

Public Board Meeting of the CCRB September 12, 2012

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Public Board Meeting of the
Civilian Complaint Review Board

Wednesday, September 12, 2012
10:00 a.m.
40 Rector Street - 2nd Floor
New York NY 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

Public Board Meeting of the CCRB September 12, 2012

1 Board Members Present Were:

2 Dr. Mohammad Khalid

3 James F. Donlon, Esq.

4 Youngik Yoon, Esq.

5 Jules A. Martin, Esq.

6 Janette Cortes-Gomez, Esq.

7 Tosano Simonetti

8 Bishop Mitchell G. Taylor

9 David G. Liston, Esq.

10 Alphonzo Grant Jr., Esq.

11 Mary Ellen Fitzmaurice, Esq.

12 Rudolph Landin

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CHAIRMAN CHU: All right, I'm going to call this meeting to order. The first order of business is the adoption of the August 2012 minutes. Is there a motion?

MR. JAMES DONLON: Motion to adopt.

CHAIRMAN CHU: All those in favor of adopting the August 2012 minutes say 'aye'.

IN UNISON: Aye.

CHAIRMAN CHU: Any objections? Any abstentions? The minutes are adopted.

First order of business this morning is we'd like to extend a hearty welcome to a new board member. She's a former judge who has been on the bench for over 20 years. Her name is Mary Ellen Fitzmaurice, she is seated to my right. She is a mayoral appointment and will be replacing Mary Mulligan.

We're very excited to have her, she has had a very long and illustrious career, she graduated from Molloy College and obtained her law degree from St. John's University School of Law, a place that's very near and dear to my own heart, and we welcome her and we look forward to

1 her contributions.

2 Next order of business is our APU hiring.

3 At this point I'm very happy to announce that
4 the hiring process is moving along very nicely,
5 we have extended five offers now for the
6 prosecutorial positions, and the remaining few
7 will be made in very short order.

8 We continue interviewing for the
9 remaining spots, and we are now looking to bring
10 on the final round for the Deputy Chief Prosecutor
11 position, and we're assembling, should say we are
12 in the process of assembling the interview committee
13 to conduct the final round interviews for the
14 deputy position.

15 With respect to rule changes, I've been
16 notified by our General Counsel, Graham Daw that
17 there will be a conference call Thursday, right?
18 And that's between City Hall--the operations at City
19 Hall and also the Law Department?

20 MR. GRAHAM DAW: Law Department - - .

21 CHAIRMAN CHU: Okay. So that's moving
22 forward, and we expect that will be up for
23 a board vote very shortly as well. I'm now
24 going to turn--yes?

25 MR. DAW: That covers both our rule change

1 and the Police Department's rule change. This
2 will handle them at the same time.

3 CHAIRMAN CHU: Okay. So the conference call
4 is going to be not only the CCRB but also the
5 NYPD rule changes, okay. Thanks for the
6 clarification.

7 I'm going to turn the recording now over to--
8 --the Executive Director, Joan Thompson, who is on a
9 well-deserved vacation, so standing in for her
10 today is Denis McCormick.

11 MR. DENIS MCCORMICK: Good morning. The
12 CCRB received 627 complaints in August 2012.
13 This is 155 more complaints than in August 2011
14 and a 33% increase in month to month complaint
15 activity.

16 Year to date complaint activity has
17 decreased by 2%. From January to August '12--to
18 August of 2012, we received 4,029 complaints,
19 which is 66 fewer than the same time period last
20 year, when there were 4,095.

21 The board closed 3,634 cases between January
22 and August of 2012, a substantiation rate of 14%
23 of all investigations, which is seven percentage
24 points higher than the same period in 2011, and
25 a substantiation rate of 7.

1 Year to date, the board has substantiated
2 143 cases, the truncation rate is 64%, which is
3 a 2% increase from 2011, when the year to date
4 truncation rate was 62%.

5 Year to date, the CCRB has resolved 246
6 cases through the mediation program, the number
7 of cases resolved by the mediation unit is
8 approximately 19% of the total number of cases
9 resolved by the CCRB.

10 Seven percent of all closed cases have been
11 alternative dispute resolution closures.

12 The agency docket at the end of July stood
13 at 3,023 cases, 93% of our open investigations
14 were filed within the last year, and 63% were
15 filed in the last four months.

16 Of the open cases, 555 are awaiting panel
17 review, or 18% of the docket, 2,251 are being
18 investigated, and 217 cases are in the mediation
19 program.

20 By date of incident, 12 cases in the CCRB's
21 open docket are 18 months and over, which is
22 0.4% of the open docket. There were 19 last
23 month. Of those cases, three were on DA holds for
24 at least 10 months, seven cases were filed between
25 9 and 15 months after the date of incident. In one

1 case, the delay had no apparent justification and
2 in one case the officer is on military leave.

