

Civilian Complaint Review Board
October 8, 2014

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PUBLIC BOARD MEETING
OF THE CIVILIAN COMPLAINT REVIEW BOARD
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Wednesday, October 8, 2014
6:35 p.m.

Community Board 3
Restoration Plaza
1368 Fulton Street, 1st Floor
Brooklyn, New York 11213

TRANSCRIPT OF PROCEEDINGS

RICHARD D. EMERY, ESQ., CHAIR
BRIAN CONNELL, ACTING EXECUTIVE DIRECTOR

PUBLIC MEETING AGENDA:

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

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BOARD MEMBERS PRESENT:

Richard D. Emery, Esq., Chair

I. Bennett Capers, Esq.

Lindsay Eason

Daniel M. Gitner, Esq.

Brian Connell

Bishop Mitchell G. Taylor

Janette Cortes-Gomez, Esq.

Deborah N. Archer, Esq.

Youngik Yoon, Esq.

Joseph A. Puma

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TESTIMONY GIVEN BY:

Adrian Hopkins
Bureau Blank

Christian Covington

Candis Tolliver
NYCLU

Jasmar Tryillo

Laura Edidin
Civilian Complaint Review Board

Lisa Cohen
Civilian Complaint Review Board

John Doe

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CHAIR EMERY: Good evening everyone. We'll call to order the October meeting of the Civilian Complaint Review Board, here at the Restoration Center in Brooklyn. Thank you very much for having us here.

And in that regard, right at the outset we have a quorum here of seven. Two other board members are going to join us, I expect, but we we can begin because we have seven, and this way we move the meeting along and hopefully get done at a reasonable hour.

First of all, I want to acknowledge and thank, the people who made this location for us possible. We want very much to be in the communities that we serve and that come to us for assistance, and we will continue with this effort of having evening meetings in locations where people have access to us as much as possible for as long as possible.

Next month we will be in the Bronx. Specifically, what's the address again?

MR. CONNELL: It's going to be at Mosholu Montefiore Community Center, and

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2 that's at --

3 CHAIR EMERY: It's on DeKalb, isn't
4 it?

5 MR. CONNELL: It's on Dekalb Ave,
6 correct.

7 CHAIR EMERY: We'll have that
8 address -- thank you, Marcos. That address
9 will be on the website and we will also
10 publicize the date and the location. It's on
11 November --

12 MR. CONNELL: 12th.

13 CHAIR EMERY: -- 12th. Thank you,
14 thanks a lot. Okay, good.

15 And so, I want to thank the people
16 here at Restoration, particularly Henry
17 Butler, who made this possible, he's the
18 District Manager for Community Board 3;
19 Deborah Jones, the Event Director here; Tommy
20 Ng and William -- I have to read my own
21 writing -- William Jackson, who did the IT
22 work. Because we have a live stream here,
23 everything is recorded on video and is
24 live-streaming right now through our website.

25 In addition, I wanted to thank the

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staff for the hard work of putting this together. Carlmaes Johnson, Jessica Long, Sorin Vatavu, and --?

MR. CONNELL: Sheshe Segar.

CHAIR EMERY: I'm learning. I'm learning.

So with that, I'm going to call the meeting to order. And I want to first of all, introduce you to Brian Connell, who's the Interim Executive Director. He's replacing Tracy Catapano-Fox who left us on Monday.

In that regard, I also would note that there are -- there's a big turnover in this Board at this point. Seven people who were previously on this Board are no longer on the Board, and I'll say something about them in a minute and thank them for their service.

But first of all, I want to introduce the new people. And then I think everybody on this panel up here, including myself, will say a little bit about who each of us is so you will know -- you'll at least

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hear our voice and have some sense of where we come from and why we want to be participating in the Civilian Complaint Review Board.

My name is Richard Emery. I am the recently appointed Chair, but the new members, just to be clear, are, to my left, Professor Deborah Archer and, to my right, Lindsay Eason, and Bennett Capers -- Professor Bennett Capers. There's one more new member who's not present here tonight Michael O' Connor. And at some point in the future we'll have him at a meeting, too, but he apparently is not able to come tonight.

But with that, I think it makes -- it's also appropriate to thank for their long and dedicated public service on this Board, the members who are no longer here. Their terms have expired and they have resigned in the course, the natural course of the change in Administration and the change of effort at the CCRB. And those, in particular, are Jules Martin, who was a police appointee who served this Board loyally and wonderfully for

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many years; similarly, Mohammed Khalid, who was a mayoral appointee; Al Grant, who was a City Council appointee from Brooklyn; Rudy Landin, who was a police appointee for many years; Jim Donlon, who was the City Council appointee from Staten Island; David Liston, I think he was a mayoral appointee -- or was he a Manhattan? I think he was a Manhattan Council appointee. And Tony Simonetti, also a police appointee.

All of these people did a lot of work for many years and were devoted and committed to improving this Board and making it a place where people could come and seek out, to have their complaints heard and hopefully have police officers also come in response to those complaints and get justice with respect to the recommendations from this Board for discipline or for no discipline.

So with that, I just would think it makes sense -- and perhaps, Joe, you can start.

Joe is also a relatively new member of the Board but who has been on the Board

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2 longer than I have. And then we'll go around
3 the table and let's each of us introduce
4 ourselves and say a few words to the people
5 here.

6 MR. PUMA: Certainly. Good
7 evening, everyone. Thank you for coming.

8 My name is Joseph Puma. I am
9 actually the Manhattan Council appointee.
10 David Liston was the mayoral appointee.

11 CHAIR EMERY: Mayoral appointee.
12 I'm glad you corrected that.

13 MR. PUMA: And I've been on the
14 Board for about ten months. And I have a
15 background, professional background, in New
16 York City Government, having worked in City
17 Council, and the New York City Office of
18 Management and Budget for a bit, and from
19 there, I went over to the NAACP Legal Defense
20 Fund as a paralegal. And so I've sort of
21 transitioned over to non-profit work, civil
22 rights work, in a national organization. And
23 I also serve on the board of a community
24 organizing group in my neighborhood called,
25 Good Old Lower East Side, and I've been very

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active in their work.

I am a life-long New York City public housing resident, and its been a pleasure to serve on the Board for ten months and, you know, I'm looking forward to working with the new Board members as well.

MR. YOON: My name is Youngik Yoon. I am a Bronx City Council designee. I've been on the Board for over ten years, and my career is representing small business people as a lawyer. And I share in and I support the new visions of the Mayor and of our new Chair.

MS. ARCHER: Good evening, everyone. I'm Deborah Archer. I've been on the Board for about a week now. I am the Associate Dean and a professor at New York Law School. I teach courses on race discrimination, civil rights, social justice lawyering.

Before joining New York Law School, I spent some time as a staff attorney at the ACLU and at the NAACP Legal Defense Fund.

And I'm excited to be able to work

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with the really talented staff at the CCRB and the other folks on the Board to make sure that folks have trust in the CCRB, both citizens feeling that there is someone who's looking out for their -- the protection of their rights, that they feel like their engagement with a police force is respectful but also so that police officers feel that they have the tools to be able to protect our community and they can be successful. It's a really challenging job, and I'm excited to be a part of it.

MS. CORTES-GOMEZ: My name is Janette CORTES-GOMEZ. I am a graduate of SUNY Law School up in Buffalo. I have a background in family law, and I have my own practice currently, mostly in the Bronx but I go all over the place. And I'm currently the Chair of the Mediation Subcommittee. So I do the mediation cases as well as the regular cases.

I've been here for a couple of years, and I'm excited for these nighttime meetings, where we can hopefully reach out to

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more of our constituents.

BISHOP TAYLOR: Good evening, I'm Bishop Mitchell Taylor. I have a PHD, that is, for those of you who don't know, a Public Housing Degree.

I grew up in Queensbridge Houses in Long Island City. I also have a Bachelor's of Theology.

I was proud to be appointed to the Board by the City Council, having a long-standing relationship with residents that live in public housing, an organization that serves residents in public housing in all five boroughs and understanding the challenges that folks in urban tracks face as it relates to interactions with police and things of that nature.

I'm also Chair of the Outreach Committee, and for the past seven years I've been working to bring the public into these meetings and make the public more aware of the Civilian Complaint Review Board. And what we see here tonight is what I've been dreaming and hoping would happen since I've

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2 been the Chair of the Outreach Committee, and
3 I thank Chairmen Emery for making it happen
4 and really bringing it to the fore. And so,
5 I'm just proud to be here on tonight. Thank
6 you.

7 CHAIR EMERY: I'm also a relatively
8 new person on the block here. My name is
9 Richard Emery. I was appointed as the Chair
10 of the CCRB in July, I think it was July
11 17th, one day before the incident in Staten
12 Island. And its been a very high profile and
13 interesting couple of months since that
14 appointment. We've had a lot of changes and
15 there are a lot more changes to come.

16 I was asked to do this job by a
17 Mayor who wanted to change this agency, just
18 as he wants to change many things in this
19 City, to help people who don't have access to
20 power or government or a lot of economic
21 resources. We want to be sure that we give
22 people in this City across the board access
23 to us, give them fairness in the process, and
24 give them accurate, clear, and hopefully
25 efficient investigations of their complaints,

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just as police officers deserve fair, accurate, and efficient evaluation of the complaints against them.

