

Civilian Complaint Review Board Public Meeting - Draft
June 10, 2015

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PUBLIC BOARD MEETING OF THE
CIVILIAN COMPLAINT REVIEW BOARD

101 Avenue D,
New York, New York 10009

June 10, 2015
6:36 p.m.

RICHARD D. EMERY, ESQ., CHAIR

MINA Q. MALIK, ESQ., EXECUTIVE DIRECTOR

PUBLIC MEETING TRANSCRIPT
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Reported By:

CHRISTOPHER DAY

Civilian Complaint Review Board Public Meeting - Draft
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APPEARANCES:

BOARD MEMBERS PRESENT:

- Richard D. Emery, Esq., Chair
- Janette Cortes-Gomez, Esq., Commissioner
- Joseph Puma, CCRB Commissioner
- I. Bennett Capers, Esq., CCRB Commissioner
- Deborah L. Zoland, Esq., CCRB Commissioner
- Youngik Yoon, Esq., CCRB Commissioner
- Bishop Mitchell G. Taylor, CCRB Commissioner
- Sal Carcaterra, CCRB Commissioner

- Mina Q. Malik, Esq., Executive Director
- Marcos Soler, CCRB
- Carlmais Johnson, CCRB

PUBLIC COMMENT BY:

- CHRISTOPHER DUNN
- MR. GRADY / GRADY PLUMBING (AS PER SIGNER)
- DAMARIS ESPINAL
- MARQUIS JENKINS
- JOHN BLASCO
- ERNESTO TORRES
- THERESE HUFF
- ADRIAN CHAVEZ

1 Proceedings

2 MR. EMERY: Let's call the June
3 Civilian Complaint Review Board meeting
4 to order. Thank you for coming. Thanks
5 everybody here at this wonderful
6 facility for having us. Well, thank you
7 more formally. But it is really nice to
8 be here on a beautiful June day. First
9 thing I want to do is welcome a new
10 distinguished board member for the CCRB,
11 Sal Carcaterra, who comes to us as a
12 police commissioner appointee, and Sal's
13 had a long -- had a long career with the
14 New York City Police Department
15 primarily in the office of the chief of
16 the department, and also --

17 SPEAKER: Would you please speak
18 closer to the mic?

19 MR. EMERY: I'm sorry. Sure. Sal
20 headed a precinct for a period of time
21 and had several very important and
22 distinguished posts. I'm not going to
23 go through them. He helped managed Comp
24 Stat. Joe Puma is here, and Bennett
25 you're over here, okay. And after a

1 Proceedings

2 long wait we -- we finally have Sal with
3 us and are very appreciative of your
4 service already.

5 MR. CARCATERRA: Thank you.

6 MR. EMERY: You'll see that this
7 is hard work.

8 MR. CARCATERRA: Yeah.

9 MR. EMERY: But it's very
10 interesting work and work that I think
11 is rewarding for those of us who do it
12 and -- and everybody you --, all the
13 members of this board are really devoted
14 to the mission of this agency, and work
15 in a collegial way to really, I think,
16 in the highest minded way do justice for
17 complainants and officers. And I know
18 that it's going to be great to have you
19 as part of that. God knows we need you,
20 because we need the police commissioner
21 appointees since your aura is a lot
22 heavier than the rest of us. So
23 welcome.

24 MR. CARCATERRA: Thank you.

25 MR. EMERY: Okay. This second I'm

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going to refer to Mina just quickly,
but -- she will do an Executive
Director's report, Executive Director
Malik, but I wanted her to introduce
our new director of investigations in
the room, Thomas Kim. And if you could
say a few words about Tom, that would
be great.

MS. MALIK: Absolutely. So our
new deputy executive director of
investigations basically acts as the
chief of our investigations division,
which is comprised of a maximum of 110
investigators, and Thomas Kim brings to
this new position a broad view, proven
leadership and extensive knowledge of
government agencies and investigative
experience. He has 17 years of senior
executive experience within the public
and the private sector, he was a
supervisor with over ten years
experience for the U.S. Army Central
Command and the Sexual Abuse Review
Board, and provided oversight in the

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US Army of the Criminal Investigations Division's special agents, as well as military police investigators, and over 80 judge advocate general officers in five different countries. He also hails from the Illinois Department of Juvenile Justice where he oversaw over 200 employees, including the Department of Corrections Internal Affairs Bureau, and he rose through the ranks from superintendent, to regional administrator, to deputy director of that agency. He also was in the Illinois Department of Children and Family Services where he worked in the Child Protective Service Investigation Team and supervised investigators who investigated allegations of child abuse as well as sexual crimes against children.

He has numerous commendations, too numerous to mention here, including two bronze star medals from the US Army and holds a Bachelor of Arts in

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2 political science, a Master's in Social
3 Work, and a Master's in Business
4 Administration, and I trust that he will
5 be an integral part for our CCRB
6 investigative staff, and we welcome him
7 aboard.

8 MR. EMERY: Thanks Mina. I think
9 we should go to one of the most
10 important things that we're trying to do
11 here as a board next, and that is
12 adoption of the rules that we've been
13 working on for a long time.

14 For your benefit, Sal, we are --
15 we've engaged in about a four-month
16 process of attempting to amend -- to
17 bring up to our current procedures --
18 the rules of the CCRB. In order to do
19 that, we have to finalize them and put
20 them out for public comment over a
21 period of time in the typical way
22 the rules for any agency of the city
23 have to be adopted. So we're in the
24 process now of attempting to finalize
25 them here at the board. They've been

1 Proceedings

2 distributed. You know, they're
3 obviously extensive and a lot of
4 people did a lot of work on them, and
5 nobody expects you to understand it
6 here today, but what we want to do is
7 move forward on this, get them into
8 the process,. There's still a public
9 comment period which will occur, and
10 then we have an opportunity to make
11 changes in the future, and there's a
12 lot of -- there's a lot of fundamental
13 debates about how this should operate.
14 Debbie Zoland has been extremely hard
15 working in this project, and so has a
16 great number of the staff.

17 So what I would like to do, and
18 maybe, Debbie, you could take a
19 little bit of a lead on this, is see
20 whether we're ready to -- where are
21 the final rules? I thought they were
22 in our package.

23 MS. ZOLAND: In the bottom of
24 the package.

25 MR. EMERY: No. Oh, yes, good,

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okay. So yes, they're in there.
They're clipped together here.

MR. ZOLAND: These are -- I sat
down with counsel for the agency
Friday, and these reflect the final
changes that I had, so I think they
would be ready to begin processing.

MR. EMERY: Okay. There is one
rule that I think we wanted to add,
and -- is Lindsey here? Are
you taking the staff role for this
for this project still?

SPEAKER: Yes.

MR. EMERY: Good. I think there's
one rule we wanted to add, because it
came up recently, and it's not in the
rules, and it should. And where we put
it exactly, I don't know, but I would
like to still finalize things tonight,
so I would like to try to agree on how
this rule can be integrated into what
we have, and that is -- there was some
question raised recently about the
executive director's authority to issue

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2 subpoenas. This is a practice that has
3 taken place since 1996, but our rules
4 currently appear to require full board
5 action to issue a subpoena. However,
6 in -- on July 10th in 1996, the board
7 delegated that authority to the
8 executive director, in a resolution of
9 the board as a whole. And the board has
10 operated, the whole agency has operated
11 that way since 1996, essentially for
12 19 years. And what I want to do is have
13 the rules reflect that, and pass a
14 resolution tonight confirming that that
15 is our delegation of authority. And
16 then so that that can continue pending
17 the outcome and adoption of the rules.
18 And then when the rules are in effect,
19 it will be completely transparent to
20 anyone who wants to look, but at this
21 point, there's an issue of course,
22 because it isn't written in a place
23 that is accessible to anyone who wants
24 to check as to what the authority is,
25 but it's rather in a board resolution

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from 19 years ago. So what I want to do is have this public, and clear, that has been our position -- it is our position, and it's going to be in the rules as our position that the executive director makes decisions and evaluates, and then ultimately executes subpoenas that go out on a regular basis. Thank you.

So do we have a specific resolution that we can adopt in this regard, or should we just publicly adopt -- I guess what we should do is just publicly adopt the resolution that was previously adopted in executive session by the board on July 10, 1996, which simply says subpoena practice, issuance of subpoenas by the board. It was agreed that the power to issue subpoenas should be delegated to the executive director. Do you have something else, John?

You got a resolution that captures this for us?

SPEAKER: Yes.

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2 MR. EMERY: So the resolution that
3 we would hopefully adopt is: It is
4 the resolved that unless and until
5 the board resolves -- otherwise resolves
6 upon a majority vote of members -- wait,
7 let's see -- this isn't what we are
8 saying -- oh, okay -- upon majority vote
9 of members of the board or at the
10 discretion of the executive director,
11 subpoenas ad testificandum and duces
12 tecum may be issued, such subpoenas are
13 enforceable pursuant to relevant
14 provisions of Article 23 of the New York
15 Civil Practice Law and Rules. So this is
16 fine. This is the executive director
17 has the authority or a majority of the
18 board, which it remains within any event
19 so --

20 MR. CAPERS: Can you just read
21 that again?

22 MR. EMERY: Of course, I'm sorry.

23 MR. CAPERS: I want to hear that
24 again.

25 MR. EMERY: Yeah. Of course. Upon

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a majority vote of members of the board
or at the discretion of the executive
director, subpoenas ad testificandum and
duces tecum may be issued. Such
subpoenas are enforceable pursuant to
relevant provisions of Article 23 of the
New York Civil Practice Law and Rules.
Does anybody want to make a motion to
adopt this as a reflection of the
current practice and future practice of
the agency?

MR. CAPERS: I'll make the motion.

MR. EMERY: Second?

MR. PUMA: I'll second.

MR. EMERY: All in favor?

(Ayes, unanimous adoption.)

MR. EMERY: Any opposed? Okay.

It's unanimously adopted.

Debbie, let me consult with you
about this. These were two comments
you had concerning the section --
well, there were two comments you had,
this is 124D.

MS. ZOLAND: Yeah. This is different.

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These were fine.

MR. EMERY: This is -- but the new thing is fine, this isn't in the draft that we now have, correct?

MS. ZOLAND: Let me check.

MR. EMERY: It's not. There are two things. The statute of limitations issue, and do we have -- do we have Jon or Lindsey, the actual language that we want to substitute based on Debbie's comments last Friday.

LINDSEY: In regards to 124D?

In regards to 124D and in regards to the statute of limitations section, the 18 months section.

LINDSEY: I was only told to draft those languages for 124D.

MR. EMERY: Okay. What will be the statute of limitations?

MS. ZOLAND: All that I was suggesting is that we make a reference instead of 18 months, consistent with a civil service law so people know where it came from. It's not a number, 18 months

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2 is not something we pulled out of a hat,
3 and has statutory and case law about
4 when it applies and when it doesn't.

