

1 Public Board Meeting
 2 Of the Civilian Complaint Review Board
 3 Wednesday, September 11, 2013
 4 10:00 a.m.
 5 40 Rector Street - 2nd Floor
 6 New York, NY 10006

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8 DANIEL D. CHU, ESQ., CHAIR
 9 TRACY CATAPANO-FOX, ESQ., EXECUTIVE DIRECTOR

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12 Public Meeting Agenda:

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- 14 1. Call to Order
- 15 2. Adoption of Minutes
- 16 3. Report from the Chair
- 17 4. Report from the Executive Director
- 18 5. Committee Reports
- 19 6. Old Business
- 20 7. New Business
- 21 8. Public Comment

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1 BOARD MEMBERS PRESENT WERE:
2 Dr. Mohammad Khalid
3 James Donlon, Esq.
4 Youngik Yoon, Esq.
5 Tosano J. Simonetti
6 Bishop Mitchell G. Taylor
7 Janette Cortes-Gomez, Esq.
8 Daniel M. Gitner, Esq.
9 Ralph Landin, Esq.
10 Alphonzo A. Grant, Esq.

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1 MS. JANETTE CORTES-GOMEZ: In the absence
2 of Dan Chu, I will be chairing today's meeting.
3 So I will be calling this to order. We'll begin
4 by accepting the August 2013 minutes. Do I hear
5 a motion?

6 MR. TOSANO J. SIMONETTI: Make a motion to
7 accept.

8 MS. CORTES-GOMEZ: Do I hear a second?

9 DR. MOHAMMAD KHALID: Second.

10 MS. CORTES-GOMEZ: All in favor?

11 ALL: Aye.

12 MS. CORTES-GOMEZ: Any abstentions? Again,
13 in the absence of Mr. Chu, there will not be a
14 report from the Chair, so I now turn to the
15 Executive Director.

16 MS. TRACY CATAPANO-FOX: Thank you very
17 much. It's a pleasure to have you. Good
18 morning, everyone. This month, the CCRB
19 received 516 complaints in August. This is 74
20 fewer than the same period of 2012, when we
21 received 590 complaints, and it is a 12.5
22 decrease in activity for that period.

23 From January to August of this year, the
24 CCRB has received 3,576 complaints within its
25 jurisdiction. That is a 10% decrease in

1 complaint activity when compared to the same
2 period from last year. The total intake at the
3 agency including complaints within our
4 jurisdiction and those we refer out has declined
5 by 32%.

6 In August, the board closed 336 cases. In
7 the first eight months of this year, the board
8 closed 1,367 cases, and substantiated 213. That
9 is a substantiation rate of 16% of fully
10 investigated cases. The agency truncation rate
11 was 67%, which is four points higher than in the
12 first eight months of 2012, which at that time
13 was 63%.

14 In July, the mediation unit closed 45 cases
15 involving 57 officers. 25 of those were closed
16 as mediated, and 32 were closed as mediation
17 attempted. Our agency docket at the end of
18 August stood at 2,826 cases. This is a 2%
19 increase over our open docket from July, which
20 at that point was 2,771. 90% of our open
21 investigations were filed within the last year,
22 and 66% were filed in the last four months.

23 Of our open cases, 714 are awaiting panel
24 review. That's 25% of our docket. 1,837 are
25 still being investigated, and then 275 are in

1 our mediation program.

2 By the date of incident, ten cases are in
3 our open docket that are over 18 months, as
4 compared to 12 in August of 2012. That is 23%
5 of our open docket. Of those cases, two cases
6 are a DA hold. Three cases were filed months
7 after the date of incident. Four cases are
8 pending panel review. And one of those cases
9 was reopened.

10 In July, the New York Police Department
11 closed 13 substantiated cases involving 19
12 officers. They did not impose discipline
13 against five officers. In New York State, the
14 disciplinary action rate is 60%, and the decline
15 to prosecute rate is 27%.

16 In cases in which the department pursued
17 charges and specifications, the conviction rate
18 was 82%, which included officers pleading guilty
19 and officers who were found guilty at the
20 disciplinary trial. The guilty after trial rate
21 is 64%.

