

1 -----
2 MEETING OF
3 THE CIVILIAN COMPLAINT REVIEW BOARD
4 -----

5 September 21, 2011
6 10:10 a.m.

7
8 40 Rector Street
9 2nd Floor
10 New York, New York 10006

11
12 DANIEL D. CHU, ESQ., CHAIR
13 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

- 14
15 PUBLIC MEETING AGENDA:
16 1. Call to Order
17 2. Adoption of Minutes
18 3. Report from the Chair
19 4. Report from the Executive Director
20 5. Committee Reports
21 6. Old Business
22 7. New Business
23 8. Public Comment

24
25 Reported By: Erwin Fried

1

2 BOARD MEMBERS PRESENT WERE:

3 JAMES DONLON, ESQ.

4 DR. MOHAMMAD KHALID

5 YOUNGIK YOON, ESQ.

6 MARY E. MULLIGAN, ESQ.

7 TOSANO SIMONETTI

8 ALPHONZO A. GRANT, ESQ.

9 BISHOP MITCHELL G. TAYLOR

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 THE CHAIR: All right, let's get
2 started. I'm going to call this meeting
3 to order.

4 First order of business, adoption of
5 the August minutes. Do I hear a motion?

6 MR. DONLON: So moved.

7 THE CHAIR: Is there a second?

8 MR. SIMONETTI: Second.

9 THE CHAIR: All in favor please say
10 aye.

11 IN UNISON: Aye.

12 THE CHAIR: It's unanimous. Anyone
13 in opposition?

14 Anyone abstentions? No.

15 Okay, the minutes are passed.

16 I'm going to start with the report
17 from the Chair.

18 We just got back from the NACOLE
19 conference down in New Orleans. And I'm
20 happy to report that a good time was had
21 by all. I went down with Joan, the
22 Executive Director; Marcos, the Director
23 of Strategic Initiatives; Bishop Taylor,
24 who is a fellow board member; and also
25 Lisa Grace Cohen, who is the Director of

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 Mediation.

2 While we were down there I think we
3 had an opportunity to speak to others
4 that are coming from all over the country
5 and all over the world. And it was a
6 good opportunity for us to see what some
7 of the common struggles are, some of the
8 problems that we all encountered. It was
9 also very informative to find out what
10 kind of challenges they faced, and also
11 to just compare and contrast the way we
12 do things versus the way it's done in
13 other jurisdictions.

14 I will say that in -- after taking
15 it all in, I think that even though
16 there's certainly a lot more room for
17 improvement, even within our own agency,
18 I think that we are, in comparison to
19 certain other jurisdictions, we are, you
20 know, doing a decent job in terms of
21 oversight.

22 And I will just say that there's a
23 very wide range of different
24 organizations out there. And I think it
25 was a good opportunity to showcase some

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 of the things that we were doing that
2 were effective.

3 In particular, some of the new
4 pamphlets that we put out in terms of how
5 to deal with police encounters, and some
6 of the other outreach that we've taken --
7 that we've taken to the next level with the
8 assistance of Linda Sachs, our Director of
9 Communications who's been very engaged in terms
10 of the publications that we were able to hand
11 out. They were very well received, to
12 the extent that we ran out. Other
13 jurisdictions wanted them. I think, you
14 know, if you go across the fifty states
15 you'll start seeing things that are very
16 similar to what we're handing out.

17 We also, most of us, participated in
18 presentations. And I think for the most
19 part they were all very well attended,
20 very well received. And I am very happy
21 that we had that opportunity to
22 participate.

23 There's going to be more, I think,
24 from Marcos, who is the national Treasurer
25 of the organization, and he'll fill us in on

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 some of the details that I did not go
2 into.

3 Next order of business, we are still
4 engaged in discussions with OMB in terms
5 of trying to get the staffing numbers up.

6 As we all know, the decrease in the head
7 count, particularly in the investigative unit,
8 has had a very drastic effect. And we
9 are at historical lows in terms of the
10 number of investigators and also the
11 number of outstanding vacancies. And as
12 everyone knows, of course, that has a
13 direct impact on our case processing
14 abilities, and also our ability to do
15 other aspects of the agency's duties,
16 such as outreach, which requires people
17 to have the free time to engage in.

