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3 MEETING OF

4

5 THE CIVILIAN COMPLAINT REVIEW BOARD

6

7

8 July 11, 2012

9 10:00AM

10 40 Rector Street - 2nd Floor

11 New York, NY 10006

12

13 DANIEL D. CHU, ESQ., CHAIR

14 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

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17 PUBLIC MEETING AGENDA:

18 1. Call to Order

19 2. Adoption of Minutes

20 3. Report from the Chair

21 4. Report from the Executive Director

22 5. Committee Reports

23 6. Old Business

24 7. New Business

25 8. Public Comment

1 BOARD MEMBERS PRESENT WERE:

2 DR. MOHAMMAD KHALID

3 JAMES DONLON, ESQ.

4 YOUNGIK YOON, ESQ.

5 ALPHONZO A. GRANT, ESQ.

6 DAVID G. LISTON, ESQ.

7 JANETTE CORTES GOMEZ, ESQ.

8 MARY E. MULLIGAN, ESQ.

9 RUDOLPH LANDIN

10 TOSANO J. SIMONETTI

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2 THE CHAIR: So let's call this meeting to order
3 The first order of business is the adoption
4 of minutes, the June 2012 minutes. Do I hear a
5 motion?

6 MR. SIMONETTI: I make a motion.

7 THE CHAIR: Is there a second?

8 MR. DONLON: Second.

9 THE CHAIR: All those who favor, say aye.

10 IN UNISON: Aye.

11 DR. KHALID: Mr. Chairman, just a minor
12 correction of my name.

13 THE CHAIR: Yes.

14 DR. KHALID: It should be K at the start of
15 my name on the board members page.

16 THE CHAIR: Absolutely, that correction is
17 noted. No objections on that minor change.
18 With respect to the minutes, subject to the
19 change in Dr. Khalid's name, let's take a vote.

20 All those in favor of adopting the June
21 minutes say aye.

22 IN UNISON: Aye.

23 THE CHAIR: Any objects, any abstentions?

24 Okay, the minutes are adopted with no

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1 objections.

2 Well, you know, it's sad for me to mention
3 that board member Mary Mulligan today is, or was
4 supposed to be her last meeting. I see she is
5 not here yet, so we're going to hold off,
6 to see whether she's coming or not, but
7 I'm going to hold off, and the Executive
8 Director will speak a little further regarding
9 her participation and how she will be certainly
10 missed by this board.

11 Moving to the next order of business, we are
12 still in the process of our rule changes.
13 We as the board have all seen the draft
14 copies. They have now been sent to the
15 to the Law Department. I believe we are very
16 close to certification from the Law Department.
17 There seem to be some minor issues that are
18 being addressed, and Graham Daw, our General
19 Counsel is leading the way. So if there is
20 anything I'm saying that is inaccurate, please
21 Graham feel free to correct me. But I believe we
22 are close to getting certification.
23 We've also gotten feedback from City Hall.
24 The Office of Operations has gotten back to
25 us, and the board will get constant updates in

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1 terms of the changes that remain to be made.

2 I wanted to give a budget update as well.

3 The budget has been adopted. As many of you

4 know, the Administrative Prosecution Unit has

5 been baselined, which is great news for the

6 program. The adopted budget is forecasted for

7 fiscal year 2013 to be at just over \$12 Million.

8 And that takes into account the money that we

9 are getting to expand the APU.

10 The 2012 forecast was just under \$9 Million.

11 It was \$8,992,000.

12 At this point, the agency authorized

13 headcount stands at 164 for fiscal year 2013, of

14 which 20 positions are for the expanded APU.

15 In terms of the hiring, I want to update the

16 board members on the fact that the interviews

17 are continuing.

18 THE CHAIR: Here is Mary Mulligan--

19 MS. MULLIGAN: Sorry for being late.

20 THE CHAIR: Fashionably late.

21 MR.LISTON: And fashionable.

22 THE CHAIR: And fashionable, that's very true

23 MS. MULLIGAN: Thanks.

24 THE CHAIR: Getting back to the hiring, we

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1 again have certain board members now that have
2 already committed to joining the Hiring
3 Committee. We look forward to more
4 participation from some of those, just to make
5 sure that we have representation from both the
6 Mayor's people, the Police Commissioner's people
7 and the City Council's people.