22 In terms of what we're doing within the
23 agency, I'm very excited to report that our
24 outreach program is moving forward. We did a
25 training last week. We had about 15 of our

1 investigators and staff that are going to be
2 doing training and going out into the community
3 in the fall. That is a significant portion of
4 our staff, and I appreciate their hard work
5 because they still have heavy inventory, despite
6 their willingness to volunteer their time. So I
7 thank them for that, and I thank the Bishop for
8 all of his hard work on that. And we're moving
9 forward.

10 MS. CORTES-GOMEZ: Thank you. Now, are
11 there any committee reports?

12 MR. SIMONETTI: I have a question as to
13 Tracy, you said we had closed 1,367 cases in the
14 first eight months?

15 MS. CATAPANO-FOX: Yes.

16 MR. SIMONETTI: So that would be, what,
17 about 170 cases a month? About 170, right?
18 165?

19 MS. CATAPANO-FOX: Yes.

20 MR. SIMONETTI: I was just wondering. You
21 know, that's less than two panels a month
22 because we've been presently getting 100 cases a
23 panel, and is it indicative of something
24 happening with the panels?

25 MS. CATAPANO-FOX: Actually, I think you're

1 going to start seeing more with the panels
2 because now that we're fortunate to have Mr.
3 Gitner, and I think we're just about up to full
4 speed, we're able to get more cases to more
5 panels. I think a lot of it, we're still
6 dealing with the issues with Hurricane Sandy,
7 and I think a lot of the eight months that
8 you've seen this year was a result of - -
9 metrics - - and just trying to get our cases
10 moving so that we can get them to the panel. So
11 while that average might seem low, I don't think
12 it'll be something you'll see in the future. I
13 think you'll see much higher.

14 MR. SIMONETTI: Because I see the caseload
15 went up again, even though it's up slightly.
16 It's up about a little less than 100 cases. I
17 mean, with the dramatic decrease in cases, we're
18 carrying in a larger docket, and I get concerned
19 about--I thought that we'd be able to put out a
20 fairly good dent in this docket by now. You
21 know, with Sandy a year behind us almost, that
22 we'd be able to be doing that.

23 MS. CATAPANO-FOX: I think the panels,
24 fortunately or unfortunately, are going to start
25 seeing a lot more cases and a lot more panels

1 because now our investigations already - - .

2 MR. SIMONETTI: [interposing] Are you
3 saying the number of cases that we're going to
4 receive?

5 MS. CATAPANO-FOX: No, we will keep our
6 cases consistent, but I think we will have more
7 panels to address the cases in the future.

8 I think in the beginning of the year, we had
9 the panels we had based upon the logistics of
10 just getting cases to you and getting our panels
11 together so that we had all the cases ready for
12 you. I think that that's something that now has
13 been addressed.

14 I think a lot of those issues with Sandy
15 have been resolved. I know cases are out of
16 investigation are now ready to get to you. It's
17 something we'll look out for the next four
18 months of this year, but I think you'll see a
19 big difference.

20 MR. SIMONETTI: I would just encourage my
21 colleagues that we should be aware of it, you
22 know, and that we should try and stay on top of
23 those panels and do them in a timely fashion.

24 BISHOP MITCHELL G. TAYLOR: Outreach.

25 MS. CATAPANO-FOX: Yes.

1 BISHOP TAYLOR: I just want to say with
2 outreach, Tracy, thank you so much for being so
3 involved and so proactive with outreach because
4 for the agency, I think one of the most
5 important points for us is visibility, and so
6 talking to many of the investigators that
7 attended the outreach meetings, I think we have
8 people that are really excited about this, that
9 are on the team, that are here. And looking at
10 things like creating the CCRB app to kind of
11 neutralize continued barriers for people to make
12 complaints, the social media network, when I
13 think about the ambassadors program that we're
14 launching now with the youth. But maybe the
15 adult ambassadors program, where you have - -
16 navigators in the boroughs that kind of act as
17 ambassadors, you know, for the agencies.