18 One final order of business before I
19 turn the floor over to the Executive
20 Director is this is Meera Joshi's
21 last week here. And we will all
22 certainly miss her contributions to the
23 agency. We wish her all the best. And
24 in terms of filling her position, the
25 interviewing is continuing, but it

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 certainly is a very difficult task. And
2 as I stated previously very big shoes to
3 fill. So that process is still
4 continuing. Slowly but surely we're
5 moving ahead. But all the best to Meera
6 and, you know, don't forget about us.

7 MS. JOSHI: Thank you.

8 (Applause)

9 THE CHAIR: All right. You're now
10 going to hear from Joan Thompson, the
11 Executive Director.

12 MS. THOMPSON: Well, just to let
13 some -- everybody knows when Marcos and I
14 got off the plane coming from New Orleans
15 there was about a forty-five minute wait
16 to get a cab. And we were very busy
17 taking down cab numbers so that we could
18 give them to Meera so she could address
19 that problem immediately when she gets to
20 Taxi and Limousine Commission!!

21 The monthly statistics in August of
22 2011, the CCRB received 489 complaints.
23 This is fifty-nine fewer complaints than
24 it received in August of 2010 when the
25 agency received 548 complaints. We're in

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 eleven percent decrease in complaint
2 activity.

3 From January to August of 2011 the
4 CCRB has received 4,113 complaints, or
5 335 fewer complaints that it received for
6 the same period of 2010 when the agency
7 received 4,448 complaints. This
8 represents a seven percent decrease in
9 complaint activity year to date.

10 In August the board closed 508
11 cases. 182 were full investigations.
12 304 were truncated. Ten cases were
13 mediated. And twelve cases were closed
14 as mediation attempted.

15 The year to date substantiation rate
16 is seven percent, four points lower than
17 in the same period of 2010.

18 Year to date the board has
19 substantiated 100 cases as opposed to the
20 221 cases that we substantiated during
21 the same period of last year.

22 The truncation rate is sixty-one
23 percent, three points higher than in the
24 same period of 2010.

25 In August, the board closed twenty-

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 one more cases than it received. The
2 agency's open docket was one percent
3 lower than July's open docket. The
4 docket stands at 2,683 cases.

5 About ninety-six percent of our open
6 investigations were filed within the last
7 year. And sixty-seven percent were filed
8 in the last four months.

9 Of the open cases 753 cases are
10 awaiting panel review, or twenty-eight
11 percent of all open cases.

12 1,690 cases are being currently
13 investigated and 240 cases are in the
14 mediation program.

15 By date of occurrence of event
16 fourteen cases in the CCRB's open docket
17 are eighteen months or older. Three
18 cases are on DA hold, six cases are
19 pending board review, two are late
20 filings, and two delays are the result of
21 investigative delays. One case involves
22 multiple officers and a complex set of
23 circumstances.

24 In July, the Police Department
25 disposed of twenty-five cases. The

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 department disciplined twenty-one
2 officers and did not discipline four
3 officers. Two officers negotiated a plea
4 of guilty, and nineteen officers received
5 command discipline and instructions. In
6 four cases the department declined to
7 prosecute the CCRB cases.

8 Year to date discipline rate is
9 seventy-eight percent, and the department
10 declined to prosecute rate is nineteen
11 percent.

12 And, again, to follow-up on what Dan
13 said that Dan, Bishop Taylor, Marcos
14 Soler, Lisa Cohen and myself attended
15 the annual conference of the NACOLE,
16 National Association for the Civilian
17 Oversight of Law Enforcement in New
18 Orleans.

19 The conference this year focused on
20 training and policy concerns. It was well
21 attended by over 210 participants. One
22 of the keynote speakers was Bernard
23 Melkian, who is the Director of the
24 Office of Community Oriented Policing.

25 Bishop Taylor and Chair Chu

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 participated in a roundtable on boards and
2 commissions. Lisa presented on --
3 presented on a mediation panel. And
4 Marcos, who is also the national
5 treasurer, moderated a planning session
6 with Professor Sam Walker on making
7 police reforms endure.

8 Topics of the panels included
9 investigation of officers involved
10 shootings, tasers, reporting standards,
11 disciplinary matrixes and, of course, the
12 situation in New Orleans.

