

1 Public Board Meeting
2 Of the Civilian Complaint Review Board
3 Wednesday, June 12, 2013
4 10:00 a.m.
5 40 Rector Street - 2nd Floor
6 New York, New York 10006
7
8 DANIEL D. CHU, ESQ., CHAIR
9 MARCOS F. SOLER, ACTING EXECUTIVE DIRECTOR

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PUBLIC MEETING AGENDA:

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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 Donlon, Esq.
4 Youngik Yoon, Esq.
5 Daniel D. Chu, Esq.
6 Rudolph Landin
7 Tosano J. Simonetti
8 Bishop Mitchell G. Taylor
9 Alphonzo A. Grant, Esq.
10 David G Liston, Esq.

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3 [Crosstalk]

4 CHAIRMAN DANIEL D. CHU: All right, we're
5 going to call this meeting to order. All right,
6 let's call this meeting to order. First order
7 of business is the adoption of the May 2013
8 minutes. Do I have a motion to adopt the
9 minutes?

10 COMMISSIONER TOSANO J. SIMONETTI: So moved.

11 CHAIRMAN CHU: Second?

12 COMMISSIONER JAMES DONLON: Second.

13 CHAIRMAN CHU: All those in favor of
14 adopting the May 2013 minutes, please say "Aye."

15 UNISON: Aye.

16 CHAIRMAN CHU: Any objections? Any
17 abstentions? The minutes are adopted. Okay. I
18 have a piece of good news to start. After a
19 very extensive nationwide candidate search, as
20 you know, we have identified a new and incoming
21 executive director. Her name is Tracy Catapano-
22 Fox, and officially, she will be assuming her
23 role as the next executive director of this
24 agency in just over a week. So, June 20th will
25 be her first day. We're very excited to have

1 her. She's gone through the vetting process.
2 Currently, she is the chief clerk of the Queens
3 Supreme Court out in Jamaica. She is also a
4 former Queens County prosecutor. She has worked
5 as a law secretary to Supreme Court judges. She
6 has worked in a private firm. She comes with a
7 wealth of relevant knowledge, including a lot of
8 knowledge regarding the criminal law. So we are
9 very excited to have her. We think that she'll
10 be an asset to the agency moving forward, and
11 will be able to assist us in continuing down the
12 path that we are currently on. Next order of
13 business, we testified in front of City Council
14 back in May, and just to give a very quick
15 thumbnail, the main point of our testimony was
16 to ask for additional resources in something
17 that's very important to the agency. As you
18 know, we have been putting a lot of premium on
19 extending our outreach to different communities,
20 communities that are affected by the hot-button
21 issues such as the stop-and-question-and-frisk,
22 and other street encounter issues, as well as
23 reaching out to other groups that specifically
24 seem to be over represented in our police
25 encounters. So, to that end, we requested four

1 additional positions for the Outreach unit. It
2 is our hope that we will have four additional
3 coordinators. At this point we've done some
4 pretty impressive work, thanks to the hard work
5 of Dawn Fuentes, but by and large she's been
6 relying upon interns. And while these interns
7 are very dedicated, and have been working very
8 hard to achieve the goals and objectives of our
9 program, it only goes so far in terms of their
10 availability, and their ability to consistently
11 be able to produce and carry out what we need
12 them to do. So, it is our hope that council
13 will be able to fund those additional lines to
14 really bring our outreach program to the very
15 next level. And when I speak of Outreach,
16 obviously one of our most successful programs is
17 the Ambassador's Program, and the Outreach
18 committee is chaired by Bishop Mitchell Taylor,
19 and we hope that with the additional funding,
20 and the additional personnel, that will go to
21 new heights and expand to new areas and locales.
22 We also have additional plans to extend our
23 Outreach to other groups, including the LGBTQ
24 community. There has been a recent rash of
25 incidents in the news, and we think that that is

1 a time, the time has come that we reach out to
2 that community specifically, and make sure that
3 they know we are here, they know the resources
4 that are available to them. And so, it is an
5 important development, and hopefully we'll have
6 some good news to report shortly on that. All
7 right. One final bit of news is that on our Web
8 site we have our new vertical housing report.
9 That report was initially discussed, I believe
10 in January or February by Deputy Executive
11 Director Dennis McCormick, in response to an
12 inquiry made by Commissioner Simonetti. And
13 that is now on the Web site. That is available
14 in its final form. All right. At this time,
15 I'm going to turn the floor over to our Acting
16 Executive Director Marcos Soler.

17 ACTING EXECUTIVE DIRECTOR MARCOS SOLER:
18 Good morning, everyone. I would like to start
19 my monthly report to the board with a discussion
20 of the progress the investigations division has
21 made since the beginning of the year. I will
22 focus my analysis on three specific indicators:
23 the open docket, the number of closures, and the
24 average time it takes with - - the
25 investigation. On January 1, 2013, the agency

1 had an open docket of 4,109 cases, of which 493
2 cases were more than one year old. The docket
3 included 47 cases 18 months and older, and 41
4 cases that were 17 months and older. By
5 comparison, on May 31, 2013, the agency had a
6 docket of 2,811 cases, of which 314 were more
7 than one year old. There were only ten cases 18
8 months and older, and just 12 cases 17 months
9 and older. Year-to-date, the investigation
10 division has closed 88% more full investigations
11 than in the same period as 2012. The
12 investigators have submitted 1,005 full
13 investigations from January to May, as compared
14 to 535 investigations from January to May of
15 2012. In terms of individual productivity, the
16 number of closures per investigator has
17 increased by 18%, from 22 to 26 cases per
18 investigator. The time it takes to complete a
19 substantiated investigation has also increased
20 by 8%, from 490 days in January to 552 days in
21 May. In May, only three out of the 44 cases on
22 the board substantiated were 18 months and
23 older, 7%. By comparison, from January to
24 April, 14 out of 97 cases that the board
25 substantiated were 18 months and older, 14%.

