

Public Board Meeting
Of the Civilian Complaint Review Board
Wednesday, July 9, 2014
10:07 a.m.
100 Church Street, 10th Floor
New York, New York 10007

BISHOP MITCHELL G. TAYLOR, ACTING CHAIR
TRACY CATAPANO-FOX, ESQ., EXECUTIVE DIRECTOR

PUBLIC MEETING AGENDA:

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

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BOARD MEMBERS PRESENT WERE:

Bishop Mitchell G. Taylor

Tosano J. Simonetti

Joseph A. Puma

James Donlon, Esq.

Janette Cortes-Gomez

Jules A. Martin, Esq.

Dr. Mohammad Khalid

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BISHOP MITCHELL G. TAYLOR: Good morning, everyone. Welcome to the Public Board Meeting of the Civilian Complaint Review Board. And we welcome everyone that's here today, and also to our fellow board members, and to our Executive Director and to the public.

Well, it's been a very exciting summer so far. I hope everyone enjoyed their 4th of July festivities, didn't blow anything up.

And so one of the things I did want to mention is that it's very exciting to hear that the Mayor has allocated \$210 million to make public housing neighborhoods safer, and one of the target communities was Queensbridge Houses, which is one of the neighborhoods that I serve on our campus. I'm very excited about that, with the extended hours for community centers and more activities for youth and young people, and more police presence and ways to engage communities. And I think that this possibly will be an opportunity

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to think about cultural sensitivity as it relates to engaging communities while at the same time trying to address crime in some of these neighborhoods.

And so we're going to have now the adoption of our minutes. We do have a quorum, and so if everyone has had a chance to read the minutes from our last board meeting with no corrections or changes, then someone can make a motion to --

DR. MOHAMMAD KHALID: Motion to pass.

MR. PUMA: Second.

BISHOP TAYLOR: All right. All in favor. Great.

MS. CORTES-GOMEZ: One abstention.

BISHOP TAYLOR: One abstention. Okay. Great.

And I might say that Board Member Janette Cortes is purporting that she had a baby. She does not look like she's had a baby at all.

MS. CORTES-GOMEZ: I have pictures to prove it.

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BISHOP TAYLOR: All right.

So now we're going to have the report from our Executive Director.

MS. CAPATANO-FOX: Thank you so much, Bishop Taylor. Good morning, everyone.

MS. CAPATANO-FOX: In June of 2014, the CCRB received 517 complaints within its jurisdiction. This is 77 more complaints than were received in that same period in 2013, when the Agency received 440 complaints. And the total intake for the month of June, 2014 was 1,190 cases. The Board closed 258 cases in June, which is 2,442 cases year-to-date.

In the first six months of this year, the Board has closed 901 full investigations, which includes 137 substantiated complaints. And our substantiation rate from year-to-date is 15.2 percent.

In June, civilians and officers mediated 19 cases. Year-to-date, the CCRB has mediated 81 cases, and in June the CCRB

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closed 14 cases as mediation attempted.
And for 2014, the Board closed 83 cases as
mediation attempted.

The numbers for May of 2014 have
been adjusted to reflect changes in case
type and complaint activity numbers. In
May, we had initially -- actually, in June
we initially reported that there were 455
complaints in May. We are now reporting
that we received 442 complaints within our
jurisdiction. The numbers for year-to-date
have been adjusted from January through
May, and the total number of complaints
within our jurisdiction received during
that period was 200 -- I'm sorry --
2,222 cases, not the 2,239 as originally
reported.

From January through June of 2014,
the Agency received 2,739 complaints, which
is 187 more than we received in the same
period of time in 2013 when we received
2,552 complaints. And year-to-date, the
CCRB has received 7 percent more complaints
than in the same period last year.

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The detailed monthly statistical report includes two forms of reporting on the disposition of our cases. The first report discusses the truncation rate and the second report discusses the case resolution rate. You can find those on pages 8 and 9 of our packet.

