

1 Public Board Meeting
 2 Of the Civilian Complaint Review Board
 3 Wednesday, July 10, 2013
 4 10:00 a.m.
 5 40 Rector Street - 2nd Floor
 6 New York, New York 10006

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 8 DANIEL D. CHU, ESQ., CHAIR
 9 TRACY CATAPANO-FOX, ESQ., 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 Rudolph Landin

6 Tosano J. Simonetti

7 Bishop Mitchell G. Taylor

8 Alphonzo A. Grant, Esq.

9 David G. Liston

10 Janette Cortes-Gomez, Esq.

11 Jules A. Martin, Esq.

12 Daniel M. Gitner, Esq.

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1 CHAIRMAN DANIEL D. CHU: All right, guys,
2 I'm going to call this meeting to order. Good
3 morning, everyone. Welcome to our July meeting.
4 The first order of business is the adoption of
5 the June 2013 minutes. Before I put it to a
6 vote, I just want to point out that on Page 3,
7 there are two changes. Page 3, Line 20, third
8 word in, it says, I have identified a new
9 incoming deputy director. The I should be
10 changed to we, since it was collectively the
11 Board. And I believe I did say we, so we can go
12 back and check that recording. Even if I was
13 speaking about myself, I'm known to speak like
14 royalty so I would have said we anyway. And
15 incoming deputy director on Line 21 should be
16 executive director, who is now seated next to
17 me. So with that said, are there any objections
18 to the changes that I have suggested?

19 COMMISSIONER TOSANO J. SIMONETTI: I make a
20 motion with the two changes.

21 CHAIRMAN CHU: Is there a second?

22 COMMISSIONER MOHAMMAD KHALID: Second.

23 CHAIRMAN CHU: Okay. All those in favor of
24 the changes, please say aye.

25 UNISON: Aye.

1 CHAIRMAN CHU: Any objections? Any
2 abstentions? Okay. So the changes are adopted.
3 And now, with respect to the minutes, do I hear
4 a motion?

5 COMMISSIONER SIMONETTI: Motion to accept
6 the minutes.

7 CHAIRMAN CHU: Is there a second on that
8 motion?

9 COMMISSIONER DAVID G. LISTON: Second.

10 CHAIRMAN CHU: Okay. All those in favor of
11 the adoption of the June minutes, please say
12 aye.

13 UNISON: Aye.

14 CHAIRMAN CHU: Any objections?

15 MS. JANETTE CORTES-GOMEZ: I will abstain.

16 CHAIRMAN CHU: Okay. I'm getting to that.
17 Any abstentions? And I see Janette and maybe
18 Mr. Gitner, who was not here.

19 COMMISSIONER DANIEL M. GITNER:
20 [Interposing] I'll abstain.

21 CHAIRMAN CHU: So two abstentions. No
22 objections. The minutes are hereby adopted.
23 All right. Moving on to the report from the
24 Chair. I am very excited this morning to say
25 that, as you can see, we have very close to a

1 full house. I believe we have one vacant seat
2 that I'm told is in the process of being filled.
3 That would be the Manhattan seat from the
4 council side. And my understanding in my
5 conversations with City Hall is there is someone
6 that is in the process or perhaps has already
7 been vetted so we're very close to having a full
8 house, and I'm happy to report that. Moving on,
9 I want to welcome our new Executive Director
10 who's seated next to me, Tracy Catapano-Fox.
11 She joins us from her position formerly as the
12 Chief Clerk of the Queens County Supreme Court
13 Civil Term, where she was the highest ranking
14 non-judicial officer in charge of over 400
15 employees, working with a budget of \$45 million
16 or so. So hopefully at some point, this agency
17 will get up to those numbers, but
18 notwithstanding that we fall short at this time,
19 we welcome her. I want to just say that she
20 started her career out at the DA's office in
21 Queens County. She then went to work for
22 Justice Golia, was it James?

