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2 MEETING OF
3 THE CIVILIAN COMPLAINT REVIEW BOARD
4 -----

5 February 8, 2012
6 10:15 a.m.

7

8 40 Rector Street

9 2nd Floor

10 New York, New York 10006

11

12 DANIEL D. CHU, ESQ., CHAIR

13 JOAN THOMPSON, EXECUTIVE DIRECTOR

14

15 PUBLIC MEETING AGENDA:

16 1. Call to Order

17 2. Adoption of Minutes

18 3. Report from the Chair

19 4. Report from the Executive Director

20 5. Committee Reports

21 6. Old Business

22 7. New Business

23 8. Public Comment

24

25 Reported By: Erwin Fried

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2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 YOUNGIK YOON, ESQ.

6 ALPHONZO A. GRANT, ESQ.

7 JULES A. MARTIN, ESQ.

8 DAVID G. LISTON, ESQ.

9 JANETTE CORTES-GOMEZ, ESQ.

10 MARY E. MULLIGAN, ESQ.

11 BISHOP MITCHELL G. TAYLOR

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1 THE CHAIR: Well, let's get started.

2 I want to begin by welcoming our
3 Executive Director Joan Thompson, back,
4 after her fall. She's on her way back
5 to health. And we're glad to have her
6 back. And I think from here on in it's
7 full speed ahead.

8 Let's start with the adoption of the
9 January 2012 minutes. Do I hear a motion
10 for that adoption?

11 MR. DONLON: So moved.

12 THE CHAIR: Is there a second?

13 MR. LISTON: Second.

14 THE CHAIR: All those in favor say
15 aye.

16 IN UNISON: Aye.

17 THE CHAIR: Any objections?

18 Any abstentions?

19 The minutes are approved.

20 All right. Moving into the report
21 from the chair, there will be no real
22 head spinning developments here this
23 month. We did get a January plan for the
24 2012 budget that was released early in
25 February. Not much of a change, as we

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1 expected. The only minor points were
2 adjustments, I think, they occurred in terms
3 of collecting bargaining. Other than that
4 everything is pretty much the same as we
5 expected.

6 I don't mean to sound like a broken
7 record, but, of course, the vacancy issue
8 is still looming about. And as of January 31st,
9 2012, we had an actual headcount of 113 and an
10 authorized head count of 142 which translates
11 to twenty-seven vacancies. That is
12 roughly about twenty-three percent. I'm
13 not going to discuss the investigators. Or
14 am I going to go into more details
15 because the Executive Director's report
16 will address more of the details with
17 regard to those numbers. But we are also
18 seeing the investigative docket go up as
19 a result of that.

20 So just to take out two numbers that
21 I think give a very ample illustration.
22 Over the summer months the investigative
23 docket was at around 1400 cases, and I
24 think now we're at about 2,000, so that's
25 about forty-two percent increase. And

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1 some of that is going to be really
2 directly attributed to the lack of
3 manpower.

4 On our end, the APU interviews are
5 continuing, we have some very good
6 candidates. And we cast a very broad net
7 to try to find the very best to replace
8 Laura Edidin, who did a great job. We're
9 also continuing with investigator
10 interviews as we speak.

11 One final other point that I'm happy
12 to report that CCRB is on the move -- the
13 planned moved to 100 Church Street is
14 progressing. At this point we have seen
15 the plans and are working with them towards approval.
16 We're looking, I believe, at a move date of
17 2013, probably the latter half.

18 With that, I'm going to turn the
19 floor over to Joan Thompson, and she's
20 going to give us more details.

21 MS. THOMPSON: Okay. I'm going to
22 start off with the monthly stats.

23 In January the CCRB received 521
24 complaints. This is eight-five more
25 complaints than it received in January

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1 2011, when the agency received 436
2 complaints, or a nineteen percent
3 increase in a month-to-month complaint
4 activity.

5 In January the board closed 427
6 cases. The truncation rate is sixty-one
7 percent. And the substantiation rate is
8 twelve percent. The board substantiated
9 thirteen cases.

10 Thirteen percent of all board
11 closures were through our mediation
12 program, with six cases mediated and
13 fifty-one cases closed as mediation
14 attempted. The agency's docket at the
15 end of January stood at 2,737 cases.
16 About ninety-six percent of our open
17 investigations were filed within the last
18 year, and sixty-five percent were filed
19 in the first four months. Of the open
20 cases 553 cases are awaiting panel
21 review, or twenty percent of all open
22 cases.

