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3 CIVILIAN COMPLAINT REVIEW BOARD

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5 PUBLIC BOARD MEETING

6

7 JUNE 8, 2011

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10 851 Grand Concourse

Bronx, New York

11

June 8, 2011

12

10:11 a.m.

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16 DANIEL D. CHU, CHAIR

17 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

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23 Reported By: Reva Weiss

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PUBLIC MEETING AGENDA:

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

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2 BOARD MEMBERS PRESENT WERE:

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4 TOSANO J. SIMONETTI

5 BISHOP MITCHELL G. TAYLOR

6 DAVID G. LISTON, ESQ

7 JULES A. MARTIN, ESQ

8 ALPHONZO A. GRANT, JR., ESQ

9 YOUNGIK YOON, ESQ

10 DR. MOHAMMAD KHALID

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14 Civilian Complaint Review Board

15 40 Rector Street

16 New York, New York 10006

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

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

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

18 I also want --

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

21 THE CHAIR: Could you all
22 stand up.

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

25 THE CHAIR: Thank you for

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

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

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

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

25 As of the May meeting, we fell

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

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

6 COMMISSIONER SIMONETTI: So
7 moved.

8 THE CHAIR: Is there a
9 second?

10 COMMISSIONER MARTIN: Second.

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

13 (All say "aye.")

14 THE CHAIR: That is
15 unanimous.

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

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

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

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

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

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

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

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2 Brook, attended law school at Brooklyn

3 Law School, and subsequently worked

4 for The Honorable Edward R. Korman, of

5 the Eastern District, before going off

6 to private practice in Sullivan &

7 Cromwell. He then left Sullivan &

8 Cromwell and did a stint at the United

9 States Attorney's Office in the

10 Criminal Division and later returned

11 to Sullivan & Cromwell.

12 My understanding now is he just

13 started a new job at Morgan Stanley.

14 Is that right?

15 COMMISSIONER GRANT: Yes.

16 THE CHAIR: Again, I want

17 everyone to join me in welcoming him

18 to the Board.

19 (Applause)

20 THE CHAIR: So at this point

21 we are down three vacancies, and I'm

22 happy to report in my meetings with

23 the Police Commissioner, with members

24 of the City Council and City Hall, it

25 seems like they have undergone

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2 tremendous efforts to try to fill
3 those vacancies.

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

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

25 I am happy to report that we

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

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

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

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

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

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

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

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

5 Is Laura here today?

6 (Pause.)

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

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

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

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2 first of many to come.

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

7 MS. THOMPSON: Good morning.

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

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

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

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2 6,776 in 2011.

3 In May of 2001, the Board closed

4 380 cases. 88 cases were full

5 investigations. 170 were closed as

6 truncated. Eighteen mediations and

7 104 mediations attempted. The

8 year-to-date substantiation rate is 7

9 percent, which is 4 points lower than

10 in 2010. The truncation rate is 61

11 percent, which is one point higher

12 than it was in 2010.

13 With the Board closing this

14 month 139 fewer cases than it

15 received, the agency's open docket

16 shows a 5 percent increase in relation

17 to the previous month's open docket.

18 The docket stands as 2,695 cases.

19 About 97 percent of our open

20 investigations were filed within the

21 last year, and 71 percent were filed

22 in the last four months. Of the open

23 cases, 948 cases are awaiting panel

24 review, or approximately 35 percent of

25 all open cases. 1,599 case are being

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

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

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

23 THE CHAIR: Thank you.

24 Are there any Committee reports?

25 COMMISSIONER TAYLOR: The

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

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

22 THE CHAIR: Thank you very.

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

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

7 MS SACHS: It's back already.

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

10 MS SACHS: Sooner than that.

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

14 THE CHAIR: Any other
15 committee reports?

16 (Pause.)

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

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

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

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

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

21 COMMISSIONER TAYLOR: Yes.

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

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

5 Has anybody experienced that?

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

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

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

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

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

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2 if it was not available or the

3 computer was not --

4 THE CHAIR: I had a similar
5 problem logging on, to get the voting
6 sheets. I did them manually by
7 calling Denise and having her log on.

8 With respect to downloading, if
9 it's a problem that a number of us
10 have encountered, maybe next time we
11 will have Uri available to show us,
12 because I think if you open up and
13 expand the folders, they will download
14 in the folders. It's not just 125 or
15 175 cases spread all over --

16 COMMISSIONER SIMONETTI: You can
17 do it a team at a time if you wanted.
18 You decide how you want to do it by
19 clicking on. If you click on Team 1,
20 you are only going to download Team 1.
21 Obviously I clicked Team 1 to 5 and
22 get the whole download. But not to
23 reside in that file too long. In a
24 day or two it's gone.

