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MEETING OF
THE CIVILIAN COMPLAINT REVIEW BOARD
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January 12, 2011

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

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BOARD MEMBERS PRESENT WERE:

DANIEL D. CHU, ESQ.

JAMES DONLON, ESQ.

DR. MOHAMMAD KHALID

DAVID G. LISTON, ESQ.

JULES A. MARTIN, ESQ.

MARY E. MULLIGAN, ESQ.

TOSANO J. SIMONETTI

BISHOP MITCHELL G. TAYLOR

YOUNGIK YOON, ESQ.

PUBLIC MEETING OF THE CCRB 1/12/2011

1 THE CHAIR: Before we start, just so
2 you know, we don't have a stenographer
3 today and, of course, a lot of people
4 aren't here either. And so we have
5 digital recorders, two digital recorders
6 so please speak up. Okay? So that we do
7 not miss anything. Okay? Let's get
8 started. First item on the agenda is the
9 adoption of the minutes from last
10 meeting. Is there a motion?

11 COMMISSIONER SIMONETTI: So moved.

12 THE CHAIR: Is there a second?

13 COMMISSIONER DONLON: Second.

14 THE CHAIR: All in favor?

15 IN UNISON: Aye.

16 THE CHAIR: Let the record reflect
17 that it was unanimous.

18 COMMISSIONER LISTON: Sorry; I
19 should abstain. I wasn't at the meeting.

20 THE CHAIR: That's okay. You can
21 still vote.

22 COMMISSIONER LISTON: Okay. Then I
23 voted.

24 THE CHAIR: We will skip -- I have
25 really nothing to report. I do -- later

PUBLIC MEETING OF THE CCRB 1/12/2011

1 on in the meeting, we will discuss some
2 old business that -- other than that I
3 have no further comments at this time.

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

6 MS. THOMPSON: Okay. The monthly
7 stats in December 2010, the CCRB received
8 381 complaints or 149 newer complaints
9 than it received in December of 2009,
10 when the agency received 530. This
11 represents a twenty-eight percent
12 decrease in complaint activity. The
13 agency has begun to analyze these numbers
14 to look for any kind of emerging
15 patterns.

16 From January to December of 2010,
17 the Board has received 6,487 complaints
18 or 1,173 fewer complaints than it
19 received in the same period of 2009.
20 That's a fifteen percent decrease in the
21 number of complaints filed. Total intake
22 decreased by eleven percent from 19,091
23 to 17,016.

24 In December 2010, the Board closed
25 533 cases. Year-to-date, the Board has

PUBLIC MEETING OF THE CCRB 1/12/2011

1 closed 7,043 cases. Of the year-to-date
2 Board closures, 2,445 are full
3 investigations and 4,277 are closed as
4 truncated. The CCRB mediated 6 cases in
5 December, for a total of 157 mediations
6 year-to-date. The CCRB closed as
7 mediation attempted in 184 cases in 2010.
8 The year-to-date substantiation rate is
9 eleven percent. The truncation rate is
10 sixty-one percent. Year-to-date, the
11 CCRB has substantiated 261 cases
12 involving 377 officers.

13 With the Board closing, this month,
14 more cases than it received, the agency's
15 open docket shows a six percent decrease
16 in relation to the previous month's open
17 docket. The docket stands at 2,786
18 cases. About ninety-seven percent of our
19 open investigations were filed within the
20 last year. Of the open cases, 1,045
21 cases are awaiting panel review or
22 thirty-eight percent of all open cases.
23 1,504 cases are being currently
24 investigated and 237 cases are in the
25 CCRB's mediation program.

PUBLIC MEETING OF THE CCRB 1/12/2011

1 Only fourteen cases of the CCRB's
2 open docket are eighteen months or older.
3 In November 2010, the Police Department
4 disposed of thirty-one cases. The
5 department disciplined twenty-one
6 officers with command discipline and
7 instructions. Three officers negotiated
8 guilty pleas. Two officers were found
9 not guilty after trial and, in one
10 instance, the charges were dismissed. In
11 four cases, the department declined to
12 prosecute CCRB cases. Year-to-date, the
13 discipline rate is eighty percent. The
14 year-to-date department decline to
15 prosecute rate is sixteen percent.

16 I'd also like to just mention
17 that -- about our MMR targets and our
18 numbers that we have so far. MMR is the
19 Mayor's Management Report and we submit
20 that to City Hall yearly. The average
21 number of days to complete a full
22 investigation decreased eighteen percent
23 from 341 days to 281 days. The yearly
24 target is 280. So we're just about
25 there.

PUBLIC MEETING OF THE CCRB 1/12/2011

1 The CCRB reduced its open docket by
2 eighteen percent from 3,806 to 3,110.
3 Substantiated cases closed at fifteen
4 months or older decreased by fourteen
5 percentage points from twenty-eight to
6 fourteen percent. The yearly target is
7 ten percent so we're on the way to
8 meeting that as well.

9 And during the reporting period, the
10 number of mediations increased from
11 thirty-six to forty-eight cases and the
12 number of cases mediated as a percentage
13 of total closed cases, increased from 1.3
14 to 2.4. The average completion time for
15 mediation cases increased nine percent
16 from 163 days to 178 days. The yearly
17 target is 150. The deterioration in
18 timeliness, however, is attributed to a
19 seventy-two percent increase in the
20 number of cases referred to the mediation
21 program from 129 to 222.

22 THE CHAIR: Comments?

23 COMMISSIONER SIMONETTI: Yes. Joan, did
24 you say that the cases over eighteen
25 months represent fourteen percent of the

PUBLIC MEETING OF THE CCRB 1/12/2011

1 open docket?

2 MS. THOMPSON: No, 18 months? it was
3 substantiated cases 15 months and older -
4 decreased by fourteen percent.

5 COMMISSIONER SIMONETTI : You
6 mentioned cases over eighteen months.

7 MS. THOMPSON: This is the MMR so
8 this is a little different.

9 COMMISSIONER SIMONETTI: No, no, no.
10 not the MMR.

11 MS. THOMPSON: Oh, you're talking
12 about in my report.

13 COMMISSIONER SIMONETTI: Yes.

14 MS. THOMPSON: You're talking about
15 in my report.

16 COMMISSIONER SIMONETTI: Yes.

17 MS. THOMPSON: Oh, I'm sorry.

18 Eighteen months and older --

19 COMMISSIONER SIMONETTI: Right.

20 MS. THOMPSON: Let me find it. No,
21 that's -- yes, fourteen cases and there's
22 -- only fourteen cases in the CCRB's open
23 docket are eighteen months or older.

24 COMMISSIONER SIMONETTI: Oh, I thought
25 you said fourteen percent.

PUBLIC MEETING OF THE CCRB 1/12/2011

1 MS. THOMPSON: No. Only fourteen
2 cases. There's only 14 cases that are...

3 COMMISSIONER SIMONETTI: Okay.
4 Fine.

5 MS. THOMPSON: -- that are eighteen
6 months and older.

7 COMMISSIONER SIMONETTI: Because
8 it's not even a percentage point.

9 MS. THOMPSON: Yes, right.

10 COMMISSIONER SIMONETTI: Okay.

11 MS. THOMPSON: No, it's not.

12 THE CHAIR: Anything further?

13 Committee reports. That is a --

14 MR. DONLON: Reports and
15 Recommendations Committee had the semi-
16 annual report is at the printer so it
17 should be ready before next month's
18 meeting, certainly.

19 EXECUTIVE DIRECTOR: Yes.

20 THE CHAIR: Is that -- how's that in
21 timeliness in terms of when the last --
22 when we usually get that out? Is that
23 better, worse or the same?

24 EXECUTIVE DIRECTOR: I'd say it's a
25 little bit better.

PUBLIC MEETING OF THE CCRB 1/12/2011

1 COMMISSIONER CHU: The Technology
2 Committee is excited to report that we
3 now have a live panel. We're going to be
4 doing one test panel with the electronic
5 voting sheets and hopefully, that's going
6 to run smoothly. We'll make any
7 adjustments that need to be made and
8 we'll report back to you by the next
9 meeting.

10 THE CHAIR: I think anybody who
11 wants to see -- I think it's important as
12 long as certainly, we don't give out any
13 confidential information but if anybody
14 wants to see how that works, the
15 demonstration process --

16 THE CHAIR: I think that if anyone
17 wants to see how this works...

18 THE CHAIR: Can we arrange that in
19 the future?

20 COMMISSIONER CHU: The plan -- and
21 Yuriy, correct me if I'm wrong, is that
22 during Executive Session today there's
23 going to be a brief presentation to the
24 rest of the board members.

25 THE CHAIR: And then afterwards,

PUBLIC MEETING OF THE CCRB 1/12/2011

1 once the board is ready to go forward, if
2 anybody wants to see how that works,
3 anybody from the public or the Police
4 Department or whomever, they want to see
5 it, then I would ask you to make a
6 demonstration available for them. Okay:

7 COMMISSIONER CHU: Yeah. But for today -

8 THE CHAIR: Not today. In the
9 future.

10 COMMISSIONER CHU: Okay.

11 THE CHAIR: Not today. We're saying
12 in the future. Once it's ready to go
13 forward, if anybody wants to see a
14 demonstration product -- project -- if
15 anyone wants to see it demonstrated,
16 please contact the Executive Director so
17 we could arrange that. And I'll make
18 another announcement in another board
19 meeting, I'm sure. Any other committee
20 report?

21 COMMISSIONER TAYLOR: Outreach Committee
22 is moving forward with the ambassadors
23 program which will be a program that will
24 engage high school kids in eleventh and
25 twelfth grade to become ambassadors for

PUBLIC MEETING OF THE CCRB 1/12/2011

1 CCRB, points of information for other
2 youth in the community and appoint a
3 dialogue and understanding for them as
4 they go out as ambassadors explaining
5 what the CCRB does and so on and so forth
6 and so we're moving forward with that.
7 It seems to be moving quite well.

8 THE CHAIR: I would be curious,
9 Bishop, when that gets started to report
10 back because I think that will be kind of
11 interesting.

12 EXECUTIVE DIRECTOR: Well, that's
13 dependent on us getting a grant and the
14 grant has been submitted to the New York
15 Community Trust and they were quite
16 pleased with it and we're awaiting their
17 response.

18 THE CHAIR: Okay. Well, obviously,
19 I mean if it doesn't go forward then
20 there's nothing to report. So --

21 COMMISSIONER TAYLOR: I'm almost --
22 I'm eighty-five percent sure that they're
23 going to fund it.

24 THE CHAIR: Okay.

25 COMMISSIONER TAYLOR: Yeah. So --

PUBLIC MEETING OF THE CCRB 1/12/2011

1 THE CHAIR: All right. Anything
2 else? Mary?

3 COMMISSIONER MULLIGAN: Me?

4 THE CHAIR: Yes.

5 COMMISSIONER MULLIGAN: Okay. I'd like
6 to note a couple of developments which
7 have been in the media which I think is
8 important and I wanted to share with the
9 public. Recently the New York Police
10 Department announced that at the end of
11 2010, the New York City Police force had
12 its most diverse work force in the
13 history of the Police Department.

14 The majority of rank and file police
15 officers come from members of minority
16 based communities in New York City.
17 Appropriately 22,199 patrol officers are
18 either black, Latino or Asian. And I
19 believe, in the Wall Street Journal, Mr.
20 Dunn noted that this level of diversity
21 is not seen in the management of the
22 Police Department.

23 However, I will note, as the Police
24 Department did, that it takes time for
25 members to advance through this level of

PUBLIC MEETING OF THE CCRB 1/12/2011

1 diversity and again, we just note, that
2 we think it's important the Police
3 Department mirror our community and it
4 seems that these figures are very
5 important.

6 Also, the Police Commissioner has
7 appointed a panel of former prosecutors
8 to look into various issues with the
9 Police Department, the way that
10 statistics were kept. And David Kelly,
11 Sharon McCarthy and Bob Morvillo will be
12 looking into this. They'll be visiting
13 precincts, they'll be examining record
14 keeping to see if there has been any
15 issues with the demarcation between
16 misdemeanors and felonies and they most
17 likely will be issuing a report in the
18 future.

19 So I just note those developments
20 and that's it, Ernie.

21 THE CHAIR: I'm just curious. Has
22 anybody -- depending on what the findings
23 may be or not be, would that conceivably
24 have any impact on any of our numbers or
25 anything? Conceivably?

PUBLIC MEETING OF THE CCRB 1/12/2011

1 COMMISSIONER SIMONETTI: Our
2 numbers?

3 THE CHAIR: Yeah. On what we do or
4 the numbers of complaints or anything?

5 COMMISSIONER SIMONETTI: I don't
6 think it would reflect upon our numbers,
7 I don't think it would adversely ... it
8 would not affect us in any way. The only
9 thing that would be curious, I mean, I
10 don't know what they would do if there
11 would be an adjustment of any crime
12 stats. If there was some findings that
13 came out of that panel.

14 By the way, in addition to that, one
15 only has to go and look at the blogs all
16 over the place about this whole issue
17 that's been percolating for awhile now.
18 And this all goes back to the 81st
19 precinct case with the (indiscernible)
20 case.

21 And if you look at the blogs, it's
22 interesting because the people -- the
23 naysay -- well, not the naysayers but
24 people are saying -- some people are
25 saying that why did Kelly appoint that

PUBLIC MEETING OF THE CCRB 1/12/2011

1 committee? Why wasn't it done either by
2 the mayor or why would somebody outside
3 the Police Department appoint that
4 committee? And that's all over the
5 blogs.

6 And they're kind of implying that
7 it's too late in the game to go back ten
8 years because those stats that they want
9 to look at, primarily our misdemeanor
10 stats, by the way, those that were
11 recorded as misdemeanors because that
12 would affect the felony stat if there
13 were any changes in that. And they're
14 saying it's kind of late in the game.

15 Somebody said you got to sit next to
16 the desk officer as the complainants come
17 in and that's the only way you're going
18 to really know whether or not there's any
19 downgrading of crime.

20 THE CHAIR: Tony, I have a question
21 because you have police make arrests.

22 COMMISSIONER SIMONETTI: Right.

23 THE CHAIR: And it comes in as a
24 misdemeanor or a felony.

25 COMMISSIONER SIMONETTI: Right.

PUBLIC MEETING OF THE CCRB 1/12/2011

1 THE CHAIR: And then, in New York
2 City -- because I was a prosecutor --
3 prosecution that's a charging function.
4 And when I was a prosecutor, it happens
5 frequently where me, as a D.A. -- and I'm
6 sure other people who are D.A.s had this
7 experience -- you would downgrade the
8 arrest from a felony to a misdemeanor and
9 sometimes void the arrest. Is that
10 part of the ...

11 COMMISSIONER SIMONETTI: I would say that
12 probably happens in at least fifty
13 percent of the cases that go from P.D.
14 into the prosecutor's office. There's
15 either a lessening of the degree of the
16 crime or a complete -- and then they also
17 have the deferral to prosecute -- what
18 was the other one where they tell you
19 we're deferring prosecution until you
20 bring in additional evidence to show that
21 this person committed -- or an outright
22 dismissal of the case.

23 THE CHAIR: Is that what
24 statistics --

25 COMMISSIONER SIMONETTI: That's not

PUBLIC MEETING OF THE CCRB 1/12/2011

1 our stats. That's the court's stats.
2 That's the court stats. Our charge is
3 whatever we charge them with when we
4 arrest them, that's the charge that gets
5 recorded. And I think that the arrest
6 stats show that the violations and the
7 misdemeanors make up the vast majority or
8 arrests that are made in New York City.

9 COMMISSIONER DONLON: But the other
10 item or the other part of this is that a
11 lot of these complaints never result in
12 arrests so that the complaints

13 COMMISSIONER SIMONETTI: Yes.

14 COMMISSIONER DONLON: -- are coming
15 in and they're being --

16 COMMISSIONER SIMONETTI: The vast
17 majority do not result in an arrest, yes.

18 COMMISSIONER DONLON: So is they're
19 being downgraded, you know, those are the
20 cases that would have to be looked at as
21 well. But I mean -- that's the -- that
22 is an issue.

23 COMMISSIONER SIMONETTI: Yeah. I
24 guess they're going to have to develop
25 some kind of a critique or how they're

PUBLIC MEETING OF THE CCRB 1/12/2011

1 going to go about doing this, you know?

2 CHAIR HART: Well, because at the
3 end of the day, what somebody's arrested
4 for, by and large, many time, more times
5 than not, it's not worth, ultimately --
6 either they're upgraded or downgraded. I
7 don't -- so the stat, to me, it's kind of
8 interesting as to what it actually means.
9 What the prosecutors or -- what the
10 former prosecutors want to be looking at
11 because it may not -- I mean, that is a
12 piece f the puzzle but it's not the whole
13 puzzle.

14 COMMISSIONER SIMONETTI: Yeah. But
15 I think -- if you read the blogs,
16 that's not -- I don't think that's the
17 concern of the people that are concerned
18 with his issue. The concern is that if
19 your home is burglarized, that it doesn't
20 go in as an unlawful entry, you know, or
21 a trespass or something like that.
22 That's what they're concerned about.
23 That grand larcenies don't all become
24 petty larcenies.

25 That lost property, as I read on

PUBLIC MEETING OF THE CCRB 1/12/2011

1 some blogs, is like -- they were saying
2 that police are encouraging people --
3 hey, listen, it's only your cell phone.
4 There's no way in heck we're going to
5 ever recover your cell phone. You know?
6 You want to -- consider what you want to
7 do.

8 So I mean, I think that that's the
9 area that they'll be looking at. You
10 know? Those kinds. That -- that would
11 constitute, I think, the bulk of it. The
12 arrests -- we keep stats on it and then
13 the courts keep stats of the outcomes of
14 those arrests.

15 COMMISSIONER CHU: Well, I think
16 it's what Commissioner Donlon said. It's
17 the cases that don't result in an arrest
18 --

19 COMMISSIONER SIMONETTI: Right.

20 COMMISSIONER CHU: -- and are never
21 captured. Because if there's an
22 elevation or a downgrade, that's usually
23 reflected on the -- even on the rap
24 sheets. It's show an arrest charge and
25 then a final arraignment charge and

PUBLIC MEETING OF THE CCRB 1/12/2011

1 you'll see whether it was bumped up or
2 bumped down. But if there was never an
3 arrest, I think that's the area where,
4 you know --

5 COMMISSIONER SIMONETTI: Well,
6 clearly, I mean, if you read -- if you
7 read all that's going on, that's the area
8 that they'll be looking at. I mean,
9 that's my opinion.

10 THE CHAIR: Okay. Interesting. Any
11 other committee reports? Old business.
12 Last meeting, we did talk about -- we had
13 a motion pending that we kind of didn't
14 put to the floor for a final vote. I
15 asked staff do to some more work related
16 to it and I want to read a statement into
17 the record before we start discussion on
18 this matter.

19 And I want to start off by saying
20 even though I didn't state this earlier
21 in my Report from the Chair section,
22 again, the board is down three members.
23 And it kind of makes what we are
24 proposing -- what we were just talking
25 about now, even more important because

PUBLIC MEETING OF THE CCRB 1/12/2011

1 the work of the board is difficult
2 because of the way we do out business in
3 terms of the having our panels comprised
4 of one member from each of the appointing
5 authorities. I mean, ultimately, the
6 appointing authority is the Mayor but you
7 know what I mean. Police, Mayor and City
8 Council.

9 I would just like to state publicly
10 again that at some point, if it hasn't
11 already, the lack of a full board makes
12 our job a bit more difficult, certainly
13 at the end of the day as we discuss and
14 adjudicate or make recommendations as far
15 as the cases go.

16 So again, I would ask the City
17 Council particularly since there are two
18 members that they must recommend to the
19 Mayor. One -- Manhattan has been vacant
20 for over a year and of course one from
21 Brooklyn just occurred a few months ago
22 with the resignation of Commission Kuntz,
23 as he is being considered for the Eastern
24 District of Federal Court. So, it has
25 caused problems and I'd just like to

PUBLIC MEETING OF THE CCRB 1/12/2011

1 point out we need help there.

2 Let me read this statement. Just to
3 put things in perspective because a lot
4 of -- last board meeting we had some
5 difficulty, we were talking about a lot
6 of things so let me try to put this in
7 perspective.

8 In September 2009, the Board
9 delegated to the Executive Director the
10 power to close cases as complaint
11 withdrawn which is the complainant
12 voluntarily withdrew the complaint or
13 miscellaneous which includes the subject
14 officer has left the department.

15 It is now proposed to delegate to
16 the Executive Director the power to close
17 two additional categories of truncated
18 cases; namely, complainant unavailable,
19 and that is the complainant could not be
20 located, and victim unavailable, which
21 means the victim could not be located.

22 These are cases in which the
23 investigator is unable to make contact
24 with the civilian either because searches
25 of directories and other databases do not

PUBLIC MEETING OF THE CCRB 1/12/2011

1 yield contact details or because,
2 although there are contact details, no
3 response is ever received to the five
4 calls made or the two letters sent to the
5 civilian.

6 There would be two safeguards.
7 First, no case could be closed by the
8 Executive Director as complainant or
9 victim unavailable until copies first --
10 had first been provided to any board
11 member who had asked to see them.
12 Second, the board would, from time to
13 time, review a statistically significant
14 sample of cases closed by the Executive
15 Director as complainant or victim
16 unavailable. For example, if the number
17 of cases closed as complainant or victim
18 unavailable were 1,000, the sample size
19 would be 278 cases which is a significant
20 sample.

21 In order to prepare for this
22 additional delegation from November 2009
23 to December 2010, a specially constituted
24 G panel on fourteen occasions to consider
25 recommendations from staff that cases be

PUBLIC MEETING OF THE CCRB 1/12/2011

1 closed as either complainant or victim
2 unavailable. The panel adopted the
3 recommendations of the staff in all 899
4 cases. 716 case, or eighty percent, were
5 closed as complainant and 183, or twenty
6 percent of those cases, as victim
7 unavailable.

8 The board elects to delegate to the
9 Executive Director the power to close
10 cases as complainant or victim
11 unavailable. It is expected that the
12 Executive Director will close, in all,
13 appropriately thirty-five percent of all
14 truncated cases representing about twenty
15 percent of all our cases.

16 So that kind of put things in
17 perspective. Now, we do have a motion
18 pending. I don't know if we would have
19 further discussion on that or if somebody
20 wishes to propose a new motion.

21 COMMISSIONER SIMONETTI: I would
22 like to propose a new motion. First of
23 all, I would like to withdraw my motion
24 from last month and then propose, in its
25 stead propose this motion. I'd like to

PUBLIC MEETING OF THE CCRB 1/12/2011

1 propose that unless and until the board
2 otherwise resolves the following category
3 of cases may be closed by the Executive
4 Director or his or her designee. Number
5 one, complainant unavailable; the
6 complainant could not be located. And
7 two, victim unavailable; the victim could
8 not be located.

9 And the board, from time to time,
10 shall review a statistically significant
11 sample of cases closed by the Executive
12 Director as complainant or victim
13 unavailable, stratified so that all of
14 the cases in which there is an allegation
15 of death, gunshot wound, fracture,
16 laceration with stitches or that a gun
17 was fired or a taser were used are
18 included in the sample.

19 By the way -- that's my resolution.
20 By the way, the statistical sample that
21 you spoke about, Mr. Chairman, the 278
22 out of 1,000 cases, I don't think anyone
23 uses such a large sample in anything.
24 Certainly in polling they use a
25 relatively small sample. This is a

PUBLIC MEETING OF THE CCRB 1/12/2011

1 significant number of cases. Almost
2 twenty-six percent of the cases. So
3 this -- this will certainly offer a lot
4 of control.

5 And it with -- couple that with
6 these exceptional cases, I think we got a
7 lot of safeguard built into this. Couple
8 that with the fact that the G panel were
9 unanimously of their 899 cases, we saw
10 fit to vote them out exactly as
11 recommended but the investigators.

12 THE CHAIR: Before we discussed any
13 more, do we hear a second to that motion?

14 COMMISSIONER DONLON: Second.

15 THE CHAIR: Okay. Now, it's open
16 for discussion.

17 COMMISSIONER SIMONETTI: Good.

18 THE CHAIR: So Commissioner
19 Simonetti opened the discussion. Is
20 anymore discussion on this?

21 COMMISSIONER DONLON: Well, I think it
22 would be understood that any board member
23 who chose to request review of any of
24 these cases would have the right to go
25 back and look at them on request.

PUBLIC MEETING OF THE CCRB 1/12/2011

1 MR. SIMONETTI: Absolutely.

2 COMMISSIONER DONLON: And I think
3 that's pretty clear.

4 MR. SIMONETTI: Yeah, that was built
5 in for the first two categories of cases
6 that we designated to the Executive
7 Director. And that certainly would
8 continue.

9 And then with the understanding --
10 clearly it's our mandate, we could do
11 whatever we please to do with a
12 particular case.

13 THE CHAIR: And just operationally,
14 I would appoint, I guess -- and this
15 would be -- that would continue to be the
16 G panel to review those statistically
17 significant number of cases and I would
18 do that on a rotation basis.

19 COMMISSIONER TAYLOR : I thought
20 that they would -- oh, rotate among the
21 panel board?

22 THE CHAIR: Yeah.

23 COMMISSIONER LISTON: Okay.

24 COMMISSIONER LISTON: Ernie?

25 THE CHAIR: Yes?

PUBLIC MEETING OF THE CCRB 1/12/2011

1 COMMISSIONER LISTON: When you say
2 from time to time, can we have a sense of
3 what that would be? From time to time?

4 THE CHAIR: For the statistics?

5 COMMISSIONER LISTON: Yes.

6 THE CHAIR: As a practical matter,
7 Marcos, what would that be? Would it be
8 once we get 1,000 cases or a multiple of
9 that we would --

10 Mr. SOLER: That would be up to the
11 board but I would recommend that it's in
12 three month intervals or six month
13 intervals.

14 COMMISSIONER LISTON: I mean, can we
15 make that more clear? Could we make it
16 in three month intervals or --

17 MR. SIMONETTI: I think it can be
18 included in the monthly pattern and not
19 wait for three months. Because if we do
20 consider reopening that case and let's
21 say send it back for further
22 investigation, we don't want to delay the
23 case.

24 COMMISSIONER LISTON: Exactly.

25 MR. SIMONETTI: So I think from a

PUBLIC MEETING OF THE CCRB 1/12/2011

1 statistical point of view, it really
2 doesn't matter if you gather a thousand
3 cases or a hundred cases or ten cases.
4 The percentage that goes to the panel is
5 always going to remain the same. So I
6 think they should come to us on a monthly
7 basis.

8 THE CHAIR: So if we did it that
9 way, we wouldn't necessarily -- when a
10 panel gets their cases, it wouldn't
11 necessarily be designated as G panel,
12 just be in their regular cases --

13 COMMISSIONER SIMONETTI: Exactly.

14 THE CHAIR: -- Denise, is that the
15 way it would work or --

16 COMMISSIONER SIMONETTI:

17 (Indiscernible).

18 THE CHAIR: You want to make it a G
19 panel.

20 COMMISSIONER: Yes, yeah.

21 COMMISSIONER SIMONETTI: But I
22 thought, when we sat on the G panel that
23 was in addition --

24 THE CHAIR: Yes, it was.

25 MR. SIMONETTI: -- to the cases

PUBLIC MEETING OF THE CCRB 1/12/2011

1 going to the regular panel. I --

2 THE CHAIR: So we can still do the
3 regular panels and that's a good idea but
4 I think, statistically, what staff wants
5 to do is if they give -- they just want
6 to give you another category of cases
7 different from your -- from the regular
8 cases, whatever -- how ever many that is.
9 I think that's what staff is saying. IS
10 that true?

11 STAFF: Correct.

12 DENISE: Yes

13 COMMISSIONER TAYLOR: But I don't
14 understand that.

15 THE CHAIR: Well, if you get 175
16 cases for regular panel. And what staff
17 is saying if we have G panel cases,
18 whether it's twenty cases or you could
19 get another packet with twenty cases that
20 would be in this category. That's what
21 they would like to see, right?

22 MARCOS: Yes.

23 DENISE: Yes.

24 COMMISSIONER LISTON: And why is
25 that equitable? I'm just asking.

PUBLIC MEETING OF THE CCRB 1/12/2011

1 THE CHAIR: It's not a question of
2 being equitable.

3 COMMISSIONER TAYLOR: what's the
4 advantage to that?

5 COMMISSIONER TAYLOR: What's the
6 advantage to that.

7 THE CHAIR: I think that
8 statistically to keep track of these
9 cases that we're putting in this
10 category. It's easier to keep track
11 of -- separate them from the regular
12 cases that we do and put them separately.
13 So these are cases that the Executive
14 Director is looking at and that we're
15 reviewing as a statistically significant
16 sample.

17 So it's just a question of how you
18 log them in. It's not -- I don't see it
19 as a big issue.

20 COMMISSIONER TAYLOR: No, I don't
21 see it as -- I just don't see the
22 benefit.

23 THE CHAIR: Statistically, I think
24 it's easier for staff to keep track of
25 those cases if you put them separately

PUBLIC MEETING OF THE CCRB 1/12/2011

1 from the regular cases. Because then --
2 remember, these are the cases that the
3 Executive Director has already closed.
4 The cases that we're looking at in the
5 panels are not closed. We're closing
6 them or substantiating them or whatever
7 we're doing.

8 COMMISSIONER TAYLOR: Oh, so you're
9 saying the G panel would be accumulation
10 of cases that the Executive Director has
11 closed.

12 THE CHAIR: Yes.

13 COMMISSIONER TAYLOR: No the cases
14 that we are randomly looking --

15 THE CHAIR: No, no. Yes.

16 COMMISSIONER TAYLOR: These are just
17 our cases that --

18 THE CHAIR: These are the ones that
19 we are randomly looking at because these
20 are the cases that she closed. Remember?

21 COMMISSIONER TAYLOR: Right. So
22 that's in a G panel. That's in a G --
23 we're just looking at that.

24 THE CHAIR: Right.

25 COMMISSIONER TAYLOR: But we're

PUBLIC MEETING OF THE CCRB 1/12/2011

1 still getting dispersed about all the
2 panels, the staff link that will be
3 divided amongst all of us.

4 THE CHAIR: No, they'll be on a
5 rotation basis. The G panel will be on a
6 rotation basis so one panel will get a G
7 panel one month, another panel will get a
8 G panel the next month and so on and so
9 forth.

10 COMMISSIONER TAYLOR: Now, but Tony,
11 I thought you were saying that --

12 COMMISSIONER SIMONETTI: I was going
13 to comment on that. I would be adverse -
14 - by the way, when we had the G panel, a
15 number of cases that we got monthly were
16 very limited number of cases. But those
17 were on the other two categories and now
18 we're going to these two categories which
19 may be a little bit more but I don't it
20 as a significant number.

21 What I would suggest is that yes,
22 those cases get singled out and go to a G
23 panel on a rotating basis, however, also
24 give out those cases -- it may be
25 duplicating it but that's okay. Give

PUBLIC MEETING OF THE CCRB 1/12/2011

1 them out on the percentage basis to the
2 regular five panels, okay? Four panels.
3 Give them out. And it's kind of a check
4 too for the G panel, for statistical
5 purposes, they can keep the status --

6 THE CHAIR: You want to have,
7 basically, G panels -- more than one G
8 panel on a particular month?

9 MR. SIMONETTI: No. One G panel,
10 four regular panels and then if there are
11 fifty cases that are going in the G
12 panel, take twenty-five percent of the
13 fifty, right?

14 COMMISSIONER TAYLOR: And distribute
15 them all out.

16 MR. SIMONETTI: And distribute it.
17 Give three or four cases to the remaining
18 four teams -- four panels.

19 COMMISSIONER TAYLOR: That's just
20 what we do with the withdrawing now.

21 MR. SIMONETTI: I mean, it looks --

22 THE CHAIR: Is that okay? Is
23 that -- would that present difficulty?

24 COMMISSIONER TAYLOR: Yes.

25 THE CHAIR: Marcos, you want to

PUBLIC MEETING OF THE CCRB 1/12/2011

1 share?

2 MR. SOLER: I was just indicating
3 that it would be twenty-four cases per
4 month. Our panel -- the review panel
5 would be just 24 cases per month to get
6 to the 217 at the end of the year.

7 THE CHAIR: So you want to -- so let
8 me see if I got this straight. Not that
9 it has to be part of the resolution
10 necessarily but operational we have --

11 MR. SOLER: Right.

12 THE CHAIR: -- (indiscernible).
13 Those twenty some, how many cases?

14 COMMISSIONER TAYLOR: Twenty-four?

15 THE CHAIR: Twenty-four cases a
16 month, appropriately. How would you want
17 to distribute that to the panels, Tony?
18 What are you suggesting?

19 COMMISSIONER SIMONETTI: I'm suggesting
20 that we have a G panel to look out --

21 THE CHAIR: (Indiscernible) G panel
22 from the --

23 MR. SIMONETTI: For all those cases.

24 COMMISSIONER TAYLOR: Right.

25 MR. SIMONETTI: And then divide

PUBLIC MEETING OF THE CCRB 1/12/2011

1 those cases amongst the regular A, B, C,
2 D panels. It's kind of like a check
3 also.

4 COMMISSIONER TAYLOR: You mean
5 divide the percentage that we're going to
6 look at?

7 MR. SIMONETTI: Yes. Yes.

8 COMMISSIONER TAYLOR: Right.

9 MR. SIMONETTI: No, no. Not the
10 percentage. The full number of cases
11 because we're still reviewing the cases,
12 is that not your proposal?

13 COMMISSIONER TAYLOR: Um-hum.

14 MR. SIMONETTI: Or your suggestion,
15 Mr. Chairman, right?

16 THE CHAIR: Yep.

17 MR. SIMONETTI: So we take all those
18 cases in the two categories, all right,
19 and those two categories are once again,
20 the complainant or victim unavailable.
21 We take all those cases -- they're going
22 to continue to go a G panel. All right?
23 And it'll be on a rotating basis. Take
24 those fifty cases or twenty-four cases
25 additionally (indiscernible) them out,

PUBLIC MEETING OF THE CCRB 1/12/2011

1 divide by four and give six to each
2 panel, if there's twenty-four a month,
3 and it's kind of like a double check.

4 Because people on the other panels
5 may have a different opinion of the case.
6 They may see something in there that they
7 want done. They may want further
8 investigation. They may want to send it
9 to the full board for whatever reason.
10 So it's kind of like a double check.
11 We're only going to do this for a limited
12 period of time?

13 THE CHAIR: Right. Until we see --

14 MR. SIMONETTI: Decide that we feel
15 comfortable enough that we've -- that
16 we're -- this is the right thing to do.

17 COMMISSIONER KHALID: But Tony, the
18 G panel will be rotating anyway so --

19 MR. SIMONETTI: Right.

20 COMMISSIONER KHALID: -- why we have
21 to be sending to four other panels when
22 we can -- G panel can be rotating panels.
23 It's the same purpose.

24 MR. SIMONETTI: Well, only because
25 the 899 cases that we looked at, we

PUBLIC MEETING OF THE CCRB 1/12/2011

1 agreed unanimously on all 899 cases.
2 This would give everybody else fresh
3 pairs of eyes to take a look at the cases
4 too. In case somebody -- because as you
5 know, all the panels that you sat on,
6 with the diversity that we have here,
7 there's always some issue that someone
8 comes up to when we're having the
9 discussions in panels.

10 So just as a --

11 THE CHAIR: So --

12 MR. SIMONETTI: -- control,
13 safeguard.

14 THE CHAIR: So on the panel sheets
15 that you give us, we can designate like
16 six cases -- in a separate category, six
17 cases at the end that would be G panel,
18 let's say. Would that cause any
19 problems? Because you do want to
20 separate those cases from the regular
21 cases. You want to set them apart from
22 the other cases that we're looking at.
23 That's what --

24 COMMISSIONER SIMONETTI: Well, the
25 category -- the category at the

PUBLIC MEETING OF THE CCRB 1/12/2011

1 recommendations of the investigator would
2 automatically separate them. One would
3 know that they fall within these two
4 categories.

5 THE CHAIR: But in order to keep... I
6 think it's --

7 COMMISSIONER SIMONETTI: I --

8 THE CHAIR: (Indiscernible). I'm
9 just thinking about how, you know,
10 operationally, staff is going to do that.
11 Yuriy, I mean, can we do it -- can we do
12 what -- is it easy or would it be
13 confusing to do what we're suggesting?

14 MR. GREGOREV: It should be --

15 THE CHAIR: Speak up.

16 MR. GREGOREV: -- (indiscernible).
17 If the panel (indiscernible) what's the
18 point to (indiscernible) them around the
19 other panels? Actually, G panel it's
20 like a regular panel. It's dependant on
21 what panel member -- board members here
22 assigned to you. So --

23 THE CHAIR: So what we can do is --
24 so what we can do is we can just, on
25 those sheets, just designate these cases,

PUBLIC MEETING OF THE CCRB 1/12/2011

1 a whole lot by going through this whole
2 rigmarole?

3 COMMISSIONER SIMONETTI: But there's
4 another 278 cases

5 COMMISSIONER LISTON: That's in addition
6 --

7 MR. SIMONETTI: -- another 278 cases
8 that we're -- out of 1,000 that we're
9 automatically going to get. We're going
10 to get twenty-six percent of the cases
11 every month, whether or not -- if this
12 proposal is carried, we're going to get
13 that after we go through this trial
14 period again with the G panel. Okay?

15 After that's completed -- and by the
16 way, I would limit that, let's say, tot
17 the next two or three months because we
18 did it for all that time in the past so
19 we do it for another three months and if
20 we're convinced at the end of that time,
21 then we either vote to go with this or
22 not to go with it and then we're going to
23 still get a twenty-six percent
24 representative sample.

25 THE CHAIR: So I think -- those

PUBLIC MEETING OF THE CCRB 1/12/2011

1 cases, I think, Dan, are in addition to
2 the 278.

3 Mr. CHU: Okay.

4 THE CHAIR: -- 278.

5 COMMISSIONER CHU: Right.

6 THE CHAIR: Which, when we discuss
7 it some more, maybe those cases we should
8 still review also. Who knows? But
9 that's for another discussion. There's a
10 motion on the floor. It's been seconded.
11 Can we take vote? All in favor of that
12 motion that's been proposed by
13 Commissioner Simonetti.

14 IN UNISON: Aye.

15 THE CHAIR: Any opposed? Is that
16 unanimous?

17 COMMISSIONER TAYLOR: Yes, it's
18 unanimous. We have --

19 COMMISSIONER TAYLOR: I'm still
20 trying to -- you know, I hate to hold
21 this up. I'm trying to understand the
22 division of the 288 or 278. If this is
23 the sampling from a thousand cases,
24 right, in the G panel --

25 THE CHAIR: Well, that's true. That

PUBLIC MEETING OF THE CCRB 1/12/2011

1 doesn't have anything to do with the
2 voting. What -- that's an operational
3 thing. But what we're talking about is
4 that each panel -- so when you get your
5 panel packet, your regular 175 cases --

6 COMMISSIONER TAYLOR: Um-hum.

7 THE CHAIR: -- you'll have an
8 additional six cases.

9 COMMISSIONER TAYLOR: Right. Which
10 is this twenty-four that you're sampling.

11 THE CHAIR: Yes.

12 COMMISSIONER TAYLOR: okay. All
13 right. So, okay, (indiscernible).

14 THE CHAIR: Okay.

15 COMMISSIONER LISTON: And Ernie,
16 sorry, just to be clear, we've taken out
17 "from time to time," I take it, and we're
18 replacing that with --

19 COMMISSIONER TAYLOR: I'm sorry, I
20 didn't hear that.

21 COMMISSIONER LISTON: I asked a
22 question about "from time to time."

23 COMMISSIONER LISTON: You want to
24 take that out?

25 COMMISSIONER: Well, I think --

PUBLIC MEETING OF THE CCRB 1/12/2011

1 aren't we going to make that on a monthly --

2 COMMISSIONER SIMONETTI: Monthly?

3 COMMISSIONER LISTON: Monthly.

4 COMMISSIONER SIMONETTI: Yeah.

5 COMMISSIONER LISTON: I just want to make
6 sure, when I voted yes, I wanted to know what
7 I was voting yes for.

8 COMMISSIONER SIMONETTI: I would prefer
9 monthly.

10 COMMISSIONER LISTON: Okay.

11 THE CHAIR: We can change it to
12 that. I don't know if that
13 (indiscernible) but we can change it to
14 that.

15 COMMISSIONER: It's a big
16 difference.

17 COMMISSIONER LISTON: Yeah, it's a
18 big difference.

19 THE CHAIR: So we have another
20 motion.

21 COMMISSIONER LISTON: Well, it's a
22 friendly amendment. No, no, it's not --

23 THE CHAIR: That's fine, that's
24 fine.

25 COMMISSIONER LISTON: It's a

PUBLIC MEETING OF THE CCRB 1/12/2011

1 friendly amendment to his motion.

2 THE CHAIR: That's fine but we
3 already voted so we have to -- we have
4 a --

5 COMMISSIONER SIMONETTI: Well, we
6 amend -- we amend my motion to include
7 that we do it on a monthly basis rather
8 than time to time.