23 1,999 cases are being currently
24 investigated and 185 cases are in the
25 mediation program.

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1 The increase in the investigations
2 division open docket is the result of our
3 high vacancy rate. In January 2011 the
4 investigation division had 1,504 open
5 investigations and ninety active
6 investigators. The open docket of the
7 division has increased by 495 cases, as
8 the number of active investigators has
9 decreased to sixty-two. By date of
10 occurrence of the incident, fourteen cases
11 in the CCRB's open docket are eighteen
12 months or older, or 0.5 of the open
13 docket. This is the same number of cases
14 as the previous month. We have disposed
15 of four cases, and added four new cases.

16 One case is on DA hold, five cases
17 are pending board review, three cases
18 were filed late in the process, one delay
19 is the result of the officer being on
20 military duty, and another case the board
21 requested further work after the case was
22 submitted for board review. Two delays
23 are due to the complexity of the
24 investigation. And one case the delay is
25 an investigative delay.

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1 I would also like to report on the
2 year-end complaint activity focusing on
3 three categories. Complaints within
4 CCRB's jurisdiction, total intake, and
5 allegations.

6 In 2011 the CCRB received 5,982
7 complaints, or 485 fewer complaints than
8 received in 2010, when the agency
9 received 6,467 complaints. This
10 represents a seven percent decrease in
11 annual complaint activity. This is the
12 lowest number of complaints received
13 since 2004 when the board received 6,196
14 complaints.

15 In 2011 total intake was down six
16 percent, from 17,035 total filings in
17 2010 to 16,042 filings in 2011. This is
18 the lowest intake since 2005 when the
19 board received 16,711 filings.

20 In 2011 the number of allegations
21 increased from 17,847 to 18,376, or 529
22 more allegations. This is an increase of
23 three percent in the number of total
24 allegations. However, the number of
25 complaints with at least one FADO

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1 allegation decreased in all categories.
2 Complaints with at least one allegation
3 of force or abuse of authority decreased
4 nine percent. Complaints with at least
5 one allegation of the use of offensive
6 language declined four percent. Sixty-
7 one percent of all complaints consist of
8 allegations of abuse of force -- excuse
9 me, abuse of authority. Forty-nine
10 percent consist of force. Forty-three
11 percent consist of discourtesy. And
12 seven percent involved the use of
13 offensive language.

14 I would now also like to report on
15 the year-end's disposition and Police
16 Department's disposition of CCRB
17 substantiated cases.

18 In 2011 the board closed 6,109
19 cases. It closed 1,926 full
20 investigations. In 160 cases the board
21 substantiated the complaints of 300
22 alleged victims against 213 officers.
23 The substantiation rate was eight
24 percent.

25 By comparison, in 2010, the board

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1 closed 2,424 full investigation. In 260
2 cases the board substantiated the
3 complaints of 560 alleged victims against
4 375 officers. The substantiation rate
5 was eleven percent.

6 In 2011 the board closed 376 cases
7 through the mediation program, or six
8 percent of all cases closed. We mediated
9 a total of 145 cases. By comparison in
10 2010 the board closed 341 cases through
11 the mediation program, or five percent of
12 all cases closed. We mediated 157 cases.

13 In 2011 sixty-two percent of all
14 complaints were truncated, which is one
15 percent higher than the sixty-one percent
16 rate of 2010.

17 Regarding the disposition of CCRB's
18 substantiated cases in 2011 the Police
19 Department disposed of 270 substantiated
20 cases. In three cases, the department
21 filed the charges because the officer was
22 no longer there, that is police terminology
23 which means the officer is no employed
24 by the the department. Of the
25 remaining 267 cases in which the

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1 department took action, the department
2 imposed disciplinary action against 217
3 officers. This is an eighty-one percent
4 discipline rate which is an
5 historic high.

6 The department did not impose
7 discipline in fifty cases. Seven
8 officers were found not guilty, and in
9 forty-three cases against officers, the
10 department declined to prosecute the CCRB
11 substantiate complaint. The department
12 unable to prosecute rate is sixteen
13 percent.

