

1 Public Board Meeting
 2 Of the Civilian Complaint Review Board
 3 Wednesday, August 14, 2013
 4 10:00am
 5 40 Rector Street - 2nd Floor
 6 New York NY 10006

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 8 DANIEL D. CHU, ESQ., CHAIR
 9 TRACY CATAPANO-FOX, EXECUTIVE DIRECTOR

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PUBLIC MEETING AGENDA:

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- 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 BOARD MEMBERS PRESENT WERE:
2 Dr. Mohammad Khalid
3 James Donlon, Esq.
4 Youngik Yoon, Esq.
5 Tosano J. Simonetti
6 Bishop Mitchell G. Taylor
7 David G. Liston, Esq.
8 Janette Cortes-Gomez, Esq.
9 Jules A. Martin, Esq.
10 Daniel M. Gitner, Esq.

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1 CHAIRMAN CHU: All right. We're going to
2 call this meeting to order. Good morning to
3 everyone. Welcome to our August meeting. Our
4 first order of business is going to be the
5 adoption of the July 2013 hearing minutes. Do I
6 hear a motion for that?

7 MR. BISHOP TAYLOR: So moved.

8 COMMISSIONER KHALID: Second.

9 CHAIRMAN CHU: Okay. All those in favor of
10 the adoption of the July minutes, aye?

11 ALL: Aye.

12 CHAIRMAN CHU: Any objections? Any
13 abstentions? Seeing and hearing no objections
14 or abstentions, the July minutes are adopted.
15 All right.

16 Well, the city is certainly abuzz,
17 subsequent to Judge Scheindlin's decision on
18 Monday on the Floyd litigation, and as many of
19 you know, our former executive director,
20 testified in that case. Here at the CCRB what
21 I'd like to say is we continue to move forward,
22 ever so committed to our mission, which is to
23 provide fair and impartial investigations,
24 mediations and administrative prosecutions. So
25 we're certainly ever mindful of mandates, and

1 those include mandates that affect our agency,
2 whether they be from the executive, the
3 legislative or the judicial branches of
4 government, and we will certainly continue to
5 track the process of this litigation and this
6 case with great interest. But having said that,
7 in the interest of maintaining our impartiality,
8 we will not be discussion our thoughts regarding
9 the impact and, and other facets of this court
10 decisions. So, having said that, I'm going to
11 turn now to the Executive Director, just to give
12 us her report regarding the numbers.

13 MS. TRACY CATAPANO-FOX: Thank you very
14 much, Chairman. Good morning, everyone.

15 ALL: Good morning.

16 MS. CATAPANO-FOX: I'm about to present our
17 monthly statistics so that everyone knows where
18 we're at. The CCRB received 534 complaints in
19 July, which is nine less than we had in the same
20 period of time last year. It is a 2% decrease
21 in complaint activity for this period. From
22 January to July of this year, the board received
23 3,090 complaints within its jurisdiction, which
24 is a 9% decrease of complaint activity from
25 compare--in comparison to last year. The total

1 intake at the CCRB including complaints within
2 our jurisdiction and outside of our jurisdiction
3 has declined by 32%.

4 The board has closed 657 cases in July. In
5 the first seven months of 2013, the board closed
6 1,251 cases, and substantiated 197 cases, which
7 totals a substantiation rate of 16% of our fully
8 investigated cases. Our truncation rate is at
9 57%, which is four percent higher than the first
10 seven months of last year, which was at 53%.

11 In July, the mediation unit closed 57 cases
12 involving 75 officers. 19 of those cases were
13 closed as mediated, and then the other 56 were
14 closed as mediation attempted. The agency's
15 docket at the end of July stands at 2,771 cases.
16 This is a 1.4% decrease in open dockets since
17 June, at which point we were at 2,809 cases.

18 89% of our open investigations have been
19 filed this year. And 65% were filed in the last
20 four months. Of our open cases, 607 are
21 awaiting panel review, which is 22% of our
22 docket. 1,855 cases are being investigated, and
23 309 cases are in the mediation program.

24 Going by date of incident, ten cases in the
25 CCRB's open docket are 18 months or older. This

1 is in comparison to 19 in July of 2012, which
2 means a 0.4% of our open docket. Two of those
3 cases are on a district attorney hold, and four
4 of the cases were filed months after the date of
5 the incident occurred. Three cases are pending
6 panel review, and one of the cases has been
7 reopened.

8 In June, the police department closed 22
9 substantiated cases involving 30 officers. The
10 department did not impose discipline against 11
11 of those officers, and year to date, their
12 disciplinary action rate is 58%, and the
13 department decline to prosecute rate is 27%. In
14 cases in which the department pursued charges
15 and specifications, the conviction rate was 81%.
16 This includes officers who pled guilty to
17 charges as well as those who were found guilty
18 at the trial.

19 The guilty after-trial rate is 54%. Thank
20 you, Chairman.

21 CHAIRMAN CHU: Thank you, Tracy. Moving on
22 now to committee reports. Do we have committee
23 members, chairs that need to report? Mr.
24 Liston?

25 COMMISSIONER DAVID LISTON: Sure, yes, Mr.

1 Chair. I think with regard to the APU
2 committee, the Administrative Prosecutions Unit
3 Committee, which I chair, Laura, do you want to
4 say a few words in terms of statistics?

5 MS. LAURA EDIDIN: Sure, I'm happy to give
6 an update about the status of the APU docket.
7 The APU now has 75 cases, which have been
8 assigned to us which involve a total of 119
9 subject officers. Charges have been filed in
10 approximately 88% of our cases. We received new
11 cases as recently as yesterday.