5 So if we make the reference to the civil
6 service law, then it will be clear that
7 that's what we mean. That's all. I
8 think that's it. I think it should be
9 incorporated by reference to the
10 statute.

11 MR. EMERY: Okay. Lindsey, can you
12 make a note of that in the final version
13 which is going to go to the Law
14 Department for publication next week or
15 late this week that we reference the
16 civil service law 18 month limitation
17 period from the date of incidence in
18 which we have to act. Okay?

19 SPEAKER: Okay.

20 MR. EMERY: So with respect to
21 124D we all have in our packets proposed
22 language which would now be added in
23 order to set forth the recitation of the
24 preamble to any police officer
25 interview. And the theory here is that

1 Proceedings

2 this is a more full, and complete, and
3 accurate statement of the process which
4 is going to take place during a police
5 officer interview and the potential
6 consequences and the obligations of the
7 police officer in the interview so it's
8 a fair statement of what any particular
9 police officer is confronting when
10 interviewed by the CCRB.

11 Any commentary on this or any
12 discussion of this language?

13 MR. CAPERS: Just for
14 clarification, how does it differ from
15 this language?

16 MR. EMERY: Debbie is a bit --

17 MS. ZOLAND: I think that this is
18 specifically about the false statements,
19 a warning they could be terminated if
20 they don't give false statements --

21 MR. EMERY: If they give false
22 statements.

23 MS. ZOLAND: If they give false
24 statements. And then it's more in line
25 with the Patrol guide section that

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police officers are read in an Internal Affairs Bureau in the police department's investigation. As we had discussed at the last meeting, that it was fair to put them on notice that it does apply.

MR. CAPERS: So we would be using this insert in lieu of --

MS. ZOLAND: In addition. No, it's in addition. I believe it's in -- in addition.

LINDSEY: Just for clarity --

MS. ZOLAND: Yeah.

LINDSEY: -- originally in the original document that you have, I had written the specific language that our investigators used to warn police about the false official -- I believe it's Patrol guide 203-08. That is already being used by investigators at all times. It was brought up by Commissioner Zoland that that Patrol guide could change in the future. It could change rule numbers. So because of that, we took out that last paragraph

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of the exact Patrol Guide section, and
merely cited the Patrol Guide without
the section, and used the basis
language without completely quoting.

MR. CAPERS: Okay.

SPEAKER: That's the only
eedings
difference.

MR. EMERY: Do we have a motion to
incorporate this language into the
current draft which is -- would then
become final with the reference to the
civil service law.

MR. CAPERS: I'll so move.

MS. ZOLAND: I move it.

MR. CAPERS: Okay. I'll second
it.

MR. EMERY: Okay. All in favor?

(Ayes, unanimously adopted.)

MR. EMERY: Any opposed? Okay.
Can we then move the entire package?

Are there any issues that anybody
has with these rules at this point?
Obviously, it's not final here. This

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2 is our final product for public comment,
3 based on public comment, we will be
4 able to reevaluate in the future at the
5 period of time the public comment takes
6 place and subsequent meetings. So this
7 is not the end of the road, but the
8 resolution that I have to have adopted
9 for this purpose is, I'm told by the
10 powers that be, this has to be read into
11 the record essentially.

12 In recent months, the board has
13 drafted and discussed changes to its
14 rules. The current draft requires no
15 further edits. It is resolved that the
16 board approved said draft rules and that
17 they be submitted to the Law Department
18 and the Mayor's Office of Operations for
19 formal review, meaning public -- public
20 availability for public comment, put up
21 on the city website and the city record,
22 I believe for public comment. So with
23 that in mind -- will somebody make a
24 motion to adopt that?

25 MR. TAYLOR: So moved.

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MR. EMERY: Second?

MR. CAPERS: I'll second.

MR. EMERY: All in favor?

(Ayes, unanimously adopted.)

MR. EMERY: Any opposed?

All right. So these rules now, this week, should go to the Law Department for the appropriate processing and formal process to move them forward to public comment. Okay. I didn't move to -- we started before we had a quorum. Now we have a quorum for these votes that we just took. Let's also have a motion, if we could, for adoption of the minutes.

MR. CAPERS: Moved.

MR. EMERY: Second?

MS. ZOLAND: Second.

MR. EMERY: Okay. All in favor?

(Ayes, unanimously adopted.)

MR. EMERY: Any opposed? Any comments? Okay.

I presume all of you have looked at the annual report, which was issued very close to the last meeting, but has

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1 obviously caused some interesting
2 commentary and public reaction. If you
3 haven't, then -- Sal -- you may not
4 have, but the annual report that came out
5 annual report in May is a very
6 interesting piece of reading, and it's
7 not the typical annual report which is
8 overly self-praising, this is a pretty
9 serious and interesting look at both our
10 operations and our relations with the
11 police department and the public issues.

12 Janette, come on in. Janette
13 Cortes-Gomez has arrived. Thank you.
14 So I just want to comment that I don't
15 think it's like any annual report this
16 agency has ever done, and perhaps any
17 agency has ever done. So I think it is
18 really worth a good look, and I also
19 want to thank a number of staff members,
20 primarily Marcos Soler and Executive
21 Director Mina Malik, and Linda Sachs,
22 and others for doing a tremendous amount
23 of work to produce this report. I think
24 in our new-found order of events -- and
25

1 Proceedings

2 moving along quickly, if I'm not
3 mistaken -- anybody have any comments
4 before we have public comment, and an
5 opportunity for public comment at this
6 point? Anybody want to raise any issues
7 that are on your minds? I mean, we're
8 going to go back to the board
9 activities. We're going to talk about
10 committees, we're going to talk about
11 any other events. But at this point,
12 does anybody want to raise anything?
13 Okay.

14 MR. PUMA: Actually --

15 MR. EMERY: Yes, please, Joe.

16 MR. PUMA: I just want to extend
17 greetings to the community members from
18 the lower east side who have come to
19 attend this meeting today. I was
20 involved with securing this space, this
21 is the community that I call home. I
22 live in public housing not so far from
23 here, and so I'm just grateful for the
24 attendance of, you know, community
25 members who have come to learn more

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about this agency and the direction it's going in, and you know, frankly, the public comment period for me is one of the most interesting times of the meeting, so I hope that members, community members who have come today who are considering -- are considering introducing themselves and speaking to us.

MR. EMERY: Joe, as I said before you got here, when we started informally, before we had a quorum, it's really nice to be here. It's a lovely, warm lovely place to be, and I feel very welcome, and it's great on a beautiful spring day like this to be here in your neighborhood.

Chris, you want to start? You're the first on the list.

MR. DUNN: Are you going to do one round of public comment?

MR. EMERY: At this point, yes.

MR. DUNN: Is this it?

MR. EMERY: So take your best shot.

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MR. DUNN: Should I be using this?

SPEAKER: Yes, please do.

MR. EMERY: Yes, you can move it
wherever you want it.

SPEAKER: Before you start, can I
say something? This room, I'm deaf, and
I wear a hearing aid, and this room is
very difficult to hear in, and I don't
hear anything that's going on except when
you raise your voice a little bit.

MR. EMERY: Okay.

SPEAKER: You, I don't hear at
all. You and Joe, I'm sorry. I --

MR. EMERY: We'll be trying and be
loud, address --

SPEAKER: It's very challenging to pay
attention when you can't hear and you don't
understand. I don't know about the
people in the back, because that's where
I'm suffering.

MR. EMERY: It's too bad because
it's such a nice room.

SPEAKER: It is, but it's very --

MR. EMERY: We'll work hard, we'll

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talk into the microphone.

SPEAKER: Thank you.

MR. DUNN: The good news is I'm going to have basically nothing to say because since there's been no board business, I really don't have anything to comment about. I'll reserve our comments on the rules for the formal comment and notice period. I just have one question. This relates to the rules you have taken out of the rules the requirement of notifying complainants of the final police commissioner disposition.

What is the agency's current practice about informing complainants about agency decisions to substantiate or not substantiate a complaint, and are complainants being informed of the identity of the officer?

MR. EMERY: Well, this is a subject of some concern right now. We are working hard, and Bennett Capers chairs the committee, was originally

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2 the closing reports committee, but is
3 also involved in notifications to
4 complainants and officers as to the
5 outcome of cases. And our desire to be
6 -- to disclose as much information as
7 we're allowed to complainants and
8 officers. This does not address the
9 first point you alluded to, which is the
10 disposition after police commissioner
11 action. This addresses our
12 communication with complainants and
13 police officers at the end, after panel
14 review, after panel review is -- at
15 least the initial panel review, and then
16 if it's changed after reconsideration,
17 which is the rarest, the rare thing. We
18 have traditionally made a very rote and
19 simple statement of either
20 unsubstantiated or substantiated, which
21 was very unrevealing, and we were all
22 dissatisfied with that approach to try
23 to communicate with, especially
24 complainants. And so we explored the
25 issue of the degree to which we could

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2 provide more detailed information to the
3 complainants, and it turned out after a
4 series of internal debates about what we
5 could and could not do, and what was
6 desirable to do, and the subcommittee
7 working on this, as I understand it, and
8 I invite Bennett and others to comment
9 on this, because I may be saying things
10 that are not quite correct, because I
11 was not in the middle of this -- I
12 was -- well, I was involved -- but that
13 in an attempt to give out as much
14 information as we could, we were running
15 up against §50-a strictures in terms of
16 providing information outside the agency
17 to even complainants involving the
18 disciplinary record of a named officer,
19 and we were instructed by the Law
20 Department most recently -- and again,
21 correct me if I'm wrong -- that we were
22 not allowed to provide the name of the
23 officer to the very person who had often
24 provided it to us, and to the very
25 person who had caused the identification

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of the officer if she hadn't provided it to us.

So we were very concerned about trying to figure this out and to be able to -- to be to give as much disclosure as possible, and any help you can give us in this regard, and commentary, and advocacy on this point, would be very much appreciated. I think that at a minimum, we are going to invite complainants in particular, also police officers, to speak with the investigators in the case. And the investigators then, hopefully, will be explaining the rationale of the outcome of the case to people who want more information than a form letter, ultimately, will give them.

And Bennett, you want to comment, and others, perhaps, on this issue?

MR. CAPERS: There's really not much more to add. I think Richard Emery got it exactly right. Just kept running up against sort of legal restrictions

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about how much we can disclose. It's still under review. It's still a work in progress, but that's where we are.

MR. EMERY: Let me just say one more thing before I invite your comments on this. Quite frankly, I think this is an issue where the Civil Liberties Union can be very helpful in this area, primarily by getting better legislation passed, in my view, and I'm speaking now for myself, not for the board. I think that the restrictions under §50-a are hampering confidence in our processes and hampering confidence in the entire process that takes place by restricting us in ways that I wish and believe we shouldn't be restricted.

