

1 Public Board Meeting
2 Of the Civilian Complaint Review Board
3 Wednesday, March 13, 2013
4 10:00AM
5 40 Rector Street - 2nd Floor
6 New York NY 10006

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8 DANIEL D. CHU, ESQ., CHAIR
9 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

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12 PUBLIC MEETING AGENDA:

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- 14 1. Call to Order
- 15 2. Adoption of Minutes
- 16 3. Report from the Chair
- 17 4. Report from the Executive Director
- 18 5. Committee Reports
- 19 6. Old Business
- 20 7. New Business
- 21 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 Bishop Mitchell G. Taylor

6 Janette Cortes Gomez, Esq.

7 Rudolph Landin

8 Tosano J. Simonetti

9 David G. Liston, Esq

10 Alphonzo A. Grant, Esq.

11 Jules Martin. Esq

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2 CHAIRMAN CHU: Okay, let's call this
3 meeting to order. Good morning, everyone.
4 Welcome. The first order of business is the
5 adoption of the minutes from February 2013. Do
6 I hear a motion?

7 BISHOP TAYLOR: Aye.

8 CHAIRMAN CHU: Do I hear a second?

9 COMMISSIONER SIMONETTI: I Second.

10 CHAIRMAN CHU: All those in favor of adoption of
11 the February 2013 minutes please say Aye.

12 COMMISSIONER LISTON: Aye.

13 COMMISSIONER LANDIN: Aye.

14 CHAIRMAN CHU: Any in opposition should say Nay.
15 Any abstentions? Seeing there are no
16 objections, no abstentions, the minutes are
17 adopted.

18 The Board appeared yesterday before the City
19 Council. We testified briefly regarding our
20 budget and also regarding two additional issues.
21 One being the effects or post effects--the
22 effects of post Sandy on some of our numbers.
23 I will address that and the Executive
24 Director will also address those numbers in her
25 report.

1 The second update that we provided to
2 Council yesterday afternoon was an update on the
3 Administrative Prosecution Unit and, again,
4 that's going to be addressed as part of the
5 Committee Reports.

6 We held an APU Committee meeting this
7 morning. I will say that I'm very happy to
8 report that the publication was yesterday. So,
9 30 days from now it will take effect. We will
10 start taking cases for the AP Unit to be
11 prosecuting in the trial room at the department.

12 In terms of our search for a new Executive
13 Director, we have now concluded the first round
14 of interviews. 17 candidates had been
15 interviewed and 8 had been advanced to the
16 second round.

17 We're now scheduling--we're in the process
18 of scheduling the second round interviews for
19 the Executive Director finalists. We expect the
20 interviews to take place in the next week or so.
21 And once those interviews are completed, we plan
22 on having a final round.

23 I'm hoping that we will have close to the
24 whole Board, if not the full Board present since
25 this is a very important selection process.

1 I've gotten a lot of good input from the
2 Board. So, I thank you for that. The resumes
3 have been sent to all the Board members, along
4 with the interview notes and cover letters.
5 So, if there are any questions regarding any
6 of the candidates, any additional input that any
7 of the Board members would like, please provide
8 that to us. All right?

9 I'm going to turn now to Ms. Thompson for
10 the Executive Director's report.

11 MS. JOAN M. THOMPSON: Okay. The monthly
12 statistics are as follows: The CCRB received 273 complaints
13 in February. This is 141 fewer complaints than at
14 the same period in 2012 when the CCRB received
15 414 complaints. It is a 34 % decrease in
16 complaint activity for that period.

17 The Board closed 277 cases in February.

18 The substantiation rate was 19 % of full
19 investigations. The Board substantiated 9 cases
20 and the truncation rate was 75 %, which is 8
21 points higher than in 2012, when the February
22 truncation rate was 67 %.

23 The agency's docket at the end of February
24 stood at 3,667 cases, which is a 1 % decrease
25 over the open docket at the end of 2012 when it

1 stood at 3,693.

