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MEETING OF  
THE CIVILIAN COMPLAINT REVIEW BOARD  
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November 9, 2011  
10:11 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

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BOARD MEMBERS PRESENT WERE:

- JAMES DONLON, ESQ.
- DR. MOHAMMAD KHALID
- YOUNGIK YOON, ESQ.
- MARY E. MULLIGAN, ESQ.
- TOSANO SIMONETTI
- ALPHONZO A. GRANT, ESQ.
- BISHOP MITCHELL G. TAYLOR
- JULES A. MARTIN, ESQ.
- DAVID G. LISTON, ESQ.

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1           THE CHAIR: I would like to call this  
2           meeting to order. First order of business  
3           would be the adoption of the October 2011  
4           minutes. Do I have a motion from anyone?

5           MR. SIMONETTI: Motion.

6           MR. DONLON: Second.

7           THE CHAIR: Okay. All those in  
8           favor.

9           IN UNISON: Aye.

10          THE CHAIR: Any objections?

11          Any abstentions?

12          Okay, that's passed unanimously.

13          At this point we haven't heard back  
14          formally from OMB yet pertaining to our  
15          new needs. And at this point we still  
16          are subject to a hiring freeze. So  
17          slowly but surely our agency is facing a  
18          vacancy rate of sixteen percent  
19          agency-wide, and it's risen now to  
20          nineteen percent for the investigations  
21          division. So that's something that is  
22          going to take our urgent attention to try  
23          to address.

24          We're hoping, and I think normally  
25          we will get a formal announcement

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1           sometime later this month in mid-  
2           November. And hopefully we will be able  
3           to get past this temporary hiring freeze  
4           and be able to restore some of the  
5           investigative head count. And, again,  
6           hopefully we're going to have funding to  
7           continue the administration -- the  
8           administrative prosecution unit. But at  
9           this point we haven't had any kind of  
10          formal announcement as of yet.

11                 One of the other things that I  
12          wanted to report on is the Occupy Wall  
13          Street situation.

14                 We, at the very high point, were  
15          receiving approximately 250 contacts,  
16          either by e-mail or by phone calls. In  
17          the last, I'd say week or so, the numbers  
18          diminished -- it's been consistently  
19          diminishing. And in the last week to  
20          week and a half I believe the number has  
21          gone actually down to zero.

22                 We do have a handful of active cases  
23          that are being processed right now. And  
24          we are coordinating with other agencies  
25          that also have parallel investigations.

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1           So at this point, we do have a  
2           handful that are active cases, and we are  
3           waiting to obtain additional information  
4           and also obtain necessary interviews to  
5           move forward and make -- and bring those  
6           to a panel review.

7           The one other point that I wanted to  
8           mention is there's been obviously a lot  
9           of articles, a lot of blogs, and a lot of  
10          talk about oversight; police oversight.  
11          That seems to be in the news everyday  
12          now. And just to set the record straight  
13          a lot of these articles have mentioned  
14          us. And as most of you who are here know  
15          we derive our powers from the City  
16          Charter. We -- our jurisdiction is known  
17          as FADO, excessive unnecessary force,  
18          abuse of authority, discourtesy and  
19          offensive language. So anything that  
20          falls outside of that, anything that  
21          smells of corruption or, you know, the  
22          stuff that you hear now in the papers  
23          pertaining to allegations of gun-running  
24          or ticket fixing, that falls outside of  
25          our jurisdiction.

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1           There was recently an article that I  
2           think was picked up by a couple of the  
3           more major news outlets put out by a  
4           civic group that reviewed both us and  
5           also the Commission to Combat Police  
6           Corruption. And I just wanted to point  
7           out that the CCRB is limited by FADO.  
8           And I wanted to just point out that we do  
9           have subpoena power. We do get  
10          cooperation from the NYPD in terms of  
11          obtaining necessary paperwork and  
12          attendance. And to that end, we have a  
13          unit here -- a liaison unit from the NYPD  
14          consisting of Lieutenant Swanson,  
15          Sergeant Mui and two other officers  
16          that assist us day-to-day in getting  
17          attendance, in doing database checks, and  
18          ensuring basically that we get what we  
19          need to proceed and more forward on our  
20          investigations; things that fall within  
21          our jurisdiction.