I've spent my -- most of my career litigating in courts, very, very frequently primarily on behalf of civil rights violations for victims, plaintiffs with the civil rights cases. I was a staff attorney in Legal Services for many years. I was a New York Civil Liberties Union attorney for many years. And then I practiced in private practice, doing civil rights work for many years, and I still do that. I still have my day job, which is as a civil rights attorney in a firm with 20 other lawyers, where we litigate civil rights cases.

So I feel very privileged after this career of being a civil rights attorney and litigating many, many cases against police officers, against the City, some cases for police officers, in some instances. I feel very privileged to be able to commit myself at this juncture in my career and to try and do something about the problems in a

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different way than I faced all the time as a litigator and felt were embedded in the system.

I would like to try and see whether there's a way that this Board can make inroads into the embedded, intrinsic nature of problems in the police force and do it fairly and do it equitably. And that's why I'm here.

Brian Connell, our new Interim Executive Director, you should introduce yourself as well.

MR. CONNELL: Good evening, everyone. I'm Brian Connell. I think, relatively speaking, I have the longest tenure of anyone at the table. I've been in the agency for 12 years, and prior to that I was at the Human Resources Administration, HRA, as the Deputy Commissioner for Budget Administration.

I'm glad to have been given the opportunity to work with Chair Emery and the Board. I think there's a new vision, and I'm glad to be given the opportunity to make that

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2 come to fruition. Thank you.

3 MR. EASON: Good evening, everyone.
4 My name is Lindsay Eason. I welcome you to
5 this CCRB meeting this afternoon. I am also
6 one of the newest members. I was selected as
7 the police appointee, I started October 1st,
8 and I am looking forward to continuing to
9 build that trust between the community and
10 the Police Department and doing it by the
11 ways in which the Chair just described.

12 I attended John Jay College. I have
13 a degree from there in Police Studies. I've
14 been in City government since 1973. I was a
15 sheriff of New York City for eight or nine
16 years.

17 During my time as a police officer
18 for 23 years I've always been curious about
19 the process of the CCRB. So now I have a
20 front row seat, and I look forward to keeping
21 the playing field level for the community,
22 our partners, and the police officers. So I
23 am thrilled to be working with my co-Board
24 members here, and I look forward to getting
25 started.

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2 I will be participating in the
3 CopStat, I have agreed to chair that
4 committee --

5 CHAIR EMERY: We'll talk more about
6 that.

7 MR. EASON: We'll talk more about
8 that now?

9 CHAIR EMERY: No, in a few minutes.

10 MR. EASON: And the mediation, I'll
11 be working with Bishop Taylor in --

12 CHAIR EMERY: The outreach. You
13 mean the outreach.

14 MR. EASON: The outreach and with
15 the mediation, contributing in any way that I
16 can.

17 So I'm thrilled to be here, and I look
18 forward, as I said, to improving that
19 relationship between the Police Department
20 and the community. Thank you very much.

21 MR. CAPERS: So good evening, I'm
22 Bennett Capers. I, too, am happy to be here.
23 I'm one of the new Board members. So its
24 been all of a week for the three of us. We
25 have a lot to learn, and I think we are

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looking forward to learning and helping any way we can

I'm a professor at Brooklyn Law School, where I teach a course in writing criminal law and criminal procedure and evidence. My background is Princeton, Columbia Law School. I was a federal prosecutor for close to a decade. So that's really my background.

And I'm just looking forward to making a difference, and doing what I can.

CHAIR EMERY: Great. Well as you can see, this Board has a lot of energy, and it's exciting with the change, and I think the people who've been here for a while are excited about the change. So I get a sense that the people who have been on this Board are all excited about the prospects of what we're embarking on, with a lot of new ideas, and yet also doing what we do and what we're mandated to do, which is to make judgments about complaints against police officers on a regular and steady basis.

Let me just say that we have

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2 recently -- if any of you have looked at the
3 news media lately, we issued yesterday a
4 report which was called the Choke -- what is
5 basically known as the Chokehold Study. That
6 report was featured in The New York Times
7 today, The Wall Street Journal, and several
8 other places. It's been a very important
9 study of the disciplinary process on a broad
10 basis but particularly is focused on
11 chokeholds.

12 And we are lucky to have here
13 tonight the staff person, who is an
14 incredible talent, Marcos Soler, who lead the
15 team that wrote that report.

16 And so, Marcos, I just wanted to
17 recognize you and then there were -- who's
18 sitting up front here on the right.

19 And then, Brian, tell us the other
20 people who worked on it so we can recognize
21 them and honor them for this incredibly hard
22 work and excellent product.

23 MR. CONNELL: Yes. There were a
24 number of people that worked very hard on the
25 report, and they are Robert Rodriguez, Roger

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Smith, Nicci Page, Alan Alvarez, Chris Duerr,
Lisa Grace Cohen, Denis McCormick, Sarah
Peterson, Alex Opoku, Mercedes Bayone, Linda
Sachs, and Marcos Soler.

CHAIR EMERY: So with that, we're
going to -- what we're going to do, the
structure for the rest of the meeting is
going to be, as I see it -- and we're open to
suggestions from other Board members about
this and what they want to see. So you can
think about this, where you want to inject
anything that might be important to discuss.
Yeah, we'll do that in a second

I want to hear from Brian on the
interim on the report from the Executive
Director.

We're going to then do committee
reports and have a little discussion about
the committee activities and what we hope to
do with the committees. And these are very
substantive; these are not just committees
for social engagements and future dances or
anything.

These are committees that are

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really looking at change, dramatic change within the CCRB, and making our processes much more effective. And so we're going to talk about those and some reorganization of those.

Then we're going to old business and new business. We're going to talk, and then we are going to have public comments, from anyone who wants to get up and talk to us for a bit. And then we want -- we'll have go into a short Executive Session afterwards, which will be a private discussion of a matter that involves a particular case which we're not allowed to discuss publicly.

So with that, Brian, can you give the Executive Director's report.

MS. CORTES-GOMEZ: Chair, I'm not sure if we should adopt the minutes first.

CHAIR EMERY: You're right. Sorry, Janette. Janette's right. Thank you. She's more experienced than I.

There are minutes from the last meeting. Do we have a motion to adopt the minutes?

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BISHOP TAYLOR: Motion.

CHAIR EMERY: Second?

MR. EASON: I second.

CHAIR EMERY: Anybody opposed?

(No response.)

CHAIR EMERY: We're all in favor?

MS. CORTES-GOMEZ: I will abstain
since I wasn't here the last time.

CHAIR EMERY: Okay. Thank you,
thanks a lot for reminding me.

Anything else that I should do
before Brian does the Executive Director's
Report?

Great, thanks.

MR. CONNELL: Thank you, Mr. Chair.
Before I proceed, I'd like to
introduce our newest member at the CCRB. Her
name is Lindsey Flook, and she joins our team
of attorneys.

Would you mind standing up? Glad to
have you here.

And with that I'll begin. The CCRB
received 358 complaints within it's
jurisdiction in September 2014. This was a

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2 139 fewer complaints than in the same period
3 of 2013, when the CCRB received 497
4 complaints. The total intake for the month
5 of September 2014 was 1013 cases. The Board
6 closed 465 cases in September, that is 3909
7 cases year-to-date.

8 In that first nine months of 2014,
9 the Board closed 1439 full investigations,
10 including 223 substantiated complaints. Year
11 to date, the substantiation rate is 15.5
12 percent. In September civilians and officers
13 mediated 12 cases. Year-to-date, the CCRB
14 closed 252 cases through the Mediation Unit,
15 129 of those were mediated, were closed as
16 mediated and a 123 of them was closed as
17 mediation attempted.

18 In September, however, there were
19 no cases closed as mediation attempted. The
20 number for August of 2014 has been adjusted.
21 We initially reported that we received 408
22 complaints. We can now report we received 16
23 fewer cases or 392 complaints. The number
24 for January through August has also been
25 adjusted. The total number of complaints

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2 received from January through August 2014 was
3 3517 complaints and not the 3539 complaints
4 as was originally reported. This is a
5 difference of 22 cases.

6 From January to September 2014, all
7 the complaints received by the CCRB totaled
8 3875. That is a 181 fewer complaints than
9 for the same period in 2013, when the CCRB
10 received 4056 complaints. Year-to-date, the
11 CCRB received 5.4 -- sorry, 4.5 percent fewer
12 cases than in the same period last year.

13 The detailed monthly statistic
14 report includes two forms of reporting on the
15 disposition of CCRB cases. The first report
16 indicates the truncation rate and the second
17 report provides the case resolution rate.
18 From January through September the amended
19 truncation rate, which excludes cases closed
20 as complaint withdrawn, was 47.1 percent. In
21 the same period of 2013, the truncation rate
22 was 55.5 percent. From January to September
23 2014, the case resolution rate was 43.3
24 percent; in the same period of 2013, the rate
25 was 34.5 percent.

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The agency's docket -- the agency's docket at the end of September was 2333 cases. This was a 5.7 percent decrease of the open docket of August, when it was 2473. Measured by the date the CCRB receives complaints, that was 94.4 percent of open investigations that were received last year and 63.5 percent were within the last four months.