2 82 % of our open investigations were filed
3 within the last year and 39 % were filed in the
4 last four months. Of the open cases, 1,532 are
5 awaiting panel review, or 42 % of the docket.
6 1,803 are being investigated and 332 cases
7 are in the mediation program. By date of
8 incident, 74 cases in the CCRB's open docket are
9 18 months and older, as opposed to 12 in February
10 of 2012. This is 2 % of the open docket.
11 One case is on D.A. hold; Six cases were
12 filed months after the date of incident. In
13 three cases the delay has no apparent
14 justification, in two cases, there is a complex
15 set of circumstances that delayed the interview
16 process. And, in one case, the officer is on
17 military leave. Sixty-one cases are pending
18 board review.

19 In January, the Police Department closed 27
20 substantiated cases involving 33 officers. The
21 department did not impose discipline against 12
22 officers and one officer retired.

23 This is a disciplinary action rate of 30--excuse
24 me, 62.5 and the department declined to
25 prosecute rate was 30 %. The guilty after trial

1 rate was 33 %. In cases in which the department
2 pursued charges and specifications, the rate at
3 which officers were found or plead guilty was
4 67%

5 CHAIRMAN CHU: Let's start the Committee Reports.
6 That's okay. What? You know what, Laura, do
7 you want to give us a report, since Commissioner
8 Liston has stepped out of the room for a moment
9 and give a quick overview for the Board members
10 who did not attend the meeting this morning?

11 MS. LAURA EDIDIN: Certainly. Good morning,
12 everybody. So, we had several items for the APU
13 Committee this morning. We talked about the
14 progress in establishing the APU, including
15 staffing issues. All of our attorneys
16 are now on board. And we talked about the fact
17 that both, the CCRB and the Police Department
18 have published our rules, as of yesterday, and
19 30 days from which we will begin to take cases.
20 And, basically, how happy we are to have such
21 an outstanding staff ready to go. In the meeting,
22 we talked about some open issues. Some of which were
23 new, and some were from a continued discussion from
24 last month's meeting. We talked about the DADS system
25 at the NYPD. We have an agreement that we'll

1 have read only access to certain parts. So, we will be
2 transmitting information to the Department about
3 our cases. They will be entered by the department
4 staff and once the security features are put in
5 place, we will have access to that information.
6 We have our own database that we'll be using
7 in house to track cases. But, because the
8 department database interfaces with the court's
9 database, we need also to have access to that system
10 which means we will have access to more information.
11 We talked also about the issues of our
12 ability to prosecute OMN's when they're
13 attached to FADO allegations and access to
14 officers' disciplinary history. Those have
15 been two ongoing issues.
16 In fact, they were issues that came up in
17 2001 when the APU was first proposed. Although
18 they were discussed previously, and continue to be,
19 we are quickly reaching resolution on both of them.
20 And, then, the final topic we talked about
21 was a technology update. We talked
22 about the steps we've taken towards updating
23 our system, CTS with the creation of the APU.
24 We talked about how our Deputy Jon Darche
25 has created a temporary database to be a

1 placeholder that allows us to track our cases,
2 look at trends, stay on top of things that we
3 need to be done until CTS is updated.

4 And, then, finally, we talked about the very
5 exciting project that's being headed up by
6 two of our attorneys, Heather Cook and
7 Gretchen Robinson, which is taking all of the
8 Deputy Commissioner of Trials' opinions that have been
9 handed down since 2000. There are several
10 hundred of them, digesting them, producing
11 a summary of each case, the facts of the case,
12 the outcome of the case and highlighting certain
13 terms that we might want to go back and look at,
14 at a later time. This is, basically, our
15 version of Lexis Nexis or Westlaw .

16 There is no digest of these cases. There is no
17 way, currently, to look at patterns across them,
18 how do certain judges look at things, how are
19 certain allegations handled. This is
20 something that they have decided they wanted to
21 take on. The whole team is now involved in digesting
22 the cases and working with Jon in creating
23 searchable terms within them.

24 There is an existing database on OATH cases
25 that's on the OATH website. So, we

1 will consider it at a later time, whether we
2 want to integrate those in as well.

3 But, they about a third of the way through
4 that project.

5 CHAIRMAN CHU: Thank you so much. Are there any
6 other committees making reports this month?

7 BISHOP MITCHELL G. TAYLOR: Yes, the
8 Outreach Committee Mr.Chair. We have been meeting
9 to talk about outreach and the data that has been
10 collected by outreach during the year. I want to say,
11 first of all, Dawn Fuentes, who is the single
12 only outreach person that the agency has, is doing
13 a fabulous job in leveraging interns and other
14 people to help us execute some of these
15 objectives that because--for example, over the
16 last eight weeks, she has conducted
17 approximately 21 outreach sessions attended by
18 almost 425 people. And all of those sessions
19 were held by herself and an intern.