However, the legal opinions on this issue are unequivocal and clear when we get them, that we are not permitted, ever, to name an officer in conjunction with a disciplinary outcome, and we're part of the disciplinary process. So with that, I would invite

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you to help us to figure out the best way to navigate this problem.

MR. CAPERS: And I could add one more thing. I thing at one point you asked whether they are informed -- whether the allegations had been substantiated or not. They are informed of that, but we are limited in telling them, for example, if it's unsubstantiated, we can't really explain why it's unsubstantiated. So there are lots of limitations but they do at least know whether the allegation was found substantiated or not.

MR. DUNN: They know that with respect to particular identified officers?

MR. CAPERS: No, because we can't name officers.

MR. DUNN: Am I to understand that the agency has stopped telling complainants the identity of officers against whom dispositions have been

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rendered?

MR. EMERY: At this point, yes.

In documents that are distributed to up, and talks to an investigator, and the investigator will not also violate §50-a, it's the same thing. But there could be a discussion of that officer that you complained about in this situation, that allegation of excessive force, or discourtesy, or entry of a home without a warrant was substantiated.

Those things certainly can be explained without stating the name of a particular officer.

MR. DUNN: Well, that may or may not be Richard, but so, in a situation where a complainant is accosted by three officers whose identities the complainant knows, or not, they file a complaint, there are three subject officers. Am I to understand now they're going to get a letter that would have an officer A,

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officer B, and officer C, and they will have no idea which officer -- whom they know -- got what outcomes in terms of their CCRB complaint?

MR. EMERY: At this point, that's correct.

MR. DUNN: So if I'm Pantaleo, and Officer Smith, and Officer Dunn, I'm going to get a letter back from the CCRB that's going to say subbed, unsubbed, exonerated, and I will have no idea which of the three officers got substantiated?

MR. EMERY: You could talk to -- you would be invited to call up the investigator to discuss the case and the outcome of the case, and the investigator will be able to discuss with you your allegations of so and so did such and such, and the other officer B did such and such, and will be able to say the sub -- substantiated allegation occurred and arose out of that event. So it will be --

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MR. DUNN: Out of that event. But if I say to the investigator: Did Pantaleo get his complaint subbed, -- rhe investigator is going to say yes, or no, or the investigator is going to say no comment?

MR. EMERY: Investigator is going to say I'm not permitted to reveal that because it's a disciplinary, it's a revelation of a disciplinary action. Now, by the way, as you know better than I, probably, under §50-a there are exceptions for the head of the agency or for the agency itself, for the police department, the police department reveals disciplinary outcomes -- I wouldn't say regularly -- but they do reveal disciplinary outcomes on particular occasions, or when they think it's appropriate to do so.

So we're the ones who are confined. I don't think the police department is in fact confined. If we can figure out an interpretation that

1 Proceedings

2 the Law Department will adopt, we would
3 be more than willing, if you will, to
4 provide as much information as we are
5 legally allowed to do under the current
6 legislation. Seems to me the current
7 legislation is very clearly a very
8 restrictive form of providing public
9 information on these very important
10 events.

11 MR. DUNN: All right. Richard, I
12 hear you saying it's the Law Department
13 that has decreed this. I can only say
14 that it will be no consolation to
15 complainants that the police department
16 when it finds it in its interest to
17 disclose an outcome, chooses to do so.
18 And I think I can further say with
19 complete confidence that when the
20 public learns that they no longer are
21 going to find out whether or not a
22 particular officer about whom they
23 complain, whether or not that officer
24 had his case substantiated by you or
25 whether the police department

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disciplined the officer, that is going to cause a lot of members of the public to say: Why would I ever go through this and file this complaint if I am never going to find out what happened to the cop.

SPEAKER: Exactly.

MR. DUNN: And I hear you saying that's not your decision, and I accept that, but I just wanted to emphasize it should be an imperative issue for all of you to deal with this issue, because it is going to completely undermine any pretense of legitimacy of this agency if complainants will no longer find out what happens with their complaints vis-a vis particular officers.

MR. EMERY: I take you seriously in that regard, and I would like your help in trying to find out whether there are better ways to do this than we are currently confined in the way which we find ourselves currently confined. I certainly believe that a complainant

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should be entitled to know the full
outcome of a case, just so you
search for the opportunity to make that
information known, in figuring out how
to do that, at this point, we're in a --
a state of -- I would say at least
concern, and probably more accurately
attempting, a state of attempting to try

SPEAKER: You didn't identify
yourself.

MR. EMERY: Chris Dunn from the
New York Civil Liberties Union. I'll
identify him.

Anybody else want to comment on
this issue, other than Bennett or
further Bennett? Because I do think
it's something we ought to push very
hard -- yes?

MR. TAYLOR: What is the real --

MR. EMERY: Talk into the
microphone.

SPEAKER: I can't hear you.

MR. TAYLOR: What is the real
legal impediment in notifying the

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complainant of the disposition? What is the biggest hurdle?

MR. EMERY: §50-a of the civil rights law of the -- it's actually of the public office -- public office.

MR. DUNN: No. You're right.

MR. EMERY: The civil rights law.

MS. ZOLAND: The civil rights law of New York State says that personnel records of police officers are confidential, and they include -- and the definition of personnel records, any records that we reused to impact their performance or their assignment. And I'm really paraphrasing now. And disciplinary records are personnel records, and they have -- so they have -- there's a law against distributing that information.

SPEAKER: It's unacceptable.

MS. ZOLAND: Well, it's a state law. It was certainly passed quite sometime ago, and it has certain purposes that may not suit this

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situation, but certainly the personnel record of civil -- of a police officer is entitled to and needs certain protections. I'm not saying that protection is against complainants in the CCRB context is what it was meant for, but I think it is a necessary rule and a necessary law.

But in the answer to the question about what the law is, that's what the law is.

SPEAKER: That's unacceptable.

MR. EMERY: The other thing to know how serious this is, it's not just a minor transgression, it is a misdemeanor to violate §50-a. You can be prosecuted for that violation. So investigators, we here at this table, others in the CCRB, to the extent we violate §50-a, we are violating a law that has criminal consequences.

MS. ZOLAND: And then, besides, it is a state law, not even a local law that the City Council can do anything

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2 about.

3 MR. PUMA: I might suggest -- it's
4 unfortunate that the legislative session
5 in Albany is just ending, but might I
6 suggest that the agency consider, you
7 know, drafting legislation or making it
8 part of a legislative agenda for next

9 MR. EMERY: It can be done through
10 the Council as a home rule message. So
11 maybe the right place to do it is coming
12 from the City Council. From us to the
13 City Council, to the state legislature,
14 because it may have more weight and more
15 likelihood of passage. I think it's a
16 good thing.

17 MR. DUNN: So the only thing that
18 I would add to this, as far as it's
19 §50-a, Debbie, as you know, it certainly
20 prohibits certain disclosures, but
21 there's a lot of litigation about
22 the scope of §50-a, and personnel records
23 are prohibited from disclosure only if
24 they are likely to lead to harassment of
25 a police officer. This agency, as far

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2 as I know, for 20 years, has been
3 releasing those records to complainants
4 and to others identifying officers.
5 This agency has a rule that you're now
6 seeking to change. It was vetted by the
7 Law Department, provided for the
8 complainant getting the final
9 disposition from the Police Commissioner
10 that had the officer identified.
11 Everybody, for a long time, thought that
12 it was perfectly fine in this context to
13 give complainants information about
14 police officers. Now maybe nobody
15 thought about §50-a, including the Law
16 Department, two years ago when those
17 regs were adopted. But I find that hard
18 to believe, and I now have a problem
19 seeing as how these sorts of letters do
20 not, in fact, violate §50-a. And then I
21 would just finally say this is such a
22 major issue that for me -- this should
23 not be coming out by virtue of a member
24 of the public teasing it out of you.
25 This is a major issue going to the

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2 legitimacy of the agency in the eyes of
3 the public.

4 MR. EMERY: Well, let's be clear.
5 Let's be clear. It's part of our rules,
6 and the rules have a range of things,
7 and the public commentary period is just
8 going to start next week, and quite
9 frankly, I think that is the forum in
10 which you and others should weigh in on
11 this. And I don't think the case law
12 and the current interpretations or the
13 past interpretations would be nearly as
14 good as a legislative solution to this
15 issue, which I agree with you is
16 extremely compelling.

17 MR. DUNN: I'm with you on that
18 Richard, but to be clear, the rule
19 change is around final determinations
20 coming back in APU cases. You have a
21 standing agency practice forever, when
22 you sub a case or otherwise disclose a
23 case, a letter goes to the complainant,
24 identifies the officers, and identifies
25 the outcome. As I understand it, you

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have now changed that practice.

MR. EMERY: Mm-hmm.

MR. DUNN: Perhaps in the last few weeks.

MR. EMERY: As a result -- you're right. It's very recent, and since the last meeting.

MR. DUNN: Since the last meeting.

MR. EMERY: Yes.

MR. DUNN: I did not read anything like that in the newspaper.

MR. EMERY: There wasn't an announcement in the newspaper because we probably -- I don't know how many letters we've sent out. Maybe none.

MS. MALIK: We haven't sent out any letters recently.

MR. EMERY: Yeah.

MR. DUNN: I just want to be clear. This is in my mind a major issue about your engagement with the public, and I hear you saying and I accept that you guys are concerned about this and trying to do something about it, but I

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2 sure would have liked to have seen some
3 affirmative effort by the agency to
4 raise this issue. I mean I read a story
5 in the New York Post on Monday spinning
6 the complaint numbers, and I'm like oh,
7 where did that come from? And yet, it's
8 only here through this process that it
9 really comes out that within the last
10 few weeks, the agency has changed a
11 major part of its practice. And I'm
12 saying to you, and I mean this in
13 support of you because you know I
14 support your work: It's the wrong way to
15 go about surfacing this issue.

16 MR. EMERY: I actually think that
17 your comment is well taken. Quite
18 frankly, I think that Bennett and Debbie
19 ought to head a subcommittee of the
20 board on this issue, along with anybody
21 else that wants to join it. I will be
22 part of it in some sense.

23 SPEAKER: Yes, that would be
24 good.

25 MR EMERY: But I think Bennett

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and Debbie are the logical people to try and explore the methods and means by which we can disclose as much information as possible, especially with respect to which particular officer is subbed or unsubbed in any outcome for -- for complainants. And anybody else who wants to be on that committee is welcome.

MS. CORTES-GOMEZ: Here's a question, do you know if --

MR. EMERY: Talk into the microphone.