So of the 2333 open cases, 530 of them are waiting panel review, that's 23 percent of the docket; 1586 of them are being investigated, that's 68 percent of the docket; and 217 cases are in the Mediation Unit, representing 9 percent of the docket.

The breakdown of September 2014 SOL cases --

CHAIR EMERY: SOL, statute of limitations, right?

MR. CONNELL: Thank you.

-- four cases are currently pending Board review of these four cases, one case was placed on hold, two cases were filed months after the date of incident, and one

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case was sent to the Board as mediation attempted.

The statute of limitations crime exception report does not apply to any cases pending Board review. Of the eight statute of limitation cases, there are eight statute of limitations cases that are open investigations. The SOL crime exception applies to seven of them. Of these eight cases, five cases are on DA hold, two cases were filed months after the date of incident, and one case was reopened months after it was originally closed.

In August 2014, the Police Department closed 15 substantiated cases involving 18 officers; of these 18 officers, one received Command Discipline B, four received Command Discipline A, seven officers received instructions, and the Department declined to prosecute cases against six officers. In August, the Department's disciplinary rate was 67 percent; year-to-date it's 62 percent. The year-to-date rate in which the Police

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2 Department declined to prosecute is
3 27 percent.

4 In September 2014, the Board
5 substantiated 14 cases, with recommendations
6 of charges and specifications, and these
7 cases involve 29 officers. These cases were
8 forwarded to our Administrative Prosecution
9 Unit.

10 I will now give a little detail on
11 the statistics for that unit. Previously the
12 APU proceedings involved multiple respondents
13 that were reported as single case or trial,
14 and those were kept for APU statistical
15 purposes. Starting this month and going
16 forward, to better reflect the activity of
17 the APU, we will use the term case or trial
18 to mean the status of charges against an
19 individual officer.

20 At the end of September, the open
21 docket of the APU was 357 cases. Of these
22 cases the Police Commissioner disapproved
23 pleas involving two officers, and we are
24 awaiting final disposition of those cases.
25 Thirty-two pleas were entered and are

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2 awaiting approval by the Police Commissioner.
3 In 20 cases the trial verdict was rendered
4 and awaiting approval by the Police
5 Commissioner; 20 trials were completed and
6 are awaiting a verdict; 13 trials were
7 commenced but not completed; 77 trials were
8 scheduled; 23 cases were calendered for court
9 appearance. In 80 instances charges have
10 been served, and are awaiting their initial
11 court appearances. In 42 cases charges were
12 filed and are awaiting services. Forty cases
13 are awaiting the final discharges.

14 We are reporting final disposition
15 in four APU cases. In one of those officers
16 pled guilty and accepted the plea of ten
17 vacation days. The Police Commissioner
18 rejected the plea, dismissed the charges of
19 which the officer pled guilty, and instead he
20 imposed a Schedule B Command Discipline, with
21 the penalty of the forfeiture of five
22 vacation days and formalized training.

23 The Police Commissioner retained
24 jurisdiction over five cases. He notified
25 the cCRB, that he does not intend to impose

1 Proceedings

2 any discipline against two of those officers.
3 The other three officers whose cases were
4 retained are to be disciplined as follows:
5 one will receive Schedule A Command
6 Discipline and formalized training, and two
7 will receive formalized training. Charges
8 will not be filed against one officer because
9 he retired before charges could be served,
10 charges against that officer. And that
11 concludes my report. Thank you.

12 CHAIR EMERY: So just for those of
13 you who may not understand the aspect of the
14 statute of limitations, the statute of
15 limitations from the date of an incident is
16 18 months that we have to prefer charges and
17 then serve them and then send them over to
18 the Police Department for discipline from the
19 Police Department or through the APU unit, if
20 cases are in the nature of criminal cases,
21 we're not seeking criminal criminal charges,
22 we're seeking disciplinary charges.

23 But, if they happen to be in the
24 nature of criminal charges, that suspends the
25 statute of limitations, and the statute is

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longer.

And so, what Brian was talking about there with the statute of limitations is the outside limit that we have to adjudicate cases. And that affects obviously a number of cases. If they go over the statute of limitations, they become moot for our purposes. So we need to -- we always have to finish before the statute of limitations; and our goal, of course, is to finish long before the statute of limitations. But sometimes these cases go that long because of delays that are sometimes attributable to us, sometimes -- most of the time they're not attributable to the CCRB. Either the complaints are filed late, as he said, or there are DA holds that contribute to the statute of limitations.

In other words, the District Attorneys are investigating and therefore the case is frozen.

Any further thoughts on that before we move on to committee reports? Okay.

MR. PUMA: I have a question.

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CHAIR EMERY: Sure.

MR. PUMA: In the cases that were in APU, and with the officers receiving formalized training, do we -- what is that exactly? Is that going back to the academy? Do they -- do we know what that entails?

CHAIR EMERY: Go ahead, you answer.

MR. CONNELL: Formalized training means -- a police officer can be trained within his own command or can be trained within the academy itself. So formalized training would be training within the academy.

Correct me if I'm wrong.

CHAIR EMERY: That's it. That's a higher form -- it's a more disciplined form of training.

Laura, who is the head of the APU Unit, can answer that as well.

MS. EDIDIN: My understanding is that it refers to the location where the training is provided. And when the Department refers to the disposition as formalized training, that training is

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conducted at the academy. When it reports training or instructions, it is done at the command level.

MR. PUMA: Thank you.

CHAIR EMERY: Good. Any other questions?

Okay. So Deborah, perhaps there's a -- we have a reorganization of three committees that previously were separate, but now I think we've sort of determined that just for the time being, until there's a reason to separate them, they should be brought together because they overlap to such a degree for the kind of changes that we want to make.

And Dan Gitner, who's not here and hopefully will be here shortly because he had an appointment until 6:30 in Manhattan, so he's on his way over here, and Deborah Archer are co-chairing the Investigation, Priorities, and Internal CopStat Committees, which will all be collapsed into one, to see -- to explore the ways that we can shorten the process of investigations and get cases

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before the Board panels much more quickly than we had in the past.

Deborah?

MS. ARCHER: Well, there's not much more to add to what you said. We're combining those committees, hoping to look at and explore the question of how we can do the core work of the CCRB more efficiently, without sacrificing any of the quality of those investigations. And we know that it's a complicated issue, there's a lot that goes into the investigations, but we're hoping to explore ways that we can get resolution to folks and police officers who file complaints a bit more quickly.

We are hoping to spend a lot of time with the staff at the CCRB who do these investigations. It's complicated and we don't know all that goes into the work of receiving the complaint, all the way to the end when the complaint is resolved.

We're also hoping to do some research into the best practices, looking at other CCRB-type organizations around the country,

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seeing what they do, how they prioritize cases, what mechanisms they have in place to increase efficiency without sacrificing quality and seeing whether any of those mechanisms can be brought to the work of the CCRB.

CHAIR EMERY: Just a couple of thoughts about that because I -- I consider this -- this and a couple of the -- all of the subcommittees work as extremely important, but somehow this one seems to be central to every aspect of our -- of the changes that are in order and are in operation.

And a lot of this is going to involve figuring out how we coordinate standards. Now we have six teams of investigators. Sometimes teams of investigators are operating on different standards about what constitutes misconduct and what doesn't, and there has to be better internal communication, which is one of the things that these changes will enhance.

I also think that the questions of

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where along the timeline of an investigation a case should be at any given moment is key. And that's in a sense internal CopStat. That is our own internal check on where -- why a case is at what stage and whether red flags come up in the tracking system as to why something is taking too long, and we can investigate and the supervisors can come in and try and move the case along faster.

And then there's the fundamental problem of not only which are the most important cases -- that's sort of the obvious thing, to put resources on the most important cases -- but, there's the less obvious thing of emphasizing or selecting out the cases that are more clear right from the outset. Cases with video, for instance, that's clear video instead of ambiguous video; cases where the police officer may admit or there may be evidence that's very clear as to what the conduct was; cases where the complainant may be contradicted very quickly, early on in the investigation, and we find out that the complainant has other reasons for making

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2 these complaints other than a valid reason.

3 And so there are cases that have
4 easier components for resolution than other
5 cases, and we should be looking at those
6 cases for quick resolution, so we can focus
7 resources on the more complicated and
8 difficult cases.

9 This is a very interesting and a
10 very complicated effort, to create
11 efficiencies which do not now exist in what
12 is essentially a first come, first served
13 complaint basis and which, at least in my
14 experience when I read the cases, which are
15 very thoroughly investigated in many cases
16 but are absolutely clear and simple and
17 shouldn't have involved that many resources,
18 to take nine months to a year to resolve that
19 could have been resolved, in my view, and
20 hopefully they will be -- and other people
21 will agree, they will be resolved within six,
22 at the outside, of within 12 weeks.

23 The goal here is to get cases
24 resolved between six and 12 weeks. We'll
25 finish the investigation and have panels

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review then very shortly after that time period.

Any other comments about -- one aspect of this, we'll talk about in a minute, is a subcommittee that Bennett Capers is chairing, and we'll get to that. It's also an integral part of making this whole process far more efficient and making the process for the Board far more efficient.