22                 Despite the fact that some of the  
23                 issues mentioned don't fall within our  
24                 jurisdiction, I would also like to make  
25                 clear that we are always interested in

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1 meeting with the administration, with the  
2 City Council as well as with any civic  
3 groups in terms of highlighting and  
4 discussing this issue.

5 Some of those articles, I've tried  
6 to keep abreast of most of them. And I  
7 think there's some -- it's certainly an  
8 important issue to be discussed. I think  
9 some good ideas come out of those blogs  
10 and articles. And, hopefully, you know,  
11 some of these in terms of budget problems  
12 and pegging our budget to a percentage of  
13 the NYPD budget, those are certainly  
14 ideas that I think should be floated  
15 around, should be discussed and would  
16 alleviate some of the constraints,  
17 budgetary constraints that we're now  
18 facing. So we welcome discussion. But,  
19 again, we're limited to what our  
20 jurisdiction is.

21 In terms of our involvement with  
22 corruption I would point out that things  
23 that fall out of our jurisdiction, but  
24 things that come to our attention during  
25 interviews and during our investigative

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1 process are referred to the appropriate  
2 agencies. And during the course of the  
3 last year, approximately 1500 or so cases  
4 were referred to the appropriate agencies  
5 when we detected issues that may smell of  
6 corruption. So that is our contribution  
7 to that area of oversight and  
8 enforcement.

9 And in terms of a comparison to what  
10 systems are in place in other large  
11 cities we do believe that we are the gold  
12 standard here, and we do employ best  
13 practices. And, you know, toward that  
14 end we attend conferences every year. We  
15 are in constant touch with other  
16 oversight agencies throughout the country  
17 and throughout the world. And we do  
18 coordinate and we do share ideas. But  
19 we're always open to new and innovative  
20 ideas as to how we can do and better  
21 perform our job while dealing with the  
22 realities of the budget that face us  
23 now.

24 All right, moving on, I would also  
25 like to congratulate Laura Edidin.

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1           After a very grueling interview process  
2           she is now going to be the next Deputy  
3           Executive Director of Investigations.

4           I also want to congratulate Roger  
5           Smith. Roger Smith is going to retain  
6           his position as a team attorney. But in  
7           addition to his duties as team attorney,  
8           he's going to be promoted to the Director  
9           of Training. And he's going to be  
10          bringing additional routine and regular  
11          training to the staff of investigators.  
12          That's something that the board has taken  
13          a new focus on, holding more -- holding  
14          training sessions with a lot more  
15          regularity so that the investigators are  
16          up-to-date with what's going on, and  
17          everyone's on the same page.

18          One of the visions that we have is  
19          better communication, obviously among the  
20          agency with the NYPD, with the community,  
21          and also, you know, just furthering the  
22          training here, and the accountability.  
23          So that's something that all of you  
24          should look forward to.

25          Another piece of good news is our

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1 former board member, William Kuntz II, is  
2 going to be sworn in later this afternoon  
3 as a district law judge in Eastern  
4 District. So I'm sure everyone here  
5 joins us in congratulating him on that  
6 very auspicious event.

7 In terms of other news to report, we  
8 obviously still do have three vacancies  
9 on the board. We have one from the  
10 Mayor's side, one from the Police  
11 Commissioner's side, and one from City  
12 Council.

13 As far as I can report I know that  
14 there are things actively taking place  
15 from the Mayor's side. I know that the  
16 Police Commissioner is actively looking  
17 to fill that vacancy. I don't know, and  
18 I haven't heard much, from the City  
19 Council in terms of replacing Dennis  
20 de Leon. So hopefully that's something  
21 that I'll be able to report on with  
22 additional news in terms of his  
23 replacement. It's now been how many  
24 years?

25 MS. THOMPSON: It is almost two.

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1           THE CHAIR: I agree, I think it's  
2           been two years, and possibly more  
3           than two years. So, hopefully,  
4           we'll get some momentum in resolving that  
5           issue.

6           All right, at this point I'm going  
7           to turn the floor over to Joan Thompson,  
8           the Executive Director, for her report.

9           MS. THOMPSON: Thank you.

10          Before I start the report I just  
11          want to add a little something to what  
12          Dan had said about our head count.