3 In July 2012, the Police Department closed
4 19 substantiated cases, year to date the
5 department has closed 141 cases. The department
6 has imposed discipline against 114 officers.
7 The department did not impose discipline against
8 27 officers, the disciplinary rate is 81% and
9 the department's decline to prosecute rate is
10 10%.

11 CHAIRMAN CHU: Great. Thank you. Turning
12 now to committee reports. I know there was a
13 meeting this morning of the APU Committee. Mr.
14 Liston, do you want to say a few words?

15 MR. DAVID LISTON: Sure. Thank you Mr.
16 Chair.

17 We had a very productive meeting today of
18 a committee that was created to look at the
19 very important issue of which cases to take and
20 which cases not to take. You know, as we've
21 heard from other meetings and we've had
22 situations where someone will contact the CCRB and
23 make a complaint about something they heard about
24 but perhaps didn't witness themselves, perhaps
25 something they saw on YouTube or the internet.

1 There are a number of variations of
2 situations in which we've not heard from the
3 victims, we've not heard from an eyewitness
4 per se, but we've heard from someone who
5 apparently has information. And the difficult
6 question is what to do with these.

7 We don't necessarily want to take all of
8 them because that may lead to too much and
9 pull us away from matters where we actually
10 have a complainant, but we don't want to
11 turn away important matters that deserve our full
12 attention. We must find a compromise to the
13 challenge

14 We had a very good meeting, and we're
15 going to continue the meeting and I think
16 with one more meeting we'll be in a position
17 to make a report for our specific
18 recommendations.

19 But I want everyone to know that we're
20 focused on it, and one meeting away probably
21 from a full report.

22 CHAIRMAN CHU: Okay, thank you.
23 Commissioner Taylor, is there anything to report
24 on behalf of the Outreach/Ambassadors Program?

25 BISHOP MITCHELL TAYLOR: Yes. Thank you Mr.

1 Chair.

2 In your package you'll see that there is a
3 Civilian Complaint Review Board Youth
4 Ambassadors Program in your folder, and it gives
5 you an overview of the program, the outcomes for
6 this year, some pictures and some information
7 just to document the great work that Dawn
8 Fuentes and her team did this year in this
9 collaboration.

10 So I'll read a brief report so everyone
11 could understand the crux of the program. And
12 then we have a slideshow that we're just going
13 to show just to give a quick update.

14 The CCRB Ambassador Internship Program, CCRB
15 and ERDA, was developed as a collaborative
16 effort. The goal of the year-long program was
17 to improve police-civilian relations by offering
18 a valuable and innovative internship to young
19 residents 24 and under, of the four New York
20 City Housing Authority Developments in Queens
21 Community District 1. These developments are
22 served by the East River Development Alliance.
23 Astoria houses, Queensbridge, Ravenswood and
24 Woodside.

25 The program would be a natural extension of

1 the community outreach efforts of CCRB to
2 educate the public about its mission, services
3 and de-escalation skills. Through skits created
4 and performed by the ambassador interns, the
5 message of CCRB was disseminated by youth
6 empowering youth.

7 The development of the year-round internship
8 program was created to provide ambassador
9 interns with viable leadership experiences in
10 their communities as well as professional
11 development in the areas of public speaking and
12 job readiness.

13 The impact of the program has been more
14 powerful than expected, and has exceeded grant
15 expectations. Over 1,088 youth were served from
16 the summer of 2011 to the summer of 2012. In
17 all, there were 76 presentations to youth
18 organizations in Long Island City, Astoria,
19 Skyway, Flushing, Elmhurst, Forest
20 Hills, Corona, Jackson Heights and other
21 neighborhoods.

22 Overwhelmingly the youth audience's response
23 has been positive and inspiring for all
24 participants of the program. From 2011 to 2012,
25 the 76 presentations we received--from these 76

1 presentations received 1,088 survey responses.

2 Just to highlight a few of the audience's
3 responses on the survey.

4 Number one, today's presentation was
5 informative. 93% felt the ambassador
6 presentations were excellent.

7 Two, I understand that the CCRB
8 investigative process. 91% felt they did
9 understand it.

10 Two testimonials. One is a member said,
11 "The knowledge that was given to me and my co-
12 workers about CCRB and police misconduct has
13 empowered me." Another praised the program and
14 said, "It was very enjoyable to see your vibrant
15 staff act out real-life situations. The
16 information you provide makes me feel empowered
17 because knowledge is power."

18 A third person said, "Not only am I more
19 knowledgeable about how to file a complaint, but
20 also the proper way to handle an encounter with
21 a police officer."

22 These testimonials show the impact the
23 presentations made on the audiences and the
24 opinions on police-civilian relations and
25 civilian empowerment. This is essential in

1 helping the New York City community as a whole
2 progress towards increased understanding and
3 cooperation between civilians and the police.