9 COMMISSIONER LISTON: Just to be
10 clear, Mr. Chair, I don't know if we need
11 to do this. I think I'm just confirming
12 what we just voted on and I think what
13 he's saying is that yes --

14 THE CHAIR: Well, that was
15 understanding but I just wanted to be
16 clear --

17 COMMISSIONER LISTON: Yes.

18 THE CHAIR: -- that I don't think it
19 makes a difference from time to time if
20 we define it as a month then that's
21 certainly within time to time. I don't
22 think it has to be part of a new motion.
23 It's understanding rather than do it
24 another motion, it's an understanding
25 that we want it done per month. I think

PUBLIC MEETING OF THE CCRB 1/12/2011

1 that's suffices, all right? And that's
2 clear -- that's a clear part of the
3 record. All right? So, let's -- if I
4 may, we have a unanimous vote on the
5 motion to proposed by Commission
6 Simonetti? Yes?

7 COMMISSIONER LISTON:
8 (Indiscernible).

9 COMMISSIONER LISTON: Yes.

10 THE CHAIR: Yes. Unanimous, right?

11 COMMISSIONER SIMONETTI: I don't
12 know, you want to vote again?

13 COMMISSIONER LISTON: You know what,
14 Mr. Chair? Just -- I don't mean to be
15 difficult but I think some of us think
16 that's important the language should say
17 monthly not from time to time. So if --
18 if it didn't say that before, then let's
19 revote it again.

20 COMMISSIONER SIMONETTI: Okay. So I'll
21 amend my motion to include monthly -- on
22 a monthly basis, rather than from time to
23 time. Somebody second that?

24 COMMISSIONER TAYLOR: Second.

25 THE CHAIR: All in favor?

PUBLIC MEETING OF THE CCRB 1/12/2011

1 IN UNISON: Aye.

2 THE CHAIR: Any opposed? That's
3 unanimous, right?

4 UNIDENTIFIED SPEAKER: It is.

5 THE CHAIR: Okay.

6 COMMISSIONER LISTON: Thanks, Mr.
7 Chair.

8 THE CHAIR: Okay.

9 COMMISSIONER TAYLOR: One sec. Let
10 me just ask one other question.

11 (Laughter)

12 COMMISSIONER TAYLOR: Only kidding.

13 COMMISSIONER LISTON: From time to
14 time.

15 THE CHAIR: Any new business? I
16 think I have to get -- I have to get my
17 Roberts Rules.

18 : (Indiscernible) David
19 (indiscernible).

20 THE CHAIR: Public comment. Mr.
21 Dunn?

22 MR. DUNN: Okay. Good morning.

23 IN UNISON: Good morning.

24 MR. DUNN: I think Bill would be
25 turning in his grave at that

PUBLIC MEETING OF THE CCRB 1/12/2011

1 parliamentary slight of hand but he's
2 gone so what can we do. I first wanted
3 to introduce Candace who's a new
4 organizer in our office who's
5 (indiscernible) this issues,
6 (indiscernible) NYPD issues in particular
7 and (indiscernible) time to time.

8 UNIDENTIFIED SPEAKER: Instead of
9 you?

10 MR. DUNN: No, no, no. Are you
11 kidding?

12 (Laughter)

13 MR. DUNN: (Indiscernible). You
14 know that. Every month. I was
15 worried -- I was tossing and turning all
16 night that you were going to postpone.

17 (Laughter)

18 UNIDENTIFIED SPEAKER: Either hail
19 or snow.

20 MR. DUNN: We almost had a snow day.
21 We almost had a snow day.

22 (Indiscernible). All right.

23 UNIDENTIFIED SPEAKER:

24 (Indiscernible).

25 MR. DUNN: So with respect to the

PUBLIC MEETING OF THE CCRB 1/12/2011

1 numbers, Joan, you mentioned that you
2 were going to do some analysis about the
3 numbers. You mentioned in particular
4 what the complaint numbers.

5 MS. THOMPSON: Um-hum.

6 MR. DUNN: And I think that's
7 terrific that you guys are going to do
8 that. I would encourage you, I assume,
9 perhaps you'll do it for all the numbers.
10 And there's some significant issues. I
11 know the complaint numbers and while we
12 don't assign a lot of significance to
13 month-to-month or year-to-year changes, I
14 think it was important to look at those
15 changes and that's great.

16 The truncation rate, which I will
17 come back to in terms of the policy, you
18 had an astronomically bad, in my opinion,
19 truncation rate for this month. It was
20 over eighty percent. I'm not quite sure
21 what that was about but the truncation
22 rate remains very, very high and that's
23 certainly a source of concern.

24 And the DUP rate ended up for the
25 year being considerable higher than it

PUBLIC MEETING OF THE CCRB 1/12/2011

1 had been during the middle of the year
2 when people were feeling more optimistic
3 about that. And Tony, I don't know if
4 you will have some thoughts about that
5 once we get to that but that DUP rate did
6 come back significantly from where it had
7 been in the middle of the year.

8 On the Prosecution Unit, there
9 wasn't any discussion about that but I
10 understand there was a trial yesterday in
11 the trial room and I understand it went
12 very well.

13 EXECUTIVE DIRECTOR: Training. She
14 was in training.

15 MR. DUNN: Well, maybe a training
16 trial but, as I understand, it was a
17 trial that you guys played a big role in
18 and you can't control the outcome of
19 these things what you can control is the
20 process and it sounds like it went well.
21 I will tell you, I will encourage you in
22 the future to let the public know about
23 trials as far in advance as possible. I
24 only found out relatively on short notice
25 and I could not go and I would have gone.

PUBLIC MEETING OF THE CCRB 1/12/2011

1 So I'll just mention that.

2 The voting sheet demonstration;
3 we'll definitely take you up on that.
4 Mr. Taylor left. I wanted to ask him
5 about the ambassador program but that
6 sounds terrific and, actually, one thing
7 we can discuss, we have a lot of
8 connection with youth. We have
9 (indiscernible) experiences, encounters
10 and --

11 THE CHAIR: Well, you can certainly
12 talk to him offline. I mean, it doesn't
13 have to be --

14 MR. DUNN: Yeah. Well, we'd be
15 interested in actually talking about that
16 because that sounds terrific and we'd
17 like to be able to do something to help
18 with that.

19 Mary, I'm glad to see your paying
20 attention to the clips. Jules is here so
21 I'll -- a little preface to your comments
22 about the demographics story. I
23 mentioned this last time when we talked
24 about the shooting numbers that had come
25 out. There continues to be -- and I just

PUBLIC MEETING OF THE CCRB 1/12/2011

1 say this just for your amusement more
2 than anything. (Indiscernible) between
3 the Police Department, (indiscernible)
4 and the various publications. And the
5 department seemingly is in on ongoing
6 fury about the crime reporting by the
7 Times and the Daily News and so they keep
8 leaking things to the Wall Street
9 Journal. The demographics story is an
10 example.

11 There was a story in today's paper
12 which you did not mention, you may not
13 have seen yet, about the shooting numbers
14 for 2010 which the department just
15 released to the Wall Street Journal
16 yesterday. And happily, the shooting
17 incidents are down again, which is great.
18 We have some concerns about that but
19 there's this somewhat interesting and
20 amusing dynamic around the reporting
21 about significant police issues.

22 But going back to the substance.
23 I'm perfectly -- I'm actually quite happy
24 that you are raising these issues. I
25 think that things like this are things

PUBLIC MEETING OF THE CCRB 1/12/2011

1 that have not been discussed
2 (indiscernible) public meetings, at least
3 in the past and they should be.

4 And I think the demographics of the
5 command structure -- well it's something
6 you have nothing to do with. It is
7 extremely important and the department
8 has made a lot of progress over the years
9 about diversifying the police officer and
10 sergeant (indiscernible) in particular.
11 We have not seen that in the command
12 structure in captain and above. To this
13 day, over eighty-five percent of the
14 command structure captain and above is
15 white.

16 And -- not that it is part of your
17 day-to-day work (indiscernible) but to
18 the extent that you're interacting with
19 the department and I think to the extent
20 that the department structure affects
21 what you are doing, it's always good to
22 be conscious of that and to encourage the
23 department in whatever ways it can to be
24 adding diversity in those ranks.

25 With respect to the truncation

PUBLIC MEETING OF THE CCRB 1/12/2011

1 policy, I must say I find myself,
2 perhaps, in a position you would not
3 expect on this but I'm a little bit even
4 amused at how much you're turning
5 yourselves inside out to justify allowing
6 staff to close truncated cases. We
7 actually support the rule change.

8 We think there should be much more
9 room for the staff to close truncated
10 cases and you are not going to get a
11 fight from us about a move towards giving
12 them that responsibility. But only
13 because the reason for that is that we
14 have always been concerned that the Board
15 is spending a huge amount of time looking
16 at truncated cases towards very little
17 end.

18 With the staff -- when we went to
19 this round initially and the rule was
20 proposed initially and a number of you
21 were not here then, the staff did a study
22 of five years of cases, looked at over
23 20,000 cases. There were four instances
24 in 20,000 cases in which the Board
25 reversed a truncated decision by the

PUBLIC MEETING OF THE CCRB 1/12/2011

1 staff.

2 And there are two things about that
3 that are significant. One, how
4 infrequently it happens and, second, how
5 many truncated cases you guys are
6 spending time looking at. And from our
7 perspective, your time might be much
8 better used -- would be much better used
9 thinking about other issues than spending
10 all this time looking at truncated cases.

11 And so, you know, when I hear this
12 discussion -- I mean, I'm glad you're
13 having this discussion, I'm glad we're
14 moving forward with it but I do want to
15 say that I think it's really important in
16 thinking about the truncated case
17 problem, the problem is less how these
18 cases are getting processed and who's
19 reviewing them. In fact, I think the
20 bigger issue is why are such a large
21 percent of cases being truncated?

22 And for the last three years, the
23 agency has had over sixty percent of its
24 cases truncated and I will tell you from
25 a public perspective there's a lot of

PUBLIC MEETING OF THE CCRB 1/12/2011

1 concern that we've been critical about
2 this when they see just a huge number of
3 cases that have never had a full
4 investigation.

5 And there may be a completely valid
6 reason for that and it may be because 311
7 invited meaningless complaints and it may
8 be because all kinds of other reasons but
9 I think that what you should really be
10 focusing on, you should spend time
11 thinking about the truncation phenomenon
12 is why so many cases are getting
13 truncated and not so much spending huge
14 amount of time trying to figure out who
15 says yes, we will truncate the case.

16 And then finally, in terms of the
17 reporting, I'm glad that there seems to
18 be a consciousness about trying to get
19 the reports out more quickly and I look
20 forward to seeing the semi-annual report.
21 And in that vein, I understand and I
22 would encourage you to try to actually
23 get the annual report out for 2010 out as
24 quickly as possible because I think you
25 just have a much better opportunity to

PUBLIC MEETING OF THE CCRB 1/12/2011

1 speak to the public and have an
2 impression when you're getting a report
3 out that's coming out, you know, in
4 February or March as opposed to June,
5 July or August (indiscernible).

6 So thank you very much.

7 THE CHAIR: Yes, sir?

8 MR JONES: I have to speak into the
9 mic, right?

10 MS. THOMPSON: No, you're fine.

11 THE CHAIR: You're fine right there.

12 MR. JONES: OK.

13 THE CHAIR: Yeah, it's going to pick
14 up everything you say.

15 MR. JONES: Okay. The stenographer
16 last month, Erwin Fried, he has a lot of
17 typos. Page 51, 0051. Line 7. Esther
18 Schectman crashed a tenants' meeting.
19 It's C-R-A-S-H-E-D. How many know what
20 that means? Crashed. Crashed. If you
21 know what that means, raise your hand.
22 Crashed a tenants' meeting. The
23 stenographer didn't say that but it was
24 that Esther Schectman, spell it
25 S-C-H-E-C-T-M-A-N, crashed, break, she

PUBLIC MEETING OF THE CCRB 1/12/2011

1 grabbed the mic.

2 THE CHAIR: Mr.Jones.

3 MR. JONES: Commandeered --

4 THE CHAIR: So -- so --

5 MR.JONES: Let me finish, let me
6 finish.

7 THE CHAIR: No, no, wait. If
8 it's -- if you have -- if your comments
9 are about the minutes, I would ask that
10 you note them and give it to us and we'll
11 take a look at it.

12 MR. JONES: Okay.

13 THE CHAIR: All right? Is there
14 anything else?

15 MR.JONES: Yes. I wanted Mr.
16 Simonetti but I see he stepped out. But
17 for the record, the 28th precinct -- it
18 was reported by community residents that
19 the command at the 28th precinct would
20 not allow -- will not -- have not allowed
21 a black patrol -- two black patrolmen --
22 two black police officers -- in other
23 words, they will not allow a black police
24 officer and a white police officer to
25 serve -- to be together on patrol.

PUBLIC MEETING OF THE CCRB 1/12/2011

1 You will not see a black and a white
2 police officer -- this is the 28th
3 precinct. You will not see that in the
4 28th precinct. It's always two black
5 police officers or two white police
6 officers. This was pointed out to me by
7 a community resident. They was -- the
8 command that -- this is due to the racial
9 tension. It's obviously due to the
10 racial tension. Even in the -- within
11 the precinct that two -- a black police
12 officer cannot serve due to the racial
13 tension together. It's always two black
14 police officers or two white police
15 officers. This is the --

16 THE CHAIR: I understand.

17 MR. JONES: -- 28th precinct.

18 THE CHAIR: I understand.

19 MR. JONES: So you want me to give
20 that -- to write that out about the typo
21 incident?

22 UNIDENTIFIED SPEAKER: I have that.
23 I (indiscernible).

24 MR. JONES: Yeah. That's 00 -- page
25 0051 --

PUBLIC MEETING OF THE CCRB 1/12/2011

1 THE CHAIR: I've got it.

2 MR.JONES: -- starting at -- there's
3 a lot of typos in here. But I mean the
4 word is crashed,
5 C-R-A-S-H-E-D.

6 THE CHAIR: Okay.

7 MR.JONES: Wrecked.

8 THE CHAIR: We got it.

9 MR. JONES: Grabbed the mic.
10 Commandeered.

11 THE CHAIR: Got it.

12 MR.JONES: Shot down the leader of
13 the meeting.

14 THE CHAIR: Got it. Thank you. One
15 of the things I must tell you, not
16 that -- and I heard -- not that I like to
17 necessary respond to everything that Mr.
18 Dunn says but one of the things that did
19 bother me was, actually, the
20 parliamentary aspect of what we just did.
21 And I was -- and I must tell you, I was a
22 little uncomfortable myself although at
23 the end of the day, I'm -- you know, what
24 we did was fine. But henceforth, I'm
25 appointing the counsel to be the

PUBLIC MEETING OF THE CCRB 1/12/2011

1 parliamentarian of the Board and to
2 insure that when we take -- when we make
3 motions, when we take votes that it's
4 within (indiscernible). All right.

5 Anything else?

6 Meeting adjourned. We will
7 reconvene in five minutes for an
8 executive session.

9 (Whereupon proceedings were concluded)

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

I, Zipporah Geralnik, 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:
February 2, 2011

Zipporah Geralnik (CET**D-489)
AAERT Certified Electronic Transcriber

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MEETING OF
THE CIVILIAN COMPLAINT REVIEW BOARD

February 9, 2011

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

1

2 BOARD MEMBERS PRESENT WERE:

3

4 DANIEL D. CHU, ESQ.

5 JAMES DONLON, ESQ.

6 DR. MOHAMMAD KHALID

7 DAVID G. LISTON, ESQ.

8 JULES A. MARTIN, ESQ.

9 BISHOP MITCHELL G. TAYLOR

10 YOUNGIK YOON, ESQ.

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

5 COMMISSIONER TAYLOR: So moved.

6 THE CHAIR: Can I hear a second?

7 COMMISSIONER KHALID: Second.

8 THE CHAIR: All in favor?

9 IN UNISON: Aye.

10 THE CHAIR: Let the record reflect that it
11 was unanimous.

12 Next item on the agenda, I would like to
13 give a year-end report. Bear with me. It's a
14 little long, but it kind of encapsulates our
15 last year.

16 I would like to take this opportunity to
17 thank the board and our very able staff for
18 performing extraordinarily well in 2010 under a
19 complex set of circumstances.

20 In this 2010 year-end report, I would like
21 to highlight both the most notable trends and
22 the areas in which the agency improved its
23 performance.

24 I would also like to mention aspects of our
25 operations in which we need to do better.

1 The board received fewer cases in 2010:
2 6,476 cases, a 15 percent decrease over 2009, or
3 1,184 fewer cases. This is the lowest number of
4 case filings since 2004 when 6,196 complaints
5 were filed.

6 The number of complaints within our
7 jurisdiction filed directly with the CCRB and by
8 phone decreased by more than 20 percent in the
9 last year.

10 Although the board closed 13 percent fewer
11 cases than in 2009, it closed more cases than it
12 received: 7,041. The second half of the year
13 had less activity: 3,151 cases were closed
14 versus 3,890 closures in the first half, a 19
15 percent decrease. Among other factors, the
16 three vacancies in the board could account for
17 the downturn.

18 As a result, the agency reduced its open
19 docket by 572 cases; a 17 percent reduction from
20 2009. Equally important, the number of cases in
21 the open docket 16 months or older, as measured
22 from date of incident, decreased 59 percent,
23 from 73 to 30 cases. We will continue to work
24 hard to reduce the agency's open docket.

25 The board now has 1,046 cases pending board

1 review, 37 percent of the open docket, and
2 reducing this number will be a priority for
3 2011. The board reduced its truncation rate
4 from 64.4 percent to 60.7 percent.

5 Last year the board authorized the
6 Executive Director to close complaint-withdrawn
7 cases and she closed 743 cases, or 10.6 percent
8 of all closures. The average time to complete a
9 full investigation decreased by 14 percent, from
10 349 cases in 2009, to 299 cases in 2010. In the
11 first half, the average time was 314 days; in
12 the second half, the average time was 277 days.

13 It is important that we, the board and the
14 staff, continue to do everything we can to
15 complete investigations in a timely way.

16 The length of time to complete a
17 substantiated investigation also fell, from 373
18 days in 2009, to 357 days in 2010, a 4 percent
19 reduction.

20 As a result, the percentage of
21 substantiated cases which were 15 months and
22 older fell from 71 in 2009, 36 percent of all
23 substantiated cases, to 45 in 2010, 17 percent
24 of all substantiated cases.

25 We only referred three cases to the Police

1 Department that were 18 months and older in
2 2010. These are important performance
3 indicators that we continually strive to
4 improve.

5 In 2010, the number of mediated cases rose
6 from 118 to 157, or 33 percent. The number of
7 cases closed as mediation-attempted increased
8 from 86 to 184, or 114 percent. Mediation
9 closures made up for 4.8 percent of all board
10 closures, 2.3 percentage points higher than in
11 2009. We will continue to work towards
12 increasing these numbers in 2011.

13 In addition, the Mediation Unit received
14 652 mediation referrals in 2010 compared with
15 424 in 2009. The percentage of officers who
16 accepted the offer to mediate rose from 74 in
17 2009 to 82 percent in 2010. That's up from 68
18 percent in 2008. The acceptance rate for
19 civilians also increased, from 50 percent in
20 2008 to 53 in 2009 and 56 percent in 2010.

21 I want to thank the Executive Director,
22 Joan Thompson, and the Director of Mediation,
23 Lisa Cohen, for their leadership in this area
24 and for the hard work of the staff in the
25 Mediation Unit.

1 The Outreach Unit increased the number of
2 outreach meetings from 49 in 2009 to 95 in 2010,
3 a 94 percent increase. Equally important, these
4 meetings target a more diverse audience than in
5 the past. The board itself visited three
6 boroughs and members of the board participated
7 in many events.

8 I would like to thank our Director of
9 Community Relations, Dawn Fuentes, for her good
10 work. I would also like to thank our
11 investigative staff for their excellent
12 performance in 2010.

13 As we all know, the number of front-line
14 investigators has fallen in recent years as a
15 result of reductions in our budget. In December
16 of 2009, the CCRB had 123 active investigators,
17 including supervisory and managerial staff. In
18 December of 2010, the number was 109.

19 In spite of this, investigators have
20 reduced their docket by 520 cases, or 26
21 percent, and closed cases 18 percent faster. As
22 a result, the number of cases pending
23 investigation aged 13 months or older was just 1
24 percent of the docket.

25 First Deputy Executive Director, Meera

1 Joshi, Roger Smith, Laura Edidin, Cecelia
2 Holloway, Dennis McCormick, Robert Rodriguez,
3 Bob Lonergan, Winsome Thelwell and the entire
4 staff in the Investigations Division deserve our
5 thanks for this tremendous performance.

6 The success of the agency in 2010 is also
7 due to the support staff: Deputy Executive
8 Director for Administration Brian Connell, MIS
9 Director Yuriy Gregorev, General Counsel Graham Daw,
10 Marcos Soler Director of Strategic Initiatives, Director of
11 Case Management Denise Alvarez, and last but not least, our new
12 Director of Communications Linda Sachs.

13 That is my year-end report.

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

16 MS. THOMPSON: In January 2011, the CCRB
17 received 456 complaints, or 116 fewer complaints
18 than it received in January of 2009 when the
19 agency received 572 complaints. This represents
20 a 20 percent decrease in complaint activity.

21 Total intake, the sum of CCRB cases and
22 referrals to other jurisdictions, decreased by
23 12 percent, from 1,379 to 1,209.

24 In January 2011, the board closed 411
25 cases. 158 cases were full investigations, 244

1 were closed as truncated cases, and 9 cases were
2 mediated. The year-to-date substantiation rate
3 was 11 percent. The truncation rate is 60
4 percent.

5 With the board closing this month 37 fewer
6 cases than it received, the agency's open docket
7 shows a 1 percent increase in relation to the
8 previous month's open docket. The docket stands
9 at 2,823 cases.

10 About 97 percent of our open investigations
11 were filed within the last year. Of the open
12 cases, 1,046 cases are awaiting panel review, or
13 37 percent of all open cases; 1,546 cases are
14 being currently investigated; and 231 cases are
15 in the CCRB's mediation program.

16 By date of occurrence of the incident, only
17 13 cases in the CCRB's open docket are 18 months
18 or over, or .3 percent of the docket.

19 In December 2010, the Police Department
20 disposed of 19 cases. The Department
21 disciplined 11 officers with Command Disciplines
22 and Instructions. In eight cases, the
23 Department declined to prosecute the CCRB cases.

24 In 2010, the Department closed cases
25 against 275 officers. 214 officers were

1 disciplined, 60 officers were not disciplined,
2 and one case was filed. The discipline rate was
3 78 percent.

4 The Department-declined-to-prosecute rate
5 was 17 percent.

6 THE CHAIR: Are there any committee
7 reports? Any old business?

8 COMMISSIONER TAYLOR: Yes, the Outreach
9 Committee and, again, I'm glad that you
10 highlighted the work of Dawn Fuentes, because
11 she's been doing a great job. We are, as you
12 know, working on a program to create CCRB
13 ambassadors, that we believe will be a very
14 important peer-to-peer tool for communities.

15 We have a meeting set up with the New York
16 Community Trust in a week or so with the funding
17 agent that will be looking at our proposal and
18 we feel confident that they are going to be
19 favorable in terms of our award.

20 THE CHAIR: Bishop, what exactly, just to
21 highlight, what exactly is the objective of the
22 program?

23 COMMISSIONER TAYLOR: Right. So the
24 objective, as we see it, when you look at
25 it, it's really interesting because it's going

1 to give inner city kids a chance to become
2 affiliated by internship with a City agency.

3 And what these young people in the 11th and
4 12th grade will do, is they are going to learn
5 -- in Public Housing neighborhoods there's a
6 different culture. Young people feel that the
7 police are antagonistic towards them rather than
8 being helpful or public servants to the
9 community.

10 So part of it is really changing that
11 culture and helping them understand what stop
12 and frisk is, what community policing is, why
13 someone would have to have identification if
14 they run out of their apartment and run down to
15 the corner store, why that may be important.
16 How they should be poised if they are questioned
17 or stopped by officers. And understanding that
18 these public servants work for the community.

19 Now, arming these young people with this
20 kind of information, giving them this kind of
21 leadership training and skills will then allow
22 us to deploy them into communities of color and
23 allow them to have peer-to-peer interventions
24 and group meetings with young people, sharing
25 with them how they should posture themselves in

1 interacting with the Police Department.

2 THE CHAIR: The purpose of it is to
3 basically improve community/police relations?

4 COMMISSIONER TAYLOR: Yes. The objective
5 is to improve community/police relations through
6 peer-to-peer intervention. Because young people
7 listen to young people. And if young people are
8 having these conversations in the playground, if
9 they are having these conversations in the
10 cafeteria, if they are having these
11 conversations on the park bench in the
12 development, you know, it's different than us
13 having the town hall and saying this is what you
14 need to do.

15 So training the CCRB ambassadors, you know,
16 gives us a voice in these urban communities.

17 THE CHAIR: So if that is funded then I
18 guess we will have more discussion as to how
19 that is going to work.

20 COMMISSIONER TAYLOR: Yes.

21 THE CHAIR: Just in passing, I was in
22 Albany last month and I ran into a public
23 official, who in the past, has been somewhat
24 critical of CCRB.

25 And really he complimented the -- he

1 complimented me, but basically complimented CCRB
2 in the fine work that we have done for the past
3 year.

4 I mentioned that to Joan in passing and a
5 couple of board members, but it was really
6 gratifying that even folks who are not -- who
7 are sometimes critics, which is certainly the
8 way we learn how to do our jobs better, that
9 it's recognized, not only by you, but by others,
10 that CCRB is a vital, hard-working organization
11 that is doing the job that it has been mandated to
12 do.

13 Notwithstanding all the politics and other
14 issues surrounding it, but we are -- the job
15 that we've been asked to do, I think is
16 recognized, that we are doing well.

17 Is there any new business?

18 COMMISSIONER DONLON: I'm not sure it's new
19 business, but I see we have the semiannual
20 report. I haven't asked anyone, is it
21 available?

22 MS. THOMPSON: Yes.

23 COMMISSIONER DONLON: I thought I would
24 mention that on behalf of the Reports Committee

25 THE CHAIR: How fast can we do that? Did

1 we get it out any faster?

2 COMMISSIONER DONLON: Honestly, I don't
3 know that we did.

4 MS. THOMPSON: I don't know the exact time,
5 but we did get it out faster.

6 THE CHAIR: How are we going on the next
7 report that is due already?

8 COMMISSIONER THOMPSON: I know the staff
9 is working on a draft, but I haven't
10 seen the draft yet.

11 THE CHAIR: Well, if that comes out soon
12 that will definitely be a lot faster. That's
13 good. We are getting there.

14 COMMISSIONER THOMPSON: We will make a
15 concerted effort, however, these things take time.

16 COMMISSIONER TAYLOR: I don't know if this
17 is new business or old business, but I want to
18 mention that the report that you gave was very
19 comprehensive and insightful and I wish that
20 which could circulate that more widely.

21 I don't know if there's a plan to or
22 whatnot, but I felt that it really outlined in
23 detail what has happened over the last year.

24 You, as being Chair, certainly, I think,
25 increased our capacity in helping us to think

1 outside of the box. We want to congratulate
2 you, Mr. Chair.

3 THE CHAIR: Thank you, Bishop. We will be
4 sending out some press release at some point in
5 the future. Just waiting for a little more
6 information to see how we are going to craft
7 that.

8 We sent out a press release last week or
9 the week before about the prior report. So as
10 we catch up, we will be more timely with these,
11 not only with our report, but with our press
12 releases to reflect realtime hopeful.

13 Anything else? Mr. Dunn?

14 MR. DUNN: Okay. Good morning. As a
15 sometimes sceptic or critic, I suppose -- Ernie,
16 you can't say a public official and not tell us
17 who it is. All right. Well, after the
18 Executive Session, hopefully somebody will let
19 it out.

20 Let me, in terms of the ambassadors
21 program, I do think there are a lot of questions
22 about the details of this. We are certainly
23 very supportive of the CCRB working with you.
24 But I do think a lot of questions get raised
25 about deploying youth to represent the CCRB to

1 go out and deal with the public.

2 I, for one, am looking forward to hearing
3 more of the specifics. And I think if there is
4 a written document that spells out the specifics
5 I would really encourage the board to make that
6 available because I think the public will have a
7 real interest in that.

8 Going to the reporting, the semiannual
9 report, I do want to thank you for putting it
10 out. I will start with the thing that I know
11 some people rolled their eyes last two times
12 when I mentioned this: The cover is great.

13 Nice to see something without the police on
14 the cover, not the Parks Department, not the
15 Tourism Department, but the Police Department,
16 that's great.

17 THE CHAIR: Mr. Dunn, it was like the
18 Statute of Liberty.

19 MR. DUNN: It was. But we are into
20 liberty, part of our name. This is great. And
21 I do appreciate -- I hear what you were saying
22 loudly and clearly, that you are working to get
23 these things out more quickly.

24 I think that the public will have a lot
25 more interest in these things and the press will

1 have a lot more interest in these things if they
2 are current.

3 With that, let me actually turn to the 2010
4 numbers. And for now I want thank you for doing
5 a review, but I think it's important that there
6 be a year-end review.

7 The one thing, the big area you left out,
8 and I don't want to assign too much significance
9 to this, but this is part of my occasional
10 critique of the board. But you spend a lot time
11 of time talking about board activity and no time
12 talking about the Police Department, which is
13 obviously a big part of what you are supposed to
14 be doing.

15 Let me start with the board activity. I do
16 see that the complaints are down significantly
17 last year. And we don't assign any particular
18 significance to mid-year swings in numbers, and
19 we will see how the trend continues. It's
20 actually hard to figure out what to read into
21 complaint activity.

22 I do note, however, just as an historical
23 matter, the complaint activity from last year is
24 still 50 percent above the complaint activity
25 from 2001, when the new administration came in.

1 And we will see how complaints go. But there
2 still continues to be a relatively very high
3 number of complaints.

4 And we continue to be concerned about the
5 stop and frisk numbers, as you point out in the
6 semiannual report, and I think this is reflected
7 in the ongoing reporting: Stop and frisk
8 remains the biggest source of complaints to the
9 agency.

10 And as I said before, I hope the agency
11 continues to pay more and more attention to stop
12 and frisk because I just think that is a big
13 part of your business.

14 The truncation rate, while it went down
15 from last year to be sure, I think this
16 continues to be a huge source of concern. It's
17 the fifth year in a row when you've had a
18 truncation rate over 60 percent.

19 There are now, for the last five years,
20 over 23,000 complaints that have not been fully
21 investigated. And I know there is, you know, a
22 lot of discussion about how to handle truncated
23 cases, but I do think, given the huge number of
24 complaints that are being truncated, and the
25 huge percentage of cases that have been

1 truncated, that the agency really should be
2 spending time trying to figure out why such a
3 large percentage of cases are being truncated.
4 I think that is an ongoing concern.

5 I also know about the substantiations,
6 Ernie, and you didn't mention this: You
7 substantiated the highest number of complaints
8 against police officers since 2006. There were
9 260 cases where these substantiation complaints
10 are sent over the Police Department.

11 That is the highest percentage of
12 substantiations in many years, going back to
13 before 2005, with a 10.7, almost 11 percent
14 substantiation rate.

15 So I think it's important to keep in mind
16 the actual number of cases where police officers
17 are found by the board to have engaged in
18 misconduct. And that number is quite
19 significant from last year.

20 Looking at the Police Department, I think
21 there continue to be sources of serious concern.
22 I want to start with the DUP rate, which for the
23 first half of the year the DUP rate went way
24 down, and I think people recognize I was saying
25 very good things about the Police Department in

1 terms of the percentage of cases where they were
2 declining to prosecute.

3 Your report, and, Joan you mention this in
4 your report: I think you were talking about
5 December, but you reported the 17 percent DUP
6 rate. That is for all of 2010, I believe.

7 MS. THOMPSON: Yes, it is.

8 MR. DUNN: And that compares to a 27
9 percent DUP rate from the year before, which
10 looks like a significant decline. The problem
11 is for the first half of the year the DUP rate
12 was about 6.7 percent. And then it went up to
13 almost 25 percent for the second half of the
14 year, culminating in a DUP rate in December of
15 42 percent of the cases that were closed by the
16 Department in December.

17 And so it looks like the first six months
18 of last year were an aberration in terms of the
19 DUP rate coming down. And I think the board has
20 been concerned about that. And I think there's
21 been a fair amount of interactions with this
22 Police Department around the DUP rate.

23 But I think there's a fair amount of
24 success for the first half of the year. It
25 looks to me like that has eroded substantially.

1 And I worry that we are going back to where we
2 were the last three years when the DUP rate was
3 close to 1/3 of all the cases you sent over.

4 And I think that it's really important
5 that, not that you're not, but that we pay close
6 attention to that and that that be noted.

7 In terms of discipline, Joan, you also
8 mentioned the 78 percent discipline rate.
9 Again, I think that was for all of 2010.

10 MS. THOMPSON: Yes.

11 MR. DUNN: And I just think it's important
12 to understand that the discipline rate that you
13 were calculating includes instructions. I do
14 not view, we do not view instructions as being a
15 form of discipline. It's not formal discipline
16 within the Police Department.

17 That accounts for a huge number of the
18 cases that are counted as discipline. You take
19 out instructions, the discipline rate for the
20 last year drops to 28 percent. Because there
21 were so many case of instructions.

22 And I think that's important to keep in
23 mind, because as part of what you send over to
24 the Department, of course, you send a
25 recommendation for discipline. It's very rare

1 that you send over recommendations for
2 instructions. And instructions constitute the
3 biggest portion of what the Department is doing
4 in the cases that it claims it is imposing
5 discipline.

6 And then finally, and this is going back to
7 the board, Ernie. You have rightly pointed out,
8 I think the board has done a terrific job on the
9 age of the docket and getting rid of the 18-plus
10 cases. That had been a very significant
11 problem.

12 I do note, however, and I'm sure that you
13 have noticed this, at the end of November there
14 were five 18-plus-month cases on the agency's
15 docket. The last two months there have been 10.
16 And so I don't know if things are creeping up a
17 little bit, but I know that you worry, but I
18 think it is essential that you try to get down
19 to zero, if at all possible, the 18-plus-month
20 cases that you have.

21 And the fact that there were three
22 substantiated cases, I understand, that went
23 over last year in the Department that were
24 18-months-plus. And those are three cases, of
25 course, they can't do anything to the officer.

1 And I don't have any idea what the circumstances
2 were of those three cases. And it might have
3 been outside of your control. But obviously the
4 prospect of having some cases for which the
5 statute of limitations has expired is a serious
6 concern and I think you need to pay close
7 attention to that. Thank you very much.

8 THE CHAIR: Mr. Hardy?

9 MR. HARDY: Good morning. I would like to
10 start off by saying I filed two complaints. One
11 last year and one the year before last. And I
12 don't feel my complaints were answered. I had
13 certain concerns. They were not addressed. And
14 also I feel that they didn't investigate
15 thoroughly. And when I called the investigator
16 they didn't give me information that I
17 requested.

18 Also, my wife, who works for the Police
19 Department, however, is not a police officer,
20 when they came to our house, they did not send a
21 captain to the apartment like they should have,
22 and I get assaulted on one of the occasions, and
23 we don't know who the officers was. We do want
24 them to be identified.

25 And also on another occasion when they came

1 into my house they broke down my bedroom door.
2 That has not been addressed. I was concerned
3 about if they had a warrant or not. That has
4 not been addressed.

5 So it's like they showed up and they did
6 whatever they want and, according to this, they
7 said they were unidentified.

8 THE CHAIR: Sir, what I'll ask you to do,
9 after the meeting, if you would speak to Rob
10 Rodriguez and give him the information and see
11 what we can do about it, okay? Okay. Thank
12 you.

13 THE CHAIR: Yes?

14 MR. JONES: Mr. Chairman, I heard you say
15 that you were a prosecutor. Then it's a small
16 world. The name Andonis Morfesis should ring a
17 bell, by the satellite, the District Attorney's
18 satellite in Harlem, told me that Andonis
19 Morfesis is of Greek extraction, not Italian
20 extraction. He was successfully prosecuted for
21 his activities while owning that property.
22 Although, I don't know if it's necessarily
23 related to this property, or ownership of this
24 property, but I understand he served some --
25 Andonis Morfesis served some serious time. I

1 mention that because Esther Scheckman acquired
2 the property from Andonis Morfesis. There's
3 another typing error on page 61 --

4 THE CHAIR: Well, we can deal with that
5 later.

6 MR. JONES: -- line 12. I did not use the
7 word S-H-O-T. That is a typo. I did not say
8 S-H-O-T. Esther Scheckman, she commandeered the
9 meeting, though.

10 THE CHAIR: Thank you, sir.

11 MR. JONES: I never said S-H-O-T.

12 THE CHAIR: Thank you. Anybody else wish
13 to speak? After adjournment of this meeting we
14 will go into Executive Session in about 10
15 minutes. Thank you.

16

17 (Whereupon proceedings were concluded).

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CERTIFICATION

I, Dale W. Tice, RPR, do hereby certify that the within transcript is a true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of February, 2011.

Dale W. Tice, RPR

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MEETING OF
THE CIVILIAN COMPLAINT REVIEW BOARD
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March 9, 2011

40 Rector Street
2nd Floor
New York, New York 10006

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

BOARD MEMBERS PRESENT WERE:

- DANIEL D. CHU, ESQ.
- JAMES DONLON, ESQ.
- DR. MOHAMMAD KHALID
- DAVID G. LISTON, ESQ.
- MARY E. MULLIGAN, ESQ.
- BISHOP MITCHELL G. TAYLOR
- YOUNGIK YOON, ESQ.

PUBLIC MEETING OF THE CCRB 3/09/2011

1 THE CHAIR: Meeting is called to order. The
2 first item on the agenda is the approval
3 of the minutes from the last meeting. Is
4 there a motion?

5 COMMISSIONER DONLON: So moved.

6 THE CHAIR: Okay. Second?

7 MR. CHU: Second.

8 THE CHAIR: All in favor?

9 ALL SAY : Aye.

10 THE CHAIR: Unanimous. I would just
11 like to point out that it -- because of
12 difficulties in schedules and whatnot and
13 the vacancies on the board, it does cause
14 issues such as today. We needed
15 everybody here to make a quorum so I
16 would just like to point that out.

17 We have spoken to the various
18 appointing authorities that are
19 responsible for the vacancies.
20 Hopefully, they will be filled as quickly
21 as possible although there is a process.
22 So -- and it's difficult to carry the
23 work of the board because of the way the
24 board is -- you know, conducts its
25 business with a member from each of the

PUBLIC MEETING OF THE CCRB 3/09/2011

1 different appointing authorities even
2 though technically the Mayor is the
3 appointing authority. But each of the
4 various interests, the Police Department,
5 the City Council and the Mayor. So
6 hopefully that will be somewhat mitigated
7 going forward in the very near future.

8 As you can see, this particular
9 meeting, there is no representative from
10 the Police Department because of the --
11 from the Police Commissioner because
12 there are schedule problems and there's a
13 vacancy so we have to wait, it just
14 makes the work of the board difficult.
15 So -- anyway, the next item on the agenda
16 is the report from the Executive
17 Director.

18 MS. THOMPSON: Okay. I just want to
19 start off by letting everybody know that
20 on Monday March 15th at 2 p.m. that we
21 will be testifying in front of the
22 Committee on Public Safety about our
23 budget. This happens every year and we
24 are scheduled to begin at 2 p.m.

25 CHRIS DUNN: JOAN?

PUBLIC MEETING OF THE CCRB 3/09/2011

1 MS. THOMPSON: Yes?

2 CHRIS DUNN : Tuesday.

3 MS. THOMPSON: Tuesday. Make that
4 Tuesday, not Monday. It's Tuesday. The
5 15th. The day after Monday. I was
6 close!

7 Okay. The monthly stats. In
8 February of 2011 the CCRB received 500
9 complaints, or 44 more complaints than it
10 received in February of 2010 when the
11 agency received 456 complaints. This
12 represents a ten percent increase in
13 complaint activity.

14 In the first two months of the year,
15 the CCRB has received 940 complaints or
16 88 fewer complaints than it received for
17 the same period of 2010, when the agency
18 received 1,028 complaints. This
19 represents a ten percent decrease in
20 complaint activity. Total intake, which
21 is the sum of CCRB cases and referrals to
22 other jurisdictions, decreased by five
23 percent from 2,585 to 2,458.

24 In February of 2011, the board
25 closed 585 cases. 159 were full

PUBLIC MEETING OF THE CCRB 3/09/2011

1 investigations, 389 were closed as
2 truncated and 37 cases were closed
3 through mediation. The year to date
4 substantiation rate is eight percent,
5 which is three points lower than in than
6 2010. The truncation rate is sixty-four
7 percent, which is four points lower than
8 in 2010.

9 With the board closing this month
10 108 case -- more cases, than it received,
11 the agency's open docket showed a four
12 percent decrease in relation to the
13 previous month's open docket. The docket
14 stands at 2,715 cases. About ninety-six
15 percent of our open investigations were
16 filed within the last year.

