Dennis because you're  
7 newer members, but I just wanted to say that  
8 from the perspective of the advocacy  
9 community, Dennis was perhaps unique on this  
10 board in the sense that he was the one who was  
11 prepared to speak out in public about his  
12 concerns about police issues, about his  
13 concerns about the operation of the board. I  
14 think that this is going to be a huge loss and  
15 I certainly hope that the Council picks  
16 somebody who fills that role again and  
17 frankly, I would hope that all of you start  
18 playing a little more of that role to fill  
19 that huge void on the board.

20 Turning to the report that you gave,  
21 Ernie, I actually -- I wanted to agree with  
22 Tony and Bill about this; I do not recall  
23 hearing a report like that. I think it was  
24 very helpful. A lot of the information that  
25 you gave actually was not in the report

1 materials and I would like to have that  
2 information made public. So I -- so if you  
3 were reading a statement, I think if a copy  
4 could be made available to the public and to  
5 us, I'd appreciate that. This in particular,  
6 I'm interested in the numbers.

7 I must say that I had two concerns. One,  
8 Tony, you're right, it was a very positive  
9 report. I'm not going to say it's a  
10 Pollyannaish report. But I think it was  
11 entirely positive and wasn't focused on some  
12 of the concerns that I think the agency should  
13 have about the way it's operating,  
14 particularly about the substantiation rate,  
15 the truncation rate, what's happening with the  
16 department in terms of disciplinary practices.  
17 You noted some numbers that -- I think that  
18 those numbers cry out for some consideration,  
19 some discussion among the board, which has  
20 been absent.

21 The other thing that I am particularly  
22 concerned about is -- and I think that's  
23 reflected in your report -- is that it was  
24 focused entirely upon the agency's processing  
25 of complaints, which I only view as being half

1 of what it could be used to do. It's said  
2 nothing about what's happening outside on the  
3 street between police officers and civilians  
4 and what concerns this agency has about police  
5 misconduct. And that's a big part of why  
6 you're here. It's not just to process  
7 complaints; it is to learn from those  
8 complaints and to identify problems with  
9 police misconduct and to speak out about those  
10 problems and do something about those  
11 problems. And I'm not saying you're doing  
12 nothing about that but I don't see it and I  
13 don't hear it in meetings and I certainly do  
14 not hear it in this report. And I -- we  
15 frequently say this, I just think there needs  
16 to be a recognition on this board that your  
17 responsibilities and your attention go beyond  
18 processing complaints.

19       Okay. And just one final, minor thing.  
20 The semiannual report, I have not kept close  
21 track of this but it feels like this is pretty  
22 late. And if we're talking about a  
23 publication in a couple of months -- actually,  
24 is this the report that will cover the first  
25 half of the last year -- is that correct Tony?

1 MR. SIMONETTI: Yes.

2 MR. DUNN: I don't remember historically  
3 when that report has come out but it feels  
4 more like it's come out well before this and I  
5 think you run the  
6 risk -- and one of the points, I think, of  
7 going to a more truncated format for the  
8 report which is something that we signed onto  
9 and we do actually think the semiannual report  
10 is a vast improvement over the report that  
11 used to be produced. One of the reasons to do  
12 that, as I recall, was to allow you to produce  
13 your report quickly after the end of the  
14 period that's being reported on. And it feels  
15 like we're actually going in the other  
16 direction and I think you should be very  
17 concerned about putting out a report that  
18 covers the first six months of 2009 in  
19 February or March of 2010. Something has to  
20 be done to try to expedite that but those are  
21 my comments.

22 THE CHAIR: Yes, sir?

23 MR. O'GRADY: Commissioner Simonetti has  
24 -- was able to raise the attorney on New  
25 Year's Eve. He indicated that no one invited

1 him into the hallway.

2 THE CHAIR: Thank you.

3 MR. O'GRADY: Well, I have -- I was  
4 wondering if you -- I guess he's unwilling to  
5 speak to the attorney. I thought he was -- he  
6 wanted to speak to the attorney in the  
7 hallway. I mean, he invited me into the  
8 hallway to speak to me.

9 You know, I just wanted to say that my  
10 adversary perpetrated a racial attack on my  
11 plumbing contractor that he was fixing the  
12 plumbing in my apartment and the adversary  
13 instituted a racial attack, you know, called  
14 him "white boy, hey, white boy", you know, and  
15 he -- the adversary turned around and called  
16 the police.

17 THE CHAIR: Mr. O'Grady, if you have a  
18 complaint --

19 MR. O'GRADY: You know, sure --

20 THE CHAIR: If you have a complaint, you  
21 can make the complaint through the formal  
22 process, okay? Thank you.

23 If there are no other witnesses on  
24 the list, the meeting's adjourned.  
25 We will start Executive session in



1 about ten minutes.

2 (Meeting adjourned at 10:36 a.m.)

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

I, Jason Gottlieb, Electronic Court Reporter and Notary Public, do hereby certify that the foregoing witness whose testimony as herein set forth, was duly sworn on the date indicated, and I was present during the entirety of the foregoing proceedings, and that I caused to be recorded a true, complete and verbatim recording of the proceedings via digital means.

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:  
January 19, 2010.

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

I, Sara Bernstein, 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:  
January 19, 2010.

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Sara Bernstein

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MEETING OF  
THE CIVILIAN COMPLAINT REVIEW BOARD  
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March 10, 2010

10:24 a.m.

40 Rector Street, 2nd Floor

New York, New York 10006

ERNEST F. HART, ESQ., CHAIR

JOAN M. THOMPSON, EXECUTIVE DIRECTOR

PUBLIC MEETING AGENDA:

1. Call to Order
2. Adoption of January Minutes
3. Report from the Chair
  - a. Pilot Program
4. Report from the Executive Director
5. Committee Reports
6. Old Business
7. New Business
8. Public Comment

Reported By: Jason Gottlieb

1

2 BOARD MEMBERS PRESENT WERE :

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4 DANIEL D. CHU, ESQ.

5 JAMES DONLON, ESQ.

6 DR. MOHAMMAD KHALID

7 WILLIAM F. KUNTZ II, ESQ.

8 MICHAEL McCANN, ESQ

9 BISHOP MITCHELL G. TAYLOR

10 YOUNGIK YOON, ESQ.

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1 THE CHAIR: Let's get started. A big  
2 welcome, everyone, we didn't have a meeting  
3 last month because of snow. My kids were  
4 happy but I wasn't.

5 First order of business is to adopt the  
6 minutes of the January meeting.

7 BISHOP TAYLOR: I'll make a motion.

8 MR. KUNTZ: Second.

9 THE CHAIR: All in favor?

10 IN UNISON: Aye.

11 THE CHAIR: Passed unanimously.

12 Next item on the agenda is report from  
13 the Chair. The -- as all of you know, last  
14 month, the Police Commissioner and I came out  
15 with a joint communication, basically stating  
16 that we have agreed in principle to have  
17 personnel from CCRB try cases in the trial  
18 room on a trial basis. The details are being  
19 worked out. There are discussions between  
20 both agencies and when we get into open  
21 discussion, I'll give you -- the Executive  
22 Director and I will give you a little bit more  
23 information, a briefing on that. And then we can  
24 discuss concerns and whatnot.

25 Also, tomorrow, I'm testifying along with

1 the Executive Director before the City  
2 Council. It's a budget hearing and after the  
3 testimony, we will have the -- my remarks on a  
4 website for you to criticize or approve or  
5 whatever you like. And basically, the  
6 testimony which we -- one of the things about  
7 the testimony, it will show that despite --  
8 not really want to get into it too much but  
9 despite all the budget issues that we have,  
10 the agency has held its own very well and  
11 actually has improved its reporting numbers.  
12 So, kudos to the staff but we'll get more into  
13 that tomorrow in the testimony and thereafter.

14 Next item on the agenda is the report  
15 from the Executive Director.

16 MS. THOMPSON: Okay. In February 2010,  
17 the CCRB received 481 complaints or 184 fewer  
18 complaints than it received in February of  
19 2009 when the agency received 665 complaints.  
20 This represents a twenty-eight percent  
21 decrease in complaint activity. In the first  
22 two months of 2010, the board has received  
23 1,056 complaints or 239 fewer complaints than  
24 it received in the same period of 2009, which  
25 is a nineteen percent decrease in complaints.

1 It is really too early to speculate about the  
2 recent decreases in activity and whether it  
3 represents a long-term change in complaint  
4 activity levels. We just don't know at this  
5 point.

6 In February 2010, the board closed 320  
7 cases. Year-to-date, the board has closed 886  
8 cases. Of the year-to-date board closures,  
9 353 cases were full investigations and 516  
10 were closed as truncated. We mediated --  
11 bless you (someone sneezed) eighteen cases. The  
12 substantiation rate is ten percent. The  
13 truncation rate is fifty-eight percent. Year-  
14 to-date, the CCRB substantiated thirty-four  
15 cases involving seventy-two allegations  
16 against forty-five officers.

17 With the board closing this month fewer  
18 cases than it received, the agency's open  
19 docket shows a four percent increase in  
20 relation to the previous month's open docket.  
21 The docket stands at 3,507 cases. About  
22 ninety-three percent of our open  
23 investigations were filed within the last  
24 year. Of the open, 1,427 cases are awaiting  
25 panel trial -- panel review, excuse me, or



1 forty-one percent of all open cases.

2 In January 2010, the police department  
3 disposed of seventeen cases. Sixteen officers  
4 received disciplinary action, one officer did  
5 not. The discipline rate was ninety-four  
6 percent. The department closed one case as  
7 not guilty after trial and it disciplined  
8 sixteen officers with command disciplines and  
9 instruction.

10 In 2009, the police department disposed  
11 of 266 cases; 161 officers received  
12 disciplinary action, 101 officers did not.  
13 That also included seventy-one DUPs and four  
14 cases were closed as filed, which means  
15 probably someone retired. The discipline rate  
16 was sixty-two percent, which was five percent  
17 higher than the rate for 2008. The 2009  
18 department declined to prosecute rate was  
19 twenty-seven percent, which was four points  
20 lower than the rate for 2008 and six points  
21 lower than the rate for 2007.

22 I just also want to make you aware that  
23 the April 14th board meeting will be held in  
24 Brooklyn Borough Hall. The address is 2009  
25 Joralemon Street. To the board members, I

1 will send out the address and directions and  
2 it will also be placed on the website so  
3 everyone will know where the next board  
4 meeting will be held.

5 The semiannual report is at the printer  
6 and we should expect it and -- it should be  
7 ready for distribution probably within the  
8 next two weeks.

9 And just as -- two notes really of  
10 congratulations. Mayor Bloomberg announced  
11 his selection for the Charter Revision  
12 Committee. And I, of course, would like to  
13 congratulate our own Chair, Ernest Hart, and  
14 Board member Bishop Taylor for being selected  
15 as members. And this is terrific because there's  
16 two members from CCRB on the committee, so we  
17 congratulate you.

18 As well as -- also, congratulations goes  
19 out to Bishop Taylor because April 26th, his  
20 organization, the East River Development  
21 Alliance, will open its -- the first minority-  
22 owned credit union ever in Queens and the  
23 first credit union to be chartered in New York  
24 City in over a decade. So, well done and  
25 congratulations to you.

1           Just a quick review of the budget so that  
2 you'll understand where we are, that said, the  
3 review is really of the almost three years of  
4 cuts. I'm just going to give you a quick  
5 synopsis. In 2008, we lost 668,922 dollars  
6 with twelve lost in head count. In 2009, it  
7 was 1. -- almost 1.5 million with twenty  
8 positions lost, eighteen of which were from  
9 investigations. In 2010, there has been a  
10 793,955 budget reduction with eleven positions  
11 lost, nine of which will be from  
12 investigations. These combined, the whole total  
13 cost for the past few years will be over three  
14 million dollars with a head count loss going  
15 from 192 to 149. So that's where we are right  
16 now.

17           THE CHAIR: Thank you. Any questions?

18           MR. KUNTZ: Just one minor note. The  
19 address of the Brooklyn Borough Hall is 209.  
20 I think you said -- misspoke and said 2009,  
21 but it's 209.

22           MS. THOMPSON: Yes, it's 209.

23           MR. KUNTZ: Yes, 209 Joralemon Street.  
24 And you might just want to define for  
25 newcomers the term you used, DUP.

1 MS. THOMPSON: Oh, decline -- well, it  
2 was declined to prosecute or unable to  
3 prosecute. We have not really come up with  
4 which one it really is. That's what that  
5 means. It means that the police department  
6 will not go forward on those cases.

7 MR. KUNTZ: Thank you.

8 MS. THOMPSON: You are welcome.

9 THE CHAIR: Anything further?

10 All right, any committee reports? I  
11 don't think so.

12 Any old business?

13 New business, we mentioned earlier  
14 probably our new -- our newest business is the  
15 discussion of the prosecution unit or CCRB  
16 personnel prosecuting cases in the department's  
17 trial room. And basically, as we are  
18 discussing these issues, there are two main  
19 issues, I think, in our discussion with the  
20 police department.

21 One is, of course, remember that under  
22 the law, it's the Police Commissioner who  
23 really holds the keys here. I mean, he is the  
24 one who decides discipline and he alone  
25 decides what role CCRB will have in the

1 disciplinary process after cases leave CCRB.

2 We have discussed it. I have had numerous

3 discussions with him and we both agreed to

4 have a trial run at CCRB prosecuting the case

5 -- some of the cases that are -- that it

6 substantiates.

7 The other issue, of course, is one of

8 budget and capacity. Certainly, CCRB will not

9 put itself in a position to not be successful, take

10 on this task without the appropriate resources.

11 So that's another issue that we're not

12 necessarily discussing with the Police

13 Commissioner, but with powers that be, that in the

14 future we will be discussing with OMB and of course

15 making a presentation to City Council.

16 So, despite all of the cuts that the

17 Executive Director referred to, we certainly

18 are cognizant of the need to fund a -- the

19 prosecution unit, or whatever term we're going

20 to call it -- we will use for it. We are

21 cognizant that resources are needed and that's

22 one of the issues that we have to resolve.

23 There are a lot of operational issues. We are

24 discussing those as well.

25 MS. THOMPSON: Basically, there --what we

1 have planned and looked at was just what would  
2 be an initial start, a beginning of a pilot  
3 project. Because of our lack of capacity, as  
4 you all know, we now only have one attorney.  
5 So we have just Roger and Meera, of course, they are  
6 reviewing the cases, working with the teams, and Roger  
7 has been doing the second seating as well. So  
8 there's not much more that he can do. So with  
9 one attorney -- we had five but over the past  
10 two or three years, the numbers have been reduced,  
11 they're gone. We've had to give them  
12 up in PEGs. We have one that we hope, we think  
13 that we can bring back later on, another line,  
14 but we had given it up to use some of the  
15 money so that we could have overtime. So we  
16 postponed hiring that attorney back so we  
17 could use the money for overtime. The expression  
18 people say we're cut to the bone, well now we're  
19 in the marrow.

20       So, as far as capacity, it's very limited  
21 at this point so we have to be aware of that.  
22 So any pilot project we do, assuming right now  
23 that we get some money to even begin to start  
24 a pilot project, it still has to be minimal  
25 until we get the money and we can hire staff.

1           It has to only be at a small project level.  
2    If it gets to be larger, then we get into the  
3    other problem with us that as part of the PEG,  
4    we gave up the fourteenth floor to meet target  
5    and we're bringing our staff down from the  
6    fourteenth floor back down here.  So if it  
7    grows any larger than three people, we have no  
8    place to put them.  So we're talking about we  
9    are at diminished capacity all around and especially  
10   the lack of space, but we do have computers  
11   but that's about it.

12           So -- I mean, that's why we're saying  
13   that we're still in the process of looking at  
14   it and understanding where we are and where we  
15   are going.  It has to come with money.  It has  
16   to be in terms of time.  We have to get  
17   ourselves up to being able to really do  
18   something and do it successfully.  And so  
19   that's where we are in terms of the  
20   prosecution unit.

21           THE CHAIR:  Yes?

22           MR. KHALID:  Do we have any figure in  
23   mind what is initially required for this pilot  
24   program?

25           MS. THOMPSON:  Well, right now, what

1 we're thinking of just at a minimal basis, it  
2 will be approximately a half million dollars,  
3 just minimally to start. We're not talking  
4 about a large staff; we're talking about two  
5 attorneys, and a PAA, some clerical help and  
6 probably one investigator.

7 So that's just minimal. That's just the  
8 beginning phase. We have spaces right now for  
9 those people so we can bring those people on,  
10 say, July 1 or whatever. Be aware, we have to  
11 post the positions and write job descriptions.  
12 That takes time, of course, and they have to  
13 go through OMB. So we're thinking July 1 or  
14 after -- or hoping for July 1 I should say, or  
15 approximately since that's a new fiscal year.

16 But other than that, we haven't gone forward  
17 looking ahead as to what a full unit might be  
18 or anything like that. Right now for the  
19 minimal startup because of again, our lack of  
20 capacity, we're looking at about a half mil.

21 MR. KHALID: Is there any time frame as  
22 for the pilot program?

23 MS. THOMPSON: The pilot program we're  
24 looking at will span a twelve month period. And  
25 we're going to put in an evaluation process in



1 as part of what we're doing going forward so  
2 after twelve months, we'll look at it and  
3 assess where we are and it will be an  
4 evaluation that's mutually agreed to by both  
5 agencies.

6 MR. KHALID: Thank you.

7 THE CHAIR: And again, the request for  
8 resources -- remember, this is a trial basis  
9 so we're not asking for -- we're just asking  
10 for the resources that are necessary to go  
11 forward with the trial basis and after the  
12 trial, then we'll see where we are.

13 Yes?

14 MR. MCCANN: The decision to allocate  
15 cases or the question, you know, which cases  
16 will CCRB -- is it premature to ask that  
17 question? Is that something that's being  
18 discussed still or --

19 THE CHAIR: Well, it's still being  
20 discussed but basically, one of two or a  
21 combination of the two. Initially -- and this  
22 may or may not happen but initially, they may  
23 -- the initial caseload may be a joint  
24 agreement by both agencies. The Police  
25 Commissioner -- the police department will not

1 be the ones saying, "Okay, here are the  
2 cases"; there will be mutual consent.

3 The other-- as the program goes on, it  
4 may be by random Every whatever  
5 case --

6 MS. THOMPSON: It's supposed to be  
7 approximately twenty percent of the cases  
8 that would be going to trial, that would be  
9 prosecuted, we will be able to prosecute  
10 ourselves so it's approximately one in five  
11 cases that we would look at. And it may be  
12 that we put them in a log and then the fifth  
13 case just bounces out. It's going to be in  
14 random order so that neither one of us can  
15 say, you know, "We're looking -- you looked at  
16 this case. This is a terrible case. Okay, you  
17 get this case" or "this is a really good case,  
18 I'm taking that one". So we're making it as  
19 random as possible.

20 MR. MCCANN: And I know you mentioned it  
21 but the process still is the same that after  
22 the case is tried and adjudicated then the  
23 decision is forwarded through the police  
24 departments, channeled by law?

25 MS. THOMPSON: By law.

1 THE CHAIR: By law.

2 MR. MCCANN: And the Police Commissioner

3 --

4 THE CHAIR: I mean, the Police  
5 Commissioner is still the one who decides what  
6 cases go to trial and what the discipline  
7 after -- what the discipline is after.  
8 Whether you agree or not, that's the law.

9 MR. MCCANN: That's the law.

10 THE CHAIR: So there's nothing -- that's  
11 what we're bound by and we have to work within  
12 that context.

13 MR. MCCANN: Thank you.

14 THE CHAIR: Any other questions or  
15 concerns? Obviously, we're going to talk  
16 about this more in the future and it seems to  
17 be a hot topic among other people as well so I  
18 guess we'll be dealing with this for some time  
19 to come.

20 Any -- let's see. Time for public  
21 comment. Mr. Singh?

22 MR. SINGH: Good morning.

23 THE CHAIR: Good morning.

24 MR. SINGH: My name is Inderjit Singh and  
25 I am the Executive Chair of South Asian

1 Community Council. I am here on behalf of one  
2 of our members from my community, Mr. Sandhu  
3 here, sitting next to me. We had a situation  
4 some years ago where because of politics  
5 within the community there was a fair amount  
6 of rancor and conflict, including almost a  
7 mini-riot. I've brought a copy of the New  
8 York Times in to show the context.

9 In any case, as part of subsequent to  
10 that conflict, there was a drive-by shooting  
11 where about fifteen or twenty people were  
12 involved and there were a number of  
13 automobiles which were used as part of that  
14 drive-by shooting. The people in the first  
15 car, who were primarily considered responsible  
16 for this shooting, were not apprehended. But  
17 Mr. Sandhu's son, who did not have -- at that  
18 time, happen to be even in New York City, was  
19 targeted as part of the blame that was being  
20 laid by one party to the other.

21

22 This is not just my statement. One of  
23 the sergeants from the 102 Precinct, which was  
24 assigned to investigate this matter,  
25 interviewed some of the people, including one

1 of those who was in the car and who admitted  
2 to being there and who also admitted that Mr.  
3 Sandhu's son was not in the car at the time of  
4 the shooting. And the sergeant who did the  
5 investigation got a signed statement from one  
6 of these people, which is here, co-signed by  
7 both the sergeant and the detective who had  
8 both been interviewed.

9 In any case, the sergeant had requested  
10 to the police department that this person be  
11 brought in and investigated -- questioned  
12 further, along with some of the people that he  
13 had identified.

14 Unfortunately, for reasons I would not  
15 speculate on, that direction was not followed.  
16 And when he approached the D.A. to -- with  
17 this statement and the directions that he had  
18 given to his subordinates to bring in some of  
19 the other people who were in the vehicle, he  
20 was threatened by powers that be at that time.

21 Again, I -- that remains to beyond truth,  
22 he was told that if he testified in court,  
23 with respect to this statement, he better  
24 bring an attorney because he would be  
25 arrested. And therefore we have a statement

1 from the sergeant to that effect. Eventually,  
2 he retired because he felt that his  
3 effectiveness in this case and in some other  
4 matters had been negated.

5 Be as it may, not -- I don't want to go  
6 into minutiae of this case. Eventually, Mr.  
7 Sandhu's son was indicted and sentenced, even  
8 though we have statements from four of the  
9 five people who were -- who acknowledged being  
10 in that vehicle which was used in the drive-by  
11 shooting. In addition, there were fifteen or  
12 twenty other people who were part of this  
13 contingent which was part of the drive-by  
14 shooting. None of those people were  
15 interviewed or talked to to ascertain as to  
16 what exactly happened.

17 So, the issue before the commission is --  
18 I want to preface that by saying that you are  
19 the ultimate hope of the citizens of New York.  
20 And I also want to say the New York City  
21 Police Department, under Commissioner Kelly,  
22 deserves and has exemplary reputation. So  
23 it's not an indictment of the whole police  
24 department. I think there are a few bad  
25 apples who need to be watched and the

1 department needs to do what should be done.

2       And so we come here, to you, with full  
3 confidence in the mayor, in the commission, in  
4 the police department, asking for an impartial  
5 investigation. And of course, the second part  
6 is that the police department investigating  
7 its own is fraught with issues. I happen to  
8 be an expert in organizational systems and I  
9 think any elementary student would tell you  
10 that in matters of internal control, you need  
11 to have systems which are not self-regulated.  
12 And -- but that's a whole different issue.

13       What I am here to ask you is that the  
14 commission should authorize an impartial  
15 investigation, not of the police department by  
16 the police department because the tendency is  
17 to cover their rear end for each of them. And  
18 anybody who steps on a mine bears the  
19 consequences, as example of the sergeant that  
20 -- I have statements here, in handwriting,  
21 signed by the particular sergeant. I have  
22 affidavits here which the sergeant provided to  
23 the board and I don't know what other proof  
24 you would need. These witnesses are  
25 available. The sergeant is still available

1 and will be happy to provide the commission  
2 with whatever information you need in the hope  
3 that you will do what's right because a young  
4 man is in prison who did not commit a crime.

5       There was no evidence, physical or  
6 otherwise, which was presented which would tie  
7 this person to the crime and the police  
8 botched the investigation for the -- from the  
9 very beginning. And we have names of people  
10 who were there. We have acknowledgements from  
11 the people who were in each of those  
12 automobiles.

13       And I don't know -- I suppose we can  
14 invoke the Almighty, who was there to see all  
15 of this, but, unfortunately, the Almighty  
16 doesn't speak, except through members like  
17 you. And therefore, I appeal to every single  
18 one of you to please take a look at this  
19 situation and do what's right. Thank you very  
20 much.

21       THE CHAIR: What I would ask --

22       MR. SINGH: I would be happy to answer  
23 any questions.

24       THE CHAIR: What I would ask is, I don't  
25 -- one of the things we really have to look at



1 is --

2 MS. THOMPSON: Time.

3 THE CHAIR: -- of -- when it happened,  
4 what went on and basically, the authority of  
5 this board to answer some of your concerns. I  
6 would ask --

7 MS. THOMPSON: Rob.

8 THE CHAIR: -- Rob to -- after the  
9 meeting, to speak with you and your  
10 colleagues. And --

11 MR. SINGH: I'd be happy to meet with  
12 anybody, provide whatever information they  
13 need, including names, addresses --

14 THE CHAIR: Okay.

15 MR. SINGH: -- of the witnesses and  
16 beyond that, whatever else is needed.

17 THE CHAIR: Very well.

18 MR. SINGH: We'd be happy to.

19 THE CHAIR: So after the meeting, speak  
20 to Rob. Rob will go -- come to you and --

21 MS. THOMPSON: After the meeting.

22 MR. SINGH: Thank you.

23 THE CHAIR: Rob, where are you? So,  
24 after the meeting, okay?

25 MR. SINGH: Thank you.

1 THE CHAIR: Mr. Dunn?

2 MR. DUNN: Good morning.

3 IN UNISON: Good morning.

4 MR. DUNN: I want to talk about the  
5 prosecution unit issue and the charter  
6 revision commission.

7 But before I do that, Ernie, at the  
8 January meeting, you gave a recap of sorts for  
9 2009 in which you focused on the board's  
10 processing of complaints and talked about the  
11 accomplishments and the highlights. And I  
12 recognize some of those accomplishments; I  
13 recognize some of those highlights. I didn't  
14 want to rain on your parade but we have a  
15 fundamental different perspective about what  
16 2009 looked like. And as 2010 starts, I think  
17 it's important that all of you -- and I'm  
18 sorry there are only as few of you here who  
19 are here but all of you, going forward in  
20 2010, have a slightly different perspective on  
21 police oversight, civilian oversight and the  
22 accomplishments of this board or the lack  
23 thereof.

24 From our perspective, 2009 was the worst  
25 year for the CCRB since it was created in

1 1993. And that is a combination or a  
2 confluence of several factors: an historic  
3 number of complaints, an historic number of  
4 complaints that were not investigated and a  
5 continuing, extremely high rate of the police  
6 department to completely dismissing cases that  
7 are substantiated and the department's  
8 continued refusal to impose meaningful  
9 discipline on officers when you substantiate a  
10 case and then, finally, this board's  
11 abdication of its basic responsibilities. And  
12 between those four factors, as far as we're  
13 concerned, 2009 was a terrible year. And it's  
14 a year that the agency has to learn from and  
15 there has to be a new approach to what the  
16 board is doing.

17 The complaint level -- because last  
18 month's report -- excuse me, last month's  
19 meeting got cancelled, I actually haven't seen  
20 the report that should've been produced last  
21 month. So I'm not sure I have seen the year-  
22 end adjusted figures but even if there was a  
23 slight adjustment downward, there were a  
24 historic number of complaints. They were up  
25 about twenty-five percent since 2004 and up

1 about sixty percent since the beginning of the  
2 Bloomberg administration.

3 The number of truncated cases is at a  
4 historic level by far. There were 5200 cases  
5 last year where complaints were filed and an  
6 investigation was not completed. That is a  
7 sixty-five percent increase from just 2004.  
8 That's an enormous number of New Yorkers who  
9 had filed complaints and their investigation  
10 was not completed.

11 The DUP rate -- and from my perspective,  
12 when I talk about DUPs, I know we've been  
13 having this discussion about what DUP should  
14 actually stand for, not "unable to prosecute";  
15 it's "unwilling to prosecute". It is  
16 unwilling to prosecute. They are making a  
17 conscious decision and refusing to prosecute  
18 your cases. The DUP rate came down a little  
19 bit at the end of the year. It still is  
20 twenty-seven percent. Compare that to 2004,  
21 it was three percent. 2005, it was two  
22 percent, okay? There has just been a historic  
23 shift in when the department is dismissing  
24 your cases.

25 Department's trials have largely stopped

1 happening. Just in the percentage of your  
2 cases, there were only about eight percent of  
3 cases that went to trial last year. That  
4 compares to about eighteen percent in 2004.  
5 That's half the percentage of trials that had  
6 taken place just in 2004.

7 And then in terms of actual discipline --  
8 and by discipline, what I mean is, I don't  
9 count instructions. Instructions are not  
10 discipline. When you look at the actual  
11 disciplinary rate, you're talking about a  
12 third of cops who are actually getting  
13 disciplined. Of all the cases you send over  
14 there, a third of cops are getting  
15 disciplined, which compares to over fifty  
16 percent in 2004. So between that, what we see  
17 are a historic number of complaints, historic  
18 number of cases that are not getting  
19 investigated and a historic shift by the  
20 police department in refusing to discipline  
21 the police officers.

22 In addition to that, this board did not  
23 issue a single policy report last year. Part  
24 of its mandate, and a critically important  
25 part of its mandate. As Joan mentioned,

1 there's a semiannual report that's coming.  
2 From our perspective, there's no reason why  
3 the semiannual report for the first six months  
4 of 2008 should be coming out in March of 2009.  
5 And I said good things about your report. And  
6 I think much of your report was good. These  
7 semiannual and annual reports are way, way too  
8 late at this point.

9       There's been minimal board outreach.  
10 According to your own report, there were three  
11 incidents in all of 2009 in which a member of  
12 this board participated in a community  
13 outreach event. And that's just unacceptable  
14 to us. It just reflects what -- what you do  
15 as being a fundamental problem. This board is  
16 not involved in a public discussion about  
17 police misconduct. This board is not involved  
18 in public engagement around police misconduct.  
19 It is something -- you should be leaders in  
20 this area and you simply are not.

21       And then, finally, the board meetings  
22 themselves, I have found have -- hard as it  
23 hard for me to believe, have gotten less and  
24 less informative and more and more opaque. In  
25 the last six months of last year, there was

1 basically no public discussion of any  
2 meaningful issue. And that culminated with  
3 what I still find to be a shocking episode in  
4 the November meeting, where you refused to  
5 discuss anything about the meeting that you  
6 had with the Police Commissioner, including  
7 the topics that were discussed, who was there  
8 and -- there was no public discussion of it.

9       You know, these meetings -- I know there  
10 are a lot of staff people here. I know it's  
11 not like the data-seeking community is turning  
12 out in big numbers but you -- this is a public  
13 body, you have obligations to talk to the  
14 public about what you are doing and,  
15 hopefully, you're actually doing some things.  
16 And if you read the transcripts or like me, if  
17 you were here every meeting, you are just, I  
18 think, struck by the absolute lack of any  
19 meaningful, substantive, public discussion by  
20 the board at these meetings.

21       And -- so -- and there has been no  
22 discussion about the historic number of  
23 complaints. No one has talked about that.  
24 There's been no discussion, meaningfully,  
25 about the truncation rate and what are we

1 going to do about the truncation rate. What  
2 happens when we just get rid of 5,000 cases a  
3 year, okay?

4 There's been no discussion about stop-  
5 and-frisk. You know, I know several of you  
6 were at the event last night and I was happy  
7 to see them but stop-and-frisk is driving the  
8 complaint numbers. Stop-and-frisk is a major  
9 source of controversy in the city at this  
10 time. And there's no discussion here at the  
11 board meetings about what to do, what the  
12 board should be doing about stop-and-frisk, if  
13 anything.

14 So, when I look at 2009, I see very few  
15 bright spots. And, more significantly, what  
16 we see is a civilian oversight system that has  
17 simply disintegrated. It's gotten to a point  
18 where it's meaningless. We don't think it's  
19 worth playing a significant role. We think  
20 the police department successfully shut the  
21 board out of it and we've just gotten to the  
22 point where we think there just have to be  
23 fundamental, fundamental changes.

24 So with that, I want to turn to the  
25 prosecution unit. I must say, Ernie, I was



1 happy to hear you talk about it. We got some  
2 details today. I was quite surprised to find  
3 out on a Thursday evening when we started  
4 getting calls that a press release had been  
5 issued about the prosecution unit. There had  
6 been no public discussion, that I know of, at  
7 board meetings about this since close to a  
8 year ago, when there had been a lot of  
9 discussion.

10 I take it from some of the questions that  
11 got asked today that there are board members  
12 who were not necessarily involved in this.  
13 And I think that's a little bit alarming.  
14 This has been, perhaps, the single biggest  
15 institutional issue that has been discussed in  
16 the CCRB in the last couple years. And for  
17 there not to have been any public discussion  
18 about this and perhaps for there not to have  
19 been consultation amongst the board members  
20 about this, I find that a little bit  
21 troubling. But I appreciate the information  
22 that you provided today and I would really  
23 urge you and I think you have a legal  
24 obligation under the law; there needs to be  
25 public discussion about this type of policy

1 change.

2 Now, it affects the particulars -- Mike,  
3 you asked about whether or not after the  
4 trial, the Police Commissioner would still  
5 have ultimate disciplinary authority which by  
6 statute, of course, he does. But this proposal  
7 raises a lot of questions before we even think  
8 about trials. And the DUP rate is -- perhaps  
9 brings to bear one of the first questions,  
10 which is what is going to be your authority in  
11 terms of making decisions about whether or not  
12 cases are going to proceed or not.

13 Because, for instance, if what is going  
14 to happen is you guys are going to get to  
15 prosecute cases that are going to go to trial,  
16 that is a very different and very limited  
17 grant of authority than if you're going to  
18 have authority starting from the moment of a  
19 substantiated case. Because we know the trial  
20 numbers have basically disappeared, okay?  
21 They did fewer trials in the last three years  
22 than they did in 2006. And so is there any  
23 information, for instance, about what role you  
24 will have in whether or not cases get DUPed at  
25 the -- but what role you're going to have at

1 the beginning of the process?

2 THE CHAIR: Well, we are working on  
3 details but remember, it's the Police  
4 Commissioner's decision. So, what you're  
5 asking --

6 MR. DUNN: Um-hum.

7 THE CHAIR: -- I'm just saying what  
8 you're asking is that for the Police  
9 Commissioner to give us his authority to do  
10 this, not that -- that's what you're asking.

11 MR. DUNN: I understand that. I  
12 understand he has the ultimate authority, but  
13 that doesn't mean that you folks don't have a  
14 role in it. Yes, he, at the end of the day,  
15 can say no.

16 THE CHAIR: Well, he could, but at the  
17 beginning of the day he can say no, also.

18 MR. DUNN: Well, that's right. And he  
19 has, until two weeks ago, at the beginning of  
20 the day, said, "no, no, no, no, no, no". Now  
21 we could all kind of wonder what -- why the --  
22 why things changed.

23 And I would like to think that part of  
24 the reason why things change is because you  
25 folks maybe started getting a little more

1 aggressive and pushy on it. I'm not too  
2 sanguine about that but that may be part of  
3 it. I think the police department is feeling  
4 some pressure about what's happening in your  
5 cases, which is good. But setting aside the  
6 fact that, Ernie, he, at the beginning of the  
7 day and the end of day could say no, I think  
8 it's important for you, as a board, to be  
9 aggressively saying to him, "We want to have  
10 more of a role in this, as opposed to less."  
11 You should be advocating for yourselves.

12 And the DUPs are a huge problem. And if  
13 what they want to have -- what they want to  
14 discuss with you is for those cases we decide  
15 are going to go to trial, which were, like,  
16 eight cases last year or seven cases -- unless  
17 it's a higher number, because we don't have  
18 last month's report. But it's a tiny number  
19 of cases -- you get to prosecute those cases,  
20 you know, okay, that's something but that's  
21 not a lot.

22 And so, for instance, I -- when I think  
23 about this and obviously, we've started off  
24 this lacking. As you know, we support your  
25 having this responsibility, assuming you have

1 the resources. There are a lot of issues to  
2 think about, though. And that's why I'm  
3 particularly troubled about the lack of public  
4 discussion amongst the board about this  
5 because, you know, there are twenty-five  
6 issues stuck all along the process of thinking  
7 about how you structure this.

8 And, you know, I, at least right now,  
9 would like to get some sense of what you  
10 anticipate would be the process with the board  
11 -- setting aside the Police Commissioner, with  
12 the board about talking about these things and  
13 trying to figure out what your positions  
14 should be in terms of budget issues and with  
15 the discipline. Are there going to be  
16 operations committee meetings about this?  
17 What's the actual -- the process going to be?

18 THE CHAIR: The process will be what the  
19 process is. Obviously, the board will have to  
20 be on board with whatever agreement is reached  
21 with the police department to process these  
22 cases. The board is aware of -- and has been  
23 aware of what's been going on and will  
24 continue. And we'll discuss it like we do all  
25 things in due course.

1           MR. DUNN:  Okay, but just to be clear --  
2   and you have an obligation -- a lot of these  
3   discussions have to take place publically,  
4   okay?  There are some things that don't, I  
5   understand that.  But you're a public body.  
6   You have to have these discussions in the  
7   open.  And it's a very different thing to  
8   report after the fact that something has been  
9   done than to discuss it beforehand.

10           And you weren't on the board at the time  
11   but -- and many of you, in fact, weren't but  
12   two years ago, there were board meetings where  
13   there was a lot of discussion about the  
14   particulars of what the prosecution unit would  
15   look like.  And you obviously got a budget  
16   line for many years on that.  I mean, this was  
17   something about it which it was relatively  
18   robust discussion.  And it completely and  
19   totally disappeared until today.

20           And what I want to urge you to do, and  
21   what I think you will be required to do, is  
22   there needs to be public discussion where the  
23   board is discussing what it's going to do in  
24   terms of a prosecution unit.  And, you know, I  
25   just -- I see that that's important both

1 legally and in terms of the significance of  
2 the issue.

3       And do you have any idea of what the  
4 schedule is? I mean, I know that Joan  
5 mentioned that you want to try to start by  
6 July 1st, which I understand that's the  
7 beginning of the budget year but that's also a  
8 pretty ambitious schedule in terms of working  
9 out something as complicated as this, which  
10 would suggest to me that things have to be  
11 happening right now in terms of negotiating  
12 details and working out details and maybe MOUs  
13 and things like that, Ernie?

14       THE CHAIR: There is no MOU. There's no  
15 -- they're discussing possibilities, staff is  
16 discussing. So there's nothing really to --  
17 for the board to discuss. When there is, the  
18 board will discuss it.

19       MR. DUNN: Okay. The Charter Revision  
20 Commission, I was quite struck to see --

21       THE CHAIR: Why is that relevant here?

22       MR. DUNN: I'm not -- I'm sorry. I'm  
23 moving on, different topic. I mean, Joan  
24 raised it but I was going to ask also. I was  
25 struck by the two of you on the Charter

1 Revision Commission. Did you want to be for  
2 CCRB purposes or for other purposes?

3 THE CHAIR: Chris, what difference does  
4 that make?

5 MR. DUNN: What difference does it make?  
6 Because I think, for instance, if -- since  
7 there's going to be a Charter Revision  
8 Commission --

9 THE CHAIR: I think you should ask the  
10 mayor why he appointed us, okay?

11 MR. DUNN: Well, okay, then next time I  
12 see him, I will. But I still want to put it  
13 to you because if there is going to be a CCRB  
14 piece of charter revision, that would be very  
15 important. And that is something that  
16 presumably would be decided by public  
17 discussion. And so -- I realize it's early in  
18 the day but I am just saying that the fact  
19 that you both two are on the charter revision  
20 commission struck me as quite significant, to  
21 the extent that is an indication from the  
22 mayor's part that he intends for CCRB to be  
23 part of the charter revision agenda. I would  
24 expect there would be some significant  
25 discussion about that.



1 THE CHAIR: Thank you, sir.

2 MR. DUNN: Okay. Thank you.

3 THE CHAIR: Mr. O'Grady, you want to say  
4 something?

5 MR. O'GRADY: Yes, thank you. I'd like  
6 to point out that Commissioner McCann now  
7 occupies the police vote that was once held by  
8 Commissioner Richard Condon as Commissioner  
9 Kuntz would testify that Commissioner Condon,  
10 when he sat on this board, he said that he  
11 would lead an initiative on behalf of the  
12 racial attack that was instituted on O'Grady  
13 Plumbing mechanics. And I don't know how it  
14 played out in executive session because,  
15 obviously -- and I see Simonetti and Martin  
16 are not here but they were present.

17 And also, you know, I'd like to say that  
18 in the colloquial part of the English  
19 language, the police are referred to as  
20 "bull", B-U-L-L. And you know, what they --  
21 and, you know, what that equals -- you know,  
22 and the bullfight -- what happens is the  
23 matador, he -- you know, this is Spanish, I  
24 guess, but he dangles something for the bull  
25 to come hitting in there, you know. And you

1 know, this is -- they refer to it as -- I  
2 thought it was interesting in colloquial,  
3 they're referred to as "bull, bull", you know?  
4 It's --

5 THE CHAIR: Thank you. Thank you, sir.  
6 Thank you.

7 Seeing no further requests to speak, this  
8 meeting is adjourned and we will pick up again  
9 in ten minutes for executive session.

10 (Meeting adjourned at 11:08 a.m.)

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

I, Jason Gottlieb, Electronic Court Reporter and Notary Public, do hereby certify that the foregoing witness whose testimony as herein set forth, was duly sworn on the date indicated, and I was present during the entirety of the foregoing proceedings, and that I caused to be recorded a true, complete and verbatim recording of the proceedings via digital means.

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 17, 2010.

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

I, Sara Bernstein, 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 17, 2010.

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Sara Bernstein

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MEETING OF  
THE CIVILIAN COMPLAINT REVIEW BOARD  
-----x

April 14, 2010  
10:13 a.m.

Brooklyn Borough Hall  
209 Joralemon Street  
Brooklyn, New York 11201

ERNEST F. HART, ESQ., CHAIR  
JOAN M. THOMPSON, EXECUTIVE DIRECTOR

PUBLIC MEETING AGENDA:

- 1. Call to Order
- 2. Adoption of March Minutes
- 3. Report from the Chair
- 4. Report from the Executive Director
  - a. Budget
- 5. Committee Reports
- 6. Old Business
- 7. New Business
- 8. Public Comment

Reported By: Jason Gottlieb

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BOARD MEMBERS PRESENT WERE:

- DANIEL D. CHU, ESQ.
- JAMES DONLON, ESQ.
- DR. MOHAMMAD KHALID
- WILLIAM F. KUNTZ II, ESQ.
- DAVID G. LISTON, ESQ.
- JULES A. MARTIN, ESQ.
- MICHAEL MCCANN, ESQ.
- TOSANO J. SIMONETTI
- BISHOP MITCHELL G. TAYLOR
- YOUNGIK YOON, ESQ.

1           THE CHAIR: Thank you all for  
2           coming. This is our first attempt and  
3           hopefully, we will continue doing this in  
4           the future to try to hold our public  
5           meetings in the boroughs -- in the outer  
6           boroughs.

7           So first, we will go through our  
8           agenda. At the end there will be public  
9           comment. And afterwards, if anybody has  
10          any questions or anything else after the  
11          meeting is adjourned, the board members  
12          will be around for a little bit after the  
13          meeting.

14          So let's get started. First item on  
15          the agenda is the adoption of minutes  
16          from the last meeting.

17          MR. KUNTZ: I move that they be  
18          adopted and welcome the board to  
19          Brooklyn.

20          THE CHAIR: Thank you very much,  
21          Commissioner. Any second?

22          DR. KHALID: Second.

23          THE CHAIR: All in favor?

24          IN UNISON: Aye.

25          THE CHAIR: All in -- any opposed?

1           It's unanimous.

2           Next item on the agenda is the  
3           report from the Chair. Over the last  
4           couple of weeks, the Executive Director  
5           and I have met with Speaker Quinn and we  
6           met with Peter Vallone, Jr. last --  
7           yesterday. And basically, we talked  
8           about our budget issues. We talked about  
9           the difficulty that we face and the  
10          number of positions that we've lost over  
11          the last couple of years and how the  
12          budget situation will cause difficulty in  
13          the agency, particularly if and when we start  
14          our pilot program with the police department,  
15          trying cases in the trial room. They  
16          were both very sympathetic, didn't  
17          promise anything, but they did  
18          acknowledge that there is an issue. And  
19          I'm sure that will be the subject of  
20          negotiations within the Council as the  
21          future progresses.

22          Joan, you want to say anything else  
23          about that?

24                 MS. THOMPSON: No. That was fine.

25                 THE CHAIR: Any questions on that?



1 I think that for the most part, we were  
2 well-received by both the Speaker and by  
3 Chair Vallone. And hopefully, we will  
4 continue to have good relations and the  
5 Executive Director and I will continue to  
6 reach out to the Council and others in an  
7 effort to secure everything that we can  
8 to help us carry out our charter mandate.

9 The next item on the agenda is the  
10 report of the Executive Director.

11 MS. THOMPSON: Thank you. In March 2010,  
12 the CCRB received 536 complaints or 223  
13 fewer complaints than it had received in  
14 March of 2009 when the agency received  
15 759 complaints. This represents a  
16 twenty-nine percent decrease in complaint  
17 activity.

18 In the first three months of 2010,  
19 the board has received 1,565 complaints  
20 or 489 fewer complaints than it received  
21 in the same period of 2009, which is a  
22 twenty-four percent decrease in  
23 complaints. We continue to monitor  
24 complaint activity to determine whether  
25 this decrease in activity responds to

1           either short or long-term factors.