1 Although further improvements are needed,
2 deficiency initiatives that we have implemented
3 are having a positive impact in reducing
4 completion times, reducing our docket, and
5 particularly addressing the SOL problem that we
6 had at the beginning of the year. In addition
7 to the hard work of our investigative staff, one
8 of the recent enhancements attributed to our
9 efficiency improvements is our ability to be
10 fully staffed. The head count and status report
11 shows that on May 31st we had seven vacancies in
12 the investigations division. I'm pleased to
13 report that last week we extended offers to six
14 candidates, and that these investigators will
15 start on July 1, 2013. The head count report
16 also shows two other vacancies. They are
17 located in the APU. I understand a new member
18 of the unit, an administrative assistant, will
19 start this month. And the other position, a
20 computer programmer, has been posted. Although
21 we think that we have the staffing needed to
22 comply with our mandate, there are two areas as
23 the chair mentioned, areas in mediation, that
24 could benefit from additional resources. During
25 this month we have made contacts with the city

1 council, to start the testimony to try to see
2 whether they can try to finance and fund the
3 specific needs that we have. Moving along to
4 the statistical report, the CCRB received 569
5 complaints in May. This was 79 more complaints
6 then the same period of 2012, when the CCRB
7 received 490 complaints. It was a 16% increase
8 in complaint activity for this period. Year-to-
9 date, the board has received 10% fewer
10 complaints than in the same period last year.
11 We did an analysis to see if there were any
12 particular trends, and we couldn't identify
13 anything specifically. However, by command, in
14 - - specific commands, and we saw that
15 complaints are down in most patrol boards and
16 bureaus, except for Manhattan South with a
17 slight increase, and the transit bureau with a
18 30% increase. The board has closed 642 cases in
19 May. Year-to-date the board has closed 3,152
20 cases. The board has closed 935 full
21 investigations compared to 597 full
22 investigations in the first months of 2012.
23 Year-to-date, the board has substantiated 141
24 cases, with a substantiation rate of 15%. This
25 is six percentage points higher than the same

1 period in the last year. The mediation
2 program has mediated 24 cases from January to
3 May. Forty-one cases have been closed as
4 mediation attempted. These numbers represent 6%
5 of all case resolutions. I already mentioned
6 the positive news on the agency docket, and I
7 would like to mention that we further reduced it
8 7% from April to May. Ninety percent of our
9 open investigations have been filled within the
10 last year, and 58% of current open cases have
11 been filed in the last four months. Of the open
12 cases, 559 are awaiting board review, or 20% of
13 the docket. That's probably the lowest number
14 in a long time. One-thousand-eight-hundred-
15 ninety-six cases are being investigated, and 366
16 cases are in the mediation program. By date of
17 incident, 10 cases in the CCRB's open docket are
18 18 months and older, which is also quite welcome
19 compared to the numbers we had in previous
20 months. Two cases are on D.A. hold; one case
21 was filed months after the date of incident; two
22 cases are pending mediation; and five cases are
23 pending board review. In April, the police
24 department closed 26 cases against substantiated
25 officers. The Department imposed discipline on

1 16 subject officers and did not impose
2 discipline against nine officers. One case was
3 fought. Year-to-date, the department has
4 imposed discipline at a rate of 60%, and it has
5 declined to prosecute at a rate of 27%. By
6 comparison, the discipline rate from January to
7 April of last year was 83%, and the DUP rate was
8 12%. We are looking at reasons for the increase
9 in the dupe rate, and initially we had done a
10 vertical analysis. An analysis of the
11 allegations that the department has declined
12 shows that by allegation, or by case, the dupe
13 rate is 33%. This also shows that 70% of all
14 dupe allegations are in the category of the
15 stop-and-frisk, vehicle stop-and-search, and
16 premises-entered-and/or-searched. The
17 department has declined to prosecute 35% of all
18 the stop-and-search allegations, 37% of all
19 vehicle searches, and 28% of premises-entered-
20 and/or-searched. Jon Darche already reported of
21 these numbers during the APU committee, but I
22 conclude my report mentioning that since the
23 start of the program the APU has received 52
24 substantiated cases with charges on the
25 specifications. The department has released 28

1 cases, and 24 cases are pending release. The
2 charges have been filed against 28 officers and
3 12 officers have been served [phonetic]. That
4 concludes my report, and I would like to thank
5 every member of the staff who has been
6 extraordinarily helpful to me during the last
7 month, making sure the transition was as smooth
8 as possible. I really appreciate your help.
9 Obviously starting with the members of - -
10 staff, but I have to say every single member of
11 the staff has been truly helpful. Thank you.

12 CHAIRMAN CHU: Thank you for your remarks.
13 I think you should be commended.

14 COMMISSIONER SIMONETTI: Absolutely.

15 CHAIRMAN CHU: And by taking the bull by the
16 horns, and gave an excellent executive director
17 report.

18 ACTING EXECUTIVE DIRECTOR SOLER: Thank you.

19 COMMISSIONER SIMONETTI: And I think the
20 staff should be commended. When you look at the
21 substantiation rate of 15%, I must tell you, in
22 all the years that I'm on this board, we were
23 never anywhere close to a 15% substantiation
24 rate. So that's a tribute to the chair in
25 making changes, a tribute to Dennis, to Marcos,

1 and the fact that accountability is being
2 placed in the right places, and people are being
3 carefully looked at, and to their work
4 performance. And it's certainly reflected in
5 this substantiation rate.