25 COMMISSIONER KHALID: Also, it

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

5 COMMISSIONER TAYLOR: Yes.

6 COMMISSIONER SIMONETTI:

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

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

12 COMMISSIONER SIMONETTI: Yes.

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

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

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

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

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

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

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

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

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

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

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2 by and large, the vast majority
3 of the cases that get truncated is
4 because the two primary reasons are
5 the complainant is uncooperative or
6 the witnesses are uncooperative. And
7 now someone said that with the advent
8 of 311, in other words, you get
9 stopped by a police officer, you get a
10 summons, you have your cell phone, 311
11 is readily available -- by the way,
12 this is not the official position of
13 the Civilian Complaint Review Board,
14 but to try to make some sense out of
15 this, why people don't want to
16 cooperate after initially giving us
17 the complaint, you know, people --
18 anybody here get a summons, anybody
19 ever get a summons, get stopped? You
20 weren't feeling too good about it,
21 were you?

22 MR. COHEN: No.

23 COMMISSIONER SIMONETTI: You
24 probably said to yourself I really
25 didn't do that, or it was the close

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

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

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

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

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

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

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

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

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

10 MS. THOMPSON: Human Rights.

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

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

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

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

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

9 Are there any other committee
10 reports?

11 (Pause.)

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

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

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

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

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

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

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

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

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

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

10 That's pretty much it.

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

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

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2 please don't hesitate to ask.

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

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

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

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

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

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

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

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

19 So, again, welcome.

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

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

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

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

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2 City, Queens.

3 COMMISSIONER SIMONETTI: Hi.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 COMMISSIONER GRANT: Hi, Ms. Hernandez.

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

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

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

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

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

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

7

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

12

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

17

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

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2 learning in the courtroom there.

3 Things we wouldn't have been able to

4 learn before this program was running.

5 We learn the kind of things that

6 are important to the judges. What

7 kind of things they're looking for.

8 We learn what gets in the way of

9 victims coming forward and testifying,

10 because traditionally it's been a

11 struggle to get victims to follow

12 through all the way from the initial

13 complaint to the trial, which could be

14 several years later, and we are

15 uniquely situated as an agency to

16 support victims all the way through

17 that process so that they do feel that

18 they can come and testify safely and

19 that their voice will be heard.

20 The great thing about this

21 program is a bridge between the work

22 we do as an investigative agency and

23 the work of the Department Advocate's

24 Office. That's the unit at the Police

25 Department that prosecutes these

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

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

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

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

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

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

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

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

25 In the cases that you're talking

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

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

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

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

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

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

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

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

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

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

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

10 MR. COHEN: Thank you.

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

14 MR. COHEN: Thanks.

15 MS. EDIDIN: Any other
16 questions?

17 (Pause.)

18 THE CHAIR: Is there any old
19 business?

20 (Pause.)

21 THE CHAIR: Any new business?

22 (Pause.)

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

25 One final order of business I

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

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

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

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2 doing.

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

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

12 THE CHAIR: Sure.

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

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

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

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

7

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

16

COMMISSIONER SIMONETTI: Yes.

17

18 THE CHAIR: Can you identify
19 yourself first.

19

20 MR. ASENCIO: Oscar Asencio, and
21 I'm with the New York City Commission
22 on Human Rights.

22

23 THE CHAIR: Thank you for
24 your question.

24

25 The short answer for your second
question is yes, we do have a website.

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2 You can file a complaint either by
3 calling 311, as we spoke about during
4 the meeting earlier, you can go on the
5 website, you can go to a precinct,
6 although I would advise against going
7 to the same precinct that you want to
8 file a complaint against. It may not
9 work out the best. And you can also
10 go down to our offices on 40 Rector
11 Street on the second floor. So that's
12 the answer to the second question.

13 In terms of outreach, that is
14 something that we're doing, and,
15 again, I think that Dawn Fuentes is in
16 charge of that.

17 MS. FUENTES: We are doing quite
18 a bit of outreach in the immigrant
19 communities. Actually, we have done a
20 lot of outreach in East Harlem,
21 actually in the Bronx, in Brooklyn,
22 and this summer in Queens there's
23 quite a built of outreach we're doing
24 with the YMCAs in Queens, their youth
25 programs, there's quite a bit of

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2 immigrant population there. I think I
3 have scheduled about five or six of
4 them that is strictly targeted towards
5 immigrant youth in Queens this summer.