12 To date, the department has not, held back
13 any cases. We're still waiting to hear about
14 seven cases that were sent over to the
15 department, but many of those were voted out
16 within the last week, so they're relatively new.
17 We have begun having initial court appearances
18 on several of our cases, and we scheduled two
19 cases for trial. In the past board members have
20 asked about the subject matter of the APU
21 docket, and just to give you a sense about the
22 kind of cases that we've been working on,
23 approximately 50% of our cases originated with a
24 stop and frisk. Approximately 20% originated
25 with a car stop. And about 10%, arose out of an

1 allegation of an improper entry. I also want
2 to welcome Elizabeth-Anne Pegues, who is our new
3 administrative assistant. She's a tremendous
4 addition to the team, and in general, we've been
5 working hard to reach out to our witnesses,
6 prepare our cases and get ourselves to trial.

7 COMMISSIONER LISTON: Thank you so much. I
8 just want to convey, on behalf of the whole
9 board, how excited we all are about the launch
10 of this new endeavor, and we're particularly
11 excited to hear that you have two cases lined up
12 for trial. And we know that there's a lot of
13 work involved, but we support you, and look
14 forward to seeing how things move forward.

15 I just want to add to the report that when
16 the APU committee last met, there were at least
17 two open issues. One, related to access of our
18 prosecutors to officers' prior disciplinary
19 records, which is necessary for any number of
20 reasons. And another issue recently that's come
21 up relates to the discovery materials will be
22 expected of our own prosecutors to turn over to
23 the other side. So one issue deals with what
24 we're going to get, and the other deals with
25 what we're going to give. Both issues are

1 currently as yet unresolved, but, I remain
2 hopeful and determined to see them resolved,
3 favorably and soon, and I also will be asking
4 the chair if we can set up an APU committee
5 meeting in the near future just to see where we
6 stand on those and any other issues.

7 CHAIRMAN CHU: Let's see where we get, and
8 then, schedule a meeting accordingly.

9 COMMISSIONER LISTON: Good.

10 CHAIRMAN CHU: Anything further?

11 COMMISSIONER LISTON: No, thank you.

12 CHAIRMAN CHU: Thank you. Any other
13 committees making any reports this month?

14 BISHOP MITCHELL TAYLOR: Mr. Chair, we had a
15 very, productive outreach meeting with the new
16 executive director, and we are planning a very
17 robust schedule for outreach. I thought we may
18 have been prepared to present something today,
19 but we're not, so next meeting, we'll definitely
20 have a full-out schedule for you guys.

21 CHAIRMAN CHU: And my understanding, is that
22 the agency now is working towards getting
23 investigators involved with the outreach, is
24 that correct?

25 BISHOP TAYLOR: Absolutely.

1 CHAIRMN CHU: Can you tell us a little bit
2 about what we're endeavoring to do this year
3 that would be different from past years?

4 BISHOP TAYLOR: Well, you know what, I'm
5 going to defer to Tracy because she actually,
6 made this recommendation that I thought was
7 fabulous, so she can articulate it a little bit
8 better.

9 CHAIRMAN CHU: Sure.

10 MS. CATAPANO-FOX: We have three plans for
11 our outreach for the community. One of them
12 being that our investigators and staff are going
13 to get more involved in presenting programs in
14 community outreach throughout the city. The
15 investigators actually presented that to me as
16 something that they are excited about and
17 interested in, and I have to thank their team
18 managers and supervisors for supporting the
19 investigators in this. We found a lot of
20 success with our community outreach, and the
21 more people we have in-house that can do it, the
22 better the programs will be. So we are setting
23 up that program. We have a training in place
24 for this month, and we'll start in September
25 having our investigators along with our outreach

1 doing the programs.

2 A second thing we're doing is working with
3 CUNY Law School. They are very interested in
4 partnering with us in order to get more interns
5 within the agency to learn more about the law,
6 to help them in their legal careers, and to
7 benefit us in our investigations, so we're
8 trying to create either a clinic or a class, in
9 which we'll be able to work with them to get
10 students in earlier and maybe they'll get
11 credit, but they'll be able to assist us with
12 agency work.

13 And then the third thing we're doing is we
14 are setting up a program. We've met with
15 members of City Council and with the board to
16 discuss the idea of having one day a week in
17 different counties. Again, I have to thank the
18 investigative groups, in particular their
19 deputy, Denis McCormick, who has presented this
20 idea that we should be out there more with the
21 community, and enabling them to be interviewed
22 with us earlier. So one of the things we're
23 doing is we're working to see if we can be in
24 each borough for a few hours one day a month
25 each month, and Bishop has been a tremendous

1 resource for us in setting that up so that we
2 can be there to give outreach, but also for our
3 investigators to be able to meet with
4 complainants in an easier fashion to get the
5 statements earlier. So we have a lot going on.

6 BISHOP TAYLOR: Then also tomorrow, we have
7 an outreach training at 2:00 here at the CCRB,
8 and I met with Jay Hershenson this week, and the
9 director of the CUNY Law School.

10 CHAIRMAN CHU: That sounds real exciting,
11 and I think it's a wonderful idea because,
12 anything that gets our investigators out there
13 early to start building a rapport with some of
14 these complainants and victims I think is a
15 great idea. So Commissioner Simonetti.

16 COMMISSIONER TOSANO SIMONETTI: Mr. Chair,
17 in terms of outreach, I was thinking about all
18 the attorneys that have to take those in-service
19 training courses each year. I forgot the...

20 CHAIRMAN CHU: CLE.

21 COMMISSIONER SIMONETTI: Can we somehow hook
22 that also up with CCRB and somehow offer them a
23 course here?

24 CHAIRMAN CHU: That's interesting, and I'm
25 sure Tracy would...

1 MS. CATAPANO-FOX: It's funny you say
2 that. We actually just had NITA (National
3 Institute for Trial Advocacy) doing a training
4 program for our APU attorneys. It was very
5 successful. I think the attorneys really
6 enjoyed it, and it was a good opportunity--it
7 was--Laura, I'm going to have to defer to you.
8 That was NITA, right?

9 MS. LAURA EDIDIN: Yes.

10 MS. CATAPANO-FOX: But we are going to
11 increase--one of the things that the board and I
12 have discussed is increasing our training,
13 increasing the amount of training that everyone
14 across the board, investigators and our
15 prosecutors, are doing to maximize our skills
16 and make sure that we are on the cutting edge of
17 the law and understanding what we are doing and
18 moving forward with the agency. So we will.
19 Thank you.

