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MEETING OF
THE CIVILIAN COMPLAINT REVIEW BOARD
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May 13, 2009

10:10 a.m.

40 Rector Street, 2nd Floor

New York, New York 10006

ERNEST F. HART, ESQ., CHAIR

JOAN M. THOMPSON, EXECUTIVE DIRECTOR

PUBLIC MEETING AGENDA:

1. Call to Order
2. Adoption of Minutes
3. Report from the Chair
4. Report from the Executive Director
5. Committee Reports
6. Old Business
7. New Business
8. Public Comment

Reported By: Jason Gottlieb

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2 BOARD MEMBERS:

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4 YOUNGIK YOON, ESQ.

5 WILLIAM F. KUNTZ, II, ESQ.

6 CAROL LIEBMAN, ESQ.

7 MICHAEL MCCANN, ESQ.

8 DANIEL D. CHU, ESQ.

9 JAMES DONLON, ESQ.

10 DR. MOHAMMAD KHALID

11 BISHOP MITCHELL G. TAYLOR

12 DENNIS DELEON, ESQ.

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1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 THE CHAIR: Let's get started.

3 First item on the agenda is the adoption
4 of the minutes. Do I hear a motion?

5 MR. KUNTZ: So moved.

6 MR. DONLON: Motion to accept the
7 minutes.

8 MS. LIEBMAN: Second.

9 THE CHAIR: All in favor?

10 THE BOARD: Aye.

11 THE CHAIR: So moved. Any
12 objections? I said "so moved" but -- so
13 moved.

14 Report from the Chair: I have
15 nothing much to report other than I had
16 the pleasure of testifying before the
17 City Council on stop and frisk -- on our
18 stop and frisk statistics. It was pretty
19 much uneventful, at least our part of it
20 was. While we're there, I did not see the
21 police department -- I mean the City
22 Council was very interested in what the RAND
23 Corporation had to say and I know the New
24 York Civil Liberties Union also
25 testified. I find those things always

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 very interesting.

3 Next on the agenda is a report from
4 the Executive Director.

5 MS. THOMPSON: In April, the
6 CCRB received 703 complaints, or 89 more
7 complaints than it received in April 2008
8 when the agency received 614 complaints,
9 which constitutes a 14 percent increase
10 in complaint activity.

11 Year-to-date 2009, the board has
12 received 2764 complaints. This
13 represents 12 percent more complaints in
14 the same period of 2008 when the agency
15 received 2477 complaints.

16 During the last three years, 2006 to
17 2009, the CCRB received between 20 and 21
18 complaints per day; the annual complaint
19 rate was approximately 7500 cases.
20 This year, the CCRB is receiving 23
21 complaints per day; which will make the
22 projected annual complaint rate for 2009
23 to be 8200 cases.

24 In fiscal year 2007, the agency
25 received fifty cases per each

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 investigator and in the coming fiscal
3 year, 2010, beginning July 1, we believe
4 that the agency will have -- that each
5 investigator will have sixty-seven cases
6 per person.

7 In April 2009, the board closed 912
8 cases. Year-to-date, the board has
9 closed 2320 cases. Of these year-to-date
10 board closures, 769 cases were full
11 investigations. This means that thirty-
12 three percent of all closed cases were
13 fully investigated, which is one percent
14 higher than the thirty-two percent rate
15 for 2008.

16 We have mediated sixteen cases in
17 April and forty-one cases year-to-date.
18 We have also attempted to mediate sixteen
19 cases year-to-date.

20 From January to April, the
21 substantiation rate is 8 percent which is
22 slightly higher than the substantiation
23 rate for 2008 which was 7.2.

24 In April, the CCRB substantiated
25 twenty-seven cases containing at least

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 one substantiated allegation against
3 forty-one officers.

4 With the board closing 213 cases
5 more than it received, the agency's open
6 docket shows a 4.9 percent decrease in
7 relation to the previous month's open
8 docket. Now the docket stands at 4129
9 cases of which approximately 93
10 percent of all open investigations have
11 been filed within the last year.

12 Of the open cases in the current
13 docket, 890 cases are awaiting panel
14 review, or 22 percent of all open cases,
15 and 525 cases are being processed by our
16 case management unit, or 13 percent of
17 all open cases.

18 The report includes a detailed list
19 of cases eighteen months and older by
20 date of incident which corresponds to
21 Table E of the cover page. That's in the
22 Executive development - I'm sorry, the
23 Executive Director's report.

24 The report shows that there are
25 seventy-one cases in this category with

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 twenty-five cases pending panel review.