4 But that's just a short excerpt of the work
5 that Dawn her team and Rashina and everyone
6 did working collaboratively with the East River
7 Development Alliance and other partners to launch
8 this program.

9 It was fabulous, a lot of young people were
10 touched and educated, and I think that the great
11 thing about it was it was youth empowering
12 youth. So these workshops and presentations
13 were our youth from CCRB making these
14 presentations to other youth around the City.
15 So it was a great program. Thank you Mr. Chair.

16 CHAIRMAN CHU: And this is the second
17 successful year?

18 BISHOP TAYLOR: This is the second
19 successful year. And we're going on for a third
20 year as well, and moving to some other areas and
21 partners.

22 CHAIRMAN CHU: That's good to hear. Keep up
23 the good work.

24 Are there any other committees to make
25 reports? If not, Commissioner Taylor, when--did

1 you have slideshow or something that you
2 wanted to show?

3 BISHOP TAYLOR: Yes, if we have time. I
4 just want to show maybe--just a couple of
5 minutes if possible.

6 CHAIRMAN CHU: Okay.

7 MS. DAWN FUENTES: Okay, we're going to go
8 ahead and just highlight some of the impacts
9 that this summer brought about. We're going to
10 highlight some results 2012 but they actually
11 started in summer 2011.

12 Fifteen students were actually trained to
13 come out with opportunity outreach and do
14 inspirational skits and really talk about the
15 de-escalation, and they were also focused on
16 mediation.

17 So we're going to start the first slide. So
18 first slide that we talked about was actually
19 when we talked about mediation. There were
20 three skits that were actually created, one of
21 the skits shows an actual encounter between an
22 officer and a student, and that encounter was
23 kind of the negative encounter.

24 The second skit that we did was the de-
25 escalation skit, a mediation skit that shows how

1 there were some issues that could be resolved
2 through mediation.

3 And the third skit was a skit that talked
4 about how to de-escalate a situation, especially
5 the first few moments between an officer and a
6 civilian. How to de-escalate the situation
7 through communication.

8 What you're seeing right now is the actual
9 presentation. This is at the La Guardia
10 Community College. I don't know if you're
11 familiar but there's a summer youth employment
12 program that happens every summer in the City,
13 and the neighborhoods that were focused on was
14 Long Island City, Flushing, Jamaica, Corona, and
15 this is actually students--basically doing one
16 of the skits and this is almost like the first
17 skit that talked about escalation, and you can
18 see the students there altogether. They look
19 like they were about 75 students at this event.

20 Once again, this is another skit that took
21 place, this is at the Floating Hospital. We have
22 students that are asking questions of the event.
23 We have a lot of our own ambassador interns that
24 are actually showing and--you know, we talked
25 about youth empowering youth, talking about de-

1 escalation. Even participated in many of the
2 NYCHA housing family days, which is really
3 important, being a part of the community. The
4 youth were also responsible for giving out
5 information at the place of event. These are
6 all the students that are participating.

7 Training sessions: We actually had six
8 training sessions. CCRB staff were very heavily
9 involved in the training session.

10 Roger Smith, one of our lawyers at the
11 agency was very instrumental in helping
12 youngsters with de-escalation skills, talking
13 about de-escalation, teaching our safety
14 students about that. We also did in
15 - - sessions with--you're talking about - - what
16 does - - really mean? And we're able to
17 improvise, to see if we can improvise these
18 events and come up with their own - - , and
19 actually it was a very innovative and creative
20 process. And these are all the training
21 sessions we held. We split them up into groups
22 and each one was responsible for actually
23 creating a - - session.

24 Lisa Cohen was also heavily involved.
25 She talked about mediation which is really

1 important. As you can see, with each skit we
2 talked about the investigative process,
3 de-escalation, we talked about mediation and
4 conciliatory response to a complaint, and the
5 last one was the proper actual procedure for
6 filing a complaint.

7 So I hope that kind of gave you a
8 taste of what the two summers have been about,
9 this has been a year-round program. Some of
10 the testimonials from the students, it was
11 very empowering for them, they knew what to
12 do in such a situation, they felt empowered
13 in their public speaking skills, and they
14 really felt that they had given the community
15 that they had served the tools, to talk about CCRB
16 and to talk about de-escalation.

17 CHAIRMAN CHU: Dawn, I just have a
18 question. Was there noticeable change in the
19 beginning of the program when they first
20 act out these skits to when they were
21 empowered and had more knowledge about what their
22 rights were and what the police are permitted
23 to do, what they're not permitted to do, what
24 the laws are?