20 We have successfully executed the CCRB
21 Ambassadors' Program and a lot of people are
22 excited about the possibility of expanding that,
23 broadening it to a citywide initiative. And,
24 you know, a lot of this really can't be
25 accomplished unless we expand the Outreach

1 budget.

2 I think that our agency is too important to
3 have limited resources in an area where we
4 should have expanded resources to make the
5 public aware of their rights to make complaints.
6 But, beyond that, the Ambassadors' Program, in
7 and of itself, is also a sensitivity
8 awareness initiative for young people, so that
9 they know how to interact with law enforcement
10 and they will spread that word to other youth
11 groups, through the peer to peer education
12 departments in the Ambassadors' Program.

13 So, I would like to ask the Board to consider
14 expanding or including an expanded budget
15 for outreach and if the Board is able to come to
16 that agreement, we have a foundation that is
17 willing to fund us again for the Ambassadors'
18 Program. But, they want to know that we have the
19 capacity on which we are going to continue, you know,
20 these outreach efforts.

21 So, it is critical for us to, to consider
22 that.

23 CHAIRMAN CHU: Sure. And, just to remind
24 everybody, how many--how many years has the
25 Ambassadors' program been in existence?

1 BISHOP TAYLOR: Two right Dawn? Yes?

2 Yes, two years. This, this is year two.

3 CHAIRMAN CHU: But, you've had how many

4 graduating classes of the program?

5 BISHOP TAYLOR: So, Dawn, just give us a

6 little brief update on the statistics of it, so

7 the Chair's fully aware and Board is fully aware

8 of those outcomes.

9 MS. DAWN FUENTES: Yes, the outcomes that we

10 have most recently served over 30 community

11 people now throughout all of Western Queens that

12 have come to see and hear our presentations.

13 As far as students are concerned,

14 we've served 100 college bound students

15 who were actually trained in leadership

16 components and also on how to go out

17 into the community, get the community engaged,

18 learn about de-escalation through skits that

19 the students created themselves.

20 So, the grant itself is a year's grant. We

21 exceeded expectations by 50 % and it's been

22 successful. We have evaluations from the public

23 who feel that this was a very important issue to

24 be addressed.

25 And every time we go out into the community

1 and we've been keeping evaluations and
2 statistical evaluations, the response has been
3 at 92 % of even the general community has found
4 this information so informative and wish that we
5 could do more outreach, so we can go further in
6 to the communities and provide this information.
7 So, statistically wise, our percentage is
8 quite high. This is in general throughout the program.
9 But, this is true for the Community Outreach Program as
10 well as the Ambassadors' Program, it was also quite high.

11 BISHOP TAYLOR: Thank you, Dawn.

12 MS. FUENTES: You're welcome.

13 BISHOP TAYLOR: And so, you know, if we'd
14 been able to do this kind of work and it's
15 really that Dawn is, you know, burning both ends
16 of the candle, and has been creative in leveraging
17 other human capital.

18 So, I think that this is so important. This
19 is the front door of the agency and we should
20 have a robust department that continues to
21 facilitate this type of work, especially when
22 you deal with systemic misunderstanding that I
23 think originates with our youths.

24 We can be a very good portal to help
25 facilitate a greater understanding of and

1 address the important causes, especially in the
2 urban centers.

3 CHAIRMAN CHU: I would agree and, again, I
4 commend Ms. Fuentes for all of her efforts.
5 I've seen a lot of the publications that you've
6 put out as well as the slide show and I've heard
7 nothing but good things.

8 And, as the Bishop Taylor indicated, it does
9 seem like you're at more than one place at a
10 time. So, please, accept the Board's gratitude
11 for a job well done.

12 That's certainly something that, I think,
13 the Board should take up, in terms of insuring
14 that we can continue this program into the
15 future.

