

00001

1 -----

Meeting of

2

The Civilian Complaint Review Board

3 -----

4 April 2, 2012

5 1:05 p.m.

6

7 40 Rector Street

8 2nd Floor

9 New York, New York 10006

10

11 DANIEL D. CHU, ESQ., Chair

12 JOAN M. THOMPSON, Executive Director

13

14

15

16

17

18

19

20

21

22

23

24

25

00002

1 BOARD MEMBERS PRESENT WERE:

2

3 Alphonzo A. Grant, Jr., Esq., Commissioner

4 James Donlon, Esq., Commissioner

5 Bishop Mitchell G. Taylor, Commissioner

6 Youngik Yoon, Esq., Commissioner

7 Janette Cortez-Gomez, Esq., Commissioner

8 Jules A. Martin, Esq., Commissioner

9 Rudolph Landin, Commissioner

10 David G. Liston, Esq., Commissioner

11 Dr. Mohammad Khalid, Commissioner

12 Tosano J. Simonetti, Commissioner

13

14

15

16

17

18

19

20

21

22

23

24

25

00003

1 P R O C E E D I N G S

2 THE CHAIR: We are going to call this
3 Special Session to order.

4 Members of the board, you have all been
5 previously provided with a draft copy of a
6 memorandum of understanding that proposes to
7 expand CCRB's role in the administrative
8 prosecution of substantiated CCRB cases in the
9 NYPD trial room.

10 We are now here to discuss that
11 proposal that pursuant to the MOU, CCRB undertake
12 the administrative prosecution of all civilian
13 complaints against NYPD uniformed officers which
14 have been substantiated by the CCRB and in which
15 the CCRB has recommended charges and
16 specifications.

17 Do I hear a motion on that issue?

18 COMMISSIONER DONLON: So moved.

19 The CHAIR: Is there a second?

20 COMMISSIONER TAYLOR: I second.

21 THE CHAIR: As moved and seconded that
22 pursuant to the MOU, CCRB undertake the
23 administrative prosecution of all civilian
24 complaints against NYPD uniformed officers which
25 have been substantiated by the CCRB and in which

00004

1 the CCRB has recommended charges and
2 specifications.

3 Everyone has had an opportunity to
4 review the document on his/her own time, it's been
5 previously provided.

6 I'm now going to open the floor to any
7 kind of debate and discussion on this MOU and
8 this proposal.

9 COMMISSIONER TAYLOR: Well, I think
10 that it's --

11 COMMISSIONER SIMONETTI: (By telephone)
12 Can you just identify yourself, please?

13 COMMISSIONER TAYLOR: I'm sorry, this
14 is Bishop Taylor, Tony.

15 I think that it is certainly a good
16 thing for us to have this responsibility and to
17 move forward with this, so I'm excited that we
18 have been given this , we've finally gotten to
19 this place where we can execute this in the trial
20 room, so I'm optimistic that this is really going
21 to turn out positive for the agency.

22 THE CHAIR: Thank you, Commissioner
23 Taylor.

24 Commissioner Khalid?

25 COMMISSIONER KHALID: I think this is a

00005

1 historic moment in the history of CCRB as well as
2 in the city government that we as a board have
3 been given additional responsibilities and I
4 think that will help the public, because it will
5 create a great balance between the NYPD and the
6 public, so that issues and complaints relating to
7 the Civilian Complaint Review Board, will have
8 more leverage and given more public the
9 transparency and this way we will be able to
10 function better, so I thank the Mayor, the
11 Speaker and the Police Commissioner and the Chair
12 for looking into this document and after the
13 board discussion, then we will be able to see how we
14 move forward, but I think I like the document, as written,
15 this is a great historic occasion for CCRB.

16 THE CHAIR: Thank you, Commissioner
17 Khalid.

18 COMMISSIONER DONLON: Yes. This is
19 James Donlon.

20 I would like to also say in support of
21 adopting the MOU that I think the pilot program
22 worked well, I think this program should also
23 work equally well. Obviously, there are major
24 expenses involved, budgetary considerations, but
25 I'm confident that those can be addressed when

00006

1 the time comes and I think it's all in all a
2 positive step for CCRB and I think it's a step in
3 the right direction.

4 THE CHAIR: Thank you, Commissioner
5 Donlon.

6 Anyone else?

7 COMMISSIONER MARTIN: (By video
8 conference) I too concur with my other board
9 members and we did see substantial evidence
10 that showed us that it can work. I think that CCRB
11 as an agency is poised to really take this huge
12 giant step and I think this step is absolutely in
13 the right direction, so I thank the Mayor, I
14 congratulate the Police Commissioner and I think
15 the beneficiaries will be the citizens of this
16 great city, the City of New York.

