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Public Board Meeting of the
Civilian Complaint Review Board

10 Richmond Terrace
Staten Island New York 10301
November 14, 2012
10:00 A.M.

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 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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1 HEARING CONDUCTED BY

2 MR. DANIEL CHU: CHAIR

3 CHAIR CHU: I'm going to call
4 the meeting to order. Welcome to
5 Staten Island. I want to thank the
6 people of the Staten Island and I want
7 to thank the County Clerk's Office.
8 And before we get into the crux of the
9 meeting, I just wanted to take a
10 moment of silence for those who passed
11 on due to Hurricane Sandy. A lot of
12 them resided in Staten Island. Let's
13 take a quick moment to remember them.

14 I don't have to tell everyone
15 that we're obviously conducting this
16 meeting under extenuating
17 circumstances here. I hope everyone
18 fared well, did okay during the course
19 of the last several weeks.

20 There will be no adoption of the
21 October minutes at this time because
22 as most of you already know, our
23 office, 40 Rector Street, was severely
24 damaged during the storm. I was there
25 earlier in the week, there was still

1 no power, there was no heat. The
2 basement was flooded from floor to
3 ceiling and although we are on the
4 second floor, there was a lot of
5 damage there, I believe some of that
6 might have been due to the plumbing.

7 It looks like it's going to be quite
8 awhile before it's going to be
9 operational and we certainly don't
10 want to rush, it's a balance because we
11 don't want to get people in before
12 it's safe or equipped for our normal
13 operations.

14 We have been told by the Building
15 Management that we are looking at
16 probably three to six weeks. So if
17 they're saying three to six weeks, you
18 know, who knows what it's actually
19 going to take.

20 But we want to take this
21 opportunity to get everyone together
22 to make sure we have contact
23 information. I have been informed
24 that senior staff has been trying to
25 provide email updates on an almost

1 daily basis just to keep everyone up
2 to speed with what is going on. The
3 fact of the matter is, we're not
4 probably going to be able to go back
5 into 40 Rector for a significant
6 amount of time. So what we are
7 striving to do now, is to be able to
8 dole out some work that can be done
9 remotely, and that's going to be
10 explained to you further depending on
11 whether you're an investigator or
12 whether you're a newly hired APU
13 attorney and it's going to be done
14 individually through your direct
15 supervisors and given out in that
16 way.

17 I can tell you that the servers
18 were down, but I believe, at this
19 point, we have one server that is
20 running. We have been trying to
21 duplicate a lot of the materials and
22 the work that needs to be handled.
23 Obviously we have statutes of
24 limitations and other time sensitive
25 materials that will need to carry on

1 notwithstanding the present conditions
2 of 40 Rector Street.

3 Joan Thompson, our Executive
4 Director, has been in close contact
5 with DCAS and other city agencies in
6 an effort to try to find an
7 alternative office space. At this
8 point, we haven't been able to get
9 something that has a phone bank or
10 computers and certainly nothing that
11 would accommodate a crew of this size,
12 much less the entire agency. But if
13 need be, what we're looking to do is
14 just take what we can get and have an
15 operational Command Center, so to
16 speak, so that we have a crew there so
17 that if anyone has questions or
18 concerns or needs information, there's
19 a centralized number and a place where
20 you can call to reach out to someone.

21 I know up to this point, people
22 have been emailing their Deputy ED's
23 and Team Managers and hopefully we
24 will have that chain of command
25 running in a more organized manner

1 from this point forward. But I wanted
2 to get everyone in the room and just
3 regroup, figure out exactly what we
4 need to do to get this agency on its
5 way back to normalcy. And I know that
6 from the senior staff, I have been
7 getting updates and briefings and
8 they've been working really feverishly
9 to try to get some semblance of
10 normalcy, and I really want to thank
11 them especially the Deputy ED's and
12 Joan Thompson for their part in making
13 that happen.

14 In other news, we did get a final
15 budget from OMB and -- do you have the
16 numbers? Brian, do you want to give
17 us an update?

18 MR. CONNELL: We have
19 submitted a peg target for the current
20 year, 2013, totaling \$763,000 and in
21 the out years, \$1,088,000 in response
22 to a submission where we asked for no
23 further reductions to be taken. In
24 2013, OMB took a reduction in accruals
25 that we generated of 665,000 for 2013

1 and the out years they did the
2 reduction of \$40,000 associated with
3 OMB expenses. So we did fairly well
4 all things considered. So the
5 reduction budget in the out years was
6 in effect of \$40,000.

7 MS. THOMPSON: As to the
8 budget, Brian and I are also going to
9 a meeting later and it's a meeting
10 with FEMA so that we will be able to
11 try to estimate our losses. Obviously,
12 downstairs in the basement, all of our
13 supplies were down there, and we lost
14 the entire fleet of cars, they're gone,
15 they were submerged. So we lost all
16 of our cars except the one I had
17 luckily taken home and that's it, there
18 are no other agency cars to my knowledge.