18 So I think that I'm really excited that
19 outreach has become more of a priority, and I
20 was discouraged that the city council didn't
21 increase us to have more lines for outreach. I
22 think that was really a tremendous
23 disappointment, but I'm hoping now with the
24 change of the administration and whatnot, maybe
25 there'll be some more focus on this agency and

1 the importance of outreach and us getting out.
2 And the board members that were already
3 expressed that they want to be more involved
4 with outreach efforts. So that's something that
5 I think that all of us at the agency should be
6 really vested in, you know, outreach.

7 MS. CATAPANO-FOX: I agree.

8 BISHOP TAYLOR: People don't know that we're
9 here and what we do, then what we do doesn't
10 really serve the public adequately.

11 MS. CATAPANO-FOX: I agree, and I have to
12 thank our Deputy Executive Director, Brian
13 Connell [phonetic], for spearheading a lot of
14 this. He's been working very hard. Our
15 assistant, Chrissy Bowers [phonetic], works very
16 hard in terms of updating our programs, getting
17 us moving forward. And again, the investigators
18 and the volunteers. I can't say enough great
19 things about the people who have shown an
20 interest, given us ideas, talking about social
21 media, talking about apps, finding ways so that
22 people see us as an avenue for information and
23 guidance.

24 MS. CORTES-GOMEZ: Now, we don't have
25 Commissioner Liston here. I'm not sure if Laura

1 wanted to speak - - on APU?

2 MS. LAURA EDIDIN: Thank you. In Mr.
3 Liston's absence, I just wanted to give you a
4 little update about the APU docket. So far, the
5 unit has been assigned 93 cases, and 10 of those
6 have come into the unit since the last board
7 meeting. And in terms of the kind of cases
8 we're seeing, it's very similar to what we had
9 last time in that about half of them originated
10 with a stop and frisk, and a little less than
11 20% started with a car stop, and then again, the
12 next most popular category was improper entry of
13 a dwelling. So that's pretty consistent with
14 what we've been seeing all along.

15 And right now we have four trials that are
16 calendared before the end of the year, and I
17 expect we'll have a few more put on the calendar
18 before the year is up. Thank you.

19 MS. CORTES-GOMEZ: Thank you. Any other
20 committee reports? Seeing none, any old
21 business? Any new business?

22 MR. SIMONETTI: The status of the move to
23 the new location. I'm just concerned that
24 there's some priority put on the fact that
25 certain units would be moving over before other

1 units, let's say, because my concern is that,
2 again, the docket, that we do it in a very
3 orderly transition to the new location, and that
4 won't impact on the docket somehow. That the
5 cases keep coming out on time to the panels, and
6 hopefully us members of the panel will do them
7 in a timely fashion so we get this docket down.

8 I think we're in an opportune time to get it
9 down significantly.

10 MS. CATAPANO-FOX: Well, I have to comment
11 Denise Alvarez [phonetic], our case managing
12 unit director who also in charge of our panel.
13 She does a great job of really getting things
14 moving, making sure the panels are prepared, and
15 have everything they need. So I'm very
16 confident that she's going to ensure that the
17 move will be seamless, and that there will be no
18 issue.

19 But I'd like to ask Deputy Executive
20 Director Brian Connell to just give us an update
21 on our move to 100 Church.

22 MR. BRIAN CONNELL: There's - - to the move
23 is December 1. That's the earliest you can move
24 in. We'll be out in - - moving as well. He's -
25 - moving, and we are each picking a weekend over

1 which we'll move the entire agency. So we
2 will not be moving piecemeal in terms of the
3 units. So we expect to be packed up and moved
4 on the Friday and hopefully up and running by
5 that Monday. There will be very little downtime
6 involved in transitioning from one location to
7 the other.

8 MR. SIMONETTI: So all the things that are
9 available to the people here, particularly the
10 investigators, I mean, how do we guarantee that
11 on day one of the move, if it's going to move,
12 it's going to happen like that, you're going to
13 move everybody in one lump sum over a weekend.
14 Are we guaranteed that everything is in place at
15 the other place? We're not going to run into
16 any glitches or anything?

17 MR. CONNELL: No, the department - - , they
18 have to provide the infrastructure, - -
19 infrastructure - - us moving.

20 MS. CATAPANO-FOX: Tony, everything will be
21 there before the people get there. So the idea
22 is that the place will be up and running before
23 we--

24 MR. SIMONETTI: But is staff going to have
25 an opportunity to look at the thing, to make

1 sure that it's working?

