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

5 August 12, 2009
6 10:11 a.m.
7 40 Rector Street, 2nd Floor
8 New York, New York 10006

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10 ERNEST F. HART, ESQ., CHAIR

11 JOAN M. THOMPSON, EXECUTIVE DIRECTOR

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13 PUBLIC MEETING AGENDA:

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

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24 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 MICHAEL MCCANN, ESQ.

7 DANIEL D. CHU, ESQ.

8 DR. MOHAMMAD KHALID

9 TOSANO J. SIMONETTI

10 BISHOP MITCHELL G. TAYLOR

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1 THE CHAIR: Let's get started.
2 First item on the agenda is the adoption
3 of the minutes, and having reviewed the
4 minutes myself, I again want to thank Mr.
5 Kuntz for filling in for me last meeting.
6 He did a fine job chairing the meeting; I
7 appreciate it very much.

8 MR. KUNTZ: Thank you, sir.

9 THE CHAIR: Do I hear a motion?

10 MR. SIMONETTI: Motion to adopt.

11 THE CHAIR: Is there a second?

12 MR. MCCANN: Second.

13 THE CHAIR: All in favor?

14 MEMBERS: Aye.

15 THE CHAIR: Next on the agenda is a
16 report from me. And what I would like to
17 discuss just briefly are the two bills
18 that were introduced into the City
19 Council, one dealing with our funding,
20 one dealing with our jurisdiction. And
21 there have been requests from various
22 sources as far as our position. And
23 basically we take -- we are very aware of
24 what our jurisdiction is, and we -- and I
25 must say that on some of the criticism

1 from some of the people that spoke about
2 these bills about CCRB, I really have to
3 object to in that the Civilian Complaint
4 Review Board is mandated and it's
5 mandated to do certain things and that's
6 very clearly laid out in legislation, in the
7 City Charter. And we can do no more or
8 no less. We do what we are authorized to
9 do. It is up to policymakers, the City
10 Council, other interested groups, the
11 Mayor to -- if they wish to, to change
12 the legislation, then to give us
13 authority or take authority away.

14 We will do whatever we are required
15 to do, whatever we are authorized to do;
16 no more, no less. So at some point if
17 these matters go forward I'm sure that
18 the board will have more to say. But in
19 the meantime, I think that suffice to say
20 that the board works very hard; we carry
21 out our mandate; staff works very hard; I
22 reject any criticism about the work of
23 the board and again, as the debate goes
24 on with whatever our jurisdiction will be
25 and whatever others want it to be, that's

1 for them to debate it and not the board.
2 I don't know if any of my colleagues have
3 any comments.

4 MR. KUNTZ: I concur in the remarks
5 of the chair. Having served at the prior
6 incarnation of this board when it was
7 internal to the police department and
8 lived through changes in the statute and
9 having been involved in the changes that
10 bring us to the current situation, the
11 chair has articulated our rights and our
12 responsibilities quite well. We do what
13 we are authorized to do, we do it as well
14 as we can; I think we do it with great
15 integrity and great vigor and I think
16 it's important that as you go through the
17 political process of seeing the structure
18 perhaps changed or perhaps not, those of
19 you who work here should be proud of your
20 mission. If the mission changes under
21 the law, we will certainly abide by that,
22 but you should not for any moment feel
23 that you do anything less than give full
24 service to the city and I fully commend
25 the chair and his remarks.

1 THE CHAIR: Moving along. Thank
2 you, Commissioner Kuntz.

3 MR. KUNTZ: Thanks.

4 THE CHAIR: Now we'll get a report
5 from the Executive Director.

6 MS. THOMPSON: Thank you. In July,
7 2009, the CCRB received 702 complaints,
8 or 52 more complaints than it received in
9 July 2008 when the agency received 650
10 complaints. That constitutes an eight
11 percent increase in complaint activity.
12 Year-to-date 2009, the board has received
13 4,728 complaints, or 314 more complaints
14 than it received for the same period last
15 year. The increase in complaints filed
16 year to date is seven percent. Fifty-
17 five percent of complaints filed
18 contained at least one allegation of
19 force and similarly sixty-four percent of
20 all complaints filed had at least one
21 allegation of abuse of authority.