23 MS. TRACY CATAPANO-FOX: James.

24 CHAIRMAN CHU: James Golia in Queens County.
25 Later, Augustus Agate, also in Queens County.

1 Finally, for the Chief Administrative Justice,
2 Jeremy Weinstein. We welcome her. In her week
3 and a half or two weeks here, she's already put
4 out some fires for us, and I expect that the
5 good work will continue. I'm also very excited
6 to introduce a new board member, Daniel Gitner,
7 who's seated at the end. Dan, please raise your
8 hand and identify yourself. He is a partner
9 with Lankler Siffert & Wohl. He is a graduate
10 of Cornell University and Columbia Law School.
11 He started his career clerking for several US
12 district court judges, first Naomi Reice
13 Buchwald and then the Honorable Barbara Jones,
14 later joining the US Attorney's Office Southern
15 District, working his way up to the Unit Chief
16 of General Crimes, and has joined his present
17 firm back in 2005. With his welcomed knowledge
18 and background, I think he's going to be an
19 asset to this board and I welcome him.

20 MR. GITNER: Thank you very much.

21 CHAIRMAN CHU: All right. Having made those
22 instructions, I'm now going to turn the floor
23 over to our new Executive Director for her very
24 first report. There you go.

25 MS. CATAPANO-FOX: Thank you, Chairman.

1 Thank you for your kind words. I want to thank
2 all the members of the board for selecting me
3 for this position. It is an honor to be here
4 and I'm very excited. And I've gotten to meet
5 all of the employees, and the staff here is
6 exceptional. And I think that I am very lucky
7 to be able to work with them so I thank you for
8 this opportunity. At this point, I'll give the
9 monthly statistics. The CCRB received 447
10 complaints in June. This is 55 fewer complaints
11 than were filed in the same period in 2012 when
12 the CCRB received 502 complaints. That is an
13 11% decrease in our complaint activity for the
14 monthly period. From January to June, the board
15 received 2,566 complaints. This is a 10%
16 decrease in complaint activity over the course
17 of the same period from last year, and our total
18 intake has declined by 34%. The board closed
19 538 cases in June. In the first six months of
20 this year, 2013, the board has closed 1,130
21 cases and substantiated 177 cases, which is a
22 substantiation rate of 16% of fully investigated
23 cases. Our truncation rate was 57%, which is 7
24 points higher than in the first half of 2012,
25 when our year to date truncation rate was 50%.

1 This June, our mediation unit has closed ten
2 cases as mediated and 35 cases as mediation
3 attempted. Year to date, our mediation unit has
4 scheduled 35 mediation cases, 34 of which were
5 successfully mediated, and one of which was sent
6 back for investigation. The mediation unit also
7 closed 76 cases as mediation attempted and 9
8 cases with other outcomes, such as complaint
9 withdrawal. Our agency's docket at the end of
10 June stands at 2,809 cases, which is a .4%
11 decrease over our open docket from May, when it
12 stood at 2,821 cases. Ninety one percent of our
13 open investigations were filed within the past
14 year, and sixty-three percent were filed within
15 the last four months. Of our open cases, 685
16 are awaiting panel review. That's 24% of our
17 docket. One thousand seven hundred and seventy-
18 seven are being investigated, and three hundred
19 and forty-seven cases are in our mediation
20 program. By date of incident, ten cases in our
21 open docket are 18 months and older, as compared
22 to 9 in June of 2012. This is one more than
23 last year in the same period, or .4% of our open
24 docket. Two of those cases are on DA holds.
25 Three cases were filed months after the

1 incident, and two cases are pending panel
2 review, two cases are pending mediation, and one
3 case has been reopened. In May, the police
4 department closed 28 substantiated cases
5 involving 38 officers. The Department did not
6 impose discipline against 19 officers, and year
7 to date, their disciplinary action rate is 57%,
8 and the Department decline to prosecute rate was
9 26%. In cases in which the Department pursued
10 charges and specifications, their conviction
11 rate was 79%, and this includes officers who
12 pled guilty to charges and officers found guilty
13 after disciplinary trials. Their guilty after
14 trial rate is 56%. Two other things I want to
15 mention. Our new Web site is up and running.
16 It has been a vast improvement, and I think it's
17 much more interactive so I suggest that I
18 recommend everyone to check it out. Our annual
19 report was sent out in the last week. I'm sure
20 all of you have seen it, as well as the coverage
21 that we received within the press discussing the
22 2012 annual report. Thank you.