2 MS. CATAPANO-FOX: Absolutely.

3 MR. CONNELL: - - advance will be open to
4 the architects and the builders. And one - -
5 has made that foundation, - - will go in with -
6 - in different locations with our service to
7 make sure that - - will be able to operate here
8 in advance of anyone moving over.

9 MR. SIMONETTI: Having moved from several
10 locations to new locations, the best laid plans,
11 you know, go awry. I just want to see if we can
12 build in some safeguards to ensure us that
13 everything is in place and everything is in
14 order.

15 By the way, another question. I know this
16 building at one time had a problem, an
17 infestation with bedbugs. Any problems over at
18 the other building? Have they experienced any
19 difficulties with that?

20 MS. CATAPANO-FOX: Not to our knowledge.
21 The good thing about the move is that we're
22 moving into a brand new, fresh space. So
23 virtually, it was a blank canvas that is now
24 being made for us. So the city--it's a problem
25 in many cities, it's a problem in many

1 buildings, but I assure you that we are doing
2 everything we can to avoid that problem in the
3 new place.

4 MR. SIMONETTI: Unpleasant topic to talk
5 about, but we've had it in some--

6 MS. CATAPANO-FOX: On a positive note, the
7 room will be bigger, where we have the meetings,
8 and hopefully the ventilation and the air will
9 be better.

10 MR. SIMONETTI: I'm just thinking about the
11 chair I'm sitting on currently.

12 MS. CATAPANO-FOX: You don't want us to
13 bring it for you?

14 MR. SIMONETTI: This would be a haven for
15 bedbugs. I have people taking that into
16 consideration. We have an ergonomics person
17 that's going to look at all that?

18 MS. CATAPANO-FOX: We have an expert coming
19 to the lecture a week ago to the group, to our
20 agency talking about the issues and answering
21 questions and just giving us more information.

22 MR. SIMONETTI: I mean, - - moving to the
23 building, we might as well try to do it in the
24 best possible way.

25 BISHOP TAYLOR: Tony, I think it's offensive

1 that you want to leave our bedbugs here. I
2 mean, why would--I mean, that's not right.
3 Everyone has to go. Can I ask another question,
4 too?

5 MS. CATAPANO-FOX: Of course.

6 BISHOP TAYLOR: I think that's a very good
7 point in terms of programmatically, in terms of
8 the infrastructure. I'm sure that you guys have
9 a move-in schedule with dates, like we're going
10 to do this battery of tests this week after the
11 infrastructure's in, and then we're going to do
12 it this week, and then by that weekend that
13 we're going to move, there's no ambiguity
14 whether or not we can plug and play for Monday
15 because we did these battery of tests. So you
16 have a schedule for that, right?

17 MR. CONNELL: Correct, yes. There are
18 weekly meetings that are happening now, every
19 Wednesday. Where we keep abreast of the
20 construction - - once we know they have laid
21 that infrastructure, we know we can go in - - .

22 BISHOP TAYLOR: But December 1st is the
23 move-in date, so you can work backwards. Okay.
24 Can I ask another question?

25 MS. CATAPANO-FOX: Anything.

1 BISHOP TAYLOR: So what is the--what do
2 you think the biggest bottleneck is with the
3 caseload? Where do you think that--where is it
4 getting stopped up?

5 MS. CATAPANO-FOX: That's a good question.
6 I think that the investigators try so hard to do
7 such a phenomenal job in getting the cases to
8 the panel, to making sure that they are fully
9 and completely investigated, all the cases, and
10 that's what we want. So in terms of the board,
11 we want to make sure that we give you your
12 cases, that they are fully and completely
13 investigated, including all interviews of all
14 parties, and that is not always an easy process.

15 You know, there's a bureaucracy that exists
16 in terms of how we handle our cases and how
17 different agencies we work with, and everyone
18 does their best to move things along, but in the
19 reality that you see, we have thousands of
20 cases, and our investigators, they work all day
21 and all night, and I can't say enough great
22 things about them to really make sure that the
23 cases, that they know the law, that they know
24 the facts, and that they give it to you in the
25 best possible--

1 BISHOP TAYLOR: So I guess that's the
2 general. If someone could possibly look at
3 where it's actually--where's the biggest
4 concentration of stops. Not stop and frisks,
5 but I mean stops in the process here. You know
6 what I mean?