22 From January to June, the most
23 recent available updated figures indicate
24 that we received 4,026 complaints for the
25 first 6 months of the year. This

1 represents a seven percent increase in
2 the number of complaints filed in the same
3 period of 2008 when the agency received 3,764
4 complaints.

5 Historically the number of
6 complaints filed in this period
7 represents the highest level of complaint
8 activity in the agency's history, and it
9 comes, of course, at a period of
10 significant transition given last two
11 years' budget cuts. It exceeds the
12 number of 3,874 complaints filed in
13 January to June 2006 which was recorded
14 then as the previous period with the
15 highest level of complaint activity.

16 In July 2009 the board closed 699
17 cases. Year-to-date 2009, the board has
18 closed 4,412 cases; of these year-to-date
19 board closures, 1,524 cases were full
20 investigations. This means that thirty-
21 five percent of all closed cases were
22 fully investigated, which is higher than
23 the thirty-two percent for 2008. We have
24 mediated eleven cases in July and
25 seventy-six cases year to date. We have

1 also attempted to mediate twenty-five
2 cases year to date.

3 From January to July the
4 substantiation rate was 7.5 percent,
5 which is almost identical to the
6 substantiation rate for 2008, which was
7 7.2. In July the CCRB substantiated
8 twenty-nine cases containing at least one
9 substantiated allegation against thirty-
10 six officers. With the board closing
11 thirty-eight more cases than it received,
12 the agency's open docket shows a one
13 percent increase in relation to the
14 previous month's open docket.

15 The docket stands at 4,082 cases.
16 About ninety-two percent of our open
17 investigations have been filed within the
18 last year. Of the open cases in the
19 current docket, 1,512 cases are awaiting
20 panel review or approximately thirty-
21 seven percent of all open cases.

22 In June 2009, the police department
23 disposed of thirty-six cases; twenty-
24 three officers received disciplinary
25 action and thirteen officers did not

1 receive disciplinary action in a sixty-
2 four percent disciplinary rate. Year to
3 date the department -- the disciplinary
4 rate was fifty-nine percent. In 2008 the
5 percentage of officers disciplined by the
6 NYPD was fifty-six percent, which was
7 four points lower than the sixty percent
8 rate for 2007.

9 In June the department closed ten
10 cases as department declined to prosecute
11 which we call DUP; it disciplined
12 nineteen officers with command discipline
13 and instructions; two officers were found
14 guilty at trial; two officers negotiated
15 a guilty plea and three officers were
16 found not guilty after trial. The year-
17 to-date disciplinary rate, excuse me,
18 the year-to-date decline to prosecute
19 rate remains at thirty-seven percent.

20 THE CHAIR: Any questions? Next
21 item on the agenda is committee reports.

22 MR. SIMONETTI: How about
23 Operations?

24 MR. KUNTZ: Yes. Just briefly, the

1 Operations Committee met this morning
2 observant to the Open Meetings Law just
3 before this meeting, and we discussed a
4 number of important items, one of which
5 is a draft board resolution that we will
6 be putting on our Internet site and we
7 will be voting on in the September
8 meeting. I will now just briefly read it
9 to you for those who are here, but
10 promised Mr. Reporter I will give him the
11 actual text so you don't have to
12 interrupt me as I read it, perhaps with
13 uncharacteristic speed. It's very short,
14 but I thought it would be important to
15 read for those of you who are here.