2           In March 2010, the board closed 455  
3           complaints. Year-to-date, the board has  
4           close 1,341 cases. Of the year-to-date  
5           board closures, 529 cases were full  
6           investigation and 760 were closed as  
7           truncated. We mediated forty-two cases  
8           year-to-date and attempted to mediate ten  
9           additional cases. The substantiation  
10          rate is ten percent. The truncation rate  
11          is fifty-seven percent. Year-to-date,  
12          the CCRB substantiated fifty cases  
13          involving ninety-eight allegations  
14          against sixty-eight officers.

15          With the board closing this month  
16          fewer cases than it received, the  
17          agency's open docket shows a one percent  
18          increase in relation to the previous  
19          month's open docket. The docket stands  
20          at 3,551 cases. About ninety-two percent  
21          of our open investigations were filed  
22          within the last year. Of the open cases,  
23          1,706 cases are awaiting panel review or  
24          approximately forty-eight percent of all  
25          open cases.

1           In February 2010, the police  
2           department disposed of sixteen cases.  
3           Fourteen officers received disciplinary  
4           action and two officers did not receive  
5           any discipline. The discipline rate was  
6           eighty-eight percent. The department  
7           declined -- excuse me, the department  
8           disciplined fourteen officers with  
9           command discipline and instructions; the  
10          decline to prosecute in two cases against  
11          officers.

12          Year-to-date 2010, the police  
13          department has disposed of thirty-three  
14          cases. The disciplinary rate is ninety-  
15          one percent, which was twenty-nine  
16          percent -- twenty-nine points higher than  
17          the rate for 2009. The year-to-date 2010  
18          department decline to prosecute rate is  
19          six percent, which is twenty-one points  
20          lower than the rate for 2009.

21          The second thing that I'd like to  
22          talk about is the budget, as the Chair  
23          mentioned that we -- obviously, because  
24          of the recent PEG, which is the plan to  
25          eliminate the gap in the budget, we have

1 received a target amount of 896,000 dollars,  
2 so nearly 900,000 dollars. For us, that  
3 translates into fifteen heads. We have  
4 submitted everything that we needed to,  
5 to OMB, and they are aware, they realize  
6 that, of course, fifteen heads would be  
7 more than devastating to the agency  
8 but -- however, at this point, we have  
9 not received any word as to what they  
10 will do. I know that our analysts are  
11 working with them and are working with  
12 our representatives in OMB to see if  
13 anything can be done but at this point,  
14 the target remains the same. It's, as I  
15 said, approximately 900,000 and that  
16 would translate into fifteen heads which  
17 we would try to meet through attrition.

18 That's it. Any questions?

19 THE CHAIR: Any questions?

20 (No audible response)

21 MS. THOMPSON: Okay.

22 THE CHAIR: Any -- next item on the  
23 agenda is committee reports.

24 Any old business?

25 MR. DONLON: Well, on reports, I

1 think Reports and Recommendations  
2 Committee, we were told a couple of days  
3 ago that -- well, actually the semiannual  
4 report is out.

5 THE CHAIR: Yes. Actually, we  
6 have copies.

7 MR. DONLON: Between the board  
8 members and -- and there are copies

9 THE CHAIR: We have copies. So if  
10 anybody wants a copy of it, I think Brian  
11 back there has a copy and they're available  
12 on the front desk if you want a copy of  
13 the semiannual report.

14 MR. DONLON: And the annual report,  
15 we're -- the staff is working on it and I  
16 think the Committee is going to be given a  
17 draft shortly. We, we're working on it.

18 THE CHAIR: Good.

19 Any old business?

20 New business, one of the things that  
21 I would like to bring up for a board  
22 discussion is -- involves the Mayor's  
23 program that he announced several -- a  
24 couple months, several months ago, in which he  
25 transferred -- in which he basically, for

1 a short period of time, transferred high-  
2 level commissioners -- First Deputy  
3 Commissioners to other departments. Our  
4 First Deputy --

5 MS. THOMPSON: Meera.

6 THE CHAIR: -- Meera Joshi was  
7 transferred for a few weeks to the  
8 Commission on Human Rights and one of  
9 their Deputy Commissioners, Lee Hudson,  
10 was transferred to CCRB for a few weeks.  
11 At the end of that, each of the Deputy  
12 Commissioners were responsible for making  
13 recommendations to the Mayor about what  
14 they thought could be improvements in the  
15 other agency.

16 What I would like to discuss today  
17 is one of the recommendations that the  
18 First Deputy from the Commission on Human  
19 Rights made. I'll kind of read it --  
20 I'll capsulize it for you. And this was  
21 based on, basically, what the Commission  
22 on Human Rights does with their  
23 investigation and their cases --  
24 investigations in their cases.

25 "CCRB currently does not

1 differentiate between a complaint and a  
2 case. Complaints do not become  
3 investigatable until the complaint comes  
4 in for an in-person -- the complainant  
5 comes in for an in-person interview and  
6 signs a verification agreement which begins  
7 the investigation. Sixty-five percent of  
8 complaints to the CCRB never make it to  
9 case status because the complainants  
10 either never come in for the interview or  
11 end up withdrawing their complaints."

12 And some of the suggestions that she  
13 makes, "Start making it clearer to  
14 complainants that the complaints will not  
15 be investigated until they come in for  
16 the interview and sign the verified  
17 statement. Stop requesting documents  
18 from the NYPD until the complainant comes  
19 before the -- until the complaint becomes  
20 a case. Stop forwarding thousands of  
21 complainants -- of complaints that have  
22 not yet become cases to the CCRB board  
23 for review. Start offering complainants  
24 MetroCards, like the DAs do for NYPD  
25 complaints, to get more of them to the

1 office. Limit the number of phone calls  
2 and letters they send to complainants to  
3 remind them that they have to come to the  
4 CCRB office to complete the complaint  
5 process before their complaint becomes a  
6 case."

7 So basically, this is -- and she  
8 makes other recommendations that actually  
9 I think that we're doing already.

10 MS. THOMPSON: Yes, that's true.

11 THE CHAIR: And I want to discuss  
12 this, not so much that I or anybody else  
13 on the board agrees with the  
14 recommendations but I do want to make --  
15 have a public discussion as to what the  
16 board thinks about these recommendations.  
17 As I said, I think she based a lot of her  
18 recommendations on what the Commission on  
19 Human Rights does which, while it's an  
20 investigative agency, it's not the quite  
21 the same -- doesn't have the same mandate  
22 that we do.

23 So, I'd like to open up to the board  
24 to see if they have any comments, yes, sir.

25 MR. KUNTZ: Have the recommendations



1           been circulated to all the members of the  
2           board, Mr. Chairman?

3           MS. THOMPSON: They're in the  
4           Executive package.

5           THE CHAIR: Yes.

6           MR. KUNTZ: I didn't hear you.

7           MS. THOMPSON: They're in the  
8           Executive package today.

9           MR. KUNTZ: They're in the Executive  
10          package today but this is the first time  
11          we're seeing them. What I would suggest  
12          is that unless there's some reason not to  
13          make them public, that we circulate them  
14          to all the members of the board, put them  
15          on our website and ask for public comment  
16          and I would be happy to give you the benefit  
17          of my thinking. I'm sure all the  
18          Commissioners would with the input from  
19          the public as well, with respect to these  
20          steps.

21          On the one hand, I think, especially  
22          at times of fiscal cutbacks, we have to  
23          be more efficient in how we do our  
24          business.

25          On the other hand, I don't want

1           there to be any undermining of -- or any  
2           chilling effect of the people in the  
3           public who wish to make complaints, with  
4           respect to the police, feeling that  
5           unless they come down, sign a  
6           verification from the get-go, that  
7           nothing's going to happen with their  
8           complaint.

9           I don't understand you to be  
10          suggesting that that would be how we'd  
11          proceed, but I think it's important that  
12          we not let the current fiscal situation  
13          to undermine the transparency. This  
14          board have never required the signing of  
15          a verification to open a complaint or to  
16          lodge a complaint against a police  
17          officer and to have an untoward chilling;  
18          filing a complaint would be something I  
19          would be concerned about.

20          On the other hand, multiple letters,  
21          multiple phone calls, especially in the  
22          age of e-mail, might not be the best use  
23          of our time. These regulations were put  
24          in back in the late '80s. I know because  
25          I was here when this happened, at a time

1 well before the Internet, well before e-  
2 mails and well before you could have  
3 almost instantaneous communication with  
4 complainants. We didn't have 311. We  
5 didn't have e-mails and so forth.

6 So, if you would circulate those  
7 recommendations to the board and to the  
8 public and by public comment, and I think  
9 we can have a focused discussion about  
10 how we should modify our procedures to  
11 ensure the complaints are lodged in  
12 without chilling the public, on the one  
13 hand, but on the other hand, to make sure  
14 we're not simply sending letters and  
15 spending money into nowhere, which I  
16 think is a bit of a concern.

17 THE CHAIR: Noted. Any other?

18 I think that one of things that I --  
19 while we always have to be cognizant of  
20 the budget situation, I agree with you,  
21 Commissioner, that I don't want this to  
22 necessarily be a part of the budget  
23 reduction plan. I think -- I agree with  
24 you wholeheartedly. I think like any  
25 agency, we have to look at any

1 efficiencies we can achieve.

2 And I don't want this -- again, I  
3 don't want this to be dependent on the  
4 budget. If it has a favorable impact on  
5 the budget, so be it. But I don't think  
6 that's our main motivation. So I  
7 definitely agree with you there.

8 MR. KUNTZ: Thank you, sir.

9 THE CHAIR: And I will -- I think  
10 it's a good idea. I would ask the First  
11 Deputy to prepare a -- put this on the  
12 website and invite public comment on this  
13 particular issue. I think it's  
14 important. I think it's something  
15 that -- it goes to the heart of why I  
16 think we're here in terms of making sure  
17 that the public has the right to be heard  
18 when they have a complaint about the way  
19 that they were treated by a member of the  
20 police department.

21 So, I want this to be as transparent  
22 as possible. It will -- obviously, if we  
23 did modify the way we note cases,  
24 obviously, it's going to have an impact  
25 on our statistics. And so therefore I

1 would want that to be a very visible  
2 way -- I would want that to be done in a  
3 very visible way. Yes?

4 MR. SIMONETTI: Mr. Chair, if Meera  
5 could add to that memo that she's going  
6 to send out, can you tell us what the  
7 mandate is that the Human Rights  
8 Commission in terms of is it the same as  
9 ours, is it different from ours; I got a  
10 sense that it may be different from ours,  
11 that they can handle cases and  
12 investigations differently. So, if we  
13 can know that with that memo, that would  
14 be good.

15 THE CHAIR: Yes. Anything further?

16 MS. THOMPSON: The Bishop just came.

17 THE CHAIR: Any other new business?  
18 Public comment. Mr. Engel?

19 MR. ENGEL: Yeah, just a quick  
20 question. Either -- I'm just wondering  
21 either in the forthcoming annual report  
22 or in some other document that you  
23 produce, will you have complaints and/or  
24 substantiated cases broken down by  
25 anything other than precinct? For

1 instance, by --

2 MS. THOMPSON: Why don't you come  
3 up.

4 THE CHAIR: Can you come up here?  
5 We couldn't hear you.

6 MR. ENGEL: Sure.

7 THE CHAIR: Mr. Engel represents  
8 the -- you can use that one over there --  
9 the Citizens' Union.

10 MR. ENGEL: I'm just wondering  
11 either in the forthcoming annual report  
12 or in any other document that you  
13 produce, will either complaints or  
14 substantiated cases or both be broken  
15 down by anything other than precinct?  
16 For instance, broken down by zip code or  
17 by councilmanic district --

18 MS. THOMPSON: No.

19 MR. ENGEL: -- something of that  
20 nature?

21 MR. KUNTZ: Could you repeat the  
22 question? I think the question was  
23 whether complaints would be broken down  
24 by categories other than precincts --

25 MR. ENGEL: Categories other than

1 precincts, correct.

2 MR. KUNTZ: -- or zip codes or  
3 community boards or anything else.

4 MR. ENGEL: Correct.

5 MR. KUNTZ: So --

6 MS. THOMPSON: Not to my knowledge.

7 MR. KUNTZ: Why don't you --

8 MS. THOMPSON: We are not reporting it  
9 that now but Marcos do you want to elaborate?

10 (Ms. Thompson conferring with Mr.  
11 Soler)

12 MS. THOMPSON: We have other  
13 demographic information but it will not  
14 be disseminated in the annual report. We collect  
15 that kind of information in the data bank --  
16 in our database but also, for an annual  
17 report, you can't -- it gets to be much  
18 too lengthy if you break down  
19 everything -- every single complaint into  
20 every single category either as to zip  
21 code or, for instance councilmanic district  
22 and other indexes. So we have -- I know we  
23 have it by zip code. I don't know if we  
24 have it by councilmanic district, but we  
25 do have it by zip code.

1           MR. SIMONETTI: I'm sure you're well  
2           aware that the -- in Brooklyn, that the  
3           community districts are coterminous with  
4           the police precincts. So, I think to go  
5           to zip codes would create some problems,  
6           probably more so for the police  
7           department than for us in terms of  
8           keeping statistics. I think everybody  
9           understands within the -- because they're  
10          coterminous it's a lot easier. Certainly  
11          for me, anyway. I think for other board  
12          members who have been on the board for  
13          some time to know where the complaints  
14          are occurring.

15          MR. KUNTZ: To give you an example  
16          of a Brooklyn example, the 76 Precinct  
17          and the 84 Precinct are both part of  
18          11201 zip code. So if you were to put  
19          the zip code in --

20          MS. THOMPSON: It wouldn't benefit you.

21          MR. KUNTZ: -- you would actually be  
22          getting less information about where the  
23          occurrences of the complaints are flowing  
24          than if you broke it out by precinct. I  
25          think that was what Mr. Simonetti was



1 saying.

2 MR. SIMONETTI: And not only that,  
3 but if you take that example in the 76  
4 and the 84 Precinct belong to two  
5 different borough commands in the police  
6 department. One is in Brooklyn South and  
7 one is in Brooklyn North. So I think  
8 that further exaggerates --

9 MS. THOMPSON: Exacerbates.

10 MR. SIMONETTI: -- the situation.  
11 So I think keeping the way it is, is  
12 probably the way to go.

13 MR. ENGEL: Okay, thank you.

14 MS. THOMPSON: Yes.

15 THE CHAIR: Mr. Dunn?

16 MR. DUNN: Okay, a good morning.

17 MS. THOMPSON: Morning.

18 MR. DUNN: And a good morning to the  
19 back benchers back there. Let me first,  
20 I guess, start with the piece of good  
21 news, since we complain about this  
22 regularly. I notice the DUP rate is way  
23 down and that's terrific. Do we have any  
24 idea why the DUP rate is down the way  
25 that it is?

1           MS. THOMPSON: They're not DUPing  
2 cases; that's it. In addition, we're working  
3 with them and we're -- you know, we continued  
4 meeting with them and conferring, talking to them  
5 about the cases and other issues, but as to the  
6 actual numbers why, no, we don't know.

7           MR. DUNN: All right. And has there  
8 been any suggestion by the department,  
9 because they have used this to justify  
10 the very high DUP rate in the past, that  
11 suddenly the investigations have gotten  
12 much better in quality?

13          THE CHAIR: Well, I don't know if  
14 there's been a discussion. I think that  
15 there has been an emphasis on presenting  
16 the cases a little bit better. I think  
17 they're written better and I think that  
18 it's easier to follow. I think the  
19 Executive Director and the First Deputy  
20 have spent a lot of time in improving,  
21 not -- the quality, of course, of the  
22 investigation is always an issue but the  
23 way they present it is also an issue. As  
24 a former prosecutor, the way you present  
25 the case is the way you get results.

1 MR. DUNN: Okay.

2 THE CHAIR: And I think that in  
3 part, not that the police department has  
4 confirmed this, but it's my opinion that  
5 in large part, the quality of the work  
6 presented has improved, and I think  
7 that's a contributing factor.

8 MR. DUNN: Okay. Well, again, I  
9 think it's terrific and to the extent  
10 that things that you were doing to  
11 improve the presentation, other aspects  
12 of the cases that are going over there,  
13 good for you guys.

14 You know, I'm not sure that can  
15 explain going from a third of the cases  
16 to six percent but -- and I suspect the  
17 department has gotten the message about  
18 some of the public outcry about the cases  
19 they're dismissing but to the extent that  
20 you have contributed to that, I think  
21 that's terrific. And to the extent the  
22 department is DUPing fewer cases, I think  
23 that's very much a step in the right  
24 direction.

25 I do note that pretty much the only

1 form of discipline are instructions,  
2 which we don't particularly consider to  
3 be discipline at all. And I think that  
4 continues to be a concern but the decline  
5 in the DUP rate is a terrific thing.

6 All right, so much for the good  
7 news. I notice in the report -- one of  
8 the most striking things in the report is  
9 what seems to be the burgeoning backlog  
10 at the board level. It now has a  
11 plurality of the cases and nearly a  
12 majority of the cases in the agency are  
13 at the board, awaiting review. And I  
14 mean, Joan, you acknowledged you are now  
15 up to forty-eight percent of the cases  
16 are at the board. Is there any kind of  
17 explanation of what's going on or any  
18 explanation of how that's going to get  
19 resolved? Because that's an enormous  
20 number that are now sitting, waiting for  
21 board review.

22 THE CHAIR: I can't give you a  
23 specific reason as to why that might be.  
24 However, we continue to try to move the  
25 cases as expeditiously as possible.

1           There are various reasons, none of which  
2           are the same, but it's an issue that we  
3           have to deal with.

4           MR. DUNN: Okay. Ernie, you  
5           mentioned that you had some discussions  
6           with Speaker Quinn and Mr. -- Council  
7           Member Vallone about the administrative  
8           prosecution transfer and some of the  
9           budget implications for that. Has there  
10          been any specific progress in terms of  
11          working out logistical details for the  
12          department, assuming you get the  
13          resources that actually have you take on  
14          the prosecutorial responsibility that's  
15          contemplated by the agreement?

16          THE CHAIR: I think that we have  
17          to -- it has to be in conjunction with  
18          the budget.

19          MR. DUNN: Um-hum.

20          THE CHAIR: 'Cause that will  
21          obviously control what exactly is going  
22          to happen.

23          MR. DUNN: Okay. I take it  
24          Commissioner Kelly hasn't volunteered  
25          some dollars from his budget for you

1           guys?

2                    Okay. In terms of the annual  
3           report, Jim, you mentioned that you were  
4           working on that. I --

5                    MR. DONLON: Well, the staff is  
6           working up the statistics is what I'm told

7                    MR. DUNN: Okay.

8                    MR. DONLON: -- what I was told.

9                    MR. DUNN: And, you know, I  
10          mentioned this at the last meeting about  
11          the timing of the semiannual report and I  
12          know that the response was, "Well, it  
13          came out pretty much the same time as the  
14          prior year's semiannual report." I  
15          understand that. That does not address  
16          our concern, however, about how long it  
17          is taking to get out that report,  
18          particularly since that has become a much  
19          more streamlined report than it used to  
20          be.

21                    And I know that you're under a lot  
22          of pressure and I realize there are  
23          staffing issues but I do think that you  
24          need to understand, and I'm sure that you  
25          do understand, that when a report is

1 coming out for a period that ended nine  
2 months earlier, it has much limited --  
3 much more limited utility than if it's  
4 coming out in a more contemporaneous  
5 fashion. And I think it just needs to be  
6 a priority for the agency. And I think  
7 your reporting is very good. I regularly  
8 am commending the CCRB in this --  
9 particularly in this area about the  
10 quality of your reporting, which I think  
11 is quite good.

12 But the timing of the semiannual and  
13 annual reports has really been a problem.  
14 And since the issue at the annual report  
15 has come up, I really would encourage you  
16 to make sure that as expeditious as  
17 possible, that report gets out so it has  
18 some currency to it when it does come  
19 out.

20 I notice in the outreach report that  
21 there was an event in which several board  
22 members attended. And I think that's  
23 terrific. I've -- we have been  
24 commenting on that. I hope that  
25 continues to be a priority for members of

1           the board to try to participate in some  
2           outreach events. I know that having this  
3           meeting here is intended to be an effort  
4           at outreach. I must say that I have very  
5           ambivalent feelings about having board  
6           meetings during the workday in the  
7           boroughs, in a borough office like this.  
8           I'm not sure how much that actually is an  
9           effective form of outreach and I think  
10          the attendance is somewhat a reflection  
11          on that.

12                 I think that if you were going to  
13          really, as part of outreach, try to move  
14          board meetings outside of 40 Rector  
15          Street, which I think may be fine, I  
16          really think you need to consider whether  
17          or not there's a different locale or a  
18          different time of the day when this could  
19          happen because I just think it's not  
20          realistic to expect the community to show  
21          up in a venue like this, at the time  
22          during the workday like this, in any  
23          significant numbers.

24                 And the final thing I wanted to  
25          mention was the recommendation, Ernie,



1           that you raised that had come from the  
2           Commission on Human Rights about,  
3           essentially, the truncated cases. And  
4           I'm happy to hear you raise that. As you  
5           know, in a different form, we have been  
6           raising issues about the truncated cases  
7           for a very long time. I was disturbed to  
8           hear that basically all the  
9           recommendations essentially accepted the  
10          notion that the truncated cases were a  
11          product of some problem with the  
12          complainant and that the solution was to,  
13          essentially, truncate further the process  
14          by which you truncated a case.

15                 The one recommendation I heard about  
16          facilitating the progress of the  
17          investigation was providing MetroCards to  
18          complainants. I think the board has got  
19          to take seriously -- and I'm using much  
20          more public discussion about what is  
21          going on with the truncated cases. As  
22          you know, we're around sixty-five  
23          percent. That's, I think, something like  
24          4,000 cases last year that were  
25          truncated. And I am not saying and I am

1 not suggesting that all or most of those  
2 truncations were the result of the board  
3 or the fault of the board.

4 What I am saying is I think we all  
5 understand that for a complainant who is  
6 likely to file a CCRB complaint, to have  
7 to go through the process that now  
8 exists, imposes a substantial burden on  
9 complainants. Basically, if you're in  
10 The Bronx and you file a complaint, you  
11 have to come to 40 Rector Street during  
12 the workday and come in and have an  
13 interview and that's a lot to put on  
14 people. And I'm not saying it's  
15 inappropriate to have people come in and  
16 give in-person sworn complaints, but  
17 there are a lot of different ways to  
18 facilitate that than the current scheme.

19 And I think if the board is going to  
20 look seriously at truncated cases, which  
21 it should, it has to look very seriously  
22 at what it can do to make it easier for  
23 complainants to do what you feel that  
24 needs to be done to proceed with an  
25 investigation. And just offering a

1 MetroCard, I don't think, comes close to  
2 doing enough.

3 I know, for instance, that there has  
4 been a lot of resistance on this board  
5 about the notion of being in the  
6 community, physically. But I see no  
7 reason, for instance, why you cannot  
8 have, on some sort of regular basis, a  
9 staff member going to a Council member's  
10 office during the workweek or even during  
11 the evenings, on occasion, to meet with  
12 complainants and take their complaints.  
13 It would not necessarily entail any cost.  
14 I'm sure Council members would be happy  
15 to do it and it would make it much,  
16 much easier for a complainant to go  
17 through the steps that you want them to  
18 go through.

19 And in particular -- and one of the  
20 things that I note from the semiannual  
21 report, which I think has been a very  
22 helpful change in the semiannual report,  
23 you now have this very nice map of where  
24 complaints are coming from. It's not  
25 that difficult to figure out, maybe,

1           where the ten places in the city are  
2           where you might want to have some  
3           physical presence so that people, instead  
4           of having to come all the way into 40  
5           Rector Street during the workday, could  
6           come to a Council member's office or some  
7           similar city office and actually do the  
8           formal complaint process that you want  
9           done.

10                 So, as we go forward -- I mean,  
11           we'll be talking about this, of course,  
12           but I really want to encourage all of you  
13           in thinking about the truncated case  
14           problem that this recommendation raises.  
15           To be thinking first and foremost what do  
16           we need to do to make it as reasonably  
17           easy for a complainant to go through the  
18           process, in addition to figuring out what  
19           you can do to deal with people who really  
20           are never going to follow through with  
21           the process.

22                 THE CHAIR: Well, I will note,  
23           again, Commissioner Kuntz's suggestion  
24           that we basically open it up for  
25           suggestions, which I again reiterate is

1 an excellent recommendation. And  
2 hopefully, as we all know, we are here  
3 because of the public and public concerns  
4 about their police department. And I  
5 think it's certainly right for members of  
6 the public, like you and every other  
7 concerned citizen, to comment on issues  
8 like that. So, again, when we do that  
9 and solicit public opinion, we'll have  
10 the opportunity to discuss this again in  
11 public.

12 MR. DUNN: Well, I understand that.  
13 The larger point I'm making is in terms  
14 of your deliberations. I want to make  
15 sure people are focusing not just on  
16 making the process more efficient from  
17 your side in terms of getting rid of  
18 cases they're going to truncate but are  
19 focusing just as much, if not more, on  
20 what can be done to improve the process  
21 so complaints are not unnecessarily being  
22 truncated because of the burden created  
23 by the process itself.

24 Thank you.

25 THE CHAIR: Yes, sir?

1           MR. O'GRADY: Thank you, Mr.  
2           Chairman. My attorney -- he told me to  
3           tell the investigator assigned to me that  
4           he wanted to partner with her. Is there  
5           any reason why I feel strongly that she  
6           turned this incident into a racial -- she  
7           made herself unavailable to the attorney.

8           I don't know if everyone knows but  
9           according to the Smithsonian Magazine,  
10          indoor plumbing was introduced in this  
11          country in the year 1835. It caused a  
12          wild sensation like the -- much like the  
13          horseless carriage. You know, the -- a  
14          plumbing -- a plumbing contractor was --  
15          that's why I'm here.

16          THE CHAIR: So -- Mr. O'Grady, let  
17          me ask one of our investigators to speak  
18          to you so you can discuss this further.

19          Any other comments?

20          (No audible response)

21          Thank you. Meeting is adjourned.

22          (Proceedings concluded at 10:46

23          a.m.)

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

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I, Jason Gottlieb, Electronic Court

Reporter and Notary Public, do hereby certify

that the foregoing witness whose testimony as

herein set forth, was duly sworn on the date

indicated, and I was present during the

entirety of the foregoing proceedings, and

that I caused to be recorded a true, complete

and verbatim recording of the proceedings via

digital means.

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:

April 22, 2010.

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

I, Sara Bernstein, 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:  
April 22, 2010.

\_\_\_\_\_

Sara Bernstein



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

5 May 12, 2010  
6 10:19 a.m.  
7 Queens Borough Hall  
8 120-55 Queens Boulevard, Suite 213  
9 Kew Gardens, New York 11424

10

11 ERNEST F. HART, ESQ., CHAIR  
12 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

13 PUBLIC MEETING AGENDA:

- 14 1. Call to Order
- 15 2. Adoption of April Minutes
- 16 3. Report from the Chair
- 17 4. Report from the Executive Director
  - 18 a. Budget
  - 19 b. National Institute of Justice --
  - 20 Grant Proposal
- 21 5. Committee Reports
- 22 6. Old Business
- 23 7. New Business
- 24 8. Public Comment

25 Reported By: Jason Gottlieb

1

2 BOARD MEMBERS PRESENT WERE:

3

4 DANIEL D. CHU, ESQ.

5 JAMES DONLON, ESQ.

6 DR. MOHAMMAD KHALID

7 WILLIAM F. KUNTZ II, ESQ.

8 MICHAEL MCCANN, ESQ.

9 MARY E. MULLIGAN, ESQ.

10 TOSANO J. SIMONETTI

11 BISHOP MITCHELL G. TAYLOR

12 YOUNGIK YOON, ESQ.

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1           THE CHAIR: All right. I guess we  
2           can get started. The first order of  
3           business is the adoption of the minutes  
4           from the last meeting. Is there a  
5           motion?

6           MR. DONLON: So moved.

7           MR. SIMONETTI: I have a question --

8           THE CHAIR: Yes.

9           MR. SIMONETTI: -- Mr. Chairman. I  
10          had asked a question -- when the city  
11          swapped first deputy commissioners with  
12          different agencies, we had the young lady  
13          from the Human Rights Commission. I know  
14          she wrote a report. And my question was,  
15          is the mandate of the Human Rights  
16          Commission the same as the Civilian  
17          Complaint Review Board?

18          THE CHAIR: No. But what we will  
19          do, Commissioner, is that when we discuss  
20          old business --

21          MR. SIMONETTI: Right.

22          THE CHAIR: -- I think that's a  
23          proper place to discuss that.

24          MR. SIMONETTI: Okay.

25          THE CHAIR: Okay?

1 MR. SIMONETTI: Thank you.

2 THE CHAIR: Any further discussion?

3 Did I hear a second?

4 MR. CHU: Second.

5 THE CHAIR: All in favor.

6 IN UNISON: Aye.

7 THE CHAIR: Any opposed?

8 (No response)

9 THE CHAIR: So moved. We'll go a  
10 little out of order and have at least  
11 the -- have one of the speakers go with  
12 the speaking section now. If that's  
13 okay. And then I'll give you the  
14 opportunity to speak later too if you  
15 wish. Mr. O'Grady, would you like to say  
16 something?

17 MR. O'GRADY: Oh, yeah. I thought  
18 usually Mr. Dunn goes ahead first.

19 THE CHAIR: No, but we're chivalrous  
20 here.

21 MR. O'GRADY: I just wanted to point  
22 out that the revisiting use of the word  
23 "bull" in regard to the police  
24 colloquially speaking. One of the senior  
25 tenants in the building pointed out to me

1           that the two women who occupy one of the  
2           apartments, they were, in fact, lesbians.  
3           This was a senior tenant. He raised his  
4           family in the building and the -- you  
5           know, the word bulldagger, it refers to  
6           the female playing -- taking the part of  
7           the male.

8           THE CHAIR: Mr. O'Grady. If you  
9           would like to discuss this further, I  
10          would ask that you talk to one of our  
11          investigators.

12          MR. O'GRADY: But my att-- I have an  
13          attorney who --

14          THE CHAIR: I understand, so if you  
15          would -- somebody could escort Mr.  
16          O'Grady and speak to him about this,  
17          please? Thank you. Take him.

18          You want to speak now, Mr. Dunn?

19          MR. DUNN: You know I'd be happy to  
20          have two opportunities to talk, but I  
21          just want to make sure -- do you want to  
22          talk about this truncated case, proposal  
23          in other words? Is the notions that we  
24          would talk about but talk about first?

25

THE CHAIR: We're going to talk

6

1

about that later.

2

MR. DUNN: All right. Well, I think

3

most of the comments I'm going to have

4

are about that.

5

THE CHAIR: We could have it later

6

then.

7

MR. DUNN: Okay.

8

THE CHAIR: Next item on the agenda

9

is the budget. First of all, I would

10

like to thank the Executive Director

11

particularly and the Deputy Executive

12

Director for Administration for the

13

outstanding work they performed in

14

presenting and supporting and advocating

15

for CCRB's budget and the Executive

16

Director will go into that a little

17

further when she makes her report. But

18

basically the last round of PEGs, as it

19

were, were eliminated -- were mitigated,

20

were -- so basically the CCRB and, as I

21

said, the Executive Director will go into

22

it a little bit further, will be hiring a

23

certain amount of people in the next

24

several months. So I think kudos for

25 staff for really doing an outstanding job

7

1 in a very difficult situation.

2 MS. KUNTZ: Mr. Chairman, I must  
3 concur with what you've said. In the  
4 twenty-three years I've been on the Board  
5 I've seen budget cycles come and go, many  
6 mayors, many challenges both to the  
7 mayoralty and the City Council, and our  
8 Executive Director and the senior staff  
9 have done a superb job in securing the  
10 resources that the agency needs to  
11 continue its mission. So, I thank the  
12 leadership of the Chair and more  
13 particularly the leadership of our  
14 Executive Director in doing a fine job in  
15 difficult, difficult circumstances. Well  
16 done, Joan.

17 MS. THOMPSON: Thank you.

18 THE CHAIR: Further comments? As I  
19 said in the beginning we will talk a  
20 little bit more about the matter that's  
21 on our web site that we talked about last  
22 meeting. Next item is the report from  
23 the Executive Director.

24 MS. THOMPSON: Okay. Since we  
25 already started with the budget I will say

1 a little bit more about the budget.

2 We have been excused from our PEG;  
3 the PEG was 896,000 dollars. So for us,  
4 that allows us to hire some  
5 investigators, both now and after July 1  
6 with the new fiscal year. It raises our  
7 current budget to -- right now our budget  
8 is \$9,616,000. It will raise the budget  
9 on July 1st to \$10,270,000. We have also  
10 received money for the prosecution unit;  
11 we received 366,000 dollars, which will  
12 allow us to hire one special counsel, one  
13 line attorney, one attorney to backfill  
14 for the team attorneys, and one clerical  
15 and one Level II Investigator. And that  
16 we've already posted the job descriptions  
17 on the web site and we will begin the  
18 interviewing process shortly.

19 THE CHAIR: Now, may I ask; the --  
20 one of the items -- and of course the  
21 budget's not final yet. But one of the  
22 items that was funded was the  
23 Prosecution --

24 MS. THOMPSON: Um-hum.

25 THE CHAIR: -- Unit. As all of you



1 know, I had an agreement in principle  
2 with the Police Commissioner that we will  
3 start on a trial basis trying some of the  
4 CCRB substantiated cases in the Police  
5 Department Trial Room. So if you can,  
6 just for a second, focus in -- focus us  
7 on where that is now in terms of the  
8 discussions; I mean, we didn't have  
9 discussions before because of the budget  
10 and whatnot, we kind of stopped it.

11 MS. THOMPSON: Well, since we just  
12 were notified about the budget there have  
13 not been any successive meetings with the  
14 police department, but I certainly will  
15 strive to have them and we'll start  
16 putting the process in place. As I said,  
17 we are also in the process of beginning  
18 the interviewing process to hire for  
19 the -- particularly the first, the  
20 special counsel; that's probably the most  
21 important slot. And so once that's under  
22 way, we will be able to have more  
23 substantial conversations with the police  
24 department.

25 THE CHAIR: Okay. Thank you.

1 MR. SIMONETTI: Mr. Chairman.

2 THE CHAIR: Yes, Commissioner.

3 MR. SIMONETTI: I understood also  
4 that beside being second seat at the  
5 trial room on the cases that we get  
6 invited in, we're now also sitting in on  
7 negotiated pleas? Is that true?

8 MS. JOSHI: Yeah, we participated in  
9 negotiations for the cases that are  
10 designated for the second seat project  
11 now.

12 MR. SIMONETTI: So we do get  
13 involved in negotiations?

14 MS. JOSHI: Yes.

15 MR. SIMONETTI: Good. Okay.

16 THE CHAIR: Anything further?

17 MS. THOMPSON: Okay. And for -- the  
18 budget hearing for us will be on June  
19 3rd, which is Thursday, at -- in the City  
20 Council at 1:45. So anybody who would  
21 like to attend; and both the Chair and I  
22 will give testimony at that time.

23 In April 2010, the CCRB received 576  
24 complaints, or 107 fewer complaints than  
25 it received in April of 2009, when the

1 agency received 683 complaints. This  
2 represents a sixteen percent decrease in  
3 complaint activity. In the first four  
4 months of 2010, the Board has received  
5 2,132 complaints or 605 fewer complaints  
6 than it received in the same period of  
7 2009; a twenty-two percent decrease in  
8 complaints.

9 The Board closed 1,095 cases. Year-  
10 to-date the Board has closed 2,434 cases.  
11 Of the year-to-date Board closures, 900  
12 cases were full investigations, and 1,456  
13 were closed as truncated cases. The CCRB  
14 mediated eleven cases in April for a  
15 total of fifty-three mediations year-to-  
16 date. The substantiation rate is ten  
17 percent. The truncation rate is sixty  
18 percent.

19 Year-to-date, the CCRB substantiated  
20 89 cases involving 167 allegations  
21 against 121 officers. With the Board  
22 closing this month more cases than it  
23 received, the agency's open docket shows  
24 a fourteen percent decrease in relation  
25 to the previous month's open docket. The

1 docket stands at 3,038 cases. About  
2 ninety-four percent of our open  
3 investigations were filed within the last  
4 year. Of the open cases, 1,206 cases are  
5 awaiting panel review, or forty percent  
6 of the open cases. 1,588 cases are also  
7 currently being investigated, and 244  
8 cases are in the CCRB's mediation  
9 program.

10 In March 2010, the police department  
11 disposed of seventeen cases. Thirteen  
12 officers received disciplinary action,  
13 three did not receive any, and one case  
14 against an officer was closed as filed,  
15 which means that the officer retired.  
16 The department negotiated guilty charges  
17 against an officer, closed one case as  
18 statute of limitations expired, and two  
19 cases as unable to prosecute, and it  
20 disciplined twelve officers with command  
21 discipline and instructions. The  
22 discipline rate was eighty-one percent.  
23 Year-to-date the discipline rate is  
24 eighty-eight percent. The year-to-date  
25 discipline declined to prosecute rate is

1 now eight percent.

2 I would also like to talk about  
3 three trends that we see that are now  
4 appearing in CCRB that we think are very  
5 important. The first trend is that the  
6 number of full investigations referred to  
7 the Board for its review has increased by  
8 twenty-five percent and the number of  
9 truncated cases has declined by fourteen  
10 percent. From January to April of 2009,  
11 the truncation rate was sixty-seven  
12 percent. For the same period of 2010,  
13 the truncation rate referred to the Board  
14 has been fifty-eight percent. These  
15 figures suggest that a positive change in  
16 the truncation rate, which has been a  
17 long concern of the Board, is now taking  
18 effect.

19 The second trend is a significant  
20 increase in the number of cases referred  
21 to mediation. From January to April of  
22 2009, the investigative team referred 124  
23 cases to mediation. For the same period  
24 of 2010, the investigative teams have  
25 referred 224 cases to mediation. The

1 result is an eighty-one percent increase  
2 in the number of referrals to mediation.

3 The third trend is a significant  
4 decrease in the open docket for both the  
5 investigators and the caseload. With an  
6 agency-wide open docket below 1600, and a  
7 stable head count, we are confident that  
8 by the end of the year the average number  
9 of days to close a fully-investigated  
10 case will also fall. So I would like to  
11 thank the managers and the investigative  
12 staff for a very productive first four  
13 months of the year, in the midst of many  
14 changes and the complex budget scenario  
15 that's been occurring. So most of the  
16 managers are here, so thank you very much  
17 and to your staff.

18 Also, just to let everyone know that  
19 we have also just submitted a grant to  
20 the National Institute of Justice. We  
21 will be competing nationwide; there's  
22 only eight grants that will be funded, so  
23 we keep our fingers crossed, but we  
24 submitted our proposal for \$600,000 for a  
25 two-year period. And the proposal will

1 be evaluating our mediation program.  
2 There are three major components of the  
3 grant, one is to look at the officers who  
4 participate in mediation, if they have a  
5 lower recidivism rate than the officers  
6 who do not participate; the second one is  
7 the satisfaction of officers with the  
8 mediation process and the third we will  
9 be doing a cost-benefit analysis of  
10 mediation versus investigation. That's  
11 it.

12 THE CHAIR: Any comments? And the  
13 next item on the agenda is committee  
14 reports. I believe the annual report.

15 MS. THOMPSON: The annual report, I  
16 expect the first draft by the end of the  
17 week on my desk; we've been working away  
18 quite hard to get this done. So the  
19 first draft is expected by the end of the  
20 week on my desk.

21 THE CHAIR: Will you give it to  
22 the --

23 MS. THOMPSON: And then at that  
24 point I will share it with the Reports  
25 and Recommendations Committee, which is

1 Jim, Dan and Mary I believe.

2 THE CHAIR: Right.

3 MS. THOMPSON: Yes.

4 THE CHAIR: The other committee  
5 reports?

6 BISHOP TAYLOR: For the Outreach  
7 Committee, we have conducted outreach  
8 meetings since January 7th, concluding up  
9 to date April 28th and Dawn Fuentes, who  
10 I don't see here --

11 MS. THOMPSON: No, she's at  
12 another outreach.

13 BISHOP TAYLOR: She's been doing --  
14 I want to just note for the record that  
15 she has probably been juggling about five  
16 or six jobs, and one of which is the job  
17 of coordinating these outreach meetings  
18 with the community, but they've been  
19 tremendously successful, and I attended a  
20 couple and --

21 THE CHAIR: Bishop, could you give a  
22 little example of where those are and --

23 BISHOP TAYLOR: Well, one we had in  
24 a public housing development in Queens;  
25 we had about fifty or sixty residents.



1 We've had them in high schools in  
2 Brooklyn; we've had them at a couple of  
3 NYCHA facilities in Brooklyn and The  
4 Bronx. Places that -- the not -- the  
5 unusual places that, you know, you  
6 wouldn't normally think we might reach out to,  
7 but we're trying to reach people that might not know  
8 know about the CCRB, don't know about CCRB, educate  
9 them on what the process is and what  
10 their rights are as citizens if they feel  
11 that they've been violated and there's  
12 some very interesting questions that  
13 arise in those meetings. I think it's  
14 very informative and we're going to forge  
15 ahead for the next part of the year to  
16 schedule more meetings.

17 THE CHAIR: Connected to that, I  
18 have asked staff to look at other venues  
19 and other ways to have our board meeting,  
20 not only -- this is an attempt to  
21 certainly get out of Manhattan, but also  
22 encourage further participation of the  
23 public, to explore different venues. I  
24 think our next -- meant to go -- we're  
25 next scheduled to go to Staten Island and

1           The Bronx. As far as time goes, whether  
2           or not there's a better time that we  
3           could -- that would encourage people to  
4           attend meetings, et cetera. So I've  
5           asked staff to look at that and see if we  
6           could encourage more public participation  
7           that way.

8                    BISHOP TAYLOR: You know, Chair,  
9           we've also -- me and Dawn were talking  
10          about trying to coordinate an outreach  
11          meeting with a particular area so that  
12          the outreach meeting could almost be a  
13          real educational process for the people  
14          that could possibly attend, letting them  
15          know that in three weeks or a month the  
16          meeting is going to actually be here, but  
17          it's not a meeting to, you know, explain  
18          the parameters of what the meeting is  
19          about. It's not a meeting to vent, per  
20          se, or to -- but at least to understand  
21          the process and what happens at the  
22          public meetings. So we're trying to  
23          coordinate that too.

24                   THE CHAIR: Okay.

25                   BISHOP TAYLOR: So it'll be a

1 educational process and following with an  
2 actual meeting that the public can  
3 participate in.

4 THE CHAIR: That would seem good.

5 BISHOP TAYLOR: The only problem  
6 with that is that it probably would have  
7 to be in the evening if we want that  
8 process to work that way.

9 THE CHAIR: Certainly that's why  
10 I've asked staff to look at it, discuss  
11 it with the Board, and see where we could  
12 further encourage participation and  
13 education.

14 BISHOP TAYLOR: Um-hum.

15 THE CHAIR: Anything further? Any  
16 further committee reports?

17 Next item on the agenda is old  
18 business. Last meeting we discussed  
19 certain recommendations that were made as  
20 a result of the mayor's exchange program  
21 with the first deputies of the various  
22 agencies, and the first deputy that was  
23 assigned to us was from the Commission on  
24 Human Rights. And certain  
25 recommendations were made, and we've

1           asked for a public comment about this.  
2           Commissioner Simonetti had a question as  
3           far as how the Commission on Human  
4           Rights -- what their mandate is in terms  
5           of what they -- and how that differs from  
6           ours, which is certainly relevant in  
7           terms of recommendation. And what we've  
8           done was we've put the question in our  
9           web site. I don't think there was a  
10          strong public response to that, and I  
11          would suggest that we ask for further  
12          comment either by asking the -- asking  
13          staff to solicit the members of the  
14          Council, the citywide elected officials,  
15          such as the Public Advocate and although  
16          she's not citywide, but certainly she is  
17          citywide, the Speaker of the Council, and  
18          any other person that we can think of in  
19          terms of what they think of the proposal.  
20          And basically it's a different way of  
21          cataloguing our cases, and we would like  
22          to see, you know, what others think.

23                   The Board has no opinion one way or  
24                   the other; it may create efficiencies, it

25 may not, but before we deliberate on the

21

1 issue I would like to see what public  
2 officials and anybody else that we can  
3 think of, what they think of it. Any  
4 other -- any other old business?

5 New business? I know we kind of  
6 discussed some of the new business in the  
7 Executive Director's report and the grant  
8 is certainly new business.

9 Time for public comment. Mr. Dunn.

10 MR. DUNN: Okay. It wasn't quite  
11 the way I expected it to go, but all  
12 right. First it's always nice to hear  
13 there's good news. I think the budget  
14 information is terrific. I'd like to  
15 think that some of the public clamor  
16 about what's happened to CCRB contributed  
17 to that, but I appreciate what the staff  
18 has done. But it's terrific that you  
19 guys are averting further cuts because  
20 you got some more money. One question.  
21 Joan, you said you went from 9.6 to 10.2.  
22 Does that include the Prosecution Unit or  
23 is that money on top of it?

24 MS. THOMPSON: No, that includes.

25

MR. DUNN: That includes. Okay.

22

1 And you mentioned you're going to be able  
2 to hire more investigators. How many --  
3 and normally at a meeting you talk about  
4 what the headcount is, but I'm not sure I  
5 heard you say it today. How many  
6 investigators are you going to actually  
7 end up with in the next fiscal year given  
8 this money?

9 MS. THOMPSON: Thirteen before --  
10 during this fiscal year, so by June 30th,  
11 and we're thinking approximately another  
12 thirteen after July 1. So that's twenty-  
13 six.

14 MR. DUNN: And what would that get  
15 you up to in terms of your total  
16 investigative headcount?

17 MS. THOMPSON: 120-something, 120.

18 MR. DUNN: Okay. So does that mean  
19 you're down below a hundred now?

20 MS. THOMPSON: Now, yes.

21 MR. DUNN: Okay. In terms of Tony's  
22 question about the plea negotiations,  
23 Meera, I was unclear about that if you  
24 guys are participating in plea  
25 negotiations generally or only with the

1 cases where there's an agreement you're  
2 going to second seat the case?