13          I think if you look in the packets  
14          that you will see that authorized head  
15          count is 141. And as of October 31st our  
16          actual head count was 118. Which means  
17          that there are twenty-three vacancies.

18          More importantly, twenty-two of the  
19          vacancies are in the investigative  
20          division, resulting in a nineteen percent  
21          vacancy rate.

22          And we calculate that if we would  
23          continue at that rate we would have close  
24          to 1,000 cases in our docket by the end  
25          of the year.

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1           So we're just saying that we are  
2           hopeful that when we hear back from OMB  
3           that we will -- that it will be positive  
4           for us.

5           The monthly stats are as follows:

6           In October the CCRB received 493  
7           complaints. This is ninety-nine more  
8           complaints that it received in October  
9           2010. The agency received 592 complaints  
10          or a seventeen percent decrease in  
11          complaint activity.

12          From January to October 2011 the  
13          CCRB received 5,090 complaints or 507  
14          fewer complaints than it received for the  
15          same period of 2010 when the agency  
16          received 5,597 complaints.

17          This represents a nine percent  
18          decrease in complaint activity year-to-  
19          date.

20          In October the board closed 311  
21          cases. Eighty-four were full  
22          investigations, 219 were truncated. The  
23          truncation rate is sixty-two percent,  
24          three points higher than in the same  
25          period of 2010. The year-to-date

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1           substantiation rate is eight percent,  
2           which is three points lower than in the  
3           same period of 2010. Year-to-date the  
4           board has substantiated 133 cases.

5           Civilians and officers sat down for  
6           nine mediations, of which eight were  
7           successful. Year-to-date there's been  
8           122 mediation sessions, resulting in 113  
9           successful mediations. The success rate  
10          for mediation is ninety-three percent.  
11          The rate for last year was ninety-four.

12          In September the board closed 162  
13          fewer cases than it received, resulting  
14          in a six percent decrease in the size of  
15          the docket.

16          The docket stands at 2,819 cases.  
17          About ninety-five percent of our open  
18          investigations were filed within the last  
19          year. And sixty-five percent were filed  
20          in the last four months. Of the open  
21          cases 785 cases are awaiting panel  
22          review, which translate to twenty-eight  
23          percent of all open cases. 1,785 cases  
24          are currently being investigated. And  
25          249 cases are in the mediation program.

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1           By date of occurrence of the  
2           incident fourteen cases in the open  
3           docket are eighteen months or older.  
4           This is the same number that was in  
5           previous month. Twelve cases are already  
6           on -- are still on the list. Two cases  
7           pending are pending board review resolved  
8           and two cases are new to the list. Three  
9           cases are on DA hold. Seven cases are  
10          pending board review. Ten were filed  
11          late in the process. One was delayed  
12          because of officers are on military  
13          leave. And one case the board requested  
14          further information after the case had  
15          been submitted to the board panel.

16          In September the Police Department  
17          disposed of twenty-seven cases. The  
18          department disciplined twenty-one  
19          officers and did not discipline three  
20          officers. Two officers negotiated a plea  
21          of guilty for ten days. And twenty-two  
22          officers received command discipline and  
23          instruction.

24          In two cases the department declined  
25          to prosecute the CCRB cases. And in one

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1 case the officer was found not guilty  
2 after trial.

3 The year-to-date discipline rate is  
4 seventy-nine percent. And the department  
5 declined to prosecute rate is eighteen  
6 percent.

7 MR. SIMONETTI: The first page of  
8 the Executive Director's report --

9 MS. THOMPSON: Yes.

10 MR. SIMONETTI: How many cases reaching  
11 disposition? There appears to be a number  
12 missing there. If the total is 515  
13 obviously those other three numbers don't  
14 add up to 515. Because, I mean,  
15 that's -- does anyone know what those  
16 numbers are?

17 MS. THOMPSON: Are we missing a  
18 number?

19 MR. SIMONETTI: Well, this isn't  
20 correct here, this is wrong. This is 300  
21 and -- this is the right numbers?

22 THE CHAIR: No, no. These are the  
23 right numbers, but this 115 is the  
24 correct number.

25 MR. SIMONETTI: Well, if that be the

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1 case the 315 cases that were  
2 investigated, 219 were truncated. And, I  
3 mean, that's -- I know you said the  
4 truncation rate is at fifty-three  
5 percent. I mean, I don't know if this is  
6 an aberration for the one month, but it  
7 certainly seems to be way above fifty-  
8 three percent.