23 CHAIRMAN CHU: Thank you. All right.
24 Moving on to committee reports. Are there any
25 committees that need to make a report?

1 COMMISSIONER SIMONETTI: Before we do
2 that, Mr. Chairman, I just want to--

3 CHAIRMAN CHU: [Interposing] Commissioner
4 Simonetti.

5 COMMISSIONER SIMONETTI: I want to comment
6 on the docket. By the way, that's the lowest
7 it's been in a long, long time, and it's
8 encouraging to see that. Also, I'm encouraged
9 by the fact that I got an email yesterday giving
10 us a new panel. And I was surprised to see we
11 don't have the usual hundred cases. We have 57
12 cases, which is wonderful, keep that up. Pump
13 those cases out as they're finished, even though
14 we don't hit that magic number of getting 100
15 cases to send out to the panel. It's very
16 important, those cases. Because the SOL, as
17 everyone knows, that's the critical issue and we
18 don't want to be confronted with the SOL and all
19 the implications of that, particularly now with
20 our prosecution unit.

21 CHAIRMAN CHU: Thank you, Commissioner
22 Simonetti. I look forward to meeting with you
23 on that panel. I believe we're on the panel
24 together. Moving on now to committee reports.
25 Ms. Catapano-Fox has already mentioned the

1 annual report is out. Anyone who hasn't
2 gotten a copy, copies are available, as well as
3 a new Web site. Is there anything to report
4 from Outreach?

5 BISHOP MITCHELL G. TAYLOR: Yes. As you
6 know, we did not get the extra lines for the
7 outreach expansion, but talking with the new
8 Executive Director, she has some great ideas
9 about using some other resources to fill those
10 voids. The Outreach team has already been
11 talking about meeting with her and the current
12 human capital index so that we can continue to
13 do the outreach work that we started.

14 CHAIRMAN CHU: I know that traditionally, we
15 have the new crop of Ambassador intern programs
16 around this time. Where are we at this year?

17 BISHOP TAYLOR: Yes. The board had a desire
18 to move beyond Queens with the Ambassadors
19 program. I think it's a little more difficult
20 moving it when you don't have the committee
21 resources to do it. We're going to continue the
22 Ambassadors Program being centralized in Queens,
23 but we'll take kids from wherever they are
24 submitting applications from. But it'll be
25 centralized in Queens, and that's another point

1 for our meeting with the Outreach team.

2 CHAIRMAN CHU: And we're still doing that,
3 of course, with the view to ultimately
4 replicating this in other boroughs, correct?

5 BISHOP TAYLOR: Yes.

6 CHAIRMAN CHU: Okay. Thank you for that.
7 Are there any other committees this month that
8 have anything to report? Seeing and hearing
9 nothing additional from committees, let's move
10 to old business. Does anyone have any old
11 business to discuss? Seeing no old business,
12 let's move to new business. Any new business
13 from any board members? If not, let us move to
14 public comment at this time. Mr. John Brown,
15 there you are. You have the floor.

16 MR. JOHN BROWN: How you doing? Hello to
17 the board again. To the public, to the press.
18 I'm just going to say this one more time. I was
19 down here last month. This is a picture of my
20 son's face again. Police department did this to
21 my son in 2011. In 2011. This was done to my
22 son. He was on his way home from a party at two
23 o'clock in the morning. He was assaulted, drug
24 on the ground for no reason. This is my same
25 son with the Commissioner Ray Kelly. My son was

1 an Explorer, the police department. That's
2 the same son. That's my son.

3 CHAIRMAN CHU: Mr. Brown, I just have a
4 question. Is there anything different between
5 what you're saying this month, as opposed to
6 last month?