8 There are some pretty important positions
9 that we'll be interviewing for, and I think the
10 diversity of input is going to be important in
11 that regard.

12 I am happy to announce that we've already
13 hired a policy analyst, and it looks like July
14 19th is her start date. And that will be someone
15 that will be working in terms of policy
16 regarding the APU.

17 Another issue that I'm happy to report is we
18 will be meeting with Council member Vallone next
19 week. He has always been very supportive of
20 this agency. He has been very supportive of the
21 APU, and we will provide him with updates as to
22 how the program is progressing. So we're very
23 happy to be meeting with him.

24 Now that Mary is here, I am going to just
25 say that it is with a heavy heart that I

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1 announce again that this will be her last
2 meeting. Time really does fly, because
3 apparently, you've already served almost three
4 years, beginning in August of 2009. And I just
5 have to say, from my own personal experience, I
6 have consulted, I have picked up the phone, I
7 have personally consulted with Mary on countless
8 occasions, and she has always been there with
9 the experience, the insights, and just the quiet
10 confidence to get us through sometimes difficult
11 times, and I'm going to be sad to see her go.

12 But I think that, you know, we won't be selfish
13 about it. Other people need her expertise and
14 her time, but we hope that she will not be a
15 stranger, and she will keep in touch with the
16 board.

17 MS. MULLIGAN: Thank you Dan. I've
18 certainly enjoyed working on the CCRB. I really
19 appreciate Dan's leadership and Joan's
20 leadership. In all of my days here, I have learned
21 so much from the different perspectives of the,
22 from each representative and the Council
23 representatives, and just hearing the open
24 discussion of ideas. It's really been a
25 tremendous experience.

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1 The staff here has really been remarkable.
2 I've really been impressed with the dedication
3 of all the investigators, the dedication of
4 everyone who (inaudible), and everyone who helps the
5 board members, you know, get the Commissioner's ready
6 for our deliberations, but also the work that the
7 staff has done, the mediation program, the
8 outreach, there have been so many tremendous
9 activities, our PR programs, our legal advice,
10 and everything that Marcos does, and I've just
11 been so impressed with Joan's leadership, and
12 just the tremendous staff, because the CCRB is
13 really the dedication of the people who are here
14 on the ground everyday, listening to the
15 community, writing the reports, the countless
16 thousands of ours that they have devoted to the
17 service of our greater New York City community.
18 And I just appreciate having been a part of it,
19 and learning so much. It's been a humbling
20 experience to learn so much from all of you, so
21 thank you.

22 THE CHAIR: And just a little token of our
23 appreciation, we have a plaque, to present it to
24 Mary Mulligan. The inscription reads, "Thank
25 you for your leadership, diligence, and

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1 dedication to the work and mission of the CCRB."

2 And it's dated today, July 11th, 2012.

3 MS. MULLIGAN: Thank you so much.

4 [Applause]

5 MS. THOMPSON: In addition Mary, this is

6 really a surprise, but it says: Dear Ms.

7 Mulligan, it is a great pleasure to join with

8 your colleagues and commend your outstanding

9 service to the city, the New York City Civilian

10 Complaint Review Board. Your unswerving

11 commitment to equal justice for all New Yorkers

12 exemplifies what is great about our city, and we

13 are grateful for your valuable guidance and

14 dedication to empowering all of our residents.

15 On behalf of the city of New York, thank you

16 for your distinguished service. Please accept

17 my best wishes for health, happiness and

18 continued success in all you do. Sincerely,

19 Michael Bloomberg, Mayor of the City of New York.

20 MS. MULLIGAN: Wow, that's great .

21 [Applause]

22 MS. MULLIGAN: I'll send that one to Arkansas.

23 My mother still likes to collect my awards.

24 MS. THOMPSON: I was just going to say,

25 send it to your mother and she

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1 will save it.