20 CHAIRMAN CHU: It's a great idea. Any other
21 further committees, committee reports this
22 month?

23 COMMISSIONER SIMONETTI: Regarding Reports
24 Committee, which hasn't convened in a while, can
25 we ask Marcos to bring us, or give to the board,

1 share with the board, all of some--not all the
2 reports, but many of the reports that we've done
3 in the past because there may be a few of them
4 that may need some updating.

5 CHAIRMAN CHU: Yes.

6 MS. CATAPANO-FOX: Tony, I think some of the
7 reports are online. I think on the website,
8 you'll see a history, but you're right. We can
9 provide the board with the complete grouping of
10 all the prior reports so that we can - - them.

11 COMMISSIONER SIMONETTI: Yes, the senior
12 staff could look at them and maybe tweak them a
13 little bit and, and make suggestions to us, and
14 maybe an operations committee meeting, we could
15 discuss either including new reports or doing
16 something with the old reports to update.

17 MS. CATAPANO-FOX: Sounds great.

18 CHAIRMAN CHU: Anything else? If not, let's
19 move to old business, and Deputy Denis
20 McCormick, do you have something for us
21 regarding what the board asked, last month
22 regarding, ID photos?

23 MR. DENIS MCCORMICK: Yes, - - .

24 CHAIRMAN CHU: Stand up.

25 MR. DENIS MCCORMICK: Sorry. After last

1 month, we met with members of the police
2 department to just to follow up with the photo
3 ID, issue, and what we found was exactly what I
4 reported back in June, is that officers are--get
5 new photo IDs every five years, unless they're
6 promoted, in the interim. The CCRB gets the
7 most updated photos that the NYPD has and also
8 we're unable to access the database for
9 ourselves. We do have to go through the police
10 department in order to get those documents.

11 The other thing we did was we ran statistics
12 from the last five years. So from 2008 to 2012,
13 we found that 90% of our full investigations
14 have resulted in an officer being identified,
15 and also, last year was 5%. So 95% of the cases
16 we're finding an unidentified subject officer.

17 CHAIRMAN CHU: And just to follow up, when
18 when you say that we are relying on members of
19 the NYPD to assist us in, in crafting these,
20 IDs, they are in-house people, right, people
21 that are here with us?

22 MR. DENIS MCCORMICK: Yes, there are a few
23 officers who work in the building, who give us
24 the ability to access certain databases, one of
25 which is the photo identification.

1 CHAIRMAN CHU: And if there is a need for
2 updating the photos, is there someone in every
3 command that is tasked with, with updating
4 photos, and, and making sure that everyone is up
5 to date?

6 MR. DENIS MCCORMICK: There is supposed to
7 be one individual in each precinct that is
8 supposed to verify that the individual looks as
9 they are on the photo ID that they have.

10 CHAIRMAN CHU: And just in terms of creating
11 any kind of photo IDs, can you just briefly walk
12 us through what characteristics or how that's
13 done for people who don't have a prosecutorial
14 background or laypeople who, who may not
15 understand the process?

16 MR. DENIS MCCORMICK: Yes, we have the
17 ability to have the police department access it.
18 Searches can be run by age, sex, race, hair
19 color, length of hair, body build, weight and
20 height.

21 CHAIRMAN CHU: And when you enter each
22 characteristic, does it narrow the universe of,
23 of photos that fulfill that characteristic?

24 MR. DENIS MCCORMICK: Yes.

25 CHAIRMAN CHU: So in other words, you start

1 with a large universe, and with each
2 characteristic, it kind of narrows down?

3 MR. DENIS MCCORMICK: Yes, you could say
4 blonde hair, and you can say blond hair, blue
5 eyes, and it will go from 2,000 down to 1,000
6 and whatever it might be, so--

7 CHAIRMAN CHU: And all of these photos are
8 maintained at 1 Police Plaza, right?

9 MR. DENIS MCCORMICK: I believe so. Yes, I
10 mean, that's how we access it here.

11 CHAIRMAN CHU: Okay. Do the board members
12 have any follow up questions?

13 COMMISSIONER SIMONETTI: You know, I was
14 thinking about that when we were discussing this
15 issue last month.

16 CHAIRMAN CHU: Thank you, Denis.

17 COMMISSIONER SIMONETTI: I'm just wondering,
18 what we're able to generate digitally in these
19 days, let's say that those descriptions, you
20 have descriptions, and let's say that some of
21 the photos you get--what do you get from the
22 department, six photos using an array?

23 MR. DENIS MCCORMICK: An array would be six.

24 COMMISSIONER SIMONETTI: Well, let's say for
25 argument's sake, some of them, based on the

1 information that the investigators have
2 gathered, maybe there's a couple characteristics
3 that are missing. You, you would--I would
4 believe that in this digital age, we should be
5 able to create our own photos based just on some
6 features. Race, hair color, facial hair,
7 nonfacial hair, and possibly use that as one of
8 the photos in the array.

9 CHAIRMAN CHU: I think the difficulty there,
10 and I think the other people who were
11 prosecutors at one point can chime in, is that
12 there's also attention between making sure that
13 any kind of photo procedure, whether it's a
14 lineup or a photo array, is fair, versus being
15 overly suggestive. So I can think back to when
16 I was an ADA, and I would go up to lineups. If
17 someone had a characteristic that was very
18 unique, and like if they had a mole in the
19 center of their face, we would actually cover
20 that up. If someone had a tattoo on their neck,
21 we would actually have fillers, and then we
22 would drape them with like a sheet or jacket.
23 So I think when it comes down to making an
24 identification, you want something that's
25 reliable, and you want something that's on more

1 than just one feature.

2 And so, while I would agree, I think that
3 may be possible, I'm not even sure that would
4 not be a disservice because to digitally alter,
5 I think the courts at least might have some,
6 some issue with that.