17 Of the open cases, 938 cases are
18 awaiting panel review or thirty-seven
19 percent of all open cases. 1,504 are
20 being currently investigated and 273
21 cases are in the CCRB's mediation
22 program. By date of occurrence of the
23 incident, only thirteen cases in the
24 CCRB's open docket are eighteen months or
25 older.

PUBLIC MEETING OF THE CCRB 3/09/2011

1 In January 2011, the Police
2 Department disposed of twenty-three
3 cases. The department disciplined
4 fifteen officers with command discipline
5 and instructions. Three officers plead
6 guilty to charges. In four cases, the
7 department declined to prosecute the CCRB
8 cases and in one case, the department
9 filed the charge as the subject officer
10 is no longer a member of the department.
11 The discipline rate is eighty-two percent
12 and the department decline to prosecute
13 rate is seventeen percent. That's it.

14 THE CHAIR: Thank you. Next item on
15 the agenda are the Committee
16 reports.

17 MR. CHU: Well, we're still in the
18 process of doing our first run with the
19 electronic voting sheets. Once we've
20 completed a run from soup to nuts
21 utilizing the new voting sheets, we'll
22 open it up to the rest of the panels and
23 try to work out whatever kinks we may
24 encounter. At this point, the voting
25 sheets, as I understand it, have been

PUBLIC MEETING OF THE CCRB 3/09/2011

1 already completed. We're just waiting to
2 schedule for one of the panels to be able
3 to complete that first run.

4 Everything seems to be going fine.
5 It's -- if it is successful, we hope that
6 that will streamline the process, save us
7 a lot of time and -- and a lot of
8 resources insofar as messaging voting
9 sheets back and forth and hopefully that
10 will come to fruition in the very near
11 future.

12 THE CHAIR: Thank you. I know there
13 is a -- what's the status on the annual
14 report?

15 MS. THOMPSON: There is now a -- a
16 first draft has been completed and I will
17 forward it to the Reports and
18 Recommendations Committee today.

19 THE CHAIR: Did any -- anything
20 else?

21 MS. THOMPSON: (Inaudible).

22 THE CHAIR: Oh. Is that new
23 business? I've been reminded -- not that
24 I had to be -- that both Commissioner
25 Mulligan and myself will -- are scheduled

PUBLIC MEETING OF THE CCRB 3/09/2011

1 to appear with Chuck Scarborough this
2 evening -- this evening to talk about
3 CCRB. So I'm sure everybody's going to
4 watch that with popcorn and soda and have
5 a real good time. It'll be three or four
6 minutes it's going to take. Any old
7 business?

8 DR. KHALID: What time is it on, Mr.
9 Chairman?

10 THE CHAIR: I believe it's scheduled
11 for 7 o'clock.

12 DR. KHALID: 7 o'clock? Live?

13 THE CHAIR: That's what I hear.

14 MS THOMPSON: Linda, is it live?

15 LINDA SACHS: It's live.

16 It is scheduled to start at 7.

17 LINDA SACHS: They're
18 probably not going to be on until 7:30.
19 The program is from 7 to 8. The guest
20 segments usually start around 7:30.

21 THE CHAIR: Yep. There
22 you go.

23 DR. KHALID: Thank you. We'll watch
24 it.

25 THE CHAIR: I'm sure you will. Any

PUBLIC MEETING OF THE CCRB 3/09/2011

1 old business? Any new business?

2 I would like to -- to point out that
3 there was -- there was an article or a
4 few articles about stop and frisk issues
5 in the Times and I believe there was some
6 settlement of cases that were brought
7 against NYCHA residents -- I mean brought
8 by NYCHA residents against the city.

9 Mary, do you have any information?

10 MS. MULLIGAN: Sure. It was, has been
11 widely reported that there were been
12 several settlements with members of our
13 community who lived in public housing.
14 And there were settlements of more than
15 \$150,000 to nine of sixteen plaintiffs in
16 a lawsuit involving stop and frisk
17 activity in buildings operated by the
18 Housing Authority.

19 And as you know, stop and frisk --
20 they're the type of cases that we see
21 very frequently in front of the CCRB. I
22 believe our statistics show that
23 approximately thirty percent of our case
24 load through the years has been with stop
25 and frisk cases. And that's -- that

PUBLIC MEETING OF THE CCRB 3/09/2011

1 number has been pretty consistent.
2 Overall, in 2010 there was a small
3 decline in the number of stop and frisk
4 cases but as you know, there was a -- a
5 small decline in our overall complaint
6 level.

7 So, you know, we are aware of this.
8 It's been widely reported. I think it's
9 a matter that's being looked at by
10 various groups like the New York Civil
11 Liberties Union has raised various
12 concerns alleging racial profiling and
13 also Ms. Wilson, who's a plaintiff in --
14 the Randolph Houses in Manhattan.
15 You know, she alleged, you know, various
16 aspects that arose from race based
17 discrimination.

18 So we're -- you know -- we're aware
19 of these issues and we just wanted to
20 bring them to your attention.

21 THE CHAIR: Any comment?
22 (Indiscernible) I did notice that the
23 Times article did point our -- our
24 recommendation to the Police Department
25 based on what we saw and as a result that

PUBLIC MEETING OF THE CCRB 3/09/2011

1 the Police Department did adjust some of
2 their training. And I know that was --
3 was welcomed by the Police Department and
4 I'm sure it made a positive impact but it
5 is a difficult issue. Any other new
6 business?

7 MR. DUNN: Okay. Good morning.

8 MS. THOMPSON: Good morning.

9 MR. DUNN: I'm glad you talked about
10 that; I'll come back to that. Let me
11 just talk about a couple of preliminaries.

12 First, in terms of the vacancies, I
13 spent some time criticizing you folks but
14 you certainly are not responsible for the
15 vacancies and I must say I am perplexed
16 as to why the City Council and the Police
17 Department has been unable to fill these
18 vacancies. I think the Manhattan
19 position has now been vacant for at least
20 one year --

21 MS THOMPSON: Over a year.

22 MR. DUNN: -- and perhaps longer.

23 And Dennis, of course, was actually off
24 the board, effectively, for a long time
25 before that. And I can just say that we

PUBLIC MEETING OF THE CCRB 3/09/2011

1 have been talking to the City Council.
2 We have been urging them to try to deal
3 with this. The first Police Department
4 usually has been pretty quick about
5 filling its vacancies historically. This
6 has been a pretty long lapse. And it --
7 it's really a serious issue and I'm happy
8 to hear you are discussing it but
9 I'm hoping that you folks are talking to
10 them, as you seem to be, to try to press
11 them also.

12 With respect to the budget hearing,
13 I'm not going to come but, Joan, is there
14 going to be any testimony about the
15 Prosecution Unit? Because as I
16 understood it, the particulars of the
17 Prosecution Unit staffing a
18 Prosecution Unit are still quite
19 unresolved. And you, I know that you
20 have more of a -- you have a person
21 who's doing it but is there any further
22 update about whether that unit is
23 otherwise going to be staffed?

24 MS. THOMPSON: We have one other
25 person. We have the investigator and

PUBLIC MEETING OF THE CCRB 3/09/2011

1 yes, there will be something in the
2 testimony. We're writing the testimony
3 now. So there will be something about
4 the APU in the testimony.

5 MR. DUNN: With respect to the
6 statistics that you provided, I do note
7 that there are still a pretty substantial
8 number of cases where the statute of
9 limitations is expired and there are ten
10 cases that are pending either board
11 review or are still being investigated.

12 And with the exception of one of
13 those cases, all of those cases were
14 reported in a timely fashion to the
15 board. So I know that people have
16 expressed concerns about the statute of
17 limitation of the cases as you should,
18 but I do wonder what is going on with
19 some of the cases that are not DA hold
20 cases I assume to be agency processing
21 delays.

22 There may be explanations for that
23 but those are all cases -- and of course
24 there's just no possibility of discipline
25 any more. And that's -- that's a serious

PUBLIC MEETING OF THE CCRB 3/09/2011

1 concern. Also I want to reiterate my
2 concerns about the DUP rate having
3 come back up. It's -- it is something
4 that is a constant concern for us and I
5 just think that we now have enough months
6 of data where the DUP rate has come
7 back to much closer than where it was
8 that there need to something that can be
9 done about that.

10 Okay, stop and frisk. I'm glad you
11 mentioned that, Ernie. I don't know if
12 you're going to talk about it tonight
13 when you're on television, glad that you are
14 going to be on. I hope that you do
15 mention it. The question that I have is,
16 I mean, we were certainly pleased that
17 you have looked at this and you made
18 recommendations about it. And I wish
19 that we had known about it sooner but
20 that's fine.

21 I do have a question of what follow-
22 up the board has done about its
23 recommendations. And I ask that because
24 there's a history of the board sending
25 over recommendations to the department

PUBLIC MEETING OF THE CCRB 3/09/2011

1 and then things not happening. Perhaps
2 the most conspicuous example of that was
3 around strip searches where the board
4 found serious problems with strip
5 searches arising from complaints they had
6 gotten. They had recommendations about
7 that. The department said it was going
8 to do things and then a long, long, long
9 time elapsed before it actually did
10 something.

11 And, at least from what I
12 understand, the department is very slow
13 to do retraining on the vertical patrol
14 issue about which you made
15 recommendations. So I'm wondering, has
16 there been any further exchanges with the
17 department since you sent over the
18 recommendations so that as you know what
19 the status is. Are they actually
20 implementing those recommendations?

21 MS. THOMPSON: I do know that part
22 which part of -- is it the patrol part
23 that has gone through retraining for
24 vertical patrol, Meera?

25 Ms JOSHI: The housing.

PUBLIC MEETING OF THE CCRB 3/09/2011

1 MS. THOMPSON: Yes, in housing.

2 MS. JOSHI: The housing has gone
3 through.

4 MS. THOMPSON: They have gone
5 through the retraining.

6 MR. DUNN: The Housing Bureau. All
7 the cops in Housing have gone through the
8 retraining? Okay. That's -- okay,
9 that's a big step. Let's hope that
10 that is true.

11 The final thing I want to mention is
12 something, Mary, that you raised several
13 months ago, which you were commenting on
14 some reporting about Police
15 Department shootings. And as some
16 of you may have seen, we want to submit
17 in the case against the department
18 requiring them to produce to us reports
19 about individual shootings going back to
20 1997.

21 And I must say, I got calls from
22 various places around the country asking
23 me about those reports. Given the
24 interest that you expressed, Mary, I was
25 a little disappointed that you didn't

PUBLIC MEETING OF THE CCRB 3/09/2011

1 call me to say that the CCRB wants to see
2 those reports also. I think shootings
3 are something the CCRB should be paying
4 attention to. And I noticed over the
5 weekend there were reports of two
6 civilian oversight agencies, one in Miami
7 and one in Los Angeles, both of which are
8 significantly involved in shooting issues
9 there.

10 The one in Miami has ordered the
11 Police Department to produce various
12 shooting reports to it and the one in
13 Miami has been looking at incidents --
14 excuse me, in Los Angeles, where there
15 have been some controversial shootings.

16 MS. MULLIGAN: I have a question,
17 for you.

18 MR. DUNN: Yes.

19 MS. MULLIGAN: In those cities were
20 the incidents of discharges by the police
21 force increasing or decreasing?

22 MR. DUNN: I don't know the
23 number -- I don't the answer to that. My
24 guess is that they're probably decreasing
25 because I think police shootings across

PUBLIC MEETING OF THE CCRB 3/09/2011

1 the country have been going down. And
2 don't get me wrong, I fully recognize
3 that the Police Department numbers here
4 have gone down and we have been on record
5 as commending the department about its
6 restraint.

7 That doesn't mean there don't
8 continue to be issues about police
9 shootings. And I think that you,
10 rightly, when you were talking about the
11 new numbers about shootings, were, I
12 think indicating to the board has an
13 institutional interest in police
14 shootings, one way or the other. I don't
15 think the examination of shootings begins
16 and ends with the number of shootings.

17 MS. MULLIGAN: Um-hum.

18 MR. DUNN: And so again, I can't
19 answer your -- answer your question
20 specifically. I'm just saying that
21 shootings are something this board should
22 be paying some attention to and other
23 than your comment a couple of months ago about
24 the number of shootings, I have not ever
25 heard any discussion on this board about

PUBLIC MEETING OF THE CCRB 3/09/2011

1 department shootings and I think that's
2 something the board should be paying attention to.
3 And Mary, since you're the press person on the
4 board, here are the reports.

5 MS. MULLIGAN: Thank you.

6 MR. DUNN: -- there are the reports
7 about Miami and LA. Thank you.

8 MS. MULLIGAN: Thank you very much,
9 Chris. I appreciate it.

10 THE CHAIR: A comment that I would
11 make, that the -- the oversight agencies
12 in Miami and Los Angeles don't
13 necessarily have the same mandate that we
14 do. And their ability to look into
15 things like shootings is a little
16 different. I think it's more a
17 responsibility of theirs that we
18 just say -- which would be -- you know,
19 that's not part of our -- our charter
20 mandate so -- Marcos, do you have
21 anything since you're a member -- an
22 active member of NACOLE. Do you
23 know what the difference is in terms of
24 the responsibility of the oversight in
25 those two cities? Off-hand?

PUBLIC MEETING OF THE CCRB 3/09/2011

1 MARCOS SOLER: As you said,
2 the jurisdiction nationally -- the
3 jurisdiction of the different civilian
4 oversight agencies are very diverse. In
5 Los Angeles they have a much broader
6 jurisdiction than we do as a result of
7 the fact that they are an Inspector
8 General's office.

9 THE CHAIR: Um-hum.

10 MARCOS SOLER: And the Los
11 Angeles Police Department was for a long
12 time under a consent decree with
13 the Department of Justice. The situation
14 there does not apply to New York. So
15 they have a much greater of involvement
16 in on these things.

17 And one thing is correct, that is
18 basically different about them and ours
19 is that they have a risk assessment unit
20 that evaluates the risks to the city in
21 terms of payment, liabilities, etcetera,
22 not just simply the pure legal analysis
23 but also what is the cause of some -- of
24 these incidents to the city.

25 So their type of analysis is quite

PUBLIC MEETING OF THE CCRB 3/09/2011

1 different and the type of involvement in
2 jurisdiction is very different. It's
3 more similar to what an Inspector General
4 would be here in New York. Let's say the
5 Inspector General of the Department of
6 Corrections or the Inspector General of
7 other city agencies. So it's much
8 broader jurisdiction that ours.

9 The situation in Miami is slightly
10 different because Miami was a
11 jurisdiction that went through a lot of
12 changes, including the firing of the
13 Executive Director there a couple of
14 years ago. Now they are restructuring
15 the agency. I'm not -- I'm not so
16 familiar with what are the specifics of
17 their jurisdiction. I can get back to
18 the board and report on that.

19 I can tell you that in April every
20 year, in the conference, the issue of
21 police shootings is a core issue. It is
22 a central issue. We always have two or
23 three panels involving either the use of
24 force, shootings, what happens death in
25 custody, situations like that. And we

PUBLIC MEETING OF THE CCRB 3/09/2011

1 learn a lot from different jurisdictions
2 and the experience also is the different
3 jurisdictions have different approaches
4 to this matter.

5 But this matter is central to all
6 the jurisdictions in the United States.
7 In that sense, Mr. Dunn is correct, that
8 this is certainly a core issue for many
9 oversight agencies. As big as it is,
10 obviously, it is perhaps the most
11 important event that can happen in the
12 life of an individual. Getting shot.
13 So --

14 THE CHAIR: That will hurt.

15 MARCOS SOLER: -- you know,
16 some people will say, it is
17 extraordinarily important for us. It is
18 a main cause in our organization and we
19 always review that issue. We can also
20 share with the board, past panel's
21 information that has been disseminated
22 out of those panels to see how the
23 jurisdictions do it and as to whether or
24 not that might fit within our jurisdiction,
25 our mandate.

PUBLIC MEETING OF THE CCRB 3/09/2011

1 THE CHAIR: What -- what might be a
2 good idea, now that you mention it
3 Marcos, is to maybe prepare for the board
4 some sort of general overview of how the
5 various jurisdictions across the country
6 that do have civilian oversight, how they
7 operate and what their mandate is, just
8 for general interest and see if -- see if
9 there's anything that can come out of
10 that.

11 But I think it would be very
12 interesting for members of the board to
13 see how the cities operate. Thank you.
14 Seeing nobody else wishing to testify,
15 the meeting is adjourned.

16 MR. JONES: I'd like to
17 speak Mr. Chair.

18 THE CHAIR: No. We'll adjourn to
19 Executive Session. Five minutes please.
20 (Whereupon proceedings were concluded)

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

I, Zipporah Geralnik, 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 18, 2011

Zipporah Geralnik (CET**D-489)
AAERT Certified Electronic Transcriber

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MEETING OF
THE CIVILIAN COMPLAINT REVIEW BOARD

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April 13, 2011

10:10 a.m.

40 Rector Street

2nd Floor

New York, New York 10006

DANIEL D. CHU, 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: Erwin Fried

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2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 DAVID G. LISTON, ESQ.

6 MARY E. MULLIGAN, ESQ.

7 BISHOP MITCHELL G. TAYLOR

8 YOUNGIK YOON, ESQ.

9 JULES A. MARTIN, ESQ.

10 TOSANO J. SIMONETTI

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1 THE CHAIR: All right. We're going
2 to call this meeting to order. Good
3 morning, everyone. We're going to start
4 with the adoption of last month's
5 minutes. Is there a motion?

6 DR. KHALID: So moved.

7 THE CHAIR: Is there a second?

8 MR. SIMONETTI: I second that.

9 THE CHAIR: All right. All in favor
10 say aye.

11 IN UNISON: Aye.

12 THE CHAIR: Seems unanimous. Well,
13 as most of you have probably noticed now,
14 Ernie is not here. I've moved a couple
15 of seats down from where I usually sit.
16 I'm going to take a moment to acknowledge some
17 of the things that Ernie did.

18 Ernie was forced to step down due to
19 a new position that he's taken that
20 conflicted with his remaining on the
21 board but I would like to point out that
22 he's -- he was the chair of this board
23 since April 2009 and under his steady
24 guidance and leadership, this board
25 focused on three things; mediation,

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1 outreach and the APU unit. And I think
2 we've accomplished quite a bit in each of
3 those respects.

4 Under his tutelage, more cases were
5 closed through mediation than ever
6 before, more outreach meetings were
7 conducted including outreach by having
8 the public meeting in the outer
9 surrounding boroughs and also the
10 historic introduction of the lead
11 prosecution unit under the APU was
12 instituted between Ernie and the Police
13 Commissioner.

14 So again, before we get to the
15 formal business, I just want to
16 acknowledge that and I think pretty much,
17 I speak for the rest of the board when I
18 say that his leadership and guidance will
19 certainly be missed and in that same --
20 towards that same end, I hope that I will
21 be able to maintain the path that he's
22 set this agency on.

23 When he initially came in, I think
24 this agency had a lot of things that were
25 going on. I think he -- under his steady

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1 leadership, everything has -- the numbers
2 have improved, I think he's been a
3 stabling force throughout and I think, at
4 this point, notwithstanding the fact
5 that we're still facing budgetary
6 constraints and obviously four vacancies,
7 as of the moment, on the board, which
8 makes it difficult for us to get our
9 panels together and to keep, you know,
10 going forward with the work, I think that
11 it's part and parcel of his leadership
12 that we were able to pull together and do
13 more with a lot less.

14 I don't know if other people on the
15 board want to say a few words about Ernie
16 and what he's done for this board.
17 Anyone?

18 BISHOP TAYLOR: Well, I would just like
19 to echo your sentiments, Dan, that Ernie
20 certainly came on the board when there
21 was a need for strong leadership and to
22 pilot the ship to a more healthier seat.
23 And I think that -- and I know that,
24 rather, he has accomplished that and
25 certainly he will be missed on the board.

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1 And we also want to acknowledge that.
2 But then to celebrate your leadership and
3 now that you moved down a couple of
4 chairs and we're anxious to move forward
5 and take it to the next level. So I
6 think that's where we are.

7 MS. MULLIGAN: I'd also like to just
8 compliment Ernie on his tremendous
9 leadership. He did a thorough job on all
10 of his cases. He was dedicated to the
11 interest of justice, he welcomed all the
12 board members, he was a unifying force
13 and I think he demonstrated just
14 tremendous leadership for all of the
15 board and I really respected him and
16 appreciated his service and I look
17 forward to working with you too, Dan.

18 THE CHAIR: Thank you.

19 MR. DONLON: And I would likewise
20 echo the statements that have been made
21 and just publicly say thank you for his
22 tenure on the board. I think he did
23 indeed make certain improvements and he
24 did make it possible, in terms of
25 streamlining the reports and some of the

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1 internal things that were done. I think
2 that had an impact on the efficiency of
3 the agency without sacrificing any of the
4 quality of the investigations and that
5 sort of thing. So, I would just like to
6 acknowledge that.

7 THE CHAIR: Thank you. Some of you
8 may know that in the scheme of budgetary
9 cuts that the city is facing right now.
10 On March 9th, we received a request to
11 submit proposals to reduce our budget by
12 another four percent. That translates
13 into about 463,000 dollars. And
14 subsequently, about a week later, we had
15 an opportunity to testify before City
16 Council and we brought that to the City
17 Council's attention. It goes without
18 saying that I think, given the small size
19 of our agency, any of these cuts are
20 devastating to us.

21 And I think we were well received by
22 City Council. I gave the testimony and
23 judging by the questions and the tenor of
24 the questions and the response that we
25 got, it's my belief that City Council

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1 understands that we're under pretty
2 serious budgetary constraints right now.
3 And just by way of numbers alone, from --
4 as a result of these proposed cuts, we
5 would probably have to reduce our head
6 count by about another 10, reducing the
7 total agency head count to about 136

8 So, again, by way of just examples,
9 in 2008, we had a total head count of 192
10 and if these budgets were to go into
11 effect, we would be down to about 136.
12 So that gives you some idea of the scope
13 that we're talking about. As we
14 indicated in the past, it's not only
15 cutting us to the bone. At this point,
16 we're to the marrow and if it continues,
17 we're probably coming out the other end.

18 So, again, I want to also take this
19 opportunity to thank the staff -- the
20 senior staff, the staff in general, as
21 well as the investigators for really
22 pulling together and trying to make this
23 work under very trying circumstances.
24 You know, I met with City Hall and I've
25 also extended to anyone that was willing

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1 to listen there and they seem to
2 understand, they seem to know what the
3 situation is with our small agency. So,
4 you know, accepting the chair here is
5 something I wouldn't have done unless I
6 knew that this staff, the senior staff,
7 the other board members and everyone, is
8 really dedicated and committed to pulling
9 together and making this work.

10 So hopefully, we won't end up
11 sustaining these additional cuts. At
12 this point, we haven't heard anything
13 back from OMB yet but hopefully we'll be
14 able to avoid further cuts and hopefully
15 we'll be able to keep the newly minted
16 APU unit, the Administrative Prosecution
17 Unit, going, notwithstanding any threats
18 of additional reductions in funding.

19 Let's see. One other point is some
20 of you may have been alerted to -- there
21 was an article in El Diario on Sunday and
22 the thrust of the article was something
23 that was probably apparent to a lot of
24 people. At this point, we don't have any
25 Hispanic representation on the board.

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1 The last member that was of Hispanic
2 origin was, of course, Dennis deLeon, who
3 is thoroughly missed. He has now been
4 deceased for about a year and a half.
5 The information that we have is that City
6 Council is actively in the process of
7 trying to fill that role. They've been
8 interviewing people and we're told that
9 it's in the works. They're trying to
10 find a suitable replacement.

11 It also goes without saying that, at
12 this point, out of the total number of
13 thirteen, at the present moment, we're
14 down to, I believe, nine. We have four
15 vacancies. So we've reached out, we've
16 spoken to the appointing agencies, we've
17 spoken in depth and we have encouraged
18 them to do what they can to expedite
19 filling the vacancies and we have every
20 expectation and hope that that will
21 happen sometime in the very near future.

22 I think I'm going to turn this over
23 now to the report from the Executive
24 Director.

25 MS. THOMPSON: Thank you. In March

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1 of 2011 the CCRB received 580 complaints,
2 or 60 more complaints than it received in
3 March of 2010 when the agency received
4 520 complaints. This represents a twelve
5 percent increase in complaint activity.

6 In the first three months of the
7 year, the CCRB had received 1503
8 complaints or 45 fewer complaints than it
9 received for the same period of 2010,
10 when the agency received 1,548
11 complaints. This represents a three
12 percent decrease in complaint activity.
13 Total increase decreased year-to-date by
14 four percent from 4,141 to 3,966.

15 The board closed 263 cases. 45 were
16 full investigations, 196 were closed as
17 truncated and 22 cases were closed
18 through mediation. The year-to-date
19 substantiation rate is eight percent,
20 which is three points lower than in 2010.
21 The truncation rate is sixty-six percent,
22 which is six points higher than in 2010.

23 With the board closing this month
24 302 fewer cases than it received, the
25 agency's open docket shows an eleven

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1 percent increase in relation to the
2 previous month's open docket. The docket
3 stands at 3,117 -- 3,017, excuse me.
4 About ninety-five percent of our open
5 investigations were filed within the last
6 year.

7 Of the open cases, 1,216 cases are
8 awaiting panel review or forty percent of
9 all open cases. 1,539 are being
10 currently investigated and 262 cases are
11 in the mediation program. By date of
12 occurrence of the incident, seventeen
13 cases in the CCRB's open docket are
14 eighteen months or older and four cases
15 are on the DA hold, three cases are
16 pending investigation and ten are pending
17 board review.

18 In February of 2011, the Police
19 Department disposed of twenty-six cases.
20 The department disciplined sixteen
21 officers with command discipline and
22 instructions. Two officers plead guilty
23 to charges. In seven cases, the
24 department declined to prosecute the CCRB
25 cases. In one case, the department filed

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1 the charge as the subject officer is no
2 longer a member of the department. The
3 year-to-date discipline rate is seventy-
4 seven percent. The department decline to
5 prosecute rate is twenty-two percent which
6 is the year-to-date rate for the department
7 year end and the year-to-date rate that the
8 department has DUP'd (decline to prosecute) is
9 eleven cases out of forty-nine. That's it.

10 THE CHAIR: Thank you, Joan. Moving
11 on to committee reports. Well, I'm part
12 of the Reports and Recommendation
13 Committee. I can let people know that
14 we've reviewed one of the early drafts of
15 the annual report. Everything looks
16 good. It's in the process. I don't know
17 if there's anything further to add to
18 that. Jim, do you have anything to add?

19 MR. DONLON: No. I mean, I have
20 seen the first draft and we'll try to
21 keep it moving and get it out as soon as
22 possible.

23 THE CHAIR: Okay. I am also part of
24 the IT committee so I can say that, at
25 this point, we've had one complete run-

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1 through with the new electronic voting
2 sheets. Everything seems to be on
3 target. We are in the process now of
4 opening up that system to the rest of the
5 board for their input.

6 I expect that, by and large, it's
7 going to remain the way it is now with
8 the exception of some possible fine
9 tuning in terms of, you know, some of the
10 features that may need to be tweaked with
11 but other than that, I think it's a good
12 system. I think everyone will probably
13 get accustomed to using it.

14 And again, it also serves the
15 additional purpose of trying to
16 streamline the process. It does away
17 with the need to messenger cases to and
18 from each of us individually, to our
19 offices, and hopefully, the cost savings
20 and the time savings will be something
21 that will free up our time to do other things
22 you know, more productive endeavors for
23 the agency.

24 Tony, you were also on the IT
25 committee. Do you have any thoughts

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1 about it?

2 MR. SIMONETTI: Well, I've used it
3 for the last three panels and it worked
4 well. I have -- one little thing that
5 I'd like to see the IT group try to clear
6 up. When I downloaded the cases to my
7 desktop, I got a list of ninety-nine case
8 and it did all five teams.

9 It didn't distinguish between the
10 teams and I would like to see if it can
11 do that because when you're reading the
12 cases and let's say you only get to one
13 or two teams and you have to stop, at
14 least you have some starting point when
15 you go back on. What I had to do is keep
16 a record of what case I read last and
17 where I was to start again and it's kind
18 of cumbersome with a list of ninety-nine
19 cases. So if we can get that broken into
20 the teams as it appears on the old
21 system, it would be a lot better.

22 THE CHAIR: I was actually --

23 MR. SIMONETTI: But there was no
24 hesitation with when you wanted to look
25 through the case. In other words, when

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1 you --

2 THE CHAIR: Right.

3 MR. SIMONETTI: -- scrolled down, it
4 moved up very smoothly and it was very
5 easy. It facilitated it.

6 THE CHAIR: I'll show you how to do
7 it. I was actually able to get it into
8 the team -- the folders. So I think it
9 you expand it -- but I'll show that to
10 you.

11 MR. SIMONETTI: Okay. Great.

12 THE CHAIR: Bishop, you're also on
13 the -- you also did a panel.

14 BISHOP TAYLOR: Yeah.

15 THE CHAIR: Do you have any
16 thoughts?

17 BISHOP TAYLOR: Yeah. No, it works
18 well. It works well. There's an online
19 pdf thing that you can use to kind of use
20 it without downloading it to your desktop
21 or device and it's (indiscernible) -- I
22 think there's a little dance when you're
23 trying to go between the panels -- the
24 teams and the actual voting but other --
25 I think it's as smooth as it can be.

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1 MR. SIMONETTI: Yeah, my advice to
2 any future board members who are going to
3 be using this system is go through the
4 cases first, make a notation of the ones
5 that you differ with --

6 BISHOP TAYLOR: And then go back and
7 enter it.

8 MR. SIMONETTI: -- and then go back
9 and do all the voting at one time.
10 Because once you get to that screen, it's
11 a lot easier. You're just putting in the
12 case numbers and telling them where you
13 disagree with what the investigator may
14 be recommending. I found it a lot easier
15 to -- to go back and forth is a little
16 cumbersome.

17 BISHOP TAYLOR: Yeah.

18 THE CHAIR: Agreed. Any other
19 committee reports? All right. Old
20 business.

21 All right. Any new business?

22 Well, I will say that we do look
23 forward to having one of our upcoming
24 public meetings in the Bronx. At this
25 point, it looks like it's most likely

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1 going to be the June meeting. We've
2 already done Staten Island, Queens and
3 Brooklyn so the Bronx is the one that
4 remains. Hopefully, that will come to
5 fruition in June, it looks like.

6 As far as other new business, we
7 look forward, also, to the first lead
8 trial by our APU, our Administrative
9 Prosecution Unit, and that is likely to
10 happen sometime towards the end of May.

11 Is there anything else?

12 Seeing and hearing nothing else,
13 we're going to open this up to public
14 comment. Mr. Dunn?

15 MR. DUNN: Okay. Good morning.

16 THE CHAIR: Good morning.

17 MR. DUNN: Let me -- I want to talk
18 primarily about you and Ernie but before
19 I get to that. Just on the report, just
20 three things I want to point out. It
21 seems like the numbers in eighteen plus
22 month cases are creeping up. There are a
23 lot of cases that are breaking statutes
24 of limitations and that is a very
25 important issue.

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1 The truncation rate is, I think, at
2 an historical high. I think the
3 truncation rate for this past month was
4 seventy-five percent. And as Joan said,
5 it's running six percent above last year.
6 And that is, I think, a source of huge
7 concern.

8 And then the DUP rate again,
9 I've mentioned this before, it has
10 gone back up. There was a period of time
11 when it had come down. You know, I think
12 that's an important thing to pay
13 attention to, not that you're suggesting
14 otherwise.

15 On the budget, I'm glad that you
16 mentioned the APU. It seems like that is
17 an obvious thing to maybe endanger and
18 let's hope the City Council appreciates
19 the importance of that. And on that
20 subject, the vacancies, I must say, I am
21 baffled why the Council has been unable
22 to fill these vacancies. Dennis has been
23 effectively off the board for over two
24 years. And you know, (indiscernible) and
25 I just -- I'm not quite sure what can be

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1 done. I don't know if the Mayor's office
2 can do something .
3 Something's got to happen in terms of the
4 vacancies. You guys are going to drown
5 in cases if nothing else.

6 Okay. But that brings me back to
7 the vacancy that got filled as quickly as
8 it did. And I always find it a little
9 bit uncomfortable and odd when someone
10 who's been on the board and played a big
11 role is just gone as Ernie is gone. And
12 I wish he had been here for the last
13 meeting to hear what people had to
14 say about him. And while we certainly
15 had our differences of view, I recognize
16 his service to the board and I think a
17 number of good things did happen as a
18 result of his being here.

19 Which brings us to you, Dan. And I
20 am going to resist my usual impulse to
21 pontificate on things like this. I will
22 just say, as I think you know, to my
23 perspective, it's really important the
24 chair is forceful and by that I don't
25 mean loud, although sometimes being loud

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1 is good, and I believe there's been too
2 much silence in the past from the chairs.
3 But to be forceful.

4 You know, the NYPD -- there are a
5 lot of great people in the department
6 that do heroic things. There are cops
7 that do bad things or cops engaged in
8 misconduct . Most of the people
9 who are the victims of that misconduct
10 have no voice, they have no lawyers,
11 they have no options other than
12 you guys.

13 And, you know, our number one
14 concern about the CCRB is it has not been
15 the force that we think it can and should
16 be. You play a hugely important role and
17 we think this is a critically important
18 agency. And understand, the criticism we
19 oftentimes voice, you play a hugely
20 important role. And Dan, I'm
21 hoping, under your guidance, the CCRB
22 will be a more forceful present than it
23 has been.

24 With that, I will say congratulations
25 and that's it.

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1 THE CHAIR: Yes? Mr. Jones? It's
2 my understanding that you spoke to
3 someone this morning, is that right?

4 MR. JONES: Well, they -- I was
5 approached but I'd like to point out that
6 one of the commissioners approached me.
7 He's been nominated for the judgeship.
8 He said that he disagreed with that
9 policy of my not speaking to the board.

10 THE CHAIR: Right. Now, Mr. Jones,
11 we appreciate your attendance at every
12 meeting and any issues that you have, we
13 certainly endeavor to try to resolve for
14 you which is why I believe someone spoke
15 to you this morning, right? If there's
16 any need for follow-up, you might want to
17 go back to that same investigator who spoke to
18 you, do we know who spoke this morning?

19 MS. JOSHI: An investigator
20 from Team 2.

21 THE CHAIR: Okay. We'll put you in
22 touch with that same investigator and
23 hopefully, you know, you can get some
24 satisfaction from whatever needs to be
25 done, okay?

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1 MR. JONES: What? You don't want me
2 to speak?

3 THE CHAIR: Well, again, if there's
4 something to be said, we don't want to
5 hear about your individual case. I don't
6 want to impede upon your right to speak
7 pertaining to public issues but if it's
8 pertaining to your individual case, it
9 might be advantageous for you to speak
10 with the investigator.

11 MR. JONES: Well, I mean, everything
12 is in the record but I just thought it
13 was strange that one of your
14 commissioners has now been nominated for
15 the judgeship. He told me that he --
16 right here, right where I'm standing, he
17 said he disagreed with the former
18 chairman. He told me to discontinue
19 speaking because my case had been
20 accepted. Commissioner Kuntz former
21 Commissioner Kuntz said that he
22 did not agree with that. He said that I
23 should continue speaking to the board.

24 THE CHAIR: Okay. Again, my
25 suggestion, though, is let's see if you

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1 can get the relief that you want with the
2 investigator and if there needs to be
3 follow-up, why don't you speak with them
4 after the meeting as well instead of
5 voicing your individual case and the
6 specific facts on an open record here.

7 MR. JONES: But how does that
8 reconcile with Commissioner Kuntz, former
9 Commissioner Kuntz. He said that
10 he did not agree with that. He said
11 he felt that I should continue to speak
12 even though my case had been accepted.

13 THE CHAIR: We'll I think subject
14 is -- confirmation may be soon, you may want
15 to bring it to his attention but --

16 MR. JONES: (Indiscernible).

17 THE CHAIR: -- in terms of this
18 board right now, he's not on the board.
19 We're certainly going to try to do what
20 we can for you but I don't think this is
21 the appropriate forum for you to talk
22 about your individual case.

23 MR. JONES: Well, I'd go along with
24 that but I'd still like to point out -- I
25 mean, the commissioner said that -- he

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1 said that he did not agree. You know, it
2 wasn't the first time. There were cases
3 where the chair -- the former chairs did
4 things that the rest of the board didn't
5 know about. I mean, Commissioner --
6 former Commissioner -- former Chair
7 Gonzalez, he approached me but I don't
8 think he told the board that he was
9 telling me not to speak.

10 THE CHAIR: Okay. Well, listen,
11 thank you very much and again, I think --
12 All right. I'm going to turn the mike
13 over to the Executive Director, Ms.
14 Thompson.

15 MS. THOMPSON: Before we close, I
16 would like to introduce one of the newest
17 senior staff members, Carolene George
18 (ph.). She's our new Director of HR.
19 She's taking over from Beth Thompson.
20 And so for those who have not met her,
21 please go by. She's been incredibly
22 innovative since she's gotten here,
23 keeping us all on our toes, telling us
24 everything that we haven't done right so
25 far in the past two weeks. I had to tell

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1 her to slow down a little bit! So I just
2 wanted to let you know that she is here
3 and I wanted to welcome her and let the
4 board get a chance to meet with her.
5 It's Carolene George. Thank you.

6 THE CHAIR: Welcome aboard. All
7 right. If there's nothing else, this
8 will conclude this meeting. Thank you.
9 (Whereupon proceedings were concluded)

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

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I, Zipporah Geralnik, 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.

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

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In witness whereof, I hereby sign this
date:

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April 16, 2011

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Zipporah Geralnik (CET**D-489)

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AAERT Certified Electronic Transcriber

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MEETING OF
THE CIVILIAN COMPLAINT REVIEW BOARD
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May 11, 2011

10:12 a.m.

40 Rector Street
2nd Floor
New York, New York 10006

DANIEL D. CHU, 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: Erwin Fried

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BOARD MEMBERS PRESENT WERE:

- JAMES DONLON, ESQ.
- DR. MOHAMMAD KHALID
- BISHOP MITCHELL G. TAYLOR
- YOUNGIK YOON, ESQ.
- JULES A. MARTIN, ESQ.

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 THE CHAIR: All right. Let's call
2 this meeting to order the best we can.
3 As everyone can see, we are short of a
4 quorum today so -- it's probably not a
5 big surprise since we have four
6 vacancies. At full strength, we have
7 nine people. At this point, we have six.

8 Again, we have spoken to the powers
9 that be. We've spoken to all the
10 appointing committees. They are aware of
11 the problem. Not happy about this but
12 whether or not this can constitute a
13 valid meeting, we are here. We are going
14 to share the information that we have
15 today. We're obviously not going to vote
16 on anything substantive.

17 But let us just proceed. Do I hear
18 a -- well, in terms of the minutes, I
19 know the open meetings law indicates that
20 as long as they're made available -- and
21 as far as I understand they are available
22 on the website or they will be. Let's
23 deem that to be an unapproved draft at
24 this point and at a time -- hopefully at
25 the next meeting, we'll be able to adopt

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 that motion officially.

2 Moving right along, report from the
3 Chair. We did get our 2011 budget. At
4 this point, it looks like we're losing
5 170,288 dollars. What that translates
6 into is a loss of four investigative
7 units, one administrative unit --

8 MS. THOMPSON: Heads.

9 THE CHAIR: I'm sorry; heads. Four
10 investigative heads, one administrative
11 head and the total head count then now
12 becomes 141 with 112 of that 141 being
13 investigative positions.

14 MS. THOMPSON: Right.

15 THE CHAIR: Further in that vein, we
16 will be meeting on May 18th for the
17 budget meeting before City Council.

18 In terms of the next order of
19 business, the Administrative Prosecution
20 Unit, the information that I have is that
21 the first lead case will be commencing on
22 May 24th, 2011 so we're all very excited
23 about that. We also are very happy to
24 announce the award of the New York
25 Community Trust Grant and that is in

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 relation to a new program that we are
2 very happy to be unveiling. It's called
3 the CCRB Ambassadors Program and to fill
4 in some details and give you further
5 information in that regard, I'm going to
6 turn the mic over to Bishop Taylor.

7 MR. TAYLOR: All right. I thank you
8 so much, Dan, for the mic. Yeah. The --
9 we're excited about the CCRB Ambassadors
10 Program. It's really about education and
11 leadership training and giving kids that
12 are on the pathway to college access to a
13 viable internship that will give their
14 resumes and their applications the
15 gravitas to complete with other students
16 from other communities.

17 And so we're excited about it and
18 it's going to pilot in northwestern
19 Queens and after we pilot it in
20 northwestern Queens, we look to replicate
21 it in other communities throughout the
22 city.

23 THE CHAIR: And just be clear, we're
24 actually starting with a group that
25 you're already familiar with.

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 MR. TAYLOR: Yes. So we're
2 starting with -- the way the program, we
3 feel, will work best is to embed it in
4 already existing college access programs
5 throughout the city in inner city
6 communities. And so we have a cohort now
7 of forty kids that are in eleventh and
8 twelfth grade college access program in
9 northwestern Queens and so they're going
10 to start -- they're going to pilot that
11 program with those two cohorts.