13 Marcos, do you want to -- where are
14 you?

15 MR. SOLER: I'm here.

16 MS. THOMPSON: Do you want to say
17 anything else about the conference? Or
18 tell a little bit more about it?

19 MR. SOLER: Okay. That is okay with
20 the board?

21 So you all know I'm the treasurer of
22 the organization. The other board members
23 and myself get together every year
24 about six/seven months before the
25 conference and try to put together the

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 conference which will address the needs of
2 our constituencies and our members.

3 The membership consists of about fifty agencies in
4 the United States. Many people who
5 belong to the organization also have
6 associate members.

7 And what we try to do is to
8 provide -- I mean, a training component
9 that normally you cannot find across the
10 country, because every agency is very
11 different, has different roles, and
12 sometimes it's not easy to get people
13 that might train you.

14 So the component -- the training
15 component was emphasized primarily the
16 first day, it was emphasized on things
17 as diverse as training about how to
18 investigate police shooting, to how to
19 investigate use of force, and how to
20 investigate abuse of -- what we would
21 consider here abuse of authority. And
22 that was the focus of the first day. We
23 have both sessions that were basic
24 training for those who are new to the
25 field. There were many new members. And

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 many of them volunteer in different parts of
2 the country, and have less experience
3 with policing. So it emphasized our
4 basic skills. There are those who are
5 more experienced and we emphasized the
6 training.

7 That evening we had the session in
8 which the different models of oversight
9 got together. That was the session led
10 by Bishop Taylor and Chair Chu, in which
11 they discussed what are the challenges
12 that the different commissions around
13 the country are facing these days. What
14 are the main problems on how those
15 diverse models also might learn from each
16 other.

17 This second day was an important one
18 because we -- last year we have the
19 Justice Department and this year we have,
20 again, the Justice Department. In this
21 case, I should indicate the Director of
22 the COPS office.

23 And he emphasized four points on
24 that were important to the COPS office
25 right now, and I also think important for

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 us who are involved in civilian
2 oversight.

3 He said in the COPS office, as well
4 as the Justice Department these days he's
5 encouraging all police departments to
6 adopt four basic principles and four
7 basic values. One most important to us
8 is the value of accountability. They
9 think that accountability has to go
10 beyond the sphere of looking at who's a
11 bad cop versus a good cop. And
12 accountability should permeate the
13 entire department.

14 The second aspect he talked about
15 was the idea of legitimacy. The police
16 departments have to understand that
17 ultimately the legitimacy of any police
18 department always comes from the trust
19 that the public gives to each of them.
20 They have to do the work making sure it
21 is respected by the people that they
22 serve.

23 The third aspect was police
24 departments need more not less
25 intervention. They need to look at new

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 technologies, they need to figure out
2 ways to do things different.
3 Particularly in the situation right now,
4 in which most departments face strong
5 budgetary constraints.

6 And I think, ultimately, the last
7 value was an important one as well. It
8 was the idea of generating national
9 standards. This is important to them as
10 well for us, the oversight agencies,
11 because a basic point is a lot of
12 departments are doing things there
13 differently but there is this national
14 trends or national standards they're now
15 emerging, and everybody should adopt.
16 It's what we tried to do and accomplish
17 with our conference.

18 The third day there was the different
19 sessions emphasizing different aspects,
20 some what we'd call problem areas. And
21 one of the sessions was Lisa Cohen's
22 session on mediation. I think the
23 session was a strong one and well
24 received. It focused primarily on how to
25 create a program. You should know -- you

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 probably know that right now there are
2 very few mediation programs in the
3 country. Ours is obviously this part of the
4 program since we have been doing this for a
5 long time. So one of the presenters
6 emphasized how to actually go about
7 creating the program. Lisa emphasized
8 the emphasis of once you have the program
9 how to make sure that the program doesn't
10 stagnate, continues to grow, how you
11 bring it to the next level. I think all
12 those points that she made there were
13 well received.

14 And, finally, Joyce Hicks, the
15 Director of the San Francisco office,
16 emphasized what from her perspective the
17 mediation program can become, one of the most
18 important programs that they run is San
19 Francisco. And to emphasize the point a
20 mediation should never to be treated as a
21 cheap alternative to anything but it's a
22 solution that has value on its own.

23 The final day we had the opportunity
24 to meet with Professor Sam Walker. That
25 was the session that I moderated. And

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 the session focused particularly on the
2 idea of the conference, how to make
3 police reforms endure. And the session
4 lasted almost about two hours, it was very
5 well attended.