From January through June of this year, the amended truncation rate excluding cases closed as complaints withdrawn is 49.4 percent. In the same period of 2013, the truncation rate was 57.4 percent. And from year-to-date, from January through June of 2014, the case resolution rate is 43.6 percent, which in the same period in 2013 was 33.7 percent.

The Agency docket at the end of June of this year was 2,662 cases. This is a 10 percent increase of the open docket since May when we were at 2,420 cases. Measured by date that the CCRB received the complaints, 94 percent of our open investigations stem from complaints that were filed within the last year and 65

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percent of our open investigations stemmed from complaints filed within the last four months.

Of the 2,662 open cases, 588 are awaiting panel review. 1,833 are being investigated and 241 are in our mediation program. By date of incident, 13 cases in CCRB open docket are 18 months or older, which is .5 percent of our open docket. This is two more cases than in May of 2004 when we had -- 2014, excuse me, when we had 11 cases.

The breakdown for June of 2014 of cases over the statute of limitations is as follows:

Five cases are pending board review. Out of these cases, one case was previously returned by the Board for further investigation, one case was re-opened, one case was on DA hold, one case was filed late, and one case is due to investigative delay. In two of the cases, the statute of limitations crime exception applies.

Of the remaining eight open

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investigations, the statute of limitation crime exception applies to five of these cases, three of which are on DA hold, three cases were filed months after the date of incident, one case was re-opened months after it was originally closed, and one case is in mediation and is delayed due to officer identification issues. In June of 2014 -- I'm sorry, May of 2014, the Police Department closed seven substantiated cases involving 9 officers. Of these nine officers, four received instructions and the Department declined to prosecute cases against five officers.

In May, the disciplinary action rate was 44 percent and it's 61 percent year-to-date. The year-to-date declined to prosecute rate by the NYPD is 24.5 percent. In June of 2014, the Board substantiated 8 cases with the recommendation of charges and specification. These cases have been forwarded to the Administrative Prosecution Unit.

At the end of June, the open docket

1 Proceedings
2 of the Administrative Prosecution Unit was
3 207 cases. As reported in last months
4 statistics, the Police Commissioner
5 modified the disposition in two cases in
6 March, and those cases are still awaiting
7 final disposition. In 20 cases, pleas have
8 been entered and are awaiting approval by
9 the Police Commissioner. In one case, a
10 trial verdict was rendered and is awaiting
11 approval by the Police Commissioner. Twenty-
12 one trials were completed and are awaiting
13 verdicts. Eight trials have been commenced,
14 but haven't been completed. Forty-one trials
15 are scheduled, 30 cases are calendered, 53
16 cases are awaiting their initial court
17 appearance after charges have been served,
18 three cases charges have been filed but
19 are awaiting service and 28 cases are
20 awaiting the filing of charges.

21 There are three final dispositions
22 of APU cases in June of 2014. In the first
23 case, the Trial Commissioner found the
24 officer guilty of two of the three charges.
25 The APU recommended the forfeiture of 15

1 Proceedings
2 vacation days as the penalty. The Police
3 Commissioner imposed a forfeiture of 8
4 vacation days, which was consistent with
5 the Trial Commissioner's recommendation.
6 In the second case, the Police Commissioner
7 adopted the Trial Commissioner's
8 recommendation that the officer be found
9 not guilty. In the third case, the Trial
10 Commissioner found the officer guilty. The
11 unit recommended 10 days of forfeiture as a
12 penalty. The Police Commissioner imposed a
13 forfeiture of 5 vacation days, which was
14 consistent with the Trial Commissioner's
15 recommendation as well. Additionally, the
16 Police Commissioner dismissed one case at
17 the request of the APU and retained another
18 case involving two officers.