6 If you look at our community
7 outreach report that's in there, and I
8 would be happy to speak with you more
9 about it, we definitely do do

10 community outreach with the Spanish
11 population. We also have Spanish
12 materials and we bring Spanish
13 translators if we need to. That's
14 something the City recommends.

15 In fact, tomorrow we are doing
16 in Spanish a community outreach in
17 East Harlem at P.S. 91 and 134.
18 Please feel free to come and talk to
19 me afterwards. I will give you my
20 card.

21 We would be happy to do a
22 community outreach presentation if you
23 know of organizations that you would
24 like us to go.

25 MR. ASECIO: The demographics

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2 in the Bronx is changing a lot. The
3 West African population is increasing,
4 the Bangladesh community. What
5 language resources do you have for
6 these groups?

7 MS. FUENTES: As I said before,
8 The City of New York is very much
9 involved in making sure that we have
10 translators for every language and
11 that we also develop materials that we
12 can use to hand out to the
13 populations.

14 One of our folks here, Marcos
15 Soler, is actually one of the
16 leaders to make sure that when we need
17 a translator, no matter what language,
18 we are able to access that from the
19 City, and that person would be able to
20 come out with us when we do community
21 outreach. And if we do need to get
22 materials in different languages, we
23 can also look into that.

24 Right now we have it in Spanish,
25 we have it in Mandarin, we have it in

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2 Cantonese.

3 You are right about West African

4 populations. When we were in Staten

5 Island, we worked with the Commission

6 on Human Rights and they're very

7 heavily involved in that population,

8 so I've been working with them and

9 getting materials. Kind of an expert

10 in this is Mr. Olayli, he is an expert

11 in that demographic population.

12 MR. ASECIO: Thank you.

13 MS. FUENTES: You're welcome.

14 MS. THOMPSON: Also, if an

15 immigrant were to come to the CCRB, we

16 would not look into their status. That's

17 not what we're here to do. We don't

18 know technically that person is an immigrant.

19 There's no box they check that says

20 "I'm an immigrant." They have a

21 complaint, we take the complaint. We

22 look at it for face value. It's not

23 for us to look into somebody's

24 background.

25 THE CHAIR: Again, the other

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2 thing is the CCRB is an independent
3 agency, so while it can be
4 intimidating to walk in to a precinct
5 or One Police Plaza to make a
6 complaint, that's part of the reason
7 we're independent, you come to us and
8 it hopefully reduces some of the
9 intimidation factor that's involved.

10 MS. THOMPSON: I would like to
11 tell everybody that Oscar asked so
12 many intelligent questions because
13 Oscar worked with me for many years.

14 MR. ASENCIO: You were my boss.

15 COMMISSIONER SIMONETTI: You
16 trained him well.

17 MS. THOMPSON: I trained him
18 well.

19 Marco said approximately 10
20 percent of all of our complaints that
21 are active right now have had some
22 kind of translation, so you should be
23 aware of that.

24 THE CHAIR: Also, it goes to
25 kind of the diversity of our staff.

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2 If you look at our investigators, we
3 really do have a very broad
4 cross-section in terms of the outreach
5 programs. We have many people that
6 are bilingual, and despite their
7 pretty onerous workloads they manage
8 to find the time to go out there along
9 with Dawn to reach different
10 communities. And that would be a lot
11 easier if we had more adequate funding
12 in terms of doing their day job, but
13 that is something we strive to do.

14

MS. THOMPSON: We have
15 investigators that speak Creole,
16 French, Spanish, Mandarin, Cantonese,
17 Korean, Russian, Urdu. I'm just
18 saying that's the whole -- we have a
19 huge range of people on staff that
20 speak various languages. Plus, we are
21 still able to get translators when
22 necessary.

23

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THE CHAIR: Is there anything
else?

(Pause.)

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2 THE CHAIR: Going once, going
3 twice.

4 We are going to take a brief
5 recess and break into executive
6 session.

7 Thank you all coming.

8 MS. THOMPSON: If you have
9 questions, let's do it now before we
10 go into Executive Session.

11 (Time noted: 10:55 a.m.)

12

13 I do hereby certify that the
14 foregoing is a true and accurate
15 transcript of the proceedings.

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REVA WEISS

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