6 The session played out in this -- the
7 following matter. I introduced Professor
8 Walker. Literature -- the books that he
9 has worked on. Most of you know that he
10 has -- he's a notable expert in
11 the nation in civilian oversight. Then
12 he made a brief presentation, about
13 twenty minutes, about what are the
14 important things to do if we want to make
15 sure that reforms don't go away, don't
16 vanish. And then we have about an hour
17 and a half of questions from the public.
18 And there were very different questions.

19 I think one of the important
20 questions perhaps were asked of the CCRB
21 was professor asked -- Walker was asked
22 directly these questions, and sometimes
23 we also receive -- I'm not taking a
24 position, I'm just explaining what he
25 said. That whether or not police

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 discipline should be given to an
2 authority other than the police
3 commissioner. Whether or not the police
4 commissioner should be or police chief
5 should be the final arbiter. And he said
6 absolutely not. And his research
7 indicates in those cases in which the
8 police chief is not in charge of the
9 department in terms of hire and
10 discipline, what it does it takes away,
11 and that was his position, the
12 opportunity for the chief to make
13 reforms, to make sure that police
14 department, and the people make
15 accountable for his department. I
16 thought that's the discussions sometimes
17 we have here. There were other
18 discussions about the role of Internal
19 Affairs, et cetera.

20 Overall, I think it was a great
21 presentation that he gave and the role
22 was very committed.

23 Next year we're going to go to San
24 Diego, and the idea again is the same.
25 To be able to bring training

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 opportunities to those who attend our
2 conference, and have discussion in which
3 we have an opportunity to learn from each
4 other. Thank you.

5 THE CHAIR: Thank you.

6 MS. THOMPSON: And, at the end,
7 they presented to each of the moderators
8 who presided over the different panels, this
9 certificate which reads , "in appreciation for
10 their contribution as a presenter at the
11 National Association for Civilian
12 Oversight of Law Enforcement 17th Annual
13 Conference Making Lasting Reforms, we are
14 making a donation in your name to
15 rebuilding together New Orleans" and this
16 one goes to Dan. So this was, I think, a really
17 terrific idea. That's it.

18 THE CHAIR: Turning now to Committee
19 reports.

20 I can report on behalf of the
21 Reports and Recommendation Committee that
22 the first draft of the Semi-annual Report
23 has now been completed and has been sent
24 over to the Police Department. We expect
25 to get that back in very short notice and

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 in very due course. And I think
2 historically we are on track to be
3 breaking records in terms of getting the
4 report out as early as possible.

5 Bishop, did you have something to
6 say about the Ambassador program.

7 BISHOP TAYLOR: Yes. I want to say
8 that we had the graduation ceremony for
9 the CCRB Ambassador's program a couple of
10 weeks ago. And the Executive Director
11 Joan Thompson came out along with Brian.
12 And we had all the students there, and we
13 gave them certificates and we had full house
14 but it was really a culmination of a
15 year's work that Dawn and her team did in
16 collaboration with ERDA to prepare
17 these scholars to go out -- ambassadors
18 to go out and really engage their
19 communities with peer-to-peer
20 instructions.

21 So I brought one of the instructors
22 with me this morning, John. And John
23 is going to talk a little bit more about
24 the success of that program. And I think
25 he brought a small little video vignette

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 that he's going to use as the closer
2 which is like maybe a sixty second thing.

3 We want John from our program to
4 come and greet you at this time. John.

5 MR. LISBON: Good morning. My name
6 is John Lisbon, I am the program director
7 for a video program with ERDA. And also
8 work with the college access program.

9 It was really amazing this summer to
10 see the young people engage in these
11 workshops and go out and do skits and
12 presentations to their peers about how to
13 engage police when confronted, and what
14 things to do, not to do to help
15 deescalate situations. Young people were
16 really proud of what they learned and are
17 eager to share it with other people.

18 It was really a great marriage
19 because the young people are -- we're
20 doing this video program and they have a
21 lot of issues that they wanted to
22 address. They did a video about the
23 budget cuts and the teacher layoffs that
24 was going to happen and how they felt
25 about that.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 And so now that they have this
2 knowledge and information about what to
3 do when -- in the community dealing with
4 the police, they're ready to do some
5 short videos that they can now go out to
6 other organizations and hand out and
7 other young people can have access to
8 this information.

