

PUBLIC MEETING OF THE CCRB August 8, 2012

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3 PUBLIC BOARD MEETING OF

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5 THE CIVILIAN COMPLAINT REVIEW BOARD

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8

August 8, 2012

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10:00 AM

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40 Rector Street - 2 nd Floor

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New York, NY 10006

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DANIEL D. CHU, ESQ., CHAIR

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JOAN M. THOMPSON, EXECUTIVE DIRECTOR

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PUBLIC MEETING AGENDA:

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1. Call to Order

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2. Adoption of Minutes

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3. Report from the Chair

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4. Report from the Executive Director

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5. Committee Reports

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6. Old Business

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7. New Business

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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 JULES MARTIN, ESQ

6 JANETTE CORTES GOMEZ, ESQ.

7 TOSANO SIMONETTI

8 RUDOLPH LANDIN

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

6 BISHOP MITCHELL TAYLOR: I make a motion

THE CHAIR: Is there a second?

9 MS. JANETTE CORTES-GOMEZ: I second.

10 THE CHAIR: All those in favor of adoption

11 MR. DONLON: I have one correction in the
12 minutes on page 12 and 13. My name is spelled
13 incorrectly, so I'd like to get that corrected.

14 THE CHAIR: Okay. I'm sure there's no
15 objections to that.

16 THE CHAIR: Let's take a vote then. All
18 those in favor of adoption of the July 2012
19 minutes, say "Aye."

20 IN UNISON: Aye.

21 THE CHAIR: Any objections? Any
22 abstentions? The minutes of July 2012 are
23 adopted. I'm going to report now on a recent
24 promotion. On July 27, the Board's search committee
25 composed of six board members representing all
1 three types of board members interviewed four
2 finalists for the position of Deputy Executive
3 Director of Investigations. We had some very

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4 good candidates. After very difficult
5 consideration and deliberations, the Board
6 committee did unanimously come to a conclusion
7 and promoted Mr. Denis McCormick to the
8 position of Deputy Executive Director of
9 Investigations. Mr. McCormick replaces the
10 current Deputy Executive Director of
11 Investigations, Laura Edidin who
12 will now be going over to the Administrative
13 Prosecution Unit as its Chief Prosecutor. Let
14 me tell you a little bit about Mr. McCormick.
15 He brings a very substantial amount of
16 managerial and investigative experience. He is
17 a CCRB success story. He's been with the agency
18 for well over 14 years now, and he has pretty
19 much worked up the ranks. He started back in
20 1996 as an investigator, was promoted to
21 Supervisor in 1998, I'm sorry, Assistant
22 Supervisor in 1998. In 2001, he was promoted to
23 Supervisor, and ultimately Manager in 2005.
24 Since 2005, he has been the Manager of
25 investigative team two, and also had the
1 additional duties as the Director of
2 Investigative Policy. Mr. McCormick holds both
3 a bachelor of arts as well as a master's degree

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4 in criminal justice from SUNY Albany. And he
5 was also accepted into a thematic study
6 program at John Jay College for those who
7 identify with reading and writing. I want
8 to congratulate Mr. McCormick, and I want to
9 thank him for his many years of service to the
10 agency. And I also want to thank Ms. Edidin,
11 who will now leave and head our APU unit. Since
12 our last board meeting in July, we have hired and
13 we've conducted a lot of interviews for the
14 outstanding vacancies. The vacancies are all
15 posted on our website. Many still remain, but
16 we are in the process of filling those vacancies
17 very expeditiously, and I want to thank the
18 staff for taking time out of their busy
19 schedules to really make a push to get these
20 hires completed. In particular, right now we
21 are still hiring. We're in the final round of
22 hiring for the Deputy Chief Prosecutor for the
23 APU unit, as well as the prosecutorial
24 positions. Since the last board meeting, we
25 have made 13 hires, in terms of new
1 investigators. We've also hired a Policy
2 Analyst and a new member of our MIS unit. I
3 welcome all those people to our agency. I've

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4 been informed that we're still recruiting for
5 investigative positions, and I'm informed also
6 that a new training class will begin at the end
7 of August. So, it's likely that we'll have a
8 second training class of additional investigators,
9 as well as the APU prosecutors, as soon as that
10 round of hiring is completed. Also, since our
11 last board meeting in July, the Law Department
12 and the Mayor's Office of Operations have been
13 working on certifying the rules changes that
14 were necessitated by the expansion of the APU.
15 We expect that certification to be completed in
16 September. At that point, the Board will do a
17 final review of the changes based on drafts that
18 we submitted, and we expect that a public
19 hearing will be held sometime in October.
20 Finally, the Board released its annual report.
21 The press release of the report as well as the
22 statistical appendices can be found online. And
23 I'm also informed that with the help of our
24 newly hired policy analyst, the mid-year report
25 is already in the drafting stage, so hopefully
1 we'll get that out in the very near future.
2 Alright, that's my report, and I'm now going to
3 turn the floor over for the report from the

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4 Executive Director.