25 MS. FUENTES: Exactly. Yes, we actually

1 conducted two focus groups. We conducted a
2 focus group right at the beginning of the
3 program to really kind of gauge what were the
4 perception of - - community tension in their
5 neighborhood? It was very insightful to really
6 hear what students thought there was
7 tension. So many felt that there was tension in
8 the community.

9 After the program we did a final focus
10 group, we found many of their perceptions had
11 changed. It was more being able to look
12 at two sides of the picture, instead of one set
13 idea.

14 So for a better understanding of the
15 investigative process, also a better
16 understanding of police point of view also in
17 the community.

18 So I think from hearing both of those
19 perspectives, it put us in a very unique
20 position to talk to the audience and for them to
21 seem to like to respond to what's happening in the
22 Police Department and also what's happening with
23 the CCRB, and more importantly, what are those
24 de-escalation skills that can keep them safe and
25 informed and empowered.

1 CHAIRMAN CHU: Thank you so much.

2 MS. FUENTES: You're welcome.

3 CHAIRMAN CHU: I'm moving now to old
4 business. Last month we discussed the
5 truncation rate. The truncation rate is
6 obviously an issue that is constantly on our
7 radar, and what I did was I subsequently asked
8 the staff to look into some of the issues facing
9 the truncation rate and some of the reasons
10 underlying and driving the truncation rate and
11 its apparent fluctuation.

12 So just by way of background, I learned that
13 the truncation rate as a statistical concept for
14 the CCRB, actually came into being in 1995 during
15 the 1995 Annual Report. It's actually not
16 something that's mentioned in our rules, but it
17 is something that the agency at the time thought
18 would be helpful in terms of utilizing it as a
19 benchmark or as a yardstick to measure how many
20 cases are unable to come to completion.

21 That said, as all the board members know,
22 that the big categories that comprise truncation
23 would include when a complaint is withdrawn by
24 the complainant, when the complainant and/or the
25 victim is uncooperative, when the complainant or

1 the victim is unavailable, and also when the
2 victim is unidentified.

3 So towards that end, I just wanted to tee up
4 the discussion a little further, because I think
5 it warrants further discussion in terms of what
6 really makes up the truncation rate. Because we
7 talk about truncation rate and it seems like
8 this big megillah, but actually within
9 the truncation rate, the breakdown of for
10 instance, withdrawn cases, is approximately 21%,
11 if I'm not mistaken.

12 So when we talk about the truncation rate
13 being at about 65% or so, right off the bat, 21%
14 of withdrawn cases cuts that 65% down
15 considerably.

16 And to get into more of the details, I ask
17 our Deputy Executive Director of Strategic
18 Initiatives, Mr. Marcos Soler, to just kind of
19 give the board a rundown of some of his
20 findings, some of the factors that go into what
21 drives the fluctuations in our truncation rate.

22 Marcos?

23 MR. MARCOS SOLER: We have disseminated two
24 memos. One is the one that the Chair just
25 stated on concepts and practices and define

1 basically how we operate our truncation rate
2 and current practices, and what recourse
3 individuals have when they want to reopen a
4 truncated complaint.

5 So we have provided a lengthy memo on
6 statistical analysis. I'm not going to read to
7 you what you can read yourselves and see the
8 charts.

9 Just to highlight some of the key aspects
10 that we have looked into.

11 We have analyzed the characteristics of
12 complaint filing. What we have done is
13 basically to make distinctions between
14 complaints filed within the CCRB, and complaints
15 filed with the Police Department, which
16 ultimately come here.

17 We have looked at the manner in which the
18 complaint is filed. Whether the civilian made a
19 phone call, the civilian contacted us through
20 the internet, the civilian came here in person,
21 the civilian wrote a letter. Those things we
22 have evaluated to determine if there are
23 different variations and truncation rates by
24 categories.

25 We have looked at whether or not the person

1 is filing the complaint here, filed the
2 complaint immediately after the complaint, or
3 waited a little bit. Whether that has an
4 impact, that certainly we saw that the longer it
5 takes for people to file a complaint, the less
6 likely they are to truncate the case.

7 So those are primarily in the incident-
8 related variables that we looked at to figure
9 out exactly what was going on. We look at
10 demographics to make sure the demographic
11 issues--what kind of role demographic issues
12 play in the truncation rate.

13 We saw them raise - - speaking in the long-
14 term, it's not a factor although in the last
15 year it seems that there are some differences
16 between a truncation rate by ethnic groups, but
17 in the long-term has never been a factor.
18 Gender doesn't seem to be a factor, however,
19 certainly age appears to be a factor, with a
20 decreasing complaint rate as the age of the
21 complainant increases. The older you are, the
22 less likely you are to truncate your complaint.

23 We have also seen situations in which we
24 analyze the specifics, the type of complaint
25 that we have received. We have looked at the

1 difference between cases that are filed
2 because there was force that was involved versus
3 non-force.

