

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

MEETING OF
THE CIVILIAN COMPLAINT REVIEW BOARD

June 13, 2012

10:10 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

1

2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 YOUNGIK YOON, ESQ.

6 ALPHONZO A. GRANT, ESQ.

7 JULES A. MARTIN, ESQ.

8 DAVID G. LISTON, ESQ.

9 JANETTE CORTES-GOMEZ, ESQ.

10 MARY E. MULLIGAN, ESQ.

11 BISHOP MITCHELL G. TAYLOR

12 RUDOLPH LANDIN

13 TOSANO J. SIMONETTI

14

15

16

17

18

19

20

21

22

23

24

25

1 THE CHAIR: Let's call the
2 meeting to order.

3 Let's start with the adoption of
4 the May 9, 2012 minutes. Do I hear a
5 motion?

6 MR. SIMONETTI: So moved.

7 THE CHAIR: Is there a second?

8 DR. KHALID: Second.

9 THE CHAIR: All those in favor
10 of adopting the May 2012 minutes say
11 aye.

12 IN UNISON: Aye.

13 THE CHAIR: Any opposition? Any
14 abstentions?

15 The minutes are adopted.

16 Next we had a budget testimony
17 meeting in front of the City Council
18 in the middle of May. The Bishop
19 Mitchell Taylor delivered the
20 testimony. By all accounts it went
21 very smoothly. We are still awaiting
22 the final budget agreement, but we
23 have subsequently also and during the
24 meeting we received very, very strong
25 support from City Council. We are

1 very thankful. From that we have
2 their firm commitment they will be
3 funding the needs for the APU unit
4 expansion. Subsequent to that budget
5 meeting we had a very productive
6 meeting at City Hall, among the people
7 we met with were Deputy Mayors Cas Halloway
8 and Carol Robles-Roman, and it was
9 very productive in terms of further
10 clarifying the communications between
11 not only our agency and City Hall, but
12 also with the members of OMB who were there.
13 So I believe we are all on the same page
14 now along with the support of the
15 Speaker and the Council, I think it's
16 full steam ahead in terms of
17 implementing the APU.

18 We clarified in terms of what
19 our hiring needs are in terms of
20 authorization to fill, not only
21 vacancies that exist, but the ones
22 that will be forthcoming, since as all
23 of you fellow board members know, this time
24 of the year we have a large turnover of
25 investigators and while we are sad to

1 see good investigators leave us we
2 are always thankful for the hard work
3 they put in while they are here and we
4 certainly wish the people that are
5 leaving all the best in their future
6 endeavors. Many are going to graduate
7 school and furthering their education.
8 Others are pursuing other careers in
9 law enforcement or otherwise. But,
10 again, the emphasis I want to stress
11 is that between the budget hearing and
12 the meeting we had had, we have really
13 cemented the support that we have for
14 the expansion and we are very grateful
15 for that.

16 In terms of hiring, we have a
17 new class that is in training, in
18 terms of new class of investigators
19 and the number in that new class is
20 20. So, that's very exciting news. I
21 think that's going to go a long way in
22 terms of helping the situation with
23 the existing teams and the
24 investigators since their caseload has
25 been kind of sky rocketing and much

1 higher than they usually traditionally
2 are .

3 We also are in the process of
4 finalizing the annual report. I've
5 looked at it, other members of the
6 committee have looked at it. That
7 should be going to press sooner
8 rather than later.

9 On an interesting note, we also
10 had a German professor on assignment
11 from the German Ministry of Justice,
12 he met with the staff and he's here to
13 discuss implementation of a mediation
14 program back in his jurisdiction.
15 Unfortunately Lisa Cohen, the Director
16 of Mediation is not here with us today, but
17 Marcos met with him as well.

