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MEETING OF
THE CIVILIAN COMPLAINT REVIEW BOARD
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May 11, 2011
10:12 a.m.
40 Rector Street
2nd Floor
New York, New York 10006

DANIEL D. CHU, 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

Reported By: Erwin Fried

1

2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 BISHOP MITCHELL G. TAYLOR

6 YOUNGIK YOON, ESQ.

7 JULES A. MARTIN, ESQ.

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1 THE CHAIR: All right. Let's call
2 this meeting to order the best we can.
3 As everyone can see, we are short of a
4 quorum today so -- it's probably not a
5 big surprise since we have four
6 vacancies. At full strength, we have
7 nine people. At this point, we have six.

8 Again, we have spoken to the powers
9 that be. We've spoken to all the
10 appointing committees. They are aware of
11 the problem. Not happy about this but
12 whether or not this can constitute a
13 valid meeting, we are here. We are going
14 to share the information that we have
15 today. We're obviously not going to vote
16 on anything substantive.

17 But let us just proceed. Do I hear
18 a -- well, in terms of the minutes, I
19 know the open meetings law indicates that
20 as long as they're made available -- and
21 as far as I understand they are available
22 on the website or they will be. Let's
23 deem that to be an unapproved draft at
24 this point and at a time -- hopefully at
25 the next meeting, we'll be able to adopt

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1 that motion officially.

2 Moving right along, report from the
3 Chair. We did get our 2011 budget. At
4 this point, it looks like we're losing
5 170,288 dollars. What that translates
6 into is a loss of four investigative
7 units, one administrative unit --

8 MS. THOMPSON: Heads.

9 THE CHAIR: I'm sorry; heads. Four
10 investigative heads, one administrative
11 head and the total head count then now
12 becomes 141 with 112 of that 141 being
13 investigative positions.

14 MS. THOMPSON: Right.

15 THE CHAIR: Further in that vein, we
16 will be meeting on May 18th for the
17 budget meeting before City Council.

18 In terms of the next order of
19 business, the Administrative Prosecution
20 Unit, the information that I have is that
21 the first lead case will be commencing on
22 May 24th, 2011 so we're all very excited
23 about that. We also are very happy to
24 announce the award of the New York
25 Community Trust Grant and that is in

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1 relation to a new program that we are
2 very happy to be unveiling. It's called
3 the CCRB Ambassadors Program and to fill
4 in some details and give you further
5 information in that regard, I'm going to
6 turn the mic over to Bishop Taylor.

7 MR. TAYLOR: All right. I thank you
8 so much, Dan, for the mic. Yeah. The --
9 we're excited about the CCRB Ambassadors
10 Program. It's really about education and
11 leadership training and giving kids that
12 are on the pathway to college access to a
13 viable internship that will give their
14 resumes and their applications the
15 gravitas to complete with other students
16 from other communities.

17 And so we're excited about it and
18 it's going to pilot in northwestern
19 Queens and after we pilot it in
20 northwestern Queens, we look to replicate
21 it in other communities throughout the
22 city.

23 THE CHAIR: And just be clear, we're
24 actually starting with a group that
25 you're already familiar with.

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1 MR. TAYLOR: Yes. So we're
2 starting with -- the way the program, we
3 feel, will work best is to embed it in
4 already existing college access programs
5 throughout the city in inner city
6 communities. And so we have a cohort now
7 of forty kids that are in eleventh and
8 twelfth grade college access program in
9 northwestern Queens and so they're going
10 to start -- they're going to pilot that
11 program with those two cohorts.

12 And the excellent thing about it is
13 that the eleventh and twelfth grade first
14 cohort will go through this together and
15 then when a new cohort comes in, the new
16 eleventh grade cohort comes in, and the
17 eleventh grade cohort, presently, moves
18 up, they'll be able to train and assist
19 the new cohort that comes in on the
20 education and leadership pattern of the
21 program. So it always leaves you with an
22 experienced group to help the other group
23 kind of assimilate into the process.