17 THE CHAIR: Thank you.

18 Anyone else?

19 I'm just going to join in and echo the
20 thoughts of my fellow board members. I believe
21 that this is a journey that was started long
22 before my involvement with the board. As most of
23 you know, there was the MOU that came out in 2001
24 under the Giuliani administration when Bernard
25 Kerik was the commissioner, and I have taken time

00007

1 to look back and get some historical perspective
2 in terms of how that came about and I believe
3 that credit goes certainly to the Mayor in this
4 case, City Council, especially the Speaker's
5 office, in terms of putting this all together
6 and moving us in words that my fellow board
7 members have already expressed in terms of taking
8 a giant step in the right direction.

9 I think that we still have a long road
10 ahead of us in terms of the actual implementation,
11 I am confident that we will have the support of
12 the political champions that have been long
13 supportive of us and we hope that that's going to
14 continue. We are obviously going to need pretty
15 extensive resources in building this prosecution
16 unit and it certainly comes on the heels of a
17 very successful Administrative Prosecution Unit
18 which in itself came out of a successful second
19 seating program.

20 So again, I think this is an
21 illustration of the cooperation that the NYPD
22 under Commissioner Kelly has fostered along with
23 the CCRB. I think it's good for both agencies and
24 as a result I think it's good for the citizens of
25 this city.

00009

1 Pursuant to the MOU, CCRB will undertake
2 the administrative prosecution of all civilian
3 complaints against NYPD uniformed officers which
4 have been substantiated by the CCRB and which the
5 CCRB has recommended charges and specifications.

6 COMMISSIONER SIMONETTI: Dan, was it a
7 unanimous vote?

8 THE CHAIR: Let the record reflect that
9 it was a unanimous vote.

10 I'm sorry, I forgot you couldn't see us.

11 COMMISSIONER SIMONETTI: I would just
12 like to congratulate everyone who was able to
13 make the Special Session because had I been there
14 I would have voted the same way and it is a step
15 in the right direction, even though we waited 11
16 years to get it, it finally comes to fruition.

17 I think it should probably be expanded
18 even greater as the years go out, you know, I
19 think that they are going to get more
20 responsibility because you can hear the
21 groundswell and I think there's going to be more
22 responsibility and I think they probably see us
23 as the primary oversight agency to look at things
24 that the department does, so I congratulate you
25 all and I think it's a great day for CCRB.

00010

1 Thank you.

2 THE CHAIR: Thank you, Commissioner
3 Simonetti.

4 If there is no further business of the
5 board -- I see there isn't -- I'm going to open
6 it up to public comment.

7 I will note that in terms of public
8 comment I'm going to ask everyone to keep it as
9 brief and germane as possible. There will be a
10 public hearing as the implementation gets
11 underway, but to the extent that people have
12 comments at this point, I will invite them to
13 speak.

14 The first one up is Deborah Pitts from
15 DC 37.

16 MS. PITTS: I don't need to ask anything.

17 THE CHAIR: You are going to pass?

18 Okay.

19 The next one up would be Bruce Sutton
20 from DC 37.

21 MR. SUTTON: On behalf of DC 37 and the
22 investigators of 1113, I just want to say thank
23 you, the Mayor of New York and also the Police
24 Commissioner for putting this project together
25 and I think the CCRB will be moving forward in

00011

1 the near future.

2 THE CHAIR: Thank you.

3 Next up is Christopher Dunn.

4 MR. DUNN: Well, this is a pleasant
5 surprise. Good afternoon, everyone.

6 So, as you mentioned, this has been a
7 long voyage and you're right, it started before
8 you came on the board and it may have started
9 before I began coming to these meetings
10 regularly, but there have been many, many years we
11 have been talking about the APU and I want to say
12 that we think it is terrific that the board has
13 been given this responsibility.

14 I must say I have more mixed feelings
15 about the circumstances by which this came to
16 pass and the board's role and I do have some
17 concerns about what the Police Department may
18 think this speaks to as far as reform and police
19 accountability.

20 I wish the board had played a bigger
21 role in this. I have the impression this was
22 presented to you and that you did not play a
23 significant role in negotiating it or conceiving
24 of it, and I think that's unfortunate.