9 What I have here is just a really
10 brief interview with two of the
11 participants. And there is some insights
12 in there you'll see during the ceremony
13 Bishop Taylor and Executive Director
14 Thompson was there. And so it's just for
15 them to say how they felt about the
16 program.

17 MS. THOMPSON: John, who are these
18 kids, so that they know?

19 MR. LISBON: These young people are
20 primarily New York City Housing Authority
21 residents. They are college bound
22 students that participate in this college
23 access program that East River Development
24 Alliance facilitates.
25 They're high school juniors and seniors.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 The other valuable thing about being
2 part of this program is this is an
3 internship that they can now put on their
4 college applications and in their essays,
5 that's very valuable that most people
6 don't have a chance of participating in.
7 So it really meant a lot to --

8 MS. THOMPSON: And the best thing I
9 thought that some of the people in the
10 audience, some of the mothers were there,
11 and some of the grandmothers were there too.

12 MR. LISBON: Yes.

13 MS. THOMPSON: At the graduation to
14 see how proud they were of these kids.
15 It was really heartwarming.

16 (Video played)

17 MS. THOMPSON: Thank you.

18 MR. LISBON: So that was their --
19 they are -- they formed relationships
20 with some of the people in the other
21 organizations that they went and did
22 presentations with. And some of those
23 people are actually contacting the young
24 people about coming back. And so they're
25 really excited about doing more work.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 I mean, they were required to do
2 four workshops, they got a stipend. Of
3 course that was motivating for them. But
4 a lot of them continue to sign up for
5 workshops even after they did the
6 requirements. So they were really into
7 it, they were really involved.

8 MS. THOMPSON: And I think also as
9 part of the Bishop's program, they took
10 their stipend and most of them made a
11 deposit into the credit union that was
12 there, so now they have bank accounts.
13 And the Bishop's organization provided
14 information about starting a bank account
15 and how to save and what that means.
16 This is absolutely terrific for kids, so
17 that they understand what this is all
18 about at a young age.

19 MS. MULLIGAN: Particularly as they
20 hit college, too.

21 MS. THOMPSON: And as they enter
22 college, exactly.

23 BISHOP TAYLOR: And the other thing
24 is that you have to look at the children
25 that we're targeting are children that

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 live in New York City Housing Authority
2 properties. And the statistics show that
3 only eleven percent of the residents in
4 the Authority have a bachelor degree over
5 twenty-five years of age. So that's, you
6 know, a ridiculous number in terms of
7 continuing education. So we're targeting
8 kids that are probably not really
9 thinking about college at the appropriate
10 time, not talking about college. But
11 this is an opportunity for them to
12 understand that college is not just an
13 option but expectation to really break
14 the cycles of poverty and move to the
15 next level.

16 And because of the frequency of
17 interaction with officers and young
18 people in public housing neighborhood,
19 this was a very strong program with a
20 very strong message. And the message
21 that I think that all of the kids got was
22 de-escalation, posturing yourself in such
23 a way that you don't escalate something,
24 make something bigger than it really is.

25 And so I think that coming from them

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 to their peers was most effective.

2 THE CHAIR: Thank you very much.

3 MR.SIMONETTI: Thank you.

4 MR. SIMONETTI: Thank you,

5 Joan.

6 THE CHAIR: Are there any other

7 committee reports?

8 Moving on. Any old business? Any

9 new business?

10 That brings us to public comment.

11 And I'm delighted to see that Mr. Dunn is back

12 with us after a brief absence.

13 MR. DUNN: Delight is a central

14 concept here. I apologize for missing

15 the last three meetings. I had court

16 appearances that I could not change.

17 And, Mr. Grant, I want to say hello

18 to you. Welcome to the board.

19 MR. GRANT: Thank you.

20 MR. DUNN: I don't know you but as

21 you probably know I'm the resident gadfly

22 here.

23 So picking up on the Ambassador program

24 that was -- I think it's fabulous that

25 you're getting kids involved. I was

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 looking on the outreach report, it
2 doesn't look like their presentations
3 were part of the outreach report. I
4 don't know if I missed that. I think it
5 would be helpful if they're not, for the
6 board to be including those things in the
7 outreach report.

