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MEETING OF
THE CIVILIAN COMPLAINT REVIEW BOARD
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January 12, 2011

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

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

PUBLIC MEETING AGENDA:

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

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BOARD MEMBERS PRESENT WERE:

DANIEL D. CHU, ESQ.

JAMES DONLON, ESQ.

DR. MOHAMMAD KHALID

DAVID G. LISTON, ESQ.

JULES A. MARTIN, ESQ.

MARY E. MULLIGAN, ESQ.

TOSANO J. SIMONETTI

BISHOP MITCHELL G. TAYLOR

YOUNGIK YOON, ESQ.

PUBLIC MEETING OF THE CCRB 1/12/2011

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

11 COMMISSIONER SIMONETTI: So moved.

12 THE CHAIR: Is there a second?

13 COMMISSIONER DONLON: Second.

14 THE CHAIR: All in favor?

15 IN UNISON: Aye.

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

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

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

22 COMMISSIONER LISTON: Okay. Then I
23 voted.

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

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

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

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

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

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

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

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

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

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

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

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

22 THE CHAIR: Comments?

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

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1 open docket?

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

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

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

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

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

13 COMMISSIONER SIMONETTI: Yes.

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

16 COMMISSIONER SIMONETTI: Yes.

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

18 Eighteen months and older --

19 COMMISSIONER SIMONETTI: Right.

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

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

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

3 COMMISSIONER SIMONETTI: Okay.
4 Fine.

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

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

9 MS. THOMPSON: Yes, right.

10 COMMISSIONER SIMONETTI: Okay.

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

12 THE CHAIR: Anything further?

13 Committee reports. That is a --

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

19 EXECUTIVE DIRECTOR: Yes.

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

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

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

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

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

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

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

25 THE CHAIR: And then afterwards,

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

7 COMMISSIONER CHU: Yeah. But for today -

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

10 COMMISSIONER CHU: Okay.

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

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

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

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

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

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

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

24 THE CHAIR: Okay.

25 COMMISSIONER TAYLOR: Yeah. So --

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

3 COMMISSIONER MULLIGAN: Me?

4 THE CHAIR: Yes.

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

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

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

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

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

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

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

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1 COMMISSIONER SIMONETTI: Our
2 numbers?

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

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

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

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

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

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

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

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

22 COMMISSIONER SIMONETTI: Right.

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

25 COMMISSIONER SIMONETTI: Right.

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

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

23 THE CHAIR: Is that what
24 statistics --

25 COMMISSIONER SIMONETTI: That's not

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

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

13 COMMISSIONER SIMONETTI: Yes.

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

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

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

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

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1 going to go about doing this, you know?

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

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

25 That lost property, as I read on

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

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

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

19 COMMISSIONER SIMONETTI: Right.

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

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

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

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

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

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

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

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

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1 point out we need help there.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 COMMISSIONER DONLON: Second.

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

17 COMMISSIONER SIMONETTI: Good.

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

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

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1 MR. SIMONETTI: Absolutely.

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

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

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

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

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

22 THE CHAIR: Yeah.

23 COMMISSIONER LISTON: Okay.

24 COMMISSIONER LISTON: Ernie?

25 THE CHAIR: Yes?

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

4 THE CHAIR: For the statistics?

5 COMMISSIONER LISTON: Yes.

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

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

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

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

24 COMMISSIONER LISTON: Exactly.

25 MR. SIMONETTI: So I think from a

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

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

13 COMMISSIONER SIMONETTI: Exactly.

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

16 COMMISSIONER SIMONETTI:

17 (Indiscernible).

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

20 COMMISSIONER: Yes, yeah.

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

24 THE CHAIR: Yes, it was.

25 MR. SIMONETTI: -- to the cases

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1 going to the regular panel. I --

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

11 STAFF: Correct.

12 DENISE: Yes

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

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

22 MARCOS: Yes.

23 DENISE: Yes.

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

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

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

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

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

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

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

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

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

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

12 THE CHAIR: Yes.

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

15 THE CHAIR: No, no. Yes.

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

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

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

24 THE CHAIR: Right.

25 COMMISSIONER TAYLOR: But we're

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

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

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

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

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

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

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

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

14 COMMISSIONER TAYLOR: And distribute
15 them all out.

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

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

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

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

24 COMMISSIONER TAYLOR: Yes.

25 THE CHAIR: Marcos, you want to

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1 share?