7 COMMISSIONER SIMONETTI: Let me ask you a
8 question, to all the prosecutors. Could you
9 identify everybody that was in a photo array?

10 MS. CATAPANO-FOX: I myself know that I have
11 trouble identifying myself in the morning, so I
12 think that it gets interesting when you have to
13 be someone who has to do identities, and I think
14 the--I think what Denis was pointing out was
15 that in our cases, we make every effort to make
16 sure that the identities are accurate and
17 correct, and that 95% of our cases, we have the
18 identity of the officer.

19 I think you bring up interesting ideas for
20 those other 5%, ways to address the other 5%.
21 Other things we can be looking at in those cases
22 where we are having issues finding that officer,
23 and some of the ideas you're bringing up are
24 something interesting to discuss how we can help
25 in those other 5%.

1 COMMISSIONER SIMONETTI: I think it helps
2 in controlling the, the photo IDs.

3 CHAIRMAN CHU: Anyone else have any
4 thoughts? Okay. Is there any other old
5 business anyone would like to discuss?

6 MS. CATAPANO-FOX: Dan, I just wanted to
7 mention that we are moving forward with the 100
8 Church Street Plan. I apologize for not putting
9 that in my report earlier, but the office is
10 moving to 100 Church Street, the 10th floor. I
11 want to thank our Deputy Brian who's been
12 working so hard. This has been a very big
13 endeavor, and so I really appreciate all the
14 hard work everyone's done. Senior staff and
15 deputies have been meeting tirelessly to try to
16 make sure that this all goes seamlessly. But it
17 looks like we're moving November now. It could
18 actually be November 15, though I wouldn't
19 necessarily be surprised if we were here for the
20 November meeting, too.

21 BISHOP TAYLOR: Can I also, Tracy ask that
22 if possible--I think that some of the team
23 hasn't seen the updated blueprints or plans.
24 Maybe we can, like, lay them out in the
25 conference room so people can just kind of at

1 their leisure, kind of take a look-see. Then
2 maybe we can have a bidding war on real estate,
3 stuff like that.

4 MS. CATAPANO-FOX: Everyone has been
5 incredibly helpful and working together very
6 well to make sure that we have a productive and
7 good workflow there, but I promise you that we
8 will send out--Brian has actually been mailing
9 out to senior staff and deputies - - . We can
10 send it to the board as well.

11 BISHOP TAYLOR: Yes, I would just like the
12 line staff, the team--

13 MS. CATAPANO-FOX: We have actually put it
14 on the wall, so we have these huge blueprints on
15 the wall right outside of Brian and my office.

16 BISHOP TAYLOR: Oh, they're there now?

17 MR. BRIAN CONNELL: Yes. It doesn't indicate
18 the units and where they are but...

19 BISHOP TAYLOR: So what I would suggest is
20 if we had--I don't know if it's top secret, but
21 maybe we just put the blueprints, like, in the
22 conference room, and people can just peruse them
23 at their leisure. I think it creates a sense of
24 anticipation and excitement for the staff.

25 MS. CATAPANO-FOX: That's a great idea, and

1 we met with the team managers, and we went
2 over in terms of we encouraged them to look at
3 the reports. We told them that we have now got
4 an idea of where the layout is. We're trying to
5 keep teams together. We're trying to make the
6 most productive use of the floor as we can, so
7 we will as we get closer to the date, start
8 really getting down to the nitty gritty in terms
9 of placing people.

10 CHAIRMAN CHU: And let's also be sure to
11 incorporate some of our anticipated
12 technological upgrades because I had--just in
13 the short time I have been on the board, I mean,
14 we've gone from getting reams of paper, printed
15 out reports, to now having everything by remote
16 access and electronic voting. So I can only
17 imagine that kind of advancement is going to
18 continue into the future.

19 And it would be easier to try to anticipate
20 those now rather than going back and trying to
21 retrofit them off this afterwards. But thank
22 you, Brian and everyone else for working on
23 this, and you know--November 15, that's right
24 around the corner. I'll believe it when I see
25 it, but--any other--any other old business?

1 Is there anyone that has any new business
2 they'd like to discuss?

3 BISHOP TAYLOR: Yes, I just wanted to, to
4 make a comment that I was watching The Call the
5 other night, and Chris Dunn had the first
6 question on the call, so I just wanted to make a
7 point to move this - - .

8 CHAIRMAN CHU: I'm sure he will be happy to
9 expand on that.

10 [Crosstalk]

11 MS. CATAPANO-FOX: And he had an article in
12 the Law Journal.

13 BISHOP TAYLOR: Yes, he did. I saw that.

14 CHAIRMAN CHU: And I haven't gotten a chance
15 yet, but I know that the NYCLU also has some
16 comments on the decision, which I will be sure
17 to read this afternoon. But if there's no other
18 new business, let's turn the floor over to
19 public comment. I don't have a sign-in today,
20 but I'm assuming Mr. Dunn has something to say,
21 so please.

22 MR. CHRISTOPHER DUNN: Should I start?

23 CHAIRMAN CHU: Please.

24 MR. DUNN: Okay. Thank you. Sorry I missed
25 last month. I was away, and there were two big

1 developments. Tracy, welcome to the board.

2 MS. CATAPANO-FOX: Thank you very much.

3 MR. DUNN: I met with Tracy, a couple weeks
4 ago and I look forward to having a good working
5 relationship, and Mr. Gitner, you're new to the
6 board?

7 COMMISSIONER DANIEL GITNER: Correct.

8 MR. DUNN: Welcome as you will learn for
9 better or for worse on basically every meeting
10 and--I always have something to say. But when
11 there's a new member on the board, the first
12 thing I like to do is hear from the new member,
13 and I'd like to hear from you, and I'm sure
14 members of staff would like to hear from you,
15 about your interest in civilian oversight, and
16 your involvement with the police department, and
17 what your views are that you're bringing to the
18 CCRB.