3 MS. THOMPSON: Second seat.

4 MS. JOSHI: Only in the cases where  
5 we --

6 MS. THOMPSON: Second seat.

7 MS. JOSHI: -- we need to second  
8 seat.

9 MR. DUNN: Okay. And how many cases  
10 does that --

11 MS. JOSHI: Year-to-date there's  
12 been approximately thirteen cases that  
13 we've second seated.

14 MR. DUNN: Something that I think  
15 would be helpful and Ernie you were  
16 getting at this when we were asking about  
17 this reporting about it, if there was  
18 some reporting on what's happening with  
19 this project in terms of both the  
20 qualitative aspects, what you're learning  
21 about and what the outcomes are. From  
22 the reports there are not a lot of trials  
23 taking place; in fact, I'm not sure there  
24 have been any. So, I think it'd be  
25 helpful if there were some more reports

1 about that.

2 THE CHAIR: I wouldn't -- that  
3 wouldn't be a bad idea.

4 MR. DUNN: Okay. I guess about as  
5 close as we've gotten on anything so far.  
6 Even when I said something nice about you  
7 guys. You didn't even say that.

8 BISHOP TAYLOR: Well, thank you for  
9 saying something nice about us, thank  
10 you. It's so unusual.

11 MR. DUNN: Well, you know, we call  
12 it the way we see it. A lot of times  
13 it's mostly bad news, but the other  
14 things that are encouraging, I mean,  
15 certainly I will note the DUP rate -- the  
16 DUPs are way down; I mentioned this last  
17 month. You know, I think there may be  
18 lots of reasons for that, but that is  
19 significant. It looks like there's  
20 actually some more discipline that's  
21 actually being imposed also, it's not  
22 entirely instructions.

23 So it feels like in the big picture  
24 things are going in the right direction,  
25 or in a different direction they've been



1 going for a long time. So I don't  
2 disappoint you; you can rest assured we  
3 still have many, many and mostly good  
4 points, but I want to recognize that  
5 things seem to be going in a much more  
6 positive direction, and that's certainly  
7 encouraging.

8 BISHOP TAYLOR: Well, I'll savor  
9 this moment.

10 MR. DUNN: I know you will. All  
11 right. The truncated cases, I'm actually  
12 a little bit mystified -- not mystified,  
13 a little bit surprised by where we were.  
14 What I understood from the last meeting  
15 was that there was this report about  
16 these recommendations, if that's the  
17 right term, from the Deputy Commissioner  
18 who was here, and there was maybe a  
19 discussion at this board meeting about  
20 those recommendations by the Board. And  
21 I think it was Bill who suggested let's  
22 put it on the web site also so the public  
23 knows about it. I did not understand  
24 that discussion. I did not understand

25 the notice on the web site to be a formal

26

1 solicitation for -- but it seems like  
2 written comments from the public about  
3 this. And my guess is that no one  
4 else --

5 THE CHAIR: Well, to the extent that  
6 that's the case I'll ask staff to look at  
7 that and to actually correct that and to  
8 make it more inviting to -- for public  
9 comment.

10 MR. DUNN: The other thing is, I  
11 must say, Ernie, that it's a little bit  
12 hard to respond as the public in the  
13 absence of any discussion by the Board.  
14 You said you don't having any feelings  
15 about this, we just want to get the  
16 way -- we want to get some sense the way  
17 the public feels. And, you know, as you  
18 know, we like to talk about things, so we  
19 will comment, but I think it's going to  
20 be much less --

21 THE CHAIR: Are you saying they need  
22 to be contextual?

23 MR. DUNN: Well, I think it would  
24 help. I mean, for instance, my comments  
25 would certainly be influenced by what

1 board members were saying. I mean, for  
2 many of you, I mean, some people have  
3 been here for a long time, some of you  
4 are much newer. There's been a long  
5 discussion for many years about truncated  
6 cases. And you actually went through  
7 formal rule making last year about one  
8 aspect of truncated cases, mainly what  
9 cases were coming to you from staff. And  
10 there was a whole long discussion about  
11 that. That was, like, two years of  
12 discussion. And it feels a little bit --  
13 to be having a discussion about comments  
14 about someone outside the agency, about  
15 significant changes to your approach to  
16 truncated cases without hearing any  
17 discussion from board members about what  
18 they feel about that; I mean, Bill, for  
19 instance, fought mightily to prevent any  
20 significant reduction in the number of  
21 truncated cases that were coming to the  
22 Board for review. And he articulated a  
23 lot of reasons about why he felt that  
24 way, many of which we disagreed with, but  
25 at least it prompted a fair amount of

1 discussion and it made public comment and  
2 we filed formal public comments in  
3 response to the close rule. Much more  
4 productive, I think. Because we were  
5 focusing on what the Board was thinking.

6 You know, if it were the case based  
7 upon some conversation here that everyone  
8 on the Board said we are not about to  
9 adopt this basic approach, which is to  
10 address truncated cases as a problem that  
11 should be resolved by making it easier to  
12 get rid of cases as opposed to saying to  
13 us as an agency we've made more of an  
14 effort to facilitate cases, that would  
15 hugely affect the way we would respond.

16 So I'm happy to give you some  
17 comments now about what this person said,  
18 but I really feel like we're not going to  
19 be able to publicly, the NYCLU, to  
20 significantly respond until we hear some  
21 discussion by board members about their  
22 feelings about this.

23 THE CHAIR: And there will be.

24 MR. DUNN: Okay.

25 THE CHAIR: There will be

1 discussion.

2 MR. DUNN: All right. But that just  
3 means we'll do two rounds of comments,  
4 which is fine, I don't mind doing that.  
5 So let me just take a couple of minutes  
6 to respond to what is here.

7 As I think all of you know there  
8 has, for a long time, been a concern  
9 about the rising percentage of cases that  
10 are truncated. And Joan, I didn't quite  
11 understand your math about the reduction  
12 in truncated cases, but suffice it to say  
13 that for the last several years something  
14 of the magnitude of fifty-five, sixty,  
15 sixty-five percent of all complaints that  
16 have come in have gotten truncated. And  
17 that translates into, I think, last year  
18 something like 4500 to 5000 cases that  
19 never got a complete investigation. And  
20 I think for everyone that has got to be a  
21 concern, even if you think, as the police  
22 department keeps insisting, that there  
23 are a significant number of complaints  
24 that are just getting dialed in through  
25 311 and there's no real substance to

1           them. Even if you throw those out,  
2           you're tossing out 5,000 cases a year as  
3           truncated; that's a lot of cases. And  
4           last year there was a small process, two  
5           years ago it actually started, in which  
6           some people on the Board felt like you,  
7           the Board, were spending so much time  
8           looking at truncated cases and that we've  
9           looked at the Board's treatment of  
10          truncated cases that showed over a five-  
11          year period, I think, that there were a  
12          handful, three or four cases in five  
13          years, where you had actually reversed an  
14          investigator's recommendation about the  
15          disposition of a case.

16                 A decision was made by the group to  
17                 adopt a formal ruling that allowed the  
18                 staff to close cases. And there was a  
19                 lot of back and forth about that and as I  
20                 mentioned Bill significantly resisted  
21                 that. And you ultimately adopted the  
22                 rule, with some problems that you saw,  
23                 but then you essentially undermined the  
24                 rule by limiting its application to two  
25                 small categories of cases. So my guess

1 is that right now basically you're  
2 getting all the truncated cases that you  
3 used to be getting are coming through  
4 with your board packets and they're part  
5 of your panel meetings.

6 So what I see there is essentially  
7 the agency in an area of truncated cases  
8 that I think is very important, namely  
9 how much time of Board attention they are  
10 requiring. You guys have said we're  
11 going to keep plowing our time into  
12 looking at these truncated cases, even if  
13 empirically it is true, we'd never change  
14 a recommendation.

15 So with that by way of background, I  
16 was a little alarmed to see these  
17 recommendations which again are going  
18 back to look at truncated cases. And  
19 instead of saying these truncated cases  
20 are a sign there are some issues  
21 regarding investigative process that we  
22 need to address so that perhaps we can  
23 facilitate investigations, really the  
24 philosophy behind these recommendations  
25 is you just need to find out a way to get

1           rid of them faster and faster and faster.  
2           So, you know, we have to -- we will only  
3           investigate if someone comes in and files  
4           a verified statement. We will have fewer  
5           contacts and make fewer efforts.

6                   Basically the whole point of this  
7           thing is to make it easier for the staff  
8           just to get rid of cases without doing  
9           investigative work. And I can understand  
10          that for some category cases where  
11          there's an ability to determine that the  
12          case is really without merit or is not  
13          going to get pursued. My concern is what  
14          this does not reflect is any recognition  
15          on the part of -- I won't say the agency  
16          here if these are not agency  
17          recommendations at this point -- that a  
18          big part of the truncation problem may be  
19          what is the agency doing to help people  
20          pursue their complaints.

21                   And on the one hand, laudably so,  
22          you guys are going out into the community  
23          and having board meetings. And Ernie, I  
24          appreciate the fact that you are now  
25          saying you've asked the staff to think



1           about ways to structure the board  
2           meetings so that there's more public  
3           participation, which I think there's  
4           virtually none at this meeting. There's  
5           was virtually none in Brooklyn. And  
6           that's good, because you're trying to  
7           reach out. But what that is not -- what  
8           is not happening is a similar effort with  
9           the investigative process. Okay. It is  
10          still, at least as far as I understand  
11          it, every single person that files a  
12          complaint has got to come down to 40  
13          Rector Street. When you travel out here  
14          you get a little sense of what it's like  
15          to have to travel the other direction.  
16          You go to 40 Rector Street during the  
17          work day, come in, get interviewed and  
18          perhaps participate in follow-up in the  
19          course of the complaint. There are lots  
20          of things that you could be doing if not  
21          just in the vein of making it physically  
22          more convenient to people to conduct  
23          interviews.

24                   THE CHAIR: Well, I will say this,  
25          that that's not true.

1 MR. DUNN: Okay.

2 THE CHAIR: And we actually have  
3 been exploring other ways, but that's  
4 basically not true. I could ask the  
5 First Deputy Executive Director to  
6 explain what we do.

7 MS. JOSHI: Generally if someone  
8 expresses on the phone that they're going  
9 to have a hardship in traveling to 40  
10 Rector and the hardship can be, you know,  
11 physical disability, a child care  
12 problem, or their work schedule, then the  
13 investigator will make an effort to meet  
14 them at a mutually convenient spot to  
15 take the interview there rather than them  
16 coming to 40 Rector.

17 MR. DUNN: Okay. So, you guys did  
18 7,000 cases last year. How many  
19 interviews took place outside of 40  
20 Rector?

21 THE CHAIR: Listen, I don't want  
22 this to be a cross-examination.

23 MR. DUNN: Well, but Ernie, you  
24 raised the issue; you say it's not true  
25 so I'm asking --

1           THE CHAIR: I'm just saying what the  
2           staff does to counter what you said.  
3           It's not true that people have to go to  
4           40 Rector Street to file a complaint.  
5           And we are looking at ways, other ways,  
6           to -- whether it's looking at other city  
7           offices throughout the rest of the city,  
8           where complaints can be taken, where -- I  
9           mean, we're looking at all of this.

10          MR. DUNN: Well, I accept that, and  
11          I think that's -- we have recommended  
12          that, other people on the Board I think  
13          talked about it; I'm happy to hear that.  
14          But I think that if you were going to say  
15          that it's not true that we don't conduct  
16          interviews outside the office, it's  
17          reasonable to say, okay, well, how many  
18          interviews actually are getting conducted  
19          outside the office. I won't pursue that;  
20          I will accept your representation there  
21          are some. I will stand until corrected  
22          on my belief that that some is a very  
23          small number.

24          And, you know, the point is that I  
25          think that that is probably the single

1 largest impediment to people pursuing  
2 complaints, and I think that before  
3 anyone starts thinking about cutting down  
4 on the number of contacts before they cut  
5 off the complaint, or stopping or even  
6 not even initiating the investigative  
7 process until someone comes in and does  
8 the interview, that the very first step  
9 has got to be what can we do to make it  
10 easier for complainants to conduct the  
11 interview that for our purposes we want  
12 to trigger the investigative process.

13           And beyond that -- that seems to be  
14 the biggest stumbling block, as I  
15 understand it, that this person came in  
16 from the Human Rights Commission, saw  
17 that there were a lot of truncated cases,  
18 saw that most of those truncated cases  
19 were due to the fact that a complainant  
20 did not show up for an interview for  
21 whatever reason, and his suggestion is  
22 given that, you should just completely  
23 not do any investigation whatsoever  
24 unless and until somebody comes in. And  
25 I think that given that scenario it's

1           incumbent upon you as a group to say what  
2           can we do to make sure that that we are  
3           not creating a procedural burden for  
4           people. It's just unreasonable given the  
5           significance of an assignment.

6           THE CHAIR: All right. I think Mr  
7           Dunn, that's exactly what we're doing  
8           here. We're trying to look at different  
9           ways; staff is continually looking at  
10          ways. It is a concern of the Board. And  
11          staff is continually -- it's continually  
12          looking at ways to -- whether it's  
13          through outreach, whether it's actual  
14          investigators going out into the field to  
15          interview people to get verified  
16          complaints, whatever it is. It is an  
17          issue. And we understand what our  
18          mandate is, and it is, frankly, to serve  
19          the public as best we can. So I think  
20          that's the recommendations -- and  
21          remember, the recommendations of the  
22          Commission on Human Rights, it was their  
23          recommendations, as you point out, and  
24          they have a different way of doing  
25          things. But the Board thought that it

1           would be an interesting discussion  
2           looking at the way the commission does,  
3           looking at what our mandate is, and  
4           looking to see if there are ways that we  
5           can improve the way we do business. I  
6           mean, that was the intent. That's the  
7           intent of this public discussion.

8           MR. DUNN: I understand that and I  
9           accept it. And, for instance -- I mean,  
10          this is the first I have heard any public  
11          discussion about the notion that the  
12          staff and the Board has been looking  
13          seriously about the interview issue and  
14          how to facilitate interviews. And I  
15          think that's terrific; I accept that  
16          fully. I think that, you know, again,  
17          going back to what I started with, we'd  
18          be having a much more informed discussion  
19          if there had been a discussion first, and  
20          I realize it would have happened, in  
21          which I heard that, you know, over the  
22          last two months, you know, we've dealt  
23          with the car situation so we can get  
24          people out there, we actually had twenty-  
25          five cases where we now have a unit and

1           they've gone out and they've interviewed  
2           a bunch of people. We find this, we find  
3           that. That would be a much more concrete  
4           context in which we could discuss some of  
5           these things. I just haven't heard that  
6           discussion, and as you know I've been at  
7           all the public meetings, so --

8           THE CHAIR: Yeah, we know.

9           MR. DUNN: All right. So that's  
10          basically what I have to say. I mean, I  
11          look forward to hearing a public  
12          discussion from the Board about its  
13          thoughts about this and once we hear that  
14          we'll be in a position to more  
15          specifically comment. Thank you.

16          THE CHAIR: Jackie Sherman.

17          MS. SHERMAN: My name is Jackie  
18          Sherman, and I'm counsel to Public  
19          Advocate Bill de Blasio. And following  
20          on Chris' statement, I actually do have a  
21          statement from the Public Advocate in  
22          response to the posting on the web, and I  
23          suspect that our office will have  
24          extended comment with more discussion  
25          from the Board. So this is a first

1 response to what was posted on the web.

2 Thank you for the opportunity to  
3 comment on the recommendation made by  
4 Deputy Commissioner Hudson of the city's  
5 Commission on Human Rights and -- that  
6 the Civilian Complaint Review Board  
7 require complainants to sign a verified  
8 complaint before the CCRB would begin an  
9 investigation of allegations of police  
10 misconduct. I have grave concerns about  
11 imposing a verification requirement as a  
12 condition of opening a case, as I fear  
13 that it would have a chilling effect on  
14 New Yorkers' willingness to report  
15 instances of police misconduct and could  
16 thereby undermine the CCRB's ability to  
17 carry out its charter mandate.

18 The CCRB was established by the city  
19 charter to serve the interest of all New  
20 Yorkers by investigating allegations of  
21 police misconduct by officers of the New  
22 York Police Department. Despite  
23 diminishing resources to execute its  
24 responsibilities, the public has  
25 continued to rely on the CCRB to play



1           this crucial role as evidenced by the  
2           agency's record caseload in 2009. I  
3           recognize the critical role that the NYPD  
4           and other law enforcement authorities  
5           play in maintaining public safety within  
6           our city; I also appreciate the  
7           importance of the CCRB operating  
8           efficiently, especially given the current  
9           fiscal climate and the agency's growing  
10          caseload.

11                 Efforts to increase the agency's  
12          efficiency, however, must not compromise  
13          the CCRB's ability to provide complete,  
14          thorough and impartial investigations of  
15          allegations of police misconduct.  
16          Imposing a verification requirement in  
17          order to trigger the start of a CCRB  
18          investigation could make New Yorkers  
19          unwilling to report allegations of police  
20          misconduct and worse, could shake their  
21          confidence in the utility of the CCRB in  
22          providing meaningful oversight over the  
23          police department.

24                 In particular, this proposed policy  
25          could discourage persons who fear

1           retaliation from the police or whose work  
2           or family obligations preclude them from  
3           appearing in person at the CCRB to file  
4           complaints. In the long term, this could  
5           impede the agency's ability to realize  
6           its charter mandate.

7           I hope the Board fully considers the  
8           policy implications of this proposal  
9           before implementing such a major policy  
10          change. In particular, I strongly  
11          encourage the Board and staff to conduct  
12          a full analysis of how a proposed change,  
13          such as the one that's been made, would  
14          affect the existing caseload before  
15          proceeding further.

16          In the coming days I plan to send a  
17          letter to the Board and staff fully  
18          outlining my concerns with the proposed  
19          plan and other CCRB issues. Along with  
20          the statement, I'm submitting a letter  
21          that is signed by other local elected  
22          officials expressing their concerns with  
23          the proposed policy change.

24          I look forward to working together  
25          to find ways to ensure that the CCRB is

1 an independent agency capable of  
2 providing robust oversight.

3 THE CHAIR: Thank you.

4 MS. SHERMAN: And I have a copy of  
5 the letter.

6 THE CHAIR: I appreciate that. Just  
7 one comment. This is not a proposed  
8 change. I just want to make that clear.  
9 This is not a proposed change. It is a  
10 comment on a recommendation made pursuant  
11 to a mayoral program that we thought  
12 public discussion was noted. That's what  
13 it is.

14 MS. SHERMAN: That's good to hear,  
15 and we will look forward to getting a  
16 robust conversation and a discussion from  
17 the Board members.

18 MS. KUNTZ: We thank you and we  
19 thank the Public Advocate for the  
20 comments.

21 THE CHAIR: Thank you. I was handed  
22 a letter from Ms. Sherman to the CCRB,  
23 and it is from the Public Advocate,  
24 Member of State Assembly Karim Camara,  
25 Member of City Council Leroy Comrie,

1 Member of City Council Daniel Dromm,  
2 Member of City Council Julissa Ferreras,  
3 Member of City Council Dan Garodnick,  
4 Member of City Council Letitia James,  
5 Member of the State Assembly Hakeem  
6 Jeffries,  
7 Member of the City Council Annabel Palma,  
8 Member of the City Council James Sanders  
9 and Member of the City Council Jumaane  
10 Williams.

11 Kristen -- Kirsten --

12 MR. FOY: Kirsten Foy. Good morning  
13 everyone, my name is Kirsten Foy; I'm a  
14 colleague of Jackie Sherman and I can't  
15 add very much more to the letter other  
16 than to say that there were many elected  
17 officials -- by the way, I'm the Director  
18 of Intergovernmental Relations for the  
19 Public Advocate. There are many elected  
20 officials that expressed reservation at  
21 the recommendation but due to the fact  
22 that there was not very much information  
23 for them to base a decision on, they just  
24 merely expressed that information and

25

once there was a broader dialogue they

45

1 would be willing to weigh in. But there  
2 were quite a few other elected officials  
3 that did not look highly upon this  
4 recommendation. So I just make that  
5 statement.

6 THE CHAIR: Well, like I said, I  
7 think one of the comments by Mr. Dunn in  
8 terms of putting this in context; I think  
9 that we have to do that. Because what it  
10 may seem-- it may not seem -- it may not  
11 be as it seems based on what CCRB already  
12 does. I'm not saying one way or the  
13 other, I'm just saying -- but I think it  
14 would help that if we put this in context  
15 as to what CCRB does now. Okay? So, we  
16 will do that and we will solicit more  
17 opinions from the various elected  
18 officials and interested groups and then  
19 we will have a discussion at some point.  
20 Not necessarily next board meeting, but  
21 at some point.

22 MS. KUNTZ: Thank you for coming.

23 MR. FOY: Thank you.

24 THE CHAIR: I think that's all the  
25 speakers we have. Anything further from

1 any of the board members?

2 Our meeting stands adjourned. We  
3 will take a five-minute break and then go  
4 into executive session.

5 (Proceedings concluded at 11:03  
6 a.m.)

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

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3           I, Jason Gottlieb, Electronic Court  
4 Reporter and Notary Public, do hereby certify  
5 that the foregoing witness whose testimony as  
6 herein set forth, was duly sworn on the date  
7 indicated, and I was present during the  
8 entirety of the foregoing proceedings, and  
9 that I caused to be recorded a true, complete  
10 and verbatim recording of the proceedings via  
11 digital means.

12

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

15

16           In witness whereof, I hereby sign this  
17 date:

18 May 20, 2010.

19

20

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21                   Jason Gottlieb

22

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

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3 I, Yeshayahu Heiliczer, hereby certify  
4 that the foregoing is a true and correct  
5 transcription, to the best of my ability, of  
6 the sound recorded proceedings submitted for  
7 transcription.

8

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

11

12 In witness whereof, I hereby sign this  
13 date:

14 May 20, 2010.

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Yeshayahu Heiliczer

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MEETING OF  
THE CIVILIAN COMPLAINT REVIEW BOARD  
-----x

June 9, 2010  
10:14 a.m.  
40 Rector Street  
2nd Floor  
New York, New York 10006

- ERNEST F. HART, ESQ., CHAIR  
JOAN M. THOMPSON, EXECUTIVE DIRECTOR  
PUBLIC MEETING AGENDA:  
1. Call to Order  
2. Adoption of Minutes  
3. Report from the Chair  
4. Report from the Executive Director  
5. Committee Reports  
6. Old Business  
7. New Business  
8. Public Comment  
  
Reported By: Jason Gottlieb

1

2 BOARD MEMBERS PRESENT WERE:

3

4 DANIEL D. CHU, ESQ.

5 JAMES DONLON, ESQ.

6 DR. MOHAMMAD KHALID

7 WILLIAM F. KUNTZ II, ESQ.

8 JULES A. MARTIN, ESQ.

9 MICHAEL MCCANN, ESQ.

10 MARY E. MULLIGAN, ESQ.

11 TOSANO J. SIMONETTI

12 BISHOP MITCHELL G. TAYLOR

13 YOUNGIK YOON, ESQ.

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PUBLIC MEETING OF THE CCRB 6/9/2010

1 THE CHAIR: Okay, let's get started.  
2 First item on the agenda is the -- is the  
3 adoption of the minutes of the last  
4 meeting. Is there a motion?

5 MR. KUNTZ: Move to approve.

6 MR. MCCANN: Second.

7 THE CHAIR: All in favor?

8 IN UNISON: Aye.

9 THE CHAIR: Any opposed?

10 (No audible response)

11 Unanimous.

12 Report from the Chair. On this past  
13 Thursday, Joan and I represented the agency  
14 by testifying before the City Council at our  
15 budget hearing. While it was not --  
16 while it was lightly attended by some of  
17 the Council -- by some of the Council, I  
18 must say that it was a -- certainly, a  
19 spirited discussion. So if you want --  
20 if you're not able to fall asleep during the  
21 middle of the night and you want to watch  
22 one of those public access stations, I'm  
23 sure you'll be interested. But  
24 basically, we just reported on what we --  
25 what was proposed in the executive budget

PUBLIC MEETING OF THE CCRB 6/9/2010

1 and we also asked for two additional  
2 positions, one in -- to cover outreach  
3 and the other one to deal with mediation.

4 Next item on the agenda is the  
5 report from the Executive Director.

6 MS. THOMPSON: Okay. In May 2010,  
7 the CCRB received 597 complaints or 72  
8 fewer complaints than it received in May  
9 of 2009 when the agency received 686  
10 complaints. This represents an eleven  
11 percent decrease in complaint activity.  
12 In the first five months of 2010, the  
13 Board has received 2,721 complaints or  
14 685 fewer complaints than it received in  
15 the same period of 2009, which is a  
16 twenty percent decrease in complaints.

17 In May 2010, the Board closed 965  
18 cases. Year-to-date, the Board has  
19 closed 3,399 cases. Of the year-to-date  
20 Board closures, 1,342 cases were full  
21 investigations and 1,936 were closed as  
22 truncated cases. The CCRB mediated  
23 twenty-three cases in May for a total  
24 seventy-six mediations year-to-date.

25 Year-to-date, we also attempted mediation

- 5 -

PUBLIC MEETING OF THE CCRB 6/9/2010

1 in forty-five cases.

2 The substantiation rate is ten  
3 percent and the truncation rate is fifty-  
4 seven percent. Year-to-date, the CCRB  
5 has substantiated 130 cases against 174  
6 officers.

7 While the Board closed this month  
8 more cases than it received, the agency's  
9 open docket shows a twelve percent  
10 decrease in relation to the previous  
11 month's open docket. The docket stands  
12 at 2,662 cases. About ninety-five  
13 percent of our open investigations were  
14 filed within the last year. Of the open  
15 cases, 928 cases are awaiting panel  
16 review or thirty-five percent of all open  
17 cases. 1,506 cases are being currently  
18 investigated and 228 cases are in the  
19 CCRB's mediation program.

20 In April 2010, the Police Department  
21 disposed of twenty cases. All twenty  
22 officers received disciplinary action --  
23 disciplinary action. The department  
24 disciplined thirteen officers with  
25 instructions and seven officers with

PUBLIC MEETING OF THE CCRB 6/9/2010

1 command discipline. Year-to-date, the  
2 discipline rate is ninety-one percent.  
3 Year-to-date department decline to  
4 prosecute rate is six percent.

5 THE CHAIR: Any questions?

6 Next item on the agenda are the  
7 committee reports. First we'll have the  
8 Operation Committee.

9 MR. SIMONETTI: Yes. The Operations  
10 Committee met this morning and we  
11 discussed the hiring procedure that's  
12 going on right now. Currently, we are  
13 receiving resumes for the position of  
14 attorneys and for investigators. And  
15 we're looking for attorneys for the APU.

16 We're going to be hiring -- we're  
17 going to be hiring three attorneys, two  
18 of whom would probably go into our  
19 prosecution unit and then the third --  
20 the third one would be assigned to the  
21 teams to help out with the cases from the  
22 team. And we'll talk about the teams  
23 after because that's the second item is  
24 the reorganization of the CCRB in terms  
25 of the composition of the teams. The --

PUBLIC MEETING OF THE CCRB 6/9/2010

1 the interviewing is taking place.

2 We've received many resumes,  
3 particularly for the investigative  
4 position. You know, with a tight job  
5 market out in the public in general,  
6 we're getting a lot of people, not only  
7 with college degrees but people with  
8 master's degrees and several with law  
9 degrees applying for the position of  
10 investigator.

11 The attorneys, we have received many  
12 applications. We got twenty-five  
13 applications. It's been narrowed down --  
14 no, no, excuse me. We're looking at  
15 twenty-five people. We got many more  
16 applications than that. It's been  
17 reduced down to twenty-five. Fifteen of  
18 those people have been interviewed and it  
19 looks like we'll have between four and  
20 seven people coming back for a second  
21 round from those fifteen. We have an  
22 additional ten that has been culled out  
23 of the remaining resumes that'll be  
24 interviewed. And those interviews are  
25 being done by Joan and Meera and Graham



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1 is involved in the process also --

2 MS. THOMPSON: Graham and Lisa.

3 MR. SIMONETTI: -- and Lisa. Okay,  
4 fine. And then hopefully, we're going to  
5 be able to hire an additional twenty-six  
6 attorneys. The only --

7 MS. THOMPSON: Twenty-six  
8 investigators -- twenty-six  
9 investigators.

10 MR. SIMONETTI: Twenty-six --  
11 twenty-six attorneys, how did I do that?

12 THE CHAIR: That's a firm!

13 UNIDENTIFIED SPEAKER: That's  
14 Skadden Arps -- Skadden Arps here.

15 MR. SIMONETTI: Twenty-six  
16 investigators. By the way, we've only  
17 got approval for five so we're definitely  
18 going to be hiring five additional  
19 investigators shortly. But we're looking  
20 to hire 26, which will bring our head  
21 count of investigators up to 124, well  
22 below our numbers that were -- we're  
23 customarily used to.

24 In terms of the attorneys, we're  
25 looking to hire three who will be going

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1 to the prosecution unit and one will be  
2 helping out with the teams.

3 The second thing that we talked  
4 about was the reorganization of the eight  
5 team -- the current eight teams.  
6 Recently, one of our team managers resigned.  
7 So that leaves us now with five team  
8 managers. Because of budget reductions,  
9 we let go one manager several months ago so  
10 now that brings us down to five.

11 So obviously, there has to be a  
12 reorganization of the eight current teams  
13 into five teams. And that's going to be  
14 taking place and we'll be doing -- and  
15 there will be one team manger obviously  
16 assigned to each of those five  
17 reorganized teams.

18 We don't see any problem reducing  
19 the number of teams in terms of getting  
20 the work out to the panels for our -- for  
21 us to take a look at and to vote out. We  
22 don't see any problem with that. We  
23 anticipate that the caseloads that will  
24 be coming out will remain the same for us  
25 to review. That's about 125 cases a

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1 month so we think we'll able to do that.

2 The third item that we talked about  
3 was the annual report. The annual report  
4 currently is in draft form and has been  
5 circulated to three members of the  
6 reports committee and they're looking at  
7 it now.

8 And then hopefully after they sign  
9 off on it, it will be coming out to all  
10 Board members and at that time, we'll be  
11 sending a draft copy over to the Police  
12 Department and we're hopeful that it will  
13 go to the printer's by the end of July.  
14 That's our projection for the annual  
15 report.

16 MS. THOMPSON: Coming out.

17 THE CHAIR: Any questions?

18 MR. SIMONETTI: That's my report,  
19 Mr. Chair.

20 THE CHAIR: Thank you, Commissioner  
21 Simonetti.

22 Just to -- we have a report from the  
23 recommendation -- from the  
24 Recommendations Committee.

25 MR. DONLON: Well, we have -- as

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1 somebody said, we do have the draft. We  
2 expect that we're going to discuss it  
3 after the meeting today, the committee  
4 will. And then we'll give it back to the  
5 Executive Director and I think we're  
6 close to getting it into final form.

7 THE CHAIR: Okay.

8 MR. DONLON: And I have an ADR --

9 THE CHAIR: Yes.

10 MR. DONLON: -- committee report.

11 THE CHAIR: Thanks.

12 MR. DONLON: Okay. Lisa Cohen has  
13 put together some statistics for our  
14 committee just to highlight some of the  
15 changes in the mediation program. These  
16 figures that I'm going to discuss compare  
17 the period from January to April of 2009  
18 and January through April of 2010. But  
19 the -- the basic idea is that the CCRB  
20 remains dedicated to growing the  
21 mediation program.

22 Senior management has been meeting  
23 with the team managers to collaborate on  
24 ways to increase the number of cases  
25 referred from investigations to

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1 mediation. And as a result of these  
2 efforts, in the four-month period in  
3 2010, the number of cases referred to and  
4 accepted by the mediation unit has  
5 increased by seventy-five -- seventy-six  
6 percent from the same period in 2009. So  
7 in 2009, in that period, there were 124  
8 cases accepted by the mediation unit; in  
9 2010, during that same period, 218 cases.

10 Further, investigators are offering  
11 mediation to more civilians. The rate at  
12 which investigators are offering  
13 mediation to parties in suitable cases  
14 increased from 28.7 percent in '09 to 48  
15 percent in 2010. More civilians are  
16 accepting mediation. There's been a  
17 slight increase, again, during that same  
18 four-month period in 2010.

19 In terms of the Police Department,  
20 more officers are being offered  
21 mediation. There has been some -- a  
22 collaborative effort between NYPD and the  
23 PBA. The number of officers offered  
24 mediation increased by 127 percent.  
25 There were 116 officers who were offered

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1 mediation in that four-month period in  
2 '09 versus 264 in that same period in  
3 2010. And more officers are accepting  
4 mediation. The numbers went from sixty-  
5 six percent in '09 to eighty-four percent  
6 in 2010.

7 There's also a new mediation  
8 referral process that -- the mediation  
9 unit and the team managers have developed  
10 a new referral report template which  
11 makes case review by the mediation unit  
12 and the ADR committee more efficient.  
13 There's been an increase in the number of  
14 cases closed as mediated or mediation  
15 attempted. The number of cases mediated  
16 increased by twenty-six percent. The  
17 number of cases closed as mediation  
18 attempted increased by fifty-six percent.

19 In addition, the Executive Director  
20 and Director of Mediation -- that's Joan  
21 Thompson and Lisa Cohen -- have been  
22 working with students from Fordham  
23 University School of Law on a clinical  
24 project aimed at proposing ways in which  
25 the use of mediation can be increased at

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1 the CCRB.

2 And finally, I think this was  
3 mentioned at a previous meeting but Lisa  
4 Cohen was elected to the Board of  
5 Directors of the Association for Conflict  
6 Resolution, the Greater New York chapter  
7 which is a non -- a not-for-profit  
8 organization dedicated to enhancing the  
9 practice and public understanding of  
10 effective conflict resolution. That's my  
11 report.

12 (Applause)

13 THE CHAIR: Thank you.

14 MR. CHU: And Ernie, I just have a  
15 quick update on the Computer Technology  
16 Committee. We've been working with our  
17 in-house computer technology guru, Yuriy,  
18 on trying to explore ways to increase the  
19 efficiency of Board review of cases.

20 And towards that end, we've been  
21 working on the -- making the voting  
22 sheets computerized and accessible  
23 online. So this is something which is  
24 still in the very infancy stages right  
25 now. It's going to be discussed, most

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1 likely, at the next operational meeting.

2 We'll be seeking further input from the

3 other Board members and incorporating

4 their suggestions and fine-tuning but

5 that's something that's in the works.

6 THE CHAIR: Well, my vote is do that  
7 as quickly as possible.

8 MR. CHU: Yeah.

9 THE CHAIR: That would be very good.

10 MR. SIMONETTI: I would just like to  
11 commend the staff, really. I mean, if  
12 one looks at the open docket and if you  
13 look particularly at the cases over  
14 eighteen months older, we're down to  
15 seven cases. Now that's a dramatic,  
16 dramatic decrease, you know?

17  
18 So -- I mean, staff has to be  
19 commended for that. If you look at  
20 cases -- the percentage of cases of the  
21 total docket over sixteen months old,  
22 it's .7 percent. Less than one percent  
23 of the cases are over -- and that amounts  
24 to sixteen cases, by the way.

25 So staff is doing a tremendous job,



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1 you know? I know that some Board members  
2 were concerned about that or were asked  
3 about that but let me tell you, these  
4 numbers reflect that we're paying  
5 attention to those aging cases.

6 THE CHAIR: I agree, Tony. That  
7 was -- it was very -- and staff is to be  
8 commended and it's something that  
9 certainly, I've discussed with Joan and  
10 with Meera. I'm glad you -- I'm glad you  
11 pointed that out. That is, I think, just  
12 the report of the Executive Director for  
13 the last several months has shown an  
14 increase in efficiency and they are  
15 certainly to be commended, particularly,  
16 in a time of declining resources. So  
17 again, thank you.

18 Any other -- any old business?

19 BISHOP TAYLOR: Outreach committee,  
20 I just wanted to congratulate Dawn for  
21 doing a tremendous job where we're going  
22 to surpass the amount of outreach events  
23 that we had last year. I think we had  
24 forty-nine or fifty last year. This  
25 year, we're on track to do sixty-five but

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1 probably -- we'll probably do even more  
2 than that.

3 Four of the outreach events have  
4 been in NYCHA developments, which is good  
5 and we've done several schools and  
6 churches. And another part to that is  
7 Dawn's work in grant writing so that we  
8 could get more funds to do more marketing  
9 to go wider and then to go deeper so that  
10 New York City residents have a real clear  
11 understanding of the CCRB process and  
12 what -- and how they can use the agency  
13 for their complaints.

14 THE CHAIR: Very good. That kind of  
15 brings me to Dawn, actually and new  
16 business.

17 MS. FUENTES: Hi. Thank you very  
18 much. It is my pleasure today, we've  
19 invited a wonderful organization called  
20 Global Kids and this has been a part of  
21 our community outreach. Global Kids is a  
22 not-for-profit organization whose mission  
23 is to inspire you and to educate you  
24 about urban issues, global issues in the  
25 communities that they serve.

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1           There -- I actually met them. It's  
2           a very interesting thing and one of the  
3           students actually gave me a call, very  
4           articulate and said, "You know what?  
5           We're studying CCRB, the Civilian  
6           Complaint Review Board. We're very  
7           excited about it. We've been working on  
8           it. We've been researching." And so of  
9           course, my ears perked up. I was so  
10          excited to hear to that and was even more  
11          excited when they invited me to come down  
12          to their actual school -- high school and  
13          meet with them and to talk more about  
14          what we do at CCRB but also for them to  
15          share with me all the work that they've  
16          been doing in developing this video,  
17          doing their research under the guidance  
18          of their wonderful teachers and  
19          educators.

20          But these youth inspire me. They're  
21          our future and today, we're very happy to  
22          have them here today. And we  
23          congratulate you on your work and welcome  
24          to the Civilian Complaint Review Board.

25                 (Applause)

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1           Let me give you their names. The  
2 teachers are Kevin Murungi, Nassim  
3 Zerriffi and some of the students,  
4 Shereese Trumpet, Valerie Higgins, Darius  
5 Wilson, there's another young man. I  
6 didn't get his name.  
7 Who's -- say your name.

8           MR. ARISTIDE: Batala Aristide.

9           MS. FUENTES: Thank you very much.  
10 All right, so welcome. Come on up.

11          THE CHAIR: Well, actually if you  
12 want to face --

13          MS. FUENTES: Probably face the  
14 audience.

15          THE CHAIR: -- face --

16          MS. THOMPSON: Face them.

17          THE CHAIR: Yes.

18          MR. MURUNGI: As is usually the case  
19 with these things, I think it's better  
20 for the young people to introduce  
21 themselves. Tell you about who they are  
22 and what they do.

23          MS. TRUMPET: Hi. My name is  
24 Shereese Trumpet and I'm in tenth grade  
25 at HSGC.

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1           MR. WILSON: Hi. My name is Darius  
2           Wilson. I am a ninth grader at HSGC.

3           MS. HANNIBAL: Hi. I'm Valerie  
4           Hannibal. I'm a tenth grader at HSGC.

5           MR. ARISTIDE: Good morning,  
6           everyone. My name is Batala Aristide.  
7           I'm a junior at the High School for  
8           Global Citizenship. And the Human Rights  
9           Activist Project, which is HRAP, what  
10          we've been doing is every year, we pick a  
11          topic that we want to look at for the  
12          whole year, something that we -- that  
13          we're passionate about and something that  
14          will really make us want to go out and in  
15          our community and do this activist work.

16          So we picked racial profiling and  
17          also the CCRB because we felt that it was  
18          something that we really were passionate  
19          about. And a lot of people in our  
20          communities don't really know their  
21          rights when it comes to dealing with the  
22          police. And we felt that, you know, if  
23          we do this, we can get people more in the  
24          know of what's going on and get people  
25          more familiar with the CCRB.

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1           MS. HANNIBAL: And we also have some  
2 things we want like having more  
3 publicity. We want you guys to be more  
4 out in -- we want you guys to outreach to  
5 the communities of more minorities  
6 because a lot of people who live in those  
7 communities, they don't always have a  
8 school and programs that can go out and  
9 inform neighbors.

10           So we want you guys to tell them  
11 what they can do, how to react to police  
12 officers because a lot of us don't know  
13 and when we talk to police officers,  
14 we're scared and intimidated and we want  
15 to just change that so people know their  
16 rights.

17           MS. TRUMPET: We started with racial  
18 profiling and the CCRB and at first, we  
19 were wondering what happened to people  
20 when they're brutalized by the police and  
21 then we came about to sign the petition  
22 and we were surprised because we'd never  
23 heard of it and that was something that  
24 came up because we think there should be  
25 more advertisement on t.v. because a lot

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1 of people these days watch t.v. That's  
2 their focus when they get home. And  
3 we've been -- yeah, we think that  
4 Internet too can be something and  
5 Facebook because everybody's on Facebook  
6 these days.

7 And what we did, we made a petition  
8 for people to sign so that we could get  
9 people knowing about this and so we could  
10 get the CCRB, not so much improved, but  
11 just out there so people know this is  
12 what you do when you're brutalized by the  
13 police.

14 MR. WILSON: To add on to that, as  
15 she said, we had petitions made. There  
16 was, like, every Thursday, we have HRAP.  
17 So every Thursday we would come together  
18 as a group and we would talk about what  
19 we want to happen.

20 And on special occasions, we would  
21 go out and have people sign the petitions  
22 and try to inform people about this  
23 organization so they can understand that  
24 they don't have to, like, always try to  
25 make things big but they can, like, come

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1 to you guys and meet.

2 So, we did this as -- seeing the  
3 expressions on people's faces was really,  
4 like, amazing because lots of them didn't  
5 seem to understand what we were talking  
6 about at first. But when we started to  
7 explain, they started to understand and  
8 really enjoy the fact that they have  
9 children at our age concerned about them  
10 and their children. So that's how we  
11 came about all of this.

12 MR. MURUNGI: So I think in general  
13 terms, as the students have mentioned, we  
14 focused identifying the issue, issue  
15 that's of concern to them, researched it,  
16 found out a policy related to the issue  
17 and do advocacy around that policy.

18 So we focused on police misconduct  
19 and the NYPD stop and frisk procedures  
20 and how -- you know, what we can do to  
21 address stop and frisk issues which are  
22 numerous in the city and, you know,  
23 identifying policies, identifying means  
24 of advocacy led us to the CCRB.

25 And not to put Shereese on the



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1 spot -- I mean, that's exactly what I'm  
2 doing but I'd like her to tell a very  
3 brief story about why the CCRB is so  
4 important and why this issue is, you  
5 know, very relevant to our community.  
6 This is something that happened -- that  
7 she told us about that happened just  
8 yesterday outside on the street.

9 MS. TRUMPET: Yeah, I was very  
10 concerned because my friends told me that  
11 they had encountered this kind of thing  
12 regularly. And yesterday, I was at the  
13 corner store and there was -- I knew this  
14 guy who was standing there --.

15 MS. MULLIGAN: Excuse me, I'm sorry.  
16 I'm having trouble hearing.

17 MS. TRUMPET: I'm sorry.

18 MS. MULLIGAN: That's okay. It's  
19 important to -- it sounds like an  
20 important story that I just wanted to  
21 make sure I heard it.

22 MS. TRUMPET: He was just about my  
23 age. He was no older than sixteen and  
24 apparently, he was standing there  
25 (indiscernible) to the store and --

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1       sorry -- and there was this girl,  
2       probably older than him, and she had  
3       committed a crime. I'm not sure what it  
4       was but she was standing near to him and  
5       the police assumed that he was engaged in  
6       that activity that she was performing at  
7       that moment.

8               And he was arrested -- not only  
9       arrested but he was maced when they asked  
10      for his school ID and he said he doesn't  
11      have it on him right now. He was maced  
12      and then they thought he was going to  
13      run. They pinned him on the ground and  
14      two police officers sat on him while the  
15      girl who actually committed the crime,  
16      she was escorted from the scene by one  
17      police officer.

18             And I may sound that I'm  
19      exaggerating but there was approximately  
20      fifty officers around that one boy who  
21      did nothing wrong. And that was a kind  
22      of -- had me taken aback because I saw  
23      him standing there. And his mother came  
24      out, outraged, because she knew her son  
25      did nothing and she was standing right

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1           there. And of one her colleagues told  
2           her that she should make a complaint to  
3           the CCRB and that -- and that she  
4           should -- she should have talked to the  
5           police officers and find out what was the  
6           probable cause of arresting him.

7                     And the only -- my concern is that  
8           students should make it known to the  
9           public that I always ask what do they  
10          mean by "probable cause". What do they  
11          mean that a young boy in jeans, so an  
12          African-American wearing a hoodie, what  
13          is their probable cause? Where do they  
14          draw the line that, okay, he looks like  
15          he's engaged in that activity? That's  
16          what I cornered on since yesterday.

17                    MR. ARISTIDE: That story Shereese  
18           told -- oh, sorry.

19                    MS. TRUMPET: Go ahead.

20                    MR. ARISTIDE: That story Shereese  
21           told is really what brings Ms. Fuentes to  
22           our school and she was talking about the  
23           mediation program. And I really liked  
24           that because it's important for the cop  
25           and also the victim to sit face-to-face

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1 and talk about the situation, what the  
2 cop can do better, how -- if he's in that  
3 situation, next time, what he should do  
4 differently and also, for the victim to  
5 kind of learn, like, from the perspective  
6 of the cop because here we always get  
7 profiled by these cops but at the same  
8 time, they have lives too, like, they  
9 want to go to their family at the end of  
10 the day.

11 So we also got to learn from their  
12 perspective but also from our  
13 perspective, like, what we go through in  
14 our communities. So I really like the  
15 mediation program. I really think you  
16 guys should keep doing that because it's  
17 important and that's something that I  
18 really like.