6 COMMISSIONER DAVID G. LISTON: Agreed. I
7 want to echo what you said, Commissioner
8 Simonetti, and just thank Mr. Soler for doing
9 such a great job in the last several weeks. I
10 think in walking around the agency, and seeing
11 investigators, it's been communicated to me that
12 it hasn't gone unnoticed at all different
13 levels. So, please keep up the good work.

14 CHAIRMAN CHU: All right. We're going to
15 turn now to committee reports. There was an APU
16 committee meeting this morning. So, to give us
17 a brief thumbnail on that, either Commissioner
18 Liston, or Ms. Edidin, or Mr. Darche? Does
19 someone want to give us a brief--

20 COMMISSIONER LISTON: Sure. We had a very
21 productive meeting of the APU committee meeting
22 this morning. I want to thank the members of
23 the committee for being there, and to everyone
24 else who was there as well. Very briefly, and
25 then I want to turn it over either Laura, or

1 Jon, or both for some statistics. But very
2 briefly, as I think you all remember from our
3 last meeting as board, an issue arose as to
4 certain cases that the police department had
5 decided at that time not to send to the CCRB to
6 the APU for prosecution. The CCRB's response
7 was unambiguous, and we conveyed to the police
8 department our view that those cases should,
9 pursuant to the MOU, be sent to the APU for
10 prosecution. And we conveyed that message. And
11 as you all heard, I'm so happy to say again, the
12 police department reconsidered and did send
13 those cases to us. And I think that's a credit
14 to the police department and a credit to us for
15 standing as firm as we did. In our meeting this
16 morning, as is inevitable in every relationship,
17 especially in the beginning of a new chapter in
18 this relationship, there are other items that
19 have to be sorted out, including issues relating
20 to access to a police officer's disciplinary and
21 employment history, as well as a few other
22 logistical issues. We sorted those out in the
23 committee, and we unanimously voted out
24 recommendations, resolutions that will be
25 conveyed back to the police department. And

1 frankly, I'm confident the police department
2 will reconsider its positions to one or two of
3 those items, and I look forward to hearing that.
4 And if not, I look forward to addressing next
5 steps. Otherwise, Laura or Jon, do you want to
6 just give us a couple of statistics? I know you
7 gave us a lot of detail at the meeting earlier,
8 but maybe we could hear some of the key facts.

9 MR. JONATHAN DARCHE: I'm not going to
10 repeat the statistics that Marcos gave earlier,
11 but just a breakdown of the 52 cases in the APU
12 docket, 32 of them resulted from stop-and-frisk
13 encounters, which is approximately 62%; eight
14 from car stops, which is approximately 15%; and
15 then four were four illegal entry; and four were
16 for discourtesy or offensive language, each of
17 which is approximately 7.7%. And then there
18 were four other cases, of which one was a strip
19 search, and Marcos gave the numbers about the
20 docket and where we are. But we're filing more
21 charges every day, and the staff, both the
22 investigators and the prosecutors, are working
23 very hard.

24 COMMISSIONER LISTON: Thank you, Jon.
25 Laura?

1 MS. LAURA EDIDIN: And I just want to
2 acknowledge basically that in starting up a new
3 unit, there are new challenges that come up
4 every day, and requires a nimble staff, and
5 moving forward with a spirit of cooperation to
6 allow the unit to succeed. And I want to
7 acknowledge that the APU staff has been
8 extraordinarily hardworking, in making sure that
9 we were able to meet statute of limitations
10 issues, and acknowledge the hard work of Jon
11 Darche, the deputy of the unit, in keeping
12 things moving forward. But also that we
13 received a lot of cooperation internally from
14 investigations headed by Dennis McCormick, and
15 in particular from Sam Hughes [phonetic], - -
16 really been extraordinarily helpful in keep the
17 wheels moving internally. And the IAB, DCT, and
18 DAL have also really extended themselves and are
19 very collegial in terms of getting us the
20 information we need, and educating us how the
21 procedures work in the department. So, I just
22 want to acknowledge them.

23 COMMISSIONER LISTON: Good. I'm so glad.
24 If I may just echo the thanks that you conveyed,
25 I'd like, if I may, on behalf of the board also

1 to convey our deep appreciate for everything
2 that you, and Jon, and everyone who's working
3 with you is doing. This is an exciting time for
4 the CCRB, and it's challenging too, and you're
5 meeting those challenges. And I hope you know,
6 and I hope we're demonstrating at every
7 opportunity that we, as a board, are entirely
8 supportive of what you're doing, and deeply
9 appreciative, and we stand ready to help in any
10 way you need.

11 COMMISSIONER ALPHONZO A. GRANT: If I may, I
12 sorry I had to step out of that committee
13 meeting. I had another matter. But could you
14 briefly just summarize what we're sending over
15 to PD in terms of the disciplinary personnel?

16 COMMISSIONER LISTON: The issue isn't so
17 much what we're sending, but rather what the PD
18 is sending to us. In order for our APU
19 prosecutors to make recommendations--

20 COMMISSIONER GRANT: I'm sorry. I just
21 meant the recommendations. You had mentioned
22 that there was a recommendation you were going
23 to send over to them?

24 COMMISSIONER LISTON: Yeah. There are a
25 number of items that we've been asking for,

1 including, we've asked for the three prior
2 evaluations of an officer. We've asked about
3 command disciplines, because it's the view of
4 the APU leadership and of this board, at least
5 of the committee, that that information is
6 relevant and useful when we make recommendations
7 and decide how to proceed with a case. So, we
8 have, and we've been told we can't have that
9 information for a number of reasons, frankly
10 none of which have been persuasive. We don't
11 want to reflexively tell them every time they
12 say we can't have something, "Well, yes we want
13 it," unless we really do want it. But we do
14 want it, and that message will be conveyed back
15 to the police department, and hopefully we'll
16 hear good news.