And then the other aspect of it is the second subcommittee which is Mediation, which Janette Cortes-Gomez is going to report on. And that, of course, just to be clear, also is very much an overlap with the investigation process. Because -- just because something's in mediation the investigation can't stop. Otherwise, it's not going to ever get resolved if the mediation doesn't work.

Janette.

MS. CORTES-GOMEZ: And along with joining with investigations, we also are joining with outreach and intake because we're hoping to begin more of an emphasis in

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the beginning of the process, at intake, with mediation and letting the complainants know ahead of time, what exactly it entails, and that it is an option, and hopefully encourage them to even think about it, because even if at the end of the day they're not satisfied, they can continue with the investigation.

We're also with -- I'm on the Outreach Subcommittee, which assists me in the Mediation Subcommittee, in terms of finding extra locations. Because our hope is to increase mediation cases, which means we need to find more venues. And through the effort of the Outreach Subcommittee, we're now locating different places beside 100 Church, to have these type of meetings, and hopefully mediation sessions.

So as to the report, again our subcommittee is focusing on increasing the number of successfully mediated cases. We are doing this -- keeping in mind that it is a voluntary process on both sides. But we're hopeful that this can be a viable option to resolve some of these cases

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We are going to be reviewing the lists of allegations currently which are not eligible for mediation. There are lists of mediation-eligible and not mediation-eligible. So we'll be, relatively soon, hopefully within the next two weeks -- unfortunately, we did lose two of our Board members that were on the Mediation Subcommittee -- hopefully we have a new one right now, and we can get back on track in terms of meeting so that we can review those lists and be able to really think about what cases can be mediated and off of the not mediated list.

We are hoping to be able to identify subject officers sooner. Doing so will help the process, because if we can identify the officers, then we can contact them and see if they're also interested in mediation, and therefore, schedule mediations quicker.

In terms of doing that, one thing that's already been started is emailing the requests to IAB for documents that may assist in

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having their identity located, roll call, so on and so forth. That's already in the process.

Two other things that we're hopeful to have done soon is having a point person in each borough. Instead of relying on one person to get a hold of every borough and every police station, we're hoping to have liaisons in each borough to streamline that process. We're also hoping to use our current liaison, in terms of accessing photos and getting information in in terms of expediting the identification of those officers.

We are hopeful to work with DAO on streamlining their process. Obviously they have their own process in terms of the approval process. So we're hopeful that they, too, will try and assist in mediation cases and try to find their ways of streamlining their process, so it can be done quicker. We are heavily relying as well on subject officer participation and acceptance of mediation. We do have, I believe,

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according to Lisa Cohen, on our last subcommittee meeting about 80 percent --

MS. COHEN: Eighty-four percent.

MS. CORTES-GOMEZ: -- 84 percent acceptance by officers, which is great. So we're relying on that to continue, if not more so, in terms of acceptance of mediations where the complainants do want to go forward with mediation.

We will be trying to schedule sessions quicker. Some ideas that we've had are having mediation dates, so that as soon as we have a complainant call, right at intake we can say "Well we have these days available right now," and hopefully we can tentatively schedule them, especially in those cases where the identity of the officer is pretty much known on the spot.

We are again, perhaps, having a direct line to the ICO's; that way we can get the information quicker. We can schedule the sessions quicker. We are going to try and find, I think maybe this is an internal thing but, when an officer has a DAY off they

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2 cannot be scheduled. So we need to know when
3 they are scheduled to work, so that the
4 mediation can be scheduled for one of those
5 days. Then we put in the request or
6 appointment, if you will, with appearance
7 control. So we're trying to streamline that
8 as well and trying to get that appointment in
9 the book so that they know of it, and we'll
10 have less chance of any cancelations.

11 Now currently things come up, as in
12 life, with appointments. Police officers may
13 have to testify and they may find out just
14 that morning, that we can't help. But in
15 terms of the situations that can be helped,
16 we're trying to avoid those type of
17 cancellations.

18 In terms of expansion, again our
19 hope is to expand mediation, and in terms of
20 expansion we're going to need more people,
21 we're going to need more staff. So we will
22 be discussing the increase of the staff which
23 may require a request in terms of budgetary
24 funds. But in terms of mediators, one great
25 idea that Lisa Cohen had was reaching out to

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New York Case Institute, an organization such as that, so that we can use those mediators who are already trained and already doing mediations so that we do not have to train new people to do it. They can jump right in. Currently, I believe there's seven that we typically use. This will give us a whole new batch of mediators to be able to jump right into these new cases that we hopefully will be scheduling soon.

In terms of places, we're hoping that through outreach we can get more volunteer locations through Community Boards and other institutes such as this, so that we can go into the community and again, not have to have the complainants come to 100 Church, but go to their boroughs. That combined with mediation days, we are hoping to get more people and with that being available, have more complainants actually want to do mediations and volunteer and agree to do so and go forward.

And for now, in terms of the report, we obviously have a lot of work to

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2 do. There are a lot of pieces to this. So
3 we need to be in contact with different
4 organizations. There are different parts
5 internally, as well as the Police department,
6 and we are hopeful that everyone will work
7 towards the same goal.

8 CHAIR EMERY: I have -- any
9 questions?

10 I have a couple of things I wanted
11 to mention about mediation that I think are
12 rather important to the Board. First of all,
13 Janette, last night Roger and I met with our
14 Sanctions Committee, which I'll report on
15 shortly, but one of the things that came out
16 of this was something tangential to that,
17 which was IAB is willing -- they can identify
18 officers much more quickly than we can. They
19 don't have to go through the photograph
20 process. They just call a Precinct Commander
21 or the Commander of a particular unit and
22 say, Who was there at that time and on that
23 job, and they get the information
24 immediately. They're going to give us
25 somebody two days a week to do

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identifications for us. And so the mediation process for identifying officers and the investigation process for identifying officers, hopefully, is going to be much faster than it has been.

One of the big stumbling blocks in our investigations and mediations has been this process where officers aren't completely identified immediately. And this should -- the police officers, we have some assigned to us now, really don't do that work and they're not supposed to do that work. These people will be primarily there for identification purposes, and there will be access to them. Either they'll be at our office or we'll have direct access to people during the entire work day two days a week who will be committed to responding to us for these purposes.

I'm hopeful that they'll be at the CCRB, because I think that works much better than somebody calling you back. And then constantly either they're on duty or they're off duty or their hours or their shift isn't

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2 on and all that, but that's to be worked out.
3 But we are going to have IAB people
4 identifying officers for us.

5 The other thing is the City Council
6 members are apparently willing to sign up for
7 office space in their borough offices to do
8 mediations a couple of nights a week, a few
9 weeks a month so that we're going to
10 hopefully recruit various City Council
11 members around the City in their districts
12 who want to provide space for evening and
13 local mediations so people don't have to go
14 to 100 Church Street. And that of course
15 involves some other logistical problems.
16 Because we have to make sure the officers are
17 going to come, you have to make sure the
18 complainants are going to come, and so you
19 have to be like a restaurant with
20 reservations, you know, or a doctor; they
21 have to call you the day before and confirm.
22 There's got to be some confirmation process.
23 So that, I hope, is going to make a big
24 difference.

25 So those are -- those are two things

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that seem to be developing favorably to mediation.

And the other thing I wanted to bring up with the Board, the third thing, is that, for reasons that I don't quite understand because I don't know the history of it -- and I wasn't here some of you do -- there has been a process which I view, at least initially, and I'm hoping to understand why it's necessary--I view it as unnecessary at this juncture at least--and that is that a Board Committee has to approve cases for mediation. This often takes four to six weeks for that to happen, and it's just a gap in time which seems to me to be totally unnecessary.

I think there may be a role for the Board to play with respect to certain categories of cases that are dicey or problematic. But I think the presumption should be that if a case is right for mediation because there's no criminal prosecution or because there's no lawsuit with a lawyer telling the complainant that

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they shouldn't go to mediation, it should be presumptively in mediation unless there's some reason for it not to be.

So I'd really appreciate it, Janette, if your subcommittee would bring to the Board a motion that is crafted to minimize Board approval process. I'm not saying eliminate it, because I'm not sure all -- I don't know all of the parameters or variables that militate for having Board input into particular cases and mediation, but I haven't heard any convincing reasons yet why a particular case should go to the Board before it is subject to mediation.

And so, I would like very much to eliminate that to the greatest extent possible. And I think the Mediation Subcommittee is the proper place to evaluate that possibility. So maybe at the next meeting we could have some -- or have discussions in between in the subcommittee, and with Lisa guiding us on where it would be appropriate, where we can eliminate that obstacle in the mediation process.

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MS. CORTES-GOMEZ: Absolutely.

CHAIR EMERY: Great.

Next is our perhaps poorly named, although I kind of like it, CopStat Committee. This -- the idea here is to make available to the public and the Police Department patterns of complaints throughout the City on a map. And Lindsay Eason has kindly and generously agreed to step into this, and Joe puma is on that committee as well.

If other Board members want to join that committee, there's certainly space for at least one more.

But, Lindsay, why don't you tell us all of the things we're going to do and how we're going to solve all of the problems of finding out exactly where everything happens.