19 So Brian and I are going to the FEMA
20 meeting later at 2PM where we will obtain
21 the needed information that we will then
22 be submitting. The goal is to try to get
23 back some of the resources we expended, to reclaim
24 some of the money we lost.

25 Obviously besides all the supplies and boxes

1 full of old files that were lost, the conditions in our
2 offices are dismal. The lights are out, there is no heat,
3 no water and no phones. There is also a foul odor.
4 There was still water in the basement when
5 we were there. So although the storm is now
6 gone, everything is still far from normal.
7 It's awful. So just to make you aware and
8 before I finish, I do want to say one thing.
9 I do want to say thank you, really I want
10 to say a special thanks to a few staffers.
11 As we store all of the agency work on
12 the computer which have been down, Marcos, Brian, Mason
13 Denis, Carolene and Yazmin have continued to work.
14 Carolene and Yazmin both were out of their
15 houses because they had no electricity and
16 she and Yazmin, I don't know how they
17 got in, there were no subways, but they
18 got to FISA to make sure everybody
19 got paid and put in every single
20 person's timesheet by hand.

21 MS. GEORGE: Actually Yazmin did that.

22 MS. THOMPSON: Yes. So I
23 think that, you should know that there
24 are staff people that went far above and beyond
25 what was expected and I want to give them a big thank

1 you. Yazmin and Carolene kept that part
2 of Personnel running because everyone
3 knows there would be very grumpy staff sitting
4 here today with no paychecks and Yazmin did
5 make that happen. So I want to say again a
6 special thank you to Yazmin and Carolene.

7 CHAIR CHU: Just so the
8 transcript is clear, Joan Thompson,
9 Executive Director, spoke. I am
10 Daniel Chu, C-H-U. This is a new court
11 reporter, so anyone who speaks, put
12 your appearance on the record.

13 Going forward, again, I think
14 probably the way we're going to
15 proceed is, at the conclusion of the
16 public meeting, we are going to break
17 into the Executive Session. It's
18 going to be a short meeting as Executive
19 Sessions go focusing only at cases
20 that are running into statute of
21 limitations issues or other issues.

22 From that point forward, I think
23 we are going to have the senior staff
24 here, along with the Team Managers
25 ASI's and Supervisors. And the final

1 half hour of our time here, we are
2 going to have the teams and the other
3 attorneys break into smaller sessions
4 where you can speak to your direct
5 Supervisor.

6 I think that's how we're going
7 to disseminate information prior
8 to a point, where we're able to
9 actually get an office space and work
10 out of the space, that is essentially
11 going to be the command center for our
12 agency. I don't know if there's any
13 really Committee Reports today but it
14 seems to pale in comparison to the
15 difficulties that we're facing now.

16 I did also want to welcome the
17 new APU Attorneys. They say timing is
18 everything, so you picked a great
19 time, it's kind of exciting and we
20 expect great things from you guys and
21 welcome aboard and, you know, this is
22 not how it usually is, but, you know,
23 we are going to have to adapt,
24 improvise and overcome.

25 I want to thank everyone for kind

1 of hanging in there, and at a time
2 like this, I think, in particular, if
3 anyone has any suggestions or any
4 problems that they see, I would ask
5 them to report to their direct
6 Supervisor and so that it works it's
7 way back to us because we can't know
8 everything that is either working the
9 right way or the wrong way. So I
10 encourage everyone to just kind of
11 communicate the things and the issues
12 that they encounter and that they see
13 so we hopefully get through this
14 together.

15 And again, Joan has thanked the
16 people that have really pitched in and
17 went above and beyond and I would just
18 want to echo that. I'm sure there are
19 people that we failed to recognize but
20 I want to thank everyone who has
21 really stepped up.

22 In terms of old business, I just
23 want to report that the joint public
24 hearing with the NYPD is still
25 scheduled for November 28th, at the

1 moment. And Graham Daw, the General
2 Council for the agency, has been in
3 contact with NYPD to have contingency
4 plans in case we are not back at 40
5 Rector on that day; is that right?

6 MR. DAW: Yes, it is.

7 CHAIR CHU: So in terms of old
8 business, I don't think there's any
9 additional old business. New
10 business, I think our focus is on
11 getting back to some sense of
12 normalcy.

13 I am going to turn the floor over
14 to Marcos to give us a sense of what
15 has been done in terms of the servers
16 and getting some of the work ready
17 that can be done that is remotely
18 possible.