12 And the excellent thing about it is
13 that the eleventh and twelfth grade first
14 cohort will go through this together and
15 then when a new cohort comes in, the new
16 eleventh grade cohort comes in, and the
17 eleventh grade cohort, presently, moves
18 up, they'll be able to train and assist
19 the new cohort that comes in on the
20 education and leadership pattern of the
21 program. So it always leaves you with an
22 experienced group to help the other group
23 kind of assimilate into the process.

24 THE CHAIR: Thank you very much.
25 One final point is the June board meeting

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 is scheduled to be in the Bronx. So the
2 address there -- it's going to be in
3 Bronx Borough Hall. The address, I
4 believe, is 851 Grand Concourse. It's
5 going to be in the ninth floor conference
6 room.

7 And we'll have directions on the
8 website but, in essence, it's by public
9 transportation, you can take the 4 train,
10 the B or the D to 164th street. That's
11 the nearest subway access.

12 MS THOMPSON: 161st.

13 THE CHAIR: We're going to move
14 along now to the report from the
15 Executive Director.

16 MS. THOMPSON: Okay. Since Dan
17 already spoke a little bit about the
18 budget, just let me say that the other
19 piece that was not discussed was that the
20 APU was funded for two people, the
21 existing two that we have, for six
22 months. So that would mean that it would
23 be funded through December of 2011.
24 We're, obviously, hoping that when we go
25 before the Council, that we will ask for

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 monies to be put back so that we can
2 continue to extend the APU.

3 The monthly stats: In April 2011
4 the CCRB received 515 complaints, or 53
5 more complaints than it received in April
6 of 2010 when the agency received 568
7 complaints. This represents a nine
8 percent increase in complaint activity.

9 In the first four months of the
10 year, the CCRB has received 2010
11 complaints or 106 fewer complaints than
12 it received for the same period of 2010,
13 when the agency received 2,116
14 complaints. This represents a five
15 percent decrease in complaint activity.
16 Total intake which is the sum of CCRB
17 cases and referrals to other
18 jurisdictions decreased year-to-date by
19 four percent from 5,568 to 5, 321.

20 In April 2011 the board closed 964
21 cases. 376 were full investigations, 576
22 were closed as truncated and 12 cases
23 were closed through mediation. The year-
24 to-date substantiation rate is seven
25 percent, which is four points lower than

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 in 2010 and the truncation rate is sixty-
2 three percent, which is three points
3 higher than in 2010.

4 With the board closing this month
5 461 fewer cases than it received, the
6 agency's open docket shows a fifteen
7 percent decrease in relation to the
8 previous month's open docket. The docket
9 stands at 2,556 cases. About ninety-
10 seven percent of our open investigations
11 were filed within the last year.

12 Of the open cases, 765 cases are
13 awaiting panel review or thirty percent
14 of all open cases. 1,513 are currently
15 being investigated and 278 cases are in
16 the mediation program. By date of
17 occurrence of the incident, seven cases
18 in the CCRB's open docket are eighteen
19 months and older, four cases are on DA
20 hold and three are pending board review.

21 In March of 2011, the Police
22 Department disposed of twenty-six cases.
23 They disciplined twenty-one officers.
24 Twenty officers received command
25 discipline and instructions and one was

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 found guilty. In four cases, the
2 department declined to prosecute the CCRB
3 cases. There was one officer that was
4 found not guilty after the trial. The
5 year-to-date discipline rate is seventy-
6 eight percent and the discipline -- the
7 department decline to prosecute rate is
8 twenty percent for the year-to-date.

9 I would also like to just say that
10 out of the top twenty-five New York City
11 agencies, we were number eighteen for our
12 blood drive and I would like to publicly
13 thank Edwin Pena who is the
14 supervisor in Team 3. I don't know if
15 Edwin is here. His other half is here so
16 you can pass it on. So we received a
17 little award, it's shaped like a drop of
18 blood and it says one of the top -- CCRB,
19 one of the top city agencies.

20 So again, thank you and next year
21 we're moving on to leeches to move it up
22 so that we get higher than eighteen!! So
23 thanks everybody for participating in the
24 program.

25 THE CHAIR: Let's do committee

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 reports. Are there any updates from any
2 of the committees?

3 MR. DONLON: On Reports and
4 Recommendations committee, the annual
5 report has been -- well, it's in final
6 review. It's very close to completion
7 and it should be going to the printer
8 within a week or so, we would hope. It
9 might be a week to ten days, something on
10 that order. But it's very close to
11 completely ready for print.

12 THE CHAIR: And I just want to add
13 that I've had opportunities to look at
14 the evolving drafts of that final report
15 and I just want to take this opportunity
16 to thank the staff, everyone involved who
17 had input into that. I do think that
18 over the course of time, even in the
19 three years that I've been on the board,
20 it seems like the product that comes to
21 me, the draft that comes, has
22 increasingly become more polished and
23 requires less revisions and less work on
24 the part of the board and we thank you
25 for that.

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 We know that, you know, you guys are
2 stretched out pretty thin in these times
3 and it's duly noted that you guys are
4 doing a great job. And in particular, I
5 think that the public will, hopefully,
6 enjoy the cover as much as I did. I
7 think it's -- we went from a high school
8 yearbook type cover to a much younger,
9 hipper cover and maybe that's, you know,
10 the direction that we're going.

11 Moving on to -- any other committee
12 reports? Moving on to old business. I
13 think it's just the vacancies here. We
14 need to do something about it. I'm -- I
15 can't say enough about how I find the
16 situation to be -- to quote Chris Dunn
17 "baffling". We're doing everything we
18 can regarding getting these vacancies
19 filled.

20 But having said that, I want to take
21 the opportunity to thank the board
22 members that are here consistently, the
23 people that are here at 10 o'clock, ready
24 to go and the people that have been duly
25 reading their cases, making use of the

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 new electronic voting sheets, the
2 downloadable cases and just being
3 prepared and ready to go.

4 I think that, you know, anyone who's
5 not here, certainly, I've reached out to
6 and it seems like there are certainly
7 legitimate work-related reasons for
8 everyone but at the same time, the board
9 must go on. So, I hope this is the first
10 and last time that we don't have a quorum
11 and I'm going to do everything I can to
12 make sure that that is the case.

13 That segues into new business. New
14 business; we've arranged to meet with the
15 Police Commissioner as well as Christine
16 Quinn. And as far as the topics to be
17 discussed, I think I might just bring up
18 the vacancies. Again, I'm going to be
19 like that dog with the Snausages
20 commercial. I'm just going to pop up
21 wherever I can and just remind them that
22 we have vacancies we need to be filled.

23 Is there any other new business from
24 anyone else on the board -- on the panel?
25 All right. We're going to move right

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 along now to public comment. And Chris
2 Dunn?

3 MR. DUNN: Okay. Good morning.

4 IN UNISON: Good morning.

5 MR. DUNN: Apropos to this shortened meeting,
6 my remarks are going to be very short. First let's
7 start with the good news. I note that
8 the eighteen plus month case number is
9 way down. I take it that's not an
10 accident. That's terrific. I see -- I'm
11 sure you aspire you zero and I support
12 that aspiration. It's very nice to see
13 those numbers came down. I see that.

14 The Ambassadors Program. So I'd
15 asked before and was told I couldn't have
16 it until you guys got the final signup
17 but I would like to get, actually,
18 whatever the written documentation is
19 describing the program. We like the
20 program, sounds good to us but we
21 actually would like to see, you know, the
22 way it's written --

23 MR. TAYLOR: Okay.

24 MR. DUNN: -- described in writing.

25 And how much money did you get?

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 MS. THOMPSON: \$40,000.

2 MR. DUNN: 40,000 dollars. Okay.

3 Is that a one year --

4 MS. THOMPSON: One year.

5 MR. DUNN: All right. And are they
6 open to renewing it?

7 MS. THOMPSON: They seem to be.

8 MR. DUNN: Okay.

9 MS. THOMPSON: I mean, they're
10 not giving us anything in writing, of
11 course, but --

12 MR. DUNN: Understood. Okay.
13 That's great. Dan, I can't tell you how
14 happy I am to hear about the hipper and
15 younger looking cover. As a person who
16 embodies both of those traits, you know I
17 will personally relate to that. But, you
18 know, I've tweaked you guys about the
19 cover. I thought the cover on the semi-
20 annual report was a significant
21 improvement and I can't wait for the
22 unwrapping as the new.

23 The final thing I wanted to say --
24 and I understand you guys are in the
25 middle of a budget process and you're --

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 you know, it's been new people and, Dan,
2 you're the new chair, but I am hoping
3 that in the not too distant future we can
4 get beyond talking about the day-to-day
5 business of processing the sausages of
6 the CCRB, if you will, and start having
7 some discussion and some consideration
8 about some of the larger policing issues
9 that we have in the city that are part of
10 what you do.

11 And when you go and meet with
12 Commissioner Kelly and Speaker Quinn, is
13 that a meeting with the two of them
14 together or are those separate meetings?

15 MS. THOMPSON: No.

16 THE CHAIR: Separate meetings.

17 MS. THOMPSON: Separate meetings.

18 MR. DUNN: Separate meetings. Okay.

19 Well, I understand maybe the first three
20 things you will say, Dan, are vacancies,
21 vacancies, vacancies. But I'm hoping
22 there will be additional things on the
23 list. And I just want to encourage you,
24 personally, and the board (indiscernible)
25 people come on and they will, that I'm

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 hoping that we can get to a point where
2 there is -- in addition to what you do on
3 a regular basis, there's more
4 consideration of and more public
5 discussion about some of the big policy
6 issues that are facing the Police
7 Department which I think should be your
8 business and something you should talk
9 about.

10 With that I will sit down.

11 THE CHAIR: All right. With that, I
12 think we're going to take a five minute
13 recess and break into Executive Session.

14 MS THOMPSON: There's
15 somebody in the back there that --

16 THE CHAIR: Oh.

17 THE CHAIR: He's not on
18 the list.

19 THE CHAIR: I'm sorry.

20 MR. MILLER: Hi. My name is Conrad
21 Miller and I'm (indiscernible) just
22 a person who (indiscernible) the CCRB and
23 I've had a chance to talk to a number of
24 people including my investigator and the
25 attorney for the CCRB and Norm Siegel

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 who founded or helped write the
2 legislation for this and I think it's a
3 valuable resource.

4 I'm sad to hear of such dire times
5 for the company as far as retention or
6 filling these roles that need to happen
7 in order for civilians to be able to
8 respond to these things that happen to
9 them on everyday basis. And I sympathize
10 with that. I do have at least one option
11 and one solution that could help which is
12 citizen policing and via the citizen's
13 review board that would enable people to
14 help regulate the actions of the police
15 officers.

16 And in order to do that, we need to
17 be able to videotape police officers.
18 That brings me to my -- CCRB in the first
19 place. As you can tell, I'm a little
20 nervous. I didn't write any notes. I
21 was filming police action. I was filming
22 a bag search at a subway stop --

23 THE CHAIR: Sir, I don't want to --

24 MR. MILLER: Oh, okay.

25 THE CHAIR: -- stop you from talking

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 but I just want to say that, if you're
2 about to go into the specifics of your
3 case, it's probably not a good idea to do
4 that on the record. So if you'd like,
5 you can, you know, maybe discuss this
6 further with an investigator and see if
7 there's anything he can do for you.

8 MR. MILLER: Which would lead --
9 which would bring me to a possible
10 suggestion as far as appeal. If there
11 is, you feel, a reason that
12 my case is not being directed to
13 the right authority -- for example, CCRB
14 did not investigate my case
15 (indiscernible), then I -- if a civilian
16 does not wish to be called by the
17 sergeant of the anti-terrorism passports
18 unit, which I was two nights ago, which
19 is a very disturbing call and we had a
20 heated discussion, I would suggest that
21 possibly a review -- a process be
22 implemented where we can appeal such
23 decisions --

24 MS. THOMPSON: You can. The process
25 is very --

PUBLIC MEETING OF THE CCRB MAY 11, 2011

1 MR. MILLER: -- and my case could be
2 investigated. I appreciate your time.
3 Thank you very much.

4 THE CHAIR: Okay. Just for the
5 record, there is an appeals process so if
6 you want to get the specifics, we can get
7 someone who's going to fill you in on the
8 details. All right? Would someone speak
9 to him after the meeting?

10 All right? We're going to -- at
11 this point, we're going to take a five
12 minute break and go into Executive
13 Session. Thank you very much.

14 (Whereupon proceedings were concluded)

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

I, Zipporah Geralnik, 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:
May 19, 2011.

Zipporah Geralnik (CET**D-489)
AAERT Certified Electronic Transcriber

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3 CIVILIAN COMPLAINT REVIEW BOARD

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5 PUBLIC BOARD MEETING

6

7 JUNE 8, 2011

8 -----x

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10 851 Grand Concourse

Bronx, New York

11

June 8, 2011

12

10:11 a.m.

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16 DANIEL D. CHU, CHAIR

17 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

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23 Reported By: Reva Weiss

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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

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2 BOARD MEMBERS PRESENT WERE:

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4 TOSANO J. SIMONETTI

5 BISHOP MITCHELL G. TAYLOR

6 DAVID G. LISTON, ESQ

7 JULES A. MARTIN, ESQ

8 ALPHONZO A. GRANT, JR., ESQ

9 YOUNGIK YOON, ESQ

10 DR. MOHAMMAD KHALID

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14 Civilian Complaint Review Board

15 40 Rector Street

16 New York, New York 10006

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2 THE CHAIR: Let's call this
3 meeting to order.

4 First and foremost, I want to
5 welcome the class from Peace and
6 Diversity Academy. I understand it's
7 Mr. Cohen and Ms. Rodriguez's class.

8 I know you guys are interested
9 in moot court and mock trial, so
10 hopefully you will sit through the
11 meeting. If you have any questions at
12 the end, feel free to shoot them our
13 way. If there's anything you don't
14 understand about the process or
15 anything that peaks your interest,
16 please feel free to express yourselves
17 and let us know.

18 I also want --

19 COMMISSIONER MARTIN: Could they
20 stand and be recognized?

21 THE CHAIR: Could you all
22 stand up.

23 MR. COHEN: Thank you for your
24 kind welcome.

25 THE CHAIR: Thank you for

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2 coming out. I know it's like a tinder
3 box today. It really shows a lot of
4 dedication on your part.

5 Before we begin with the formal
6 business of the meeting, I want to
7 extend our gratitude to the Borough
8 President's office for letting us use
9 the facilities.

10 This is also part and parcel of
11 what we've been doing now in terms of
12 outreach. This completes now our
13 five-borough tour. This is the fifth
14 and final borough, and it's something
15 that we wanted to do in order to try
16 to be more inclusive of the so-called
17 outerlying boroughs.

18 Me being a Queens guy, born and
19 raised, that's important to me. Just
20 a little tidbit, I attended Bronx High
21 School of Science, so I used to take
22 the 4 train or the D train up, and the
23 Bronx definitely has a special place
24 in my heart as well.

25 As of the May meeting, we fell

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2 short of a quorum, so we didn't have a
3 chance to adopt the April minutes.

4 Do I hear any motion with
5 respect to the April meeting minutes?

6 COMMISSIONER SIMONETTI: So
7 moved.

8 THE CHAIR: Is there a
9 second?

10 COMMISSIONER MARTIN: Second.

11 THE CHAIR: All in favor
12 please say "aye."

13 (All say "aye.")

14 THE CHAIR: That is
15 unanimous.

16 With respect to the May meetings
17 r minutes, we, as you know, fell short
18 of a quorum due to the fact that we
19 had four vacancies at the time. As a
20 result, the minutes do not need to be
21 ratified or adopted, but they are
22 available online for the public to
23 peruse and review.

24 This segues nicely into the fact
25 that we welcome a new Board member

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2 today, and I want to thank City Hall
3 for their efforts and also the City
4 Council.

5 Mr. Alphonzo Grant, Jr. is
6 replacing Bill Kuntz, who was on the
7 board for approximately a quarter of a
8 century. As many of you now know, he
9 is in the process of being confirmed
10 to a Federal Judgeship in the Eastern
11 District.

12 As far as the progress on that,
13 my understanding is that it's now been
14 passed to a vote on the full Senate
15 floor, and we certainly hope and
16 expect that everything is going to be
17 smooth sailing.

18 So it goes to show that if you
19 attend the Board on a regular basis,
20 good things can happen!

21 Let me just tell you a little
22 bit about our newest member, Alphonzo
23 Grant. He I believe resides in
24 Brooklyn, went to undergraduate at the
25 State University of New York at Stony

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2 Brook, attended law school at Brooklyn

3 Law School, and subsequently worked

4 for The Honorable Edward R. Korman, of

5 the Eastern District, before going off

6 to private practice in Sullivan &

7 Cromwell. He then left Sullivan &

8 Cromwell and did a stint at the United

9 States Attorney's Office in the

10 Criminal Division and later returned

11 to Sullivan & Cromwell.

12 My understanding now is he just

13 started a new job at Morgan Stanley.

14 Is that right?

15 COMMISSIONER GRANT: Yes.

16 THE CHAIR: Again, I want

17 everyone to join me in welcoming him

18 to the Board.

19 (Applause)

20 THE CHAIR: So at this point

21 we are down three vacancies, and I'm

22 happy to report in my meetings with

23 the Police Commissioner, with members

24 of the City Council and City Hall, it

25 seems like they have undergone

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2 tremendous efforts to try to fill
3 those vacancies.

4 They realize that with such a
5 small margin of error it's very
6 difficult to get to a quorum. As you
7 saw this morning, we needed seven in
8 order to have a legally constituted
9 meeting, which is why we had to sit
10 and wait.

11 As many of you know, I testified
12 before the City Council in May. We
13 testified before the Finance as well
14 as the Public Safety Committees, and
15 the purpose, the main thrust and
16 purpose of that meeting was to try to
17 get some restoration of very crucial
18 funding that we lost over the course
19 of the last three years, really in
20 general, but more specifically in the
21 last round. We continued to lose
22 money in funding, and that resulted in
23 a loss of at least seven investigator
24 positions.

25 I am happy to report that we

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2 were very well received. I think that
3 the Council members were well aware of
4 the financial constraints and the
5 ramifications that it has on such a
6 small agency such as yourselves.

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In particular, Dominick Recchia
of the Finance Committee, and Peter
Vallone, Jr. of Public Safety
recognized we are at this point trying
to do more with much less, and
specifically we were asking for the
restoration of our newest unit, which
is the Administrative Prosecution
Unit.

We asked for \$224,345, and we
also asked for restoration of \$294,000
to try to restore the seven
investigator positions that were lost
in the most recent budget cuts. So
the total that we asked for was
\$518,345.

As a result of the meeting
before the Council, we are looking forward
to meeting with Councilmember Recchia

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2 and following up to see what can be
3 done in terms of restoring that very
4 crucial funding.

5 I'm also happy to report that we
6 had our first lead prosecution trial
7 for the Administrative Prosecution
8 Unit. For those that don't know, what
9 happens is we investigate cases of
10 alleged police misconduct. Once these
11 cases are completed in terms of the
12 investigation, the substantiated cases
13 go over to the Police Department. If
14 a plea is not worked out, they
15 ultimately go to trial in the Police
16 Department's trial room. They're
17 generally tried by the Department's
18 Advocate's Office, which represents
19 the complainants in those cases.

20 What happened, I believe it was
21 May 24th for the first time, was
22 something that was very significant
23 and historical in a sense that the
24 CCRB as an independent agency was able
25 to have one of our attorneys go into

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2 One Police Plaza into the police trial
3 room and take the lead in terms of
4 trying the case.

5 Is Laura here today?

6 (Pause.)

7 THE CHAIR: Our lead
8 prosecutor is Laura Edidin. I was
9 hoping she was here and can tell you a
10 little bit more about that.

11 If you have any questions feel
12 free to ask at the end of the meeting.

13 We also had a meeting with
14 Police Commissioner Ray Kelly, and I'm
15 happy to report that that went very
16 well in terms of the future commitment
17 that both agencies are making to
18 ensuring that there is good relations
19 with the police and the citizens of
20 New York and also that the citizens
21 can have increased confidence in the
22 disciplinary matters that face the
23 NYPD in terms of any allegations of
24 police misconduct. So that was a very
25 productive meeting and certainly the

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2 first of many to come.

3 At this point I'm going to turn
4 to Executive Director Joan Thompson,
5 and she's going to provide the report
6 from the Executive Director.

7 MS. THOMPSON: Good morning.

8 In May of 2011, the CCRB
9 received 581 complaints, or seven
10 fewer complaints than it received in
11 May of 2010, when the agency received
12 588 complaints. This represents a one
13 percent decrease in complaint
14 activity.

15 In the first five months of the
16 year, the CCRB has received 2,580,
17 complaints or 124 fewer complaints
18 than it received for the same period
19 in 2010, when the agency received
20 2,704. This represents a 5 percent
21 decrease in complaint activity.

22 Total intake, which is the sum
23 of CCRB cases and referrals to other
24 jurisdictions, decreased year-to-date
25 by four percent, from 7,575 in 2010 to

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2 6,776 in 2011.

3 In May of 2001, the Board closed

4 380 cases. 88 cases were full

5 investigations. 170 were closed as

6 truncated. Eighteen mediations and

7 104 mediations attempted. The

8 year-to-date substantiation rate is 7

9 percent, which is 4 points lower than

10 in 2010. The truncation rate is 61

11 percent, which is one point higher

12 than it was in 2010.

13 With the Board closing this

14 month 139 fewer cases than it

15 received, the agency's open docket

16 shows a 5 percent increase in relation

17 to the previous month's open docket.

18 The docket stands as 2,695 cases.

19 About 97 percent of our open

20 investigations were filed within the

21 last year, and 71 percent were filed

22 in the last four months. Of the open

23 cases, 948 cases are awaiting panel

24 review, or approximately 35 percent of

25 all open cases. 1,599 case are being

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2 currently investigated, and 148 cases
3 are in the remediation program.

4 By the date of occurrence of the
5 incident, 12 cases of the CCRB's open
6 docket are 18 months and over, five
7 case are on DA holds, six cases are
8 pending Board review, and one case was
9 filed 577 days after the date of the
10 incident.

11 In April of 2011, the Police
12 Department disposed of 25 cases. The
13 Department disciplined 19 officers,
14 who received command discipline and
15 instructions. In four cases the
16 Department declined to prosecute the
17 CCRB cases. In two of the cases, the
18 officer was found not guilty after the
19 trial. And the year-to-date
20 discipline rate stands at 78 percent.
21 The Department declined to prosecute
22 rate is now 19 percent.

23 THE CHAIR: Thank you.

24 Are there any Committee reports?

25 COMMISSIONER TAYLOR: The

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2 Outreach Committee is excited about
3 the CCRB Ambassador's program, which
4 is made up of young people that are in
5 high school that will receive
6 leadership training, go out into the
7 community and train other young
8 people, and we're starting July 1.

9 It's real important, because
10 most kids in the inner city don't get
11 a chance to have a credible internship
12 with a City agency, so this will give
13 them that opportunity, and Dawn, who
14 is our great leader in this effort has
15 worked tirelessly to put together a
16 great package of programs and training
17 modules for the children and -- young
18 people, rather, and this will be a
19 pilot that we plan to roll out
20 citywide and embed in college access
21 programs in the five boroughs.

22 THE CHAIR: Thank you very.

23 MS. THOMPSON: We have the final
24 draft of the annual report. It is on
25 my desk, and once we look at it for

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2 the very last time, it's getting ready
3 to roll. So we will send it back to
4 the printer probably later today or
5 tomorrow and we should have it
6 within --

7 MS SACHS: It's back already.

8 MS. THOMPSON: Oh, okay. We
9 should get it when? About two weeks.

10 MS SACHS: Sooner than that.

11 MS. THOMPSON: By the next Board
12 meeting the annual report will have
13 been issued.

14 THE CHAIR: Any other
15 committee reports?

16 (Pause.)

17 THE CHAIR: If not, I will
18 talk about the technology that we
19 recently instituted, and I just wanted
20 to reach out to the Board members and
21 see if anyone has had any difficulties
22 using the new electronic voting or the
23 downloadable case files or action
24 materials? What's the overall
25 experience.

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2 Tony, do you want to start us
3 off?

4 COMMISSIONER SIMONETTI: Well,
5 it certainly facilitates matters by
6 getting the cases electronically and
7 being able to vote them out.

8 The process of having 125 voting
9 sheets and having to go through each
10 voting sheet and marking it, that's
11 certainly, in addition to all the
12 waste of paper, it just took a lot of
13 time, so the new system is good.

14 I have one particular problem.
15 I don't know if it's me or my computer
16 or what, but when I go to download the
17 cases, they go to a file called
18 WinZip. Has anybody experienced that?
19 Has anybody else tried downloading the
20 cases?

21 COMMISSIONER TAYLOR: Yes.

22 COMMISSIONER SIMONETTI: It goes
23 to WinZip. The first day if I go to
24 Winzip, sure, I get my hundred cases
25 and if I do them that day, no problem.

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2 I can't do 100 in a day so I have to
3 let them reside there, and when I go
4 back to open it, they're gone.

5 Has anybody experienced that?

6 COMMISSIONER KHALID: Well, I
7 experienced something else.

8 The 4C was okay, but 5C took me
9 two-and-a-half hours continually
10 looking, so I don't know what --

11 COMMISSIONER SIMONETTI: I'm
12 having trouble with 5C also. I
13 download it but I can't open it twice.
14 Plus, the file disappearance. I don't
15 know where it goes, and I'm pretty
16 computer literate, and I search all
17 over for it. I just can't seem to
18 find it.

19 I will have to talk to the IT
20 team about it.

21 COMMISSIONER KHALID: When I
22 spoke to Tony about sharing the
23 folders, that's when I was able to get
24 back onto the track, but I couldn't
25 get back to the sheet. I don't know

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2 if it was not available or the

3 computer was not --

4 THE CHAIR: I had a similar

5 problem logging on, to get the voting

6 sheets. I did them manually by

7 calling Denise and having her log on.

8 With respect to downloading, if

9 it's a problem that a number of us

10 have encountered, maybe next time we

11 will have Uri available to show us,

12 because I think if you open up and

13 expand the folders, they will download

14 in the folders. It's not just 125 or

15 175 cases spread all over --

16 COMMISSIONER SIMONETTI: You can

17 do it a team at a time if you wanted.

18 You decide how you want to do it by

19 clicking on. If you click on Team 1,

20 you are only going to download Team 1.

21 Obviously I clicked Team 1 to 5 and

22 get the whole download. But not to

23 reside in that file too long. In a

24 day or two it's gone.

25 COMMISSIONER KHALID: Also, it

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2 was showing that the password is six
3 days left or seven days left. I don't
4 know if anybody saw that.

5 COMMISSIONER TAYLOR: Yes.

6 COMMISSIONER SIMONETTI:

7 Increase it by one. You can't go
8 wrong by increasing the number by one.

9 THE CHAIR: Tony, did you
10 also have something else you wanted to
11 bring up?

12 COMMISSIONER SIMONETTI: Yes.

13 Recently in the Wall Street Journal
14 there was a little blurb that perked
15 my interest. It talked about the
16 State Commission on Judicial Conduct.
17 It had a short blurb. It talked about
18 they processed 2,025 complaints in
19 2010 and that they conducted 439
20 initial inquiries and 225 full
21 investigations.

22 That led me to do a Google
23 search, and I got an executive summary
24 report on those findings, and the
25 reason I found it interesting -- a

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2 couple of reasons. First of all,
3 there are 3500 judges in New York
4 State. This includes most judges. It
5 doesn't include hearing officers. In
6 2010 there were 2,025 complaints with
7 3500 judges.

8 If one does the arithmetic and
9 look at the number of cops, it's
10 approximately tenfold. There's about
11 35,000 cops, give or take a thousand,
12 and we get between 6 and 7,000
13 complaints a year.

14 So if you look at the raw
15 numbers, they're distorted. The
16 judiciary seems to get a lot more
17 complaints, as does police. But
18 there's probably reasons for that. I
19 didn't go into looking at it. It
20 would probably be a good academic
21 study for someone to take a look at
22 and try to figure it out.

23 What was interesting, out of the
24 2,025 complaints -- by the way, staff
25 gets them and they look them over and

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2 they say this one doesn't look -- it
3 looks like it's not going to go
4 anywhere, so they put it in this file.
5 This one may go somewhere, so they put
6 it in this file.

7

 What they did was, of those
8 2,025 complaints, they -- there were
9 439 that they called preliminary
10 review. What they said on first blush
11 it looks like there may be something
12 to this complaint, so they kind of
13 hold them aside. Of those 439, 225 go
14 to full investigation.

15

 Now, for the purpose of the
16 class that's here, this has been an
17 issue with the Civilian Complaint
18 Review Board, this whole issue of
19 truncated cases. By "truncated
20 cases," we mean those cases that do
21 not go to full investigation, and
22 there's a lot of reasons why cases
23 don't go to CCRB.

24

 I can't speak to the Commission
25 on Judicial Conduct, but to the CCRB,

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2 by and large, the vast majority

3 of the cases that get truncated is

4 because the two primary reasons are

5 the complainant is uncooperative or

6 the witnesses are uncooperative. And

7 now someone said that with the advent

8 of 311, in other words, you get

9 stopped by a police officer, you get a

10 summons, you have your cell phone, 311

11 is readily available -- by the way,

12 this is not the official position of

13 the Civilian Complaint Review Board,

14 but to try to make some sense out of

15 this, why people don't want to

16 cooperate after initially giving us

17 the complaint, you know, people --

18 anybody here get a summons, anybody

19 ever get a summons, get stopped? You

20 weren't feeling too good about it,

21 were you?

22 MR. COHEN: No.

23 COMMISSIONER SIMONETTI: You

24 probably said to yourself I really

25 didn't do that, or it was the close

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2 call and the cop didn't give me the
3 benefit of the doubt. So with 311
4 and the cell phone boom, boom, boom,
5 boom, boom, boom.

6 By the way, 311 received
7 approximately 12,000 calls that
8 related to what they say may be police
9 misconduct. They do not log them in,
10 by the way. If you call about a
11 pothole in your street, you're going
12 to get a number and then they give it
13 to the Department of Highway or
14 Transportation, whoever is responsible
15 for that, and that's a way tracking
16 it. They do not do it with police
17 complaints. They shift them over to
18 CCRB, and then we see if they fall
19 within our purview and then we make
20 out a civilian complaint.

21 We are on the side of caution.
22 If it looks like it's close, we make
23 out a complaint.

24 Having said that, that's why a
25 lot of complaints go truncated,

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2 because people initially are annoyed,
3 call, make the complaint and then they
4 don't want to do any follow-up with
5 it, whether it be the complainant or
6 the witnesses. That's primarily the reasons.
7 There's some case where they withdraw
8 the complaint, but the truncation rate
9 has been going up a little bit.

10 I looked at this report by the
11 New York State Commission on Judicial
12 Conduct, and I see that they do 225
13 investigations out of a possible 2,025
14 cases, I say gee, we're doing pretty
15 good. When one looks at the
16 percentages, it's not even close.
17 We're doing relatively well. That
18 represents about 10 percent of the
19 cases and we -- our truncation rate
20 you just said was 60 percent?

21 MS. THOMPSON: That's about
22 right.

23 COMMISSIONER SIMONETTI: Their
24 truncation rate is about 90 percent.
25 So just another bit of information.

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2 You know, we've been looking around to
3 look at other agencies and see how
4 they adjudicate cases. We look at the
5 Taxi and Limousine Commission. I
6 think we did -- Meera, when you did
7 that exchange program as the first
8 Deputy Commissioner, did you do
9 it with --

10 MS. THOMPSON: Human Rights.

11 COMMISSIONER SIMONETTI: Then we
12 looked at Human Rights and see how
13 they handled those.

14 It may seem a lot of our cases
15 we don't look at. We do look at them,
16 but for certain reasons beyond our
17 control we can't investigate them
18 because the person or witnesses don't
19 want to come forward and give us any
20 additional information. Just another
21 bit of information.

22 THE CHAIR: That's an
23 excellent point.

24 I would also say that, you know,
25 in this particular time period where

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2 financial resources of the agency are
3 at a premium, we especially don't have
4 the means of following up with people
5 who don't follow through on making the
6 complaints, so, you know, I thank you
7 for that tidbit and I thank think that
8 your analysis is pretty much on point.

9 Are there any other committee
10 reports?

11 (Pause.)

12 COMMISSIONER SIMONETTI: Laura
13 just came in and you mentioned before
14 about a very successful prosecution
15 over at the trial room.

16 I don't know if it's successful,
17 but our first prosecution, and the
18 Chair had asked if you were here.

19 THE CHAIR: Laura, we talked
20 about it. You just came in. We don't
21 mean to put you on the spot, so why
22 don't we do this. For the benefit of
23 the people, the students who are here,
24 why don't we go around and introduce
25 ourselves as Board members and talk

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2 about our backgrounds. In the interim
3 you can compose yourself and wipe the
4 sweat off your brow and then give us a
5 summary of how things when in your
6 estimation.

7 Dr. Khalid, why don't you start
8 us off.

9 COMMISSIONER KHALID: I
10 practiced dentistry in Staten Island
11 for the last 33 years. I'm on the
12 Board for the last six years. I serve
13 on different agencies in the State
14 agencies on the health of the State of
15 New York, and I'm also president of
16 some civic associations, various civic
17 associations and various boards in
18 Staten Island and the City.

19 MR. YOON: My name is Youngik
20 Yoon. I'm an attorney, practicing
21 about 17 years, and I am a
22 Commissioner from the Bronx.

23 COMMISSIONER GRANT: My name is
24 Alphonzo Grant. I want to apologize
25 being a little bit late. Something

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2 about being a Brooklyn guy coming to
3 the Bronx. It just never works out
4 well. I'm sorry to keep you guys
5 waiting.

6 I think Dan did a great job on
7 my bio. I've been practicing law for
8 a number of years and doing primarily
9 white-collar criminal defense work.

10 That's pretty much it.

11 COMMISSIONER MARTIN: My name is
12 Jules Martin. I'm currently the Vice
13 President of Global Security at New
14 York University. I spent about 30
15 years in the Police Department. I am
16 an attorney. I've been licensed to
17 practice for about 30 years, so 30 is
18 my number.

19 I really am impressed with the
20 fact that the students are here this
21 morning, interested in CCRB. I
22 remember when I was in law school, and
23 moot court, it was a fun experience.
24 So as the Chair said, anything we can
25 do, any questions we can answer,

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2 please don't hesitate to ask.

3 THE CHAIR: Hello, again. My
4 name is Daniel Chu. As I indicated,
5 I'm born and raised in Queens, but
6 when to school in the Bronx. I went
7 to St. John's Law School locally,
8 about a mile from where I grew up.

9 Subsequent to my graduation I was an
10 Assistant District Attorney in Queens
11 County. Upon leaving there, I did
12 some private work at a firm downtown,
13 and at this point in my career, I have
14 a private practice and I've been in
15 practice for just under eight years.

16 I am a Mayoral appointment, and
17 I was recently elevated to the Chair
18 back in March of this year.

19 Again, I welcome all of you here.
20 As you can see from the Board, you
21 folks are from the Peace and Diversity
22 school. We are also into peace and
23 diversity on the Board.

24 With that, I'm going to hand it
25 over now to Bishop Mitchell Taylor.

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2 COMMISSIONER TAYLOR: You are
3 going to skip Joan?

4 MS. THOMPSON: He will pay
5 dearly for this.

6 I'm not a Board member, but I'm
7 Joan Thompson. I'm Executive Director
8 of the CCRB. I've been the Executive
9 Director for three years. Prior to
10 that I've been Assistant Commissioner
11 in the Department of Transportation,
12 Assistant Commissioner in the New York
13 City Police Department and was
14 Director of Housing at the City
15 Commission on Human Rights for many
16 years and -- more years than I care to
17 remember. So I've been here for, as I
18 said, the past three years.

19 So, again, welcome.

20 COMMISSIONER TAYLOR: I'm Bishop
21 Mitchell Taylor, Board member. I run
22 a nonprofit in Long Island City that
23 works with residents that live in
24 public housing, basically to give
25 residents of public housing the tools

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2 and resources of economic stability
3 and self-sufficiency, and we do that
4 in a few different ways, through
5 employment services and direct
6 placement, one-on-one financial
7 counseling, college access for youth,
8 community revitalization. We just
9 opened up a financial cooperative,
10 celebrated our first anniversary in
11 April, over 600 members, a half
12 million dollars in assets already.

13

14 The idea is to empower
15 low-income communities, and once folks
16 get jobs and they're financially
17 secure, there has to be a place to
18 capitalize ideas and entrepreneurs,
19 and we thought rather than depending
20 on commercial banks for us, we would
21 create our own bank and do it for
22 ourselves. It's a model that we're
23 rolling out for replication around the
24 City and around the country as well.

24

25 I'm also Pastor of the Center of
Hope International of Long Island

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2 City, Queens.

3 COMMISSIONER SIMONETTI: Hi.

4 I'm Tosano Simonetti, obviously the
5 oldest member of the Board. I've been
6 on the Board for 15 years. I'm the
7 longest serving member of the Board
8 also.

9 My professional career, I was in
10 the New York City Police Department
11 for 42-and-a-half years. I went from
12 police officer and I wound up as the
13 Police Commissioner. I actually
14 retired as the First Deputy
15 Commissioner but the last several
16 months I was the Acting Police
17 Commissioner.

18 I've been in private industry
19 for the last 15 years and pleased to
20 serve as a Vice President of a very
21 major corporation.

22 On a personal note, as I look
23 out amongst the faces of the young
24 people here, it reminds me somewhat of
25 my teen years. My parents -- on a

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2 personal note, I got to tell you this
3 because I think it's important. I'm
4 one of ten children. My parents never
5 spoke English, no formal education,
6 they had no formal education. So
7 going to school I got very little
8 assistance at home either from my
9 siblings or my parents and it was kind
10 of a struggle. I think some of you
11 may be able to relate to that, that
12 it's pretty difficult when you don't
13 get any help.

14 I have seven grandchildren by
15 the way, who I help all the time. I
16 try to pitch in as much as I can.

17 I never had that luxury as a
18 teenager going to high school or when
19 I went on to college.

20 But the point is I went to City
21 universities. It didn't cost me one
22 nickel to go to school. The thing is
23 you can do it, it just takes a little
24 persistence and a lot of hard work.
25 So you got to do it. Because in this

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2 day and age if you don't do it, you
3 know it's difficult.

4 If you look at the Wall Street
5 Journal, you are going to get scared.

6 If you read those headlines -- this
7 morning's headline was that it looks
8 like the economy is going into a big
9 deep black hole. Bernake spoke
10 yesterday, the Federal Chairman, and
11 he didn't have encouraging news. You
12 have to get the edge up, and the edge
13 up is you got to get a college
14 education. That's the bare minimum.

15 You listen to all these people
16 on the Board, M.D. degree, doctor,
17 dental surgeon. Everybody here, an
18 attorney. By the way, I'm not an
19 attorney. I do have a couple of
20 Master's degrees, if it's worth
21 anything. But the point is you can do
22 it, in spite of where you come from
23 and your family needs and your
24 socioeconomic needs as you are trying
25 to grow up. You can do it.

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2 That's just something personal I
3 want to relate. Most of the people on
4 the Board never heard this story
5 before. But you can do it.

6 COMMISSIONER GRANT: Dan, can I
7 add one point? Only because I didn't
8 realize the name of your school, the
9 Peace and Diversity Academy.

10 For five of the last seven years
11 I was -- I also had a effort in our
12 law firm and was instrumental in
13 developing the association with your
14 school, so Peace and Diversity is
15 something near and dear to my heart,
16 and an overture to you as the teacher
17 of the group, I would love to learn
18 more about your school and if there's
19 any way I can help outside this
20 capacity.

21 MR. COHEN: I don't want her to
22 be left out. She's back here too.
23 Ms. Hernandez is also involved
24 representing --

25 COMMISSIONER GRANT: Hi, Ms. Hernandez.

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2 MR. COHEN: Thank you. We will
3 be around.

4 THE CHAIR: Should we go back
5 to Laura now?

6 MS. EDIDIN: Would it help if I
7 talk about the program? My apologies
8 for being late. I think it's a
9 Brooklyn thing.

10 My name is Laura Edidin. I'm a
11 lawyer. I'm a former Federal
12 prosecutor from Brooklyn. I was also the
13 Director of the Gay and Lesbian
14 Anti-Violence Project.

15 I'm running a pilot program at
16 the CCRB, so this is a brand new
17 program. Traditionally our job as an
18 agency was to investigate complaints
19 about police misconduct, and if we
20 substantiated a complaint, we found
21 that there was something there, then
22 we would send it over to the Police
23 Department and it would be their job
24 to discipline the officers. So they
25 had lawyers who would be the

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2 prosecutors. They had judges there
3 who were appointed by the Police
4 Commissioner to hear those cases, and
5 then the officers are allowed to bring
6 their own lawyers with them.

7

8 So this pilot program shifts
9 things in a significant way. For the
10 very first time the CCRB is allowed to
11 be the prosecutor in the courtroom.