9 And, once again, I just caution  
10 staff that we got to be looking at these  
11 cases very carefully and see what we can  
12 do with that truncation rate.

13 MR. DUNN: Seventy percent, Tony.  
14 The seventy-two --

15 MR. SIMONETTI: Well above eighty-  
16 three percent, that's well above.

17 MARCOS: Tony, the truncation rate  
18 for the month was seventeen percent.

19 MR. SIMONETTI: Seventy.

20 MARCOS: 7-0.

21 THE CHAIR: My understanding, Tony,  
22 is -- Mr. Simonetti, is that --

23 MR. SIMONETTI: Tony is fine, my  
24 father is Mr. Simonetti.

25 THE CHAIR: Is that we seem to have

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1 an inconsistent number of panels meeting  
2 from month-to-month. So these numbers  
3 are somewhat representative of how many  
4 cases are being closed by the panel.

5 So, for instance, for October I  
6 think -- and please, the staff, if I'm  
7 wrong, let me know, it indicates that  
8 Joan, who has handled a lot of the  
9 truncated cases now closed out a lot more  
10 cases than the panel. So to that end,  
11 when we talk about holding the staff kind  
12 of more accountable and everything else,  
13 I would just remind my fellow  
14 commissioners that we, too, need to do a  
15 better job in terms of meeting.

16 It's very difficult to get three  
17 busy bodies together. We all have day  
18 jobs. But, you know, we clearly need to  
19 do a better job in terms of meeting them  
20 and closing out these cases. That's my  
21 understanding of why that number's so  
22 high.

23 MR. SIMONETTI: And year-to-date is  
24 fifty-three percent.

25 MS. THOMPSON: Yes, I believe so.

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1 Yes.

2 THE CHAIR: Yes, Commissioner  
3 Martin.

4 MR. MARTIN: Going back to the  
5 vacancy number. We have twenty-two vacancies?

6 MS. THOMPSON: Twenty-three  
7 vacancies.

8 MR. MARTIN: Twenty-three vacancies.  
9 Are they actually vacancies or are they  
10 lost positions. Meaning, how many of the  
11 twenty-three could be filled?

12 MS. THOMPSON: No, they're  
13 vacancies.

14 MR. MARTIN: Their vacancies. All  
15 twenty-three can be filled?

16 MS. THOMPSON: Yes. Well --

17 THE CHAIR: Subject to the hiring  
18 freeze.

19 MS. THOMPSON: Subject to the hiring  
20 freeze and whether we can get a waiver  
21 for the two for one. Because, again, the  
22 two for one impacts a very small agency  
23 like ourselves in a really  
24 disproportionate way. Because for us to  
25 get twenty-three people in that means we

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1           have to have forty-six people leave. So  
2           for us, I mean forty-six people here is,  
3           you know a great many of our staff. So  
4           it really affects us, and as I said in a  
5           very disproportionate way.

6           MR. SIMONETTI: So the vacancy rate  
7           that is not reflective of what's really  
8           happening then. If you're saying it's a  
9           two for one exchange.

10          MS. THOMPSON: Well, the two for one  
11          is the city rule.

12          MR. SIMONETTI: Yeah, I understand  
13          that.

14          MS. THOMPSON: Yes.

15          THE CHAIR: So I think that is an  
16          actual number. But I think the two for  
17          one basically says we'll never actually  
18          be able to restore that.

19          MS. THOMPSON: We will never actually be  
20          made whole if waiver is not granted.

21          THE CHAIR: Unless we get a waiver.

22          MR. SIMONETTI: So it doesn't look  
23          like we're going to be getting more  
24          investigators.

25          MS. THOMPSON: Well, we're hoping.

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1 We're talking to OMB and hoping that we  
2 can come up with some kind of --

3 MR. SIMONETTI: Do they still  
4 require individual requests for each  
5 person?

6 MS. THOMPSON: It's a par, yes.

7 MR. SIMONETTI: You have to do a par  
8 for everybody?

9 MS. THOMPSON: Yes.

10 MR. SIMONETTI: Okay.

11 THE CHAIR: We've been on the  
12 Committee Reports. Are there any  
13 committees making any reports?

14 Okay. Just to fill the dead air I  
15 will let people know that the semiannual  
16 is at the printer now. So that should be  
17 ready shortly.