4 Surprisingly there we found that force was
5 more likely to be truncated than non-force
6 cases. However, if there was the presence of
7 injury, then that situation reverses, and people
8 are less likely to complain--sorry, to truncate
9 their complaint if physical force and an injury
10 is present.

11 We also look as to whether or not arrests or
12 summonses play a role, - - again concerning the
13 incident, and we saw as well that you're more
14 likely to truncate your complaint or - - higher
15 for those complaints in which we have neither
16 arrests nor summonses.

17 And finally we look at some other potential
18 factors such as the location of the resident or
19 individual. Over time we saw no difference in
20 terms of truncation rate of boroughs and
21 actually district. We actually have a chart in
22 which we analyze the specific areas of the city,
23 except for this year, in which for reasons that
24 are not known, we see a truncation
25 rate that is higher for complaints filed by

1 individuals living in Staten Island.

2 They also looked at the truncation rate by
3 team, and generally speaking we saw there are a
4 few discrepancies over time and they are as well
5 reported. These discrepancies have increased
6 this year.

7 So in conclusion, I think we have provided a
8 large number of charts and we're hopeful--
9 hopefully allow the board to have a useful
10 discussion on what are the factors contributing
11 to the truncation rate. Also allow the further
12 discussion that the Chair indicated with regards
13 to the concept.

14 We have analyzed many of the cases, not just
15 from a statistical point, but also individually,
16 to find out what are the reasons why people
17 might be truncating. We are breaking down
18 categories, we have seen that in some instances
19 people don't want to follow the complaint--don't
20 want to pursue the complaint because they don't
21 have time, in some instances they don't--just
22 want to record a complaint, in very, very few
23 instances they are afraid of retaliation by the
24 officer, the reasons are very diverse.

25 And finally, we also see that there is

1 perhaps room for improvement in terms of how
2 we categorize these things. There are certain
3 situations in which the terms that we use might
4 not fully explain the behavior of both the
5 agency and the complainant.

6 So for instance, right now when the attorney
7 recommends to the civilian not to interview with
8 the CCRB and not to pursue further with the
9 complaint, we are categorizing that as
10 complainant uncooperative, without further
11 explaining that that's the reason why we cannot
12 continue, because the attorney basically has
13 told the police not to contact my client.

14 I think it's important perhaps to provide
15 additional information about the reasons why
16 people withdraw the complaint, since we have
17 that information and every complaint in which
18 there is a withdrawn complaint we ask for
19 documentation from the person, we ask them to
20 sign a letter, and normally we ask them the
21 reasons why they want to complain--I mean sorry,
22 to withdraw the complaint.

23 So I think that perhaps additional work has
24 to be done in terms of analyzing, not just the
25 quantitative reasons, but also some of the

1 analysis that we are doing right now, whether
2 that was sufficient to explain our truncation
3 rate.

4 CHAIRMAN CHU: And Marcos, I think just from
5 your memo, there seems to be a pretty wide range
6 just within the different teams as well, right?
7 I mean it looks like the team with the highest
8 truncation rate, we're talking 74%, and with the
9 lowest at 55%. So that's probably a
10 statistically significant--

11 MR. SOLER: [interposing] Yes.

12 CHAIRMAN CHU: --discrepancy, and I think it
13 ties into what Denis will be doing with trying
14 to standardize and have more uniformity among
15 the teams. And that's certainly something I
16 expect you to be looking at.

17 MR. TOSANO SIMONETTI: Mr. Chair?

18 CHAIRMAN CHU: Yes.

19 MR. SIMONETTI: You know, in going over the
20 four categories of the cases that we put in from
21 the truncation - - you know, and I guess as the
22 senior member of this board, I should have seen
23 this a long time ago because I'm the guy that's
24 always been complaining about the truncation
25 rate, that it's getting too high. And thanks to

1 Mohammad at our last executive board meeting,
2 and it was enlightenment when Mohammad said, why
3 are we carrying withdrawn cases as truncated
4 cases? And lo and behold, a bolt of lightning
5 struck, and why are we carrying as truncated
6 cases? I mean those cases should be carried
7 almost as a positive finding. The person no
8 longer wants to pursue that case. They have no
9 faith that they will not even open up,
10 ask to come in, and they will not allow
11 themselves to be interviewed by the
12 investigators.

13 So that category of cases and it's--I think
14 it's up to us to try to determine how to
15 classify that category of cases. I think it's a
16 positive finding, which means we must be moving
17 from the truncation rate, which means the truncation
18 rate goes from 65% down to 43%, which by the way
19 in my memory, 16 years, would be the lowest
20 truncation rate we've ever had in this agency.
21 We always have it around 50 for many years, and
22 then we were creeping up close to 73%, 74%, but
23 I mean, this is a startling revelation, and I
24 want to thank Marcos and his staff for doing
25 this great analysis.