MS. CORTES-GOMEZ: Sorry. Do you know if similar to the HIPAA laws if a police officer indicates his willingness to have the information disclosed, if it then can be disclosed?

MR. EMERY: I don't think the police officer actually -- there's nothing in the law that indicates that.

SPEAKER: Right.

MR. DUNN: That's actually not true. He can consent.

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MR. EMERY: He can consent.

Right.

MR. DUNN: None of them are going to consent.

MS. CORTES-GOMEZ: I'm just saying.

MR. DUNN: Yes, statute allows for this.

MR. EMERY: Sorry. Now that you say that, it does trigger my memory that the statute has. So at least Debbie and you should recruit the lawyers in the office. I think Vasudha can be interested at looking at this to figure out creative ways of looking at precedent or other ways and also hopefully drafting home rule legislation if necessary. Presumably it will necessary for the City Council to balance the interests here in a way that allows us to give as much disclosure as is reasonable.

All right. Thank you, Chris.

Next we have Grady Plumbing,
Mr. Grady, how are you?

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We're going to find out all the typos in our minutes right now.

MR. GRADY: I did not notice any typos in last month's minutes.

MR. EMERY: Wow. That's the first time ever.

MR. GRADY: According to history books used in American high school, until 1950, filthy rich men, Dixiecrat democrat men, like on the level of Bloomberg, et cetera, et cetera, et cetera -- in the year 1860 had their money tied up in negro slavers. These men and their representatives were very much in attendance at the Stephen Douglas-Abraham Lincoln debates, 1860 year, these filthy rich democrat Dixie felt that Lincoln was not their man. Filthy rich democrat Dixie felt that Lincoln was not their guy. Lincoln was widely known as an abolitionist. Filthy rich Dixie democrats was not certain about Stephen Douglas' views. Abraham as an attorney/lawyer was aware of these

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filthy rich Dixie democrats.

American, Abraham Lincoln,
inquired of Mr. Stephen Douglas,
Mr. Douglas, what if a negro escape and
break free, run for his freedom to
California, out west, et cetera?
Stephen Douglas' response: In that
case, the people in California, out
west, et cetera, will decide the negro
escapee, will live, if the negro escapee
will live in California.

This was not the response or
answer these filthy rich white -- filthy
rich Bloomberg men, Dixie democrats,
wanted to hear. Mr. Douglas wanted the
filthy rich men, Dixie democrats,
limited to the deep south, eastern
seashore, Bloomberg level. Hunt the
negro escapee down with the horse and
dogs. Bind him back to his or her
purchaser/master was what these filthy
rich Dixie men, democrat party members
had in mind.

Filthy rich Dixie democrat party

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resolved to let Abraham Lincoln be
elected, but vote amongst themselves to
secede from the United States government
before Abraham Lincoln take oath of
office, or be sworn in as president.

Napoleon Bonaparte, France
empire --

MR. EMERY: Grady, how much more
of this do we have? Because this is not
really on our agenda.

SPEAKER: Let him finish.

MR. GRADY: I was told -- I was
told to identify my witness, O'Grady.

MR. EMERY: Yeah.

THE WITNESS: The race, race of
him. He was attacked by a negro on the
premises, a negro porter who -- who --
it who Corporation Counsel, as I -- as
stated last month, Corporation Counsel
informed all the residents that this
negro porter pocketed \$200,000 of their
money, and I was told to identify the
race, and it would be looked at
differently. Mister -- O'Grady is a

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white plumbing -- a white plumbing outfit. The 28th said that they were very -- a very large concern in the plumbing industry, and they were attacked, you know, in this area.

Although -- although it was a synagogue, and right across the street in front of the building, you know, not -- they sold to the Roman Catholic Church in 1945, but the synagogue, is -- it was -- they're still in existence, but on West End Avenue. They're --

MR. EMERY: We really -- I think your time is up. Thank you very much. Okay? Thanks a lot.

SPEAKER: You know what? I'm signed up. He can use my time.

MR. EMERY: Damari Espinal. Mr. Espinal? Thank you.

Damari is your first name?

MS. ESPINAL: Espinal, Damaris.

MR. EMERY: Damaris.

(Whereupon, Ms. Espinal spoke in Spanish, and her comments were

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interpreted through an unidentified speaker. Such interpretation is designated herein as "Ms. Espinal.")

MS. ESPINAL: I am here for explaining my son's case, that he was abused for the police, the New York police. Ten years ago, I don't know exactly here, the persons here, the police abuse. I -- the City -- I would like the City, I would like the City, the police of the City of New York will be for to help the community, not for to hurt people. I hope the people that -- that have received the police abuse -- I know -- I know what these people are going through, because I lived that situation.

I called the police for help, and what I suffered was police abuse. Thank you very much.

MR. EMERY: All right, If we want to have an investigator at some point interview this last person, Ms. Espinal, to find out if there are specifics that

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we should be looking into, and if she wants to make a complaint -- can we arrange for that?

Tom, are you -- Tom is here.

Where is Tom? There he is.

Thomas, can we make sure we get her information and have somebody at least speak to her over the telephone in Spanish, who has the capability in Spanish to determine whether there is a live potential complaint there?

SPEAKER: Sorry, yes.

MR. EMERY: Thank you.

SPEAKER: Can I ask a question?

MR. EMERY: Yes.

SPEAKER: Do you have any Spanish interpreters here?

MR. EMERY: Oh, yes.

SPEAKER: Do you have any Spanish interpreters here that are present?

MR. EMERY: Here present, investigators? I don't think so. But at the office, we have many of them.

SPEAKER: Only English? Okay.

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MR. EMERY: Janette Brown. Not here. Janette Brown. Am I saying it wrong? Or -- it's Brown for sure, so. We'll skip Janette. If she comes back, we'll call her again. We have one more person, Marquis Jenkins.

MR. JENKINS: Want to say hello everybody, and thank you for having me here. A lot of what's going on today to be quite frank, I was lost. For someone who come to this meeting for the first time, it's not accessible from hearing you guys reference laws that have a huge impact on us, and on what I -- I think these laws are from, to the way we respond to the folks who are in this room -- so if we want this space to be inclusive, if we want the support of the people in this room, and we want the CCRB to have not only a mouth, but teeth, we must change the way we conduct our meetings. We must make sure that everyone understands what it is that's being said, and there must be time to

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2 explain it, if not at this meeting, then
3 at a separate place. But we have to
4 make sure that everyone knows what's
5 going on, and everyone has access to
6 give input, and I wanted to -- I
7 wasn't -- I wasn't going to speak, but
8 I was very, very upset at the way that
9 the gentleman in the back was handled,
10 and I implore you to give him an
11 apology for the way that you responded
12 to the way he talked.

13 MR. EMERY: Let me just explain
14 that Mr. Grady comes and has talked at
15 length, and we have listened to him at
16 length at every meeting that I have ever
17 attended during the whole time I have
18 been here, which is now -- I think I'm
19 in my 12th meeting, or maybe 10th, 11th
20 meeting, or something like that. And we
21 absolutely listened to Mr. Grady, and he
22 signs himself in as Grady Plumbing. I
23 call him Mr. Grady because that's the
24 best name I can think of to identify
25 him, and he is a completely respected

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2 member of our audience and we
3 absolutely listen and wait for him to
4 tell us something that might be
5 probative and helpful, and tonight I --
6 at some point, usually around this time,
7 he ends himself. I've never cut him off
8 before, and I felt necessary to cut him
9 off tonight because we have other
10 business to go to, and I can't really
11 apologize to that -- for that, but I
12 understand your point.

13 MR. JENKINS: You should. Because
14 one, if someone has a name, you should
15 ask them what name they should be called
16 by.

17 MR. EMERY: Well, he signed the name
18 himself.

19 MR. JENKINS: Two, if there's a
20 timer, then you don't have to worry
21 about someone being cut off. You
22 interrupted him before you even told him
23 to get off the mic. If you have a time
24 limit, everyone feels they have the same
25 amount of time to talk, so you don't

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have to be rude and --

MR. EMERY: I'm sorry if it was
rude. I try to -- not to be rude.

MR. JENKINS: Third, he
represents the 50,000 people who didn't
show up today. He went out of his way
to be here, he went out of his way to be
here every single time, and that needs
to be recognized. So if he wants to
talk longer, and you don't have a set
rule, you should allow him to do so. If
not, whatever time he spent, everyone
following him should have the same
amount of time. I'm just saying we have
to make sure this meeting is respectful,
and inclusive of everyone if we want to
have a strong CCRB.

MR. EMERY: I agree with you about
that, and in that regard, with respect to
what you said first, we have a very
extensive and vigorous outreach program
that Carlmais, who is here, runs and does
30 presentations a month on average for
all over New York City, and certainly

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2 also in this community, and therefore
3 those are the -- that's really the forum
4 in which the more complete picture of
5 the CCRB and its functions, and a lot
6 more about navigating police/community
7 relations is communicated by that
8 program, by the outreach program. The
9 meeting here is really a working
10 meeting. It's not a meeting where
11 everything is explained.

12 There is a lot of talk that
13 regrettably does go over the heads of
14 people who aren't in the midst of the
15 work this panel is doing, this board is
16 doing, and by necessity, by law, we meet
17 once a month publicly for that purpose,
18 to do our business and pass the
19 resolutions that we need to pass that we
20 are not allowed to and would never pass
21 in private because of the law.

22 So the process of explaining
23 everything would bring it -- would bring
24 us to 4 o'clock in the morning, and this
25 is simply a working meeting to which the

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public is invited, and of course we want the public to understand as much as possible, but it is inevitable that a great deal of this, of the work we do, especially if you don't come to every meeting -- I mean Chris understands everything, everything we do and more.

MR. JENKINS: That's precisely why I'd like to hear him speak.

MR. EMERY: No, no, Chris Dunn, the Civil Liberties Union lawyer who comes to almost all of our meeting as well. But that's what it takes to get the pure context of what we're doing.

But I appreciate your comment. We will be much more conscious of trying to communicate more fully the issues we're discussing.

MR. JENKINS: May I speak a moment?

MR. EMERY: Yeah.

MR. PUMA: May I?

MR. EMERY: Yeah.

MR. PUMA: Our outreach department is in a state of really

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exciting change. We have seven vacancies, six of them are newly-funded positions. So this expansion, I think, is really going to, you know, help the agency reach more communities, and I think there will be more education in general about the CCRB, you know, with this concerted effort. And you know, I think the purpose of the monthly board meeting will then become clear, and then the purpose and other sort of topics that are affecting communities will, you know, reach this agency, and we have a lot of work to do in this area with social media and such. But you know, I'm proud, but also, you know, saddened to say that I personally fliered along Avenue D, I put up the those fliers on Avenue D. I called council persons that represent this community individually, I personally reached out to the community board. So once we have this expanded capacity -- I'm happy to do it, because this is the community I love and it's

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important to me. But you know, once we have this expanded capacity, I think we'll be able to accomplish a lot more.