2 MS. MULLIGAN: My 80-year-old mother, you
3 know.

4 MS. THOMPSON: She'll love it.

5 MS. MULLIGAN: She is a big fan of Mike.

6 The 80-year-old lady is like a groupie!!

7 [Laughter]

8 THE CHAIR: I'm going to now turn the floor
9 over to our Executive Director for her report.

10 MS. THOMPSON: Good morning, the monthly
11 stats in June 2002, 2012, the CCRB received 502
12 complaints. These were 43 newer complaints
13 there in June 2011 when the agency received 545
14 complaints for an eight percent decrease in the
15 month-to-month complaint activity.
16 Year to date complaint activity has
17 decreased by seven percent. We have received
18 2,879 complaints from January through June 2012,
19 which is 225 fewer complaints than we have
20 received in the same period of 2011 when there
21 were 3,104.
22 Year to date, the board has closed 2,422
23 cases. The truncation rate is 66% and the
24 substantiation rate is 11%.
25 The board has substantiated 74 cases from

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1 January to June. Year to date, the CCRB has
2 resolved 151 cases through the mediation
3 program. The number of cases resolved by the
4 mediation unit is approximately 18% of the total
5 number of cases resolved by the CCRB.
6 The agency's docket at the end of June stood
7 at 2,822 cases. About 94% of all open
8 investigations were filed within the last year,
9 and 63% were filed in the last four months.
10 Of the open cases, 463 cases are awaiting
11 panel review, or 17% of all the open cases.
12 2,085 cases are being currently
13 investigated, and 245 cases are in the mediation
14 program.
15 By date of occurrence of the incident, nine
16 cases in the CCRB's open docket are 18 months
17 and older. This is 0.2 percent of the open
18 docket. One case on DA hold; one case is
19 pending board review; four cases were filed
20 after the date of the incident. In one case,
21 the officer is on military leave, and the two
22 others, there was a delay for no apparent justification.
23 In May 2012, the Police Department closed 28
24 previously substantiated cases. Year to date,
25 the department has closed 109 cases, and has

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1 imposed disciplinary action against 91 officers.

2 The disciplinary rate is 84%. The department
3 did not impose discipline against 18 officers.

4 Year to date, the department's "unable to
5 prosecute" rate is 10%.

6 MR. SIMONETTI: Joan, I think there is a
7 correction. Did you say that at the end of
8 June, the caseload is 2822?

9 MS. THOMPSON: 2822.

10 MR. SIMONETTI: Yeah, no, that should be, at
11 the end of June, it should be 2793.

12 MS. THOMPSON: Okay.

13 THE CHAIR: All right, turning now to
14 committee reports, are there any committees that
15 need to report?

16 MR. DONLAN: On Reports and Recommendations
17 committee, I understand that the annual report
18 is at the printer, I believe.

19 MS. THOMPSON: Yes.

20 MR. DONLAN: Is that correct?

21 MS. THOMPSON: Yes, it's correct.

22 MR. DONLAN: Okay, that's just what I wanted to
23 let everyone know . And I don't know if we
24 have an estimate as to when the report will be
25 back from the printer. Does anyone have the answer?

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1 MS. THOMPSON: Probably another two weeks.

2 MR. DONLAN: Okay.

3 THE CHAIR: I can report that in terms of
4 committees, what we might be looking to do in
5 the very near future also, is to form an APU
6 committee so that some of the issues that remain
7 somewhat opaque and need to be ironed out will
8 have a standing committee that will devote some
9 attention to that and be readily accessible to
10 the senior staff in resolving any issues that
11 might arise. So I don't need you to tell me
12 now, but I would love to have the board members
13 to give that some thought, to see if you have
14 the time to participate in that committee. I
15 think it's going to be very important going
16 forward. So that's going to be something to
17 think about.

18 I also mentioned the hiring committee. I
19 already had several commitments. I am looking
20 for a few more, so please think about that as
21 well.

22 In terms of old business, so you know, old
23 business, new business, okay, you'll note that
24 Bishop Taylor is not here today. I don't know
25 if many of you know, but he does have a cable

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1 show on TBN, which I think is the Trinity
2 Broadcast Network, so he is busy doing that today.
3 And subject to my scheduling, it is likely that
4 I will be interviewed on that some time either
5 today or in the near future. So keep an eye out
6 for that.

7 Is there any other business from any of the
8 other commissioners? Seeing no additional
9 business, I will open it up to public comment.