14 In 2011 in fourteen percent of all
15 actions, thirty-two cases -- thirty-three
16 cases, the department went to trial or
17 negotiated a guilty plea with the
18 officer. This is the highest rate since
19 2006, which was sixteen percent.

20 The department found ten officers
21 guilty, eighteen officers pleaded guilty
22 to charges and specs, and as noted
23 earlier, seven officers were found not
24 guilty.

25 THE CHAIR: Thank you, Joan.

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1 Are there any committee reports?

2 MR. DONLON: Reports on
3 Recommendation Committee, the staff is
4 working on the annual report. They're
5 collecting the information, various data,
6 and working on a first draft of the
7 report that will be prepared for the
8 committee to review. So that's in
9 progress. We hope to have some further
10 report next month indicating what -- you
11 know, where we stand. But that's in
12 progress.

13 THE CHAIR: Thank you. Any other
14 committee reports?

15 BISHOP TAYLOR: The Outreach
16 Committee had a meeting in Queens a
17 couple of weeks ago with Dawn and her
18 team to roll out the next iteration of
19 the college CCRB internship program.

20 THE CHAIR: Great.

21 MS. THOMPSON: That's terrific.

22 THE CHAIR: Anything further from
23 any other committees?

24 Is there any old business that needs
25 to be addressed at this time?

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1 Is there any new business?

2 BISHOP TAYLOR: Yes. Just wanted --
3 for the record just affirm all of the
4 Giants fans that, you know, we are still
5 partying. And yesterday, to let everyone know that
6 Roger who is a Patriot's fan boycotted the
7 tickertape parade. So I just wanted to make sure
8 that was on the record!!

9 THE CHAIR: All right, with that, we
10 will open it up to public comment. And
11 to lead us off, Mr. Chris Dunn.

12 MR. DUNN: Okay. Good morning.
13 I'll be brief.

14 I just want to reiterate a point
15 that I made at the last meeting
16 concerning the discussion or lack of
17 discussion about substantive issues.

18 I think at the last meeting Tony
19 rightly made a comment about a police
20 officer being shot and killed in
21 Brooklyn. And I have said many times
22 before that this board should be doing
23 the police shootings. There have been a
24 number of significant police shootings in
25 the last two weeks, including the

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1 shooting last week of an unarmed eighteen
2 year old boy in the bathroom of his
3 apartment.

4 And while I do not expect the CCRB
5 to be passing judgment about individual
6 shooting incidents, or sort out the
7 process around that, I find it troubling
8 that there is no conversation among this
9 board about the biggest issues, the
10 potential police misconduct in the city.
11 Everybody's talking about police
12 shootings, except this board. And it's
13 your job you should be involved in this
14 issue.

15 There was also a significant beating
16 incident that surfaced last weekend in
17 the forty-seventh precinct -- excuse me
18 forty-second precinct, with four officers
19 who were on videotape pummeling a man who
20 was arrested. And, again, I don't want
21 to suggest that I expect people here to
22 be getting into particular incidents, but
23 I just find it troubling there is no
24 discussion on this board, and there has
25 not been seemingly for a very long time

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1 about things like these types of
2 incidents. And I just think the board
3 would be part of this conversation, while
4 behaving in an appropriate way, but needs
5 to be part of these conversations. Many
6 people in the city are talking about it.
7 And it's part of your responsibility.

8 Finally, I have a mention about the
9 broader policy issues. As you may have
10 seen in this morning's Wall Street
11 Journal, City Council Speaker Quinn has
12 written a letter to Commissioner Kelly,
13 which she released publicly, raising a
14 number of issues about stop and frisk
15 practices. And this is a topic about
16 which this board has reported to its
17 credit, but stop and frisk continues to
18 be a major issue here in the city. And
19 Tony raised, himself, last couple of
20 meetings the issue about following-up on
21 the board's examination of stop and frisk
22 practices. There is no bigger issue in
23 the city than in terms of the number of
24 people that's affected in the stop and
25 frisk. And it's great that Speaker

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1 Quinn's getting involved in this. She
2 has not been a public participant in that
3 discussion so far, now she is. And I
4 just hope maybe this will be an
5 opportunity for the CCRB to get more
6 involved in that issue. Thank you.

7 THE CHAIR: Thank you.

8 If there's nothing else we're going
9 to break into Executive Session. Thank
10 you.

11 (Meeting concluded)

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