MR. JENKINS: I respect that.

Thank you.

MR. EMERY: Thank you very much.

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I just want to make a couple of announcements and then we'll do the executive director's report.

Today we filed our reply brief in Staten Island in the matter of the -- our investigation of the Eric Garner case of -- the CCRB investigation has been on hold, first a DA hold from Staten Island, and then a federal hold from the Eastern District which remains in place. However, we determined that we would not be violating that hold and not be doing anything to undermine our obligation to respect the holds if we sought the grand jury minutes from the Staten Island grand jury, and we have filed a proceeding in Staten

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Island to obtain those minutes. In the initial brief, Staten Island District Attorney opposed our seeking of those minutes for the grand jury, and we filed our reply brief today.

We will put those briefs on the website.

Linda, I want to make sure they go up and we have links to them on the website, as well as the Staten District Attorney's brief and the petition -- and the original petition, the theory being, and the underlying rationale, that we complete our investigation if we have those grand jury minutes, in all likelihood, because they are the -- probably the best evidence that was gathered at that time, and it was sworn evidence as opposed to IAB evidence, which was unsworn. So our feeling is that the grand jury minutes could resolve what is necessary, at least allow us to fully evaluate the case and determine whether any other

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2 investigative actions are necessary,
3 and make a decision as to whether that
4 case can go to a panel of this board for
5 potential discipline of the officers or
6 officer involved in the Garner case.

7 So that is simply something we are
8 pursuing, and -- for public knowledge,
9 and I think that it's worth noting here
10 today, and also making it clear that
11 those briefs will be available on the
12 website hopefully tomorrow or the next
13 day.

14 The other just quick
15 announcement, and this is to some extent
16 inside baseball, and I'm sorry for this,
17 but it's a question that this board has
18 to resolve for itself in terms of its
19 internal procedures. We have a process
20 called truncations of cases. Certain
21 cases that are originally the function
22 of complaints to the CCRB are what we
23 call truncated, ended short of a full
24 investigation, and that happens
25 primarily for two reasons. One is the

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complainant becomes uncooperative or no longer interested in pursuing the complaint, and we pursue that complainant under a protocol of numerous contacts, and then if there's still no desire to move forward with the complaint, it's considered truncated. And then we also have a form of truncation which is when we have a complaint where officers, after a very thorough investigation can't be identified, if the officers can't be identified, essentially the case can't be proven, and then it therefore is in its own area of truncation, officer unidentified. So the -- what the practice of this board has been is to have the board look at all those truncations in the past. More recently, and in these rules, we are putting truncations in the category of cases that can be resolved internally by staff, however, I do believe that what seems to me to be most effective -- and this is what I want to open up to the

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2 board -- just for a short -- for as long
3 a discussion as we need, that there's a
4 difference between these two categories
5 of truncations. I think the officer
6 unidentified starts to very much merge
7 into the actual investigations, and the
8 outcomes of investigations, and that
9 those cases are more appropriate and
10 absolutely appropriate for the panel to
11 view, and should not be done by staff.

12 On the victim uncooperative
13 cases, what I think happens is that in
14 fact the staff does a better job than we
15 do of making sure that the protocols of
16 contacts with the potential complainant
17 are followed more vigorously and
18 rigorously than the board does, and so
19 my recommendation is that we follow the
20 current practice, that is, as a
21 practical matter, is taking place, as I
22 see it, in the cases that are provided
23 to us and the closing reports that are
24 provided to us that have truncations
25 that are from victim uncooperative

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handled by staff, and with serious audits, and making sure that the protocol for contacting complainants is followed rigorously.

And the cases that end up being truncated as a result of officer unidentified, which come to us with investigations that recommend a result of officer unidentified, that those still remain and come before the board, because those cases merge so integrally with the actual investigation. So that's what I'm putting out there for discussion, and whether anybody disagrees with that or whether we should just continue with it the way we're going now -- any comments? Any thoughts?

MR. TAYLOR: The way it is now, the staff resolves that silo of truncation with it victims uncooperative?

MR EMERY: That's correct.

MR. TAYLOR: And there's been

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several attempts and whatnot?

MR. EMERY: Yeah.

SPEAKER: Speak up.

MR. TAYLOR: I'm sorry. I think that already we allow staff to deal with truncated cases where victims are or complainants are uncooperative. Right?

MR. EMERY: That's correct.

MR. TAYLOR: So the second level of truncation that was just discussed was officers being unidentified. You're suggesting that we continue to vet those cases?

MR. EMERY: Yeah.

MR. TAYLOR: Because they lead into the case being, you know, subs -- what specifically are you saying?

MR. EMERY: The theory that I -- I think mandates us to continue to look at those as panels is that the whole process of attempting to identify the officer is integral with the actual investigation.

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MR. TAYLOR: Gotcha. Right.

MR. EMERY: And so it makes sense for us to be looking at those to make sure that all the methods of determining whether the officer -- who the officer is have been exhausted and when they are -- 'cause they're often, as you probably all have seen, there are often cases where some officers or witness officers are identified and --

MR. TAYLOR: Right.

MR. EMERY: -- other officers that may be the officers responsible for misconduct, which clearly occurred are not identified.

MR. TAYLOR: Right.

MR. EMERY: So you have this real problem, you know, there's been misconduct or you believe there's been misconduct, and you can't identify the officer, so it seems to me those are cases that we should be looking at before we find that officer unidentified is the right outcome.

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MR. TAYLOR: Just as a frame of reference for people that are not as familiar. Can you give people an idea what percentage victim uncoop or complainant uncoop versus officer unidentified -- in terms of a percentage -- the majority of our cases with officers unidentified is 30/40 percent.

MR. EMERY: Well, we have truncations, the total truncations -- and Marcos, you can help me here. The total truncations are close to 50 percent in both categories, right? But how you break down those two categories -- do you know off the top of your head, Marcos? Officer unidentified is, in fact, a full investigation, is it not? How do we characterize that?

MR. SOLER: If you look at the board package, there's a table that tells you how --

MR. EMERY: Here. You want to look at the board package? Why don't you --

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Marcos, can you go to the microphone?

MR. SOLER: Yes.

SPEAKER: Can you tell us what
your referencing as well?

MR. SOLER: In there, if you look,
there's a table, case disposition, CCRB
disposition of cases, that tells you
which are the full investigations right
now.

MR. EMERY: Do you know where?

MR. SOLER: You would see in this
particular table. Page 9 --

MR. EMERY: Do you know what page
it is on or -- is it in the executive
director's report?

MR. SOLER: It's in the executive
director's report. Right after
complaints per month, you have there
complaints per 10,000 residents and then
complaints by borough, then you have
CCRB disposition of cases.

MR. EMERY: Why don't you tell
us --

MR. SOLER: Yes.

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MR. EMERY: -- the answer to the question?

MR. SOLER: Yes. So let me -- there are -- so there are of course substantiation, exonerations, unfounded -- and unsubstantiated.

MR. EMERY: Wait. You have to be -- he can't understand you.

MR. SOLER: Sorry. I said substantiation, exonerations unfounded and unsubstantiated are full investigations. But also right now miscellaneous and the department employee unidentified, which is the categorization for officer unidentified.

MR. EMERY: Yeah.

MR. SOLER: Those are full investigations. The category right now, we indicate all our case dispositions, which traditionally have been part of the truncation rate, but the new categorization is other type of case dispositions are complaint withdrawn --

MR. EMERY: Sorry. Complaint? Say

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again. Complaint?

MR. SOLER: Complaint withdrawn.

MR. EMERY: Complaint withdrawn.

MR. SOLER: Which are those cases in which civilian actively decides to withdraw the complaint. You have complainant uncooperative, which are those cases in which after we have made contact with the civilian, that's where we have identified the civilian and have initiated contact with the civilian; the civilian decides not to cooperate with us.

They have either the complainant, the victim, or in some instances the witness. We have a situation also, a complainant a victim, a witness which is unavailable. Which is we try to identify the person, but we are never unable to make contact either because the information we have is faulty or insufficient. Bottom line is we never made contact. That's what unavailable is.

Finally we have two other

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2 categories, victim unidentified, which
3 is when somebody files a complaint on
4 behalf of somebody else but we are never
5 able to identify the victim, and then
6 cases closed administratively.

7 Administratively closed cases, which is
8 a new category that the board created
9 recently, which identifies those
10 situations in which a -- case is referred
11 to us from the police department with
12 very limited information, and we don't
13 have enough to pursue it because we don't
14 really know whether the victim tried to
15 file a complaint in the first place.

16 Those are the various categories of
17 truncation that we have.

18 So the traditional truncation
19 rate is part of what we call other case
20 dispositions. Right now the resolution
21 rate is 57 percent cases fully
22 investigated and mediated, and the old
23 fashioned truncation rate is 43 percent,
24 and executive director's going to talk
25 to you about that.

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MR. EMERY: That's very helpful.

MR. CAPERS: So can I?

MR. EMERY: Yes, please.

MR. CAPERS: So if I can go back to --
Richard, as I understand your proposal,
you're suggesting that the panel would
review cases where the officers are
unidentified.

Can I make a friendly amendment?

MR. EMERY: Sure.

MR. CAPERS: It seems we can try
that out for several months to see how
it works.

MR. EMERY: Well, we have been.

MR. CAPERS: We can keep trying it
out.

MR. EMERY: Yeah.

MR. CAPERS: Is there any reason
not to?

MR. EMERY: I see no reason. I
think it's been working well the way it
is. At first when I saw officer
unidentified cases coming in on my
panel, I said: Why are we doing this?

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Then it became clear after reading a number of them, it became clear why we were doing it, and that's the way we should do it in my view.

MR. CAPERS: Basically the status quo.

MR. EMERY: Yes.

MR. CAPERS: Okay.

MR. EMERY: But I just wanted to raise it, because there had been some discussion in the past and it's not without some sense of interest. It used to be all truncations were looked at by the board and it seemed to me that that was a terrible waste of time. All right. The executive director's report.

MS. MALIK: Good evening, ladies and gentlemen. My name is Mina Malik and I'm the Executive Director of the Civilian Complaint Review Board, and I want to thank both the Lower East Side Girls Club and council member Rosie Mendez and her staff as well as commission Joseph Puma for assisting us

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2 in being here tonight I will first
3 provide you with a highlight from our
4 monthly statistical report, and then
5 move to other matters pertaining to the
6 agency operations. And for a full
7 review of our agency's monthly
8 statistics, I would like to direct you
9 to our website.