19 Thank you.

20 (Applause)

21 MS. FUENTES: Would you guys like to  
22 get up and take a picture?

23 MR. ARISTIDE: Do you want to  
24 introduce the video?

25 MR. WILSON: Oh, okay. So this is a

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1 video of some of our petitions that we  
2 had and our little adventure, as I call  
3 it. Because it was a nice experience,  
4 seeing how people were into us getting  
5 people to sign it and everything. So,  
6 yeah, enjoy.

7 MS. FUENTES: Thanks, Alex. Thank  
8 you, guys.

9 (Applause)

10 (Video playing)

11 SUBTITLE CAPTION: The Global Kids  
12 Human Rights Activist Project (HRAP) at  
13 the High School for Global Citizenship  
14 (HSGC) Campaign on Police Misconduct and  
15 Racial Profiling

16 On April 15 2010, students from the  
17 HRAP took to the streets of Prospect  
18 Heights Brooklyn to inform and educate  
19 the public, and have petitions signed in  
20 support of reform in both the Civilian  
21 Complaint Review Board (CCRB) and New  
22 York Police Department (NYPD) Stop and  
23 Frisk procedures.

24 ANGEL: All right. We are heading  
25 towards the museum right now to get our

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1 petition signed on the CCRB and on stop  
2 and frisk. It is very important that  
3 these people know what's going on. So  
4 we're doing our best.

5 OGHENETARE: CCRB's role -- it's  
6 pretty much -- it's the Civilian  
7 Complaint Review Board. It's only one  
8 office that's in Manhattan and we're  
9 trying to get this petition signed so we  
10 can branch out because, like, there's  
11 only one location and, like, it's a mass  
12 amount of problems.

13 MR. MURUNGI: People are signing  
14 your petition?

15 DARIUS: Yeah. We got the  
16 addresses. We got the e-mails, you know?

17 MR. MURUNGI: Look at that. Darius  
18 getting a petition signed.

19 DARIUS: By me, woohoo. I think  
20 people aren't doing this because nobody  
21 put the e-mails yet. So I'm putting mine  
22 to get this started.

23 SUBTITLE CAPTION: Petition Signing  
24 in Progress.

25 More Petition Signing.

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1 Even More Petition Signing.

2 Followed by a Victory Dance.

3 So here's why we need an effective  
4 and independent Civilian Complaint Review  
5 Board...

6 JAMILLA: We got the police to sign.

7 SUBTITLE CAPTION: The Police are  
8 allies in our campaign. One officer  
9 shared this story while signing our  
10 petition.

11 JAMILLA: And one of them told us  
12 that his son was on his way home. He was  
13 stopped by the police and taken out of  
14 the car and his friends were let go and  
15 they just told his other friends to go  
16 home. They handcuffed him and beat him  
17 in handcuffs in the back of the car.  
18 Then they threw him out of the car in the  
19 middle of the road, drove away and came  
20 back, took the handcuffs off and beat him  
21 some more and just left him there.

22 SUBTITLE CAPTION: ...So civilians  
23 involved in cases like that have a place  
24 to file complaints, have their voices  
25 heard, and receive fair investigations!

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1 SHAKIRA: Hi, Kevin.

2 EGYPT: What's up, Mr. Kevin?

3 MR. MURUNGI: How's it going so far?

4 SHAKIRA: Good.

5 EGYPT: Well, really good.

6 MR. MURUNGI: Yeah?

7 EGYPT: We're getting a lot of  
8 signatures.

9 MR. MURUNGI: Let me see.

10 EGYPT: Yeah, yeah. You see?

11 MR. MURUNGI: Oh, very nice.

12 EGYPT: Very nice. Oh, I see some  
13 more people. Nice.

14 MR. MURUNGI: Bye.

15 SHAKIRA: Bye.

16 GABRIEL: Well, it's going great. A  
17 lot of people that I've met, you know,  
18 they're kind of, like, unsure but they  
19 still were willing to sign my petition, I  
20 met a lot of great people who had some  
21 good ideas and I think it's going really  
22 well.

23 DELISEA: Yeah, it's going well. We  
24 got some signed and it's helping us with  
25 our speech skills.



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1           SUBTITLE CAPTION: Street Interview  
2           in front of the Brooklyn Museum breaking  
3           it all down: Why CCRB and Stop and Frisk  
4           reform is needed and some of the key  
5           components of such reform.

6           MS. TRUMPET: You mentioned earlier  
7           you've dealt with the CCRB. What was  
8           your experience?

9           MALE SPEAKER: It was -- it's --it  
10          takes a long process if you're doing it  
11          on your own, in other words, if you don't  
12          have a lawyer, someone who's familiar  
13          with CCRB. It took -- took us about -- I  
14          think, about six months for our first  
15          hearing. The whole process took anywhere  
16          between eight months and a year.

17          MS. TRUMPET: That long?

18          SUBTITLE CAPTION: Need for a  
19          Standardized Investigative Timeline!

20          MALE SPEAKER: That long and I felt  
21          like once I got inside there, it felt  
22          like, yeah, the lawyers were on their  
23          side. You know, they asked me a lot of  
24          questions, you know, like they was  
25          interrogating me instead of actually, you

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1 know --

2 MS. TRUMPET: Investigating.

3 MALE SPEAKER: -- investigating it -  
4 - what took place.

5 NASSIM: Let's work on the Civilian  
6 Complaint Review Board. What do you  
7 think should change about that?

8 MALE SPEAKER: I think there should  
9 be easier access to -- first of all, a  
10 lot of people don't know their rights and  
11 know that they could use CCRB. That's  
12 the first thing.

13 SUBTITLE CAPTION: Know your rights!

14 MALE SPEAKER: I mean, a lot of  
15 people go through problems out here with  
16 the law enforcement and they actually  
17 don't know how to go about getting some  
18 justice done. That's the first step.

19 SUBTITLE CAPTION: Increase CCRB  
20 Independence!

21 MALE SPEAKER: Second thing is I  
22 think it should be separate. It's right.  
23 It feels like you're going into a  
24 department that's part of NYPD instead of  
25 something for the civilians. So if they

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1 could separate that, that would be --  
2 that would be something good that they  
3 could work on.

4 SUBTITLE CAPTION: More CCRB  
5 locations - In all five boroughs!

6 MALE SPEAKER: And also, they only  
7 have one location, you know, in  
8 Manhattan. If something happened in  
9 Brooklyn or The Bronx, you'd still have  
10 to go to Manhattan to actually go to the  
11 CCRB. So I think those are some of the  
12 changes that they can -- they can try to  
13 implement in the future.

14 You asked me about what could the  
15 police department do. I think they need  
16 more tact, more training in terms of  
17 dealing with people.

18 SUBTITLE CAPTION: Better Training  
19 for NYPD Police Officers!

20 MALE SPEAKER: I think it's too  
21 geared towards -- like, I was in the  
22 military. I think it's geared towards --  
23 like, they used to call the military like  
24 its own organization. We used to call  
25 you guys "civilians" and everything we

PUBLIC MEETING OF THE CCRB 6/9/2010

1       dealt with that -- those are civilians  
2       and we're the military. And that's, I  
3       think, the same thing they can do with  
4       the Police Department. Like, we're the  
5       NYPD, those civilians.

6               Every -- I think it should be more  
7       user-friendly, you know? I think they  
8       should find a way to interact with the  
9       people and I think there should be  
10      extensive training in dealing with the  
11      people, more so than the physical force  
12      that they, you know, they -- they, I  
13      guess, they focus on or concentrating on  
14      in their training. Because when they get  
15      out, they're young. And they get into  
16      environments where they're not used to, a  
17      lot of the rookies. Like, for instance,  
18      they might have a Caucasian cop, who is  
19      not familiar with the environment, come  
20      here as a rookie and start out. And I  
21      think that creates problems.

22              NASSIM: Thank you very much for  
23      your time, sir.

24              SUBTITLE CAPTION: Thank you indeed  
25      for that thoughtful and insightful

PUBLIC MEETING OF THE CCRB 6/9/2010

1 analysis. Now, let's wrap this up.

2 CHIONESO: Okay, so today, all of us  
3 interviewed -- everybody came out and  
4 raised up everyone to their positions. I  
5 did, like, eight signatures or nine,  
6 something like that. I'm just glad  
7 everybody came out and supported.

8 BIANCA: You know what? I stuck in  
9 there and I finally got a signature, and  
10 I came back here and got some signatures.

11 MALE SPEAKER: Overall, it was a  
12 good experience.

13 CHIONESO: This is A-track and it's  
14 a wrap. We're out.

15 SUBTITLE CAPTION: Reforming the  
16 Civilian Complaint Review Board CCRB

17 I. Grant the CCRB Prosecutorial  
18 Authority

19 II. Allow the CCRB to Initiate  
20 Complaints

21 III. Ensure Adequate Funding

22 IV. Increase CCRB Independence

23 V. Improve Community Outreach

24 VI. Establish Minimum Qualifications  
25 for Investigators

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1           VII. Maintain Confidentiality in  
2           Investigations

3           VIII. Standardize the Investigative  
4           Timeline

5           Reforming NYPD Stop and Frisk  
6           Procedures

7           I. The NYPD should stop keeping a  
8           database of people who are stopped,  
9           questioned, and sometimes frisked in  
10          public, but who are neither arrested nor  
11          given summonses.

12          II. They should further remove the  
13          names of those arrested and later found  
14          not guilty

15          III. Better training of NYPD police  
16          officers

17          IV. More clarity in explaining the  
18          conditions under which officers can  
19          legally stop and frisk civilians

20          HRAP ALL DAY!!!

21          (End of video)

22          (Applause)

23          MS. FUENTES: Thank you very much.

24          MS. MULLIGAN: I'm curious. Where  
25          is the school? It seems like a really

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1 great school.

2 MR. ZERRIFFI: Yeah. Global Kids  
3 works in about eleven schools around the  
4 city. So this one is the High School for  
5 Global Citizenship in the Prospect  
6 Heights campus which is right by the  
7 Brooklyn Museum. Well, that actually was  
8 done just in front of the Brooklyn  
9 Museum, which is a nice kind of area to  
10 get people coming and going.

11 MS. MULLIGAN: Right. Thank you.

12 THE CHAIR: So what have you -- some  
13 of the recommendations, I think, in the  
14 film certainly are well-taken. And  
15 actually, some of those -- many of those  
16 things we've -- we're doing -- in the  
17 process of doing. I mean, that's how,  
18 basically, you met Dawn. And we are  
19 concentrating on outreach. We are  
20 independent from the Police Department.  
21 At one point, it was part of the Police  
22 Department. It was under the direction  
23 of our Deputy Commissioner/Executive  
24 Director. That was changed in 1989, was  
25 it?

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1 MR. SIMONETTI: 1993.

2 MR. KUNTZ: 1993.

3 THE CHAIR: 1993.

4 MR. SIMONETTI: '93.

5 THE CHAIR: We became an independent  
6 agency. So some of the recommendations  
7 certainly are well-taken and certainly,  
8 some of the statements by the person who  
9 was interviewed, some of what he said  
10 certainly had been true in the past. And  
11 we are trying to ease that, make  
12 investigations a bit faster. That's some  
13 of the reporting that you heard a little  
14 earlier in the meeting. But -- and  
15 mediation, of course, that's something  
16 that we are pushing. And we are extending  
17 as many resources as we can because  
18 mediation, I think, was mentioned by Mr.  
19 Aristide, was it?

20 MR. ARISTIDE: Yeah.

21 THE CHAIR: Mediation helps to --  
22 contributes to the understanding between  
23 police and civilians. And I think that's  
24 one of the goals of the CCRB. So that  
25 certainly was well-taken as well. So



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1 I -- I personally applaud your effort and  
2 that's what we're here for.

3 Bill?

4 MR. KUNTZ: Mr. Chairman, just a  
5 technical question since we ordinarily  
6 record, by way of transcript,  
7 presentations that are made here. We  
8 just had an extensive presentation. The  
9 question is, is there a transcript of  
10 what we've just seen that we can have for  
11 our website so when people who were not  
12 at this meeting would want to see a  
13 complete and accurate description of what  
14 transpired here, they will have access to  
15 it?

16 THE CHAIR: Or a copy of the film  
17 actually?

18 MR. MURUNGI: That we can give you.

19 THE CHAIR: Because that -- this is  
20 everything that we do here. We have a  
21 reporter here, takes down all our words,  
22 it's on our -- it's on our website. It's  
23 part of the official history of CCRB and  
24 since this presentation was part of it,  
25 we would like to have that as a permanent

PUBLIC MEETING OF THE CCRB 6/9/2010

1 part also.

2 MR. MURUNGI: Yeah. I think the  
3 video is actually on YouTube.

4 THE CHAIR: Um-hum.

5 MR. MURUNGI: Plus, Dawn has a copy  
6 of it.

7 MS. FUENTES: Yeah.

8 THE CHAIR: Okay.

9 MR. MURUNGI: And I think we also  
10 just wanted to say thank you so very much  
11 for having us here. It's not often that  
12 we have a campaign that's identified by  
13 our students and then there's something  
14 that really exists that addresses their  
15 issue exactly how they want to see it  
16 addressed.

17 So when they found out about the  
18 CCRB, they were beside themselves. And  
19 so we wanted to learn more. We were so  
20 fortunate to have Dawn come in and, you  
21 know, we are just extremely excited to  
22 have been invited to this meeting. So  
23 thank you very much.

24 THE CHAIR: Thank you.

25 MS. THOMPSON: Thank you.

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1 MR. KUNTZ: Thank you.

2 (Applause)

3 THE CHAIR: Anything further? Now  
4 it's time for public comment. Andrew  
5 Slater?

6 MR. SLATER: Yeah. I'm with the  
7 Citizens Union. And we were wondering  
8 about the trial proceedings and the pilot  
9 program that -- involving the CCRB  
10 prosecution. How that's going in the  
11 short-term and the meaning for the long-  
12 term and are you planning on expanding it  
13 for more than twenty-five and when that's  
14 starting, you know?

15 THE CHAIR: Well, to go from your  
16 last statement first, we're just at the  
17 trial stage. So it's certainly too --  
18 premature to talk about expanding the  
19 program when it didn't start yet.

20 As you heard a little earlier, we  
21 have -- we're in the process of hiring  
22 attorneys. Once that is finished and the  
23 attorneys are in place, then that process  
24 of attorneys actually being involved in  
25 the prosecution of police officers in the

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1 department trial room will then start to  
2 take place. That's probably looking at  
3 the fall.

4 Mr. Dunn?

5 MR. DUNN: Okay. Good morning.

6 MS. THOMPSON: Good morning.

7 MR. DUNN: I want to thank you guys.  
8 That was an incredible presentation. I'm  
9 with the organization called the New York  
10 Civil Liberties Union. We do a lot of  
11 stop and frisk but there's a face of  
12 recognition there. I don't want to burst  
13 any bubbles but I think it's terrific  
14 what you're saying, it's great what  
15 you're doing. I hope you guys keep  
16 coming back because -- and I'm glad that  
17 you addressed the staff. I don't know if  
18 you realize when you were all talking to  
19 just the staff here, I kind of wished the  
20 Board had gotten a little bit of the  
21 frontal presentation here because they're  
22 big players in this. What you're doing  
23 is terrific.

24 And one of the things that your  
25 presentation highlighted was kind of the

PUBLIC MEETING OF THE CCRB 6/9/2010

1 lack of discussion by the Board about  
2 some of these major substantive issues.  
3 I do want to say at the outset, the  
4 numbers -- we complain that the numbers  
5 get worse. I want to acknowledge the  
6 numbers are getting better and that's  
7 good. The complaint numbers are down,  
8 your substantiation rate is up, the  
9 truncation rate, at least for this month,  
10 is down. The eighteen-month case  
11 reduction is terrific; Tony, I think you  
12 mentioned that. There really has been  
13 dramatic progress on that and I think  
14 both the staff and the Board should be  
15 commended for that.

16 And then I see that, again, the  
17 department disciplinary numbers continue  
18 to change dramatically and that's good.  
19 The DUP numbers are way down from where  
20 they were years ago. The discipline rate  
21 is much more meaningful. That's all  
22 good. And while they're short-term  
23 changes, they're -- those are all going  
24 in the right direction. And I'm happy to  
25 hear the discussion about that by the

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1 Board.

2           What I'm not happy to hear is no  
3 discussion about the big issues around  
4 police misconduct. And -- for instance,  
5 this group of students is raising the  
6 issue about stop and frisk. We keep  
7 talking about this. We keep raising it.  
8 It keeps being a problem. I saw in your  
9 film that you mentioned the issue about  
10 the database, which is very important.  
11 And we just sued the Police Department  
12 over the database. You know, there's  
13 just no discussion on the Board about  
14 stop and frisk as a practice and there  
15 needs to be some attention from the CCRB  
16 Board, from all of you, about stop and  
17 frisk. It is the biggest single police-  
18 civilian interaction program in the city.  
19 It continues to implicate enormous  
20 numbers of people, half a million people  
21 a year. It continues to drive your  
22 complaints and yet, there's just no  
23 discussion on the Board about it. There  
24 just has to be some attention to that.

25           And the other thing is there was a

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1 scandal in Brooklyn. I mean, these  
2 students are in Brooklyn. I don't know  
3 if any of you have been reading about the  
4 81st Precinct. Tony, I'm sure you know  
5 about the 81st Precinct. Bill, you're  
6 the Brooklyn representative. I mean, if  
7 any of you have paid attention to the  
8 reporting about what's happening in the  
9 81st Precinct and particularly, these  
10 tapes that were run and described in  
11 extensive detail in the Village Voice,  
12 initially reported on by The Daily News.  
13 I mean, it's extraordinary what those  
14 tapes reveal.

15 And I don't know if anyone here on  
16 the Board has gone to the precinct or has  
17 gone to any of the outlets and asked for  
18 copies of those tapes but the Board  
19 should be looking at that. That is an  
20 example of uncovering what many people  
21 suspect is going on in precincts around  
22 stop and frisk activity, around summons  
23 activity, around downgrading of crime  
24 complaints.

25 And, you know, for years, people

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1 kind of say, you know, some guy surfaces  
2 who's a cop and he says "This is  
3 happening." Well, maybe it is, maybe it  
4 isn't. Here, we have audiotapes of COs,  
5 of people doing -- turning out tours,  
6 giving, in explicit detail, instructions  
7 about things like stopping people without  
8 legal justification, about senior people  
9 being involved in downgrading complaints,  
10 about quotas for writing summonses.

11 This is just something that cries  
12 out for attention from the CCRB. And,  
13 you know, I have been saying this for a  
14 while and I don't mean to just keep  
15 beating this stronger. You guys have got  
16 to get your heads out of just processing  
17 complaints. There has got to be more  
18 Board attention to what is happening in  
19 the police misconduct world as a general  
20 rule.

21 The students point out that you guys  
22 really aren't known in most places. I  
23 think if you go out in a place like the  
24 81st Precinct and you ask a hundred  
25 people who the CCRB is, if you get one



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1 person with the correct answer, you're  
2 probably doing well. And part of that, I  
3 think, reflects the fact that you're just  
4 not part of the public discussion about  
5 public controversies around police  
6 misconduct, which is not to say you need  
7 to be out there on a moment's notice,  
8 beating up on the department. No one  
9 expects that but you've got to be there.  
10 You've got to be part of the  
11 conversation. You've got to be part of  
12 the process and until you are, you just  
13 become irrelevant with respect to the big  
14 issues around police misconduct in this  
15 city and something just has to be done  
16 about that.

17 Another big thing that's floating  
18 around is charter revision. There's a  
19 Charter Revision Commission hearing  
20 tomorrow night. Two of you are on the  
21 Charter Revision Commission. I don't  
22 know if there's been any discussion in  
23 the Board about whether or not there  
24 should be CCRB-related issues presented  
25 to the charter commission. I know the

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1 charter commission staff is out there  
2 meeting with anyone and everyone they can  
3 to talk about potential charter revision  
4 issues.

5 And Mr. Taylor, Ernie, I don't know  
6 if you guys have anything to say about  
7 CCRB's engagement with the charter  
8 commission. Is there anything to report  
9 on that?

10 THE CHAIR: No. There hasn't been  
11 any discussion.

12 MR. DUNN: Okay. Well I will tell  
13 you I know that there are significant  
14 advocates in the city, including elected  
15 officials, who are talking to the Charter  
16 Revision Commission about CCRB and police  
17 accountability related issues. And I  
18 will just say, you know, charter  
19 revisions don't come around that often.  
20 They're an important, you know, activity  
21 in the city and I would hope to see if  
22 the Board would at least consider whether  
23 or not they should be saying something to  
24 the commission about CCRB and police  
25 issues.

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1           The final thing I wanted to mention,  
2           Jim, on the annual report -- and I say  
3           this every time and I just say it again  
4           because there are new people on the  
5           Board. We object to the Board only  
6           giving the draft report to the Police  
7           Department, okay? If you're going to  
8           give it outside the agency, you've got to  
9           give it to everybody, okay? If you're  
10          going to -- or you should give it to no  
11          one.

12          And what I get concerned about --  
13          and you see this every year, you give it  
14          to the Police Department, they write back  
15          a letter in which they beat up on you  
16          about various things in the report, not  
17          just for actual things but about the way  
18          you report things and then you have to  
19          deal with that. And I just think that  
20          that is the wrong way to do it. You're  
21          supposed to be independent of the Police  
22          Department. Giving them a draft report  
23          that no one else sees is not a sign of  
24          independence. If you want to give them  
25          factual information to make sure it's

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1 factually correct, that's fine to accept  
2 that they know the facts better than you  
3 sometimes. But we just object and we  
4 continue to object to you giving them the  
5 draft annual report, to rely on them, and  
6 only them, to comment and try to change  
7 your report.

8 Thank you.

9 (Applause)

10 THE CHAIR: All right.

11 MR. O'GRADY: Mr. Chairman?

12 THE CHAIR: Yes, sir?

13 MR. O'GRADY: A military listening  
14 device was placed on my phone. You know,  
15 the world we live in --

16 THE CHAIR: Um-hum.

17 MR. O'GRADY: -- I haven't -- I  
18 haven't been able to see Mr. Duerr ,  
19 your man.

20 THE CHAIR: I see that you secured  
21 an attorney?

22 MR. O'GRADY: But he was supposed to  
23 speak to Mr. Duerr.

24 THE CHAIR: So let him do that,  
25 okay?

PUBLIC MEETING OF THE CCRB 6/9/2010

1           MR. O'GRADY: But, you know, the --  
2           a military listening device was placed on  
3           my phone. And you know, the relay --

4           THE CHAIR: Um-hum.

5           MR. O'GRADY: -- is not probably  
6           what it should be.

7           THE CHAIR: All right. So you have  
8           your attorney deal with it, okay?

9           MR. O'GRADY: But did he -- where is  
10          Mr. Duerr?

11          THE CHAIR: Have your attorney  
12          contact him.

13          The meeting is adjourned. We will  
14          go in recess and then go into Executive  
15          Session.

16          (Proceedings concluded at 11:02 a.m.)

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

I, Jason Gottlieb, Electronic Court Reporter and Notary Public, do hereby certify that the foregoing witness whose testimony as herein set forth, was duly sworn on the date indicated, and I was present during the entirety of the foregoing proceedings, and that I caused to be recorded a true, complete and verbatim recording of the proceedings via digital means.

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:  
June 16, 2010.

\_\_\_\_\_

Jason Gottlieb

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

I, Sara Bernstein, 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:  
June 16, 2010.

\_\_\_\_\_

Sara Bernstein





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

5 July 14, 2010  
6 10:44 a.m.

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

10

11 DR. MOHAMMAD KHALID, ACTING CHAIR  
12 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

13 PUBLIC MEETING AGENDA:

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

22

23

24

25 Reported By: Jason Gottlieb

1

2 BOARD MEMBERS:

3

4 DANIEL D. CHU, ESQ.

5 JAMES DONLON, ESQ.

6 DR. MOHAMMAD KHALID

7 WILLIAM F. KUNTZ II, ESQ.

8 DAVID G. LISTON, ESQ.

9 JULES A. MARTIN, ESQ.

10 MICHAEL MCCANN, ESQ.

11 MARY E. MULLIGAN, ESQ.

12 TOSANO J. SIMONETTI

13 BISHOP MITCHELL G. TAYLOR

14 YOUNGIK YOON, ESQ.

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## PUBLIC MEETING OF THE CCRB 7/14/2010

1 DR. KHALID: Good morning everyone.

2 The Civilian Complaint Review Board

3 meeting will come to an order. I

4 apologize for the delay because of the

5 stenographer was not able to arrive on time

6 because of some problem in the subway.

7 The first item on the agenda is the

8 adoption of the minutes from the last

9 meeting. I'm sure all the Board members

10 have received their packages and if

11 anybody has any questions -- any Board

12 member has, please tell me. Otherwise,

13 we can go ahead and adopt the minutes.

14 MR. KUNTZ: I move that they be

15 approved.

16 MR. SIMONETTI: Second.

17 DR. KHALID: All in favor, say

18 "aye".

19 IN UNISON: Aye.

20 DR. KHALID: Any abstention?

21 (No audible response)

22 So the minutes are passed.

23 The next item is the report from the

24 Chair. Chairman Ernie Hart is not here;

25 he is away. I have a brief report that

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1 the Executive Director will provide a  
2 report on the status of the attorney  
3 hiring process of the AP unit.

4 In May 2010, the NYPD expanded its  
5 stopped -- Stop Card program, city-wide.  
6 CCRB is adding the feature to its case  
7 tracking database to capture statistics  
8 of frequency on which these cards are  
9 used.

10 The next item -- the next meeting --  
11 public meeting will be on October 13 in  
12 Staten Island but the next two meetings  
13 will be here. To repeat, the October 13th  
14 board meeting will be held on Staten Island.

15 I'd like to recognize Meera and  
16 Denise for giving us all the panels in  
17 time so that we can finish the backlog.  
18 Thank you both of you. This concludes my  
19 report. Next item on the agenda is the  
20 report from the Executive Director.

21 MS. THOMPSON: Thank you. In June 2010,  
22 the CCRB received 632 complaints or  
23 twenty-one more complaints than it  
24 received in June 2009 when the agency  
25 received 611 complaints. This represents

PUBLIC MEETING OF THE CCRB 7/14/2010

1 a four percent increase in complaint  
2 activity. In the first six months of  
3 2010, the Board has received 3,339  
4 complaints or 678 fewer complaints that  
5 it received in the same period of 2009, a  
6 seventeen percent decrease in complaints.

7 In 2010, in June, The Board closed  
8 429 cases. Year-to-date, the Board has  
9 closed 3,830 cases. Of the year-to-date  
10 Board closures, 1,447 cases were full  
11 investigation and 220 -- 200 -- excuse  
12 me, 2,247 cases were closed as truncated.

13 The CCRB mediated fifteen cases in  
14 May for a total of ninety-one mediations,  
15 year-to-date. The CCRB attempted  
16 mediation in forty-five cases. The  
17 substantiation rate is ten percent. The  
18 truncation rate stands now at fifty-nine  
19 percent. Year-to-date, the CCRB has  
20 substantiated 145 cases against one  
21 hundred ninety-five officers.

22 With the Board closing, this month,  
23 fewer cases than it received, the  
24 agency's open docket shows a seven  
25 percent increase in relation to the

## PUBLIC MEETING OF THE CCRB 7/14/2010

1 previous month's open docket. The docket  
2 stands as 2,852 cases. About ninety-five  
3 percent of our open investigations were  
4 filed within the last year. Of the open  
5 cases, 1,053 cases are awaiting panel  
6 review or thirty-seven percent of all the  
7 open cases. 1,586 cases being currently  
8 investigated and 213 cases are in the  
9 CCRB's mediation program.

10 In May 2010, the Police Department  
11 disposed of sixteen cases. Fourteen  
12 officers received disciplinary action and  
13 two cases against officers were closed as  
14 department unable to prosecute. The  
15 department disciplined thirteen officers  
16 with instructions and command discipline.  
17 One officer negotiated a guilty charge  
18 with a loss of five vacation days.

19 Year-to-date, the discipline rate is  
20 ninety-one percent. The year-to-date  
21 department declined to prosecute rate is  
22 seven percent.

23 Dr. Khalid had mentioned about the  
24 hiring for the APU and we are now -- we  
25 have just completed the second round of

PUBLIC MEETING OF THE CCRB 7/14/2010

1 interviewing for the Special Counsel. We  
2 had limited the second round to four  
3 attorneys and the selection will be made,  
4 probably, sometime next week. For the  
5 Assistant Special Counsel, for both lines,  
6 the interviews are still continuing and  
7 they will continue throughout next week.

8 As far as investigators go, we have  
9 made -- fourteen selections have been  
10 made for the investigator title. And we  
11 expect that we will soon have  
12 approximately twelve more approvals so we  
13 will be able to put twelve additional  
14 people into the pipeline.

15 The agency restructuring has been  
16 completed. Instead of eight investigative  
17 teams, we now have five. And each team  
18 will now consist of seventeen staff  
19 members.

20 The annual report update is that we  
21 just received the layout yesterday from  
22 the printer. We are now selecting the  
23 pictures for both covers and the colors  
24 to be used throughout the report. And so,  
25 we're just about there. We're at the end of the

PUBLIC MEETING OF THE CCRB 7/14/2010

1 process and the layout is complete. So  
2 once we finish that, hopefully this week,  
3 then it will go back to the printer  
4 for publishing. And then we'll be  
5 ready to send it out to everyone.

6 DR. KHALID: Any Board member has  
7 any questions?

8 (No audible response)

9 If none, the next item on the agenda  
10 is the committee reports. Any reports from  
11 any of the committees?

12 (No audible response)

13 If none, next item is old business. Any  
14 old business?

15 (No audible response)

16 None. New business?

17 (No audible response)

18 If none, public comment. Mr. Dunn?

19 MR. DUNN: Good morning.

20 DR. KHALID: Good morning.

21 MS. THOMPSON: Good morning.

22 MR. DUNN: I must say I'm a little  
23 surprised -- maybe I shouldn't say I'm  
24 surprised. You know, there are some  
25 pretty major police controversies



PUBLIC MEETING OF THE CCRB 7/14/2010

1       happening right now. And as too often it  
2       seems to be the case, there's no  
3       discussion on the Board about any of  
4       this.

5             Let's start with stop and frisk  
6       because presumably, everybody here knows  
7       there's a huge controversy taking place  
8       in terms of the stop and frisk practice  
9       now. The Times ran a major story this  
10      week about stop and frisk activity in  
11      Brownsville. There is a piece of  
12      legislation on Governor Paterson's desk  
13      now about the stop and frisk database.  
14      This is a topic of major conversation in  
15      the city and I am astonished that not a  
16      single member of the Board has anything  
17      to say about stop and frisk and what's  
18      happening now. And I think that is just  
19      emblematic of what I constantly am saying  
20      and I'm sorry to be repeating it but I  
21      just do not understand why this Board is  
22      not part of the city-wide discussion  
23      about policing, particularly, as policing  
24      intersects race.

25             I know there are people on this

PUBLIC MEETING OF THE CCRB 7/14/2010

1 Board who care about racial implications  
2 of policing. And I just don't understand  
3 why you are not a voice at all. I'm not  
4 taking -- fiddling with positions, I'm  
5 talking about the complete absence of the  
6 CCRB in these discussions. I just do not  
7 get it.

8 Secondly, there is another major  
9 controversy which has gotten less public  
10 attention and I mentioned this last time  
11 in terms of Brooklyn and the 81st  
12 Precinct. And I don't know if anyone in  
13 the CCRB is paying any attention to this.  
14 I don't know, Bill, who is a Brooklyn  
15 delegate are paying -- Brooklyn  
16 representatives are paying any attention  
17 to this. There have been community  
18 meetings. There is a community meeting  
19 tonight that Al Vann is having. There's  
20 a community meeting this weekend that  
21 involves elected officials, it involves  
22 community members, it involves just  
23 people who are living in a precinct that  
24 seems to be completely out of control.

25 And -- I mean, obviously -- Joan, is

PUBLIC MEETING OF THE CCRB 7/14/2010

1 anyone from the CCRB participating in any  
2 of these events?

3 MS. THOMPSON: No, they're not.

4 MR. DUNN: Well, I have brought this  
5 to the Board's attention twice. I've --  
6 not for a moment, I think that you can  
7 structure your business around things  
8 that I bring to your attention but there  
9 is so much discussion about this, there  
10 is so much concern about two major things  
11 that should concern the Board. One,  
12 quotas in the 81st Precinct, that  
13 according to tape recordings that capture  
14 the commanding officer and supervisory  
15 officers from that precinct, telling  
16 officers to go out and arrest and harass  
17 people to do it and the serious  
18 downgrading of crimes, which I realize is  
19 something -- that is something that the  
20 CCRB pays less attention to that is a  
21 major issue. And I just do not  
22 understand why this Board has nothing to  
23 say about something of this magnitude.

24 Okay, with respect to the annual  
25 report -- well, before I get to that, in

PUBLIC MEETING OF THE CCRB 7/14/2010

1 terms of the prosecution unit, Joan --

2 MS. THOMPSON: Yes.

3 MR. DUNN: -- I appreciate the  
4 update about how it's hiring. There were  
5 two things that I think that were still  
6 in play that we talked about at the last  
7 meeting. One is, what is happening in  
8 terms of working out the details with the  
9 department about the particulars and way  
10 the APU will work. Is there any report  
11 about where things stand on that?

12 MS. THOMPSON: No. Once we finish  
13 and we get the candidates -- I needed to  
14 know the approximate timeframes that we  
15 were talking about so I haven't made any  
16 offers yet. Once I know who will be  
17 onboard, then I will talk to the PD about  
18 getting started and setting up the  
19 parameters.

20 MR. DUNN: Okay. So does that mean  
21 that right now, at least, there's no  
22 specific schedule about when the unit  
23 will be actually operating and you'll  
24 have cases?

25 MS. THOMPSON: No because I don't

PUBLIC MEETING OF THE CCRB 7/14/2010

1 know who's going to be --

2 MR. DUNN: Sure.

3 MS. THOMPSON: -- handling the unit.

4 So --

5 MR. DUNN: Right.

6 MS. THOMPSON: -- I can't set up a  
7 timeframe.

8 MR. DUNN: The other question is  
9 that I know that there has been some  
10 second seating taking place.

11 MS. THOMPSON: Yes.

12 MR. DUNN: And there has been some  
13 discussion at prior meetings or at least,  
14 my saying something about it, in terms of  
15 trying to figure out what you folks have  
16 been earning from the second seating and  
17 whether that's proving to be a useful  
18 exercise. And I don't know if anyone's  
19 in a position to talk about it now, but I  
20 would, at least, request that by the next  
21 meeting, there be some discussion about  
22 what you are seeing in terms of the  
23 second seating because that's a  
24 significant pilot. And I think it will  
25 have more important implications for the

PUBLIC MEETING OF THE CCRB 7/14/2010

1 AP Unit, once it's actually up and  
2 running.

3 And the -- the only final thing I  
4 wanted to ask about was in terms of the  
5 annual report --

6 MS. THOMPSON: Yes.

7 MR. DUNN: -- I know there has been  
8 discussion in the past about either  
9 including or not including in the printed  
10 report, the comments from the police  
11 department and then the CCRB's response  
12 to those comments. Assuming there's been  
13 correspondence to that effect, are those  
14 matters going to be included in the  
15 report or will they not?

16 MS. THOMPSON: No, they will not be.

17 MR. DUNN: Okay. Are those letters  
18 that the agency is prepared to make  
19 public?

20 MS. THOMPSON: Frankly, there was no  
21 letter.

22 MR. DUNN: Oh, okay. That makes it  
23 quite easy. All right. So who do I talk  
24 to about the phone conversation?

25 (Laughter)

PUBLIC MEETING OF THE CCRB 7/14/2010

1           Okay. Those were my only comments.

2           DR. KHALID: Is there any other  
3 speaker?

4           MR. O'GRADY: Yes. I spoke to  
5 Commissioner Hart last month. A military  
6 listening device was placed on my phone  
7 and that is I was instructed to speak to  
8 the military administering the device in  
9 terms of the military part, you know,  
10 2200 hours.

11          DR. KHALID: Sir, what I will do is  
12 I'll have an investigator talk to you and  
13 you can give the details.

14          MR. O'GRADY: Well -- well, the  
15 attorney -- the attorney is -- he told me  
16 that he would be working with Mr. Dewer  
17 (ph.) but my phone, you know -- well, you  
18 know, I have to talk to the attorney  
19 at -- at 6 o'clock.

20          MS. THOMPSON: Just tell him.

21          DR. KHALID: Yeah, yeah. That will  
22 be --

23          MR. O'GRADY: At 6 o'clock.

24          DR. KHALID: I understand that will  
25 be handled by you.

PUBLIC MEETING OF THE CCRB 7/14/2010

1           MR. O'GRADY: But I just want to  
2 speak to him on the -- military  
3 administrator of the device on the phone  
4 in terms of the military part -- 2200  
5 hours -- 1200 hours.

6           DR. KHALID: Could we have an  
7 investigator talk to --

8           MR. KUNTZ: Yeah.

9           MR. O'GRADY: Well let me finish.  
10 Let me finish. Now, a fellow tenant -- a  
11 fellow tenant told me that the city had  
12 accomplished a condemnation --  
13 condemnation of the building -- a  
14 condemnation of the building. I want  
15 to -- I want to finish this by the  
16 military listening device. Now, the  
17 administrator --

18          DR. KHALID: Sir, he's going to talk  
19 to you about that.

20          MR. O'GRADY: -- that the  
21 perpetrators had eluded the military  
22 listening device.

23          DR. KHALID: Well

24          MR. O'GRADY: But the community  
25 says -- felt that that was highly



PUBLIC MEETING OF THE CCRB 7/14/2010

1 unlikely.

2 DR. KHALID: I understand that.  
3 He's going to talk to you; you can  
4 explain everything.

5 MR. O'GRADY: -- and eluded the  
6 military.

7 DR. KHALID: Okay. You can talk to  
8 him. Thank you.

9 Is there any other speaker?

10 MS. THOMPSON: Yes.

11 MR. SIMONETTI: Yes.

12 DR. KHALID: Salvatore Forte?

13 MR. FORTE: How is everybody?

14 MS. THOMPSON: Fine, thanks.

15 MR. FORTE: Well, let me see. Today  
16 I came here. I went on your website last  
17 night and I noticed that you have the  
18 community board meeting. And today, I  
19 came here, actually, to make my second  
20 and third complaint about the police.

21 I was stopped yesterday at the  
22 Howard Beach station at the A train stop.  
23 Now, I was stopped a block and a half  
24 away from the train, in a parking lot in  
25 the middle of a swamp, three miles away

PUBLIC MEETING OF THE CCRB 7/14/2010

1 from JFK. Nobody was there. I was  
2 charged with -- I was given two tickets.  
3 One was disorderly misconduct, part of  
4 the Penal Code Law 20 -- 240.20, Section  
5 6.

6 That means that I was supposedly in  
7 a crowd; there was nobody there.  
8 Supposedly, I did not comply with the  
9 police officer; I was walking home.  
10 Supposedly, I went through emergency  
11 doors which I didn't have any authority  
12 going through even though there was a  
13 public easement -- legal public easement.  
14 So if there's a legal public easement,  
15 you have natural -- natural law from the  
16 Supreme Court states that you have  
17 mobility to move about and determine your  
18 own safety however you determine it,  
19 okay? So, it's apparent -- now, my  
20 daughter's half-black. So I'm Italian,  
21 my daughter's half-black.

22 BISHOP TAYLOR: Sir -- sir, I just  
23 want to stop you for a second --

24 MR. FORTE: Yeah.

25 BISHOP TAYLOR: -- because in order

PUBLIC MEETING OF THE CCRB 7/14/2010

1 for you to file a legitimate complaint,  
2 you can't give those details, publicly,  
3 here. So, this young lady will help  
4 you --

5 DR. KHALID: We have the  
6 investigator you can talk to.

7 MR. FORTE: Well, no. I'm not shy  
8 about it. Can I finish?

9 BISHOP TAYLOR: No. What's going to  
10 happen is you're going to discredit your  
11 case so you need to talk to her.

12 MR. FORTE: Not really because I'm  
13 going to repeat it all together. If it's  
14 open to your disclosure --

15 BISHOP TAYLOR: Yeah but this is not  
16 the forum.

17 DR. KHALID: Have you -- have you  
18 filed a complaint yet?

19 MR. FORTE: I'm going to do it.

20 DR. KHALID: Well, that -- she's  
21 going to take --

22 MR. FORTE: All right. So I'll  
23 stop -- I'll stop -- I'll stop repeating  
24 the complaint.

25 What I did want to get into also,

PUBLIC MEETING OF THE CCRB 7/14/2010

1 since I don't really know the rules of  
2 how to talk to you, is that, apparently,  
3 there's -- if you give an officer -- and  
4 this what an officer actually has,  
5 whether he knows it or not, because  
6 apparently, they don't give him the Bill  
7 of Rights or they don't show him the  
8 Constitution. They just show him New  
9 York City law.

10 DR. KHALID: Sir, this agency is  
11 going to look into your complaint.

12 MR. FORTE: No.

13 DR. KHALID: And --

14 MR. FORTE: Can I --

15 DR. KHALID: I'm just -- I'm sorry.  
16 They're going to look into your  
17 complaint. We'll fully investigate and  
18 make a finding and make sure that your  
19 complaint is resolved --

20 MR. FORTE: Okay.

21 DR. KHALID: -- according to the  
22 law.

23 MR. FORTE: Now -- now, if you just  
24 let me, I'll -- I'll finish my  
25 paragraph --

PUBLIC MEETING OF THE CCRB 7/14/2010

1 DR. KHALID: Okay

2 MR. FORTE: -- and then I'll go with  
3 it. But a New York City police officer  
4 or anybody, you know, state police,  
5 whatever, they have what's called limited  
6 delegated authority. It's not unlimited.  
7 And the thing is, there's a difference  
8 between city authorities with policies  
9 and rules and enforcing laws. Laws are a  
10 separate thing than policies and rules.

11 Now apparently, New York City police  
12 officers don't really understand this  
13 because I don't know if it's an education  
14 issue. I don't know if it's an awareness  
15 of consciousness. I don't know if it's  
16 because they meet all kinds of encounters  
17 every day that makes them callous to it.  
18 And I don't know if it's an abuse of  
19 authority, which I believe it is.  
20 Apparently, a bureaucratic reaction  
21 because in a way, we're not really in a  
22 democracy; we're in a bureaucratic  
23 government because everything is --

24 DR. KHALID: Sir, we are 8.3 million  
25 people in the New York City.

## PUBLIC MEETING OF THE CCRB 7/14/2010

1 MR. FORTE: Okay. Well --

2 DR. KHALID: And -- and people have  
3 complaints. That's why this agency  
4 exists.

5 MR. FORTE: Okay.

6 DR. KHALID: And you have the right  
7 to file a complaint against the police  
8 department, what happened to you. We'll  
9 be happy to take --

10 MR. FORTE: Okay.

11 DR. KHALID: -- your complaint, make  
12 sure we investigate it fully, okay?

13 MR. FORTE: All right.

14 DR. KHALID: Thank you. Thank you  
15 for your comments and she'll be happy to  
16 help you with that.

17 MR. FORTE: I'll take that as a  
18 percentage of censorship. That's fine.  
19 Maybe I should run for office since I  
20 don't qualify for nothing and everybody  
21 else doesn't qualify either. I think  
22 I'll run for office. If you can't fix  
23 it, you abandon it or you tear it down.

24 MR. SIMONETTI: Let's move on.

25 MR. KUNTZ: All right. Let's move

PUBLIC MEETING OF THE CCRB 7/14/2010

1 on. Are there any other comments?

2 DR. KHALID: Any other comments?

3 (No audible response)

4 With this then, conclusion of the  
5 public session. We'll take a ten-minute  
6 break and then we'll go into Executive  
7 Session.

8 Thank you all.

9 (Proceedings concluded at 11:03  
10 a.m.)

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

I, Jason Gottlieb, Electronic Court Reporter and Notary Public, do hereby certify that the foregoing witness whose testimony as herein set forth, was duly sworn on the date indicated, and I was present during the entirety of the foregoing proceedings, and that I caused to be recorded a true, complete and verbatim recording of the proceedings via digital means.

I further certify that I am not employed by nore related to any party to this action.

In witness whereof, I hereby sign this date:  
July 22, 2010

\_\_\_\_\_  
Jason Gottlieb



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

I, Sara Bernstein, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recording 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:  
July 22, 2010-07-22

\_\_\_\_\_  
Sara Bernstein



0001

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MEETING OF

3

THE CIVILIAN COMPLAINT REVIEW BOARD

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5

August 11, 2010

6

10:10 a.m.

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40 Rector Street

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2nd Floor

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New York, New York 10006

10

11 ERNEST F. HART, ESQ., CHAIR

12 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

13 PUBLIC MEETING AGENDA:

14 1. Call to Order

15 2. Adoption of Minutes

16 3. Report from the Chair

17 4. Report from the Executive Director

18 5. Committee Reports

19 6. Old Business

20 7. New Business

21 8. Public Comment

22

23

24

25 Reported By: Jason Gottlieb

0002

1

2 BOARD MEMBERS:

3

4 DANIEL D. CHU, ESQ.

5 DR. MOHAMMAD KHALID

6 WILLIAM F. KUNTZ II, ESQ.

7 DAVID G. LISTON, ESQ.

8 JULES A. MARTIN, ESQ.

9 MICHAEL MCCANN, ESQ.

10 MARY E. MULLIGAN, ESQ.

11 TOSANO J. SIMONETTI

12 BISHOP MITCHELL G. TAYLOR

13 YOUNGIK YOON, ESQ.

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0003

1           THE CHAIR: Meeting called to order.  
2           The first item on the agenda is adoption  
3           of the minutes of the last meeting. Is  
4           there a motion?

5           MR. MARTIN: So moved.

6           MR. SIMONETTI: So moved.

7           THE CHAIR: All in favor?

8           IN UNISON: Aye.

9           THE CHAIR: Second, report from the  
10          chair. First of all, I'd like to thank  
11          Dr. Khalid for chairing the last board  
12          meeting as I was out of the country,  
13          actually. And I think by reading the  
14          minutes, I thank him for an outstanding  
15          job.