16 Thank you for that report. Are there any
17 other committees making any kinds of reports
18 this month?

19 COMMISSIONER DONLON: Well, Reports and
20 Recommendations Committee. I know that the Semi-
21 Annual Report was sent to the Police Department
22 and--

23 ED THOMPSON: It's was there and it's been returned.

24 COMMISSIONER DONLON: It's back?

25 ED THOMPSON: It was sent to the printer

1 yesterday.

2 COMMISSIONER DONLON: Okay, very good. That's what
3 I thought, but I just wanted to make sure.

4 COMMISSIONER LISTON: Mr. Chair, maybe I should
5 just briefly acknowledge that the APU Committee
6 has, as you know, met this morning.

7 CHAIRMAN CHU: Yes. In your absence, your
8 understudy, Ms. Edidin, already gave us a brief.

9 COMMISSIONER LISTON: Excellent. So, you know all
10 about it?

11 CHAIRMAN CHU: I think everyone knows.

12 COMMISSIONER LISTON [interposing] What you said.
13 [laughter]

14 CHAIRMAN CHU: We can get a recap. Are there any
15 other committees making reports this month?

16 If not, let's move on to old business.

17 As you heard during the Executive Director's
18 report, there is a very high number of cases
19 right now pending for Board review.

20 And, again, that has, I believe, a lot to do
21 with the effects of Superstorm Sandy and the
22 displacement from 40 Rector Street, as well as a
23 pretty high vacancy rate in the Investigations
24 Division that we've been able to remedy it, at
25 this point.

1 But, again, it took time for the
2 investigators to be trained and get up to speed
3 and be able to carry their caseloads.

4 I think we're near that point. I know that
5 the investigators have been doing overtime to
6 try to work out some of the backlogs and, as a
7 result, we have cases that are pending Board
8 review.

9 As Board members, again, I know we all have
10 day jobs. We all have a lot on our plates. I
11 certainly do, myself. And, I want to thank the
12 people who stepped up, such as Commissioner
13 Landin, Commission Taylor and I. The three of
14 us have done emergency panels to try to ensure
15 that cases do not fall by the wayside due to the
16 statute of limitation issues.

17 I know that others, when I've called upon
18 for assistance, have very willingly stepped up.
19 So, I want to thank them for that. But, on the
20 whole, at this point, I mean you've heard the
21 numbers. I think it's 42 %.

22 So, we really--we've asked the investigators
23 to do their part. We need to step up and do our
24 part and I really look forward to completing one of
25 those emergency panels today. We've asked the staff

1 to pull out some of the old cases that are near the
2 15 month point, so that we can work on them and
3 get them processed and closed out, so that the
4 docket size gets back to normal.

5 I anticipate that happening in the very near
6 future. Obviously, at this point, there's a lot
7 of work that remains to be done. So, I'm looking
8 for everyone to pitch in and really cut those
9 numbers down.

10 In terms of other old business, we had our
11 senior staff members interfacing with the Police
12 Department and their staff, their executive
13 staff, in discussing some of the follow up
14 statistics that came out of the study on housing,
15 on patrolled housing.

16 And that's another issue that I believe
17 needs to be discussed in the full Board in terms of
18 what we'd like to do with that. There are some
19 differences of opinion as to some of the
20 categorizations and classifications. So, that's
21 something that I believe needs to be discussed
22 with the full Board going forward.

23 And, in terms of old business, I think that
24 is pretty much what I have. Is there any other
25 old business that any other commissioners would

1 like to bring about at this time? I know before
2 you say anything that Commissioner Liston had
3 mentioned last time the possibility of using
4 subpoenas in order to compel complaining witnesses
5 in limited circumstances. We have yet
6 to discuss that with the full Board. But,
7 that's certainly an issue that we can do as
8 well.

9 Is there anything else at this time? If
10 there isn't, then, we'll move on to new
11 business. Does anyone have any new business to
12 discuss?