10 As Mayor de Blasio stated in his
11 June 2nd press conference, civilian
12 complaints against the police have
13 decreased by 25 percent this year.
14 From January through May of 2015, the
15 CCRB received 1,668 complaints as
16 compared to 2,215 for the same time
17 period last year in 2014. By category
18 of allegation, force complaints have
19 decreased by 30 percent, offensive
20 language complaints by 35 percent, and
21 abuse of authority complaints by 25
22 percent. During the first half of
23 last year, the CCRB received an average
24 of 450 complaints. That number
25 decreased to 346 complaints per month in

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the second half of 2014 and fell again to 334 complaints per month in the first five months of this year.

There's also important news to share about our docket and case processing times. In December of last year we implemented a strategy which was designed to further reduce both the number of old cases in the agency in our open docket and the average time to complete our investigation. We are achieving the targets that we have set forth. The number of cases in the open docket of the investigations division continues to be smaller than at any point in the last decade. A year ago, in May of 2014, the open docket of the investigations was 1,964 cases, the open docket in May of 2015 was 758 cases. This is a 61 percent reduction.

In recent months we focused particularly on cases that were 12 months or older in order to minimize

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the number of cases approaching the statute of limitations and the backlog in our agency. At the end of May there was only one case that was nineteen months or older, three cases that were fifteen to eighteen months old, and 24 cases that were twelve to fourteen months old. The executive staff and I have been making those cases a high priority. Only four percent of all cases currently being investigated are twelve months or older, and approximately 70 percent of cases in the open docket of the investigations division are four months and younger. By the end of May there were 729 cases pending board and/or executive staff review, or 45 percent of the open docket, which is the reason the agency's open docket has increased from 1,572 cases in April of 2015 to 1,604 cases by the end of May. Of the 729 cases pending board and/or review, 303 cases were truncated cases that are pending

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2 executive staff review.

3 There are strong signs we have
4 reached some of the benchmarks set forth
5 for ourselves a few months ago in terms
6 of timeliness. We have reviewed
7 productivity of the Investigations
8 Division from January to May of this year
9 and continue to find that investigators
10 under the new pod or smaller team
11 structure we're able to close cases in
12 less than half the time that it took
13 Investigations to close cases under the
14 former larger team structure. The new pod
15 structure submitted cases for review in
16 an average of 135 days, while the old
17 team structure did so in 284 days. Those
18 numbers include cases filed prior to and
19 in this year, 2015.

20 More importantly, since we have
21 implemented the new pod structure, we have
22 closed 250 cases filed in an average of 69
23 days. This is a 75 percent reduction,
24 compared to the average time it took to
25 conduct an investigation in this agency a

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2 year ago.

3 There are also other statistics
4 showing that the new pod structure is
5 far more effective than the former
6 larger team structure. The number of
7 days it takes to interview a complainant
8 has drastically increased -- decreased
9 from 31 days in the first half of 2014
10 to 11 days in 2015. The number of days
11 it takes to interview an officer has
12 also decreased from over 200 days in
13 2014 to 45 days year-to-date in 2015.

14 I want to also highlight for you
15 statistics related to the disposition of
16 our cases. The case resolution rate is
17 57 percent year-to-date, and conversely
18 the truncation rate is 43 percent. Year-
19 to-date, the board has substantiated 20
20 percent of all investigations,
21 which is slightly higher than data from
22 the same period last year when the board
23 substantiated 17 percent of the cases
24 that it fully investigated.

25 In year-to-date 2015 the CCRB

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2 has resolved 158 cases through the
3 mediation process up from 131 cases in
4 the same time period of 2014, which
5 reflects a 20 percent increase. Year-to-
6 date, the percentage of cases referred
7 to the administration of prosecution
8 unit is 24 percent of all substantiated
9 cases, which is down from 61 percent
10 during the same period, from 2014.

11 Our Administrative Prosecution
12 Unit has conducted 16 trials in May,
13 which is actually the highest number of
14 trials that the APU has ever done in a
15 single month since its inception about
16 two years ago, and from January through
17 April of 2015, the discipline rate was
18 nine percent for cases handled by the
19 police department advocate office, and
20 the discipline rate for cases handled by
21 our internal APU was 62 percent.

22 MR. EMERY: Thanks.

23 MR. PUMA: Might I add something?

24 MR. EMERY: Yes. Comments.

25 MR. PUMA: Just -- thank you for

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2 your report, Mina.

3 Just for community members who
4 might be interested -- I don't want to
5 sort of drone off with a bunch of
6 statistics, but I do have statistics that
7 I pulled from our website about the number
8 of complaints, and the categories they're
9 in the particular precincts that cover
10 this neighborhood. I did not do any
11 specific, like, statistical analysis,
12 but just kind of looking at these
13 numbers, they seem to be on pace with
14 the numbers from last year. But since
15 we're halfway through the year, it looks
16 like we're -- we -- those numbers are
17 basically half of last year's, more or
18 less, but I did have a question for
19 Marcos about those numbers. Are the PSA
20 numbers included in the precinct
21 breakdownson the website or are those
22 just a separate --

23 MR. SOLER: The numbers that we
24 have -- that we have on the maps on our
25 website, are by location of the precinct

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2 of occurrence. If you want or the
3 community wants specific commands of
4 assignment of the officers, we provide
5 those numbers on a monthly basis also to
6 the police department and we'll be happy
7 to provide them to the community. So PSA
8 numbers are separated from precinct
9 numbers, also separated from narcotics,
10 separated from detectives and different
11 specialized bureaus. But certainly
12 we are happy to provide the board
13 with that information from now on
14 if the board wants to see it on a
15 monthly basis.

16 MR. PUMA: Thank you.

17 MR. EMERY: So now we have
18 committee reports briefly. We have --
19 Janette, do you have anything to report?

20 MS. CORTES-GOMEZ: With respect to
21 mediation, nothing to report, I believe
22 Mina included something in her report.
23 With respect to the training
24 subcommittee, we had a very productive
25 and fruitful meeting on -- I believe it

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2 was May 29th with the -- and I'm going
3 to cheat here -- Assistant Deputy
4 Commissioner and General Counsel for
5 NYPD, Nancy Hoppock, I hope I am
6 pronouncing it correctly. That's
7 H-O-P-P-O-C-K for those writing it
8 down. And we've determined that we're
9 going to have training for our
10 investigators, as well as the
11 commissioners with respect to what the
12 NYPD officers and the new class are
13 having. This will be in July, and in
14 August, and I believe it is going to be
15 six weeks. So I'm excited about that.
16 Essentially our investigators are going
17 to know how the police officers are
18 being trained, what is it that they're
19 being told to do, what not to do, so
20 that our investigators could know: Okay,
21 they did this because that's how they're
22 trained versus they did this, they're
23 trained not to.
24 So just another way that we're hoping to
25 improve our investigations, our agency,

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separate and apart from NYPD, but we need a little bit of collaboration with NYPD, obviously. And this is just one of the many different training programs that we're looking forward to.

We've had discussions for at least the last six months, I would say, and different ideas. It's just a matter of actually getting it done because we want our investigators to be focused on their investigations, on speaking to people, to carve out time for training, which we are going to be implementing more and more, but this is just one step in a good direction.

MR. EMERY: Good. Any other -- Bishop, you have anything on your committee report?

MR. TAYLOR: Yes. So on the outreach committee, we have Lindsey Eason, myself, Janette Cortes-Gomez, staff Brian Connell, and Carlmais Johnson.

MR. PUMA: Forgot me.

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MR. TAYLOR: And Joseph Puma. I'm sorry, Joe. Joe. Joe's hosting us tonight, can't forget Joe.

We have a very active committee. We meet once a month, first of the month, and outreach is always very active.

And if you want to see the detailed report, you can see it on the website. But, year-to-date we've done 112 presentations, 16 of those presentations completed in May. We have six outreach positions that are open that we're interviewing for. We had 148 applicants since the posting on May 21st with interviews to be scheduled shortly.

One of our objectives, of course, is to continue to have our meetings accessible to the public, and having them in places where people can access those meetings and during unconventional hours so that people can attend the meetings. So we're grateful to the Lower East Side Girls Club for opening up the doors, and after we had our food

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this evening, I made a recommendation to some of the board members that we skip next month's meeting and come back here again, but I'm sure we won't be able to do that.

So in July we'll be in Staten Island at the Central Family Life Center, and then in August we're going to be at a location, another location in Queens, southeast Queens. So outreach is very -- like the chair said earlier, we're very aggressive. We're a staff of one, a team of four or five, but Carlmais does an awesome job with the volunteers and other team members, really trying to undertake the work of outreach, and in a short while we'll be fully staffed and release some other exciting things as well.

MR. EMERY: Two more little things that I have on my agenda, and then -- anyone else?

Sorry. Yes?

MR. BLASCO: Hi. I'm John

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Blasco, I work for New York City
Councilmember --

MR. EMERY: Yeah. Why don't you
come up and stand at the microphone?

MR. BLASCO: Sure. I am John
Blasco, I work for New York City
Councilmember Rosie Mendez of this
district. Thank you all for being here.

MR. EMERY: Thank you.

MR. BLASCO: Thank the community
folks for being here. One of the things
Marquis had brought up earlier -- I
think I was even sitting here and
wondering: What's going on? What's all
the language?

I wonder if the CCRB would be
open to maybe having a follow up,
coming back to the neighborhood for
maybe facilitating an info session on
the purpose of the CCRB, what they
handle, what the residents can come and
talk to you about?

MR. EMERY: I think that's a great
idea, and Joe will arrange it.

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MR. TAYLOR: I want to say
Mr. Chair, that's like music to our
ears.

MR. EMERY: Yes.

MR. TAYLOR: Usually we're
pursuing venues. Now you're pursuing.
It's done. Consider it done.

MR. BLASCO: Yeah, because I'm
sure the councilwoman would love to work
with you, and have that happen. I know
Joseph has been really great in
outreaching the neighborhood and
reaching to our office to try to get
residents here.

One of the concerns we do have,
and the councilwoman has, and she talks
about it in all of whatever agency is
coming to present, is translation.
Right?

So talking about when we're doing
outreach, how we are reaching out to the
Spanish speakers? How are we reaching
out to the Chinese speakers? Because we
have a huge Spanich and Chinese

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2 population in the lower east side. So I
3 think that's one thing, not just for the
4 lower east side, but to think about New
5 York City, as we think about how we're
6 trying to get community folks out and
7 about, and how we have the interpretation
8 actually here, and if we do have
9 investigators here, then maybe we should
10 have Spanish and Chinese investigators
11 here as well.

12 And I just had a question about, you
13 were talking about the outreach report.
14 What do the presentations cover?

15 MR. TAYLOR: You know what I want
16 to do? I want you to get a real
17 comprehensive feel for it. Is Carlmais
18 still here?

19 MS. CORTES-GOMEZ: She's outside.

20 MR. TAYLOR: Can we just summon
21 her? Because she would be very excited
22 about talking to you about what the
23 presentations cover.