17 CHAIRMAN CHU: Thank you. Is there anything
18 to be reported from the reports and
19 recommendation committee?

20 COMMISSIONER DONLON: Yeah, I know. We have
21 the annual report, but you can probably speak to
22 that.

23 ACTING EXECUTIVE DIRECTOR SOLER: Yeah, we
24 have been working with a printer. We have
25 already everything laid out, and we're just

1 waiting to prepare, to finalize a couple of
2 items regarding the cover, as well as your
3 letter, and your back - - , and a couple of
4 comments from the police department, and then we
5 are ready to proceed. The moment we receive
6 those comments, we will send it to the printer.
7 Hopefully we'll have it here before the end of
8 the month.

9 CHAIRMAN CHU: So, let me know when I finish
10 drafting my letter.

11 ACTING EXECUTIVE DIRECTOR SOLER: Yes, I
12 will.

13 CHAIRMAN CHU: Any other committee reports,
14 anything?

15 BISHOP MITCHELL G. TAYLOR: Yes, we have
16 been getting a lot of requests to come out to
17 numerous community centers, and churches, and
18 things of that nature, especially now with the
19 heightened attention on stop-and-frisk. And so,
20 it is very important that we're able to expand
21 the staffing structure on the Outreach committee
22 and respond to these requests, 'cause right now
23 we can't do it with one staffer. And it will -
24 - soon to figure out how we can incorporate, you
25 know, more volunteers, credible volunteers that

1 can go on site to these meetings, and spread
2 ourselves around a little bit more, and
3 accomplish more meetings. People want to know,
4 you know, what the CCRB does, and what they can
5 do to utilize this - - . That's what's
6 happening. Outreach is a very serious situation
7 for us.

8 CHAIRMAN CHU: Right. And I think that
9 falls right in line with the reason for our
10 request, and I thank you for taking time out of
11 your day, also, to stop by city council with me
12 to testify. You know, it's not just reacting to
13 what's already happened, but part of the
14 importance of Outreach is also educating people
15 as to what their rights are in that kind of a
16 circumstance, and how to, you know, best react
17 to a street encounter. So, you know, I think I
18 can't stress enough how important that is. I
19 think it's a very important part of our charter
20 mandate to go out there and do this,
21 particularly at this time. So, thank you for
22 your leadership. Yes, Commissioner Simonetti?

23 COMMISSIONER SIMONETTI: One question for
24 Marcos. In your report you had talked about
25 you're looking for an additional commuter

1 programmer?

2 ACTING EXECUTIVE DIRECTOR SOLER: Yes.

3 COMMISSIONER SIMONETTI: Is that, did
4 someone from the IT staff, did they leave us?

5 ACTING EXECUTIVE DIRECTOR SOLER: No.

6 COMMISSIONER SIMONETTI: Just an additional
7 person?

8 ACTING EXECUTIVE DIRECTOR SOLER: That's a
9 position we asked the commissioner with the APU,
10 because we anticipate additional needs in that
11 particular unit. For instance, right now we
12 have a temporary database - - the unit.
13 Similarly, we want to have a permanent
14 instrument in which they can work on an
15 instrument that we can improve on a regular
16 basis. We also see that there are important
17 modifications to bring to our CTS. CTS, the
18 complaint tracking system, is a little bit
19 outdated, so we would like to have additional
20 expertise here who can help us to bring CTS to
21 activate. So there are all kinds of different
22 needs in connection with the APU, and other
23 circumstances that MIS Unit is dealing with, and
24 the fact is that we need an additional
25 programmer. And I requested that the position

1 be posted immediately. We need to fill that
2 position as soon as possible. We need to
3 identify the right candidate, and hopefully we
4 will do that during the month of July, and we
5 will have somebody ready by August.

6 CHAIRMAN CHU: I'm sorry. Do we not have
7 the programming expertise in-house at this
8 point?

9 ACTING EXECUTIVE DIRECTOR SOLER: I think
10 that we have the program expertise for what we
11 have. I think there are some--we have a vision
12 about what is needed for both the APU unit, as
13 well as for our CTS database - - these needs
14 require additional expertise, and an additional
15 person to help us with all those projects. So,
16 for instance, one of the things that we want to
17 achieve is to move CTS from being a product
18 platform that can only be utilized within the
19 confines of the CCRB, to a platform that is Web-
20 browse based, that we can access from anywhere.
21 That's one of the things we want to do. We have
22 been working, and - - Laura knows more about
23 this, to identify a program to satisfy the needs
24 of the APU, but certainly once that program is
25 here, as everything else, as we have experienced

1 for many years, always needs to be adapted to
2 our circumstances. So, for instance, all the
3 information that we have in CTS has to be, or
4 certainly a lot of information in CTS should be
5 transferred into that program, and that always
6 generates additional work. I think we also want
7 to make a sound request, and we have to have
8 better planning - - in terms of recovery
9 disaster planning. I think in terms of where we
10 are as an agency, we could have a much more
11 proactive approach to our work environment, and
12 that will facilitate, you know, any problems
13 that we might encounter along the way such as
14 being displaced during an emergency from this -
15 - location at 40 Rector. So, I think the needs
16 in IT are there, enough to justify the addition
17 of another staff member. And hopefully with the
18 addition of another staff member we could
19 address certain concerns. Certainly right now
20 we only have two computer programmers, and as I
21 said, we made a determination that we need an
22 additional person.

23 CHAIRMAN CHU: Okay.

24 BISHOP TAYLOR: We've got two computer
25 programmers in-house?

1 ACTING EXECUTIVE DIRECTOR SOLER: Yes.

2 BISHOP TAYLOR: So, how many is the entire
3 IT department?

4 ACTING EXECUTIVE DIRECTOR SOLER: The IT
5 department consists of four people.

6 BISHOP TAYLOR: Four people?

7 ACTING EXECUTIVE DIRECTOR SOLER: Yeah. We
8 have the director, Yuriy Gregorev. We have
9 Sarah Ho, who deals primarily with networking.