16 It is resolved that unless and until
17 the board otherwise resolves:

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19 1. The following categories of cases
20 may be closed by the Executive Director
21 or his or her designee:

22 (a) Complaint withdrawn (the
23 complainant voluntarily withdrew the
24 complaint); and

25 (b) Miscellaneous (the subject of

1 the complaint is not currently
2 employed by the Police Department as
3 a police officer);

4 2. No case shall be closed by the
5 Executive Director or his or her designee
6 as Complaint Withdrawn or Miscellaneous
7 until copies shall first have been
8 provided to any board member who has
9 asked to see them; and

10 3. All cases closed by the Executive
11 Director or his or her designee as
12 Complaint Withdrawn or Miscellaneous
13 shall be submitted to a panel of the
14 Board for its review.

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16 That is the draft resolution in its
17 entirety; it will be posted on our web
18 site and we'll be voting on it at the
19 September meeting. That's the first
20 point.

21 The second point is we have had
22 meetings with Corporation Counsel and
23 have confirmed that videoconferencing is
24 an available tool for this board to
25 conduct panel meetings and we're going to

1 have a pilot program where
2 videoconferencing will be tried by one of
3 our panels. We envision that going
4 forward over the next couple of months
5 and we will report back to the public in
6 terms of how that logistically works.
7 The idea is to facilitate panel meetings
8 and to address the question, very serious
9 question, of the timeliness of getting
10 our recommendations to the police
11 department.

12 Finally, with respect to the budget,
13 as you know we have serious budget
14 concerns that are important to the
15 operation of our agency; our Executive
16 Director and senior staff are mindful of
17 that and we are doing more with less.
18 But obviously we are eager to enhance our
19 production and our performance in this
20 time of scarcity. And I don't know that
21 we need to go into any additional
22 details, but suffice it to say we are
23 very, very concerned about size of the
24 budget and we would hope that the Mayor
25 and the Council will do all that they can

1 to insure that our mission goes forward
2 and provide the resources that we need.
3 And I think those are the major points of
4 the Operation Committee that I can report
5 on. Is there anything else?

6 MR. SIMONETTI: I think you covered
7 it fully.

8 MR. KUNTZ: Thank you, Mr. --

9 THE CHAIR: Thank you.

10 MR. KUNTZ: Thank you, Mr. Chairman.

11 THE CHAIR: Any other reports? Any
12 old business? Any new business, although
13 a lot of the matters that we discussed is
14 kind of -- it's new business. Anybody
15 else? Public comment. Mr. O'Grady,
16 would you like to --

17 MR. O'GRADY: I guess you've read
18 the --

19 THE CHAIR: Yes.

20 MR. O'GRADY: -- the stuff?

21 THE CHAIR: Um-hum.

22 MR. O'GRADY: So you feel that I can
23 speak, I can -- that wasn't -- that
24 didn't cover everything?

25 THE CHAIR: I'm sure -- I think that

1 it covered everything.

2 MR. KUNTZ: I think it did, sir, and
3 since it's a particular case, perhaps you
4 should meet with one of our investigators
5 who will talk with you about your
6 particular case.

7 MR. O'GRADY: But Mr. Katz, he
8 wanted to speak with you. I mentioned
9 that you were one of the voting members.

10 MR. KUNTZ: Right. And you can
11 coordinate that with the head of our
12 investigative unit --

13 MR. O'GRADY: He's also an
14 attorney --

15 MR. KUNTZ: Right.

16 MR. O'GRADY: -- at-law.

17 MR. KUNTZ: Would you speak with --

18 MR. KUNTZ: Yes. Would you speak
19 to him now about this --

20 THE CHAIR: So just -- right.

21 MR. KUNTZ: -- particular case?
22 Thank you. As you know, it's our
23 practice not to talk about particular
24 cases in public.

1 THE CHAIR: I see no -- anybody else
2 wish to speak? I see no other people
3 signed up to speak. Don't be shy. All
4 right. The public meeting is adjourned,
5 we'll take a five-minute break before we
6 go into Executive Session.

7 (Meeting adjourned at 10:25 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:
August 19, 2009.

Jason Gottlieb

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

I, Yeshayahu Heiliczer, 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:
August 19, 2009.

Yeshayahu Heiliczer