7 MS. CATAPANO-FOX: Our inventories are very
8 high. I'll be honest with you, I think that one
9 of our biggest problems is staff in terms of
10 numbers. If we were able to increase the number
11 of investigators, that would go a long way for
12 giving more reasonable inventory so that they
13 can fully investigate. It's hard to have an
14 inventory and get out to the field and get out
15 and do the legal analysis and the reports that
16 we ask of our investigators, but it's necessary.

17 You know, these are people's lives, these
18 are investigations that are important and
19 crucial to being as close to perfect as we can.
20 And they take it very seriously.

21 So if in a perfect world I could have more
22 staff, that would always be--I think it's every
23 agency's answer. Outreach, investigations, all
24 of the bureaus.

25 BISHOP TAYLOR: So I guess I understand, but

1 I guess my question kind of leads to we can
2 find where the actual bottleneck is in that
3 particular staffing tree, and say if we did more
4 in this area, this would alleviate that, you
5 know? Just I think it's worth a study at least
6 to actually qualify, you know, where the
7 bottleneck is, and if we did this, then this
8 would alleviate it. If we had, like, 20 more
9 investigators, if we did this, that. You know
10 what I'm saying?

11 MS. CATAPANO-FOX: Absolutely.

12 BISHOP TAYLOR: I think that it's worth at
13 least knowing.

14 MR. SIMONETTI: I get including in it, if
15 you're doing some kind of a study, I think
16 included in that should be the fact that on the
17 date that you give the panel out, when the panel
18 is sent out via email to us members, and then
19 how long does it take on average for us--not on
20 average, but by each panel, how long does it
21 take before we finalize those 100 cases and get
22 dispositions back in.

23 MS. CATAPANO-FOX: Absolutely.

24 MR. SIMONETTI: I mean that may be--you may
25 find there may be some delay there.

1 MS. CORTES-GOMEZ: Any other - - ?
2 Hearing none, we'll go to public comment. And I
3 believe we only have Chris Dunn.

4 MR. CHRIS DUNN: Tony, what's going on, man?
5 You've turned into the crazy uncle of the CCRB.
6 I love it. - - last week, it's bedbugs this
7 meeting.

8 MR. SIMONETTI: I just had my 80th birthday,
9 so I got to celebrate.

10 [Applause]

11 MR. DUNN: I love it. All right. I don't
12 have much to say. I wanted to raise one thing,
13 which wasn't mentioned, which was our good
14 friend, Inspector Bologna [phonetic], and the
15 fight about his appearance or nonappearance.
16 There wasn't any discussion about that. Is
17 there any public report to be made about the
18 status of that?

19 MS. CORTES-GOMEZ: That is a situation
20 that's pending in the court right now. A motion
21 was filed by his attorney in Manhattan Supreme
22 Court, and we have to appear in October.

23 MR. DUNN: Okay. And are you guys--this is
24 the law department? Who's representing whom on-

25 -

1 MS. CORTES-GOMEZ: The law department.

2 MR. DUNN: The law department's
3 representing? Okay. Okay. I did want to say I
4 give the SU [phonetic] credit for publicizing
5 the issue around that. I think it's important
6 that you speak out about that, and that was a
7 good thing to do. I mean, this appeared a
8 little late given timing, but it's the right
9 thing to do. One thing it did raise, though, is
10 as I understand it, that case broke the statute
11 of limitation because it was on DA's hold, and
12 Tracy, this long precedes you, but we've had
13 lots of discussion about DA holds which arose in
14 the - - I think, years ago. I didn't understand
15 why that case was put on a DA hold. It's
16 certainly not on a DA hold for the length of
17 time that it apparently was. So - - cases, and
18 that's fine. I'd like to know what the policy
19 basis was for that case being on the DA hold
20 because that was a pepper spray. I think it was
21 an assault case. I think the DA made a pretty
22 good decision on that, and maybe I'm wrong about
23 that, but--