10 BISHOP TAYLOR: And who else was--

11 ACTING EXECUTIVE DIRECTOR SOLER:

12 [Interposing] Sara Ho, who is in charge of
13 networking and all different IT matters, for
14 instance updating your email accounts or
15 password. We have Michael Badalyan, who is a
16 computer program, and assists Yuriy in making
17 changes in CTS, and has been instrumental in
18 preparing the database, the temporary database,
19 for APU. And then we have--sorry, I cannot
20 remember his last name; I apologize for that.
21 Sorin Vatavu that is normally present to
22 troubleshoot the problems that we have with our
23 equipment. His role is primarily: your computer
24 shuts down, he's going to find out why and how
25 to get a solution to that problem. Where we

1 want expertise is in programming. So as I
2 said, a lot of these things that we need,
3 changes that we need, we don't have that
4 expertise currently in house.

5 BISHOP TAYLOR: So, but you said, Michael is
6 a programmer?

7 ACTING EXECUTIVE DIRECTOR SOLER: Yes.

8 BISHOP TAYLOR: And the director is a
9 programmer?

10 ACTING EXECUTIVE DIRECTOR SOLER: That's
11 correct.

12 BISHOP TAYLOR: Okay, I'm sorry, go ahead.

13 COMMISSIONER SIMONETTI: All right, you
14 know, I would agree that the request for four
15 additional people in the Outreach program, we
16 requested that from city hall. I think that's
17 important, because clearly the work that's being
18 done there is outstanding. And I think we have
19 to continue with that. I would recommend that
20 we put that position of computer programmer on
21 hold, 'cause we have four people on staff. It's
22 my sense, and two of them are programmers, it's
23 my sense that something could be done. They
24 should be utilized. Their expertise should be
25 utilized in developing this program. I'm having

1 difficulty in understanding that.

2 BISHOP TAYLOR: Me too.

3 COMMISSIONER GRANT: My understanding was
4 that the APU unit would need a dedicated
5 programmer, IT person, to help develop and
6 maintain the database system. I thought this
7 was something that we had discussed way back and
8 had agreed upon.

9 MALE VOICE 2: Yes.

10 COMMISSIONER GRANT: So, my recommendation
11 would be that maybe we could talk about this in
12 more detail in a separate session, and you know,
13 move on with the agenda.

14 CHAIRMAN CHU: I would agree with that. I
15 think, yeah, we started on top, but I think now
16 we're moving into the realm of personnel issues.
17 So, let's have this conversation as part of our
18 executive session. Okay, are there any other
19 committee reports? Let's go to old business.
20 Mr. McCormick, do you have something for us?

21 MR. DENNIS MC CORMICK: Yeah, Commissioner
22 Grant, last time I brought up about photos, - -
23 photos that we show. And I was in contact with
24 PD, and they issue ID cards--

25 COMMISSIONER GRANT: [Interposing] Can you

1 do me a favor? For the benefits of the folks
2 here, can you just summarize what the request
3 was?

4 MR. MC CORMICK: Yeah, the request was there
5 was a case where there was a concern that the
6 individual may have been shown photos which
7 might have been outdated several years. And
8 obviously, the complainant was concerned about
9 that. Well, anyways, I contacted the police
10 department and they stated that they issue new
11 ID cards every five years. So within every five
12 years an officer is given a new photo, and also
13 if they're promoted inside that five years they
14 will also be given a new photo. But if they
15 shave their head, you know, if they have a - -
16 or anything like that, that won't make a new ID
17 card. So, their appearances can change in that
18 time period, and they're not required to get a
19 new photo at that point. But basically it's
20 every five years that a photo can be taken,
21 absent them getting a promotion or something.

22 CHAIRMAN CHU: And just to be clear, the ID
23 photos are the same ones that we utilize in our
24 photo arrays?

25 MR. MC CORMICK: Yes, the database that the

1 NYPD controls, we request access to it. We
2 have to fill out a form, and a member of the
3 police department will get us the photo. And
4 there is no date on the photo to say when that -
5 - photo was taken, and we're not able to find
6 out that information from - - .

7 CHAIRMAN CHU: Sir, you will get a chance to
8 speak during our public comment session.

9 Mr. BROWN: Okay.

10 CHAIRMAN CHU: So please hold your comments.

11 Mr. BROWN: Okay.

12 CHAIRMAN CHU: Anything else, Mr. McCormick?

13 MR. MC CORMICK: No, that's good.

14 CHAIRMAN CHU: Any other old business?

15 Moving on to new business.

16 ACTING EXECUTIVE DIRECTOR SOLER: Yes, I
17 just want to bring this to the attention of the
18 committee, sorry, the board, that we have
19 actually done more work on our website. Linda
20 Sachs has been working for the last year
21 updating our Web site. Our Web site is a little
22 bit outdated as of now, and the content and the
23 format is not controlled by our IT department- -
24 . So, one of the things that Linda did when
25 she came here to the agency was to identify what

1 were the needs in that area. We wanted to
2 show it to you today, but we had some concerns
3 about some technical issues, so we decided to do
4 it at the next board meeting. But I just wanted
5 to let you know that the project is finished.
6 Joan Thompson and I have reviewed the content.
7 We want to share that with the board, certainly
8 before it goes public. But I wanted to let you
9 know that a new Web site will be available. We
10 have - - . It's a tremendous improvement, and I
11 would like to thank Linda for terrific work in
12 this area. It's not just the content, but also
13 the visualization of the Web site. It's much
14 easier to navigate. She has worked with
15 everybody to update their specific parts of the
16 Web site. So, I think also to work with every
17 unit expressing what the needs might be,
18 everything from changing the complaint form to
19 make sure that it's easier for complainants to
20 file a complaint to updating our Outreach
21 portion of the Web site. I want to really thank
22 her for her hard work, and hopefully at the next
23 meeting we'll be able to give you a full report,
24 and show it to you if we solve some of the
25 technical issues that we experienced yesterday

1 when we tried it. Thank you so much.