19 COMMISSIONER GITNER: Sure. I was a federal
20 prosecutor for about eight years, when I worked
21 on scores of cases involving the police
22 department, and of New York City and other
23 police departments in other cities. I'm now a
24 criminal defense attorney. Some or many of my
25 cases involve the police department.

1 I think from that experience, I like to
2 believe I have a pretty good understanding of
3 how the police department works and the role of
4 the police department in our city, and I have
5 great respect for the police department in that
6 role. I also have, I think a good understanding
7 of the rules and laws surrounding how the police
8 should operate, and I understand how important
9 it is that the police operate the right way. I
10 really have no tolerance for police misconduct,
11 and I hope I'll bring an, an objective and
12 balanced view, to my job here, and I intent to
13 take it very, very seriously.

14 MR. DUNN: Okay. Thank you very much.

15 COMMISSIONER GITNER: Thank you.

16 MR. DUNN: You are down there with Tony
17 which is a good place to be. The other thing
18 you didn't mention, which I think is worth
19 noting, is you were a partner of Frank Wohl.

20 COMMISSIONER GITNER: Correct.

21 MR. DUNN: And my guess is that most people
22 here do not know who Frank Wohl is.

23 Interviewer: Some of us. I do.

24 MR. DUNN: Tony, how would you describe
25 Frank?

1 COMMISSIONER SIMONETTI: Please say hello
2 to Frank for me. Frank was our chair, a very
3 effective chair, by the way, hated to see him
4 go. In fact, most of you might not know some of
5 his past history, but it was back in the
6 Giuliani days when Giuliani was the federal
7 prosecutor, Frank was named the trustee of the
8 Fulton Fish Market, to oversee the Fulton Fish
9 Market manhole operation. By the way, he'd done
10 a tremendous job with that.

11 I know many of you are familiar. I thought
12 the police headquarters were in close proximity
13 to the fish market, and I used to do a lot of
14 walking over toward the fish market, and it was
15 remarkable to see the effects before and after
16 when Frank took over. So great guy. Wonderful,
17 wonderful chair here, and I think you would echo
18 my sentiments.

19 MR. DUNN: I would. The CCRB meetings were
20 a different event when Frank was here. They
21 were very long, they were very loud, as you may
22 recall, Tony, and there were a lot of people
23 here in the room who were deeply invested in
24 police oversight issues. And people here have
25 heard me complain for a long time that too

1 little happen at these meetings and with this
2 agency . So Tracy, I welcome your arrival, and
3 Dan, with your arrival, it is a new day of
4 sorts, and I look forward to us having a more
5 active CCRB, and hopefully more of the public
6 here at the meetings.

7 All right. So I usually complain, but I did
8 want to say a few positive things, that I would
9 have said in the last meeting. First, the new
10 website, I don't know if people have had a
11 chance to look at the new website, it's
12 terrific. It's a very nice improvement. The
13 idea of going out into the community, and
14 meeting--and I mentioned this to you when we
15 talked. We had talked for many years about
16 getting the CCRB out into the community. There
17 needs to be more community involvement. I think
18 having investigators out there is a great first
19 step.

20 It's going to be tough sledding at first
21 because there's no history of the CCRB being
22 physically connected to the community, and so I
23 think that's a terrific thing you've done, and I
24 appreciate that.

25 The eighteen plus month caseload is way, way

1 down. It's basically down to zero, which is
2 terrific, that's something that's been a huge
3 problem, and it's very encouraging to see that
4 the Agency has gotten that down. And then, you
5 got the annual report out earlier this year.
6 I'll come back to the bad news afterwards, but
7 at least it came out a month earlier.

8 And then finally the APU. It's terrific
9 having the APU. Laura, you mentioned there were
10 two trials scheduled. Was there actually a
11 trial date or dates?

12 MS. LAURA EDIDIN: Yes.

13 MR. DUNN: Because some of us are going to
14 want to come.

15 MS. LAURA EDIDIN: I hope many people will
16 come. October 8 and October 9, we have trials
17 scheduled.

18 MR. DUNN: Okay. All right. Other things.
19 Dan, you mentioned at the outset stop and frisk,
20 which is obviously--it's the biggest issue we're
21 all dealing with. Dan, while I appreciate you
22 saying to preserve partiality, you don't want to
23 say anything about it, but you guys are not
24 going to be able to avoid this, not that you're
25 looking to avoid it. The monitor is going to

1 have a whole process that's going to involve
2 all kinds of people, and the CCRB is going to be
3 part of that.

4 Granted, I think that what's going to happen
5 in terms of the development of remedial ideas
6 over the next several months, and involving the
7 community, it's going to be a terrific
8 opportunity for the CCRB to get more involved
9 into the stop and frisk controversy. It's not
10 like you guys have been staying away from it
11 completely, but I think this is an opportunity
12 to do much more. And Dan, as you noted, there
13 are now two cases that are subject to the
14 monitoring. One is the Floyd case, the other is
15 the trespass case, which is our case (Ligon).
16 The monitor is responsible for both of those.

17 You folks put out a very good trespass
18 report two months ago, and you have been looking
19 at trespass, and more significantly you've been
20 looking at stop and frisk for several years. In
21 the end, reports have always identified issues
22 around stop and frisk, to your credit, but I
23 just wanted to say, I hope the board decides
24 institutionally to take advantage of this
25 opportunity to affirmatively engage with the

1 monitor, and to really become part of this
2 because you need to become part of the process.
3 You need to be part of the public discussion
4 around stop and frisk.

5 The most disheartening thing in my mind
6 about all the reporting on stop and frisk which
7 has been a lot is that you have not been
8 mentioned. And that needs to change, you know?
9 All right. So some other things.

10 The annual report, and I said this to Tracy
11 when we met.

12 MS. CATAPANO-FOX: Yes.

13 MR. DUNN: You guys have put this out a
14 month after the year's over. It needs to happen
15 much faster. You can't put it out in August
16 like last year, you can't put it out July 2nd
17 two days before the 4th of July weekend, like
18 you did this year. It can and should come out
19 in January, and I talked to Tracy about some
20 ways to do that. I just think if you're going
21 to be relevant, you're going to have a public
22 profile, things like that have to come out in a
23 timely fashion.