18 Is there any old business?

19 Any new business?

20 (Pause)

21 I think I'll hold off on that.

22 All right, we're going to move to  
23 public comment. We're going to start  
24 with Thomas Weiss.

25 MR. WEISS: I'm here for a couple of

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1 reasons.

2 One is I just became aware of these  
3 meetings. I also happen to have a  
4 case --

5 THE CHAIR: Will you just state your  
6 name officially for the record.

7 MR. WEISS: My name is Thomas Weiss.  
8 And I live in Staten Island. And I have  
9 a case that was accepted for  
10 investigation some months ago. And at  
11 this point I'm not exactly sure what's  
12 happening because of some questions that  
13 have been raised.

14 As a matter of fact, I've sent Ms.  
15 Thompson an e-mail about that.

16 THE CHAIR: But, Mr. Weiss --

17 MR. WEISS: I'm having trouble --

18 THE CHAIR: -- let me suggest this,  
19 let me suggest that if you're talking  
20 about --

21 MR. WEISS: I wasn't going to go  
22 into details on it.

23 THE CHAIR: If you're going to talk  
24 about your case what I'll do is I'll have  
25 one of the investigators speak with

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1           you --

2           MR. WEISS: Well, I wasn't going to  
3 go into details, especially since I've --

4           THE CHAIR: Okay.

5           MR. WEISS: -- already written the  
6 memo. Part of the problem is getting  
7 responses which haven't been forthcoming.

8           THE CHAIR: Okay.

9           MR. WEISS: But I had a couple of  
10 questions.

11           One is I've been involved in a  
12 number of incidents with police,  
13 et cetera. And recently I was pretty  
14 much manhandled and, it turns out,  
15 illegally arrested by a security staff at  
16 the Parks Department. And I didn't know  
17 how to go make a complaint. And I was  
18 advised, and I want to make sure the  
19 information is correct, I was advised by  
20 a police officer that in such a case,  
21 where there are Parks Department  
22 enforcement individuals, that the  
23 complaint does not go through the Police  
24 Department, it is to be made, even though  
25 they're not police officers, to the CCRB.

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1           That's what I was instructed. And I  
2           didn't want to go ahead and pursue that  
3           until I got conformation here or was  
4           referred, presumably by this agency, to  
5           the correct agency. Otherwise, I'm just  
6           barking up the wrong tree.

7           THE CHAIR: I'm sure that the  
8           officer gave you the best information  
9           that was available to him at the time.  
10          But that's not my understanding.

11          MR. WEISS: Oh, well --

12          THE CHAIR: And what I think might  
13          be a better way to go forward with your  
14          concerns is we can have a team manager  
15          sit with you --

16          MR. WEISS: Okay.

17          THE CHAIR: -- and you will  
18          absolutely get a response.

19          MR. WEISS: Fine. I'm glad I raised  
20          the question, because I was all set to go  
21          ahead and then find out -- and I also  
22          wanted to find out does this agency --  
23          and I'm not planning anything right now,  
24          but in the event there is not a  
25          successful resolution of this, does this

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1           agency have an Inspector General. And,  
2           if so, who is it? It's not in the green  
3           book and I called Pat Harris' office and  
4           she referred me to DOI. And I got no  
5           answer there. And I'm just trying to  
6           find out if there is an IG and who that  
7           individual might be.

8           THE CHAIR: Again, to my knowledge,  
9           there is no IG for this agency. But I  
10          think you can get -- we'll have a team  
11          manager go through the procedures with  
12          you --

13          MR. WEISS: Today?

14          THE CHAIR: -- at the close of this  
15          meeting. That's correct.

16          MR. WEISS: Okay, good. That's the  
17          answer to my question. Thank you.

18          THE CHAIR: You're welcome. Mr.  
19          Dunn.

20          MR. DUNN: Okay, good morning.

21          THE CHAIR: Good morning.

22          MR. DUNN: Glad to hear you say,  
23          Dan, you want to meet the civil rules,  
24          because you have to meet with me every  
25          month, for better or for worse.