2 CHAIRMAN CHU: Thank you. Is there any
3 other new business? Hearing no new business,
4 we're going to turn to public comments. We'll
5 begin with Chris Dunn.

6 MR. CHRIS DUNN: Okay, good morning. Let me
7 stand over here so I don't have my back to
8 people. Okay, so since people are saying nice
9 things about Marcos, I'd like to reiterate it.
10 I don't normally talk about staff, but in the
11 short time Marcos has been serving as the
12 interim executive director I think he's done a
13 terrific job, both in terms of his
14 accomplishments, and the approach that he
15 brought to it. And I just want to thank the
16 board for having appointed him to that position.
17 So, thank you, Marcos. On the APU, for those
18 who were not here for the APU discussion earlier
19 today, I think I heard more and more about
20 what's happening on the side of the prosecution
21 part of your cases than I have heard in ten-
22 years plus, which is terrific. And I think the
23 fact that the CCRB is now prosecuting this case
24 is going to be of enormous benefit, not only for
25 prosecutions, but also for what the public knows

1 about the prosecutions, and I hope that those
2 sorts of conversations continue. I do want to
3 point out, there's a slightly different
4 narrative as to what happened last month, and
5 maybe it may have been conveyed in the reports
6 about this. The committee, much to its credit
7 last month, got very upset about the
8 department's position concerning the carve-out,
9 which I don't think entirely came out in the
10 full board meeting, but the committee was
11 terrific in terms of expressing concerns. And
12 it may well be that there was a communication
13 between the CCRB to the department that day
14 about its concerns, but I can tell you that the
15 other thing that was happening was the "Daily
16 News" was here. I don't normally single out
17 press, but the "Daily News" was here. A - -
18 request was made to the speaker's office about
19 these carve-outs, and I can tell you there was a
20 lot of scrambling around, and the speaker's
21 office was very upset about this, and in the
22 space of 24 hours the department completely
23 changed its position. And you see it in the
24 results of that in terms of them continuing to
25 approve all the cases that you have submitted.

1 So, not that the agency is in the business of
2 using the press to big foot the department; it
3 is not. But I just think there is a lesson to
4 be learned there, that the department, elected
5 officials in the city, are now very concerned
6 about, and sensitive to, public critique, about
7 the prosecution of police officers engaged in
8 misconduct. And you guys have a good working
9 relationship with the department. You should
10 continue to have that. But I am hoping that the
11 board is sort of recognizing that it has more
12 leverage in this process than perhaps it has
13 recognized in the past, and certainly exercised
14 in the past. And you will do so respectfully,
15 but I urge you to exercise that leverage as best
16 as possible. And Dan, you mentioned your
17 meeting with the police commissioner tomorrow.
18 I think that's terrific. I envision as many
19 meetings with the police commissioner as
20 possible. But we are at the cusp of a new day.
21 We're going to have a new mayor. We are going
22 to have a new, probably, police commissioner a
23 year from now, who may have a substantial part
24 in CCRB. But I hope and expect that perhaps it
25 changed the fundamental dynamic a little bit,

1 and the CCRB will bring a much more aggressive
2 and public role when it comes to accountability.
3 The final thing I want to say about the APU is
4 that there was a lot of discussion about some
5 votes about particular procedures, and given
6 potential changes that are going to be
7 happening, and given the fact that this is
8 going, this unit, ongoing, I assume that there
9 will be some written procedures that the agency
10 will actually develop about how to handle cases
11 in the APU, and - - this issue about what we do
12 about the case where the unit decides to drop
13 out a particular allegation, because they don't
14 think there's a basis for pursuing it, and the
15 disposition is - - sensible. You guys have
16 developed--I don't know if it is reflected in
17 the board minutes or not, I don't think the
18 reporter was keeping track of anything at that
19 point--I just assume you're going to end up with
20 some sort of a policy manual for the unit that
21 is going to spell out how those sorts of things
22 are going to be handled going forward, because
23 two years from now Tony may be here, because
24 Tony has been here forever, and I'm glad - - .
25 But you know, there's been a lot of change in

1 the board in the last few years, and they'll
2 probably be a lot more change, and I think the
3 more you can regularize things with written
4 policies and procedures, the better. Okay, so,
5 I spent a lot of time complaining about the
6 numbers, but the numbers this month are
7 terrific, and I accept them at face value. But
8 most importantly, the fact that the 18-plus
9 month number of cases is way down is terrific,
10 so the - - statute of limitations runs. And I
11 see in the age report that you look at the 14-
12 month, 15-month, 16-month, 17-month, you are way
13 down in those numbers, and I'm assuming someone
14 didn't just throw them in the trash. I'm
15 kidding. I see there's been a concerted push to
16 deal with those cases, and that's terrific,
17 that's great. And conversely, we don't see
18 seemingly a whole bunch of cases that are just
19 getting tossed because your truncation rate, as
20 bad as it is, actually is down. And as Tony
21 pointed out, the substantiation rate is up. And
22 I don't think, and you don't think, and - - that
23 there is a magic substantiation rate number.
24 But we always felt like the agency number of
25 substantiation was so low that we had very