13 All right, no new business. So, we will now
14 open it up to public comments and first - - .

15 CHRIS DUNN: All right. Good morning.

16 CHAIRMAN CHU: Good morning.

17 CHRIS DUNN: All right. So, I guess we'll
18 start with the bad news. It feels to me that
19 the Executive Director's report is a disaster,
20 on several levels this month.
21 First, the significant drop in complaints, I
22 have to think that it's, again, is a function of
23 the intake process and whether there are
24 continually new problems with intake. It's such
25 a big percentage. It has to be something more

1 than just a change in the normal complaint pattern.
2 And there wasn't a discussion about where things are
3 with the intake problems. At the last meeting,
4 Joan, you reported that, as we were sitting here
5 that you had just received a report that the 311
6 link was now back up and working. I don't know
7 if that has proven to be entirely incomplete
8 information , but it seems to remain a problem.
9 I worry when I see this sort of significant one
10 month drop in the intake processing of cases.
11 Secondly, again, yes, there are a large
12 number of cases pertaining to Board review.
13 But, I think the bigger problem is more
14 dramatically seeing the increase of 18+ month cases
15 which is a fatal problem because they will simply
16 disappear. For those of you who were not at the APU
17 meeting. Tony mentioned that he had just today or the
18 last couple of days just reviewed five or six cases that
19 are being subbed that are all going to break the
20 statute of limitation very shortly, too soon
21 before the Police Department can or will do anything.
22 Again, I see on the report that there is
23 something like a--there is a huge increase in
24 the 18 plus month cases. In my report, I don't
25 have the normal tables that typically gets

1 included in Executive Director's report breaking out
2 all those 18 plus month cases.

3 I realize there may be some glitches in the
4 records in the packet. I hope that you guys got
5 it. You don't have that one? All right.

6 MARCOS SOLER: There was a problem with the copier.

7 CHAIRMAN CHU: Okay. We'll get that to you.

8 But, the larger point is in Joan's report, where
9 she reports that in contrast to the 12 cases over
10 18 months last February, there are seven four
11 this February. Those are all cases for which there
12 can be no prosecution .

13 And I understand the problem is with the
14 storm. I also understand that there were some
15 investigating problems. That was two or three
16 months that people were out of business. I'm
17 not sure that this gets us through a number of
18 statute of limitation cases you're now facing or not.
19 And, for some of you who were not here maybe
20 a year ago, two years ago, Dan, there was a
21 similar problem with another 18+ month number of cases
22 and the Board said--and, I think they can
23 put into place some special procedures to make sure
24 that those cases were getting caught much
25 earlier.

1 I know there's always this problem or getting a
2 flood of cases coming through and you go back and
3 you pull out some cases or other cases keep coming
4 through. But, there has got to be a way to get to
5 cases before they reach the statute of limitations.
6 Whatever criticisms may be unfairly lobbed
7 to the Board about certain things you cannot do, the
8 one thing which you cannot do is let cases break
9 the statute of limitations. That has to be the top
10 priority. Okay, the other thing is to report that's a
11 big problem is, again, I don't have the part of the
12 Executive Director's report with the Disposition Report.
13 But, 30 % of the cases got duped last month
14 apparently. We are getting back to the
15 historical numbers that we saw, I think, in
16 2007, 2008 with the department duping your
17 cases.
18 And, I don't know what the numbers are in
19 there. I don't know if that's 1 of 3 cases or 3
20 of 10 cases or 30 of 100 cases.
21 But you folks have been quite good in working with
22 the department when the dup number has gotten too
23 high, maybe it is time to go back to talk to the
24 department and find out what is going on Maybe,
25 it's a one month aberration. But, we have seen

1 - - going up and up and up. So, you really have
2 to look at that closely.

3 All right. Moving on from the report, related
4 to the issues about the dupes , there was a
5 discussion during the APU meeting about this new
6 process by which, essentially, it interposes
7 itself between you subbing a case and you
8 prosecuting a case.

9 And, as you know, we have said many, many
10 times, you guys doing the prosecution is great.
11 Fully supported, very exciting, it is a great
12 thing. An issue was raised this morning at the
13 committee meeting about and Tony raised the issue
14 that if you substantiate cases that are close to
15 the statute of limitation, how quickly can you make the
16 statute of limitation? Part of the problem which refers
17 to the serving of the charges and specification on the
18 officer. And, as Laura pointed out and I take it to
19 be accurate, as I have not gone back to the MOU
20 or the rules. But, you first have to send the
21 notice that you're going to prosecute the case
22 to the department.