3 Of the remaining forty-six cases, twelve
4 were filed four or more months after the
5 date of incident. Seventeen cases are or
6 were on DA hold. Seven cases were
7 reopened. Six cases were impacted by
8 late documents and officer appearance
9 issues and four cases are staff-related
10 delays.

11 In March 2009, the police department
12 disposed of twenty-one cases; fourteen
13 officers received disciplinary action and
14 seven officers did not receive
15 disciplinary action, resulting in a
16 sixty-seven percent disciplinary rate.

17 In 2008, the percentage of officers
18 disciplined by the NYPD was fifty-six
19 percent, which was four points lower than
20 the sixty percent rate for 2007.

21 In March 2009, the department closed
22 seven cases as declined to prosecute and
23 it disciplined seven officers with
24 command discipline and four officers with
25 instructions. One officer negotiated

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 guilty charges and one officer was found
3 guilty after trial. The year-to-date
4 department decline to prosecute rate is
5 thirty-six percent.

6 For the budget: The budget
7 announcement is that our last PEG, which
8 is the plan to eliminate the gap, in
9 combination with our last two PEGs, we
10 were given the sum of 425,000 dollars
11 that we had to cut. For us, that will
12 translate into a decrease of the agency
13 head count from 180 to 160. We will meet
14 most of this reduction through attrition.

15 On a good note, the CCRB blood
16 donation increased from sixty-six in 2007
17 to eighty-three in 2008 for a twenty-six
18 percent increase. We were rated number
19 four throughout all city agencies which
20 had twenty or more blood donations per
21 one hundred employees and we have a
22 lovely little thing of appreciation
23 (displaying award certificate) that we
24 will put it up for everybody to see.

25 And finally, the CCRB has been

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 involved in a Comptroller's audit. And
3 in June 2006, the Comptroller's office
4 performed an audit on CCRB which found
5 that many cases did not uniformly contain
6 an approved investigative plan or the
7 required time triggered progress report.
8 As a result, these were the two
9 recommendations that were submitted to us
10 for implementation.

11 Then in July 2008, the Comptroller
12 contacted us again to do a follow-up
13 audit on the implementation of the prior
14 recommendations that were highlighted in
15 the 2006 report. The audit began in
16 August 2008. We have received their
17 preliminary findings and have submitted
18 our response. We are now awaiting their
19 final response and will pass on that --
20 the final report to you when it is
21 received. That's it.

22 THE CHAIR: Yes.

23 MR. DELEON: For the Comptroller's
24 audit, is it possible for the board to
25 receive a copy of the one that ended up

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 in those two recommendations?

3 MS. THOMPSON: Sure, the 2006 one?

4 MR. DELEON: 2006 one.

5 MS. THOMPSON: Okay, yes.

6 MR. DELEON: And I have one question
7 on the statistics.

8 MS. THOMPSON: Yes?

9 MR. DELEON: What is the
10 difference -- I'm looking at the table
11 that is "Type of Abuse of Authority
12 Allegation" and the first line says
13 "question and/or stop" and then the next
14 line says "question". What is the
15 difference between those two?

16 MS. THOMPSON: I believe it is a
17 combination of both allegations rather than
18 noted as separate allegations

19 MR. DELEON: It says "and/or". It
20 would seem that the next two
21 categories capture --

22 MR. SOLER: I'm Marcos Soler, the
23 Director of Strategic Initiatives. The
24 reason for that, as you may know, is the
25 board split them -- they became two

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 separate allegations . The board split
3 them some time ago. One was frisk and
4 search and the other was question and/or
5 stop. And the reason why we still
6 categorize question and/or stop together
7 in some cases is because some of the old
8 allegations, old cases, still have that
9 kind of classification following the old
10 standard rather than the new standard.
11 And then the board --

12 MS. THOMPSON: Which was broken out.

13 MR. DELEON: I see, I see.

14 MR. SOLER: -- in 2006, 2007.

15 MR. DELEON: I see.

16 MR. SOLER: Those are for the very
17 old cases in which we originally pleaded
18 the allegation in that way, question and
19 search, as opposed to now that we split
20 it.

21 MR. DELEON: So now it would be
22 under either question or stop?

23 MR. SOLER: Yes. That would be
24 question or stop.

25 MS. THOMPSON: They would be in each

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 separate category.