24 The DUP numbers continue to be really high.
25 They're between 25 and 30% consistently, but the

1 thing I don't understand, and Laura you may
2 know the answer to this, but I would've thought
3 the DUP problem is going to end because they're
4 your cases. So is there a plan, by the way, if
5 the department is going to get out of business
6 of DUP'ing cases?

7 MS. CATAPANO-FOX: They can still DUP cases
8 that are not substantiated with charges
9 recommended. If we substantiate and recommend
10 command discipline or instructions.

11 MR. DUNN: Okay. Unless it's changed,
12 that's a very small percentage of cases. Most of
13 your SUB's come with charges.

14 MS. CATAPANO-FOX: We'd have to look.

15 MR. DUNN: Okay. I'm just hoping that one
16 of the benefits of, am I wrong Dan ?

17 CHAIRMAN CHU: I'm not sure on that, but we
18 can look into it.

19 MR. DUNN: I would've thought one of the
20 benefits of you guys controlling the prosecution
21 cases is the DUP problem would disappear.

22 MS. CATAPANO-FOX: I think that you'll see
23 that in terms of substantiated charges, once the
24 board recommends charges, that the APU will be
25 prosecuting those cases or handling those cases,

1 so yes, that's something that we could figure
2 out in the next couple of quarters.

3 MR. DUNN: And then the other thing, I will
4 note that we're getting into the minutiae, but I
5 will just note it. The discipline rate is way
6 down this year. I mean, the department always
7 trumpets having something like an 80% discipline
8 rates, which includes instructions, which I
9 think is misleading, but they're down in the
10 50s now, and I'm not sure what that's about.
11 And then the truncation rate. And we've talked
12 about this. The truncation rate continues to be
13 sky-high here. And something really has to
14 happen about that.

15 Then the final thing I will say, on the
16 photo ID, Tony I love the idea is you want to
17 have sketch artists here at the CCRB, I'm
18 totally in favor of that. I know some who will
19 come down here and work for you.

20 Dan, I see what you're saying about concerns
21 about that, but it may well be that, for
22 instance, you're creating some notion of a
23 sketch of someone who's described. Whether you
24 use that in a photo array, or whether or not you
25 give that to the department so that the

1 department can actually try to identify an
2 officer itself I think are two different things.
3 And you get someone who comes in who usually has
4 a location and a date, generally has some
5 general description, and just doing--pulling
6 photos off of the database is a way to get to
7 that person, but there may be a much easier way
8 to go to the command where the incident
9 happened, and say, here's a basic description we
10 got of the guy. Here's a picture we have--we
11 came up with the guy. Who's this guy? My guess
12 is in many instances, someone's going to say,
13 well, I know who that is. And I don't know if
14 you now do something like that, but I would
15 imagine that in the vein of trying to do a
16 better job of identifying officers in situations
17 where a complainant is unable to name the
18 officer, that you might be able to use the
19 information from the complainant in a way that
20 would help the department sort out the whole
21 database business and identify the officer.

22 CHAIRMAN CHU: To that point, I think that
23 the fact that 95% are identified speaks volumes.
24 And I think in the majority of cases, if we know
25 the command, we know the time, we know the

1 vehicle the person might've been traveling in,
2 we know who that person might've been partnered
3 up with, I believe a lot of the photos are more
4 or less almost confirmatory in nature. So I
5 think we're on the same page there.

6 MR. DUNN: 5% is 300 cases. That's a lot of
7 complaints. And I agree, 95%, that's a good
8 rate. Maybe they're--the stops - - that 95% of
9 the time. That leaves 250,000 who end up having
10 a bad stint.

11 CHAIRMAN CHU: And I will say that in some
12 of these situations, maybe because of the stress
13 or the tension of the, the moment, sometimes the
14 descriptions and things tend to change. So
15 there are a lot of variables involved here. I'm
16 trying to be a little louder so you can go back
17 to the good old days.

18 MR. DUNN: Maybe go a little longer.

19 CHAIRMAN CHU: Yes, we can go a little
20 longer, too. I'm looking for Youngik to put in
21 his two cents.

22 [Crosstalk]

23 MR. DUNN: Frank wasn't the loud one, all
24 the shouting was pretty much happening on the
25 side.

1 CHAIRMAN CHU: Thank you.

2 MR. DUNN: All right. Thank you.

3 CHAIRMAN CHU: Thank you. I don't have a
4 list, but I do see Mr. Brown. I imagine you
5 want to be heard, so I'm going to--again, with
6 the caveat that, it's good to see you again, and
7 just try to limit it to the policy issues.

8 MR. JOHN BROWN: Hello, how you doing? I
9 just want to take--I see that some strides are
10 being made. I see that what I brought up has
11 been noticed, and - - today. I want to tell you
12 thank you. The only thing that I want to say,
13 that it's been since 2011 that this happened to
14 my son, and he may be in that 5% that this
15 gentleman was talking about that it hasn't been
16 cleared up yet.

17 And with what happened to him, somebody
18 knows what happened to him, and that's why I'm
19 wondering, it's still taking a long, long time,
20 and the thing about it is that if I would've let
21 this go, when you all first closed the case, it
22 would've been closed, and that's the danger
23 because you got a lot of young people that do
24 not have confidence in the CCRB. And that's a
25 reflection on you. What I'm saying is that they

1 don't know that you all care. Okay? You've
2 got to get out and let people know that there
3 really is a remedy to what happens to you on the
4 street.