1 fundamental concerns about whether or not
2 cases were being fully investigated properly.
3 And a 15% substantiation rate suggests that
4 we're getting back on track. However, the one
5 bad thing in the report, the quite significant
6 bad thing which Marcos pointed out was what's
7 happening with the police department. So, we
8 see what I think would be fair to describe as a
9 plummeting disciplinary rate over there, which
10 itself is inflated because it includes
11 obstructions. But the disciplinary rate has
12 gone down. The dupe rate is going up. And I
13 think, and I know that you folks were talking
14 about this, and Dan maybe this is a good
15 conversation with the police commissioner,
16 although I realize the meeting is really to
17 introduce the new executive director. But
18 something's happening over at the department
19 this year. They are treating your cases
20 differently than they have in the past. And
21 maybe the APU unit will fix a fair amount of
22 that, but the discipline rate is significantly
23 down. The DUP rate continues to go back up.
24 We're back up in 30%. Those are really
25 unacceptable high numbers. The Outreach, I'm

1 thrilled that you're seeking four more
2 positions. I complain all the time about the
3 lack of Outreach, and your inability to
4 physically be out in the boroughs in particular.
5 I think you can get four more positions; that is
6 terrific. And I really hope that that comes to
7 pass, and I encourage you to continue doing the
8 Outreach work that you're doing. Okay, the
9 final thing I wanted to mention was trespass
10 report, which I'm a little surprised there
11 wasn't any discussion about. So, yes, the
12 report went up on the Web site a week or so ago
13 that was the final report about the CCRB's
14 analysis of the trespass rate of compliance. I
15 want to say it's a terrific report. You know,
16 we, of course, have a particular interest in
17 that because we are litigating the issues of
18 trespass stops by the police department, and so
19 I'm partially interested on this issue. But it
20 is a very useful report. It is a factually
21 specific report. It lays out the facts in a way
22 that I think is very useful, and it is the very
23 type of report that many of you who have been
24 here for a while here me complaining, almost
25 meeting in and meeting out, there is no effort

1 by the agency to do reports like this. Okay,
2 you have now done it. It was terrific. I don't
3 think it was that painful. I don't think it
4 took a huge amount of resources to do it. You
5 have a terrific information system, and I always
6 recognized that the CTS system is actually a
7 huge - - . This report is the sort of thing you
8 can and should be doing. I wish there had been
9 a little more fanfare about it, both in terms of
10 when it was released--I think you guys put up on
11 the Web site on a Friday afternoon--and probably
12 not the most likely way that people became aware
13 of it, and did not get discussed in any detail
14 at the meeting today. And I think it's an
15 important report, and I wish there had been
16 discussion about it. But it is the sort of the
17 thing that I feel like the board can and should
18 be doing. It makes an enormous contribution to
19 the public discussion about the currently
20 policies and practices just beyond individual
21 investigations, and I commend you for that.
22 Thank you.

23 CHAIRMAN CHU: Okay, next on our list to
24 speak, John Brown.

25 MR. JOHN BROWN: How are you doing? My name

1 is John Brown. It's taken me a while to get
2 here. I'm glad to see a familiar face. I - -
3 Mr. Chu, Mr. Grant. I see Mr. Soler, the press,
4 and everybody. I have to sit down, because I'm
5 nervous, and I don't know how I'm going to get
6 through this. Can I have that picture?

7 FEMALE VOICE: This one?

8 MR. BROWN: This is my son, John Brown. [a
9 picture is displayed] You see who he's standing
10 with? Police Commissioner Ray Kelly. He was an
11 Explorer. He graduated from the Explorers.
12 That's my son. He graduated from the Explorers
13 for the police department. He graduated from
14 the Explorers for the fire department. On 2011,
15 April 2011, my son was assaulted. Coming from a
16 club, he was assaulted. I did the necessary
17 things. I went to the CCRB. I filed the
18 charges with the CCRB. My son didn't see a
19 picture of a police officer until October 4th of
20 last year. That's 14 months that it took for
21 him to look at a picture of an officer of
22 someone he accused of doing this thing. This
23 officer had a beard, red beard. When my son saw
24 a picture 14 months later they showed him
25 pictures of officers with no facial hair

1 whatsoever. All of them had on their whatever
2 they graduated or whatever it is--'cause I'm
3 nervous, like I said--but whatever they
4 graduated in, that's what they had on. All of
5 them looked the same. No facial hair
6 whatsoever. If you look at Mr. Soler, you look
7 at this gentleman, you look at this gentleman,
8 you can tell the difference from clean-shaven
9 and with a beard. You tell me that's justice.
10 You tell me. My son came home looking like
11 this. My son came home two days later with his
12 face like this, bruised up, kicked, stomped.
13 This is how my son came home. His shirt torn
14 off of him. A public defender called me on the
15 telephone, six o'clock in the--7 a.m., 8 a.m.,
16 and said, "Mr. Brown, you should see your son's
17 face. You should see what the police did to
18 your son." My son would never go against an
19 officer's authority or anything like that. But
20 what I'm saying is, that he's been victimized
21 twice, because this happened to him in the
22 street, and I had to have my son come how two
23 days later and tell me, "Dad, I felt like
24 slavery times, where they threw me down. They
25 stomped me, kicked me, and while my hand was

1 cuffed behind my back my face was on the
2 ground," and they dragged [phonetic] him a
3 little bit so that all the skin came off his
4 face, is what you see. And I'm not saying that
5 the CCRB is not doing their job. But I just
6 want to--I have a few names in my head. I got
7 in touch with the investigator for the CCRB, Mr.
8 McCormick, who I have not spoken to since before
9 Sandy, the storm Sandy. I spoke with him before
10 that. Since then he has never called me back.
11 I called him I don't know how many times. Do
12 you know who reached out to me? Mr. Soler.
13 He's been trying to help me out, you know what I
14 mean? Because my son did not receive justice.
15 I mean, I came up with--I tried to bring my son
16 up the right way, to respect the police, to
17 respect authority, or whatever it is. But this
18 is a sad case, man. This is a sad thing, man,
19 where there are investigators for the CCRB call
20 my son in 14 months later, after we called them
21 every day and said, "Let my son look at
22 pictures. Let my son look at pictures." And
23 this is the culmination. You showed him
24 pictures of officers with no facial hair, and
25 the officer had a full, red beard, because he