5 MS. THOMPSON: Good morning. The monthly
6 statistics for the month of July, the CCRB
7 received 573 complaints in July 2012. This is
8 39 more complaints than it received in July
9 2011, and a seven percent increase in the month-
10 to-month complaint activity. Year to date,
11 complaint activity has decreased by five
12 percent. From January through July 2012, we
13 received 3,432 complaints, which is 190 fewer in
14 the same period last year, when there 3,622.
15 The board closed 2,996 cases between January and
16 July of 2012. The substantiation rate is 13
17 percent, which is six percentage points higher
18 than the same period in 2011, when the
19 substantiation rate was seven percent. Year to
20 date, the board substantiated 104 cases, an
21 increase of 27 cases from the 77 cases it
22 substantiated in January to July of 2011.
23 The truncation rate is 65 percent, which
24 is a three-point increase from 2011 when the
25 year to date truncation, (cough) excuse me, when the

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1 year to date truncation rate was 62 percent.
2 30 cases were substantiated in July 2012. These
4 cases involved 38 subject offices. Year to
5 date, the CCRB has resolved 221 cases through
6 its mediation program. The number of
7 cases resolved by the Mediation Unit is
8 approximately 21 percent of the total number of
9 cases resolved by the CCRB. The agency's docket
10 at the end of July stood at 2,821 cases. 94
11 percent of our open investigations were filed
12 within the last year, and 62 percent were filed
13 within the first four months of 2012. Of the
14 open cases, 625 are awaiting panel review or 22
15 percent of the docket. 1,945 cases are being
16 investigated, and 251 cases are in the mediation
17 program. By date of incident, 19 cases in the
18 CCRBs open docket are 18 months and older. This
19 0.7 percent of the open docket. One case is on
20 DA hold; seven cases are pending board review,
21 and seven cases were filed months after the date
22 of incident. In three cases, the delay has no
23 apparent justification, and in one case, the
24 officer is on military leave. In June 2012, the
25 Police Department closed 13 substantiated cases.

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1 Year to date, the department has closed 122.
2 This is a disciplinary action rate of 80
3 percent. The department did not impose
4 discipline against 24 officers. From January to
5 June of 2012, the department decline to
6 prosecute rate was 11.5 percent.

7 THE CHAIR: Thank you, Joan. Moving on to
8 old business. Are there any committees that
9 have anything to report?

10 BISHOP TAYLOR: Yes, Chair. I have a report
11 on the Outreach Committee. We have successfully
12 completed our second round of graduates from the
13 CCRB Ambassadors Program, and was very
14 successful this year again. And we had, after
15 the spring cohort twenty-five finished, they
16 continued on, did trainings for other youth, the
17 young people that would carry on. And we have
18 the graduation ceremony on August 30. It will be held
19 in Long Island City. Director Thompson will be
20 there. Hopefully, the Chair will be there as well.
21 It's been a really good experience because the kids learn
22 how to de-escalate incidents. They also are involved in
23 training other young people how to interact with
24 police officers and how, and what their rights
25 are, how to posture themselves. And so, it's

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1 really been a great program in collaboration
2 with the CCRB. And Dawn Fuentes has done a
3 fabulous job in coordinating all of that. So,
4 we're really excited about that. I think the
5 number this year--Dawn, what's the number that we
6 have graduating for the ambassadors on the 30th?

7 MS. FUENTES: There are 25.

8 BISHOP TAYLOR: 25, so that's great.

9 THE CHAIR: That's tremendous.

10 BISHOP TAYLOR: And of course, they learn
11 leadership skills and mediation.

12 THE CHAIR: And my question is, I know that
13 some of these people will actually come back and
14 be teachers for the future ambassadors. Is
15 that right?

16 BISHOP TAYLOR: Yes.

17 THE CHAIR: So again, it's peer-on-peer.

18 BISHOP TAYLOR: It's peer-to-peer training, so
19 these 25 will be actively involved and have been
20 involved in training of the young people as well
21 already.

22 THE CHAIR: And I think you've also
23 mentioned to me in the past that a very high
24 percentage of these people end up going on to
25 college.

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1 BISHOP TAYLOR: 92 percent.