7 MR. BROWN: Yes.

8 CHAIRMAN CHU: Because as a policy, we
9 generally don't have discuss

10 MR. BROWN: [Interposing] Because--

11 CHAIRMAN CHU: active cases.

12 MR. BROWN: I'm going to get to it right
13 now.

14 CHAIRMAN CHU: We'll give you certainly some
15 latitude, but

16 MR. BROWN: [Interposing] The reason that
17 I'm bringing this back up again is because we
18 need to make some sort of progress. The
19 pictures that were shown to my son 18 months
20 later--this happened in 2011--18 months later,
21 he was shown pictures. The pictures of the
22 officers do not reflect the way officers look on
23 the street right now. We have police officers
24 on the street now that have grown beards, and
25 the pictures that they show are them clean-

1 shaven. Now, if you can tell me how a person
2 can grow a beard, sideburns, moustaches,
3 anything else, these pictures that first are
4 clean-shaven when he comes out of the Academy or
5 whatever it is and then on the street, that's--
6 he had a gray beard. CCRB called my son in
7 October 4th of last year, which is 18 months
8 later. When the pictures were shown, there were
9 pictures of officers with no facial hair
10 whatsoever.

11 CHAIRMAN CHU: Mr. Brown, we went over this
12 last time.

13 MR. BROWN: I'm going to get to it now.

14 CHAIRMAN CHU: As a result--

15 MR. BROWN: [Interposing] I'm going to get
16 to it now, what it is.

17 CHAIRMAN CHU: As a result, the board has
18 reopened the case, as you know.

19 MR. BROWN: Yeah, right.

20 CHAIRMAN CHU: And the investigation is
21 proceeding. We're assuming, of course, that
22 your son will be cooperating with that
23 investigation.

24 MR. BROWN: Sure, sure.

25 CHAIRMAN CHU: Again, just to be clear, at

1 the public comments, we generally don't go
2 into individual cases.

3 MR. BROWN: Okay.

4 CHAIRMAN CHU: So if there's something on a
5 broader

6 MR. BROWN: [Interposing] Okay.

7 CHAIRMAN CHU: policy.

8 MR. BROWN: [Interposing] I'm going to get
9 to it right now.

10 CHAIRMAN CHU: Please.

11 MR. BROWN: I'm going to give everybody a
12 little background. The reason that I'm coming
13 back to y'all again this month is to see 'cause
14 it was in the Daily News and New York One, who
15 called me last night. My question is, what
16 proposals or what ideas have you come up with to
17 make officers be--to make officers to let the
18 pictures depict the way that they look on the
19 street now? It's not fair that an officer can
20 look different. He can go out and do anything
21 he wants to do and you can't identify him
22 because he don't look the same. So I asked you
23 this last month, y'all say y'all was going to--
24 of course, I put it out there for you to give me
25 a response. So now, I'm waiting for you to tell

1 me what response did you all have. What have
2 you done to try to update the officers'
3 pictures?

4 CHAIRMAN CHU: Thank you very much. Are
5 there any other public comments at this time?
6 Seeing and hearing no additional people looking
7 to speak

8 MR. BROWN: [Interposing] I'm asking--

9 CHAIRMAN CHU: we will break five minutes--

10 MR. BROWN: [Interposing] Excuse me. Are
11 you going to--

12 CHAIRMAN CHU: and we will break into
13 executive session. There's an open
14 investigation. We expect, that your son will be
15 cooperating with that. We're reviewing the
16 steps that were taken. And in terms of the
17 photo issue, obviously that is something that
18 the NYPD has as a matter of policy as to how
19 often they update their photographs. We will
20 make--

21 MR. BROWN: [Interposing] I understand.

22 CHAIRMAN CHU: that suggestion.

23 MR. BROWN: You told me that before, but
24 what I'm saying is--

25 CHAIRMAN CHU: [Interposing] That's correct.

1 MR. BROWN: what has the Civilian
2 Complaint Review Board, I think most people
3 agree, that officers' pictures should depict the
4 way they look now. So I'm asking you for the
5 last time, what has been done. I know what you
6 said to me and I know that y'all reopened, but
7 there's no sense reopening if you ain't going to
8 make no progress in showing--do you know how
9 many people have come in and sat down constantly
10 and looked at pictures of officers and the
11 officers' pictures don't depict the way they
12 look now so the person can't pick them out? Do
13 you know at the City how many people? These are
14 human beings that are getting hurt, yet they
15 don't--the pictures don't depict the way they
16 look. This is not something small. This is
17 large. You got people coming here every day
18 that's looking at pictures of photos that are
19 outdated.