16          DR. KHALID: It was a pleasure, Mr.  
17          Chairman. Thank you so much.

18          THE CHAIR: Thank you, Doctor.  
19          Also, I would like to acknowledge that in  
20          the last budget cycle, as you well know,  
21          we had some restoration of funds and  
22          we're able to hire personnel, some of  
23          whom are here. We've hired several  
24          investigators so we're certainly happy to  
25          have them here with us today. And

0004

1            hopefully, you won't be taken aback by  
2            anything that happens here.

3                       Next item on the agenda is the  
4            report from the executive director.

5                       MS. THOMPSON: Okay. I'm going to  
6            start off with the stats. In July 2010,  
7            the CCRB received 603 complaints or  
8            sixty-five fewer complaints than it  
9            received in July of 2009 when it received  
10           668. This represents a ten percent  
11           decrease in complaint activity. In the  
12           first seven months of 2010, the Board has  
13           received 3,922 complaints or 763 fewer  
14           complaints than it received in the same  
15           period of 2009; a sixteen percent  
16           decrease in complaints.

17                      In July 2010, the Board closed 609  
18           cases. Year-to-date, the Board has  
19           closed 4,433 cases. Of the year-to-date  
20           Board closures, 1,677 cases were full  
21           investigations and 2,247 were closed as  
22           truncated cases. The CCRB mediated  
23           fifteen cases in July for a total of 106  
24           mediations year-to-date. The CCRB also  
25           attempted mediation in eighty-eight

0005

1 cases. The substantiation rate is eleven  
2 percent and the truncation rate is fifty-  
3 eight percent. Year-to-date, the CCRB  
4 has substantiated 182 cases.

5 With the Board closing this month  
6 more cases than it received, the agency's  
7 open docket shows a one percent decrease  
8 in relation to the previous month's open  
9 docket. The docket stands as 2,829  
10 cases. About ninety-six percent of all  
11 open investigations were filed within the  
12 last year. Of the open cases, 1,022  
13 cases are awaiting panel review or  
14 thirty-six percent of all open cases.  
15 1,566 cases are being currently  
16 investigated and 201 cases are in the  
17 CCRB's mediation program. By date of  
18 occurrence of the complaints -- incident,  
19 eight cases are -- in the CCRB's open  
20 docket are eighteen months or older.

21 In June 2010, the police department  
22 disposed of nineteen cases. The  
23 department declined -- disciplined  
24 thirteen officers; ten received  
25 instructions and command discipline, two

0006

1 officers negotiated a guilty charge with  
2 a loss of forty-five days and one officer  
3 was found guilty after trial. Five  
4 officers were found not guilty after  
5 trial and in once case, the department  
6 declined to seek prosecution. Year-to-  
7 date, the discipline rate is eighty-seven  
8 percent. The year-to-date department  
9 declined to prosecute rate is seven  
10 percent.

11 I just wanted to take a minute to  
12 say something about Francine. Francine  
13 is leaving and we're all going to get a  
14 little choked up, probably, on Friday.  
15 But she's moving on to California. And  
16 she began her career in 1998 here as a  
17 part-time college aide.

18 So, we wanted to -- she's a  
19 homegrown star. In the seven months she  
20 was hired then as a full-time secretary.  
21 And then in 2004, Francine was appointed  
22 to PAA, which is a civil service  
23 appointment and became executive  
24 secretary. She -- as I said, she's  
25 really the homegrown success. She's



0007

1 handled her position, of course, with  
2 integrity, knowledge, warmth and that  
3 smile. So she's moving on to California  
4 for a new adventure and we'll miss her.

5 MS. RAPHAEL: I'll miss you too.

6 Thank you.

7 (Applause)

8 MS. THOMPSON: Of course, I'll  
9 really miss her. She's the one who  
10 always tell me, "It's 3 o'clock. You  
11 haven't gone to lunch yet. Go eat."

12 I wanted to say that we have hired  
13 the special counsel for the prosecution  
14 unit and the second team attorney. Both  
15 attorneys will expect to start on  
16 September 13th.

17 And the long awaited annual report  
18 will unfortunately, be here at 12:30 this  
19 afternoon so we will miss the meeting but  
20 we have one copy; it's here. And  
21 everybody, it will be in the mail by --  
22 certainly, by the end of the month but  
23 within the next couple of weeks,  
24 everybody should be receiving their copy.

25 And I just wanted to say a quick

0008

1 word about grants that we have been --  
2 Dawn, in one of her many things that Dawn  
3 has been doing, wearing her 4,000 hats  
4 that she wears, she has been writing  
5 proposals and has sent a proposal to New  
6 York Community Trust. That was sent out  
7 on July 30th. The grant would be for  
8 125,000 dollars. She has already also  
9 submitted letters of intent to send out  
10 other additional proposals to the Ford  
11 Foundation and to the Rockefeller  
12 Foundation. So we will keep you abreast  
13 of our success on those.

14 And I publicly wanted to thank Dawn  
15 for helping us, possibly getting this new  
16 money to look at some printed matter,  
17 some more printed materials and to look  
18 at video -- the possibility of doing  
19 videos and looking for videos for  
20 mediation and extending our work in  
21 mediation and outreach. Okay, that's it.

22 THE CHAIR: Any questions?  
23 Committee reports, I know we have one  
24 from the IT committee.

25 MR. CHU: Well, the committee has

0009

1           been working with Yuriy to try to  
2           streamline the process of voting sheets  
3           and to ultimately -- the idea is to try  
4           to put the voting sheets online and do  
5           more with less. It would obviate, at  
6           some point, the necessity of having  
7           messengers pick up and collect and  
8           correlate some of the voting sheets but  
9           since this is a very significant process,  
10          we are proceeding cautiously and slowly.

11                 And at this point, there are still  
12          details that need to be worked out. All  
13          of the Board members need to be,  
14          obviously, consulted on before we take a  
15          vote and make any kind of proposals. But  
16          that's something that is in the works and  
17          has been in the works now for about a  
18          month or so. And we will certainly  
19          continue to give you updates on any  
20          progress and any final decisions with  
21          respect to what the ultimate proposal  
22          will be.

23                 THE CHAIR: Of course, one of the --  
24          one of the main outcomes would be the --  
25          if this is successful -- the reduction of

0010

1 use of paper.

2 MR. CHU: That's correct, paper.

3 And also it would obviate the need for  
4 messengers to go to each Board member's  
5 office to pick up the -- and return the  
6 voting sheets. And it would also  
7 computerize things so that the  
8 correlation of the voting sheets would  
9 facilitate which cases needed to be  
10 discussed and we wouldn't be spinning our  
11 tires with cases that we all agree on.

12 THE CHAIR: Any other committee  
13 reports?

14 (No audible response)

15 Thank you to the -- not only to the  
16 staff but to the reports and  
17 recommendation committee for the annual  
18 report. It is, I think, a very good  
19 report and it shows a lot of hard work  
20 and I'm appreciative of that.

21 Any old business?

22 (No audible response)

23 Any new business?

24 (No audible response)

25 Time for public comment. Mr. Dunn?

0011

1           MR. DUNN: Good morning. You know,  
2           ever since you got rid of the clock, it's  
3           hard to tell how long these meetings are  
4           but I just don't wear a watch but that  
5           must have been ten minutes at most. It  
6           is back there, don't you know? You guys  
7           can see the clock but I'm sorry, I  
8           apologize. The clock is fine.

9           All right. Well, I will be  
10          repeating myself in large part but I'm  
11          going to say it again. First, in terms  
12          of the monthly report, I'm struck by the  
13          reporting about the trials in the police  
14          department. The five trials that took  
15          place, all of which the officer was found  
16          not guilty. Is there any reporting about  
17          the trial process? Were those trials the  
18          CCRB participated in? It's an unusual  
19          number of trials. It's the first time  
20          there's been a month where there have  
21          been a significant number of trials  
22          reported.

23          MS. THOMPSON: Go ahead, yeah.

24          MR. SMITH: To this point, the  
25          second seat program has had eleven cases

0012

1 Five of which have gone to trial.  
2 Five trials that you described are part  
3 of the cases that have been involved in  
4 the program.

5 The other six cases, some of them  
6 were cases where there was a settlement  
7 at the conclusion of trial. The  
8 statistics will record that as a  
9 settlement as opposed to a concluded  
10 trial. And you can see what may have  
11 happened in several of those cases, that  
12 at the conclusion of trial when it  
13 appears that the evidence has come in  
14 against the officer, you're more likely  
15 to get a settlement and a plea at that  
16 stage. So as a result, the number of  
17 five is not complete.

18 MR. DUNN: Okay. Well, I accept  
19 that -- I mean you just said the number's  
20 not complete. I accept that but what I'm  
21 wondering about is that five trials that  
22 are concluded in the month apparently,  
23 all of which, the officer ends up being  
24 found not guilty. I think in most  
25 people's minds it would raise a question

0013

1 of what's happening in terms of the  
2 actual conduct at the trial. And I'm  
3 just wondering if you folks have been  
4 looking at that, if there are lessons you  
5 are learning about the trial process now  
6 that you're actually involved in it,  
7 whether there is something about these  
8 cases that would explain why there was  
9 such a large number of cases that the  
10 officer prevailed in.

11 THE CHAIR: I don't want to get into  
12 a question and answer about --

13 MR. DUNN: I understand.

14 THE CHAIR: The purpose of the  
15 second seating is what it is so we can  
16 learn so -- about the trial process. And  
17 I hear what you said but I don't -- I  
18 don't think there is an answer.

19 MR. DUNN: All right. Well, I would  
20 just say -- I mean, Ernie, I have raised  
21 several times in the past, requests that  
22 there be some reporting from the Board  
23 about the Board's experience in the  
24 second seating program. And this is the  
25 first indication where I have seen that

0014

1           there are a number of trials that took  
2           place. I think before this month, there  
3           might have been one or two trials all  
4           year. And now there are a bunch of  
5           trials where the officer is also found  
6           not guilty, which may be perfectly  
7           appropriate but that's a big number of  
8           trials where the officer is found not  
9           guilty.

10                 So what I would ask and I will  
11           repeat now there are some cases  
12           apparently to look at that, there would  
13           be some public reporting from the Board  
14           about what it is seeing about the trial  
15           process and how its role in the trial  
16           process may be improving or detracting.

17                 All right. But the main thing I  
18           wanted to talk about was something that  
19           arose at the last meeting and it was  
20           reflected again in this meeting and the  
21           discussion or lack of discussion by the  
22           Board.

23                 One of the issues that I raised last  
24           month was in light of some of the major  
25           police controversies that were happening



0015

1           then and continue to happen today, the  
2           lack of any discussion by the Board about  
3           any of those issues.  And there was some  
4           reporting after the Board meeting last  
5           month in the New York Times in which  
6           Graham was quoted as saying that after  
7           having spoken to Joan, that it was the  
8           Board's responsibility under the charter  
9           to be investigating complaints and not  
10          particular -- particular complaints and  
11          not looking at policy issues.  And we  
12          have had this ongoing discussion, at  
13          least I have been saying to you, without  
14          much response, that the Board should be  
15          looking at policy issues as part of its  
16          work.

17                 And since there are a number of new  
18          people who are on the Board, I thought I  
19          would make sure that people understood  
20          this issue about policy issues -- the  
21          Board looking at policy issues.  This is  
22          a list of reports, working back from the  
23          most recent ones: proper handling of  
24          police union courtesy cards, proper  
25          identification of subject officers at

0016

1 demonstrations, enhanced training  
2 regarding strip-search procedures, no-  
3 knock warrants upon request, search  
4 warrant database, refusal to provide name  
5 and/or shield number, CCRB street stop  
6 encounter report, pepper spray report, a  
7 second pepper spray report, hollow point  
8 bullet report.

9 For those of you who have been  
10 around here for a long time, you will  
11 recognize what those are. For the new  
12 people, that is not a list of NYCLU wish  
13 reports; that is the list of reports on  
14 your website that this agency has done in  
15 the last ten years. And then last -- and  
16 just to show that everything comes around  
17 once again. The oldest report on the  
18 website is a report about the 75th and  
19 81st Precincts. There was an unusual  
20 number of complaints that the agency  
21 received in those two precincts.

22 As some of you may recall, although  
23 there's not been any discussion here at  
24 the Board, there's a major scandal around  
25 the 81st Precinct now. And there are

0017

1           widespread allegations and there are all  
2           these tapes that seem to substantiate  
3           them about police officers wantonly  
4           stopping and frisking people, police  
5           officers making false arrests and knowing  
6           there's no basis for the arrest, of  
7           police officers being subject to quotas.

8                     And there has been reporting to  
9           suggest this is not a problem that is  
10          unique to the 81st Precinct. And for the  
11          life of me, I do not understand why the  
12          people on this Board, seemingly, have  
13          zero interest in this topic. It  
14          certainly is indicated by the lack of any  
15          discussion at these Board meetings. You  
16          know, I'm glad that you recognize the  
17          staff. And I think the staff is  
18          terrific. And the new people, welcome to  
19          CCRB, but, you know, there's a big city  
20          out there and there's a lot of police  
21          issues happening and a lot of people are  
22          talking about them. There's the shooting  
23          up in Harlem, which who knows what will  
24          come of that but there have been lots of  
25          questions about department shooting

0018

1 practice that this Board has never talked  
2 about. The stop and frisk controversy  
3 continues unabated. As you may have  
4 seen, the numbers for the second quarter  
5 are up twenty percent from the year  
6 before. Stop and frisk is the number one  
7 source of complaints to this agency.  
8 And, you know, all things -- you got now  
9 the New York State Legislature that has  
10 weighed in and has put an end to the stop  
11 and frisk database. And yet, there's  
12 nothing but silence from the Board about  
13 something like stop and frisk.

14 And, you know, I understand that  
15 maybe some people here are appointed by  
16 members of the city but we're not  
17 actually delving into that but particular  
18 to the city council members, I do not  
19 understand why you remain silent. You  
20 have nothing to say about these major  
21 police issues. And so long as you do, I  
22 think you just have to understand that  
23 there is going to be less and less  
24 confidence in this agency to do things.

25 And while under normal

0019

1           circumstances, I would be encouraged by  
2           the drop in complaints -- fewer  
3           complaints about police misconduct are  
4           always a good thing -- I worry and I  
5           think the likely explanation is less that  
6           there's less police misconduct and much  
7           more likely that people are finally  
8           coming around to the conclusion there's  
9           simply no point in filing a complaint  
10          with this agency because it's not taking  
11          police misconduct seriously.

12                 And I just hope and encourage you,  
13          as we go forward, that the Board has got  
14          to get involved. It's got to get its  
15          head out of the sand and start paying  
16          attention and do more than just the  
17          processing of complaints and just start  
18          thinking of the large policy issues that  
19          are behind the complaints and the large  
20          policy issues that continue to engulf the  
21          department. Thank you very much.

22                 THE CHAIR: Thank you, Mr. Dunn.  
23          Yes, sir?

24                 MR. O'GRADY: The attorney indicated  
25          to me that you would contact your

0020

1 investigator on Monday. Can I find out  
2 if that occurred?

3 THE CHAIR: We'll find out after the  
4 meeting, okay?

5 MR. O'GRADY: Well, how do I do  
6 that?

7 THE CHAIR: I will -- somebody will  
8 talk to you. Thank you.

9 I see nobody else signed up to  
10 speak. So, thank you. This meeting is  
11 adjourned and we will meet in executive  
12 session in ten minutes. Thank you.

13 (Meeting concluded at 10:28 a.m.)

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

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I, Jason Gottlieb, Electronic Court

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Reporter and Notary Public, do hereby certify

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that the foregoing witness whose testimony as

7

herein set forth, was duly sworn on the date

8

indicated, and I was present during the

9

entirety of the foregoing proceedings, and

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that I caused to be recorded a true, complete

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and verbatim recording of the proceedings via

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digital means.

13

14

I further certify that I am not employed

15

by nore related to any party to this action.

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In witness whereof, I hereby sign this

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date:

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August 20, 2010

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Jason Gottlieb

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

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I, Sara Bernstein, hereby certify that

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the foregoing is a true and correct

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transcription, to the best of my ability, of

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the sound recording proceedings submitted for

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transcription.

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I further certify that I am not employed

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by nor related to any party to this action.

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In witness whereof, I hereby sign this

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date:

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August 20, 2010

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Sara Bernstein

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MEETING OF  
THE CIVILIAN COMPLAINT REVIEW BOARD  
-----x

September 8, 2010

10:05 a.m.

40 Rector Street  
2nd Floor  
New York, New York 10006

ERNEST F. HART, ESQ., CHAIR  
MEERA JOSHI, ESQ, FIRST DEPUTY EXECUTIVE DIRECTOR

PUBLIC MEETING AGENDA:

- 1. Call to Order
- 2. Adoption of Minutes
- 3. Report from the Chair
- 4. Report from the Executive Director
- 5. Committee Reports
- 6. Old Business
- 7. New Business
- 8. Public Comment

Reported By: Erwin Fried

1

2 BOARD MEMBERS:

3

4 DR. MOHAMMAD KHALID

5 WILLIAM F. KUNTZ II, ESQ.

6 DAVID G. LISTON, ESQ.

7 JULES A. MARTIN, ESQ.

8 MICHAEL MCCANN, ESQ.

9 MARY E. MULLIGAN, ESQ.

10 TOSANO J. SIMONETTI

11 YOUNGIK YOON, ESQ.

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## PUBLIC MEETING OF THE CCRB 9/8/2010

1           MR. CHAIR: First item on the agenda  
2           is the adoption of minutes. Is there a  
3           motion?

4           MR. SIMONETTI: Second.

5           MR. KUNTZ: So moved.

6           MR. CHAIR: All in favor?

7           IN UNISON: Aye.

8           THE CHAIR: Second item on the  
9           agenda is report from the Chair. First  
10          of all, I'd like to announce that the --  
11          that I have appointed a new subcommittee  
12          on public information chaired by Mary  
13          Mulligan. And so we will have- so the Board  
14          will certainly have more of an emphasis  
15          on public information in the days and  
16          months and years to come.

17          MS. MULLIGAN: Thanks, Ernie.

18          THE CHAIR: Thank you, Mary, for  
19          chairing that.

20          MS. MULLIGAN: You're welcome.

21          THE CHAIR: Second of all, for those  
22          of you who don't know, this is  
23          Commissioner McCann's last meeting. And  
24          the Board joins me in publicly thanking  
25          Mike McCann for his hard work and

## PUBLIC MEETING OF THE CCRB 9/8/2010

1 dedication since his appointment to the  
2 Board in September 2008. Although a  
3 Board member for only two years, Mike's  
4 impact was duly felt. His determination  
5 and sense of justice was always  
6 present , present in all of his  
7 deliberations. Again, I thank you for  
8 extending yourself and giving of your  
9 time to this important endeavor and on  
10 behalf of the Board, we wish you well.

11 MR. MCCANN: Okay, thanks.

12 THE CHAIR: Good luck, Mike.

13 MR. MCCANN: Yes.

14 THE CHAIR: We'll miss you.

15 MR. MCCANN: Thank you very much and  
16 I appreciate all this, it's a great  
17 learning curve and I appreciate all the  
18 support. And -- and I hope my record for  
19 holding the longest panel meeting stays  
20 in place for a while!!

21 MR. SIMONETTI: Duly noted.

22 THE CHAIR: Next, I'd just to like  
23 to mention that our next meeting that is,  
24 our October meeting will be in Staten  
25 Island. And details will follow but I

## PUBLIC MEETING OF THE CCRB 9/8/2010

1 believe it's going to be at Borough Hall,  
2 I believe. But we will let you know  
3 where and what the exact details are, in  
4 the future.

5 The next item on the agenda is a  
6 report from the Executive Director. The  
7 First Deputy is here today in place of the  
8 Executive Director.

9 MS. JOSHI: Year-to-date, the Board  
10 has 4,468 FADO complaints which is  
11 sixteen percent less than the number of  
12 complaints that were received year-to-  
13 date in 2009. In the month of August, we  
14 received 566 FADO complaints which is a  
15 decrease from August 2009 when the Board  
16 received 653 FADO complaints. Total  
17 intake for the CCRB has also decreased.  
18 Year-to-date, the Board has received  
19 11,591 complaints and last year at this  
20 same point, the Board had received 13,097  
21 complaints.

22 While complaint filing has  
23 decreased, the percentage of complaints  
24 filed within each of our jurisdictional  
25 categories force, abuse of authority,

## PUBLIC MEETING OF THE CCRB 9/8/2010

1        discourtesy and offensive language have  
2        remained constant. Fifty percent of our  
3        complaints still contain approximately,  
4        excuse me - fifty percent of our  
5        complaints contain at least one  
6        allegation of force. Sixty-three percent  
7        of our complaints contain at least one  
8        allegation of abuse of authority. And  
9        forty-one percent of the complaints  
10       contain at least one allegation of  
11       discourtesy. And seven percent of the  
12       complaints still comprised of at least  
13       one allegation of offensive language.

14                As of August 31st, the agency had  
15        2,583 open cases, which is a decrease of  
16        five percent as compared to the end of  
17        July 2010. Ninety-seven percent of the  
18        cases that are open were filed within the  
19        last year. And only nine of the open  
20        cases have been filed eighteen months or  
21        older. Sixty percent of the open cases  
22        are being investigated and thirty percent  
23        are pending before the Board. And the  
24        remaining eight percent are with the  
25        Mediation Unit.

## PUBLIC MEETING OF THE CCRB 9/8/2010

1           The Board has closed year to date  
2           more cases year-to-date in 2010 than it  
3           did last year. This year, the Board closed  
4           5,225 cases and last year, at this  
5           juncture, the Board had closed 5,128  
6           cases. Of this year's closures, 1,960  
7           cases were fully investigated and 3,039  
8           were truncated. This year's truncation  
9           rate is fifty-eight percent. At this  
10          point last year, the truncation rate was  
11          slightly higher; it was sixty-three  
12          percent.

13          Of the full investigations year-to-  
14          date, the CCRB has substantiated 221  
15          cases involving 312 officers. The  
16          substantiation rate year-to-date is  
17          eleven percent which is an increase from  
18          last year's year-to-date substantiation  
19          rate which was eight percent. The CCRB  
20          mediated thirteen cases in August for a  
21          total of 119 mediations year-to-date.  
22          The ADR committee will be providing a  
23          more detailed report on the mediation  
24          statistics.

25          In July 2010, the Police Department



## PUBLIC MEETING OF THE CCRB 9/8/2010

1 closed twenty-eight CCRB cases. The  
2 department disciplined eighteen officers.  
3 Seven officers received command  
4 discipline, eleven officers received  
5 instruction. The department declined to  
6 prosecute nine cases and one case went to  
7 trial and the officer was found not  
8 guilty. Year-to-date, the NYPD  
9 discipline rate is eighty-two percent and  
10 the declined to prosecute rate is twelve  
11 percent.

12 Also within the last month, we  
13 received a report from City Hall. They  
14 have a customer service, secret shopper  
15 customer service survey. So they sent  
16 someone in surreptitiously to survey  
17 our facilities. We were rated on a numerical  
18 score, which corresponds between good and  
19 excellent. They had two recommendations  
20 for improvement, one of which we were  
21 already undertaking and one of which we  
22 will.

23 Second, I wanted to mention we're  
24 going to be participating in the NACOLE  
25 conference which is the National

## PUBLIC MEETING OF THE CCRB 9/8/2010

1 Association of Civilian Oversight of Law  
2 Enforcement. That's this month -- later  
3 this month in Seattle. We'll have  
4 several members of the executive staff  
5 and our Chair who will be travelling out  
6 there to participate in the conference.  
7 And two members of our senior staff will  
8 be presenting. Lisa Cohen, who is our  
9 Director of Mediation, will be acting as  
10 a moderator for a panel that will be  
11 talking about mediation programs within  
12 oversight agencies and how to improve  
13 them. And Marcos Soler, who's our  
14 Director of Strategic Initiatives, will  
15 moderate a panel that's discussing best  
16 practices for evaluating police conduct  
17 during mass demonstrations. So he'll  
18 also be giving the CCRB perspective and  
19 with our recommendations from the anti-  
20 war demonstrations and the RNC.

21 And that completes the Executive  
22 Director's report.

23 THE CHAIR: Anyone have questions?

24 (No response)

25 THE CHAIR: Next item on the agenda

## PUBLIC MEETING OF THE CCRB 9/8/2010

1 are committee reports. I believe we have  
2 one from the ADR committee.

3 MR. MARTIN: Good morning. As you  
4 know, mediation is an effective vehicle  
5 to address cases quicker and, therefore,  
6 affording complainants opportunities to  
7 discuss their allegations on a rather  
8 level playing field. It also affords the  
9 officer an opportunity to explain his or  
10 her actions. And, therefore, I'm pleased  
11 to report that the mediation program  
12 continues to be even more successful.

13 As of August 30th, 2010, this agency  
14 has mediated 119 cases year-to-date,  
15 compared to 118 cases throughout 2009.  
16 So far in the current year, the average  
17 monthly cases are -- that we mediate are  
18 14.75 as compared to 2009 where it was  
19 9.9 cases.

20 Other significant changes comparing  
21 January through August 2009 compared to  
22 2010, the number of cases mediated  
23 increased by forty-seven percent from 81  
24 to 119. The number of mediated cases as  
25 a percentage of the overall closure rate

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1       increased from 2.5 percent to 4.3  
2       percent. The number of cases referred to  
3       mediation increased by sixty percent from  
4       272 to 435. And as a result of increased  
5       training, the rate at which investigators  
6       are offering mediation increased from  
7       twenty-six to forty-eight percent. And  
8       the rate at which civilians are accepting  
9       mediation increased from -- increased  
10      slightly from 53.7 percent to 54.2. And  
11      the rate officers are accepting mediation  
12      increased from 72.6 percent to 82  
13      percent.

14             A lot of credit has to go to two  
15      areas of the agency. One, of course, is  
16      the Mediation Unit and the other is to  
17      the investigators who are shepherding  
18      appropriate cases to mediation for  
19      review. And it -- overall, it really  
20      will reduce the number of days it takes  
21      the agency to address individual cases.

22             MR. KUNTZ: I just had one -- with  
23      respect to the 119 cases year-to-date,  
24      that's mediation and mediation attempted,  
25      Commissioner?

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1 MR. MARTIN: Just mediation.

2 MR. KUNTZ: Oh, just mediation?

3 is that correct?

4 MR. MARTIN: Straight mediation.

5 MR. KUNTZ: what about the mediation

6 attempted? Do you have that as well?

7 MR. MARTIN: Yes. We went up from

8 86 to 106, 2009 versus 2010.

9 MR. KUNTZ: So the range of the

10 program has really expanded quite a bit.

11 MR. MARTIN: Right.

12 MR. KUNTZ: Thank you.

13 THE CHAIR: I guess one of the

14 things that we have to work on is

15 although acceptance of mediation by

16 parties is up, I guess where we lag a

17 little bit is the acceptance rate of

18 civilians.

19 MR. MARTIN: Right.

20 THE CHAIR: And that's something

21 that we have to work on in some way.

22 MS. MULLIGAN: Thank you.

23 THE CHAIR: I'll hear from you now.

24 MS. MULLIGAN: Good morning. I'm

25 Mary Mulligan and I wanted to let you all

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1 know that on the CCRB website, our status  
2 report for January through December 2009  
3 is now online and some of you had  
4 received it. I see that Mr. Dunn has his  
5 color copy with him. And I have a copy  
6 here of the status report and this  
7 report, I think, is very useful. Our  
8 staff worked very hard putting it  
9 together. It was reviewed by all of the  
10 executive members, the staff and the  
11 Board members. And I think for anyone  
12 who would like to have a better  
13 understanding of who the Board is, how we  
14 operate and what our wonderful staff  
15 does, I think that this status report is  
16 very, very useful.

17 I'd like to just highlight a few  
18 things in it. We have brief background  
19 information regarding our various Board  
20 members. And we also note, with sadness,  
21 that we lost one of our Board members  
22 last year. Dennis deLeon passed away.  
23 He served on our Board from October 2003  
24 to 2009 and he had a tireless commitment  
25 to end discrimination in this city. He

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1       made major advancements with respect to  
2       improving the lives of people with HIV.  
3       And he's someone who had a deep  
4       commitment to helping those in need. And  
5       I really respected him and I think our  
6       Board was incredibly graced to have his  
7       sense of justice and dedication with us.  
8       So I would just like to pay tribute to  
9       his service to the City of New York. And  
10      I think all the Board members join me in  
11      giving him remembrance and thanks.

12             In the status report, our Chair has  
13      a very informative letter. And he  
14      indicates in his letter that our  
15      complaints were up last year,  
16      considerably. We had 7,664 complaints  
17      which was up four percent from 2008. And  
18      I think as you read the report, there are  
19      a couple things that I thought was very  
20      interesting about one increase in the  
21      number of complaints, the use of cell  
22      phones. People have more cell phones  
23      than ever on the street, which in some  
24      instances, may be why they can take a  
25      photograph or why they can phone in to us

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1 or 311 and make a complaint more quickly.

2 We are also proud that last year we  
3 closed 8,088 cases which was up sixteen  
4 percent. And I think that was a great  
5 job by our staff which put the cases  
6 together. And the Board, I think, worked  
7 very diligently. We also note in our  
8 report the success of the second seating  
9 pilot program. That has, I think, helped  
10 us with the declined to prosecute rate,  
11 which in 2007, was thirty-three percent  
12 but in 2009, was twenty-seven percent.

13 We also note the success of our  
14 mediation program and there's more detail  
15 about the mediation program in our status  
16 report. We also highlight our outreach  
17 efforts and I think it's interesting that  
18 we'll be going to Staten Island next  
19 month. We were out in Queens, I think  
20 that was either March or April, and we  
21 enjoyed that meeting very much.

22 We also note information about  
23 complaint activity, case processing and  
24 importantly, we note the Police  
25 Department disposition rate. In 2009, the



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1 department's disciplinary action rate was  
2 sixty-one percent. This percentage rate  
3 represents an increase of five percentage  
4 points as compared to 2008 when the  
5 percentage was fifty-six percent.

6 So I've just highlighted a few  
7 topics from our 2009 status report. I  
8 hope that you all access it online. And  
9 it's part of this Board's commitment to  
10 bringing more public information to the  
11 community about the operation of the  
12 CCRB.

13 THE CHAIR: Thank you.

14 MR. KUNTZ: And I would also note  
15 that we had a very successful meeting in  
16 Brooklyn on April 14th.

17 MS. MULLIGAN: Thank you.

18 MR. KUNTZ: Thank you.

19 THE CHAIR: And I'm sure Staten  
20 Island will be no less.

21 DR. KHALID: Mr. Chairman, I just  
22 want to add that as a part of outreach,  
23 tomorrow evening, myself and Meera Joshi  
24 will be presenting a small presentation  
25 at Community Board 1 regarding the CCRB,

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1       how CCRB operates and all of that. That  
2       will be tomorrow at 8 p.m., Community  
3       Board 1 in Staten Island.

4               THE CHAIR: Where? Where is the  
5       meeting?

6               DR. KHALID: It will probably be at one  
7       of the churchs where the community board  
8       meets as a full board.

9               THE CHAIR: Okay. Are there  
10      comments?

11              MR. SIMONETTI: You know, Mr.  
12      Chairman, Meera had pointed out that the  
13      NACOLE conference is coming up at the end  
14      of the month. I think what's, what is  
15      important to note is that of all the  
16      major cities that attend that conference,  
17      I must tell you that we probably give the  
18      most presentations at that -- at those  
19      conferences. And a lot of the time,  
20      that's not known to the people here.

21              And I'm just wondering, if time  
22      would allow us, if Marcos could just  
23      spend a couple of minutes explaining what  
24      he's going to be discussing at NACOLE, talking  
25      about best practices for law enforcement oversight,

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1 in terms of mass demonstrations. Well, I  
2 guess we haven't had a mass demonstration  
3 since the National -- the Republican  
4 National Convention or any complaints  
5 that were attached to mass demonstration,  
6 And I was just thinking about that  
7 and it's interesting, this past Monday,  
8 we had the West Indian Day Parade  
9 which I policed for twenty-seven years  
10 and I must tell you most people don't  
11 realize it's the single-most largest  
12 event that takes place in the United  
13 States on an annual basis. There are  
14 about three million people in attendance  
15 at the West Indian Day Parade.

16 And what's also interesting, of all  
17 the years I was policing that parade, I  
18 don't recall any significant number of  
19 civilian complaints, you know? And I  
20 often wondered why is that so, you know?  
21 And I don't know; I wouldn't even venture  
22 a guess. I guess I was too close to it,  
23 you know, in trying to police it,  
24 but I think if somebody stepped back and  
25 took a look at that, and then I wonder, if

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1 time would allow, maybe Marcos could tell  
2 the audience about some of the things  
3 you'd be discussing in terms of policing  
4 large demonstrations.

5 THE CHAIR: Marcos, you're on.

6 MR. SOLER: So, the purpose of this  
7 panel, as you know, is to educate other  
8 civilian oversight agencies in what,  
9 basically, major agencies are doing in  
10 policing the various police departments, as well  
11 as learning from other police departments how  
12 they think and act on policing of mass  
13 demonstrations.

14 So when I was -- I was the person in  
15 charge for NACOLE in putting the panel  
16 together. I looked first around the  
17 country and, unfortunately, not everybody  
18 was available. For instance, we tried to  
19 get Chris Stone from Harvard who has  
20 written about this issue, and some other  
21 people as well. But in the end, we put a good  
22 panel together in which we have Chief Jim Pugel  
23 from Seattle and he is going to be  
24 presenting on the perspective that the  
25 Seattle department has, both from the

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1 Seattle demonstrations which were a decade  
2 ago and also what they have learned,  
3 particularly about our demonstrations.  
4 As you know, the demonstrations in  
5 Seattle about ten years ago were quite  
6 dramatic events. Lots of force was  
7 used by the Seattle Police Department .  
8 And a lot of departments reacted not just  
9 to what and how the police department  
10 reacted but also learned a lot about the  
11 strategies of the demonstrators. So  
12 Chief Pugel is going to focus and emphasize  
13 those elements; what the police department  
14 in Seattle has learned there and how  
15 they're going to change things.

16 Then there will be a presentation  
17 by Nicole Bershon who is the Inspector  
18 General in Los Angeles, she is  
19 the new person in charge there.  
20 She's going to present a perspective from  
21 LA, another city that has a similar  
22 situation to New York which are constantly  
23 faced with these kinds of issues.  
24 Then I am the next one to present.  
25 And I'm going to try to do two things.

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1       One, as moderator of the panel, I'm going  
2       to try to present a little bit about the  
3       academic literature in this matter and  
4       emphasize some of the transitions and the  
5       theoretical themes that you find across  
6       the country. There are some police  
7       departments that prefer to respond to  
8       escalation of force as soon as there is  
9       force generated by the protestors. And  
10      some police departments that prefer to  
11      have a much more negotiated approach to  
12      the management of public demonstrations.  
13      A -- the police department here in New  
14      York City seems to have been developing  
15      their own approach to public  
16      demonstrations. Many professors have  
17      studied the NYPD model of policing  
18      mass demonstrations and they conclude that  
19      they are using the same techniques they used  
20      and developed in applying the broken  
21      windows theory to policing mass  
22      demonstrations.

23               And the police department in New  
24      York has little tolerance or zero  
25      tolerance for anarchy in those situations

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1 of lack of control. So  
2 they are applying an approach called  
3 command and control approach to mass  
4 demonstrations so they try to control the  
5 demonstrations from the beginning. They  
6 will normally try to tell demonstrators  
7 you can not go in these places,  
8 places under control, permits, et cetera.  
9 From the beginning, they will try to tell  
10 the demonstrators they will not tolerate any  
11 lawlessness, basically, any deviation from the  
12 norm or any lawbreaking activities.

13 So basically what I'm doing in the  
14 panel is analyzing some of those police  
15 tactics. Then, obviously, the discussion  
16 is more on the theoretical level. Then I will  
17 try to apply that to the specific lessons  
18 that we learned here at the CCRB when the  
19 Board dealt with cases both from the  
20 anti-war demonstration in 2003 and the  
21 RNC -- RNC demonstrations. And I will  
22 present the recommendations of the Board,  
23 what the Board learned, what we learned  
24 from our specific complaints and a study  
25 in -- you know, a couple of minutes is

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1 the nature of a presentation.

2 I would be happy to discuss this further, I have  
3 no problem whenever I come back from NACOLE, I will  
4 be happy to hand out a demonstration/presentation  
5 to the Board -- I mean, sorry, a  
6 presentation to the Board, my paper and  
7 my PowerPoint presentation to the Board,  
8 as well to the members of the public if  
9 the Board will say it's appropriate.

10 THE CHAIR: Thank you, Marcos. I'd  
11 like you to know that I have seen Marcos'  
12 presentation so -- and as you can tell,  
13 Marcos is quite an expert -- a developing  
14 expert in these areas and NACOLE is well-  
15 served.

16 Any questions?

17 (No response)

18 Any old business?

19 (No response)

20 Any new business?

21 (No response)

22 Public comment. Mr. Dunn?

23 MR. DUNN: Okay. Good morning. Let  
24 me start off with Mike, I'm sorry that  
25 you are leaving. I must say that this



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1 kind of (indiscernible) are not normally  
2 analyzed on the Board and I won't try to  
3 discourage or give reputation to --

4 THE CHAIR: Please.

5 MR. DUNN: -- (indiscernible).

6 (Laughter)

7 But I have always had the impression  
8 that you've been engaged and even in the  
9 moments when you've expressed chagrin  
10 about things, perhaps unwittingly, and I  
11 appreciate your service to the Board.  
12 And I look forward to the call I get from  
13 Commissioner Kelly asking me for my  
14 suggestions for your successor.

15 (Laughter)

16 Mary, you mentioned about Dennis.  
17 And I will say this and one of the things  
18 that Dennis' passing was, of course, a  
19 tragedy but beyond that, Dennis was the  
20 last person on this Board who talked  
21 about important things. I don't mean  
22 "talked" like said something; I mean  
23 raised issues, confronted people. Dennis  
24 was a loud guy. And there were times  
25 when Dennis was not prepared and there

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1        were times Dennis said things that he  
2        might have regretted not being better  
3        prepared about.

4                The fact of the matter is Dennis was  
5        someone who tried to confront the issues  
6        of policing here. He tried to confront  
7        the issues about the Board doing things.  
8        And since he left, the meetings of this  
9        Board have dramatically changed. And  
10       there's just -- and I think this meeting  
11       is a good example. I appreciate some of  
12       the more incisive discussion but it's all  
13       within a very, very small box. And no  
14       one on the Board wants to get out of the  
15       box and it's a box where you are talking  
16       to yourselves about very small things and  
17       you are ignoring -- as I have said many  
18       times before and here I will be saying it  
19       many times again, you're just ignoring  
20       the broader issues of policing here in  
21       the city.

22                Mary, I'm thrilled to hear that  
23        you're the Chair of the Public  
24        Information Committee. Is that what it's  
25        called? Public Information Committee,

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1       okay. Let's hope it's not a -- mimicking  
2       DCPI while I'll take it on face value  
3       that it's a real public information  
4       committee. And I appreciate your, kind  
5       of, reviewing the annual report. And I'm  
6       going to talk about that a little bit.

7               I will say I was a little surprised  
8       about -- and this is emblematic of the  
9       way the agency operates and I offer this  
10       to you as a kind of introduction on this.  
11       The annual report got mentioned at the  
12       last meeting and I think at the last  
13       meeting, Joan said is that the annual  
14       report will be out shortly, like maybe  
15       later this afternoon. It then got sent  
16       out. I looked on the website this  
17       morning and I was struck -- maybe I  
18       missed it but you had a recent  
19       developments link on the website which,  
20       presumably, is for news events. The last  
21       recent development was Ernie's  
22       appointment in April of 2009, which kind  
23       of tells one everything one needs to know  
24       about the agency's view about making  
25       public information. There's no mention,

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1       that I saw, about the annual report.  
2       Maybe it was there and I missed it but I  
3       did not see it.

4                But before turning to the  
5       particulars in the report, I do want to  
6       go to the issue of NACOLE. And Marcos'  
7       presentation about what he's going to do,  
8       in terms of comments about that. And  
9       there are a couple of things about the  
10      NACOLE experience and Marcos'  
11      presentation that are important,  
12      particularly for the people who are newer  
13      to the Board.

14              Tony, you raised the issue about why  
15      is that we don't get complaints about the  
16      West Indian Day Parade. And we get a lot  
17      of complaints about political activity,  
18      certainly about the convention. And from  
19      my perspective -- and this relates  
20      somewhat to the substance of what Marcos  
21      was saying, the Police Department has a  
22      different perspective and it has had a  
23      different perspective since 9/11 about  
24      protest activity. You know, I'm not  
25      going to just repeat our former shtick

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1       about this. Suffice it to say, there is  
2       an approach to policing political  
3       activity in NYPD that does not exist with  
4       policing other large-scale activity. And  
5       that reflects a view that somehow the  
6       protestors are a threat to public order  
7       in a way that nobody else is. That's a  
8       view that we think is wrong. That's a  
9       view that we think is illegal. And it's  
10      a view that has gotten the department  
11      into a lot of trouble.

12               Secondly, as Marcos alluded to, this  
13      Board, and as some of you alluded to  
14      also, this Board actually issued a  
15      recommendation following the RNC. And  
16      that was a recommendation about the  
17      Police Department giving audible orders  
18      to disperse before seeking to conduct  
19      mass arrests of protestors. And many of  
20      you were not here when that happened;  
21      some of you were, of course. And I think  
22      that the Police Department's reaction to  
23      that is illustrative of one of our major  
24      concerns about the police right here.

25               In other words, the NACOLE and other

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1 conferences -- in other words, the Police  
2 Department, as a rule, does not  
3 participate, okay? The NYPD is not part  
4 of this larger community in many  
5 respects. You and the Board issued what  
6 seemed like a very mild-mannered  
7 recommendation that before making mass  
8 arrests of people who allegedly were  
9 blocking sidewalks, as happened on Fulton  
10 Street in 2004 when 226 people got  
11 arrested, standing on a sidewalk after  
12 the Police Department gave them  
13 permission to walk. This Board issued a  
14 recommendation saying there should be  
15 audible orders to disperse before mass  
16 arrests like that were made.  
17 Commissioner Kelly went crazy. He was  
18 extraordinarily upset about that. He  
19 made very strong statements to the press  
20 and he made very strong statements to the  
21 Board members about what he viewed as  
22 being the impropriety of the Board  
23 telling NYPD something about a policing  
24 tactic.

25 And I believe that has been the last

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1 recommendation that came out of this  
2 Board concerning police work. And I  
3 don't think in my view, that's not an  
4 accident; that's not a coincidence. And  
5 it just reflects the fact that the  
6 department does not want other people  
7 telling them how to do things, even if  
8 it's from the CCRB. And I just think  
9 that that is something that is a problem  
10 for the department because when you are  
11 close-minded like that you just get  
12 yourself into trouble. And I fear that  
13 has contributed significantly to the  
14 Board being much more reluctant to take  
15 on the department's actual policy issues.

16 Okay. With respect to the monthly  
17 numbers, I noticed a couple things. One,  
18 I noticed you have made a point of, in fact,  
19 a point of pride about the fact that the  
20 DUP rate has come down recently but it  
21 went way back up this month. And I must  
22 say, you know, I have been very happy  
23 about the declining DUP rate and I have  
24 said that but I have wondered how much of  
25 that has been a statistical anomaly and I

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1 think the fact that there are thirty-two  
2 percent of the cases that got disposed  
3 this month got DUPed is something that  
4 warrants close attention to what is going  
5 on in terms of actually the DUP rate.  
6 It's something to be followed closely.

7 Similarly, there's another trial  
8 this month that they lost. And I asked  
9 about this last month. Will there be at  
10 some point, Ernie, some report about  
11 what's actually happening with the  
12 trials? Because I think the department  
13 has now lost six out of seven trials that  
14 they have conducted this year. And I  
15 don't have knowledge to what the extent to  
16 which the Board has been participating in  
17 those but it does seem like the lack of  
18 success on the trials should be a source  
19 of more concern to the Board.

20 THE CHAIR: Are you talking about  
21 the ones in which the Board participated?

22 MR. DUNN: Yeah. I don't know if  
23 the Board- - how many of those the  
24 Board's actually participate in. There  
25 are so few this year, that I would



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1           imagine actually maybe the Board --

2           MS. JOSHI: These were not second  
3           seat

4           MR. DUNN: These were not second  
5           seat?

6           MS. JOSHI: This one was -- this  
7           most recent one was not a second seat --

8           MR. DUNN: Okay.

9           MS. JOSHI: (inaudible) -- case.

10          MR. DUNN: I just think the issue is  
11          about the trials over there, given the  
12          numbers, is something and given the fact  
13          that you are now part of the second seat  
14          program is something that I should pay  
15          some close attention to.

16          All right. With respect to the  
17          report, I just want to say a couple of  
18          things. First, I mean, I've said this  
19          before. I think that the physical  
20          presentation of the reports has gotten  
21          much better. Those of you who have not  
22          been around, these reports used to be a  
23          lot of tables and very difficult text to  
24          get through. And I think in that  
25          respect, they're much better and so I

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1       thank you for that.

2               But needless to say, or not  
3       surprisingly, there are some concerns.  
4       And I will start just kind of a symbolic  
5       point with -- I pointed this out a couple  
6       of years ago on a different cover, the  
7       cover, which looks to me like the cover  
8       for perhaps a real estate advisory board  
9       publication or the New York City tourist  
10      office but I don't get what this has got  
11      to do with the Civilian Complaint Review  
12      Board, which if you look at this cover,  
13      you would never know this report was  
14      about the cops. There are 35,000 cops  
15      walking around. You could probably get a  
16      picture of one or two of them. I think  
17      it would be worthwhile to try to actually  
18      tie the cover -- because the cover is  
19      important, you know? People don't read  
20      past the cover oftentimes, you know? And  
21      it symbolizes to me what is wrong with  
22      the Board.