1 And I would like to propose that to the
2 board, how should we handle these cases, what
3 classification can we give? That's not to say
4 that the numbers should be removed from our
5 final count of cases, that always must remain.
6 However, they should be reclassified somehow
7 when we do our report.

8 CHAIRMAN CHU: Any other commissioners have
9 any thoughts?

10 MR. ALPHONZO GRANT: Yes, I do. I have a
11 question. I thought I heard you say that the
12 complaint withdrawn percentage was 21%. But I'm
13 looking at chart one, the memo that says 12%.

14 CHAIRMAN CHU: Oh I'm sorry.

15 MR. SOLER: It is 12%.

16 MR. GRANT: It's 12%, okay.

17 CHAIRMAN CHU: I'm dyslexic in the morning.

18 MR. SOLER: The first chart, chart number
19 one, you can see historically, the chart number-
20 -

21 MR. SIMONETTI: [interposing] Excuse me. If
22 you take current year to date figures of
23 truncated cases, there are 402 cases classified
24 as withdrawn, when you take that number and run
25 a percentage against the total number of

1 truncated cases, unless my math is wrong, it
2 comes out to 21%. Denis, can you do that math
3 quickly?

4 MR. MCCORMICK: I could try. Okay.

5 MR. GRANT: - - total cases, that's the
6 problem. That chart reports percentages of
7 total cases.

8 MR. SIMONETTI: Okay. I'm talking about
9 against the truncated cases.

10 MR. GRANT: The 21% is the total of--if you
11 take the truncated cases, the percentage of
12 withdrawing's is 21% of the total truncated.

13 MR. SIMONETTI: Yes, exactly.

14 MR. GRANT: Okay, but it's a significant
15 number.

16 MR. SIMONETTI: That should be the ratio
17 that one should draw.

18 MR. CHRISTOPHER DUNN: As Mr. Grant points
19 out, if you want to do the subtraction, it's 65
20 minus 12 not - - 12.

21 MR. SIMONETTI: Okay--which you also agree
22 is now 53 which is more in keeping--what I was
23 thinking about when we talked about truncation
24 rates. Thank you - - .

25 CHAIRMAN CHU: And again, my sense is, if

1 this a convenient term to use, we would
2 consider maintaining the truncation rate, but
3 even if we were just to break down within that
4 number what the percentages were, I think that
5 would be very helpful in terms of seeing why the
6 rate is what it is.

7 Some of them are like you said, on advice of
8 counsel, they don't cooperate, some people
9 withdraw, some people--and a small percentage
10 fear retaliation, so--you know, and some are
11 just simply abandoned. Some people lose
12 interest in it. So I think that that would be a
13 very productive way to kind of just break down
14 why that total number is what it is.

15 MR. SIMONETTI: I've got to take that Math
16 101 course again.

17 MR. DUNN: You know I'm happy to help you
18 out Tony.

19 BISHOP TAYLOR: I think that--I just think
20 that--you know, as we discussed in the Executive
21 Session that the reclassification of these terms
22 are important because truncation has to be
23 truncation. What I mean, if there's an outcome
24 that's determined by a complainant, then it has
25 to be classified that way, and not a penalty to

1 the board or to the agency in light of the
2 escalating truncation rates.

3 CHAIRMAN CHU: Well, I mean I think others
4 have shared my sense that in a perfect world we
5 would love to follow up and send people out in
6 the field and make sure that every effort is
7 made to complete an investigation, but in the
8 real world right now, as the steward of limited
9 resources, I think that is just impossible to
10 do. So I think it's to find that middle ground
11 in terms of doing everything we can, but not at
12 the expense of people who are ready, able and
13 willing to come in and are on board with going
14 forward with the full investigations. So that's
15 the balance.

16 BISHOP TAYLOR: So the question is, how do
17 we come up with the proper categories so that
18 the right disposition can be put on--put in
19 place for these cases? How can we--

20 CHAIRMAN CHU: [interposing] Mr. Simonetti?

21 MR. SIMONETTI: Well, I think if you go
22 along with the Chairman's thinking that we
23 continue to list withdrawn cases under the
24 truncate rate and then kind of asterisk it, and
25 tell him that this represents 12% of the current

1 cases reported year to date. So I mean that
2 would kind of take it out of the category.

3 BISHOP TAYLOR: I think it should be totally
4 removed and reclassified. Because it's not--

5 MR. SIMONETTI: [interposing] That's why we
6 have a board.

7 CHAIRMAN CHU: I mean and I think that's
8 something that warrants further discussion, but--
9 -

10 MR. SIMONETTI: [interposing] Can we put
11 this over to an Operations Committee meeting?

12 CHAIRMAN CHU: I think that would probably
13 be advisable. Okay.

14 Is there any new business? Being no new
15 business, we'll open it up for public comment,
16 the first speaker is Christopher Dunn.