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1 THE CHAIR: Highlight of my month.

2 MR. DUNN: Highlight of your month.

3 So, Tony, you mentioned the  
4 truncation rate, and I -- every month I  
5 mention this, but it's now -- I think  
6 this is an historical high, I don't think  
7 there's ever been a seventy percent  
8 truncation rate for a reporting period  
9 before.

10 And, Tony, I read the report the  
11 truncation rate for the year now is  
12 sixty --

13 MR. SIMONETTI: Sixty-two.

14 MR. DUNN: -- sixty-two percent, and  
15 not fifty-three percent?

16 MR. SIMONETTI: That's what the  
17 report says. Thank you.

18 MR. DUNN: I'm not correcting you,  
19 I'm just saying we have been told --

20 MR. SIMONETTI: Right.

21 MR. DUNN: -- fifty-three percent,  
22 and it's sixty-two percent.

23 And there may be some sort of  
24 statistical quirk by virtue of processing  
25 the cases, but the truncation rate

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1 continues to be, I think, a huge concern.  
2 Particularly in light of the claim  
3 numbers are going down. So there are  
4 fewer cases that you are seeing. So I  
5 would have thought that the truncation  
6 rate certainly would not be going up.

7 And I just want to say what I have  
8 said before, and Tony to pick up on the  
9 concern that you expressed, there needs  
10 to be I think some more serious  
11 institutional meeting of what happened in  
12 terms of the truncation process.

13 All right. Occupy Wall Street.  
14 Dan, I appreciate your reporting about  
15 that. Certainly, it seems like for now  
16 none of the serious policing problems  
17 that we talked about last month have  
18 abated probably because the department  
19 happily has been put in a situation where  
20 it can walk away a little bit from some  
21 of the conflict in Zuccotti Park. But it  
22 still continues to be a major policing  
23 event. And there still continues to be a  
24 lot of arrests, including this past  
25 weekend.

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1           And I will repeat what I said last  
2           month, which is I hope that the agency is  
3           doing more than just processing things  
4           that come in through the phone line or  
5           through the mail. And it's actually,  
6           having someone go out there on some  
7           regular basis to actually see what's  
8           happening.

9           It's three blocks away from here.  
10          It is the biggest policing event in the  
11          city on an ongoing basis. And I think it  
12          would do the agency well to have a  
13          presence up there.

14          Which relates to the third point  
15          and, perhaps, the most important point.  
16          And, Dan, I appreciate your spirited  
17          defense of the CCRB, and I understand  
18          that you guys have gotten dragged in the  
19          mud, a little bit unfairly, because you  
20          have been lumped in with some of the  
21          corruption and investigation issues.  
22          But I think, to be fair, what the lumping  
23          in reflects is that there is a general  
24          perception amongst the public and  
25          perception of what we share that there's,

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1           essentially, no oversight of the Police  
2           Department across the board.

3           And it is not only the things like  
4           corruption, where we've had this  
5           explosion of incidents over the last six  
6           months, it just keeps coming. That  
7           includes the Council, lack of oversight  
8           meaningfully by the Council, including by  
9           the Public Safety Committee, and my  
10          friend, Peter Vallone Jr., Chairman. And it  
11          includes the CCRB.

12          The CCRB is the -- you said it, Dan,  
13          the gold standard. It is the city agency  
14          that's got meaningful staff and  
15          meaningful resources that is charged with  
16          the specific responsibility of doing a  
17          substantial amount of oversight of the  
18          Police Department. And I just think that  
19          most people believe, and I think rightly  
20          so, that the CCRB is not playing nearly  
21          as active a role as it needs to be, and  
22          should be, in that oversight  
23          responsibility.

24          And I just think if you talk to most  
25          people in the public and even most people

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1           who are decision makers, they probably  
2           cannot identify anything in the last year  
3           or two years, or maybe three years, where  
4           the CCRB has done that they would  
5           identify as an act of actual oversight of  
6           the Police Department. You just have not  
7           been part of the conversation, you just  
8           have not taken actions that people will  
9           receive as being significant acts of  
10          oversight.