12

13 I'm the lawyer. Roger Smith also is
14 able to go into the courtroom and
15 prosecute these cases and ask that the
16 officers be disciplined.

17

18 The way in which that is
19 significant is that we're the ones who
20 are closest to the investigation, so
21 we understand the way the
22 investigation works, the kind of
23 things investigators look for. We get
24 to see trends and patterns in cases.
25 We have kind of the big picture of you
and we can bring all that information
to our work as prosecutors. We are
also getting a lot from what we're

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2 learning in the courtroom there.

3 Things we wouldn't have been able to

4 learn before this program was running.

5 We learn the kind of things that

6 are important to the judges. What

7 kind of things they're looking for.

8 We learn what gets in the way of

9 victims coming forward and testifying,

10 because traditionally it's been a

11 struggle to get victims to follow

12 through all the way from the initial

13 complaint to the trial, which could be

14 several years later, and we are

15 uniquely situated as an agency to

16 support victims all the way through

17 that process so that they do feel that

18 they can come and testify safely and

19 that their voice will be heard.

20 The great thing about this

21 program is a bridge between the work

22 we do as an investigative agency and

23 the work of the Department Advocate's

24 Office. That's the unit at the Police

25 Department that prosecutes these

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2 cases. And there's a lot of
3 information going back and forth that
4 hopefully will enrich our agency and
5 strengthen our prosecutions at the
6 Department.

7 A little bit about the trial I
8 just did. Unlike a traditional trial
9 where the judge -- there's no jury in
10 these cases, it's just a judge. In
11 this case the judge only makes a
12 recommendation, and that gets handed
13 up to the Police Commissioner. The
14 Police Commissioner is the final word
15 on whether an officer is disciplined.
16 So we don't know yet how the judge is
17 going to rule in the case I just
18 tried.

19 Even after that decision has
20 been made, we still have to wait for
21 the Police Commissioner to either
22 approve the judge's recommendation, he
23 can decide to discipline the officer
24 more severely or he can decide to
25 impose a less severe penalty. It will

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2 be a little while before we know the
3 answer to that. In the meantime, we
4 learned a lot.

5 I'm happy to take questions
6 about the program, about myself, if
7 there are any.

8 THE CHAIR: Laura, I just
9 want to say that -- you hit upon it --
10 one of the major things we walk away
11 from is better understanding in terms
12 of how the cases are tried and
13 prepared.

14 I think I would be remiss if I
15 didn't point out that Roger Smith in
16 the back here has been involved in the
17 prototype program, the Second Seat
18 Program, and has been instrumental in
19 what's led the way to the APU and is
20 also instrumental in trying cases and
21 Second Seating cases in the trial
22 room, so that you for that.

23 MR. COHEN: If I may ask a
24 question.

25 In the cases that you're talking

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2 about where the judge only makes a
3 recommendation, the recommendation is
4 based upon, I'm assuming here a guilty
5 verdict. So, in other words, you
6 brought enough evidence and a
7 recommendation would be based on this
8 person was found to be guilty.

9 MS. EDIDIN: Actually, the
10 recommendation can be either way.
11 There are different levels of proof
12 that are required in the legal
13 process.

14 The level of proof required at a
15 disciplinary trial is called the
16 preponderance of the evidence, which
17 is a pretty low standard. It means
18 more likely than not. 51 percent.

19 Let's say the judge says you
20 know what, I don't think it's more
21 likely than not that the officer
22 committed misconduct here and I'm
23 recommending no punishment, the Police
24 Commissioner can overturn that. He
25 can read the trial transcript and say

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2 there was misconduct here and I will
3 impose discipline.

4 MR. COHEN: In the case of where
5 there's 51 percent proven, is there
6 ever a time when the Commissioner
7 disagrees with more than 51 percent
8 proof and says there will be no
9 punishment.

10 MS. EDIDIN: I think it happens
11 occasionally. That's a pretty rare
12 occurrence.

13 MR. COHEN: If I can ask one
14 more, because I take up a lot of time,
15 I talk too much.

16 In those cases, is there a check
17 or balance on the Commissioner? If
18 someone disagrees with the
19 Commissioner's final decision or
20 ruling of either case, punishment or
21 no punishment, discipline or no
22 discipline, can the Commissioner then
23 be checked by another level?

24 MS. EDIDIN: No. He's the final
25 say.

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2 COMMISSIONER SIMONETTI: He's
3 the final arbiter for discipline in
4 the Police Department, but that
5 doesn't preclude someone from taking
6 an Article 78 in Supreme Court. You
7 may not be successful. He's the final
8 arbiter and the courts have held that
9 over the years.

10 MR. COHEN: Thank you.

11 MS. EDIDIN: That's State law.
12 The way the law is written, he's the
13 one that makes the final decision.

14 MR. COHEN: Thanks.

15 MS. EDIDIN: Any other
16 questions?

17 (Pause.)

18 THE CHAIR: Is there any old
19 business?

20 (Pause.)

21 THE CHAIR: Any new business?

22 (Pause.)

23 THE CHAIR: Chris Dunn is not
24 here today. He sends his regards.

25 One final order of business I

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2 guess is that we're still in the
3 process of setting up a meeting with
4 Speaker Quinn, so that's still in the
5 works.

6 Is there anything else that the
7 class wants to know, talk about or --
8 I could tell you moot court and mock
9 trials, those are two things when I
10 was probably your age, which doesn't
11 seem that long ago, but apparently it
12 is, I remember going to law school and
13 looking at the requirements and
14 thinking to myself, man, one of the
15 graduation requirements is to do a
16 mock trial, and that was causing me
17 sleepless nights when I first
18 enrolled, but by the time, at the end
19 of the three years, I was trying about
20 ten cases a year as a prosecutor.

21 Whatever kind of apprehension
22 and fears you guys may have, you are
23 going to work through it, it's just
24 going to happen for you, you got to
25 plug away and keep doing what you're

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2 doing.

3 I think it's a great first step
4 coming here and being involved and
5 being informed, learning what's going
6 on, knowing what to do in any kind of
7 circumstance. I really applaud all of
8 you for the steps you have already
9 taken.

10 A VOICE: This is not related to
11 my case.

12 THE CHAIR: Sure.

13 A VOICE: They usually say that
14 the Police Commissioner is -- he
15 serves at the pleasure of the Mayor,
16 Mayor Bloomberg. They usually say
17 that, that the Police Commissioner
18 serves at the pleasure of the Mayor.

19 THE CHAIR: Yes. That's
20 correct. As do all the Commissioners.

21 A VOICE: I have two quick
22 questions. First one is what kind of
23 efforts is the CCRB doing in terms of
24 the community? I find that a lot of
25 people are afraid to report any kind

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2 of action because of immigration
3 status. I'm asking is CCRB going to
4 do some kind of outreach to allay
5 those fears within the immigrant
6 community?

7

8 Second one, you were talking
9 earlier about cases become truncated
10 and the different reasons they are
11 truncated. I take it some people
12 can't, as a matter of time, having to
13 go to CCRB, following a complaint and
14 being interviewed. Does CCRB have a
15 website where somebody can file a
16 complaint online?

16

COMMISSIONER SIMONETTI: Yes.

17

18 THE CHAIR: Can you identify
19 yourself first.

19

20 MR. ASENCIO: Oscar Asencio, and
21 I'm with the New York City Commission
22 on Human Rights.

22

23 THE CHAIR: Thank you for
24 your question.

24

25 The short answer for your second
question is yes, we do have a website.

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2 You can file a complaint either by
3 calling 311, as we spoke about during
4 the meeting earlier, you can go on the
5 website, you can go to a precinct,
6 although I would advise against going
7 to the same precinct that you want to
8 file a complaint against. It may not
9 work out the best. And you can also
10 go down to our offices on 40 Rector
11 Street on the second floor. So that's
12 the answer to the second question.

13 In terms of outreach, that is
14 something that we're doing, and,
15 again, I think that Dawn Fuentes is in
16 charge of that.

17 MS. FUENTES: We are doing quite
18 a bit of outreach in the immigrant
19 communities. Actually, we have done a
20 lot of outreach in East Harlem,
21 actually in the Bronx, in Brooklyn,
22 and this summer in Queens there's
23 quite a built of outreach we're doing
24 with the YMCAs in Queens, their youth
25 programs, there's quite a bit of

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2 immigrant population there. I think I
3 have scheduled about five or six of
4 them that is strictly targeted towards
5 immigrant youth in Queens this summer.

6 If you look at our community
7 outreach report that's in there, and I
8 would be happy to speak with you more
9 about it, we definitely do do

10 community outreach with the Spanish
11 population. We also have Spanish
12 materials and we bring Spanish
13 translators if we need to. That's
14 something the City recommends.

15 In fact, tomorrow we are doing
16 in Spanish a community outreach in
17 East Harlem at P.S. 91 and 134.
18 Please feel free to come and talk to
19 me afterwards. I will give you my
20 card.

21 We would be happy to do a
22 community outreach presentation if you
23 know of organizations that you would
24 like us to go.

25 MR. ASECIO: The demographics

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2 in the Bronx is changing a lot. The
3 West African population is increasing,
4 the Bangladesh community. What
5 language resources do you have for
6 these groups?

7 MS. FUENTES: As I said before,
8 The City of New York is very much
9 involved in making sure that we have
10 translators for every language and
11 that we also develop materials that we
12 can use to hand out to the
13 populations.

14 One of our folks here, Marcos
15 Soler, is actually one of the
16 leaders to make sure that when we need
17 a translator, no matter what language,
18 we are able to access that from the
19 City, and that person would be able to
20 come out with us when we do community
21 outreach. And if we do need to get
22 materials in different languages, we
23 can also look into that.

24 Right now we have it in Spanish,
25 we have it in Mandarin, we have it in

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2 Cantonese.

3 You are right about West African

4 populations. When we were in Staten

5 Island, we worked with the Commission

6 on Human Rights and they're very

7 heavily involved in that population,

8 so I've been working with them and

9 getting materials. Kind of an expert

10 in this is Mr. Olayli, he is an expert

11 in that demographic population.

12 MR. ASECIO: Thank you.

13 MS. FUENTES: You're welcome.

14 MS. THOMPSON: Also, if an

15 immigrant were to come to the CCRB, we

16 would not look into their status. That's

17 not what we're here to do. We don't

18 know technically that person is an immigrant.

19 There's no box they check that says

20 "I'm an immigrant." They have a

21 complaint, we take the complaint. We

22 look at it for face value. It's not

23 for us to look into somebody's

24 background.

25 THE CHAIR: Again, the other

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2 thing is the CCRB is an independent
3 agency, so while it can be
4 intimidating to walk in to a precinct
5 or One Police Plaza to make a
6 complaint, that's part of the reason
7 we're independent, you come to us and
8 it hopefully reduces some of the
9 intimidation factor that's involved.

10 MS. THOMPSON: I would like to
11 tell everybody that Oscar asked so
12 many intelligent questions because
13 Oscar worked with me for many years.

14 MR. ASENCIO: You were my boss.

15 COMMISSIONER SIMONETTI: You
16 trained him well.

17 MS. THOMPSON: I trained him
18 well.

19 Marco said approximately 10
20 percent of all of our complaints that
21 are active right now have had some
22 kind of translation, so you should be
23 aware of that.

24 THE CHAIR: Also, it goes to
25 kind of the diversity of our staff.

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2 If you look at our investigators, we
3 really do have a very broad
4 cross-section in terms of the outreach
5 programs. We have many people that
6 are bilingual, and despite their
7 pretty onerous workloads they manage
8 to find the time to go out there along
9 with Dawn to reach different
10 communities. And that would be a lot
11 easier if we had more adequate funding
12 in terms of doing their day job, but
13 that is something we strive to do.

14 MS. THOMPSON: We have
15 investigators that speak Creole,
16 French, Spanish, Mandarin, Cantonese,
17 Korean, Russian, Urdu. I'm just
18 saying that's the whole -- we have a
19 huge range of people on staff that
20 speak various languages. Plus, we are
21 still able to get translators when
22 necessary.

23 THE CHAIR: Is there anything
24 else?

25 (Pause.)

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2 THE CHAIR: Going once, going
3 twice.

4 We are going to take a brief
5 recess and break into executive
6 session.

7 Thank you all coming.

8 MS. THOMPSON: If you have
9 questions, let's do it now before we
10 go into Executive Session.

11 (Time noted: 10:55 a.m.)

12

13 I do hereby certify that the
14 foregoing is a true and accurate
15 transcript of the proceedings.

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REVA WEISS

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

July 13, 2011
10:12 a.m.
40 Rector Street
2nd Floor
New York, New York 10006

DANIEL D. CHU, 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: Erwin Fried

1

2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 BISHOP MITCHELL G. TAYLOR

6 YOUNGIK YOON, ESQ.

7 JULES A. MARTIN, ESQ.

8 MARY E. MULLIGAN, ESQ.

9 TOSANO SIMONETTI

10 DAVID G. LISTON, ESQ.

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PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 THE CHAIR: I would like to start by
2 calling this meeting to order. Good
3 morning, everyone. Let's start with the
4 adoption of the minutes. Do I have a
5 motion on the minutes for the June
6 meeting?

7 DR. KHALID: So moved.

8 THE CHAIR: Is there a second?

9 MR. SIMONETTI: Second.

10 BISHOP TAYLOR: Second.

11 THE CHAIR: Okay. All those in
12 favor of adopting the June minutes?

13 IN UNISON: Aye.

14 THE CHAIR: Any opposition? Any
15 abstentions? Looks like it's unanimous.
16 I am sorry to say that despite getting a
17 very warm reception during the budget
18 testimony at City Council, when the final
19 numbers came out, we didn't get any
20 restoration, at this point, of any of the
21 funding.

22 So, obviously, what that throws into
23 jeopardy is the future of the APU,
24 administrative prosecution unit, the APU.
25 It's unfortunate. We're going to do

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 everything we can in terms of trying to
2 keep that program going. As you know,
3 that's a program that was announced in
4 February of 2010. Our attorney here,
5 Laura Edidin, had her first solo trial at
6 the end of May and I believe that
7 decision is still reserved.

8 So certainly, we'd like to see that
9 program get a chance to really flourish
10 and to continue but, as it stands now,
11 the funding for that program, I think,
12 goes up to December 31st of 2011. So,
13 again, it's something that we're -- we
14 were hoping that -- you know, we would have
15 restoration. We never quite got up to
16 the anticipated four hires for the unit.

17 The initial anticipation was we
18 would have one lead attorney, a second
19 attorney, an investigator and a clerical.
20 And I believe at this point, we have one
21 lawyer and we have one investigator.
22 They've been tremendous -- they've taken
23 tremendous efforts and have done, I
24 think, a tremendous job.

25 And I think, again, it's -- it's,

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 you know, very disappointing for all of
2 us that at this point, you know, we're
3 kind of -- we have our backs to the wall
4 and we really need to do what we can to
5 make sure this program doesn't just fall
6 by the wayside and doesn't fade away.

7 For the first time, as all of you
8 know, this is a historic step in terms of
9 having the CCRB, which is an independent
10 agency, do a solo trial in the Police
11 Department's trial room and we certainly
12 hope that anything that can be done, will
13 be done. I'm sure the Council has its
14 reasons for not being able to continue
15 the funding for us or help us restore the
16 funding but, again, hopefully we'll be
17 able to prevail in finding some way to
18 keep that program going. It would really
19 be a shame to see it fade away before it
20 really had a chance to reach its
21 potential.

22 Towards that end, we are trying
23 again to schedule some meetings. We were
24 supposed to have a meeting with Speaker
25 Quinn this afternoon. That has,

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 unfortunately, been postponed for the
2 second time but we will keep you posted
3 in terms of when we do get to reschedule
4 that meeting.

5 THE CHAIR: All right. I'm going
6 to turn the floor over now to the Executive
7 Director, Joan Thompson

8 MS. THOMPSON: Good Morning.

9 MS. THOMPSON: Okay. So that
10 everybody knows, in your packages today
11 for the board members, there is a copy
12 of our newly issued annual report so you see
13 the new design of it and we're very proud
14 of the annual report. And also we redid
15 our CCRB informational brochure so for those of you
16 on staff and everybody else who hasn't seen
17 it, it's a whole new design with new
18 colors and I'd like to, certainly, thank
19 Linda for her shepherding all of this
20 through and getting this all done and
21 putting up with me as I decided that I
22 didn't like the original color and I was moving
23 on to something else.

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 So again, this is -- we're in the
2 process of looking at all of the
3 materials that we have. Most of them are
4 being translated into various languages.
5 This has already been translated into
6 Spanish. We have a copy in-house and
7 we're looking at all of our materials in
8 the six languages that are required by
9 the City -- somebody can help me with
10 this -- which is Russian, Italian,
11 Cantonese, Mandarin, Haitian Creole --

12 BRIAN CONNELL: And Korean.

13 MS. THOMPSON: -- and Korean. Okay.
14 Thank you. That was just to let everybody know
15 about the updates on the informational materials.

16 My ED's report now and the monthly
17 stats are as follows: In June of 2011, the CCRB
18 received 572 complaints. This was 36 fewer
19 complaints than it received in June of
20 2010 when the agency received 608
21 complaints or six percent decrease in
22 complaint activity month to month.

23 In the first six months of the year,
24 the CCRB has received 3,133 complaints or
25 179 fewer complaints than it received for

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 the same period of 2010, when the agency
2 received 3,312. This represents a five
3 percent decrease in complaint activity
4 year-to-date.

5 As this is the end of the fiscal
6 year, I would also like to report on the
7 numbers of complaints received by fiscal
8 year. In fiscal 2011, the CCRB
9 received 6,284 complaints. By
10 comparison, in fiscal 2010 the CCRB
11 received 6,984 complaints and 7,661
12 complaints in fiscal 2009.

13 In June, the board closed 327 cases.
14 43 were full investigations, 274 were
15 truncated and 10 were mediations. The
16 year-to-date substantiation rate is seven
17 percent, which is four percent lower than
18 in 2010 and the truncation rate is sixty-
19 four percent, which is four points higher
20 than in 2010.

21 With the board closing this month
22 207 fewer cases than it received, the
23 agency's open docket shows an eight
24 percent increase in relation to the
25 previous month's open docket. The docket

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 stands at 2,902. About ninety-six
2 percent of our open investigations were
3 filed within the last year and seventy
4 percent were filed in the last four
5 months.

6 Of the open cases, 1,170 cases are
7 awaiting panel review or forty percent of
8 all open cases. 1,551 are currently
9 being investigated and 181 cases are in
10 the mediation program. By date of
11 occurrence of the incident, fourteen
12 cases in the CCRB's open docket are
13 eighteen months and older, four cases are
14 on DA hold, nine are pending board review
15 and one case involved multiple officers
16 and a complex set of circumstances.

17 On average from January to June, it
18 took the board 289 days to close a full
19 investigation and 97 days for a truncated
20 case. For fiscal years, the board
21 closed a full investigation in 282 days
22 in fiscal 2010 -- 2011, excuse me as
23 compared to 327 days in fiscal 2010 and
24 342 days in fiscal 2009.

25 This decline in the average time to

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 complete investigation has resulted in a
2 lower number of substantiated cases being
3 referred to the Police Department before
4 they reach the statute of limitations
5 deadline. In fiscal 2011, all
6 substantiated cases were referred to the
7 Police Department prior to the eighteen
8 month expiration date. Only fourteen
9 percent, as compared to twenty-four
10 percent in fiscal 2010 and thirty-seven
11 percent in fiscal 2009 were
12 fifteen months and older when
13 substantiated.

14 In May, the Police Department
15 disposed of seventeen cases. The
16 department declined -- excuse me. The
17 department disciplined eleven officers
18 who received command discipline and
19 instructions. In five cases, the
20 department declined to prosecute the CCRB
21 cases. In one case, the officer was
22 found not guilty after trial. The year-
23 to-date discipline rate is seventy-six
24 percent and the department decline-to-
25 prosecute rate is twenty-one percent.

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 There are a couple of other stats
2 that I would like to report to the board.
3 First, the number of web site visitors
4 and web site visits have increased
5 significantly. In fiscal 2011, 124,882
6 visited the CCRB web site for a total of
7 444,758 visits. By comparison, in fiscal
8 year 2010, 108,107 visitors visited the
9 web site for a total of 301,703 visits.

10 By both indicators, traffic to our
11 web site has increased. Similarly, the
12 number of complaints filed through the
13 web or by e-mail has increased as well.
14 In fiscal 2011, the CCRB received 430
15 complaints by e-mail. By comparison, the
16 CCRB received 403 in fiscal 2010 and 328
17 in 2009.

18 There's one thing that I would like
19 to just talk a little bit about was --
20 would be our Ambassador Program. And I
21 just wanted you all to know that we are
22 and we had just completed the training
23 portion and it's the CCRB Ambassador
24 Program in partnership with the ERDA,
25 which is the East River Development

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 Association.

2 And we've completed our four-day
3 intensive training with the CCRB staff
4 and Dawn and her team has -- they put
5 together the training and the Outreach
6 Unit was assisted by Roger Smith, one of
7 our attorneys -- or our only team attorney
8 right now; as well as Rob Rodriguez who is the
9 Manager of Team 3 and Lisa Cohen who is the Director of
10 Mediation.

11 The training incorporated overviews,
12 obviously, of our -- all of our
13 strategies for our outreach and the staff
14 gave the twenty-five college access
15 students -- I believe that's what the
16 Bishop calls them -- an overview of
17 CCRB's jurisdiction and investigative
18 role. We gave them an understanding of
19 conflict resolution and effective communication
20 skills using mediation. In addition, the
21 Outreach Unit developed skits which
22 emphasized public speaking.

23 Also, to that, again, I want to
24 thank Dawn and her small, but dynamic team
25 that she has. But this -- we just

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 received this note from the National
2 Association for the Advancement of
3 Colored People, the mid-Manhattan Branch.
4 And it was addressed to Ernest Hart, our
5 former chair and it said "Dear Mr. Hart,
6 The NAACP mid-Manhattan branch wants to
7 thank Ms. Dawn Fuentes for serving as a
8 panelist along with investigator Ryan
9 Meltzer."

10 Ryan, as you know, had worked here
11 and just resigned recently to go to law
12 school. And I think this is the great part
13 "Ms. Fuentes was awesome. Her discussion
14 regarding civilian complaint review board
15 relation efforts was on point. The
16 audience grasped the information and was
17 motivated to ask questions.

18 "The committee was certainly glad to
19 have had the opportunity to have met her
20 along with Mr. Meltzer and her
21 willingness to share her time and
22 expertise in the area of policing which
23 is crucial to the success of the
24 presentation."

25 They further had suggested that

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 their legal redress committee, which is
2 having a fall forum, will be asking us to
3 come back, specifically Dawn, and they
4 said that they felt that the CCRB was
5 most positive and that this would be a
6 great representation and how the public can
7 interact with the Police Department.

8 Again, they closed by saying "We are looking
9 forward to having you back this fall
10 representing your agency and having
11 dialogue with the New York City Police
12 Department to better assure the community
13 in a healthier working relationship with
14 one another." And again, so publicly I'd
15 like to -- is Dawn here?

16 UNIDENTIFIED STAFF MEMBER: Yes.

17 MS. THOMPSON: Ah. Stand up. I'd
18 like to thank Dawn.

19 (Applause)

20 THE CHAIR: Thank you, Dawn.

21 MS. THOMPSON: Oh Tony has a question.

22 MR. SIMONETTI: Mr. Chair --

23 THE CHAIR: Yes.

24 MR. SIMONETTI: -- I have several
25 questions.

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 MS. THOMPSON: Okay.

2 MR. SIMONETTI: First question is,
3 the visits to the web site --

4 MS. THOMPSON: Yes.

5 MR. SIMONETTI: -- you cited two
6 numbers which I understand the first
7 number; I don't know if I completely
8 understand the second number.

9 MS. THOMPSON: One is people that I
10 think just came to look and I think the
11 second number is the one where people
12 really went through the web site and
13 looked and picked up various -- different
14 kinds of information. It wasn't just --
15 you know, sometimes people will go
16 through city agencies and they'll look
17 and they'll hit different ones and see if
18 they're either looking for jobs or
19 they're looking for whatever else.
20 This -- there's two numbers that they
21 separated out.

22 MR. SIMONETTI: I'm still a little
23 confused.

24 MS. MULLIGAN: Its' called
25 stickiness. It's an Internet concept.

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 And so when you stay on a web site longer
2 and you look around, you stick there.

3 MR. SIMONETTI: Yeah.

4 MS. MULLIGAN: And so that's a good
5 thing from Internet. So when you are
6 sticky on an Internet site --

7 MR. SIMONETTI: So if you're
8 unsticky --

9 MS. MULLIGAN: You're unsticky that
10 means --

11 MR. SIMONETTI: You get off and on?

12 MS. MULLIGAN: -- it's like
13 surfing and you take a quick look and
14 you're not particularly interested. It
15 might be one -- assumptions from the
16 fact. And so if you're an Internet
17 service where you get advertising, you
18 want people to stick around. But we're
19 not in that category. But, anyway --

20 MR. SIMONETTI: But is --

21 MS. THOMPSON: They can measure
22 these things --

23 MR. SIMONETTI: Is one to assume
24 that -- I mean, based on that -- those
25 definitions, I would assume that there

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 would be less sticky but according to
2 that report, there are more sticky? Am I
3 not correct?

4 MS. MULLIGAN: Yes. You're
5 right. There were more sticky which is
6 good for us. That means more people are
7 looking --

8 MR. SIMONETTI: I'm still confused.
9 I mean, you know -- so why don't we just
10 go --

11 MS. THOMPSON: More people could be
12 looking --

13 MR. SIMONETTI: -- with the sticky.
14 Why are we reporting two figures?

15 MS. THOMPSON: I -- because I think
16 it shows up and it's Marcos. And Marcos
17 wants to be exacting in how he reports
18 things. Because I think there are showing
19 different points.

20 MR. SIMONETTI: Okay.

21 MS. THOMPSON: different kind of things,
22 that's all.

23 MR. SIMONETTI: Okay.

24 THE CHAIR: I guess one is windows
25 shopping --

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 BISHOP TAYLOR: Right.

2 THE CHAIR: -- and the other is they
3 actually come into the store and pick up
4 some items.

5 MR. SIMONETTI: Yeah but I think if
6 more people --

7 BISHOP TAYLOR: Very good
8 analogy.

9 (Speaking simultaneously)

10 MR. SIMONETTI: It appears that the
11 larger number is important

12 MS. THOMPSON: Exactly.

13 MR. SIMONETTI: There are more curious
14 people.

15 MS. THOMPSON: Yes. Looking at
16 the website.

17 MR. SIMONETTI: If that be the case,
18 why don't we report that number? Why are
19 we reporting if I just happen to glance
20 across -- I go to nyc.gov and I look up
21 fire department or CC - whatever? And I
22 just keep going to another agency. Why
23 wouldn't we report the people who are a
24 little more curious and at least maybe
25 take a look at our annual report

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 MS. THOMPSON: Well, we have them.

2 I think that --

3 MR. SIMONETTI: Okay.

4 MS. THOMPSON: -- you know, we can
5 do that from now on.

6 MR. SIMONETTI: Okay. But I think
7 it's a little confusing.

8 MS. THOMPSON: Okay.

9 MR. SIMONETTI: It was confusing to
10 me so --

11 MS. THOMPSON: Okay.

12 MR. SIMONETTI: -- thank you for
13 clarifying.

14 MS. THOMPSON: You are welcome.

15 MR. SIMONETTI: Another question.

16 MS. THOMPSON: Yes.

17 MR. SIMONETTI: Or another comment.

18 I'm a little troubled, really, with the
19 327 total cases that were investigated
20 last month because the truncation rate
21 approaches eighty-four percent.

22 MS. THOMPSON: Yes.

23 MR. SIMONETTI: Okay? Now, that's
24 extremely high.

25 MS. THOMPSON: Right.

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 MR. SIMONETTI: So -- I would just
2 caution to everybody that's involved in
3 the investigation of the cases that they
4 look and make sure that these are
5 absolutely truncated cases.

6 MS. THOMPSON: Well, Tony, these are
7 the cases, though -- a lot of them --
8 that I'm closing. So that's why the
9 truncation rate is so high.

10 MR. SIMONETTI: Well, that's -- I --
11 that makes more of a reason to look at
12 the cases. In other words, let's --
13 whoever's looking at them, it doesn't
14 matter. I know we gave -- we authorized
15 staff at certain levels to close cases.
16 But what I'm saying this is approaching
17 an alarmingly high number. Eighty-four
18 percent. I mean I remember the days when
19 we were at forty-five percent.

20 MS. THOMPSON: Yes.

21 MR. SIMONETTI: You know? And we
22 held at that level for a long time.

23 CHAIR CHU: Right.

24 MR. SIMONETTI: And it -- and let me
25 tell you anecdotally; I just did seven

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 panels, by the way, in the last month.

2 MS. THOMPSON: Okay.

3 MR. SIMONETTI: And anecdotally, I
4 can tell you I sent a lot of cases back
5 that were truncated because the
6 allegations were very -- I saw -- I
7 deemed them to be very serious. There
8 was one particular case where the person
9 went to the hospital, got five sutures
10 and, I mean, the case is closed.

11 You know, I think when the
12 allegations are that serious, I think
13 people have to press the complainants a
14 little bit. You know? I mean that's --
15 maybe that's my personal preference but I
16 think, you know, it's our obligation to
17 the complainants.

18 MS. THOMPSON: Yes.

19 MR. SIMONETTI: You know, for
20 whatever that they don't want to pursue
21 the case, if that is the case, okay. But
22 if it's not, I mean we've got to give
23 them an opportunity to pursue these
24 cases -- particularly with the serious
25 allegations. And I notice a lot of

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 truncated cases contain serious
2 allegations.

3 THE CHAIR: And to your point, Tony,
4 I think the high truncation rate that
5 you're referring to, I think that's part
6 and parcel with the fact that we do not
7 have, unfortunately, a steady flow of
8 panels meeting. So, in particular, like
9 today, you had seven panels, I had three
10 or four panels. The numbers are going to
11 be very good for this month. I think
12 last month was a bit of an anomaly and
13 most of the closings were done by Joan
14 and they were the truncated cases.

15 MR. SIMONETTI: I hope it is a blip.

16 THE CHAIR: That's what we hope.

17 MR. SIMONETTI: If it's a blip,
18 fine. But -- I mean, just -- I think we
19 should pay attention.

20 THE CHAIR: I agree. And in terms
21 of the serious allegations and serious
22 injuries with the truncated cases, I
23 believe I was with you on those cases and
24 I agree wholeheartedly. I think, in
25 terms of the seriousness of the injuries

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 or the allegations, we owe it to the
2 public, even if the victim is being
3 uncooperative or following through, to at
4 least order the meds and see if
5 there's -- you know, see what happened
6 and get an idea of what that case is all
7 about.

8 But, again, unfortunately, some of
9 that ties in to the limited budget and
10 the lowered head count. It's harder for
11 us now despite really vamping up the
12 outreach, it's hard for us to send
13 investigators out in the field or to
14 follow up when we're not getting
15 cooperation from the victims or the
16 complainants.

17 MR.DONLON: I -- you know, I can
18 understand that but also, don't forget,
19 we have a decrease in the number of cases
20 that we're receiving. So I mean, that
21 comes into play also.

22 THE CHAIR: Absolutely. And that's
23 why, I think, on the serious allegations,
24 there should be follow-up.

25 MR. SIMONETTI: Thank you.

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 DR. KHALID: Mr. Chairman, in spite
2 of the fact that the -- this complainer
3 does not write a sworn statement, how do
4 we proceed with that with uncooperative
5 complainants?

6 THE CHAIR: Well, that's one of the
7 difficulties and, you know, in a perfect
8 world, we would be able to be more
9 accommodating, we would be able to maybe
10 stay open later or have people go out and
11 make things easier for people that have
12 issues with coming down or, you know,
13 signing a paper on their own.

14 But I think, you know, the bottom
15 line right now is, given all the
16 constraints that we're facing, we're
17 trying to do more with a lot less. As
18 you know, over the past five years, we
19 have lost -- how many investigative
20 heads?

21 MS. THOMPSON: Well, we've lost a
22 total of fifty-one staff.

23 THE CHAIR: We've lost fifty-one
24 staff. And, you know, for an agency our
25 size, I don't need to tell anyone, we're

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 cut to the bone and we're to the marrow.
2 So, again, that's kind of the sign of the
3 items. I know everyone's taken a hit,
4 every agency. But I think we feel it
5 more, given our small size.

6 But, certainly, we're still trying
7 to make sure that all of the serious
8 allegations are followed up with whether
9 or not the complainants are very quick to
10 come in and cooperate in terms of
11 proceeding.

12 Anything else? Yeah. Well, all
13 right. We're going to move on to the
14 committee reports and I think that segues
15 nicely to the Bishop in reference to the
16 Ambassador Program that Joan already
17 started speaking of. Bishop, did you
18 want to say anything about the status of
19 that program?

20 BISHOP TAYLOR: I just want to echo
21 the sentiments that have already been
22 expressed. I think that Dawn and her
23 team have been doing a fabulous job in
24 working to structure and to implement and
25 execute the training with the ERDA

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 scholars which are about twenty-five or
2 twenty-six young people that after the
3 training they'll be deployed throughout
4 the city, giving training to other youth
5 groups and other organizations that have
6 youth groups.

7 And it's really exciting. It gives
8 the kids a chance to interact with their
9 peer groups and transfer what they've
10 learned in these trainings. And so we
11 expect this to be a program that can be
12 replicated throughout the five boroughs
13 of New York City and a good tool for
14 youth, for criminal justice and all of
15 the reasons why this program is
16 important.

17 So we're excited about that. I have
18 a calendar of events where the kids will
19 be presenting in different places. One
20 place they're -- at the Fortune Society.
21 They're also presenting at TA meetings,
22 LaGuardia College and different places,
23 too. So I think it's very exciting.
24 So -- and really a credit to Dawn and her
25 team as well.

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 MS. THOMPSON: They're scheduled for
2 thirty-six presentations during the month
3 of July and August. So that's a
4 large number.

5 MR. SIMONETTI: It's a great
6 outreach effort.

7 MS. THOMPSON: Yes, I agree, that's a
8 great outreach effort.

9 MR. LISTON: Terrific.

10 MS. THOMPSON: And that's mostly
11 directed to the youth -- particularly in
12 the areas of Long Island City, Jamaica,
13 Flushing, Astoria and the Rockaway areas
14 of Queens.

15 THE CHAIR: Now, in terms of going
16 out, have they actually started making
17 presentations or are they still in the
18 training phase at this point?

19 BISHOP TAYLOR: I think that they
20 just finished the training phase and they
21 go -- I think they went out and did two
22 presentations, right, Dawn?

23 BISHOP TAYLOR: You want to speak to
24 that?

25 MS. FUENTES: Yes. We --

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 BISHOP TAYLOR: Can she speak to
2 that?

3 MS. THOMPSON: Of course.

4 MS. FUENTES: Fine. Yes, we have
5 actually been out for the last -- about a
6 week now and we've probably done about
7 seven presentations.

8 THE CHAIR: Oh, seven.

9 MS. FUENTES: And they've been well
10 received by the public who have done
11 evaluations and the kids seem to be very
12 effective. And the message is definitely
13 coming through. So we have quite a few
14 more to do but what we've seen so far has
15 been positive.

16 THE CHAIR: And in terms of going
17 out to these presentations, are they
18 always supervised by staff --

19 MS. FUENTES: Yes.

20 THE CHAIR: -- from CCRB?

21 MS. FUENTES: Yes. Exactly.

22 THE CHAIR: Okay.

23 MS. FUENTES: It's by their
24 (indiscernible) coordinator community
25 outreach and the students are there to

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 basically communicate some of the message
2 that we're trying to deliver
3 about what CCRB does and the services we
4 offer all New Yorkers. So we're basically
5 doing what we naturally do at community
6 outreach but we're being able to show,
7 through the kids, as a form of
8 communication, CCRB's responses and how
9 we interact with the Police Department.

10 MS. MULLIGAN: Yes. To the extent
11 that young people are sometimes targeted
12 for stop and frisk, I really think that
13 this type of education is so important
14 because that's obviously been a priority
15 for the City and for the board to look
16 into that issue. And that type of
17 education, I think, can really assist
18 with that issue that's been so important
19 to this board.

20 MS. FUENTES: And exactly -- and one
21 of the kids is showing how
22 (indiscernible).

23 MS. MULLIGAN: Right. Thank you.

24 MS. FUENTES: You're welcome.

25 MS. THOMPSON: And in fact, we're

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 also now working on informational palm cards
2 to give out to the youth to say what to
3 do in their police encounters and how to
4 respond and, should it rise to that
5 level, how to file a complaint.

6 MS. MULLIGAN:: Okay.

7 MS. THOMPSON: So, we're in the
8 process now -- Linda has just given me
9 the final draft of the card and we'll be
10 getting them to the printer shortly.

11 THE CHAIR: Okay. And we have
12 another committee report from Mr. Liston.

13 MR. LISTON: Yes, thanks very much.
14 On behalf of the ADR committee with
15 includes Jules Martin and Jim Donlon, I'm
16 happy to report that the mediation
17 program is maintaining and building on
18 the significant growth achieved in 2010.

19 During the period of January through
20 June 2011, total ADR closures increased
21 by approximately fifty-six percent from
22 the same period in 2010. We had 212 ADR
23 closures in 2011 versus 136 in 2010.

24 Cases closed as mediations, as a
25 percentage of total closures during that

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 period of January through June 2011, were
2 2.7 percent, up from 2.4 percent during
3 the same period in 2010 and 1.7 percent
4 during the same period in 2009.

5 Total ADR closures as a percentage
6 of total closures were 7.1 percent during
7 this period compared to 3.5 percent
8 during the same period in 2010 and 2.4
9 percent during the same period in 2009.

10 With respect to case processing, the
11 rate at which investigators are offering
12 mediation has remained consistent at
13 approximately 53 percent compared to 53.8
14 percent during the same period in 2010
15 which marked a significant increase over
16 the offering rate of a mere 28.1 percent
17 during 2009.

18 The number of cases referred to and
19 accepted by the mediation program has
20 declined slightly from 329 cases during
21 the period of January through June 2010
22 to 303 cases during the same period in
23 2011. However, this is still a
24 significant increase over the number of
25 cases referred to mediation program which

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 was 200 during the same period in 2009.

2 The decline in the overall number of
3 complaints received by the CCRB in 2011,
4 we believe, has been a contributing
5 factor in the number of cases referred to
6 the mediation program and, therefore, the
7 number of complaints mediated.

8 Lastly, I should note, as part of
9 the Ambassador and Internship Program
10 which Bishop Taylor described and Joan
11 described, our esteemed Director of the
12 Mediation program, Lisa Grace Cohen, held
13 a well-received workshop where the
14 interns learned about conflict resolution and
15 communication skills.

16 So that's our report. We're excited
17 about the progress we're making and
18 excited about the future.

19 THE CHAIR: Right. And I thank you
20 for that. And again, I think, in this
21 climate where we have limited resources,
22 it does seem like ADR and the alternative
23 resolution certainly is a good
24 alternative sometimes to coming in with a
25 traditional investigation. Do you find

PUBLIC MEETING OF THE CCRB JULY 13, 2011

1 that the satisfaction rate is high on
2 both sides?

3 MR. LISTON: Yes. Yes. I would say
4 so. I think that there's been a real
5 effort and Lisa has led this effort to
6 get officers to embrace the concept of
7 mediation. And in doing that, she and we
8 have had to overcome certain
9 misperceptions about how it works. But I
10 think we're overcoming that.

11 THE CHAIR: Thank you very much.
12 Are there any other committee reports?

13 Seeing no more committee reports, is
14 there any old or pending business?

15 Any new business?

16 All right. Is there any public
17 comment?

18 All right. Seeing and hearing no
19 public comment, we will now adjourn to
20 our Executive Session. Thank you very
21 much for attending.

22 (Whereupon proceedings were concluded)

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

I, Zipporah Geralnik, 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:
July 20, 2011.

Zipporah Geralnik (CET**D-489)
AAERT Certified Electronic Transcriber

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

August 10, 2011

10:10 a.m.

40 Rector Street
2nd Floor
New York, New York 10006

DANIEL D. CHU, 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: Erwin Fried

1

2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 YOUNGIK YOON, ESQ.

6 JULES A. MARTIN, ESQ.

7 MARY E. MULLIGAN, ESQ.

8 TOSANO SIMONETTI

9 DAVID G. LISTON, ESQ.

10 ALPHONZO A. GRANT, ESQ.

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PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 THE CHAIR: We're going to call this
2 meeting to order. First order of
3 business is the adoption of the
4 minutes from July. Do I have a motion?

5 DR. KHALID: So moved.

6 THE CHAIR: Is there a second?

7 MR. SIMONETTI: Second.

8 THE CHAIR: All those in favor,
9 please say aye.

10 IN UNISON: Aye.

11 THE CHAIR: Any objections?

12 (No response)

13 Any abstentions?

14 (No response)

15 The ayes have it. Minutes are
16 adopted.

17 Second order of business is
18 something that is bittersweet for all of
19 us at the agency. I wish to, on behalf
20 of the board and everyone else, extend
21 congratulations to Meera Joshi, who is
22 our First Deputy Executive Director. She
23 has been offered a position and has
24 accepted a position at the Taxi &
25 Limousine Commission. She will be the

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 Deputy Commissioner there.