18 Are there any other details or
19 does that pretty much cover it Marcos?

20 MR. SOLER: Pretty much
21 covers it.

22 THE CHAIR: Other than that we
23 are in the process of still hiring.
24 If you look on our website right now
25 there are vacancies listed. In addition to

1 the usual internships, we have
2 positions that are needed for the
3 expansion of the APU. We are looking
4 for a deputy unit chief as well as ten
5 prosecutors to staff that unit. Along
6 with that I think we are looking for
7 an analyst as well as other support
8 staff for that unit and others.

9 The one final senior staff position
10 that is vacant right now that we are in
11 the process of doing a candidate search
12 for is the Deputy Executive Director
13 of Investigations. That role,
14 as many of you know, has been filled
15 by Laura Edidin, but I am happy to
16 announce that Laura will be going back
17 to the APU and heading that unit. It
18 is where her passion is, she
19 certainly has done a tremendous job in
20 establishing that unit and really
21 showcasing what the potential is there
22 and for it's expansion, so we are very
23 excited to have her leading that unit.

24 I'm informed that there are also
25 19 additional investigator lines that

1 are open, so one of the things we
2 discussed was since there is a constant
3 rollover, there is a need to constantly try
4 to have interviews going on to replace
5 the vacancies that come up during the
6 course of the year.

7 All good things. And we will be
8 putting together, since we don't
9 have a standing committee in terms of
10 hiring, we will be putting together a
11 committee to do some of the final
12 round interviews comprised of board
13 members that will represent the three
14 different designations, both the
15 mayoral, the City Council and police
16 commissioner designees.

17 That's my report. I will turn
18 the floor over to Joan Thompson, our
19 Executive Director.

20 MS. THOMPSON: Good morning.
21 The monthly stats for May 2012 are: the
22 CCRB received 502 complaints, this
23 was 62 fewer complaints than it
24 received in May 2011 when the agency
25 received 564 complaints or 11 percent

1 decrease the month to month complaint
2 activity. Year to date complaint
3 activity has decreased by seven
4 percent. We received in 2390
5 complaints from January through May
6 2012 which were 169 fewer complaints
7 than we received in the same period of
8 2011 when we received 2559 complaints.
9 Year to date the Board has closed 2188
10 cases. The truncation rate is 67
11 percent and the substantiation rate is
12 9 percent. The Board has
13 substantiated 51 cases from January to
14 May. Year to date the CCRB has
15 resolved 117 cases through the
16 mediation program. The number of
17 cases resolved by the Mediation Unit
18 is approximately 16 percent of the
19 total number of cases resolved by the
20 CCRB. The agencies docket at the end
21 of February stood at 2822 cases.
22 About 94 percent of our open
23 investigations were filed within the
24 last year, and 62 percent were filed
25 in the last four months. Of the open

1 cases 483 cases are awaiting panel
2 review or 17 percent of all open
3 cases. 2109 cases are being currently
4 investigated and 230 cases are in the
5 mediation program.

6 By date of occurrence of the
7 incident, 11 cases in the CCRB open
8 docket are 18 months and older. This
9 is 0.3 percent of the open docket.
10 One case is on DA hold, one is pending
11 board review, five cases were filed
12 months after the date of incident. In
13 one case the officer is on military
14 leave and three cases the delay has no
15 apparent justification. And in April
16 2012 the Police Department closed 26
17 CCRB substantiated cases.
18 Year-to-date the Department has closed
19 81 cases. Department has imposed
20 disciplinary action against 67
21 officers. The disciplinary rate is 83
22 percent. The Department has not
23 imposed discipline in 14 cases,
24 including ten cases in which the
25 Department declined to prosecute the

1 substantiated complaints.

2 Year to date the Department's
3 unable to prosecute rate is 12
4 percent.

5 MR. SIMONETTI: Joan, I thought
6 I heard you say that the caseload at
7 the end of February is 2822
8 complaints, that should be the end of
9 May.