25 More importantly, I am concerned that

00012

1 the Police Department may view this is the end of
2 the line in terms of dealing with some of the
3 concerns that Tony expressed, of which there is a
4 groundswell, I think, disquietude and
5 dissatisfaction and even anger in some
6 communities about the lack of police oversight
7 and I think the department's doing this is a
8 clear sign that it recognizes that groundswell and
9 I think it is terrific you are going to take up
10 this responsibility and we have said that from
11 the very beginning and we have pushed on that
12 very hard and we will do everything possible to
13 support you to make sure that you are able to do
14 it the way you want to do it, but I caution you
15 that from our perspective -- and Dan, you touched
16 on this -- this is the beginning of what has to
17 happen and not the end and you now have your
18 proverbial nose in the tent and you are going to
19 see what happens, I think, more clearly in the
20 trial room than you have ever seen before and you
21 are going to see much more clearly what happens
22 with the Police Commissioner about how he changes
23 disciplinary decisions, and I am worried that one
24 of the central aspects of this agreement is he
25 retains complete discretion to make decisions

00013

1 about ultimately whether many officers are
2 prosecuted and certainly what discipline is
3 imposed upon them, he can do so in
4 confidentiality, namely the documents he produces
5 about his justifications, as I understand this
6 MOU, are completely secret, and I am not sure
7 that's appropriate.

8 Finally, he can pull the plug on this
9 at any time. This is one of the concerns we had
10 11 years ago when a similar arrangement was
11 attempted by MOU, not by legislation, this gives,
12 in our view, the Police Department too much
13 leverage over you and I just urge you to be as
14 vigorous as possible, to be as open as possible
15 and we look forward to supporting you as you go
16 forward with these prosecutions.

17 THE CHAIR: Thank you, Mr. Dunn.

18 Next up is Alex Camarda of the Citizens
19 Union.

20 MR. CAMARDA: Good afternoon,
21 Commissioners, my name is Alex Camarda, I am a
22 Director of Public policy and Advocacy for the
23 Citizens Union. We speak out today in favor of
24 this MOU before you and would like to thank the
25 board as well as the Police Commissioner, the

00014

1 Council and the Mayor's office for coming
2 together around this important oversight issue.

3 We'd also like to thank many of the
4 advocates that have worked tirelessly on this
5 issue dating back many years.

6 Our own involvement began in 2008 when
7 we issued an issue brief at that time supporting
8 this authority for the CCRB along with a number
9 of other proposals that we've been working on in
10 the Council.

11 After we issued that issue brief we
12 worked with Council Member Garodnick and with the
13 Public Advocate De Blasio on putting forth a bill
14 that could give the CCRB the ability to prosecute
15 substantiated allegations of police misconduct,
16 we worked with the Council to get a majority of
17 co-sponsors on that bill.

18 More recently we worked with Council
19 Member Vann to introduce a bill that is also
20 encapsulated in the MOU and that requires the
21 Police Commissioner provide information when
22 there's deviation between his ruling and the
23 recommendation of the CCRB.

24 Last week we issued a report that
25 showed the need for this reform, it showed that

00015

1 in 92 percent of the cases dating back to 2002
2 for over 2,000 officers only 8 percent of the
3 time did the police actually implement the
4 penalty of charges and specifications when it was
5 sought by the CCRB.

6 So we hope that this reform today will
7 bring about a greater responsiveness when that
8 penalty is recommended by the police and we think
9 it will result in more accountability in general,
10 so I want to thank again all of the parties who
11 worked on behalf of this MOU.

12 Thank you.

13 THE CHAIR: Thank you.

14 Our final speaker is Sunita Patel.

15 MS. PATEL: My name is Sunita Patel, I
16 am an attorney at the Center For Constitutional
17 Rights, and we have been litigating around the
18 issue of "stop and frisk" for over a decade. We
19 are cautiously optimistic that this is going to
20 move in the right direction.

21 I would echo many of the concerns that
22 Chris raised that what we really need is a
23 culture change within the NYPD for transparency
24 and accountability, you know, rather than a
25 retrenchment in the future.

00016

1 We really hope that the board can stay
2 vigilant and stay active in the process and
3 continue to hold the police department
4 accountable and, you know, of course, we hope
5 that this will move towards greater disciplinary
6 action and systemic change within the department.

7 Thank you.

8 THE CHAIR: Thank you.

9 Seeing no additional speakers, this
10 will conclude our special session. I thank all
11 of the board members for shuffling their
12 schedules and making it here for this very
13 important vote.

14 Thank you very much.

15 (Proceedings adjourned at 1:22 p.m.)

16

17

18

19

20

21

22

23

24

25

00017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)
: ss.
COUNTY OF NEW YORK)

I, CARY N. BIGELOW, Court Reporter, a Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on April 2, 2012, to the best of my ability.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of April, 2012.

CARY N. BIGELOW