8 BISHOP TAYLOR: Yes.

9 MR. DUNN: And I would certainly be
10 interested in knowing where they are
11 going in making presentations.

12 BISHOP TAYLOR: Yes, we have a
13 whole list of that, we'll make that
14 available for the next meeting.

15 MS. THOMPSON: Right.

16 BISHOP TAYLOR: Next meeting.

17 MR. DUNN: I mean, I think this sort
18 of thing is terrific and I said so from
19 the beginning of the program. I thought
20 the idea was terrific.

21 I'm also pretty interested that it's
22 focused on NYCHA. Because as I think you
23 all know there's a lot of conflict
24 between the cops and NYCHA residents.
25 And the whole vertical patrol phenomenon is

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 an on-going scandal, and there's
2 litigation about that. The department is
3 doing some things to try to get
4 a handle on the vertical patrols. But
5 I don't know how much the training these
6 young people got dealt with the trespass
7 issue, the vertical patrol phenomenon
8 Which, of course, is just a variation of
9 stop and frisk around the buildings as
10 opposed to on the streets.

11 I must say -- I need to say to
12 people, deescalate also. And that's an
13 important message so people understand
14 what you have to do when a person in the
15 confrontation is a cop with a gun and the
16 other person is a sixteen year old kid.
17 But I think there's another message that
18 has to be conveyed to people, which is
19 they do have rights. They do need to
20 understand that -- understand their
21 rights. They have certain parameters,
22 police officers should be operating with
23 that. And the CCRB is here at some level
24 to defend those rights. And I hope
25 that's not lost in the message.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 And, for instance, I know your
2 rights card, Dan you mentioned that. I
3 think Linda's doing a fabulous job on
4 these things. She showed me the card, I
5 think the card is a terrific card. One
6 of the -- the only substantive
7 complaint -- suggestion I had about the
8 card was that in discussing interaction
9 with police officer it talked about
10 cooperation, de-escalation. It did not
11 say the critical point, which is you do
12 not have to answer the questions of the
13 police officer. And I think it is
14 important, and I understand that
15 you're -- you're in a very different
16 position than we are. But it is
17 important that when the CCRB is training
18 people or handing out materials that as
19 much as possible tells both sides of the
20 story. Both the side about let's try to
21 avoid a confrontation. But, also, the
22 side of here's what your rights are when
23 you're dealing with a police officer.
24 That's an important message to people.
25 But I think the program's terrific.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 John, thank you for your work. I don't
2 know you but thank you for your work.

3 In terms of the reports I noticed
4 that -- I mean, again, the eighteen plus
5 cases are down, but are still six cases
6 older than eighteen months, they are
7 pending board review. I don't know how
8 long they've pending board review. But
9 it feels to me as much progress that has
10 been made the only acceptable number in
11 that category is zero, because those are
12 cases that have been substantiated, the
13 clock has run.

14 And I know the board has made a
15 conscious effort to deal with those
16 cases, but it just feels like those
17 things are hitting sixteen and seventeen
18 months it's got to be all hands on deck.
19 There should be no cases that are pending
20 before the board. They're eighteen
21 months over the order.

22 The other thing I want to mention
23 about the reports is that the DUP rate has
24 gone back up. It's not as high as it was two
25 years ago, but we're back up to twenty

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 percent now. I don't know what
2 conversations are taking place between
3 the board and the department about the
4 DUPs. I know the department's
5 consistently said it's because of
6 problems with board investigations.
7 Others like us have said it's just the
8 department flushing cases.

9 Whatever the truth of it may be when
10 there's that high a percentage of cases
11 there's something wrong in the process.
12 And I would urge you, as I often have
13 done, to continue to look very close at
14 that DUP rate.

15 There was a mention about NACOLE,
16 about the shooting incidents that various
17 other oversights look at. I know that
18 this board has traditionally not looked
19 at shooting incidents. And I know you're
20 totally strapped, you're not a lot of
21 people. But you may or may not have read
22 we will certainly soon be getting from
23 the Police Department copies of shooting
24 reports for the last fourteen years. And
25 we've had many requests from agencies and

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 the press and members of the public and
2 advocates for copies of those reports.
3 We're going to be doing substantial
4 analysis of those reports. And I would
5 hope the agency would have some interest
6 in either looking at those reports or
7 looking at the analysis of those reports
8 because of the obvious significance of
9 issues.