19 In terms of issues that came up last
20 month, I believe that the Reports and
21 Recommendations Committee is going to meet
22 in August and go over our drafts of the mid
23 year report for the Board, as well as some
24 of the training and penalty -- I'm sorry,
25 policy recommendations that we're working

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on.

I also was asked by the Board to talk about how the Intake Unit, which we began in January of 2014, has impacted the goals of the Board, which were to get complainants in earlier and to have more full investigations and more time for the teams to do it. So I'd ask Deputy Executive Director Dennis McCormack to brief the Board on that issue.

MR. McCORMACK: Good morning, everyone. As Tracy said, we started the Intake Unit in January of this year, so it's about six months that we are able to evaluate, and our goals at that point were to reduce the amount of time it would take us to have a first Civilian Interview. The -- it would also -- we were looking at the speed and thoroughness of which we would go through an investigation, as well as reduce the truncation rate. So just to start I'll address the old cases.

MR. SIMONETTI: Dennis, excuse me, can you do it from the front of the room,

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please?

MR. McCORMACK: Yes, sir, I can.

MR. SIMONETTI: Thank you.

MR. McCORMACK: In January of 2014, we had -- just on the investigative docket, on the open investigative docket, we had 163 cases. As of July 1st we had 107, which was a 35 percent decrease. In the cases that are over 14 months old, we went from 107 down to 40, which is a 63 percent decrease. So we've seen a substantial decrease in the open docket, older open docket.

And also, I also looked through from the last six months of 2013, we closed 1,100 cases, fully investigated cases, during the first six months of this year verses a little over 900, so which was a 23 percent increase in that time period. The days for an investigator to complete an investigation in the end of the last six months of 2013 was 290 days. So far this year it's 263 days and -- sorry, it's 273 days and in June it was down to 262 days.

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So we've seen a six percent decrease in our time to complete, which has been trending downward every single month.

So our hope now is that since we've been closing out so many older cases that our days to complete will continue to go further down. We've also been getting these documents back quicker, which has also been a big help to our success in that area.

Substantiated cases has also gone down pretty significantly. It's gone down 11 percent from the time period from the last six months of 2013 verses the first six months of 2014 from 366 days to 327 days. The truncation rate, last year it was excluding truncations -- excluding withdrawals it was 57 percent and with withdrawals it was 65 percent. This year it's 49 percent excluding withdrawals and it's 57 percent. So it's been an 8 percent decrease in the truncation rate this year. That is the -- it's also the lowest truncation rate we've had at the CCRB since

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2007.

Days to contact the first civilian interview: Last year it was 28 days. So far with the new Intake Unit it's been 21 days, so it's a 25 percent decrease so far this year. And we think that by us being able to contact the people or schedule people during the first call we've been able to, that's the reason why numbers have been knocked down.

Withdrawals: We've also seen a decrease. It's 11 percent decrease over those two time periods. And again, we think that our ability to get people when they call in and they're really -- they're really hot or into the complaint that we're able to schedule them and get them in as quickly as possible. That's aided us.

Mediation is one other area. We've seen an increase of six percent in this time period. It's also good to note that during the time period we've seen an increase in the last three months. We've worked on training, which I want to thank

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Lisa Cohen and the Mediation Unit that they've gone and worked with a lot of people in the Intake Unit and those numbers have been steadily increasing.

So all in all, the things we wanted to measure, days to complete, the truncation rate and the rate at which we get the people, we've seen significant increases as well as we've seen significant increases in the productivity of the investigative staff as far as cases closed. All and all, it's been a very good six months so far.

MR. SIMONETTI: You know, Dennis, thank you for that report. I notice on the list of cases where the SOL was blown, we have one case where the Board returned it for further work and then the SOL -- I'm familiar with one case. I know the specifics of the case where the SOL has been blown now and it appears that maybe several of those allegations are going to be substantiated. I don't know if that was the initial recommendation of the

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investigator, but it appears that it may be going that way.