19 MR. MARCOS SOLER: Right now
20 we are operating in a different
21 fashion than we are at 40 Rector.
22 Right now, obviously we have updated
23 the website. The website indicates
24 also -- right now we are receiving
25 complaints through three major means

1 One is, people are still filing
2 complaints with Internal Affairs
3 or at the various precincts and we
4 encourage people to continue to do
5 that obviously if they feel, so that's
6 one way. The other way is that they
7 can file a complaint through our
8 website, our email system is still
9 working. If you go there and file a
10 complaint, you can definitely know it
11 will get to us. Email is updated by
12 Jayne, and she has been reporting and sending
13 those emails, -- forwarding those emails to
14 Denis, who has received all the
15 emails and we are categorizing and
16 logging them. The third way is,
17 obviously we are picking up the mail.
18 There has been a lot of mail
19 disruption downtown but we have
20 finally identified where our mail is
21 located and we picked up the mail last
22 week and we will continue to do that, as
23 some complaints are coming through the
24 mail system. Finally, we provided a
25 number, a temporary number, to people

1 going to 40 Rector, because
2 occasionally people are not -- some
3 folks are not aware that we are
4 closed. So anybody who has gone down
5 to 40 Rector and is asking to file a
6 complaint, they have a phone number
7 which actually happens to be my cell
8 phone, they contact me and we pass
9 that information along, again, to the
10 head of investigation and I have been
11 passing that information along.

12 So in a much more smaller way,
13 certainly we will continue to take
14 complaints and move in that terms. We
15 are trying to, as the chair indicated,
16 trying to figure out if there is a way
17 we can connect to a phone line which
18 is the way we receive about sixty
19 percent of our complaints but
20 obviously we have had difficulty
21 settling that.

22 In regards to the work that we
23 have assigned. One of the things we
24 have done with MIS is to retrieve the
25 server that contained most of the

1 information, not all of the
2 information but basically there are
3 two type of servers. One is the
4 server containing the information that
5 we store in the CTS. We have not been
6 able to retrieve all of that
7 information. The second is the stored
8 information that we retrieve on our H
9 Drive on all the other group drives,
10 so the investigators' drive, our
11 prosecutors' drive, the reserves
12 drive, the employees to A, The Human
13 Resources' drive, all of those things
14 have been retrieved. We are copying a
15 lot of recent stuff, we have it ready
16 to disseminate to, right now, the
17 Investigation Division is obviously
18 what we need to move the cases but one
19 of the other things that we have been
20 able to retrieve is access to the
21 audio files. So in very limited
22 amount of cases, certainly upon you
23 requesting a particular file on a case
24 you might know, you might be able to
25 get a file. As a matter of fact, I

1 know a couple of people that have
2 tried to do that already and we have
3 already forwarded them the file as
4 they requested.

5 Certainly once we work that out,
6 we are going to be able to do more of
7 the transcriptions and other things so
8 that we will be disseminating that
9 information, thank you.

10 CHAIR CHU: Thank you, Marcos.
11 Are there any comments from any of the
12 board members?

13 JENETTE CORTEZ-GOMEZ: If it's
14 okay, I'd just like to have the names,
15 at least, of the attorneys who have
16 joined us.

17 CHAIR CHU: Sure. Do you guys
18 want to just start?

19 MR. ALVAREZ: Good morning, my
20 name is Alan Alvarez, former
21 Bronx Prosecutor.

22 MR. SCOTTI: Paul Scotti,
23 former Queens ADA, I have been in
24 civil practice for the last three
25 years.

1 MS. COOK: I'm Heather Cook,
2 C-O-O-K, and I am also a former ADA.

3 MS. JUNIOR: Nicole Junior,
4 former Brooklyn ADA.

5 MS. McAVOY: Good morning, I'm
6 Vanessa McAvoy, I'm a former Bronx
7 Prosecutor.

8 MS. ROBINSON: Good morning,
9 my name is Gretchen Robinson and I'm a
10 former District Attorney in Queens.

11 CHAIR CHU: Welcome aboard.
12 Before we break out into Executive
13 Session, I also want to just welcome
14 back Lisa Grace Cohen from her
15 back surgery. She looks great
16 and we are glad to have you back.

17 MS. COHEN: Thank you.

18 CHAIR CHU: At this point, I
19 think we are going to break into
20 Executive Session and then in a few
21 minutes, we are going to have a very short
22 session and then we are going to
23 bring back the senior staff and the
24 Team Managers, thank you.

25

1 CERTIFICATION

2 I, Dawn Miller, a Notary Public for
3 and within the State of New York, do hereby
4 certify:

5 That the within transcript is a true
6 and accurate record of the proceedings.

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

12 IN WITNESS WHEREOF, I have
13 hereunto set my hand this 14th day of
14 November, 2012.

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DAWN MILLER

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