10 In terms of the semi-annual report,
11 you are way ahead of schedule, that's
12 terrific. And I think that's -- it was
13 always good that these reports come out
14 sooner rather than later and you made
15 a real effort to do that.

16 But one complaint I will repeat
17 which I repeat every time is that you
18 send the report to the Police Department,
19 let them chew on it, let them beat up on
20 you about things they don't like in it,
21 or maybe they never respond to you, one
22 or the other. I do not think that -- if
23 you're going to send it out to anyone,
24 you should send it out to everyone for
25 comment. Or if you're going to send it

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 to the Police Department it should be
2 restricted to factual corrections, and
3 they should not be given license to
4 comment on anything on that. And maybe
5 that's the case, Joan, is that correct?

6 MS. THOMPSON: Yes, they comment
7 on -- they check our facts, our numbers.

8 MR. DUNN: The only thing they're
9 doing is they're just looking at facts.

10 MS. THOMPSON: They may say other things but...

11 MR. DUNN: They're not saying they
12 don't like this text, we don't like the
13 way you're spinning this, we don't --
14 okay.

15 MS. THOMPSON: They may make that
16 comment, that doesn't mean we change it.

17 MR. DUNN: Well, okay, well that's a
18 different matter. Because you can give
19 it to me and I can make that comment and
20 you can change it or not change it also.

21 I guess I feel like this is an
22 independent agency, it's independent of
23 the department. There's one thing to
24 check facts, it's a different thing to
25 allow them to comment.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 And I will repeat, if you do that,
2 if you allow them to write a letter or
3 comment, it is standard practice of
4 independent agencies like this to include
5 with the report correspondence with the
6 agency that is being monitored back and
7 forth, so the public can see what the
8 exchange was. Standard accounting
9 practice.

10 Okay. The final thing I wanted to
11 mention was the -- I guess the most
12 notorious police incident that I think
13 that has happened since the last meeting,
14 and certainly the last time that I was
15 here. Which was this incident at the
16 West Indian Day Parade, where Councilman
17 Williams and a staff member of DeBlasio's
18 office were arrested. And I don't know what
19 the facts of that were, I wasn't there.
20 All I know is what I read in the papers.
21 But there are a lot of troubling aspects
22 to that. It is -- it embodies many
23 people's minds, kind of the exact problem
24 with police officers interacting with
25 African-American men in the city.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 Particularly, around the stop and frisk
2 phenomenon.

3 And I was struck by the lack of any
4 mention of the CCRB in the extensive
5 discussion, I don't know what that is. I
6 don't know if those gentlemen have filed
7 complaints. I don't know what they're
8 thinking is about that. I don't know
9 what the agency's discussions have been,
10 if any. But that is the type of
11 incident, the sort, that I'm concerned
12 with. The CCRB should be a part of the
13 discussion. And people who are thinking
14 of police misconduct or incidents like
15 should be saying what's the CCRB's role
16 in this, people from the CCRB -- I mean,
17 I realize there are constraints on what
18 you can say publicly and what you will
19 say publicly, but I just feel like when
20 something like that happens and the CCRB
21 is not visible, at least publicly in
22 terms of the discussion about that,
23 that's the sort of thing that worries me.
24 And, I think things like this may change
25 that over time. But to me that's a

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 little bit of a barometer. The sorts of
2 things, Dan, you mentioned, there's
3 always room for improvement. That's an
4 area where I think the public just have
5 to have a much more immediate
6 understanding that when there's an
7 incident like that and there's a
8 phenomena like this we should be talking
9 about the CCRB. Thank you.

10 THE CHAIR: Anyone else for public
11 comment. Mr. Simonetti.

12 MR. SIMONETTI: Chris, I would be
13 curious to know -- you said you had
14 fourteen years of shooting reports. Do
15 you know which reports you're getting?
16 Are you getting the final report that
17 comes from the Chief of Department's
18 office?

19 MR. DUNN: We're getting the two
20 reports that are on the fire
21 discharge reports.

22 MR. SIMONETTI: The borough report?

23 MR. DUNN: The twenty-four hour
24 report that gets done initially and then
25 the ninety-day report.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 MR. SIMONETTI: Okay.

2 MR. DUNN: And that's for every
3 single incident which an officer has
4 potentially fired at a civilian.

5 MR. SIMONETTI: Do you have any idea
6 what kind of analysis that you could be
7 doing with those reports?

8 MR. DUNN: I don't yet, and it's not
9 our forte. We're actually going to
10 probably hire someone. We're going to
11 use an expert in that area who will go
12 through those reports.