MR. EASON: I don't want to keep the community here all night with that. But I will say we are looking to -- I will be looking at the cases. It is a data-driven process and we're trying to streamline it, you know, where we can to expedite the cases,

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you know, getting to their resolutions.
That's my objective early on.

I have not looked over any of the
procedures at this time, but when I do, I
hope to have a more extensive report for the
community the next time that we meet.

CHAIR EMERY: Good. And I might
suggest that you talk to -- I mean, the
people who have more experience in this
mapping quality and the evaluation of how to
portray and depict that in an understandable
way, the patterns of complaints
geographically and in relation to particular
police officers or particular commands or
particular precincts is the Police Department
itself. And, quite frankly, we can draw on
their mapping capabilities and all their
mapping software in order to get Brian and
Vatavu Sorin -- to get Sorin Vatavu to work
with us on the IT to make that happen, so
that our website becomes the place where
people can actually view and in real time --
in some sense, real time the updating process
of seeing where complaints are being received

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2 from and of to what nature.

3 MR. EASON: Absolutely. There's no
4 need to reinvent the wheel. So I definitely
5 embrace that idea.

6 I'm also just in the early stages of
7 thinking of some manner of an early
8 intervention system. You know, to
9 identify --

10 CHAIR EMERY: Patterns.

11 MR. EASON: -- patterns early.

12 CHAIR EMERY: Early warning system.

13 MR. EASON: Early warning system

14 CHAIR EMERY: Great, great.

15 MR. EASON: And to intervene also.

16 CHAIR EMERY: Marcos is critical to
17 that.

18 So you and Marcos really have to
19 work together on figuring out how to do the
20 right queries into the complaints as they
21 come in, and to think of ways to track -- to
22 mine the data --

23 MR. EASON: Yes.

24 CHAIR EMERY: -- so that the early
25 warnings of particular patterns, of

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particular things we're seeing pop up. Like if we had that for chokeholds, we would have had an early warning system for chokeholds over the last year, according to the report at least, and the other things like that.

We can help the Police Department train and head off problems, numbers of complaints of particular officers, force complaints, things like that.

MR. EASON: Absolutely, absolutely. That's one of the objectives that I would like to explore.

CHAIR EMERY: I think we call it -- what is it? -- I mean, they call it predictive policing there; we can call it predictive something or investigations predictive prevention.

MR. EASON: Yes.

CHAIR EMERY: Right. The next committee is one that is in formation, and I'm hoping to draft Deborah Archer and Bennett Capers for this committee, and that's the Public Reports Committee. So that when we do public reports in the future, you think

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2 of public reports that we should be doing and
3 we monitor that process and we work with
4 Marcos, who heads that whole effort
5 internally. I think we communicate and
6 collaborate with the Inspector General's
7 Office, where appropriate. And we start to
8 think of ideas on what kind of public reports
9 of the quality and nature of the Chokehold
10 Report that we can do in the future as a
11 Board.

12 But I think the subcommittee should
13 think of that. Not only in response to
14 editing and the like, but really think about
15 where we might go and what the focus ought to
16 be. We ought to be -- the three of us, with
17 Marcos, I'd like to be very much involved in
18 that and think about where we should be
19 focusing our efforts, so that we can get
20 ahead of issues -- Bless you -- we can get
21 ahead of issues and warn the community and
22 the Police Department with this data that we
23 have, which is so valuable and has never
24 really been evaluated in any way,
25 effectively, prior to this Chokehold Report.

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So are you guys willing?

MS. ARCHER: Sure.

CHAIR EMERY: Okay. I put you on the spot here, you can't say no.

MR. CAPERS: We've already said yes two days ago, so --

CHAIR EMERY: Good. I'll just report on the, what I call the Sanctions Committee. It sort of falls into and it will involve APU much more than it does now. And I'll just give a very brief report. Because we're working with the Police Department, so that the results of our Board panel rulings on particular cases, particularly in substantiated cases where we make recommendations about what type of misconduct we see and what kind of penalties we are recommending that the Police Department impose, that whole process for our CCRB is on the same page with the Police Department process.

We're in very interesting -- Roger Smith and I, are in very interesting, deep, difficult meetings with them, because we're

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2 challenging a lot of their assumptions about
3 how misconduct ought to be punished or
4 responded to, and that process is ongoing.
5 And I, quite frankly, think it's
6 extraordinarily fruitful and that we are
7 going to see a new paradigm; a new matrix,
8 actually, of what you might call sentencing
9 guidelines is what I hope, where we know when
10 we make a substantiation and make a
11 recommendation, that because of the nature of
12 the effects of misconduct, we know that when
13 we make that recommendation, the Police
14 Department is going to agree with that
15 recommendation, within certain parameters,
16 perhaps, but basically they're going to
17 agree. We're going to set up a matrix, where
18 they agree with the basic recommendations we
19 make about discipline.

20 They'll have some flexibility to
21 work within that, but not nearly as much as
22 they do now, where they are either declining
23 to prosecute altogether or vacating it and
24 just putting in instructions and essentially
25 backhanding our process and saying that the

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Civilian CCRB isn't worth the paper it's written on. That has to stop. That was in the 40 to 50 percent range in the late -- in the 2007 2008, 2009 area and lately its been in the 20 percent range.

That has to be, for us to be a viable entity and for them to take us seriously, which is the whole point here, that has to be in the single digits or below, I mean, right down to between one and five percent. We shouldn't be varying. The recommendations should be respected that come out of this agency, and we're working hard on that.

The other issue that's interesting that came up that I think is actually kind of controversial which I would like to discuss with the Board is that apparently our processes, as well as the police -- the police disciplinary processes recognize, as a legal right, police officers to be seriously and insultingly discourteous to citizens. When it's a so-called stressful situation, they're allowed and it's recognized that

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they're allowed to abandon their professionalism, supposedly under the rubric of taking control of a situation that's pressured or stressful.

This has been recognized in a number of cases at the trial room, and I find it very degrading of the police function and certainly not particularly supportive of police-community relations. I also know that this new Police Department is trying very hard to eliminate discourtesy and to work on training to avoid discourtesy. And I just think we ought to be thinking as a Board about ways that we can address that and not letting our investigators -- and I think all of you will see this when you start reading the reports, Joe and I saw it in a couple of the reports that were on the panel with last month, where our own investigators are saying unfounded or -- not unfounded -- they're saying exonerated. They're exonerating police officers who use terribly foul and insulting language during the course of either an arrest or a confrontation because

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2 it is supposedly a stressful situation.

3 To me, that does not fly. I have a
4 problem with that, and I'd just love to
5 understand -- I understand that it's real
6 life and that people get emotional and that's
7 it hard to prevent them from getting
8 emotional. But, at the same time, I don't
9 think it should be sanctioned as something
10 that's appropriate under any situation. And
11 then, it degrades the professionalism of the
12 interaction, because it isn't -- it's a
13 professional interaction, it's not a personal
14 interaction, and there's no place, in my
15 view, for discourtesy.

16 So I just put that out there
17 because it struck me, along with one other
18 thing, which is in some ways is the opposite.
19 In looking at these cases, and I commend you
20 all when you look at these cases to think
21 about this, there were a number of cases,
22 and one in particular, where a police officer
23 did something that was extraordinarily
24 upstanding and showed a great deal of
25 integrity: Told the truth about something

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2 his fellow officer did under circumstances
3 where you wouldn't ordinarily expect it. And
4 I actually drafted a letter which I'm going
5 to circulate to Board members by --
6 electronically after this. Actually, I
7 didn't draft it, Denise Alvarez drafted it,
8 but it's just a template. I did it as draft.
9 I didn't send it, and I'm not going to send
10 it unless we, as a Board, think this a good
11 thing to do.

12 But I think we should -- where that
13 happens, in our review of cases, where we
14 find that police officers act with integrity
15 or heroism in some case, we should note that,
16 and we should send that information, as we
17 find it, either to their commands or to the
18 Police Commissioner or some proper protocol
19 -- hi, Dan -- that allows us to express
20 ourselves and appreciate and have police
21 officers understand that we appreciate when
22 they behave with integrity, under pressure
23 often, and when they actually involve
24 themselves on behalf of the community and the
25 public in a positive way.

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So I just wanted to put that out there as well, so that we can think of protocols. I think it comes really under Bennett's subcommittee, which we're about to talk about, as part of the outcome of the Board process.

Dan Gitner joined us. Dan Gitner is a member for at least a year.

MR. GITNER: Sorry I'm late.

CHAIR EMERY: Just say a couple of words -- we each said a couple of words about who we are and why we're here and what we're expecting.

Dan is a very accomplished lawyer in New York City and should say a few words about his practice.

MR. GITNER: Thank you. My name is Dan Gitner, and I'm very sorry I'm late. I had a previous commitment I couldn't get out of.

So I am lawyer. I'm a former federal prosecutor, did that for about eight years. I also worked for a couple of federal judges. Currently, I'm a criminal defense

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lawyer. I've been on the Board, I think a little more than a year now. It's frankly been a great honor and privilege to be on the Board, and at least in the last six weeks, two months or so, I've definitely noticed a lot of new energy, a new direction. I'm very excited and frankly honored to be a part of that new direction.

CHAIR EMERY: Thanks Dan.