24 MALE VOICE: It was in April of this year.
25 It was April of this year that they released it.

1 MR. DUNN: Was it April? Okay. Sorry,
2 here's the issue that came up when we were
3 talking about this in the context of the - -
4 shooting some time ago, and a lot of DA holds.
5 If the DA hold, of course, is an act of
6 discretion on your part, and I have reason to
7 understand that there are these types of cases
8 where the potential of criminal charges
9 suspicion is serious, and - - . A shooting is
10 in that category. I would not have thought that
11 this would've been in that category. The
12 discussion we had several years ago, at least I
13 was saying to the board, given the number of DA
14 holds that were breaking statute of limitations,
15 we should be looking at the policy and trying to
16 draw some distinctions between when to apply DA
17 holds or put it more specific, when to accept a
18 request from the District Attorney's office to
19 honor a hold and when not to. I just don't
20 think--I don't think just because the DA says
21 you have a case that we're considering. Those
22 things can go on forever. That you should
23 automatically say okay, we're not - - . I do
24 think loss - - statute of limitations here is
25 significant. - - what's the point of this

1 because the statute of limitations has
2 expired, and we've - - that you are right to be
3 saying what we do is different and independent
4 of whether or not you impose discipline for it
5 or not, but I do think this is an opportunity to
6 actually go back and request that you look again
7 at the DA hold policy to the extent that you are
8 honoring all DA holds regardless of, number one,
9 circumstances that you've - - .

10 Okay. On the subject of things that I often
11 repeat myself on, I was hoping this problem was
12 going to go away. It seems not to be, which is
13 the dupes. You still keep having a higher
14 percentage of dupes, and there are two concerns
15 with that. One, I think that we thought that
16 those were going to disappear because Laura and
17 her team were going to be in the business of
18 deciding how the cases got prosecuted or not,
19 and secondly, there have been enough back and
20 forth between the agencies about the dupes that
21 whatever was behind the dupes that the
22 department was deciding on was getting resolved.
23 That seems not to be the case. There is - -
24 rate, and the department says regular, we do it
25 because investigations are not up to snuff, or

1 they are saying, as they testified at - -
2 trial, there's a - - between the police officer
3 or the complaint. We always credit the police
4 officer's story. Whatever's going on there, - -
5 solved because you can't have a quarter of the
6 cases - - .

7 Then something that's more in your
8 territory, you mentioned Tracy the truncation
9 rate is up, by what I think is a not
10 inconsequential percentage. And I don't know
11 where things are in terms of trying to get a
12 handle on what's going on with the truncation
13 rate, but I said it before. I'll say it again.
14 I know people on the board are conscious of it.
15 It's a huge problem. You can't have 6% of your
16 cases that are not getting investigated, and
17 there's something wrong there.

18 And then the final thing I wanted to say,
19 which is just an observation. There's going to
20 be a regime change in the city administration.
21 - - something really weird happening, Joe Lhotta
22 is not going to be the mayor, and somebody who
23 is a little more - - is going to be the mayor,
24 and I think that the CCRB is going to be a city
25 agency that's going to see a lot of change

1 relatively soon, and I would just urge to all
2 of you, the time cannot come soon enough when
3 this agency starts getting more aggressive in
4 terms of police oversight.

5 The world that you live in is going to
6 change. Some of you may not be here six months
7 from now, for whatever reasons, but I think the
8 CCRB definitely gets to be a very different
9 dynamic. It presents a lot of terrific
10 opportunity. You've got a new executive
11 director who's trying to do things aggressively,
12 and I just hope you take advantage of that over
13 the course of the next six months. Thank you.

14 MS. CORTES-GOMEZ: And although you didn't
15 sign in, I believe you walked in late, Mr.
16 Brown.

17 MR. JOHN BROWN: My question is this.
18 Hello, everybody. This is going to be my last
19 time coming down here because I've just gotten
20 frustrated. How you doing, Ms. - - ? Okay?
21 Hi, everybody. I just want to say, it's been
22 two-and-a-half years, and I still don't know
23 what happened to my son. Two-and-a-half years.
24 The identification was one thing. You all been
25 proposing questions. I see that. When I

1 propose a question, I don't get answers.
2 Like, I'm shouted down. This is my question.
3 Mr. Taylor, I say this. We've got pictures of
4 all - - . My son was assaulted by an undercover
5 officer. There's uniformed officers, and
6 there's undercover officers. Do you all have
7 pictures of the undercover officers, yes or no?
8 That's my question. I'm asking you, do you
9 have--

10 BISHOP TAYLOR: You're asking me the
11 question?

12 MR. BROWN: Yes, because I said Mr. Taylor
13 all the time when I come here. I've gotten into
14 this. I've asked. Do you all have pictures?
15 Not of the uniformed officers. Of undercover
16 officers. Do you all have pictures of them as
17 they look now? That's my question.