13 As you know Tony better than anyone.

14 What these are these are a report
15 that's done initially right after a
16 shooting. It collects factual
17 information that is known at the time of
18 the shooting. The witnesses from -- not
19 from the officer who fired, from other
20 people on the scene, from whatever they
21 can gather. And then it's supposed to be
22 within three months there's a much more
23 complete report that includes things like
24 medical reports, ballistics reports, and
25 the like. That's all used as factual

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 information. And then there's an entity
2 within the Police Department who uses
3 those reports to think about our
4 department training with respect to
5 shootings. And those have never seen the
6 light of day until now.

7 MR. SIMONETTI: Do you have any
8 indication that who you will be using in
9 terms of not specifically, but in terms
10 of will it be an academic institution?

11 MR. DUNN: You know, I --

12 MR. SIMONETTI: Graduate school or
13 be something like a think tank kind of an
14 organization.

15 MR. DUNN: I think it will be
16 something like that. And if you have
17 suggestions about that, Tony, you know I
18 would welcome them. Maybe you can get the
19 Police Foundation to pay for it, in which
20 case I wouldn't have to.

21 MR. SIMONETTI: See if you can get
22 them to pay for it.

23 MR. DUNN: But I would take any
24 suggestions to that.

25 We're going to look for someone who

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 has actually got -- you know, is an
2 independent person or entity that's got
3 some expertise to look into the issue.

4 MR. SIMONETTI: The person that
5 jumps off the page and he has since
6 deceased, was Fife. But I think there's
7 some organization that continues doing
8 that kind of work, you know, that may
9 be -- could be a biased opinion because
10 he was a member of the Police Department
11 at one time.

12 MR. DUNN: You know, Jim Fife had as
13 good reputation as anyone could have
14 had. He would have been
15 perfect.

16 MR. SIMONETTI: Unfortunately, it's
17 a conflict. I could always resign.

18 MR. DUNN: I don't (indiscernible).

19 MR. SIMONETTI: My feet would be.

20 THE CHAIR: All right, on that
21 note --

22 MR. SIMONETTI: I had one other
23 comment to make ...

24 THE CHAIR: Please.

25 MR. SIMONETTI: on Chris's comment.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 You talked about the eighteen months
2 cases, the over eighteen months. And I
3 agree almost entirely with everything you
4 said about the eighteen months cases.
5 But there are -- in fact, I just ran
6 across one that I read yesterday that we
7 discussed this morning at a panel
8 discussion. Very unusual case. And we
9 blew the SOL quite a while go, it's a
10 2009 case. We blew the SOL. But it's a
11 case where the person is on -- is in the
12 military, the officer is in the military,
13 will not be back until a month or two
14 from now. And this has been going on for
15 a while. And staff had suggested maybe
16 we should close it, and I said no.
17 Because it may fall under the exception
18 rule, because it could constitute a
19 crime. So -- I mean, that's an
20 exceptional case.

21 The other ones I agree with you on.
22 A lot of DA holds and things of those
23 sort, you know.

24 MR. DUNN: Well, I was counting
25 things that were not DA holds.

PUBLIC MEETING OF THE CCRB SEPTEMBER 21, 2011

1 MR. SIMONETTI: Okay.

2 MR. DUNN: I mean I -- you have a
3 dispute about the DA hold.

4 MR. SIMONETTI: Right.

5 MR. DUNN: You have six cases that
6 are identified as being board review
7 cases.

8 MR. SIMONETTI: Well, I think there
9 are two of them that fall into this
10 particular category.

11 MR. DUNN: Okay.

12 MR. SIMONETTI: You know, with the
13 military situation.

14 THE CHAIR: Okay. Well, nothing
15 further, we're going to break into
16 Executive Session.

17 Thank you all for coming.

18 (Meeting concluded)

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, Esther Accardi, hereby certify that the foregoing is a true and correct transcription, to the best of my ability, of the sound recorded proceedings submitted for transcription.

I further certify that I am not employed by nor related to any party to this action.

In witness whereof, I hereby sign this date:

September 28, 2011

ESTHER ACCARDI (CET**D-485)
AAERT Certified Electronic Transcriber