1 was an undercover officer. So you know that
2 they change their appearances. Something has to
3 be done. I mean, it's sucking the life out of
4 the young people in this city. Do you know what
5 I mean? Because you feel as though if you do
6 the right thing you still have no recourse,
7 because you run into brick walls. And you know,
8 I called Ms. Harris, who was the First Deputy
9 Mayor, and you know what they do? They called
10 Mr. Soler to tell him to tell me to stop calling
11 them. I mean, this is ridiculous. The American
12 dream, you know, my son had the American dream.
13 He wanted to be a police officer, but not no
14 longer, not no longer. He took the fire
15 department's test. He got a 98. Why didn't he
16 get called? But I'm just saying something to
17 you. This is not justice. This is not the way
18 things are supposed to be done. And another
19 thing is, is that the CCRB, their attorney, Mr.
20 Daw, I got him on the phone. I asked Mr. Daw,
21 "Do you know the pictures are outdated that the
22 CCRB are showing? They're outdated - -
23 outdated." Do you know what he said? "I can't
24 answer that question if they're outdated or
25 not." What kind of person are you that you're

1 with the CCRB, which is supposed to be helping
2 out people, because we're not against the police
3 department by no means ever. I love the--I like
4 the police. But just like you've got bad
5 plumbers, you've got bad police. They aren't
6 different. Let's not sit here and act like we
7 don't know. We all come from the same place,
8 from our mothers, right? There are bad people
9 out here, and they are wearing, they are wearing
10 uniforms, some of them, and some of them are
11 plainclothes. I think that we've got to get a
12 hold to this man, where if you ask the CCRB a
13 question about, "Well, what did the officer say?
14 When the officer who was my son's arresting
15 officer, what did he say to you when he asked
16 you, 'How did this prisoner get like that?'" Do
17 you know what the answer is? They can't tell
18 you. They tell me they can't tell me what the
19 officer who was my son's arresting officer, and
20 also the officer who transported my son to the
21 precinct, they can't tell me what they said.
22 What kind of an investigation is this? They
23 can't tell you what the people said who abused
24 your son. The D.A.'s office or the police
25 department, they work with each other, they talk

1 to each other. So why can't we? If I can't--
2 if I come with a complaint, you tell me. I'm
3 like, "Well, what did the officer say about my
4 son? How did my son get like this? He's the
5 arresting officer, and you didn't ask him, 'How
6 did your prisoner get like this?' and if you did
7 ask him, you can't tell me?" What are you
8 telling me if you can't tell me. My son is not
9 here. He doesn't even have no respect for this
10 - - , 'cause he's like, "How can they treat me
11 like a slave, man, and there's no recourse." But
12 I'm just so disenchanted, because this has been
13 going on for two years. This happened to my
14 son, like I said, in April 2011. And to this
15 date, and like I said, he saw pictures 14 months
16 later. I mean, this is ridiculous, man. It's
17 like Commissioner Ray Kelly is the person who
18 gives out the punishment for police officers.
19 My family, or whatever it is, like them giving
20 me discipline if I did something wrong. If
21 you're going to let the police commissioner give
22 out the discipline for officers who we know are
23 "how they do things," you tell me, where are we
24 supposed to get justice from if the police are
25 policing themselves? It has to be independent.

1 It has to be someone independent that gives
2 out--that's just another thing I'm just throwing
3 out there to you, 'cause there are many things
4 that are wrong, and there are a lot of things
5 that are right too that you're doing. So, I'm
6 not just going to say that you guys are not
7 doing your job. I'm just saying you've got to
8 take a closer look, man. You've got to take a
9 closer look. Things like this are not supposed
10 to slip in between the things, where there's,
11 like, they said, the ID's are five years, or
12 whatever it is, but when an officer goes from
13 clean-shaven to beard, come on. Come on, are we
14 playing musical chairs where if you can figure
15 it out, you figure it out? I had one person
16 tell my son when he viewed the pictures, "Try to
17 imagine that they have a beard on them." Isn't
18 that ridiculous? Try to imagine that someone
19 has a beard on them. You can't do that, man,
20 not and be accurate, which is what we were
21 trying to do. We're not trying to get a cop
22 that did not do this, or an officer who did not
23 do this. We're just trying to get justice for
24 my son. And I just want to say to you all,
25 please, that you all take a deeper look. That's

1 all that I ask. That's all I ask. I submit
2 it again, for my son's case to be reopened. And
3 the other thing, the ultimate, that it was a
4 disgrace, that after 14 months and my son saw a
5 picture, four months later they closed the case,
6 right after Sandy was over I got a letter in the
7 mail. Boom, the case the was closed.

8 MS. BROWN: Unfounded.

9 MR. BROWN: Unfounded. Unfounded? What did
10 the officer who was standing there, who had my
11 son there, what did he tell you how did my son
12 get like that? I thought we all were from the
13 same race: the human race. Please.

14 CHAIRMAN CHU: Thank you, Mr. Brown. Seeing
15 no additional speakers today, we're going to
16 take a brief recess and go into executive
17 session. Thank you very much.

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C E R T I F I C A T E

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The prior proceedings were transcribed from

1 audio files and have been transcribed to the
2 best of my ability.

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Signature Charlene E. Polovich

Date June 14, 2013