24 THE CHAIR: Thank you very much.
25 One final point is the June board meeting

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1 is scheduled to be in the Bronx. So the
2 address there -- it's going to be in
3 Bronx Borough Hall. The address, I
4 believe, is 851 Grand Concourse. It's
5 going to be in the ninth floor conference
6 room.

7 And we'll have directions on the
8 website but, in essence, it's by public
9 transportation, you can take the 4 train,
10 the B or the D to 164th street. That's
11 the nearest subway access.

12 MS THOMPSON: 161st.

13 THE CHAIR: We're going to move
14 along now to the report from the
15 Executive Director.

16 MS. THOMPSON: Okay. Since Dan
17 already spoke a little bit about the
18 budget, just let me say that the other
19 piece that was not discussed was that the
20 APU was funded for two people, the
21 existing two that we have, for six
22 months. So that would mean that it would
23 be funded through December of 2011.
24 We're, obviously, hoping that when we go
25 before the Council, that we will ask for

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1 monies to be put back so that we can
2 continue to extend the APU.

3 The monthly stats: In April 2011
4 the CCRB received 515 complaints, or 53
5 more complaints than it received in April
6 of 2010 when the agency received 568
7 complaints. This represents a nine
8 percent increase in complaint activity.

9 In the first four months of the
10 year, the CCRB has received 2010
11 complaints or 106 fewer complaints than
12 it received for the same period of 2010,
13 when the agency received 2,116
14 complaints. This represents a five
15 percent decrease in complaint activity.
16 Total intake which is the sum of CCRB
17 cases and referrals to other
18 jurisdictions decreased year-to-date by
19 four percent from 5,568 to 5, 321.

20 In April 2011 the board closed 964
21 cases. 376 were full investigations, 576
22 were closed as truncated and 12 cases
23 were closed through mediation. The year-
24 to-date substantiation rate is seven
25 percent, which is four points lower than

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1 in 2010 and the truncation rate is sixty-
2 three percent, which is three points
3 higher than in 2010.

4 With the board closing this month
5 461 fewer cases than it received, the
6 agency's open docket shows a fifteen
7 percent decrease in relation to the
8 previous month's open docket. The docket
9 stands at 2,556 cases. About ninety-
10 seven percent of our open investigations
11 were filed within the last year.

12 Of the open cases, 765 cases are
13 awaiting panel review or thirty percent
14 of all open cases. 1,513 are currently
15 being investigated and 278 cases are in
16 the mediation program. By date of
17 occurrence of the incident, seven cases
18 in the CCRB's open docket are eighteen
19 months and older, four cases are on DA
20 hold and three are pending board review.

21 In March of 2011, the Police
22 Department disposed of twenty-six cases.
23 They disciplined twenty-one officers.
24 Twenty officers received command
25 discipline and instructions and one was

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1 found guilty. In four cases, the
2 department declined to prosecute the CCRB
3 cases. There was one officer that was
4 found not guilty after the trial. The
5 year-to-date discipline rate is seventy-
6 eight percent and the discipline -- the
7 department decline to prosecute rate is
8 twenty percent for the year-to-date.

9 I would also like to just say that
10 out of the top twenty-five New York City
11 agencies, we were number eighteen for our
12 blood drive and I would like to publicly
13 thank Edwin Pena who is the
14 supervisor in Team 3. I don't know if
15 Edwin is here. His other half is here so
16 you can pass it on. So we received a
17 little award, it's shaped like a drop of
18 blood and it says one of the top -- CCRB,
19 one of the top city agencies.

20 So again, thank you and next year
21 we're moving on to leeches to move it up
22 so that we get higher than eighteen!! So
23 thanks everybody for participating in the
24 program.

25 THE CHAIR: Let's do committee

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1 reports. Are there any updates from any
2 of the committees?

3 MR. DONLON: On Reports and
4 Recommendations committee, the annual
5 report has been -- well, it's in final
6 review. It's very close to completion
7 and it should be going to the printer
8 within a week or so, we would hope. It
9 might be a week to ten days, something on
10 that order. But it's very close to
11 completely ready for print.