10 Let's begin with Gene, I would say Gene W., from
11 NYPD, no, okay.

12 MS: THOMPSON: There is a Y in the yes column.

13 THE CHAIR: Okay.

14 MS.THOMPSON: (inaudible)

15 [Laughter]

16 MR. SIMONETTI: You know Dan excuse me. I
17 think there is, uh, Joan, did we get the
18 truncation rate the other day?

19 DR. KHALID: 60 something

20 MS. THOMPSON: 66, I think, I'll look now

21 MR. SIMONETTI: 66?

22 DR. KHALID: Yes, 66 .

23 MR. SIMONETTI: Okay, thank you.

24 MS. THOMPSON: Yes, 66.

25 MR. SIMONETTI: 66.

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1 MS. THOMPSON: Yes.

2 THE CHAIR: You know, we're going to start
3 on the Socratic method, so even if you're saying
4 no, we're just going to randomly call on you.

5 [Laughter]

6 THE CHAIR: Let's go to someone who is
7 always very reliable, Chris Dunn.

8 MR. DUNN: I want to know who the prankster
9 who wrote yes next to Gene's name.

10 MR. DUNN: Okay, last month I said nothing but positive things
11 and in an effort to change the tone of my comments, I did not
12 want to give the impression that it was going to last!!

13 Mary, we hardly knew you. I can't believe you've
14 been here for three years. I wish you the best in what
15 you're going on to.

16 MS. MULLIGAN: Thank you.

17 MR. DUNN: Your departure brings up a constant problem
18 that is ungoing. We have not had a full compliment of commissioners
19 on the board for quite awhile. We have not had an appointee from
Manhattan in, how long has it been?

20 THE CHAIR: Almost three years.

21 MR. DUNN: Mary, the Mayor's Office is pretty good in replacing

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1 board members. I assume that there will be a successor named for you
2 shortly. I have spoken to Speaker Quinn's people about it.

3 They have to figure out a way to get a Manhattan delegate on the
4 board. Okay, you mentioned the APU unit, I'm thrilled to hear that
5 there has been a hiring for a policy person. Again, I think you
6 said that the person is going to work primarily with the APU unit?

7 THE CHAIR: That's correct.

8 MR. DUNN: So are they just going to be focusing on the
9 substantiated cases that are going over to the department
10 and issues that that raises?

11 THE CHAIR: Chris, I would just mention again,
12 that if you have any questions, I'll be
13 glad to address them, but this is not a question
14 and answer session. I'm going to defer to the folks
15 that will be able to provide you the most
16 accurate answer.

17 MR. DUNN: Okay, all right, well fair enough I do
18 like to think there's some public engagement here.

19 THE CHAIR: Absolutely, but there is going
20 to be a process.

21 MR. DUNN: Okay, I do want to say though, as
22 you know, I think it's perfect that you have a
23 policy person, we have long advocated for you to be able
24 to respond to policy issues, consistent with your Charter
25 responsibilities and I hope there will soon be a process picking
26 up on what Tony has commented previously about let's look at

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1 what the Board has done, the way the Board looks at policy issues,
2 and policy reports in which there have been few in the past few
3 years, that there will be discussion on what this person will be
4 doing in terms at looking at broader policy issues as well. That's
5 a discussion that should happen in public. If it is going to happen
6 in committee, like the APU committee, I would like to have input,
7 then I raise my hand I want to be an honorary member of the APU
8 committee. Just let me know when I should show up. I will like to
9 participate in that discussion. I take it will happen in public
10 meetings.

11 MR. SIMONETTI: All committee meetings are open to the public.

12 MR. DUNN: I'm aware of this, but I'm also concerned that there is
13 a lack of discussion that happens in the general meeting .