And Dan is working with Deborah, as Deborah reported before, on this -- on this subcommittee that's looking at priorities and investigations. We folded internal CopStat into that because we are trying to bring all of the investigations under control. So Dan is very much a part of that because he was heading the Investigation Subcommittee for the last year and now under these changes is going to be leading it with Deborah.

Finally, Bennett, I'd love to have your ideas and thoughts about this, your preliminary thoughts about this committee. I don't know what to call it, I call it Panel Presentation Committee or something. We can

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come up with a good name. But please tell me what you're thinking about that.

MR. CAPERS: So I have to admit, I have very few preliminary thoughts, in part because I was asked about this committee two days ago, I think, and I have not given it much thought. So actually I'm going to turn the ball over to Richard.

CHAIR EMERY: Fair enough.

I've given it a lot of thought.

MR. CAPERS: I'm sure you have, so I'm sure Richard will share his thoughts and give me some guidance.

CHAIR EMERY: And I'd love thoughts from any of the Board members who have -- Bennett hasn't even really had cases yet. So you learn a lot more about this whole process when you've had cases, right? When we sit as one mayoral appointee, one Council appointee and one police -- NYPD appointee in panels and we review cases every month and make decisions about them, you learn a tremendous amount about how the CCRB operates, how the NYPD operates, and how the world on the

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streets operates in ways that you may not have been exposed to.

Some of us have been exposed to it but others may not even really understand how this process goes on, how the interactions are between police and the people who come into contact with them.

So I view the focus of this subcommittee as taking the reports from the investigation, and this overlaps with what Deborah and Dan are doing, and looking at these reports, which, in my view, have a whole lot of energy and effort in them, which is quite commendable and impressive in many ways, but I think tangential to the task that the Board panels have to undertake. They can be much more focused and they can be much more organized, and I think they can take much less time to prepare. And I think that will help us get to the six to twelve-week window that we want to be in.

I also think -- and that's a big project and I have a million ideas about that, but I don't think we have to bore

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ourselves about that because we can work on that in the committee itself.

I also think that we have to talk about where and under what circumstances we write decisions. I think we should have a short statement of why we substantiate every case. I think we should probably have a short statement about why we exonerate cases. Because exoneration means, for those of you that may not understand, that the allegation of the complainant, it did in fact occur but it wasn't wrong. It wasn't misconduct. It was something that was permissible and proper. So I think that should be identified and clarified in some kind of a short opinion other than just saying exonerated.

And then I think there's some complicated and significant cases where there are unsubstantiations, like where there might be a very incriminating video that's misleading or something like that, where it makes sense to write. And it probably also particularly makes sense to write it -- and I learned this from the Police Department -- in

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cases where investigators recommend an unsubstantiated result and the Board substantiated it. Because that goes over to the Police Department, and the police Department doesn't have a clue as to why it happened without some explanation.

In addition, there is, in my view, the explanations that go out to the public when their cases are closed after they're fully investigated, and the same explanation or similar investigation goes out to the police officer when a case is closed, whether it's substantiated or unsubstantiated. In my view, it's just completely meaningless, it's mumbo-jumbo; it doesn't give anybody any satisfaction or explanation at all. And that really is a big task, because there are a lot of cases, and to convey what the reason was this case was being closed in a way that's going to be unsatisfactory to one of the parties is something that we have to do better.

Because this is the fastest way to lose confidence in the CCRB, when we put out

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2 meaningless statements in letters to the
3 people who have stuck with their complaints
4 for a year and the cops who've been under the
5 threat of discipline for a year. So we
6 really have to do that more effectively,
7 because they read these letters, and I don't
8 see any probative value to them whatsoever.
9 I may be wrong, but I think it's something
10 that your subcommittee ought to explore

11 And that's all the committee
12 reports.

13 Oh, I'm sorry Outreach, well, that's
14 because we are Outreach. I'm sorry, Bishop
15 Taylor, that's wrong, I skipped it. I did.
16 Please.

17 BISHOP TAYLOR: In consideration of
18 time, I'd just like to say that I think the
19 Board echoes this sentiment, the outreach is
20 the genesis of everything that this agency
21 does for the public if you don't know, you
22 don't know where to go. And so, just
23 skimming through the report and picking out
24 some highlights, outreach has been striving
25 towards these goals of presenting in each of

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the City's boroughs and all five boroughs,
being included with all 59 Community Boards.

Just to give you a few highlights
there's been 233 presentations between
January and September 2014. Forty-three are
scheduled for October and 42 are scheduled
for November. Although there are many new
goals and initiatives at hand, the unit
continues with strategic approaches starting
at the beginning of the year, while laying
the ground work for future outreach in 2015.

I want to say, too, that the CCRB
has used unpaid interns and volunteers, to
paid staff at the agency to execute these
outreaches, but we need full-time staff in
order to be efficient and effective in this
area. We've asked the Chair to submit a
letter to Melissa Mark-Viverito in
consideration of increased funding for the
very integral part of the work that we do at
the CCRB outreach, and that letter was sent
to the Speaker from our Chair. And so we are
looking forward to some movement there.

You know, it's really about what you

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see tonight, bringing these meetings to the public at a time convenient for them to attend and voice their opinions.

Also, when complaints are made, we've kind of divided up outreach into two things, doing outreach presentations, but also having what we call "on demand." So that we'll have, like the Chair said earlier, a litany of City Council offices or appropriate places where people, when they make the complaint initially, they can have an on-demand site available to them so they don't have to be inconvenienced to come down to 100 Church to make this complaint. But there may be a site near to their home, where they can come in and make that complaint at a time more convenient to them. And so I'm excited about the on-demand portion of what we're doing.

Of course our next CCRB public meeting is in November, November 12. It will be held in the Borough of the Bronx at the Mosholu Montefiore Community Center, and that's posted on our website.

Of course if you are not able to

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make these meetings, we live-stream these meetings as well, and we're also exploring social media and how do we exploit that to the benefit of the community. And so outreach is very aggressive, and there's much more to this report but I just kind of highlighted some of the things to mitigate the time. Thank you.

CHAIR EMERY: Thanks a lot, Bishop.

One other committee that's temporary but extremely important is the Executive Director Selection Committee, which is going to be made up of myself, Deborah Archer, Lindsay Eason, Janette Cortes-Gomez, Joe Puma, and Dan Gitner. And we're working through -- we have about more than 50 resumes and applications, many of which are very good to fill the Executive Director's job.

Luckily, we have Brian, who's stepping into the breach here and is doing a great job already. And so, we're going to have the luxury of being able to really find somebody terrific moving forward, whoever that may be, and we will be able to operate

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very well in the meantime while that process occurs. We're having our first meeting tomorrow, and we're going to be meeting shortly after that to start interviewing people quickly.

Any further questions?

There's new and old business on the agenda. Any new and old business before we take public comment?

Okay. We have some people who signed up to speak. We probably should have some time limits on this, but I'll be as generous as I can.

We will start with -- let's see. This is the first page, right? Yeah -- Jacob palmer, the first person on my list. No. Sorry. Adrian Hopkins is the first person. That's great thanks.

Adrian Hopkins, are you here?

MR. HOPKINS: I'm here.

CHAIR EMERY: Good, great. Please come and talk to us.

MR. HOPKINS: Hi, good evening.

Thank you for the opportunity to invite the

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public out. I'll make sure that my comments are concise, and so I've written them.

My name is Adrian Hopkins. Hello to everyone. I'm the Director of Strategy at a design and technology firm called Bureau Blank, and I'm here because our team, in getting caught up to speed with the CCRB and work that you do, we see a great opportunity for the Board to use technology to accomplish their goals of fairness and accuracy and efficiency that you laid out, Chairman, at the top of the meeting today.

We want to make ourselves available to the Board for insight and solutions such as databases for tracking the complaint process, both for the officers and for the civilians, the kind of mapping that you talked about, and then also, you know, ultimately, building something and making your site useful for people to use.

One of the things that we find in our work very often is that the priority is placed on having something exist, but we have to think about what is the most useful

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experience for any of the people that you want to have use these particular solutions.

We have extensive experience with the City, including with the Department of Consumer Affairs and also with the community, including having worked with Bishop Taylor in the past.

CHAIR EMERY: He just said you're really good.

MR. HOPKINS: I appreciate the endorsement.

You know, ultimately, we're confident that we can use what we know best, to be useful to the Board and ultimately contribute to improving the quality of life for all the citizens of New York. Whether they're making complaints or whether they're receiving complaints, we want to make sure that we're using what we use best -- what we know best to make one city that's useful and beneficial for everyone.

CHAIR EMERY: That's very interesting, and I would just say that I'd love it if you went to our website and sent

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us a critique, evaluation, whatever you want to call it, of a proposal and your ideas, and then we can talk and go beyond that and figure out what is viable and what isn't.

You know the City has all kinds of various restrictive and demanding processes for getting any vendor. But that's not to say for a second that somebody who is enterprising and who attempts to make a difference by being specific about what we need and how we can do it better won't have a substantial opportunity to do something in that regard with the agency. We certainly would welcome any thoughts and particular ideas that you have about our processes.

MR. HOPKINS: Well, we have them and we'll share them. So thank you for the opportunity and we'll connect through Bishop after this to figure out the best paths for doing that.