24 MR. BLASCO: Thank you.

25 MR. TAYLOR: If we can get her

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quickly. If not, then I'll just go over it.

MR. BLASCO: And the other thing is in New York City we have a lot of young people who have various interactions with the NYPD.

MR. EMERY: That's very much what the outreach programs are about.

MR. BLASCO: Yeah. And I think the CCRB is -- I was trying to tweet to reach out to young people through the councilwoman's office, and I was like: What is the CCRB's Twitter or something? And I don't think you all have one, but trying to think about the different ways you're interacting and whether it's just knocking on people's doors or social media is important as well.

MR. TAYLOR: Can you do a favor and re-present your question? I'm sorry.

MR. EMERY: I was just going to say, Carlmais, maybe you can just take the microphone and explain in a brief way what comprises your presentations when

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2 you go out into the community?

3 MR. EASON: Especially about the
4 youth ambassadors.

5 SPEAKER: Youth what?

6 MR. EASON: Youth ambassadors --
7 oh.

8 MS. JOHNSON: Good evening, my
9 name is Carlmais Johnson, and I'm
10 actually the manager of community
11 outreach, I've worked at the Civilian
12 Complaint Review Board since 2004 as an
13 investigator and supervised
14 investigations, and as of last year I
15 moved over to outreach.

16 What we do in outreach is we
17 actually try to fulfill the mission of
18 the agency. One of it is actually to
19 inform the public about what we do, what
20 their rights are when they have
21 encounters with civilians -- so as part
22 of outreach, we actually go out into the
23 public and give presentations about what
24 we do. These presentations are very
25 comprehensive, they are about 45 minutes

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long, and they start out talking about the Civilian Complaint Review Board, where we get our authority to investigate misconduct.

We also talk about what civilian rights will we investigate, what civilian rights are during a police encounter, and what their responsibilities are during that encounter. And we also talk a lot about the concept of deescalation. A lot of the presentations that we give are presentations we're actually giving in schools to the youth either in high school or in middle school.

So one of the things that we try to focus on is the tool of deescalation. We also give statistics about our agency. For example, where our complaints are coming in from, and take any questions that the audience wants. We also do tablings where we go out to fairs. For example, NYCHA, they frequently have family days for the residents, so we'll go to events like

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2 that to share information we have, and
3 answer questions the public might have
4 about our agency. We also have a program
5 called the CCRB youth ambassador
6 program, and in that program we're
7 actually working with youth in a program
8 called Urban Upbound in Queens, and
9 what we do is we take them and we train
10 them to be able to give a CCRB
11 presentation, and then during the course
12 of the summer, we go around to different
13 other youth groups, a lot of times it's
14 summer youth employment or a similar
15 program, and we actually do peer to peer
16 presentations, so the students are
17 giving presentations to other students
18 in their same age group in the idea that
19 it will actually be more approachable.
20 And then in the same way we talk about
21 the same issues, cover deescalation, what
22 to do if you're in a police encounter,
23 they have a negative experience with
24 the police.

25 MR. EMERY: Thank you, Carlmais.

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Another question?

MR. JENKINS: Yeah. I'm sorry.

I do.

MR. EMERY: Marquis, yeah, go

ahead.

No, I'm sorry, go ahead.

MR. JENKINS: Yes. My question

is about outreach and the thought of how you do your targeted outreach. Is there anything specific or do you try to hit every borough, every fair?

MS. JOHNSON: It's actually a

little of both. If you look at, for example, the list we have that's in there, one of our goals is to have a presence in all of the city's different precincts. We also at the same time try to focus on the areas where we receive a lot of complaints, and then also some areas where we don't receive complaints at all, and maybe think that there might be people in the community that don't know about us.

We also respond te requests from

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2 groups. We try to go out to a lot of
3 meetings, precinct meetings, community
4 board meetings, things like that, PTA
5 meetings, to get our name out and also
6 to introduce ourselves to other
7 organizations that might be interested
8 in having us come and speak to them.

9 One of the things I also do is I
10 go through and scour the news, scour any
11 information that I can to find for any
12 groups that might be interested in
13 hearing from us, even if they don't yet
14 know about us.

15 MR. JENKINS: Is there any
16 particular reason why the outreach data
17 on this report is not in the Bronx?
18 Because I would assume that the Bronx is
19 probably a high impact area, and if I'm
20 reading this right, you have nine
21 percent in the Bronx, 29 in Brooklyn, 30
22 in Manhattan, Queens 30, and Staten
23 Island one percent. So can you explain
24 why there's only nine percent in the
25 Bronx from the month of May?

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MR. JOHNSON: I don't know if there's any specific reason for that. It's probably a reflection of the requests we've had coming in, and maybe some of the other projects that we have to do.

MR. JENKINS: Okay.

MR. EMERY: Sir, you want to speak?

MR. TORRES: Yeah. Really quick. Thank you for coming out here today. Real quick. I'm Ernesto Torres, I've been living in the area for about seven years.

MR. EMERY: Thanks Carlmais.

MR. TORRES: I'm a community activist. I'm a graduate of the civilian police academy. I'm also a graduate of the FBI civilian academy as well. Just a real quick comment about outreach. I'm hearing a lot about Twitter accounts and computers, but a lot of the people in this community don't have access to the computers. So how do you guys reach them? Because I

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know in -- you know -- where we live, a lot of people, a lot of the older people don't have access to computers. So I know a lot of information is on your website, but maybe you're not reaching everybody that you could be reaching.

So I just wanted to, you know, put that out there, you know, if you're planning -- or maybe you're ready to do something with this, but I thought it was something I should mention because Marquis talked about transparency, but you know, if you're not reaching everybody in the community, then you know: How transparent are you? So I just wanted to put that out there.

MR. EMERY: Thank you.

MR. TORRES: Thank you.

MS. CORTES-GOMEZ: Just so that you know what Carlmais just indicated, we go to several different places where adults can go who aren't tech savvy, if you will. We go to learning centers, high schools, colleges, Bronx Family

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Court, they were just recently. So they are out there. Now how do you get the information? That, perhaps we need to improve on getting the information to you in a timely manner, but we are definitely pushing for information to go out to all communities.

MR. TORRES: Thank you.

MR. TAYLOR: Also --

MR. EMERY: Yeah, Bishop, sure.

MR. TAYLOR: I just want to add for the last six-and-a-half years or seven years, we -- maybe about five and a half years, we've been employing a lot of the conventional means to get the word out to people, fliers, in person conversation, and it's just been the last couple of years, year-and-a-half, we've been pressing social media. So I don't want you to think we're saying yeah, go to the website. No, this is just another tool we've actually incorporated into our plan.

MR. JOHNSON: Actually, can I add

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one more thing?

MR. EMERY: Yes.

MR. EASON: This would also be an opportunity to increase our army, by this gentleman here, and the gentleman that spoke in the back, to get their input on how to reach more individuals.

MR. JENKINS: That would be my honor.

MS. JOHNSON: And I would just like to point out actually if you look at our outreach efforts over the past couple years, we've improved dramatically. I started this position in 2013. The year before that, I think we had only done under a hundred presentations, and then in 2013 when I took over, we did over 300 presentations last year, and we're on track to do the same number. We're also hoping -- right now there's only one person in the unit, and that's me, but we did get funding to actually hire additional outreach coordinators, so that's something we

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should be doing in the next couple of weeks as we move forward.

MR. EMERY: Yes.

MS. HUFF: Good evening, Therese Huff, TA president of Campos Plaza. I think this booklet right here is a perfect outreach. You guys can give us this in all languages, you can drop it off or mail it to 205 Avenue C, Apartment 8F, which is my address.

MR. EMERY: Thank you.

MS. HUFF: And I will make sure -- 10009, New York, New York 1009, and I'll make sure my tenants will get it. This is a perfect outreach.

MR. EMERY: Thank you. Thank you. Yes?

MS. CHAVEZ: My name is Adrian Chavez, and I'm a resident of the lower east side since 1979, and a partner of Ernesto Torres. We live in Masaryk Towers, and I'm also a graduate of the civilian police academy 1998, which was only five years after it was begun, and

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a member of my community council for 20 years, which I just now stopped in the last year attending for very specific reasons.

And I personally know Commissioner Joseph Puma, which is how I was invited to tonight's meeting, so I'm grateful you all decided to come here to the lower east side for the first time, and frankly this the very first time I've ever been invited to any meeting of any CCRB. I was not a fan of the CCRB for many, many years, because I did not feel that it was an agency that was responsive to the community's needs, and it seemed to me to be very political and to be under the thumb of the police commissioner, and the mayor, and that the people did not even know what the CCRB was or what your mission was, or that you were even supposed to be on the -- let's not say the side of the public, but that you in a sense are supposed to be an advocate for those people who

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find themselves on the wrong end of the few in our NYPD who abuse their position, their power, and their responsibilities.

So I am very grateful that we now have a new leader in you, Mr. Emery. You seem to be as respectful as I've ever seen any chair in any meeting, even though I understand what Marquis was saying about the gentleman in the back, and I recognize that it seems to me that this is an accessible and open process so far.

So I am grateful for that. All of the things that I have to say are way too many for this venue, so I would really say to all of you that hopefully Commissioner Puma will give you my information, contact information, and we will be able to speak personally because I think that the values of my experience, and my knowledge, and my community advocacy work -- and I'm very well-known in this community, far and

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2 wide beyond even New York, could be a
3 very big help to the CCRB in its
4 capacities. Just suffices to say I'm a
5 native New Yorker, and I was born in
6 Brooklyn, but I'm an orphan so I was
7 moved all around creation, and when I
8 grew up in Washington Heights, in the
9 32nd, 33rd Precinct, I was on the wrong
10 end of six officers' revolvers within an
11 inch of my life. Not because of
12 anything I did, but because of who I was
13 with, and that person didn't do anything
14 either.

15 So I have been on the wrong end
16 of many situations with police, and it's
17 taken my entire life to come from a
18 position of hatred of authority, and you
19 know, despair of ever really feeling
20 like I was a person who deserved
21 anybody's respect, to where I am now,
22 which is an open minded person who gives
23 the benefit of the doubt to every party
24 involved in any kind of dispute.

25 And it's been a very long road

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2 for me personally, and as well as my
3 capacity in advocacy work. So one thing
4 I would say, especially to the young
5 lady who spoke earlier, very rapidly for
6 my deafness, it was very hard to
7 understand you, but thank you for your
8 presentation, is that when you're doing
9 outreach to the community, whether it's
10 to the young people, the middle aged
11 like me, or older people, in all
12 different languages, all different
13 faiths or non-faiths, and all different
14 cultures, people that come from nations
15 that are under the oppression of, you
16 know, all kinds of nonsense, you really
17 have to understand that all of the
18 complaints that you're receiving
19 probably scratch the surface.