10 MS. THOMPSON: End of May,
11 right, sorry.

12 THE CHAIR: All right. Let's
13 turn now to committee reports. I can
14 report as a member of the operations
15 committee that we met this morning
16 early in the morning, we are in the
17 process of going over and reviewing
18 the rule changes that are required to
19 assist in the implementation of the
20 MOU. From this point on I think we
21 are pretty close to our final review.
22 The next step obviously will be to
23 submit the changes and proposed
24 changes to the Law Department, then we
25 will get something back in terms of

1 certification and we will go from
2 there.

3 In terms of outreach the Bishop
4 is not here today, but I know that he
5 is still working on the Ambassador
6 Program and I think they are looking
7 at new venues in different locations
8 to continue that. The Reports and
9 Recommendations Committee has indicated
10 that the annual report is being finalized
11 and should be coming out in mid-July.

12 Are there any other committee
13 reports from any other commissioners at
14 this time?

15 Anything anyone wants to report
16 on?

17 Moving onto old business, is
18 there any old business? Is there any
19 new business?

20 Okay, seeing and hearing nothing
21 else I'm going to open it up to public
22 comment. Mr. Christopher Dunn.

23 MR. DUNN: As many of you know I
24 stand up here and do a lot of
25 complaining. I will not do that. In

1 that vein, just on a couple of small
2 things first, positive things,
3 reports, Joan, you said there were 18
4 plus month cases that some delays were
5 unexplained. I want to note the
6 number of 18 plus month cases has gone
7 down significantly and I think that's
8 great. Obviously, I assume you are
9 looking for zero, but it looks like
10 the numbers are going in the right
11 direction.

12 In terms of the Outreach Report,
13 I don't know if this was on the report
14 before, I apologize if I missed it. I
15 see there are now the number of people
16 attending events which I think is a
17 helpful and useful addition and hope
18 that helps you gauge some of the things
19 you were doing.

20 Is Laura here? I think it's
21 great Laura is going back to APU. I
22 don't know if that's a promotion, but
23 it's a promotion for the world.

24 Having said three positive, I
25 think the lobby is being renovated,

1 which is great, I'm hoping maybe that
2 will provide some incentives that the
3 cell, which you people call the MOS
4 waiting room, it's a gloomy,
5 disrespectful space to put people in.
6 With a little more effort it would be
7 much more welcoming for people who
8 come down here to have their
9 interviews.

10 On the bigger picture I think
11 most people don't think of this as New
12 Year's but it is a new fiscal year,
13 it's about to start. My positive
14 message will be without sounding dopey
15 about this, it's a good time for
16 New Year's resolution. We have a new
17 mandate, you will have new people,
18 maybe you will have a better space.
19 And everything Police Department is in
20 the air. This is a terrific
21 opportunity for CCRB to step up and do
22 things it has not done before. For
23 whatever reason I think the role of
24 the CCRB is highlighted because today
25 there's going to be introduced

1 legislation to create an Inspector
2 General for the Police Department and
3 the central issue to the extent there
4 is actually effective oversight on the
5 department at this point and,
6 unfortunately, the CCRB has not been a
7 meaningful part of that conversation.
8 So, I think given the new resources
9 you have and given the new mandate you
10 have and given the new opportunities
11 you have, this is a terrific
12 opportunity for the Board and agency
13 to step up and really play a different
14 role and I hope that's what you do in
15 the coming year. Thank you.

16 THE CHAIR: Thank you.

17 If there's no one else speaking,
18 this will conclude the public portion.

19 We will be taking a five-minute
20 break and then go into Executive
21 Session.

22 Thank you very much.

23 (Time noted: 10:25 a.m.)

24

25

1 C E R T I F I C A T E

2 STATE OF NEW YORK)

3 : ss.

4 COUNTY OF KINGS)

5

6 I, DIANE BUCHANAN, a Notary
7 Public within and for the State of New
8 York, do hereby certify:

9 That the proceedings
10 hereinbefore set forth, are a true
11 record of the testimony given on June
12 13, 2012.

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

18 IN WITNESS WHEREOF, I have
19 hereunto set my hand this ___ day of
20 _____, 2012.

21

22 _____

23 DIANE BUCHANAN

24

25