3 MR. SOLER: The same thing with
4 frisk and search.

5 MR. DELEON: Okay.

6 MR. SOLER: It was simply to make
7 sure that we also kept for historical
8 purpose -- people leave and at some point
9 we got these two allegations together.
10 And then if people want to make a
11 historical analysis and go back to our
12 statistics and look at 2004, 2005, 2006
13 data, they can have that information
14 available. And we -- they knew that at
15 the time we were pleading those
16 allegations differently.

17 MR. DELEON: Okay.

18 MR. SOLER: It's just another way of
19 providing the public the information of
20 how the business is structured.

21 MS. THOMPSON: And Dennis, if you
22 look across, they're all zeros with the
23 exception of, ---

24 MR. DELEON: Yeah, yeah.

25 MS. THOMPSON: Okay.

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 MR. DELEON: I wondered why it was
3 there.

4 MS. THOMPSON: Oh, okay.

5 MR. SOLER: That's the reason, to
6 provide the public with information.

7 THE CHAIR: Anything else?

8 Next item on the agenda is Committee
9 Reports.

10 MS. LIEBMAN: You have received in
11 your board packet and have in the packet
12 today a recommendation from the ADR
13 Committee that we add to our mission
14 statement the language "to offer
15 civilians and officers the opportunity to
16 mediate their complaints in order to
17 promote understanding between officers
18 and the communities they serve". Our
19 Director of Mediation -- the third
20 Director of Mediation we have is the
21 first one who noticed that , that's a
22 service that we feel is important; it had
23 never been listed in the mediation -- in
24 the mission statement and it seemed
25 important when people want to know about

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 the agency that they would learn that
3 mediation was one of the services that we
4 offer.

5 THE CHAIR: Any discussion?
6 Questions?

7 MS. LIEBMAN: We need a -- I guess
8 we'd need a motion.

9 THE CHAIR: I need a motion. Do I
10 hear a motion?

11 MR. DELEON: So moved.

12 MS. LIEBMAN: Second.

13 THE CHAIR: All in favor of the
14 mission statement as proposed say "aye".

15 IN UNISON: Aye.

16 THE CHAIR: Any opposed? So moved.
17 Any other committee reports?

18 MR. DONLON: On the Reports and
19 Recommendations Committee, we did meet
20 this morning and the annual report is
21 being reviewed and we're going to
22 continue that process. It should be --
23 well, apparently there's -- we understand
24 there's a deadline; beginning of June it
25 must get to the printers. So we'll

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 certainly endeavor to get that done
3 within the timeframe, we expect it'll be in
4 final form within the next week, certainly,
5 and then it would go to the PD.

6 THE CHAIR: Okay. Anything further?

7 Old Business: There was a piece of
8 old business from last meeting in which I
9 believe Commissioner deLeon suggested
10 some sort of recognition for the prior
11 chair. And at my request, the Executive
12 Director and her staff prepared a
13 resolution, or a statement, to
14 acknowledge that. It was all circulated
15 to members of the board. And if the --
16 after we vote, the board approves of
17 this, I will read it into the record and
18 I think some sort of acknowledgment
19 should be sent to Ms. Stone afterwards.
20 So if there is no objection, is there a
21 motion?

22 MR. MCCANN: I would move to adopt
23 that statement.

24 THE CHAIR: Is there a second?
25 Seconded. All in favor?

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 IN UNISON: Aye.

3 THE CHAIR: Any opposed? So moved.

4 Let me read -- I will now read this
5 into the record

6 "The Civilian Complaint Review Board
7 was created as an independent,
8 all-civilian New York City agency in
9 1993. Franklin Stone joined the CCRB
10 just five years later at a time when the
11 agency was still in its infancy and was
12 working hard to establish a reputation
13 for conducting thorough, fair and
14 impartial investigations. It is no small
15 part the result of her hard work over
16 many years that the CCRB now enjoys
17 widespread respect for the high standards
18 of its investigations.

19 Franklin's contribution to the
20 agency was not confined to reading
21 investigative cases. She was a member of
22 countless board committees and always
23 played an important part in discussions
24 concerning agency policies and practices.
25 She also took a keen interest in the work

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 of other oversight agencies across the
3 country.

4 Thus, it came as no surprise when in
5 September 2006, Franklin was asked by
6 Mayor Bloomberg to become the chair of
7 the agency. She took on the task with
8 typical enthusiasm and vigor and although
9 she had initially agreed to serve as
10 chair for just two years, was persuaded
11 to stay on until a suitable person could
12 be found to replace her.

13 Her resignation as a board member
14 and as chair took effect on April 9th
15 with the appointment of Ernest F. Hart.
16 We, the board, would like to take this
17 opportunity to thank Franklin for her
18 many years of service to the CCRB and
19 wish her well in her future endeavors."