2 THE CHAIR: That's amazing, that's great.

3 Thank you. Any other committees making reports?

4 Yes, Commissioner Simonetti.

5 MR. SIMONETTI: Joan, the number of cases

6 resolved by mediation, did you say 21 percent?

7 I heard the number 21 percent.

8 MS. THOMPSON: 21 percent of the total

9 number, yes, that's correct.

10 MR. SIMONETTI: Resolved by mediation?

11 MS. THOMPSON: Yes.

12 MR. SIMONETTI: Okay, very impressive. One

13 other thing. In the list of 19 cases that are

14 over 18 months old, interestingly to note that

15 only one is caused by a DA hold, which is very

16 surprising because if you look back historically

17 at that list of cases over 18 months, that

18 always comprised the vast majority of the cases.

19 So, just wondering what's happening. Are they

20 getting quicker at getting the cases back to us,

21 or taking the hold off the cases so we can

22 investigate them, which would be good? Just

23 interesting, or are they not taking as many

24 cases? Also, when you look at the list of cases

25 over 18 months old, and if you look at the ones,

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1 particularly number 3, 9, 10, 11, and 12, I
2 know those cases were reported upwards of a year
3 after the actual incident occurred. But then if
4 you look at the date of the report, you'll see
5 that one was reported in March of 2011. And the
6 other cases were reported in January of 2011,
7 which means from the date of the report, the 18
8 months has expired. I'm just wondering why. Is
9 there some reason for that? If they still had
10 an opportunity to get the cases completed, but
11 then they even blew statute .If that was the new SOL
12 date, they blew the statute of limitation with
13 those dates. Do you follow me?

14 MS. THOMPSON: Yes. I will have to look it up
15 and see. I will get back to you.

16 THE CHAIR: That's a good point. Let's
17 figure out what's going on there. Anything
18 further, Tony? No?

19 MR. SIMONETTI: No, thank you.

20 THE CHAIR: Anything further from your side?
21 Seeing no additional old business. Is there any
22 new business at this time? We now turn to
23 public comment, and although it's not on the
24 list, I will now turn the floor over Mr.
25 Christopher Dunn.

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1 MR. DUNN: Okay. Good morning. Why don't
2 I pick up where Tony left off? I've been saying good
3 things about the 18-month and older cases, but it seems
4 like you are going in the wrong direction, DA holds is
5 only one case. I recall they were the lion's share. There
6 are a lot of cases 18 months and older and most of them
7 seem to have no justification, so somebody slipped
8 this month .The mediation numbers, I'm
9 confused about this. Another report indicates
10 that year to date - - 14 percent of cases have
11 gone through mediation, but maybe I'm
12 misunderstanding that part - - I'd be quite
13 surprised if 20 percent of the total number of cases were
14 mediated. look at the CCRB disposition table,
15 the-

16 THE CHAIR: Marcos - -

17 MARCOS: There are two different ways to
18 calculate mediation-wise, mediation as a
19 percentage of total closures. But we hadn't
20 started to calculate that way since the
21 beginning of the year, and this is
22 the first time we have reported that way. It's a
23 much better, accurate description is the cases
24 that are not actually resolved by the CCRB.
25 That means full investigations and mediations,

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1 not cases - - because we don't have an
2 opportunity to resolve those cases. So, what we
3 are calculating is the cases - - the - -
4 investigator mediation, what is the percentage
5 of cases that aren't mediated. So, mediation
6 constitutes 21 percent of cases that aren't
7 resolved by the CCRB.

8 MR. DUNN: Okay. Now, just to be clear, the
9 table in this month's report.

10 MARCOS: It's seven percent, because it's of
11 total cases - -

12 MR. DUNN: That's of total cases. So, the
13 number that Joan is reading is not from the
14 report--

15 MARCOS: It is not from that report. It's from
16 the first two columns, full investigations plus
17 mediations; and, 20 percent of that number is
18 mediations.

19 MR. DUNN: Okay. I don't know if it's okay
20 to be asking Marcos, but is 20 percent, as
21 reported by Joan, a significant change in the
22 past number? Is that just another clear-cut way
23 of calculating - - because you never make - -

24 MARCOS: We have seen an increase in the
25 number of cases that the board refers to

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1 the mediation program. I think you have seen
2 also that increase in the docket. So, the resolution
3 rate is higher, obviously, because both the
4 number of cases that we refer and the number
5 of them that we can definitely get to in the -
6 - at the end of the process have increased. So,
7 this is hard work . We have made more
8 referrals than at any point in history in the last
9 two years through the mediation program.
10 The Board has expanded some allegations,
11 as you know. The Board has aggressively
12 pursued mediation for many more
13 cases. And the single reason for that is,
14 normally cases, once they are forwarded to the
15 Mediation Unit, the unit has been more
16 successful in keeping those cases within the
17 mediation program. The other thing is that we have
18 a higher rate in the number of civilians and officers
19 that accept mediation. So, the civilians'
20 rate is slightly higher than it has been in
21 the past by five or six points, and the officers'
22 acceptance rate is also higher than it has been
23 in the past, in the last two years. So, if you
24 compare the last two years to the past, yes,
25 there is an increase in the cases that are

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1 successfully resolved through the mediation
2 program.