So I think a word for the investigative staff is when we send cases back for further review, they should kind of get on those cases very quickly. First of all, look at the SOL day, see how quickly it's approaching. Secondly, get the officers in if that be the case. I think there was -- in the case that I'm talking about, there could be a possible delay five or six months before any interviewing was done after the case went back. You know, so just be aware of that and certainly that would further lower cases on the SOL list.

BISHOP TAYLOR: Tracy, did you want to mention anything about the CCRB in the boroughs?

MS. CAPATANO-FOX: Oh, I was going to leave it to you because you're the Outreach Chair, but thank you.

Yes. Thanks to the hard work of Bishop Taylor, our Outreach Chair and

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Brian, Carlmais, Jessica and the Outreach Unit, we have now had one event with Councilman Levin in Brooklyn that was very successful. We are scheduled for another event in Queens this month and we are working with Councilman Andrew Cohen from the Bronx to schedule an event for the end of July.

I think that the work that you have all done has been incredible and the fact that we don't have the resources that we really need to make it consistent and effective, hopefully this is a great start in something that we can build momentum on. And I think that a lot -- I have to thank the council members who have been so helpful and supportive in moving this program forward, but especially Bishop, you and the staff that really worked hard to make this happen.

BISHOP TAYLOR: And we had a very good meeting the end of last month to plan for the CCRB in the outer boroughs and I have to congratulate the team, Brian and

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Carlmais have done a fabulous job in really rolling this out.

The resources to do it effectively and sustainably are badly needed, but we're doing the best that we can with what we have and I expect that as we begin to roll out more locations, especially locations that are closer to high incident areas, that we're going to have more participation. And then also trying to get online the process of people being interviewed via telecom communications that is secure and that can offer more availability and ease of filing complaints and being interviewed, I think will also culminate in a more effective process for the population to air their feelings and make their complaints as they have interactions that may warrant it.

Are there any committee reports this morning?

DR. MOHAMMAD KHALID: Mr. Chair, if anything is needed in Staten Island, I would be happy to help you with the

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outreach.

BISHOP TAYLOR: Absolutely. Okay.
Great. And it's definitely needed in
Staten Island.

MR. DONLON: Reports and
Recommendations Committee, staff is working
on the semi-annual report, so that's in
progress. And there has been preliminary
work done on this issue regarding video,
video taping or audio taping by civilians
during civilian police encounters, which we
talked about last month. We don't have
anything further to report on that, but
it's something that we're going to continue
to work on. And that's it.

BISHOP TAYLOR: Excellent.

Any other reports?

(No response.)

BISHOP TAYLOR: Okay. All right.
Then I guess we're going to move to public
comment. We have a long list of speakers
today and we're going to start with
Mr. Chris Dunn.

MR. DUNN: You missed half the

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agenda. There's no new business, there's no old business?

BISHOP TAYLOR: Well --

MR. DUNN: I guess there's not.

Okay.

BISHOP TAYLOR: No.

MR. DUNN: All right. We'll cut right to the excitement.

So I've said this before and I'll say it again, I know it's July, it's the summer, things slow down, but you guys look like you're on life support in terms of who's here and who's not here.

And what's happening in terms of the Mayor's office getting on board with dealing with the CCRB. I know it's not your guys' responsibility, but I just want to say for the record the time has long since passed for the CCRB to see whatever's going to happen from the Mayor's office So you can start with the new regime and we can end with the old regime.

I only have a couple comments about the reports. I notice that Tony, you

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raised the issue about the 18-month cases. It looks to me like the age of the docket is going in the wrong direction. I, for the last several months, have said good things about what's happening on the older cases. The number of cases that are 16, 17 and 18 months went up considerably from the last month from 29 to 40 cases. The number of cases in the couple before that went up a little bit also.