CHAIR EMERY: Thanks a lot.

MR. HOPKINS: Thank you very much.

MS. ARCHER: Can you repeat the name of your organization?

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MR. HOPKINS: Our firm is Bureau Blank. So it's "bureau" like Federal Bureau of Investigations, and Blank like fill in the blank, and my name is Adrian Hopkins, A-d-r-i-a-n H-o-p-k-i-n-s.

MS. ARCHER: Thank you.

CHAIR EMERY: Thanks a lot.

Jamar, is it? Jamar? Jasmar -- Jasmar Tryillo? Thank you.

MR. TRYILLO: First off, let me say hi to all of the new members. Although I'm a little disappointed that Michael O'Connor isn't here. He's a new member, I think, too.

CHAIR EMERY: I am too.

MR. TRYILLO: Yeah, I was going to say, I'm sure he's going to follow very nicely in the footsteps of Commissioner Simonetti of arguing in favor of the New York Police Department on this Board. The only thing that I was surprised at is that he was Mayor de Blasio's appointee and not Commissioner Bratton.

CHAIR EMERY: He was a Commissioner Bratton appointee.

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MR. TRYILLO: He was a Commissioner
Bratton appointee?

CHAIR EMERY: Yes.

MR. TRYILLO: Then that makes
sense, because he was Bill Bratton's transit
chief in the 90s when they made their careers
off of arresting homeless people in the
subways.

CHAIR EMERY: I think they made
their careers on more than that, but you're
right

MR. TRYILLO: That was the
linchpin.

And then for the rest of you, for the
non-Commissioner appointees, the non-NYPD
appointees, I just hope that you guys will
follow in the footsteps of some of the past
whistleblowers here at this agency so we can
really kind of dig out those inefficiencies
here that are kind of keeping this kind of
like a reliably ineffective agency. That's
no fault of any of the new members, but I
definitely probably, what we're talking about
here is Tracy Catapono-Fox, who's not here,

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and nobody can comment on the lawsuit, but I just wanted to bring up that this kind of rings bells for people in our communities, the fact that she kind of was questioning the stop-and-frisk data and the fact that she's saying that the collusion between you, Mr. Emery, Mr. Bratton's friend, between you and the NYPD is causing problems.

That's something that we've seen. I was in a Town Hall just last week in Sunset Park, in Brooklyn, and I talked to -- you know, that's the neighborhood where the 77th Precinct is arresting street vendors and throwing pregnant women on the ground. They told me that they didn't even consider filing a CCRB complaint because they didn't think a few lost vacation days was like anything that, for them, would hold any of those officers accountable.

But I think that I did want to at least ask one question of you. It's not really fitting into a lot of the mechanisms of any of those things that you guys were talking about tonight.

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But first, I did want to congratulate you, Mr. Emery. I heard your son was just hired to be in the NYPD in the Counterterrorism Unit, right?

CHAIR EMERY: He is in the NYPD.

MR. TRYILLO: Okay. So I just wanted to congratulate you.

And I just had one question, anyone can answer, including you, Mr. Emery. Do you have any thoughts on broken windows policing and what that means to a lot of these interactions that we're investigating today?

CHAIR EMERY: The -- I think my own personal thoughts are kind of irrelevant about broken windows policing. I think the issue is to what extent the CCRB and the jurisdiction we have over the kind of complaints that are made to us are generated by these interactions from broken window policing. And I think this is something that the analytical aspects of looking at the kind of complaints we get, which have never been mined in the past and have never been really evaluated in the past, and have an

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opportunity to make some probative judgments about.

I would be remiss in making my own judgments, because, quite frankly, there are really two sides to the issue here. You know, there are a lot of people who believe that the communities are served by broken windows policing and there are others who complain about it bitterly, and they're often from the very same communities. So I really don't want to make a judgments about that, either as a Chair or even as a individual, because I don't know enough.

MR. TRYILLO: Well, I would say before I leave that you could probably look at NYCLU, which has a lot of good information of how racial disparities impact the broken windows policing. So if we're going to criticize police officers for being discourteous, I think we can also maybe take a look at the kind of the policies that put them in these positions, usually in communities of color. And like I said, I think you can look at NYCLU. NYCLU has done

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a lot of reporting on the -- maybe you can take a look at that. Maybe it's not as balanced as you think it is. And that's it.

CHAIR EMERY: Thank you.

And speaking of NYCLU, I guess we have Curtis Toliver -- is that the right way to say it?

MS. TOLLIVER: Candis.

CHAIR EMERY: Candis, I'm sorry.

MS. TOLLIVER: Close, close enough.

CHAIR EMERY: Not close enough. I said it wrong. Thank you very much.

What happened to Chris Dunn? He's up in Albany?

MS. TOLLIVER: He's in Albany doing a trial, but he says hello.

CHAIR EMERY: I'd much rather have you here than him.

MS. TOLLIVER: I'm going to tell him that.

CHAIR EMERY: You tell him that.

MS. TOLLIVER: So I mean, first of all I would just like to say thank you, for starting to have these Board meetings in the

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boroughs. I think they're really important for the community input and it was a lot easier to get here. So I think it's really amazing that you all are doing this and I hope that continues.

CHAIR EMERY: It will.

MS. TOLLIVER: There are just two areas of concern that I have that I want to raise.

So one of them is about mediation. So when a few months back it sort of came up, the issue of what things should be mediated and what things should not, and one of those issues that really caused a lot of contention on the Board was guns being drawn or guns pointed. And so we just hope that you all are really careful when you start to look at this list of things that are currently on the list of things that could not be mediated. Because there's a reason for it, right?

And so we want to make sure that you when we're thinking about what is -- what goes to mediation and what doesn't, they're not things that are serious -- are serious,

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you know, really serious things, but also points of contention that would obviously be the reason why it was off the list in the first place.

CHAIR EMERY: Will you all write us a letter or some form of memorandum that lists and the reasons why particular areas of misconduct should not be mediated. We would be open to listening to any reasoning, as to what you think is inappropriate for mediation and why. It's a difficult issue here, because people want to mediate. It's hard to be patronizing and say you can't do it. It's a difficult question.

MS. TOLLIVER: I think one of the areas --

CHAIR EMERY: It's a difficult question.

MS. TOLLIVER: -- one of the areas was the fact that if something is going to mediation, there's no longer an investigation, right?

And so we would want to say that any time someone -- an officer is drawing his

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gun, his or her gun, it should be investigated, regardless of whether or not it goes to mediation. And so that's obviously one of the early points for us to be like concerned about, whether or not something is going through mediation, and with the seriousness of the complaint.

And so, that is one thing that we should think about, period, when we think about mediation. The fact that if it is mediated, and especially whether it's successful or not, I'm not sure whether or not there's an investigation. We know that if it's going through mediation, that it's not going to be investigated. And so we should be thinking about the seriousness of the complaint and whether or not, you know, we're going to allow that to go through mediation. Or maybe there's another component, where we say regardless -- well, regardless of whether or not it goes through mediation, we'll still do an investigation. So I don't know if that's doubling the work, but if so, maybe we can think about what goes

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on our list of things that won't -- that
can't be mediated.

MR. GITNER: Can I ask a question?

CHAIR EMERY: Sure.

MR. GITNER: When you write your
letter, I thought it'd be helpful if you'd go
a little deeper to the point you just made,
comment why you said, "We know there's not
going to be an investigation if there is
mediation." Well, there could be an
investigation by, say, one of the District
Attorney's offices, IAB, the U.S. Attorney's
offices, Inspector General, any number of law
enforcement or other bodies.

Why is that not enough? Why, when
we are a body for the CCRB, if the civilian
wants mediation, why should we deny that
because, say, something -- I'm not saying
this is a bad desire, but there is a
countervailing interest to having us
investigate, why should that always trump?
What Mr. Dunn used to always be telling
people, why shouldn't they?

I don't want to have this

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conversation now, there's a lot of people here, but since you are going to write a letter, I think it would be helpful if you would focus on that question, at least for me.

MS. TOLLIVER: I will, I will focus on that letter. But you know the initial reaction to that is that, this is the CCRB and it's a completely separate entity. And I think that community members have more trust in this agency or at least want to have more trust in this agency as an independent agency from some of those other things that you listed, as far as the IAB, and of some of those other folks that may do an investigation or may not. And then, as far as my understanding of the Inspector General, they're not going to be looking at individual complaints about misconduct, right, of individual officers?

But I will look into it for you.

The other thing that we -- that we're concerned about is the collaboration with the NYPD. So while we get, and we

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completely understand that, you know, that the NYPD is not taking serious your recommendations for police discipline, you know, we need to sort of build in some sort of mechanism or matrix idea for them to take that discipline more seriously.

I think one thing that we're concerned about is transparency around the CCRB's original recommendation for discipline, right? And that there's a way for that -- for us to retain that and for that information to be public. Because regardless of what happens in that -- in that discussion or in that, you know, in those conversations, whether you originally recommend that it's a ten-day suspension or whatever you recommended, and then some how the agreement is that it's like five days' loss of vacation pay, it will be good for the public to know what the CCRB's original recommendation for that officer was before you start to go and do this.