3 MR. SIMONETTI: I think from a statistical
4 point of view, if 70 percent of the cases are
5 going truncated, and I think the decision was
6 made at the beginning of this year to use the
7 fully investigated cases as the baseline to
8 determining the percentage for mediated cases.
9 Is that correct?

10 MARCOS: Right.

11 MR. SIMONETTI: So, that's why that number
12 jumps off the page, because 70 percent are still
13 being truncated?

14 MARCOS: The decision was made because these
15 are the cases in which you have an opportunity,
16 for the most part, to have an interaction with a
17 civilian. When you interview the civilian, you have a
18 contact with him or her, and, therefore, have a
19 verified statement, or a statement from the
20 civilian stating that they want to mediate a
21 complaint. In many truncations, you don't have that
22 opportunity to ask. So, it makes more sense for us to
23 use that base as the basis of the resolution rate.

24 THE CHAIR: And just a correction. I think
25 the truncation rate is 65 percent.

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1 MR. DUNN: 65 - - Okay. Well, what that
2 illustrates is concern that I have. I
3 I understand your interest in mediation, and I
4 accept mediation , you end up with a smaller
5 and smaller set of number of cases that are
6 actually fully investigated. As the truncation
7 rate goes up, the mediation rate goes
8 up. And I just want to reiterate a concern that
9 that is the way - - you get to the bottom of
10 what's happening on the street. And you get a
11 smaller and smaller picture of that is actually
12 happening. can capture the way to think about some of the
13 other issues that, I think, we're trying to
14 start thinking about. Okay. The other thing
15 that I noted in the report is the dupe rate
16 seems to be going back up. And it was 11 percent,
17 it's 23 percent this month. I was just
18 wondering what cases are those. I would
19 have thought, particularly with the close
20 cooperation with the department , we would see
21 that dupe rate going down and down. I feel like
22 you are starting to go backwards so I just you to pay
23 attention to that. And the Ambassadors program,
24 there has been discussion in the past about
25 there being some written report about the

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1 Ambassadors program. Is that something that
2 is coming?

3 BISHOP TAYLOR: Yes, we're going to do so.
4 Yes.

5 MR. DUNN: We like that program,
6 but I personally would like to see, and possibly
7 you would, something in writing about the actual
8 contact ambassador program.

9 BISHOP TAYLOR: Yes, okay

10 MR. DUNN: Alright. Now the annual report, it
11 finally came out. It's unfortunate, I think, that it
12 came out when it did. It's late, first week
13 in August. I'm not suggesting that was
14 anyone's intent, but it's unfortunate that
15 that's what happened. The single most
16 significant thing that I see - - which was
17 primarily in the press release is the
18 number of stop and frisk complaints going down.
19 And I realized that no one knows for sure why
20 that is so. However, given the stop and frisk
21 complaints, stop and frisks - - 14 percent last
22 year. And given that there seems to be a lot of
23 unhappiness out in the community about stop and frisk, it
24 is hard to believe that the numbers went down,
25 because police officers last year were - - much

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1 friendlier, and as such that complaints
2 were not coming in. A far more
3 likely explanation, and what you should be
4 concerned about and what we are concerned about,
5 is that the public is simply losing confidence
6 in the CCRB and its complaint process, It's just
7 hard to believe that complaints could have gone
8 down for no reason . And I think that it
9 is not unrelated to the truncation rate. The
10 fact that you were at 65 percent truncation
11 rate, I think, is alarming. That's two thirds
12 of the cases that never make it to having a
13 complete investigation. And I think that it
14 doesn't take long for the word to get out and
15 people to realize that coming here, whoever is
16 here, is useless .This isn't going to help. And I
17 just hope that that is something that you pay
18 attention to; policy analysis and the truncation
19 rate - - practices. And I'm hoping
20 that there will be more attention - - as well.
21 That's what I have to say. Thank you
22 very much.

23 THE CHAIR: Thank you. Seeing no other
24 people seeking to make public comment, we're
25 going to break into Executive Session. Thank

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1 you all for coming.

2 [END RECORDING]

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C E R T I F I C A T E

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

Signature:

Richard Pollak

Date: July 22 nd , 2012