It looks to me like you guys are losing ground on the statute of limitations issue, and the statute of limitations report itself also identifies now three cases as opposed to one last month where you got a blown statute of limitations on a timely filed report for investigative delays or board delays. And, you know, we've talked about this and Tony, you're pointing to the case now where you're saying there's several allegations where you expect allegations are going to be substantiated and the cops are going to walk away. And you know, I for the most

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part, say good things about your investigative practices for the cases that you investigate, but we cannot have -- I know I'm not telling you anything you don't know -- but you cannot have cases of substantiated misconduct where the statute of limitations is blown because of the Agency. That's just completely unacceptable. The number has to be zero and we keep having those. And we have 7 so far this year and I raised this last month about the reconciliation report that was in the last month report that showed for the first time 7 blown statute of limitations, substantiated cases went to the department. You know, that is the most egregious thing that can happen in terms of an investigation.

I also see that the Board docket has gone up considerably in the last month. It looks like panels are not meeting. It's a 50 percent increase from last month in terms of the cases that are pending Board review. So it looks to me like there's an

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investigative issue, and there's a Board issue, and the panels are not meeting and statute of limitations are getting blown. And that's on your guys' hands and that's got to be dealt with. So, that's just a huge issue.

I also see that the dupe rate is going back up. You have a bunch of cases duped last month and we're back to getting close to an historical high in terms of the cases that are dismissing. I realized that the department is disposing of a much smaller percent of cases now by virtue of the APU. That's a good thing.

But you still have, you know, I think a real concern about the dupe rate and I don't know what conversations there have been about that, you know. But, you know, I worry that if I'm the Department, I see that you guys are hobbled, that you don't have full staffing, you don't have whatever appointees you're going to have and they're kind of saying we don't have to worry about it that much. And I worry

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about the figures I see in this report, certainly on dupes, which is a clear signal from the Department they're not going to respect dispositions of cases that you have substantiated.

So, I just note that -- the final thing I'll say about the Reports and Recommendations, Jim, I'm happy to hear the semi-annual report is in play. You know, you guys did a terrific job in terms of getting the annual report out quickly. I assume something similar will happen with the semi-annual report.

I will reiterate something that I said before and has been discussed since, which is the extent that the semi-annual report is an opportunity to talk about some policy issues. Those reports and the annual reports are the perfect platform to do that. And I know it's too soon, I take it from what you've said, Jim, we talked about the photography issue in the semi-annual report. But I just want to reiterate, the annual report and the

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semi-annual report are the two publications you put out that most people see and it is the most important opportunity for the Agency to say something beyond just what we're doing with investigations. For a long time those reports have not talked about policy issues. Whether it's a semi-annual report or not, I hope that that becomes a normal part of your report.

That's all I have to say. Thank you.

BISHOP TAYLOR: Thank you, Mr. Dunn.

Just to clarify for the record, the SOL's that you're referring to is not a result of the Board not meeting in panels. It stems from getting the info that we need back from PD so investigators can complete cases on time. So we're working through that process to make sure that we can get that information, put those cases before panels and be able to adjudicate them properly. But it's not because Board members are not meeting and panels are not meeting and ready to meet to field those

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cases. It's just as important information.

Yeah, we did skip old business and new business. I didn't know if you did want to talk about any new business today. I know that in our initial thoughts about today's meeting that we did not have any old business to go over. So was there any -- I did skip -- any news business that anybody wanted to mention on this morning? Are we still on the same page with that?

(No response.)

BISHOP TAYLOR: Okay. Good.

So, if there's no more public comments, we're going to adjourn this meeting. Thank you so much for coming.

(Whereupon, meeting concluded at 10:31 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF RICHMOND)

I, JENNIFER CASSELLA, a Notary Public
within and for the State of New York, do hereby
certify:

I reported the proceedings in the within
entitled matter, and that the within transcript
is a true record of such proceedings.

I further certify that I am not related
to any of the parties to this action by blood
or marriage; and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 11th day of July, 2014.

JENNIFER CASSELLA

**CCRB - Public Meeting
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