23 And the Commissioner has to opportunity to
24 put the kibosh on that. And, apparently, there
25 was a problem whereby the rules do not mandate a

1 a period of time by which the Commissioner
2 has got to make a decision about whether or
3 not you can proceed with the prosecution or not.
4 I am not suggesting that someone is going to
5 sit on the decision and let the clock run out.
6 But, there has got to be some sort of understanding
7 between you and the department when you sub a case,
8 that you're going to prosecute. That, when you
9 send it over there, that people understand that there
10 is a statute of limitation problem. They need to
11 move on it quickly.
12 And, it's 30 days, for instance, to take the
13 example that Tony was suggesting, someone has got
14 to come back to you in two weeks or a week and
16 say, okay, we can do this or not, just get
17 the process going. Because the one significant
18 inefficiency that the MOU introduces into the process
19 is the additional time; it's actually ping pong that
20 you and the Commissioner are going to play.
21 And that additional time could end up blowing the statute
22 of limitations given how many cases are close to breaking
23 the statute, just for process reasons. So, I
24 would urge you, even though the rules don't
25 mandate that you work out something with

1 the Police Department right now.

2 Okay. On the good news, Mr. Taylor, I want

3 to commend you on taking on the outreach issue.

4 I think having an outreach committee is of great

5 importance to the community. I see the heroic work that

6 Dawn is doing and that's great. She can't do it by

7 herself. I think outreach is a huge problem.

8 I've said this many times and you all know it.

9 The CCRB profile in the communities is not

10 what it should be. Again, looking at the

11 outreach report, Dawn is the one person unless

12 maybe I'm misreading the report. But, I

13 have said several times, Board members should be

14 going to some of these outreach events and I say

15 for several reasons, one, because I think that the

16 community sees Dawn, that's great. But the

17 community sees a Board member, I think that it

18 has a different impact.

19 Second, I think it would actually be quite

20 helpful for a Board member to see what happens

21 at these community meetings you serve and see

22 some of the responses communities provide.

23 I don't doubt that Dawn is an accurate

24 reporter on what she reports. But, I also don't

25 doubt that you will come away with a much fuller

1 understanding of, essentially, happening or not
2 happening in terms of the community sessions.
3 Two final things. The reports and recommendations,
4 glad that report is coming. I will
5 say, as I say every time that the annual and semi-
6 annual report is raised and there is a
7 discussion about the Police Department getting
8 comment opportunity. I have given up my plea
9 that the public should also get an opportunity
10 to comment on draft reports. But, I want to repeat
11 that, at the very least, the comments should be included
12 in the report correspondence to the Police
13 Commissioner from the agency about the draft
14 report, and whatever written response you get back
15 about that from the department. It's a standard
16 auditing technique. I think it is only fair that the
17 public knows what the department has said to you before
18 you have finalized the report.
19 The other thing about reports and recommendations is
20 last year, Tony raised the question a basic question that
21 shouldn't the agency be doing more policy work?
22 I think there's more money now that is connected
23 to the APU. I have yet to hear a discussion
24 about the new policy issues and I hope
25 that they have not fallen off the radar.

1 And, then, the final thing, that does relate to
2 the trespass arrest business. So, at the last
3 meeting, there was a presentation about the
4 Board's analysis of the trespass arrest complaints
5 and the trespass stop arrest complaints. I
6 understand there's a whole new process for the
7 department. I just want to say, very strongly
8 there needs to be a further public discussion.
9 I will repeat this request that I made for
10 this report and for every report that is
11 done by the CCRB on this issue should be
12 made public and should be made public sooner as
13 opposed to later. Thank you.

14 BISHOP TAYLOR: I have one note for the
15 record that I do have an outreach committee made
16 up of board members and we have already
17 discussed--and board members have gone out in
18 the past to these outreach events and we planning
19 for 2013 to more visible as a committee .

20 CHAIRMAN CHU: And, just for the record, at this
21 point in time, there is no report on patrolled
22 housing. There are numbers, updated statistical
23 numbers. But, there is no report or any
24 recommendation. Just so we're clear. All
25 right?

1 If there is no other further public comment,
2 we will take a brief break and go on to
3 executive session. Thank you all for coming.

4 [END RECORDING]

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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.

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7 Signature

8 Date_____March 26, 2013_____

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