23              I don't know if it's assigned too  
24      much weight to this but when I see a  
25      cover like this on the report, it just

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1 emphasizes to me that you guys are not  
2 dealing with the realities of  
3 police/civilian interaction in this city.  
4 This is just so completely disengaged  
5 from what people out in the 75th Precinct  
6 or the 81st Precinct or the 28th Precinct  
7 or even the 1st Precinct deal with on a  
8 day-to-day basis. So now on your list of  
9 things I will put will be think about  
10 whether or not we should have a more  
11 appropriate message to the public when  
12 you put out your reports.

13 MS. MULLIGAN: You know, I'm just  
14 going to comment, briefly, on the cover  
15 because I practice regularly in the area  
16 of criminal defense and I represent  
17 defendants in those cases. And to me,  
18 the Statue of Liberty is very -- it's an  
19 appealing image and it's an image that  
20 makes our country different because we  
21 have several rights in our country which  
22 other people don't have. We have the  
23 right to remain silent.

24 And so when I look at the Statue of  
25 Liberty, I actually see that as an emblem

PUBLIC MEETING OF THE CCRB 9/8/2010

1 of our protections in this country which  
2 are unique from other countries. So we,  
3 in this country, when we're charged with  
4 a crime, we have the right to remain  
5 silent.

6 I represent, sometimes, clients in  
7 the United Kingdom who are forced to  
8 testify. They're forced to go into a  
9 constable's office and they're forced to  
10 give a statement that's recorded. We  
11 have the Fourth Amendment rights to be  
12 free from searches and seizures. In  
13 other countries, you're not protected  
14 from those rights. We have the right to  
15 counsel which is guaranteed under the  
16 Fifth and Sixth Amendment right to the  
17 Constitution. I just wrote a suppression  
18 brief which I filed right before Labor  
19 Day so I put all of these arguments in  
20 there and I feel very, very strongly  
21 about our rights and our liberties. And  
22 to me, when I see the Statute of Liberty,  
23 they remind me of our protections and my  
24 right as an American which are very  
25 different from rights in a foreign

PUBLIC MEETING OF THE CCRB 9/8/2010

1 country.

2 So I appreciate your comment that  
3 you would like to see officers but when I  
4 see some of our national symbols and one  
5 of our symbols that we have in the  
6 United States, in New York, it only fills me  
7 with admiration for our rights and our  
8 civil liberties, which I'm sure you're  
9 very well aware.

10 MR. DUNN: I was going to say, you  
11 know, it pleases me to no end to hear you  
12 giving this speech about civil rights and  
13 civil liberties.

14 (Laughter)

15 And we use the Statue of Liberty all  
16 the time in stuff that we do. That  
17 doesn't change my view that when you look  
18 at this thing, the message to the public  
19 has got nothing to do with the New York  
20 City Police Department.

21 And in terms of just some of the  
22 highlights that you mentioned, you know,  
23 if you have a record number of  
24 complaints, which is significant,  
25 although it's only gone up one complaint

PUBLIC MEETING OF THE CCRB 9/8/2010

1       since a couple years ago that was a prior  
2       record. I think your observations on  
3       stop-and-frisk are important and are  
4       worthy of reiteration. Yes, there is the  
5       issue of 311 and there's been a lot of  
6       debate about the role of 311 in the  
7       number of complaints that you get.  
8       That's a little bit old hat in the sense  
9       that 311's been around for seven or eight  
10      years now.

11             What is different and what changes  
12      every year is the stop-and-frisk  
13      activity. And as the report documents,  
14      and I think importantly so, stop-and-  
15      frisk continues to be a major police  
16      department initiative that drives  
17      complaint numbers here at the agency.  
18      And I -- I would just reiterate what I  
19      have said before and which is that this  
20      agency needs to be looking at stop-and-  
21      frisk.

22             Force complaints. Force complaints  
23      crossed a threshold this year; they're  
24      over fifty percent of all the allegations  
25      and most of those are physical force. I

PUBLIC MEETING OF THE CCRB 9/8/2010

1 think over seventy percent of all of the  
2 force allegations are physical force  
3 allegations. I think people, often times,  
4 do not realize, they don't have a sense  
5 in this city that the use of  
6 inappropriate physical force by police  
7 officers is a major issue.

8 And I think the agency has not paid  
9 nearly enough attention to the issues  
10 about inappropriate use of physical force  
11 by police officers: punching, kicking,  
12 shoving civilians. Over fifty percent of  
13 your complaints are physical force -- are  
14 force complaints and seventy percent of  
15 those are physical force. That is a  
16 major issue. And that also reflects a  
17 similar increase in force complaints from  
18 the IAB. And so when you pointed out in  
19 your report that an increasing number  
20 complaints were coming over from IAB; the  
21 IAB internal reports show increasing  
22 numbers of IAB complaints are force  
23 complaints. My point being that force  
24 is, in fact, a major issue. Physical  
25 force is a major issue. And I just think

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1 the agency needs to spend some real time  
2 looking at that in a way that it has not.

3 With respect to the map, which I  
4 think is a terrific presentation in terms  
5 of the geographic distribution of  
6 complaints, you made the qualification  
7 that they are not adjusted for things  
8 like crime patterns or precinct force or  
9 demographics within the precinct. I  
10 would encourage you to do some analysis  
11 to look at that. I mean, maybe you want  
12 to continue reporting the maps the way  
13 they are but I think it will be very well  
14 worth it for the agency to be recording  
15 information about the complaints for  
16 officers in the precincts, for instance.  
17 I think that that sort of information  
18 actually may give the public and you a  
19 better picture of where there should be  
20 greater focus both from the police  
21 department and the agency in terms of  
22 potential concentrations of police  
23 officer misconduct.

24 And now I guess the -- the final  
25 thing I wanted to say was, you know, this



PUBLIC MEETING OF THE CCRB 9/8/2010

1 report, I think as I said at the outset,  
2 does a good job of detailing the numbers  
3 and the processing of complaints and  
4 even, at some level, the processing cases  
5 by the department. What is completely  
6 lacking in this report is any sense of  
7 the broader picture of police/civilian  
8 relations in New York City. And you made  
9 it quite clear you don't want to get into  
10 that and I keep saying I feel like you  
11 have to get into it and perhaps until  
12 there's a change in composition of the  
13 Board, that is not going to change.

14 But I will continue to say that and I  
15 think that this report perfectly  
16 illustrates it, that it may well be, as  
17 Ernie says in his letter, that your core  
18 mission is to process complaints of  
19 misconduct. But that's not your sole  
20 mission. And you are the sole government  
21 entity out there that is charged and is  
22 authorized to look at police/civilian  
23 relations and police misconduct. And you  
24 simply are ignoring the big picture in  
25 this city which presents many, many

PUBLIC MEETING OF THE CCRB 9/8/2010

1 issues. And other agencies are not  
2 coming in. You may have seen this report  
3 last week in the Daily News about the  
4 Department of Justice and the U.S.  
5 Attorney's Office wanting to talk to the  
6 officer from the 81st Precinct who tape-  
7 recorded roll calls there and the issue  
8 about summonses and stop-and-frisks.

9 Now, other people are going to come  
10 in there and the more that controversies  
11 about the Police Department continue  
12 without any input from the CCRB, without  
13 any attention from the CCRB, it  
14 completely undermines public confidence  
15 in the agency and I just cannot encourage  
16 you enough to look beyond what may be  
17 your core mission to at least start  
18 thinking about what Dennis deLeon used to  
19 regularly raise which is what are the  
20 bigger issues? What are the things we  
21 should be thinking about in terms of  
22 public members of this Board concerned  
23 about civilian misconduct -- or excuse  
24 me, police misconduct. And I just hope  
25 there's some change in the approach to

## PUBLIC MEETING OF THE CCRB 9/8/2010

1           that.

2           Thank you.

3           THE CHAIR: Thank you, Mr. Dunn. I  
4           think that is all the people who signed  
5           up to speak.

6           Any other comments? Questions?

7           MS. MULLIGAN: You know, Ernie, I  
8           meant to note the report is available.  
9           It is on the website but it's under  
10          reports.

11          MR. DUNN: I know there are reports  
12          there.

13          MS. MULLIGAN: Right.

14          MR. DUNN: But you would say that unless  
15          you went digging around, you would never  
16          know it was there.

17          MS. MULLIGAN: We appreciate your  
18          suggestion putting it under new  
19          developments and we'll undertake that but  
20          it is available online currently under  
21          the reports section for those of you who  
22          might want to look at it.

23          Thank you.

24          THE CHAIR: Anything else?

25          (No response)

## PUBLIC MEETING OF THE CCRB 9/8/2010

1           Meeting is adjourned. We will  
2 reconvene in executive session in about  
3 ten minutes.

4           (Public meeting concluded at 10:45  
5 a.m.)

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

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I, Erwin Fried, Electronic Court Reporter

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and Notary Public, do hereby certify that the

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foregoing witness whose testimony as herein

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set forth, was duly sworn on the date

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indicated, and I was present during the

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entirety of the foregoing proceedings, and

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that I caused to be recorded a true, complete

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and verbatim recording of the proceedings via

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digital means.

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13

I further certify that I am not employed

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by nor related to any party to this action.

15

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In witness whereof, I hereby sign this

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date:

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September 15, 2010.

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Erwin Fried

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

I, Sara Bernstein, 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:  
September 15, 2010

\_\_\_\_\_

Sara Bernstein



1 -----x

2 MEETING OF  
3 THE CIVILIAN COMPLAINT REVIEW BOARD

4 -----x

5 October 13, 2010  
6 10:13 a.m.

7 Borough Hall  
8 10 Richmond Terrace  
9 Staten Island, New York

10 ERNEST F. HART, ESQ., CHAIR  
11 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

12 PUBLIC MEETING AGENDA:

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

21

22

23

24 Reported By: Tammy O'Berg

25



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2 BOARD MEMBERS PRESENT WERE:

3

4 DR. MOHAMMAD KHALID

5 WILLIAM F. KUNTZ II, ESQ.

6 DANIEL D. CHU, ESQ.

7 JULES A. MARTIN, ESQ.

8 TOSANO J. SIMONETTI

9 YOUNGIK YOON, ESQ.

10 JAMES DONLON, ESQ.

11 BISHOP MITCHELL G. TAYLOR

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2 THE CHAIR: Let's get

3 started.

4 Good morning everyone. First

5 order of business is the adoption

6 of the minutes from the last

7 meeting.

8 Is there a motion?

9 DR. KUNTZ: Move to approve.

10 MR. SIMONETTI: Second.

11 THE CHAIR: All in favor?

12 IN UNISON: Aye.

13 THE CHAIR: Second item is a

14 report from the Chair.

15 A few things, first of all,

16 congratulations are in order to

17 Commissioner Daniel Chu whose wife

18 had a baby yesterday, I believe.

19 (Applause.)

20 THE CHAIR: Kendrick James

21 Chu. Ken Chu.

22 MR. CHU: KJ.

23 MS. THOMPSON: Six pounds 10

24 ounces?

25 MR. CHU: That's right, just

1

2 under 20 inches.

3

4 THE CHAIR: And you had  
nothing else to do today?

5

6 MR. CHU: Just hanging out.  
I have to set a good example.

7

8 THE CHAIR: You'll have  
plenty of time for that.

9

10 The next item -- the next  
thing I want to mention is our  
11 budget. As you know there's a  
12 proposed budget cut in this fiscal  
13 year and the Mayor has had -- has  
14 imposed a possible cut in fiscal  
15 year 2010. This year, if the  
16 budget cut goes through as  
17 suggested by the Mayor, that will  
18 be approximately \$650,000 cut to  
19 our budget, which is significant.

20

21 We are looking at ways to  
deal with that, which is one thing,  
22 but in fiscal year 2012, the budget  
23 cut will be approaching a million  
24 dollars; and that is something that  
25 the agency would have a lot of

1

2 difficulty absorbing, but more  
3 about that when the time comes. We  
4 will certainly make public any  
5 programatic changes we will have to  
6 make if the budget cuts go through  
7 as proposed.

8 Any questions on that?

9 (No response.)

10 Next item on the agenda is  
11 the report from the Executive  
12 Director.

13 MS. THOMPSON: I'll begin  
14 with the monthly stats.

15 In September 2010 the CCRB  
16 received 566 complaints or 93 fewer  
17 complaints than it received in  
18 September of 2009 when the agency  
19 received 659 complaints. This  
20 represents a 14 percent decrease in  
21 complaint activity.

22 From January to September of  
23 2010, the Board has received 5,020  
24 complaints, or 978 fewer complaints  
25 than it received in the same period

1

2 of 2009 which is a 16 percent  
3 decrease in the number of  
4 complaints filed.

5 From January to September  
6 2010, 60 percent of all complaints  
7 were filed with the CCRB and 40  
8 percent were filed with the Police  
9 Department.

10 There are four primary ways  
11 in which a complaint can be filed  
12 with the CCRB: In person, by  
13 phone, via mail and through the  
14 website or e-mail system.  
15 Comparing year-to-date 2010 to the  
16 same period of 2009, complaint  
17 activity declined 20 percent by  
18 phone, 23 percent in person and 61  
19 percent by mail. However,  
20 complaints filed by e-mail  
21 increased 40 percent. At present  
22 almost three times more  
23 complainants preferred to file a  
24 complaint via the Internet than in  
25 person.

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In September 2010, the Board closed 157 cases. Year-to-date the Board has closed 5,643 cases. In the same period last year the Board closed 5,990 cases or 6 percent more closures. Of the year-to-date Board closures, 2,049 cases were full investigations and 3,337 were closed as truncated cases.

The CCRB mediated 10 cases in September for a total of 129 mediations year-to-date. Year-to-date the CCRB attempted mediation in 128 cases. The year-to-date substantiation rate is 11 percent. The truncation rate is 59 percent, and year-to-date the CCRB has substantiated 230 cases involving 321 officers.

With the Board closing this month fewer cases than it received, the Agency's open docket shows a 5 percent increase in relation to the previous month's open docket. The

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2 docket stands at 2,718 cases.

3

Almost 97 percent of our open

4

investigations were filed within

5

the last year. Of the open cases,

6

895 cases are awaiting panel review

7

or 33 percent of all open cases.

8

1,564 cases are being currently

9

investigated and 259 cases are in

10

the CCRB mediation program.

11

By date of occurrence of

12

incident, only 8 percent in the

13

CCRB's open docket are 18 months or

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over or point 3 percent of the

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docket.

16

In August 2010, the Police

17

Department disposed of 46 cases.

18

The department disciplined 37

19

officers, 10 officers received

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command discipline and 27 officers

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received instructions. The

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department declined to prosecute

23

nine cases. Year-to-date the

24

discipline rate is 82 percent. The

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year-to-date

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2 department-declined-to-prosecute  
3 rate is 14 percent.

4

5 We also went to the NACOLE  
6 conference and it was held in  
7 Seattle, Washington, and NACOLE is  
8 the National Association for  
9 Civilian Oversight for Law  
10 Enforcement, and so from September  
11 20 to the 23rd we attended the 16th  
12 annual, yes, NACOLE is the National  
13 Association for Civilian Oversight  
14 for Law Enforcement. Give me a  
15 chance and I'll tell you!!

16

17 Three members of the staff  
18 joined me in the trip. It was  
19 Brian Connell who is head of, excuse me  
20 the Director of the Administration who  
21 is over there, standing, waving.

22

23 Lisa Cohen, who is Director  
24 of Mediation.

25

26 And Marcos Soler who is our  
27 Director of Strategic Initiatives.

28

29 The conference was well  
30 attended with 225 participants.

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People came representing more than  
60 jurisdictions and five countries  
were also represented. There were  
representatives of civic groups,  
some professors and of course  
public officials. The conference  
had two keynote speakers: Thomas  
Perez, who is Assistant Attorney  
General of the Civil Rights  
Division of the Department of  
Justice, and Isabel Garcia, who is  
the Pima County Legal Defender and  
the founder of the Civil Rights  
organization known as Derechos  
Humanos. From our office Lisa  
Cohen and Marcos Soler participated  
in two panels.

19

Lisa co-chaired a panel on  
mediation with a Professor Ray  
Patterson of the University of  
Nevada Law School, and Ray had also  
formerly been the Director of  
Mediation at the CCRB.

25

Marcos Soler chaired a panel

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2 on policing of mass demonstrations  
3 with Chief Pugel, P-u-g-e-l, of the  
4 Seattle Police Department and the  
5 Inspector General of Los Angeles  
6 Police Department, Nicole Bershon,  
7 B-e-r-s-h-o-n. And of course  
8 during the election to the Board of  
9 NACOLE, Marcos was appointed to the  
10 position of NACOLE's treasurer. He  
11 will also continue serving as a  
12 Board member representing the CCRB.

13 Last week we had a meeting  
14 with a government official from the  
15 Governor's office of Puerto Rico.  
16 We met with Mr. Perez who is a  
17 senior advisor for Legal Affairs  
18 for the Governor, and he was  
19 interested in our structure and  
20 operations of the CCRB, our  
21 mediation program and the  
22 differences between our model  
23 of oversight and other forms of  
24 oversight.

25 He had just also met with the

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2 Police Department, so we gave him a  
3 full view of how we operate and  
4 interact with the Police  
5 Department, as well.

6 Also, the Controller recently  
7 had conducted an audit of our  
8 compliance with Executive Order  
9 120. The order was issued in 2008  
10 and explains to agencies their  
11 responsibility in providing  
12 language access to people with  
13 limited English language  
14 proficiency. The CCRB provides  
15 in-house and outsource translation  
16 services. Spanish language signs  
17 in the police precincts and  
18 multi-language posters are in our  
19 waiting rooms with directions of  
20 how to access the translation  
21 services. Translation of our  
22 brochures are also on the website  
23 and we will continue to work with  
24 the Mayor's Office of Operations  
25 and Immigrant Affairs to identify

1

2 cost efficient ways to expand our  
3 language access services. And our  
4 preliminary findings were that we  
5 were in compliance with the  
6 controller's audit.

7 Lastly, we have met with a  
8 representative from the New York  
9 Community Trust in relation to the  
10 proposal that we had submitted.

11 Mr. Kendrick made several  
12 suggestions about how to revamp our  
13 proposal and to tailor it, and we  
14 will begin to rewrite it shortly.  
15 The proposal was submitted to  
16 augment our outreach capacities.

17 THE CHAIR: Any questions?

18 (No response.)

19 Let me just break before we  
20 get to the Committee reports.

21 I do want to acknowledge the  
22 hospitality of the Borough  
23 President here in Staten Island and  
24 its part of the Board's continuing  
25 attempt to go out to the other

1

2 boroughs and not stay in Manhattan.

3 It's certainly more interesting to

4 visit other areas of the city. I

5 enjoy it personally.

6 Yes, Commissioner?

7 MR. SIMONETTI: Mr. Chairman,

8 I'd like to acknowledge a person in

9 the audience who is a former member

10 of our Board, Mr. Charles Greinsky,

11 who is sitting in the back there.

12 Mr. Greinsky was a member of

13 the Board for many, many years with

14 us.

15 And I'm just happy to see

16 you, Charlie, and thank you for

17 coming.

18 I'd also like to comment on

19 the substantiation rate and the

20 truncation rate. I mean those

21 numbers are impressive. 11 percent

22 for substantiation and 59 percent

23 for truncation. You know, we were

24 approaching 70 to 72 percent on the

25 truncation rate and we're down to

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2 59 percent. That indicates, to me  
3 anyway, particularly with the  
4 substantiation rate being up to 11  
5 percent, where it used to hover  
6 around 9 percent, it indicates that  
7 the staff, the quality of the  
8 investigations are causing that to  
9 happen.

10 So I'd like to thank the  
11 staff, Joan, you and the entire  
12 staff for the great job in terms of  
13 the quality of the cases that are  
14 being turned out.

15 MS. THOMPSON: Thank you.

16 THE CHAIR: Thank you.

17 Also, I'd like to welcome --  
18 I understand we have some students  
19 from the local high schools.

20 MS. FUENTES: I'd like to  
21 formally welcome Curtis High  
22 School. We have teachers Diane  
23 Aversa (phonetic) and Charlie  
24 Pekowski (phonetic). They have a  
25 background in Social Studies

1

2 teaching and law. So their  
3 students -- mostly juniors and  
4 seniors have studied heavily  
5 community policing, law and police  
6 brutality.

7 (Applause.)

8 THE CHAIR: If you want to  
9 know anything about the political  
10 makeup of the Board, that may  
11 generate some questions for you,  
12 and certainly we'll have time for  
13 questions after the meeting.

14 Most of -- the majority of  
15 the Board is -- are attorneys,  
16 retired police officers who are  
17 well versed in everything you just  
18 said.

19 So welcome.

20 Next item on the agenda is  
21 Committee reports.

22 Bishop Taylor?

23 BISHOP TAYLOR: Dawn, as Joan  
24 has mentioned earlier, has -- they  
25 have worked very hard on putting

1  
2 together a proposal for the New  
3 York Community Trust to engage  
4 youth in a pilot project to create  
5 ambassadors for outreach and to get  
6 the messaging out for CCRB, letting  
7 people know what their rights are  
8 as it relates to interactions with  
9 police officers that wind up in  
10 discourteous or violation of their  
11 rights.

12           Also, do you want me to talk  
13 about the testimony?

14           THE CHAIR: Yes.

15           BISHOP TAYLOR: We gave  
16 testimony a couple weeks ago in  
17 front of City Council relative to  
18 stop-and-frisk in public housing  
19 neighborhoods, and we were not  
20 tracking those -- we were not able  
21 to really delineate between public  
22 housing developments and  
23 clean-halls developments because  
24 our system was not really set up to  
25 do that in an automated way, but we



1  
2 did it -- the staff pulled it  
3 manually and we were able to look  
4 at 76 cases that we were to present  
5 to the City Council, and the Police  
6 Department was invited. They  
7 didn't show up. So a lot of  
8 questions relative to the  
9 stop-and-frisk, stop-and-question  
10 were really directed towards the  
11 Police Department; because they  
12 weren't there, they defaulted a lot  
13 of questions to us. And we  
14 explained to them we are not the  
15 Police Department but we are the  
16 CCRB. However, I think it proved  
17 to be a very productive hearing.  
18 We fielded many questions that were  
19 in our purview, and we indicated to  
20 them that we pulled this manually.  
21 It was only 76 cases and -- so it's  
22 not a statistical sampling. But I  
23 think they appreciated our  
24 testimony, our presence there to  
25 acknowledge that we've seen an

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2 uptick in stop-and-frisk, and it is  
3 a problem.

4

5 Of course we have issued some  
6 new directives in terms of how one  
7 might go forward with engaging  
8 residents that live in public  
9 housing. And so it's a very  
10 sensitive issue because residents  
11 want safe neighborhoods, but  
12 residents also want the balance of  
13 not being harassed in their own  
14 neighborhoods, and I think that's  
15 the dance that is being done now.

16

17 That's basically what the  
18 testimony was about.

19

20 MR. SIMONETTI: I'd be  
21 curious to know the sample -- the  
22 cases, the 79 cases that you talked  
23 about, were the vast majority in  
24 public housing?

25

26 MR. TAYLOR: I'm not sure if  
27 they were -- I think it was  
28 50-50 --

29

30 THE CHAIR: All of them were

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2 public housing.

3 BISHOP TAYLOR: All right.

4 MR. SIMONETTI: Are we going  
5 to capture that information?6 MS. THOMPSON: We would have  
7 to change the system --8 THE CHAIR: Well, we're  
9 trying to. One of the -- one of  
10 the areas of concern that came out  
11 of the City Council hearing was our  
12 lack of resources to do this kind  
13 of statistical work. So the City  
14 Council was concerned. They would  
15 like us to be able to capture this  
16 type of information. I'm going  
17 to -- in a more technical way, but,  
18 again, that involves the dollars  
19 that we may or may not have. We  
20 are looking at it.21 MR. SIMONETTI: You know  
22 what, people don't realize the  
23 precinct where we're in now, the 120  
24 Precinct, of which I was the  
25 Commanding Officer at one time,

1

2 about 30 years ago, this precinct  
3 has more public housing  
4 developments in it than any other  
5 precinct in the city. This  
6 precinct has seven public housing  
7 developments and one private rather  
8 large development, Park Hill.

9 THE CHAIR: That's something  
10 I did not know. Interesting.

11 Any other comments?

12 MR. DONLON: I would like to  
13 just acknowledge Curtis High School  
14 and let everyone know that my son  
15 graduated from there not too long  
16 ago, and I'm happy to see the  
17 school represented here. I think  
18 that people might want to know that  
19 there are three Staten Island  
20 residents on this Board: Mr.  
21 Simonetti, Dr. Khalid and myself.  
22 We're well represented.

23 But thanks for coming. It's  
24 good to see you all.

25 THE CHAIR: Any other

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2 Committee reports?

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DR. KHALID: Last month, Meera and myself, as part of the Outreach Committee, went to Committee Board 1 on Staten Island and we had a 20-minute presentation and there were questions and answers.

THE CHAIR: What kind of questions?

DR. KHALID: Different questions about CCRB, what we do, what's the main goal of the agency, and what the mission is. And some of the audience had questions regarding the policing and the CCRB, and we are planning to do another one next week on Staten Island, as well.

THE CHAIR: Where is it going to be?

MS. JOSHI: Democratic South Shore. That's the name of the organization.

1

2

THE CHAIR: I'm from Queens

3

and when people say something about Staten

4

Island, I have no idea what you're talking

5

about.

6

Any other comments, any other

7

Committee reports?

8

(No response.)

9

Any old business?

10

(No response.)

11

Any new business?

12

(No response.)

13

I would invite any of the

14

teachers from Curtis, if they would

15

like to ask any questions before we

16

end and then we'll be -- there will

17

be time to ask -- for students

18

certainly to ask some of the Board

19

members questions afterwards.

20

But if you have any general

21

questions you want to ask about

22

what we do, how we do it, anything

23

that these students might be

24

interested in.

25

MR. PEKOWSKI: I'm Charles

1

2 Pekowski, social studies teacher at  
3 Curtis.

4

5

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8

You had mentioned at some  
point a discussion about the  
mediation program you had in place.  
How does the mediation program  
operate?

9

THE CHAIR: Lisa.

10

MS. COHEN: I'm Lisa Cohen.

11

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23

I'm the Director of the  
Mediation Program for the CCRB.  
Cases are referred from the  
investigators to mediation if they  
fit certain criteria. They're  
reviewed by the Board as are all of  
our cases, then my unit processes  
the case, we invite the officer --  
it's voluntary and  
non-disciplinary. We invite the  
officer to participate if the  
civilian agrees, and we set up the  
mediations.

24

MR. PEKOWSKI: How often do

25

the police officers volunteer to

1

2       come down?

3

4               MS. COHEN: Our officer

5       acceptance rate has increased.  
6       It's about 85 percent now.

7

8               MR. SIMONETTI: It's actually

9       a plus for the officers. Their

10       union representatives, the

11       Patrolmen's Benevolent Association,

12       at first they had fought us on

13       mediation, but they saw that it's

14       in the officer's best interest to

15       get involved in mediation. There's

16       a whole host of reasons why.

17               The short answer is, it

18       doesn't go on the officer's record,

19       if they complete a successful

20       mediation. And I think -- you

21       probably -- you're probably well

22       versed in mediation and it

23       certainly serves both parties

24       better than having a full

25       investigation and coming up with

26       what maybe the complainants do not

27       view as positive findings on their



1

2       behalf.

3

4               THE CHAIR: Tony, do you want  
5       to talk about a couple of cases  
6       that would be mediated? That might  
7       be interesting -- cases that are  
8       mediated.

9

10              MR. SIMONETTI: Do I want to  
11     talk about -- I mean certainly I  
12     can talk about them. I don't sit  
13     on the ADR Committee. However, I  
14     know -- we've -- we voted as a  
15     policy to almost allow anything to  
16     go to mediation with the exception  
17     of serious-force complaints,  
18     use-of-weapons kind of cases, and  
19     by the way, we also -- we also  
20     ask the Police Department if they  
21     feel -- because they keep -- they  
22     have records on officers that we're  
23     not privy to. Mostly disciplinary  
24     kind of records or negative  
25     notations in their folder.

26

27              So we let them know that we  
28     want to put Officer Simonetti

1  
2 through mediation and they will  
3 tell us yea or nay. Depends on  
4 what's on my central personal index  
5 back at the Police Department.

6 MR. MARTIN: Focusing on the  
7 officers, it's actually a win-win  
8 on both sides, because it enables  
9 the complainant to actually have a  
10 conversation about what occurred  
11 and actually both of them leave the  
12 table hopefully educated. So even  
13 in cases where they agree to  
14 disagree, at least there's a level  
15 playing field in terms of having a  
16 conversation.

17 MR. KUNTZ: I would add, if I  
18 might, that one of the principal  
19 initiators of the mediation program  
20 is that Staten Island own's former  
21 Commissioner Charles Greinsky, who  
22 is here.

23 Back when the program was  
24 being initially debated and  
25 discussed, he was one of the prime

1

2 movers, and has proven to be a very  
3 successful program, and I think he  
4 should be acknowledged,  
5 particularly for his contribution  
6 to that which is really made a  
7 permanent improvement in the  
8 operation of the agency.

9           So, again, I not only note  
10 his presence but thank him for  
11 launching what has been a very  
12 successful program as Commissioners  
13 Simonetti and Martin have pointed  
14 out.

15           THE CHAIR: It has been  
16 enormously helpful and I join in  
17 that.

18           If you think about it, if  
19 you -- if you think that you're  
20 aggrieved with a police officer,  
21 coming face to face in a somewhat  
22 controlled yet polite setting, it  
23 gets -- you can get your point  
24 across. I think it improves  
25 police-civilian relations and it

1

2 also makes it less likely that the  
3 police officer will have this kind  
4 of negative interaction as  
5 perceived by a civilian.

6

7 So it really is a win-win  
8 across the Board. As was said  
9 before, most every case can be  
10 mediated. It does depend on, as  
11 was said, force, but also the  
12 record of the police officer.  
13 Sometimes mediation is just not  
14 going to be useful. If the police  
15 officer is always getting  
16 complaints, for example. So but,  
17 generally, it is a program that we  
18 like to emphasize and that we fully  
19 support and devote a lot of our  
20 resources to.

21 MR. PEKOWSKI: Thank you very  
22 much.

23 MR. DePRIMA: I'm Richard  
24 DePrima. I'm involved in a  
25 situation where I have a family  
member who is suffering due to the

1

2 fact that there's a police officer  
3 who's done some wrongdoing, and we  
4 went through Internal Affairs and  
5 they have an open case but they  
6 closed the case, and they keep  
7 referring to different agencies. I  
8 have a lot of evidence and it  
9 doesn't mean anything because it  
10 hasn't gone anywhere.

11 THE CHAIR: Well, I will ask  
12 at the end of the meeting, I will  
13 ask one of the -- one of our  
14 directors to speak to you about it.  
15 I can't talk about cases --

16 MR. DePRIMA: I'm not trying  
17 to talk about the case. I want to  
18 know if I'm wasting my time by  
19 coming here --

20 THE CHAIR: At the end of the  
21 day, the case is investigated and  
22 there's either -- it's either found  
23 to be substantiated or not. There  
24 are other categories, but basically  
25 that's what it is.

1

2

I know sometimes parties who

3

complain are not necessarily

4

satisfied, but we have our

5

procedure and policies and the law

6

and everything else, and we do the

7

best we can with the information

8

that's given to us.

9

MR. DePRIMA: If I wrote to

10

the Board, will the Board be aware

11

of it, or does one person read the

12

mail, see if the correspondence is

13

necessary to bring it in front of

14

the Board --

15

THE CHAIR: You can write to

16

the Counsel Graham Daw, who is the

17

Counsel to the Board.

18

This gentleman right here in

19

front, you can write to him, and he

20

will make sure that the Board sees

21

it.

22

MR. SIMONETTI: Have you ever

23

lodged a civilian complaint?

24

MR. DePRIMA: Sorry?

25

MR. SIMONETTI: Have you ever

1

2 lodged a civilian complaint?

3

4 MR. DePRIMA: We went to

5 Internal Affairs and they went

6 to -- they closed the

7 investigation. They said they

8 found some findings --

9 MR. SIMONETTI: If you gave

10 it to Internal Affairs, they would

11 refer it to us if it fell under our

12 jurisdiction. We only handle a --

13 particular categories of cases. If

14 it doesn't fall under our

15 jurisdiction.

16 I heard you mention something

17 about getting referred to other

18 agencies. It sounds like it's not

19 a police matter, at first blush, or

20 a CCRB matter. Otherwise we would

21 have got the case. Internal

22 Affairs sends all -- all cases that

23 under our jurisdiction.

24 THE CHAIR: You can talk to

25 Graham.

Any other questions or

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2       comments?

3

MR. SIMONETTI: I'd like to

4

hear from the students.

5

MS. FONVILLE: My name is

6

Tytiana, T-y-t-i-a-n-a,

7

F-o-n-v-i-l-l-e, and I have a

8

question for Mr. Taylor.

9

He was speaking about

10

stop-and-frisk and how it's a

11

problem.

12

I wanted to know what type

13

of -- like how would a person be

14

stopped and frisked and what would

15

cause that? What type of

16

reasonable suspicion?

17

MR. TAYLOR: With the Safe

18

Halls and the initiatives that they

19

have at NYCHA, if they see what

20

they consider suspicious behavior,

21

like someone going into a building,

22

having a quick interaction with

23

someone, if they observe that, then

24

they feel that that's enough cause

25

for them to ask, What are you doing



1

2 in the building, because they're  
3 thinking that they're maybe doing a  
4 drug sale. Those types of things.

5 Any suspicious movements in  
6 and around a public housing  
7 building, that would cause an  
8 officer to probably question or  
9 stop an individual.

10 THE CHAIR: This is an area  
11 of law that is -- I mean it's an  
12 issue. How far can the police go?  
13 What are the rights of the public  
14 to go in and out? All these things  
15 are being considered and bantered  
16 about constantly, in the courts,  
17 out of the courts, and the Board  
18 sees a lot of the -- it's the  
19 reaction to it, but there's a lot  
20 of proactive -- there's a lot of  
21 pro-activity in terms of the Police  
22 Department, how they try to keep --  
23 at this point I'm talking about  
24 NYCHA, public housing, how to keep  
25 NYCHA housing safe.

1

2           So it's a balance, and that's  
3 where everybody is trying to come  
4 to a balance of the rights of  
5 citizens and the authority of the  
6 police to keep us safe.

7           MR. MARTIN: This is another  
8 example of how things are  
9 interrelated.

10           We just talked about  
11 mediation, and Mr. Taylor talked  
12 about stop-and-frisk. If you have  
13 a concern about stop-and-frisk, one  
14 of the options is to go to a  
15 mediation and have the police  
16 officer fully explain why they did  
17 what they did and, again, that's an  
18 educational moment, but again  
19 that's a voluntary process.

20           MR. SIMONETTI: It's  
21 interesting, particularly with the  
22 public housing, as you know, years  
23 ago there were three separate  
24 police departments; there was the  
25 New York City Police Department,

1

2       there were the Housing Police,  
3       which was separate and distinct,  
4       and they worked at the public  
5       developments, and you had the  
6       Transit Police. And then since we  
7       had the merger, we had the merger  
8       back in the '90s, and now we're all  
9       one Police Department.

10               I'm just curious if anyone is  
11       familiar with people who live in  
12       public housing or if you live in  
13       public housing, if you do -- if you  
14       are aware, because the controversy  
15       back then was, a lot of people in  
16       public housing said, Don't take our  
17       housing cops away from us. They  
18       wanted them to remain because they  
19       felt they had a better -- or they  
20       had a good understanding with them.

21               So I am just wondering maybe  
22       your teachers can have this  
23       discussion during your discourses  
24       to see about that kind of thing.  
25       Because people still argue that

1

2 they'd like to see it as a separate  
3 department. People that are  
4 policing public housing  
5 developments.

6

THE CHAIR: Any other  
7 questions? Any other students?

8

Again, we'll be around after  
9 the meeting for a little bit. What  
10 happens after we close this  
11 meeting, we adjourn and then we go  
12 into Executive session to talk  
13 about sensitive issues, I guess,  
14 that are not to the public.

15

MS. HARRIS: Monica Harris.  
16 I'm an Education Liaison with the  
17 New York State Senate and I have a  
18 question. Because I'm late, I'm  
19 not sure if this is the segment  
20 that I can ask the question, but I  
21 don't want to miss the opportunity  
22 in case that it is.

23

Last month or maybe eight  
24 weeks ago, I was at a meeting at  
25 the Deputy Commissioner for the

1

2

Civilian Complaint Review Board was

3

present at the Bronx Borough

4

President's meeting, and I had a

5

question, and it was basically,

6

since we have a lot of incidents,

7

and I mean city-wide that consists

8

of police brutality, how is that

9

information being resourced as data

10

to do a study and decide what needs

11

to be implemented that would help

12

better train officers so that these

13

incidents are fewer?

14

And I'll give the example,

15

when an officer first comes on the

16

job, he is evaluated and assessed.

17

I'm sure if you did that same

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evaluation four years later, it

19

would be different, and that may

20

also give a determination of what

21

needs to be implemented so these

22

incidents don't continue to happen.

23

So I'm just curious as to, is

24

there a study like that being done?

25

Do you use those incidents as

1

2 resource to study and figure out

3 what needs to be done?

4 THE CHAIR: Well, without

5 going into too much detail, the

6 disciplinary history of police

7 officers are followed. We do keep

8 statistical information about

9 complaints that come to us, who --

10 what police officer was complained

11 about, so we do have some

12 statistical information. When we

13 see trends or other activity that's

14 notable. We talk about it as a

15 Board and if necessary we notify

16 the Police Department of this

17 particular trend.

18 In fact, recently, we noticed

19 some trends in -- in the

20 stop-and-frisk, and we actually

21 talked to the Police Department

22 about it, the staff did, and they

23 made adjustments to it. So when we

24 see something that we think is a

25 public issue, we do address it.

1

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So there are ways, and we can go into more detail at a later date and you can certainly talk to staff to get a little bit better understanding of an answer to your question.

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MS. HARRIS: My second question -- maybe I'm not being clear, I want to know, is there also an opportunity to have the officers reassessed, because it's a very challenging job; and if you're not up to par psychologically or emotionally, you cannot implement it to the best of your ability for service for the community --

THE CHAIR: That's not something that CCRB does. The CCRB does keep statistics. The Police Department is aware of the activity and it's up to the Police Commissioner to determine whether or not that should be looked at.

MS. HARRIS: But your data

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2 and your --

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MR. MARTIN: The Police Department have a variety of programs, Early Intervention type programs, where they monitor a police officer's activity, especially when you have complaints against police officers, because where there's smoke, you can take it the rest of the way.

They will then monitor that police officer and intervene in a variety of ways including possibly disciplinary action. So there are a variety of programs in the Police Department that monitor the performance of police officers.

MR. SIMONETTI: In response partially to your question, years ago the probationary period was six months. An officer came into the Police Department and the first six months he's out of the Police Academy, if he was successful in



1

2 passing the Academy, he came out  
3 and he was a police officer off of  
4 probation.

5

6 I got to tell you, the Police  
7 Department, over the course of the  
8 years, has extended that to two  
9 years. So the probationary period  
10 is now two years. So they get an  
11 opportunity after the person comes  
12 out of the Academy to view them and  
13 see them at work for a year and a  
14 half out in the street.

15

16 But as Commissioner Martin  
17 pointed out, there's a lot of  
18 programs that take place in the  
19 Police Department. You know, it's  
20 one of the few agencies where we  
21 can drug test people -- we need  
22 some -- we do it -- I say "we."  
23 That's when I used to be there.  
24 They do the program randomly, and  
25 by the way, as a Chief I got drug  
tested three times, because if your  
number comes up, you go down

1

2 the next day and get drug tested.

3 By the way, in those days it  
4 used to be a urinalysis. Today  
5 it's a hair analysis, which means  
6 you can't fudge it anymore.

7 I do not want to get into all  
8 the things about drugs, but marijuana  
9 you can dissipate from your system  
10 after a number of months with a  
11 urinalysis. But if you do the hair  
12 follicle test, it stays forever,  
13 and they can go back as far as --  
14 many, many years to tell.

15 So the Police Department has  
16 a lot of programs in place to deal  
17 with issues just as that.

18 By the way, the number of  
19 civilian complaints that someone  
20 receives goes into their profile.  
21 Okay? And they look to see what  
22 that looks like. Is this officer  
23 always alleged to be violent, or is  
24 he stopping a lot of people? So  
25 there's a lot that goes into this.

1

2 MR. DePRIMA: Are you saying  
3 every complaint goes into the  
4 profile?

5 MR. SIMONETTI: Yes, whether  
6 it's substantiated or not. The  
7 only ones that don't go in are the  
8 ones that are successfully  
9 mediated, and that's a rather small  
10 percentage of the entire population  
11 of cases.

12 THE CHAIR: Yes?

13 MS. MONTGOMERY: My name is  
14 I-r-i-s-h-t-i-n-e, Montgomery,  
15 M-o-n-t-g-o-m-e-r-y.

16 I wanted to ask, the cops,  
17 right, they get educated through  
18 school but they don't -- I don't  
19 feel like they get the proper  
20 education of how to deal with  
21 citizens properly. And I wanted to  
22 know, is there a way that they do  
23 get trained for that? I mean they  
24 go through proper trainings,  
25 different trainings, but I'm not

1

2 sure that they get the proper  
3 training of how to deal with  
4 society, and I wanted to know, is  
5 there training for that?

6

MR. MARTIN: Well,

7

training -- I would hope that

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police officers are trained far

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beyond the training that they get

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in the Police Academy. In the

11

Police Academy, there is an

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emphasis on customer service, how

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to deal with the public. But

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they're always searching for ways

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that it can make it more

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neighborhood specific, I think is

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the best way to put it. Because

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what you learn about a certain

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segment in Queens may not apply to

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certain segments of the Bronx. So

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there's always that emphasis in the

22

different boroughs where you have

23

in-service training. So training

24

is a continuing thing. It begins

25

in the Police Academy, but it

1

2 continues throughout the officer's  
3 career, wherever he or she may be  
4 assigned.

5

MR. SIMONETTI: Something  
6 else that's interesting, the ethnic  
7 makeup and the racial makeup of the  
8 Police Department has changed  
9 dramatically over the years, and,  
10 Gene, maybe you can help me out.

11

I may be wrong on the stats,  
12 but the department is much more  
13 reflective now in terms of the  
14 people they service in New York  
15 City. Very, very diverse Police  
16 Department, unlike the Police  
17 Department that I was in in 1955  
18 when I first went in.

19

It was primarily white, and  
20 today -- I don't know what the  
21 ethnic makeup is, Gene, almost 50  
22 percent?

23

GENE: Yes.

24

MR. SIMONETTI: The last  
25 class of recruits, I think

1

2 Commissioner Kelly said, he said 40  
3 percent of the people graduating  
4 were not born in the United States,  
5 so it's -- -- to show the diversity  
6 within the Police Department. By  
7 the way, it's still a great job.

8 MR. CHU: One thing I wanted  
9 to point out, the questions today  
10 mostly talk about stop-and-frisk,  
11 and that really is a very complex  
12 issue. It's an issue where Supreme  
13 Court judges, who look at this  
14 stuff all the time, don't always  
15 agree. It comes down to a balance  
16 between protecting society versus  
17 your right to be left alone. If  
18 you wanted to protect society and  
19 not worry about a person's right to  
20 be left alone, a police officer can  
21 drive down the street and toss  
22 everyone, frisk everyone. But you  
23 have to balance that against your  
24 right to be left alone, so there  
25 has to be certain factors that

1

2 would allow a police officer to  
3 engage.

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What the details are, what  
the sequence is, all of these  
factors come into play, which is  
why I think it goes right back to  
mediation. You don't really want  
to get into an argument with an  
officer on the street, because  
there's a lot of tension, he  
doesn't know who you are. He  
doesn't know what your deal is.

14

15

16

At mediation you get to sit  
face to face, and you have an open  
dialogue.

17

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As far as sorting out the  
details, it really is a  
case-by-case analysis, and that's  
why it's hard to speak in  
generalities as far as what is  
their training. They're trained on  
the law, but they're making  
split-second decisions, and then  
we're looking at it after the fact,

1

2 so it really is a balance and it's  
3 very complex.

4

MR. DePRIMA: I just have one  
5 thing to add because -- because of  
6 the idea and what I witnessed with  
7 Lindsay Lohan, there was a  
8 situation, personal, again, but  
9 where the gentleman was -- there  
10 was alcohol problems, and  
11 alcoholism is just like any other  
12 drug, it's even worse than drugs.

13

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So I had sent a suggestion that why  
can't the New York City Police  
Department, if they find that a  
police officer has an alcohol  
problem, just don't send him to  
rehab alone but let him wear a  
monitoring system so the Police  
Department can police the Police  
Department; and I never even got an  
answer to that letter, and I sent  
it out twice. I sent out the first  
letter and I sent the second  
letter, and I got no response; and



1

2 I was concerned because I said,  
3 What did they do with my letter,  
4 just toss it in the garbage? Just  
5 like I asked some politicians in  
6 the borough that I know personally,  
7 do you get to read your own mail,  
8 and they say, Are you kidding?  
9 It's impossible. Unless something  
10 is really critical, then I'll get  
11 to see it, because most of the time  
12 their assistants get to see the  
13 mail.

14 It concerns me because if we  
15 don't police the police, then what  
16 if we -- if we do have someone who  
17 is not ethical -- I was a broker  
18 for 25 years. I left the industry  
19 because I saw what people are  
20 starting to do because the market  
21 got soft and they weren't making  
22 the commissions they were used to,  
23 so they over-spent; now they had to  
24 pay for the Porsche, the  
25 million-dollar home so they were

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2 churning and burning the public. I  
3 left the industry and I retired  
4 because I felt it was appropriate  
5 for me to do that rather than get  
6 caught up in that wheel, so to  
7 speak, because I never wanted to be  
8 accused of being dishonest and  
9 unhonorable (sic).