12 THE CHAIR: And I just want to add
13 that I've had opportunities to look at
14 the evolving drafts of that final report
15 and I just want to take this opportunity
16 to thank the staff, everyone involved who
17 had input into that. I do think that
18 over the course of time, even in the
19 three years that I've been on the board,
20 it seems like the product that comes to
21 me, the draft that comes, has
22 increasingly become more polished and
23 requires less revisions and less work on
24 the part of the board and we thank you
25 for that.

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1 We know that, you know, you guys are
2 stretched out pretty thin in these times
3 and it's duly noted that you guys are
4 doing a great job. And in particular, I
5 think that the public will, hopefully,
6 enjoy the cover as much as I did. I
7 think it's -- we went from a high school
8 yearbook type cover to a much younger,
9 hipper cover and maybe that's, you know,
10 the direction that we're going.

11 Moving on to -- any other committee
12 reports? Moving on to old business. I
13 think it's just the vacancies here. We
14 need to do something about it. I'm -- I
15 can't say enough about how I find the
16 situation to be -- to quote Chris Dunn
17 "baffling". We're doing everything we
18 can regarding getting these vacancies
19 filled.

20 But having said that, I want to take
21 the opportunity to thank the board
22 members that are here consistently, the
23 people that are here at 10 o'clock, ready
24 to go and the people that have been duly
25 reading their cases, making use of the

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1 new electronic voting sheets, the
2 downloadable cases and just being
3 prepared and ready to go.

4 I think that, you know, anyone who's
5 not here, certainly, I've reached out to
6 and it seems like there are certainly
7 legitimate work-related reasons for
8 everyone but at the same time, the board
9 must go on. So, I hope this is the first
10 and last time that we don't have a quorum
11 and I'm going to do everything I can to
12 make sure that that is the case.

13 That segues into new business. New
14 business; we've arranged to meet with the
15 Police Commissioner as well as Christine
16 Quinn. And as far as the topics to be
17 discussed, I think I might just bring up
18 the vacancies. Again, I'm going to be
19 like that dog with the Snausages
20 commercial. I'm just going to pop up
21 wherever I can and just remind them that
22 we have vacancies we need to be filled.

23 Is there any other new business from
24 anyone else on the board -- on the panel?
25 All right. We're going to move right

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1 along now to public comment. And Chris
2 Dunn?

3 MR. DUNN: Okay. Good morning.

4 IN UNISON: Good morning.

5 MR. DUNN: Apropos to this shortened meeting,
6 my remarks are going to be very short. First let's
7 start with the good news. I note that
8 the eighteen plus month case number is
9 way down. I take it that's not an
10 accident. That's terrific. I see -- I'm
11 sure you aspire you zero and I support
12 that aspiration. It's very nice to see
13 those numbers came down. I see that.

14 The Ambassadors Program. So I'd
15 asked before and was told I couldn't have
16 it until you guys got the final signup
17 but I would like to get, actually,
18 whatever the written documentation is
19 describing the program. We like the
20 program, sounds good to us but we
21 actually would like to see, you know, the
22 way it's written --

23 MR. TAYLOR: Okay.

24 MR. DUNN: -- described in writing.

25 And how much money did you get?

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1 MS. THOMPSON: \$40,000.

2 MR. DUNN: 40,000 dollars. Okay.

3 Is that a one year --

4 MS. THOMPSON: One year.

5 MR. DUNN: All right. And are they
6 open to renewing it?

7 MS. THOMPSON: They seem to be.

8 MR. DUNN: Okay.

9 MS. THOMPSON: I mean, they're
10 not giving us anything in writing, of
11 course, but --

12 MR. DUNN: Understood. Okay.
13 That's great. Dan, I can't tell you how
14 happy I am to hear about the hipper and
15 younger looking cover. As a person who
16 embodies both of those traits, you know I
17 will personally relate to that. But, you
18 know, I've tweaked you guys about the
19 cover. I thought the cover on the semi-
20 annual report was a significant
21 improvement and I can't wait for the
22 unwrapping as the new.