14 I am also concerned that there may not a whole lot of anything
15 happening in the committee meetings either. Hopefully that will
16 change. In the annual report, I'm sorry, there seems like there
17 has been a substantial delay in getting it out, and I think
18 the board has actually made a concerted effort to try to get
19 the reports out early. I'm not quite sure what happened
20 here but you know that I keep saying that this report
21 that comes out in August for 2011, is not useful as a report
22 as it could be. And the semi-annual report should be underway
23 already. The one final particular thing that I wanted to

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1 say is following up on what Tony said about the truncation rate,
2 it remains alarmingly high. We've talked about this regularly
3 that 2/3 of all cases are washing out and I hope that that is
4 the first thing that the policy person looks at is the truncation
5 rate. It is a sign something very wrong is happening in terms of
6 the investigative process. It is not necessarily at the board level,
7 but to have so many complaints that are filed and disappearing
8 something needs to happen. And then the final thing I
9 wanted to note was the 18-month cases, the number of
10 cases is way down. That's terrific. There is this one
11 case that has a board review pending, and seems to me that
12 there should never be a situation where board review is breaking
13 the statute of limitation. This case the statute of limitations
14 has already run so it doesn't make a lot of difference. But this
15 has been talked about in the past with so many people leaving and
16 coming on and off the board you may not be aware but a whole
17 process was put into place a couple of years ago Dan to make sure
18 that board review isn't a basis for a case breaking the
19 statute of limitations. And again, there has been
20 a tremendous improvement in getting the numbers down, but I hope
21 that today before you all leave that some panel takes a look at
22 this case

22 THE CHAIR: Thank you.

23 Mr. SIMONETTI: Mr. Chair.

24 THE CHAIR: Yes.

25 MR SIMONETTI: Yes, Chris, just one comment

1 on the annual report, you know, having attended several NACOLE
2 conferences, that was one of the issues that came up one year.

3 I was surprised to learn that most cities in the
4 United States that issue reports, annual reports
5 on police misconduct, very few come out within
6 seven months, after determination of the
7 period that the report's going to look at. So I
8 think we're doing pretty good with that.

9 But more importantly, as you know, that
10 anybody who is really interested, they can
11 almost get the figures right up to date,
12 certainly up to the month, the end of the month,
13 they can get the figures, or after we go on the
14 website, they are there.

15 So for those who are really concerned and
16 interested, and are looking to change things or
17 make things better, you have the website to do
18 that. So I think the seven months is not an
19 extended period of time.

20 MR DUNN: Well, Tony I understand that and to tell you
21 and I've said this all along, the reporting that you do on this is
22 terrific. And we all know that at the January
23 meeting you will have in the December report all
24 the year end numbers on lots of things. The thing that
25 I think is special about the annual report
26 is that it's - - an opportunity for the board to talk about the
27 significance of the numbers, and provide some context for the

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1 numbers. And there is often actual reporting in
2 the press shortly after the end of the calendar year about the
3 numbers. Where I think would be a big plus is
4 shortly after those numbers are out then there is
5 a document which talks about numbers and the Board's role and the
6 meaning of the numbers And I think the more time elapses when the
7 numbers come out and the significance of those numbers then you
8 lose the stage to present those numbers and have attention paid to
9 them. Plus by then new issues arise. And when it comes out in
10 August, we all know a lot of people aren't around in August, and I
11 just worry that the opportunity disappears and I want your voice to
12 be heard more clearly in the community and that's my concern.

13 MR. SIMONETTI: Echoing the dear fellow member of the board

14 Federal Judge Bill Kuntz, and Bill says

15 that's sheer speculation when we try to discern
16 the numbers, whether they go up or they go down.

17 Because he used to say, when the numbers go
18 down, the Police Department is going to take
19 credit for all the wonderful work that they are
20 doing and the training that they are giving

21 their officers, because the numbers have gone
22 down. And for us to speculate and try to figure
23 out, I agree with policy issues, but not with
24 numbers, because--

25 MR. DUNN: [Interposing] After the numbers are done, I didn't mean

1 you have till February, or the January meeting
2 when you have the numbers. I'm just saying that if the
3 report came out in February or March even April
4 different amount of attention would be paid to it.

5 MR. SIMONETTI: there are other considerations, like the
6 printer that, you know.

7 : Right, but those people, like
8 yourself, that need the numbers, they know how
9 to get them. And I think the reporting that's
10 done here every month, those numbers are right
11 up to date, so I mean.

12 THE CHAIR: All right, thank you very much
13 for those very thoughtful remarks. If there is
14 no further business, we're going to take a short
15 break and recess into Executive Session, thank
16 you.

19 [END RECORDING]

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2 C E R T I F I C A T E

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

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7 Signature:

8 Date: July 22nd, 2012

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