CHAIR EMERY: That's known now, I think, isn't that? When we come out with a

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proposal, I don't think there's anything secret about the result.

MS. TOLLIVER: Yeah. I think our concern is just making sure that still happens. This idea is new, right, with the collaborations and these meetings that are happening?

CHAIR EMERY: What we're not going to do here, and I can promise you in terms of the commitment to transparency, we are not going to back into our recommendation by virtue of what they agree they're going to do.

We're going to make a recommendation and then they're either going to accept it or not accept it, within certain parameters.

I think that we can make -- we can come to some kind of agreements with them that -- where we are pretty much in the same universe, as opposed to where we are now, where we're in an alternative universe in a lot of these cases. And that's -- you can argue that it's their fault; they would argue that it's our fault. We don't need that.

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What we need is to have a misconduct system and a disciplinary system of which we are an equal part with IAB and the command structure. We should be just as respected in the Police Department and our investigation should carry just as much weight and our recommendations should carry just as much weight as Joe Resnick or some commander in Queens.

MS. TOLLIVER: No. I think that's really important, you know, I don't think that we disagree that the conversation should be happening.

We just want to make sure that there's transparency around the original recommendation, before those, you know, conversations happen or are made public and that we know about them.

CHAIR EMERY: I don't think we'll have any issue on that one.

MS. TOLLIVER: Cool, thank you

MS. CORTES-GOMEZ: If I could just say really quickly, with respect to the mediation cases, assuming arguendo that guns

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2 drawn becomes one that is eligible for
3 mediation -- I'm not saying it is or not --
4 but assuming so, if the complainant, the
5 person who is most affected by that complaint
6 decides for whatever reason that he or she
7 wants to have it mediated, then we respect
8 that because that is the person who came to
9 us in the first place. So that's usually
10 what we abide by. If the complainant wants
11 to, then that's what we do.

12 Now, if during the mediation, it
13 breaks down and they're like, You know what,
14 never mind, this isn't working, this isn't
15 satisfactory to me, then, yes, we go forward
16 with the investigation, which is one of the
17 reasons we want to front load, if you will,
18 the mediation cases and the mediation
19 process, so that we know ahead of time if
20 it's going to be mediated or not. Because if
21 it's not, then we need to get to the
22 investigation and meet the timeline so that
23 we don't break any SOL.

24 MS. TOLLIVER: So I would never say
25 the complainant isn't equipped to make their

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own decisions about whether or not something -- they want to go into the mediation process.

I think the concern that we have is that something as serious as an officer drawing his gun should always have an investigation by the CCRB, right? I don't think it's about whether or not we think the mediation process is going to be successful. It's about the police activity in the first place and how serious it is. So that's the concern, not whether or not the person who's requesting mediation is equipped to make that decision.

MS. CORTES-GOMEZ: And I believe that's what Dan mentioned, just because in our agency with our complainant it may go to mediation, that doesn't mean it's not being investigated as something serious somewhere else.

MS. TOLLIVER: But that's -- I think that's sort my response to that earlier, was that this is different agency, and this is an agency that is completely

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separate from any other --

MS. CORTES-GOMEZ: Absolutely.

MS. TOLLIVER: -- Police Department agency. And so we would hope that you all would do an investigation and not just leave it up to the IAB for something as serious as that.

CHAIR EMERY: Let me say something about that, because I think there's two things, one of which I said earlier. I think that the way that we would like given an ideal world, I'm not sure -- I hope it's doable to construct the process -- the investigation is going to go on parallel to the mediation and right from the beginning, because otherwise, the mediation can circumscribe or, you know, can freeze the process and it'll get much too long; it will draw it out wherever there's a mediation.

We want to have more mediation, not less. We don't want more cases drawn out. But the one thing that probably will not happen, just so we're clear about this, I don't want to mislead you in that regard, is

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2 that everything properly will be done in
3 terms of the investigation, except the police
4 officer interview. Because the reality is
5 that the mediation for the police officer --
6 from the police officer's point of view, his
7 or her incentive is not to be interviewed at
8 the CCRB, you know, on the record. That's
9 one of the main reasons that they want to
10 mediate, because they can get out of that
11 whole problem and get this thing resolved
12 quickly without having to come down there.
13 You know, 90, almost 90 percent of them, are
14 unsubbed anyway, so they can go through the
15 process and get it unsubbed.

16 But if it's a mediated case, it
17 just goes away for them and that's a big
18 incentive for the police officer.

19 So I suspect that the way this
20 might well end up is that they'll be very
21 serious investigations. Everything will be
22 gathered. And, by the way, all the data will
23 be mined on the original complaint, and all
24 the information, except the police officer,
25 if there's a successful mediation, will not

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2 be interviewed.

3 MS. TOLLIVER: Okay.

4 CHAIR EMERY: And I'm sure Chris
5 won't be happy with that, but I want you
6 here. I don't want him here; I want you
7 here.

8 MS. TOLLIVER: I'm telling him
9 that.

10 CHAIR EMERY: We don't need him.
11 We need you.

12 MS. TOLLIVER: I'll get you that
13 letter.

14 CHAIR EMERY: Thank you so much.
15 That's all I have on my list for
16 public comment.

17 Anybody else that wants to come up?
18 Come ahead.

19 MR. DOE: Some very reputable New
20 Yorkers declared de Blasio will not be
21 reelected to a second term. Recent, previous
22 chairmen's indicated police deliberately milk
23 the clock, statutes of limitations, police
24 rush in after time expires claiming time
25 expired.

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I'd like to commend you on the observance of the proviso if proven in a court of law. Harlem satellite DA advises keep in touch with this body. Corporation counsel, 100 Church also spoke via telephone with the Harlem satellite DA. This body referred a case back to the Corporation Counsel, second time. Second visit to the Corporation Counsel. Corporation Counsel indicated first officer did not err or make a mistake.

CHAIR EMERY: Thank you, sir.

Somebody else wanted to speak.

MR. COVINGTON: Yeah.

CHAIR EMERY: Thank you.

MR. COVINGTON: Hi. Good evening, everybody.

CHAIR EMERY: What is your name?

MR. COVINGTON: Christian Covington.

I just wanted to come tonight because I saw some comments you made in the paper about the legitimacy of this Board in the eyes of the public and ways to make it

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more respected and I had a couple of comments about that.

Because in my -- my sense is that the reason why it lacks legitimacy in the eyes of a lot of people in the public is because this a complaint review board, which is part of the disciplinary process which is not transparent, which is opaque, and it lacks any accountability. When decisions go to the trial room nobody knows what happens, they don't get published, and there's no sense of finality or of what is going on.

And I thought that one -- one way to address this would be -- well, you actually kind of touched on it because you spoke about guidelines, and I thought that the Board should start the process of promulgating guidelines in terms of categorizing activity, also categorizing the discipline that needs to be meted out.

But the problem is that -- one problem with that is that discipline in the Police Department is set according to whatever their own institutional bureaucratic

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2 needs are. And discipline needs to be more
3 focused on what happens to people, to the
4 ordinary citizens who are damaged by what the
5 police officer is doing.

6 So, for example, like someone else
7 said, who cares that they lose two vacation
8 days? And, you know, I just get the feeling
9 that discipline needs to be more focused on
10 what is the effect on the people who are
11 hurt. Now, you have to operate within the
12 parameters that you have to operate, but what
13 I'm saying is that the Board could be an
14 advocate for changing the way the discipline
15 system is set out.

16 Because -- and that's actually the
17 second comment I wanted to make -- well, kind
18 of the second comment, that, yes, this a
19 review board, but it's also the -- you are
20 the ordinary citizens' institutional advocate
21 for their needs against the Police
22 Department. The Police Department, they have
23 a very -- they have a lot of weight
24 institutional weight, so that, when they say
25 people file complaints and the attitude is

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that they're just a bunch of liars, who are criminals anyway and who are just trying to get police officers in trouble, then the Board needs to bring their weight to counteract that. And one way is to be that sort of advocate for the needs of ordinary people. And I really feel you need to -- you have the role as a review board, but there's also another role that can really speak for people.

And the other comment I wanted to make was about the advocating for the transparency of the results in the trial room. You know they used to publish the results of some -- some results in the trial room, about ten years ago, 10-15 years ago when they went to administrative trial hearing board, and then they stopped that for various reasons. But there's no reason why they shouldn't be disclosed, and I think it would make people feel a lot more positive about what happens in the long run. That's it.

CHAIR EMERY: Thank you very much

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MR. COVINGTON: Okay, thanks.

CHAIR EMERY: Any other comments
before we close the meeting?

So do we have a motion to go into
Executive Session for a short time about one
particular case?

MS. CORTES-GOMEZ: Yes.

MR. CAPERS: Second.

CHAIR EMERY: Any opposed?

(No response.)

CHAIR EMERY: Thank you all very
much for coming tonight. We appreciate your
participation.

(Whereupon, the Board goes into
Executive Session and the hearing is
adjourned.)

(Time Noted: 8:11 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

I, BONITA RICHARDS, a Notary Public within
and for the State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the foregoing
transcript is a true record of said proceedings.

I further certify that I am not related to
any of the parties to this action by blood or
marriage; that I am in no way interested in the
outcome of matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 21st day of October, 2014.

BONITA RICHARDS

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