20 Any other Old Business? No. Any New
21 Business? No. Now, it's public comment time.
22 Mr. Dunn?

23 MR. DUNN: Wow, that was fast.
24 There must be more things happening than
25 this.

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 THE CHAIR: I'm sure you'll find
3 them.

4 MR. DUNN: Oh, I hope so. I first
5 have to say on the blood donations, I
6 love that. Have they gone to 1PP or
7 where do they go?

8 MS. THOMPSON: They did go to 1PP.

9 MR. DUNN: They go to one 1PP?
10 How's that. That's terrific. That's
11 metaphorical.

12 On the subject of old business, the
13 proposed rule changes. There was a
14 hearing last month. I understood there
15 was to be a thirty-day period to go after
16 other comments to be received and then
17 something was going to happen so is there
18 any report about the status of the new
19 proposal agendas?

20 THE CHAIR: Not yet.

21 MR. DUNN: Okay. On the subject of
22 stop and frisk in the City Council
23 testimony, I appreciated the testimony
24 that you guys gave. It was helpful. I
25 do think that particularly in light of

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 the fact that there is continuing
3 controversy about street stops, as you
4 may have seen in the first part of the
5 reports from 2009, there is a new record
6 in terms of the number of stops and they
7 keep surging.

8 But in the semi-annual report that
9 you released last month, you noted that
10 you are seeing a much larger number of
11 street stops and there are higher
12 percentage of complaints that you're
13 receiving. And I have said on prior
14 occasions and I want to reiterate,
15 because some of the cast is changing,
16 that I think the CCRB is perhaps uniquely
17 positioned to do some analysis about
18 street stops.

19 You have perhaps the one independent
20 data stat on some level and while I
21 recognize that you're only getting a
22 small portion of stops in the sense of
23 clearly a small percentage of people who
24 are stopped are filing complaints, you
25 nonetheless are getting a lot of

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 complaints. And I think there may be
3 some very useful information that you
4 could get out of the complaints that you
5 have that has not been produced through
6 the loop purely by using your own CTS
7 system.

8 There are issues about practices of
9 officers, about neighborhoods, about
10 other sorts of allegations that are made
11 in conjunction with street stops. My
12 guess is that you could, without a whole
13 lot of effort, answer any analysis
14 requests there are. You could actually
15 add significantly to the discussion about
16 what is happening with the search and
17 notice of street stops.

18 Some of you may not know, the CCRB,
19 many years ago, actually made a very good
20 initial report about street stops by
21 police officers. And it was one of the
22 best reports that the agency has done
23 looking at systemic issues. Given what's
24 happened over the last five years with
25 the street stops, I think it would be

1 PUBLIC MEETING OF THE CCRB 5/13/2009

2 well worth your time and effort to go
3 back and take a look at the report.

4 And in the spirit of making sure
5 this meeting doesn't go on for more than
6 a half an hour, that's all I have to say.
7 Thank you.

8 THE CHAIR: Mr. O'Grady.

9 MR. O'GRADY: That's the O'Grady
10 Plumbing and Heating.

11 THE CHAIR: Yes, sir.

12 MR. O'GRADY: I would like to
13 address my comments to your Commissioner
14 Bishop Taylor. The root of my case is a
15 plumbing contractor was racially attacked
16 and assaulted while directing the
17 plumbing of water closet in my apartment.
18 They were paid by the City of New York.
19 The plumbing contractor and some persons
20 wishing to spoil things for the tenant
21 racially attacked my plumbing contractor.
22 And a case was opened here only after
23 Room 1100 -- that's One Police Plaza,
24 Room 1100, told me to come here and
25 mention the racial attack and tell the

1 PUBLIC MEETING OF THE CCRB 5/13/2009
2 board to follow something referred --
3 Room 1100 told me to tell the board to
4 follow something they referred to as the
5 "double number procedure".

6 THE CHAIR: Thank you. Seeing
7 nothing else, nobody else wishes to
8 testify? Meeting's adjourned. We will
9 take a five-minute recess before we go
10 into Executive Session. Thank you.

11 (Meeting adjourned at 10:30 a.m.)
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C E R T I F I C A T I O N

I, Jason Gottlieb, Electronic Court Reporter and Notary Public, do hereby certify that I was present during the entirety of the foregoing meeting and that I caused to be recorded a true, complete and verbatim recording of the proceedings via digital means.

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:
May 20, 2009

Jason Gottlieb

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

I, Ellen S. Kolman, 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:
May 20, 2009

Ellen S. Kolman