11           I understand you're processing a lot  
12          of cases, and that's fine and good, and  
13          we have concerns about that. But you're  
14          clearly processing a lot of cases.  
15          What's been missing is the bigger  
16          picture. What's missing is what I think  
17          people are now talking about, which is  
18          these are really meaningful substantive  
19          oversight of the Police Department. And  
20          for that I think you guys have just been  
21          completely absent.

22           And I have said this before, and I  
23          will say it again, we want you and we  
24          think you should, get out of just  
25          processing cases, and start thinking

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1 about and talking about and doing things  
2 about the bigger issues.

3 And you mentioned the semiannual  
4 report, I look forward to seeing it. The  
5 semiannual report, the report that you  
6 put out, and you're doing a much job of  
7 getting it out in a timely way, and  
8 that's good, that is an opportunity for  
9 you to point to bigger concerns, to point  
10 to police issues, to, perhaps, are  
11 thinking about recommendations, and any  
12 you made to the department beyond cases.  
13 That has been often times absent. But I  
14 look forward to seeing the semiannual  
15 report that we're going to get and maybe  
16 we'll all have some good news around  
17 that.

18 MR. SIMONETTI: Mr. Chair?

19 THE CHAIR: Yes, Mr. Simonetti.

20 MR. SIMONETTI: Chris, I guess you  
21 and I have probably been around the  
22 longest. So just let me remind you of  
23 the reports that we submitted after  
24 Tompkins Square Park, after the RNC. And  
25 going further back, if you recall the

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1 church incident in Queens, in Southeast  
2 Queens, the report that we submitted  
3 then. Beyond that we did reports on the  
4 9 mm, if you remember. We did reports on  
5 many, many things. I mean, the list is  
6 rather lengthy.

7 So we do go beyond really what our  
8 mandate is. And many of us on the board  
9 feel that that's our responsibility. So  
10 there may be something coming after we  
11 look at these cases that deal with the  
12 Wall Street protests. You know, maybe  
13 there'll be something forthcoming to the  
14 Police Department in terms of  
15 recommendation. I mean, that's normally  
16 a natural outgrowth after we do an  
17 investigation.

18 So we have done a lot, and I don't  
19 want the public to think, or people to  
20 believe, that we -- you know, we're so  
21 limited on our scope only give you the  
22 facts ma'am, and we're only going to look  
23 at the FADO, we go well beyond that, you  
24 know.

25 MR. DUNN: Well, I agree with all of

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1           that, you're absolutely right. In fact,  
2           I often point to the reports that the  
3           agency has done. But as you pointed out  
4           and as I think you understand, the last  
5           time the recommendation of that sort got  
6           made was after the convention, which  
7           was -- I hate to say it, because I'm  
8           still litigating these cases, seven  
9           years ago. And a lot of water's gone  
10          under the bridge in the Police Department  
11          since then.

12                 So I think -- when I look back at  
13          that history, that's a history that  
14          (indiscernible). It shows the agency can  
15          do those things. It certainly has  
16          the authority to do those things. And my  
17          concern is that it has not done those  
18          things.

19                 MR. SIMONETTI: Well, in more recent  
20          times I remind you of the strip search  
21          and the policy -- the new policy that was  
22          established by the department and the new  
23          order that came out in terms of strip  
24          search. So, I mean, that's since the RNC  
25          and Tompkins Sq, yes that's --

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1 MR. DUNN: Is that right?

2 MR. SIMONETTI: I think so.

3 MS. THOMPSON: Yes, it is.

4 MR. SIMONETTI: You know I'm a  
5 little older than you so I don't remember  
6 things as well as you do. But I think --

7 MR. DUNN: My memory's pretty bad,  
8 let me assure you.

9 MR. SIMONETTI: I think it's  
10 occurred in the last seven years, yes.

11 MR. DUNN: I'll give you that one,  
12 if that's true.

13 MR. SIMONETTI: Before. I'm being  
14 told by staff that it occurred before, so  
15 I apologize.

16 MR. DUNN: It's okay.

17 THE CHAIR: If there's nothing  
18 further we're going to break and then go  
19 to Executive Session.

20 Thank you all for coming.

21 (Meeting concluded)

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

I, Esther Accardi, 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:  
November 18, 2011

\_\_\_\_\_  
ESTHER ACCARDI (CET\*\*D-485)  
AAERT Certified Electronic Transcriber