2 And so we all congratulate her on
3 that advancement but, at the same time,
4 she is such an integral part of the
5 agency and really is a part and
6 spearheads so many of what the activities
7 that go on at this agency that we are
8 deeply going to miss her and she's going
9 to -- whoever comes in to try to replace
10 her, I think has extremely big shoes to
11 fill.

12 So, again, I just want to
13 congratulate you, Meera, and, you know,
14 don't forget about us at CCRB.

15 (Applause)

16 Moving along, there's a second APU
17 trial now that's been scheduled for
18 August 17th, 2011. Laura, if I'm not
19 mistaken, the first trial that you did is
20 still decision reserved at this point, am
21 I right?

22 MS. EDIDIN: That's correct.

23 THE CHAIR: Okay. So again, we're
24 very excited about that and hopefully we
25 can get in as much as we can while this

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 program is still being funded. As you
2 all probably already know, unless
3 something happens between now and the end
4 of the year, the program will not be
5 funded after December 31st, 2011.

6 So we're still hopeful, we're
7 cautiously optimistic that we can get
8 funding for that program to continue. It
9 really is a shame that, at this point, we
10 have such good relations with the Police
11 Department in terms of trying the cases
12 in the trial room but just due to the
13 realities and the constraints that we
14 have -- I know for a fact that we've had
15 to turn down opportunities to second seat
16 because we just don't have the personnel,
17 the manpower and the attorneys to go over
18 there. And I'm correct about that, is
19 that right, Roger?

20 ROGER: That's correct.

21 THE CHAIR: Okay. So, you know,
22 hopefully that's something that's going
23 to be addressed. And again, like I said,
24 we're cautiously optimistic. We'd like
25 to keep this program going. We think

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 that the benefits are on multiple levels.
2 It's helping us, it's helping the NYPD
3 and I think it gives an additional level
4 of confidence to the people of this city
5 that there is an independent agency that
6 now is in the trial room and it's just
7 good in every way, shape and form that I
8 can think of.

9 So hopefully, we'll have some good
10 news from OMB or from City Council and
11 someone can step in and hopefully, you
12 know, help us to continue this very
13 worthy program.

14 I've also been informed by the
15 Executive Director that the NYPD -- we
16 have had communications with them as well
17 and they too have indicated that they
18 still support this program and so, you
19 know, again, we have our fingers crossed,
20 we're going to do everything we can to
21 see to it that this program continues.

22 Next order of business. There is a
23 NACOLE conference coming up in September.
24 NACOLE stand for the National Association
25 for Civilian Oversight of Law

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 Enforcement. This year it's in New
2 Orleans. Several members of the CCRB
3 will be in attendance and I'm very proud
4 to say that three members will be making
5 presentations at the conference.

6 Marcos Soler, who is the Director of
7 Strategic Initiatives, will be the
8 moderator for a presentation called
9 "Making Police Reform Endure." As many
10 of you know, and some don't, he is also
11 the treasurer for that organization,
12 NACOLE.

13 Lisa Cohen, who is our Director of
14 Mediation, will also be a presenter for a
15 session that's entitled "How to Grow a
16 Mediation Program: From Gripes to
17 Goodwill."

18 Finally, board member Bishop Taylor,
19 who is not here today because he's down
20 in Miami -- and I don't feel bad for
21 him -- will be a panelist for a round
22 table discussion entitled "The Models of
23 Oversight."

24 So, you know, it's -- we're very
25 excited about that and we're very glad to

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 see that the CCRB is taking a lead in a
2 lot of these discussions and sharing the
3 information that we've gleaned in the
4 work that we've experienced and done with
5 this national organization.

6 As the result of the NACOLE
7 conference, the board meeting -- or the
8 public meeting for September will be
9 postponed for one week. So rather than
10 the second Wednesday which is the usual
11 day, the September meeting will be on
12 September 21st instead of September 14th.
13 So for those of you planning to attend,
14 please make note of that.

15 Finally -- and I think the Executive
16 Director, Joan Thompson, is going to
17 touch upon it as well -- we did have a
18 visit from a delegation in Vietnam that
19 came to visit the agency and to -- in
20 contemplation of setting up a similar
21 type agency in Vietnam and, Joan, do you
22 want to fill us in on --

23 MS. THOMPSON: We received this delegation
24 from Vietnam and we receive several delegations per
25 year. The one before this was from South

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 Africa and, again, before that -- there
2 was one from Ireland. We have different
3 delegations that come and visit us to ask us
4 questions about how we've set up the
5 CCRB, how it functions, how it interacts
6 with the Police Department and this was
7 just one of those delegations that came
8 to get information.

9 And Graham had really stayed in the entire
10 session and he and Marcos helped them to understand
11 the brochures and to field some of the questions.
12 Is there anything else that needs to be added?
13 Graham? Okay. Thank you.

14 THE CHAIR: All right. At this time
15 I'm going to turn the floor over to the
16 Executive Director for her report.

17 MS. THOMPSON: Okay. In July of
18 2011 the CCRB received 525 complaints.
19 This is 63 fewer complaints than it
20 received in July of 2010 when the agency
21 received 588 complaints or an eleven
22 percent decrease in complaint activity
23 month to month.

24 From January to July of 2011, the
25 CCRB has received 3,632 complaints or 268

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 fewer complaints than it received for the
2 same period of 2010, when the agency
3 received 3,900. This represents a seven
4 percent decrease in complaint activity.

5 In July, the board closed 697 cases.
6 298 were full investigations, 370 were
7 truncated, 4 cases were mediated and 25
8 cases closed as mediation attempted. The
9 year-to-date substantiation rate is seven
10 percent, four points lower than in 2010.
11 Year-to-date we substantiated 77 cases
12 and opposed to 182 cases that we
13 substantiated during the same period of
14 last year. The truncation rate is sixty-
15 two percent, two points higher than in
16 2010.

17 In July, the board closed 198 more
18 cases than it received. The agency's
19 open docket was a seven -- was seven
20 percent lower than June's open docket.
21 The docket stands at 2,704 cases.
22 Approximately ninety-six percent of our
23 open investigations were filed within the
24 last year and seventy-one percent were
25 filed in the last four months.

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 Of the open cases, 810 cases are
2 awaiting panel review or thirty percent
3 of all open cases. 1,684 are being
4 currently investigated and 210 cases are
5 in the mediation program. By date of
6 occurrence of the incident, thirteen
7 cases in the CCRB's open docket are
8 eighteen months and older, four cases are
9 on DA hold, five are pending panel
10 review, one was a late filing and two
11 delays are the result of investigative
12 delays and one case involving multiple
13 officers and a complex set of
14 circumstances.

15 In June, the Police Department
16 disposed of twenty-nine cases. The
17 department disciplined twenty-three
18 officers, did not discipline five and one
19 case was "filed" because the officer was no
20 longer with the Police Department.
21 That's their terminology when someone leaves
22 and is no longer there to accept the discipline.

23 Two officers were found guilty after
24 trial, three officers negotiated a plea
25 of guilty and eighteen officers received

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 command discipline and instructions. In
2 five cases, the department disciplined --
3 excuse me -- the department declined to
4 prosecute the CCRB cases. The year-to-
5 date discipline rate is seventy-seven
6 percent; the department decline-to-
7 prosecute rate is twenty percent.

8 THE CHAIR: Okay. Move on to
9 committee reports. Are there any
10 committees that have anything to report
11 at this time? Dave, did you --

12 MR. LISTON: Sure, Dan. On behalf
13 of the Mediation Committee, I wanted to
14 report that we, as a committee, have
15 approved the following amendment to the
16 CCRB mission and value statement and we
17 wish to submit this amendment for
18 consideration approval by the full board.

19 It is -- we're proposing that the
20 second sentence in the first paragraph of
21 the CCRB mission and values statement be
22 amended to include the word "mediate"
23 after the word "investigate." As
24 amended, the paragraph would read as
25 follows: "The New York City Civilian

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 Complaint Review Board, CCRB, is an
2 independent agency. It is empowered to
3 receive, investigate, mediate, hear, make
4 findings and recommend action on
5 complaints against New York City police
6 officers alleging use of excessive or
7 unnecessary force, abuse of authority,
8 discourtesy, or the use of offensive
9 language."

10 And we feel as if that amendment of
11 the word "mediate" will reflect the
12 importance of mediation in this process
13 and we want to seize the opportunity to
14 remind people of the mediation component
15 of what we do.

16 MR. SIMONETTI: Are you making that
17 as a motion?

18 MR. LISTON: I am.

19 MR. SIMONETTI: I second.

20 MR. LISTON: Thank you.

21 THE CHAIR: Okay. Is there any
22 debate on it or -- is there any -- are
23 there any other viewpoints that need to
24 be discussed with respect to this motion?

25 (No response)

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 If not, let's take a vote. All
2 those in favor of the amendment say aye.

3 IN UNISON: Aye.

4 THE CHAIR: Any objections?

5 (No response)

6 And any abstentions?

7 (No response)

8 THE CHAIR: Looks like it's
9 unanimous. The modification of the
10 amendment is so ordered.

11 MR. LISTON: Thank you very much.

12 THE CHAIR: Any other committee
13 reports? Tony?

14 MR. SIMONETTI: Not a committee
15 report. In looking at the stats for
16 the month of July, I noticed that the
17 intake -- there were 1326 cases coming
18 in. And the vast majority of them --
19 658 were referred to Chief of Department
20 and 143 went elsewhere and 525 were ours.
21 Can anybody on staff kind of give us a
22 breakdown? First of all, the majority of
23 these cases come from 311. The 1507
24 cases. Are we getting most of these
25 cases from 311?

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 MS. JOSHI: I would have to have --
2 look to Marcos who could access
3 CTS and see what the source of most of
4 the cases are.

5 MR. SIMONETTI: Is the case -- is it
6 still the case at 311 that they make no
7 distinctions -- they don't try to cull
8 out cases that fall within our fatal
9 definition? That they -- if they hear
10 the word police and they hear anything
11 that sounds like misconduct, we get it.
12 Is that still the case?

13 MS. JOSHI: Yes.

14 MS. JOSHI: That's my understanding.

15 MR. SIMONETTI: Okay. So that's
16 what accounts, I guess, for this high
17 number of cases being referred to either
18 the chief of department or someplace
19 else.

20 MS. JOSHI: Yes, and we'd have to
21 look historically to see if this is high
22 relative to other months. It may be what
23 we generally, on average, send over each
24 month.

25 MR. SIMONETTI: It seemed high. I

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 mean, maybe I'm -- I didn't look too
2 carefully at the other months but this
3 seems to be a very high number. 1300
4 cases.

5 MS. JOSHI: 658 referrals and 525
6 that we kept.

7 MR. SIMONETTI: Right.

8 MS. JOSHI: Okay.

9 MR. SIMONETTI: Right. And a
10 couple --

11 MS. JOSHI: We can have Marcos take
12 a look at it and give you a month by
13 month breakdown to see whether this month
14 is higher than other months.

15 MR. SIMONETTI: And 143 went
16 somewhere else.

17 MS. JOSHI: Right.

18 THE CHAIR: On behalf of the Reports
19 and Recommendations Committee, I would
20 just point out also that the agency has
21 now updated our basic brochure. It's a
22 brochure entitled "What to Do If a Police
23 Officer Stops You." And it's available
24 for anyone interested to take a look at.

25 It's a palm card. It's very

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 succinct and it breaks down some
2 suggestions as to how to deal with a
3 police encounter to minimize any -- the
4 possibility of any kind of unfavorable
5 conduct or actions from either party. So
6 this is something that is available.
7 It's updated. If anyone has an interest,
8 they're encouraged to take a look at it.

9 MS. THOMPSON: And Dawn has been
10 using this, particularly when she does
11 her outreach and particularly to the
12 youth. It's really targeted and focused
13 towards the youth so they will understand
14 what their rights are, what the police
15 has a right to do and so they can have a
16 clear understanding of that. And she's
17 been really focusing, as I said, when she
18 goes out to do her outreach events.

19 THE CHAIR: And Dawn, are these
20 being used with the Ambassador Internship
21 program?

22 MS. FUENTES: Yes.

23 THE CHAIR: Are these being
24 distributed?

25 MS. FUENTES: Oh, absolutely.

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 THE CHAIR: Okay.

2 MS. FUENTES: They just help to
3 really emphasize the de-escalation of an
4 encounter with the police.

5 THE CHAIR: Moving on now to old
6 business. Is there any old or pending
7 business?

8 (No response)

9 Seeing and hearing no pending old
10 business, is there any new business?

11 MR. SIMONETTI: Mr. Chairman? I
12 refer to an article in the Wall Street
13 Journal on Monday, July 25th. The New
14 York section. The one about the Taxi &
15 Limousine Commission, the TLC. You're
16 going to be saddled with that problem,
17 young lady?

18 THE CHAIR: We'll let Meera field
19 this one.

20 MR. SIMONETTI: What are you going
21 to do to clean this up? And when -- if
22 you look at the article, they get similar
23 kinds of numbers of complaints per year
24 as we get. Theirs is a little higher.
25 In the previous year they had 7700

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 complaints.

2 The interesting thing about the
3 article -- and then there was a follow-up
4 to this article done -- that the vast
5 majority of complaints go nowhere.
6 Absolutely nowhere. Okay? There's
7 something about signing an affidavit
8 process when -- when people get serious
9 and want to get serious about their
10 complaint, at some point they're going to
11 sign an affidavit, you know, which we
12 don't require - or are we still requiring
13 affidavits?

14 MS. JOSHI: We have a
15 verification --

16 MR. SIMONETTI: You do have a
17 verification --

18 MS. JOSHI: Yes.

19 MR. SIMONETTI: -- process. Okay.
20 But there's -- so the point is, in spite
21 of what I always consider a high
22 truncation rate in this agency, theirs
23 seems to be even higher. So having said
24 that, Meera, you're going to work on that
25 and we'll keep watching for future

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 articles -- hopefully you'll do very well
2 there if you -- if you've -- what you've
3 done in this agency is sorely going to be
4 missed, let me tell you.

5 But that's not to say that we still
6 should not concern ourselves with our
7 truncation rate. We got to keep looking
8 at that rate and try to figure out ways
9 of dealing with it. I keep saying at
10 open meetings and executive staff
11 meetings and this thing is going to come
12 back some day and bite us. You know? I
13 mean, all we have to do is miss one and
14 it'll be bad.

15 Bill no longer sits in that chair
16 and he would support me on it. And it
17 was Bill who finally convinced me that
18 we've got to read all the cases, you
19 know, which we're pretty much doing, even
20 the truncated cases.

21 So, just a note that we got to be
22 looking very carefully at them.

23 THE CHAIR: Thank you. Any other
24 new business?

25 (No response)

PUBLIC MEETING OF THE CCRB AUGUST 10, 2011

1 Seeing and hearing no new -- other
2 new business, we move on to public
3 comment and I would note that I think
4 this is the third month that we haven't
5 seen our friend, Christopher Dunn. Does
6 anyone know if he's okay?

7 MS SACHS: Yes, I think so.
8 (indiscernible).

9 THE CHAIR: Okay. That -- at this
10 point, that concludes this meeting.
11 We're going to break into Executive
12 Session. Thank you all for attending.

13 MR. SIMONETTI: Will they discuss
14 personnel matters?

15 THE CHAIR: Yes.

16 (Whereupon proceedings were concluded)

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

I, Zipporah Geralnik, 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:
August 17, 2011.

Zipporah Geralnik (CET**D-489)
AAERT Certified Electronic Transcriber

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

5 September 21, 2011
6 10:10 a.m.

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

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

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

24
25 Reported By: Erwin Fried

1

2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 YOUNGIK YOON, ESQ.

6 MARY E. MULLIGAN, ESQ.

7 TOSANO SIMONETTI

8 ALPHONZO A. GRANT, ESQ.

9 BISHOP MITCHELL G. TAYLOR

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PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 THE CHAIR: All right, let's get
2 started. I'm going to call this meeting
3 to order.

4 First order of business, adoption of
5 the August minutes. Do I hear a motion?

6 MR. DONLON: So moved.

7 THE CHAIR: Is there a second?

8 MR. SIMONETTI: Second.

9 THE CHAIR: All in favor please say
10 aye.

11 IN UNISON: Aye.

12 THE CHAIR: It's unanimous. Anyone
13 in opposition?

14 Anyone abstentions? No.

15 Okay, the minutes are passed.

16 I'm going to start with the report
17 from the Chair.

18 We just got back from the NACOLE
19 conference down in New Orleans. And I'm
20 happy to report that a good time was had
21 by all. I went down with Joan, the
22 Executive Director; Marcos, the Director
23 of Strategic Initiatives; Bishop Taylor,
24 who is a fellow board member; and also
25 Lisa Grace Cohen, who is the Director of

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 Mediation.

2 While we were down there I think we
3 had an opportunity to speak to others
4 that are coming from all over the country
5 and all over the world. And it was a
6 good opportunity for us to see what some
7 of the common struggles are, some of the
8 problems that we all encountered. It was
9 also very informative to find out what
10 kind of challenges they faced, and also
11 to just compare and contrast the way we
12 do things versus the way it's done in
13 other jurisdictions.

14 I will say that in -- after taking
15 it all in, I think that even though
16 there's certainly a lot more room for
17 improvement, even within our own agency,
18 I think that we are, in comparison to
19 certain other jurisdictions, we are, you
20 know, doing a decent job in terms of
21 oversight.

22 And I will just say that there's a
23 very wide range of different
24 organizations out there. And I think it
25 was a good opportunity to showcase some

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 of the things that we were doing that
2 were effective.

3 In particular, some of the new
4 pamphlets that we put out in terms of how
5 to deal with police encounters, and some
6 of the other outreach that we've taken --
7 that we've taken to the next level with the
8 assistance of Linda Sachs, our Director of
9 Communications who's been very engaged in terms
10 of the publications that we were able to hand
11 out. They were very well received, to
12 the extent that we ran out. Other
13 jurisdictions wanted them. I think, you
14 know, if you go across the fifty states
15 you'll start seeing things that are very
16 similar to what we're handing out.

17 We also, most of us, participated in
18 presentations. And I think for the most
19 part they were all very well attended,
20 very well received. And I am very happy
21 that we had that opportunity to
22 participate.

23 There's going to be more, I think,
24 from Marcos, who is the national Treasurer
25 of the organization, and he'll fill us in on

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 some of the details that I did not go
2 into.

3 Next order of business, we are still
4 engaged in discussions with OMB in terms
5 of trying to get the staffing numbers up.

6 As we all know, the decrease in the head
7 count, particularly in the investigative unit,
8 has had a very drastic effect. And we
9 are at historical lows in terms of the
10 number of investigators and also the
11 number of outstanding vacancies. And as
12 everyone knows, of course, that has a
13 direct impact on our case processing
14 abilities, and also our ability to do
15 other aspects of the agency's duties,
16 such as outreach, which requires people
17 to have the free time to engage in.

18 One final order of business before I
19 turn the floor over to the Executive
20 Director is this is Meera Joshi's
21 last week here. And we will all
22 certainly miss her contributions to the
23 agency. We wish her all the best. And
24 in terms of filling her position, the
25 interviewing is continuing, but it

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 certainly is a very difficult task. And
2 as I stated previously very big shoes to
3 fill. So that process is still
4 continuing. Slowly but surely we're
5 moving ahead. But all the best to Meera
6 and, you know, don't forget about us.

7 MS. JOSHI: Thank you.

8 (Applause)

9 THE CHAIR: All right. You're now
10 going to hear from Joan Thompson, the
11 Executive Director.

12 MS. THOMPSON: Well, just to let
13 some -- everybody knows when Marcos and I
14 got off the plane coming from New Orleans
15 there was about a forty-five minute wait
16 to get a cab. And we were very busy
17 taking down cab numbers so that we could
18 give them to Meera so she could address
19 that problem immediately when she gets to
20 Taxi and Limousine Commission!!

21 The monthly statistics in August of
22 2011, the CCRB received 489 complaints.
23 This is fifty-nine fewer complaints than
24 it received in August of 2010 when the
25 agency received 548 complaints. We're in

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 eleven percent decrease in complaint
2 activity.

3 From January to August of 2011 the
4 CCRB has received 4,113 complaints, or
5 335 fewer complaints that it received for
6 the same period of 2010 when the agency
7 received 4,448 complaints. This
8 represents a seven percent decrease in
9 complaint activity year to date.

10 In August the board closed 508
11 cases. 182 were full investigations.
12 304 were truncated. Ten cases were
13 mediated. And twelve cases were closed
14 as mediation attempted.

15 The year to date substantiation rate
16 is seven percent, four points lower than
17 in the same period of 2010.

18 Year to date the board has
19 substantiated 100 cases as opposed to the
20 221 cases that we substantiated during
21 the same period of last year.

22 The truncation rate is sixty-one
23 percent, three points higher than in the
24 same period of 2010.

25 In August, the board closed twenty-

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 one more cases than it received. The
2 agency's open docket was one percent
3 lower than July's open docket. The
4 docket stands at 2,683 cases.

5 About ninety-six percent of our open
6 investigations were filed within the last
7 year. And sixty-seven percent were filed
8 in the last four months.

9 Of the open cases 753 cases are
10 awaiting panel review, or twenty-eight
11 percent of all open cases.

12 1,690 cases are being currently
13 investigated and 240 cases are in the
14 mediation program.

15 By date of occurrence of event
16 fourteen cases in the CCRB's open docket
17 are eighteen months or older. Three
18 cases are on DA hold, six cases are
19 pending board review, two are late
20 filings, and two delays are the result of
21 investigative delays. One case involves
22 multiple officers and a complex set of
23 circumstances.

24 In July, the Police Department
25 disposed of twenty-five cases. The

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 department disciplined twenty-one
2 officers and did not discipline four
3 officers. Two officers negotiated a plea
4 of guilty, and nineteen officers received
5 command discipline and instructions. In
6 four cases the department declined to
7 prosecute the CCRB cases.

8 Year to date discipline rate is
9 seventy-eight percent, and the department
10 declined to prosecute rate is nineteen
11 percent.

12 And, again, to follow-up on what Dan
13 said that Dan, Bishop Taylor, Marcos
14 Soler, Lisa Cohen and myself attended
15 the annual conference of the NACOLE,
16 National Association for the Civilian
17 Oversight of Law Enforcement in New
18 Orleans.

19 The conference this year focused on
20 training and policy concerns. It was well
21 attended by over 210 participants. One
22 of the keynote speakers was Bernard
23 Melkian, who is the Director of the
24 Office of Community Oriented Policing.

25 Bishop Taylor and Chair Chu

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 participated in a roundtable on boards and
2 commissions. Lisa presented on --
3 presented on a mediation panel. And
4 Marcos, who is also the national
5 treasurer, moderated a planning session
6 with Professor Sam Walker on making
7 police reforms endure.

8 Topics of the panels included
9 investigation of officers involved
10 shootings, tasers, reporting standards,
11 disciplinary matrixes and, of course, the
12 situation in New Orleans.

13 Marcos, do you want to -- where are
14 you?

15 MR. SOLER: I'm here.

16 MS. THOMPSON: Do you want to say
17 anything else about the conference? Or
18 tell a little bit more about it?

19 MR. SOLER: Okay. That is okay with
20 the board?

21 So you all know I'm the treasurer of
22 the organization. The other board members
23 and myself get together every year
24 about six/seven months before the
25 conference and try to put together the

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 conference which will address the needs of
2 our constituencies and our members.

3 The membership consists of about fifty agencies in
4 the United States. Many people who
5 belong to the organization also have
6 associate members.

7 And what we try to do is to
8 provide -- I mean, a training component
9 that normally you cannot find across the
10 country, because every agency is very
11 different, has different roles, and
12 sometimes it's not easy to get people
13 that might train you.

14 So the component -- the training
15 component was emphasized primarily the
16 first day, it was emphasized on things
17 as diverse as training about how to
18 investigate police shooting, to how to
19 investigate use of force, and how to
20 investigate abuse of -- what we would
21 consider here abuse of authority. And
22 that was the focus of the first day. We
23 have both sessions that were basic
24 training for those who are new to the
25 field. There were many new members. And

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 many of them volunteer in different parts of
2 the country, and have less experience
3 with policing. So it emphasized our
4 basic skills. There are those who are
5 more experienced and we emphasized the
6 training.

7 That evening we had the session in
8 which the different models of oversight
9 got together. That was the session led
10 by Bishop Taylor and Chair Chu, in which
11 they discussed what are the challenges
12 that the different commissions around
13 the country are facing these days. What
14 are the main problems on how those
15 diverse models also might learn from each
16 other.

17 This second day was an important one
18 because we -- last year we have the
19 Justice Department and this year we have,
20 again, the Justice Department. In this
21 case, I should indicate the Director of
22 the COPS office.

23 And he emphasized four points on
24 that were important to the COPS office
25 right now, and I also think important for

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 us who are involved in civilian
2 oversight.

3 He said in the COPS office, as well
4 as the Justice Department these days he's
5 encouraging all police departments to
6 adopt four basic principles and four
7 basic values. One most important to us
8 is the value of accountability. They
9 think that accountability has to go
10 beyond the sphere of looking at who's a
11 bad cop versus a good cop. And
12 accountability should permeate the
13 entire department.

14 The second aspect he talked about
15 was the idea of legitimacy. The police
16 departments have to understand that
17 ultimately the legitimacy of any police
18 department always comes from the trust
19 that the public gives to each of them.
20 They have to do the work making sure it
21 is respected by the people that they
22 serve.

23 The third aspect was police
24 departments need more not less
25 intervention. They need to look at new

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 technologies, they need to figure out
2 ways to do things different.
3 Particularly in the situation right now,
4 in which most departments face strong
5 budgetary constraints.

6 And I think, ultimately, the last
7 value was an important one as well. It
8 was the idea of generating national
9 standards. This is important to them as
10 well for us, the oversight agencies,
11 because a basic point is a lot of
12 departments are doing things there
13 differently but there is this national
14 trends or national standards they're now
15 emerging, and everybody should adopt.
16 It's what we tried to do and accomplish
17 with our conference.

18 The third day there was the different
19 sessions emphasizing different aspects,
20 some what we'd call problem areas. And
21 one of the sessions was Lisa Cohen's
22 session on mediation. I think the
23 session was a strong one and well
24 received. It focused primarily on how to
25 create a program. You should know -- you

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 probably know that right now there are
2 very few mediation programs in the
3 country. Ours is obviously this part of the
4 program since we have been doing this for a
5 long time. So one of the presenters
6 emphasized how to actually go about
7 creating the program. Lisa emphasized
8 the emphasis of once you have the program
9 how to make sure that the program doesn't
10 stagnate, continues to grow, how you
11 bring it to the next level. I think all
12 those points that she made there were
13 well received.

14 And, finally, Joyce Hicks, the
15 Director of the San Francisco office,
16 emphasized what from her perspective the
17 mediation program can become, one of the most
18 important programs that they run is San
19 Francisco. And to emphasize the point a
20 mediation should never to be treated as a
21 cheap alternative to anything but it's a
22 solution that has value on its own.

23 The final day we had the opportunity
24 to meet with Professor Sam Walker. That
25 was the session that I moderated. And

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 the session focused particularly on the
2 idea of the conference, how to make
3 police reforms endure. And the session
4 lasted almost about two hours, it was very
5 well attended.

6 The session played out in this -- the
7 following matter. I introduced Professor
8 Walker. Literature -- the books that he
9 has worked on. Most of you know that he
10 has -- he's a notable expert in
11 the nation in civilian oversight. Then
12 he made a brief presentation, about
13 twenty minutes, about what are the
14 important things to do if we want to make
15 sure that reforms don't go away, don't
16 vanish. And then we have about an hour
17 and a half of questions from the public.
18 And there were very different questions.

19 I think one of the important
20 questions perhaps were asked of the CCRB
21 was professor asked -- Walker was asked
22 directly these questions, and sometimes
23 we also receive -- I'm not taking a
24 position, I'm just explaining what he
25 said. That whether or not police

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 discipline should be given to an
2 authority other than the police
3 commissioner. Whether or not the police
4 commissioner should be or police chief
5 should be the final arbiter. And he said
6 absolutely not. And his research
7 indicates in those cases in which the
8 police chief is not in charge of the
9 department in terms of hire and
10 discipline, what it does it takes away,
11 and that was his position, the
12 opportunity for the chief to make
13 reforms, to make sure that police
14 department, and the people make
15 accountable for his department. I
16 thought that's the discussions sometimes
17 we have here. There were other
18 discussions about the role of Internal
19 Affairs, et cetera.

20 Overall, I think it was a great
21 presentation that he gave and the role
22 was very committed.

23 Next year we're going to go to San
24 Diego, and the idea again is the same.
25 To be able to bring training

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 opportunities to those who attend our
2 conference, and have discussion in which
3 we have an opportunity to learn from each
4 other. Thank you.

5 THE CHAIR: Thank you.

6 MS. THOMPSON: And, at the end,
7 they presented to each of the moderators
8 who presided over the different panels, this
9 certificate which reads , "in appreciation for
10 their contribution as a presenter at the
11 National Association for Civilian
12 Oversight of Law Enforcement 17th Annual
13 Conference Making Lasting Reforms, we are
14 making a donation in your name to
15 rebuilding together New Orleans" and this
16 one goes to Dan. So this was, I think, a really
17 terrific idea. That's it.

18 THE CHAIR: Turning now to Committee
19 reports.

20 I can report on behalf of the
21 Reports and Recommendation Committee that
22 the first draft of the Semi-annual Report
23 has now been completed and has been sent
24 over to the Police Department. We expect
25 to get that back in very short notice and

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 in very due course. And I think
2 historically we are on track to be
3 breaking records in terms of getting the
4 report out as early as possible.

5 Bishop, did you have something to
6 say about the Ambassador program.

7 BISHOP TAYLOR: Yes. I want to say
8 that we had the graduation ceremony for
9 the CCRB Ambassador's program a couple of
10 weeks ago. And the Executive Director
11 Joan Thompson came out along with Brian.
12 And we had all the students there, and we
13 gave them certificates and we had full house
14 but it was really a culmination of a
15 year's work that Dawn and her team did in
16 collaboration with ERDA to prepare
17 these scholars to go out -- ambassadors
18 to go out and really engage their
19 communities with peer-to-peer
20 instructions.

21 So I brought one of the instructors
22 with me this morning, John. And John
23 is going to talk a little bit more about
24 the success of that program. And I think
25 he brought a small little video vignette

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 that he's going to use as the closer
2 which is like maybe a sixty second thing.

3 We want John from our program to
4 come and greet you at this time. John.

5 MR. LISBON: Good morning. My name
6 is John Lisbon, I am the program director
7 for a video program with ERDA. And also
8 work with the college access program.

9 It was really amazing this summer to
10 see the young people engage in these
11 workshops and go out and do skits and
12 presentations to their peers about how to
13 engage police when confronted, and what
14 things to do, not to do to help
15 deescalate situations. Young people were
16 really proud of what they learned and are
17 eager to share it with other people.

18 It was really a great marriage
19 because the young people are -- we're
20 doing this video program and they have a
21 lot of issues that they wanted to
22 address. They did a video about the
23 budget cuts and the teacher layoffs that
24 was going to happen and how they felt
25 about that.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 And so now that they have this
2 knowledge and information about what to
3 do when -- in the community dealing with
4 the police, they're ready to do some
5 short videos that they can now go out to
6 other organizations and hand out and
7 other young people can have access to
8 this information.

9 What I have here is just a really
10 brief interview with two of the
11 participants. And there is some insights
12 in there you'll see during the ceremony
13 Bishop Taylor and Executive Director
14 Thompson was there. And so it's just for
15 them to say how they felt about the
16 program.

17 MS. THOMPSON: John, who are these
18 kids, so that they know?

19 MR. LISBON: These young people are
20 primarily New York City Housing Authority
21 residents. They are college bound
22 students that participate in this college
23 access program that East River Development
24 Alliance facilitates.
25 They're high school juniors and seniors.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 The other valuable thing about being
2 part of this program is this is an
3 internship that they can now put on their
4 college applications and in their essays,
5 that's very valuable that most people
6 don't have a chance of participating in.
7 So it really meant a lot to --

8 MS. THOMPSON: And the best thing I
9 thought that some of the people in the
10 audience, some of the mothers were there,
11 and some of the grandmothers were there too.

12 MR. LISBON: Yes.

13 MS. THOMPSON: At the graduation to
14 see how proud they were of these kids.
15 It was really heartwarming.

16 (Video played)

17 MS. THOMPSON: Thank you.

18 MR. LISBON: So that was their --
19 they are -- they formed relationships
20 with some of the people in the other
21 organizations that they went and did
22 presentations with. And some of those
23 people are actually contacting the young
24 people about coming back. And so they're
25 really excited about doing more work.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 I mean, they were required to do
2 four workshops, they got a stipend. Of
3 course that was motivating for them. But
4 a lot of them continue to sign up for
5 workshops even after they did the
6 requirements. So they were really into
7 it, they were really involved.

8 MS. THOMPSON: And I think also as
9 part of the Bishop's program, they took
10 their stipend and most of them made a
11 deposit into the credit union that was
12 there, so now they have bank accounts.
13 And the Bishop's organization provided
14 information about starting a bank account
15 and how to save and what that means.
16 This is absolutely terrific for kids, so
17 that they understand what this is all
18 about at a young age.

19 MS. MULLIGAN: Particularly as they
20 hit college, too.

21 MS. THOMPSON: And as they enter
22 college, exactly.

23 BISHOP TAYLOR: And the other thing
24 is that you have to look at the children
25 that we're targeting are children that

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 live in New York City Housing Authority
2 properties. And the statistics show that
3 only eleven percent of the residents in
4 the Authority have a bachelor degree over
5 twenty-five years of age. So that's, you
6 know, a ridiculous number in terms of
7 continuing education. So we're targeting
8 kids that are probably not really
9 thinking about college at the appropriate
10 time, not talking about college. But
11 this is an opportunity for them to
12 understand that college is not just an
13 option but expectation to really break
14 the cycles of poverty and move to the
15 next level.

16 And because of the frequency of
17 interaction with officers and young
18 people in public housing neighborhood,
19 this was a very strong program with a
20 very strong message. And the message
21 that I think that all of the kids got was
22 de-escalation, posturing yourself in such
23 a way that you don't escalate something,
24 make something bigger than it really is.

25 And so I think that coming from them

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 to their peers was most effective.

2 THE CHAIR: Thank you very much.

3 MR.SIMONETTI: Thank you.

4 MR. SIMONETTI: Thank you,

5 Joan.

6 THE CHAIR: Are there any other

7 committee reports?

8 Moving on. Any old business? Any

9 new business?

10 That brings us to public comment.

11 And I'm delighted to see that Mr. Dunn is back

12 with us after a brief absence.

13 MR. DUNN: Delight is a central

14 concept here. I apologize for missing

15 the last three meetings. I had court

16 appearances that I could not change.

17 And, Mr. Grant, I want to say hello

18 to you. Welcome to the board.

19 MR. GRANT: Thank you.

20 MR. DUNN: I don't know you but as

21 you probably know I'm the resident gadfly

22 here.

23 So picking up on the Ambassador program

24 that was -- I think it's fabulous that

25 you're getting kids involved. I was

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 looking on the outreach report, it
2 doesn't look like their presentations
3 were part of the outreach report. I
4 don't know if I missed that. I think it
5 would be helpful if they're not, for the
6 board to be including those things in the
7 outreach report.

8 BISHOP TAYLOR: Yes.

9 MR. DUNN: And I would certainly be
10 interested in knowing where they are
11 going in making presentations.

12 BISHOP TAYLOR: Yes, we have a
13 whole list of that, we'll make that
14 available for the next meeting.

15 MS. THOMPSON: Right.

16 BISHOP TAYLOR: Next meeting.

17 MR. DUNN: I mean, I think this sort
18 of thing is terrific and I said so from
19 the beginning of the program. I thought
20 the idea was terrific.

21 I'm also pretty interested that it's
22 focused on NYCHA. Because as I think you
23 all know there's a lot of conflict
24 between the cops and NYCHA residents.
25 And the whole vertical patrol phenomenon is

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 an on-going scandal, and there's
2 litigation about that. The department is
3 doing some things to try to get
4 a handle on the vertical patrols. But
5 I don't know how much the training these
6 young people got dealt with the trespass
7 issue, the vertical patrol phenomenon
8 Which, of course, is just a variation of
9 stop and frisk around the buildings as
10 opposed to on the streets.

11 I must say -- I need to say to
12 people, deescalate also. And that's an
13 important message so people understand
14 what you have to do when a person in the
15 confrontation is a cop with a gun and the
16 other person is a sixteen year old kid.
17 But I think there's another message that
18 has to be conveyed to people, which is
19 they do have rights. They do need to
20 understand that -- understand their
21 rights. They have certain parameters,
22 police officers should be operating with
23 that. And the CCRB is here at some level
24 to defend those rights. And I hope
25 that's not lost in the message.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 And, for instance, I know your
2 rights card, Dan you mentioned that. I
3 think Linda's doing a fabulous job on
4 these things. She showed me the card, I
5 think the card is a terrific card. One
6 of the -- the only substantive
7 complaint -- suggestion I had about the
8 card was that in discussing interaction
9 with police officer it talked about
10 cooperation, de-escalation. It did not
11 say the critical point, which is you do
12 not have to answer the questions of the
13 police officer. And I think it is
14 important, and I understand that
15 you're -- you're in a very different
16 position than we are. But it is
17 important that when the CCRB is training
18 people or handing out materials that as
19 much as possible tells both sides of the
20 story. Both the side about let's try to
21 avoid a confrontation. But, also, the
22 side of here's what your rights are when
23 you're dealing with a police officer.
24 That's an important message to people.
25 But I think the program's terrific.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 John, thank you for your work. I don't
2 know you but thank you for your work.

3 In terms of the reports I noticed
4 that -- I mean, again, the eighteen plus
5 cases are down, but are still six cases
6 older than eighteen months, they are
7 pending board review. I don't know how
8 long they've pending board review. But
9 it feels to me as much progress that has
10 been made the only acceptable number in
11 that category is zero, because those are
12 cases that have been substantiated, the
13 clock has run.

14 And I know the board has made a
15 conscious effort to deal with those
16 cases, but it just feels like those
17 things are hitting sixteen and seventeen
18 months it's got to be all hands on deck.
19 There should be no cases that are pending
20 before the board. They're eighteen
21 months over the order.

22 The other thing I want to mention
23 about the reports is that the DUP rate has
24 gone back up. It's not as high as it was two
25 years ago, but we're back up to twenty

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 percent now. I don't know what
2 conversations are taking place between
3 the board and the department about the
4 DUPs. I know the department's
5 consistently said it's because of
6 problems with board investigations.
7 Others like us have said it's just the
8 department flushing cases.

9 Whatever the truth of it may be when
10 there's that high a percentage of cases
11 there's something wrong in the process.
12 And I would urge you, as I often have
13 done, to continue to look very close at
14 that DUP rate.

15 There was a mention about NACOLE,
16 about the shooting incidents that various
17 other oversights look at. I know that
18 this board has traditionally not looked
19 at shooting incidents. And I know you're
20 totally strapped, you're not a lot of
21 people. But you may or may not have read
22 we will certainly soon be getting from
23 the Police Department copies of shooting
24 reports for the last fourteen years. And
25 we've had many requests from agencies and

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 the press and members of the public and
2 advocates for copies of those reports.
3 We're going to be doing substantial
4 analysis of those reports. And I would
5 hope the agency would have some interest
6 in either looking at those reports or
7 looking at the analysis of those reports
8 because of the obvious significance of
9 issues.

10 In terms of the semi-annual report,
11 you are way ahead of schedule, that's
12 terrific. And I think that's -- it was
13 always good that these reports come out
14 sooner rather than later and you made
15 a real effort to do that.

16 But one complaint I will repeat
17 which I repeat every time is that you
18 send the report to the Police Department,
19 let them chew on it, let them beat up on
20 you about things they don't like in it,
21 or maybe they never respond to you, one
22 or the other. I do not think that -- if
23 you're going to send it out to anyone,
24 you should send it out to everyone for
25 comment. Or if you're going to send it

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 to the Police Department it should be
2 restricted to factual corrections, and
3 they should not be given license to
4 comment on anything on that. And maybe
5 that's the case, Joan, is that correct?

6 MS. THOMPSON: Yes, they comment
7 on -- they check our facts, our numbers.

8 MR. DUNN: The only thing they're
9 doing is they're just looking at facts.

10 MS. THOMPSON: They may say other things but...

11 MR. DUNN: They're not saying they
12 don't like this text, we don't like the
13 way you're spinning this, we don't --
14 okay.

15 MS. THOMPSON: They may make that
16 comment, that doesn't mean we change it.

17 MR. DUNN: Well, okay, well that's a
18 different matter. Because you can give
19 it to me and I can make that comment and
20 you can change it or not change it also.