17 MR. DUNN: Okay, good morning.

18 VOICES: Good morning.

19 MR. DUNN: Very wild of you to
20 arrange that cement truck out, there's - - .
21 Ms. Fitzmaurice, welcome to the CCRB.

22 MS. MARY FITZMAURICE: Thank you.

23 MR. DUNN: - - for better or for worse, I'm
24 here every meeting, - - .

25 I heard what Daniel said about

1 your judicial background, but - - hearing a
2 little more about your professional experiences
3 and how they relate to issues like this
4 oversight and your interest in being on the
5 board.

6 MS. FITZMAURICE: I would say that I've had
7 over 22 years of experience on the bench and went
8 to family court. I was the Supervising
9 Judge of Queens Family Court for six years, and I
10 sat in the Supreme Court in the Matrimonial Court
11 for eight years.

12 In the course of 22 years I certainly had
13 numerous police officers come and testify before
14 me in different situations and types of cases.

15 And I retired in April and I wanted to give
16 back and I feel that this is a continuation of
17 public service. I was very, very happy as a
18 judge and I was also very happy to retire. And
19 I hope that I will bring something useful and
20 helpful to the board, and in that way, continue
21 my community service.

22 MR. DUNN: Thank you very much.

23 MS. FITZMAURICE: You're welcome.

24 MR. DUNN: With respect to the monthly
25 report, the 18 months plus cases, and here that

1 list has come down, that looks very good. I
2 complained about that in the past, but when it
3 comes down I noted and definitely come down.

4 The one question I did have though, I'm
5 deeply concerned, last month there were three
6 SOL cases in the department, and there's 12 SOL
7 cases for the year, and I don't remember last
8 year's number, so let's do it like a big number
9 of - - cases are getting lost because of special
10 limitations problems. I asked Marcos to see if
11 I could figure out what the comparison for last
12 year.

13 But you know, a lot of the SOL discussion
14 has been somewhat under my - - suggestion or
15 maybe these non-substantiated cases, but having
16 three substantiated cases last month alone,
17 that weren't there because of special
18 limitations problem, I think is - - .

19 The increase in complaints this month, I
20 know the - - committee significance - - term
21 increases and decreases in complaints, but 32%
22 is a very big number for any given month, I
23 don't recall any increase like that before. Did
24 something happen last month in particular that
25 might explain why there was a spike? Anything

1 unusual in terms of maybe - - getting
2 processed - - ?

3 BISHOP TAYLOR: - - .

4 MR. DUNN: Is the ambassadors report going
5 to be publicly made available?

6 BISHOP TAYLOR: Yes.

7 MR. DUNN: Okay, I'd love to see it.

8 BISHOP TAYLOR: As a matter of fact, do you
9 have the book?

10 MR. DUNN: I don't have the book. Because I
11 don't get the board pack unless it's - - .

12 BISHOP TAYLOR: Here, you can have mine.
13 Take that book. I'm sorry.

14 MR. DUNN: Thank you very much. Any time
15 you guys want to - - .

16 On terms of the NYCHA presentations, one
17 thing I was curious about, as you know, because
18 you testified about it, there's a real issue
19 about staff activity in NYCHA buildings, and the
20 board itself has documented problems with staff
21 activity in NYCHA buildings, Commissioner Taylor
22 has spoken to the Council about that problem.
23 So I am curious when you were doing
24 presentations in the NYCHA buildings, was there
25 any effort on how to connect some of the

1 agency's concerns about bad activity in
2 the ambassadors' presentation?

3 BISHOP TAYLOR: I think it was a natural
4 synergy because kids that live in public housing
5 experience these confrontations all the time.
6 So I think that there was a definite
7 correlation.

8 MR. DUNN: Okay. Well, I would just
9 encourage--this is an ongoing program I take it?

10 BISHOP TAYLOR: Yes.

11 MR. DUNN: Okay. If we're going to be going
12 into NYCHA buildings in particular, there's a
13 lot of concern out there - - . I mean I
14 understand that you are not looking to generate
15 complaints. And then again, it does seem like the New
16 York Police Department and the agency to have in mind,
17 specifically issues with the agency knows about
18 where these presentations are taking place, and
19 constantly building that chemistry with the
20 presentation from the - - so people are aware of
21 their places.

22 BISHOP TAYLOR: We're doing--I think the
23 majority of our presentations were done in NYCHA
24 facilities.

25 MS. FUENTES: NYCHA facilities that are also

1 not for profit organizations that serve NYCHA
2 residents.

3 BISHOP TAYLOR: Exactly.

4 MS. FUENTES: Especially youth, because
5 really to have so many youth programs, pretty
6 much the quantity of the - - youth
7 organizations, or including the population - - .