20 BISHOP TAYLOR: Mr. Chair, I just want to
21 just for the record just so say that we--our
22 photos are current so we're not looking at
23 outdated pictures.

24 MR. BROWN: Oh, the pictures are current?

25 BISHOP TAYLOR: We're looking at the most

1 current pictures that are available to us.

2 MR. BROWN: Okay. The most current pictures
3 that are available.

4 BISHOP TAYLOR: [Interposing] And they're
5 not--

6 MR. BROWN: [Interposing] That's what I'm
7 saying because--

8 BISHOP TAYLOR: [Interposing] They're not
9 outdated.

10 MR. BROWN: this department says four years.
11 They take pictures every four years. So that
12 means that if an officer grows a beard--like,
13 look at you. Look at you. You're clean-shaven.
14 But if you get a beard on you, a person can't
15 recognize you. They have to update the
16 pictures. People can't--you got people running
17 around in the street with badges and guns and we
18 don't even have pictures that depict the way
19 that they look now.

20 CHAIRMAN CHU: If you'll recall, I actually
21 had a beard at the last meeting so--

22 MR. BROWN: [Interposing] Okay. There you
23 go. Okay. Thank you. Thank you. Thank you.

24 BISHOP TAYLOR: And he still knew who you
25 were.

1 CHAIRMAN CHU: I'm still the chair. You
2 still recognized me. Well, if this--

3 MR. BROWN: [Interposing] Look where he's
4 sitting.

5 CHAIRMAN CHU: --were a name shield, you
6 know, there you go.

7 MR. BROWN: All right. All right.

8 BISHOP TAYLOR: All right.

9 CHAIRMAN CHU: Thank you very much.

10 MR. BROWN: That's it. That's all I'm
11 asking for. That's all. I just want to see if
12 we made any progress to try to do something,
13 like, at least talk to the Commissioner and say,
14 Commissioner Kelly, in a court of law, this
15 wouldn't stand up, the identification. We have
16 to do something that's more better to--for the
17 citizens of this city. I mean, come on.

18 CHAIRMAN CHU: Your point is well taken. ID
19 is a very important issue. It's something that
20 prosecutors and defense counsel deal with all
21 the time. It is certainly a point that needs
22 further review--

23 MR. BROWN: [Interposing] Thank you.

24 CHAIRMAN CHU: --and--

25 MR. BROWN: [Interposing] Thank you.

1 CHAIRMAN CHU: --perhaps changes and fine
2 tuning. So it's something that we certainly

3 MR. BROWN: [Interposing] I mean, if the
4 public knew about this--I'm waiting to tell - -.
5 If the public knew that you got people, police
6 officers on the street that their pictures don't
7 depict the way that they look - - chance,
8 remember, these are human beings, all the
9 people, the complaints you get, these all are
10 human beings.

11 CHAIRMAN CHU: Absolutely.

12 MR. BROWN: Right? So something needs to be
13 done because if you were going to--if the shoe
14 was on the other foot, they wouldn't show
15 pictures of me if I committed a crime the way I
16 looked in high school. They would show pictures
17 of the way I looked right now. So why should
18 the police be held at a lower standard? That's
19 what I'm asking.

20 CHAIRMAN CHU: The point is well taken.

21 MR. BROWN: Okay.

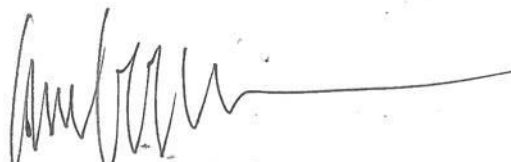
22 CHAIRMAN CHU: Thank you very much. Five
23 minutes and then we're breaking into executive
24 session.

25 MR. BROWN: You don't want to know about

1 this. Y'all don't want to know. You really
2 don't want to know.
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C E R T I F I C A T E

21 The prior proceedings were transcribed from
22 audio files and have been transcribed to the
23 best of my ability.
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A handwritten signature in black ink, appearing to be "Amber", with a long horizontal line extending to the right.

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Signature _____

Date July 15, 2013