21 I guess I feel like this is an
22 independent agency, it's independent of
23 the department. There's one thing to
24 check facts, it's a different thing to
25 allow them to comment.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 And I will repeat, if you do that,
2 if you allow them to write a letter or
3 comment, it is standard practice of
4 independent agencies like this to include
5 with the report correspondence with the
6 agency that is being monitored back and
7 forth, so the public can see what the
8 exchange was. Standard accounting
9 practice.

10 Okay. The final thing I wanted to
11 mention was the -- I guess the most
12 notorious police incident that I think
13 that has happened since the last meeting,
14 and certainly the last time that I was
15 here. Which was this incident at the
16 West Indian Day Parade, where Councilman
17 Williams and a staff member of DeBlasio's
18 office were arrested. And I don't know what
19 the facts of that were, I wasn't there.
20 All I know is what I read in the papers.
21 But there are a lot of troubling aspects
22 to that. It is -- it embodies many
23 people's minds, kind of the exact problem
24 with police officers interacting with
25 African-American men in the city.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 Particularly, around the stop and frisk
2 phenomenon.

3 And I was struck by the lack of any
4 mention of the CCRB in the extensive
5 discussion, I don't know what that is. I
6 don't know if those gentlemen have filed
7 complaints. I don't know what they're
8 thinking is about that. I don't know
9 what the agency's discussions have been,
10 if any. But that is the type of
11 incident, the sort, that I'm concerned
12 with. The CCRB should be a part of the
13 discussion. And people who are thinking
14 of police misconduct or incidents like
15 should be saying what's the CCRB's role
16 in this, people from the CCRB -- I mean,
17 I realize there are constraints on what
18 you can say publicly and what you will
19 say publicly, but I just feel like when
20 something like that happens and the CCRB
21 is not visible, at least publicly in
22 terms of the discussion about that,
23 that's the sort of thing that worries me.
24 And, I think things like this may change
25 that over time. But to me that's a

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 little bit of a barometer. The sorts of
2 things, Dan, you mentioned, there's
3 always room for improvement. That's an
4 area where I think the public just have
5 to have a much more immediate
6 understanding that when there's an
7 incident like that and there's a
8 phenomena like this we should be talking
9 about the CCRB. Thank you.

10 THE CHAIR: Anyone else for public
11 comment. Mr. Simonetti.

12 MR. SIMONETTI: Chris, I would be
13 curious to know -- you said you had
14 fourteen years of shooting reports. Do
15 you know which reports you're getting?
16 Are you getting the final report that
17 comes from the Chief of Department's
18 office?

19 MR. DUNN: We're getting the two
20 reports that are on the fire
21 discharge reports.

22 MR. SIMONETTI: The borough report?

23 MR. DUNN: The twenty-four hour
24 report that gets done initially and then
25 the ninety-day report.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 MR. SIMONETTI: Okay.

2 MR. DUNN: And that's for every
3 single incident which an officer has
4 potentially fired at a civilian.

5 MR. SIMONETTI: Do you have any idea
6 what kind of analysis that you could be
7 doing with those reports?

8 MR. DUNN: I don't yet, and it's not
9 our forte. We're actually going to
10 probably hire someone. We're going to
11 use an expert in that area who will go
12 through those reports.

13 As you know Tony better than anyone.

14 What these are these are a report
15 that's done initially right after a
16 shooting. It collects factual
17 information that is known at the time of
18 the shooting. The witnesses from -- not
19 from the officer who fired, from other
20 people on the scene, from whatever they
21 can gather. And then it's supposed to be
22 within three months there's a much more
23 complete report that includes things like
24 medical reports, ballistics reports, and
25 the like. That's all used as factual

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 information. And then there's an entity
2 within the Police Department who uses
3 those reports to think about our
4 department training with respect to
5 shootings. And those have never seen the
6 light of day until now.

7 MR. SIMONETTI: Do you have any
8 indication that who you will be using in
9 terms of not specifically, but in terms
10 of will it be an academic institution?

11 MR. DUNN: You know, I --

12 MR. SIMONETTI: Graduate school or
13 be something like a think tank kind of an
14 organization.

15 MR. DUNN: I think it will be
16 something like that. And if you have
17 suggestions about that, Tony, you know I
18 would welcome them. Maybe you can get the
19 Police Foundation to pay for it, in which
20 case I wouldn't have to.

21 MR. SIMONETTI: See if you can get
22 them to pay for it.

23 MR. DUNN: But I would take any
24 suggestions to that.

25 We're going to look for someone who

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 has actually got -- you know, is an
2 independent person or entity that's got
3 some expertise to look into the issue.

4 MR. SIMONETTI: The person that
5 jumps off the page and he has since
6 deceased, was Fife. But I think there's
7 some organization that continues doing
8 that kind of work, you know, that may
9 be -- could be a biased opinion because
10 he was a member of the Police Department
11 at one time.

12 MR. DUNN: You know, Jim Fife had as
13 good reputation as anyone could have
14 had. He would have been
15 perfect.

16 MR. SIMONETTI: Unfortunately, it's
17 a conflict. I could always resign.

18 MR. DUNN: I don't (indiscernible).

19 MR. SIMONETTI: My feet would be.

20 THE CHAIR: All right, on that
21 note --

22 MR. SIMONETTI: I had one other
23 comment to make ...

24 THE CHAIR: Please.

25 MR. SIMONETTI: on Chris's comment.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 You talked about the eighteen months
2 cases, the over eighteen months. And I
3 agree almost entirely with everything you
4 said about the eighteen months cases.
5 But there are -- in fact, I just ran
6 across one that I read yesterday that we
7 discussed this morning at a panel
8 discussion. Very unusual case. And we
9 blew the SOL quite a while go, it's a
10 2009 case. We blew the SOL. But it's a
11 case where the person is on -- is in the
12 military, the officer is in the military,
13 will not be back until a month or two
14 from now. And this has been going on for
15 a while. And staff had suggested maybe
16 we should close it, and I said no.
17 Because it may fall under the exception
18 rule, because it could constitute a
19 crime. So -- I mean, that's an
20 exceptional case.

21 The other ones I agree with you on.
22 A lot of DA holds and things of those
23 sort, you know.

24 MR. DUNN: Well, I was counting
25 things that were not DA holds.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 MR. SIMONETTI: Okay.

2 MR. DUNN: I mean I -- you have a
3 dispute about the DA hold.

4 MR. SIMONETTI: Right.

5 MR. DUNN: You have six cases that
6 are identified as being board review
7 cases.

8 MR. SIMONETTI: Well, I think there
9 are two of them that fall into this
10 particular category.

11 MR. DUNN: Okay.

12 MR. SIMONETTI: You know, with the
13 military situation.

14 THE CHAIR: Okay. Well, nothing
15 further, we're going to break into
16 Executive Session.

17 Thank you all for coming.

18 (Meeting concluded)

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

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

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

In witness whereof, I hereby sign this date:

September 28, 2011

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

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

5 October 12, 2011
6 10:15 a.m.

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

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

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

24
25 Reported By: Erwin Fried

1

2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 YOUNGIK YOON, ESQ.

6 MARY E. MULLIGAN, ESQ.

7 TOSANO SIMONETTI

8 ALPHONZO A. GRANT, ESQ.

9 BISHOP MITCHELL G. TAYLOR

10 JULES A. MARTIN, ESQ.

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PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 THE CHAIR: All right, we're going
2 to get underway.

3 First order of business, adoption of
4 the minutes from last month. Is there a
5 motion?

6 DR. KHALID: Motion to adopt the
7 minutes.

8 MR. SIMONETTI: Second.

9 THE CHAIR: Second. All those in
10 favor please say aye.

11 IN UNISON: Aye.

12 THE CHAIR: Anyone objecting?

13 Any abstentions?

14 Okay, motion is passed.

15 Well, the financial challenges that
16 we've been facing are continuing. We
17 recently got a memo from OMB indicating
18 that citywide there's about a 4.6 billion
19 dollar budget gap that now needs to be
20 filled. What that means to us,
21 apparently, is for fiscal year 2012 we're
22 going to need to cut our budget by
23 approximately 232,000 dollars, which is
24 two percent. And going forward for
25 fiscal year 2013, it is approximately

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 a six percent cut, which amounts to
2 709,000 dollars.

3 So in terms of fiscal year 2012 the
4 232,000 dollars we should be able to
5 cover some of that by the attrition and
6 the accruals that will naturally happen
7 through the attrition. But in terms of the
8 709,000 dollars for fiscal year 2013 our
9 projections are it's going to cost us at
10 least another nine investigators at the
11 very least. Anywhere from nine to
12 possibly even twelve, depending on which
13 scenario ends up coming to pass.

14 We're exploring the different
15 scenarios. And, you know, again, it's
16 making a difficult situation even more
17 difficult. We certainly understand where
18 it's at. I'm looking at my own 401K,
19 which has lost about fifteen percent, so
20 I guess the city is not doing all that
21 much better.

22 There's also a hiring freeze. And,
23 regrettably, we made -- we've been
24 interviewing for a team attorney
25 position. We actually extended an offer

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 to someone. And within I think about two
2 hours we got notice that there was a
3 hiring freeze. And so that offer, at
4 least temporarily, has now been rescinded
5 and cannot be filled until we hear any
6 new news from OMB.

7 I guess the irony there is as many
8 of you know we just lost our First Deputy
9 Meera Joshi to the TLC. And if we had
10 retained her a little longer, we'd probably
11 still have her. But timing is everything and
12 we're still in the process of interviewing for
13 a replacement for her. The interviews
14 are continuing. We're very hopeful that
15 we will be permitted to make that hire to
16 replace Ms. Joshi since she was the
17 number two at the agency and a very
18 critical position for us, particularly in
19 the time when we're already losing other
20 personnel. It really becomes a critical
21 situation for us to fill that position as
22 quickly as possible.

23 In terms of other personnel matters,
24 I want to welcome our new lieutenant,
25 Lieutenant Thomas Swanson. You want to

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 just introduce yourself. And, again,
2 welcome aboard.

3 LT. SWANSON: Thank you very much.

4 THE CHAIR: Pertaining to the hot
5 button issues of the day, obviously
6 anyone who's walked past Zuccotti Park
7 now has seen that Occupy Wall Street
8 is still in full effect and unfolding as
9 we speak.

10 It's been a challenge for our agency
11 to stay on top of the number of contacts
12 from the public. But I've think we've
13 done a very good job in doing so. I
14 think much of that credit goes to our
15 team managers. And, in particular, I
16 think Denis McCormick , who has
17 given quite freely of has time to come in
18 and really stay on top of this. It's
19 clearly something where the numbers are
20 changing on a daily basis.

21 We have had to also ask Yuriy,
22 our information systems person, to fine-
23 tune our system to keep track of all the contacts
24 and information. I think we've been doing a
25 good job of keeping on top of that as well. But

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 it is still early in the process, it is
2 still unfolding. And at this point we
3 have started our investigation. And Joan
4 is going to speak more to what the
5 numbers are as of, I guess, last night or
6 this morning. And as I've stated
7 everyday we're getting more. So it's
8 still very much a work in progress.

9 What I do want to stress is that,
10 you know, certainly we are taking all of
11 these allegations very seriously.
12 Whether they are from people who were
13 actually witnesses who, you know, made
14 observations on their own, or whether
15 they're coming from outside of the area.
16 There are many people, as you know, that
17 are watching videos on YouTube and seeing
18 other media outlets and just expressing
19 their concern. And it's something where
20 we are keeping track of everyone who's
21 making contact. If the contact has
22 anything to add to the investigation we
23 are certainly following up those
24 investigative leads. And it really is
25 the incidents that are important to us.

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 But we certainly don't want to have any
2 indication that we're not interested in
3 hearing from people who don't have
4 firsthand knowledge. Anything that they
5 can add to our investigation is certainly
6 encouraged. And the leads are being
7 following and we are keeping a close eye
8 on what's going on there.

9 Joan, do you want to tell us a
10 little more about the numbers and the
11 specifics?

12 MS. THOMPSON: Well, that was part
13 of the report, so why don't I just begin.

14 THE CHAIR: Okay.

15 MS. THOMPSON: I will start where Dan
16 left off.

17 THE CHAIR: Yeah.

18 MS. THOMPSON: Okay. We've included
19 the information as provided by the stats
20 so you'll get an overall view of the
21 amount of cases that monthly we have received
22 in addition to the Occupy Wall Street contacts.

23 The CCRB received 517 cases during
24 September. This is thirty-nine fewer
25 cases than we received in September 2010

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 when the agency received 556 cases, or
2 its seven percent decrease in complaint
3 activity.

4 Among the 517 cases there was a
5 small number of cases stemming from
6 events related to the recent Occupy Wall
7 Street demonstration.

8 In addition, the CCRB received 474
9 contacts from people complaining on-line,
10 by telephone, either about specific
11 events they watched on the internet or
12 television, or about policing of mass
13 demonstrations in general. About ninety
14 percent of these contacts were made by
15 e-mail and they were about specific
16 incidents.

17 We've commenced an investigation
18 into specific allegations of misconduct
19 stemming from the recent demonstrations.
20 Our investigators are presently engaged
21 in evidence gathering, interviewing
22 witnesses and following-up on
23 investigative leads.

24 All complaints have been entered
25 into our complaint tracking system, and

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 the comments and evidence included are
2 being evaluated.

3 When any of the contacts from the
4 public contained complaints of misconduct
5 that fell within our jurisdiction the
6 information about the complainants and
7 all pertinent information were included
8 in the investigative file.

9 From January to September of 2011
10 the CCRB received 4,608 complaints or 396
11 fewer complaints than it received for the
12 same period of 2010, when the agency
13 received 5004 complaints. This
14 represents an eight percent decrease in
15 complaint activity year-to-date.

16 In September, the board closed 515
17 complaints; 188 were full investigations,
18 317 were truncated investigations, and
19 ten cases were mediated.

20 The year-to-date substantiation rate
21 is eight percent, which is three points
22 lower than in the same period of 2010.

23 Year-to-date the board has
24 substantiated 120 cases. The truncation
25 rate is sixty-one percent, two points

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 higher than in the same period of 2010.

2 In September, the board closed
3 twenty-six more cases than it received.

4 The agency's open docket had what was one
5 percent lower than the August open
6 docket. The docket stands at 2,657
7 cases.

8 About ninety-six percent of our open
9 investigations were filed within the last
10 year, and sixty-nine percent were filed
11 in the last four months. Of the open
12 cases 600 are awaiting panel review or
13 twenty-three percent of all cases. 1,827
14 cases are being currently investigated.
15 And 230 cases are in the mediation
16 program.

17 By date of occurrence of the
18 incident fourteen cases in the CCRB's
19 open docket are eighteen months or older.
20 These cases, three are on DA hold, eight
21 are pending board review, two were filed
22 more than a year after the incident took
23 place, and one case involved multiple
24 officers and a complex set of circumstances.

25 In August, the Police Department

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 disposed of twenty-one cases. The
2 department disciplined sixteen officers
3 and did not discipline five officers.
4 Two officers were found guilty after
5 trial. Two officers negotiated a please
6 of guilty resulting in termination. And
7 twelve officers received command
8 discipline and instructions. In five
9 CCRB substantiated cases the department
10 declined to prosecute. The year-to-date
11 discipline rate is seventy-eight percent
12 and the department declined to prosecute
13 rate is twenty percent.

14 That's it.

15 THE CHAIR: Thank you, Joan.

16 Are there any committee reports
17 today?

18 From Reports and Recommendations I
19 can say that we're very close to sending
20 the final product to the printer. I'm
21 giving it a final review, and that should
22 happen shortly.

23 Is there any old business?

24 Any new business?

25 Mr. Simonetti.

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 MR. SIMONETTI: Joan --

2 MS. THOMPSON: Yes.

3 MR. SIMONETTI: Did I hear correctly
4 you saying that the substantiation rate
5 decreased by three percent from last
6 year?

7 MS. THOMPSON: Yes.

8 MR. SIMONETTI: From eleven percent
9 to eight percent.

10 I wonder if staff can give us a
11 breakout in what category of cases we
12 substantiated cases, to see if there's
13 any particular area; like stop, frisk,
14 search, if there's any particular area
15 where the numbers went down. I think it
16 would be important for us when we read
17 the cases to know -- I would like to know
18 that information.

19 MS. THOMPSON: Okay, we'll have
20 Marcos get the information to the board.

21 (Pause)

22 THE CHAIR: Is there anything else?

23 Okay. We're opening it up now to
24 public comment. Mr. Dunn.

25 MR. DUNN: Okay, good morning.

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 THE CHAIR: Good morning.

2 MR. DUNN: So before I talk about
3 Camp Z. I'm just curious, you
4 introduced Lieutenant Swanson.

5 MS. THOMPSON: Yes.

6 MR. DUNN: Like you didn't mention
7 what his role is, I was actually curious
8 about that. Is he just a new staffer?

9 MS. THOMPSON: No, Lieutenant -- the
10 Police Department has a lieutenant, a
11 sergeant, and two police officers that
12 are stationed here. The old -- the
13 former lieutenant left and retired and
14 this is the replacement.

15 MR. DUNN: Okay. All right. And on
16 the budget, which is a disaster for
17 everyone, but is there any specific word
18 about where things are in the
19 administrative prosecution agreement?

20 MS. THOMPSON: No, nothing yet.

21 MR. DUNN: Okay. Zuccotti Park.
22 Again, I'm glad to hear you talking about
23 that. That's obviously the biggest
24 police event that's happening in the city
25 now.

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 I don't know how many of you have
2 been up to the park, but there are, at
3 times, hundreds of cops who are there.
4 And, you know, being -- I think this
5 presents an important opportunity for the
6 board to be addressing potential concerns
7 about misconduct and also equally
8 importantly being part of a public
9 discussion about police misconduct.

10 During the convention, which I think
11 was probably the last time we had protest
12 activity that was drawing the sort of
13 police attention in a sustained way, the
14 board made some efforts in terms of
15 positive outreach to the public to
16 educate them about how to file
17 complaints.

18 I also believe that the board has a
19 physical presence on the street for some
20 of the convention activity. And I think
21 that's an important thing to do, and I
22 would strongly encourage the board to
23 start thinking about it if it has not
24 done so, putting some staffers on the
25 street, particularly when there are big

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 days. This Saturday I think there's
2 going to be a lot of activity from the
3 protesters. And we have had two
4 Saturdays that have been marred by a lot
5 of arrests. And I think it would be
6 important, possibly from the board, to
7 have some people out on the street,
8 particularly when -- such as this
9 Saturday. There's a reason to believe
10 there's going to be a lot of activity by
11 the protesters and, therefore, a lot of
12 police interaction to the protesters.

13 In terms of the specific
14 controversies that have arisen, there are
15 two, obviously, big controversies that
16 the board has paid attention to in the
17 past. The first is pepper spraying
18 incident, the board has reported about
19 these pepper spray by the police
20 officers. And the second is the arrest
21 that took place on the Brooklyn Bridge on
22 Saturday night.

23 And for those of you who were not
24 here, and that is many of you, after the
25 convention where there were similar mass

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 arrests and there were concerns about the
2 failure of the department to provide
3 adequate warnings to protesters, the
4 board actually made a -- they made a
5 recommendation to the department about
6 clearer warnings. And, unfortunately,
7 Commissioner Kelly received that in very
8 hostile fashion and he had expressed
9 public displeasure, at the least, about
10 the board having made the recommendations
11 that it did.

12 And the tragedy is that that problem
13 played out again with what happened on
14 the Brooklyn Bridge. There may well have
15 been people who were on the bridge who
16 should not have been here, and who may
17 have heard warnings, but there were
18 hundreds of people who were on that
19 bridge, from everything I could tell,
20 including having been there, who heard no
21 warnings, who had no reason to think
22 there was any reason it could not go on
23 the bridge. They walked on the bridge
24 without any police officers giving them
25 any indication they could not do that.

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 And, as you know, there were
2 approximately 700 people that were
3 arrested. That was the single biggest
4 mass arrest in (indiscernible) history,
5 bigger than any of the arrests -- mass
6 arrests that took place during the
7 convention. And, frankly, if the
8 department had been paying attention to
9 the specific recommendations that this
10 board made now seven -- six years ago,
11 many of those arrests probably been
12 avoided.

13 And my point being that in addition
14 to that observation (indiscernible) that
15 as it did for the convention the board
16 shouldn't -- wasn't at this event with an
17 opportunity to think about policy
18 recommendations again. I hope that the
19 board will go beyond some of the issues
20 of investigating complaints, as important
21 as they are, and deciding what to do
22 about that. And to also focus on what
23 broader lessons we can learn from the
24 policing of these events.

25 And I think the issue about warnings

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 of large groups of people who are engaged
2 in protest activity, including marches,
3 is something that's particularly
4 important. It is the type of thing that
5 easily can eliminate a lot of arrests.
6 Frankly, if that happened as it should have
7 that Saturday night there would have been
8 hundreds of fewer arrests. And I just
9 think it was really important that the
10 agency think about this event in terms of
11 its role, in terms of it being proactive,
12 in terms of it being out there
13 personally, physically, and hopefully
14 visibly, so the public knows that CCRB is
15 out there, the Police Department knows
16 that the CCRB is out there. That doesn't
17 mean we're getting confrontational with
18 anyone. But the mere fact that you are
19 seen, that you are part of the
20 conversation, I think is important in
21 terms of restoring the public confidence
22 in the agency or the perception that the
23 CCRB is a central player in terms of
24 official misconduct here in the city.
25 Thank you.

PUBLIC MEETING OF THE CCRB OCTOBER 12, 2011

1 THE CHAIR: Thank you.

2 MR. SIMONETTI: Chris, just a point
3 of information. I'm sure you've looked
4 at some of the video that was posted on
5 YouTube. And at the bottom they have
6 direct links to CCRB. So they did have
7 the linkage to CCRB.

8 MR. DUNN: (Indiscernible).

9 MR. SIMONETTI: Just so you're aware
10 of it.

11 MR. DUNN: Yeah.

12 THE CHAIR: There's nothing further
13 in terms of public comment. We're going
14 to break into Executive Session. Thank
15 you.

16 (Meeting concluded)

17 (Time noted: 10:45 a.m.)

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

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

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

In witness whereof, I hereby sign this date:

October 24, 2011

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

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

November 9, 2011

10:11 a.m.

40 Rector Street

2nd Floor

New York, New York 10006

DANIEL D. CHU, 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: Erwin Fried

1

2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 YOUNGIK YOON, ESQ.

6 MARY E. MULLIGAN, ESQ.

7 TOSANO SIMONETTI

8 ALPHONZO A. GRANT, ESQ.

9 BISHOP MITCHELL G. TAYLOR

10 JULES A. MARTIN, ESQ.

11 DAVID G. LISTON, ESQ.

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PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 THE CHAIR: I would like to call this
2 meeting to order. First order of business
3 would be the adoption of the October 2011
4 minutes. Do I have a motion from anyone?

5 MR. SIMONETTI: Motion.

6 MR. DONLON: Second.

7 THE CHAIR: Okay. All those in
8 favor.

9 IN UNISON: Aye.

10 THE CHAIR: Any objections?

11 Any abstentions?

12 Okay, that's passed unanimously.

13 At this point we haven't heard back
14 formally from OMB yet pertaining to our
15 new needs. And at this point we still
16 are subject to a hiring freeze. So
17 slowly but surely our agency is facing a
18 vacancy rate of sixteen percent
19 agency-wide, and it's risen now to
20 nineteen percent for the investigations
21 division. So that's something that is
22 going to take our urgent attention to try
23 to address.

24 We're hoping, and I think normally
25 we will get a formal announcement

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 sometime later this month in mid-
2 November. And hopefully we will be able
3 to get past this temporary hiring freeze
4 and be able to restore some of the
5 investigative head count. And, again,
6 hopefully we're going to have funding to
7 continue the administration -- the
8 administrative prosecution unit. But at
9 this point we haven't had any kind of
10 formal announcement as of yet.

11 One of the other things that I
12 wanted to report on is the Occupy Wall
13 Street situation.

14 We, at the very high point, were
15 receiving approximately 250 contacts,
16 either by e-mail or by phone calls. In
17 the last, I'd say week or so, the numbers
18 diminished -- it's been consistently
19 diminishing. And in the last week to
20 week and a half I believe the number has
21 gone actually down to zero.

22 We do have a handful of active cases
23 that are being processed right now. And
24 we are coordinating with other agencies
25 that also have parallel investigations.

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 So at this point, we do have a
2 handful that are active cases, and we are
3 waiting to obtain additional information
4 and also obtain necessary interviews to
5 move forward and make -- and bring those
6 to a panel review.

7 The one other point that I wanted to
8 mention is there's been obviously a lot
9 of articles, a lot of blogs, and a lot of
10 talk about oversight; police oversight.
11 That seems to be in the news everyday
12 now. And just to set the record straight
13 a lot of these articles have mentioned
14 us. And as most of you who are here know
15 we derive our powers from the City
16 Charter. We -- our jurisdiction is known
17 as FADO, excessive unnecessary force,
18 abuse of authority, discourtesy and
19 offensive language. So anything that
20 falls outside of that, anything that
21 smells of corruption or, you know, the
22 stuff that you hear now in the papers
23 pertaining to allegations of gun-running
24 or ticket fixing, that falls outside of
25 our jurisdiction.

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 There was recently an article that I
2 think was picked up by a couple of the
3 more major news outlets put out by a
4 civic group that reviewed both us and
5 also the Commission to Combat Police
6 Corruption. And I just wanted to point
7 out that the CCRB is limited by FADO.
8 And I wanted to just point out that we do
9 have subpoena power. We do get
10 cooperation from the NYPD in terms of
11 obtaining necessary paperwork and
12 attendance. And to that end, we have a
13 unit here -- a liaison unit from the NYPD
14 consisting of Lieutenant Swanson,
15 Sergeant Mui and two other officers
16 that assist us day-to-day in getting
17 attendance, in doing database checks, and
18 ensuring basically that we get what we
19 need to proceed and more forward on our
20 investigations; things that fall within
21 our jurisdiction.

22 Despite the fact that some of the
23 issues mentioned don't fall within our
24 jurisdiction, I would also like to make
25 clear that we are always interested in

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 meeting with the administration, with the
2 City Council as well as with any civic
3 groups in terms of highlighting and
4 discussing this issue.

5 Some of those articles, I've tried
6 to keep abreast of most of them. And I
7 think there's some -- it's certainly an
8 important issue to be discussed. I think
9 some good ideas come out of those blogs
10 and articles. And, hopefully, you know,
11 some of these in terms of budget problems
12 and pegging our budget to a percentage of
13 the NYPD budget, those are certainly
14 ideas that I think should be floated
15 around, should be discussed and would
16 alleviate some of the constraints,
17 budgetary constraints that we're now
18 facing. So we welcome discussion. But,
19 again, we're limited to what our
20 jurisdiction is.

21 In terms of our involvement with
22 corruption I would point out that things
23 that fall out of our jurisdiction, but
24 things that come to our attention during
25 interviews and during our investigative

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 process are referred to the appropriate
2 agencies. And during the course of the
3 last year, approximately 1500 or so cases
4 were referred to the appropriate agencies
5 when we detected issues that may smell of
6 corruption. So that is our contribution
7 to that area of oversight and
8 enforcement.

9 And in terms of a comparison to what
10 systems are in place in other large
11 cities we do believe that we are the gold
12 standard here, and we do employ best
13 practices. And, you know, toward that
14 end we attend conferences every year. We
15 are in constant touch with other
16 oversight agencies throughout the country
17 and throughout the world. And we do
18 coordinate and we do share ideas. But
19 we're always open to new and innovative
20 ideas as to how we can do and better
21 perform our job while dealing with the
22 realities of the budget that face us
23 now.

24 All right, moving on, I would also
25 like to congratulate Laura Edidin.

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 After a very grueling interview process
2 she is now going to be the next Deputy
3 Executive Director of Investigations.

4 I also want to congratulate Roger
5 Smith. Roger Smith is going to retain
6 his position as a team attorney. But in
7 addition to his duties as team attorney,
8 he's going to be promoted to the Director
9 of Training. And he's going to be
10 bringing additional routine and regular
11 training to the staff of investigators.
12 That's something that the board has taken
13 a new focus on, holding more -- holding
14 training sessions with a lot more
15 regularity so that the investigators are
16 up-to-date with what's going on, and
17 everyone's on the same page.

18 One of the visions that we have is
19 better communication, obviously among the
20 agency with the NYPD, with the community,
21 and also, you know, just furthering the
22 training here, and the accountability.
23 So that's something that all of you
24 should look forward to.

25 Another piece of good news is our

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 former board member, William Kuntz II, is
2 going to be sworn in later this afternoon
3 as a district law judge in Eastern
4 District. So I'm sure everyone here
5 joins us in congratulating him on that
6 very auspicious event.

7 In terms of other news to report, we
8 obviously still do have three vacancies
9 on the board. We have one from the
10 Mayor's side, one from the Police
11 Commissioner's side, and one from City
12 Council.

13 As far as I can report I know that
14 there are things actively taking place
15 from the Mayor's side. I know that the
16 Police Commissioner is actively looking
17 to fill that vacancy. I don't know, and
18 I haven't heard much, from the City
19 Council in terms of replacing Dennis
20 de Leon. So hopefully that's something
21 that I'll be able to report on with
22 additional news in terms of his
23 replacement. It's now been how many
24 years?

25 MS. THOMPSON: It is almost two.

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 THE CHAIR: I agree, I think it's
2 been two years, and possibly more
3 than two years. So, hopefully,
4 we'll get some momentum in resolving that
5 issue.

6 All right, at this point I'm going
7 to turn the floor over to Joan Thompson,
8 the Executive Director, for her report.

9 MS. THOMPSON: Thank you.

10 Before I start the report I just
11 want to add a little something to what
12 Dan had said about our head count.

13 I think if you look in the packets
14 that you will see that authorized head
15 count is 141. And as of October 31st our
16 actual head count was 118. Which means
17 that there are twenty-three vacancies.

18 More importantly, twenty-two of the
19 vacancies are in the investigative
20 division, resulting in a nineteen percent
21 vacancy rate.

22 And we calculate that if we would
23 continue at that rate we would have close
24 to 1,000 cases in our docket by the end
25 of the year.

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 So we're just saying that we are
2 hopeful that when we hear back from OMB
3 that we will -- that it will be positive
4 for us.

5 The monthly stats are as follows:

6 In October the CCRB received 493
7 complaints. This is ninety-nine more
8 complaints that it received in October
9 2010. The agency received 592 complaints
10 or a seventeen percent decrease in
11 complaint activity.

12 From January to October 2011 the
13 CCRB received 5,090 complaints or 507
14 fewer complaints than it received for the
15 same period of 2010 when the agency
16 received 5,597 complaints.

17 This represents a nine percent
18 decrease in complaint activity year-to-
19 date.

20 In October the board closed 311
21 cases. Eighty-four were full
22 investigations, 219 were truncated. The
23 truncation rate is sixty-two percent,
24 three points higher than in the same
25 period of 2010. The year-to-date

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 substantiation rate is eight percent,
2 which is three points lower than in the
3 same period of 2010. Year-to-date the
4 board has substantiated 133 cases.

5 Civilians and officers sat down for
6 nine mediations, of which eight were
7 successful. Year-to-date there's been
8 122 mediation sessions, resulting in 113
9 successful mediations. The success rate
10 for mediation is ninety-three percent.
11 The rate for last year was ninety-four.

12 In September the board closed 162
13 fewer cases than it received, resulting
14 in a six percent decrease in the size of
15 the docket.

16 The docket stands at 2,819 cases.
17 About ninety-five percent of our open
18 investigations were filed within the last
19 year. And sixty-five percent were filed
20 in the last four months. Of the open
21 cases 785 cases are awaiting panel
22 review, which translate to twenty-eight
23 percent of all open cases. 1,785 cases
24 are currently being investigated. And
25 249 cases are in the mediation program.

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 By date of occurrence of the
2 incident fourteen cases in the open
3 docket are eighteen months or older.
4 This is the same number that was in
5 previous month. Twelve cases are already
6 on -- are still on the list. Two cases
7 pending are pending board review resolved
8 and two cases are new to the list. Three
9 cases are on DA hold. Seven cases are
10 pending board review. Ten were filed
11 late in the process. One was delayed
12 because of officers are on military
13 leave. And one case the board requested
14 further information after the case had
15 been submitted to the board panel.

16 In September the Police Department
17 disposed of twenty-seven cases. The
18 department disciplined twenty-one
19 officers and did not discipline three
20 officers. Two officers negotiated a plea
21 of guilty for ten days. And twenty-two
22 officers received command discipline and
23 instruction.

24 In two cases the department declined
25 to prosecute the CCRB cases. And in one

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 case the officer was found not guilty
2 after trial.

3 The year-to-date discipline rate is
4 seventy-nine percent. And the department
5 declined to prosecute rate is eighteen
6 percent.

7 MR. SIMONETTI: The first page of
8 the Executive Director's report --

9 MS. THOMPSON: Yes.

10 MR. SIMONETTI: How many cases reaching
11 disposition? There appears to be a number
12 missing there. If the total is 515
13 obviously those other three numbers don't
14 add up to 515. Because, I mean,
15 that's -- does anyone know what those
16 numbers are?

17 MS. THOMPSON: Are we missing a
18 number?

19 MR. SIMONETTI: Well, this isn't
20 correct here, this is wrong. This is 300
21 and -- this is the right numbers?

22 THE CHAIR: No, no. These are the
23 right numbers, but this 115 is the
24 correct number.

25 MR. SIMONETTI: Well, if that be the

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 case the 315 cases that were
2 investigated, 219 were truncated. And, I
3 mean, that's -- I know you said the
4 truncation rate is at fifty-three
5 percent. I mean, I don't know if this is
6 an aberration for the one month, but it
7 certainly seems to be way above fifty-
8 three percent.

9 And, once again, I just caution
10 staff that we got to be looking at these
11 cases very carefully and see what we can
12 do with that truncation rate.

13 MR. DUNN: Seventy percent, Tony.
14 The seventy-two --

15 MR. SIMONETTI: Well above eighty-
16 three percent, that's well above.

17 MARCOS: Tony, the truncation rate
18 for the month was seventeen percent.

19 MR. SIMONETTI: Seventy.

20 MARCOS: 7-0.

21 THE CHAIR: My understanding, Tony,
22 is -- Mr. Simonetti, is that --

23 MR. SIMONETTI: Tony is fine, my
24 father is Mr. Simonetti.

25 THE CHAIR: Is that we seem to have

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 an inconsistent number of panels meeting
2 from month-to-month. So these numbers
3 are somewhat representative of how many
4 cases are being closed by the panel.

5 So, for instance, for October I
6 think -- and please, the staff, if I'm
7 wrong, let me know, it indicates that
8 Joan, who has handled a lot of the
9 truncated cases now closed out a lot more
10 cases than the panel. So to that end,
11 when we talk about holding the staff kind
12 of more accountable and everything else,
13 I would just remind my fellow
14 commissioners that we, too, need to do a
15 better job in terms of meeting.

16 It's very difficult to get three
17 busy bodies together. We all have day
18 jobs. But, you know, we clearly need to
19 do a better job in terms of meeting them
20 and closing out these cases. That's my
21 understanding of why that number's so
22 high.

23 MR. SIMONETTI: And year-to-date is
24 fifty-three percent.

25 MS. THOMPSON: Yes, I believe so.

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 Yes.

2 THE CHAIR: Yes, Commissioner

3 Martin.

4 MR. MARTIN: Going back to the
5 vacancy number. We have twenty-two vacancies?

6 MS. THOMPSON: Twenty-three
7 vacancies.

8 MR. MARTIN: Twenty-three vacancies.
9 Are they actually vacancies or are they
10 lost positions. Meaning, how many of the
11 twenty-three could be filled?

12 MS. THOMPSON: No, they're
13 vacancies.

14 MR. MARTIN: Their vacancies. All
15 twenty-three can be filled?

16 MS. THOMPSON: Yes. Well --

17 THE CHAIR: Subject to the hiring
18 freeze.

19 MS. THOMPSON: Subject to the hiring
20 freeze and whether we can get a waiver
21 for the two for one. Because, again, the
22 two for one impacts a very small agency
23 like ourselves in a really
24 disproportionate way. Because for us to
25 get twenty-three people in that means we

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 have to have forty-six people leave. So
2 for us, I mean forty-six people here is,
3 you know a great many of our staff. So
4 it really affects us, and as I said in a
5 very disproportionate way.

6 MR. SIMONETTI: So the vacancy rate
7 that is not reflective of what's really
8 happening then. If you're saying it's a
9 two for one exchange.

10 MS. THOMPSON: Well, the two for one
11 is the city rule.

12 MR. SIMONETTI: Yeah, I understand
13 that.

14 MS. THOMPSON: Yes.

15 THE CHAIR: So I think that is an
16 actual number. But I think the two for
17 one basically says we'll never actually
18 be able to restore that.

19 MS. THOMPSON: We will never actually be
20 made whole if waiver is not granted.

21 THE CHAIR: Unless we get a waiver.

22 MR. SIMONETTI: So it doesn't look
23 like we're going to be getting more
24 investigators.

25 MS. THOMPSON: Well, we're hoping.

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 We're talking to OMB and hoping that we
2 can come up with some kind of --

3 MR. SIMONETTI: Do they still
4 require individual requests for each
5 person?

6 MS. THOMPSON: It's a par, yes.

7 MR. SIMONETTI: You have to do a par
8 for everybody?

9 MS. THOMPSON: Yes.

10 MR. SIMONETTI: Okay.

11 THE CHAIR: We've been on the
12 Committee Reports. Are there any
13 committees making any reports?

14 Okay. Just to fill the dead air I
15 will let people know that the semiannual
16 is at the printer now. So that should be
17 ready shortly.

18 Is there any old business?

19 Any new business?

20 (Pause)

21 I think I'll hold off on that.

22 All right, we're going to move to
23 public comment. We're going to start
24 with Thomas Weiss.

25 MR. WEISS: I'm here for a couple of

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 reasons.

2 One is I just became aware of these
3 meetings. I also happen to have a
4 case --

5 THE CHAIR: Will you just state your
6 name officially for the record.

7 MR. WEISS: My name is Thomas Weiss.
8 And I live in Staten Island. And I have
9 a case that was accepted for
10 investigation some months ago. And at
11 this point I'm not exactly sure what's
12 happening because of some questions that
13 have been raised.

14 As a matter of fact, I've sent Ms.
15 Thompson an e-mail about that.

16 THE CHAIR: But, Mr. Weiss --

17 MR. WEISS: I'm having trouble --

18 THE CHAIR: -- let me suggest this,
19 let me suggest that if you're talking
20 about --

21 MR. WEISS: I wasn't going to go
22 into details on it.

23 THE CHAIR: If you're going to talk
24 about your case what I'll do is I'll have
25 one of the investigators speak with

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 you --

2 MR. WEISS: Well, I wasn't going to
3 go into details, especially since I've --

4 THE CHAIR: Okay.

5 MR. WEISS: -- already written the
6 memo. Part of the problem is getting
7 responses which haven't been forthcoming.

8 THE CHAIR: Okay.

9 MR. WEISS: But I had a couple of
10 questions.

11 One is I've been involved in a
12 number of incidents with police,
13 et cetera. And recently I was pretty
14 much manhandled and, it turns out,
15 illegally arrested by a security staff at
16 the Parks Department. And I didn't know
17 how to go make a complaint. And I was
18 advised, and I want to make sure the
19 information is correct, I was advised by
20 a police officer that in such a case,
21 where there are Parks Department
22 enforcement individuals, that the
23 complaint does not go through the Police
24 Department, it is to be made, even though
25 they're not police officers, to the CCRB.

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 That's what I was instructed. And I
2 didn't want to go ahead and pursue that
3 until I got conformation here or was
4 referred, presumably by this agency, to
5 the correct agency. Otherwise, I'm just
6 barking up the wrong tree.

7 THE CHAIR: I'm sure that the
8 officer gave you the best information
9 that was available to him at the time.
10 But that's not my understanding.

11 MR. WEISS: Oh, well --

12 THE CHAIR: And what I think might
13 be a better way to go forward with your
14 concerns is we can have a team manager
15 sit with you --

16 MR. WEISS: Okay.

17 THE CHAIR: -- and you will
18 absolutely get a response.

19 MR. WEISS: Fine. I'm glad I raised
20 the question, because I was all set to go
21 ahead and then find out -- and I also
22 wanted to find out does this agency --
23 and I'm not planning anything right now,
24 but in the event there is not a
25 successful resolution of this, does this

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 agency have an Inspector General. And,
2 if so, who is it? It's not in the green
3 book and I called Pat Harris' office and
4 she referred me to DOI. And I got no
5 answer there. And I'm just trying to
6 find out if there is an IG and who that
7 individual might be.

8 THE CHAIR: Again, to my knowledge,
9 there is no IG for this agency. But I
10 think you can get -- we'll have a team
11 manager go through the procedures with
12 you --

13 MR. WEISS: Today?

14 THE CHAIR: -- at the close of this
15 meeting. That's correct.

16 MR. WEISS: Okay, good. That's the
17 answer to my question. Thank you.

18 THE CHAIR: You're welcome. Mr.
19 Dunn.

20 MR. DUNN: Okay, good morning.

21 THE CHAIR: Good morning.

22 MR. DUNN: Glad to hear you say,
23 Dan, you want to meet the civil rules,
24 because you have to meet with me every
25 month, for better or for worse.