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

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

11 MR. SOLER: Right.

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

14 COMMISSIONER TAYLOR: Twenty-four?

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

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

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

23 MR. SIMONETTI: For all those cases.

24 COMMISSIONER TAYLOR: Right.

25 MR. SIMONETTI: And then divide

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

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

7 MR. SIMONETTI: Yes. Yes.

8 COMMISSIONER TAYLOR: Right.

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

13 COMMISSIONER TAYLOR: Um-hum.

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

16 THE CHAIR: Yep.

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

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

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

13 THE CHAIR: Right. Until we see --

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

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

19 MR. SIMONETTI: Right.

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

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

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

10 So just as a --

11 THE CHAIR: So --

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

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

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

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

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

7 COMMISSIONER SIMONETTI: I --

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

14 MR. GREGOREV: It should be --

15 THE CHAIR: Speak up.

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

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

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

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

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

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

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

25 THE CHAIR: So I think -- those

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

3 Mr. CHU: Okay.

4 THE CHAIR: -- 278.

5 COMMISSIONER CHU: Right.

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

14 IN UNISON: Aye.

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

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

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

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

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

6 COMMISSIONER TAYLOR: Um-hum.

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

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

11 THE CHAIR: Yes.

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

14 THE CHAIR: Okay.

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

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

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

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

25 COMMISSIONER: Well, I think --

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

2 COMMISSIONER SIMONETTI: Monthly?

3 COMMISSIONER LISTON: Monthly.

4 COMMISSIONER SIMONETTI: Yeah.

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

8 COMMISSIONER SIMONETTI: I would prefer
9 monthly.

10 COMMISSIONER LISTON: Okay.

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

15 COMMISSIONER: It's a big
16 difference.

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

19 THE CHAIR: So we have another
20 motion.

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

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

25 COMMISSIONER LISTON: It's a

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1 friendly amendment to his motion.

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

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

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

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

17 COMMISSIONER LISTON: Yes.

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

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

7 COMMISSIONER LISTON:
8 (Indiscernible).

9 COMMISSIONER LISTON: Yes.

10 THE CHAIR: Yes. Unanimous, right?

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

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

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

24 COMMISSIONER TAYLOR: Second.

25 THE CHAIR: All in favor?

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1 IN UNISON: Aye.

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

4 UNIDENTIFIED SPEAKER: It is.

5 THE CHAIR: Okay.

6 COMMISSIONER LISTON: Thanks, Mr.
7 Chair.

8 THE CHAIR: Okay.

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

11 (Laughter)

12 COMMISSIONER TAYLOR: Only kidding.

13 COMMISSIONER LISTON: From time to
14 time.

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

18 : (Indiscernible) David
19 (indiscernible).

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

22 MR. DUNN: Okay. Good morning.

23 IN UNISON: Good morning.

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

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

8 UNIDENTIFIED SPEAKER: Instead of
9 you?

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

12 (Laughter)

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

17 (Laughter)

18 UNIDENTIFIED SPEAKER: Either hail
19 or snow.

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

22 (Indiscernible). All right.

23 UNIDENTIFIED SPEAKER:

24 (Indiscernible).

25 MR. DUNN: So with respect to the

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

5 MS. THOMPSON: Um-hum.

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

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

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

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

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

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

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

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1 So I'll just mention that.

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

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

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

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

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

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

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

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

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

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

25 With respect to the truncation

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

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

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

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1 staff.

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

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

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

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

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

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

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

6 So thank you very much.

7 THE CHAIR: Yes, sir?

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

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

11 THE CHAIR: You're fine right there.

12 MR. JONES: OK.

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

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

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1 grabbed the mic.

2 THE CHAIR: Mr.Jones.

3 MR. JONES: Commandeered --

4 THE CHAIR: So -- so --

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

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

12 MR. JONES: Okay.

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

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

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

16 THE CHAIR: I understand.

17 MR.JONES: -- 28th precinct.

18 THE CHAIR: I understand.

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

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

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

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1 THE CHAIR: I've got it.

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

6 THE CHAIR: Okay.

7 MR.JONES: Wrecked.

8 THE CHAIR: We got it.

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

11 THE CHAIR: Got it.

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

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

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

5 Anything else?

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

9 (Whereupon proceedings were concluded)

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

I, Zipporah Geralnik, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

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

In witness whereof, I hereby sign this date:
February 2, 2011

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