10 That is another question that  
11 I have: Why can't a suggestion  
12 like that go to someplace where it  
13 could be taken seriously? Instead  
14 of -- I don't know if that's a good  
15 question or not.

16 THE CHAIR: It's a good  
17 question, but more properly  
18 directed to the Police Department.  
19 That's not --

20 MR. DePRIMA: I made two  
21 attempts and it got nowhere.

22 THE CHAIR: Mr. O'Grady?

23 MR. O'GRADY: Thank you.

24 I would like to point out  
25 that this Board delegated,

1

2       relegated or transferred my case to  
3       One Police Plaza, Chief of the  
4       Department and -- although the  
5       Chief of the Department told me  
6       that, since there was a racial  
7       element to my case, the only place  
8       to come back to is to this Board --

9

      THE CHAIR: So you know we  
10       don't talk about specific cases.  
11       If you need to talk to somebody  
12       afterwards, we can arrange that.

13

      Any further questions?  
14       Students, teachers?

15

      DR. KHALID: Mr. Chairman,  
16       the principal of Curtis, if anybody  
17       needs us, we'd be happy to come to  
18       school and talk about the CCRB.

19

      MS. AVERSA: I'm a law  
20       teacher at Curtis High School and  
21       coordinator of the program.

22

      THE CHAIR: I had the  
23       pleasure of meeting the principal.  
24       One of the hearings was at Curtis  
25       and I had a very nice talk with the

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2 Principal and Council Member Rose.

3 Very, very interesting, so  
4 definitely we're here,  
5 information -- Dawn, the members of  
6 the Board are certainly willing and  
7 able to do anything that they can  
8 to --

9 MS. AVERSA: We have law  
10 students from freshman through  
11 senior year.

12 DR. KHALID: I'd be happy to  
13 come out.

14 THE CHAIR: In closing, the  
15 political nature, if any of you  
16 know anything about the CCRB, the  
17 way -- the makeup of the Board,  
18 although all are not present here,  
19 it was sort of a political  
20 compromise. There are five members  
21 appointed or recommended to the  
22 Mayor from the City Council, each  
23 from one borough, there are five  
24 members appointed by the Mayor, and  
25 then there are three recommended by

1  
2 the Police Commissioner to the  
3 Mayor, just to have that cross  
4 section of views. That's why a lot  
5 of policing matters, when we talk  
6 about stop-and-frisk, we look to  
7 Commissioners Martin and Simonetti  
8 to give us what the practices of  
9 the Police Department are just for  
10 that reason. So it's something  
11 that we do always look at. It's  
12 constant and I think it's  
13 recognized by everybody around. We  
14 try to get the good balance between  
15 views of this Board.

16 MR. SIMONETTI: I think it's  
17 important to note, also, that when  
18 we decide the cases, as we sit in  
19 panels of three, there's a  
20 representative from each of those  
21 groups: The Mayor, the City  
22 Council and police. If we disagree  
23 we have a discussion about it and  
24 then the majority vote on it. So  
25 we vote these cases out and the

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2 ones that we substantiate go to the  
3 Police Department.

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MR. KUNTZ: Since I've been  
dubbed with the title of resident  
historian, I'm afraid guilty, I've  
been on the Board since 1987, I  
would just leave you with this  
quote: 200 years before  
Commissioner Simonetti started to  
patrol in 1955 when just, for the  
record, I was five years old then, and  
I just turned 60, a gentleman named  
Ben Franklin said the following:  
Those who would give up essential  
liberty to purchase a little  
temporary safety deserve neither  
liberty nor safety.

What you are hearing today in  
the balance between the needs of  
the police and the needs of  
civilians is something that goes  
back to the days not only before I  
was on the Board, not only before  
Tony Simonetti started to patrol

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2

and protect us, but before the

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republic was founded. These

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problems have been with us, these

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tensions, they will continue to be

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with us, but I hope what you're

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seeing and hearing is the fact that

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we're proceeding in good faith to

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try to do it; and this comes from

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someone who was born in Bed-Stuy

11

and raised in the public projects

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of Harlem, and my grandfather was a

13

police officer patrolling in Harlem

14

in the real old days.

15

So with that, I guess I want

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to say, from my point of view, I

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want to thank all of you for

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coming, and I hope you see some

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reflection of how seriously the

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people here take this; and I think

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you're blessed with a great Board

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and a great tradition, and I would

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hope that as you read about these

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issues, you look and think about

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the fact that you've got us here

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2 wrestling with these very tough  
3 issues, and I thank you all for  
4 coming.

5 THE CHAIR: Thank you. Nice  
6 comment.

7 MS. HARRIS: As to the  
8 data -- some of it -- how do you  
9 differentiate --

10 THE CHAIR: Well, you can  
11 talk to our Director of Strategic  
12 Initiatives and he will give you  
13 some of the data that we publish.

14 MS. HARRIS: Some of the  
15 data. Okay. Thank you.

16 THE CHAIR: Thank you,  
17 meeting adjourned. We'll go to  
18 Executive session in 15 minutes or  
19 so.

20 (Public meeting concluded at  
21 11:01 a.m.)

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

I, TAMMY O'BERG, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

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

TAMMY O'BERG

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MEETING OF

3

THE CIVILIAN COMPLAINT REVIEW BOARD

4

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5

November 10, 2010

6

10:09 a.m.

7

40 Rector Street

8

2nd Floor

9

New York, New York 10006

10

11 ERNEST F. HART, ESQ., CHAIR

12 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

13 PUBLIC MEETING AGENDA:

14

1.

Call to Order

15

2.

Adoption of Minutes

16

3.

Report from the Chair

17

4.

Report from the Executive Director

18

5.

Committee Reports

19

6.

Old Business

20

7.

New Business

21

8.

Public Comment

22

23

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25 Reported By: Erwin Fried

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2 BOARD MEMBERS PRESENT WERE:

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4 DANIEL D. CHU, ESQ.

5 JAMES DONLON, ESQ.

6 DR. MOHAMMAD KHALID

7 JULES A. MARTIN, ESQ.

8 MARY E. MULLIGAN, ESQ.

9 TOSANO J. SIMONETTI

10 BISHOP MITCHELL G. TAYLOR

11 YOUNGIK YOON, ESQ.

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1           THE CHAIR: Let's get started. Good  
2 morning everyone. First item on the  
3 agenda is approval of the minutes. Is  
4 there a motion?

5           MR. SIMONETTI: So moved.

6           THE CHAIR: Second?

7           DR. KHALID: I second.

8           THE CHAIR: All in favor.

9           IN UNISON: Aye.

10          THE CHAIR: Unanimous.

11          Second item on the agenda is report  
12 from the Chair. There are a few  
13 issues I just want to mention. One is I  
14 just want you to know that I sent a  
15 letter to Speaker Quinn advising her of  
16 the urgent need that we have for the City  
17 Council to designate to the Mayor two  
18 appointees to the Board. As you know,  
19 the --

20          MS. THOMPSON: The vacancies.

21          THE CHAIR: -- the vacancy that  
22 occurred when Dennis deLeon died is still  
23 vacant and the recent resignation of Bill  
24 Kuntz also; so that's two. And we have a  
25 third vacancy as well -- the police

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1 representative is also -- there's also a  
2 vacancy there too so it's getting a  
3 little critical. It -- because of the  
4 way the Board operates, it's difficult to  
5 keep up with the amount of work that we  
6 have so hopefully, that will be remedied  
7 soon.

8 Also, on October 27th, I issued a  
9 press release, basically indicating that  
10 some of our recommendations as it relates  
11 to vertical patrols in housing projects  
12 were considered by the Police  
13 Commissioner and he changed part of the  
14 police process in training because of  
15 that. And that's on the left side as  
16 well.

17 Another item I wish to address is,  
18 as you know -- most of you know that Bill  
19 Kuntz, who has been a Board member on  
20 this Board for twenty-three years was  
21 recommended by Senator Charles Schumer  
22 to the President for appointment to the  
23 Eastern District Federal Court so I just  
24 want to read a brief statement pursuant  
25 to that.

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1           "On October 14th, Senator Charles  
2           Schumer recommended Civilian Complaint  
3           Board member Dr. William F. Kuntz II to  
4           President Obama to serve as a federal  
5           judge in the Eastern District. This is a  
6           well-deserved honor and, as a result,  
7           Bill has resigned his position from the  
8           Board after serving the people of  
9           Brooklyn as their City Council designee  
10          and all the people of this city for  
11          twenty-three years.

12          Bill Kuntz has been an extraordinary  
13          asset to the Board. He was appointed in  
14          1987 as one of the first public members  
15          while it was still part of the New York  
16          City Police Department. As our longest  
17          serving member, he has been the Board's  
18          historian and as such, has given the  
19          Board wise guidance in weathering many  
20          storms.

21          More importantly, Bill's commitment  
22          to civilian review has been steadfast.  
23          His sense of justice has been unerring  
24          and his empathy for the underdog  
25          unwavering. Bill likes to call himself

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1 'Billy from the projects' and yes, he did  
2 grow up in public housing in Harlem and I  
3 have no doubt that those humble childhood  
4 beginnings have shaped a man who has  
5 embraced public service and the meaning  
6 of Dr. Martin Luther King's when he said  
7 'Our lives begin to end the day we become  
8 silent about things that matter.' But  
9 Bill has also been shaped by his own  
10 towering intellect and Harvard University  
11 education and the achievement of four  
12 Harvard degrees, including a law degree  
13 and a PhD. The Board is losing an  
14 extraordinary man but our loss is the  
15 country's gain.

16 I know that the Board joins me in  
17 thanking Bill for his service and in  
18 wishing him a speedy confirmation as a  
19 federal judge."

20 (Applause)

21 THE CHAIR: The next item on the  
22 agenda is the report from the Executive  
23 Director.

24 MS. THOMPSON: Thank you. I'll  
25 start with the monthly stats. In October

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1           2010, the CCRB received 616 complaints or  
2           30 more complaints than it received in  
3           October of 2009 when the agency received  
4           586. This represents a five percent  
5           increase in complaint activity. From  
6           January to October of 2010, the Board has  
7           received 5,627 complaints or 957 fewer  
8           complaints than it received in the same  
9           period of 2009, a fifteen percent  
10          decrease in the number of complaints  
11          filed.

12                 The Board closed 217 cases. Year-  
13          to-date, the Board has closed 5,861  
14          cases. In the same period of last year,  
15          the Board closed 6,558 cases or eleven  
16          percent more closures. Of the year-to-  
17          date Board closures, 2,108 were full  
18          investigations and 3,486 were closed as  
19          truncated cases. The CCRB mediated 10  
20          cases in October, for a total of 139  
21          mediations year-to-date. The CCRB  
22          attempted mediation in 128 cases. The  
23          year-to-date substantiation rate is  
24          eleven percent. The truncation rate is  
25          fifty-nine percent. And year-to-date,



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1 the CCRB has substantiated 237 cases  
2 involving 328 officers.

3 With the Board closing, this month,  
4 fewer cases than it received, the  
5 agency's open docket shows a fourteen  
6 percent increase in relation to the  
7 previous month's open docket. The docket  
8 stands at 3,110 cases. About ninety-six  
9 percent of all open investigations were  
10 filed within the last year. Of the other  
11 open cases, 1,184 cases are awaiting  
12 panel review or thirty-eight percent of  
13 all open cases. 1,713 cases are  
14 currently being investigated and 213  
15 cases are in the CCRB's mediation  
16 program.

17 By date of occurrence of the  
18 incident, only twelve cases in the CCRB's  
19 open docket are eighteen months or older.  
20 In August 2010, the Police Department  
21 disposed of thirty cases. The department  
22 disciplined twenty-one officers, one  
23 officer was found guilty, four officers  
24 received command discipline and sixteen  
25 officers received instructions. The

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1 department declined to prosecute nine  
2 cases. Year-to-date, the discipline rate  
3 is eighty percent. The year-to-date  
4 department decline to prosecute rate is  
5 sixteen percent.

6 I want to also now talk about some  
7 of the things that the CCRB has been  
8 doing in outreach. And one of them is  
9 that we have written an article which  
10 will appear in the December issue of the  
11 New York City Housing Authority Journal.  
12 It will be delivered to all the 178,407  
13 apartments in the various Housing  
14 Authority developments.

15 We have also met with the New York  
16 City Community Trust and we have prepared  
17 a draft proposal for the Board review.  
18 The goal of the proposal is to increase  
19 public knowledge and awareness of CCRB  
20 and what we do. We will be partnering  
21 with the East River Development Alliance,  
22 which is the Bishop's organization.  
23 And as I said, we will be working with --  
24 special emphasis, rather, will be placed  
25 on empowering youth living in the Housing

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1 Authority developments and through the  
2 CCRB ambassador and internship program.  
3 And I'll let the Bishop continue and pick  
4 up from here.

5 BISHOP TAYLOR: Yes. So -- so the  
6 idea is to recruit young people from  
7 public housing neighborhoods. We're  
8 starting it in Western Queens as a pilot,  
9 creating ambassadors, teaching them  
10 leadership skills, communication skills  
11 and organizing and outreach. The whole  
12 idea is the neighbor-to-neighbor  
13 networking piece.

14 In other words, a young person can  
15 reach another young person quicker than  
16 you or I can. And the idea is to educate  
17 these young people, give them the tools  
18 and the resources necessary to go out and  
19 be CCRB ambassadors. And what makes this  
20 initiative special is that we are fusing  
21 it with an already-existing college  
22 access program for young people that live  
23 in public housing. And so not only will  
24 they be preparing for college, but they  
25 will also be getting very important and

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1 needed leadership skills and training.  
2 And today, in order for kids to be  
3 competitive in applying for college, they  
4 want to see that kids have done all kinds  
5 of internships and have volunteered. And  
6 what better way than to be part of a city  
7 agency's internship? It looks great on a  
8 kid's resume and the idea is that we're  
9 targeting kids in public housing, where  
10 all of the stop-and-frisks and  
11 controversy is arising.

12 So I think this is going to be great  
13 and once we pilot this in Western Queens,  
14 we're looking to replicate this  
15 throughout the 344 developments in New  
16 York City.

17 MS. THOMPSON: And the four  
18 developments, we selected are the largest  
19 developments in Queens including the Astoria  
20 Houses, Queensbridge, Ravenswood and  
21 Woodside. And the interns would be  
22 trained to hold informational sessions and  
23 give presentations about CCRB, obviously  
24 targeting youth and they'll also have  
25 mediation training. And so we're really

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1 very hopeful that we'll persevere with  
2 the Community Trust Fund and be able to  
3 obtain the grant.

4 BISHOP TAYLOR: Jules had a  
5 question.

6 MS. THOMPSON: Jules?

7 MR. MARTIN: Mr. -- to the Bishop,  
8 it's an extraordinary program but I was  
9 wondering why it is -- even on a pilot  
10 basis, why it's concentrated in Queens  
11 and not in other boroughs?

12 BISHOP TAYLOR: Because we have  
13 to -- number one, money and number two,  
14 we want to perfect the model before we  
15 roll it out city-wide. So -- and I think  
16 the biggest constraint is the cost so we  
17 have to pilot it. We can't do it on the  
18 budget that we have.

19 MR. MARTIN: All right. I have no  
20 problem with the pilot but take one  
21 public housing in the Bronx, one in  
22 Brooklyn, one in Queens so that we can  
23 get to all the boroughs.

24 MS. THOMPSON: Well, we had to choose,  
25 when we did the proposal, we had to submit

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1           it within the limits of what they  
2           would probably fund us, staying within their  
3           budget. And we first had a larger proposal  
4           and when we met with them, they said that  
5           they would not be able to come up with  
6           that kind of money right now, to scale it  
7           back down and to focus. So I obviously  
8           selected Queens because of our  
9           relationship with the Bishop and his  
10          relationship with public housing. And I  
11          thought that that's where we could have  
12          the most success.

13                 Okay. Next, just to let you know  
14          that two staff people, Yuriy and Alex --  
15          are they here? Are either of them  
16          here? -- have won the 2010 Excellence in  
17          Technology Award and Yuriy received the  
18          award for conceptualizing and  
19          implementing our innovative system that  
20          stores digital files from our EDMS, which  
21          is our electronic document management  
22          system and it's where all our files are  
23          stored and with all closed  
24          investigations. And, therefore, it  
25          allows the Law Department to remotely

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1 access our EDMS via the city intranet.

2 And this has freed up three to four  
3 staff members and -- who used to take  
4 approximately two to three weeks for  
5 copying documents that had to go out to  
6 the Law Department on a regular basis.  
7 So it was a great time saver and money  
8 saver for us.

9 And Alex was honored for his  
10 excellence in customer service throughout  
11 the agency. He's just terrific. He  
12 responds quickly and courteously and he's  
13 also very proactive in anticipating the  
14 agency's needs. So we were both very  
15 proud and very happy that they won the --  
16 the city's awards.

17 THE CHAIR: Also, I want to add that  
18 our last Board meeting was in Staten  
19 Island. It was very well-attended. We  
20 had some local high school students who  
21 came and asked questions and stayed  
22 around afterwards to ask more questions.  
23 It was very good. So thus far in our  
24 effort to go out to the -- the other  
25 boroughs, I think we've hit all of them

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1           except the Bronx.

2           MS. THOMPSON:  And that will be --

3           THE CHAIR:  And that will be in --  
4           probably in February next year.

5           Next item on the agenda is committee  
6           reports.  Reports and Recommendation?

7           MR. DONLON:  Yes, Reports and  
8           Recommendation Committee has a first  
9           draft of the semi-annual report, which  
10          covers the first half of 2010.  The  
11          Committee's in the process of reviewing  
12          that.  We'll get back to the staff with  
13          any comments or suggestions and  
14          hopefully, we'll move that process along  
15          as quickly as we can.  But it's in --  
16          it's in the works and we did receive the  
17          draft, I think approximately, a week ago.  
18          And it looks -- first run-through, it  
19          looks pretty good.  So I don't think  
20          we're going to have any difficulty  
21          getting it to the printer.

22          THE CHAIR:  Sounds good.

23          Public Information?

24          MS. MULLIGAN:  Thanks.  I think  
25          there's a very interesting Police



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1 Department report that's just out that  
2 I'd like to discuss. The Wall -- it's  
3 reviewed today in The Wall Street Journal  
4 and it's entitled, "The 2009 New York  
5 City Police Department Annual Firearms  
6 Discharge Report". And I'll turn it over  
7 to my Commissioner -- fellow  
8 Commissioner, Tony.

9 MR. SIMONETTI: Thank you. Being that  
10 I have not read the whole report in its  
11 entirety but I read the Wall Street  
12 account this morning and what it points  
13 out is that 2009 was the year -- by the  
14 way, records have been kept since 1971 on  
15 firearms discharges by police officers.  
16 There was an implementation of an order  
17 back then, a standard operating procedure  
18 that mandated that all police shootings  
19 had to be investigated. And then they  
20 started cataloging them. They had  
21 firearms review discharge boards at  
22 several levels. They had one at the  
23 borough level and then one at the Chief  
24 of Departments level.

25 And that's -- as a result of that,

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1           we have the current report which  
2           indicates that 2009 was the year -- and  
3           by the way, it parallels pretty close  
4           with 2008 -- with the fewest firearm  
5           discharges by the fewest number of  
6           officers in -- since -- information has  
7           been collected since 2001. Learning from  
8           Bill, Commissioner Kuntz, Bill always  
9           said you should not try to comment on why  
10          things are down or up. And I think  
11          that's wise advice.

12                 So I don't know why shootings are  
13           down. Maybe it correlates -- I mean,  
14           taking a guess at it, it may correlate  
15           with crime being down generally over the  
16           past, at least, fifteen years in New York  
17           City. It may correlate with that, the  
18           number of guns being taken off the  
19           street. Having said that, I'm also  
20           cognizant of the fact that homicides are  
21           up 14.4 percent in this current year but  
22           the numbers are still relatively low  
23           compared to previous years of -- when we  
24           reported homicides to the FBI. That's  
25           about what I have to say about that.

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1           But, you know, I'd like to commend  
2           the staff, in particular the Executive  
3           Director and Meera because if you look at  
4           the outstanding cases that we had -- and  
5           Joan, I don't recall exactly the  
6           percentage that you gave of cases under a  
7           year but if you look at the cases,  
8           ninety-three percent -- or almost ninety-  
9           three percent of the cases are less than  
10          nine months old. And I got to tell you  
11          in my fourteen years on the Board, I have  
12          never seen those kinds of numbers where  
13          we have really gotten into that bottom  
14          half of the chart. And our first concern  
15          was always the cases over eighteen months  
16          and that has shifted dramatically and now  
17          it's being pushed back to the one-year  
18          mark. And this is the nine month mark  
19          where we have ninety-three percent  
20          of the cases being looked at by staff.  
21          So I just want to congratulate and  
22          commend the staff for doing a great job  
23          on that.

24                 MS. MULLIGAN: I'm just going to  
25          follow up with a couple of regards on the

00019

1 report. The report indicates that in  
2 2009, there were 105 shooting incidences  
3 during which 130 officers filed -- fired  
4 a total of 296 bullets. And that's down  
5 nineteen percent from previous years.  
6 Previously in 2008, the NYPD was involved  
7 in 105 shooting incidents with 125  
8 officers but there was total of 364  
9 bullets.

10 And so, you know, just as part of  
11 public information, just knowing this  
12 decrease -- and one item that's noted by  
13 The Wall Street Journal is that the  
14 Police Department is now using computer  
15 simulation to try to replicate dangerous  
16 or uncertain situations on the street to  
17 try to reduce the discharge of bullets.  
18 And I would imagine that's similar to  
19 training that pilots have in replicators  
20 of uncertain conditions in aircraft to  
21 try to improve safety. So, just noting  
22 this report and we'll continue to try to  
23 bring public information to the attention  
24 at these meetings.

25 THE CHAIR: One of things that I

00020

1 just want to mention that I've asked the  
2 Executive Director to -- just to monitor  
3 for information, as far as the vertical  
4 patrol, stop-and-frisk issue, as a result of  
5 the training -- revised training, revised  
6 guidelines issued by the Police  
7 Commissioner. I've asked the Executive  
8 Director to see if, to the extent  
9 possible, we can monitor any fluctuation  
10 in the complaints dealing with stop-and-  
11 frisk. It's too soon to tell now if  
12 there are any -- you know, what will be  
13 the result of the revisions but I think  
14 it will be important for us and  
15 certainly, you know, New York City citizens to  
16 know what the state of that is.

17 Yes?

18 MR. SIMONETTI: It's also my  
19 understanding that in terms of the second  
20 seating with our attorney over at the  
21 trial room, that the person's going to be  
22 doing a full-fledged case on their own  
23 relatively soon. Is that correct? Am I  
24 correct in that?

25 MS. THOMPSON: Yes.

00021

1 THE CHAIR: Yes.

2 MS. THOMPSON: That is true.

3 We are working on it.

4 MR. SIMONETTI: Is it going well?

5 THE CHAIR: Yes.

6 MS. THOMPSON: It is going well

7 THE CHAIR: Right.

8 MR. SIMONETTI: Yes. And that would  
9 be the first time we'll take the lead in  
10 prosecution?

11 MS. THOMPSON: Yes. However, we  
12 don't anticipate that for a few months.

13 MR. SIMONETTI: A few months, okay.  
14 And we're still doing second seating?

15 MS. THOMPSON: Yes.

16 MS. Joshi : Yes.

17 MR. SIMONETTI: And how's that  
18 going? Well?

19 MS.Joshi: Very well.

20 MR. SIMONETTI: Okay.

21 THE CHAIR: Anything further?

22 DR. KHALID: Yes, Mr. Chairman.  
23 Last month, as a part of the outreach,  
24 along with the First Deputy Director and the  
25 intern we gave a presentation to the South

00022

1 Shore Democratic Club and it  
2 was very informative for the members  
3 there -- about thirty to forty members  
4 there. So we had a good presentation for  
5 about half an hour to forty-five minutes.

6 THE CHAIR: Most of the time, I don't  
7 always know why they always come, I must  
8 say. It was very good to see them at the  
9 Borough Hall last month -- you know, the  
10 amount of people that were there and  
11 certainly, the engagement of the students  
12 in the process, some with personal  
13 questions, I think, to the Board. It was  
14 very interesting.

15 DR. KHALID: Are we also planning to  
16 have an outreach at the Curtis High  
17 School which is one of the schools...

18 THE CHAIR: Weren't they at the meeting?

19 MS. THOMPSON: Yes

20 THE CHAIR: Were they one that brought  
21 the students with the teacher present?

22 MS. THOMPSON: Yes.

23 DR. KHALID: Yes. They were but  
24 they wanted us to go the school so we're  
25 hoping to, in the future, go to the

00023

1 school and give a presentation.

2 THE CHAIR: Very well, sounds good.

3 Anything further?

4 Any old business?

5 (No response)

6 Part of the ongoing issue with all  
7 city agencies is budget. We don't know  
8 what the final impact will be on CCRB's  
9 budget. That will be final within the  
10 short term and once it is finalized,  
11 we'll be able to make an announcement and  
12 to inform everybody what that will mean  
13 for agency operations.

14 MS. THOMPSON: We should know next  
15 week.

16 THE CHAIR: We should know next  
17 week, okay?

18 Any new business?

19 (No response)

20 THE CHAIR: Public comment.

21 Mr. DiPrima?

22 MR. DIPRIMA: Well, I'd like to say  
23 thank you for giving me a chance to  
24 attend the first meeting, which I did.  
25 My first meeting was in October and I'm



00024

1 glad I made that meeting because I met  
2 the finest people in the world at that  
3 meeting. Everybody made me feel very  
4 comfortable. I said a few things and I  
5 meant what I said.

6 I'm one that believes in fairness  
7 and I'm hoping that I can reach out to  
8 you because I'll be doing that in the  
9 next few weeks to see whether or not you  
10 can help me with the situation that I  
11 presented at the October meeting. I'm  
12 filled with desperation. I'm filled with  
13 depression because I have a grandchild  
14 that's being affected and some people  
15 just don't care. I love children. I  
16 love life. I realize how precious it is.  
17 I'm a cancer survivor. It's two years,  
18 October 15th, that I'm cancer-free. So I  
19 realize how good life can be while we  
20 have it and that it can be taken away.

21 I'm going to ask for your help and  
22 I'm just hoping that you can have the  
23 open mind and the hearts that I know you  
24 have. And congratulations to Mr. Chu  
25 I am a grandfather for the third time.

00025

1 Three weeks ago, my son -- his wife gave  
2 me a baby -- a baby boy so now I have --  
3 I can carry my name further but I don't  
4 want to bring out public.

5 I told you all that I'm very private.  
6 I like to do things, you know, in a  
7 private way and I didn't know this was  
8 going to be exposed like this. I mean, I  
9 see my name is here a few times and I  
10 know there's a few journalists here and I  
11 don't believe in publicity. Good  
12 publicity or bad publicity sometimes  
13 don't help.

14 So what I'd like to do is I'm going  
15 to reach out to you within the next few  
16 weeks and I hope that you can find it  
17 in your heart and find the time to look  
18 into the situation because I know what a  
19 proper investigation with the wrongdoings  
20 and the perjuries. I'm in the process --  
21 my family spent close to 120,000 dollars  
22 on legal fees already. The first lawyer  
23 was trying to take it as long as he could  
24 and didn't represent my child in a proper  
25 way because they were trying to stretch

00026

1           this. And I understand it's hard to make  
2           a living today but, I mean, to use a  
3           child as your pawn was wrong so enough  
4           with that; you'll see that yourselves.

5           But I do have documented proof. I'm  
6           in the process of getting the transcripts  
7           from the trial for the custody battle.  
8           He's purged (sic) himself a number of  
9           times. I have evidence from the township  
10          where he lives that he's committing tax  
11          frauds and a number of other things.

12          So all I'm asking you to do is be  
13          open-minded when you receive my  
14          correspondence and I'm hoping that maybe  
15          you could address it in a way that -- you  
16          know, you could feel for me and put  
17          yourself in my place for just five  
18          minutes. It's not about my daughter,  
19          it's not about my son-in-law; it's about  
20          my grandchild. I see how you're trying  
21          to help children. And I was lucky  
22          because I came from a broken home and I  
23          survived. And I did the right thing  
24          because I brought up by grandparents who  
25          were old schooled and felt that if you

00027

1 lie, you're going to get caught and if  
2 you represent your family in the wrong  
3 way, you don't affect yourself, you  
4 affect the entire family. So I never  
5 blemished my family. I'm a community  
6 leader. I've been on Staten Island since  
7 1982. I was born and raised in  
8 Bensonhurst, Brooklyn - and grew up  
9 in Bensonhurst and I always did the right  
10 thing. I was just telling someone before  
11 that even on Halloween, I didn't throw  
12 eggs with my friends. I said, "call me  
13 when you're done" because I didn't like  
14 to do things that weren't appropriate.

15 So I'm hoping to God that you guys  
16 and ladies will help me the best you can  
17 within the next few weeks or so. I'm  
18 going to reach out to you and,  
19 hopefully, you'll be able to follow  
20 through and do the proper investigation  
21 that I know -- when you find out the  
22 findings that I have to bring to your  
23 table, you'll see how these things --  
24 people can't get away with it because  
25 they're hurting other people. I don't

00028

1 want my granddaughter to turn into some  
2 drug addict or a runaway. And she's  
3 living with her father. If her father  
4 wants to live with her -- but he's broken  
5 all kinds of laws. He's stolen my  
6 daughter's identity. He's committed tax  
7 fraud. He's forged her signature. That  
8 in itself is illegal and I don't have to  
9 say any more than that but I'll send you,  
10 everyone all the proof and hopefully, you'll  
11 follow through. And thank you for giving  
12 me the chance to come here and God, thank  
13 you for giving me the chance to live my  
14 life a little longer.

15 THE CHAIR: Thank you.

16 MR. DIPRIMA: Thank you.

17 THE CHAIR: Mr. Dunn?

18 MR. DUNN: Good morning. I'm sorry  
19 I missed last month's meeting; I had a  
20 court appearance. I think that's the  
21 first meeting I missed in a long time.  
22 Anyway --

23 THE CHAIR: You missed a good one.

24 MR. DUNN: I heard. I heard that.

25 And having been away for a month, I must

00029

1 have had some sort of personality  
2 transformation because I have  
3 almost only positive things to say so --

4 (Laughter)

5 MR. DUNN: Ernie, I knew you would say something.

6 THE CHAIR: And Bill's not here.

7 MR. DUNN: It breaks the ice. All  
8 right. I did first want to say, though,  
9 before I get to all the happy news, the  
10 DUP rate has been going back up  
11 significantly. I have, earlier in the  
12 year, been saying that it actually looked  
13 very good the way the DUP rate was down.  
14 It's gone up significantly in the last  
15 few months. And I notice you're paying  
16 attention but I do think something's  
17 happened. I'm not quite sure what but  
18 there are much bigger increase in DUPs in  
19 the last few months. So I really think  
20 that people need to look at that.

21 And in terms of the department and  
22 the second seating, I don't know what  
23 sort of notices you were doing about your  
24 participation in trial room trials. As  
25 you may or not know, it's very hard to

00030

1 get out of the department information  
2 about what's happening in the trial room.  
3 And I would encourage you, when you are  
4 participating in the trial, to provide  
5 some sort of public notice about that. I  
6 just think it would be helpful,  
7 particularly, Meera, with the one where  
8 you're going to be first seating it. I  
9 mean, I personally would go to that  
10 trial. I'd like to see it. And so if  
11 there can be some sort of notification  
12 about the CCRB trials, I think that would  
13 be helpful.

14 In that respect, I would note that  
15 in looking at the website yesterday, it  
16 looks like things have been significantly  
17 updated in a very helpful way and I  
18 appreciate that, including today's  
19 materials were on the website yesterday  
20 which had been the past practice and that  
21 had lapsed and that's much better.

22 In terms of the outreach program, I  
23 had not heard about that before. I don't  
24 know if you had talked about that at the  
25 Staten Island. I think that sounds

00031

1           terrific. And I think that --you know,  
2           we had been critical about the outreach  
3           as being a little bit abstract. I think  
4           if you were going into public housing  
5           projects, you were dealing with the youth  
6           and you were going to the places and  
7           you're going to the people who are  
8           experienced in the sorts of problems that  
9           you're investigating. And I think that's  
10          terrific. I would encourage you to do  
11          some sort of written reporting about  
12          that. You know, I didn't know if there's  
13          anything that the agency has produced  
14          right now that describes that program but  
15          I'd encourage you to do so. I think it's  
16          good for the public reputation of the  
17          agency but I think it's also good for  
18          people in the public just to be able to  
19          see it and understand what it's about.  
20          So I think that's terrific.

21                 The shooting report. I'm glad to  
22                 hear you, Mary, talking about the  
23                 shooting report because I don't -- I'm  
24                 trying to remember the last time there  
25                 was a discussion here of -- about



00032

1 department shooting practices. And Tony,  
2 maybe you'll correct me if I'm wrong  
3 but -- and I have bad memory -- but I  
4 don't remember there being in a long,  
5 long, long time a discussion about  
6 department shooting practices as opposed  
7 to a particular incident that may have  
8 come up here. And you know, we have  
9 always believed and have said that when  
10 police officers fire their weapons at  
11 civilians, that is, you know, I think  
12 self-evidently, the most extreme active  
13 use of force that an officer can use.  
14 And that's an issue that should be of  
15 concern to the agency. Not that you're  
16 going to be beating up the department,  
17 but you should be looking at it.

18 You know, we have talked in the past  
19 about how you're dealing with DA holds  
20 and I think we disagreed about that but  
21 I'm greatly encouraged by the notion that  
22 you are paying attention to the shooting  
23 report. I hope you pay attention beyond  
24 The Wall Street Journal reporting and I  
25 understand that's the only thing that

00033

1 exists right now but I will -- I already  
2 gave it to Tony but I'll give it back to  
3 you, Tony, the report. And these reports  
4 are very complicated, dense documents and  
5 I think that while it's fine, Mary, to be  
6 reporting things The Wall Street Journal  
7 says, I would encourage you to actually  
8 look at the report. It's a detailed  
9 report and there has been a history about  
10 this report that Tony talked about but  
11 that's not the complete history.

12 The fact of the matter is for a ten-  
13 year period, the department refused to  
14 release those reports. And it was only  
15 after a couple of years ago when we  
16 FOILED down and released them ourselves,  
17 that they started releasing them. And it  
18 was two years ago -- as a result of the  
19 department's refusal to release shooting  
20 information, that the City Council passed  
21 a local law requiring these reports be  
22 produced and mandating the contents of  
23 these reports, none of which bears on  
24 you. I just want you to have a better  
25 sense. There's a little more of a story

00034

1 here than the story that tony relayed.

2 And you know, I personally am  
3 unhappy when the department releases a  
4 report of this magnitude in the way that  
5 it did. Again, not that this is your  
6 responsibility because it's not. But you  
7 know, this is a report that in many ways,  
8 is good for the department. As Tony  
9 points out, they have very good numbers.  
10 I think everyone recognizes the NYPD is a  
11 very restrained agency when it comes to  
12 shooting practices, to their credit. I  
13 don't understand and I don't like it when  
14 they leak a copy of the report to one  
15 outlet. And frankly, I think it doesn't  
16 do them any good when they do that. And  
17 I think they should have given it to you,  
18 they should have given it out publicly,  
19 they should have made a presentation  
20 about it. I don't really understand why  
21 they put it out the way they did but  
22 that's their choice. But I do want to  
23 encourage you to look at the report and  
24 actually think about how the report about  
25 shooting practices relates to the CCRB.

00035

1           In terms of the docket numbers,  
2           Tony, I think you're absolutely right.  
3           The docket numbers are much, much better.  
4           And -- so there had been a problem with  
5           the eighteen months and I think the Board  
6           has gotten much, much better about that.  
7           I want to acknowledge that. I think  
8           that's very good.

9           All right. The last thing I want to  
10          talk about and the most important is the  
11          NYCHA recommendation, Ernie, which I  
12          think you kind of downplayed what you  
13          folks did. I think that your looking at  
14          this is terrific. You are to be  
15          commended for it. You know, people have  
16          thought it's been a problem for a long  
17          time and I'm glad the agency is looking  
18          at it closely. I did want to note in the  
19          press release -- which I thought was a  
20          stroke of genius but we'll talk about  
21          that in a second -- there's a sentence  
22          attributed to Ernie that says, "The CCRB  
23          is uniquely positioned to notice patterns  
24          and policing through its investigation of  
25          complaints and data collection and

00036

1           analysis." That's a statement from  
2           Ernie. It could have been a statement  
3           from me; I'm happy you're the one that  
4           said it. And I hope that the Board keeps  
5           looking at things like that and I hope  
6           that puts to rest the notions that have  
7           come from some people that it's not the  
8           agency's responsibility for patterns and  
9           practices and you only investigate  
10          individual complaints. In fact, you do  
11          look at patterns and practices and this  
12          is a terrific example of that.

13                 In terms of the press you did on  
14          that, I was happy to see you put out a  
15          press release. And I thought that was  
16          masterful in the sense that the release  
17          gives the CCRB credit and the  
18          department -- shows the department doing  
19          something in response to it. And I think  
20          that's all well and good. I do think  
21          there's another piece of the story for  
22          those of you who may not be aware of  
23          this, which is there is also a major  
24          lawsuit pending against the police  
25          department that got filed earlier this

00037

1 year on vertical patrols.

2 And so, you should just be aware as  
3 you go forward, looking at vertical  
4 patrol issues, that there's another  
5 dynamic out there which the department  
6 doesn't actually want to acknowledge but  
7 there is a dynamic about a class action  
8 lawsuit brought by Legal Aid and the  
9 Legal Defense Fund, challenging these  
10 practices. And in fact, these training  
11 recommendations and policy revisions  
12 surfaced in conjunction with and in an  
13 effort to settle that lawsuit. So I'm  
14 thrilled you did what you did and I  
15 suspect, in fact, there's much more work  
16 behind what you did than is apparent from  
17 the press release. But I want to commend  
18 you for doing that.

19 Ernie, picking up on your point, I  
20 think going forward, it is important to  
21 follow up. Given that so many of you  
22 here are new, I think it (indiscernible)  
23 what happened the last time you made a  
24 recommendation towards the training  
25 commitment made by the department which

00038

1 is around strip searches. And Tony, I  
2 know that at least you'll remember this,  
3 it was two years, maybe three years,  
4 before the department actually  
5 implemented the training and distributed  
6 a DVD about strip searches.

7 So I'm not suggesting that they are  
8 not proceeding in good faith here. I'm  
9 not suggesting they're not committed to  
10 doing it. But I am suggesting it's  
11 important for the agency to follow up  
12 with the department to make sure that it  
13 does what it has committed to you it's  
14 going to do. And I think you're  
15 absolutely right that you won't  
16 necessarily see anything in a month, two  
17 months or three months but you should be  
18 monitoring and tracking the complaints  
19 around the vertical patrols. Because  
20 hopefully, relatively soon, you will  
21 start seeing positive changes in that  
22 area.

23 That's what I have to say. Thank  
24 you.

25 THE CHAIR: That concludes our --

00039

1           MR O'GRADY:  Could I -- could I --  
2           former chairman Hector Gonzalez (ph.)  
3           advised me that since my case was  
4           accepted, I should discontinue addressing  
5           the Board.  However, Commissioner  
6           Kuntz -- former Commissioner Kuntz said  
7           that he disagrees with Hector Gonzalez on  
8           that, that I should not discontinue -- I  
9           should not -- I should -- in other words,  
10          I should continue to address the Board.  
11          I don't know what goes on in executive  
12          session but I do know that in the public,  
13          the vote is not always unanimous.

14          THE CHAIR:  Okay.

15          THE CHAIR:  Thank you.  That  
16          concludes --

17          MR. SIMONETTI:  Young ladies in the  
18          back, if you -- there are a couple of  
19          seats available here if you would like to  
20          sit.

21          THE CHAIR:  We're ready to go.  
22          Unless anybody else has -- I have --  
23          anybody else want to say something?  I  
24          have -- yes, sir?

25          MR. SINGH:  Good morning.



00040

1 MS. THOMPSON: Good morning.

2 MR. SINGH: We were here from March  
3 10th of this year and brought to your  
4 notice a situation which took place at  
5 102nd Precinct in Queens. And not to go  
6 into the details of it but you had  
7 ordered an investigation into it at that  
8 time. As of this date, we are unaware of  
9 the outcome if ever any investigation  
10 took place. I have the case number which  
11 I can provide and that's 200915254.

12 THE CHAIR: I will ask after the  
13 meeting. If you could speak to Rob --  
14 Rob, raise your hand. If you could speak  
15 to him and he will --

16 MR. SINGH: Okay.

17 THE CHAIR: He'll help you.

18 MR. SINGH: Yeah. Since the case  
19 concerns a young man who is already  
20 incarcerated --

21 THE CHAIR: I remember. I remember  
22 the case. I remember -- I remember  
23 your --

24 MR. SINGH: I'd appreciate if  
25 some one would help my son.

00041

1 THE CHAIR: Okay.

2 MS. THOMPSON: Thank you very much.

3 MR. SINGH: Thank you.

4 THE CHAIR: Anything further? Yes,  
5 ma'am?

6 MS. DEW: Thank you --

7 THE CHAIR: And your name is?

8 MS. DEW: Anna Dew, D-E-W. I have a  
9 question. When you make a complaint at  
10 CCRB, who decides whether or not it is  
11 investigated here? I made three  
12 complaints -- I have complaint numbers if  
13 you need -- against an officer at the  
14 25th Precinct and they were all sent to  
15 Internal Affairs. Why was it --

16 THE CHAIR: Well, if it was sent to  
17 Internal Affairs -- CCRB only has  
18 jurisdiction over certain cases. And if  
19 it went from CCRB to -- without knowing  
20 all the details, that means that it  
21 probably was not in our -- within our  
22 jurisdiction. And it's up for the police  
23 department to investigate it. I don't  
24 know exactly what happened in your case  
25 but that would be a -- that's a probable

00042

1 reason why that was done. Do you --

2 MS. THOMPSON: Yes. We only have a  
3 jurisdiction over certain kinds of  
4 allegations. And if a complaint does not  
5 fall within those allegations then we have  
6 to send it on to the Police Department,  
7 to the Chief of Department or to Internal  
8 Affairs and they were the one. So you  
9 can talk to -- who's here?

10 UNIDENTIFIED SPEAKER:  
11 Winsome, please take this today so  
12 (indiscernible) --

13 MS. THOMPSON: So Winsome will assist you.

14 MS JOSHI: Winsome will assist you after  
15 the meeting.

16 MS. THOMPSON: Oh, she's behind the  
17 pole but we'll send her out to you and  
18 she can talk to you about the cases and  
19 she will explain to you what happened,  
20 okay?

21 MS. DEW: Thank you very much.

22 MS. THOMPSON: You're welcome.

23 THE CHAIR: Anything further?

24 MR. DIPRIMA: Could I just add one  
25 thing, if I may? DiPrima, Rich DiPrima

00043

1           again.  You said "jurisdictions".  Would  
2           the jurisdiction for the things that I  
3           had mentioned, would that be something --

4           THE CHAIR:  Well, we don't know  
5           that.

6           MS. THOMPSON:  We don't know that.

7           THE CHAIR:  We don't know that.  
8           Remember, everything that we say here is  
9           public.  So that's why you made a comment  
10          about you saw your name in the  
11          transcripts.  Everything -- this is a  
12          public meeting.

13          MR. DIPRIMA:  Okay.

14          THE CHAIR:  That's why you don't  
15          want to discuss it here.

16          MR. DIPRIMA:  Okay.

17          THE CHAIR:  Talk to --

18          MR. DIPRIMA:  Well, that's what I  
19          thought.  That's what I thought.

20          THE CHAIR:  Okay.

21          MR. DIPRIMA:  That's why I just  
22          wanted to clear that up for myself  
23          because there's something I want to bring  
24          to you --

25          THE CHAIR:  Can't pre-judge it, have

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1 to see what it is, okay?

2 MR. DIPRIMA: You'll decide then,  
3 okay.

4 THE CHAIR: Yes. Anything further?

5 (No response)

6 THE CHAIR: Meeting's adjourned.

7 Five minutes to executive session.

8 (Whereupon proceedings were  
9 concluded at 10:50 a.m.)

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I, Erwin Fried, Electronic Court Reporter  
and Notary Public, do hereby certify that the  
foregoing witness whose testimony as herein  
set forth, was duly sworn on the date  
indicated, and I was present during the  
entirety of the foregoing proceedings, and  
that I caused to be recorded a true, complete  
and verbatim recording of the proceedings via  
digital means.

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:  
November 18, 2010.

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

I, Sara Bernstein, 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:  
November 18, 2010

\_\_\_\_\_  
Sara Bernstein





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MEETING OF

3

THE CIVILIAN COMPLAINT REVIEW BOARD

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5

December 8, 2010

6

10:20 a.m.

7

40 Rector Street

8

2nd Floor

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New York, New York 10006

10

11 ERNEST F. HART, ESQ., CHAIR

12 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

13 PUBLIC MEETING AGENDA:

14

1.

Call to Order

15

2.

Adoption of Minutes

16

3.

Report from the Chair

17

4.

Report from the Executive Director

18

5.

Committee Reports

19

6.

Old Business

20

7.

New Business

21

8.

Public Comment

22

23

24

25 Reported By: Erwin Fried

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2 BOARD MEMBERS PRESENT WERE:

3

4 DANIEL D. CHU, ESQ.

5 JAMES DONLON, ESQ.

6 TOSANO J. SIMONETTI

7 BISHOP MITCHELL G. TAYLOR

8 YOUNGIK YOON, ESQ.

9 DR. MOHAMMAD KHALID

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1           THE CHAIR: The meeting is called to  
2 order. I will note, for the record, that  
3 we do have a quorum of seven Board  
4 members. As you know, we have three  
5 vacancies and other Board members are  
6 away on business or on -- or have some  
7 personal issues that did not allow them  
8 to be here.