8 MR. DUNN: All right. Well as you guys have
9 pointed out and rightfully so, there are a lot
10 of kids who are working on NYCHA buildings who
11 are having lots of great experiences from those.
12 And those are generating a lot of CCRB
13 complaints, and so on. We're concerned about
14 that - - .

15 BISHOP TAYLOR: Yes, as we go forward, we're
16 definitely going to you know, use the data that
17 we have, the institutional data that the agency
18 has to kind of build some correlation. And
19 definitely it is--you know, we're not trying to
20 generate more complaints. That's not the
21 objective. But when you educate people, they use
22 the tools and resources at their disposal. And
23 that's - - .

24 MR. DUNN: Well, I get that. The guns and
25 officers, and I will tell you, we have the

1 experience - - people who have these
2 experiences.

3 People, particularly kids, get stuck with
4 such regularity that it becomes a part of their
5 daily or weekly life. And they all - - it's not
6 the location you're thinking about, is there
7 something wrong with this, and should there
8 perhaps be a concern. I cannot tell you how
9 young people we have talked to, that when you
10 say to them, how many times did you get stopped?
11 They go, I don't know. And you say, well, what
12 do you think of last week? Well, you know, I
13 actually got stopped five times, but you know, I
14 didn't think anything of it. And that is not a
15 - - .

16 And so as we said that part of education
17 here is educating young people about some notion
18 of the boundaries involving police conduct, and
19 like--therefore, regular CCRB complaint, and
20 ways to prevent them.

21 BISHOP TAYLOR: That's what we're doing.

22 MR. DUNN: Okay, that's good. All right,
23 the truncation rate. I'm thrilled to hear that
24 everyone on the board has been so concerned
25 about the truncation rate and I don't remember a

1 lot of discussion about it, but I'm simply - -
2 to this report. And - - not understanding the
3 21% versus the 12%, 12% is 12%.

4 But here's the concern that I have. And I
5 don't mean to be invading on anyone's parade but
6 the real problem with the truncation rate is
7 the fact that it has gone up as much as it has
8 gone up in the last 15 years, something like 50%
9 is just 5%. - - big numbers, all of the
10 increase has been in the complainant-victim
11 uncooperative category. The 12% for withdrawn
12 complaint, this exact same 12% that existed in
13 2002, that number has not moved. What has moved
14 is people that you guys have made to seem
15 uncooperative. That's where the increase has
16 been, that's where the concern should be.

17 And I think it's fair to the - - work you've
18 done try to identify these attributes, cases
19 that are spontaneous. Like in my mind there is
20 no solution to even be labeling truncation. And
21 the attributes of truncated cases at this
22 starting point in time, I mean and then I
23 understand the concern about in a perfect world
24 with unlimited resources you can go out and ask
25 everybody why they're truncating, but the fact

1 of the matter is this, I think, is the single
2 biggest agency's internal problem, which is the
3 fact that two-thirds of the cases for no reason
4 are going away in the last 10 years, the
5 uncooperative category jumping 26% to 40%, is
6 like a 15% increase, 13% increase, 14% increase,
7 and I don't hear enough discussion about what
8 happened on our side of the curtain and maybe
9 accounting for such a large increase that people
10 are walking away.

11 These are not withdrawn, these are not
12 people you can't identify, these are people who
13 file a complaint and then never get past the
14 initial step and I had to say this I said 50
15 times, I hope you don't - - 50 times, you try to
16 look at the fact that the only way someone can
17 actually make - - board is when they come here
18 at 40 Rector Street during the work day, during
19 the work week and give an interview. And that
20 is a big leap for a lot of people. So you need
21 to find some way to make it easier for people to
22 get over that threshold.

23 And that's--I understand you want to help
24 people, you want to see them, you want to hear from
25 them, there are a lot of ways you can do that,

1 but making them come down here Monday to
2 Friday, and as you go forward looking at
3 this--now again, I want to--what I've been
4 looking at, I have been looking at what is it about
5 the CCRB process that may explain the loss where
6 the - - .

7 Thank you very much.

8 CHAIRMAN CHU: Thank you. I'm seeing no
9 other people waiting to speak up. Dawn, did you
10 want to make a comment?

11 MR. FUENTES: I just wanted to recognize the
12 New York City Community Trust for their generous
13 grant and I'd also like to thank the Mayor's Fund
14 to Advance New York City for its involvement.

15 CHAIRMAN CHU: Dawn, thank you. And right
16 back at you. Thank you and your staff for all
17 the hard work to make this a continuing success.

18 If there's nothing further we're going to
19 take a five-minute break and then go into the
20 Executive Session. Thank you.

21 [END RECORDING]

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25

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

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 20, 2012

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