5 My other thing is, like I said, it's been
6 this length of time or whatever it is. It's a
7 lot of--a long time between you showing people
8 photos and, and when the incident happens.
9 You've got to show them in that period of time.
10 It took 14 months for my son to look at one
11 photo, and he hasn't seen a photo yet with and
12 officer with hair on his face, which he said.
13 He was originally showed pictures of officer
14 with no facial hair. How can that happen?
15 That's, that's the only thing. How can that
16 happen where you say this person has hair on his
17 face, and he comes here, and then you put down
18 the photo array, and all the officers has no
19 facial hair. That can't happen. And you're
20 setting them up to pick out somebody--and my
21 son's not like that. He says, no, daddy, I
22 didn't see the person there, but all the
23 officers had no hair on their face.

24 Something's wrong there, and that's just--I
25 want you all to look into that yourselves and

1 find out, whoever the investigator was or
2 whatever happened, why was that done? Why was
3 that done? Thank you, okay?

4 CHAIRMAN CHU: Thank you. Denis, you can
5 speak to that point with facial hair, correct?
6 In the identifications? Generally when the
7 photos are taken, there are no facial hair?

8 MR. DENIS MCCORMICK: No facial hair, or by
9 requirements would be very well groomed.

10 MS. CATAPANO-FOX: NYPD has certain policies
11 with regard to what their officer in uniform
12 must look like and conform to when they take
13 their identification.

14 MR. JOHN BROWN: No, but that's my point,
15 too, is--excuse me, if I may. An undercover
16 officer changes the way that he looks, so he
17 could look as you do now, but then he gets in
18 the street, and he now wants to blend in, so he
19 grows a little longer hair. He grows a beard or
20 whatever it is. We got to know who that guy is.

21 He's on the street, and if you don't keep
22 track of that, he can do something, commit a
23 crime against someone in the public, and then we
24 don't know who he is. That's the problem.
25 That's the problem. Thank you.

1 CHAIRMAN CHU: Thank you. Yes?

2 MALE VOICE: I just want to say that, there
3 was an item on the INS radio about the
4 inhalation of marijuana cigarette smoke, that it
5 introduces five times more nicotine into the
6 body than Newports or Marlboro cigarettes.

7 CHAIRMAN CHU: I gotcha. I'll try to avoid
8 all--all right. Thank you so much. And let the
9 record reflect, I do have a beard this month.
10 Are there any other people looking to speak? If
11 not, we're going to take a five minute break
12 and--yes. Please identify yourself?

13 MS. DASHAWN WILLIAMS: My name is Dashawn
14 Williams with the National Action Network.

15 CHAIRMAN CHU: Sure. Welcome.

16 MS. DASHAWN WILLIAMS: Thank you. - - with
17 respect to the board, thank you so much for your
18 information. We actually send a lot of people
19 down to the CCRB when they have issues with the
20 police, so just being a part of this process
21 kind of gives us an idea of what goes on, and
22 it's very pleasing to know that the CCRB will
23 now be moving into the community instead of
24 separation, I'll say. So as was mentioned, one
25 thing that we did want to know is when cases are

1 closed, are the families aware that the cases
2 have been closed?

3 MS. CATAPANO-FOX: Yes. We send letters to
4 the complainant. So the person who has made the
5 complaint, or the person who was the victim of
6 the allegations will get a letter, as will the
7 police officer, so the parties involved.

8 MS. DASHAWN WILLIAMS: Okay. But at that
9 point they can then open up the case still? Can
10 they still go ahead and--

11 MS. CATAPANO-FOX: They do contact us to
12 say, I received this letter, and I don't
13 understand, I'm confused, or maybe there's
14 something you didn't see, and then if we feel
15 that they're asking for us to reopen the case,
16 our chief counsel will review it and then
17 present it to the board and give them
18 information, and the board can make a
19 determination whether or not the case should be
20 reopened.

21 MS. DASHAWN WILLIAMS: Very good. Then with
22 the identification, does the CCRB have any
23 leverage on updating those photos from the NYPD
24 so instead of the five-year, can we shorten and
25 update those photos or request updates from the

1 NYPD or--

2 CHAIRMAN CHU: I think that's certainly a
3 recommendation that we can make.

4 MS. CATAPANO-FOX: It's hard for us to make
5 that recommendation based on our 95% rate.
6 That's why we did the report. That's why we
7 investigated and made findings on it, but it's
8 certainly something you could bring to NYPD.

9 CHAIRMAN CHU: Right.

10 MS. CATAPANO-FOX: It's their policy. We
11 have to abide by it because they take the
12 photos, but by all means, you should--

13 COMMISSIONER LISTON: But we can consider
14 making a recommendation. I know we keep saying
15 95%, but if you're in the 5%, you know--so I
16 think it's something we can look at.

17 CHAIRMAN CHU: Yes, we can make that
18 recommendation, but obviously it's their
19 internal policy, so it's ultimately their
20 decision as to what to do, and I'm sure they
21 have their operational constraints as well. So
22 you know, but certainly as, as Commissioner
23 Liston said, we look into it, if the need
24 arises, we certainly can make a recommendation.

25 MS. DASHAWN WILLIAMS: Okay. Great. Well,

1 we're looking forward to having the CCRB in
2 the coming weeks.

3 CHAIRMAN CHU: Thank you very much. Thank
4 you.

5 BISHOP TAYLOR: And we might want to set up
6 at the House of Justice when we come to Harlem.

7 MS. DASHAWN WILLIAMS: We can make that
8 happen.

9 BISHOP TAYLOR: All right. So make sure we
10 talk.

11 MS. DASHAWN WILLIAMS: Good.

12 MR. CHRIS DUNN: I want to see that.

13 BISHOP TAYLOR: That'll be easy.

14 MS. CATAPANO-FOX: You want to come? You
15 can come, too. We'll bring a chair. You can
16 have a Civil Liberties Union chair.

17 BISHOP TAYLOR: We're very serious about
18 bringing the CCRB to the local communities,
19 because I really take it very seriously when you
20 make a statement that we have been in the
21 community but not a part of the community, and I
22 think that I'm a part of the community, and I'm
23 a part of this board, and that makes the board a
24 part of the community. So I think that just
25 bringing that more to the fore is really what

1 our objective is.