9           Do we have a motion for the last  
10 meeting minutes?

11           BISHOP TAYLOR: So moved

12           MR. SIMONETTI: Second.

13           THE CHAIR: All in favor?

14           IN UNISON: Aye.

15           THE CHAIR: Let the record reflect  
16 that it was unanimous.

17           The next item on the agenda is  
18 report from the Chair. I just wanted to  
19 make clear that there was some -- some  
20 talk about the Prosecution Unit and  
21 whether or not it was going to survive  
22 the recent budget reductions; it will.  
23 We will -- our commitment -- our  
24 agreement -- my agreement with the Police  
25 Commissioner was to try four to five

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1 cases a year as a pilot. We are  
2 committed to that. We will devote the  
3 resources necessary to do that and we are  
4 actively working on that. I don't -- I  
5 would hope that the actual prosecution by  
6 the CCRB staff would happen in the very  
7 near future but I will get back to you as  
8 soon as we have a date. We're still  
9 working with the Police Department.  
10 We're still -- our new unit head is still  
11 working with the department's Advocate  
12 Office, getting the lay of the land, so  
13 to speak, and -- but that progresses --  
14 that has progressed nicely.

15 Next report -- next item on the  
16 agenda is the report from the Executive  
17 Director.

18 MS. THOMPSON: Okay. First, I'd  
19 like to start off just by saying that  
20 after twenty-nine years of serving the  
21 city, Beth Thompson will be resigning.  
22 She thought we weren't going to say  
23 anything -- aha. Really -- it's really  
24 always the quiet ones that you never hear  
25 from but just are solid and steadfast and

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1 that's Beth.

2 So Beth, we'll miss you. We  
3 certainly wish you well. Stand up. See,  
4 she doesn't even want to stand up.

5 (Applause)

6 MS. THOMPSON: And at the next time  
7 we see you, we'll certainly give you your  
8 plaque and you'll have, of course, your  
9 special luncheon. So again, we want to  
10 wish her well and I didn't want it to go  
11 unnoted that I thought she was coming to  
12 the next Board meeting but I just found  
13 out she's not. So that's why we had to  
14 kind of sneak it in today.

15 THE CHAIR: For those of you who  
16 don't know, Beth is the Director of  
17 Personnel here.

18 MS. THOMPSON: Beth always has time to  
19 listen to everyone. There is not one person who  
20 doesn't stop by her office to talk. So  
21 again, we wish her well but she'll be  
22 irreplaceable.

23 Okay. On the monthly stats, in  
24 November 2010, the CCRB received 527  
25 complaints or 19 fewer complaints than it

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1 received in November of 2009 when the  
2 agency received 546. This represents a  
3 four percent decrease in complaint  
4 activity. From January to November of  
5 2010, the Board has received 6,135  
6 complaints or 995 fewer complaints than  
7 it received in the same period of 2009,  
8 which is a fourteen percent decrease in  
9 the number of complaints filed.

10 Total intake, which is the sum of  
11 CCRB cases and referrals to other  
12 jurisdictions, decreased by ten percent  
13 from 17,740 to 15,904.

14 In November, the case -- the Board  
15 closed 649 cases. Year-to-date, the  
16 Board has closed 6,508 cases. In the  
17 same period of last year, the Board has  
18 closed 7,096 cases or nine percent more  
19 closures. Of the year-to-date Board  
20 closures, 2,330 cases are full  
21 investigations and 3,843 are closed as  
22 truncated.

23 The CCRB mediated 12 cases in  
24 November, for a total 151 mediations  
25 year-to-date. It closed as mediation

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1 attempted, fifty-six cases. Year-to-  
2 date, the CCRB attempted mediation in 184  
3 cases. The year-to-date substantiation  
4 rate is now at eleven percent. The  
5 truncation rate is fifty-nine percent.  
6 And year-to-date, the CCRB has  
7 substantiated 257 cases involving 361  
8 officers.

9 With the Board closing this month  
10 more cases than it received, the agency's  
11 open docket showed a five percent  
12 decrease in relation to the previous  
13 month's open docket. The docket stands  
14 at 2,965 cases. Year-to-date, the agency  
15 has reduced its open docket by twelve  
16 percent. About ninety-seven percent of  
17 all open investigations were filed within  
18 the last year. Of the open cases, 1,041  
19 are awaiting panel review or thirty-five  
20 percent of all the open cases. 1,692  
21 cases are being currently investigated  
22 and 232 cases are in the CCRB mediation  
23 program. By date of occurrence of the  
24 incident, only thirteen cases of the  
25 CCRB's open docket are eighteen months or

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1 over, which is 0.3 percent of the docket.

2 In October 2010, the Police  
3 Department disposed of sixteen cases.  
4 The department disciplined twelve  
5 officers with command discipline and  
6 instructions. The department declined to  
7 prosecute three cases and officers were  
8 found not guilty in -- one officer was  
9 found not guilty after trial. Year-to-  
10 date, the discipline rate is eighty  
11 percent and -- compared to last year's  
12 where the rate was fifty-eight percent.  
13 The year-to-date decline to prosecute  
14 rate is sixteen percent. At the same  
15 time last year, the rate was thirty-three  
16 percent.

17 That's it.

18 THE CHAIR: Any comments?

19 MR. SIMONETTI: Joan, could you just  
20 go over that -- the substantiation rate  
21 you said last year to this year?

22 MS. THOMPSON: Okay. Let me find  
23 it. Currently investigated --

24 MR. SIMONETTI: It was toward the  
25 end of the year report.



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1 MS. THOMPSON: Ah, okay. The year-  
2 to-date substantiation rate is eleven  
3 percent.

4 MR. SIMONETTI: And last year?

5 MS. THOMPSON: I don't have the  
6 number with me. We can look it up  
7 and get it for you.

8 MR. SIMONETTI: Okay.

9 MS. THOMPSON: Marcos  
10 will get it for you.

11 THE CHAIR: Next item on the agenda  
12 here is committee reports, the report on  
13 the annual report.

14 MR. DONLON: Sorry?

15 THE CHAIR: Annual report?

16 MR. DONLON: Yes. This -- it's  
17 the annual report.

18 MS. THOMPSON: Semiannual.

19 MR. DONLON: It's the semiannual.

20 THE CHAIR: Semiannual report, I'm  
21 sorry.

22 MR. DONLON: I think where we're at  
23 with this is that the review of the text  
24 has been completed and we're discussing  
25 the cover. And at that point, I think,

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1 we're ready --

2 MS. THOMPSON: We're ready to go.

3 MR. DONLON: -- to send it to the  
4 printer, right?

5 MS. THOMPSON: Yes, as soon as we --

6 MR. DONLON: So, it's --

7 MS. THOMPSON: -- agree on a cover.

8 MR. DONLON: You know, since the  
9 last meeting, the review of the content  
10 has been completed and we're ready to  
11 send it to the printer basically.

12 THE CHAIR: Okay.

13 MR. DONLON: And that's my report.

14 THE CHAIR: The cover is going to  
15 be sent to the committee to look over it and  
16 then you're going to send it to the Board  
17 for comment.

18 MS. THOMPSON: Yes.

19 MR. DONLON: Yes. Yes, that's  
20 correct.

21 THE CHAIR: Okay.

22 MR. CHU: I think we're making progress,  
23 being on the panel also, I'd say that  
24 we're making some final modifications and  
25 changes to the cover. And I also might

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1 add that, you know, Joan Thompson, the  
2 Executive Director, did a great job on  
3 the draft and really made our lives a lot  
4 easier. So thank you for that.

5 I happen to also be on the IT  
6 committee and I will just say that  
7 despite some delays, we've been promised  
8 now that there will be a test panel to  
9 test out the possibility of electronic  
10 voting as a future development. It is  
11 consistent with our efforts to do more  
12 with less and to streamline the process.  
13 So we just want to do a test panel to  
14 begin with, make sure that everything  
15 works out without any kinks and without  
16 any kind of impairment to the process  
17 that's in place now. So stay tuned for  
18 updates on that.

19 THE CHAIR: Thank you. Any  
20 questions, comments?

21 (No response)

22 THE CHAIR: Next item on the agenda  
23 is old business -- new business.

24 MR. SIMONETTI: Yes. Getting back  
25 to the business of truncated cases, you

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1 know, we had given the Executive Director  
2 direction to close a number of truncated  
3 cases. And in looking at the stats on  
4 truncated cases for this year, we have  
5 fifty-nine percent of the 6,508 cases  
6 that we have year-to-date have gone  
7 truncated, which is a decrease from last  
8 year. And of those cases, the withdrawn  
9 category makes up for 17.5 percent of  
10 truncated cases, as does the unavailable  
11 cases, where complainants are  
12 unavailable, witnesses are unavailable.  
13 That also makes up about another seventeen  
14 and a half percent.

15 The big category of truncated cases  
16 are complainant uncoop and victim uncoop.  
17 And they make up about sixty-four  
18 percent of all truncated cases. So my idea  
19 is, I would like to make a motion that the  
20 Board, in its effort to do more with  
21 less, allow the Executive Director to  
22 close all forms of truncated cases with  
23 the exception of victim unavailable,  
24 victim uncoop and complainant uncoop.  
25 We'll continue to receive those cases at

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1           our monthly panels.  And having said  
2           that, in order -- so we may continue to  
3           look at the other group of truncated  
4           cases, we would ask Marcos to develop a  
5           sampling of cases from those other  
6           categories that will be included in our  
7           monthly panel.  So, whatever  
8           representative sample you come up with,  
9           we would take -- we would continue to  
10          look at those cases.

11                 So, I'd like to put that in the form  
12           of a motion and move that we authorize  
13           the Executive Director to close all  
14           truncated cases with the exception of  
15           witnesses uncoop and complainant unco-  
16           op.  And we get continue to get a  
17           representative sample of those other  
18           cases that we would authorize them to  
19           close.

20                 THE CHAIR:  Is there a second?

21                 MR. SIMONETTI:  I make that motion.

22                 THE CHAIR:  Is there a second?

23                 MR. DONLON:  Second.

24                 THE CHAIR:  Any discussion?

25                 BISHOP TAYLOR:  I would like to say,

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1 Tony, that I think that that's a bit  
2 aggressive in terms of the unavailables  
3 for victim and --

4 MR. SIMONETTI: Witnesses?

5 BISHOP TAYLOR: -- complainants. So  
6 I have a -- you know, I have a little  
7 problem with that in terms of turning  
8 those cases, along with the withdrawns,  
9 over to staff.

10 MR. SIMONETTI: We would continue to  
11 get a representative sample, including  
12 those cases that you have some concern  
13 with. And by the way, there's always a  
14 proviso that any Board member is entitled  
15 to get as many cases as they'd like.  
16 When Bill was on the Board, we always had  
17 to put that proviso in, that all cases  
18 are available to all members of the  
19 panel. So if they wish to continue to  
20 look at -- if we adopt this motion, if  
21 they wish to look at the cases, you know,  
22 go ahead and look at them.

23 So -- but I think there's enough  
24 safeguard built in with the  
25 representative sample. And I understand

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1 your concern. It was my concern along  
2 with Bill, at one point in time, but I  
3 think we had enough panels where we  
4 looked only at those cases where the  
5 number was so small and I -- you know, I  
6 forget the number but I know over a vast  
7 number of cases over many years, I think  
8 there was one case -- one, that was  
9 changed. So it doesn't seem very cost  
10 effective when you're looking over  
11 thousands of cases, if we only missed on  
12 one, I think we're doing pretty good. I  
13 think any -- I think A-Rod would like to  
14 have that batting average, you know?

15 BISHOP TAYLOR: So we're saying --  
16 we're saying giving staff victim  
17 unavailable, victim unidentified and --  
18 I'm sorry -- officer unidentified --

19 MR. SIMONETTI: No, no, no. No, no,  
20 no. That goes to full investigation.

21 BISHOP TAYLOR: So officer  
22 identified -- unidentified, no?

23 MR. SIMONETTI: No. That's not a  
24 truncated case.

25 BISHOP TAYLOR: All right. So

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1           you're talking about victim

2           unavailable --

3           MS. THOMPSON: Yes.

4           BISHOP TAYLOR: -- and witness

5           unavailable?

6           MR. SIMONETTI: On the unavailable,

7           it would be complainant unavailable and

8           witness unavailable.

9           MR. DONLON: No, victim unavailable.

10          BISHOP TAYLOR: Complainant and

11          victim.

12          MR. SIMONETTI: And victim.

13          BISHOP TAYLOR: So three.

14          MR. DONLON: Complainant.

15          MS. THOMPSON: Two.

16          MR. SIMONETTI: Three.

17          BISHOP TAYLOR: Well, no. The

18          witness unavailable is not really -- it's

19          not on the -- that's not one of the

20          categories on the voting sheet.

21          MR. SIMONETTI: It's complainant

22          unavailable --

23          BISHOP TAYLOR: Victim.

24          MR. SIMONETTI: -- and victim

25          unavailable.



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1 BISHOP TAYLOR: Correct, right.

2 MR. DONLON: Okay.

3 MR. SIMONETTI: And victim  
4 unidentified.

5 BISHOP TAYLOR: And victim  
6 unidentified.

7 MR. DONLON: Right.

8 MR. SIMONETTI: Yes.

9 MS. THOMPSON: Which is just a very  
10 small percentage.

11 MR. CHU: You know, I think I would  
12 have to share in Commissioner Taylor's  
13 concerns. I think that we certainly do  
14 need to strive to do more or at least the  
15 same with less but I'm not sure I'm  
16 comfortable with taking such a giant step  
17 at one shot.

18 So -- I mean, there have been  
19 multiple -- there's certainly been  
20 occasions where something is marked as  
21 unavailable and I think it's helpful to  
22 see what exactly was done in making that  
23 determination. So perhaps, gradually,  
24 that's the trend and that's where we're  
25 ultimately going to try to get to but I

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1 think I would join in Commissioner  
2 Taylor's concerns with doing too much,  
3 too soon and, you know, just spot-  
4 checking, I'm not sure, is going to --  
5 going to satisfy my concerns.

6 MR. SIMONETTI: Well, maybe to  
7 alleviate some of those concerns, the  
8 special panel that was impaneled to look  
9 at these cases over a course of about six  
10 months and that was at least a hundred  
11 cases each panel. And those are the  
12 things we look for to make sure that the  
13 guidelines that we set down, before  
14 truncating a case, were met -- the  
15 minimum requirements were met in terms of  
16 trying to reach out and reach the  
17 complainant or the witnesses, that all  
18 those things were followed. So, I feel  
19 comfortable, now, in doing this because  
20 of all the input we did on those special  
21 panels to look at this and to be assured  
22 that staff was doing the things we -- we  
23 have concerns -- we wanted them to be  
24 doing.

25 MR. CHU: At the very least, I would

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1 just think that this probably warrants a  
2 little more discussion before I'm  
3 comfortable going along with that, at  
4 this point.

5 BISHOP TAYLOR: Let me ask, Tony,  
6 have you thought about the -- besides the  
7 random cases that we would get, have you  
8 thought about any other internal checks  
9 and balances as it relates to staff  
10 closing victim unavailable, victim  
11 unidentified and -- who was the other  
12 one? It's victim unavailable, victim  
13 unidentified and that was it? Is that  
14 two?

15 MR. SIMONETTI: Unavailable?

16 BISHOP TAYLOR: Unavailable,  
17 unidentified --

18 MR. SIMONETTI: Complainant.

19 MR. SIMONETTI: Complainant.

20 BISHOP TAYLOR: Okay, complainant.  
21 Okay, complainant and victim. Are there  
22 any other checks and balances? In other  
23 words --

24 MR. SIMONETTI: Well, you know, we  
25 have to rely on the team managers -- I

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1 mean, that's their job is to make sure  
2 that the investigators have done a  
3 satisfactory investigation. And I can  
4 tell you in my fourteen years on this  
5 Board, I can tell you the level of  
6 investigation, the quality of the  
7 investigations have gone up so  
8 dramatically from way back when, you  
9 know? I wasn't here when it became an  
10 agency unto itself in 1993. I came in  
11 1997. But back in -- even in 1997, after  
12 the agency was up and running four years,  
13 I could tell you that the quality of the  
14 investigations were not good. And over  
15 the years, they have increased  
16 dramatically -- dramatically, for  
17 whatever that's worth, you know? But I  
18 have confidence in the Executive Director  
19 and the staff. I mean, that's their  
20 responsibility. And by the way, if we  
21 get this random sampling and see  
22 something going awry --

23 BISHOP TAYLOR: But I think that --  
24 I agree. I think that since, you, know,  
25 I've been here my short tenure on the

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1 Board, I have seen, even in my time, a  
2 vast improvement in the way cases are put  
3 together and investigated and presented  
4 to us. But I think that the public has  
5 invested a responsibility in us, as  
6 commissioners, to look at the complaints  
7 that they submit to this body.

8 And I think that if there's any  
9 possibility that one of these categories  
10 could result in, you know, something  
11 being mishandled or decided upon by a  
12 paid staffer of the agency, opposed to  
13 the board members who are the  
14 representation of the public, I just  
15 think that it's a slippery slope in terms  
16 of where we are. And I just wanted to  
17 know if there's any more checks and  
18 balances in place besides the team  
19 managers? Is there something happening  
20 beyond that?

21 MR. SIMONETTI: Well, I don't  
22 know -- I don't know --

23 BISHOP TAYLOR: I just think that in  
24 terms of the public perception of what we  
25 should be doing --

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1 MR. SIMONETTI: Right.

2 THE CHAIR: Well, remember --  
3 remember, this is consistent with ehst  
4 Commissioner Simonetti is moving to do is  
5 consistent with the rule change that we  
6 agreed upon early on in my tenure as  
7 Chair which would allow certain cases,  
8 truncated cases to be closed by the  
9 Executive Director.

10 BISHOP TAYLOR: Withdrawn cases.

11 THE CHAIR: So the way it works  
12 is -- the way it would work is that they  
13 go up to the team's team manager and then  
14 it would come to the Executive Director.  
15 We said that we would revisit the issue  
16 as time went along.

17 And -- now one of the things here,  
18 it's a little bit unfortunate that the  
19 Board today is barely a quorum. And so,  
20 we don't have the views of at least three  
21 of the sitting Board members and we have  
22 three vacancies as well. So that's --  
23 you know, that puts us at a little bit of  
24 a disadvantage in terms of a more robust  
25 discussion. I mean, basically, I'm in

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1 favor of what Commissioner Simonetti is  
2 proposing. However, I don't think -- I  
3 certainly don't have the votes to do that  
4 today. And so what I suggest -- I mean,  
5 one of three things, either we can take a  
6 vote and see what happens, we can table  
7 the motion or we can make a new motion  
8 that would be a little bit more  
9 consistent with what, you know, what  
10 we -- I think what we agree on. I think  
11 that the issue was with you, Bishop, and  
12 you, Dan, was --

13 MR. SIMONETTI: The unavailability  
14 of complainants and --

15 BISHOP TAYLOR: Yeah, victim  
16 unavailable, complainant unavailable.

17 THE CHAIR: Which leaves the  
18 withdrawns and --

19 BISHOP TAYLOR: Truncated.

20 THE CHAIR: That just leaves the  
21 withdrawns.

22 MR. SIMONETTI: Yeah, different  
23 category.

24 UNIDENTIFIED SPEAKER: Mr. Chairman,  
25 I think that since the Board members are

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1 missing, we should have further  
2 discussion on this and then make a motion  
3 after we have a full discussion with all  
4 the Board members who are still on the  
5 Board. We're not missing one.

6 MR. SIMONETTI: Yeah. I'd be in  
7 favor of tabling it at this time.  
8 However, to allay, maybe, some further  
9 fears that Commissioner Taylor may have  
10 is that way back, we had asked staff to  
11 look at other city agencies that  
12 received, kind of, complaints from the  
13 public and try and get a handle on how  
14 they handle them.

15 And I guess the agency that's most  
16 analogous to us, in terms of receiving  
17 complaints of the public, would be TLC.  
18 And TLC -- I don't know if all of you are  
19 aware of it, but they don't even  
20 entertain those kind of complaints that  
21 they can't investigate, they're not counted in  
22 their numbers if they're what we would  
23 consider to be truncated, you know? So I  
24 just throw that out so -- and when we  
25 have further discussion on this, it



00025

1 just --

2 BISHOP TAYLOR: What does that mean  
3 when you say they don't entertain it?

4 MR. SIMONETTI: They -- the numbers  
5 are not -- are not recorded in their  
6 numbers of complaints that are received.

7 BISHOP TAYLOR: So in other words,  
8 if they can't identify the victim or the  
9 complainant, they just don't even count them?

10 MR. SIMONETTI: Yes.

11 MS. THOMPSON: Or the complainant is  
12 unavailable.

13 MR. DONLON: I think what it was --  
14 what their policy was is that if the  
15 complainant did not come in and file --

16 MS. THOMPSON: Yes.

17 MR. SIMONETTI: Right.

18 MR. DONLON: -- an in-person  
19 complaint --

20 MS. THOMPSON: Right.

21 MR. DONLON: -- sworn statement, in  
22 effect --

23 MR. SIMONETTI: Right.

24 MR. DONLON: -- that they would not  
25 open a case. I think that was the -- the

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1 way that they handled it.

2 MR. SIMONETTI: After making the  
3 initial complaint --

4 MR. DONLON: Right.

5 MR. SIMONETTI: -- they had to come  
6 in and swear to it.

7 MR. DONLON: Right. So otherwise,  
8 if they don't consider it to be opened.

9 MR. SIMONETTI: Right.

10 MR. DONLON: -- a complaint at all.

11 MR. SIMONETTI: Right. So I just  
12 throw that out for thought because we do.  
13 We entertain all complaints.

14 BISHOP TAYLOR: Right.

15 MR. SIMONETTI: Until we find out  
16 that the complainant or whomever is  
17 unwilling or unavailable to go forward  
18 with an investigation.

19 THE CHAIR: I do think, though,  
20 speaking to my colleagues on the Board,  
21 we do have to agree at some point to  
22 allow the Executive Director to dispose  
23 of more of the cases that we handle, as  
24 long as we're comfortable with it. I  
25 think that was the intent of the rule

00027

1 change.

2 And I think that -- I mean, it gets  
3 to a point where you don't want -- you  
4 don't want the Executive Director closing  
5 too many cases with the fear that the --  
6 from the public, that we would not be  
7 giving their complaints a good  
8 examination. So, that's always a fear.

9 One thing I would ask staff to do --  
10 Executive Director and to the Director of  
11 Strategic Initiatives, is to come up --  
12 in preparation for the next Board  
13 meeting, come up with a statistical  
14 sample along the lines of what  
15 Commissioner Simonetti proposed and make  
16 that -- so we can make that part of the  
17 discussion and to determine whether or  
18 not that would make the Board more  
19 comfortable in looking favorably on  
20 Commissioner Simonetti's motion.

21 MR. CHU: If I could just make clear  
22 that my concern certainly should not be  
23 interpreted, in any way, as a lack of  
24 confidence in the staff or the Executive  
25 Director. My concern is more with the

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1           withdrawns, it's very mechanical. It's  
2           very formulaic. Usually, there's a  
3           recording and there's not a whole lot of  
4           discretion or analysis that needs to take  
5           place before a withdrawn is withdrawn.  
6           We're not going to disagree on that.

7           In my tenure on this Board, we  
8           sometimes get cases with allegations that  
9           are a lot more egregious than others.  
10          And, you know, I think there's a judgment  
11          call that's made. If there's plenty of  
12          time left on the SOL, if it's an  
13          egregious claim and there's plenty of  
14          time left, sometimes I want to -- I may  
15          want further investigation. It doesn't  
16          mean there's any guarantee as to what's  
17          going to happen ultimately with the case  
18          but I think I need to know that we've  
19          kind of done our due diligence and that's  
20          kind of the concern. So I just want to  
21          make clear that I think the staff is  
22          doing a bang-up job and I think the  
23          Executive Director, likewise, is making  
24          do with all the budget cuts and all the  
25          hardships --

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1 THE CHAIR: True.

2 MR. CHU: -- that we've had to  
3 endure but that's -- at the heart of my  
4 concern is that there's some analysis  
5 that needs to go into differentiating the  
6 seriousness of the allegations and the  
7 charges and sometimes, in certain cases,  
8 more needs to be done before I, for one,  
9 feel satisfied that, you know, we've done  
10 everything we can.

11 MR. DONLON: And if I could just  
12 say, you know, I mentioned the TLC model  
13 and the requirement for a sworn  
14 complaint. I mean, we had a discussion  
15 about this many months ago but I just  
16 want to make sure that everyone knows I'm  
17 not endorsing that as a model that CCRB  
18 should have but that was the --

19 MR. SIMONETTI: Neither am I.

20 MR. DONLON: Right, okay. I just I  
21 wanted to make that clear because I think  
22 we discussed that and -- you know, the  
23 method of making complaints, we're not  
24 looking to change that in any way. It's  
25 just a matter of -- that that was part of

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1 the discussion way back when and we --  
2 and I think we clearly came back to the  
3 position that, you know, the way  
4 complaints are taken in, the way  
5 complaints are processed is probably the  
6 best way. Our system, as far as we're  
7 concerned, is the right system. Okay.

8 MR. SIMONETTI: You know -- and  
9 further to try to allay some fears is  
10 that maybe the Executive Director and the  
11 staff should think about having some kind  
12 of a quality control unit, you know? I  
13 mean, that was a big thing in the Police  
14 Department and we always had quality  
15 control, which I was in charge of at one  
16 point in time. And we did -- we went out  
17 and we took cases at random, looked at  
18 cases and made sure that everything was  
19 done according to the way they should be  
20 done.

21 So, maybe that could be part of this  
22 process too as we go forward with it and  
23 take a look at it next month. So if any  
24 staff has any ideas on that, please  
25 include that in the package that we're to

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1 get.

2 THE CHAIR: You know, part of the  
3 issue is not only cutting down the amount  
4 of cases; is to reduce the amount of time  
5 that a case -- to get cases resolved.  
6 And I'm wondering -- I don't know this  
7 and it doesn't have to be answered but  
8 I'm wondering what this new -- if the  
9 success of the -- if the IT initiative,  
10 electronic voting, is successful, what  
11 will that do the time that is -- is taken  
12 to resolve a case? Because if it makes  
13 that much -- if it's a big improvement,  
14 that may relieve some of the pressure  
15 that we face today.

16 I'm just saying -- nothing to  
17 discuss now -- but that is something that  
18 may make our role a little easier or -- I  
19 mean, I know that's the intent of it but  
20 it certainly would allow us to deal with  
21 truncated cases and all the cases in a  
22 much faster manner.

23 MR. SIMONETTI: Yeah. If you look  
24 at the current age of cases that we have  
25 on the -- on our docket, there's only 5.4

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1 percent of them that are over twelve  
2 months old, which is remarkable in my  
3 tenure here. I mean, that number's gone  
4 down dramatically.

5 But having said that, anecdotally,  
6 as I do cases -- and I did two panels  
7 this month. I look at cases; I still see  
8 we came very close to the SOL or we blew  
9 the SOL on a couple of cases.

10 So maybe by giving this to the  
11 Executive Director, we can concentrate  
12 more on getting those cases that look  
13 like they may go substantiated, to get  
14 them done more quickly so we can get them  
15 over to the department in time. Because  
16 as we know, is if we send them over on  
17 the seventeenth month, the chances are,  
18 of getting a prosecution, are very slim  
19 because it takes them some time to go  
20 over the case, prepare their case,  
21 whether they're going to go into the  
22 trial room with it or to negotiate with  
23 the officer. So I think that would also  
24 free us up more to look at those cases.

25 THE CHAIR: Okay.



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1           BISHOP TAYLOR: Is it -- is that --  
2           I don't know if this a little off topic  
3           but is there a way to prioritize to  
4           segregate cases based on the way the  
5           movement -- I mean, I know when a case  
6           initially originates, it starts out of  
7           the gate but is there a way to monitor  
8           and segregate -- Tony, maybe you know --  
9           where we can identify SOLs before -- I  
10          mean, is there a trend that we can  
11          identify that would help us?

12          MR. SIMONETTI: If my memory serves  
13          me correctly, I think at one point in  
14          time there were 12,000 calls that went  
15          into 311 regarding possible misconduct.  
16          And those cases -- by the way, we're the  
17          only agency that 311 does not record and  
18          give a number back to the caller. They  
19          come directly to us. They ship them over  
20          to us and most of those cases do not fall  
21          within our jurisdiction, thankfully. You  
22          know, the large numbers that come up --  
23          that they sent over.

24          So, having investigated cases, I can  
25          tell you the most important thing is that

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1 investigators get back to the complainant  
2 very quickly, okay? And you can get a  
3 fairly good reading and a good sense  
4 whether that person wants to go forward  
5 with the case on your initial thing. So,  
6 I think -- I think this is part of your  
7 training also, to your investigators,  
8 that you try to get back to the  
9 complainant within a week, if my memory  
10 serves me correctly. Certainly, it was  
11 that way --

12 THE CHAIR: Forty-eight hours.

13 MS. THOMPSON: Yes, forty-eight.

14 BISHOP TAYLOR: Forty-eight hours.

15 MR. SIMONETTI: -- within the Police  
16 Department -- forty-eight hours, which is  
17 even better. And I think a trained  
18 investigator can, pretty quickly, get a  
19 handle on how that case may be going.

20 BISHOP TAYLOR: And so is there --  
21 then are you suggesting, at that point,  
22 there should be an indicator put on that  
23 particular case? Is there something that  
24 we can do to -- can we identify cases  
25 that we are -- this is a strong -- I

00035

1 don't know if you understand what I'm  
2 trying to say.

3 MR. SIMONETTI: Well, no,  
4 absolutely, I understand. If you have  
5 some suspicion that this case is going to  
6 go to full investigation and has a good  
7 chance of being substantiated, I -- the  
8 investigator, I'm sure, goes to the team  
9 manager and they have a discussion about  
10 it. And they talk about it and I'm sure  
11 there's some way of either flagging those  
12 cases, highlighting or the team manager  
13 staying on top of those cases that they  
14 get the priority. You know, I mean, we  
15 can't get involved in all the minutiae --

16 BISHOP TAYLOR: No, no, no. Yeah, I  
17 understand.

18 MR. SIMONETTI: -- in how these  
19 cases get investigated.

20 BISHOP TAYLOR: Yeah.

21 THE CHAIR: Anything further?

22 (No response)

23 THE CHAIR: Okay. So, we'll table  
24 this motion and take it up at a future  
25 meeting but in the interim, I would like

00036

1 staff to do what I suggest and to see if  
2 we can package this in a way to allow  
3 further discussion on the part of the  
4 Board and to see whether or not there are  
5 ways that we can have the Executive  
6 Director close more of the truncated  
7 cases without Board consideration.  
8 Although, I think at the end of the day,  
9 we still want to have a representative  
10 sample --

11 MR. SIMONETTI: Yes.

12 THE CHAIR: On top of whatever the  
13 Executive Director is doing. Not that we  
14 don't trust the Executive Director, but  
15 the Executive Director has a role and the  
16 Board has a role and the Board has to  
17 ensure, with the help of staff, that the  
18 public has confidence in what we're  
19 doing.

20 Any other new business?

21 MR. SIMONETTI: Any words on our  
22 vacancies?

23 THE CHAIR: I have not heard of any.  
24 I heard some possibilities about the  
25 police designee. I have -- I spoke to

00037

1 one of the members of the Council from  
2 Brooklyn and I don't know -- I don't know  
3 where they are. I haven't heard anything  
4 about Manhattan so -- I suppose there  
5 were a couple of articles in El Diario  
6 and New York Times about the vacancies  
7 and I'll say again -- I said it at the  
8 last meeting, it makes the work of the  
9 Board a little bit more difficult. Even  
10 today, it makes it a little bit more  
11 difficult because there are vacancies,  
12 notwithstanding the fact that we also  
13 have Board members who could not be here  
14 and that's a part of the difficulty of  
15 having a board like this. So we do need  
16 those vacancies filled as quickly as  
17 possible.

18 No new business?

19 (No response)

20 THE CHAIR: Public comment. Mr.  
21 DiPrima?

22 MR. DIPRIMA: I'm the first one on  
23 the list? Am I?

24 THE CHAIR: I'm calling you first.

25 MR. DIPRIMA: Thank you. I just

00038

1 want to say it's nice to be here again.  
2 This is my third meeting, today -- I was  
3 at the October meeting, November and this  
4 meeting today. I still have the same  
5 concerns and a matter of fact, I did pick  
6 up a book and started to look through  
7 this book to see if this book could help  
8 me at all.

9 And I'm very concerned about this  
10 little girl that's not with her mother  
11 because her father, who is a New York  
12 City police sergeant, who spent less than  
13 ten years on the force, has committed  
14 criminal acts that I pointed out before  
15 and that I really feel that -- I know  
16 this is not your jurisdiction but I need  
17 someone to make a call to the mayor and  
18 to the police commissioner because I  
19 would like a closed door meeting with the  
20 lawyer to the daughter, the young lady,  
21 which happens to be my daughter.

22 We hired private investigators and  
23 found out a lot of additional information  
24 that needs to be brought to fruition.  
25 This gentleman is violating tax laws,

00039

1 committing criminal acts of tax laws.  
2 I'm getting haunted by debt collectors  
3 now because he took her identity, while  
4 they were together, by using her Social  
5 Security number and her date of birth,  
6 creating credit cards in her name and  
7 using these credit cards to buy Flat  
8 Screen TVs for every room in his house  
9 and he's thrown her out of the house.

10 The thing that bothers me the most  
11 now is that he's endangering the welfare  
12 of the grand -- of my grandchild. She's  
13 four years old. I've been going through  
14 a custody battle now. My daughter's in  
15 the red now for close to a hundred  
16 thousand dollars to her lawyer, okay?  
17 And I believe that Internal Affairs did  
18 nothing about this and I know that your  
19 responsibility is to turn this to  
20 Internal Affairs.

21 I know every politician on Staten  
22 Island. I've been a friend to the  
23 community since I moved to Staten Island  
24 in 1992. I know the doctor can verify  
25 that. He knows that I know every

00040

1 politician. I've brought it to some of  
2 them and they said "Oh, well, there's  
3 really not much we can do. Turn it to  
4 Internal Affairs." Close to a hundred  
5 thousand dollars in legal expenses,  
6 trying to take the baby away from the  
7 mother, accusing her of drugs -- she took  
8 forty-two drug tests, nothing founded,  
9 reported her child abuse, ACS, they found  
10 nothing, okay?

11 But we verified -- me and the  
12 police -- a retired police officer went  
13 to his town. He's violating tax laws in  
14 the township. The sanitation department  
15 is supposed to be picking up for a two-  
16 family; they're picking up for a one-  
17 family. He's committing fraud on tax  
18 returns. We also found out he has a  
19 legal contracting business, which I know  
20 that when you take food off the table  
21 from someone who's paying insurance and  
22 licenses, you cannot continue to ignore  
23 this.

24 When I say endangering the welfare  
25 of the child, she's highly allergic to



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1 cats and dogs. It's been proven by the  
2 mother by bringing the baby for blood  
3 tests. The doctor doesn't recommend dogs  
4 or cats in the environment of this child.  
5 What does he do? He has his girlfriend  
6 put the dog in her name and has the dog  
7 in the house. And the only way you're  
8 going to find this out is a proper  
9 investigation, to go to his neighbors and  
10 find out what he's doing. Go into his  
11 house, investigate what he's doing and  
12 review his tax returns. His father  
13 worked for the IRS for many years so I'm  
14 sure his father coached him in his tax  
15 returns.

16 THE CHAIR: So Mr. DiPrima --

17 MR. DIPRIMA: The very interesting  
18 thing --

19 THE CHAIR: What I'm going to do is  
20 at the -- after the next Board meeting, I  
21 will ask the Executive Director to send a  
22 transcript of what you said to the  
23 appropriate authority. But as you  
24 mention, it's not within our jurisdiction  
25 to deal with your concern but I will take

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1           what you said and I will send it to the  
2           appropriate authorities.

3           MR. DIPRIMA: I've met the Mayor.  
4           I've helped him to try to be re-elected  
5           in two occasions. I met the Police  
6           Commissioner. I know -- but it says here  
7           that -- what bothers me the most is I  
8           want to keep this low profile. I don't  
9           want this to become public because it's  
10          an embarrassment to my family --

11          THE CHAIR: I understand --

12          MR. DIPRIMA: -- and anybody else's  
13          family.

14          BISHOP TAYLOR: Well, it's public  
15          now.

16          THE CHAIR: If you don't --

17          MR. DIPRIMA: I know it's public but  
18          nobody knows the name of the party and I  
19          told everybody here I will not bring that  
20          name to the table until I get a closed-  
21          door meeting with my daughter's attorney,  
22          with the Commissioner and the Mayor  
23          because corruption is -- it's a high --  
24          it's an extreme -- it's bringing harm to  
25          the police but it affects the good as

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1 well as the bad.

2 THE CHAIR: But Mr. Di Prima --

3 MR. DIPRIMA: It affects our  
4 society.

5 THE CHAIR: Let me -- but that's the  
6 only -- my suggestion is the only thing I  
7 could do.

8 MR. DIPRIMA: My lawyer's beside --  
9 that the lawyer's beside herself.

10 THE CHAIR: I understand but I will  
11 send the -- I will send what you say to  
12 the appropriate authorities and that's  
13 the best I can do. We cannot --

14 MR. DIPRIMA: That's all I'm asking  
15 for. I just don't want it to be swept  
16 under the rug because that's what  
17 happened.

18 THE CHAIR: Very well.

19 MR. DIPRIMA: That's what happened  
20 before. If there's a godfather or a  
21 rabbi, things go by the wayside. This  
22 can't continue.

23 THE CHAIR: Thank you.

24 MR. DIPRIMA: Thank you.

25 THE CHAIR: Mr. Dunn?

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1           MR. DUNN: Good morning. Tony, on  
2 your proposal, I heard different  
3 formulations and maybe there was just --  
4 the way people said things but I think it  
5 would be helpful because it's an  
6 important proposal. If there -- I don't  
7 know if this is possible before the next  
8 meeting, because we discussed the next  
9 meeting, if there's something in writing  
10 about the particular motion so people  
11 understand what the categories are, what  
12 the sampling would be, and things like  
13 that because all the issues that people  
14 have raised here are important.

15           I will say -- and I think this was  
16 of some surprise to me -- we supported  
17 the rule change and that was born out of  
18 two considerations. One, the belief that  
19 you guys all have limited time. Spending  
20 large amounts of time going through  
21 truncated cases, I don't think it's a  
22 particularly productive use of your time.  
23 And what we would actually prefer to have  
24 you to be doing is focusing both on the  
25 cases that are likely to be substantiated

00045

1 but also policy issues. And given that  
2 you have finite time, there's a trade-off  
3 on everything in the world and you spend  
4 a lot of time on those truncated cases.  
5 As Tony mentioned, the examination of  
6 truncated cases for, I think, a five-year  
7 period, there were -- I think you were  
8 off by about 400 percent but there were  
9 only, like, four cases that actually got  
10 reversed.

11 And Dan, you raised a concern in  
12 which we share about whether or not there  
13 are cases getting properly truncated.  
14 I'm not sure that the sort of Board  
15 review that's happening now is a very  
16 effective check on that. Now, you may be  
17 seeing cases but that's pretty dispersed.  
18 And if he knows at some level, like the  
19 issue of whether or not cases are  
20 properly being truncated, it is more of a  
21 management control examination than a  
22 Board review issue.

23 You, of course, need to make sure  
24 that those cases were being properly  
25 truncated. But you're going to come --

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1           you raise the issue about egregious cases  
2           which at some level, I think, goes a  
3           little more to whether or not there needs  
4           to be some fiddling with the standards  
5           about truncation, as opposed to whether  
6           or not the certain number of contacts are  
7           being made or whether or not the certain  
8           (indiscernible) has been made. And to  
9           the extent that you have a concern that  
10          there may be particularly egregious cases  
11          where the Board should be making an  
12          exception (indiscernible) somewhat  
13          different approach to the way they  
14          truncate, that seems like that's an  
15          important consideration. I don't think  
16          that what we're talking about gets at  
17          that and maybe that should be part of the  
18          conversation, whether or not there's  
19          certain types of cases in which the  
20          truncation standards might be slightly  
21          different.

22                 BISHOP TAYLOR: That's a good point.

23                 MR. DUNN: With respect to the  
24          Prosecution Unit, Ernie, I appreciate  
25          your raising that. I did see from the

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1 reporting about this -- and this is what  
2 I'm not clear about. Is the unit being  
3 cut down from what had been proposed?  
4 Because you had mentioned that you're  
5 proceeding with it and the expectation is  
6 you would do the four to five cases as a  
7 pilot. But the unit, as it was proposed  
8 and originally funded, as I understood,  
9 involved, you know, a lead lawyer, a  
10 couple other lawyers and a couple of  
11 staff people. Is that going to  
12 materially change?

13 THE CHAIR: I don't know -- I don't  
14 know. That hasn't been decided yet but  
15 in terms of the particular resources that  
16 are necessary to do the four to five  
17 cases -- I know I'm not answering the  
18 question directly but --

19 MR. DUNN: It's all right.

20 THE CHAIR: We -- the Executive  
21 Director and I had spoke about this more  
22 times than I can remember. The  
23 commitment is to see this pilot through  
24 and to devote the resources necessary to  
25 do that because you want to give it a --

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1           you want to give it a fair shake and a  
2           fair evaluation.  So that's our  
3           commitment but I can't go further.

4           MR. DUNN:  Okay.

5           THE CHAIR:  I'm not totally doing  
6           this with you.

7           MR. DUNN:  That's ok -- fair  
8           enough.  I mean, it would be helpful and  
9           I would certainly like to know and I'm  
10          sure others would like to know, once  
11          things progress to the extent of which  
12          the unit will be staffed and beyond the  
13          four to five cases you might actually  
14          try -- and of course, trying cases is a  
15          somewhat (indiscernible).  There's lots  
16          of other work associated with the cases  
17          going over there, which in some sense,  
18          may be more important than the actual  
19          trials (indiscernible) may take place, so  
20          I turn this (indiscernible) that  
21          straightforward.

22          On the DUPs, I have, for many  
23          months, said due to the department, the  
24          DUP numbers are going down.  I don't just  
25          complain.  The DUP numbers are now going



00049

1 back up and I just want to reiterate what  
2 I said last month which is the numbers  
3 are changing so significantly that it  
4 feels to me like there's something more  
5 going on than just the (indiscernible)  
6 from month to month.

7 Having said that, I realize the  
8 direct total number of cases is  
9 relatively small so the percentages can  
10 be a little bit misleading. But I do  
11 think -- and I think the people on the  
12 Board recognize this, the DUP issue is an  
13 important issue. And I hope that there  
14 is some real attention being paid to what  
15 the department is saying about why cases  
16 are getting DUPed and why they may be  
17 getting DUPed at a significantly higher  
18 rate, at least percentage-wise, in the  
19 last several months.

20 And then the final thing I wanted to  
21 ask about was the status of the vertical  
22 patrol training. We talked last month  
23 about the recommendations. The  
24 department made some commitments and I  
25 know it's only been a month but there are

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1 a lot of area patrols happening so I was  
2 wondering if there was any update on the  
3 training the department had committed to  
4 make.

5 THE CHAIR: I don't think there's  
6 any -- I think the department is  
7 training. They are --

8 MR. DUNN: You think they've already  
9 started?

10 THE CHAIR: They've started the  
11 training, yes. In fact, they started the  
12 training even before -- you know, based  
13 on our recommendations several months  
14 ago. So they were -- so they developed  
15 the training and so they've been doing  
16 it, even before we sent out the -- our  
17 proposal. But it was based on the  
18 information that we developed from the  
19 complaints.

20 MR. DUNN: All right. And then  
21 finally, I look forward to seeing the  
22 semiannual report. As I've said in the  
23 past, and I think that you guys are  
24 sensitive to this, obviously the  
25 later the report comes out, the information

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1 is less relevant and timely.

2 So thank you.

3 MR. O'GRADY: I'd like to speak, Mr.  
4 Chairman.

5 THE CHAIR: Yes, sir?

6 MR. O'GRADY: Esther Shenkman (ph.),  
7 caused a tenants' meeting (indiscernible)  
8 a Caucasian woman, Lieutenant Lela (ph.),  
9 a black woman. She's kind of under your  
10 church lady. She's kind of heavysset.  
11 She pushed her down a small flight of  
12 stairs. She wasn't hurt but Esther  
13 Shenkman sold the building the next week.  
14 She paraded around the tenants' meeting  
15 in the lobby. She said that she owned  
16 the building. She was the only one who  
17 had right to the lobby but if he's going  
18 to get fancy, Esther Shenkman sold the  
19 building the next week, the following  
20 week after being pushed down a small  
21 flight of stairs. She wasn't hurt but  
22 she's selling the building to her black  
23 Negro porter.

24 Now, she told him to go get a mop  
25 and mop the floor. That's who she sold

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1           him the build -- she sold our building  
2           to.

3           THE CHAIR:   Okay.  Thank you.

4           Seeing nobody else wishing to  
5           comment, anything further?  I apologize  
6           for the little delay in the meeting.

7           There was --

8           MS. THOMPSON:  Traffic.

9           THE CHAIR:  -- there was some kind  
10          of problem on the Brooklyn Bridge which  
11          backed up the BQE all the way to  
12          LaGuardia Airport.  So I had to take the  
13          FDR Drive down so you know what that  
14          meant.  But anyway, meeting adjourned.

15          Happy holiday, everybody.

16          BISHOP TAYLOR:  Happy holidays.

17          (Whereupon proceedings were concluded at  
18  11:08 a.m.)

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

I, Erwin Fried, Electronic Court Reporter and Notary Public, do hereby certify that the foregoing witness whose testimony as herein set forth, was duly sworn on the date indicated, and I was present during the entirety of the foregoing proceedings, and that I caused to be recorded a true, complete and verbatim recording of the proceedings via digital means.

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:  
December 16, 2010.

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I, Sara Bernstein, 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:  
December 16, 2010

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Sara Bernstein (CET\*\*D-572)  
AAERT Certified Electronic Transcriber