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 THE CHAIR: Highlight of my month.

2 MR. DUNN: Highlight of your month.

3 So, Tony, you mentioned the
4 truncation rate, and I -- every month I
5 mention this, but it's now -- I think
6 this is an historical high, I don't think
7 there's ever been a seventy percent
8 truncation rate for a reporting period
9 before.

10 And, Tony, I read the report the
11 truncation rate for the year now is
12 sixty --

13 MR. SIMONETTI: Sixty-two.

14 MR. DUNN: -- sixty-two percent, and
15 not fifty-three percent?

16 MR. SIMONETTI: That's what the
17 report says. Thank you.

18 MR. DUNN: I'm not correcting you,
19 I'm just saying we have been told --

20 MR. SIMONETTI: Right.

21 MR. DUNN: -- fifty-three percent,
22 and it's sixty-two percent.

23 And there may be some sort of
24 statistical quirk by virtue of processing
25 the cases, but the truncation rate

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 continues to be, I think, a huge concern.
2 Particularly in light of the claim
3 numbers are going down. So there are
4 fewer cases that you are seeing. So I
5 would have thought that the truncation
6 rate certainly would not be going up.

7 And I just want to say what I have
8 said before, and Tony to pick up on the
9 concern that you expressed, there needs
10 to be I think some more serious
11 institutional meeting of what happened in
12 terms of the truncation process.

13 All right. Occupy Wall Street.
14 Dan, I appreciate your reporting about
15 that. Certainly, it seems like for now
16 none of the serious policing problems
17 that we talked about last month have
18 abated probably because the department
19 happily has been put in a situation where
20 it can walk away a little bit from some
21 of the conflict in Zuccotti Park. But it
22 still continues to be a major policing
23 event. And there still continues to be a
24 lot of arrests, including this past
25 weekend.

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 And I will repeat what I said last
2 month, which is I hope that the agency is
3 doing more than just processing things
4 that come in through the phone line or
5 through the mail. And it's actually,
6 having someone go out there on some
7 regular basis to actually see what's
8 happening.

9 It's three blocks away from here.
10 It is the biggest policing event in the
11 city on an ongoing basis. And I think it
12 would do the agency well to have a
13 presence up there.

14 Which relates to the third point
15 and, perhaps, the most important point.
16 And, Dan, I appreciate your spirited
17 defense of the CCRB, and I understand
18 that you guys have gotten dragged in the
19 mud, a little bit unfairly, because you
20 have been lumped in with some of the
21 corruption and investigation issues.
22 But I think, to be fair, what the lumping
23 in reflects is that there is a general
24 perception amongst the public and
25 perception of what we share that there's,

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 essentially, no oversight of the Police
2 Department across the board.

3 And it is not only the things like
4 corruption, where we've had this
5 explosion of incidents over the last six
6 months, it just keeps coming. That
7 includes the Council, lack of oversight
8 meaningfully by the Council, including by
9 the Public Safety Committee, and my
10 friend, Peter Vallone Jr., Chairman. And it
11 includes the CCRB.

12 The CCRB is the -- you said it, Dan,
13 the gold standard. It is the city agency
14 that's got meaningful staff and
15 meaningful resources that is charged with
16 the specific responsibility of doing a
17 substantial amount of oversight of the
18 Police Department. And I just think that
19 most people believe, and I think rightly
20 so, that the CCRB is not playing nearly
21 as active a role as it needs to be, and
22 should be, in that oversight
23 responsibility.

24 And I just think if you talk to most
25 people in the public and even most people

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 who are decision makers, they probably
2 cannot identify anything in the last year
3 or two years, or maybe three years, where
4 the CCRB has done that they would
5 identify as an act of actual oversight of
6 the Police Department. You just have not
7 been part of the conversation, you just
8 have not taken actions that people will
9 receive as being significant acts of
10 oversight.

11 I understand you're processing a lot
12 of cases, and that's fine and good, and
13 we have concerns about that. But you're
14 clearly processing a lot of cases.
15 What's been missing is the bigger
16 picture. What's missing is what I think
17 people are now talking about, which is
18 these are really meaningful substantive
19 oversight of the Police Department. And
20 for that I think you guys have just been
21 completely absent.

22 And I have said this before, and I
23 will say it again, we want you and we
24 think you should, get out of just
25 processing cases, and start thinking

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 about and talking about and doing things
2 about the bigger issues.

3 And you mentioned the semiannual
4 report, I look forward to seeing it. The
5 semiannual report, the report that you
6 put out, and you're doing a much job of
7 getting it out in a timely way, and
8 that's good, that is an opportunity for
9 you to point to bigger concerns, to point
10 to police issues, to, perhaps, are
11 thinking about recommendations, and any
12 you made to the department beyond cases.
13 That has been often times absent. But I
14 look forward to seeing the semiannual
15 report that we're going to get and maybe
16 we'll all have some good news around
17 that.

18 MR. SIMONETTI: Mr. Chair?

19 THE CHAIR: Yes, Mr. Simonetti.

20 MR. SIMONETTI: Chris, I guess you
21 and I have probably been around the
22 longest. So just let me remind you of
23 the reports that we submitted after
24 Tompkins Square Park, after the RNC. And
25 going further back, if you recall the

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 church incident in Queens, in Southeast
2 Queens, the report that we submitted
3 then. Beyond that we did reports on the
4 9 mm, if you remember. We did reports on
5 many, many things. I mean, the list is
6 rather lengthy.

7 So we do go beyond really what our
8 mandate is. And many of us on the board
9 feel that that's our responsibility. So
10 there may be something coming after we
11 look at these cases that deal with the
12 Wall Street protests. You know, maybe
13 there'll be something forthcoming to the
14 Police Department in terms of
15 recommendation. I mean, that's normally
16 a natural outgrowth after we do an
17 investigation.

18 So we have done a lot, and I don't
19 want the public to think, or people to
20 believe, that we -- you know, we're so
21 limited on our scope only give you the
22 facts ma'am, and we're only going to look
23 at the FADO, we go well beyond that, you
24 know.

25 MR. DUNN: Well, I agree with all of

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 that, you're absolutely right. In fact,
2 I often point to the reports that the
3 agency has done. But as you pointed out
4 and as I think you understand, the last
5 time the recommendation of that sort got
6 made was after the convention, which
7 was -- I hate to say it, because I'm
8 still litigating these cases, seven
9 years ago. And a lot of water's gone
10 under the bridge in the Police Department
11 since then.

12 So I think -- when I look back at
13 that history, that's a history that
14 (indiscernible). It shows the agency can
15 do those things. It certainly has
16 the authority to do those things. And my
17 concern is that it has not done those
18 things.

19 MR. SIMONETTI: Well, in more recent
20 times I remind you of the strip search
21 and the policy -- the new policy that was
22 established by the department and the new
23 order that came out in terms of strip
24 search. So, I mean, that's since the RNC
25 and Tompkins Sq, yes that's --

PUBLIC MEETING OF THE CCRB NOVEMBER 9, 2011

1 MR. DUNN: Is that right?

2 MR. SIMONETTI: I think so.

3 MS. THOMPSON: Yes, it is.

4 MR. SIMONETTI: You know I'm a
5 little older than you so I don't remember
6 things as well as you do. But I think --

7 MR. DUNN: My memory's pretty bad,
8 let me assure you.

9 MR. SIMONETTI: I think it's
10 occurred in the last seven years, yes.

11 MR. DUNN: I'll give you that one,
12 if that's true.

13 MR. SIMONETTI: Before. I'm being
14 told by staff that it occurred before, so
15 I apologize.

16 MR. DUNN: It's okay.

17 THE CHAIR: If there's nothing
18 further we're going to break and then go
19 to Executive Session.

20 Thank you all for coming.

21 (Meeting concluded)

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

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

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

In witness whereof, I hereby sign this date:
November 18, 2011

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

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Meeting of

The Civilian Complaint Review Board

December 14, 2011
10:15 a.m.

40 Rector Street
2nd Floor
New York, New York 10006

DANIEL D CHU, ESQ., Chair
LAURA EDIDIN, Deputy Executive Director, Chief of
Investigations and Legal Affairs

PUBLIC MEETING AGENDA:

- 1: Call to order
- 2: Adoption of the 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 Eileen Mulvenna, CSR/RMR

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BOARD MEMBERS PRESENT WERE:

Tosano J. Simonetti,
Youngik Yoon, Esq.
Bishop Mitchell G. Taylor,
Mary E. Mulligan, Esq.
Jules A. Martin, Esq.,
Janet Cortes-Gomez, Esq.
James Donlon, Esq.
David G. Liston, Esq.
Dr. Mohammad Khalid,
Alphonzo A. Grant, Esq.

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THE CHAIR: I'm going to call this meeting to order.

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Good morning, everyone. I look over and it looks like kind of a shallow bench this morning. I don't know if people are out doing holiday shopping or what it is, but for those who are here, faithful attendees, welcome.

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The first order of business is the adoption of the December minutes.

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MR. SIMONETTI: Make a motion.

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THE CHAIR: Do I hear a second?

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MR. DONLON: Well, I have a correction.

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THE CHAIR: Yes, you have the floor.

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MR. DONLON: Page 28, there is a reference to Public Safety Committee and the chairman, and the name is Peter Warren. Obviously, that's a typo, I think. So I would move to correct that to reflect the name Peter Vallone, Jr., as the chair of the Public Safety Committee of the City Council. Otherwise, I think that's the only issue with the minutes.

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THE CHAIR: Let's take a vote on

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that amendment.

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Do I hear a second for that?

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MR. KHALID: Second.

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THE CHAIR: All in favor?

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IN UNISON: Aye.

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THE CHAIR: It's unanimous.

9

Any abstentions? Anyone out

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there? So one abstention.

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Just so the two board members

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joining us now know where we're at, we're

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in the middle of the adoption of minutes.

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Commissioner Donlon pointed out that

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there was a slight typographical mistake in

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the minutes. The chair of the Public

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Safety Committee should be correctly stated

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as Peter Vallone, Jr. And we took a vote

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on that.

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We're now ready to adopt the rest of

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the minutes. Do I have a motion?

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MR. KHALID: So moved.

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THE CHAIR: Any second?

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MR. DONLON: Second.

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THE CHAIR: All those in favor.

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IN UNISON: Aye.

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THE CHAIR: Any objections?

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Any abstentions? One abstention.

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And you'll note that the abstention

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is our newest board member Janette

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Cortes-Gomez. We want to welcome her here.

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She is an attorney in private

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practice. She holds an undergraduate

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degree from Canisius College and has a JD

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from SUNY Buffalo School of Law from 1999

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to 2004. She was an attorney with the

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Administration for Children Services with

14

the City of New York. And since that time,

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she's in private practice with a focus, I

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believe, in family court matters.

17

So I want to thank the Mayor's

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office for filling this very crucial and

19

vital spot. Now we are only down to two

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vacancies which is a good thing.

21

So again, welcome to

22

Ms. Cortes-Gomez.

23

(Applause from the audience.)

24

MS. CORTES-GOMEZ: Thank you.

25

THE CHAIR: You'll also notice that

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2

our Executive Director, Joan Thompson, is

3

not here today. Regretfully she had an

4

injury. She has a fracture in one of her

5

ankles and a chipped bone in the other. So

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she's going to be out for a considerable

7

period of time we foresee.

8

And unfortunately, I can't say that

9

she was chasing down bad guys or following

10

up on investigative leads. My

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understanding is she was trying to

12

negotiate steps while doing some holiday

13

shopping.

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But we all wish her well. And if

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anyone wants to send her a card or

16

something, feel free to send it here and we

17

will make sure that it gets into her hands.

18

But with us today is Laura Edidin,

19

who is our newly minted Deputy Executive

20

Director of Investigations and Legal

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Affairs, and the Executive Director's

22

report we're sure will be very capably

23

provided by Ms Edidin this morning.

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All right. Soon after our November

25

meeting, the budget was announced by OMB.

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And as of the November 2011 financial plan,

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there are three items that have a direct

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effect on this agency's budget and

5

operations.

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First of all, the administration

7

granted our request to baseline the

8

Administrative Prosecution Unit. So we're

9

really thrilled about that. That's

10

something that we were just very hopeful

11

would happen. It has now happened. We

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want to thank all those people that

13

supported us, people in the Council, civic

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groups and other people that took on that

15

issue and really made it happen.

16

The administration has funded two of

17

the positions, that being the lead

18

prosecutor as well as an investigative line

19

for an investigator dedicated to that unit.

20

Secondly, I want to report that we

21

did receive some cuts. We received cuts of

22

about \$353,000 for fiscal 2012; \$121,000

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for fiscal 2013; and 95,000 in 2014 and the

24

out-years. The cuts for 2013 and the

25

out-years turn out to be lower than the

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target of 709,000 which is what we

3

anticipated facing before the official

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announcement.

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And finally, another bit of bad news

6

for us is the administration has at this

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point mandated that all hiring continue to

8

be frozen except under some very narrow

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circumstances. And at this point, those

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exemptions have not been deemed to apply to

11

our agency and we are working on trying to

12

get some hires. Because at this point, the

13

CCRB, as many of you know, has a vacancy

14

rate agency wide of 18 percent, which is at

15

a historical high at this point.

16

All right. You'll also note that

17

today is the last meeting of the board for

18

calendar year 2011. So I want to touch on

19

some of the highlights.

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It's been a year of many

21

accomplishments and I'd like to focus on

22

five major areas: The APU, the disposition

23

of misconduct cases, the mediation,

24

outreach and case processing.

25

But before I get to that, I want to

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take a moment to thank the members of the
board for their continued commitment and
their continued hard work.

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In 2011, this board closed nearly
6,000 case, met during 75 panel sessions,
had 12 board meetings and conducted
numerous committee meetings.

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I also want to thank the staff. The
staff has been asked to do more with much
less in terms of resources and manpower,
and it's something that is not always
mentioned, but we on the board and the
senior staff do take note that the
performance numbers speak for themselves.
And it really is a testament to the fact
that everyone is pulling together in these
difficult times and I hope for continued
success in that regard. So thank you very
much to the staff.

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Moving on, I want to talk first
about the APU. As I mentioned earlier
during the budget discussion, the APU pilot
program is now officially the
Administrative Prosecution Unit. All

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right. It was put into effect, as many of you guys know, in the fall of 2010. It has been deemed a success now and we have permanent funding for the two positions that I've previously mentioned.

As most of you also know, prior to 2011, only NYPD attorneys prosecuted civilian complaints substantiated by this agency. So in 2011, with administration funding for the pilot program, the CCRB APU pilot program was established along with support from the NYPD.

May 24th, 2011, for the first time, Laura Edidin, who is our APU attorney at the time before she was promoted to Deputy Executive Director, served as the lead solo prosecutor for the misconduct cases stemming from one of our substantiated cases. I'm happy to report that last week the Police Commissioner, upon the recommendation of the Deputy Commissioner of Trials, found that officer guilty. That's the first official outcome of one of her solo trials.

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And for the calendar year 2011, the CCRB has participated in a total of nine trials in the Police Department's Trial Room. Three of those nine have been solo prosecution cases. And we hope and expect that there will be more to come.

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The next issue I want to touch upon is the Police Department disposition of CCRB misconduct cases. In 2011, the NYPD imposed disciplinary action in a higher proportion of civilian complaint cases substantiated by this board than it did in previous years.

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The percentage of cases in which the Police Department imposed discipline has increased from 61 percent in 2009 to 78 percent in 2010 and to 80 percent in 2011.

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We attribute a lot of this to better communication between the two agencies and also the hard work of the staff, and we expect that to continue.

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The next area I want to talk about is our mediation program headed by Lisa

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Grace Cohen. This agency continues to

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resolve increasing numbers of cases through

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that program and it continues to provide

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civilians with the opportunity to speak

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with an officer in a facilitated discussion

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in an attempt to resolve the underlying

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conflicts that generate these complaints.

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The total number of cases resolved

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through the mediation program increased

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from 2.5 percent of all closures in 2009,

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moved up to 5 percent in 2010, and reached

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6 percent in 2011.

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In 2009, the CCRB closed 204 cases

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through mediation.

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2010, that number was 341.

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And for January through November of

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2011, this agency closed 357 cases through

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mediation.

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So just to really bring that home,

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that's a 5 percent increase in just two

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years and it's very remarkable, and we hope

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and expect that to continue as well.

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Moving on to outreach, we've also

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expanded our outreach program. The

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Outreach Unit increased a number of public presentations from 49 in 2009 to 95 in 2010 to a whopping 152 for the period between January and November 2011. The majority of these presentations were held at schools, churches, community groups, and with particular focus on the New York City Housing Authority and its locations.

For the first time, also, we received a grant to enhance the scope of outreach and the grant was from the New York Community Trust which funded the CCRB's Ambassador Internship Program. This was partnered up with the East River Developmental Alliance and provided internships to young college-bound residents of public housing developments in District 1 in West Queens. And for that, we have Bishop Taylor to thank as well as Dawn Fuentes who headed the efforts in the Outreach Unit.

We also redesigned our basic brochure and the annual report to make them more engaging to the public. The brochure

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is now available in Spanish, Russian,

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Chinese and Italian. We expect to complete

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a Korean version, Arabic, Haitian Creole

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and others in the near future. So that's

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really been spearheaded by Linda Sachs, and

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we thank her for her efforts in that.

8

In terms of creating a new and youth

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friendly palm card in Spanish and English,

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that's also credited to Ms Sachs. It's

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entitled What to do if a Police Officer

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Stops You. And again, that was a big hit

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when we went to the conference down in New

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Orleans, the NACOLE conference. It's

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something that many jurisdictions do not

16

have. People took great interest in that,

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and I believe that the knowledge that is in

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that placard is going to be shared in other

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jurisdictions as well, and that's certainly

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something that we applaud.

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Finally, I want to talk about our

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case processing performance. The CCRB has

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resolved cases more quickly and lowered the

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number of cases in its open docket. We've

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reduced our open docket by 21 percent, from

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3,358 cases in 2009 to 2,786 cases in 2010 and finally to 2,637 cases as of November of 2011.

The average time to complete a full investigation has decreased by 19 percent, from 349 days in 2009 to 299 days in 2010 and finally to 283 days in 2011.

The average time to complete a substantiated investigation has also decreased by 12 percent, from 394 days in 2009 to 357 days in 2010 and to 345 days in 2011.

So as a result, the percentage of substantiated complaints closed at 15 months or older has decreased by half, from 36 percent in 2009 to only 18 percent in 2010 and 2011.

Again, I think what needs to be emphasized and cannot be overemphasized is that the performance numbers are going up while the resources and personnel numbers have been going down, so I think that's great and we hope to be able to continue that.

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Finally, in terms of the focus for the future, we want to focus on maintaining the improved performance levels that I just spoke of. We're also going to be reaching out to the administration to see how we can find a solution to our historically high vacancy rates. And also, in particular, I want to try to address three initiatives here.

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The first would be the strength in our presence in the Police Department's Trial Room through the APU. The second is to expand the CCRB's training of investigators by enhancing the on-the-job training and also increasing the frequency of on-site training programs.

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And for that, we look to Roger Smith to spearhead that initiative, to will try to make sure that the lessons that are learned in the Department Trial Room are used to fine-tune our investigations, and that our investigators are at the top of their game at all times.

25

And finally, the third point to

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continue to broaden the reach of our CCRB

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mediation and outreach programs. I think

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particularly in this kind of economic

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environment where we're being asked to do

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the same if not more with less resources,

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the mediation program and the outreach

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program are very good programs to increase

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the efficiency while not sacrificing the

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quality of resolving these disputes.

11

So sorry for the long-windedness,

12

but that's the highlights for 2011.

13

And now I'm going to --

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MR. SIMONETTI: I want to compliment

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you on some of the good things that the

16

agency is doing. And I think the staff

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deserves a hand really for the decrease in

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the number of people we now have compared

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to what we used to have.

20

(Applause from the audience.)

21

MR. SIMONETTI: Mr. Chairman, when

22

you were going over that list of things, it

23

kind of reminded me the number of reports

24

we have done in the past, you know, and

25

instead of trying to remember it and

1
2 enumerating them, what I would like to ask
3 Marcos to do is he can give us a list of
4 the reports that we did in the past to see
5 if any of them need updating, because some
6 of them may still be relevant to what's
7 happening today in terms of our cases. And
8 maybe we can have that discussion at the
9 next board meeting.

10 THE CHAIR: That's an excellent
11 point. And to address that, we have been
12 speaking also with some of the
13 investigative staff, the team managers and
14 whatnot and getting some of their ideas in
15 terms of updating and coming up with a new
16 report. That's something I think
17 definitely the board can get behind.

18 Mr. Soler will take note of
19 that and follow up on that.

20 MR. TAYLOR: Mr. Chairman, the
21 report is very robust. Thank you for that.

22 I also want to highlight that you
23 mentioned that resources are down and
24 performance is up. I don't want to send
25 the message that we're able to perform our

1
2 best work under these conditions, so that
3 we should definitely still push to make
4 sure that we can fill those vacancies and
5 not give the impression to the
6 administration or anybody else that we're
7 performing at optimum performance levels
8 with this kind of vacancy rate, although
9 the staff, as Tony pointed out and you
10 pointed out, are probably working
11 double-time and harder to keep up with
12 caseloads. I want to make that point for
13 the record.

14 THE CHAIR: I think that's an
15 excellent point. And I would say that
16 particularly in the recent absence of the
17 Executive Director, I have been down at
18 40 Rector Street more than usual. I've
19 spoken to some of the staff members, and I
20 can tell you that to your point, these
21 people, the investigators and some of their
22 managers and supervisors, are really taking
23 on the challenge. I know for a fact that
24 some of these people are actually taking
25 their own time not getting compensated in

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doing that.

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So particularly in a city agency such as ours, which is small and facing these very trying times, I think that's to be really applauded. And when times get better, we hope to give them more than just lip service recognition, but to reward them accordingly, because there are a couple of standouts really that come to mind where these people have been taking their own time just to get the job done.

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So, you know, in terms of the public and the administration and City Council, I certainly don't want to give the false impression that we're running under optimal conditions, but we are showing that when we're put in a corner, we're fighters as an agency and we are maintaining this level of performance. But this is not the optimum situation and hopefully we will get those vacancies filled as soon as possible.

23

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25

MR. SIMONETTI: Mr. Chairman, in light of the fact that they gave us authorization to go ahead with the

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2

Prosecution Unit is indicative of their

3

confidence in this agency. It certainly

4

appears that way to me. And I think that's

5

a great sign.

6

This could be a real big turning

7

point in this agency. I got to tell you,

8

when this thing first came as an idea, that

9

we're going to get a prosecution unit, Bill

10

and I used to say -- Judge Bill and I used

11

to say that never going to happen in our

12

lifetimes. I certainly didn't think it was

13

going to happen in my lifetime, but I got

14

to tell you, I think this is a major

15

turning point for this agency.

16

And I don't think -- it's going to

17

be in pretty short order if they continue

18

to give us resources even if only for that

19

unit -- by the way, which is not our bread

20

and butter. Our bread and butter is doing

21

investigations. But if they continue to do

22

that, you may see a dramatic shift in the

23

numbers of cases that we're going to be

24

handling over in the trial room, which

25

would be good. Maybe we can come back and

1

2

take the facilities of the old in this

3

building and be used in those trial rooms,

4

then we can have the whole operation under

5

one roof.

6

THE CHAIR: And to your point,

7

there's a lot more that we can do not only

8

in terms of the Administrative Prosecution

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Unit but also the policy recommendations

10

and the reports and other things, but the

11

budget crunch has really made us focus on

12

the core mission, which is to do the

13

investigations. And, hopefully, when

14

things get better, we'll be able to get a

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full house going and really expand in those

16

different areas so that we're not just

17

processing cases. And so I couldn't agree

18

more with your point.

19

DR. KHALID: I want to thank,

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Mr. Chairman, Laura that she has run the

21

first case in the police trial room.

22

And I applaud you for that,

23

Ms. Edidin.

24

THE CHAIR: Anyone else?

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All right. In that case, I'm going

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2

to turn the floor over now to Laura Edidin

3

to give the Executive Director report.

4

MS. EDIDIN: And just briefly, with

5

the permission of the Chair, I wanted to

6

introduce another new member of the

7

investigative staff. Lauren Allerti

8

started last month as the new Assistant

9

Deputy Director for Investigations. Lauren

10

prosecuted juvenile cases in family court

11

before coming here, which gives her an

12

excellent grounding in other criminal law

13

issues that we face here. Lauren will be

14

providing legal view for the teams and also

15

will be second seating cases in the trial

16

room.

17

So we welcome you, Lauren.

18

(Applause from the audience.)

19

MS. EDIDIN: Now for the Executive

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Director's report. In November, the CCRB

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received 457 complaints. This is 45 fewer

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complaints than it received in

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November 2010 when the agency received 502

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complaints, or a 9 percent decrease in

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complaint activity.

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From January to November 2011, the CCRB received 5,529 complaints, or 569 fewer complaints than it received for the same period of 2010 when the agency received 6,098 complaints. This represents a 9 percent decrease in complaint activity during that time. This is the lowest number of complaints received for this period since 2004 when the board received 6,196 complaints by year end.

In November, the board closed 572 case. There were 143 full investigations and 353 truncated investigations. Year-to-date, the board has closed 5,610 cases. Last year the board closed 6,058 cases at this same time.

The year-to-date truncation rate is 62 percent, three points higher than in the same period in 2010. The year-to-date substantiated rate is 8 percent, three points lower than in the same period in 2010. Year-to-date, the board has substantiated 144 cases.

Officers and civilians participated

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2

in 14 mediations, of which 13 were

3

successful. Year-to-date, there have been

4

136 mediation sessions resulting in 126

5

successful mediation. The success rate for

6

mediation is 93 percent. The rate for last

7

year was 94 percent. Year-to-date, the

8

board closed 231 cases as mediation

9

attempted. Approximately 6 percent of all

10

board closures have been through our

11

mediation program.

12

In November, the board closed 182

13

more cases than it received resulting in a

14

6 percent decrease in the size of the

15

docket. The docket stands at 2,637 cases.

16

About 96 percent of our open investigations

17

were filed within the last year and

18

65 percent were filed in the last four

19

months. Of the open cases, 634 are

20

awaiting panel review, or 24 percent of all

21

open cases; 1,797 cases are being currently

22

investigated; and 206 cases are in the

23

mediation program.

24

By date of occurrence of incident,

25

ten cases in the CCRB's open docket are

1
2 18 months or over, or .3 percent of the
3 open docket. This is four fewer cases than
4 the previous month. Two cases are on DA
5 hold; three cases are pending board review;
6 three were filed late in the process; one
7 delayed as a result of an officer being on
8 military leave; and in one case the board
9 requested further work after the case was
10 submitted to the board panel.

11 In October, the Police Department
12 disposed of 17 cases. The Department
13 disciplined 16 officers, including two who
14 were found guilty at trial, and did not
15 discipline one officer who was found not
16 guilty at trial. Two officers negotiated a
17 plea of guilty and 13 officers received
18 either Command Discipline or Instructions.
19 The year-to-date discipline rate is
20 80 percent.

21 The Department did not decline to
22 prosecute any cases in October. This is
23 the first time since April 2010 that there
24 had been no so-called DUPs. The department
25 declined-to-prosecute rate year to date is

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17 percent.

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MR. SIMONETTI: Mr. Chairman, I was remiss before. If I can just ask that maybe we can have a moment of silence for the officer who was killed in the line of duty in Brooklyn.

THE CHAIR: Sure.

(Moment of silence.)

MR. SIMONETTI: Thank you.

THE CHAIR: Thank you.

MR. SIMONETTI: You know, in Laura's report, I'm sorry to hear that we're down 3 percent in the number of substantiated cases from last year, but I think the good news is that the cases we're sending over, the substantiation rate -- the substantiated cases we're sending over, the DUP rate has decreased dramatically in its last report down to zero. And I think that was a big concern not only of the board, but I know Chris has expressed that concern over a number of months.

So I mean, that's the good news. So I think it points to the fact that the

1
2 investigations are being done much more
3 thoroughly and they're much more complete.

4 Maybe we can -- we can deal with the
5 substantiation rate being a little lower,
6 but the fact that we're being much more
7 successful in the cases we're sending over
8 is very important.

9 THE CHAIR: Absolutely.

10 Turning now to committee reports,
11 are there any committees making reports?

12 MR. DONLON: I was going to say
13 Reports and Recommendations Committee that
14 the semiannual report is done. It looks
15 terrific, I think. And it should be
16 available I'm sure for anyone attending.
17 There it is.

18 THE CHAIR: Thanks.

19 MR. DONLON: It's a good job.

20 THE CHAIR: Thank you.

21 MR. SIMONETTI: The MIS committee,
22 I'd like to report that we did a trial
23 videotape conferencing and it's a great
24 improvement. Yuriy, thank you very much.
25 It's a great improvement over the last set

1
2 of video conferencing that we attempted, and
3 this one went rather smoothly. And you can
4 see all the participants and you can talk,
5 and I thought it's certainly a great idea,
6 particularly for people who can't get here.

7 THE CHAIR: My sense is the
8 technology is finally catching up. There's
9 far less in the way of glitches. I don't
10 think that it's an equivalent or a
11 substitute for face-to-face panel meetings,
12 but I do think that particularly when
13 certain board members are absent or have an
14 extended absence for any reason, this is a
15 great way to get these panels done without
16 holding up the panel and just killing off
17 the stats in terms of the delays.

18 I believe that Brian Connell has
19 already indicated that it's in the works in
20 terms of making that accessible to all the
21 board members, and I know that the MIS Unit
22 here will be reaching out to all the board
23 panelists and in instructing them how to
24 log on, how to utilize it. And we
25 certainly think that it's a new tool in our

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arsenal. So kudos to that.

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Any other committees?

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Is there any old business?

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Any new business?

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In terms of new business, I will

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share that we tentatively have a meeting

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with the Police Commissioner scheduled for

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the first half of January. So hopefully at

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that point, Joan Thompson will be back on

11

her feet or at least be able to make it in

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for that as well, but we look forward to

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meeting with the Police Commissioner.

14

And for the members of the board, if

15

there are any issues that you would like to

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take up with the Commissioner, please start

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thinking about them and putting them

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together so that we can have as

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constructive a discussion and productive

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discussion as possible.

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All right. If there's nothing new

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from any of the board members, we're going

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to open this up to public comments.

24

Mr. Dunn.

25

MR. DUNN: Good morning, everyone.

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Welcome, Miss Cortes-Gomez, welcome to the

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CCRB.

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MS. CORTES-GOMEZ: Thank you.

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MR. DUNN: Since I don't know you

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and I heard your biography, but I would be

7

just interested in hearing a little bit

8

about your experience dealing with police

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issues and your interest on being on the

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board.

11

MS. CORTES-GOMEZ: I'm very thankful

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for the Mayor for hiring me, obviously, for

13

the Board and the staff for welcoming me.

14

At this time, I do not wish to take

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up anyone's time. As the Chair indicated

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my experience, I worked at ACS. I'm

17

currently in private practice in family law

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issues.

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So other than that, I'm free to

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speak with you I guess afterwards if you

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wish; but I don't want to bore everyone

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with my experience or lack thereof.

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MR. DUNN: Well, I don't want to put

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you on the spot and I'll be happy to talk

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to you afterwards. I do hope you

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understand this is a public board, it's a

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city agency, and my guess is no one would

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be bored by hearing about your interest in

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police issues, but I'll take you up on your

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invitation to talk to you afterwards.

7

With respect to the semiannual

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report, I think it looks terrific, also.

9

And I see the agency is pushing hard to get

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these reports out more quickly, which is

11

great.

12

And the one comment I would have is

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that I think that the reports have gotten

14

much better in terms of being presentable

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to the public and to their readability.

16

The one thing they are missing

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substantively is any discussion about

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broader issues beyond case processing.

19

And I talked about this repeatedly

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and, Tony, I'm sure we'll hear your plug

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about reports and maybe that plug will turn

22

into some new reporting that will turn into

23

some new text in the semiannual reports,

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but I think that's an important omission.

25

A couple of things I would say about

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the reports. One, on the average

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numbers -- and, Dan, you mentioned this and

4

this comes up every time -- it's clear that

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there have been more outreach events and

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that's great. What's not reported and what

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I think would be helpful to know is how

8

many people actually participating in those

9

outreach events. I know that's a difficult

10

thing to get people to show up for these

11

things. And I know that you're trying hard

12

in that, but I think it's important to know

13

not only how many events are actually

14

happening, but how many people are showing

15

up and receiving intervention. And I would

16

encourage you to add that to the reporting.

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The other thing that I think is

18

important -- and Tony and Jules in

19

particular, I'm interested in knowing your

20

thoughts about this -- one thing that the

21

semiannual highlights, and it's an issue --

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it's been an issue for a long time, is the

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high percentage of cases where instructions

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are being given to officers and that counts

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as discipline.

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As I understand it, the department does not treat instructions as formal discipline. I stand to be corrected on that; but in my mind, there's a question particularly given the large percentage of cases that are being disposed of through instructions and are being treated by the agency as discipline, like a CD or a finding of guilty after trial.

I would like there to be a little more discussion about the appropriate categorization of instructions. And that doesn't have to be a conversation now, but it's something that I would like for there to be some conversation about.

The APU, that's great. Good for you, Dan. Congratulations. The bad news, of course, is the hiring freeze is in place, so it's a bit of an apparent victory. Let's hope that they release hiring for that particular unit and get more people in there.

I think Laura's experience there is terrific for the agency. I thought it

1
2 was -- Tony, you described it as a major
3 turning point. I personally thought it was
4 great to sit in the trial room and to see
5 Laura there and the CCRB will be there
6 doing a trial in May. It just completely
7 changes the dynamic around these
8 prosecutions, I think.

9 And whether or not it will mark a
10 major shift in Police Department/CCRB
11 public relations, Tony, I don't have any
12 idea. It's nice to hear you think that's
13 possible. I hope that turns out to be the
14 case, but we will see. Getting people in
15 there, obviously, in those positions so
16 they can do the trials is going to make a
17 huge difference. I hate to say it, but I
18 don't think the fight is over and let's
19 hope City Hall can do something about
20 raising those positions.

21 Tony, I think it's -- maybe you and
22 I are the only ones that can appreciate the
23 irony of your saying you and Bill talked
24 and were commenting about how you thought
25 it might not ever happen in your lifetimes.

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2

I'm not entirely sure, I believe that Bill was a supporter of this, but whatever the situation, here we are, it's terrific that we have it and I appreciate the sardonic smile on your face.

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MR. SIMONETTI: He had some legal issues with it because as you know, the Court of Appeals said all cases had to go to the trial room, and I believe that was his concern.

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MR. DUNN: It did indeed say that.

MR. SIMONETTI: It did indeed say that?

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MR. DUNN: Yes, it absolutely said that. That wasn't the issue. It wasn't the issue where they were going to be tried. The issue was who was going to try them.

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MR. SIMONETTI: Right, but I think we've come a long way in that in the fact that they've authorized us to hire both a lead prosecutor and an investigator, I think that's a very important step.

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MR. DUNN: Don't get me wrong, I

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think that's completely progress.

MR. SIMONETTI: By the way, in response to your question about instructions, instructions, by the way, is tailored after the military discipline. You know, in the military you have everything from a general court martial all the way down to a company commander admonishing someone. And I think it's a very, very important step or very important element in discipline, because no one knows their people better than their commanding officers. And if a person has mis-stepped and committed a minor violation, the first thing -- you don't want to slap him with a command discipline and take a day's vacation or two days or whatever the case may be. You reserve that the offenses that are a little more serious.

So I think giving somebody an admonishment or a warning or instructions is a very, very important thing. Positive discipline works. Retraining people, which is part of instruction, by the way,

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retraining, very, very important. And I

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think you have to leave that up to the

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discretion of the commanding officers of

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those people because they're in the best

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position to call it.

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MR. DUNN: Well, I don't disagree

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with any of that. I'm not sure that means

9

either, one, that an instruction is a form

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of discipline like the other categories of

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discipline it is being lumped with.

12

And secondly, what you are saying

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raises a question about how much

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instructions actually correspond to the

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severity of the offense.

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And that's a reasonable question.

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And I think it would be interesting to see,

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for instance, how instructions correspond

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to the severity of the offense as

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determined by the CCRB.

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My guess is there's probably not a

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very strong correlation between the sort of

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discipline you're proposing or the severity

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that you view the offenses being and the

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situations in which people are getting

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instructions as opposed to other things. I

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don't know that. And that is something I

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think -- I think it's important not in

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principle, but because such a large

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percentage of the sub cases are resulting in

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instruction. The single biggest category

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of disposition by far.

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So I think we're in the same place.

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I just think it warrants some further

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examination.

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MR. SIMONETTI: Well, I think this

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board should take credit, they should

14

applaud themselves. And I want to be

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excluded from that applause for the fact

16

that we went -- and you were the person

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that used to come in here every month and

18

lay it out to us about the DUP cases and

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there's been a vast improvement. Whether

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it's instructions -- and by the way, I

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notice a tremendous amount of command

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disciplines being given out, which we never

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had in the past.

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So I think -- and that was because

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of this board, and the Executive Director

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asking and requesting, us meeting with the

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Police Commissioner and expressing our

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feelings about some of this, and Bill was

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very vocal about this when we went. So

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we've come a long way in a short period of

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time.

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MR. DUNN: Well, I don't want to

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burst any bubbles at this time, but when

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you look actually at the DUP rate, it is up

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for the year considerably over last year.

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It is true they had the benefit of a very

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good November. I not sure how that --

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actually, I think it's October. I'm not

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quite sure how it came to pass. I agree

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there are zero DUPs in that month.

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The DUP rate for the year,

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17 percent, that's a big number. So I

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agree they had a good October. I'm not

20

sharing your view about how the DUP process

21

changed fundamentally.

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MR. SIMONETTI: I'll pay close

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attention to it.

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MR. DUNN: I know you will. You

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always do, Tony.

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I do also want to say about the monthly report, another area I think there's been considerable progress, the 18-month statute of limitation cases, there has been a consistent decline in that, and I think that's terrific. And I assume that's a product not of happenstance, but a conscious effort to address those cases.

And you're not at zero, but we're pretty close to zero over the cases over which you have some control, and that's a terrific number.

A couple other things. In the videotape conferencing, I'm interested in that. I'm glad to hear that it is better.

But, Dan, as you suggested, there is a concern perhaps about that -- about some of the limitations even if the technology is perfect. I don't know if the board has a policy about the circumstances in which people are allowed to have panel meetings in lieu of by videotape conference as opposed to meeting in person. I can easily see that it would be very tempting to stop

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traveling to meet with each other and just
do these videotape conferences, and I think
that would not be for the better.

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So I don't know if you have any
guidelines about that, but I would
encourage you, if you don't, to think about
something that makes it clear that that can
only happen in unusual circumstances.

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The PC meeting, I always love to
hear about the PC meeting. Unfortunately,
what we typically hear is that it is
happening or has happened and nothing about
the particulars of it.

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And I don't expect anyone to say I
said this and he said that, but I will
say -- and I'll raise it again at the next
monthly meeting -- I think it is incumbent
upon the board to report to the public in
advance of the meeting about some of the
topics that are going to be discussed. I
think that should be a topic of public
discussion and not Executive session.

24

25

And I think after the meeting, it is
incumbent upon the board to do some

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reporting about the meeting. Again, not

3

expecting, though I would welcome it, he

4

said, we said; but I think there needs to

5

be some reporting about that.

6

Finally, on the highlights for the

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year, Dan, it's unfortunate that our press

8

friends are not here today. And I think

9

that's, of course, because of the tragic

10

shooting earlier this week and they are

11

covering that.

12

You don't need me to be giving you

13

advice about public relations or press

14

relations; however, at the next meeting in

15

January, I am going to wait to respond to

16

what you describe as the highlights of the

17

year. I'm not going to come back with the

18

lowlights, but I will respond to all that

19

and I would to talk about the performance

20

of the agency over the year.

21

You might want to consider doing a

22

slightly different version of that in

23

January with a larger group of people here,

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because I think what you said is very

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important. I think the broader public

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needs to hear that. And I think it is terrific that you are taking the initiative to talk both about the highlights of the year and the sort of priorities for the coming year in particular. And I think that's something people should hear and would like to hear, and I certainly intend to address it at the next meeting.

Thank you very much.

THE CHAIR: Thank you.

If there are no other members of the public looking to make a statement, this will conclude the public session and we'll break into Executive session after a brief recess.

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C E R T I F I C A T E

STATE OF NEW YORK)

ss:

COUNTY OF NEW YORK)

I, Eileen Mulvenna, CSR/RMR, and Notary Public within and for the State of New York, do hereby certify that the foregoing proceedings were taken before me on December 14, 2011;

That the within transcript is a true record of said proceedings;

That I am not connected by blood or marriage with any of the parties herein nor interested directly or indirectly in the matter in controversy, nor am I in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of December, 2011.

Eileen Mulvenna, CSR/RMR