23 The final thing I wanted to say --
24 and I understand you guys are in the
25 middle of a budget process and you're --

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1 you know, it's been new people and, Dan,
2 you're the new chair, but I am hoping
3 that in the not too distant future we can
4 get beyond talking about the day-to-day
5 business of processing the sausages of
6 the CCRB, if you will, and start having
7 some discussion and some consideration
8 about some of the larger policing issues
9 that we have in the city that are part of
10 what you do.

11 And when you go and meet with
12 Commissioner Kelly and Speaker Quinn, is
13 that a meeting with the two of them
14 together or are those separate meetings?

15 MS. THOMPSON: No.

16 THE CHAIR: Separate meetings.

17 MS. THOMPSON: Separate meetings.

18 MR. DUNN: Separate meetings. Okay.

19 Well, I understand maybe the first three
20 things you will say, Dan, are vacancies,
21 vacancies, vacancies. But I'm hoping
22 there will be additional things on the
23 list. And I just want to encourage you,
24 personally, and the board (indiscernible)
25 people come on and they will, that I'm

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1 hoping that we can get to a point where
2 there is -- in addition to what you do on
3 a regular basis, there's more
4 consideration of and more public
5 discussion about some of the big policy
6 issues that are facing the Police
7 Department which I think should be your
8 business and something you should talk
9 about.

10 With that I will sit down.

11 THE CHAIR: All right. With that, I
12 think we're going to take a five minute
13 recess and break into Executive Session.

14 MS THOMPSON: There's
15 somebody in the back there that --

16 THE CHAIR: Oh.

17 THE CHAIR: He's not on
18 the list.

19 THE CHAIR: I'm sorry.

20 MR. MILLER: Hi. My name is Conrad
21 Miller and I'm (indiscernible) just
22 a person who (indiscernible) the CCRB and
23 I've had a chance to talk to a number of
24 people including my investigator and the
25 attorney for the CCRB and Norm Siegel

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1 who founded or helped write the
2 legislation for this and I think it's a
3 valuable resource.

4 I'm sad to hear of such dire times
5 for the company as far as retention or
6 filling these roles that need to happen
7 in order for civilians to be able to
8 respond to these things that happen to
9 them on everyday basis. And I sympathize
10 with that. I do have at least one option
11 and one solution that could help which is
12 citizen policing and via the citizen's
13 review board that would enable people to
14 help regulate the actions of the police
15 officers.

16 And in order to do that, we need to
17 be able to videotape police officers.
18 That brings me to my -- CCRB in the first
19 place. As you can tell, I'm a little
20 nervous. I didn't write any notes. I
21 was filming police action. I was filming
22 a bag search at a subway stop --

23 THE CHAIR: Sir, I don't want to --

24 MR. MILLER: Oh, okay.

25 THE CHAIR: -- stop you from talking

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1 but I just want to say that, if you're
2 about to go into the specifics of your
3 case, it's probably not a good idea to do
4 that on the record. So if you'd like,
5 you can, you know, maybe discuss this
6 further with an investigator and see if
7 there's anything he can do for you.

8 MR. MILLER: Which would lead --
9 which would bring me to a possible
10 suggestion as far as appeal. If there
11 is, you feel, a reason that
12 my case is not being directed to
13 the right authority -- for example, CCRB
14 did not investigate my case
15 (indiscernible), then I -- if a civilian
16 does not wish to be called by the
17 sergeant of the anti-terrorism passports
18 unit, which I was two nights ago, which
19 is a very disturbing call and we had a
20 heated discussion, I would suggest that
21 possibly a review -- a process be
22 implemented where we can appeal such
23 decisions --

24 MS. THOMPSON: You can. The process
25 is very --

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1 MR. MILLER: -- and my case could be
2 investigated. I appreciate your time.
3 Thank you very much.

4 THE CHAIR: Okay. Just for the
5 record, there is an appeals process so if
6 you want to get the specifics, we can get
7 someone who's going to fill you in on the
8 details. All right? Would someone speak
9 to him after the meeting?

10 All right? We're going to -- at
11 this point, we're going to take a five
12 minute break and go into Executive
13 Session. Thank you very much.

14 (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:
May 19, 2011.

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