18 BISHOP TAYLOR: I mean, you know. You
19 raised the issue that we don't have--you look
20 different from last time you were here last
21 month.

22 MR. BROWN: I had a suit. That's what it
23 was, but my face is the same. Now, you still
24 didn't answer the question. This is what I'm
25 talking about. Wait, - - , don't keep doing

1 this to me because you issued a statement last
2 month saying about this computerized - - . Get
3 it together now.

4 MS. CORTES-GOMEZ: Mr. Brown.

5 MR. BROWN: You issued a statement saying
6 you were going to get a computer sketch artist
7 and all this other stuff.

8 MS. CORTES-GOMEZ: I believe a suggestion
9 was made.

10 If a suggestion--is it not made, or is it
11 made? Are you making a suggestion, or have you
12 all made a suggestion to the police department
13 that this is what's going to happen? Is that
14 what's going on?

15 MS. CORTES-GOMEZ: We are looking--as we've
16 spoken before, Mr. Brown, we have pictures of
17 all NYPD officers. Your question is whether we
18 have them undercover. I can't answer that.

19 MR. BROWN: That is what--two--it took me
20 this long. I've been coming here. You know how
21 long I've been coming here? And when my son
22 first came here two-and-a-half years ago, you
23 all showed him pictures that don't depict the
24 way the officers look now. I've been telling
25 you all this for years now. It's like, if

1 you're going in a book to look for who
2 assaulted you, and they look different than the
3 way that they look on the night that they did
4 it, right or wrong, the pictures have to be
5 updated, and what I'm saying is that I can't get
6 an honest answer of when the pictures were taken
7 of undercover officers. Not regular officers,
8 undercover because that's who did this to my
9 son.

10 What this means is that if the officers
11 that's in uniform, he becomes an undercover
12 officer, his appearance changes. He grows a
13 beard usually. He has longer hair. He looks
14 different. How can you - - my son in to look at
15 pictures. The pictures didn't have anyone with
16 a person that he described, so how is that a
17 good identification?

18 Don't you see that if a person changes the
19 way that they look, that officer, and he's
20 promoted within that five year span--because I
21 got two different answers. I got five years,
22 three years. But if he's promoted or he's--or
23 he changes the way that he looks drastically,
24 he's on the street. If he commits a crime, no
25 one can identify him because you all don't have

1 pictures that look the way he looked the night
2 when he did this.

3 MS. CORTES-GOMEZ: Mr. Brown, we absolutely
4 understand, and we've heard you each and every
5 time, but at this point, we can only move
6 forward with all that you have said, with all
7 that you have--

8 MR. BROWN: So I'm saying, what is it that
9 you're going to do about this situation because
10 this isn't the first time that you all heard me
11 say this. Then you all brought up the thing
12 about, well, we're thinking about--we got to
13 have a sketch artist help out. We're going to
14 have computer this, that and the other. If you
15 had pictures of the officers, then you don't
16 need that. That's what I'm trying to say. If
17 you got the pictures of officers the way that
18 they look when they do these--when they're--when
19 they're undercover, whatever it is, why would
20 you need a sketch artist? Why would you need a
21 computer something if you got pictures of them?

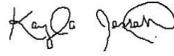
22 You don't have the pictures, man.

23 MS. CORTES-GOMEZ: Thank you. If there's
24 nothing further, at this time we're going to
25 break for five minutes and go into executive.

C E R T I F I C A T E

1
2 The prior proceedings were transcribed from
3 audio files and have been transcribed to the
4 best of my ability.

5
6 Signature



7 Date September 16, 2013-----

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