20 People are in fear for their
21 lives. Okay? And I know that you must
22 know this some deep down inside place,
23 but it probably is the elephant in the
24 room that nobody talks about. People
25 are in fear for their lives when it

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2 comes to authority in this city and in
3 this country, unfortunately. And when
4 they come forward, there's a whole set
5 of circumstances beyond just the
6 community, but also their own families,
7 that don't support what they're doing.
8 So I implore you to recognize that all
9 the statistics, these mounds of paper
10 that you've given us, which I am
11 very much appreciative of, I'm going to
12 study everything, I promise you that does
13 not even begin to tell you, any one of
14 us, the whole story of what is going on,
15 block by block in this city, let alone
16 this country, when it comes to police
17 and community. And I say that as a
18 person who has many family members in
19 Law Department. I have a brother who
20 was a firefighter here in the FDNY for
21 32 years. So believe me when I tell
22 you, your work is dire, is necessary, is
23 much desperately needed in neighborhoods
24 like mine here on the lower east side,
25 and across this town, especially in the

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the Bronx and in Brooklyn, which really has severe problems. And places in Staten Island, which are beyond God's help, I think.

And I don't mean to be, you know, disrespectful about that, but we've seen what's happened in all these cases, and it's just unbelievable. So I just want to end by saying that, you know, if there's anything I can possibly do to help with your outreach, and to help with reaching out to -- to communities of color especially, and to people who are homeless especially, you know, I can do that to help you. And I implore you to recognize also something that I have been speaking to our council member in the past about, and to nonprofit organizations local here, which is that community councils -- which I was a member and worked very hard for 20 years, by and large, do not reflect their neighborhoods, do not reflect their precincts, they are little fiefdoms run

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by very political people who have essentially locked out huge segments of their population to whom they're supposed to be representing, and they have the ear of their COs and their administrations, and their precincts.

And if the mayor, and if the administration, and if your agency really wants to get to the bottom of police-community relations, and how to improve that, you have to take a very hard look at the local community councils with the housing police, as well as the NYPD, because there is a lot going on there that's not supposed to be happening, and it is not reflective of our communities. Thank you very much.

MR. EMERY: Thank you. Just a couple of little notes, and then I think we can adjourn.

Just there are a couple of things I had wanted to talk about with the board in terms of panel practices.

I have recently found it very

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2 rewarding, when I was reading cases, and
3 had questions about the investigation
4 and closing reports, to do what I call
5 pre-panel FIs, pre-panel further
6 information requests, so that at the
7 moment when that question comes up in
8 your mind, you're reading the case, you
9 send a e-mail to the investigator, the
10 supervisor, copy Mina, copy Tom and John
11 Darche now, who is in a period of
12 transition there, and your fellow panel
13 members, because your fellow panel
14 members may well have the questions you
15 do, and ask the question right then.

16 And the staff has been terrific
17 at responding to those questions
18 immediately, so that all those questions
19 that are outstanding can be resolved at
20 the time of the decision making when
21 you're meeting with fellow panel members
22 rather than have the questions come up
23 during the panel, and then have to ask
24 for an FI or reconvening the panel
25 and/or having to come to one of these

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2 meetings and then having to do it after
3 the meeting at the executive session. I
4 think it is proficient and it gets the
5 questions when they're fresh in your
6 mind so I would encourage you to do what
7 I call pre-panel FIs, and they're
8 obviously totally up to you, but it
9 seems to me that we have to have a
10 productive procedure to resolve cases
11 quickly and with the best facts in mind.

12 The second thing I want to say,
13 unless there are comments about that,
14 the second thing I wanted to say and
15 then we can adjourn, is we as a
16 sanction, when we sub a case, I think
17 that as a general proposition now,
18 Debbie and I talked about this a little
19 bit at the last thing, and Bishop
20 Taylor, we are recommending, we did in
21 this last panel, and we have in other
22 panels I've been on, recommending
23 formalized training regardless of
24 whether there is another form of
25 discipline, even if it's a CDB or CDA,

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2 we are also adding formalized training.

3 And there's no problem with that.

4 You can do both. Formalized training in

5 and of itself is obviously an

6 appropriate response to certain types of

7 substantiations, but when it's more

8 serious substantiation, the officer

9 shouldn't be deprived of formalized

10 training just because the officer is

11 being -- having a CDA or B imposed. So

12 I would recommend to you that we adopt

13 almost as a routine, unless there's some

14 reason not to -- may be some cases

15 formalized training wouldn't have any

16 purpose, but in general it always has a

17 purpose.

18 MR. CAPERS: It sounds like a good
19 idea. One thing I'm wondering is: Do we
20 know how the NYPD has been responding
21 when we give both a CDA and formalized
22 training? Do they use that as an excuse
23 to not give the cop discipline?

24 MR. EMERY: No. We have not found
25 that to be the case, and we should all

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be alert to that. I agree with you.
But formalized training should go along
in my view, and I think they want this.
I think they more than ever want to do
formalized training, and it does not
negate a more serious penalty in the
more serious case. Yeah.

MR. PUMA: That sounds great. And
I agree. I guess just from more of an
IT question, I just find that with the
software application we use --

MR. EMERY: You're absolutely
right.

MR. PUMA: -- you have to pick one
or the other, is that being fixed?

MR. EMERY: No. Yes, it's not
being fixed because the software
apparently -- he's here and maybe he can
answer -- but the software doesn't allow
it, but Nina will do this by putting a
notation in every voting sheet and every
memo that goes to the police
commissioner and DAO that formalized
training and whatever other penalty is

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recommended are both in the record.

MR. TAYLOR: Are you recommending that the formalized training be a part of every disposition or every sub?

MR. EMERY: Every sub, every sub, unless there's a compelling reason not.

MR. TAYLOR: So if there's a penalty of discipline or charges, you're saying automatically that officer should be --

MR. EMERY: Well charges, it's -- you know -- something, it's really as you raised this, it's probably not a charges situation.

MR. TAYLOR: Okay. Okay.

MR. EMERY: That can come out of the charges in the disposition of the charges, because obviously charges is either pled or there's a trial.

MR. TAYLOR: Okay.

MR. EMERY: So I think we're talking about command discipline.

MR. TAYLOR: In a situation where there's no command discipline, you can

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still use formalized training as a penalty.

MR. EMERY: Formalized training is a sanction as a result of a sub, and it goes on the record, and it is a serious matter as Debbie will tell you, maybe Sal and Lindsay will also confirm. It goes on your record. It's a serious matter put on your record by those who do assignments and those who do evaluations.

Formalized training is a very real form of personnel discipline. Obviously it's not as significant as a CDA or B, or charges.

MR. TAYLOR: So in times past, we did not refer to that particular level of penalty as formalized training, it was just considered a training?

MR. EMERY: Or instructions.

MR. TAYLOR: I'm sorry.
Instructions.

MR. EMERY: Right.

MR. TAYLOR: Which essentially was a precinct conversation from commanding

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officer to the officer?

MR. EMERY: Any that's no longer. The police department, to its credit, and I think in guidance to us, is saying as -- I think all of us would acknowledge that a discussion with your commanding officer is a lot less impactful, if you will, bad word, but it has a lot less impact than being sent to the police academy for an entire day to do formalized training. In my view, I would never recommend instructions anymore. I would only recommend formalized training if training is the appropriate response.

MR. TAYLOR: Okay.

MR. EMERY: Just trying to get us all on the same page.

MR. CAPERS: Are you suggesting that the panel discuss formalized training, or can we just have a standing order that every time there's a command discipline A or command discipline B, formalized training will be added? That

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way we don't have to discuss it every report?

MR. EMERY: I think we should --

MS. ZOLAND: I don't think it should be standard. There are certain actions of police officers that frankly no amount of training is really going to help. Especially the offensive language situations. The command discipline will give them the message. It's not a full day of training. You can say -- you can get them to say don't say that, don't do that. But if it's a stop, if it's a frisk, if it's search where there is something to train in addition to the penalty of taking days away, they can still go out and make a bad stop because they didn't learn anything. So I don't think it should be automatic, I think it should be specific.

MR. CAPERS: So we should lean more towards formalized training.

MR. EMERY: Yes.

MR. EASON: I agree with the

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concept. I don't think it should be standard operating procedure for every case.

MR EMERY: Right.

MR. EASON: Because if an officer's behavior and pattern falls into a certain category, he's going to hit one of -- on Marcos's radar, and he or she is going to be retrained anyway. I think if it's brought up by the panel and the panel agrees with formalized training in addition to the official penalty, I think it's acceptable, fine, I think it's fine, but to make it standard operating procedure across the board, I agree that I don't think that's the way to go.

MR. EMERY: I wasn't trying to

MR. CARCATERRA: I also agree with Lindsay and Debbie. It has to be case specific, and like Debbie said, there are many times training just for the sake of training will not do anything. That said, when training is necessary, I think the ultimate goal is if there is a

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2 civilian complaint, everybody in this
3 room understands what the CCRB is
4 supposed to do. You get a fair shake,
5 investigated fairly, impartially, and
6 everybody gets the outcome they want.
7 What's the outcome we really want? We
8 want to not to have anymore civilian
9 complaints. So that training, the end
10 result of that training should be the
11 behavior should change, and that's why
12 we're really doing the training, and
13 it's case specific, and I think it's
14 very important to look at.

15 MR. EMERY: You know, they also --
16 for instance, I can just imagine a
17 25-year person is different from a
18 training has a real role to play with a
19 three-year person and probably much less
20 of a role with a sergeant or patrol
21 person who has been on patrol for
22 20 years.

23 SPEAKER: Don't assume that.
24 Don't assume that.

25 MR EMERY: There are a lot of

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factors to take into account.

SPEAKER: It could change some people, a -- suddenly a light can go off. You know, never know, we live and hope.

MR. EMERY: Hopefully a light will go off. I have nothing further. Any comments? Any thoughts before we adjourn to Executive Session?

Motion to adjourn to Executive Session?

MR. CAPERS: I'll move.

MS. ZOLAND: Second.

MR. EMERY: All in favor?

(Ayes, adopted.)

Let's take a minute.

(No response.)

(TIME NOTED: 8:35 p.m.)

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CERTIFICATE

I, Christoper Day, a machine shorthand reporter and Notary Public within and for the State of New York do certify that:

The foregoing transcript is a true and accurate transcription of the stenographic notes taken by me of the proceeding, that I was actually present at the proceeding, and that such notes have been transcribed accurately and without prejudice for or against parties or organizations.

IN WITNESS WHEREOF, I have set my hand this 24th day of June, 2015.

CHRISTOPHER DAY

**Civilian Complaint Review Board Public Meeting - Draft
June 10, 2015**

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