2 CHAIRMAN CHU: And from my perch here, it
3 sounds like there's a lot going on at CCRB.

4 BISHOP TAYLOR: I don't know. I think we
5 need to take another hour to talk about that.

6 CHAIRMAN CHU: I think you need to raise the
7 volume of your voice a little bit.

8 BISHOP TAYLOR: Yes, it's too low in here.
9 Dr. Mohammed?

10 CHAIRMAN CHU: Is there--ma'am, are you
11 waiting to speak?

12 MS. MICHELLE ALLEYNE: Yes, my name is
13 Michelle Alleyne. I'm a part of the Crisis
14 Management Committee of National Action Network,
15 and what my question is, when a victim is,
16 abused by an officer and what is the timespan
17 between the CCRB, a witness--to get an
18 eyewitness of the account of the officer, what
19 is the timespan with the CCRB because from what
20 I was told, Mr. Brown's case, he had to wait,
21 like, 14 months to, to view photos, and that's
22 absolutely too, too far in advance because even
23 if--from an officer's standpoint, as far as any
24 witness is concerned, when it's time to ID a
25 witness, as far as there was a victim of a

1 crime, you need to do it within, like, the
2 first--what is it? 48 hours? It's a short time
3 span. So what is CCRB's like, rules as far as
4 that?

5 CHAIRMAN CHU: Well, here's the situation.
6 I agree with you wholeheartedly and we try to
7 get the complaining witnesses in as soon as
8 possible. Each case, though, is going to
9 present different challenges, so without going
10 into the specific case, and if the specific
11 case, if you'd like to talk about that, we can
12 have the complainant in this case, Mr. Brown's
13 son, come in and speak with an investigator and
14 go over what those challenges were and what was
15 done.

16 But we're not going to go into each case,
17 and each case certainly is going to be
18 different, but we certainly have benchmarks that
19 we keep in place, every case is different, but
20 we endeavor to do that as quickly as possible
21 for the reasons that you mentioned.

22 MS. MICHELLE ALLEYNE: So there's nothing
23 right now, there's nothing in writing on, like,
24 the time duration?

25 CHAIRMAN CHU: I think, you know,

1 realistically, as I mentioned, each case is
2 going to present different challenges. In an
3 ideal world, they come in--Denis, what's the
4 quickest that a complainant comes in on a case?

5 MR. DENIS MCCORMICK: The quickest? It
6 could be a few days or walk-in's. I think it's
7 on average it's about almost three weeks for the
8 first civilian interview to be conducted from
9 the date of report.

10 CHAIRMAN CHU: Okay. But it could be as
11 quickly as a few days in certain instances?

12 MR. DENIS MCCORMICK: Somebody can walk in
13 today and initiate the complaint right away.

14 MS. MICHELLE ALLEYNE: Okay.

15 CHAIRMAN CHU: Thank you.

16 MR. JOHN BROWN: But what you're saying, in
17 a few weeks is, is not the reality of it because
18 it took 14 months for my son to come in.

19 CHAIRMAN CHU: If your son would like to
20 discuss his case, he can come in, and we can
21 arrange to have an investigator or a team
22 manager sit down with him and discuss the case.

23 MR. JOHN BROWN: No, I mean, it took 14
24 months, so what you're saying there, after the
25 initial--I, I made it a point to come in the

1 following week after this happened. It
2 happened April 30, 2011. I came in the
3 following week to the CCRB, in my particular
4 case. That's how I came into it.

5 What you're saying is now the next time that
6 they saw my son is 14 to 18 months later is when
7 he got to identify pictures.

8 MS. CATAPANO-FOX: I think that's different
9 than her question, though, what she was talking
10 about, getting statements from complainants and
11 their initial outreach to us and the initial
12 interviews, and as the Chairman has said, we do
13 have benchmarks throughout the process in terms
14 of how quickly--and obviously the complainant
15 statement is the first step that guides us in
16 our investigation. So we have benchmarks to
17 ensure that these are done as timely as
18 possible.

19 Sometimes it is a matter of coordinating
20 with the complainant to get them here, which is
21 something that we're trying to alleviate by
22 getting into the community, so that if a
23 complainant is working and has trouble getting
24 here within a few weeks or works certain
25 schedules, that's why we're going to put

1 ourselves once a month in each of the counties
2 to be able to say, well, you can meet us here at
3 a more convenient location so we can take the
4 statement.

5 So we do recognize that. We want to get
6 these statements as quickly as possible because
7 it helps everyone to move the investigation
8 along. There are inherent issues. We had
9 Hurricane Sandy last year. That affected a
10 tremendous amount of our cases, and we do the
11 best we can in order to get the complainants in
12 right as soon as possible to move the
13 investigations along, and I can tell you that
14 our investigators, they are here all day, all
15 night. They're here early in the morning. They
16 are here late at night. They work tirelessly.
17 They have lots and lots of cases, and while we
18 understand that each complainant, that case
19 means the world to them, they're working on
20 multiple, multiple inventories of cases.

21 And so they do the best they can, and as
22 managers, we do the best we can to monitor it.
23 We can always do better, but I assure you that
24 we are doing everything we can to stay on top of
25 that.

1 MS. MICHELLE ALLEYNE: Okay. But I'm
2 basically saying, too, that if the photo ID
3 process is in part of the first phases of your
4 benchmarks, then you would probably increase it
5 from 95% to higher.

6 MS. CATAPANO-FOX: That's a good point.

7 BISHOP TAYLOR: Mr. Chair, I think you may
8 have forgot, but we had--you brought it up. We
9 had some discussion and dialogue around trying
10 to expedite that process where you can see
11 photos sooner rather than later.

12 CHAIRMAN CHU: Sure. And we are always
13 trying to improve on that. Great. If there's
14 nothing further, we're going to take five
15 minutes, and then break into executive session.
16 Thank you all for coming.

17 [END RECORDING]

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C E R T I F I C A T E

The prior proceedings were transcribed from audio files and have been transcribed to the best of my ability.

Signature 

Date August 19, 2013

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